

A Comparative Analysis of Utilitarianism Theory and *Maslahah* in the Legal Protection of Child Street Workers in Medan City

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ABSTRACT

The phenomenon of child street workers in Medan City remains a significant social and legal issue, characterized by economic exploitation, limited access to education, and inadequate protection of children's rights. Despite the existence of various legal regulations, the implementation of child protection policies continues to face structural challenges. This study aims to analyze the legal protection provided to child street workers through the Center for Child Study and Protection (Pusat Kajian dan Perlindungan Anak/PKPA) in Medan City and to compare the relevance of Utilitarianism and *Maslahah* theories as evaluative frameworks. This research employs a juridical-empirical method with a socio-legal approach. Data were collected through interviews with PKPA administrators, Islamic law scholars, and government officials, supported by field observations and document analysis. The data were analyzed descriptively using the perspectives of Utilitarianism and *Maslahah*. The findings indicate that PKPA has implemented legal protection measures through participatory data collection, non-formal education, psychosocial assistance, restoration of legal identity, family reintegration, and policy advocacy. These programs have contributed to improving the fulfillment of children's rights and welfare. However, their effectiveness remains constrained by structural factors, including family poverty, the culture of street-based charity, and limited inter-agency coordination. From a Utilitarian perspective, legal protection generates benefits for children and society but may risk overlooking the interests of vulnerable groups. In contrast, *Maslahah* theory provides a more comprehensive framework by emphasizing the protection of *maqāṣid al-sharī'ah*, the prevention of harm, and the integration of individual and social welfare. Therefore, *Maslahah* is considered a more relevant normative foundation for strengthening the legal protection of child street workers in Medan City.

Keywords: Child Street Workers, Legal Protection, Utilitarianism, *Maslahah*, Children's Rights.

ABSTRAK

Fenomena anak pekerja jalanan di Kota Medan masih menjadi persoalan sosial dan hukum yang signifikan, yang ditandai dengan eksploitasi ekonomi, keterbatasan akses pendidikan, serta belum optimalnya perlindungan terhadap hak-hak anak. Meskipun berbagai peraturan perundang-undangan telah diterbitkan, implementasi kebijakan perlindungan anak masih menghadapi berbagai tantangan struktural. Penelitian ini bertujuan untuk menganalisis perlindungan hukum yang diberikan kepada anak pekerja

jalanannya melalui Pusat Kajian dan Perlindungan Anak (PKPA) Kota Medan serta membandingkan relevansi teori Utilitarianisme dan teori Maslahat sebagai kerangka evaluatif.

Penelitian ini menggunakan metode yuridis empiris dengan pendekatan socio-legal. Data diperoleh melalui wawancara dengan pengurus PKPA, akademisi hukum Islam, dan aparat pemerintah yang didukung oleh observasi lapangan serta analisis dokumen. Data dianalisis secara deskriptif menggunakan perspektif Utilitarianisme dan Maslahat.

Hasil penelitian menunjukkan bahwa PKPA telah melaksanakan berbagai upaya perlindungan hukum melalui pendataan partisipatif, pendidikan nonformal, pendampingan psikososial, pemulihan identitas hukum, reintegrasi keluarga, serta advokasi kebijakan. Program-program tersebut berkontribusi dalam meningkatkan pemenuhan hak dan kesejahteraan anak. Namun demikian, efektivitasnya masih terkendala oleh faktor-faktor struktural, seperti kemiskinan keluarga, budaya sedekah di jalanannya, dan terbatasnya koordinasi antarlembaga.

Dari perspektif Utilitarianisme, perlindungan hukum menghasilkan manfaat bagi anak dan masyarakat, tetapi berpotensi mengabaikan kepentingan kelompok rentan. Sebaliknya, teori Maslahat menawarkan kerangka yang lebih komprehensif dengan menekankan perlindungan terhadap *maqāsid al-syarī'ah*, pencegahan kemudharatan, serta integrasi kesejahteraan individu dan sosial. Oleh karena itu, teori Maslahat dinilai lebih relevan sebagai landasan normatif dalam memperkuat perlindungan hukum bagi anak pekerja jalanannya di Kota Medan.

