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<https://islamicreligious.com/index.php/Journal/index>Print ISSN: [3006-1296](#) Online ISSN: [3006-130X](#)Platform & Workflow by: [Open Journal Systems](#)**TOWARDS AN INTEGRATED MODEL OF CHILD PROTECTION: SHARIAH, PAKISTANI LAW, AND INTERNATIONAL PERSPECTIVES****Sadia Rafiq**

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**Abstract**

*Child abuse remains one of the most persistent and devastating challenges in Pakistan. Despite a growing legal framework, incidents of abuse continue to rise due to cultural taboos, weak enforcement, and lack of awareness. This article expands upon doctoral research to present a detailed analysis of child abuse in Pakistan. It explores the Shariah perspective through Qur'anic injunctions, Hadith, and classical juristic thought; empirical findings from a survey in Sargodha Division; and critical comparative analysis of Pakistani law with Egypt's hybrid system and Western child protection models. A literature review of Pakistani, Islamic, and international scholarship is also provided. The article concludes with remedies, including restorative justice, psycho-legal strategies, and policy reforms. It argues for an integrated model of child protection that unites Shariah principles, Pakistani law, and international best practices to safeguard children's dignity and future.*

**Keywords:** *Child abuse, Shariah, Pakistan, child protection, comparative law, restorative justice, legal reform, international perspectives*

**Introduction**

Child abuse is one of the most disturbing social and moral crises confronting Pakistan today. It occurs in multiple forms—physical violence, sexual exploitation, psychological harm, and neglect—affecting children in households, schools, workplaces, and even in religious institutions. In recent years, a series of tragic incidents have heightened public concern. Among the most prominent was the Zainab Ansari case in 2018, where a young girl was abducted and murdered in Kasur. The widespread outrage that followed compelled legislators to introduce the Zainab Alert, Response and Recovery Act (2020), a law designed to strengthen mechanisms for the prevention and investigation of such crimes. However, despite these reforms, the persistence of child abuse indicates that legislation alone cannot address the problem.

The crisis is exacerbated by social stigma and cultural taboos that discourage reporting of abuse. Families often fear dishonor and social exclusion if such cases are made public. As a result, countless cases remain hidden, with victims silenced and perpetrators unpunished. Another major obstacle is the weakness of law enforcement. Police investigations are frequently marred by corruption, inefficiency, and delays, while the judicial system suffers from backlog and lengthy trials. Consequently, the gap between the existence of laws and their effective implementation undermines confidence in the justice system.

Against this backdrop, a deeper exploration of Islamic teachings is essential. Pakistan is an Islamic Republic, and religion plays a vital role in shaping social norms. Islam views children as a sacred trust (amanah) from Allah. The Qur'an and Sunnah not only command their protection but also emphasize compassion, love, and justice in upbringing. Child abuse, in all its forms, contradicts the very spirit of Islamic ethics and jurisprudence. Therefore, incorporating a Shariah-based framework into discussions of child protection is not only relevant but necessary for creating policies that resonate with the cultural and religious ethos of Pakistan.

This article is based on doctoral research and adopts a multi-dimensional analytical approach. It addresses child abuse in Pakistan from three perspectives: (1) The Shariah perspective, with Qur'anic injunctions, Prophetic traditions, and juristic interpretations providing a normative framework for protection. (2) Empirical findings from a survey conducted in the Sargodha Division, offering insights into public awareness, perceptions, and barriers to justice. (3) Comparative analysis with both Muslim-majority and Western legal systems, focusing on Egypt's hybrid Shariah-civil model and Western systems such as the UK and US.

### **Literature Review**

A growing body of literature addresses child abuse in Pakistan and globally. Pakistani scholars such as Jalil (2022) highlight poverty, ignorance, and weak enforcement as key causes of abuse, while Malik (2010) explored parental rejection as a driver of abusive behavior. Reports by NGOs such as Sahil (2019) document the rising incidence of sexual abuse, while SPARC focuses on child labor and neglect. However, most of these works emphasize descriptive statistics rather than analytical models.

