

The Historical Development of Children's Rights and Its impact on Legitimate Politics and International Conventions

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Abstract

The research seeks to achieve a basic goal of shedding light on the historical development of the concept of children's rights and the extent of its impact on legitimate politics and international conventions, especially in light of what we are witnessing at the contemporary time of violations of children's rights and their repercussions on the respect of political systems for such rights through the activation of constitutional rules that provide for child protection, and the activation of mechanisms for the application of these texts, and this is what calls for addressing the concept of the legal personality of the child in ancient legislation such as the legislation of Hamo Rabi, and legislation Pharaonic, Greek and Roman, Then exposure to the position of Islamic law and international conventions on the rights of the child by answering the problem that the extent of the historical development of the concept of children's rights on legitimate policy and international conventions?.

Keywords: *Old legislation; children's rights; legitimate policy; international conventions.*

Introduction

The Convention on the Rights of the Child has affirmed the right of children to care and protection because of their vulnerability, and also the special attention to family care and emphasizes its responsibility to protect the child, and in view of the child's need for legal protection and other forms of protection before and after birth, the Convention on the Rights of the Child has been ratified by 196 countries in the world, and it is worth noting that some states have had some reservations to some of the articles covered by the Convention, represented in articles No. 14, 20 and 21 of the Convention because these articles give the child the right to freely choose his religion and are concerned with the issue of adoption, and these articles contradict the principles of tolerant Islamic law followed in many Islamic countries.

The research seeks to shed light on the historical development of the concept of children's rights and the extent of its impact on legitimate policy and international conventions, especially in light of what we are witnessing at the contemporary time of violations of children's rights and their repercussions on the respect of political systems for such rights through the activation of constitutional rules that provide for child protection, and the activation of mechanisms for the application of these texts, and this is what calls for addressing the concept of the legal personality of the child in ancient legislation such as the legislation of Hamo Rabi, Pharaonic, Greek and Roman legislation and then exposure To the position of Islamic law and international conventions on the rights of the child by answering the problem of the impact of the historical development of the concept of children's rights on legitimate policy and international conventions?

To answer the problem posed, it can be said that this study falls within the descriptive research, which requires us to use the descriptive analytical approach, as I saw that it is appropriate to use this approach due to the need to address the various philosophical and legal assets contained on the development of the concept of the legal personality of the child, in addition to the use of the historical method to study the historical development of the concept of the legal personality of the child in light of the ancient laws and Islamic law, and on this basis the survey method that helps to list the facts of the study are reinforced by their legal aspects through access to relevant sources and literature.

The Historical Origins and the Legal Policy of the Concept of the Legal Personality of the Child

Historical studies and legal policies have dealt with the concept of the legal personality of the child, as its concept is due to the ideas derived from the ancient laws, which we can present as follows (Ghassan Khalia, 2003, P.8).

The Historical Origins and Legal Policy of the Legal Personality of the Child in the Iraqi Civilization

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Protection of the Rights of the child Before and After birth

Iraqi civilization has been concerned with the rights of the child since he is a fetus in the womb of his mother, through what is included in many of its laws, it has stipulated the punishment of those who cause the abortion of a pregnant woman, the penalties for aborting the fetus in the Babylonian and Sumerian laws were a financial compensation paid by the offender to the mother in exchange for her fetus that she lost, and these compensations varied according to the social status of the mother and the social class to which the mother belongs, Article 209 stipulated in the Code of Hammurabi (Fawzi Rashid, 1987 AD, p. 106. (On compensation for fetal cases "If a man beats a man's daughter, and her fetus drops her, ten amounts of silver shall be weighed for her foetus", (Hanoun Nael, 2005, p. 95), while Article 211 stipulates that: "If a poor daughter is dropped by her fetus in a quarrel, she shall be weighed five amounts " (Hanoun Nael, 2005, p. 95), while Article 213 states that "if a man strikes a woman and her foetus drops her, two amounts of silver shall be weighed for her" (Hanoun Nael, 2005, p. 95). The penalties are equal and comprehensive for all abortion situations, whether they are, whether it is a legal marriage or an illegitimate relationship, this confirms the protection of the Hammurabi law for the fetus in the womb of its mother, regardless of the status of its father or was the result of a legitimate or illegitimate relationship.

