



Protection of Children's Rights in Fishermen's Workers' Families: The Perspective of KHI and the Child Protection Law

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Abstract: Children in fisherman laborer families in Kurandak Village, Deli Serdang Regency, continue to face serious issues regarding the fulfillment of their fundamental rights, particularly in the areas of education, protection, and care. Normatively, Law Number 35 of 2014 on Child Protection and the Compilation of Islamic Law (KHI) explicitly regulates the responsibilities of parents in fulfilling these rights comprehensively. This study aims to analyze the implementation of child rights protection in fisherman laborer families from the perspective of the Child Protection Law and Islamic legal norms, identify the inhibiting factors, and examine the relevance of the concept of *hadhanah* in the context of coastal communities. This research employs a qualitative method with a juridical-sociological approach. Primary data were obtained through in-depth interviews with six respondents, consisting of parents, teenagers, children, and community figures. Secondary data were derived from primary legal sources, including Law Number 35 of 2014 and the Compilation of Islamic Law. The findings reveal that children's rights—particularly the rights to education, protection from labor exploitation, and access to healthcare—are not fully fulfilled. Major obstacles include economic hardship, early work culture, low parental awareness, and lack of government support. This research implies that protecting children's rights in fisherman communities requires a synergistic approach that combines normative legal frameworks and community-based sociological strategies. Local governments and religious institutions must develop educational and mentoring programs rooted in Islamic legal values, particularly *hadith*, to enhance parental awareness and child welfare.

Keyword: Child Protection, Families of Fishermen, Laws, Compilation of Islamic Law

Abstrak: Anak-anak dalam keluarga buruh nelayan di Desa Kurandak, Kabupaten Deli Serdang, masih menghadapi permasalahan serius terkait pemenuhan hak-haknya, khususnya dalam aspek pendidikan, perlindungan, dan pengasuhan. Padahal, secara normatif, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak dan Kompilasi Hukum Islam (KHI) telah mengatur secara eksplisit tanggung jawab orang tua dalam memenuhi hak-hak anak secara menyeluruh. Penelitian ini bertujuan untuk menganalisis implementasi perlindungan hak-hak anak dalam keluarga buruh nelayan perspektif hukum nasional dan Islam, mengidentifikasi faktor-faktor penghambat, serta mengkaji relevansi konsep *hadhanah* dalam konteks masyarakat pesisir. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis-sosiologis. Data primer diperoleh melalui wawancara mendalam dengan enam responden yang terdiri dari orang

tua, remaja, anak, dan tokoh masyarakat. Adapun data sekunder diperoleh dari bahan hukum primer berupa Undang-Undang Perlindungan Anak dan KHI. Hasil penelitian menunjukkan bahwa pemenuhan hak anak, terutama hak atas pendidikan, perlindungan dari eksploitasi kerja, dan akses kesehatan, masih belum optimal. Hambatan utama meliputi faktor ekonomi, budaya kerja sejak usia dini, rendahnya kesadaran orang tua, serta minimnya dukungan dari pemerintah. Penelitian ini menekankan pentingnya pendekatan holistik dengan mengintegrasikan norma hukum nasional dan nilai-nilai Islam, khususnya hadhanah, sebagai landasan etis dan sosial. Diperlukan sinergi antara pemerintah daerah, lembaga keagamaan, dan masyarakat untuk membangun program edukatif dan pendampingan yang kontekstual dan berkelanjutan.

Kata kunci : *Perlindungan Anak, Keluarga Buruh Nelayan, Undang-undnag, Kompilasi Hukum Islam*

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Introduction

Protection of children's rights is an important issue in the social order of modern society that demands justice and legal certainty, especially for children who live in vulnerable socio-economic conditions (Gulo & Hura, 2023); (Said, 2018). In Islamic law, through the Compilation of Islamic Law, it is emphasized that children must be cared for and protected from things that endanger their lives (Maulana, 2023). However, in practice, there are still many children in Indonesia who live in less than ideal conditions, especially children who come from families of fishermen (Kune et al, 2022).

