CHILD ABUSE OF INDONESIAN MIGRANT WORKER ON THE PERSPECTIVE OF ISLAMIC FAMILY LAW
(A Study on Indonesian Migrant Worker Family in Doplang, Bawen, Semarang)

BACHELOR THESIS
This Paper is Submitted to Obtain a Bachelor’s Degree of Law

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AHWAL AL SYAKHSHIYYAHDEPARTMENT
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2016
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Salatiga, 27th September 2016
The Writer.
MOTTO

“If you spend in the cause of Allah, you are not really losing. You are just transferring funds from your duniya to akhirah account.”

~ Ustadz Nouman Ali Khan
DEDICATION

This bachelor thesis is whole heartedly dedicated to:

1. My Lord Allah who has asmaul husna. O Allah, aid me in Your remembrance, Your thanks, & in perfecting Your worship.
2. My Wonder Mom and Super Dad. Ibu Aspiyah and Bapak Ali Maskuri, may Allah gives you two His love and bliss as always in this world till jannatul firdaus.
3. My Lecturers. Ahlul ilmi, ahlus shabri, ahlus syukri. Jazakallahu khairal jaza’ for every single breathe you dedicate to educate me.
4. Children beyond the ages. Especially, a little creature in my womb now.
5. For everyone who experiences long distance relationship, especially between parent(s) and child(ren).
7. My dearest families. Sis Ambar, Brother Jeffry, & their lil boy Arga who called me ‘Aunty’. My lil bro Alfani Achmad Izza, may Allah makes you a great man.
8. My parents in law, Mr. Djajadi & Mrs. Diana Siti Fatimah.
9. Simbah Pasilah. My grandma who passed away in 2015,

allahummaghfirlihawa warhamhawa’afihawa’fi‘lanha.

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In the Name of Allah, the Compassionate, the Merciful. Praise be to Allah, Lord of the Universe, and Peace and Prayers be upon His Final Prophet and Messenger, because of Allah, the writer could finish this bachelor thesis as one of the requirement for Sarjana Hukum (S.H.) in Ahwal al-Syakhshiyyah Department of Syariah Faculty of State Institute for Islamic Studies (IAIN) Salatiga in 2016.

Secondly, peace and salutation always be given to our prophet Muhammad SAW who has guided us from the darkness to the lightness.

However, this success would not be achieved without those supports, guidance, advice, help and encouragement from individual and institution, and I somehow realize that an appropriate moment for me to deepest gratitude for:

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2. Dra. Siti Zumrotun, M. Ag.as the Dean of Syariah Faculty.
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5. All of the lectures in International Class Program and Ahwal al-Syakhshiyyah Department.

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8. My beloved brother, sister and my adorable friends thanks for your love, caring and support.

9. All my friends who have helped me to finish this graduating paper.

Finally, this bachelor thesis is expected to be able to provide useful knowledge and information to the readers.

Salatiga, 27th September 2016
The Writer,

Itsna Husnia Sari
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ABSTRACT


Keyword: child abuse, Indonesian migrant worker, and Islamic Family Law

This research has purposes to know what are the types of child abuse of Indonesian migrant worker experienced in Doplang, Bawen, Semarang; to know and describe what are the causes of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang; to know what are the impacts of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang; the child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang based on the perspective of Islamic family law. The researcher compiles this research which contains of three research questions: (1) what are the types of child abuse of Indonesian migrant worker experienced in Doplang, Bawen, Semarang? (2) what are the causes of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang? (3) what are the impacts of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang? (4) how does the child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang based on the perspective of Islamic family law?

To answer those questions, the researcher uses descriptive qualitative method. The researcher uses observation and interview to analyze the problems. The researcher reduces some data which has no beneficial research to simplify the analysis.

The researcher found that a mother who becomes an Indonesian migrant worker has a high risk to child abuse because the role of mother can not be replace by anyone, even the father. Leaving the child for working abroad is a form of child abuse because the child get lack of affections which will affect to the child future. Another fact that the researcher found is there is no attention of government in the case of child who are left by the parents and there is no specific Islamic law which regulates the case of parents who leave their children for working abroad.
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CHAPTER I

INTRODUCTION

A. Research Background

Indonesia as a consequence of being one of five largest population countries in the world, has many labor forces. Unfortunately, the amount of labor forces are not linear to the availability of job vacancies, therefore many Indonesian people try to work in other countries such as Malaysia, Singapore, Hongkong, and Saudi Arabia who are known as Indonesian Migrant Worker. Beside of that reason, Indonesian Migrant Worker can get salary more than working in Indonesia and does not need high education. Then, most of Indonesian Migrant Workers are low educated peoples and mostly are villagers (www.antara.net.id:2015).

Working as an Indonesian Migrant Workers has its own consequences, one of them is leaving behind the children. Indonesian Migrant Workers who has a children must lost the opportunity to educate their children. Based on Children’s Rights Convention 1989 which has been ratified by Indonesian Government in 1990, children are whoever under 18 years old and they have four principle rights: right of non discrimination, right of life, right of fulfill their needs, and right of giving opinion (Suryani & Wahyudin, 2014:71).

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While, family as the smallest unit in the social life has a big role in the formation of a defenses against social disease early, character, and behavior of the children. The function of family is to develop the role of parents in building the children character, develop the children academical and morality potential. The closeness between children and parents gives the best impact in children character building than the closeness to others (Fuaduddin, 1999:17-18).

Parents are the most important people in custody and education of children. The way and the quality of children education are based on the quality of its family in playing their role, especially the role of mother (Fuaduddin, 1999:9). Parent is the first person known by the children and anything seen or listened by children from their parents will imprint in the memory of children until adult and growing old (Juwariyah, 2010:5). The qaidah ushuliyah said “Al insanu ibn ‘awaiduh” means that the person is a child of the habits, then if the parents guide their children by good habits they will grow up with good habits (Juwariyah, 2010:72).

According to Arfat in Journal Qawwam (Suryani & Wahyudin, 2014:72), the optimal basic needs for growth and development of children includes Asuh (care for), Asih (love), and Asah (teach). Asuh is the need for physical-biological which covers the need of clothing, food, shelter such as: nutrition, immunization, body and environmental hygiene, clothing, health care and medicine, sport, play and rest. Asih is the need for affection and emotion. In the first years of life (even from the womb of a woman), the child absolutely needs a close bond, harmonious
and in harmony with the mother to ensure the growth and development of physical-mental and psychosocial. *Asah* is the need for stimulation. Children need to be stimulated from an early age to develop as early as perhaps the ability sensory, motor, social-emotional, speech, cognitive, independence, creativity, leadership, moral and spiritual children.

In the case of parents leave their children for work abroad, the custody of children will be replaced. The decision of guardian replacement is not only about the person who does responsible but also how the manners or ways of custody including norms and values that adopted by the children. Generally, nothings wrong by the guardian replacement of the children.

The problems begin when the guardian replacement has no guidance, or in other word, inconsequential. According to the research conducted by Anna Marrie Wattie from Gadjah Mada University, many children who are left by their parents work as Indonesian Migrant Workers suffer mental disorder or hiperactive or other psycological problems. Therefore, the comprehensive efforts to overcome this problem are needed (www.detik.com; 2011). Once mental illness develops, it becomes a regular part of child’s behavior and more difficult to treat.

Suffer mental disorder or hiperactive or other psycological problems are some kinds of child abuse’s impact. Child abuse can be destructive for their future. When it comes to psycological problems it also comes about behavior problems. Child behavior problems those end up at the worse such as pregnant

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before marriage for underage girl, drunk and drugs. Whereas children are the next generation that will lead the world. While children are lands of hope.

The researcher found some phenomenon related to Indonesian migrant worker child custody which happened in Doplang village, a village in Bawen subdistrict, Semarang regency, Central of Java province. The researcher found many children of villagers, who become Indonesian migrant workers, do not get the custody of their ideal parents. Some of them grow up and their parent was divorced or they grow up under the custody of their uncle, aunty, or their grandmother.

However, as the researcher found, the phenomenons in Doplang related to Indonesian migrant workers happen in house countries are very diverse. Around seventeen years ago, there was a Doplang girl who died in Singapore when she works as an Indonesian migrant worker. Other, there was a woman that continously worked as an Indonesian migrant worker for a long time till her family became messed up, failed on her marriage and her children become neglected. And recently, there was a young man who his mother worked abroad for a long time in Singapore and his father got married again with another woman. So this young man became careless and his education was unorganized.

Even so, another experience told that there was a woman Indonesian migrant worker who has two children and became economically succeed, she started by working abroad and set up a business at her home. And so on, so many story of Indonesian migrant worker in Doplang village.
As a data recorded by Doplang village government office, there were 54 peoples in 2005 who work as an Indonesian migrant workers and most of them leave behind their children. The recent data taken from BPS (Badan Pusat Statistik) Semarang District catalog 2014, it was written that in 2013 there were 3 men and 43 women Doplang residents who worked abroad as an Indonesian migrant workers.

This research explores the child abuse of Indonesian Migrant Worker on the perspective of Islamic family law in Doplang, Bawen, Semarang. Throughout the research about child abuse, hopefully children’s voices were listened, heard, and respected. Also the results of this research positively impactful to the peoples or organizations who concern taking care of children, especially people who are going to be the Indonesian Migrant Worker leaving children and positively impactful for the next researchers who conduct similar research.

B. Research Questions

Based on the research background above, the research questions are:

1. What are the types of child abuse of Indonesian migrant worker experienced in Doplang, Bawen, Semarang?
2. What are the causes of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang?
3. What are the impacts of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang?
4. How does the child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang based on the perspective of Islamic family law?

C. Research Purposes

This research has purposes to:

1. To know what are the types of child abuse of Indonesian migrant worker experienced in Doplang, Bawen, Semarang.

2. To know and describe what are the causes of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang.

3. To know what are the impacts of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang.

4. To know the child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang based on the perspective of Islamic family law.

D. Research Benefits

This research has two benefits, theoretical benefits and practical benefits:

1. Academical Benefits

This research enrich the insights of child abuse on the perspective of Islamic family law. This research also has benefits for the next researcher who conduct the similar topic.

2. Practical Benefits
This research has benefit as study in Semarang District about child abuse of Indonesian migrant worker phenomenon and becomes a recommendation for local government, in specific, and parents, in general. This research, especially, is expected to inspire parents to always learn how to be great parents and always get better at the way they treat their children.

E. Glossary

In order to simplify and avoid of missed understanding about the title of this research, the researcher explains several terms used in this research:

1. Child Abuse

Child means “a young person from birth to the age of full physical development, a boy or girl” (Hornby, 1995:192). There are two words refer to a young person: child and infant. Infant itself refers to “a very young child under two years old” (Hornby, 1995:609). In other definition, based on Indonesian Law no. 23 year 2002 on Child Protection chapter one article one verse one: “A child is someone who has not reached the age of 18 (eighteen), including fetus in womb”.

Quran decides no specific limitation of age on definition of child, but the limitation refers to the terms of *balagha ashuddahu* (*Q.S. Yusuf* [12]:22; *al-Qasas* [28]:14; *al-Hajj* [22]:5; *al-Ahqaf* [46]:15; *al-An’am* [6]:152; *al-Isra’* [17]:34; *al-Kahf* [18]:82; *al-Mu’min* [40]:67, *balagha al-hulum* (*Q.S. al-Nur* [24]:59), or *balagha al-sa’y* (*Q.S. al-Shaffat* [37]:102). The biological sign for boy is when he had a wet dream (*balagha al hulum*) and for girl is when she had a first menstruation (Rusli, 2006:228). In this research, the definition of child refers to Indonesian Law.

The term “abuse” means “improper behavior intended to cause physical, psychological, or financial harm to an individual or group” (Huraerah, 2005:36), while “child abuse” has specific definition as “an intentional acts that result in physical or emotional harm to children. The term children abuse covers a wide range of behavior, from actual physical assault by parents or other adult custodians to neglect at a child’s basic needs” (Huraerah, 2005:36). The full explanation about child abuse is explained in chapter II of this paper.

2. Indonesian Migrant Worker

Based on Republic of Indonesian migrant workers law number 39 year 2004 entitled Placement and Protection of Indonesian migrant workers in foreign countries chapter 1 Article 1 Verse 1, Indonesian migrant worker is
“Setiap warga negara Indonesia yang memenuhi syarat untuk bekerja di luar negeri dalam hubungan kerja untuk jangka waktu tertentu dengan menerima upah” (Any Indonesian resident who is qualified for working abroad in a working relationship for a certain period with receiving a fee).

3. Islamic Family Law

Islamic family law is a part of syariah. The etymology of word “syariah” is taken from Arabic language (syara’a) which means “ordaining”. The terminology of syariah means Islamic law (qanun al Islami) (Mudawam, 2012:405). According to Schacht, Islamic law is the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself (Wahib, 2014:2). Generally, Islamic law contains three parts: criminal law (al jinayah), business law (mu’amalah), and private law (ahwal al syakhsiyah) (Wahib, 2014:2).

By the time, Islamic law was reformed by Islamic governments because of one reason: society always changes (Wahib, 2014:2), while the reformation of Islamic law is still always belongs to Quran and Sunnah as the principal. In the ancient of Ottoman Empire in 1850, Islamic law reformation was influenced by the Western law system (secularization). This Islamic law reformation resulted the Islamic Family Law (Wahib, 2014:2). In general, Islamic Family Law contains of marriage, divorce, and inheritance law (Muzdhar and Nasution, 2003:10). Before 1850, Islamic Family Law was referred to the recognized madzahib (school) of syariah under Islamic
governance (*khilafah*). After the collapse of Ottoman Empire (the last *khilafah*), the reformation of Islamic Family Law refers to each of Islamic countries. Therefore, Islamic Family Law in each of Islamic countries is different.

In Indonesia, Islamic Family Law contains of marriage, divorce, child custody, child protection, and inheritance law (Muzdhar and Nasution, 2003:12). Therefore, related to the research scope of this paper where located in Indonesia, then the researcher refers the Islamic Family Law concept in Indonesia.

**F. Research Method**

1. **Approach and Kind of Research**

   The research uses qualitative and descriptive research method to explore as many as possible the data of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang. The primary data will be collected by in-depth interview with ex-Indonesian migrant workers and the data will be presented in descriptively.

2. **Attendance of Researcher**

   The researcher fully conducted this research from its preparation until delivery the data through this paper. This researcher used interview methods as a primary data to explore data on child abuse of Indonesian migrant workers. Thereresearcher conducted the interview personally without any
external intervention or personal delegation because the attendance of researcher in the time of interview is necessary.

