

## FORMULATION OF CHILD-FRIENDLY BANTENGAN ART'S POLICY BASED ON MAQASID SYARIAH IN MALANG REGENCY

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### ABSTRACT

Children's involvement in the preservation of Bantengan art is part of the implementation of children's rights to participate, but on the other hand, it can raise concerns that contradict other children's rights such as the right to education, worship, and rest. Meanwhile, the Child Protection Law emphasizes the obligation to maintain the physical, psychological, and social well-being of children, but the Cultural Advancement Law does not explicitly integrate child protection principles into it. Studies on Bantengan mostly focus on cultural symbolism, community identity, or socio-economic aspects, thus leaving a normative gap regarding how cultural preservation policies can be aligned with the protection of children's rights. Furthermore, the application of *maqasid shari'ah* as a normative framework for formulating operational regulations governing children's participation in preserving Bantengan art is still under-explored in legal studies. This research is a socio-legal field study that uses a statute, conceptual, and disciplinary approach from legal anthropology and sociology of law. Data were collected through interviews, observations, and literature review. Then, it was analyzed using qualitative analysis, resulting in prescriptive legal recommendations. The findings of this study propose a procedural policy framework based on *maqasid shari'ah* especially the principle of *al-daruriyyat al-khams* that ensures the preservation of a child-friendly culture, including the protection of children from physical and psychological violence; age limits and children's roles; the right to education and rest time; parental supervision; educational and inclusive cultural performances; and enhancing the capabilities of Bantengan community. This study contributes theoretically by integrating the sharia of *maqasid shari'ah* into the formulation of cultural policies and practically by offering a normative framework for local regulations that balance cultural preservation with child protection.

**Keywords :** *bantengan; child's right; maqasid shari'ah; preservation*

### ABSTRAK

Keterlibatan anak-anak dalam pelestarian kesenian Bantengan merupakan bagian dari implementasi hak anak untuk berpartisipasi, tetapi di sisi lain dapat memunculkan keresahan yang kontradiktif dengan hak-hak anak lain seperti hak pendidikan, ibadah dan istirahat. Sementara itu, UU Perlindungan Anak menekankan kewajiban untuk menjaga kesejahteraan fisik, psikologis, dan sosial anak, akan tetapi UU Pemajuan Kebudayaan tidak secara eksplisit mengintegrasikan prinsip-prinsip perlindungan anak ke dalamnya. Studi tentang Bantengan sebagian besar berfokus pada simbolisme budaya, identitas masyarakat, atau aspek sosial-ekonomi, sehingga meninggalkan kesenjangan normatif mengenai bagaimana kebijakan pelestarian budaya dapat diselaraskan dengan perlindungan hak anak. Lebih lanjut, penerapan *maqasid shari'ah* sebagai kerangka normatif untuk merumuskan peraturan operasional yang mengatur partisipasi anak-anak dalam pelestarian kesenian Bantengan masih kurang dieksplorasi dalam kajian hukum. Penelitian ini merupakan penelitian lapangan sosial-legal yang menggunakan pendekatan perundang-undangan, konseptual, dan disiplin ilmu antropologi hukum dan sosiologi hukum. Data dikumpulkan melalui wawancara, observasi, dan studi kepustakaan. Kemudian dianalisis menggunakan analisis kualitatif yang menghasilkan rekomendasi hukum preskriptif. Temuan penelitian ini mengusulkan kerangka kebijakan prosedural berbasis *maqasid shari'ah* yang memastikan pelestarian budaya ramah anak, termasuk perlindungan anak dari kekerasan fisik dan psikis; batasan usia dan peran anak; hak atas pendidikan dan waktu istirahat anak; pengawasan orang tua; pertunjukan budaya yang edukatif dan inklusif; dan peningkatan kapabilitas sanggar Bantengan. Studi ini memberikan kontribusi secara teoritis dengan mengintegrasikan syariat *maqasid shari'ah* ke dalam perumusan kebijakan budaya dan secara praktis dengan menawarkan kerangka normatif untuk peraturan daerah yang menyeimbangkan pelestarian budaya dengan perlindungan anak.

**Kata Kunci :** *bantengan; hak anak; maqasid shari'ah; pelestarian.*

## INTRODUCTION

The practice of Bantengan art, practiced by some Bantengan communities, is currently shifting from traditional practices. Bantengan is a local cultural performance art form that combines elements of music, *kanuragan* (traditional martial arts), *sendratari* (dialogue-free dance drama), and mantras/poetry, strongly linked to magic, to the point where the performers reach a state of trance, or what the locals now call “*kalap*” or “*ndadi*” (Kementrian Pendidikan dan Kebudayaan, 2020). The Bantengan art performed today is a modernization adapted to current developments, such as the use of extremely loud sound systems, now commonly referred to as “*boreg*”. This *boreg* sound system has given rise to the “*mberot*” (unintelligible) Bantengan, which is less educational and has negative impacts on children. The increasing involvement of children in Bantengan performances raises normative concerns regarding the protection of children’s rights.

The preservation of Bantengan art in Malang Regency has raised several issues for children, such as disruption to their rights to rest, worship, and study at school. The resulting impacts contradict children’s rights as stipulated in national regulations, Law No. 23 of 2002, as revised by Law No. 35 of 2014 concerning Child Protection (Child Protection Law), and the international Convention on the Rights of the Child requires states, communities and families to ensure protection of children’s physical, mental and social development. This demonstrates that protecting children’s rights is crucial because they provide legal certainty, just as it is crucial to preserve Indonesian culture. Important principles that need to be considered in cultural preservation involving children are the principles of child protection, which consist of the best interests of the child; non-discrimination; the right to life, survival, and development; and respect for the views of children.