Kata Kunci: Anak Pekerja Jalanannya, Perlindungan Hukum, Utilitarianisme, Maslahat, Hak Anak.

INTRODUCTION

The phenomenon of child street workers in Medan City remains a serious socio-legal problem that has not been fundamentally resolved. According to data from the Center for Child Study and Protection (Pusat Kajian dan Perlindungan Anak/PKPA) in Medan, approximately 210 children are actively working on the streets, concentrated in vulnerable areas such as Pinang Baris Terminal, the Kampung Lalang Traditional Market area, Simpang Pos, and several major road intersections. These children generally work as bus sweepers, shoe shiners, street vendors, and street musicians, with irregular working hours ranging from morning until late at night, (I. P. Sari, interview, March 12, 2026).

Child street workers constitute a highly vulnerable group, exposed not only to economic exploitation but also to physical and psychological violence, sexual abuse, drug misuse, school dropout, and conflicts with law enforcement officers. This condition represents a clear violation of children's rights as guaranteed by Law Number 35 of 2014 concerning Child Protection, particularly Article 59, which regulates special protection for children who work and are economically exploited. The absence of birth certificates among many street children worsens their situation, as they become legally "invisible" and are unable to access public services such as formal education, health insurance, and social assistance (Zulkifli Zulkifli et al., 2023).

In this context, two legal-philosophical traditions offer different yet complementary analytical frameworks. The first is the theory of Utilitarianism, developed by Jeremy Bentham (1748–1832) and John Stuart Mill (1806–1873), which evaluates the goodness of law based on the extent to which it produces the greatest happiness for the greatest number. The second is the theory of *Maslahah* in the Islamic legal tradition, particularly as developed by Imam al-Ghazali, which assesses the validity

of a policy based on its conformity with the objectives of preserving the five essential values of Islamic law *al-maqāṣid al-khamsah* (Basid et al., 2023).

The establishment of PKPA Medan in 1998 through the Children's Creativity Center (Sanggar Kreativitas Anak/SKA) forms the focal point of this research. PKPA functions as a non-governmental agent of implementation that fills the gap left by the state in fulfilling the rights of child street workers. However, the long-term effectiveness of this institution still faces complex structural challenges, including chronic family poverty, the culture of street-based charity, weak inter-agency coordination, and limited regional regulatory support. Although Regional Regulation Number 6 of 2023 concerning the Implementation of Child Protection in Medan City has been enacted, its implementation remains overlapping due to unclear divisions of responsibility among government agencies (R. H. Sitanggang, interview, March 12, 2026).

This study aims to analyze the forms of legal protection for child street workers through PKPA Medan, examine the effectiveness of PKPA in reducing the phenomenon of child street workers, and conduct a comparative analysis between Utilitarianism and *Maslahah* theories as evaluative frameworks in order to determine which theory is more relevant and comprehensive in addressing the problem of child street workers in Medan City.

METHODS

This study employs a juridical-empirical approach (socio-legal approach), which not only examines legal norms as contained in statutory regulations (*law in books*), but also explores their implementation within social realities (*law in action*). This method was selected because the research problem concerns the interaction between the national legal framework, particularly Law Number 35 of 2014 concerning Child Protection, and the protection practices implemented by non-governmental actors in the field (Jonaedi Efendi & Ibrahim, 2022).

In addition to the socio-legal approach, this research integrates an anthropological legal approach to understand how cultural values, social customs, and patterns of community interaction influence the implementation of child protection norms. A case approach is also employed to analyze factual events occurring in the field rather than judicial decisions in a normative sense, by treating empirical cases involving child street workers as the primary units of analysis.

Data were collected through three main techniques. First, in-depth interviews were conducted with key informants, namely Ms. Ika Purnama Sari (PKPA administrator), Mr. Ranap H. Sitanggang (PKPA administrator and staff member of the Social Affairs Office), Prof. Dr. Ibnu Radwan Siddik Turnip, M.Ag. (Islamic law scholar at the State Islamic University of North Sumatra), and Mr. Nirwan Lubis (member of the Medan Municipal Police Unit). Second, direct field observations were carried out in several locations, including Pinang Baris Bus Terminal, Medan Petisah, Medan Polonia, Medan Timur, and Medan Sunggal from December 2025 to March 2026. Third, documentation studies were conducted using PKPA internal documents, program reports, and relevant regulations, including Regional Regulation Number 6 of 2023.

