

Community and Legal Right on Elderly Care

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Abstract

From an Islamic standpoint, the obligation to care for the elderly is incumbent upon adult children for the duration of their elders' lives, necessitating a profound commitment. This responsibility often requires adjustments in the children's lifestyle to accommodate the needs of their elders. We are to instill a sense of duty and affection towards the elderly and to raise awareness in the community about the significance of parental care, particularly from an Islamic perspective. Hence, this study aims to discuss the elderly care from Islamic perspectives, also the relationship Muslim community with elderly, and the legal right of elderly in Islam. The intersection of community values and legal rights plays a crucial role in ensuring proper care for the elderly. Communities serve as the backbone of support, fostering environments where older individuals feel valued, respected, and included. This involves not only familial care but also broader societal structures that prioritize the well-being of elderly members. Legal frameworks serve to formalize and protect the rights of the elderly, ensuring access to essential services, healthcare, and protections against abuse or neglect. By enshrining these rights into law, societies acknowledge the inherent dignity and worth of older individuals, affirming their entitlement to care and support. The synergy between community values and legal rights is essential for addressing the complex challenges associated with elderly care.

Keywords: Community, Legal Right, Elderly Care

Introduction

The term "elderly" refers to individuals reaching or surpassing the typical human lifespan. Each person experiences various stages of aging, during which the body becomes increasingly susceptible to medical issues. Unfortunately, the significance of elder care often goes unnoticed in modern society. In the United States alone, authorities receive over half a million reports of elder abuse annually, with many more cases likely going unreported (Lawrence et

al., 2019). Globally, as numerous countries undergo rapid population aging, the incidence of elder abuse is expected to rise due to resource constraints, depriving many older adults of their needs. Elder abuse encompasses physical, emotional, or sexual harm inflicted on older individuals, as well as financial exploitation or neglect by those responsible for their well-being. This study aims to raise awareness within the community regarding the importance of elder care. With age, individuals experience significant life changes, potentially leading to anxiety, depression, or other stressors, which often remain undetected in older populations (Kingstone et al., 2017). Therefore, it is crucial to prioritize the care of elderly individuals and parents, which involves active listening, sharing, and support. Numerous studies have highlighted the increasing prevalence of stressors such as anxiety as people age, emphasizing the need for interventions that promote comfort and well-being. While aging is inevitable, proactive measures can be taken to address emerging health issues, including memory loss, dementia, and Alzheimer's disease. This study proposes the creation of a website to benefit the elderly and raise community awareness about the importance of elder care.

The elderly phase encompasses a stage in life when individuals reach a specific age threshold. According to the United Nations (UN), the elderly are defined as individuals aged 60 years and older, as per International Conference regulations (United Nations, 2019). This phase is also characterized by ages approaching or surpassing the average human lifespan, marking the culmination of the human life cycle. With increasing life expectancy, the population of elderly citizens in the country is on the rise. However, there is a concerning lack of awareness and neglect regarding elderly care, particularly in relation to their parental caregivers. Many individuals prioritize progress and overlook the needs of the elderly, considering their care to be burdensome. Regrettably, instances of neglect or abuse among the elderly are not uncommon. A systematic review on elder mistreatment revealed that approximately 20% of dependent older adult's experience neglect (Cooper et al., 2008). This neglect may stem from familial neglect or the absence of familial support. Additionally, there are eleven million women aged sixty-five and older in the country who often face neglect, overlooked by movements like women's liberation, which predominantly focuses on issues pertinent to younger demographics (Lewis et al., 2019). Ageism, akin to racism and sexism, perpetuates the stereotype and discrimination against the elderly, further marginalizing them. Consequently, elderly individuals are often marginalized and neglected, enduring hardships such as isolation, institutionalization, and inadequate medical care. Statistics indicate a substantial number of elderly individuals residing in nursing homes, highlighting the prevalence of elder abuse in various forms, including physical, emotional, sexual, and financial exploitation (Lawrence et al., 2019).

