



The Urgency of Building Legal Awareness on Care of Children in the Family

Suud Sarim Karimullah¹.

ARTICLE INFO

Keywords:

Urgency, Legal Awareness, Care, Children.

How to cite:

Karimullah, Suud Sarim. (2022). The Urgency of Building Legal Awareness on Care of Children in the Family. *Amsir Law Journal*, 3(2), 76-86.

DOI:

10.36746/alj.v3i2.66

ABSTRACT

This paper presents an understanding of the urgency of building legal awareness of child care in the family to provide a legal sense of the importance of sustainable child care amid social life by sticking to the applicable legal rules. This study used a juridical-normative approach by referring to various legal instruments that apply in Indonesia. Then, to add references in this study, other legal materials relevant to the object of study are systematically studied. Furthermore, the results of this study explained that the protection of children is the responsibility and obligation of all elements of the nation, not only for certain groups, which can be found in the explanation in Law No. 39 of 1999 concerning Human Rights, as explained in the provisions of Article 52 that every child has the right to protection by parents, family, society and the state. Children's rights are human rights, so for their interests, children's rights are recognized and protected by law even when they are in the womb.

Copyright ©2022 ALJ. All rights reserved.

1. Introduction

Islam regulates the family not in outline but detail. This case shows that Islam is very concerned about family life. The family is built on marital bonds; that is why Islam highly recommends marriage for those who already can carry it out. Family is the soul of society and its backbone. The physical and spiritual welfare enjoyed by a nation, or vice versa, its ignorance and backwardness reflect the cona vialdition of the families living in the nation's society.²

In family life, every family member has the rights and obligations of each to build a harmonious and happy family life. A husband is a family leader who plays an important role in maintaining the integrity of his family because he has the responsibility to provide for his

¹ Institut of Social Science in Gümüşhane University, Gümüşhane, Turkey. E-mail: Suudsarimkarimullah@gmail.com.

² Shihab, M. Quraish. 2014. *Membumikan Al-Qur'an, Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat*. Bandung: Penerbit Mizan, p. 395.

wife and children. The enormous responsibility in family life certainly cannot be carried out if there is no support from other family members.

In addition, a wife also plays an important role in the continuity of family life, especially the responsibility of educating their children even though educating children is a joint task between husband and wife in family life. The function of the family as the implementer of education is the most decisive because the family is one of the informal educational institutions, parents who are known first by their children with all the treatment they receive and feel can be the basis for mental and personality growth for their children.³ In addition to educating children at home when the husband works outside, a wife also plays an active role in caring for the family's needs. Such a huge responsibility that a wife must carry out is undoubtedly a process in maintaining the integrity and existence of the family while still synergizing with her husband.

This paper tries to describe the urgency of building legal awareness of child care in family life by offering new possibilities to provide guarantees and protection for child care in the family. To protect children, each family member must remember, take into account, defend and respect the interests of the child's future, lest problems or conflicts occur that can be detrimental to the child's development. It is not permissible to protect one's interests in exercising their rights to do whatever one wants to harm the interests and violate the child's rights.

Prioritizing child protection is essential for the family to develop correctly and healthily. The child's best interest is the principle in child protection that is most emphasized in child care. The explanation in this principle is that various kinds of behaviour and actions that have a relationship with children must prioritize the best interests of the child's life. However, a problem in child care is when the child's parents do not adequately understand their rights and obligations properly.

The existence of children as a young generation who will be the successor to the development of religious missions and state missions needs to get an escort by enforcing rules to protect them because children are a vulnerable group to exploitative treatment from adults. In the hands of the children rests the hope of national and religious life from a more well and prosperous tomorrow. Therefore, the development of legal thought, formal and non-formal, must consider the achievement of the child's function as a developer of the mandate.

Parents' contribution to their children is an obligation and has a high understanding value. Good parents are parents who understand correctly what livelihoods are and how to provide a living so that a child becomes a pious or pious child, and understands the various stages of education that must be given to their children, starting from the womb (prenatal) until the child is an adult.⁴ Indonesia or even countries in the world always fight for the rights of care and protection of children in various fields of life. Children are vulnerable to risk in multiple areas of livelihood and life. Therefore, real attention is needed in carrying out human rights and essential obligations starting from the family, community, nation and state or even the world.

