



Research Article

Islamic Family Law Perspective on Children Under Ages Who Work to Support Family (Study in Pasar Banggi Village, Rembang District, Central Java Regency)

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Abstract. Many children under the age of 18 who have been actively involved in economic activities, become child laborers with the most dominant reason being economic pressure experienced by their parents or other factors. This study aims to determine the driving and underlying factors of children working as breadwinners for families in Pasar Banggi Village. As well as a review of Islamic family law on children as breadwinners for families in Pasar Banggi Village. This researcher uses qualitative methods, the data in this study were obtained from primary data and secondary data. Data collection techniques used are observation, interviews, and documentation. The results of this study indicate that the general description of working underage children due to the large number of them who work in Pasar Banggi Village as fishermen, farm laborers or other jobs is due to the most dominant economic factor, while other factors are environmental factors, parental factors, self-will factor, and habit factor. In terms of Islamic Family Law, the age limit for children to work is not directly explained in Article 98 of the Compilation of Islamic Law paragraph (1) the age limit for children who are able to stand alone or as adults is 21 years, as long as the child is not physically disabled. or mentally or have never been married. Child labor should be avoided considering the harm is greater than the benefit. In Surah Al-Baqarah verse 233 it is explained because providing a living is obligatory for parents.

Keywords: Child Labour, Minors, Islamic Law

INTRODUCTION

Parents have a duty to provide for their children And if the parents can't afford it, then the living charged to his relatives, whether muhrim or not capable muhrim.¹ All children are born with degrees the same, and have the same rights, then all one has to ensure its realization. regardless of all differences regarding gender, background family, social and economic status, cultural group, language and religion.² In Islam it is also stated, that the duty of parents to their children is to fulfill the needs of children, both in the form of love is a major factor in the formation of personality child.³

In Law No. 23 of 2002 concerning Child Protection also explains the obligations of families and parents to continue to protect and care for them so that they grow up.⁴ Likewise in Law no. 4 of 1979 concerning Child Welfare, which explains that children have the right to welfare, care, care and guidance based on affection both within their family and in special care to grow and develop naturally. However, the reality is that children who should get their rights have to work. Law No. 13 of 2003 concerning employment, it is explained that a person, both male and female, can be said to be a child if he is less than 15 years old.⁵

The objectives of the research that the author conducted are as follows: 1. To find out the driving factors and underlying factors for minors to work as breadwinners for the family 2. To find out how the perspective of Islamic family law on minors works to support the family.

¹ Zakariyya Ahmad al-Barri, *Ahkam al-Aulad fi al-Islam* (Jakarta: Bulan Bintang, t.t.), hlm. 57.

² Gaston Miharet, *Hak-hak Anak untuk Memperoleh Pendidikan*, alih bahasa Idris M. T. Hutapea (Jakarta: Balai Pustaka, 1993), hlm. 48.

³ Ahmad Rofiq, *Hukum Islam di Indonesia*, cet. 2 (Jakarta: Rajawali Press, 1997), hlm. 240.

⁴ Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.

⁵ Pasal 69 ayat (1) Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 tentang Ketenagakerjaan.

So that this research does not overlap with research conducted by other studies, it is necessary to conduct a literature review in this case:

1. Rozi Zhafron Usman's Thesis, entitled "Memperkerjakan Anak Dibawah Umur (Studi Komparatif Hukum Islam dan Hukum Positif)". From the results of the research above, it shows that in Islamic law there is no regulation regarding the employment of minors. While the positive law has explained in detail about the employment of minors. However, the rules in positive law do not conflict with Islamic law.⁶
2. Widia Kartika Sitompul's journal entitled "Tinjauan sosiologi dan Tinjauan Hukum Terhadap Anak-Anak Yang Bekerja Sebagai Badut Dikota Rantauprapat Kabupaten Labuhanbatu". Based on the results of the research above, that the occurrence of a violation of children's rights should be a concern to the government for children who work as child clowns in Labuhanbatu Regency. And also children get a protection so that children can live and develop in accordance with Law Number 35 of 2014 namely that children and children's rights so that they can live and grow and develop according to human dignity and protection and violence and discrimination". This is stated in the Regional regulation on child protection in Labuhanbatu Regency number 5 of 2015 namely article 1 paragraph 8: Children's rights are part of human rights that must be guaranteed, protected and fulfilled by parents, families, guardians, society, government and the state.⁷
3. Anisa Avianti and Martua Sihaloho's journal entitled "Peran pekerja anak di industri kecil sandal terhadap pendapatan rumah tangga dan kesejahteraan dirinya di desa parakan, kecamatan ciomas, kabupaten bogor jawa barat". From the results of the research above, it shows that the factors that give rise to child labor when viewed from the characteristics of child labor itself are the education factor of child labor. Meanwhile, when viewed from household characteristics, social values and stigma affect the incidence of child labor. Socialization about work in footwear workshops, either directly or indirectly, also encourages the entry of children into the world of work in sandal workshops. Meanwhile, from the characteristics of the work, where the sandal workshop is included in the small industry so that it is easy for child workers with low educational background to enter it. The skills needed can be learned on their own.⁸
4. Kadriye Bakirci, *Child labour and legislation in Turkey 2002*. In spite of the initiatives that have taken place since 1992 little has changed in relation to the extent of child labour and their working conditions. It seems that Turkey has a long way to go before preventing even the worst forms of child labour.⁹

⁶ Rozi Zhafron, *Memperkerjakan Anak di Bawah Umur: Studi Komparatif Hukum Islam dan Hukum Positif* (Bengkulu: Fakultas Syariah IAIN Bengkulu, 2018).

⁷ Winda Kartika Sitompul, *Tinjauan Sosiologi dan Tinjauan Hukum terhadap Anak-Anak yang Bekerja sebagai Badut* (Program Studi Pendidikan PKn STKIP Labuhanbatu, 2017).

⁸ Anisa Avianti dan Martua Sihaloho, *Peran Pekerja Anak di Industri Kecil Sandal terhadap Pendapatan Rumah Tangga dan Kesejahteraan Dirinya* (Bogor: Fakultas Ekologi Manusia, 2015).

⁹ Kadriye Bakirci, "Child Labour and Legislation in Turkey," *The International Journal of Children's Rights* 10 (2002): 55-72.

5. Yusuff Jelili Amuda, *Working conditions And Consequences Of Child Labour In Nigeria*. It can also be concluded that poverty is the prime factor and major cause of child labour in Nigeria. The low income of working children's parents worsens the children's conditions and forces them into the labour force. Government ineffectiveness is another cause of child labour for their failure to provide the basic needs of the citizens.¹⁰
6. Tarmizi M Jakfar, "Kewajiban Nafkah Ushul Dan Furu' Menurut Mazhab Syafi'i". The results of the study found that Imam Syihabuddin al-Abbas Ahmad (al-Qalyubi), Shaykh Zainuddin al-Malibari and Imam Taqayuddin al-Hishini earned Ushul and Furu' mentioned in the books of Hasyiatan Qalyubi-Umairah, Fathul Mu'in and Kifātul Akhyār fī hāll Rāyatūl Ikhtisār must be given a living by a father for his child, if the child is poor, small and crazy, and the obligation of a child to provide for his parents if the parents are poor and crazy. And if the child has the ability to have assets that are approximately more than the necessities of life from a day and a night then it is obligatory to provide a living, if a child does not have property because he is poor, then there is no obligation whatsoever for the child.¹¹
7. Rukiah M. Ali, "Hak Nafkah Anak Pegawai Negeri Sipil Setelah Perceraian". From the results of the study, it can be concluded that, regarding the imposition of the obligation to pay for the child's living expenses to the male parent (father) after a divorce occurs, the wife's first attempt if the husband is reluctant to pay/finance the child's living after the divorce is to bring a copy of the decision. The court goes to the husband's place of work and is given to the chairman or treasurer where the husband works, but if this method also doesn't work, then the wife can directly apply for execution to the Religious Court. by looking at the benefits.¹²

This researcher uses qualitative methods, the data in this study were obtained from primary data and secondary data. Data collection techniques used are observation, interviews, and documentation.

