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Berdasarkan hasil sidang Yudisium Tim Redaksi Jurnal **Al-Manahij: Jurnal Kajian Hukum Islam [E-ISSN: 2579-4167 | p-ISSN: 1978-6670]**, maka kami beritahukan bahwa artikel saudara yang berjudul: **Sandwich Generation in Contemporary Indonesia: Determining Responsibility in Caring for Elderly under Islamic Law and Positive Law**

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Demikian surat pemberitahuan ini kami sampaikan, atas perhatian dan kerjasamanya, kami ucapkan terima kasih.

Wassalamu'alaikum Wr.Wb.

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Muhamamd Fuad Zain



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Segi judul baik secara variabel

Abstrak secara bahasa tidak baik, perlu lebih sistematis dengan model yang mashur IMRAD

Dalam LBM tidak jelas berapa persen orang tua yang membutuhkan kebutuhan dari anaknya...

perlu analisis lebih dalam

Perlu penarasian dengan lebih baik

Perlu argument atau dalil, (pada statement perlu membantu orang tua yang lemah ekonomi)

Refrensi masih minim... perlu referensi terbaru dari hasil penelitian

Catatan Reviewer 2:

1. Tema cukup menarik dan aktual

2. Banyak uraian yang tidak diberi rujukan/footnote

3. Analisis perlu diperdalam. Masalah kewajiban memberi nafkah kepada orang tua bagi sandwich generation perlu dilihat dari berbagai aspek yang melingkupi yang sesungguhnya sangat kompleks (sebagaimana diuraikan di pendahuluan), agar tidak kemudian terjadi simplifikasi kesimpulan di mana ketika sandwich generation tidak bisa memberi nafkah maka dianggap tidak birrul walidain dan melanggar hukum.

4. Sitasi belum menggunakan Mendeley

5. Referensi perlu ditambah dengan jurnal-jurnal termutakhir

6. Bahasa masih campur Indonesia dan Inggris

Catatan editor:

Artikel perlu (harus) mencantumkan penulis asing guna mempercepat internasionalisasi al-Manahij

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Sandwich Generation in Contemporary Indonesia: Determining Responsibility in Caring for Elderly under Islamic Law and Positive Law

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Abstract: The concept of the sandwich generation can vary across different cultures and societies, depending on family structures, social norms, and support systems. In light of this phenomenon, this research focuses on examining the sandwich generation in Indonesia within the framework of Islamic law and positive law. The objective of this study is to elucidate the legal provisions concerning the obligations related to elder care. This study uses qualitative methods with a sociological and statutory approach. The data were obtained from secondary sources in the form of research results in scientific journals and data in the form of laws. This study concludes that in Indonesia, the care of elderly parents is primarily a familial and cultural responsibility. The obligation to care for elderly parents is deeply ingrained in the social fabric of the society, guided by both religious beliefs and cultural values. The responsibility for elderly care typically falls on the adult children, especially those who are financially capable and able to provide support.

Keywords: sandwich generation, elderly care, Islamic law, Indonesian law

Abstrak: Konsep generasi sandwich dapat bervariasi di berbagai budaya dan masyarakat, bergantung pada struktur keluarga, norma sosial, dan sistem pendukung. Melihat fenomena tersebut, penelitian ini berfokus untuk mengkaji generasi sandwich di Indonesia dalam kerangka hukum Islam dan hukum positif. Tujuan dari penelitian ini adalah untuk menjelaskan ketentuan hukum tentang kewajiban yang berkaitan dengan perawatan lansia. Penelitian ini menggunakan metode kualitatif dengan pendekatan sosiologis dan perundang-undangan. Data diperoleh dari sumber sekunder berupa hasil penelitian di jurnal ilmiah dan data berupa peraturan perundang-undangan. Studi ini menyimpulkan bahwa di Indonesia, pengasuhan orang tua lanjut usia terutama merupakan tanggung jawab keluarga dan budaya. Kewajiban untuk merawat orang tua

lanjut usia tertanam kuat dalam tatanan sosial masyarakat, dipandu oleh keyakinan agama dan nilai-nilai budaya. Tanggung jawab perawatan lansia biasanya jatuh pada anak-anak dewasa, terutama mereka yang mampu secara finansial dan mampu memberikan dukungan.

Kata kunci: generasi sandwich, perawatan lansia, hukum Islam, hukum positif

Introduction

During the 1960s, Indonesia witnessed a significant surge in birth rates, commonly referred to as a baby boom.¹ However, from the 1970s onwards, the Indonesian government, under President Suharto, successfully implemented the Family Planning Program. This program effectively contributed to a decline in the annual birth rate from 2.10% to 1.97%. The National Family Planning Coordinating Board (BKKBN) deserves appreciation for their diligent efforts in executing this program, earning recognition from UNICEF and serving as an exemplary model for other nations.²

The occurrence of a significant surge in childbirth will inevitably have long-term repercussions on future generations. Taking this into account, the current generation of baby boomers is now transitioning into their sixties. As per Article 1 of the 1998 Law on Elderly Welfare, an individual, irrespective of gender, who attains the age of 60 or above, is referred to as an elderly person. As individuals enter old age, they are generally regarded as physically unproductive and are required to resign from their employment. The typical retirement age range in Indonesia is 58 to 60 years, although certain occupations have a retirement age of 65 to 70 years, with exceptions.³

As is commonly understood, individuals of all age groups, from youth to old age, will invariably require clothing, sustenance, and shelter throughout their lives. Naturally, individuals who are in the prime of their productive age will find it comparatively easier to attain these necessities, as age is closely linked to physical strength. Currently, the economically active population in Indonesia comprises three primary demographic groups: Generation X, born between 1965 and 1980 (currently aged 43 to 58); Millennials, born between 1981 and 1996 (currently aged 27 to 42); and a portion of the productive Generation Z, born between 1997 and 2012 (currently aged 11 to 26 years). A prevalent issue faced in contemporary times is the lack of income among unproductive elderly individuals, resulting in challenges to meet their daily necessities. A considerable number of these elderly individuals find themselves in unfavorable conditions, necessitating assistance from others to fulfill their basic livelihood requirements.

