




A View of Islamic Family Law on the Neglect of Children's Growth and Development Rights by Parents

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Abstract: Parents are the first education obtained by children. All education received by children begins with the closest family education, whom are the child's parents. Proper parenting that fosters children's affection and attention can manage children's emotions when socializing among society. The method used in this article is qualitative method, which is a method of producing descriptive data. This research also uses *maqasid sharia* theory and *hadhanah* with descriptive methods. Researchers used data collection including: observation, interviews, and documentation. Researchers participated directly in the observation. The research was conducted in 2022 by looking at four cases involving children. Based on the field findings, the conclusions of this research are: 1) Factors that influence the neglect of children's growth and development rights are parents' income, parents' education, and the number of children. 2) Handling of cases involving children by litigation and non-litigation. Litigation is taking the judicial route, and non-litigation is by taking the deliberation method to make peace with the agreement between the two parties to the conflict. 3) The view of Islamic family law is in accordance with the theory of *maqasid al-syari'ah* and *hadhanah*.

Keywords: *Maqasid Al Sharia, Hadhanah, Parenting, and Children*

INTRODUCTION

Parenting is needed for the development of children. Parents are the closest people to the child so that all forms of parental actions will be followed by the child. Children are great imitators who imitate what

they see and hear from people in their surrounding environment. The environment around children greatly influences children in their behavior. The child's closest environment is parents, because parents have an obligation to provide parenting style to their children in the form of guarding, care, education, guidance and training their children's abilities for their growth and development. All attitudes given by parents are done with love and affection. Openness between parents and children is important to avoid negative things in the environment.¹ Therefore, parenting style given to children that provide positive values for children's growth and development are needed in children's social lives. Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2003 Article 1 paragraph 1 explains that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb, and paragraph 2 explains that child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination.² Therefore, parents play a very important role in the growth and development of children for the survival of children in society.

The education of children from Islamic perspective is the process of educating, nurturing, and training them physically and mentally by parents as their responsibility to their children based on good and commendable values derived from the Qur'an and Sunna. Even in Islam this family education system is seen as determining the future of children. Based on Article 26 paragraph (1) of Law of the Republic of Indonesia No. 35 of 2014 Concerning the Amendment to Law No. 23 of 2003 Concerning the Protection of Children, that parents are responsible and obliged to:³ a) nurture, maintain, educate and protect children; b) develop children according to their abilities, talents and

¹ Mohammad Adnan, "Pola Asuh Orang Tua dalam Pembentukan Akhlak Anak dalam Pendidikan Islam," *Cendekia: Jurnal Studi Keislaman* 4, no. 1 (June 16, 2018): 8, <https://doi.org/10.37348/cendekia.v4i1.57>.

² Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2003 Pasal 1 Ayat 1-2

³ Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2003 Pasal 26 Ayat 1

interests; c) prevent child marriage; d) provide character education and cultivation of ethical values in children.

Protecting the rights of children is the obligation and responsibility of both parents, and this is the most important role of both parents for the development of children, because children really need love and protection of their rights. A child is the most precious gift and *amanah* given by God Almighty to both parents. The most important thing for children is to get the best education, besides moral education children also need religious education to be able to build a better character, because education is the most important thing in the life of a child.

According to the results of interviews with Baskoro Budiharjo as Head of the PPA Unit, he stated that there were cases involving children as the perpetrators, for example child delinquency.⁴ The results of the interview with the Head of the Pesisir Selatan Subdistrict of Pesisir Barat explained that criminal cases involving children after being traced had an influence on the child's family life, as happened in Pesisir Selatan Subdistrict, Pesisir Barat Regency, there were several children who had been neglected by their parents from an early age who should have still needed attention from their parents. These parents neglect the development of their children at an age when they need the attention and support of a mother and father. Parents who have the heart to leave their children to fulfill their economic needs to work in other cities and even in other countries.⁵ According to the results of field observations on the pretext of looking for the family economy, both parents leave their duties and responsibilities for the growth and development of children to their grandmothers without proper supervision and lack of attention to children's growth and development in religious and moral aspects. So that with the increase in the age of the child, supervision of the child becomes very lacking, causing the child's behavior outside of religious norms and immoral.

⁴ Baskoro Budiharjo (Kepala Unit PPA), "Kasus yang melibatkan anak", *wawancara dengan penulis*, 29 September 2022.

