



# Strengthening Legal Protection Against Online Child Sexual Grooming in Malaysia: A Comparative Legal and Maqasid Al-Shariah Analysis

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## ABSTRACT

In recent years, online child sexual grooming and exploitation have emerged as critical global concerns, driven by the rapid expansion of digital communication technologies and increased internet accessibility among children. In Malaysia, the rising number of reported cases highlights growing vulnerabilities faced by children in digital environments. This article examines the adequacy of the existing legal framework governing online child sexual grooming in Malaysia through comparative analysis with selected jurisdictions, namely the United Kingdom and Singapore. The study further evaluates the Malaysian legal framework using the normative principles of Maqasid al-Shariah, particularly the protection of life, intellect, dignity, and lineage. This study adopts a qualitative legal research methodology based on doctrinal legal analysis, comparative legal analysis, and normative evaluation. Data were collected from primary and secondary sources, including statutory provisions, case law, academic literature, policy documents, and institutional reports. The data were analysed using content analysis, comparative legal analysis, and descriptive analytical methods to identify regulatory strengths, structural gaps, and areas requiring legal reform across the examined jurisdictions. The findings indicate that while Malaysia has established an important legislative foundation through the Sexual Offences Against Children Act 2017 and related laws, existing provisions remain insufficiently comprehensive in addressing early-stage online grooming behaviour, particularly where explicit intent to commit a specific sexual offence is difficult to establish. In contrast, jurisdictions such as the United Kingdom and Singapore demonstrate stronger preventive legal approaches by criminalising sexual communication and grooming behaviour at earlier stages of interaction. From a *Maqasid al-Shariah* perspective, effective child protection requires not only punitive measures but also preventive legal mechanisms that safeguard children's dignity, psychological wellbeing, and long-term societal interests. This article proposes strengthening Malaysia's legal framework through clearer criminalisation of online sexual grooming as a standalone offence, enhancement of digital evidence frameworks, and the development of child-centred digital protection policies. Integrating contemporary legal mechanisms with *Maqasid al-Shariah* principles is essential to ensure holistic, sustainable, and culturally grounded protection of children in Malaysia's digital ecosystem.

**Keywords:** Legal Protection; Online Sexual Grooming; Child Sexual Exploitation; Children's Rights; Digital Child Protection; *Maqasid al-Shariah*

## INTRODUCTION

As a state party to the convention on the rights of the child (crc), Malaysia demonstrates a strong commitment to advancing and safeguarding children's rights at the national level. articles 19, 34, and 36 of the crc clearly stipulate that children must be protected from all forms of physical or mental violence, including sexual abuse, injury, maltreatment, and exploitation. in fulfilling these international obligations, Malaysia has undertaken various legislative and policy measures to ensure that children are adequately protected from such threats. children must also be safeguarded from sexual exploitation, including any inducement or coercion to engage in sexual activities or pornographic materials. furthermore, article 16 recognises the child's right to privacy and guarantees legal protection against arbitrary or unlawful interference and attacks.

At the domestic level, Malaysia has introduced the national child protection policy as a key initiative aimed at protecting children from neglect, abuse, violence, and exploitation. This policy is aligned with the philosophical and normative framework of the CRC as well as the Child Act 2001 (Act 611), which emphasises the principle of the best interests and protection of the child. Among the key objectives of this policy are to ensure that every child is protected from all forms of neglect, abuse, violence, and exploitation, and to strengthen support services to effectively address child-related protection issues.

Children constitute a vital national asset and an important component of human capital development. As such, they must be protected from all forms of neglect that could negatively affect their future wellbeing and development (Suhaid, 2021). In Malaysia, cases of online child exploitation have shown a concerning upward trend in recent years. Forms of exploitation include child pornography, online sexual grooming, sexual harassment, sextortion, and other related cyber-enabled sexual offences. This phenomenon is largely driven by increased access to digital devices and internet usage among children, often without adequate cyber safety literacy. Consequently, children are exposed to inappropriate online content and are vulnerable to manipulation and exploitation by perpetrators.

The United Nations Committee on the Rights of the Child, through its 2021 General Comment, emphasised the importance of recognising children's rights within the digital environment. While digital technology provides significant developmental opportunities, excessive and unregulated online exposure increases children's vulnerability to cybercrime and sexual exploitation (UNICEF, 2022). A local study found that both boys and girls in Malaysia face relatively equal risks of becoming victims of online sexual grooming due to similar levels of vulnerability. The frequency of social media usage and the number of social media accounts owned by children have a direct correlation with their exposure to online sexual grooming risks. The more frequently children use social media and the more accounts they possess, the higher their likelihood of exposure to online sexual grooming (Asmi Asmidar et al., 2018).

