



Hafsah MA

The Protection of Children's Right Based on Islamic Law

Reality or Expectation?

 **LAMBERT**
Academic Publishing

Dr.Hafsah,MA

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DEDICATION

As a sign of devotion, respect and immeasurable gratitude, I dedicate this book to my beloved father H. Ahmad Dalil Rangkuti and my beloved mother Hj Nurilam Hasibuan. In addition, I also dedicate this book to my father-in-law H. Abdur Rahman Lubis and my mother-in-law, Rodiah Pulungan.

This book becomes more valuable and dignified with the support of my lovely husband Drs. Tohir M. Lubis, MH and also my children; Fadlan Ananda Lubis, Dinda Mardiani Lubis, Miftahul Jannah Lubis and Nurul Arifah Lubis.

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Bismi Allah al-Rahman al-Rahim

It is my gratitude to Allah SWT, God Almighty, who always bestow His guidance and mercy, Peace be upon the Prophet Muhammad, family, friends and the Muslims and successor muslimat message of Islam entirely.

Formally, this book is aimed to fulfill and complete the public understanding on *The Protection of Children's Rights Based on Islamic Law*, as well as its derivatives. Being substantially, this book is intended to give the reader a significant information about the actual implementation of the application of the Islamic law on the protection of children's right. This book is one of the efforts to develop legislation in Islamic law in Indonesia for policy makers, especially for the person in charge of implementing the protection of children maximally, especially the function of the family as the first institution and foremost their responsibility for developing the physical and spiritual of their children.

It can not be denied that the writer has received a lot of contribution, guidance, feedback and constructive advices from various parties to make this book perfect. For that, on this occasion, specifically the author would like to convey appreciation and gratitude to the following person:

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I am, as the writer, cannot do as you have done to me. I just want to say, may God bless all of you, amiin!

Medan, 18th June 2016
Wassalam
The Writer,

Dr. Hafsah, MA

FOREWARD

The book is designed so as to address the issue of how the implementation of child protection rights committed by Muslim families in the city of Medan. Furthermore, how the application of social protection for unaccompanied children carried out by the government of the city of Medan. Another objective of this publication is to obtain information on the application in terms of child protection rights in Islamic law. In addition, this study is also intended to describe the factors affecting the implementation of the right to the protection of children in a Muslim family in Medan.

Finally, after doing the research, it is found that the application of the right to the protection of children in a Moslem family is good. But when it is viewed from various forms of child protection in partial variations, it can be concluded as follows: (1) the application of the right to the protection of religion child in a Muslim family in Medan has been accomplished naturally. (2) The application of the right to health protection of children in a Muslim family performs well, but it is still not comprehensive, (3) The implementation of the right to the protection of children's education in a Muslim family at school basic level has been performing well, but the education of children at the advanced level has not been fully implemented (4) It is still found the violence when implementating the right to the protection of children from domestic violence in Muslim families by the reason to discipline children, and (5) The application of the right to social protection organized by the government is not maximized.

Medan, 18th June 2016
Wassalam
The Writer,

Dr. Hafsah, MA

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CHAPTER I

THE PROTECTION OF CHILDREN'S RIGHT BASED ON ISLAMIC LAW

1.1 Introduction

Child is the next generation that determines the future of religion, the state and nation in his inherent dignity and worth as human beings.

It is indicated that the child needs to be protected, nurtured and educated and filled their rights in order to develop optimal physical, mental, social, responsible, noble and pious human being.

In religious perspective, the child is mandate and grace of Allah SWT. The mandate should be submitted to the experts, if not implemented, there will be damage. If someone has been entrusted with the mandate, he must carry out the mandate to something right and fair. Someone who has been elected as the holder of the mandate, he should always be fair and piety. Because it implies the ability to implement, to select and sorts good or bad in action with consideration and the right action. So implementing the protection of children is a mandate of Allah SWT and mandate them to parents. Parents who ignore the protection of the child or do neglect of children, it means that they do *dzulm*. Protection of children's rights includes the protection of religious that is child planting efforts in religion, nutrition and child health, and fulfill the right to child education.

Child is a mandate to his parents by the creator, Allah SWT. The parents will take responsibility for the future of his mandate till the hereafter. Al-Quran recommends to keep yourself and your family from the fire of hell. *"O ye who believe, guard yourselves and your families from a Fire "*.

In principle, the mandate should be implemented. A betrayal of the mandate is sin. The purpose of the mandate is the implementation of the obligations of parents in fulfilling the rights of child. It is stipulated in the laws of Islam.

The birth of a child is a legal event, with its official of a child belonging to a family through the line of *nashab*. He rights to get a various kinds of rights and inherit from his father and mother. With *nasab*, there are various rights of child that should be implemented by the parents and with *nashab* also guaranteed the right of parents toward their child as *rada* '. It is stated in the Qur'an Surah al-Baqarah verse 233.

The presence of children in the family is something very significant, which is also correlate the descendent. When it is viewed from the goal of Islamic law (*maqashid asy-syari'ah*), there are five main things that be of interest to be applicated in Islamic law, namely : *hifzh al-Din* or nourish of religious, *hifzh an-Nafs* that is nourish of soul, *hifzh al- 'Aql* or nourish of reasonable, *hifzh an-Nasl* that is nourish of descendent and *hifzh al-Mal* that is treasure.

Preserve descendent (*hifzh al-Nasl*), it is prescribed in order to continue the human lineage and avoid extinction. Once, the importance of the existence is child's descendants in human life. Therefore Allah ordained their marriage. Preserve physical and soul need to be maintained through the fulfillment of basic needs such as food to sustain life and to stay healthy, and recommended preserve reasonable so that the existence of reasonable maintained.

Protection requires coaching and effort to develop all the existing potential particularly through education, care, guidance, affection, in addition to food and clothing, so that one day a child can develop his or her personality and the right to have competent in human resources.

Primary responsibility in conducting parenting education and protection of children is the parents as stated in Islamic Law Compilation Book I about marriage on chapter XII Article 77 (paragraph 3): " *usband and wife assume the obligation to care for and nurture their children, either on physical growth, spiritual as well as intelligence and religious education*".

The responsibility for the maintenance of children is the responsibility of all the family, society and government. The family in this case, parents, is the first and main party responsible for the maintenance of children.

Definition of child is a person under 18 (eighteen) years old, including children who are still in the womb. A child means every human being below the age of 18 (eighteen) years old and not married, including children who are in the womb. Another definition, the child is people who in the case of naughty children have reached the age of 8 (eight) years but has not reached 18 (eighteen) years old and have never been married

In the Qur'an, there are many terms of child such as *walat*, *Tifl*, *Gulam*, *Ibn*, *Zurriyat* and others. The meaning of *walat* is the child as a second person in a family environment, a newborn child who is still breast feeding. The term of *tifl* is oriented to understanding child development starting from *nuthfah* until puberty (*ihtilam*). Child who is still young has soft and smooth physical until *baligh*. Meanwhile the term of *gulam* is at teen years old. Qur'an does not mention clearly about the age limit about the classification of child. The term of *ibn* shows suppression meaning of child which has the potential to be developed. Through education, coaching/guidance and assistance for child growth and development, this potential can be developed so that the child becomes as an individual which can stand alone. The term of *zurriyat* indicates that the child has the potential to develop namely confession of Allah as *hisrab*, the potential for submissive and obedient to Allah SWT, and the potential for knowledgeable.

1.2 Objectives

This research is intended to know how the application children's protection reviewed by Act No. 23 of 2002 and Islamic law in Muslim families in the city of Medan. In addition, this study is also aimed to describe the factors that constrain the conduct of legal protection to children in Muslim families in the city of Medan and find its solutions.

1.3 Benefits

The results of this study is expected to provide benefit, either theoretically or practically. Theoretically, these findings will enrich and analyze solution for the development of science. The information given in this research can be used in applying the legal protection of the children better than other places, particularly the treatment for parents towards the fulfillment of children's rights.

CHAPTER II METHODOLOGY

There are several theories used as a theoretical framework in this study. These theories relate to Islamic law theories, that are the purpose of the application of Islamic law (*maqasid al-Sharia*), the theory of *fitrah* in Islam, and educational theories regarding to the growth and development of children. Theories related to the purpose of human creation in Islamic law are as follows:

2.1 Theory of Islamic Law

a. Maqashid Al-Syariah

The presence of children in the family is something very significant, who is also the descendent. When viewed from the purpose of the application of Islamic law (*maqashid ash-shari'a*). By preserving the descendent, it could be continued human descent and avoid extinction. Once the importance of the child's existence in human life, therefore Allah SWT ordained their marriage, so that preserve *nashab*. Preserving physical and soul need to be maintained through the fulfillment of basic needs such as food to sustain life and to stay healthy, and recommended preserve the sense that the existence of reasonable maintained. That is why it is forbidden foods and drinks that will make damage are reasonable. This preserve reasonable is the primary reason that in the future efforts of the existence of the creation of human as chaliphate on earth done well anyway.

To realized the purpose of the law ordained, it takes a planned efforts that relates to children's rights and obligations of parents as well as the government and society to make the protection of children's rights. Children need to be protected by law in order to guarantee their rights. It also aims to protect them from all the possibilities that would harm the future. Protection requires coaching in an attempt to develop all the existing potential particularly through education, care, guidance, affection, in addition to food and clothing so that one day a child can develop his

personal right and human resources that are reliable. Primary responsibility in monitoring the education and protection toward children are the parents.

b. Theory of Fitrah in the Qur'an

A child that was born, bringing the potential of the base or *fitrah* religious. According to Islam that human beings from birth has brought the potential base. The basic potential is called "*fitrah*" that is an ability that there were in human to always believe God and recognizes Him that the existence of Allah SWT Almighty as the creator of human and world. In the Qur'an, the word of *fitrah* in its various forms repeated as many as twenty-eight times. But the word of *fitrah* that referenced in this article are as in the *Qur'an Surah al-Rum* verse 30 which means : "So direct your face toward the religion, inclining to truth. [Adhere to] the *fitrah* of Allah upon which He has created [all] people. No change should there be in the creation of Allah . That is the correct religion, but most of the people do not know".

In Islam, *fitrah* needs to be developed properly anyway by the environment (parents). The role of parents are very required because the child that could be *majusi* or *nasrani* when parents (their environment) to provide guidance that is not in accordance with Islam itself. So to develop *fitrah*, child needs guidance, education and protection of parents that activities in accordance with the straight instructions that is the true religion.

Referring to the theory of *fitrah* that proposed above, it can be understood that a child since the origin of the story, who was born has brought the potential of religion that straight that were understood by *ulama* as the religion of *tauhid*. *Fitrah* of *tauhid* religious adhering to the child as part of the creation of Allah SWT, who can not be avoided by someone. *Fitrah* will be developed through a process of coaching, education by parents (environment).

This matter becomes the basis that every child born requiring physical and spiritual development efforts through the implementation of protection in various forms that are: health protection, religion protection, education protection, and keeping children from neglect action, violence, discrimination and injustice.

c. The Purpose of Human Creation in Al Qur'an

Human existence on earth as revealed in the Quran Surah al Zariyat, verses 56 is to worship and also as the caliphate on earth as it is also revealed in the Qur'an Surah al-Baqoroh, verses 30.

All *ulama* categorizes worship in *mahdhoh* worship and *Ghoiru mahdhoh* worship. All the rules manages how a person doing good in terms of human's relationship with God, relationships with fellow human beings and relations with nature, so that in the act, it obtains the blessing of God. In accordance with the task of creation of human beings on earth is to worship, then all activities conducted by someone must be done with provisions that have been prescribed in Islamic law.

Human is created as caliphate on earth revealed in the Qur'an Al-Baqaraoh, verses 30, gives an indication that human is capable of becoming a leader. To be able to become a leader, it necessarily requires knowledge or well educated, as well as experience and training gained through education, coaching and training, and the ability or skill.

2.2 The Concept of Children in Al Quran

The concept of children in the perspective of the Quran (Tafsir Thematic Studies)" is so many, among others are *walat*, *tifl*, *gulam*, *ibn*, *zurriyat* etc. The meaning of the term *walat* which means the child is the child as a second person in a family environment, a newborn child who is still breastfeeding and still a child, that mandated to parents to be nurtured and raised. The term *tifl* is oriented to understanding child development starting from *nuthfah* until puberty (*ihtilam*). Child who is still young physically is soft, smooth, until *baligh*. While the term of *gulam* is at adolescent. Qur'an does not mention clearly about age limits that categorized as a child. The term of *ibn* shows suppression of meaning child which has the potential to be developed. Through education, coaching/guidance and assistance for child growth and development, this potential can be developed so that the child becomes as an individual stand-alone. The term of *zurriyat* indicates that the child has the potential

to recognize God as his *rab*, the potential for bow and obedient to Allah, and the potential for knowledge.

From the various terms of children in the concept of Qur'an, then the purpose of fostering and forming a child's personality becomes a tranquilizer heart, light two eyes (*zurriyat*), who becomes the light of two eyes (*qurratu a'yuni*) as stated in al - Quran translated as follows: *Ye. Our Lord, bestow to us our wives and our offspring as pleases (us), which makes our eyes shaded by seeing their work on the command of Allah and oney His"*

Abu Ja'far mention this verse means make us pious who left disobedience, and fear of thy the punishment , and make us priests with us humans to do good, because they ask God to be a priest for pious as their faith. The verse indicates that children who function as the light of two eyes is the child as pleasant, soothing view, be a soul mate who brings peace of mind.

In order to these objectives achieved and the child becomes coveted that is *qurata 'ayun*, then the parents need to do the coaching development potential and the *fitrah* of the child. Never leave a child at the time of his death in condition of *zurriyatan diafa*, weak orphans without inheritance and in hunger. Therefore wellbeing that comes from possessions is also important to inheritable on to children.

The term of *gulam* and in the form of *jama 'gilman*, show the meaning of teenage son who always begins with *basyira* (happy, cheerful) which can serve as a fun and enjoyable for parents during adolescence because of their knowledge of the religion, attitudes gentle and compassionate. Thus the child's condition is certainly due to the maintenance and development of education implemented and instilled by his parents.

From the various terms of children expressed in the Qur'an above, then in essence, children need religious guidance, maintenance, all of which require the maintenance of health, well-being for children, educational implementation of education conducted by compassion, so that one day a child is aspired as child tranquilizers heart, light two eyes that gives a sense of happy and delighted to see

children grow into teenagers who obey the command of Allah SWT and establish the prayers.

2.3 Children's Rights

a. Human Rights and Dignity

This view of human dignity will refer to the study of human nature itself. Talking about human dignity is a major research of the philosophers. In addition to about nature and God, since the days of classical Greece, the medieval to the modern period, almost every conversation about the philosophy of human nature always involves both the essence and existence.

Quran as the main source of Islamic Shari'ah stated repeatedly in the verses of the dignity and worth of the human beings, for all the articulation emphasis on human dignity. All of human rights in field of law, political, social, economic and other essentially is to protect human dignity itself and for the benefit of man, so that everyone has an equal opportunity to develop his potential and personality.

In the Qur'an repeatedly speaks of dignity and worth of the human beings appointed to the highest exceeds of the Angels, but as low debased than the beasts.

لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ ﴿١﴾

Meaning: *We verily created human in the best form.*

إِنْ أَحْسَنْتُمْ أَحْسَنْتُمْ لِأَنْفُسِكُمْ وَإِنْ أَسَأْتُمْ فَلَهَا فَإِذَا

جَاءَ وَعْدُ الْآخِرَةِ لِمُسْتَوْأَوْجُوهَكُمْ وَلَبَدْخُلُوا

الْمَسْجِدَ كَمَا دَخَلُوهُ أَوَّلَ مَرَّةٍ وَلَتَبْهَتُوا مَا عَلَوُا تَكْبِيرًا

Meaning: *If you do good (means) you do good for yourself and if you do evil, then (crime) it for yourselves, and when it comes time penalty for the (crime) second, (we*

bring others) to make your faces, and they entered the mosque, as well as your enemies entered it the first time and to destruction all that they have mastered anything.

وَإِذْ قَالَ رَبُّكَ لِلْمَلٰٓئِكَةِ اِنِّیْ جَاعِلٌ فِی الْاَرْضِ خَلِیْفَةً ۖ قَالُوْۤا اَتَجْعَلُ فِیْهَا مَنْ یُّفْسِدُ فِیْهَا وَیَسْفِكُ
الدِّمَآءَ وَیَنۡحُثِرُۢ مِنْۢ بَیۡنِ یَدَیۡكَ مِنْۢ ۙ وَتُعۡدُ لَكَ ۙ قَالَ اِنِّیْۤ اَعْلَمُ مَا لَا تَعْلَمُوۡنَ ﴿۝۱۰﴾

Meaning: Always exalt with the praise you and purify you? "God said: 'I know what you did not know.

وَلَقَدْ ذَرَأْنَا لِجَهَنَّمَ كَثِیْرًا مِّنَ الْجِنِّ وَالۡاِنۡسِ ۚ لَهُمۡ قُلُوۡبٌ لَاۤ یَفْقَهُوۡنَ ۙ وَهُمۡ اَعۡیُنٌ لَاۤ
یُبۡصِرُوۡنَ ۙ وَهُمۡ اُذۡاٰنٌ لَاۤ یَسْمَعُوۡنَ ۙ وَهُمۡ اَوۡلِیۡۤیَۡکَ ۚ کَاۡلَاۤیَعۡبَرۡ بَلْ هُمۡ اَصۡلٰۤاۗ اَوۡلِیۡۤیَۡکَ هُمُ الْفٰسِقُوۡنَ

Meaning: and indeed We have appointed for (the content of hell) most of the jinn and humans, they have hearts, but failed to use to understand (the verses of Allah), and they have eyes (but) did not he used to see (the signs of Allah), and they have ears (but) did not he used to hear (the verses of Allah). they are like cattle, nay even more astray again. Those are the people they were negligent.

. According to Al-Ghazali, if the people develops the instinct of lust (*al-lust*) and greedy lust (*al-ghadah*), he will go down to the level of animals. But humans have the potential to the level of *al-Aql al-mustafat*, which is the most perfect level achieved by human where he can be closer to God. Similar statements said by Ibn Taymiyyah that humans is contained three potential (*al-quwwat*) usefuls in answer all the demands of life. These potentials are the potential of reason (*quwwat al-aql*), the potential of defensif (*quwwat al-ghadah*) and offensive potential (*quwwat al-lust*).

In the Qur'an, humans equipped with *fitrah* (base potential) that humans have a tendency to glamourize of God. With this potential, parents gave a very big influence in developing it to achieve the degree and dignity as well as the high dignity through education. The ability or basic human potential of the ability of human intelligence is described as the ability to know the names (*al-asthma* "), which can also be interpreted as the subjects of science, the differences between humans and other creatures, because human beings have creative abilities and scientific about the objects, psychology, about human behavior, moral order based on the scientific knowledge.

