

Digital Incest Narratives and Child Protection: Addressing Regulatory Gaps through Legal and Islamic Normative Reconstruction

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Abstract: The circulation of incest fantasy narratives in digital media presents emerging challenges for child protection, particularly because such content often falls outside existing explicitness-based regulatory frameworks. While national child protection laws, cybercrime regulations, and international legal instruments primarily address explicit child sexual exploitation material, non-explicit incest narratives remain insufficiently regulated despite their potential to contribute to cultural normalization and boundary desensitization in digital environments. This study aims to examine how legal, ethical, and Islamic normative frameworks may be integrated to address the regulatory gap concerning non-explicit incest narratives in digital media and to strengthen preventive child protection in the digital era. This article adopts a normative juridical method employing statutory, conceptual, and Islamic legal approaches. It positions itself as a normatively critical and reconstructive study aimed at expanding the legal understanding of digital sexual harm beyond explicit material. The study argues that Islamic normative principles, particularly the protection of lineage (*hijz al-nasl*) and human dignity (*hijz al-'ird*), can be reconstructed as a preventive legal framework to address symbolic and anticipatory forms of harm. The study demonstrates that non-explicit incest narratives may produce cumulative and symbolic forms of harm that are insufficiently addressed within explicitness-based legal frameworks. By integrating legal analysis, digital ethics, and *maqāsid al-shari'ah* particularly the principles of *hijz al-nasl* and *hijz al-'ird*, this research offers a preventive and proportionate framework for understanding child protection in digitally mediated environments. The findings contribute to contemporary debates on digital governance by developing a risk-based approach to non-explicit sexual harm that remains consistent with principles of legality, proportionality, and freedom of expression.

Keywords: Child protection; Digital sexual harm; Family sphere; Incest narratives; Islamic legal norms; Preventive criminal law

Introduction

The rapid development of digital media has transformed patterns of communication, intimacy, and content consumption within contemporary society. Among the emerging forms of online content are incest fantasy narratives circulated through web-based fiction forums, fanfiction communities, serialized storytelling applications, audio role-play platforms, and anonymous discussion boards. These narratives are generally presented in textual or audio formats using fictional disclaimers, coded language, and non-explicit storytelling techniques that avoid direct depictions of sexual acts involving minors. Although frequently framed as fictional and private expressions, their circulation within algorithm-driven and participatory digital environments raises growing concerns regarding child protection, particularly within the family sphere (Sravanti et al., 2025). The accessibility, repetition, and normalization of such narratives in digital ecosystems potentially weaken protective family norms and blur moral boundaries concerning prohibited familial sexual relations (Wei et al., 2025). Consequently, the issue extends beyond

individual fantasy and enters the domain of public legal interest when such content risks desensitization, symbolic normalization, and indirect harm to children.

Existing legal frameworks concerning digital sexual harm predominantly focus on explicit forms of child sexual exploitation, including child sexual abuse material, online grooming, and child pornography (Parti & Szabó, 2024). National child protection statutes, cybercrime regulations, and international legal instruments such as the Convention on the Rights of the Child primarily define prosecutable harm through direct, visual, and demonstrable exploitation. Consequently, non-explicit narrative-based content often falls outside conventional legal scrutiny despite its potential cumulative and symbolic effects on social perceptions of intimacy, consent, and family relations. As a result, incest narratives presented as fantasy frequently escape legal scrutiny, despite their potential to symbolically legitimize socially harmful familial sexual practices (Birke J. B., Jern P., Johansson A., 2024). This limitation reflects a broader doctrinal challenge (Santoso & Musyayyadah, 2025) within positive law, which remains predominantly reactive and act-based in responding to digital sexual harm.

From an ethical and socio-legal perspective, recent scholarship suggests that non-explicit sexual (Adawiyah et al., 2025) narratives may function as cultural texts that shape social tolerance and moral perception through repetition, symbolic framing, and digital participation (Doring et al., 2021). Within algorithmically mediated environments, repeated exposure to boundary-violating narratives may contribute to desensitization and the gradual normalization of prohibited familial relations. However, much of this scholarship remains concentrated within media studies, psychology, and sociology, while the normative legal implications of such narratives remain insufficiently explored, particularly in relation to child protection and preventive governance (Lehmann et al., 2025).

Within Islamic legal thought, child protection is closely connected to the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of lineage (*hiḍḍ al-nasl*) and human dignity (*hiḍḍ al-'ird*) (Fatkhurrokhman et al., 2025). These principles emphasize preventive measures against moral and social harms that threaten family integrity, even when such harms are indirect or have not yet materialized into criminal acts (Sukataman et al., 2025). Classical Islamic jurisprudence recognizes preventive doctrines such as *sadd al-dharā'ī* (blocking harmful means), *ta'zīr* (discretionary regulation), and *maṣlaḥah mursalah* (public-interest regulation), which permit anticipatory intervention against conduct that may threaten social welfare (Nasohah et al., 2025) and family integrity. Nevertheless, contemporary scholarship has not sufficiently examined how these preventive Islamic principles (Kholik et al., 2025) may be operationalized within contemporary digital governance to address non-explicit forms of sexual harm circulating through digital media.