³ Tihami and S. Sahrani. 2013. *Fikih Munakahat*. Jakarta: Raja Grafindo, p. 16.

⁴ Karimullah, S. S. 'Urgensi Pendidikan Pra Nikah dalam Membangun Keluarga Sejahtera Perspektif Khoiruddin Nasution', *Jurnal Kariman*, 9(2), 2021, p. 229-246.

2. Method

This study uses a juridical-normative approach that examines the urgency of building legal awareness of child care in family life by referring to various legal instruments that apply in Indonesia. Then, to add references in this study, other legal materials that still have relevance to the object of study are systematically studied.

3. Main Heading of the Analysis or Results

3.1. Building Legal Awareness in the Family

We can easily find various violations of the law in the form of domestic violence and neglect of children and even become a daily treat in multiple media, both print media and electronic media. Which thing has been conveyed by Dian Ihsan regarding the case of “5.953 Kasus Pelanggaran Hak Anak di Tahun 2021” in Kompas.com and the case of “Covid-19: Rise in Suspected Child Abuse Cases after Lockdown” from BBC News. There are numerous violations of the law that are not investigated. Not a few complaints and reports from the public regarding the occurrence of multiple violations or crimes in domestic life to the authorities did not get a response or were not served properly.

If viewed from a legal perspective, the more notifications regarding violations of the law, crimes or falsehoods as stated above mean that legal awareness is getting lower; some even say that we are still at zero point regarding legal understanding.⁵ It is concerning that not a few people who know the law do so, whether they are law enforcement officers or not. In addition, there is a lot of abuse of rights or abuse of authority, namely using their rights excessively, to the detriment of others.

In the implementation of the legal system, the legal substance or content of statutory regulation is very decisive so that the rule of law can be fulfilled; for example, the rules are clear, and there are no multiple interpretations, are not vague, synchronized or harmonious with other legal regulations and are by the law legal awareness in society. Regarding the legal structure, namely that law enforcement officers are the determinants of whether the law is implemented or not, implemented according to the rules or not, they are the ones who determine as the man behind the law. Legal culture is the culture or bad habits of the community that tend to influence law enforcement officers and those who often violate the law. These three factors influence each other, and interdependence is with one another.

After a family is formed, each person has their function. A work that must be done in family life can be called a function. The family function is a job or task that must be done inside and outside the family. This function refers to the use of individuals in a family, which ultimately realizes the rights and obligations. Knowing the function of the family is very important because from here, it can then be measured and read a harmonious family figure.⁶ The emergence of crises in family life is undoubtedly the result of a dysfunctional family function. If there are more law violations, the tolerance and mutual respect among family members will decrease.

In today's development, the issue of children and child protection has become critical. At this time, the protection of children or acts of violence and violence by adults who are

⁵ Danilewicz, Wioleta and Tomasz Prymak, 'From Legal Awareness of the Contemporary Youth to Legal Culture of the Information Society', *Kultura i Edukacja*, 2, 2017, p. 131–143; Ma, Kai, 'College Students' Legal Awareness Cultivation and Education Based on the Characteristics of the New Era', *Educational Sciences: Theory & Practice* 18(6), 2018.

⁶ Karimullah, S. S. 'Konsep Keluarga Smart (Bahagia) Perspektif Khoiruddin Nasution', *Tajhim Al-'Ilmi* 13(1), 2021, p. 75-88.

not responsible. To improve child protection, it is necessary to understand children's rights that are in the legal provisions. Child protection is an integral part of the dynamic development process, especially for human resources development.

Talking about children's issues means discussing the future of children's survival to meet the welfare of life, implementation of rights and obligations as a form of protection for various children's rights, providing shelter and providing fulfilment of needs for their development correctly, which will later become provisions for children's independence. This understanding needs to be instilled in the community, not wholly to rule out children's problems. If you look at the various phenomena happening at this time, it is very concerning because some children are neglected by a lack of understanding about their problems and development.⁷ Still, this can happen by other factors as the cause.