Elderly individuals who possess a pension or savings that adequately covers their expenses can lead a financially secure life. Nonetheless, those elderly individuals who are no longer productive rely on their working-age family members to fulfill their daily requirements and sustain their livelihood. Consequently, grown-up children find themselves responsible for supporting both their own offspring and their aging parents. This dual role is a common occurrence in individuals' lives and is often regarded as a duty

¹ Larry E Jones and Alice Schoonbroodt, "Baby Busts and Baby Booms: The Fertility Response to Shocks in Dynastic Models," *Review of Economic Dynamics* 22 (2016): 157–78.

² UNFPA, "The National Population and Family Planning Board (BKKBN) Wins 2022 UN Population Award," *UNFPA Indonesia Press Release*, June 13, 2022, <https://indonesia.unfpa.org/en/news/national-population-and-family-planning-board-bkkbn-wins-2022-un-population-award>.

³ Alex Arifianto, "The New Indonesian Social Security Law: A Blessing or Curse for Indonesians?," *ASEAN Economic Bulletin*, 2006, 57–74.

for productive individuals to provide for their non-productive family members. This phenomenon is commonly referred to as the sandwich generation.⁴

The term “sandwich generation” refers to a generation of individuals who find themselves caring for both their aging parents and their own children simultaneously. The name “sandwich” reflects the idea that these individuals are “sandwiched” between the needs and responsibilities of two different generations, with obligations towards both their parents and their children. Members of the sandwich generation often face unique challenges and pressures due to the dual caregiving roles they fulfill. They must balance the demands of their own family, including raising children, with the responsibilities of providing physical, emotional, and financial support to their aging parents. This can involve managing medical care, assisting with daily activities, handling financial matters, coordinating healthcare appointments, and making difficult decisions regarding their parents’ well-being.

The sandwich generation may experience significant time constraints, emotional stress, and financial burdens. They may have to juggle multiple roles, making sacrifices in their personal and professional lives to meet the needs of both generations. This dynamic can be particularly challenging if there is a lack of support systems or available resources to help alleviate the caregiving responsibilities. It is important to note that the concept of the sandwich generation can vary across different cultures and societies, depending on family structures, social norms, and support systems. However, the term is commonly used to portray the experiences of individuals who are navigating the complex challenges of simultaneously caring for aging parents and their own children.⁵

In light of this phenomenon, this research focuses on examining the sandwich generation in Indonesia within the framework of Islamic law and positive law. The objective of this study is to elucidate the legal provisions concerning the obligations related to elder care in Indonesia and determine whether it falls under the responsibility of the state or the responsibility of the family. According to Islamic teachings, the burden of caring for an elderly person falls upon their family, primarily the closest relative, which typically includes an adult child. Consequently, an adult child finds themselves in the position of the sandwich generation. Hence, this paper also seeks to explore how the sandwich generation can navigate their responsibilities by incorporating the concept of filial piety towards parents, as emphasized in Islamic teachings.

The sandwich generation and its development in Indonesia

The phrase “sandwich generation” was initially coined by Dorothy A. Miller, a professor at the University of Kentucky in the United States. Miller observed numerous women in their forties who were simultaneously tending to the needs of their young children as well as caring for their aging parents, who were sixty years old or above. The subsequent dissemination and evolution of the term sandwich generation occurred as a result. Several experts further define the sandwich generation as a cohort burdened with the dual obligations of simultaneously caring for both their children and aging parents.⁶

⁴ Raihan Akbar Khalil and Meilanny Budiarti Santoso, “Generasi Sandwich: Konflik Peran Dalam Mencapai Keberfungsian Sosial,” *Share: Social Work Journal* 12, no. 1 (2022): 77–87.

⁵ Ferlistya Pratita Rari, Jamalludin Jamalludin, and Putri Nurokhmah, “Perbandingan Tingkat Kebahagiaan Antara Generasi Sandwich Dan Non-Generasi Sandwich,” *Jurnal Litbang Sukowati: Media Penelitian Dan Pengembangan* 6, no. 1 (2022): 1–13.

⁶ Amelia Rahman and Turro Seltris Wongkaren, “Pengaruh Modal Sosial Terhadap Kebahagiaan Generasi Sandwich Di Indonesia,” *Jurnal Kependudukan Indonesia* 17, no. 2 (2023): 143–60.