One of the community groups that requires special attention is the families of fishermen, such as those in Kurandak Village, Hamparan Perak District, Deli Serdang Regency. Based on the initial observations, it was found that protecting children's rights in fishermen's families is still far from expectations. Children are often trapped in poverty, drop out of school, and are forced to work from an early age to help the family economy. The problems faced by children in families of fishermen cannot be separated from the precarious economic situation of the family. Their parents' income is highly dependent on the daily fish catch, which is influenced by weather factors, seasons, and fish availability. When catches decline, families' basic needs such as food, education, and health are not appropriately met. This makes children vulnerable to violations of their fundamental rights, such as the right to education, the right to play, and the right to protection from economic exploitation.

On the social side, children of fishermen also face serious challenges in accessing proper education. The lack of educational facilities in coastal areas exacerbates this problem. In fact, in many cases, children choose to drop out of school and work as fishermen from an early age. This decision is often not a free

choice, but rather a forced decision due to poor family conditions. This cycle continues to repeat itself from generation to generation, creating a cycle of poverty that is difficult to break, and ignoring children's rights as guaranteed by laws and regulations.

In the context of Islamic law, the Compilation of Islamic Law has provided a normative framework regarding the protection of children, especially in terms of their care, education, and welfare (Triyanita & Prananingtyas, 2023). Likewise, Law No. 35 of 2014 concerning Child Protection affirms that the state, society, and parents are obliged to protect children from violence, exploitation and discrimination (Fitriana, 2022). However, in reality, the implementation of these norms has not fully reached the fishing worker community, especially in coastal areas such as Kurandak Village.

This study aims to examine in depth how the protection of children's rights in fishermen's families is implemented, especially from the perspective of the compilation of Islamic law and the Child Protection Law. This study also aims to identify inhibiting factors and solutions that can be offered so that the protection of children's rights can be implemented optimally in coastal communities. This is important as an effort to encourage social justice and inclusive legal protection for all children of the nation without exception.

Several previous studies have discussed the issue of children's rights in general or in the context of urban and middle-class society. Such as research on "fulfillment of children's rights by biological parents from the perspective of Law no. 35 of 2014 concerning child protection (study in Sрати Village, Ayah District, Kebumen Regency) (Sururoh, 2022). What distinguishes this study from the research conducted by the author is that this study highlights the implementation of parental responsibility in ensuring the rights of survival, growth, development, protection, and participation of children. By only using the perspective of the Child Protection Law, this study assesses the fulfillment of children's rights in the context of a general family, without considering certain professions or socioeconomic status factors. The results of this study reflect the extent to which state legal norms have been applied in family life practices directly by biological parents.

Meanwhile, the author's research highlights families' fulfillment of children's rights. It analyzes the socio-economic conditions of fishing worker families who tend to be vulnerable to violations of children's rights. This study uses two legal approaches, the Compilation of Islamic Law and the Child Protection Law, to see how religious norms and positive law interact to protect children's rights in fishing families. The focus is not only on parental actions, but also on the structural and cultural challenges faced by children in informal worker

families, such as fishermen, so that the scope of the analysis is broader and contextual.

In addition, the results of the research conducted by the author, namely specifically examining the protection of children's rights in families of fishermen from the perspective of Islamic law and positive Indonesian law, are still very limited. This study is here to fill the gap by emphasizing real cases in the field, namely in Kurandak Village which is a concrete example of the weak implementation of child protection in coastal areas. Therefore, this study is also expected to provide theoretical contributions to the development of Islamic family law studies and child protection law in Indonesia. By combining the normative perspectives of the KHI and the Child Protection Law, this study will enrich the interdisciplinary approach between Islamic law and positive law in child protection, especially in marginal social environments.

The implications of this study are very broad and touch many parties. For policy makers, the results of this study can be the basis for designing more effective child protection programs in coastal areas. For educational and social institutions, these findings can be used to develop more targeted child protection education and advocacy interventions. Meanwhile, for fishing communities themselves, this study can build legal awareness and strengthen their capacity to protect children's rights amidst difficult economic conditions. Thus, this research not only contributes academically, but also practically in fighting for the rights of children living in an environment full of limitations. Protection of children's rights is not just a legal mandate, but also a social and moral responsibility that must be fought for together. It is hoped that through this research, a solution that is in the best interests of children will be born, as mandated by Islamic law and Indonesian national law.

