

## BUKTI KORESPONDENSI

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Yusmita Yusmita:

Thank you for submitting the manuscript, " Contextualization Of The Law Responsibility To Filial Elderly Parents In Muslim Families, Indonesia" to "Journal of Namibian Studies". With the online journal management system that we are using, you will be able to track its progress through the editorial process by logging in to the journal web site:

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If you have any questions, please contact me. Thank you for considering this journal as a venue for your work.

Dr. Zhen Wang

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## 2. Desk screening Report

Article: Contextualization Of The Law Responsibility To Filial Elderly Parents In Muslim Families, Indonesia

Author Name: Yusmita, Miti yarmunida

Receiving Date: 13-02-2023

### Evaluation

S.No	Necessary checkpoint	Statistic	Acceptable (Yes/No)
01	Plagiarism (Turnitin report)	10%	Y
02	Abstract word length	169	Y
03	Manuscript word length	7413	Y

1- Does the article within the scope of the journal (✓.) Yes ✓ No  
If no (write few words about your observation)

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2- Research Parameters are properly followed (✓)

2.1 Abstract

- Appropriate Reflection of paper. Yes ✓ No
  - Total word count are according to defined range. Yes ✓ No
- 

2.2 Introduction

- Well defined Yes No ✓

If no (write few words about your observation)

Please elaborate your introduction with regard to the topic of your article.

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- Organization of article is defined. Yes ✓ No
- 

2.3 Objective and motivation are clearly defined and do they reflect and complement research topic.  
Yes ✓ No

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2.4 Background and literature review is appropriate, relevant and authentic citations are observed.  
Yes No ✓

Please explain the literature review in a separate section

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2.5 Methodology is appropriately defined.  
If no (write suggestion/observation)

Yes ✓

No

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2.6 Result/Discussion/Limitation /Future work/conclusion are defined with clarity.

Yes No ✓

If no (write suggestion/observation)

Please explain results in a separately section \_\_\_\_\_

2.7 Referencing style is appropriate

- In-text citation.
- End notes

Yes

No ✓

Yes

No ✓

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2.8. Authentic References

Yes ✓

No

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2.9. Recent Articles Referred

Yes ✓

No

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Summary of above findings. (Tick✓ only one)

S.No	Parameters	Acceptable	Required improvement
01	Abstract	✓	
02	Introduction		✓
03	Objectives/Motivation	✓	
04	Background	✓	
05	Legal Issue		✓
06	Methodology	✓	
07	Result (if required)	✓	
08	Discussion	✓	
09	Limitation/Future work		✓
10	Conclusion	✓	
11	Referencing style	✓	
12	Appropriate Referencing		✓
13	Manuscript Language	✓	

Recommendation. (Tick✓ only one)

-Manuscript is rejected in its present form but the author should be invited to revise it in the light of the comments.

-Conditionally accepted by editorial desk. ✓

- rejected

-Comments for Author (if any)

Please elaborate your introduction with regard to the topic of your article.  
For referencing please follow the author's guidelines  
For Arabic text please follow the author's guidelines

\_\_\_Dr. Mohammed\_\_\_

Desk Reviewer Signature

Dr. Zhen Wang

Editors' Signature Date: 23-04-2023

### 3. Catatan Review

Yusmita Yusmita:

We have reached a decision regarding your submission to Journal of Namibian Studies, "Contextualization Of The Law Responsibility To Filial Elderly Parents In Muslim Families, Indonesia".

Our decision is: **Revisions Required**

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## Contextualization of the Law Responsibility to Filial Elderly Parents in Muslim Families, Indonesia

**Abstract:** The purpose of this study is to describe the contextualization of filial piety to elderly parents in Muslim families in Indonesia. The research method used is normative sociology. This type of research is Field research. Informants in this study were social care workers, parents who lived in social institutions, and children of parents who were entrusted with care. Based on the results of the study it can be concluded that 1) Older parents who live alone are assisted by neighbors and some are abandoned on the streets so that they are assisted by the surrounding community and placed in social institutions. The reasons for parental care are; changes in family structure, socialization of the elderly, not wanting to bother children, and problems in the family. 2) Children who have left their parents in a social institution and their parents have mutually agreed to the care, the majority of children also often visit their parents and almost all parents feel happy living and being cared for in a social institution.