The best interests of the child are an important consideration that must be prioritized (of paramount importance) in producing policies related to children (Metekohy, 2021), as is based on Article 3 paragraph (1) of the Convention on the Rights of the Child. This principle serves to guide decision-making that considers the direct and indirect impacts on child welfare which consists of three concepts: a rule of procedure, an interpretative legal principle, and a substantive right (Ruggiero, 2022). In the context of preserving child-friendly Bantengan, to apply the principle of the best interest of the child, at a minimum, it must meet the requirements of considering child-based risks, establishing child-friendly Bantengan standards, and prioritizing children’s interests over tradition.

The position of culture in the Indonesian constitutional context is very strong because it is written in Article 32 paragraph (1) of the 1945 Constitution (The Constitution of the Republic of Indonesia), so that all Indonesian citizens, especially children have the right to preserve local culture which contains the identity, morals and wisdom of the community (Ali & Ruslan, 2018). Then, Indonesia has passed Law Number 5 of 2017 concerning the Advancement of Culture (Advancement of Culture Law) to regulate culture so that it is protected, developed, utilized, and fostered by the government. However, the regulation of cultural preservation both in the Advancement of Culture Law and Regional Regulation Number 7 of 2025 concerning the Advancement of Culture of Malang Regency has not explicitly formulated child protection as a principle that animates the entire process of cultural preservation, especially in the practice of preserving Bantengan art in Malang Regency. In addition, Indonesia has an obligation to ensure that the preservation and development of culture is in line with the protection of human rights, specifically the rights of children as the nation's successors (Santyaningtyas & Noor, 2016). Although legal frameworks exist that regulate cultural advancement and child protection, the regulatory intersection between these two domains remains inadequately addressed.

To address this gap, this study proposes a child-friendly cultural policy framework grounded in the *maqasid shari'ah*, specifically the principle of *al-daruriyyat al-khams*. The concept of *maqasid shari'ah* is used as an analytical framework for formulating policies that are in accordance with applicable laws and religious values. The concept of *maqasid shari'ah*, as developed by Jasser Auda, offers a systematic approach that emphasizes the protection of human rights, justice, openness and benefit. Auda's thinking enriches the classical concept of *maqasid* and is very relevant in solving contemporary problems, including reforming legal and governance policies based on Islamic values (Auda, 2008). The *maqasid shari'ah* approach is very suitable to the needs of this research, especially in protecting children's rights (*hifz al-nas*) while still respecting local culture and maintaining justice for moral values, children's rights are protected, and benefits can be achieved in a balanced manner.

The Bantengan lecture has not yet reached the international stage, but several analyses of Bantengan art have been conducted from cultural aspects, symbolism, community economy or art preservation. An economic analysis of Bantengan was conducted by Sopianah et al. to examine the integration of cultural accounting in the preservation of traditional Bantengan performing arts in Malang Raya, Indonesia, which is rich in local wisdom and spiritual values. The research conducted showed that accountability in the

management and preservation of traditional arts is crucial to ensure transparency, sustainability, and relevance of cultural values in an ever-evolving social context (Sopannah, Hermawati, Bahri, & Rusdianti, 2024). Furthermore, the semiotic aspect of Bantengan art was studied by Sawitri et al. to examine the function, symbolic meaning, moral meaning, and existence of Bantengan art through the perspective of cultural semiotics and to investigate the adaptation and evolution of Bantengan art amidst the socio-political and economic dynamics of globalization. The multifaceted nature of Bantengan art emphasizes its role in fostering courage, solidarity, and resilience against colonial oppression. Despite the passage of time, Bantengan art continues to survive in Malang and Mojokerto, testifying to its cultural significance and sustainability (Sawitri et al., 2024). And by utilizing this digital era, Kusumawati et al. Exploring the potential of digital tools to promote and preserve Bantengan art, by utilizing digital platforms and technologies, this study aims to create a more accessible and engaging experience for artists and audiences, thereby increasing the appreciation of Bantengan art and ensuring its legacy for future generations (Kusumawati et al., 2025). Most research does not specifically address child protection in Bantengan practices and has not explored the legal dimension. Therefore, this study focuses on analyzing the preservation of Bantengan on the legal aspect by implementing *maqasid shari'ah* (the objectives of Islamic law) into a regional legal policy framework on the preservation of Bantengan art that pays attention to child protection in Malang Regency.

In relation to the protection of children's rights, the aspects studied continue to develop to date, such as Adebayo's research which analyzes children's rights based on Christianity and several child protection norms such as the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, and the Child Protection Law (Adebayo, 2020). Then Metekohy examines violations of children's rights amidst the Covid-19 pandemic from the perspective of the Convention on the Rights of the Child (Metekohy, 2021). Furthermore, Yusefri et al. criticized legal norms in Indonesia regarding the protection of children's rights as workers, especially the Child protection Law and presented suggestions for updating child protection laws based on an analysis from the perspective of *maqasid shari'ah* (Yusefri et al., 2024). There has been no study on child protection regarding the preservation of Bantengan art. The comparison of these studies with this study is linking the protection of children's rights with the preservation of Bantengan art as a culture protected by the state.

Research on *maqasid shari'ah* related to policy in Indonesia found several that connect sharia principles with modern social challenges. Syah et al. Analyzed the implementation of *maqasid shari'ah* principles in public policy in Indonesia and provided important insights for policymakers in integrating Islamic values into modern public governance (Ardyansyah et al., 2025). In addition, Pahutar et al. Through the main principles of *maqasid shari'ah* can answer the challenges of globalization and have the flexibility to be adapted in modern socio-cultural contexts, such as supporting *hifz al-aql* and *an-nasl* by maintaining social norms and generational heritage. The principle of benefit can be used as a basis for formulating policies for preserving local traditions (Pahutar et al., 2024). Although research on *maqasid shari'ah* has been widely conducted, studies related to cultural policy are still minimal. This creates a research gap, particularly regarding the evaluation of child-friendly policies for preserving Bantengan arts. Therefore, this study focuses on formulating an ideal policy that offers a way to reconcile crocodile conservation with the protection of children's rights based on the *maqasid shari'ah*.