Pierret has classified the sandwich generation into three distinct categories based on their roles: 1) The Traditional Sandwich Generation comprises adults between the ages of 40 and 50, who bear the weight of supporting both elderly parents and financially dependent children; 2) The Club Sandwich Generation encompasses adults aged 30 to 60, who find themselves sandwiched between the responsibilities of caring for parents, children, grandchildren (if applicable), and potentially even grandparents (if they are still living); and 3) The Open Faced Sandwich Generation encompasses individuals who are involved in the care of elderly individuals, although it may not be their professional occupation (such as individuals caring for seniors in nursing homes).⁷

The concept of the sandwich generation has existed for a considerable duration, possibly since the advent of human civilization. However, its prevalence has increased over time, particularly due to the heightened complexity of human needs and the pursuit of higher levels of welfare in contemporary society. Furthermore, numerous baby boomers, who are no longer in their productive years, rely on the support of younger generations to sustain their livelihoods. According to a 2013 study conducted in the United States, both the baby boomer generation and Generation X were found to exemplify the characteristics of the sandwich generation. The study further indicated that the baby boomer generation had a significantly higher contribution, approximately twice as much, to the prevalence of the sandwich generation.⁸

According to estimates by the World Health Organization (WHO), the global population of individuals aged 60 years and above is projected to rise. Starting from 2021, Indonesia has entered the category of nations with aging populations, with Yogyakarta identified as the province housing the highest proportion of elderly individuals. In contrast, Papua province possesses the lowest percentage of elderly inhabitants based on available data. In the year 2022, eight provinces in Indonesia have been classified as regions with aging populations. These provinces consist of West Sumatra, Lampung, Central Java, Yogyakarta, East Java, Bali, North Sulawesi, and South Sulawesi.⁹

According to data obtained from the Indonesian Central Bureau of Statistics, the elderly population who reside with their families comprises four primary categories: 35.93% live in multigenerational households (three generations under one roof), 33.18% reside with their nuclear family (two generations), 20.85% live with a partner, and 10.04% live independently without any family members in their household. Regarding the financial support for the elderly in Indonesia, the majority, comprising 82.99% of the elderly, receive financial assistance from employed members within their household. Additionally, 11.38% of the elderly receive monetary aid or goods from external sources, while 5.22% rely on their own retirement savings to support themselves. A minor percentage, namely 0.41%, are financially sustained through investments.¹⁰

The Indonesian government views the sandwich generation phenomenon as an issue that could have been averted with appropriate mitigation measures. The optimal approach involves disrupting the cycle through the implementation of the following measures: establishing a savings plan and instituting a pension program accessible to all

⁷ Charles R Pierret, "The Sandwich Generation: Women Caring for Parents and Children," *Monthly Lab. Rev.* 129 (2006): 3.

⁸ Kim Parker and Eileen Patten, "The Sandwich Generation Rising Financial Burdens for Middle-Aged Americans," *Pew Social & Demographic Trend*, no. 1 January (2013).

⁹ Elni Jeini Usuh, Linda Lambey, and John Burgess, "The Aging Workforce in Indonesia and Its Impact on Economic and Social Development," in *Examining the Aging Workforce and Its Impact on Economic and Social Development* (IGI Global, 2023), 73–92.

¹⁰ Usuh, Lambey, and Burgess.

individuals, not limited solely to State Civil Apparatuses who currently benefit from government-sponsored pension programs, adopting health insurance coverage, adopting a more frugal lifestyle, creating a fund for children's education to alleviate parental burdens in the future, and imparting financial prudence and self-reliance skills to children.¹¹

Adult children's responsibility to their parents according to Islamic law

In Islamic doctrine, it is incumbent upon Muslims to fulfill their duty of serving their parents. For each follower of Islam, the act of assisting and bringing joy to their parents is regarded as a religious mandate. This act of aid and contentment is commonly understood as providing solace to aging parents, particularly those in their elderly years. One means of accomplishing this is by supporting elderly parents financially to cater to their daily necessities.¹²

The notion of the "sandwich generation", wherein a child assumes the responsibility of caring for their parents, can be viewed as an expression of filial piety towards them, which is known as "*birrul walidain*" in Islamic tradition. Furthermore, Muslims firmly uphold the belief in the religious obligation of honoring and venerating one's parents. It is also believed that by demonstrating reverence and respect towards parents, one may find divine favor, leading to an enhanced bestowal of sustenance from God. In Islamic teachings, if a Muslim possesses surplus wealth, they are enjoined to allocate their contributions as prescribed in the Quran, specifically mentioned in Surah Al-Baqarah, verse 215: "They ask you (Muhammad), what way they should donate. Say, 'Whatever donations you give are for parents, relatives, orphans, the poor, and needy travelers.' Whatever good you do is certainly well known to Allah". The verse affirms that in the act of *infaq* (charitable giving) from the sustenance one receives, parents hold the foremost position to be recipients in the case of a Muslim.¹³

The schools of Islamic jurisprudence offer comprehensive elucidation concerning the duty of supporting both parents and relatives.¹⁴ The Hanafi School maintains that the responsibility of providing for parents is obligatory upon adult children. This duty encompasses the duty to sustain the father, paternal grandfather, and maternal grandfather if they are in need. Elderly parents are not expected to labor as their children do. In situations where the child is capable of providing sustenance for either parent, precedence is given to the mother over the father. However, if a child asserts that the father is financially well-off, the child must substantiate this claim with evidence. In the absence of evidence from the child, it implies that the father's statement is deemed valid. In cases where the father has both wealthy sons and daughters, the obligation of providing maintenance for the father is divided equally between them, irrespective of any disparity in their individual wealth. Certainly, if a significant discrepancy in wealth exists between the two children, then the affluent child would be expected to contribute more towards the father's maintenance. Additionally, a wealthy child is also obligated to support their father's wife, including stepmothers. Furthermore, it is incumbent upon the child to arrange the marriage of the father, if the father desires to marry and does not have a

¹¹ Sri Yuliana, "Comparison of Child Health between Sandwich Generation and Non-Sandwich Generation," *Populasi* 29, no. 1 (2021): 33–51.

