

Hadlanah in Limitations: exploring the fulfillment of the Rights of Scavenger Children through the Lens of Maqashid al-Shariah and Weberian Social Action

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Abstract

This study deeply examines the practice of fulfilling children's rights within scavenger families in Gang Rukun, Wonocatur, through the lens of Maqashid al-Shariah, Max Weber's social action theory, and international children's rights conventions (CRC). Using a qualitative case study approach, researchers conducted in depth interviews, participant observation, and administrative document reviewing to explore family responses to economic and social pressures in fulfilling children's basic rights: education, health, legal protection, and identity status. Findings indicate that, despite extremely limited living conditions, parents consistently strive to uphold religious elements, physical and mental safety, legitimate lineage, intelligence, and economic stability which are the main dimensions of Maqashid through meaningful actions such as value rational, instrumental rational, traditional, and affectual actions. However, the fulfillment of rights is predominantly focused on the *darūriyyā* (primary needs) aspect, while secondary *hājiyyāt* and complementary *taḥsīniyyā* rights remain inadequately addressed. This research enriches the transnational discourse in Islamic law by weaving together the framework of Maqashid and universal children's rights, and offers substantive insights for policy formulations based on social justice child protection in marginalized communities. The findings also highlight the importance of cross sectoral interventions, such as access to education, health services, and legal identity protection in supporting the synergy between Islamic norms and international conventions on children's rights.

[Penelitian ini mengkaji secara mendalam praktek pemenuhan hak anak dalam keluarga pemulung di Gang Rukun, Wonocatur, Yogyakarta, melalui lensa Maqashid al syariah, teori tindakan sosial Max Weber, dan konvensi hak anak internasional (CRC). Dengan menggunakan pendekatan kualitatif berbasis studi kasus, peneliti melakukan wawancara mendalam, observasi partisipatif, dan telaah dokumen administratif untuk menggali respons keluarga terhadap tekanan ekonomi dan sosial dalam memenuhi hak-hak dasar anak: pendidikan, kesehatan, perlindungan hukum, serta status identitas. temuan menunjukkan bahwa, meskipun kondisi hidup sangat terbatas, orang tua secara konsisten berupaya menggalang elemen religius, keselamatan fisik dan mental, keturunan yang sah, kecerdasan, serta stabilitas ekonomi yang merupakan dimensi utama Maqashid, melalui tindakan bermakna seperti Value Rational, instrumental, traditional, dan affectual actions. namun, pemenuhan hak lebih banyak difokuskan

pada aspek ḍarūriyyāt (kebutuhan primer), sementara hak sekunder ḥājīyyāt dan pelengkap taḥsinīyyāt tetap belum mendapatkan perhatian memadai. penelitian ini memperkaya wacana transnasional dalam hukum Islam dengan merajut kerangka Maqashid dan hak anak universal, serta menawarkan wawasan substantif untuk formulasi kebijakan berbasis keadilan sosial dan perlindungan anak di komunitas marginal. temuan ini juga menyoroti pentingnya intervensi lintas sektoral seperti akses pendidikan, layanan kesehatan, dan perlindungan hukum identitas, dalam mendukung sinergi antara norma Islam dan konvensi Internasional mengenai hak anak.]

Keywords: Maqāshid Syari'ah, Ḍarūriyyāt, Value-Rational Action, Scavenger Families, Child Legal Identity, Transnational Islamic Discourse

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INTRODUCTION

Children, as fundamental legal subjects, possess inherent rights and obligations under both criminal and civil law (Azwar et al. 2024). Within the domain of Islamic Family Law, the concept of *Hadlanah*, encompassing the care, maintenance, and education of children until they reach independence, is a cornerstone, as articulated in Marriage Law No. 1 of 1974 and the Compilation of Islamic Law. (Abdullah et al. 2025) The primary responsibility for upholding these rights rests with parents and the government. Indonesia, through legislation such as Law No. 35 of 2014 concerning Child Protection (Haryanto, Azizah, 2024), aims to cultivate well-rounded individuals. However, the practical implementation of these legal frameworks often encounters significant challenges.

This research focuses on the scavenger community in Gang Rukun, Dukuh Wonocatur, Banguntapan, Bantul, where a stark disparity exists between legal provisions and lived realities. Children in this community frequently experience inadequate access to basic necessities such as clothing, food, and housing, alongside significant deficiencies in education and civil identity documentation, including birth certificates. These systemic deprivations contribute to critical issues like delayed school enrollment and the unfortunate necessity of child labor, hindering their optimal growth and development.