Starting from these legal issues, this study takes two problem formulations: *first*, how does Bantengan art impact children's rights? *Second*, what is the ideal legal policy that can balance child protection with the preservation of Bantengan art from the perspective of *maqasid shari'ah*? The objectives set in this study are to formulate legal content that can be implemented in operational and procedural regulations to protect children's participation in accordance with children's rights and *al-daruriyyat al-khams* in *maqasid shari'ah* while ensuring the preservation of Bantengan art in Malang Regency. Therefore, this article contributes to the development of cultural law by formulating child-friendly cultural policies for the preservation of Bantengan using *maqasid shari'ah* as a normative basis for balancing cultural continuity and the protection of children's rights.

## RESEARCH METHOD

The type of research applied is juridical-empirical with socio-legal studies that view law from a contextual perspective rather than a textual one (Shidarta, 2024). This research allows researchers to conduct legal research by utilizing approaches from other disciplines to obtain empirical data to answer the research formulation (Atikah et al., 2024). This research applies a statute, conceptual, legal anthropology, and sociology of law approach. The variables taken from this research are children's rights and the preservation of Bantengan art, so the regulations used as a reference are the Child Protection Law, Cultural Advancement

Law, and other relevant laws and regulations. Furthermore, the concepts required are the concepts of children's rights and the best interests of children obtained from the Child Protection Law and the Convention on the Rights of the Child, and the concept of *maqasid shari'ah*, especially *al-daruriyyat al-khams*.

Researchers used a legal anthropology approach to explore the local culture that thrives within the Malang Regency community, namely Bantengan art. They then examined the legal regulations on culture that have been enacted by the government and formulated appropriate content to address the need for the preservation of child-friendly Bantengan art. A sociology of law approach was applied to observe the social interactions between the Bantengan community, which performs Bantengan performances, and children, both as participants and as spectators. This repeated interaction resulted in impacts on children, both domestically and publicly, that intersect with children's rights as stipulated in the Children Protection Law and the Convention on the Rights of the Child.

The area in East Java with the highest interest in Bantengan art is Malang Regency, which is proven by the large number of Bantengan communities that have been formed. Based on data from the Malang Regency Tourism and Culture Office in "Update of the Regional Cultural Ideas of Malang Regency in 2024", in 2024 there were approximately 1,303 (one thousand three hundred and three) communities in Malang Regency classified as engaged in Bantengan arts. Primary data was obtained from 18 (eighteen) informants with the criteria of the community living around the conservation area, parents of participating children, Bantengan cultural figures, Bantengan communities, and children who participated in Bantengan activities, then 2 (two) sources from the Tourism and Culture Office and the Women's Empowerment and Child Protection Office in Malang Regency. Data sources were selected using sampling based on their direct involvement in Bantengan arts or their institutional roles in cultural governance and child protection.

**Table 1 : Summary of Interview Data**

No.	Informant	Quantity	Code
1	Bantengan cultural expert	2	TK, AS
2	Environmental conservation community	4	MN, DF, TTK, KS
3	Parents of children	3	RL, KST, UTK
4	Bantengan community administrators	5	RSK, SRHM, SWT, HSY, DM
5	Child participants of Bantengan	4	RF, MLN, ALF, VN
6	Tourism and Culture Office	1	HR

7	Women's Empowerment and Child Protection Office	1	SR
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Furthermore, data collection techniques were carried out through literature studies, non-participatory observation, and unstructured interviews. Finally, data analysis techniques used qualitative analysis to prescriptive analysis through data collection, grouping, sorting, analysis, verification, and drawing conclusions. Prescriptive analysis was used to provide recommendations or suggested actions based on the data analysis (Fajar & Achmad, 2010).

In this research, Bantengan is studied from a legal perspective, especially Islamic law, through an analysis based on *maqasid shari'ah* as a moral ethical basis in the formation of this law, in order to obtain an ideal policy regarding cultural preservation that is oriented towards child protection, so that both can go hand in hand without sacrificing each other, as well as forming a law that on the one hand contains benefits and certainty, on the one hand contains moral values. This study aims to provide development of the concept of child protection (*hifz al-nasl*) in *maqasid shari'ah* in the context of involving children in the implementation of child-friendly Bantengan art preservation in Malang Regency through technical and applicable legal policies.

## FINDINGS AND DISCUSSION

### The Shift in Bantengan Art Performances

The current Bantengan performance has undergone several differences in several aspects from previous Bantengan performances due to adapting to the times. Traditional Bantengan is viewed as an ancestral heritage that maintains the simplicity of ancient times, one of which is by using traditional accompanying musical instruments, such as gamelan, gong, kendang, and so on. The ancient Bantengan performance emphasized the art of *pencak silat* (Indonesian traditional martial arts) as a foundation that contains educational elements in accordance with the teachings of the ancestors. On the other hand, the Bantengan art performed today is a modernization that adapts to the times, for example the use of a very loud sound system, currently known as *horeg*. This shows a shift in musical accompaniment from previously using traditional physical musical instruments to digitalization into MP3 (MPEG-1 Audio Layer 3) format music directly played from the results of remixes using the sounds of traditional musical instruments to facilitate the performance and sometimes accompanied by dance performances by women wearing inappropriate clothing. However,

according to Mr. HR, the head of the cultural division of the tourism and culture office, the essence of Bantengan should not be lost.

