



AN ANALYSIS OF THE RIGHTS AND DUTIES OF PARENTS TOWARDS THEIR CHILDREN UNDER ISLAMIC LAW IN NIGERIA

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Abstract

There are serious concerns about the rights of children in Nigeria. The recent economic problem that affect the country had been a major reason for the decline of respect of the children's rights. Similarly, the issue of "Almajiris" activities had caused government to raised alarm about the declining state of children's rights. This had caused the federal government to be a signatory of the United Nations convention on children's rights. It then encourage the state government to domesticate the convention. Significantly, however, Islamic law which happened to be the dominant religion in the northern part of Nigeria had adequate provisions on the rights of the children. This is even one of the reasons most of the northern states were reluctant to domesticate the convention in to law. The educated and rich people even appoint the child for domestic work in Nigeria and deprive them from their educational and cultural rights. Someone earns money with the help of child appointing in inhuman work. So, it is a common phenomenon that a child is not able to take the responsibility of household work and others because of immaturity of health and mind. For lack of love and affections a child may become physically and mentally disable and back warded. But the Holy Quran and Prophet (s) emphasize to build up health, mind, education, culture, carrier and character of them.

Keywords- Right and Duties of Parents, Children and Islamic Law



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Introduction

The childhood years have been identified as the most vulnerable years of one's life, as the child² to a very large extent depends on its parents or guardians for survival. Any omission or commission

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² A child has been defined by the Article 1 of the Convention on the Right of the Child 1989 as well as Child Right Act as a person under 18 years. So teenagers are included.

on the part of the parents or guardian can make or mar the child for life. Under Public International law, the child is recognized as among the vulnerable persons whose rights must be protected and one of such rights that must be promoted and protected is the right to education³. It has been said that education and enlightenment are two nuclei to a proper understanding of what human rights are and the modus operandi in their enjoyment. So for a person to understand and appreciate the entirety of his rights as a human he must be educated first. To deny a person education especially in his early years is akin to denial of life historically, freeman notes that an entitled “the right of the children” appears as far back as 1825, ut it is Eglantine Jebb 1976 — 19280 the founder of the children’s⁴ Islam recognises family as a basic social unit. Along with the husband-wife relationship the Parent-child relationship is the most important one. To maintain any social relationship both parties must have some clear-cut Rights as well as obligations. The relationships are reciprocal. Duties of one side are the Rights of the other side. So in Parent-child relationship the Rights of parents are the obligations (duties) of the children and vice versa, the Rights of children are obligations (duties) of parents. Islam clearly defines the Rights of Parents (which mean duties of children) and obligations of parents (which means Rights of children).⁵

It is clear that after Allah parents are the persons who give us innumerable favors. They provide protection, food and clothing to the newly born. The mother sacrifices her comforts and sleep to provide comfort to her children. The father works hard to provide for their physical, educational and psychological (and spiritual) needs. It is a matter of common courtesy that if a person does you some favor you feel obliged to him. Verbally you say ‘thank you’ to him. You try to repay and compensate him for his gifts and favors. You feel a sense of gratitude towards him. So it is with Allah and with parents. Allah’s favors cannot be counted or repaid except by thanking Him and obeying His orders. After Allah our parents deserve our thanks and obedience for the favors they had done us. That’s why Quran lays stress on feeling grateful to parents, and doing good to them. “And your Lord has ordained that you shall worship none save Him and shall do your parents a good turn.” What does a ‘good turn’ mean? It includes obeying them, speaking softly, avoiding harsh words or harsh tone, giving them company when they are lonely, caring for their physical

³ Article 1 of the World Declaration on the Right of the Child to Education 1990

⁴ AYUA, I.A (1996) “The right of the child in Nigeria”
Nigerian institute of advance legal studies lagos p.2

⁵ Ibid

and psychological needs (especially in their old age), and praying to Allah that He may bless them and have mercy on them.

The majority of Muslims in Nigeria fear on the desirability and otherwise of the operation of the provision of the Act over them and their children because the Act contained provisions which are vehemently opposed to socio-cultural and religious value and concepts of children in Islam. The child's right act is a very voluminous legislation that contains about 278 Sections divided into 24 parts and supported by eleven schedules all trying to provide and protect the child's right in accordance with international standards. The child's right Act 2003 sets out the right and responsibilities of a child in Nigeria and provides for system of child justice administration and the care and supervision of a child amongst other things. The child rights Act is an important legal instrument domestically operating in Nigeria which codifies into a single binding legislation most of those human rights standards which have peculiar application and bearing to Nigerian children⁶

CONCEPT OF RIGHTS

Though right is the very small word but its application and significance are wide and deep. Professor Lasky says: "My rights are built always upon my function to the well-being of society; and the claim I make must, clearly enough, be claims that are necessary to the proper performance of my function."⁷ But the rights of children are determined by Allah. Manmade constitutions also made mandatory duty on living people to protect the rights of children.

Man, according to Islam is the representative (Khaliph) of God on earth and no individual, dynasty or class can be Caliph, because its authority is bestowed on the whole society which is ready to fulfill the conditions or representation under principal and rules of Islam and this is the points where democracy and human rights begin in Islam every individual in an Islamic state or society enjoys the right and power of the caliphate of God and in this respect individuals are equal. No one may deprive anyone else of his right and power. The state, as an agency assuming the agreement with individuals (equivalent of the western concept of the state in only an extension of the powers of individual delegated to it.⁸ What distinguished Islamic democracy for western democracy is that the latter is based on the concept of popular sovereignty? While the former rests

⁶ Official gazette, Federal republic of Nigeria (2003) 'the child's right act' government printer Lagos.

⁷ Zaman, Kamru, 2017, p.66

⁸ Gasiokwu M.O.U (2003) human Right, History, ideology and law (Fab educational books)

on the principle of popular. Omcial gazette, Federal republic of (2003) the child s right act' government printer Lagos. asokwu M.O.U. (2003) human Right, History, Ideology an law (Fab educational books) Caliph. In western democracy, the people are sovereign, in Islam sovereignty is vested in to Allah and the people are his caliphs or representative. In the western democracy the people makes their owns laws while in the Islamic democracy Shari'ah is given by Allah through his prophet (SAW) in one government under taking to fulfill the will of the people in the other people have to fulfill the will of Allah.⁹

Thus in Islam, as a matter of principles personal freedom lies on surrendering to the divine will and since absolute freedom belong to Allah alone, the individuals realizes freedom by seeking God. It should be noted, however, that even before the middle ages in Europe, Islam has confirmed the messengers of previous religious accepting the existence of people through social responsibilities and solidarity¹⁰ Modern Islamic states were making considerable legislative effort, to reconcile the exigencies of Islamic law with their in the area of promotion and protection of human rights. An example of such efforts is the provision of article II of the 1972 constitution of Egypt which stipulates that 'The state shall reconcile women's duties to their families and women work. Human right in Islam means these right granted by Allah right granted by drawn as easily as they are conferred but no individual and no institution has the authority to withdraw the right conferred by Allah¹¹.