Previous studies have explored various aspects related to scavenger communities and child welfare. Kariri (2018) examined the role of religious communities in assisting marginalized scavenger populations in Wonocatur, focusing on the function of social aid. Ana Kartika Nur Safitri (2021) investigated the fulfillment of marital rights and obligations among scavenger couples in the same area. Muhammad Hadyan Wicaksana (2020) delved into the phenomenon of *nikah sirri* (unregistered marriage) within the Wonocatur scavenger community from a sociological perspective of Islamic law. Furthermore, Khoiruddin Nasution (2016) provided a comprehensive overview of child protection within Islamic Family Law in Indonesia, analyzing the causes of child neglect and proposing solutions. Geraldine Anggun Ardiantina (2020) studied the fulfillment of children's right to education in underprivileged families in Yogyakarta through the "Sekolah Gajah Wong" initiative, a free school for scavenger children. Muhammad (2018) explored the legal protection of street children in Bengkulu Utara from an Islamic Family Law perspective.

While these studies offer valuable insights into the socio-economic conditions and legal challenges faced by vulnerable populations, particularly children, in scavenger

communities, a specific gap remains in understanding the practical fulfillment of children's rights within these families through the lens of Maqāshid Syarī'ah and Max Weber's social action theory. This research aims to bridge this gap by providing an in-depth analysis of how scavenger families in Gang Rukun Wonocatur navigate the complexities of fulfilling their children's rights amidst severe limitations, and how these practices align with the fundamental objectives of Islamic law and the motivations behind their social actions. This study specifically highlights that the fulfillment of hadlanah practices among scavenger families in Gang Rukun primarily reaches the level of *ḍarūriyyāt* (essential needs), often struggling to achieve *ḥājiyyāt* (complementary needs) and *taḥsīniyyāt* (refinement needs). By focusing on the lived experiences and perspectives of these families, this study seeks to offer a nuanced understanding of the interplay between legal frameworks, religious principles, and socio-economic realities in ensuring child welfare.

METHOD

This research employs a normative-sociological approach to investigate the fulfillment of children's rights within scavenger families in gang rukun, dukuh wonocatur, banguntapan bantul. The normative aspect involves analyzing the case through relevant legal provisions and regulations, specifically refencing law UU no. 35 of 2014 of concerning child protection and the five core objectives of Maqashid Sharia. The community, grounding the discussion in the actual conditions and facts found in the field, particularly through the lens of Max Weber's Social Action Theory.

The study is qualitative in nature, utilizing a descriptive-analytic method. This involves providing a detailed narrative explanation of the observed realities and objectively analyzing them against established legal and Islamic principles. The data analysis follows an inductive pattern, moving from specific observations and individual cases to broader generalizations and conclusions.

Data collection techniques include: (1) In-depth Interview: Interviews were conducted with four scavenger families in Wonocatur to gather primary information regarding their practices in fulfilling children's rights. To maintain anonymity, the respondents will be referred to as Responden A, Responden B, Responden C, and Responden D. (2) Observasi Partisipatif (Participant Observation): Direct observation of the daily lives and interactions within the scavenger community, allowing for a deeper understanding of their social dynamics and challenges. (3) Telaah Dokumen Administratif (Administrative Document Review): Review of relevant documents related to civil administration (e.g., birth certificates, identity cards) to assess the legal status and protection of children. (4) Dokumentasi (Documentation): Secondary data was collected from various sources, including books, journal articles, newspapers (both print and online), and relevant laws and regulations, to complement and strengthen the primary data.

The population for this study is the scavenger community in Gang Rukun, Dukuh Wonocatur, Banguntapan, Bantul. From a total of 16 families in this community, a sample of 4 families was selected purposively for in-depth interviews, based on variations in social conditions and the extent to which children's rights are fulfilled within each family.

RESULT AND DISCUSSION

Analysis of Child Rights Fulfillment by Reponden A and her Spouse A

Responden A (40 years old) and Pasangan Responden A (27 years old), both with elementary school as their last education, have resided in the scavenger settlement for approximately five to six years. Their primary occupation is scavenging. Responden A has five children from previous marriages; three are adults and independent, while the

remaining two are identical twin boys, Anak A1 and Anak A2, aged 13, from her second marriage. Anak A1 lives with Responden A and Pasangan Responden A (his stepfather), while Anak A2 was adopted at birth by a non-relative couple from Tempel Sleman. Responden A's decision to allow Anak A2's adoption stemmed from her fear of being unable to adequately care for two infants simultaneously due to severe economic constraints. She believed the adoptive parents' promise of a better life for Anak A2, who has since been raised without knowledge of his biological parents. Legal documents, including Anak A2's birth certificate and adoption decree, were handled by the adoptive parents, leaving Responden A uncertain about the lineage recorded. Neither Responden A nor Anak A2's biological father has seen Anak A2 since his birth, and the biological father has not contributed to Anak A1's upbringing. Responden A and Pasangan Responden A currently support Anak A1, with Pasangan Responden A bearing the primary financial burden due to Responden A's chronic diabetes, which recently led to toe amputation and significantly limits her ability to work.

