



RESEARCH ARTICLE

Integrative Model of Child Protection Against Bullying: Harmonizing Fiqh al-Ushrah and Indonesian Positive Law

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Received: 15 March 2026
Revised: 24 May 2026
Accepted: 24 June 2026

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Abstract

Bullying, including cyberbullying, is a form of violence against children that remains a challenge for Indonesia's child protection system. This study aims to analyse the concept of child protection in *fiqh al-ushrah*, examine Indonesia's positive law provisions regarding the prevention and handling of bullying, and explore their harmonisation. This study employs a qualitative method using a literature review (library research) and conceptual analysis of relevant literature on *fiqh al-ushrah*, *maqāṣid al-shar'ah*, legislation, and scientific studies. The results of the study indicate that *fiqh al-ushrah* views child protection as part of the realization of *maqāṣid al-shar'ah*, specifically *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, and *ḥifẓ al-'ird*. Meanwhile, Indonesian positive law has provided relatively comprehensive legal instruments for the prevention and handling of bullying; however, their implementation faces obstacles. This study found that harmonising the values of *fiqh al-ushrah* with positive law can build a more comprehensive model of child protection, while integrating preventive, educational, restorative, and repressive approaches to address bullying.

Keywords: Bullying, Child Protection, Fiqh Al-Ushrah, Positive Law, Maqāṣid Al-Shar'ah.

Abstrak

Bullying, termasuk cyberbullying, merupakan bentuk kekerasan terhadap anak yang masih menjadi tantangan dalam sistem perlindungan anak di Indonesia. Penelitian ini bertujuan menganalisis konsep perlindungan anak dalam *fiqh al-ushrah*, mengkaji pengaturan hukum positif Indonesia terkait pencegahan dan penanganan bullying, serta mengeksplorasi harmonisasi keduanya. Penelitian menggunakan metode kualitatif dengan pendekatan kepustakaan (library research) dan analisis konseptual terhadap literatur *fiqh al-ushrah*, *maqāṣid al-shar'ah*, peraturan perundang-undangan, dan kajian ilmiah yang relevan. Hasil penelitian menunjukkan bahwa *fiqh al-ushrah* memandang perlindungan anak sebagai bagian dari realisasi *maqāṣid al-shar'ah*, khususnya *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, dan *ḥifẓ al-'ird*. Sedangkan, hukum positif Indonesia telah menyediakan instrumen hukum yang relatif komprehensif dalam pencegahan dan penanganan bullying, namun implementasinya masih menghadapi kendala. Penelitian ini menemukan bahwa harmonisasi nilai-nilai *fiqh al-ushrah* dengan hukum positif mampu membangun model perlindungan anak yang lebih komprehensif, sekaligus mengintegrasikan pendekatan preventif, edukatif, restoratif, dan represif dalam penanganan bullying.

Kata kunci: Bullying, Perlindungan Anak, Fiqh Al-Ushrah, Hukum Positif, Maqāṣid al-Shar'ah.

Published by :
Pusat Studi Gender dan Anak
(PSGA) of Universitas Islam
Negeri Jura Siwo Lampung

Website : <https://e-journal.metrouniv.ac.id/isga>

Introduction

Bullying, whether physical, verbal, psychological, or cyberbullying, is an increasingly alarming social issue in the field of child protection (Zhu et al., 2021). Cases of violence against children in Indonesia showed an upward trend in 2023, with 2,355 cases of child protection violations, and 861 of these cases occurred in educational settings (Kompas, 2023). The effects of bullying are not only physical but also damaging to children's mental health, such as the onset of anxiety, depression, low self-esteem, and a decline in academic performance (Rofiq, 2021). This situation indicates that bullying is not merely deviant individual behaviour but a structural issue related to the weakness of child protection systems across various sectors, including the family, school, and community.

From the perspective of Islamic family law (*fiqh al-usrah*), bullying constitutes a violation of children's rights that must be protected within the family and community. Islam views children as a trust whose safety, dignity, and intellectual development must be safeguarded (Natsir et al., 2024; Akip, 2020). The principles of *maqasid al-shari'ah*, particularly *hifz al-nafs* (protection of life) and *hifz al-'aql* (protection of reason), explicitly prohibit any actions that pose physical or psychological harm to children, including bullying in all its forms (Syandika et al., 2025). Bullying not only threatens children's safety and mental health but also hinders the development of their intellect, character, and social skills, which are the primary objectives of child-rearing in Islam, as conveyed in the verses of Surah Luqman, verses 13–19. Thus, efforts to prevent bullying are an integral part of implementing the objectives of Islamic law in safeguarding the welfare and optimal growth and development of children.