CONCEPT OF DUTIES

Under Islam duties is an obligation conferred upon individuals towards his responsibility to do a particular duty someone. The father is under a duty to look after his child before and after child's birth. The duty of the father starts right from the conception of the child, where he is to provide the mother with all the food elements and comfort that will aid in the growth of the child. The father is also responsible for financing the medical needs of the child and its mother during the period of pregnancy Allah (SWT) says: "And if they are pregnant, then spend on them till they lay down their burden"

⁹ Ibid

¹⁰ Ibid

¹¹ Bryan A.G. Black dictionary (7th edition west great Bratain)

Also mother has duty to observed, Allah (SWT) has made a mother to have a very unique feature which is the ability to go through the process of creation within her body, Allah (SWT) in his Holy Qur'an states: "His companion said to him during the talk him with him "Do you disbelieve in him who created you out dust, then out of Nufah According to black law dictionary define duty as a legal obligation that is owned or due to another and that need to be satisfied; an obligation for which somebody else has a corresponding right¹².

DEFINITION OF PARENTS

Islam normally recognizes a valid marriage between a man and a women before there can be a legal child, only in instances where are child is being looked after by a guardian which could be as result of death of both or either of the parent unlike Islamic law, parties can be parents even without any marriage existing between them, under the common law, as stated ; Where parents have lived together over a long period of time they are regarded as husband and wife, there is a presumption of marriage¹³

According black law dictionary defines parents as the lawful father or mother of someone. In ordinary usage, the term denotes more than responsibility for conception and birth. The term commonly include;

1. Either the natural father or the natural mother of child
2. The adoptive father or adoptive mother of a child
3. A child's putative blood parent who has expressly acknowledge paternity, and.
4. An individual or agency whose status as guardian has been established by judicial decree¹⁴

Parents consist of a mother and a father, who are brought together by marriage M.V.S Jung, defines marriage as: "Marriage though essentially a contract is also a devotional act, its objects are the right of enjoyment, procreation of social life in the interest of the society" Under the common law, parents are being defined as:

A. Father or mother

B. Adopted or guardian of a child'

¹² Bryan A.G. Black Law dictionary 8th edition p.543

¹³ E.I Nwogugu family law dictionary 8th edition

¹⁴ Opcit

Definition of Child

Etymologically, the term child comes from the Latin infants which mean “the one which does not speak”. For the Roman, this term designates the child from its birth, up to the age of 7 years. The Convention on the Rights of the Child of 1989 defines more precisely the term child: a child is any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. The idea through this definition and all the texts concerning child welfare is that the child is a human being with rights and dignity¹⁵.

Definition of Islamic Law

The Sharia or Islamic law has been defined as “the way or road to follow” by the Muslims. The Muslims believe that all other laws have human origin but the Sharia is fixed by the Almighty Allah through his Messenger, the Holy Prophet Mohammed, who by divine power disseminated the message from its immediate Arab home to the rest of the world. According to Dr. M.O. Junaid, a leading Islamic jurist, “Sharia is a legal system highly upheld by the adherents of the Islamic faith. It is comprehensive in nature, it is divine in origin and people believe it is a component part of their religion. Sharia is based on the fact that God is the creator and He is so merciful enough to provide a code of conduct which influences our conduct, be it personal, societal or family Hence, Sharia is all encompassing; a religion, way of life, society and the State. Thus, whilst Islam is a package of tenets, Sharia encompasses the full description of the tenets”. But, the scope of both is the entire aspect of human life. Obviously, Sharia or Islamic Law connotes the same meaning as it refers to the Muslim legal system. In another parlance, “Sharia” as an Arabic term connotes a road that leads to a watering place. Since it is embedded in the Islamic religion which symbolizes complete and unalloyed submission to the will of Allah, Muslims are enjoined to obey totally and absolutely the rules and regulations of the religion as depicted in the Quran. This probably explains the passion of the Muslims to enforce the Sharia law without incorporating other ideals as shall be seen later in this paper. Historically, Islam entered Nigeria around the 11th century and spread across the country. It has its own distinctive legal system and for almost a century, the Kanem Borno Empire was the front runner of Islam and Sharia legal system. But by the 15th Century, Sharia had spread to the neighboring states of Kano and Katsina which subscribed to its cause.

¹⁵ Rahman,2016,p.158

The Fulani Jihad and the establishment of the Sokoto Caliphate in the 19th Century further consolidated the influence of the Sharia legal system. Upon the British colonization and amalgamation of Nigeria, the administration realized that Sharia was more in force in Northern Nigeria than anywhere else in the world apart from Saudi Arabia. In the words of Norman Anderson, a leading researcher on application of Islamic Law in several parts of the world, “when we turn to West Africa on the other hand, we find that it is unequivocally and exclusively as native law and custom that Islamic law is more extensively followed and enforced in Northern Nigeria...” It was found that the people have always nursed the “zeal for maintaining Sharia to its full extent” Consequently, the Sharia legal System was allowed in several Northern States as a native law and custom. To that end, section 2 of the Native Court Ordinance provided that native law and custom included Islamic Law. The Native Courts (Protectorate) Ordinance equally empowered native courts to administer the native law and customs prevailing in the areas of their jurisdiction. Hence, Sharia remained operative in Northern Nigeria as a class of customary law and was recognized under the Constitution of the Federal Republic of Nigeria as an existing law. This was the state of affairs in Nigeria until 2002 when Zamfara State officially adopted the Sharia legal system. This was quickly followed by eleven other Northern States. The preamble to the Zamfara State legislation (as in most others) provide for “establishment of sharia courts to exercise all civil and criminal jurisdiction (subject only to the provisions of the Constitution and any other laws vesting certain courts with exclusive jurisdiction over certain causes and matters) based on Sharia law to curb the high rate of crime, moral decadence and anti-social behaviors now increasingly on the rise in the state. The implication of the provision, it is submitted, is that Islamic law is intended to apply exclusively to criminal and civil matters in these “Sharia states”. Herein lies the crux of the. As noted above, Sharia adherents regard it as a law from the Almighty Allah to guide Muslims affairs and superior to all other laws that are considered man made. The concept of rights for children as articulated under CRA does not appear to have a place in Sharia jurisprudence. This position has been underscored as follows: “Quran has numerous references to duties (farud) but the few references to rights (huquq) are better translated as claims and have particular and specialized application to penal laws. The only rights that are inalienable in the Western natural rights sense are those belonging to Allah and to the state, Allah’s servant.” Hence, there is a catalogue of specific Quranic injunctions on the rights of Muslim children. According to Islamic

scholars, these rights even start before birth. For instance, before birth, they have the right to pious parents. It was reported that the Prophet (SAW) admonished Muslims to be careful in their choice of spouse when he said “Make a good choice for (your) spouses, for blood will tell”. Also, there is protection from harm because the Holy Quran provides thus, “they are losers who have slain their children without knowledge and have forbidden that which Allah bestowed upon them, inventing a lie against Allah”. After birth, the child has a right to life. For Allah says “say...that ye slay not your children because of poverty we provide for you and for them...” They have right to be raised as Muslims, though there is no compulsion in religion but according to the Prophet “every child is born into the true religion (Islam), its parents later on turn into a Jew or Christian or Pagan”. Such Muslim children also have right to a name; right to legitimacy; 37 right to breastfeeding. A child could be defined as a son or daughter of parents in a legitimate wedlock. Such a child is entitled to every right obtained from his parents. The creation of a child is done through the union of a man and a woman, just as described by Allah (SWT) in his Holy Qur’an saying;

Is he, who has created you from dust then a Nutfah, then from a clot, then brings you forth as an infant, then to reach the age of full strength, and afterwards to be old though some among you dies before and that you reach an appointment term inn order that you may understand¹⁶

From the above authority, the various stages of man’s physical life can be broken down as follows:

- a. Simple matter (dust)
- b. The sperm - drop in the father
- c. The fertilizer ovum in the mother’s womb
- d. Youth and full maturity
- e. Death

The Rights of Parent under Islamic Law

The status of parent under Islamic Law is very high to the extent that it places more emphasis on the rights of parent. Islam considers dutifulness to parents one of the deeds that lead to paradise.

