



## THE POSITION OF CHILD PROTECTION FROM THE PERSPECTIVE OF ISLAMIC LAW AND ITS PRACTICE IN MUSLIM FAMILIES

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### ABSTRACT

*This study examines the position of child protection from the perspective of Islamic law and its practice within Muslim families. The issue is grounded in the persistence of child rights violations, including neglect, violence, custody disputes, and the failure to provide child support after divorce, which indicate that child protection has not been fully implemented in Muslim family life. This research employs normative legal research using conceptual, library-based, and Islamic juridical approaches. The data were obtained from the Qur'an, Hadith, classical Islamic legal texts, scholarly journals, and contemporary Islamic legal literature, and were analyzed using descriptive qualitative methods. The findings show that Islamic law positions children as a trust (amanah) whose rights must be protected, including the rights to life, care, education, financial support, moral development, and protection from violence and neglect. Child protection in Islam is rooted in the principles of maqāṣid al-syarī'ah, particularly hiḏ al-nafs and hiḏ al-nasl. Its practice in Muslim families is implemented through hadhanah, child support, moral education, and post-divorce protection based on the best interests of the child. The novelty of this study lies in its integrative analysis of child protection as both a theological obligation and a legal responsibility in Muslim family life*

**Keywords:** child protection, Islamic law, maqāṣid al-syarī'ah, hadhanah, Muslim family

## 1. INTRODUCTION

Islam places children as a trust from Allah SWT, holding a vital role in the sustainability of the family, society, and civilization. Children are understood not only as biological products of a marital relationship, but also as legal and moral subjects whose rights must be protected from the beginning of life. In Muslim families, children have the right to love, care, education, sustenance, protection from violence, and a safe environment for their physical, psychological, social, and spiritual growth. The child's position as a trust requires parents to carry out their parenting role responsibly, as the quality of child protection

significantly determines the quality of the future generation of Muslims. Therefore, child protection in Islam cannot be limited to a purely private family responsibility, but is a religious and social obligation with legal, moral, and humanitarian dimensions (Nanda & Jennah, 2024; Ishak et al., 2024).

From an Islamic legal perspective, child protection is rooted in the principle of *maqāṣid al-syarī'ah*, which aims to safeguard human welfare and prevent harm. Two key principles directly related to child protection are *hifz al-nafs* (protection of the soul) and *hifz al-nasl* (protection of the nasl). *Hifz al-nafs* emphasizes the obligation to protect the life, safety, health, and dignity of children from all forms of threats, violence, neglect, and exploitation. Meanwhile, *hifz al-nasl* emphasizes the importance of preserving the continuity of the offspring through proper care, good education, moral development, and the fulfillment of children's basic needs. Thus, Islamic law views child protection as an integral part of the objectives of *sharia*, not merely a moral recommendation. Any neglect of children's rights can be understood as a violation of the value of public welfare, which is at the heart of the *maqāṣid al-shari'ah* (the principles of law and order) (Iqbal & Alwi, 2025; Putra et al., 2026).

Although Islamic legal norms place significant emphasis on child protection, its practice in Muslim families still faces various challenges. Cases of child neglect, domestic violence, custody disputes, post-divorce neglect of support, and weak moral education demonstrate that child protection efforts have not been fully implemented optimally. Child neglect is a form of denial of basic parental obligations, depriving children of their rights to adequate support, education, housing, and care. Violence against children also violates human dignity because it results in physical and psychological trauma that can disrupt a child's long-term development. Furthermore, post-divorce neglect of support often places children at the mercy of parental conflict, thus neglecting their right to a decent life (Yusro et al., n.d.; Habel et al., 2025; Sanusi, n.d.).

Child protection practices in Muslim families are primarily realized through *hadhanah* (the provision of support), education, moral development, and post-divorce protection. *Hadhanah* in Islamic law is not only interpreted as the right to custody, but also as a legal obligation to ensure the safety, affection, education, and psychological stability of children. In divorce cases, custody must be guided by the principle of the child's best interests, not by parental ego or the victory of one party in a family dispute. Likewise, child support remains the responsibility of parents, especially fathers, even after the marriage has ended. This demonstrates that child protection in Islam is continuous and should not be interrupted by domestic conflict. Therefore, Muslim families need to understand that parenting, support, education, and moral development are part of *sharia*-compliant responsibilities that must be carried out consistently (Afendi & Choeri, 2024; Mukti & Zahrani, 2025; Sa'adah & Muhtadin, 2025).

