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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Human Dignity and the Protection of Vulnerable Groups from an Islamic Legal Perspective: A Normative Study and Critical Analysis

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Abstract. *Trafficking Human dignity (karāmah insāniyyah) is a fundamental concept in Islamic law that regards human beings as noble creatures from the moment of their creation, irrespective of race, gender, social status, or belief. This article aims to normatively examine the concept of human dignity in Islamic law and critically analyze the protection mechanisms afforded to vulnerable groups including women, children, persons with disabilities, the destitute (du‘afā’), the oppressed (mustaḍ‘afīn), the elderly, and non-Muslim minorities. The study employs a normative legal research methodology utilizing conceptual and maqāṣid al-syarī‘ah approaches, supported by a literature review of the Qur’an, Hadith, classical fiqh texts, and contemporary academic literature. The findings indicate that Islamic law possesses a robust theological-normative foundation for protecting human dignity through the principle of al-kulliyāt al-khams (the five core principles of maqāṣid al-syarī‘ah): the protection of religion, life, intellect, lineage, and property. However, the article also identifies a significant gap between these normative ideals and the reality of their implementation, a disparity influenced by factors such as patriarchal interpretations, weak law enforcement, and tensions between classical fiqh doctrine and the principles of equality found in modern human rights discourse. The article recommends a re-actualization of maqāṣid al-syarī‘ah thought making it more progressive and responsive to contemporary contexts to strengthen the protection of vulnerable groups.*

Keywords: *Human Dignity; Human Rights; Islamic Law; Maqāṣid al-Syarī‘ah; Vulnerable Groups.*

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1. Introduction

The concept of human dignity (karāmah al-insān) is a fundamental principle in Islamic law that underpins the recognition of the rights, freedoms, and protection of every human being, irrespective of religion, ethnicity, race, gender, or social status. The Qur'an explicitly states that Allah has honored all the descendants of Adam, as affirmed in Surah Al-Isra', verse 70. This verse demonstrates that respect for human beings is not accorded based on social standing or power, but rather because every individual possesses inherent dignity as a creation of Allah. (al-Zuhaili, 2009) This principle subsequently evolved into the foundation for concepts of justice, equality, the protection of human rights, and the obligations of both the state and society to safeguard human life.

In the evolution of modern law, the concept of human dignity serves as the fundamental basis for various international human rights instruments, including the 1948 Universal Declaration of Human Rights (UDHR). All fundamental human rights are viewed as stemming from the recognition of the dignity inherent in every individual. However, Islamic law had already introduced the concept of respect for human beings through the principles of ḥifẓ al-naḥs, ḥifẓ al-'aql, ḥifẓ al-dīn, ḥifẓ al-māl, and ḥifẓ al-naḥs which constitute part of maqāḥid al-syarī'ah (the objectives of Sharia). Consequently, the protection of human beings in Islam is understood not merely as a moral obligation but also as a legal duty that must be realized within the life of society and the state. (Syandika, n.d.)

From a legal perspective, vulnerable groups are one category requiring special attention. These groups include women, children, persons with disabilities, the elderly, the destitute, victims of human trafficking, refugees, indigenous peoples, and minorities facing various forms of discrimination and injustice. Their vulnerability stems not solely from biological conditions but is also shaped by social, economic, and cultural structures, as well as legal policies that have yet to provide fully effective protection. (Anut et al., 2025)

From the perspective of Islamic law, the protection of vulnerable groups is part of the implementation of the principle of rahmatan lil 'ālamīn (mercy to the worlds). Islam places great emphasis on the welfare of orphans, the destitute, women, travelers, and other marginalized groups through various Sharia provisions aimed at upholding human dignity and worth. The Prophet Muhammad (PBUH) also exemplified the protection of marginalized groups through social policies that upheld justice, compassion, and equality before the law.