The Bantengan art form itself has a well-established performance system that has been conceptualized since ancient times. According to Mr. AS, a Bantengan cultural expert, the stages of a Bantengan performance begin with a performance by an elder or warrior as a form of recognition of the spiritual abilities that have been honed. This is followed by performances by students, from smaller to larger *pencak silat* associations, and then representatives from invited groups. This is followed by a *pencak silat* performance as proof of mastery of the art and its application in combat. This is followed by an attraction, or *debus* in Bantengan terms, which showcases invulnerability and other skills. Finally, the Bantengan performance, the culmination of this knowledge, concludes. Bantengan is essentially the final or closing stage of the performance, with a dance steeped in the philosophy of the people's resistance to colonialism. Finally, the performers experience a brief trance, which is immediately awakened by an elder.

On the other hand, the current Bantengan or Bantengan *mberot*, widely used by the Bantengan community, represents a modernization of Bantengan art that adapts to current developments, one of which is the use of a very loud sound system, now commonly known as *horeg*. Then, the musical accompaniment shifted from previously using physical traditional musical instruments to digital that can be directly played from remixed sounds of traditional musical instruments to facilitate performances. The emergence of this *horeg* sound is what gave birth to Bantengan *mberot*. The conventions of Bantengan performances began to be set aside and more focused on the pursuit of fame in society. As long as it can entertain the public, the performance can be carried out by shaking the body of the performer without *pencak silat* techniques. While preferring loud sounds because it is more exciting and entertaining, today's society is less interested or does not understand the values contained in Bantengan because the mystical elements in the stage of "*kalap*" are more attractive and considered more entertaining (Nashichuddin et al., 2018).

According to Mr. TK and Mr. AS, Bantengan *mberot* phenomenon has experienced a significant moral and ethical decline. As an art form, Bantengan is exploited for inappropriate activities, such as brawls, riots, performers using alcohol, and women engaging in indecent acts during performances. Bantengan is now increasingly regulated as a platform for self-validation. This is what saddens Bantengan cultural figures and the public. Ultimately, many Bantengan performances focus solely on providing entertainment through sheer frenzy or

body movements, ignoring artistic value and offering no educational value at all (Nashichuddin et al., 2018).

### **Implications of Children's Involvement and *Maqasid shari'ah* in the Preservation of Bantengan Art**

Bantengan is currently a popular trend among various groups, especially children. Many children participate as enthusiasts and performers in the preservation of Bantengan arts, joining Bantengan communities, owning their own Bantengan props, enlivening Bantengan performances, and so on. Based on observations and interviews, there are 3 (three) reasons for children's involvement in the preservation of Bantengan arts. *First*, there is an interest in preserving Bantengan arts as conveyed by the Bantengan community administrators. It would be better if culture was introduced to the new generation from an early age so that its existence can be maintained and advanced in this modern era (Qonitati & Sudrajat, 2020). In addition, MLN and RF joined because they intended to preserve culture. However, the government has an obligation to ensure the preservation and development of culture in line with the protection of human rights, specifically the rights of children as the nation's successors (Santyaningtyas & Noor, 2016). *Second*, the influence of family involvement in the Bantengan community. Direct involvement of family members, such as parents and siblings in the Bantengan community can strengthen interest and social legitimacy for children. As Mr. KST explained, *"The Rukun Wargo club was founded in 1981. I was young, following in the footsteps of my parents, passed down through generations. I've been involved since elementary school,"* and RF joined after his older brother. *Third*, fill children's free time with positive activities to preserve Bantengan art. One of children's after-school activities is playing. To fill their free time after school, children choose to find fun activities. Mr. RSK directed children in his neighborhood to join their community to do useful things related to Bantengan, such as making crafts for Bantengan performances.

Based on field data, it was found that children's involvement in Bantengan has negative impacts, including: *First*, children's rights to rest, worship, and study at school are disrupted because the Bantengan performances are held until midnight. The majority of complaints received and cases handled by the Women's Empowerment and Child Protection Office in Malang regency, supported by the statement of the Bantengan community, that *"Yes, most of them, when they go to school in the morning, are still sleepy. Then they become lazy, and then basically, they have at least two days off in the morning. They also participate in practice and play,"* namely

the loss of children's interest in learning at school because they are still sleepy or tired. Children not only enjoy watching the Bantengan performances, but also attend Bantengan practices until late at night so that children decide not to go to school because they are tired. RF also admitted that he was often exhausted at school due to his nightly Bantengan performances. This goes against the protection of reason (*hifz al-'aql*), as the intensive training schedule can interfere with children's educational activities.

In addition to impacting the right to learn in formal schools, Quranic recitation schools are also affected. Typically, children regularly attend afternoon Quranic study sessions at mosques or prayer rooms. However, because the Bantengan performance is usually held in the afternoon, many children choose to watch the Bantengan performance. Furthermore, children who stay up late participating in the Bantengan activities end up missing the morning prayer. This includes neglecting their religious obligations, in this case, studying and fluently reciting the Quran, and neglecting to perform the morning prayer, as stated by Mr. SWT: *"The negative impact is that the boys perform, for example on Saturday or Saturday nights, sometimes until almost morning, sleeping until noon, and missing the morning prayer."* This impact is contrary to the protection of children's religion because children's worship is disturbed, and it is feared that it will be normalized by the children.

Furthermore, sleep deprivation is also caused by the currently popular Bantengan *mberot* using digital music format and requiring a loud sound system to deliver a lively atmosphere. While it enlivens the atmosphere and brings joy to the audience, many find the loud noise disturbing, especially when the performance lasts until nightfall. Many families, especially those with small children or babies, are disturbed by the sleeplessness. This does not fulfill the protection of *hifz al-nafs* (the child's body).

These impacts have disrupted children's rights to study as stated in Article 9 paragraph (1) and Article 28 of the Convention on the Rights of the Child; the right to worship as stated in Article 6 of the Child Protection Law and Article 14 of the Convention on the Rights of the Child; and the right to rest as stated in Article 11 of the Child Protection Law and Article 31 of the Convention on the Rights of the Child.

