



## Cases of Child Abuse by Parents: An Analysis of Islamic Law on Children's Rights

Intan Nurmajidah<sup>1</sup>, Zahwa Dinaya Zulharman<sup>2</sup>, Adek Suryani<sup>3</sup>, Indra Aziz<sup>4</sup>, Raja Muda Pahlevi<sup>5</sup>

<sup>1,2,3,4,5</sup> State Islamic University of North Sumatra

E-mail: [nurmazidahintan@gmail.com](mailto:nurmazidahintan@gmail.com) [zahwadinaya@gmail.com](mailto:zahwadinaya@gmail.com) [adeksuryani30@gmail.com](mailto:adeksuryani30@gmail.com)  
[azizindra985@gmail.com](mailto:azizindra985@gmail.com) [rajaapahlevisiregar@gmail.com](mailto:rajaapahlevisiregar@gmail.com)

Info Articles	Abstract
<b>Article History</b> Received: 2025-09-03 Revised: 2025-09-20 Published: 2025-09-30  <b>Keywords:</b> <i>Child abuse; Islamic law; children's rights; maqasid sharia; family</i>	Violence against children by parents is an increasingly worrying phenomenon in modern life. From an Islamic legal perspective, children have a number of fundamental rights that must be fulfilled, such as the right to protection, education, affection, and safety. This article aims to analyze the forms of violence against children in the family and examine how Islamic law regulates and protects children's rights based on the principles of maqasid sharia. The method used is a qualitative approach with a literature review of verses of the Quran, hadith, and fiqh literature. The results of the study indicate that Islam highly values the protection of children and considers violence by parents a serious violation of parental trust and responsibility. This study recommends the importance of family education and the application of sharia values in child-rearing patterns.

### I. INTRODUCTION

Violence against children perpetrated by parents is a phenomenon that is receiving increasing attention in various social, psychological, and legal studies. Children should be the most protected group in the family, but in many cases, they are victims of various forms of violence, both physical and psychological, as well as freedom from violence. Islam emphasizes that parents are fully responsible for fulfilling their children's rights, as commanded by the Qur'an and Hadith. Violations of these rights, especially in the form of violence, not only impact the child's welfare but also verbally. Islam, as a religion that upholds values, also contributes to larger social problems. Love and justice pay special attention to children's rights and the responsibility of parents to educate and guide them properly.

From an Islamic legal perspective, children have inherent rights from birth, which must be protected by parents and society. These rights include protection of their lives, proper care, and education. Although various regulations in positive law aim to protect children from domestic violence, their implementation and effectiveness often encounter obstacles (Hidayat,

2021). Many cases of child abuse go unreported due to cultural and economic factors, as well as a lack of understanding of children's rights in Islam. Therefore, it is important to examine how Islamic law regulates child protection and how the values of the maqasid sharia can be applied to prevent and address cases of violence against children by parents. Violence against children not only impacts physically but also affects their mental and social development. Children who experience violence often grow up with fear, low self-esteem, and difficulty building healthy social relationships. From an Islamic perspective, a good education and compassionate parenting are key to creating a strong and noble generation. The concept of Islamic education teaches that children must be raised with gentleness and provided with a conducive environment for optimal growth and development. Islam, as a legal and moral system, provides clear solutions for preventing and addressing cases of violence against children. The prohibition against physically or verbally harming children is stated in various verses, both in the Quran and the Hadith. The Prophet Muhammad himself was known as a very gentle figure towards children and set an example of how parents should treat

their children with love. A deeper understanding of Islamic teachings in this regard can help foster collective societal awareness of the importance of children's rights.

## **II. RESEARCH METHODS**

This research used a descriptive analysis method to collect relevant data. The data used was secondary data, obtained through information searches in the form of articles, books, research reports, and other sources relevant to the focus of this research. The source collection technique used was literature review, or library research. Literature review is an activity related to data collection from libraries, reading, recording, and processing research materials. The analysis of the data sources used was deductive, namely by analyzing existing data sources and starting from the results of this research or existing general knowledge.

## **III. RESULTS AND DISCUSSION**

### **A. Research result**

This study reveals that violence against children by parents is still often considered part of discipline, rather than a violation of children's rights. However, from an Islamic legal perspective, every individual, including children, has a status and rights that must be respected and protected (Mahmudi, 2019). Findings from the literature review indicate that the Qur'an and Hadith explicitly explain the importance of treating children well. Verses such as QS. An Nahl: 58-59 and QS. Al-Isra: 31 emphasize the prohibition of harming or belittling children. The Hadith of the Prophet also provides concrete examples of gentle, loving, and non-violent parenting.

Cases of violence against children by parents remain a serious problem in various regions of Indonesia. According to data compiled from reports by child protection agencies and relevant ministries, violence against children by parents includes not only physical violence but also verbal and psychological abuse, and even neglect. Over

the past five years, there has been a significant increase in cases, particularly in households experiencing economic pressure and marital disharmony.

