

# **The rights of the child in Islam: their consequences for the roles of state and civil society to develop child friendly education**

M. Abdul Fattah Santoso

*Faculty of Islamic Studies Universitas Muhammadiyah Surakarta*

*E-mail: mfs057@ums.ac.id; fattah.sant@gmail.com*

*DOI: 10.18326/ijims.v7i1.101-124*

## **Abstract**

Islam as a religion concerned with justice and respect places great emphasis on human rights and responsibility. Child as a small human also has certain rights categorized into social, educational and financial rights. The social rights are divided into two categories: before birth and after birth. The social rights before birth includes right to noble parent having character and right to unborn child while the social rights after birth includes rights to lineage, suckle and nutrition, and being received by the Muslim society. The educational rights cover rights to life, general care and socialization as well as basic education, just and equal treatment, and physical education. The financial rights encompass rights to livelihood, property and inheritance. Such rights of the child guaranteed by Islam absolutely have relevance with the Convention on the Rights of the Child (CRC) adopted by the United Nations General Assembly in 1989. For enabling children to enjoy their rights, parental care plays role as a main foundation. But state and civil society organization also have key roles to play in this regard. A child friendly education may be a

manifestation of social responsibility of state and civil society organization to respect and fulfill the rights of child. Such education provides a safe, clean, healthy and protective environment as well as meaningful learning for children with diverse abilities and backgrounds.

Islam sebagai agama yang memperhatikan keadilan dan penghormatan memberikan penekanan yang tinggi pada hak asasi manusia dan tanggung jawab. Anak sebagai manusia kecil juga memiliki hak-hak yang dikategorisasikan ke hak-hak sosial, pendidikan, dan financial. Hak-hak sosial terbagi ke dalam dua kategori: sebelum dan sesudah kelahiran. Hak-hak sosial sebelum kelahiran mencakup hak mendapatkan orangtua yang baik dan memiliki karakter, dan hak untuk tidak digugurkan dari kandungan, sementara hak-hak sosial sesudah kelahiran berupa hak mendapat silsilah keturunan yang jelas, hak mendapat air susu ibu dan gizi, dan hak diterima sebagai warga masyarakat Muslim. Adapun hak-hak pendidikan meliputi hak untuk hidup (sebagai prasyarat), hak memperoleh pengasuhan umum, hak sosialisasi, sebagaimana juga hak pendidikan dasar, hak perlakuan yang adil dan setara, serta hak pendidikan fisik. Sedangkan hak-hak finansial terdiri dari hak mendapatkan nafkah, hak memiliki harta, dan hak memperoleh warisan. Hak-hak anak yang dijamin oleh Islam tersebut ternyata relevan dengan Konvensi Hak-hak Anak yang disepakati dalam Sidang Umum Perserikatan Bangsa-bangsa (PBB) pada 1989. Untuk memungkinkan anak mendapatkan hak-haknya, perlindungan orangtua memainkan peranan sebagai landasan utama. Namun, dalam hal ini negara dan organisasi masyarakat sipil dapat juga memainkan peranan masing-masing. Pendidikan ramah anak dapat menjadi suatu perwujudan tanggung jawab sosial negara dan organisasi masyarakat sipil dalam menghormati dan memenuhi hak-hak anak. Pendidikan tersebut memberikan suatu lingkungan yang aman, bersih, sehat, dan protektif, serta pembelajaran penuh makna bagi anak-anak dengan keanekaragaman kemampuan dan latar belakang.

**Keywords:** *The rights of the child; Roles of state and Civil society; Child friendly education*

## Introduction

Children are great blessings from Allah. At the same time, they are *amāna* (or trust) from Him to us (the adults), and, then, should be accepted with joy and gratitude. However, children are not toys or possessions. With them comes great responsibility. But, we still currently show physical, verbal, or psychological violence, carelessness, discrimination and exploitation to the children. Beside, many parents in every society, regardless of creed, origin, social and economical status, have indeed lost their children as a result of their own negligence. They are so careless about the places their children go to, the friends they associate with, the time they spend with no benefit, and so on. This negligence of such parents causes the children to grow up without any responsible adult and without caring guidance and supervision. Such problems happen in almost many countries in the world, including Muslim countries.

A solution for such problems should be made. The solution offered by this paper, especially for Muslim countries, is just raising awareness of the rights of the child in Islamic perspective which should be understood and applied by parents, government, and civil society organization. To implement such a solution, it is important: (1) to know the rights of the child in Islamic perspective, (2) to know their relevance with the Convention on the Rights of the Child (CRC) by the United Nations General Assembly in 1989, and (3) to describe the consequence of such rights to the role of state and civil society in general, and the role of an Indonesian Muslim civil society organization, that is Muhammadiyah, in pioneering child friendly education, in particular. Why is child friendly education discussed? Such an education tries to provide a safe, clean, healthy and protective environment as well as meaningful learning for children with diverse abilities and backgrounds. In those objectives of this paper, the roles of parent are not mentioned explicitly because description of child's rights

should include the obligations of his/her parent. Each of child's rights is actually an obligation of his/her parent and vice versa, and behind each obligation there is implicitly a role.

This study is a literature review, based on documents in gathering data and content analysis in analyzing data. The content analysis is carried out by deductive method to know the relevance of the rights of the child in Islam with those of the Convention on the Rights of the Child, and inductive method to know the fulfillment of the rights of the child in the implementation of child friendly education. Some data refer to two main sources of Islamic teachings: Al-Qur'an (Allah's words) and Hadith (words, deeds and approvals of the Prophet Muhammad). Quotations from verses of Al-Qur'an are just their translations in English, not mentioning the verses due to easiness in looking for them. But, quotations from Hadith refer either to their texts in Arabic or their translations in English due to difficulty in looking for the texts of Hadith in Arabic.