The Royal Malaysia Police (PDRM) revealed that more than 106,000 internet protocol (IP) addresses registered in Malaysia were linked to the sharing of child sexual abuse materials between 2017 and August 2022. PDRM also reported that a total of 5,350 child sexual crime victims were recorded between April 2017 and 2022 (Astro Awani, 2023). These findings are supported by studies conducted by the United Nations Children's Fund (UNICEF), end child prostitution, child pornography and trafficking of children for sexual purposes (ECPAT), and the International Criminal Police Organization (INTERPOL), which found that in 2022, approximately 4% of Malaysian children aged 12–17 who use the internet were reported to have experienced online sexual exploitation and abuse.

In addition, PDRM statistics revealed that 1,299 rape cases were reported and increased to 1,388 cases in 2022 and further to 1,590 cases in 2023. PDRM further highlighted that many rape cases involving minors originated from online sexual grooming through social media platforms, including messaging applications such as WhatsApp (Bernama, 2024). Among reported cases was an incident involving a married adult male who raped an underage teenage girl whom he had befriended through the TikTok application, resulting in an eight-month pregnancy (Berita Harian, 2024). Such cases have undoubtedly heightened public concern regarding the safety and wellbeing of children in Malaysia's increasingly digitalised society.

## LITERATURE REVIEW

### Definition and Concept of Online Sexual Grooming Against Children

Children are generally understood as individuals in the early stages of human development, commonly associated with young boys or girls below approximately seven or eight years old in general linguistic usage (Kamus Dewan Bahasa dan Pustaka, 2016). However, from a legal perspective, the term "child" carries a broader and more precise definition. Under the Child Act 2001, a child refers to any person below the age of 18 years. Demographically, children constitute a significant proportion of Malaysia's population. According to statistics from the Department of Statistics Malaysia (2023), the total number of children below 18 years old was estimated at 9.13 million in 2023, representing approximately 27.4% of Malaysia's total population of 33.38 million. Of this number, approximately 4.72 million were boys and 4.42 million were girls. These figures demonstrate that children represent a substantial and vulnerable demographic group, particularly within increasingly digitalised social environments where exposure to online risks is expanding.



The term grooming in the Malay language originates from the root word *antun*, which historically refers to elegance or attractiveness, while *berantun* refers to beautifying or self-decoration (Kamus Dewan Bahasa dan Pustaka, 2016). However, the term has undergone significant conceptual evolution in contemporary legal and criminological discourse. According to the Malay Language Reference Centre (PRPM), child sexual grooming refers to criminal conduct involving the establishment of relationships with children, particularly through digital platforms, with the intention of persuading, manipulating, or coercing them into sexual activities. Similarly, Koons (2017) defines child grooming as a process whereby an adult establishes a relationship with a child, either physically or through internet-based technologies, for the purpose of facilitating future sexual interaction, whether conducted online or offline.

In criminological and behavioural analysis, grooming is generally understood as a preparatory process preceding sexual exploitation. Perpetrators typically engage in structured behavioural strategies designed to prepare both the child and the surrounding environment before abuse occurs. These strategies include gaining access to the child, establishing trust and compliance, and maintaining secrecy to avoid detection (Craven, Brown, & Gilchrist, 2007). Within this framework, sexual grooming functions as a deliberate manipulation process involving emotional closeness and psychological conditioning, ultimately aimed at facilitating sexual abuse. In the digital environment, grooming activities may include coercing children to expose their bodies, engaging them in sexually explicit conversations, or deceiving them through social media platforms such as WeChat, WhatsApp, and similar communication technologies (Asmi Asmidar et al., 2018).

Sexual grooming behaviour typically occurs in progressive stages. Lewis (2020) explains that in the initial stage, perpetrators establish emotional connections with targeted victims by offering attention, compliments, and emotional validation. Offenders often position themselves as trusted individuals to whom children can disclose personal problems. At the same time, perpetrators may gradually normalise sexualised behaviour through subtle exposure to sexual content. In subsequent stages, perpetrators may escalate manipulation through emotional coercion, threats, or psychological pressure, including threats to terminate the relationship, ultimately leading to compliance with requests such as sharing sexually explicit images.

Online sexual grooming is further conceptualised as a preparatory process involving exposure of children to sexualised content or interactions prior to actual sexual abuse, typically conducted through digital platforms such as social media, web-based applications, and chat services (Nur Hafiza & Salina, 2021). Online perpetrators frequently exploit digital anonymity by creating false identities and presenting themselves as peers to gain children's trust. Groomers may strengthen emotional bonds by demonstrating shared interests, offering gifts, and providing emotional affirmation. Once trust is established, perpetrators may escalate interactions by requesting sexually explicit materials or arranging physical meetings for sexual exploitation.

One commonly identified grooming strategy involves exposing children to pornographic material to desensitise them to sexual content and reduce psychological resistance. Perpetrators may also attempt to normalise sexual behaviour by presenting sexualised content as educational or socially acceptable. Exposure to explicit material may stimulate curiosity among children, particularly during the developmental transition from childhood to adolescence (Ponton & Judice, 2004). This curiosity may subsequently develop into sexualised discussions, which may further escalate into exploitation and abuse (Asmi Asmidar et al., 2018).