RESEARCH METHODS

This research employed a qualitative approach with a field research design aimed at understanding in depth the phenomenon of underage children working as family breadwinners in Pasar Banggi Village, Rembang Regency, Central Java. The study was conducted from October to November 2021, involving child laborers, their parents, and local business owners as research subjects. The data consisted of primary data obtained through observation, interviews, and documentation, and secondary data derived from books, academic journals, and legal instruments such as Law No. 23 of 2002 on Child Protection, Law No. 13 of 2003 on Manpower, and the Compilation

¹⁰ Yusuff Jelili Amuda, "Working Conditions and Consequences of Child Labour in Nigeria," *OIDA International Journal of Sustainable Development* 1, no. 7 (2010): 53-72.

¹¹ Tarmizi M. Jakfar, "Kewajiban Nafkah Ushul dan Furu' Menurut Mazhab Syafi'i," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 1, no. 2 (Juli-Desember 2017).

¹² Rukiah M. Ali, "Hak Nafkah Anak Pegawai Negeri Sipil Setelah Perceraian," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 1, no. 2 (Juli-Desember 2017).

of Islamic Law. Data collection techniques included direct observation of children's work activities, in-depth interviews with six working children, five parents, and two employers, as well as documentation in the form of village data and supporting literature. The data were analyzed using a descriptive qualitative method through data reduction, data presentation, and conclusion drawing, applying the theoretical framework of Islamic family law and the principle of *maṣlaḥah* (public interest). To ensure data validity, the researcher employed triangulation of sources and methods by comparing interview results with legal documents and academic references to maintain the accuracy and objectivity of the findings.

RESULTS AND DISCUSSION

A. Driving Factors Underlying Children to Work

There is powerlessness of parents in society become the main cause of children having to work so that give rise to child labor, a classic problem that often stated that poverty in addition to the level of education which is still relatively low and lack of awareness community about educational methods in accessing information related to children's education. Therefore it is necessary family and community empowerment. It is shown in order to improve the welfare of families who can not afford and establish community through community so that empowerment power can be increased without overriding community participation in handling child labour.¹³

In this study, the authors took the study information in Pasar Banggi Village because Rembang District has 12 Village but many children work only in Pasar Banggi Village strait. The population of 46 working children the author took as a sample of 6 children who work under age. So the author prefers the Pasar Banggi Village. The emergence of child labor in Pasar Banggi Village is a The socio-economic problems are quite worrying because ideally at the age of 15 they only draw knowledge and not burdened with work earn a living.

Based on the research results, child labor in Pasar Banggi Village under the age of 15 years actively about 75% of children. From the observation results show that the number of children who are underage who come from underprivileged families and do not get proper education causes children to work. Children seem to prefer to help their parents to meet the needs of life than school needs or other needs, then the results of the interview research obtained as follows:

1. Economic Factor

The most dominant economic factor causing children working underage. Based on the information collected from the results of interviews with children who work as fishermen or farm workers stated that the real reason forced to work to earn additional income to help pay for the needs of the family, especially to meet the daily needs of family life and school needs.

Information obtained from a child (Andi) 12 Years of dropout who worked with the excuse of helping his family's economy. With description as following: "I started working as a fisherman in the sea or fishermen since dropping out of school (SD) for

¹³ Susanto, *Kriminologi* (Yogyakarta: Genta Publishing, 2011), hlm. 87.

approximately 3 years, my motivation for this work is with the reasons behind it the economic shortage in my family is not enough to daily needs. I work at my own pace because seeing my parents who are less able to become me I also work to help my parents. Usually I come to work from 06:00 to 16:00, every day Friday is off work so I can use it to rest at home, and sometimes when it rains it doesn't work. The average daily income is Rp. 30.000 - Rp. 35.000".¹⁴

Based on the information above, it can be understood that the child workers in Pasar Banggi Village come from economically disadvantaged families. Most of these children whose parents have low and uncertain income, and such conditions force children to work without choosing and sorting out the types and risks of work, with the important hope that they can earn additional income to help their parents, or at least to help. provide for himself, and if possible also to help his family. Then, the consequences of working children will lead to the non-fulfillment of educational needs. In fact, the educational needs of children are very important in relation to the development of children's character in the future.