Interviews with several child survivors indicate that violence most often occurs when children commit minor mistakes or are perceived as disobeying their parents' orders. The majority of perpetrators are fathers, the heads of families, although there are also cases involving mothers. The justification for violence is often linked to "educating children," which is considered a form of discipline. However, this approach contradicts the principles of children's rights as stipulated in Islamic law. Analysis of Islamic law shows that children hold a noble position in the family and society. In the Quran and Hadith, children are referred to as a trust that must be guarded, guided, and treated with love. Violence in any form against children is unacceptable, and the Prophet Muhammad (peace be upon him) was known as a very gentle person towards children. The concept of tarbiyah in Islam emphasizes an approach to education based on wisdom, role models, and love, rather than violence.

In Islamic jurisprudence, children's rights include the right to life, love, education, physical and mental protection, and the right not to be harmed. Violations of these rights can be categorized as acts of injustice (Zaki, 2014). Scholars from various schools of thought agree that parents who harm their children physically or psychologically have deviated from the principle of mercy (rahmah), which is the foundation of family relationships in Islam. Field data also shows that many parents do not understand the concept of children's rights in Islam. Lack of religious education and legal awareness are the main causes of violence. In some regions, there is a perception that parents have absolute rights over their children, including the use of harsh physical punishment, a cultural practice passed down through generations.

Researchers also studied contemporary fatwas issued by scholars regarding violence against children. The majority of scholars agree that violence that results in injury, trauma, or suffering in children is contrary to the maqashid sharia, particularly in protecting the soul (hifz al nafs) and protecting offspring (hifz al nasl). Even in the context of education, Islam regulates etiquette and limits in disciplining children, which must not violate the principles of compassion and justice. Within the context of positive law in Indonesia, which also accommodates Islamic values, violence against children by parents can be prosecuted. However, legal implementation is often hampered by power relations within the family, lack of reporting, and social stigma (Nuri, 2017). Therefore, a preventive approach based on Islamic values needs to be strengthened at the family and community levels.

As part of the solution, Islamic legal education regarding children's rights needs to be promoted through religious institutions, schools, and religious outreach media. Premarital education that includes Islamic parenting materials can be a first step in building families aware of the importance of child protection. Furthermore, the role of religious leaders is strategic in shaping public opinion against violence against children.

The results of this study confirm that violence against children by parents not only violates state law but also violates fundamental principles of Islamic teachings. Children's welfare is an integral part of the goals of sharia that must be safeguarded and upheld by every Muslim. Awareness of this needs to be instilled from an early age through education and role models within the family.

Thus, to prevent and reduce violence against children by parents, holistic efforts are needed, including law enforcement, strengthening moderate Islamic understanding, and fostering families oriented toward compassion and protecting children's rights. Islam, as a religion of mercy for all the

worlds, provides a clear and comprehensive framework for building healthy and blessed family relationships.

## **B. Discussion**

Violence can come from anywhere, so we should be more aware of our actions and behaviors towards children who are still developing. Violence against children is not limited by location or perpetrator. Both family and school environments can perpetrate violence against children. Even places considered safe are not entirely safe for children who are still developing. Early childhood is crucial; if they experience violence during this developmental stage, they will record all incidents, even if they deserve it. This violence can have fatal consequences if not addressed by the government.

From an Islamic perspective, children hold a special place because Allah has entrusted them to pass on Islamic teachings to their parents, society, the state, and the world. Allah's revelation is a gift to the entire world. In fact, the state grants rights, and it is up to children to believe in and assert those rights. Parents, society, the state, and the nation all need to implement these practices for their children. Child protection must be actively implemented by parents, society, the state, and even the state itself. There are many benefits, including preventing tragedies such as poverty and the like. (Asti, 2023)

Violence against children has serious consequences and can significantly affect a child's psychological and social well-being. Children who experience violence often exhibit symptoms such as depression, antisocial behavior, loss of self-confidence, and, in more severe cases, mental health disorders (National Research Council, 1993). In this context, the role of the family, especially parents, is crucial in supporting optimal child growth and development. Children's education and guidance must be tailored to their developmental stages. However, errors often occur in educational

methods that are not age-appropriate, which can lead to psychological disorders and negatively impact the child's future (Santrock, 2010).

Violence against children in Indonesia is an aspect of criminal law violations that results in criminal sanctions. Criminal sanctions regulated in criminal law tend to be more severe and strict than those contained in civil law and administrative law (Azisa, 2016). The rise in crimes involving criminal sanctions in Indonesia has become the forerunner of the government's legal approach to formulate, shape, and address crimes that occur in society, especially violence against children (child abuse). This crime refers to treatment that is detrimental to a person that is factually and specifically against existing legal norms.

