

## VIOLENCE AGAINST CHILDREN (CHILD ABUSE) IN AN ISLAMIC LEGAL PERSPECTIVE

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### Abstract

*Violence against children is a serious problem that occurs in Indonesia. In Islam, violence against children is strictly prohibited and is considered an act that harms children and violates their rights. The aim of this research is to find out how Islamic law is applied in handling cases of violence against children (Child Abuse) in Indonesia. The method used in this research is literature study, by collecting data from primary and secondary sources related to this topic. The research results show that the application of Islamic law in handling cases of violence against children in Indonesia is not optimal. Several factors such as the community's lack of knowledge about Islamic law, lack of support from the authorities, and lack of skilled human resources in handling cases of violence against children are obstacles to the application of Islamic law in handling these cases. Therefore, efforts are needed to increase public understanding of Islamic law and strengthen cooperation between the authorities and the community in handling cases of violence against children. It is hoped that this research can make a positive contribution to efforts to handle cases of violence against children in Indonesia through a more optimal application of Islamic law.*

**Keywords:** *Children, Violence, Education, Islamic Law*

### Abstrak

Kekerasan terhadap anak merupakan permasalahan serius yang terjadi di Indonesia. Dalam Islam, kekerasan terhadap anak sangat dilarang dan dianggap sebagai tindakan yang merugikan anak dan melanggar hak-haknya. Tujuan dari penelitian ini adalah untuk mengetahui bagaimana penerapan hukum Islam dalam penanganan kasus kekerasan terhadap anak (Child Abuse) di Indonesia. Metode yang digunakan dalam penelitian ini adalah studi literatur, yaitu dengan mengumpulkan data dari sumber primer dan sekunder yang berkaitan dengan topik tersebut. Hasil penelitian menunjukkan penerapan hukum Islam dalam penanganan kasus kekerasan terhadap anak di Indonesia belum optimal. Beberapa faktor seperti kurangnya pengetahuan masyarakat tentang hukum Islam, kurangnya dukungan dari pihak berwenang, dan kurangnya sumber daya manusia yang terampil dalam menangani kasus kekerasan terhadap anak menjadi kendala penerapan hukum Islam dalam menangani kasus tersebut. Oleh karena itu, diperlukan upaya untuk meningkatkan pemahaman masyarakat terhadap hukum

Islam dan memperkuat kerja sama antara pihak berwenang dan masyarakat dalam menangani kasus kekerasan terhadap anak. Penelitian ini diharapkan dapat memberikan kontribusi positif terhadap upaya penanganan kasus kekerasan terhadap anak di Indonesia melalui penerapan hukum Islam yang lebih optimal.

**Kata Kunci:** *Anak-anak, Kekerasan, Pendidikan, Hukum Islam*

## INTRODUCTION

Children as part of society also have the right to be protected from all forms of violence. However, in reality, violence against children still often occurs in the family environment. This is of course contrary to Islamic teachings which place great importance on protecting children as part of a trust that must be safeguarded and paid attention to properly. Therefore, it is necessary to study Islamic law regarding acts of violence against children in the family environment.

Family violence against children is a serious problem that still occurs in Indonesia. This problem requires serious attention and action from various parties, including the government, non-governmental organizations and the general public. In this discussion, family violence against children in Indonesia will be discussed, as well as the efforts that have been made to overcome this problem.

Family violence against children in Indonesia can take the form of physical, psychological, sexual and exploitative acts. Based on data from the Ministry of Women's Empowerment and Child Protection (KPPPA), in 2020 there were 1,193 cases of violence against children in Indonesia, with details of 443 cases of physical violence, 518 cases of psychological violence and 232 cases of sexual violence (Ministry of Women's Empowerment and Child Protection, 2023). However, this figure likely only covers a small portion of the cases that actually occur, considering that many cases of violence are not reported to the authorities.

Family violence against children can also have long-term impacts on children's physical and mental health, and has the

potential to disrupt children's development. Children who are victims of family violence are also at risk of experiencing violence in the future, both as victims and as perpetrators (UNICEF, 2023).

Within the scope of the problem, there have been many written works that discuss violence against children in the household from various aspects of discussion. Among these written works became references for the author in making this journal so that it would be rich in writing references and could produce academic works on violence against children (Child Abuse) from an Islamic legal perspective.

Among them is a work by Nurjanah (2018) with the title "Violence in Children in the Perspective of Islamic Education" which concludes that violence is the final path a person takes in educating. This must also remain in accordance with Islamic provisions and not exceed limits that can cause trauma and physical injury to children.

Furthermore, it was written by Muhammad Zaki with the title "Child Protection in an Islamic Perspective" which concluded that Islam views children as expensive gifts with sacred status. This expensive gift is a trust that must be guarded and protected by parents in particular, because children are assets of parents and assets of the nation. Islam has paid great attention to the protection of children. Protection in Islam includes physical, psychological, intellectual, moral, economic and others (Muhammad, 2014).