3. Location

The location of this research is limited in Doplang village, Bawen subdistrict, Semarang regency, Central Java. Doplang village is a unit area of governance in Sub Bawen Semarang District. Doplang village by village structure reign is headed by a village chief. Doplang village consists of 7 hamlets and 34 RT. The choice of this location is based on the facts and phenomenon of the Doplang residents who become Indonesian migrant workers and leave behind their children.

4. Sources of Data

This research is going to use primary data as a main data. Beside, the researcher still uses several secondary data to support this research. The primary data is 5 (five) families who ever became an Indonesian migrant worker and left behind their children on another persons custody. The secondary data is several data which taken from any sources related to primary data, such as articles, report papers, mass media, or people opinion.

5. Technique of Collecting Data

a. Observation Method

The observation means the systematical documentation activity towards phenomenon happens (Idrus, 2009:101). Observation tends to subjectivity of the researcher, according to Idrus, to keep the objectivity of
the researcher, the researcher must has a goals, plans, and limitation of research (Idrus, 2009:101). In this research, the research questions, research purposes, and research benefits are the main instrument to keep the objectivity of the researcher, also to justify the observation of the researcher, the researcher did the interview after observation.

b. **Interview Method**

Interview is one of research technical to collect the informations and data (Idrus, 2009:104). According to Idrus, the interview methods are not only 5W1H (What, Who, Where, When, Why, How) but also the ethicts of interview. Several ethicts of interview which delivered by Idrus and used by the researcher are:

1) Telling the topic of research but not too detail
2) Protecting the identity of respondent/informant
3) Respecting on the “impolite things”
4) Understanding the culture and language of respondent
5) Neutral

In this research, the researcher did the interview to the villagers who became the Indonesian Migrant Workers and left their children to work abroad. The researcher arranged some questions and the time of meeting to do interview with the respondent. The interview was recorded in electrical device and paraphrased in the attachment of this research.
6. Data Analysis Technique

This research uses qualitative methodology to analyze the data. The qualitative methodology involves a lot of transcripted verbal data, objects, situations, and phenomenons (Idrus, 2009:147). The researcher uses interactive analysis model “Miles and Huberman” which consists four main cycle points: data collection, data reduction, data presentation, conclusion/verification (Idrus, 2009:148).

![Diagram of Interactive Analysis Model Scheme](image)

**Picture 1.1. Interactive Analysis Model Scheme (Miles and Huberman, 1992)**

Data collection process in qualitative method has several ways such as observation, interview, documentation, etc (Idrus, 2009:148). This research uses interview as a way to collect the data. Data reduction process in qualitative method has a purpose to simplify the research analysis by limit the research framework. Next step is display data. Display data is confirmed informations which can be verified. Next process is verification/conclusion from the data. This cycle process is interconnected each other (Idrus, 2009:147-148).
7. **Data Validity**

The researcher uses triangulation as a technique to check the validity of the data. The sense of triangulation is a technique that utilizes data validity checking something else in comparing the results of interviews of the research object (Moloeng, 2004:330). Checking the validity of the data is done by comparing the various documents, observations and seek information from various parties, namely TKI (*Tenaga Kerja Indonesia*) which has been completed and is back home, the caregiver and the surrounding community. Checking the validity of the data is done because it was feared still any errors or mistakes that passes by the writer.

G. **The Writing Orde**

To facilitate the discussion and further understanding and clear in reading this research, the researcher composes this paper into five chapters as follows:

Chapter I is Introduction. This chapter contains of research background, research questions, research purposes, research benefits, glossary, research method, and writing system.

Chapter II is the research theoretical framework including child abuse, Indonesian migrant worker, the perspective of Islamic family law according to conception and positivation of *hadhanah*. 
Chapter III is the data presentation; general description of the location geographically and demographically, description of the types of child abuse of Indonesian migrant worker in Doplang, description of the causes of child abuse of Indonesian migrant worker experienced in Doplang, and description of the impacts of child abuse of Indonesian migrant worker in Doplang.

Chapter IV is the discussion about the data presentations below based on the theoretical framework in chapter II.

Chapter V is closure which contains of conclusions of this research and the suggestions.
CHAPTER II

CHILD ABUSE, INDONESIAN MIGRANT WORKER, AND ISLAMIC FAMILY LAW

A. Literature Review

The researcher refers to book entitled “Sepenggal Kisah Kelabu Tenaga Kerja Wanita” which compiled by team of Center of Gender and Family Studies (PSGK) of IAIN Salatiga. This book uses explorative research to analyze the research about the phenomenon of women Indonesian migrant worker. This book explores the phenomenons and its elements related to the women Indonesian migrant worker.

This research begins with the common perception that sending the women Indonesian migrant worker is the new human trafficking. In real phenomenon, women always become second priority after men for job. Therefore, women Indonesian migrant workers usually only work in domestic field like become a house maid.

The conclusion of this book is women Indonesian migrant worker affects directly to the family because the role of woman in family is absolutely urgent. The absence of wife affects to the psychological and
biological need of husband. The absence of mother affects to the psychological need of children. This research uses explorative method to analyze the research question. However, this research is not syariah studies therefore the researcher doesn’t connect the problem to syariah point of view.

B. Child Abuse

According to Indonesian Law No. 4 year 1979 entitled Child Prosperity, the definition of child is whoever below 16 years old (Huraerah, 2005:19). While according to Islamic children conception, there is no specific limitation of age on the definition of child (Rusli, 2006:228). Child abuse, as was cited by Huraerah (2005) from Richard J. Gelles (2004) in *Encyclopedia Article from Encarta*, means “intentional acts that result in physical or emotional harm to children. The term children abuse covers a wide range of behavior, from actual physical assault by parents or other adult custodians to neglect at a child’s basic needs” (Huraerah, 2005:36).

For comprehensive explanation, the researcher explains child abuse theoretical framework into four main explanations: the basic needs of child, the rights of child, the definition and forms of child abuse, and the causes of child abuse.

1. The Basic Needs of Child

____________________________________

17
Child, is like usually human being, has the basic needs which must be fulfilled to keep them grow up and develop well. According to Katz, as was cited by Huraerah, the most important basic need of child is well relationship between child and parents (Huraerah, 2005:27). While Brown and Swanson said that basic need of child is protection (safety), love, affection, and opportunity to grow and develop (Huraerah, 2005:27). More details about the basic needs of child was explained by Huttman (Huraerah, 2005:27) that the basic needs of child are:

a. Parents affection
b. Emotional stability
c. Understanding and Attention
d. Personality development
e. Creative motivation
f. Intelectual abililty coaching
g. Healthy care
h. Fulfilling of food need, clothes, healthy domicile
i. Constructive and positive activity

According to Suharto (Huraerah, 2005:27), to guarantee the growth of child’s physic, the child needs healthy food, cloth, sanitation, and health care. To guarantee the psychological and social development, the child is need the affection, understanding, crative stimulation, self actualization, and intellectual development (Huraerah, 2005:27). The
failure of basic need fulfillment affect to negative impact in physical growth, intelectual, mentality, and social of child (Huraerah, 2005:27).

2. The Rights of Child

Beside of the basic need of child, Huraerah also explained the rights of child. The different between both of them is the basic need tends to fundamental concept while the right of child has a legally binded to law (Huraerah, 2005:19). Universally, the rights of child has been declared in General Assembly of United Nations on 20\textsuperscript{th} of November 1959. There are 10 principles of rights of child:

Principle 1: every child must enjoy all principles with no exception and discrimination.

Principle 2: every child must get special protection, opportunity, and facility by the law so they can develop physically, mentality, morality, spirituality, and social life.

Principle 3: every child must get a name and national identity.

Principle 4: every child must get social assurance.

Principle 5: every difable child must get special treatment and attention.
Principle 6: every child must get affection and understanding.

Principle 7: every child must get free education.

Principle 8: every child, in any situation, must get first priority protection.

Principle 9: every child must be protected from any neglect, harm, and exploitations.

Principle 10: every child must be protected from any racists, religion, and any other discrimination form.

Those ten principal were adopted into Rights of Child Convention on 20\textsuperscript{th} of November 1989 in New York, United States of America. This convention becomes international legal instrument which ratified by 20 states including Indonesia. Indonesia ratified the convention and adopts it into Indonesian Law year 2002 entitled Child Protection (Huraerah, 2005:24).\textsuperscript{30}

Several chapters related to the rights of child are “every child has rights to life, grow, develop, and participate normally appropriate to humanitarian values, and gain the protection from any abuse and discrimination” (chapter 4), “every child has rights to gain a name as a personal identity and status of nationality” (chapter 5), “every child has rights to pray due to their religion,
think, and express appropriate to their intelligent and age under parents custody” (chapter 6).

3. Definition and Forms of Child Abuse

The word “abuse” usually used to define harm, persecution, or maltreatment. Barker on The Social Work Dictionary, as was cited by Huraerah (2005), defines abuse as an “improper behavior intended to cause physical, psychological, or financial harm to an individual or group” (Huraerah, 2005:36).

While child abuse, or it sometimes also mentioned as child maltreatment, defined by Richard J. Gelles as was cited by Huraerah (2005):

“Intentional acts that result in physical or emotional harm to children. The term child abuse covers wide range of behavior, from actual physical assault by parents or other adult custodians to neglect at a child’s basic needs” (Huraerah, 2005:36).

Barker defined child abuse as was cited by Huraerah (2005):

“The recurrent infliction of physical or emotional injury on a dependent minor, through intentional beatings, uncontrolled corporal punishment, persistent ridicule and degradation, or sexual abuse, usually committed by parents or other in charge of the child’s care” (Huraerah, 2005:36).

Terry E. Lawson, as was cited by Huraerah, classified child abuse into four forms: emotional abuse, verbal abuse, physical
abuse, and sexual abuse (Huraerah, 2005:37). While Suharto classified child abuse into four forms: physical abuse, psychological abuse, sexual abuse, and social abuse.

a. **Physical Abuse**

Physical abuse means persecution, and harm to child with or without certain tools. The pain can be blister or bruise from bites, pinch, hit of belt or stick. The pain also can be burns from gassoline, cigaret, or iron. The pain usually located in thigh, arm, mouth, cheek, stomach, back, or bottom (Huraerah, 2005:37).

b. **Psychological Abuse**

Psychological abuse contains of scolding, slander, showing pornograph, or anything else. The child who gets those treatment will show maladaptive signs such as self conscious, crying if some one approach them, fear of going out from home, and fear of meeting someone (Huraerah, 2005:37).

c. **Sexual Abuse**

Sexual abuse can be direct or indirect. Direct sexual abuse can be incest, rape, or other sexual exploitation. Indirect sexual abuse can be exhibitionism or raunchy treatment (Huraerah, 2005:37).
d. Social Abuse

Social abuse included neglect or child exploitation. The examples of neglect are child is excommunicated, no attention, no education, no health protection, etc. The example of child exploitation is forcing child to work, or to do something for political interest or economical interests (Huraerah, 2005:37).

4. The Causes of Child Abuse

Child abuse happens refers to several Causes. Suharto, as was cited by Huraerah (2005:40), said that there are two Causes of child abuse: internal and external factor. Internal factor comes from internal its child and external can be from family or society, such as:

a. Child or parent has physic disability, mental disorder, autism, or introvert.

b. Family Poverty.

c. Broken home or single parent.

d. Immature family or unwanted child.

e. Intergenerational neglect.

f. Social condition.

While Rusmil (Huraerah, 2005:40-41), explained that child abuse has three Causes: parents/family factor,
social/community factor, and the child factor itself. Parents/family factor has an important role on child abuse or neglect. Parents/family usually do child abuse because of culture, custom, mental disorder, immature physic or emotion, or alcohol addicted (Huraerah, 2005:40).34

Social/community factor usually comes from poverty, low of social-economic condition, social norms that child belongs to parent so they can do anything to child, low of women social status, patriarchy family system, and individualism value (Huraerah, 2005:41). Child factor itself can be the child has chronic disease or deviant behavior (Huraerah, 2005:41).

Richard J. Gelles (Huraerah, 2005:42) gave more comprehensive explanation about the causes of child abuse. There are four main Causes: Intergenerational transmission of violence, social stress, social isolation and low community involvement, and family structure.

a. Intergenerational Transmission of Violence

Kids always immitate their parents behavior and how their treatment to them, so several studies show that 30% of parents who did violance to their children, when the children grows up and becomes parents, they do violance to their children (Huraerah, 2005:40). But some scholars believe it
also depends on understanding of the children whether the children understand and believe that their parents' treatment is wrong or not.

b. **Social Stress**

Stress which appears in several social conditions increases the risk of child abuse in families. These social conditions include unemployment, illness, poor housing conditions, a larger-than-average family size, the presence of a new baby, disabled person, and death. Most of the child abuse reports come from the poverty condition. Child abuse actually happens in high-class families as well. But they can hide it because of their lack of interaction time to social institutes (Huraerah, 2005:43).

c. **Social Isolation and Low Community Involvement**

Parent or custodian who do violence to children tend to be isolated socially. They don't want to take part in social organization, and most of them have little friend relationships. Low community involvement makes stress people get no solution and no social values internalization (Huraerah, 2005:43).

d. **Family Structure**
Several types of family have big influence to increase of child abuse risk. For example, single parent tends to do violence to their children because single parent usually has low income. Several families, who always fight each other among the husband and wife, also tend to do child abuse. Some of family who is husband or wife has more domination tends to get higher risk child abuse than who decides everything together (Huraerah, 2005:44).

C. Indonesian Migrant Worker

There are several opinion to the definition of Indonesian migrant workers. According to Indonesian Law about migrant workers number 39 year 2004 entitled The Placement and Protection of Indonesian Migrant Workers Abroad chapter I Article I Verse 1, Indonesian migrant worker is “setiap warga negara Indonesia yang memenuhi syarat untuk bekerja di luar negeri dalam hubungan kerja untuk jangka waktu tertentu dengan menerima upah” (Any Indonesian resident who is qualified for working abroad in a working relationship for a certain period with received a fee).

Based on an understanding the Indonesian migrant workers, so it can be explained that Indonesian migrant worker is any Indonesian residents who is qualified for work abroad in a certain period of time based on a work through procedures placement abroad workers with received a fee. Based on Indonesian Republic law number 39 year 2004 on the Placement and Protection of Indonesian
Migrant Worker, a candidate of Indonesian migrant workers are any resident of Republic of Indonesia who qualifies for job seekers that are going to work in a foreign country and registered in agency of the district governments those in charge of employment.

