

'Uqūbāt (Punishment) and Child Protection: Reconciling Hadith, Fiqh, and Modern Pedagogy

Muhamad Abdul Gofur

Email: opng38@gmail.com; abdulgofur@staibanisaleh.ac.id

Pendidikan Guru Madrasah Ibtidaiyyah, STAI Bani Saleh, Kota Bekasi, Jawa Barat Indonesia

Abstrak

Penelitian ini bertujuan untuk mengonseptualisasikan rekonstruksi batasan 'uqūbāt (hukuman) berbasis koridor *maqāṣid al-syarī'ah* pada lembaga pendidikan dasar Islam, sebagai resolusi atas antinomi yuridis antara literalisme fikih klasik dan regulasi perlindungan anak di Indonesia (UU No. 35/2014). Metode yang digunakan adalah riset kepustakaan (*library research*) dengan pendekatan kualitatif-deskriptif, serta pendekatan hukum normatif-syar'i dan komparatif lintas Mazhab Empat (Hanafi, Maliki, Syafi'i, Hanbali). Analisis hermeneutis terhadap korpus hadis disiplin menegaskan bahwa dispensasi tindakan fisik pada anak usia sepuluh tahun murni berstatus sebagai instrumen edukatif (*ta'dīb*), bukan tindakan pembalasan (*intiqām*). Meskipun terdapat perbedaan rincian teknis-kuantitatif antarmazhab, ditemukan konsensus absolut (*ijmā'*) terkait larangan total terhadap pukulan menyakitkan (*ḍarb mubriḥ*), serta kontak fisik pada wajah, kepala, dan organ vital anak. Di samping itu, penempatan usia 5 tahun sebagai basis *pre-tamyīz* mengonfirmasi bahwa gradasi hukum Islam bersifat gradual dan linear dengan fenomena *five-to-seven year shift* dalam psikologi perkembangan modern. Penelitian ini menyimpulkan perlunya transformasi batasan operasional sanksi di sekolah dasar Islam (SD/MI) menuju paradigma disiplin positif-restoratif, sebuah format yang menempatkan asas kemaslahatan terbaik anak (*maṣlaḥah al-ṭifl*) sebagai kaidah hukum tertinggi guna memenuhi orientasi perlindungan jiwa (*ḥifẓ al-naḥs*) dan akal (*ḥifẓ al-'aql*). Secara praktis, penelitian ini merekomendasikan formulasi draf Kode Etik Disiplin Siswa yang aplikatif bagi pendidik sebagai panduan operasional penegakan disiplin ramah anak sekaligus instrumen preventif terhadap risiko kriminalisasi guru.

Kata Kunci: *Disiplin Positif, Fikih Tarbawi, Komparasi Mazhab, Maṣlaḥah al-ṭifl, 'Uqūbāt.*

Abstract

This study aims to conceptualize the reconstruction of the boundaries of 'uqūbāt (punishment) based on the framework of *maqāṣid al-syarī'ah* within Islamic primary education institutions, serving as a resolution to the legal antinomy between the literalism of classical jurisprudence and child protection regulations in Indonesia (Law No. 35/2014). Utilizing a qualitative-descriptive library research design, this study employs a normative-Sharia legal approach

alongside a comparative analysis across the four major schools of thought (Hanafi, Maliki, Syafi'i, and Hanbali). A hermeneutical analysis of the disciplinary Hadith corpus confirms that the dispensation for physical action against ten-year-old children strictly functions as an educational instrument (*ta'dīb*) rather than a retributive measure (*intiqām*). Despite technical-quantitative differences among these madhhabs, an absolute consensus (*ijmā'*) exists regarding the total prohibition of harmful striking (*ḍarb mubriḥ*) and any physical contact directed at the child's face, head, and vital organs. Furthermore, positioning the age of five as a *pre-tamyīz* baseline confirms that the developmental gradations in Islamic law are progressive and linear with the "five-to-seven year shift" phenomenon in modern developmental psychology. This study concludes that there is an urgent need to transform the operational boundaries of sanctions in Islamic elementary schools (SD/MI) toward a positive-restorative discipline paradigm framework that positions the principle of the best interest of the child (*maṣlaḥah al-ṭifl*) as the supreme legal maxim to satisfy the foundational tenets of protecting life (*ḥifẓ al-nafs*) and intellect (*ḥifẓ al-'aql*). Practically, this study recommends the formulation of an applicable Student Discipline Code of Ethics for educators as an operational guideline to enforce child-friendly discipline while preventively mitigating the risk of teacher criminalization.

Keywords: *Comparative Jurisprudence, Fiqh Tarbawi, Maṣlaḥah al-Ṭifl. Positive Discipline, 'Uqūbāt.*

INTRODUCTION

The practice of administering physical and non-physical punishment (*'uqūbāt*) in Islamic primary education institutions such as Madrasah Ibtidaiyah (MI) and Integrated Islamic Elementary Schools (SDIT) remains mired in ongoing controversy. On one dimension, there exists cultural-pedagogical resistance that views punishment as an inherent prophetic disciplinary instrument within Islamic tradition, relying on the literalism of the hadith commanding the striking of children who neglect prayer at the age of ten (Ishak, et al., 2025). On another dimension, empirical reality confirms the widespread negative excesses of pedagogical malpractice, wherein educator authority becomes distorted into physical violence (*child abuse*) and mental degradation (*verbal abuse*) (Samak & Harsiwi, 2025).

This contemporary gap is exacerbated by a legal antinomy in Indonesia; educational institutions often find themselves trapped between the demands of discipline enforcement based on classical fiqh doctrine and the normative criminal threats regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. This discrepancy between religious texts, empirical reality, and positive law underscores the urgency of

conducting a paradigmatic reconstruction regarding the boundaries of *'uqūbāt* within the framework of *fiqh tarbawī*, particularly for elementary school-aged children (7–12 years).

