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FOREWORD

First, I would like to express my utmost appreciation to the editorial team of ESTEEM Academic Journal, Volume 12, Number 2 of Universiti Teknologi MARA (UiTM) Pulau Pinang for their support, commitment and expertise in making this issue published on time.

In this issue, we have received overwhelming support from authors of various UiTM branches and likewise from other local and international universities. Eight articles from the field of social sciences were successfully published after undergoing through screening and reviewing processes. It is our hope that robust reviews and feedback communicated to the authors can enhance and promote academic research and writing quality. It is also our editorial board's aim to make such publication a platform for these budding researchers and academicians.

On behalf of the editorial board, I would like to express our gratitude to our Rector, Associate Professor Dr. Mohd. Fozi bin Ali and the Deputy Rector of Research, Industry, Community and Alumni Network, Dr. Nor Aziyah binti Bakhari for their unfailing support, advice, and stewardship. Our greatest appreciation also goes to the expert panels of internal and external reviewers for their assiduous efforts in evaluating and editing the manuscripts voluntarily as well as fostering academic collegiality. This publication would not have been possible without the support from the researchers and lecturers who have submitted their articles. We would like to thank them for their trust in us in publishing and disseminating their research works. Congratulations to those authors who have had their articles published in this issue! Finally, we would also like to thank all those who have directly or indirectly helped in making this issue possible. We look forward to your continued support in the future. To all readers, we hope that you will find this issue useful and gain profound knowledge from the studies done.

Associate Professor Dr. Song Saw Imm
Chief Editor
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CHILD LABOUR: ISLAMIC PERSPECTIVE

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ABSTRACT

The issue of child labour got immense importance from the people around the world. Many researchers have highlighted the negative effects of hazardous child labour. However, it is also true that child labour is a common phenomenon in the developing as well as underdeveloped countries where poor families send their children to work for the economic sustenance. This article is an attempt to understand whether child labour is acceptable in the eyes of a religion – Islam. This conceptual paper makes an attempt to find solution of this ethical dilemma by analysing Islamic teachings derived from the Qur'an, the Sunnah, the comments of the Islamic scholars, and several historical evidences such as the case of the Prophet's young companion- Anas and the case of fetus in uterus of Ghamidiyyah- the adulteress women. From the context of the economic conditions of citizens from poor Islamic countries, the issue of child labour arises as an ethical dilemma. This paper makes an attempt to provide a solution in the light of Islamic teachings. The paper concludes that Islam allows child labour that is not hazardous and unethical. In order to eliminate hazardous child labour, initiatives should be taken from four levels: individual level, family level, employment level, and state level.

Keywords: child labour; Islam; ethics; ethical dilemma.

1. INTRODUCTION

Child labour is a much discussed issue in the human rights literature. Recently, this topic has become a global concern as it has received much attention from academicians, law makers, as well as the international development organisations. They highlighted the pros and cons of utilising child labour in the industries. In many ways, this issue remained debatable. On one hand, there is a huge negative effect of child labour. Child labour has a huge impact on the mental and physical health of children. Industrial works can sometimes be hazardous and unsafe. Moreover, it can have a negative effect on the education of the children. However, it is found that child labour ensures the survival of poor children and their families, particularly in the developing and underdeveloped countries. Therefore, the question arises whether child labour should be prohibited or not.

Though in the developed countries there are several laws and regulations in relation to the exploitation of children in the industrial sector, in most of the developed and underdeveloped countries, child labour practice is not much regulated and the situation is prevailing. Even if the laws and regulations exist, their application is not so strict. In many cases, the working

environment for the children is unsafe and inhumane. The human rights activists in different parts of the world are concerned about this issue and are raising their voice to gain public attention against it. Even then, because of the economic needs, child labour is practised.

The social and economic consequences of child labour were discussed by many researchers all over the globe. The topic was seen from both ethical and legal perspectives. This paper also highlights the legal and ethical aspects of child labour. However, the main concern here is the religious ethics and law. This paper gives special consideration on the Islamic ethics and law. Most of the Muslim or Muslim majority countries in the world can be characterised as developing or underdeveloped economies (Amuda & Embi, 2013). Many of these countries are suffering from immense poverty. As a result, child labour is a common phenomenon in these economies. These relatively poorer economies suffer from the dilemma whether they should support child labour for the sake of economic sustenance or prohibit child labour as in many cases this goes against the rights of the children.

In general, Muslims are more practicing of their religious teaching. According to Alserhan (2011), Muslims are more practising followers of their religion- Islam than the people who follow other religions. Thus, Muslims put an effort to perform their social and economic activities in line with their religious guidance and values. Muslims consider Islam as a way of life. They believe that Islam speaks about every aspect of life, and hence whenever they face a dilemma, they try to solve it through their revealed knowledge represented in the Qur'an (the holy book containing the words of their one and only God – *Allah*), Sunnah (the sayings, actions, silent approvals, physical and moral attributes of Prophet Muhammad), and the vast body of knowledge developed by Muslim scholars based on *Qur'an* and *Sunnah* over hundreds of years.

Due to the poor socio-economic conditions of many countries in the Muslim world (Amuda & Embi, 2013), the issue of child labour creates an ethical dilemma for the Muslims, it is better to search for solutions through their religious guidance. It was seen in the research that poverty of the households leads to child labor (International Labor Office, 2013). As many of the Muslim countries are poor (Amuda & Embi, 2013), in order to deal with poverty, families send their children to work. The ethical dilemma arises while taking decision on whether economic sustenance is more important than children's rights.