### **The convention on the rights of the child**

The Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly in November 1989. The CRC incorporates the full range of human rights for children: civil, cultural, economic, political and social rights. On the 2 September 1990, it came into force after being ratified by the required number of nations. Since then, 196 countries have ratified it. The CRC consists of 54 articles and three Optional Protocols containing the basic human rights that children have.<sup>1</sup>

Eugene Verhellen categorized the content of the CRC into three Ps: *Provision* (access to food, healthcare, education, social security); *Protection* (from maltreatment, abuse, neglect, all forms of exploitation); and *Partici-*

---

<sup>1</sup>Bodil Rasmusson, et.al. (eds.), *Realizing Child Rights in Education*, Lund, Sweden: Lund University Commissioned Education, 2016, 7-8.

participation (having the right to act, be involved in decision-making). Besides the 3 Ps, there are four basic principles of the CRC formulated by UNICEF: non-discrimination (article 2), the best interest of the child (article 3), right to life and development (article 6), and right to participation (article 12).<sup>2</sup>

### **Child's rights in Islam**

To begin a discourse on the rights of the child in Islamic perspective, the following anecdote must be known:

“One day a man came to Umar ibn al-Khattab to complain of a disobedient son. So Umar had brought the boy to him and he blamed him for his disobedience. Then the boy addressed Umar by saying ‘O Commander of the faithful: Are there no rights for a boy against his father?’ Umar said, ‘Yes’. Then the boy said, ‘What are these rights O Commander of the faithful?’ Umar said, ‘To choose a good mother for him, to select a good name to him, and to teach him the Quran’. Then the boy said, ‘O Commander of the faithful, my father has not accomplished any of these rights. As for my mother, she was a black slave for a Magian; as for my name, he has named me Jual (beetle); and he has not taught me even one letter from the Qur’an’. Then Umar turned round to the man and said, ‘You came to me complaining disobedience on the part of your son, whereas you have not given him his rights. So you have made mistakes against him before he has made mistakes against you.’”<sup>3</sup>

From such an anecdote, it is very clear that the child has his/her rights which become his/her father's obligation as a family shepherd; to violate child's rights is to disobey Allah. Furthermore, whereby family is the nucleus of society, the last has also responsibility in fulfilling the rights of child. The Prophet Muhammad said, as quoted by Arfat, “The Muslim

---

<sup>2</sup>Bodil Rasmusson, et.al. (eds.), *Realizing Child Rights...*, 19-20.

<sup>3</sup>Shabina Arfat, “Islamic Perspective of the Children's Rights: An Overview”, *Asian Journal of Social Sciences & Humanities*, Volume 2, Number 1 (2013), 299.

community would earn a name among other communities for its kindness to children.”<sup>4</sup>

Besides, it must be recognized from the beginning that the child in accordance with the Islamic perspective means both male and female. Although Islam prefers boys over girls in terms of inheritance, *aqiqa* (slaughter of two lambs upon the birth of a male baby, and one lamb only for a female baby), and other matters—all based on difference of responsibility, but both male and female are alike in the sight of Allah. Both, again, are equal in religious duties, except for certain exceptions that are defined and illustrated by Allah in the Qur’an, or declared and specified by the Prophet Muhammad in his *Hadith*. Each, however, is prepared and equipped physically to perform certain duties and tasks being suitable to his/her nature.<sup>5</sup> In Islamic perspective, there are many rights of the child. To simplify this study, let me use a categorization introduced by Hasan bin Khalid Hasan Al-Sindy.<sup>6</sup> He categorizes them into three categories: social rights, educational rights, and financial rights. The social rights are divided into two categories: before birth and after birth.

### **Social rights (before birth)**

#### *Right to Noble Parent Having Character*

In Islam a child’s right begins even before birth; in fact it begins before conception, being careful in choice for a spouse. The Prophet Muhammad taught us to choose righteous spouses. He told a young man to give pref-

---

<sup>4</sup>Shabina Arfat, “Islamic Perspective of the Children’s Rights: An Overview”..., 299-300.

<sup>5</sup>Sheikh Al-Uthaymeen, “The Rights of Children in Islam” (accessed 1 April 2016), <http://www.mission-islam.com/family/childrensrights.htm>, 2000.

<sup>6</sup>Hasan bin Khalid Hasan Al-Sindy, “Ināyah al-Sharī’ah al-Islāmiyyah bi Huqūq al-Atfāl”, *Majallah Jāmi’ah Umm al-Qurrā li ‘Ulūm al-Sharī’ah wa al-Dirāsāt al-Islāmiyyah*, Volume 44, ṭulqa’dah (2008), 438-522.

erence to a woman who is pious<sup>7</sup> and told guardians of young girls to give preference to that young man who are known for his religion and his character.<sup>8</sup> Thus, a man chooses beforehand who shall be the noble mother having character of his children. Otherwise, a women chooses who shall be the noble father having character of her children. By choosing a noble mother/father for his/her children, both fulfill a right of their children even before they are born.<sup>9</sup>

If a man and a woman have dedicated their lives to worshipping and pleasing their Creator, then the rights of any children they may have are automatically guaranteed. To worship Allah means obeying His commandments which include securing the rights of the child.<sup>10</sup>

### *Right of unborn child*

After conception, the right that Allah has described for unborn child, then takes effect. Once a child is conceived, he/she has the right to life. It is never permissible to abort the unborn or to terminate a pregnancy because one fears being unable to financially support a child or another

---

<sup>7</sup>Prophet Muhammad, peace be upon him (PBUH), said, (ثُنِّحُ النِّسَاءُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَلِحَمَالِهَا وَلِدِينِهَا فَاطْفَرُ بِذَاتِ الدِّينِ) "A woman may be married for four reasons: her wealth, her lineage, her beauty, and her religious commitment. Marry the one who is religiously committed." This hadith is reported by Ibn Majah (No. 1848, Lidwa Pustaka Software).

