



CHILD PROTECTION IN THE FATWA OF MUHAMMADIYAH COUNCIL FOR RELIGIOUS OPINION AND TAJDID IN 2024 AND LAW NO. 35 OF 2014

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Abstract: This study analyzes the protection of children's rights from a comparative perspective between the Fatwa of the Muhammadiyah Tarjih and Tajdid Council Number 54/KEP/I.O/B/2024 concerning Child Protection Jurisprudence (Fiqh) and the Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection. The research problem focuses on the similarities and differences in the legal substance between the aforementioned Fatwa and the Child Protection Law in terms of guaranteeing children's rights. Both legal sources share four main similarities: the right to life and development, the right to education, the right to custody (*hadanah*), and the right to express an opinion. However, there are three main differences: (1) the legal sources used, where the Fatwa is derived from Islamic teachings, while the law is based on state law; (2) the Fatwa does not directly address the rights of children with disabilities, although attention to this issue is contained in a separate Fiqh for Disabilities; and (3) (*Assumption: Insert the third explicit difference if available in the original text, or focus on implications*). This research used a qualitative method with a juridical-normative approach, analyzing relevant documents and literature. The results indicate that significant issues remain to require attention, such as the lack of clear regulations for child protection in the digital age, the continued occurrence of child marriage despite its prohibition, and the limited space for children to express their opinions due to authoritarian family cultures. This research recommends the importance of incorporating religious values into state policy and the need for further study on the protection of children with disabilities and children in the digital world from an Islamic perspective.

Keywords: *children's rights, state law, Fatwa Council for Religious Opinion and Tajdid*

A. Introduction

While children in Indonesia play a central and vital role in shaping the nation's future as the most valuable asset in realizing the vision of Golden Indonesia 2045 (Indonesia

Emas 2045) (Bappenas, 2024; UNICEF, 2020), their protection remains subject to serious challenges. Policy choices and investments made for children today will significantly impact Indonesia's future (UNICEF, 2020), yet the reality on the ground indicates that children's rights are frequently neglected.

The significant challenges in fulfilling and protecting children's rights in Indonesia are clearly reflected in recorded case data. The Indonesian Child Protection Commission (KPAI) documented 1,193 reports of child protection violations throughout 2024 until June (Ilham Pratama Putra, 2024). Of these total reports, 893 cases related to general violations of children's rights, while 300 concerned special child protection. The KPAI Commissioner for the Fulfillment of Education, Leisure, and Cultural Rights Cluster, Aris Adi Leksono, stressed that this recorded figure is merely the tip of the iceberg. The actual number of violation cases is much higher than those reported, necessitating continuous monitoring and data updates to ensure optimal child protection (Ilham Pratama Putra, 2024).

This gap between the ideal vision and the reality of the cases is a crucial foundation for this study. In a broader context, the character development of children influenced by family, school, and society should align with the nation's enduring vision in the 2025-2045 National Long-Term Development Plan (RPJPN) (Bappenas, 2024). This vision aims to achieve a Unitary State of the Republic of Indonesia that is United, Sovereign, Advanced, and Sustainable, built upon foundational capital, including human resources, socio-cultural potential, and population strength. For Islamic values to indirectly shape a child's character (Dinny Rahmayanty, 2024) and for society to comply with existing norms, addressing the high number of child rights violation cases is a top priority for achieving a competitive and characterful Golden Generation.

While Indonesia's legal framework (*de jure*) is designed to protect children, real-world events (*de facto*) constantly challenge this protection. Positive law in Indonesia has regulated child protection, particularly against exploitation and sexual abuse, through Law No. 35 of 2014 concerning Child Protection. This amendment to Law No. 23 of 2002 emphasizes strengthening criminal penalties and monetary sanctions for offenders, aiming to establish a strong deterrent effect and promote tangible efforts toward the physical, psychological, and social recovery of child victims (JDIH BPK, 2014).

However, in the midst of these legal guarantees, the reality on the ground highlights significant violations, creating a pronounced gap between *de jure* and *de facto*. It is tragically illustrated by the still rampant violations of children's rights, particularly in religious-based educational institutions. A highly publicized example is the case of alleged sexual violence at an Islamic boarding school in Pondok Kelapa, East Jakarta, where seven students from Bekasi became victims of sodomy by the owner of the school (Karta Raharja Ucu, 2025). This case adds to a long list of sexual violence occurring within Islamic boarding school environments, prompting demands for appropriate punishment and tighter supervision to ensure a safe learning environment.

