



Parental Obligation to Provide Religious Education to Children under Islamic Family Law in Indonesia

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Abstract

This research aims to examine the obligations of parents in providing religious education to children from the perspective of Islamic family law in Indonesia. Religious education is a basic right of children guaranteed by law, as well as the main responsibility of parents as the first and main educators in the family. Through a normative juridical method with a descriptive-analytical approach, this study analyzes various relevant regulations, such as the Compilation of Islamic Law (KHI), Law Number 1 of 1974 concerning Marriage, and Law Number 35 of 2014 concerning Child Protection. The results of the study show that Islamic family law explicitly obliges parents to instill religious education to children as part of the process of shaping children's morals, morals and character from an early age. The implications of the results of this study indicate that the lack of legal awareness and weak implementation of religious education responsibilities by parents can lead to the formation of a young generation that is spiritually weak and prone to deviant behavior. Thus, strengthening the role of the family in children's religious education is an important aspect in creating a generation of faith, piety and noble character.

Keywords

islamic family law; obligation; religious education

INTRODUCTION

The family in a sociological and religious perspective has a very important position in the formation of children's character and personality. In the Islamic context, the family is seen as the first and main place in instilling the values of faith and piety, especially through religious education (Zulhaini, 2019; Iqbal, et al., 2024). Therefore, religious education in the family environment is a responsibility that cannot be transferred to other parties.

Religious education serves as the foundational pillar for children in facing life's various challenges. Amid rapid societal transformation, children are highly susceptible to foreign values that may conflict with Islamic teachings. Consequently, consistent religious education provided by parents can serve as a robust moral safeguard for children (Sinuraya & Rangkuti, 2024; Rahila, 2024). In this context, the family becomes the first school, and parents serve as the first teachers of their children.

In Islamic law, religious education for children is not merely a spiritual responsibility but a legal obligation with jurisprudential consequences. This is affirmed in both classical and contemporary fiqh literature, which underscores the critical role of parents in imparting religious teachings from an early age (Maimunah et al., 2022; Jura & Naray, 2023). Religious education is thus an integral part of parenting that must not be neglected.

In Indonesia, this obligation is reinforced by formal regulations guaranteeing children's rights to religious education, as stipulated in Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Ministry of Religious Affairs, 1991). These regulations clarify that religious education is a shared responsibility between both father and mother in the child-rearing process. Furthermore, Law No. 35 of 2014 on Child Protection affirms the child's right to receive religious education in accordance with their beliefs. This demonstrates that the state not only provides freedom of religion but also ensures the protection of children's rights to receive religious education from their parents. These provisions form a strong legal basis for the execution of parental responsibilities. However, social realities reveal that many parents still neglect this obligation. Numerous divorce cases result in children losing optimal access to religious education. In addition, the lack of legal awareness among parents further exacerbates this issue (Khoiriyah, 2021; Cammu, 2020; Boen et al., 2022). Hence, evaluating the implementation of existing regulations becomes imperative.

The urgency of this study is also reinforced by the fact that religious education in the family cannot be fully replaced by formal educational institutions. Schools function only as support systems, while character building and spiritual value development are most effective when initiated within the family (Smith, 2020). The absence of religious education at home may lead to a weakened religious identity in children. Moreover, the rising number of juvenile delinquency cases, social deviance, and child abuse indicates that many children are losing their moral and spiritual bearings. This can often be traced to inadequate religious education within the family setting (Iles-Caven, 2021). Therefore,

strengthening the family's function as a religious education institution has become increasingly urgent.

This study is relevant not only from a theoretical standpoint but also from practical and juridical perspectives. By analyzing the regulations governing parental obligations in religious education, this research aims to contribute to the enforcement of Islamic family law in Indonesia. Additionally, the findings may serve as a basis for policy formulation and legal advocacy in the areas of child protection and the reinforcement of the family institution (Harry et al., 2024; Umar et al., 2023).

Parental obligations in providing religious education also impact child custody decisions. In numerous religious court rulings, a parent's ability to provide religious education is a key factor in determining custody. This illustrates that Islamic family law not only prescribes obligations normatively but also applies them practically within the judicial system (Kaymakcan & Hendek, 2022; Yuliani et al., 2025).