Previous studies on digital sexual harm may generally be categorized into three strands. First, legal studies predominantly focus on explicit sexual exploitation and criminal enforcement mechanisms concerning child sexual abuse material and cybercrime regulation. Second, socio-cultural and psychological studies examine the role of digital narratives, algorithmic exposure, and online subcultures in shaping sexual norms and desensitization processes. Third, Islamic legal scholarship largely discusses *maqāṣid al-sharī'ah* in relation to morality, family protection, and general ethical governance, but rarely in connection with digital narrative-based harms. Despite these important contributions, limited scholarship has systematically integrated legal doctrine, digital ethics, and Islamic normative reasoning to address the regulatory challenges posed by non-explicit incest narratives in digital media.

This gap becomes increasingly significant in digital environments where the distinction between private fantasy and public harm is progressively blurred. Once circulated through publicly accessible and algorithmically amplified platforms, narrative content may acquire broader social implications beyond individual consumption. The absence of an integrated framework capable of addressing cumulative, symbolic, and non-explicit (Muassomah et al., 2025) forms of harm creates a regulatory blind spot that may weaken preventive child protection mechanisms. The absence of clear legal and ethical boundaries regarding incest narratives reflects a regulatory blind spot that risks weakening child protection mechanisms and overlooking the long-term normative impact of non-explicit sexual content within the family environment.

Based on this background, this article addresses the central research problem of how legal, ethical, and Islamic normative limits can be formulated to regulate incest narratives in digital media in order to strengthen child protection (Kusuma et al., 2025). The purpose of this study is to analyze existing legal frameworks, identify regulatory gaps concerning non explicit digital sexual harm, and propose an integrated normative approach that incorporates Islamic legal principles as a preventive mechanism. By doing so, this article seeks to contribute to the development of child centered (Alfitri et al., 2025) digital governance and to redefine the boundary between private fantasy and child protection as a matter of public legal interest in the digital age (Rifqi et al., 2025).

Literature Review

Digital Sexual Harm and the Limits of Explicitness-Based Regulation

Scholarly discourse on digital sexual harm has predominantly concentrated on explicit forms of child sexual exploitation, including child sexual abuse material (CSAM), online grooming, and child pornography. This orientation is reflected in many international and domestic legal frameworks that criminalize digital content depicting explicit sexual acts involving minors (Parti & Szabó, 2024). or instance, international instruments addressing online child exploitation, as well as national child protection and cybercrime legislation in numerous jurisdictions, typically define criminal liability through elements such as explicit visual representation, identifiable minor victims, and demonstrable exploitation. This explicitness-based regulatory approach has often been justified on the grounds of evidentiary clarity and the principle of legality in criminal law, which requires offenses to be defined with sufficient precision to prevent arbitrary prosecution (Amir et al., 2025)

However, recent scholarship has increasingly questioned the adequacy of this regulatory paradigm in responding to the evolving dynamics of digital sexual harm. Studies have suggested that digital sexual harm should be understood as a continuum in which harmful environments may emerge not only from explicit abuse material but also from indirect cultural conditions that facilitate exploitation (Nhep et al., 2024). Within this framework, an exclusive focus on explicit material creates regulatory blind spots. Many statutory frameworks governing CSAM, for example, require explicit visual depiction of sexual conduct involving minors as a prerequisite for criminal liability. As a result, narrative-based, fictional, or suggestive digital content that implies incestuous relationships without explicit depiction frequently falls outside the scope of legal prohibition. This doctrinal structure reflects a limitation inherent in explicitness-based regulation: the law tends to intervene only when harm is directly visible and evidentially demonstrable, while symbolic, anticipatory, or culturally mediated forms of harm remain largely unaddressed.

From a socio-legal perspective, the potential influence of such narratives operates through gradual cultural processes rather than immediate causal effects. Theories of cultural normalization and social learning suggest that repeated exposure to particular narrative themes can shape interpretive frameworks through which individuals understand intimacy, authority, and familial roles. In digital environments characterized by algorithmic amplification, user-generated content, and participatory subcultures, narratives may function as discursive frames that influence how social boundaries are interpreted and negotiated. Over time, the repetition of boundary-violating narratives may contribute to desensitization and the gradual recalibration of moral perception regarding socially prohibited relationships. Consequently, the harm associated with such narratives is not event-based but process-based, emerging through symbolic repetition rather than direct victimization. The inability of explicitness-based regulatory approaches to address these anticipatory and indirect dimensions of harm therefore constitutes a significant doctrinal limitation within contemporary legal frameworks. Empirical research on online sexual material demonstrates that repeated exposure may produce desensitization effects, gradually normalizing the perception of sexually explicit or boundary-violating content among adolescents (Pane et al., 2025).

Within this broader context, incest fantasy narratives represent a form of non-explicit digital sexual content that has received limited attention in legal scholarship. Although frequently framed as fictional or private expressions within online storytelling communities, such narratives may indirectly contribute to the normalization of intra-familial sexual boundaries. This dynamic raises particular concerns for child

protection because children occupy structurally vulnerable positions within family environments, where the erosion of normative boundaries may increase the risk of exploitation or coercion (Williams, 2025). Despite these potential implications, existing legal scholarship has yet to sufficiently examine how regulatory frameworks might address these indirect and culturally mediated forms of digital sexual harm.

Child Protection, Family Sphere, and Latent Digital Risks

The family has long been recognized in legal theory as both a private sphere and a primary site of child protection. Contemporary child protection scholarship emphasizes that harm to children increasingly occurs through subtle, cumulative, and indirect processes rather than isolated criminal acts (Smith, 2025). Livingstone and Helsper note that digital environments expose children to risks that are often embedded in everyday content consumption, making harm difficult to identify and regulate (Livingstone & Helsper, 2013).

