

## Children's Rights in Islamic Jurisprudence and The Phenomenon of Street Children in Mbale, Uganda: A Juristic Analysis

### حقوق الأطفال في الفقه الإسلامي وظاهرة الأطفال الشوارع في مبالي، أوغندا: تحليل فقهي

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#### Abstract

#### Keywords:

Children Rights,  
Street Children, Islamic Law, Mbale, Uganda

This study investigates the rights of children as outlined in Islamic jurisprudence, with a specific focus on the situation of street children in Mbale, Uganda. The research problem centers on the growing number of street children in the region, driven by factors such as poverty, family disintegration, and inadequate institutional support. These conditions leave children vulnerable to exploitation, neglect, and deprivation of basic needs.

The primary objective of this study is to evaluate the relevance and applicability of Islamic legal principles in addressing these challenges and ensuring the protection and well-being of children in vulnerable circumstances. To achieve this, the study adopts a qualitative methodology that includes field observations, interviews with key stakeholders—such as religious leaders, social workers, and affected children—and an in-depth analysis of relevant Islamic sources, particularly the Qur'an, Hadith, and classical jurisprudential texts.

The findings reveal that approximately 4,000 street children are currently living in Mbale. Several factors lead to the rise of street children, including economic instability, poverty, war, the breakdown of traditional values, domestic violence, and abuse, all of which drive them to live on the street. The study recommends the establishment of waqf (endowment), *ṣadaqah* (charity), and *zakāh*-funded programs, to be administered through the Islamic University in Uganda (IUIU).

These funds should support initiatives such as: (i) Islamic Ethical Rehabilitation (ii) Basic Literacy and Vocational Training (iii) Psychosocial Support and Trauma Counseling (iv) Family Reintegration and Foster Care Training (Kafālah) (v) Health and Hygiene Education Programs. These initiatives aim to restore the rights and dignity of street children in accordance with Islamic principles.

الكلمات المفتاحية:  
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## المستخلص

تناول هذه الدراسة حقوق الأطفال كما وردت في الفقه الإسلامي، مع تركيز خاص على أوضاع أطفال الشوارع في مدينة مبالي في أوغندا. وتتمحور مشكلة البحث حول الزيادة المستمرة في أعداد أطفال الشوارع في المنطقة، والتي تعود أسبابها إلى الفقر، وتفكك الأسرة، وضعف الدعم المؤسسي. جعل هذه الظروف الأطفال عرضة للاستغلال والإهمال والحرمان من احتياجاتهم الأساسية.

الهدف الرئيسي من هذه الدراسة هو تقييم مدى ملاءمة ومواكلة المبادئ الشرعية الإسلامية في معالجة هذه التحديات وضمان حماية الأطفال ورفاههم في الظروف الهشة. ولتحقيق ذلك، تعتمد الدراسة منهجاً نوعياً يشمل الملاحظات الميدانية، والمقابلات مع أصحاب المصلحة الرئيسيين - مثل القادة الدينيين، والأخصائيين الاجتماعيين، والأطفال المتأثرين - بالإضافة إلى تحليل معمق للمصادر الإسلامية ذات الصلة، ولا سيما القرآن الكريم، والحديث الشريف، والنصوص الفقهية الكلاسيكية.

كشف النتائج أن نحو 4000 طفل شارع يعيشون حالياً في مبالي. وتشير إلى أن عدة عوامل تؤدي إلى زيادة عدد أطفال الشوارع، منها: عدم الاستقرار الاقتصادي، والفقر، والحرروب، وانهيار القيم التقليدية، والعنف الأسري، وسوء المعاملة. وكلها تدفع الأطفال إلى العيش في الشارع. وتوصي الدراسة بإنشاء برامج مولدة من خلال الوقف، والصدقة، والزكاة. تدار عبر الجامعة الإسلامية في أوغندا (UIU).

ويقترح أن تدعم هذه الأموال مبادرات مهمة أهملها مبادرة التأهيل الأخلاقي الإسلامي، ومبادرة محو الأمية الأساسية والتدريب المهني، ومبادرة الدعم النفسي والاجتماعي والإرشاد العلاجي من الصدمات، ومبادرة إعادة دمج الأسرة وتدريب الأسر الماضنة (الكافالة). ومبادرة برامج التثقيف الصحي والنظافة. وتهدف هذه المبادرات إلى استعادة حقوق وكرامة أطفال الشوارع بما يتوافق مع المبادئ الإسلامية.

## 1. INTRODUCTION

Children's rights refer to the fundamental protections and entitlements that every child is inherently entitled to, regardless of their background, nationality, gender, or ethnicity. These rights are designed to foster the well-being, safety, and development of children, acknowledging their inherent vulnerability and the need for additional care due to their developmental stage. Rooted in the principles of dignity, equality, and non-discrimination, these rights aim to create a nurturing environment for every child to thrive.<sup>1</sup>

Islamic law, well before international frameworks, recognized the rights of children, including those with special needs, the care of foundlings, the guardianship of orphans, and the protection of the disabled. These rights were not merely ideals but legal obligations, considered integral to the preservation of human dignity and society's moral fabric. They were viewed as part of the five essential needs (necessities), which also include the protection of lineage and family.<sup>2</sup> Human dignity occupies a central and significant place in Islamic law, receiving profound emphasis as humans are regarded as honored creatures.

As Almighty Allah stated: "And We have certainly honored the children of Adam, and carried them on land and sea, and provided for them from the good things, and preferred them over much

1 Singh, H., & Bharti, J. (2021). Child right & human rights: Review. EPRA International Journal of Multidisciplinary Research (IJMR), 7(12), 220. <https://doi.org/10.36713/epra2013>.

2 Al-Shātibī, I. M. (1997). Al-Muwaafaqat (Vols. 1 & 6). Cairo, Egypt: Dar Ibn Afan.

of what We have created, with [definite] preference.”<sup>3</sup> This verse reinforces the notion that children are inherently entitled to fundamental rights that must be protected by society, families, and communities, ensuring their growth in an environment of care, respect, and justice. In contrast, international humanitarian law did not fully recognize the importance of both the moral and material rights of children until later. Islamic law was the first to affirm these rights and their protection. It acknowledged the child’s right to life, lineage, nationality, naming, breastfeeding, maintenance, custody, and guardianship.

Additionally, it recognized the child’s right to play, proper upbringing and discipline, education, health and medical treatment, equality with siblings, protection during times of war, and safeguarding against sexual harassment and hard labor. These rights, enshrined in Islamic law, continue to serve as a comprehensive framework for the care and protection of children, long before their formal recognition in international law.<sup>4</sup>

Islamic law places significant emphasis on the family, recognizing it as the foundational unit of society and the cornerstone of social life. It is regarded as the primary source of stability, emotional well-being, and comfort for individuals. As Allah Almighty says: As Allah Almighty said: “And Allah has made for you spouses of your own kind and given you through your spouse’s children and grandchildren.”<sup>5</sup> The preservation of lineage and progeny is essential not only for the continuity of the human species but also for maintaining social cohesion and moral values. Scholars have long identified this as one of the higher objectives of Islamic law, emphasizing the sanctity of family relationships and the responsibility to protect and nurture future generations.

In a similar vein, the Universal Declaration of Human Rights (1948), in Article 16, Paragraph 3, asserts: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”<sup>6</sup> This statement echoes the principles found in Islamic law, underscoring the universal recognition of the family as a vital institution that deserves protection and support from both society and the state. The shared focus on the family as a key element of human dignity and societal well-being highlights its importance across both religious and international frameworks.

This study examines the intersection of children’s rights under Sharia law with a specific focus on street children in Mbale, Uganda. Street children are among the most marginalized groups in Ugandan society, facing numerous human rights violations, including abuse, limited access to education, and inadequate healthcare. The research investigates the impact of Sharia law on

3 The Qur’ān, 17:70

4 Mohammad, A. T. (2020). *Huquq At-Tifl wa Himayatuh Fi Al-Sharia’h Al-Islamiyah*. Journal of the Faculty of Sharia and Law (FSLJ), 13(1), 325.

5 The Qur’ān, 16: 72

6 United Nations. (1948). Universal Declaration of Human Rights (Art. 16, para. 3). Retrieved December 1, 2024, from <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

the treatment of these children within the Muslim community, comparing it to global human rights standards. The study provides valuable insights into the challenges of reconciling local religious practices with internationally recognized children's rights, while also addressing the broader issue of child welfare in Uganda. Through this research, we aim to understand the dynamic relationship between Sharia law, human rights, and the protection of vulnerable children in Uganda, with a focus on the specific context of Mbale's street children.

The study seeks to answer the following research question: How do Sharia law and international human rights standards address the rights and protection of street children in Mbale, Uganda, and to what extent are these rights upheld in practice? Based on this research question, the study proposes the following hypothesis: While Islamic law provides a framework for the protection and welfare of children, in practice, the rights of street children in Mbale, Uganda, are often not fully realized due to socio-economic challenges, lack of legal enforcement, and gaps in both Islamic and human rights protections.