The data were analyzed using a descriptive-analytical method. Field data were critically interpreted through two principal theoretical frameworks, namely Utilitarianism and *Maslahah*, to evaluate their effectiveness and relevance in the context of legal protection for child street workers. The research was conducted from December 2025 to June 2026, with the primary research location centered at the PKPA Medan City office and several areas identified as hotspots for street children in Medan City.

RESULTS AND DISCUSSION

Legal Protection of Child Street Workers through PKPA Medan City

The Center for Child Study and Protection (Pusat Kajian dan Perlindungan Anak/PKPA) Medan City is a civil society organization that has been actively engaged in child protection since 1998. Through its Child Creativity Center (*Sanggar Kreativitas Anak – SKA*), PKPA provides a safe space for child street workers and vulnerable children. The institution adopts a rights-based approach grounded in the principle of the best interests of the child, as stipulated in Article 1 paragraph (2) of Law Number 35 of 2014 concerning Child Protection. Within the context of increasing social vulnerability among street-working children, PKPA serves as an important non-governmental actor that complements state efforts in fulfilling and protecting children's rights (A. Mangunhardjana, 1997).

Based on interviews conducted with Ms. Ika Purnama Sari, PKPA's legal protection framework encompasses five major dimensions. First, participatory data collection and outreach activities are conducted through direct engagement with children in street locations. This process involves documenting personal identities, working conditions, educational backgrounds, family circumstances, and levels of vulnerability. The resulting database serves as a foundation for evidence-based interventions and enables the institution to design targeted protection programs according to the specific needs of each child.

Second, PKPA provides non-formal education and skills development through the Child Creativity Center (SKA). Educational activities include literacy and numeracy programs, vocational training such as sewing, handicrafts, and performing arts, as well as awareness-building regarding children's rights. These initiatives are intended to ensure that children who are excluded from formal education systems continue to exercise their right to education, as guaranteed under Article 9 of Law Number 35 of 2014. In addition to improving academic and practical skills, the program seeks to enhance children's self-confidence and future employability (Hananto, 2025).

Third, PKPA delivers psychosocial assistance through individual and group counseling sessions. These services aim to address psychological trauma, strengthen emotional resilience, and improve children's coping mechanisms in response to the various risks associated with street life. Counseling activities are complemented by educational programs on child rights, reproductive health, personal safety, and the dangers of substance abuse. Such interventions are particularly important given the high levels of exposure among street-working children to violence, exploitation, neglect, and social exclusion.

Fourth, PKPA actively facilitates the restoration of legal identity for children who lack civil registration documents. Through strategic cooperation with the Medan City Population and Civil Registration Office (*Dinas Kependudukan dan Pencatatan Sipil*), the organization assists children and their families in obtaining birth certificates free of charge. This initiative is in line with Article 28 paragraph (4) of Law Number 35 of 2014, which recognizes every child's right to identity. Possession of a birth certificate not only affirms a child's legal existence before the state but also enables access to essential public services, including formal education, healthcare, social welfare programs, and legal protection mechanisms (Sari, 2026).

Fifth, PKPA prioritizes family reintegration and family-based protection strategies. Rather than separating children permanently from their families, the organization seeks to strengthen parental caregiving capacities through parenting

education, household financial management training, and facilitation of access to social assistance programs such as the Family Hope Program (*Program Keluarga Harapan* – PKH). This approach reflects the understanding that sustainable child protection cannot be achieved without addressing family-related factors that contribute to children's involvement in street work. In severe cases requiring intensive intervention, children are referred to the Social Protection and Rehabilitation Center operated by the Provincial Government of North Sumatra, due to the limited availability of rehabilitation facilities at the municipal level (Wahyuni, 2025).