¹² Imam Tabroni and Adisa Riski Bumi, "Implementation Of Islamic Education Learning With Social Care Participants Educated," *Jurnal Multidisiplin Madani* 2, no. 2 (2022): 805–10.

¹³ Tabroni and Bumi.

¹⁴ Abd al-Rahman Al-Jaziri, *Kitab Al-Fiqh 'ala Al-Mazahib Al-Arba'ah*, Vol. 3 (Beirut: Dār al-Kutub al-Ilmiyyah, 1999).

spouse. In cases where the father has multiple wives, the child's obligation to provide support extends only to the wife requested by the father.¹⁵

The second perspective is attributed to the Maliki school of thought, positing that the responsibility of providing for adult offspring falls upon both parents, subject to specific conditions. Foremost, this obligation applies only to those adult children who possess the status of independence, thereby excluding those who are in a state of servitude, as they are exempt from parental maintenance; 2) In cases where both parents are financially disadvantaged and lack the means to support themselves, the circumstance dictates that if they can only afford to support one parent, it becomes incumbent upon the child to assume responsibility for meeting the needs of the other parent; 3) In situations where both parents are incapable of working, their financial sustenance becomes a responsibility that falls upon the child. However, if both parents possess the ability to work, the child is not obligated to support their livelihood, and both parents are compelled to seek employment for their sustenance; 4) The circumstance of an adult child being competent or affluent should be taken into account. It is important to acknowledge that if the child chooses to pursue employment, it indicates their capability to work, but they are not under any obligation to work solely for the support of their parents; 5) When both parents have been verified as indigent through the testimony of two reputable individuals, a pertinent question arises when an adult child claims to be impoverished. In this regard, divergent views exist among fiqh scholars. Some assert that the burden of proof lies upon the child to substantiate their claim of poverty, while others contend that both the child and the parents must provide evidence to support the assertion; In cases where the children possess monetary resources beyond those required for their own sustenance, the needs of their immediate family members, livestock, and essential aides are also to be accommodated.¹⁶ However, if the children have no surplus funds whatsoever, they are not obligated to provide financial support to their parents. The Maliki school of thought does not stipulate that the parents, who are being provided for, must necessarily be adherents of Islam. According to this school of thought, a Muslim individual bears the responsibility to financially support their non-Muslim parent, and conversely, a non-Muslim individual is also obliged to support their Muslim parent.¹⁷

The third school of thought is represented by the Al-Shafi'i jurisprudential tradition, contending that a mature offspring holds the responsibility to support both parents, contingent upon the parents' destitution and incapacity to sustain themselves through employment.¹⁸ Furthermore, the Al-Shafi'i school delineates additional prerequisites in this matter: 1) The parents in question are indigent, lacking adequate sustenance and shelter, thereby necessitating the provision of sufficient sustenance; 2) The adult children, irrespective of gender, possess the capacity to secure respectable means of livelihood; and 3) These adult offspring possess surplus assets beyond their own essential necessities, as well as the needs of their spouse and children for a day and a night. As per the teachings of the Al-Shafi'i school, the financial responsibility of an adult child towards their parents does not become obligatory if the child lacks surplus wealth. Moreover, the obligation does not depend on both parents being incapable of working, nor does it necessitate that both parents follow the Muslim faith. Even if one or both parents

¹⁵ Al-Jaziri.

¹⁶ Al-Jaziri.

¹⁷ Wahbah Al-Zuhaili, *Al-Fiqh Al-Islāmī Wa Adillatuh* (Beirut: Dār al-Fikr, 1992).

¹⁸ Syamsul Bahri, "Nafkah Anak Kepada Orang Tua Dalam Pandangan Hukum Islam," *Jurnal Hukum Samudra Keadilan* 11, no. 2 (2016): 157–71.

are non-believers while their offspring are Muslims, or vice versa, the duty of maintenance towards the parents remains obligatory.¹⁹

The fourth school of thought, the Hambali school, asserts that an adult child bears the responsibility of providing maintenance not only for both parents but also for other ascendants, such as grandparents and great-grandparents.²⁰ This obligation is comparable to a father's duty to provide maintenance for his descendants, including grandchildren and great-grandchildren, with equitable consideration based on customary practices. Three specific conditions are outlined: 1) The recipients of this maintenance must be individuals who lack adequate wealth and income to meet their essential needs, rendering them economically impoverished. In the event that the parents possess property or have sufficient employment, this implies that they are not eligible to receive financial support. However, if their resources are merely adequate to fulfill some of their necessities, the adult child remains obligated to fulfill the remaining needs on their behalf. 2) Adult offspring are among those individuals obligated to contribute towards the livelihood of parents, provided that their financial resources exceed the necessities of themselves and their spouses, regardless of whether these resources stem from personal wealth or regular income. However, those who lack even the slightest surplus wealth are not under obligation to financially support their parents; and 3) An adult progeny assuming the role of a provider becomes the inheritor of parental lineage; hence, it becomes incumbent upon the said offspring to ensure the well-being of their indigent father, their father's spouse, and their younger siblings.²¹

Within the context of the sandwich generation phenomenon, the dependent generation pertains to the older generation. In essence, this signifies that a mature Muslim individual is obligated to cater to the needs of their parents, who are no longer capable of working, alongside providing support to their own children until the latter can secure employment and self-sustaining income. Nonetheless, adult offspring bear no obligation to support parents who enjoy good health and possess the capacity to work or own a business, as the ability to engage in labor is tantamount to possessing property. However, in the event that the parents do not have their own business, the responsibility to provide for their needs falls upon their adult children and grandchildren. Ultimately, based on prevailing cultural norms, it is considered unsatisfactory for children and descendants to permit their elderly parents or grandparents to persist in laboring for their own sustenance, as this does not align with the notion of positive filial ties.²²

