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The Qualification of Jarimah Ta'zir for Child Exploitation: A Case Study of Forced Labor at the Muara Parlampungan Gold Mine

Author(s)

Sri Anggini Lubis*

Universitas Islam Negeri Sumatera Utara Medan, Indonesia || srianggini0205213093@uinsu.ac.id

**Corresponding Author*

Abd. Mukhsin

Universitas Islam Negeri Sumatera Utara Medan, Indonesia || abdmukhsin@uinsu.ac.id

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ABSTRACT

This research examines the phenomenon of child exploitation in the informal gold mining sector of Muara Parlampungan Village. This practice is opposed to the principles of child protection in Islam. Amid the ideal narrative of children as a divine trust whose dignity must be preserved, the on-the-ground reality reveals the systematic coercion of school-aged children, who are forced to work in high-risk conditions to support their families' economy. The purpose of this study is to analyze this practice from the perspective of Islamic criminal law (fiqh jinayah) and to formulate a religio-legal (syar'i) qualification for the act. Using a juridical-empirical approach and a qualitative method, primary data were collected through observation and in-depth interviews with child victims, religious figures, and community leaders. The results reveal that children are forced to work 12-hour days in a hazardous environment. These conditions constantly threaten their physical and psychological safety, resulting in the deprivation of their fundamental right to education and inducing deep trauma with the potential for lifelong effects. An analysis based on the higher objectives of Islamic law (Maqashid al-Syariah) proves that this act directly undermines three fundamental objectives: the preservation of life (hifz al-nafs), the intellect (hifz al-'aql), and progeny (hifz al-nasl). Based on this systematic harm, the study concludes that this practice of child coercion qualifies as a criminal offense (jarimah) falling under the category of a discretionary punishment (ta'zir). This qualification provides the state with full legitimacy to undertake legal intervention. The research recommends a hybrid law enforcement model that combines rehabilitative sanctions for parents with comprehensive restorative programs for child victims to break the cycle of exploitation.

Keywords: Child Exploitation; Gold Mining; Islamic Criminal Law; Jarimah Ta'zir; Maqashid al-Syariah.

INTRODUCTION

Children are an invaluable divine trust and gift. They are positioned as legal subjects with fundamental rights to grow, develop, and receive protection (Hakmad, 2021; Hidayat et al., 2023). This philosophy of protection is not merely a preventive measure against physical harm; it also constitutes an active guarantee from the state and society to create an ecosystem conducive to the development of a child's full potential. From the perspective of Indonesian national law, this guarantee of protection is constitutionally affirmed by Article 28B section (2) of the 1945 Constitution. This article declares the right of every child to survival and protection from all forms of violence and discrimination. This protective obligation is further detailed in various legal instruments, primarily Law Number 23 of 2002¹, which defines a child as an individual under the age of 18 with a set of inherent rights that must be fulfilled by the family, community, and state (Damayanti et al., 2024).

However, amid this ideal legal framework, the social reality often presents a contradictory and painful picture. The phenomenon of child labor, particularly in the form of economic exploitation, remains a serious problem that erodes the future of the nation's generation (Fadila & Khayatudin, 2022; Nadhifah et al., 2025). One of

¹Law Number 23 of 2002, as amended several times, lastly by Government Regulation in Lieu of Law Number 1 of 2016.

the most extreme manifestations of this exploitation occurs in informal sectors with minimal oversight, such as artisanal mining areas. It is in these locations that children, who should be in safe educational and recreational spaces, are forcibly thrust into the adult world of work—a world fraught with risks, dangers, and structural violence. This situation directly gives rise to a fundamental dichotomy between the law as it ought to be (*das sollen*) and the empirical reality as it is (*das sein*). This gap creates a legal and social irony that demands serious attention.