Therefore, protecting vulnerable groups is not merely a social matter; it is also a manifestation of worship and a humanitarian responsibility. (Istiqomah, 2025) On the other hand, the

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dynamics of modern society reveal that vulnerable groups remain the most frequent victims of violations of fundamental rights. Various forms of violence against women, child exploitation, human trafficking, discrimination against persons with disabilities, and the marginalization of minority groups highlight a gap between legal norms and their implementation. These phenomena demonstrate that the existence of various national and international legal instruments has not yet fully succeeded in guaranteeing effective protection for vulnerable groups. This situation also presents a challenge for Islamic law to continue demonstrating its relevance in addressing contemporary issues through the *maqāṣid al-sharī'ah* approach, which is oriented toward human well-being.

In the Indonesian context, the protection of vulnerable groups has secured a constitutional foundation through the 1945 Constitution of the Republic of Indonesia, which guarantees equality before the law, the protection of human rights, and respect for human dignity. Various sectoral laws have also been enacted to protect women, children, persons with disabilities, victims of human trafficking, and other vulnerable groups. However, research indicates that the implementation of legal protections still faces numerous obstacles, including weak law enforcement, limited access to justice, poor inter-agency coordination, and the persistence of discriminatory cultural attitudes within society. (Harahap et al., 2024)

The perspective of Islamic law offers a more comprehensive approach, as it regards human beings not merely as subjects of the law but as individuals possessing dignity (*karāmah*) that must be upheld. Values such as justice (*al-'adl*), equality (*al-musāwah*), compassion (*al-raḥmah*), and the public interest (*al-maṣlaḥah*) serve as fundamental principles in both the formulation and application of the law. Consequently, the protection of vulnerable groups should not be viewed merely as an act of charity, but rather as a consequence of recognizing the human dignity bestowed by Allah upon all of humanity. (Mareta, 2016)

Studies on human dignity within Islamic law have generally focused on human rights in a broad sense. Meanwhile, research specifically linking the concept of *karāmah al-insān* (human dignity) to the protection of vulnerable groups through an Islamic legal lens remains relatively limited. Existing studies often address the protection of women, children, or persons with disabilities in a fragmented manner, failing to integrate these issues into the overarching frameworks of *maqāṣid al-syarī'ah* (the objectives of Sharia) and the theory of human dignity. Consequently, a comprehensive normative construct regarding how Islamic law views the protection of vulnerable groups as a logical consequence of respecting human dignity has yet to be established. (Sudirman & Nurlina, 2025)

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Furthermore, the emergence of contemporary issues such as human trafficking, gender-based violence, discrimination against persons with disabilities, refugee protection, and heightened vulnerabilities arising from digital technological advancements demonstrates that the concept of protecting vulnerable groups requires a renewal of Islamic legal thought that is more responsive to social change. A normative approach relying solely on texts, without regard for the objectives of Sharia, risks producing legal interpretations ill-equipped to address the needs of modern society. Therefore, a critical analysis of various Islamic legal concepts is essential to ensure their continued relevance amidst developments in human rights and contemporary principles of social justice.

Based on the foregoing, research on "Human Dignity and the Protection of Vulnerable Groups from an Islamic Legal Perspective: A Normative Study and Critical Analysis" is essential. This study aims to elucidate the philosophical, juridical, and normative foundations of the concept of human dignity within Islamic law, while critically analyzing the implementation of these principles regarding the protection of vulnerable groups. Consequently, the research is expected to contribute to the development of Islamic legal scholarship, enrich the study of maqāṣid al-sharī'ah, and serve as a reference for formulating legal policies that are more oriented toward respecting human dignity and protecting vulnerable groups.

2. Research Methods

This study is a normative legal research project employing conceptual, philosophical, and statute-based approaches. It aims to analyze the concept of human dignity (karāmah al-insān) and the protection of vulnerable groups from the perspective of Islamic law. (Marzuki, 2010) The data utilized consist of primary legal sources namely the Qur'an, Hadith, and statutory regulations as well as secondary sources such as books, scholarly journals, and relevant research findings. Data collection was conducted through library research, while data analysis employed a descriptive-analytical method with a qualitative approach to examine the concepts, principles, and implementation of protections for vulnerable groups based on the values of maqāṣid al-syarī'ah. (Nurhayati et al., 2021)

3. Results and Discussion

3.1. The Concept of Human Dignity (Karāmah al-Insān) in Islamic Law

Human dignity (karāmah al-insān) is a fundamental concept in Islamic law, affirming that every human being possesses inherent honor as a creation of Allah (SWT). This concept serves as the philosophical foundation for recognizing basic human rights, including the right to life, justice,

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freedom, security, and protection against all forms of oppression. Unlike concepts that view dignity as something earned through rank, wealth, or social status, Islamic law regards dignity as a divine gift bestowed upon all humanity, irrespective of tribe, race, gender, religion, or social background.

