

Islamic Law Challenges in Addressing Human Trafficking and Sexual Exploitation

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Abstract

Human trafficking and sexual exploitation remain complex global problems. Islamic law, as one of the legal systems in the world, has a strategic role in participating in overcoming this problem. However, the Islamic legal norms implementation requires support from the state and society. This research discusses the strategic role and challenges of the law in overcoming human trafficking and sexual exploitation. The research method used normative Islamic law with a philosophical approach. The analysis technique used prescriptive analysis, with the analysis process using Islamic legal reasoning. The research results show that Islamic law has a strategic role in resolving the problem of human trafficking and sexual exploitation. The argument is that, philosophically, Islamic law emphasizes the importance of maintaining human honor and dignity, while theoretically, Islamic law recognizes two main concepts in punishment, namely *hudud* and *ta'zir*. *Hudud* is a punishment determined



by Allah and has clear rules in the Quran and Hadith. Meanwhile, *ta'zir* is a punishment determined by a judge for the benefit of society. The challenges of Islamic law in overcoming human trafficking and sexual exploitation are a lack of understanding of Islamic legal norms, which requires human values and justice; Islamic law is not implementable; and there is a perception that the principles of Islamic law can only be applied in Islamic countries. Therefore, global Muslim countries and communities are the main actors in maximizing the application of Islamic legal principles in overcoming human trafficking and sexual exploitation.

KEYWORDS *Human Trafficking; Islamic Law; Sexual Exploitation; Society; State; Human-Trafficking.*

Abstrak

Perdagangan manusia dan eksploitasi seksual masih menjadi masalah global yang rumit. Hukum Islam sebagai salah satu sistem hukum di dunia, memiliki peran strategis untuk ikut serta mengatasi permasalahan ini. Namun, penerapan norma hukum Islam membutuhkan dukungan dari negara dan masyarakat. Tulisan ini mendiskusikan tentang peran strategis dan tantangan hukum dalam mengatasi perdagangan manusia dan eksploitasi seksual. Metode penelitian menggunakan hukum Islam normatif dengan pendekatan filosofis. Teknik analisis menggunakan preskriptif analisis dengan proses analisis menggunakan penalaran hukum Islam. Hasil penelitian menunjukkan bahwa hukum Islam memiliki peran yang strategis dalam menyelesaikan masalah perdagangan manusia dan eksploitasi seksual. Argumetasinya adalah, secara filosofis hukum Islam menekankan prinsip pentingnya menjaga kehormatan dan martabat manusia, sedangkan secara teoritis, hukum Islam mengenal dua konsep utama dalam hukuman, yaitu *hudud* dan *ta'zir*. *Hudud* merupakan hukuman yang ditetapkan oleh Allah dan mempunyai aturan yang jelas dalam Al-Qur'an dan Hadits. Sedangkan *ta'zir* merupakan hukuman yang ditetapkan hakim untuk kepentingan masyarakat. Tantangan hukum Islam dalam mengatasi perdagangan manusia dan eksploitasi seksual yaitu: kurangnya pemahaman terhadap norma hukum Islam yang syarat dengan nilai-nilai kemanusiaan dan keadilan; hukum Islam tidak bersifat implementatif dan; adanya persepsi bahwa prinsip hukum Islam hanya dapat diterapkan di Negara-negara Islam. Oleh karena itu, negara dan masyarakat muslim global adalah aktor utama untuk memaksimalkan penerapan prinsip-prinsip hukum Islam dalam mengatasi perdagangan manusia dan eksploitasi seksual.

KATA KUNCI *Eksplorasi Seksual; Hukum Islam; Masyarakat; Negara; Perdagangan Manusia.*

Introduction

Human trafficking and sexual exploitation have faced various cases that reflect its complexity. For example, in the context of modern technology, issues of online human trafficking or sexual trafficking through online platforms are in the spotlight.¹ Along with globalization, the cross-border circulation for exploitation is also increasingly visible. In Islamic law, fighting this problem is not an easy task. For example, how the application of Islamic law in contemporary situations and efforts to prevent the root of the problem. The contrast between Islamic values emphasizing humanity and justice with social and legal realities can be seen in actual cases. Differences in the interpretation of Islamic law also affect how these cases are handled, reducing the effectiveness of preventive and enforcement measures.²

¹ Donna M Hughes, "Trafficking in Human Beings in the European Union: Gender, Sexual Exploitation, and Digital Communication Technologies," *Sage Open* 4, no. 4 (2014), <https://doi.org/10.1177/2158244014553585>; Danilo Burbano and Myriam Hernandez-Alvarez, "Identifying Human Trafficking Patterns Online," in *2017 IEEE Second Ecuador Technical Chapters Meeting (ETCM)* (IEEE, 2017), 1–6, <https://doi.org/10.1109/ETCM.2017.8247461>; Aref Abdullah Mohammed Alwadeai, "الإطار القانوني لجرائم الاتجار بالبشر في دولة الإمارات العربية المتحدة: The Legal Framework on Human Trafficking in the UAE," *Al-Hikmah: International Journal of Islamic Studies and Human Sciences* 4, no. 4 (2021): 419–36, <https://doi.org/10.46722/hikmah.v4i4.202>.

² Abdulatif Abdullah S Alkharji, "Human Trafficking and Islamic Law," *JL Pol'y & Globalization* 131 (2023): 13, <https://doi.org/10.7176/JLPG/131-02>; Abadir M Ibrahim, "Islamic Law-Ethics and the Struggle against Slavery and Human Trafficking," in *Human Flourishing: The End of Law* (Brill Nijhoff, 2023), 448–81, https://doi.org/10.1163/9789004524835_015.

Human trafficking and sexual exploitation often occur covertly and are difficult to detect by authorities.³ This challenge is further compounded by the high level of human mobility, whether for work migration, tourism, or other purposes.⁴ The lack of cooperation and coordination between countries in dealing with this issue makes practical law enforcement efforts difficult. In addition, economic and social problems such as poverty, gender inequality, and a lack of education can strengthen individuals' vulnerability to human trafficking.⁵ Efforts to address this issue must not only focus on legal aspects but also require a more holistic strategy, including prevention and social rehabilitation approaches for victims. Despite efforts from various parties to address the issue of human trafficking and sexual exploitation, the challenge cannot be resolved quickly or immediately. There needs to be a shared awareness and commitment from various parties, including governments, legal institutions, civil society, and religious institutions, to fight this crime and protect victims.

