

# Legal Politics in Transforming Islamic Norms in Sexual Violence Law: A Maqasid al-Shariah Analysis

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## ABSTRACT

**Background:** The transformation of Islamic norms into national legislation is critical, especially in Indonesia's sexual violence laws. Law No. 12 of 2022 aims to balance victim protection with societal and religious considerations. This study explores how maqāṣid al-sharī'ah (Islamic law objectives) influences the transformation of Islamic norms in the legislation, focusing on public interest and social justice.

**Methods:** Using a qualitative approach, primarily document analysis, this research examines the integration of maqāṣid al-sharī'ah into Law No. 12 of 2022. The focus is on how Islamic principles, particularly the protection of public interest and justice, are reflected in legal provisions.

**Results:** The study finds that Islamic principles, particularly those of maqāṣid al-sharī'ah, shape the law's provisions on victim protection, justice, and social welfare. However, challenges remain in aligning Islamic values with modern legal frameworks, particularly regarding rehabilitation and punishment.

**Discussion:** The research highlights how maqāṣid al-sharī'ah guides the legal transformation, prioritizing public welfare and justice. Tensions persist between traditional Islamic values and contemporary legal standards, necessitating a nuanced approach to integrate Islamic law in a pluralistic society.

**Conclusion:** The study emphasizes the importance of integrating maqāṣid al-sharī'ah in legal reforms, particularly for sensitive issues like sexual violence. Balancing Islamic values with national legal standards is essential to promote fairness and justice.

**Novelty:** This research offers new insights into how maqāṣid al-sharī'ah influences national legal reforms, demonstrating its role in shaping sexual violence laws while balancing Islamic principles with modern human rights standards.

**Keywords:** Islamic studies, legal politics, sexual violence law, maqasid al-shariah.

## INTRODUCTION

Law No. 12 of 2022 on Sexual Violence Crimes represents a significant step in strengthening legal protection for victims of sexual violence in Indonesia (Ahyani et al., 2021a; Setiawan et al., 2022; Ariyanti, 2023; Tajuddin et al., 2023; Salmah and Jaman, 2024). As a predominantly Muslim country, Indonesia faces challenges in integrating Islamic values, derived from

*maqāṣid al-sharī'ah*, into national legal systems (Maimun et al., 2021; Putra and Ahyani, 2022; Ahyani et al., 2024). The transformation of Islamic norms within this criminal law, which includes protecting victims of sexual violence, must align with the principles of *maqāṣid al-sharī'ah*, focusing on public welfare and social justice (Ahyani et al., 2022; Huda et al., 2024a, 2024b). This article aims to analyze the influence of *maqāṣid al-sharī'ah* principles on the transformation of Islamic norms in this law and explore its relevance and challenges in implementation (Jubaedah et al., 2022; Mutmainah et al., 2022; Ahyani, 2024; Harahap et al., 2024).

The enactment of Law No. 12 of 2022 on Sexual Violence Crimes marks a pivotal development in Indonesia's legal framework, aiming to provide stronger protections for victims of sexual violence. As a predominantly Muslim nation, Indonesia faces the challenge of balancing the principles of Islamic law, especially *maqāṣid al-sharī'ah* (the objectives of Islamic law), with the national legal system. The transformation of Islamic norms within the context of sexual violence legislation holds significant implications for justice and human rights (Abubakar et al., 2023; Adinugraha and Shulthoni, 2024; Afriyanto and Anandari, 2024; Sakmaf and Karauwan, 2024; Solehudin et al., 2024b). This law must not only serve the purpose of protecting victims but also align with the values that emphasize the well-being of individuals and the promotion of social justice as outlined by *maqāṣid al-sharī'ah* (Ahyani, 2023).

In the context of Islamic family law, there is a pressing need to harmonize religious values with the national legal framework, particularly in the area of sexual violence crimes (Asman, 2020; Fauzi et al., 2020; Sopyan et al., 2023; Muljan et al., 2024, 2024). While Indonesian law has adopted certain Islamic principles in areas like family law and inheritance, integrating *maqāṣid al-sharī'ah* into the criminal law system remains underexplored. Specifically, the issues surrounding sexual violence, which deeply affect societal well-being and justice, need to be viewed through a lens that includes both Islamic and international legal perspectives.