Previous studies have mapped the complexities of the child labor issue in Indonesia. Research by [Munawir \(2023\)](#) and [Nasrullah \(2023\)](#) comprehensively identified the driving factors, ranging from structural poverty and low parental education levels to weak law enforcement. More specifically, studies by [Hidayat et al. \(2023\)](#) and [Puspitasari et al. \(2024\)](#) focused on gold and coal mining, respectively, and confirmed that the family's subsistence economy is the primary driver of children's involvement in high-risk jobs. Nevertheless, the majority of these studies have tended to analyze the problem from a positive law or sociological perspective, often stopping at problem identification and general policy recommendations. It leaves a significant research gap: an in-depth analysis of how the act of child exploitation can be qualified and sanctioned within the framework of Islamic criminal law (*fiqh jinayah*). This approach offers a different philosophical and moral foundation.

In Islamic legal discourse, child exploitation is a grave violation of the fundamental principles of Islamic law ([Az-Zuhaili, 2011](#)). The parental obligation to provide for and nurture a child, or child custody (*hadhanah*), is a central and non-negotiable doctrine ([Lubis et al., 2023](#); [Sitorus & Mukhsin, 2024](#)). Failure to fulfill this duty, especially to the extent of burdening the child with this responsibility, constitutes a form of injustice that undermines the familial and social order. Although some research, such as that conducted by [Aulia et al. \(2024\)](#) and [Harahap \(2024\)](#), has suggested that this act may be subject to sanctions determined by the authorities, or discretionary punishment (*ta'zir*), no study has specifically and thoroughly analyzed cases in the informal mining sector. This sector involves a context of very high and direct harm (*mafsadah*). Such an analysis is necessary, employing the higher objectives of Islamic law (*Maqashid al-Syariah*) as an analytical tool, to construct a systematic argument for the act's qualification as a criminal offense (*jarimah*).

The case study for this research is located at the gold mine in Muara Parlampungan Village, Batang Natal Sub-district, where the practice of forcing children to work as breadwinners is openly carried out. School-aged children are reported to work long hours in an environment that constantly threatens their lives and health. This phenomenon not only reflects a failure to implement positive law but also signifies a crisis in the understanding of the fundamental values of child protection in Islamic teachings. A comprehensive religio-legal (*syar'i*) analysis is required to dissect this

problem from its roots, moving beyond mere sympathy toward the formulation of a just legal solution.

Therefore, the novelty of this research lies in three fundamental aspects. *First*, it applies the framework of Islamic criminal law (*fiqh jinayah*) specifically to a case of child exploitation in the informal gold mining sector, a context rarely addressed by contemporary *fiqh jinayah* studies. *Second*, this research does not merely state that the act is forbidden but constructs a systematic argument to qualify it as a discretionary crime (*jarimah ta'zir*). This argument is grounded in the higher objectives of Islamic law (*Maqashid al-Syariah*), thereby providing a solid philosophical foundation for criminalization. *Third*, the juridical-empirical approach employed facilitates a critical dialogue between ideal Islamic legal norms and complex social realities, resulting in an analysis that is not only theoretical but also contextually relevant and empirically accountable.

Consequently, this study aims to answer two primary research questions. *First*, what are the factual dimensions of the practice of forcing children to act as breadwinners at the gold mine in Muara Parlampungan Village? *Second*, from the perspective of Islamic criminal law (*fiqh jinayah*), what are the qualifications and forms of sanction for this coercive act, particularly through the analysis of discretionary crimes (*jarimah ta'zir*) and the higher objectives of Islamic law (*Maqashid al-Syariah*)?

By achieving these objectives, this research is expected to make a significant contribution, both theoretically and practically. Theoretically, it will enrich the academic discourse on Islamic criminal law (*fiqh jinayah*) by presenting an applicable analytical model for contemporary criminal issues. Practically, the findings are intended to serve as a *Sharia*-based reference for policymakers, law enforcement officials, and religious institutions in formulating more effective, just, and humane child protection strategies and intervention models for the future.

METHOD

This research was designed using a juridical-empirical approach to address the formulated problems. This approach was strategically selected for its capacity to bridge two fundamental domains of analysis: the normative legal domain and the empirical social reality. As described by [Qamar and Rezah \(2020\)](#), juridical-empirical research does not stop at analyzing legal texts or law in the books; it also involves fieldwork to examine how the law operates, is implemented, or is even violated within the context of community life, known as law in action. The justification for this approach lies in the research objective itself: not only to study the concept of a discretionary crime (*jarimah ta'zir*) theoretically, but also to apply it to assess a concrete social phenomenon in Muara Parlampungan Village. Consequently, this approach facilitates

a dialectical analysis of the ideal norms in Islamic law and the facts on the ground, yielding a holistic understanding inseparable from its context.