**Keywords:** Law, Responsibility, Dedication, Elderly, Social Institutions, Muslim family

### Introduction

The responsibility to serve parents in Islam occupies (Wibowo et al., 2023) the second position after the obligation to serve Allah SWT. The command to serve parents is God's way of protecting the rights of parents (Alimashariyanto et al., 2022), especially when they are old and old (Jawas, 2003), the right of parents for their children is to get comfort (happy) both physically and mentally, especially in their old age (Marwiyah et al., 2019). The Indonesian government has also regulated the rights of elderly parents as contained in Article 46 of Law No. 1 of 1974 concerning Marriage, Article 2 and Article 9 of Law No. 24 of 2004 concerning the Elimination of domestic violence, and Law No. 13 of 1998 concerning Elderly Welfare (Republik Indonesia, 1998). Based on this law, it is understood that the obligation to provide happiness to parents, especially when they are old and/or advanced, is the responsibility of the child/family, community, and government.

Old age, especially for women (85%) experience poverty economically because they can no longer try to make a living (Kidd et al., 2018). Decreased income or none at all makes the elderly unhappy. But another happiness can cover their worries, namely a good relationship with children, grandchildren, especially daughters (Diponegoro & Mulyono, 2015). The happiness of the elderly is also obtained by being given space to play a role in the smallest sphere, namely the family, even in society and the country (Ikawati, 2013).

Most research on filial piety focuses on the moral education of students from the elementary school level to the high school level on filial piety to parents (Iskandar et al., 2021). Analysis of the concept of filial piety to parents in the verses of the Koran and the hadiths of Rasulullah SAW (Astuti, 2021a; Jawas, 2003; Marwiyah et al., 2019). At the level of elderly parents, they need to be given protection for their rights (Misnaniarti, 2017).

The purpose of this study is to describe the law's responsibility to filial elderly parents and contextualize the manifestation of the filial duty to elderly parents. Taking into account the research that has been done by previous researchers, it is known that the aspect of

**Comment [WU1]:** This manuscript must follow the author's guidelines of the Journal of Namibian Studies; Table formats and others must be adjusted.

**Comment [WU2]:** In technical writing, authors have applied Mendeley as a reference. However, in one outline, some important outlines should appear clearly, such as research findings. The research findings outline will ease readers in making quick scanning and scanning.

**Comment [WU3]:** 1. The author has not clearly stated the finding presented in the manuscript. Even though, in conclusion, research finding is hard to discover. Thus, the author should state clearly the research finding in this article, for instance stating "The research finding in this article are..."

**Comment [WU4]:** The title is specific and relevant to the topic of "Journal of Namibian Studies"

**Comment [WU5]:** The abstract includes the research background; Purpose and scope; Method; Summary of results or findings; and Conclusion. It is just that the background needs to be emphasized. For purposes, methods and results, and conclusions are suitable.

**Comment [WU6]:** The keyword has written a list of essential terms that make it easier for readers to find this article and does not exceed 5 characters

**Comment [WU7]:** The presentation of the problem in the introduction is good enough; the background of the problem, method, and previous research has been described quite well. In the last paragraph, it is necessary to write down the purpose of this research. The author has also shown the novelty of this study by tracing previous research, which is considered almost the same or similar to this study; it is just that one to two more previous studies need to be added.

**Comment [WU8]:** Research questions should be explained in detail and accompanied by examples if needed. This research question is very important because it becomes a compass in a study

contextualization of the embodiment of responsibility filial to parents has not been discussed. The specifics of this research are efforts to ground the way of devotion to elderly and/or elderly parents in the era of changing family forms from large families to small families, from village life to industrial urbanization life.

