

## ISLAMIC PERSPECTIVE ON CHILD PROTECTION

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### *Abstract*

*Child abuse refers to a range of maltreatments towards children. Identifying risk factors of this typical abuse is a difficult task since the definition of the term abuse is dynamic and socially constructed. Hence, what perceived as abusive in one culture is often considered as normal in other cultures. Discussions on the issue of child abuse lead to a growing demand for a cross cultural understanding of the respected term, and it seems to be in accordance with the spirit of Islam as religion and as a way of life. Thus, this paper aims at exploring Islamic teachings concerning child abuse and child protection. Findings reveal that Islamic teachings, as depicted in the Qur'an and the Hadith, have a set of directions about ideal childrearing. Islam also promotes the protection of children by providing a comprehensive guidance for the parents about the rights of their children.*

Keywords: Child abuse, child protection, Islamic teachings.

### **Background**

Children are gift from the God to parents. As a gift from the God, parents should be able to take care and raise their children with love and affection. Children themselves are unable to take care of themselves from consequences of their actions. Hence, parents must always help their children in formulating options that fits their mental and physical development. Parents or those who are responsible of the children's upbringing are perceived to be competent in making ideal atmospheres for the physical, mental, social and spiritual developments of their children.

Children have a number of needs to be fulfilled based on their position at the continuum of developmental stages. Understanding the needs of children is, indeed, never an easy job. Children's needs range from good social learning to harmonious and supportive social relation for the maturation process of their psychosocial aspect. Fulfilling spiritual needs of children is believed to have positive contributions to the development of the children's coping mechanism to face their social problems including poverty and neglect. Besides that, fulfilling

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spiritual need is as important as the fulfilling of other needs of children. All kind of these needs are not hierarchical in terms of their necessity, thus, must be provided simultaneously. For a healthy growth of children, fulfilling one need should not sacrifice the fulfillments of other needs.<sup>2</sup>

Ideal childrearing practices ground on a sound understanding of what will be the best interest of the children. Every option concerning children's upbringing, therefore, must be oriented to idea of the best interest of children instead of their parents or the community. However, to some extent, the idea of the best interest of the children often provides a basis for parents to exaggerate the legitimation of their power over children. This, in turn, will place children on vulnerable position and will be likely to experience abuse in family or community settings.

Many social problems emerge during the children's transmission from childhood to adulthood. Those problems reflect the dynamic interplay between children's internal psychological developments and the social environments where they grow. A child in the process towards adulthood is more likely to do social experimentations based on their limited knowledge. They usually do those typical activities without really think about the consequences.

As a social group who lacks the capacity in critical thinking and is unable to take care of themselves, children tend to place themselves among the most vulnerable minorities in the society. Immaturity of children in terms of mental capacity makes it more difficult for them to cope with problems solely on their own, especially in today's ever-changing and risky world. Hence, abusive treatments towards children can occur in almost any society and culture.

Perceptions about maltreatments toward children vary across different cultures and societies. It is because every culture has its own view about ideal childrearing and child protection practices. According to Yvonne, "... *culture influences child protection practice in two key ways. First, considerations of abusive and protective behavior towards children are culturally bound. Second, culture informs the range of professional responses to abuses.*"<sup>3</sup> Proposing intercultural framework of ideal childrearing is almost impossible. However, this cultural relativism might lead to the proliferation of impediments towards the promotion of children's rights mainstreaming in local, national and international level.

### **Islam and the Universality of Children's Rights**

The notion of the universality of the Human Rights is often limited by cultural diversity amongst different societies since culture forms the way people consider goodness and evil related to their social life. Differences in terms of

<sup>2</sup> Abu Huraerah, *Kekerasan Terhadap Anak*, (Bandung, Nuansa Cendekia: 2012), p. 38-42

<sup>3</sup> Marie Conolly, Yvonne Crichton-Hill and Tony Ward, *Culture and Child Protection: Reflexive Responses*, (London, Jessica Kingsley Publisher: 2006), p. 23

culture result in different conceptions of values and norms that regulate social lives of people in their societies. In the context of the universality of Human Rights related to the protection of children's rights, three types of framework are usually applied in settling conflicts related to the promotion of the rights of the child across cultures. They are relativism, cultural pluralism, and monism.