It is to be mentioned here, in Islam, development is a holistic concept (Hassan, 2012). It means Islam gives similar importance to both material and spiritual development. Thus, it can be said that the teachings of Islam emphasises on the material development that is in line with the religious teachings. Moreover, Islam considers man as 'inseparable portion' of the society (Hassan, 2012, p. 41). Hassan (2012, p. 41) mentions that:

Islam considers the life of man as one and indivisible. It considers the life of an individual as an inseparable portion of the life of the society whose individuals require and complement each other in the Islamic scheme of social order. Man has to be individual and collective entity at the same time.

This paper, by reviewing the *Qur'an*, the *Hadith* (the words and practice of the Prophet Muhammad), and the writings of several Muslim scholars, attempts to highlight the Islamic perspective in terms of child labour. The paper also makes an attempt to provide a solution that is holistic, i.e., covering both individualistic and collective development. Over many

years human beings sought relief from ethical dilemma through analysing religious scriptures (for example, the Holy *Qur'an* and the *Hadith* remained two of the most important sources of decision making for the Muslims). This paper contributes in the literature of human rights issues by analysing the issue of child labour from a religious point of view.

2. CHILD LABOUR AS A GLOBAL CONCERN

Cigno, Rosati and Tzannatos (2002) mention that child labour is as old as the humanity is. Concern Worldwide (US) Inc. (2008) defines child labourers as the children who are economically active and are involved in different kinds of works (legal or illegal, paid or unpaid) that do not allow them to get education and are hazardous and dangerous in nature.

It is to be mentioned here that children's works that do not have any health hazard or the works that do not interfere in personal development and schooling can be treated as positive works (International Labour Office (ILO), 2002). For example, assisting parents at home, working in family business or earning pocket money through part-time works are not hazardous and can be treated as good (International Labour Office (ILO), 2002). International Labour Office (ILO) (2002) identifies that the works that involve health, safety, and moral hazards are hazardous works. ITUC (2008) identifies works such as, domestic works outside the home, agricultural works, working in industries, mines and quarries, working as a slave or forced labour, prostitution, and working in informal economy (such as shoe polishing, begging, selling newspapers, collecting rubbish) as child labour. Child labour is harmful for the physical and mental development of children (ITUC, 2008).

Concern Worldwide (US) Inc. (2008) highlights three causes for which children go to work. The first cause is poverty. Poor families need children to work and earn money for the survival of the family. The second cause is the lack of school facilities. When an area has few schools and those are relatively unreachable because of distance, parents decide not to send the children to school and thus, they get their children involved in work. Moreover, Brown, Deardorff and Stern (2002) argued that at the family level, an increase in the child's wage increases the opportunity cost of education or the time spent in school. The urge for education decreases at the family level. The third cause is cheap labour. As the employers do not have to pay much to the child labourers, there is a demand for child labour from the part of the employers. Satz (2003, p. 297) mentions:

.....child labour is often a symptom of other problems-poverty, inadequate education systems, discrimination within families, ethnic conflicts, inadequately protected human rights, weak democratic institutions-that will not be eliminated by banning child labour.

Almost throughout the world, hazardous child labour is considered as a severe social problem. These days, this issue has become complex, challenging, and controversial. As mentioned earlier, the income from the children contributes in the family earning which is important for poor families. However, as children are relatively unskilled, in general, they get those jobs that need physical labour and less skill. Physical labour can be harmful for children. The works that demand physical labour can be tough and sometimes, unsafe. Due to this, it can be considered as a violation of human rights. The research works of different international development organizations show the problems arising from child labour.

According to a report jointly prepared by International Labour Office (ILO) and Food and Agriculture Organisation (FAO) (2011), at this moment, there are almost 250 million child labours working in a variety of fields - especially in small and medium sector enterprises. The report highlights that this situation can be linked to poverty and prevailing social injustices. According to this report, child labour can be both mentally and physically damaging for the children. Depending on the nature of work, the respiratory system, skin, body weight and size, brain, renal and reproductive system, enzyme system of the children can be affected badly. Moreover, they can also suffer from sleep deficiency, fluid deficiency, and energy deficiency. Children can also suffer from cognitive and behavioural disorders. Their life expectancy reduces. Furthermore, because of lack of training and experience and incapability in realising the work risks, children may face various accidents that result in disabilities.

International Labour Organisation (ILO) (2013) has set a target to eliminate the worst forms of hazardous child labour by the year of 2016. In a report, ILO (2013) mentioned that the fight against child labour is becoming successful with the help of the governments, workers, employers, organisations, and civil society. Specially between 2008 and 2012, child labour declined a lot in number. In this report, the main causes of this decline were identified. These reasons include the commitment from the part of the government and high number of ratification of ILO conventions (specially the conventions on the worst forms of child labour and the minimum age for employment). The report claims that there is an increasing awareness about the negative impacts of child labour.

One of the dreadful examples of hazardous child labour in the Arab world is the use of children in camel racing (UNICEF, 2006). According to a report of UNICEF (2006), in the UAE, children were used as camel jockeys. In many cases, these children used to be the victims of trafficking. At first, these children (mainly boys) were brought to the UAE from Oman and Sudan. Later, because of the huge demand, they were brought from Pakistan, North Africa, and from some other countries of South Asia. The young boys were chosen as camel jockeys because of their light weight. As the burden used to become lighter, the camels could run faster. According to UNICEF (2006), these children were mainly brought from the areas where there was less opportunity of education and earning. In the year 2005, UNICEF and the government of UAE signed an agreement that helped these children to go back to their homes.