### **Method**

This research is normative sociological research with a qualitative approach. The researcher collected data about the nature of the responsibility to filial parents from relevant literature and collected primary data by interviewing informants, namely the elderly parents of Muslim families. The data collection technique was carried out by observing elderly parents of Muslim families. Elderly parents who live alone are assisted by neighbors and some are abandoned on the streets so that they are assisted by the surrounding community and placed in social institutions, then the researcher conducts open interview techniques directly with people, parents, administrators of social institutions, and families of the elderly to reveal the condition of the elderly in nursing homes and their expectations. Documentation techniques are also used by researchers to obtain complete information related to documents in nursing homes. Researchers use literature studies to explore concepts, theories, and research developments that are relevant to research. Thus in this study, there are two sources of data, namely primary data and secondary data. Data analysis techniques start with data reduction where researchers search for relevant literature then sort, select, and code relevant data grouped according to class, data display is carried out after the required data is collected and grouped, and conclusions are.

**Comment [WU9]:** Methods have been written briefly, concisely, and clearly. Types and research approaches, subjects, procedures, data collection, and analysis techniques have been written down.

### **Dutiful Responsibility to Parents in Islam and Positive Law**

The obligation to parents in Islamic law is explained in the Qur'an in surah Al-Isra' verses 23-24 it is explained that Allah's command to serve parents is obligatory and occupies the second position after the command to worship Allah SWT. Moreover, when the parents are elderly and are in the care of the child, the child must glorify the parents so that the parents are both physically and mentally happy (George, 2010).

The past verses explain the guidance regarding the purification of the creed along with the command to unite Allah and not associate partners with Him. Now Allah has bequeathed mankind to do good to both parents, both parents with perfect goodness.

Broadly speaking, Nasikh Ulwan states that the rights of parents that must be obtained from their children or the obligations of children towards their parents include (Ahmad Atabik & Burhanuddin, 2015) :

- a. The responsibility of children to provide maintenance to their parents.

"And give to families who are close to their rights, to the poor and people on the way and do not squander (your wealth) extravagantly." (QS Al Isra': 26).

It was explained that children must provide maintenance to their parents first, and to families whose rights are close to them, namely to glorify them and connect friendship with them (to the poor and those who are on the way; and do not squander your wealth extravagant) that is spending it not in the way of obedience to Allah. Those who are obliged to provide for their parents are adult children, if the child is still small or a teenager is not obliged to provide maintenance for his parents.



- b. The responsibility of children to take care of their parents.

Many of these stories are repeated, when a child puts his parents in a nursing home and doesn't want to care for or look after his parents anymore and does not on the will of his parents, later this child gets a similar life or at least the life of the end of his old age (if given a long life). not going well alias su'ul khotimah. Even Birrul walidain (serving parents) is a great practice, the law is fardhu ain, and this practice is the right of parents over their children. Parents (especially if they are old) are the gate to enter heaven, even this practice is faster and can abort big sins, as it came from his noble friend Abdullah Bin Abbas.

- c. The responsibility of children to respect parents and obey their will
- d. The responsibility of children to give love and affection to parents.

The government has stipulated laws and government regulations regarding the protection of elderly rights, namely 1) Republic of Indonesia Law No. 1 of 1974 Article 46, 2) PERMENSOS No. 5 of 2018, 3) Law No. 6 of 1974, 4) Law No. 13 of 1998, 5) PERMENKES RI No. 25 of 2016, 6) PERMENSOS RI No. 19 of 2012. According to Article paragraph (2) it requires that the child is an adult and capable and a parent who needs assistance. Article 321 of the Civil Code it is stated that every child is obliged to provide a living for both parents and their blood relatives in a straight line upwards if they are in a poor condition in which case the parents automatically clearly need help. If the child is immature and not well off and the parents do not need help, children are not obliged to look after or care for their parents. In Law No. 1 of 1974 article 46 paragraph (2) reads: "If your child is an adult, he is obliged to look after according to his ability, parents and family in a straight line upwards, if they need help" (Republik Indonesia, 1974).

The family must have good relations, parents must provide for their children, and also provide the best education for their children (Lee & Luo, 2021). Also, within the scope of the family, it is prohibited in terms of abandoning one of the family members. Abandonment is regulated in Article 9 paragraph (1) and paragraph (2) of Law No. 23 of 2004 which reads:

- 1) Everyone is prohibited from abandoning people within the scope of his household, even though according to the law that applies to him or because of an agreement or agreement he is obliged to provide life, care, or care for that person.
- 2) Neglect as referred to in paragraph (1) also applies to anyone who causes economic dependence by limiting and/or prohibiting proper work inside or outside the home, so that the victim is under the control of that person.