In the context of Islamic law, which has a decisive view of dignity and human rights recognized as mandates from God, everyone has the right to be respected, protected, and not exploited.⁶ Islamic law emphasizes that all human beings are brothers and equals in the sight of God, regardless of ethnicity, race, or social class. Therefore, the teachings of Islam demand the protection of human beings from all forms of oppression and exploitation.⁶ All Muslims must take an active role in preventing and

³ Natalie M McClain and Stacy E Garrity, "Sex Trafficking and the Exploitation of Adolescents," *Journal of Obstetric, Gynecologic & Neonatal Nursing* 40, no. 2 (2011): 243–52, <https://doi.org/10.1111/j.1552-6909.2011.01221.x>.

⁴ Lara Gerassi, "From Exploitation to Industry: Definitions, Risks, and Consequences of Domestic Sexual Exploitation and Sex Work Among Women and Girls," *Journal of Human Behavior in the Social Environment* 25, no. 6 (2015): 591–605, <https://doi.org/10.1080/10911359.2014.991055>.

⁵ Janie Chuang, "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy," *Global Legal Studies* 13, no. 1 (2006): 137–63, <https://doi.org/10.2979/gls.2006.13.1.137>.

⁶ Muhajir Muhajir et al., "Agus Moh Najib's Thoughts on the Interconnection of Islamic Law and National Law," *Jurnal Ilmiah Al-Syir'ah* 21, no. 1 (2023): 86–103, <https://doi.org/10.30984/jis.v21i1.2321>.

combating human trafficking and sexual exploitation by helping each other, promoting justice, and seeking to protect victims based on relevant principles of Islamic law. These principles include the protection of human rights, the prohibition of exploitation, punishment for perpetrators of crimes, and efforts to rehabilitate victims. However, applying these principles to modern legal systems and the complex globalized world also poses challenges.

There are relevant previous research results as comparisons and additional references in this study, such as those by Mezhi Mejbel Mezhi Bathal Alrashedi in his research answering the question of how effective Kuwait and the Kuwaiti legal system are in dealing with, preventing, and addressing human trafficking in the context of international law and the application of Sharia Law.⁷ The review also provides recommendations for national, regional, and global changes to strengthen cooperation in combating human trafficking. In their study, Nurhayati, Muhammad Syukri Albani, Reni Ria Armayani, and Hazrul Afendi focused on analyzing how human trafficking is viewed from the perspective of *maqashid al-Sharia*.⁸ *Maqashid al-sharia* is a concept that aims to place human beings on the dignity of humanity. Their study states that any behavior contrary to *Maqashid al-sharia* is considered an act that is not in accordance with the purpose and intent of Islamic teachings. It emphasizes consistency between the principles of Islam and the prohibition against human trafficking.

Niklas Potrafke briefly summarizes the results of his research examining the role of religion and political institutions in human

⁷ Ali Mezhi Mejbel Mezhi Bathal Alrashedi, "In the Context of Both International Law and the Application of Islamic Sharia Law, How Effective Have Kuwait and the Kuwaiti Legal System Been in Addressing, Preventing and Combating Human Trafficking?" (University of Kent, 2017), <https://doi.org/10.22024/UniKent/01.02.62860>.

⁸ Nurhayati Nurhayati et al., "Human Trafficking in The Perspective of Maqashid Al-Sharia," *Jurnal Ilmiah Islam Futura* 22, no. 2 (2022): 150–63.

trafficking countermeasure policies.⁹ The findings of the study indicate that there are differences in policy implementation between countries with a majority of Christians and Muslims, and the country's form of government influences these differences. These findings have important implications in efforts to understand the factors that influence human trafficking countermeasures and develop more effective policies to fight this crime. Zuraini Ab Hamid and Khairil Azmin Mokhtar provide a clear overview of the scope of their research that explores the prohibition of human trafficking in Malaysia, taking into account international law, human rights, Islamic law, and the perspectives of other Muslim countries.¹⁰ By using diverse methods and approaches, this study provides in-depth insight into the need for more effective handling of human trafficking in the context of Malaysia's prevailing laws and values.

In their research, Haleema Sadia and Hafsa Abbasi state that the economic constraints faced by most of the population from developing countries encourage the people directly affected to migrate elsewhere. However, strict and gradual restrictions on the borders of countries almost all over the world do not facilitate the individual in most cases. This situation eventually triggers human trafficking from poor and developing countries toward developed countries.¹¹

The results of the previous studies that have been mentioned provide a diverse and holistic view of the challenges of Islamic law in dealing with the issue of human trafficking and sexual exploitation. These studies have contributed to a deeper understanding of the role of Islamic law, scholars, and religious institutions in the fight against these crimes, as well as prevention and protection efforts for victims. In addition, the results of the

⁹ Niklas Potrafke, "Policies against Human Trafficking: The Role of Religion and Political Institutions," *Economics of Governance* 17 (2016): 353–86, <https://doi.org/10.1007/s10101-016-0181-5>.

¹⁰ Zuraini Ab Hamid and Khairil Azmin Mokhtar, "Human Trafficking: The International, Malaysian Legal Framework and Shariah Perspectives," *IJUM Law Journal* 21, no. 2 (2013): 287–307, <https://doi.org/10.31436/iiumlj.v21i2.105>.

¹¹ Haleema Sadia and Hafsa Abbasi, "Revisiting Human Trafficking, an Emerging Phenomenon in an Islamic Perspective," *Al-Azva* 37, no. 58 (2022): 23–40, <https://doi.org/10.51506/al-azva.v37i58.592>.

study also provide insight into the different approaches to Islamic law in various social, cultural, and Islamic-based contexts. As an additional reference, previous studies can enrich the analysis in this study by digging up information and findings from earlier studies to achieve a better level of morality in understanding the complexity and root causes of this issue.