Third is an article by Imran Siswandi entitled "Child Protection from the Perspective of Islamic Law" explaining that in Islamic Law and Law all acts of violence against children in the household are

strictly prohibited. Because this right is a violation of children's rights (Imran, 2011).

Furthermore, Lu'luil Maknun's research entitled "Violence against Children Perpetrated by Parents (Child Abuse)" which explains the factors that cause parents to produce stress include, early marriage; lack of parenting knowledge; economic problems, family conflicts; Domestic violence, trauma/emotional wounds, divorce, failure to socialize, physical pain, psychological pain, such as baby blues syndrome, postpartum depression, bipolar, and other things that make parents unable to love their children completely (Lu'luil, 2017).

From the description of the research above, it has greatly contributed to the academic world and has become a major contribution to the scientific treasures. So, the author tries to examine Child Abuse from an Islamic Law Perspective.

## **RESULTS AND DISCUSSION**

### **Understanding Violence Against Children**

Based on Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, it is stated that what is meant by a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. In Islam, the age limit for a child is after he attains the signs of puberty (mumayyiz). If these signs come to a child, then he has moved on to adulthood, where responsibilities (in this world and the hereafter) are already imposed. The definition of violence against children as stated in Article 13 of the Child Protection Law is "discrimination, physical and sexual exploitation, neglect, cruelty, violence and abuse, injustice and other wrongful treatment (Herlina, 2010)."

According to John Galtung, violence is a treatment that causes a person's actual reality to be below potential reality (Warsan, 2002). This means that there is a situation that causes the individual's

abilities or potential to not appear. Meanwhile, according to Soetandoyo Wigiusubroto, violence is an action carried out by a person or a number of people who are in a weaker position with superior strength, whether physical or non-physical, with the intention of causing suffering to the party who is the object of the violence (Wigiusubroto, 2002).

In this definition, the concept of violence is carried out by superiors and is carried out deliberately so as to cause harm. Referring to the concept of violence initiated by several scientists above, there are at least four things that are the basic measure of violence, namely: (1) there is a party the disadvantaged; (2) there is an element of intent; (3) the perpetrator of violence feels superior; (4) there is damage to all forms of violence, both verbal and non-verbal, which can be carried out by another person or group of people, so that it can cause negative emotional and psychological effects on other people who are the goal or target.

### **Understanding Children in Islam**

The Qur'an is very full of stories about children, especially pious children descended from the Prophets. There is the story of the little Prophet Ismail in the As-shoffat letter, the story of the little Prophet Yusuf in the Yusuf letter, and the story of Luqman's advice to his son in the Luqman letter. All of these stories convey messages about education and protection of children.

A child will be a gift or blessing if the parents succeed in educating him to be a good and devoted person. However, if parents fail to educate them, children will not be a gift or blessing but will be a disaster for their parents. Therefore, in the Qur'an, Allah swt. once said that the child was the living jewel of the world, the coolness of the eyes or the jewel of the hearts of his parents. At the same time, Allah reminds us that children are a test for their parents, and sometimes the child can

even turn into their parents' enemy. In the Qur'an there are four typologies of children: *Children as Living Jewelry in the World*

الْمَالُ وَالْبَنُونَ زِينَةُ الْحَيَاةِ الدُّنْيَا وَالْبَاقِيَاتُ الصَّالِحَاتُ خَيْرٌ  
عِنْدَ رَبِّكَ ثَوَابًا وَخَيْرٌ أَمَلًا

Meaning: "Wealth and children are the adornments of worldly life, but eternal and righteous deeds are better rewarded with your Lord and better as a hope." (QS: Al-Kahf: 46)".

The verse above states that children function as decorations that beautify a family, where children are decorations in domestic life that beautify the life of a human couple.

*Children as Heartbreakers*

وَالَّذِينَ يَقُولُونَ رَبَّنَا هَبْ لَنَا مِنْ أَزْوَاجِنَا وَذُرِّيَّاتِنَا قُرَّةَ أَعْيُنٍ  
وَاجْعَلْنَا لِلْمُتَّقِينَ إِمَامًا

Meaning: "And those who say, "O our Lord, grant us our spouses and our offspring as a favor to (our) hearts, and make us leaders of the pious." (QS: Al-Furqan: 74)

In the Qur'an, children are stated to be soothing to the eyes or heart (qurrata a'yun). It is said that because when the eyes look at a child, a feeling of happiness arises. Therefore, children are priceless assets for parents.