Previous studies have discussed child protection from the perspective of positive law, Islamic family law, *hadhanah*, livelihood, and *maqāṣid al-syarī'ah*. However, most of these studies still tend to be partial, for example only highlighting disputes over custody, maintenance obligations, or violence against children separately. Studies that integratively link the position of children as trustees, the normative basis of Islamic law, the principles of *maqāṣid al-syarī'ah*, and child protection practices in Muslim families still need to be strengthened. In fact, the issue of child protection in Muslim families is not only related to *fiqh* norms, but also to modern social realities such as divorce, family conflict,

changes in parenting patterns, weak legal literacy, and the lack of effective implementation of court decisions. This gap highlights the need for research that not only explains the concept of Islamic law but also examines how this concept is practiced in contemporary Muslim families (Nurjanah et al., 2025; Rivai et al., 2025; Hadana et al., 2025).

Based on this description, this study aims to analyze the position of child protection from an Islamic legal perspective and its practice in Muslim families. The research focuses on three main aspects: the position of children as a trust in Islamic law; the legal basis for child protection derived from the Qur'an, hadith, fiqh, and maqāṣid al-syarī'ah; and the practice of child protection in Muslim families through hadhanah (living allowance), maintenance, education, moral development, and post-divorce protection. The novelty of this research lies in its integrative analysis, which positions child protection as both a theological obligation and a legal responsibility of Muslim families. Thus, this research is expected to provide a theoretical contribution to the development of Islamic family law studies and a practical contribution to strengthening the awareness of families, communities, and legal institutions in realizing more optimal child protection.

## 2. RESEARCH METHOD

This study uses a normative legal research method because the research focuses on the study of Islamic legal norms, principles, and provisions related to child protection. The approaches used include a conceptual approach, a literature approach, and an Islamic juridical approach. The conceptual approach is used to understand the concepts of child protection, children's rights, hadhanah, maintenance, education, and family responsibilities from an Islamic legal perspective. The literature approach is carried out by collecting various legal materials and scientific literature in the form of the Qur'an, Hadith, fiqh books, scientific journals, Islamic law books, and research results relevant to child protection. Meanwhile, an Islamic juridical approach is used to analyze Islamic legal provisions governing child protection both in primary legal sources and in the practice of Islamic family law in society. The data analysis technique used is descriptive qualitative analysis, namely by systematically describing and interpreting data to obtain a comprehensive understanding of the status, legal basis, and practice of child protection in Muslim families.

## 3. RESULT AND ANALYSIS

### The Position of Child Protection from an Islamic Legal Perspective

In Islamic law, children cannot be positioned simply as the result of a biological relationship, but rather as a trust that demands moral and legal responsibility from parents and the family. Allah SWT says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ وَأَنْتُمْ تَعْلَمُونَ  
وَءَعْلَمُوا أَنَّ مَا أَمْوَالِكُمْ وَأَوْلَادِكُمْ فَتَنَةٌ وَأَنَّ اللَّهَ عِنْدَهُ أَجْرٌ عَظِيمٌ

*"O you who believe! Do not betray Allah and the Messenger, nor betray the trust entrusted to you while you know. And know that your wealth and your children are but a trial, and that surely with Allah is a great reward."* (Quran, Al-Anfal: 27–28)

Family stability is not merely a matter of private ethics, but a crucial legal determinant for achieving domestic security and social resilience. Within this framework, the value of trust needs to be transformed into a binding legal obligation to protect offspring, strengthen guardianship accountability, and prevent the emergence of vulnerability within the household. Children must be understood as subjects whose rights must be actively protected, not as objects to be ignored in the event of family conflict, divorce, or tensions between household members. From an Islamic legal perspective, the trust in children also means that families bear the obligation of protection oriented toward their well-being. Therefore, the care, supervision, and maintenance of children must operate as a consistent, measurable system of responsibility, and must not depend on the fleeting whims of adults. (Aghbalou, n.d.)