The practices of child rights fulfillment by Responden A and Pasangan Responden A are analyzed through the lens of *Maqāṣhid Syari'ah* and Max Weber's social action theory:

1. Protection of Religion (*ḥifẓ ad-dīn*): Responden A and Pasangan Responden A demonstrate their commitment to *ḥifẓ ad-dīn* by enrolling Anak A1 in SD 02 Adi Sucipto and encouraging his participation in the Rumah Yoel learning program. This aligns with the principle of preserving religion by providing formal education that includes religious instruction, thereby instilling religious values in the child. This action reflects a value-rational action (*Wertrational*) according to Weber, where the parents act based on their conviction in the absolute value of religious and moral education, regardless of the immediate practical outcome. Their efforts reflect the intention to nurture Anak A1's spiritual development, embodying the maxim "*Actions are judged by their intentions.*"
2. Protection of Life (*ḥifẓ al-nafs*): The family prioritizes Anak A1's basic needs, ensuring he receives adequate food, even if it is minimal. This directly supports the *ḥifẓ al-nafs* principle, as fulfilling essential needs is crucial for maintaining the child's physical and mental well-being. The principle of "What cannot be achieved entirely should not be abandoned entirely" applies here, as their efforts, though limited, ensure Anak A1's survival. Responden A's practice of occasionally taking Anak A1 scavenging is also seen as an attempt to protect him by keeping him supervised. This action can be categorized as an instrumental-rational action (*Zweckrational*) by Weber, as it is a calculated means to achieve the goal of child supervision and safety given their limited resources. However, this practice carries risks, such as exposure to germs and fatigue, which could negatively impact his health and development. The Islamic legal maxim, "Preventing harm takes precedence over acquiring benefits," suggests that alternative childcare arrangements should be sought to avoid potential harm to the child.
3. Protection of Lineage (*ḥifẓ al-nasl*): Responden A's diligence in obtaining Anak A1's birth certificate and other administrative documents aligns with *ḥifẓ al-nasl*, ensuring his clear legal identity and lineage, which is vital for future matters like guardianship and inheritance. This is an instrumental-rational action aimed at securing legal status. However, the adoption of Anak A2 without clear documentation of his biological lineage and the agreement to prevent contact with his biological parents raise concerns. Islamic law emphasizes the importance of maintaining clear lineage (*nasab*) to prevent issues such as consanguineous marriages and to ensure a child's moral right to know their origins. While adoption

(*tabanni*) is permissible in Islam as an act of compassion, it does not transfer lineage. The child's nasab must remain with the biological father, and the adoptive parents should not mislead the child about their true parentage. The prohibition of contact between Anak A2 and his biological parents, driven by economic hardship, is problematic as it severs a fundamental moral right. This decision, while seemingly instrumental-rational in addressing immediate economic pressure, also contains elements of affectual action (*Affektuell*) driven by desperation. The principle of "When there are two harms, avoid the greater harm by committing the lesser harm" suggests that while poverty is a hardship, severing a child's lineage and connection to their biological parents is a greater harm. Trust in Allah's provision is encouraged, as stated in *At-Talāq* (65):2-3, "And whoever fears Allah, He will make for him a way out and provide for him from where he does not expect."

4. Protection of Intellect (*ḥifẓ al-ʿaql*): Responden A and Pasangan Responden A's efforts to enroll Anak A1 in formal schooling and encourage his participation in supplementary learning programs like Rumah Yoel directly contribute to *ḥifẓ al-ʿaql*. This demonstrates their understanding of the importance of education for intellectual development, even with limited resources, fulfilling their role as parents in providing for their child's intellectual growth at a basic, essential level. This is a clear value-rational action, driven by the belief in the inherent good of education for their child's future.
5. Protection of Property (*ḥifẓ al-māl*): Pasangan Responden A's work as a scavenger to provide for his family's daily needs aligns with *ḥifẓ al-māl*. Working to sustain one's family is a fundamental obligation in Islam, regardless of the perceived status of the profession, as long as the earnings are obtained through lawful and ethical means. This is primarily an instrumental-rational action aimed at economic survival.

Analysis of Child Rights Fulfillment by Reponden B and her Spouse B

Responden B (40 years old) and Pasangan Responden B (45 years old), both with elementary school education, have three children: Anak B1 (22), Anak B2 (18), and Anak B3 (11). Anak B1 is married and lives in Wonosari. Anak B2 lives with her grandmother in Gunungkidul and did not continue her education beyond junior high due to financial constraints. Anak B3 is in the third grade at SD Negeri 02 Adi Sucipto. The family has lived in the scavenger settlement for three years, having moved from Saptosari. Pasangan Responden B works as a scavenger, and Responden B works as a domestic helper. Despite both working, they struggle to meet their daily needs. Anak B3's education is supported by Responden B's employer, who pays his school fees. Anak B3 also attends the Rumah Yoel learning program. Responden B and Pasangan Responden B believe their parental duties include teaching good values, monitoring their children's growth, providing education, and allowing them freedom to play. They have also ensured all their children have birth certificates. Their main challenge is economic hardship, which limits their ability to provide more for their children.

