CHILD PROTECTION IN THE PERSPECTIVE OF ISLAMIC FAMILY LAW BY ERA DIGITAL

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Abstract

The rapid advancement of information technology in the digital era has significantly transformed family dynamics and parenting patterns, while simultaneously introducing new challenges to child protection. Children today face risks such as exploitation, online violence, misuse of personal data, and exposure to digital content that is inappropriate for their age and moral values. This study analyzes the concept and implementation of child protection according to Islamic family law, as well as its relevance in addressing digital-era challenges in Indonesia. Employing a normative-qualitative approach, the research examines classical and contemporary Islamic legal sources, national legislation, and relevant literature on child protection. The findings indicate that Islamic family law regards children as a trust (amanah) that must be safeguarded physically, mentally, spiritually, and socially, guided by the principles of hadanah and maqashid al-shari'ah (protection of religion, life, intellect, lineage, and property). However, there exists a normative gap between positive law and Islamic law in responding to child protection issues in the digital sphere. Therefore, contextual ijtihad is necessary to actualize Islamic family law, including strengthening digital literacy based on Islamic values, updating family education curricula, and integrating Islamic legal principles into public policy. The study recommends synergy among families, educational institutions, and the state to build children's moral and digital resilience, ensuring that Islamic family law serves as an ethical and practical framework for child protection in the digital era.

Keywords: *Child Protection, Islamic Family Law, Digital Era, Maqashid al-Shari'ah, Digital Literacy*

A. Introduction

The rapid development of information technology in the digital era has changed various aspects of human life, including family dynamics and parenting of children. The presence of the internet and social media opens up broad access to information and

communication, but it also poses new challenges in child protection (Thoha et al., 2023). On the one hand, children benefit from digital advances to learn and socialize; But on the other hand, they are vulnerable to exploitation, online violence, misuse of personal data, and the negative influence of digital content that is inappropriate for age and moral values (Kasingku & Sanger, 2023). This phenomenon demands comprehensive protection, not only from the aspect of national positive law, but also through normative-religious approaches such as Islamic family law.

In the perspective of Islamic family law, children have a very noble and strategic position. Islam views children as a mandate from Allah SWT that must be cared for, maintained, and educated with full responsibility by parents and society (Dalilatun & Amania, 2024). Al-Qur'an and Hadith explicitly emphasize the importance of protecting children, both physically, emotionally, and spiritually. In QS. At-Tahrim verse 6, Allah says: "*O you who have believed, protect yourselves and your families from the fire of Hell*..." which shows the obligation of parents in protecting children from all forms of danger, including moral and digital dangers. This protection is not limited to the basic needs of children, but also includes their rights to live, grow, develop, and receive a proper education and affection (Hani Sholihah, 2018).

In the context of Indonesia as a country with the largest Muslim population in the world, child protection has become an important issue in national law as well as Islamic law. Law No. 23 of 2002 on Child Protection, which has been revised several times, provides a comprehensive legal basis for child protection. However, this positive law is often not fully in sync with the values and principles of Islamic family law. On the other hand, the Compilation of Islamic Law (KHI) as the main reference in Islamic family law in Indonesia has not explicitly discussed the new challenges that arise in the digital era, especially related to child protection in the online realm. This shows that there is a normative gap that needs to be bridged through the interpretation and actualization of Islamic legal values in the current context (Hasan, 2017).

Child protection in Islamic law is not only in the form of a prohibition against actions that physically harm children, but also concerns the protection of their faith, morals, and social environment. In the digital era, challenges to children's morals are increasing along with free access to pornographic content, violence, radicalism, and online gambling (Oktaviani et al., 2022). Therefore, the Islamic family law approach needs to be expanded to accommodate this new reality. This is in line with the concept *maqashid al-syari'ah*, namely the objectives of sharia which include the protection of religion (*hifz al-din*), soul (*hifz al-nafs*), Sense (*Hifz Al-'AQL*), the chain round (*Hifz Al-Nasl*), and treasures (*Hifz Al-Mal*) (Auda, 2008). The protection of children in the digital era is actually a real implementation of the maqashid, especially the protection of intellect and offspring.

This research is important considering that there have not been many studies that specifically discuss child protection in the perspective of Islamic family law in the digital era. Most of the literature highlights the child protection aspect in general or from a purely positive legal perspective. For example, research by Nurfadillah (2020) emphasizes more on the role of parents in preventing online violence against children, but has not integrated the perspective of Islamic law in depth. Child protection in the digital space is still normative without an analysis of the contribution of Islamic values in responding to these problems (Hariyadi & Arliman S, 2018). In fact, Islamic law has great potential as an ethical and moral basis in guiding Muslims to face the challenges of the times, including in parenting and child protection.