Therefore, it is imperative to demonstrate respect and a positive attitude towards older individuals as a fundamental practice in our lives. Within Muslim families, it is the duty of children to ensure that their parents or elders are esteemed and that their needs are fully met. The Quran and the Hadith offer comprehensive guidelines on the treatment of parents and the elderly, repeatedly emphasizing the children's responsibility to care for their well-being as decreed by Allah SWT. From an Islamic standpoint, the obligation to care for the elderly is incumbent upon adult children for the duration of their elders' lives, necessitating a profound commitment. This responsibility often requires adjustments in the children's lifestyle to accommodate the needs of their elders. We are to instill a sense of duty and affection towards the elderly and to raise awareness in the community about the significance of parental care, particularly from an Islamic perspective. Furthermore, this study seeks to inspire individuals to show greater reverence towards the elderly, thus contributing to an

enhancement in their quality of life. Recognizing that motivation plays a pivotal role in altering individual perspectives on issues, this research aims to leverage motivational strategies to foster positive change (Miller, 1999).

- Hence, this study aims to discuss the elderly care from Islamic perspectives, also the relationship Muslim community with elderly, and the legal right of elderly in Islam.

Elderly Care from Islamic Perspectives

For Muslim society, the challenge of population aging and demand for gerontological social work is important. The Muslim world expects that demographic aging will take place at a highest level. In the next 25 years, the expected rise of the elderly is 200–400% (Lubben & Damron-Rodriguez, 2006: 939). Muslim populations are situated in less developed countries where the effect of the aging of the population is greater and typically exists under extreme socio-economic conditions Zimmer & Das (2014) reinforces this need. Moreover, Muslim countries are now at a low level in the recently developed Global Age Watch Index that tracks elderly people's social and economic well-being based on wealth, health, capacity, and climate, in various countries (Help Age International, 2015). The 2015 Global Age Watches Index analyzed 96 nations, which account for 91% of the world's population of people over the age of 60. This evaluation covered twelve Muslim-majority countries with Afghanistan at the 96th, the lowest ranking six below 85 (Help Age International, 2015: 4–5).

The ideal Islamic care of older persons is based on the main religious texts in Islam, the Qur'ān Abdel-Haleem (2005), the narrations of Prophet Muhammad's words and acts (hadith) of Islamic law (sharī alternatively) have been compiled at first. It follows a description of the difficulties that Muslims face in caring for elderly people who find it more difficult to truly pursue the Islamic ideal. Seniors 60 years of age and older are described. This represents the age indicators for seniors in the United Nations (Rowland, 2009: 38), although Rowland indicates the threshold for defining older persons varies. This is not a consistent symbol for identifying older citizens but a historically created measure for secular policy purposes. Instead of being a definite indication for older citizens, sixty years is often accepted in this sense for an indicator of legislation and a legal age. The Muslim population has an expansive global geographical area. Muslim cultures, as defined by their individual social and national contexts, are racial and ideological diverse. Each of the two major Islamic Sunni and Shiite denomination sects has its own identities and cultural peculiarities, and religious allegiances including Islamic schools of religious traditions varying from traditional to radical Islamic terms. Nevertheless, Muslims have a shared identity as followers of Islam and its holy scriptures. The shared identity is the starting point for evaluating programs for elderly Muslims who are culturally sensitive.

Islam and the treatment of the elderly parenthood programs are multifaceted in the aspects of biological, spiritual, ideological, and social relations. At the fundamental stage, they are descent and marriage partnerships that typically include rights and responsibilities within a parent party (Stone & King, 2018: 5). In Islam, parenthood is the basis for establishing relationships with elderly people. Elderly people are identified as vulnerable in Islam and their treatment is central to Muslim moral and ethical behaviour. In the Qur ān, hadith and Islamic Law (Sharī ah), the values behind this involvement are enshrined and offer a basis for actions required with respect to the elderly (Sway, 2014). This relationship is emphasized and characterized by broad, intergeneration and kinship networks in the sense of the family. The parent-child partnership in which complementary roles are allocated to all sides and familial

privileges on the grounds of reciprocity and subsidiary protection are enhanced (Abd al'Atī, 1995).

