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وَتَبْرِئِ سِتِيْ اِسْلَامًا اَنْبَارًا يَجْنِبُ مِلْدِسِنَا



CHILD'S RIGHT TO LIFE IN THE LIGHT OF THE OBJECTIVES OF ISLAMIC LAW (*MAQASID AL- SHARI'AH*)

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INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA (IIUM)

LOCATION

- **Main Campus:** Gombak, Selangor (283 hectares)
- **Centre for Foundation Studies Campus:** Petaling Jaya & Nilai
- **Kuantan Campus:** Bandar Indera Mahkota (404 hectares)
- **International Institute of Islamic Thought & Civilization (ISTAC) Campus:** Kuala Lumpur (8 hectares)



POPULATION

■ STUDENTS:

- **Undergraduate:** 15,807 Students
(*Malaysian: 14,003, Internationals: 1,804*)
- **Postgraduate:** 3,008 Students
- International students come from over 90 countries

} (As of June 2007)

■ STAFF:

- **Academic Staff:** 1,633 Lecturers
- **Administrative Staff:** 1,489 Staff

} (As of Feb 2007)

LANGUAGE

■ Medium of instruction:

- **ENGLISH**
- **ARABIC** (*for faculty of Laws & Islamic Revealed Knowledge*)

FACULTY

- **No. of faculties: 15** (*Some of them include; Laws, Economics & Management Sciences, Engineering, Architecture, Medicine, Allied Health Sciences, Dentistry and Pharmacy*)



Background

- Children are fragile and requires protection from adult
- Nowadays, children are maltreated and abused and became the victims of war, abortion, abused, abandonment etc
- Despite protection, child's right to life is infringed and threatened

Aims of Research

- Mainly to examine the extent of protection of children's right to life under Islamic jurisprudence
- Examination extends among others to means of protecting the children's right to life in Islam

Methodology

- The research is basically qualitative
And theoretical in nature
- early stage
- The data is collected in library based on
the writings of Muslim scholars

Islamic Overview on Right to Life

- Life under Islamic law is sacred
- no one is permitted to take the life of another human being except in accordance with the requirements of the *Shari'ah*.
- Islam guarantees right to life to all human being including children

Islamic Overview contd..

- ❑ “..if anyone killed a person, it would be as if he killed all mankind. And if anyone saved a life, it would be as if he saved the life of the whole human kind... al-Ma'idah; 5:32.
- ❑ “And do not kill anyone who Allah has forbidden except for a just cause.” al-Isra':33
- The above verse emphasizes on prohibition of taking life of another person. At the same time, it highly promotes saving life of another



Islamic overview contd...

- The above verse also indicates that in Islam, Life is of high and essential value that need to be protected
- In this respect, Protection of right to life is taken as one of the principles of *maqasid al-Shari'ah*
- I.e. it is one of the main objectives of Islamic law to protect the right to life of all human being including children

The Principle of Maqasid al-Shar'iah in Islamic Jurisprudence

- Literally means: The objectives of Islamic law
- The objectives intended by the Law Giver in legislating the law (the Shari'ah)
i.e. To secure benefit to human kind and to repel harm that might inflict on them

The Principle of Maqasid al-Shari'ah contd...

- The Quran states to the effect;
- ✘ “ O mankind! There has come to you a good advice from your Lord (i.e. the Quran ordering all that is good and forbidding all that is evil), a healing for that (disease of ignorance, doubt, hypocrisy and differences, etc.) in your hearts, - a guidance and a mercy (explaining lawful and unlawful things, etc) for the believers.

✘ (Yunus; 10:57)
<http://www.iium.edu.my>

Classification of Maqasid al-Shari'ah

- Divided into three;
- Protecting the most essential values
- Protecting the Complementary Values
- Protecting the Embellishment

Protection of Five Most Essential Values

- Religion
- Life
- Lineage/Dignity
- Mind
- Property

Protection of Life

- Life is one of the five most essential values aimed to be protected by Islamic law (the Shari'ah)
- Every body is guaranteed of right to life including children
- Islamic law rules that any act that endangers life is prohibited
- Eg murder

Protection of life contd...

