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Neglect of *Ḥaḍānah* in Supervising Children's Gadget Use: A Case Study in Panai Hulu, Indonesia[1]

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Abstract:
Children's unsupervised use of gadgets has become a routine feature of family life in rural Indonesia, yet Islamic family-law scholarship still treats *ḥaḍānah* mainly as a question of post-divorce custody. This article examines how parents in Meranti Paham Village, Panai Hulu District, Labuhanbatu Regency, supervise or fail to supervise their children's use of gadgets, why such neglect occurs, and how it should be qualified under Islamic law and Indonesian positive law. Using empirical (socio-legal) legal research that combines semi-structured interviews, observation, and statutory and conceptual analysis, the study finds that gadgets are commonly used as a "digital pacifier" with no limits on duration, night-time use, or content. The main drivers are domestic and economic workload, limited digital-parenting literacy, and community normalization. Drawing on classical fiqh, *maqāṣid al-sharīʿah*, and the Compilation of Islamic Law, the article argues that protecting a child from foreseeable harm is integral to ḥaḍānah and parental riʿāyah, and that persistent non-supervision breaches the custodian's *amānah*. However, ordinary lapses do not satisfy the elements of criminal neglect under Article 76B, in conjunction with Article 77B, of the Child Protection Law, or under Article 428 of the 2023 Criminal Code. The article proposes a graduated accountability model (moral-religious, educative, civil supervision, revocation of parental authority, and criminal sanction as *ultimum remedium*), supported by Government Regulation No. 17 of 2025 and village-level religious institutions.

Keywords: *ḥaḍānah*; digital neglect; parental supervision; *maqāṣid al-sharīʿah*; child protection

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A. INTRODUCTION

Smartphones and tablets now reach children earlier than almost any other cultural tool. Health evidence gives parents good reasons to manage this exposure. The World Health Organization recommends no sedentary screen time for 1-year-olds and no more than 1 hour per day for children aged 2 to 4, because screen time displaces sleep and physical activity (World Health Organization, 2019). A meta-analysis of 33 studies identified smart-device screen time as a risk factor associated with myopia in children and young adults (Foreman et al., 2021). Research on parental mediation shows that outcomes depend heavily on whether parents restrict, discuss, and accompany their children's internet use (Livingstone & Helsper, 2008; Livingstone et al., 2017). The issue is therefore not only educational or medical. It is also normative: what do parents owe their children in a digital environment, and what legal consequences follow when they fail to provide it?

In Islamic law, the duty to care for a child who cannot yet manage his or her own affairs is called *ḥaḍānah*. Classical jurists described it as safeguarding the child from what harms him and raising him in what benefits him (al-Kāsānī, 1986; Ibn Qudāmah, 1997; al-Zuḥaylī, 1985). In Indonesian scholarship and practice, however, *ḥaḍānah* is discussed mostly in the context of divorce: who has the prior right of custody, under what conditions, and until what age. This is how Articles 105 and 156 of the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI) operationalize the concept (Azizi & Achadi, 2023; Iksan, 2020). The everyday care that married parents exercise, including supervision of gadgets, rarely receives legal treatment and is left to education and psychology. Recent studies have begun to argue that *ḥaḍānah* should include digital literacy (Asyuro et al., 2026) and that *maqāṣid al-sharīʿah* offers a frame for evaluating gadget-related harm (Akli & Boukerroucha, 2024; Marhamah et al., 2026). These studies are largely normative. They have not tested the argument against field data or against the legal consequence mechanisms that Indonesian law actually provides.

The Indonesian legal framework has also changed. Article 45 of Law No. 1 of 1974 on Marriage obliges both parents to care for and educate their children as well as possible, and Article 26(1) of the Child Protection Law (Law No. 23 of 2002 as amended by Law No. 35 of 2014) makes parents responsible for caring for, educating, and protecting their children. Government Regulation No. 17 of 2025 on the Governance of Electronic Systems in Child Protection (PP Tunas), enacted on 27 March 2025 and effective as of 28 March 2026, requires digital platforms to implement age-verification, parental-consent, and parental-control features. Its design presupposes active and digitally capable parents, a presupposition that recent scholarship questions (Rajni et al., 2026). The new Criminal Code (Law No. 1 of 2023), in force since 2 January 2026, has replaced the neglect offense in Article 304 of the old Code with Article 428.

This article examines these questions in Meranti Paham Village, Panai Hulu District, Labuhanbatu Regency, North Sumatra. Preliminary observations in the village

found children using gadgets for long periods during the day and at night, with no limits on duration and no parental guidance. Several parents said they handed their children gadgets to keep them quiet while they worked. In addition, the researcher was told of a child in the village (Child A) whose family attributed a serious visual impairment to prolonged phone use from an early age. The causal attribution cannot be verified medically in this study and is not treated as a finding. The case matters because of how it was framed locally: neighbors regarded it as a private family matter and did not intervene.

