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Children's Rights in Islamic Law: A Contemporary Study of Family Practices

Abstract: Children are creatures created by God that must be protected and maintained with honor and dignity. The fulfillment of children's rights is an interesting issue to discuss. This study aims to analyze the fulfillment of children's rights in the family from the perspective of *Fiqh* and analyze effective ways that must be done so that the guarantee of the fulfillment of children's rights can be realized properly. This study uses a literature review. The data collection technique used is documentation, which examines scientific journals, books, and documents related to the research object. The analysis method used in this study is the Miles and Huberman analysis method. The data validation technique used is source triangulation, which compares one source with another source so that the data obtained is valid. An important finding in this study is the fulfillment of children's rights if narrowed down more deeply into five things: the fulfillment of rights related to religious affairs (*Hifz aldin*), the fulfillment of rights related to the soul (*Hifz al-nafs*), the fulfillment of rights related to honor and nasab (*Hifz al-Nasl*), the fulfillment of rights related to reason (*hifz al-aql*), and the fulfillment of rights related to property (*Hifz al-mal*). Children must be guaranteed their right to grow and develop following their nature; therefore, all forms of treatment that interfere with and damage children's rights in various forms of violence, discrimination, and exploitation that are not inclusive must be abolished without exception. The guarantee of the fulfillment of children's rights needs to be integrated with the applicable legal regulations in society to be more effective, namely Law Number 4 of 1979, Presidential Decree Number 36 of 1990, and Law Number 35 of 2014 concerning Child Protection as a form of amendment to Law Number 23 of 2002 concerning Child Protection. This study contributes to the academic discourse by offering a normative reconstruction of children's rights within the family through the lens of *maqasid al-shari'ah*, thereby integrating classical *fiqh* principles with contemporary child protection laws in Indonesia

Keywords: Children's Rights, Islamic Legal, Family; Fulfillment.

INTRODUCTION

Fulfilling children's rights in the family is an increasingly urgent issue amid globalization and modernization. Children's rights include education, health, violence protection, and family and community participation. UNICEF notes that despite significant progress in fulfilling children's rights in various countries, millions of children still face violations of their basic rights.¹ In Indonesia, a Ministry of Women's Empowerment and Child Protection report shows that many children still have not received their full rights. There is another serious problem, namely, violence against children in the family or community environment. Some of these forms of violence can take the form of beatings, theft, persecution, and rape. According to data from the National Commission for Child Protection (Komnas PA), in 2023, there will be 3,547 cases of violence against children. 3,000 of them were sexual violence against children.

These facts further support the hope of fulfilling children's rights. Therefore, a special formula must be used to handle this serious issue. Moreover, this challenge is even more complex in the context of the Muslim family, where the understanding and application of children's rights often have to be harmonized with the principles of jurisprudence.² *Fiqh*, as a religious and ethical guide in Islam, has an important role in shaping the behavior and decisions of Muslim families regarding children's rights. *Fiqh* provides guidance on the rights and obligations between parents and children, which includes the rights to affection, education, protection, and welfare. However, a survey by the Indonesian Child Protection Institute (LPAI) shows that many Muslim families have not fully understood or applied the concept of children's rights following the *Fiqh*

¹UNICEF, 'The State of the World's Children 2021', 5 October 2021, <https://www.unicef.org/reports/state-worlds-children-2021>.

² Ahmad Rusyaid Idris et al., 'Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage', *MILRev : Metro Islamic Law Review* 3, no. 1 (2024): 1, <https://doi.org/10.32332/milrev.v3i1.8907>.

guidelines.³ This shows that there is a gap between theory and practice in fulfilling children's rights in Muslim families.