In Islamic doctrine, catering to the needs of parents, especially in their old age, is deemed a form of dutiful service. Consequently, it should not be viewed as a burden but rather as a precious opportunity that not everyone is fortunate enough to attain.²³ The Quran, in Surah Luqman, verse 14, emphasizes the importance of gratitude towards God and one's parents, reminding that ultimately, all shall return to God. Moreover, a hadith transmitted by Imam Abu Dawood and al-Nasa'ie recounts a scenario in which a person sought to pledge allegiance to the Prophet for the purpose of migration, leaving their parents in distress. In response, the Prophet advised the individual to return to their

¹⁹ Al-Zuhaili, *Al-Fiqh Al-Islāmī Wa Adillatuh*.

²⁰ Al-Jaziri, *Kitab Al-Fiqh 'ala Al-Mazahib Al-Arba'ah*.

²¹ Al-Zuhaili, *Al-Fiqh Al-Islāmī Wa Adillatuh*.

²² Muhammad al-Khatib Al-Syarbini, *Al-Iqnā' Fī Hall Alfāzi Abī Syujā'* 4 (Beirut: Dār al-Fikr, 1994), 439-440.

²³ Riska Andista Indriyani and Anjar Sri Ciptorukmi Nugraheni, "Kontradiksi Antara Kewajiban Anak Kepada Orangtua Dengan Anak Menggugat Orangtua," *Jurnal Privat Law* 7, no. 2 (2019): 283-88.

parents and bring joy to their hearts, just as they had caused them sorrow.²⁴ Consequently, according to Islamic tenets, it becomes incumbent upon adult offspring to fulfill the duty of doing good towards their parents by offering support and sustenance, especially when the parents have reached old age and are no longer capable of working.

Adult children's responsibility to their parents according to positive law

The matter concerning the elderly extends beyond the familial duty and encompasses the societal and governmental role. Addressing the essential requirements of senior citizens in Indonesia primarily hinges upon the communal spirit referred to as “*gotong royong*” (community cooperation), deeply rooted in local cultural norms and religious principles.²⁵ The provision of elderly support is conducted through the ideals of self-reliance, collaborative efforts, communal unity, and official oversight. As per Article 298 of the Civil Code, it is mandated that individuals, irrespective of their age, are obligated to hold their parents in high regard and esteem. Concerning the realm of duties, an individual becomes liable for responsibilities solely upon attaining adulthood. In accordance with the Marriage Law, the definition of attaining adulthood is characterized by an individual reaching the age of 18 years or entering into marriage. Conversely, as stipulated by the Civil Code, individuals attaining adulthood are those who have attained the age of 21 years or those who have entered into matrimony prior to that age.

Regarding the duty of grown offspring to ensure the sustenance of their aged parents, Article 321 of the Civil Code articulates that “Each offspring is mandated to furnish support for their parents and ascendant blood relatives who are in a state of destitution”. As dictated by the regulations set forth in the Civil Code, there exists a binding obligation upon a child to sustain their parents in instances where the parents are in a state of impoverishment. Furthermore, Article 326 of the Civil Code asserts: “In the event that an individual, who bears the responsibility of supplying maintenance, substantiates their incapacity to furnish financial support, the local court holds the authority, subsequent to a thorough inquiry, to mandate the provision of lodging and essential provisions to the needy party within the premises of the obligated individual”. Even as delineated by Article 328 of the Civil Code, individuals born out of wedlock, yet bestowed legal acknowledgment, bear the responsibility of caring for their parents, with this obligation being mutually binding. The bestowal of sustenance from adult children to their parents remains unassailable if the parents are genuinely in need. This principle is firmly grounded in Article 329 of the Civil Code, which enunciates that “Agreements aiming to renounce the entitlement to receive maintenance are rendered devoid of legal effect”.

The legal statute that places distinct emphasis on the wellbeing of senior citizens is encapsulated within Law Number 13 of 1998, pertaining to the Welfare of the Elderly. Article 7 within this legislative provision stipulates that “The government assumes the responsibility of providing guidance, counsel, and cultivating an encouraging environment to facilitate the execution of endeavors aimed at enhancing the societal welfare of the elderly”. Meanwhile, Article 8 mandates that “The government, society, and families bear the accountability for concretizing the initiatives aimed at augmenting the social welfare of the elderly”. In accordance with Article 22 of the Elderly Welfare Law,

²⁴ Wildan Fauzi, “Kewajiban Anak Terhadap Orang Tua Menurut Hadits Bukhari,” in *Gunung Djati Conference Series*, vol. 24, 2023, 114–32.

²⁵ L Jan Slikkerveer, “Gotong Royong: An Indigenous Institution of Communality and Mutual Assistance in Indonesia,” *Integrated Community-Managed Development: Strategizing Indigenous Knowledge and Institutions for Poverty Reduction and Sustainable Community Development in Indonesia*, 2019, 307–20.

extensive rights and avenues are granted to the public for active involvement in initiatives geared towards enhancing the social welfare of senior citizens. The community's contribution can manifest on an individual basis, within familial contexts, as part of collectives, within communities, through social entities, and/or community-based organizations.