Theologically-juridically, this discourse is rooted in the reading of the hadith text narrated by Abū Dāwud number 495:

"Command your children to perform prayer when they are seven years old, and strike them for neglecting it when they are ten years old, and separate their beds."

This text has generated polarized *ijtihad* among *fuqahā'* across schools of thought regarding the qualification of striking (*ḍarb*), the instruments used, the anatomical loci to be avoided, and the nature of the command—whether it signifies *ta'dīb* (educative-conditional) or *ilzām* (absolute obligation). This theological complexity becomes increasingly intricate when confronted with the psychological structure of child development. The age range of 7–12 years constitutes what Jean Piaget identified as the *concrete operational stage*, a period in which the child's cognitive structure begins to internalize logical reasoning, yet remains highly dependent on empirical reality and physical symbols (Crain, 2020; Santrock, 2019).

In the genealogy of Islamic law, the gradation of a child's legal capacity (*ahliyyah*) is not understood as a leap in chronological numbers that is stagnant, but rather as a gradual transition process toward intellectual maturity (*al-idrāk*) (al-Kāsānī, 1986; Ibnu Qudāmah, 1997). Although the hadith text explicitly mentions the age of seven as the commencement of worship obligations, the classical and contemporary *fiqh tarbawī* tradition has actually identified the lower threshold of five years as the *bidayat al-tamyiz* phase (the embryo of cognitive differentiation) or the end of the *ghayr mumayyiz* phase. At this point, the child is indeed legally exempt from *taklif* and sanctions, yet their capacity for *imitation learning* has been consistently active, making the internalization of *adab* and stimulation of worship awareness already encouraged without any element of coercion. The internal recognition within Islamic law of this five-year age threshold finds its scientific justification in modern science through the *five-to-seven year shift* phenomenon. This phenomenon explains a radical cognitive transition period between ages 5 and 7, during which the executive functioning of the child's brain undergoes massive reorganization before being able to independently process logical-normative reasoning (Sameroff & Haith, 1996; Siegler, 2016). Thus, the Compilation of Islamic Law (KHI) Article 105 letter (a), which sets the upper limit of *mumayyiz* at 12 years, must be read holistically alongside the dynamics of children's neural and mental development from early childhood (Majid, 2014).

Based on the foregoing exposition, this study identifies three main problems in the contemporary *fiqh tarbawī* discourse. *First*, the interpretation of

disciplinary hadiths concerning children remains trapped in textualist-partial reasoning, thereby neglecting the aspect of age gradation (pedagogical gradation) between ages 7 and 10. *Second*, the thoughts of the four schools of fiqh (Hanafi, Maliki, Syafi'i, Hanbali) regarding the limitations of *'uqūbāt* for children remain scattered fragmentarily in classical *turath* books without any comparative-applicative systematization accessible to educational practitioners. *Third*, the majority of previous studies tend to place the concept of punishment within the domestic domain (family) or general criminal law (*jināyāt*), resulting in a research void that specifically formulates operational parameters for punishment in the public space of elementary schools based on interdisciplinary integration.

Therefore, this study is designed to address three specific research questions: **first**, concerning the hermeneutics and concept of *'uqūbāt* in the Prophet's hadiths relating to the periodization of child development aged 7–12 years; **second**, concerning the comparison of the views of the Hanafi, Maliki, Syafi'i, and Hanbali schools of thought regarding the quantitative and qualitative limits, instruments, anatomical loci, and juridical prerequisites for administering punishment to children; and **third**, concerning how to formulate a meeting point (*nuqṭah al-tilqā'*) across schools of thought to construct operational boundaries of *'uqūbāt* that are relevant, adaptive, and child-friendly for contemporary primary education.

The main objective of this study is to conceptualize the reconstruction of the boundaries of *'uqūbāt* based on the *maqāṣid al-syarī'ah* framework (particularly *ḥifẓ al-naḥs* and *ḥifẓ al-'aql*) within Islamic primary education institutions. Theoretically, this research contributes to enriching the epistemology of contemporary *fiqh tarbawī* through an interdisciplinary approach (synthesis of Islamic law and developmental psychology). Practically, this study projects a draft of the Student Discipline Code of Ethics that is applicable for teachers, policymakers, and madrasah administrators, as a preventive solution to the rampant criminalization of teachers while simultaneously protecting children's rights.

A review of academic literature over the past five years confirms that the theme of child punishment in Islam has undergone a paradigm shift from a retributive approach toward a restorative-educative approach. The study by Awaluddin, Sabililhaq, and Nida (2024) demonstrates that the implementation of child-friendly madrasahs through a *logical consequences* system effectively builds students' disciplinary character without relying on physical violence. Meanwhile, Yuniarti, Sahid, and Faisal (2025) affirm that *ta'zīr* in contemporary education must be understood as part of an ethical, contextual, and transformative pedagogical approach, not merely as a punitive instrument. Safni (2024) complements this discourse by formulating nine codes of ethics for child punishment that place the child's best interest as the primary priority. In the realm

of Islamic criminal law, Muhammaddiah and Safitri (2025) demonstrate that restorative justice and child protection in sharia law, through *maṣlaḥah*-based analysis, offer an alternative framework aligned with the principles of *maqāṣid al-syarī'ah* in handling cases involving children, and reconstruct the *ta'zīr* sanction approach from one that was initially repressive to one that is more educative and rehabilitative.

Thus, the *novelty* of this research lies in three main pillars. *First*, the focus of analysis directed at the *al-ṭifl al-mumayyiz* to *qabla al-bulūgh* phase (7–12 years) involving a performative comparative analysis of age 5 as an indicator of *pre-tamyīz shift*, an approach that bridges classical Islamic law with modern theory of children's brain executive functioning. *Second*, the presentation of a rigid comparative matrix across the four schools of thought mapping instrumental parameters, frequency, prohibited anatomy, and *shar'i* prerequisites before punishment is administered. *Third*, conceptual articulation that does not stop at classical textual description, but rather performs legal transformation (*istinbāṭ al-aḥkām*) to produce operational parameters for positive discipline that position the principle of *maṣlaḥah al-ṭifl* as the supreme rule (*al-qā'idah al-kubrā*).

