

**CHILD LABOUR IN ACADEMIC DISCOURSE:
A DISPOSITION OF ISLAM**

By:

HADI ATANDA MOSHOOD

*Head Of Department Of Islamic Studies,
Kwara State College Of Education, Ilorin.*

Introduction

Children, whether male or female are the greatest and most beneficial blessing that Allah has favoured his servants with. It therefore behoves to see such God's favoured gift being misused, mismanaged or maltreated. Work is not necessarily bad for children, children can help their parents in the home or in the family farm or business, as long as the work is not dangerous and does not interfered with school attendance and other normal childhood activities, and this is often referred to as "light work". Some types of work make useful, positive contributions to a child's development. Work can help children learn about responsibility and develop particular skills that will benefit them and the rest of society. Often, work is a vital source of income that helps to sustain children and their families. But the most unfortunate thing is that across the world, millions of children do extremely hazardous work in harmful conditions putting their health, education, personal, and social development, even their lives at risk. This is the area that calls for serious academic debate, particularly as the responsibility of children in Islam lies on parents, of which they would be accountable on the Day of Judgment for their children's upbringing, religious education e.t.c.

The Concept of a Child

The word "child" could be defined as unborn or newly born human being, boy or girl, son or daughter.¹ A young human being between birth and puberty or somebody not yet of age, that is, somebody under a legally specified age, who is considered not to be legally responsible for his or her actions.² In reference to the contextual meaning of a child in this paper, it is a human being of under age irrespective of his sex and who should be under the care and protection of the adult race in the society.

A child according to the United Nations Convention, African Charter and Child's Right Act: is any human being below the age of 18 years.³ According to a Law Dictionary "a child is a person who has not attained the age of 14 years". The meaning of a child varies in different statutes: under the English Children Act 1958, a child is described as a person under the age of 18 years while in Education Act, 1944, a child means a person who is not over compulsory school age (which is 16 years).⁴

In Nigeria, age of a child varies according to various statutes: Under labour Act, a child is a person under the age of 16 years.⁵ And under the Child and Young Personal Law, a child is a person before attaining the age of 14 years, and a young person is the one between the age of 14 and 17 years.⁶ The law of contract places the age of a child at just before 21 years.⁷

Despite the clear cut age of a child definition under these instruments of law people have different conception of who a child is. A house wife has viewed that her sons and daughters would continue to remain her "children" no matter their ages.⁸ To her, a child continues to remain the child of his parent whatever the age.

Under the Islamic Law, the word "Child" is synonymous to the Arabic word "*al-Walad*". The word "*al-Walad*" is used to refer to the son or daughter. In usage, it is employed in a wider sense which also refers to infant, kid or young ones. The word "*Walad*" is used in so many places in the Quran to mean a child, for instance, in

places like Qur'an 2:116, 17:111, 10:68, 19:35 and 23:91 among others. Their are other words used in the Qur'an to mean child and children, they include: *Banun* (children), *Tiflu* (infant) and *Sabiy* (child). *Banun* is the plural of *Ibn* meaning a son or a child.

The word "*Tiflu*" and "*Sabiyyun*" are mostly used in Islamic Jurisprudence when referring to a child who is yet to attain the age of understanding or maturity. The word "*Walad*" is however adopted as the "child" in this paper since it is often used to mean a minor and in some cases used for even adult child. This paper also adopts 18years as the age of puberty and any person below the age of 18 years shall be regarded as a child.

The Concept of Child Labour

Child Labour is described as works that are essentially exploitative, injurious to the physical, social, cognitive and moral development of children.⁹ In the same vein, child labour is also described as any work that harms children or keeps them from attending school.¹⁰ Child labour occurs when children especially young ones, are exposed to long hours of work in a dangerous or unhealthy environment with too much responsibilities for their age and at the expense of their schooling. According to Omoluabi, child labour is a condition in which a child is made to work for several hours in a day with inadequate food or rest.¹¹

Child labour is regarded as an abuse because a child's strength and capacity cannot sustain the long duration of work as well as the exertion of the work. The children who hawk in the streets in urban centres, even for a few hours in a day, is also regarded as child abuse because they are exposed to the hazards of traffic (accident), harsh weather and other undesirable environmental conditions in the processes of hawking. Child labour is a universal problem and a serious violation of children's loyal right. The types and condition of work varied, but many children who work in

exploitative and under hazardous situation are deprived of education and the opportunity for healthy development.

Child labour could also be regarded as any type of paid and unpaid or exploitative work which places the interest of the beneficiary well above those of the child workers and is detrimental to the physical, mental, social, moral or educational development of the child.¹² Child labour includes both paid and unpaid work and activities that are mentally, physically, socially or morally dangerous and harmful to children. It covers work that deprives them of opportunities for school or that requires them to assume the multiple burdens of schooling and hawking at home and in other places or work that enslaves them and separates them from their families. These are the works carried out to the detriment and endangerment of the child in violation of International and National legislations.¹³

The phenomenon of child labour inculcates lots of exploitative practices and discrimination which hinder the child perceptions of himself and the society as a whole. The emergence of child labour seems more relevant in urban centres than the rural areas and it has become typical of economic activities in every urban location in Nigeria. The problem of child labour has become compounded to the extent that some state governments have to promulgate laws outlawing street hawking.

Child Labour and Child Work: A Distinction

Child labour conventionally referred to children working before they reached the lawful minimum age for employment in their country (nowadays usually 14, 15, or, as in the UK, 16), often the same as the cut-off age for compulsory attendance at school. Now re-defined to refer to all young people engaged in harmful employment, whether they are of school age or older. While child work referred to children's or adolescents' participation in work/economic activity that does not negatively affect their health and development or interfere with their education. Light work (that does

