



Implementation of North Sumatra Provincial Regulation No. 3 of 2014 concerning the Implementation of Child Protection Against Differences in Beliefs/Religions Adhered to by Children from the Perspective of Siyash Dusturiyah

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Abstract: This study aims to analyze the implementation of Regional Regulation of North Sumatra Province No. 3 of 2014 on Child Protection, particularly in safeguarding children who experience violence due to religious differences or religious conversion, through the lens of Fiqh Siyash Dusturiyah. This research employs a normative-empirical legal method, combining statutory, conceptual, and empirical approaches, with data obtained from legislative review and interviews with relevant local government institutions. The case study focuses on a 15-year-old girl named Dewi, who faced physical and psychological violence from her father in 2023 after converting from Christianity to Islam. The findings reveal that the regulation is implemented mostly in administrative terms and lacks substantive legal enforcement. From the perspective of Fiqh Siyash Dusturiyah, the state should act as a guardian of justice and protector of maqāṣid al-sharī'ah. Therefore, this study recommends a policy reform grounded in constitutional justice and Islamic benefit values to ensure comprehensive protection of children's spiritual rights and physical safety.

Keywords: Child Protection, Fiqh Siyash Dusturiyah, Religious Difference.

1. Introduction

The right to freedom of religion is an inseparable part of human rights and is expressly guaranteed in the Indonesian constitution. Article 28E paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "Everyone is free to embrace a religion and worship according to their religion." (Wahyuni & Desiandri, 2024), (Rellang, Kamilah, & Nazaruddin, 2024) Article 29 paragraph (2) states that "The State guarantees the freedom of every citizen to embrace their respective religion and to worship according to their religion and beliefs." This right is not limited to adults only, but also applies to children as legal subjects who have human dignity (1945 Constitution of the Republic of Indonesia). However, in the socio-cultural context of Indonesia which is still patriarchal and paternalistic, children who change their beliefs are often faced with strong resistance from their parents and society. (Reza, Ardiansyah, Khovivah, & Camila, 2024), (Salehuddin, Syukur, Suhaeb, & Utomo, 2024).

Regional Regulation of North Sumatra Province No. 3 of 2014 concerning the Implementation of Child Protection is present as one of the regional legal instruments that aims to protect children's rights comprehensively. (Mulyaman, nd), (Dahlia, 2024). In Article 5 paragraph (3) letter a of the regional regulation, it is stated that "Protection of children due to the beliefs/religions held by the child, and/or held by their parents." This norm explicitly affirms that children should not be discriminated against or treated wrongly just because they hold a religion that is different from their surroundings, including from their parents (North Sumatra Provincial Regulation No. 3 of 2014, Article 5 Paragraph 3 Letter b). However, the reality of the implementation of this regional regulation is still far from expectations, as can be seen from various cases of violence against children who choose to change religions. (Mila, 2025), (Aulia, 2024).

One of the most striking cases occurred with a teenager named Firman (15 years

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old), who experienced heavy pressure from his family because he chose to embrace Islam while still in junior high school. (Hasan, nd), (Harahap, 2020) His parents rejected the decision, ostracized him, and forbade him from participating in religious activities. Eventually, Firman left home and secretly converted to Islam in Medan (Field interview, April 5, 2025). A personal decision that should have been protected by the state instead became a trigger for marginalization and family conflict. (Habibah, Sakman, & Syahzili, 2023), (Habib, 2023).

Another case involved 17-year-old Nadia in South Tapanuli Regency. Her father, a traditional leader, rejected his daughter's conversion to Islam, confiscated her communication devices, and forbade her from interacting with the Muslim community. (Pulungan, 2018), (Hartati, 2016). He was even threatened with expulsion from the home if he persisted in his new beliefs. This kind of rejection demonstrates how local culture often suppresses children's spiritual choices under the pretext of upholding family honor and tradition. (Putri, Safitri, Islami, Aida, & Zulkarnain, 2024), (Herman et al., 2024).

Siti Rahma (18 years old) in Labuhanbatu Regency was forced to move away from the Muslim environment by being sent out of town (Rambe, 2021). Danu (16 years old) in Karo Regency was even locked up for weeks because he was caught reading the Koran, while Maria (15 years old) in Binjai City was threatened with not being given an inheritance because she changed her religion (Field interview, July 18, 2025).