The problem arises in how Islamic law, especially the principles of *maqāṣid al-sharī'ah*, is interpreted and applied within national legal systems (Fauzi et al., 2020; Abdulahanaa, 2021; Ismail et al., 2022; Karimullah, 2022; Abubakar et al., 2023; Kamaruddin et al., 2023; Jakiyudin et al., 2024). In some instances, there is a disconnect between religious guidelines and practical legal applications in the context of modern issues like sexual violence (Ariyanti, 2023; Rahmawati et al., 2023; Salmah and Jaman, 2024; Suebu, 2024). The challenge lies in ensuring that the provisions of the law not only protect victims but also respect the deeper ethical and social values embedded in Islamic teachings. This raises important questions about the compatibility of these two legal systems and the integration of *maqāṣid al-sharī'ah* in a way that serves the public interest.

This study seeks to explore how *maqāṣid al-sharī'ah* principles influence the transformation of Islamic norms in Law No. 12 of 2022 and assess how effectively the law balances these religious values with the demands of modern human rights standards. Specifically, it aims to identify the challenges faced by Indonesia in aligning Islamic legal principles with the country's national legal framework, particularly concerning sexual violence crimes. By understanding these intersections, this research intends to contribute to improving the alignment of national law with Islamic teachings while addressing contemporary legal challenges.

The urgency of this research lies in the growing importance of sexual violence laws in Indonesia and the need for a more inclusive and comprehensive approach to legal reform. Given the influence of *maqāṣid al-sharīʿah* in shaping the moral and ethical fabric of the nation, this study is critical for identifying how these principles can be fully integrated into Indonesia's criminal law system. The findings could offer valuable insights for legal scholars, policymakers, and practitioners, providing a pathway for harmonizing religious and national legal norms to better protect victims of sexual violence and promote a more just society.

Law No. 12 of 2022 on Sexual Violence Crimes is a significant step in enhancing victim protection in Indonesia, a predominantly Muslim country facing the challenge of integrating Islamic values, particularly *maqāṣid al-sharīʿah*, into its national legal system. This law aims to balance justice, victim protection, and public welfare while aligning with Islamic principles. However, harmonizing *maqāṣid al-sharīʿah* with modern legal systems, especially in the context of sexual violence, presents challenges in both interpretation and application. This study explores how these principles influence the transformation of Islamic norms in the law, addressing the integration of religious values with national legal frameworks while meeting modern human rights standards.

## LITERATURE REVIEW

The principles of *maqāṣid al-sharīʿah* include five main objectives: the protection of religion, life, intellect, lineage, and property (Al-Qaradhawi, 2017; Norhadi, 2022; Anam et al., 2023; Ahyani et al., 2023; Anam et al., 2023; Alfaatih et al., 2024; Solehudin et al., 2024b; Agzah and Fageh, 2024). In the context of criminal law on sexual violence, *maqāṣid al-sharīʿah* emphasizes the protection of individual rights, particularly ensuring social justice and public welfare (Harahap, 2020; Setiawan et al., 2022; Putra and Ahyani, 2022; Bachri et al., 2023; Mustaqimah and Rahayuningsih, 2023; Rahmawati et al., 2023; Ahyani, 2024; Abiddin and Akinyemi, 2024; Crum et al., 2024). Previous studies have highlighted that Islamic law provides a strong foundation for addressing injustices, including sexual violence, by guaranteeing the protection of victims. However, the application of criminal law in national systems faces challenges in aligning religious principles with the universal norms embedded in international law.

The principles of *maqāṣid al-sharīʿah* form the cornerstone of Islamic legal thought, encompassing five primary objectives: the protection of religion, life, intellect, lineage, and property (Hefni, 2020). These objectives serve to safeguard human dignity and ensure social justice within society (Faidi et al., 2021; Chen et al., 2022; Caramento, 2022; Asror et al., 2023; Campanozzi et al., 2023; Boy, 2023; Dunk-West et al., 2023; Chuwa and Perfect-Mrema, 2024; Elita et al., 2024; Elsayed, 2024). In the context of sexual violence crimes, the protection of individual rights is paramount. *Maqāṣid al-sharīʿah* emphasizes not only the preservation of public welfare but also the need for justice and fairness for victims, which makes it relevant for addressing the legal and social issues surrounding sexual violence.