The same statement was also conveyed by Herdi (14 years old, dropped out of school since junior high school). He stated the following statement: "What causes me to work hard is that, my family's economic life is very inadequate. Our family is underprivileged. I work for myself so as not to depend on my parents, to pay for my own needs, and can help my parents for the daily needs of our family. I work as a farm laborer, my workers harvest palm oil, transport palm oil into the car, sometimes I also work as a car driver for 3 years, I have experienced hot storms. My father's job is an employee of a private company, the salary is not sufficient, so the basic needs of the family are not met, and for my school needs or other needs. Therefore, every day I work as a farm laborer. Apart from doing this work on their own accord and without being asked by their parents, because of my family's economic condition".¹⁵

In this case, Herdi decided to help his family in the hope of reducing the economic burden on his family, and for his own school needs. The information shows that family economic factors can provide opportunities for a child to work, even without being based on orders from his parents or the child's own awareness.

2. Environmental Factors

The following is an interview with Supri (13 years old, has dropped out of school since elementary school) children who work as minors as fishermen or fish seekers at sea. "I started working as a fisherman for about 2 years, starting from 06:00 to 16:00 sometimes if I go home early at 13:00 I'm already home. My motivation to work is because I see my friends are already working so I work too, at first I was still in 5th grade elementary school but saw my friends were not in school anymore, all my friends work and can make money so I live independently and could help the family finances so I quit school I decided to work. My parents didn't forbid me to work because our economy was so poor. At first it was not allowed because my job was so risky for my safety, but after a while my parents didn't forbid it anymore".¹⁶

¹⁴ Andi (anak bekerja), nelayan, wawancara oleh penulis, Desa Pasar Banggi, 21 Oktober 2021.

¹⁵ Herdi (anak bekerja), buruh tani, wawancara oleh penulis, Desa Pasar Banggi, 27 Oktober 2021.

¹⁶ Supri (anak bekerja), nelayan, wawancara oleh penulis, Desa Pasar Banggi, 3 November 2021.

So here it can be seen that Supri is affected because his environment in rural areas has many children who are already working underage and many children have dropped out of school because they are watching their friends who are all working.

The researcher interviewed the children who worked in Pasar Banggi village, including Deka (12 years old) who dropped out of school since the 5th grade of elementary school. My family's economic life is not enough. The condition of our family is poor. The work that my father does is farm labor and palm oil labor so that unemployment often occurs and causes the basic needs of the family to not be fulfilled. Therefore, every day I work as a farm laborer and a palm oil worker just like my father did. This work is not only on their own accord because many of my friends have worked to help the family's economy, and without being asked by their parents, also because of my family's economic condition. The wages I get are 30,000-35,000 per day and even then, the work is not every day, there is also rest time".¹⁷

3. Self Willing Factor

Information about children who work as fishermen, in this thesis the researchers interviewed children who work as fishermen, including Rian (15 years old, had dropped out of elementary school) one of the children in Pasar Banggi Village, Rembang District, Central Java Regency, he stated the following information: "I prefer to work rather than continue my education, because our family life is classified as a family that is less able to meet the necessities of life. Apart from that, since my father was sick, the family's economy has declined. Therefore, I chose to end my education in order to meet the needs of my mother and younger siblings. The usual job that I do is as a fisherman, the wages for the hard work I often receive in one day are usually 30,000-35,000. In addition to that work, I have also done different jobs, if it's a Friday holiday or a rainstorm can't go to sea then I also work as a farm laborer, harvesting palm oil, being a truck driver carrying sand or stones, or whatever other people tell me to produce. money. I work on my own volition, I don't want to bother my mother by always asking for money for my needs. This worker is without any coercion, from this I began to be determined to earn an income as a fisherman or farm laborer".¹⁸

According to what I see from the research results. Rian has been working for a long time to meet the needs of his family, because since his father was sick, no one else could pay for his family's needs. In addition, Rian decided to end his education at school because he wanted to help pay for his mother and younger siblings.

Information Peru (14 years) has dropped out of school since junior high school working as a farm laborer. "I work as a laborer, such as harvesting palm oil, palm dodos, and transporting palm oil into a car. I've been doing this job since I was 12 years old, so I've been working for more or less for 2 years. The reason I work because of my own will, I realize that I come from a well-to-do family. My parents work as private employes, the income is not enough plus my younger siblings are a lot so there are a lot of expenses that have to be spent. Wages from working in one day are usually 30,000-35,000. I give part of the money from my work to my parents and partly for

¹⁷ Deka (anak bekerja), buruh pertanian, wawancara oleh penulis, Desa Pasar Banggi, 7 November 2021.