From a legal perspective, grooming is increasingly recognised as a process involving intentional psychological manipulation and trust-building strategies aimed at facilitating sexual exploitation. Perpetrators gradually create emotional dependency and a false sense of safety to influence children into engaging in harmful or inappropriate activities. In the context of online environments, grooming occurs through messaging applications, social media platforms, and online gaming ecosystems. The accessibility, anonymity, and global reach of digital technologies enable offenders to contact children without geographical or temporal limitations. Online interactions often begin as seemingly harmless conversations but gradually evolve into manipulative interactions designed to facilitate exploitation, disclosure of personal information, or sexual abuse.

Online child sexual grooming represents a growing global concern, particularly due to increasing digital exposure among children. Studies indicate that both boys and girls face comparable risks of victimisation due to similar vulnerability levels. Furthermore, empirical findings demonstrate that the frequency of social media usage and the number of social media accounts owned by children have a direct correlation with their vulnerability to



grooming risks. Higher levels of digital engagement significantly increase exposure to potential grooming activities (Asmi Asmidar et al., 2018). These findings highlight the urgent need for legal frameworks that not only criminalise completed sexual offences but also address preparatory grooming behaviours at early stages to ensure effective child protection in digital environments.

## METHODOLOGY

This study adopts a qualitative legal research methodology based on doctrinal legal analysis, comparative analysis, and normative evaluation using the *Maqasid al-Shariah* framework. The doctrinal approach is used to examine statutory provisions, judicial decisions, and legal principles relating to online child sexual grooming. Primary data sources consist of statutory laws and relevant case law. Secondary sources include academic literature, classical Islamic jurisprudential writings, policy reports, and institutional publications relating to child protection and online sexual exploitation. Data were analysed using content analysis, comparative legal analysis, and descriptive analytical methods to identify regulatory strengths, structural gaps, and areas requiring legal reform across the examined jurisdictions. The application of the *Maqasid al-Shariah* framework provides a normative evaluative dimension by assessing the effectiveness of legal provisions in safeguarding the five fundamental objectives of Islamic law, namely the protection of religion, life, intellect, lineage, and property. This integrated methodological approach enables the study to produce a holistic legal and normative evaluation of Malaysia's existing regulatory framework while proposing legally sound and ethically grounded reform recommendations.

## DISCUSSION AND FINDINGS

### Protection of Children from Online Sexual Grooming From *Maqasid al-Shariah* Perspective

According to Al-Syaukani (2022), the term *child (al-tifl)* is closely associated with the concept of *al-sighar* (minority), referring to the developmental period beginning from birth until the attainment of puberty. The determination of puberty (*baligh*) is generally identified through natural physical signs and personal developmental experiences of the child (Al-Suyuti, 1968). The majority of classical Islamic jurists (*jumhur fuqaha'*), including scholars from the Shafi'i, Hanafi, and Hanbali schools of thought, generally agree that childhood ends upon reaching the age of fifteen, particularly in the absence of physical signs of puberty (Ibn Qudamah, 2017). In contrast, the majority of Maliki jurists determine the age of puberty at eighteen years (AlJaziri, 1986). These juristic perspectives demonstrate that Islamic law recognises developmental maturity as an important benchmark in determining legal and moral responsibility.

From an Islamic perspective, all matters relating to child protection must be grounded in the principles of *Maqasid al-Shari'ah*, which emphasise the balance between *maslahah* (public interest or benefit) and *mafsadah* (harm or corruption), particularly in matters affecting children (Suhaizad et al., 2021). *Maqasid al-Shari'ah* refers to the underlying objectives, wisdom, and purposes that Islamic law seeks to preserve, whether in general or specific rulings, to ensure the wellbeing of humanity (Al-Yubi, 1998). Islam recognises five fundamental protections within the Maqasid framework, namely the protection of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*).

Islam places strong emphasis on the protection of children's lives. Historically, Islam strictly prohibited the killing of children, a practice prevalent during the pre-Islamic *Jahiliyyah* era. Allah SWT states:

“And do not kill your children for fear of poverty. We provide for them and for you. Surely killing them is a great sin.” (Surah Al-Isra', 31)

The protection of children's lives is also reflected through parental responsibilities such as breastfeeding, guardianship, and financial maintenance to ensure children grow and develop in a safe and healthy environment. Allah SWT states:

“Mothers shall breastfeed their children for two full years for those who wish to complete the nursing period. The father is responsible for providing food and clothing for the mother in a reasonable manner.” (Surah AlBaqarah, 233)



These verses highlight the shared parental responsibility in ensuring the wellbeing and survival of children. Crimes such as child exploitation and sexual abuse threaten children's safety and overall wellbeing, and therefore must be prevented through effective legal and social protection mechanisms.