Both parents of children must maintain and educate their children even though there is a divorce, solely based on the child's interests. If there is a dispute over the child's custody, the court renders a decision. Parents must care for and educate their children; if one or both parents seriously neglect their obligations to their children or misbehave, misbehave wear over one or more children can be revoked for a specific time, at the request of the other parent, the child's family in the straight line up, and adult siblings, or authorized officials by court decision. However, even if the parents are deprived of their power, they are still obliged to provide maintenance costs for the child.

To produce quality and robust future generations, consistent and continuous efforts are needed from parents in carrying out the task of nurturing, nurturing and educating their children, both physically and mentally, until the children are mature and able to stand on their own. Parents must do this. Likewise, the rights of husband and wife that end in divorce, father and mother still must care for, nurture and educate their children.⁸

In this context, it is important to build legal awareness of child protection in family life because children are an asset for a family and an investment for the future of the nation and state. The state and even the international community have formulated rules regarding the protection of children. It's just that in practice, it is still not maximized to be implemented in the community's social life. Although the regulation already exists, the understanding of both parents in family life on the law is still low, this can be seen from the frequent violations of the law in real or visible ways, such as committing violence when educating children in family life, which is considered to be as one of the commonplace actions, so there is no sense of guilt when doing these acts because they are done to their children.

This happens due to the high necessities of life, so legal understanding is underestimated, especially regarding child protection. To close the possibility of such polemics, an effort is made to protect children from carrying out their rights and obligations. As a guarantee, a child protection law is formed, a written direction to ensure that children can carry out their rights and responsibilities. In addition, the role of the community is also very important in participating in being responsible for the welfare of children as a protection aspect by the existence of integration in the community.

⁷ Franklin, Bob. 2001. *New Handbook of Children's Rights*. London: Taylor & Francis; Minow, Martha, 'Rights for the next Generation: A Feminist Approach to Children's Rights', *Harv. Women's LJ* 9, 1986, p. 1; Melton, Gary B., 'The Child's Right to a Family Environment: Why Children's Rights and Family Values are Compatible', *American Psychologist* 51(12), 1996, p. 1234.

⁸ Syahraeni, A. 'Tanggung Jawab Keluarga dalam Pendidikan Anak', *Al-Iryad Al-Nafs: Jurnal Bimbingan dan Penyuluhan Islam*, 2(1), 2015.

We must also pay attention to various phenomena which are relevant and have an essential role in the occurrence of child protection activities which have their problems so that they can eliminate the essence of providing services to children's welfare in all aspects of life, with all deviations that can cause victims because the implementation of child protection does not cause harm. Victims due to the implementation of positive irrational child protection. For that, we need a rule in the law, which is already integrated into national law, both in the Civil Code and the Criminal Code.

As a country based on Pancasila, Indonesia regarding the principle of justice is contained in the second precept, namely just and civilized humanity. This aspired justice must be in synergy with the implementation of fair law enforcement. Law enforcement aims to create an atmosphere of justice that protects all Indonesian people. The meaning of the Indonesian people is all Indonesian people without age restrictions and including justice for children. There has been progressing in fighting for children's rights, but there are still doubts that mistreatment or violence against children can be abolished.

If it is asked to what extent the public's understanding of the law is, then this must be answered with an order of habit, legal order, and decency. If people are used to reminding parents to educate their children well, such as not going out of the house, staying away from drugs, alcoholic drinks, and free sex, this can become a good habit. Because when this is violated, there are social sanctions accepted by the community, such as being ostracized by the surrounding community. In addition, if community members cannot afford to pay for their children's schooling, then the community can collectively collect funds to help underprivileged children go to school and continue their proper education.

Law enforcement will always involve humans in it, thereby involving human behavior. The law cannot be enforced by itself, meaning that it cannot realize the promises and wills contained in the various legal regulations. Such contracts and intentions, for example, are to give someone the right to provide protection to someone, to impose a penalty on someone who meets specific requirements, and so on. Social behavior is not an uncontrollable human act. It is not simply a canonical movement demanded by the unbridled wills of people in society. People's behavior in the community is called social behavior because it meets specific requirements.

3.2. Child Care in Indonesian Law

Children are often used as objects of economic exploitation, and so on; in big cities, children are used as objects of mercy by their parents by carrying their toddlers and starting their actions at crossroads or red light stops. In addition, children are used as objects of trafficking, such as girls being sold and used as sex slaves who serve the lusts of men and are also used as labourers or workers with workloads beyond their capabilities; even these children are not yet eligible to become labourers worker. In social and cultural practice in Indonesia, if seen, it is very detrimental to children, especially girls.

