



Submitted: 19/07/2022

Reviewed: 29/08/2022

Approved: 15/10/2022

Exploitation of Child Rights in Islamic Family Law Perspective

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ABSTRACT

Exploitation of children has changed the perspective and morality of humans towards criminal law, at the same time government policies have made a clear regulation on the enforcement of legal protection for children who are victims of exploitation. The study is based on the argument that there is no law enforcement on the practice of child exploitation so that exploitation continues to occur continuously. This study applies a literature study approach and policy review and various data sourced both online and offline which will later be able to provide an objective picture of how child exploitation is in law from the perspective of Islamic family law. As has been found in previous research on punishment for perpetrators of child exploitation, it has ignored the justice of children victims of exploitation by their parents, close people and community agencies. Law enforcement cannot guarantee absolute rights for children autonomously, this is due to many considerations so that legal protection for child victims of exploitation is very difficult to enforce. Thus, a discussion is needed to provide legal protection for child victims of exploitation with the perspective of Islamic family law.

Keywords: *Exploitation, Children's Rights, Islamic Family Law*

ABSTRAK

Eksplorasi anak telah mengubah cara pandang dan moralitas manusia terhadap hukum pidana, pada saat yang sama kebijakan pemerintah telah membuat suatu regulasi yang jelas atas tegaknya perlindungan hukum bagi anak-anak korban eksploitasi. Studi didasari argument belum adanya penegakan hukum atas praktik eksploitasi anak sehingga eksploitasi terus terjadi secara terus menerus. Studi ini menerapkan pendekatan studi pustaka dan tinjauan kebijakan dan berbagai data yang bersumber baik online dan offline yang nantinya dapat memberikan gambaran secara objektif bagaimana eksploitasi anak dalam hukum perspektif hukum keluarga islam. sebagaimana yang telah terdapat dalam penelitian sebelumnya tentang hukuman bagi para pelaku eksploitasi anak telah mengabaikan keadilan anak-anak korban eksploitasi yang dilakukan oleh orang tua, orang terdekat dan instansi masyarakat. Penegakan hukum tidak dapat memberikan jaminan hak mutlak pada anak-anak secara otonom, hal itu disebabkan atas banyaknya pertimbangan sehingga perlindungan hukum bagi anak korban eksploitasi sangat sulit ditegakkan. Dengan demikian dibutuhkan suatu

pembahasan untuk memberikan perlindungan hukum terhadap anak korban eksploitasi dengan perspektif hukum keluarga islam.

Kata Kunci: *Eksplorasi, Hak anak, Hukum Keluarga Islam*

Introduction

The Disruption Era, apart from being present with various changes in various aspects of social life, has also changed the order of values that are part of community identity. Such as the practice of exploitation of children's rights which is increasing in line with the interests of parents towards economic orientation (Faridah and Afiyani 2019). Children as objects of exploitation are not only carried out by parents, sometimes this happens because the scope of society is not conducive (Simbolon 2019). As mentioned by Sulastri (2016), Exploitation of children's rights occurs in addition to economic factors, it is also influenced by social factors. Meanwhile, in Yeni's view, exploitation of children has been going on from generation to generation with different patterns (Manggolokusumo and Widowaty 2020). In line with that Sunandar (2019) said that the exploitation of children's rights so far has occurred in addition to the poverty factor, it is also caused by the disorientation of parents towards the future of their children. Thus, the transition period always provides changes in all aspects, including the exploitation of children's rights which are always used as objects to provide various benefits.