In relation to the protection of religion, Islam requires parents to educate children with religious knowledge and instil proper Islamic moral values (Muhammad Qutub, 1982). Allah SWT states:

“O you who believe! Protect yourselves and your families from the Fire.” (Surah At-Tahrim, 6)

This verse emphasises parental responsibility in safeguarding children from harmful influences that may distance them from religious teachings. Sexual crimes against children may distort their understanding of moral and religious values. Therefore, children must be protected from all forms of sexual crimes that may hinder their ability to receive proper religious education.

From the perspective of protecting intellect, Islam emphasises intellectual development through beneficial knowledge, including religious knowledge, science, culture, and civilisation, to ensure children achieve intellectual maturity (‘Ulwan, 2002). The Prophet Muhammad SAW said:

“Seeking knowledge is an obligation upon every Muslim.” (Ibn Majah, 1993)

Imam al-Shafi‘i emphasised that parents are responsible for providing education to their children. As narrated by Ibn Qayyim, failure of parents to educate their children constitutes negligence of responsibility (Ibn Qayyim, 2003). Sexual crimes against children may negatively affect cognitive and psychological development, leading to reduced concentration and learning ability. Therefore, protecting children from sexual crimes is essential to preserve their intellectual development.

In terms of the protection of lineage, Islam emphasises the importance of preserving legitimate family lineage. A child's lineage must be established through a lawful marriage between a man and a woman. Children born outside lawful marriage cannot be legally attributed to the husband of the mother under Islamic law. The Prophet SAW said:

“The child belongs to the (marriage) bed, and the adulterer receives nothing but stones.” (Al-Hakim AlNaisaburi, 1998)

Sexual crimes involving children may lead to immoral behaviour such as illicit sexual relations, potentially affecting lineage preservation through illegitimate births. Therefore, preventing sexual crimes against children helps safeguard lineage when children reach adulthood.

Islam also emphasises the protection of children's property rights. Children are entitled to inheritance rights, including gifts (*hibah*), wills (*wasiat*), and inheritance distribution (*faraid*). However, children are generally restricted from managing their own property until they reach sufficient maturity. Allah SWT states:

“And do not give the weak-minded your property which Allah has made a means of sustenance for you, but provide for them from it and clothe them and speak to them kindly.” (Surah An-Nisa', 5)

This verse indicates that children's property must be managed by guardians until they reach maturity. Sexual crimes against children may have long-term impacts not only on life, intellect, religion, and lineage, but also on their ability to manage property effectively in adulthood due to psychological trauma and developmental disruption.

Child sexual grooming is considered a preparatory stage leading to illicit sexual acts such as *zina*. Grooming involves building emotional relationships with children as preparation for sexual exploitation. Allah SWT states:

“And do not approach *zina*. Indeed, it is an immoral act and an evil way.” (Surah Al-Isra', 32)

This verse prohibits all acts that may lead to *zina*, including behaviours such as persuading children to expose their bodies or engage in sexualised communication. Therefore, children must be protected from all forms of



sexual crimes, including sexual grooming, to ensure the preservation of life, religion, intellect, lineage, and property in accordance with *Maqasid al-Shariah* principles.

### **Legal Provisions Relating to Online Child Sexual Grooming in Malaysia, United Kingdom and Singapore**

Offences relating to online child sexual grooming in Malaysia are primarily governed under the Sexual Offences Against Children Act 2017 (Act 792), which came into force on 7 July 2017. The enactment of Act 792 represents a significant legislative milestone in strengthening Malaysia's child protection framework, particularly in response to the increasing prevalence of child sexual exploitation facilitated through digital technologies and online communication platforms. The Act consolidates various sexual offences against children within a single legislative framework and introduces specific provisions targeting preparatory sexual offences, including grooming-related conduct. From a preventive legal perspective, Act 792 reflects Malaysia's recognition that sexual exploitation frequently begins at the preparatory stage, thus requiring early legal intervention.

Section 11 of Act 792 criminalises sexual communication with a child, including acts of encouraging or inducing a child to engage in sexual communication. This includes conversations involving sexual activities conducted either physically or through digital means such as messaging applications, social media platforms, or other electronic communication channels. Upon conviction, offenders may be sentenced to imprisonment for a term not exceeding three years. However, the provision recognises limited statutory exceptions, particularly where communication is conducted for legitimate purposes such as education, scientific research, or medical treatment. This legislative balance demonstrates an attempt to protect children while preserving legitimate professional and educational discourse involving sexual health and scientific knowledge.

Section 12(1) of Act 792 significantly expands the scope of grooming-related offences by criminalising communication with a child through any means where there is intention to commit or facilitate the commission of sexual offences specified under Sections 5, 6, 7, 8, 14, or 15 of the Act, or offences listed in the Schedule. Upon conviction, offenders may face imprisonment of up to five years and whipping. This provision reflects Malaysia's legislative approach in recognising grooming as a preparatory stage leading to more serious sexual offences, thereby justifying early criminalisation of preparatory conduct.