Methods

This research uses an empirical legal research method, namely a method that not only studies written legal rules, but also looks at how these laws are applied in people's lives (Mustafa, 2024). In this context, the researcher wants to know the protection of children's rights from two sides: written legal regulations (namely the Compilation of Islamic Law and the Child Protection Law) and practices in the field, especially in Kurandak Village, Hamparan Perak District.

The approach used is a legal-empirical approach. The legal approach is used to examine the contents of the law or norms contained in Law No. 35 of 2014 concerning Child Protection and the Compilation of Islamic Law. The empirical approach is used to see how these rules are implemented in real life through direct observation and interviews with the parties involved (Rizkia & Fardiansyah, 2023).

Data collection techniques were conducted through interviews, observations, and document studies. Interviews were conducted in depth with purposively selected informants, namely those considered to know and have experience in child protection issues, such as parents of fishermen, children, community leaders, village officials, and local child protection organizations. The number of informants was 15, and data collection was conducted for four weeks in the field. Observations were conducted to directly observe the living conditions of children in fishing families. At the same time, document studies were used to review laws and regulations, official village documents, and relevant previous research.

The data obtained were analyzed using qualitative methods, describing the findings as descriptive narratives, not numbers or statistics. The stages of analysis include: (1) data reduction, namely selecting and simplifying relevant data; (2) data presentation, namely compiling data into easy-to-understand descriptions; and (3) drawing conclusions and verification, namely concluding the findings and ensuring the truth of the data using triangulation techniques. With this method, it is hoped that the research can provide a real picture of the protection of children's rights in fishing worker families and how the implementation of Islamic law and state law works in this society.

Results And Discussion

Results

Practices of Fulfilling the Rights of Children of Fishermen's Families in Kurandak Village

Protection of children's rights in fishing worker families in Kurandak Village is still far from the standards set out in Law No. 35 of 2014 concerning Child Protection and the Compilation of Islamic Law. This study reveals that children from fishing worker families in Kurandak Village face violations of their fundamental rights, which should be guaranteed by the state and religion. Based on in-depth interviews with eight children, it was found that most of them were involved in household chores and family economic activities from an early age. These children have to help their parents catch fish, trade, or look after younger siblings, which causes their time to study, rest, and play to be very limited.

This phenomenon is a form of violation of children's rights as regulated in Article 9, Article 10, Article 13, and Article 15 of Law No. 35 of 2014 concerning Child Protection, which affirms the rights of every child to education, participation, protection from violence, and economic exploitation. In practice, many children in Kurandak do not receive proper education due to poverty, lack of motivation from parents, and limited educational facilities in the village.

For example, Fahri, a 13-year-old boy, admitted that he did not go to school because he had to help his father go to sea every morning, like Karin and Kasih, who are used to helping with household chores from morning to night. Although they realize the importance of education, family economic pressures and minimal attention from their parents make them choose to work rather than go to school. This illustrates the existence of structural inequality that sacrifices children's right to education.

From the Compilation of Islamic Law perspective, especially Articles 105–110, it is emphasized that hadhanah or child care includes fulfilling physical, educational, and affectionate needs. In reality, most children feel that they do not receive emotional attention from their parents. Wulan, for example, stated that she did not feel protected because her parents were more focused on work than on the needs of the child. The parents' harsh and minimally affectionate attitude indicates a weak understanding of the responsibility of care in Islam.

Thematic analysis of the interview results identified three main themes, namely: (1) limited access to education and minimal parental motivation; (2) excessive involvement of children in family economic activities; and (3) weak emotional care and protection of children. These three themes show that violations of children's rights occur systematically and are influenced by various factors, both internal (family) and external (environment and state).

Triangulation of data from interviews with parents and community leaders strengthened these findings. For example, Roby, a fisherman, admitted that his children helped out at sea because he was not strong enough to work alone and did not have enough money to send his children to school. He was aware of the risks but saw no other alternatives. Community leaders such as Ahmad Mazeni emphasized that the government was not active enough in providing educational and legal assistance, and there had not been any massive outreach related to child protection.