¹⁸ Rian (anak bekerja), nelayan, wawancara oleh penulis, Desa Pasar Banggi, 9 November 2021.

my own needs".¹⁹

From the results of the interview that the author saw that Peru has been working for about 4 years, Peru works because he wants to see his parents are well off so he needs to end his education for the sake of his family to earn an income.

No	Name	Reason	Job
1	Andi	Economic	fisherman
2	Hardi	Economic	farm workers
3	Supri	Environmental	fisherman
4	Deka	Environmental	farm workers
5	Rian	Self Willing	fisherman
6	Peru	Self Willing	farm workers

From the results of observations that the researchers did and saw directly in the field the children who work in Pasar Banggi Village vary widely, but the most or the most dominant work as fishermen, and other jobs as farm laborers. Basically, their goals are the same to ease the family's economic needs in meeting the necessities of life, the involvement of children in economic activities is also affected by the encouragement to help ease the family's economic burden and also to enjoy the results of their work and also for their school needs. However, the big factor that drives children to work is the economic downturn, environmental factors, and self-willed factors. This situation is increasingly giving rise to activities carried out by children under the age of 17 (under 17 years).

The most dominant economic factor causes children to work under age. Based on information compiled from interviews with children who work as fishermen or farm laborers, it is stated that the real reason for working is forced to earn additional income to help finance family needs, especially to meet the family's daily needs and school needs. Environmental factors in this case are intended as the social environment of children who work outside the family environment, such as friends, neighbors, relatives, or close relatives of the child. Several respondents revealed that the reason they work is to increase their independence, no longer depend on their parents in terms of meeting their needs, besides being able to buy what they want. This factor may include what Bagong Suyanto said, that the cause of a child working is proven that children can have income and even have the economy to manage the money they earn independently. Even though this money was given to their parents, they at least felt they had a right to the money they got.²⁰

Work is a positive activity that educates children to have independence and increases the entrepreneurial spirit from an early age. Therefore, children who work under the age of five while receiving protection, supervision from various parties is not something that is not good. The reason children work is that apart from earning money to help their families, they can play with their friends. Their income varies depending on how long they work. Ranges from 35,000 to 40,000. However, some children whose orientation is to earn money do not have time to play with their age

¹⁹ Peru (anak bekerja), buruh pertanian, wawancara oleh penulis, Desa Pasar Banggi, 15 November 2021.

²⁰ Bagong Suyanto, *Masalah Sosial Anak* (Jakarta: Kencana, 2013), hlm. 133.

and their income can reach 40,000 per day. Children who are not in school will usually work to help make money for themselves.

4. Parents' Perception of Children Working in Pasar Banggi Village

The following is a statement from the interview results from the child's parents (Mr. Toyon): "I saw my son working hard, in fact, what is our power as parents can't please my child like other children, we are indeed from a family that less than the economy, like it or not, my son has to work to earn extra money for this family. As the father, I also work as a fisherman, sometimes as a farm laborer, work in the like, and my wife is a housewife". money for family for daily life.²¹

Interviews conducted by the author with the parents of the child are as follows (Mrs. Vera): "Actually, I feel sorry as a parent to see my child go to work from morning to evening when he comes home, working hot, raining. I actually banned it, but he said that the money is for family needs in daily life and if there is any left over, the money is for himself for school needs. I am a housewife and my husband works as a farmer, growing rice, harvesting palm oil and other similar jobs".²²

Based on the interview, it was found that the parents of children who work as farm laborers actually forbid their children to work. Through the interview, it was found that the money he earned was used for his family's needs and his own needs.

The results of the author interviewing the parents of working children are as follows (Mrs. Fatila): "My son works as a fisherman. My opinion is that seeing my own son who works as a fisherman is actually a pity, but he is choking to work because he sees all his friends working and he was interested because he could make money. I was told that I don't want to be a dropout since I was in 5th grade".²³

Based on the results of interviews from people who know the child, that his parents forbade his child to work but his child who wants to work because all of his friends have worked. So it can be concluded that the child is affected by the surrounding environment.