Writings related to the exploitation of children's rights tend to place children as profitable objects in social reality (Hasan 2019; Mujiburrahman 2020; Nizmi 2011), exploitation has been recognized as a realm where power exchanges can occur, especially by parents who derive legitimacy from a marriage (Kurniasari & Pusat, 2016; NS Siregar et al., 2018), exploitation of children has been seen as a cultural, economic, and political space, but it is still very minimal to see the exploitation of children's rights in the perspective of Islamic family law. Children are always victims in every problem in marriage, whether it is due to divorce, economic factors, and customary factors that parents do to get profit (Ismiati 2018; Raynardhy 2021). Exploitation of children's rights must also be seen as an independent human being (Ontolay 2019) not as a medium of exchange for parents. Children actually get a space of freedom to get education, love, and future goals are actually used as objects to fulfill economic goals by their parents and closest people.

Children's rights are enshrined in the declaration of the United Nations convention on children which emphasizes that every parent is obliged to provide protection and ensure the fulfillment of children's rights. This is because children need guarantees, protection, priorities and the fulfillment of their needs both in the household and in the community (Ontolay 2019). Often there is neglect of children's rights by several parties, both from parents, closest people, even by the government (Simbolon 2019). Whereas the government has ratified that everyone is obliged to protect children's rights from exploitation and any work that threatens or even endangers children. interfere with children's education, physical health, mental growth and development, moral and even social development of children in society (Faridah and Afiyani 2019). Children must get the right as free human beings, so that it can lead them to a development that provides them with protection and security as well as the fulfillment of all things in life (Herdiansyah 2021). Therefore, children's rights are an important part that must be understood by every parent and community, so as to minimize the occurrence of practices that are detrimental to the children.

Discrimination against the protection of children's rights often occurs in various forms including sexual harassment, neglect, violence, and even exploitation by parents, closest relatives. and the government is not just a mere discourse recorded in a statutory regulation, but is not realized in real life (Manggolokusumo and Widowaty 2020). There are still many acts of exploitation of children that occur, the community seems to ignore the existing rules (Syarifuddin, Rahman, and Hambali 2021). The purpose of establishing child protection should be considered, so that children can live, grow and develop into human beings with dignity, noble character and quality (Priest Hafas, 2020). Behind that regulations often place children as subordinates in society, often children are ignored and forgotten as the forerunner of the future generation of a nation (Jamaluddin et al. 2021), not infrequently the progress and destruction of a human civilization is determined by how children get their rights in everyday life (Kurniasari 2016). Thus, an understanding is needed in order to be able to practice protection properly and correctly.

This study aims to complement the existing deficiencies by analyzing how the exploitation of children's rights conditioned by parents and gaining social legitimacy has brought consequences to the loss of children's rights to individual freedom in the perspective of Islamic family law. For this reason, this paper aims to answer three important questions, including (a) How is the exploitation of children's rights in the perspective of Islamic family law; (b) What are the factors causing the exploitation of children's rights; (c) What are the implications of the exploitation of children's rights in the perspective of Islamic family law. These three questions can later become a way for efforts to explain how the exploitation of children's rights in the perspective of Islamic family law has placed children as an important part both in the household, This paper is based on an argument that the exploitation of children is made possible by one of the traditions that have been passed from generation to generation in society. This reality then becomes legitimacy for the actions of parents to be able to reap benefits that harm children. This happens due to the existence of a social system that places the legitimacy of children in their parents, all of which have been built and preserved through symbols of power that not only subordinate children but also the hegemony of children's freedom through social legitimacy and applicable rules and regulations. . Children are not given space to defend themselves and are not defended by the social sphere in carrying out exploitation practices as part of cultural compliance in society.

Research Method

This study uses a qualitative descriptive approach, because social phenomena are closely related to this research, the researchers will analyze by describing the problems faced by families, especially parents in fulfilling children's rights in line with the teachings of Islamic law. Besides, the Islamic law approach is the method used in collecting primary data. Secondary legal sources are articles, journals, books and other scientific works that have relevance to legal issues. Apart from that, data collection uses a research library and also collects data through searches on the internet. The

analysis carried out in this study aims to see how Islamic family law in reviewing the exploitation of children's rights.

