

ISLAMIC LAW PARADIGM OF EFFORT TO CHILDREN EDUCATIONAL PROTECTION

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Abstrak: *Central Bureau of Statistics data about the number of children out of school by level of education for the last 3 years showed that there are many children who do not go to school in Indonesia is still apprehensive. The number of children who are not in school From 2019 to 2021 for Elementary and the equivalent is (0.85), (0.62), (0.65). Whereas Junior High School and the equivalent in the same year are (6.92), (7.29), (6.77) and Senior High School and the equivalent in the same year are (23.75), (22.32), (21,47). Meanwhile, Islamic teachings place great emphasis on protecting children because children are the next generation of the nation who can disseminate Islamic teachings based on the Quran and Hadith. This study used a qualitative approach which described and analyzed how Islamic law views child protection, especially regarding the fulfillment of children's educational rights. It resulted that the implementation of children's right to education are an important pillar for efforts to increase the degree of humanity and the advancement of human civilization which in Islam is known as hifz al-'aql (maintenance of reason). Islam teaches that education for every human being is very important. Everyone is required to study science until the end of his life. Allah SWT said in the Al-Mujadilah verse 11 which means "Allah will raise up to suitable ranks and degrees those of you who believe and who have been granted knowledge".*

Kata Kunci: *The Islamic Law, Children Protection, Children Educational Protection*

A. Introduction

Based on data taken from the Central Bureau Statistics about the number of children out of school by level of education, it is still concerning that in last three years there are many children who do not got to the school in Indonesia. The number of children who are not in school for Elementary and the equivalent is (0.85), (0.62), (0.65). While for Junior High School and the equivalent is (6.92), (7.29), (6.77), and Senior High School and the equivalent is (23.75), (22.32), (21.47).

The data above showed that even there has been a decline over the past three years, this problem cannot be ignored, it must be an important concern of the government and society itself, especially the family as a place for children to live with. Although it based on various factors such as the economy level, social environment and so on. Children's education is a principal thing that children must have for the sustainability of the Indonesia in the future, including the religion they adhere to.

In an Islamic perspective, children are the mandate and gift from Allah SWT who is entrusted to the experts. Ideally, a person to whom the child is given should be expert in maintaining the mandate. It can be interpreted that the person receiving the mandate will not

betray and maintain the trust as best as possible with fairness. If the trust does not carry out, it will be considered as treason, which causes the damage. Trust means everything that is entrusted to be carried out by someone with the orders of Allah SWT and do the the fair as well.

Islam has a point of view on child protection which is a fundamental meaning, namely as a basic for the values and a paradigm for changing the fate of children, as comprehensive approach for humans in a good education, fostering generations, forming ummah, and bulding culture also applying the principles of nobility and civilization.¹ So, it is hoped that they can become the defenders for religion and their country in the future.

The term child protection is not found in Indonesian Islamic Family Law and/or Indonesian Marriage Law. The term is only found in the maintenance and education f children in the Marriage Law, Law Number 1 of 1974 concerning Marriage,² and the tern child rearing in the Compilation of Islamic Law is as same as *hadhanah* on fiqh terminology. In the Compilation of Islamic Law, maintenance or *hadhanah* is defined as the activity of nurturing, protecting and educating children until they are adults or when they are able to stand on their own. Thus, there are three keywords in child rearing, namely: caring for children, nurturing for children and educating children.

As an effort to provide the protection for children, the people of Indonesia, especially the majority of the population who are Muslim, should understand that the law aspect is an important tool in protecting the children. On the legal perspective, for example, law is a necessity that must be applied. So that understanding the matters related to the Islamic law for every moeslim is their own need.³

In this case, Alquran has discussed and hinted to humans that protecting children is basically the duty and obligation of parents which must be carried out since childhood, including the children's educational needs.⁴ The source of Islamic family law, the Quran, has partially described and explored the rights and interest of children as the next generation. With regard to legal protection of children, in general, the Quran has described basic human rights that no one, group or nation can limit or even suppress these rights.⁵

¹Burhanuddin, Pemenuhan Hak-Hak Dasar Anak Dalam Perspektif Islam, Adliya, Vol. 8 No. 1, Edisi : Januari-Juni 2014, hlm. 286

²Lihat UU No. 1 tahun 1974 tentang Perkawinan pasal 41 dan 45.