There is no doubt that day by day the people in the world are becoming aware of the negative impacts of child labour. Nevertheless, the question comes whether it can be stopped totally or not. In many countries in the world, immense poverty is prevailing like a curse. Poor families need money to survive.

As mentioned earlier that many of the Muslim and Muslim majority countries in the world are poor (Amuda & Embi, 2013) and this leads to the dilemma of child labour acts severely there. As Muslims are relatively more into the religious practices, they may try to seek the solution of this dilemma in their religious teachings, i.e., Islamic teachings. Islam gives enough importance on work and gives enough emphasis on work ethics.

3. STATUS OF CHILDREN IN ISLAM

Islam gives enough emphasis on dealing with children in a proper manner. According to UNICEF and International Islamic Center for Population Studies and Research (2005, p. 2), Islam ensures children's rights related to (1) 'health and life', (2) 'family, kindred, name,

property, and inheritance’, (3) ‘healthcare and proper nutrition’, (4) ‘education and acquisition of talents’, and (5) ‘live in security and peace, and enjoy human dignity, and protection under the responsibility of parents’.

The parents and the people in the society have enough responsibility for the children. Children should be given importance from the time of their birth. For example, there is an Islamic tradition that just after the childbirth someone should utter *Azan* (the call for prayer) in the ears of the child. It is thought that in this way a connection is established between the child and his/her creator. After that the child should be given with a beautiful meaningful name. It is believed that beautiful and meaningful names will have good impact on the mind of the child. It is suggested that if the meanings of the names contain love, beauty, human dignity or welfare, children will feel better and try to include those qualities in them (al-Ghali et al., 2000). In the *Hadith*- the words and conducts of the Prophet Muhammad (peace be upon him)- it is mentioned that a beautiful name is a right of the child.

The health of the children should be taken care of. Islam emphasises on breastfeeding (Abu Dawud, 1997, Book: 32, no. 4442). Even before childbirth this issue should be taken care of. An authentic *Hadith* (reported by Muslim) presents with a popular story known as the story of Ghamidiyyah. Ghamidiyyah was a woman who committed adultery and became pregnant. She came to Prophet Muhammad (pbuh) and admitted the crime, but the prophet denied punishing her at that moment as she was carrying a baby. Any punishment could have harmed the baby. Then, after the childbirth the woman again went to the Prophet and asked for punishment. The prophet again delayed punishing and gave her the time for breast feeding. Thus, in Islam a child has some rights even before getting born. Abortion is highly prohibited in Islam. Even a child who is a product of adultery has the right to be born and taken care of. Moreover, in Islam, any childbirth, whether male or female, has to be celebrated.

After breastfeeding, it is the duty of the parents to take care of their children and ensure the basic necessities. In Islam, a child is born with the legacy. If unfortunately a child loses his/her parents just after the birth, even then he/she will have the rights on the property of the parents. It emphasises on the economic right of children. The person who will take care of the orphan will be able to use this property to take care of the child. The pains of the children should be taken care of. For instance, five times prayer is compulsory for every Muslim, but if at the time of the prayer the mother/the father hears the child is crying, he/she is recommended to shorten the prayer. It indicates that even the simplest needs of the children should be taken care of.

There are many evidences that the Prophet Muhammad used to love children a lot. The Prophet used to buy gifts for children. He used to present the first fruit of a tree in a season to the children. An authentic *Hadith* (narrated by Bukhari) mentions a saying of the Prophet – the person who is not affectionate to the children and is disrespectful to the elders does not belong to the Prophet. It is recommended that children should not be beaten.

The matter of teaching *akhlaq* (the development of inner state of human beings) to the children is very significant in Islam. Children should be guided in the way of truth and discouraged to tell lie. In order to do that, the parents should also practice such kind of things. Telling lie even to children is prohibited in Islam. Children should not be encouraged or forced to do anything that is prohibited in Islam. Encouraging children to do any immoral work is prohibited. For example, in one *Hadith* it is mentioned that the person who encourages children to take wine will be punished in the hereafter (the life after death). Though in this *Hadith* the issue of wine is referred, it can be applied to all kind of prohibited works (i.e., works that are considered as *haram*). Thus, the drug abuse, prostitution and any other kind of prohibited works can be explained through this *Hadith*.

Giving valuable instruction to the children is also important in Islam. The elder people should give this guideline to the children. The Prophet Muhammad (pbuh) himself used to give instruction to children that was based on their age. The companionship of the honest elders is important.

4. CHILD LABOUR: ISLAMIC PERSPECTIVE

Islam emphasises on ‘work’ and sets many guidelines in relation to work ethics. Possumah, Ismail and Shahimi (2013) state that the issues related to labour and labour rights got huge importance in Islam. According to Islamic teachings, people should put enough effort to earn their livelihood through labour. From Islamic perspective, both intellectual and physical labours are important and should be honoured (Possumah, Ismail and Shahimi, 2013). Possumah, Ismail and Shahimi (2013) also highlight that according to Islam, work is considered as worship (*ibadah*), responsibility (*amanah*), human cooperation (*ta’awun*), and obligation (*shari’ah* obligation). Islam considers work as a matter of self-dignity, but Islam also imposes some restrictions towards works. All kinds of work are not permitted in Islam. There are restrictions for both employers and employees.