¹⁶ . Dr. Muhammed T. A. and Dr. Muhammad M.K. The translation of the Manaina of noble Qur’an in the English Language Q.ch:40867

The prophet peace be upon him said in a hadith *“A parent is the middle gates of paradise (that obeying parent leads to entering paradise from its middle gate, which is the best of all) Now, if you like, you may lose it or keep it.”*¹⁷ Parent are the cause of existence of the child, it is the parent who strive to bring it up, it is they who endeavor and look forward to take it to the height of perfection. If there is anyone, after the creator, who is directly responsible for the existence and progress of the child, it is the parents. Metaphorically speaking, the parents are the lords of their children. It is for this reason that the Qur’an has, in many places, mentioned the obedience of the parents side by side with the worship of Allah. Allah says with regards to parents *“And worship Allah and join not any partner with him and do well to parents....”*¹⁸ *And thy lord hath decreed that ye worship none but him, and that ye be kind to parents”.*¹⁹ In the holy Qur’an respect of parents is mentioned about eleven times, Allah almighty has mentioned in every instance to recognize and to appreciate love and care that your parents gave to you. Regarding this Allah says in Holy Qur’an *“And we have enjoined upon man goodness to parents....”*²⁰

It seems the Lordship of parents is a mirror of the Lordship of Allah. Right from birth to weaning, and from protection to upbringing, at every stage it is the parents who are the means of conveying the Grace of Allah to the child. Like-wise, the rights of parents are very much akin to the rights of Allah. It is the right of the parent for the children to behave kindly with them and that the children should fulfil the needs and requirements of their parent’s. Allah says” *if one of you or both of them attain old age in thy life, say not to them a single word of contempt, and repel them not; but address them in terms of honor and, out of kindness lower to them the wing of humility and say:” my lord bestow on them thy mercy even as they cherished me in childhood.”*²¹

This verse covers all the three rights of parents that is to cheerfully bear the hardship inflicted by parents, to talk to them gently, and not to raise your hands and voice above theirs and not to precede them in any way, all these injunctions cover the obedience by the body. To always look at them with kindness and mercy for them shows love. And to fulfill their needs before their

¹⁷ Sunnan At-Tirmidhee:1900

¹⁸ The Noble Qur’an Translated by Qarib, chapter 4 ,verse 36

¹⁹ The Noble Qur’an Translated by Qarib, chapter 17,verse 23

²⁰ The Noble Qur’an Translated by Qarib, Chapter 29, Verse8

²¹The Noble Qur’an Translated by Qarib, 17,Verse 23-24

needs before their demands concerns the right on wealth. To be obedient to parents and to show kindness to them has been enjoined along with oneness and worship of Allah, in the holy Qur'an, in such a manner that it appears, that among human deeds, to obey parents and treat them with respect and kindness is next only to divine worship. Parents are the heaven and hell of the children. Children are duty bound to obey their parents and attend to their needs and comfort them and also keep them happy for them to attain paradise. On the other hand if a child is rude and disobedient to his parent his place shall be hell. (The prophet) said, *"When he was asked about the rights of parents upon their children "they are your Heaven and Hell."*²² All revealed religions consider disobedience to parents one of the greatest of all major sins and warned against such a monstrous act. The prophet (Pbuh) once asked his companions *"Shall I not inform you of the greatest of the major sins?"* He said *"Associating partners with Allah in worship and disobedience to parents."*²³ A Muslim child must obey his parent in everything because it is their rights as ordained by Allah (SWT) unless in the case where Allah has forbidden. In this case he must not obey them but one must be kind to them the Qur'an provide inter-alia *"We have instructed man to honor his parents, but if they endeavor to make you associate partner with me something about you have no knowledge do not obey them."*²⁴

It is the rights of parents to be treated well during old age. This is because the mind and body turn so weak. Qur'an provides to the effect that *"If we grant long life to any, we cause him to be reversed in nature...."*²⁵ The parents proceeds to the old age side by side with the progress of the children towards youth. Naturally, the love and kindness of the parents and their efforts in caring for the children, most be reciprocated by the children with obedience and help. *A person once approached the messenger of Allah (Pbuh) and said: "I have an old father and mother, who due to their attachment towards me, are not keen for to go to jihad." Hearing this, the prophet (pbuh) said: "(if such is the case then) Stay with your parents for, by the one in whose control lies my soul their attachment of one day and one night to you is better than one year of jihad."*²⁶ This hadith shows the

²² Sunan Ibn Majah, vol. 2, p.1208, h.3662, narrating from Abu Umamah. Kanz al-Ummal, vol. 16,, p. 463, h. 45453. Narrating from it.

²³ Sahih Al-Bukhari 5918

²⁴ The Noble Qur'an Translated by Qarib Chapter 29, verse 8

²⁵ The Noble Qur'an Translated by Qarib, Chapter 36, verse 68

²⁶ Biharul Anwar, Volume 74, Page 82

obligation of children to take care of old parents. In another tradition *Abu huraira relates (that the prophet said): "May he be disgraced, may he be disgraced, and may he be disgraced." "Who?" the companions asked. "The person whose parents, or anyone of them, attain old age during his life-time and he does not enter Paradise (by being kind-hearted and dutiful to them)!"*²⁷ *The meaning of this hadith is that serving one's parent especially when they are old is a mean of entering paradise, hence the one who missed this opportunity of entering paradise by serving them has indeed incurred a great loss.*²⁸

It is also the right of the father for the child not to call him with his name. This is because the prophet (Pbuh) said in a hadith *imam ar-ridha (Pbuh) narrates that a person once asked the Messenger of Allah () "what are the rights of the father upon the son?" The noble Prophet replied: "He should not call his Father by name, he should not walk ahead of him, and he should not do such acts as a result of which people abuse his father."*²⁹

A child is also obliged to be kind to parent and to be praying for them even after death. It was narrated on the authority of Imam as-*sadiq (AS) had said "what prevents a person from doing good to his parents-whether alive or dead -by offering prayers, giving charity ,performing Hajj on behalf of them (knowing that)the rewards of these acts are also granted to him, in addition to his parents .Besides, due to his goods deeds and prayers for them ,Allah, the almighty and the glorious, shall grant him abundant good."*³⁰

The mother's right is superior this is because during pregnancy and rearing children, the mother gladly suffers such turmoil's which paternal love can never endure .Many ayat specially refer to the troubles endured by mothers the Quran provides *"in travail upon travail did his mother bear him ,and in two years was his weaning."*³¹ In another verse it states *"we have enjoined on man kindness to his parent .In pain did his mother bear him, and in pain did she give birth to him birth. The carrying of the child to his weaning is thirty month."*³² *Hakim Ibn Hizam asked the prophet " O Messenger of Allah, whom should I do well to? The prophet said "your mother" He asked " Then who? The prophet again said your mother. He asked again Then who? The prophet again*