The practices of child rights fulfillment by Responden B and Pasangan Responden B are analyzed through the lens of *Maqāshid Syari'ah* and Max Weber's social action theory:

1. Protection of Religion (*ḥifẓ ad-dīn*): By enrolling Anak B3 in SD 02 Adi Sucipto, even with external assistance, Responden B and Pasangan Responden B contribute to *ḥifẓ ad-dīn*. This ensures Anak B3 receives religious education, fostering his faith and moral development. This action is a value-rational action, driven by their conviction in the importance of religious upbringing. Their efforts, though not comprehensive, are a step towards preserving religious values in their child.

2. Protection of Life (*ḥifẓ al-naḥs*): The family's consistent effort to provide Anak B3 with daily necessities, even if minimal, aligns with *ḥifẓ al-naḥs*. This ensures his physical well-being and survival. This is an instrumental-rational action to ensure basic survival. The principle of "What cannot be achieved entirely should not be abandoned entirely" applies here, as their efforts, though limited, ensure Anak B3's basic needs are met.
3. Protection of Lineage (*ḥifẓ al-nasl*): Responden B's successful acquisition of birth certificates for Anak B1, Anak B2, and Anak B3 demonstrates adherence to *ḥifẓ al-nasl*. This ensures their clear legal identities and lineages, preventing future issues related to guardianship or inheritance. This is an instrumental-rational action to secure legal status. While Anak B2 lives with her grandmother due to financial limitations, the family maintains contact, which helps preserve familial ties, reflecting a traditional action rooted in familial bonds.
4. Protection of Intellect (*ḥifẓ al-ʿaql*): Beyond formal schooling, encouraging Anak B3 to participate in the Rumah Yoel learning program reflects their commitment to *ḥifẓ al-ʿaql*. This additional learning opportunity helps develop his intellect and provides a more comprehensive educational experience. This is a value-rational action, driven by the belief in the importance of education for a better future.
5. Protection of Property (*ḥifẓ al-māl*): Both Responden B and Pasangan Responden B work diligently as a domestic helper and scavenger, respectively, to provide for their family. This commitment to earning a livelihood, even with modest income, fulfills the *ḥifẓ al-māl* principle. Their continuous effort to work, regardless of the nature of the job, as long as it is lawful, demonstrates their responsibility in securing their family's economic well-being. This is primarily an instrumental-rational action for economic sustenance.

Analysis of Child Rights Fulfillment by Responden C and Pasangan Responden C

Responden C (40 years old) and Pasangan Responden C (38 years old), both with elementary school education, are a married couple residing in the Wonocatur scavenger settlement for three years. They have one daughter, Anak C1, aged 3.5 years. Pasangan Responden C is the sole breadwinner, working as a scavenger, while Responden C is a homemaker. They believe their parental duties include teaching good values, reading, writing, and providing for Anak C1's basic needs. Responden C actively accompanies Anak C1 to the Rumah Yoel learning program and they plan to enroll Anak C1 in TK Adisucipto. They have also ensured Anak C1 has a birth certificate and a Child Identity Card (KIA). They report no significant challenges in fulfilling Anak C1's rights so far, as her needs are currently minimal. Their economic situation is relatively stable compared to other families, as they only have one young child.

The practices of child rights fulfillment by Responden C and Pasangan Responden C are analyzed through the lens of *Maqāṣhid Syari'ah* and Max Weber's social action theory:

1. Protection of Religion (*ḥifẓ al-dīn*): Responden C and Pasangan Responden C's efforts to instill good character, teach basic literacy, and provide early learning experiences for Anak C1 align with *ḥifẓ al-dīn*. This foundational moral and educational upbringing is crucial for nurturing religious values and good conduct in the child from a young age. This is a value-rational action, driven by their conviction in the importance of moral and religious upbringing.
2. Protection of Life (*ḥifẓ al-naḥs*): Their consistent provision of food and diligent care for Anak C1 directly support *ḥifẓ al-naḥs*. Ensuring her physical needs are met is

essential for her healthy growth and development. This is an instrumental-rational action to ensure basic well-being.

3. Protection of Lineage (*ḥifẓ al-nasl*): The acquisition of Anak C1's birth certificate and Child Identity Card (KIA) demonstrates their commitment to *ḥifẓ al-nasl*. This ensures her clear legal identity and lineage, preventing potential future issues related to guardianship or inheritance. This is an instrumental-rational action to secure legal status.
4. Protection of Intellect (*ḥifẓ al-'aql*): Besides, Responden C also accompanies Anak C1 during learning activities at Rumah Yoel. Responden C and Pasangan Responden C have agreed to enroll Anak C1 in kindergarten in the near future. This has been in line with the aspect of *ḥifẓ al-'aql*, because good parents are those who realize that maintaining and training children's intellectual intelligence should be started early. This is a value-rational action, driven by the belief in the importance of early education.
5. Protection of Property (*ḥifẓ al-māl*): Pasangan Responden C works to meet the daily needs of his child and family. This is in line with the aspect of *ḥifẓ al-māl*, because one of the things related to the maintenance of property that is in the position of *ḍarūriyat* (primary) needs is the obligation of everyone to work to meet every family's living needs that are under their responsibility, no matter how small the job is, as long as it is obtained and carried out in a lawful and permissible way according to Islam. This is primarily an instrumental-rational action for economic sustenance.