The fundamental basis for the concept of *karāmah al-insān* (human dignity) lies in the word of Allah SWT in Surah Al-Isra, verse 70, which declares that Allah has honored the children of Adam. This verse demonstrates that human dignity is an inherent right, present from the moment of creation. Such dignity not only reflects human superiority over other creatures but also serves as the foundation for the obligation to respect the life, honor, and rights of every individual. Thus, respect for human dignity is not merely a moral value but a legal principle that must be upheld in every aspect of life within society and the state.

The concept of human dignity in Islamic law is closely linked to the human role as *khalifah* (vicegerent) on earth, as affirmed in Surah Al-Baqarah, verse 30. As *khalifah*, humans are entrusted with the responsibility to preserve life, uphold justice, and maintain social balance. This trust entails an obligation for every individual to respect the dignity of others and prohibits actions that demean, exploit, or violate the rights of others. Consequently, the protection of human beings is an integral part of the implementation of Islamic Sharia.

From the perspective of *maqāṣid al-sharī'ah*, respect for human dignity is realized through the protection of the five fundamental objectives of Sharia (*al-ḍarūriyyāt al-khams*): the preservation of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These five objectives serve as legal instruments designed to safeguard the holistic existence of human beings encompassing physical, moral, intellectual, and social dimensions. In the evolution of contemporary thought, scholars such as Jasser Auda have expanded the scope of *maqāṣid al-sharī'ah* by positioning human dignity, freedom, justice, and human rights as central orientations in the interpretation of Islamic law, thereby ensuring the continued relevance of Sharia amidst the dynamics of modern society.

The principle of human dignity is also reflected in various provisions of Islamic law that reject all forms of discrimination. The Prophet (PBUH) affirmed that all human beings share a common origin and that no individual holds superiority over another except through piety. This principle demonstrates that equality (*al-musāwah*) is an integral part of the concept of human dignity (*karāmah al-insān*). Consequently, Islamic law recognizes the equality of every individual before the law and rejects treatment based on race, ethnicity, skin color, social status, or gender. This value of equality serves as the foundation for establishing a legal system oriented towards substantive justice. (Harahap et al., 2024)

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Beyond the notion of equality, the concept of *karāmah al-insān* (human dignity) is closely linked to the principles of justice (*al-'adl*) and the public interest (*al-maṣlaḥah*). In Islamic law, justice is understood not merely as the proportional allocation of rights to individuals, but also as an effort to protect groups that are weak or vulnerable. Consequently, Sharia pays special attention to children, women, persons with disabilities, the destitute, orphans, travelers, and other groups at risk of injustice. Protecting these groups serves as a tangible implementation of the respect for human dignity that lies at the heart of Islamic law.

In a contemporary context, the concept of *karāmah al-insān* (human dignity) holds significant relevance to the evolution of human rights. Although there are differences in the philosophical foundations of Islamic law and modern human rights law, both share a common objective: to protect the honor, freedom, and fundamental rights of every human being. Islamic law grounds respect for human dignity in the will of Allah (SWT), whereas the modern human rights concept rests on the principle of universal humanity. These differences do not negate the shared understanding that every individual is entitled to protection against all forms of violence, discrimination, exploitation, and treatment that degrades their dignity.

Thus, the concept of *karāmah al-insān* is not only a theological basis in Islamic law, but also a normative principle that directs the formation and application of law so that it is always oriented towards respect for human values. This concept is the basis for protecting vulnerable groups, recognizing basic human rights, as well as developing Islamic law that is adaptive to contemporary social challenges through a *maqāṣid al-syarī'ah* approach which places benefit and justice as the main goals of the *shari'a*.

