

## Analysis of the Impact of Parents Leaving Children for Family Harmony in Islamic Law

Incoming Manuscript: 10-01-2024 Manuscript Edited: 15-03-2024 Accepted Manuscript: 02-04-2024

**Muhammad Padhil, M. Ilham Muchtar, Ahmad Muntadzar\*)**

*<sup>1-3</sup> Universitas Muhammadiyah Makassar, Jl. Sultan Alauddin No.259,  
Sulawesi Selatan, Indonesia 90221*

### Abstract

*One of the obligations of parents to their children is to be an educator to grow and develop their children. The problem is, both parents who work and are busy to take care of and educate children, then take steps to entrust their children. The main problems of this study are divided into 2 main problems, namely: 1. How is the law to entrust children according to Islamic law? 2. What is the impact of entrusting children on harmony in the family? This research uses a type of library research (Library Research) with analysis of juridical-normative method research methods. The sources of this research data are the Qur'an, hadith, books of salaf (former) and khalaf (contemporary) scholars, and journals related to the subject matter. Furthermore, the method of data collection by reading books and scientific papers, studying, translating, and analyzing data related to the subject matter. Then draw conclusions. The results of this study show that the law delegates care by entrusting it to daycare, or babysitter, or to the child's grandparents, depending on the reason for the busy life of parents (especially the mother). If the reason is because of looking for wealth to help the family economy, it is permissible with the conditions that have been prepared by Fukaha. As for if the reason is because of pursuing a career, then in terms of benefit, it is not allowed especially if there is no time with family. There are several positive and negative impacts of entrusting children to family harmony. The negative effects are; Children who are less close to their parents, children will become closed, parents also miss important moments with their children, children's mindsets will be different, lack of religious education, and not awakened akhlak karimah (good ethics). The positive effects are; The task of parents will be helped in the midst of their busy lives, socialization and communication of children increases, and parenting is more experienced.*

**Keywords:** Parents; Entrusting Children; Harmony; Islamic Law.

**How to Cite:** Muhammad Padhil (2024). Analysis of the Impact of Parents Leaving Children for Family Harmony in Islamic Law. *Journal of Family Law and Islamic Court*, 2(3), 186-.

\*)Corresponding Author:

famuhammad09@gmail.com

## Introduction

Parents are one of the first and most important educational institutions in a child, because a child is raised and born from parents, and will develop into adulthood. Parents are a child's role model. Because every child first admires his parents, all the behaviors of his parents are imitated by his children.<sup>1</sup> Children's behavior will be good if the behavior of their parents is good. And the child's behavior will be bad if the parents behave badly. In other words, it is the parents who have the duty and responsibility to determine the good and bad character of the child.

The role of parents can be done by educating, nurturing and raising them until they become adults.<sup>2</sup> In this case, parents have a very important role, and parents are the first and main teachers for education and shaping children's character. As explained in QS Al-tahrim verse 6:

Allah swt said in Qs. Al-tahrim/66 verse 6:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا  
وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَكَتْ غِلَظٌ  
شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا  
يُؤْمَرُونَ

Translation:

O you who believe, protect yourselves and your families from the fires of hell whose fuel is man and stone. Its

guardians are harsh and violent angels. They did not disobey God what He commanded them and always did what He commanded.<sup>3</sup>

In this verse, Allah commands the believers to guard themselves from the fire of hell whose fuel consists of humans and stones, obediently and obediently carrying out Allah's commands. They are also commanded to teach their families to be obedient and obedient to Allah's commands and also to be careful not to commit immorality to Him and to tell their families to multiply dhikr to save them from the fire of hell.<sup>4</sup> The family is a mandate that must be maintained for their welfare, both physically and spiritually.

It is narrated that when this 6th verse came down, 'Umar said, "O Messenger of Allah, we have taken care of ourselves, and how do we take care of our families?" The Messenger of Allah (saw) replied, "Forbid them to do what you are forbidden to do and command them to do what Allah has commanded you."<sup>5</sup> That is how he saved them from the fires of hell. Hell is guarded by a rough and violent angel whose leader is numerous. nineteen angels. They are given the authority to carry out torture in hell. They are angels who do not disobey Allah against what He commands and always do what He commands.

In the Qur'an, Allah SWT makes the care and protection of the child as a mandate that is carried by the

<sup>1</sup>Abdul Mujib, *Pendidikan Islam* (Jakarta: Kencana, 2008), h. 228

<sup>2</sup>Dindin Jamaludin, *Paradigma Pendidikan Anak dalam Islam* (Bandung: Pustaka Setia, 2013), p. 135

<sup>3</sup>Kementrian Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya* (Jakarta: PT. Suara Agung, 2017), h. 560

<sup>4</sup>Abu al-Fidha Ismail ibn Katsir, *Tafsir Al-Qur'anul Azhim*, jilid 4 (Beirut: Dar Ibn 'Azm, 2002), h. 2924

<sup>5</sup>Suryadin, Adin, Indah Maysela Azzahra, and Diningrum Citraningsih. *Islam dan Dakwah: Strategi Mengelola Keluarga dalam Surah At-Tahrim Ayat 6*" (QULUBANA: Jurnal Manajemen Dakwah 1.2 2021), h.103.