Children's responsibility to parents are regulated in Law No. 1 of 1974 article 46 paragraph (1) which states; Children are obliged to respect their parents and obey their good will. The obligation of children to respect and obey the wishes of good parents towards children as referred to in Article 46 paragraph (1) is appropriate for children to do. Every child must respect both his mother and father both from a human and religious perspective. This is because with great difficulty they raise and nurture children to be good human beings.

**Comment [WU10]:** The author has specifically written the findings of his research

### **Caring for elderly parents in social institutions**

- 1. Parental Custody Process

Requirements for parental care at the Social Institution, with the following conditions:

- a. Age must be 60 years and over
- b. Underprivileged, poor, or abandoned, as explained by the village head.

- c. Physically and mentally healthy, not suffering from infectious diseases and memory as explained by a doctor's certificate from the local health center.
- d. Letter of surrender from the family for those who still have a family.
- e. Cover letter from the local City/District Social Welfare Service. (Kholid, 2021)

Based on an interview with Mrs. Piha regarding the process of enrolling in a social institution, Mrs. Piha and her husband named Wirin were not entrusted by their children or relatives and also not by their neighbors, but they went to a social institution in the area itself. They went alone to the Social Institution. Mrs. Piha and her husband only have one child named Wawan Gunawan who works as a construction worker and his side job is gardening. Because he is afraid or feels it will be a burden to his child, they finally go to a social institution. (Piha, 2021)

In addition, based on an interview with Mr. Sanmukti, he is different from Mrs. Piha and Mr. Sumarjo. He was directly entrusted by his son because his son had consulted and their parents agreed to live in a social institution. They have four children, but they are separated and quite far apart, some in Java and other places. Mr. Sun Mukti's family can be said to be economically disadvantaged, he said he was no longer able to work to help his child and felt that he was a burden on his child's family and he decided to live in a social institution after asking his children's approval. (wawancara , 2021, p. Sinma)

According to the researchers, based on the explanation above, all parents who live in the Social Institution, are accepted if any requirements or procedures are not met because the Social Institution cannot allow parents to be abandoned or their children don't want to take care of them anymore or some parents own desire to live there. Before the deposit is accepted by the Social Institution, for children who have entrusted it directly to their parents (Lam et al., 2022), from both sides the child and parents are invited to talk again about whether they are sure of the decision or not. If it is unanimous or is sure then the safekeeping will be accepted.

- 2. Reasons for Parental Custody
  - a. Changes in Family Structure
  - b. Absence of Peers
  - c. E economy
  - d. Family Conflict (Kholid, 2021)

The reasons for leaving parents in social institutions can be seen in Table 1 below :

**Table 1. Reasons for leaving parents in social institutions**

No	Reasons for leaving	Amount
1.	Changes in Family Structure	16
2.	Absence of Peers	6
3.	Economy	14
4.	Family Conflict	12
5.	Peer Absence and Family Conflict	7
6.	Economics and Family Conflict	9
7.	Changes in Family Structure, Absence of Peers, Economy, and Family Conflict	2

**Comment [WU11]:** the table here is very appropriate to use, because it can make it easier for readers to understand your manuscript

## **Implementation of Parental Care in Social Institutions**

### **a. Food Service**

Based on the interview given by grandmother Siti Yarniati, she was a poor person, she only had a child named Gunawan and her child now died due to an accident. Grandma Siti Yarniati's job was only as a collector of used goods, to meet her daily needs, sometimes she ate good food and was sometimes only sober which is important to be able to eat. In the Social Institutions, the government has provided good food and housing.(Yarniati, 2021) .The same thing was conveyed by research respondents, namely Resuna's grandmother, she stated that living here is comfortable, given a place to live, and guaranteed food if for example, she gets bored with the food provided by the orphanage she just buys vegetables and cooks herself because the stove is also provided by the orphanage. Health is routinely checked every week if there is medicine for illness at the clinic (Resuna, 2021)

Based on an interview with Putri Rahayu who had an internship at the Social Institution, in terms of food there was no shortage, there were even meals three times a day. So in terms of services at the Social Institution, there are no shortages. But, the food is sober and erratic.