For example, the wage earning of the labours should be lawful. Due to this, the work that a person is doing should not be unlawful according to the religious teachings. Islam emphasises highly on the payment of wage. According to Possumah, Ismail and Shahimi (2013, p. 265) : “...payment should be made as soon as possible and not postponed”. The minimum wage to live a decent life should be ensured.

There should be a cordial and healthy relationship between the employer and the employee and the employer should not overburden the employee with work that is beyond the capacity of the employees (Possumah, Ismail, & Shahimi, 2013):

.... in the case of setting working hours, employers are told not to force employees to “work beyond their capacity” and if the workload is “excessive”, then they are told to “share the burden”. The Muslim scholar, Maulana Manazir Ahsan Gilani, has gone as far as suggesting that the basic necessities of an employer and employee should be the same and that the number of “working hours should be fixed according to the capacity of (each) worker”. (Possumah, Ismail, & Shahimi, 2013, p. 265)

When child labour is applied in business organisations, Islamic ethical principles can be followed. The employers should be ethically guided in doing businesses (Ali, Al-Aali, & Al-Owaihan, 2013). Businesses should be guided by four important principles: *ihسان* (goodness

and generosity), relationship with others, equity, and accountability (Ali, Al-Aali, & Al-Owaihan, 2013 and Ali, 2011). The businesses should be morally driven (Ali, Al-Aali, & Al-Owaihan, 2013). Thus, in case of dealing with children, the employers should practice goodness, generosity, equity, accountability, and morality.

It was mentioned earlier, in the literature related to child labour, all kinds of labour are not treated as hazardous. Mainly the works that are physically and mentally problematic for the children and can be considered as obstacles in their development are treated as hazardous child labour.

From the discussion, it can be understood that in Islam, children have very special status and rights, so harmful and unlawful works can be considered as prohibited in Islam.

Azzaam and al-Muwaajidah (2008) by mentioning the famous educationist, Sulaymaan Mareqah, and sociologist, Suusun Khaalid, referred to two terms in relation to child labour. One is *umaalah* and the other is *tashgheel*. *Umaalah* means to use the child as a worker, that means the child is treated as any other labour. It represents the works that may harm a child physically, psychologically and socially. *Umaalah* represents the exploitative nature of work (for example, using children in industries where severe manual work is needed). Using the children as construction workers and employing them in any workshop where they are exposed to health hazards are the examples of *umaalah*. Whereas, *tashgheel* is that kind of work that helps either to develop the life skills of a child or to bring any benefit to him/her. These benefits can be in the form of money or any other benefit. For example, an orphan child may get employed and get money. He/she can also be provided with shelter and care. Azzaam and al-Muwaajidah (2008, p. 203) mention that “..child labour must be in service of educating and raising children”. Thus, it can be said that among these two categories (*umaalah* and *tashgheel*), *umaalah* is prohibited in Islam.

Another term that needs clarification in this respect is *khidmah*. The literal meaning of this word is service. However, here service does not represent a job or an occupation rather it is a kind of favour. *Khidmah* is permitted in Islam. The person who performs *khidmah* is called *khadim*. For example, welcoming the guests, sending children to buy small groceries from the shops or helping parents in household tasks are considered as *Khidmah*.

However, in many South Asian countries, there is a common tendency to employ children for the household works (Edmonds, 2003). In these cases, if the children are treated badly by the employers and are given with tasks that create excessive pressure, it can become harmful for the body and mind of the children. It can affect their physical, psychological and social development. This kind of work cannot be treated as *khidmah*.

The health of the children is considered highly important in Islam, so any work that is harmful for children's health is forbidden in Islam. The employers should not be oppressive to the employees and practice generosity (*ihsan*) in dealing with the employees. It was mentioned by UNICEF and International Islamic Center for Population Studies and Research (2005, p. 10):

Employing children in hard and dangerous labour falls into the category of inflicting hardship and harm, even done unintentionally or through ignorance. If we say, as explained by shariah, that inflicting harm is prohibited, it follows that commissioning children with hard labour is therefore not permitted.

5. RULING OF ISLAM ON CHILD LABOUR

Islam allows child labour which is termed as “*tashghil*” as long as it is in line with the teachings and principles of Islam. Several prophetic traditions support this ruling.

An authentic hadith is reported by Muslim and narrated from Anas bin Malik (May Allah be pleased with him). Anas bin Malik said: Once the Messenger of Allah (the Prophet) came to me while I was playing with the boys. He greeted us and sent me on an errand. (Sahih Muslim, Book 2, Hadith 8).

Another authentic hadith is reported by Bukhari and narrated by Anas. Anas bin Malik said: Whenever the Prophet (peace be upon him) went to the privy, a servant and I used to carry a skin water container and a spear and he would cleanse himself with the water (Sahih Muslim, Book 2, Hadith 87).

These references from *Hadith* prove that the Prophet (peace be upon him) used to assign the children some works, so according to Islam, in some cases, children can be assigned with some tasks. Anas bin Malik worked, as an assistant of the Prophet of Islam (peace be upon him) for more than nine years. He worked under the Prophet (peace be upon him) for a prolonged period and thus, the work was continuous and not temporary (Azzaam & al-Muwaajidah, 2008).

