



View of Islamic Law on The Maintenance of Children Against Parents

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ABSTRACT

Humans who live in the world cannot be separated from the needs posed to survive and carry out their lives. The needs include: food, clothing and so forth. This need is called a living which means spending to preserve life and meet the needs and needs that apply according to situations and conditions. In Islam, the issue of maintenance is obligatory for certain reasons such as the husband's maintenance of his wife (due to marital factors), the parents' maintenance of their children (kinship factors) and so forth. A good family, the father as the head of the family is obliged to provide maintenance to his child as well as the child is obliged to provide maintenance to both parents based on certain causes and circumstances, because between parents and children have a very close relationship and complement each other culturally. The obligation of giving maintenance by a child to his parents is also inseparable from the existence of a hadith called tamlik Hadith.

INTRODUCTION

Children and parents have the closest relationship and can not be separated in the environment of relatives, so that between them arise rights and obligations that must be fulfilled by both. The right of obligation that must be fulfilled is one of the fulfillment or provision of maintenance. One of the integral parts of the child's obligation is to help his parents to meet their needs and help him be as happy as possible, in other words the child is obliged to provide for his parents if his parents are less able and vice versa parents are obliged to provide for their children, so there is a very close mutual relationship between a child and parents as well as in terms of income.

The obligation of the child in providing maintenance is the right of parents to receive maintenance. The obligation of children to provide for their parents is confirmed in the word of Allah SWT in surat Al-Baqarah verse 215.

The above verse explains that a person who wants to spend his property, it is better to spend it first on his parents. Because parents have educated

us from childhood to adulthood and for that, Allah SWT told to return the favor of the parents by maintaining and providing for the parents (giving a living). Especially when the parents are very old (old) and already weak (unable to do anything).

It is obligatory for the child to pay for the maintenance of both parents, if the child is well-off and vice versa. Parents are allowed to take the property of their children either allowed or without permission and parents are also allowed to mentasharufkan (manage) is not excessive and stupid. However, it is not the opposite with the property of parents to children. Children should not take the property of parents without the permission of parents, so in view of such conditions the child and his property are more entitled to be owned by parents than parents owned by their children.

As the sound of the Hadith in the book "Sunan Al-Kubra" Hadith above explains, that you and your property belongs to your father even though you have children but your property belongs to your father. Narrated by Ibn Majah from Jabir ibn Abdillah Thabrani narrated in al-Jamiul Kabir Barzan from Samurah and Ibn Mas'ud. Baihaqi knew one

who stated that the isnaad of this hadith continued to Jabir. Said Hafiz Ibn Hajar. "Sanadnya confidant". However Bazar mentions this hadith only known from Hisham of Al-Manawi on this subject. So Bukhari hints at the kedhaifan of this hadith.

As for the reasons for the decline of the Hadith explained that in sunan Ibn Majah of Jabir told that a man conveyed to the Prophet, he said O Messenger of Allah "indeed I have property and children while my father intends to spend my property, then the Apostle replied "You and your property belongs to your father".

From the explanation of the narration and asbabul wurudnya (because of the coming Hadith) then this hadith is called mursal Hadith and imam Bukhari stated that this hadith is da'if. The hadith that makes the argument about the obligation to spend on parents is a mursal and dhaif Hadith that cannot be used as a strong evidence so that this hadith will be weak or will not apply if there is another stronger Hadith (Saheeh Hadith) that can defeat the Hadith. Based on the above description, it is necessary to study the maintenance given by children to their parents according to Islamic law.

METHOD

The research method used in writing this law is a normative juridical approach. Normative juridical approach is a study that uses secondary sources obtained through library materials. This normative legal research usually includes: research on legal principles, research on legal Systematics, research on vertical and horizontal synchronization levels, Comparative Law and legal history. The method of this approach is carried out by studying the legal norms in legislation.

RESULTS AND DISCUSSION

Children Provide For Parents

What is called doing good to parents as Allah commands his servants contained in the Qur'an (such as surat Al - Israa' verse 83, Surat An-Nisa' verse 36 and others) is included therein provide for parents.

Parents are also included in some of the so-called relatives, but in Islam they are called separated, especially in terms of income. And to provide for the parents is obligatory. The obligation to provide for the parents of this child can be seen in the Qur'an which means : "they ask you about what they spend, answer: "whatever you spend should be given to your parents, relatives, orphans, the poor, and those who are on the way. "whatever you do, God knows it."