This article is structured into four parts. Part II provides an overview of Sharia law as it relates to children's rights in the context of Mbale, Uganda, including a discussion of the principles of children's rights derived from Sharia law. It will also examine the phenomenon of street children in Mbale-Uganda. Furthermore, this section will discuss key aspects of Sharia law relevant to children's rights, such as protection from harm, rights to inheritance, education, and guardianship. Additionally, it will provide an overview of existing studies or reports on the issue of street children in Uganda, focusing on their socio-economic and legal challenges. Part III outlines the methodology, which follows a qualitative research approach, utilizing a descriptive and analytical design to explore the intersection of children's rights under Sharia law and international human rights law, specifically focusing on street children in Mbale, Uganda. Finally, Part IV concludes the article with a brief summary and actionable recommendations for improving the protection of street children in Mbale, potentially involving both Sharia law and international human rights standards.

## 2. LITERATURE REVIEW

Islam emphasizes the well-being and holistic development of children, beginning even before their birth. This focus starts with the deliberate selection of a suitable spouse, ensuring that both husband and wife possess qualities that promote the health, stability, and morality of future offspring. Beyond moral considerations, Islam underscores the importance of physical, psychological, and genetic factors in building a strong and nurturing family.

This care continues through pregnancy, childbirth, and breastfeeding, extending into every stage of a child's education and upbringing, fostering their physical and emotional welfare. In Islamic law, Muslim jurists have identified the age range for children, beginning at birth and ending with the onset of puberty (Al-Bulugh). For boys, puberty is marked by the occurrence of wet

dreams, while for girls, it is signaled by the onset of menstruation. In this regard, Imam Al-Qurtubi stated that the time of a boy's transition to puberty is marked by these physical changes.<sup>7</sup>

According to Sharia law, a child becomes responsible for his or her actions upon reaching the age of puberty, as stated in the following Hadith: 'There are three whose actions are not recorded: a lunatic whose mind is deranged till he is restored to consciousness, a sleeper till he awakes, and a boy till he reaches puberty.'<sup>8</sup> Once the child reaches this stage, they become competent and responsible for their actions. However, the definition of childhood itself is a matter of debate. According to UNICEF, a child is any person under the age of 18.<sup>9</sup>

This broad age definition has further implications. It delays the recognition of criminal responsibility for individuals who may be reached puberty. A person under the age of 18, even by a single day, cannot be held accountable or punished in the same way as an adult. This lack of deterrence has contributed to a disturbing rise in juvenile crimes, as the absence of severe consequences encourages some young individuals to engage in harmful behavior without fear of meaningful repercussions.

Islam offers a comprehensive and protective framework for children's rights, extending its care and safeguards even before birth. From the moment a child is conceived, Islamic law establishes rights to protect the child from aggression and to preserve the fundamental right to life. Abortion is strictly prohibited except in cases of necessity as determined by qualified jurists.<sup>10</sup>

The mother is also entrusted with the responsibility of avoiding any psychological or physical harm that may affect the fetus and potentially result in miscarriage. Moreover, Islamic law recognizes the challenges faced by pregnant women, offering exemptions from certain legal obligations during pregnancy. For instance, fasting is waived if it jeopardizes the health of the mother or child.<sup>11</sup> Additionally, the death penalty is not to be carried out on a pregnant woman if it poses a threat to her pregnancy.

This principle is illustrated in the case of the Ghāmid woman, who became pregnant through adultery. The Prophet Mohammad (pbuh) instructed, "Go until you give birth."<sup>12</sup> Islamic law further ensures justice by mandating blood money (gharrah) for the death of a fetus and guarantees the unborn child's financial rights, including inheritance, will, and other similar entitlements.<sup>13</sup> Con-

7 Al-Qurtubi, M. (2006). *Al-Jami' li Ahkam al-Qur'an* (2nd ed., Vol. 12). Egypt: Dar Al-Kutuob Al-Misriyyah.

8 Ahmad bin Hanbal. (2001). *Musnad Imam Ahmad* (1st ed., Vol. 41, Hadith No. 24694). Beirut: Muasasat Al-Risalah.

9 UNICEF. (n.d.). The Convention on the Rights of the Child: The children's version (Act 1). Retrieved December 1, 2024, from <https://www.unicef.org/child-rights-convention/convention-text-childrens-version>.

10 Idris, A. M. (1995). *Al-Iḥyā min manzūr islāmī* (1st ed., p. 10). Cairo, Egypt: Jāmi' at al-Azhar.

11 Sābiq, S. (1977). *Fiqh al-Sunnah* (2nd ed., p. 440). Beirut, Lebanon: Dār al-Kitāb al-‘Arabī.

12 Muslim, ibn al-Ḥajjāj. (n.d.). *Ṣaḥīḥ Muslim* (Vol. 3, Hadith No. 1694, p. 1321). Beirut, Lebanon: Dār al-Iḥyā' al-Turāth al-‘Arabī.

13 Manswab, M. M., & Abdulrahman, M. (2020). Distribution of estate in Islamic law: A case study of missing person, child in the womb and hermaphrodite. *Journal of Islamic Studies and Culture*, 8(1), 31–41. <https://doi.org/10.15640/jisc.v8n1a4>.

versely, the Convention on the Rights of the Child (CRC) was not mentioned in the 1959 Declaration and only appeared in the 1989 Convention. The child's need for adequate legal protection before and after birth was not fully addressed. For instance, the CRC does not explicitly prohibit the application of the death penalty to a pregnant woman until she gives birth, a measure that would protect the fetus.

Additionally, the CRC does not specifically address abortion, despite proposals being discussed during the drafting process. The drafters of the preliminary version of the Convention ultimately decided not to include a stance on abortion, meaning the Convention does not commit to this issue in either direction.

One of the key rights recognized for a child before birth is the selection of a suitable wife. Allah Almighty has ordained marriage as the cornerstone of society, a foundation that fosters tranquility, love, and the fulfillment of innate inclinations between men and women. Allah says in the Qur'an: "And among His signs is that He created for you mates from among yourselves, that you may find tranquility in them; and He has placed between you affection and mercy. Indeed, in that are signs for a people who give thought."<sup>14</sup>

It was narrated in Al-Mawardi's book that Abu Al-Aswad Al-Du'ali told his children, "I have been good to you even before you were born." They asked, "How have you been good to us before we were born?" He replied, "I chose for you mothers who would not be a source of disgrace to you."<sup>15</sup> Indeed, the greatest gift a father can give his children is a good mother. The importance of choosing a righteous wife cannot be overstated, as it directly impacts the upbringing and moral foundation of future generations. A righteous wife is essential for several reasons, the most critical of which are as follows: The mother plays a pivotal role in nurturing and educating her children.

This responsibility is both significant and sensitive, as improper upbringing can lead to detrimental consequences. Choosing a righteous wife ensures that children are brought up in an environment grounded in righteousness, guided by moral values, and steeped in Islamic teachings. In addition, a righteous wife contributes to the establishment of a family that embodies Islamic rulings, principles, and etiquettes. She instills awareness of religious obligations and nurtures well-mannered individuals who adhere to the teachings of Islam. Furthermore, a wife who is well-versed in her religion and deeply understands its teachings is capable of raising children with wisdom, knowledge, and guidance. Such an upbringing ensures that children grow into individuals illuminated by the principles of faith.

Finally, The Influence of Genetics on Upbringing: In addition to the role of nurture, nature also plays a significant part in shaping a child. A child is born with a pure and sound disposition, yet the genetic characteristics of the parents influence their traits, values, and morals. Therefore, select-

14 The Qur'an, 30:21.

15 Al-Māwardī, A. (n.d.). *Adab al-dunyā wa-al-dīn* (Vol. 1, p. 158). Dār al-Maktab al-Hayāt.

ing a righteous wife enhances the likelihood of producing offspring with a strong moral compass and virtuous character.<sup>16</sup>

On the day of a newborn's birth, several recommended practices are observed in accordance with the teachings of Islam. One of the key rituals is tahnik, which involves placing a small amount of chewed dates, or another sweet substance, into the baby's mouth and gently rubbing it on their palate. This act symbolizes the hope for the child's sweetness in life and is a traditional practice performed by the Prophet Mohammad (pbuh).

Asma', may God be pleased with her, narrated that after giving birth to Abdullah bin Al-Zubayr, she took the newborn to the Prophet (pbuh). She gently placed the infant in his lap, where the Prophet, in an act of care and blessing, rubbed the child's palate with a softened date, supplicated for him, and bestowed his blessings upon him.<sup>17</sup>

The process begins by chewing a piece of date or a similarly sweet item in the mouth of a healthy person who is free from illness. Then, a small portion of the chewed substance is placed on a clean finger and gently rubbed inside the baby's mouth, moving from side to side until the palate is fully coated. Alternatively, a small piece of fresh date can be placed directly in the baby's mouth for them to suck on and benefit from its sweetness and nutrients. Ibn Hajar explained the wisdom behind the practice of tahnik-Tahnik is chewing something and putting it in the boy's mouth and rubbing his palate with it. This is done to the boy so that he can practice eating and become strong enough to do so. When performing Tahnik, he should open his mouth so that the food enters his stomach.