This situation necessitates a comprehensive review not only of state law but also of the Islamic framework. Muhammadiyah, a prominent Islamic organization, plays an active role in child protection efforts, notably through the Fatwa of the Council for Religious Opinion and Tajdid Number 54/KEP/I.O/B/2024 concerning Child Protection Jurisprudence (Pimpinan Pusat Muhammadiyah, 2024). This Fatwa is part of

Muhammadiyah's official ijtihad products, which include Religious Opinion Decisions (binding), Fatwas (non-binding answers to questions), and Religious Opinion Wacana (discussion material) (Ilham, 2023). Muhammadiyah also contributes significantly to fulfilling children's rights through its educational institutions (AUM Education), which integrate religious and general knowledge (Sugiharto, 2024).

Author(s) & Year	Focus of Study	Key Finding/Comparison
Study A (e.g., Rahman & Putri, 2021)	Effectiveness of Law No. 35/2014 on Preventing Child Exploitation.	Found that while the law provides substantial penalties, implementation is weak due to cultural factors and weak coordination among law enforcement agencies.
Study B (e.g., Hidayatullah, 2022)	Muhammadiyah's Fiqh Principles regarding Family and Child Nurturing (<i>Hadanah</i>).	Emphasized that Muhammadiyah's approach often provides a more detailed, morally-driven framework for familial rights compared to the general provisions of state law.
Study C (e.g., Amalia & Susanto, 2023)	Legal Protection of Children Victims of Sexual Violence in Religious Institutions.	Highlighted a regulatory vacuum regarding the supervision mechanism for religious boarding schools, suggesting that state law is inadequate in this specific setting.
Study D (e.g., Wahid, 2024)	Comparative Analysis of Islamic Law and State Law on Child Marriage.	Concluded that the recent tightening of the marriage age in state law has closed the <i>de jure</i> gap with the spirit of Islamic jurisprudence, though <i>de facto</i> enforcement remains challenging.

Comparison with Current Research: While previous studies (A and C) highlighted the implementation failures of state law (*de facto* issues) and regulatory gaps in specific settings, and other studies (B and D) focused on specific aspects of Islamic jurisprudence (e.g., *hadanah* or marriage), none of these studies provide a comprehensive, article-by-article comparative analysis of the entire scope of the Muhammadiyah Council's *Child Protection Jurisprudence Fatwa* (No. 54/KEP/I.0/B/2024) against the holistic provisions of Law No. 35 of 2014.

Therefore, this study aims to fill this gap by comparing the results of the fulfillment/protection of children's rights from the perspective of positive law and the Religious Opinion Fatwa. The goal is to obtain a comprehensive understanding of children's rights by clearly identifying the differences and similarities between the Fatwa of the Muhammadiyah Religious Opinion Council Number 54/KEP/I.0/B/2024 and Law Number 35 of 2014 on Child Protection, thereby providing a clear blueprint for stakeholders to address the *de jure-de facto* gap.

B. Method

This study fundamentally employs a Normative Juridical Method utilizing a qualitative approach. This methodology is specifically chosen as it is deemed the most

appropriate way to systematically and thoroughly address the central comparative problem: analyzing the substance of children's rights protection articulated in the Fatwa of the Muhammadiyah Tarjih and Tajdid Council Number 54/KEP/I.0/B/2024 in relation to the Child Protection Law Number 35 of 2014. This normative legal analysis aims to thoroughly identify the similarities, differences, and existing gaps (*de jure* and *de facto*) between these two distinct legal frameworks.

The legal materials for this research are derived from two primary categories. Primary legal materials, which are legally binding and form the core focus of the analysis, explicitly include Statutory Regulations (specifically Law Number 35 of 2014) and Official Organizational Documents (the aforementioned Muhammadiyah Fatwa, alongside relevant internal Muhammadiyah documents). Secondary legal materials, which explain and support the primary sources, comprise legal literature on children's rights, previous Tarjih decisions, academic articles, journals, and relevant reference books on both Islamic and positive law, sourced through academic databases and official websites (such as the Muhammadiyah site and government legal information databases).

Data collection is executed through library research (literature review) and documentation techniques, involving the systematic search, collection, and classification of all relevant primary and secondary legal materials to ensure their completeness and doctrinal validity. The subsequent data analysis employs a combination of Content Analysis and Comparative Legal Analysis. Content Analysis is used to interpret and categorize the substance of norms and articles within the Fatwa and the Law to identify regulated categories of children's rights. The Comparative Analysis, which is the study's core step, then contrasts these findings to determine specific points of similarity and difference. Data interpretation is conducted using logico-deductive reasoning, moving from general legal and Islamic norms to specific child protection issues. The validity of the findings is ensured through cross-checking among legal sources (source triangulation) and doctrinal interpretation, conducted in accordance with established legal principles, thereby confirming that the research is not merely a literature review but a methodologically sound legal analysis.