Definition of 'Uqūbāt Linguistically and Terminologically

Etymologically, the nomenclature *'uqūbāt* is the plural form of the word *'uqūbah*, derived from the verb *'aqaba--ya'qibu--'uqban wa 'uqūbatan*, carrying the generic meaning of "following," "succeeding," or "coming after." Within this semantic framework, sanctions are called *'uqūbah* because they emerge as logical consequences, juridical impacts, or retributions that follow an act of legal violation (*jarīmah*).

Terminologically, classical *fuqaha* formulate *'uqūbāt* with varying articulations yet all converge on the same substantive core. Al-Māwardī defines it as a form of legal prevention established by sharia to limit distortions of prohibited matters (*maḥzūrāt*) and negligence of obligated matters (*ma'mūrāt*) (Ma'tuq, 2023). This formulation affirms that *'uqūbāt* is fundamentally not an instrument of institutional vengeance, but rather a mechanism of social protection (*zajr*) and spiritual purification (*jawāzir wa jawābir*).

In contemporary Islamic legal discourse, *'uqūbāt* is conceptualized more rigidly as suffering or affliction deliberately inflicted by legitimate legal authority upon individuals proven with certainty to have violated sharia law, based on either absolute normative texts or authoritative *ijtihād* (Anwar, 2023).

Distinction Between 'Uqūbāt (Punishment) and Ta'dīb (Disciplinary Education)

Attempts to reduce educators' actions in Islamic elementary school environments as pure *'uqūbāt* constitute a fatal epistemological error. A clear

conceptual demarcation between *'uqūbāt* and *ta'dīb* is required to avoid pedagogical malpractice.

'Uqūbāt operates within the public-retributive legal domain directed at legally capable subjects (*ahliyyat al-adā' al-kāmilah*) who, with full awareness, commit legal deviations. Its inherent character is repressive, formalistic, and carries clear material sanction implications, whether in the form of *ḥudūd*, *qiṣās*, or severe *ta'zīr*.

Conversely, *ta'dīb*—which semantically derives from the formation of *adab* and human civilization—is entirely oriented toward the preventive-educative, formative, and humanistic domain (Zuhdi & Rohman, 2022). The target of *ta'dīb* is generally non-mukalaf individuals or those who have not yet attained complete legal capacity, such as children in the *tamyīz* phase.

The primary motivation of *ta'dīb* is not retribution, but rather nurturing and behavioral improvement (*tahzīb*). When physical or non-physical sanctions are applied within the *ta'dīb* framework, their existence must be subject to the principle of *aṣḥāḥ li al-ṭifl* (the best interest of the child), not the educator's emotional gratification. The loss of this educative dimension automatically nullifies the legality of such actions and categorizes them as criminal acts of assault (*jarīmat al-i'tidā'*).

The Principles of *Al-Rifq* (Gentleness) and *Al-Tadarruj* (Graduation) in Education

Fiqh tarbawi places the prophetic pedagogical construct upon two main pillars that mutually reinforce each other: *al-rifq* (gentleness) and *al-tadarruj* (gradation/gradual progression). *Al-rifq* is not merely an individual moral attribute but rather a structural-methodological principle in the process of value transformation. This paradigm rests upon the prophetic postulate that gentleness does not attach to anything without adorning it, and is not withdrawn from anything without debasing it.

In micro-pedagogical implementation in madrasahs, *al-rifq* necessitates the creation of a non-violent learning space, wherein affective approaches and positive reinforcement take precedence over coercive approaches (Fitri & Mansur, 2021).

This principle of *al-rifq* is intertwined with *al-tadarruj*, a teaching methodology that respects chronological linearity and the child's psychological maturity. The internalization of values and discipline enforcement cannot be conducted revolutionarily-mechanistically, but must proceed through gradual stages.

Fiqh tarbawi divides these stages starting from visual role modeling (*al-uswah al-ḥasanah*), verbal internalization through stories and advice (*al-maw'izah*), behavioral habituation (*al-ta'wīd*), appreciation giving (*al-sawāb*), to

sanction enforcement as an *ultimum remedium* (last resort instrument). Educators who skip these gradation stages and directly employ physical punishment instruments are deemed to have violated the *sunnatullah* of children's cognitive development.

Legal Status of Striking Children: From the Command to Strike to the Prohibition of Striking the Face

The discourse on the legality of striking (*ḍarb*) children in *fiqh tarbawi* literature demands very careful hermeneutical reading. The command to strike children who abandon prayer at the age of ten—as stated in the hadith text—is not understood by the majority of scholars as a mandatory command (*amr li al-wujūb*), but rather as a conditional dispensation (*rukḥṣah*) that is educative-conditional. The act of striking is placed at the highest hierarchy of the sanction structure, which may only be activated if all non-physical stages have experienced total failure.

Even when this *rukḥṣah* of striking is activated, Islamic law establishes a very strict barrier of prerequisites (*ḍawābiṭ al-ḍarb*). Such striking must fulfill the qualification of *ghairu mubārriḥ*—meaning it must not leave scars, break bones, damage skin tissue, or cause deep psychological trauma (Fitri & Mansur, 2021).

Furthermore, there exists an absolute consensus (*ijmāʿ*) among *fuqaha* regarding the absolute prohibition of striking the facial area (*ijtināb al-wajh*). This prohibition has a strong axiological foundation: the face is the locus of *karāmah insāniyyah* (human dignity) bestowed by Allah, and is the center of the human being's vital sensory and cognitive organs. Violating this anatomical boundary, regardless of any pedagogical motive, automatically transforms the status of the action from an educative act (*taʿdīb*) into a legally prohibited transgression.

