

## NEGLECT OF PARENTS AT UPTD SOCIAL SERVICES FOR THE ELDERLY BINJAI IN REVIEW OF ISLAMIC LAW AND UU NO.1 OF 1974 CONCERNING MARRIAGE



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### Abstract

The obligations of parents are the rights of children, and vice versa, the obligations of children towards their parents are the rights of the children's parents. Namely, parents are obliged to care for and provide guidance to their children who are not old enough according to their respective abilities. Family law seeks to regulate relationships between families. In this research, the author conducted research on parental neglect at the Binjai Elderly Social Services UPTD in terms of Islamic Law and UU No. 1 of 1974 concerning Marriage which the researcher took from the case study of Parental Neglect at the Binjai Elderly Social Service. Update. This legal research uses a normative-empirical approach. The type of research used is descriptive, namely research that generally aims to systematically, factually, and accurately describe a problem that has occurred. The data source that the author uses in this research is primary data obtained by the author directly from interviews. The data validity testing technique in this research uses data triangulation. Islam emphasizes the importance of caring for parents as a form of filial piety. The Qur'an commands children to be kind to their parents, even when they reach old age. Article 46 states the rights and obligations of children towards their parents, which states that children are obliged to respect and obey the good wishes of their parents, and when a child is an adult, they are obliged to support their parents and support family members at home. best, if they need help.

**Keywords:** Parental Abandonment, Islamic Law, Marriage Constitution

## INTRODUCTION

The obligations of parents are the rights of children, and vice versa, the obligations of children towards parents are the rights of parents from children. Namely, parents are obliged to maintain and provide guidance for their children who are not of age according to their respective abilities (Fageh, 2021). Conversely, every child is obliged to respect and obey his parents, and children who have grown up are obliged to take care of their parents and family in a straight line up who are unable (Kansil, 1989).

A child's obligation to care for his or her parents depends on the child's ability. Children who are capable and legally capable must maintain their parents at home. Over time, several changes in children's behavior patterns both in terms of values, structure, and culture in the family have shifted the perspective of children's attention to parents, especially the elderly. In modern society, the presence of elderly parents in the family can affect the life of the nuclear family, both economic problems, divided affection, and household problems (Toha & Rozikin, 2020).

Islam has regulated many lines of human life, including regulating the handling of every problem in a family. Islamic law has a dynamic nature that makes it survive and develop along with the times. In Islam itself the command to take care of parents is found in surah Al-luqman verse 14 which reads:

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ ۖ وَهَنَا عَلَىٰ وَهْنٍ ۖ وَفَصَّالَهُ ۖ فِي عَامَيْنِ ۖ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ  
إِلَى الْمَصِيرِ

"And We commanded man (to be kind) to his two mothers. His mother conceived him in a state of increasing weakness and weaned him in two years. Give thanks to Me and your two mothers and fathers, only to Me shall you return."

There are several obligations carried out by children while both parents are still alive, namely obeying all their orders. Provided that the order does not conflict with the commandments of Allah SWT (Nurhadi, 2020). The law of obeying both parents is obligatory for every Muslim and it is forbidden to disobey them. It is not allowed at all to disobey and hurt them both. Therefore, a Muslim must not disobey anything ordered by both parents (Susilo, 2021).

UPTD Social Services for the Elderly by the Regulation of the Governor of North Sumatra number 17 of 2010 the main task of the Welfare and Social Service of North Sumatra Province is to carry out regional government affairs/ provincial authority in the field of Potential Sources of Social Welfare, Social Empowerment, Social Services, and Rehabilitation, Social Protection and Social Security and Assistance Tasks and one of helping the elderly in handling.

The Indonesian Marriage Law also regulates matters concerning marriage with the norms, rules, and principles of Islamic law such as in the matter of determining candidates, khitbah, marriage contracts, maintenance, divorce, and care of parents after marriage. In this study, the authors conducted research on Parental Neglect at UPTD Social Services for the Elderly Binjai in Review of Islamic Law and UU No.1 of 1974 concerning Marriage which researchers took from a case study on Parental Neglect at UPTD Social Services for the Elderly Binjai. The objectives to be achieved in this study are to find out about the legal provisions of Parental Neglect in Islamic Law and UU No.1 of 1974.

## **REVIEW OF LITERATURE**

### **Parental Neglect**

Children should always accompany their parents under any circumstances, especially when their parents are old and sickly. Because if it is not the children who look after and care for their parents, who else will look after and care for their parents. In this case, it is like a reciprocal child towards parents, where initially the child is looked after and cared for by the parents, and both parents are obliged to maintain and educate their children as well as possible (Kamil, 2010 ).

### **Legal Protection**

Legal protection is a description of the operation of legal functions to realize legal objectives, namely justice, benefit, and legal certainty. Legal protection can be defined as protection by law or protection by using legal institutions and means (Sasongko, 2007). Legal protection is protection given to legal subjects in accordance with the rule of law, both preventive and repressive, both written and unwritten in the context of enforcing the rule of law.