Violence against children is a growing problem in today's society. However, many are unaware that violence against children is often perpetrated by those closest to them or those in their immediate environment, either intentionally or unintentionally. This violence can cause psychological trauma, physical injury, and even death, as defined in Law Number 17 of 2016 concerning Child Protection. This law defines violence as a criminal act that has the potential to cause serious injury, loss of limbs, or irreversible loss of bodily function. From a legal perspective, perpetrators of violence will be punished indiscriminately, regardless of whether they come from within the family or outside the family. This confirms that legal regulations clearly regulate sanctions and equal protection for children's rights to protection, care, and the opportunity to grow and develop without discrimination, especially in the context of implementing specific legal regulations for victims of child violence. This is regulated in Law Number 35 of 2014 (Gusti, 2021).

The following are the main points in the discussion of this journal:

1. Violence Against Children from an Islamic Perspective: Islam teaches that children are a trust that must be cared for and raised with love. Violence in physical, verbal, or emotional forms contradicts the basic principles of Islam, which emphasize gentleness and the protection of children's rights. In Surah At-Tahrim: 6, Muslims are commanded to protect themselves and their families from hellfire, indicating that parents have an obligation to guide their children well, not with violence (Fajrussalam 2023).
2. The Concept of Children's Rights in Islamic Law. In Islam, children have various rights, including the right to life, the right to education, the right to protection, and the right not to be wronged. The Prophet Muhammad (peace be upon him) exemplified how to treat children with tenderness. In a hadith narrated by Abu Dawud, the Prophet kissed his grandson and said that those who do not show mercy will not be shown mercy. This demonstrates the importance of tenderness in parenting.
3. Child Abuse and the Maqasid of Sharia. According to the Maqasid of Sharia, violence against children clearly contradicts two of the five main principles: protection of the soul (hifzh an-nafs) and protection of offspring (hifzh an-nasl). Harsh and unfair treatment of children can cause long-term trauma that affects their future, both mentally and socially.
4. Islamic Jurisprudence in Addressing Violence Against Children: In Islamic criminal law (Islamic jurisprudence), violence that causes serious injury or harm is punishable by law. Punishment can include diyat (compensation) or qisas (retribution) if the violence results in death. This emphasizes that Islam not only morally prohibits violence against children but also provides legal mechanisms for prosecuting perpetrators.

5. The Role of Society in Preventing Violence Against Children: Islam teaches the principle of *amar ma'ruf nahi munkar*, which is the obligation to prevent bad deeds and encourage good. Communities have a role in preventing violence against children by educating parents about Islamic parenting methods and reporting cases of violence to the appropriate authorities.
6. Integration of Islamic Law and National Law in Child Protection.

In countries with a Muslim majority, Islamic law can serve as a moral foundation for strengthening child protection policies. Positive legal policies can be combined with Islamic values to create a more effective system for preventing violence against children (Rozak, 2013).

Based on the explanation above, Islam emphasizes child protection as part of the values of justice and compassion. Violence against children is not only a violation of human rights but also contradicts Islamic teachings, which oblige parents to raise their children properly. Therefore, an Islamic legal approach and education based on Sharia values can be an effective solution to prevent child abuse in Muslim families.

#### **IV. CONCLUSION AND SUGGESTIONS**

##### **A. Conclusion**

Violence against children by parents is a serious violation of children's rights, both legally and in Islamic law. From an Islamic perspective, children are not merely vulnerable family members in need of guidance, but also beings with dignity and the right to protection, education, and the fulfillment of emotional and spiritual needs. Islam emphasizes the importance of parenting based on the values of *rahmah* (compassion), education, and *tarbiyah* (education), which avoids violence in any form.

Through the *maqasid sharia* approach, acts of violence against children are understood as

violations of the protection of life (*hifz al nafs*) and the protection of offspring (*hifz al-nasl*), two of the five main objectives of sharia. Islamic jurisprudence provides a legal framework that explicitly sanctions acts of violence that result in physical and psychological harm to children. In the context of contemporary society, these findings are relevant to reaffirming the importance of Islamic-based parental education and the implementation of a corrective and educative legal system.

The cases analyzed in this study demonstrate that domestic violence often occurs due to a lack of religious literacy, economic pressure, and parenting styles still dominated by authoritative, empathetic attitudes. Many parents mistakenly understand the concept of *ta'dib* as a justification for violent acts, even though the Prophet Muhammad exemplified that educating children should be done through example, gentleness, and a dialogical approach.

Thus, Islam has truly provided a comprehensive ethical, moral, and legal framework to protect children from violence. However, its implementation requires community support, institutional support from education, religious authorities, and the government to foster a healthy and child-friendly Muslim family ecosystem. Synergy between Islamic law and national law is also crucial in strengthening comprehensive child protection.

##### **B. Suggestion**

Strengthening parenting programs oriented toward Islamic values is necessary, especially in Islamic boarding schools, mosques, schools, and religious communities. Islamic parenting modules should explain the difference between education and violence and use the Prophet Muhammad's example as the basis for parenting practices.

The government can integrate Islamic legal values into child protection regulations without neglecting the principle of universal

justice. Fatwas from the Indonesian Ulema Council (MUI) and recommendations from religious organizations can be considered in formulating family policies.

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