As for the penalties for abortion in the Assyrian legislation, they were stricter, as they included physical and financial penalties, as the penalties varied according to the different circumstances and social status of the parents of the fetus, we find that Article 21, paragraph a of the Assyrian legislation (Muharram Kamal, 1997, p. 298). The penalty for aborting a foetus if the mother is the daughter of a free man is determined by financial compensation, in addition to beating and service to the king: "If a man strikes a woman of the free class and causes her to abort her foetus, and he is found guilty, he must pay 2 amount and 30 amounts of bullets, and he must strike fifty blows with a stick, and he must perform the king's service for a whole month" (Martha Roth, 1997, p. 160. Magaji & Musa, 2023; Mahmud et al., 2023).

It should be noted that Article 50, paragraph a of the Assyrian legislation provides for more severe penalties, especially for the deliberate abort of the foetus of the wife of a free man: "If a man strikes another man's wife and thus causes her to abort her foetus, they must treat him as he treated her; (Martha Roth, Ibid, p. 174), we also find that the text of Article 21 suggests that the abortion incident was accidental, and may have occurred as a result of a quarrel between the woman and the perpetrator, because the compensation in Article 20 was material compensation, while the assault in Article 50 was deliberate, because the compensation in this case is to compensate the parents of the fetus by providing another soul, such as offering them a slave or a child in exchange for the fetus that was aborted (Hussein Zahir, 1991, p. 47), and added the article 50 stricter penalties in addressing a special humanitarian situation in the event that the parents of the fetus did not have children before that, and in this punishment is clear the distinction between male and female in the Assyrian legislative philosophy, if the fetus that lost a male, the cause of the abortion is killed, and if it is a female, it is compensated for by the same (girl or child) another (Martha Roth, Ibid, p 174), starting from.

Based on the foregoing, it is clear to us that this item of the Assyrian legislation is a reflection of a social culture in the Assyrian society for males is that the Assyrian state was a military state by virtue of its geographical location, which made it always in a state of war with its neighboring powers, and therefore it preferred males for their importance in increasing military power, and this was the only case in which the cause of abortion was punished with the penalty of murder, as the legislator considered humanely the circumstances of the parents of the fetus, considering that they did not have children, perhaps this child has come after waiting years, or perhaps the abortion caused them to have another child in the future, so the punishment in this case was a deterrent compared to other legal articles.

The right to life was guaranteed to the foetus in the eyes of the Assyrian legislation, even if it was the result of an illicit relationship, and the compensation for it was equal to compensation for children born through marriage, it is in the view of the legislator the same must be compensated for by another soul, as is clear from the text of Article 52, paragraph a: "If a man beats a prostitute and causes her to abort her foetus, they must strike him a blow by blow, and he must pay the full value of life" (Martha Roth, Ibid, p 175).

Assyrian legislation did not allow anyone to take away the right to life from this fetus, even if it was a slave, as the mother did not have the right to abort her fetus and was punished if she committed this by killing

in the most bad ways and left unburied (Martha Roth, *Ibid*, p 174), what can be confirmed with regard to the rights of the child to life through Assyrian legislation, is the extent of its severity in deterrence, which made individuals more careful in dealing with pregnant women and not to cause any harm with it it may cause her to lose the life of her fetus.

The early stages of a child's life needed laws that regulate important aspects of the child's life and seek to protect him from the dangers to which he may be exposed at that early age, and if the child in his first months was exposed to remain in the care of a woman other than the mother, after the birth of the child and as a result of certain circumstances, it happened that sometimes resorted to a woman who breastfed the child instead of his biological mother as a result of her illness or death in return for a wage agreed upon between her and the parents of born (M. Stol, *Women in Mesopotamia*, Vo. 38, No 2, 1995, p129), or the child is adopted into a family without children (Akrawi Thelmasian, 1977, p. 159).

We note from Article 32 of the Ashnona Law that the child was in the care of the nursing mother for three years, during which she was also based on his care and upbringing, and the parents of the infant were obliged to provide her with food, clothing and materials necessary for the maintenance and care of the child: "If a man gave his child to a nursing woman to raise him, but did not give her the share of lunch, oil and clothing for three years, he must weigh her 10 amounts of silver in exchange for her raising the child, and take his child" (Ahmed Shuaib Al-Hamdani, 1987, p. 69).

It should be noted that, in the interest of the child's life, article 194 of the Code of Hammurabi stipulates that when a child dies, she shall not breastfeed or care for any other child without obtaining the consent of the parents of the deceased child. This article stipulates strict penalties for a wet-nurse if she violates this law: If a man gives his son to a wet-nurse, and that son is in the hands of the wet-nurse, he dies, and the wet-nurse is without the consent of the father and the mother-in-law has contracted to breast-feed a second son, they shall slaughter her and cut off her breasts. Hanoun Nael: "The Law of Hammurabi", op. cit., p. 201).