A literature review shows that although there has been much research on children's rights, some important gaps have not been explored. One of the main gaps is the gap between theory and practice.⁴ There are many theoretical studies on children's rights in *Fiqh*, but their implementation in daily life is still underresearched. For example, research by Houmine discusses the views of scholars on children's rights in Islam but focuses more on theoretical aspects without touching on practical implementation in the field.⁵ In addition, existing research is often general and does not pay attention to local and specific contexts, such as the customs and habits of the Muslim community in Indonesia. For example, a study by Karimullah explores the fulfillment of children's rights in Muslim countries but does not specifically address the Indonesian context.⁶

In addition to the research, Anisatul analyzes the guarantee of children's rights in a country through the financial services authority.⁷ Children's rights in a household experiencing divorce are still often found in disputes between the two parents, and this has become a separate polemic in the study of *fiqh*; there is still not much research on this matter. For example, Syukrawati's research in normative law discusses children's rights after the divorce of both parents.⁸

³ Tim Penyusun Universitas Al-Azhar dan UNICEF, *Hak Dan Perlindungan Anak Dalam Islam* (UNICEF Indonesia, 2022).

⁴ Suriani Suriani et al., 'The Fulfillment of Women's and Children's Rights Post-Divorce in Judicial Decisions of the Unaaha Religious Court', *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 95, <https://doi.org/10.30984/jis.v22i1.2904>.

⁵ Mohammed Houmine and Khadija Loudghiri, 'Exploring Child Rights and the Concept of Childhood in Islam: A Contemporary Descriptive Analysis', *Khazanah Hukum* 5, no. 2 (2023): 2, <https://journal.uinsgd.ac.id/index.php/kh/article/view/28734>.

⁶ Suud Sarim Karimullah, 'Children's Rights in Islam: Towards Gender Equality and Youth Justice', *Muadalah* 11, no. 2 (2023): 87-98, <https://doi.org/10.18592/muadalah.v11i2.11113>.

⁷ Anisatul Latifah et al., 'Perlindungan Anak Dari Kekerasan Ekonomi Melalui Asuransi: Analisis Peran Otoritas Jasa Keuangan Dalam Meningkatkan Jaminan Hak Anak', *Legitima : Jurnal Hukum Keluarga Islam* 5, no. 2 (2023): 375-394, <https://doi.org/10.33367/legitima.v5i2.4000>.

⁸ Syukrawati Syukrawati et al., 'Post-Divorce Rights of Women and Children in Pekalongan City, Central Java: Challenges in Islamic Law Analysis', *Al-Ahkam* 34, no. 1 (2024): 121-146, <https://doi.org/10.21580/ahkam.2024.34.1.20624>.

Most previous studies have evaluated government and NGO programs for protecting children's rights, but have not specifically linked them to *Fiqh* guidelines. For example, a study by Neville evaluated child protection programs in several Arab countries but did not discuss the role of *Fiqh* in implementing such programs.⁹ Several international studies also highlight the importance of religious perspectives in fulfilling children's rights in the global context. For example, research by Bourdillon et al. emphasizes that religious perspectives often play an important role in shaping views and practices related to children's rights.¹⁰ In Muslim countries, *Fiqh* as a religious guide can provide a strong framework for fulfilling children's rights. However, ensuring that the guidelines are applied consistently and effectively in daily life is important.¹¹

Based on the above facts, the researcher is interested in studying the fulfillment of children's rights in the family following the principles of *ushul Fiqh*. This study is expected to provide practical guidance that Muslim families can easily understand and apply. This study aims to fill the research gap by providing a comprehensive analysis of the fulfillment of children's rights in Muslim families from the perspective of *Fiqh*. Thus, it is expected to make a significant contribution to efforts to protect and fulfill the rights of children in the family, especially in the context of the Muslim community in Indonesia. This research is also expected to be a reference for more effective child protection policies and programs that follow religious principles.

METHOD

This study uses a qualitative literature review approach, relying on secondary data from books, research notes, and previous study reports relevant to the research topic. Data were collected using documentation techniques, involving the review of scientific journals,

⁹ Sarah Elizabeth Neville et al., 'Child Maltreatment and Protection in the Arab Gulf Cooperation Council Countries: A Scoping Review', *Child Abuse & Neglect* 134 (December 2022): 105924, <https://doi.org/10.1016/j.chiabu.2022.105924>.

