



الجامعة الإسلامية العالمية ماليزيا  
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA  
وَدَعَا رَبِّي: اِسْلَامًا اَبْرًا بَعَثًا خَلْفِيْنَا

# INTERNATIONAL CONFERENCE ON FAMILY LAW, FAMILY JUSTICE AND MAQASID AL-SHARI'AH 2021

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9th -10th FEBRUARY  
2021

*Garden of Knowledge and Virtue*

# **RESPONSIBILITY TO MAINTAIN PARENTS IN THE LIGHT OF *MAQASID AL-SHARI'AH***

Badruddin Hj Ibrahim  
Azizah Mohd

Islamic Law Department  
Ahmad Ibrahim Kulliyyah of Laws  
International Islamic University Malaysia



# ISSUES

- what are the *maqasid* that Islamic law seeks to achieve when imposing the responsibility to maintain parents.



# OBJECTIVE OF THE STUDY

- To examine the position Islamic law and its *maqasid* in relation to the responsibility to maintain parents.



# Introduction

- There are mainly three reasons where a person is obliged to provide maintenance to another under Islamic law:
  - i. Marriage: maintenance to a wife.
  - ii. Kinship: children, parent and relatives.
  - iii. Ownership: slave



# Meaning of maintenance

- Maintenance basically comprehends food, clothing and accommodation.
- Some of the contemporary Muslim scholars are of the opinion that it includes also a service or whatever is considered necessary according to custom.
- This may include fee or cost for medical treatment as well as medicine





# Duty to provide maintenance to parent

- Muslim jurists are unanimous that providing maintenance to parents i.e. both father and mother, is obligatory on children male and female upon fulfilment of certain conditions.



# Basis of maintenance of parent

- The Qur'an:

“Thy Lord hath decreed that ye worship non but Him and that ye be kind to parents.”

(Al-Isra': 23)

“And bear them company in this life with justice and consideration.”

(Luqman: 15)





# Basis...

- The above two verses clearly stipulate that children have to be kind and just to their parents.
- And one way of showing kindness and doing justice to the parents is by providing them maintenance when they are in need of such maintenance.
- It is absolutely unkind and unjust to leave aging and destitute parents without extending them any help.



# CONDITIONS OF MAINTENANCE TO PARENTS

## I. Condition of parent:

- The Muslim jurists are unanimous that parents are entitled to maintenance if they are poor and have no property.
- Nevertheless, they differ in the case where the parents are poor but able to earn a living.
  - i. The majority of Muslim jurists are of the view that parents are entitled to maintenance if they are poor regardless of whether they are capable or incapable to work.



# Condition.

-The above verse contains the commandment of doing goods to parents and the prohibition from hurting them.

-By forcing parents to work and earn a living while the children have the means to support them, is tantamount to hurting them and not showing kindness towards them.

ii. The preferable view in the Maliki school of law and some of the Shafi'i jurists, the parents are not entitled to maintenance in the case if they are able to earn a living and even though they have not owned any property.

-The reason is that the ability to work means well off.



# Condition

## II. Condition of children:

- Children must have financial capability or well off.
- The Muslim jurists, however, have differences of opinion regarding the meaning of well off.
  - The Hanafis: who possesses property which is sufficient to maintain himself, his wife and his children, and have a surplus which is entitled for the payment of *zakat*.
  - The Shafi‘is and the Hanbali:, well off signifies who have enough property for the maintenance of himself and his family and have extra for one day.



# *Maqasid al-Shari'ah*

- To secure benefits and to remove harm.
- Protection of religion:
  - Providing maintenance to parents means being kind to them.
  - Kindness to parents is obligatory and as one of the religious duties under Islamic law.
  - Being unkind to parents and neglecting them particularly in a situation when they are in need and in hardship is prohibited since it is a type of wrongdoing.
  - The prohibition of wrongdoing falls under the protection of religion.





# *Maqasid al-Shari'ah*

- Protection of Life: in the sense that when parents are maintained, they are saved from hunger that may lead to destruction and being perished.

Therefore, maintenance is something that is crucial in the life of parents in order to survive.





# Conclusion

- The responsibility to maintain parents under Islamic law is obligatory.
- This responsibility is to secure benefits to parents and to remove harms that might incur on them if such duties are neglected.
- It also seeks to protect religion and life.



**THANK YOU**



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