Furthermore, efforts to prevent bullying within the context of positive law have been regulated by the Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 on the Prevention and Handling of Violence in Educational Institutions. Although this regulation provides a strong legal foundation, its implementation still faces various challenges, particularly in addressing cyberbullying and fostering effective collaboration between schools, families, and the community. This situation indicates that a formal-legal approach, which tends to focus on prevention and enforcement, has not yet been fully capable of addressing the root causes of bullying, which are multidimensional in nature. Various studies show that bullying behaviour is influenced by internal factors, such as low empathy, experiences as a victim, and weak internalisation of moral values, as well as external factors including family upbringing patterns, peer influence, school culture, the social environment, and digital media. Therefore, addressing bullying requires a more comprehensive approach. In this regard, Islamic family legal psychology offers an integrative perspective that connects legal, psychological, and

religious values, positioning the family as the frontline in preventing bullying by strengthening parenting practices, effective communication, and the internalisation of Islamic values that respect the dignity and rights of children (Nurjanah, 2017).

Family *fiqh* studies regard children as a trust whose lives, dignity, and honour must be safeguarded through the maqasid al-shari'ah, such as *hifz al-nafs* and *hifz al-'ird*. Violence, humiliation, and bullying are regarded as injustices and violations of moral values, addressed through the prohibitions against *qadhaf*, *ghibah*, and *namimah*, as well as *ta'zir* sanctions (Cohen, 2012; Imran, 2023). *Fiqh al-usrah* emphasizes the role of parents in *hadanah*, moral education, and spiritual responsibility toward children, including in the digital age, which provides access to negative content and risky interactions (Nasoha dkk., 2024; Banurea, 2025). However, the classical framework has not explicitly detailed modern forms of bullying, such as cyberbullying, necessitating a reinterpretation of values for this new context. Existing literature has addressed *fiqh*, positive law, and cyberbullying, but most studies remain separate and descriptive. There are virtually no integrated models that combine *fiqh al-usrah*, national law, and protection practices in the digital age, particularly regarding bullying and cyberbullying. The proposed research has the potential to fill this gap through an interdisciplinary framework that is both normative and practical for families, schools, and policymakers.

Based on these issues, this study aims to (1) analyse the concept of child protection in Islamic family law (*fiqh al-usrah*), (2) examine positive law regulations in Indonesia regarding the protection of children from bullying, and (3) formulate harmonisation between Islamic family law and positive law in efforts to prevent and address bullying, including cyberbullying. This research is important because there are limited studies that integrate the perspectives of *fiqh al-usrah*, positive law, and family psychology in discussing the protection of children from bullying. Theoretically, this study contributes to the development of Islamic family law research by strengthening the *maqāṣid al-sharī'ah* perspective on contemporary child protection issues. Conceptually, this study offers an integrative framework that connects legal, psychological, and religious values in the prevention of bullying. Practically, the results of this study are expected to serve as a reference for families, educational institutions, and policymakers in strengthening a more comprehensive child protection system that is responsive to various forms of bullying, including in the digital space. Thus, this study not only enriches the body of knowledge on Islamic family law but also contributes to strengthening child protection in Indonesia.

Literature Review

Bullying is an intentional, repeated, and aggressive behaviour that involves a power imbalance between the perpetrator and victim (Sejiwa,

2008). Conceptually, bullying is not limited to physical force but also encompasses psychological and social domination (Goodwin, 2010; Krahe, 2005).

Bullying in the Context of *Fiqh al-Jinayah* and the *Maqasid al-Shari'ah*

Studies on bullying from an Islamic legal perspective largely remain focused on the *fiqh al-jinayah* approach, which classifies bullying as a form of *jarimah* (crime) subject to sanctions such as *ta'zir*, *qishash*, or *diyat* depending on the severity of the harm caused. Syam and Mayangsari (Syam & Mayasari, 2023) classify bullying as an act contrary to the *maqashid* of Sharia because it threatens *hifz al-nafs*, *hifz al-'aql*, and *hifz al-nasl*, thereby subjecting the perpetrator to *ta'zir* sanctions. In line with this, (Nurjannah & Azizah, 2024) examined the criminal liability of minors who commit bullying resulting in death, suggesting that they be sentenced to *ta'zir*, *diyat*, *kaffarah*, or alternative, education-oriented forms of punishment. In contrast (Hamdiyah, 2026; A. Pradana et al., 2023) emphasise the importance of educational and restorative approaches through religious guidance and character-building for the perpetrators. In line with this, (Hotmaida Simanjuntak et al., 2025; Nafsiyah & Ristianawati, 2026) highlight the application of restorative justice in addressing sexual bullying involving children while prioritising victim protection, perpetrator rehabilitation, and the best interests of the child.