Children are the next generation who can continue the offspring of a family; of course, they must receive significant attention, especially from their parents. The division of tasks among family members cannot be separated from the responsibility of both parents in establishing cooperation in family life. Both parents are obliged to maintain and educate their children as well as possible; the parental obligations apply until the child is an adult and can stand on his own.

Child care also implies a parent's responsibility to supervise, provide appropriate services and meet the needs of a child's life by his parents. Children are obliged to respect their parents and wait for their goodwill; children are compelled to look after and help their

parents when they are old, children who are not yet mature, have never been married, are under the authority of parents, parents represent minors. They have not married carried out the marriage. The responsibility for maintenance in the form of supervision and service and includes the child's care is continuous until the child reaches the legal age limit as an adult who can stand alone.⁹

The maintenance of children due to divorce in the language of fiqh (Islamic law) is mentioned with *badhana*, which means maintenance or care. In a broader sense, it is the maintenance of young children after the breakup of a marriage. This is because practically speaking in fiqh between husband and wife there has been a separation while the children of them need the help of their separated parents. The obligation of parents, in addition to *badhana*, is 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 by the child's innate talent, which he will develop amid society as a foundation for life and livelihood after he is released from school parental responsibility.

The status of a child that becomes a discourse in the provisions of *badhana* law is a child who has a legal status. In the perspective of fiqh, a legitimate child is a child whose conception period in a mother's womb, namely the fertilization of an egg by a father's sperm, occurs in a legal marriage. Thus, what can be considered as a legitimate child is a child born at least six months after the wedding or within the iddah period of four months and ten days after the marriage is terminated. In the perspective of fiqh, this kind of child has a kinship relationship with his mother and father.

The essence of child-rearing in Islam is the appearance of compassion, which is manifested in the fulfilment of fundamental rights and the provision of protection from acts of violence and discrimination. If this is the case, child protection in Islam means showing what God has bestowed on the hearts of both parents, namely a touch of love and affection for children by fulfilling all their fundamental rights needs, so that children can live, grow, develop and participate optimally and protect children from every act of violence and injustice based on respecting and maintaining the dignity of the child as a gift and mandate from Allah SWT.

In terms of child care and education, it is contained in the Marriage Law in Law No. 1 of 1974 concerning Marriage and is also included in the Compilation of Islamic Law. Compilation of Islamic Law uses the term *badhana* in child care which can also be defined as the care, maintenance and education for children until they are adults or able to stand alone. Several articles in the marriage legislation in Indonesia have accommodated the protection and guarantees for child care. The various reports can be explained briefly, among others:¹⁰

- 1) The Marriage Law No. 1 of 1974 it is demonstrated that the protection and guarantee for the maintenance of children is stated in article 41, that when a divorce occurs,
- 2) In the provisions contained in the Compilation of Islamic Law, it is also explained what has been secured in the requirements of the Marriage Law No. 1 of 1974.

In the Compilation of Islamic Law, it is defined what the purpose of child care is in general provisions. The maintenance period is stated in chapter iv Child Care Article 98, which is 21 years old, the age believed to be the child can stand on his own. As for who has the right to care for and who is responsible for the cost of raising children, it is mandated in

⁹ Nuruddin, A., and A. Akmal. 2004. *Hukum perdata Islam Indonesia*. Jakarta: Pramedia Group, p. 294.

¹⁰ Nasution, K. 'Perlindungan Terhadap Anak dalam Hukum Keluarga Islam Indonesia', *AL-'ADALAH*, 13(1), 2016, p. 1-10.

Article 105, that (1) mothers are more entitled to care when the child is not yet *mumayyiz* or not yet 12 years old, and (2) the father is responsible for the maintenance costs.

Then in Article 149, it is explained again that if the marriage breaks up due to divorce, then the ex-husband (father) is obliged to provide *badhana* fees for his children who have not yet reached the age of 21 years. It is still emphasized again in Article 156 that the costs of *hasbanah* and child support are the father's responsibility. Thus, from the various articles mentioned above, it is clear that children receive protection and guarantees for the right to care. But in reality, many children are neglected; (1) children who do not have the right to care, (2) children who do not get the right to care, or (3) children who do not get the right to education.