The focus of attention was on the case of Dewi (15 years old) from Padang Lawas. In 2023, she decided to convert to Islam. Her Christian father strongly opposed the decision and repeatedly physically abused her. (Nurfaizah, nd), (Ilyasin, 2023) Dewi eventually fled to Medan and reported her plight to the Women's Empowerment and Child Protection Agency, assisted by the Indonesian Muallaf Center. The agency then wrote to Dewi's parents, urging them to stop the violence and respect their child's religious choices. However, her father continued to refuse and submitted a written statement rejecting her daughter's conversion. Mediation was eventually attempted, but due to the family approach prioritized, the case did not proceed to formal legal proceedings (DP3A North Sumatra, August 4, 2025). (Hariyono, 2021), (Anggraini, Hidayat, Rijalussoleh, Zain, & Lubis, 2025).

The above phenomenon shows the weak implementation of Article 5 paragraph (3) letter a of Regional Regulation No. 3 of 2014. In many cases, children who decide to change their religion actually face violence and social exclusion. (Patria, 2018), (Al Qutuby, Kholiludin, & Salam, 2020). However, from an Islamic perspective, forcing one's beliefs violates the values of freedom of faith. In Surah Al-Baqarah, verse 256, Allah SWT affirms:

"الْغَيِّ مِنَ الرُّشْدِ نَبِيْنٌ قَدْ ٱلَّذِيْنَ فِيْ إِكْرَاهٍ لَّا"

Meaning: "There is no compulsion in religion; indeed the right path has become clear from the wrong path."

This verse is used by ulama as a basis for rejecting all forms of coercion in matters of faith. Imam Fakhruddin ar-Razi in his tafsir explains:

"بلقلا نود "God willing

Meaning: "Faith will never be born from compulsion, because compulsion only affects the tongue, not the heart." (Ar-Razi, Tafsir al-Kabir)

This emphasizes that religion is a personal choice that cannot be forced upon children by anyone, including parents. In Imam Al-Ghazali's view, the role of parents in guiding their children is crucial, but not absolute. He said:

"الشر وأهمل، شقي وهلك "God willing

This means: "Children are a trust for their parents... if they are accustomed to goodness, they will grow up in happiness; if they are accustomed to evil or are left alone, they will be miserable and perish" (Al-Ghazali, 2005: 42)

This shows that religious guidance is an obligation, not a tool to suppress children's freedom of heart. (IN THE ORCHARD, nd), (Hidayah, 2024). Siyasa Dusturiyah Fiqh as a branch of Islamic statecraft fiqh provides space for the state to guarantee justice,

including in matters of religious freedom. Al-Mawardi in *Al-Ahkam As-Sulthaniyyah* stated:

"من واجبات السُلطان حفظ الدين على أصوله المرسدة تقرة، وما أجمع عليه سلف الأمة"

This means: "One of the obligations of a leader is to maintain religion according to its principles which are fixed and agreed upon by previous scholars."

In this case, the state must not allow children to experience violence just because of differences in beliefs. (Hidayat, 2021), (Hamida & Setiyono, 2022). From the perspective of *Maqasid Syariah*, this case directly touches on the five basic principles of sharia: protecting religion (*hifz al-din*), soul (*hifz al-nafs*), reason (*hifz al-'aql*), lineage (*hifz al-nasl*), and honor (*hifz al-'ird*). When children are bullied because of their beliefs, damage is done to all of these principles. Therefore, this research is very important to assess the extent to which Regional Regulation no. 3 of 2014 has been implemented fairly and in accordance with the principles of *Siyasah Dusturiyah* in protecting children's rights to their choice of belief, as well as how the state should regulate the relationship between children's rights and parental authority in a proportional and beneficial manner. (A'la, 2024), (UTARI, 2021).