Although these studies make important contributions to law enforcement and case resolution, they remain focused on criminal dimensions and post-incident handling. Few studies have integrated the perspective of *fiqh al-usrah* with Indonesian positive law to establish a preventive child-protection system. Unlike previous research, this study offers an analysis of the harmonisation of *fiqh al-usrah* and Indonesian positive law, emphasising the strengthening of the roles of the family, school, and state in the prevention and handling of bullying through educational, restorative and collaborative approaches.

Children's Rights in *Fiqh al-Usrah*

From the perspective of *Fiqh al-Usrah*, children are viewed as a trust (*amanah*) possessing fundamental rights that must be fulfilled and protected. In Islam, children are not only considered part of the family but also legal subjects entitled to protection, education, and well-being (Nurhamidah, 2022). From an evaluative standpoint, children's rights in *Fiqh al-Usrah* can be categorised into several areas: education, health, economics, politics, and marriage (Nurhakim, 2022; Mustaqim, 2022). Several studies have identified that these rights are relevant to the issue of bullying, particularly regarding the right to a safe educational environment, mental health, protection from various forms of violence, and the preservation of children's honour and dignity (Armitage, 2021; Drăghici, 2024; Dwi Rahmadania Salmon et al., 2025; Rahmah et al., 2025).

However, previous research has been dominated by normative discussions of the concept of children's rights and has not specifically analysed bullying as a form of violation of these rights within the framework of *Fiqh al-Usrah*. Furthermore, the relationship between children's rights in Islamic family law and the protection mechanisms stipulated in Indonesian positive law has not been comprehensively examined. Unlike previous studies, this research positions bullying and cyberbullying as multidimensional violations of children's rights and examines how the principles of child protection in *Fiqh al-Usrah* can be harmonised with Indonesian positive law to build a protection system that is more preventive, educational, and oriented toward the best interests of the child.

Regulations on the Protection of Children from Bullying in Indonesia

A review of child protection from bullying in Indonesian positive law indicates a growing focus on strengthening legal instruments for child protection (Santoso et al., 2023a) emphasises that protection for bullying victims has gained a normative foundation through Law No. 35 of 2014 on Child Protection, although bullying has not yet been explicitly defined as a separate criminal offence. Further studies highlight the importance of legal protection for child victims of violence in school settings through the optimisation of educational policies and prevention mechanisms outlined in Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 (Rahma & Fitriasih, 2024; Wahyudi et al., 2023).

Meanwhile, Elsa et al. (2025) develop a comparative perspective on child protection within the legal systems of Indonesia and the United States, while Hidayat (2024) focuses his analysis on legal protection for children in conflict with the law based on the Law on the Juvenile Criminal Justice System. In a more specific context, (Manilani et al., 2025; Santoso et al., 2023b) examine child protection through a normative lens, asserting that bullying is not yet explicitly regulated by law and is therefore constructed as a form of violence; the protection provided is limited to restitution or compensation, and there are no specific rights regarding psychological protection for victims.

In general, these studies have successfully mapped out the regulatory aspects and law enforcement mechanisms in child protection; however, they remain oriented toward a legal-positivist approach and post-incident handling. Consequently, the preventive dimension rooted in the values of Islamic family law, particularly *Fiqh al-Usrah*, has not received adequate attention. Furthermore, bullying is more often framed as part of the broader issue of violence against children; therefore, it has not been specifically examined through the lens of harmonising positive law with Islamic family law.

Therefore, this study aims to fill this gap by analysing the relationship between child protection regulations in Indonesia and the principles of child

protection in *Fiqh al-Usrah* to develop a more comprehensive, preventive model of child protection against bullying that is oriented toward the best interests of the child. From an evaluative perspective, child protection regulations in Indonesia can be viewed as an integrative and multi-level system. The Child Protection Law stipulates criminal sanctions for perpetrators of violence, including bullying, while the Domestic Violence Law provides the legal basis for addressing violence within the household. The Ministry of Education and Culture Regulation No. 82 of 2015 serves as a technical regulation for the prevention and response to violence in educational settings, including through the establishment of the Violence Prevention and Response Team (TPPK). This approach demonstrates that child protection is not merely repressive but also preventive through education and institutional policies. Thus, the Indonesian legal system has adopted an integrated child protection system approach (European Union Agency for Fundamental Rights, 2025), which emphasizes the synergy between the state, families, and educational institutions in creating a safe environment for children.