This study is a qualitative research employing a case study design. The qualitative nature was chosen because the research aims to understand the meaning, interpretations, and social dynamics behind numbers and statistics (Irwansyah, 2020). Its focus is on achieving an in-depth understanding (*verstehen*) of the subjective experiences of the actors involved, the motives behind their actions, and the socio-cultural context in which they operate. The case study design is used to focus the investigation deeply and intensively on a single unit of analysis: the phenomenon of forcing children to work as breadwinners at the Muara Parlampungan gold mine. This design allows the researcher to conduct a rich, holistic exploration of the case's complexities, uncovering hidden narratives that a quantitative survey would not capture, thereby producing a comprehensive, contextualized understanding.

Data sources for this study consist of primary and secondary data (Sampara & Husen, 2016). Primary data—the main data—were gathered directly in the field through participatory observation and in-depth interviews. Observations were conducted to assess working conditions in the mining area directly, interactions between child laborers and adults, and the activities they performed. In-depth interviews were conducted with key informants selected through purposive sampling, which involves selecting informants based on the relevance and depth of their knowledge regarding the issue being researched. The informants in this study comprised three main groups: (1) children who were victims of exploitation, (2) a religious figure (*ustadz*) in the community, and (3) a representative of community leaders to obtain a triangulation of perspectives. Meanwhile, secondary data were collected through a comprehensive documentation study, which included the Al-Qur'an, hadith collections, classical and contemporary jurisprudential literature—particularly in the fields of Islamic criminal law (*fiqh jinayah*) and the higher objectives of Islamic law (*Maqashid al-Syariah*)—relevant national laws and regulations, as well as articles from published national and international scholarly journals.

The data analysis technique in this research uses the interactive analysis model developed by Miles et al. (2014). This model consists of four interconnected and cyclical stages. The first stage is data collection, as previously described. The second is data reduction, in which the researcher selects, focuses on, and abstracts the raw data obtained from the field and literature reviews; irrelevant data are set aside, while crucial data are organized into key themes. The third stage is data display, in which the reduced data are presented in structured, systematic descriptive narratives. The final stage is conclusion drawing and verification. In this phase, the researcher conducts a thorough analysis of the data presented, connects the empirical findings

to the theoretical framework of Islamic criminal law (*fiqh jinayah*), and constructs a coherent argument to answer the research questions thoroughly.

RESULTS AND DISCUSSION

A. Factual Dimensions of Forced Child Labor at the Muara Parlampungan Gold Mine

A field investigation in Muara Parlampungan Village presents a portrait of reality that strikes at the core of humanity, where the future of children is wagered on the extraction of gold granules. The primary finding from in-depth interviews with child informants reveals a systematic and structured pattern of exploitation. Children, the majority of whom are still in elementary and junior high school, are forced into a cycle that robs them of their rights to rest, education, and play. They begin work early in the morning, around 7:00 AM, and can only return home as dusk falls, around 7:00 PM. This 12-hour daily work duration fundamentally violates the provisions of Law Number 13 of 2003², as well as the limits of a child's physical and psychological endurance. This grueling routine forces some of them to make a tragic choice: to leave school entirely, as their energy and time are completely drained by disproportionate labor.

The work environment in the artisanal gold mining area is a perilous arena, exacerbated by the absence of safety standards. These children work amid life-threatening risks at every moment. They must descend into narrow, oxygen-deficient mining pits with the constant threat of landslides that could bury them alive. Furthermore, the gold processing at this location still employs the amalgamation method, which uses mercury, a highly toxic chemical. These children are directly exposed to mercury vapor without adequate personal protective equipment, placing them at risk of chronic poisoning that can lead to permanent neurological damage, kidney failure, and various other degenerative diseases in the future. These extreme working conditions constitute a form of physical and structural violence, where children are deliberately placed in situations that could claim their lives or cause lifelong disabilities.