³Lihat misalnya beberapa kajian tentang Hukum Islam seperti: Neni Sri Imaniyati. "Perkembangan Regulasi Perbankan Syariah di Indonesia: Peluang dan Tantangan." *Jurnal Syiar Hukum* 11, No. 1 (2009): hlm. 21-38. Badri Khaeruman. "Al-Qaradawi dan Orientasi Pemikiran Hukum Islam untuk Menjawab Tuntutan Perubahan Sosial." *Wawasan: Jurnal Ilmiah Agama dan Sosial Budaya* 1, No. 2 (2016): hlm. 227-238. M. Amin Abdullah. "Bangunan Baru Epistemologi Keilmuan Studi Hukum Islam dalam Merespon Globalisasi." *Asy-Syir'ah* 46, No. 2 (2012). Fauzi Saleh. "Problematika Talfiq Mazhab dalam Penemuan Hukum Islam." *Islamica: Jurnal Studi Keislaman* 6, No. 1 (2011): hlm. 66-73.

⁴Penyandaran tugas dan kewajiban ini mengacu pada istilah-istilah yang terdapat di dalam Alquran, yaitu istilah *ibn* pada anak. Kata ini masih seakar dengan kata bana yang berarti membangun atau berbuat baik. Adapun secara semantis anak ibarat sebuah bangunan yang harus diberi pondasi yang kokoh, orang tua harus memberikan pondasi keimanan, akhlak dan ilmu sejak kecil, agar ia tumbuh dan berkembang menjadi anak yang memiliki prinsip serta kepribadian yang teguh. Lihat Abdul Mustakim, "Kedudukan dan Hak-hak Anak dalam Perspektif al-Qur'an," *Jurnal Musawa* 4, no. 2 (Juli 2006): hlm. 149-50. Selanjutnya, kata *ibn* sering juga digunakan dalam bentuk *tashghir* sehingga berubah menjadi bunayya yang menunjukkan anak secara fisik masih kecil dan menunjukkan adanya hubungan kedekatan (*al-iqtirâb*). *Panggilan yâ bunayya* (wahai anakku) menyiratkan anak yang dipanggil masih kecil dan hubungan kedekatan dan kasih sayang antara orang tua dengan anaknya. Begitulah mestinya hubungan orang tua dengan anak, hubungan yang dibangun dalam fondasi yang mengedepankan kedekatan, kasih sayang dan kelembutan. Sikap orang tua yang mencerminkan kebencian dan kekerasan terhadap anak jelas tidak dibenarkan dalam Alquran. Lihat Siti Nurjanah "Keberpihakan Hukum Islam Terhadap Perlindungan Anak" *Jurnal AL- 'ADALAH* Vol. 14, Nomor 2, 2017, hlm. 391-432.

⁵Juraidi, *Jerat Perbudakan Masa Kini* (Jakarta: Bina Purna Pariwisata, 2003), hlm. 75.

Based on the nature of child protection which means fulfilling children's rights and also the previous explanation about *hadhanah* (in a narrow sense, it means taking care of and protecting for children is a form of child protection. This is in line with Wahbah al-Zuhaili's statement that the children's rights cover five things, they are, *first*, nasab (self-identity), *second*, radha (breastfeeding), *third*, hadhanah (care and maintenance), *forth*, territory (guardianship),⁶ and *fifth*, nafaqah (giving support). Thus, according to al-Mawardi and al-Zuhaili, hadhanah is one of the child protections, besides the providing identity, breastfeeding, guardianship, and providing living. The form of child protection is based on the child's development phase. It stated by al-Mawardi and al-Zuhaili's statement above that the territory (guardianship) is carried out after the hadhanah phase (care and maintenance).⁷ However, the majority of Islamic jurists (fiqh) use the term hadhanah in a broad sense, which has the same meaning as child's protection, namely providing all needs, continuing the children's education.