*Children as a Test*

وَاعْلَمُوا أَنَّمَا آمَاؤُكُمْ وَأَوْلَادُكُمْ فِتْنَةٌ وَاللَّهُ عِنْدَهُ ۖ أَجْرٌ  
عَظِيمٌ

Meaning: "And know that your wealth and that of your children is only a trial and indeed with Allah there is a great reward." (QS: Al-Anfal: 28)

In the perspective of the Koran, children who function as life's ornaments and comforters are actually a test for their parents. With the blessings of children, parents are tested by Allah SWT, whether they will take their children to the path to hell or the path to heaven. If parents succeed in educating and developing their children to become pious and filial children,

it means the parents have passed the test. On the other hand, if the parents love their children too much to the point of neglecting to remember Allah, it means they have failed the test given by Allah. This failure must be accounted for before Allah in the future.

*Children as Enemies of Parents*

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّ مِنْ أَزْوَاجِكُمْ وَأَوْلَادِكُمْ عَدُوًّا لَكُمْ  
فَاخْذَرُوهُمْ وَإِنْ تَعَفَّوْا وَتَصَفَّحُوا وَتَغْفِرُوا فَإِنَّ اللَّهَ غَفُورٌ  
رَحِيمٌ

Meaning: "O you who believe! Indeed, among your wives and children there are those who are enemies to you, so be careful of them; and if you forgive and are polite and forgive (them), then indeed, Allah is Most Forgiving, Most Merciful." (QS: At-Taghabun: 14)

According to the verse above, children can become enemies of their parents when the child no longer obeys their parents or the rules of their religion. For example, children are deeply involved in crime and it is difficult to stop it. When parents advise, the child does not listen and even opposes it. A child who is an apostate because he marries someone of a different religion is also an enemy of his parents. A child who has been influenced by immoral acts, such as alcohol, drugs, gambling, adultery, becomes a friend to Satan and an enemy to his believing parents. When that happens, children become a source of disaster for a family and society. So that children no longer bring happiness, but cause suffering for their parents.

**Types of Violence Against Children**

Magdalena Sitonis groups violence into 4 forms, (1) physical violence, for example, starting from grabbing, hitting, slapping, biting, to cutting off access to maintain health. (2) psychological violence (psychological & emotional abuse), for example instilling feelings of fear through intimidation, threatening harm, kidnapping,

holding people captive, breaking promises, and destroying relationships between parents and siblings. (3) economic violence, for example making you economically dependent, controlling your income and so on. (4) sexual violence, for example forcing and insisting on sexual relations, such as committing abuse, forcing them to become prostitutes. forcing sex with other people and so on.

Violence is not only physical violence such as beatings or kicks, but can take very subtle forms and cannot be seen with the naked eye, such as criticism, belittling words and so on. Even body language that has the meaning of discriminating, insulting, belittling or other meanings that mean hatred is considered violence. There are at least five categories of forms of domestic violence, namely, physical, emotional or psychological, sexual, economic and social which are visible to the naked eye, such as bruises on the body or scratches (Wahjana, 2023).

Meanwhile, emotional or psychological violence cannot have direct consequences, but its impact can make the victim feel traumatized and hopeless if the incident occurs repeatedly. Emotional violence such as the use of harsh words that are derogatory or insulting, for example "comparing" the wife with other people and saying that the wife is not "competent" in carrying out her duties and so on.

Acts of violence or violations of children's rights can take at least four forms. First, physical violence. This form is the easiest to recognize. Categorized as this type of violence are; slapping, kicking, hitting/punching, choking, pushing, biting, banging, threatening with sharp objects and so on. Victims of this type of violence usually appear directly on the victim's physical appearance, such as: bruises, bleeding, broken bones, fainting and other forms of more serious conditions (Suyanto & Ariadi,2002).

Second, psychological violence. This type of violence is not so easy to recognize. The consequences felt by the victim do not leave visible scars for other people. The impact of this type of violence will result in a situation of feeling unsafe and uncomfortable, reducing the self-esteem and dignity of the victim. Concrete manifestations of violence or violations of this type are: use of harsh words, abuse of trust, humiliating people in front of other people or in public, making verbal threats and so on. As a result of this behavior, the victim will usually feel inferior, inferior, feel worthless and weak in making decisions (Suyanto & Ariadi,2002).

Third, types of sexual violence. Included in this category are all actions that arise in the form of coercion or threats to have sexual relations (sexual intercourse), carrying out torture or acting sadistically and abandoning someone, including those who are still children after engaging in sexual relations. All behavior that leads to acts of sexual harassment against children, whether at school, within the family, or in the environment around where the child lives, is also included in the category of violence or violations of this type of child's rights. Cases of child rape, sexual abuse committed by teachers, other people and even step-parents which are often exposed in various mass media reports are concrete examples of this form of violence (Suyanto & Ariadi,2002).