parents. Allah swt said in Q.S al-Anfal/8 verses 27 and 28:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ  
وَتَخُونُوا أَمْثَلَكُمْ وَأَنْتُمْ تَعْلَمُونَ وَعَلِمُوا أَنَّ  
أَمْوَالَكُمْ وَأَوْلَادَكُمْ فِتْنَةٌ وَأَنَّ اللَّهَ عِنْدَهُ أَجْرٌ  
عَظِيمٌ

Translation:

O you who believe, do not betray Allah and the Messenger and do not betray the mandate entrusted to you, when you know. Know that your treasures and your children are only a test and indeed there is a great reward in the sight of Allah.<sup>6</sup>

Nowadays, life in a family has changed a lot. Many parents have careers so they are so busy with their business that sometimes they forget their obligations as parents. The child often feels a lack of attention and affection from his parents. Many families become disharmonious due to parents who are too busy taking care of work and neglecting their duties as parents. Many children become dependent on others who they think can provide affection and until the child leaves the house to vent his frustration due to the lack of attention and affection of parents who are too busy.<sup>7</sup>

Article 45 of Law No. 1 of 1974 obliges parents to take care of and educate their children as well as possible. This obligation runs until the child is mated or can stand on his own.

<sup>6</sup>Kementrian Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya*, h. 180

<sup>7</sup>Sjarkawi, *Pembentukan Kepribadian Anak* (Jakarta: PT, Raja Grafindo Persada, t.th.) h. 19

If husband and wife both carry out their respective responsibilities, then peace and tranquility will be realized, so that the happiness of family life will be realized in accordance with the demands of religion, namely *sakinah, mawaddah wa rahmah*.<sup>8</sup> In the Compilation of Islamic Law, article 77 paragraph (3), husband and wife bear the obligation to nurture and nurture their children, both regarding their physical, spiritual and intellectual growth and religious education.<sup>9</sup>

Meanwhile, in Law Number 23 of 2002 concerning Child Protection, article 1 paragraph (11), talks about the custody of a child. In that article, it is stated that the custody power is the power of parents to nurture, educate, maintain, foster, protect, and grow and develop children according to their religion and their abilities, talents, and interests.<sup>10</sup>

Children are individuals who are in a period of growth and development to shape themselves in the future. The presence of children is a dream for married parents. Of course, the child will be the potential successor of his family and must receive special attention in terms of education. Therefore, in order for children to grow well, it is very important to be nurtured and educated well from a young age.

Types of early childhood education are play groups, kindergartens and childcare places. Education for early childhood is very important because education is the

<sup>8</sup>Pasal 45 Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan

<sup>9</sup>Pasal 77 ayat (3) Penyusunan Hukum Islam

<sup>10</sup>Pasal 1 ayat (11) Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

basis for the formation of a complete human personality, which is characterized by character, noble ethics, smart and skilled. This is as stated by many child education experts, that education provided to children under 6 years old (*golden age*), even since they are still in the womb is very important.

The Compilation of Islamic Law chapter 14 article 98 states and is explained as follows: 11 The age limit for a child who is able to stand alone or as an adult is 21 years old, as long as the child is not physically or mentally disabled or has never been married. His parents represent the child regarding all legal acts inside and outside the court. The religious court can appoint one of the closest relatives who is able to fulfill the obligation if both of his parents die.

The article hints that the obligation of both parents is to deliver their children, by educating them, equipping them, with knowledge to provide them in adulthood, especially the Qur'an recommends that mothers should breastfeed them, perfectly at the age of two. Likewise, the Qur'an hints that a mother does not suffer because of her child, so a father does not suffer because of his child, this is intended for parents to fulfill their obligations according to their ability. If both parents are in the way, the responsibility can be transferred to the family who can afford it.<sup>12</sup> And emphasized that the responsibility of raising children is a burden that must be fulfilled by the husband as a father,

but the burden of the father to feed and clothes the mothers is inherent in it, the responsibility of taking care of the child. This is further reinforced by illustri, if the child is breastfed by another woman who is not his own mother, then the father is responsible for paying the woman who breastfeeds well.<sup>13</sup>

Children are the most important part of the entire process of human growth, because it is in childhood that a person's basic character is formed. Whether or not a person's quality in adulthood is greatly influenced by the process of parenting and education received in their childhood.

Parents are obliged to educate and nurture their children as optimally as possible according to their respective abilities. The order is very reasonable because the quality of human resources is highly determined by the basic education factor provided by their parents. Children who are well cared for and equipped with adequate education are expected to become good children (*shalih/shalihah*), and after adulthood become lucky and useful people for their nation and religion.<sup>14</sup>

In its most common and simple form, the family is made up of father, mother, and son. The first two components, mother and father, can be said to be the components that greatly determine a child's life, especially at an early age. Both father and mother are the primary and first caregivers for the child in the family

---

<sup>11</sup>Ahmad Rofiq, *Hukum Islam di Indonesia* (Jakarta: RajaGrafindo Persada, 1995), p. 235.

<sup>12</sup>Beni Ahmad Saebani, *Fikih Munakahat 1* (Bandung: Pustaka Setia, 2018), p. 236.