D. Islamic Family Law

Islamic family law in Indonesia contains of marriage, divorce, child custody, child protection, and inheritance law. In this paper, the researcher explains child custody and child protection based on Islamic family law related to child abuse as a main topic of this paper. Islam has put attention related to the urgency of child protection. Allah said in Quran Surah At Tahrim verse of six and An Nisa verse of nine:

“O you who have believed, protect yourselves and your families from a Hell whose fuel is people and stones, over which are [appointed] angels, harsh and severe; they do not disobey Allah in what He commands them but do what they are commanded” (Q.S. al-Tahrim:6).

“And let those [executors and guardians] fear [injustice] as if they [themselves] had left weak offspring behind and feared for them. So let them fear Allah and speak words of appropriate justice” (Q.S. al-Nisa:9).

Islamic family law has Hadhanah as a fundamental concept about child custody and Child Protection. According to Lisan Al-Arab, hadhanah (حضانة) is
taken from the root verb hadhana (حضن - يحضن) which means clasp in one’s arm, to embrace, or to hug someone, but it has also been used to imply to nurse, to bring up, or to raise a child. Hadhanah, therefore, means raising, bringing up, or nursing a child. It has also been further defined as "the office, or occupation, of carrying and rearing or fostering a child" (Zahraa and Malek, 1998:154).

Hadhanah, actually, has no adillah qath‘iyyah (principle verse) in Quran. Hadhanah itself is actually addressed for a divorced wives. The origins of hadhanah concept taken from the urgency of radha‘ah (breastfeeding) which taken from Quran Surah Al-Baqarah verse of 233 (Al Hilali & Khan, 1983):

وَالْوَالِدَاتُ يَرْضِيعْنَ أَوْلَادَهُنَّ حَوْلَيِّينَ كَامِلَيْينَ ۖ وَعَلَى الْمَوْلُودِ لَوُ رِزْقُهُمْ وَكَسْوَتُهُمْ بالْمَعْزُوفٍ ۖ وَعَلَى الْوَالِدَةِ مَثْلُ ذَٰلِكَ ۗ وَإِنْ أَرَادَا فِ َالًَّ عَن ت َ َاضٍ مِّن ْهُمَا اوَ وَ وَ اوُ رٍ فَلَُ جُنَاحَ عَلَيْهِمَا ۗ وَإِوْ أَرَدتُُّّْْ أَوُ بِوَلَدِهِ إِذَا سَلَّمْتُم مَّا آتَيْتُم بِالْمَ ْ ُوفِ ۗ وَإِوْ أَرَادَا فِ َالًَّ عَن ت َ َاضٍ مِّن ْهُمَا اوَ وَ وَ اوُ رٍ فَلَُ جُنَاحَ عَلَيْهِمَا ۗ وَاتَّقُوا اللَّهَ ۚ وَاعْلَمُوا أَوَّلَ ۗ وَاتَّقُوا اللَّهَ ۚ وَإِيَّاهَا تَمْلَى مَّا آتَيْتُم بِالْمَعْزُوفٍ ۚ وَاقْنُوا اللَّهَ ۚ وَاعْلَمُوا أَنَّ اللهَ يَحْكِمُ بِالْحَقِّ بِبَيْنِكُمْ وَتَعَالَى

“The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling, but the father of the child shall bear the cost of the mothers food and clothing on a reasonable basis. No person shall have a burden laid on him greater then he can bear. No mothers shall be treated unfairly on account of her child, nor father on account of his child. And on the (father’s) hair is incumbent the like of that (whic was incumbent on the father). If both decide on weaning, by mutual consent, and after due consultation, there is no sin on them. And if you decide on a foster suckling-mother for your children, there is no sin on you, provided you pay (the mother) what you agreed (to give her) on reasonable basis. And fear Allah and no that Allah is All-Seer of what you do” (Q.S. al-Baqrarah:233).
In hadith of prophet Mohammad peace be upon him, hadhanah has been documented in once of happening (HR. Abu Dawud:2276) (Za’i, 2008:80):

Hadith: Amr b. Shu’ail on his father’s authority said that his grandfather (Abdullah ibn Amr ibn al-’As) reported:

A woman said: Messenger of Allah, my womb is a vessel to this son of mine, my breasts, a water-skin for him, and my lap a guard for him, yet his father has divorced me, and wants to take him away from me. The Messenger of Allah (ﷺ) said: You have more right to him as long as you do not marry.

Sabiq on his Fiqh Sunnah wrote that the argument of Prophet Mohammad said to a divorced woman in hadith: “أنتِ أحقُّ بو (you have more right on your child)” because mother can breastfeed her child, mother has more patients than father and mother has more opportunities to educate her child than her mother (Sabiq, 1995:352). Rusli also wrote that the goal of hadhanah is to protect religion, health, psychology, intellectuality, respectability, etc (Rusli, 2006:231).

Therefore, children has a freedom to choose their custodian when they has been tamyiz (grown adult). Islamic Law Compilation in Indonesia doesn’t mention the specific age of tamyiz, but generally, tamyiz is about 15 years old for boy and nine years old for girl.
**Hadhanah** is also interchangeably known as *Kafalah* (كفالة) which also means bringing up and looking after a child. Terminologically, *hadhanah* means the protection given to those who cannot act for themselves, such as the child or the insane person, and the care given to them such as in looking after their food, drinks, and such like, in order to promote whatever brings benefit to them. As this term seems to denote an emotional and physical connotation, the jurist found it to be most suitable to the legal system of custody in Islamic Law (Zahraa and Malek, 1998:155-156).

Islam concerns to Hadhanah deeply because it has an important role to take care and protect the child. The custody and protection included the protection of religion, health, psychology, intellectuality, respectability, etc. Or generally, the protection of fundamental principles of *syariah* (*maqasid al syar’iah*) (Rusli, 2006:231).

According to Sabiq, the authority of *hadhanah* belongs to mother and mother’s family (grand mother or aunty from mother) because mother was assumed that she has soul of motherhood which is necessary needed by the child (Sabiq, 1995:357). There are difference of arguments about *hadhanah*, is it rights or obligation. The scholars in general argue that *hadhanah* is rights when the situation runs well.

The rights in *hadhanah* included three rights: the rights of father, the rights of mother, and the rights of child. But when the situation is out of normal (i.e: divorce), the first priority is the rights of child and mother has the obligation
to take care the child, or in other word, the court can force the mother to take care the child (Rusli, 2006:231). If the mother deny to take care her child, even there are no Islamic law which regulate the punishment, the judges can still use ta’zir principle to determine the punishment because the rights of child is more urgent than mother’s rights or father’s rights (Rusli, 2006:232).

This hadhanah concept is adopted to the Islamic family law and positive law in terms of child custody. But, as was explained in chapter I, every Islamic state has its own characteristic depends on the madzhab (Islamic school) adopted. In south of Asia where Hanafiyah madzhab more dominant, the child custody belongs to mother until seven years old for boy and until puberty period for girl. This happens in India, Bangladesh, and Pakistan (Rusli, 2006:233).

In north Africa where Maliki madzhab more dominant, exclude Egypt, mother has rights of child custody until puberty period for boy and marriage period for girl. This happens in Maroko, Algeria, Libya, and Tunisia. Additional for Algeria, even the child custody belongs to mother, the ex-husband still has an obligation to guarantee the accommodation of the child. In Tunisia, mother has an exclusive rights of her child like marriage guardian rights (Rusli, 2006:234).

In contrasts to Iran where Shi‘ah dominate. Iran adopt Shi‘ah Ja‘fariyah madzhab on their law. Based on Iran law about child custody, the period of custody for boy ends in two years old and seven years old for girl. The rights of custody belongs to mother but if the mother get marry for second time, the rights of custody belongs to father (Rusli, 2006: 235).
In south east Asia where Shafi’iah dominant, the law are of child custody more influenced by this madzhab. In Malaysia, for instance, child custody rights belongs to mother untill seven years old (for boy) and nine years old (for girl). The court can extend the period for boy untill nine years old and for girl untill eleven years old according to the request of the hadinah (custodian). After the end of period of custody by mother, father becomes the custodian because after the child get tamyiz (mature), they can choose their custodian (Rusli, 2006:233).

In contrasts to Malaysia, Philippines regulates every boy or girl is under mother’s custody untill seven years old. After seven years old, the child can choose their custodian. For girl who still not get marry yet is under father’s custody and for boy who still not get marry yet is under mother’s custody (Rusli, 2006:233).

In Indonesia, hadhanah concept is adopted into Indonesian Law no.1 year 1974 about marriage and Islamic Law Compilation year 1999. The law enforcement is under court of religion authority. In Indonesia, Islamic Family Law is implemented in Islamic Law Compilation which contains of marriage, divorce, child custody, Child Protection, and inheritance law. The child custody and Child Protection refer to hadhanah as a fundamental concept.
CHAPTER III
DATA PRESENTATION OF INDONESIAN MIGRANT WORKER
FAMILY IN DOPLANG, BAWEN, SEMARANG

A. General Description of Doplang, Bawen, Semarang

1. Doplang: Geographical Condition

   The territory of Doplang village is located in Bawen, Semarang District, Central of Java. This village is bordered by Bawen village in east side, Asinan village in west side, Polosiri village in north side, and Kandangan village in south side. Doplang village territory is strategic because it located for about two kilometers from the main road of Semarang City – Yogyakarta City. Doplang topography is hillside with the altitude 623 MASL (Meters Above Sea Level).

   The total area coverage of Doplang village is about 372, 2 Ha. Most of them are habitation (199, 61 Ha) and rice field (39, 89 Ha). While there are community forest in Doplang for about 39, 89 Ha. There is no ownership of

<table>
<thead>
<tr>
<th>Type of Land</th>
<th>Area Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice Field</td>
<td>132, 47 Ha</td>
</tr>
<tr>
<td>Farms</td>
<td>0, 00 Ha</td>
</tr>
<tr>
<td>Plantation</td>
<td>0, 00 Ha</td>
</tr>
<tr>
<td>Community Forest</td>
<td>39, 89 Ha</td>
</tr>
<tr>
<td>Habitation</td>
<td>199, 61 Ha</td>
</tr>
<tr>
<td>TOTAL</td>
<td>372, 2 Ha</td>
</tr>
</tbody>
</table>

   Table 3.1. Type of Land and Its Coverage in Doplang Village (BPS: 2014)
government institute towards any field in Doplang, then all of the fields are individual/community belongings.

Based on administrative aspect, Doplang is categorized as a ‘Desa’ (not ‘Kelurahan’) which is lead by the ‘kepala desa’ who is appointed through the ellection (while ‘lurah’ is appointed from the major). Doplang has seven dasun, seven RW, and 34 RT (BPS:2014). The public infrastructure in Doplang is limited. In Doplang there is no state bank or private bank, no traditional or modern market, no hotel or restaurant, no clinic and no koperasi (BPS:2014). But the access to those public infrastructures is not far. Those public infrastructures are located in Ambarawa Sub District, it only two kilometers from Doplang.

2. Doplang: Demographical Condition

The total population of Doplang Village in the last 2013 is 4,471 people with the growth percentage is 1,11% (BPS:2014). The classification based on sex and age are presented in the table 3.2.

<table>
<thead>
<tr>
<th>Age</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4</td>
<td>197</td>
<td>162</td>
<td>359</td>
</tr>
<tr>
<td>5-9</td>
<td>225</td>
<td>189</td>
<td>414</td>
</tr>
<tr>
<td>10-14</td>
<td>180</td>
<td>163</td>
<td>343</td>
</tr>
<tr>
<td>15-19</td>
<td>195</td>
<td>156</td>
<td>351</td>
</tr>
<tr>
<td>20-24</td>
<td>142</td>
<td>147</td>
<td>289</td>
</tr>
<tr>
<td>25-29</td>
<td>201</td>
<td>192</td>
<td>393</td>
</tr>
<tr>
<td>30-34</td>
<td>201</td>
<td>212</td>
<td>413</td>
</tr>
<tr>
<td>35-39</td>
<td>189</td>
<td>198</td>
<td>387</td>
</tr>
<tr>
<td>40-44</td>
<td>191</td>
<td>179</td>
<td>370</td>
</tr>
<tr>
<td>45-49</td>
<td>142</td>
<td>122</td>
<td>264</td>
</tr>
<tr>
<td>50-54</td>
<td>110</td>
<td>125</td>
<td>235</td>
</tr>
</tbody>
</table>
International Labour Organization (ILO) 138th convention and Indonesian Law 1997 on limits the productive age or working age is 14-60 years old (Soemiarti:1998, Sudaryono, et.al:1998). Then, based on the convention and the law, it can be measured that the amount of productive age people in Doplang is 2876 peoples or 64, 3% of total population. It also can be assumed that every one productive age people handles one unproductive age people. This assumption is correct if all of the productive age people are working, the fact is, not all of the productive age people are working. Some of them are student. The researcher found only 2290 peoples of Doplang who are workers. The data is presented below.

Table 3.3. The Livelihood of Doplang People in 2013 (BPS:2014)

<table>
<thead>
<tr>
<th>NO</th>
<th>JOB SECTOR</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agriculture</td>
<td>491</td>
</tr>
<tr>
<td>2</td>
<td>Horticulture</td>
<td>85</td>
</tr>
<tr>
<td>3</td>
<td>Plantation</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Fishery</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>Animal Husbondary</td>
<td>25</td>
</tr>
<tr>
<td>6</td>
<td>Silviculture</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Mining</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>Industry</td>
<td>686</td>
</tr>
<tr>
<td>9</td>
<td>Electricity &amp; Gas</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>Construction</td>
<td>135</td>
</tr>
<tr>
<td>11</td>
<td>Trade</td>
<td>347</td>
</tr>
<tr>
<td>12</td>
<td>Hotel &amp; Restaurant</td>
<td>146</td>
</tr>
</tbody>
</table>
Most of Doplang people work as a labour in industrial field. The second most is farm labour. Then, the ratio of Doplang people who works and who doesn’t work is 51, 22 %. The ratio of productive age people who works and who doesn’t work is 79, 6 %. While another data about Doplang population based on education background is presented in table 3.4.