*Second*, while the previous discussion focused on the impacts felt by children due to their direct involvement in Bantengan arts, the impacts described here are those felt by children who are not directly involved in Bantengan arts but rather through the involvement of their parents. Children can also experience negative impacts indirectly through their parents' participation in the Bantengan Community. In one case, a married woman with

children experienced a negative impact on her family, resulting in the loss of parental involvement, potentially impacting their mental health.

Another example of parental involvement in childcare is during cultural carnivals. Children naturally view their parents as role models in shaping their social identity and character in society. Therefore, poor parental example significantly impacts children (Ngazizah et al., 2025). Parents' inappropriate behavior in participating in cultural carnivals negatively impacts parenting practices, as children imitate their parents' actions, often leading to negative consequences, such as dancing in unethical clothing and drinking alcohol. This lapse in responsibility also contradicts parental obligations under Article 26 of the Children Protection Law; it also impacts children's right to live, grow, and develop with their parents, as stipulated in Article 3 of the Children Protection Law. In addition, *hifz al-nasl* does not run well because children do not receive good education and examples from their parents.

*Third*, the effects of the Bantengan phenomenon don't just affect children. It also affects parents, who become emotional victims. Parents are bound to feel a sense of worry when their child, who actively participates in Bantengan activities, suddenly disappears. After a search, it turns out the child has engaged in inappropriate relationships with members of the opposite sex, leading to underage marriage. This incident cannot be blamed solely on the Bantengan community their child is a member of; rather, it points to the lack of adult supervision of children's social interactions within the community.

Another concern for parents is children who engage in *ndadi* or *kalap* behavior. The researcher observed that many young children act as a medium of *ndadi*, even engaging in uncontrolled aggressive behavior, roaming the field. Even if the stage is resolved by elders, the children can experience lingering effects, such as confusion and a blank stare. This was compounded by RF and AF's statement that they often performed dangerous stunts during the Bantengan show. These effects may persist for more than a day, making parents uneasy. Children who cause anxiety due to activities in the Bantengan arts will be in violation of their obligations as children under Article 19 of the Children Protection, which includes respecting parents, loving their family, and upholding noble morals and ethics. Roles that have the potential to harm children will have an impact on the physical and mental health of children who fall into the categories of *hifz al-'aql* and *hifz al-nafs*.

Children's involvement in Bantengan arts preservation activities raises concerns among parents and has the potential to violate children's rights as stipulated in the Child Protection Law and the Convention on the Rights of the Child. Children's rights that may

be neglected include the right to education, play, and to grow and develop under parental care (Sunarto, 2025). Because the law aims for the welfare of society, it is necessary to establish policies that protect children's rights in the context of preserving Bantengan art, while still respecting the history and positive values contained within it.

The concept of child-friendly Bantengan conservation must pay attention to the principles of child protection consisting of the best interests of the child; non-discrimination; the right to life, survival, and development; and respect for the child's opinion. The best interests of the child are an important consideration that must be prioritized (of paramount importance) to produce policies related to children (Metekohy, 2021), as is based on Article 3 paragraph (1) of the Convention on the Rights of the Child. This principle plays a role in guiding decision-making that considers direct and indirect impacts on children's welfare. In the context of child-friendly Bantengan conservation, to apply the principle of the best interest of the child, at least it must fulfill child-based risks, establish child-friendly Bantengan standards, and prioritize children's interests over tradition.

### ***Maqasid shari'ah* as an Ethical Framework between Child Protection and Cultural Preservation**

The discourse on *maqasid al-shari'ah* has long been recognized as a dynamic framework that allows Islamic law to remain relevant across various temporal and spatial contexts (Sulaiman et al., 2025). The formation of legal policy must consider human welfare in relation to the fulfillment of human life needs, which scholars of *usul fiqh* have formulated into five basic needs: religion, soul, mind, offspring, and wealth (Saiban, 2019). If a legal product is based on these five frameworks, then a legal product has the right to be treated as legitimate law, regardless of the approach or method used in its formation (Mawardi, 2010).

Imam al-Haramain was the first to categorize *maqasid shari'ah* into three, namely *daruriyyat* (necessity), *hajjiyat* (needs), and *tahsiniyat* (luxuries). His thoughts were written in his work entitled "*al-Burhan fi usul al-Fiqh*" (Rahmi, 2023). Then, Imam Al-Syatibi compiled the concept of *maqasid shari'ah* systematically in his work entitled "*Al-Muwafaqat*", which made the concept of human benefit possible if it fulfills the 5 (five) basic elements of human life (*al-daruriyyat al-khams*), namely religion (*din*), soul (*nafs*), mind (*'aql*), offspring (*nasl*), and wealth (*mal*). Humans can live their lives well if they fulfill these five elements (Al Munawar, 2021; Nazaruddin & Kamilullah, 2020). In addition to being guided by the five basic needs of the *maqasid shari'ah*, Ibn 'Asyūr also formulated the foundations of *maqasid* based on four main principles, namely fitrah, tolerance, freedom, and human rights. He emphasized the need for

reformulation of the *istinbat* of Islamic law to be able to respond to the challenges of the times in a relevant and contextual manner (Saddam Askara, 2025). Furthermore, Jasser Auda updated the formation of law from the classical period which was individualistic, protection and preservation to *maqasid* which emphasizes the social-community side, development and aspects of human rights or human values (Auda, 2008). He also developed the five basic elements of human life (*al-daruriyyat al-khams*) into more adaptive elements, for example, the element of child protection or *hifz an-nasl* was developed into protection and concern for the family and the development of the role of the family institution (Auda, 2008). Protection of children in the context of preserving Bantengan must also pay attention to the other four elements to maximize benefits in the formation of ideal policies.