The first thing to do is to use dates.<sup>18</sup> In addition to tahnik, it is also recommended to pronounce the Adhan in the right ear of the newborn, regardless of whether the child is male or female. The Adhan, the Islamic call to prayer, is a powerful invocation that welcomes the child into the world with the name of God. Following this, the Muezzin is to recite the Iqama in the left ear of the newborn. This sequence of actions is intended to protect the child from harm and to ensure that the first words the newborn hears are those of the Islamic faith, marking the beginning of their life with the blessings and guidance of God. The practice is rooted in the example of the Prophet Muhammad (peace be upon him). Abu Rafi' narrated, "I saw the Messenger of Allah (peace be upon him) uttering the call to prayer (Adhan) in the ear of al-Hasan ibn Ali when Fatimah gave birth to him."<sup>19</sup> This demonstrates the timeless significance of the tradition, connecting each newborn to a legacy of faith and divine remembrance.

16 Abdul Rashid, L. A. (1998). *Āra' ibn al-Jawzi: Educational perspectives (Study, analysis, evaluation, and comparison)* (1st ed., pp. 197–199). Maryland, USA: Amana Publishing.

17 Al-Baghawī, H. b. M. (1983). *Sharh Al-Sunnah* (2nd ed., Vol. 11, p. 271, Hadith No. 2820). Beirut, Lebanon: Al-Maktab Al-Islami.

18 Ibn Hajar al-'Asqalānī. (1379/1959). *Fath Al-Bari Sharh Sahih Al-Bukhari* (Vol. 9, p. 588). Beirut, Lebanon: Dar Al-Marifah.

19 Ahmad ibn Hanbāl. (2001). *Musnad Imam Ahmad ibn Hanbāl* (Vol. 45, p. 166, Hadith No. 27187). Beirut, Lebanon: Muasasat Al-Risalah.

After the birth of a child, it becomes the parents' responsibility to protect and nurture him or her. Islam strongly condemned the practice of female infanticide, which was prevalent in pre-Islamic Arabia due to fears of poverty and other societal pressures.<sup>20</sup> Allah (SWT) clearly prohibits this in the Qur'an, stating: "And do not kill your children for fear of poverty. We provide for them and for you. Indeed, their killing is ever a great sin."<sup>21</sup>

Despite this divine guidance, some people of that era displayed immense sorrow upon the birth of a daughter. Allah (SWT) vividly describes their reaction in the Qur'an: "And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide."<sup>22</sup>

One of the fundamental rights of children over their parents is the right to be given a good name. This is among the first and most significant obligations parents owe to their child. A good name reflects positive meanings and can be inspired by the noble prophets mentioned in the Qur'an. The primary right to name the child belongs to the father, provided he is present. In his absence, this responsibility falls to the eldest among the child's guardians.

It is recommended that both parents collaborate and consult each other in choosing a suitable name, ensuring mutual agreement. The best names are those that signify servitude to Allah for boys, such as Abdullah (servant of Allah), Abdul-Rahman (servant of the Most Merciful), Abdul-Malik (servant of the Sovereign), Abdul-Karim (servant of the Most Generous), and similar names. While it is preferable to name the child on the seventh day after birth, there is no harm in naming the child on the day of birth itself.<sup>23</sup> The Prophet Mohammad (pbuh) exemplified this by naming his son Ibrahim on the day of his birth.<sup>24</sup>

In addition, The Prophet Mohammad (pbuh) also prohibited names associated with polytheism, disbelief, or servitude to anyone other than Allah, such as Abd al-Kaaba (servant of the Kaaba) or Abd al-Izzah (servant of Al-Izzah). On one occasion, the Prophet asked a man, "What is your name?" The man replied, "I am the son of Stone." The Prophet then suggested an alternative name, which was Abdullah (servant of Allah). Choosing a good name for a child is an important consideration for their emotional well-being.

20 Manswab, M., & Walusimbi, A. M. (2025). *Biography of the Prophet Muhammad (SAW): A comprehensive journey before birth to death* (1st ed., p. 12). Nairobi, Kenya: Wasomi Africa. ISBN 978-9914-9637-8-6.

21 The Qur'an, 17:31.

22 The Qur'an, 16:58–59.

23 An-Naisabur, A. M. (2004). *Al-Ishraf ala Madhabib Al-Ulama* (Vol. 3, 1st ed., p. 421). United Arab Emirates: Maktab Macca Al-Thaqafiyah.

24 Swaleh, Y. M. (2023). The right of the child in the Islamic religion. *Journal of Al-Quds Open University for Humanities & Social Studies*, 5(64), p. 58.

An unpleasant name can have a negative impact on the child's self-esteem and psyche. The child may feel embarrassed, insulted, or mocked because of their name, which can influence the development of their personality. Therefore, it is crucial for parents to carefully consider the name they give their child, ensuring it is a positive and meaningful one.

On the seventh day, another right of the child is to undergo circumcision. Circumcision involves the surgical removal of the foreskin covering the tip of the penis. For females, it traditionally refers to the removal of the smallest portion of skin at the upper part of the vulva.<sup>25</sup> The majority of Muslim jurists regard circumcision as obligatory, citing evidence from the Qur'an and Hadith. The Qur'anic verse states: "Then We inspired you (O Mohammad, SAW, saying): 'Follow the religion of Ibrahim (Abraham), inclining toward truth (Islamic Monotheism), and he was not of those who associate others with Allah.'"<sup>26</sup>

Additionally, the Prophet Mohammad (pbuh) said: "Five are from the Fitrah: Cutting the pubic hair, circumcision, paring the mustache, plucking the under arm hair and trimming the fingernails."<sup>27</sup> Circumcision offers multiple health benefits that contribute to overall well-being. Firstly, it protects against local infections in the penis that may arise due to the presence of the foreskin. It also reduces the risk of urinary and reproductive tract infections, offering long-term health advantages.

Additionally, circumcision provides protection against penile cancer and lowers the likelihood of contracting sexually transmitted diseases, which are notably more common and severe among uncircumcised individuals. Moreover, circumcision helps prevent microbial infections and unpleasant odors caused by the accumulation of smegma beneath the foreskin. Significantly, it also safeguards the health of a wife, as it reduces the risk of cervical cancer, with the will of God. These benefits underscore the importance of circumcision as a preventive measure for personal and familial health.<sup>28</sup>

Among the practices strongly encouraged and upheld in Islamic teachings is the Aqeeqah, a ritual act that underscores the profound gratitude parents owe to God for the blessing of a newborn child. It is an expression of devotion to Almighty Allah, a form of charity to the less fortunate, and a means of redeeming the child spiritually. Aqeeqah is the right of the child upon their parents, symbolizing thankfulness for the renewal of divine favor.

The term Aqeeqah refers to the sacrificial offering of livestock—typically sheep—on the seventh day following a child's birth. This act is carried out with the specific intention of Aqeeqah, and its name is derived from the cutting of the veins during the slaughter. The esteemed scholar Al-Tulu-

25 Al-Nawawī, Y. b. S. (1991). *Rawdat al-ṭālibīn wa- 'umdat al-muftīn* (Vol. 10, 3rd ed., p. 180). Beirut, Lebanon: Al-Maktab al-Islāmī.

26 The Qur'an, 16:123.

27 al-Bukhārī, M. ibn Ismā'īl. (1422 AH). *Ṣaḥīḥ al-Bukhārī* (Vol. 7, 1st ed., p. 160, Hadith No. 5889). Beirut, Lebanon: Dār al-Ṭūq al-Najāt.

28 Barr, M. A. (1994). *Al-Khitān* (1st ed., pp. 75–102). Saudi Arabia: Dār al-Manār.

on defined Aqeeqah as "the sheep slaughtered for the newborn on the seventh day,"<sup>29</sup> affirming its basis in the Sunnah of the Prophet Mohammad (pbuh). The Prophet himself performed Aqeeqah for his grandsons, Al-Hasan and Al-Husayn, sacrificing two rams for each.<sup>30</sup> His noble companions followed this tradition, as did the generations of followers who succeeded them.