This systemic weakness is also seen in social assistance programs such as the Family Hope Program and Direct Cash Assistance that exist, but are not accompanied by proper supervision or assistance. The assistance received is not directed towards children's education, but rather towards consumptive needs. This shows the state's failure to implement Articles 21–24 of the Child Protection Law, which states the state's obligation to provide basic services for children, including education, health, and social protection.

The results of this study show a growing awareness among children that education is the only way to improve their future. Children like Sekar, Putri, and Aini dream of becoming teachers, midwives, shop owners, or tailors. This hope is a

very valuable social capital, but it is still not supported by a conducive environment from the family or the surrounding community.

In addition, the social environment in Kurandak Village tends to be permissive towards children's involvement in work. Most people view child labor as usual, and even consider it a form of contribution to the family. In fact, in Islamic law and state law, exploitation of children is strictly prohibited. Lack of understanding of these rules is a major challenge in efforts to fulfill children's rights comprehensively.

Therefore, there needs to be an integration between the positive legal and religious approaches in socializing child protection. The role of religious figures and Islamic educational institutions is very strategic in explaining that child protection is not only a state obligation, but also part of the spiritual and moral responsibility in Islam. The understanding of maqashid sharia regarding protecting the soul, mind, and descendants is very relevant to be raised in counseling for coastal communities.

Factors Causing Low Implementation of Child Rights Protection in Fishermen's Workers' Families

Based on the results of in-depth interviews with residents of Kurandak Village, several main factors can be identified that influence the low implementation of child rights protection in fishing worker families. These factors include economic conditions, low parental awareness of children's rights, minimal access to education and health, and weak structural support from the government. Economic conditions are the main obstacle. Nurlela Siregar, a Kurandak resident who has settled there since 2013, stated that income from working as a fishing worker is very uncertain. "The income as a fisherman is very uncertain, sometimes in a day only get ten thousand rupiah. In conditions like this, parents find it difficult to think about their children's education, because they are still lacking for food. I am sad to see many children here who have dropped out of school, some have even finished school but have not received their diplomas."

Similar things were conveyed by Mrs. Sri, who also works as a fisherman and sells to help the family economy. She said, "Income from fishing and farming can sometimes reach one hundred thousand rupiah per day, but school fees are still heavy, especially when the child has started to enter a higher school," said Mrs. Sri, a fisherman who also sells to help the family economy. I even have to live far from my husband to accompany my child who is still in kindergarten, to go to school elsewhere. Many parents do not support their children going to school, so children are sometimes told to help work rather than study," she said.

Mr. Junaedi, Mrs. Sri's husband, added that many parents in the village give up easily. "Many parents here give up easily. Sometimes their children want to go

to school, but their parents don't try to meet their needs," said Mr. Junaedi. He then emphasized his commitment to his children's education: "Even if the father does not go to school, the father's child must go to school." However, he also highlighted the conditions around his residence, "There are still many families who let their children drop out of school or go to sea because of economic pressures".

The Head of Kurandak Village, M. Yusup Batubara, stated that until now there has been no special program in the village that specifically targets the protection of children's rights in the families of fishing workers. "We do have basic programs such as posyandu and scholarships, but nothing specifically for the families of fishermen workers," said village head M. Yusup Batubara. He added, "We have also not maximally socialized the Child Protection Law, usually it is only conveyed during Family Welfare meetings or hamlet meetings. Budget and human resources are the main obstacles."

Regarding the condition of children in the field, he admitted, "Many children drop out of school because they help their parents, health facilities are also still lacking, so the fulfillment of children's rights is not ideal." He mentioned economic factors and the geographical conditions of Kurandak as the main obstacles: "Many residents are more focused on finding food than sending their children to school, especially since the road here is damaged and far from the city." Regarding cooperation, he said, "There are no active NGOs, only the RUMNET volunteer community that helps with children's education." He closed with an honest evaluation, "Frankly, there is not much we can be proud of regarding child protection. This is our big homework for the future."