### **b. Health services**

Based on an interview with Grandma Tusia, the service at the social institution is very good, food is always provided every day, and medicine is available there. The Social Institution has provided adequate health facilities, although not too complete and can be said to be sufficient. (Tusia, 2021). Also added from the delivery from Putri Rahayu, if there is a health service such as medicines there are already there but not sufficient enough. There are only general medicines such as medicine for fever, dizziness, and so on. So, if the illness is severe, they will return to the public hospital for treatment. As well as students who are doing internships, they help a little in the process of health and medical services. (Rahayu, 2021)

### **c. Facilities and infrastructure**

Based on the results of the interview submitted by Winda Lestari, the facilities and infrastructure at the Social Institution were adequate. During his internship there, he saw that living there was no problem because the parents who lived there had been divided into housing so everything was in order. Other facilities are also adequate, such as; a hall, prayer room, service house, clinic room, isolation room, skills room, discussion room, and kitchen. (Lestari, 2021). This was also conveyed by research informants. Those who stated that living there was comfortable, given a place to live, guaranteed meals if, for example, the grandmother got bored with the food provided by the grandmother's home, all she had to do was buy vegetables and cook them herself because the stove was also provided by the orphanage. Health is routinely checked every week. If you are sick, there is medicine at the clinic, if at the children's home, it is difficult to check your health to eat. (Piha, 2021)

Based on the statement above, it can be said that the elderly choose to live in social institutions because of the facilities provided by the orphanage for the elderly. All the facilities and infrastructure there are sufficient for the elderly living in social institutions.

### **d. Cleanliness**

From Putri Rahayu's explanation regarding cleanliness at the Social Institution, it is clear that cleanliness is maintained there because there is a special officer in charge of cleaning the entire room or yard at the Tresebut Social Institution. Four cleaners are working there. So the cleanliness of the Social Institution is very well maintained. (Rahayu, 2021)

## **Elderly Parent Care from the Perspective of Islamic Law and Positive Law**

### **1. The Process of Parenting in Islamic Law and Positive Law**

The process of parental care is related to Islamic law, there is an agreement between the child, the parents, and the Social Institution (Alimashariyanto et al., 2022). The agreement must have a contract so that the provisions or regulations that apply to both parties can be agreed upon. Akad comes from the Arabic language, namely al-'aqd, etymologically it has many meanings, including binding, gathering, agreeing, and strengthening. With an agreement between all parties with the existence of a contract (Zhang, 2016), then from the deposit process, there is a transfer in maintenance. The maintenance process begins with the child and is handed over to the Social Institution through deliberation (Kanter, 1991). The child should be the one who has to look after or care for his parents, but in this case, if it has been agreed then the orphanage is allowed to take care of the elderly who are entrusted. It is explained in the verse regarding the maintenance of QS Al-Maidah verse 32, namely:

" And whoever preserves the life of a human being, it is as if He has preserved the life of all human beings. "

Allah SWT glorifies every human being who maintains the life and safety of his soul. So valuable is the position of the soul in humans (Anand, 2008), that protecting it becomes one of the main goals of religion ( hifdzu al nafs ). Every human being has relationships and bonds with other human beings, both family relationships and social relationships. That is why protecting one human life seems to have the same value as protecting all human lives because, in essence, it is the same as protecting the existence of human life (Éthier et al., 2021).

So, the orphanage is allowed to take care of the elderly entrusted by the elderly. In this verse, it is permissible to preserve other human lives because it is clearly stated in the Qur'an. Caring for other people is the same as having helped him in trouble, it is also explained in the Al-Qur'an surah Al-Kahf verse 95 which states that:

"Dzulkarnain said: "What my Lord has empowered me against is better, so help me with strength (humans and tools), so that I make a wall between you and them."