<sup>8</sup>Prophet Muhammad, PBUH, said, (إِذَا أَتَاكُمْ مِنْ تَرَضُّونَ خُلُقَهُ وَدِينَهُ فَزَوِّجُوهُ) "If come to you a man whom you are satisfied with his character and his religion, marry him (with your daughter), ..." This hadith is reported by Ibn Majah, hadith No. 1957, Lidwa Pustaka Software.

<sup>9</sup>Aisha Stacey, "What Islam Says about Children (Part 1 to 5)" (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children), 2010. See 'Abdul Hakim Al-Anis, *Huquq al-Tifl fi al-Qur'an*, Dubai: Idārah al-Buḥūth li Dāirah al-Shu'ūn al-Islāmiyyah wa al-'Amal al-Khayr, 2013, 16-18.

<sup>10</sup>Aisha Stacey, "What Islam Says about Children (Part 1 to 5)" (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children), 2010. See Hasan bin Khalid Hasan Al-Sindy, "Ināyah al-Sharī'ah al-Islāmiyyah bi Huquq al-Aṭfāl"..., 444-447.

child. It is Allah, who is the Provider and Sustainer of all life.<sup>11</sup> The persons who kill their children, prior or after their birth, are prescribed as lost, misguided and ignorant.<sup>12</sup> The killing of the children is even a great sin.<sup>13</sup> Moreover, the father should do everything in his power to preserve the life of the unborn child.<sup>14</sup>

## **Social rights (after birth)**

### *Right to Lineage*

It is the right of the child to have a legitimate birth (being born from the parent who is legally married). The birth outside of wedlock deprives the child from this right. When the child's parent is unknown, other parents may not claim parenthood of him by way of direct or indirect adoption. The Qur'an states that the adopted child is not the real offspring of the adopter. He is just the brother in faith and the client of his fellow Muslim.<sup>15</sup> The adopted child must be related to his true procreator when he is known or knowable. An orphan is also never to be denied his original

---

<sup>11</sup>Allah said, "... kill not your children because of poverty. We provide sustenance for you and for them." (The Noble Qur'an 6:151).

<sup>12</sup>Allah said, "Indeed lost are they who have killed their children, from folly without knowledge, and have forbidden (food) which Allah has provided them, inventing a lie against Allah. They have indeed gone astray and are not rightly guided." (The Noble Qur'an 6:140).

<sup>13</sup>Allah said, "... Surely, the killing of them (the children) is a great sin." (The Noble Qur'an 17:31).

<sup>14</sup>Allah said, "... And if they are pregnant, then spend on them till they deliver." (The Noble Qur'an 65:6). See Shabina Arfat, "Islamic Perspective of the Children's Rights: An Overview", 300; Aisha Stacey, "What Islam Says about Children (Part 1 to 5)" (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children); and Hasan bin Khalid Hasan Al-Sindy, "Ināyah al-Sharī'ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl"..., 447-452.

<sup>15</sup>Allah said, "... nor has He made your adopted sons your real sons ... Call them (adopted sons) by (the names of) their fathers, that is more just with Allah. But if you know not their father's (names, call them) your brothers in faith and your freed slaves." (The Noble Qur'an 33:4-5).



identity. This right includes the need to trace one's genetic lineage for medical purposes, which also forms the basis for the concern associated with incestuous marriages/relationships.<sup>16</sup>

### *Right to suckle and nutrition*

Following birth, a child has the right to be suckled by his/her mother directly until he/she attain his/her full power and strength, for the suckle has a great impact on the growth and development of the child. If the mother dies or suffers from an ailment preventing her suckling, or the infant refuses to take her suckle, the father has a duty to find someone to suckle his infant even if she has to be paid.<sup>17</sup>

Once a child is strong enough and past the nursing stage, the parent must provide appropriate nutrition to sustain continued growth. It is also the duty of parent to take every protective and precaution treatment, including vaccination, to prevent their child from falling ill. Moreover, if the child is ill, his/her parent should treat him/her medically. Treat-

---

<sup>16</sup>Shabina Arfat, "Islamic Perspective of the Children's Rights: An Overview", 302; Aisha Stacey, "What Islam Says about Children (Part 1 to 5)" (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children); see also Hasan bin Khalid Hasan Al-Sindy, "Ināyah al-Sharī'ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl"..., 444-447; and 'Abdul Hakim Al-Anis, *Ḥuqūq al-Tifl fi al-Qur'ān...*, 21.

<sup>17</sup>Allah said, "The mothers should suckle their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling, but the father of the child shall bear the cost of the mother's food and clothing on a reasonable basis. No person shall have a burden laid on him greater than he can bear. No mother shall be treated unfairly on account of her child, or father on account of his child. And on the (father's) heir is incumbent the like of that (which was incumbent on the father). If they both decide on weaning, by mutual consent, and after due consultation, there is no sin on them. And if you decide on a foster suckling-mother for your children, there is no sin on you, provided you pay (the mother) what you agreed (to give her) on reasonable basis. And fear Allah and know that Allah is All-Seer of what you do." (The Noble Qur'an 2:233). See Shabina Arfat, "Islamic Perspective of the Children's Rights: An Overview", 301; Hasan bin Khalid Hasan Al-Sindy, "Ināyah al-Sharī'ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl", 453-455; and 'Abdul Hakim Al-Anis, *Ḥuqūq al-Tifl fi al-Qur'ān*, 19-21.

ment against disease serves the purpose of sharia (Islamic law) with regard to preserving life.<sup>18</sup>

### *Right to being received by the Muslim society*

In Islam, the birth of a child, male or female, is a cause for great celebration. There are a number of recommended rituals from the authentic traditions of Prophet Muhammad, PBUH, that are to be done to ensure that the newborn child is received properly by the Muslim. However, the absence of any or all of these recommended actions does not negate any child's rights in Islam.<sup>19</sup>