Result and Discussion

Exploitation of Children according to Islamic Family Law

Children are constitutional guarantees borne by the state, not only related to their rights as human beings to get protection (Mujiburrahman 2020). This is because children are often weak objects of law, therefore children are often victims of exploitation. Children are often used as a profitable source of income by both parents and those closest to them who take advantage of the legitimacy of their power over children. Child victims of exploitation get the impact of the exploitation practice (Iryani and Priyarsono 2013), such as psychological pressure and even violence. Even sometimes children who are victims of exploitation cannot distinguish between right and wrong, this happens one of which is caused by the low level of education or even the children do not get education at all (Husin and Guntara 2021). Exploitation is a problem in many developing countries, whether from human trafficking, sexual abuse, narcotics, always making children the object of exploitation (Zutema and Nurwati 2020). Thus exploitation occurs continuously with various dynamics that occur in the social reality of society.

Supervision and protection of children's rights are often ignored, this happens due to various factors, in addition to the tradition of exploitation, it is also influenced by economic needs so that it becomes easy to get profit with exploitation practices (Nining Sholikhah 2020). Not infrequently the legitimacy of power becomes the power to exploit as happened in several cases of deforestation and other natural resources (Muthmainnah, Mustansyir, and Tjahyadi 2020). This is also what parents do to mobilize their children so that they can bring benefits to the family. disorientation towards child victims of exploitation becomes more complicated, on the one hand children voluntarily help the family economy, while on the other hand children work as breadwinners for their parents and family (Syarifuddin et al. 2021), this reality presents an impoverishment that impoverishes children both psychologically and

psychologically, where children who are victims of exploitation cannot receive a proper education and life, so they will remain in a dilemma situation (Zahirah 2020). Therefore, children lose their rights and freedoms due to the temporary interests and benefits of those closest to them.

Exploitation of children is a term used to describe violence against children who are forced, threatened, deceived and used for personal gain or what is known as exploitative (Zutema and Nurwati 2020). Exploitation of children is a discriminatory act or arbitrary treatment of children from families and communities. For example, forcing a child for economic, social and political interests, without paying attention to the rights possessed by the child, one of which is the right to be protected both physically and psychologically and even socially (Wangga 2016). Children are forced to work in places where they are not supposed to be, for example in night clubs, in factories, begging at red lights, singing and so on (Lewoleba and Harefa 2020). Even parental sharing in online media also includes child exploitation activities (FA Siregar, 2019). Children are a mandate from God that must be protected, the role of parents apart from providing proper education to children also provides comfort and happiness for children (Nurrita 2021). Therefore, the practice of exploitation of children and women occurs continuously from time to time.

Acts of exploitationThis economy often happens in the family environment, with the reason to help the parents' economy, so often children are forced from a young age to be what their parents want them to be (Son, 2019). Such as exploiting every child's activity on social media, making children a field of money, to being willing to spend their time playing social media, whether for content or trading online (Fujiana and Meima 2018). On the other hand, many artists unknowingly exploit their children. Even after realizing that these children have become adults, they explain through the media that they are victims of their parents' exploitation (Hidayat and Mahyani 2017). Not only in Indonesia, in developed countries like America (Cone 2018; Hudson, LJ, and 2001 2002), through the testimony of several former child artists explained that their parents were so sadistic for the sake of popularity and artistic passion in the world of

Bollywood at that time (Desai 2008). This explains the violence experienced and even divorced vital organs and coercion, and even some other artists also experience the same thing and often without realizing it by the victims.