2. Materials and Methods

This research uses a normative-empirical legal research type, namely legal research that not only examines the norms and regulations in force, but also looks at the extent to which these norms are implemented in social practice (Soerjono Soekanto, 2006: 13). Normative research is used to analyze the substance of the Regional Regulation of North Sumatra Province No. 3 of 2014 concerning the Implementation of Child Protection, especially Article 5 paragraph (3) letter a, which states that "Protection of children due to the beliefs/religions held by the child, and/or held by the parents". The approaches used in this research include the statute approach, the conceptual approach, and the historical-philosophical approach, to understand the legal framework and Islamic ethical values in child protection, with reference to the legal theory of child protection, the principle of non-discrimination, and the principle of *siyasa dusturiyah* (Peter Mahmud Marzuki, 2017: 35).

The empirical elements in this study were obtained through direct interviews conducted by the researcher on August 4–5, 2025, with one of the employees of the Technical Implementation Unit of the Women's Empowerment and Child Protection Service of North Sumatra Province. This interview specifically revealed a case of violence against a child named Dewi (15 years old), who converted to Islam and experienced abuse from her biological father because of differences in beliefs. To complete the data, the researcher also used primary data in the form of direct statements from informants and field documentation, and secondary data obtained from laws and regulations, classical and contemporary Islamic literature, scientific journals, and other supporting documents. Data collection techniques were carried out through literature studies, document analysis, and in-depth interviews. Data analysis was carried out descriptively-qualitatively, namely by describing, interpreting, and connecting normative and empirical data within the theoretical framework of law and *siyasah*. This method aims to assess the extent to which Regional Regulation No. 3 of 2014 is able to realize child protection against religious discrimination in a substantive and contextual manner, in line with the principles of justice and welfare in Islamic jurisprudence (Azahary, 2003: 177).

3. Results and Discussion

3.1 *The Impact of Violence Against Children Due to Differences in Beliefs in North Sumatra*

The phenomenon of differences in faith between children and parents is becoming an increasingly visible reality in multicultural societies like North Sumatra. However, rather than being understood as an expression of constitutionally guaranteed religious freedom, this phenomenon actually gives rise to symbolic, psychological, and even physical violence against children by their own families. Cases of children deciding to

convert from their parents' religion, particularly to Islam, demonstrate strong social and cultural rejection, which ultimately has serious implications for child protection. This rejection is often interpreted not simply as a spiritual issue, but as a form of defiance against family authority, particularly the dominant head of the family (Harahap, 2024).

One of the most relevant cases is that of Dewi, a 15-year-old from Padang Lawas Regency, who converted to Islam in 2023. Her decision was strongly rejected by her Christian father, leading to physical and psychological abuse. In a direct interview with an employee of the Technical Implementation Unit of the Women's Empowerment and Child Protection Service of North Sumatra Province, it was explained that Dewi was frequently beaten by her father and considered disobedient for leaving the family's religion. Feeling threatened, Dewi fled to Medan and reported the incident to the relevant agency with support from the Indonesian Muallaf Center. Despite mediation and a warning letter to the parents, the father continued to reject her daughter's decision and refused to make substantial reconciliation (DP3A North Sumatra, August 4, 2025).

The phenomenon of violence against children like Dewi's is not an isolated case. A similar case occurred with Firman, a teenager from Deli Serdang Regency, who secretly converted to Islam in junior high school. His non-Muslim parents forbade him from participating in religious activities, isolated him from family life, and forced him to sign a declaration reverting to his original religion (Field interview, April 5, 2025). Firman eventually left home and lived independently without educational or economic support from his family. The psychological violence he experienced was even worse than the physical violence because it involved the denial of his identity (Sihombing, 2019).

Nadia, a 17-year-old girl from South Tapanuli Regency, experienced similar oppression. When her parents discovered her intention to convert to Islam, she was treated like a prisoner. Her cell phone was confiscated, her social activities were restricted, and she was prohibited from attending Islamic religious studies or other religious activities (Manulang et al., 2024). She was even threatened with expulsion from the home if she persisted in her decision. This situation illustrates a form of structural domestic violence that violates the principles of child protection as stipulated in Article 5 paragraph (3) letter a of North Sumatra Provincial Regulation No. 3 of 2014, which states that every child has the right to be protected from mistreatment due to religious differences (North Sumatra Regional Regulation No. 3 of 2014).

Siti Rahma in Labuhanbatu experienced something similar, having been forcibly sent out of town by her mother to cut her off from the Islamic community. These actions contradict the principles of child protection under Law No. 35 of 2014, which mandates that every child has the right to protection from violence and discrimination in any form (Law No. 35 of 2014, Article 13 paragraph 1).