The results of an interview from one of the parents of working children are as follows (Mrs. Fatmi): "We as parents are really sorry to see our children work as farm laborers and similar jobs, because there must be a lot of people's responses to where the parents actually are, why their children left to work. Even though they are still in school. But it can't be helped because it reminds us that our family's economic situation is low, sometimes it's difficult for daily needs, especially when there's a sudden need".²⁴

Based on the interview, the economic condition of parents sometimes causes a child to play a role in fulfilling the family's economy. Through the interview, it was found that the woman was also aware that there would be assumptions from the community if she saw children who worked like that. However, this is unavoidable

²¹ Toyan (orang tua anak bekerja), Dusun 2 Pasar Banggi, wawancara oleh penulis, 21 Oktober 2021.

²² Vera (orang tua anak bekerja), Dusun 1 Pasar Banggi, wawancara oleh penulis, 7 Oktober 2021.

²³ Fatila (orang tua anak bekerja), Dusun 2 Pasar Banggi, wawancara oleh penulis, 3 November 2021.

²⁴ Fatmiwati (orang tua anak bekerja), Dusun 3 Pasar Banggi, wawancara oleh penulis, 5 November 2021.

given the state of the economy.

The results of the interview showed that the uncertain work of parents caused uncertain income to meet family needs. This is the cause of a child to work to help parents.

Interviews conducted by the author with the parents of the child are as follows (Mrs. Susi): "Life is only a choice, it means that the child has the right to choose his life. As a parent, I never force my child to work. Actually, it's also sad to see children going to work as fishermen, especially when in the middle of a hot sea, sometimes it rains in the morning and leaves in the afternoon before returning home. I have forbidden it but how else can my child still want to work too. The money is to be used for his own needs and for the needs of the family as well".²⁵

Based on the results of the interview, it was found that the parents of working children actually forbade their children. Through the interview, it was found that the money he made was for his own needs and the needs of his family.

5. Entrepreneur (business owner)

Based on informants obtained through interviews with fish entrepreneurs (fishermen) Mr. Eri, "This business has been established since 2012, this business has undergone several changes of workers, but still survives until now, there are 20 people. The reason I employ children is because the children themselves come to the place where I want to work, there is no coercion to those who work with me. On average, when working children aged 12 to 15 years, working children on average have dropped out of school. The wages of his income are uncertain depending on the number of fish caught, ranging from 30,000 to 35,000 per day. The working hours are from 06:00 in the morning to be at work, at the earliest at 14:00, and at the latest, at 14:00, at the latest, at 16:00. When asked about the rules regarding children's work, I don't know".²⁶

Still in the same statement, based on information from the palm toke (Mr. Pusriadi) "This palm toke business has been established since 2016, starting with only 2 workers until now there are 8 workers. The average age of all working minors is from the age of 11 to 18 years. for the wages that I apply in this palm toke business is based on results. The more results from people who sell palm oil or the results from lots of palm oil, the more wages they will get, so the wages are not fixed per day. Rules of working hours from 08:00 to finish".²⁷

B. A Review of Islamic Family Law Against Children as breadwinners for families in Pasar Banggi Village

The cost of living and daily needs, especially primary needs (clothing, food and education), as long as they are underage and unable to create their own jobs (as well as not having a job and sufficient income) are entirely the responsibility of the parents. This obligation is temporary (not forever). In a sense, if a son is able to be

²⁵ Susi (orang tua anak bekerja), Dusun 2 Pasar Banggi, wawancara oleh penulis, 10 November 2021.

²⁶ Eri (pengusaha ikan), Dusun 1 Pasar Banggi, wawancara oleh penulis, 12 November 2021.

²⁷ Pusriadi (pemilik usaha sawit), Dusun 2 Desa Pasar Sebelat, wawancara oleh penulis, 12 November 2021.

independent and a daughter is officially under the responsibility of a husband, this obligation automatically disappears.²⁸

“Indeed, the phenomenon of underage children working in the community is something we often see in our daily lives. Many parents tell their children to work to meet the needs of daily life, to pay for the child's own school needs, to pay for the child's pocket money. Usually the reasons they put forward are also different, but what is more dominant is that they work because they want to help their families, especially their parents. So the economic factor is indeed the most dominant influencing these children to come to work”.

Through the results of the conclusion of the interview, the author sees that most of the working children are ordered by their parents, which is dominant because the child wants to help the family economy. The reason for these working children is to get additional income to help pay for the family's needs, especially to meet the daily needs of the family and their own school needs.