The wisdom behind the Aqeeqah lies in its multifaceted significance. It is an acknowledgment of God's blessings, a symbol of gratitude, and a way to share these blessings with the poor through charity. Additionally, it carries a deeper spiritual legacy rooted in the story of Prophet Ishmael (peace be upon him). When Ishmael was ransomed with a ram, God established this act as a tradition among his descendants—a protective gesture for the newborn against the harm of Satan, akin to invoking God's name upon the child at birth. Thus, Aqeeqah emerges as a harmonious blend of faith, gratitude, charity, and divine remembrance, reinforcing the sacred bond between parents, their child, and their Creator.<sup>31</sup>

The prescribed number of animals to be slaughtered for the Aqeeqah varies based on the child's gender. For a male child, two sheep of similar age and quality are required, while for a female child, one sheep suffices. This ruling is based on the hadith of Umm Kurz Al-Ka'biiyah (may God be pleased with her), who reported hearing the Messenger of God (pbuh) say: "For a boy, two comparable sheep, and for a girl, one sheep."<sup>32</sup>

Among the sacred rituals for welcoming a newborn in Islam, as prescribed by the Prophet Mohammad (pbuh), is the act of shaving the baby's head on the seventh day and giving in charity the equivalent weight of the hair in silver. The Prophet Mohammad (pbuh) said, "A boy is in pledge for his 'Aqiqah. Sacrifice is made for him on the seventh day, his head is shaved, and it is smeared with blood."<sup>33</sup>

Elaborating on this, Imam Al-Nawawi, may Allah have mercy on him, stated in Al-Majmu' "It is recommended to shave the newborn's head on the seventh day." He added that it is also encouraged to donate the value of the hair's weight in gold. However, if gold is not feasible, silver may be given as charity, applying to both male and female newborns. This practice symbolizes gratitude, purity, and the fostering of compassion through charitable acts.<sup>34</sup>

29 Ibn Tulūn, S. M. (n.d.). *Faḍl al-Khawātīm fīmā qīla fī al-Khawātīm* (Vol. 1, 1st ed., p. 5). n.p.

30 Abu Ya'lā, A. b. A. (1984). *Musnad Abū Ya'lā* (Vol. 5, 1st ed., p. 323, Hadith No. 2945). Damascus, Syria: Dār al-Ma'mūn li-l-Turāth.

31 Ibn Qayyim al-Jawziyah, S. al-D. A. 'A. M. (1971). *Tuḥfat al-Mawlūd bi-ahkām al-Mawlūd* (1st ed., p. 64). Damascus, Syria: Maktab Dār al-Bayān.

32 Bin Shaybah, A. (1409/1989). *Musānaf fī Alḥādīth wa al-Āthār* (Vol. 5, 1st ed., p. 114, Hadith No. 24241). Riyadh, Saudi Arabia: Maktabah Al-Rushd.

33 Abū Dāwūd, S. b. al-A. (2009). *Sunan Abū Dāwūd* (Vol. 4, 1st ed., p. 457, Hadith No. 2837). Damascus, Syria: Dār al-Risālah al-'Ālamīyah.

34 Al-Nawawi, Y. b. S. (n.d.). *Majmu' Sharḥ al-Muhaḍhdhab* (Vol. 8, p. 432). n.p.

Breastfeeding is a fundamental right granted to infants by Islamic law (Sharia), and it is the obligation of the mother to fulfill this right unless valid circumstances prevent her from doing so. Islamic jurists unanimously regard breastfeeding as a "right of the child," likening it to the financial maintenance required for adults.

This comparison underscores its significance in ensuring the well-being and development of the child. Allah (SWT) explicitly commands mothers to breastfeed their children in the Quran: "Mothers shall breastfeed their children two complete years for whoever wishes to complete the nursing"<sup>35</sup> This divine command highlights the importance of breastfeeding as a natural and essential aspect of childcare, a concept that modern science and international organizations like the World Health Organization (WHO) have only recently emphasized.<sup>36</sup>

The benefits of breastfeeding, as prescribed in Islam, are numerous and supported by contemporary medical research. Breast milk is sterile, free from germs, and readily available, offering unmatched nutritional and health advantages. Unlike milk derived from animals, breast milk is uniquely designed to meet the dynamic nutritional needs of the child from birth until weaning. Its composition evolves to match the child's developmental requirements, providing an ideal balance of proteins and sugars that are easily digestible for the infant.

Children who are breastfed experience faster and more complete growth compared to those who are formula-fed. Breastfeeding fosters a deep psychological and emotional bond between the mother and her child, which is critical for the child's emotional and social development. Additionally, breast milk contains all the necessary nutrients in precise amounts and forms that are easily absorbed by the infant's body, ensuring optimal nourishment. Unlike formula milk, the nutritional elements in breast milk are not static but adapt to the changing needs of the child day by day.<sup>37</sup>

Lineage is one of the fundamental rights granted to children in Islam, ensuring their identity and connection to their family heritage. This connection is not merely a source of pride but serves a practical purpose, as knowing one's lineage secures both material and moral rights. These include the right to breastfeeding, custody, maintenance, inheritance, and the preservation of family ties. To uphold this crucial right, Islamic Sharia has implemented protective measures, notably prohibiting adultery and adoption, which obscure the of lineage.<sup>38</sup>

Muslim jurists unanimously agree that the lineage of a child born out of wedlock is attributed to the mother. This viewpoint is documented in their works. Ibn Najim stated, "The lineage of

35 The Qur'an, 2:233.

36 World Health Organization. (n.d.). Breastfeeding. World Health Organization. Retrieved October 16, 2025, from <https://www.who.int/health-topics/breastfeeding>.

37 Bjarnadottir, A., & Nwadike, V. R. (2024, January 19). 11 benefits of breastfeeding for both mom and baby. Healthline. <https://www.healthline.com/health/breastfeeding/11-benefits-of-breastfeeding>.

38 Abdulrahman, M. M., Awadh, A. H., Akasi, H. Y., Abdalla, A. I., & Chui, K. (2024). Prevention strategies for the crime of adultery in the light of Islamic law. *El-Aqwal: Journal of Sharia and Comparative Law*, 3(1), 47–64. <https://doi.org/10.24090/el-aqwal.v3i1.10865>.

an adulterous child is linked to the mother, enabling mutual inheritance because her lineage is certain.<sup>39</sup> Similarly, Al-Bakrī remarked, "The child of adultery is not associated with a father but rather with the mother."<sup>40</sup> The following evidence supports this conclusion: Ibn 'Umar narrated that the Messenger of Allah performed the Li'an (a sworn oath of condemnation between spouses over allegations of adultery), resulting in the couple's separation and the child's lineage being assigned to the mother.<sup>41</sup>

Islam explicitly prohibited the practice of adoption as it was traditionally understood, which involved legally assuming the parental rights and responsibilities of a child who was not biologically related to the adopter. Among the pre-Islamic Arabs, adoption was a deeply rooted practice. Adopted children were considered equivalent to biological offspring, sharing the same family name and being entitled to inheritance from their adoptive parents.<sup>42</sup>

They also had a strong bond of loyalty, often aiding their adoptive parents in times of need and defending them in disputes. However, this practice was abolished by Islam, as clarified in the Holy Qur'an,<sup>43</sup> which emphasized maintaining the biological lineage of individuals. The Qur'anic verses sought to preserve the integrity of family ties and inheritance laws, ensuring justice and transparency. While Islam encourages the care and support of orphans and needy children, it distinctly separates this act of compassion from the legal implications of adoption as practiced by the pre-Islamic Arabs.

Custody is another fundamental right of children, ensuring the protection of young children and safeguarding them from harm while fostering their development. It involves prioritizing their best interests, providing care, and managing their essential life affairs. Custody is both a right of the child and a duty owed to them.<sup>44</sup> Child custody is regarded as obligatory in Islam, a consensus shared by all four schools of Islamic jurisprudence.

This obligation is grounded in several important reasons: Firstly, the survival and well-being of the child depend on proper custody. Without it, a child may face harm or neglect, which is why protecting the child from potential dangers and ensuring their needs are met is paramount. Islam mandates that children are safeguarded from perishing, as they are entrusted to the care of their parents.<sup>45</sup> Secondly, the Prophet Mohammad (pbuh) instructed us to custody our children. "Every child is born with a true faith of Islam (i.e. to worship none but Allah Alone) and his parents convert

39 Ibn Najim. (n.d.). *Al-Bahr al-Raiq* (Vol. 5, p. 251). Beirut, Lebanon: Dār al-Ma'rifa.

40 Ibn 'Abdulbarī. (1993). *Al-Istdhkar* (Vol. 5, p. 342). Cairo, Egypt: Dār al-Wā'i.

41 Al-Bakrī, A. (n.d.). *'Ina Twalibina* (Vol. 2, p. 128). Dār at-Turāth al-'Arabi.

42 Manswab, M. A., & Walusimbi, A. M. (2025). Theory and practice in Islamic inheritance (1st ed., pp. 17–18). Wasomi Africa. ISBN: 978-9914-768-17-6.

43 The Qur'an, 33:4–5.

44 Salim, K. b. S. (2003). *Sahih Fiqh Sunnah wa Adilatuh wa Tawhidh Madhahib Al-Aimah* (1st ed., p. 416). Cairo, Egypt: Al-Maktabah At-Tawqifiyah.

45 Abū Muḥammad, M. a.-D. (1968). *Mughni Ibn Qudāmah* (Vol. 8, 1st ed., p. 237). Cairo, Egypt: Maktab al-Cairo.

him to Judaism or Christianity or Magianism, as an animal delivers a perfect baby animal. Do you find it mutilated?<sup>46</sup> "It implies that fulfilling such parental duties is part of a larger obligation, one that cannot be realized without proper custody.

This aligns with the well-known Islamic principle: "That which cannot be fulfilled without it is itself obligatory."<sup>47</sup> Thirdly, if it is deemed obligatory for a person to protect their wealth, it follows that protecting one's children is even more crucial.<sup>48</sup> Just as material possessions must be guarded, the well-being of children is an even greater responsibility, reflecting their value and the duty of care entrusted to parents in Islam. Thus, the obligation of child custody is not only a matter of parental responsibility but also an essential duty prescribed by Islamic law to ensure the protection, care, and moral upbringing of children.