Method

This study employed a qualitative descriptive research design using a library research approach and conceptual analysis. The qualitative approach was chosen because it allows for in-depth and contextual exploration and understanding of social phenomena (Lim, 2025). The primary data used in this study are *Fiqh al-Usrah* and legislation on child protection. Secondary data were obtained from scientific journals, articles on Islamic law, and various literature relevant to the issue of bullying, including cyberbullying and the harmonisation between Islamic law and positive law in Indonesia. Data sources were carefully selected, taking into account the credibility, relevance, and recency of the information.

In this study, a documentation method was employed to collect data, which involved searching and reviewing various literature sources relevant to the research topic. Data were obtained from *Fiqh al-Usrah* texts, academic books, articles from reputable national and international journals, laws and regulations, and policy documents related to child protection and the handling of bullying. The literature search was conducted using the Scopus, Dimensions, Garuda, and SINTA databases using the following keywords: child protection, bullying, cyberbullying, *fiqh al-usrah*, Islamic family law, child protection, and children's rights. The literature analysed was limited to publications from 2020 to 2026 to obtain up-to-date data, with the exception of classical fiqh sources, which were used as a normative foundation. Furthermore, the collected data were analysed using descriptive-critical and hermeneutic approaches. The analysis was conducted in several stages: data reduction, data classification, interpretation of religious and legal texts, and drawing contextual conclusions using a hermeneutic approach.

The literature used in this study was selected based on inclusion and exclusion criteria. The inclusion criteria for this study include the following: (1) literature discussing child protection from the perspective of Islamic law or Indonesian positive law; (2) articles examining bullying and cyberbullying against children; (3) currently valid legal documents; and (4) sources with academic credibility and substantive relevance to the research focus. The exclusion criteria include articles that have not undergone a peer-review process, publications not directly related to the research theme, and documents lacking clarity regarding their source and academic authority.

The collected data were recorded using a data extraction table that includes the source's identity, the focus of the study, key concepts, research findings, and their relevance to the research objectives. Subsequently, the data were analysed using a descriptive-critical and hermeneutic approach through several stages: (1) data reduction by selecting relevant information; (2) data classification based on the themes of child protection, bullying, and the principles of *fiqh al-usrah*; (3) content analysis to identify patterns, concepts, and arguments emerging in the literature; (4) hermeneutic interpretation of *fiqh* texts and regulations, taking into account their historical and social contexts as well as their normative objectives; and (5) drawing contextual conclusions through a synthesis of the perspectives of Islamic family law and Indonesian positive law. A hermeneutic approach is used to understand the substantive meaning of religious texts and their relevance in addressing the phenomena of bullying and cyberbullying against children in the contemporary era.

Result

The Concept of Child Protection in *Fiqh Al-Usrah*: Bullying as *Ta'addi* and *Zulm* from the Perspective of the Qur'an

The results of this study show that in Islamic family law, children are regarded as a trust that must be comprehensively safeguarded by parents, the family, and the state (Pakarti, 2023; Auda, 2008) through the principles of *maqasid al-shari'ah*, particularly *hifz al-nafs* (protection of life), *hifz al-'aql* (protection of reason), and *hifz al-'ird* (protection of honour). These principles are grounded in the fundamental tenets of Islamic law that reject all forms of harm (*lā ḍarar wa lā ḍirār*) and the command to uphold the dignity of fellow human beings, as stated in Surah Al-Hujurāt (49): 11, which prohibits mockery, insults, and the use of derogatory nicknames.

In the context of bullying, *hifz al-nafs* requires the protection of children from physical and psychological violence that threatens their safety and mental health; *hifz al-'aql* demands the creation of an educational environment free from intimidation, verbal abuse, and cyberbullying that can disrupt children's intellectual and emotional development; and *hifz al-'ird* emphasizes the prohibition against acts of humiliation, stigmatisation, harassment, and

reputation-damaging behaviour that degrade a child's dignity. Based on these principles, child protection is realised not only through the imposition of sanctions on perpetrators but also through preventive measures, such as strengthening family caregiving functions, character education, creating a safe school environment, and implementing restorative resolution mechanisms oriented toward the best interests of the child. Thus, bullying can be understood as a violation of the fundamental objectives of Sharia because it threatens the life, intellect, and honour of children, who are the primary objects of protection in *Fiqh al-Usrah*.