With the potential bestowed by the creator, Allah SWT, then human beings have a responsibility in this life on earth to worship which shall be subject held accountable later. So in Islam, obligations and rights are the two things that are in line to do and the right to be received in return for the obligations.

b. The Purpose of the Islamic Law

Before outlining further objectives Islamic law application of Child Protection Law, it is necessary to express more broadly about the application purpose of Islamic law which is in the Arabic term known as *Maqashidus Sharia*. *Maqashid* means that intent or purpose. *Shariah*, linguistically, means the path to the source of water that can be interpreted as the road to the ultimate source of life. *Shari'ah*, according Syaltut, are rules created by God as a guidance by humans in regulating the relationship with God, fellow human beings both Muslims and non-Muslims with nature and all life.

The theory of *maqashid Syari'ah* known in the fourth century of Hijri, firstly introduced by Abu Abdalah al-Tirmidhi al-Hakim in his book. Than this term is popularized by al-Imam al-Haramaini al-Juwaini in various books he wrote. Al-Amidi outlines further, that *Maqashid al-Shari'ah* guided by the basic principle shariah of life, intellectual, religion, ancestry lineage and wealth. Furthermore Maliki Shihab al-Din al-Qarafi adds to the basic principles of *Shari'ah* with protection of honor (*al-Ird*). Onwards, it is supported by ulema.

Islamic law is applied by Allah SWT with the main purpose to realize and protect the benefit of mankind, both the benefit of individuals and communities. The benefit to be realized in the Islamic law concerns to all aspects of human interest. Aspects of human interest, according to *ulama*, can be classified into three aspects: *dharuriyyat* (primary) *hajiyyat* (secondary) and *tahsiniyyat* (social stability).

Tahsiniyyat is the most fundamental aspects of human life. If the disruption of this aspect, it is unstable and chaotic life, because life as a social being disrupted rights and human obligation to maintain a five-universe of life, namely maintaining religion, life, intellect, lineage and property. All five are the main prerequisite for primary factors (*dharuriyyat*) to be enforced when human beings are faced with choices of it. So the application of Islamic law is intended to establish and protects the life of the three aspects mentioned above. Because only with the guarantee of these aspects, welfare and stability of the human race can be realized with good.

To ensure, protect and maintain the benefit of those laws, Islam establishes a number of technical rules implementation, either a command or prohibition, under penalty of the world and the hereafter for those who violate.

For more details about the purpose of the application of Islamic law (*maqashid ash-shari'ah*), it is to create welfare and avoid from damage. In realizing the benefit, Ulama of Usul Fiqh is also called it as "*al-maqashid al-khamsah*" (the five purposes).

First, *hifzh ad-din* (preserve religion) can be divided into three levels: (1) preserve religion in the ranking *daruriyyat* (primary needs), such as praying five times. If a prayer doesn't practice the religion's existence, it would be threatened. (2) preserve religion in the level of *hajiyyat* (secondary requirement) that implements the provisions of the religion, with the intention of avoiding trouble, like prayer *jama'* and *qasyar*, for people who are traveling. If this provision is not implemented then it will not threaten the existence of religion, but only to complicate the person who did it. (3) preserve religion in the level of *tahsiniyyat* (tertiary needs/luxurious), to follow the instructions of religion in order to uphold human dignity, as well as completing the implementation of its obligations to the God, for example, close the genitals, both

within and outside, clean the body, clothing and shelter. This activity is closely related to morals which are commendable.

Second, *hifzh an-nafs* (preserve the soul). Based on its interest, it can be divided into three level (1) preserve the soul in level of *daruriyyat*, such as comply basic needs such as food to sustain life. If the basic needs are overlooked, it will result in endangerment of the existence of the human soul. (2) preserve the soul in such level of *hajiyyat* allowing to hunt and enjoy a delicious meal and lawful. If this activity is ignored, it will not result in threatening human existence but will only complicate his life. (3) preserve the soul in the level of *tahsiniyyat*, such as the establishment of procedures for eating and drinking. This activity is only related to decency or ethics, absolutely it will not threaten the existence of the human soul, or complicate a person's life.

Third, *hifzh al 'aql* (preserve of reasonable) which can be divided into three level: (1)) preserve *daruriyyat* sense as forbidden drinking-liquor. If this provision is not respected, it would result in threats to the existence of reasonable. (2) preserve the reasonable in the level of *hajiyyat*, as it is recommended to seek knowledge. If these activities are not done, then it will not damage any sense, but it would be difficult for a person in relation to the development of science. And (3) preserve the reasonable in the level of *tahsiniyyat*, such as avoiding themselves from fantasy or listen to something that is not beneficial.

Fourth, *Hifzh an-nass* (the breeding). If we look from interest about preserve the breeding, it can be divided into three levels: (1) preserve the breeding in the level of *daruriyyat* such as prescribed of marriage prohibited adultery. If this activity is ignored, it will be threatened by the existence of offspring. (2) preserve the breeding in the level of *hajiyyat* such as specified provisions of the dowry for her husband at the time of the marriage ceremony and given the right to divorce her. If the dowry is not mentioned at the time of the contract, then the husband will have trouble, because he had to pay a dowry *mitsl*. While in the case of divorce, the husband will have trouble if he doesnot use the right of divorce, whereas the domestic situation is not in harmony again. 3) preserve the breeding in the level of *tahsiniyyat*, such as prescribed

hithbah or *walimah* in marriage. It is done in order to complete the marriage. If it is ignored, it will not eliminate the existence of descendants, nor will it harder for people who perform marriages.

Fifth, *hifzh al-mal* (preserve the treasure) in terms of the needs arise which can be divided into three levels: (1) preserve the treasure from level *daruriyyat*, as prescribed procedure for material possessions and the ban taking property of others illegally. If the rules are violated, the existence of the treasure will be in danger. (2) preserve the treasure in the level of *hajtiyyat*, such as prescribed buying and selling according to way of Islam. If this method is not used, then it will not threaten the existence of the treasure, but will be harder for people who need capital. (3) preserve the treasure in the level of *tahsiniyyat*, such as the absence of provisions in order to avoid deceit or fraud. It is closely related to ethics of *mu'amalah* or business ethics. It will also affect the mistake of buying and selling it, because for the third level, it is also a condition for the existence of the second level and the first.

According to Azhar Bashir, there are three main things needed to be specified as the target goal of Islamic law (1) private education. Islamic law educates individual to become a source of good for society, not a source of disrepute or cause damage or bad things that can make the loss itself and the society. (2) uphold the justice which includes justice to ourself and the family, social justice legal and fairness world (3) preserve the goodness of life means everything in the interest of human life must be preserved and protected from both the basic needs (primary) which are not basic needs, as well as complementary needs (tertiary). The absolute benefit of human beings must be protected, because if it is allowed to run by itself, it will bring damage to the man in living of his life.

So, in order to safeguard human interests, both regarding education, the goodness of life, justice, and others are useful for maintaining human interests which must be protected. It is an indication that in realizing the prescribed Islamic law, it requires earnest efforts that the technical implementation needs to be thought out and formulating various legislation to be applied in everyday life.

According to ash-Syatibi, five points above are based on the arguments of the Qur'an and Hadith. The arguments serve as *al-qawa'id al-Kulliyat* in establishing *al-Kulliyat al khams*. The verses of the Quran used as the basis in general are verses in the *Makkiyah* that is not *nasakh* and verses that *Madaniyyah* which confirmed the verses *Makkiyah*. Among these verses are the verses related to the obligation to pray in al-Qur'an Surah al-Baqarah (2): 43

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَعُوا مَعَ الرَّاكِعِينَ ﴿٤٣﴾

Meaning: *And establish prayer and give zakah and bow with those who bow [in worship and obedience]*

Prohibition killed the soul and the prohibition of eating someone else's property in a way that is not true, al-Qur'an al-Nisa '(4): 29

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ

مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

Meaning: *O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [for one another]. Indeed, Allah is to you ever Merciful.*

Prohibition of intoxicating drink beverages as well as in the Qur'an Surah al-Maidah (5): 90.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْمِرُ وَالْأَنصَابُ وَالْأَزْلَمُ رِجْسٌ مِنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ

لَعَلَّكُمْ تَفْلَحُونَ ﴿٩٠﴾

Meaning: *O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful.*

Prohibition fornicate as stated in the Qur'an Surat al-Isra '(17): 32 as follows:

وَلَا تَقْرَبُوا الزِّنَىٰ إِنَّهُ كَانَ فَحِشَةً وَسَاءَ سَبِيلًا

Meaning: *And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way.*

Those verses are the most basic principles as the goal prescribed of Islamic law in order to achieve the benefit for everyone, family, society and country. In relation to the basic rights of human creation to serve and worship Allah SWT, as the main task of people in the world people need to realize the Islamic law. Therefore it is closely associated with the potential development of elementary children who in turn reached the goal of human life, that is nourish religion, soul, the breeding, intellect and property as it has been described above.

In protecting the rights of children, many verses of *Ahkam* relating to children's rights and the rules of procedure primarily in building and developing the physical and spiritual children that in the future children who are mandated and as surrogate Allah SWT to parents can be realized, with the aim of later children become children who believe of God, god-fearings and have extensive knowledge that would become a perfect human being and will be caliphate in the earth.

So within the framework of physical and spiritual development of children in making the protection of children's rights in relation to the purpose prescribed of Islamic law, it needs to do a variety of activities for children guidance that will be disclosed next, for example how to develop protection against religious children, how make efforts for children's health, and how to do education for children and so on.

In Islam, there are absolute rights for children. Every child has the right to physical and moral rights, which is contained in many verses of the Quran. The

physical rights such as the rights of ownership, inheritance, etc., and moral rights such as the right to have a good name, the right to know who is his parents and find out who their ancestors, the rights of religious and moral guidance.

There are three things in Islam which is a fundamental right for children (1) get a good name (2) the right to love, and (3) receive education. In accordance with the words of the prophet, Abul Hasan recalled, one day someone asks the Prophet, " *Ya Rasulallah, whether the rights of my son against me ?* " The Prophet replied, "*You make good name and education, then place it in a good place*".

To learn more about the rights of children who are in many verses of the following Qur'an quoted some verses concerning children's rights such as: the right to receive protection from the mother's womb and the right to breastfeed for two years (Surah Al-Baqarah 2), verses 233, the right to education, teaching, coaching, demands the correct character (Surat al-Mujadilah (58), verses 11, the right to inherit the wealth belongs to both parents (Surah An-Nisa (4) verses 2,6 and 10, the right to earn a living from his parents (Surat al-Qasas (28) verses 12, and so on. These rights are a fundamental rights for every child.

The rights of *hadhanah*, is also one of the rights of children, that is the task of keeping, care for and educate infants/young child since birth until able to maintain and organize himself. The biological father is obliged to guarantee a living biological children of her father's good clothing, shelter, and other necessities to the age limit of children who were able to stand on its own (adult) which is 21st years, as long as he is not physically or mentally handicapped or not married.

Among the rights of the child in terms of care be regulated in the Islam (Q; S: Al-Baqarah, verses 233) is getting mother's milk (*ASI*), ideally from birth until the age of two years. Two years is the ideal duration of a baby to breastfed, without excessively burdening mother to make the mother miserable. Islam therefore also provides solutions for a less healthy mothers breastfeeding may entrust to other women, on an agreement with her husband. Breastfeeding should be discontinued prior two years, but the first two parents should be consulted to see the merits of the termination of breastfeeding. This is confirmed in the Qur'an:

“ If both want wean (before two years) with the willingness of both and deliberation, it is no sin for both of them.”(Q.S.Al-An’am ; 151).

The baby's father should help keeping the breast milk continues to be available by providing enough food for the mother and the atmosphere should be calm, and peaceful. It becomes a sign that the real Islam regards nursing as a major liability for the mother so that he could not be burdened work that could interfere with the breastfeeding process.

This concept of Islam regulates and guarantees the right to health and care, and education of children. Because, as it is known, ASI plays a major role in shaping the resistance of the body of a baby from the disease, also plays a role in the formation of character and the intelligence of a baby. The government is also responsible for the survival and the responsibility of every citizen. Then the survival and comfort of every child to enjoy ASI should also be guaranteed by the government.

Custody must be obtained each child also including the right to a name, *Aqiqah* and introduction to the environment and planting of ideology and education. Rasulullah S.A.W. said; "Every baby born is in the holy (*fithrah Islami*). Father and her mother later could make him Yahudi, Nashrani, or Majusi ("HR. Bukhary.; 1100; 243/15). In another hadith also revealed:" Whoever has two daughters and her foster well then they will cause it to go to heaven". (HR Al Bukhary) / 1100; 244/20.

2.4 Principles of Islamic Law on Children's Protection

The principle of Islamic law is meant theorem. From the point of theory building, theorem is a statement about behavior of the phenomenon. *Dalil* is built on the basis of theories drawn from various sources. Which meant the principles of Islamic law are *dalis* or verses of *ahkam* in the Qur'an which is used as a reference in applying the protection of children's rights, about the rules, regulations and norms that must be executed in performing protection of children both in doing development religion,

health and education of children. Laws are the rules, regulations and norms that must be executed.

While Islamic law is meant legal provisions of Islamic rules that set out family relationships in doing *hadhanah* against children including maintenance, coaching, counseling, education of children. Protection means to maintain, preserve, also doing coaching. In this case, there are activities that are processing undertaken for the purpose of preservation, maintenance and repairs and changes towards the positive for a particular purpose. There are some principles forming the basis for the rights of children's protection based on verses of *ahkam* in the Qur'an as follows:

a. Children as a Mandate from Allah SWT

Children are mandate and gift from Allah SWT. Mandate opponent of perfidious means trust or given credence. "The word "Mandate" contained in the Qur'an: Truthfully, Allah sends deliver a mandate to those who deserve....., mandate in this verse means any form of mandate that should be carried out by someone to exercise in accordance with the command of Allah and carried out fairly well. Mandate also means a trust (deposited) to others. Implementing this mandate is an obligation.

As it has been explained that the opposite of the mandate is *khianat*. Mandate opponent said it is an obligation that must be carried out. Waiver of the mandate is act of *Khianat*, and acts of *khianat* including act of *dzulm*, which is prohibited under Islamic law. The mandate should be left to the experts, if not carried out there will be destruction. If someone has been entrusted with the mandate, he must carry out the mandate to the right and fair way. Someone who has been elected as a fiduciary, he should always be fair and *taqwa*, because *taqwa* implies the ability to execute, select and sort the good and bad things with consideration and right action. So implementing the protection of children is a trust of Allah, which is mandated to parents.

It is an indication that one of the principles of Islamic law in carrying out the protection of children is in terms of carrying out the mandate as a command of Allah to every parent. Waiver of the mandate is parents who ignore child protection or do neglect against children. It is treason which means *dzulm*.

Child as mandated to his parents by the creator of Allah SWT, will soon account for the hereafter. Al-Quran recommends that nourish yourself and your family from the flames of hell. *"O ye who believe to Allah, guard yourselves and your families from a Fire"*

In principle, the mandate should be run. Betrayal of the mandate is sin. The purpose of the mandate is the implementation of the obligations of parents in fulfilling the rights of children, as stipulated in the laws of Islam. Protecting children is an obligation for parents and protection are the rights of children.

b. Recognition and Protection

Birth of a child is a legal event, because the child is a member of the family through the line of *nasab*/descent. Therefore, children are entitled to a wide range of rights and as an heir who inherited the father/mother. In relationship of *nasab*, there are some children's rights that must be fulfilled by parents such as the right to be breastfeed, the right of *hadhanah*, earn money, the right to educate, the right to love, and so on. The rights of children can be categorized in four major categories: (1) the right to life (2) the right to grow and develop (3) the right to protect and (4) the right to participate.

Parents obligate to provide the rights of children, as stipulated in the Qur'an Surah al-Isra 'verse 26, which means: "And give to families who close their rights .." to support the growth and development of the future child will be a child who may be *zurriyatan Sholiha*, or *zurriyatan Tiyyibah*, which can be soothing, eye gaze, so proud parents become a goodly child, always fun for older people in the world and the Hereafter.

c. Justice

Implement protections for children means to implement the mandate of Allah SWT. In carrying out mandate of Allah SWT in terms of upbringing children, it needs the principles such as principle of fairness. Son is *mandate* of Allah SWT that is deposited in both parents. The word "mandate" contains in QS (4): 58, : *"Truthfully Allah orders you deliver to the mandate to those who deserve it*". Mandate in the verse means any form of mandate that should be carried out by someone in which to

exercise it should be in accordance with the command of Allah and is carried out fairly well.

Justice issues are issues that are essential to human life. Justice can be said to be a necessity in running the lives of both individuals and the life of society and the state, useful for running life goes well, safe, calm, secure, and prosperous. Every religion upholds justice. The main religion of Islam puts justice as something that is very important to be upheld in the running of state caliphate and having state.

If we observe seriously, conflict, criminal cases even battle are always driven by individual interests and the interests of the society, who feels unfairly treated. So to safeguard the interests of all parties both personal and community, it needs justice, especially for anyone who is given a mandate.

The term "fair" and "fairness" is derived from the Arabic language, which is propagated by ulama who spreads Islam all over the world. Etymologically, the meaning of "fair" (*al-adl*) means not biased impartial or equate something with others (*al Musawah*). Another term of *al-'adl* is *al-qist*, *al-Mysl* which means the same as or such part. While understanding the terminology is fair to equate all in places. Justice is strongly associated with their rights and obligations. Right is held by a person, including the human right to live, the right to get education, right to health, right to receive affection and attention, the right to get equal treatment for children and others. The rights and obligations also relates to the mandate. In principle, the mandate must be submitted on those who deserve it. Therefore the law with the mandate should be upheld.

It also indicates that, child as a mandate entrusted by Allah SWT, to his parents should also be treated fairly. Child treats fairly well on the right to earn a decent living, the right to education, right to treatment with compassion, right to health, and so on.

The word fair (*'adl*) and word *zalim* (*zulm*), in the Qur'an, are two sentences that always in paradoks. The word fair is always confronted with *zulm* as opposed word. So *zulm* means the designation for any injustice. In the Qur'an, when Allah commands to do justice, at the same time, Allah forbids to do wrong. *Zulm* means

deviating from the truth, distort the facts and debauched. Allah denounces injustice both to witnesses who lied or siding with someone, even though it is the mother or father of parents and relatives who have been unjust, arbitrary, persecution, prejudice, etc.

This is an indication that the child is neglect, including child neglects to develop religion, ignoring the nutrition and health of children, ignoring a child's education which is the unjust act that is forbidden in Islamic law.

Justice does not always have to equal or identical, but justice must fit between the rights and obligations. Of course, there are also differences. Therefore, in implementing the principle of equal justice, it should be there is a consideration. Justice done is for the benefit.