Conceptually, the legal protection provided for the people of Indonesia is the implementation of the principle of recognition and protection of human dignity sourced Legal protection is the main form of protection because it is based on the idea that law is a means that can accommodate the interests and rights of consumers comprehensively, besides that the law also has a recognized compelling force so that it can be implemented permanently on Pancasila and the principle of a legal state based on Pancasila (Sasongko, 2007).

## RESEARCH METHOD

This legal research uses a normative-empirical approach method. The researcher will examine the legal provisions in the marriage law and Islamic law related to parental neglect by children and the role of the Technical Implementation Unit for Elderly Social Services in Binjai City. The type of research used is descriptive, which is research that generally aims to describe systematically, factually, and accurately a problem that has occurred. The data source used by the author in this study is primary data obtained by the author directly from interviews the data validity test technique in this study uses data triangulation. Data collection techniques in the study were literature study and field study.

## RESULTS AND DISCUSSION

### Parental Neglect in Islamic Law

In Islam, a child is obliged to take care of parents as a form of filial piety. As in the Quran, it is also explained how children are required to do good to their parents as explained in Q.S Al Isra (17): 23.

وَقَضَىٰ رَبُّكَ أَلَّا تَعْبُدُوا إِلَّا إِيَّاهُ وَبِالْوَالِدَيْنِ إِحْسَانًا ۖ إِنَّمَا يُبَلِّغُونَ عِنْدَكَ الْكِبَرَ أَحَدُهُمَا أَوْ كِلَهُمَا فَلَا تَقُلْ لَهُمَا  
أُفٍّ وَلَا تَنْهَرَهُمَا وَقُلْ لَهُمَا قَوْلًا كَرِيمًا

“Your Lord has commanded you to worship none but Him and to be kind to your parents. If either of them or both of them grow old in your care, then do not say to them the word "ah" and do not yell at them, and say to them good words.”

In this verse, Allah SWT. commands people to be kind to both parents for the following reasons: a) The love and efforts of both mothers and fathers have been poured out on their children so that they become pious children, and avoid the misguided path. So it is only fitting that this unparalleled love and effort should be rewarded by their children by

treating them well and being grateful for their good deeds; b) Children are the soulmates of both mothers and fathers; 3) From infancy to adulthood, their growth and education are the responsibility of both parents. So children should respect and do good to their parents. In short, it can be said that the blessings that are most received by humans are the blessings of Allah, and after that, the blessings received from both mothers and fathers.

They are also the second cause of the child's existence, whereas Allah is the first (ultimate) cause. That is why Allah SWT puts the obligation to do good to one's mother and father second only to the obligation to worship only Allah. After that, Allah SWT stipulates that if one of the two mothers or fathers, or both of them, grow old and suffer from after that, Allah SWT stipulates that if one of the two mothers and fathers, or both of them, become old and physically infirm and are no longer able to earn a living, they should live with their children, so that they can be provided for and protected (Toha, & Rozikin, 2020). Their children must treat them with love and patience and honor them in gratitude for the favors they have received from them (kemenag, 2022).

In this case, Islam is strongly opposed to neglecting parents because parents, as commanded by God in the Qur'an, are parents who take care of their children from childhood to adulthood, teach Islamic knowledge, and provide education about Islam and morals in life. Of course, as a child, this very noble treatment must be reciprocated with appropriate treatment.

As for the Islamic legal sanctions for children who neglect their parents, there are 2 stories, namely the story of Juraij the worshipper, and the baby who can speak, Alaqamah the worshipper who disobeyed his parents was exposed to difficult punishment at the time of death and the story of the prophet Khidir who killed a child. The conclusion of the story contained in this hadith can be taken as wisdom not to once make the hearts of parents disappointed and upset. So if the parents prayed badly, it will be hastened by Allah SWT (Ihzagandhi, 2022) .

### **Law No.1 of 1974 Concerning Marriage on Parental Neglect**

The birth of Law Number 1 of 1974 Concerning Marriage was the result of a compromise between members of Parliament, which had previously been through a long and tiring struggle and debate. The struggle and long debate in question is because before Law

Number 1 of 1974 was passed by the DPR (January 2, 1974), two marriage bills were entered and discussed in Parliament, namely the Bill on Muslim marriages (May 22, 1967) and the Bill on Basic Provisions for Marriage (September 7, 1968). However, the two bills could not be completed as expected because there was no agreement among members of Parliament at that time, so the President withdrew the two bills on July 31, 1973 (Ria, 2017).