This research discusses the role of Islamic law in tackling human trafficking and sexual exploitation and its challenges. The discussion covers three main points, namely: first, Islamic law protection for victims of trafficking and sexual exploitation; second, discussing the responsibilities of the state and society so that Islamic law is effective in its implementation; and third, regarding punishment for the perpetrator and recovery for the victim.

Methods

This research used a normative Islamic legal method with a philosophical approach oriented towards sources relevant to the topic, especially Islamic legal texts, philosophical studies, and previous research. The philosophical literature analysis approach was emphasized to obtain a deep and critical understanding of theories, concepts, and views in the context of Islamic law and philosophical studies regarding the issue of human trafficking and sexual exploitation. The data was presented qualitatively with a philosophical approach to explore the challenges that arise and deepen the Islamic legal perspective on these problems. The philosophical literature analysis will examine the consistency, inconsistency, and relevance of interpretations of Islamic law regarding human trafficking and sexual exploitation. This research also used an argumentative and interpretive approach to gather a comprehensive understanding of the challenges of Islamic law in overcoming the problems of human trafficking and sexual exploitation and this approach seeks to contribute an innovative point of view from a philosophical perspective.

The analysis technique used prescriptive analysis, with the analysis process using Islamic legal reasoning.

Discussion

How Does Islamic Law Protect Victims of Human Trafficking?

As a crime that destroys human rights, human trafficking, presents one of the most heinous examples of exploitation in the world.¹² This practice involves the sale of individuals, the practice of slavery, and the exploitation of human beings for various purposes, such as sex trafficking, forced labor, organ harvesting, and exploitation in the workplace. Victims of human trafficking are often caught in highly vulnerable situations, coerced, deceived, or threatened into these networks.¹³

Islamic law is established on a solid foundation that comprehensively protects human rights, freedoms, and human dignity.¹⁴ This view

¹² FikreJesus Amahazion, "Human Trafficking: The Need for Human Rights and Government Effectiveness in Enforcing Anti-Trafficking," *Global Crime* 16, no. 3 (2015): 167–96, <https://doi.org/10.1080/17440572.2015.1019613>.

¹³ Kristine Hickle and Dominique Roe-Sepowitz, "'Curiosity and a Pimp': Exploring Sex Trafficking Victimization in Experiences of Entering Sex Trade Industry Work Among Participants in a Prostitution Diversion Program," *Women & Criminal Justice* 27, no. 2 (2017): 122–38, <https://doi.org/10.1080/08974454.2015.1128376>.

¹⁴ Suud Sarim Karimullah, "The Implications Of Islamic Law On The Rights Of Religious Minorities In Muslim-Majority Countries," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90–114, <https://doi.org/10.32332/milrev.v2i2.7847>; Suud Sarim Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic

emphasizes the importance of respecting and protecting the rights of individuals regardless of religion, race, or ethnicity.¹⁵ Therefore, from the perspective of Islamic law, protecting victims of human trafficking is not just a moral desire but an obligation that Muslim communities must carry out. These principles are reflected in the sources of Islamic law that affirm the need to provide protection and justice for individuals entangled in the vicious circle of human trafficking. Islamic law emphasizes the importance of preserving human honor and dignity.

Particularly in the context of trafficking victims, especially those involved in sexual trafficking, they often experience severe violations of their dignity and freedom. Islamic law guarantees that everyone has human rights that must be respected and protected.¹⁶ These protections include the right to liberty, security, and liveliness and the right not to be treated inhumanely or degradingly. Islamic law also affirms the need for strict sanctions against traffickers.¹⁷ This act is considered a severe crime and violates human rights. In the view of Islamic law, the protection of human trafficking victims is not merely a moral requirement but a moral and legal obligation that the whole society must enforce.¹⁸

Islamic law, in the context of the protection of victims of human trafficking, has several principles as well as concrete actions that illustrate its approach. Islam recognizes two main concepts in punishment: *hudūd* and *ta'zir*. *Hudūd* is a punishment established by Allah and has clear rules

Law in Various Global Settings,” *Justicia Islamica* 20, no. 2 (2023): 214–40, <https://doi.org/10.21154/justicia.v20i2.6478>.

¹⁵ Mashood A Baderin, “Establishing Areas of Common Ground between Islamic Law and International Human Rights,” *The International Journal of Human Rights* 5, no. 2 (2001): 72–113, <https://doi.org/10.1080/714003711>; Suud Sarim Karimullah, “For True Humanity: Harmonization of Islamic Law and Human Rights Towards Universal Justice,” *Matan: Journal of Islam and Muslim Society* 5, no. 2 (2023): 40–56, <https://doi.org/10.20884/1.matan.2023.5.2.9125>.

¹⁶ Abdullahi Ahmed An-Na’im, “Islam, Islamic Law and the Dilemma of Cultural Legitimacy for Universal Human Rights 1,” in *Asian Perspectives on Human Rights* (Routledge, 2021), 31–54.

¹⁷ Nurhayati et al., “Human Trafficking in The Perspective of Maqashid Al-Sharia.”

¹⁸ Sadia and Abbasi, “Revisiting Human Trafficking, an Emerging Phenomenon in an Islamic Perspective.”

in the Qur'an and Hadith. Meanwhile, *ta'zir* is a punishment set by the judge in the interests of society.¹⁹

In the case of human trafficking, Islamic law applies strict penalties against perpetrators to provide a strong deterrent effect. Its purpose is to punish the individual who committed the crime and prevent the recurrence of similar actions in society. These harsh punishments are seen as one way to maintain justice and protect humanity from the adverse effects of human trafficking. Furthermore, the concept of *amār ma'rūf nahī munkār*, which means enjoining the good and preventing the bad, becomes essential for protecting the victim. Islamic law affirms that every individual in society has a moral and social responsibility to help and protect victims of human trafficking. The responsibility is not only a legal obligation but also a moral value professed by the Islamic religion.

