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


Islamic Family Law in Brunei (1999), Brunei.


Islamic Family Law in Southern of Thailand (1946), Thailand.