The impact of this exploitation is not confined to physical harm but also permeates deep into the psychological and social dimensions of the children. Interviews revealed profound feelings of trauma, anxiety, and a loss of self-confidence. One child informant described a feeling of alienation from his peer group, stating he felt ashamed and no longer "fit" to play with his friends due to the burden of responsibility he carried. This social stigma creates a dividing wall

²Law Number 13 of 2003, as amended by Article 81 of Government Regulation in Lieu of Law Number 2 of 2022.

that isolates them from the world of early adolescence, which they are supposed to enjoy. This finding empirically validates the analysis by [Rivanie et al. \(2021\)](#) regarding the psychological disorders that child laborers are vulnerable to due to exposure to adult work environments. Moreover, the fact that most of them are forced to drop out of school or experience a drastic decline in academic performance serves as concrete evidence, reinforcing the conclusions of [Jusrianto and Nur \(2021\)](#) and [Maulidna and Sundry \(2021\)](#) about the destructive impact of labor on children's educational attainment.

An analysis of the root causes indicates that this phenomenon arises from a complex interplay of familial dysfunction and structural poverty. A majority of the cases are triggered by parental divorce, where the father, as the primary provider, abandons the family without providing financial support. This situation aligns with the findings of [Nahuddin \(2022\)](#) and [Lira \(2023\)](#), which highlight the failure to provide post-divorce financial support as a major driver of family economic crises. In this role vacuum, the child, particularly the eldest son, is often forced or feels compelled to take over the role of the family's backbone. Additionally, there are cases in which the parents, though still together, hold a misguided view of a child's responsibilities, believing that children are obligated to "repay their gratitude" by contributing to the household. This view is aggravated by poverty that limits rational choices, as analyzed by [Pratama \(2021\)](#) in the context of child exploitation as beggars, and by [Rizki et al. \(2024\)](#) through YouTube content, where children are perceived as "assets" to increase family income.

Perspectives from local religious and community leaders provide a deeper layer of understanding. *Ustadz* Adam, one of the interviewed religious figures, firmly stated that the practice of forcing children to work, especially in hazardous conditions, is an act opposed to the teachings of Islam. He emphasized that children are a trust (*amanah*) who must be protected, educated, and loved, not used as tools for economic fulfillment. This view reflects the ideal normative understanding of Islamic law. On the other hand, community leaders highlighted a social dilemma and a sense of structural helplessness. The lack of job opportunities for adults, coupled with the ever-increasing cost of living, creates immense economic strain. It is this pressure that ultimately makes children the final victims of a system that has failed to provide protection and welfare for its citizens.

B. The Violation of Children's Fundamental Rights: An Analysis from the Perspectives of Positive Law and Sharia Principles

When viewed through the lens of the legal framework, the empirical facts uncovered in Muara Parlampungan Village clearly indicate systematic violations of a child's most fundamental rights. From the perspective of Indonesian positive

law, this practice constitutes a direct contradiction of the constitutional mandate. Article 28B section (2) of the 1945 Constitution explicitly stipulates that “*every child shall have the right to live, grow, and develop, and shall be entitled to protection from violence and discrimination.*” Forcing a child to work for 12 hours in a hazardous mining environment is a form of structural violence that actively impedes their growth and development—physically, mentally, and intellectually—thus substantively violating this constitutional guarantee.

This violation becomes even more apparent when analyzed through Law Number 23 of 2002. Article 4 of this law reaffirms a child’s right to live, grow, and develop properly in accordance with human dignity and worth. The working conditions in Muara Parlampungan, which rob children of their time for rest, play, and learning, are in clear opposition to the principle of “proper development.” More specifically, Article 76I of Law Number 35 of 2014 stipulates that:

“Every Person is prohibited from placing, allowing, committing, ordering to commit, or participating in the economic and/or sexual exploitation of a Child.”