<sup>13</sup>*Ibid*, p. 239

<sup>14</sup>Maria Ulfah Anshar and Mukhtar Alshodiq, *Pendidikan dan Penitipan Anak*, (Jakarta: Gramedia Pustaka Utama, dan Yayasan Asia, 2005), p. 13

environment, both for biological and psychological reasons. The family institution in reality is not just a meeting place between the components in it. More than that, the family also has reproductive, religious, recreative, educational, social, and protective functions.<sup>15</sup>

Parents certainly have an important role and task in providing the best in growth and development for the child. However, in the era of globalization like today, women no longer only live at home but also get opportunities to work with men. Especially for working women who already have children, of course there will be changes, including in nurturing and taking care of children.

Meanwhile, a typical new question arises, who will replace the role of mother at home if she goes to work? If mom and dad go to work and continue who takes care of and educates the child at home? While the extended family is far from home?. Problems related to the absence of a mother at home, the management and care of her children are still delegated to those who are still close relatives. But now the situation is different in terms of family structure, especially in big cities, the family structure has begun to change from a large family structure to a nuclear (small) family so that it is no longer common between relatives to live together.

Facing this reality, it requires all people to be able to provide a person who is able to carry out their

profession to accompany the child as much as possible. That means there must be an educational forum that can nurture and educate them for those who are interested in carrying out the profession.<sup>16</sup>

Meanwhile, the use of childcare or childcare services does not rule out the possibility that children are prone to becoming victims, from various cases that have occurred such as murder, persecution, abuse, violence, and kidnapping of children carried out by the caregiver service. Based on the background of the problems that have been raised above, the formulation of the problem in this study is: what is the law of child care according to Islamic law? What is the impact of child care on family harmony?

## Methods

This type of research is library *research*, and an analysis is carried out using descriptive methods and using a qualitative approach. Descriptive research is a research that aims to make a description or description of the facts, characteristics, and relationships between the phenomena investigated and then analyze Islamic laws related to the impact of parents leaving children for family harmony.<sup>17</sup> The type of approach used is *juridical-normative*, which is an approach method used by researching literature materials as basic materials to be researched by conducting a search of regulations and literature related to

---

<sup>15</sup>Fuaduddin TM, *Pengasuhan Anak dalam Keluarga Islam*, (Jakarta: Institut Studi Agama dan Gender, 1999), h. 5

<sup>16</sup>Irfan Yudhistira, "Pengaruh Perkembangan Mental Anak Saat Ditinggalkan oleh Ibu yang Bekerja". (wordpress.com, February 22, 2012).

<sup>17</sup>Huberman, & Miles. Teknik Pengumpulan dan Analisis Data Kualitatif. *Journal of Communication and Media Studies*, 02(1998), (1992).

the problem being researched<sup>18</sup>, such as Islamic law, which is drawn from the Qur'an, hadith, and principles of Islamic law as well as the viewpoints of scholars who have established in Islamic law as a whole. The type of data used in exploring the problems in this study is all data obtained from the library through the search for books that are considered to be in accordance with the discussion, both primary and secondary. In this study, the researcher uses the literature method, by collecting various kinds of data using books, journals, and all appropriate literature that discusses the impact of parents leaving children for family harmony in Islamic law. Then draw conclusions from all the data that has been obtained. These are some of the stages carried out, as follows, namely finding data and information through data collection by reading several books and scientific papers that are in accordance with the content of the discussion and achieving the purpose of the discussion. Examine all literature that discusses the impact of parents leaving children for family harmony in Islamic law, whether it is from books, journals, or other literature sources. Then translate the content of Arabic books that have passed the selection which is used to support the research content into Indonesian. Furthermore, re-analyze the data that has been collected so that it remains concentrated on the focus of the problem being studied. The analysis method used by the author in this study is the *juridical-normative* method, which describes the impact

of parents leaving children for family harmony in Islamic law as in accordance with the purpose of this research. So that a good, correct, and clear information and *natijah* (result) is born from the results of this research.

## Result and Discussion

### Definition of *Hadanah*

According to Muhammad Isma'il As-Shan'aniy, *hadanah* is to take care of a child who cannot be independent and cannot maintain himself from everything that can damage and bring harm to him. Meanwhile, according to Sayyid Sabiq, *hadanah* means taking care of children who are still young, both boys and girls or those who are grown up but have not yet *tamyiz*, can protect themselves from something that hurts them and damages them, can educate their bodies and spirituals as well as their intellect who are able to stand on their own to face life problems and shoulder a responsibility.<sup>19</sup>

Etymologically, parenting comes from the word "foster" meaning leader, manager, guide. Parenting means a person who carries out the task of guiding, leading, and managing. Parenting is parenting. Childcare means educating and nurturing children, taking care of food, drink, clothing, and their success in the first period until adulthood. Educating children is essentially a real effort on the part of parents to develop the totality of potential that exists in children. Through education, parents play the role of mediators between children and their society, between

---

<sup>18</sup>Soejono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif*: Tinjauan Singkat (Jakarta: Rajawali Pers, 2001), h. 13

<sup>19</sup>Muhammad Isma'il al-Shan'ani, *Subul al-Salam Syarh Bulugul Maram*, (Riyadh: Dar ibn al-Jauzi, n.th.), h.227

children and life norms, between children and adults and of course with the vision of their respective parents. Through education in the family, the child will fulfill his human traits and develop from primitive biogenetic instincts to learn the responses he receives.<sup>20</sup>