The treatment of children can be distinguished by looking at the potential of the child have. Every child has the capacity and different capability. So that in applying the implementation of child protection, it must be adapted to level of child capabilities. Children who have special abilities must necessarily be given special coaching anyway.

Based on these descriptions, it can be taken in applying an understanding that child protection must necessarily be done by the principle of justice, as opposed to the unjust treatment.

d. Deliberation

Deliberation can be used as one means, in addressing various issues, including in implementing the care, guidance and implementation of education for children. Deliberation or *mupakat* in order to get a deal, also be interpreted as an exchange of opinions, ideas or thoughts, ideas or ideas or suggestions to solve the problem before taking a decision.

In carrying out the care of children, including the affair gives food to establish physical growth and development of the child, the parents should be run perinsip deliberation or *mupakat*, to face and solve a problem in life.

In the Qur'an there are two verses that outlines principles requires deliberation in making the protection of children as verses have been quoted before that in surah al-

Baqarah verse 233. In doing breastfeeding to children if it wants to wean, then both parents are encouraged to deliberation. Also in worldly affairs are encouraged to conduct deliberations to resolve the problems encountered as stated in the Qur'an surah Ali Imran verse 159 which translates as follows: "..... and consult you, O Muhammad with them in every affair. "

e. Welfare and Health

To be able to live and grow and develop naturally, children must be healthy. In an effort to cultivate the child's need to provide *halal* food and good, as one form of maintenance of children and the provision of income as required on both parents in the Qur'an surah al-Baqarah verse 233 which has been cited previously. In addition to feeding, Allah SWT says in the Qur'an Surah Al-Maidah verse 88, translated as follow: "And eat *halal* food and good"

The obligation of father feed the child in addition to the relationship *nasab*. As for the outline *nasab*, the person is closest to the child's father and mother. Children have a right relationship of *nasab* and also inherit their parents for the welfare of the child later. As it has been quoted in Quran Surah an-Nisa verse 9, Allah warns parents not to leave children (*zurriyat*) in a weakened state (*Di'afa*).

Sustenance given to the child shall be obtained in a manner that is *halal*, because the income earned in not *halal*, will give a negative influence towards the growth and development of children in the future, as the hadith of Rasulullah SAW narrated by Tirmidhi, which means: "Every corpse that grows from the unlawful, then hell more important for him".

In order to maintain the continuity of life, parents should be aware that every child born has the right to life, should not be wasted especially depriving his life. This is in line with the verses of the Quran contained in Surah al-Isra verse 31: translated as: "And do not kill your children for fear of poverty. It is we who give sustenance to them and to you. Verily the killing of them is a great sin."

The verse indicates that every child born has the right to live, to welfare, or fulfilled living, education and potential development of the children.

f. Natural Tendency/ Fitrah

In addition to the physical growth of children by parents to provide nutritious food, and doing health care for children, the important thing that men's duty to parents is pay attention to religious development of children, while instilling discipline, personality and instill religious values. To develop child mental, it can be done by parents in a spiritual care with compassion and love, not with violence. Loving and caring children and elderly people keeps their promises highly charged.

A child was born, bringing the potential of the base or *fitrah* of religious. According to Islam, human beings from birth has brought the basic potential. The basic potential is called "*fitrah*". It is an ability in human beings to always believe and acknowledge the almighty Allah SWT as the creator of human beings and nature. In the Qur'an, the word of *fitrah* in its various forms repeated as many as twenty-eight times. But the word of *Fitrah* referenced herein are as of the Quran Surah al-Rum verse 30 which means: " So direct your face toward the religion, inclining to truth. [Adhere to] the *fitrah* of Allah upon which He has created [all] people. No change should there be in the creation of Allah. That is the correct religion, but most of the people do not know".

In Islam, *fitrah* needs to be developed properly anyway by the environment (parents). The role of parents is required because the child could be *majusi* or *nasrani* when parents (the environment) to provide guidance that is not in accordance with Islam itself. So to develop, *fitrah* of the child needs guidance, education and protection of parents. Such activities, in accordance with the instructions straight religion is the true religion.

Referring to the theory *fitrah* that proposed above can be drawn an understanding that a child since the origin of the story has brought the potential of religion understood by scholars as the religion of monotheism. The religious nature of monotheism attached to the child as part of the creation of Allah, which can not be avoided by someone. *Fitrah* will be developed through a process of coaching, education by parents (environment).

It becomes the basis that every child born requires physical and spiritual development efforts through the implementation of child protection in various forms, that are: protection of health, protection of religion, protection, education, and keep children from neglect action, violence, discrimination and injustice .

Fitrah of children can be developed through a process of Islamic education implemented by various principles: First, principle of religion means that all the elements and systems as well as components of Islamic education must necessarily conform to the principles of Islam such as *aqidah*, *syri'ah* and morals, goal-oriented to increase the responsibility towards Allah SWT to develop personal self, society and the universe. Second, the principles of Islamic philosophy in order to provide a clear direction for the implementation of education in relation to the attitudes and views of Islam to human and natural science, and ethics. Islamic educational philosophy seeks to understand the nature and problems of Islamic education. The third, principle of civil society. Society has an influence toward people and children and the norms contained therein affect its mutual. So it is with education. Fourth, principle of biological and psychological. Between physical and spiritual development should be equal. Therefore all the elements of education as the objectives stated in the curriculum, program and strategies and learning materials must be in accordance with development of learners.

Islamic education is aimed to develop and get science, charity and morality or theology of sharia and morals trilogy called educational goals in terms of public education to achieving the goals of cognitive, affective and psychomotor (performance)

Islamic education in essence, is not only required to develop the potential of children to be able to live the teachings of religion alone, but also to strengthen the noble values of Islamic teachings and noble character formation of children through various means. Parents as the main responsible should use a variety of suitable means.

Imam Al-Ghazali (d. 1111 CE), as concluded by Fathiyah Hassan Sulaiman, says there are two main objectives of Islamic education: (1) to reach the perfection of

man in closer to God and (2) as well as to achieve the perfection of human life in living in order to achieve happiness in life and hereafter

Ibn Khaldun (1332 -1406) argued that educational purposes as concluded by Muhammad al-Abrasyi Athiyah, has two principal (1) religious purposes are charitable in accordance with the demands of religion so that man will be when he met God in a state of crushing fulfill the rights of Allah that has been required to her. (2) the purpose of scientific, as an approach towards life provision for livelihood in this world.

There are some things that should be noted by parents in developing children's mental:

- a) Provide limited flexibility in a sense, provide guidance, guidance, advice (strikes) and control.
- b) Holding a mutual communication in a sense, making time to play brainstorming, joking, deliberation in positive things.
- c) Train children to be responsible for completing the work by providing confidence in children.
- d) Conduct joint activities such as prayer in congregation, eating with recreation and others.
- e) Giving attention, discipline and good behavior education, and education how to be independent, but do not spoil the child, or curb and give toys to excessive.

g. Learning by Love and Prohibition to be Rude

Often the abused children because of a lack of awareness of parents towards the fulfillment of children's rights and obligations mandated by the creator that the child is the mandate entrusted to him. Besides children have a physically weak position. Therefore, children are vulnerable as victims of violence, whether physical, psychic, sexual, or economically exploitation.

Violence against children can be a violation of rights such as (1) the right to life (2) the right to equality (3) the right to liberty and security of person (4) the right to

protection (5) the right to receive health services physically and mentally as well as (6) the right to education (7) the right not to be subjected to abuse or other forms of cruelty, mistreatment or torture inhuman arbitrary (8) The right not to be exploited economically and so on.

The form of domestic violence against children are child abuse physical, psychological, sexual, neglect of children and child exploitation. There are various factors causing the occurrence of violence against children. Generally it is caused by internal factors that come from the children themselves as well as external factors derived from the condition of the family and society. The legal protection of children who are victims of domestic violence carried out by implementing programs and activities of direct services for children who need special protection.

Poverty and low parental education, which triggers the occurrence of violence against children and violations of children's rights, which in turn the implementation of legal protection of child neglect. Lack of understanding and practice of the teachings of parents, and the social and economic life and politics are not fair for the child, which triggers the neglect of children's rights.

Elimination of violence against children in households in Indonesia has been legalized in the Law on Elimination of Domestic Violence No. 23 of 2004, exactly two years after the enactment of the Child Protection Act No. 23 of 2002. This indicates that both Islamic law and the Law the Republic of Indonesia prohibits violence against children.

Child exploitation can happen in a job or learning grounds. All these things can result in direct physical and mental. Islam clearly prohibits it. A famous hadith about education of children parse the duty of parents to educate their children without having to impose the will of the parents themselves. "Educate your children, because they are made to face a different era with your era," The message of Prophet asserted character education should be futuristic and liberate every child to be creative according to interests and talents without ignoring their comfort to enjoy childhood beautifully.

2.5 Perspective of Islamic Law on Children's Protection and the Application of *Hadhanah* Concept

The provisions of the law that managed the implementation of the care, maintenance and education of children is explored in Islamic law regarding *hadhanah*. *Hadhanah* is the right of the child and the obligation for parents. The obligation of maintenance of children in Islamic law called *hadhanah*, that is the maintenance of children who are not able to keep himself, in a way that brings benefit organize something for the children, to train and educate with the maintenance of the growth of soul and moral .

Hadhanah taken from the word *hadhana* means that gather, live and maintain. *Fuqaha* defined *hadhanah* is doing maintenance younger children, men or women who have been great but not *mumayyis*, without orders or messenger of the child, providing something for his kindness, keep it from anything that can hurt and damage, educating physical, spiritual and intellect to be able to live independently in the face and take responsibility

Al-hadhanah comes from word *hadhnan hadhan- yahdhanu hadhanan wa wa hadhanah*. Linguistically *hadhanah* has two basic meanings. The first is *al-hidhnu* (chest) that is a member of the body between the armpit and waist. From here if say *ihtadhana al-walad* means that grabbed and held and put it in the arms (arms). Second *al-hidhnu* is *janib ash-syay'i* (side of things). If it is said *ihtadhana ash-syayi'a* means putting something on the side and are in the maintenance and separated them from the other. It is like a bird that collects the eggs and incubating the egg so that they are at his side and under maintenance. Word of *Hadhanah* is more dominant word used in connection with children related to the custody, care, treatment and maintenance and education of children as well as all activities related to it.

According to Al-Ansari, *al-hadhanah* is *tarbiyah* children for the person who has custody. According to scholars Syafi'iyah, *al-Hadhanah* is *tarbiyah* on small children with what makes it good. According to scholars *Hanabilah*, *al-hadhana* is keeping the souls of children to help and meet the food, clothing and beds, and clean the body. According to Sa'di Abu Habib al-syari'ah, definition of *hadhanah* is to limit

maintenance and education who can not take care of himself, with what could make it better and protect it from whatever harm it, even if that person is already great but crazy.

Al-Jaziri defines *hadhanah* according to syara' that is the maintenance of small children, the infirm, the insane, or is already big but yet *mumayyiz* of what can be harmed them, seek education of benefit in form of hygiene and feeding and any concession that gave him pleasure.

As for the definition of the concept of *hadhanah* used in this case, they are all the efforts or activities carried both biological parents to biological children, to perform maintenance, education, upbringing in an effort to cultivate the child's physical and mental. In essence of *hadhanah*, it concerns to the purpose of those activities performing maintenance on children, childbearing, child-rearing, guiding children, caring for children and adults or able to stand alone, faithful and taqwa with moral noble accordance with the purpose of fostering Islam.

According to M. Yahya Harahap, the maintenance of children is the responsibility of parents to supervise, provide appropriate services as well as the daily lives of children. Maintenance in the form of supervision, services and provision of livelihood of the child are to be continuous until the child adult.

According to Paul Wetty: "Children need love, a sense of security or tranquility, understanding, and encouragement from both parents (mother and father) as well as others. In short, we can say that the affection is to be given and met for each child.

The pattern of religious development is the process or the work done within the framework of nurturing, guiding, directing the child's behavior in accordance with the demands of faith (*aqidah, worship, moral, etc.*). In order to have personality, attitudes, knowledge, skills, it will underlie young people for life of the present and the future.

Fostering religion to children aims to create children of faithful and taqwa with personality as a true Muslim and able to live a happy life in this world and in the

hereafter. In the Quran, it is recommended to always pray for good in the world and hereafter in suroh Al-Baqarah verse 201:

وَمِنْهُمْ مَنْ يَقُولُ رَبَّنَا آتِنَا فِي الدُّنْيَا حَسَنَةً وَفِي الْآخِرَةِ حَسَنَةً وَقِنَا عَذَابَ النَّارِ

Meaning: "and among them there are those who say: "Our Lord, give We goodness in the world and good in the Hereafter, and We from the torment of hell". (QS:Al-Baqarah Ayat 201).

Maintenance, education, care, and child care are an obligation for both parents, and the rights of the child. So *hadhanah* is concerned with the rights and obligations. The obligation for both parents and for children's rights (the rights of non material).

So what is meant by the rights of non material in this paper is the first safeguard and protect children from things that harm let alone commit domestic violence against children, Second, parenting with love, serenity, tranquility, received the birth of a child with a good attitude, seek happiness for the mental development of children. Third, educate children becoming pious child, the child is responsible, faithful, devoted, noble behavior.

According to Abu Bakr Al-Jaziri, *hadhanah* law is required to be given to children who are still small to maintain physical growth, as well as their religious sense.

• Word *al-nafaqoh* is derived from the word *al-infaq*, means *al-ikhraj* (put out). What is meant by living in this article are costs incurred to carry out maintenance/care, treatment, education for children.

Al-infaq is means by cost, shopping, spending money. In terms of Fiqih: a gift given by a person to the people or the party entitled to receive it. Main living of income given that aims to meet the basic needs of life, that is food, clothing and shelter. Factors that cause living is partnership be blood (family) and ownership of something that requires living.

Fuqaha has agreed on the necessity of providing for the child. Father obliged and it is the responsibility of parents provide for living and good or fees for *hadhanah*. The *fuqaha* equate obligations *hadhanah* with the cost of breast-feeding the child, if a wife is still in matrimony or in *raj'i*, then she is not entitled to receive a separate fee for *hadhanah*, since it already includes in a living, but if it had been divorced then the cost *hadhanah* entitled requested separately from the former husband for a living child.

In Quran, it is recommended in order to make a living on a rejected wife until she gave birth.

وَإِنْ كُنْ أُولَئِكَ حَمَلَ فَاذْبِقُوا عَلَيْهِنَّ حَتَّى يَرْضَعْنَ حَمَلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ
وَاتِمُّوا بَيْنَكُمْ بِعَرْفٍ فَإِنْ تَعَاَزَمَ ثُمَّ مَلَحَ لَكُمْ فَرَضَ لَكُمْ أُخْرَى

Meaning:, So give them their living up to their birth, then if they suckle (kids) mu for you then give them their wages, and the deliberation was among you (everything) well; and if you find it difficult then another woman may suckle (the child) for him
Fuqaha agreed, living in children and wife by the husband is subsistence, clothing. Meet the needs of food, shelter, medicine, education etc.

• وَالْوَالِدَاتُ يُرْضَعْنَ حَوْلَ لَبِائِهِنَّ كَمَا وَلَيْنَ لِمَنْ أَرَادَ أَنْ يُنْفِقَ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْعَرَفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعُهَا لَا تُضَارُّ وَالِدَةٌ بَوْلِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ
وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ

أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْعَنَدِ وَالْقَوْلُ أَلَّهُ وَعَلِمُوا أَنَّ اللَّهَ

يَا تَعْمَلُونَ بَحِيمٌ

Meaning: Mothers shall breastfeed their children for two full years, ie for those who want to enhance breastfeeding. and liabilities father gave meals and clothing to the mother with *ma'ruf*. Someone not burdened but according to levels of ability. one should suffer the misery for his mother and a father for his son, and the inheritance shall be chargeable case. if both want wean (before two years) with both willingness and consent, then there is no blame on either. And if you want your child breastfed by another person, then there is no sin on you if you make the payment according to the worth. Your fear Allah and know that Allah is seeing what you do.

Rizq refers to this verse is enough food, *ma'ruf* that is goodness accordance with the provisions of religion, not excessive and does not lack. Magnitude of living is not determined by personality but by *urf*, place, situation and economic conditions of households which are rich or poor. Compilation of Islamic Law Surah 80 verses (4) determining the amount of income according to the income of the father/husband to bear:

- Living, *kiswah* and shelter for children/wife.
- Cost of living/household, cost of care and treatment costs of children / wives.
- The cost of education for children.

This indicated that the living of child education expenses including mandatory for parents, because parents need to educate their children. And making a living is a right of the child that is material. Providing a family living in a state or in adversity is a must, as applicate in the Qur'an Surah Ali Imran verse 134 .

الَّذِينَ يُدْفِقُونَ فِي السَّرَّاءِ وَالضَّرَّاءِ وَالْكَبِيرِ وَالْقَلِيلِ عَنِ النَّاسِ * وَاللَّهُ يُحِبُّ

الْمُخْبِرِينَ

Meaning: (They are) those who spend (freely), whether in time or in adversity, and those who restrain anger and forgiving (mistakes) people. Allah loves those who do good.

The verse indicates that feed their families either in state or in adversity is a must.

2.6 Some Efforts in Applying Children's Protection

There are various attempts to implement the protection of religion as stipulated in article 42 of the law on child protection legislation which consisted of coaching, guidance and practice of religion a child, and also in the context of protecting the education of children as stated in article 48 laws on child protection which consists of the implementation of the nine-year education to develop the personality, talent, HAM, moral, sense of respect and preparation of the child becomes an adult and responsible. Then there are several ways to embed, guidance on children who should be integrated in the family environment, educational institutions (schools) and community as expressed by the Nashih Ulwan among others.

Giving advice to others in order to remain in the work of truth and patience is recommended in Islam. This is in line with what is stated in the Quran Surah al-Ashr Verse 3, which means: "Except those who believe and do righteous deeds and counsel-advised in order to obey the truth, and the advice of counsel in order to fulfill patience.

According to *Nasih Ulwan* in presenting advice and teaching, the Qur'an has key attributes of that advice calling for pleasure that followed with softness or the rejection, the method is accompanied parable story that contains advice and lessons

learned, and will. So the advice is one of the virtue of religion aiming to run things right.

Exemplary method is a tarbiyah method that is consistent with fitrah of human beings. The presence of a figure as a role model in life and life is the desire of every human being. It has become fitrah of human beings. Learning by example is suitable for develop morals. Children are particularly craved parents. Children will inherit goodness and moral values when the parents as a child coveted figure gives an example of children in the association in everyday life.

It is very important in learning the terms of the practice of religious teachings. Because older children in the family when compared to the time of the child in school, the habituation of teaching practices religious teachings and moral values/morals. It is very important to know and be done by the parents. Habits are formed to enforce it or make it permanent. Habit occurs caused repetitions action consistently and continuously.