¹⁰ Rachel Burr, 'Rights and Wrongs of Children's Work', *Contemporary Sociology: A Journal of Reviews* 41, no. 3 (2012): 318-319, <https://doi.org/10.1177/0094306112443520c>.

¹¹ Abdullah Saeed, 'The Rights of the Child', in *Human Rights and Islam* (Edward Elgar Publishing, 2018), <https://doi.org/10.4337/9781784716585.00012>.

books, and other documents relevant to the research focus. The data were analyzed using the Miles and Huberman model, which includes three concurrent components: data reduction, data display, and conclusion drawing or verification.¹² The initial conclusions are provisional and may be revised as additional evidence is gathered in subsequent stages of analysis. The data validation technique used is source triangulation, which compares one source with another.¹³ To ensure the validity and reliability of the data, source triangulation was applied by comparing findings from multiple sources to identify consistencies and discrepancies.

RESULTS AND DISCUSSION

Religious and Social Perspectives

Several terms are often used in the Qur'an to refer to the meaning of "child", including the word "*al-walad*" or "*al-aulad*" (as stated in QS.al-Balad: 3, QS.at-Taghabun: 15, QS. Al-Anfal: 28, and QS. at-Taghabun: 14), "*al-ibnu*" or "*al-banun*" (as stated in QS. Luqman: 13, QS. Al-Kahfi: 46, QS. Ali Imron: 14), "*al-ghulam*" (as stated in QS. Maryam: 7, QS. As-Shaffat: 101). Similarly, in the hadiths of the Prophet, the terms *al-walad*, *al-aulad*, *al-maulud*, *al-ibnu*, *al-banin*, and *al-ghulam* are often used to give the meaning of this child, besides sometimes also using other terms such as "*at-thiflu*". In a hadith by Bukhari-Muslim, the Prophet (peace and blessings of Allaah be upon him) said: "Children are like butterflies in heaven".¹⁴

Children are creatures created by God that must be protected and maintain their honor, dignity, and dignity reasonably, both legally, socially, economically, politically, and culturally, without distinguishing ethnicities, religions, races, and groups. Children are the next generation of the nation and greatly determine the fate and future of the nation.¹⁵

¹² Matthew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif : Buku Sumber Tentang Metode Metode Baru* (UI-Press, 2014).

¹³ Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D* (Alfabeta, 2013).

¹⁴ Hm. Budiyanto, 'Hak-Hak Anak Dalam Perspektif Islam', *Raheema* 1, no. 1 (2014), <https://doi.org/10.24260/raheema.v1i1.149>.

¹⁵ Mariani Amberi, 'Efforts to Prevent Child Age Marriage in The Study of Islamic Legal Philosophy and Indonesia Positive Law', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023): 239, <https://doi.org/10.22373/sjhk.v7i1.12404>.

Children must be guaranteed their right to grow and develop following their nature; therefore, all forms of treatment that interfere with and damage children's rights in various forms of violence, discrimination, and exploitation that are not inclusive must be abolished without exception.¹⁶ According to Soerjono Wignjodipoero's explanation, children are seen as containers for fulfilling their parents' expectations; they are also protective of their parents if they can no longer make a living to meet their needs.¹⁷

Educating and nurturing children is the shared responsibility of both parents. Fathers and mothers must support each other in nurturing and educating children. Parents need to prioritize togetherness and deliberation when educating their children.¹⁸ So that no one feels alone in bearing the burden of childcare and education, Imam Abu Al-Hamid Al-Ghazali in *Ihya Ulum ad-Din* says, "Children's education is a very important matter and must be prioritized over other matters. If the child is educated well, he will grow up to be a good person, righteous/righteous, and achieve happiness in the hereafter. Every parent who educates their children will also be rewarded for their good deeds. The fulfillment of children's rights has been regulated in Law Number 35 of 2014 concerning Child Protection. However, many problems still exist during its implementation.¹⁹

Children's rights are mandatory human rights and must be guaranteed, protected, and fulfilled by parents, families, communities, the state, government, and local governments.²⁰ With the existence of the Child Protection Law, it is hoped that all rights

¹⁶ Nadjma Yassari et al., eds., *Parental Care and the Best Interests of the Child in Muslim Countries* (T.M.C. Asser Press, 2017), <https://doi.org/10.1007/978-94-6265-174-6>.