In positive law, the parental care process does not have a clear explanation (Alam et al., 2022). However, in the deposit process, there must be requirements that must be met. Requirements for parental care at the Social Institution, with the following conditions:

- a. Age must be 60 years and over
- b. Underprivileged, poor, or abandoned, as explained by the village head.
- c. Physically and mentally healthy, not suffering from infectious diseases and memory as explained by a doctor's certificate from the local health center.
- d. Letter of surrender from the family for those who still have a family.
- e. Cover letter from the local City/District Social Welfare Service. (Kholid, 2021)

In the process of depositing at the Social Institution, there must be regulations governing the work procedures of the Social Institution. In the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 106/HUK/2009 concerning the Organization and Work Procedures of Social Institutions within the Ministry of Social Affairs, there are positions, duties, and functions of social institutions, with the PERMENSOS RI No. 3 years 2021 (Menteri Sosial Republik Indonesia, 2021) in the process of nurturing parents it can be carried out properly because there are tasks and the function of social institutions in carrying out the obligations of social institutions for parents or the elderly who are there.

## **2. Reasons for Parental Custody in Islamic Law and Positive Law**

In parental care, there are various reasons, some of which are agreed upon by the family and some are not based on the decision of the family (Farkhani et al., 2022). The reason for entrusting one's parents is something that is allowed and something that is not allowed in Islamic law or positive law (Farkhani et al., 2022). It can be concluded into two parts that are allowed and which are not allowed, namely:

### **a. Allowed**

It is permissible if in custody there is an agreement between the child and the parents. In addition, it is permissible for parents to live at the Social Institution and it is highly recommended that children often visit their parents at the orphanage so that family ties are maintained between the children and their parents. Thus the child is still carrying out his obligations or is devoted to his parents.

The affirmation of the commandment to serve, honor, and do good to both parents increases when both reach old age and old age. Doing good to parents is very basic for children to do to parents, especially parents who are elderly.

In Islam obeying orders from parents is a must for a child except if the parents' request is contrary to religion, a child can defy the orders of the parents even if the parents have threatened not to eat or want to take his life if the parents' request is to turn someone away the child of his religion then a child may oppose it.

The Law also explains that if the child has carried out the will of the parents, then the child has carried out the child's responsibility towards the parents and is regulated in Law no. 1 of 1974 article 46 paragraph (1) which states; Children are obliged to respect their parents and obey their goodwill.

The responsibility (Diwan et al., 2011) of children to respect and obey the wishes of good parents towards children as referred to in Article 46 paragraph (1) is appropriate for children to do. Every child must respect both his mother and father both from a human and religious perspective. This is because with great difficulty they raise and nurture children to be good human beings. Children should thank their parents by respecting them. Likewise, obeying the good intentions of both parents is the right thing to do.

So in Islamic law as well as in positive law, if a child entrusts his parents because there is already an agreement, then the child has carried out his duties well as a child because in essence the son has respected and obeyed the will of his parents properly and is permitted in Islamic law and Islamic law Positive (John, 2016).

### **b. Not allowed**

It is not permissible for children to leave their parents (Budiarti Santoso, 2018) without the will or will of their parents. In addition, there are two special cases where

parents are abandoned or leave home and their children never seek news from their parents, namely; grandfather Abdul Zubir and grandmother Sartini. They were both stranded on the streets without any communication with their children anymore. However, some people help entrust them to Social Institutions. (Askan, 2021)

From the perspective of Islamic law, it is explained that the command to serve parents is mandatory for a Muslim (Halimi, 2021), and is a form of obedience to get closer to Allah SWT. Even in the Qur'an Allah places an order to be filial to both parents after legitimizing the worship of Allah SWT. And after the prohibition to associate it with anything. (Musthafa, 2020)

" Say: "Let me read what your Lord has given you, namely: do not associate anything with Him, do well to both parents and parents. " (QS. Al-An'am: 151).

