

The *Mubadalah* Approach to Parental Rights and Obligations in Childcare According to Islamic Law

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ABSTRACT

The present article elucidates the concept of child custody through the lens of the *Mubadalah* approach. The family serves as the primary environment for children from birth, where they acquire numerous life skills. Therefore, the dynamics of child custody, whether involving the father, the mother, or both parents equally, significantly impact the child's cognitive, affective, and psychomotor development. This study aims to examine child custody as analyzed through the *Mubadalah* perspective. The research employs a qualitative methodology, specifically library research. The study involves a thorough review of literature pertaining to the *Mubadalah* approach as discussed in the book "*Qiro'ah Mubadalah*." Data collection is executed through documentation, and the research process incorporates triangulation by comparing information from diverse theoretical perspectives found in various sources. The approach intertwines with data collection and encompasses data reduction, data presentation, and the formulation of conclusions. Findings from this research indicate that the *Mubadalah* approach to child custody is applicable and beneficial in childcare. It plays a crucial role in shaping children's future personalities and characters, fostering a perspective of equality. The analytical concept of child care, as applied here, portrays a collaborative process between the father and mother, emphasizing shared responsibility and eliminating disparities in caregiving roles.

Key Words: Parenting, Children, *Mubadalah*

INTRODUCTION

Islam is present in this world as the religion of *Rahmatan Lil' Alamin*, with the perfect holy book, the Qur'an, serving as a guide to life for its adherents. Islam is the only religion recognized by Allah's teachings and provisions, specifically the Qur'an and Sunnah. These sources contain various regulations that govern all aspects of human life, including worship, *muamalah* (social transactions), behavior/morals, marriage, commerce, and more. The Qur'an not only addresses

the relationship between a servant and Allah but also prescribes the servant's attitude towards nature and private matters, such as child custody within marriage.

Islam permits only one form of sexual expression: marriage, a religious institution regulated by Islamic sharia. From this perspective, an individual enters into marriage both to adhere to Islamic law and to fulfill biological needs in a natural manner (Ahmad Atabik dan Khoridatul Mudhiyah, 2014).

The natural bond between a man and a woman as husband and wife is termed marriage, serving as the foundation for a joyful and enduring family (home) grounded in Supreme Divinity (Law No. 1 of 1974 concerning marriage, article 1). The family plays a crucial role in safeguarding and ensuring the fulfillment of children's basic needs and rights. As the closest entity to the child, the family can effectively interact with and understand the child's condition. Hence, family awareness to ensure children's growth and development aligns with their best interests is essential. The intensity of interaction between family and children is a fundamental right that serves as a basic provision, facilitating ideal growth and development and positioning the family as the source of values for children (Ni, 2018).

The marriage process for humans extends beyond merely sanctioning sexual relations between a man and a woman; it aims to form a happy and eternal family. The term "happy" signifies reflecting feelings of tranquility and peace, being content with the loved partner in marriage. The term "eternal" implies that every family entering marriage is expected to develop their household into one that enjoys a peaceful life filled with love and affection (*sakinah, marwaddah wa rahmah*). Islam prescribes marriage to form a family as a means to achieve happiness in life, teaching that marriage should be celebrated with gratitude and joy. Islam provides a clear concept regarding the procedures or process of marriage based on the Qur'an and authentic Sunnah. The marriage bond is unique, distinct from other bonds and agreements, as explained in the Qur'an, Surah an-Nisa' verse 21:

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَى بَعْضُكُمْ إِلَى بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

This verse serves as a cautionary reminder that deciding to enter into a marriage with another person signifies a conscious commitment to a unique and robust agreement, unlike any other, which is not easily rescinded or annulled.

In Islam, the concept of *hadhanah* refers to the comprehensive process and efforts involved in nurturing, educating, and guiding children until they reach adulthood and become self-sufficient both physically and spiritually. The term *hadhanah* is derived from Arabic and is closely associated with the concept of *radha'ah*. Specifically, *hadhanah* originates from Arabic words such as *yahdun*, *hadnan*, *ihtadhana*, and *hawadhin*, all of which denote nurturing, embracing, or caring for a child. Additionally, some sources suggest that *hadhanah* stems from *hidhan*,

meaning stomach, alluding to a mother's role in caring for and protecting her child. This maternal responsibility epitomizes parental dedication (Nurfitrani, 2022).