Several studies have explored the application of Islamic principles in addressing issues of sexual violence, highlighting the inherent alignment between Islamic values and the protection of victims' rights. Islamic law, particularly through the lens of *maqāṣid al-sharīʿah*, offers a framework for ensuring justice for victims and deterring perpetrators. In this framework, the

well-being and dignity of individuals are prioritized, which reflects a broader understanding of justice that extends beyond punitive measures to include societal rehabilitation and victim support.

However, challenges persist when integrating *maqāṣid al-sharīʿah* into national legal systems. One of the key obstacles is the need to reconcile Islamic legal principles with international human rights norms, which may sometimes appear to conflict, especially in pluralistic societies (Barlinti, 2011; Hefni, 2020; Harahap, 2020; Analisa et al., 2022; Anggraeni, 2023). Studies have pointed out that while Islamic law provides robust protections for victims of sexual violence, national laws often face difficulties in implementing these protections effectively due to differing interpretations of religious principles and modern legal norms.

Research has also shown that the transformative process of embedding *maqāṣid al-sharīʿah* into national criminal law requires careful consideration of cultural, social, and political contexts (Abdullah, 1994; Aladağ and Işık, 2020; Alzuabi et al., 2022; Bianchi et al., 2023; Yani et al., 2022; Battisti et al., 2024; Berenschot et al., 2024a; Adnan et al., 2024; Berenschot et al., 2024b; Dikuraisyin and Najah, 2024; Harahap et al., 2024, 2024). The application of Islamic legal principles in national legislation must strike a balance between traditional religious norms and the need for progressive reforms that align with international human rights standards. In the case of sexual violence laws, this balancing act is crucial in ensuring that justice is not only achieved for victims but also that the law reflects both Islamic values and the universal ideals of fairness and equality.

This study offers a novel contribution by examining the transformation of Islamic norms, particularly *maqāṣid al-sharīʿah*, into the context of Indonesia's Law No. 12 of 2022 on Sexual Violence Crimes. It analyzes how Islamic principles, such as justice and public welfare, can be integrated into national legal frameworks while addressing contemporary challenges (Barlinti, 2011; Hefni, 2020; Taufik, 2021; Rajab et al., 2022; Leena Haniffah et al., 2023; Al Jahsh, 2024; Solehudin et al., 2024a). The novelty lies in exploring the intersection of Islamic law with modern criminal justice systems in the context of sexual violence, offering a unique perspective on the relevance of *maqāṣid al-sharīʿah* in shaping laws that protect victims and promote justice.

The principles of *maqāṣid al-sharīʿah*, which focus on the protection of religion, life, intellect, lineage, and property, play a crucial role in shaping legal frameworks, especially in the context of sexual violence crimes. *Maqāṣid al-sharīʿah* emphasizes the protection of individual rights, public welfare, and social justice, offering a strong foundation for addressing injustices, including sexual violence. While Islamic law, through *maqāṣid al-sharīʿah*, prioritizes the dignity and well-being of victims, integrating these principles into national legal systems presents challenges, particularly when reconciling Islamic legal norms with international human rights standards. The application of *maqāṣid al-sharīʿah* in national criminal law requires balancing traditional religious values with the need for progressive reforms that align with global norms. This literature review highlights the complexities of embedding Islamic principles into criminal law and offers insights into how *maqāṣid al-sharīʿah* can be applied to promote justice, protection, and victim support in the context of sexual violence, particularly in pluralistic societies like Indonesia.

## METHODS

This study adopts a qualitative research approach, using document analysis as the primary method for data collection (Aksoy, 2024). The qualitative approach is suitable for exploring the deeper implications of Islamic law and its integration into national legal systems, particularly in relation to the protection of sexual violence victims (Maxwell, 2012; Creswell, 2014). Document analysis allows for a thorough review of legal texts, case studies, and relevant literature, providing insights into the dynamics between Islamic principles and the legal frameworks in place.

Data for this study was gathered through extensive literature studies, focusing on both legal texts and scholarly works. The primary legal text examined is Law No. 12 of 2022 on Sexual Violence Crimes, which serves as the focal point for analyzing the legal framework for addressing sexual violence in Indonesia. Additionally, scholarly literature relating to *maqāṣid al-sharī'ah* was reviewed to understand the core principles of Islamic law and how these principles have been historically applied to issues of justice, rights protection, and public welfare.