On the other hand, in the practice of Muslim life, there are many inconsistencies between Islamic norms and the behavior of parents or families in educating and protecting children in the digital era. For example, some parents are permissive to children's access to gadgets and the internet without supervision, or even exploit children on social media for economic purposes (such as the phenomenon "*sharenting*" or digital exploitation of children on online platforms). This shows the urgency of renewing the understanding and practice of Islamic family law that is more contextual to today's digital challenges (Mahka et al., 2023).

Furthermore, globalization and digitalization have blurred the boundaries of private and public in family life. Children are increasingly exposed to global culture through digital media that can conflict with Islamic and local values. Therefore, the Islamic family law approach needs to pay attention to the cultural and social aspects of society, and emphasize the importance of family education based on Islamic values. Islamic family law must not only be a static normative discourse, but must be able to transform into a responsive and solutive legal framework in response to the changing times. One way that can be taken is through strengthening the role of religious institutions, Islamic education, and the Muslim community in fostering spiritually, socially, and digitally resilient Muslim families (Wahyudi, 2019).

Against this background, this study aims to analyze forms of child protection according to Islamic family law, as well as assess the extent to which these principles are relevant and can be implemented in the context of the current digital era. This research also seeks to identify challenges and opportunities in actualizing the values of Islamic law in child protection in the midst of information technology developments. The approach used in this study is a normative-qualitative approach with an analysis of classical and contemporary Islamic legal sources, as well as their relevance to the social conditions of the digital society.

By uniting textual (nas) and contextual (reality) approaches, this research is expected to be able to make a theoretical and practical contribution to the development

of Islamic family law that is adaptive to the digital era, as well as strengthen the protection of children as the next generation of the ummah whose honor, rights, and future must be maintained. In the midst of a moral crisis and an unstoppable flow of information, the role of Islamic family law as a normative guide and social ethics has become very vital in forming healthy families and children who are protected from all forms of digital threats.

B. Method

This research uses a normative qualitative approach, which is an approach that focuses on the study of literature on legal norms, both sourced from religious texts (Al-Qur'and Hadith), national legislation, and other official documents related to Islamic family law and child protection (Wijaya et al., 2025). This approach was chosen because the problems studied are more conceptual and normative, not based on quantitative data or field statistics. This research aims to examine how Islamic legal values can contribute to answering the problem of child protection in the digital era.

The data used in this study consists of two types: primary data and secondary data. Primary data is obtained from the main sources of Islamic law such as the Qur'an, Hadith, and classical and contemporary works of jurisprudence. Meanwhile, secondary data was obtained from literature in the form of books, scientific journals, the results of previous research, as well as laws and regulations such as Law Number 23 of 2002 concerning Child Protection (and its amendments), and the Compilation of Islamic Law (KHI). The search for these sources was carried out through literature studies using digital databases such as e journals.

Data analysis was carried out in a descriptive-analytical manner, by explaining the concepts and principles of Islamic family law regarding child protection, then analyzing their suitability with the challenges faced by children in the digital era. This analysis also involves *the maqashid al-shari'ah approach* to test the relevance of Islamic values in protecting children from cyber threats. In addition, a comparison was made between Islamic norms and national law in the context of child protection, in order to see the potential for harmonization between the two. The results of this analysis are expected to make a theoretical contribution to the development of Islamic law that is more responsive to social changes due to digitalization.

C. Finding and Discussion

1. The Concept of Child Protection in Islamic Family Law

Islamic family law pays great attention to the protection of children, both in physical, psychological, spiritual, and social aspects. In the Islamic tradition, children are seen as entrusted (trusted) from Allah SWT who will later be held accountable by their

parents (QS. At-Tahrim: 6). Therefore, the obligation to protect children is not only a moral responsibility, but also a religious responsibility.

According to Al-Mawardi in *Adab al-Dunya wa al-Din*, the protection of children must include aspects of the maintenance of the body, intellect, and morals. This responsibility is realized through the fulfillment of basic needs of children such as food, clothing, shelter, education, and protection from physical and social hazards (Al-Mawardi, 2003). In the context of fiqh, the protection of children is known as the concept of *Hadanah*, which is custody given to the mother or close relative for the best interests of the child (Hidayatul Ulya et al., 2021). Imam Nawawi in *Raudhah al-Talibin* emphasizing that hadanah is a form of affection and protection that must be given as long as the child is still at the age of pre-mumayyiz.

In the Compilation of Islamic Law (KHI), the provisions regarding child protection are regulated in Chapter VII concerning the Rights and Obligations of Parents and Children. Article 49 of the KHI states that parents are obliged to maintain and educate their children as well as to be responsible for the child's physical and mental well-being. This is in line with Law No. 23 of 2002 which states that children have the right to protection from violence, discrimination, exploitation, and neglect.