²⁷ Sahih Muslim, number 2551

²⁸ Commentary of Sahih Muslim by Imam Nawawi,P:1832,Dar Ibn Hazm edition

²⁹ Biharul Anwar, Volume 74, Page 45

³⁰ Biharul Anwar, Volume 74, Page 46

³¹ Qur'an Chapter 31, Verse 14

³² Qur'an Chapter 46, Verse 15

said your mother He asked fourth time Then who? Then the prophet said your father.”³³in another tradition the prophet said” *your heavens lies under the feet of your mother.*”³⁴The parent also have right to be shown kindness and mercy.it is obligatory on children to show love, respect, and gratitude to their parents. The children are obliged to always speak to them gently and respectfully. The holy prophet is reported to have said” *on the authority of ibn Masood, said:” I asked the prophet (SWA) which deed is most liked by Allah. He said:’ prayer offered on time; I asked him:’ then what? He (SWA) said: ‘kindness and respect towards parents.’*”³⁵The child is obliged to be submissive to parent at the time of anger the prophet () said: *“Among the rights of a father upon his child is that the child should be submissive to him at the time of anger and exhaustion.*”³⁶

The child is duty bound to stand up for the father and show reverence Ali (A.S) said *“stand up for your father and your teacher, even if you are a commander.”*³⁷ After the death of ones parent among other duties, should be to pray for their forgiveness and treat their relatives and friends with respect .*Abu Usaid Sa’idi (AS) relates that a person came to the prophet (Pbuh)”O prophet of Allah , are there some rights of my parents on me , which I have to fulfill even after they have died?” “Yes” the prophet replied, “These are to pray for mercy and forgiveness on their behalf, to fulfill the promises they have made to anyone, to pay due regard to the bonds of relationship from their side and to be respectful to their friends.*”³⁸ From the aforementioned hadith it can be said it is the right if the parent for the child to honor the parent after death by relieving the deceased of liabilities and to pray for them and perform hajj on their behalf and to be kinds to their friends and relatives. Parents also have financial rights on their children even if they are not in need of it, their metaphorical lordship demands that the children should offer them a part of their earning as a tribute. Parent also have right to inherit their children. The holy Quran provided with regard to inheritance of parent after the demise of their children. *“And for one’s parent, to each one of them*

³³ Bukharu,Muslim

³⁴ Ahmad,Nasai

³⁵ Al-Bukhari

³⁶ Tarikh Madinah al- Munawarah, vol.2, p. 568, narrating from Ibn ‘abbas,Kanz al-Ummal,vol.16,p. 473,h.45512,narrating from Tarikh Dimashq.

³⁷ Ghurar al-Hikam,h.2341

³⁸ Al –Bukhari ,al-Fath, 7315

is sixth of his estate if he left children. But if he had no children and the parent (alone) inherit from him, then the mother is one third.....”³⁹

Islam has given parents so much right on their children .But it does not mean that parent have been given license to ill- treat their children .Children are also duty bound to fulfill all these rights.

The Rights of Children under Islamic Law

The parent child relationship is a reciprocal one. In this unit the researcher will look at the rights of children from their parents that is to say the duties of parents in Islam these include inter-alia the following:

1. Children have the right to be born alive. Islamic law is a very special law because it provides for the rights of a child before child is born. These rights include among other things for the child to be born alive. Islamic places emphasis on life of a fetus. The fetus is expected to be delivered alive. Killing or abortion of pregnancy is prohibited under the law. The Qur’an provides to the effect that *“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.”*⁴⁰ The children have right to genetic purity that is to say if the parent have a disease that could be transmitted to a child, contraception must be used.⁴¹ With regard to the fetus after haven taken shape or enrolment has right to life. However, abortion is allowed if the mother’s life is in danger.⁴²
2. The child has a right to legitimacy.
3. It is the right of the child to be given a good name.
4. Children have right to be shown love. The prophet peace be upon him said:” *Love your children and be kind and merciful to them...*”⁴³
5. Shaving head hair of a new born baby and giving charity is a right of the child and also the duty of the parent. It is reported that the prophet (Pbuh) slaughtered a goat on the occasion of Hassan’s birth the son of Fatima and Ali and said:” *O Fatima! Shave the head of Hassan and pay silver equal to the weight of the hair as charity.*”⁴⁴

³⁹ The Noble Qur’an Translated by Qarib, Chapter 4, verse 11

⁴⁰ The Noble Qur’an Translated by Qarib, Chapter 17, Verse 31

⁴¹ Children rights in Islam from the Qur’an and Sunnah. Omar AR, et al. Popul Sci. 1990

⁴² Women’s Reproductive Health: Monotheistic religions perspectives, review article: Schenken JG .Int J Gnaecol obstet. 2000.J.

⁴³ Makarimal Akhlaq, p. 219

⁴⁴ Jamiat Tirmidhi

6. Natural lactation is recommended for fifteen to twenty four months, Allah says” *Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing period.....*”⁴⁵
7. The child has the right to live whether a boy or girl the Qur’an provides that “*And when the female child who was buried alive is asked. For what crime she was killed*”⁴⁶
8. Children also have right to maintenance and shelter.
9. Children have right to education in Islam education is not limited to bookish knowledge but it include moral and religious training.
10. It is the right of a child for the parent to mold them in such a way that they will be successful both in the world and hereafter. The prophet is reported to have said “*The best thing a father provide to his child is good manners and ethical training.*”⁴⁷
11. The mother is also expected to be of good character because her habits and behavior affects the future and virtuosity or otherwise of the developing child. The prophet of Islam peace be upon him said “*Lucky is one whose foundation of his virtue has been made in the womb of the mother and unlucky is one whose wickedness had its rudiments in the mother’s womb as well.*”⁴⁸
12. The children also have right to a respectable right, Islamic law has given the children the right to a good life and ordered the father to guarantee them the resources that can make them live well. *Prophet Muhammad said “the best penny a man spends is that on his children, on his camel for the sake of Allah, and on his friends for the sake of Allah.*”⁴⁹ Even in case of divorce, fathers are asked to be fully responsible for their children regarding food, clothing, schooling, and health expenses according to the father’s standard of life. The Qur’an provides to the effect that:” *let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficult, Allah will soon grant relief.*”⁵⁰

⁴⁵ The Noble Qur’an Translated by Qarib, Chapter 2, Verse 233

⁴⁶ The Noble Qur’an Translated by Qarib, Chapter 81, Verse 8-9

⁴⁷ Majma al-zawaid, v 8, P. 159

⁴⁸ Biha al-anwar, v77 ,pp. 115-133

⁴⁹ Sahih bukhari

⁵⁰ Qur’an Chapter 65, Verse 7

13. The children also have right to inherit their parent. The Qur'an provide to the effect that *"Allah instruct you concerning your children; for the male, what is equal to the share of two female....."*⁵¹
14. Children have right to equality between siblings. Parents who fear Allah should treat their children equally not favoring one over the others, in spending, treatment, and giving gifts to them. Under Islamic law the right of a child is either individual right or similar right. The similar rights are those rights that are shared between the male and the female child. These rights include prohibition of denying of paternity the prophet (Pbuh) said: *"The child is to be attributed to one on whose bed he is born, and for a fornicator there is stoning."*⁵² In another tradition it states *"The child is for the bed that (is belongs to the husband) and the fornicator gets nothing."*⁵³ Choosing a good name is also a right for both the male and female child Abu Wahab (RA) who was a companion of the prophet reported him saying *"call yourselves by the names of prophets. The names dearest to Allah are Abdullah and Abdu Rahman, the truest are Harith and Hamam and the worst are Harb and Murrah."*⁵⁴ Saying Azan in one ear and Iqamah in the other ear is also a right that the parent must fulfill. Also making sacrifice if one is able and having a feast. The prophet peace be upon him said *"whosoever wants to offer a sacrifice for his child, let him do so for a boy; two sheep, mukafatan, (of equal age), and for a girl, one."*⁵⁵ Shaving the head of a new born baby and giving charity is also a right of the child. The mother is also obliged to breastfeed the baby. Equal treatment between children is also obligatory on the parent. The prophet is reported to have said: *"Treat your children fairly, treat your children fairly."*⁵⁶ The child has right to life because Islamic law makes the life of human sacred. The holy Qur'an provide that *"it is for this reason that we wrote to the sons of Israel that; whoever killed a soul without a soul or fasad in earth is like he kill the whole mankind....."*⁵⁷ The child is also entitled to proper education ,healthy upbringing as well

⁵¹ Ibid p.28

⁵² Sahih Muslim

⁵³ Sunan Ibn Majah

⁵⁴ Sunan Abi Dawood

⁵⁵ Sunan an-nisai

⁵⁷ The Noble Qur'an Translated by Qarib, Chapter 4, verse 32

as teaching the Qur'an and Sunnah. The child is also expected to be guided gradually according to his needs and development.