It should be noted that the Mesopotamian society took measures to preserve and identify the child and protect him from loss, as they printed the child's feet on wet clay, and then wrote on them the name of the child and the name of his father and grandfather, and they also printed the infant's foot on the back of a clay tablet indicating his identity, and this measure was taken with the children of the rich and poor for boys and girls (Martha Roth, *Ibid*, p. 175), and it is noted from Article 20 of the Law of Libt Ishtar that this procedure was customary in Mesopotamian society to identify a child in case of loss: "If a man rescues a child from a well, he must take his footprints on a clay tablet to reveal his identity" (Ahmad Shuaib Al-Hamdani, *Code of Hammurabi*, op. cit., p. 76).

This measure is also useful in the cases of children who are in the care of nursing mothers so that they are not replaced (Hussein Zahir, op. cit., p. 59), Hammurabi enacted severe punishment for the crimes of child abduction in Article 14 of his Sharia: "If a man steals a young son of a man, he will be executed" (Hussein Zahir, op. cit., p. 59).

It can be said that the Code of Hammurabi touched on many aspects of the child's life, it included many aspects in the lives of children, such as the inclusion of penalties for physical harm that the child may be exposed to, Article 196 of the Code of Hammurabi punished those who cause injury to the eye of a child by causing the same damage to the eye of the offender based on the principle of retribution: "If a man harms the eye of the son of a man, they harm his eye", and perhaps the use of the principle of retribution in this article because the eye is an important part of the body especially in ancient societies that relied on the production of the individual, such harm may affect the child in the rest of his future life and may reduce the chances of him getting a job in the future, in addition to that the assessment of punishment may have been given that the offender is a man of any adult and aware of the harm he did (Nael Hanoun, op. cit., p. 87)

Penalties varied in the case of a child being a victim of manslaughter, as articles 207-208 of the Code of Hammurabi deal with the death of a child as a result of a quarrel that may have been a party or present in his place:

Article 207 stipulates that: "If the person who strikes him dies, he must swear an oath, and if the deceased is the son of a master, he weighs half amount of the silver for his family" (Mahmoud Al-Amin, 2007, p. 91).

- Article 208 stipulates that: "If the deceased is a poor son, he shall weigh for his family a third of the silver" (Hanoun Nael, op. cit., p. 93).

In its legislation, the legislator Hammurabi dealt with other cases of manslaughter, such as the imposition of retribution punishment on a construction worker who did not master his work and caused serious damage, such as the collapse of the house on the owners he built as a result of his lack of mastery of his work and negligence, which caused the death of the son of the owner of the house. "If he causes the death of the son of the owner of the house, they execute the son of that builder" (Hanoun Nael, op. cit., p. 137).

Although the Code of Hammurabi includes legal articles aimed at protecting the rights of the child from abuse, this includes in some of its legal articles injustice in its application of the principle of retribution, as many children are forced to bear the mistakes of their parents without being guilty of their own.

Ensuring Family Stability

Despite the great interest in the authority of parents in the legislative thought of Mesopotamian society, it was not allowed in return for parents to abandon their responsibilities towards their children, and the parents' negligence of one of their children was considered a sin in the eyes of legislative thought, and reference to these cases was mentioned in one of the articles of Sumerian family laws, which was found written on a school board, which are tablets that were copied by students to train them to write, and date back to the nineteenth century BC (Hanoun Nael: "The Code of Hammurabi", op. cit., p. 213), which punished parents who disown one of their children by losing property: "If a father or mother says to their son – you are not our son – they will lose property" (Hanoun Nael: "Code of Hammurabi", op. cit., p. 214).

The phrase "you are not my son" or "you are not my daughter" was the formula used in the ancient Babylonian period (2004-1595 BC), a phrase that refers to the dissolution of the legal bond between the child and the origin, whether the father or the mother, which results in the expulsion of the child from the home, and the abolition of the child's right to be an heir (Martha Roth, op. cit, p 42), It should be noted that although there are no legal or judicial texts confirming the application of these laws on the ground against natural parents who neglect their children, there are many adoption documents that contain a penalty clause that imposes a penalty on the adopter who cancels the adoptee's status as heir, and from a legal point of view the status of legitimate children was equal, whether they were natural children or adoptive children (Martha Roth, op. cit, p 43)

Article 168 stipulates that the father is not entitled to neglect his son nor his name unless the son has committed a heavy sin for which he deserves to be deprived of his father's name: "If a man directs his face to the name of his son, and says to the judges, "deleat the name of my son, the judges are examining his case, if the son does not come a heavy sin for deleting his name from the estate, the father will not delete his son from the estate" (Martha Roth, op. cit, p 44), and it is noted that this legislation came to protect the right of children from any arbitrary action that some parents may take against one of their children, causing the son a lifelong injury represented in depriving him of all the rights of filiation.