This concept is reinforced by the theory *maqashid al-syari'ah* as explained by Jasser Auda, who made the protection of the offspring (*Hifz Al-Nasl*) and intellect (*Hifz Al-'AQL*) as two of the five basic principles in sharia. The protection of children not only means keeping them away from physical harm, but also guaranteeing healthy growth and development in an environment that supports the formation of Islamic character (Auda, 2008).

In social reality, Islamic family law is often the handle of Muslim families in educating children. However, its application is not always optimal due to the lack of parents' understanding of the principles of Islamic law. Where there are still many Muslim parents who do not fully understand the responsibility of hadanah, especially in the context of the digital era (Wahyudi, 2019). Therefore, it is necessary to update the understanding of Islamic family law to be more relevant to the dynamics of modern life.

Overall, the concept of child protection in Islamic family law is holistic and integrative, bringing together spiritual, moral, and legal aspects as a whole. However, the actualization of this concept in the digital era requires reinterpretation and adaptation to the challenges of the times without abandoning the main values of Islamic teachings.

2. The Challenges of Child Protection in the Digital Age: A Review of Islamic Law

Digital transformation brings with it new challenges in the child protection process that have never been faced before in the history of Muslim families. Children today live in the midst of a rapid flow of information and almost unlimited access to technology (Raihana et al., 2023). The biggest challenge comes from exposure to negative content,

cyberbullying, online sexual exploitation, and disturbances to children's psychological and moral development.

According to data, about 80% of children in Southeast Asia access the internet without adequate parental supervision (Ulfah, 2020). In the Indonesian context, a study by KPAI showed an increase in cases of online violence against children during the pandemic, including pornography, harassment, and cyberbullying (Siregar & Muslem, 2022). This threat requires special attention from the aspect of Islamic family law, because children must not only be protected physically, but also morally and spiritually.

In the framework *maqashid al-syari'ah*, exposure to negative content has the potential to damage the mind (*Aql*) and descendants (*NASL*) children. Therefore, allowing children to access the internet without borders is contrary to the principles of protection in sharia. Al-Ghazali in *Ihya Ulum al-Din* emphasizing the importance of guiding children from an early age so that they do not grow up in an environment that damages morals and souls (Al-Ghazali, 2002). Moral education and moral supervision are the main responsibilities of parents, and in the digital context, this responsibility includes supervision of the use of gadgets and social media.

However, the current challenge of Islamic law is the lack of explicit provisions regarding child protection in the digital context. The Compilation of Islamic Law has not specifically touched on the issue of digital parenting, and related regulations still rely more on positive laws. Where there is still a gap between Islamic legal norms and child protection practices in digital Muslim families. This is due to the limited understanding and lack of guidance on Islamic law in contemporary issues.

To answer this challenge, it is necessary to reactualize Islamic family law through a *contextual ijtihad approach*, which combines sharia values with the development of the times. For example, the responsibility of hadanah can be interpreted as the responsibility of digital literacy in guiding children to use technology in a healthy way. Thus, child protection is not only physical, but also digital, psychological, and spiritual.

3. **Strategy for the Implementation of Digital Child Protection in the Framework of Islamic Law**

In order for the principles of Islamic family law to be effectively implemented in child protection in the digital era, a practical and contextual strategy is needed. The strategy includes three main approaches: strengthening digital literacy based on Islamic values, updating the family education curriculum, and integrating Islamic law in public policies related to child protection.

First, strengthening digital literacy based on Islamic values must start from the family. Parents as the main party in hadanah must be equipped with an understanding not only of technology, but also of how to frame the use of technology in Islamic values. This literacy includes how to choose appropriate content, set time limits for use, and

accompany children when surfing cyberspace. Muslim families who apply Islamic principles in accompanying their children digitally show a higher level of moral resilience (Yasin, 2018).

Second, there needs to be a renewal in the Islamic family education curriculum, both at the formal and non-formal education levels. Religious education should include modules on digital challenges and how Islam responds to them. Islamic educational institutions, Islamic boarding schools, and madrassas must also play a role in equipping students with critical thinking skills and digital ethics. This strategy will create a generation that is not only digitally savvy, but also has strong morals and self-control.

Third, it is necessary to integrate Islamic legal values in national child protection policies. Regulations on digital child protection must consider moral and spiritual aspects that are an integral part of the life of Indonesia's Muslim community. Synergy between the MUI, the Ministry of Religious Affairs, and child protection institutions must be built to produce policies that are not only legal-formal, but also religious-substantive.

In the context of implementation, the *Maslahah Mursalah* or the public interest can be used as a basis for making child protection policies that are Islamic-based but relevant to contemporary challenges (Syaf, 2025). For example, restrictions on digital content, supervision of online platforms, and technology-based Islamic parenting training can be developed as a form of implementation of Islamic law values in the digital life of the family.