Children's rights in Islam are inherent from the beginning of life and must be guaranteed without waiting for family disputes or parenting issues to arise. Recent research confirms that children's rights within the family include education, health, protection from violence, and participation in the family and community. However, in practice, there remains a significant gap between the concept of Islamic jurisprudence and its implementation in everyday Muslim households. Protection of children's rights does not stop at normative recognition; it must be realized through proper care, fulfillment of basic needs, adequate supervision, and protection that is truly present in family life. From an Islamic legal perspective, children's rights must be placed above the interests of conflicting parents, because the objectives of sharia require the preservation of children's dignity, safety, and sustainable development as part of the well-being that must be prioritized. Therefore, children's rights in Islam should be understood as a complete system of protection, which binds families, communities and legal institutions so that children can live a life that is safe, dignified and in accordance with the principles of sharia justice. (Nurjanah et al., 2025)

Maqāṣid syari'ah is the main foundation in the formation of Islamic law because all provisions of the shari'a are basically directed at maintaining human benefit and preventing damage to social life. In the development of contemporary Islamic law, maqāṣid syari'ah is no longer understood solely as a theory of ushul fiqh, but has developed into a legal framework used to assess the effectiveness of protecting human rights, including the protection of children in Muslim families. Maqāṣid syari'ah functions to protect the five basic elements of human life, namely religion, soul, reason, heredity and property, so that any form of neglect of children's rights is contrary to the basic objectives of the syariah. Maqasid sharia requires parents to continuously safeguard their children's safety, education, health, and moral development, as children are viewed as a necessary good that must be nurtured. Therefore, child protection in Islamic law should not be limited to formal aspects of parenting, but must encompass the fulfillment of the right to life, the right to education, the right to protection from violence, and the right to a safe and stable family environment. (Iqbal & Alwi, 2025)

From the perspective of maqasid sharia, child protection is closely related to the principles of hifz al-nafs and hifz al-nasl, as these two principles are fundamental to

safeguarding human life and progeny. Normatively, *hifz al-nafs* emphasizes the obligation to protect the human soul from all forms of threats, violence, neglect, and conditions that could harm a child's physical or psychological safety. Protection of the soul in Islam encompasses not only the preservation of biological life but also encompasses the protection of human dignity, health, psychological security, and overall social well-being. Meanwhile, *hifz al-nasl* emphasizes the importance of preserving offspring through the formation of healthy families, proper parenting, moral education, and protection of children from birth to adulthood. Within the framework of Islamic law, these two principles are interconnected because the continuation of good offspring is impossible without protecting the lives and basic rights of children. Therefore, Islamic law requires families to provide for their livelihood, education, supervision, and moral development as part of the implementation of *hifz al-nafs* and *hifz al-nasl* in daily life. (Putra et al., 2026).

The best interests of the child place the child's needs above parental preferences because custody, maintenance, and post-divorce decisions should be directed toward the child's physical safety, psychological stability, social development, and spiritual security, not toward the victory of one party in a family conflict. From a contemporary Islamic legal perspective, this principle aligns with the *maqāṣid al-syarī'ah* because proper parenting must safeguard the child's well-being and ensure that *hadhanah* norms are not read rigidly, but are tested through the concrete benefits for the child in everyday life. Judges in Indonesia are increasingly shifting their focus from the formal assumption that the mother always has the most right to a substantive assessment of the appropriateness of care, emotional closeness, caregiving ability, and the real conditions most favorable for the child's development. In certain circumstances, custody can even be awarded to the father if it is more protective of the child. In custody cases, the judge's considerations must be based on the child's interests, setting aside the parties' egos, and placing the child's well-being as the primary measure of the decision. This principle functions not merely as a normative slogan, but as a legal standard that assesses whether the provision of sustenance, education, affection, and stability of care are truly met. (Mustafid et al., 2025)

### Legal Basis for Child Protection in Islamic Law

The Quran places child protection as a fundamental obligation inherent in parents and families, as children are seen as a trust whose survival, honor, education, and future must be safeguarded. From an Islamic legal perspective, child protection is understood not only as a form of affection, but also as a legal obligation that has moral and social consequences if neglected. Recent studies on child protection within the interpretation of the *maqāṣidī* (obligatory) principles show that the Quran consistently emphasizes the importance of safeguarding offspring, protecting children from harm, and ensuring that children's basic rights are met through responsible parenting. One of the primary foundations is found in Surah At-Taḥrīm, verse 6, which commands parents to protect themselves and their families from moral and spiritual destruction.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ

*"O you who believe! Protect yourselves and your families from the Hellfire whose fuel is people and stones." (QS. At-Taḥrīm: 6)*

This verse shows that family responsibilities do not stop at meeting material needs, but also include religious education, moral development, and moral protection of children to prevent them from falling into corrupt behavior. Furthermore, QS. Al-Isra' verse 31 also provides an important basis for child protection in Islam:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ

*"And do not kill your children for fear of poverty. It is We who provide for them and for you."*  
(Quran, Al-Isra': 31)

This verse emphasizes the prohibition against depriving children of their right to life and demonstrates that Islam places the safety of children's lives as a primary objective of sharia. In the context of modern Islamic family law, this verse is understood as the normative basis for protecting children from neglect, violence, exploitation, and neglect of livelihood. Thus, the Quran establishes a comprehensive concept of child protection through the principles of safeguarding the lives, education, morals, and sustainability of children's lives within Muslim families (Syandika et al., 2025).

Hadhanah in Islamic law is a child protection mechanism which aims to maintain the safety, welfare and development of children from an early age until they are able to be physically and mentally independent. In the perspective of Islamic law, hadhanah is not only interpreted as custody rights, but as a legal obligation attached to parents to provide proper care, affection, protection, education and care for children. The concept of hadhanah in Islamic family law is built on the principle of the best interests of the child, so that determining custody must take into account psychological stability, parenting ability, emotional closeness and the security of the child's future. In the practice of divorce in Muslim communities, custody conflicts often arise due to low understanding of family law and weak awareness of parenting responsibilities, so that children are at risk of experiencing emotional and social neglect. Therefore, Islamic law places hadhanah as an instrument of child protection which should not be understood only as a parent's right, but as an obligation that must be carried out in order to maintain the benefit and continuity of the child's growth and development as a whole. (Mukti & Zahrani, 2025)

Child support in Islamic law is a binding obligation and does not expire even if there is a divorce between the parents. Within the framework of Islamic law, child support encompasses the fulfillment of a child's basic needs, such as food, clothing, shelter, healthcare, education, and other adequate living necessities within the parents' means. Many cases of neglect of child support after divorce are caused by economic constraints, low legal awareness, and weak enforcement of court decisions, resulting in children's rights often not being optimally fulfilled. Islamic jurists (such as the Imams of the four schools of thought) agree that the obligation to provide child support remains with the father as a form of ongoing responsibility for the child's welfare, even after the marriage has ended. From an Islamic legal perspective, neglecting child support is seen as a form of neglect of the parental care mandate, as children should not be victims of marital conflict or parental separation. (Sa'adah & Muhtadin, 2025)

Islamic law places parents as the parties who bear full responsibility for the protection, care, education, and moral development of children. This responsibility is not severed by divorce, as the biological relationship and sharia obligations to the child remain intact

throughout the parents' lives. In many divorce cases, the responsibility for child care is relinquished to grandparents or other relatives without clear legal protection mechanisms, resulting in children's rights often not being optimally fulfilled. This situation creates a gap between Islamic legal norms and social practices, particularly when parents no longer fulfill their direct caregiving obligations. From the perspective of the *maqāsid al-syarī'ah* (the principles of Islamic law), the abdication of responsibility for children contradicts the principle of protecting life and offspring, as children require supervision, affection, education, and emotional stability from their own parents. (Pratama et al., 2026)

Child education, in Islamic law, is a fundamental obligation of parents, as it serves as the primary means of developing children's faith, morals, personality, and social responsibility within society. Education is not only understood as the provision of formal knowledge but also encompasses moral development, behavioral supervision, instilling habits of worship, and protecting children from harmful environmental influences. Parents, especially fathers, are not only obligated to earn a living but also to actively participate in educating and supervising their children's development, particularly in the digital era, which is fraught with the risk of exposure to negative content. Family conflict and divorce often hinder the fulfillment of children's right to education due to weak parenting coordination and parents' lack of awareness of their post-divorce educational responsibilities. (Pratama et al., 2026)