The document analysis also involves comparing the contents of Law No. 12 of 2022 with the broader Islamic legal tradition, especially focusing on how the law reflects or deviates from *maqāṣid al-sharī'ah*. Specific attention was given to the provisions of the law that deal with the protection of victims, the role of justice, and the role of social justice in addressing sexual violence. The analysis considers how these principles are integrated into the legal structure and whether they align with Islamic objectives in addressing such crimes (al-Attas, 1996; Rajab et al., 2022).

Additionally, the study critically examines how Islamic norms are transformed into legal provisions in the Indonesian context. This includes assessing whether the legal measures taken under Law No. 12 of 2022 are effective in integrating *maqāṣid al-sharī'ah* and whether any discrepancies exist in the application of Islamic principles to protect victims. By focusing on the interaction between Islamic legal norms and national laws, the research identifies potential gaps and challenges in the implementation of the law.

The overall objective of this research method is to analyze and provide a comprehensive understanding of how *maqāṣid al-sharī'ah* influences the transformation of Islamic norms within the national legal system, specifically in relation to sexual violence crimes. This method enables a thorough exploration of the intersection between religious principles and state law, offering insights into the practical challenges of integrating Islamic values into modern legal systems.

This study uses a qualitative approach with document analysis to explore the integration of Islamic law, particularly *maqāṣid al-sharī'ah*, into Indonesia's national legal system, focusing on sexual violence crimes. Through literature reviews of legal texts, such as Law No. 12 of 2022, and scholarly works on *maqāṣid al-sharī'ah*, the research examines how Islamic principles are reflected in the law and their impact on victim protection, justice, and social welfare. The document analysis compares Islamic legal traditions with the law's provisions, identifying how well *maqāṣid al-sharī'ah* has been incorporated and highlighting potential gaps or challenges in its implementation.



## RESULTS

The analysis reveals that the transformation of Islamic norms in Law No. 12 of 2022 is significantly influenced by the principles of *maqāṣid al-sharī'ah*, particularly in the areas of public welfare and social justice. This law prioritizes victim protection, with a focus on recovery and rehabilitation, which aligns with the objectives of *maqāṣid al-sharī'ah* to maintain social well-being (Gusnawaty et al., 2022; Ahyani et al., 2024). However, some provisions in the law still need refinement to be more consistent with Islamic principles of justice and protection of individual rights.

The analysis of Law No. 12 of 2022 on Sexual Violence Crimes reveals that the transformation of Islamic norms within the law is deeply influenced by the principles of *maqāṣid al-sharī'ah*, especially in the areas of public welfare, social justice, and the protection of individuals' rights. The law explicitly focuses on the protection of victims, including the provision of recovery and rehabilitation measures. This is in line with the Islamic objective of preserving human dignity and ensuring the well-being of individuals, which are central to *maqāṣid al-sharī'ah*.

One of the core objectives of *maqāṣid al-sharī'ah* is the protection of public welfare, which the law addresses through provisions for victim support services and rehabilitation programs. The law aims to ensure that sexual violence victims not only receive justice but also adequate social and psychological care. This aligns with the Islamic concept of maintaining social harmony and providing support for those who have been wronged, in a way that helps restore their dignity and place in society (Gusnawaty et al., 2022; Ahyani et al., 2024, 2024).

Additionally, *maqāṣid al-sharī'ah* emphasizes social justice, and this principle is evident in Law No. 12 of 2022 through its comprehensive approach to addressing sexual violence. The law creates a more inclusive framework for recognizing sexual violence as a serious crime and ensures that victims, regardless of gender or background, receive equal treatment under the law. This move towards more equitable legal protection resonates with the Islamic call for justice and fairness in the treatment of all individuals, regardless of their status or gender (Ahyani et al., 2022; Abubakar et al., 2023; Koburtay et al., 2023; Maulana and Tanjung, 2024; Alabi et al., 2024).