It is recommended that the parents do *tahnīk*—putting something sweet such as dates or honey into the child's mouth—and pray for the newborn child.<sup>20</sup> They are also recommended to recite softly *azan* (the call to prayer) into the newborn baby's right ear. The first thing the child hears in this world, are the words of submission to One God. Beside, the newborn child is also recommended to be named on the seventh day after his or her birth. Names are important. Names have meanings and become symbols of persons. These meanings will have an effect on the child for good or for bad. The child, then, should be given a good name, and it is disliked to use names that have bad or distasteful meanings, or sound odd,

---

<sup>18</sup>Al-Azhar University and UNICEF, *Children in Islam: Their Care, Development and Protection*, Cairo and New York: International Islamic Center for Population Studies and Research of Al-Azhar University, and UNICEF, 2005, 6; and 'Abdul Ḥakim Al-Anis, *Ḥuqūq al-Tifl fī al-Qur'ān*, 30.

<sup>19</sup>Aisha Stacey, "What Islam Says about Children (Part 1 to 5)" (accessed 1 April 2016), <http://www.Islam-religion.com/articles/3584/viewall/what-islam-says-about-children>.

<sup>20</sup>Abu Musa, one of Prophet Muhammad's companions, said, (لِي غُلَامٌ فَأَتَيْتُ بِهِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَمَّاهُ إِبْرَاهِيمَ فَحَنَنْكُهُ بِتَمْرَةٍ وَدَعَا لَهُ بِالْبُرْكَاتِ وَدَفَعَهُ إِلَيَّ) "I had a baby boy and I brought him to the Prophet. He named him Ibrahem, did *tahneek* with a date and prayed for God to bless him, then he gave him back to me." This hadith is reported by Al-Bukhari, hadith No. 5730, Lidwa Pustaka Software.

or which would cause others to mock a person, or cause him embarrassment.<sup>21</sup>

Together with giving name in the seventh day after birth, it is recommended to held *aqiqa*, in which the family slaughter one or two sheep and to invite relatives and neighbors to a meal in order to allow the community to share in the happy event. The *aqiqa* is a sacrifice by which the child is brought close to God soon after he comes into this world. It is a sacrifice by which the newborn is ransomed just as God ransomed Ismael with the ram. In this moment, it is also recommended to shave the newborn child's hair and, then, the weight of the hair should be given in gold or silver or the equivalent amount in currency for charity.<sup>22</sup>

Another ritual is pertaining to the newborn child—although after several years—and as a part of the child's rights is circumcision. It is obligatory for a boy to be circumcised. This ritual is related to purity and essential conditions of the prayer, and implies complete submission to the will of God.<sup>23</sup>

To complete the celebration in welcoming the newborn child, it is recommended that the parents do *ḥaḍānah* (giving the child his/her room), especially after growing and being circumcised.<sup>24</sup> Welcoming the newborn

---

<sup>21</sup>Hasan bin Khalid Hasan Al-Sindy, “Ināyah al-Sharī‘ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl” ..., 455-456; and Aisha Stacey, “What Islam Says about Children (Part 1 to 5)” (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children).

<sup>22</sup>Hasan bin Khalid Hasan Al-Sindy, “Ināyah al-Sharī‘ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl” ..., 457-459; and Aisha Stacey, “What Islam Says about Children (Part 1 to 5)” (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children).

<sup>23</sup>Hasan bin Khalid Hasan Al-Sindy, “Ināyah al-Sharī‘ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl”, 459-461; and Aisha Stacey, “What Islam Says about Children (Part 1 to 5)” (accessed 1 April 2016), [http://www.Islam\\_religion.com/articles/3584/viewall/what-islam-says-about-children](http://www.Islam_religion.com/articles/3584/viewall/what-islam-says-about-children).

<sup>24</sup>Hasan bin Khalid Hasan Al-Sindy, “Ināyah al-Sharī‘ah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl” ..., 461-464.

child into the family and community is more than a celebration; the rights and rituals performed serve to remind believers that children in Islam have rights. Whether the parents are alive or deceased, known or unknown, present or absent, the child is entitled to be cared for and raised in security, surrounded by good environments and God's love and laws. It is time to prescribe the educational rights of the children.

## **Educational rights**

### *Right to life*

To fulfill the child's educational rights, there are some requirements, such as his right to life and general care. Islam has guaranteed the right to life for all human beings except for clearly defined crimes in the *sharia* due to which a person loses his/her right to life.<sup>25</sup> During the days of ignorance, some people used to kill their children due to superstitions and fear of poverty. Female children, especially, were considered a sign of weakness and humiliation for the family, so they used to bury their female children alive. Allah has prohibited and condemned this evil practice.<sup>26</sup> Based on social environment wherein bullying, violation, sexual harassment and assault, and other crimes happen, the child's right to life consequently means broader, that is to live in security and peace, and

---

<sup>25</sup>Allah said, "... If anyone killed a person not in retaliation of murder, or to spread mischief in the land, it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life for all mankind..." (The Noble Qur'an 5:32). Allah also said, "... and kill not anyone whom Allah has forbidden, except for a just cause (according to Islamic law). This He has commanded you that you may understand" (The Noble Qur'an 6:161).