3.2. Vulnerable Groups and the Urgency of Protection in Islamic Law

Vulnerable groups are segments of society that face a higher risk of rights violations, discrimination, violence, exploitation, and limited access to justice compared to the general population. From a legal perspective, vulnerability is shaped not only by biological conditions such as age or disability but also by social, economic, cultural, and political factors that leave individuals or groups in a less protected position. Consequently, vulnerable groups require more comprehensive legal protection to ensure the fair and equal fulfillment of their fundamental rights.

In Islamic law, the concept of protection for vulnerable groups is rooted in the principle of *karāmah al-insān* (human dignity), which emphasizes that every human being has honor given by Allah SWT. This principle contains the consequence that every form of treatment that degrades human dignity, such as discrimination, oppression, exploitation, or violence, is

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contrary to the objectives of the Shari'a (maqāsid al-Syarī'ah). Therefore, protection of vulnerable groups is not only a moral responsibility, but also a legal obligation aimed at realizing justice (al-'adl) and benefit (al-maṣlaḥah).

The Qur'an places great emphasis on vulnerable groups. Orphans, the destitute, women, travelers, individuals with special needs, and the oppressed receive protection through various Sharia provisions that underscore justice, compassion (al-raḥmah), and social solidarity (al-takāful al-ijtimā'ī). For instance, the Qur'an mandates the trustworthy safeguarding and management of orphans' assets, prohibits all forms of injustice against women, and prescribes zakat infaq, and sadaqah as mechanisms to protect the economically disadvantaged. These provisions demonstrate that Islamic Sharia governs not only the relationship between humans and God but also emphasizes the protection of fellow human beings, particularly those in vulnerable circumstances.

In the context of contemporary Islamic law, vulnerable groups encompass various categories such as women, children, persons with disabilities, the elderly, the destitute, victims of human trafficking, refugees, conflict victims, and minorities who face obstacles in obtaining legal protection. Each group possesses distinct characteristics of vulnerability, thereby requiring protection approaches tailored to their specific needs and circumstances. The principle of justice in Islam is not always interpreted as treating everyone identically; rather, it also entails providing protection that is proportionate to the level of need and vulnerability involved. (Sudirman & Nurlina, 2025)

The urgency of protecting vulnerable groups is intensifying as modern society grapples with various forms of human rights violations. Phenomena such as human trafficking, gender-based violence, child exploitation, discrimination against persons with disabilities, and the marginalization of the poor demonstrate that vulnerable groups continue to face significant challenges in securing effective protection. This situation necessitates a legal system that prioritizes not only legal certainty but also substantive justice, capable of providing tangible protection. From the perspective of *maqāsid al-sharī'ah (the objectives of Islamic law), the protection of vulnerable groups represents an implementation of the Sharia's goals: safeguarding religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl). Such protection is not merely preventive aimed at averting rights violations but also remedial, involving law enforcement and the restoration of victims' rights should a violation occur. Thus, Islamic law holds that the success of a legal system is measured not only by its capacity to impose sanctions on offenders but also by the extent to which it upholds human dignity and provides protection to those most in need. Anut et al., 2025)

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Based on the foregoing, it is evident that the protection of vulnerable groups constitutes a tangible manifestation of the principle of *karāmah al-insān* (human dignity) within Islamic law. Recognition of human dignity must be realized through legal policies, the administration of justice, and protection mechanisms that ensure every individual—particularly those in vulnerable groups—enjoys their rights on an equal basis. Thus, Islamic law functions not merely as a system of norms governing human behavior, but also as an instrument for realizing social justice, the common good, and respect for the dignity of every human being.

3.3. A Critical Analysis of the Protection of Vulnerable Groups Based on *Maqāṣid al-Sharī'ah*

*Maqāṣid al-sharī'ah** is a theory that positions public interest (*maṣlaḥah*) as the primary objective in the formulation of Islamic law. This theory views law not merely as a collection of normative rules, but as an instrument for realizing justice, upholding human rights, and protecting the dignity of every individual. In the context of protecting vulnerable groups, the *maqāṣid al-sharī'ah* approach offers a more comprehensive analytical framework because it focuses on the underlying purpose of the law (*ghāyah al-sharī'ah*) rather than merely on the literal application of texts. Consequently, the protection of vulnerable groups constitutes an integral part of the effort to realize the public good and shield humanity from various forms of harm (*mafsadah*).