Meanwhile, according to Ulwan and latifah, children's rights include 10 things, namely, *first*, the right to live, *second*, the right to be introduced their Lord, *third*, the right to get the good name, *fourth*, the right to love, *fifth*, the right to breastfeed, *sixth*, the right to custody, *seventh*, the right to protection and livelihood, *eighth*, the right to get education, *ninth*, the right to recognition as a citizen, *tenth*, the right to be treated fairly.⁸

The alignment of Islam towards child protection efforts is a truly priority scale. The instruments related to this matter seem to have been arranged and managed neatly in order to create an Insan kamil generation who is rahmatan lil 'alamin. Therefore, the protection for children has been taught from an early age, by giving the right to live to the fetus in the mother's belly before it is born. This is illustrated in the Q.S al-An'am verse 140

قَدْ خَسِرَ الَّذِينَ قَتَلُوا أَوْلَادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ وَحَرَمُوا مَا رَزَقَهُمُ اللَّهُ آفِرَاءً عَلَى اللَّهِ قَدْ ضَلُّوا وَمَا كَانُوا مُهْتَدِينَ (١٤٠)

"Lost are those who slay their children, from folly, without knowledge, and forbid food which Allah has provided for them, inventing (lies) against Allah. They have indeed gone astray and heeded no guidance".

Based on the description above, the author conveyed that education is an important tool for fulfilling rights so that the survival of children in the future can be realized in protecting the religion and the nation, Indonesia. On the other hand, it is not only the formal education, but also moral education and affection that is cannot be separated from being taught to children. Islamic emphasize the teaching of protecting the children because children are the next generation of the nation who can disseminate Islamic teachings based on the Quran and Hadith. It also emphasized in the Quran about children's right and having the special place for children.

. Literature Reviews

1. The Definon of Children

In general, a child is defined as someone who born from a biological relationship between a man and a woman. There is also another meaning that children are men and women who are immature and have not experienced puberty (a moment when a child having a physical, psychological changes and maturation of sexual function).⁹

⁶Wahbah al-Zuhaili, Kebebasan dalam Islam. Terjemahan dari Haqq al-Hurriyyah fi al-Islām, oleh Ahmad Minan dan Salafuddin Ilyas (Jakarta: Pustaka AlKautsar, 2005). h. 7245.

⁷Wahbah al-Zuhaili, al-Fiqh al-Islamiy..., J. 10, h. 7328.

⁸Chusniatun, Perlindungan Anak Dalam Perspektif UU Negara RI dan Islam, SUHUF, Vol. 28, No. 1, Mei 2016, hlm. 54-55.

⁹Liza Agnesta Krisna, *Panduan Memahami Anak Yang Berkonflik Dengan Hukum*, Deepublisher, Yogyakarta, 2018, hlm. 6.

The position of children in the life of the nation and state is very important and decisive. Because children are the next generation of the nation in the future, whether a country will progress or not depends on the country's young generation. As the next generation of the nation, in order for every child to be able to assume this responsibility one day, he needs to get the widest possible opportunity to grow and develop optimally, both physically, mentally and socially, and to have noble character. In order to build the nation and state, it is necessary to have the next generation who are intelligent, responsible and have noble character. For this reason, good and directed protection, education, and development are needed for children.¹⁰

According to experts, it is said that children are a gift from the almighty God that must be looked after, educated as a provision of resources, children are a priceless wealth. A child is present as a mandate from God to be cared for, guarded and educated so that later every parent will be held accountable for the nature and behavior of the child while in the world. Literally a child is a forerunner who will continue the generation of the family, nation and state. Children are also a human resource asset that can later help build the nation and state. In other literature it is said that a child is someone who is born from a marriage between a woman and a man with no concern that someone who is born to a woman even though she has never been married is still said to be a child.

Children are also the forerunner or pioneer to the birth of a new generation which is the successor to the aspirations of the nation's struggle and human resources for national development. The future of the nation and state in the future is in the hands of today's children. The better the personality of the child now, the better the future life of the nation. And vice versa, if the child's personality is bad, the life of the nation will also be dilapidated in the future. In general, people think that childhood is a long period of life span.¹¹

The definition of a child in Islam is socialized as a creature created by Allah SWT who is wise and has a noble position whose existence is through a creation process that has dimensions of the authority of Allah's will. Meanwhile, rationally, a child is formed from supernatural elements that are transcendental from the ratification process of science (science) with scientific elements taken from the material values of the universe and spiritual values taken from the process of belief (Islamic monotheism).