Syabran, the Head of Kurandak Hamlet, said, "Many children here do not continue their education. On average, they only go to elementary or junior high school, and after that, they work to help their parents. The biggest cause is economic. Parents think that school does not immediately provide food, so their children should help earn money." He added, "Even those aged 12 or 13 are already sent to the sea, considered adults. They don't care about school." Regarding the impact, he regretted the condition of children who were "tired, weak, malnourished, not enthusiastic about learning, and had no dreams." He said, "There has been no serious effort from the village to prevent children from working too early. Without real assistance, parents will still choose for their children to work. If it continues like this, the children's future is dark, Ma'am. They will continue to be poor and do manual labor, and their lives will just go round in circles." Syabran closed with hope, "Someone must help open their eyes. Education must be strengthened, alternative jobs are also needed, so this cycle can be broken".

From the various testimonies, it is clear that implementing child rights protection in Kurandak faces various challenges. The economy is the main pressure

that forces children to work since childhood. The low awareness of parents about the importance of education and children's rights also worsens the situation. Minimal education and health facilities make conditions even more difficult. In addition, the lack of intervention from the government means that the community does not have many options to fight for their children's rights.

Discussion

Protection of children's rights in Indonesia is strictly regulated in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection. (Apriatin et al, 2015). In the Child Protection Law, it is emphasized that every child has the right to survival, growth and development, education, protection from exploitation, and participation in social life according to their age (Dhiu et al, 2024); (Ibrahim et al, 2018)

However, the findings in Kurandak Village show that the fulfillment of children's rights, especially regarding education and protection from exploitation, has not been running as it should. Many children from fishing families are forced to leave school to help their parents with their work. This condition clearly shows the disparity between applicable legal norms, such as Law No. 35 of 2014 concerning Child Protection, and implementation in the field. In this context, Soerjono Soekanto's theory of legal effectiveness is an important analytical tool to understand why these legal provisions have not succeeded in realizing real protection for children (Orlando, 2022).

According to Soekanto, the effectiveness of the law is influenced by five factors: legal substance, law enforcement officers, infrastructure, society, and legal culture (Sihombing et al., 2023). Based on observations and interviews, the legal substance has been fully available. However, law enforcement officers rarely socialize or enforce children's rights in the village area. This impacts the community's weak awareness about the importance of education for their children. For example, parents like Mr. Hamzah and Mrs. Nurlela admitted that they prioritize daily income over their children's education because outside parties have no support.

Regarding facilities and infrastructure, it is evident that access to formal education is still very limited. The nearest school is quite far away and there is no adequate transportation. This has an impact on the low participation of children in formal education. In addition, the absence of additional learning facilities or child protection programs that are present directly in the village worsens the situation. According to Soekanto, the law will not be effective when these facilities are not met, even though the legal norms are ideal.

Furthermore, societal factors and legal culture show significant obstacles. The Kurandak community tends to have a traditional mindset that considers child

labor as normal. In interviews, some parents even expressed pride when their children could help out at sea. The legal values contained in the law have not become the community's collective consciousness. This is in line with Soekanto's argument that the law will fail if the community's culture does not accept these legal values (Mushodhiq, 2024).

This condition also shows negligence in implementing the principle of hadhanah in Islam. Hadhanah does not only mean providing physical needs, but also the intellectual and spiritual needs of children (Fitriana, 2022). In the compilation of Islamic law, this is emphasized in Article 77, paragraph (3), which states that parents are responsible for the physical and spiritual growth and education of their children, especially religious education (Putri & Sa'adah, 2022). However, in Kurandak, children work more than they study, and there is almost no systematic religious education in the family environment.

The failure to implement the concept of hadhanah can be seen from the theory of maslahah put forward by Imam al-Ghazali. In theory, maslahah includes five basic principles of life, namely the protection of religion, soul, reason, lineage and property (Syamsuddini, 2022). When children lose their right to learn, do not receive religious education, and are exposed to work exploitation from an early age, then there has been an indirect neglect of three main principles: protecting the mind (al-'aql), soul (al-nafs), and descendants (al-nasl) (Cholik, 2015); (Afridawati, 2015).

