



## CHILD PROTECTION LAWS IN INDONESIA; RELATED TO ISLAMIC SPIRIT

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### Abstract

The purpose of this study is to explore the provisions regarding child protection law in Indonesia and their alignment with the spirit of Islam. This research uses normative juridical research by reviewing library materials and the main data sources are secondary data including literature reviews and regulations. The results show that regulations regarding child protection laws have existed since the Old Order era until the current reform era. In general, the substance of the law on child protection is in line with the spirit of Islam. This can be seen in various issues such as the right to life and protection, obtaining a name, obtaining an education, adopting children, child criminal courts, freedom to embrace religion. The content contained in the law on child protection is also a concern for Islam

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## I. INTRODUCTION

Children are a gift from Almighty God, where their dignity and worth are protected and their rights are guaranteed to grow and develop according to their nature. Ideally, children as the next generation of the nation, should get their rights and needs adequately (Astuti & Suhendi, 2014). On the other hand, they are not the object (target) of arbitrary acts and inhumane treatment from anyone or any party. Children who are considered vulnerable to acts of violence and abuse, should be cared for, raised, educated as well as possible so that they grow and develop in a healthy and natural manner. This of course needs to be done so that in the future there will be no lost generation. Children have the right to special care and assistance from the family as the core of society and as a natural environment for their growth and well-being. Children must be prepared to face personal life in society and raised in an atmosphere of peace, tolerance and independence.

This ideal often clashes with empirical reality in children's lives. The rise of acts of violence that occur to children, whether in the form of physical, psychological, or sexual violence, does not get adequate legal and human rights protection so that children are repeatedly become victims (Aprita et al., 2020). It seems that it is necessary to realize that children's problems are not simple things. Treatment children's problems is very demanding from many parties. They are not solely the

responsibility of parents, but also the responsibility of the state and government and society. Children are the hope of the nation's future and it is our responsibility to protect them. Therefore, all forms of treatment that interfere with and destroy their basic rights in various forms of violence or crime must be stopped immediately (Hasibuan, 2021).

As one of the elements that must exist in a country of law and democracy, the protection of human rights, including the protection of children, is expected to be the determinant of the future of the Indonesian nation and as the next generation must obtain clear arrangements. This needs to be done, considering that humans as creatures created by Almighty God are endowed with human rights to ensure the existence of their dignity and dignity so that children's human rights are basic rights that are naturally inherent in themselves, are universal and everlasting. Therefore, children's rights must be protected, respected, maintained, and should not be ignored, reduced, or taken away by anyone. For the implementation of the protection of children's rights, it is necessary to have an arrangement in the basic law in Indonesia.

Moving on from the above expectations, the country must be present and play an active role in protecting children's rights, especially through statutory regulations. The Indonesian government pays serious attention to the issue of child protection. This can be seen from the legal arrangements for child protection in Indonesia that have been going on since the beginning of independence (the Orde Lama), the Orde Baru until the current Reformation period. Authentic evidence of the magnitude of the government's attention can be observed from the various regulations that have been produced in each period.

It is interesting to explore whether the legal arrangements for child protection in Indonesia have anything to do with Islamic law. Or in other words, does Islamic law contribute to the regulation of child law in Indonesia. This question is very reasonable considering the long historical background of the struggle of Islamic law and national law in our country which has experienced ups and downs since the kingdom period, colonial period, independence period, the new order until the current reform era.

This paper tries to elaborate on the extent of the elements of Islamic law in the regulation of child protection law in Indonesia. Starting from the regulation of children's law in Indonesia during the old order, new order and reformation. The analysis is carried out mainly on legal products that were born in each period related to legal issues regarding child regulation. This paper also tries to prove that in the regulation of child protection law in Indonesia there are dimensions of Islamic law. It means, the legal material is appropriate and in line with Islamic law.

## II. RESEARCH METHODS

### 1. Research Types and Approach

This research is a qualitative research. This research approach is normative. Normative research is legal research conducted by examining the provisions of laws and regulations carried out with study literature to find data that can be used to solve problems.

### 2. Data

The data of this research are primary data and secondary data. Primary data consists of legal materials in the form of legislation on child protection in Indonesia. In addition to primary data, this study also uses secondary data in the form of books and journal articles that support primary data.