The impact of exploitation experienced by children varies, from actions that make a child a beggar, busker, or humansilver made a child who was initially forced, made him voluntarily to support the family's finances (Cahyani, Al, 2018; Sumiyati et al., 2021). On the other hand, the exploitation of children to trade and spend their childhood on the streets causes the loss of education at school, so that the morality and ethics of street children are much lower than those who receive education (Husin and Guntara 2021). Likewise, exploitation of violence against children, both in the world of artists and not causing trauma to children (Nining Sholikhah 2020). Like the diet that is forced in the entertainment world, this causes children to have difficulty eating or chronic trauma to food. It is difficult to find food that fits the consumption pattern so far. Some even hate their parents because of the treatment since childhood that requires children to carry out routines that they don't like (Good job Arya Bhaskara et al., 2021). This kind of impact should be considered by parents. Islam views that children are noble creatures, the existence of a child is the will of Allah. The position of a child has been described in the Qur'an.

The practice of exploitation of children's rights in Indonesia cannot be separated from the long history of exploitation of humans itself, to be able to see the various problems that occur in the exploitation of children before being discussed and studied in the perspective of Islamic family law, in order to prevent exploitation of children. continuously, often the exploitation is carried out by people closest to the victims themselves, starting from parents, closest people, and even institutions that are structured to exploit children's rights, including:

Tables. 1 Parental Exploitation

Perpetrat or	Victim	Case	Source
Parent	Child	A child in Banjarmasin is often	https://banjarmasin.tribunnews.c

		beaten and told to sell bread on the sidewalk by his drunken mother	om/2022/08/25/heboh-video-eksploitasi-anak-di-banjarmasin-dprd-kalsel-turun-tangan-ibunda-karin-minta-maaf
Parent	Child	Jennette McCurdy was sexually abused by her mother, and forced to work as an actress in Bollywood and was even told to drink alcohol	https://www.suara.com/lifestyle/2022/08/08/144443/korban-eksploitasi-anak-mantan-aktris-cilik-hollywood-curhat-pernah-disuruh-minum-alkohol
Parent	Child	Shirley Temple, Alyson Stoner, Ariel Winter, Macaulay Culkin, Miley Cyrus, Drew Barrymore were forced to become artists at a young age. Sex, drugs and other acts of violence are common.	https://www.idntimes.com/hype/entertainment/marcelina-francesca/artis-hollywood-korban-eksploitasi-anak-c1c2?page=all
Parent	Child	A child is made a beggar by his mother in the Tanjunganom area, Nganjuk district	https://www.tribunnews.com/regional/2022/07/04/bocah-7-tahun-di-nganjuk-dijadikan-pengemis-sang-ibu-mengawasi-dari-jauh
Adoptive father	Adopted children	An adopted child was molested and made a clown by his adoptive father at a red light intersection in the city of Binjai	https://www.tvonenews.com/berita/18575-modus-jadi-ayah-angkat-pria-paruh-baya-di-kota-binjai-tega-setubuhi-dan-eksploitasi-anak-di-bawah-umur

Viewed from the table. 1 above, many of the acts of exploitation by parents are caused by several factors including economic and family factors, where now ideally

parents should be protecting, nurturing and fulfilling every need needed by children (Bruno 2019; Julianti 2020). Apart from that, the family is also the smallest sphere that has a major influence on the personality of a child to face the future. The table above explains that exploitation of children in the form of sexual and economic violence that occurs against children is an act of exploitation that should not be carried out by the closest people, especially parents (Angelia & Purwanti, 2020; Lewoleba & Harefa, 2020). It is sad that the exploitation of children in the family does not only occur in Indonesia, but also in developed countries, such as America (Izzati 2019; Lepp 2002). The impact of these actions is that children lose their childhood, play time, do not get proper education, psychological disorders, and even experience chronic stress. Trauma to the actions taken by parents will leave an imprint until the child grows up (Husin and Guntara 2021). As experienced by Jannette McCurdy in her childhood, she was forced to eat food and was often treated to alcoholic beverages without the protection and prohibition of her parents.