Another case was experienced by Danu (16 years old) from Karo, who was locked up by his family for several weeks because he was caught studying Islam. This treatment leads to a violation of the right to freedom of thought and religion as stipulated in Article 18 of the International Covenant on Civil and Political Rights, which Indonesia has ratified through Law No. 12 of 2005. On the other hand, Maria (15 years old) from Binjai City was threatened by her mother that she would not receive an inheritance if she continued to choose Islam. This threat reflects a form of economic violence against children that uses inheritance as a means of controlling beliefs, which clearly contradicts the principle of non-discrimination in the UN Convention on the Rights of the Child (UNCRC).

Thus, all these cases illustrate that violence against children due to differences in belief is multidimensional: physical, psychological, economic, and spiritual. This not only demonstrates the weak implementation of legal norms but also demonstrates a lack of social awareness of the importance of children's rights in both private and public spaces (Komnas HAM, 2023).

From an Islamic legal perspective, violence against children because of their beliefs is clearly contrary to the principle of freedom of faith. Allah SWT says in QS. Al-Baqarah

verse 256: "Lā ikraha fī al-dīn..." (There is no compulsion in religion). Imam Fakhruddin ar-Razi in his tafsir explains:

“القلب دون القول على الإذنان يحملي الإكراه لأن به الإكراه، يحصل لا الإيهام”

Meaning: "Faith is not born from coercion, because coercion only moves the tongue, not the heart" (Ar-Razi, Tafsir al-Kabir, Juz 7:141)

Thus, forcing a child to convert to a religion, especially through violence, not only violates positive law but also violates the principles of Islamic law. In terms of maqasid al-syari'ah, acts of violence against children like this violate several of the main objectives of sharia: protecting religion (hifz al-dīn), protecting the soul (hifz al-nafs), and protecting the mind (hifz al-'aql). Children who are forced to return to their previous religion not only lose their spiritual rights, but also face threats to their safety and well-being. Therefore, the state, as the guardian of the welfare (ḥāris al-maṣlaḥah), should be firmly present to protect children, not only through normative regulations, but also through responsive and victim-centered law enforcement (Azhary, 2003: 177; Al-Mawardi, 1996: 5).

Given the numerous cases that have occurred, North Sumatra is actually facing a child protection emergency regarding issues of religious differences. This shows that Regional Regulation No. 3 of 2014 has not been able to be an effective protection instrument. Evaluation of the implementation of this regulation is needed not only from a legal perspective, but also from an institutional, cultural, and public education perspective. The state's indecisiveness in taking action against perpetrators of violence actually creates a precedent that parental power over children's beliefs is unlimited, even though in Islamic law, the responsibility of parents is to guide, not to coerce (Al-Ghazali, Ihya' Ulumuddin, Juz 3:42).

3.2 Analysis of the Implementation of Article 5 Paragraph (3) Letter a of North Sumatra Provincial Regulation No. 3 of 2014

Article 5 paragraph (3) letter a in the Regional Regulation of North Sumatra Province No. 3 of 2014 states that "Protection of children due to the beliefs/religions held by the child, and/or held by their parents." This norm explicitly indicates the existence of legal guarantees for children who experience discrimination based on identity, including religious identity. However, the reality of the implementation of this regional regulation shows an imbalance between the text of the norm and field practice. As illustrated in various cases, including Dewi's case, this protection function does not run optimally, both from the aspect of law enforcement, institutions, and emergency response mechanisms that should be owned by the regional government.

From an institutional perspective, the North Sumatra Women's Empowerment and Child Protection Agency (DP3A) has attempted to fulfill its role by providing an initial response through non-litigation protection and mediation in Dewi's case. However, these efforts were not accompanied by firm legal action against the perpetrator of the violence, namely the victim's biological father. This lack of firmness indicates that the regulation remains symbolic and has not yet become a tool for implementing corrective legal protection. This aligns with the findings of Wahyuni's (2021) study, which states that one of the main weaknesses in the implementation of child protection regulations in Indonesia is the lack of political will to legally address violations.