Method of punishment done when other methods are not successful, especially on matters relating to religious practice or treatment that violates religious teachings. So education with a method of punishment is the last step to be taken in the educational process. There are a few things to be aware and be the basis for a method of punishment, that is: punishment on the basis of affection and attention, punishment on the basis of child development, maintaining behavior wrong or violate religious teachings, and punishments carried out gradually.

It has laid down procedures for helping children virtuous, since the child was born and has become a good tradition for the development of the souls of children, which is the implementation of the principle that a child is as a mandate from Allah SWT, as stated in the journal written by Taufik: "child is the mandate of Allah SWT that management will be accountable to Allah SWT on the day of resurrection or hereafter.

It is an understanding that the emphasis on adults that both parents primarily to instill faith and devotion early. Rasulullah SAW leaves a message, *"Respect your children and educate them. Allah give mercy to someone who helped their children to*

be filial to her child." Companions asked, "How can I help?" Rasulullah Apostle replied, "Receiving his efforts however small, to forgive his mistake, do not burden him with heavy, nor called him that hurt him".

This is in line with the wise words in fostering, education for children, as advice for parents and educators is: *"If a child is raised with criticism, he learns cursing. If a child is raised with hostility, he learns to fight. If a child is raised with ridicule, he learns of inferiority. If a child is raised with insults, he learned sorry for themselves. If a child is raised with tolerance, they learn restraint. If a child is raised with encouragement, he learns confidence. If a child is raised with praise, he learns to appreciate. If a child is raised with love and friendship, he learns to find love in life."*

Various measures of parenting and child development, disclosed the pious scholars of Islamic education as follows:

a. Childcare at Post-birth (Pregnancy)

In the Qur'an reveals that Allah SWT who creates human beings from a single soul and He creates wife, so he is pleased with him. So when his wife is clocked his wife conceived it contains a light, then when he felt the weight of both pray to Allah saying: *"Indeed, we include those who are grateful"*

When a prospective mother to bear a child, the mother's condition is very weak, and needs adequate nutrition which should pay attention to the health of mother and fetus in the womb. It has been revealed in the Qur'an: *"..... his mother had conceived in a weakened state that increase steadily weaker, and weaning in two years"* Conditions of weak mother, husband must to pay attention to health and nutrition for pregnant mothers and gives *halal* food and good as revealed in the Qur'an: *"and eat halal food, again good"* *halal* food is food that is not forbidden by religion, while the food is food that meets health requirements, clean nutritious and berprotein.

In an effort to maintain and always maintain the health of pregnant, women need to inquire as recommended by doctor to constantly monitor the growth and health of the fetus. The ulema said: *"Healthcare is better than cure"* Prophet

Muhammad SAW said that it means: Enough sinner people who abandon their dependents (HR. Muslim).

The needs of pregnant women are not only aspect of physical needs, but also pregnant women need attention and affection as psychiatric aspects. Therefore husbands are required to associate her with the household atmosphere somewhat better be quiet, comfortable, pleasant and harmonious. It is revealed in the Qur'an: "and do treat to them with *ma'ruf*." Associate with a good wife is to create an atmosphere that can be encouraging, safe atmosphere and comfortable. Additionally recommended so that strengthen moods atmosphere with lots of praying to Allah SWT as mentioned in al-Quran where translation. There Zakariya prayed to his God and said: "*My Lord, grant me from thee a good boy, you actually almighty listener prayer.*" Maternal readiness, can be pursued through mentoring husband when giving birth. Husband also *azan* and *iqamah* to newborn baby car.

From the above explanation, it can be understood that the pregnant mother or her child in the womb is necessary to meet the needs of physically and mentally. Physical needs such as maintaining health through the provision of adequate nutrition and maternal and infant health examination. While psychological needs such as affection, the atmosphere is quiet, safe and harmonious relations in the household, which can be created among others by instilling religious values as a lot of prayer.

b. Post-Birth Parenting

There are some things that need to be pursued and carried out, especially during the seven (7) days of age infants, namely:

The Prophet SAW said, which means: "*The obligation of parents to their children is to give a good name, and taught her manners*" (HR. Baihaqi)

c. Doing Aqiqah for Child

Along with giving the name, it should be done *aqiqah*, the goat slaughter. *Aqiqah* done if able. In this regard, the Prophet said: "*From Aisyah ra, he said: Messenger of Allah commanded us to do aqiqah, for boys two goats for girls one tail of the goats*" (HR. Turmudzi and Ibn Najah).

d. Shaving the Child and Charity.

Along with the implementation of *aqiqah* and shave the child's name sunnah to shaved of children hair and charity on the parents of at least silver weighing baby's hair is shaved the Prophet said that: "from Samroh, hamstrung of goat and named him" (HR. Ahmad and Tirmidhi). And the Prophet said "Shave the hair (*Hasan*) and do alms silver for the poor, at least silver weighing baby's hair is shaved (HR. Ahmad, Tirmidhi).

e. Caring and Breast-feed

Maintain the viability of the child is in order to cultivate the child to become a generation of Muslim complaint in healthy and strong as the Prophet Rasulullah SAW:

"A strong believer is better and is loved by Allah than the weak believer" (HR. Muslim). It is recommended that conduct training in children's physical and mental well child becomes stronger. In terms of treatment and nursing required obligations for parents, this is in line with the Al-Qur'an Al-Baqoroh verses 223:

"Mothers shall suckle their children for two full years, ie for those who want to enhance breastfeeding, and liabilities father gave meals and clothing to the mother with ma'ruf, someone not burdened but according to levels of ability. one should suffer the misery for his mother and a father for his son, and the inheritance shall be chargeable case. if both want wean (before two years) with both willingness and consent, then there is no blame on either. and if you want your children in the milk right by others, then there is no sin on you if you make the payment according to the worth. Your fear Allah and know that Allah is seeing what you do."

In order to maintain the viability of the child, each parent should always seek the best things and maintain the viability of the child, do not waste much less deprive a child. Maintain and improve the health of children, it is necessary to continuously monitor the efforts of the child's health, immunization equip, maintain cleanliness, good clothes, the environment and the food the child. Islam is very health-conscious addition on treatment of sick children.

2.7 Education Model and Establishment a Pious Child

The formation of the child can do with the right education, and cultivation of values education highly preferred. Children born has brought the potential and the fundamental properties that is natural tendency (*fitrah*), It has been disclosed in the previous chapter about theory of *fitrah*. Float the potential of natural tendency (*fitrah*) can be done through education, so that later the child becomes child of *sholeh*.

To form a good child, there are some efforts to be made by both parents in order to instill the value of education in children include:

- a. Carry a sound of Azan and iqomah to ear of newborn.
- b. Venturing into the lives of children with the phrase *La ilaha Illa Allah*
- c. Introduce the laws of *halal* and *haram* to children.
- d. Send children to worship at an early age.
- e. Educating children to love the Prophet and his family and reading the Qur'an.
- f. Giving education morally and manners and morals
- g. Get children to exercise and swim
- h. Teach children to read and write as well as basic knowledge

In implementing the protection towards children to carry out the mandate of God to the parents to meet the right *hadhanah* for children, it is necessary to avoid some things

- a. Do not kill the children for fear of poverty (Surah al-Isra '17: 31)
- b. Do not discriminate, let alone wasting children, abandoned children, and let justice to children.
- c. Do not abuse both physical violence such as hitting, and so on, as well as violence *psikhis* / mental derided, insulted mocking children and so on.
- d. Keep watch children from influences that would plunge the child and immoral .
- e. Do not cursing

CHAPTER III DISCUSSION

3.1 Description of General Findings

This research is conducted to the whole of Moslem family having child 1-18 year old inhabitant of Medan city. Medan is a dynamic city which are quite heterogeneous both levels of education, livelihood diverse tribes. Medan city is the capital of North Sumatra province. It is the center of local government of North Sumatra, the government administration chaired by a Governor.

Medan is one of 25 regional level II in North Sumatra, with an area of 265.10 Km around the square. Medan city is one of the cities madya capital Medan composed of 21 districts and 151 villages, 2000 environments. Medan city government administration is headed by a mayor.

Medan is situated between two '1.27'-2'.47' North latitude, 98'.35- 98'.44' east longitude. Medan 2.5 to 37.5 meters above sea level. Medan is bounded by the Northern, Southern, Western and Eastern with Deli Serdang. Most areas of the cities in Medan are lowland area be important for meeting place of two rivers that are Babura and Deli River. Medan city has a tropical climate with minimum temperatures by Polonia Station in 2006 ranged between 23,0'C- 24,1'C and maximum temperatures range between 30,6'C-33,1'C, as well as the minimum temperature according to Sampali station 23,6'C-24,4'C and maximum temperature ranges 30.2'C- 32.5 'C. Humidity region of the city of Medan on average 78-82%, and the average wind speed of 0.42 m / sec. Whereas total average monthly pace of appreciation of 100.6 mm.

Since 1951, the area of Medan city has experienced five times the extension of the area, and the last number is based on the Decree of the Governor of North Sumatra KDH Level I Number: 140.22 / 2727.K / 1996 date 30 September 1996 about defining 7 villages in the Municipality Regional Level II Thus coming 21 districts that include 151 villages and 2000 environments. A total area of 265.1 Km Longitude Cage.

These districts are (1) District of Medan Tuntungan (2) District of Medan Johor (3) District of Medan Sandpaper (4) District of Medan Denai (5) District of Medan Area (6) District of Medan City (7) District of Medan Maimun (8) District of Medan Polonia (9) District of Medan Baru (10) District of Medan Selayang (11) District of Medan Sunggal (12) District of Medan Helvetia (13) District of Medan Petisah (14) District of Medan Barat (15) District of East Medan (16) Medan District of Medan Perjuangan (17) District of Medan Tembung (18) District of Medan Deli (19) District of Medan Labuhan (20) District of Medan Marelan and (21) Districts of West Medan population reached 7798 inhabitants /km.

In 2006, occurred accretion population of 163 015 people, so that the total population about 2,067,288 inhabitants, comprising 1,027,607 males and 1,039,681 females. Based on National Social Economic Survey (SUSSENAS) in 2006, the number of poor people in Medan reached 7.77%. The population and the city of Medan total household consisting of 21 sub-district, 465.218 head of household, and there are 629.659 inhabitants aged 1-19 years, and 20-65 years of age 1,437,629 inhabitants. The number of children in Medan City until 2009, there were 241.760 lives 0-5 years and 6-12 years, 281.182 inhabitants (elementary school age), 172.676 inhabitants aged 13-15 years (junior secondary school age), 146.332 inhabitants aged 16-18 years (high school age). So the total school age is 600.190 inhabitants. The number of Muslim population is 1,461,815 (70.71%), in addition to Christian religion, Protestann, Buddhist and Hindu (29.29%). The number of school-age population by 2010 are:

Table 1
Medan City Residents Based Upon Age

Age Group	Males/ Percentage	Females
0 – 5 years	21,98 %	20,52 %
6 – 12 years	25,54 %	23,89 %
13 -15 years	11,43 %	11,01 %
16 – 18 years	12,74 %	12,98 %
19- 25 years	28,32 %	31,60 %
Total	100,00	100,00

Data Source: BPS 2007, page: 60

The table is based on the population of the city of Medan until 2010, that the majority of the population of the city of Medan is of school age are 6-18 years. Medan has a health facility at 5 districts that serve as the study population areas.

Table. 2
Number of Facilities According to the District of Health Research Areas

District	Total of Helth Center	Hospital	BPU
Medan City	3	10	29
West Medan	3	8	23
East Medan	1	6	22
Medan Tembung	2	4	18
Medan Marelan	1	2	21
Total	10	30	117

Data Source: BPS Medan in 2007

Based on the table, it can be seen that every area in the city of Medan has equipped health facility that is the presence of hospitals, health centers and clinics treatment.

Nutritional condition of Medan city communities in the region can be seen in the following table:

Table. 3
According to the Nutrition Prevalence Status and
District in the city of Medan

District	Better and more	Less	Bad
Medan city	2325	87	7
West Medan	7489	585	155
East Medan	7139	149	14
Medan Tembung	7585	300	32
Medan Marelan	9765	188	103
Total	96,62 %	3,85 %	0,54 %

Data Source: BPS Medan in 2007

Based on this data, it is known that the city of Medan nutrition is at a good level and the excess reached 97%, and contained 3.85% is in the category of malnutrition and there is a small portion of which 0.54% are severely malnourished.

Table.4
The number of Households and Household Health Examined by the District

District	%	Total of Household	% Health
Medan Kota	56,7	12838	85,26
West Medan	72,6	15617	86,55
East Medan	41,4	8890	85,30
Medan Tembung	39,7	12709	86,87
Medan Marelan	52,7	6227	85,09
Kecamatan	Diperisa %	Total of Household	% Helth
Medan Kota	56,7	12838	85,26
Medan Barat	72,6	15617	86,55

Medan Timur	41,4	8890	85,30
Medan Tembung	39,7	12709	86,87
Medan Marelan	52,7	6227	85,09

Data Source: BPS Medan in 2007

Medan has Religious Court Offices, institutions of child protection advocacy in Medan District Court that handles cases of children in the city of Medan. Agencies that deal with child protection such as the Indonesian Child Protection Commission (KPAI), and to deal with people who are doing violence including violence in the home (domestic violence), committed against children are handled by police agencies (POLTABES) Medan.

3.2 Description of Special Research Findings

Implementation of the Protection of Children Rights Under Law No. 23 of 2002 in a Muslim family in Medan. To initiate the process of activities describing a variety of research problems related to the application of legal protection in fulfilling the rights of children by both parents in a Muslim family in Medan, early preparations are conducted: (1) coordinated with the head of the family who is elected as an informant in five selected districts as research sample area. (2) coordinated with religious leaders, community leaders and traditional leaders in the area of the sample and (3) coordinating with local authority, namely Department of Social Welfare and Labor Medan Jl.K.H. Wahid Hasyim, Medan Police Jl.Durian, KPID Jl.Serdang and various NGOs in the city of Medan. The findings of this study are begun by describing parental knowledge.

After collecting data on parental knowledge about children's rights as the indicator contained in the provisions in the Law on Child Protection, then even if they do not know the rights of the child contained in the Act protection of the Child, they know and understand it. It is seen that 30 (21.42%) have high knowledge, 25 (17.85), the knowledge of parents is in medium category, 40 (28.57%) enough, 30 people (21.42%) less and 15 (10.71) knowledgeable low. For more details can be seen in the following table:

Table. 5
Parent's Knowledge About Children's Rights

Number	Knowledge	Frequency	Percentage
1	High	30	21,42
2	Medium	25	17,85
3	Enough	40	28,57
4	Less	30	21,42
5	Low	15	10,71
	Total	140	100

Source of data: structured interview results in 2010

From the table it can be understood that the majority of parents still have sufficient knowledge of the rights of the child. However, these data indicate a fairly encouraging that turns parents are aware of children's rights that should be fulfilled in the form of providing protection for the rights of children.

Based on data collected through structured interview, it can be concluded that the implementation of legal protection for children is good. It can be inferred from a hundred angry twenty respondents hundred forty respondents of this study as much as 50% implementation of child protection gentleness in the high category, and there is a 30% implementation of the protection of children in families in the category, and there is a 20% implementation of child protection in the category low.

Table. 6
Legal Protection for Children in Moslem Families in Medan

No	Catagory	Percentage
1	High	50 %
2	Medium	30 %
3	Low	20 %

Source data: interviews in 2010

Based on the categorization of the results the percentage of implementation of child protection in the city of Medan Muslim family can be understood that manyoritas ie (50%) rights. Protection of children, has been performing well, while

the 30% has been accomplished, but the poorly implemented and that 20% is not good.

It has been disclosed above parental perception of the right to legal protection for children. It is an overview of the views of parents regarding the fulfillment of the rights of the child. This perception will be in shaping the behavior and attitudes of parents in applying for child rights protection. From the results of research, the knowledge of parents about the rights of children up to 85% adequate, good and excellent respectively, seen also that the majority (50%) right to the protection of children in a Muslim family in the city of Medan had been applied properly. However, there are still 50%, Muslim families in Medan yet fully meet the fulfillment of the right of protection for children.

This is an indication that: there are parents who do not do the coaching, guidance and practice of religion in the family. In addition, there are among parents who do not apply the health care for children in terms of health improvement efforts (promotion), disease prevention (preventive) and the treatment and the recovery efforts of children from diseases (curative). Later in the enjoyment of the right to education for child protection, there are still families who do not implement the protection for a good education children with provision of basic education 9 (nine) years of special education.

In more detail, to determine the application of legal protection for the child in a Moslem family in the city of Medan, both the parents in the family, as well as social protection by governments and agencies involved, as well Governmental Organization (NGO) in Medan in various forms as mandated in Law Child Protection No. 23 of 2002 as stipulated in article 42 on the protection of religion child, article 44 on the protection of the health of children, article 48 which regulates the protection of children's education, and on article 13 on social protection of children displaced, the protection of child victims of domestic violence (domestic violence), the following shall be disclosed.

Based on the information, interviews were collected from the child, on the development and practice of religion, then there are the majority of children said that

their parents never told them to pray and told to do things that is recommended by the religion, in various ways such as advice, encouragement, habituation , exemplary and even punishment and threats.

3.2.1 The Implementation of Children's Protection on Religion

Participants of this research agree that every child is entitled to protection for religious worship according to their respective, and the children follow the religion of their parents. Religion protection of children committed by parents through coaching, mentoring, and cultivation of religious values to children is done with two forms of coaching to enter their child to formal school and public schools and perform religious formation within the family that took place around the globe. It can be understood based on the results of interviews conducted with respondents in May 2010.

Based on data collected through structured interviews conducted in July 2009, it found that the location of research participants as many as 140 participants (100%), said that their child follows the religion professed by the participants is Moslem.

It is an indication that the mandate of Constitution of child Protection in Indonesia Number 23 of 2002 on Article 42 (1) which mandated "every child gets protection to worship according to their religion article (2) which reads" before the child can determine, the religion of children follow the religion of their parents, it is held to the fullest means all Moslem families in Medan city, their children are Moslems. However, the implementation of these laws is the same article that paragraph (1) such as the organization of the religious formation of children to child protection for worship, a very diverse.

Coaching, tutoring and religious values that the parents in children is done in various ways or forms, that is: there are 112 people (81.6%) of participants of this study give suggestions and advice. There were 101 people (84 , 1%) told and always get children their prayers, including 49 participants (40.8%) always encourage their children to do Maghrib prayer in congregation. There are 80 participants (66.6%) always instill moral values commendable as respectful and adhere to the words of both parents, love their children and respect the older of them and there are 81 people

who participated in this study (40.8%) must tell the truth and do not lie, said in a polite and courteous. There were 101 people (84.1%) tell and teach their children to read Quran. There are 81 participants (67.5%) always motivate their children to fast in Ramadan, which of which there are 41 (34.1%) reward for their child who always do good as diligent prayer and the fasting month of Ramadan.