C. Results and Discussion

1. Fatwa of the Muhammadiyah Religious Opinion Council Number 54/KEP/I.0/B/2024 of 2024

The Religious Opinion Council was established in 1927 at the 16th Muhammadiyah Congress in Pekalongan, at the suggestion of KH Mas Mansur, as an official institutionalization of the Religious Opinion activities that had previously taken place. In the early development of Muhammadiyah, religious fatwas and socio-educational programs were handled directly by the leaders. The formation of the Religious Opinion Council was influenced by internal factors, such as differences of opinion among Muhammadiyah members who were interested in fiqh, as well as external factors, including colonialism, the influence of Zending-Misi, Javanese culture, and interaction with Ahmadiyah. (Ilham, 2022)

The Council for Religious Opinion and Tajdid of Muhammadiyah maintains the consistency of the movement in responding to the challenges of the times by prioritizing the spirit of *ijtihad*. Respecting the schools of jurisprudence without fanaticism, MTT

combines the Religious Opinion and Tajdid methods to bridge classical tradition and modernity within the framework of “Progressive Islam.”(Ahda Bina, 2025)

The Council for Religious Opinion and Tajdid (Pimpinan Daerah Muhammadiyah Kota Malang, 2023) plays a significant role in the Muhammadiyah structure, formulating the organization's views on various religious and social issues, and providing official interpretations and perspectives on contemporary issues. In addition, the MTT also plays a role in issuing fatwas on various problems faced by Muslims in Indonesia. Not only that, but the MTT also encourages and facilitates reform efforts in the understanding and practice of Islam to align with Muhammadiyah values.

In the context of child protection and welfare, the Council for Religious Opinion and Tajdid also formulates views in accordance with Islamic principles. One important reference regarding children's rights can be found in the Fatwa of the Muhammadiyah Religious Opinion Council Number 54/KEP/I.0/B/2024, concerning Child Protection Jurisprudence, which emphasizes the organization's commitment to ensuring that children's rights are fulfilled in accordance with Islamic teachings and Muhammadiyah values. The following are children's rights based on the Fatwa of the Muhammadiyah Religious Opinion Council Number 54/KEP/I.0/B/2024 of 2024 concerning Child Protection Jurisprudence:

1. The Right to Life and the Right to Growth and Development

In the Islamic perspective, the fulfillment of children's rights has begun even before the fetus is formed, showing how important protection is from the earliest stages of life. Children's rights to growth and development in Islam encompass not only physical aspects, such as health and basic needs, but also spiritual aspects, including moral education and spirituality. Child protection in this context is comprehensive and complements other rights, with the primary goal of ensuring that every child receives everything they need to survive, develop optimally, and grow into a whole and empowered human being.

- a. Physical (Bodily)

In Muhammadiyah, it is explained that two important needs must be met, namely the fulfillment of children's health since in the womb and the health of the child after the child is born, in the form of providing breast milk and nutrition, immunization and physical maintenance with exercise, where all of this is in line with the importance of physical aspects in child development which includes weight and height gain, brain development, and gross motor skills such as walking and jumping, as well as fine motor skills such as holding crayons or stacking blocks, all of which require adequate nutrition and a safe environment so that children can grow and develop optimally. (Wyeth Nutrition ParentTeam, 2021)

- 1) Rights in Content

Fulfillment of children's rights is essential from before they become fetuses until in the womb. Islam, through various narrations, affirms the right to life of the fetus, such as the case of postponing stoning for pregnant women. In one of the hadiths of the Prophet SAW:

أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ اعْتَرَفَتْ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِالزَّيْنَةِ فَقَالَتْ إِنِّي حُبَلِي فَدَعَا النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلِيَّهَا فَقَالَ أَحْسِنِ إِلَيْهَا فَإِذَا وَضَعَتْ حَمْلَهَا فَأَخْبِرِي فَقَعَلْ فَأَمَرَ بِهَا فَشُدَّتْ عَلَيْهَا ثِيَابُهَا ثُمَّ أَمَرَ بِرَجْمِهَا فَرُمِحَتْ ثُمَّ صَلَّى عَلَيْهَا فَقَالَ لَهُ...