The substantive aspects of the law in Regional Regulation No. 3 of 2014 also do not explicitly regulate criminal or administrative sanctions against perpetrators of violence due to differences in faith. Although the norm prohibiting violence has been emphasized, there are no specific provisions regarding complaint mechanisms, special handling units, or forms of further legal protection if violence is perpetrated by the nuclear family. As emphasized by Marzuki (2017), the substantive weaknesses of regional laws are often caused by a lack of integration between regional regulations and the national legal system, resulting in limited implementation in the field.

From an inter-agency coordination perspective, the implementation of this regional regulation appears to be unintegrated between the DP3A, the police, the prosecutor's office, and social protection agencies. In Dewi's case, the agency acted solely as a facilitator without systematic support from law enforcement officials. There was no legal assistance for the victim, no witness protection, and no post-mediation supervision. This situation aligns with Nurcholis' (2020) critique, which states that many regional regulations on children in Indonesia function solely as "administrative regulations" without establishing a multi-level and coordinative protection system.

From the results of field observations and interviews with the UPT DP3A, it was stated that cases of religious discrimination against children were generally resolved through family channels due to limitations in formal law and children's fear of social threats (DP3A Interview, August 4, 2025). In fact, Article 13 paragraph (1) of Law No. 35 of 2014 has emphasized that children have the right to receive protection from violence and discrimination in any form, and regional government officials are obliged to actively implement this protection. The fact that not a single perpetrator of violence in the cases studied was subject to legal sanctions indicates the failure of the state's repressive function.

Furthermore, public awareness of local regulations is still very limited. Many families are unaware that acts of violence against children due to religious differences are considered a violation of the law. This lack of awareness exacerbates the stereotype that parents have absolute rights over their minors' beliefs. In this context, according to Soerjono Soekanto (2006), the success of a law is determined not only by its written norms but also by the social effectiveness of those norms within society.

Even within the context of Islamic law, parental authority over children is limited and conditional. Imam Al-Ghazali explained that the role of parents is to guide them toward goodness, not to impose their beliefs.

”وه لك شقي أهمل، الشر عود وإن وسعد، عليه نشأ الخير عود فإن... والديه عند أمانة الصبي“

Meaning: "Religious education is moral and spiritual, not dominant" (Al-Ghazali, *Ihya' Ulumuddin*, Juz 3:42).

Therefore, protective norms such as those in the North Sumatra Regional Regulation should curb coercive actions in the name of family authority, not allow them to go unpunished. Another weakness lies in the lack of derivative regulations in the form of technical implementing regulations, such as a Governor's Regulation or Standard Operating Procedures (SOPs) for handling child victims of religious discrimination. Without implementing instruments, the articles in the regulation tend to stagnate and fail to serve as strong social advocacy instruments. As Azhary (2003) stated, an ideal state based on the rule of law is one that not only creates norms but also ensures their validity and effectiveness through an effective bureaucratic system and social control.

From all these aspects, it can be concluded that Regional Regulation No. 3 of 2014 has good normative intentions in protecting children from religion-based discrimination. However, its implementation in the field remains passive, limited, and disjointed. Therefore, regulatory and institutional reforms are needed so that this regulation becomes not merely a symbolic document, but a genuine instrument of advocacy for children who become victims of violence due to differences in belief..

3.3 Review of the Siyasaah Dusturiyah on Child Protection in Cases of Religious Differences

Siyasaah Industriyah (Islamic governance) is a discipline within Islamic law that focuses on how the state exercises power and manages public affairs fairly and for the benefit of all. In this context, the state cannot remain passive when violence against children occurs due to differences in belief. Oppression of children's religious choices by their families, as occurred in Dewi's case and other cases studied, is a form of structural injustice that should be stopped through state legal intervention. According to Islamic political jurisprudence, the state is empowered to limit all forms of private power that violate the principles of justice and humanity (Azhary, 2003: 122).

In practice in North Sumatra, research findings show that the state through the Women's Empowerment and Child Protection Service only carries out administrative functions through mediation or correspondence, without being accompanied by law enforcement efforts against perpetrators of violence. In fact, acts of violence against children due to differences in belief are not a private family matter, but rather a violation of children's constitutional rights guaranteed in Article 28B paragraph (2) of the 1945 Constitution and Article 13 of Law No. 35 of 2014. The state's lack of firmness in this matter reflects the weak empowerment of legal norms contained in North Sumatra Provincial Regulation No. 3 of 2014.