From the perspective of Islamic law, the responsibility of protecting victims is not only at the individual level but also at the level of society as a whole. The community is expected to be actively involved in providing support and protection to victims as well as participating in addressing the root causes of human trafficking. It includes efforts to combat poverty, inequality, and other factors that drive human trafficking practices.

Not only does it focus on enforcing punishment on perpetrators and protecting victims, but Islamic law also pays attention to rehabilitation efforts. When victims are successfully released from trafficking networks, they need support in the process of recovery and reintegration into society. Rehabilitation approaches inspired by Islamic values aim to provide physical, psychological, and spiritual support so that the victim can recover from the traumatization experienced and return to being a functioning part of society. Thus, within the framework of protecting victims of human trafficking, Islamic law not only pays attention to the

¹⁹ Muhammed Nur HAMDEN, "مفهوم التعزير في الفقه السياسي دراسة مقارنة بمفهوم التقنين," *Ilahiyat Akademi*, no. 16 (2022): 207–32, <https://doi.org/10.52886/ilak.1194904>; Rastugo Hameed ABDULLAH, "التعزير في الفقه الإسلامي," *The Journal of Academic Social Science* 121, no. 121 (2021): 361–76, <https://doi.org/10.29228/ASOS.52602>.

enforcement aspects of the law against perpetrators of crimes but also emphasizes the moral and social responsibility of society and pays attention to the rehabilitation of victims to ensure a holistic recovery.

Clerics and religious figures have an essential role in spreading awareness about the protection of Islamic law against victims of human trafficking. They have the authority and influence to help people understand human values in Islamic teachings and the importance of protecting victims. Clerics can use sermons, lectures, and other educational approaches to spread the message about protecting human rights and opposing human trafficking. The protection of Islamic law against victims of human trafficking is an actual implementation of the values of humanity and justice reflected in Islam's teachings. As a religion that places man as the noblest creature among Allah's creations, Islam demands fair and dignified treatment of every individual. Therefore, protecting victims of human trafficking is a shared responsibility for all Muslims.

Fair enforcement of the law for traffickers is an essential aspect of the fight against this crime.²⁰ Islamic law advocates the application of strict punishments based on the degree of crime committed. Through fair law enforcement, it is hoped that justice will be realized for victims and a lesson for potential perpetrators not to repeat these heinous acts. Furthermore, rehabilitation and social reintegration efforts for victims have become integral parts of protecting Islamic law. Victims of human trafficking often experience profound physical and psychological trauma due to their exploitation. In the Islamic view, providing support and recovery to victims is an obligation for society. The understanding of *ukhuwah Islamiyah*, the Islamic brotherhood, encourages Muslims to care for each other and help victims recover and reintegrate into society.

²⁰ Tony Ward and Shahrzad Fouladvand, "Human Trafficking, Victims' Rights and Fair Trials," *The Journal of Criminal Law* 82, no. 2 (2018): 138–55, <https://doi.org/10.1177/0022018318761680>.

Prevention of human trafficking is essential in the protection of Islamic law. One approach advocated by Islam is economic empowerment. Islamic law supports creating a just and equitable financial system with equal opportunities for a decent livelihood.²¹ Economic empowerment can reduce the level of vulnerability of individuals to human trafficking because they have the chance to live with honor and dignity. In addition, public awareness of the problem of human trafficking is also essential to prevent the occurrence of this crime.²²

A holistic and Islamic values-based approach to the legal protection of trafficking victims will create a broader and more sustainable impact. By combining equitable law enforcement efforts, social rehabilitation and reintegration, economic empowerment, and community awareness, Muslim communities can achieve the noble goal of protecting human rights and creating a safer, dignified, and civilized environment for all. The protection of Islamic law against victims of human trafficking is a mirror of the compassion and justice taught by Islam. It is essential to understand that the protection efforts of Islamic law against trafficking victims are not only limited to aspects of law enforcement, rehabilitation, and prevention but also include measures to understand the root problems and challenges that cause human trafficking itself. The protection of Islamic law against victims of human trafficking is an actual implementation of the values of humanity and justice reflected in Islamic teachings. As a religion that places man as the noblest creature among Allah's creations, Islam demands fair and dignified treatment of every individual.²³ Therefore, protecting victims of human trafficking is a responsibility for all Muslims.

²¹ Mustafa Raza Rabbani et al., "Exploring the Role of Islamic Fintech in Combating the Aftershocks of COVID-19: The Open Social Innovation of the Islamic Financial System," *Journal of Open Innovation: Technology, Market, and Complexity* 7, no. 2 (2021): 136, <https://doi.org/10.3390/joitmc7020136>.

²² Joana Daniel-Wrabetz and Rita Penedo, "Trafficking in Human Beings in Time and Space. A Socioecological Perspectiv," in *The Illegal Business of Human Trafficking* (Springer, 2014), 1–19, https://doi.org/10.1007/978-3-319-09441-0_1.

²³ Mansoureh Ebrahimi, "Islamic identity, ethical principles and human values." *European Journal of Multidisciplinary Studies* 2.6 (2017): 325-336. <https://doi.org/10.26417/ejms.v6i1.p325-336>

Fair enforcement of the law for traffickers is an essential aspect of the fight against this crime. Islamic law advocates the application of strict punishments based on the degree of crime committed. Through fair law enforcement, it is hoped that justice will be realized for victims and a lesson for potential perpetrators not to repeat these heinous acts. The protection of Islamic law against victims of human trafficking is a mirror of the compassion and justice taught by Islam. All Muslims are invited to take an active role in combating human trafficking and maintaining the dignity and freedom of each individual as a tangible manifestation of the noble values of Islam. Through joint efforts, it is hoped that human trafficking will be minimized and human rights will be better protected in a society based on justice and love.

Responsibility of the State and Society

Sexual exploitation is a global problem that undermines human dignity and violates the human rights of individuals.²⁴ These crimes involve various forms of acts that include violence, coercion, human trafficking, and sexual abuse that occur without the consent of the victim.²⁵ It is not only a local problem but also a problem that crosses geographical boundaries, affecting many countries, including Indonesia.²⁶ Responding to this issue requires the joint involvement of society and the state. In

²⁴ Nandang Sambas, "The Development of Trafficking as a Form of Human Rights Violations," in *Social and Humaniora Research Symposium (SoRes 2018)* (Atlantis Press, 2019), 422–25, <https://doi.org/10.2991/sores-18.2019.97>.