In the case description above, parents ordered their underage children to work for which they should have the right to be cared for, and educated according to their abilities. However, the economic condition of the parents causes the child to have to work. Such a situation should not cause children to lose their childhood and the right to education. Allah says in Surah An-Nisa verses 29-30 as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۗ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

“O you who believe! Do not eat each other's property in a false way (not true), except in trade which is carried out on the basis of consensual between you. And don't kill yourself. Indeed, Allah is Most Merciful to you”.

وَمَنْ يَفْعَلْ ذَلِكَ عُدْوَانًا وَظُلْمًا فَسَوْفَ نُصَلِّيهِ نَارًا ۖ وَكَانَ ذَلِكَ عَلَى اللَّهِ يَسِيرًا

“And whoever does this by breaking the law and unjustly, We will put him in hell. That is easy for Allah”.²⁹

From the verse above, it illustrates the reciprocal relationship that parents must carry out an effective educational function for their children. The role of parents, especially fathers as the highest leader in the family structure to save their wives and children is very dominant.

In Islamic teachings it is revealed that the economic responsibility lies with the husband as the head of the household, and it is possible that the responsibility shifts to the wife to help her husband if the husband is unable to carry out his obligations. Therefore, it is very important to realize cooperation and mutual assistance between husband and wife in raising children to adulthood. What is meant in principle is the responsibility of husband and wife to their children.

The obligation of parents to children is to provide a living as stated in Q.S Al-

²⁸ Muhyiddin Abdul Hamid, *Kegelisahan Rasulullah Mendengar Tangisan Anak*, cet. 11 (Yogyakarta: Mitra Pustaka, 2000), hlm. 13.

²⁹ Departemen Agama Republik Indonesia, *Al-Qur'an dan Terjemahan* (Jakarta: Depag RI, t.t.), hlm. 122.

Baqarah: 233

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ ۗ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا ۗ لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ ۗ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ ۗ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا ۖ وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

"And mothers should breastfeed their children for two whole years, for those who want to breastfeed completely. And it is the duty of the father to provide for their maintenance and clothing in a proper manner. A person is not burdened more than he can bear. A mother should not suffer because of her child and neither should a father suffer because of his child. The heirs are (obligated) like that too. If both want to wean by agreement and deliberation between them, then there is no sin on either of them. And if you want to nurse your child to someone else, then there is no sin for you to pay it in a proper way. Fear Allah and know that Allah is All-Seeing of what you do".³⁰

In addition to the obligations of parents to children, Islam also explains allowing children to work. Among other things, in the history of the Prophet Muhammad as a child has done work, when the Prophet was 12 years old he followed his uncle Abu Talib who traded carrying merchandise from Mecca to Sham. In addition, the Prophet also worked herding goats in a simple way, it can be said that it was natural for children to work since the time of the prophet.³¹

A benefit that arises from a child who works is that it can help ease the economic burden on his family, for school fees, and for other purposes. In accordance with Islamic law, where sharia is presented, it is also for the benefit of mankind.³² However, it is necessary to pay more attention to what the motivation is and how the conditions are to employ it, so that rights are not forgotten. Because basically Islam never intended to make trouble for humans or misery for its adherents.

It seems clear that the problem of children working, although not explicitly, is implied that there is a violation for humans to do something inappropriate in the sense that it is beyond their ability, including in this case the child does a job or is employed, it is allowed only to the extent of the child's ability.

The Compilation of Islamic Law (KHI) explains as follows: Article 98 of the Compilation of Islamic Law (KHI) paragraph (1) that the age limit for a child who is able to stand alone or as an adult is 21 years, as long as the child is not physically or mentally disabled or has never been married. While paragraph (2) explains that the parents represent the child regarding all legal actions inside and outside the court.³³

Article 98 gives a signal that the obligation of both parents is to deliver their

³⁰ Kementerian Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya* (Jakarta: Kemenag RI, t.t.), hlm. 16.

³¹ Abdul Wahab Khallaf, *Ilmu Ushul Fiqh* (Semarang: Dina Utama, 1994), hlm. 136.

³² Abdul Wahab Khallaf, *Ilmu Ushul Fiqh* (Semarang: Dina Utama, 1994), hlm. 137.