Terminologically, *hadhanah* encompasses the care and upbringing of children irrespective of their gender or age. It involves providing guidance and support to individuals who are not yet capable of making sound judgments, distinguishing between right and wrong, or caring for themselves independently. The primary goal of *hadhanah* is to safeguard these individuals from any form of harm or abuse while also nurturing their physical and mental development. This process equips them with the necessary skills and knowledge to navigate life's challenges and take responsibility for their actions. Importantly, *hadhanah* also extends to adults who still require assistance and protection, even though they may have matured physically (Elimartati, 2018).

God grants His servants the same level of rights as adults; therefore, they should always have access to His protection. Parents are not permitted to accompany their children. Under the law of reciprocity, which governs civil legal relationships between parents and children, the rights of children become the responsibilities or obligations of the parents; conversely, parental rights become children's obligations in situations where parental independence is impaired by economic or physical circumstances (Ismayanti Pratiwi, Dwi Hastuti, 2018).

The physical presence of a child brings immense joy, but it also bestows upon others an identity that is not conferred upon those who must first educate themselves within the family through parental relationships and child custody. It is evidenced by Article 77 of the Compilation of Islamic Law, which states that parents are obliged to raise their children. Therefore, childcare cannot be a burden placed solely on the mother (Abidin & Kelib, 2018).

RESEARCH METHODS

This research employs a qualitative approach, specifically utilizing Library Research. The study involves an extensive review of various literature on child custody from both Islamic and legal perspectives, as well as examining the *mubadalah* perspective as outlined in the book *Qiro'ah Mubadalah* (Werdiningsih, 2020). Data collection is conducted through documentation methods. This research employs triangulation by comparing information from different theoretical viewpoints obtained from various literary sources relevant to the topic. Subsequently, a theoretical approach is applied to draw conclusions and assess their relevance. The data is then presented in various forms, such as charts and categories, to facilitate researchers' understanding of events, which will guide the planning of further activities to advance the research process. Finally, conclusions are drawn and the research findings are verified.

RESULTS AND DISCUSSION

Parenting Patterns

Parenting refers to the care provided by adults or parents to their children, significantly influencing the child's behavior. Generally, parenting encompasses all measures of care, socialization, education, emotional training, moral instruction, religious teaching, and protection that parents provide to their children, regardless of gender, through their emotional investment, financial resources, and time to ensure their children grow, become more intelligent, and achieve optimal development (Syarif, 2018).

Parenting patterns are closely tied to the ability of a family or community to allocate attention, time, and support to meet the physical, mental, and social needs of growing children (Fadila Rahmah, 2023). Those who assume a caregiving role can be defined as mothers, fathers, or other guardians responsible for guidance and protection. A parent is someone who accompanies and guides a child through various growth stages, including nurturing, protecting, educating, and directing the child's life at each development stage. Parenting involves guiding, leading, or managing. According to Darajat, caring for children means educating and nurturing them, ensuring their nutrition, clothing, and overall success from infancy to adulthood. This nurturing process, often carried out by mothers and fathers, involves educating children from birth until they reach adulthood (Dinda Septiani, 2017). If parents are unable to provide this care, close relatives such as older siblings, grandparents, adoptive parents, or institutions like orphanages and Islamic boarding schools can assume this responsibility. Parenting involves diverse activities aimed at ensuring children develop optimally, survive well, and integrate into their environment (Rakhmawati, 2015).

Inappropriate parenting styles can significantly impact a child's behavior, especially if influenced by negative behaviors from external sources beyond parental control. Intensive parenting fosters a complex relationship between the child and the caregiver, forming a strong bond. Consequently, children tend to seek role models that are acceptable and conducive to their self-development. Those freed from personal and environmental pressures can easily undergo an identification process aligned with their abilities and potential (Mufarika, Ainis, 2013).

Parenting embodies sincerity and dedication given to children, fostering love from a mother to her child. This care includes ensuring the child's nutrition, clothing, and overall well-being from infancy to adulthood. Both parents and teachers can provide such care. Thus, childcare involves leadership and guidance related to children's life interests (Erida, 2018).