Children can be allowed to do some works because childhood can be considered as the age of education. These tasks can be for their skill development. There are some children who are able to carry out some sorts of tasks better than older people, particularly those tasks that are simple and repeated. According to Azzaam and al-Muwaajidah (2008), it was seen in psychological and sociological research that there are some positive aspects of assigning children with some works. It injects a sense of responsibility in the children. If children get paid from the work, it can add extra income for their families. Moreover, children also get trained through this. This training can help them to perform well in their future occupations. In a working environment, children may learn to respect the others as well as they can get love and mercy from the others. It also helps them to become capable to face difficulties in their future life.

According to a number of Muslim classical scholars such as Ibn Humam, al-Ayni, al-Khurashi, and al-Sharbini, a person will be considered as a child until he/she reaches puberty. Puberty is a sign of adulthood, but even before puberty, a child can have mental maturity. These children can be employed in works that are permissible in Islam.

The classical Muslim scholars such as Badruddin al-Ayni, Muhammad al-Khurashi, and Muhammad al-Khatib al-Sharbini also supported this view that child labour is permitted in Islam (Azzaam & al-Muwaajidah, 2008). However, definitely, every work should be done by maintaining Islamic values and ethics. Due to this, hazardous child labour is not permitted in Islam.

The child should not be employed for in any immoral activities. For example, using children in activities such as prostitution and drug trafficking cannot be tolerated from an Islamic perspective. Any kind of adultery is prohibited in Islam. In *Al-Qur'an*, this issue was highlighted several times. Islam prohibits physical relationship outside marital bondage. *Al-*

Qur'an also highlights the issue of homosexuality and prohibits it. Islam suggests that wine and any other kind of intoxication is harmful for health and thus, is prohibited (al-Ghali et al., 2000). These laws are applicable to every aspect of the lives of the Muslims.

Azzaam and al-Muwaajidah (2008) highlighted that while dealing with child labour, nine important issues must be considered. *Firstly*, the child should not be assigned with any illegal task. *Secondly*, only the children who have mental maturity and can differentiate between the right and the wrong can be employed. It should be remembered that immature children cannot be held accountable for any kind of responsibility. *Thirdly*, before employing any children, permission must be taken from the parents. Parents are responsible for care and education of the children, so permission to work should come from their side. *Fourthly*, it is important that the tasks assigned to children should enrich them in terms of knowledge and skill. It should ensure their welfare. *Fifthly*, it is important to specify the kind of job, work period and the payment that will be assigned to children. In many cases because of the absence of enough laws and rules, children get wrongly exploited, so before taking any children for any job, these issues should be clearly settled. *Sixthly*, work should not harm children's education. *Seventhly*, the work should not harm the manners of children. It should help upholding the Islamic manners. *Eighthly*, children should be given enough opportunity to play in order to ensure physical growth. *Ninthly*, children must be treated with mercy and compassion.

6. CHILD LABOUR IN ISLAMIC HISTORY: THE CASE OF ANAS IBN MALIK

The last Prophet (peace be upon him) employed Anas ibn Malik as his khadim. This is an example of how tashghil and khidmah can be applied in the best manner. The expected nature of child labour can be understood from the life of Anas. As a young companion of the Prophet, Anas used to assist him in various activities. It was mentioned in a few authentic Hadith (such as al-Bukhari, Book: 78, no. 6038) that Anas served the Prophet of Islam for more than nine years following the Prophet's migration to the city of Medina (from Makkah) until his death.

It can be found from various sources that the Prophet used to keep a very good and cordial relationship with Anas. The Prophet never criticised Anas for anything. If Anas did not do any task even after he was asked to do it, the Prophet never charged him for that. It can be identified from the authentic sources that the Prophet never even uttered the word *Uff* (the softest expression out of any dissatisfaction or displeasure) for Anas. The Prophet was very affectionate towards Anas. He used to call Anas – *Unays* (little Anas) and *bunayy* (small kid) out of affection. Arabs use these diminutive forms of names (known as *Tasgheer*) in order to show affection and love. Out of love the Prophet also used to call Anas as *Abu Hamzah* and *Zul Uzunayn*. Moreover, the Prophet used to maintain a cordial relationship with Anas' family. He used to visit Anas' home.

It can be found from several sources that Anas used to be assigned with the simplest possible tasks that are not physically demanding. It was found that Anas used to carry water, *miswak* (the chew stick) and *asaa* (the hand stick used to rely on) of the Prophet. He was not allowed to do hazardous tasks. For example, Anas was not allowed to take part in one of the most important holy battles for the Muslims – the *Ghazwat al-Badr*. As a child he was not considered as fit for the battle (Al-Zahabi, 2001, 3/397-398).

In return for this service to the Prophet, Anas achieved many things. He gained profound knowledge on the Islamic issues. Moreover, he gained Prophet's love, compassion, and good wish. He learnt about *Shama'il al-Nabiyy* – the great Prophetic manners and way of conducting life. He also learnt about the Prophet's way of *salat* (the compulsory prayer that the Muslims have to perform five times a day). Anas also gained knowledge about the household lifestyle and maintaining relationships. For example, he was taught the importance of keeping privacy in a relationship. Thus, Anas never disclosed any private matter of the Prophet even to his mother or close friends.

These trainings of Anas were lifetime achievement for him. Later, he became one of the most successful Muslims in terms of knowledge and wealth.