### 3. Data Analysis

The analysis used in this study is descriptive analysis

## III. RESULT AND DISCUSSION

### 3.1. Child Protection Law Arrangements in Indonesia during the *Orde Lama*, *Orde Baru* and Reformation Period

The legal arrangements for child protection in Indonesia in writing are divided into three periods, namely the *Orde Lama*, the *Orde Baru* and the Reformation Period. This division is carried out with the intention of seeing how far the attention of each of these regimes is to this legal arrangement of child protection. In addition, the distribution is carried out to find out the ups and downs as well as the development of the government's attention to child protection law in Indonesia. This will be seen from the number of legal products produced in each period.

Legal protection for children has long been carried out. It is as old as the existing declarations, such as the Declaration of the Rights of the Child in 1924 in Geneva. However, during the *Orde Lama*, there were no policies that specifically related to child protection law, either in the form of laws, presidential decrees or other forms. This is not unreasonable. According to the author's opinion, the reason for the absence of regulations regarding child protection law is due to internal factors and external factors. Internally, the *Orde Lama* government was more preoccupied with the constellation of domestic politics which was marked by the intensity of constitutional changes (Ahmad et al., 2012) (Frinaldi & S., 2020); 1945 Constitution (1945-1949), RIS Constitution (1949-1950), UUDS (1950-1959), return to the 1945 Constitution (1959-1966), cabinet changes, radical movements fighting for Islamic law, PKI coups and so on. Meanwhile, externally, the newly established government had to fight against the Dutch military aggression which wanted to re-establish its colonialism in Indonesia (Winarni et al., 2013) (Mary, 2021) (Permatasari, 2015). However, one thing that should be underlined and emphasized is that the state actually provides protection to children, especially neglected children. (Khoirunnisa et al., 2020) (Sukadi, 2013). It is proven by the accommodation of

the interests and care of children in the 1945 Constitution, namely in article 34 which reads: "The poor and abandoned children are cared for by the state"

The issue of legal regulation of child protection received a sizeable portion during the Orde Baru era (Sartono, 2018) (Fahlevi, 2018). This is evident from the birth of three regulations that are concerned with issues relating to children's problems, namely the Child Welfare Law (Law No. 4 of 1979), the Law on Juvenile Court (Law No. 3 of 1997) and the Presidential Decree on the Ratification of the Children's Rights Convention (Presidential Decree No. 36 of 1990).

The legal regulation of child protection received a very large portion during this Reformation period. This is evident from the birth of approximately 11 regulations regarding child protection, namely:

- a. Law No. 19 of 1999 concerning the 1930 ILO Convention No. 29 concerning Forced Labor (Dutch Indies Staatsblad 1933 No. 261) and the ILO Convention 1957 No. 105 concerning the Abolition of Forced Labor.
- b. Law No. 20 of 1999 concerning the 1973 ILO Convention No. 138 concerning the Minimum Age to be Allowed to Work
- c. Law No. 39 of 1999 concerning Human Rights
- d. Law No. 1 of 2000 (Dated March 8, 2000) regarding the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor
- e. Law No. 23 of 2002 concerning Child Protection (UUPA)
- f. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (KDRT)
- g. Law No. 11 of 2005 concerning the Ratification of the ICESCR (Articles 10, 12 (2), and 13 (3))
- h. Law No. 12 of 2005 concerning the Ratification of the ICCPR (Articles 14 (1), 18 (4), 23 (4), and 24)
- i. Presidential Decree No. 59 of 2002 concerning the Action Plan for the Elimination of the Worst Forms of Child Labor
- j. Presidential Decree No. 87 of 2002 concerning the National Action Plan (RAN) for the Elimination of Commercial Sexual Exploitation of Children (ESKA)
- k. Presidential Decree No. 88 of 2002 concerning the Plan for the Elimination of Trafficking in Women and Children (RAN P3A) (Asni, 2022) (Nursariani, 2011)

A number of regulations that were issued during this reform period are evidence of the government's seriousness in providing good and reasonable protection for children. Based on a number of provisions and regulations produced during this reform period, the authors only highlight Law No. 23 of 2002 concerning Child Protection. This was done on the grounds that among the

regulations produced during this period, Law No. 23 of 2002 has the most provisions regarding the fulfillment and guarantees of child protection.