Sections 5 to 8 of Act 792 specifically address child pornography offences, including producing, directing, distributing, or facilitating the production of pornographic materials involving children. Meanwhile, Sections 14 and 15 address sexual assault and related sexual offences involving children. Importantly, Section 12 adopts a broad interpretative approach by linking grooming conduct to multiple sexual offences under both Act 792 and the Penal Code, including rape under Section 376, incest under Section 376B, unnatural sexual acts under Section 377B, and sexual stimulation offences under Section 377E. This cross-referencing mechanism strengthens prosecutorial capacity by allowing grooming conduct to be linked to a broader spectrum of sexual offences.

A critical evidentiary element under Section 12 is the requirement to establish criminal intention. Prosecutors must demonstrate that communication with the child was conducted with the intention of committing or facilitating a sexual offence. While this requirement safeguards due process and prevents over-criminalisation, it also creates practical evidentiary challenges, particularly in early-stage grooming cases involving psychological manipulation rather than explicit sexual propositions. Notably, proof of the actual commission of the intended sexual offence is not always required, reflecting a preventive legislative strategy aimed at disrupting grooming activities before harm materialises.

Section 13 further strengthens the legal framework by criminalising acts of travelling or attempting to meet a child following grooming activities under Section 12. Conviction under this provision carries a penalty of imprisonment of up to ten years and whipping. This provision reflects legislative recognition of the escalation pattern typically associated with grooming behaviour, whereby offenders progress from online communication to physical meetings.

Judicial application of these provisions can be observed in cases such as *Public Prosecutor v Mohd Sukri bin Mohd Hasan* [2022] MLJU 2009, where the offender was convicted of sexual grooming and sentenced to ten years' imprisonment and whipping, alongside supervision and counselling orders. Similarly, in *Public Prosecutor v Muhammad Hazrul bin Harizal* [2023] MLJU 1549, the accused was convicted despite factual disputes relating to victim behaviour, illustrating the courts' recognition that grooming cases often involve psychological



manipulation and power imbalance rather than overt coercion. These cases demonstrate Malaysia's judicial willingness to adopt a protective and victim-sensitive approach in grooming-related prosecutions.

Despite these legislative developments, Malaysia currently lacks explicit statutory provisions criminalising online sexual grooming as a standalone digital offence. While Act 792 covers communication conducted "through any means," the Act does not specifically address purely digital grooming behaviour where sexual communication occurs without clear evidence of intent to commit a specific underlying sexual offence. This legislative gap may create evidentiary and prosecutorial challenges, particularly where offenders rely on gradual psychological manipulation rather than explicit sexual solicitation.

Existing cyber-related legal protections are primarily found under Sections 211 and 233 of the Communications and Multimedia Act 1998 (Act 588), which prohibit the dissemination of indecent, obscene, false, or threatening content. However, these provisions are general in nature and are not specifically designed to address the behavioural and psychological dynamics associated with grooming activities. As such, reliance on general cyber legislation may be insufficient in addressing sophisticated and evolving online grooming strategies.

From an enforcement perspective, digital grooming cases present unique evidentiary challenges. The collection, preservation, and authentication of digital evidence, including chat records, metadata, and behavioural digital patterns, are critical in securing convictions. The requirement to establish criminal intention further increases prosecutorial complexity, particularly in cases involving gradual or indirect grooming behaviour. The burden and standard of proof remain central to criminal adjudication, as convictions depend on the admissibility, sufficiency, and reliability of evidence presented before the court.

While Malaysia has established a significant legislative foundation through Act 792, further legal development may be necessary to address evolving digital grooming threats. Strengthening legal provisions to explicitly criminalise online sexual grooming as a standalone offence, enhancing digital evidence frameworks, and strengthening early-stage intervention mechanisms would significantly improve Malaysia's child protection framework in the digital era.

In contrast, the United Kingdom adopts a more explicitly preventive legislative model under the Sexual Offences Act 2003. Sections 15 and 15A criminalise both grooming behaviour involving physical meeting arrangements and purely sexual communication conducted for sexual gratification purposes. Section 15 criminalises situations where an adult aged 18 years or above meets or travels to meet a child under 16 following at least two prior instances of communication, where there is intention to commit a sexual offence. Evidence of intention may be inferred from prior sexual communication, sharing of pornographic material, or surrounding circumstances such as possession of sexual paraphernalia (Government of United Kingdom, 2023).

Section 15A significantly expands criminal liability by criminalising sexual communication with a child for sexual gratification purposes, even without any intention to meet the child physically. This reflects a strong preventive legal approach by recognising that sexual harm can occur through communication alone. The UK framework therefore criminalises grooming behaviour at an earlier stage compared to many jurisdictions, reflecting a legislative strategy focused on preventing harm before escalation into physical sexual offences.