Table 3.4. Education Background of Doplang People (BPS:2014)

<table>
<thead>
<tr>
<th>No</th>
<th>Education Background</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Not Completed Elementary School</td>
<td>754</td>
</tr>
<tr>
<td>2</td>
<td>Elementary School</td>
<td>1401</td>
</tr>
<tr>
<td>3</td>
<td>Junior High School</td>
<td>810</td>
</tr>
<tr>
<td>4</td>
<td>Senior High School/</td>
<td>509</td>
</tr>
<tr>
<td>5</td>
<td>Vocational School</td>
<td>64</td>
</tr>
<tr>
<td>6</td>
<td>Diploma I &amp; II</td>
<td>18</td>
</tr>
<tr>
<td>7</td>
<td>Diploma III/Academy</td>
<td>13</td>
</tr>
<tr>
<td>8</td>
<td>Diploma IV/Bachelor</td>
<td>21</td>
</tr>
<tr>
<td>9</td>
<td>Master/Doctoral</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>3591</strong></td>
</tr>
</tbody>
</table>

In general, Doplang population based on religion, most of them are moslem. The data is presented table 3.5.
Table 3.5. Doplang People Based on Religion (BPS:2014)

<table>
<thead>
<tr>
<th>No</th>
<th>Education Background</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Islam</td>
<td>4446</td>
</tr>
<tr>
<td>2</td>
<td>Christian Protestant</td>
<td>14</td>
</tr>
<tr>
<td>3</td>
<td>Catholic</td>
<td>11</td>
</tr>
<tr>
<td>4</td>
<td>Hinduism</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Buddha</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Kong Hu Cu</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>Others</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>4471</td>
</tr>
</tbody>
</table>

From 4471 people in Doplang, there are 46 people become a migrant worker, 43 peoples are women and three peoples are men. The researcher conduct a research towards the migrant worker and their children in Doplang because there was no research related to migrant workers and the violence of their children in Doplang, Semarang District, Central of Java.

B. The Respondent Family Description

In this sub chapter, the researcher presents the family description of respondents. The researcher conducted interview to five ex-Indonesian Migrant Workers in Doplang, Semarang District, Central of Java. Their name is off the records for their reputation. Their profile are presented in the table 3.6 below:

Table 3.6. The Profile of Respondent in Doplang, Bawen, Semarang District

<table>
<thead>
<tr>
<th>No</th>
<th>Initial Name</th>
<th>Birth</th>
<th>Home</th>
<th>Year of</th>
<th>Number of The Left Child</th>
<th>Total Duration</th>
</tr>
</thead>
</table>
### The Family of Mrs. M

The interview to Mrs. M was conducted on Monday, 07\textsuperscript{th} September 2015, in her family home in Doplang village. Mrs. M, born in 9\textsuperscript{th} of February 1972, became an Indonesian Migrant Worker in 1992 when her age was 20 years old and unmarried. She is fourth child of four siblings. Before being as an Indonesian migrant worker, she worked in Yusuf Barbershop. She only finished her study in junior high school level.

She worked in Singapore six years, and during her process, she only went home once per two years. She worked in bread-making industry in MacPherson district which belongs to Palembang people, so she did not has any difficulty in language. After that, she worked in Singaporean family as a helper. She had to speak English during her job.

In 31\textsuperscript{th} of March 1999, she went home for marriage and after 36 days she went back to Singapore until 2001. In 2001, she went back to Doplang because of her pregnancy. In 16\textsuperscript{th} of March 2002, she got twin babies, boy and...
girl. She stayed at home for about 4 years. After marriage, M build a small shop in front of her home as her income.

At that time, her sister wanted to become migrant worker but when she conducted the medical check up, the result was unfit (she was prohibited to work overseas). But when M tried the medical check up, she passed. So in 2005, she was taught English and Kantoni in Indonesian migrant worker agent company for 8 months. She was also trained daily activities starting from shalat, having a sport, in class lesson from 8 am – 4 pm. In 2006 – 2014, she decided went to Hongkong and worked as a helper and office girl. She got salary HGD3,200 - 3,600 or Rp 6,000,000, - per month. She often went to Shanghai because her boss has a shipping company in Shanghai.

She was interesting to become Migrant Worker when she met her friend who works overseas and her English became good. She told to the researcher: “Aku dulu ketularan kancaku, pulang dari kerja jadi TKI di Singapura kok pinter bahasa inggris. Kemudian jadi tertarik bekerja ke luar negeri” (I was influenced by my friend. She worked overseas and her English became good. Then I interested to become migrant worker).

She left her children for eight years. She took permissions once for two years, 14 days in first permission, 18 days in second permission, and 21 days in third permission. Her husband took care all of her children. The communication between her and her family was through phone or correspondence, once in a month. She looked after her children through it.
She left her children when her children were in kindergarten till sixth grade of elementary school.

Being Indonesian migrant worker makes M happy and sad. She was happy because she can fight for her child education and future. In other side, she was sad because she had to left her children. She said to the researcher, “Sebenarnya berat sekali meninggalkan anak. Akan tetapi ketika berpikir tentang masa depan anak, kalau kita tidak memperjuangkan sekarang, selagi masih mampu, tenaga masih dibutuhkan maka lebih baik cari uang daripada pendidikan anak keteteran, masa depan suram. Memperjuangkan masa depan anak dan keluarga. Itu tujuan utama (Actually, leaving my children was so hard. But when we think about our child education and future, if we didn’t fight now when we had an ability, we could not bring our children to the bright future. So, better we seek for money to fight for our children),”. She acknowledges that her children are lack of love and care from their parents, especially their mother. Her husband replaced her role as a mother of her children, beside of his role as a father. Her husband worked as a farmer.

She thanks to Allah because her children have no social problems or teenager problems as usual. She is very proud of her children because they can recite Al Qur’an well and win the competition. When her children learned literacy, they wrote:”Ibuk pergi cari uang untuk mas bela mbek adek (Mother goes too seek for money for us)”. They have empathy and they know that their mother has been tired in seeking for money so they have to study hard.
Based on the researcher depth interview and observation, Mrs. M family has no significant problems and no violence indications found. She hopes their children grow up well and becoming educated people. In the rest of her life, she does not want to work overseas again. She said, “Sekarang anak-anak sudah mulai besar jadi kepikiran tentang pergaulan. Bisa jadi anak-anak ‘semau gue’ jika ditinggal lagi. Yaudah disyukuri yang sekarang ada di rumah, menjaga mendampingi anak tumbuh dewasa. Meski penghasilan tidak sebesar di luar negeri tapi dirasa cukup maka disyukuri” (Today, my kids are growing up and I worry for their friend community. I am afraid, if I leave my family, my kids become disobey. I consider that our family life is quiet enough, so I choose to keep my kids grow up). The only one of Mrs. M’s principle when working overseas is not to forget the family.

2. The Family of Mrs. N

The interview to Mrs. N was conducted on Wednesday, 16\textsuperscript{th} of September 2015, in her home in Doplang village. Mrs. M, born in 2\textsuperscript{nd} of February 1969, became an Indonesian migrant worker for the first time in 1995 when her age was 30 years old. She was married in 1990, and her child was born in 1991.

Mr. R, her husband, at that time actually did not give permissions to her. Her husband gave permissions after she whine time after time. Her husband, Mr. R, said to her: “Nek coro wong saiki ngarani kan ngene, men
At that time, her husband was a construction labour and Mrs. N herself only finished her education in elementary school level.

She got the information about Indonesian migrant worker from her friend who was becoming Indonesian migrant worker at that time. She went in 1995 and came back to Indonesia in 1997. Mrs N worked as a maid in Lorong Melayu, Singapore. Her job was service her boss privately who was very care for her body. Her boss was a grandmother.

She quit after two years (her contract) and came back to Indonesia. After a year, her boss called her to back to the work. The she came back to Singapore again after a year, precisely in 1998. Along she worked overseas, her child was under her mother (the grandmother) custody. Her husband also stayed in her parents home.

In 1999, Mrs. N went back to Singapore again and worked overthere for 20 months. Mrs. N told that she could go to Singapore for second time because her boss handled all of her administration process and ticket for going to Singapore. She only spent 20 months (a regularly contract was 2 years) because she missed her child. She told that the name of her boss grandchild is similar to the name of her child: Andri.
The communication way between Mrs. N and her family was through correspondence only. She almost never called her family. Having a home and a lot of money was a strong determination of Mrs. N becoming an Indonesian migrant worker. She reminded that she left her child when he was in kindergarten. Her child understood that his mother would leave him. Actually, her child is an easy going person before she left him, his grandmother or his father have no difficulty on carrying him. But after Mrs. N left him, her child became different. Her husband had a trouble on taking care of his child. This caused to her child education, he did not finish his kindergarten education. Her child directly attended elementary school when his age was five years old.

One of ironic phenomenon hapend when Mrs. N came back to Indonesia. Her child did not want his mother came to his school for taking his learning report. Her child was ashamed of her. When her child sat in second grade of elementary school, he did not want to went home to Mrs. N’s home. His child went to his grandmother’s home, whereas, Mrs. N and her husband already owned a home.

Because of that, her husband prohibited her for working overseas again. His husband said, “Wong rumah tangga kui nek salah siji lungo, meski duwe duit akeh tapi kebahagiaan kurang (married people may goes one of them and gets more money, but they will get less happiness)”. Her second
child was born in 1\textsuperscript{st} of January 2001. After that she never be an Indonesian migrant worker forever.

3. The Family of Mrs. Q

The depth interview to Mrs. Q was conducted on Thursday, 17\textsuperscript{th} of September 2015. Mrs. Q, born in 24\textsuperscript{th} of July 1975, became an Indonesian migrant worker for the first time in 2003. She only finished her education in elementary school grade. She got marry in July 1996 and got a baby boy in 29\textsuperscript{th} of February 1998.

She went to work in Malaysia when her child was five years old. She worked in Malaysia as a helper in a restaurant in night shift, from 4 Pm - 1Am. She worked in Malaysia for about two years. She came back to Indonesia and stayed for about 8 months, then she became Indonesian migrant worker again in Singapore. In Singapore, she worked as a maid. Her job was cleaning a her boss house and taking care her boss baby.

Just like Mrs. M and Mrs. N, she got an information about Indonesian migrant worker from her friend. Her strong motivation for becoming an Indonesian migrant worker was because of her economical condition. She and her husband still did not had a home, so they had to stay in their parent’s home. Her husband was a construction labour.

She did a correspondance to communicate with her family only if necessary. When the researcher asked her about her child education, Mrs. Q said she had no problem about it. Only when her child sat in junior high
school and her husband worked as a factory labour, her child sometimes skipped his class. Today her child sat in third grade senior high school in Nurul Amal foundation where located in Bandungan, Semarang district.

She told that the most important thing to keep her family well when she worked overseas is trust each other. She did not has any negative perceptions about her husband. She also said that every Indonesian migrant worker must take care on her/him self. She told that her child had no problem because her husband and her mother gave a clear explanations to her child.

She was sad when she worked overseas and saw her neighbours in her village could gather with their family. She perceived her neighbours are happier then her because they could gather with their family, even she had more money than them. Today, Mrs. Q promised that she will not go work overseas forever. Her reason is, beside of her family, her age is too old to go work overseas.

4. The Family of Mrs. SW

The depth interview to Mrs. SW was conducted on Friday, 18th of September 2015, in Doplang. Mrs. SW, born in 6th of Juny 1978, only finished her education level in junior high school grade. She worked as a labour after she finished her school. She married “by accident” in 1998 and her child was born in 8th of June 1998. Her child is a girl.

His husband worked overseas in 1999 and she stayed nomaden, sometimes in her aunty’s home, sometimes in her grandmother, and
sometimes in her husband’s parent. After one and half year, her husband came back bringing another women. Then, she divorced. She brought her child and she worked as a salesperson.

After that, her husband persuaded her to reconciliation. She wanted but the women he brought must be moved back to her home in Indramayu. After that she divorced and worked again as a salesperson in Salatiga. Then she back again to her ex-husband. Then she divorced again because her husband affair with other women. Then she worked as sales-person again in Magelang. After that, she back again with her ex-husband and, in 2005, they worked together in Pahang, Malaysia. They worked in Sultan’s home. Before two years working in Malaysia, they ran away from their workplace to Indonesia. Stay in Indonesia for a while then Mrs. SW goes abroad to Malaysia once more, she worked in the plastic factory in Johor Bahru. Then her husband had an affair again and she divorced forever.

Then, in 2009-2011, she worked in Hongkong, became a maid for a spinster who liked to play gambling. After she worked for two years in Hongkong, she came back to Indonesia and she never been an Indonesian migrant worker again till today. She became an Indonesian migrant worker totally eight years. After she came back to Indonesia in 2011, she got marry again with an Indonesian migrant worker who worked in South Korea. She got a private home and well economic condition, but because of long distance
relationship, she divorced again. She got marry again with a man who becomes her husband today.

Her journey of life which really complicated gave an impact to her child education. Her child was under her grandmother and her aunty custody. Her child also went along with her nomaden. When she was in Hongkong, her child attended a kindergarten school in Al Manar boarding school, Tengaran, Semarang district. In elementary school, her child did not attend only in one school. Her child moved from Doplang, Kebumen, Jakarta, and Pati. Her child attended junior high school in Bandungan.

Not only education, the Mrs. SW journey of life gave impact on health condition of her child. Her child suffered hepatitis, also lack of love, lack of care, and like to fight against her friend, even her teacher. In other condition, her child also maudlin. Actually, Mrs. SW really knows how was the feeling of her child. Mrs. SW is a third child of five siblings. Her mother was an Indonesian migrant worker also. When her mother became Indonesian migrant worker, her father was not responsible. He drunks, played with prostitutes, brutal, did not pay tuition fee of his child even his wife has transferred him.

5. **The Family Mrs. SA**

The depth interview to Mrs. SA was conducted in Wednesday, 21st September 2015 in Doplang. Mrs. SA, was born in 1960, did not finish her education in elementary school because she was bullied by her friend. She got marry in 1976 when her age was 16 years. Her first baby died when the
age was nine months. Then, she got a boy baby, a girl, and a boy again. She has three children.

She became an Indonesian migrant worker in 1984, when she was 24 years old. The reason becoming Indonesian migrant worker because of her husband who was like to drunk and play gamble. She was sponsored by someone in Salatiga. She worked in Jeddah, Saudi Arabia. She worked for two years, went back to Indonesia for two months, and back again to Jeddah. She worked as a maid. She was not only working in Jeddah but also in Riyadh and Abu Dhabi. She learned Arabic and English by the time she worked. Her boss was so angry because after five months she still can not speak English and Arabic well. As usually Indonesian migrant workers, her communication was through correspondence and phone. She was so sad because when her husband passed away she was in Abu Dhabi and she could not go to Indonesia.