As for the son who committed what deserves his father's negligence of him, Article 169 of the Code of Hammurabi gave him another chance, so that he would not be deprived of his father's name until after the son's guilt had been repeated twice: "If he has committed a heavy sin on his father by deleting his name from the estate, for the first time they forgive him, and if he commits a heavy sin for the second time, the father can delete his son from the estate", and since there is nothing in the previous two articles, It can be concluded that this article came to protect young children with evidence that the Code of Hammurabi gave the son in Article 169 another opportunity to modify his abnormal behavior that resulted in recklessness or ignorance, and if his abnormal acts are repeated twice, then he is deleted from his father's family (Joseph Fleishman, Vol. 121, No. 1, 2001, p. 93).

The Historical Origins and Legal Policy of The Legal Personality of the Child in Pharaonic Egypt

The enjoyment of the child in Pharaonic Egypt some rights, the ancient Egyptians in the Pharaonic era, respect the human right to life very respectfully, manifested in many of their systems, traditions and the provisions of their laws, and perhaps one of the most important of these rights is the right to respect the fetus in life, one of the most important provisions taken by the Pharaonic law and which testifies to this, postponing the implementation of the death penalty for a pregnant woman until she gives birth, and the

justification for this is that the fetus is an innocent being who has not committed a sin, and therefore it is not acceptable historical studies have confirmed that the ancient Egyptians were not abusing their children, unlike most tribal societies and ancient peoples, based on the principle of respect for the human right to life, as for the right to equality, the position of the ancient Egyptians on the birth of the female clarifies their appreciation of this equality between male and female and their recognition of it, as when reproducing they did not look at the birth of the female, as some peoples do, as something detestable, but they welcomed the female (Abd al-Salam al-Termanini, 2008, p. 215.

Regarding the child's right to lineage, spending and upbringing, Dr. Mahmoud Zenati pointed out in his book "History of Egyptian Law" that the Pharaonic law has given the father some rights towards his children, such as the right to obedience and respect, in return for his commitment to spend on them, raise them and attribute them to him. As for the inheritance system, it was until the fourth family that the property of the father and mother at their death devolves to their legitimate children, equally between males and females, and the right of inheritance remained determined for legitimate children alone without illegitimate children, despite the spread of the system of concubinage in this era (Abd al-Salam al-Termanini, 1979, p. 182).

The Historical Origins and Legal Policy of the Legal Personality of the Child in the Greek Civilization

According to Greek law, the child does not acquire this status of citizenship because he has not reached the age of majority, and the right to life when the Greeks are granted to a healthy child only, the new child, whether males or females, was subject to an initial examination at their birth, through which it is decided whether their body safety or not, if the child's weakness or illness is proven, it is eliminated by throwing it in the open, but a healthy child on the tenth day after his birth is held for him a special religious ceremony at home, where he is officially accepted as a member of the family, receives gifts, and a certain name will be given to him, that was then widespread in Greece (Hussein Sheikh, Greece, 2005, pp. 149, 150).

The principle of equality for the child has been determined by conditions, which led to depriving him of most of his rights in the Greek civilization, such as his civil and political rights, for not acquiring the status of citizenship, which allows him to enjoy all his rights, despite the fulfillment of the first condition in which to be male, but he was deprived under the second condition to be an adult, and even enjoying his most important rights, which is the right to life, was conditional on being of sound structure, and in this males and females are equal.

The Historical Origins and Legal Policy of the Legal Personality of the Child in Roman Civilization

It was the custom of the Romans, who knew the rituals and formalities, to put the newborn on the ground in anticipation of what the father would issue about it, and the latter had broad powers, the most dangerous of which was what he was doing as an expression of absolute parental authority over his children, i.e. the right to life and death, and the father exercised this right immediately after the birth of the child who is presented before him, to decide whether to recognize his legitimacy, to include him with the family members, which is called the right to life, or to decide to neglect him and leave him on the road to the public, so that the fate of the child is either slavery or death, and this is called the right to death (Christine Bernard, Edith Deleury, France Dion et Pierre Gaudette, vol 45, n 02, 1989, p 182).