Legal scholars have increasingly argued that the concept of child protection should extend beyond reactive criminalization toward preventive governance capable of addressing structural and cultural risks emerging within digital environments (Widaningsih, 2025). Within this perspective, the influence of non-explicit sexual narratives cannot be understood solely in terms of direct harm but also through processes of cultural mediation. Theories of social learning and cultural normalization suggest that repeated exposure to narrative representations may shape interpretive frameworks through which individuals understand intimacy, authority, and familial roles. In digitally mediated environments characterized by user-generated content and algorithmic amplification, narrative themes that depict boundary-violating relationships may gradually influence perceptions of social acceptability through processes of symbolic framing and desensitization. Consequently, even when such narratives do not depict explicit abuse, their circulation within online storytelling communities may indirectly weaken protective family norms by reshaping how relational boundaries within the family sphere are perceived and negotiated.

Herring emphasizes that family law and child protection regimes must respond to emerging threats that challenge the moral and relational foundations of family life, even where such threats do not immediately meet criminal thresholds (Herring, 2023). Nevertheless, much of the existing legal scholarship on incest remains primarily situated within the domain of criminal law, focusing on issues such as the definition of incest offenses, evidentiary standards, and the prosecution of intra-familial sexual abuse. Within this doctrinal framework, incest is generally analyzed as a completed criminal act involving identifiable victims rather than as a discursive or cultural phenomenon that may circulate through digital media environments. As a result, normative legal analyses (Syukrawati et al., 2024) have rarely examined how incest-themed narratives within online storytelling communities, forums, or digital fiction platforms may shape perceptions of familial boundaries or contribute to broader cultural contexts in which intra-familial sexual relations are represented and interpreted. This limitation reveals a gap in the literature: the intersection between digital narrative cultures, incest representation, and preventive child protection frameworks remains insufficiently theorized within contemporary normative legal scholarship.

The foregoing discussion demonstrates that existing legal and scholarly approaches remain largely constrained by explicitness-based regulatory frameworks that prioritize demonstrable criminal harm while paying limited attention to indirect, symbolic, or culturally mediated risks emerging within digital environments. In the context of incest-themed narratives circulating through online media, this limitation reveals a broader normative gap between the formal boundaries of criminal law and the evolving cultural dynamics that shape perceptions of familial relationships and child vulnerability. Addressing this gap requires a broader normative perspective capable of recognizing anticipatory and structural forms of harm that may not yet constitute criminal offenses but nevertheless threaten the protective integrity of the family sphere. Within this regard, Islamic legal thought particularly through the framework of *maqāṣid al-sharī'ah* offers a preventive normative approach that emphasizes the protection of lineage (*ḥifẓ al-nasl*) and human dignity (*ḥifẓ al-'ird*). The following section therefore examines how these Islamic normative principles may contribute to the development of a more comprehensive framework for addressing latent forms of digital sexual harm that remain inadequately regulated within contemporary positive law.

Ethical and Normative Approaches to Digital Sexual Content

Ethical analyses of digital sexual content have increasingly questioned the adequacy of liberal regulatory frameworks that primarily emphasize individual autonomy and freedom of expression as the central normative principles governing online speech (Furizal et al., 2025). Within this perspective, regulatory intervention is typically justified (Laksana et al., 2025) only when direct and demonstrable harm to identifiable individuals can be established. While such an approach aims to protect civil liberties and prevent overregulation of online expression, critics argue that it may overlook relational and cultural forms of harm that emerge within digitally mediated environments. Attwood, for example, suggests that sexual representations in media operate as “moral texts” that contribute to shaping social norms (Husna et al., 2024), expectations, and ethical boundaries surrounding sexuality (Attwood, 2006). From this standpoint, fictional or narrative-based representations of sexuality circulating through digital platforms cannot be assumed to be ethically neutral, because their meanings and effects are mediated through broader cultural contexts and patterns of consumption. Ethical governance of digital sexual content therefore requires a more nuanced framework that balances freedom of expression with preventive considerations of relational harm, particularly where content may indirectly influence perceptions of intimacy, authority, and familial boundaries. Such an approach supports the development of proportionate regulatory strategies that focus not solely on criminal prohibition but also on preventive governance, platform accountability, and ethical content moderation within digital ecosystems.

While contemporary ethical approaches increasingly emphasize the need to balance freedom of expression with the prevention of relational and cultural harm in digital environments, similar preventive orientations can also be found within Islamic legal thought. The framework of *maqāṣid al-sharī‘ah* provides a normative structure that prioritizes the protection of fundamental social values, including lineage (*hifz al-nasl*) and human dignity (*hifz al-‘ird*). Within this perspective, ethical evaluation does not rely solely on the presence of direct and materialized harm but also considers the broader social consequences of practices that may undermine familial integrity or moral order. Consequently, Islamic normative reasoning allows for anticipatory and preventive responses to emerging social risks, including those mediated through digital culture. Integrating (Muchlis et al., n.d.) these *maqāṣid*-based principles with contemporary ethical governance frameworks may therefore offer a more comprehensive normative foundation for addressing non-explicit forms of digital sexual content that fall outside the immediate reach of explicitness-based legal regulation.