Classically, scholars such as Abu Ishaq al-Shatibi have explained that the primary objective of Sharia is to safeguard five fundamental human necessities (*al-ḍarūriyyāt al-khams*): the preservation of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). These five objectives are closely linked to the protection of vulnerable groups. For instance, *ḥifẓ al-nafs* mandates that the state and society protect every individual from violence, torture, human trafficking, and other forms of exploitation. *Ḥifẓ al-'aql* requires access to education and protection against any form of abuse that impairs cognitive faculties. Meanwhile, *ḥifẓ al-māl* calls for the protection of the economic rights of vulnerable groups to ensure they do not fall victim to structural poverty or economic exploitation.

In the evolution of contemporary Islamic legal thought, the concept of *maqāṣid al-sharī'ah* has undergone an expansion of meaning. Jasser Auda asserts that the orientation of Sharia is no longer understood solely as the protection of five basic necessities; it now also encompasses respect for human dignity, freedom, human rights, equality, and human development. This approach demonstrates that Islamic law possesses the flexibility to address various modern issues, including the protection of vulnerable groups facing social, economic, or political challenges.

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Nevertheless, the implementation of protections for vulnerable groups within Muslim society continues to face various challenges. In practice, many legal provisions are interpreted literally, without considering the overarching objectives of Sharia. Consequently, the protection of women, children, persons with disabilities, and minority groups is often influenced by patriarchal culture, social discrimination, or local traditions that do not always align with the universal values of Islam. This situation reveals a gap between the normative teachings of Islam which uphold human dignity and social practices that perpetuate injustice.

A critical analysis of the situation reveals that the core issue lies not in the principles of Islamic law itself, but rather in the manner in which Sharia is understood and implemented. An overly legalistic approach or legal formalism risks overlooking the primary objectives of Sharia: the realization of justice and the public good. Consequently, the interpretation of Islamic law should shift toward a more contextual approach that takes into account social changes, scientific advancements, and the need to protect vulnerable groups. Within this framework, *maqāṣid al-sharī'ah* serves as a method of interpretation that enables Islamic law to remain relevant without compromising its fundamental principles.

In the context of protecting vulnerable groups, the *maqāṣid al-sharī'ah* approach also affirms the state's responsibility to ensure the fulfillment of every citizen's basic rights. This responsibility is realized not only through the enactment of legislation but also through policies capable of removing structural barriers that hinder vulnerable groups from accessing justice, education, healthcare, employment, and social protection. Thus, the protection of vulnerable groups constitutes a tangible implementation of the principle of social justice, which is a primary objective of *sharī'ah*.

Based on this analysis, it is evident that *maqāṣid al-sharī'ah* provides a robust theoretical foundation for the protection of vulnerable groups within Islamic law. This approach positions the human being as the central subject of the law, whose honor, rights, and well-being must be safeguarded. Consequently, every interpretation and application of Islamic law should be consistently directed toward realizing justice, upholding human dignity, and ensuring effective protection for vulnerable groups, in accordance with the objectives of Islamic *sharī'ah*.

3.4. The Relevance of the Value of Human Dignity to the Protection of Vulnerable Groups in a Contemporary Context

The evolution of modern society presents various new challenges regarding the protection of human dignity. Globalization, technological advancements, migration, economic inequality, social conflict, and rising forms of violence against vulnerable groups demonstrate that respect

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for human dignity remains an issue requiring serious attention. In this context, the concept of *karāmah al-insān* (human dignity) in Islamic law retains strong relevance, as it positions the human being as a central subject entitled to respect, protection, and fair treatment, regardless of social, economic, or cultural background.

