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Guardianship under Islamic Law and Its Role in the Care and Upbringing of a Child

Introduction
Guardianship under Islamic law, also known as Wilayah, refers to the legal authority and responsibility granted to a person to care for and make decisions on behalf of a minor or an individual who is incapable of managing their own affairs. This concept plays a vital role in ensuring the proper upbringing, protection, and welfare of children in accordance with Islamic principles.

Islam places great emphasis on nurturing children with love, care, moral guidance, and discipline. Guardianship ensures that children are raised in a stable environment where their physical, emotional, and spiritual needs are properly fulfilled.

Meaning of Guardianship in Islamic Law
In Islamic jurisprudence, guardianship refers to the authority granted to a person (guardian) over the person and/or property of a minor. A guardian is responsible for protecting the child's interests and ensuring their proper development.

There are two main aspects of guardianship:
1. Guardianship of the Person (Hadanah)
2. Guardianship of Property (Wilayah al-Mal)

Types of Guardians under Islamic Law
1. Natural Guardian – The father is considered the primary natural guardian. After him, the paternal grandfather.
2. Testamentary Guardian – Appointed through a will.
3. Court-Appointed Guardian – Appointed by court if needed.

Custody (Hadanah) and Its Importance
Custody refers to physical care and upbringing. The mother is usually preferred in early years. The best interest of the child is always the priority.

Functions of Guardianship
• Physical care and protection
• Moral and religious training
• Education and intellectual development
• Emotional support and love
• Financial management
• Protection of rights

Principle of Welfare of the Child
Islamic law emphasizes Maslahah (welfare). The child's well-being is the top priority.

Conclusion
Guardianship under Islamic law ensures holistic child development through legal, moral, and religious responsibilities, contributing to a just and balanced society.