*Hadanah* according to the language means to put something near the ribs or on the lap. Because when a mother breastfeeds her child on her lap, it is as if the mother at that time protects and nurtures her child, so *hadanah* is used as a term that means: education and maintenance of the child from birth until he is able to stand alone to take care of himself. *Hadanah* has a different meaning from "education" (*tarbiyah*). In *hadanah* there is a meaning of physical and spiritual maintenance in addition to the meaning of education for children. Education may consist of the child's family and may not be from the child's family and it is a professional job, while *hadanah* is carried out and carried out by the child's family unless the child has no family and he is not a professional; it is carried out by every mother, as well as other relatives members. *Hadanah* is the right of *hadhin*, while education is not necessarily the right of educators.<sup>21</sup>

In *the Oral al-Arabic* it is stated that *al-hidhn* is *al-janbu* (side). If the two *hidhani* and the plural are *ahdhan*. From this word comes the word *al-ihdhan*, which is that you bear something and make it what you guarantee/take care of. Like a woman

/ mother holding her child and putting it on one of her waists. *Hadhana ash-shabiyya yahdhunuhu hidhnan wa hidhanatan*, that is, making the child/baby in his care/care. While *hadhanah ath-tha'iru baydhahu*, holding / incubating her eggs with her wings. Similarly, if a woman/mother nurtures and cares for her child; And the mother is also called *hadanah*.

Meanwhile, what is meant by education is the obligation of parents to provide education and teaching that allows the child to become a human being who has the ability and dedication to life equipped with abilities and skills in accordance with the child's innate talents that he will develop in the midst of Indonesian society as the foundation of his life and livelihood after he is released from parental responsibility.<sup>22</sup> Fiqh scholars define *hadanah* as carrying out care for small children, both boys and girls or very idiots who cannot distinguish or take care of their affairs, and guard for their benefit, and guard them from everything that hurts and harms them, as well as educating them with physical, spiritual, and intellectual education.

From the explanation above, we can draw the conclusion that the meaning of parenting and the meaning of *hadanah* are the same, that is, they both have the same intention of educating and nurturing children. While the word *ḥaḍānah* has the meaning of nurturing and educating children.

<sup>20</sup>Ida Zusnaini, *Strategi untuk Mendidik Anak Agar Jujur*, (Jakarta: Platinum, 2013), h. 24

<sup>21</sup>Direktorat Jenderal Pembinaan Kelembagaan Agama Islam, *Fiqh*, (Jakarta: IAIN Jakarta, 1985), h. 206

<sup>22</sup>Amiur Nuruddin dan Azhari Akmal Tarigan, *Hukum Perdata Islam di Indonesia* (Jakarta: Kencana, 2004), h. 294

### The Legal Basis of *Hadanah*

The legal basis for doing *hadanah* is mandatory, because in principle in Islam children have the right to be protected, both or the safety of the faith and themselves from things that plunge them into hell.<sup>23</sup> As for the legal basis for the sharia of *hadanah*, among others, in the words of Allah SWT surah Al-Tahrim/66: 6 which reads as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا  
وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَكَاتٌ غِلَاطٌ  
شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا  
يُؤْمَرُونَ

Translation:

O you who believe, protect yourselves and your families from the fires of hell whose fuel is man and stone. Its guardians are harsh and violent angels. They did not disobey God what He commanded them and always did what He commanded.<sup>24</sup>

The scholars stipulate that the maintenance of children is obligatory, as it is obligatory to maintain them while in the marriage bond. The legal basis follows the general command of Allah to finance children and wives in the word of Allah in Surah Al-Baqarah (2) verse 233:

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ  
بِالْمَعْرُوفِ

<sup>23</sup>Amiur Nuruddin and Azhari Akmal Tarigan, *Hukum Perdata Islam di Indonesia*, h. 294

<sup>24</sup>Kementrian Agama Republik Indonesia, *al-Qur'an dan Terjemahannya*, h. 560

<sup>25</sup>Kementrian Agama Republik Indonesia, *al-Qur'an dan Terjemahannya*, h. 37

Translation:

And the obligation of fathers to provide for their maintenance and clothing in a proper way.<sup>25</sup>

Islam has made it mandatory for the maintenance of the child until the child is able to stand on his own without expecting help from others. Therefore, taking care of young children is mandatory because if minor children are left alone, they will be in danger if they do not get care and care, so children must be taken care of so that they do not get dangerous. In addition, he must also remain sustained and saved from everything that damages him<sup>26</sup>.

The hadith of the Prophet (saw) has also been used as the main legal basis for the discussion of *the hadinah*. Narrated by the noble companion Abdulillah ibn 'Amru:

أَنَّ امْرَأَةً أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
فَقَالَتْ يَا رَسُولَ اللَّهِ ابْنِي هَذَا كَانَ بَطْنِي لَهُ  
وَعَاءٌ وَحَجْرِي لَهُ حِوَاءٌ وَتَدْبِي لَهُ سِقَاءٌ وَزَعَمَ  
أَبُوهُ أَنَّهُ يَنْزِعُهُ مِنِّي قَالَ: أَنْتِ أَحَقُّ بِهِ مَا لَمْ  
تَنْكِحِي

Translation:

That a woman said: O Messenger of Allah, it is indeed my belly that bears this son of mine, the tribe that gives him drink, and my lap that protects him. But his father, who divorced me, wanted to take it away from me. So the Messenger of Allah (peace and

<sup>26</sup>Syarifuddin, Amir, *Hukum Perkawinan Islam di Indonesia* (Jakarta: Kencana, 2006), p. 328

<sup>27</sup>Abu Dawud Sulaiman Ibn Al-Asy'at, *Sunan Abu Daud*, Jilid 2 (Beirut: Dar Al-Kutub Al-'Ilmiyah, t.th) h. 150



blessings of Allaah be upon him) said to him: "You have more rights to him as long as you are not married."