Crucial issues in this law are the issue of the right to life, the right to a name, the right to worship, the right to education, non-discrimination, and the responsibilities of parents and the state

### **3.2. Elements of Islamic Law in Child Protection Legal Arrangements in Indonesia**

Formally, the regulation of child protection law in Indonesia does not use the term Islamic law or sharia (Nasution, 2016). This is because, firstly, Indonesia is not an Islamic country and secondly, the law on child protection applies to all Indonesian citizens, not only specifically for Muslims such as the Law on waqf, KHI, Religious Courts, the implementation of hajj and zakat management.

However, substantively, the legal material in the regulation of child protection law in Indonesia is in line with Islamic law or sharia (Coordinator of Private Islamic Universities. Region I DKI Jakarta. & Fatma, 2016). For example, Article 34 of the 1945 Constitution has accommodated the interests of children. Where it is expressly stated that; The poor and abandoned children are cared for by the state. This law is still general in nature, meaning that it does not specifically regulate child protection. Only 35 years after independence, namely during the Orde Lama era to be precise in 1979, the government promulgated Law no. 4 of 1979 concerning Child Welfare. Then followed by Law no. 3 of 1997 concerning Juvenile Court and Law no. 23 of 2002 concerning Child Protection.

In order to see the dimensions of Islamic law in the legal regulation of child protection, the authors focus on the issue of the right to life and protection, obtaining a name, obtaining an education, adopting children, child criminal courts, and freedom of religion.

- **Right to Life and Protection**

In article 4 of Law no. 23 of 2002 concerning Child Protection, it is stated that "Every child has the right to be able to live, grow, develop, and participate properly in accordance with humanity honor and dignity, and to receive protection from violence and discrimination".

The conception of the right to life promoted by the child protection law in Indonesia is substantially in line with the Islamic conception (Ahmad, 2014). This means that the child's right to life is accommodated by child protection law in accordance with Islamic law, even though it does not use Islamic terms. In the perspective of Islamic law, the protection of Islamic law on the right to life can be seen from the sharia provisions that protect and uphold blood and life, through the prohibition of killing, the provision of qisas and the prohibition of suicide. The prohibition against killing children is explicitly stated in the Qoran Al-An'am:151, which means: *.....and do not kill your children for fear of poverty, We will provide sustenance for you and for them, and do not approach abominable deeds, whether visible or hidden, and do not kill soul that Allah has forbidden (killing) except with*

*something (cause) that is right. This is what you have been commanded so that you may understand (it).*

In Islamic law, the concept of *maslahah dharuriyah* is known which includes five things, namely 1. guarding religion (*hifz ad-din*), 2. guarding the soul (*hifz an-nafs*), 3. guarding reason (*hifz al-'aql*), 4. guarding offspring (*hifz an-nasl*) and 5. guarding property (*hifz al-mal*). Based on the concept of *maslahah dharuriyah*, maintaining the soul ranks second after religion (*ad-din*). Based on this conception, preserving the soul/life is obligatory and conversely eliminating the life is unlawful.

- **Getting Name**

In the Child Protection Act no. 23 of 2002 in Article 5 it is emphasized that: "Every child has the right to a name as self-identity and citizenship status". Another problem that is a concern for child protection law in Indonesia is giving children names. The provisions of article 5 above emphasize that the name is a very important identity for children. This provision is in line with the conception of Islamic law regarding the obligations of parents to their children, one of which is to give a good name (Fitrianor, 2015) (Lisawati, 2017).

In the perspective of Islamic law, giving a good name for children is the beginning of personality formation and education for children. Giving a name is the obligation of parents to their children (Joseph, 2020). This is based on the hadith of Rasulullah SAW which means: *"A man came to the Prophet Muhammad. and asked: O Messenger of Allah, what are the rights of my son? The Prophet replied: give him a good name, improve his character and place him in good association. (Hadith narrated by Bukhari).*

The idea of giving a name as stated in the law on child protection is in line with the principles and spirit of Islamic law (RAHMAN, 2013). In Islam, the name is prayer.

- **Getting Education**

Another crucial issue regulated in the child protection law in Indonesia is the issue of education. Article 9 paragraph 1 states that: "Every child has the right to receive education and teaching in the context of his personal development and level of intelligence in accordance with his interests and talents". In Islam, everyone has the right to education and teaching (صباحی, nd) (Imam Machali, 2012), without exception children. Islam also values people who have knowledge. Education is not only a right, but also an obligation for every Muslim. This is in accordance with the command of the Prophet Muhammad. which means: "Seeking knowledge is the duty of every Muslim".