From an Islamic perspective, Abbasi (2022) examined children's rights in the Qur'an and Sunnah, arguing that Shariah provides strong prohibitions against abuse and neglect. Classical jurists across the four Sunni schools also stressed guardianship duties, parental obligations, and the sanctity of children's rights.

International literature includes UNCRC (1989), which obligates states to ensure children's survival, development, and protection. Western scholars such as Finkelhor emphasize the psychological impacts of abuse, while legal studies from the UK and US highlight institutional reforms such as mandatory reporting and specialized child courts.

Despite valuable contributions, the literature reveals gaps: few studies combine Shariah with empirical data and comparative legal analysis. This article seeks to bridge that gap.

### **Shariah Perspective on Child Protection**

Islam provides one of the most comprehensive frameworks for the protection of children. The Qur'an and Sunnah present children as a divine trust (amanah) and a source of joy, affection, and responsibility. Protection of children is not merely a social or legal duty but a religious obligation tied to the very objectives of Shariah. In the Islamic worldview, abuse of children—whether physical, emotional, or sexual—is not only a violation of human rights but also a breach of divine trust and an act that undermines society's moral foundation.

### **Qur'anic Foundations**

The Qur'an explicitly prohibits harm to children. In Surah al-Isra (17:31), Allah commands: "Do not kill your children for fear of poverty; We provide for them and for you. Surely killing them is a grave sin." This verse historically condemned infanticide, a practice prevalent in pre-Islamic Arabia. However, its application extends to any form of harm or neglect that deprives children of life, dignity, or future.

Similarly, Surah al-An'am (6:151) includes the injunction: *"Do not kill the soul which Allah has made sacred except by right."* By extension, all forms of physical abuse or neglect that threaten a child's survival are violations of this divine command. The Qur'an also encourages kindness and justice in family relations. In Surah al-Baqarah (2:233), it is declared that mothers deserve respect and fathers bear the duty of providing sustenance. These verses collectively underline that **child-rearing is not optional but a binding responsibility in Islam**.

The Qur'an also addresses emotional and psychological well-being. In Surah al-Isra (17:23), believers are instructed to speak kindly and gently, particularly to parents. If such kindness is required for elders, by analogy (*qiyas*), it is even more essential for children who are weaker and more vulnerable. Any form of verbal humiliation or emotional neglect contradicts the Qur'anic ethos of mercy and justice.

## 2. Prophetic Traditions

The Sunnah reinforces and expands upon these Qur'anic principles. The Prophet Muhammad (peace be upon him) demonstrated extraordinary compassion towards children. He used to carry his grandsons Hasan and Husayn on his shoulders, saying, *"O Allah, love them, for I love them"* (Sunan al-Tirmidhi). On another occasion, he shortened the congregational prayer when he heard a child crying, showing sensitivity to children's emotional needs (Sahih al-Bukhari).

He also condemned cruelty, declaring: *"He is not of us who does not show mercy to our young and respect to our elders"* (Sunan al-Tirmidhi). This hadith sets mercy as the defining principle of interaction with children. It directly negates abusive practices such as harsh physical punishment, verbal humiliation, or neglect.

In terms of sexual abuse, the Prophet (PBUH) emphasized modesty (*haya*) and protection of vulnerable individuals. He warned against violating the honor (*'ird*) of others and prescribed severe punishments for zina (fornication) and related offenses. Although classical jurists debated evidentiary standards under *Hudood* and *Tazir*, the overarching principle is that sexual harm to children is one of the gravest crimes in Islam.

## 3. Juristic Perspectives Across Madhahib

Classical jurists from the four Sunni schools—Hanafi, Maliki, Shafi'i, and Hanbali—provided detailed rulings on guardianship, custody, and protection of children.