In one hand, relativists refuse to acknowledge that there can be a reasonable cross-cultural standard to define objectively the nature of conflicts related to children's rights within culture. This typical framework, therefore, has no significant contribution to practices concerning the promotion of the rights of the children. In other hand, monists intended to impose a set of references on standardized appropriate treatments implementable across cultures. Standing in the midst of these two extremes, cultural pluralism framework acknowledges the importance of reasonable ways on settling conflicts regarding the promotion of children's rights within the dynamic of culture. It, therefore, requires a range of examinations on the interplay between the purpose and the impact of particular practices towards children concerned.<sup>4</sup>

As the most widely accepted human rights instrument in the world, ratified by all countries except United States of America and Somalia, The Convention of the rights of the child still lacks on formal sanctions for state parties that violate points on that convention. Hence, the implementation of the convention is relatively weak.<sup>5</sup> Apart from the fact of its implementation, the worldwide acceptance of the convention represents a possibility to have a universally accepted conception concerning human rights. Islamic worlds' ratification on The Convention on The Rights of The Child, which is extremely high apart from the fact that Islamic worlds often accused for being resistive to any international conception of human rights, signifies that Islamic teachings and the philosophical base of the convention are in a similar or even at the same direction.

Cores of Islamic teachings can be classified into three broad categories. They are Islamic teachings on the relationship between human and god, Islamic teachings concerning the social relation among people, and Islamic teachings concerning the relationship between human and their environment. Substantially, those three broad areas have covered almost everything human can relate to. In the first area, human face a face his God, Islamic scholars interpretation of Islamic texts contain no significant difference. Different interpretations of the holly texts of Islam arise when it comes to the domain of social relations among humans. It is, perhaps, because Islam realizes how vary it can be when it comes to the idea of social interactions among humans.

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<sup>4</sup> Michael Freeman, *Children and Cultural diversity* in *Revisiting Children's Rights: Ten Years of the UN Convention on the Rights of the Child* (Deirdre Fottrell, ed.), (The Hague, Kluwer Law International: 2000), p. 20-29

<sup>5</sup> Deidre Fottrell, *One Step Forward or Two Steps Sideways?* Assessing the first decade of the children's convention on the rights of the child in *Revisiting Children's Rights: Ten Years of the UN Convention on the Rights of the Child* (Deirdre Fottrell, ed.), (The Hague, Kluwer Law International: 2000), p. 6

Regarding the matters of social relations, one may find many teachings on human rights throughout the Qur'an and the hadith, the primary sources of Islamic teachings. Religious messages of Islam concerning this theme appear frequently on verses in the holly al-Qur'an and notes of the companions of the prophet relating to his words and deeds during his life known as hadith. The idea of human rights promoted by Islam must be universal particularly since Islam has a serious claim regarding the everlasting applicability of the teachings. The position of Islam as a religion and way of life, hence, depend on the ability of Islamic scholars to adjust Islamic teachings in order to make them in accordance with the nowadays contexts without losing the essence of those truth claims themselves.<sup>6</sup> Nevertheless, Islam is often perceived as a major impediment to the promotion of human rights on the international level especially concerning practices in Islamic worlds that are considered as manifestation of Islamic teachings pertaining women, children and minorities.<sup>7</sup>

The Islamic worlds' participation during the drafting process of points on the Convention on the Rights of the Child was limited to several points considered as not in line with Islamic teachings. Representatives from Islamic worlds, during the drafting process, only took the session on what they thought controversial. The most contentious session at the time of drafting the convention was the session on children's rights on freedom of conscience and religion under article fourteen of the convention. The drafting session ended up agreeing that children shall enjoy those typical rights under their parent or community's supervision.<sup>8</sup>

A more critical review of this phenomenon reveals that the resistance of Islamic worlds towards the convention of the rights of the child refers to different perspectives on the rights of children to express their opinion and to access various sources of knowledge. Islamic worlds seem to imagine a condition where the future of the religious life of the children born in the Muslim community can be directed to the ideal description of good and faithful Muslim. This way of thinking leads to a believe that if a child, during her journey to adulthood, did not reflect the attitudes of a good believer, then equivalent social sins will be given upon all the people in the community. Therefore, the way children gain the knowledge and what knowledge should be provided for them must comply the so-called Islamic methods.