Bullying, whether physical, verbal, social, or digital, is categorised in Islamic law as an act of *ta'addī* and *zulm* (Nurjanah, 2018) because it involves crossing boundaries that harm and degrade the dignity of others. This view is grounded in the principle of protecting human dignity (*hifz al-'ird*) as an integral part of *maqāṣid al-sharī'ah*, which establishes dignity and self-respect as fundamental values that must be safeguarded (Syam & Mayasari, 2023b). The Qur'an explicitly prohibits behaviour such as insulting, mocking, and using derogatory nicknames, as well as *ghibah*, as emphasised in Qur'anic Surah Al-Hujurāt (verses 11–12).

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِّن قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّن نِّسَاءٍ عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنْفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأَسْمُ الْمُسُوفُ بَعْدَ الْإِيمَانِ وَمَنْ لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ
أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ إِثْمٌ وَلَا تَحْسَسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَن يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ

Meaning: "O you who believe, let not one group mock another, for perhaps those being mocked are better than those doing the mocking, and let not women mock other women, for perhaps the women being mocked are better than those doing the mocking. Do not slander one another or call each other offensive nicknames. The worst nickname is "disbeliever" after one has believed. Those who do not repent are wrongdoers. O you who believe, avoid most suspicion. Indeed, some suspicions are sinful. Do not seek out the faults of others, and let none of you backbite one another. Would any of you like to eat your dead brother's flesh? You would surely feel disgusted. Fear Allah! Indeed, Allah is the Acceptor of Repentance and the Most Merciful.

In today's context, various forms of bullying, including hate speech on social media, social exclusion in educational settings, and repeated verbal

abuse, are clear manifestations of the actions prohibited by this verse, as they result in psychological harm, a loss of security, and disruption to victims' mental development. Therefore, bullying must be understood as a normative violation of Islamic legal values that demands serious prevention and intervention efforts to safeguard human welfare and dignity. Bullying practices such as verbal abuse, social exclusion, and repeated cyberattacks not only violate religious norms but also contradict the state's legal obligation to guarantee children a sense of security, dignity, and psychological development. Thus, bullying constitutes a multidimensional violation that demands a comprehensive response through both a normative-religious and legal-positivist approach to ensure optimal protection of children's rights and dignity.

The analysis results indicate that, from a *fiqh* perspective, acts of bullying can be categorised as actions that cause harm (*ḍarar*) to a child's soul, mind, and dignity, and are therefore subject to *ta'zīr* sanctions. In Islamic law, *ta'zīr* is a form of punishment for acts whose specific type and severity are not explicitly defined in the *nash*; thus, the authority to determine it rests with the judge or *ulil amri*, considering the degree of wrongdoing, the resulting impact, and the public interest. However, in the Indonesian context, the concept of *ta'zīr* is not understood as a system of sanctions applied directly outside the national legal framework but rather as a normative principle that emphasizes the importance of protecting victims and preventing behaviour that harms children.

Therefore, harmonisation between *fiqh* and positive law can be achieved by incorporating the values of *ta'zīr* as an ethical foundation for strengthening child protection regulations, applying proportional sanctions, and developing educational and restorative approaches, as stipulated in the Child Protection Law and the Juvenile Criminal Justice System Law. Thus, the relationship between *fiqh* and positive law is complementary, not competitive; consequently, it does not result in overlapping sanction systems but rather reinforces the shared goal of protecting the best interests of children.

Positive Law Provisions on the Protection of Children from Bullying

Research has found that, normatively, the protection of children from bullying in Indonesia is regulated by several key laws, namely Law No. 35 of 2014 (Nasution, 2021) on Child Protection, Law No. 23 of 2004 on the Elimination of Domestic Violence, and the Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 on the Prevention and Handling of Violence in Educational Settings (Tang, 2020). The Child Protection Law affirms the principle of the best interests of the child and prohibits all forms of physical, psychological, and sexual violence, as well as neglect of children, including within educational settings.

The Domestic Violence Law specifically classifies domestic violence as a public criminal offense, thereby allowing legal action to be taken against violence against children in the domestic sphere without requiring a complaint from the victim. Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 (Sagala, 2023) provides technical guidelines for schools through the establishment of a Violence Prevention and Response Team, reporting mechanisms, and administrative sanctions against perpetrators of violence in educational settings. Although its implementation often faces challenges, it has been reinforced by new regulations such as Ministry of Education, Culture, Research, and Technology Regulation No. 30 of 2021 (PPKS) and Ministry of Education, Culture, Research, and Technology Regulation No. 46 of 2023 (PPKSP), which are more specific to sexual violence (C. D. E. Pradana, 2024).