This situation can result in the child experiencing mistreatment and neglect, leading to suffering. Allowing a child to be exposed to mercury vapor and to work under the threat of landslides constitutes neglect of their safety. Likewise, this practice contravenes Law Number 13 of 2003, which strictly regulates the minimum age and working conditions for children (Damayanti et al., 2024), all of which were violated in this case.

While positive law has clearly prohibited this practice, Islamic *Sharia* provides a more fundamental and profound justification for why this act is classified as an injustice. The primary foundation of the parent-child relationship in Islam is the concept of a sacred trust (*amanah*). In a hadith narrated by Ibn ‘Umar in [Sahih al-Bukhari](#), the Prophet Muhammad, PBUH, said:

كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالْأَمِيرُ رَاعٍ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ، وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ زَوْجِهَا وَوَلَدِهِ، فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ.

“All of you are guardians and are responsible for your wards. The ruler is a guardian and the man is a guardian of his family; the lady is a guardian and is responsible for her husband’s house and his offspring; and so all of you are guardians and are responsible for your wards.”

This hadith positions parents as “guardians” who are fully responsible for their “wards”—their children. Forcing a child to work in a mine is a betrayal of that trust in leadership. In this case, the guardian is endangering the very ward they

are obligated to protect. The primary responsibility of this leadership trust is to provide sustenance (Sitorus & Mukhsin, 2024). Allah SWT declares in the Qur'an, Surah Al-Baqarah, verse 233:

وَالْوَالِدَتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ ... ﴿٢٣٣﴾

"Mothers may breastfeed their children for two complete years for whoever wishes to complete the nursing [period]. Upon the father is the mother's provision and their clothing, according to what is acceptable. ..."

This verse leaves no room for alternative interpretations; providing sustenance is the absolute responsibility of the parents, not the child. Therefore, shifting this duty to a child constitutes a role reversal that is theologically unjustifiable (Baharudin & Adnan, 2024). The violation of this obligation is further emphasized as a reprehensible act in a hadith narrated by Imam Muslim in *Riyad as-Salihin*, where the Prophet Muhammad, PBUH, stated:

كَفَى بِالْمَرْءِ إِثْمًا أَنْ يَحْبِسَ عَمَّنْ يَمْلِكُ قُوَّتَهُ.

"It is enough sin for a person to hold back the due of one whose provision is in his hand."

Thus, the parents in Muara Parlampungan have not only failed to fulfill a command but have also actively committed an act categorized as a sin. Furthermore, Islamic *Sharia* speaks not only of neglected duties but also of transgressed prohibitions. Allah SWT proclaims in the Qur'an, Surah Al-Isra', verse 31:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطْئًا كَبِيرًا ﴿٣١﴾

"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."

Contemporary exegetes have expanded the meaning of "killing" in this verse beyond the literal sense to include a metaphorical interpretation: the "killing" of a child's potential, future, and life prospects for economic reasons. Forcing a child to drop out of school and work in an environment that damages their health is a form of "slow killing" of their future, driven by the very motive forbidden in the verse. This prohibition is also based on a broader principle: the responsibility not to create a weak generation. In Surah An-Nisa', verse 9, Allah SWT declares:

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ﴿٩﴾

“And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice.”

The practices in Muara Parlampungan directly contribute to the creation of a weak progeny (*dzurriyyatan dhi'afan*)—a generation that is physically weak from exposure to toxic substances, intellectually weak from being uprooted from education, and economically weak from being trapped in a cycle of poverty. Consequently, this act is no longer a private matter between parent and child; it has become a social problem that threatens the quality of future generations in the community.

C. Qualification of the Act as a Discretionary Crime (*Jarimah Ta'zir*): An Analysis Based on the Higher Objectives of Islamic Law (*Maqashid al-Syariah*)

Having established that the practice of child coercion in Muara Parlampungan substantively violates both positive legal norms and fundamental *Sharia* principles, the next analytical step is to qualify the status of this act within the framework of Islamic criminal law (*fiqh jinayah*). Although the Qur'an and Sunnah do not specify a sanction for “child exploitation,” this does not mean the act can escape legal consequence (Ente, 2024). It is here that the role of the higher objectives of Islamic law (*Maqashid al-Syariah*) becomes central as an analytical tool to determine whether an act can be categorized as a criminal offense (*jarimah*) deserving of a sanction. *Maqashid al-Syariah* serves as the philosophical foundation that allows Islamic law to remain responsive to new forms of crime not textually regulated.