⁵ Mirton Setiawan, (Kepala Kecamatan Pesisir Selatan), "Penduduk Pesisir Selatan", *wawancara dengan penulis*, 18 Juni 2022.

Based on the results of interviews and seeing cases from several news reports regarding the behavior of children outside of religious and moral norms, the family has a very important role and responsibility for the actions taken by children. The family is the first education obtained by children. All education received by children begins with the closest family education, whom are the child's parents. Proper parenting that fosters children's affection and attention can manage children's emotions when socializing with life in society. In Islamic law, it has been taught that educating and guiding children is an obligation for a Muslim because children are a mandate that must be accounted for by parents.

METHOD

The current research implements qualitative approach with the type of research case study (case study), thus the data are descriptive. Data collection was done through interviews, observation, and documentation. There were four cases involving children in Pesisir Barat Regency in 2022. Of the four cases, researchers conducted interviews with data sources, namely parents, children involved in cases or children in conflict with the law, the head of the PPA Unit of the Polres, and the Head of the District. Researchers also made direct observations to the research location. Data analysis includes presenting data, reducing data, analyzing data, drawing conclusions and carrying out verification. Then in this study the researcher used the inductive method of thinking, namely analysis that departs from case data obtained from narrators then dances from general conclusions regarding Islamic law on the pattern of parental care by parents who neglect the development of children in Pesisir Barat Regency.

FINDING AND DISCUSSION

Every parents would expect their child to grow and develop optimally which is indicated by a healthy body and smart thought. Parents' expectations for the child's future are also for the child to be independent in their adult age and have skills that are used to support the child's next life. To realize this, parents need to know and understand the child's world. The learning process so that children's growth and development is optimally stimulated. By understanding children's growth and development comprehensively, parents and the environment can understand the characteristics of children, and direct them in a positive direction. The

neglect of children's growth and development rights in Pesisir Barat Regency is caused by the following factors:

Income

A family's economic situation is very important in influencing the way children are cared for. Families with low income affect the way parents care for their children because the basic needs of the family have not been met. Children who are raised in a sufficient family environment will provide sufficient facilities and needs with different parenting patterns. Based on the results of interviews with Mr. Mirton Setiawan (As the Head of the Pesisir Selatan Subdistrict), namely the various factors that occur cause it, among which the most frequent is the economic factor of the family, which sometimes to find money for food is quite difficult and must work hard and there is also a factor of ignorance due to lack of information or because parents do not complete their education so there is a lot of ignorance about the importance role of parents.⁶ Income factors affect the neglect of children's growth and development rights in accordance with Hurlock's theory of child development which suggests that there are several factors that influence parental parenting patterns including economic level, education, and the number of children.⁷ There are several factors of parents ignoring children's growth and development rights, namely economic factors, environmental factors, ignorance factors and lack of a sense of parental responsibility for children.

The economic factor of parents is a position that leads a person, family, or social in an effort to create goods and services to fulfill spiritual and physical needs. Parents' economic factors can be minimized by a continuous social process carried out to meet their shortcomings.⁸

Based on the research and theory, parental income plays a role in children's development. For example, families whose economy is high makes

⁶ Mirton Setiawan, (Kepala Kecamatan Pesisir Selatan Pesisir Barat), "Faktor yang memengaruhi pengabaian terhadap anak," *wawancara dengan penulis*, 12 Desember 2022

⁷ Elizabeth B Hurlock, *Psikologi Perkembangan: Studi Pendekatan Sepanjang Masa Edisi Ke V* (Jakarta: Erlangga, 2019), 234.

⁸ Hasniyati Gani Ali, "Pengaruh Faktor Sosial Ekonomi Orang Tua Terhadap Minat Melanjutkan Pendidikan Anak Di Desa Wunse Jaya Kecamatan Wawonii Tenggara Kabupaten Konawe Kepulauan," *Jurnal Al-Ta'dib* 10, no. 1 (2017): 165, <http://dx.doi.org/10.31332/atdb.v10i1.558>.

the material environment faced by children in the family to be wider, and parents' attention to children is sufficient so that children's growth and development can be stimulated according to age and children's development becomes better. Parents' income affects their care of their children. Neglect of children is done because parents only focus on earning money to fulfill basic human needs (primary needs), namely eating, drinking, clothing, and shelter.