*Maqasid shari'ah* functions as an ethical framework or reference in the ethical and moral foundation that bridges cultural values and child protection, so that the law on the one hand contains benefits and certainty, and on the one hand contains moral values. Jasser Auda's concept of the evolution of *maqasid shari'ah* in his book is closer to dealing with contemporary issues than the classical concept. He developed the five main elements of human life (*al-daruriyyat al-khams*), namely religion (*dm*), soul (*nafs*), reason (*'aql*), heredity (*nasl*), and wealth (*māl*), into more adaptive elements (Auda, 2008, 2015).

*Hifz al-Nasl* (Protection of Offspring and Morality). Islam places high dignity on offspring, so their protection must be given attention by educating and nurturing children and maintaining family unity through prohibitions on adultery, disobedience to children, neglecting children, and so on (Auda, 2013). Meanwhile, in developing offspring protection, according to Jasser Auda, it is through protection and concern for the family and the development of the role of the family institution (Auda, 2008). In the context of preserving Bantengan art, the importance of child protection is a top priority. Children need to be protected by instilling moral, ethical, and character values in Bantengan through educational cultural practices and preventing psychological and physical violence against children. Then, prevention of deviant behavior that can be imitated by children, such as verbal and physical violence, symbolic sexuality, or other inappropriate behavior that can be imitated by children. In addition to entertainment and entertainment, Bantengan art can also be adapted as a means of character building for children, so that it is in line with social and religious values.

*Hifz al-Nafs* (Protection of the Soul). The protection of the human soul, both physical and psychological, must be addressed through various preventive measures against all forms of harm (Auda, 2013). Auda's development of this principle involves maintaining human

dignity and protecting human rights, and can even support the formation of the “Universal Islamic Declaration of Human Rights” and the principle that Islam can add a new positive perspective to human rights (Auda, 2008). Every activity to preserve Bantengan art must be carried out with attention to child protection by avoiding risks that threaten life, especially for children. Based on this, it is necessary to consider prohibiting the involvement of children in high-risk scenes, such as extreme physical attractions or roles that have the potential to cause injury. Obligatory safety standards, such as setting performance times that are safe for children’s development and determining age limits for children in certain roles, and adequate adult supervision are forms of collective responsibility to protect children’s safety.

*Hifẓ al-'Aql* (Protection of Intellect) Intellect is a human privilege bestowed by Allah upon His creatures, so it must be protected and not interfere with its function towards human intellect and psychology (Auda, 2013). Protection of children’s intellect in the preservation of Bantengan art can be done by establishing a ban on the consumption of alcoholic beverages and addictive substances in cultural activities. Then, eliminate practices that damage children’s reason and psychology, such as excessive symbolic violence, aggressive behavior, or the normalization of destructive behavior. In addition, in the preservation of Bantengan art, it can be utilized to create a cultural environment that upholds the development of children’s knowledge, cognitive, and emotional, not just entertainment.

*Hifẓ al-Dīn* (Protection of Religion) Protecting religion is essential and fundamental to human survival, especially for the afterlife (Auda, 2013). This principle does not lead to the elimination of rituals in Bantengan art, but rather to reconstructing ritual or symbolic elements so that they do not conflict with faith and align with the values of monotheism and Islamic ethics, while also filtering out extreme magical or mystical practices that could confuse children’s religious understanding. Furthermore, it is necessary to provide moderate and inclusive spiritual education, so that culture functions as a means of conveying faith, not a distortion of religion. And importantly, children do not neglect their right and obligation to worship in every activity preserving Bantengan art.

*Hifẓ al-Māl* (Protection of Children’s Economic Rights) Human survival is crucially dependent on wealth or money, so it would be dangerous if there is an abuse of authority to obtain money (Auda, 2013). In the context of involving children in the preservation of Bantengan art, children must be guided as wisely as possible by the Bantengan community administrators by being taught everything that prioritizes productivity and has utility value, for example being trained to make replicas of bull heads or traditional musical instruments

(drums, tambourines, and others), so that in the future children have skills that can be sold for a profitable productive economy in the future. In addition, this principle must close all possibilities that cause economic exploitation in the name of culture or tradition, clearly separating children's educational participation from the economic interests of the organizers, and also recognizing that children are not instruments of the cultural economy, but rather subjects that must be protected. This principle is in line with social justice and the protection of children's rights.

The five main elements of human life (*al-daruriyyat al-khams*), namely religion (*din*), soul (*nafs*), reason (*'aql*), heredity (*nasl*), and wealth (*māl*), are applied into a policy framework that reconciles cultural preservation with child protection so that it is hoped that it can realize children's welfare in their participation in preserving Bantengan art.

### **Ideal Policy for Preserving Child-Friendly Bantengan Arts in Malang Regency *Maqasid shari'ah* Perspective**

Based on the previous explanation of the impacts of children's involvement in the preservation of Bantengan arts, the Bantengan community, as the preserver of Bantengan arts, which includes Bantengan artists, plays a crucial role in providing a safe environment for children in their community to preserve Bantengan arts. They also provide educational performances that adhere to good artistic etiquette and safety standards and are suitable for public viewing, especially for children. Through this opportunity, the Bantengan community can also enforce appropriate regulations and educate the children within its community regarding the protection of children's rights. Furthermore, parents play a crucial role in directly supervising children's activities at home and managing the balance between learning, playing, and resting.

The ideal policy for child-friendly Bantengan arts preservation in Malang Regency can be directed towards establishing a child-friendly Bantengan community that ensures the fulfillment and protection of children's rights throughout the Bantengan preservation process, from training to performances, in a safe, comfortable environment free from violence and discrimination. It also creates a space for children to learn to interact, participate, cooperate, maintain peace, and respect time. This formulation is also designed to wisely direct children's involvement in the Bantengan community, supported by specific requirements or guidelines, specifically regulated in accordance with the principles of the *maqasid shari'ah*.

