

Children's Rights Fulfillment in Families of Female Migrant Workers: An Islamic Law Perspective from Aceh Tenggara

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Abstrak

The increasing participation of women as migrant workers has created complex socio-legal consequences within family structures, particularly concerning the fulfillment of children's rights. While economic remittances from female migrant workers contribute to improving household welfare, the prolonged physical absence of mothers raises critical concerns regarding parenting, emotional attachment, and moral development of children. Existing studies largely focus on the economic benefits of labor migration, while limited attention has been given to the holistic fulfillment of children's rights from an Islamic legal perspective. This study aims to examine the fulfillment of children's rights in families of female migrant workers in Bukit Tusam District, Southeast Aceh Regency, and to analyze the issue through the framework of Islamic law. The research employs an empirical qualitative approach through field research, with data collected via in-depth interviews, observation, and documentation involving female migrant worker families, substitute caregivers, and community stakeholders. The findings indicate that children's economic and formal educational rights are relatively fulfilled through remittances and continued access to schooling. However, the rights related to parental care, emotional support, and moral-religious guidance are often inadequately addressed due to the absence of maternal caregiving. From the perspective of Islamic law, the fulfillment of children's rights requires a holistic approach grounded in the principles of maqāṣid al-sharī'ah, particularly the protection of lineage, intellect, and welfare. This study contributes to the discourse on Islamic family law by emphasizing the need for integrative policies and community-based support systems to ensure the comprehensive protection of children's rights in migrant worker families.

Keywords: Children's Rights; Women's Workforce; Islamic Family Law.

Abtrak

Meningkatnya partisipasi perempuan sebagai tenaga kerja migran telah menimbulkan konsekuensi sosial dan hukum yang kompleks dalam struktur keluarga, khususnya terkait dengan pemenuhan hak anak. Meskipun remitansi ekonomi dari tenaga kerja wanita (TKW) berkontribusi terhadap peningkatan kesejahteraan keluarga, ketidakhadiran ibu dalam jangka waktu yang lama menimbulkan persoalan penting dalam pola pengasuhan, kedekatan emosional, serta pembentukan moral anak. Sebagian besar penelitian sebelumnya lebih menitikberatkan pada manfaat ekonomi dari migrasi tenaga kerja, sementara kajian mengenai pemenuhan hak anak secara holistik dalam perspektif hukum Islam masih relatif terbatas. Penelitian ini bertujuan untuk menganalisis pemenuhan hak anak pada keluarga TKW di Kecamatan Bukit Tusam, Kabupaten Aceh Tenggara, serta meninjaunya melalui kerangka hukum Islam. Penelitian ini menggunakan pendekatan empiris dengan metode kualitatif melalui penelitian lapangan. Pengumpulan data dilakukan melalui wawancara mendalam, observasi, dan dokumentasi yang melibatkan keluarga



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TKW, pengasuh pengganti, serta pemangku kepentingan di masyarakat. Hasil penelitian menunjukkan bahwa pemenuhan hak anak pada aspek ekonomi dan pendidikan formal relatif terpenuhi melalui remitansi dan akses pendidikan yang berkelanjutan. Namun demikian, hak anak yang berkaitan dengan pengasuhan, dukungan emosional, serta pembinaan moral dan keagamaan sering kali belum terpenuhi secara optimal akibat absennya peran pengasuhan ibu. Dalam perspektif hukum Islam, pemenuhan hak anak harus dilakukan secara holistik berdasarkan prinsip *maqāsid al-syarī'ah*, khususnya dalam menjaga keturunan, akal, dan kesejahteraan. Penelitian ini berkontribusi pada pengembangan kajian hukum keluarga Islam dengan menekankan pentingnya kebijakan integratif serta dukungan berbasis komunitas guna menjamin perlindungan hak anak secara komprehensif dalam keluarga pekerja migran.

Kata Kunci: Hak Anak; Tenaga Kerja Wanita; Hukum Keluarga Islam.

INTRODUCTION

The phenomenon of women's labor migration is one of the global social dynamics that has developed rapidly in recent decades. Economic globalization, inequality of employment opportunities, and demands to improve family welfare have encouraged many women from developing countries to work outside the region and even abroad as migrant workers. Indonesia is one of the countries that sends a large number of female migrant workers, especially in the domestic and domestic services sectors.¹ Women who work as Female Workers (TKW) generally come from families with middle-to-lower economic conditions who seek to improve the family's standard of living through economic contributions from abroad. Remittances sent by migrant workers have proven to make a significant contribution to the household economy and even to the national economy.²

Nonetheless, the departure of women as migrant workers not only has economic impacts, but also poses complex social consequences for abandoned families, especially for children. In many cases, the departure of the mother as a migrant worker causes a separation between the mother and the child for a relatively long period of time. This condition has the potential to affect parenting patterns, emotional relationships, and the fulfillment of various children's rights in the family.³ Children's rights not only include the fulfillment of basic needs such as food, clothing, and shelter, but also include the right to education, protection, affection, and healthy psychological development. When these

¹ Faiz Abdullah Wafi and Muhammad Zidny Kafa, "Determinants of Educated Unemployment in Indonesia: A Comprehensive Logistic Regression Analysis," *Convergence: The Journal of Economic Development*, June 2, 2025, 107–26, <https://doi.org/10.33369/convergencejep.v6i2.37353>; Tiyas Vika Widyastuti et al., "Socialization of Legal Protection Policy on the Rights of Women Migrant Workers in Realizing Social Justice Values," *Empowered Society and Innovation* 1, no. 1 (March 19, 2020): 6–11, <https://doi.org/10.33292/mayadani.v1i1.2>; Dina Martiany, "The Phenomenon of Indonesian Migrant Workers: Feminization of Migration," *Study* 18, no. 4 (2013).

² Fulfillment of the Rights of the Child and in the Family, "NOURA : JOURNAL OF GENDER AND CHILD STUDIES NOURA : JOURNAL OF GENDER AND CHILD STUDIES" 2, no. 2 (2018): 77–88.