In-depth analysis demonstrates that the practices in Muara Parlampungan brutally and simultaneously undermine three of the five fundamental objectives of Islamic law, or the five universal principles (*al-kulliyat al-khams*). First, and most importantly, is the violation of the preservation of life (*hifz al-nafs*). Placing children in mining pits prone to landslides and forcing them to inhale mercury vapor daily is an act that directly threatens their lives. The principle of *hifz al-nafs* is not only understood as the prohibition of killing but also encompasses the prohibition of any act that could cause physical harm, illness, or a gradual death. Thus, the actions of the parents in this case are analogous to thrusting their children into a state of peril, constituting the most serious violation of the primary objective of *Sharia*.

Second, there is a systematic degradation of the preservation of the intellect (*hifz al-'aql*). According to the *maqashid* scholars, *hifz al-'aql* does not merely signify a ban on consuming intoxicants; it also entails the obligation to protect and develop the intellectual potential bestowed by Allah. Education is the primary instrument for preserving and developing the intellect. When the children in Muara Parlampungan are forced to abandon school and replace books with hoes, their intellectual futures are truncated. As emphasized by [Pramasela and Zarkasih \(2023\)](#), allowing a child to work to the point of losing their right to education is a clear form of violating *hifz al-'aql*. The state and society bear the responsibility to ensure that every intellectual potential can flourish to its maximum, and any action that obstructs this must be considered a transgression.

Third, this practice threatens the continuity and quality of future generations, which is the essence of the preservation of progeny (*hifz al-nasl*). The goal of *hifz al-nasl* is to ensure the birth of a succeeding generation that is strong, healthy, moral, and productive. Children who are physically damaged by mercury exposure, intellectually stunted from dropping out of school, and psychologically wounded by trauma are candidates for the “weak progeny” (*dzurriyyatan dhi'afan*) against which the Qur'an warns. By allowing this practice to continue, the community is collectively sowing the seeds of generational fragility for the future. The analysis from [Nabilla and Musyafa'ah \(2024\)](#) reinforces that child exploitation constitutes a comprehensive violation of all *maqashid* principles, including *hifz al-nasl*.

Based on the evidence that this act fundamentally damages the most essential public interests, or primary necessities (*dharuriyyat*), it can be definitively classified as a criminal offense (*jarimah*) in Islam. Because the Qur'an and Sunnah do not specify a fixed punishment (*hadd*) or a retaliatory punishment (*qisas*) for this type of act, it automatically falls into the category of a discretionary crime (*jarimah ta'zir*). *Ta'zir* is a type of criminal sanction whose determination is entirely delegated to the discretion of the ruler, judicial institution, or those in authority (*ulil amri*). Its purpose is to impose a punishment deemed most effective in providing deterrence, promoting rehabilitation, and protecting societal interests.

This qualification as a discretionary crime (*jarimah ta'zir*) provides the state with powerful theological and juridical legitimacy to intervene. As affirmed by [Aulia et al. \(2024\)](#) and [Harahap \(2024\)](#), perpetrators of child exploitation can be subjected to *ta'zir* punishment. It means the state is not only entitled but also obligated to formulate regulations and criminal sanctions to prosecute the offenders. The flexible nature of *ta'zir* sanctions allows the punishment to be tailored to the severity of the case and the condition of the perpetrator, ranging from a stern reprimand and fines to flagellation and imprisonment. All these

measures aim to achieve the ultimate goal: to stop the harm (*mafsadah*) and realize the welfare of the child and society.