¹⁷ P Nugroho Adhi et al., 'Challenge and Opportunity to Implement the Right to Education for Child Refugees in Indonesia', paper presented at 1st International Conference on Law and Human Rights 2020 (ICLHR 2020), Jakarta, Indonesia, *Advances in Social Science, Education and Humanities Research*, Atlantis Press, 2021, <https://doi.org/10.2991/assehr.k.210506.009>.

¹⁸ M. Abdul Fattah Santoso, 'Islamic Perspective on The Rights of Child: Their Consequences For The Roles Of State And Civil Society (Especially in Education)', *Proceeding ICCE (International Conference on Child-Friendly Education)*, Universitas Muhammadiyah Surakarta, 2016, <http://publikasiilmiah.ums.ac.id/handle/11617/7187>.

¹⁹ Nafi Mubarak, 'Pemenuhan Hak Anak Dalam Hukum Nasional Indonesia', *AlQanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 25, no. 1 (2022): 31-44, <https://doi.org/10.15642/alqanun.2022.25.1.3144>.

²⁰ Muharrani et al., 'Children's Rights In A Quasi-Broken Home Family: Islamic Law Versus Child Protection Law', *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024), <https://doi.org/10.22373/petita.v9i1.284>.

will be fulfilled without having to be abandoned or forgotten. Article 9 of Law Number 35 of 2014 concerning Child Protection states that every child has the right to receive education and teaching in the context of their personal development and intelligence, following their interests and talents. Every child has the right to be protected in the education unit from sexual crimes and violence committed by educators, education staff, fellow students, or other parties.²¹

Fulfillment of Children's Rights from the Perspective of Islamic Law

In the concept of Islamic Law, knowing the position of children is very important.²² This is related to the emergence of rights or obligations for children that must be recognized and implemented by various interested parties.²³ In Islamic law, there are five types of human rights known as *maqasid al-shariah*.²⁴ This human right is also inherent in children, namely, the fulfillment of rights related to religious affairs (*Hifz al-din*), the fulfillment of rights related to the soul (*Hifz al-nafs*), the fulfillment of rights related to honor and nasab (*Hifz al-Nasl*), the fulfillment of rights related to reason (*hifz al-aql*), and the fulfillment of rights related to property (*Hifz al-mal*). First, the fulfillment of rights related to religious affairs (*Hifz al-din*). Maintaining religious rights is a top priority for parents and their children because the fulfillment of religion is the foundation for a person to understand religious teachings according to the Qur'an and Hadith. Parents are responsible for the religious beliefs of their children.²⁵

²¹ Rudi Hadi Subagja, 'Konsep Pemenuhan Hak Anak Jamaah Tabligh Perspektif Undang-Undang Perlindungan Anak Dan Maqashid Syariah', *Sakina: Journal of Family Studies* 4, no. 3 (2020): 3, <https://urj.uin-malang.ac.id/index.php/jfs/article/view/497>.

²² Burhanudin Hamnash, 'Pemenuhan Hak-Hak Dasar Anak Dalam Perspektif Islam', *ADLIYA: Jurnal Hukum Dan Kemanusiaan* 8, no. 1 (2020): 285-300, <https://doi.org/10.15575/adliya.v8i1.8632>.

²³ Idris et al., 'Contemporary Islamic Law in Indonesia'.

²⁴ Alfa Syahriar and Zahrotun Nafisah, 'Comparison of Maqasid Al-Shari'ah Asy-Syathibi and Ibn 'Ashur Perspective of Usul al-Fiqh Four Mazhab', *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 3, no. 2 (2020): 185, <https://doi.org/10.30659/jua.v3i2.7630>.