The article answers three questions. First, how do parents in Meranti Paham Village supervise, or fail to supervise, their children's gadget use? Second, what factors explain the lack of supervision? Third, how should such non-supervision be qualified under Islamic law (the fiqh of *ḥaḍānah*, *maqāṣid al-sharīʿah* and the KHI) and under Indonesian positive law, and what legal consequences follow? The article argues that protection from foreseeable harm is part of the substance of *ḥaḍānah*, so persistent non-supervision breaches the custodian's *amānah*, but that the legal response must be graduated and proportionate rather than punitive. Its contribution is a graduated accountability model that links classical doctrine on the negligent custodian to the remedies available in Indonesian law.

B. PREVIOUS STUDIES AND CONCEPTUAL FRAMEWORK

1. Previous Studies

Existing scholarship relevant to this article falls into four clusters. The first concerns *ḥaḍānah* as a doctrine of Islamic family law. Azizi and Achadi (2023) reconstruct Sayyid Sābiq's account of *ḥaḍānah* and the differences among the four schools on the order of custodians and the duration of custody. Iksan (2020) examines child protection following parental divorce. Studies of court practice show that neglect can be a ground for transferring custody or revoking parental authority. Angela et al. (2022) analyze the revocation of a mother's authority for neglect combined with very bad conduct under Article 49(1) of the Marriage Law, and Fahlevy et al. (2023) discuss a Medan Religious Court case on revoking a mother's custody under Article 49 of the Marriage Law and Article 156(c) KHI. These studies treat neglect in the setting of divorce or grave misconduct, not the everyday care of children in intact families.

The second cluster concerns parental responsibility under child-protection law. Sukardi (2016) examines legal protection for children who are victims of parental neglect from the standpoint of both positive and Islamic law. Daming and Al Barokah (2022) discuss the role of the family in protecting children from a human rights perspective, and Beta and Marwa (2023) develop a concept of parents' legal responsibility in the context of child marriage. These works establish a framework for responsibility but do not address the digital environment.

The third cluster is the empirical literature on digital parenting. Livingstone and Helsper (2008) distinguish active co-use, interaction restrictions, technical restrictions, and monitoring as forms of parental mediation, and Livingstone et al. (2017) show that parents' own digital skills shape whether they enable or merely restrict their children's use. Indonesian studies report similar patterns. Aslan (2019) discusses parenting styles in the digital era. W. A. Putri (2022) describes forms of parental supervision of children aged 5–6 in Pekanbaru. Hakim and Kristiyuana (2026) find that active parental supervision is the key factor in managing young children's screen time. In North Sumatra, Ningrum et al. (2026) identify parental busyness, peer influence, and uneven parental digital literacy as the main barriers to controlling children's use of gadgets. These studies are rich in description but do not ask what the law requires of parents or what follows from a failure.

The fourth cluster applies *maqāṣid al-sharīʿah* and state regulation to children's digital lives. Akli and Boukerroucha (2024) analyze online gaming through the lens of the protection of intellect (*ḥifẓ al-ʿaql*). Marhamah et al. (2026) frame character education in the digital era through all five necessities. Asyuro et al. (2026) argue that *ḥaḍānah* should be expanded to include digital literacy as part of a caregiver's eligibility. Rajni et al. (2026) evaluate PP Tunas through the maxim *taṣarruf al-imām ʿalā al-raʿiyyah manūṭ bi al-maṣlaḥah* and argue that its parental-consent model is weakened by limited parental digital skills and economic inequality.

The gap is therefore twofold. Doctrinal work on *ḥaḍānah* has not been extended, with argument, to digital supervision within intact families, and the normative *maqāṣid* literature has not been tested against field data or connected to concrete legal consequences. This article addresses both: it grounds the extension of *ḥaḍānah* in primary fiqh sources and the KHI, examines it against field data from a rural Muslim community, and specifies which legal consequences are, and are not, warranted.

2. Conceptual Framework: Ḥaḍānah, Riʿāyah and the Custodian's Amānah

Linguistically, *ḥaḍānah* derives from *al-ḥiḍn*, the side of the body between the armpit and the hip, evoking the image of holding a child close. Technically, Ḥanafī, Ḥanbalī and contemporary jurists define it as caring for a person who cannot manage his or her own affairs: protecting the child from what harms him and raising him in what benefits him (al-Kāsānī, 1986; Ibn Qudāmah, 1997; al-Zuḥaylī, 1985). Two elements are constant in these definitions: protection (*ḥifẓ*, *ṣiyānah*) against harm and upbringing (*tarbiyah*) towards benefit. Neither element is limited to physical sustenance. Ibn al-Qayyim (1971) goes further, observing that most of the corruption seen in children originates from their fathers' neglect and their failure to teach them what is obligatory and recommended in religion. He regards a parent who neglects to teach a child what benefits him and leaves him without guidance as gravely wronging the child.