D. Implications of the Findings and a Critical Dialogue with Child Protection Literature

The series of analyses presented has systematically constructed a coherent and multi-layered legal argument, beginning with the dissection of the factual dimensions on the ground, identifying rights violations under positive law and *Sharia*, and culminating in the qualification of the act as a discretionary crime (*jarimah ta'zir*) based on the higher objectives of Islamic law (*maqashid*). This study's findings conclusively affirm that the practice of child coercion at the Muara Parlampungan gold mine is not merely an isolated social crisis; it is a clearly defined criminal offense within the framework of Islamic law. The significance of research, however, does not end with its internal conclusions but lies in its ability to dialogue with, confirm, and challenge the broader scholarly discourse. Therefore, this section aims to place these findings in a critical dialogue with existing child protection literature, apply a secondary theoretical framework to deepen understanding, and formulate policy implications emerging from this analysis, thereby enabling the research to contribute meaningfully to both academic discourse and on-the-ground practice.

In dialogue with previous research, the unique position and contribution of this study are clearly delineated. The finding that economic motives and family subsistence needs are the primary drivers of child exploitation in the mining sector confirms similar conclusions from [Hidayat et al. \(2023\)](#) and [Puspitasari et al. \(2024\)](#), who examined gold and coal mining contexts in different locations. However, this study transcends mere motive identification by offering an analytical step not deeply explored in those studies: a religio-legal (*syar'i*) formulation that systematically categorizes the act as a discretionary crime (*jarimah ta'zir*) through *maqashid*-based reasoning. On the other hand, the conclusion that child exploitation can be subjected to *ta'zir* sanctions aligns with research by [Sinaga et al. \(2023\)](#) and [Harahap \(2024\)](#) concerning street workers and [Aulia et al. \(2024\)](#) in their comparative study. However, the novelty of this research lies in its specific application to the informal mining sector, which poses far greater and more direct harm (*mafsadah*)—threats of landslides, mercury poisoning, and permanent physical injury—than other informal sectors. It provides a more compelling and urgent justification for state-sanctioned intervention.

Furthermore, the empirical findings on the multidimensional impacts experienced by the children in Muara Parlampungan provide concrete validation for various theoretical analyses of the consequences of child labor. Reports of

psychological trauma, feelings of alienation from peers, and the social stigma they endure directly mirror the dangers of exposure to adult work environments as described by [Rivanie et al. \(2021\)](#). The feelings of shame and unsuitability expressed by the child informants are a tangible manifestation of a lost early adolescence, as they are forced to bear adult burdens and responsibilities prematurely. Similarly, the fact that a majority of them were compelled to drop out of school or suffered academic setbacks serves as a real-world case study that reinforces the findings of [Jusrianto and Nur \(2021\)](#) and [Maulidna and Sundry \(2021\)](#) on the destructive impact of labor on children's educational attainment. Thus, the case in Muara Parlampungan is not only a local phenomenon but also a microcosm that reflects and substantiates various theories and findings on the long-term damage caused by the economic exploitation of children at both the individual and societal levels.

The application of Labeling Theory as a secondary analytical framework deepens our understanding of the social barriers to addressing this case. In the field, it was found that working children often receive negative labels from parts of their social environment, such as "delinquent," "school-averse," or "ungrateful." These labels are sociologically perilous. *First*, they obscure the child's status as a victim and erroneously cast them as agents responsible for their own condition. *Second*, they create a social justification for collective negligence: the community feels no need to intervene because the problem is perceived as stemming from the child's own "character" rather than from systemic failures or the adults around them. This labeling process effectively shifts the focus from the root causes—namely, structural failures and parental negligence—to the surface-level symptoms. Consequently, any legal intervention, such as the application of *ta'zir* sanctions, must be accompanied by destigmatization and public education programs aimed at dismantling these false labels and restoring the child's status as a victim who must be protected, not as a deviant actor to be isolated.

