

Perspective of Human Rights and Islamic Law Regarding Batting of Children in Ahmad Historical Hadith No 6756 Concerning Child Education

Fariz Farrih Izadi*, Syahrul Fauzul Kabir, Asep Hakim Zakiran

Faculty of Law
Islamic University Bandung
Bandung, Indonesia
*farizizadii@gmail.com

Abstract—Human Rights are basic rights that are inherent in humans, are universal and lasting, therefore they must be protected, respected, maintained, and should not be ignored, reduced, or taken away by anyone. One of the international human rights instruments is the Universal Declaration of Human Rights. Another international human rights instrument is the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or CAT, adopted by General Assembly Resolution or GA Res, 39/46 on 10 December 1984 and entered into force on 26 June 1987. In addition, there is also a Convention on the Rights of the Child or CRC adopted through General Assembly Resolution or GA Res 44/25 dated November 20, 1989 and declared effective September 2, 1990. Children's education in Islam focuses on physical and spiritual education based on the teachings of Islam. There is a contradiction between the education of children in Islam contained in the hadith and the convention against torture and cruel treatment or punishment. The purpose of this study is to find out how the beatings that Rasulullah SAW ordered in the hadith, and to know the perspective of human rights and Islamic law regarding beatings in educating children. This study uses a normative juridical approach that examines legal principles, norms/norms, institutions, and legal processes.

Keywords—human right, beating, torture, children

I. INTRODUCTION

Human Rights (HAM) are basic rights that are inherent in humans, are universal and lasting, therefore they must be protected, respected, maintained, and should not be ignored, reduced, or taken away by anyone [1].

One of the international human rights instruments is the Universal Declaration of Human Rights (UDHR). The Universal Declaration of Human Rights is an umbrella instrument for all other human rights instruments. The Universal Declaration of Human Rights is a document of international recognition of human rights. This declaration was accepted through UN General Assembly Resolution (A/RES/217(III)) on 10 December 1948 [2].

Another international human rights instrument is the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or CAT, adopted by General Assembly Resolution or GA Res, 39/46 on 10 December 1984 and entered into force on 26 June 1987. In addition, there is also a Convention on the Rights of the Child or CRC adopted through General Assembly Resolution or GA Res 44/25 dated November 20, 1989 and declared valid since September 2, 1990.

Children's education in Islam focuses on physical and spiritual education based on the teachings of Islam. This education is given to children from an early age which is the golden age, where children can absorb all life lessons that are exemplified by their environment and become the foundation for their future [3].

In a hadith narrated by Ahmad, Rasulullah SAW said regarding the spiritual education of children from an early age, Rasulullah SAW said:

From Abdullah bin Amru bin Al-Ash ra: That the Prophet Muhammad SAW said: "Order your children to pray when they are seven years old and beat them for leaving prayer when they are 10 years old and separate them in their beds" (HR Ahmad).

In the above hadith, Rasulullah SAW ordered parents to start teaching their children to pray when they were seven years old, and beat the child if they left the prayer, when the child was ten years old. Judging from the text of the hadith, there is a contradiction between the education of children in Islam contained in the hadith and the convention against torture and cruel treatment or punishment. Therefore, it is necessary to further examine the perspective of human rights and Islamic law regarding beatings of children in the hadith narrated by Ahmad no. 6650 on Children's Education.

II. METHODS

This study uses a normative juridical approach that examines legal principles, norms/norms, institutions, and legal processes. This approach is supported by a comparative

juridical approach [4]. The normative juridical approach is an approach method used through library research which is secondary data [5].

The type of data used in this research is secondary data sourced from primary legal materials such as the convention against torture and cruel, inhuman, and degrading treatment or punishment, the Convention on the Rights of the Child, Law Number 35 of 2014 concerning Child Protection, as well as using Tafsir Al-Qur'an, Hadith, Fiqh Books, and Ijtihad Ulama. As well as researching secondary legal materials that can provide explanations for primary legal materials such as books, journals, papers, and other scientific works.

III. RESULTS AND DISCUSSION

A. *The Meaning of Beating in the Hadith of Ahmad's History*

From Abdullah bin Amru bin Al-Ash ra: That the Prophet Muhammad SAW said: "Order your children to pray when they are seven years old and beat them for leaving prayer when they are 10 years old and separate them in their beds" (HR Ahmad) [6].

Order your children" What is meant by children in this hadith are sons and daughters. "Perform prayers when they are seven years old" the guardian of the child is recommended to invite seven-year-old children to pray, as a form of noble character, because, seven-year-old children are not obligated for them to pray, but if they do it will be given reward, and his guardian also gets a reward. (Al-Aini, 'Umdatul Qari).

This is in accordance with the words of the Prophet Muhammad SAW When asked by a woman, she asked the Prophet SAW, did this child get the reward of Hajj? Rasulullah SAW replied, yes he and you will get the same reward. (HR Muslim).