15. The individual rights are rights that are not shared between the male and female child. These include performing circumcision for boys Abu Huraira narrated "I heard the prophet saying five practices are characteristics of the fitrah: circumcision, shaving the pubic hair, cutting the moustache short, clipping the nails and depleting the hair of the armpits."⁵⁸

Allah has given children rights over their parent. It was narrated that Ibn Umar said "*Allah has called them abraar (righteous) because they honored (barru) their fathers and children. Just as your father has right over you, so too your child has right over you.*"⁵⁹ Al-Nawawi said: "The father must discipline his child and teach him what he needs to know of religious duties. This teaching is obligatory upon the father and all those in charge of children before the child reaches the age of adolescence. This was stated by Al-Shafi'i and his companions. They also said this teaching is also obligatory upon the mother, if there is no father, because it is part of the child's upbringing and they have a share of that and the wages for this teaching may be taken from the child's own wealth. If the child has no wealth then the one who is obliged to spend on him may spend on his education, because it is one of the things that he needs. And Allah knows best."⁶⁰

Al manaawi also said "*just as your parent have rights over you, so too your child has right over you, rather many rights, such as teaching them Islamic manners, giving those gifts equally, whether that is a gift, a waqf (endowment), or other gift. If preference is shown with no reason that is regarded as invalid by some of the scholars and as makrooh (dislike) by others.*"⁶¹ To this end children have numerous right in which Islamic law commands for its fulfilment .The parent are duty bound to fulfil this obligation

in the Qur'an and Sunnah constructed sets of rules for every aspect in life. These include the rules regarding right and duties. The researcher in this chapter will discuss rights and duties of a child under Islamic law as well as the rights and duties of parents under Islamic law. Islam recognizes family as a basic social unit. Along with the husband-wife relationship the parent-child relationship is the most important one. To maintain any social relationships both parties must have clear-cut

⁵⁸ Sahih al-Bukhari

⁵⁹ Al-Adab al-Mufrad, 94.

⁶⁰ Sharh al-Nawawi 'ala saheeh Muslim,8/44

⁶¹ Fayd al-Qadeer, 2/574

Rights as well as obligations. The relationships are reciprocal. Duties of one side are the Rights of the other side. So in parent child relationship the Right of parents are the obligations (duties) of the children and vice-versa, the Right of children are obligations [duties] of parents (which means duties of children) and obligations of parents (which means rights of children). The holy Qur'an provides "*your parents and your children, ye know not which one of them are nearest to you in benefit.....*"⁶²

The Rights of Parent under Islamic Law

The status of parent under Islamic Law is very high to the extent that it places more emphasis on the rights of parent. Islam considers dutifulness to parents one of the deeds that lead to paradise. The prophet peace be upon him said in a hadith "*A parent is the middle gates of paradise (that obeying parent leads to entering paradise from its middle gate, which is the best of all) Now, if you like, you may lose it or keep it.*"⁶³ Parent are the cause of existence of the child, it is the parent who strive to bring it up, it is they who endeavor and look forward to take it to the height of perfection. If there is anyone, after the creator, who is directly responsible for the existence and progress of the child, it is the parents. Metaphorically speaking, the parents are the lords of their children. It is for this reason that the Qur'an has, in many places, mentioned the obedience of the parents side by side with the worship of Allah. Allah says with regards to parents "*And worship Allah and join not any partner with him and do well to parents....*"⁶⁴ "*And thy lord hath decreed that ye worship none but him, and that ye be kind to parents*".⁶⁵ In the holy Qur'an respect of parents is mentioned about eleven times, Allah almighty has mentioned in every instance to recognize and to appreciate love and care that your parents gave to you. Regarding this Allah says in Holy Qur'an "*And we have enjoined upon man goodness to parents....*"⁶⁶

It seems the Lordship of parents is a mirror of the Lordship of Allah. Right from birth to weaning, and from protection to upbringing, at every stage it is the parents who are the means of conveying the Grace of Allah to the child. Like-wise, the rights of parents are very much akin to the rights of

⁶²The Noble Qur'an Translated by Qarib, Surat Al-Nisa, Verse 11

⁶³ Sunnan At-Tirmidhee:1900

⁶⁴ The Noble Qur'an Translated by Qarib, chapter 4 ,verse 36

⁶⁵ The Noble Qur'an Translated by Qarib, chapter 17,verse 23

⁶⁶ The Noble Qur'an Translated by Qarib, Chapter 29, Verse8

Allah. It is the right of the parent for the children to behave kindly with them and that the children should fulfil the needs and requirements of their parent's .Allah says”

if one of you or both of them attain old age in thy life, say not to them a single word of contempt, and repel them not; but address them in terms of honor and, out of kindness lower to them the wing of humility and say:” my lord bestow on them thy mercy even as they cherished me in childhood.”⁶⁷

This verse covers all the three rights of parents that is to cheerfully bear the hardship inflicted by parents, to talk to them gently, and not to raise your hands and voice above theirs and not to precede them in any way, all these injunctions cover the obedience by the body. To always look at them with kindness and mercy for them shows love. And to fulfill their needs before their needs before their demands concerns the right on wealth. To be obedient to parents and to show kindness to them has been enjoined along with oneness and worship of Allah, in the holy Qur’an, in such a manner that it appears, that among human deeds, to obey parents and treat them with respect and kindness is next only to divine worship. Parents are the heaven and hell of the children. Children are duty bound to obey their parents and attend to their needs and comfort them and also keep them happy for them to attain paradise. On the other hand if a child is rude and disobedient to his parent his place shall be hell. (The prophet) said, “*When he was asked about the rights of parents upon their children “they are your Heaven and Hell.”⁶⁸* All revealed religions consider disobedience to parents one of the greatest of all major sins and warned against such a monstrous act. The prophet (Pbuh) once asked his companions “*Shall I not inform you of the greatest of the major sins?*” He said “*Associating partners with Allah in worship and disobedience to parents.*”⁶⁹ A Muslim child must obey his parent in everything because it is their rights as ordained by Allah (SWT) unless in the case where Allah has forbidden. In this case he must not obey them but one must be kind to them the Qur’an provide inter-alia “*We have instructed man to honor his parents, but if they endeavor to make you associate partner with me something about you have no knowledge do not obey them.*”⁷⁰

⁶⁷The Noble Qur’an Translated by Qarib, 17,Verse 23-24

⁶⁸ Sunan Ibn Majah, vol. 2, p.1208, h.3662, narrating from Abu Umamah. Kanz al-Ummal,vol. 16,, p. 463, h. 45453. Narrating from it.

