

Children's Protection in the Issue of *Hadhanah* Based on Islamic Family Law and The Law of Thailand

Rohanee Machae (Corresponding author)
Department of Syariah, Faculty of Islamic Studies,
National University of Malaysia.
Tel: +6017-4516764 E-mail: nee_2750@hotmail.com,

Abdul Basir Mohamad
Comparative Tort Law, Islamic Criminal Law and Islamic Studies
Department of Syariah, Faculty of Islamic Studies, National University of Malaysia.
Tel: +603 8921 5940 E-mail: abasir@ukm.edu.my

Mutsalim Khareng
Department of Theology and Philosophy, Faculty of Islamic Studies,
National University of Malaysia.
Tel: +6012-2678209 E-mail: habba_yabnee@hotmail.com,

Abstract

This paper analyses Children Protection in the Islamic Family Law of Southern Thailand and the Civil Law of Thailand. The common issue faced by the Court or the District Islamic Department is the rising number of *hadhanah* claim cases. This research is meant to investigate the rights of children regarding *hadhanah* based on the Islamic Family Law of Southern Thailand and to what extent the laws follow the principles of Islamic law. This research utilized few approaches which are the content, deductive, inductive, and comparative analysis. Basically, the findings suggest that the differences between the two laws can be accepted as both laws originated from distinguished backgrounds. Therefore, both laws play crucial roles in completely protecting the children in *hadhanah* cases, as well as promising safety and peaceful life for the children even though their parents' relationship is in crisis.

Keywords: Children, Protection, Hadhanah, Islamic Family Law, Civil Law of Thailand.

References

- Abdul Malek, N. (2007). Hadanah in Islamic Family Law. Vol. 14. Dewan Bahasa dan Pustaka, Kuala Lumpur, Malaysia.
- Al-Asiliy, A. M. (2010). al-Furuq al-Fighiyyah baina al-Rajul wa al-Marah. Darul Nafa'is, Urdun
- al-Bakhri, M. Z. (2010). Islamic Family System. Selangor, Malaysia, Darul Syakir Enterprise.
- al-Dusyuqi, S. D. M. I. (n.d). Hasyiyah al-Dusuqi 'ala al-Syarh al-Khabir. Vol. 2. Beirut, Dar Ihya al-Kutub al-Rabbiyah,
- al-Mubarakfuri, M. A. A. (n.d). Tuhfatul al-Ahwadhi bi Syarhi Jamik Tarmidhi. Vol. 1. Bab.

- Maja'a fi Takhyir al-Ghulam bayna Abawaihi Idha Iftaraqa. Bairut, Dar Kutub al-Alamiyah.
- al-Nawawi, A. Z. Y. (n.d). Raudhah al-Talibin. Vol. 9. Beirut, Maktab al-Islami.
- al-Syatibi. (1997). al-Muwafaqat fi Usul al-Syariah. Vol.2. Maktabah Nazar Mustafa al-Badh, Saudi Arabia.
- al-Syawkani. (n.d). Faihul Qadir. Vol. 3. Beirut Dar al-Kutub al-Alamiyyah.
- al-Zuhayli, W. (1985). al-Fiqh al-Islami wa Adillatuh. Vol. 7. Dimsyiq, Dar al-Fikr.
- Annual Report. (2010). Office of Juvenile Justice System Development. Department of Juvenile Observation and Protection, Case Statistics.
- Annual Report. (2013). Cast family and heritage demand in the Province of Southern Thailand, Thailand.
- Aqlah, M. (1990). Nizam al-USrah fi al-Islam. Oman, Maktabah al-Risalah al-Hadithah.
- Ibrahim, M. R. (2006). Munakahat: Law & Prosedures. Ampang, Kuala Lumpur, Publicing House.
- Islamic Family Law in Brunei (1999), Brunei.
- Islamic Family Law in Federal Territories (1984).
- Islamic Family Law in Southern of Thailand (1946), Thailand.
- Mohd Zin, N. et.al. (2007). Islamic Family Law. Dawan Bahasa dan Pustaka, Kuala Lumpur, Malaysia.
- Muda, Z. (2009). Interaction Social in Islamic Perspective. Selangor, PTS Islamika.
- Mulhim, A.S. (1998). Al-Syarh al-Tatbiqiy li Qanun al-Ahwal al-Syakhsiyyah al-Urduniy. Jordan, Maktabah al-Risalah al-Hadithat.
- Mustafa al-Khin, M.B. (2009). Al-Figh al-Manhaji Mazhab al-Syafii. Selangor, Darul Syakir Enterprise.
- Qasim, Y. (1992). Huquq al-USrah. Egypt, Dar Nahdhah al-Arabiyyah.
- Sabiq, S. (1967). Figh al-Sunah. Vol. 8. Matbaah al-Tamuzijjiyyah, Egypt.
- Salleh, H. (1992). Basic of Islamic Family: Discussion of the Four Schools. Dewan Bahasa dan Pustaka, Kuala Lumpur.