She has a strong principle for her children: she does not want her children become like her. She thanks to Allah because her children never disobey to her. They have no social problems even their education only finished in senior high school grade.
CHAPTER IV
CHILD ABUSE OF INDONESIAN MIGRANT WORKER ON THE
PERSPECTIVE OF ISLAMIC FAMILY LAW

A. Types of Child Abuse in Doplang, Bawen, Semarang District

The researcher has conducted the interview and observation to five respondents in Doplang, Bawen, Semarang District. Based on the researcher’s interview, only social abuse that experienced in those five respondents. The types of child abuse in Doplang, Bawen, Semarang District, in general, has similar indication to the theoretical framework of Huraerah (2005).

Therefore, in general, the researcher has no different perception to Huraerah (2005) that almost all of the types of child abuse in Doplang, Bawen, Semarang District are neglect. But however, the neglect based on Huraerah (2005) has general and wide scope. While the neglect that researcher focuses on is the neglect of children of Indonesian migrant worker. Therefore, the form of neglect in Doplang is different each other.

Table 4.1. The Type of Child Abuse in Doplang, Bawen, Semarang District

<table>
<thead>
<tr>
<th>No.</th>
<th>Family</th>
<th>Type of Child Abuse</th>
<th>The Form of Neglect</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mrs. M</td>
<td>Neglect</td>
<td>Lack of Communication</td>
</tr>
<tr>
<td>2</td>
<td>Mrs. N</td>
<td>Neglect</td>
<td>No attention to her child education</td>
</tr>
</tbody>
</table>

49
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Phenomenon</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Mrs. Q</td>
<td>Neglect</td>
<td>Lack of attention</td>
</tr>
<tr>
<td>4</td>
<td>Mrs. SW</td>
<td>Neglect</td>
<td>Nomaden, no attention, lack of love</td>
</tr>
<tr>
<td>5</td>
<td>Mrs. SA</td>
<td>Neglect</td>
<td>Lack of communication and affection</td>
</tr>
</tbody>
</table>

In the family of Mrs. M, for example, when she worked abroad nobody care about home condition. The home was untidy, even her husband was staying at home (didn’t work abroad or out of Doplang village). There was no attention to the children or special communication like usually parents to their child. The family of Mrs. N is similar to Mrs. M. Her child didn’t get attention on the education. While she worked abroad, no one can exchange her role as a custodian. The family of Mrs. Q also did neglect to their children. While she worked abroad, the child was staying with the father (her husband). Her husband was not fully attention on the child because he had to work also.

The family of Mrs. SW is the most terrible neglect. She didn’t give any health protection, education, and attention to her child. She let her child follow to Malaysia so then her child didn’t attend the school. She often changed the workplace so her child must move the school manytimes. Her husband also did the neglect, when she worked abroad, her child was sick and her husband asked her to transfer the money. But he didn’t use the money to take his child to doctor.
The last is family of Mrs. SA. The neglect happened in this family was beginning from the husband who liked to play gamble and drunk. So then Mrs. SA let her parent to take care of her child and she worked abroad. The custody under her parents was normative, only feeding and giving the money to children.

For example, the neglect of Mrs. M is lack of communication. She never communicate with her children when she worked abroad because her children were under three years old. The children stayed with their father which couldn’t replace her role. Therefore, the neglect actually didn’t belong to Mrs. M only but also her husband. In this chapter, the researcher found that the types of child abuse according to the theory and the phenomenon has similarity in general and no specific difference.

B. Causes of Child Abuse in Doplang, Bawen, Semarang District

The researcher implements the concept of Huraerah to analyze the problem. First is the family of Mrs. M. Mrs. M, born in 9th of February 1972, became an Indonesian Migrant Worker in 1992 when her age was 20 years old and unmarried. She is fourth child of four siblings. Before being as an Indonesian migrant worker, she worked in Yusuf Barbershop. She only finished her study in junior high school level.

She worked in Singapore six years, and during her process, she only went home once per two years. In 31th of March 1999, she went home for marriage and after 36 days she went back to Singapore until 2001. In 2001,
she went back to Doplang because of her pregnancy. In 16th of March 2002, she got twin babies, boy and girl. She stayed at home for about 4 years. After marriage, M build a small shop in front of her home as her income.

She was interested become Migrant Worker when she met her friend who works abroad and her English became good. She said: “Aku dulu ketularan kancaku, pulang dari kerja jadi TKI di Singapura kok pinter bahasa inggris. Kemudian jadi tertarik bekerja ke luar negeri” (I was influenced by my friend. She worked abroad and her English became good. Then I interested to become migrant worker).

She left her children for eight years. She took permissions once for two years, 14 days in first permission, 18 days in second permission, and 21 days in third permission. Her husband took care all of her children. The communication between her and her family was through phone or correspondence, once in a month. She left her children when her children were in kindergarten till sixth grade of elementary school.

She said, “Sebenarnya berat sekali meninggalkan anak. Akan tetapi ketika berpikir tentang masa depan anak, kalau kita tidak memperjuangkan sekarang, selagi masih mampu, tenaga masih dibutuhkan maka lebih baik cari uang daripada pendidikan anak keteteran, masa depan suram. Memperjuangkan masa depan anak dan keluarga. Itu tujuan utama” (Actually, leaving my children was so hard. But when we think about our child education and future, if we didn’t fight now when we had an abbility,
we could not bring our children to the bright future. So, better we seek for money to fight for our children).

The researcher concludes that the factor of neglect in family of Mrs. M was social stress. The social stress of Mrs. M family, comes from the unemployment of the husband and poor housing conditions. However, the neglect of Mrs. M family didn’t affect significantly to the children. The children grows up well and there are no significant problems with their social life, education, health, or any other indications of child abuse impacts.

Second, the family of Mrs. N. She worked abroad also when her child was in kindergarten. Her husband was a construction labour. She worked in Singapore only for 20 months, starting when her child was in kindergarten and came back when they were in first grade of elementary school. Even her husband stayed, her child was under her mother custody and staying in her mother.

Her husband did not permit her to work abroad, at the first time. But he let her go in order to make her knows and didn’t curious. The factor of neglect in Mrs. N family was poor housing conditions or family poverty. While the impact of neglect on the Mrs. N family is her children who didn’t want to interact with her.

Third is Mrs. Q family. Mrs. Q, born in 24th of July 1975, became an Indonesian migrant worker for the first time in 2003. She only finished her education in elementary school grade. She got marry
in July 1996 and got a baby boy in 29th of February 1998. She went to work in Malaysia when her child was five years old. She worked in Malaysia for about two years. She came back to Indonesia and stayed for about eight months, then she became Indonesian migrant worker again in Singapore.

Her strong motivation for becoming an Indonesian migrant worker was because of her economical condition. She and her husband still did not had a home, so they had to stay in their parent’s home. Her husband was a construction labour.

Mrs. Q told about her child education that she had no problem about it, except when her child sat in junior high school and her husband worked as a factory labour, her child sometimes skipped his class. Today her child sat in third grade senior high school in Nurul Amal foundation where located in Bandungan, Semarang district.

She told that her child had no problem because her husband and her mother gave a clear explanations to her child. The researcher didn’t find any abuse in Mrs. Q family because she and her husband has given clear understanding to her child before she went to work abroad.

Fourth is Mrs. SW. She only finished her education level in junior high school grade. She worked as a labour after she finished her school. She married “by accident” in 1998 and her child was born in 8th of June 1998. Her
child is a girl. His husband worked abroad in 1999 and she stayed nomaden, sometimes in her aunty’s home, sometimes in her grandmother, and sometimes in her husband’s parents. After one and half year, her husband came back bringing another women. Then, she divorced. She brought her child and she worked as a sales person.

After that, her husband persuaded her reconciliation. She wanted but the women he brought must be moved back to her home in Indramayu. After that she divorced and worked again as a salesperson in Salatiga. Then she back again to her ex-husband. Then she divorced again because her husband affair with other women. Then she worked as sales-person again in Magelang.

After that, she back again with her ex-husband and, in 2005, they worked together in Pahang, Malaysia. They worked in Sultan’s home. Before two years working in Malaysia, they ran away from their workplace to Indonesia. Stay in Indonesia for a while then Mrs. SW goes abroad to Malaysia once more, she worked in the plastic factory in Johor Bahru. Then her husband had an affair again and she divorced forever. Then, in 2009-2011, she worked in Hongkong, became a maid for a spinster who liked to play gambling. After she worked for two years in Hongkong, she came back to Indonesia and she never been an Indonesian migrant worker again till today. She became an Indonesian migrant worker totally eight years.

After she came back to Indonesia in 2011, she got marry again with an Indonesian migrant worker who worked in South Korea. She got a private
home and well economic condition, but because of long distance relationship, she divorced again. She got marry again with a man who becomes her husband today.

Mrs. SW is a third child of five siblings. Her mother was an Indonesian migrant worker also. When her mother became Indonesian migrant worker, her father was not responsible. He drunk, played with prostitutes, brutal, did not pay tuition fee of his child even his wife has transfered him.

According to the interview and observation, the researcher found many problems in the family of Mrs. SW. Starting from her “accident marriage” and her child was born in similar year, it can be categorized as immature family and unwanted child. That immature family affected to her divorce then made her single parents. Unfortunatelly, after her divorce she reconcile then divorce again untill three times, what so complicated.

She got marry with three differents men. Not only her marriage, but also her social condition in Hongkong when she worked as a maid of a spinster who likes to play gamble. As a matter of fact, her parrents also did what she did. Her mother was an Indonesian Migrant Worker and her father stayed at home. Her father was not responsible anymore.
He never paid tuition fee of her school, drunk, and did prostitutes. So the researcher concludes that her neglect also because of the intergenerational transmission of violence. Those were the Causes of neglect to her child. It affected to her child who suffered hepatitis, lack of love, lack of care, and also maudlin.

The last respondent is the family of Mrs. SA. Mrs. SA, was born in 1960, did not finish her education in elementary school because she was bullied by her friend. She got marry in 1976 when her age was 16 years. Her first baby died when the age was nine months. Then, she got a boy baby, a girl, and a boy again. She has three children.

She became an Indonesian migrant worker in 1984, when she was 24 years old. The reason becoming Indonesian migrant worker because of her husband who was like to drunk and play gamble. She worked in Jeddah, Saudi Arabia. She worked for two years, went back to Indonesia for two months, and back again to Jeddah. She worked as a maid. She was not only working in Jeddah but also in Riyadh and Abu Dhabi. She was so sad because when her husband passed away she was in Abu Dhabi and she could not go to Indonesia. She has a strong principle for her children: she does not want her children become like her. But unfortunatelly, her first child was exposed to drugs.

According to the primary data below, the researcher concludes that she was too young when she got marry (immature family) and her
husband who liked playing gamble and drunk (social stress), are the main Causes of neglect in the family of Mrs. SA.

Table 4.2. The Causes of Child Abuse in Doplang, Bawen, Semarang District

<table>
<thead>
<tr>
<th>No.</th>
<th>Family</th>
<th>The Causes of Child Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mrs. M</td>
<td>Social Stress, Poverty</td>
</tr>
<tr>
<td>2</td>
<td>Mrs. N</td>
<td>Social Stress, Poverty</td>
</tr>
<tr>
<td>3</td>
<td>Mrs. Q</td>
<td>Social Stress, Poverty</td>
</tr>
<tr>
<td>4</td>
<td>Mrs. SW</td>
<td>Intergenerational Transmission of Violance, Immature Family /Unwanted Child, Broken Home, Social Stress</td>
</tr>
<tr>
<td>5</td>
<td>Mrs. SA</td>
<td>Immature Family, Social Stress</td>
</tr>
</tbody>
</table>

There are two main causes of child abuse of Indonesian migrant workers in Doplang, Bawen, Semarang District refers to Huraerah (2005) and the real phenomenon, both are: social stress (poverty) and lack of understanding of marriage’s consequences. Besides of two main causes, there are another supporting causes like intergenerational transmission of violence, immature family/unwanted child, broken home, the absences of state, and the influence of others. Those several causes are interconnected each other, as the researcher presents in the picture below.
Poor condition is actually the main factor that motivate a family to seek a way out from the poverty itself. This poverty are the impact of the absence of state and immature family. The meaning of the absence of state is the state failed to facilitate the people to gain a job, or the state failed to facilitate the formal education for its people so they can gain a job (all the respondents are low educated people).

Not only in economic and formal education, the state also failed to do law enforcement of Islamic law compilation related to wives and Child Protection besides of hadhanah. For example, in chapter 80 about the obligation of husband. In verse fourth mentioned that husband has obligation to fulfill the need of house, living cost, education cost, etc. But, in this case, the wifes take the role of their husbands.

However, no one law enforcement instrument related to chapter 80 of Islamic law compilation. In other case, for instance, the obligation of using helmet when riding of motor cycle. The law enforcement is clear, bikers who doesn’t use helmet will be punished by police as law enforcer. But, in chapter 80 of Islamic law compilation, there are no law enforcer and no law enforcement instrument.
The researcher considers if chapter 80 of Islamic law compilation has a clear law enforcement instrument, the mothers will not go abroad for job, but their husband will do it. Next, all of their reasons for seeking job abroad were poverty. Then, the main factor of the wives left their family is poverty. This phenomenon justify that state is still absent for overcome the poverty.

The researcher believes, if state presents to enforce Islamic law compilation as a real regulation, not only normative substancy, and the state presents to overcome poverty by any related programs, the phenomenon of child abuse of Indonesian Migrant Worker can be decreased or even removed.

Unwanted child/immature family also affects to poverty because the immature family still has no clear vision of the family. The husband also still has no job as his age doesn’t fulfill the requirement of job requirements. It happens in Mrs. SW family.

Next is lack of understanding of the marriage’s consequences. Actually, beside of hadhanah, there are regulation in Islamic family law compilation about marriage’s consequences which regulate the role of wives. This regulation has a purpose to protect the children. But unfortunately, this regulations are lack understood and lack of attention. The lack of understanding of marriage’s consequences is the result of low education level and lack of socialization. The law has been clearly mentioned like this:

*Kewajiban Suami*
*Pasal 80*

(1) Suami adalah pembimbing, terhadap isteri dan rumah tangganya, akan tetap mengenai hal-halurusan rumah tangga yang penting-penting diputuskan oleh sumai isteri bersama.
(2) Suami wajib melindungi isterinya dan memberikan segala sesuatu keperluan hidup berumah tangga sesuai dengan kemampuannya

(3) Suami wajib memberikan pendidikan agama kepada isterinya dan memberi kesempatan belajar pengetahuan yang berguna dan bermanfaat bagi agama, nusa dan bangsa.