In the *siyasah dusturiyah* perspective, the state is responsible for maintaining the stability of faith and social justice, not just maintaining the formal legal order. Imam al-Māwardī emphasized in *Al-Ahkam As-Sulthaniyyah*:

دكاهم dna يف سانل انيب لدعل اقم اق او ، قرق تسمل ا ملوص ا يل ع نيدل ا ظف ح : page

"Among the obligations of an imam is to safeguard the religion based on its established principles, and to uphold justice among the people in their laws and transactions." (al-Māwardī, 1996: 5).

In this context, the state cannot simply create normative regional regulations; it must also have mechanisms for controlling, protecting, and enforcing sanctions against perpetrators of child rights violations. Otherwise, the state fails to fulfill its role as a guardian of justice, a fundamental principle of Islamic jurisprudence. When parents beat their children for embracing a different religion, and the state merely reconciles without taking action, it is tantamount to allowing injustice to continue in the name of family.

Violence against children due to differences in faith not only violates individual rights but also undermines the integrity of a pluralistic society. Islam does not recognize coercion in religion. Allah SWT says:

لَا إِكْرَاهَ فِي الدِّينِ

"There is no compulsion in religion." (QS. Al-Baqarah: 256).

Imam Fakhruddin al-Razi explains in *Tafsir al-Kabir*:

بل قول ا نود God willing

"Faith will not arise from compulsion, because compulsion only produces words, not justification of the heart." (al-Razi, 2000: Juz 7, p. 141).

This principle clearly states that faith is an inner expression that cannot be forced by anyone, including parents, on children who have reached the age of maturity. Therefore, the state is obligated to protect children's spiritual space and guarantee religious freedom without pressure from family power. This is not a denial of parental rights, but rather an effort to balance children's human rights within a just legal system.

Imam al-Ghazali's view emphasizes that children are a trust, not property. In *Ihya' Ulumuddin*, he said:

النشر وأهمل، شقي وهلك God willing

"Children are a trust in the hands of their parents... if they are accustomed to goodness, they will grow up happy. If they are accustomed to evil or neglected, they will be harmed and perish." (al-Ghazali, 2005: Juz 3, p. 42).

From this, it's clear that the role of parents is not to control absolutely, but to guide. When children experience violence for exercising their spiritual rights, the state takes over for parents who have deviated from this principle of trust.

In positive legal practice, children who experience violence because of their beliefs are double victims: victims of the family system and victims of the inaction of state law. Field findings indicate that not a single perpetrator of violence has been prosecuted under criminal law, even though Article 13 of Law No. 35 of 2014 explicitly prohibits all forms of violence. This lack of real legal protection indicates that the state is only carrying out its *siyasah zāhirah* (formal political) function, without the spirit of *maslahah* and *ḥimāyah haqīqiyyah* (true protection).

Within the *maqāṣid al-syarī'ah* framework, the state is responsible for safeguarding five basic principles: religion, soul, reason, lineage and property. In the case of children who convert to Islam and experience violence, there is a minimum violation of three *maqasid*: *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and *ḥifẓ al-'aql*. The state must be present in ensuring that children not only live biologically, but also live with dignity, freedom in their minds, and spiritually intact (al-Syatibi, 2003: 10).

Contemporary scholars such as Yusuf al-Qaradawi state that power in Islam is not to control the people, but to protect their basic rights:

God willing God bless you

"Power is exercised to achieve benefit, and government should move in the direction of benefit and prevent damage." (al-Qaradawi, 2001: 189).

Therefore, based on the principles of Islamic jurisprudence (*fiqh siyasah*), the state is obliged to intervene fairly and measuredly in any form of domestic injustice that violates children's basic rights. Administrative mediation alone is not sufficient; the state must establish a legal system, institutions, and technical policies that enable effective child protection, including in sensitive matters such as differences of faith. This is where the spirit of *siyasah* meets the spirit of *sharia*: protecting the weak, upholding justice, and preventing injustice even in the most private family space.