³ Yunita Wahyu Pratiwi, "Analysis of Factors Influencing the International Migration of Indonesian Workers Abroad in 2007 (Case Study of Indonesian Workers from Majalengka Regency, West Java Province)," *UNS Institutional Repository* (2007); Yori Elfutriani, Tri Legionosuko, and Surryanto Djoko Waluyo, "Indonesia Defense Diplomacy in Supporting to Eliminate Human Trafficking in Indonesia-Malaysia Border," *Journal of Defense Diplomacy* 4, no. 3 (2018).

needs are not met optimally, children can experience various problems such as emotional difficulties, weak educational supervision, and limited moral and religious guidance.⁴

From a sociological perspective, phenomenon c is also related to changes in the family structure in modern society. When mothers work abroad, parenting roles are often transferred to fathers, grandparents, or other relatives. This shift in roles does not always go ideally, because not all family members are adequately prepared to carry out the parenting function optimally. In some cases, this condition can cause an imbalance in the division of family roles and affect the social and psychological development of children. Therefore, the phenomenon of female migrant workers cannot be understood only from an economic point of view, but must also be seen from the perspective of social, family, and child protection.⁵

In the perspective of Islamic law, children are seen as a mandate that must be maintained and guarded by parents. The fulfillment of children's rights is a moral and legal obligation inherent in parents, both in terms of physical maintenance and spiritual and moral development. According to Wahbah al-Zuhaili in *Al-Fiqh al-Islāmī wa Adillatuh*, the fulfillment of children's rights is a shari'a obligation that includes not only physical maintenance, but also education, nurturing, and moral and personality development.⁶ This obligation is part of the responsibility of parents in maintaining the sustainability of the generation and ensuring the achievement of family benefits. Within the framework of *maqāṣid al-syarī'ah*, the fulfillment of the rights of the child is also closely related to the protection of the soul (*ḥifz al-nafs*) and offspring (*ḥifz al-nasl*), which is the main goal of Islamic law.⁷

⁴ Wiwit Purnama Putri and Khamim Zarkasih Putro, "The Role of Fathers in the Fulfillment of Early Childhood Rights in Women's Working Families" 9, no. 6 (2025): 3119–33, <https://doi.org/10.31004/obsesi.v9i6.7740>.

⁵ Emy Rosiana, Herien Puspitawati, and Diah Krisnatuti, "FACTORS AFFECTING THE WELFARE OF FEMALE MIGRANT WORKER FAMILIES IN EAST LOMBOK REGENCY," *Journal of Family and Consumer Science* 16, no. 2 (May 1, 2023): 95–107, <https://doi.org/10.24156/jikk.2023.16.2.95>; Khaerul Umam Noer, "Those Who Came Out of Their Homes: The Experience of Madura Women in Bekasi," *Inada Journal: Indonesian Women's Studies in Disadvantaged, Frontier, and Outermost Areas* 1, no. 1 (September 14, 2018): 55–74, <https://doi.org/10.33541/ji.v1i1.826>; Pratiwi, "Analysis of Factors Influencing the International Migration of Indonesian Workers Abroad in 2007 (Case Study of Indonesian Workers from Majalengka Regency, West Java Province)"; Elfutriani, Legionosuko, and Waluyo, "Indonesia Defense Diplomacy in Supporting to Eliminate Human Trafficking in Indonesia-Malaysia Border."

⁶ Farida Ariany, Murtiana Ningsih, and Eneng Garnika, "The Fulfillment of Children's Rights to Basic Education Based on a Legal Perspective," *Empiricism Journal* 4, no. 1 (June 30, 2023): 175–80, <https://doi.org/10.36312/ej.v4i1.1158>; Iis Novianti and Erna Budiarti, "The Application of Integrative Holistic Early Childhood Development in Efforts to Fulfill Early Childhood Rights," *Jiip - Scientific Journal of Education* 7, no. 9 (September 3, 2024): 10326–33, <https://doi.org/10.54371/jiip.v7i9.5583>; Deni Rosadi, Ketut Sudiarmaka, and Muhamad Jodi Setianto, "On the Fulfillment of Children's Rights After Divorce Based on the Perspective of Islamic Law (Case Study of the Singaraja Religious Court)," *Journal of Sui Generis Law* 3 (2023); Wahbah Az-Zuhaili, "Al-Fiqh Al-Islami Wa Adillatuh," *Damascus: Dar Al-Fikr* Volume VI (1985); Moch. AUFAL HADLIQ KHAIYYUL MILLATI WADDIN, "THE SCIENCE OF ISLAMIC INHERITANCE IN AN INTRODUCTION," *Mabahits : Journal of Islamic Family Law* 5, no. 01 (May 20, 2024): 1–14, <https://doi.org/10.62097/mabahits.v5i01.1650>.

⁷ Bambang Tri Bawono et al., "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz Al-'ird in Contemporary Islamic Legal Ethics," *MILRev: Metro Islamic Law Review* 4, no. 1 (June 30, 2025): 597–618, <https://doi.org/10.32332/milrev.v4i1.10694>; Muhammad Must Bin Roslan, "HIFZ AL-NAFS IN MAQASID SHARIAH: THEORETICAL ANALYSIS," *Al-Takamul Al-Ma'rifi* 7, no. 1 (2024); Muhammad Mustaqim Roslan and Anwar Osman Zainuri, "Hifz Al-Nafs Theory in Maqasid Shariah: A

Islam basically does not prohibit women from working, including working outside the home, as long as the activity is carried out within the corridor of sharia values and does not neglect family responsibilities. Yusuf al-Qaradawi emphasized that women have the right to participate in economic and social activities as long as they do not conflict with sharia principles and maintain a balance between public roles and domestic responsibilities. Nevertheless, the responsibility for the care and education of children remains an obligation that cannot be ignored by parents.⁸ Therefore, when mothers work as TKWs and are separated from their children for a long time, special efforts are needed to ensure that the child's rights are still optimally fulfilled.