The maintenance<sup>49</sup> of children is a fundamental right in Islam, which emphasizes the importance of providing for their basic needs. Islam places the responsibility on the father to ensure that his children are adequately supported in terms of food, shelter, healthcare, education, and other necessities, so they can live a dignified life without needing to rely on others. Allah (SWT) states in the Qur'an: "Let a man of wealth spend from his wealth, and he whose provision is restricted - let him spend from what Allah has given him. Allah does not charge a soul except [according to] what He has given it. Allah will bring about, after hardship, ease."<sup>50</sup>

Imam Qurtubi elaborates that a husband is obligated to provide for the maintenance of his wife and children according to the means Allah has granted him.<sup>51</sup> Furthermore, Islam's mercy extends beyond immediate state or family members, obligating Muslim guardians to care for children in need, such as orphans or foundlings, who have no one else to support them. Through these teachings, Islam ensures that children's rights to live in comfort and security are upheld, with responsibility resting on the guardians to provide for them as best as they can.

From the perspective of Maqasid Shariah (objectives of Shariah), children have a very high guarantee of protection and safeguarding of their faith (dīn), soul (nafs), lineage (nasl), intellect ('aql) and property (maal).

The protection of the child's faith traces its origin from the concept of preserving Fitrah, and Arabic word which means primordial human nature and the fact that humans are born with an in-

46 Malik, M. b. A. (1985). *Muwatta' Imam Malik* (Vol. 1, 1st ed., p. 241). Beirut, Lebanon: Dār Ihya' al-Turāth al-'Arabī.

47 Al-Subkī, T. al-D. (1995). *Al-Ibhāj fī Sharḥ al-Minhāj* (Vol. 1, 1st ed., p. 131). Beirut, Lebanon: Dār al-Kutub al-'Ilmiyah.

48 Othaimeen, M. S. (1428/2007). *Sharḥ al-Mumti'* (Vol. 13, 1st ed., p. 533). Saudi Arabia: Dār Ibn Jawzī.

49 Refers to the financial support and provision of essential needs to ensure the well-being, growth, and development of a child. This obligation is typically the responsibility of the child's parents or legal guardians and can be mandated by law or mutual agreement.

50 The Qur'an, 65:7.

51 Al-Qurtubi, M. (2006). *Al-Jamī' li Ahkam al-Qur'ān*. Ibid., p. 170.

nate desire for tawhid (oneness of Allah). <sup>52</sup> A child, according to Islamic law, is born in their natural predisposition to become a Muslim and if not the effect of the environmental differences and or external influences such as parents and society everyone would be a Muslim. The prophet peace be upon him said: "Every child is born in a state of fitrah. His parents then make him a Jew, a Christian, or a Magian (fire worshipper). <sup>53</sup>

It is therefore the right of the child to have parents who are affectionate and of noble and righteous character who are achieved through selection of righteous spouses known for their Deen (religion) and their character. <sup>54</sup>

It is therefore a joint responsibility of the child's parents to protect and preserve his faith. The community is equally responsible to preserve and protect a child's religion and identity as the only way to nourish a Muslim's soul and guide them towards the right path, fulfilling their duty as the vicegerent of Allah on the earth. In circumstances where parents separate through divorce or separation, the child's custody (hadānah) must ensure the child's welfare in all aspects of their lives, and preserving their religion is of the utmost importance. <sup>55</sup>

Protection of the child's life starts from the inception of fertilization, throughout the period of pregnancy, to birth until attainment of maturity. <sup>56</sup> Shariah accords the unborn child right to live in its mother's womb and holds any form of aggression against them as a grave violation of the Shariah objective of protection of the soul (hifz nafs). After birth, the father is responsible for providing basic life necessities such as food, clothing, shelter and medical care to ensure the child's descent growth and development. <sup>57</sup>

This is supported by the hadith narrated by Hind bint Utbah the wife of Abu Sufyan who came to the Prophet and lodged a complaint against her husband. She claimed that her husband had failed to provide sufficient maintenance for her and her son, saying, Abu Sufyan is stingy. He does not give enough for me and my son, unless I take it secretly. The Prophet then said, "Take what you and your son need on a reasonable basis". <sup>58</sup> The mother on the other hand is responsible for

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52 Noor, Z., & Lee, N. (2023). Preserving child's faith in Malaysian law: A maqasidic approach. *Ulumuna: Indonesian Journal of Islamic Studies*, 27(1), 1–22.

53 Ali bin Bulban, 'A. (1993). *Sahih Ibn Hibban* (Vol. 1, 2nd ed., p. 336, Hadith No. 128). Beirut, Lebanon: Muasasat Al-Risalah.

54 Arfat, S. (2013). Islamic perspective of the children's rights: An overview. *Asian Journal of Social Sciences and Humanities*, 2(1), 29–37.

55 Lisma. (2021). Child care and protection in perspective of legislation, human rights and Islamic law. *Al-Bayyinah*, 5(1), 29–42. Retrieved June 10, 2025, from <https://jurnal.iain-bone.ac.id/index.php/albayyinah/article/view/1333>

56 Islam, M. H., Shahabuddin, A. S. M., Adam, F., Rahman, M. M., & Sultana, R. (2018). Breastfeeding and career care: Is there any conflict of interest? An Islamic perspective. *International Journal of Academic Research in Business and Social Sciences*, 8(11), 885–893. <https://doi.org/10.6007/IJARBSS/v8-i11/4965>

57 Hashim, N., & Lindsey, T. (2016). The best interest of the child: An analysis of the judicial approaches in assessing child maintenance applications in Shariah courts. *Journal of Contemporary Islamic Studies*, 2(1), 35–57.

58 Ibn Hajar al-'Asqalānī, A. b. 'A. b. H. (n.d.). *Fatḥ al-bārī sharḥ Ṣaḥīḥ al-Bukhārī* (Vol. 9, p. 418, Hadith No. 5049). Cairo, Egypt: Al-Maktabah al-Salafiyah.

preserving the child's life through breastfeeding. In the Qur'an: "Mothers (should) suckle their children for two full years, for one who wants to complete the (period of) suckling. It is the obligation of the one to whom the child belongs that he provides food and clothing for them (the mothers) with fairness. Nobody is obligated beyond his capacity. No mother shall be made to suffer on account of her child, nor the man to whom the child belongs, on account of his child. Likewise, responsibility (of suckling) lies on the (one who may become an) heir (of the child).

Now, if they want to wean, with mutual consent and consultation, there is no sin on them. And if you want to get your children suckled (by a wetnurse), there is no sin on you when you pay-off what you are to give with fairness, and fear Allah, and be assured that Allah is watchful of what you do."<sup>59</sup> Ibn Hazm (994-1064), an Andalusian Islamic philosopher and jurist opined, "A mother should nurse her baby even if she was the daughter of the king. She is not exempted from that duty, unless she is incapable of nursing."

Protection of lineage is the third objective of Shariah. Lineage is considered to be the backbone and most fundamental organizing principle in and of Muslim society, arguably the knowledge of one's lineage contributes towards the prevention of incestuous relationships unknowingly developing with a biological sibling.<sup>60</sup>

In order to safeguard the child's lineage, Shariah calls upon a prospective husband and wife to be careful in the choice of a partner for marriage. The Prophet said "Make a good choice for (your) spouse, for blood will tell"<sup>61</sup> This hadith doesn't only highlight the effect of heredity on the infant but also emphasize the safeguarding of the child's lineage even before they are born. Another way of safeguarding the child's lineage is by discouraging marriage within very close family members which has been scientifically proven to be a potential cause of hereditary and genetic disorders that affect the child's physical and intellectual growth and development.<sup>62</sup> In the same vein, illegitimate marriage/sexual relationships are forbidden because they lead to confusion and loss of the child's paternity (nasab).

The significance of enhancing children intellect is traced from the general Islamic requirements of seeking education without discrimination in gender and age. Qur'an made a clear distinction between the educated and the non-educated when it stated that "Are those who know equal to those who do not know?" Only they will remember [who are] people of understanding".<sup>63</sup>

The Sunnah made seeking knowledge an obligation of every Muslim. In Islamic history, the practical significance of child education was first realized at the aftermath of the battle of Badr

59 The Qur'an, 2:233.

60 Arfat, S. (2013). Ibid., Retrieved June 09, 2025.

61 Al-Qazwini, M. b. Y. (2009). Sunan Ibn Majah (Vol. 3, p. 142). Dar al-Risalah al-'Alamiyah.

62 Ridho, M. (2015). Islamic perspective on child protection. *Lentera: Jurnal Ilmu Dakwah dan Komunikasi*, 17(2), 187–198. <https://doi.org/10.21093/lj.v17i2.440>.