While this relationship is placed inside the home, it also represents a moral compass to communicate with older people in general. The Qur ān communicates different instructions regarding the bond of shared parental care. Chapter 17 verses 23-24, which in this respect are called primary, says that Your Lord commanded you should worship none but Him and be kind to your parents. Tell no word that is impatient with them if one of them gets old, and do not be rough with them but talk politely to them. This injunction is accompanied by the order that adult children should show modesty towards their parents and seek for blessing from God in acknowledgment of their treatment by announcing, 'Lord, have mercy on them, just as they cared for me when I was little' (Abdel-Haleem, 2005). Several other chapters, such as chapter 6 verse 151, chapter 31, verse 14, chapter 46 verse 15, chapter 4 verse 36 and chapter 29, verse 8, intensify the message to the parents that their care commands are always stressed.

The sharī ah (Islamic Law) gives more instructions regarding the elderly care. These three key Islamic privileges – *ihsan*, deference and support and preservation – have been given to parents (Abd al'Atī, 1995). According to Abd al'Atī (1995), *Ihsan* applies to ethical and spiritual actions; it is translated as to express patience and appreciation for parents in relation to elderly people and involves praying for and upholding their obligations if they cannot do so for themselves. The rights of parents to comply and honor their children are linked to *ihsan*. In addition, children should ensure that their parents are supported and maintained according to their means, that includes meeting the daily needs of their lives and ensuring that general material is available to them when they are aged (Abd al'Atī, 1995). Islamic rules often grant parents and eventually grandparents the key beneficiaries of the property of their children and the rights of parents continue after their death if children can pray and to carry out charitable activities in their honor for their departed minds (Elsaman & Arafa, 2017).

Islam puts a high emphasis on the interests of parents and their treatment in and by the family in its religious sense. This is a directive related to genuine worship which is known only as second to the worship of God and is one that has eternal benefits for this life and beyond (Chamberlayne, 1968). Gratitude to parents is equated with obedience to God (Al-Heeti, 2007), while conversely reproach from a parent is considered equivalent to a reproach from God (Atighetchi, 2014). In this context, according to Sway (2014), Islam has been described as a 'zero tolerance theology' for parent or elder violence (p. 99). Despite this odd existence, Islam makes provision, especially in the matter of faith, forgetting these values. Where disputes or the possibility that one's Islamic principle may be undermined because of unreasonable parental demands, God's liability will supersede parents' rights. The values of love and compassion for parents exist despite any conditions and children are culturally, morally, and constitutionally bound to respect and look after parents regardless of the religious affiliation of parents or their unjust requirements (Abd al 'Ati, 1995; Said, 1989).

The Islamic view as a divinely favoured treatment scheme on the network of intergenerational families differentiates it from the context of global policy intended to facilitate the wellbeing of the elderly. The United Nations Principles for Older Persons (Resolution 46/91 of 16 December 1991) and the Madrid International Plan of Action on Ageing United Nations (2002), for example, provide standards of equality to meet the needs of elderly people outside their narrow religious emphasis. Leading international organisations advocating for the rights of older persons such as HelpAge International, the Global Alliance

for the Rights of Older People and, in an Arab regional context, the Centre for Studies on Ageing are likewise broad in their directives. In social work, The National Association of Social Workers (NASW) and the International Federation of Social Workers (IFSW) provide inclusive clinical guidance to support the well-being of person and family aged citizens.

While in the above policy context which the Islamic viewpoint is minimal, there is a definitive relation between the frameworks with a shared focus on the role of the family in providing treatment for elderly people. They all understand the role played by familial wellbeing as a crucial approach to the well-being of elderly people and recognize the intergenerational treatment of elderly people. In setting down the main guidelines for governments to address the needs of the elderly, the United Nations Principles for Older Persons United Nations (1991) advises, 'Elder people should benefit from the care and security of their families and communities in compliance with the cultural values framework of each community'. Its aims also promote formal and informal support networks to enable households to provide for the aged in the household (Tinker, 2002: 732).