In addition to parents, exploitation of children is also carried out by agencies and institutions that take advantage of the powerlessness of children, often this is experienced by children who deserve special attention and protection as shown in table 2 below:

Table.2 Agency Exploitation

Perpetra tor	Victim	Case	Source
School Founder	Student	SPI students are employed by the Founder of the SPI school to clean rivers, lift stones, sand and hoe in the fields and become a sales competition.	https://www.cnnindonesia.com/nasional/20220714193043-12-821736/korban-eksploitasi-anak-julianto-eka-putra-jadi-14-orang
Orphana	Child	The health of the children at the Tunas	https://www.merdeka.com/perist

ge		Bangsa orphanage in Pekanbaru city was neglected, neglected and resulted in the death of one of the babies. Even the residents of the orphanage were told to beg and the money was deposited with the Panti Tunas Bangsa officers.	iwa/polisi-bakal-tindak-tegas-panti-asuhan-tak-layak-eksploitasi-anak.html
Boarding school	Child	Santri were told to make proposals for assistance, were not given the right to study, and the boarding school did not have a standard curriculum. Students are also included in understanding the community.	https://www.merdeka.com/peristiwa/derita-santri-akibat-ulah-herry-wirawan-korban-eksploitasi-fisik-hingga-seksual.html

In table 2 above it can be seen that exploitation carried out by agencies is a crime against children's rights, especially agencies in the world of education, where children should feel safe and happy to be able to study in a place that has legal legality, it is misused by elements certain (Mahyani 2019). Children should not be used for personal interests, such as orphanages, the children in them are orphans and orphans (Sulastri 2018). Concern for them should be higher, but in reality many are employed as beggars (Sunandar 2019), to support the economy of the orphanage, even the rights of the orphanage are neglected. The impacts experienced by these children actually damage the moral and mental and psychological children of children, even the physical development of children is hampered (Machmud, Alim, and Rasmi 2020). Society is the biggest environment that can affect the growth and development of children. Concern for children's rights must be nurtured by each individual, so that it does not lead to acts of exploitation from the community itself.

The pattern of exploitation carried out by parents and agencies and institutions against children is also practiced by the community who take advantage of the

weaknesses of children in the social sphere (Nur 2016), so that it is not uncommon for children to be confronted with realities that indirectly exploit their rights and freedoms, and this is often seen as part of the job, as shown in table 3 below:

Table.3 Community Exploitation

Perpetrator	Victim	Case	Source
Cafe owner	Child	The owner of a cafe in Berau, East Kalimantan, carries out prostitution activities against minors.	https://kaltim.tribunnews.com/2022/08/10/pemilik-dan-penanggungjawab-cafe-di-berau-ditangkap-polisi-dugaan-eksploitasi-anak-di-bawah-umur
Close related person	Child	Child jockey at the racetrack dies at BIMA NTB	https://www.liputan6.com/health/read/4913162/termasuk-eksploitasi-anak-kemenpppa-minta-ntb-setop-penggunaan-joki-cilik-dalam-pacuan-kuda
Strangers	Child	A woman sells minors in Pekanbaru City	https://riau.harianhaluan.com/daerah/pr-114099480/polres-kepulauan-meranti-ungkap-kasus-eksploitasi-anak-bawah-umur-ke-pria-hidung-belang-wanita-muda-diringkus
Neighbor	Child	A 10-month-old baby is made a silver man and invited to beg in South Tangerang.	https://www.merdeka.com/peristiwa/sosiolog-soal-bayi-10-bulan-dijadikan-manusia-silver-eksploitasi-anak-menjurus-tpo.html

On the table. From the 3 above, it can be seen that the exploitation carried out by the community against minors occurs a lot. Many workers in cafes, restaurants, and

other places are minors (Darmini 2020). Children as weak objects become easy targets for perpetrators to take opportunities by taking advantage of children so that they get benefits both in terms of energy, services, or the economy (Hasan 2019). From the table description above, it clearly explains that many of the perpetrators of crime and exploitation of children come from the closest people, human trafficking activities, prostitution, economic exploitation that makes children silver, beggars and so on (Hasan 2019). The effect of any exploitation is very bad on the mentality of children, growing a sense of concern for children's rights must be instilled from an early age, so that there is no need for acts of exploitation that harm children's rights a lot.