Fourth, this type of economic violence very often occurs in the family environment. The behavior of prohibiting a partner from working or interfering with a partner's work, refusing to give money or taking money, and reducing the monthly shopping allowance are concrete examples of forms of economic violence. In children, this type of violence often occurs when parents force underage children to contribute to the family economy, so that the phenomenon of newspaper sellers, street buskers, child beggars and so on is increasingly

widespread, especially in urban areas (Suyanto & Ariadi, 2002).

### **Violence Against Children from Islamic Law Perspective**

Creating integrity in the household is everyone's dream. It really depends on each person in the household to understand their role, especially the level of quality of behavior and self-control of each person in the household. The integrity and harmony of the household can be disrupted if quality and self-control cannot be controlled, which in the end can result in domestic violence resulting in feelings of insecurity, injustice, or discomfort towards people within the household (Kuncoro, 2010). This is in accordance with the aim of marriage in Islam, namely to form a family that is *sakinah mawadah warahmah*.

The family is the first place where children learn to know the rules that apply in the family and community environment. Of course, in this learning process, children tend to make mistakes. Based on the mistakes made, children will know more about actions that are useful and not useful, appropriate or inappropriate. However, parents respond to their child's wrong learning process with violence. For parents, children's violating actions need to be controlled and punished. Many parents consider violence against children to be normal. They think violence is part of disciplining children. They forget that parents are the people most responsible for seeking the welfare, protection, increasing survival and optimizing the growth and development of their children.

In Islam, every child born into the world is pure, so it is the parents and environment that will shape their character. Whether his character is good or bad depends on his parents' upbringing and the environment in which he lives. Because in the early periods of life, children will receive direction from both parents. So the responsibility to direct children to goodness falls on the shoulders of the parents.

Because the early periods of a child's life are the most important and vulnerable periods.

According to fiqh scholars, violence against children in the family (domestic violence) is an act that is not justified and is contrary to Islamic principles which prioritize love, peace and justice in family relationships.

Al-Qaradawi (2000), a fiqh scholar from Egypt, explained that "educating children with force or violence in any form is a form of crime and violation of children's rights which must be avoided and prevented." Meanwhile, Ibnu Qayyim Al-Jauziyah, a fiqh scholar from the 14th century, stated that "children have the same rights as adults to receive protection, love and attention from parents and family. Parents should not express anger or their frustration with harming their children (Al-Jauziyah, 2013)."

From the two quotes above, it can be concluded that fiqh scholars consider violence against children in the family to be an act that is not justified in Islam and must be prevented. In Islamic teachings, children have the same rights as adults to receive protection, love and attention from their families.

### **Efforts to Overcome Violence Against Children**

In order to reduce violence against children, efforts to overcome it must be made. There are many efforts that can be made, one of which is by providing protection for children. In Islam, the rights and obligations of parents and children have been explained, as described in the hadith of the Prophet Muhammad SAW, that the obligation of parents is to love and their right is to obtain respect from their children. Talking about rights, there must be obligations on the other side. On the other hand, a child's obligation is to respect his parents and his right is to receive love. Ideally, these principles cannot be

separated. This means that someone is obliged to respect them if they receive love.

And parents are obliged to love if they get respect. This is reciprocity, which if you have to wait for the other person will be like an egg and a chicken. Neither one begins to fulfill the rights of the other. In fact, usually, someone obtains rights if they have carried out their obligations. Therefore, what must come first is obligation. Without thinking about the rights that must be obtained. Parents should love, with all their behavior, gifts and orders their children forever. Likewise, children must respect and glorify their parents, forever.

The Qur'an and hadiths explain the obligations of children towards their parents. They must respect, do good, obey and not say bad things or anything that hurts their parents, because both parents, especially the mother, have started carrying out their obligations with the love they have been given. Since the child is still a baby, even still in the womb. Pregnancy is full of difficulties, giving birth, breastfeeding, caring for, educating and providing for. All of this is a form of love that has been carried out by both parents. So, only children are obliged to respect and glorify their parents.

Of course there are various forms of respect for parents, including doing good deeds, praying for and fulfilling their wishes, or obeying their orders. If a child does not pay respects, then he is called a disobedient child. This is a big sin, which threatens to go to hell. The Prophet SAW once stated explicitly that disobedience is haram, and can result in a person becoming *su'u al-khatimah*.

## **CONCLUSION**

Islamic law prohibits acts of violence against children and provides sanctions for perpetrators. Islamic law also emphasizes the importance of protecting children in the family environment. In Indonesia, the law also regulates violence against children in

the family environment and provides sanctions for perpetrators. However, there are still several challenges in law enforcement and child protection in the family environment. Therefore, more serious and concrete efforts are needed to overcome this problem.

In an effort to overcome violence against children, there are many things that can be done to reduce violence against children, including providing protection for children and understanding Islamic education. Educational material is one solution to prevent violence, namely parents teach children to respect, do good and realize their love for their children, in this way children give their parents their rights because children have received their rights, namely education with love, gentleness, sincerity and pleasure from them. parent.

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