The Prophet Muhammad (*PBUH*) emphasized the importance of children's growth, including those with special needs, from ages 0-5. He instructed parents to

provide daily guidance on morals, ethics, manners, and role models to instill praiseworthy and polite attitudes in children as they grow (Rakhmawati, 2015).

Positive parenting involves a focused and responsive approach to nurturing children, promoting healthy mental development and positive growth (Wahyuni & Ma'rifah, 2022). Responsive parenting trains parents to be more sensitive, recognizing the causes of children's behavioral problems, and interacting positively with them. Providing a conducive environment for exploration, experimentation, and play fosters closer parent-child relationships, even with limited time (Mahpur, 2018).

Effective parenting and positive community attitudes towards children help form a positive self-concept. Children evaluate themselves based on their experiences and environmental influences. Therefore, it is crucial for parents to teach objectivity and self-respect, encouraging positive self-perception (Arini, 2018).

In cultivating moral character from an early age, parents play a vital role. They must provide positive parenting by instilling good values in their children. Children with good morals exhibit conscious and responsible behavior, learning and imitating primarily from their parents. Family influence is crucial in shaping a child's character, making family care essential for development. Children should be nurtured with positive principles, such as religious teachings, discipline, honesty, helpfulness, and other constructive behaviors from an early age, ensuring these values are deeply embedded and internalized (Handayani, 2021).

Concept of Parenting

The concept of parenting encompasses teaching children to differentiate, learn, and communicate various knowledge, skills, values, and beliefs acquired through socialization. From childhood, children are socialized, learning all forms of social behavior, norms, beliefs, biases, and other societal conventions. These elements are imparted to children by their parents, reflecting the common practices within their society (Ni, 2018).

The socialization process during a child's development influences their morals, personality, and life skills. The outcome of this process can shape societal expectations, beginning within the family and extending to the child's learning experiences. This process will become a concept or burden on society, starting from the family concerned and ending with the child during the learning process. Cultural norms and age significantly influence the history and concept of parenting (Riasih, 2018).

A child's ability to receive high-quality care is heavily dependent on the parenting style employed by the parents. Parenting patterns, which include fulfilling a child's physical needs (e.g., food and drink) and psychological needs (e.g., safety and affection), as well as socializing them to adhere to social norms, play a critical role in ensuring harmonious living within their environment. The

success of a family in providing quality childcare is directly linked to these parenting patterns, which also encompass the interactions between parents and children aimed at shaping the child's personality (Ngewa, 2019).

To enhance parenting, both fathers and mothers must establish clear goals to ensure optimal growth and development of their children. Parents should discuss and agree on parenting objectives that align with the child's conditions and their own expectations. Parenting styles that are accepting and make children feel loved, protected, valued, and supported are highly conducive to fostering prosocial, confident, independent, and environmentally conscious personalities in children (Saleh & Hamang, 2021).

Devout parents serve as the best role models for providing religious education to their children, nurturing a religious spirit within the family from an early age by instilling good behavior. Emulating the Prophet's example helps inculcate the values of *akhlakul karimah* (noble character) in children (Maryam, 2017).

Conversely, parenting that dehumanizes children can lead to feelings of rejection, unloved, devaluation, and even hatred from their parents. Children who experience parental rejection may grow to be overly dependent on others or appear independent but lack empathy. Additionally, such children may exhibit irritability, harbor negative opinions about others and themselves, act aggressively, or feel unworthy and inferior. While parents are the primary caregivers, other individuals, such as grandparents, uncles, aunts, or household assistants, can temporarily assume this role under certain circumstances (Mega Andhika Sutiana, 2018).

Mubadalah Approach to Child Care

Parenting patterns are intricately linked to a family's or community's ability to provide attention, time, and support to meet the physical, mental, and social needs of growing children. Those who play a role in caregiving include mothers, fathers, or individuals obliged to guide and protect children. Parents believe that children's morals can be shaped through active participation in religious activities such as prayer and Qur'an recitation (Antasari, 2017).

A parent is someone who accompanies and guides a child through various stages of growth, starting from nurturing, protecting, educating, and directing the child's new life at every developmental stage (Rakhmawati, 2015). Childcare in Islam aims to support the physical, emotional, empathetic, financial, and intellectual development of children from birth to adulthood. Both fathers and mothers share the responsibility of providing care, as they are the first to impart various forms of knowledge based on theory and practice (Wahyuni & Ma'rifah, 2022). This demonstrates that childcare is a shared parental responsibility, with no inequality in roles when providing care, protection, and affection from infancy through adulthood.