Furthermore, as outlined in Article 46 of the Marriage Law: (1) Offspring are duty-bound to hold their parents in esteem and adhere to their benevolent desires; (2) Upon reaching adulthood, it becomes the obligation of the child, in accordance with their capabilities, to provide assistance to parents and direct lineal family members who require their support. Drawing from these regulations, progeny attaining the age of 18 in accordance with the Marriage Law, or 21 years in alignment with the Civil Code, or having previously entered into matrimony, are classified as adult offspring, thereby carrying the responsibility of tending to their parents to the extent of their capabilities, as delineated by the provisions of Article 46 of the Marriage Law. Nonetheless, the aforementioned article does not expound in greater detail, including aspects such as the level of the child's maturity, the specific nature of obligatory parental care expected from the child, and the potential repercussions or legal ramifications in the event of non-compliance.

In addition to drawing from the guidance provided by the Civil Code, the Marriage Law, and the Elderly Welfare Law, the duty of adult children to provide care for their parents finds mention in the Law on the Eradication of Domestic Violence as well. Within Article 9 of the Law on the Eradication of Domestic Violence, it is established that it is prohibited for any person to forsake individuals residing within the confines of their household, irrespective of the specific law or agreement governing them, when there exists an obligation to furnish sustenance, attention, or support for said individuals.

Differing from the Marriage Law, which does not encompass provisions pertaining to penalties for offspring who disregard or fail to attend to their parents, the Law on the Eradication of Domestic Violence, under the purview of Article 49, subparagraph (a), delineates sanctions for individuals neglecting individuals residing within their household. This transgression could potentially lead to a maximum incarceration term of 3 years or a fine not exceeding IDR 15 million.

Fundamentally, a definitive legal foundation mandating adult children to shoulder the financial burdens associated with the care of their parents is lacking. Nevertheless, it is our perspective that the financial responsibility of providing for parents rests upon the capacity of the children and the presence of parental need for assistance. Consequently, parents lack the capacity to institute a legal suit within the court arena with the intention of seeking financial support. Nonetheless, as clarified within the Law pertaining to the Eradication of Domestic Violence, parents who fall under the purview of an adult child's household, in line with the legal statutes that are pertinent to them, possess the rightful expectation to receive care from their offspring; conversely, this entails a prohibition against leaving them forsaken.

Obligation of providing care for elderly within the Indonesian societal context

An elderly individual is defined as someone who has attained the age of 60 years or beyond. This demographic constitutes a segment of the human population that has reached the latter stages of their life cycle. As one progresses into old age, alterations occur in the structural composition of the brain, resulting in a diminished quality of life, thereby affecting the ability to independently undertake daily tasks. This engenders a spectrum of challenges encountered by the elderly, encompassing issues such as

diminished work capacity, economic and financial constraints, and reliance on external assistance to navigate their day-to-day existence.²⁶

According to projections from the United Nations, it is anticipated that by the year 2050, the population of elderly individuals in Indonesia will approach approximately 60 million, positioning the country as the fourth largest globally in terms of elderly demographics, trailing only China, India, and the United States. The escalating prevalence of elderly citizens gives rise to various challenges, particularly in the domains of senior health and well-being. Failure to address this issue could potentially evolve into a multifaceted challenge encompassing physical, psychological, and social dimensions that impact the health and overall welfare of this demographic.²⁷

The family constitutes a fundamental requirement for the elderly, assuming a pivotal role in facilitating their essential needs. Principal among these is the indispensable requirement for family-based assistance, which significantly contributes to a balanced and moderate lifestyle for senior citizens. Within the framework of familial dynamics, the provision of support, encompassing expressions of affection and emotional attachment, is integral to the nurturing and attentive operation of the family unit. The primary responsibility of caregiving and ensuring the well-being of the elderly logically falls upon the family, given their profound necessity for familial support to navigate the intricacies of late life. The absence of such familial backing and guardianship would further compound the challenges faced by the elderly.²⁸

Based on the Islamic faith, widely embraced by the majority of Indonesians, the act of serving and extending benevolence to one's parents stands as a religious duty. Consequently, in accordance with Islamic jurisprudence, the family serves as the fundamental safeguarding institution within society to address the challenges posed by an aging population. Therefore, the neglect of elderly parents represents a failure on the part of the adult child to fulfill their obligations towards their biological father, who relies on both physical sustenance (adequate nourishment, clothing, and hygiene) and emotional care (compassion and nurturing).²⁹

The family serves as the most basic constituent of society, encompassing its distinct set of objectives, each to be pursued by every member within the family unit. To accomplish these aims, the family undertakes its designated role congruent with its intended function. The delineation of family functions arises from intricate interactions, interpersonal bonds, and mutual reliance. Typically, family functioning is perceived as the product or outcome of the underlying family structure. In line with Friedman's conceptual framework, family functions are commonly categorized into five distinct domains: affective, socialization, reproductive, economic, and maintenance functions.³⁰ The pivotal role of the affective function takes precedence within the family structure, intimately intertwined with the intrinsic dynamics of the family unit. This function serves as the bedrock of familial resilience, for it is intricately linked to the well-being of each individual constituting the family. It operates as a requisite element for the personal and

²⁶ Yudrik Jahja, *Psikologi Perkembangan* (Jakarta: Kencana, 2011).

²⁷ Peter van Eeuwijk, "Precarity, Assemblages, and Indonesian Elder Care," *Medical Anthropology* 39, no. 1 (2020): 41–54.

²⁸ Afrizal Afrizal, "Permasalahan Yang Dialami Lansia Dalam Menyesuaikan Diri Terhadap Penguasaan Tugas-Tugas Perkembangannya," *Islamic Counseling: Jurnal Bimbingan Dan Konseling Islam* 2, no. 2 (2018): 91–106.