²⁵ Densy Jura and Cherly L. N. Naray, 'Maximizing the Role of Parents Through Religious Education in the Family in the Scope of Early Childhood Education', *AL-ISHLAH: Jurnal Pendidikan* 15, no. 4 (2023), <https://doi.org/10.35445/alishlah.v15i4.4508>.

Second, the fulfillment of rights related to maintaining the soul (*hifz al-nasf*). The maintenance of the right to life includes many things, the main of which is the maintenance of the child's right to health, an obligation, both physical and mental maintenance, so that the child can grow normally, and not get physical or mental diseases. Fulfilling adequate and balanced nutrition and vitamins while in the womb is one of children's health rights.²⁶ At the growth stage, among the efforts that can be made by parents so that their children grow up healthy are giving breast milk and circumcision as an effort to prevent and treat children's health.

Third, the fulfillment of rights related to the maintenance of reason (*hifz al-ql*) As an effort to fulfill the right to maintain the intellect for children by providing the right to education to children, which is an important pillar for the improvement of the degree of humanity and the advancement of human civilization which in Islam is known as *hifz al-aql*. Islam teaches that education for every human being is very important. Everyone is obliged to study until the end of their life.²⁷

Fourth, the fulfillment of rights related to maintaining honor/*Nasab* (*Hifz al-Nasl*). Hereditary is a staple; with children, intermediary will bring a person closer to the four types. These four kinds are the points that are desired when feeling safe from the evils of orgasm; the four points are first, following the love of Allah SWT by trying to get a child to be cared for; second, hoping for the love of the Prophet PBUH, in multiplying offspring as the pride of the Prophet, third, hoping for blessings, with the prayer of the righteous child after death, fourth, seeking intercession with the death of a child if he dies before. One form of the right to maintain *nasab* in Islam can be seen in the maintenance of honor, which is the honor of a child, which can be realized by acknowledging oneself as a child of their biological parents.

²⁶ Rudyanti Dorotea Tobing, 'Prevention of Child Marriage Age in the Perspective of Human Rights', *Sriwijaya Law Review* 2, no. 1 (2018): 1, <https://doi.org/10.28946/slrev.vol2.iss1.107>.pp1-17.

²⁷ Kanthi Pamungkas Sari and Maghfiroh Maghfiroh, 'Perlindungan Hak Anak Dalam Perspektif Pendidikan Islam Ibn Khaldun', *Cakrawala: Jurnal Studi Islam* 10, no. 2 (2015), <https://journal.unimma.ac.id/index.php/cakrawala/article/view/89>.

Fifth, the fulfillment of rights related to the maintenance of property (*Hifz al-mal*). In the Islamic view, wealth is Allah's property, which Allah has handed to humans to control, so the person legally owns the property. Property is very concerning, so Maqasid Sharia makes it one of the important points, namely, maintaining property. Allah intends to benefit humans so they can be used in various things, especially in maintaining children's property rights.²⁸ Here is a table outlining the fulfillment of children's needs in Islam across various aspects:

Table 1: The fulfillment of children's needs in Islam

Aspect	Need	Explanation
Physical	Food and Nutrition	Children need to receive halal and nutritious food for optimal growth.
	Health Care	Proper health care, including vaccinations and regular check-ups, is essential.
Emotional	Love and Affection	Children require love and affection from parents and their environment for healthy emotional development.
	Psychological Support	A supportive and safe environment helps foster self-confidence.
Social	Social Interaction	Children need to interact with peers to develop social skills.
	Social Education	Teaching social values and ethics in Islam is important for their upbringing.
Spiritual	Religious Education	Instruction in Islamic teachings, including worship and moral values.
	Character Development	Building good character through parental guidance and role modeling.

Data Source: Studies and research conducted by Al-Azhar University in cooperation with the United Nations Children's Fund (UNICEF) resulted in a research report entitled 'Children in Islam: Their Care, Upbringing, and Protection

²⁸Subagja, 'Konsep Pemenuhan Hak Anak Jamaah Tabligh Perspektif Undang-Undang Perlindungan Anak Dan Maqashid Syariah'.