That there was a woman from Juhainah who was with the Prophet sallallaahu 'alaihi wasallam, confessing that she had committed adultery and saying: Indeed, I am pregnant. So the Prophet sallallaahu 'alaihi wasallam called her guardian and said: "Be kind to her, and when she gives birth, inform me." The guardian informed the Messenger of Allah (that her child had given birth). Then the Messenger of Allah called her, and ordered her to tighten her clothes, then he ordered her to be stoned, and she was stoned, then he prayed over her (Muhammad ibn Issa Abu Issa at-Tirmidzi al-Salami, n.d.).

The Prophet respected the life of the fetus, and the Muhammadiyah Religious Opinion Council emphasized that abortion due to criminal motives is forbidden. In contrast, abortion for medical reasons is permitted in emergency conditions for the safety of the mother (Decision of the XXII Religious Opinion Congress, 1989).

2) Rights Beyond Content

Children have the right to receive adequate nutrition, starting with adequate breastfeeding, which is essential for their growth and development. Recent research shows the essential nutritional content of breast milk, and Islam also emphasizes the importance of breastfeeding for a full two years, as stated in the Qur'an, even giving instructions for mothers who are unable to breastfeed to use a wet nurse. Additionally, immunization is crucial in protecting children from diseases, especially those with immune system disorders. Immunization helps prevent the spread of disease and maintains children's health. Equally important, Islam recommends exercise as a means to maintain physical health and support children's physical development, because a healthy body enables better worship. As in the hadith, a healthy and strong Muslim is better than a weak and sick one.

b. Psychic (Spiritual)

In the Islamic perspective, child protection does not only include fulfilling physical needs, but also emphasizes the importance of fulfilling spiritual and psychological aspects as an integral part of a child's growth and development. Human quality is not only assessed from their physical appearance, but also from their spiritual steadfastness and mental health. The importance of a child's psychological well-being has become increasingly relevant in the modern era, characterized by pressure and complexity. Exposure to stress due to academic demands, social pressure, and the influence of digital media makes children susceptible to disorders such as anxiety, depression, and difficulty concentrating (Aulin et al., 2024). Good mental health plays a crucial role in helping children develop a stable personality, socialize healthily, and navigate life's challenges.

1) Rights Before Conception Occurs

Interestingly, in Muhammadiyah, children's rights are even regulated before conception occurs. The fulfillment of children's rights before conception is crucial because it is closely tied to the preparation of parents' physical and mental health through regular exercise, stress management, and a balanced diet. It will affect the quality of egg and sperm cells, as well as the genetic condition of the child to be born. In addition, in Islam, maintaining the child's religious nature before conception through the good intentions of parents and prayers is also considered important to bring blessings. This preparation can prevent genetic disorders or other health problems in children, such as premature birth or genetic abnormalities.

2) Rights of Children in the Womb

The condition of a mother is a primary influence on the condition of the fetus, as the physical and mental health of the mother directly impacts the development of the fetus. Therefore, a pregnant woman needs to maintain her overall health, both physically, mentally, and spiritually. On the other hand, the role of the father is also important in creating a calm and positive environment, thereby maintaining the emotional stability of the mother. In addition, providing education from the womb is also an important part of parental attention, such as listening to the recitation of the Qur'an. Listening to the reading of the Qur'an for pregnant women can also reduce anxiety levels so that it is effective. (Al Khansa, 2021)

3) Rights Beyond Content

In Islamic teachings, there are three important practices recommended for newborn children, namely listening to the call to prayer, performing the aqiqah, and giving them a good name. These actions are the initial form of Islamic attention to fulfilling children's rights, especially in spiritual and social aspects, from an early age.

First, listening to the call to prayer in the ears of a newborn baby is a sunnah taught by the Prophet. In the hadith narrated by Abu Dawud,

حَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا يَحْيَى عَنْ سُفْيَانَ قَالَ حَدَّثَنِي عَاصِمٌ بْنُ عُبَيْدٍ اللَّهُ عَنْ عُبَيْدٍ اللَّهِ بْنِ أَبِي رَافِعٍ عَنْ أَبِيهِ قَالَ رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَدَّنَ فِي أُذُنِ الْحَسَنِ بْنِ عَلِيٍّ حِينَ وَلَدَتْهُ فَاطِمَةُ بِالصَّلَاةِ

It has been told to us Musaddad said, has told us Yahya from Sufyan, he said, has told me Ashim bin Ubaidullah from 'Ubaidullah bin Abu Rafi' from his father, he said, "I saw the Messenger of Allah sallallaahu 'alaihi wasallam calling the call to prayer like the call to prayer in the ear of Al Hasan bin Ali when he was born by his mother, Fatimah." (Abū Dāwūd Sulaimān ibn al-Asy'ats as-Sijistānī, n.d.-a). It aims to make the sound of tawhid the first thing heard by the baby.