Analysis of Child Rights Fulfillment by Responden D

Responden D (26 years old) is a single mother and scavenger (*pemulung mayeng*) who has lived in the scavenger settlement for 10 years with her 9-year-old son, Anak D1. She became a widow in 2019 after her husband abandoned them and moved to Kalimantan, leaving her solely responsible for Anak D1's upbringing. Responden D believes her parental duties include providing basic needs, education, healthcare, and emotional support for Anak D1. She acknowledges the emotional toll of being a single parent, sometimes resorting to physical discipline, but emphasizes her deep love for Anak D1 and her determination to prevent him from being taken by his irresponsible father. She works tirelessly, even resorting to loans from informal lenders, and seeks more stable employment. Anak D1 attends SD Negeri 02 Adi Sucipto, though his schooling was interrupted during his parents' divorce. Responden D ensures Anak D1 has his birth certificate and has pursued the Smart Indonesia Program (PIP) scholarship, which only materialized once. She often takes Anak D1 scavenging to keep him safe and supervised, especially to avoid encounters with social services or public order officers. Despite economic hardship, she is grateful for what they have and strives to maintain their dignity by working hard rather than begging.

The practices of child rights fulfillment by Respondent D are analyzed through the lens of *Maqāshid Syari'ah* and Max Weber's social action theory:

1. Protection of Religion (*ḥifẓ ad-dīn*): Despite her limited religious knowledge, Responden D encourages Anak D1 to attend religious classes at the local mosque. This effort, though indirect, contributes to *ḥifẓ ad-dīn* by ensuring Anak D1 receives religious instruction and practices Islamic rituals. This is a value-rational action, driven by her conviction in the importance of religious upbringing.
2. Protection of Life (*ḥifẓ al-nafs*): Responden D's dedication to providing Anak D1's basic needs, including food and medicine, and protecting him from negative

influences by moving him to a different class or taking him scavenging, aligns with *ḥifẓ al-naḥs*. Her actions aim to ensure his physical and psychological well-being. This is an instrumental-rational action for survival and protection. However, her admission of occasionally resorting to physical discipline, even if mild, is concerning. This can be seen as an affectual action (Affektuell) driven by emotional stress. Any form of violence against children, regardless of severity, can have detrimental effects on their physical and mental health. The principle "Harm must be eliminated" underscores the importance of avoiding such practices.

3. Protection of Lineage (*ḥifẓ al-nasl*): Responden D's efforts to secure Anak D1's birth certificate fulfill *ḥifẓ al-nasl*, ensuring his clear legal identity and lineage. This is crucial for his future rights and recognition within society. This is an instrumental-rational action to secure legal status.
4. Protection of Intellect (*ḥifẓ al-ʿaql*): Responden D fulfills Anak D1's educational needs by enrolling him in SD 02 Adi Sucipto and encouraging his participation in Rumah Yoel's learning activities. Her optimism and efforts to secure the PIP scholarship for Anak D1's education, despite its inconsistent disbursement, further demonstrate her commitment to *ḥifẓ al-ʿaql*. This is a value-rational action, driven by the belief in the transformative power of education.
5. Protection of Property (*ḥifẓ al-māl*): Responden D works as a scavenger to meet daily needs, which aligns with *ḥifẓ al-māl*. This is an instrumental-rational action for economic survival. However, her reliance on informal loans (*Bank Plect*) raises concerns about the lawfulness and ethical implications of the funds. This can be seen as an instrumental-rational action born out of necessity, but it carries risks. Islamic principles emphasize earning a livelihood through lawful and good means, as earnings from illicit sources can have negative spiritual and physical consequences. The principle "What is forbidden to take is forbidden to give" highlights the importance of ensuring the purity of sustenance provided to children.

CONCLUSION

This research was designed with a simple yet profound question: how do scavenger families, living in conditions of scarcity and marginalization, try to fulfill the rights of their children? By using the framework of Maqāṣhid al-Sharīʿah and Max Weber's social action theory, the study aimed not only to describe practices of hadlanah, but also to uncover the deeper meanings and struggles that lie behind these practices.

The findings clearly show that the fulfillment of children's rights in the scavenger community of Gang Rukun is partial and uneven. Parents make remarkable efforts often at great personal sacrifice, but these efforts mostly succeed only at the level of *ḍaruriyyāt*, or essential needs. In concrete terms, this means that children usually have food, basic schooling, and official identity documents. Parents also try, within their means, to instill religious values and provide protection. However, the fulfillment rarely goes beyond the survival level. When it comes to *ḥājjiyyāt* (complementary needs) such as secure housing, health facilities, or consistent religious practice, and especially *taḥṣīniyyāt* (refinements) like cultural enrichment, healthy environments, or advanced education, the picture remains bleak.