Beyond direct service provision, PKPA also plays a significant role in policy advocacy and institutional reform. The organization actively participated in the initiation, formulation, and advocacy process leading to the enactment of Regional Regulation (Perda) Number 6 of 2023 concerning the Administration of Child Protection in Medan City. This involvement demonstrates PKPA's commitment not only to case-based interventions but also to structural improvements in child protection governance.

Nevertheless, the implementation of the regulation continues to face substantial challenges. According to interview findings, institutional responsibilities remain fragmented and poorly coordinated. In practice, child protection issues are often perceived as the sole responsibility of the Office for Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2KB), while other relevant agencies, including the Social Affairs Office, the Municipal Police (Satpol PP), and law enforcement authorities, frequently lack a shared understanding of their respective mandates. As a result, overlapping authority and administrative ambiguity often lead to delays in case handling and a tendency among institutions to shift responsibility when confronted with child protection issues.

Despite these structural obstacles, PKPA remains committed to monitoring, reporting, and advocacy activities aimed at improving the effectiveness of child protection policies and programs. Its role extends beyond service delivery to include public awareness campaigns, inter-agency coordination, and policy oversight. Consequently, PKPA has become a key stakeholder in advancing a more integrated, rights-based, and sustainable child protection system in Medan City, particularly for child street workers who remain among the most vulnerable groups in society.

The results and discussion are written in the same section and are allowed to make subtitles in the form of categories or themes from research findings. The results and discussion must be written in a maximum of 15 pages. Describe the findings from the results of the research carried out and how they will impact in the future need to be written clearly. Also write a comparison of research results with previous research and their contribution to science.

Analysis through the Theory of Utilitarianism

The theory of Utilitarianism, originally formulated by Jeremy Bentham (1748–1832) and further developed by John Stuart Mill (1806–1873), holds that the value of a legal policy or action should be assessed according to its capacity to produce the greatest happiness for the greatest number of people. Bentham viewed law as an instrument of social engineering designed to maximize collective happiness while minimizing suffering. Derived from the concept of *utility*, meaning usefulness or benefit, Utilitarianism places pleasure and pain as the primary standards for evaluating legal rules and public policies. Consequently, a legal framework is considered effective when it generates the highest level of social welfare and overall utility for society (Zairudin et al., 2023).

Within the context of legal protection for child street workers, the utilitarian approach may be analyzed through three interrelated dimensions: individual interest, social interest, and public interest.

First, individual interest refers to the direct benefits experienced by child street workers as a result of PKPA's protection programs. Empirical findings indicate that PKPA's interventions provide measurable advantages for individual children, including increased self-confidence, restoration of legal identity through birth registration, access to non-formal education, and psychological recovery from trauma. These achievements contribute positively to children's well-being and enhance their opportunities for personal development. However, when assessed through Bentham's utility calculus which evaluates happiness according to its intensity, duration, certainty, and extent the benefits generated by these interventions appear largely temporary. Interviews and field observations reveal that many children return to street work within six months to two years after participating in PKPA programs due to persistent economic pressures faced by their families. Consequently, while the interventions generate immediate utility, they often fail to produce sustainable and long-term welfare improvements (Lathifah Azhar Saptaningrum, 2023).

Second, social interest concerns the broader impact of child protection initiatives on society as a whole. PKPA's activities, including public awareness campaigns regarding child exploitation, community education, and family empowerment programs, contribute to changing public perceptions and encouraging greater social responsibility toward vulnerable children. In Mill's formulation of Utilitarianism, happiness should not be understood solely in quantitative terms but also in qualitative terms, encompassing intellectual, moral, and social development. This qualitative dimension is reflected in PKPA's educational and skills-training programs through the Child Creativity Center (*Sanggar Kreativitas Anak*), (Taufik et al., 2024).

By fostering literacy, vocational competencies, and awareness of children's rights, these initiatives seek to promote higher forms of well-being and social participation. Nevertheless, the social utility generated remains limited because the structural causes of child street work particularly poverty, social inequality, and the entrenched culture of street-based charity have not been systematically addressed. As a result, the broader societal benefits expected from child protection efforts have yet to be fully realized.