That is the tradition of the salaf scholars, always teaching their children to do worship, to instill goodness and enthusiasm in carrying out Allah's commands, even though all these worships are sunnah for them, because they are not yet mature.

And beat them for leaving the prayer while they are 10 years old." The Messenger of Allah ordered the guardians to beat their children when they were 10 years old and refused to pray, but the punch meant was not a torturous blow or leaving a wound, only a light blow, a blow that meant amar ma'ruf and nahi munkar, which is expected to be a reminder for children who do not pray. The age of 10 years is the age where the majority of children experience wet dreams, which indicates that they have reached puberty.

The blow referred to in the hadith is limited to a blow to educate, a blow that is in accordance with the child's condition, without injuring. It is not permissible for a guardian to hit his child with a very strong blow, which leaves a wound, nor is he allowed to hit repeatedly, because the Prophet Muhammad ordered the beating to educate not to hurt.

Ath-Tabary argues parents not only command their children to pray but must give strict punishments when children do not pray. If the child does not pray on time, then the parents instruct them to pray qadha.

Hit them when they are ten years old and they refuse to pray: this blow is a punishment for them, and what is meant by hitting here is a blow that does not injure and does not cause injury and must avoid the face and other parts of the body which if hit can cause injury. Cause serious injury [7].

Nasir bin Ibrahim is of the opinion that it is obligatory for parents to teach their children religious knowledge, such as purification, prayer, and other Shari'a laws after the children are seven years old, and if the children do not pray when they are ten years old, the parents should beat them.

There are two reasons why a ten-year-old child should be beaten if he leaves prayer, namely, first, ten years is the age of puberty for a child, then at that time he has become a mukallaf (someone who is burdened with the Shari'a), second, when the age of ten years old, children are physically and mentally strong, so they can endure sanctions, one of which is beatings [8].

B. *Perspective of Human Rights and Islamic Law Regarding Batting of Children for Education*

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment or commonly known as the Convention against Torture alone is one of the rights instruments Human Rights (HAM) are important. Because this convention stipulates one single right enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights, namely the right to be free from torture.

Based on Article 33 paragraph (1) of Law no. 39 of 1999 concerning Human Rights, the right to be free from torture is also regulated and guaranteed, namely: "Everyone has the right to be free from torture, punishment or cruel, inhuman, degrading treatment and dignity of humanity". Furthermore, the right to be free from torture is regulated directly by the constitution through the Second Amendment of the 1945 Constitution based on Article 28G paragraph (2), namely: "Everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country.

One of the rights contained in human rights is the right to be free from torture which is the state's obligation to promote respect for and protection of these fundamental rights.

Torture is seen as a serious crime by the international community and the prohibition of torture is just cogens, that this prohibition cannot be reduced under any circumstances (non derogable) and the practice of torture is also an international crime according to the Rome Statute (International Criminal Court) [9].

Human Rights (HAM) are rights that are given directly by Allah SWT, not given by the government, the King, or the International Community. Therefore, according to Maududi, the rights granted by the King or Parliament will be withdrawn in the same way as when the rights were granted. Human rights in Islam are given by Allah SWT, so not a single assembly of parliament in the world, or any government on this earth has the right or obligation to make an amendment or change it and no one has the right to revoke it again to cancel it [10].

There are fundamental differences between the concept of human rights in Islam and human rights in the western concept as accepted by international instruments. Human rights in Islam are based on the premise that human activities are the caliphs of Allah SWT on earth. While the Western world, however, believes that the pattern of behavior is determined only by the laws of the country or enough authorities for the achievement of safe public rules and universal peace [11].

Another fundamental difference can be seen from the way of looking at human rights itself. In the West, attention to individuals arises from an anthropocentric view, where humans are a measure of the symptoms of something. Whereas in Islam, adheres to a theocentric view, namely God is the Highest and humans are only tasked with serving Him. Therefore, in the West, the main values of all things, are oriented towards respect for humans. In other words, humans are the ultimate target of the implementation of these human rights.

Islamic human rights are theocentric, meaning that prohibitions and orders are based on Islamic teachings sourced from the Qur'an and Hadith. Man is told to live and work in this world with full awareness that he must show his obedience to God's will. Recognizing the rights of humans is an obligation in the context of obedience to Allah SWT [12].

IV. CONCLUSION

The beatings referred to in the Hadith of Ahmad's History Number 6756 are beatings that do not torture and do not hurt, only light beatings as a form of education for children; and Children have the right to live, grow and participate in their lives. Every child has the right to be protected from all kinds of violence and discrimination. The beatings referred to in the Hadith of Ahmad's History Number 6756 are not included as torture, violence, or discrimination for children. If a beating by a parent hurts a child, traumatizes him, then in Islam, it is prohibited and is haram.

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