The term is often used loosely as a synonym for all parental duties. Precision requires distinguishing it from four related concepts (Table 1).

Table 1. Ḥaḍānah and related concepts of parental duty

Concept	Core content in fiqh	Relevance to gadget supervision
Ḥaḍānah	Personal care and protection of a child who cannot yet manage his or her affairs; discussed chiefly in terms of who has priority after separation and the custodian's qualifications.	Direct for young children: protection from foreseeable harm is part of the custodial duty itself.
Tarbiyah	Education and moral formation towards religious and worldly benefit.	Content guidance, modeling healthy use and teaching digital etiquette.
Riʿāyah	General guardianship-in-care and supervision entrusted to the one responsible, with accountability (hadith *kullukum rāʿin*).	Broader basis covering older children who are beyond the age of *ḥaḍānah* but still under parental care.
Wilāyah	Legal authority over the child's person and property (e.g., representation, marriage, guardianship).	Authority to set household rules and consent to platform use, as PP No. 17/2025 now requires.
Nafaqah	Financial maintenance: food, clothing, housing, education costs.	Indirect: buying a device is *nafaqah*; supervising its use is not.

On this basis, the article uses *ḥaḍānah* in a defined sense. For children below the age of discernment (*tamyīz*), supervising gadget use is part of *ḥaḍānah* proper, because devices are a contemporary source of harm that the custodian must protect the child from. This duty does not depend on the parents being separated: in an intact marriage, both parents hold it jointly, as Article 77(3) KHI frames the spouses' duty to care for and maintain their children. For older children, the same duty continues as parental *riʿāyah* and *tarbiyah* exercised under *wilāyah*. Divorce rules, such as Articles 105 and 156 KHI, only determine who exercises *ḥaḍānah* when the parents live apart. They do not exhaust its content.

The doctrinal bridge to legal consequences lies in the jurists' conditions for a custodian (*ḥāḍin* or *ḥāḍinah*). Beyond sanity and maturity, the jurists require trustworthiness (*amānah*) and the capacity to raise and protect the child. A person whose care would expose the child to loss (*ḍayāʿ*) or corruption is not entitled to custody (Ibn Qudāmah, 1997; al-Zuḥaylī, 1985). Ibn al-Qayyim (1994) states the principle in its strongest form. Custody exists for the child's benefit, and a parent who neglects the child's upbringing loses priority to the one who will safeguard it. The neglectful custodian (*muḍayyiʿ*) thus forfeits the right, because the right was only ever an instrument of the child's welfare. This principle connects the moral duty to concrete legal consequences.

Two further lenses complete the framework. *Maqāṣid al-sharīʿah* evaluates conduct by its effect on the five necessities: religion, life, intellect, progeny and property (al-Shāṭibī, 1997; Auda, 2008). Legal maxims (*qawāʿid fiqhiyyah*) translate that evaluation into operative rules (al-Suyūṭī, 1990). Finally, a socio-legal lens frames the problem as a gap between the legal standard (*das sollen*) and social practice (*das sein*). It asks not only whether parents comply but why they do not, because the reasons bear on culpability and on the choice of remedy.

B. METHOD

This study is empirical (socio-legal) research with a qualitative case study design. It combines a statutory approach, which examines the Marriage Law, the Child Protection Law, the 2023 Criminal Code, PP No. 17/2025 and the KHI, with a conceptual approach, which examines the fiqh concepts of *ḥaḍānah*, *riʿāyah* and the custodian's conditions. It also uses a socio-legal approach to examine how these norms operate in the community. The study does not analyze court decisions and therefore does not use a case approach in the sense of legal research methodology. Court cases are referred to only through the secondary literature.

The research site is Meranti Paham Village, Panai Hulu District, Labuhanbatu Regency, North Sumatra Province. Fieldwork was conducted. Primary data were collected through non-participant observation of children's gadget use in households and public spaces in the village, and through purposively selected semi-structured interviews with informants. The selection criteria were: (a) parents of children who use gadgets daily; (b) a community or religious leader with knowledge of local child-rearing practices; and (c) a teacher at a local elementary school. The interview guide covered patterns of gadget use, parental rules, parents' knowledge of risks, and community attitudes. The informants cited in this article are listed in Table 2.