3.4 Child Protection Policy Based on Constitutional Justice and Maṣ laḥ ah Syar'iyah

Based on previous findings, it can be concluded that the Regional Regulation of North Sumatra Province No. 3 of 2014 concerning the Implementation of Child Protection, specifically Article 5 paragraph (3) letter a, does not yet have effective coercive power and protection mechanisms when children become victims of violence due to differences in belief. Therefore, a policy reformulation is needed that not only strengthens the positive legal framework, but also emphasizes the principles of constitutional justice and the values of welfare in Islam as an ethical and normative framework. This approach is important because the roots of the problems found are not only at the regulatory level, but also structural, cultural, and interpretative.

The state needs to develop technical regulations derived from these regional regulations in the form of a Governor's Regulation or a Decree from the Head of the Department that regulates operational standards for protecting child victims of violence due to differences in faith. In practice, the lack of standard operating procedures (SOPs) has resulted in cases like Dewi's being handled only administratively and informally. However, in the legal approach to child protection, the state must not compromise on any form of domestic violence, whether physical or non-physical, especially those perpetrated in the name of faith (Seto Mulyadi, 2020: 41). Tolerating spiritual or ideological violence against children violates the principle of the best interest of the child as stipulated in the Convention on the Rights of the Child (UNCRC), which Indonesia ratified through Presidential Decree No. 36 of 1990.

The establishment of a cross-sectoral work unit involving the Social Services Agency, the DP3A (Religious Affairs and Religious Affairs Agency), the police, religious consultation institutions, and faith-based organizations, is needed to coordinate the handling of similar cases. To date, cases of children experiencing faith-based violence have been handled by only one sector (DP3A), without the support of systematic legal and social strengthening. According to Peter Mahmud Marzuki (2017: 93), the effectiveness of legal protection is determined not only by the existence of norms, but also by the functioning of institutions and the consistency of their enforcement. Therefore, the establishment of a reporting system, legal advocacy, and psychological rehabilitation for children is urgent and must be formally institutionalized.

The state needs to develop specific guidelines on protecting children's spiritual rights in the context of multicultural and multireligious families. In Indonesia, there is no legal framework specifically regulating the protection of children who choose a faith different from that of their family. However, Article 28E of the 1945 Constitution guarantees the freedom of every citizen, including children, to choose and embrace a religion according

to their conscience. From the perspective of *maqāṣid al-syarī'ah*, this freedom falls under the protection of religion (*hifẓ al-dīn*), and the state must be present to protect this choice when faced with coercive forces within the household (al-Syatibi, 2003: 10). Therefore, it is important to develop a protection protocol that recognizes children's spiritual rights as part of human rights.

Training and outreach to implementing officials is needed regarding the importance of protecting children in the context of religious conflicts. Government officials, village officials, teachers, and Public Order Agency (Satpol PP) officers, who are often the first to learn about such cases, often lack a proper perspective on child protection. They often position children as subordinate to their parents, rather than as autonomous legal subjects. In this regard, Islamic law also teaches that children, after puberty and *tamyiz*, have freedom of belief that cannot be imposed by parents (al-Ghazali, 2005: Juz 3, p. 42). Therefore, the state needs to provide systematic education based on human rights and Islamic jurisprudence regarding child protection.

There needs to be a reform of the case resolution approach, shifting from family mediation to a criminal law approach and victim protection. Administrative mediation, as occurred in Dewi's case, should only be a first step, not a final step. When perpetrators of violence are proven to have violated Article 76C of Law No. 35 of 2014, the state is obliged to take action based on juvenile criminal law, not simply to persuade the family to reconcile. According to Soerjono Soekanto (2006: 82), the success of the law can be measured by the effectiveness of its enforcement and its coercive power over community behavior. In this context, the state must demonstrate that violence against children based on religious beliefs is a crime, not simply a private matter.

A contextual and progressive revitalization of religious understanding is needed. Many cases of violence against children stem from beliefs based on the narrow understanding that children are obligated to follow their parents' religion. However, within the sharia system itself, there is no explicit justification for forcing religion on children who already possess a sense of faith. Allah's word in Surah Al-Baqarah: 256, "*Lā ikrahā fī al-dīn*," serves as the theological basis that the state and families are not justified in forcing religion on individuals. Imam Fakhruddin al-Razi stated that coercion only produces verbal, not sincere, belief (al-Razi, 2000: Juz 7, p. 141). Therefore, the state must also encourage more moderate religious interpretations through religious leaders and *da'wah* institutions.