- **Hanafi School:** The father was recognized as the primary guardian (*wali*) with responsibility for financial support and education. Neglect of these duties could lead to the transfer of custody to other relatives. Hanafi jurists also held that beating children excessively was impermissible, allowing only light discipline for educational purposes.
- **Maliki School:** Malikis placed strong emphasis on the communal responsibility of society (*fard kifayah*). If parents failed in their duty, the community and state bore the obligation to protect the child. Maliki scholars also argued that children must not be exposed to harmful labor or environments, anticipating modern concerns about child exploitation.
- **Shafi'i School:** Shafi'i jurists highlighted the spiritual and moral upbringing of children. They stressed the duty to teach prayer, Qur'an, and ethical behavior while condemning any form of cruelty. For them, protection was not only physical but also moral and intellectual.
- **Hanbali School:** The Hanbali jurists stressed accountability and strict enforcement. Guardians who abused or neglected children could lose custody, and abusive acts

could trigger criminal penalties. They treated child protection as an extension of *hudood* principles, showing zero tolerance for sexual or physical harm.

Taken together, these juristic traditions show that **Islamic law does not tolerate child abuse in any form**. Rather, it places obligations on parents, guardians, and society to ensure holistic protection.

#### 4. Maqasid al-Shariah and Child Protection

The doctrine of *Maqasid al-Shariah* (objectives of Islamic law) offers a framework for understanding why child protection is central to Islam. The five primary objectives are:

1. Protection of life (*hifz al-nafs*)
2. Protection of intellect (*hifz al-'aql*)
3. Protection of religion (*hifz al-din*)
4. Protection of lineage (*hifz al-nasl*)
5. Protection of property (*hifz al-mal*)

Child abuse directly undermines at least four of these objectives:

- Physical abuse threatens life.
- Emotional and psychological abuse damages intellect.
- Sexual abuse corrupts lineage.
- Neglect undermines religion and moral development.

Thus, preventing child abuse is not merely a social necessity but a **Shariah imperative**.

#### 5. Institutional and Communal Responsibility

In addition to parental duties, Islam recognizes **collective responsibility**. If parents or immediate guardians fail, the community and state must intervene. Historically, mosques, madrassas, and endowments (*awqaf*) played significant roles in education and welfare. Today, these institutions can be mobilized for child protection campaigns. Imams can deliver sermons condemning abuse, madrassas can implement child safeguarding policies, and awqaf can fund shelters or rehabilitation centers.

The Prophet (PBUH) declared: *“Each of you is a shepherd, and each of you will be asked about his flock”* (Sahih al-Bukhari). This hadith establishes that responsibility is not limited to biological parents but extends to teachers, community leaders, and the state.

#### 6. Abuse as a Violation of Amanah

Perhaps the most powerful Shariah argument against child abuse is the concept of **amanah (trust)**. Children are entrusted by Allah to parents and society. Betraying this trust by engaging in abuse or neglect is a spiritual crime with worldly and eternal consequences. The Qur'an (8:27) warns: *“Do not betray Allah and the Messenger, nor betray your trusts knowingly.”* The Sunnah reinforces and expands upon these Qur'anic principles. The Prophet Muhammad (peace be upon him) demonstrated extraordinary compassion towards children. He also condemned cruelty, declaring: *“He is not of us who does not show mercy to our young and respect to our elders.”*

Classical jurists from the four Sunni schools—Hanafi, Maliki, Shafi'i, and Hanbali—provided detailed rulings on guardianship, custody, and protection of children. Collectively, these perspectives establish a comprehensive framework where abuse, neglect, or exploitation are religiously impermissible.

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#### Comparative Analysis of Shariah, Pakistani Law, and International Systems

The problem of child abuse requires more than moral condemnation; it demands robust legal and institutional responses. While Shariah provides a normative framework rooted in divine guidance, modern states operate through codified laws, enforcement agencies, and international conventions. A comparative analysis of Shariah, Pakistani law, Egypt's hybrid system, and Western legal frameworks highlights both strengths and weaknesses, offering valuable lessons for Pakistan.