Periodization of Child Development in Islamic Law

a. The *Al-Ṭifl* Phase (0–7 Years): The Right to Play and Special Treatment

In the taxonomy of Islamic law, the periodization of children's ages is rigidly regulated based on the development of their intellectual and biological capacity. The first phase is *al-ṭifl* or early childhood (*ghayr mumayyiz*), spanning from birth until reaching the threshold of seven years of age. The ontological characteristic of this phase is the absence of mature logical reasoning (*fipdan al-idrāk*), thus placing the child in the status of *fāqīd al-aḥliyyah* (possessing no legal capacity whatsoever).

The legal consequence of this phase is total exemption from all forms of *taklif* demands of sharia, whether acts of pure worship or social behavior. *Fiqh tarbawi* grants the prerogative right in the form of the right to play (*ḥaqq al-laʿib*)

and demands that the surrounding environment provide special treatment based on protection, affection, and fine motor stimulation (Mubarok, 2025). All forms of physical sanctions, regardless of magnitude, are absolutely prohibited in this phase because the child does not yet possess the cognitive structure to connect the act of violation with the consequences of the punishment received.

b. The *Al-Mumayyiz* Phase (7 Years – *Bāligh*): Gradual Introduction to *Taklif*

The second phase is marked by transition toward the age of *tamyiz*, a crucial period generally identified as commencing at seven years of age until the emergence of biological signs of maturity (*bāligh*). Juridically, children in this phase mutate status to become holders of *ahliyyat al-adā' al-nāqishah* (partial legal capacity). They have been endowed with the embryo of logical reasoning capable of distinguishing between that which is beneficial (*maṣlaḥah*) and that which is harmful (*mafsadah*), although they have not yet achieved full emotional maturity and mental stability.

It is within this age range that Islamic educational institutions are permitted to introduce *taklif* demands gradually (*mubada'at al-taklīf*). Children begin to be trained, habituated, and stimulated to carry out religious obligations, particularly prayer and social ethics (*adab*). Sanctions and disciplinary reprimands begin to be introduced, but their portion must remain within the experimental-educative framework, not in the capacity of formal criminal sanctions. This phase is a period of spiritual habituation formation wherein mistakes are viewed as an inherent part of the learning process.

c. The *Al-Bāligh* Phase: Complete *Taklif*

The culmination of this developmental periodization is the *al-bāligh* phase, marked by the emergence of biological indicators such as *iḥtilām* (wet dreams) for boys and menstruation (*ḥaid*) for girls, or the attainment of the maximum age limit based on the *ijtihād* of the *fiqh* schools. Upon entering this phase, the individual fully transforms into a *mukalaf* who holds *ahliyyat al-adā' al-kāmilah* (complete legal capacity). All records of religious deeds become fully effective, and their legal capacity becomes equivalent to that of adults, including civil and criminal liability for any legal deviations committed.

Discussion on the Age of *Tamyiz*: The Hadith on the Prayer Command and Age 5 as the Beginning of *Tamyiz*

Although the hadith text narrated by Abū Dāwud explicitly associates the beginning of the prayer command with the chronological age of seven, there exists a highly dynamic space for academic discussion among *fuqaha* regarding the determination of the beginning of *tamyiz*. Some scholars affirm that the number seven in the hadith is not a dogmatic fixed number (*ta'abbudī*), but rather an

average indicator (*al-gālib*) of the emergence of children's cognitive abilities at that time.

In contemporary fiqh discourse, there is recognition of the existence of *embryo tamyiz* or a transition phase beginning from age five (Mubarak, 2025). This view is supported by interdisciplinary reading of variations in hadith narrations and the reality of neuroscientific development. Age five is viewed as the starting point at which children begin to possess the ability to imitate movements with precision (*imitation learning*) and consistently grasp simple verbal instructions.

Therefore, the placement of age five in *fiqh tarbawi* studies is not as a subject of discipline enforcement or punishment, but rather as a *pre-tamyiz baseline*. This proves that *tamyiz* in the view of Islamic law does not occur suddenly or discontinuously, but rather is a gradual process that is linear with the development of children's brain executive functioning.

The Position of Hadiths on Child Punishment

The hadith that occupies the central position in the debate on child discipline is the narration:

"Command your children to perform prayer when they are seven years old, and strike them for neglecting it when they are ten, and separate them in their beds."

Methodologically, *takhrij* of this hadith shows that it is narrated through authoritative transmission chains, including by Abū Dāwud in his *Sunan* (Kitāb al-Ṣalāh, Bāb Matā Yu'mar al-Gulām bi al-Ṣalāh, No. 495), Ahmad bin Hanbal in his *Musnad* (No. 6689), and al-Ḥākim in *al-Mustadrak 'alā al-Ṣaḥīḥain*.

The main transmission chain of this hadith rests on the *sanad*: Sawwār bin Dāwud al-Ṣairafī, from 'Amr bin Syu'aib, from his father (Syu'aib bin Muḥammad), from his grandfather ('Abdullāh bin 'Amr bin al-'Āṣ). *Sanad* criticism (*naqd al-sanad*) of this chain centers on the scriptural credibility of *ṣaḥīfatu 'Amr bin Syu'aib* from his father from his grandfather. Some classical hadith scholars adopted a cautious stance toward this chain due to the presence of *wijādah* elements (transmission from written records). However, the majority of contemporary hadith critics adopt a middle path (*tawassuṭ*) by evaluating this *sanad* as qualifying as *ḥasan li zātihi* or rising in degree to *ṣaḥīḥ li ghairihi* because it is supported by *shahid* (supporting narrations) from the transmission chains of Sabrah bin Ma'bad al-Juhanī and Anas bin Mālik (Hidayat, 2024).

Hadiths on the Prohibition of Striking the Face and Prohibition of Striking More than Ten Times

As a counterbalance and limitation on the *rukḥṣah* of physical action, the sharia binds it with two authentic hadith texts that function

as *muqayyid* (restrictions on general provisions). The first hadith is the prohibition of striking the face narrated by Imam Muslim in his *Ṣaḥīḥ*: "If one of you strikes, then avoid the face" (HR. Muslim, No. 2612). This hadith is *muttafaqun 'alaih* in its essence, possesses absolute legal force (*qaṭ'i al-wurūd* and *qaṭ'i al-dalālah*), and leaves no room for any interpretation that would permit physical contact with the face.