Muslim Community and Elderly

When viewed from the Islamic perspective, Islam is a religion that strives to maximize the provision of a peaceful and harmonious social culture in line with the perception of each society and the attitude of a family that needs to cultivate noble values towards fellow human beings. Therefore, regardless of rank, race, skin color or age, Islam demands its people to do good to each other and prohibit to do evil or humiliate others because all of us come from the same first human being the prophet Adam as stated in the Qur'an which means: "verily we glorify the descendants of Adam" (Sural Al-Isra 'verse 70). In addition, Ibn Kathir explained, "Allah does not forbid you to do good to non-Muslims who do not fight you such as doing good to women and the weak ones among them. Let us do good and just because God loves people who do justice". Clearly, Islam teaches the principle of tolerance that every Muslim should do good to anyone if it has nothing to do with religion. It can also be concluded that the Muslim community meets the conditions that an individual is responsible for caring for each other from a broad aspect and this includes about matters involving the care of the elderly. It places the priority on the responsibility of care on the shoulders of the family and at the same time foster good morals towards society and social institutions. Moreover, this can also bring the culture of the general Islamic community closer to the norms of religion, peace, spirituality, and morality which is the real basis of thought and behavior in Islam. As a result, the family unit is the one that plays an important role in being a catalyst to overcome the problem of abuse and neglect of the elderly. It is not only relevant in the process of overcoming various needs and changes from the parents but also throughout the process, the level of integration, and involvement of the family unit itself needs to be implemented. The concept and role of the family basically described as a unit of government that applies the concept of the old respected and the young loved. Therefore, neglecting the care of the family is seen as breaking the relationship which is a great sin in Islam as stated in the hadith that narrated by Muslim: not entering the paradise of people who break the friendship (family relationship). In addition, Islam goes further in emphasizing the awakening of the conscience of the community related to the importance of family ties as can be seen in the hadith from 'Abdullah ibn' Awfa reported that the Prophet, may Allah bless him and grant him peace, said, "Mercy does not descend on a people when there is someone among them who severs ties of kinship" ('Asqalani, 2001).

With such an emphasis family care is not something that is related to a particular era or culture unless it is something that has become a continuation that has consistently extended to contemporary times. In Muslim culture it has become commonplace for parents to live with their children which has become an obligation or responsibility on the child himself to take care of the safety and food of the parents when they get old. For example, it can be seen when a large family usually or often try to live together or depend on each other and when men are married, they usually bring their wives to their parents' house. In this way, a family consisting of grandparents, mothers, fathers, uncles and aunts or cousins can provide a better opportunity to ensure that senior citizens to live in peace and prosperity. In the Muslim families, they consider the parents to be respected and well cared for and the parents are also likely to be among the first to determine the decision of a family and lead a social celebration such as weddings, visits, and funerals and sometimes can be the individuals that are more intelligent and capable to solve problems, arbitrate and prevent crises.

Therefore, the emphasis given by religious institutions requires commitment and awareness by every individual and society as well as increasing piety and loyalty to religion. The importance of the community in providing support for the well-being of the elderly is very much needed which includes care and support for the lives of the community, especially the elderly. However, all the emphasis given depends on the understanding of a society on the importance of appreciating religion where the motivation and awareness gained by them can be able to ensure the well-being of the elderly. The cultural framework provided by Islam is to emphasize the weaker and less powerful people such as children, women, and the elderly in ensuring their lives are protected from oppression and so on. This can be proven where it is mentioned in the hadith from Abdullah Ibn Amr, the prophet said: Whoever does not show mercy to our young ones, or acknowledge the rights of our elders, is not one of us (Aḥmad no. 7033).

Social and religious life are closely related to each other to provide a peaceful and harmonious life among the community and inspire to take care of the elderly either in giving the priority to them or showing respect, honor and appreciation for their previous sacrifices. This can be proven through the hadith of the Prophet which means: "Jibreel ordered me to give priority to the elderly" (Yaqut, 2013). This is also associated with the congregational prayer, religious issues, and consultation of public interest issues where the similar principles applied. Society should give a priority and respect the elderly, and this can be understood through the suggestion that the leaders of congregational prayers are from the older group. Malik ibn Al-Huwayrith (may Allah be pleased with him) narrated that the Prophet said, "When the time for prayer is due, one of you should announce Adhan and the oldest among you should lead the prayer" (Al-Bukhari). There are also hadiths of the prophet that give encouragement to prioritize older people. Prophet said, "Begin with the elderly" (Adhikari, 2019).