Although the normative framework for protecting children from bullying is relatively comprehensive, this study found a gap between legal norms and ground-level implementation (Rosyadi & Fatoni, 2023). In practice, various forms of bullying still frequently occur in both family and educational settings due to weak supervision, low legal literacy, and a lack of child-friendly complaint mechanisms. This indicates that the existence of regulations has not been fully accompanied by institutional capacity and legal awareness among stakeholders to ensure effective protection of children. Furthermore, the fragmentation of authority among institutions affects the effectiveness of handling bullying cases. Child protection involves many actors, including families, educational institutions, law enforcement officials, and child protection agencies. However, coordination among these parties is not optimal. Consequently, bullying cases are often handled piecemeal and reactively rather than preventively and sustainably, so the psychological and social impacts on victims are not comprehensively addressed.

This study underscores the importance of a preventive approach by strengthening the role of educational institutions as safe spaces for children. The implementation of Ministry of Education and Culture Regulation No. 82 of 2015, specifically the establishment and strengthening of the Violence Prevention and Response Team, must be accompanied by capacity-building for teachers, educational staff, and school counsellors in the early detection and handling of bullying cases. Without adequate human resources and institutional commitment, the regulation risks becoming nothing more than an administrative tool. Thus, efforts to protect children from bullying require not only legal certainty through regulations but also strengthened implementation through inter-institutional collaboration, increased public legal awareness, and the internalisation of child protection values within the culture of family and educational institutions. A holistic and sustainable approach is key to ensuring that the principle of the best interests of the child is truly realised in practice.

Forms and Impacts of Bullying on Children

Based on a review of the psychological and educational literature, children experience bullying in three main forms: physical bullying, verbal bullying, and psychological/social bullying, which has now evolved into cyberbullying via digital media (Zhu et al., 2021). Physical bullying includes hitting, kicking, and physical assaults; verbal bullying takes the form of taunts, insults, and derogatory nicknames; while psychological bullying encompasses exclusion, condescending stares, and intimidation that is difficult to detect. Research findings indicate that all forms of bullying have both short-term and long-term effects on children, including mental health issues, declining academic performance, and impaired character development (Marcos, 2024; Menken et al., 2022). This situation underscores the urgency of comprehensive protection rooted in the family, school, and state and calls for regulatory updates to address the phenomenon of cyberbullying more specifically.

Furthermore, the complexity of bullying's forms and impacts underscores that child protection must focus on early prevention efforts and the strengthening of sustainable support systems. Bullying, particularly cyberbullying, is characterized by its repetitive, hidden nature and its ability to transcend spatial and temporal boundaries, thereby potentially causing deep psychological trauma if not addressed promptly and appropriately. Therefore, the roles of the family in fostering safe communication and supportive parenting practices; schools through character education, social-emotional literacy, and child-friendly reporting mechanisms; and the state through the provision of adaptive regulations and law enforcement that prioritises the best interests of the child are all crucial. Through an integrated approach involving families, schools, and the government, efforts to protect children from various forms of bullying are expected to minimise the long-term impacts on children's mental health, academic performance, and character development.

Discussion

Critique of Child Protection Practices from the Perspective of *Fiqh al-Usrah*

Normatively, *fiqh al-usrah* positions the family as the primary institution for child protection, with parents obligated to ensure their children's physical and psychological safety and raise them with gentleness. However, a critical examination of reality reveals a gap between normative ideals and actual practice, where authoritarian parenting, verbal abuse within the home, and a lack of internalisation of *maqāṣid al-sharī'ah* values can trigger or legitimise bullying behaviour. Another shortcoming is the tendency among some Muslim families to interpret discipline as harsh physical and verbal punishment rather than as a process of *tarbiyah* oriented toward *hifẓ al-nafs* and *hifẓ al-'aql*. This indicates that the principles of *fiqh al-usrah* have not yet been fully

transformed into practical guidelines for parenting, so that the potential protection offered by Sharia has not been optimally realised by children (Sriharini et al., 2026).

Bullying children is a serious violation of human values and legal norms, both from an Islamic perspective and under positive law in Indonesia (Kisbiyanto, 2025; Mohammad Kosim et al., 2022) (Mohammad Kosim et al., 2022). In *Fiqh al-Usrah*, bullying is viewed as a form of *ta'addī* (an act that crosses boundaries) and *zulm* (oppression), which contradicts the principles of protecting life (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), and dignity (*ḥifẓ al-'ird*). Under positive law, bullying is classified as a form of violence against children, as regulated by the Child Protection Act. These two legal systems converge in their view of children as subjects who must be protected from all forms of violence, whether physical, verbal, or psychological.