Table 2. Informants cited in this article

Code	Role	Main topic of interview

I-1	Mother; homemaker	Own practice of giving the child a phone; awareness of effects
I-2	Community leader	Community norms on giving gadgets to children
I-3	Elementary school teacher	Effects of night-time gadget use on pupils' learning

Secondary data comprise primary legal materials (statutes, government regulations, the KHI and MUI Fatwa No. 24 of 2017), primary Islamic sources (the Qur'an, hadith collections and classical fiqh works), and secondary literature. Field data were analyzed thematically through data reduction, display, and conclusion drawing. The resulting patterns were then examined in three legal steps: identifying the applicable standard of parental supervision, assessing whether the observed conduct breaches that standard, and determining the consequences under Islamic and Indonesian law. Field findings and literature are reported separately: Section D.1 reports field data, while the literature is used only for comparison and interpretation.

C. RESULT AND DISCUSSIONS

1. Patterns of Gadget (Non-)Supervision in Meranti Paham Village

The field data show four recurring patterns. The first is the use of the gadget as a "digital pacifier". I-1, a homemaker, explained that she regularly gives her child a mobile phone so that the child stays quiet while she completes household work. I-2, a community leader, described this as a common practice in the village: parents give children gadgets to keep them occupied while they work or do other activities. Observation confirmed that children were often left alone with a device while adults were busy.

The second pattern is the absence of time limits, including at night. Observation found children using gadgets for long periods, both during the day and at night, with no duration limit. I-3, an elementary school teacher, reported that inadequate parental supervision leads pupils to use gadgets late into the night, which in turn disrupts their concentration at school. The third pattern is the absence of content supervision. I-1 acknowledged that she did not monitor what her child accessed while using the phone.

The fourth pattern is reactive rather than preventive awareness. I-1 stated that she became aware of the negative effects of excessive gadget use only after she noticed changes in her child's behavior. Supervision, where it occurs, is thus triggered by visible harm rather than guided by anticipation of risk. The reported case of Child A fits the same pattern of late recognition and community silence. Whatever the medical cause of

the child's visual impairment, neighbors who knew of the situation treated child-rearing as the parents' private domain and did not intervene.

In the terms of the parental-mediation literature, these households practice neither restrictive mediation (rules on time and content) nor active mediation (talking about and accompanying use). What emerges is closer to non-mediation (Livingstone & Helsper, 2008). This contrasts with the families studied by Ningrum et al. (2026) in another North Sumatran village, who combined time limits, direct supervision, role modeling, and alternative activities despite similar barriers. The comparison suggests that the absence of supervision in Meranti Paham is not inevitable in comparable rural settings.

2. Factors Explaining the Lack of Supervision

Three factors emerge from the interviews. The first is domestic and economic workload. I-1 linked her reliance on the phone directly to household work, and I-2 linked the community practice to parents' work. In both accounts, the gadget serves as a substitute for an adult's attention during working time. This finding converges with Ningrum et al. (2026), who identify parental busyness as the main barrier to controlling children's gadget use.

The second factor is limited digital-parenting literacy. I-1's account shows that she did not know in advance what risks excessive use carried for her child's health, behavior, or learning. Livingstone et al. (2017) show that parents with weaker digital skills tend to rely on restriction, or do nothing, rather than guide their children's use. Rajni et al. (2026) find the same weakness undermining the parental-consent model of PP Tunas in Indonesia. A regulatory design that depends on parental consent will not protect children whose parents do not understand what they are consenting to.

The third factor is social normalization and the privatization of child-rearing. I-2's description of gadget-giving as common practice, and the community's silence about Child A, show that non-supervision is not seen as deviant and that child-rearing is regarded as a family matter in which outsiders should not intervene. Daming and Al Barokah (2022) note that the family is the first line of child protection; where the family fails, and the community considers intervention improper, there is no second line.

These factors matter for the legal analysis. They indicate that non-supervision in Meranti Paham arises mainly from structural constraints and a lack of knowledge, not from indifference or intent to harm. That bears directly on culpability in Islamic law, where obligation is proportionate to capacity, and on the elements of the criminal offenses discussed below, which require intent.

3. Qualification under Islamic Law

"Islamic family law" in this article refers to Islamic family law as applied in Indonesia: classical fiqh as the doctrinal source, read together with the KHI as its codified

form for the Religious Courts. The analysis proceeds from the standard, to *maqāṣid*, to legal maxims, and then to the KHI.

a. The legal standard of parental supervision

The Qur'an addresses believers' duty to protect their families:

يَا أَيُّهَا الَّذِينَ آمَنُوا قُوا أَنفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ

"O you who believe, protect yourselves and your families from a Fire whose fuel is people and stones…" (Q. al-Taḥrīm 66:6; Kementerian Agama RI, 2019).

The verse uses the imperative *qū* (protect), which states a positive duty of prevention rather than a mere prohibition on harming. A second verse addresses anxiety for vulnerable offspring:

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكُوا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ

"And let those fear who, if they left behind them weak offspring, would fear for them…" (Q. al-Nisāʾ 4:9; Kementerian Agama RI, 2019).