This shows how high and noble the practice of filial piety is to the parents. Explained again in QS Al-Isra 'verse 23-24 which reads:

“ And your Lord has commanded you not to worship other than Him and you should do good to your parents in the best way possible. If one of the two or both reaches an advanced age in your care, then never say to both of them the word "ah" and don't yell at them and say noble words to them. And humble yourself towards them both with great affection and say: "O my Lord, love them both, as they both have educated me as a child ." (QS. Al-Isra': 23-24)

Devotion to parents is a practice that is loved by Allah after the obligatory prayers at its time and places the priority of jihad in the way of Allah after the virtue of serving both parents.

Rasulullah SAW. said: " That is a person who finds both parents or one of them in old age (elderly), then he does not enter heaven (by serving him) . " (HR.Muslim).

Allah SWT. also remember that Muslims should not be disobedient to their parents because that is one of the great sins. Even just the expression 'ah' is considered trivial in the sight of Allah SWT. it is an act of rebellion as described in surah al-Isra` above. (Suhendi, 2000)

Based on the arguments above, the scholars stipulate that it is not permissible to leave parents in social institutions, except in very forced conditions and based on desire, permission, and willingness of the heart, and not because they are forced to because of their child's bad behavior. The culture of leaving parents (Yacoubian, 2022) in nursing homes and leaving children in daycare, including daycare, is not a model of the Islamic social system.

from that, in positive law, the obligations (Astuti, 2021b) of children towards their parents are regulated in Article 46 of Law No. 1 of 1974 which stated:

- a. Children are obliged to respect their parents and obey their goodwill.
- b. If the child is an adult, he is obliged to look after according to his ability, parents and family in a straight line, if they need help

Based on Article 326 of the Civil Code in the sentence "ordered him" the child is to place the party who needs a living, in this case, the parents, into the child's house and provide the necessary items. Law No. 1 of 1974 regulates the obligations of parents towards their children

and Chapter X concerns Rights and Obligations between Parents and Children. The livelihood of children towards their parents is regulated in Article 46 of the Law which confirms: This means that children are obliged to look after, look after, and care for their parents (Mahery, 2021) according to their abilities and skills (Amberi, 2023). However, this explanation is only "maintaining" in a general sense. If you look at the meaning of "maintaining according to language, namely taking care and taking good care of, for example maintaining a healthy body and caring for a wife's children. So it can be interpreted that caring includes living (Anand, 2008).

Meanwhile, in terms of Law no. 23. Year 2004 concerning the Elimination of Domestic Violence in article 9 paragraph (1) which reads: "Every person is prohibited from abandoning people within the scope of his family, even though according to the law that applies to him or because of an agreement or agreement he is obliged to provide life, care or maintenance to that person."

In the family there must be good relations (George, 2010), parents must provide for their children and also provide the best education for their children. Also, within the scope of the family, it is prohibited in terms of abandoning one of the family members (de Mendonça et al., 2020; Diwan et al., 2011; Lee & Luo, 2021). Abandonment is regulated in Article 9 paragraph (1) and paragraph (2) of Law No. 23 of 2004 which reads (Presiden Republik Indonesia, 2004):

- a. Everyone is prohibited from abandoning people within the scope of his household, even though according to the law that applies to him or because of an agreement or agreement he is obliged to provide life, care, or care for that person.
- b. Neglect as referred to in paragraph (1) also applies to anyone who causes economic dependence by limiting and/or prohibiting proper work inside or outside the home, so that the victim is under the control of that person.

In positive law, it is prohibited to abandon one of the family (Haniff et al., 2019) members even though the family's economic situation is not good, it is still not permissible to abandon one of the family members. If the family has a good relationship then neglect will never happen. Positive law allows leaving parents in social institutions but prohibits abandoning a family member.(Lee & Luo, 2021)

### 3. Implementation of Parental Care in Islamic Law and Positive Law.

Caring for or caring for parents is the responsibility of children towards elderly parents (Hung, 2022) which is an obligation that must be carried (Farkhani et al., 2022) out by children. Many things must be done, apart from sacrifice, and not only limited to words, but actions must also be maintained as much as possible so that parents are always comfortable. Also, the child's attitude is not only when the parents are of a certain age, but when they are old, even when the child dies, they must still do good. Described in the Al-Qur'an surah Al-Isra 'verse 23 which reads:

And your Lord has commanded you not to worship other than Him and you should do good to your parents in the best way possible. if one of the two or both of them reaches an advanced age in your care, then never say to both of them the word "ah" and don't yell at them and say to them glorious words."