Where as in Islamic law, parents are obliged to maintain, educate and fulfil all the needs of their children, as Law No. 1974 concerning Marriage, Article 45a states that both parents must take care of and educate their children as well as possible. This right is a form of protection for children so that parents always look after, protect and educate their children properly. In the provisions of Article 98 paragraph (3) in the Compilation of Islamic Law, it has been stated firmly that if the *badhana* holder is unable to guarantee the child's growth and development in child care activities, the Religious Court, at the request of the child's family can transfer the *badhana* right to another family who has the right. The prize is by the conditions set by the *fiqh* scholars regarding the needs of the Islamic religion.¹¹

Maintaining children's survival is the obligation and responsibility of parents, as stated in Article 45 of Law No. 1 of 1974 concerning Marriage. This obligation is further elaborated in Article 26 paragraph (1) of Law No. 35 of 2014 Amendments to Law No. 23 of 2002 concerning Child Protection (Child Protection Law), which reads parents are obliged and responsible for:

- 1) nurturing, educating, and protecting children;
- 2) cultivate children according to with his abilities, talents and interests;
- 3) prevent the occurrence of marriage at the child's age; and
- 4) providing character education and teaching chteachingu, and children.

Parents are part of the fiteachingof child protection: parents, family, community, government, regional and state governments. The five of them have a relationship with each other as child protection providers. Child protection is complementary to other rights ensuring that children will receive what they need to survive, develop and grow.¹² Parents have a more significant share in protecting their children because they are part of the nuclear family, so every child's physical or spiritual needs must be fulfilled. Still, the community also participates in protecting children's rights.¹³

In the modern context, in all aspects of human life, it is essential for a broad understanding of child care so that parents not only prioritize their obligations to their child's material needs but more than that, namely the need for love, education, health and others, which are factors in the formation of children-determinants of the construction of a child's personality. When a divorce occurs between the two parents to protect the interests or benefits of the child, custody is given to the mother or her mother's relatives. At the same

¹¹ Sahuni, A. R. 'Peranan Orangtua Murtad Terhadap Pemeliharaan Anak', *HUMANISTIKA: Jurnal Keislaman*, 7(2), 2021, p. 128-150.

¹² Amrunsyah, A. 'Tindak Pidana Perlindungan Anak', *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan*, 4(1), 2017, p. 79-94.

¹³ Fitriani, R. 'Peranan Penyelenggara Perlindungan Anak dalam Melindungi dan Memenuhi Hak-hak Anak', *Jurnal Hukum Samudra Keadilan*, 11(2), 2016, p. 250-358.

time, those related to financing are the father's responsibility. If it turns out that the father can't fulfil it, then the mother can participate in taking care of the child's care through a court order.

In principle, the arrangements regarding child custody rights, whether described in the *fiqh* literature or the provisions of existing marriage law in Indonesia, tend to be the same as to argue that child custody rights belong to the child or to protect the interests of the child. The difference lies only in the setting of the age limit for *mumayyiz*. In classical *fiqh* literature, a child is said to be *mumayyiz* when he is seven years old for boys and nine years for girls. Meanwhile, in the compilation of Islamic law, a child is *mumayyiz* when he is twelve years old.

Parents still must take care of the child until adulthood, as long as their power is not revoked through a court decision. When there is a divorce between the child's parents, it does not make the obligation to care for the child disappear. There are no religious requirements in child care in the Child Protection Act as described above. Because basically, the right of children is to get guidance from their parents.

As it is known, parents' obligations to their children cover various aspects. However, if simplified, these aspects consist of moral commitments and material obligations. This obligation is the obligation of both parents, especially his father, because according to Islamic teachings, men are leaders and heads of households. If the father, for some reason, cannot fulfil this obligation, the mother must bear it and try to do what is best for her children. What needs to be emphasized here is the difference between material care responsibilities and nurturing responsibilities. If the provisions of Article 41 of the Marriage Law focus more on the obligations and material responsibilities that are the burden of the husband or ex-husband if able, but on the other hand, it happens that the husband is unable, the court can determine otherwise. So, in essence, this obligation is a joint obligation of husband and wife who are still living in a legal marriage bond.