7. HOW TO CREATE AN ATMOSPHERE FOR ACCEPTABLE ENVIRONMENT FOR CHILD LABOURERS?

Among the Muslims, Islam is considered as a complete solution for all aspects of human life. In Islam, both material and spiritual aspects of life get enough importance. That is why, unlike the secular thoughts (that emphasizes only on the material aspects), Islam asks for both physical and spiritual development. Moreover, Islam supports collectivism. Due to this, the social problems also can be solved through collective efforts. The problem of hazardous child labour can be dealt from four different levels of a society: individual, family, employment, and state.

Individual Level

At an individual level, a child can get himself/herself prepared about the dos and don'ts of life though utilizing the knowledge of *akhlaq*. Islam emphasizes that children should get enough education and guidelines on ethics from their childhood. They should learn how to lead a life by following Islamic guidelines. If a child possesses this knowledge, he/she might help himself/herself to choose or reject a job/work that is offered to him/her. The concept of *fitrah* – 'the Islamic concept of human nature' (Mohamed, 1995, p. 2) is important here. In Islam, it is believed that every man has an inherent quality of choosing what is good. Islam is considered as a religion of *fitrah*. Mohamed (1995, p. 2) states that:

Fitrah may be described as a God-given innate state or inclination to believe in God and to worship Him. It can also be translated as "original priority" or "primordial faith" – an original ontological state that disposes the individual to the good and the lawful.

However, it is also true that God (*Allah*) has given free will in man. Because of this free will, the mind of man can get corrupted and thus, *fitrah* can get harmed. In *Al-Qur'an*, *Allah* mentions:

We showed him the way: whether he be grateful or ungrateful [rests on his will] (76:3)

Say, "The truth is from your Lord": Let him who will believe, and let him who will, reject [it]: (18:29)

Here come the issues such as *adab* and *akhlaq*. Human's *fitrah* (natural inclination to goodness) can be controlled and maintained by *adab* and *akhlaq*. Al-Attas (1980, p. 11) defines *adab* as:

..... the discipline of body, mind and soul; the discipline that assures the recognition and acknowledgement of one's proper place in relation to one's physical, intellectual and spiritual capacities and potentials; the recognition and acknowledgement of the reality that knowledge and being are ordered hierarchically according to their various levels (*maratib*) and degrees (*darajat*).

Hashi (2011) mentions that the term *akhlaq* has two meanings. First, it refers to the science of 'the standards of right and wrong of human conducts' (Hashi, 2011, p. 123). Second, *akhlaq* also refers to good character and good human behaviour. Teaching of *akhlaq* can be done both at the family level and school/educational institution level.

Family Level

From a family level, discipline (of body, mind, and soul), ethical principles, and good character can be injected in a child. This can be done from the schools and other educational institutions also. However, in comparison to educational institutions, families generally have a greater authority to decide which work the children can choose. The elderly people in the family have the responsibility to give moral education to the children. They should also take the responsibilities of their children. Family is considered as a very important social institution in Islam. *Al-Qur'an*, through many verses, highlights the importance of marriage and gives enough guidelines on how to run a family in a proper manner. Family should help children to choose the job. The family should also decide whether the child really needs to do the job or not. If the family can support the children, there might not be any need to send any child for jobs.

Employer Level

Employers should also take care and caution when employing children. They should not offer any unethical and unlawful jobs to the children. Moreover, they should not offer any job that is physically or mentally detrimental to the children. They should apply the concept of *rahmah* (mercy, compassion, kindness, and sympathy) and *ihsan* (being good and generous) while dealing with working children. The employers should be emphasizing more on the 'welfare' of the children rather than 'exploitation'.

The concept of *ihsan* needs to be explained here. Ali, Al-Aali, and Al-Owaihah (2013, p. 470) defined *Ihsan* as 'the principal factor that shapes and reinforces one's disposition to engage in what is good and beneficial to society'. *Ihsan* encourages people to go beyond what is legal and what is just a duty (Ali, Al-Aali, & Al-Owaihah, 2013). Siddiqui (2006) mentioned that *ihsan* is the highpoint of Islamic ethical principles and it is the representation of love for God (*Allah*). Siddiqui (2006, p. 425) also mentions that:

An act performed with a sense of duty is one thing, and the same act performed with a sense of love is another. *Ihsan* represents the later...

Ihsan highlights that it is not enough just to perform the duties. It is important to go beyond duties or doing something extra for the sake of the love of *Allah*. According to Islam, this kind of extra initiative ensures a much higher reward from *Allah* (Ali, Al-Aali, & Al-Owaihian, 2013). *Allah* mentions in the Qur'an that:

Indeed, to Allah belongs all that is in the heavens and on earth: so that He rewards those who do evil, according to their deeds, and He rewards those who do good, with what is best (53:31).

This verse calls for following the best possible practice in all aspects of human life. Also, it indicates that any unethical practice will result in punishment so an employer must be careful that he/she does not exploit a child for any unethical, unsuitable, improper and indecent work. Moreover, doing the best will result in good rewards.

A Muslim should continuously strive for achieving reward and blessing from *Allah*. When an *ihsan* is performed, blessings and rewards get multiplied (Ali, Al-Aali, & Al-Owaihian, 2013). There is no doubt that an employer is a businessman and he/she should have a profit motive. However, Islam as a comprehensive religion focuses both on the material and spiritual aspects of human life. Profit represents the material gain and earning the profit by applying *ihsan* (where possible), will ensure the spiritual gain for the employer. Due to this, in employment a child should be treated with mercy and goodness.