Article 46 mentions the rights and obligations of children towards their parents in (1) Children are obliged to respect their parents and obey their goodwill. (2) If The child has grown up, he is obliged to maintain according to his ability, parents and family in a straight line up, if they need his help<sup>9</sup>. So in this case, by the provisions of Article 1 of Law No. 1, the parents must be dependent on their children after the children reach adulthood. This then the main points that must be included are: a) Every child must continue to respect their parents even though they are married; b) Children must still obey the will of their parents when they are married; c) Every child who has grown up is obliged to provide for and maintain based on his ability; d) And not even parents alone but the family of parents in the line of descent up to the child must also help if in a position of ability.

So, in this case, the child's obligation to the parents never breaks even after marriage the child has no right to abandon their parents after old age or under any circumstances because this has also violated the moral law. In the provisions of article 49 of law number 23 of 2004 concerning the Elimination of Domestic Violence Sanctions for children who neglect elderly parents are punishable by a maximum of 3 years imprisonment and a maximum fine of RP.15,000,000.<sup>10</sup> In this case then the neglect of parents is a treatment that is against the law.

### **Parental Neglect at the UPTD of Social Services for the Elderly Binjai Social Service of North Sumatra Province**

It should be stated that the duties of the Department of Social Affairs at the time of the issuance of PP. No. 5 of 1958 are as follows: Research, Rehabilitation of Disabled Persons, War Victims Affairs, Housing Affairs, Transmigration Affairs, Guidance and Social Improvement Affairs With the issuance of Government Regulation Number: 5 of 1958, the affairs that were handed over included guidance and social improvement affairs. The tasks are handed over based on the "Decentralization Principle or the Duty of Assistance

Principle". Tasks submitted on the principle of decentralization which are the full authority and responsibility of the region (autonomous duties) and one of them

Researchers conducted interviews at UPTD Social Services for the Elderly in the city of Binjai. Researchers have a list of questions but still provide space for respondents to provide additional information (Pulungan, 2023).

#### **Grandma Wagini 70 years old**

It has been one year in the social institution and has never been visited by her children, grandmother Wagini's arrival to the social institution coincided on Eid al-Fitr delivered by her children, from the results of the interview Grandmother Wagini 70 years old.

From the results of the interview, Wagini did not know that she would be taken to the orphanage. Grandma Wagini has five children and the social services do not know where her children are.

#### **Grandpa Wanto 75 years old**

The arrival of grandfather Wanto to the social institution was escorted by his son, grandfather wanto had 4 children from the results of the interview Grandfather Wanto said one child was in Kalimantan and three were in Medan, when sick Grandfather Wanto asked the orphanage contact his children and from the information of the orphanage grandfather wanto's children did not answer the call and some had even changed numbers.

#### **Grandma Fatimah 60 years old**

The arrival of Fatimah's grandmother at the social institution was picked up by the head of the social institution service before Fatimah's grandmother was escorted to the lurah office by her child, Fatimah's grandmother has one child and until now Fatimah's grandmother has not received a visit from her child.

From the results of the interview, it is known that there are several activities in the orphanage such as routine gymnastics held every Friday, the elderly in the orphanage are divided into two parts, one elderly bed rest, namely elderly people who have a disease so they cannot take care of themselves in the elderly bedrest section given one caretaker for one house. The second is the elderly who can still take care of themselves, for example, preparing

their food to washing their clothes. the three elderly that they are heavy-hearted if asked about their children so the authors only get a little information about the children of the elderly. It is known that there is no charge for the elderly who want to stay in this social service there is no charge for the elderly borne by the government through social service. If the author gets data that hurts the author's feelings where the neglect of parents that is currently happening in the UPTD social service of the city of Binjai is done because one of the factors is the economic shortcomings of the child which causes it to happen.

The existence of parents in the social UPTD of the city of Binjai does not release the obligations of children towards parents, all children who entrust parents still take the time to give parents their rights to get love and affection, such as giving respect and attention, providing good treatment, providing sustenance, and offering prayers that are always given by their children. Elderly activities at the orphanage include morning exercises, making crafts, and others. This is done as an outlet for their hobbies. In addition, with these activities, parents can also recall the past times they have experienced (Ihzagandhi, 2022).

## **CONCLUSION**

Islam recommends that its followers take care of their parents as a form of filial piety. The Qur'an joins children to be kind to their parents, even after they have reached old age. The reasons for this duty include the results and efforts that parents have made in raising their children, the spiritual relationship between parents and children, and the responsibilities that parents have in raising their children. The role of parents is very strong.

Article 46 sets out the rights and obligations of children towards their parents, by stating that children must respect and obey the wishes of their parents, and when a child reaches the age of majority, they must support their parents and other members of their family who are in the upper ranks, if they need help. For this reason, according to the provisions of Article 1 of Law No. 1, parents are filially dependent on their adult children.

The role of UPTD Social Services for the Elderly of Binjai City should be to look for children of neglected parents to provide knowledge to families about not neglecting parents and providing guidance on every act that occurs in neglected parents. In Islamic law, children who are not devoted to their parents, one of which is neglect, are very contradictory based

on Islamic principles based on the Qur'an which obliges children to take care of their parents in their old age.

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