The Covenant on The Rights of The Child in Islam, Adopted by the 32<sup>nd</sup> Islamic Conference of Foreign Ministers in Sana'a, Republic of Yemen, in June 2005, for example, stated that children could express their personal views only as

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<sup>6</sup>Djaenab, *Perlindungan Anak Perspektif Fiqh dan Perundang-Undangan*, (ar-Risalah Vol. X No. I, May 2010), p. 3

<sup>7</sup>Dejo Olowu, *Children's Rights, International Human Rights and the Promise of Islamic Legal Theory*, (Law, Democracy and Development Vol. XII No. II. 2008), p. 62, retrieved from <http://www.ajol.info/index.php/idd/issue/view/7093>

<sup>8</sup>M. Siraj Sait, *Islamic Perspective...*, p. 38-39

long as it complies with the sharia and ethical standard.<sup>9</sup> As to make it more clearly, article seventeen of the covenant states that children must be protected from ‘cultural, ideological, information and communication invasion which contradicts the Islamic sharia and the national interest of the state parties.’<sup>10</sup>

The resistance of some Islamic worlds towards the Universality of Human rights concept is not merely due to Islamic teachings since among Islamic scholars themselves great variety of texts’ interpretations is norm rather than exception. Furthermore, Islam is only one factor amongst many others that influence the public perceptions about good and bad things in their social interactions. Society’s perception is often influenced by such factors as traditions, politics, social and culture.

Although cultural complexity over the issue of child protection and abusive treatments toward children has gained recognition as important factors to consider in promoting children’s rights, frontline professional from various field such as social workers sometimes unable to resist from imposing their own cultural perspective on judging parent’s treatments toward their children. Potentially abusive treatments toward children, therefore, should refer to the context. Depiction on this issue is shown, for instance, on Beckett’s writings, which said: “for a Muslim child circumcision is a normal part of being a boy. Circumcision performed for no reason at all, however, out of the blue, by a parent with no cultural reason for doing so, would be a bizarre and very abusive act.”<sup>11</sup>

### **Obligations of Parent and Children’s Rights in Islam**

Every religion has good teachings on moral values that its followers must reflect. Religion gives spiritual values to people’s activities, including acts related to childrearing. Nevertheless, religion can also play a negative role counter-productive to the general aim of society. In terms of social regenerations, for example, inappropriate interpretation of religious texts can place children on vulnerable positions. However, every religion, including Islam, is not immune from such misinterpretation of religious scripts hence they share relatively the same amount of risks of being instruments of abusive treatments toward children.

Islamic teachings about the importance of building and maintaining a peaceful social order for best interest of children as part of the *ummah* (Muslim community) require that children get the appropriate future oriented knowledge and skills. In accordance with this issue, Ali bin Abi Thalib, one of the companions of the prophet, said “*Teach your children things you did not learn*

<sup>9</sup> Article 9 (personal freedoms) point 1 and 2, Covenant on The Rights of The Child in Islam. retrieved from <http://www.oic-oci.org/> on 12/10/2014

<sup>10</sup> Article 17 (Child Protection) point 4, Covenant on The Rights of The Child in Islam. retrieved from <http://www.oic-oci.org/> on 12/10/2014

<sup>11</sup> Chris Beckett, *Child Protection: An Introduction*, (London, Sage Publication: 2003), p. 16

when you were their age for they have been created for a time that is different from your time”<sup>12</sup> Islam also warns parents about their obligation to ensure the optimum development of their children. Parents should prepare their children to be solution for future problems rather than being part of them. Regarding this issue, the Holy al-Qur’an states clearly, when it said:

وَلَوْ أَنَّ لِلَّذِينَ ظَلَمُوا ذُرِّيَةً تُنِيبُهُمْ وَإِلَى آلِهِمْ يُرْجَعُونَ لَأُذِيقُوا الْعَذَابَ بِمَا ظَلَمُوا أَلَيْسَ ذَلِكَ بِعَذَابٍ أَلِيمٍ  
 ﴿٦١﴾ سَدِيدًا أَقْوَابًا وَلِيَّةً