The Prophet defined the structure of this responsibility:

كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ … وَالرَّجُلُ رَاعٍ فِي أَهْلِهِ وَهُوَ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالْمَرْأَةُ رَاعِيَةٌ فِي بَيْتِ زَوْجِهَا وَمَسْئُولَةٌ عَنْ رَعِيَّتِهَا

"Each of you is a shepherd, and each of you is responsible for his flock… A man is a shepherd over his family and is responsible for them, and a woman is a shepherd in her husband's house and is responsible for those in her care" (al-Bukhārī, 2002, no. 893; Muslim, 1991, no. 1829).

Three fiqh implications follow from the hadith. First, the term *rāʿin* denotes protective custody, not ownership: the parent holds authority over the child as a trust for the child's benefit. Second, the duty is assigned to both father and mother, which supports reading supervision as a joint duty in an intact marriage. Third, the phrase *masʾūl ʿan raʿiyyatihi* establishes accountability, which jurists understand both as accountability before God and as the basis for worldly consequences when the trust is betrayed. Read together with the classical definitions, these texts set a standard that may be stated as follows: parents must take reasonable steps to protect the child from foreseeable harm and to direct the child towards what benefits him. Gadget use falls within this standard because its risks to sleep, eyesight, learning, and moral formation are now foreseeable.

b. Maqāṣid al-sharīʿah

The patterns observed in Meranti Paham affect four of the five necessities. Protection of life and body (*ḥifẓ al-nafs*) is engaged in by prolonged, unrestricted use that displaces sleep and physical activity (World Health Organization, 2019) and is associated with myopia (Foreman et al., 2021). Protection of intellect (*ḥifẓ al-ʿaql*) is engaged by night-time use that, according to I-3, undermines pupils' concentration at school; Akli and Boukerroucha (2024) reach a similar conclusion for online gaming. Protection of religion (*ḥifẓ al-dīn*) and of progeny (*ḥifẓ al-nasl*) is compromised by unsupervised content, which may expose children to material contrary to the moral formation that tarbiyah aims to foster (Marhamah et al., 2026). MUI Fatwa No. 24 of 2017 confirms that conduct on social media is subject to sharia norms. It prohibits Muslims from spreading pornographic and immoral content, gossip, slander, hoaxes, and bullying on social media (Majelis Ulama Indonesia, 2017). Parents who give a young child unsupervised access to these platforms expose the child to exactly the content the fatwa identifies as harmful.

Maqāṣid reasoning also cuts the other way. Gadgets serve legitimate purposes, including learning and communication with family. The objective of the law is therefore regulated and accompanied use, not prohibition.

c. Legal maxims and sadd al-dharīʿah

The hadith *lā ḍarar wa lā ḍirār* ("there shall be no harm and no reciprocal harm"; Ibn Mājah, n.d., no. 2340) grounds the maxims *al-ḍarar yuzāl* (harm must be removed) and *darʾ al-mafāsid muqaddam ʿalā jalb al-maṣāliḥ* (averting harm takes precedence over securing benefit) (al-Suyūṭī, 1990). Applied here, the convenience a parent gains from a quiet child does not justify exposing the child to foreseeable harm. *Sadd al-dharīʿah* (blocking the means to harm) adds a preventive dimension: because the harms of excessive gadget use accumulate gradually and are often recognized late, as I-1's account shows, parents should set limits before harm appears rather than wait for symptoms.

The same tradition also sets limits on culpability. God does not burden a soul beyond its capacity (Q. al-Baqarah 2:286), and the jurists measure a custodian's duty against his or her actual ability. A mother managing heavy domestic work without support, who does not know the risks, is not in the same position as a parent who knowingly abandons a child to a device. This is why the factors identified in Section D.2 matter. They do not excuse non-supervision, but they distinguish a remediable shortfall (*taqṣīr*) from a betrayal of trust that would forfeit custody.

d. The Compilation of Islamic Law

The KHI gives these doctrines a codified form. Article 77(3) obliges the husband and wife to care for and maintain their children, including their physical and spiritual growth, intelligence, and religious education. Article 80(4) places the cost of children's

education on the husband, which covers the purchase of a device as *nafaqah* but not its supervision. Article 98 sets the age of legal majority at 21 and places children below that age under their parents' representation, which grounds parental authority to set rules. Articles 104 and 105 regulate nursing costs and custody after divorce. Article 106(2) makes parents liable for losses to a child's property caused by their fault or negligence, which signals that the KHI recognizes parental liability for negligence. Most significantly, Article 156(c) allows the Religious Court to transfer *ḥaḍānah* to another relative who holds the right if the custodian cannot guarantee the child's physical and spiritual safety, even when maintenance has been paid.