It must be noted here the tragic fate of the disabled, deformed and sick newborns, for after the idea of the gods' wrath and wrath prevailed against those newborns, death was considered for them not only a right, but a religious duty, because every abnormal child exposed the community, that is, members of society, to economic and political dangers in the future.

Based on the foregoing, we can say that the father, as the only head of the family, exercised this authority exclusively, where the child belongs to his father if he is born from a legitimate marriage, while the child born from an illegitimate marriage belongs to his mother and follows her in her legal status, if she is free, he is free like her, and if she is a slave, he is a slave like her (Mr. Abdul Hamid Fouda, 2005, p. 35), and the head of the family within his family under the old law has the right to recognize children the relationship between the father and his children in Roman law is not based on the idea of parental authority, but on the idea of "the head of the family", so the children are subject to the authority of their father or the authority of the head of the family to which their father is subject, which is a permanent authority, as it continues

throughout the life of the head of the family as long as he enjoys legal personality (Mahmoud Salam Zenati, 1985, p. 229).

The father is also obligated to raise all his male children, as for girls, he is only obligated to raise the first one only (Mahmoud Salam Zenati, op. cit., p. 130), and the non-adult boy was subject to the guardianship system and is considered not an adult of the age of less than fourteen years or twelve years (Abdul Majeed Muhammad Al-Hefnawi, 1995, p. 93) ten years, depending on whether he is male or female, as for the right of sons to inherit, according to the inheritance system in Roman law, The status of the heir to all the children of the deceased (Abd al-Salam al-Termanini, p. 241), it was the greatest service provided by Roman law to this father, in order to preserve his estate and money from loss, that legal trick that made the fetus a legitimate heir to the father after his death, knowing that the Roman rule recognizing the beginning of the legal personality of the child before birth has included the child born of a legitimate marriage.

After Rome converted to Christianity, the official and only religion became Christianity in 380 AD (Delilah Ferkous, 1999, p. 146), and this affected all systems of the empire, including legal systems, as Christian teachings spread among members of society after their legal consecration, limiting the freedom of divorce, preventing the sale of children, and exaggerating the use of parental power, while freeing slaves.

Christian jurists considered abortion a killing of a child in the womb of his mother, and Roman law introduced a change in the concept of legal personality, as it determined its beginning with birth and its end with death, while retaining an exception, which is to grant personality to the fetus and consider it born whenever it is in his interest, and another exception to the end is the demise of legal personality before the death of man, which is known as civil death, and has been applied by European laws as a criminal punishment, so the person convicted of a penalty was actually alive, and dead in civil terms, i.e. legal, his marriage is annulled and his estate is opened to be divided among the heirs (Christian Larroumet, 1998, p. 196).

What can be concluded after reviewing the historical origins and Sharia policies that contributed to the development of the concept of the legal personality of the child in ancient legislation, where we find that the legal personality is the authority of a person to acquire rights and bear obligations with a difference in determining the beginning of human life before or after birth, as a prerequisite for granting legal personality to the child, and this resulted in the commitment of various basic systems in laying the foundations of Sharia policy and legal systems and stipulating the need to respect them, as the rights of the child occupied a prominent place in The global and local policy agenda through international conventions, conferences, treaties, charters and laws, the most important of which are at the international level: the Geneva Declaration on the Rights of the Child of the League of Nations in 1924, the establishment of UNICEF under the title of the United Nations Fund for the Relief of Children in 1946, the Universal Declaration of Human Rights in 1948, the Universal Declaration of the Rights of the Child in 1959, the Convention on the Rights of the Child adopted by the United Nations in 1989, the Universal Declaration on the Survival, Protection and Development of Children in 1990, the Convention on the Prohibition and Worst Forms of Child Labour in 1999, Document Towards a World Fit for Children in 2002.

The Rights of the Child in Light of Islamic Law and International Conventions

Islamic law has urged attention to, care for and honour children, and have given them special importance, embodied in the position of Islamic legislation on what positive law has called legal personality and its legal adaptation, through the rights prescribed by Islam for the child, some of which are before his birth, and some of which are after his birth :

Adaptation of the Legal Personality of the Child:

The legal personality is defined in Islamic jurisprudence ((Personality)), which is a legitimate description that the legislator assumes its existence in the human being and becomes eligible for binding and obligation, that is, valid to have rights and duties (Yousry Al-Sayyid Muhammad, 2006, p. 56), and it must be noted here that the close relationship between the terms personality and the capacity of obligation reaches the degree of synonymy, the capacity is also a characteristic that indicates the validity of the person to prove and the obligation of legitimate rights for him as soon as he is alive, that is, without depending on his ability

to acquire it, and in direct it, and these scholars call the necessity of the eligibility while some call it in the legal terminology: "legal personality" (Abdul Salam Al-Tunji, 1997, p. 64).