(4) sesuai dengan penghasilannya suami menangung:
   a. nafkah, kiswah dan tempat kediaman bagi isteri;
   b. biaya rumah tangga, biaya perawatan dan biaya pengobatan bagi isteri dan anak;
   c. biaya pendidikan bagi anak.

(5) Kewajiban suami terhadap isterinya seperti tersebut pada ayat (4) huruf a dan b di atas mulai berlaku setelah ada tamkin sempurna dari isterinya.

(6) Isteri dapat membebaskan suaminya dari kewajiban terhadap dirinya sebagaimana tersebut pada ayat (4) huruf a dan b.

(7) Kewajiban suami sebagaimana dimaksud ayat (5) gugur apabila isteri nusyuz.

**Tempat Kediaman**

Pasal 81

(1) Suami wajib menyediakan tempat kediaman bagi isteri dan anak-anaknya atau bekas isteri yang masih dalam iddah.

(2) Tempat kediaman adalah tempat tinggal yang layak untuk isteri selama dalam ikatan perkawinan, atau dalam iddah talak atau iddah wafat.

(3) Tempat kediaman disediakan untuk melindungi isteri dan anak-anaknya dari gangguan pihak lain, sehingga mereka merasa aman dan tenang. Tempat kediaman juga berfungsi sebagai tempat menyimpan harta kekayaan, sebagai tempat menata dan mengatur alat-alat rumah tangga.

(4) Suami wajib melengkapi tempat kediaman sesuai dengan kemampuannya serta disesuaikan dengan keadaan lingkungan tempat tinggalnya, baik berupa alat perlengkapan rumah tangga maupun sarana penunjang lainnya.

**Kewajiban Isteri**

Pasal 83

(1) Kewajiban utama bagi seorang isteri ialah berbakti lahir dan batin kepada suami di dalam yang dibenarkan oleh hukum islam.

(2) Isteri menyelesaikan dan mengatur keperluan rumah tangga sehari-hari dengan baik-baiknya.

But unfortunately, none of the respondents has read this law or, at least, known the consequences of marriage. In the opinion of the researcher, this is one of the causes of the child abuse of Indonesian Migrant Worker. The child abuse of Indonesian Migrant Worker happened because of the absence of the mother, while the mother works abroad. If the wives know this law well, the wife will never let
their child to work abroad and the husband never permit their wives to work abroad. If it necessary, the husbands will go for it.

Next, there are influence of others to the poor family to work abroad. Most of the influences come from the respondents friends. Because of low education, so the respondents only can get a job as a maid, which mean, the workers who are needed abroad are women. Therefore, the husband who is actually has a main role to work for their family must stay at home, and the wife who is actually has a big responsibility to educate her child must leave.

The need of Indonesian maid in foreign or neighbour countries is huge and the sallary of maid in Singapore or Malaysia much more than in Indonesia. The maid needed are woman, then the worker as a maid in Singapore or Malaysia is woman. This reality makes the women in several vilages in Indonesia, speciality in Doplang, who are her husband was unemployed or lack of income, decides to work abroad.

The decision was not only based on the reality they knew but also influenced by their friends. On example is Mrs. M who said “Sebenarnya berat sekali meninggalkan anak. Akan tetapi ketika berpikir tentang masa depan anak, kalau kita tidak memperjuangkan sekarang, selagi masih mampu, tenaga masih dibutuhkan maka lebih baik cari uang daripada pendidikan anak keteteran, masa depan suram. Memperjuangkan masa depan anak dan keluarga. Itu tujuan utama (Actually, leaving my children was so hard. But when we think about our child education and future, if we didn’t fight now when we had an ability, we could
not bring our children to the bright future. So, better we seek for money to fight for our children.\textsuperscript{72}

But how she decides to work abroad is influenced by her friend: “Aku dulu ketcularan kancaku, pulang dari kerja jadi TKI di Singapura kok pinter bahasa inggris. Kemudian jadi tertarik bekerja ke luar negeri” (I was influenced by my friend. She worked abroad and her English became good. Then I interested to become migrant worker). It also happened in Mrs. N. Mr. R, her husband, at that time actually did not give permissions to her. Her husband gave permissions after she whine time after time. She knew the information about Indonesian Migrant Worker is from her friend who made her so curious.

Intergenerational transmissions of violence and immature family becomes indirect factor of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang District. However, it only happened in family of Mrs. SW. The researcher argue that all of the mother who leave her child for working abroad will definitely neglect. Because the role of mother can not be changed by other person, even the father.

C. Impacts of Child Abuse in Doplang, Bawen, Semarang District

The theory doesn’t mention specific forms of the impacts of child abuse. Based on the interview and observation, the researcher gets facts about the impacts of child abuse in Doplang, Bawen, Semarang. Those impacts are presented in the table 4.3:

<p>| Table 4.3. The Impacts of Child Abuse in Doplang, Bawen, Semarang District | 62 | 63 |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Family</th>
<th>The Impact of Child Abuse</th>
</tr>
</thead>
</table>
| 1   | Mrs. M     | The home was untidy  
Her child was lack of care/ love  |
| 2   | Mrs. N     | Her child usually doesn’t want to meet her  
Her first child did not finish the education in kindergarten and Senior High School  
Her child was lack of care/ love  |
| 3   | Mrs. Q     | Her child often skips the class  |
| 4   | Mrs. SW    | Her child suffered hepatitis, lack of love, lack of care, maudlin.  |
| 5   | Mrs. SA    | Her first child was exposed to drugs  
Her child was lack of care/ love  |

First is the family of Mrs. M. She acknowledgement that her children are lack of love and care from their parents, especially their mother. Her husband replaced her role as a mother of her children, beside of his role as a father. Her husband worked as a farmer. She said that when she left her children, her husband was not taking care well. Everything was untidy and the home was dirty. The children education and health were unmanaged.

This practice of neglect was ended when she came back to Doplang, stayed and never work abroad again. However, the neglect of Mrs. M family didn’t affect significantly to the children. The children grows up well and there are no significant problems with their social life, education, health, or any other indications of child abuse impacts.

Second, the family of Mrs. N. She worked abroad also when her child was in kindergarten. Before she worked abroad, her child was an easygoing, she and her husband had no difficulty on carrying him. But after Mrs. N left him, her child became different. Her husband had a trouble on taking care of his child. This caused to her child education, he
did not finish his kindergarten education. Her child directly attended elementary school when his age was five years old.

One of ironic phenomenon happened when Mrs. N came back to Indonesia. Her child did not want his mother came to his school for taking his learning report. Her child was ashamed of her. When her child sat in second grade of elementary school, he did not want to went home to Mrs. N’s home. His child went to his grandmother’s home, whereas, Mrs. N and her husband already owned a home.

Third is Mrs. Q family. Mrs. Q told about her child education that she had no problem about it, except when her child sat in junior high school and her husband worked as a factory labour, her child sometimes skipped his class. Today her child sat in third grade senior high school in Nurul Amal foundation where located in Bandungan, Semarang district. She told that her child had no problem because her husband and her mother gave a clear explanations to her child. The researcher didn’t find any abuse in Mrs. Q family because she and her husband has given clear understanding to her child before she went to work abroad.

Fourth is the family of Mrs. SW. In elementary school, her child did not attend only in one school. Her child moved from Doplang, Kebumen, Jakarta, and Pati. Her child attended junior high school in Bandungan. Not only education, the Mrs. SW journey of life gave impact on health condition of her child. Her child
suffered hepatitis, also lack of love, lack of care, and like to fight against her friends, even her teacher. In other condition, her child also maudlin.

The last respondent is the family of Mrs. SA. Mrs. SA, was born in 1960, did not finish her education in elementary school because she was bullied by her friend. She got married in 1976 when her age was 16 years. Her first baby died when the age was nine months. Then, she got a boy baby, a girl, and a boy again. She has three children.

She became an Indonesian migrant worker in 1984, when she was 24 years old. The reason becoming Indonesian migrant worker because of her husband who was like to drunk and play gamble. She was not only working in Jeddah but also in Riyadh and Abu Dhabi. She has a strong principle for her children: she does not want her children become like her. But unfortunatelly, her first child was exposed to drugs.

D. Child Abuse of Indonesian Migrant Worker On The Perspective of Islamic Family Law

According to Islamic family law, the role of seeking money for family income is belonging to the husband and the role of child education and guardiance are belonging to wife (Sabiq, 1995:354). This argument refers to concept radha’ah (breastfeeding) as the origin of hadhanah which taken from Quran Surah Al-Baqarah verse of 233 (Al Hilali & Khan, 1983).
That verse about the urgency of mother’s role to the guardianship or custody of child. Mother also known as madrasatul ular (the first school) for every human being (Sabiq, 1995:354). In hadith of prophet Mohammad peace be upon him, hadhanah has been documented in once of happening (HR. Abu Dawud:2276) (Za’i, 2008:80):

حَدَّثَنَا مُحَمَّدٌ بْنُ خَالِدٍ السُّلَمِيُّ، حَدَّثَنَا الْوَلِيدُ، عَنْ أَبِي عُمْرَةَ، - يُبَنِي الأَوْزَاعِيَّ، - حَدَّثَنِي عُمْرَةَ بْنُ شُيَبٍ، عَنْ أَبِي، عَنْ جَدِّي عَبْدِ اللَّهِ بْنِ عُمْرَةَ، أَنّ امْرَأَةً، قَالَتْ مَيًا رَسُولُ اللَّهِ، إِنَّ ابْنِي هذَا كَانَ بَطْنِي لَوُ وِعَاءً وَثَدْيِي لَوُ سِقَاءً وَحِجْيِي لَوُ حِوَاءً وَإِيَّاهُ طَلَّقَنِي وَأَرَادَ أَنْ يَنْتَزِعَ مِنِّي فَقَالَ لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم "أَنتِ أَحَقُّ بِوُمَلَا تُنْكِحِي " (رواية أبو داود)

Amr b. Shu’aib on his father’s authority said that his grandfather (Abdullah ibn Amr ibn al-‘As) reported:

A woman said: Messenger of Allah, my womb is a vessel to this son of mine, my breasts, a water-skin for him, and my lap a guard for him, yet his father has divorced me, and wants to take him away from me. The Messenger of Allah (ﷺ) said: You have more right to him as long as you do not marry.

Sabiq on his Fiqh Sunnah wrote that the argument of Prophet Mohammad said to a divorced woman in hadith: أنتِ أحقُّ بِه (you have more right on your child) because mother can breastfeed her child, mother has more patients than father and mother has more opportunities to educate her child than her mother (Sabiq, 1995:352). But unfortunately, in the real phenomenon, the role has been inverted. All the respondent of this research left their children whereas they all are mother.
In fact, the origin of hadhanah is for child of divorced parents. The discussion about hadhanah in Islamic Law Compilation (Islamic Family Law in Indonesia) ends in divorced wives. Even in general Islamic family law of any states or madzhab, there are no discussion about hadhanah on the children who are leaved by their parents for working abroad, because the phenomenon of working abroad by contract and specific periods never happened in ancient of prophet Mohammad or Islamic Chaliphates. All the Islamic principles discuss the hadhanah in terms of divorce, like the one occasion told in hadith (HR. Abu Dawud:2277) (Za’i, 2008:80):

“Hilal ibn Usamah quoted Abu Maimunah Salma, client of the people of Medina, as saying:

While I was sitting with Abu Hurayrah, a Persian woman came to him along with a son of hers. She had been divorced by her husband and they both claimed him.
She said: AbuHurayrah, speaking to him in Persian, my husband wishes to take my son away. AbuHurayrah said: Cast lots for him, saying it to her in a foreign language. Then her husband came and asked: Who is disputing with me about my son? AbuHurayrah said: O Allah, I do not say this, except that I heard a woman who came to the Messenger of Allah while I was sitting with him, and she said: My husband wishes to take away my son, Messenger of Allah, and he draws water for me from the well of AbuInabah, and he has been good to me.

The Messenger of Allah said: Cast lots for him. Her husband said: Who is disputing with me about my son? The Prophet said: This is your father and this your mother, so take whichever of them you wish by the hand. So he took his mother's hand and she went away with him.”

But the thing has to be understood is, hadhanah is a result of ijtihad and not qath‘iy (definitely right), therefore, the reviews and ijtihad of hadhanah are possible. The researcher argues that hadhanah is not qath‘iy based on the fact that the implementation of hadhanah in every Moslem state is different each other. Through this paper, the researcher found the similar phenomenon between the children who are left by the divorced parents and the children who are left by the parents for working abroad, as presented in the picture 4.1 below:

![Diagram showing the position between children of divorced wives and parents left their children for working abroad](image)

**Picture 4.2. The Position Between Children of Divorced Wives and Parents Left Their Children For Working abroad**
Hadhanah doesn’t accommodate the child who are left by their parents for working abroad, while hadhanah is the unitary concept of Islamic family law in context of Child Protection. Therefore, none specific regulation in Islamic law compilation which protect the child who are left by their parents for working abroad.

CHAPTER V
CLOSURE

A. Conclusion

Based on the conducted research, the researcher has conclusion for the closure of this paper. The conclusions of this research are:

1. The summary of types, causes, and impacts of child abuse of Indonesian migrant worker in Doplang, Bawen, Semarang are described on the table 5.1. below:

Table 5.1. The Types, Causes, and Impacts of Child Abuse of Indonesian Migrant Worker Experienced in Doplang, Bawen, Semarang District

<table>
<thead>
<tr>
<th>No.</th>
<th>Family</th>
<th>Type of Child Abuse</th>
<th>The Causes of Child Abuse</th>
<th>The Impact of Child Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mrs. M</td>
<td>Neglect</td>
<td>Social Stress, Poverty</td>
<td>The home was untidy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Her child was lack of love</td>
</tr>
<tr>
<td>2</td>
<td>Mrs. N</td>
<td>Neglect</td>
<td>Social Stress, Poverty</td>
<td>Her child usually doesn’t want to meet her</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Her first child did not finish the education in kindergarten and Senior High School</td>
</tr>
<tr>
<td>3</td>
<td>Mrs. Q</td>
<td>Neglect</td>
<td>Social Stress, Poverty</td>
<td>Her child often skips the class</td>
</tr>
</tbody>
</table>
Related to the table above, the most types of child abuse in Doplang, Bawen, Semarang District are neglect.