Analytically, the similarity between *Fiqh al-Usrah* and positive law lies in the protective approach, which emphasizes the prevention and punishment of perpetrators. However, there is a difference in the sanction mechanisms, where Islamic law employs the flexible and contextual *ta'zīr* approach, whereas positive law prescribes sanctions normatively in the form of criminal penalties and fines. In practice, these two approaches can complement each other, particularly in the context of character development and the enforcement of just laws (Jauhari et al., 2023; Sriwiyanti et al., 2021).

Strengths and Weaknesses of Positive Regulations

In terms of strengths, Indonesia's positive legal framework provides a relatively comprehensive system for child protection, ranging from the recognition of children's rights and mechanisms for criminal sanctions against perpetrators of violence to technical regulations for preventing violence in educational settings. The ratification of the Convention on the Rights of the Child and the affirmation of the principle of the best interests of the child reinforce children's status as legal subjects entitled to protection from all forms of violence, including that of bullying. However, a critical-normative analysis identifies several weaknesses, particularly the absence of specific regulations on cyberbullying and weak implementation at the grassroots level (Putra, 2024). In many cases, schools and law enforcement officials still struggle to classify acts of digital bullying within the framework of existing criminal provisions, while families often view bullying as "ordinary mischief" that does not need to be reported or addressed through legal channels (Saleh et al., 2025).

Model for Harmonizing *Fiqh al-Usrah* and Positive Law in the Implementation of Child Protection Against Bullying

The discussion shows that *fiqh al-usrah* and positive law share a strong common ground in the principle of protecting children's lives, minds, and dignity, so that the two can be harmonised into an integrative protection

model. *Fiqh al-usrah* provides the foundation of values and ethics for child-rearing, while positive law provides enforcement mechanisms and sanctions for violations. From a normative-critical perspective, this harmonisation requires, first, a contextual reinterpretation of *fiqh al-usrah* to produce practical guidelines for non-violent child-rearing that can be adopted by families, schools, and state institutions. Second, a reformulation of positive regulations to make them more responsive to new phenomena such as cyberbullying and to more explicitly integrate child protection values based on *maqāṣid al-sharīʿah* into education and family policies.

Protecting children from bullying cannot be separated from the comprehensive fulfilment of children's rights, as stipulated in *Fiqh al-Usrah* and national law. From an Islamic perspective, the fulfilment of children's rights encompasses educational, health, economic, and social protection aspects aimed at creating holistic well-being. Meanwhile, under positive law, such protection is implemented through state policies, such as parental obligations, the role of educational institutions, and legal interventions against the perpetrators of violence (Alifiyah & Anshori, 2023). This demonstrates that child protection is not merely an individual responsibility but also a collective one, as illustrated in the following table.

Table 1. Harmonization Between *Fiqh al-Usrah* and Positive Law Regarding Bullying

Protection Aspects	Principles of <i>Fiqh al-Usrah</i>	Indonesian Positive Law	Forms of Harmonization	Practical Implementation
Protection of Children's Dignity	<i>Hifz al-Nafs</i> and <i>Hifz al-'Irdh</i> (protecting life and honor)	Child Protection Law and Ministry of Education and Culture Regulation on the Prevention of Violence	Integration of values regarding the physical and psychological protection of children	Schools are required to create a safe and anti-bullying environment
Prevention of Verbal	Violence Prohibition of <i>tahqir</i> , <i>sukhrayah</i> , and insults in Islam	The Criminal Code (KUHP), the Information and Electronic Transactions Law (ITE Law), and school regulations	Alignment of moral norms and legal sanctions	Education on communication ethics and digital literacy
Parental Responsibility	The concept of hadhanah and family responsibility	the Marriage Law and the Child Protection Law	strengthening the family's role as the child's primary protector	engaging in anti-bullying parenting and social media supervision

The Role of Educational Institutions	Education based on moral values and etiquette	child-friendly school policies	integration of character education and school regulations	an anti-bullying curriculum based on religious values and human rights
Conflict Resolution	Reconciliation and deliberation	Mediation and restorative justice	Non-repressive approaches to resolution	Counseling, school mediation, and psychological recovery for victims
Sanctions Against Perpetrators	Ta'dib (education and guidance)	Administrative and criminal sanctions	Balance between guidance and deterrence	Non-violent character development
Psychological Protection of Children	Rahmah and the Maqashid al-Sharia	Children's Rights to Growth and Development	An Approach Based on the Best Interests of the Child	Psychological Support and Social Rehabilitation

