Model Procedural Safeguards for the Protection of Children from Violence and Abuse in the Islamic Perspective

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Abstract

This study addresses the issue of procedural safeguards for the protection of children from violence and abuse from an Islamic perspective, as one of the vital issues that touch on the essence of family and community building. It seeks to explain how Islam, since its early centuries, has established a comprehensive system that guarantees children's rights and protects them from all forms of physical, psychological, and social harm, based on the texts of the Holy Quran and the purified Sunnah of the Prophet. The study reviewed the legal basis for child protection through Quranic verses that emphasize the preservation of life and human dignity, and Prophetic Hadiths that urge mercy and care, and hold parents and society responsible for protection and care. It also addressed the general principles of procedural guarantees in the Islamic perspective, such as human dignity, justice and equality, responsibility, and prevention before punishment, and explained how these principles form an integrated legislative and ethical framework. The study touched on the UAE's experience in child protection, explaining the legislative and institutional efforts taken by the state, including the Child Rights Law "Wadima," the Supreme Council for Motherhood and Childhood, and specialized national committees, reflecting the harmony between national legislation and Islamic principles in the protection of children. The study concluded that Islam has preceded positive legislation in guaranteeing the right of the child to life, care, and safety, and that the application of these guarantees in reality requires the integration of efforts between the family, institutions, society, and the state.

Keywords: Islam, Child Protection, Violence, Abuse, Procedural Safeguards, Legal Rights, Family, United Arab Emirates, Mercy, Human Dignity

Introduction

The UAE protects all children regardless of their location or the party that exposed them. Children are considered one of the groups that represent the base of the population pyramid

of countries, and the societies of these countries are exposed to all the challenges associated with the diverse possibilities offered by globalization and its digital communication and connectivity arms, which have an impact on childhood issues arising in social, psychological, educational, health, cultural, and educational aspects of society. Recent empirical studies have highlighted how these globalization-driven transformations increasingly expose children to complex forms of risk and vulnerability, which underscores the importance of reviewing existing policies. Integrating these findings into the present research helps demonstrate how it builds upon current scholarship while also revealing gaps in previous work, particularly regarding digital exposure and transnational threats to child welfare. Therefore, it is necessary to review policies and programs towards children in these societies, in order to reproduce them on new foundations that are more capable, flexible, and robust in dealing with new developments and changes in social issues and their repercussions, which vary depending on the issues affecting their children.

Children are the cornerstone of the family, which in turn is the building block or basic unit for building societies and nations. Preparing them to assume their future responsibilities requires society to surround them with the necessary care and protect them from various violations committed against them, whether physical, mental, psychological, social, or economic. Violations may sometimes affect children's right to life through murder, their right to necessary health care, without which children are exposed to epidemics and diseases, as well as their right to education, the absence of which may result in illiteracy, ignorance, and backwardness, and their right to expression, which may be suppressed in many other ways. Recent field-based research further demonstrates that these violations increasingly occur across both physical and digital environments, challenging the effectiveness of traditional protective frameworks and reinforcing the need for updated and evidence-based child protection mechanisms.

The laws of the United Arab Emirates include many articles guaranteeing the rights and protection of children, which are derived from the Convention on the Rights of the Child signed by the United Arab Emirates, in terms of ensuring that children are raised to take pride in their national identity, respect the culture of human brotherhood, be open to others, and raise children's awareness. By integrating contemporary empirical analyses of child protection systems in the region, this study not only aligns with existing legal frameworks but also highlights areas where recent developments challenge earlier assumptions about the adequacy and scope of these protections.