63 The Qur'an, 39:9.

(2 AH/624 CE) the first armed confrontation between the Muslims and pagans when the Prophet (pbuh) made teaching the children of Muslims one of the three options for emancipation from captivity.<sup>64</sup>

In order to enhance the child's intellect, Islam held the parent responsible for the child's education which includes religious education that entails teaching Islamic principles and values, moral education which aims at teaching them moral values of truthfulness, uprightness, honesty, sincerity among others, intellectual education which involves intellectual enlightenment and mental health. The Qur'anic mention of *ulul-albab* (men of wisdom) is an entry point to the parents' effort to build intellectual capacity and development among their children.

This involves the encouragement to read, memorize, understand, and practice the Qur'an which can enhance their ability to command multi-discipline knowledge as well as be multilingual, and even grows imparts into them the ability to give opinions and solve problems related to the Muslim ummah besides being creative and innovative. The Psychological Education and social education are also required in order to train a child on good social morals and noble psychological principles accordingly with the provision of Islam.<sup>65</sup>

Finally, Shariah aims to safeguard children property by holding one's wealth and property sacred. Quran states "O ye who believe! Eat not up your property among yourselves in vanities: But let there be amongst you Traffic and trade by mutual good-will: Nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful!"<sup>66</sup> Specifically, Qur'an cautioned guardians of orphans to safeguard the children wealth by stating that "And test the orphans [in their abilities] until they reach marriageable age. Then if you perceive in them sound judgement, release their property to them. And do not consume it excessively and quickly, [anticipating] that they will grow up. And whoever, [when acting as guardian], is self-sufficient should refrain [from taking a fee]; and whoever is poor - let him take according to what is acceptable. Then when you release their property to them, bring witnesses upon them. And sufficient is Allah as Accountant".<sup>67</sup> In addition to this, shariah safeguarded the child's right to property by allocating specific shares in the estate of their deceased close relatives.

The Islamic law of inheritance is clear on the child's entitlement to property as a son, daughter, grandson, granddaughter as stated that "Allah commands you as regards your children's (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or

64 Abdulrahman, M. M., & Walusimbi, A. M. (2025). Biography of the Prophet Mohammad (SAW): A comprehensive journey before birth to death (1st ed., p. 92). Nairobi, Kenya: Wasomi Africa.

65 Zakiyu, A. U., Abdullah, A. H., & Abdurrahman, T. (2015). An overview of the provision of Islam in children education. The American Journal of Innovative Research and Applied Sciences, 1(4), 137–146. Retrieved from [https://www.american-jiras.com/June\\_2015.html](https://www.american-jiras.com/June_2015.html).

66 The Qur'an, 4:29.

67 The Qur'an, 4:06.

more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All- wise" <sup>68</sup>The child's entitlement to property even extends to its certain presence in the mother's womb when scholars held unanimous agreement on the fetus's entitlement to inheritance and the validity of receiving gifts.

### 3. METHODOLOGY

This study adopts a qualitative research approach to explore the intersection of children's rights in Islamic jurisprudence and the challenges faced by street children in Mbale, Uganda. By combining doctrinal analysis with empirical fieldwork, the methodology provides a holistic understanding of the issue.

The research proe design incorporates both textual and real-world investigations. The doctrinal analysis focuses on extracting principles of child welfare, protection, and education from foundational Islamic texts, including the Quran, Hadith, and classical jurisprudence. Contemporary literature on Islamic child rights and reports on the situation of street children further contextualize the findings. Field observations are conducted in key locations within Mbale where street children are concentrated, such as streets, markets, and shelters. These observations help to document their living conditions and everyday struggles.

Additionally, semi-structured interviews are carried out with a range of stakeholders, including street children, religious leaders, social workers, and policymakers. These interviews offer diverse perspectives on the applicability of Islamic jurisprudence to the issue and highlight existing challenges and potential solutions. Focus group discussions (FGDs) are also utilized to gather insights from community members and caregivers. These discussions aim to assess societal attitudes towards street children and the level of awareness regarding Islamic principles of child welfare. Purposive sampling ensures that participants are selected based on their direct involvement or knowledge of the topic, with approximately 10 individuals targeted for interviews and FGDs.

Thematic analysis is employed to identify recurring patterns and themes from the collected data. For the doctrinal analysis, relevant Islamic principles are categorized and applied to the challenges faced by street children, while empirical findings are coded and compared to highlight practical gaps and solutions. Ethical considerations are carefully adhered to throughout the research process.

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68 The Qur'an, 4:11.

The researchers will pay close attention and adhere to the guidelines for the sample population. The researcher will assure respondents that the research will be used for academic purposes, that participation is voluntary, that they can choose whether or not to answer any questions during the interview, and that they will have access to the results once the study is completed. At all times, the participants will remain anonymous. Special care is taken to respect the dignity of street children and ensure cultural sensitivity in the research approach. While the study focuses on Mbale and Islamic jurisprudence, broader socio-political factors influencing street children's circumstances are acknowledged but not deeply explored. By integrating doctrinal principles with field-based evidence, this methodology facilitates a comprehensive examination of the topic and supports the development of actionable and culturally relevant recommendations.

#### 4. RESULTS

In Uganda, a country marked by a rich tapestry of cultural traditions and the coexistence of both secular and religious legal systems, the rights of children—particularly vulnerable groups such as street children<sup>69</sup>—remain a critical concern. Among the key legal frameworks impacting children's welfare is Sharia law, which is followed by a portion of the population, primarily within the Muslim community. Sharia law provides clear guidance on the care and protection of children, though its interpretation and implementation may vary, especially when compared to international human rights standards. In the mid-2002s, the UNICEF estimated that there were around 100 million street children globally.<sup>70</sup>

The issue of street children in Uganda first emerged in the early 1970s, largely due to a civil war that orphaned over 800,000 children.<sup>71</sup> By 2013, a survey by ANPPCAN estimated around 10,000 street children nationwide—a 70% increase since 1993—with an alarming average of 16 new children arriving on Kampala's streets daily.<sup>72</sup> Scholars like James Jacobs et al. attribute this crisis to the devastating HIV/AIDS epidemic of the 1980s and 1990s, which left countless children orphaned and forced onto the streets. Despite being stigmatized as socially deviant, these children remain trapped in cycles of poverty and marginalization, even as Uganda experiences economic and political progress. Critics argue that government neglect, particularly in funding social programs, exacerbates the problem.<sup>73</sup>

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69 Street children are individuals below 18 years, spend a significant amount of time on the streets, have limited contact with their families, lack clear addresses, and lack supervision, protection, and guidance.

70 UNICEF. (2002). State of the World's Children 2003: Child participation. UNICEF. P. 37.

71 Amongin, E. (2024). NGOs' interventions and socio-economic transformation of street children in Uganda: A case of Child Restoration Outreach (CRO), Mbale City (Master's thesis, Uganda Christian University). Retrieved from <https://ucudir.ucu.ac.ug/items/427c04ce-53fa-4410-aef5-1506a853c7cc>

72 Kaledzi, I. (2022, February 10). Street children in Kampala. DW. Retrieved from <https://www.dw.com/en/abuse-and-poverty-driving-children-to-ugandas-streets/a-60717>

73 Kawala, B. A., Kirui, B. K., & Cumber, S. N. (2020). Effect of COVID-19 response in Uganda on street children. Pan African Medical

In Mbale City, Child Restoration Outreach (CRO) stands as the sole NGO dedicated to street children. Founded in 1992 amid waves of displacement from northeastern Uganda's civil war and Karamoja's cattle raids, CRO focuses on rescue, rehabilitation, education, and vocational training. Initially, conflict was the primary driver of child homelessness, but since the late 1990s, HIV/AIDS and poverty have become leading causes.<sup>74</sup> Furthermore, In Mbale, Uganda, the number of street children is recorded at 16,000 across the country.<sup>75</sup> These figures underscore the urgent need for effective interventions to address the plight of street children and ensure their rights are protected within the broader context of both Sharia law and international human rights frameworks.

The research took place in Mbale City (Fig. 1), located in Eastern Uganda. As a bustling commercial center, Mbale attracts diverse populations from nearby districts and serves as a key transit point near two major Kenyan border crossings. Situated at the base of Mount Elgon—a volcano-formed mountain—the city lies at coordinates 00°57'N 34°20'E and functions as an established regional hub for surrounding rural areas. Administratively, Mbale is divided into two constituencies: Industrial Division (with five wards—Malukhu, Masaba, Namatala, North Central, and South Central) and Northern Division (comprising six wards—IUIU, Nabuyonga, Namakwekwe, Nkoma, North Central, and Nauyo Town Council).<sup>76</sup>

This study concentrated on the central part of the city, where street children are most visibly present. Reports indicate that Mbale City has more than 4,000 street children,<sup>77</sup> with their numbers continuing to rise steadily. According to the field report, there are Several factors lead to the rise of street children, including economic instability, poverty, war, the breakdown of traditional values, domestic violence, and abuse, all of which drive them to live on the street.<sup>78</sup>

Street children are minors under the age of 18 who live primarily on the streets, with little family contact and no stable home. Without proper supervision, care, or direction, they face increased risks to their physical and mental well-being.<sup>79</sup> According to field reports, "Street children live without stable housing, often sleeping in public areas like markets, bridges, parks, or abandoned structures. These makeshift shelters provide minimal safety from extreme weather, violence, or harassment. Nutritionally, they rely on inconsistent food sources—scavenging from trash, receiving handouts, or purchasing meals with earnings from informal work. Malnutrition and poor sanitation

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Journal, 35(Suppl 2), 56. <https://doi.org/10.11604/pamj.supp.2020.35.2.23545>

74 Young, L. (2004). Journeys to the street: The complex migration geographies of Ugandan street children. *Geoforum*, 35(4), 471–488.