Article 156(c) codifies the classical doctrine of the negligent custodian. Its formal scope is post-divorce custody, but its rationale, the child's physical and spiritual safety, is the same rationale that governs care in an intact marriage, where the corresponding remedy is revocation of parental authority under Article 49 of the Marriage Law (discussed below). The Islamic-law qualification can therefore be summarized as follows. Persistent non-supervision of a young child's use of a gadget is a breach of the custodian's *amānah* and entails religious accountability. Ordinary lapses arising from workload or ignorance are a *taqṣīr* that calls for advice and correction. Only knowing, persistent non-supervision that exposes the child to serious harm, together with a refusal to change, would justify the consequence that classical law attaches to the *muḍayyiʿ*: loss of the right to custody.

4. Indonesian Positive Law and Legal Consequences

a. The statutory standard

Article 45(1) of Law No. 1 of 1974 obliges both parents to care for and educate their children as well as possible, and Article 45(2) extends this duty until the child marries or becomes independent, even if the parents' marriage ends. Law No. 16 of 2019 amended only the minimum marriage age in Article 7 and did not change these provisions, so the parental duty must be cited from Law No. 1 of 1974. Article 26(1) of the Child Protection Law adds specific duties: to care for, maintain, educate and protect the child; to develop the child according to his or her abilities, talents and interests; and to provide character education and instill moral values. The Elucidation of Article 13(1)(c) defines neglect (*penelantaran*) as deliberately ignoring the obligation to maintain, care for or look after a child properly. Supervising gadget use falls within the duties to protect and to provide character education.

b. Civil consequences: supervision and revocation of parental authority

Indonesian law provides civil remedies short of punishment. Article 30(1) of the Child Protection Law provides that where parents neglect their obligations, supervisory measures (*tindakan pengawasan*) may be taken or their custodial authority (*kuasa asuh*) may be revoked. Article 30(2) requires a court order for either step, and Article 31 identifies who may apply, including the other parent, relatives up to the third degree,

and authorized officials or institutions. Article 49(1) of the Marriage Law allows the court to revoke one or both parents' authority over a child for a specified period where a parent very seriously neglects (*sangat melalaikan*) his or her obligations or behaves very badly. Article 49(2) provides that the parent remains obliged to pay for the child's maintenance. For Muslims, applications for revocation fall within the jurisdiction of the Religious Courts as part of marriage matters (Law No. 3 of 2006, Elucidation of Article 49).

The threshold is high. In the cases discussed in the literature, revocation followed neglect combined with very bad conduct (Angela et al., 2022). The patterns found in Meranti Paham do not reach that threshold: the children are fed, housed and schooled, and the shortfall concerns one domain of care. The proportionate civil response is the supervisory measure under Article 30(1), which may include guidance and monitoring of the family. Revocation would be justified only in an extreme case, for example where a young child is left to a device for most waking hours, suffers documented serious harm, and the parents refuse to change after intervention. This mirrors the Islamic-law distinction between *taqṣīr* and the forfeiture of the *muḍayyiʿ*.

c. Criminal liability: element-by-element analysis

It is often assumed that parents who neglect supervision may be criminally sanctioned. That assumption requires careful examination of the elements of the offenses. Article 76B of the Child Protection Law prohibits any person from placing, allowing, involving, or ordering the involvement of a child in a situation of mistreatment and neglect, and Article 77B makes this punishable by up to five years' imprisonment and/or a fine of up to IDR 100 million. Its elements are: (1) any person; (2) placing or allowing (*menempatkan, membiarkan*); (3) a child; (4) in a situation of mistreatment and neglect. The fourth element must be read with the Elucidation of Article 13(1)(c), which defines neglect as *deliberately* ignoring the duty of care. Article 428(1) of the 2023 Criminal Code punishes any person who places or allows another in a state of neglect (*keadaan telantar*) while being obliged by law or agreement to provide for, care for or look after that person, with imprisonment of up to two years and six months or a fine of up to category III. Article 431 permits the additional penalty of revocation of rights.

Applied to the field data, the duty element is satisfied, because parents are legally obliged to care for their children under Article 45 of the Marriage Law and Article 26 of the Child Protection Law. The other elements are not. First, a child who is fed, housed and schooled but whose screen time is unlimited is not, in the ordinary sense, in a "state of neglect" or a "situation of neglect"; the offenses protect against abandonment of care, not deficiencies in one aspect of it. Second, the observed conduct results from workload and a lack of knowledge. That is at most negligence (*culpa*), whereas both offenses, read with the statutory definition of neglect, require intent. Third, a criminal case would require proof that the conduct caused the harm, which in the case of Child A is not established.