Education

The level of education can influence parents' actions, especially in caring for their children, and their knowledge of the right to growth and development of each child. Based on interviews with four parents whose children had committed delinquency at the age of the child category, it was stated that of the four parents, one graduated from high school, two graduated from junior high school, and one graduated from elementary school. The education level of parents in Pesisir Barat, based on an interview with Siswandi as the Head of Pesisir Tengah Sub-district, shows that there are various levels of education in Pesisir Tengah, ranging from those who do not go to school (not graduating from elementary school), those who graduate from elementary school, junior high school, high school, to college graduates. However, from the various cases that occur due to child delinquency, if it is related to the level of education, most of the parents with low education it is also related to the employment and economic status of the family so that it has an impact on the negligent care of children.⁹

Based on the results of the research obtained from interviews and observations, it was found that the neglect of children's growth and development rights in Pesisir Barat is related to the level of education held by their parents. The level of education of parents can increase parents' insight in addressing their obligations and children's rights to grow and develop according to the age and stages of child development. Children are not only born but also the role of parents who shape children into good characters in the religious and moral development of children. Parents with good educational qualifications can influence the way they care for children because parents get good education in terms of religion and morals in

⁹ Siswandi, (Kepala Kecamatan Pesisir Tengan), "Pendidikan Orangtua," wawancara dengan penulis, 12 Desember 2022

educating children. Parenting by educated parents will know how the learning styles of children whose characters are different.

Parents' education level has a relationship with parenting in the family environment. This is supported by the low level of education and understanding of parents regarding childcare that impacts for parents who do not know and do their obligations as parents. In addition, it is supported by the low understanding of parents in understanding the stages of child development. It can be said that formal education obtained by parents can reduce the neglect of parenting at home for child growth and development.

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Based on the results of the research and the theory that neglect of growth and development rights is caused by factors of parental education level because most parents who have a high level of education, the level of understanding of the role of parents in childcare will be broader, and the low level of parental education, the parents' understanding of childcare is also low. The education level factor is also influenced by other factors that support the care of children, namely income factors and the number of children.

Number of children

Parents have an obligation to be present in the care of all their children without being distinguished so that they are neglected. Parents' obligation to play a role in developing children's growth and development must also be carried out optimally. Parents must see how the growth and development of each child.

Based on the results of interviews with Mirton Setiawan as the Head of the Pesisir Selatan Subdistrict, children who have been recorded as having committed, for example, frequent fights triggered by irritation between children, and there is also theft, it is indeed influenced by the environment, especially the family environment, besides the parents' income, there are also the numbers of children they have. Many children here is in the sense of more than four children. This number of children certainly affects parents in looking for the economy to meet their daily needs that causes the parenting

¹⁰ Devi Risma, Yeni Solfiah, and Defni Satria, "Hubungan Tingkat Pendidikan Orang Tua Dengan Bentuk Kekerasan Terhadap Anak," *Educhild* 7, no. 2 (2018): 113.

matters are neglected.¹¹ Based on an interview with Rahmat as a parent, he has seven children with an age gap of 1-2 years for each child.¹²

The neglect of children's growth and development rights can be seen from the family's income. From this income will also be seen by looking at the number of children in the family who must be spent in meeting family needs. Based on the results of research and theory, the number of children is one of the factors causing neglect of children's growth and development rights. The number of children affects parents in seeking the economy because there are many needs that must be met. The focus of low-income parents is to seek the economy for basic needs. Unmet basic needs have an impact on the neglect of parental obligations towards children's growth and development rights.

Factors causing neglect of children's growth and development rights in the Pesisir Barat district are parents who come from middle economic levels are more warm-hearted than parents who come from low socio-economic levels. Parents who have a low educational background will tend to be different in applying parenting to their children. The number of children greatly determines the parenting patterns applied by parents. Parents who have many children will tend to take care of their children with different parenting patterns, compared to parents who only have a few children.

The neglect of children's growth and development rights in Pesisir Barat Regency has an impact on children's behavior in social life. There are cases of delinquency where the perpetrator is a child. In every case that occurs, the handling of cases of neglect of children's growth and development rights in Pesisir Barat Regency is carried out using the Litigation and Non-Litigation approaches.