Similarly, Singapore has developed a progressively preventive legal framework through Section 376E of the Penal Code, initially introduced in 2007. The provision criminalised preparatory acts involving repeated communication with a child followed by meeting or travelling with intention to commit sexual offences. Subsequent legislative amendments in 2019 introduced Sections 376EB and 376EC, which significantly expanded criminal liability by criminalising sexual communication with minors even without meeting arrangements.

Singapore's legislative framework reflects a multi-stage criminalisation approach, addressing sequential grooming behaviours including online communication, planning meetings, travelling to meet victims, and facilitating meetings between victims and offenders (S. Chandra Mohan & Yingqi Lee, 2020). The framework also criminalises related conduct such as exposure of genitalia online and the use of child abuse materials. These provisions demonstrate Singapore's strong commitment to early intervention and comprehensive criminalisation of grooming-related conduct.



Comparatively, while Malaysia's Act 792 provides important protection through criminalising grooming linked to sexual offences, the United Kingdom and Singapore frameworks demonstrate stronger preventive orientation by explicitly criminalising sexual communication at earlier behavioural stages. This comparative analysis suggests that further legislative refinement in Malaysia may be necessary to enhance early-stage digital protection and improve prosecutorial effectiveness in addressing evolving online grooming threats.

### **Comparative Analysis Between Legal Frameworks and *Maqasid al-Shariah* in Addressing Online Child Sexual Grooming**

The regulation of online child sexual grooming may be critically evaluated through the normative framework of *Maqasid al-Shariah*, which provides a holistic legal philosophy centred on the preservation of human welfare, dignity, and social order. Unlike purely positivist legal systems that focus primarily on criminalisation and punishment, *Maqasid al-Shariah* emphasises preventive protection, harm minimisation, and the safeguarding of long-term societal wellbeing. When applied as an analytical framework rather than merely a descriptive concept, *Maqasid al-Shariah* enables a deeper evaluation of whether existing legal provisions are sufficiently preventive, proportionate, and protective in addressing emerging digital harms against children.

From a *Maqasid* perspective, child protection directly relates to the preservation of the five fundamental objectives of Islamic law, namely the protection of religion, life, intellect, lineage, and property. Online sexual grooming threatens multiple *Maqasid* dimensions simultaneously. It endangers psychological and emotional wellbeing, thereby affecting intellectual development, exposes children to sexual exploitation that may compromise dignity and lineage preservation, and in severe cases may threaten physical safety and life. In addition, prolonged exposure to sexual exploitation risks undermining moral and religious development, demonstrating that grooming offences are not isolated criminal acts but represent broader societal harm.

When assessed through this normative lens, differences emerge in the preventive strength of legal frameworks across Malaysia, the United Kingdom, and Singapore. The United Kingdom demonstrates strong alignment with preventive *Maqasid* principles, particularly through provisions under the Sexual Offences Act 2003 that criminalise sexual communication with a child even in the absence of physical meeting arrangements. This reflects the preventive legal philosophy of blocking harmful conduct at its earliest stage, consistent with the principle of preventing harm before it materialises. By recognising that psychological manipulation and sexualised communication alone may constitute harm, the UK framework demonstrates a strong preventive orientation consistent with the broader objective of safeguarding human dignity and welfare.

Similarly, Singapore adopts a progressive multi-stage criminalisation approach that reflects strong preventive legal policy. The introduction of provisions criminalising sequential grooming behaviour, including communication, planning, travelling, and facilitating meetings, demonstrates a structured early intervention model. From a *Maqasid* perspective, this approach reflects a proactive strategy in preventing harm escalation and protecting societal moral order. By criminalising preparatory digital behaviour without requiring proof of physical contact or completed sexual offences, Singapore's framework aligns closely with preventive legal philosophy that prioritises protection over reactive punishment.

In comparison, Malaysia's legal framework under the Sexual Offences Against Children Act 2017 demonstrates partial alignment with preventive *Maqasid* principles. The Act criminalises preparatory conduct and communication linked to sexual offences, reflecting recognition that grooming is a precursor to sexual harm. However, the requirement to establish intention to commit a specific underlying sexual offence may limit early intervention capabilities, particularly in cases involving gradual psychological manipulation without explicit sexual propositions. From a *Maqasid*-based preventive perspective, effective child protection requires legal mechanisms capable of addressing harmful conduct at the earliest behavioural stage, rather than only when criminal intention can be clearly established.

This limitation is particularly significant in the digital context, where grooming often occurs through incremental emotional manipulation rather than overt sexual requests. The absence of explicit statutory provisions criminalising standalone online sexual grooming may therefore reduce the preventive effectiveness of Malaysia's legal framework when evaluated through a harm-prevention lens.