As the mandate, the child must be maintained and protected all his interests, physical, psychological, intellectual, rights, dignity and worth. Protecting children is not only the duty of their parents but it is the duty of all of us. As a religion full of compassion (*rahmatan lil alamin*), Islam pays special attention to children, starting from when the child is still in the womb of the mother until the child is nearing adulthood. The obligation to breastfeed (*radha'ah*), to care for (*hadhanah*), the permissibility of a mother not fasting during pregnancy and breastfeeding, the obligation to provide a halal and nutritious living, to behave fairly in giving, to give a good name, to aqeeqah, to circumcise, to educate, is a manifestation of the affection.¹²

In the Al-Quran there are 4 typologies of children as follows:

- a. Children as Jewels of Life in the World. Children are jewels in household life. It implies in the Qur'an Surah Al-Kahf Verse 46..
- b. Children as a comfort for the heart. In the Qur'an it is stated that children are a comfort for the eyes or the heart (*qurrata a'yun*). It is said so because when the eyes look at a child there will be a feeling of happiness. Therefore children are a priceless

¹⁰Prasetyo Margono, *Kekerasan Terhadap Anak Yang Dilakukan Oleh Orang Tua Ditinjau Menurut Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak*, Jurnal Independent, Vol.3, No.1, hlm. 53-54..

¹¹D.Y. Witanto, *Hak dan Kedudukan Anak Luar Kawin*, Kencana, Jakarta, 2012, hlm. 59.

¹²Muhammad Zaki, "Perlindungan Anak Dalam Prespekif Islam", Asas: Vol,6,No.2, Juli 2014, hlm. 1

treasure for parents. There is an expression that says, "My child is my jewel". 8 As stated in the Al-Quran Surah Al-Furqan verse 74.

- c. Child as a test. Allah said, "Know you that your possessions and your progeny are only a trial." (QS: Al-Anfal: 28).
- d. Children as Enemies of Parents. If parents are doing wrong in educating their children, then the child will become an enemy to both parents. This is what the Qur'an implies in the Qur'an Surah At-Taghabun Verse 14.

2. Child Law Protection

Child protection in Islam means showing God's grace in the hearts of both parents in the form of affection for the child by providing all the needs of the child, so that the child can live, grow and develop well and stay way from discriminatory or violent behavior.

The Al-Quran is the main source in Islamic law which describes the rights and interests of children as the next generation of the nation. In general, the Koran describes basic human rights that are not limited. Children have a special position in Islamic teachings. Children are entrusted by God to every parent as heirs to Islamic teachings and to spread Islamic teachings that are *rahmatan lil alamin*.¹³ Children's rights are part of the implementation of human rights fulfillment. In an Islamic perspective, children's human rights are a gift from God that must be fulfilled by every parent. Children who should be well cared for are not only the responsibility of both parents, but are the responsibility of all levels of society.

Efforts to provide protection for children are to create the rights and obligations of parents in the proper development and growth of children (physically, mentally and socially). Its protection is the embodiment of justice in a society. as stated by Arif Gosita that legal certainty must be endeavored so that every activity takes place to prevent undesirable fraud in an effort to carry out child protection.¹⁴ Islamic law is one of the norms that is closely held by the people of Indonesia which is the basis for studying child protection. The elasticity of Islamic law with the principle of *shalih li kulli Zaman* which requires an interpretation that is in accordance with the symptoms of the crime that occurred.

The transcendental value attached to the norms of Islamic law is a privilege which causes every adherent to believe that if the teachings are well understood, then every parent will understand that religion does not want the exploitation of fellow human beings. The values of justice that must be held in an effort to prevent tyranny and the need for cooperation in overcoming every problem. But values must be actualized and interpreted based on the development of the crime model.¹⁵

Meanwhile, in the context of the state, child protection has developed into a shared obligation and responsibility. Every element of society has its own duties and responsibilities in protecting their children. The aims and objectives are so that Indonesian children can live, grow and develop and be able to participate in accordance with their dignity as human beings. In addition, they are also entitled to protection from acts of violence and discrimination. Thus, every child will bear his responsibility as the generation and successor of the nation who get

¹³Iman Jauhari, *Advokasi Hak-Hak Anak Ditinjau dari Hukum Islam dan Peraturan Perundang-undangan* (Medan: Pusataka Bangsa, 2008), hlm. 50

¹⁴Armando Brilian, "Perlindungan Hukum Terhadap Anak yang Menjadi Korban Tindak Pidana Perkosaan", *Jurnal Lex Crimen* 2, No. 7, 2013: hlm. 58.