75 Wafula, P., & Edema, D. (2023, April 17). Mbale has highest number of street children – Survey. *Monitor*. Retrieved December 1, 2024, from <https://www.monitor.co.ug/uganda/news/national/mbale-has-highest-number-of-street-children-survey-4202210>

76 Amongin, E. (2024). *Ibid.*, p. 92.

77 Retrak & Hope for Justice. (2018). Enumeration of children on the streets in Uganda across four locations: Iganga, Jinja, Mbale, and Kampala. Retrak & Hope for Justice. Retrieved from <https://www.retrak.org/wp-content/uploads/2020/02/Street-Children-Enumeration-Report-2018.pdf>

78 Mbale Indigenous. (2024, October 05). Personal interview.

79 Koraim, A. (1998). The dimensions of the problem of street boys. In Documents of the conference "Children in Difficult Social Circumstances". Cairo, Egypt: Ahebaa El-Toufoula NGO.

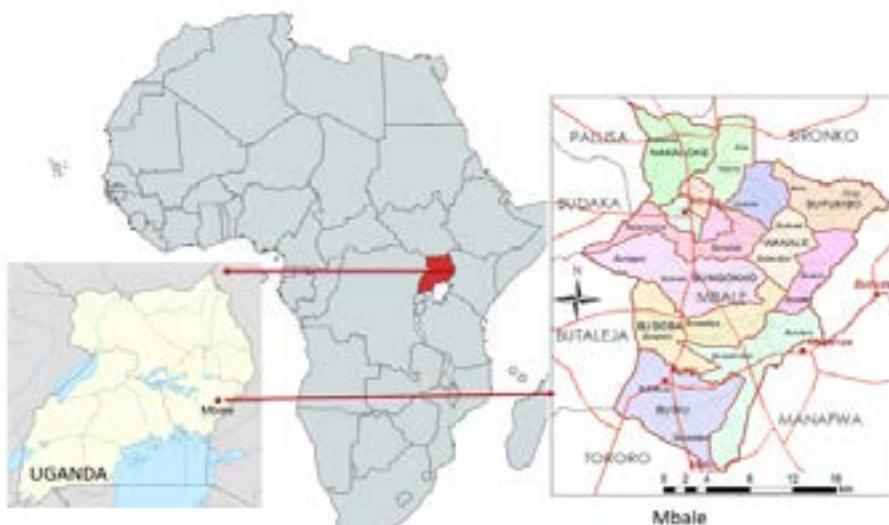


Fig. 1 - Mbale map

are widespread due to inadequate clean water and nutritious food. Additionally, they frequently endure untreated health issues, infections, and injuries, with almost no access to medical care. Substance abuse, such as glue-sniffing, is common as a means to cope with hunger and distress. Street children are also at high risk of physical and sexual abuse, trafficking, and police violence, with some being forced into gangs or criminal activities.<sup>80</sup>

Their daily struggles include: (i) Survival and Income: Many depend on begging, street vending, car washing, or scavenging, while some turn to theft or sex work out of desperation. (ii) Stigma and Discrimination: Society often labels them as criminals, leading to exclusion from education and social services. (iii) Lack of Education: Most miss school due to financial barriers, lack of documents, or work demands, trapping them in poverty. (iv) Psychological Trauma: Many suffer from emotional wounds caused by family breakdowns, abuse, or abandonment, leading to lasting trauma and low self-esteem.<sup>81</sup>

Several factors lead to the rise of street children, including economic instability, poverty, war, the breakdown of traditional values, domestic violence, and abuse, all of which push them to the fringes of society. These children frequently miss out on vital support systems like family, schooling, and healthcare, which are crucial for their growth. Living in tough conditions and adopting irregular lifestyles increases their likelihood of using drugs, alcohol, and other mind-altering substances, endangering their health and safety. Additionally, the negative stereotypes surrounding street children make them distrustful of health and social support services.<sup>82</sup>

80 Mbale Indigenous. (2024, September 26). Personal interview.

81 Mbale Indigenous. (2024, September 08). Personal interview.

82 Ojelabi, S. A., & Oyewole, O. (2012). Economic factors as correlates of streetism among urban children in Ibadan Metropolis, Nigeria. *Developing Country Studies*, 2(9), 87–94.

Street children make a living through begging, stealing, or taking on low-paying jobs in the informal sector.<sup>83</sup> Street children face various challenges, including sexual and psychological abuses, majority often being victims of child trafficking for cheap labor and sexual exploitation.<sup>84</sup>

Hutchison notes that for street children, daily survival is like navigating hostile territory.<sup>85</sup> The extreme poverty affecting millions of children worldwide not only violates the principles of the Convention on the Rights of the Child but also perpetuates a cycle of deprivation, as these children often pass on their struggles to their own offspring. Providing healthcare, education, and support to vulnerable children in dangerous environments is not just a matter of ethics, morality, or economics—it is also a political imperative, as these children shape the future of coming generations.<sup>86</sup>

In the eastern Ugandan town of Mbale, Child Restoration Outreach (CRO) helps street children reconnect with their families. Many of these children ended up on the streets due to war, HIV, drought, or poverty, and life there often means facing abuse, violence, and arrest. For more than 20 years, CRO has helped thousands of children across Uganda. Despite their efforts, they face ongoing challenges and have turned to THREE for All for support.<sup>87</sup>

On the other hand, Organizations like Save a Street Child Uganda (SASCU), established in 2005, work toward eliminating street children by targeting underserved communities plagued by child labor, abuse, and exploitation. Their efforts include rehabilitation and family reunification. However, challenges persist: Uganda has one of the world's youngest populations, with 56% under 18, yet over half live in poverty. While local authorities and child protection units are mandated to safeguard children, street numbers continue rising.<sup>88</sup> Family separation remains a critical issue, driven by poverty, abuse, domestic violence, parental illness, and substance abuse, further destabilizing vulnerable households.<sup>89</sup>

Table. 1 summarizes the intersection of children's rights in Islamic jurisprudence with the challenges faced by street children in Mbale, Uganda, highlighting both the religious obligations to protect and nurture children and the socio-economic factors contributing to their vulnerability.

83 Mbale Indigenous. (2024, September 21). Personal interview.

84 Mbale Indigenous. (2024, September 25). Personal interview.

85 Mbale Indigenous. (2024, September 21). Personal interview.

86 Mbale Indigenous. (2024, September 21). Personal interview.

87 Three for All Foundation. (n.d.). Streets to Strength – Mbale, Uganda. Retrieved December 10, 2024, from <https://www.threeforallfoundation.org/streets-to-strength-mbale-uganda>

88 Selleck, K., Newman, J., & Gilmore, D. (2018). Child protection in families experiencing domestic violence. U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, Office on Child Abuse and Neglect.

89 Mbale Indigenous. (2024, October 3). Personal interview.

Aspect	Key Points
Children's Rights in Islam	Children are a trust (amanah) from Allah; parents and society must protect them. - Rights include: selection of a suitable wife, Tahnik, pronounce the Adhan, give a good name, circumcision, Aqeeqah, shaving the baby's head, breastfeeding right to life, custody, proper upbringing, education, maintenance, inheritance, and protection from harm. - Emphasis on moral, spiritual, and social development. Prophet Mohammad (SAW) emphasized care, affection, and fair treatment.
Legal Basis in Islamic Jurisprudence	Rooted in Qur'an, Sunnah, and consensus of scholars. - Guardianship (Wilayah) obligates parents to provide care and guidance. - Maintenance (nafaqah) is obligatory until children reach maturity. - Punishment for neglect or abuse is prohibited.
Street Children Phenomenon in Mbale, Uganda	Increasing number of children living on the streets due to poverty, family breakdown, and social neglect. - Vulnerable to abuse, exploitation, and health risks. - Lack of access to education, healthcare, and basic rights.
Causes	Poverty and unemployment of parents. - Family disintegration and domestic violence. - Peer influence and drug abuse. - Insufficient social welfare support.
Islamic Perspective on Street Children	Islam obliges the community to care for vulnerable children. - Neglecting children's rights is a moral and religious failure. - Encourages charity (sadaqah), community support, and proper guardianship.