- On this basis, the Quran states to the effect; “ And do not kill anyone who Allah has forbidden except for a just cause.” al-Isra’:33
- Islamic law also imposes a heavy punishment for murder
- “O you who believe! Al-Qisas (law of equality in punishment) is prescribed for you in case of murder” al-Baqarah: 178



Protection of Child's Right to Life

- Protection of right to life in the above verses are applicable to all including children
- Therefore, all acts that endanger children's right to life are prohibited in Islam

Means of Protection of Child's Right to Life

- To achieve protection of child's right to life, Islamic law adopts among others the following approaches;
 - Prohibition of Abortion
 - Prohibition of killing a child,
 - Punishment for killing and compensation provided for victims family
 - Children not to participate in armed forces or war
 - Children to be protected during war
 - Protection from any form of harm that endangers child's life e.g. abuse, abandonment, picking up the abandoned child

Prohibition of Abortion

- Abortion refers to termination of pregnancy before the baby is born
- Islam protects child's right to life from the day of its formation i.e. while it is in the form of foetus in the womb of a mother
- Therefore, once a baby is conceived, any act that endangers the baby's life is prohibited
- Abortion is unlawful in Islam unless for medical reason or when the life of the mother is threatened

Prohibition of Killing

- The Quran provides clear provision on prohibition of killing a child
- Eg; And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin.”
Qur'an; al-Isra:31.

Prohibition of Killing contd..

- The Prophet states to the effect;
 - “The best deed after faith in Allah is to honor the command of Allah and to be merciful to Allah’s creatures
 - “Those who do not have mercy upon the minor (small child) and do not respect the elder are not from us” al-Tarmidhi

Punishment of Killing

- Islam imposed a severe punishment for killing a child i.e. retaliation (qisas) or blood money
- Eg the Quran states to the effect;
- “And We ordained for them therein a life for a life, an eye for an eye, a nose for a nose,for wounds is legal retribution. But whoever gives [up his right as] charity, it is an expiation for him. And whoever does not judge by what Allah has revealed then it is those who are the wrongdoers [i.e., the unjust].” Qur’an al-Maidah:45

Punishment for Killing contd..

- As one's life is sacred, murder by mistake is also liable to payment of bloodmoney (diyyah)

Children Not to Participate in Armed Forces

- Islam does not allow the participation of children in hostilities as combatants
- Eg: the Prophet (PBUH) refused to accept the voluntary offer by Usamah ibn Zayd and Abdullah ibn Umar to participate in the battle of *Uhud* as combatants because they were still young

Enjoinment to Protect Children During War

- A child's life is cherished so dearly under the shari'ah that even during hostilities, the rules of war fare demands that a child must not be killed
- Eg: The Prophet (PBUH) while sending Muslim army to the war front gave them the following orders
- "Advance in the name of Allah, with Allah, on the pattern of the Messenger of Allah. That means do not to kill the elderly, infants or children and women. Do not exceed the proper bounds. Gather your spoils and make peace, and do good. Lo! Allah loves those who do good

Protection From any form of Harm that endangers child's life eg. Abuse, abandonment

- Islam enjoins protection of children from any form of harm
- as the Quran generally states;
 - “Al-Quran, al-Maidah 5:2
 - “And help you one another in righteousness and piety”
 - Surah al-Hajj, 22:77
 - “...And do good, that you may prosper

Protection From Harm

contd...

- The Prophet (saw) said;
- “The best deed after faith in Allah is to honor the command of Allah and to be merciful to Allah’s creatures
- “Those who do not have mercy upon the minor (small child) and do not respect the elder are not from us” al-Tarmidhi

Protection From Harm

contd...

- The Prophet saw said;
- He who alleviates the suffering of a brother out of the sufferings of the world, Allah would alleviate his suffering from the sufferings of the day of resurrection, and he who finds relief for one who is hard pressed, Allah would make things easy for him in the Hereafter and he who conceals (the faults) of a Muslim, Allah would conceal his faults in the world and in the hereafter. Allah is at the back of a servant so long as the servant is at the back of his brother..." Sahih Muslim

Conclusion

- Children are the future of a nation
- They are vulnerable creatures that should not be harmed but to be protected
- They should be loved and cherished
- Islam guarantees this right and regard it as one of the priority
- It is within the spirit of Islamic law and embodied as one of it's objectives (maqasid al-Shari'ah)

THANK YOU