<sup>26</sup>Allah said, "And when the news of (the birth of) a female (child) is brought to any of them, his face becomes dark, and he is filled with inward grief! He hides himself from the people because of the evil of that whereof he has been informed. Shall he keep her with dishonor or bury her in the earth? Certainly, evil is their decision." (The Noble Qur'an 16:58-59). See Shabina Arfat, "Islamic Perspective of the Children's Rights: An Overview"..., 301.

enjoy human dignity and protection under the responsibility of the parents, families, community and state.<sup>27</sup>

### *Right to general care*

Small child has his/her physical needs as well as emotional and spiritual needs. The parent, guardian and caregiver should bring their child up with good manners in all things, drinking, eating, dressing, sleeping, going out of the house, entering the house, riding in vehicles, etc.<sup>28</sup> They should instill in their child the attributes of a good person, such as love of (personal) sacrifice, putting others first, helping others, nobility and generosity. Besides, the child must also be protected from physical harm and bad nutrition.<sup>29</sup>

### *Right to socialization of (Islamic) values (religious training and spiritual guidance)*

This is the first and foremost of the child's rights in Islam. Through religious training and spiritual guidance, the child has to internalize Islamic values and principles to save him/her in entire lives.<sup>30</sup> Socialization primarily means to let the child knows his/her Creator, inculcates love for the Prophet Muhammad, faith in Hereafter, angels, divine books, prophets and other important aspects of Islam as a way of life, such as

---

<sup>27</sup>The Prophet Muhammad PBUH said, *رَأَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَحَدًا مِنْ أُمَّةٍ يَخُونُ أَخَاهُ الْمُسْلِمَ* (The Muslim is a brother of the Muslim, he should not betray him nor belie him nor let him down. The whole of the Muslim is forbidden to another Muslim: his honor, his property and his blood.) This hadith is reported by Al-Tirmizi No. 1850, Lidwa Pustaka Software. See Al-Azhar University, 2005:2, 8-9.

<sup>28</sup> Allah said, "... The father of the child shall bear the cost of the mother's food and clothing on a reasonable basis. ..." (The Noble Qur'an 2:233).

<sup>29</sup> Aisha Stacey, "What Islam Says about Children (Part 1 to 5)" (accessed 1 April 2016), [http:// www.Islam-religion.com/articles/ 3584/viewall/what-islam-says-about-children](http://www.Islam-religion.com/articles/3584/viewall/what-islam-says-about-children).

<sup>30</sup> Allah said, "O you who believe! Ward off your selves and your families against a Fire (Hell) whose fuel is men and stones." (The Noble Qur'an 66:6).

prayer (salat)<sup>31</sup> and fasting (in Ramadhan). Beside, the parents and guardians should work to culture within their children the love for praised attribute of character and develop hatred within them against all aspects of bad character. A natural consequence of such socialization is absolutely purification of the soul.<sup>32</sup>

### *Right to basic education*

After the heart of the child being filled with faith, love and compassion, and his/her deeds being attributed with praised characters due to socialization of values, his/her mind should be entertained with proper knowledge and wisdom and his hands should be trained with vocational and practical aspects as—according to Ibn Khaldun—means of existence.<sup>33</sup> It is the child’s right to basic education. In Islamic society, however, education is not mere right for its individuals, but an Islamic government indeed is required and demanded to prepare and provide all means that help individuals in the Islamic society to earn a better education.<sup>34</sup> Moreover, Is-

---

<sup>31</sup>The Prophet Muhammad PBUH said, (مُرُوا أَوْلَادَكُمْ بِالصَّلَاةِ وَهُمْ أَبْنَاءُ سَبْعِ سِنِينَ وَاصْرِبْهُمْ بِهَا), “Order your children for salat (prayer) when they are seven, discipline them for it when they are ten and separate their bads.” This hadith is reported by Abu Dawud (No. 418, Lidwa Pustaka Software).

<sup>32</sup>Shabina Arfat, “Islamic Perspective of the Children’s Rights: An Overview”, 303; see ‘Abdul Hakim Al-Anis, *Huquq al-Tifl fi al-Qur’an...*, 27-28.

<sup>33</sup>Allah said, “... Say: ‘Are those who know equal to those who know not?’ It is only man of understanding who will remember (i.e. get a lesson from Allah’s signs and verses.” (The Noble Qur’an 39:9); Allah also said, “... And when you are told to rise up (for prayers, or *jihād* –holy fighting in Allah’s cause, or for any other good deed), rise up. Allah will exalt in degree those of you who believe, and those who have been granted knowledge. And Allah is Well-Acquainted) with what you do.” (The Noble Qur’an 58:11). See Abdesselam Cheddadi, “Ibn Khaldun”, *Prospects: the Quarterly Review of Comparative Education*, Volume XXIV, Number 1/2 (2001), 10-11.

<sup>34</sup>That concept is based on what the Prophet Muhammad PBUH said, (طَلَبُ الْعِلْمِ فَرِيضَةٌ عَلَى كُلِّ مُسْلِمٍ), “Seeking knowledge (better education) is an obligatory on every Muslim (male or female). This hadith is reported by Ibn Majah No. 220, Lidwa Pustaka Software.

lam considers seeking a better education as a type of *jihad* (Islamic strife) that Allah rewards.<sup>35</sup> Furthermore, Islam considers withholding any useful knowledge that one possesses without sharing with others as unlawful.<sup>36</sup> It is clear, then, that it is the basic right of every child to get better and beneficial education.<sup>37</sup>

### *Right to just and equal treatment*

Children also have the right to be treated justly and equally. No child should be given priority or any type of preference over the others in terms of good behavior and kind treatment as well as in terms of gifts, grants, ownership or inheritance.<sup>38</sup> An unfair treatment to children may result in bad behavior towards one another or both parents in the future or old age.<sup>39</sup>

---

<sup>35</sup>The Prophet Muhammad PBUH said, (مَنْ خَرَجَ فِي طَلَبِ الْعِلْمِ كَانَ فِي سَبِيلِ اللَّهِ حَتَّى يَرْجِعَ), “He who travels to seek any knowledge is considered as a person who is struggling in *jihad* for the cause of Allah until he returns (home).” This hadith is reported by Al-Tirmizi No. 2571, Lidwa Pustaka Software.

<sup>36</sup>The Prophet Muhammad PBUH said, (مَنْ سَتَلَ عَنْ عِلْمٍ فَكَتَمَهُ أُلْجِمَ يَوْمَ الْقِيَامَةِ بِلِجَامٍ مِنْ نَارٍ), “Whosoever withholds the dissemination of (a beneficial) knowledge (to others who may need or benefit from it) will be tortured with a harness of fire on the Day of Judgment.” This hadith is reported by Ibn Majah No. 260, Lidwa Pustaka Software.