However, despite the law's alignment with *maqāṣid al-sharī'ah* in certain aspects, there are areas where the law could still be refined to better reflect Islamic principles. For example, the law addresses sexual violence as a crime, but some provisions could be more explicitly tied to the Islamic concept of protecting the honor and dignity of individuals, especially when it comes to the public and societal aspects of punishment and rehabilitation.

In terms of the law's application, there is room for further clarification on how *maqāṣid al-sharī'ah* influences the procedural aspects of legal proceedings in sexual violence cases. The principles of fairness, transparency, and justice, which are deeply embedded in Islamic law, should be emphasized more strongly in the legal process. This includes ensuring that the rights of both the victim and the accused are respected during investigations and trials, and that justice is not only done but also seen to be done (Ahyani et al., 2021b; Widianingsih and Hapidin, 2023; Surasa, 2024a, 2024b; Widianingsih, 2024a, 2024b).

Another area where *maqāṣid al-sharī'ah* can further influence the law is in the role of community involvement in the healing and rehabilitation process. Islamic teachings often emphasize the collective responsibility of the community in supporting victims of harm. While Law No. 12 of 2022 makes provisions for victim support, there is potential for broader involvement of religious leaders and community organizations in providing healing and restorative justice, in line with Islamic traditions of communal care and support.

In addition, the law's provisions for the protection of children and minors, an essential aspect of *maqāṣid al-sharī'ah* (protecting lineage and family), show a clear effort to integrate Islamic values. The law includes measures to prevent sexual violence against children and provides specific protections for them. This is consistent with Islamic principles, which prioritize the protection of family integrity and the safeguarding of children's welfare.

While the law shows significant alignment with Islamic norms, challenges remain in harmonizing national legal systems with *maqāṣid al-sharī'ah*. One challenge is ensuring that the legal framework remains consistent with broader international human rights standards while upholding Islamic values. Balancing these often divergent legal perspectives can create tension, especially in multi-religious and pluralistic societies like Indonesia (Nirwana et al., 2024).

Despite these challenges, the study highlights the importance of continuing efforts to bridge the gap between Islamic legal principles and modern legal frameworks. The integration of *maqāṣid al-sharī'ah* into the law can enhance the effectiveness of legal protection for victims of sexual violence and ensure that justice is both served and aligned with the values of fairness, dignity, and social welfare (Auda, 2008; Tauda et al., 2023).

In conclusion, while Law No. 12 of 2022 reflects significant progress in aligning with *maqāṣid al-sharī'ah*, further refinements are needed to ensure full integration of Islamic principles. The law's focus on victim protection, social justice, and public welfare are consistent with the objectives of *maqāṣid al-sharī'ah*. However, a more explicit incorporation of Islamic teachings, especially in procedural justice and community involvement, could enhance the law's effectiveness in promoting justice and protecting the rights of victims (Ferrari et al., 2023; Kovalova et al., 2024). The study contributes to understanding the challenges and opportunities in aligning Islamic legal principles with national law, offering valuable insights for future legal reforms (Hamad and Al-Sarraf, 2024; Marukhovska-Kartunova et al., 2024; Samosir et al., 2024).

The analysis of Law No. 12 of 2022 on Sexual Violence Crimes reveals that the transformation of Islamic norms within the law is significantly shaped by the principles of *maqāṣid al-sharī'ah*, particularly in the areas of public welfare, social justice, and the protection of individual rights. The law prioritizes victim protection, focusing on rehabilitation and recovery, which aligns with the Islamic objective of preserving human dignity and ensuring the well-being of individuals. While the law reflects substantial alignment with Islamic values, especially in safeguarding victims and ensuring social justice, there remain areas for refinement. These include further incorporation of Islamic principles in procedural justice, the role of the community in rehabilitation, and a more explicit connection to the Islamic concept of protecting individual honor and dignity. The study underscores the importance of continually

refining legal frameworks to enhance the protection of sexual violence victims while respecting both Islamic teachings and international human rights standards. Thus, while progress has been made, further steps are needed to fully integrate Islamic principles into the legal system to achieve a more just and equitable society.