Litigation

Handling cases involving children in settlement with a litigation approach is an approach by applying criminal procedural law with cases resolved by judicial way.¹³ Baskoro Budiharjo (Head of the PPA Unit) stated

¹¹ Mirton Setiawan, (Kepala Kecamatan Pesisir Selatan), "Pendidikan Orangtua", *wawancara dengan penulis*, 12 Desember 2022

¹² Rahmat (Orangtua di Pesisir Tengah), "Jumlah Anak", *wawancara dengan penulis*, 03 Februari 2023

¹³ Arifin Faqih, "Reoptimalisasi Kebijakan Hukum Perlindungan Anak Dalam Penanganan Kasus Perundungan (Bullying) Di Indonesia," *Jurnal Fakta*

that cases that reach the Polres are reports from victims or families of victims. Case handling is attempted in two ways, namely; 1) Non-Penal Efforts, is one of the steps that can be taken by doing Preventive which means to do prevention is very more important than eradication. Therefore, everyone must play a role in providing supervision so that children can grow and develop optimally. This can be done in several ways, including: a. Monitoring the surrounding environment with the aim of reducing and even eliminating opportunities for neglect of children. b. Minimizing violent impressions on social media. c. Identifying families suspected of being at high risk of neglecting children; 2) Penal efforts, this is an effort that can be handled by law enforcers with the aim of providing protection to children.¹⁴

Handling children in conflict with the law is often equated with handling adults who commit criminal offenses. In response to juvenile delinquency, juridically in Indonesia, legal protection of children can be found in various laws and regulations such as those contained in Presidential Decree No. 36 of 1990, which is a ratification of the UN conventions related to Child Rights, which include Law No. 4 of 1979 concerning Child Welfare, Law No. 39 of 1999 concerning Human Rights and Government Regulation in Law of the Republic of Indonesia No. 1 of 2016 concerning the second amendment to Law No. 23 of 2002 concerning Child Protection.

Protection efforts to realize the welfare of children by providing guarantees for the fulfillment of their rights without discriminatory treatment. Law of the Republic of Indonesia No. 35 of 2014 Concerning the Amendment to Law No. 23 of 2003 Article 1 paragraph 1 explains that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb, and paragraph 2 explains that child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination.¹⁵ Protecting the rights of children is the obligation and responsibility of both

Hukum (JFH) 1, no. 2 (January 1, 2023): 74–83,
[https://doi.org/10.58819/jurnalfaktahukum\(jfh\).v1i2.54](https://doi.org/10.58819/jurnalfaktahukum(jfh).v1i2.54).

¹⁴ Baskoro Budiharjo (Kepala Unit PPA), “Kasus yang melibatkan anak”, *wawancara dengan penulis*, 23 Februari 2023.

¹⁵ Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2003 Pasal 1 Ayat 1-2

parents, and this is the most important role of both parents for the development of children, because children really need love and protection of their rights. A child is the most precious gift and trust given by God Almighty to both parents. The most important thing for a child is to get the best education, besides moral education a child also needs religious education to be able to build a better character, because education is the most important thing in a child's life.

Non Litigation

Mediation efforts both inside and outside the court to pursue a path of peace or deliberation involving a mediator. The results of the mediation must be agreed by both parties to the conflict and there must be witnesses in the peace process. Based on the results of the research and data analysis, handling cases with a non-litigation approach is a hope for peace in resolving cases at the age of the child, because it relates to the mentality and future of the child. Children are the next generation of the nation and the future assets of the nation. Saving children means saving the future of children, meaning that in 2045, which is echoed as the Golden Indonesia, children who are now categorized as children in that year become productive age. So it is hoped that the development of children, especially religion and morals, can develop optimally.

The View of Islamic Family Law on the Neglect of Children's Growth and Development Rights in Pesisir Barat Regency

The neglect of children's growth and development rights in Pesisir Barat has caused children aged 12-18 years with the category of adolescence according to Law No.23 of 2002 to become perpetrators or children in conflict with the law in cases of juvenile delinquency. Children's growth and development rights should be obtained by children according to the age and stages of child development with the hope that their development will be optimal, especially aspects of children's religious and moral development because it is related to the survival of children with their social environment.