<sup>37</sup>Shabina Arfat, “Islamic Perspective of the Children’s Rights: An Overview”..., 304.

<sup>38</sup>The father of al-Nu‘man bin Baseer visited the Prophet Muhammad PBUH, saying:

(إِنِّي أَعْطَيْتُ ابْنِي مِنْ عَمْرَةَ بِنْتِ رَوَاحَةَ عَطِيَّةً فَأَمَرْتَنِي أَنْ أَشْهَدَكَ يَا رَسُولَ اللَّهِ قَالَ أَعْطَيْتَ سَائِرَ وَلَدِكَ مِثْلَ هَذَا قَالَ لَا قَالَ فَاتَّقُوا اللَّهَ وَاعْدِلُوا بَيْنَ أَوْلَادِكُمْ قَالَ فَرَجَعَ فَرَدَّ عَطِيَّتَهُ)

“I have granted my my son (al-Nu‘man) something from ‘Amrah binti Rawahah.” Then she commanded me to ask you, o Prophet of Allah, to testify to that gift. But the Prophet asked (him), “Did you grant the same to each child of yours?” The father of al-Nu‘man answered, “No.” The Prophet commented, “Fear Allah, and be fair and just for all your children.” Al-Nu‘man said, “(His father) came back,” and, (then), he (al-Nu‘man) gave the grant back to him (his father). This hadith is reported by Al-Bukhari, No. 2398, Lidwa Pustaka Software and Muslim, No. 3055, Lidwa Pustaka Software.

<sup>39</sup>Sheikh Al-Uthaymeen, “The Rights of Children in Islam” (accessed 1 April 2016), <http://www.mission-islam.com/family/childrensrights.htm>.; and Shabina Arfat, “Islamic Perspective of the Children’s Rights: An Overview”..., 303.

### *Right to Physical Education*

In Islamic perspective, as Ibn Sina—a very distinguished Muslim philosopher—said, education does not neglect physical development and everything implied by it: physical exercise, food and drink, sleep and cleanliness. According to him, the aims of education are the overall growth of the individual: physical, mental and moral, followed by preparation of this individual to live in society through a chosen trade according to his aptitudes.<sup>40</sup> Islam, then, empowers physical as well as soul, including both of the child.<sup>41</sup>

### **Financial rights**

#### *Right to livelihood (nafaqa)*

To fulfill the child's rights mentioned above needs for the financial requirements. Sharia (Islamic law) has prescribed that the father has responsibility of such financial requirements (*nafaqa*).<sup>42</sup> It is a duty of the parent to spend for their child's welfare and well-being moderately.<sup>43</sup>

#### *Right to prosperity and inheritance*

It is well-known that sharia (Islamic law) affirms the right of the newborn child to owning property and to inheritance.<sup>44</sup> Moreover, the *sharia* has

---

<sup>40</sup>Abd al-Rahman Al-Naqib, "Avicenna", *Prospects: the Quarterly Review of Comparative Education*, Volume XXIII, Number 1/2 (2000), 58.

<sup>41</sup>The Prophet said, (الْمُؤْمِنُ الْقَوِيُّ خَيْرٌ وَأَحَبُّ إِلَى اللَّهِ مِنَ الْمُؤْمِنِ الضَّعِيفِ), "The strong believer is better and more beloved to Allah than the weak believer." This hadith is reported by Muslim (No. 4816, Lidwa Pustaka Software). Moreover, Allah said, "And said one of them (the two women): 'O my father! Hire him! Verily, the best of men for you to hire is the strong, the trustworthy.'" (The Noble Qur'an 28:26). See Hasan bin Khalid Hasan Al-Sindy, "Ināyah al-Sharī'ah al-Islāmiyyah bi Ḥuqūq al-Aṭfal"..., 484-487.

<sup>42</sup>The Noble Qur'an 2:233, see footnote 17.

<sup>43</sup>Allah said, "And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes)." (The Noble Qur'an 25:67).

<sup>44</sup>Allah said, "Allah commands you as regards your children's (inheritance): to the male, a portion equal to that of two female. ..." (The Noble Qur'an 4:11).



preserved such a right long before birth while still a fetus. If the father die while the mother is pregnant, the will (or inheritance) cannot be dispensed with until the child is born and its gender is determined.<sup>45</sup>

## **The roles of state and civil society in supporting and protecting the rights of children**

### *The roles of state*

For protecting children and enabling them to enjoy their rights guaranteed by Islam, parental care plays role as a main foundation. The roles of parent above are not mentioned explicitly because description of child's rights should include the obligations of his/her parent. Each of child's rights is actually an obligation of his/her parent and vice versa, and behind each obligation there is implicitly a role.

Besides, society and state institutions also have key roles to play in this regard. In order all children to acquire such rights without discrimination, the legislature must state unequivocally in their constitution that each child has rights to a name identity, general care, socialization of values, property and inheritance, sponsorship in a family, healthcare and education. The legislature must also make laws that guarantee children protection from exploitation in harsh or dangerous jobs to other activities providing them responsible before the law. Lawmakers must also ensure children being protected from physical or moral humiliation.

It is also very important to be held international conventions, treaties and agreements relating to the rights of child. Such treaties and agreements are hoped not to contravene with the correct understanding of *Sharia*. Then, they are followed by the adherence of the state to them. The state is also needed to coordinate cross-border cooperation and com-

---

<sup>45</sup>Al-Azhar University and UNICEF, *Children in Islam: Their Care, Development and Protection...*, 5.

bat internationally organized crimes that violate and endanger the rights of child. The state should also be asked to retrieve children either sold or smuggled across borders forced to flee into another country to seek refuge due to natural disasters or armed conflicts.