The joint role of father and mother is crucial, as effective cooperation between them is essential for childcare. Family roles at home significantly influence the conveyance of emotions and empathy, as well as practical matters. From a child's perspective, the family is their first learning, growing, and development environment. If a child experiences warmth, comfort, and peace within the family, there is a high likelihood of positive individual growth. The quality of the relationship between children and parents is vital in fostering moral sensitivity. Individuals raised with ample affection tend to develop emotional stability (Wahyuni & Ma'rifah, 2022).

Fathers and mothers have equally significant duties, with no one role overshadowing the other, as each has their unique responsibilities (Karimuddin, 2021). This misconception often results in the father's role being overlooked at home. Children require not only a nurturing mother figure but also a complete father figure. Although their roles differ, these distinctions do not hinder the childcare process, provided that both parents fulfill the child's rights. Generally, a mother's role includes fostering love, compassion, good morals, language skills, and teaching manners through affectionate actions and communication. However, fathers can also assume these responsibilities, demonstrating the mutual cooperation perspective of parenting (Kodir, 2021).

Raising children from the perspective of Islamic monotheism is not about parental servitude but about binding themselves to a partnership agreement (*zawaj*). Marriage and family life mean remaining servants of Allah Subhānahu wa Ta'āla. No one should serve or be a slave to another. Therefore, the relationship between husband and wife, as well as between parents and children, should be based on mutual happiness (*sakinah*), goodness (*sakinah*), and prosperity (*falaah*). This involves fostering love (*tahaabub*), helping one another (*ta'aawun*), and mutual service (*mu'asyarah bil ma'ruf*). Islamic Family Law should, therefore, embody the monotheistic perspective that promotes mutual relations between spouses and parents and children in wise parenting (Kodir, 2021).

The Concept of Mubadalah in Child-Raising Patterns

One significant factor contributing to gender inequality in society is family education. Selecting parenting patterns that fail to reflect gender equality and justice can lead to gender-unresponsive behavior in children as they grow. Family education serves as the foundational and most critical aspect of a child's developmental process (Adib & Mujahidah, 2021). When gender equality is balanced with the robust development of women's natural traits and religious values, it generally has a positive impact on both the family and society (Qomariah, 2019).

This collaborative parenting approach yields positive outcomes when it incorporates a gender perspective. Parenting patterns that are responsive to the

varying aspirations, needs, and experiences of both women and men aim to achieve gender justice and equality. By implementing gender-sensitive parenting styles, human resources become more mature both physically and psychosocially. This is because caregiving is conducted with attention to the child's developmental tasks from toddlerhood, and it considers the child's needs and growth potential in alignment with their role in everyday collaboration (Luthfi Afifah Nurandika & Yunia Renny Andhikantias, 2022).

Family education is a medium through which children begin to understand various phenomena they can hear, see, and feel. Fundamental aspects such as character, morals, manners, cognitive abilities, attitudes, and other formative elements can be shaped through external education. Therefore, family education serves as the cornerstone for children's subsequent formal and non-formal education. Moreover, it significantly influences the development of children's character and personality (Rahman, 2015).

Children experience various developmental stages both mentally and physically. The early years of a child's life, known as the Golden Age, are crucial for their development. The growth and changes occurring during this period significantly influence their future development. In this context, the family, particularly parents, play a vital role in fostering the child's growth. Good parenting practices are essential for parents. Islam also emphasizes the family's crucial role in children's education within both Muslim and non-Muslim households, as the family is paramount (Adib & Mujahidah, 2021).

Fiqh explicitly states that the responsibilities of building and nurturing a household fall on the husband and father, as described in the Qur'an, where they are depicted as the child's guardians. This shared responsibility should not disproportionately burden one party. Mothers, naturally capable of breastfeeding, can assist with this task, while fathers must contribute to other responsibilities. Therefore, it is appropriate for both parents to collaborate on all aspects without discrimination (Samadi, 2023); (Jafar, 2024). Essentially, the relationship between husband and wife should be one of equal partnership, as mandated. This principle is also outlined in the Qur'an in Surah Al-Baqarah verse 228 (Dina Fadhillah, 2003).