Factors Causing Neglect of Children's Growth and Development Rights in Pesisir Barat Regency

The maintenance and care of children in *fiqh* terms is called the term *Hadhanah*, defined as caring for young children who are not yet able to take care of themselves independently such as caring for themselves, bathing,

washing clothes and protecting themselves from danger.¹⁶ A child at the beginning of his/her life until a certain age needs other people, both as a person who fosters his physical development and in the formation of his morals. Based on the results of interviews with Badaruddin as a Ustadz, family life on the Pesisir Barat, parents should know that there are two rights for children, namely physical and mental needs. *Dzohir* about body, clothing, and others, inwardly also cannot be ignored because these children can lead parents to heaven or hell who like to neglect the inner rights of children. Of course, parents who do not fulfill the rights and growth and development of children are guilty of great sin because this mandate is a package with parents.¹⁷

Based on the results of observations of parenting carried out by parents whose children have become perpetrators in juvenile delinquency in Pesisir Barat Regency, they are more focused on seeking the economy, do not understand the pattern of parenting (*Hadhanah*), which actually, according to Islam, the obligations as parents should fulfill the total number of their children. The care provided only provides basic needs such as feeding without supervising and maintaining, that optimally it should be based on the view of parenting in Islamic law. The economic responsibility rests on the shoulders of the husband as the head of the household. It is possible also that the responsibility shifts to the wife to help her husband if her husband is unable to carry out his obligations.¹⁸

In Islamic *sharia*, it has been taught that educating and guiding children is an obligation for a Muslim because children are a mandate that must be accounted for by parents. Based on the explanation above, *Hadhanah* is the obligation of parents to maintain and educate their children as well as possible to optimize the growth and development of children. Advice is an efficient way of educating children at this stage.¹⁹ Thus, the task of parents is

¹⁶ Wahbah Zuhaili, *Al Fiqh A-Syafi'i Al Muyassar* (Jakarta: Al Mahira, 2010), 65

¹⁷ Badaruddin, (Ustadz di Pesisir Tengah), "Hak Tumbuh Kembang Anak," *wawancara dengan penulis*, 12 Desember 2022

¹⁸ Faqihuddin Abdul Khodir, *Fikih Hak Anak* (Jakarta: Yayasan Rumah Kita Bersama, 2022)

¹⁹ Rosyida Nurul Anwar, "Pengasuhan Anak Usia Dini di Era New Normal Perspektif Islam," *Thufuli: Jurnal Pendidikan Islam Anak Usia Dini* 2, no. 2 (Mei, 2020): 5.

not just to be a parent who raises children and then releases them to live independently. However, it has a very great and heavy mission, namely educating and fostering children to have the character of heavenly dwellers.²⁰ In Islamic *sharia*, it has been taught that educating and guiding children is an obligation for a Muslim because children are a mandate that must be accounted for by parents. Based on the explanation above, *Hadhanah* is the obligation of parents to maintain and educate their children as well as possible to optimize the growth and development of children.

Based on the analysis presented above, cases of juvenile delinquency that occur as a result of neglect of children's growth and development rights caused by economic factors, education or parental knowledge in Islam, and parental readiness with their obligations towards all their children. In Islamic family law states that parenting (*Hadhanah*) should get special attention in Islam and on the shoulders of both parents lies this obligation. If both parents are unable to carry out or are unfit to carry out this task, because they do not meet the predetermined conditions, other caregivers must be found who meet the existing criteria. The inability of parents to optimally provide care (*Hadhanah*) for children results in the lack of children behaving according to religion and morals in their social environment.

Handling Cases of Neglect of Children's Growth and Development Rights in Pesisir Barat Regency in the View of Islamic Family Law

The neglect of children's growth and development rights in Pesisir Barat causes children aged 12-18 years with the category of adolescence according to Law No.23 of 2002 to become perpetrators or children in conflict with the law in cases of juvenile delinquency. Case handling occurs due to neglect of children's growth and development rights by parents. Handling cases with perpetrators or children in conflict with the law in cases of juvenile delinquency is done by reconciliation or deliberation, and through legal or judicial channels. Based on the results of an interview with Baskoro Budiharjo (as Head of the PPA Unit) that cases that reach the Polres are reports from victims or families of victims to proceed to legal or judicial

²⁰ Ridha Salamah, *Menjadi Orang Tua Sejati Bukan Jangan Sekedar Menjadi Induk* (Ciputat : Wadi Press, 2006), 13.

channels.²¹ According to an interview with Siti Aisyah (as a parent) that her child was once the perpetrator of a birth that caused the victim to be injured, "I had to bear medical expenses when my child fought, and ended up peacefully not reporting to the police."²²

Handling cases with peace using the theory of *ishlah* (reconciling), according to Hasbi Ash- Shiddieqy *ishlah* is regulated in Islamic law with the aim of reconciling individuals and groups who are dispute in many ways it could be because of matters of blood, property, honor and even politics. Therefore, in Islam, *ishlah* is actually so urgent because if peace is not implemented when facing a problem, a bigger problem will definitely arise. According to *fiqh* scholars, *ishlah* means peace, which is an agreement in resolving a problem that occurs among humans who are in conflict either individuals or groups. So it can be interpreted that *ishlah* is a form of peace made to the parties in dispute, both individuals and groups with the aim of reaching an agreement. The education of children from an Islamic perspective is the process of educating, nurturing, and training their physical and spiritual bodies and minds carried out by parents as their responsibility to children based on good and commendable values sourced from the Qur'an and Sunna.