In Indonesia, the state legislated laws of the child, Law No. 23/2002 on the Child Protection which has amended by Law No. 35/2014, and Law No. 11/2012 on the System of Juvenile Justice. The state also established and funded KPAI (Komisi Perlindungan Anak Indonesia, Indonesian Commission on the Child Protection). The commission has mandate to improve the effectiveness of supervision of implementation of child right fulfillment. The KPAI supervision covers eight jobs: gathering data and info, serving society complaint, mediating conflict, studying problem, reporting violation, collaboration, control, and inputting and proposing policies on child protection. Meanwhile, child protection conducted by KPAI covers some areas: family and care, education, religion, health and narcotics (including psychotropic and addictive substances), social and emergency, civil rights and participation, violence, trafficking, and pornography and cyber crime.

Other role of state, either independent or in cooperation with civil society organization, is to establish child friendly schools. Such education provides a safe, clean, healthy and protective environment as well as meaningful learning for children with diverse abilities and backgrounds.

### *The roles of civil society*

It is a key task of civil society organizations to make parents aware of their duties in Islam, pertaining to protect their children and fulfill their rights. One effort to grow such awareness in society is to establish child friendly schools. Many rights of child, like the rights to general care, socialization of values, basic and better education, physical education, and just and

equal treatment, can be fulfilled by such schools. It is better what can be contributed by Islamic perspective to the child friendly schools as quoted from Nasr, describing Ibn Sina's view on education as following:

“As for school, it is necessary because, not only does it make possible the transmission of knowledge, but it also provides a social ambience wherein students can learn from each other and live with one another. Ibn Sina emphasizes the importance of healthy rivalry and competition, as well as encouragement in attaining educational goals before other students. Moreover, the presence of other students make possible discourse and disputation, which increase understanding, and the making of friend, which helps to purify character and strengthen certain virtues.”<sup>46</sup>

Besides, the civil society organizations also have the important task of monitoring and evaluating how well the state ensures the rights of child fulfilled in general or how well the child friendly schools ensure the rights of child carried out in particular.

Children's causes often appear in the mass media, and it is the duty of civil society organizations to help educating families in solving the causes and urge the state to adopt and solve such causes. Relating to the mass media, civil society organizations should monitor and report any incidents of child abuse, maltreatment, discrimination, exploitation, or violence.

The civil society organization can also play role in coordinating the payment the obligatory *zakat* (alms) and charitable donations by members and foundations in the society. Such obligatory *zakat* and charitable donations secure substantial amounts of money that may be used to fund many projects in fields of health, education and welfare for poor children, orphans and destitute families.<sup>47</sup>

---

<sup>46</sup>See Seyyed Hossein Nasr, *Traditional Islam in the Modern World*. Kuala Lumpur: Foundation for Traditional Studies, 1988, 153.

<sup>47</sup>Al-Azhar University and UNICEF, *Children in Islam: Their Care, Development and Protection...*, 12.

### **The roles of Muhammadiyah in pioneering child friendly schools**

Muhammadiyah is an Islamic CSO established by Ahmad Dahlan in 1912, to improve the quality of Indonesian society through many life aspects, especially in education, healthy, and social welfare. *SD Muhammadiyah Program Khusus* (Special Program Muhammadiyah Elementary School) in Surakarta, Central Java, Indonesia, is one of basic education institutions belonging to Muhammadiyah. Such a school has been developing a child friendly education, applying Islamic values on the rights of child, in cooperation with Lund University Commissioned Education, Sweden.<sup>48</sup>

The child friendly education has applied in the process of learning. According to the Puji Rahmawati's research, for example, the interaction model used in *SD Muhammadiyah Program Khusus* (Special Program Muhammadiyah Primary School Surakarta) is multidirectional, in which capacity of reading, writing, speaking and listening between students/learners create happy-fun and active process of learning, beside strengthen the character of tolerance and responsibility.<sup>49</sup> Together with other pioneers Muhammadiyah schools, *SD Muhammadiyah Program Khusus* has initiated and developed the child-friendly teaching-learning methods: cooperative learning, authentic and participative learning, and realistic learning.<sup>50</sup>

*SD Muhammadiyah Program Khusus* also develops a school culture affecting every student in the school community in thinking, feeling and acting. The school culture that has been built is familiarity between teachers and students, comfort and safety of study environment, and signifi-

---

<sup>48</sup>Bodil Rasmusson, et.al. (eds.), *Realising Child Rights in Education...*, 83-96.

<sup>49</sup>Puji Rahmawati, "Pengelolaan Pembelajaran Bahasa Indonesia Berkarakter, Aktif, dan Menyenangkan di Kelas III SD Muhammadiyah Program Khusus Kottabarat, Surakarta", Thesis for Graduate School, Universitas Muhammadiyah Surakarta (UMS), 2015, 37.

<sup>50</sup>Bodil Rasmusson, et.al. (eds.), *Realising Child Rights in Education...*, 86-90.

cant routine habituation. To build familiarity between teachers and students, the teachers deed smiling, greeting and salutations. The teachers, for example, greet students every morning as a sign of welcoming, and when they go home, the teachers shake hands with the parents of the students as a symbol of giving them back. Such a kind of closeness between students and teachers makes students being not awkward to ask, tell, chat and express an opinion.