¹⁵Djaenab, "Perlindungan Anak Perspektif Fiqh dan Perundang-undangan," *Jurnal Al-Risalah*, Vol. 10, No. 1 Tahun 2010, hlm. 3.

the opportunity to live and develop with great character. So to be able to make it happen, it is necessary to protect and provide guarantees for fulfilling these rights.¹⁶

The legal basis in Indonesia for the protection of children is embodied in Constitution no. 23 of 2002 which is based on the principles of Pancasila and the 1945 Constitution and complies with the basic principles of the convention on the rights of the child. Article 59 of the Child Protection Act states that this protection is specifically given to children who are in conflict with the law. Apart from that, in Article 64 paragraphs 1 and 2 it is explained that the children they are dealing with are children who are victims of crime or victims of violence. Protection of children has also been constitutionally guaranteed in the 1945 Constitution.¹⁷

Legal affirmation in carrying out/fulfilling children's rights in accordance with Constitution no. 35 of 2014 which is the legalization of children's rights absorbed from child rights conventions and legal norms. Therefore, Articles 4 to 19 of the Child Protection Act create a legal norm which becomes the rights of children, namely the right to live, grow, develop, get protection, the right to obtain health services, the right to education, the right to express and be heard, and others. This aspect strengthens the rights of these children. On an ongoing basis, the efforts to protect children are a certainty from various levels of society and elements of the government. So that the creation of child welfare in advancing the nation. Protection of children and adults has the same position on the law side. Therefore, the nation must play a role in realizing and providing appropriate protection to children from acts of discrimination or violence perpetrated by people who exploit children to do the crimes. It is done so that children who are the nation's generation can stand firmly in advancing the country. This protection is the basis and effort to become a legal approach for children's rights.¹⁸ The legal protection is also needed by every society. Therefore, legal protection is an illustration of the function of law in realizing the creation of justice and law of certainty.

B. Research Methodology

This study used a qualitative approach to describe and analyze how Islamic law views child protection, especially regarding the fulfillment of children's educational rights.

The definition of qualitative research is research that is based on process, and an understanding of the experience and appreciation of the partisan subject. In addition, qualitative research focuses on the process of searching for data to understand social phenomena that occur in everyday life.¹⁹

The type of research used is case studies from a certain period and activities in the form of processes, activities, events and social behavior, by collecting detailed information using various collection procedures during the case.²⁰ According to Sugiyono, "Problems in qualitative research are temporary, tentative and will develop or change after researchers are in the field."²¹

¹⁶Muhammad Zaki, "Perlindungan Anak dalam Perspektif Islam," *Jurnal ASAS* Vol. 6 No. 2 Tahun 2014, hlm. 3.

¹⁷Prints Rayenda Giovani. "Perlindungan Hukum Terhadap Anak Korban Kejahatan Perkosaan dalam Pemberitaan Media Masa", *Jurnal Mahupiki* Vol. 1 No. 1 Tahun 2013, hlm. 7

¹⁸Maulana Hasan Wadong, *Advokasi dan Hukum Perlindungan Anak* (Jakarta: Grasindo, 2000), hlm. 5

¹⁹Lyn Richards – Janice M. Morse, *Qualitative Methods Third Edition*, (United States of America: SAGE Publication, 2013), hlm. 33.

²⁰John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches, Third Edition*, (Yogyakarta: Pustaka Pelajar, 2010), hlm. 4.

²¹Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*, (Bandung: Alfabeta, 2010), hlm. 205.