In accordance with the theory of *maqashid al-syari'ah*, which is to create good and at the same time keep away from evil, or attract benefits and reject *madharat*. The term that is commensurate with the essence of *maqashid al-syari'ah* is *maslahat*, because the determination of law in Islam must lead to *maslahat*. According to Al-Syatibi, there are three levels of benefit, namely *dharuriyyat* (urgent *maslahat*), *hajiyyat* (supporting *maslahat*), and *tahsiniiyyat* (perfecting/ accessory *maslahat*). The five most basic *maslahats* in religion are protecting religion, protecting life, protecting offspring, protecting property, and protecting the mind.²³ In Islamic law it is stated that caring for and educating children is mandatory, because if a young child is not properly cared for, it will have a bad effect on the child, it can even plunge the child

²¹ Baskoro Budiharjo, (Kanit PPA Polres Lampung Barat), "Penanganan Kasus," *wawancara dengan penulis*, 22 Februari 2023

²² Siti Aisyah, (Orangtua), "Penanganan Kasus," *wawancara dengan penulis*, 23 Februari 2023

²³ Muhammad Nur Iqbal, "Tujuan Hukum Islam Dalam Perspektif Maqashid Al-Syari'ah," *Jurnal Pendidikan dan Konseling* 5, 1 (Feb 12, 2022): 4894.

into prohibited actions and even the child can become neglected as a result of the actions of his parents.

According to the results of interviews, observations, documentation that refer to the research findings, the analysis of the views of Islamic family law on the neglect of children's growth and development rights in the Pesisir Barat explains that: Islamic family law is very concerned about the situation of children regarding the rights and growth and development of children in accordance with the Quran and Hadith. In Islamic law, the process of educating, and nurturing their physical and spiritual well-being is carried out by parents as their responsibility to their children based on good and commendable values derived from the Qur'an and Sunna. In accordance with the theory of *Maqashid al-syari'ah*, which is to create goodness and at the same time keep away from badness, or attract benefits and reject *madharat*. The term that is commensurate with the essence of *Maqashid al-syari'ah* is *maslahat*, because the determination of the law in Islam must lead to *maslahat*. In Islamic law it is stated that caring for and educating children is mandatory, because if a young child is not properly cared for, it will have a bad effect on the child, it can even plunge the child into prohibited actions and even the child can become neglected as a result of the actions of his parents. Education in the family has a strategic value in the formation of the child's personality. Because with the supervision and treatment will be able to grow his body and mind, clean his soul, and prepare the child in facing his life in the future. If the provisions in Islamic law and Positive law are carried out in accordance with the obligations of parents in carrying out the rights of child growth and development, then the aspects of child development both morally and religiously are achieved in accordance with the age and stage of child development.

CONCLUSION

Children are a mandate from Allah SWT given to parents. In maintaining this mandate, parents have an obligation to protect and maintain children by providing children's rights, namely the right to grow and develop. The right to growth and development of children has been regulated in Islamic law and also positive law. Neglect of children's rights and growth and development can result in children being entangled in cases that violate religious and social norm so that the impact in the social

environment of children is not accepted. Factors that cause parents to neglect the rights of children's growth and development are parents' income, parents' education, and the number of children. These factors are what make children involved in cases. Cases involving children, for example fights and bullying, can be resolved by litigation, namely through legal channels, and non-litigation through peaceful channels. The view of Islamic Law that caring for and educating children is mandatory, because if a young child is not properly cared for, it will have a bad effect on the child, it can even plunge the child into prohibited actions and even the child can become neglected as a result of the actions of his parents. Education in the family has a strategic value in the formation of the child's personality. Because with the supervision and treatment will be able to grow her/his body and mind, clean her/his soul, and prepare the child in facing her/his life in the future. If the provisions in Islamic law and Positive law are carried out in accordance with the obligations of parents in carrying out the rights of child growth and development, then the aspects of child development both morally and religiously are achieved in accordance with the age and stage of child development.

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