⁶⁹ Sahih Al-Bukhari 5918

⁷⁰ The Noble Qur’an Translated by Qarib Chapter 29, verse 8

It is the rights of parents to be treated well during old age. This is because the mind and body turn so weak. Qur'an provides to the effect that *"If we grant long life to any, we cause him to be reversed in nature...."*⁷¹ The parents proceed to the old age side by side with the progress of the children towards youth. Naturally, the love and kindness of the parents and their efforts in caring for the children, must be reciprocated by the children with obedience and help. *A person once approached the messenger of Allah (Pbuh) and said: "I have an old father and mother, who due to their attachment towards me, are not keen for to go to jihad." Hearing this, the prophet (pbuh) said: "(if such is the case then) Stay with your parents for, by the one in whose control lies my soul their attachment of one day and one night to you is better than one year of jihad."*⁷² This hadith shows the obligation of children to take care of old parents. In another tradition *Abu huraira relates (that the prophet said): "May he be disgraced, may he be disgraced, and may he be disgraced." "Who?" the companions asked. "The person whose parents, or anyone of them, attain old age during his life-time and he does not enter Paradise (by being kind-hearted and dutiful to them)!"*⁷³ The meaning of this hadith is that serving one's parent especially when they are old is a mean of entering paradise, hence the one who missed this opportunity of entering paradise by serving them has indeed incurred a great loss.⁷⁴

It is also the right of the father for the child not to call him with his name. This is because the prophet (Pbuh) said in a hadith *imam ar-ridha (Pbuh) narrates that a person once asked the Messenger of Allah () "what are the rights of the father upon the son?" The noble Prophet replied: "He should not call his Father by name, he should not walk ahead of him, and he should not do such acts as a result of which people abuse his father."*⁷⁵

A child is also obliged to be kind to parent and to be praying for them even after death. It was narrated on the authority of Imam as- sadiq (AS) had said "what prevents a person from doing good to his parents-whether alive or dead -by offering prayers, giving charity ,performing Hajj on behalf of them (knowing that)the rewards of these acts are also granted to him, in addition to

⁷¹ The Noble Qur'an Translated by Qarib, Chapter 36, verse 68

⁷² Biharul Anwar, Volume 74, Page 82

⁷³ Sahih Muslim, number 2551

⁷⁴ Commentary of Sahih Muslim by Imam Nawawi, P:1832, Dar Ibn Hazm edition

⁷⁵ Biharul Anwar, Volume 74, Page 45

his parents .Besides, due to his goods deeds and prayers for them ,Allah, the almighty and the glorious, shall grant him abundant good.”⁷⁶

The mothers right is superior this is because during pregnancy and rearing children, the mother gladly suffers such turmoil’s which paternal love can never endure .Many ayat specially refer to the troubles endured by mothers the Quran provides *“in travail upon travail did his mother bear him ,and in two years was his weaning.”*⁷⁷In another verse it states *“we have enjoined on man kindness to his parent .In pain dis his mother bear him, and in pain did she give birth to him birth. The carrying of the child to his weaning is thirty month.”*⁷⁸Hakim Ibn Hizam asked the prophet *” O Messenger of Allah, whom should I do well to? The prophet said “your mother” He asked” Then who? The prophet again said your mother. He asked again Then who? The prophet again said your mother He asked fourth time Then who? Then the prophet said your father.”*⁷⁹in another tradition the prophet said *” your heavens lies under the feet of your mother.”*⁸⁰

The parent also have right to be shown kindness and mercy.it is obligatory on children to show love, respect, and gratitude to their parents. The children are obliged to always speak to them gently and respectfully. The holy prophet is reported to have said *” on the authority of ibn Masood, said:” I asked the prophet (SWA) which deed is most liked by Allah. He said:’ prayer offered on time; I asked him:’ then what? He (SWA) said: ‘kindness and respect towards parents.’”*⁸¹

The child is obliged to be submissive to parent at the time of anger the prophet () said: *“Among the rights of a father upon his child is that the child should be submissive to him at the time of anger and exhaustion.”*⁸²

The child is duty bound to stand up for the father and show reverence Ali (A.S) said *“stand up for your father and your teacher, even if you are a commander.”*⁸³

After the death of ones parent among other duties, should be to pray for their forgiveness and treat their relatives and friends with respect .*Abu Usaid Sa’idi (AS) relates that a person came to the*

⁷⁶ Biharul Anwar, Volume 74, Page 46

⁷⁷ Qur’an Chapter 31, Verse 14

⁷⁸ Qur’an Chapter 46,Verse 15

⁷⁹ Bukharu,Muslim

⁸⁰ Ahmad,Nasai

⁸¹ Al-Bukhari

⁸² Tarikh Madinah al- Munawarah, vol.2, p. 568, narrating from Ibn ‘abbas,Kanz al-Ummal,vol.16,p. 473,h.45512,narrating from Tarikh Dimashq.

⁸³ Ghurar al-Hikam,h.2341

*prophet (Pbuh) "O prophet of Allah, are there some rights of my parents on me, which I have to fulfill even after they have died?" "Yes" the prophet replied, "These are to pray for mercy and forgiveness on their behalf, to fulfill the promises they have made to anyone, to pay due regard to the bonds of relationship from their side and to be respectful to their friends."*⁸⁴ From the aforementioned hadith it can be said it is the right if the parent for the child to honor the parent after death by relieving the deceased of liabilities and to pray for them and perform hajj on their behalf and to be kinds to their friends and relatives. Parents also have financial rights on their children even if they are not in need of it, their metaphorical lordship demands that the children should offer them a part of their earning as a tribute. Parent also have right to inherit their children. The holy Quran provided with regard to inheritance of parent after the demise of their children. *"And for one's parent, to each one of them is sixth of his estate if he left children. But if he had no children and the parent (alone) inherit from him, then the mother is one third....."*⁸⁵

Islam has given parents so much right on their children .But it does not mean that parent have been given license to ill- treat their children .Children are also duty bound to fulfill all these rights.

The Duties and Obligations of Parents

In the eyes of Islam the status of the father and the mother is very exalted. Now the question arises why this exalted position has been bestowed on the parent, don't the parent have any other responsibility and obligation to fulfil? The holy prophet of Islam said:" *As your father has right over you, so does your progeny have similar right.*"⁸⁶The prophet also said;" *As are the children disinherited for their disobedience so also it is possible that the parents may be disowned by the children for not fulfilling their bonding duties.*"⁸⁷From this hadith one can deduce that the parent have duties and obligations to fulfill as parent. Imam Sajjad said: *"your children have a right that you consider if they are good or them bad. You have been the cause of their birth and the world recognizes them as your offspring. It is your responsibility that you teach them good manners and guide them toward the recognition and obedience of Allah. Your behavior towards your children must be a person who believes that a good deed shall get a suitable reward and ill-treatment shall*

⁸⁴ Al -Bukhari ,al-Fath, 7315

⁸⁵ The Noble Qur'an Translated by Qarib, Chapter 4, verse 11

⁸⁶ Majma al-zawaid, v 8, p.146

⁸⁷ Bihar al-anwar, v 19, p. 146

call for retribution.”⁸⁸Above all Allah the exalted says:” *O, Believers save yourselves and your dependents from the fire whose fuel are humans and the stones.*”⁸⁹