The existence of a legal relationship between one person and another gives rise to the rights and obligations of both parties. This situation is also found in family law; a legal relationship between children and their parents gives rights and responsibilities. A child has the right to earn a living from his parents until the child is an adult or has carried out the marriage bond, and *vice versa* if the child is an adult, then the child is obliged to take care of his parents according to his ability if they need it.

The obligations of parents towards their children have been regulated in the legislation. So parents must carry out various commitments to fulfil children's rights and for the better development of the child. The caregivers who become child caregivers are also expected to care for and guide children as well as possible. If the child is only given supervision and lack knowledge, it will affect the personality of the child's life. Fathers and mothers are obliged to prepare their children's bodies, souls, and spirits to face social interactions. Giving perfect teachings to children is the most significant task for parents. The obligation is placed on his shoulders by religion and the law of society.

Law No. 39 of 1999 concerning Human Rights has included the rights of children, the implementation of the obligations and responsibilities of parents, families, communities, governments, and the state to protect children. Law No. 23 of 2002 concerning child protection has emphasized that the burden of parents, families, communities, governments and the state is a series of activities that are carried out continuously to protect various fundamental rights of children.

The state's juridical commitment to protect its citizens as affirmed in the Preamble to the 1945 Constitution is further elaborated in various origins of the body of the 1945

Constitution. The article that explicitly states children's rights as a provision that guides the implementation of child protection is Article 28B paragraph (2). This article says that "every child has the right to survive, grow and develop, and has the right to protection from violence and discrimination". Even though it is only Article 28B paragraph (2) which mentions the existence of children's human rights, the entire article of the 1945 Constitution, which contains the rights of every person, as long as it can be implemented and can be accepted, and is beneficial for the child.¹⁴

3.3. The Urgency to Implement Laws Against Child Care in the Family

Maintenance of children to maintain the continuation of offspring so that it can take place as well as possible. The concept of child care in Islamic law (*hifdz al-nasab*) aimed at maintaining offspring is related to marriage law and inheritance law; in marriage law, there is a prohibition on inbreeding or one descendant as an inheritance. Islamic law forbids adultery intending to maintain the purity of lineage and lineage in the family.

They see the *Maqasid as-Syariah*, which regulates the relationship between human beings or between humans and their God. The primary purpose of the Shari'a is to maintain human welfare, which includes the protection of faith, life, intellect, lineage and property; anything to ensure the safety of these five things is a blessing for humans and is desirable. Protecting offspring is one of the five things that humans must guard against. Likewise, the laws and regulations that regulate all social arrangements, which also involve various children's rights and the obligations of parents towards children, provide a legal umbrella for the growth and development of children.

Child care also implies a parent's responsibility to supervise, provide proper service, and fulfil all the parents' needs of a child's life by parents. Furthermore, the responsibility for maintenance in the form of supervision and assistance and the provision of a living for the child is continuous until the child reaches the legal age limit as an adult who can stand on his own. Then, the fulfilment of a child's education is the obligation of parents to provide education and teaching so that the child is likely to become a human being who has the abilities and skills by the child's innate talent which will be developed amid Indonesian society as the basis of life and livelihood after he is released from school.

Child care through legal protection for children in the family can be interpreted as an effort to protect the law against various freedoms and children's rights (fundamental rights and freedom of children) and different interests related to children's welfare. So, the issue of legal protection for children covers an inclusive environment. Child protection is a matter that applies universally, starting from the Geneva Declaration in 1924, which was later included in the 1948 United Nations Charter on Human Rights (Declaration of Human Rights).

Furthermore, on November 20, 1959, the General Assembly of the United Nations again issued a more specific statement regarding the special protection of children, which was started in the Declaration of the Rights of the Child. The declaration contains the issue of one principle which states: "Children must enjoy special protection and must be given opportunities and facilities, by law or other regulations, to enable them to grow physically, spiritually, mentally and socially in healthy and expected conditions in conditions of freedom and dignity."

¹⁴ Waluyadi. 2009. *Hukum Perlindungan Anak*. Bandung: Mandar Maju, p. 1.