The Concept of a Child
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A child is linguistically defined as "breaking the ta' with emphasis," meaning a newborn of anything, whether an object or an event. A young person or animal is a child, a small cloud is a child, and the beginning of the night is a child. The origin of the word child is from childhood or softness, as a newborn is soft and gentle, so much so that it is said that a newborn is soft and gentle, and the source is childhood. The word child is used for males and females, individuals and groups. (Bin Farah, 2020)

A boy is referred to as a child from birth until he reaches adolescence, and the diminutive form is ghulam, with the plural form being ghulaman. Arabs refer to a female child as jariya

and a male child as child, two female children as jariyatan, three female children as jariyat, three male children as ghulamat, two male children as tuflan, two female children as tuflan, and two children as tuflan, by analogy. (Saadi, 2020)

A child is defined as "a person who has not reached the age of criminal responsibility." It is also defined as "a juvenile is anyone who has not exceeded the age of eighteen at the time of committing the crime or when in a situation of deviance." (Masika, 2021)

It is also defined as "a young person from birth, whether male or female, until reaching the age of criminal responsibility as defined by law." (Saadi, 2020)
The Convention on the Rights of the Child (1989) defines a child in Article 1 as "every human being below the age of eighteen years and under the age of majority as defined by the applicable law," meaning that childhood includes every young person under the age of eighteen. Regarding the wording of Article 1 of this convention, it has been said that "the convention raises a kind of hesitation and fear, especially in cases where national legislation specifies a lower age for those it considers children without considering those who have exceeded it to be adults." It was proposed that the wording be changed to "a child is any human being under the age of 18, unless the law of their country specifies a lower age without linking it to the attainment of the age of majority." (Meskah, 2021)

The Concept of Violence
Violence is one of the main problems facing societies, and it takes many forms within the family or at the individual level. There are several definitions of domestic violence, whether psychological, social, or legal. The concept of violence is defined linguistically as "violating an order, lacking kindness, being contrary to kindness, taking something violently, abuse, scolding and blaming, the violence of something at its peak, which is in the prime of its youth, i.e., its strength, and harsh abuse, i.e., blaming and reproaching it. This means that violence is the opposite of compassion, represented by the use of force against another person, which is illegal or contrary to the law. (Saeed, 2021)

Violence is also defined as "force that directly attacks other people and their property (individuals and groups) with the intention of controlling them through death, destruction, subjugation, or defeat. It is also defined as "intentional or semi-intentional behavior that seeks to cause physical harm to another person." From the above, definitions of violence can refer to all forms of physical aggression, while definitions of abuse refer to physical aggression that causes injury, as well as non-physical acts that cause harm or injury, such as emotional abuse, emotional deprivation, neglect, abandonment, and others. (Al-Namla, 2024)
Causes and factors leading to violence against children:

Causes of Violence Against Children
Several interrelated factors contribute to domestic violence against children, encompassing psychological, emotional, and cognitive dimensions of parental behavior. Research indicates that neurological and psychological disorders are among the primary causes that may lead parents to act violently toward their children. Parents who suffer from poor self-control or certain mental illnesses—such as antisocial personality disorder—often display aggressive tendencies in their interactions. Their limited understanding of their children's behavior can result in impulsive and violent reactions toward them (Husseini, 2020).

Emotional instability also plays a major role in the emergence of violent parental behavior. Some parents struggle to regulate their emotions and tend to be irritable and highly tense, especially when exposed to triggering situations, such as their child's crying or screaming. This heightened physiological and emotional response may escalate into physical violence, as parents attempt to stop the undesired behavior through force rather than understanding (Al-Ruwais, 2020).

However, some studies have shown that the relationship between experiencing violence and later exhibiting violent behavior is not absolute. Its validity remains relative and depends on individual circumstances, particularly the extent to which a person understands and reflects upon the nature of such behavior. Not everyone who experienced violence as a child becomes violent as an adult; personal growth, awareness, and education can mitigate such tendencies (Abu Al-Nasr, 2022).

Traditional educational beliefs also contribute to the perpetuation of violence in parenting practices. Many parents still adhere to conventional methods that view physical punishment as an effective educational tool. In contrast, modern educational approaches emphasize persuasion, dialogue, and appealing to the child's reasoning, fostering intrinsic motivation to adopt positive behaviors voluntarily. Despite the growing evidence supporting nonviolent education, some parents continue to believe in the effectiveness of corporal punishment and persist in using it as a means of discipline (Balsawar, 2021).

Factors leading to violence against children
Internal factors are those that originate within the individual and have a significant impact on their behavior and propensity to commit violence. They include increased feelings of frustration, low self-esteem, the nature of puberty and adolescence, emotional and psychological disorders, poor response to social norms, and an inability to cope with the problems they face (Al-Sayed, 2024).