On the other hand, the development of contemporary Islamic legal thought also emphasizes the importance of a contextual approach in understanding modern social dynamics. Abdullahi Ahmed An-Na'im emphasized that Islamic law needs to be understood within the framework of the evolving social reality, so that the values of justice, benefit, and protection for vulnerable groups, including children, can be realized in real life in people's lives. This view shows that the problem of the families of female migrant workers needs to be analyzed not only normatively, but also by considering the social conditions behind it.⁹ The same thing was also affirmed by Wael B. Hallaq, who stated that Islamic law historically always interacts with the social context of society, so the application of sharia values must take into account the social realities faced by Muslims in every historical period.

The phenomenon of migrant workers also occurs in Bukit Tumam District, Southeast Aceh Regency, which is an area with characteristics of rural communities and strong religious values. The departure of mothers as TKWs has an impact on changes in childcare patterns which are generally transferred to fathers, grandmothers, or other

Postulate Analysis," *Journal of Muwafaqat* 6, no. 1 (April 30, 2023): 1–13, <https://doi.org/10.53840/muwafaqat.v6i1.121>.

⁸ Fazlon Umar, "Islamic Law's View of the Role of Wives in Earning a Living," *Ameena Journal* 2, no. 3 (August 30, 2024): 269–79, <https://doi.org/10.63732/aij.v2i3.69>; Endah Siswati, "Quitting Work for the Sake of Family: The Dilemma of Career Women in the Perspective of Feminism," *Translitera Journal* 9, no. 1 (2020); Putri Dyah Ayu Fitriyaningsih and Fita Nurotul Faizah Munawan, "The Relevance of Gender Equality and the Role of Working Women to Family Welfare in Indonesia (Islamic Economic Perspective)," *Al-Maiyyah : Gender Transformation Media in the Socio-Religious Paradigm* 13, no. 1 (June 5, 2020): 38–50, <https://doi.org/10.35905/al-maiyyah.v13i1.703>; Ulfah Zakiyah and Muhammad Ghifari, "WOMEN WHO LEAVE THEIR CHILDREN TO WORK IN THE PERSPECTIVE OF HADITH," *AL ISNAD: Journal of Indonesian Hadith Studies* 5, no. 2 (January 17, 2025): 111–22, <https://doi.org/10.51875/alisnad.v5i2.511>.

⁹ Ahmad Nabil Amir and Tasmin Abdul Rahman, "ABDULLAHI AHMED AN-NA'IM AND THE CONTEXT OF HIS LEGAL INTERPRETATION," *Journal of Fatwa and Falak Selangor (JUFFAS)* / 1, no. 2 (2024); Muhammad Makhmuri and Mahbub Ainur Rofiq, "LEGAL PROTECTION FOR FIXED-TIME WORK AGREEMENT (PKWT) WORKERS FROM A HUMAN RIGHTS PERSPECTIVE IN ISLAM ABDULLAHI AHMED AN-NA'IM," *Muslim Heritage* 7, no. 2 (December 26, 2022): 379–408, <https://doi.org/10.21154/muslimheritage.v7i2.4951>; Ahmad Bahrur Rozi, "THE APPLICATION OF SHARIAH IN MODERN COUNTRIES (An Analysis of Ijtihad of Abdullahi Ahmed An-Na'im's Thought)," *AL-IHKAM: Journal of Law & Social Institutions* 10, no. 2 (February 2, 2016): 359–92, <https://doi.org/10.19105/al-lhkam.v10i2.734>; Fahmi Assulthoni, "A Critical Study of Modern Islamic Constitutionalism from the Perspective of Abdullahi Ahmed An-Na'im," *KABILAH: Journal of Social Community* 2, no. 2 (March 28, 2018): 283–301, <https://doi.org/10.35127/kbl.v2i2.3138>; Yurike Siti Mariyam et al., "SHARIAH DECONSTRUCTION: THE THOUGHTS OF ABDULLAHI AHMED AN-NA'IM," *Islamic Law* 23, no. 1 (August 2, 2023): 124, <https://doi.org/10.24014/jhi.v23i1.21123>; Tholkhatul Khoir, "The Gathering Point of Thought of Mahmoud Mohamed Thaha and Abdullahi Ahmed An-Na'im," *International Journal Ihya' 'Ulum Al-Din* 18, no. 1 (September 7, 2017): 65, <https://doi.org/10.21580/ihya.17.1.1746>.

family members. This condition poses challenges in fulfilling children's rights, both in the aspects of education, health, compassion, and religious guidance.¹⁰ This complexity shows that the problem of migrant workers is not only related to the economy, but also concerns the social, cultural, and Islamic dynamics that live in the local community.

Several previous studies have examined the phenomenon of female migrant worker families and their impact on children. Research by Selvi Anggraini Syarif (2018) shows that the departure of mothers as migrant workers causes a shift in parenting patterns to fathers or close relatives. This shift has an impact on the fulfillment of children's basic rights, especially in the aspects of parenting, education, protection, and affection, even though the family's economic condition tends to improve. Other research also shows that children from migrant worker families often face challenges in terms of emotional development, discipline, and educational supervision. These findings show that improving economic well-being is not always in line with meeting children's psychological and social needs.¹¹

Although various studies have addressed the impact of migration of women workers on families, most studies still emphasize the social and economic aspects without examining them in depth from the perspective of Islamic law. In addition, studies that specifically examine the fulfillment of children's rights in TKW families in the context of certain local communities are still relatively limited. In fact, each region has different social, cultural, and religious characteristics so that it can affect parenting patterns and mechanisms for fulfilling children's rights in the family. Therefore, research that integrates empirical analysis in the field with normative approaches in Islamic law is needed to understand how children's rights are fulfilled in the conditions of families experiencing separation due to labor migration.

Based on this background, this study aims to analyze the fulfillment of children's rights in the family of female workers in Bukit Tumam District, Southeast Aceh Regency, from the perspective of Islamic law. This study seeks to identify how parenting patterns are applied in migrant workers' families, how parental responsibilities are carried out in conditions of separation, and the extent to which children's rights, both material and non-material, can be fulfilled. The results of this study are expected to make a theoretical contribution to the development of the study of Islamic family law, especially in understanding the dynamics of migrant worker families. In addition, this research is also expected to be a practical reference for families, communities, and policymakers in formulating a more comprehensive child protection strategy for the families of female migrant workers.