²⁵ Rowena Fong and Jodi Berger Cardoso, "Child Human Trafficking Victims: Challenges for the Child Welfare System," *Evaluation and Program Planning* 33, no. 3 (2010): 311–16, <https://doi.org/10.1016/j.evalprogplan.2009.06.018>; Joan A Reid and Shayne Jones, "Exploited Vulnerability: Legal and Psychological Perspectives on ChiExploited Vulnerability: Legal and Psychological Perspectives on Child Sex Trafficking Victimsd Sex Trafficking Victims," *Victims and Offenders* 6, no. 2 (2011): 207–31, <https://doi.org/10.1080/15564886.2011.557327>.

²⁶ Ike Dwi Ambarwati, Muhammad Kamil, and Ali Roziqin, "The Effectiveness of a Task Force for Preventing Sexual Exploitation: Evidence from Human Trafficking (Women and Children) in East Nusa Tenggara, Indonesia," in *2nd International Conference on Law and Human Rights 2021 (ICLHR 2021)* (Atlantis Press, 2021), 443–50, <https://doi.org/10.2991/assehr.k.211112.057>; Olivia Swee Leng Tan et al., "Human Trafficking and Cyber Laws in Malaysia," *Encyclopedia of Criminal Activities and the Deep Web*, 2020, 518–32, <https://doi.org/10.4018/978-1-5225-9715-5.ch035>.

some Islamic countries or countries with a majority Muslim population, this responsibility is a focus in efforts to deal with this crime.

In some Islamic countries, such as Egypt and Turkey, awareness of the problem of sexual exploitation has become a significant focus of social policies and campaigns.²⁷ The community is encouraged to understand the complexities and far-reaching impacts of sexual exploitation on victims and society as a whole. The position of religion in culture and everyday life plays a vital role in promoting this awareness. For example, in Egypt, religious institutions actively support education and awareness-raising through lectures, recitations, or religious literature.²⁸

Approaches involving media, discussion forums, and educational programs are also integral to awareness-raising efforts.²⁹ Ongoing public awareness campaigns, using a variety of communication channels, have been strengthened to reach as many people as possible. Information on the definition and different types of sexual exploitation is conveyed in a way that is easy to understand and relevant for various circles of society by the religious values adopted.

Not only does it raise awareness, but the role of individuals in countering sexual exploitation is also an important focus. Communities are

²⁷ Hussein Hassan Soliman, Nagwa Ibrahim Alsharqawi, and Mustafa Ahmed Younis, "Is Tourism Marriage of Young Girls in Egypt a Form of Child Sexual Abuse? A Family Exploitation Perspective," *Journal of Child Sexual Abuse* 27, no. 2 (2018): 122–40, <https://doi.org/10.1080/10538712.2018.1425945>; Suzi Mohamed Rashad, "Child Trafficking Crime and Means of Fighting It: Egypt as a Case Study," *Review of Economics and Political Science* 8, no. 4 (2023): 290–308, <https://doi.org/10.1108/REPS-03-2019-0029>; Türkan Yılmaz Irmak, Şeyda Aksel, and Dennis Thompson, "Coping Strategies and Depression among College Students Following Child Sexual Abuse in Turkey," *Journal of Child Sexual Abuse* 25, no. 8 (2016): 881–94, <https://doi.org/10.1080/10538712.2016.1236871>.

²⁸ Roderik F Viergever et al., "Health Care Providers and Human Trafficking: What Do They Know, What Do They Need to Know? Findings from the Middle East, the Caribbean, and Central America," *Frontiers in Public Health* 3 (2015): 6, <https://doi.org/10.3389/fpubh.2015.00006>; Laurie Lijnders and Sara Robinson, "From the Horn of Africa to the Middle East: Human Trafficking of Eritrean Asylum Seekers across Borders," *Anti-Trafficking Review*, no. 2 (2013): 137–54, <https://doi.org/10.14197/atr.20121329>.

²⁹ Lara Gerassi, Andrea Nichols, and Erica Michelson, "Lessons Learned: Benefits and Challenges in Interagency Coalitions Addressing Sex Trafficking and Commercial Sexual Exploitation," *Journal of Human Trafficking* 3, no. 4 (2017): 285–302, <https://doi.org/https://doi.org/10.1080/23322705.2016.1260345>.

empowered to be observers and active whistleblowers against exploitation cases they know or suspect. In some countries, such as the United Arab Emirates and Saudi Arabia, the public understands the importance of reporting these cases to law enforcement officials, who will deal with the matter according to applicable law.³⁰

In addition, support for victims becomes a priority. Various initiatives in these countries aim to eliminate stigma and discrimination against victims so that they feel safe reporting cases and receive appropriate protection and assistance. For example, in the United Arab Emirates, rehabilitation centers support victims with psychological, medical, and legal services to help them recover and re-establish a stable life.³¹ Overall, in countries with predominantly Muslim populations, efforts to tackle sexual exploitation are focused not only on raising awareness but also on the active role of society and government in fighting these crimes, as well as supporting victims with necessary services.

It is important to note that addressing the issue of sexual exploitation is not a task that can be completed in a short time. Continuous efforts and synergies between society and the state are needed to achieve positive changes in creating a safe environment, free from sexual exploitation, and respecting the dignity of each individual. The synergy between the community and the state will build collective strength in combating this issue, making treatment and prevention efforts more effective and sustainable. With high awareness and genuine commitment from all

³⁰ Ali Mohammed AlMatrooshi, Syed Raza Shah Gilani, and Bahaudin G Mujtaba, "Assessment of Mandatory Reporting Laws to Break the Silence of Child Sexual Abuse: A Case Study in the United Arab Emirates," *SN Social Sciences* 1, no. 8 (2021): 209, <https://doi.org/10.1007/s43545-021-00216-4>; WAEL MOHAMMED NUSAIRAT, "Criminal Responsibility For Sexual Exploitation Of Children Via Electronic Means Of Communication Considering Saudi Arabia's Anti-Cyber Crime Law," *Russian Law Journal* 11, no. 2 (2023): 178–91, <https://doi.org/10.52783/rlj.v11i2.523>.