In legal philosophy, scholars such as Citron have advanced the concept of cumulative harm, emphasizing that repeated exposure to harmful narratives may generate broader societal consequences that justify regulatory intervention, even when individual instances appear legally insignificant (Citron, 2014; Citron & Solove, 2022). This perspective is particularly relevant to incest narratives circulating in digital media, which may not produce immediate or identifiable victims but can contribute to cultural environments that gradually weaken norms of child protection and familial boundaries. Despite the analytical strength of this approach, its integration into formal legal frameworks remains limited. Criminal law regimes, for example, typically require demonstrable harm, identifiable victims, and clear causal links before liability can be established, thereby restricting the ability of criminal statutes to address cumulative or culturally mediated harms. Similarly, online content regulation frameworks and platform governance policies often prioritize the removal of explicitly illegal material such as child sexual abuse material (CSAM) while leaving narrative-based or suggestive content largely outside regulatory scrutiny. As a result, the ethical discourse on cumulative digital harm remains only partially reflected within existing legal regulatory models. This disconnect highlights the need for normative frameworks capable of translating ethical concerns about cumulative harm into proportionate legal responses, particularly in jurisdictions where moral and religious values (Alamsyah et al., 2025) constitute an important foundation of legal reasoning.

Islamic Legal Norms and Preventive Child Protection

Islamic legal scholarship offers a normative framework for understanding child protection through the doctrine of *maqāṣid al-sharī‘ah*. Contemporary scholars, including Jasser Auda, conceptualize *maqāṣid*

as a dynamic system oriented toward the prevention of harm (*dar' al-mafāsīd*) and the promotion of social welfare (*jalb al-maṣāliḥ*) (Herawati et al., 2023) Within this framework, the protection of lineage (*hiḥz al-nasl*) and human dignity (*hiḥz al-'ird*) are frequently identified as key normative objectives for safeguarding family integrity and child welfare (Tursilarini et al., 2024; Sukataman et al., 2025). Nevertheless, the application of these principles to contemporary digital environments presents important conceptual and regulatory challenges. Classical formulations of *maqāṣid* were primarily developed in relation to tangible social practices and clearly identifiable harms (Aprilianto et al., 2024), whereas digital sexual content often operates through symbolic, narrative, and algorithmically mediated forms of influence. Consequently, translating *maqāṣid*-based ethical principles into concrete digital regulatory mechanisms such as online content moderation, platform governance, or cyber law enforcement remains a complex task that requires further doctrinal development. Recognizing both the normative potential and the practical limitations of this framework is therefore essential for reconstructing (Sriharini et al., 2026) Islamic legal reasoning in ways that respond effectively to emerging forms of digital sexual harm.

From this perspective, the relevance of *maqāṣid al-shari'ah* in the digital context lies not merely in its ethical affirmation of family integrity but in its capacity to support preventive legal reasoning. Classical Islamic jurisprudence recognizes several doctrinal mechanisms that enable anticipatory regulation of harmful social practices. The principle of *sadd al-dhara'i* (blocking the means) permits the restriction of actions that are not intrinsically unlawful but may facilitate prohibited outcomes, while the doctrine of *ta'zir* allows authorities to adopt discretionary (Hasan et al., 2026) regulatory measures in response to emerging social harms that fall outside fixed criminal prohibitions. In addition, the concept of *maṣlahah mursalah* provides a jurisprudential basis for public-interest regulations designed to protect communal welfare in changing social conditions. When interpreted within contemporary digital environments, these mechanisms offer a normative foundation for addressing forms of harm that operate through symbolic influence, cultural normalization, and cumulative exposure rather than direct victimization. Consequently, reconstructing digital child protection through a *maqāṣid*-based framework (Harahap et al., 2025) allows legal regulation to move beyond the limitations of explicitness-based criminalization toward a more preventive model that recognizes latent risks within digitally mediated cultural practices.

Recent studies have applied *maqāṣid* principles to modern legal challenges, including bioethics, digital technology, and human rights (Thaib et al., 2025). However, limited scholarship has examined their application to digital sexual content, particularly non-explicit narratives that threaten children indirectly. Kamali emphasizes that Islamic law prioritizes preventive measures against moral corruption even before tangible harm occurs, a principle that aligns closely with contemporary child protection theory (Banurea, 2025). This normative orientation suggests that Islamic legal principles may function not only as ethical guidance but also as a complementary framework for preventive legal governance. However, their relevance within contemporary legal systems depends on the manner in which these principles are translated into proportionate regulatory mechanisms compatible with positive law. Rather than advocating broad moral prohibitions, *maqāṣid* based reasoning can inform policy approaches such as preventive digital governance, platform-level content moderation, and public-interest regulations aimed at protecting children and family integrity. Through such mechanisms, Islamic normative principles may contribute to addressing regulatory gaps in existing legal frameworks, particularly in relation to non-explicit forms of digital sexual harm that fall outside conventional criminal law thresholds.

Research Gap and the Importance of the Present Study

Existing scholarship on digital sexual harm predominantly focuses on explicit forms of child sexual exploitation, such as child sexual abuse material (CSAM), online grooming, and cyber-enabled abuse, while non-explicit and narrative-based forms of harm remain insufficiently examined within legal doctrine (Parti & Szabó, 2024). Similarly, studies on incest largely frame it as a direct criminal offense rather than as a symbolic or narrative phenomenon circulating within digital media environments (Birke & Bondu, 2023). Although socio-legal and ethical scholarship has introduced concepts such as cultural normalization, symbolic harm, and cumulative harm in digital environments (Doring et al., 2021).

these approaches have rarely been translated into preventive legal-regulatory frameworks, particularly within legal systems influenced by moral and religious reasoning. At the same time, contemporary Islamic legal scholarship discussing *maqāṣid al-sharī'ah* has not sufficiently operationalized principles such as *ḥifz al-nasl* and *ḥifz al-'ird* within the context of digital sexual harm and platform governance (Fatkhurrokhman et al., 2025). Addressing these limitations, this study develops a proportionate and preventive framework integrating positive law, digital ethics, and Islamic normative principles to analyze non-explicit incest narratives as a form of cumulative digital sexual risk to children.