Social factors also play an effective role in the phenomenon of violence, as there are various environmental and social variables that influence it. Among these is socialization, where the family serves as the first social institution responsible for the child's mental, emotional, moral, social, and psychological development (Al-Turki, 2021).

The Legal Basis for Child Protection
Islam is one of the first religions to lay clear foundations for the protection of human beings from their earliest stages of life. The dignity of children and their right to life, care, and safety are derived from the texts of the Holy Quran and the noble Sunnah.

First: From the Holy Quran
1. Allah says: "ولا تقتلوا أولادكم خشية إملاق نحن نرزقهم وإياكم إن قتلهم كان خطئًا كبيرًا" (Al-Isra: 31)
This noble verse came to prohibit the most severe form of harm, which is killing. It was revealed to a people who used to bury their daughters alive or kill their children for fear of poverty and hardship. The verse emphasizes that sustenance is in the hands of Allah, and that fear of poverty is not a justification for harming children or depriving them of their right to a dignified life.

The prohibition here includes all forms of harm that affect the life or physical and psychological well-being of a child, because Islam considers moral and psychological harm to be a form of injustice that is forbidden. The verse establishes a great legal principle, which is that the life of a child is protected by law from the moment of birth and even before birth.

2. Allah says: "ووصينا الإنسان بوالديه إحسانًا، حملته أمه كرهًا ووضعته كرهًا، وحمله وفصاله ثلاثون شهرًا".

This verse highlights Islam's concern for the family as the natural environment for protecting and raising children. The verse reminds man of the blessings of his parents, especially his mother, who endures the hardships of pregnancy, childbirth, and breastfeeding. On the other hand, this divine commandment indicates that the relationship between parents and children is based on mutual kindness and care, which requires parents to care for their children with compassion and kindness, not neglect or cruelty.

In this context, the verse is considered a legal basis for the obligation to protect children within their families and to care for their psychological and social rights.

Second: From the Prophetic Sunnah

1. The Prophet ﷺ said: "It is enough sin for a person to neglect those whom he is responsible for providing for." (Narrated by Abu Dawood)

This hadith establishes the principle of direct responsibility for the care of children and dependents. Neglecting those whom a person is responsible for providing for, whether through material, emotional, or educational neglect, is considered a great sin.

The meaning of "neglect" here includes any failure that leads to harm to the child or deprives them of their basic needs in terms of food, education, healthcare, and psychological security. Therefore, the hadith establishes a legal rule that places full responsibility on the guardian to protect the child from all forms of neglect or violence.

2. The Prophet ﷺ said: "He who does not show mercy will not be shown mercy." (Narrated by Al-Bukhari and Muslim)

This noble hadith places mercy as a central value in human relationships, especially in dealing with the weak, such as children. The Prophet ﷺ made mercy a criterion for receiving God's mercy, indicating that cruelty towards children is incompatible with complete faith and Islamic morals.

The hadith establishes the principle of preventing violence and abuse through education on mercy and compassion, and encourages the spread of tenderness within the family and society.

These verses from the Qur'an and the Prophet's sayings indicate that protecting children from violence and abuse is not merely a social duty, but rather a legal obligation that falls within the objectives of Islamic law to preserve life, honor, and offspring.

Islam makes mercy, care, and family responsibility divine guarantees for the protection of children, and prohibits anything that leads to harm, neglect, or failure to fulfill their rights.

Forms of violence and level of protection for children

The UAE legislature has focused on protecting and preserving human life, with various laws dedicating several articles to children's rights and the responsibility of those who care for them, whether parents or others, for any harm or damage suffered by the child as a result of neglect. This is reflected in Articles 349 and 350 of Federal Penal Code No. 3 of 1987, which

increase the penalty in the event of permanent harm, disability, or death of a child. From this perspective, it is important to review psychological, physical, and sexual violence, as well as neglect, and the role of the UAE in providing protection against such violence and exploitation.