The psychological development of children (mental, intellectual and mental emotional) is strongly influenced by their parents' attitudes, ways, and personalities in nurturing, and educating the child. Because, in the period of growth and development of children, there is imitation and identification of children with their parents. Therefore, it is proper for people to know various aspects of basic knowledge that are important for the growth and development of children. Children's growth and development require two types of food and nutritional needs, namely physical food and mental food, in love, attention, education, and mental (non-physical) guidance that parents can provide in everyday life.

Children's growth and development will experience interference if their parents cannot provide these two types of food and needs. This psycho-educative factor process will experience disruption if the family experiences family dysfunction. Children raised in dysfunctional families have a greater risk of developing mental disorders than children raised in harmonious and happy families. So, every parent who has a sense of faith and order to worship is at peace in his soul and always prays for his child and offspring so that they always have faith and fear Allah SWT since the child is in the womb.

4. Conclusion

Legal awareness means legal knowledge, legal understanding, legal attitudes and legal behavior about various views that live in society about what law is, what we should or do, understanding our respective legal obligations to others. If studied further, the protection of children is the responsibility and commitment of all elements of the nation, not only for certain groups, which can be found in the explanation in Law No. 39 of 1999 concerning Human Rights, as explained in the provisions of Article 52 that every child has the right to protection by parents, family, society and the state. Children's rights are human rights, so for their interests, children's rights are recognized and protected by law even from the time they are in the womb.

References

Books with an Author:

- Franklin, Bob. 2001. *New Handbook of Children's Rights*. London: Taylor & Francis.
- Nuruddin, A., and A. Akmal. 2004. *Hukum perdata Islam Indonesia*. Jakarta: Pramedia Group.
- Shihab, M. Quraish. 2014. *Membumikan Al-Qur'an, Fungsi dan Peran Wahyu dalam Kehidupan Masyarakat*. Bandung: Penerbit Mizan.
- Tihami and S. Sahrani. 2013. *Fikih Munakahat*. Jakarta: Raja Grafindo.
- Waluyadi. 2009. *Hukum Perlindungan Anak*. Bandung: Mandar Maju.

Journal articles:

- Amrunsyah, A. 'Tindak Pidana Perlindungan Anak', *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan*, 4(1), 2017, p. 79-94.
- Danilewicz, Wioleta and Tomasz Prymak, 'From Legal Awareness of the Contemporary Youth to Legal Culture of the Information Society', *Kultura i Edukacja*, 2, 2017, p. 131-143.
- Fitriani, R. 'Peranan Penyelenggara Perlindungan Anak dalam Melindungi dan Memenuhi Hak-hak Anak', *Jurnal Hukum Samudra Keadilan*, 11(2), 2016, p. 250-358.

- Karimullah, S. S. 'Urgensi Pendidikan Pra Nikah dalam Membangun Keluarga Sejahtera Perspektif Khoiruddin Nasution', *Jurnal Kariman*, 9(2), 2021, p. 229-246.
- _____. 'Konsep Keluarga Smart (Bahagia) Perspektif Khoiruddin Nasution', *Tafhim Al-'Ilmi* 13(1), 2021, p. 75-88.
- Ma, Kai, 'College Students' Legal Awareness Cultivation and Education Based on the Characteristics of the New Era', *Educational Sciences: Theory & Practice* 18(6), 2018.
- Melton, Gary B., 'The Child's Right to a Family Environment: Why Children's Rights and Family Values are Compatible', *American Psychologist* 51(12), 1996, p. 1234
- Minow, Martha, 'Rights for the next Generation: A Feminist Approach to Children's Rights', *Harv. Women's LJ* 9, 1986, p. 1.
- Nasution, K. 'Perlindungan Terhadap Anak dalam Hukum Keluarga Islam Indonesia', *AL-'ADALAH*, 13(1), 2016, p. 1-10.
- Sahuni, A. R. 'Peranan Orangtua Murtad Terhadap Pemeliharaan Anak', *HUMANISTIKA: Jurnal Keislaman*, 7(2), 2021, p. 128-150.
- Syahaeni, A. 'Tanggung Jawab Keluarga dalam Pendidikan Anak', *Al-Iryad Al-Nafs: Jurnal Bimbingan dan Penyuluhan Islam*, 2(1), 2015.

Conflict of Interest Statement:

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Copyright © 2022 ALJ. All rights reserved.