Method

This study employs a doctrinal legal research design with a descriptive-analytical approach to examine the regulatory limits of positive law in addressing non-explicit incest narratives circulating within contemporary digital media environments (Lievens, E., Valcke, 2014). In this study, digital media refers to online platforms that facilitate the circulation of user-generated and narrative-based sexual content, including fictional texts, discussion forums, fanfiction communities, and digital storytelling platforms where incest-themed narratives may appear in non-explicit forms. The research focuses on legal norms, principles, and doctrines governing the relationship between private expression, public harm, and child protection. The doctrinal approach is methodologically appropriate because the central issue concerns the conceptualization of harm and the adequacy of existing legal frameworks, rather than the measurement of empirical behavior. Primary legal materials consist of national legislation on child protection, cyber regulation, and international legal instruments concerning child sexual exploitation and online harm. Secondary materials include peer-reviewed journal articles, scholarly books, and legal commentaries on digital sexual harm, digital ethics, child protection, and Islamic legal theory, collected through systematic searches in Scopus, Google Scholar, and legal research repositories using keywords such as digital sexual harm, incest narratives, content regulation, child protection, and *maqāṣid al-sharī'ah*. Tertiary materials include legal dictionaries and encyclopedic sources used to clarify legal terminology and concepts (Marzuki, 2017).

The analysis is conducted through qualitative doctrinal interpretation using systematic and teleological (purposive) methods to evaluate how existing legal frameworks define harm, legality, and liability in relation to non-explicit digital sexual content. The study integrates three analytical approaches. First, a statutory approach is used to identify regulatory limitations within child protection law, cybercrime regulation, and digital content governance frameworks. Second, a conceptual approach is employed to critically examine and normatively reconstruct key concepts such as digital sexual harm, symbolic harm, private fantasy, and public interest in order to assess their adequacy in addressing cumulative and narrative-based harms (Ariani et al., 2024). Third, an Islamic legal approach based on *maqāṣid al-sharī'ah* is applied to evaluate how principles such as *ḥifz al-nasl*, *ḥifz al-'ird*, *sadd al-dhara'ī*, and *ta'zir* may function as preventive normative frameworks within contemporary digital governance (Musofiana, 2020).

These approaches are integrated to identify regulatory gaps, assess the limitations of explicitness-based legal frameworks, and develop a proportionate preventive framework that remains consistent with legality, proportionality, and child-centered digital protection (Kamali, 2011). This integrative approach enables the study to bridge moral-ethical considerations and legal governance in a manner that remains both context-sensitive and institutionally applicable.

Results and Discussion

This research demonstrates that contemporary child protection law remains largely anchored in a reactive and explicit-harm paradigm, which prioritizes the prohibition and punishment of visually identifiable sexual exploitation, while overlooking non-explicit digital sexual narratives that pose latent but systemic risks to children (Parti & Szabo, 2024). Incest fantasy narratives circulating in digital media exemplify this overlooked category. Although often framed as private, fictional, or non-visual expressions, such narratives operate within digital ecosystems that are public, algorithmically amplified, and accessible to minors (Online, 2025).

The analysis of existing legal frameworks demonstrates that both international and national regulatory instruments predominantly define sexual harm in terms of explicit sexual acts involving minors. At the international level, instruments such as the Optional Protocol to the Convention on the Rights (Paikah et al., 2025) of the Child on the sale of children, child prostitution and child pornography, as well as the Budapest Convention on Cybercrime, primarily criminalize content that involves identifiable minors and explicit sexual conduct. These frameworks emphasize evidentiary clarity and prosecutability, thereby limiting their scope to clearly demonstrable forms of harm. Similarly, at the national level, child protection statutes and cybercrime laws such as Indonesia's Law on Child Protection and the Electronic Information and Transactions Law (ITE Law) focus on prohibiting the production, distribution, and possession of explicit sexual content involving children. Broadcasting and content governance instruments, including regulations issued by national broadcasting authorities and digital platform policies, likewise prioritize the removal of explicitly harmful or illegal material while permitting fictional or narrative-based content that does not meet explicit thresholds.

This regulatory orientation creates a structural limitation within existing legal systems. By relying on explicitness as the primary threshold for legal intervention, these frameworks often exclude non-explicit incest narratives from the scope of direct legal prohibition. As a result, content that operates through suggestion, narrative framing, or symbolic representation remains largely unregulated, despite its potential to contribute to processes of cultural normalization within familial contexts. This gap illustrates a broader doctrinal issue: the law tends to recognize harm only when it is visible, individualized, and evidentially verifiable, while failing to address cumulative and culturally mediated forms of risk that may affect children's safety and dignity over time.

In the digital era (Musofiana et al., 2025), this normative gap becomes particularly problematic, where textual and narrative content travels across platforms without meaningful age barriers (Nurcholis & Anshor, 2025). Unlike traditional private fantasy confined to individual cognition, digital narratives are externalized, shared, replicated, and algorithmically recommended, thereby transforming private imagination into a social and cultural artifact (Yusrizal et al., 2025). The research findings indicate that such transformation fundamentally alters the legal and ethical status of fantasy, especially when the content involves incestuous themes that directly contradict the foundational norms of family integrity and child protection (Madrah et al., 2024).