Third, public interest represents the broadest dimension of utilitarian analysis, encompassing benefits for society and the state as a whole. The protection of child street workers constitutes a long-term investment in future generations. Children who are protected from exploitation, provided with education, and equipped with life skills are more likely to become productive citizens who contribute to social stability, economic development, and the reduction of crime and social disorder. From this perspective, Law Number 35 of 2014 concerning Child Protection can be understood as a legal instrument designed to advance utilitarian public interests by establishing a normative framework for maximizing children's welfare. When children are granted opportunities to develop in a safe and supportive environment, the resulting benefits extend beyond the individual child and contribute to the well-being of society at large through the creation of a healthier, more educated, and productive generation.

Furthermore, the utilitarian emphasis on legal rules as mechanisms for producing long-term social benefits is particularly relevant in evaluating Regional Regulation Number 6 of 2023 concerning the Administration of Child Protection in Medan City. From a rule-utilitarian perspective, the regulation should function as a binding framework that coordinates all relevant stakeholders and ensures consistent implementation of child

protection policies (Sarif & Ahmad, 2018). Effective enforcement of the regulation would maximize collective welfare by reducing child exploitation and strengthening institutional accountability. However, empirical findings demonstrate that fragmented implementation, overlapping institutional mandates, and weak inter-agency coordination have significantly undermined the realization of these utilitarian objectives. Consequently, the potential social benefits envisioned by the regulation remain only partially achieved.

Despite its contributions, classical Utilitarianism possesses an important theoretical limitation. Because it prioritizes aggregate welfare, it may justify policies that generate the greatest overall utility even when such policies adversely affect vulnerable individuals or minority groups (Kudaedah, 2020). In the context of child street workers, a strictly utilitarian calculation could potentially regard the short-term economic benefits obtained by impoverished families as outweighing the psychological, educational, and developmental harms suffered by children. Such reasoning risks legitimizing forms of child labor and economic exploitation whenever they appear to increase overall family welfare. This limitation highlights a significant weakness of the utilitarian framework and creates space for alternative normative approaches. In this regard, the theory of *Maslahah* offers a more comprehensive perspective by emphasizing the intrinsic protection of human dignity and fundamental rights, thereby ensuring that the welfare of vulnerable children cannot be sacrificed solely for the sake of maximizing aggregate social utility (Al-Daghistani, 2025).

Analysis through the Theory of *Maslahah*

The theory of *Maslahah* in Islamic legal theory (*uṣūl al-fiqh*), as systematically developed by Imam al-Ghazali, defines public welfare or benefit as the preservation of the five fundamental objectives of Islamic law (*al-maqāṣid al-khamsah*): the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-‘aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Any action or policy that contributes to safeguarding these objectives is considered *maslahah* (benefit), whereas any action that undermines them is categorized as *mafsadah* (harm). Unlike utilitarianism, which evaluates policies primarily on the basis of aggregate happiness, the theory of *Maslahah* places the protection of essential human interests at the center of legal and ethical evaluation (Reny Anggraini et al., 2024).

Al-Ghazali established three principal criteria for determining whether a policy or action can legitimately be regarded as *maslahah*. First, it must be *ḍarūriyyah* (essential), meaning that it addresses fundamental needs whose absence would threaten the preservation of the *maqāṣid*. Second, it must be *qaṭ‘iyyah* (certain), indicating that the expected benefit can be reasonably established rather than merely assumed. Third, it must be *kullīyyah* (universal), meaning that the benefit extends beyond individual interests and contributes to the welfare of society as a whole. These criteria provide a useful framework for evaluating the child protection programs implemented by PKPA. Efforts to rescue children from economic exploitation and hazardous street environments directly contribute to the protection of life (*ḥifẓ al-nafs*) and intellect (*ḥifẓ al-‘aql*), thereby satisfying the criterion of *ḍarūriyyah*. At the same time, the broader social impact of these programs on vulnerable children throughout Medan City reflects the universal dimension of *Kullīyyah* (Hermanto, 2017).

In the context of child street workers, the theory of *Maslahah* operates at two interconnected levels: *maslahah khāṣṣah* (particular benefit) and *maslahah ‘āmmah* (public benefit).