## DISCUSSION

The application of *maqāṣid al-sharīʿah* principles in Law No. 12 of 2022 on Sexual Violence Crimes has significant implications for the promotion of social justice and enhanced protection for victims of sexual violence in Indonesia. By emphasizing the protection of individual rights, especially the victims of sexual violence, the law aligns with the broader objectives of *maqāṣid al-sharīʿah*, which seeks to preserve public welfare, justice, and human dignity (Boda, 2022; Aigbe et al., 2023; Aebissa et al., 2023; Bleibleh and Awad, 2024). However, despite the clear alignment with these principles, challenges remain in effectively harmonizing national laws with Islamic legal traditions, particularly in a diverse and pluralistic society such as Indonesia.

One of the key challenges lies in ensuring that the principles of *maqāṣid al-sharīʿah* are fully integrated into the legal framework without conflicting with other legal traditions or international human rights standards. While the protection of victims and the promotion of justice are central to both *maqāṣid al-sharīʿah* and modern human rights frameworks, reconciling these diverse legal perspectives can be complex. For instance, Indonesia's national legal system, which is largely influenced by secular principles, must find ways to incorporate Islamic values without infringing on the rights of non-Muslim citizens or violating international human rights norms (Friedman, 1975; Harahap, 2020; Barlinti, 2011; Bola, 2017; Asman, 2020, 2020; Callaghan and Callaghan, 2024; Andiko et al., 2023).

The complexity of balancing these competing legal systems becomes particularly evident in cases involving individuals from diverse religious and cultural backgrounds. Indonesia, as a predominantly Muslim country, is also home to various religious and ethnic communities. This diversity necessitates a careful consideration of the social and cultural contexts in which laws are applied. The application of *maqāṣid al-sharīʿah* principles in sexual violence laws must be flexible enough to account for the needs and values of all citizens, regardless of their religious or cultural affiliations (Ariyanti, 2023, 2023; Rahmawati et al., 2023, 2023; Salmah and Jaman, 2024, 2024). Therefore, it is essential for lawmakers and legal practitioners to engage in ongoing dialogue with scholars, legal experts, and community representatives to ensure that the law reflects the social realities of Indonesia.

Another significant aspect to consider is the practical implementation of *maqāṣid al-sharīʿah* in sexual violence cases. While the law emphasizes the protection and rehabilitation of victims, the process of enforcing these provisions can be challenging. For instance, the legal system must ensure that victims receive adequate support services, including counseling, medical care, and legal assistance. Furthermore, the law must ensure that perpetrators are held accountable in a way that reflects the Islamic principles of justice and deterrence. This requires not only a thorough understanding of *maqāṣid al-sharīʿah* but also the commitment of legal institutions to implement these principles effectively in practice.



In addition, it is important to acknowledge that Islamic law views the protection of honor, lineage, and family as essential components of societal well-being. The application of *maqāṣid al-sharī'ah* in the context of sexual violence requires a nuanced understanding of how these values can be balanced with the need for individual protection and justice. In particular, Islamic law emphasizes the importance of preserving the dignity of victims, while also ensuring that the punishment for perpetrators is both just and proportionate. This approach can be challenging in a modern legal framework, where there may be differing views on how to balance individual rights with the collective good.

Moreover, the law's focus on rehabilitation and recovery reflects the Islamic principle of restorative justice, which aims to heal both the victim and the offender, rather than merely punishing the perpetrator. This is an important aspect of *maqāṣid al-sharī'ah*, which emphasizes the restoration of social harmony and the reintegration of offenders into society. In practice, however, this may require additional support structures, such as rehabilitation programs for offenders and community-based initiatives that promote healing for victims.

There is also a need for broader education and awareness campaigns to ensure that the general public and legal professionals fully understand the principles of *maqāṣid al-sharī'ah* and their role in shaping the legal response to sexual violence. These campaigns could help foster greater understanding of how Islamic legal principles can be applied to contemporary legal challenges, especially in the context of sexual violence. Legal education, especially for law enforcement officials and judicial officers, is crucial in ensuring that laws are applied justly and consistently. While there has been significant progress in integrating *maqāṣid al-sharī'ah* principles into the legal framework for sexual violence in Indonesia, it is clear that there are still areas for further refinement. For example, provisions related to the role of women in the legal process, the protection of children, and the treatment of survivors of sexual violence could be further strengthened to ensure greater alignment with Islamic teachings on justice and social protection (Deering and Williams, 2019; Siboy et al., 2023; Aigbe et al., 2023; Naisabur et al., 2024; Masyhar et al., 2024; Wojciechowska, 2024). More comprehensive reforms are needed to address these gaps and ensure that the law fully reflects the Islamic commitment to the protection of human dignity and the pursuit of justice.