The guidelines that must be considered in this ideal legal policy are, *first*, protecting children from physical and psychological violence. This content clearly coexists with four of the five basic elements of human life, namely child protection (*hifẓ al-nasl*) which pays attention to physical protection (*hifẓ al-nafs*), psychological protection (*hifẓ al-'aql*), and protection of children from economic exploitation (*hifẓ al-'māl*). The definitions of physical and psychological violence follow those outlined in the following laws and regulations, such as Article 1 paragraph (9) and (10) of The Regional Regulation Number 3 of 2009 concerning the Protection of Women and Children Victims of Violence:

*“Physical violence is any act that results in pain, injury, wound or disability to a person’s body, miscarriage, fainting and/or death. Psychological violence is an act that results in fear, loss of self-confidence, loss of ability to act, feelings of helplessness and/or severe psychological suffering in a person.”*

Any action that leads to violence against children must be avoided, for example, children should not be forced to participate in high-risk attractions to prevent injuries such as trance. Furthermore, based on the author’s observations, at this stage the child completely loses control of his body and does not rule out the possibility of bad risks arising after the show is over, such as a sustainable environment, loss of the ability to think clearly, a blank mind, and in other words, these risks affect the child’s psyche.

According to informants from Bantengan community leaders, the current Bantengan are adapting to the times, so summoning *Danyangan* for trance is not necessary, as it contradicts Islamic teachings. According to Ali Muhammad Muthowi, trance is a disease that can cause disturbances in the soul, speech, thoughts, and actions (Biantoro, 2021). Therefore, there is a choice between inducing trance and not engaging in it. It would be wiser if children did not participate in the trance process and delegated that role entirely to adults.

*Second*, safety and health go hand in hand with child protection (*hifẓ al-nasl*), which addresses physical protection (*hifẓ al-nafs*) and psychological protection (*hifẓ al-'aql*). To realize the preservation of child-friendly Bantengan arts by paying attention to the best interests of children, especially the standardization of child-friendly Bantengan arts preservation, the Malang Regency Government is authorized to form regulations on child-friendly cultural governance and carry out interactive collaboration between the Tourism and Culture office, the Women’s Empowerment and Child Protection Office, and the Bantengan community to create a code of ethics for involving children and standard operating procedures (SOP) for Bantengan performances that are clear in accordance with the established Bantengan arts standards.

*Third*, age restrictions and children's roles. Core roles that could potentially endanger safety can only be assigned to adults or those who have reached a specified age, such as 15 (fifteen) years and above. Therefore, children under that age are only permitted to play non-risk roles, such as musicians, dancers, *pencak silat* artists, or creative support. This aligns with the principle of the child's best interests in child-based risk assessments, specifically regarding the protection of the child's intellect (*hifz al-'aql*) and soul (*al-nafs*).

*Fourth*, children's rights to education and rest. Bantengan activities must not interfere with children's obligations to attend school. Therefore, time management is crucial for balancing children's rights between play, participation, rest, and learning at school. The Quran emphasizes the importance of rest time alongside human activity, and this balance must be maintained. One of the principles referred to is as follows:

وَمِنْ آيَاتِهِ مَنَامُكُمْ بِاللَّيْلِ وَالنَّهَارِ وَابْتِغَاؤُكُمْ مِّنْ فَضْلِهِ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَسْمَعُونَ (الروم: ٢٣)  
“And of His signs is your sleep by night and day and your seeking of His bounty. Indeed in that are signs for a people who listen.” (Surah Ar-Rum verse 23)

Night is a time for rest and day is a time for work. Sleeping at night is a sign of Allah's greatness for His servants, ensuring they have the energy to carry out their daytime activities. Therefore, setting a curfew for children to end all their activities is one way to manage their time. By getting enough sleep, children are expected to be able to carry out school activities smoothly (*hifz al-'aql*) and carry out the Bantengan activity after school. This can serve as an example for determining the ideal time for children to carry out Bantengan and balancing children's time for play and learning while simultaneously striving to protect their offspring (*hifz al-nasl*).

*Fifth*, providing education to children. Children now live in a digital era that can access technology with the risk of exposure to free content in the media. Hasbullah in the journal Witasari and Yahya stated that the strategy for handling the digital era in educating children is guided by Islamic principles, motivating children's creativity and developing their skills, and also providing broad knowledge (Witasari & Yahya, 2021). In response to these social changes, there is a need for education to foster responsible character in children, especially in terms of cultural creativity, by teaching children everything that prioritizes productivity and has utility value, for example, being trained to make replicas of animal heads or traditional musical instruments (drums, tambourines, and others) related to the Bantengan art, so that in the future children have skills that can be sold for a profitable productive economy in the future. This is in line with the principle of *maqasid shari'ah* regarding the

protection of property (*Hifẓ al-māl*) to ensure the survival of children in the future. Children are an important party in this matter because of their role as the next generation who preserve the nation's heritage, and this policy is expected to provide protection for children's rights to achieve children's welfare.

*Sixth*, parental supervision. However, parental supervision of children at home is crucial, and the responsibility for their education and character development cannot be completely left to the school. This is because children spend more time growing up with their parents than with teachers at school. Furthermore, mothers play a crucial role as their children's first guides (Witasari & Yahya, 2021). According to Sayyid Muhammad al-Za'balawi in the journal *Hidayat*, Allah promises that parents will be spared the heat of hellfire if they fulfill their parental responsibilities to their children with full obedience (Hidayat, 2021).

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا، عَنِ النَّبِيِّ ﷺ قَالَ: «كُلُّكُمْ رَاعٍ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، وَالْأَمِيرُ رَاعٍ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ، وَالْمَرْأَةُ رَاعِيَةٌ عَلَى بَيْتِ زَوْجِهَا وَوَلَدِهِ، وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ

*“The Prophet said, “All of you are guardians and are responsible for your wards. The ruler is a guardian and the man is a guardian of his family; the lady is a guardian and is responsible for her husband's house and his offspring; and so all of you are guardians and are responsible for your wards” (Sahih al-Bukhari 5200)*

This effort aligns with Jasser Auda's conclusion that the protection of offspring (*hifẓ an-nasl*) can be implemented through protection and care for the family and the development of the family institution (Auda, 2008). Therefore, the government needs to support this by regulating preventive and repressive measures to maximize parental supervision of children.