Table. 1 - Children Rights Islam vs Phenomenon of Street Children

## 5. DISCUSSION

Preserving life is one of the five universal objectives that Islamic Shariah seeks to protect: religion, life, reason, offspring, and wealth.<sup>90</sup> From this perspective, caring for street children is at the heart of this objective of preserving life, as they are among the groups most vulnerable to physical and mental destruction as a result of neglect, abuse, homelessness, and the absence of health and social care. The Convention on the Rights of the Child (CRC) affirms this meaning through its provisions, which oblige states to protect the child's right to life, survival, and development (Article 6) and to prevent any form of violence, exploitation, or neglect (Article 19).<sup>91</sup>

90 Al-Shātibī, I. M. (1997). *Al-Muwāfaqāt* (Vol. 1, 1st ed., p. 6). Cairo, Egypt: Dār Ibn Afan.

91 United Nations. (n.d.). Convention on the Rights of the Child. Retrieved October 9, 2025, from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

Accordingly, it becomes incumbent upon Islamic states and societies to adopt practical policies and measures that guarantee these children's right to a dignified life, health care, education, and family and social reintegration. Preserving life in this context does not only mean avoiding killing or physical harm, but also includes preserving the child's dignity and providing a safe environment that enables healthy psychological, social, and spiritual growth, thereby simultaneously achieving the objectives of Sharia and the principles of international agreements.

Sponsoring street children is not only a religious obligation but also a noble act that elevates a Muslim's status in the Hereafter and brings blessings in this world. Islam, with its compassionate teachings, places orphans and vulnerable children at the center of the Muslim community's social and spiritual responsibilities. It highlights the immense virtues and high status of those who care for this disadvantaged segment of society.

Sponsoring street children is regarded as a form of ongoing charity (*ṣadaqah jāriyah*) and an act of kinship (*ṣilat al-raḥīm*) if the orphan is a relative. It is among the most commendable deeds for which a sponsor is abundantly rewarded. By providing for the orphan's basic needs, the sponsor earns the reward of charity, and by offering care and emotional support, he also gains the reward of maintaining family ties. This noble act strengthens social bonds and fosters a spirit of compassion and cooperation within society.

The International Islamic Fiqh Academy calls upon the following stakeholders to take urgent and effective action to protect children from abuse, injustice, cruelty, and exploitation:

"Governments are urged to enforce laws and regulations that criminalize child labor and to strengthen existing legal frameworks to ensure the full protection of children's rights. Scholars, preachers, imams, and public speakers are encouraged to raise awareness within their communities about the Islamic prohibition of exploiting children—particularly in public spaces such as streets—whether for work, begging, or other forms of hardship. Countries lacking adequate legal protection for children are urged to enact legislation that explicitly prohibits child labor and safeguards children from oppression, abuse, and exploitation.

Families and parents are reminded of their vital role in the upbringing and protection of children and are urged to foster environments grounded in virtuous values and ethical treatment. Media outlets in Islamic countries are called upon to actively contribute to raising public awareness regarding the grave dangers of three growing phenomena: street children, child begging, and child labor. The media is urged to collaborate in curbing their spread and addressing their root causes through consistent, informative, and responsible coverage.<sup>92</sup>

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92 International Islamic Fiqh Academy. (n.d.). Resolution on the subject of a legitimate vision to address the phenomenon of street children, child beggars, and children working in hard labor. Retrieved December 18, 2024, from <https://iifa-aifi.org/ar/44176.html>

Based on the general meaning of the Prophet's (peace and blessings be upon him) statement: 'I and the one who sponsors an orphan will be in Paradise like this,' and he pointed with his index and middle fingers, slightly separating them.<sup>93</sup>

To address the issue of street children in Mbale, Uganda, Islamic charitable funds can be strategically deployed by classifying these children as a vulnerable group requiring urgent support. Initiatives should emphasize family-based fostering (Kafālah) and community adoption in accordance with Islamic principles, ensuring children are placed in caring and stable homes. Proper upbringing (tarbiyyah) should be treated as a shared societal duty. Legal partnerships are crucial to establishing child protection laws that reflect Islamic teachings—laws that penalize neglect while prioritizing rehabilitation. Furthermore, trauma-informed counseling and therapy programs, rooted in Islamic ethics and the Prophet's (peace be upon him) compassionate teachings, should be implemented to help street children recover from psychological distress.

Fig. 2 outlines the process through which Islamic charitable funds—Zakat, Waqf, and Sadaqa—are directed to the Islamic University in Uganda (IUIU) to finance social welfare programs aimed at rehabilitating street children. The core objective is "Supporting Street Children" by addressing their spiritual, educational, psychological, familial, and physical needs through a structured, faith-based framework.

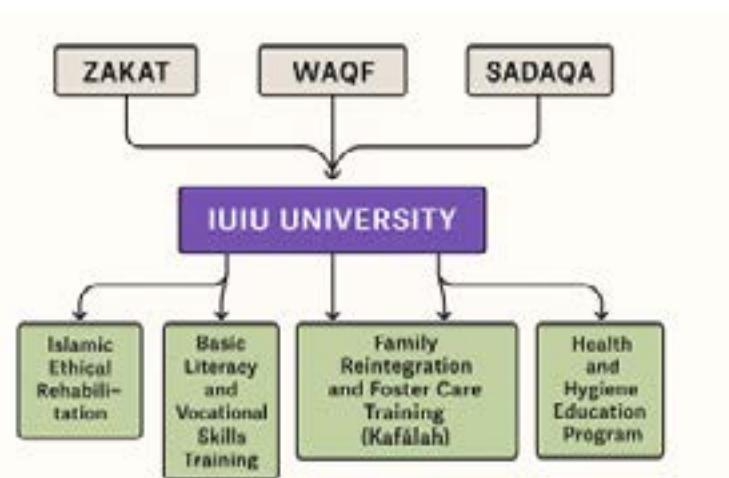


Fig. 2 - IUIU University Welfare Framework

Donations are gathered and disbursed to IUIU, which serves as the executing institution for the initiatives. The university administers the funds to operate the following key programs: Islamic Ethical Rehabilitation: (i) Instilling moral and spiritual values to foster positive behavior. (ii) Basic

93 Malik, M. b. A. (2004). *Muwaṭṭa'* (Vol. 5, 1st ed., p. 1383, Hadith No. 754). Abu Dhabi, UAE: Mu'assasat al-Zayd bin Sulṭān.

**Literacy & Vocational Training:** Equipping children with essential education and employable skills for independence. (iii) **Family Reintegration & Kafālah:** Training families and foster caregivers to provide nurturing homes in line with Islamic guardianship principles. (iv) **Health & Hygiene Education:** Promoting wellness through sanitation and health awareness. By integrating these efforts, the initiative ensures holistic support for street children, empowering them to reintegrate into society as resilient, self-sufficient individuals.

## 6. CONCLUSION

Street children are among the most marginalized groups in Ugandan society, facing numerous human rights violations, including abuse, limited access to education, and inadequate healthcare. This study examined the intersection of children's rights under Sharia law with a specific focus on street children in Mbale, Uganda. It investigated the impact of Sharia law on the treatment of these children within the Muslim community, comparing it to global human rights standards and provided valuable insights into the challenges of reconciling local religious practices with internationally recognized children's rights, while also addressing the broader issue of child welfare in Uganda.

Though the Universal Declaration of Human Rights and other local and international legal instruments provided a protective framework for children's rights, Islamic law provided a broader and comprehensive framework which established rights to protect the child from aggression and to preserve the fundamental right to life before, during and after birth through religious obligations in light of Maqasid shariah. Mbale city like other places in Uganda faces the challenge of Street Children due to economic instability, poverty, war, the breakdown of traditional values, domestic violence, and abuse, all of which push them to the fringes of society and make them live without stable and dignified housing, lack basic nutritious feeding, exposed to health threats, and made them substance abusers. All these have made them suffer from psychological trauma, stigma and discrimination and excluded from education and social services.

Despite the broader legal framework for protection of children rights in Islam, there is no planned, deliberate and coordinated programs from Muslim institution to translate this theoretical framework into a practical action plan not even from the Islamic University in Uganda (IUIU), the pioneer and only Islamic institution of higher learning in Mbale, apart from the one time support extended to the less privileged children through Zakat, Wakf and Sadaqa collections which have been used to address some of their educational, feeding and shelter needs.

## 7. RECOMMENDATION

In order to address the issue of street children in Mbale, Uganda, Islamic charitable funds should be strategically deployed by classifying these children as a vulnerable group requiring urgent support. Initiatives should emphasize family-based fostering (Kafālah) and community

adoption in accordance with Islamic principles, ensuring children are placed in caring and stable homes. Proper upbringing (tarbiyyah) should be treated as a shared societal duty. Legal partnerships are crucial to establishing child protection laws that reflect Islamic teachings—laws that penalize neglect while prioritizing rehabilitation.

In addition, Stake holders in Mbale can implement a practical model for addressing street children by committees to conduct community outreach, provide temporary shelter, basic education, and family tracing in partnership with Mbale community. Within the first month, they should map street-child hotspots, form volunteer teams, and offer meals, hygiene, and counseling services. Over the next few months, they can integrate children into remedial or formal schooling, mediate family reunification, or arrange foster placements where needed. Long-term, IUIU university can establish a vocational training and rehabilitation center offering skills development, psychosocial care, and income-generating projects to ensure sustainable reintegration, guided by clear case plans, safeguarding policies, and measurable performance indicators.

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