The second restrictive hadith regulates the volume or quantity of physical sanctions, as narrated by Imam al-Bukhārī from Abu Burdah al-Anṣārī: "No one should be struck more than ten lashes, except in the execution of a *ḥad* punishment among the punishments of Allah" (HR. Bukhari, No. 6848). This text provides a very strict quantitative limit for non-criminal disciplinary actions (*ta'dīb*). If in the context of adult legal violations the maximum limit of *ta'dīb* is so strictly limited, then by *qiyās al-awlā* (priority analogy), disciplinary actions against elementary school-aged children must fall far below that number.

Scholarly Opinions on the Authority of These Hadiths

In the construction of *istinbāṭ al-aḥkām*, scholars across schools of thought agree that the above hadiths possess a degree of authority (*ḥujjiyat al-dalīl*) that is valid to serve as a legal foundation in formulating Islamic educational methodology. However, polarization of thought occurs in the domain of application and interaction between these evidences.

The Hanafi and Maliki schools tend to read the command-to-strike hadith contextually, emphasizing that the essence of the hadith is the enforcement of pedagogical authority and character formation, thus physical action should be avoided as much as possible.

Meanwhile, the Syafi'i and Hanbali schools view the hadith as an exceptional evidence (*dalīl istisyanā'i*) that permits specific intraspective physical sanctions, but their application must be bound and controlled by the hadiths prohibiting facial striking and limiting the number of strikes (Hidayat, 2024).

Contemporary synthesis of the authority of these hadiths affirms that all these evidences must be read holistically-architectonically under the umbrella of the universal Islamic legal principle, namely *lā ḍarara wa lā ḍirāra* (there shall be no harm to oneself nor harm to others).

METHOD

This library research is conducted using a qualitative-descriptive approach to systematically and deeply elaborate the doctrine of Islamic law concerning the limits of child disciplinary sanctions. To rigorously analyze the formal object, the researcher integrates two main legal approaches: the normative-shar'i approach and the comparative inter-school approach. The normative-shar'i approach is applied to examine the authority of hadith texts and extract substantial

legal rules within them through the method of Islamic legal reasoning (*al-istinbāt al-ma'nawī*) to capture the legal ratio (*'illah*) behind the text, while the comparative approach synchronically maps the points of convergence and divergence of legal views from the four main schools of jurisprudence (Hanafi, Maliki, Syafi'i, and Hanbali) to produce comprehensive conclusions.

The argumentative structure of this research is supported by two clusters of data with high academic credibility, namely primary and secondary sources. Primary data sources rely absolutely on the corpus of *mu'tabar* hadith texts (*Kutub al-Sittah* and *Musnad Aḥmad*) as well as classical jurisprudential *magna opera* across schools, such as *al-Mabsūṭ* (Hanafi), *al-Mudawwanah al-Kubrā* (Maliki), *al-Umm* (Syafi'i), and *al-Mughnī* (Hanbali). Meanwhile, secondary data sources function as a bridge for contemporary theoretical contextualization extracted from reputable indexed scientific journal articles within the five-year range (2021–2026), monographs on *fiqh tarbawi*, and relevant theses and dissertations.

Data collection in this research is driven through the documentation method integrated with a rigorous textual tracking technique. This process begins with lexicographical tracing in both digital and print literature using specific keywords such as *'uqūbāt* (punishment), *ḍarb al-walad* (striking children), *ta'dīb al-ṭifl* (child discipline), and *ḥadd al-ḍarb* (limits of striking). To ensure the relevance of data to the material object of research, strict inclusion criteria are applied, wherein the textual data taken must explicitly discuss physical sanctions, psychological boundaries, verbal actions, or worship habituation specifically directed at child subjects in the transition and development age range of 5 to 12 years.

In the final stage, data analysis is conducted through the method of content analysis inherently combined with comparative analysis through tiered stages. The process begins with inventorying each school's doctrines regarding child disciplinary sanctions, followed by identifying the boundaries of these sanctions across quantitative dimensions (number of strikes), qualitative dimensions (types of instruments and prohibited anatomical loci), and contextual dimensions. The *uṣūlī* analytical framework in this comparative stage rests on the method of harmonizing evidences (*al-jam'u wa al-tauḥīq*) to integrate the disparities of scholarly views into a single spirit of pure *maṣlaḥah*. Subsequently, the researcher applies the technique of *takhrij al-furu' 'alā al-uṣūl* to contextualize these classical legal rules into contemporary reality. After comparing the points of convergence and divergence among the four schools, the data is visualized in the form of a comparative matrix across schools, then synthesized theoretically-axiologically based on *maqāṣid al-syarī'ah* (*ḥifẓ al-nafs* and *ḥifẓ al-'aql*) to produce contemporary and child-friendly operational parameters for positive discipline.

RESULTS AND DISCUSSION

Core Hadiths on Punishment in Child Education

The discipline enforcement system in *fiqh tarbawi* is built upon a rigorous textual foundation (*adillah naqliyyah*). Hadith texts do not stand alone; rather, they form a systematic unity that mutually restricts (*taqyyīd*) and clarifies (*tabyīn*).