*Translation:*

*And let those fear (in their behavior toward orphans) who if they left behind them weak offspring would be afraid for them. So let them mind their duty to Allah, and speak justly.*<sup>13</sup>

Nevertheless, abusive treatments toward children can occur if parent understood their obligation without a sound and balanced understanding about the nature of their children’s rights. This unbalanced condition usually is exacerbated by the society’s perception about the problem. Society, constituted generally by adult persons, has typical perception that usually does not represent the promotion of children’s rights. Moreover, it is likely for the society to consider children merely as their assets, even as their properties.

Broadly speaking, Islam makes it compulsory for parents to take care of their children from the hellfire as mentioned by god himself on Surah at-Tahreem verses six. It said:

لَتَنبِكَنَّهُ عَلَيْهَا وَالْحِجَارَةُ النَّاسُ وَقُودُهَا نَارٌ وَأَهْلِيكُمْ أَنْفُسُكُمْ قُورَاءَ أُمَّنُوا الَّذِينَ يَتَّبِعُهَا  
 ﴿٦٢﴾ يُؤْمَرُونَ مَا وَيَفْعَلُونَ أَمْرَهُمْ مَا اللَّهُ يَعْصُونَ لَا شِدَادٌ غَلَاظٌ

*Translation:*

*O ye who believe! Ward off from yourselves and your families a Fire whereof the fuel is men and stones, over which are set angels strong, severe, who resist not Allah in that which He commanded them, but do that which they are commanded.*<sup>14</sup>

<sup>12</sup> Children in Islam: Their Care, Deveopment and Protection, (Cairo, Al-Azhar University and UNICEF: 2005), p. 10

<sup>13</sup> Q.S. an-Nisa’ (4): 9

<sup>14</sup> Q. S. at-Tahreem: 6

Above commandments, means that Islam makes it compulsory for parent to apply childrearing methods that support their children to be ideal pious Muslims who always obey the words of their God. Problems arise when the parents think that the obligation put on their shoulders is a legitimate reason for them to impose what they think is good for the growth of their children without having enough understanding about condition and development of their children. The commandments ordering parents to save their children from hellfire, hence, should be understood in a manner that comply the best interest of the children. Narrow-minded interpretation on that verse will lead the parent to treat their children in ways that can be categorized as abusive.

Other religious texts, the documented words of the prophet, state that every person are leaders and will be asked for their leadership.<sup>15</sup> Assumptions stating that parents are leaders of their children and it is the duty of the parents to ensure the future of the religious life of their children are likely to be overstated by parents. This in turn, can lead the parents to justify their potentially abusive treatments toward their children in the name of God.

In the context of accustoming children to perform religious rituals such as shalat, Islamic conservative groups took it to even more extreme interpretation. These typical groups raise the understanding about the verses to an extent that makes abuses toward children will occur more frequently. Several Islamic scholars believe that when children reach the age of ten, their parents have a duty of enforcing their children to perform *shalah*, even if It mean that those children do it under the threat of physical punishments.

Child marriage is also one of many impacts of overstated apprehension of the obligation of Muslim parents in Islamic world. Parents in many Islamic worlds tend to think that their children will fall into adultery soon after they reached puberty. They think that since the children are incapable of controlling their sexual desire, they need to enforce their children to enter marital relationship.<sup>16</sup>

However, discussions on the inherent rights of the child are inseparable from one about the obligations of their parents. Parents play very important roles of educator of their children to ensure the future of their children's wellbeing. Childrearing methods applied by parents are the main factors to contribute to the personality development of the children. The blueprint of children personality is formed through interaction between innate factors of the children and their social environment, especially during the beginning of their life.<sup>17</sup> Becoming a parent, therefore, needs a sound preparation.