Causes of Child Exploitation in Islamic Family Law

Islam teaches its adherents that children are not just a gift from God, but are a mandate that should not be exploited (Nurrita 2021). Employing children at an early age is part of parents' exploitation of children's rights. Islam views children as having the right to grow and develop, the right to life that must be protected (Ontolay 2019). Even in Rasulullah SAW explained that honor the child in his growth and development well (Al-Bukhori 2012). Because children are a gift that parents should be grateful for, meaning that children are not a means of enriching themselves who are required to produce tens, hundreds or even millions of rupiah every day. Children have the right to be given more love, by protecting their rights as human beings (Jamaluddin et al. 2021). In a hadith Bukhari Muslim explained "children are like butterflies in heaven", this indicates how Islam glorifies a child and how much Islam cares about the existence of children in the family (Al-Bukhori 2012). Children have an important position or function in the family, both for parents, society, nation, state and religion. The rights that should be owned by children include the right to live and grow and develop (Bahter 2020), the right to get protection and protection from the torment of hell fire, the right to earn a living and welfare, the right to education and teaching, the right to get justice and equality, the right to love, the right to play (Herdiansyah 2021). At least the exploitation of children is influenced by several factors so that the practice of child exploitation continues to occur simultaneously, including:

First, Economic factors, In rural areas undergoing transition where economic conditions have changed for the worse, efforts that can be made are to utilize family labor (Kurniasari 2016). If the female workforce, namely the mother, has not been able to solve the problem, then the children's labor is usually included to support the family economy (Sulastri 2016). The most common jobs in rural areas are housework, wages, trying their luck in the city or other jobs. For parents, the income of working children can support the economy of poor families, especially in rural areas. Poverty is one of the causes of child exploitation (Raynardhy 2021), being in the poverty line is one of the reasons that have been echoed by parents. *Second*, Socio-Cultural Factors in the socio-cultural context, children who work in the public sphere are an introduction for these children in the discipline of family life (Marzatillah 2021). In fact, it is considered positive for children's growth and development in understanding life and life. In certain schools, children are even taught to work independently, for example maintaining school cooperatives, cleaning the school environment, or making handicrafts to be marketed. These activities are considered normal for the surrounding environment.

Third, Education factor is closely related to child exploitation (Husin and Guntara 2021). The low quality of basic education, the absence of educational facilities, the high cost of education, and the lack of parental understanding of education cause education to be seen as something luxurious and expensive (Musayyidi 2020; Ridwan 2012). In the end, many did not complete their education and decided to become workers. Most of the working children have low education. Exploitation of children is very common in society, many girls are used as sex workers, domestic helpers, are employed in places where there is no security, such as in dangerous factories (Saleh and Akhir 2016; Sulastri 2016). Even agencies such as orphanages sell their foster children under the pretext of adoption, of course all of this is not in accordance with sharia provisions and applicable legal norms (Arifin 2017). Exploitation of children apart from violating human rights, is also an act of crime against humans, this phenomenon seen from the perspective of Islamic law is an act that is not justified, whatever the reason (Pertiwi 2020). Islam strongly condemns acts

of exploitation, be it child sexual exploitation, trafficking, slavery and so on. In the Qur'an it has been explained very clearly the glory of a child, and the perfection of Allah's creation among other creatures, even though sustenance has been arranged as well as possible from Allah's sustenance.