Below is a matrix of five main hadiths that serve as pillars for the legal articulation regarding disciplinary actions and punishment for children:

Table 1: *Matn*, Translation, Degree, and Legal Implications of Child Discipline Hadiths

No	Main <i>Matn</i>	Brief Translation	Hadith Degree	Pedagogical Legal Implication
1	"Command your children to pray when they are seven years old, and strike them for neglecting it when they are ten years old..." (HR. Abū Dāwud)	"Command your children to pray at age 7, and strike them for neglecting it at age 10..."	<i>Ḥasan li zātihi</i> / <i>Ṣaḥīḥ li ghairihi</i> (Hidayat, 2024)	Legitimization of sanction gradation; three-year gap demonstrates the necessity of persuasion process before physical execution
2	"If one of you strikes his brother, let him avoid the face." (HR. Muslim)	"If one of you strikes, then avoid the face."	<i>Ṣaḥīḥ</i> (Muttafaqun 'Alaih)	Absolute prohibition (<i>taḥrīm</i>) of physical contact with the face to preserve dignity (<i>karāmah</i>) and vital organs
3	"No one should be struck more than ten lashes, except in a <i>ḥad</i> among the <i>ḥudūd</i> of Allah." (HR. Al-Bukhārī)	"No one should be struck more than ten lashes, except in a <i>ḥad</i> among the <i>ḥudūd</i> of Allah."	<i>Ṣaḥīḥ</i>	Strict quantitative limitation; educative sanctions (<i>ta'dīb</i>) must not equal or exceed pure criminal sanctions
4	"Indeed, gentleness does not exist in anything except it adorns it, and is not removed from anything except it debases it." (HR. Muslim)	"Indeed, gentleness does not exist in anything except it adorns it, and is not removed from anything except it debases it."	<i>Ṣaḥīḥ</i>	Main methodological rule; prioritizing affective approaches and <i>positive reinforcement</i> in the learning ecosystem

5	"Whoever does not show mercy will not be shown mercy." (HR. Al-Bukhārī & Muslim)	"Whoever does not show mercy, will not be shown mercy."	Ṣaḥīḥ (Muttaf aqun 'Alaih)	Axiological principle; the motive for discipline enforcement must originate from compassion (<i>raḥmah</i>), not from emotional venting
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Textual and Contextual Analysis (*Asbāb al-Wurūd*)

Textually (*dalālah al-lafẓ*), the word *waḍribūhum* (strike them) in the prayer command hadith is in the form of *amr* (command). However, according to *uṣūl al-fiqh* rules, not all commands carry absolute obligatory meaning. Contemporary Islamic legal hermeneutics scholars affirm that *amr* in the context of parent-child or teacher-student relationships bears the status of *amr li al-irsyād wa al-ta'dīb* (guidance and education command), not *amr li al-ilzām* (theological obligation) (Hidayat, 2024).

Contextually (*asbāb al-wurūd* and socio-historically), this hadith emerged within the 7th-century Arabian societal ecosystem that regarded physical agility as a vital survival instrument. In classical Arab cultural anthropology, the term *ḍarb* did not necessarily connote destruction or pure physical torture, but rather a cultural metaphor understood as an act of authority assertion (*ta'kid al-haibah*), a symbol of firmness, and a semiotic communication means to draw the child's attention to the urgency of the commanded matter. Assimilating the 7th-century meaning of *ḍarb* with assault in modern law is a historical anachronism (Al-Omari, 2024).

The three-year interval between verbal command (age 7) and physical dispensation (age 10) carries extraordinary *pedagogical timing* significance. Neuroscientifically, this time span is linear with the maturation period of the child's frontal lobe function to grasp the essence of a rule (Ramadhan, 2023). Therefore, *ḍarb* here is positioned as the final psychological boundary (*ultimum remedium*), which substantially prohibits instant coercive action without being preceded by a lengthy habituation process.

Punishment Limits According to the Four Schools of Fiqh

Each school of Islamic jurisprudence formulates operational boundaries for physical sanctions with a very high degree of caution to control educator authority.

a. Hanafi School

In the book *Badā'i' al-ṣanā'i'*, al-Kāsānī stipulates that the right to strike children is purely intended for behavioral correction (*al-iṣlāḥ*). The Hanafi school

establishes stringent conditions: the child must not be stripped naked during punishment (*lā yujarrad*), the clothing worn must remain attached to dampen the impact force of the striking instrument. Additionally, the strike must use a soft instrument (such as a *siwak* or the edge of clothing) and is strictly prohibited from leaving marks (*ghair mubarriḥ*), bruises, or bleeding. If the teacher violates this limit to the point of causing injury, they are subject to civil liability (*ḍamān*) (Anwar, 2023).

b. Maliki School

Ibn Rusyd in *Bidāyat al-Mujtahid* reflects the Maliki school's view, which strongly emphasizes the aspect of intention (*qaṣd al-ta'dīb*). Educators must engage in internal reflection before punishing to ensure their actions are free from personal ego or anger. The Maliki school absolutely prohibits all forms of striking the facial and head areas. The legal reasoning (*'illat al-ḥukm*) is that the head is the center of human intellectual consciousness (*maḥall al-'aql*). Reducing this function through physical violence constitutes destruction of Allah's creation (Fitri & Mansur, 2021).

c. Syafi'i School

Imam al-Syafi'i in the book *al-Umm* details the anatomical loci of the child's body that may receive defensive physical contact very specifically, limited to the areas of the feet and palms. Fragile body parts, such as joints, chest, abdomen, and lower back, are categorized as prohibited zones. Striking must not be performed with a full arm swing above the shoulder to limit the kinetic energy produced. The essence of punishment in the Syafi'i school is the provision of psychological shock effect (*al-tanbīḥ*), not the infliction of physical suffering (Fitri & Mansur, 2021).

d. Hanbali School

Ibnu Qudāmah in *al-Mughnī* maps the position of educational sanctions within the *ta'zīr* cluster (punishment whose type is determined by authority/educator). The Hanbali school adopts a very textual-restrictive stance by drawing direct analogy to the hadith limiting punishment to ten strikes. The number ten is established as the highest legal ceiling that must not be exceeded in domestic or school affairs. Educators are also obligated to immediately cease physical action if the child verbally shows signs of repentance or extreme fear, as the guidance objective is considered achieved (Hidayat, 2024).