As in the hadith of the Prophet (peace and blessings of Allaah be upon him) as narrated by Abdullah ibn 'Amru:

كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ فَالْأَمِيرُ  
الَّذِي عَلَى النَّاسِ رَاعٍ عَلَيْهِمْ وَهُوَ مَسْئُولٌ  
عَنْهُمْ وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْئُولٌ  
عَنْهُمْ وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ بَعْلِهَا وَوَلَدِهِ وَهِيَ  
مَسْئُولَةٌ عَنْهُمْ وَعَبْدُ الرَّجُلِ رَاعٍ عَلَى بَيْتِ  
سَيِّدِهِ وَهُوَ مَسْئُولٌ عَنْهُ أَلَا فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ  
مَسْئُولٌ عَنْ رَعِيَّتِهِ<sup>28</sup>

Translation:

Know that each of you is a leader, and every one of you will be held accountable for what he leads, a ruler who leads many people he will be held accountable for what he leads, every head of a family is the leader of his family and he is held accountable for what he leads, and the wife of the leader of her husband's house and also his children, and he will be held accountable to them. And a slave of a man is also the leader of his master's property and will be held accountable to him, know, each of you is responsible for what he leads.

The postulate for *the obligation of hadanah* is also discussed in Law no. 1 of 1974:

Child care is basically the responsibility of both parents, which

includes education, economy, affection of both parents and everything that is the basic needs of the child. Therefore, the most important thing between husband and wife in raising children is cooperation, mutual support and mutual help between husband and wife until the child grows into an adult. However, the fact is that the Marriage Law has not specifically regulated the control of children even in Government Regulation Number 9 of 1975 in a broad and detailed manner. So that at that time before 1989, judges still used fiqh books. It was only after the enactment of Law No. 7 of 1989 concerning Religious Courts and Presidential Instruction No. 1 of 1999 concerning the dissemination of KHI, the issue of *hadanah* became a positive law in Indonesia and the Religious Courts were given the authority to examine and resolve it.<sup>29</sup>

As for the Compilation of Islamic Law (KHI), the meaning of *hadanah* has also been formulated in article 1 letter (g) that what is meant is the maintenance and education of children until adulthood or being able to stand on their own.<sup>30</sup>

In this Compilation of Islamic Law (KHI), *the hadanah* (custody) of the child is held by the mother who has been divorced by her husband. However, if the wife has remarried to another man, then the custody of the child from the mother will be lost.

The Compilation of Islamic Law (KHI) in article 105 (a) which regulates child custody reads as follows:

<sup>28</sup>Abu Abdillah Al-Bukhari, *Shahih Al-Bukhari* (Damaskus: Dar Ibn Katsir, 2002) h. 2909

<sup>29</sup>Abdul Mannan, "Masalah Hadhanah dan kaitannya dengan Praktek Hukum Acara di

*Pengadilan Agama*, dalam *Mimbar Hukum* No. 49 Tahun IX 2000, h. 69.

<sup>30</sup>Daud Ali, *Penyusunan Hukum Islam dalam Sistem Hukum Nasional* (Ciputat: Logos, 1999), h. 139.

Article 105, in the event of divorce:

The custody of a child who is *ghairu mumayyiz* or has not yet reached the age of 12 years is the right of his mother;

The maintenance of the child who has been *mumayyiz* is left to the child to choose between his father and mother as the right to maintain the child; The cost of maintaining the child is borne by the father. "Everyone accused of a crime has the right to be presumed innocent until his guilt is proven according to the law."<sup>31</sup>

### Forms of *Hadanah*

The form of parenting is the way parents treat their children by caring, caring for, and educating their children. From the way parents are treated, it will reflect their own characteristics that affect the form of children's attitudes in the future. Like most parents, they want to treat their children with kindness, patience, and respect. But there's a big difference between "wanting" and actually doing it. Because good parenting requires more than just intelligence, good parenting involves emotions.

For parents, emotional intelligence means being aware of their children's feelings, being able to empathize, calm down, and guide them. The form of parenting that parents apply to their children will affect the child's personality in the process of development. So that the quality and potential of children to develop themselves can start from what form of parenting parents apply to their children. Broadly speaking, there are three tendencies of parental

parenting, namely: Coercive Parenting, a form of coercive parenting is a form that is centered on parents, parents as the source of everything while children are only the implementers, and little or no involvement of children's opinions and initiatives. Coercive parents emphasize their children's compliance with the rules they make without asking many questions, do not explain to the children the background of their treatment and the purpose of enacting the rules, tend to punish every child who violates the applicable rules or norms. They believe that the harsh way is the best in educating children. Parents do not accept the child's view, do not give the child the opportunity to regulate himself, and always expect the child to obey all the words of the parent and enjoy his power as a parent.