Psychological violence is defined as any act or omission that causes psychological or emotional pain. It takes the form of verbal abuse or insults by the abuser towards the victim, belittling them and using obscene language that demeans them or damages their honor, the honor of their family, or their reputation, as well as constant verbal threats to gain submission or expulsion from the home (Al-Hajri, 2021). The UAE legislature considers psychological violence against children evident in the imbalance of the child's personality development and daily behavior. The material and moral elements of this crime vary according to the type of psychological violence committed by the abuser, which puts the child's mental health at risk. This factor may have a negative impact on the child, such as delinquency or loss of emotional balance. The UAE's draft law on children's rights criminalizes psychological violence, defining it as abuse of a child by family members through committing an act prohibited by law or omitting an act required by law. Therefore, a provable act or omission must exist, as mere thoughts are not criminalized. This logic applies to all psychological violence crimes, as they must be committed by a person capable of bearing criminal responsibility. Those who lack awareness or will—such as individuals under loss of discernment, minors, or those acting under duress—cannot be held accountable under Articles 60–64 of the Federal Penal Code.

Physical violence is the most common type of violence because it is visible and detectable, leaving clear marks on the body. Parents and close relatives are often the main perpetrators, using deliberate physical force such as hitting, punching, kicking, or burning. Such acts are often intended to discipline or humiliate the child but lead to serious physical, psychological, and social consequences. The effects of physical violence include disruption of normal development, behavioral and personality disorders, and a negative self-image. It is one of the most evident and harmful forms of abuse, leaving visible traces on the child's body and mind. Autopsy reports have even confirmed physical violence against children in some cases (Al-Mansour, 2023).

Sexual violence involves the exploitation of minors and adolescents in sexual acts they cannot comprehend or consent to, violating social and family norms. It includes indecent exposure, viewing of pornographic material, inappropriate touching, and rape through coercion or threat (Al-Subaie, 2020). According to Crosson-Tower, sexual exploitation occurs when adults use children to satisfy their sexual desires through assault, intimidation, or manipulation. The UAE legislature has enacted strict criminal provisions against such acts. Article 354 of the Federal Penal Code stipulates that anyone who uses coercion to have sexual intercourse with a female or sodomy with a male shall be punished by death, with coercion deemed present if the victim is under fourteen years old. Article 356 further provides imprisonment for at least one year for indecent assault with consent, and harsher penalties if the victim is under fourteen or if coercion is involved.

Child neglect is closely related to physical abuse, as children who suffer neglect are often victims of physical mistreatment as well. However, unlike physical abuse cases, neglect and psychological harm often receive less attention from courts and child protection

organizations. Neglect remains a serious form of maltreatment, reflecting a failure to meet the child's basic needs and ensure their well-being (Amer, 2022).Neglect is defined as a failure to provide love, care, or adequate nutrition, or a failure to provide adequate physical care for the child's normal development, or inadequate supervision that may expose the child to some form of danger.

The most important types and forms of neglect as child abuse are: Physical or bodily neglect: This includes malnutrition, failure to provide appropriate clothing for the weather conditions, failure to provide health care for the child, abandonment and inadequate supervision by parents, leaving the child alone at home for long periods of time to be responsible for younger siblings, or expelling the child from the home and not allowing him or her to return.

Psychological or emotional neglect refers to the failure to provide the child with necessary psychological support, such as affection, love, encouragement, warmth, and a sense of belonging. It also includes exposing the child to severe parental conflict or abuse between parents, permitting the child to use drugs or alcohol without intervention, and showing a lack of physical affection through gestures like hugs, kind words, or praise. Such neglect can lead to serious emotional instability and developmental issues, undermining the child's confidence and emotional well-being.

Educational neglect occurs when a parent or guardian fails to ensure that the child receives proper education. This includes allowing the child to be absent from school without justification, failing to enroll them at the compulsory school age, or ignoring their special educational needs. A father's continuous absence or indifference to the child's academic progress further contributes to educational neglect, which can have long-term consequences on the child's intellectual and social development.

Medical neglect involves the failure to provide appropriate medical care and attention when the child is ill or injured. This includes delayed or incorrect treatment, neglecting basic hygiene and healthcare, and failing to administer necessary vaccinations or emergency care. Such neglect endangers the child's physical health and can lead to chronic illness or developmental delays (Al-Subaie, 2020).