Comparative Table of 'Uqūbāt Limits for Children Aged 7–12 Years

To provide a comprehensive picture, the structural differences and conceptual points of convergence among the four schools are mapped in the following matrix:

Table 2: Matrix of Comparative Disciplinary Parameters Across Schools

Legal Parameter	Hanafi School	Maliki School	Syafi'i School	Hanbali School
Minimum Age for Physical Sanction	10 years (based on empirical reasoning maturity)	10 years (rejects physical sanctions in <i>ghayr mumayyiz</i> phase)	10 years (as conditional dispensation boundary)	10 years (following literal text of hadith strictly)
Maximum Number of Strikes	No fixed number, but must be below the lowest <i>ta'zīr</i> for adults	Maximum 3 strikes (very limited volume)	Below the lowest criminal sanction for slaves (less than 20 times)	Maximum 10 times (based on hadith of Abu Burdah)
Prohibited Body Parts	Face, head, chest, genitals, all vital organs	Face, head, abdomen, major joints	Face, head, chest, back, joints	Face, head, vital areas, aesthetic loci
Permitted Instruments	<i>Siwak</i> , a piece of cloth, or open palm without clenching	Small thin/flexible whip without knots	Light wooden ruler or single non-rigid twig	Small broomstick or tree branch not of hard wood
Primary Non-Physical Sanctions	Verbal reprimand, social neglect (<i>al-hajr</i>) maximum 3 days	Individual isolation in class (<i>al-'uzlah</i>), memorization assignments	Reduction of recreation/rest rights, graduated reprimands	Facial expressions of anger, progressive threat of sanctions
Pre-Punishment Requirements	Advice giving, stern warning, persuasive communication	Error verification, impact education of violation	Counseling (<i>targhīb</i>), tactical warning (<i>tarhīb</i>), confirmation	Repeated verbal commands, understanding of rule consequences

Critical Analysis: Relevance to Contemporary Primary Education

a. Gap Between Classical Opinions and Modern Educational Psychology

When classical fiqh texts permitting physical contact are confronted with modern developmental psychology theories, a significant epistemological discrepancy is found. Jean Piaget's cognitive development theory affirms that children aged 7–12 years are in the concrete operational stage, where their memory remains strongly attached to physical representations in the surrounding environment (Crain, 2020).

Research in trauma-informed pedagogy proves that physical sanctions—regardless of their volume—carry a high risk of triggering excessive cortisol hormone secretion. This condition can disrupt the hippocampus function in processing new memories and damage children's self-esteem (Santrock, 2019). Classical educators assumed that light strikes could trigger a deterrent effect, whereas modern science proves such actions instead trigger imitative aggressive behavior (*modeling behavior*).

b. Resolution of *Ta'āruḍ al-Adillah*: Modern Science as a Legal *Qarīnah*

In the contemporary Islamic legal landscape, this gap between classical texts and empirical data from modern science triggers a contradiction of evidences (*ta'āruḍ al-adillah*). On one side, there exists a specific evidence (*dalīl khāṣ*) in the form of *rukḥṣah* (dispensation) for physical action in the prophetic hadith. On the other side, there exists a general evidence (*dalīl 'āmm*) in the form of the universal legal rule: *lā ḍarara wa lā ḍirāra* (there shall be no harm to oneself nor harm to others). To integrate these two domains through the method of harmonizing evidences (*al-jam'u wa al-taufīq*), findings from developmental psychology and modern neuroscience are positioned as valid *qarīnah khārijiyyah* (external contextual indicators).

Empirical data regarding the destructive impact of striking on children's brain structure and mental health becomes a *qarīnah* confirming that the element of harm (*ḍarar*) generated by physical sanctions in the contemporary era is far more massive than the expected benefit (*ta'dīb*). Based on this *uṣūlī* rule, the existence of the *rukḥṣah* of striking is automatically nullified by law because its primary condition—namely the absence of harm (*ghair mubārriḥ*)—is no longer empirically fulfilled. Thus, this interdisciplinary integration legitimately shifts the legal status of the striking dispensation from one that was originally permissible (*ibāḥah*) to *makrūh tanzīh*, or even absolutely *ḥarām* if proven to cause psychological trauma or cognitive impairment to the child.

The findings of Awaluddin, Sabililhaq, and Nida (2024) regarding the application of logical consequences in child-friendly madrasahs confirm that educative sanctions need not be physical in form. This system replaces repressive punishment with logical consequences directly related to the violation, enabling children to cognitively connect actions and their consequences—an approach aligned with Piaget's theory of cognitive development regarding the concrete operational stage in children aged 7–12 years. Yuniarti, Sahid, and Faisal (2025) reinforce this by demonstrating that the recontextualization of *ta'zīr* within the framework of *tarbiyah*—holistic moral, spiritual, and intellectual development of students—enables the creation of non-violent and culturally relevant school discipline systems.

c. Urgency of Reinterpretation: 'Uqūbat as a Last Option

Contextualization of law demands a hermeneutical redefinition of the term *ḍarb*. In the modern educational landscape, the word "striking" must have its meaning transformed from mechanical striking that produces physical pain to symbolic-semiotic striking that affirms the firmness of ethical boundaries.

'*Uqūbat* must be shifted from a retributive paradigm (inflicting suffering for past mistakes) toward a restorative and positive discipline paradigm (behavioral improvement for the future). Physical instruments must be positioned as a dead legal document placed in the educator's deepest drawer; they may only be touched as an *ultimum remedium* when all psychological guidance methodologies have experienced total deadlock.

Muhammadiyah and Safitri (2025), in their analysis of the Langsa Syar'iyah Court decision, found that the application of restorative justice in cases of children in conflict with the law can be justified through the *maṣlaḥah* and *maqāṣid al-syarī'ah* framework. This approach not only protects children's rights but also restores social relations between the perpetrator, victim, and community—a finding that strengthens this study's argument regarding the need for transformation of '*uqūbat* sanctions from a retributive to a restorative-educative paradigm.

d. The Principle of Child Best Interest (*Maṣlaḥah al-Ṭifl*) as a Restrictor

All varieties of *fuqaha* ijtihad regarding the technicalities of punishment are bound by one universal legal rule (*al-qā'idah al-kubrā*):

"The policy of the authority (including the teacher) toward the people (students) is contingent upon *maṣlaḥah*" (Zuhdi & Rohman, 2022).