RESEARCH METHODS

This research method uses an empirical approach with qualitative methods through field research. This approach was chosen to gain a deep understanding of the practice of fulfilling children's rights in the family of Female Workers (TKW) and the dynamics of parenting that occur when mothers work abroad. The research was carried out in Bukit Tumam District, Southeast Aceh Regency. The selection of the location is based on sociological considerations, namely the high phenomenon of women working as migrant workers to meet the economic needs of the family, resulting in changes in childcare patterns in the family. This research is descriptive-analytical with a case study design,

¹⁰ Poor Population and Aceh Tenggara Regency, "Percentage of Poor Population in Aceh Tenggara Regency, 2015-2024," 2025, 14-15.

¹¹ Female Migrant Workers, "Patterns of Parenting and Fulfillment of Basic Rights of Female Migrant Workers" 11, no. 23 (2018): 342-61.

which aims to factually describe the conditions of fulfillment of children's rights in TKW families and analyze them from the perspective of Islamic law.¹²

Research informants were determined using the purposive sampling technique, which is the deliberate selection of informants based on certain criteria relevant to the focus of the research. The main informants in this study include mothers who work as TKWs, fathers or guardians who carry out parenting roles, as well as other family members involved in childcare such as grandmothers or grandfathers. In addition, supporting informants can also come from community leaders or parties who understand the social conditions of migrant workers in the region. The research data consists of primary data and secondary data. Primary data was obtained through in-depth interviews and observations of migrant workers' families and parties involved in childcare. Meanwhile, secondary data was obtained from various literature sources such as the Qur'an and hadith, Islamic law books, scientific journal articles, previous research results, and other documents relevant to the study of the fulfillment of children's rights in the family.

Data collection techniques are carried out through in-depth interviews, observations, and documentation. Interviews are used to explore the experiences, views, and practices of childcare in TKW families, especially related to the fulfillment of children's rights such as the right to education, affection, protection, and the fulfillment of basic needs. Observations were carried out to directly observe the family's social conditions and interactions between children and caregivers while the mother worked as a TKW. Documentation is used to supplement and reinforce data relating to family conditions and parenting practices. The data obtained was analyzed using qualitative data analysis techniques which included the stages of data reduction, data presentation, and conclusion drawn. Data reduction is carried out by selecting and focusing data that is relevant to the research objectives, then grouping them based on themes such as economic rights, education, and childcare. The presentation of data is carried out systematically in the form of descriptive descriptions to facilitate the analysis process. The validity of the data is maintained through source triangulation techniques and method triangulation, namely by comparing information from various informants and matching it with the results of observation and documentation to ensure the accuracy and consistency of research data.

RESULTS AND DISCUSSION

Fulfillment of Children's Rights in the Family, Female Workers: Islamic Law Perspective

The fulfillment of children's rights in the perspective of Islamic law is an inherent obligation of parents from the time the child is born until he is able to stand on his own. Islam places children as a trust from Allah SWT that must be protected, maintained, and fulfilled their rights comprehensively. Children's rights not only include the fulfillment of material needs, but also include non-material aspects such as affection, nurturing, religious education, and moral development. In the context of the TKW family), the fulfillment of children's rights has its own dynamics because mothers as the main figures of parenting must leave the child for a relatively long period of time to meet the family's economic needs.¹³

In this study, the data sources consisted of mothers who work as TKWs, fathers, substitute caregivers (grandmothers), and children. The informant's children are in the

¹² Sugiyono, *Quantitative, Qualitative and R&D Research Methodology*, 2020.

¹³ "Children's Education Is God's Mandate (1)," n.d.

age range of elementary school to junior high school (7-15 years). Based on family conditions, informants come from single parent families and whole families. In a single parent family, the mother is the main person responsible for child support, while in a whole family, the mother's economic role is more dominant due to the father's limited income. The children are taken care of by their fathers or grandmothers and close family members who live in the same house.

The fulfillment of children's rights in the Female Labor Family, namely; *First*, children's economic rights, field findings show that the fulfillment of children's economic rights in Female Worker (TKW) families in Bukit Tusam District is relatively fulfilled through the delivery of alimony by mothers who work as TKWs. The alimony is channeled in the form of money that is used to meet the basic needs of the child while the mother is away from home. In Islamic law, alimony is an obligation of parents to children which includes the fulfillment of basic needs, such as food, clothing, and other necessities of life according to the parents' abilities.¹⁴

The results of interviews with two migrant workers show that the delivery of alimony is generally carried out regularly every month, although under certain conditions it is irregular and depends on the work situation. Mrs. Y said that she consistently sends money every month for school needs and children's needs.¹⁵

A similar statement was also delivered by Mrs. W who emphasized that the income earned while working outside the region is prioritized to meet the needs of children.¹⁶ The pattern of providing alimony reflects the commitment of mothers in carrying out economic responsibilities for their children, even though they are separated by distance and time. This practice is in line with the provisions of the Qur'an in QS. Al-Baqarah [2]: 233 which affirms the obligation of parents in meeting the needs of their children in a ma'ruf manner.¹⁷

Normatively, Islamic law places the father as the party who bears the main responsibility for the fulfillment of child support.¹⁸ However, field findings show that there is a variation in conditions in TKW families. Some families are in a single parent situation so that mothers are the only party who bears the economic needs of children. In a family that is still intact, the economic role of the mother remains more dominant due to the limited income of the father. This is as conveyed by Father R as a caregiver, who stated that health conditions and limited income cause the fulfillment of children's needs to be highly dependent on the mother's remit. This situation shows a shift in the role of the economy in the family, although the responsibility for fulfilling child support remains within the scope of parental obligations.

The use of alimony sent by migrant mothers is generally prioritized for the benefit of children. Based on the caregiver's information, the funds are mainly used for education costs, daily food needs, and school supplies. Grandma S as a caregiver stated that the mother's remittance money was directly used to meet the needs of school and children's consumption. This statement was strengthened by the testimony of the interviewed children, who stated that school needs and daily pocket money came from mothers'

¹⁴ Islamic Law, "No Title" 5, no. 1 (2023): 36–58.