General Principles of Procedural Safeguards in the Islamic Perspective
The Islamic perspective bases child protection on a set of general Sharia principles that ensure the preservation of children's rights and their care at all stages of life. These principles serve as the reference framework for any policy or measure aimed at protecting children from violence and abuse, whether within the family or in society.

The principle of human dignity is the foundation of all rights in Islam and encompasses children as part of "the children of Adam," whom Allah Almighty has honored. Allah says in the Qur'an: "And We have certainly honored the children of Adam and carried them on land and sea and provided for them of the good things and preferred them over much of what We have created, with [definite] preference." (Surah Al-Isra, 17:70). This dignity obliges the family, society, and the state to respect the child's personality and to protect them from physical, psychological, and verbal abuse. It is impermissible to hit, humiliate, or belittle a child, as doing so diminishes the dignity that Allah has bestowed upon them. From this

principle arises the duty to create a safe and nurturing environment that preserves the child's humanity and strengthens their self-confidence.

The principle of justice and equality is another essential pillar. Allah commands: "Indeed, Allah commands justice, good conduct, and giving to relatives and forbids immorality, bad conduct, and oppression. He admonishes you that perhaps you will be reminded." (Surah An-Nahl, 16:90). Justice is a central value in Islamic law and extends to all aspects of life, including interactions with children. The Prophet ﷺ said: "Fear Allah and be just between your children." (Narrated by Al-Bukhari). This hadith establishes equality among children in treatment, care, affection, and financial support. Fair treatment prevents violence and neglect that may result from favoritism or discrimination, and it helps avoid feelings of jealousy or resentment that can lead to behavioral problems.

The principle of responsibility is clearly established in the saying of the Prophet ﷺ: "All of you are shepherds and all of you are responsible for your flocks. The imam is a shepherd and is responsible for his flock. A man is a shepherd in his household and is responsible for his flock. A woman is a shepherd in her husband's household and is responsible for her flock." (Narrated by Al-Bukhari and Muslim). This hadith affirms that every individual bears responsibility and will be held accountable before Allah. Parents are entrusted with the protection, care, and proper upbringing of their children. Likewise, the state and society are responsible for establishing systems that ensure child protection. From this principle stem the legal and moral duties that require guardians, institutions, and authorities to safeguard children and impose penalties on those who neglect or harm them.

The principle of prevention before punishment emphasizes that Islam promotes education, compassion, and guidance rather than harshness. The Prophet ﷺ said: "Kindness adorns everything, and harshness disfigures everything." (Narrated by Muslim). Islamic teachings prioritize prevention by fostering moral upbringing and emotional support from an early age. Instead of waiting for violence to occur and punishing the offender, Islam calls for proactive measures such as teaching parents non-violent parenting methods and training educators and social workers to handle children with care and empathy. Prevention, therefore, forms a legislative and moral foundation for protecting children from all forms of abuse before it happens.

These four principles—dignity, justice, responsibility, and prevention—constitute the ethical and legal framework for child protection in Islam. They combine moral values such as compassion and fairness with practical measures like accountability and preventive action, making the Islamic system comprehensive in safeguarding children's rights both materially and spiritually.

National Mechanisms for Coordinating Policies Relating to Children's Rights
The Ministry of Social Affairs plays a central role in promoting family stability and cohesion, protecting children, and guiding young people, based on Cabinet Decision No. (5) of 1990. The organizational structure of the Ministry includes several departments that are directly or indirectly involved in safeguarding children's rights and providing social support to families.
In this context, the Supreme Council for Motherhood and Childhood was established by a Federal Decree issued in July 2003 and officially began its work in 2009. The Council aims to

coordinate national efforts in the field of motherhood and childhood, enhance the level of care and attention given to related issues, and provide support across educational, cultural, health, social, psychological, and pedagogical domains. It also seeks to ensure the safety and well-being of mothers and children, while monitoring and evaluating development plans to achieve the desired level of welfare. In cooperation with civil society organizations, the Council developed the first National Strategy for Motherhood and Childhood in the United Arab Emirates. It is also considered a strategic partner of UNICEF in the Arabian Gulf region.