State Level

The state can play an important role to mitigate the problem of hazardous child labour. The state should work for finding out a remedy for this. The state must investigate the reasons behind children going for hazardous child labour. Those reasons should be removed from the society.

In dealing with any kind of social problem, *Shari'ah* principles (the fundamental principles of norms and values derived from the Qur'an and the words and works of the Prophet (peace be upon him)) should get enough emphasis. According to Siddiqui (2006), the objective of *shari'ah* is related to concepts such as welfare, justice, mercy, and wisdom. Siddiqui (2006) also mentions that the application of *shari'ah* should be guided by the concept of *ma'ruf* and avoidance of *munkar*:

The principle to be observed in any application of *shari'ah* is the concept of *ma'ruf*, meaning what is known about human relationships as good and what human nature accepts as good. The opposite is *munkar*, that which human nature instinctively loathes and rejects.

Shari'ah only covers the basic principles. As the human life is complex, in many cases, in order to handle novel complexities, one has to go for a greater interpretation of the basic principles. In these cases, *fiqh* is applied. Siddiqui (2006, p. 425):

Fiqh is that mechanism which has evolved in Islamic theology and jurisprudence to know what is good and what is bad. The principles and objectives remain static, no matter how the details change to meet contemporary needs. The "insight" and

“comprehension” of the contemporary situation, and how that should be interpreted, is what we know as *Fiqh*.

One of the maxims of Islamic law (*Qawa'id Fiqhiyyah*) is – *Al-Darar Yuzal*, i.e., ‘harm must be eliminated’. This maxim originates from a *Hadith* (words and works of Prophet (pbuh)): ‘No harm and no counter harm’ (Zakariyah, 2009). Another Islamic legal maxim asks to prevent any kind of unlawful matters even if that has some benefits. Islamic states should develop the laws in such a way that can prevent harm from its source. The legal issues related to child labour should be guided by these principles.

Child labour should be taken care of by keeping these maxims in mind. The state should take care of these issues so that the rights of the children are upheld and any departure from that results in legal actions. The responsibilities of all these levels/institutions can be understood from figure 1.

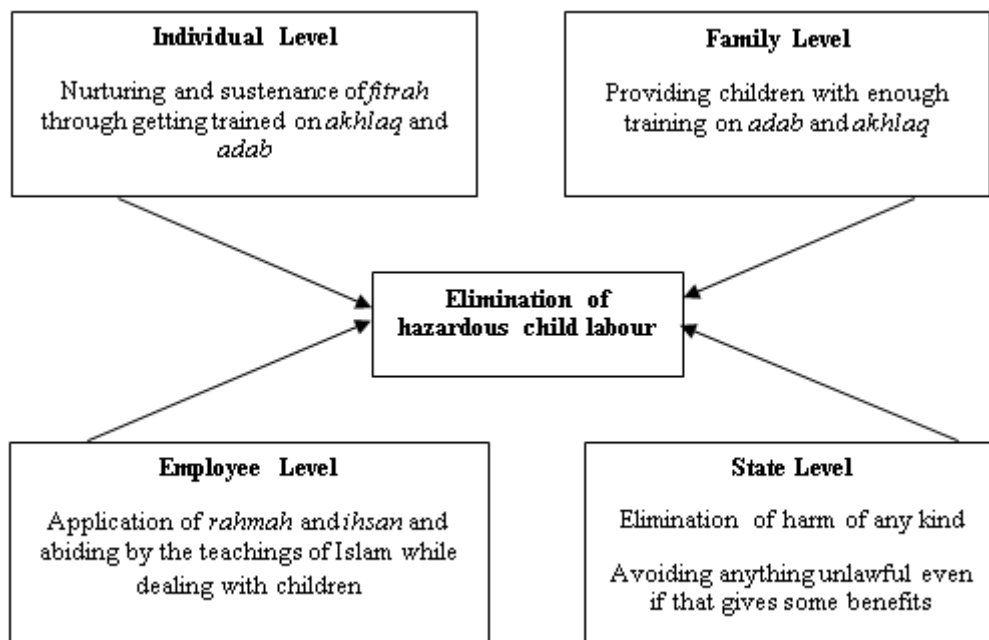


Figure 1: Elimination of Hazardous Child Labour.

8. CONCLUSION

The article makes an attempt to find out the Islamic views on child labour. It can be seen from the discussion that the Islamic stand on child labour does not differ much from the present day views on child labour. In both cases, hazardous child labour is treated as harmful and is prohibited.

However, as a religion, Islam stresses on injecting and sustenance of moral values (more specifically the religious values) in the children so that from the childhood, they can differentiate between good and bad as well as right and wrong. Family should play an important role in teaching them these issues. Moreover, families should help them in selecting their jobs. Other than just focusing on the legal and ethical issues, Islamic teaching also emphasises on the spiritual matters. Due to this, the issues of mercy, goodness, kindness,

and generosity got huge importance. From an Islamic point of view, it can be suggested that employer's need for profit should be accompanied with the need for spiritual rewards also. Finally, a state should take the charge of eliminating the sources of problems and evils from the society. A combined effort from the part of the individuals, families, employers, and state can help eliminating the hazardous child labour from the society.