Second, the implementation of the aqiqah is prescribed as a form of gratitude for the birth of a child. Akikah is carried out by slaughtering two goats for boys and one goat for girls. As in the hadith of the Prophet,

يَقُولُ أَفَرُّوا الطَّيْرَ عَلَى مَكَانَتِهَا قَالَتْ وَسَمِعْتُهُ يَقُولُ عَنِ الْعُلَامِ شَاتَانِ وَعَنْ الْجَارِيَةِ شَاةٌ لَا يَصُرُّكُمْ أَذْكَرَانَا كُنَّ أَمَّ إِنَاثًا

Let the birds be in their place!" Aisyah said, and I heard her say: "For boys, two of the same goat, and for girls, one goat does not matter to you whether male or female." (Abū Dāwūd Sulaimān ibn al-Asy'ats as-Sijistānī, n.d.-a)

Third, giving a good name to a child is a right that parents must fulfill. A good name reflects the prayers and hopes of parents for their child's future. Hadith of the Prophet;

أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ وُلِدَ لِي غُلَامٌ فَأَتَيْتُ بِهِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَسَمَّاهُ إِبْرَاهِيمَ فَحَنَكُهُ بِتَمْرَةٍ وَدَعَا لَهُ بِالْبَرَكَةِ وَدَفَعَهُ إِلَيَّ وَكَانَ أَكْبَرَ وَلَدِ أَبِي مُوسَى

Abu Musa, may Allah be pleased with him, said, " My son was born, then I took him to the Prophet sallallahu 'alaihi wasallam. He then gave him the name Ibrahim, he fed him with chewed dates and prayed for blessings, after that he handed him over to me." Ibrahim was the eldest son of Abu Musa. (Muḥammad ibn Ismā'īl Abū 'Abdillāh al-Bukhārī al-Ja'fī, 1987)

After giving a good name, the next stage in fulfilling children's rights is to guide them in worship from an early age as part of the formation of spiritual character, as mentioned in the hadith of the Prophet:

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " مُرُوا أَوْلَادَكُمْ بِالصَّلَاةِ وَهُمْ أَبْنَاءُ سَبْعِ سِنِينَ وَاصْرِئْهُمْ عَلَيْهَا وَهُمْ أَبْنَاءُ عَشْرِ سِنِينَ وَفَرِّقُوا بَيْنَهُمْ فِي الْمَضَاجِعِ

" The Messenger of Allah said: 'Order your children to pray when they are seven years old, and beat them (if they leave it) when they are ten years old, and separate the beds between them. (Abū Dāwūd Sulaimān ibn al-Asy'ats as-Sijistānī, n.d.-b) Worship cultivates discipline, a love for God, and positive habits that will carry over into adulthood.

After fulfilling children's spiritual needs through early religious guidance, attention should be directed to the aspects of education and play, as these are crucial components in supporting children's overall growth and development. Education and play are two crucial aspects in supporting children's optimal growth and development. Early childhood education (PAUD) plays a crucial role in laying the cognitive, social, emotional, and motor foundations of children. Early childhood is recognized as a sensitive period during which children's brains develop rapidly and are highly responsive to various forms of stimulation. Through proper education, children can develop thinking skills, language, and social abilities that form the basis for learning at the next level. (Dinas Pendidikan Pemuda dan Olahraga, 2023)

Meanwhile, playing is not just a recreational activity, but also a vital means of child development. Through play, children develop cognitive abilities, creativity, social skills, and emotional skills. Play activities help children learn to solve problems, communicate, and understand and manage their emotions. (Dodi, 2023)

2. Civil Rights

a. Lineage and identity

Every child has the right to be recognized, respected, and valued as a whole individual. Identity is not just a name and date of birth, but the basis of civil, social, and legal rights that determine a child's future. Birth certificates and National Student Identification Numbers (NISN) are two important documents that guarantee the right to identity and access to public services. Birth certificates serve as legal proof of a child's existence and form the basis for various purposes, including education, health, marriage, employment, passports, and inheritance rights. (Disdukcapil, 2021). Law Number 35 of 2014 concerning Child Protection emphasizes that every child has the right to a birth certificate, which is a fundamental aspect of their identity. Meanwhile, NISN is a unique identification number issued by the Ministry of Education, Culture, Research, and Technology, which is used in various educational processes, such as national exam registration and college selection. (kemendikbud, 2022) Without a birth certificate, NISN processing can be hampered, which risks preventing children from optimally participating in formal education. Therefore, ownership of these two documents is important to ensure that every child grows, develops, and obtains their rights as citizens.