In addition, the role of community in caring for and ensuring the lives of the elderly is not limited to respecting and showing love to them only, but it also involves things such as considering their health and lifestyle that need to be ensured to have active involvement. For example, Friday prayers can be seen as a bridge to actively engage everyone for the life and affairs of society and is portrayed to strengthen the community ties while ensuring a minimum level of social involvement for the elderly. In the meantime, congregational prayers which are performed apart from Friday prayers can also provide support for a positive emotional and social spirituality for the elderly and can also motivate everyone against the negative effects of social isolation and separation. It is at this point where Muslims have the

opportunity to spend time socializing, balancing their lives and thus increasing their level of spirituality and serenity. In addition, in the month of Ramadan as well, the breaking of fast ceremony in congregation also serves to help tighten the bond among Muslims and to form a deeper unity. Then, the celebration of festivals such as Aidilfitri and Aidiladha where Muslims visit each other's homes is also able to create close relationships among human beings. Animal sacrifices ritual which is taken during Aidiladha can conclude that the existing religious function can help in terms of strengthening ties in the family and religious community let alone the elderly who are highly regarded in Islamic life.

From an Islamic perspective, every Muslim is instructed to cultivate a healthy religious life, socialize positively, give commitment to the life of society, and solve every problem well. This is evidenced in a study that religion has a great influence on the psychology of the elderly Mackenzie et al (2000), and resulted in a decrease in the number of depressions among the elderly (Clarke, 2003). So, as Muslim, we must be aware and give attention about this topic that will affect our religion. As a conclusion, religion and elderly are related to each other. If someone does not care about elderly so it is also similar that he does not pay attention to the teaching of his religion.

Legal Right of Elderly in Islam

As discussed earlier, Islam emphasizes for its people to care about the elderly, so, in line with the emphasis given of course the law in Islam reflects the noble values that are closely related to the care of the elderly. However, from the point of view of the elderly, it should be noted that there are a handful of senior citizens who take advantage of the position, facilities and exceptions given in the Islamic law, especially when performing worship and so on. The law is to alleviate difficulties and not to take advantage of it. There are some examples of exceptions given to the senior citizens according to the opinion of the Hanafi, Maliki, Shafi'i and Hanbali sects, such as Muslim elderly is allowed to perform dry ablution with sand or dust (*tayammum*) instead of ablution with water if he has illness or fear of water. In addition, Muslim elders are also allowed to combine their daily prayers without reason of traveling, raining and so on (which makes it possible for ordinary people to combine prayers), but it is permissible for the elderly who are not able to afford it (an-Nawa'ī, 1977).

Along with that, Muslim elders are also exempted from the obligation to perform fasting in the month of Ramadan where it is one of the pillars of Islam and allowed for them to pay *fidyah* as found in Surah Al-Baqarah verse 184 which means: "For a fixed number of days; but if any of you is ill or on a journey, then (he shall fast) a (like) number of other days; and those who are not able to do it (fasting, because of old age or an illness that is not recoverable) may effect a redemption by feeding a poor (night and day); so whosoever does good (increases his fasting or his redemption) it is better for him. And fasting is better for you if you only knew". Based on this verse it can be concluded that Islam has given exceptions for the elderly to take care of them. In this regard, Islam has also stipulated that every ummah is obliged to perform Hajj but only for the able-bodied. Therefore, a senior citizen is allowed to appoint others to perform Hajj on their behalf whether they are alive or dead (Ibn Qudamah, 1985).

Moreover, Islamic law also provides exemptions for senior citizens in terms of the imposition of clothing. Indeed, all Muslims are required not to expose their aurat and women should not show their jewelry except for certain categories of individuals who are less energetic (*irbah*). This can be seen in surah An-Nur verse 31 which means: "And tell the believing women that they must lower their gazes and guard their private parts, and must not expose their adornment, except that which appears thereof, and must wrap their bosoms

with their shawls, and must not expose their adornment, except to their husbands or their fathers or the fathers of their husbands, or to their sons or the sons of their husbands, or to their brothers or the sons of their brothers or the sons of their sisters, or to their women, or to those owned by their right hands, or male attendants having no (sexual) urge, or to the children who are not yet conscious of the shames of women. And let them not stamp their feet in a way that the adornment they conceal is known. And repent to Allah O believers, all of you, so that you may achieve success". Some tafsir scholars argue that this category of people includes the elderly. Al-Qurtubi describes that *irbah* is a person who fails to understand or feel sexual desire towards others because of old age (Ibn 'Achour, 2000). In addition, old women are also allowed to take off their (outer) clothes, provided they do not show their jewelry as in Surah An-Nur verse 60 which means: "And those old women who have no hope for marriage, there is no sin on them, if they take off their (extra) clothes while they do not display their adornment. Still, that they refrain (even from this) is better for them. Allah is All-Hearing, All-Knowing". So, it has proven that many efforts have been provided by Islam to ease the elderly and take care of them.