Many Muslim countries all over the globe are suffering from extreme poverty. From these discussions, it was seen that child labour is common in many Muslim countries. In this situation, it is difficult to stop child labour in these economies. Though Islam suggests to take the best care of the children, in many cases, poverty makes people bound to send their children for work. Thus, rather than making an attempt to stop child labour, wise decisions should be taken, so that children do not get physically or mentally abused and can do the work through pleasure and learning. It is not the elimination of child labour, but the elimination of hazardous child labour should be the main concern of the society.

In general, whenever we think about solving problems such as hazardous child labour, we try to look into the problems in relation to the existing laws and try to highlight the duties of the state in this respect. However, as mentioned in the beginning of this article, in Islam, both spiritual and material developments get equal importance. Individual should get himself/herself prepared to deal in the society in accordance with the Islamic teachings. Thus, it is not only the state that should be held responsible for a social problem. Individuals, families, and employers should equally perform their duties according to Islamic teaching.

REFERENCES

- Abu Dawud, Sulaiman Ibn Ashas al-Sijistani (1997). *Sunan Abi Dawud, Book 32*. Beirut: Dar Ibn Hazm.
- Al-Attas, S. M. N. (1980). *The concept of education in Islam*. Malaysia: Kuala Lumpur Muslim Youth Movement of Malaysia.
- Al-Ghali, M. M., Abdul-Ghani, A. S. E., M. K., Sha'ban, A. A., & Al-Gindi, M. A. (2000). *Child education in Islam* (2nd ed.). Cairo: Dar Assalam.
- Al-Zahabi, Muhammad Ibn Ahmd Ibn Uthman (2001). *Siyar A'lam al-Nubala*, Beirut: Mu'assasah al-Risalah.
- Ali, A. (2011). Islamic ethics in marketing. In Sandikci, O. & Rice, G. (Eds.). *Handbook of Islamic marketing* (pp. 17-34). Cheltenham: Edward Elgar.
- Ali, A., Al-Aali, A., & Al-Owaihah, A. (2013). Islamic perspectives on profit maximization. *Journal of Business Ethics*, 117, 467-475.
- Alserhan, B. A. (2011). *The principles of Islamic marketing*. England: Gower.
- Amuda, Y. J., & Embi, N. A. C. (2013). Alleviation of poverty among OIC countries through sadaqat, cash waqf and public funding. *International Journal of Trade, Economics and Finance*, 4(6), 403-408.

- Azzaam, H. F. H., & al-Muwaajidah, M. I. (2008). Ruling on child labour in Islamic law (Hukmu Umaalatil Atfaalifil Fiqhil Islami), *al-Majallah al-Urduniyyah fi al-Diraasat al-Islaamiyyah*, 3, 203-221.
- Brown, D. K., Deardorff, A. V., & Stern, M. (2002). *Determinants of child labour: Theory and evidence*. Paper presented in the Research Seminar in International Economics, School of Public Policy, The University of Michigan.
- Cigno, A., Rosati, F. C., & Tzannatos, Z. (2002). *Child labour handbook*. Social Protection Discussion Paper Series. Washington: The World Bank.
- Concern Worldwide (US) Inc. (2008). *Focus on Bangladesh: Child labor: Should child labor be abolished?* NY: Concern Worldwide U.S. Inc.
- Edmonds, E. V. (2003). *Child labour in South Asia*. Paris: Organisation for Economic Co-operation and Development.
- Hashi, A. A. (2011). Islamic ethics: An outline of its principles and scope. *Revelation and Science*, 1(3), 122-130.
- Hassan, N. M. N. (2012). *An Islamic paradigm in economics: Vision and mission*. Kuala Lumpur: IKIM.
- International Labor Office (ILO) (2002). *Eliminating the worst forms of child labour: Handbook of Parliamentarians No. 3*. Geneva: International Labour Organisation.
- ILO, & FAO (2011). *FAO-ILO Good practice guide for addressing child labour in fisheries and agriculture: Policy and practice*. Geneva: International Labour Organisation and Food and Agriculture Organisation.
- International Labour Office (ILO) (2013). *World report on child labour economic vulnerability, social protection and the fight against child labour*. Geneva: International Labour Organisation.
- International Labour Organization (ILO) (2013). *Marking progress against child labour*. Geneva: International Labour Organisation.
- ITUC (2008). *Mini action guide child labour*. Brussels: International Trade Union Confederation.
- Mohamed, Y. (1995). Fitrah and its bearing on the principles of psychology. *The American Journal of Islamic Social Sciences*, 12(1), 1–18.
- Possumah, B. T., Ismail, A. G., & Shahami, S. (2013). Bringing work back in Islamic ethics. *Journal of Business Ethics*, 112, 257-270.
- Satz, D. (2003). Child labor: A normative perspective. *The World Bank Economic Review*, 17(2), 297-309.

Siddiqui, A. (2006). Ethics in Islam: Key concepts and contemporary challenges. *Journal of Moral Education*, 26(4), 423-431.

UNICEF & International Islamic Center for Population Studies and Research (2005). *Children in Islam: Their care, development and protection*. Egypt: International Islamic Center for Population Studies and Research, Al-Azhar University.

UNICEF (2006). *Starting over children return home from camel racing*. UAE: UNICEF.

Zakariyah, L. (2009). *Applications of legal maxims in Islamic criminal law with special reference to shari`ah law in Northern Nigeria (1999-2007)*. UK: University of Wales.

The Holy Qur'an. (1987). (A. Y. Ali, Trans.). KSA: King Fahd Holy Quran Printing Complex.