With this strategy, it is hoped that child protection will no longer be reactive, but will become part of the Muslim family's value and education system that is proactive to the challenges of the times. The reactualization of Islamic law does not have to be through changes in the legal text, but through contextual interpretation and implementation according to the principles *of maqashid al-shari'ah*.

4. Analysis

Based on the description in the previous three sub-chapters, it can be drawn that Islamic family law has conceptually provided a strong foundation in child protection. However, the challenges of the digital era demand a transformation of the approach to the law so as not to lose relevance in the context of contemporary life. Today's children need not only protection from physical and social threats, but also from digital threats that are more complex and massive in nature. Therefore, there is a need for integration between Islamic family law values and child protection practices that are adaptive to technological developments.

First, from a conceptual point of view, Islamic family law has a comprehensive child protection structure, as reflected in the concept of hadanah, *maqashid al-shari'ah*, and parents' obligations to children's education and welfare. These values place the child as an entity that not only needs to be met for his physical needs, but also his spiritual needs.

Islam emphasizes that children are not just family members, but divine mandates that must be kept intact. However, in their application in modern Muslim societies, these principles are still more normative and have not been fully internalized into daily parenting practices, especially in the face of evolving digital challenges.

Second, challenges in the digital era such as free access to information, negative content, *cyberbullying*, and online exploitation, giving rise to new forms of threat that have not been explicitly discussed in the classical literature of Islamic law. In this regard, Islamic law faces the need for reinterpretation. Analysis of this challenge shows that allowing children to be exposed to digital media without parental guidance is a form of negligence in implementing the hadanah principle. As Al-Ghazali emphasized, moral education and moral supervision must be a major part of the family's responsibility (Al-Ghazali, 2002). So, in the digital era, this responsibility must include supervision of the cyberspace accessed by children.

Third, from the perspective of implementing strategies, the three previous sub-chapters show that child protection efforts can be optimized with an integrative strategy between Islamic values and digital policies. Islamic-based digital literacy strategies are very relevant in creating Muslim families that are resilient to the negative influence of the internet. By equipping parents with the ability to understand and apply Islamic principles in a digital context, the process of child protection becomes more substantial. It also affirms that Islamic law is not rigid, but has flexibility through ijtihad, qiyas, and maslahah mursalah approaches in responding to new phenomena that were not found in the past.

One of the interesting things about the results of the discussion is that Islamic family law has actually provided a strong normative framework, but limitations in implementation aspects cause these values to not fully impact the reality of digital family life. For example, although hadanah as custody is an important part of Islamic law, not many Muslim parents realize that this form of protection must also respond to the threat of digital content, not just about the fulfillment of food or shelter for the child. Therefore, hadanah must be developed into an Islamic *digital parenting* concept .

This analysis also shows that the state has an important role in integrating Islamic legal values in digital child protection policies. Positive law in Indonesia tends to be secular in handling child protection, even though the majority of the population is Muslim. Therefore, the integration of sharia values in public policy is important to increase the effectiveness of child protection culturally and spiritually. For example, the preparation of guidelines for the use of digital media in Muslim families supported by the Ministry of Religion and the Indonesian Ulema Council (MUI) can be a concrete step.

In addition, strengthening the role of religious and educational institutions is also crucial. Islamic boarding schools, madrasas, and da'wah institutions can be at the

forefront of providing understanding to the public about the importance of child protection based on Islamic values in the midst of the flow of digital globalization. The integration between religious education and digital literacy is an ideal solution that answers the gap between Islamic legal norms and child protection practices in cyberspace.

Thus, an analysis of the three sub-chapters shows that although Islamic family law has a strong foundation in child protection, the digital age requires conceptual adaptation, legal reinterpretation, and more applicative implementation strategies. Child protection is not enough to be carried out with a traditional approach, but must be equipped with technological understanding, media literacy, and moral development based on sharia values. If this integration is successful, then Islamic family law will remain relevant and be able to be a solution to the problems of Muslim children in the digital era.

D. Conclusion

Based on all the discussions, it can be concluded that Islamic family law has conceptually provided a strong and comprehensive foundation in child protection, which includes physical, psychological, spiritual, and moral aspects through principles such as hadanah and *maqashid al-shari'ah*. However, the digital era presents new challenges that have not been fully accommodated by the classical Islamic legal framework and the Compilation of Islamic Law in Indonesia. Children now face non-physical threats such as exposure to negative content, *cyberbullying*, and online exploitation, which demand the reinterpretation and actualization of Islamic family law to remain relevant and applicable. For this reason, an integrative strategy is needed in the form of digital literacy based on Islamic values, family education reform, and synergy between Islamic law and state policies in creating contextual and adaptive child protection to the times. With this approach, Islamic family law not only serves as a normative guideline, but also as a practical solution that is able to answer the complex realities of Muslim children's lives in the digital age.

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