First, *maslahah khāṣṣah* refers to benefits that are experienced directly by individual children. In *Shifā' al-Ghalīl*, Al-Ghazali explains that particular welfare concerns benefits directed toward specific individuals, whose improvement ultimately contributes to the welfare of society as a whole. PKPA's programs including psychosocial counseling, non-formal education, trauma recovery, legal identity restoration, and family assistance constitute concrete manifestations of *maslahah khāṣṣah*. These interventions protect children's lives (*ḥifẓ al-nafs*), intellectual development (*ḥifẓ al-'aql*), and future well-being and family continuity (*ḥifẓ al-nasl*). By addressing the immediate vulnerabilities faced by child street workers, these programs provide not only legal protection but also a foundation for personal development and social reintegration (bin Sālim Al-Hanā'ī & bin Khalil Al-Mujahed, 2022).

Second, *maslahah 'āmmah* refers to benefits that extend to society as a whole. Al-Ghazali defines public welfare as any benefit that concerns the interests of the broader community or, at minimum, the majority of its members. This concept was further elaborated by Muhammad al-Tahir Ibn Ashur in *Maqāṣid al-Sharī'ah al-Islāmiyyah*, where he argued that public welfare is achieved when the improvement of individuals contributes to the improvement of society collectively. Within this framework, reducing the number of children working on the streets, preventing exploitation, increasing educational participation, and lowering the risk of juvenile delinquency represent forms of collective social benefit. The legal maxim *al-maṣlaḥah al-'āmmah muqaddamah 'alā al-maṣlaḥah al-khāṣṣah* (public welfare takes precedence over individual welfare) reinforces the notion that child protection is not merely a private concern of children and their families but a shared responsibility of society and the state (Maimun et al., 2023).

A further strength of the *Maslahah* framework lies in its emphasis on prevention. Islamic legal theory recognizes the principle *dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (preventing harm takes precedence over obtaining benefit). The presence of children in street environments exposes them to numerous forms of *mafsadah*, including economic exploitation, violence, substance abuse, educational deprivation, criminal involvement, and long-term psychological harm. Consequently, PKPA's preventive measures such as educational programs, family reintegration initiatives, child rights awareness campaigns, and advocacy against street-based charity practices are not merely reactive responses to existing problems. Rather, they function as proactive strategies designed to prevent broader social harms and protect future generations from enduring cycles of vulnerability and marginalization.

The distinctive advantage of *Maslahah* theory over Utilitarianism lies in its hierarchical and structured conception of human welfare. Al-Ghazali categorizes human needs into three levels: *ḍarūriyyāt* (essential necessities), *ḥājiyyāt* (complementary needs), and *taḥsīniyyāt* (embellishments or refinements). This hierarchy provides a clear framework for prioritizing legal and policy interventions. In the case of child street workers, the foremost priority is not vocational training or skills development alone which fall within the category of *ḥājiyyāt* but rather the protection of life, access to education, prevention of violence and exploitation, restoration of legal identity, and fulfillment of basic material needs. Only after these essential objectives have been secured can higher-level developmental goals be pursued.

This hierarchical structure distinguishes *Maslahah* from Bentham's utilitarian calculus, which measures welfare primarily through the aggregation of benefits and harms without establishing an inherent ranking among competing interests. As a result, the theory of *Maslahah* offers a more comprehensive normative framework for child protection because it safeguards fundamental rights that cannot be sacrificed for broader

social utility. In the context of child street workers in Medan City, this approach ensures that the dignity, welfare, and development of vulnerable children remain protected even when competing economic or social interests are present. Therefore, *Maslahah* provides a stronger theoretical foundation for evaluating and strengthening legal protection mechanisms aimed at addressing the complex and multidimensional challenges faced by child street workers.

Comparative Analysis of Utilitarianism and Maslahah in the Legal Protection of Child Street Workers

Based on the preceding analysis, this study finds that both Utilitarianism and *Maslahah* offer valuable yet distinct contributions to the evaluation of legal protection for child street workers. Although the two theories share a common concern for human welfare, they differ significantly in their philosophical foundations, methods of evaluating legal policies, and approaches to the protection of vulnerable groups. These differences ultimately determine their respective strengths and limitations within the context of child protection.