Forms of Permissive Parenting, forms of permissive parenting are forms of parental treatment when interacting with their children by providing leeway or freedom to children without parental control or supervision. Parents give their children full freedom to act according to their wishes. Parents who apply a permissive parenting model also make rules for their children to follow, but if the child does not agree, the parent will be relenting and will follow the wishes of his children.

A form of dialogical parenting, meaning that parents give each child the opportunity to express their opinions, complaints, and anxieties and parents are responded to reasonably and guided. The form of dialogical parenting is a form of

---

<sup>31</sup>Abdurrahman, *Kompilasi Hukum Islam di Indonesia*, h.138.

parenting that prioritizes the interests of children, but does not hesitate to control them. Parents with this form of parenting are rational, always basing their actions on ratios or thoughts. This type of parent is also realistic about the child's ability, not expecting excessively that exceeds the child's ability. This type of parent also gives the child the freedom to choose and perform an action, and his approach to the child is warm.<sup>32</sup>

### Correlation of Custody (*Hadanah*) and Childcare

Children are the responsibility of parents, both in terms of maintenance, nurturing, education, and guardianship. And it has become an obligation for his parents to carry out their responsibilities, including in terms of parenting. In the hadith of the Prophet (saw), it is also the legal basis for the discussion of *the hadanah*. Narrated by the noble companion Abdulillah ibn 'Amru:

أَنَّ امْرَأَةً أَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
فَقَالَتْ يَا رَسُولَ اللَّهِ ابْنِي هَذَا كَانَ بَطْنِي لَهُ  
وِعَاءٌ وَحَجْرِي لَهُ حِوَاءٌ وَتَدْبِي لَهُ سِقَاءٌ وَرَعَمَ  
أَبُوهُ أَنَّهُ يَنْزِعُهُ مِنِّي قَالَ: أَنْتِ أَحَقُّ بِهِ مَا لَمْ  
تَنْكِحِي<sup>33</sup>

Translation:

That a woman said: O Messenger of Allah, it is indeed my belly that bears this son of mine, the tribe that gives him drink, and my lap that protects him. But his father, who divorced me,

wanted to take it away from me. So the Messenger of Allah (peace and blessings of Allaah be upon him) said to him: "You have more rights to him as long as you are not married.

But in reality, not all mothers can perform this parenting role to the fullest, because for example, they are busy working, then delegate the role of *ḥaḍānah* to domestic workers, babysitters, or use *day-care service facilities*.

To answer this anxiety, it is necessary to understand that every deed has something to do by oneself such as prayer or fasting; and there are also those who can be represented to others such as marrying children and buying and selling goods. The care is an obligation that can be delegated to others. It is the same with educating children to know all the laws of Allah which are originally the obligation of parents.

Not all parents are able to equip this knowledge to their children directly because of limited knowledge or busy work. So that then parents send or send their children to school. Of course, policies like this are not considered to neglect children and parents are still considered as people who carry out their obligations.

According to **Shaykh Wahbah Az-Zuhaili**, parents who have busy activities such as earning a living and are considered unable to take care of their children because of their busyness, can delegate to others who are able. For example, a mother who works as a teacher or an office worker with certain working hours, they have

<sup>32</sup>Moh. Afthoni, *Perbedaan Gaya Pengasuhan Orang Tua Ditinjau dari Partisipasi Mengikuti Program Sangu Akik di Dukuh Sidowayah Desa Sidoarjo Kecamatan Jambon Kabupaten Ponorogo*, Skripsi. Fakultas

Psikologi Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2014, h. 6

<sup>33</sup>Abu Dawud Sulaiman Ibn Al-Asy'at, *Sunan Abi Dawud*, h. 150

no other choice but to delegate the care of their child to someone else.<sup>34</sup>

The task of parenting is indeed the role of parents. It is often necessary to fulfill various obligations at one time, such as earning a living and taking care of children. In this case, parents need to apply a priority scale between these various obligations. And if there is no choice but to delegate the parenting role to another party, it is not a child neglect as long as the parents do not neglect the physical, educational, and care needs of their children. It's just that parents need to choose well and wisely who their children will be entrusted to as the terms and conditions that have been described above. Parents need to pay attention to the ability of the person who will represent them to carry out the role of *ḥadānah*, because the caregiver will take part in shaping the character and teaching of the child, while maintaining the child's religious way is one of the benefits of the goal of marriage to be achieved.

However, the role of the deputy caregiver should not replace the role of parents completely. Stay present as a parent who gives attention and affection. Make the best use of your time by doing quality things, such as playing together, chatting, and sharing stories, so that the bond or emotional bond between parents and children is well maintained.

### Conclusion

The law of delegating care by entrusting it to a *daycare* (childcare center), or *babysitter* (maid), or to the

child's grandparents, has several laws depending on the reason for the busyness of the parents (especially the mother), if the reason is to find property to help the family economy, it is permissible with the conditions that have been prepared by the jury. As for the reason for pursuing a career, then in terms of benefits, it is not allowed, especially if there is no time with family.

The positive and negative impact of childcare on family harmony. The negative impacts are; Children who are not close to their parents, children will become introverted, parents will also miss important moments with their children, children's mindsets will be different, religious education is minimal, and morals (good ethics) are not developed. The positive impact is; Parents' duties will be assisted in the midst of their busyness, children's socialization and communication will increase, and parenting will be more experienced.

### BIBLIOGRAPHY

Abdurrahman, *Kompilasi Hukum Islam di Indonesia*.