Caring for or caring for parents (Amberi, 2023) is a form of filial piety towards parents. As expressed by M. Quraish Shihab in terms of the obligations of children towards their parents:

**Comment [WU12]:** The discussion has also been written complete with the theory used.



"That the service that is commanded by the Islamic religion, is to be polite to both of them in speech and actions by the customs of society, so that they feel happy with us, and meet their needs. lawful and reasonable according to our abilities (as children)." (Shihab, 2002)

In addition, maintenance is also carried out by the Social Institution. If it is discussed in Islamic law (Dupret et al., 2023), nothing regulates or discusses the obligations of Social Institution officers towards the elderly, but only discussed in laws or government decisions. From the data collected, the maintenance there is good with the services and facilities, and infrastructure provided by the Social Institution for the elderly who live there muslim family.

As for the legal basis for caring for parents, social institutions are technical implementation units within the Ministry of Social Affairs that provide social welfare services (Article 1 Kep. Mensos no.22/1995). His job is to provide social welfare services and social rehabilitation for people with social welfare problems by applicable laws and regulations. The service process for the elderly in the orphanage is a process of assistance, protection, guidance, compensation, and care that is carried out in a systematic, directed, and planned manner in the institution which aims to improve the welfare of the elderly. ( Puslitbang dan Diklat Departemen Agama RI, Harmoni )

The roles and functions of social institutions are stated in Law Number 6 of 1974 Article 3 paragraph 1 concerning the main provisions on social welfare explaining that the government's duties are: a) to determine the necessary policies to maintain, guide and improve social welfare efforts; b) fostering, nurturing, guiding and increasing the awareness and sense of community social responsibility; c) to secure and supervise the implementation of social welfare efforts.

Based on the description above, it can be understood that: 1) Parents who live in social institutions are directly entrusted by their children, assisted by neighbors and some are abandoned on the streets so that they are assisted by people who see them. The reasons for parental care are; changes in family structure, socialization of the elderly, not wanting to bother children, and problems in the family. 2) Services at social institutions, such as; housing services, food services, health services, recreation services, and skills services, as well as facilities and infrastructure are all good, meaning that the standard needs for the elderly have been met properly. 2) Children who have left their parents in a social institution and their parents have mutually agreed to the care, the majority of children also often visit their parents and almost all parents feel happy living and being cared for in a social institution. Thus the safekeeping is by Islamic law (Fanani & Hidayati, 2022) and the child does not violate the provisions of Islamic law and positive law because the child is still considered filial to his parents and the majority of the child care (Yassari et al., 2017) process is not coerced by the parents (Maehara & Takemura, 2007). It's just that the Social Institution still needs to improve the completeness of the facilities and add health workers and caregivers for the elderly at this orphanage.

## Conclusion

Living with children and elderly parents under one roof is not the only way to make parents happy. The conditions of each family are very different, especially in terms of economic level and the quality and quantity of time that can be given to elderly parents. The needs of elderly parents can be provided outside the scope of the family, namely by providing an environment that can provide special services, lots of peers, and keeping them busy, such as in social institutions provided by the government. Their needs to love their children and grandchildren must still be provided by their children and grandchildren by continuing to take the time to visit and provide for some of their needs.

**Comment [WU13]:** The analysis is quite sharp in analyzing the results of the research findings

**Comment [WU14]:** The conclusion is relatively straightforward and has concluded the results of the study



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Comment [WU15]: add more Scopus indexed journal references

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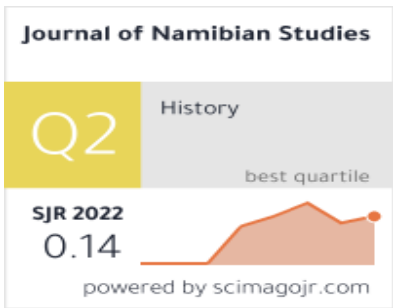
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