Furthermore, the study finds that positive criminal law encounters structural limitations in addressing harms that are cumulative, symbolic, and indirect. Classical doctrines of criminal liability particularly the requirements of a demonstrable wrongful act (*actus reus*) and a corresponding guilty intent (*mens rea*) are primarily designed to adjudicate discrete and individualized offenses. As such, these doctrines are not well-equipped to capture gradual processes of harm formation, including the normalization of boundary-violating narratives through repeated digital exposure. This doctrinal constraint produces a regulatory blind spot in which non-explicit content, although potentially harmful in its cumulative and cultural effects, remains beyond the scope of legal intervention because it does not satisfy the threshold elements of a prosecutable offense (Gibney & Wyatt, 2020).

In response to this limitation, this study does not position Islamic law (Mardiantari & Dwilestari, 2021) as a substitute for positive legal systems, but rather as a complementary normative framework that provides additional analytical and evaluative criteria for understanding harm in preventive terms. Within this framework, the principles of *maqāṣid al-sharī'ah* particularly the protection of lineage (*hifz al-nasl*) and human dignity (*hifz al-'ird*) are employed as normative benchmarks to assess risks that are not yet criminally manifested but are socially and morally consequential (Auda, 2008; Baderin, 2003). Their function in this study is twofold: first, as a source of normative critique, highlighting the limitations of explicitness-based legal reasoning; and second, as a basis for developing preventive regulatory perspectives, particularly in addressing content that operates through representation, suggestion, and symbolic meaning.

From this perspective, incest fantasy narratives are not approached as inherently criminal expressions but as forms of content that may contribute to the gradual erosion of familial boundaries and the objectification of children within sexualized imaginaries. Accordingly, the findings of this study

suggest that such narratives constitute (Abulkairova, 2025) a form of non-explicit digital sexual risk with tangible implications for child protection (Nawawi et al., 2022). However, rather than advocating immediate criminalization, this analysis supports the development of proportionate regulatory responses such as interpretative expansion of harm, preventive content governance, and ethically informed legal reasoning that complement existing legal regimes while remaining consistent with principles of legal certainty and proportionality.

Reframing Sexual Harm to Children in the Context of Digital Narratives

The findings of this research necessitate a reconceptualization of sexual harm to children that transcends the conventional focus on explicit sexual abuse and exploitation. Contemporary digital environments have expanded the modalities through which harm can occur, introducing narrative-based and symbolic forms of sexualization that do not involve immediate physical contact or explicit imagery but nonetheless shape perceptions, norms, and behaviors (Doring et al., 2021).

Scholarly literature in digital criminology and child psychology increasingly recognizes that exposure to sexual narratives plays a critical role in the social construction of sexual norms. Repeated encounters with incest-themed narratives may contribute to the normalization of taboo relationships, weaken internalized moral boundaries, and reduce sensitivity to sexual harm within the family sphere. For children, whose cognitive and moral frameworks are still developing, such exposure carries heightened risks (Sravanti et al., 2025).

Within this context, incest fantasy narratives function as discursive mechanisms that reshape the meaning and perception of intra-familial relationships through specific narrative strategies. These mechanisms include the normalization of language, where taboo relationships are described using neutral or emotionally softened terms; the romanticization of relationships, in which power asymmetries within the family are reframed as mutual affection or consensual intimacy; and the aestheticization of familial conflict, where ethical tensions are presented as dramatic or desirable narrative elements rather than as indicators of harm. Through these representational strategies, incest is no longer portrayed as an unequivocal moral and legal transgression but is reconfigured into a consumable and narratively engaging trope.

This discursive shift is particularly concerning because it operates subtly, without triggering the legal safeguards designed to combat explicit child sexual abuse material. Rather than producing immediate and observable harm, these narratives contribute to gradual processes of cultural normalization and desensitization. The study's findings thus support a growing body of scholarship advocating for a continuum-based understanding of sexual harm, in which non-explicit content is recognized as part of a broader ecosystem of sexual risk. These reframing challenges the adequacy of existing legal definitions and underscores the need for preventive approaches that address harm at earlier stages, before it materializes into criminal conduct.

The Illusion of Privacy in Digital Fantasy

A central argument emerging from this discussion concerns the reliance on the notion of private fantasy as a basis for limiting legal and ethical scrutiny. In legal analysis, the distinction between private and public spheres is generally determined by criteria such as externalization, accessibility, and the presence of social effects, rather than by subjective intent alone. Fantasy that remains internal to individual cognition is typically regarded as private and beyond regulatory concern. However, in digital environments, once a narrative is articulated, published, or shared through online platforms, it becomes externally expressed content that is technically accessible and capable of circulation beyond the control of its creator. Empirical studies on digital platforms demonstrate that content visibility is often shaped by algorithmic recommendation systems and networked dissemination, which may extend the reach of user-generated material to unintended audiences (Sravanti et al., 2025; Wolf & Werner, 2021). In this context, the classification of incest narratives as "private fantasy" requires reconsideration, as their digital form enables interaction with broader audiences and participation in ongoing cultural discourse.