Another critical comparative dimension relates to evidentiary and procedural protection. *Maqasid al-Shariah* emphasises justice, fairness, and the protection of human dignity, particularly for vulnerable individuals such as

children. In this regard, child-sensitive judicial procedures, protection of victim identity, trauma-informed investigative practices, and digital evidence handling protocols are essential components of effective child protection. Jurisdictions such as the United Kingdom and Singapore have demonstrated stronger development in child-sensitive procedural safeguards and specialised digital investigation frameworks. These developments reflect alignment with broader *Maqasid* objectives relating to dignity preservation and protection from secondary victimisation during legal proceedings.

Furthermore, *Maqasid al-Shariah* emphasises collective societal responsibility in protecting vulnerable groups. Contemporary child protection frameworks increasingly adopt multi-agency approaches involving law enforcement agencies, welfare institutions, education sectors, and civil society organisations. This convergence reflects shared recognition that child protection requires coordinated systemic intervention rather than purely punitive legal responses. Such integrated protection models align with broader *Maqasid* objectives of preserving social stability and public welfare.

From a legislative reform perspective, integrating *Maqasid al-Shariah* into contemporary child protection laws strengthens normative legitimacy, particularly in Muslim-majority jurisdictions such as Malaysia. This integration ensures that legal reforms are not only technically effective but also socially and ethically grounded. Importantly, *Maqasid*-based legal analysis does not replace statutory law but enhances its preventive and protective effectiveness by emphasising early harm prevention, dignity protection, and long-term societal wellbeing.

Overall, the comparative analysis demonstrates that contemporary legal frameworks and *Maqasid al-Shariah* principles are complementary rather than contradictory. While statutory law provides enforceable legal mechanisms, *Maqasid al-Shariah* provides a normative framework that emphasises prevention, proportionality, and human dignity. The integration of both approaches offers a more comprehensive and sustainable legal strategy for addressing online child sexual grooming in increasingly digitalised societies.

## CONCLUSION

Online child sexual grooming poses a complex and evolving threat to child protection in the digital era. Increased access to digital technologies and children's growing online presence have created new opportunities for manipulative and exploitative conduct. Although Malaysia has established an important legislative foundation through the Sexual Offences Against Children Act 2017 (Act 792), which criminalises sexual communication, preparatory grooming conduct, and attempts to meet children following grooming activities, the current framework remains largely offence-linked rather than behaviour-based in addressing early-stage online grooming. Comparative analysis with the United Kingdom and Singapore demonstrates the effectiveness of more preventive legislative approaches. Both jurisdictions criminalise sexual communication and grooming behaviour at earlier stages, even without proof of physical meeting or clearly established intent to commit specific sexual offences. These approaches recognise that sexual harm may occur at psychological and preparatory stages, particularly within digital environments where manipulation often precedes physical abuse. From a *Maqasid al-Shariah* perspective, effective child protection requires preventive legal mechanisms that safeguard not only physical safety but also psychological wellbeing, dignity, and long-term societal stability. Online sexual grooming threatens key *Maqasid* protections, particularly life, intellect, lineage, and moral integrity. The principle of preventing harm before it materialises supports the need to criminalise harmful preparatory behaviour at earlier stages. The study also highlights enforcement challenges, particularly in relation to digital evidence and the requirement to prove criminal intention. Grooming cases often involve gradual psychological manipulation rather than explicit sexual propositions, making evidentiary proof more complex. Strengthening digital forensic capacity and developing clearer evidentiary guidelines are therefore essential. Accordingly, this study recommends strengthening Malaysia's legal framework through clearer standalone provisions on online sexual grooming, enhanced early intervention mechanisms, improved digital evidence frameworks, and expanded child-sensitive investigative and judicial procedures. Integrating contemporary legal mechanisms with *Maqasid al-Shariah* principles provides a holistic and culturally grounded framework for protecting children in Malaysia's digital environment.