Fulfillment of Children's Rights from a Positive Legal Perspective in Indonesia

In positive law, children's rights are regulated in Law Number 4 of 1979 concerning Child Welfare. Article 2 explains that children have the following rights: first, children have the right to welfare, care, and guidance based on affection, both in their families and in special care, to grow and develop reasonably.²⁹ Second, children have the right to services to develop their abilities and social life, following the culture and personality of the nation, to become good and useful citizens. Third, children have the right to maintenance and protection during pregnancy and after birth. Fourth, children have the right to protection of the environment that can reasonably harm or inhibit growth and development.³⁰

Meanwhile, Article 4, paragraph 1 states that children who do not have parents have the right to be cared for by the state, a person, or an entity.³¹ Furthermore, Article 5, paragraph 1 states that children who cannot receive assistance so that their families can grow and develop naturally. Article 6, paragraph 1 states that children who experience behavioral problems are given services and care to help them overcome obstacles during their growth and development. Then, in Article 7, it is stated that children with disabilities have the right to receive special services to achieve a level of growth and development as far as the limits of the child's abilities.

Children's rights in Indonesia are regulated through Law Number 4 of 1979 and Presidential Decree Number 36 of 1990, resulting from the ratification of the Convention on the Rights of the Child, which the United Nations ratified on November 20, 1989. In the Convention on the Rights of the Child, it is stated that every child, regardless of race, gender, ancestry, religion, or language, has rights that include four categories, namely: first, the right to survival, regarding the right to a decent standard of living and health services. Second, the right to development, including the right to education, information, leisure,

²⁹ Ahmad Haris et al., 'The Reconstruction of Religious Court Decision Execution on the Fulfilment of Children's Rights Post-Divorce in Indonesia', *Revista de Gestão Social e Ambiental* 18, no. 7 (2024): e5564, <https://doi.org/10.24857/rgsa.v18n7-035>.

³⁰ Mochamad Nurdin, 'Pemenuhan Hak-Hak Anak Pasca Perceraian Orang Tua Di Kecamatan Cikembar', *As-Sakinah: Jurnal Hukum Keluarga Islam* 1, no. 1 (2023): 1-15, <https://doi.org/10.51729/sakinah11130>.

³¹ Muharrani et al., 'Children's Rights In A Quasi-Broken Home Family: Islamic Law Versus Child Protection Law'.

art, and cultural activities, freedom of thought, belief, and religion, and the right of children with disabilities (special needs) to services, special treatment, and protection. Third is the right to protection, including protection from all forms of exploitation and cruel and arbitrary treatment in the criminal justice process. Fourth, the right to participation includes the freedom to express opinions, assemble and associate, and participate in decision-making concerning oneself.³²

As a manifestation of its commitment to ratify the Convention on the Rights of the Child, the Government of Indonesia passed Law No. 23 of 2002 concerning Child Protection on October 22, 2002. Overall, the main material in the law contains the provisions and principles of the Convention on the Rights of the Child. Concerning how the fulfillment of children's rights can be implemented in the life of society, nation, and state, of course, it is not only an individual responsibility (personal responsibility), but also a state responsibility (state responsibility). Because, in principle, the responsibility for fulfilling children's rights in the law is an elaboration of human rights (individuals as creatures) and the rights of Allah given to ulil amri. One way to implement the Child Protection Law is through a political and legal approach, in the sense that the government directs public awareness to implement the Child Protection Law in the life of society, nation, and state.³³

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. In addition to regulating children's rights, the law also regulates the role or obligation to protect children. Then, who is obliged to protect children? Those obliged to protect children are the state, parents, and society. The state, government, and local governments ensure children's protection, maintenance, and welfare by paying attention to the rights and obligations of parents, guardians, or other persons legally responsible for children. The state, government, and local governments oversee the

³² Salsabillah Nilam Zahra et al., 'Implikasi Yuridis Perceraian Terhadap Hak-Hak Anak Dalam Perspektif Hukum Islam (Studi Kasus Pengadilan Agama Denpasar)', *Jurnal Konstruksi Hukum* 4, no. 3 (2023): 253-260, <https://doi.org/10.22225/jkh.4.3.8032.253-260>.