³¹ Fakir Al Gharaibeh and Laura Gibson, "Care and Rehabilitation Services to Child Victims of Abuse in the United Arab Emirates: Examples of Innovation," *Children and Youth Services Review* 101 (2019): 87–98, <https://doi.org/10.1016/j.chilyouth.2019.03.049>; Pardis Mahdavi and Christine Sargent, "Questioning the Discursive Construction of Trafficking and Forced Labor in the United Arab Emirates," *Journal of Middle East Women's Studies* 7, no. 3 (2011): 6–35, <https://doi.org/10.2979/jmiddeastwomstud.7.3.6>.

parties, society, and the state can jointly form a safer environment, respect human rights, and protect the dignity of each individual from the risks of sexual exploitation. It is a collective struggle and requires close cooperation from various sectors and layers of society. All parties must support each other and work together to achieve the common goal of addressing the issue of sexual exploitation effectively and sustainably.

The role of media and technology also significantly impacts the awareness and handling of sexual exploitation issues. The media is crucial in shaping public opinion and directing people's attention to specific problems. Therefore, the media must play an active role in reporting the issue of sexual exploitation accurately, responsibly, and sensitively.³² Writing about promoting journalism's integrity and ethics will help raise public awareness of this issue and mobilize support to fight sexual exploitation.

In addition to conventional media, social media has a role that is no less important in disseminating information about sexual exploitation. Thanks to technological developments, messages and campaigns on prevention and protection against sexual exploitation can reach more people quickly and efficiently. However, social media can also be a means for the spread of harmful content or to support sexual exploitation. Therefore, it takes efforts from social media platforms to supervise and remove content that violates laws and social norms.

The commitment of the state and society to addressing sexual exploitation should also include strengthening cross-sectoral and cross-institutional cooperation.³³ Law enforcement institutions and various government agencies, non-governmental organizations, educational institutions, and other social institutions are involved. The synergy

³² Júlia Tomás, "Trafficking in Human Beings for Sexual Exploitation and Media Discourses," in *Sexuality, Oppression and Human Rights* (Brill, 2015), 75–85, https://doi.org/10.1163/9781848884243_007.

³³ Raymond Saner, Lichia Yiu, and Laurel Rush, "The Measuring and Monitoring of Human Trafficking," *Public Administration and Policy* 21, no. 2 (2018): 94–106, <https://doi.org/https://doi.org/10.1108/PAP-10-2018-011>.

between all parties will strengthen the effectiveness of addressing the issue of sexual exploitation in a holistic and integrated manner. In an international context, countries should also commit to working with other countries to exchange information and experience and handle cross-border cases. Sexual exploitation often crosses national borders, so international cooperation in dealing with this challenge is essential. States should also participate in international forums that address the issue of sexual exploitation and promote the protection of human rights globally.³⁴ In addition, states must also integrate the issue of sexual exploitation into a broader national policy framework on human rights and social justice. It will ensure that the issue of sexual exploitation is not viewed as a separate issue but as part of a more significant effort to create a just and civilized society.

It is important to note that addressing the issue of sexual exploitation is not only the responsibility of the government or law enforcement agencies but also the moral and social responsibility of every citizen. Every individual has a vital role in countering sexual exploitation by becoming an agent of change in their environment. Supporting victims, reporting sexual exploitation, promoting gender equality, and protecting human rights are concrete steps each individual can take to address this issue. With increased awareness and genuine commitment from all levels of society and the state, efforts to address the issue of sexual exploitation can achieve better and more sustainable results. Handling this issue should be a joint struggle involving active participation and collaboration from various parties. Only with close cooperation between society and the state can a safe environment, free from sexual exploitation, and respect for the dignity of each individual be realized. Continuing to strive for positive change and affirming commitment can create a more just, civilized, and dignified society for future generations.

³⁴ Stephanie A Limoncelli, "The Trouble with Trafficking: Conceptualizing Women's Sexual Labor and Economic Human Rights," in *Women's Studies International Forum*, vol. 32 (Elsevier, 2009), 261–69, <https://doi.org/10.1016/j.wsif.2009.05.002>.

The struggle to address the issue of sexual exploitation is not easy and will face various challenges. One of the challenges faced is the stigma and fear of reporting cases of sexual exploitation. Victims often face psychological and social barriers in coming forward and writing about the acts of violence they experience. Therefore, a sensitive approach from the community and law enforcement agencies is indispensable to create an environment where victims feel supported and safe to report. In addition, the lack of resources and funds to address the issue of sexual exploitation is also a severe challenge. Protection and rehabilitation programs for victims require adequate budget allocations to run effectively. States and donor agencies must jointly commit to providing sufficient funding to support the services and programs needed to address the issue of sexual exploitation.

Lack of understanding and knowledge about sexual exploitation among the public and law enforcement officials can hinder effective prevention and treatment efforts. Therefore, investment in education and training specifically related to the issue of sexual exploitation is needed to improve capacity and skills in dealing with this issue. In addition, cultural differences and social norms in different regions can also be an obstacle in addressing the issue of sexual exploitation. Some cultural practices or traditions in society can hide or even encourage acts of sexual exploitation. Therefore, a culture-based approach, which respects and understands local beliefs and values, should address this issue. Digging deeper into and understanding the root causes of sexual exploitation in specific cultural contexts will help devise more appropriate and relevant solutions.

It is essential to know that addressing the issue of sexual exploitation is not an instant process or an achievement that can be obtained in a short time. This long-term effort requires patience, continuity, and close collaboration from all parties involved. Despite the many challenges, awareness and commitment to fight sexual exploitation must continue to increase at the individual, community, and state levels. A strong

commitment from society and the state to countering sexual exploitation will create significant positive change in creating a safer, fairer, and dignified environment for all. All parties must strive to strengthen synergy and collaboration in the fight against sexual exploitation to create a better world in which every individual has the right to live free from sexual exploitation and violence and obtain equal and equitable protection of human rights.