Imam al-Ghazali also emphasized that maslahah which can be the basis of law must be daruriyyah (urgent), qath'iyyah (certain), and kulliyyah (comprehensive) (Abdussalam & Shodiq, 2022). In the context of Kurandak Village, the fulfillment of children's rights is included in the category of daruriyyah, because it is directly related to the safety of the child's future. The failure of society and the state to fulfill this right shows that the failure to fulfill maslahah has threatened the social and spiritual life of the younger generation (Asy'ari, 2022).

As a concrete example, children like Fahri and Wulan, who were interviewed, expressed their desire to continue going to school, but did not receive support from their parents due to economic constraints. In fact, in the view of Imam al-Ghazali, preserving reason and offspring is the main priority in maqashid al-syari'ah (Anwar et al., 2021). This proves that the social reality of society is not yet determined by the orientation of Islamic law, which aims to bring universal welfare.

This problem becomes more complex when we see that many families do not understand the concept of education as part of the sharia responsibility. They consider education only as an additional burden, not as a means of forming the morals and future of the child. Hadhanah in Islam requires that children be looked after thoroughly, not only fed, but also nurtured in terms of faith, intelligence and morals (Muhajir, 2017; A.Gani & Mughnia, 2021)

In that framework, strategic intervention is needed to ensure the law becomes more effective. Social programs such as the Family Hope Program and Direct Cash Assistance should not only be provided as financial assistance, but also accompanied by education about the importance of children's education (Nabillah et al., 2023). Direct guidance through religious figures such as Ustadz Mazeni can strengthen awareness that educating children is part of worship and the primary responsibility of parents.

The verse of the Qur'an in Surah Al-Kahfi verse 46 reinforces this message: "Al-mālu wal-banūna zīnatul-ḥayātid-dunyā..." which emphasizes that children are the adornment of the world (Indonesia, 1989). If children are jewels, then they must be guarded, protected and nurtured, not exploited (Asso, 2017). This verse is not just a complement, but is a spiritual basis that children have a very high intrinsic value in Islam, which cannot be sacrificed just for momentary economic needs.

Therefore, based on field findings and theoretical analysis, it is clear that the fulfillment of children's rights in Kurandak Village has not been effective, both in terms of positive law and from the perspective of Islamic law. The theory of legal effectiveness shows weak implementation in the field, while the *maslahah* theory emphasizes that violations of children's rights are violations of the basic principles of sharia. Synergistic steps are needed between the state, society, and religious figures to build a comprehensive child protection system based on justice and human values.

Conclusion

Based on the results of research conducted in Kurandak Village, it can be concluded that the protection of children's rights in fishing worker families has not been optimally fulfilled, both from the positive legal aspect and Islamic values. Normatively, Law Number 35 of 2014 concerning Child Protection has guaranteed children's rights to grow and develop physically, mentally, spiritually, and socially, including the right to obtain education, protection from exploitation, and proper care. Likewise, the Compilation of Islamic Law (KHI), especially in Article 77 paragraph (3), requires parents to care for and maintain children in terms of physical and spiritual growth, intelligence, and education. However, the reality in the field shows a significant gap between normative rules and social practices in coastal communities such as Kurandak.

Children in the village generally have not received proper education. Many have dropped out of school since elementary or junior high school, some have even worked at sea or helped their parents even though they were still of school age. Some also experienced early marriage. The causes are various, such as the weak economic conditions of the family, the lack of education and health facilities, and local culture that prioritizes work over school. The government has also not been

very present in providing access to education, transportation, and other basic services. From interviews with community leaders such as Ahmad Mazeni and residents such as Mrs. Sri, Mr. Junaedi, Hamzah, and Misdi, it is clear that the family and the surrounding environment play a very important role in the future of children.

The concept of *hadhanah* in Islam that emphasizes the importance of caring for children physically, mentally, and spiritually has not been fully understood and implemented. Many parents do not realize that giving children the opportunity to learn and grow is part of their religious responsibility. Their focus is more on immediate economic needs, so that children's education is often neglected. Therefore, a comprehensive strategy is needed, such as building awareness of parents and the community, support for government policies, and strengthening Islamic values in parenting. Collaboration between legal, social, and religious approaches is important to create a better environment for children in Kurandak village.

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