Impact of Child Exploitation in Islamic Family Law

Islamic family law cannot be separated from several other legal ties such as marriage law, customary law, Islamic law, positive law and international law (A. Samad 2021; Retnowulandari 2015). Where it is strung together in a strong bond both physically and mentally or ties due to the existence of marriage between a man and a woman as a legal way to be able to obtain offspring (Arif 2021), this becomes an important part of the purpose of marriage. Protecting, nurturing and educating children is the responsibility of parents. Not only that, parents are also obliged to provide the best facilities for children such as housing, health, food, clothing, education and so on (Budiyanto 2014; Maksum 2010). Parents who are negligent of the obligation to meet basic needs for children, there are sanctions in it (Herdiansyah 2021). In addition, there are rights and obligations in Islamic family law, both between parents and children, children and parents, or children and children and parents and parents to bring about harmonization in the household (Rajafi 2018).

Society has a tendency to look at social life from various points of view, as in categorizing children there are levels in the culture of society, namely toddlers, children and adults, all of these things can be noticed from changes in physical and mindset either caused by anthropological factors or environmental factors. as a consequence for a person against the existing social law and positive law (Rubini 2019). Maturity is not a benchmark for someone to take legal actions, this is because many children take legal actions such as buying and selling, working, trading and so on (Hilman Hadikusuma 2003). In Islam it is ordered in addition to guarding reason, religion, self, property and also to maintain offspring (Hidayatullah 2017). In fact, the Qur'an has given an explanation that parents have obligations to their children

properly and vice versa (Nurrita 2021). as Islam regulates the protection of the child in terms of physical, psychological, economic, moral, health, education and so on (LYS Siregar, 2016). Thus, Islamic family law has carefully regulated how the rights and obligations of a human being, it also applies to children even for a child who has not been born is obliged to get protection and a sense of security.

Children by nature are human beings who have many weaknesses and limitations, both physically, mentally and others. The result of this is that a person has not been able to defend and fight for his interests and protect himself (Nanda 2021; Nur 2016). This is one factor in the occurrence of various violations of the rights of children that harm and endanger the lives of children. The efforts made by the Prophet SAW in protecting children's rights are first; prohibit violence against children. The words of the Prophet SAW in a hadith that the Prophet forbade parents to do evil to their children, and vice versa children are forbidden to do evil to their parents. Doing evil means acts of violence against children (Faridah & Afiyani, 2019; Plurality & 2018, nd). Terry E. Lawson mentions violence against children (child abuse) is divided into four, namely: emotional abuse (emotional violence), verbal abuse (speech violence), physical abuse (physical violence) and sexual abuse (sexual violence) (Aspiyanti, ..., and 2016 2016). Second; legal and moral sanctions. To protect children's rights, it is not enough just to make rules, but it is necessary to create legal sanctions for violations of children's rights (Hermayawati, 2011; Nastya Rizky et al., nd). The Prophet SAW made provisions for violating the rights of children, in the hadith of Bukhari it is told that there was a fight between two women who threw each other, and eventually caused the death of the foetus. The Messenger of Allah set a fine in the form of male slaves or female slaves (Ahmad 1995). It explains that the fetus at any age is entitled to legal protection, so that the person who causes the miscarriage, intentionally or not, can be subject to criminal law or fines.

Exploitation of children's rights has an impact that will be borne by children including: first, it has an impact on the world of education, Education is one of the impacts of exploitation that is very influential on children (Hakiki 2018; Yanuar Pranawati et al. 2020). They should study at school when their children run out of

work, on the streets, whether they are traders, drug dealers, beggars, buskers and so on. Second, physically, one of the impacts of violence and exploitation by parents against their children is abusing children's labor for personal gain (Iryani and Priyarsono 2013; Junita and Handoko 2020). It can be seen from the condition of the children who are not taken care of, tired, unkempt and thin physical form. This means that children's health is ignored by parents or society (Kusumaningtyas, Rokhmah, and Nafikadini 2013). Even when parents demand their children to go on a strict diet for the realization of the desire to become an artist, so that it affects body shape and causes eating problems for children.