Education given to children, which in terms is called *tarbiya*, can mean: 1) maintaining the child's nature; 2) grow all his talents and readiness, 3) direct all his talents and nature to be good and perfect, and 4) gradually in the process.

- **Child Adoption**

The main reasons for adopting a child are reasons for fostering include family dysfunction, and/or violence, marital breakdown or separation, and maternal death (2), neglect of an infant or child, physical and sexual abuse of a child, alcohol and drug abuse, serious physical or mental illness either parents, or prolonged absence of parents from their children due to various reasons such as work in remote locations or irregular working hours, major floods, landslides in mountainous areas, typhoons, large tidal waves, volcanic eruptions, wars (Ben-noun, 2016) (United Nations, United Nations, 2010). The issue of adoption (adoption) is one of the problems that gets serious attention in child protection law in Indonesia. In article 39 of Law no. 23 of 2002 it is stated that paragraph 1) adoption of a child can only be carried out in the best interest of the child and is carried out based on local customs and the provisions of the applicable laws and regulations. 2) The adoption of a child as referred to in paragraph (1) does not break the blood relationship between the adopted child and his biological parents. 3) Prospective adoptive parents must be of the same religion as the religion adopted by the prospective adopted child.

Islam has long known the term *tabbani*, which in this modern era is called adoption. Rasulullah SAW even practiced it directly, namely when he adopted Zaid bin Harithah as his son. *Tabanni* literally means someone who takes someone else's child to be treated like his own. This is done to give love, education and other necessities. Legally the child is not his son.

In Islamic law, since ancient times (the era of *Jahiliya*) Arabs have recognized and adopted children. Prophet Muhammad SAW at that time raised a man named Zaid bin Harithah. Adoption of child in Islam are sourced directly from divine revelation as stated in the Qoran Al-Ahzab: 4-5, which means: *"Allah has never made for a person two hearts in his cavity; and He did not make your wives whom you rebuke as your mothers, and He did not make your adopted children as your biological children (alone). that is just what you say in your mouth. and Allah tells the truth and He shows the (right) way., 5. Call them (the adopted children) by (using) the names of their fathers; That is more just in the sight of Allah, and if you do not know their fathers, then (call them) your brothers and sisters in your religion and your maula-law, and there is no sin on you for what you err in, but ) what your heart intended. and Allah is Forgiving, Most Merciful.*

According to Islamic law, adoption of a child is called *tabanny*. *Tabanny* can only be justified if it fulfills the following conditions: 1) does not break the blood relationship between the adopted child and his biological parents and family. 2) adopted children are not domiciled as heirs of adoptive parents, but remain as heirs of their biological parents, as well as adoptive parents are not domiciled as heirs of their adopted children. 3) adopted children may not use the names of their adoptive parents directly as a sign of identification/address. 4) adoptive parents cannot act as guardians in marriage to their adopted children.

In the perspective of the Indonesian Ulema Council, the fatwa emphasizes that adoption is permissible as long as it does not change the child's nasab and religious status. At the National Working Meeting of the Indonesian Ulema Council in 1984 which took place in the month of Jumadil Akhir 1405 H./March 1984, he issued a fatwa regarding the adoption as follows: (Nuzha, 2021): 1) Islam recognizes legitimate descendants (nasab), namely children born from marriage (marriage). 2) Adopting (adoption) with the understanding that the child is separated from the lineage (nasab) with his biological father and mother is contrary to Islamic sharia. 3) As for the adoption of children without changing their lineage status and religion, it is carried out out of a sense of social responsibility to care for, nurture and educate them with love, like the children themselves, is a commendable act and includes good deeds which are continued by the religion of Islam.

If analyzed carefully, it appears that the spirit contained in the child protection law in Indonesia to maintain and protect the interests of adopted children is in line with the principles and spirit of Islamic law. Although the legislation does not expressly state that these provisions are based on Islamic law, their substance is in line with Islamic law.

- **Prohibition of Discriminatory Treatment**

In Law No. 23 of 2002 concerning Child Protection, it is expressly stated that the principles adopted by this Law are as stated in Article 2 "The implementation of child protection is based on Pancasila and is based on the 1945 Constitution of the Republic of Indonesia and the basic principles of the Convention on the Rights of the Child. include: a. non-discrimination; b. the best interests of the child; c. the right to life, survival and development; and d. respect for the opinion of the child".