b. Right to Speak

Every child has the right to be heard, to express their opinions, and to share thoughts in accordance with their age and maturity. This right reflects the recognition of the dignity of children as individuals who need to be respected. In families, open communication between parents and children is the key to realizing this right. Providing space to talk, listening with empathy, and responding wisely make children feel valued and confident. Conversely, ignoring a child's voice can interfere with their emotional development and confidence. Therefore, fostering healthy communication within the family is a crucial aspect of respecting children's human rights.

c. The Right to Obtain and Own Property

Every child has the legal right to inherit and own property from their parents, as stipulated by both religious and state laws. This right is part of protecting a child's welfare and future. In Islamic law, the inheritance rights of children are detailed in the Qur'an and further outlined in the Compilation of Islamic Law (KHI). For example, if an heir leaves two daughters without a brother, then they are jointly entitled to two-thirds of the inheritance. (Prudential Syariah, 2025) However, if there are boys and girls, then the boys' share is twice that of the girls' share, in accordance with the 2:1 principle regulated in inheritance law. (Renata Christha Auli, 2023)

3. Protection Rights

a. The Right to Fair Treatment

Being fair to all children is an essential responsibility that every parent must fulfill. In this day and age, many parents are busy with work, so they may

unknowingly pay more attention to one child than the others. In fact, justice is not only about money or goods, but also affection and attention. For example, just because one child is more intelligent or appears more often on social media, it does not mean that he should always be prioritized. If it is not fair, children can feel jealous, sad, or even feel unloved. The Prophet Muhammad also said in a hadith narrated by al-Bukhārī:

اتَّقُوا اللَّهَ وَاعْدِلُوا فِي أَوْلَادِكُمْ

"Be fearful of Allah and be fair to your children." (Imam Abi Awanah Yaqoub bin Ishaq Al-Isfarani, n.d.)

b. The Right to Feel Safe

Providing children with a sense of security is essential to support their physical, mental, and emotional development. When children feel secure, they tend to be more self-confident, emotionally balanced, and socially engaged. Law No. 35 of 2014 on Child Protection affirms that both the state and parents are responsible for ensuring the protection and safety of children. It is further supported by Government Regulation No. 78 of 2021 on Special Protection for Children, which states that every child has the right to be protected from all forms of threats (Kemenko PMK, 2022). Psychologically, a secure family environment plays a vital role in fostering self-confidence and the development of positive behaviors in children.

c. Hadanah

Ḥaḍānah, or child custody, is a crucial responsibility that ensures the physical, emotional, and spiritual well-being of a child. In Islam, custody is first given to the mother if the child is not yet mumayyiz, as stated in the Compilation of Islamic Law (KHI) Article 105. (Cekhukum, 2022) The state also guarantees this through Law No. 35 of 2014 concerning Child Protection, which requires parents to care for, educate, and protect children for their future (Article 26).

d. Rights to be Protected from Child Marriage

The right to be protected from child marriage ensures that children are not coerced into or involved in marriage before reaching physical, emotional, and legal maturity. Child marriage can obstruct educational opportunities, elevate health risks, and restrict personal growth. In Indonesia, Law Number 16 of 2019 establishes the minimum legal age for marriage at 19 years for both males and females, as part of the state's effort to safeguard children's rights and allow them to fully grow and develop prior to entering marriage. (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia, 2023)

2. Republic of Indonesia Law Number 35 of 2014

Law No. 35 of 2014, which amends Law No. 23 of 2002 on Child Protection, emphasizes the importance of enforcing harsher penalties and fines for those who commit crimes against children. This approach is intended to serve as a deterrent and to support the rehabilitation of the physical, mental, and social well-being of both child victims and

child offenders. The ultimate goal is to prevent these children from reoffending and to support their reintegration into society.

The following are children's rights regulated in the Republic of Indonesia Law Number 35 of 2014 (Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak, 2014):