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## REFERENCES

1. Al-Suyuti. (1968). *Al-asybah wa al-nazair fi qawaid wa furu' fiqh al-Shafi'iyyah*. Cairo: Mua'assah alHalabi.
2. Al-Syarbini. (2000). *Mughni al-muhtaj*. Beirut: Dar al-Kutub al-'Ilmiyyah.
3. Al-Syaukani. (2002). *Fath al-qadr*. Beirut: 'Alim al-Kutub.
4. Asmi Asmidar Zainal Rashid, Mohammad Rahim Kamaluddin, Suzaily Wahab Abdul Aziz, Zarina Abdul Latiff & Balan Rathakrishnan. (2018). Kerentanan Kanak-kanak Malaysia terhadap Pengantunan Seksual Dalam Talian. *Jurnal Psikologi Malaysia*, 32(3), 91-108.
5. Child Act 2001 (Act 611).
6. Sexual Offences Against Children Act 2017 (Act 792).
7. Bahori, A., Mat Rashid, A., Yahya, M. A., Saifuddin, S., & Mat Salleh, M. K. (2023). Evidence and prosecution of out-of-wedlock pregnancies: A legal perspective of Syariah criminal offences in Malaysia. *UUM Journal of Legal Studies*, 14(1), 1-30.
8. Bernama. (2024, April 10). Rogol Bawah Umur Meningkatkan, Bermula dari Pengantunan. Bernama Online. <https://www.bernama.com/bm/news.php?id=2287200>
9. Craven, S., Brown, S., & Gilchrist, E. (2007). Current responses to sexual grooming: Implication for prevention. *The Howard Journal*, 46(1), 60-71.
10. ECPAT, INTERPOL dan UNICEF. (2022). *Disrupting Harm di Malaysia: Bukti mengenai eksploitasi dan penderaan seksual kanak-kanak dalam talian Children*.
11. Guidance on part 2 of the Sexual Offences Act 2003 (accessible version). (2023, March 31). GOV.UK. Retrieved October 5, 2024, from <https://www.gov.uk/government/publications/guidance-on-part-2-of-the-sexual-offences-act-2003/guidance-on-part-2-of-the-sexual-offences-act-2003-accessible-version>
12. Hasimi Muhamad. (2023, March 8). 5,350 jadi mangsa jenayah seksual kanak-kanak antara 2017-2022. Astro Awani. <https://www.astroawani.com/berita-malaysia/5350-jadi-mangsa-jenayah-seksualkanakkanak-antara-20172022-azalina-409806>
13. Department of Statistics Malaysia. (2023, November 1). *Children statistics Malaysia 2023*. <https://www.dosm.gov.my/portal-main/release-content/children-statistics-malaysia-2023>
14. Khairul Nur Afiqah Khairul Ariffin. (2024). *Child Grooming: A Rising Epidemic In Malaysia*. Kevin Wu & Associates. <https://www.kevinwuassociates.com/post/child-grooming-a-rising-epidemic-in-malaysia>
15. Lewis, L. (2020). *Experience in online grooming from initial contact with offender to relationship-ending*. Walden Dissertations and Doctoral Studies, Walden University.
16. Malin Joleby, Carolina Lunde, Sara Landstrom & Linda S. Jonsson. (2021). Offender Strategies For Engaging Children in Online Sexual Activity. *Child Abuse & Neglect the International Journal*, 120, 115.
17. Mohan, S. Chandra & Lee, Yingqi. (2020). Sexual grooming as an offence in Singapore. *Singapore Academy of Law Journal*, 32, 96-123.
18. Nur Hafiza Ahmad & Salina Sen. (2021). Pengaruh Faktor Psikologikal Terhadap Kerentanan Pengantunan Seksual Kanak-kanak Dalam Talian. *Jurnal Wacana Sarjana*, 5(4), 1-18.
19. Ponton, L. E., & Judice, S. (2004). Typical adolescent sexual development. *Child and Adolescent Psychiatric Clinics of North America*, 13(3), 497-511.
20. Saifuddin, S. (2021). Peruntukan Beban Pembuktian di Bawah Enakmen Keterangan Mahkamah Syariah: Satu Penilaian. *Jurnal Undang-undang dan Masyarakat*, 28, 78-91. <https://doi.org/10.17576/juum-2021-28-08>.
21. Suhaizad Saifuddin, Ruzian Markom and Mohd. Munzil Muhamad. (2019). Kaedah pembuktian dalam undang-undang keterangan mahkamah syariah dan mahkamah sivil di Malaysia: Suatu kajian perbandingan. *Kanun: Jurnal Undang-undang Malaysia*, 31(1), 1 – 34.
22. Saifuddin, S., Mat Rashid, A., Bahori, A., & Yahya, M. A. (2021). Peranan Undang-Undang Syariah di Malaysia Dalam Melindungi Hak Kanak-Kanak Berdasarkan Maqasid Al-Shari'ah: The Role of Syariah Law of Malaysia In Protecting The Children's Rights Based on Maqasid Al-Shari'ah. *Journal of Muwafaqat*, 4(1), 93-109.
23. Saifuddin, S., Hashim, F. Y., Zahir, M. Z. M., & Ab Halim, A. H. (2025). Enforcement of Sharia criminal offences in cyberspace: Challenges from Malaysian legal perspective. *Prophetic Law Review*, 7(1), 25-46. <https://doi.org/10.20885/PLR.vol7.iss1.art2>.



24. Saifuddin, S., Ali Tajuddin, H. H., Yahya, M. A., Abd Rahman, M. R., & Hashim, F. Y. (2024). Examining The Application of Standard of Proof in Criminal Cases: A Comparative Analysis of Islamic Law and Common Law in Malaysia. *Malaysian Journal of Syariah and Law*, 12(1), 11-22. <https://doi.org/10.33102/mjssl.vol12no1.491>.
25. Public Prosecutor v Mohd Sukri bin Mohd Hasan [2022] MLJU 2009.
26. Public Prosecutor v Muhammad Hazrul bin Harizal [2023] MLJU 1549.
27. Sexual Offences Act 2003 (United Kingdom).
28. Penal Code (Cap. 224, 2008 Revised Edition) (Singapore).