Islam teaches that every human being is born free and equal before God. Each other has features in addition to shortcomings which therefore need each other to complement each other. This freedom and equality between human is an Islamic principle that sticks out with the teachings of monotheism of faith. That is the content covered by Qoran al-Nahl: 97 which means: *"Whoever does righteous deeds, both men and women, while believing, We will indeed give him a good life, in fact We will reward them with a better reward than what they did."*

The verse above clearly explains that men and women have the same potential to do good. With a simple expression, it is clear that Islam rejects discrimination between men and women. Prioritizing men over women or vice versa. Islam's rejection of discriminatory behavior can be seen from the following arguments, namely a). Treat children fairly. This is based on the hadith of the Prophet which reads: *"Fear all of you to Allah and be fair to your children"* (HR Muslim).

This hadith was said by the Prophet when he responded to the story of Nu'man bin Basyir. Nu'man said: I have given a gift to my son from Amarah bint Rawwahah then Ammarah ordered me to appear before you so that you will be a witness. The Prophet also asked Nu'man: "Do you give the same thing to your other children. Nu'man replied: "No". Say the prophet with the above hadith. And Nu'man revoked the grant he had given. b). Prioritizing the best interests of the child; Islam teaches

that attention to the family in general and children in particular is a step that must be prioritized. Because attention to family and children is one step to save generations from the torments of hell. Thus the words of God which is covered by Qoran at-Tahrim: 6 which means: *"O you who believe, protect yourselves and your families from a hell fire whose fuel is people and stones..."*. This verse is also confirmed by Qoran an-Nisa: 9 :*"And let them be afraid of leaving their successor generation (ie) children who are weak and worried, therefore fear Allah and speak with the right words."*

Regarding the Qoran at-Tahrim: 6 above, Ali bin Abi Talib said that the way to save odescendants (children) from the hell fire is through education. In different expressions, educating and giving guidance to children because it is a job that is not easy, God rewards him with heaven. On the other hand, neglecting children's education is the same as sending them to hell. It is in this connection that the Holy Prophet said: *"Honor your children and educate them well"* (HR Ibn Majah).

Education is the most important choice for children because through education the future of children is determined. However, it should be stated that educating children is not an easy matter because educating children cannot be done on a side-by-side. It takes sincerity and continuous learning in doing so. If every religious obligation requires time and learning and costs in carrying it out, so does educating children. Therefore, it is the duty of every parent to prepare themselves as well as possible in educating their children. c). Creating a comfortable atmosphere for the life and development of children as human are not yet adults, children are entities of God's creatures whose existence is equipped with self-esteem that accompanies it. Therefore, appreciating its existence with a diverse range of efforts is a necessary step. In short, all attitudes and actions that can grow and develop children are steps that should be put forward, otherwise various actions that can interfere with and hinder the development and growth of children must be avoided. In this regard, Allah says in al-An'am: 151: *"... and do not kill your children..."*. If you read the above verse literally, it is clear that the verse is recording the transitional habits of the Jahiliya people. Islam, which is killing children as a prohibited act. But what is meant by the word "killing" in the verse can be interpreted broadly by killing the child's psyche and spirit or killing the existence of a child which is usually done by parents in the name of parents' ideals and "love". Such an act is a behavior that is prohibited by Islam. And with the reading of understanding *mafhum mukhalafah* on the verse, various efforts to develop children are steps that must be prioritized. In addition to the verse above, the recording of events as included in the following hadiths of the Prophet in showing details of Islamic teachings that are very concerned about the life and development of children.

- **Juvenile Criminal Court**

One of the principles adopted by Law no. 3 of 1997 is the principle of age restriction. Article 4 states that: Paragraph (1) The age limit for delinquent children who can be submitted to the Juvenile Court is at least 8 (eight) years but has not yet reached the age of 18 (eighteen) years and has never been married. Paragraph (2) In the event that a child commits a crime within the age limit as referred

to in paragraph (1) and is submitted to a court hearing after the child concerned has exceeded the age limit, but has not yet reached the age of 21 (twenty one) years, it is still submitted to the Court Child.

While in Law no. 3 of 1997 concerning Juvenile Court Article 26 states that the criminal penalty for children is half of the maximum criminal threat carried out by adults. As for the imposition of life imprisonment and the death penalty is not treated against children.