2. The causes of child abuse in Doplang, Bawen, Semarang District has several forms, regarding to the condition of family. But in general, the cause of neglect is leaving the child for working abroad because the role of mother can not be replace by anybody, even the father. And the cause of the mother leave her child is poverty and the absence of state, even there are other causes like immature family/unwanted child.

3. The impacts of the child abuse of Indonesian migrant worker in Doplang has several impacts like the home was untidy, lack of love, introvert child, unfinished the education level, sick, and exposed to drugs.

4. There are no spesific regulation in Islamic family law about the children who are left by their parents for working abroad. The hadhanah which conceptualized as the child custody concept only discuss about the children of divorced wive. But in fact, the hadhanah itself is ijtihadiy not qath’iy, therefore as the contemporary reality, the hadhanah is needed to reviewed.
B. Suggestions

Related to the conclusion, the researcher gives the suggestions as below:

1. The government has a big role to overcome this problems. It must be started from the regulations of labour, that every women who has a child under 18 years old is prohibited to become Indonesian migrant worker.

2. The government must guarantee the employment of its people, especially the employment in the villages.

3. The government must socialize and educate its people about the parenting concept and practice. The socialization may be through the seminar or social media or conventional media.

4. The council of Indonesian Ulama or Islamic law scholars must review the conception of Islamic family law in contemporary era, especially in terms of child protection on the child who are left for working abroad. Hopefully, the fatwa of Ulama in term of child protection on the child who are left for working abroad can educate the society therefore they more aware to the child protection.

5. Faculty of Syariah which has research mission, education mission, and social mission, must contribute directly and indirectly. Indirectly is through the research and the studies through their students and directly is through the socialization of parenting to the society.
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INTERVIEW

➢ 5 W + 1 H questions:

- Who/Siapa
- What/Apa
- When/Kapan
- Where/Dimana
- Why/Mengapa
- How/Bagaimana

➢ Daftar pertanyaan global untuk interviewee

1. Coba ceritakan tentang diri anda?
   (mencakup identitas nama, kelahiran, sejarah hidup, dst.)
2. Coba ceritakan tentang keluarga anda?
   (jumlah saudara, cara mendidik orangtua, kehidupan keluarga, dst.)
3. Coba ceritakan tentang rumah tangga anda?
(kapan menikah, dengan siapa menikah, tinggal dimana, bagaimana kehidupannya, dlsb.)

4. Coba ceritakan tentang anak-anak anda?
   (jumlah anak, tanggal lahir, pendidikan, dlsb.)

5. Coba ceritakan tentang pengalaman anda ketika menjadi TKI?
   - Rentang waktu, di mana bekerja, tentang pekerjaan (apa, bagaimana)
   - Pola komunikasi ketika jarak jauh/LDR (*Long Distance Relationship*) dengan anak maupun keluarga
     - Suka
     - Duka
     - Yang disesali ketika jauh dari anak
     - Yang ingin diberikan kepada anak setelah kembali
     - Kesulitan yang dihadapi anak, apakah ada masalah yang muncul?
       - Di rumah
       - Di sekolah
       - Di lingkungan sosial (masyarakat)
     - Solusi masalah

6. Coba ceritakan lebih detail tentang kekerasan, kesulitan yang dihadapi anak ketika orangtua bekerja sebagai TKI?

7. Coba ceritakan harapan anda, apa itu dan ditujukan kepada siapa?

8. Silakan berbagi tips untuk para TKI yang meninggalkan anaknya untuk bekerja?
HASIL INTERVIEW

A. Interview dengan Narasumber M


Identitas

Nama : Murwanti
Tanggal Lahir : 9 Februari 1972
Nama Suami : Kuryani


pulang dan punya anak, di rumah 4 tahun. Pada tahun 2006 ke hongkong –
tahun 2014. Dua tahun Pembantu Rumah Tangga, juga kerja tambahan di
kantor majikan sebuah education center, narasumber M bekerja sebagai office
girl (cleaning servise + potokopi + bikin kopi).

Di Singapura, narasumber M pertama kali bekerja di daerah Mcperson
dan di kali kedua bekerja di daerah perumahan seringgun barson, hilarry
avenue. Sedangkan di Hongkong, narasumber M bekerja sebagai pembantu
rumah tangga yang tugasnya adalah melayani dua orang tua.

Pertama bekerja jadi TKI di industri roti milik orang Palembang,
sehingga bahasa yang digunakan sehari-hari adalah bahasa indonesia. Kedua,
bekerja di keluarga orang asli Singapura, bahasa yang digunakan adalah
bahasa inggris.

Awal mula narasumber M bisa bekerja sebagai TKI adalah informasi
dari teman, “...Aku dulu ketularan kuswati, pulang dari kerja jadi TKI di
Singapura kok pinter bahasa inggris. Kemudian jadi tertarik bekerja ke luar
negeri... ”ujarnya.

Sebelum menjadi TKI, dulunya narasumber M bekerja di yusuf salon.
Narasumber M pengalaman pendidikan menyelesaikan jenjang SMP. Merasa
di negara tempat bekerja seperti di negara sendiri dan nyaman
makanarasumber M kembali tertarik jadi TKI.

Setelah berkeluarga, narasumber M sudah mempunyai warung di
rumahnya sebagai sumber penghasilan. Kala itu Mbak Ur (kakak perempuan
dari narasumber M) mau berangkat jadi TKI mengikuti medical check up tapi
ternyata hasilnya unfit. Narasumber M yang saat itu iseng mengikuti tes dan medical check up ternyata malah fit, jadilah narasumber M berangkat bekerja ke luar negeri.


Narasumber M adalah anak ke 4 dari 4 bersaudara. Ibu punya anak 2, suami meninggal, menikah lagi dengan bapak tiri yang mempunyai 4 orang anak.


Kesulitan yang dihadapi anak: “...yang jelas kurang kasih sayang. Kan masih kecil-kecil mestinya butuh kasih sayang orangtua terutama ibu, namun apapun yang terjadi anak harus menahan rindu dan tanpa kasihsayang ibu. Ibu dan bapak kan jelas beda…”

“...Alhamdulillah, meski ditinggal ibu, jalan anak bener, nggak nakal, pinter sekolah, pinter ngaji. Bahkan anak sering mendapat piagam penghargaan dan juara lomba…”

Suami di rumah berperan ganda yaitu sebagai seorang ayah dan seorang ibu. Narasumber M kirim uang ke rumah, yang mengolah uang dan segala keperluan rumah tangga adalah suami.
“...Tapi orang mau baik mau harmonis itu susah, nggak gampang, orang berkeluarga cobaannya besar. Udah dibikin harmonis masih aja ada yang kurang...”

Cerita: Anak ketika masih TK kecil belajar menulis, dia menulis “Ibuk pergi cari uang untuk mas bela mbek adek”. Dia tahu, memiliki rasa prihatin dan menyadari ibu capek bekerja maka di rumah harus belajar.

“...Kita sendiri harus menjadi contoh bener biar anak jadi bener, bagaimana mau nyuruh anak menjadi bener kalau orangtua tidak memberi contoh yang bener...”

“...Aku rasa mereka bangga setelah saya pergi karena mereka jadi punya masa depan cerah dan tidak buntu. Ada kemauan dan semangat. Ibuk berjuang di sana untuk masa depan kita...”

Dari hasil wawancara dengan narasumber M, anak-anaknya tidak mengalami kekerasan fisik.

Harapan setelah pulang, jadi keluarga sakinah mawaddah wa rahmah.

“...sekarang anak-anak sudah mulai besar jadi kepikiran tentang pergaulan. Bisa jadi anak-anak semau gue jika ditinggal lagi. Yaudah disyukuri yang sekarang ada di rumah, menjaga mendampingi anak tumbuh dewasa. Meski penghasilan tidak sebesar di luar negeri tapi dirasa cukup maka disyukuri...”

Tips untuk TKI yang meninggalkan anak: Yang penting adalah pergi ke negara penempatan dengan tujuan baik dan niat baik. Kalau kita baik maka akan bertemu dengan orang yang baik (sefrekuensi).

Kita jauh dari keluarga, jangan lupakan keluarga. Meski jauh di mata tapi dekat di hati.

Ketika di luar negeri kadang kehilangan keluarga di rumah atau TKI kecelakaan/meninggal. Itu semata-mata garis nasib dari Allah SWT. Narasumber M kehilangan ibu dan bapak tiri pun ketika ia berada di luar negeri.

Narasumber M merasa beruntung ketika ia berada di luar negeri tidak ada off day. Gaji bekerja menjadi TKI adalah sekitar 3-6 juta, menurut pengalaman narasumber M. Off day per bulan di hongkong adalah 4-5 hari.

Narasumber M tidak suka hura-hura ketika bekerja jadi TKI, “...paling hiburan di luar juga gitu-gitu aja. Motif saya bekerja, bukan untuk bersenang-senang...”

Gaji narasumber M adalah 6 juta per bulan, 3200/3400/3600 mata uang Hongkong. Itu adalah hitungan gaji PRT, meski pada realita seorang TKI bekerja di pabrik/industri yang notabene gaji lebih tinggi daripada PRT,
namun karena perjanjian kerjanya adalah sebagai PRT maka gajinya adalah PRT.

Pengalaman narasumber M, sponsor menjanjikan 300k, yang diberi 50k, 15k. Bagaimanapun banyak hal yang telah ia alami dan lewati, narasumber M mensyukuri dirinya yang selalu diberi jalan hoki (keberuntungan). Ia juga menceritakan bahwa hampir sebulan sekali narasumber M pergi ke Shanghai, karena boss-nya punya perusahaan perkapalan di Shanghai. “...Kerjaan saya ringan tapi makan waktu, kerjaan harus rapi dan bersih...” tuturnya (red. pekerjaan rumah tangga).

Narasumber M juga menceritakan tentang kemeriahan lebaran china yang dirayakan oleh majikannya yang beragama Budha. Majikannya memiliki dua anak, satu di Shanghai satu di Singapura.

Tanggapan tentang TKI bermasalah: narasumber M menanggapi salah seorang TKI Desa Doplang yang tidak pulang, menurutnya adalah karena ada masalah di keluarga si TKI yang tidak terselesaikan. Just have faith and keep on the right way. Kalau suami melakukan penyimpangan biar di tanggung sendiri resikonya.


Narasumber M bercerita, “...Temen saya (ketemu di kibri/kjri) bilang, “Mbak aku neng kene 6 tahun tapi nggak punya apa-apa.”, “...la rene niat kerjo opo ngopo...”, “...karena setiap minggu hang out. Gaji sebulan habis sebulan bahkan sebelum sebulan.”
Komentar fenomena anak TKI yang sedikit terganggu mentalnya: itu karena kurang perhatian dan kasih sayang dari orangtua. Apalagi itu hasil dari perceraian, maka anak jadi korban. Si ibu yang TKI itu nggak pernah pulang. Pun kurang ada dukungan dari keluarga besar.

B. Interview dengan Narasumber N


Identitas narasumber,

Nama : Narti
Tanggal Lahir : 2 Februari 1969
Nama Suami : Rumadi
Tanggal Lahir : 5 Mei 1965


Narasumber N ditempatkan bekerja pertama menjadi Pembantu Rumah Tangga (PRT) di Singapura, di lorong melayu. Kemudian selesai
kontrak kerja ia kembali pulang. Setelah di rumah selama setahun narasumber N ditelepon oleh majikan Singapura untuk berangkat lagi.

Selama narasumber N menjadi TKI, anaknya yang di rumah diasuh oleh nenek (ibu dari narasumber N) dan suami, ketika itu narasumber N dan suami belum memiliki rumah sehingga tinggal di rumah orangtua N.

Pola komunikasi narasumber N dengan keluarga di rumah atau suami adalah menggunakan surat (surat hanya ketika ada kepentingan, ketika ada kabar gembira saja, kabar buruk tidak dikabarkan – semisal anak sakit dst) dan hampir tidak pernah telepon. Pada saat itu telepon harus ke wartel, dan wartel masih sangat jarang.

Motivasi narasumber N untuk menjadi TKI adalah karena keinginan sendiri, keinginan yang sangat kuat untuk memiliki rumah dan bisa memiliki banyak uang. Pada saat itu sebenarnya suami tidak mengijinkan namun setelah istri berkali-kali merajuk dan menguturakan keinginannya, kemudian dengan berat hati suami mengijinkan dengan alasan agar istri tidak penasaran dengan keinginannya. Suami mengatakan “...nek coro wong saiki ngarani kan ngene, men dijajal sik ben ora penasaran, naah nek wis ngerti kan iso mikir oh jubulane koyo ngene, nak durung dijajal kan kepengin tenanan kan malah marakke piya-piye wae...”. Pada saat itu suami bekerja jadi kuli bangunan.

Pada tahun 1999, narasumber N berangkat lagi tapi tidak selesai kontraknya hingga 2 tahun, ia hanya melewati 20 bulan. Narasumber N menceritakan bahwa ia bisa berangkat lagi karena ditelepon oleh majikannya.
Kemudian ia menyampaikan jika mau berangkat dengan syarat diuruskan administrasinya dan dibayar tiketnya. Setelah benar berangkat dan di Singapura sekitar satu bulan si majikan meminta agar uangnya dikembalikan namun narasumber N menolak dengan mengatakan jika disuruh mengganti uangnya maka ia akan pulang saat itu juga, kemudian majikan pun mau bernegoisasi dengan syarat agar 2 tahun baru boleh pulang. Akan tetapi sebelum habis masa 2 tahun, narasumber N menyatakan keinginannya untuk pulang dengan alasan ia rindu kepada anaknya.


Pada saat itu anak ditinggalkan ketika TK. Anaknya waktu itu sudah mengerti kalau ibunya pergi, akan tetapi suami menyatakan bahwa anaknya
yang bernama Andri pada saat itu adalah anak yang mudah dirawat oleh siapapun, dengan ibu atau nenek atau bibinya sama saja baginya.

Pendidikan TK kecil berhenti setengah tahun kemudian saat berumur lima tahun langsung masuk SD. Suami menyatakan alasan TK-nya gagal karena ketika itu susah ‘dirumat’, ketika pagi mau dimandikan atau disiapkan sekolah tidak mau.