A qualitative approach is a process of research and understanding based on a methodology that investigates social phenomena and human problems. In this approach, the researcher creates a complex picture, examines words, reports detailed views of respondents, and conducts studies in natural situations.²² Bogdan and Taylor argued that qualitative methodology is a research procedure that produces descriptive data in the form of written or spoken words from people and observed behavior.²³

In this study, data analysis techniques used the Miles and Huberman models, where the activities in qualitative data analysis were carried out interactively and continued continuously until complete, so that the data was saturated. Activities in data analysis, namely data reduction, data display, and conclusion drawing/verification²⁴. Data reduction means summarizing, choosing the main things, focusing on the important things, looking for themes and patterns. Thus the reduced data provides a clearer picture, and makes it easier for researchers to carry out further data collection, and look for it if necessary.²⁵

In accordance with the design of this study is a qualitative research, the data were analyzed using descriptive techniques. Data analysis in this study was carried out since and before entering the data, while in the field and after completion of the field. In this case, data analysis has started since it was formulated and explained the problem, before going into the field, and continues continuously until this research ends. Miles and Huberman explained that the activities in qualitative data analysis were carried out interactively and continued continuously until they were completed, so that the data was saturated. There are three activities carried out by researchers in conducting data analysis, namely data reduction, data display, and conclusion drawing/verification.²⁶

C. Result and Discussion

1. The Islamic Law about the Protection of Children's Education

The right of children to obtain education is a synergized effort to develop individual potential as a whole and integrated to create a balanced and harmonious human being in terms of intellectual, spiritual, emotional and physical based on faith and obedience to Allah SWT. This effort is to create children who are knowledgeable, skilled, have noble character, are responsible and have the spirit to achieve self-prosperity and contribute to the prosperity of society and the country.²⁷

The implementation of children's right to education is an important pillar for efforts to increase the degree of humanity and the advancement of human civilization which in Islam is known as *hifz al-'aql* (maintenance of reason).

Islam teaches that education is very important for human being. Everyone is required to study science until the end of his life. Allah SWT said in the letter Al-Mujadalah verse 11 which means "...Allah will raise up to suitable ranks and degrees those of you who believe and who have been granted knowledge..."

²²John W Creswell, *Research Design: Qualitative and Quantitative Approaches*. (London: Sage Publications. 2002), hlm. 15.

²³Lexy J Moleong, *Metodologi Penelitian Kualitatif*. (Bandung: Remaja Rosda Karya. 2007), hlm. 3.

²⁴Sugiyono, *Metode Penelitian...*hlm. 246

²⁵Ibid. hlm. 247.

²⁶Matthew B. Miles dan A. Michael Huberman, *Analisis Data Kualitatif*, terj. Tjetjep Rohendi Rohidi (Jakarta: UI Press, 1992), hlm. 16 -21.

²⁷ Muhaemin, *Prinsip-Prinsip Dasar Tentang Hak Perlindungan Anak*, Jurnal Hukum Diktum, Volume 14, Nomor 1, Juli 2016, hlm. 79

Based on the explanation of the verse above, it can be seen how the Al-Quran reminds every Muslim in educating children to always pay attention to aspects of faith and religious morality as the basis for the attitude of every child's behavior. Education from an early age for a child is an obligation that must be carried out by parents as a mandate from God. Therefore it is mandatory for parents to strive for the advancement of education for their children in accordance with the abilities given by Allah SWT. If parents are unable to carry out their obligations, then society and the government must fulfill these obligations.

The position of Islamic law as one of the norms adopted by Indonesian society needs to be used as a basis for studying child protection issues. The elasticity of Islamic law with the principle of *shalihli kulli Zaman wamakan* and the principle of *al-hukmu yaduru ma'al illati wujudan wa'adaman* actually requires analogies and new interpretations in accordance with the context of the phenomenon of crimes that occur to children today. The transcendental value attached to the norms of Islamic law is a distinct advantage that causes its adherents to be more convinced that if religious teachings are well understood, they will also realize how religion does not want the exploitation of fellow human beings.

The values of upholding justice, preventing tyranny and the need for cooperation in overcoming social problems are the humanitarian missions carried by religion. However, these values need to be actualized and reinterpreted in accordance with the latest developments in various criminal acts. Furthermore, in the state context regarding child protection, it develops and turns into a shared obligation and responsibility, namely the state, government and society.