The Muslims asked the messenger of Allah: "where do we spend our wealth, O Messenger of Allah ?. as the answer comes down to the verse above. The verse above explains, that for those who want to spend his property, should put his parents first, because they have educated him and grow him with difficulty from childhood to adulthood.

In the main book of Islamic law it is said, that a person who has spaciousness of life, means he has the obligation to care for his parents who lack, as well as the mother of his parents from both sides.

The fuqaha ' termed this mursal Hadith as all the Hadith whose isnaad is not mentioned in connection with the messenger of Allah, whether the isnaad is cut off after Thabi'y or before.¹⁰ and according to some scholars of fiqh and usul fiqh Hadith mursal is a hadith that is relied directly on the Prophet by other than the Prophet's companions. This means that the narration that aborts the companions in the isnaad is not limited to al - Tabi'y alone, but can also be other than Tabi'y.

The differences in the understanding of the mursal Hadith lead to differences in the status of the Mursal Hadith as a religious argument. In this case, the majority of scholars of Hadith argue mursal Hadith including Hadith dhaif.¹² the hadiths that mursal categorizes are those that fall in a level of narrators enter him munqathi' (cut off one) and MU'dlal (cut off two people). Some of the muhaddis reject the Hadeeth of the mursal and consider it to be a false Hadeeth that cannot be used as evidence for good deeds. It was explained by an-Nawawy in At-Taqrieab, that this is the opinion of the majority of Hadith experts, most of the fuqaha and ushuliyun, because he rejected it because he did not know the condition of the person who was not named. If the hadith narrated by a person who majhul (unknown situation) is rejected, Of course, the hadith that is not known at all people, even more rejected again".

Obligation to spend his parents, can not be separated from some of the conditions, namely:

1. The child is in the leeway of rizki that has enough food to eat at that time.

2. An old man who has no property. If the parents have property, the child is not obliged to provide maintenance even if the parents are sick.

Imam Shafi'i argues that parents are obliged to be given maintenance by their children, with two conditions, namely:

- a. When parents are poor and not working hard.

- b. If a person is in need of marriage and is afraid that he may fall into Haram, then marriage becomes

That Imam Shafi'i is more inclined to see from the state of his parents in requiring compulsory maintenance to parents without looking at the state of the child, based on the argument of the Qur'an Luqman verse 15. The contents of which contain that a child must be with his parents as well as possible, while some of the conditions according to the first Opinion, see from both sides of the parents and the condition of the child.

The obligation to provide maintenance to the parents of their children is due to birth. And God tells the child to return the favor of the parents who have been given to him in the form of good education, kindness, mercy at all times, and keep him from disturbance and ugliness, return the favor of the child to the old man looks when they both have been weak to make a living and so forth. Then the child is obliged to provide for both parents because of their weakness.

The obligation to provide for parents by the child is indeed something that is mandatory, but there are exceptions, which include:

1. Even though the child is obliged to provide for the parents, but if the parents do not want (either because of very rich or because of other things), then the legal obligation becomes lost. It is as if the one who owes the debt is obliged to return the debt, but if the one who has the debt has let go then there is no need to return the debt. This means that the debt is released, then the law of obligations has disappeared.

2. Unless the child is unable or unable to do so, the law is also void. But in this case, if the circumstances of the child's life are in line with the ability of the parents, meaning that they are both incapable, then doing ihsan to the parents by giving a living only to their abilities is actually still needed, because the gift is relatively natural, meaning it does not have to meet the needs of the person being given. So potluck both understand each other. And the gift of the child does not have to be permanent, but can occasionally.

Thus, the obligation of the child to the parents in terms of income because it is one thing that can not be ignored. Because in general, what applies in society is the child who always demands the parents, even though the child has grown up and can take care of himself. Children provide for parents is a basic obligation that can not be released just like that, the maintenance of the child is said to be (mandatory) fulfilled parents because it has its provisions or conditions that require it and the obligation could fall due to non - fulfillment of these conditions and the existence of certain other causes arise.

Parents may take their children's property even without the permission of the child that the child and his property belongs to or belongs to his parents so that it can be taken understanding (understanding), the parent may take his child's property and may manage it because the child is the result of the efforts of his parents and what is owned by the child is owned by both parents.

Some scholars think that it is permissible for the parents to take their children's property, and in general they say that the parents take their children's property according to their needs.

CONCLUSION

The wisdom of all of them considering the merits and budi parents that there is no limit in maturing their children properly and to repay it all, then Allah SWT obliges the maintenance to parents by the child and also the emergence of a hadith that states the parents are allowed to take their children's property and manage it without his permission.

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