In addition to the challenges mentioned earlier, the issue of sexual exploitation is also sometimes faced with a lack of coordination and integration between various government and non-government agencies involved in handling the case. The lack of collaboration can lead to overlaps in the programs implemented, as well as the presence of inequity and gaps in the services provided to victims. Therefore, it is essential to strengthen coordination and collaboration between various stakeholders, including governments, community agencies, law enforcement agencies, educational institutions, and non-governmental organizations, in dealing with the issue of sexual exploitation. It is essential to place women and children as vulnerable groups that receive special attention in addressing the issue of sexual exploitation. They are the most susceptible group to be victims of sexual exploitation. Therefore, protecting and empowering women and children should be the main focus of policies and programs addressing this issue. Strong support from the community and the state to fight the sexual exploitation of women and children will significantly impact creating a safer and fairer environment for them.

Focusing on law enforcement and victim rehabilitation, it is also essential to adopt a holistic prevention approach when dealing with the issue of sexual exploitation. Prevention should start early with comprehensive and inclusive sexual education in schools. Education about sexual rights, consent in relationships, and prevention of sexual violence will equip children with the knowledge and skills necessary to protect themselves and others from the risks of sexual exploitation. Prevention

should also involve broad public awareness of sexual exploitation and efforts to change social norms that support or facilitate acts of sexual exploitation. Society must collectively reject and oppose practices that degrade human dignity and violate the human rights of individuals.³⁵

In the context of globalization and technological development, addressing the issue of sexual exploitation must also face new challenges that arise.³⁶ Technological advances have opened the door to sexual exploitation through the internet and social media. Therefore, states and law enforcement agencies must develop expertise and capacity to track down and tackle sexual exploitation crimes online. In addition, it is essential to understand that addressing the issue of sexual exploitation is a shared and cross-disciplinary responsibility. In this complex and multidimensional issue, an approach based on justice, equality, and human rights is needed. All parties should actively identify the root cause and work together to formulate sustainable and impactful solutions.

Punishment of the Offender and Recovery of the Victim

In the context of addressing the issue of sexual exploitation, an approach based on Islamic law emphasizes the aspects of prevention, enforcement, and recovery of victims as an inseparable unit. First, prevention is an essential cornerstone in Islam to prevent sexual exploitation. The teachings of Islam teach the glorification of the individual and uphold human rights. Therefore, education and public awareness of individual rights, respect for diversity, and the values of equality in Islam are vital in preventing sexual exploitation. Communities that are educated and have a correct understanding of religious values

³⁵ Michael G, Wessells,. "Bottom-up approaches to strengthening child protection systems: Placing children, families, and communities at the center." *Child abuse & neglect* 43 (2015): 8-21. <https://doi.org/10.1016/j.chiabu.2015.04.006>

³⁶ Yvonne Rafferty, "Challenges to the rapid identification of children who have been trafficked for commercial sexual exploitation." *Child Abuse & Neglect* 52 (2016): 158-168. <https://doi.org/10.1016/j.chiabu.2015.11.015>

tend to be better able to resist acts of exploitation and are more responsive to the protection of victims.

Second, in law enforcement, Islam emphasizes the importance of a fair judicial process and punishment for the guilt the perpetrator commits. Strict and proportionate punishment is taken to affirm that acts of sexual exploitation are unacceptable in society. However, in applying the law, the principles of Islamic justice underscore the need for a fair defense of perpetrators, freedom from inhumane treatment, and transparency in the judicial process.³⁷ Third, the arrangement of victims' recovery becomes an essential aspect of Islam. The victims' recovery should be holistic, encompassing comprehensive medical and mental health services, social support, and economic empowerment. In the Islamic view, the recovery of victims involves not only physical and psychological care but also attention to the social and financial position of the victims so that they can recover thoroughly.

Islam also emphasizes the concept of sustainability in helping victims. Considering Islamic law, help and support must be available over a long period because the traumatic effects of sexual exploitation can last for an extended period, even a lifetime. In the essence of punishing perpetrators and recovering victims, Islamic values provide a comprehensive and holistic perspective, ensuring that the handling of sexual exploitation issues is not limited to legal proceedings alone but also involves a deep concern for the humanity of the individuals involved, in line with the principles of humanity and justice in Islam.

In Islamic norms, law enforcement is not only concerned with the aspect of punishing perpetrators of sexual exploitation but also focuses on preventing and protecting individuals from becoming victims of this

³⁷ Emilia Justyna Powell, "Islamic Law States and the International Court of Justice," *Journal of Peace Research* 50, no. 2 (2013): 203–17, <https://doi.org/10.1177/0022343312470275>; Suud Sarim Karimullah, "The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 1 (2023): 83–98, <https://doi.org/10.22515/alakhkam.v8i1.7654>.

inhumane act. Prevention is the primary key in Islamic teachings. Education, awareness, and the cultivation of strong moral values in society are essential strategies to prevent sexual exploitation. Islam encourages forming institutions that uphold equality and human rights and protect individuals from exploitation. Education aimed at strengthening awareness of individual rights as well as moral values in society will play an essential role in preventing acts of sexual exploitation.³⁸

Meanwhile, in the context of law enforcement, Islamic teachings demand absolute justice in the judicial process. The punishment imposed on the perpetrator must be based on the level of guilt committed and the applicable law in the Islamic religion. Principles of justice such as equality before the law, respect for individual rights, and the existence of a transparent and objective judicial process are strongly emphasized in Islam.