Based on data collected through field observation during the month of July 2010 on a variety of materials of religious education in the family activities, parents in Muslim families in the city of Medan in implementing the guidance of religion and education in children can be described, send prayers fardhu, sometimes invites prayer congregation, praying 'finished the prayer, remembrance and always surrender to Allah SWT, recited al-Qur, and after familiarize cleanliness in the house, clean clothes, get used to putting something good in place, help do the housework such as sweeping, cleanse clothing, dress neatly, eat together if possible, cleaning toiletries, accustom read the prayers of the short day, send children home from school on time, changing clothes after school, prohibit children fuss when there were prayers, accustom child to always be honest, loving others, doing school homework, some parents send their children dressed in Muslim, cleaning tableware, prayer after prayer, forbidden to be quiet when there were prayers, private lessons, loving brother, sister respect, courtesy, memberi advice to always be grateful, humble greeting, if going farewell, and so on. Based on these findings, it is understood that learning is inculcated in children in the family is the practice of religion, morals and material understanding of Aqeedah.

Participants of this study were 94 people (78.3%) agreed, saying that they hope someday their children become a religious child who can make them happy in the future of the world and the hereafter. In religious guidance contains a number of norms in which the two-way relationship between the parents with their children to achieve one goal, namely the establishment of coaching. The purpose of religious guidance as to create children be religious children faithful and devoted. It is demanding on both parents to be able to do the coaching of children-oriented religion the child in the process of change in the aspect of knowledge, practice, and also

changes in behavior or attitude and a change in aspect or psychomotoric skills of children.

The description gives an overview of the application of the protection of the religion of children in the family, that the Muslim family in Medan organize the protection of the religion of children as well, that is the Muslim family in Medan as stated in the Law on Child Protection Article 43 (paragraph 2) include coaching, mentoring, and practice religious teachings for the child.

Household is a one-lane coaching, mentoring and cultivation of religious values to children, highly charged role. Primarily responsible for development child complaint has Islamic personality, are both parents. Syah Khalid bin Abdurrahman al-Khak said that islamic personal coaching is to make every child of Muslim either male or female in his life as a Muslim behaves good thoughts, words deeds actions, the purpose of life and look into the future, consideration, his association applied in their everyday lives.

So it can be understood that the household is the first place in fostering and the inculcation of religious values children, and both parents are the primary educators and the first responsible for the protection of children as a form of religious worship for the fulfilment of the right of every child.

As stated in the Law on Child Protection Chapter I Article 1 (paragraph 2) "Protection of children are all activities to ensure and protect children and their rights in order to live, grow, develop optimally match the dignity of humanity and get protection from violence and discrimination. "In article 26 instructs the parents shall be responsible for (a) nurturing, preserve, educate and protect children (b) cultivate children according to the abilities, talents and interests, and (c) preventing marriage at the age of the children. "

3.2.2 Implementation of Children's Protection on Health

Participants of this study agree that children's health is very important. If the body is healthy, then the child can learn, move, play and parents will be delighted. Therefore, need to be maintained and pursued so that the child is always healthy. As recognition of the participants as saying: "for us the most important children's health,

rather than ourselves, we are willing to borrow as long as our children can be treated if sick.

There are several reasons given by participants: *The first*, child is a baby, if a child is sick, they do not have the heart very sorry hence all the capabilities they try to keep their children healthy. *Second* children are the hope of the future for the child should always be healthy, can go to school and in the hope the child will always be successful. In general, participants wanted all her children to be healthy, intelligent and smart. For that is the thing supporting the health of children. Participants believe that one effort that someday the child to be intelligent, such as their children strive to keep it healthy, because children are sickly from childhood will inhibit the growth and development of children. *The third*, child is a mandate of Allah, which needs to be maintained and protected, including from the disease. Son as a mandate of Allah be maintained health and children must necessarily be treated well. Participants wanting their children someday become a pious child, because it needs maintenance and good protection. Participants believe that one of the things that support the ideals that his daughter will materialize must be supported by good health as well.

According to the researchers gathered information that the majority of the participants to carry out activities to seek the protection of children's health, children carry out prevention of various diseases. This is evident from 87 persons (72.5%) study participants complete this immunization, either before or after the birth of their child. In addition the participants with all the efforts and abilities they seek to give the food they think is good for their children, even though some participants admitted that they gave food for children is her favorite food. Participants of this study agree that giving nutrition and healthy food for their children's growth is necessary, so that with effort and their ability to earn a living to be able to provide bread for his family.

Participants of this study do the treatment and care of the sick child. They agreed that if a child is sick immediately bring their children for treatment and to ensure that children soon cured of the disease: it is as told by participants when the researchers collected data through interviews conducted in May 2010 to the participants in Tembung district Medan. Participants says : *"We are concerned, if our*

child was sick, we seek to immediately find our treatment of sick children, even though we had to lend money to the treatment of our son we always pray for our son soon recovered and took care of our son with affection".

This is an indication that essentially the study participants is very concerned with the health of their children and they organize protection on their children's health as much as they could do. Child participants prevention of disease, provision of nutritious food as much as they can afford, and treatment for the sick child and the care of children. According to the participants understand and know how to manage a healthy diet, but still there are participants who do not understand how a healthy diet. Participants who provide food for their children and the children follow suit just to desire a child, do not rule appropriate diet and balanced nutrition provision for the health and growth of the child later days ahead. It proved the interview where as many as 38 people (31.6%) participants provide food to their children as they set and the rest give the food to the children according to the tastes of parents and their children, and not by the rules of healthy food for their children. However, the majority of participants gave the main food to their babies with breast milk. There are 102 participants (85%) provide basic food their babies with breast milk.

Participants of this study are very concerned with the health of their children and they organize protection on their children's health as much as they could. Child participants prevention of disease, provision of nutritious food as much as they can afford, and treatment for the sick child and the care of children.

The family of the city of Medan which is predominantly Muslim, protecting the health of children is evident from malnutrition prevalence document the city of Medan that are in the category of good nutrition and excess that nearly 96% and get the family of the city of Medan which is predominantly Muslim, protecting the health of children is evident from malnutrition prevalence document the city of Medan that are in the category of good nutrition and excess that nearly 96% and 4% are in the category of less good and the bad. But in terms of doing a planned effort to regulate diet of children in the family and in the prevention of child health from diseases that might be coming, based on structured interviews to the participants of this research

note that there are 87 people (72.5%), do good, and there are 23 people (19.1%) were poor and there were 16 people (13.3%), did not make the effort pencehahan the health of children.

Based on data from household neighbor healthier contained in five districts as there search population areas, manyoritas including healthy household categories. The data are as follows: (1) subdistrict the city of Medan No 56.7% inspected, there are 85.26% including healthy household, in the district of west Medan, from 72.6% of homes inspected, there is a healthy 86.55% of households and in the Eastern District of Medan from 41.4% house was checked, there were 85.30% healthy home, in the subdistrict of Medan Tembung of 39.7% of homes are inspected 86.76% of healthy homes and in the district of Medan Marelan of 52.7% the home inspected, there are 85.09% healthy home.

As stated in article 46 of Law Protection of children: *"The state, the government, families and parents need to see to it that the child was born avoid the diseases that threaten the survival and / or cause disability"*. In organizing the health efforts comprehensives for children, so that each child obtain a degree of optimal health in the womb, then the government, community and family together to make efforts - efforts which include: (1) that efforts to improve health (promotive) (2) prevention of diseases (preventive) (3) curative effort to cure disease (curative) and (4) recovery from illness rehabilitative efforts.

Theoretically, the proportion of people healthy rather than sick people follow the rules of 15:85. That is, in a community, there are about 15 percent of the community who are sick, and some 85 percent of whom are actually being healthy.

Medan city government has made efforts to the protection of public health through the empowerment of Medan city health centers and cadres role in moving society. untill this time, public health (*Puskesmas*) and post of integrated service (*Posyandu*) are two things that are still maintained in the efforts to implement a PHC in Indonesia. based on the results of interviews with people's perception and society assessment as follows:

"If people are so nice if it was his role in our environment, like the cleanliness of our existing activities once every two weeks that drives it by head of the environment(*Kepling*). The role of the community is the most important fact in maintaining their own health. I think if party was not anyone active in this environment. We also do not know what the activities in the village, for example. Perhaps his followers invited but he did not deliver it to the public, or perhaps its followers also not come to the health center just wrote the name registered as a volunteer. "Prevention efforts there is only posyandu, then, for the incidence of dengue there has never been any activity, ... Though many yes that can be done in the community, but that was our society's own motion can not wait to be there which promotes or directs".

"Actually, everything is fine, only the health personnel who sometimes too cool, and do not want to inform you something new about health. Because in pukesmas it's more dominant of treatment, virtually no precautions,. On the implementation of treatment services at Public Health Centres, the society of Medan city, accept what the implementation of services in health centers, even if the public were less satisfied with the service. In this case according to the interview:

"It must received, the problem is what our government might be able to do like that to the public. Economic of society are very influential in this regard. Are there capable or not paying public officers as spelled that mothers earlier. If it's free anyway who are sure.

"People ofcourse thank-received if the officer came to check us and our family members. Maybe if paid a lot of it also wants, the public opinion is different about this health. No one cares and there yanggak, the matter would, . "People wrote thank-received if the officer came to check us and our family members. Maybe if paid a lot of them also wants, the public opinion is different about this health. Some people cares and some are not, the matter would, .

According to Law No. 36 of 2009, known as the efforts of health is "health effort is any activity and / or a series of activities carried out in an integrated manner, and integrated to maintain and improve public health in the form of disease

prevention, health improvement, treatment disease and health recovery by the government and / or community ". Thus, proportioned to be given to each of these elements, according to the problems faced

In Article 46 of Law meant, appears clearly on this matter, namely that "To realize the health status of the highest for the society, organized efforts integrated and comprehensive healthcare in the form of individual health efforts and the efforts of public health". This means that there is interest to pay attention to the health of individuals (which is usually identified with treatment) with the need for public health to avoid pain (usually referred to as prevention).

Law number 23 of 1992 on Health in article 4 states that every person has equal rights in obtaining optimal health degree. In this case, including children receive the same right to obtain medical degree. And in article 17 revealed that children's health is held to realize the growth and development of children.

3.2.3 The implementation of Children's Protection on Education

Based on information gathered from interviews, it can be concluded that the study participants agreed that every child is entitled to education. Children need to be schooled up to college. There are several reasons that made the participants that the child needs students, school pupils (1) so that their children will be successful child to have a better future than they are (2), so that child to be a son Sholeh, devoted to his parents and useful for religious and nation. (3) Children need to be prepared for life, could someday take care of their parents in the future, and become a child responsible responsible.

The study participants also agree to say that the child needs to receive additional education such as getting children to additional private lessons, and also children who have a special talent by providing special education as the development of her talent. There were 90 participants (75%) of participants ever to provide additional learning or enter their child for private lessons.

From the results collected by a structured interview to all the respondents of this study, it was found that there were 83 people (69.1%) send their children aged 4

to 6 years of age to school early, and there were 120 people (85.7%), sending children to school. They go to school and graduated, the rest are 20 participants (14.3%) the children are schooled were sent to school most of them children completing primary school and some of their children do not complete primary school.

From the results of structured interviews are also collected the data, that of 140 respondents, there are 62 people (51.6%) of the children they have junior high school, and the rest are 61 (50.8%), their children are still in school and have not yet tammat level and of them do not continue their education.

From the results of these interviews is also known that there are 61 participants (50.8%), all of their children graduated from high school, and vice versa still in school and not in school advanced level advanced level. There are 31 Orang partisipanhwa sending their children to college.

Based on data collection through structured interviews also showed that in addition to the participants enter their child in school during religious educational institution of which they also include their children in their children in the institutions of religious education from the level of education RA up to higher education that there are 50 participants (41, 6%) send their children to Raudhatul Atfal (RA), and graduated 41 people.

(34.6) send their children to TPA or religious education and graduated basic level, there are 20 participants (16.6%) enter their child in school MTs, there were 28 participants (23.3%) enter their child in Madrasah Aliyah (MA) tammad tan, and there were 24 participants (20%) put their children to religious colleges.

Participants of this study also says that children need to receive additional education such as getting children to additional private lessons, and also children who have a special talent by providing special education as the development of her talent. There were 90 participants (75%) participants ever to provide additional learning or enter their child to private course.

3.2.4 The implementation of Children's Protection on Family Violence

The results of this study showed that the participants of this study, shows that violence against children either in the family, society and institutions to the school, not justified, either in the form of physical, psychological, economic or because of sexual violence. There are several reasons offered by participant among others: *The first* child is a trust from Allah that must be nurtured, educated and cared for, need to be properly maintained. *Second* in fostering and education of children and the inculcation of religious values which must necessarily be wise to do as well and with good ways and affection so that it can form a good child personality. Parents should set a good example, so that the child later commit violence in the future anyway. *Third* child abuse is bad and not good for the physical growth and mental development of children.

From the interview can be revealed a few things about the refusal of participants on violence against children because violence is a negative actions that can spoil yourself, spoil the atmosphere and others. According to participants of violence against children will only be bad such as: (1) fueled resentment in the child, even revenge (2) a child to be antipathy towards anything that their parents instilled even tend to fight an old man (3) violence cause suffering to children both physically and mentally against the person of the child. Therefore, the participants agreed that violence is a bad thing that should not happen, mainly perpetrated by parents against their own children even though the grounds are educating children.

The term for the violence against children for parents in Muslim families reject Medan city. But the majority of participants found the term of punishment in educating and disciplining the teachings of religion and religious education instills in the child sometimes required. The term violence is a negative attitude because violence is different from the punishment for the purpose of forming personality of the child and the child's education so that the penalty be interpreted as an act of educative imposed on a person who does violate the rules, norms rules or laws applicable in the context of religion, culture, norms , customs and regulations of the school and so on.

a. Physical Violence

From interviews gathered, there were 21 people (15%) of parents do a penalty in the form of ever hit a child and there are 27 people (37.8%) had slapped a child, there were 17 (12.1%) had kicked his son, and the rest 40 people (28.5%), and the rest had never abuse the children, if they violate religious teachings such as lying, do not do the prayer, stubborn and did not abide by the words of the parents.

Table. 7
Physical Violence

No	forms of violence	Frequency	Presentage
1	Beaten	21	15
2	Slapped	27	19,2
3	Kicked	17	12,1
4	More than one type of violence	40	28,6
5	never	35	25

Source data: interviews in 2010

It is understandable that there is a minority of parents commit physical violence against children in the planting of discipline, and the teachings of both the planting of morals and worship for children. It shows that children knick experiencing physical violence in the household. Experienced physical violence assortment ranging from being hit, slapped kicked, even the children who experienced physical violence that varies in type. This condition illustrates that, Some children brought up in a violent manner.

Based on the results of the structured interview is also known that the attitude of parents of children who violate the laws, rules, norms and religion on the level of a crime such as stealing, robbing, smoked pot, as many as 29 people (19.1%) imprisons his son, and there are 44 people (36.6%) disagree and 56 (46.6%) did not agree to imprison children who commit the crime.

Based on interviews with participants who agree to imprison children if they break the law, violate religious teachings such as stealing and smoking marijuana, rape and other criminal acts, illustrated as follows: "those who violate the rules, laws, norms prevailing in the community, need imprisoned though still a child until he is wary to do so".

b. Psychological Violence

In addition to the physical violence, the violence that occurs in families is psychological which can be expressed as follows: there are 46 people (32.8%) parents threatening, expel the child from the house, scold him and said some hurtful to the child is stubborn, disobedient to the old and did not want to go to school. It is understood that one of the forms of religious formation of children in families is the punishment, parents do violence psikhis even though they do not agree with those terms. To more clearly seen in the following table

Table. 8
Psychological Violence

Number	forms of violence	Frequency	Percentage
1.	Threatens not fed and snack	43	30,7
2	Expelling from home	4	2,8
3	Curse	51	36,4
4	Said some hurtful	42	30
	Total	140	100

Source: interviews in 2010

From these data it can be seen that domestic violence psikhis in various forms, such as threatening the child is not being fed as many as 43 people (35.8%), there were 4 people (3.3%) expel the child from the home, there are 51 people (42.5%) memki child and put him down, and in others've said some hurtful total of 42 children (18.6%). This condition can illustrate that in family violence diverse psikhis that give meaning that parents in educating and treating children in families with violence psikhis.

c. Economical Violence

Also based on the results of these interviews, it is known that there are parents who do economic violence against children to involve children in the form of living, forcing children, let the children work in the area of child endangerment and income exploiting their children. Economic violence that occur in the household can be seen in the following table:

Table. 9
Economical Violence

No	Forms of violence	Frequency	Percentage
1	Opting for a living	27	19,28
2	Forcing children to helping parents work	20	14,28
3	Let the children work in dangerous places	6	4,28
4.	Not violent	87	62,14
	Total	140	100

Data sources: interviews in 2010

From the table it can be seen that, there are 27 people (19.8%) children were included for a living, there were 3 people (2.8%) the children left to a living in places such as selling amid child endangerment highway, there are 20 people (14.2%), to include children helping their work, and there are 87 people (62%), parents do not perform economic violence on children. It can be concluded that the majority of families do not perform economic violence, but almost 40% of children experience violence in the household economy.

d. Sexual Violence

Sexual violence within the family in the form of attitudes of parents against forcing children to marry at a young age, allowing children to mix freely going out and having fun in places of entertainment, are as follows:

Table: 10
Sexual Violence

No	Forms of Violence	Frequency	Percentage
1	Marrying one child at a young age	9	7,5
2	Allowing a child to mix freely	2	1,6
3	Let children have fun in nightclubs	7	5,6
4	Do not do things above	122	87,14

Data sources: interviews in 2010

From the table it can be seen that, there are 9 people (7.5%) disagree saying force children to marry her off at a young age, there are 2 (1.6%) agreed to let her son dating free, and there are 7 people (5.8%), parents to let their children have fun in places of entertainment at night, and the rest keep children out of these things for 122 people (87.14%). It can be understood that minority families in domestic violence in its various forms, such as physical violence, psikhis violence, sexual and economic violence occurs within Muslim families in the city of Medan.

The reason for parents who agreed to punishment for children who violate religious norms, rules and customs among others, to provide a deterrent effect on the child in the hope of later children do not repeat the same mistake again in the future.

So the punishment for those not violence but as a means to prevent discipline and not violence. Participants who do not agree to imprison children who commit crimes found: "imprisonment for children is the way Last post, only be made after the first child was advised, and then scolded, or was severely hit and the like, if the child is not a deterrent then imprisoned". So the punishment for child abuse after first awarded in ways that are better or not with violence, and if that does not work is done a new one by violence.