The rights of the child are subject to two basic systems that complement each other, the child is a natural person with the legal personality that makes him the owner of a right, and eligible to acquire rights and assume obligations, while the exercise of those rights is subject to the system of the Sharia prosecution because young age prevents the child from exercising them alone, so his guardian or whoever acts in his place undertakes everything related to himself and his money, and the following we will address the rights of the child before and after birth:

Rights of the child before birth Islam paid attention to the child before his birth, and legislated for him a set of rights that must be performed to him before his birth, in order for the child to live a decent life from birth, and these rights include the following (Muftah Muhammad Aqzeit, 2004, p. 32):

The right of the fetus to good descent was the first right approved by Islam for the child, which is his right to good parentage, because of its impact on the well-being of the fetus, and therefore Islam legislated a set of conditions when choosing a husband or wife, including that the man earn is good, and that the wife investigates religion and good manners in her husband.

Islam has legislated a set of licenses and mitigations on the pregnant mother to preserve the life of the fetus, including easing her in fasting and prayer if she fears for the life of the fetus. The mother was also removed from imposing limits on her pregnancy out of fear for the life of the fetus

The Right of the Fetus to Blood Money and Inheritance:

Islam forbids killing a fetus and requires blood money in the event of killing it, Abu Huraira (may Allah be pleased with him) narrated from the Messenger of Allah (may Allah's peace and blessings be upon him): "Two women from Hadhil threw away one another and threw away her foetus, and the Messenger of Allah (may Allah's peace and blessings be upon him) spent time in it, a slave or a nation" (Bu Hurayrah, Muhaddith: Muslim, Source: Sahih Muslim, page or number: 1681).

- *He also Obligated him a Right of Inheritance.*

Rights of the child after birth Just as Islam legislated rights for the child before birth, it also legislated many rights for him after birth, including the following (Abdul Muttalib Abdul Razzaq Hamdan, 2005, p. 9):

- *Choosing a Good Name*

- Parents should give the child his right to a good name by choosing the most beautiful and best names for him, and the Messenger of Allah (peace and blessings of Allaah be upon him) was guided to charity in choosing the child's name, because God Almighty calls people on the Day of Resurrection by their names and the names of their parents.

- *Breastfeeding and Food*

Islam calls for providing food for the child from birth, providing him with a source of food at every stage of his life, and urging the mother to breastfeed, because she has more affection and tenderness than others, and because it is the safest source of food for the child. If this is not possible, it is permissible to choose the best breastfeeding women, and if they are unable to do so, they may resort to artificial feeding, as the important thing is to ensure healthy food that suits the age of the child.

- Custody is one of the rights legislated by Islam for the child; it is his right to custody, and custody in Islam is the right of the mother; She is more compassionate and compassionate towards her children, and then arranges for those entitled to custody of the child after her, and all of this is in accordance with the child's interest.

- *Alimony*

One of the rights of the child that Islam was keen to establish is the child's right to alimony, as he said (Almighty): "The newborn must provide for them and clothe them with virtue" (Surat Al-Baqarah, verse 233), so the father must support the children, because he was the reason for their birth.

- Good Upbringing

Parents must ensure that their children are brought up well, and they may not reprimand, abuse the child in any way.

The father must also be careful in how to choose his wife, so that the wife he chooses is the mother of his children from a house of righteousness and piety, as the Messenger of Allah (peace and blessings of Allaah be upon him) recommended this, because children may inherit some qualities from their uncles.

The Position of International Law and Conventions on the Rights of the Child

International law defines the child through the Convention on the Rights of the Child issued in 1989 as: "a person who has not exceeded eighteen and has not yet reached the age of majority" (Wafa Marzouk, 2010, p. 34), the child's right to life and physical integrity is the right that preserves the life of the child, and prevents others from being exposed to it, including the child himself, and it is not permissible to kill a child if he is born deformed or disabled, and it is not permissible to accelerate his birth in order to impose the death sentence on his mother. The rights of the child have occupied a prominent place in the global and local policy agenda through international conventions, conferences, treaties, charters and laws, the most important of which are at the international level.