³³ Wahyu Abdul Jafar et al., 'Gender Justice in the Concept of Iddah: A Contextual Reading of Al-Kasani's Thought for Working Women in Indonesia', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (2025): 15, <https://doi.org/10.29300/mzn.v12i2.7683>.

implementation of child protection. The state, government, and local governments guarantee that children can exercise their right to express opinions according to the child's age and intelligence level. To protect children, the state/government and local governments are obliged to provide funds for the implementation of child protection; the funds are sourced from the state revenue and expenditure budget, the regional revenue and expenditure budget, and other legitimate and non-binding sources of funds managed following the provisions of laws and regulations.

Meanwhile, the obligations and responsibilities of parents towards children are listed in Article 26 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. The obligations and responsibilities are nurturing, educating, and protecting children; developing children according to their abilities, talents, and interests; preventing marriage at a young age; and providing character education and instilling ethical values in children. If the parents are absent, their whereabouts are unknown, or they cannot carry out their duties and responsibilities, the obligations and responsibilities may be passed to the family.

In addition to the state and parents, the community is also obligated and responsible for protecting children.³⁴ The community's obligations and responsibilities for child protection are carried out through community role activities involving community organizations, academics, and child observers. The role of the community in protecting children is carried out individually and in groups, such as by child protection institutions, social welfare institutions, community organizations, educational institutions, mass media, and the business world.³⁵

³⁴ Kholifatun Nur Mustofa et al., 'Religious Authority and Family Law Reform in Indonesia: The Response and Influence of the Indonesian Ulema Council on Interfaith Marriage', *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 383, <https://doi.org/10.31958/juris.v23i2.11849>.

³⁵ Alih Usman, 'Siapa Yang Wajib Memberikan Perlindungan Terhadap Anak?', *bpsdm.kemenkum.go.id*, 2 May 2023, <https://bpsdm.kemenkum.go.id/informasi-publik/publikasi/pojok-penyuluhan-hukum/siapa-yang-wajib-memberikan-perlindungan-terhadap-anak>.

The Urgency of Fulfilling Children's Rights in the Family

In Indonesia, most parents educate their children based on the experiences of other parents or families they see. However, the knowledge that comes from this experience is not enough. Therefore, prospective parents, both fathers and mothers, must know how to educate their children from the womb to birth and become full adult human beings.³⁶ Every family must understand the responsibilities of parents to their children and the children's rights that parents must fulfil. Children's rights in the family are not limited to food, clothing, and shelter; They also have the right to go to school, get protection, and be safe and comfortable. Parents who do not understand children's rights can cause children's potential not to be fully explored and interfere with children's psychology. This will affect the development of adolescents and adults. Considering how important it is for parents and prospective parents to understand children's rights in the family.³⁷

The family is where children first learn about their values, norms, and rights. In the family environment, children get an early education that profoundly impacts how they understand the world around them. When children's rights are fulfilled, they will feel valued and recognized, shaping their confidence and self-esteem. Conversely, if their rights are ignored, children can experience trauma that negatively impacts their psychological and emotional development.³⁸ One of the basic rights of children is the right to be protected from all forms of violence, abuse, and exploitation.³⁹ Families have an important role in creating a safe and supportive environment. When children feel safe at home, they are more likely to develop emotionally and socially. Families that can protect children from

³⁶ Idris et al., 'Contemporary Islamic Law in Indonesia'.

³⁷ Muharrani et al., 'Children's Rights In A Quasi-Broken Home Family: Islamic Law Versus Child Protection Law'.

³⁸ Anne Riise and Veronika Paulsen, 'Facilitating Participation for Youths in Child Welfare Services in Transition to Adulthood: Practice between Formalities and Empowerment', *Child Care in Practice* 30, no. 4 (2024): 619-632, <https://doi.org/10.1080/13575279.2022.2058916>.