The findings of this study indicate that the transition from private expression to public relevance in digital spaces can be identified through several observable conditions: (1) externalization, where content is

expressed in a communicable and shareable format; (2) platform-based accessibility, where content becomes available to users beyond a closed or controlled group; and (3) foreseeable exposure, where platform structures such as recommendation algorithms create a reasonable possibility of access by unintended or vulnerable audiences, including minors. When these conditions are present, the content may be regarded as having entered the public domain in a functional sense, thereby justifying regulatory consideration within child protection frameworks. Rather than assuming that all narrative content produces harm, this analysis adopts a more cautious position by emphasizing risk-based assessment, in which regulatory attention is grounded in the potential for cumulative and socially mediated effects rather than immediate causation. Within this framework, the boundary between private expression and public concern is not treated as absolute, but as contingent upon the modes of dissemination, levels of accessibility, and the presence of identifiable risks in digitally mediated environments.

Child Protection as a Paramount Public Interest

The recognition of child protection as a paramount public interest is reflected across international human rights instruments and domestic legal systems; however, its application within freedom of expression regimes requires a structured rights-limitation analysis rather than declarative prioritization. In legal terms, any restriction on expression must satisfy the principles of legality (the existence of a clear and accessible legal basis), legitimate aim (such as the protection of the rights and welfare of children), and necessity and proportionality (ensuring that the measure is suitable, minimally impairing, and not excessive in relation to the harm addressed). Within this framework, the present study does not assume the automatic superiority of child protection over expression; instead, it examines whether non-explicit incest narratives, when circulated in digital environments, meet the threshold of foreseeable risk sufficient to justify proportionate regulatory intervention.

From this perspective, the concern regarding incest fantasy narratives is not limited to individual consumption but relates to their cumulative and socially mediated effects. The notion of “collective normalization” is understood here as a gradual process in which repeated exposure to boundary-violating narratives may influence shared interpretive frameworks regarding intimacy and familial roles. Similarly, “systemic risks” refer to the potential for such content to affect broader patterns of perception within digitally networked environments, particularly where algorithmic amplification increases visibility and repetition. These risks are not assumed to produce direct or immediate harm; rather, they are evaluated in terms of probabilistic and context-dependent impacts, especially on vulnerable groups such as children whose moral and cognitive development is ongoing. Framed in this way, the argument moves from speculation to a risk-based assessment grounded in observable features of digital content circulation. (Madra et al., 2025). Such destabilization poses systemic risks, particularly in societies where the family remains the primary site of child care (Malik & Kurniawan, 2025), education, and moral formation (Madrah et al., 2024).

Accordingly, this discussion situates child protection within a framework of preventive justice, while maintaining a clear distinction between non-penal regulatory measures and the expansion of criminal liability. Preventive approaches in this context may include interpretative clarification of harmful content, platform-level content governance standards, age-based access controls, and public-interest guidelines that address foreseeable risks without immediately resorting to criminal sanctions. Such measures are more consistent with the principle of proportionality, as they aim to mitigate harm at an early stage while preserving the core of expressive freedom. Criminalization, by contrast, remains limited to cases involving explicit (Aprilianto et al., 2026) and demonstrable harm that meet established legal thresholds. Through this differentiated approach, the study proposes a model in which child protection is advanced not through absolute restriction, but through graduated and proportionate regulatory responses adapted to the nature and level of risk presented by digital sexual content.

The Preventive Function of *Maqāṣid al-Shari'ah*

One of the central contributions of this research is to position *maqāṣid al-shari'ah* (Laksana et al., 2026) as a complementary normative framework that may assist in addressing forms of digital sexual harm that are not readily captured by positive law. However, this role must be understood within clearly defined

operational limits. The principles of *hifz al-nasl* (protection of lineage) and *hifz al-'ird* (protection of dignity) do not function as open-ended justifications for restricting expression; rather, their application requires context-sensitive evaluation grounded in identifiable risks to child welfare. In this study, these principles are applied through a risk-based and proportionality-oriented approach, whereby regulatory concern is triggered only when non-explicit digital content meets criteria such as public accessibility, repeated circulation, and foreseeable impact on vulnerable audiences. In this sense, *maqāṣid*-based reasoning does not replace legal standards but guides the interpretation of harm in situations where existing doctrines remain limited to explicit and materialized forms of abuse (Nazir et al., 2025). Within this framework, incest fantasy narratives are problematic not merely because they depict prohibited relationships, but because they reconfigure social imaginaries in ways that endanger children's dignity and safety.

The doctrine of *sadd al-dharā'i'* further supports this preventive orientation, yet its application in digital contexts must be constrained by precautionary and accountability-based criteria to avoid moral subjectivity and regulatory overreach. In this regard, restrictions on digital content should only be considered where there is (1) a reasonable link between the content and potential harm, (2) a demonstrable risk of amplification or exposure through digital platforms, and (3) the availability of proportionate and non-penal measures as a first response. This approach ensures that preventive intervention remains graduated and evidence-sensitive, rather than broadly prohibitive. Accordingly, this study conceptualizes *maqāṣid al-sharī'ah* not as an alternative legal system that supplants positive law, but as an ethical-interpretative framework that enhances legal reasoning by incorporating considerations of long-term harm, social context, and child vulnerability, while remaining aligned with contemporary principles of proportionality, legality, and regulatory accountability.