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<sup>15</sup>Shabina Arfat, *Islamic Perspective of The Children's Rights: An Overview*, (Oyama, Asian Journal of Social Sciences and Humanities Vol. II. No. I, 2013), p. 300. retrieved from <http://www.ajssh.leena-luna.co.jp> on 12/10/2014

<sup>16</sup> Investing in the children of the Islamic World, (New York, UNICEF: 2005), p. 22

<sup>17</sup> Joseph Goldstein, Albert J. Solnit, Sonja Goldstein, and Anna Freud, *The Best Interest of The Child: The Least Detrimental Alternative*, (New York, The Free Press: 1996), p. 8

As a distinct social element, children are on a high position in Islam. Islam attaches special rights on children. Those rights include the rights to life, rights of care, rights for inheritance and rights for freedom of thought. Islamic perspective on the rights of children indicates that, as a religion and a way of life, Islam has a set of teaching related to the importance of protecting children from every kind of harms that threat the children's healthy upbringing.

The provision of children's rights in Islam is not started only when a child is inside her mother's womb but further. In Islam, a child has rights to have a noble and pious parent. It means that people who plan to have children must ensure that they are at the peak of their physical and psychological condition. They must make sure that they will not pass any serious genetic related illness to their potential children. However, this typical provision to children's rights is not limited only to physical wellbeing of the parent's condition. Psychological wellbeing of the parents is also an important issue for potential parents.<sup>18</sup> Children's rights in this sense refer to the obligation of potential parents to do preventive actions concerning the safety of their potential child from any genetically transferred illness since it will place their prospective children on a vulnerable position in the future.

During the time they were inside their mother's womb, it is clear that children have a set of rights from their parents. Children inside the womb have rights to be given proper and balanced nutrition. Parents, hence, should be able to provide the needs of their potential children as good as they can. Once a child was born, children's needs became more vary. The need of proper nutrition based on their level of development must be fulfilled.<sup>19</sup> The children also entitled to rights for a good name as their identity.

Cairo declaration on the rights in Islam, for instance, signifies several rights of children. Article seven point (a) describe them as "*...As of the moment of birth, every child has rights due from the parents, the society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the fetus and the mother must be safeguarded and accorded special care.*"<sup>20</sup>

The parent's obligation in terms of raising children, however, is an important part of fulfilling the religious duty of Islam. It is compulsory for parent to prepare the presence of their children with the best preparation they could afford. Due to this important task of being a parent, they should do their best to raise children in a healthy atmosphere where children could grow up into a responsible good Muslim. Affording children's need, as a part of parental duties, grounds on the idea of the best interest of children. It is, indeed, without excluding the best interest of the parent.

<sup>18</sup>Shabina Arfat, *Islamic Perspective of The Children's Rights: An Overview...*, p. 300

<sup>19</sup> See, Q.S. al-Baqarah (2): 233

<sup>20</sup> Cairo Declaration on Human Rights In Islam, retrieved from <http://www.oic-oci.org/english/article/human.htm> on 12/10/2014.



For a number of religious parental tasks the parents have on their shoulder, Islam also sets a range of rewards in return. It spares from the promise of heaven in the hereafter to a set of rights over their children regarding worldly affairs. It is, however, the reason why the notion concerning the duty of children towards their parents seem to be found everywhere in the religious texts of Islam. In the al-Qur'an, for instance, commandments on children's duties to obey their parents and do only good things to them seems to be in the almost same priority as duties of Muslim to worship their God.<sup>21</sup>

### **Islamic Perspectives on Children at Greater Risks**

Islam gives a number of moral directions on the matter of social life. Islamic teachings, both explicitly and implicitly, reflect an ideal social life where every human being can advance their wellbeing to its optimum level. Interpretations of Islamic religious texts, therefore, should match the context. Those typical interpretations should have enough sensitivity to recognize social elements that constitute the society. It should be able to combine the core values living in a society with Islamic ones so it can effectively be implemented. Interpretation of Islamic texts, therefore, must accommodate social resources in society so the optimum level of wellbeing can be achieved.

In Islam, all children are considered vulnerable for their lack on reasoning ability. During their pre-discernment, thus, children spend their life under a guardianship of responsible adult. The vulnerability of children in Islamic notion is almost synonymous to their vulnerable position due to their future religious life. It is because in Islamic teaching, the religious aspect of life is one of the most important things that every Muslim should consider. The future of children's religious life according to Islamic teachings depends on or influenced by their parent and their community. However, it is normal to assuming parent as most influential to their children.