³³ Zainuddin Ali, *Hukum Perdata Islam di Indonesia*, cet. ke-1 (Jakarta: Sinar Grafika, 2006), hlm.

children, by educating, equipping them with knowledge to be their provisions in their adult days. In particular, the Qur'an recommends to mothers to breastfeed their children completely (until the age of two). However, the Qur'an also hints to the father or mother to carry out their obligations according to their abilities, and the Qur'an does not at all want the father or mother to suffer because of their child. If parents are unable to take responsibility for their children, then the responsibility can be transferred to their families.³⁴

Employing minors in the family or in the community causes the child to be physically, mentally and physically threatened, so this action is clearly contrary to the principle of *maslahah dharuriyah*, namely endangering the lives of minors, and also acts of exploitation of minors resulting in the inhibition of children's development as a generation. successor to the family and nation that is endangering the offspring. So the act of employing children is prohibited according to Islamic law. In Islamic law, the employment of children is prohibited on the basis of *maslahah mursalah* which endangers the child's life and endangers the offspring as the next generation of the family and nation.

Underage children should receive good care and education from their parents instead of being asked to work which has a negative impact on their children. Al-Qur'an Luqman verse 14 requires children to follow the orders of their parents as below:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ ۖ وَهَنَا عَلَىٰ وَهْنًا عَلَىٰ وَهْنٍ وَفِصَالَهُ ۖ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ

“And We have commanded man (to do good) to his parents. His mother had conceived him in a state of increasing weakness, and weaned him at the age of two. Be grateful to Me and to your parents. Only to me will you return”.³⁵

So following the orders of parents to do something (work) is essentially obligatory according to Islam. However, it is the duty of parents to provide for them.

Parents are prohibited from abandoning children by not providing a living. So not meeting the needs of children is a prohibition of *Syara'* (Islamic law). Based on the paragraph above, it has legal consequences in the form of an order (mandatory) to provide a living for children. If the parents do not provide a living then the act of violating the order (mandatory).

So the act of employing children which results in the non-fulfillment of the child's subsistence needs is a violation of the obligations of parents who are required to take care of the child because the child is a mandate entrusted by God, on the basis of the rights and obligations of the parents' silence on the obligations (subsistence) imposed on the parents. then it is a violation of the law. Abandoning children is prohibited according to Islamic law, moreover children are told to work to earn a living for themselves or to provide for the needs of the family. In addition, the right of children to their parents is that children get education, both writing and reading, skills education, and getting halal sustenance.

³⁴ Zainuddin Ali, *Hukum Perdata Islam di Indonesia*, cet. ke-1 (Jakarta: Sinar Grafika, 2006), hlm. 65.

³⁵ Departemen Agama Republik Indonesia, *Al-Qur'an dan Terjemahan* (Jakarta: Depag RI, t.t.), hlm. 654.

CONCLUSION

Based on the results of the research that the researchers have done, it can be concluded: First, the cause of the emergence of underage children in Pasar Banggi Village, Rembang District, Central Java Regency is due to the most important reason, namely economic factors, where a child is forced and forced to help parents make a living. for the survival of his family, and to pay for his own needs, this working child has dropped out of school, his school education is number two right. In addition, other causes, namely, environmental influences, self-will factors.

Second, Islamic law does not directly explain the age limit for children who are allowed to work, but Article 98 of the Compilation of Islamic Law paragraph (1) that the age limit for a child who is able to stand alone or as an adult is 21 years, as long as the child is not physically or mentally disabled or has a disability. never been married. Children's work must be avoided considering that the harm is greater than the benefit, even though the benefit is to help ease or help the family's economy, in its harm, children's rights are neglected, such as their right to education, some drop out of school, their soul and body are also threatened. In Islamic law, it is forbidden to employ children, that is, if parents neglect their obligations to provide for their children, and do not get a proper education, their lives or bodies are threatened, it is not allowed. In Surah Al-Baqarah verse 233, it is explained because providing a living is obligatory for parents. Meanwhile, if a child works according to his abilities, skills and does not burden him, it is permissible just like the Prophet who started working from an early age.

Based on the research results and the conclusions presented by the author, the suggestions that can be given are as follows: First, it is expected that children always prioritize education for the welfare of life, because without education everything is meaningless, besides that, parents also have a role important in children's lives. Therefore, parents should meet the needs of children who are classified as minors. Second, the community and the government can contribute more to efforts to reduce the number of working children under the age of five.

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