³⁹ Siany Indria Liestyasari et al., 'Challenges of Implementing Child-Friendly School Model in Surakarta, Indonesia', *International Journal of Evaluation and Research in Education (IJERE)* 12, no. 4 (2023): 2130, <https://doi.org/10.11591/ijere.v12i4.25149>.

external and internal threats will help them grow into healthy and happy individuals.⁴⁰ Families are responsible for ensuring children have access adequate health services and good nutrition. Good physical health is the basis for optimal development. In this context, fulfilling children's rights in terms of health and nutrition is very important to prevent health problems that can interfere with their growth and development. Families who care about their children's health will contribute to improving their quality of life.⁴¹

The urgency of fulfilling children's rights in the family cannot be ignored. The family is the main foundation for a child's development, and fulfilling their rights is essential to creating healthy, happy, and productive individuals. Therefore, all parties, including governments, communities, and individuals, need to work together to create an environment that supports the fulfillment of children's rights.⁴² Children must get legal protection to guarantee their rights. They are important assets that the state must appreciate because they are the successors of the nation's fighting values that will depend on them in the future. Therefore, it is appropriate that there are strict regulations, both Islamic law and positive law, that can ensure the fulfillment of children's rights.

CONCLUSION

Based on the presentation of the data above, the fulfillment of children's rights is narrowed down to five things: Fulfillment of rights related to religious affairs (*Hifz al-din*), fulfillment of rights related to the soul (*Hifz al-nafs*), fulfillment of rights related to honor and nasab (*Hifz al-Nasl*), fulfillment of rights related to reason (*Hifz al-'aql*), and fulfillment of rights related to property (*Hifz al-mal*). Children must be guaranteed their right to grow and develop according to their nature. Nature, therefore, all forms of treatment that interfere with and damage children's rights in various forms of violence, discrimination,

⁴⁰ Tri Wahyu Hidayati et al., 'Dynamics of Family Fiqh: The Multiple Roles of Women in Realizing Family Resilience', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (2022): 219-238, <https://doi.org/10.18326/ijtihad.v22i2.219-238>.

⁴¹ Feni Agustina, 'Fulfilling Children's Rights Through Post-Divorce Relationships: An Investigation from Bima', *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 1 (2023): 158-179, <https://doi.org/10.14421/ahwal.2023.16108>.

⁴² Putri Maja Mulia Anisa et al., 'Protecting the Vulnerable: Child Custody Adjudication in Domestic Violence Cases in Banyuwangi Religious Court', *Indonesian Journal of Islamic Law* 7, no. 2 (2024): 30-42, <https://doi.org/10.35719/ek3d7b04>.

and exploitation that are not inclusive must be abolished without exception. In the Indonesian context, children's rights in Indonesia are not only regulated through Law Number 4 of 1979 and Law Number 35 of 2014 concerning Child Protection but also through Presidential Decree Number 36 of 1990, which is the result of the ratification of the Convention on the Rights of the Child which the United Nations ratified on November 20, 1989. In the Convention on the Rights of the Child, it is stated that every child, regardless of race, gender, ancestry, religion, or language, has rights that include four categories, namely: the right to survival, the right to a decent standard of living, and health services.

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AUTHOR CONTRIBUTIONS STATEMENT

All authors contributed significantly to this study. Siti Nurjanah conceptualized the research, developed the framework, and led the manuscript writing. Ahmad Syarifudin conducted data collection and analysis while providing critical revisions. Mujib Baidhowi contributed to the literature review, supported the data analysis, and drafted specific sections of the manuscript. Elva Mahmudi reviewed and refined the manuscript for coherence, ensuring adherence to publication guidelines. Hidayat Darussalam provided technical and administrative support. All authors reviewed and approved the final version of the manuscript.

CONFLICT OF INTEREST

The authors declare that they have no conflict of interest regarding the publication of this article. No financial, personal, or professional relationships could be construed to have influenced the work reported in this manuscript.

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