From the perspective of Islamic law, human dignity is a right inherent in every individual from the moment of their creation by Allah SWT. Consequently, the protection of vulnerable groups must not be viewed merely as an act of charity, but rather as a consequence of recognizing the human dignity guaranteed by Sharia. This principle aligns with the objectives of **maqāsid al-sharī'ah**, which establish the protection of life, intellect, lineage, property, and religion as the foundation for realizing the well-being of the community. Thus, any legal policy concerning vulnerable groups must be oriented towards respecting human dignity and upholding fundamental rights. (Mareta, 2016)

The relevance of the concept of *karāmah al-insān* (human dignity) becomes increasingly apparent when addressing various contemporary issues, such as human trafficking, gender-based violence, child exploitation, discrimination against persons with disabilities, the marginalization of the poor, and the protection of refugees and conflict victims. These issues demonstrate that vulnerable groups continue to face barriers in accessing justice, education, healthcare, decent employment, and effective legal protection. In this context, Islamic law should not be understood merely as a set of normative rules, but also as an instrument capable of providing solutions to various humanitarian challenges through an approach oriented toward justice and the common good.

The *maqāsid al-sharī'ah* approach provides scope for the development of Islamic law that is responsive to social change. Through this approach, legal interpretation does not stop at the textual meaning but is directed toward achieving the objectives of *sharī'ah* namely, protecting humanity from all forms of harm and realizing the common good. Therefore, the protection of vulnerable groups must be understood as part of the implementation of the values of justice (*al-'adl*), compassion (*al-raḥmah*), equality (*al-musāwah*), and public interest (*al-maṣlaḥah*), which constitute the core characteristics of Islamic law.

In Indonesia, the relevance of human dignity is also reflected in various legal instruments that guarantee respect for human rights and the protection of vulnerable groups. Constitutional guarantees within the 1945 Constitution of the Republic of Indonesia, alongside various laws and regulations concerning the protection of women, children, persons with disabilities, and victims of crime, demonstrate that the national legal system is oriented in alignment with universal values also taught in Islam. Nevertheless, the implementation of legal protections

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still faces various obstacles, such as weak law enforcement, limited access to justice, social discrimination, and low public awareness regarding the rights of vulnerable groups. These conditions highlight the need to strengthen the synergy between Islamic legal values and the national legal system to establish more effective protections.

From an academic perspective, the concept of *karāmah al-insān* (human dignity) also makes a significant contribution to the development of contemporary Islamic law. This concept fosters a paradigm shift from a formalistic legal approach toward one that is more substantive and oriented above all towards the protection of human beings. Consequently, the successful implementation of Islamic law is measured not merely by adherence to norms, but also by its capacity to realize justice, reduce social inequality, and ensure respect for the dignity of every individual, particularly those belonging to vulnerable groups.

Based on the foregoing, it can be concluded that the value of human dignity holds great relevance in addressing the challenges of protecting vulnerable groups in the contemporary era. The concept of *karāmah al-insān* (human dignity), when integrated with the *maqāṣid al-sharī'ah* (objectives of Sharia) approach, provides a philosophical and normative foundation for developing Islamic law that is adaptive to the dynamics of modern society. Therefore, the protection of vulnerable groups must be positioned as a tangible implementation of the objectives of Sharia: upholding justice, realizing the public good, and safeguarding the dignity of every human being without discrimination.

4. Conclusion

This study demonstrates that Islamic law views human dignity (*karāmah al-insān*) as a divine gift inherent in every individual from the moment of creation, irrespective of social status, race, gender, or religion. This principle is systematically embodied through *maqāṣid al-syarī'ah* specifically the five fundamental objectives of Sharia (*ḥifẓ al-dīn*, *al-naḥs*, *al-'aql*, *al-nasl*, and *al-māl*) rendering the protection of vulnerable groups (women, children, persons with disabilities, the destitute, the elderly, and minorities) not merely an act of charity, but a logical consequence of recognizing human dignity itself. However, critical analysis reveals a gap between these normative ideals and the reality of their implementation, stemming from interpretations that tend to be textual and patriarchal, weak law enforcement, and the fact that classical jurisprudence (*fiqh*) has not yet fully adapted to modern human rights discourse. Therefore, a more progressive and contextual re-actualization of *maqāṣid al-syarī'ah* thought is required so that respect for human dignity does not remain merely at the normative level but is truly realized through tangible protection for vulnerable groups, in alignment with Islam's mission as a mercy to the worlds (*rahmatan lil 'ālamīn*)

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