²⁹ Afrizal.

³⁰ David Cox, "The Edwin Friedman Model of Family Systems Thinking," *Academic Leadership: The Online Journal* 4, no. 4 (2006): 10.

psychosocial evolution of family members. The efficacy of this function becomes evident through the attainment of collective contentment among all family constituents. Every member of the family contributes to cultivating a positive familial atmosphere, fostering a sense of belonging, underscoring individual significance, and nurturing a wellspring of affection. Families that adroitly fulfill this affective function concurrently witness the prosperous development of positive self-perception in all family members.³¹

Divorce, juvenile delinquency, domestic conflicts, and various other familial challenges frequently emerge when the affective function remains unfulfilled within the family unit. Within the Indonesian context, the framework of family functions is encapsulated within legislative instruments such as Law Number 10 of 1992 concerning Population Development and the Advancement of Prosperous Families, alongside Government Regulation Number 21 of 1994 pertaining to the Execution of Prosperous Family Advancement. These encompass a spectrum of roles, namely religious, cultural, affectional, protective, reproductive, socializing, economic, and environmental preservation functions. Furthermore, Law Number 13 of 1998 also encourages public engagement in extending social aid to enhance the well-being of the elderly who may be financially constrained and thereby elevate their quality of life.³²

In its essence, the delineated family functions bear a striking resemblance to Friedman's theory,³³ with the exception that the affective function finds articulation as a fusion of religion and culture. Within individuals, religious and cultural values permeate an affective dimension, wherein the religious function encapsulates how the family can nurture the tenets of religious doctrines as the bedrock and *raison d'être* for the entire family unit. This involves translating religious principles into everyday conduct for all family members, furnishing tangible illustrations of religious teachings through daily practices, enhancing and supplementing the educational lacunae concerning religion within the school or societal context, and fostering sentiments, dispositions, and customs of religiosity within family life, serving as the cornerstone for a joyful and prosperous domestic setting.³⁴

Conversely, the role of culture encompasses the responsibility of the family as a fundamental entity in perpetuating societal and national norms and cultural heritage it endeavors to uphold. The family operates within the contours of a cultural milieu, making cultural values integral and inextricable. Cultural aspects are intertwined with indigenous wisdom in which the family is situated, and extend to encompass broader national principles. Familial ethics are requisite to mirror the tenets of Indonesia's national ideology, fortified by the bedrock of cultural institutions. This underscores the family and religious bodies as custodians of ethical conduct. Drawing from the elucidation of the aforementioned family functions, it can be deduced that the family constitutes the foremost environment in which an individual matures, evolves, acquires education, and subsequently receives safeguarding, encompassing both psychological serenity and spiritual anchoring, along with the establishment of bonds between individuals that endure into the twilight years of the familial journey.³⁵

³¹ Eka Afrina Djamhari et al., *Kondisi Kesejahteraan Lansia Dan Perlindungan Sosial Lansia Di Indonesia* (Jakarta: Perkumpulan Prakarsa, 2021).

³² Kementerian Sosial, *Kebijakan Dan Program Rehabilitasi Sosial Lanjut Usia Tahun 2021* (Jakarta: Kemensos, 2021).

³³ Cox, "The Edwin Friedman Model of Family Systems Thinking."

³⁴ Cox.

³⁵ Edward W Beal, "A Retrospective: Edwin Friedman, His Life and Work," *Review & Expositor* 102, no. 3 (2005): 407–24.

According to Friedman,³⁶ examinations of family assistance have formulated the notion of social support, encompassing both extrinsic and intrinsic forms, which have demonstrated substantial utility. The domain of external family support encompasses a spectrum including friendships, professional colleagues, neighbors, educational institutions, extended family, social circles, recreational communities, religious congregations, and healthcare professionals. Internal family support, on the other hand, comprises backing from spouses, siblings, or children. In light of this perspective, the family serves as the primary source from which an individual garners assistance and motivation when navigating diverse life processes.³⁷

Within the teachings of Islam, the duty to honor parents extends beyond mere verbal expressions and nonverbal gestures, encompassing the substantial provision of essential requisites such as attire, sustenance, and other fundamental life necessities. This assistance signifies a form of devotion that grown offspring extend to their parents, serving as a fitting recompense for the care, concern, and numerous challenges encountered while nurturing their children during their formative years. It constitutes the obligatory commitment and accountability of an adult child towards the familial unit, directed towards both their own offspring born of matrimony and the parents who have nurtured and raised them.³⁸

Rights and responsibilities are inseparable facets of the identical construct, forming the integral components of a single legal association, thus precluding their disentanglement. Subjective law, signified as rights, encapsulates a correlation dictated by objective law, wherein one party possesses entitlements while the counterpart bears obligations. The rights engendered by subjective law manifest in dual modalities. Firstly, it assumes the manifestation of a right to requisition specific actions or abstentions from others. Secondly, it entails the converse of this right, delineating the compulsion for others to act accordingly.³⁹

The proscription against neglecting parents finds its basis in the inherent entitlement that both parents possess over their children, encompassing both Islamic jurisprudence and the positive laws of Indonesia. This mandates that offspring are duty-bound to express reverence and dedication to their parents, a duty that persists as long as parental directives do not contravene legal statutes or conflict with Islamic principles and Sharia regulations. Parental neglect denotes the dereliction of responsibility by an adult child possessing legal capacity, towards parents who depend on them for physical requisites, encompassing sustenance, clothing, hygiene, as well as psychological essentials, such as neglecting to provide care or affection. Should a child transgress or disregard their parental responsibilities, repercussions ensue. Both Islamic jurisprudence and the legal framework in Indonesia prescribe lawful consequences for adult children who forsake their elderly parents.