Applying the concept of *mubadalah* in childcare involves evaluating gender equality through access, participation, control, and benefits. These indicators can be detailed further (Sarah Emmanuel Haryono & Henni Anggraini, 2018). Both boys and girls should be given equal opportunities to access physical and non-physical resources from an early age. Children should have the chance to choose, try, and practice using household equipment. Both genders must also be allowed to participate in all home activities, such as gardening, washing vehicles, cooking, mopping, washing clothes, and ironing. There should be no labor division based on gender. Decision-making control should be equally shared, giving both boys and

girls the responsibility for household tasks. Finally, the benefits include the authority to use all household facilities (Werdiningsih, 2020).

In conclusion, implementing the *mubadalah* concept in parenting patterns emphasizes cooperative and collaborative engagement between boys and girls in all home activities, without gender-based labor division. Children should have the freedom to choose activities without considering gender suitability. Families with only boys or only girls must instill an understanding of equal rights and responsibilities between genders. This early instillation should be recognized by parents and applied in societal life. Ideally, family members consist of a mother, father, and child (Jumapolo & Astuti, 2015).

An essential aspect of child-rearing is the selection of games. To reinforce the *mubadalah* concept, parents should ensure that their children have access to all games that benefit their physical and mental development. Games should not be gender-restricted; for instance, boys should not be limited to football, nor girls to basketball or jump rope. Parents should encourage both boys and girls to engage in any game they prefer, fostering cooperation and mutual participation (Werdiningsih, 2020).

Implementation of the Mubadalah Concept in Parenting Patterns

According to experts, the term “implication” refers to a consequence or direct result of scientific research findings. The scope of this term is quite broad and varied, allowing it to be used in numerous contexts. The word “implication” conveys meanings such as connection, involvement, effect, association, and suggestion. Generally, people interpret “implication” as a consequence or something that directly impacts another thing. Therefore, this term is frequently used in everyday conversations as well as in scientific and research contexts (Awan & Butterworth, 2017).

The implementation of the *mubadalah* concept in parenting patterns requires an understanding of the concept itself. The *mubadalah* concept emphasizes principles of equality, cooperation, partnership, and relationships between men and women in human life, as ordained by Allah Subhānahu wa Ta’āla. Men and women are created as equals on this earth, and both are subjects of life who must work together to achieve happiness. The implementation of this concept in parenting can be seen in the following table, which is based on gender equality indicators (Werdiningsih, 2020).

Table 1. Gender Similarity

Aspect	Access	Participation	Control	Benefit
Game	Parents Need	Parent	Parent	Parent

Aspect	Access	Participation	Control	Benefit
	Introducing various kinds of games, both contemporary and traditional, proves beneficial for children's development. Parents not only allow their children to engage in these games but also actively encourage them by suggesting different types of games to try	Provide boys and girls with equal opportunities to engage in recreational activities with their peers.	Foster a culture of trust in both girls and boys to take full responsibility for the games they choose	Give children the opportunity to reap benefits from every game.
Activities at home	Parents permit and encourage children to engage in all household activities as a means of learning, without distinguishing tasks based on gender. All family members are entitled to participate in home activities according to their abilities.	Parents can fully enable their children to benefit from every activity at home.	Parents entrust girls and boys with full responsibility for activities both at home and outside the home.	Parents create opportunities for their children to benefit from engaging in activities at home.

CONCLUSION

Children's development is significantly influenced by their parents, who constitute their initial learning environment and the cornerstone of their early education. This study emphasizes the critical need for parents to collectively determine their parenting approach, focusing on gender relations and the concept of *mubadalah*, or cooperation, in child-rearing. Given the multitude of gender-related issues prevalent in society, this concept is highly pertinent. The research demonstrates how mothers and fathers can collaborate in child education, showcasing the predominant role of mothers while still allowing fathers to actively participate. The *mubadalah* approach underscores the importance of partnership and cooperation between two individuals, enabling both to contribute according to their unique capabilities and benefit from mutual collaboration. This approach aligns with human nature, which thrives on togetherness and cooperation. By integrating this concept into child care centers, this research advances the promotion of gender equality from an early age, which is crucial in nurturing a generation that understands and values the principles of gender equality.

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