Utilitarianism provides a strong rational foundation for evidence-based policymaking. The principle of “the greatest happiness for the greatest number” encourages governments to formulate child protection policies that maximize benefits across multiple dimensions of welfare, including individual interests, social interests, and public interests. From this perspective, legal regulations and public institutions are assessed according to their effectiveness in generating measurable social outcomes. The theory is therefore particularly useful in evaluating the performance of child protection programs, public expenditures, and institutional arrangements. Furthermore, the concept of rule utilitarianism supports the development of systematic and consistent legal frameworks, such as Regional Regulation Number 6 of 2023 concerning the Administration of Child Protection in Medan City. By emphasizing the long-term benefits of stable legal rules, Utilitarianism contributes to the creation of regulatory systems aimed at maximizing collective welfare.

However, the principal limitation of Utilitarianism lies in its predominantly quantitative orientation. Because it evaluates policies according to the aggregate benefits they produce, the theory may overlook the intrinsic value and dignity of individuals as rights-bearing subjects. In situations where the interests of vulnerable minorities conflict with broader social interests, utilitarian calculations may potentially justify outcomes that disadvantage those minorities. In the context of child street workers, a purely utilitarian assessment could theoretically regard the short-term economic benefits generated for impoverished families as outweighing the harms experienced by children, particularly when such benefits appear to contribute to broader household welfare. Consequently, classical Utilitarianism lacks a sufficiently robust internal mechanism to guarantee the protection of vulnerable children against exploitation whenever competing interests are deemed socially advantageous.

In contrast, the theory of *Maslahah* offers a more holistic and normatively grounded framework. By placing the objectives of Islamic law (*maqāṣid al-sharī'ah*) at the center of legal evaluation, *Maslahah* assesses policies not merely according to their aggregate benefits but also according to their conformity with fundamental moral and ethical principles. The preservation of life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), religion (*ḥifẓ al-dīn*), and property (*ḥifẓ al-māl*) establishes substantive standards that legal policies must satisfy regardless of their perceived social utility. As a

result, the theory provides stronger normative safeguards for vulnerable individuals, particularly children who may be unable to protect their own interests.

Another significant advantage of *Maslahah* is its preventive orientation. The principle *dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (preventing harm takes precedence over obtaining benefits) emphasizes the necessity of addressing potential harms before they develop into larger social problems. This preventive approach is particularly relevant to the phenomenon of child street workers, where early intervention is essential to prevent exploitation, educational deprivation, psychological trauma, criminal involvement, and long-term social exclusion. In this regard, programs implemented by PKPA including educational assistance, psychosocial counseling, family reintegration, and advocacy against street-based charity practices—reflect the practical application of *Maslahah* by seeking to eliminate sources of harm before irreversible damage occurs.

A further distinction concerns the protection of vulnerable groups. Utilitarianism does not provide absolute protection for minority interests when they conflict with aggregate welfare considerations. *Maslahah*, by contrast, explicitly recognizes the protection of life (*ḥifẓ al-nafs*) and lineage (*ḥifẓ al-nasl*) as fundamental obligations that cannot be compromised for pragmatic or economic reasons. This protection is reinforced by the Islamic legal maxim *lā ḍarar wa lā ḍirār* (there shall be neither harm nor reciprocating harm), which prohibits any action that causes injury or damage to oneself or others. Accordingly, the exploitation of children cannot be justified under the framework of *Maslahah*, regardless of any economic benefits that may accrue to families, communities, or society.

This study therefore concludes that *Maslahah* provides a more comprehensive and appropriate theoretical framework for evaluating and strengthening the legal protection of child street workers in Medan City. Its superiority derives from four principal characteristics. First, it offers a clear hierarchy of human needs through the categories of *ḍarūriyyāt* (essentials), *ḥājīyyāt* (complementary needs), and *taḥsīniyyāt* (embellishments), thereby guiding policymakers in establishing intervention priorities. Second, it incorporates both preventive and curative dimensions through the principle of preventing harm before pursuing benefits. Third, it integrates individual welfare (*maslahah khāṣṣah*), collective welfare (*maslahah 'āmmah*), and transcendental values within a single analytical framework. Fourth, it cannot be manipulated to legitimize child exploitation on the grounds of pragmatic utility or economic efficiency.