Overall, the finding that child exploitation in Muara Parlampungan constitutes a discretionary crime (*jarimah ta'zir*) carries highly significant policy implications. This qualification provides strong theological and juridical legitimacy for those in authority (*ulil amri*) to move beyond mere appeals and undertake decisive legal intervention. The weak law enforcement highlighted by [Munawir \(2023\)](#) and [Nadhifah et al. \(2025\)](#) can be addressed by grounding action in the *maqashid* framework. This means that state intervention is not an arbitrary act but an obligation to protect the fundamental public interests (life, intellect, and progeny) that are under threat. However, consistent with the flexible nature of *ta'zir* sanctions, such intervention must not be solely punitive. The ideal policy implication is the development of a hybrid law enforcement model. This model would combine educational sanctions for parents (such as mandatory

counseling, skills training, or community service oriented toward child welfare) with comprehensive restorative programs for the children (including educational scholarships, physical health recovery from mercury exposure, and psychological rehabilitation through trauma therapy). In this way, Islamic criminal law (*fiqh jinayah*) functions not only as a sword that punishes but also as a shield that protects and a hand that restores, reflecting its essence as a law oriented toward justice and mercy.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the practice of forcing children to act as breadwinners at the gold mine in Muara Parlampungan Village is not merely a social crisis triggered by poverty and familial dysfunction; it is an act that, from a religio-legal (*syar'i*) perspective, fulfills the qualifications of a criminal offense (*jarimah*). This qualification is based on an in-depth analysis proving that the act systematically and simultaneously undermines three of the five universal principles (*al-kulliyat al-khams*): the preservation of life (*hifz al-nafs*), the preservation of the intellect (*hifz al-'aql*), and the preservation of progeny (*hifz al-nasl*). Due to the absence of a specific sanction stipulated in the primary texts (*nash*), this act definitively falls into the category of a discretionary crime (*jarimah ta'zir*), which provides full legitimacy for the state to undertake legal intervention to protect the public interest and uphold justice.

The significance of this research lies in its contribution to meticulously mapping the trajectory of legal reasoning —from the identification of empirical facts to the formulation of an Islamic criminal sanction — within a highly specific and hazardous context: the informal mining sector. Thus, this study not only confirms previous findings regarding the factors and impacts of child exploitation but also goes a step further by providing a solid theological and philosophical justification for law enforcement. It addresses the need for a responsive and applicable framework of Islamic criminal law (*fiqh jinayah*) in confronting modern forms of crime that threaten the fundamental rights of children, while simultaneously filling an existing research gap in the literature.

The implications of these conclusions are not merely theoretical; they demand concrete, implementable recommendations for various stakeholders. Given the welfare-oriented nature of *ta'zir* sanctions, the recommended approach must be holistic, integrating law enforcement, public education, social interventions, and further research to ensure a comprehensive and sustainable solution.

To the government and law enforcement agencies, it is recommended that cases of child exploitation in the informal sector no longer be viewed solely as social

problems but as criminal offenses requiring decisive juridical intervention. A hybrid law enforcement model that draws on the flexibility of *ta'zir* sanctions should be developed. On one hand, this model would impose educational and rehabilitative sanctions on the offending parents, such as mandatory participation in parenting counseling and skills training. On the other hand, it would implement comprehensive restorative programs for the child victims, including guarantees for the continuation of their formal education, physical health recovery from the impacts of the hazardous work environment, and psychological rehabilitation to overcome trauma. Inter-agency synergy—from social services and the police to judicial institutions—is key to the successful implementation of this model.

To the community and religious leaders, it is recommended that they actively take on a role in prevention and destigmatization efforts. A systematic public education program on children's rights from an Islamic perspective should be promoted, emphasizing the concepts of provision (*nafkah*) and trust (*amanah*) to dismantle theological misconceptions that often justify them. Religious leaders are encouraged to use their pulpits to voice the prohibition of child exploitation and to promote the collective responsibility of protecting future generations. Furthermore, a community-based social monitoring mechanism should be established to detect and report cases of exploitation to the authorities at an early stage, while also providing moral and material support to vulnerable families.

For future researchers, it is recommended that this study be expanded in more implementative and comparative directions. Further research could focus on assessing the effectiveness of various *ta'zir* sanction models in cases of child exploitation to identify the most just and deterrent forms of punishment. Additionally, comparative studies between the *fiqh jinayah* approach and the juvenile criminal justice system in positive law could provide valuable insights for harmonizing and reforming child protection policies in Indonesia. Exploring child protection models grounded in local wisdom and integrated with religious values is also a promising area of research.

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