¹⁵ Yuliati, "Interview Results, Bukit Tusam District, Southeast Aceh Regency," 2026.

¹⁶ Wulan, "Interview Results, Bukit Tusam District, Southeast Aceh Regency," 2026.

¹⁷ Faculty of Islamic Religion, Islamic University, and Sultan Agung, "SINGLE PARENTS WHO WORK AS TKW (Case Study in Brengkok Village, Kec . Brondong Kab. Lamongan)," 2023.

¹⁸ Provident Duty et al., "FAMILY PROVIDENT DUTY PERSPECTIVE" 2, no. 1 (2025): 1–13.

remittances.¹⁹ However, in practice, some of the funds are also used for general household needs, considering that children live and are cared for with caregivers.

In the perspective of Islamic law, the fulfillment of child support is the main obligation of the father as emphasized in the Qur'an. Al-Baqarah [2]: 233. However, in certain conditions such as economic limitations or the father's inability, Islam does not prohibit mothers from playing a role in meeting the needs of children. In the context of TKW families in Bukit Tumasam District, the practice of sending alimony by mothers can be assessed in accordance with the principles of Islamic law as long as it does not eliminate the responsibility of the father and still prioritizes the best interests of the child. Based on this description, it can be concluded that the departure of mothers as migrant workers makes a positive contribution to the fulfillment of children's economic rights, especially in ensuring the sustainability of education and the fulfillment of basic needs. However, the fulfillment of these economic rights has not been fully followed by the fulfillment of children's rights in non-material aspects, such as direct parenting and emotional assistance, which are still challenges in the female workforce.

Second, the study results show that children from female workers (TKW) families in Bukit Tusam District continue to attend formal education according to their level. Based on field findings, the children attended formal educational institutions in their neighborhoods, such as elementary and secondary schools in Bukit Tumam District. Education financing, including school fees, study supplies, and pocket money, comes from the livelihood sent by mothers who work as migrant workers. One of the mothers of TKW said that her departure to work outside the region aimed to ensure the sustainability of children's education. Mrs. Y (TKW) stated, "I work so that my children can continue to go to school and not drop, so I always send school fees". The same thing was also conveyed by Mrs. W (TKW) who emphasized that children's education is the top priority in the use of the livelihood that she sends to the family.

In daily parenting practices, the role of child education assistance is more often carried out by caregivers, both fathers, grandmothers and other family members. Based on the interview, R's father as a caregiver stated that he played a role in taking the children to school, even though in certain circumstances he was assisted by his grandmother. However, the assistance of children learning at home is not optimal because the father works while the grandmother has limited health conditions and advanced age.²⁰ Meanwhile, Grandma S as another caregiver revealed that age and ability limitations are obstacles in assisting children to learn optimally. In addition to the age factor, trading or selling activities at home are also a barrier in providing intensive learning assistance to children.²¹ This shows that even though children continue to attend school, the role of caregivers in educational assistance is still limited.

These findings were also reinforced by the statements of the children interviewed. One of the TKW children said, "if they are rarely accompanied by studying, they usually study alone or sometimes not study". The statement shows that control of children's learning at home has not been consistently implemented, even though access to formal education has been met.

From the perspective of Islamic law, children's education is part of the responsibility of parents which includes the development of knowledge and the formation of morals. This is in line with the words of Allah SWT in QS. At-Tahrim [66]:6 which

¹⁹ Putri, "Interview Results, Bukit Tusam District, Southeast Aceh Regency," 2026.

²⁰ Rahmad, "Interview Results, Bukit Tusam District, Southeast Aceh Regency," 2026.

²¹ santi, "Interview Results, Bukit Tusam District, Southeast Aceh Regency," 2026.

commands parents to guard and educate the family from things that may be detrimental to their future. Education in Islam is not only interpreted as providing access to formal schools, but also includes supervision, guidance, and continuous assistance for children's development. Based on this description, this condition shows that the formal education of children in TKW families in Bukit Tusam District is relatively fulfilled. However, the limited role of mothers and caregivers in supervision and learning assistance causes children's learning control to still be not optimal. Thus, the fulfillment of children's educational rights in TKW families requires synergy between mothers, fathers, grandmothers and other caregivers so that children's educational rights can be fulfilled comprehensively in accordance with the principles of Islamic law.

Third, the right to care and affection, the results of the study show that children in Female Workers (TKW) families in Bukit Tusam District are generally not cared for directly by their mothers, but by fathers or other family members, such as grandmothers and grandfathers. This parenting pattern occurs as a consequence of the departure of mothers to work outside the region or abroad for a relatively long period of time. Although children's economic needs are relatively met through the delivery of alimony, these changes in parenting patterns have an impact on the fulfillment of children's rights in aspects of affection and emotional closeness.

Based on the results of interviews with caregivers, it was found that there was a change in the child's behavior after the mother left to work as a TKW. Grandma S as a caregiver said that the children she cared for often showed a sense of longing for their mothers and tended to be quieter, daydreaming, and less active in interacting with the surrounding environment than before their mothers worked abroad. The same thing was also conveyed by Father R who stated that children need more attention and tend to be more closed in communicating since their mother does not live together. These findings show that the separation of mother and child affects the emotional state of children in daily life.

The psychological impact is also felt directly by children. One of the children interviewed revealed that he often felt sad because he could not meet his mother and rarely had a place to talk about the problems he faced. This condition describes the emotional distance between mother and child that is formed due to physical separation for a long time, even though long-distance communication is still carried out in a limited way.

In daily parenting practices, surrogate caregivers seek to meet the child's basic needs, such as eating, school, and health. However, the limited time, age, and ability of caregivers cause the fulfillment of children's emotional needs to not run optimally. Parenting is more focused on the aspects of physical maintenance and the fulfillment of practical needs, while intensive emotional and communication assistance cannot be fully provided as the role of mothers in children's lives. Based on these field findings, it can be concluded that the fulfillment of the right to care and affection for children in TKW families in Bukit Tusam District is still facing various challenges. Maternal separation over a long period of time leads to reduced direct interaction and emotional closeness between mother and child. This condition shows that the fulfillment of children's rights in the aspect of affection and emotional assistance has not run optimally, even though children's economic needs are relatively met through the role of mothers as female workers.²²

²² Winda Oktaviani et al., "DIVISION OF ROLES IN CHILDCARE (Case Study on Generation X and Millennial Generation in Central Lampung Regency)" 6, no. July (2025): 348–65.