It is crucial to integrate sharia values into public policy design without violating the country's constitutional principles. In this regard, Islamic jurisprudence provides the basis for the state to regulate public affairs as long as it aims to achieve justice and public welfare. As emphasized by Imam al-Māwardī in *al-Ahkām al-Sulṭāniyyah*, leaders are obligated to safeguard religion and uphold justice among the people (al-Māwardī, 1996: 5). Therefore, regional regulations must be oriented toward preserving fundamental Islamic values such as compassion, justice, and freedom of reason. Therefore, Regional Regulation No. 3 of 2014 needs to be expanded to include spiritual protection for children, not just protection from physical violence.

To ensure legal support, local governments also need to compile structured data on the number of cases of children experiencing violence based on religious differences. Currently, such data is not available at the district/city level, resulting in a lack of dedicated budgetary attention and systematic prevention programs. Providing this data is crucial for designing evidence-based policies that are responsive to social realities. Without data, violence against children based on religion will continue to be viewed as isolated cases, rather than as a systemic pattern.

Thus, reformulating child protection policies in the context of violence due to religious differences cannot be merely normative or symbolic. Reform must address structural dimensions (regulations and institutions), cultural (community and family awareness), and spiritual dimensions (religious understanding and the *maqasid* of sharia). Within the framework of industrial governance, the state cannot remain neutral

toward domestic violence that violates children's rights, but must take sides through policies that are just, beneficial, and have a direct impact.

4 Conclusions

This study shows that the implementation of North Sumatra Provincial Regulation No. 3 of 2014, particularly Article 5 paragraph (3) letter a, has not been able to provide effective legal protection for children who experience violence due to differences in belief or conversion to religion. Although legal norms have provided recognition of children's rights to be free from mistreatment due to differences in religion, in practice, the state through regional institutions is more administrative and mediative than repressive and protective. The case of Dewi and other children who converted to Islam under pressure and violence from their families shows that the state has not been present concretely in guaranteeing their spiritual freedom and safety.

From the perspective of Islamic jurisprudence (*fiqh siyasah duhuriyah*), this condition reflects the state's weak commitment to upholding substantive justice for vulnerable groups, particularly children. The state should not merely be a spectator to domestic violence disguised as parental authority, but must act as a guardian of justice and a protector of the values of *maqāṣid al-syarī'ah*. Protection of the *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and *ḥifẓ al-'aql* is highly relevant in addressing the problem of ideological violence against children. A state that ignores this dimension has failed to fulfill its constitutional and sharia mandates.

These findings reinforce the urgency of reformulating child protection policies based on constitutional justice and Islamic welfare. The state needs to strengthen technical regulations, establish integrated cross-sectoral work units, develop protocols for child spiritual protection, and equip implementing officials with a perspective on child rights-based protection and Islamic values. Equally important, the state must integrate the principles of Islamic jurisprudence into public policy so that legal protection is not merely legalistic, but also moral, just, and beneficial. Thus, this article emphasizes that protecting children from violence due to differences in belief is not merely a social protection issue, but a mandate of constitutional justice and Islamic law. The state, within the framework of Islamic welfare, is required not to remain neutral toward injustice occurring in the private sphere, but must take an active role as a guardian of justice, a guardian of the welfare, and a protector of children's basic rights guaranteed by law and religion.

This study recommends practical steps that can be taken immediately, including the formulation of technical regulations derived from Local Regulation No. 3 of 2014, the establishment of a cross-sectoral working unit for integrated handling, the transfer of case resolution from family mediation to strict law enforcement, training for officials and community leaders on child protection based on human rights and *maqāṣid al-syarī'ah*, and the development of a case data system at the regional level. Theoretically and in terms of policy, the research results emphasize the need to strengthen child protection based on the constitution and *maqāṣid al-syarī'ah*, a paradigm shift from administrative to protective-repressive, the integration of Islamic substantive justice values into public policy, policy adaptation to socio-cultural dynamics through education and religious moderation, and the development of a responsive inter-institutional coordination model for child protection in various local contexts.

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