Based on the above findings, it can be revealed that child abuse both physical violence, psikhis, economic and sexual abuse is still happening in Muslim families

with a reason to discipline children, and learning of children. According to investigators parents who commit violence against children is still within the limits of tolerance, rather the punishment for her child is expected that children become aware that what he did the child is prohibited or not true. Violence as defined in the law on the elimination of domestic violence (KDRT) are:

"Domestic violence is any act against someone, especially women, misery or suffering physical, sexual, psychological, and / or negligence of household including threat to commit acts, coercion, or deprivation of liberty unlawfully in household., "

If the observed domestic violence based on the definition, an understanding that the misery when observed that violence in Ruma ladder by reason of learning and discipline, not to cause misery, but what happens is leading to painful right.

3.2.5 The Implementation of Children's Protection on Discrimination and Inequality in the Family

Based on information gathered through structured interviews, discrimination and injustice towards their children reject. In this case the participants said that every child should not be differentiated, boys and girls are entitled to education, without discriminating. Similarly, in giving pocket money, provide clothing, and other needs.

Based on the results of a structured interview conducted on informants that, there were 108 participants (90%) agreed to treat the child, both men and women equally in education, the rest does not agree there are 31 people (8.44%) and there is one person (1 , 66%) disagree. This shows that the majority of parents do not discriminate and differentiate their children in education.

3.2.6 The Implementation of Children's Protection Against Domestic Violence and Neglected

Based on information gathered through structured interviews, discrimination and injustice towards their children reject. In this case the participants said that every

child should not be differentiated, boys and girls are entitled to education, without discriminating. Similarly, in giving pocket money, provide clothing, and other needs.

Based on the results of a structured interview conducted on informants that, there were 108 participants (90%) agreed to treat the child, both men and women equally in education, the rest does not agree there are 31 people (8.44%) and there is one person (1 , 66%) disagree. This shows that the majority of parents do not discriminate and differentiate their children in education. Implementation of protection for victims of domestic violence and the handling of abandoned children in the city of Medan conducted jointly with the government of North Sumatra, involving various institutions in the city of Medan. Office of the menagani social problems such as victims of domestic violence and abandoned children, among others, the Social Service of North Sumatra province, the Department of Social and Labor Medan, North Sumatra Regional Police and the Police of Medan, the Bureau of Women's Empowerment and Child provincial government of North Sumatera, KPADs and NGOs in the city of Medan.

The results of interviews with the head section of Violence and Migrant Workers Social Welfare Department in North Sumatra Province stated that the program handling domestic violence committed Department of Social Welfare North Sumatra Province which is a preventive action in the form of program to improve family welfare, services for young families self-sufficient with the strengthening of mental socially and economically productive, and services through LK3 (Institute for Family Welfare Consultation) to find solutions when there are indications of domestic violence will occur.

In addition, Section Violence and Migrant Workers also undertake programs and Social Security Protection and Program Management and rehabilitation of social welfare (APBD Fund). In implementing the program the Department of Social Welfare Section Sumatra Violence and Migrant Workers acted as an organizer and as a coordinator. As organizers of Sumatra Provincial Social Welfare Section of Violence and Migrant Workers conduct yourself these activities in cooperation with the social services of the district/city as executor. As coordinator of the Provincial

Social Welfare Section Sumatra Violence and Migrant Workers coordinated with portions of Women, Children and the Family Planning and Social Organizations in North Sumatra Province / NGO concerned with the victims of violence.

In 2010 the NGO in collaboration with the Social Welfare Department in North Sumatra Province Section of Violence and Migrant Workers is LBH Medan. LBH engaged in advocacy and recovery of victims of domestic violence, NGOs selected by the Department of Social Welfare Section Sumatra Violence and Migrants as a partner is an NGO that has a safe house or RPTC (Protection House Trauma Centre).

North Sumatra Regional Police also conducted a program of protection and advocacy for victims of domestic violence consisting of: protecting victims, and refer victims to a safe house, counseling, mediation, referring to the autopsy report, receiving the complaint, the process of law enforcement, and rehabilitation of victims involve relevant agencies and non-governmental organizations (LSM).

Program handling domestic violence cases do Office of Women, Children, and Family Planning in North Sumatra Province covers policy-making activities and involvement in various activities related to efforts to eliminate domestic violence in North Sumatra. The activities carried out in the form of policy making to formulate policy to eliminate domestic violence as well as the creation and development of systems and mechanisms of cooperation programs involving the services that are easily accessible by the victim.

The involvement of a wide range of activities related to efforts to eliminate domestic violence in North Sumatra in the form of dissemination, advocacy, rehabilitation and counseling. Socialization program conducted Bureau of Women, Children, and Family Planning in North Sumatra Province on the rules and regulations protecting women in the Act No. 23 of 2004 on the Elimination of Domestic Violence in collaboration with the district / city to the district level. Socialization also be done in cooperation with relevant SKPD, through the electronic media (television and radio). The position of parts of Women, Children, and Family Planning North Sumatra Province as resource persons and organizers. Medan City Government every year held socialization on the protection of women from domestic

violence with participants from all over the sub-district heads, village heads and community head se Medan.

Advocacy done the Women, Children, and Family Planning North Sumatra Province to accommodate victims in safe houses P2TP2A located in Johor Building a maximum of 2 weeks. Victims were accommodated in the house could be that pitted directly to the Bureau of Women, Children, and Family Planning in North Sumatra Province, accompanied by support NGOs, could also be a surrogate NGOs such PKPA, and Light Women. Advocacy is also done in the form of protection for a companion, witnesses, families and friends of victims.

Rehabilitation of victims of both medical, psychological and social carried out to prepare the victim back to the community. The program is implemented through a coordinated network of cooperation among related institutions / organizations in accordance with the duties and functions of each. For example, rehabilitation of health conducted by the health department, social rehabilitation carried out by social services, and rehabilitation psikhis done with non-governmental organizations engaged in psychological consultation.

Counseling is done Office of Women, Children, and Family Planning in North Sumatra Province on victims assisted by NGOs provide psychological consultation services in a safe house P2TP2A.

Program handling of victims of domestic violence who do LBH conducted through advocacy such as the protection of victims and its companion, witnesses, relatives, and friends of the victim; provides legal assistance in court; and be a mediator for victims who still want to return to her partner.

Based on the interview with the Head of Section Rehabilitisasi Sosial (Rhesos) on 2 June 2011 data showed that the Social Welfare Department has conducted programs neglected children include: Services Panti and non Panti with the program: Guidance motivation, empowerment with stimultan productive, business skills training economically productive , and further guidance with constructive measures and professional.

Implementing programs waif done in coordination with non-governmental organizations, relevant SKPD, or do subpart Rhesos directly. Forms of activities carried improve family harmony, the takeover of responsibility of parents due to social dysfunction family, strengthening self-conception through motivation and social guidance. Tackling the problem of neglected children Social Welfare Department in collaboration with the Department of health, education neglect of social services in collaboration with the department of education. Governmental Organization (NGO) in collaboration with the department of social welfare in 2010 for the prevention of neglected children is the Child Protection Agency (LPA) of North Sumatra located at JL. Titi Papan Medan.

Programs that involve NGOs generally programs related to child neglect. NGO chosen is an NGO with attention to the problem of children in accordance with the government program. NGOs who have similar concerns with the government's program for the year will receive funding from the government. In 2010 the program aimed at empowering children abandoned children, LPA SU that have programs related to the empowerment of street children get help from the government to carry out its program in 2010 amounted to Rp. 50.000.000,-.

Planned programs have generally been successful, but because the model and type of neglect of children is increasingly complex then most neglected children have not been touched program eg abandoned children with special needs, children displaced by domestic violence, and child victims of trafficking, and etc.

In addition to treatment programs for children who have been neglected, rhesos also conduct prevention programs such as providing educational support for elementary school level, assistance in cooperation with social services and employment districts / cities. In 2009 as many as 30 people waif funded education in the city of Medan. When the companion named Novriyanto. However, the data in more detail about this program is not available because the authorities had changed with other officials.

According to Nasrun, head of the Social Service Section Rhesos North Sumatra province, the number of abandoned children in North Sumatra who have

served as many as 145 345 people. This data is actually like a snowball means the number that appears on the surface is actually very small compared to the actual number. Handling of abandoned children that have been carried out Social Service is a collaborative manner on their own or in coordination with other sectors in order to avoid overlap between SKPD and NGOs. The first step taken in coordination to get node limitation services performed between SKPD and NGOs. After coordination, carried out planning program, implemented, and evaluated a program that has been done.

According to the Women and Children Protection Unit (UPPA) Medan city police no cases of child neglect were reported to the police, because as the case should be a reporter, while in the case of child neglect neither side is taking a position as a reporter.

Although there are no reported cases of child neglect in Medan police chief, UPPA continue its program of protection of abandoned children with the cooperation of social services. This cooperation is conducted in the form of rescue and protection of children displaced due to natural calamities and social disasters. For example, children from poor families have become beggars, children who run away from home because they do not get the attention of his parents, and cases of missing children reported to the police.

Abandoned children were found by the police at any time be able to escape because UPPA yet have shelters as shelters abandoned children. Usually they were placed in institutions or NGO agencies engaged in the protection of children.

Indonesian Child Protection Commission of North Sumatra Province, Zahrin Piliang states that do KPAID SU program consists of the socialization process of the protection undertaken in collaboration with educational institutions or call participants come to the office KPAID SU. In 2010 the school became a place of socialization of child protection Junior and SMA Foundation, al-Ulum Jl. Tuasan Medan. KPAID SU also invited the high school student council president's office to City derby KPAID SU to get the socialization of child protection abandoned.

In addition to socialization KPAID SU also advocates the Troubled Children Law (ABH), social rehabilitation of children, education of children in prison, and child health. Advocacy undertaken in collaboration with other NGOs, for example, the case of marriage of minors, Ayu Agustina (elementary school students) who married a man 60 years old. Advocacy against the victim carried out in collaboration with NGO Pusaka Indonesia and PKPA.

Department of Social Welfare and Labor Medan also undertake programs to deal with children who are victims of neglect. The programs implemented include: Skills training and Job Training, Education and Training for the orphanage residents, promote the skills of trainers and educators, and monitoring, evaluation and reporting of the orphanage.

The success achieved LPA North Sumatra is the coordination in case of children, including unaccompanied children handled organizations that gathered in the LPA. The beginning of the coordination of funding, resource persons and trainers for handling activities abandoned children.

Shape the success already achieved the Department of Social and Labor Medan City, among others: implementation of training programs and technical skills in children dropping out of school in the city of Medan were carried out in collaboration with orphanages in the city of Medan. In addition, given assistance to eat and drink for each child parlors Rp. 3000 per day.

3.3 The Application of the Protection of Children's Rights on Islamic Law

3.3.1 Main Principles

a. Mandate Principle

The words of mandate contains in Qur'an Surat an-Nisa 'verse 58 is translated as follows:

" Indeed, Allah commands you deliver a mandate to those who deserve it and tell you if it establishes the law among men that you assign to the fair. Verily Allah gives his best teaching you. Indeed, God is able to hear again all-seeing "

The verse tells the receiver the mandate perfectly carry out the mandate, and put it into practice in order to be fair. So trustful and fair are two principal perinsip in implementing the protection of children's rights.

Children are a trust and gift from Allah SWT. Amanah opponent of perfidious means trust or given credence. The word "Amanah" contained in the translation of the Qur'an: "Allah orders you deliver a mandate to those who deserve it, trust in the verse means any form of mandate that should be carried out by someone in which to exercise it should be appropriate with the command of Allah and is carried out fairly well. Amanah also means a trust (deposited) to others. Implementing this mandate is an obligation.

As has been explained that the opposite mandate is treasonous. Amanah is an obligation that must be carried out. Waiver of the mandate is a treasonous act, and treasonous acts including acts dzulm, which is prohibited under Islamic law. Amanah it should be left to the experts, if not carried out there will be destruction. If someone has been entrusted with the mandate, he must carry out the mandate it correctly and fairly. Someone who has been elected as a fiduciary, he should always be fair and do taqwa. Because taqwa implies the ability to execute, select and sort the good and bad things act with consideration and right action. So implementing the protection of children is a trust of Allah, which is mandated to parents. Parents who neglect the protection of the child or neglect children do.

This is an indication that one of the principles of Islamic law in carrying out the protection of children is in terms of carrying out the mandate as a command of Allah to every parent. Waiver of the mandate that the JV parents who ignore child protection or do neglect against children, is treason means also means committing dzulm.

As mandated child to his parents by the creator of Allah, will soon account for the Hereafter later. Al-Quran recommends that nourish yourself and your family from the flames of hell. "O ye who believe, guard yourselves and your families from a Fire"

In principle, the mandate should be run, betrayal of the mandate is sin. The purpose of the mandate is the implementation of the obligations of parents in fulfilling the rights of children, as stipulated in the laws of Islam. Protecting children is an obligation for parents and protection are the rights of children.

Based on the findings as described in Table 15 above it can be understood that the majority (50) Muslim family has been doing its utmost "principle of the child is the mandate" should be guided, in the learner and filled with children's rights through the implementation of child protection in various forms as have been disclosed. However, there are families who do not meet children's rights and protecting children well, but still not good and not good. It also means the implementation of the mandate of God as the principle of the child is a trust of Allah, unrealized well.

b. Recognition Principles

Based on the findings of the perception of parents on children's rights, as dideskriptifkan above as follows:

Participants of this study agree that every child reserves the right to education. Children need to be schooled up to college. There are several reasons that made the participants that the child needs students, school pupils (1) so that their children will be successful child to have a better future than they are (2), to be a son Salih, devoted to his parents and useful for religious and nation. (3) Children need to be prepared for life, could someday take care of their parents in the future, and become a child responsible responsible.

b.1 Principle of Justice

Participants of this study agree that what they think do not discriminate their children's upbringing. Based on the results of the study were collected by interviews .

As the verse of the Qur'an which have been cited in Surat an-Nisa 'verse 58 indicates also that in addition to their responsibilities seriously God's command must also be done fairly.

The term "fair" and "fairness" is derived from the Arabic, which is propagated by clerics who spread Islam all over the world. Etymologically the meaning of "fair" (al-adl) means not biased impartial or equate something with others (al Musawah). Other

terms of al-'adl is al-qist, al-Mysl which means the same as or such part. While understanding the terminology is fair to equate all in place. Justice is strongly associated with their rights and obligations. Right held by a person, including the human right to live decent lives, the right to education, right to health, right to receive affection and attention, the right to equal treatment for children and other lainn.

Justice does not always have to equal or identical, but justice must fit between the rights and obligations, of course, there are also differences. Therefore, in implementing the principle of equal justice should be a consideration. Justice to be done is for the benefit.

The treatment of children can be distinguished by looking at the potential of the child. Every child has the capacity and capability that different. So that in applying the implementation of child protection must be adapted to the child's level of ability. Children who have special abilities must necessarily be given special coaching anyway.

Based on these descriptions can be taken in applying an understanding that child protection must necessarily be done by berperinsif on justice.

b.2 Principle of Deliberation

Based on the results of structured interviews, research participants agreed that "in carrying out care and education for children of to these two parents or a husband and wife confessed always consulted as providing daily needs of children and in determining the school will enter their children and inserting additional child lessons or private tutoring and others.

In Qur'an, there are two verses that outlines the principle of consultation in conducting child protection, including the conduct of care, as the verse quoted earlier in surah al-Baqarah Ayar 233:

أَنْ أَرَدْتُمْ فَإِنْ عَلَيَّمَا جُنَاحٌ فَلَا وَتَشَاوُرَ بَيْنَهُمَا تَرَاضٍ عَنْ فَصَالٍ أَرَادَا فَلَنْ.....

يَا اللَّهَ أَنْ وَأَعْلَمُوا اللَّهَ وَالْقَوَا بِالْعُرُوفِ، أَنْتُمْ مَا سَلَّمْتُمْ إِذَا عَلِمْتُمْ جُنَاحَ فَلَا أَوْلَدْتُ تَشْتَرِيهِمْ

بَصِيرَةً تَعْمَلُونَ

"Mothers shall suckle their children for two full years, ie for those who want to enhance breastfeeding. and liabilities father gave meals and clothing to the mother with ma'ruf. someone not burdened but according to levels of ability. one should suffer the misery for his mother and a father for his son, and the inheritance shall be chargeable case. if both want wean (before two years) with both willingness and consent, then there is no blame on either. and if you want your children in the milk right by others, then there is no sin on you if you make the payment according to the worth. Your fear Allah and know that Allah is seeing what you do".

b.3 Principles of Health and Welfare

Based on the results of the application of health protection of children as described in the above discussion, namely the families of Medan which is predominantly Muslim, protecting the health of children is evident from documents prevalence of community nutrition Medan city are in the category of good nutrition and excess that nearly 96 % and 4% are in the category of less good and the bad. But in terms of doing a planned effort to regulate diet of children in the family and in the prevention of child health from diseases that might be coming, based on structured interviews to the participants of this research note that there are 87 people (72.5%), do it good, and there are 23 people (19.1%) were poor and there were 16 people (13.3%), did not take steps to prevent the health of children.

In Islam, it is recommended to keep it healthy. It is evident from the arguments that govern how eating kosher again either. Islamic law regulate the halal foods consumed and is also good for the physical development of the future: Allah SWT said in the Qur'an:

وَكُلُوا: مِمَّا رَزَقَكُمُ اللَّهُ حَلَالًا طَيِّبًا وَاتَّقُوا اللَّهَ الَّذِي أَنتُم بِهِ مُؤْمِنُونَ

"And eat of what Allah has provided for you [which is] lawful and good. And fear Allah, in whom you are believers." (QS : Al-Maidah : 5 : 88)

In maintaining the viability, need good food and drink in the form of animals, plants and other objects created by Allah, which cater for a wide manusia. Diantara The food there is halal to eat or drink and no prohibited or forbidden. The food was forbidden surely to be avoided. Basically the food was good (*thayyibat*) is halal foods that bermafaat and useful for survival either in relation to the body, soul and mind, for health and for the good of the soul and the human mind. All the food and drinks were good and lawful by Allah SWT certainly contain substances or vitamin yang useful for human physical and spiritual growth. As evidence until now have not found the type of infant feeding nutritional levels equal nutritional content of breast milk (ASI). As recommended in the Qur'an that mothers want to breastfeed their babies as quoted earlier in suruh al-Baqoroh verse 233: "Mothers shall suckle their children for two full years, ie for those who want to enhance breastfeeding. and liabilities father gave meals and clothing to the mother with *ma'ruf*. someone not burdened but according to levels of ability. one should suffer the misery for his mother and a father for his son, and the inheritance shall be chargeable case. if both want wean (before two years) with both willingness and consent, then there is no blame on either. and if you want your children in the milk right by others, then there is no sin on you if you make the payment according to the worth. Your fear Allah and know that Allah is seeing what you do".