Furthermore, the third, child exploitation will have a psychological impact (Point, 2015), Exploitation that forces children to work makes them psychologically disturbed. The heavy burden of life causes chronic stress in children, severe fear and anxiety. This psychological impact also occurs in children who experience violence from their parents, sexual exploitation, drugs, and so on (Nurwijayanti 2012; Permatasari 2016). The fourth impact, the impact on a child's social identity can be seen from the environment, where the influence of society is very high on the child's growth and development (Kurniawan, Nurwati, and Krisnani 2019; Nastia, Sulastri, and Nuriyah 2022). The social and moral growth of a child will be hampered when exploitation occurs in the family. Children's ethics and morals are disturbed, children find it difficult to distinguish right and wrong.

In Islamic law to realize the interests of the world, there must be five things that must be held and maintained, namely religion, soul, mind, lineage and property (Al-Qinnauijiy 1992; Nasution and Nasution 2020). Descendants are a mandate from God that must be maintained for the growth and development, dignity and rights of children. Therefore, all forms of exploitation must be stopped, whether violent, sexual, neglect, discrimination, and others (Nurrita 2021; Rubini 2019). In the concept of Islamic family law, it is necessary to pay more attention to protecting future generations so that they are not wasted. For parents to provide perfect growth to their children is a heavy responsibility, so for this reason many parents neglect their duties

(Julianti 2020). In the Qur'an, parents have an obligation to do good to their children. Even Islam explains worry about leaving offspring who are weak, physically, mentally, economically, healthy, intellectually, and morally. When it is supposed to protect offspring, even before birth it must be maintained so that the child in the womb is healthy and his rights are fulfilled, so that when he is born good offspring appear and there is no term for parents to abandon their children or act of exploitation occurs.

Conclusion

The practice of exploitation of children continues to occur from time to time in people's lives, as shown in the findings of this paper, apart from being a tradition of the practice of exploitation of children from generation to generation, it also makes children as a tool to gain unilateral benefits both in material and non-material forms. It cannot be separated from the socio-cultural inherent in being institutionalized in people's lives. This, of course, cannot be separated from the culture of placing women and children as weak objects, which then places them on the second level in everyday reality. This shows that the practice of exploiting children's rights is the full concentration of Islamic family law studies. In addition, exploitation of children is inseparable from several influences and factors including economic factors, social factors, and educational factors. Thus the impact of exploitation on children themselves will be seen from education, social culture, economy and psychology. Islamic Family Law, apart from being a legitimacy for the protection of children's rights, is also a guideline for providing the needs, security and completeness of all children's rights. Of course all of this cannot be done without the contribution of parents, the community and the government, so that the practice of exploitation of children can be minimized or even prevented in daily life. economic and psychological. Islamic Family Law, apart from being a legitimacy for the protection of children's rights, is also a guideline for providing the needs, security and completeness of all children's rights. Of course all of this cannot be done without the contribution of parents, the community and the government, so that the practice of exploitation of children can be minimized or even prevented in daily life. economic and psychological. Islamic Family Law, apart

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This research is a space in legal studies, especially in Islamic family law, this research is not focused on the problem of child exploitation in the perspective of Islamic family law, but rather on a micro analysis related to the function of institutional law, namely Islamic family law which is part of legal sources in Indonesia. Indonesia in addition to positive law and customary law. This paper emphasizes the need for a unit of legal institution to become an umbrella for achieving children's rights in family law. With the existence of legitimacy in family law, it is hoped that the exploitation of children on the basis of tradition and culture can at least be minimized. The Islamic family law system regarding child exploitation implies a discursive dialogue between religious law, customary law, and state law.

This paper shows that exploitation of children occurs in the smallest scope such as family and society even in a community, so this study is not able to describe the pattern of forced exploitation of children in society as a whole, to get a more comprehensive understanding, need to be analyzed further related to the relationship of talent development with the practice of child exploitation which in this paper has not been studied carefully. In line with that, it is suggested the need for further research that accommodates a more percentage case, not only relying on one scientific study, but also analyzing the relationship between a culture and the practice of exploiting children's rights.

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