Analysis of the Fulfillment of Children's Rights in the Perspective of Islamic Law

In the framework of Islamic law, the position of children is not understood solely as part of the family structure, but as a mandate imposed by Allah SWT on parents. This mandate demands the fulfillment of children's rights comprehensively, including physical needs, education, parenting, and moral and emotional development. This principle is affirmed in QS. At-Tahrim [66]: 6

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

Meaning: O you who believe, protect yourselves and your families from the fire of Hell whose fuel is men and stones. Its guardians are the harsh and harsh angels. They do not disobey Allah in what He commands them and always do what He commands. This verse affirms the obligation of parents to take care of and educate their children, not only spiritually but also in aspects of worldly life, such as education, protection, compassion, and the fulfillment of basic needs. In the context of the Female Worker (TKW) family, this obligation remains inherent even though the mother is abroad, so the parents or guardians are still responsible for ensuring that the children's rights are fulfilled in accordance with Islamic sharia principles.²³

Basis of National Law (Indonesian Positive Law) Article 28B paragraph (2) of the 1945 Constitution "Every child has the right to survival, growth, and development and has the right to protection from violence and discrimination." Meaning: The state and parents, including mothers who work as migrant workers, are obliged to ensure the fulfillment of children's rights.²⁴

Field findings in Bukit Tusam District, Southeast Aceh Regency show that women workers strive to carry out this mandate, especially through fulfilling the economic needs and formal education of children. The departure of mothers as migrant workers encourages an increase in the family's ability to meet the basic needs of children, such as school fees and daily needs. From this side, the practice of migrant workers can be understood as a form of implementing the mandate in the economic dimension, especially in families that experience limited income before the mother works outside the region or abroad.

However, the results of the study also show that the meaning of mandate in the practice of TKW families tends to focus more on fulfilling material aspects, while the dimensions of parenting and emotional assistance have not fully received balanced attention. The separation of mother and child over a long period of time leads to limited direct interaction, supervision, and intensive inculcation of moral and religious values. This condition shows that the mandate for children in the TKW family has not been carried out in full as required in Islamic law.

In an Islamic perspective, the trust of parents to children is integral and cannot be separated between material and non-material needs. Fulfilling alimony is indeed an important obligation, but it cannot replace the role of nurturing, affection, and fostering children's personalities. Therefore, even though the departure of mothers as TKWs is

²³ "Surah At-Tahrim Verse 6_ Arabic, Latin, Translation and Complete Interpretation _ Quran NU Online (1)," n.d.

²⁴ Provident et al., "THE OBLIGATION TO PROVIDE FOR FAMILIES PERSPECTIVE."

based on the intention of improving family welfare, the implementation of the mandate to children still requires planned parenting arrangements, both through the role of fathers and other caregivers, so that children's development is maintained in a balanced manner. Based on this analysis, it can be stated that the fulfillment of children's rights in TKW families in Bukit Tusam District is in a partial position in accordance with the principles of Islamic law. The fulfillment of economic rights and formal education has reflected the implementation of parental mandates, but limitations in fulfilling the rights of care and affection show that there are aspects of the mandate that have not been implemented optimally. Thus, the concept of children as a mandate in Islam requires a balance between economic roles and parenting responsibilities so that the goal of child protection can be realized comprehensively.

The concept of *ḥaḍānah* in Islamic law affirms that children need continuous, compassionate, and well-oriented parenting. Under ideal conditions, mothers are the ones who have the most right to perform *ḥaḍānah*, especially at an early age. However, field findings show that the care of children in the family of migrant workers in Bukit Tusam District is generally transferred to fathers, grandmothers, or close relatives. Child care in Islamic law aims to ensure the sustainability of children's growth and development as a whole, covering physical, psychiatric, and moral development,²⁵ The parenting function is not only related to physical maintenance, but also includes the mentoring process, behavioral supervision, as well as the formation of children's character in the family environment. Children from migrant workers tend to experience emotional distance from their mothers, even though their economic needs are met. This condition has an impact on children's psychological and social development, such as decreased communication intensity, weak behavioral control, and reduced emotional security. Another social impact can be seen in the pattern of children's interaction with the surrounding environment. Based on the results of field observations, some children from TKW families show a tendency to be more free in behavior due to the lack of direct supervision from parents. In some cases, children spend more time outside the home without adequate assistance.

The results of a study in Bukit Tusam District show that when mothers work as TKWs, the role of daily care is generally carried out by fathers, grandmothers, or close relatives. This pattern appears as a form of family adjustment to the condition of separation between mother and child. In practice, caregivers strive to meet the basic needs of children and ensure the continuity of formal education, although emotional involvement and the intensity of mentoring do not always run optimally.

In the perspective of Islamic law, the implementation of parenting by family members other than parents is possible as long as the interests of the child remain a primary consideration. Parenting by fathers, grandmothers or relatives is not contrary to the principles of sharia when it is done in order to maintain the welfare and protection of children. However, handing over the parenting role to other parties does not mean a transfer of parental responsibility to the child. Field findings show that the limited presence of parents, especially mothers, has an impact on reduced direct control over children's emotional and behavioral development. Remote communication and meeting economic needs have not been able to completely replace the role of intensive assistance. This condition shows that there is a distance between the practice of parenting in the field and the ideal goal of parenting in Islam. Based on this analysis, it can be understood that although parenting by relatives is allowed in Islamic law, parental responsibility for

²⁵ Wahyuni Stai and D D I Pinrang, "REVIEW OF ISLAMIC LAW ON WOMEN" 1, no. 1 (2023).

children remains inherent and cannot be released. The existence of a substitute caregiver should be positioned as a form of help, not a full replacement for the role of parents. Therefore, the care of children in TKW families requires a more targeted arrangement so that children's rights can be fulfilled in a balanced manner in accordance with the principles of Islamic law.