Nevertheless, this conclusion does not diminish the relevance of Utilitarianism. The theory remains valuable as a public policy instrument, particularly in the design and evaluation of legal regulations intended to maximize aggregate welfare and improve institutional effectiveness. Consequently, rather than viewing the two theories as mutually exclusive, they may be regarded as complementary approaches. Utilitarianism contributes analytical tools for assessing policy outcomes and social benefits, while *Maslahah* provides the normative and ethical foundations necessary to ensure that the rights and dignity of vulnerable children remain protected. Together, these perspectives offer a more comprehensive understanding of legal protection and social justice for child street workers in Medan City.

CONCLUSIONS

This study has conducted a comparative analysis of two major legal theories, namely Utilitarianism and *Maslahah*, in evaluating the legal protection of child street workers in Medan City. Several key conclusions can be drawn.

First, the legal protection implemented by PKPA Medan City encompasses participatory data collection, non-formal education, psychosocial assistance, restoration of legal identity, family reintegration, and policy advocacy. These programs have proven effective in improving children's welfare and access to fundamental rights in the short and medium term. However, their long-term sustainability remains constrained by the high rate of children returning to street work after intervention, reflecting unresolved structural inequalities. Chronic family poverty, the culture of street-based charity, weak inter-agency coordination, and the absence of a municipal-level shelter system constitute the primary obstacles to sustainable child protection.

Second, Utilitarianism provides a useful evaluative framework through three interrelated dimensions: individual interest, social interest, and public interest. Individual interest refers to the direct benefits received by children through protection programs; social interest concerns the positive effects of child protection on social order and community welfare; while public interest encompasses broader benefits for society and the state, including the development of healthy, productive, and socially responsible future generations. These dimensions are valuable for designing evidence-based policies aimed at maximizing collective welfare. Nevertheless, Utilitarianism suffers from a fundamental limitation, namely its inability to provide absolute protection for vulnerable individuals when aggregate utility calculations appear to justify exploitative practices.

Third, the theory of *Maslahah* offers a more comprehensive framework for evaluating child protection policies. It provides a structured hierarchy of human needs (*ḍarūriyyāt*, *ḥājiyyāt*, and *taḥsīniyyāt*) that guides policy priorities and intervention strategies. Furthermore, it integrates *maslahah khāṣṣah* (individual welfare) and *maslahah 'āmmah* (public welfare) within a single normative framework while emphasizing preventive measures through the principle of *dar' al-mafāsīd* (preventing harm). Most importantly, *Maslahah* safeguards the intrinsic dignity and rights of children as legal subjects whose interests cannot be compromised for pragmatic or economic considerations.

Fourth, based on the comparative analysis, this study concludes that *Maslahah* constitutes a more relevant and comprehensive theoretical framework for the legal protection of child street workers than Utilitarianism. However, the two theories should not be viewed as mutually exclusive. Rather, they complement one another: Utilitarianism remains useful as an instrument for designing measurable and outcome-oriented public policies, whereas *Maslahah* provides the ethical and normative foundation necessary to ensure that policy objectives do not override the fundamental rights and dignity of vulnerable children.

Based on these findings, several recommendations are proposed. First, the operational capacity of PKPA should be strengthened through increased financial support and the recruitment of qualified professional personnel. Second, implementing regulations derived from Regional Regulation Number 6 of 2023 should be enacted to establish clear mechanisms for inter-agency coordination and accountability. Third, child protection programs should be integrated with regional poverty alleviation policies, including the Family Hope Program (*Program Keluarga Harapan*), microenterprise assistance schemes, and productive social security initiatives. Fourth, a comprehensive public awareness campaign should be developed to transform the culture of street-based charity into structured and accountable forms of social assistance through trusted institutions. Within the Islamic context, this objective may be achieved through the effective management and optimization of *zakat*, *infaq*, and *sadaqah* as organized

instruments of social welfare, thereby generating broader and more sustainable public benefit (*maslahah*).

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