

ABSTRACT

Anwar Fauzi, 10210026, 2014, *The Harmonization of Hadlânah Fiqh and Law No. 23 of 2002 concerning Child Protection*, Thesis, Al-Ahwal Al-Syakhsiyyah Department, Faculty of Shariah, Maulana Malik Ibrahim State Islamic University, Malang. Advisor: Dr.Suwandi, MH.

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Law harmonization is a concept of harmonizing written law based on the philosophical, sociological, economic and juridical values. Therefore, the harmonization of *hadlânah fiqh* and the Law No. 23 of 2002 concerning Child Protection is a harmonization and alignment process in the perspective of *hadlânah fiqh* and law.

This study focuses on determining how the harmonization of *hadlânah fiqh* and the Law No. 23 of 2002 concerning Child Protection. It aims to examine the exact position in harmonization of *hadlânah fiqh* and the Law No. 23 of 2002 concerning Child Protection.

This study is a juridical normative study. The legal materials are in the form of primary legal materials i.e *hadlânah fiqh* as Islamic law and the Law No. 23 of 2002 concerning Child Protection. Meanwhile, the secondary legal materials include documents and supporting references. It employs a descriptive qualitative method, which outlines clearly and concisely about *hadlânah* in the perspective of *fiqh* and law of child protection in order to show the harmonization of both laws.

The results shows that *hadlânah* or child care in the perspective of *fiqh* and law No. 23 of 2002 concerning Child Protection, is a form of guarantee and protection on children and their rights to live, grow, and develop optimally. So the concept of *hadlânah* resembles the child protection itself. The harmonization of both law can be seen from the maturity principle, the principle of the child protection, maximum principle in conducting *hadlânah*, and the enactment of Islamic law as a source of law. Thus, the harmonization of *hadlânah fiqh* and the Law No. 23 of 2002 concerning Child Protection, is a transformation of Islamic law into a national law.