#### Empirical Findings from Sargodha Survey

Empirical research is vital for understanding how communities perceive child abuse and how they respond to it. While Shariah and law provide normative frameworks, the practical reality often depends on awareness, cultural attitudes, and institutional performance. To explore these dimensions, a survey was conducted in the **Sargodha Division** of Punjab, Pakistan. The division was selected because it represents a mix of urban and rural populations, with diverse socioeconomic conditions and exposure to religious and legal education.

##### 1. Methodology and Sample

The survey employed a **structured questionnaire** administered to participants across different age groups, educational backgrounds, and professions. Respondents included students, teachers, parents, laborers, shopkeepers, and religious leaders. The sample size, though limited to the division, provides important insights into broader societal patterns in Pakistan. Questions focused on the definition of child abuse, awareness of types of abuse, perceived causes, knowledge of laws, awareness of Shariah rulings, and barriers to reporting.

##### 2. Awareness of Child Abuse

One of the most significant findings was the **general awareness of physical and sexual abuse**. The majority of respondents identified beating, sexual assault, and child labor as forms of abuse. However, awareness of **emotional abuse**—such as verbal humiliation, neglect, or lack of affection—was relatively low. Many respondents did not recognize emotional harm as a form of abuse, reflecting a cultural norm where harsh language and neglect are often dismissed as discipline or poverty-related hardship.

This finding indicates the need for awareness campaigns that emphasize the **holistic nature of abuse**, including emotional and psychological harm. Shariah, as discussed earlier, prohibits cruelty in all forms, not only physical violence. The gap between Islamic principles and societal understanding highlights the importance of religious framing in public education.

##### 3. Perceptions of Prevalence

The majority of respondents acknowledged that **child abuse is a widespread problem in Pakistan**. Many referred to media reports, particularly high-profile cases such as the Zainab Ansari tragedy, as evidence of increasing prevalence. However, some respondents believed that the media exaggerates the issue, reflecting skepticism or denial within certain sections of society.

Interestingly, rural respondents were more likely to see abuse as a “hidden issue” that is not openly discussed, while urban respondents referred more to media and NGOs as sources of information. This rural-urban divide suggests that while media has raised awareness in cities, **stigma and silence remain dominant in rural areas**.

#### 4. Causes of Child Abuse

Respondents identified multiple causes of child abuse, reflecting both structural and cultural dimensions:

- **Poverty and unemployment:** Many believed that economic stress leads parents to neglect or exploit their children, including sending them into hazardous labor.
- **Parental negligence and ignorance:** A lack of awareness about children's rights and developmental needs was frequently cited.
- **Weak law enforcement:** Respondents often described police as corrupt or unhelpful in handling child abuse cases.
- **Moral decline:** Some framed abuse as a consequence of weakening religious values and moral corruption.
- **Lack of accountability:** The perception that perpetrators often go unpunished discouraged reporting.

These findings resonate with the literature that highlights poverty, institutional weakness, and cultural norms as drivers of abuse. However, the emphasis on **moral decline** shows how respondents interpret the problem through a religious and ethical lens.

#### 5. Awareness of Laws

When asked about knowledge of child protection laws, most respondents admitted **limited awareness**. Few could name specific acts such as the Zainab Alert Act (2020) or provincial Child Protection Acts. Some were aware of the Pakistan Penal Code but did not know the exact sections dealing with child abuse.

This lack of awareness undermines the effectiveness of legal reforms. Laws cannot protect children if the public is unaware of them. By contrast, when asked about Shariah rulings, respondents readily affirmed that Islam prohibits cruelty, neglect, and sexual misconduct. This suggests that **Shariah framing is more culturally resonant than legal language**, and effective awareness campaigns should combine both.