When viewed through the five dimensions of Maqāṣhid al-Sharīʿah, the reality becomes clearer. In terms of *ḥifẓ al-dīn* (protection of religion), parents make sure children attend schools where Islamic values are taught. Yet, consistent practice and deeper spiritual growth are often left behind. In *ḥifẓ al-naḥs* (protection of life), parents strive to provide

meals and shelter. But cramped housing, occasional child labor, and health risks show the fragility of this protection.

For *ḥifẓ al-ʿaql* (protection of intellect), all families send children to school and sometimes to non-formal education programs, showing their awareness of education as a pathway out of poverty. In *ḥifẓ al-nasl* (protection of lineage), most parents succeed in securing birth certificates, though adoption practices that blur biological lineage create ethical dilemmas. Finally, *ḥifẓ al-māl* (protection of wealth) is present in the parents' commitment to honest labor, even in low-status jobs. Yet reliance on informal and sometimes exploitative loans undermines the stability and ethical quality of their economic life.

From Weber's perspective, the daily actions of these families are not just about survival. They are infused with meaning. Many decisions reflect instrumental rationality for example, sending children to school in the hope of upward mobility. Other actions are value-rational, rooted in deep convictions about faith, family, and dignity. Some behaviors are traditional, carried forward from community customs such as involving children in scavenging. At times, decisions are affectual, born from emotions of love, fear, or despair. These insights reveal that even in the harshest conditions, families act with agency, mixing rational calculations with values, traditions, and emotions. Poverty does not erase human meaning; it reconfigures it.

Theoretically, the contribution of this study lies in bringing *Maqāṣhid al-Shari'ah* into conversation with Weberian sociology. *Maqāṣhid* here is not only a legal doctrine but a lived compass that guides everyday parental choices. At the same time, Weber helps us to see how these choices are filled with subjective meaning. Together, they offer a richer, more human picture of child rights fulfillment in marginalized Muslim communities. This approach enriches the transnational discourse on Islamic law and child protection, showing that Islamic concepts of welfare and modern sociological theory can mutually illuminate one another.

At the same time, this study is not without its limitations. First, the research is based on only four families. This small sample provides depth but cannot claim representativeness. Second, the methodology relied primarily on qualitative interviews and observations. While powerful in revealing meaning, it lacks the statistical weight that broader surveys could provide. Third, the study is geographically narrow, focused only on Wonocatur, which may not reflect the diversity of scavenger experiences in Indonesia. Fourth, children's voices themselves are heard only indirectly; much of the narrative is filtered through the perspectives of parents. This limits the study's ability to capture how children personally experience their rights or the lack thereof.

For these reasons, further research is needed. Future studies should expand the scope to include scavenger communities in multiple regions, comparing urban and rural experiences. Mixed methods research combining in-depth qualitative work with larger-scale quantitative surveys would yield both depth and breadth. Children's own perspectives should be given more space, as their lived experiences may differ significantly from parental accounts. International comparative research could also be valuable, exploring how marginalized Muslim communities in other countries negotiate similar issues of child rights, poverty, and religious norms.

From a policy standpoint, this study points to several directions. First, legal guarantees alone are not enough; without economic support, families cannot move beyond *ḍarūriyyāt*. Second, community-based education and religious programs, like Rumah Yoel, play a crucial role in bridging gaps and should be supported. Third, there is a need for better coordination between government institutions, local mosques, and NGOs to create

holistic child protection systems that combine legal enforcement with socio-economic empowerment. As the Qur'an reminds us, "*And do not kill your children out of poverty; We provide for you and them*" (Q.S. al-An'ām 6:151). This verse speaks directly to the tension scavenger families face: poverty tempts them to compromise their children's welfare, but faith insists that sustenance ultimately comes from God.

Overall, this study has achieved its objectives. It has shown how scavenger families strive, with very limited resources, to uphold the rights of their children. It has revealed the interplay between Islamic law objectives and lived realities, between rational strategies and emotional struggles. It has also demonstrated that behind every act of feeding, schooling, or protecting a child, there are layers of meaning shaped by faith, tradition, and survival.

Yet, this study is also an invitation to scholars, policymakers, and society at large. It invites scholars to explore further the intersections between Islamic law and lived social practices. It calls policymakers to design interventions that recognize not only the legal dimensions of child rights but also the socio-cultural logics that guide parental decisions. It asks society to see scavenger families not as passive victims but as active moral agents who, despite poverty, continue to pursue the objectives of the *Shari'ah*.

In closing, the struggle of scavenger families to fulfill children's rights is more than a story of deprivation; it is a story of persistence, agency, and moral commitment. Their efforts show that even in the margins of society, the principles of protecting religion, life, intellect, lineage, and wealth are not forgotten. They may be fragile, incomplete, and sometimes compromised, but they are alive. For Weber, this is the essence of social action human beings attaching meaning to what they do. For Islamic law, this is the essence of *Maqāshid* preserving what is most essential to human dignity. Bridging these two insights, the study contributes to a vision of child protection that is both legally sound and socially empathetic. This vision, though still far from realization, is the horizon towards which future research, policy, and collective effort must move.