In addition, the obligations of parents Despite being separated from each other, the results of the study show that the fulfillment of the economic needs of children in the Female Worker (TKW) family is often understood as the main form of parental responsibility. Providing support is routinely seen as fulfilling obligations to children, while the involvement aspect in daily life tends to be limited due to the distance that separates parents and children. This pattern of understanding has an impact on less attention to childcare needs.

Field findings show that when mothers work as TKWs, the role of fathers, grandmothers and caregivers becomes very decisive in maintaining the sustainability of parenting. However, not all caregivers are able to carry out these functions optimally, either due to job demands, time limitations, or lack of readiness in carrying out the role of caregiver. In such conditions, childcare is often left to other parties, so that the direct involvement of parents becomes increasingly limited.

From the perspective of Islamic law, the fulfillment of alimony cannot be understood as a substitute for all parental responsibility for children. Physical separation does not eliminate the obligation of parents to ensure that children continue to receive adequate attention, guidance, and protection,²⁶ They include moral and spiritual aspects that require the active involvement of parents, whether through supervision, intensive communication, or important decision-making related to the child's life. Based on this analysis, it can be stated that geographical distance in the TKW family does not remove parental responsibility for children. The fulfillment of children's rights requires the continuous involvement of parents, not only through economic support, but also through the role of consistent parenting so that the child's development remains directed in accordance with Islamic values, the transfer of care to a father or grandmother is legally permissible in Islam, but its implementation has not fully fulfilled the purpose of ḥaḍānah due to the lack of emotional assistance and intensive supervision of the child."

Fulfillment of Children's Rights in the Framework of Maqāṣid al-Sharia'ah

The analysis of the fulfillment of children's rights in the family of Female Workers (TKW) in Bukit Tusam District, Southeast Aceh Regency can be understood more comprehensively through the framework of maqāṣid al-syarī'ah. This approach places the protection and welfare of children as the main goal of Islamic law, not only in the economic aspect, but also in the psychological, intellectual, and spiritual dimensions of the child.

From the aspect of soul protection and psychological resilience (ḥifẓ al-nafs), In Islam, soul protection (ḥifẓ al-nafs) is one of the main goals of maqāṣid al-syarī'ah which aims to maintain the sustainability and safety of human life. This protection includes efforts to ensure the fulfillment of basic needs that allow a person to live a dignified, safe,

²⁶ Ahmad Wafiyul Ahdi, "Pesantren as a Substitution Institution for Broken Home Students: An Analysis of Maintenance Obligations in the Perspective of Islamic Law" 6, no. 2 (2025): 165–84, <https://doi.org/https://doi.org/10.24042/wwzf2754>.

and dignified life, both from physical and psychological aspects.²⁷ Therefore, *hifz al-nafs* is interpreted not only as a prohibition against life-threatening acts, but also as an obligation to provide living conditions that guarantee health, security, and peace of mind. Field findings show that the separation of mother and child over a long period of time has an impact on the emotional state of the child. The lack of direct mentoring and daily interaction causes some children to show behavioral changes, such as becoming more reserved and less open. This condition has the potential to affect children's psychological resilience if it is not balanced with adequate emotional assistance from parents or caregivers.²⁸

In the aspect of protecting reason (*hifz al-'aql*), in Islam, education is a basic right of children as part of *hifz al-'aql* (maintenance of reason) and a means of improving human dignity. The Qur'an affirms that Allah exalts the status of those who believe and learn (Q.S. Al-Mujadalah: 11), which shows the importance of education in human life. Therefore, parents are obliged to provide education to their children from an early age, even from the womb, as an effort to form a personality and protect children from evil. If parents are not able to afford it, then the community and the government are obliged to help the implementation of education, because education is the main means to form a quality generation in this world and the hereafter. This study found that formal education for children in TKW families can be carried out relatively well. Children continue to receive education in formal schools and basic academic needs can be met. However, the limitations of learning supervision and assistance in the daily educational process have an impact on weak learning control and the formation of children's character. Education in this context tends to be understood as limited to the fulfillment of formal schools, while the development of attitudes, discipline, and learning responsibilities has not received balanced attention.

Meanwhile, in the aspect of religious protection (*hifz al-dīn*),²⁹ in Islam, the fulfillment of children's religious rights is the main responsibility of both parents through education, example, and habituation of religious values from an early age. Parents, especially mothers, play a role in instilling religious teachings from the womb to adulthood through the reading of the Qur'an, dhikr, and worship coaching. This habituation forms the morals and religious character of children, while discipline in religious education is allowed as long as it is not violent and aims to educate children to be obedient in worship. Field findings show that the involvement of mothers as the main figures in children's religious education is limited. The role of substitute caregivers has not been able to completely replace the mother's function in getting used to religious practices, such as learning daily worship and instilling Islamic values from an early age.

²⁷ "Implementation of Soul Maintenance (Hifz Al-Nafs) in Family-Based Child Care - Mahally (1)," n.d.; Roslan and Osman Zainuri, "Hifz Al-Nafs Theory in Maqasid Shariah: Postulate Analysis"; Bin Roslan, "HIFZ AL-NAFS IN MAQASID SHARIAH: THEORETICAL ANALYSIS"; Bambang Tri Bawono et al., "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz Al-'ird in Contemporary Islamic Legal Ethics."

²⁸ "Implementation of Soul Maintenance (Hifz Al-Nafs) in Family-Based Child Parenting - Mahally (1)"; Roslan and Osman Zainuri, "Hifz Al-Nafs Theory in Maqasid Shariah: Postulate Analysis"; Bin Roslan, "HIFZ AL-NAFS IN MAQASID SHARIAH: THEORETICAL ANALYSIS"; Bambang Tri Bawono et al., "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz Al-'ird in Contemporary Islamic Legal Ethics."

²⁹ "Implementation of Soul Maintenance (Hifz Al-Nafs) in Family-Based Child Parenting - Mahally (1)."