Duties and obligations of parent towards their children Under Islamic Law starts before conception that is to say since before the child is born. The law command that each man and woman to carefully choose his/her life partner. The prophet said in advising men:” *A woman is married for four things that is her wealth, her family status, her beauty and her religion .So you should marry the religious woman otherwise you will be a loser.*”⁹⁰Likewise parent are obliged to choose a worthy man for his daughter. The prophet () said” *All of you are guardians and are responsible for your subjects. The ruler is a guardian of his subjects, the man is a guardian of his family, the woman is a guardian and is responsible for her husband’s house and his offspring; and all of you are guardians and are responsible for your subjects.*”⁹¹

After the child is born the father is under a duty to do tahneek. *It was narrated by Anas Ibn Malik (may Allah be pleased with him) said:” The son of Abu Talhah was sick. Abu Talha went out and the child died and when Abo Talhah returned he said what to my son? Ummu Sulaym (his wife) said, he is quieter than he was. Then she brought him his dinner and he ate, then had marital relations with her, and when he finished she said. ” (they buried the child” the following morning Abu Talah went to the messenger of Allah) and told him what happened. He said did you have marital relations last night? He said “yes”. He said “O Allah, bless them.” She later gave birth to a boy. (Abu Talhah said to me, “Keep him until I bring him to the prophet) He brought him to (the prophet and I sent some dates with him). The prophet took him and said “is there anything with him?” they said “yes some dates”. The prophet took some and chewed it, then he took some from his mouth and put it in the child’s mouth (tahnik) and named him Abdallah.*”⁹² ”Al Nawawi said the scholars are agreed that it is mustahab (preferred to do tahnik with dates for the child when he is born; if that is not possible then use some similar kind of sweet”.⁹³

It is also the duty of the parent to give the child a good name. *It was narrated from Naafi that Ibn Umar said: (The messenger of Allah) said “The most beloved of your names to Allah are Abdullah*

⁸⁸ Makarimal al- akhlaq p.484

⁸⁹ The Noble Qur’an Translated by Qarib, Chapter 66, Verse 6

⁹⁰ Sahih al-Bukhari, 4802, Muslim, 1466

⁹¹ Al Buhkari and Muslim

⁹² Al BUKHARI , 5153, Muslim 2144

⁹³ Sharh al-Nawawi ala Muslim,14/122-123

and Abdurrahman.”⁹⁴ And also it is Mustahab to name the child on the seventh day. And the prophet also mentioned in a hadith that “*children have three rights over their father: that he given them a good name, teach them how to read and write, and marry them off when they are mature.*”⁹⁵ Imam Ali also said “*The right of a child incumbent upon his father is that the Father should choose a good name for him and teach him good etiquette and the Qur’an.*”⁹⁶ Islamic law places emphasis on good name that the prophet (Pbuh) changes bad names to good names. *Imam Sadiq quoted on the authority of his father that the prophet changed the ugly names of people and towns.*⁹⁷

The parent are also duty bound to show love to children the prophet said “*love your children, and be kind and merciful to them, fulfil your promises made to them since children consider father to be one who provide for their sustenance.*”⁹⁸

The parents are instruments of shaping a human being, good or bad, from the child. The greatest service which the parents can render to their children is that they train them to be good mannered, kind, friends of humans, well meaning, freedom loving, bold, just, wise, righteous, noble, faithful, dutiful, hardworking, educated. The parent must mold their children in such a way they are successful both in the world and hereafter. Only such people are those who are endowed with the exalted status of parenthood, and not those who in fulfillment of their carnal desire caused the birth of children and left the children to fend for themselves and rendering them likely to fall in to evil ways. The Holy Prophet said:” The best thing a father provide to his child is good manners and ethical training.”⁹⁹

The parents are duty bound to provide shelter and feed the children. The parent are also under an obligation to educate their children this is because the parents, who don’t pay attention to the education and training of their children, become guilty of gross negligence. Such parents must be asked whether the innocent child pleaded with him to give him birth in the world to be abandoned like sheep and cattle. The parent by virtue of religious tenets and human wisdom the child education and training is their parent bonded duty. Parent have great responsibility on their

⁹⁴ Muslim ,2132

⁹⁵ Tuhaf al-Uqul ,p 238

⁹⁶ Nahjul Balagah, Hikmah no. 399

⁹⁷ Koodak(Guftar-i-falsafi), v.2, p.228, quoted from Garb al-Asnad

⁹⁸ Makarimal al- Akhlaq, p. 219

⁹⁹ Majma al zawaid, v 8, p. 159

shoulders. The prophet of Islam says *“May Allah bless the parents who trained their children to behave justly with them.”*¹⁰⁰

The parent are obliged to teach their children the holy Qur’an and tenets of faith and they also are duty bound to provide for them materially. A hadith says, *“it is better for parents to leave their children well provided (financially) than to leave them in poverty.”* This means that parents should not spend all that they have on their own comforts and luxuries but must make provisions for children’s welfare after the parents die

The Rights of Children under Islamic Law

The parent child relationship is a reciprocal one. In this unit the researcher will look at the rights of children from their parents that is to say the duties of parents in Islam these include inter-alia the following:

1. Children have the right to be born alive. Islamic law is a very special law because it provides for the rights of a child before child is born. These rights include among other things for the child to be born alive. Islamic places emphasis on life of a fetus. The fetus is expected to be delivered alive. Killing or abortion of pregnancy is prohibited under the law. The Qur’an provides to the effect that *“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.”*¹⁰¹ The children have right to genetic purity that is to say if the parent have a disease that could be transmitted to a child, contraception must be used.¹⁰² With regard to the fetus after haven taken shape or enrolment has right to life. However, abortion is allowed if the mother’s life is in danger.¹⁰³
2. The child has a right to legitimacy.
3. It is the right of the child to be given a good name.
4. Children have right to be shown love. The prophet peace be upon him said: *“Love your children and be kind and merciful to them...”*¹⁰⁴
5. Shaving head hair of a new born baby and giving charity is a right of the child and also the duty of the parent. It is reported that the prophet (Pbuh) slaughtered a goat on the occasion of

¹⁰⁰ Makarimal akhlaq, p. 517

¹⁰¹ The Noble Qur’an Translated by Qarib, Chapter 17, Verse 31

¹⁰² Children rights in Islam from the Qur’an and Sunnah. Omar AR, et al. Popul Sci. 1990

¹⁰³ Women’s Reproductive Health: Monotheistic religions perspectives, review article: Schenken JG .Int J Gnaecol obstet. 2000.J.

¹⁰⁴ Makarimal Akhlaq, p. 219

Hassan's birth the son of Fatima and Ali and said:” *O Fatima! Shave the head of Hassan and pay silver equal to the weight of the hair as charity.*”¹⁰⁵

6. Natural lactation is recommended for fifteen to twenty four months, Allah says” *Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing period.....*”¹⁰⁶
7. The child has the right to live whether a boy or girl the Qur'an provides that “*And when the female child who was buried alive is asked. For what crime she was killed*”¹⁰⁷
8. Children also have right to maintenance and shelter.
9. Children have right to education in Islam education is not limited to bookish knowledge but it include moral and religious training.
10. It is the right of a child for the parent to mold them in such a way that they will be successful both in the world and hereafter. The prophet is reported to have said “*The best thing a father provide to his child is good manners and ethical training.*”¹⁰⁸
11. The mother is also expected to be of good character because her habits and behavior affects the future and virtuosity or otherwise of the developing child. The prophet of Islam peace be upon him said “*Lucky is one whose foundation of his virtue has been made in the womb of the mother and unlucky is one whose wickedness had its rudiments in the mother's womb as well.*”¹⁰⁹
12. The children also have right to a respectable right, Islamic law has given the children the right to a good life and ordered the father to guarantee them the resources that can make them live well. *Prophet Muhammad said “the best penny a man spends is that on his children, on his camel for the sake of Allah, and on his friends for the sake of Allah.*”¹¹⁰ Even in case of divorce, fathers are asked to be fully responsible for their children regarding food, clothing, schooling, and health expenses according to the father's standard of life. The Qur'an provides to the effect that:” *let the man of means spend according to his means: and the man whose resources are*