The victims' recovery is an integral part of the principle of justice in Islam. Islam pays excellent attention to the rescue of victims of sexual exploitation. It is conducted through healing, which includes restoring physical and psychological health, getting social support, restoring social and economic position, and rebuilding the victim's self-confidence and dignity. Islamic teachings, which provide ongoing and integrated assistance to victims, underscore society's important role in supporting individuals adversely affected.³⁹ In addition, in the context of victims' recovery, Islam emphasizes the need for a victim-centered approach. The victims should be empowered in their recovery process, involved in

³⁸ Cécile Miele et al., "International Guidelines for the Prevention of Sexual Violence: A Systematic Review and Perspective of WHO, UN Women, UNESCO, and UNICEF's Publications," *Child Abuse & Neglect* 146 (2023): 106497, <https://doi.org/10.1016/j.chiabu.2023.106497>; Denise Carvalho Campos and Lílian Caroline Urnau, "Sexual Exploitation Of Children And Adolescents: A Reflection Of The Role Played By Schools," *Psicologia Escolar e Educacional* 25 (2021), <https://doi.org/10.1590/2175-35392021221612>.

³⁹ Jacob A. Bentley, et al. "Islamic trauma healing: Integrating faith and empirically supported principles in a community-based program." *Cognitive and Behavioral Practice* 28.2 (2021): 167-192. <https://doi.org/10.1016/j.cbpra.2020.10.005>

recovery-related decision-making, and respected in their rights as individuals needing proper protection and recovery.

In Islam, law enforcement and the recovery of victims from sexual exploitation are not only legal obligations but also solid moral callings.⁴⁰ The principles of Islamic law underlying the handling of this issue emphasize that every individual has rights that must be respected, and protecting those rights is a shared responsibility of society. Prevention of sexual exploitation is noted as the primary measure. Islam encourages education that empowers individuals to recognize harmful actions and their rights. Education that promotes moral values, equality, and justice is an essential foundation for preventing sexual exploitation.

In the context of law enforcement, Islam emphasizes fair and proportionate justice. It requires a judicial system unaffected by external factors such as social status, wealth, or political standing. Perpetrators of sexual exploitation must be faced with a fair and transparent legal process based on Islamic values that emphasize equality before the law. However, law enforcement alone is not enough. Islam underscores the importance of comprehensive recovery for victims. Recovery should include physical, psychological, social, and economic aspects. It reflects Islamic teachings that emphasize the importance of providing protection and support to individuals experiencing suffering and restoring their dignity and well-being.

In the victim's recovery, Islam teaches a victim-centered approach itself.⁴¹ The victims must be actively involved in their recovery process and have control over decisions that affect their recovery. It is in line with Islamic values that pay attention to the needs and rights of the individual. The Islamic approach to dealing with sexual exploitation asserts that a balance between fair law enforcement and holistic victim recovery is

⁴⁰ Haris Maiza Putra, and Hisam Ahyani. "Internalization in Islamic Law Progressive in Criminal Law Changes in Indonesia." *Jurnal Ilmiah Al-Syir'ah* 20.1 (2022): 68-90. <http://dx.doi.org/10.30984/jis.v20i1.1861>

⁴¹ Juliane Hammer. "Trauma, Witness, and Healing: Muslim Women Artists on Domestic Violence" *Journal of Islamic Faith And Practice* Vol.4. No.1.,2022,101.

essential. It reflects the principles of humanity and justice at the core of Islamic teachings. In its entirety, Islam emphasizes the importance of treating individuals with dignity, respecting their rights, and providing equal protection to all.

In supporting victim's recovery socially, giving them access to help from family, friends, and the wider community is essential. Social stigma against victims of sexual exploitation must be overcome so that victims feel supported and valued as human beings who have the right to recovery. Community and social institutions' support can help the victims feel less alone and provide a sense of security and confidence essential to their recovery process. In addition, economic empowerment programs should also be given to the victims. Sexual exploitation often leaves the victims trapped in a cycle of poverty and economic instability.⁴² Therefore, economic empowerment programs can help victims become independent and build a better life after experiencing sexual exploitation.

In Islamic law, the victim's recovery also includes aspects of social justice. Islam emphasizes the importance of improving the social position of victims in society, ensuring they do not experience isolation or stigmatization, and providing ongoing support for their recovery.⁴³ In addition, Islam emphasizes that the approach to healing must be centered on the needs and rights of the victim, allowing them to have control over their recovery process. Thus, Islamic law not only affirms the need for fair enforcement of laws against perpetrators but also pays attention to preventive and remedial aspects in dealing with sexual exploitation. It reflects the values of humanity, justice, and equality that are the mainstays in the teachings of Islam.

⁴² Sibnath Deb et al., "Child Trafficking for Prostitution: The Exploitation of Poverty-Stricken Situation," *Disadvantaged Children in India: Empirical Evidence, Policies and Actions*, 2020, 49–83, https://doi.org/10.1007/978-981-15-1318-3_2.

⁴³ Benaouda Bensaid, Salah ben Tahar Machouche, and Mustafa Tekke, "An Islamic Spiritual Alternative to Addiction Treatment and Recovery," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 1 (2021): 127–62, <https://doi.org/https://doi.org/10.14421/ajis.2021.591.127-162>.

Conclusion

The complexity of the problem of human trafficking and exploitation requires a holistic sexual approach that considers social, economic, cultural, and religious aspects. A thorough review of these issues allows for identifying the root causes and finding more effective and sustainable solutions. Islamic law offers a strong moral foundation for protecting human rights and rejecting exploitation and trafficking. However, research findings show that there are challenges in implementing Islamic law in overcoming human trafficking and sexual exploitation, namely a lack of understanding of Islamic legal norms, which require human values and justice; Islamic law is not implementational; and there is a perception that the principles of Islamic law can only be applied in Islamic countries. Therefore, implementing the principles of Islamic law requires active commitment from various parties, especially the state and society. The role of the state is important in providing a strong justice system to punish criminals while providing adequate services for victims, such as access to medical care, psychological support, counseling, and rehabilitation. Active community participation, meanwhile, places greater emphasis on moral and social support for victims to reduce social stigma and ensure that victims receive support and are respected in their recovery process. Solid collaboration between the principles of Islamic law, concrete state action, and active community participation is expected to minimize the problems of human trafficking and sexual exploitation. To complement this research, future research should focus on the application of Islamic law in Islamic-based countries to overcome the problem of human trafficking and exploitation.

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