This condition has implications for the lack of optimal religious guidance for children in daily life.

Based on this analysis, it can be concluded that the fulfillment of children's rights in TKW families in Bukit Tusam District has not been carried out in a balanced manner within the framework of *maqāṣid al-syarī'ah*. The fulfillment of the economic and formal education aspects is relatively fulfilled, but the aspects of psychological protection, comprehensive intellectual development, and religious development still require more serious attention. This shows that there is an imbalance in the fulfillment of *maqāṣid al-syarī'ah* in the families of female workers, so that efforts are needed to strengthen the role of parents and caregivers so that children's rights can be fulfilled more comprehensively in accordance with the objectives of Islamic law. The concept of *ḥaḍānah* in Islamic law affirms that children need continuous, compassionate, and well-oriented parenting. Under ideal conditions, mothers are the ones who have the most right to perform *ḥaḍānah*, especially at an early age. However, field findings show that the care of children in TKW families in Bukit Tusam District is generally transferred to fathers, grandmothers, or close relatives.

CONCLUSION

Based on the results of the research and discussion, it can be concluded that the fulfillment of children's rights in Female Worker (TKW) families in Bukit Tumam District, Southeast Aceh Regency shows a complex dynamic between economic aspects and parenting aspects. This study found that the departure of mothers as migrant workers makes a positive contribution to the fulfillment of children's economic rights through relatively stable maintenance delivery. The alimony is used to meet the basic needs of children such as education costs, food needs, and school supplies, so that in general the economic rights and sustainability of children's formal education can be fulfilled. These findings show that women's labor migration in the family serves as a household economic strategy to improve child welfare.

However, this study also found that the fulfillment of children's rights is not fully optimal in non-material aspects, especially in terms of educational assistance, parenting, and the fulfillment of children's emotional needs. Maternal separation over a long period of time causes the transfer of parenting roles to fathers or other family members such as grandmothers and grandfathers, who in practice have limitations in providing intensive learning assistance and psychological attention. This condition has an impact on the weakening of education supervision at home and the emergence of emotional dynamics in children such as longing, loneliness, and reduced psychological closeness to mothers. These findings confirm that the fulfillment of children's rights in migrant workers families cannot be measured only from the economic dimension, but must be comprehensively understood which includes aspects of education, parenting, and psychological well-being of children.

From the perspective of Islamic law, children are seen as a mandate that must be maintained and fulfilled their rights comprehensively, both in the economic, educational, and moral and affection developments. Therefore, the scientific contribution of this research lies in strengthening the understanding that women's labor migration in Muslim families requires a more comprehensive approach to child protection and based on the values of *maqāṣid al-syarī'ah*, especially the principles of *ḥifẓ al-naḥs* and *ḥifẓ al-naḥs*. Based on these findings, this study recommends the need to strengthen the role of fathers and families as the main caregivers, increase emotional communication between migrant mothers and children through available communication media, and institutional support

from the government and the community in the form of migrant worker family assistance programs. This step is important to ensure that improving the economic well-being of families does not reduce the quality of fulfilling children's rights holistically.

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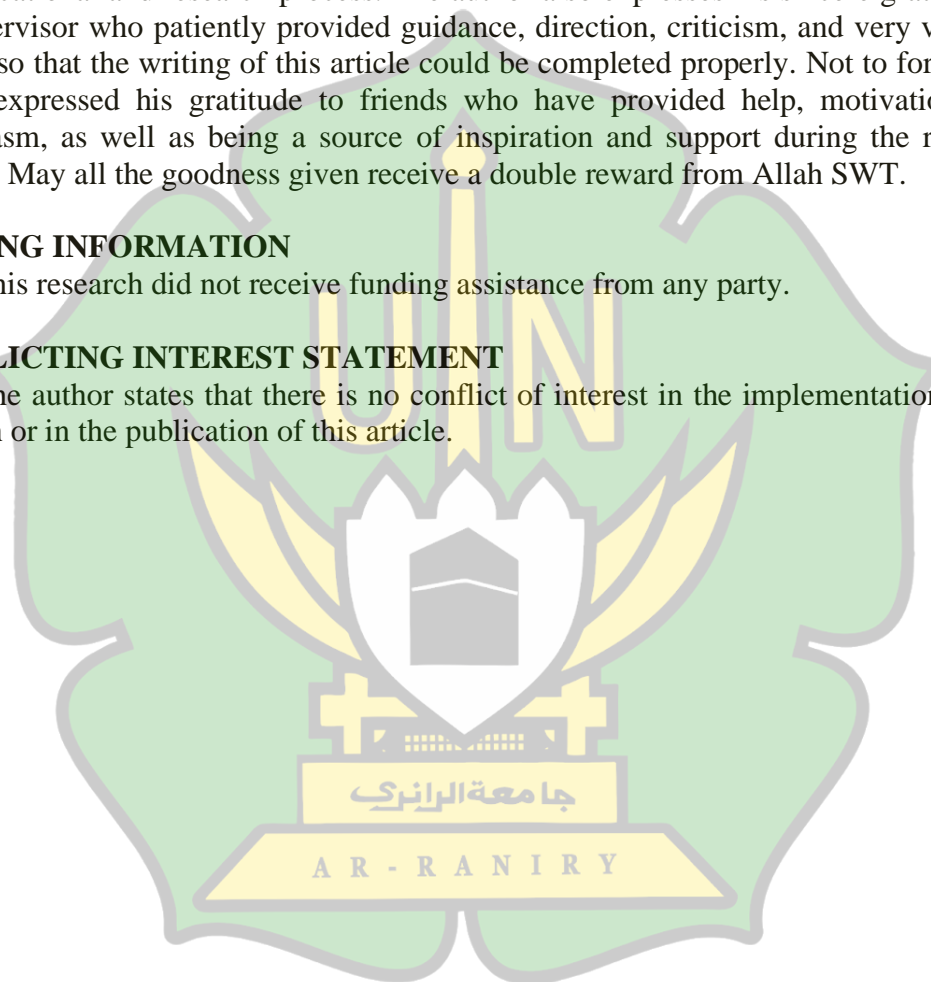
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