Each of these elements has a portion, duties and responsibilities in providing protection to children. The aims and objectives are to make children can live, grow, develop and participate optimally in accordance with human dignity and dignity, and get protection from violence and discrimination. Therefore, to make every child bears responsibility as a bud, potential and young generation, successor to the ideals of the nation's struggle, children need to get the widest possible opportunity to live and develop optimally, both physically, mentally, socially and have a noble character. So that to realize this, it is necessary to take preventive measures as an effort to protect and provide guarantees for the fulfillment of their rights. In this context, the state and even the international community have formulated rules regarding child protection.

Islam views children as an expensive gift with a holy status. This expensive gift is a mandate that must be maintained and protected especially by parents, because children are assets of parents and the nation. Islam has paid great attention to the protection of children. Protection in Islam includes physical, psychological, intellectual, moral, economic, and others. This is described in the form of fulfilling all their rights, guaranteeing their clothing and food needs, maintaining their good name and dignity, maintaining their health, choosing good associates, avoiding violence, and so on. Child protection in the perspective of Islamic law means fulfilling children's rights and protecting them from things that can harm them. Children's rights are stated clearly and in detail in Islamic law, which is contained in the verses of the Quran and the hadiths of the Prophet Muhammad.

In the hadith, the case of Islamic education through its teachings provide guarantees the rights of children can be fulfilled. This can be seen from the advice of Rasulullah SAW to provide education for children. Rasulullah SAW said: "educating a person to his child is better than giving charity with one sha'." (HR. Turmudzi). This hadith tends to encourage

parents to educate their children. This also means that children's education begins with family education.²⁸

In fact, the educational process (children) before getting to know the community and before receiving guidance from the school, a child first obtains guidance from his family. From both parents, especially mothers, for the first time a child experiences the formation of character (personality) and gets moral direction. In all, life is also spent in the company of the family. That is why family education is referred to as first and foremost education, and is the foundation for character and subsequent education. Thus, the family has an important role in the process of children's education. Therefore, parents who play a role and are responsible for family life must provide the right basis and direction for children, namely by instilling religious and moral teachings. In the history of the development of Islam, it can also be witnessed that before preaching was called upon to the community, at first the Prophet Muhammad was ordered to preach to his family members and close relatives.²⁹

D. Conclusion

The right of children to obtain education is a synergized effort to develop individual potential as a whole and integrated to create a balanced and harmonious human being in terms of intellectual, spiritual, emotional and physical based on faith and obedience to Allah SWT. This effort is to create children who are knowledgeable, skilled, have noble character, responsible and have the spirit to achieve self-prosperity and contribute to the prosperity of society and the country. The implementation of children's right to education is an important pillar for efforts to increase the degree of humanity and the advancement of human civilization which in Islam is known as *hifz al-'aql* (maintenance of reason). Islam teaches that education for every human being is very important. Everyone is required to study science until the end of his life. Allah SWT said in the Al-Mujadilah verse 11 which means "Allah will raise up to suitable ranks and degrees those of you who believe and who have been granted knowledge."

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²⁸Akhmad Farid Mawardi Sufyan, *Perlindungan Anak Dalam Perspektif Hukum Islam*, Jurnal Penelitian dan Pemikiran Keislaman, Februari, Vo. 2 No. 1, hlm. 113-114.

²⁹*Ibid*

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Lampiran

Tabel. 1

Jenis Kelamin + Jumlah	Angka Anak Tidak Sekolah Menurut Jenjang Pendidikan dan Jenis Kelamin								
	SD / Sederajat			SMP / Sederajat			SMA / Sederajat		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Laki-laki	1.00	0.72	0.75	7.59	8.42	7.56	25.17	23.57	23.14
Perempuan	0.69	0.52	0.55	6.22	6.08	5.96	22.24	21.00	19.76
Laki-laki + Perempuan	0.85	0.62	0.65	6.92	7.29	6.77	23.75	22.31	21.47

Sumber: BPS, Source Url: <https://www.bps.go.id/indicator/28/1986/1/angka-anak-tidak-sekolah-menurut-jenjang-pendidikan-dan-jenis-kelamin.html>, Access Time: February 18, 2023, 2:57 pm