The best interest of the child (*maṣlaḥah al-ṭifl*) in the elementary education ecosystem is the guarantee of fulfillment of the right to physical safety (*ḥifẓ al-naḥs*) and mental health (*ḥifẓ al-'aql*). If a form of punishment is empirically proven to produce destructive impacts on the child's psychology—such as trauma, fear of attending school, or learning refusal—then the legality of that punishment automatically collapses by law, rendering it prohibited by sharia (*marfū' syar'an*).

Recommended Operational Boundaries for SD/MI Teachers

To bridge classical fiqh texts with Indonesian positive legal regulations (Law No. 35/2014 concerning Child Protection), operational parameters are formulated for practitioners of Islamic primary education as follows:

a. Permitted Forms of Punishment (Positive Discipline)

Safni (2024) identifies that the code of ethics for child punishment in Islam includes providing prior warnings, implementing punishment immediately, giving opportunities for self-calming, avoiding threatening language, limiting punishment duration, and implementing punishment without an audience that may cause the

child to feel shame or low self-esteem. These principles align with the recommended permitted forms of punishment in this research:

1. **Graduated Verbal Reprimands:** Using reflective sentences focused on behavioral improvement without attacking the child's personal identity (e.g., "This act of damaging the table is not good," not "You are a naughty child").
2. **Educative-Restorative Assignments:** Compensating for damages or tidying up the consequences of violations committed (such as cleaning the classroom that was soiled or organizing books in the library).
3. **Limited Recreational Rights Reduction:** Reducing the child's break time by a maximum of 5–10 minutes for private counseling sessions with the classroom teacher or guidance counselor.
4. **Symbolic-Persuasive Touch:** In very urgent and limited conditions (e.g., the child endangering another student), permitted physical contact is limited to firm touching on the shoulder or holding the palm without pain, purely to halt the dangerous action.

b. Prohibited Forms of Punishment (Pedagogical Malpractice)

1. **Physical Contact with Vital Anatomical Zones:** Strictly prohibited are strikes, slaps, hard touches, or pinches on the face, head, ears, abdomen, chest, and joints of children.
2. **Dignity-Demeaning Punishment (*Verbal Abuse*):** Prohibited are sarcastic remarks, name-calling, or forcing children to stand at the front of the class for extended durations that exploit shame in front of their peers.
3. **Casual Collective Punishment:** Prohibited is imposing sanctions on all students in a class for violations committed by only one or several individual offenders. This contradicts the principle of personal justice in Islamic sharia as stated in the Qur'an: *lā taziru wāziratun wizra ukhrā* (no bearer of burdens will bear the burden of another).

CONCLUSION

The construction of Islamic jurisprudence clearly legitimizes the existence of *'uqūbāt* or disciplinary sanctions for elementary school-aged children in the age range of 7 to 12 years, yet its validity is bound by theological and methodological barriers that are highly restrictive through a number of cumulative juridical parameters. The orientation of such sanctions must be purely characterized by *ta'dīb* (educative correction) and absolutely cleansed of any *intiqām* motive that manifests as vengeance or emotional venting by educators. The application of sanctions must proceed through gradual gradation (*al-tadarruj*) that places *ghairu mubbariḥ* physical action purely as an *ultimum remedium*. Through the method of

harmonizing evidences (*al-jam'u wa al-taufiq*), the disparities among the four classical schools of thought are successfully converged into a single absolute consensus (*ijmā'*) regarding the total prohibition of harmful striking (*ḍarb mubriḥ*), as well as physical contact with the face, head, and vital organs of children.

Interdisciplinary integration between *fiqh tarbawi* and contemporary developmental psychology necessitates a fundamental paradigm shift. Empirical neuroscience data regarding the destructive impact of physical violence on children's brains serves as a strong *qarīnah khārijiyyah*. This *qarīnah* usuliologically nullifies the status of the striking dispensation (*rukḥṣah*) because it is proven to trigger real harm (*ḍarar*).

Therefore, the operational boundaries of sanctions in the Elementary School and Madrasah Ibtidaiyah ecosystem must be transformed toward a positive-restorative discipline paradigm. This format positions the principle of the best interest of the child (*maṣlaḥah al-ṭifl*) as the supreme rule (*al-qā'idah al-kubrā*) to fulfill the orientation of protecting life (*ḥifẓ al-naḥs*) and intellect (*ḥifẓ al-'aql*).

By integrating the findings of Awaluddin, Sabililhaq, and Nida (2024) on the effectiveness of logical consequences, Yuniarti, Sahid, and Faisal (2025) on the recontextualization of *ta'zīr*, and Safni (2024) on the code of ethics for punishment, this research offers an operational framework that is not only legally valid according to sharia but also applicable for educators in SD/MI. The transformation toward a positive-restorative discipline paradigm is not an abandonment of the *fiqh* tradition, but rather an affirmation of it through a more humane interpretation oriented toward the best interest of the child.

Recommendations

a. For Educators and Practitioners of Islamic Primary Education:

Consistent adoption of a positive discipline approach by abandoning all forms of coercive-physical and verbal punishment that demean children's dignity. Educators are advised to prioritize positive reinforcement methods and reflective-persuasive reprimands in classroom management.

b. For Institutional Management and Madrasah/SD Administrators:

Urgent formulation and enactment of a standardized Student Discipline Code of Ethics. This draft code of ethics must translate the principles of *maqāṣid al-syarī'ah* into operational, child-friendly parameters, thereby serving as legal protection for teachers from the risk of criminalization while simultaneously guaranteeing children's safety rights.

c. For Future Researchers:

This library research can be further developed by subsequent researchers through pure field research or case studies. Future research needs to test the effectiveness of implementing the draft *maqāṣid*-based Positive Discipline Code of

Ethics in mitigating the rate of pedagogical malpractice and measuring its impact on student learning outcomes and mental health in madrasahs.

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