Article 26 paragraph: (1) Imprisonment that can be imposed on naughty children as referred to in Article 1 number 2 letter a, is a maximum of 1/2 (one half) of the maximum threat of imprisonment for adults. Paragraph (2) If the naughty child as referred to in Article 1 point 2 letter a, commits a criminal offense punishable by death or life imprisonment, the maximum imprisonment that can be imposed on the child is 10 (ten) years.

The difference in treatment and criminal threats is intended to better protect and protect children so that they can face a long future. This difference is also intended to provide opportunities for children so that through coaching, their identity will be obtained in order to become independent, responsible and useful human beings for their families and communities. Regarding sanctions against children, it is determined based on the age difference, namely for children aged 8 to 12 years only being subject to mere actions, for example being returned to their parents, placed in social organizations, or handed over to the state. As for children who are over the age of 12 to 18 years, they will be punished.

For the protection of children, cases of naughty children must be tried in the Juvenile Court which is under the auspices of the general judiciary. Thus, the judicial process for naughty cases from the time they are arrested, detained, tried, and further guidance, must be handled by special officials who really understand children's problems. Juvenile court is one aspect of law and child protection. The implementation of the Juvenile Court prioritizes the welfare of the child in addition to the interests of the community. Children who experience behavior problems are children who show deviant behavior and social norms. As an illustration or comparison, it can be stated here that in 1956 in the Netherlands a Child Protection Council was formed, which was originally a government institution called the Guardianship Council.

In the perspective of jinaya fiqh, internal criminal sanctions can be removed because there are causes related to the actions of the perpetrators and because there are causes related to the condition of the perpetrators themselves. The first thing, the action becomes permissible which is usually called the element of justification. As for the second, the act of the perpetrator is still unlawful but he cannot be punished, considering the condition of the perpetrator itself is usually called the element of forgiveness. In Islamic criminal law, criminal acts committed by children are not punished (Rafid & Saidah, 2018) (Sani, 2015). This is based on the words of the Prophet Muhammad which means: *"Three classes of people are not punished, namely the insane until he wakes up; children until he reaches puberty, and the sleeper until he wakes up"*. (Narrated by Imam Bukhari).

A child will not be subject to a *hadd* sentence for the crime he has committed. Because there is no legal responsibility for a child at any age until he reaches the age of puberty. The judge will only retain the right to rebuke his mistake to set some limits for him that will help correct him and stop him from making any more mistakes in the future. According to Abu Zaid Al-Qayrawani, a scholar of the Maliki school of thought, there will still be no *hadd* punishment for minors, even in the case of false accusations of adultery (*qadzaf*) or the child himself who commits it.

- **Freedom to Choose Religion**

One of the important issues in the legal regulation of child protection is the freedom to embrace and practice religion according to their beliefs. This is as regulated in articles 42 and 43 of Law no. 23 of 2002 concerning Child Protection, namely: Article 42 (1) Every child has protection to worship according to his religion. (2) Before the child can make his choice, the religion embraced by the child follows the religion of his parents. Article 43 (1) The state, government, community, family, parents, guardians, and social institutions guarantee the protection of children in embracing their religion. (2) The protection of children in embracing their religion as referred to in paragraph (1) includes coaching, mentoring, and practicing religious teachings for children.

The right to freedom of religion to choose one's beliefs based on one's conscience. What we can see implicitly in Quran: 256: *"There is no compulsion to (enter) religion (Islam); Indeed, the right path has become clearer than the erroneous path. Therefore, whoever disbelieves in the Tagut and believes in Allah, then indeed he has clung to a very strong knot that will not break. And Allah is All-Hearing, All-Knowing."* (Quran 2:256)

#### IV. CONCLUSION

Legislation concerning the issue of child protection does not adopt Islamic law, because materially the materials are not taken from the material of Islamic law. Therefore, it cannot be said to be Islamic law. However, in the legislation there are elements of Islamic law. That is, there are legal materials that are in accordance with Islamic law. Therefore, the author is of the view that Islamic law "is" in the regulation of child protection law in Indonesia because many provisions are in accordance with Islamic law. Thus, one way of looking at the dimensions of Islamic law in the state is its legislation, in addition to fiqh books, decisions of religious courts, and *fatwas* of scholars.

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### **3. Dissertation**

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### **4. Website**

Aprita, S., Hj, M. H. Y., & Hasyim, S. H. (2020). Hukum Hak Asasi Manusia  
[www.mitrawacanamedia.com](http://www.mitrawacanamedia.com)