¹⁰⁵ Jamiat Tirmidhi

¹⁰⁶ The Noble Qur'an Translated by Qarib, Chapter 2, Verse 233

¹⁰⁷ The Noble Qur'an Translated by Qarib, Chapter 81, Verse 8-9

¹⁰⁸ Majma al-zawaid, v 8, P. 159

¹⁰⁹ Biha al-anwar, v77 ,pp. 115-133

¹¹⁰ Sahih bukhari

restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what He has given him. After a difficult, Allah will soon grant relief."¹¹¹

13. The children also have right to inherit their parent. The Qur'an provide to the effect that "*Allah instruct you concerning your children; for the male, what is equal to the share of two female.....*"¹¹²
14. Children have right to equality between siblings. Parents who fear Allah should treat their children equally not favoring one over the others, in spending, treatment, and giving gifts to them. Under Islamic law the right of a child is either individual right or similar right. The similar rights are those rights that are shared between the male and the female child. These rights include prohibition of denying of paternity the prophet (Pbuh) said: "*The child is to be attributed to one on whose bed he is born, and for a fornicator there is stoning.*"¹¹³ In another tradition it states "*The child is for the bed that (is belongs to the husband) and the fornicator gets nothing.*"¹¹⁴ Choosing a good name is also a right for both the male and female child Abu Wahab (RA) who was a companion of the prophet reported him saying "*call yourselves by the names of prophets. The names dearest to Allah are Abdullah and Abdu Rahman, the truest are Harith and Hamam and the worst are Harb and Murrah.*"¹¹⁵ Saying Azan in one ear and Iqamah in the other ear is also a right that the parent must fulfill. Also making sacrifice if one is able and having a feast. The prophet peace be upon him said "*whosoever wants to offer a sacrifice for his child, let him do so for a boy; two sheep, mukafatan, (of equal age), and for a girl, one.*"¹¹⁶ Shaving the head of a new born baby and giving charity is also a right of the child. The mother is also obliged to breastfeed the baby. Equal treatment between children is also obligatory on the parent. The prophet is reported to have said: "*Treat your children fairly, treat your children fairly.*"¹¹⁷ The child has right to life because Islamic law makes the life of human sacred. The holy Qur'an provide that "*it is for this reason that we wrote to the sons of Israel that; whoever killed a soul without a soul or fasad in earth is like he kill the whole*

¹¹¹ Qur'an Chapter 65, Verse 7

¹¹² Ibid p.28

¹¹³ Sahih Muslim

¹¹⁴ Sunan Ibn Majah

¹¹⁵ Sunan Abi Dawood

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mankind.....”¹¹⁸ The child is also entitled to proper education ,healthy upbringing as well as teaching the Qur’an and Sunnah. The child is also expected to be guided gradually according to his needs and development.

The individual rights are rights that are not shared between the male and female child. These include performing circumcision for boys Abu Huraira narrated “I heard the prophet saying five practices are characteristics of the fitrah: circumcision, shaving the pubic hair, cutting the moustache short, clipping the nails and depleting the hair of the armpits.”¹¹⁹

Allah has given children rights over their parent. It was narrated that Ibn Umar said “*Allah has called them abraar (righteous) because they honored (barru) their fathers and children. Just as your father has right over you, so too your child has right over you.*”¹²⁰ Al-Nawawi said: “The father must discipline his child and teach him what he needs to know of religious duties. This teaching is obligatory upon the father and all those in charge of children before the child reaches the age of adolescence. This was stated by Al-Shafi’i and his companions. They also said this teaching is also obligatory upon the mother, if there is no father, because it is part of the child’s upbringing and they have a share of that and the wages for this teaching may be taken from the child’s own wealth. If the child has no wealth then the one who is obliged to spend on him may spend on his education, because it is one of the things that he needs. And Allah knows best.”¹²¹

Al manaawi also said “*just as your parent have rights over you, so too your child has right over you, rather many rights, such as teaching them Islamic manners, giving those gifts equally, whether that is a gift, a waqf (endowment), or other gift. If preference is shown with no reason that is regarded as invalid by some of the scholars and as makrooh (dislike) by others.*”¹²² To this end children have numerous right in which Islamic law commands for its fulfilment .The parent are duty bound to fulfil this obligation.

¹¹⁸ The Noble Qur’an Translated by Qarib, Chapter 4, verse 32

¹¹⁹ Sahih al-Bukhari

¹²⁰ Al-Adab al-Mufrad, 94.

¹²¹ Sharh al-Nawawi ‘ala saheeh Muslim,8/44

¹²² Fayd al-Qadeer, 2/574

The Duties and Obligations of children

The duties and obligations of children include the following

1. To obey and do well to them but without disobeying Allah. The Qur'an provides: "and worship and join not any partner with him and do good to parents"¹²³
2. The child is also under a duty to show devotion to parent. Devotion to parent is a natural instinct which must be strengthened by deliberate actions and emphasizing on it as being an act of obedience to Allah. The Qur'an provides "and we enjoined upon man, to his parent's good treatment, his mother carried him with hardship and gave birth to him with hardship....."¹²⁴
3. The is obliged to take care of its old parent.
4. The children must pray for their parent. Allah say ".....my lord and sustainer! Be kind and have mercy on them as they cherished, nurtured and sustained me in childhood."¹²⁵
5. The children is duty bound to earn the pleasure of his parent so as to earn Allah's pleasure.
6. The child should also pray for their parent after they have died.
7. The child should not disobey and abuse his parent because Islamic law forbids that.

Conclusion

The divine morality in the Qur'an sets the highest standards of ethics and compassion. Allah the Most Merciful, source of true Justice, speaks on behalf of both the parent and the child and stand for their rights. Utmost care, love, protection and honor are granted to all parent and children. These are brief outlines of both parties in the parent-child relationship. If the parent and children act according to this guidelines they can make the family environment more conducive to peace and satisfaction for the parents and healthy personality growth for children. Islamic Law raise the position of parent in a number of verses from the holy Quran and numerous Hadith of the prophet may Allah be pleased with him. Allah prolongs the life of a child who obeys his parent and please them. Islamic Law in its specialty stretched the right of parent even after they are dead, by making an obligation for the children to relieve them of all liabilities like debt, wills, promises and above all pray for them. Allah has given children rights over their parents just as the parents have rights over their children. The right of a child start since before the child is born to his death. The

¹²³ Ibid Page 24

¹²⁴ Ibid Page 27

¹²⁵ The Noble Qur'an Translated by Qarib, Chapter 17, Verse 24

relationship between parents and children starts from infancy to adulthood. The duty of the child is for him/her look after parent during old age because they looked after the child when he were feeble to look after itself. The duties of both of them are reciprocal. Islamic Law touches all aspect of human life including the duties and obligations of parents and children as well as the rights of parents over their children and vice versa. The holy Quran provides “*And we have left nothing from the book.*”¹²⁶

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¹²⁶ The Noble Quran Translated by Qarib, Surat al-Ma'idah, Verse