The Geneva Declaration on the Rights of the Child of the League of Nations in 1924, the establishment of UNICEF under the title of the United Nations Children's Relief Fund in 1946, the Universal Declaration of Human Rights in 1948, the Universal Declaration of the Rights of the Child in 1959, the International General Declaration of the Child in 1979, the Convention on the Rights of the Child adopted by the United Nations in 1989, the World Declaration on the Survival, Protection and Development of Children in 1990, the Convention on the Prohibition of the Worst Forms of Child Labour in 1999, the document Towards a World Fit for Children in 2002, and international organizations have approved Children have a set of rights to preserve their lives, namely:

- The right to life of all children. The duty of States to care for the child and its development, by exerting the utmost possible effort.
- Protect children from all harmful methods of exploitation.
- Not to be subjected to torture, humiliation and inhuman treatment, or to be sentenced to life imprisonment or to death before reaching the age of eighteen.
- Treat a child deprived of liberty with respect and dignity and maintain his dignity, not to interrupt contact with his family, and to allow him to exchange visits and correspondence, in addition to the right to appeal against the decision to deprive him of liberty.
- Access to the highest possible standard of health care and treatment of diseases, and must strive to reduce child and infant mortality, and reduce diseases and malnutrition suffered by children.

Children have a Set of Civil Rights Recognized by International Conventions, (Haitham Manna, 2005, p. 45):

- Non-discrimination among children and granting them all their rights without distinction on the basis of religion, colour, race, sex or property.
- Allow children to express their views freely and by various means, such as writing, drawing and speech, provided that they do not violate the law, respect for others and national security.
- The right to join and form associations, to hold peaceful meetings in accordance with the law and to maintain security.
- Protect the child from interference in his private life and correspondence, or exposure to harm to his reputation and honor.

- The right of the child to obtain cultural resources, encouraging the media to publish content of literary and cultural benefit to the child, in addition to issuing and publishing children's books.
- Following a religion and practicing religious rites, in addition to the right to change religion.
- Protect children from violence, exploitation, abuse, or physical and psychological abuse, and provide them with the necessary support.
- Hold accountable those who provide and contribute to the delivery of drugs to children, in addition to preventing children from reaching suspicious areas.
- Protect the child from work that poses a danger to his life or causes an obstacle to his education.
- Determination of the minimum age at which a child is allowed to work, with an appropriate regime regarding working conditions and hours.
- The right of the child to rest and leisure time, and to play games and activities appropriate to his age.
- Registration of the child immediately after birth and giving him a name, in addition to the right to acquire a nationality belonging to a particular State
- Combating the illegal travel of children abroad.
- Compulsory education and free of charge for at least the primary levels.
- Child protection

Protecting children from sexual exploitation. Sexual exploitation around the world is in several forms, such as prostitution, which means the use of a child in sexual acts in exchange for compensation or a sum of money, and prostitution spreads as a result of poverty and wars (Abdul Aziz Abu Khuzaima, 2010, p. 67), which leads to the exploitation of children, especially girls, and this exploitation results in the child suffering from sexual diseases, in addition to his frustration, and the possibility of taking the path of violence and crime. Other forms of sexual exploitation include the dissemination of child pornography and sex tourism, for which some States make huge fortunes as a result of the sexual exploitation of children in tourism.

- Accordingly, international organizations have recommended a set of steps to eradicate this phenomenon:

- Prevent the child from being forced into any unlawful sexual activity.
- Work effectively to eliminate all forms of sexual exploitation and human trafficking. Disseminate educational programs to raise awareness of the harms resulting from sexual exploitation.
- Enacting laws to prevent the use of the Internet for trafficking in children and their use in prostitution
- Protection of children from exploitation in labour as a result of the poverty suffered by some families, especially in Asia, Africa and South America. Children are sent to work in order to improve the family's income, which harms the children's health and psychologically, and prevents them from continuing their education. Therefore, international agreements have established a set of legislation to regulate child labor, which are: -
- Setting the minimum age allowed to start work, and the International Labour Organization (ILO) has adopted the age of fifteen, provided that the child has completed compulsory schooling.
- Working hours should not exceed forty hours per week for children who do not attend school, in order to find sufficient time for the child's rest, play, and psychological and physical development.
- Prevent children under sixteen from working at night in order to get enough sleep.
- The child worker receives the appropriate wage for the work done, as the wage is the main goal of the work, so the nature of the work and the wage must be determined through contracts between the child and the employer (Hassanein Al-Mohammadi Bawadi, 2005, p. 57).