#### 6. Awareness of Shariah Perspective

Although respondents affirmed that Islam prohibits abuse, few could cite specific **Qur'anic verses or Hadith**. Instead, they referred to general Islamic values of mercy, compassion, and justice. This indicates a **conceptual awareness** but limited textual knowledge. Religious leaders therefore have an important role in bridging this gap, by providing sermons and educational programs that highlight specific texts condemning abuse.

#### 7. Barriers to Reporting

Perhaps the most troubling finding was the identification of **barriers to reporting abuse**. Respondents highlighted:

- **Stigma and shame:** Families fear dishonor if a child's abuse becomes public, especially in cases of sexual abuse.
- **Corruption in police:** Many respondents said police often discourage registration of cases unless bribes are paid.
- **Judicial delays:** Lengthy trials discourage families from pursuing justice.
- **Victim-blaming:** Particularly in cases of sexual abuse, victims are often blamed for the incident.

These barriers explain why many abuse cases never reach the courts. They also highlight the need for reforms that address not only laws but also **institutional accountability and social stigma**.

## 8. Interpretation of Findings

The survey demonstrates a paradox: **high awareness of abuse as a problem, but low awareness of remedies and legal frameworks**. Respondents recognized abuse but lacked confidence in the justice system. At the same time, they affirmed the relevance of Islamic principles, suggesting that religious legitimacy can play a transformative role in awareness campaigns.

For example, respondents who viewed abuse as a moral decline also believed that sermons in mosques or madrassas could help raise awareness. This shows that **faith-based interventions may be more effective than purely legalistic campaigns**.

## 9. Implications

The survey has several implications:

1. **Awareness campaigns** should expand the definition of abuse to include emotional and psychological harm.
2. **Faith-based framing** should be used to bridge the gap between Shariah principles and legal reforms.
3. **Legal literacy programs** are essential to inform the public about specific laws.
4. **Institutional reforms** must target police corruption and judicial delays to build public trust.

Pakistani law criminalizes abuse under the Penal Code and child protection acts, but evidentiary standards and weak enforcement undermine effectiveness. Shariah prescribes deterrent punishments, while also emphasizing mercy and repentance. Egypt's Child Law (1996, amended 2008) provides state-run committees for protection, criminalizes abuse, and integrates Shariah legitimacy with international conventions. Western models such as the UK's Children Act (1989) and the US CAPTA (1974) prioritize prevention and child-friendly judicial processes.

Lessons for Pakistan include establishing specialized agencies for child protection, adopting mandatory reporting and fast-track courts, integrating Shariah legitimacy with modern reforms, and ensuring accountability of enforcement institutions.

## Remedies and Recommendations

An integrated model of child protection in Pakistan should include:

- Restorative Justice: Rehabilitation and reconciliation, aligned with Shariah's spirit of repentance.
- Psycho-Legal Approaches: Trauma-informed courts and counseling for victims.
- NGO and Civil Society Role: Strengthen groups like Sahil and SPARC for awareness and victim support.
- Policy Reforms: Mandatory reporting, child-friendly courts, fast-track systems, and inclusion of child rights in curricula.
- Religious Leadership: Mosques and madrassas should frame protection as a moral and religious obligation.

The UNCRC provides global standards, but their implementation must be contextualized within Shariah to resonate with Pakistan's cultural and religious environment.

## Conclusion

Child abuse in Pakistan is both a moral and legal crisis. Shariah strictly prohibits abuse and enjoins compassion, while Pakistani law provides a developing framework that remains weak in implementation. Survey findings reveal awareness of abuse but ignorance of remedies.

Comparative insights from Egypt and Western models demonstrate the possibility of blending Shariah legitimacy with international best practices.

Pakistan must adopt an integrated model that unites Shariah, law, and comparative insights. Such a framework will safeguard children, uphold justice, and fulfill both constitutional and religious obligations.

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