To build comfort and safety of study environment, the school design secure behavior and safe procedures around the classroom. Some following conducts, like running, pushing each other, excessive jokes, and sitting around or putting stuff on the stairs, are not allowed. The benefit obtained by the students is that they can appreciate themselves for maintaining safety. To build significant routine habituation, the school designs the process of strengthening students' characters through, for example, praying before and after doing a task or job—including eating and learning, *duhā* and midday praying together, Friday gift, class work schedule, and healthy living.<sup>51</sup>

Paying attention to the rights of the child in Islam described above and compared to 3 Ps of the CRC (Provision, Protection and Participation), it is found that almost all rights—social, educational or financial—relate to the Provision. It is just the right to life which relates to the Protection. The right to life in the environment wherein violation, bullying, sexual harassment and assault, and other crimes happen, the right to life means broader, that is to live in security and peace, and to enjoy dignity and protection under the responsibility of family, community, and state. Meanwhile, the right to socialization of (Islamic) values and the right to basic education relate implicitly to the Participation. In social-

---

<sup>51</sup>Suryatri Darmiatun, *Implementasi Pendidikan Karakter di Sekolah*, Yogyakarta: Gava Media, 2013, 74.

ization of values, for example, to culture within the children the love for praised attribute of character needs participation of them in purification of the soul. The rights not mentioned in the CRC—but needed in Islam, are the social rights before birth, such as right to noble parent having character and right of unborn child, and the social right after birth, that is the right to lineage.

Furthermore, the rights of the child guaranteed by Islam have also met four basic principles of the CRC formulated by UNICEF: non-discrimination, the best interest of the child, right to life and development, and right to participation. One principle still requiring discussion is that of non-discrimination. In terms of inheritance, for example, when Islam prefers boys over girls, such treatment is based on difference of responsibility. In the sight of Allah, male and female are alike. Both, again, are equal in religious duties. If there are certain exceptions, however, each is prepared and equipped physically to perform certain duties and tasks being suitable to his/her nature.

## **Conclusion**

Islam as a holistic religion gives the child many rights and is concerned with physical, emotional, social and spiritual well-being. Child is a trust given to parent by God Allah. Child is to be well-fed, well-groomed, properly dressed for seasons and appearance. Child is entitled to religious learning, education and spiritual guidance. His mind must be entertained with knowledge and wisdom while his heart must be filled with faith and love. The rights of the child guaranteed by Islam absolutely have relevance with the Convention on the Rights of the Child (CRC) adopted by the United Nations General Assembly in 1989.

Not just does parent play role due to their obligations, but state and civil society also play role due to their social responsibility. Child friendly

education may be a manifestation of social responsibility of civil society organization to fulfill the rights of child. In Indonesia, such child friendly education has been pioneered by Muhammadiyah, a Muslim civil society organization, in last five years.

Besides, it is recommended to build a network between state and civil society organizations and between civil society organizations themselves in supporting and protecting the rights of child and to study specifically orphan's rights not being described adequately in this working paper.

## **Bibliography**

- Al-Anis, Abdul Hakim. *Ḥuqūq al-Ṭifl fī al-Qurʿān*. Dubai: Idārah al-Buḥūth li Dāirah al-Shuʿūn al-Islāmiyyah wa al-ʿAmal al-Khayr, 2013.
- Al-Azhar University and UNICEF. *Children in Islam: Their Care, Development and Protection*. Cairo and New York: International Islamic Center for Population Studies and Research of Al-Azhar University, and UNICEF, 2005.
- Al-Hilali, Muhammad Taqi-ud-Din, and Khan, Muhammad Muhsin. *The Noble Qurʿan*. Riyadh: Maktabah Dār al-Salām, 1966.
- Al-Naqib, ʿAbd al-Rahman. "Avicenna". *Prospects: the Quarterly Review of Comparative Education*, Volume XXIII, Number 1/2 (2000), 53-69.
- Al-Sindy, Hasan bin Khalid Hasan, "Ināyah al-Sharīʿah al-Islāmiyyah bi Ḥuqūq al-Aṭfāl", *Majallah Jāmiʿah Umm al-Qurrā li ʿUlūm al-Sharīʿah wa al-Dirāsāt al-Islāmiyyah*, Volume 44, Zulqā`dah (2008), 438-522.
- Al-Uthaymeen, Sheikh, "The Rights of Children in Islam", accessed 1 April 2016, <http://www.missionislam.com/family/childrensrights.htm>, 2000.
- Arfat, Shabina, "Islamic Perspective of the Children's Rights: An Overview". *Asian Journal of Social Sciences & Humanities*, Volume 2, Number 1 (2013), 299-307.
- Cheddadi, Abdesselam, "Ibn Khaldun". *Prospects: the Quarterly Review of Comparative Education*, Volume XXIV, Number 1/2 (2001), 7-19.
- Darmiatur, Suryatri. *Implementasi Pendidikan Karakter di Sekolah*. Yogyakarta: Gava Media, 2013.
- Lidwa Pustaka (Without Year). *Kitab 9 Imam Hadits*. Without City: Lidwa Pustaka i-Software.

- Nasr, Seyyed Hossein. *Traditional Islam in the Modern World*. Kuala Lumpur: Foundation for Traditional Studies, 1988.
- Pranawati, Rita. "Persoalan Anak di Indonesia dan Upaya Penyelesaiannya (The Problems of Child in Indonesia and the Efforts to Solve Them)". Paper presented in National Seminar on *Fikih Anak* (Islamic Worldview on Child), held by Central Leadership of Muhammadiyah's Council on *Tarjih* (Conscientiousness) and *Tajdid* (Renewal and Modernization) at Universitas Muhammadiyah Surabaya, Indonesia, January 30-31, 2016.
- Rahmawati, Puji, "Pengelolaan Pembelajaran Bahasa Indonesia Berkarakter, Aktif, dan Menyenangkan di Kelas III SD Muhammadiyah Program Khusus Kottabarat, Surakarta", Thesis for Graduate School, Universitas Muhammadiyah Surakarta (UMS), 2015.
- Rasmusson, Bodil, et.al. (eds.). *Realising Child Rights in Education*. Lund (Sweden): Lund University Commissioned Education, 2016.
- Stacey, Aisha, "What Islam Says about Children (Part 1 to 5)", accessed 1 April 2016, <http://www.Islam religion.com/articles/3584/viewall/what-islam-says-about-children>, 2010.