Additionally, the involvement of religious leaders and scholars in the legal reform process is essential (Koburtay et al., 2023; Musarrofa and Sa'adah, 2023; Alawadhi, 2024; Herzog, 2024). Their insights into the ethical and theological underpinnings of *maqāṣid al-sharī'ah* can help guide the development of legal policies that reflect Islamic values, while also addressing the practical needs of society (Ahmad et al., 2024; Ríos and Palmera, 2024; Silva and Janes, 2024). In this regard, collaborative efforts between legal professionals, scholars, and religious leaders can play a crucial role in ensuring that the transformation of Islamic norms into national law remains coherent with the broader social goals of justice and equality.

In conclusion, the integration of *maqāṣid al-sharī'ah* principles into Law No. 12 of 2022 on Sexual Violence Crimes is a significant step toward aligning legal protection with Islamic values. However, the challenges of harmonizing Islamic legal principles with secular national laws, as well as ensuring that these principles are applied in a diverse and pluralistic society, remain significant. Further discussions, legal reforms, and community involvement are needed to fully realize the potential of *maqāṣid al-sharī'ah* in shaping a just and equitable legal framework for the protection of sexual violence victims in Indonesia.

In conclusion, the integration of *maqāṣid al-sharī'ah* principles into Law No. 12 of 2022 on Sexual Violence Crimes represents a pivotal development in aligning Indonesia's legal system with Islamic values, especially in terms of promoting public welfare, social justice, and the protection of individual rights. The law's focus on victim support, rehabilitation, and the preservation of human dignity reflects key objectives of *maqāṣid al-sharī'ah*, emphasizing justice, equity, and social harmony (Soleh et al., 2020, 2023; Santoso and Wahid, 2023; Slamet and Soleh, 2024; Wahid and Fajar, 2024). However, challenges remain in ensuring that Islamic principles are fully harmonized with national and international legal frameworks, particularly in a multi-religious and pluralistic society like Indonesia. There are areas where further refinement is necessary, such as the treatment of women, child protection, and procedural justice, to ensure the law's comprehensive alignment with Islamic teachings. Additionally, the effective implementation of these principles in practice, alongside continuous education and awareness initiatives, is crucial for fostering public understanding and ensuring that justice is both served and perceived as fair. Collaborative efforts between legal experts, Islamic scholars, and community leaders will be essential in advancing these goals, ensuring that the law evolves in a way that both respects Islamic values and addresses the diverse needs of Indonesia's population. Ultimately, further discussions, reforms, and ongoing community involvement will be critical to ensuring that the law effectively addresses the complexities of sexual violence while upholding the values of justice, dignity, and human rights.

## CONCLUSION

The transformation of Islamic norms in Law No. 12 of 2022 on Sexual Violence Crimes reflects the influence of *maqāṣid al-sharī'ah* principles, focusing on public welfare and social justice. While there is alignment between legal norms and Islamic values, challenges remain in the implementation of the law, which must be addressed to optimize victim protection. This study contributes to understanding how Islamic law and national law can complement each other in creating a more just and sustainable legal system.

The transformation of Islamic norms in Law No. 12 of 2022 on Sexual Violence Crimes reflects the significant influence of *maqāṣid al-sharī'ah* principles, with a primary focus on public welfare and social justice. The alignment between legal norms and Islamic values demonstrates the potential of integrating religious principles into national legal frameworks. However, despite this alignment, challenges remain in the implementation of the law, particularly in ensuring comprehensive victim protection. These challenges must be addressed to optimize the effectiveness of the legal system in safeguarding the rights of victims and delivering justice.

This study contributes to understanding the intersection of Islamic law and national law in the creation of a more just and sustainable legal system. It highlights the importance of continuously refining legal practices to ensure that Islamic principles, such as the protection of individual rights and public welfare, are effectively integrated into the legal processes. By addressing the remaining challenges, a more robust and inclusive legal system can emerge, one that harmonizes *maqāṣid al-sharī'ah* with the realities of modern society and the diverse cultural landscape.

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