Allah SWT justifies the food and drinks for the good and welfare of human life. Forbid food and beverages for humans avoid damage and danger harming him. The type of food that is forbidden to mengkosumsinya are all meals and drinks were

bad-bad (Khabaits) that can damage and harm the physical, spiritual and human reason. While fine (Thayyibat) is a health food bermamfaat for the physical, spiritual and human reason. The words of Allah:

وَيُحِلُّ لَهُمُ الْعَلْيَيْنِ وَيُحَرِّمُ عَلَيْهِمُ الْخَبَائِثَ

.... And justifies to them all that is good and forbids for them and bad things.....(QS : al-A,Raf : 157)

Besides the food was halal in Islam found also in ways good and covenants also justified according to Islamic law so that the ownership is legally anyway, such as the sale and purchase contract and contract-regulated (akad Musamma) implementation in the Qur'an: Allahs SWT said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبُطْلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ

بَيْنَكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful. (QS : an-Nisa' : 29)

Participants of this study, agreed saying that the food given to children is good food and lawful. Participants said that: "the best food for the formation of physical and spiritual child is if the child is given a halal food both hahal substance or hahal how to get it, so that complaint to be a son Salih also children who grew up with unclean foods and soon his heart will be filthy".

3.3.2 Development of Fitrah

A child is born, bringing the potential of the base or religious nature. In the teachings of Islam states that human birth has brought the basic potential. The basic potential is called "nature" is an ability in man to always believe and acknowledge the

almighty Allah Almighty as the creator of man and nature. In the Qur'an the word nature in its various forms repeated as many as twenty-eight times. But the word Fitrah referenced herein are as of the Quran surah al-Rum verse 30 which means: "it was confronted face to the religion, (option) the nature of God has created man upon the nature of it. No change in the nature (Fitrah) of God. That is the right religion, but most men do not know "

In Islam the nature (fitrah) need to be developed properly anyway by the environment (parents). The role of parents is required because the child could be *amajusi* or a *nasrani* when parents (environment) to provide guidance that is not in accordance with the teachings of Islam itself. So to develop the nature (fitrah) of the child in need of guidance, education and protection of parents of such activities in accordance with the instructions straight religion is the true religion.

Referring to the theory of nature (fitrah) that proposed of the above buffer withdrawn an understanding that a child since the origin of the story, which was born has brought the potential of religion that straight that were understood by scholars as the religion of monotheism. The religious nature of monotheism attached to the child as part of the creation of Allah, which can not be avoided by someone anak. Firah will be developed through a process of coaching, education by parents (environment).

This became the basis that every child born requiring physical and spiritual development efforts through the implementation of child protection in various forms, namely: protection of health, protection of religion, protection, education, and keep children from acts of neglect, violence, discrimination and injustice.

3.4 Factors Influencing the Implementation of the Children's Protection

The implementation of protection of children is certainly supported by a variety of factors, as well as the implementation of the protection of children in the family good or bad is certainly no cause. In general, the results of the observations made and the interview are a variety of factors related and affected the implementation of child protection in the family, both the protection of religion, the protection of children's

health, the protection of children's education, the protection of children from violence in the family, more specifically each have disclosed.

a. Educational Level

After collecting data about the respondents' education level, it is seen that the level of education affects the implementation of the protection of children in the family, where the higher education level of parents, the better implementation of the protection of children is done within the family. It can be understood from the following table:

The influence of educational level on the implementation of child protection.

Table.11
Level of Education in College

No	Category	Frequency	Percentage
1	Good	14	50,00
2	Less Good	10	35,71
3	Not Good	4	14,25
	Total	28	100

Data Results in 2010

Based on the table, it can be seen that the majority of college perform well the implementation of child protection. There is 50% in both categories, 35.71% and 14.25% less good is not good.

Table. 12
Education Level in High School

No	Category	Frequency	Percentage
1	Good	12	42,85
2	Less Good	10	35,71
3	Not good	6	21,42
	Total	28	100

Data Results Interview in 2010

Based on the table it can be seen that the majority of high school education perform well the implementation of child protection. Terdapat 42.85% in both categories, 35.71% unfavorable category, and 21.42% are not good.

Table. 13
Education Level in Junior High School

No	Catagory	Frequency	Percentage
1	Good	10	35,71
2	Less Good	14	50,00
3	Not Good	4	14,28
	Total	28	100

Data Results Interview in 2010

Based on the table, it can be seen that the majority of secondary education carry out the implementation of child protection with less well. There are a good 50% less than 35.71% following the good category, and 14.28% in the category is not well.

Table. 14
Primary School Education Level in Primary School

No	Catagory	Frequency	Percentage
1	Good	7	25,00
2	Less Good	8	28,57
3	Not Good	13	46,42
	Total	28	100

Data Results Interview in 2010

Based on the table it can be seen that the majority of primary school education doing child protection practices with no good. There is no good 46.42%, 28.57% following the unfavorable category, and 25% in both categories. When examined as a whole table 20 to table 23, it can be seen that the higher the education level of respondents, the better the protection practices accomplishments of the rights of children in the family.

Testing the relationship of education level and ethnicity of parents with children in the family protection applications for Fhitung 4.86 and Ftable 1.97 at the level of sig. 0:01. The calculations show that the level of education significantly

associated with the implementation of child protection hukumterhadap at 99% confidence level.

b. Income Level

After collecting data on the income level of the respondents it is seen that the income effect on the implementation of the protection of children in the family, where the higher the income of the parents, the better implementation of the right to the protection of children is carried out within the family. It can be understood from the following table:

Table. 15
Level of income 2,500,000 or more each month

No	Category	Frequence	Percentage
1	Good	14	50,00
2	Less Good	10	35,71
3	Not Good	4	14,25
	Total	28	100

Data Results Interview in 2010

Based on the table it can be seen that the majority of income above 2,500,000 rupiah per month, perform well the implementation of child protection. There is 50% in both categories, 35.71% and 14.25% less good is not good.

Table. 16
2 million till 2. 400.000

No	Category	Frequence	Percentage
1	Good	12	42,85
2	Less Good	10	35,71
3	Not Good	6	21,42
	Total	28	100

Data Results Interview in 2010

Based on the table it can be seen that the majority of income levels between 2,000,000 to 2,400,000 rupiah per month, perform well the implementation of child

protection. There are 42.85% in both categories, 35.71% unfavorable category, and 21.42% are not good,

Table. 17
Rp. 1.500,000 to Rp 1.9 million/month

No	Category	Frequence	Percentage
1	Good	10	35,71
2	Less Good	14	50,00
3	Not Good	4	14,28
	Total	28	100

Data Results Interviews in 2010

Based on the table, it can be seen that the majority of Income 1,500,000 to 1,900,000 rupiah each month carry out the implementation of children's rights protection with less well. There are a good 50% less than 35.71% following the good category, and 14.28% in the category is not well.

Table. 18
Rp. 600,000 to Rp. 1,400,000/month

No	Category	Frequence	Percentage
1	Good	7	25,00
2	Less Good	8	28,57
3	Not Good	13	46,42
	Total	28	100

Data Results Interview in 2010

Based on the table it can be seen that the majority of primary school education doing child protection practices with no good. There is no good 46.42% 28.57% following the unfavorable category, and 25% in both categories. When examined as a whole table 20 to table 23, it can be seen that the higher the education level of respondents, the better the protection practices accomplishments of the rights of children in the family.

c. Tribal Level

Testing tribal affinities with the application of legal protection of children in the household of Fhitung Ftabel 1.69 and 1.97 at the level of sig. 0.13. Hasil

calculations show that the rate was not significantly associated with the implementation of legal protection of children in the family.

d.Marriage at the Young Age

After collecting data on the effect of the marriage age perlindungan respondents to the application of the child, it is seen that the marriage age effect on the implementation of the protection of children in the family, where the higher age of marriage, the better implementation of the right to the protection of children is carried out within the family. It can be understood from the following table:

The influence of the age of marriage to the implementation of child protection.

Table. 19
The age of marriage of 30 years and above years

No	Category	Frequence	Percentage
1	Good	14	50,00
2	Less Good	10	35,71
3	Not Good	4	14,25
	Total	28	100

Data Results Interview in 2010

Based on the table it can be seen that the majority of the marriage age of 30 years and above, the application of child protection do well. There are 50% in both categories, 35.71% unfavorable category and 14.25% are not good.

Table. 20
The age of marriage from 25 to 29 years

No	Category	Frequence	Percentage
1	Good	12	42,85
2	Less Good	10	35,71
3	Not good	6	21,42
	Total	28	100

Data Results Interview 2010

Based on the table it can be seen that the majority of marital age 25 to 29 years of child protection practices well. There are 42.85% in both categories, 35.71% unfavorable category, and 21.42% are not good.

Table. 21
Age of Merried 20 to 24 years old

No	Category	Frequence	Percentage
1	Good	10	35,71
2	Less Good	14	50,00
3	Not Good	4	14,28
	Total	28	100

Data Results Interviews in 2010

Based on the table it can be seen that the majority of the age of marriage from 20 to 24 years of application of the protection of the rights of children with less well. There are a good 50% less than 35.71% following the good category, and 14.28% in the category is not well.

Table. 22
Age of Merried Less than 20 Years Old

No	Category	Frequence	Percentage
1	Good	7	25,00
2	Less Good	8	28,57
3	Not Good	13	46,42
	Total	28	100

Data Results Interviews in 2010

Based on the table it can be seen that the majority of the marriage age less than 20 years to the implementation of child protection to no good. There are 46.42% either not followed 28.57% the unfavorable category, and 25% in good categories. When examined as a whole table 20 to table 23, it can be seen that the higher the education level of respondents, the better the protection practices accomplishments of the rights of children in the family.

Testing the relationship of age of marriage with the implementation of legal protection of children by r_{hitung} 0.23 and r_{tabel} 0.10 at the level of sig. 0:00. The test results showed that age significantly associated with the implementation of child protection in the city of Medan Muslim families with a confidence level of 99%.

Based on the results of testing the relationship level of education, income, marital age and ethnicity of the child protection application, mentioned above, it can be concluded that the various factors that hinder the implementation of child protection are (1) Areas of education is still low. (2) Economic factors low family. (3) Areas of early marriage, and others. These factors also lead to violence against children. In an effort to provide guidance for the children of religious worship and practice the teachings of religion to the fullest, the role of education is very dominant. Education and development of children who do well in the family, school and in the community.

3.5 Parent's Role in Application of Children's Protection

The role of parents as penanggung responsible for the implementation of protection of the rights of children in the family of Medan, contributed to the implementation of application protection of the rights of children in the family. From the research results have shown a significant relationship between the level of parental education with the implementation of child protection. This is an indication that the higher the education level of parents, the better the implementation of child protection. Therefore, that one thing that can overcome barriers to the implementation of child protection by improving the knowledge of parents with various matters relating to religious knowledge and Islamic law, psikologi development, and pedagogy, health sciences, the knowledge of the Law on child protection and rights - hak children, the child welfare Act Elimination of Domestic Violence Act and so on.

Besides changes in the attitudes of parents' perceptions mendisiplinkan be violent for children should also be eliminated. The parents are expected to understand the many tips do the coaching and learning in the family of the child must necessarily be controlled and fostering a child out of compassion.

To be able to take care and keep children healthy always, the necessary knowledge about setting a good diet for any growing child, and knowledge about various things regarding maternal and child health, health of infancy and so forth. Therefore, as parents should learn better by always reading books, magazines and others, listen to lectures and programs of health guidance.

In addition, a significant level of income related to the implementation of child protection. This means that, the higher the income of the parents, the better the old man to apply the Child Protection Act and the fulfillment of children's rights. Then one of the efforts to control implementation of child protection, it is necessary to increase the family income, with a variety of ways. To be able to perform activities of child development and health for the child would have been costly. Therefore, need to work hard and meet the needs of life, improve the welfare of the community through various assistance programs of capital by governments and programs pertaining to public welfare such as streamlining government programs concerning with social welfare problems (POM).

For enhancing the religion to society, primarily as a parent, it is necessary to the understanding and practice of religion and its application in life, through habituation worship and so forth. It depends on the willingness of parents in exploring the religious knowledge to be planted on their children. But for the government is required to direct participation of religious communities through programs of religious formation through religious speech, The Friday sermon, the themes of fostering future generations, advocated in order to become a responsible parent, and parents as a shareholding the trust of Allah SWT and so on.

In addition, one of the efforts in organizing child protection is to equip mothers and fathers of the guidances about foster home *sakinah*(keluarga *sakinah*) and become parents to carry out the mandate as a parent, by Judge marriage, before marrying her.

In order to increase legal awareness to society in general and the protection anakdan understand the fulfillment of their rights, through the socialization of Child Protection legislation.

So to be able to organize and apply the principles of Islamic law on the implementation hadhonah and chapters that have been regulated and set forth in the laws protecting children, need to improve public education, improving the local economy.

Besides the marriage age significantly related to child protection penyelenggaraan. It gives the sense that the role of a young age affect the good or poor implementation of child protection applications. Therefore, parents who have children who want to get married, should prevent their children to get married at a young age.

3.6 Government and Public Role on Application of Children's Protection

Based on interviews conducted from April to May 2011, against various government agencies and institutions Governmental Organizations (NGOs) in the city of Medan in tackling neglected children and children victims of domestic violence, it can be disclosed that the government and society has made various efforts prevention and fulfillment of rights, social protection for neglected children and victims of violence in the home, but these efforts do not yet optimally. Datas on observations and interviews on this issue can be found in appendix Notes Interview (CW)10

Based on the interview with the Head of Section Rehabilitasi Social (Rhesos) on 2 June 2011 data showed that the Social Welfare Department in North Sumatra Province has conducted programs neglected children include: Services of orphanage and non- orphanage with the program: Guidance motivation, empowerment with stimulant productive, skills training economically productive businesses, and fostering further with constructive measures and professional.

The implementing of programs of waif done in coordination with non-governmental organizations, relevant SKPD, or done by sub-part directly. Forms of activities carried improve family harmony, the takeover of responsibility of parents due to social dysfunction family, konspsi strengthening itself through motivation and social guidance. Tackling the problem of neglected children Social Welfare Department in collaboration with the Department of health, education neglect of

social services in collaboration with the department of education. Governmental Organization (NGO) in collaboration with the department of social welfare in 2010 for the prevention of child terlantara is the Child Protection Agency (LPA) of North Sumatra located at Titi Papan Street, Medan.

Programs that involved NGOs generally programs related to child neglect. NGO chosen is an NGO with attention to the problem of children in accordance with the government program. NGOs who have similar concerns with the government's program for the year will receive funding from the government. In 2010 the program aimed at empowering children abandoned children, LPA SU that have programs related to the empowerment of street children get help from the government to carry out its program in 2010 amounted to Rp. 50.000.000,-.

The programs have planned generally been successful, but because the model and type of neglect of children is increasingly complex then most neglected children have not been touched program eg abandoned children with special needs, children displaced by domestic violence, and child victims of trafficking, etc.

In addition to treatment programs for children who have been neglected, rhesos also conduct prevention programs such as providing educational support for elementary school level, assistance in cooperation with social services and employment districts / cities. In 2009 as many as 30 people waif funded education in the city of Medan. When the companion named Novriyanto. However, the data in more detail about this program is not available because the authorities had changed with other officials.

According Nasrun, head of the Social Service Section Rhesos North Sumatra province, the number of abandoned children in North Sumatra who have served as many as 145 345 people. This data is actually like a snowball means the number that appears on the surface is actually very small compared to the actual number. Handling of abandoned children that have been carried out Social Service is a collaborative manner on their own or in coordination with other sectors in order to avoid overlap between SKPD and NGOs. The first step taken in coordination to get node limitation services performed between SKPD and NGOs. After coordination,

carried out planning program, implemented, and evaluated a program that has been done.

The implementation of the handling of abandoned children by LPA Chairman of North Sumatra was undertaken in coordination with all NGOs concentrate on the problem of neglected children. As a consortium institutions for handling abandoned children, LPA North Sumatra coordination by helping experts and funding to NGOs that are or will implement the handling of abandoned children. For example YAKMI Medan perform management programs abandoned children in Langkat with life skills learning program for children dropping out of school, LPA help located sources of the Ministry of Industry and help seek funding from entrepreneurs who are willing to help fund the program YAKMI.

According to the Women and Children Protection Unit (UPPA) North Sumatra Regional Police no cases of child neglect were reported to the Police of North Sumatra, because as the case should be a reporter, while in the case of child neglect neither side is taking a position as a reporter. The same data also occurred in Medan City Police UPPA.

Although there are no reported cases of child neglect in Medan North Sumatra Police chief and police chief, UPPA continue its program of protection of abandoned children with the cooperation of social services. This cooperation is conducted in the form of rescue and protection of children displaced due to natural calamities and social disasters. For example, children from poor families have become beggars, children who run away from home because they do not get the attention of his parents, and cases of missing children reported to the police.

Abandoned children were found by the police at any time be able to escape because UPPA yet have shelters as shelters abandoned children. Usually they were placed in institutions or NGO agencies engaged in the protection of children

CHAPTER IV RESULT

The results of this study indicate that the implementation of legal protection to children in Muslim families in the city of Medan, as stated in the law Child Protection No. 23 of 2002 is in the good category, namely the implementation of child protection the majority of well established that the details of 80% in the category good and 20% are in the unfavorable category.

The results of this study in more detail: the implementation of the protection of religion, implementation of health protection, the organization of the protection of education, protection of children from violence in the home, and the implementation of child protection from injustice and discrimination and neglect, found as follows:

- 1 That as stated in one of the passages in which religion the child follows the religion of his parents accomplished 100%. So the child follows the religion professed by their parents. Implementation of the religious protection of children in the process of coaching, guidance and the inculcation of religious values in the family are undone around the globe in the family.

Basic coaching a Muslim, in the teachings of Islam regulated. There are five principles, which must be done in making a child or a person to be called a Muslim. Requirements to become a Muslim is obliged to give a two sentence creed. Two kalimah shahada (syahadataini) are two speech recognition expressed by verbal and justified by the liver, with regard to the testimony that there is no god but Allah (shahada Tawheed) and witness that Muhammad is the Messenger of Allah (shahada Apostle).

Coaching, guidance and value investment as a result of a speech two creed sentence against children by their parents, should be realized in real life. Recognition of the oneness of Allah Allah, and apostolic prophet Muhammad, has consequences in a person a Muslim, that a Muslim who treated him all the laws of Islam, and away from the ban of God as revealed to the prophet Muhammad. Two of the belief in the creed is a source that will emit the truth of the perfection of faith in children.