Source: compiled by author

Base on table 1, from an evaluative perspective, the implementation of child protection in preventing bullying requires a multidimensional approach involving families, schools, and the state. Within the family, parents serve as primary protectors and must provide moral education and supervision. At school, policies such as the establishment of a Violence Prevention and Response Team serve as crucial tools for creating a safe environment (Kisbiyanto, 2025). Meanwhile, the state plays a role through regulation and law enforcement. Synergy among these three elements is key to creating an effective child protection system (Vebrianto et al., 2025). Harmonising *Fiqh al-Usrah* with positive law is essential for establishing a comprehensive child protection system. *Fiqh al-Usrah* provides a strong moral and ethical foundation for prohibiting all forms of violence, including bullying, through the principle of “*lā ʿḍarar wa lā ʿḍrār*.” Meanwhile, positive law provides legal certainty through binding regulations and strict sanctions. The integration of these two approaches can strengthen the effectiveness of bullying intervention from a preventive and repressive perspective.

Analytically, the harmonisation of *fiqh al-usrah* and positive law to protect children from bullying can be achieved through normative and practical approaches. Normatively, Islamic values such as *rahmah*, *hifz al-nafs*, *hifz al-ʿirdh*, and family responsibility can be internalised in public policy, educational regulations, and character education in schools and families. These values serve as the ethical foundation for building an anti-bullying culture focused on protecting children's dignity and supporting their growth and development of children.

From an applied perspective, this harmonisation can be implemented through various concrete mechanisms. First, family education is conducted through anti-bullying parenting programs to strengthen supervision, communication, and character development for children in the home environment. Second, schools must develop standard operating procedures (SOPs) for addressing bullying that cover prevention, early detection, complaint mechanisms, and support for victims. Third, a child-friendly reporting system must be provided so that victims can report incidents without fear, stigma, or intimidation, whether through guidance counsellors, counselling services, or digital reporting channels.

Fourth, a restorative approach should be implemented through mediation, counselling, and psychological recovery for victims, ensuring that case resolution is not solely focused on punishment but also on restoring the child's mental and social wellbeing. Fifth, guidance for bullies should be provided through an educational approach involving character development, reinforcement of religious values, and behavioural rehabilitation to prevent the repetition of their actions. Sixth, cross-sectoral coordination is needed among schools, families, local governments, child protection agencies, psychologists, and law enforcement officials to build a responsive and just, integrated child protection system. Thus, the harmonisation of *fiqh al-usrah* and positive law does not stop at the conceptual level but results in a child protection model that is preventive, educational, restorative, and collaborative in creating a safe environment for children in Indonesia.

Conclusion

This study concludes that bullying and cyberbullying constitute violations of children's rights, which, from the perspective of *fiqh al-usrah*, are categorised as acts of *ta'addī* and *ẓulm* because they threaten the key *maqashid shari'a* regarding the protection of the life (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), and dignity (*ḥifẓ al-'ird*) of children. Therefore, protecting children from bullying is an integral part of the objectives of Islamic law (*maqāṣid al-sharī'ah*), which requires the active involvement of families, society, and the state to ensure children's optimal growth and development. In contrast, Indonesian positive law has provided a relatively comprehensive normative framework through the Child Protection Law and the Ministry of Education, Culture, Research, and Technology Regulation on the Prevention and Handling of Violence in Educational Settings. However, various implementation challenges remain, such as low legal literacy, weak inter-institutional coordination, and a lack of optimal regulations and handling of cyberbullying in children's online spaces.

This study found that *fiqh al-usrah* and Indonesian positive law share common ground in their orientation toward child protection, although they differ in their approaches to punishment. *Fiqh al-usrah* emphasizes moral

guidance, character education, and the principle of *ta'zīr*, which is flexible and tailored to the nature of the offence, while positive law prioritises legal certainty through criminal and administrative mechanisms. Harmonisation of the two can be achieved through a child protection model that is preventive, educational, restorative, and collaborative, by strengthening the roles of the family, school, community, and state. This model constitutes the primary contribution of this study toward developing a more comprehensive and adaptive child protection system to address the challenges of bullying and cyberbullying in the digital age.

Acknowledgements

The authors would like to thank all parties who provided support for the preparation of this study. Special thanks are extended to the LP2M STAI Darussalam Lampung for the academic support provided and to colleagues who offered constructive feedback throughout the research process. The authors also appreciate the various parties who provided relevant data sources and references that enabled this study to be successfully completed.

Author Contribution Statement

N.S contributed to the conceptualisation of the research, formulation of the theoretical framework, data collection and analysis, and manuscript writing. F contributed to the literature review and refinement of the conceptual analysis. Ilmi contributed to data processing, validation of results, and drafting of the methodology section. Rasyid contributed to research supervision, manuscript editing, and ensuring overall academic quality.

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