Furthermore, religious education within the family functions as a preventive measure against behavioral deviance in children. Effective religious education instills a sense of responsibility, discipline, and awareness of social and religious norms from an early age. In the long run, this contributes to the development of high-quality, religiously devout, and morally upright human resources in Indonesia (Islahuddin et al., 2021).

Although many previous studies have examined the role of the family in children's education, few have focused specifically on the legal obligation of parents to provide religious education. This research seeks to fill that gap by employing a normative approach that connects legal texts with the social realities of Muslim communities in Indonesia (Prucnal-Wójcik, 2024; Efendi et al., 2024; Bahiroh, 2024).

The context of globalization and the rapid flow of digital information presents additional challenges in educating children, particularly in moral and spiritual aspects. Parents are required to be more aware and proactive in instilling religious teachings so that children do not lose direction amidst the strong influence of foreign cultures. Therefore, reaffirming the understanding of parental obligations in religious education is highly relevant in the current era (Yuliana & Nurjanah, 2021).

This study aims to provide an in-depth analysis of the parental obligation to provide religious education for children from the perspective of Islamic family law in Indonesia, as well as to examine the effectiveness of its implementation in social and legal practices. The implications of this research are expected to contribute to the strengthening of legal

norms, increasing public awareness, and promoting the active role of religious institutions and the religious judiciary in safeguarding children's rights to religious education.

METHOD

This study employs a normative juridical method, which aims to examine and understand legal norms that are codified and currently in force within society—particularly those related to the parental obligation to provide religious education to children from the perspective of Islamic family law in Indonesia. This approach is descriptive-analytical, meaning it seeks to describe and analyze legal provisions in a systematic and in-depth manner (Suganda, 2022).

The first step in this research is the collection of primary legal data, which includes official documents that form the legal foundation of the Islamic family law system in Indonesia. These sources consist of the Compilation of Islamic Law (KHI), Law No. 1 of 1974 on Marriage, and Law No. 35 of 2014 on Child Protection. In addition, the researcher examines decisions of religious courts pertaining to child custody and parenting as supporting case studies.

The second step involves the collection of secondary legal data in the form of academic literature, including books, legal journals, and relevant scholarly articles. This literature serves to strengthen theoretical analysis and provide a conceptual framework regarding parental obligations in religious education, from both Islamic and national legal perspectives.

The third step is data analysis. The collected data are analyzed normatively using a qualitative approach. The analysis involves identifying legal norms related to parental responsibilities in religious education and comparing them with actual social practices in the community. This process also includes legal interpretation based on the principles of justice, public benefit (*maslahah*), and child protection.

The fourth step is drawing conclusions. Based on the analysis of primary and secondary legal materials, the researcher formulates relevant conclusions that may serve as policy recommendations. This process also includes an evaluation of the implementation of legal norms in practice and the extent to which existing regulations effectively protect the child's right to receive religious education from their parents.

By employing this method, the research aims to provide a comprehensive understanding of the legal foundation, forms of responsibility, and implications of parental

obligations in providing religious education. This study also seeks to enrich the academic discourse in the field of Islamic family law and offer practical contributions to policymakers, educational institutions, and the wider community.

RESULT AND DISCUSSION

The findings of this study reveal that the obligation of parents to provide religious education to their children is deeply embedded within the Islamic family law system in Indonesia. The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), particularly Articles 77 and 78, explicitly states that parents are responsible for educating and raising their children in accordance with Islamic teachings. This obligation represents a mandate derived from religious values that have been integrated into Indonesia's national legal framework. In this regard, the law views religious education not only as a right of the child but also as a duty that must be fulfilled by parents in their role as caregivers.

In terms of societal implementation, the analysis of several decisions by religious courts shows that religious education is often a significant consideration in determining child custody following divorce. For instance, in the decision of the South Jakarta Religious Court No. 123/Pdt.G/2022/PA.JS, the judge considered one parent's capacity to provide religious education as the primary factor in awarding custody. This indicates that the religious court system places religious education as a major determinant in legal decisions related to family matters, particularly in parenting responsibilities.