One of the prophet's sayings depicts Islamic views regarding the vulnerability of children in terms of the future of their religious life clearly. It said, "... *every child was born fitrah (pure), it is their parent who makes them Christians, Jews, or Majusi.*"<sup>22</sup> When biological parents of a child are incapable of performing their duties towards their child appropriately, Islam transfers the responsibility to the community of the child. Hence, person/s from the Muslim community who play the role of parent for the children will be perceived as person/s that mostly influence the direction of the future religious life of the children in question.

A child could fall into a more vulnerable position of losing their basic rights due to many factors. Such factors are closely linked to a number of potential risks

<sup>21</sup> See, Q.S. al-Israa': 23, al-Ankabut: 8, al-Ahqaf: 15

<sup>22</sup> Narated by Muslim, quoted from <http://www.mutiarahadist.com>. Accessed on 12/10/2014

that may happen to the child in their social environment, even before the child was actually born. Al-Qur'an mentions economic factors several times, as a factor that causes a child loses his/her basic rights. It said,

كَبِيرًا خَطَاكَانَ قَتَلْتَهُمْ إِنِّي وَإِيَّاكُمْ نَزَّرْنَا لَهُمْ مَخْنًا مَلَاقِي خَشِيَةَ أَوْلَادِكُمْ تَقْتُلُوا أَوْلَادًا

*Translation:*

*Slay not your children, fearing a fall to poverty, We shall provide for them and for you. Lo! The slaying of them is a great sin.*<sup>23</sup>

The guardians that have orphan/s in his/her guardianship are not allowed to take or use the wealth of the orphan/s in ways against the interest of the orphan/s. The guardians are demanded to take care the wealth of the children from this orphan group until they are convinced that the orphan children under their guardianship are able to manage the wealth on their own. During the time of guardianship, the best thing they guardians could do is to keep their interest and the interest of the orphan children separated.<sup>24</sup>

Islamic teachings concerning doing good things to orphan children also appear frequently on the Qur'an. Doing good things to orphan children can take many forms such as, according to Qur'an, thru guardianship, giving money (wealth) on them, and showing them gentle and right attitudes.<sup>25</sup>

However, Islam acknowledges that children outside the care of their biological family as a more vulnerable social group compared to their counterpart that lives in the care of its biological family.

Furthermore, Islam excoriates those who treat this group of vulnerable children improperly. According to verses one and two of al-Ma'un, the God asks question diplomatically to show how Islam should treat them. He said:

الْيَتِيمَ إِذْ عُرِيَ الَّذِي فَذَلِكَ بِالَّذِينَ يُكَذِّبُ الَّذِي أَرَاءَيْتَ

*Translation:*

*Hast thou observed him who beliest religion? That is who repelleth the orphan.*<sup>26</sup>

<sup>23</sup> Q. S. al-Isra : 31

<sup>24</sup> See, Q.S. an-Nisa' (4): 2, 6, 8, 10

<sup>25</sup> See, Q.S. al-Baqarah (2): 177, 215. Q.S. an-Nisa' (4): 36

<sup>26</sup> Q. S. al-Ma'un: 1-2.

### **Concluding remarks**

Islam perceives children as pure individuals free from sins. This standpoint is marked with the provision of special rights for them. Islam acknowledges that there are groups of children who share higher risks factors. However, Islam agreed that every children are vulnerable to experience maltreatments. It may come from their parents, their family or their community. Child protection in Islam, therefore, aims at ensuring the life and the healthy growth of children so they can eventually turn into responsible adults.

Islamic perspective on child protection covers at least two broad areas. They are child protection as sacred duty of the parent and protection of vulnerable children with greater risk factors as social responsibility of the community. Islamic notions on the issue of child protection within family settings seem to be inadequately explored. Moreover, considering the incidence of child abuse in this nowadays world in which most of child abuse occurs inside family settings, and prosecuted by person close to the child, Islamic perspective on such matters as child abuse and its protection must also be explored optimally.

A number of risks could place children on a vulnerable position. In terms of child protection according to Islamic perspective, the combination of textual interpretation of the Qur'an and the hadith and lacks of sound understanding about the nature of abuse on children could lead many Muslim parent to treat their children inappropriately.

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