Criminal law is also the last resort (*ultimum remedium*). Prosecuting parents for supervision failures rooted in poverty and ignorance would be disproportionate, would fall hardest on the poorest families, and could harm the very child it aims to protect by removing or stigmatizing a parent. Criminal sanctions should be reserved for intentional conduct, such as deliberately leaving a young child alone with a device for prolonged periods, or knowingly exposing a child to pornographic content, where other offenses may also apply. They are not a response to the patterns found in this study.

d. PP No. 17 of 2025 and the shared responsibility for digital protection

PP No. 17 of 2025 places its primary obligations on electronic system operators: age verification, risk-based access, default protections, and parental control features. Under its tiered scheme, children aged 13 to 15 may access moderate-risk digital services only with parental consent. The regulation imposes no sanction on parents. It does, however, make parental consent and supervision a legal act within the governance of children's digital access, which raises the standard of care expected of parents. Its weakness is the one identified in Section D.2: consent given by parents with limited digital literacy offers little protection (Rajni et al., 2026). The regulation, therefore, needs to be accompanied by parental education to work in communities like Meranti Paham.

5. A Graduated Accountability Model and the Role of State and Community

The preceding analysis supports a graduated model of accountability (Table 3). Each level corresponds to a different degree of culpability and harm, and each is grounded in both Islamic and Indonesian law.

Table 3. Graduated accountability for neglect of digital supervision

Level	Conduct	Basis in Islamic law	Basis in positive law and main actors
1. Moral-religious	Any shortfall in supervision	Accountability of the *rāʿin* (Bukhārī no. 893; Muslim no. 1829); Q. 66:6	Religious instruction; family and mosque
2. Educative-preventive	Shortfall arising from workload or ignorance	*Sadd al-dharīʿah*; *taṣarruf al-imām manūṭ bi al-maṣlaḥah*	PP No. 17/2025; *penyuluh agama*, KUA pre-marital guidance, schools, village government

3. Civil supervision	Persistent non-supervision despite guidance	*Al-ḍarar yuzāl*	Art. 30(1) Child Protection Law (*tindakan pengawasan*) by court order
4. Revocation of authority	Very serious neglect with serious harm and refusal to change	Forfeiture by the *muḍayyiʿ*; Art. 156(c) KHI (post-divorce)	Art. 49 Marriage Law; Arts. 30–31 Child Protection Law; Religious Courts
5. Criminal sanction	Intentional neglect causing a state of neglect	*Taʿzīr* at the authority's discretion	Art. 76B jo. 77B Child Protection Law; Art. 428 Criminal Code 2023 (*ultimum remedium*)

The model places most of the work at the second level, where the state's role is justified by the maxim *taṣarruf al-imām ʿalā al-raʿiyyah manūṭ bi al-maṣlaḥah*: the authority's measures over its subjects are bound by their welfare (al-Suyūṭī, 1990). Within *siyāsah sharʿiyyah*, this means that the state should not only regulate platforms but also equip parents. In Meranti Paham, the natural channels are the *penyuluh agama Islam* (religious extension workers) and the Office of Religious Affairs (KUA), which already provide pre-marital guidance and could include digital parenting. Elementary schools are a second channel; the observation by I-3 shows that teachers already notice the effects of night-time use. Village government is a third, through village child-protection programs. Community leaders such as I-2 can help shift the norm that treats gadget-giving as harmless and child-rearing as purely private, so that neighbors feel entitled to raise concerns. Practical guidance for parents should be concrete: device-free nighttime hours, age-appropriate time limits, co-use and conversation about content, and activation of the parental-control features that PP No. 17 of 2025 requires platforms to provide.

D. CONCLUSION

This article answers three questions. First, parents in Meranti Paham Village tend not to supervise their children's use of gadgets. Gadgets serve as a digital pacifier during adults' work; there are no limits on duration or night-time use, content is not monitored, and parents become aware of risks only after harm appears. Second, this lack of supervision is explained by domestic and economic workloads, limited digital parenting literacy, and social normalization, combined with the view that child-rearing is a private matter.

Third, under Islamic law, protecting a child from foreseeable harm is part of the substance of *ḥaḍānah* and parental *riʿāyah*, as shown by the classical definitions, the

hadith *"kullukum rāʿin," the maqāṣid al-sharīʿah,* and the maxims on harm. Persistent non-supervision therefore breaches the custodian's *amānah*. The classical doctrine that a neglectful custodian forfeits custody, codified in Article 156(c) KHI, applies only in extreme cases; ordinary lapses are a remediable *taqṣīr*. Under Indonesian positive law, the parental duty derives from Article 45 of the Marriage Law and Article 26(1) of the Child Protection Law. The proportionate response is supervision under Article 30(1) of the Child Protection Law, and revocation under Article 49 of the Marriage Law is reserved for very serious neglect. The ordinary non-supervision observed in this study does not satisfy the elements of Article 76B in conjunction with Article 77B of the Child Protection Law, or of Article 428 of the 2023 Criminal Code.