Aedy, Hasan. *Kubangun Rumah Tanggaku dengan Modal Akhlak Mulia*. Bandung: Alfabeta, 2008.

Ahmadi, Abu. *Sosiologi pendidikan*. Jakarta: Rineka Cipta, 2004.

Al-Bukhari, Abu Abdillah. *Shahih Al-Bukhari*. Damaskus: Dar Ibn Katsir, 2002.

Al-Fauzān, Abdullāh ibn Shālih. *Syarh Al-Waraqāt*. t.t.p.: Zam Zam Global Service, 2018.

---

<sup>34</sup>Situs resmi Kesan, "Tanya Nyai: Hukum Menitipkan Anak Kepada pengasuh", "<https://kesan.id/feed/tanya-nyai-hukum->

[menitipkan-anak-kepada-pengasuh-d1df](#) (December 19, 2023)

- Ali, Daud. *Kompilasi Hukum Islam Dalam Sistem Hukum Nasional*. Ciputat: Logos, 1999.
- Al-Jazarī, Ibnu Al-Aṣīr *An-Nihāyah*, Jilid 1. Riyadh: Dār Ibnu Al-Jauzī, 2000.
- Amir Syarifuddin, Op. Cit, h. 44
- Amiur Nuruddin dan Azhari Akmal Tarigan, *Hukum Perdata Islam di Indonesia*. Jakarta: Kencana, 2004.
- Arief Furchan, Agus Maimun, *Studi Tokoh: Metode Penelitian Mengenai Tokoh*. Yogyakarta: Pustaka Pelajar, 2005.
- Arikunto, Suharsini. *Prosedur Penelitian : Suatu Pendekatan Praktik*. Jakarta: Rineka Cipta, 2013.
- Asrizal, *Kafa'ah Bingkai keharmonisan Rumah Tangga*. Yogyakarta: Lembaga Ladang Kata, 2015.
- As-Shan'aniy, Muhammad Isma'il *Subul al-Salam Syarh Bulugul Maram*. Riyadh: Dar Ibn Al-Jauzi, t.th.
- As-Shanhajī Al-Mishrī, Syihābuddīn. *Nafāis Al-Uṣūl fī Syarh Al-Mahsūl*, Jilid 1. Beirut: Dār Al-Kutub Al-Ilmīyah, 2000.
- As-Subki, Ali Yusuf. *Fiqh Keluarga*. Jakarta: Amzah, 2012.
- Az-Zuhailī, Wahbah. *Uṣūl Al-Fiqh Al-Islāmī*, Jilid 1. Beirut: Dār Al-Fikr, 2015.
- Bowo, "Jangan Salahkan Anak Jika Mereka Lebih Dekat Dengan Pengasuhnya". <https://www.kaskus.co.id/thread/56c873c9c0cb17f67f8b4567/jangan-salahkan-anak-jika-mereka-lebih-dekat-dengan-pengasuhnya>, (22 Desember 2023)
- D.Y. Witanto, *Hak dan Kedudukan Anak Luar Kawin*. Kencana, Jakarta: 2012.
- Direktorat Jenderal Pembinaan Kelembagaan Agama Islam Departemen Agama, *Ilmu Fiqh*. Jakarta: IAIN Jakarta, 1985.
- Fuaduddin TM, *Pengasuhan Anak dalam Keluarga Islam*. Jakarta: Lembaga Kajian Agama dan Jender, 1999.
- Huberman, & Miles. Teknik Pengumpulan dan Analisis Data Kualitatif. *Jurnal Studi Komunikasi Dan Media*, 02(1998), (1992).
- Ismail ibn Katsir, Abu Al-Fidha. *Tafsir Al-Qur'anul Azhim*, jilid 4. Beirut: Dar Ibnu 'Azam, 2002.
- Jamaludin, Dindin. *Paradigma Pendidikan Anak Dalam Islam*. Bandung: Pustaka Setia, 2013.
- Kementerian Agama RI, *al-Qur'an dan Terjemahnya*. Jakarta: PT. Suara Agung, 2017.
- Mannan, Abdul. "Problematika Hadhanah dan Hubungannya dengan Praktik Hukum Acara di Peradilan Agama, dalam Mimbar Hukum No. 49 THN IX 2000.
- Maria Ulfah Anshar dan Mukhtar Alshodiq, *Pendidikan dan Pengasuhan Anak*. Jakarta: Gramedia Pustaka Utama, dan The Asia Foundation, 2005.
- Masyuri dan Muhammad Zainuddin, *Metodologi Penelitian*. Bandung: Refika Aditama, 2008.
- Moh. Afthoni, *Perbedaan Gaya Pengasuhan Orang Tua Ditinjau dari Partisipasi Mengikuti Program Sangu Akik di Dukuh Sidowayah Desa Sidoharjo Kecamatan Jambon Kabupaten Ponorogo*, Skripsi. Fakultas Psikologi Universitas Islam Negeri Maulana Malik Ibrahim Malang, 2014.
- Mufidah, *Psikologi Keluarga Islam Berwawasan Gender*. Malang: UIN Malang Press, 2008.