Toward an Integrated Regulatory Framework

The integration of positive law, digital ethics, and Islamic normative principles emerges as a key implication of this research (Ahmad et al., 2025). The findings of this study indicate the need for a more integrated approach to regulating non-explicit digital sexual harm, particularly in relation to child protection. Rather than relying exclusively on criminal law, an effective framework should combine positive legal standards, digital ethics, and normative principles derived from *maqāṣid al-sharī'ah* in a complementary manner. This integration does not aim to replace existing legal systems but to enhance their interpretative and preventive capacity, especially in addressing forms of harm that are cumulative, symbolic, and not easily captured by explicitness-based legal definitions. Within this model, positive law provides the formal basis of legality and enforceability, digital ethics contributes principles of responsibility and harm awareness (Nur et al., 2025) in content governance, while *maqāṣid*-based reasoning offers a value-oriented lens for identifying risks to child dignity and family integrity (Tumanggor & Sazali, 2025).

To avoid remaining at a purely normative level, this integrated framework may be translated into three layers of regulatory intervention. First, at the interpretative level, legal authorities may adopt a broader understanding of harm that includes foreseeable and cumulative risks, while still adhering to principles of legality and evidentiary restraint. Second, at the governance level, non-penal mechanisms such as platform-based content moderation standards, age-based access controls, and algorithmic accountability can be developed to limit exposure to high-risk narrative content without imposing blanket prohibitions. Third, at the normative-guidance level, ethical principles and *maqāṣid al-sharī'ah* may inform policy design by emphasizing the protection of lineage (*hifz al-nasl*) and dignity (*hifz al-'ird*) as contextual considerations in evaluating digital risks. These layers operate in a graduated and proportionate manner, ensuring that regulatory responses are calibrated according to the level and nature of risk involved.

This research advances the field in several significant ways. First, it expands the conceptual boundaries of child sexual harm (Musofiana, 2024) to include narrative and symbolic dimensions (Woodiwiss, 2014) that have been underexplored in legal scholarship (Arnold, 2025). In contrast to approaches that prioritize punitive enforcement or, conversely, rely solely on ethical self-regulation, this study situates its contribution within a growing body of interdisciplinary scholarship that seeks to bridge law, ethics, and cultural frameworks in digital governance. The novelty of this research lies not in claiming an entirely unprecedented model, but in systematically articulating the interaction between these three

dimensions in the specific context of non-explicit sexual narratives and child protection. By focusing on narrative-based and symbolic forms of harm, the study extends existing legal debates that have largely concentrated on explicit exploitation, while also demonstrating how normative frameworks, including Islamic legal principles, can be incorporated in a manner consistent with pluralistic and democratic legal contexts.

Accordingly, the proposed framework emphasizes clear boundaries of intervention. Criminal law remains limited to cases involving explicit and demonstrable harm, while non-explicit risks are addressed through preventive, non-penal, and proportionate measures. This approach reduces the risk of overcriminalization and excessive restriction of expression, while still enabling regulatory systems to respond to evolving digital harms. In this sense, the integrated framework offers a context-sensitive and adaptable model that can inform policymakers seeking to balance child protection, freedom of expression, and cultural values within contemporary digital environments.

Conclusion

This study demonstrates that incest fantasy narratives in digital media may generate non-explicit but foreseeable risks to child protection that are not adequately captured by existing legal frameworks grounded in explicit and act-based definitions of harm. The analysis shows that such risks operate through cumulative exposure, discursive normalization, and platform-mediated amplification, rather than through direct and immediate victimization. As a result, reliance on reactive criminal law alone is insufficient to address the evolving nature of digital sexual harm, particularly where content remains formally lawful yet functionally influential within vulnerable social contexts. To address this limitation, the study advances a risk-based and threshold-oriented regulatory approach, grounded in three operational criteria: (1) externalization (content is expressed and shared), (2) accessibility (content is available beyond a closed or controlled audience), and (3) foreseeable exposure (platform structures enable potential access by unintended or vulnerable users, including children). These criteria provide a practical analytical tool for regulators to distinguish between protected private expression and content that may legitimately fall within the scope of public regulatory concern. Importantly, this framework supports graduated intervention, ensuring that regulatory responses remain proportionate and do not default to overcriminalization. Building on this approach, the study proposes a three-layer regulatory model that is directly applicable within contemporary digital governance. First, at the legal-interpretative level, authorities may adopt a broader but principled understanding of harm that includes cumulative and context-dependent risks, while remaining consistent with legality and evidentiary standards. Second, at the platform governance level, regulators may require or incentivize non-penal measures such as age-based access controls, algorithmic accountability, content classification, and risk-sensitive moderation standards to reduce exposure to high-risk narratives. Third, at the normative-guidance level, ethical principles and *maqāṣid al-sharī'ah*—particularly *ḥifẓ al-nasl* and *ḥifẓ al-'ird*—may function as contextual interpretative tools to inform policy design, provided their application remains bounded by proportionality, legality, and accountability within pluralistic legal systems.

This integrated model does not advocate the prohibition of narrative content as such, nor does it displace existing legal frameworks. Rather, it offers a targeted and preventive regulatory strategy that prioritizes early-stage risk mitigation, minimizes unintended exposure, and preserves the core of expressive freedom. In doing so, the study contributes a concrete and adaptable framework for policymakers seeking to respond to non-explicit digital sexual harm in a manner that is legally grounded, ethically informed, and socially responsive. Nevertheless, this research remains limited by its normative and doctrinal orientation, and does not incorporate empirical data on patterns of exposure or measurable impacts on children. Future research is therefore required to empirically test the proposed criteria and regulatory model across different jurisdictions and digital environments, in order to further refine evidence-based and context-sensitive approaches to child protection in the digital era.

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Conflict of Interest

There are no conflicts of interest to declare.

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