- The child has a break in the middle of the working day to eat, in addition to the right to rest periods to avoid fatigue resulting from continuous work, and he is entitled to a weekly rest for a period of not less than 24 hours, annual leave of at least twelve days, and eighteen days for people with heavy work.

Conclusion

What can be drawn from the study of philosophical concepts and historical developments of various ancient legislation related to children's rights, we find that the interest in childhood was part of society's interest in the individual since its formation in the womb of his mother, and it is noticeable that the inhabitants of Mesopotamia knew administrative systems and security procedures to document the identity of the child and protect him from loss, such as birth certificates and printing clay feet, and this is considered a development in the administrative and security systems for childhood in that era, in addition to that the Sumerian and Babylonian civilizations did not know the culture discrimination between male and female, especially in the field of transactions and rights, they were equal, also the fine for abortion differed according to the social class and not according to the gender of the fetus, and although the law of Hammurabi is most concerned with childhood and the protection of its rights, but the most important thing that is taken for the implementation of retribution in the children of the aggressor who have no guilt in the mistakes and crimes committed by their parents

As for Pharaonic Egypt, the child enjoyed some rights, as the ancient Egyptians in the Pharaonic era, respected the human right to life very much, which is evident in many of their systems, traditions and the provisions of their laws, and perhaps one of the most important of these rights is the right to respect the fetus in life, one of the most important provisions adopted by the Pharaonic law, which testifies to this, is the postponement of the implementation of the death penalty for a pregnant woman until she gives birth, and the justification for this is that the fetus is an innocent being who has not committed a sin, and then, It is not acceptable that his fate is to die with his guilty mother, according to Greek law, the child does not acquire this status of citizenship because he has not reached the age of majority, and the right to life when the Greeks are granted to the child healthy structure only, the new born child, whether males or females, was subject to an initial examination at their mother, through which it is decided whether the safety of their body or not, if the weakness or illness of the child is proven to be eliminated by throwing him in the open.

As for the healthy child, on the tenth day after his birth, a special religious ceremony is held for him at home, where he is officially accepted as a member of the family, receives gifts, and a certain name is lengthened on him from the names that were widespread at the time in Greece, on the other hand, we find that a social phenomenon has spread in Roman society that granted legal personality to each newborn, practiced by the head of the family, i.e. the father as the only responsible for granting rights and determining obligations, it was the custom of the Romans who knew rituals and formalities, to put the newborn on the ground in anticipation of what the father would issue about him, and the latter had broad powers, the most dangerous of which was what he was doing as an expression of the absolute parental authority over his children, i.e. the right to life and death, and the father exercised this right immediately after the birth of the child who is presented in front of him, to decide whether to recognize his legitimacy, and include him to family members, which is called the right to life, or decide to neglect it and leave it on the road in front of the public, to be the fate of the child either slavery or death, and this was called the right of death, as for the Islamic system, we find that the rights of the child are subject to two basic systems that complement each other, the child is a natural person who enjoys the legal personality that makes him a right holder and eligible to acquire rights and bear obligations. As for exercising and exercising those rights, he is subject to the legal representation system because young age prevents the child from exercising them on his own, so his guardian or someone acting in his place is responsible for everything related to himself and his money.

Despite the developments witnessed by the various legitimate international political systems related to the rights of the child, which were reflected in the International Convention on the Rights of the Child 1989, which was adopted and presented for signature, ratification and accession on November 20, 1989, where it is divided into three main parts and 54 articles dealing with the rights of the child in all respects. The agreement is based on four basic principles: non-discrimination, preserving the interests of the child, and also protecting the child's right to survival and development. This agreement is considered an international legitimate policy for children's rights.

International Convention on the Rights of the Child, which we find characterized by its comprehensiveness and its call on States parties to take measures and mechanisms to meet the various needs of the child at various stages of his physical and intellectual development

While working to protect him from various forms of abuse and exploitation that he may be exposed to within the family or in society and to secure his effective participation in various areas of family and community life and in various decisions on his status, it must be recognized at the same time that children around the world are exposed daily to many risks due to wars and acts of violence, and millions of them suffer from the scourge of poverty, economic crises, environmental degradation and the spread of the phenomenon of street children, so the various systems must be aware of the policy of activating children's rights and spreading awareness of the need to respect these rights, instead of remaining mere texts embodied in the form of laws, regulations and international conventions that are not activated.

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