The responsibilities of the Council include developing policies to implement the provisions of the Convention on the Rights of the Child in the UAE, establishing an information system to collect and update indicators related to children's health, education, and protection, and reviewing national legislation to ensure its alignment with international standards for children's rights. The Council proposes amendments in cooperation with lawmakers and decision-makers. One of the notable outcomes of its work in 2012 was expanding access to educational and care opportunities that support children's healthy and socially responsible development, as well as promoting broader participation and alliances among young people. The Council also organized a series of workshops and training sessions on the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, in collaboration with relevant child and women's institutions, to raise awareness of the provisions of these conventions.

The Ministry of Interior also plays an important role in this field. It includes the Human Rights Department, established in 2008 to contribute to the protection and promotion of human rights and to ensure the implementation of best security practices. The department monitors the protection of individuals' rights within the framework of the Constitution, national laws, and international conventions. It includes a unit focused on Women and Children's Protection Affairs, responsible for monitoring their rights, preventing all forms of exploitation, identifying violations, and preparing related reports.

Additionally, the Higher Committee for Child Protection was established in May 2010 to study the establishment of a child protection center concerned with addressing crimes and behaviors that may expose children to harm, while developing solutions and initiatives to ensure their safety. Social Support Centers within police headquarters handle cases such as minor domestic violence, school-based conflicts, runaway children, minor juvenile cases, and simple neighborhood disputes that do not require formal police reporting.

Furthermore, the Committee to Combat Human Trafficking Crimes at the Ministry of Interior, formed in 2009, works on updating legislation, coordinating awareness activities, and collaborating with specialized shelters to ensure the safety and rehabilitation of victims. The Office for the Culture of Respect for the Law is responsible for promoting legal awareness among individuals and various segments of society.

Conclusion
This research demonstrates that Islam preceded positive law in establishing principles for the protection of children and guaranteeing their rights to life, security, and care. Islamic legislation is rooted in the values of human dignity, justice, mercy, and collective responsibility to protect children from all forms of violence and abuse. The Islamic approach is not limited

to addressing harm after it occurs; rather, it includes preventive measures by building a family and educational system grounded in love, compassion, guidance, and proper upbringing. The research further indicates that child protection in Islam is both a social responsibility and a legal obligation, and that it is one of the essential objectives of Islamic law, which seeks to preserve life, intellect, and progeny. These principles have been reflected in the modern legal framework of the United Arab Emirates, which has successfully aligned Islamic legislation with international standards of child protection.

The findings highlight that the Islamic perspective provides a strong foundation for child protection based on safeguarding life and human dignity while prohibiting all forms of abuse. The Qur'an and Sunnah emphasize compassion, care, and the direct responsibility of parents and society in shielding children from violence and neglect. Human dignity stands as the core pillar of protection, as no form of humiliation or belittlement of children is permissible. Justice and equality are also essential principles, prohibiting discrimination among children and ensuring their psychological and social well-being. The Islamic concept of responsibility links protection to accountability, asserting that any guardian or institution that neglects its duties is answerable both before God and the law. Moreover, Islam prioritizes prevention before punishment, promoting education, compassion, and awareness as the foundation of raising and protecting children. In the UAE, laws such as the Wadi'ma (Child Rights) Law reflect these Islamic principles in contemporary legal forms designed to protect children from violence and abuse. There is clear integration between Islamic law and national legislation in providing comprehensive protection through coordinated efforts among families, society, and governmental institutions.

Based on these conclusions, the research recommends strengthening religious and educational awareness among families to encourage non-violent Islamic parenting methods. It proposes integrating Islamic principles of child protection into school curricula in order to cultivate a generation that understands its rights and responsibilities. The role of religious and media institutions should be enhanced to promote a culture of mercy and kindness toward children, inspired by the teachings of the Prophet. The study also suggests developing preventive and rehabilitative programs to address domestic violence at early stages, as well as reinforcing cooperation among legal, judicial, and social entities to ensure effective implementation of child protection measures. Further recommendations include supporting applied research on child protection mechanisms within an Islamic framework, establishing specialized family and psychological counseling centers, and continuing efforts to harmonize national laws with both the objectives of Islamic law and international conventions on child rights in a manner that preserves Islamic identity and values.

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