In addition, there are some other exceptions such as in the aspect of socio-political field where the elderly cannot be killed, detained, or taken prisoner during the war and even need to be treated kindly and politely. Later, based on the laws developed in the time of Umar Ibn al-Khattab, the lawyers concluded that taxes (*jizyah*) should not be taken from the elderly who are unable to work or own little or almost no property. This shows that Islam emphasizes life for the elderly. As a conclusion, the elderly care according to Islam is developed based on their age considerations and guided based on the basic principles of dignity and respect for the elderly with support from the verses of the Quran and hadith.

Conclusion

In conclusion, the intersection of community values and legal rights plays a crucial role in ensuring proper care for the elderly. Communities serve as the backbone of support, fostering environments where older individuals feel valued, respected, and included. This involves not only familial care but also broader societal structures that prioritize the well-being of elderly members. Legal frameworks serve to formalize and protect the rights of the elderly, ensuring access to essential services, healthcare, and protections against abuse or neglect. By enshrining these rights into law, societies acknowledge the inherent dignity and worth of older individuals, affirming their entitlement to care and support. The synergy between community values and legal rights is essential for addressing the complex challenges associated with elderly care. Communities must uphold cultural norms and traditions that emphasize respect for elders while also advocating for legal protections that safeguard their rights. In doing so, societies can create inclusive environments where the elderly can age with dignity, autonomy, and security. By recognizing the inherent worth of older individuals and embracing both community and legal frameworks, societies can strive towards a more compassionate and just approach to elderly care.

Recommendations for enhancing community and legal rights regarding elderly care involve collaborative efforts between governmental bodies, legal institutions, community organizations, and individuals:

- i. **Community Education Programs:** Implement community-wide education programs to raise awareness about the legal rights of the elderly. These programs can be conducted through workshops, seminars, and informational sessions hosted by local community centers, religious institutions, and senior organizations.

- ii. **Legal Aid Services:** Establish legal aid services specifically tailored to the needs of elderly individuals. This includes providing access to affordable legal counsel to assist with matters such as estate planning, healthcare directives, guardianship, and protection against elder abuse.
- iii. **Policy Advocacy:** Advocate for the implementation and enforcement of laws and policies that protect the rights of the elderly within the community. This involves engaging with lawmakers, governmental agencies, and advocacy groups to address gaps in existing legislation and promote reforms that enhance elderly care.
- iv. **Community Support Networks:** Develop community-based support networks that provide practical assistance and social connections for elderly individuals. This can include volunteer-driven initiatives to help with daily tasks, transportation services, companionship programs, and peer support groups.
- v. **Intergenerational Programs:** Facilitate intergenerational programs that promote understanding and mutual respect between younger and older members of the community. These programs can foster positive relationships, combat ageism, and provide opportunities for knowledge sharing and mentorship.
- vi. **Elder-Friendly Infrastructure:** Advocate for the creation of elder-friendly infrastructure within communities, including accessible public spaces, transportation options, and housing accommodations that meet the needs of aging populations.
- vii. **Capacity Building:** Provide training and capacity-building opportunities for community leaders, healthcare professionals, and caregivers to effectively support the rights and well-being of elderly individuals. This may include training in elder law, geriatric care, cultural competence, and communication skills.
- viii. **Legal Guardianship Alternatives:** Explore alternatives to traditional legal guardianship arrangements that prioritize autonomy and decision-making capacity for elderly individuals. This may involve promoting supported decision-making models and advance care planning processes that empower older adults to maintain control over their lives and preferences.

By implementing these recommendations, communities can work towards ensuring that the legal rights of the elderly are upheld and supported within a framework of compassionate care and respect. Overall, theoretical perspectives such as social contract theory, human rights frameworks, and ethical considerations provide conceptual foundations for understanding the importance of elderly care, while contextual factors such as legal protections, social policies, community initiatives, and cultural practices contribute to the practical implementation of care and support for older individuals within society.

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