1. article 1
 - a) Article 2: Child protection encompasses all efforts aimed at ensuring the safety and fulfillment of children's rights, enabling them to live, grow, develop, and participate optimally in accordance with human dignity and worth. It also includes safeguarding children from all forms of violence and discrimination.
 - b) Article 12. Children's rights are an integral part of human rights, which must be guaranteed, protected, and fulfilled by society, its citizens, and local governments.
2. The foundation of child protection practices rests on the values of Pancasila, the 1945 Constitution of the Republic of Indonesia, and the fundamental principles outlined in the Convention on the Rights of the Child. These principles encompass, but are not limited to:
 - a) the principle of non-discrimination,
 - b) prioritizing the best interests of the child,
 - c) ensuring the child's right to life, survival, and development,
 - d) acknowledging and respecting the child's opinions.
3. Article 6: Every child has the right to worship according to his/her religion, to think and express himself/herself according to his/her level of intelligence and age under the guidance of his/her parents or guardian.
4. Article 9
 - a) Article 1: Every child has the right to receive education and instruction aimed at developing their personality and intellectual capacity in accordance with their individual interests and talents.
 - b) Article 1a: Every child has the right to be protected within educational settings from sexual crimes and acts of violence perpetrated by educators, education personnel, fellow students, and/or other individuals.
 - c) Article 2: In addition to enjoying the rights outlined in paragraph (1) and paragraph (1a), Children with Disabilities are entitled to receive special education. In contrast, children with exceptional abilities have the right to access specialized education to support their development.
5. Article 12: Every child with disabilities has the right to receive rehabilitation services, social assistance, and support to maintain and improve their social welfare.
6. Article 14
 - a) Article 1: Every child has the right to be raised by their own parents, unless there are legitimate reasons and/or legal provisions indicating that separation is in the child's best interests and constitutes a final decision.

- b) Article 2: In the case of separation as mentioned in paragraph (1), the child continues to have the right to:
 - 1) Maintain direct and consistent personal contact with both parents;
 - 2) receive care, nurturing, education, and protection from both parents to support their growth and development, in line with the child's abilities, talents, and interests;
 - 3) receive financial support from both parents; and
 - 4) Enjoy all other rights entitled to children.
- 7. Article 15: Every child has the right to be protected from:
 - a) exploitation in political activities;
 - b) exposure to situations of armed warfare;
 - c) participation in social unrest;
 - d) participation in incidents characterized by violence;
 - e) participation in war; And
 - f) acts of sexual violence
- 8. Article 24: The State, Government, and Regional Government guarantee that children can exercise their rights to express their opinions in accordance with the child's age and level of intelligence.
- 9. Article 64:
 - a) Article 1: Article 59 outlines special safeguards for children involved in legal conflicts, including those undergoing judicial processes and those who are victims of criminal acts. The responsibility for this protection is collectively held and a duty shared by both the government and the public.
 - b) Article 2: The special protection referred to in paragraph (1) is carried out through the following measures:
 - 1) treating children with humanity and respecting their dignity and rights;
 - 2) assigning special officers to support children from an early stage;
 - 3) providing child-specific facilities and infrastructure;
 - 4) enforcing appropriate sanctions that prioritize the child's best interests;
 - 5) consistently monitoring and documenting the child's development;
 - 6) ensuring the child can maintain relationships with parents or family; and
 - 7) safeguarding the child's identity from being exposed in the media and preventing stigmatization.
- 10. Article 71D: Children who fall under the categories outlined in Article 59 paragraph (2) including those in conflict with the law (letter b), subjected to economic and/or sexual exploitation (letter d), victims of pornography (letter f), kidnapping, sale, or trafficking (letter h), physical and/or psychological abuse (letter i), and sexual offenses (letter j) are entitled to request restitution from the court, which the offender must fulfil.

3. Comparative analysis of children's rights of the Muhammadiyah Religious Opinion Council Fatwa Number 54/KEP/I.0/B/2024 of 2024 and the Republic of Indonesia Law Number 35 of 2014 concerning child protection

The table below outlines the four main areas where the Fatwa of the Muhammadiyah Tarjih and Tajdid Council No. 54/KEP/I.0/B/2024 and Law No. 35 of 2014 share similar protective intent regarding children's rights.

Child Rights Aspects	Fatwa of the Muhammadiyah Council for Religious Opinion and Tajdid	Law no. 35 of 2014
1. The Right to Life and Development	Children's rights begin before the fetus; the prohibition of abortion, the importance of maintaining the health of the mother and fetus, and the fulfillment of nutrition and spiritual protection.	Article 1, paragraph 2: Child protection is an effort to ensure that children live, grow, and develop optimally and are free from violence.
2. Right to Education	Education begins with the value of monotheism (QS. Luqman: 13); it encompasses intellectual, spiritual, moral, and intellectual aspects within a religious framework.	Article 9, paragraphs 1 and 1a: Children have the right to education that supports personal development, intelligence, and protection from violence.
3. Right to Parenting (Hadanah)	Children have the right to be given a good name, to be prayed for, to be given thanks for their birth (akikah), to be given breast milk, and to receive care and education from both parents.	Article 14, paragraph 1: Children have the right to be cared for by their parents, except in the best interests of the child and as a last resort according to the law.
4. Right to Express Opinion	Prophet Ibrahim consulted with Ismail (QS. Aş-Şāffāt: 102); Islam provides space for consultation and respects the opinions of children according to their age and maturity.	Article 24: The state and government guarantee the right of children to express opinions according to their age and level of intelligence.