- Muhammad ibn Mukram ibn Manzūr, *Lisānul ‘Arab*, Jilid 12. Beirut: Dār Shādir, t.th.
- Mujib, Abdul. *Ilmu Pendidikan Islam*. Jakarta: Kencana, 2008.
- Munardji, *Ilmu Pendidikan Islam*, (Jakarta: PT Bina Ilmu, 2004).
- Pasal 1 ayat (11) Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak
- Pasal 77 ayat (3) Kompilasi Hukum Islam
- Reni Pratiwi Nurhiyanti dan Elisabeth Christiana, “Pengaruh Tingkat Keharmonisan Keluarga Dengan Motivasi Belajar Siswa di Tinjau Dari Perbedaan Jenis Kelamin Siswadi SMA” dalam Jurnal Mahasiswa Bimbingan Konseling, (Surabaya), No. 1/2013.
- Riyadi, Agus. *Bimbingan Konseling Perkawinan Dakwah dalam Membentuk Keluarga Sakinah*. Yogyakarta: Ombak, 2013.
- Rizki Nurrahman, Vita Maryah Ardiyani & Yanti Rodiana, “Hubungan Pola Asuh Anak Yang Di Titipkan Di Tpa Usia 1-3 Tahun Dengan Tingkat Kecemasan Ibu Di Tpa Samuphahita Kota Malang”, *Nursing News*, Vol. 3, no. 1 (2018)
- Rofiq, Ahmad. *Hukum Islam Di Indonesia*. Jakarta: RajaGrafindo Persada, 1995.
- Saebani, Beni Ahmad. *Fikih Munakahat 1*. Bandung: Pustaka Setia, 2018.
- Siti Hikmah, “Optimalisasi Perkembangan Anak dalam Day Care”, *Jurnal Sawwa*, Vol. 9, no. 2 (2015)
- Situs Resmi Homy Day Care, “Menitipkan Anak di Daycare, Positif atau Negatif?”, <https://www.homydaycare.com/menitipkan-anak-di-daycare-positif-atau-negatif/> (5 Januari 2024)
- Situs resmi Kesan, “Tanya Nyai: Hukum Menitipkan Anak Kepada pengasuh”, <https://kesan.id/feed/tanya-nyai-hukum-menitipkan-anak-kepada-pengasuh-d1df> (19 Desember 2023)
- Situs Resmi Klik Dokter, “Plus Minus Menitipkan Anak Kepada Kakek dan Nenek”, <https://www.klikdokter.com/ibu-anak/tips-parenting/plus-minus-menitipkan-anak-kepada-kakek-dan-neneknya> (5 Januari 2024)
- Situs Resmi Kumparan, “Hukum Menitipkan Anak kepada Orangtua dalam Islam Apakah Boleh?”, <https://kumparan.com/kabar-harian/hukum-menitipkan-anak-kepada-orangtua-dalam-islam-apakah-boleh-21JbeDLV10Y/3> (22 Desember 2023)
- Situs Resmi NU Online, “Bagaimana Hukum Perempuan Bekerja dalam Islam? Ini Penjelasanannya!”, <https://jombang.nu.or.id/daerah/bagaimana-hukum-perempuan-bekerja-dalam-islam-ini-penjelasanannya-VHW9A> (23 Desember 2023)
- Situs Resmi Pembantu, “Berbeda Dengan Asisten Rumah Tangga, Ini Dia Daftar Tugas dari Babysitter”. <https://www.pembantu.com/News-Article/tips-artikel/Pembantu-dan-Baby-Sitter/Berbeda-dengan-Asisten-Rumah-Tangga-Ini-Dia-Daftar-Tugas-dari-Babysitter?PageSpeed=noscript>, (20 Desember 2023)
- Sjarkawi, *Pembentukan Kepribadian Anak*. Jakarta: PT, Raja Grafindo Persada, t.th.

Soejono Soekanto dan Sri Mamudji,  
*Penelitian Hukum Normatif:  
Suatu Tinjauan Singkat.*  
Jakarta: Rajawali Pers, 2001.

Sulaiman Ibn Al-Asy'at, Abu Dawud.  
*Sunan Abi Dawud*, Jilid 2.  
Beirut: Dar Al-Kutub Al-  
'Ilmiyah, t.th.

Suryadin, Adin, Indah Maysela  
Azzahra, and Diningrum  
Citraningsih. "Islam Dan  
Dakwah: Strategi Mengelola  
Keluarga Dalam Surat At-  
Tahrim Ayat 6." (QULUBANA:  
Jurnal Manajemen Dakwah 1.2  
2021).

Syarifuddin, Amir, *Hukum Perkawinan  
Islam di Indonesia.* Jakarta:  
Kencana, 2006.

Tunaiku.com, "5 Hal yang Perlu Kamu  
Tahu Tentang Day Care  
(Tempat Penitipan Anak)".  
swara.tunaiku.com, (20  
Desember 2023)

Website Resmi Idjoel, *Pengertian Anak  
Menurut Para Ahli*,  
[www.idjoel.com/pengertian-  
anak-menurut-para-ahli/](http://www.idjoel.com/pengertian-anak-menurut-para-ahli/) (19  
Desember 2023)

Yudhistira, Irfan. "Pengaruh  
Perkembangan Jiwa Anak Saat  
Ditinggal Ibu Bekerja".  
(wordpress.com, 22 Februari  
2012).

Zusnaini, Ida. *Strategi Mendidik Anak  
Agar Jujur.* Jakarta: Platinum,  
2013.