Within the realm of Islamic law, parental neglect is encompassed within the category of acts considered disloyal or perfidious towards one's parents (*'uquql walidain*). The legal consequences for children who neglect their parents are subject to the

³⁶ Edwin H Friedman, *A Failure of Nerve: Leadership in the Age of the Quick Fix* (Church Publishing, Inc., 2007).

³⁷ Beal, "A Retrospective: Edwin Friedman, His Life and Work."

³⁸ Michela Franceschelli and Margaret O'Brien, "'Islamic Capital' and Family Life: The Role of Islam in Parenting," *Sociology* 48, no. 6 (2014): 1190–1206.

³⁹ Thomas Janoski, *Citizenship and Civil Society: A Framework of Rights and Obligations in Liberal, Traditional, and Social Democratic Regimes* (Cambridge: Cambridge university press, 1998).

regulations set forth by the governing authorities (*ulil amr*),⁴⁰ as this falls under the domain of *ta'zir* offenses. *Ta'zir* entails penalties decreed by a judge or the designated authority (*ulil amr*) for individuals who commit transgressions of a criminal nature, with the punishment not being specifically delineated by the Quranic verses or prophetic traditions (*hadith*).⁴¹

The penalties imposed on individuals who engage in parental neglect under Indonesian positive law assume the form of criminal sanctions. Neglect is categorized as a non-violent offense as articulated in Article 49 of Law Number 23 of 2004 pertaining to the Eradication of Domestic Violence, Article 26 of Law Number 13 of 1998 addressing Elderly Welfare Advancement, and Article 304 of the Criminal Code.

As stipulated in Article 49 of Law Number 23 of 2004, individuals found culpable of neglecting those residing within their household, despite their obligation, either by law or agreement, to provide sustenance, care, or support, shall be liable to a potential prison term of up to 3 (three) years or a monetary fine not surpassing fifteen million rupiah. Meanwhile, Article 26 of Law Number 13 of 1998 delineates that any individual, entity, organization, or institution who intentionally refrains from furnishing services geared towards augmenting the social well-being of the elderly, despite being legally obligated to do so, faces the prospect of imprisonment for up to 1 (one) year or a maximum monetary penalty of two hundred million rupiah. In addition, Article 304 of the Criminal Code outlines that any individual who intentionally subjects or permits another person to endure a state of destitution, notwithstanding the legal compulsion or consent obligating them to provide sustenance, care, or attention to said person, may face a potential incarceration period of up to two years and eight months, along with a possible monetary fine not exceeding four thousand five hundred rupiahs.

The aforementioned legal stipulations serve as a manifestation of the responsibility that adult children and individuals within their milieu bear towards the elderly, exemplifying their obligation to provide care and support. Therefore, in Indonesia, the responsibility of elderly care primarily falls upon the family and the community. Traditionally, it is considered a cultural obligation for adult children to take care of their elderly parents. This responsibility is deeply rooted in Indonesian society, which places great importance on filial piety and the concept of "*gotong royong*" (mutual cooperation). Within the family, children are expected to provide physical, emotional, and financial support to their aging parents. This often includes living with or near their parents, assisting with daily activities, ensuring access to healthcare, and meeting their basic needs. In cases where adult children are unable to directly provide care, extended family members or close relatives may step in to fulfill this role. Additionally, the community plays a significant role in elderly care in Indonesia. Communities often have strong social bonds, and neighbors and friends frequently come together to provide support to older individuals. Community-based programs and initiatives may also be in place to cater to the needs of the elderly, offering services such as health check-ups, recreational activities, and social support.⁴²

It is worth mentioning that the Indonesian government also plays a role in elderly care, particularly through policy development and the provision of social assistance programs. The government provides healthcare services, social welfare benefits, and retirement programs to support the elderly population. However, the extent and

⁴⁰ Al-Jaziri, *Kitab Al-Fiqh 'ala Al-Mazahib Al-Arba'ah*.

⁴¹ Al-Zuhaili, *Al-Fiqh Al-Islāmī Wa Adillatuh*.

⁴² Slikkerveer, "Gotong Royong: An Indigenous Institution of Communality and Mutual Assistance in Indonesia."

effectiveness of these programs vary, and they are often considered as supplemental rather than comprehensive support for elderly care.

Conclusion

The phenomenon of the sandwich generation is a prevalent experience among numerous individuals in Indonesia. This circumstance occurs when a grown child finds themselves in a position of simultaneously providing for their parents and their own offspring within the family. The commitment to care for one's parents is regarded as both a religious and societal duty within Indonesian culture, making it an inescapable obligation. The responsibility of ensuring the well-being of elderly and less privileged parents falls squarely upon the family unit. The intervention of the state is limited to situations where no responsible party can be identified. The government plays a role in elder care through social welfare programs, but these often act as a supplement rather than a primary source of support. In the Indonesian context, it is incumbent upon mature and capable children to attend to the needs of their aging parents. Financially capable offspring are mandated to offer support to parents who may be economically disadvantaged or have specific healthcare requirements. These directives are rooted in the religious and cultural principles that are widely shared among the majority of the Indonesian populace. Therefore, elderly care in Indonesia is primarily seen as a shared responsibility among family members, the community, and the government. The cultural values of familial duty and community support strongly influence the caregiving dynamics and social expectations surrounding the care of older individuals.

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