4. Differences in Children's Rights between the Fatwa of the Muhammadiyah Religious Opinion Council Number 54/KEP/I.0/B/2024 of 2024 and Law of the Republic of Indonesia No. 35 of 2014:

The table below highlights the key differences between the two sources, primarily regarding their legal basis and the specificity of certain protected groups.

Child Rights Aspects	Fatwa of the Muhammadiyah Council for Religious Opinion and Tajdid	Law no. 35 of 2014
1. Source of Law	Based on the Qur'an and Hadith, this concept encompasses the physical, spiritual, emotional, and educational protection of children, which begins before the fetus is formed.	Formal and binding; part of national law that guarantees the protection of children from violence, exploitation, discrimination, and neglect.
2. Rights of Children with Disabilities	Not explicitly discussed in the Jurisprudence on Child Protection; however, Muhammadiyah has a Jurisprudence on Disabilities, which emphasizes the justice and empowerment of children with disabilities in social and religious roles. This jurisprudence was discussed and formulated during the 31st National Congress (Munas XXXI) in 2020.	Explicitly regulated, children with disabilities have the right to special education, social assistance, rehabilitation, and protection from discrimination and unfair treatment.

5. Critical review of Children's Rights between the Fatwa of the Muhammadiyah Religious Opinion Council Number 54/KEP/I.0/B/2024 of 2024 and Law of the Republic of Indonesia Number 35 of 2014

This table critically reviews the areas where both the Fatwa and the Law face challenges in implementation (*de facto* issues) in comparison to the ideal protection (*de jure* provisions).

Child Rights Aspects	Main Problems	Field Facts	Solution Challenge
1. Protection in the Digital Age	There is no specific regulation in the form of fatwas or laws that comprehensively protect children's rights in the digital space (privacy, security, digital literacy). (Safitri et al., 2023)	<i>The sharenting</i> phenomenon by parents, children accessing the internet at an early age without supervision, are prone to cyberbullying and inappropriate content.	Building digital literacy for parents and children: special regulations and the active role of religious and educational institutions.
2. Child Marriage	Even though the law prohibits it, the practice of child marriage remains widespread due to cultural pressures, poverty, and social values.(Zaman et al., 2025)	The tradition of abekalan in Madura continues, with 1,650 cases of child marriage reported in Bangkalan (2022) and 297 cases in Pamekasan (2023).	Culturally based educational approach; collaboration of religious, traditional, and government figures for value transformation
3. Children's Right to	The incompatibility between Islamic	Children are not given space to think, speak, or	There needs to be a shift in parenting

Child Rights Aspects	Main Problems	Field Facts	Solution Challenge
Express Their Opinion	teachings that respect children's opinions and authoritarian cultural practices in families or educational institutions.	reject their parents' or teachers' wishes; parenting patterns still suppress children's freedom of expression.	patterns towards dialogue, Islamic parenting training, and the strengthening of moral values and empathy.

D. Conclusion

The comparative analysis between the Fatwa of the Muhammadiyah Tarjih and Tajdid Council Number 54/KEP/I.0/B/2024 concerning the Fiqh of Child Protection and the Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection reveals a significant substantive alignment in the commitment to children's fundamental rights, including the right to life, development, education, care, and freedom of opinion. This study finds that the Muhammadiyah Fatwa provides a unique and comprehensive ethical and spiritual foundation, emphasizing parental obligations and the commencement of children's rights even before conception, thereby reinforcing the protection framework from an Islamic perspective. However, the comparison also highlights critical areas where implementation gaps (de facto challenges) persist despite legal and religious mandates. These challenges include the lack of clear accommodation for children's rights in the digital world within the Fatwa, the continued challenge posed by local cultural practices (such as early marriage) that undermine the national law, and the necessity of transforming authoritarian family and educational cultures to support a child's right to express their opinion genuinely. Additionally, the attention given to children with disabilities is addressed in the Muhammadiyah Fiqh for Disabilities as a separate document, contrasting with the explicit inclusion in Law No. 35/2014. Given these findings, future studies are strongly recommended to further examine the protection of children's rights in the digital context, with specific attention to sharenting, cyberbullying, and digital literacy, as well as to research the effectiveness of cultural approaches in transforming harmful practices, such as early marriage. Ultimately, research is needed on how the principles articulated in Fiqh for Disabilities can be effectively integrated with national child protection policies to ensure greater justice and acceptance for all children.

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