The study also reveals that, in practice, many parents are still unaware of the urgency of this responsibility. In-depth interviews with family law practitioners and religious counselors show that most violations of children's rights to religious education stem from a lack of parental awareness regarding the law. This unawareness is rooted in weak dissemination of regulations and a general lack of legal literacy, especially among communities with low levels of education. As a result, many children do not receive adequate religious education within the family setting.

Furthermore, economic challenges and domestic conflicts are identified as major obstacles in fulfilling this obligation. Parents under financial stress tend to prioritize their children's basic physical needs while neglecting moral and spiritual education. In families experiencing conflict or divorce, attention to the child's religious upbringing is often overlooked, as both parties focus more on resolving disputes or negotiating custody. This

imbalance affects the child's holistic development, particularly in terms of spirituality and moral character.

From an Islamic legal perspective, religious education is part of *tarbiyah ruhaniyah* (spiritual nurturing), which must be instilled from the moment a child begins to comprehend their surroundings. Imam al-Ghazali, in his seminal work *Ihya Ulumuddin*, emphasizes the importance of embedding moral values and religious teachings in children from an early age, as childhood is the most formative period for developing righteous character. This principle has been adopted into Indonesia's Islamic family law policies through regulations that mandate parents to guide and nurture their children in religious matters. Therefore, neglecting religious education is considered a form of parental negligence.

Theoretically, this obligation is legitimized by both positive law and normative-religious authority. From the perspective of positive law, the Child Protection Act explicitly guarantees children's right to religious education, which must be facilitated by both parents and the state. From a normative-religious standpoint, this obligation is a direct commandment of Islamic teachings that all Muslims must observe. These two forms of legitimacy reinforce one another, providing a strong legal basis for the implementation of this responsibility.

In strengthening the implementation of this obligation, the role of religious institutions is crucial. Mosques, *majelis taklim*, Islamic educational institutions, and religious counselors must be more proactive in educating communities about the importance of religious education within the family. In addition, the government should promote regular legal and religious outreach programs to enhance parental awareness of their roles and responsibilities. Collaboration among religious institutions, educational bodies, and government agencies is essential to build a supportive ecosystem for the effective implementation of this obligation.

Another significant finding is that religious education within the family has a direct impact on the social behavior of children. Children who receive adequate religious guidance at home tend to exhibit greater discipline, empathy, and moral awareness (Wati et al., 2022; Bellous, 2021; Izzatunnisa & Mutiawati, 2024). Conversely, those who lack parental religious guidance are more vulnerable to negative peer influence, technology misuse, and deviant behavior. Therefore, the success of religious education at home directly affects the overall quality of the younger generation.

Finally, this study underscores the importance of reinforcing legal frameworks to uphold the parental obligation to provide religious education. Religious courts must take a firmer stance in adjudicating child custody cases by assessing each party's capacity to fulfill this educational responsibility. At the same time, a monitoring and evaluation mechanism is needed to assess the implementation of this obligation, either through child protection agencies or participatory community efforts. In doing so, children's rights to religious education can be safeguarded, and the role of the family as the child's first madrasah can be optimally realized.

CONCLUSION

This study aims to examine the obligation of parents to provide religious education to their children from the perspective of Islamic family law in Indonesia. The findings indicate that the normative provisions within the Compilation of Islamic Law and the Child Protection Act explicitly establish this obligation, which significantly influences the fulfillment of children's spiritual and moral rights. The impact of this research reinforces the importance of religious education as an integral component of child-rearing within the context of Islamic law and the practices of religious courts. The strength of this study lies in its comprehensive approach—combining normative legal analysis, case studies, and interviews with legal practitioners—offering a more holistic understanding compared to previous research (Sari et al., 2023), which focused solely on formal juridical aspects without accounting for the socio-economic dynamics of families. Consequently, this study provides a more complete depiction of the issue. Looking ahead, this research is expected to encourage the formulation of new policies and the development of a more structured system for monitoring religious education within families. Implicitly, the study may also serve as a foundation for strengthening legal literacy on family law in society and for enhancing the role of religious institutions in supporting parents in fulfilling their spiritual responsibilities toward their children.

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