Theoretically, the article extends *ḥaḍānah* from a doctrine of post-divorce custody to a standard of care within intact families, grounded in primary fiqh sources and linked to concrete legal consequences. In practice, it proposes a graduated accountability model that prioritizes education through religious extension workers, the KUA, schools, and the village government, consistent with PP No. 17 of 2025. The study is limited by its small number of informants in a single village. Future research could test the patterns across more communities, include children's own perspectives with appropriate safeguards, and analyze court decisions on revocation of custody in which digital neglect is raised.

REFERENCES:

Analiya, T.R. & Arifin, R. (2022). "Perlindungan hukum bagi anak dalam kasus bullying menurut Undang-Undang Nomor 35 tahun 2014 tentang Perlindungan anak di Indonesia," *Journal of Gender and Social Inclusion in Muslim Societies*, 3(1), pp. 36–54.

Ananda, K. *et al.* (2022). "Pemenuhan Hak Anak dalam Keluarga Nelayan Keramba di Daerah Aliran Sungai Kelurahan Pahandut Seberang Kota Palangka Raya," *Jurnal Sosiologi UPR*, 5(1), pp. 19–28.

Azhari, A., Asmara, R. and Dameria, E. (2022). "Perlindungan hukum terhadap anak dalam tindak pidana eksploitasi pekerja anak ditinjau dari Undang-Undang Perlindungan Anak," *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh*, 5(2).

Azizah, N. *et al.* (2025). "Pentingnya Kasih Sayang dan Perhatian pada Anak Usia Dini," *Islamic Education*, 4(2), 1–10.

Bella, C. (2025). "Kewajiban Orang Tua Terhadap Anak Yang Berhadapan Dengan Hukum Perspektif Hukum Islam Dan Hukum Positif (Studi di Lembaga Pembinaan Khusus Anak (LPKA) Kelas ll Kota Bengkulu)." UIN Fatmawati Sukarno Bengkulu.

Beta, H.U.T. and Marwa, M.H.M. (2023) "Konsep Tanggung Jawab Hukum Orang Tua Terhadap Perkawinan Anak," *Jurnal USM Law Review*, 6(3), pp. 1090–1108.

Daming, S. and Al Barokah, E.J. (2022) "Tinjauan hukum dan hak asasi manusia terhadap peran keluarga dalam perlindungan anak," *YUSTISI*, 9(2).

Iksan, A. (2020). "Perlindungan Anak Pasca Perceraian Orang Tua," *Fundamental: Jurnal Ilmiah Hukum*, 9(1), pp. 1–16.

Indonesia, D.A.R. (2019). "Al-Qur'an dan terjemahannya," *Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an*, pp. 27–30.

Nurkhasyanah, A. (2025). "Analisis kondisi ekonomi orang tua terhadap pemenuhan kebutuhan anak dalam perkembangan anak," *Journal of Early Childhood Education Studies*, 5(1), pp. 116–131.

Putri, R.D.E. (2022). "Perspektif Hukum Keluarga Islam terhadap Anak di Bawah Umur yang Bekerja untuk Menafkahi Keluarga (Studi di Desa Pasar Sebelat, Kecamatan Putri Hijau, Kabupaten Bengkulu Utara)." UIN Fatmawati Sukarno Bengkulu.

Putri, W.A. (2022). "Pengawasan Orang Tua Terhadap Penggunaan Gadget Pada Anak Usia 5-6 Tahun Di Kelurahan Sialamungu, Kecamatan Tuah Madani, Kota Pekanbaru." Universitas Islam Negeri Sultan Syarif Kasim Riau.

Rahayu, T.P. & Hidayah, A.N. (2024). "Analisis Yuridis Gugatan Anak Terhadap Orang Tua," *The Juris*, 8(2), pp. 583–591.

Rofiah, Z. (2025). "Analisis Yuridis Kasus Hak Asuh Anak Tsania Marwah: Tantangan Perlindungan Hak Ibu dan Anak di Indonesia," *USRAH: Jurnal Hukum Keluarga Islam*, 6(3), pp. 169–185.

Saepullah, U. (2021) "Hakikat dan transformasi hukum keluarga Islam tentang perlindungan anak." LP2M UIN Sunan Gunung Djati.

Simatupang, Y.S. (2025) "Pola asuh orang tua dalam membina sikap sosial anak di Desa Ujung Padang Kec. Aek Natas, Kabupaten Labuhan Batu Utara." UIN Syekh Ali Hasan Ahmad Addary Padangsidimpuan.

Sri Wahyuni, D. (2024). "Tinjauan Yuridis Terhadap Orang Tua Sebagai Pelaku Penelantaran Anak Di Bawah Umur (Studi Kasus Putusan Nomor 159/Pid. Sus/2023/Pn Prp)." Universitas Pasir Pengaraian.

Sukardi, D. (2016). "Perlindungan Hukum Anak Korban Penelantaran Orang Tua Berbasis Hukum Positif dan Islam," *Mahkamah: Jurnal Kajian Hukum Islam*, 1(2).