Recognition to two creed sentence brings meaning to the fundamental pillars of Iman. Faith and Islam is an intact building inherent in sianak. In the practice of worship Islam dimension concerns the implementation of prayers, fasting Ramadan implementation, fulfillment of charity, and pilgrimage to the House, reading the Quran, prayer and remembrance, *berqurban*, *i'tiqof* in mosques and so on.

Islamic upright person of Muslim in his life when he was praying as stipulated in the implementation of Islamic law. Implementation of meaningful prayer as training or exercises that every Muslim in his life, in order prostration (worship) for always devote ourselves to God, who in every action and decision is always hope and the blessings of Allah swt. In addition to daily prayer, worship zakat, fasting Ramadan and pilgrims for which could constitute the pillars of Islam which must be done as a Muslim.

The practice of daily prayer as worship of the most fundamental implemented for value investment of worship and Islamic children, as it can be done within the family by two men can be done in various ways such as the example by praying with due regard to various efforts (1), the parents and children in the family doing prayer on time (2) does not leave one waktupun of prayer every day except for mothers who are prohibited olh Personality do.

Based on the observation of the implementation of the prayer in the family, that they manyoritas prayers, but as expected in the effort to plant their daily prayer for the children in the family such as praying tepatwaktu and does not leave any time of the prayer is still not fully carried out. Based on interviews with informants that they strongly approve and recognize that prayer is very important worship implanted and implemented together with the children, but its implementation is still not completely perfect.

The results also showed that the implementation of health protection of children, in both categories, the parents are fully aware that children's health is a very important thing. This is an indication that, Implementation of health protection of children has been held, though in reality, that the knowledge of parents about diet and provide nutrition to children who do not think the rules should be, therefore as good's

his every parent has sufficient knowledge in order adjust the diet of children, parents continued to pursue the best service good every child from the mother's womb, infancy, and future growth and development of children.

Health care for the toddler is stressed for health services which include maternal health containing or health of the fetus, which means the child's development since in the womb. In health care, especially maternal women become the main destination. Expectant mothers should receive attention through periodic inspection, especially in Last month.

In infancy, the provision of good nutrition, also affect growth in children's development. Efforts terintegrasi development of children under five in many developed countries have done to provide services needed by combining a child's preschool educational facilities to provide nutrition, holistic health. In South America since 1974 organized preschool education combined with the provision of nutrition and health programs, in order to support the physical, social and emotional aspects of the child's intelligence.

The school provides free health care by a pediatrician, and the provision of nutritious food three times a day at school. In Brazil form means for preschoolers are designed for 4-6 year olds is an integrated tool for the provision of nutritious food, vitamins, motorcycle psycho activity of health facilities (public health inspection, nutrition, vaccination and examination of facial appearance). In India based on reports from Unicef, 1984, that since 1975 do nourishment for children aged 0-6 years who held the government intended for children whose parents live in urban slums and rural areas. The services provided for the provision of stimuli intelligence, social and emotional well nutritious feeding, immunization, vitamin A and extension activities in the elderly.

In contrast to the schools of PAUT (Early Childhood Education) in the city of Medan in particular and Indonesia in general, not the operation of schools that integrate activities of child health care, programmed with guiding and pengembangan education of children, as is done in countries the forward.

Integrated services in Indonesia by the government, called the Posyandu (Integrated Service Post), and carried out in the community rather than in school. Means are provided in the form of posts, nutritious food, immunization, weighing babies, health checks, family planning and sometimes some places do mental stimulation, which is done by volunteers who are trained in advance in accordance with the obligations undertaken.

According to the researchers observed the implementation of Posyandu (Integrated Service Post) in the city of Medan, have been successful, and the respondent in accordance with the results of this study the majority have their children fully immunized, but is still not fully organized perfectly by every family.

Integrated child development centers have not been implemented. The garden of childhood in the city of Medan generally means health and nutrition, not much of a concern, as is done by people in many developing countries. The results also showed that the implementation of the protection of children's education, in both categories, ie education at the elementary level has been implemented, yet at the secondary level have not been fully implemented.

The study also found that the pattern of implementation of religious education of Muslim children in the family take place around the globe, carried out without planning programmed efesian and effectively. As a coaching should be done with careful planning, and not haphazard. Coaching requires the existence of a planned program, there is a process that is done effectively and unplanned always goal-oriented.

Islamic religious education, has been formulated by experts. Results of Islamic education seminar in Indonesia on 7-11 May 1960 in Cipayung, Bogor, is guidance on the growth of physical and spiritual development according to the teachings of Islam with wisdom to direct, teach, train, nurture and oversee the enactment of all the Islam. And according to Ahmah Interpretation of Islamic education is the guidance given to an individual person so that he develop optimally in accordance with the Islam.

Islamic religious education is also a conscious and deliberate effort in preparing children to recognize, understand, appreciate to believe, pious and noble in the teachings of Islam from its main source of al-Quran and al-Hadith, which is done through guidance and teaching, training and use of experience in children according to Islam so that one day it can be useful to guide his life to achieve happiness in life and hereafter.

From the various definitions Pendidikan the Islamic religion, gave indications that Islamic religious education must necessarily done consciously and planned premises intended purpose anyway. Parents in families that function as educators, should be aware that to make religious formation of children must necessarily make children religious guidance planning programmatically.

Parenting Ideal Family Education As an educator in the family, both parents must necessarily understand the various educational interaction, and have knowledge of upbringing (interaction in learning). There are several characteristics of educational interaction between (1) the educational interaction has a goal that is within the framework of mem, education, counseling and care for children and the children in a center of attention, in a development with full awareness and planning programmed, (2) has a procedure for the planned, carried out by systematic measures and relevant (3) directed towards mastery of the material (4) is done with discipline (5) always motivate children and others.

Activity nurturing, should be done in a patterned ideal, guided by compassion, a full treatment of love and tenderness, means that care must not be accompanied by violent acts or words that hurt children, so children become grown proud adult conditioned by tenderness, love and affection.

Parenting done since the fetus is still in the womb, the fetus is capable of responding to stimuli from the biological mother and other stimulus from outside the womb. Bloom (1994) states that "environmental influences on one or more properties of a person start to happen when the brain begins to grow at the highest ekselARATION occurred at the age of 3-8 weeks in the womb. Therefore, positive and negative stimuli affect the character or nature of a person. Even the disturbances that occur

during this period as an accident, taking drugs or traumatic events experienced by a mother can mengakibatkan serious disorders of the brain and mental child.

The pattern of religious development is the process or the work done within the framework of nurturing, guiding, directing the behavior of children in accordance with religious demands in the areas of faith, worship and morality. There are five dimensions of diversity that needs to be imparted to children, namely (1) the belief or Tauhid, (2) peraktek religion or worship (3) ethics or morality (4) knowledge or religious education and (5) social or community.

Fostering religion to children aims to create a child who is faithful and devoted and have a personality as a true Muslim attitudes, knowledge skills that will underlie young people for life of the present and the future and able to live a happy life in the world and in the Hereafter. Coaching religion must necessarily be done with a plan which programmatic about planting religious values are used to implement and systematic measures. The family in charge and executive coaching religion and most major first for children, aimed at personality development of Islam by making every son of Islam men and women in his life behaves as an Islamic good thoughts, words, deeds, actions, character, life goals , view, judgment, association and others in everyday life.

There are various ways of coaching personalities Islami for children should be adopted by parents in the family in creating a child who has a Muslim personalities among others: (1) set a good example (2) through a children's story and the story of the pious companions apostles (3) the stories in the Qur'an (4) mix with other children on the basis of love fully.

The formation of an Islamic personality can also be done by establishing good communication between parents and children, pay attention to children, fond of children, children receive a good response, protect, membimbingdan supervise children. This is an indication that each parent must understand, understand and apply the process of religious formation of children effectively and efficiently. Parents as educators must necessarily have the ability to educate appropriate educational theories.

To be known, understand and comprehend things that underlie the development of the child, it must be understood by both parents, in order to intervene in children's learning activities. The intervention process begins with an inventory of learning resources, and planning of the activities, and should be tailored to the stages of growth and development of children, because every child has unique growth and development. Under normal circumstances a child's development will take place as physical development. Harmonization of child development need to be adjusted to the shape to be taken by the parents, so that the process lasting no overlap.

The results of this study also found that the perception or view of the importance of children's education is in the good category, where the majority of parents believe that every child is entitled to a decent education, and in fact the respondents put their children in schools, both the public school and Religion school. The results of this study also showed that the implementation of child protection from violence in the family has not been entirely favorable. Domestic violence against children is still a lot going on in a Muslim family in the city of Medan. Parents commit violence against children on the grounds to discipline their children. Knowingly or not acts of violence committed for reasons of discipline have a negative impact in the development of the child. There are some negative effects as a result of an act of violence committed against the child's parents as revealed by Ratna Megawati and Edi Wiyono are as follows:

- a. Blunting Conscience hearts of children. The conscience is the most powerful brakes for humans not involved in crime. The conscience is a guilt that arises in the liver when it makes a mistake, or embarrassment if made a mistake, so try to always keep himself from bad deeds. Children who grow up with a good conscience, be able to refrain from doing something bad. Children will have a soft heart full of love and liked by others. It can is grown by providing love and love in children, so children always feel happy and care and love. It will cultivate fertile the conscience of the child. Instead bitter experience, such as fear, stress, pain from the beatings or torture and pressures, will inhibit the growth of the conscience of the child so that it will be hard and happy also to

violence and crime and hurt other people, without care for his heart to be hard such as stone and inhumane. The conscience of children blunted by violence will have an impact on children as moral hamper their rapidly developing child, the child will do the same violence against his friend, happy ridicule, oppress his friend, and later as an adult would be glad to violence as well.

- b. Likes to commit terror and threats. Children who have experienced violence, will keep a sense kemarahandan sense of revenge, and he usually vented to the other children who are weaker than him as his sister. Not only was it later as an adult, if in an environmental society full of suspicion and prejudice as to ethnicity, race, school or any other religion, then resentment and anger will arise and it will easily fit in gangs or the like who likes extreme act.
- c. Disrupt the growth of the child's brain and make the learning achievement of children is low. Based on the results of a study of 960 people in the United States, show that children are often beaten by their parents tend to have lower IQ when compared to children who had never beaten his parents.

There are several ways to do the parents to discipline their children without violence, among others:

First, say with subtle but firm manner. Children who do not obeying orders that have been repeatedly told, we encourage parents to his knees as high as her son and holding his shoulder and into his eyes said firmly, for example: "Mom want you to take a bath now"!

Second, calm yourself. If you're angry, wanted to explode and want to hit your child, hold and breathing, as well as entry into the room first. You can perform ablutions, *zikir*, or in any way to calm down. Once you are calm, you usually have a better solution to deal with your child. Then discuss with your child why his actions wrong, and ask the child to realize that he had made a mistake.

Third, give your child the consequences. When children break the rules, tell the child that his actions wrong, and give additional tasks as a consequence, such as cleaning bathrooms, sweeping Maps, washing cars, and so on.

CHAPTER V

CONCLUSION

Exercise of child protection in the city of Medan majority Muslim family well .. In more detail when it analyzed the application of the protection of children is as follows:

- a. With regard to the application of the protection of religion child in a Muslim family in Medan, the findings of this study concluded that the family has implemented protection religion of the child as stipulated in the Law on Child Protection, number 23 of 2002 article 42 paragraph (1) Every child gets protection for worship according to their religion. Paragraph (2) Before a child can determine, the religion of children follow the religion of their parents.

Based on the results of research on the implementation of these two verses carried a maximum, that is 100% of the children follow the religion of their parents, namely Islam and protecting religious family. Nanum in the implementation of the protection of religion as stated in Article 43 paragraph (2) Protection of children in the embrace religion as referred to in paragraph (1) include coaching, mentoring, and practice religious teachings to children, does occur around the globe in both categories.

- b. Associated with the implementation of health protection of children in a Muslim family in Medan, the findings of this study concluded that the family had to implement the protection of religion of children as stipulated in the Law on Child Protection, number 23 of 2002 section 43 about health and article 44 paragraph (3) that reads, "a comprehensive health efforts as referred to in paragraph (1) shall include promotive, preventive, curative, and rehabilitative, both for primary health care and referral.

Implementation has not planned to do. But in terms of the treatment of children parents do as much as their ability. The results also showed that the application of health protection of children, in both categories, the parents are fully aware that

children's health is a very important thing. This is an indication that the application of health protection of children has been fulfilled, though in reality, that the knowledge of parents about diet and provide nutrition to children who do not think the rules should be, therefore as good's his every parent has sufficient knowledge in order adjust the diet of children, parents continued to pursue the best service good every child from the mother's womb, infancy, and future growth and development of children. So as stated in Article 45 of the law on child protection that paragraph (1) Parents and families are responsible for maintaining the health of children and care for the child in the womb, accomplished with either category, but in terms of doing promotion, and pereventif still must be considered. Of course, what is stated in article 46 which recommends to the family, and parents need to see to it that children born to avoid the diseases that threaten the survival and / or cause disability, should be a concern of every parent.

- c. Protection practices of education of children by family as stated in Article 49 which requires the family, and parents to provide opportunities as possible to children, to education, to Article 48 The Government shall implement basic education of at least nine (9) years for all children, the results of this study indicate that the implementation of protection of children's education, in both categories, ie education at the elementary level has been implemented, yet at the secondary level have not been fully implemented.
- d. The study also found that the pattern of implementation of religious education of Muslim children in the family take place around the globe, carried out without planning programmed efesian and effectively. As a coaching should be done with careful planning, and not carry out by careless. Coaching requires the existence of a planned program, there is a process that is done effectively and unplanned always goal-oriented. As stated in article 50, Education referred to in Article 48 is directed at: (A) the development of attitudes and the ability of the child's personality, talents, mental and physical abilities to reach their optimal potential, (b). the development of respect for human rights and fundamental freedoms (c). the development of respect for parents, cultural

identity, language and its own values, national values in which the child resides, from which he came, and civilizations different from his own civilization, (d). preparation of the child for responsible life, and (e) the development of respect and love for the environment. Whereas the development and education of children in the family as given in the Law on Child Protection, conducted by school guidance and counseling at home.

Muslim parents in the city of Medan in general delegate the performance of education their children to public schools and religion. So in general the material contained in the Act SDKD already poured into the school curriculum. Educational materials children in the family, more oriented character habituation behavior, habituation practice religious teachings and guidances by either parent to child. And for children who have advantages, the majority of parents agree the opinion that the child is given the opportunity to obtain special education. It is found also some parents who put their children private tutoring.

- e. The results also showed that the implementation of child protection from violence in the family has not been entirely favorable. Domestic violence against children is still a lot going on in a Muslim family in the city of Medan. Parents commit violence against children on the grounds for disciplining their children.
- f. The application of social protection for child victims of violence in the home is dated and neglected children in the city of Medan implemented by government and NGOs in the city of Medan in the form of preventive and curative measures. The government has made the protection, prevention, empowerment and service. This has an impact on people's attitudes that have been bolder in asserting their rights as embroidery continue the education.

According to the opinion of researchers that, in the case of child neglect in a Muslim family in the city of Medan, as contemplated neglect of children in the laws protecting children that are referred to child protection are all activities to ensure and protect children and their rights in order to live, grow , develop and participate, to optimally match the dignity of humanity, as well as protection from violence and

discrimination and neglect, as defined by the Son of abandoned Article 1 paragraph 6 of Republic Act number 23 of 2002 law protection of the child is a child who does not fulfill their needs appropriately, whether physical, mental, spiritual, and social, it can be concluded that there is no neglect of children, For this study also concluded that the overall child protection application is in both categories. Based on data collected through interviews tersrtuktur can be concluded that the application of law protection for children is a good majority.

From the findings and discussion can be concluded that there are some principles that made reference to make the protection of children, among others: (1) the principle of children as a trust, (2) Recognition of the rights of the child, (3) perinsip justice, (4) the principle deliberation (5) the principles of health and welfare for children (6) perinsip development of nature and (7) the principle of learning with affection. Mandate must be implemented, by people who are entrusted and done fairly well. Opponents of a fair sentence is injustice, neglect meaningful mandate is prohibition. So it can be a line drawn laws that implement child protection is a must and neglect of children is against the law, including acts unjust acts.

In the perspective of Islamic law for child protection practices are an integral part that can not be separated from religious teachings. Fostering religious children, provide for, care for and maintain the health of children, educating children to become a generation of strong not weak, and the purpose of human creation realized that we serve, and the achievement of the purpose of fostering a religion that is happy in the world and the Hereafter is the responsibility of both parents. So that the child would become the future generations have the human resources faithful, knowledgeable and devoted.

Based on the findings of the research and testing of the various factors that affect the implementation of child protection bahwaan found three factors, namely (1) the level of education (2) the level of income (3) of child marriage. All three of these factors significantly influence the implementation of the protection of children in the family meslim city of Medan. While testing the tribal factor, no significant influence.

Various factors can affect both internal and external household itself, which contributes to the implementation of the protection of children's rights, among others are: Knowledge of children's rights, parental perception of how to educate children as legitimate the belief that violence justified for reasons of discipline, parental education, income level or economic, age and ethnicity are various factors that contribute to give effect to the implementation of child protection in the Muslim family. The test results of the various factors that contribute as parents' education level, income level, age of marriage was significantly related to the implementation of child protection.

According to Imam Jauhari there are several factors that make a positive law or any written law to run the community, among others: (1) by implementing and enforcing the law, law enforcement officers consistently, honest and fair to all existing legislation. The willingness of the judicial apparatus as an example of law enforcement, and improve the administration of justice is a prerequisite of success in the law enforcement community awareness. (2) the existence of human consciousness arising from the practice of religious values.

Based on the analysis of the issue of the results of field observations in accordance with the findings of the court, it appears that the process of implementation of children's rights protection in Muslim families appears to be relatively less effective, juridical protection of children and measures have not yet reached the results maksimal.Oleh therefore attempt to be a litigious society and BAL socialization should be further improved. Awareness of the practice of religion in society is also necessary on an ongoing basis so that the role of parents in implementing and fulfilling the right of protection for children is getting better and do the maximum.

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The book is designed so as to address the issue of how the implementation of child protection rights committed by Muslim families in the city of Medan. Finally, after doing the research, it is found that the application of the right to the protection of children in a Moslem family is good. But when it is viewed from various forms of child protection in partial variations, it can be concluded as follows: (1) the application of the right to the protection of religion child in a Muslim family in Medan has been accomplished naturally. (2) The application of the right to health protection of children in a Muslim family performs well, but it is still not comprehensive, (3) The implementation of the right to the protection of children's education in a Muslim family at school basic level has been performing well, but the education of children at the advanced level has not been fully implemented (4) It is still found the violence when implementating the right to the protection of children from domestic violence in Muslim families by the reason to discipline children, and (5) The application of the right to social protection organized by the government is not maximized.



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