Any child's involvement is recommended to be accompanied by written permission from a parent or guardian to the Bantengan community. This preventive measure is carried out through legal parental approval for the child's participation in the preservation of Bantengan arts, granting temporary responsibility for the child to the Bantengan community, motivating the child to take responsibility for their participation, and involving parents in understanding the goals, benefits, and risks of their participation in the preservation of Bantengan arts. Parents can then report the child's involvement to relevant institutions, which could lead to repressive measures if the child's involvement is no longer in line with children's rights. Repressive measures taken by parents if they discover violations of their children's rights in the preservation of Bantengan art include first providing counseling and

understanding to the child. They can then report their concerns to child protection agencies, such as the Women's Empowerment and Child Protection Office, the PPA Task Force in each village, the Children's Forum, the Indonesian Child Protection Commission, and others.

When parents require consultation regarding their children's participation in Bantengan performances, the Family Learning Center (Puspaga) provides preventive services aimed at the community, and the responsibility for these services rests with the Women's Empowerment and Child Protection Office (Romli & Pertiwi, 2025). Puspaga offers services such as a chat room, psychological counseling, parenting lessons, proper child education, and so forth. This is an effort to maintain parents' peace of mind, or to alleviate their anxieties, and to protect their offspring from the negative impacts of Bantengan performances.

*Seventh*, educational and inclusive cultural performances. The Bantengan performance is directed as an educational medium about cultural values, sportsmanship, brotherhood, and local wisdom. By considering all principles of the best interests of children, there must be no discriminatory, exploitative, or pornographic content in the performance. Standardization is established, for example, by not showing dancers wearing skimpy clothing and performing indecent movements. In addition, the East Java MUI issued Fatwa No. 1 of 2025 concerning the use of Sound *Horeg* and stipulated its prohibition if the sound *horeg* can harm health, especially when accompanied by dance performances that expose genitals and are not in accordance with sharia. Furthermore, the use of sound systems is preferably not exceeding 100 (one hundred) decibels (dB) in accordance with WHO (World Health Organization) guidelines (World Health Organization, 2022), both during rehearsals and during the Bantengan performance. If the Bantengan art performance can be used to provide inclusive education to children, it greatly supports children's right to develop their minds (*hifẓ al-'aql*) properly.

*Eighth*, the government needs to establish operational standards for establishing Bantengan communities. The legality of a Bantengan community is indicated by its ownership of an Arts Identification Number (Sopannah, Hermawati, Bahri, Utami, et al., 2024), registered in the local government database. An arts community affiliated with the government can facilitate various operational matters, such as obtaining performance permits. This requirement aligns with a program planned by the Department of Tourism and Culture, which aims to raise awareness about the importance of arts institution identification numbers to enhance the legality and professionalism of arts institutions.

However, simply emphasizing the Arts Identification Number is ineffective; direct observation of the Bantengan community regarding its management, membership, training system, including practice locations and facilities, and so on is necessary. It is hoped that with these standards, the government can strengthen the principle of sustainability in the Culture Advancement Law and the development of Bantengan arts in accordance with Bantengan standards. This material is also expected to prevent child exploitation, which the Bantengan community uses to attract public attention and generate income (*hifẓ al-māl*), and certainly encourage the Bantengan community to implement regulations that address child protection (*hifẓ an-nasl*).

The formulation of the minimum content material in the ideal legal policy for preserving Bantengan arts that is friendly to children's rights from the perspective of *maqasid shari'ah* offered can make the protection of offspring (*hifẓ an-nasl*), in this case children, experience development as in the development of *al-daruriyyat al-khams* from the classical paradigm conceptualized by Jasser Auda. The development of offspring (*nasl*) is also related to other aspects, namely for the physical and psychological protection of children (*nafs*), children's reason and thoughts (*'aql*), children's worship (*din*), and protection of children from exploitation (*māl*) in preserving Bantengan arts.

## CONCLUSION

A child-friendly legal policy for preserving Bantengan arts needs to include several guidelines formulated by upholding the *maqasid shari'ah*, which consists of *hifẓ al-nafs*, *hifẓ al-'aql*, *hifẓ al-nasl*, *hifẓ al-din*, and *hifẓ al-māl*. The proposed formulation of the content includes a minimum age requirement of 15 years for children in dangerous roles, strengthening safety standards for Bantengan performances, prioritizing children's education and health, emphasizing parental supervision, and strengthening the quality of the Bantengan community. The formulation of legal policy on the preservation of Bantengan arts that is friendly to children's rights in Malang Regency based on *maqasid shari'ah* is expected to provide a contribution in the form of considerations to the local government in forming regional legal policies that are technical and applicable as an effort to protect children's rights in their participation in Bantengan arts. This study contributes to the development of cultural laws that integrate *maqasid shari'ah* into the formulation of child-friendly cultural policies. This approach extends the application of *maqasid* beyond the conventional realm of Islamic legal

theory into the realm of cultural governance and offers a normative framework that reconciles cultural preservation with child protection.

This research still has many gaps and variables that can be developed further in future research. The limitations of this research are limited to the legal aspect, which focuses on analyzing the protection of children's rights in their participation in the preservation of Bantengan art, furthermore, the empirical data collected in the Bantengan community in Malang Regency limits the generalizability of the findings to other cultural contexts. Future research is expected to further explore or deepen other cultural, locational, and cross-disciplinary perspectives, for example through an educational perspective to examine how children obtain their educational rights to learn at school and at home, a psychological perspective to examine the mental state of children involved in the preservation of Bantengan art, religious perspectives, economics, and so forth.

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