REFERENCES

- Abdullah, A. H., Abdullah, W. M., Al-Bayati, A. K. K., Al-Obaidi, B. S. H., & Khlaponina, S. (2024). Effectiveness of Islamic law in protecting the rights of the child. *Journal of Humanitarian Issues*, 10(1). <https://doi.org/10.29240/jhi.v10i1.12586>
- Abolaji, A. T., & Ismail, F. S. M. (2018). Maqāshid al-Shari'ah: A pathway for protecting children's right to health. *Jurnal Undang-Undang dan Masyarakat*, 22, 75–84. <http://ejournal.ukm.my/juum/issue/view/1149>
- Aibak, K. (2023). Implementation of Maqāshid Shari'ah in reform of case management of violence against women and children. *De Jure: Jurnal Hukum dan Syar'iah*, 15(1), 82–98.
- Al-Syatibi, Abu Ishaq. "Al-Muwafaqat Fi Ushul al-Syari'ah." Vol. II (Beirut: Dar Al Kutub Al Ilmiyah, Tt) 1 (2003)
- Anandar, R., Yuniarti, K. W., & Karyani, U. (2015). Dukungan sosial terhadap anak jalanan di Bandung: Tinjauan literatur. *Share: Social Work Journal*, 5(1), 1–12. [https://\(Placeholder1\)](https://(Placeholder1))
- Anneli Miettinen. "Childlessness Intentions and Ideals in Europe". Finnish Yearbook of Population Research XLIX 2014, pp. 31–55." Accessed July 3, 2023. <https://journal.fi/fypr/article/view/48419>
- Ayu, R. F., & Kamsi. (2022). Protection of children as a philosophical and sociological base for the age limit: Maqāshid Shari'ah version of Jasser Auda. *Al-Risalah Jurnal Ilmu Syariah dan Hukum*. <https://doi.org/10.24252/al-risalah.vi.25489>

- Azwar, Z., Armi, M. I., Zulfan, Z., Jelani, A. B., & Nasri, A. L. (2024). *Child filiation and its implications on maintenance and inheritance rights: A comparative study of regulations and judicial practices in Indonesia, Malaysia, and Turkey*. *Journal of Islamic Law*, 5(1), 62-85. <https://doi.org/10.24260/jil.v5i1.2326>
- Bharadwaj, P., Graeber, D., Khoury, S., & Schmid, C. P. R. (2026). Asylum seekers and host country mental health: Evidence from Germany and Switzerland. *Journal of Development Economics*, 178, 103579. <https://doi.org/10.1016/j.jdeveco.2025.103579>
- Deanella, G., & Handini, F. T. (2023). Apakah anak yang bekerja sebagai pemulung masih mempunyai motivasi belajar? *Jurnal Perkotaan*, 15(2), 119–132. <https://ejournal.atmajaya.ac.id/index.php/perkotaan/article/view/5535>
- Elvira, L. E., Muchtar, H., Isnarmi, & Bakhtiar, Y. (2024). Peran pemulung dalam menunjang pendidikan anak. *Journal of Education, Cultural and Politics*, 4(2), 346–356. <https://jecco.ppi.unp.ac.id/index.php/jecco/article/download/494/114/>
- Haling, S., Halim, P., Badruddin, S., & Djanggih, H. (2018). Perlindungan hak asasi anak jalanan dalam bidang pendidikan menurut hukum nasional dan konvensi internasional. *Jurnal Hukum & Pembangunan*, 48(2), 361–378. <https://doi.org/10.21143/jhp.vol48.no2.1668>
- Harahap, I., Siregar, F. A., & Hariyanto, E. (2025). Understanding the rise of childfree marriage: Avoiding toxic family, being happy and well without children despite contradiction with Maqasid al-Sharia. *Al-Istinbath: Jurnal Hukum Islam*, Vol. 10(1), <https://doi.org/10.29240/jhi.v10i1.9984>
- Hariyanto, H., Meidina, A. R., & Azizah, M. (2024). Decentralization and the fulfilments of children's rights: Challenges and opportunities for local government in Indonesia. *Legal Spirit Law Review*, 8(2), 149–163. <https://doi.org/10.15294/lslr.v8i2.14373>
- <https://ejournal.uin-malang.ac.id/index.php/syariah/article/view/20666>
- Indonesia. (2014). Undang-Undang Republik Indonesia Nomor 35 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak. (Lembaran Negara RI Tahun 2014 No. 297).
- Irianti, M. F., & Putri, D. (2024). Perlindungan hukum terhadap anak ditinjau dari UU No. 35 Tahun 2014. *Focus: Journal of Social Studies*, 4(1), 45–56. <https://journal.neolectura.com/index.php/focus/article/view/2002>
- Laksmiana, D. F. S., & Simanjuntak, P. (2021). Perlindungan hak anak jalanan sebagai korban penelantaran. *Bina Mulia Hukum*, 10(1), 74–86. <https://ejournal.hukumunkris.id/index.php/binamulia/article/view/381>
- M. S. Abou El Farag. (2023). The impact of Maqasid al-Shariah on legal protection of human security: A Qatari law perspective. *Journal of Law and Social Sciences*, 3(2), 55–69. <https://ojs.journalsdg.org/jlss/article/view/983>
- Miftakhul Marwa, M., Wahyudi, I., & Shalihah, F. (2022). *Analysis of child labor rights fulfillment based on Maqashid Syariah*. *JUSTISI*, 10(2), 123–135. <https://doi.org/10.33506/js.v10i2.2861>
- Moukoni, A. J., & Niron, A. (2022). Dampak aktivitas pemulung anak di TPA Manulai II. *Jurnal Ilmu Sosial dan Humaniora*, 11(3), 150–162. <https://media.neliti.com/media/publications/592351-dampak-aktivitas-pemulung-anak-di-tempat-94ca2377.pdf>