### **Child Protection Practices in Muslim Families**

Childcare in Muslim families is a form of basic protection aimed at ensuring the survival, psychological development, and formation of a child's moral identity from an early age. From an Islamic legal perspective, childcare is understood not only as caring for biological needs but also includes providing affection, monitoring behavior, emotional protection, and fostering Islamic character within the family environment. Islamic parenting styles emphasize a balance between affection and discipline so that children grow up in a safe environment and develop sound moral control. The study also explained that weak family communication, high levels of domestic conflict, and a lack of parental involvement in children's lives are often factors that weaken the quality of child protection in Muslim families. Within the framework of Islamic law, childcare is viewed as a trust that must be carried out responsibly, as failure to provide for children can directly impact a child's future mental, social, and spiritual development. (Pratama et al., 2026)

Providing child support in Muslim families is a legal obligation that cannot be interrupted by divorce or domestic conflict, as the child's right to a decent life must still be guaranteed by the parents, especially the father. Support includes food, clothing, shelter, education, healthcare, and other basic needs that support a child's survival and normal development. The practice of providing child support after divorce still faces numerous obstacles due to low legal awareness, weak enforcement of court decisions, and the inability of some parents to separate marital conflict from their responsibilities to their children. Failure to fulfill child support obligations leaves children vulnerable to economic hardship, educational obstacles, and even psychological stress due to post-divorce instability. Neglecting child support is seen as a form of neglect of the parental

responsibility, as children should not be victims of marital dissolution. (Nisa & Ahsan, 2026)

Education and moral development are at the heart of child protection in Islam. The primary goal of parenting is not only to safeguard a child's biological survival but also to shape a faithful, ethical, and socially responsible personality. From an Islamic legal perspective, parents are obligated to provide religious education, provide moral role models, instill religious habits, and monitor their children's behavior so that they can grow in a spiritually and socially healthy environment. Cultural changes and technological developments have influenced family interaction patterns, making moral education in the household increasingly important to prevent moral degradation in children. Consistent moral development within the family environment has a direct impact on the development of discipline, politeness, responsibility, and social skills in children within society. Family education in Islam cannot be separated from child protection, as weak moral education increases the risk of deviant behavior, violence, and the negative influence of the digital environment. (Baidowi & Masyithoh, 2025)

Child protection after divorce in Islamic law aims to ensure that the dissolution of a marriage does not deprive a child of the right to love, care, maintenance, education, and social protection from both parents. The principle of the child's best interests is the primary basis for determining the right to support and fulfilling children's rights after divorce. Post-divorce child protection practices often face obstacles due to prolonged conflict between parents, refusal to implement court decisions, and weak oversight of support and care obligations. Disputes over support are not resolved with consideration for the child's psychological stability and well-being, but rather are influenced by parental egos and emotional conflict after the divorce. In such circumstances, children often experience mental stress, educational instability, and a loss of security within the family environment. (M & Dani, 2026)

Protection of children in Muslim families is not only the responsibility of parents, but also involves the extended family, social environment, educational institutions and society as part of the social protection system in Islam. The family and environment have a collective function to maintain the safety, education, morality and welfare of children so that children do not grow up in conditions that endanger their physical and psychological development. The quality of the family environment greatly influences parenting patterns, character development and children's mental health, especially in modern society which is facing rapid social and cultural changes. The equal role of fathers and mothers in parenting and social support from the surrounding environment can strengthen family resilience and reduce the risk of violence and neglect of children. Protection of children cannot be imposed only on certain individuals because the successful formation of a healthy and moral generation requires broad social support, a good education system, and a societal culture that respects children's rights. (Perasiska et al., 2025)

#### 4. CONCLUSION

Child protection in Islamic law is a protection system that is comprehensive and oriented towards the benefit of children as a trust of Allah SWT which must be safeguarded by parents, family, society and legal institutions. In Islam, children are not seen simply as the result of biological relationships, but as legal subjects who have the

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right to life, the right to care, the right to education, the right to livelihood, the right to protection from violence, and the right to obtain a safe and dignified family environment. This principle is confirmed in the Qur'an and hadith through the obligation to care for the family, fulfill children's rights, and carry out parenting responsibilities fairly and lovingly. In the maqāsid al-syarī'ah perspective, child protection is closely related to the principles of *hifz al-nafs* and *hifz al-nasl* which aim to protect the soul and offspring so that children can grow up healthily, safely and with good morals.

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