Alasan tidak dilanjutkan TKI karena suami tidak mengijinkan berangkat lagi. Suaminya menyampaikan, sebahagia apapun yang namanya ikut menumpang hidup orang lain tidak sebaik menjalani hidup dengan keluarga sendiri. Pun suaminya berterus terang bahwa ada dua hal yang jadi alasan. Pertama kalau anak dibebankan dengan neneknya terus, kasihan neneknya sudah tua. Kedua kasihan anak jika menjadi tidak dekat dengan ibunya karena terlalu lama berjauhan.

Suatu kebetulan nama cucu dari majikannya adalah Andre dan umurnya sepantaran. Itu menjadi tekanan tersendiri untuk narasumber N dan menjadikan selalu terbayang anaknya yang masih kecil dan lucu. Tapi
bagaimanapun ia mencoba tegar untuk mencapai angan-angananya untuk memiliki rumah.

Komentar narasumber N menanggapi cerita TKI yang negatif. Ia menyampaikan bahwa ia tidak tahu menahu tentang berita yang aneh-aneh, ia menyampaikan majikannya sangat protektif, ia tidak pernah keluar rumah tanpa majikannya. Ditakutkan kalau sampai asisten rumah tangganya sudah mengetahui dunia luar ia jadi terpengaruh pergaulan bebas atau karena fenomena banyaknya PRT yang keluar rumah kemudian melarikan diri untuk kembali pulang karena tidak betah.

Suami menyampaikan, “...wong rumah tangga kui nek salah siji lungo, meski duwe duit akeh tapi kebahagiaan kurang...”

Pesan yang disampaikan oleh narasumber N kepada keluarga, “... aku mau pergi kerja ke luar negeri doakan agar betah dan kalau pun nanti ditengah-tengah bekerja tidak betah biarkan aku kembali pulang, jangan dimarahi...”, ujarnya dalam bahasa jawa. sangat tersirat bahwa dukungan dari suami dan keluarga begitu berarti.


Komentar narasumber N mengenai fenomena anak TKI yang sedikit terganggu mentalnya (D): berhubung pekerjaan suami dari narasumber N
adalah buruh bangunan, maka tahulah suami N jikalau kerabat D yang punya yayasan pondok-pesantren turut menyupport D dengan cara membiarkannya bergabung mengaji dan belajar di yayasannya. Terkadang juga memberikan uang saku untuk D. Menurut penuturan suami N, seharusnya si anak D yang orangtuanya bercerai dan ditinggalkan ibunya menjadi TKI di Singapura, si anak D seharusnya bisa kembali hidup normal dan kembali tumbuh sebagaimana anak pada umumnya jika ibunya pulang dan mendapat kasihsayang yang cukup. Pun suami dan narasumber N menyampaikan seharusnya D bisa mendapat perhatian simpati dari keluarga besarnya, seperti nenek-kakeknya maupun kerabat dekat lainnya.

C. Interview dengan Narasumber Q


Identitas narasumber,

Nama : Qoryatun
Tanggal Lahir : 24 Juli 1975
Suami : Suprih
Tanggal Lahir : April 1972

Pertama narasumber Q mendapat informasi bagaimana jadi TKI adalah dari PT atau sponsor dari semarang. Sebelumnya ia tertarik jadi TKI
adalah dari teman/tetangga yang sudah terlebih dahulu pergi ke luar negeri untuk mengadu nasib.


Alasan menjadi TKI adalah alasan ekonomi dan keinginan kuat untuk memiliki rumah. Kemudian ia pergi bekerja menjadi TKI di Malaysia, sedang anaknya diasuh oleh suami.

Narasumber N menyampaikan bahwa pertama berangkat, ia mendapat negara tujuan di Malaysia. Di negara tetangga ini ia bekerja di sebuah rumah makan. Selanjutnya ia kembali pulang dan 8 bulan menetap di rumah, kemudian berangkat lagi ke negara tujuan Singapura.

Pola komunikasi dengan keluarga di rumah adalah dengan surat-menyurat dan telepon. Intensitasnya hanya sekedar jika ada keperluan.

Pada saat narasumber N memutuskan untuk menjadi TKI, suaminya bekerja sebagai buruh. Kini suami juga masih bekerja sebagai buruh, terkadang kuli bangunan terkadang menjahit, atau juga pernah di industri pabrik.

Cerita sukanya adalah saat mendapat uang dan berhasil membangun rumah dari jerih-payahnya merantau ke negeri orang. Dan dukanya adalah saat ia harus merasakan iri dengan orang-orang di rumah, kok bahagia bisa bersama keluarga tercinta tanpa bersusah-payah pergi jauh dan jauh dari keluarga.

Saat ditanya bagaimana tanggapan anaknya tentang ibunya yang pergi bekerja jauh, narasumber N mengatakan kalau anaknya pernah bilang kalau ibunya ada di rumah malah galak.

Narasumber N menyampaikan sudah tidak akan jadi TKI lagi. Ia sudah merasa tua di umurnya yang kini telah menginjak tahun ke 40.

Pandangan narasumber Q tentang berita negatif TKI, ia tidak terlalu tertarik dengan hal semacamnya karena yang terpenting saat ia berada di Malaysia atau Singapura adalah untuk bekerja dan pergaulannya juga tidaklah yang neko-neko.

Di Singapura narasumber Q mendapat majikan yang tidak terlalu kaya. Narasumber menjadi pembantu rumah tangga, tugasnya adalah bersih-bersih rumah dan mengurus anak. Narasumber Q mengatakan jika ia
mengasuh anak sejak si anak majikan masih bayi yaitu sekitar mulai umur 1,5 tahun.

Di Malaysia, narasumber Q bekerja di rumah makan. Ia mulai bekerja pada pukul 4 sore sampai dengan pukul 1 pagi.

Saat ditanya bagaimana tips-nya berhasil melewati masa jauhnya dengan keluarga untuk bekerja menjadi TKI. Narasumber Q mnyampaikan bahwa yang terpenting adalah saling percaya antara suami-istri. Tidak perlu berpikir yang aneh-aneh atau su’udzon. Dan yang terpenting lagi, untuk diri TKI adalah ia harus berhati-hati dalam menjaga diri.

Kemudian tentang dulu ketika anak ditinggalkan, ia menyampaikan anaknya biasa saja. Ia berpendapat kalau anaknya bisa biasa karena telah diberi pengertian oleh suami dan juga nenek/keluarga besar.

Pengasuhan anak saat narasumber Q menjadi TKI adalah oleh suami sepenuhnya. Ketika kembali anak menjadi berjarak dengan ibu tapi lama-kelamaan juga bisa kembali akrab.

Komentar tentang anak inisial D: narasumber Q mengaku tidak tahu-menahu dengan fakta yang sebenarnya. Dan menurut pendapatnya, anak TKI yang sampai mengalami gangguan seperti D adalah karena dampak dari ditinggal ibu yang bekerja jadi TKI dan ayah yang cuek, kurang perhatian dan tidak bisa mengatasi anaknya.

Dan tanggapan tentang adanya fenomena istri tidak pulang saat jadi TKI, narasumber Q menatakan kalau ada istri yang jadi TKI dan tidak pulang, itu pastilah suami juga punya andil.
Sebagai tambahan, narasumber Q adalah lulusan SD.

D. Interview dengan Narasumber S

Wawancara terlaksana pada pukul 18:03 WIB, hari Kamis, tanggal 18 September 2015, di rumah narasumber di Banyubiru, Tegaron.

Identitas narasumber,
Nama: Sri Wahyuni
Tanggal Lahir: 6 Juni 1978

Sekolah lulus SMP kemudian kerja pabrik. Sangat-sangat merasakan bagaimana rasanya ditinggal orangtua untuk bekerja sebagai TKI. Narasumber S diasuh oleh ayah, nenek, bibi. Ia adalah anak ke-tiga dari lima bersaudara.


Kini sudah menemukan kebahagiaan, menikah dengan suaminya yang sekarang, habib.

Anak: ikut nenek, ikut bibi, diajak merantau kemana-mana.


Ke bandungan kelas 1 smp. Sudah ada ibu di rumah masih terbawa sikap lama, apa2 harus keturutan, cengeng dll.


Didulang, jajan, kei duit, main berantem nangis.

Kalau udah mulai besar butuh didikan dan ajaran agama dan bimbingan.

Alasan kenapa jadi TKI, kebutuhan ekonomi untuk mencukupi kebutuhan anak, pendidikannya dan pirukunan.

".. mangan ra mangan neng ngomah, semoga laundry jalan. Suami kerja, saya kerja insya Allah cukup. Harus pinter bersyukur, manusia tiada puasnya."


Kalau anak ditinggal dengan suami tidak mungkin dia bisa full jaga anak. Karena cilik tinggal, gede tunggoni ada bedanya.

E. Interview dengan Narasumber A


Identitas narasumber,
Nama : Atminah (a.k.a. Hj. Siti Aminah)
Tanggal Lahir : 1960


TKI pertama kali umur 24 tahun, agung 3 tahun. Alasan karena suami suka mabuk dan judi, narasumber A emosi terus akhirnya pergi jadi TKI. Saat itu sudah punya rumah tapi blum ditempati masih ikut kakak.

Informasi dari teman, ikut sponsor orang salatiga. Sampai jakarta tidak diterima, dititipkan 10 hari ke keluarga sponsor. Diambil kemudian bersama-sama banyak orang calon TKI yang lain ia pun diterima. Pertama di saudi Arabia jeddah. 2 tahun cuti 2 bulan trus berangkat lagi dengan majikan yang sama. Sebagai PRT bersih2 masak dll, pertama PRT kedua ngurus anak, majikan habis lahiran. 2 tahun di rumah. Berangkat lagi ke riyadh al hasyim slm 2 tahun. Pulang druma lama, dipanggil lagi untuk bekerja yang ke 4 ke riyadh. Pulang mengkhitankan agung yang waktu itu tengah menduduki

Arab bahasa arab. Abu dhabi arab beda, hampir, mirip n english tapi pendek2 yang inggrisnya. diajari PT. Pertama 5 kata, sendok garpu piring ceret korek. Selanjutnya belajar ngerti di sana, pembantu anaknya majikan org indo, so mengajari. Klo malem belajar menulis kosa kata trus dihafal. 5 bulan belum bisa sampai dimarahi majikan. Kok gabisa.


Kesulitan: mbak nok nek rumahsakit paru2 basah sangat parah. Pucet, diraupi dhe zum jadi biru mau mati, dimarahi dokter.

Alhamdulillah, anak2 tetep ngerti dan sayang dengann orangtua.

Pendidikan ga pernah nunggak, cuma ya ga maksimal pinter, biasa aja. Paling menonjol pinter mas agung.

Niate: pengen golek masa depan, ngerubah nasib. Ijin ratau entuk teko ngampok surat ijin suami dttid ibune mas awik (mb sri).

Tidak pernah ada cerai2.

Pesan tki ninggal anak: meseni anak, mugo2 ojo ngalami koyo makne ngasi mbabu2. Ikut orang itu serba keloro-loro.

Anak2 lulus SD diurus dhe zum.


Soyo suwe mas bowo ngelimpekno mb lina. Uang jajan dr dhe zum.

Zum, minyak rambut minyak wangi minyak kain harus. Si cucu nurun.


CURRICULUM VITAE
I. Personal Identity

Name: Itsna Husnia Sari
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          0878 346 38672
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              Post Code 50211
Sex: Female
Marital Status: Married
Hobbies: Travelling, Hiking, Watching Movies,
          Reading and Learning.

II. Educational Background

- TK Mawar Sari in Doplang, Bawen, Semarang, Central Java – graduated in 1999
- SDN Doplang 02 in Doplang, Bawen, Semarang, Central Java – graduated in 2005
- MTs Al-Manar in Bener, Tengaran, Semarang, Central Java – graduated in 2008
- MAPK MAN 1 Surakarta in Surakarta, Central Java – graduated in 2011
- State Institute for Islamic Studies (IAIN) Salatiga in Salatiga, Central Java

DAFTAR NILAI SKK

Nama: Itsna Husnia Sari   Pembimbing Akademik: Ilyya Muhsin, S.HI., M.Si.
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<td>10 Juni 2013</td>
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<td>25</td>
<td>MAPABA I (Masa Penerimaan Anggota Baru PMII) oleh KOMISARIAT DJOKO TINGKIR KOTA SALATIGA</td>
<td>04 – 06 Oktober 2013</td>
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<td>29</td>
<td>Seminar Nasional (Sosialisasi Pancasila, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Negara Kesatuan Republik Indonesia dan Bhinneka Tunggal Ika oleh MPR-RI) di Ungaran</td>
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<td>31</td>
<td>Dialog Interaktif &amp; Edukatif “DIASPORAPOLITIK INDONESIA di Tahun 2014, MEMILIH UNTUK SALATIGA HATIBERIMAN”</td>
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<td>32</td>
<td>Walisongo Mediation Center (WMC) Semarang, Pusat Mediasi IAIN Walisongo</td>
<td>23 Januari – 03 Maret 2014</td>
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<td>33</td>
<td>Pelatihan Advokasi “Membangun Mahasiswa Cerdas, Peduli &amp; Sadar Sebagai Agent Of Change”, STAIN Salatiga</td>
<td>23 – 24 Mei 2014</td>
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<td>34</td>
<td>Art and Language Exhibition 2014 by the Title “The Lord of Singobarong”.</td>
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<td>35</td>
<td>Kunjungan ke Komisi Yudisial RI, Majelis Ulama Indonesia pusat dan Jimmy Hantu Home Industri</td>
<td>16 – 19 Juni 2014</td>
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<td>36</td>
<td>Sie Ketrampilan Ma’had Mahasiswa STAIN Salatiga dalam masa kepengurusan 2013/2014</td>
<td>23 Juni 2014</td>
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<td>38</td>
<td>Talk Show Beauty and Islamic Fashion Ma’had Putri STAIN Salatiga</td>
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<td>Talkshow Pra Nikah “Menjemput Jodoh Impian” oleh Rumah Keluarga Indonesia (RKI) &amp; LDK Daarul Amal STAIN Salatiga</td>
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<td>Seminar Keagamaan “Tulus Dijalan Yang Lurus” di STAIN Salatiga, ditayangkan di TVRI Jawa Tengah</td>
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<td>Cultural Exchange and Sharing International Volunteers IIWC</td>
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<td>Art and Language Exhibition 2015 by the title “The Power of Jamus Kalimasada”</td>
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Salatiga, 1 Desember 2015

Mengetahui,

Wakil Dekan Bidang Kemahasiswaan dan Kerjasama

**Ilyya Muhsin, S.HI., M.Si.**
NIP. 19790930 200312 1001