- Mulyadi, D. (2021). Rekonstruksi UU No. 35 Tahun 2014 tentang Perlindungan Anak. *Jurnal Pendidikan dan Literasi Hukum*, 1(2), 101–112. <https://ejournal.unma.ac.id/index.php/jpl/article/view/1506>
- Paramitha, V. N., & Sukardi, S. (2023). Legal protection of street children as a result of economic exploitation based on the Child Rights Convention 1989. *JPPI (Jurnal Penelitian Pendidikan Indonesia)*, 9(2), 755–764. <https://doi.org/10.29210/020232108>
- Pribadi, H. P., Gandryani, F., & Purwati, A. (2023). Perlindungan hukum terhadap anak jalanan yang dieksploitasi sebagai pengemis. *Jurnal Ilmu Hukum Wijaya Putra*, 1(1), [halaman tidak disebutkan]. <https://doi.org/10.38156/jihwp.v1i1.95>
- Ramadhan, I., Ritiyani, E., & Hasibuan, A. (2021). Kontribusi relawan “Aku Belajar” bagi anak-anak pemulung di TPA Batulayang. *Muqoddimah: Jurnal Ilmu Sosial, Politik dan Humaniora*, 5(2), 88–97. <https://jurnal.um-tapsel.ac.id/index.php/muqoddimah/article/view/3578>
- Razak, S. S. A., Wahab, H. A., Nor, R. M., & Yaacob, T. Z. (2025). Labour rights protection for young workers on digital labour platforms: An Islamic perspective. *Malaysian Journal of Syariah and Law (MJSL)*, 13(1), 100-1-9. <https://doi.org/10.33102/mjssl.vol13no1.665>
- Risal, A. A. N., & Mustari, M. (2024). Transformasi pendidikan dan keterampilan di Kampung Pemulung. *Teknovokasi*, 11(1), 12–22. <https://journal.unm.ac.id/index.php/TEKNOVOKASI/article/view/2239>
- Santoso, L., & Abror, D. (2021).** *Pola pemenuhan hak asuh anak pada keluarga buruh migran Indonesia: Perspektif Maqāshid Syari'ah*. **Al-Syakhsiyyah: Journal of Law & Family Studies**, 2(1), 1–20. <https://doi.org/10.21154/syakhsiyyah.v2i1.2160>
- Sarmadi, A. S., & Fadhila, N. (2024). Perlindungan anak dalam konteks pencabulan menurut UU 35/2014. *Indonesian Research Journal in Education*, 8(1), 77–90. <https://irje.org/irje/article/view/592>
- Schoonbroodt, Alice. “Parental Child Care during and Outside of Typical Work Hours.” *Review of Economics of the Household* 16, no. 2 (June 1, 2018): 453–76. <https://link.springer.com/article/10.1007/s11150-016-9336-y>
- Setyawan, G. A., Wijaya, A. F., Hermawan, H., & Yurizal, Y. (2023). Legal protection for children in conflict with the law: Policy evaluation and reform recommendations. *Jurnal Hukum*, 40(2), 215–234. <https://doi.org/10.26532/jh.v40i2.42331>
- Turunç, G., & Kisbu, Y. (2025). Effects of pre- and post-displacement difficulties on parenting behaviors of refugee fathers. *International Journal of Behavioral Development*, 49(3), 205–213. <https://doi.org/10.1016/j.jdevec.2025.103579>
- Wui, M. G. L., & Leviste, E. N. P. (2024). Max Weber, education, and the rise of modern societies. In P. Smeyers (Ed.), *Palgrave handbook of educational thinkers* (pp. 1085–1098). Palgrave Macmillan.
- Yusefri, Y., & Mursal. (2024). Protecting child labor rights: A Maqasid Sharia framework for Indonesia’s Child Protection Law. Samarah: *Jurnal Hukum Keluarga dan Hukum Islam*, 8(1), 1–25. <https://jurnal.ar-raniry.ac.id/index.php/samarah/article/view/24559>

