

Limits Of Parental Interference In Children's Household Reviewed From Law No. 1 Of 1974

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ABSTRACT

In the household life of the father and mother also have an influence on the household of their children. In this paper based on the literature data that the author obtained that in Law No. 1 of 1974 article 45 that parents are not required to interfere in the household affairs of children until the child asks for it. This study is a type of library research with the aim of identifying problems (Problem Identification) and is explanatory (explaining) by testing the correlation between variables as cause and effect. The results of the study indicate that parents do not have the right to interfere in the household affairs of their children in order to maintain the welfare of the child's household itself. Because the facts in the field, the child's household is not harmonious and even divorced because parents interfere too much in the household affairs of their children.

Keywords: Intervention, Law, Parents

ABSTRAK

Dalam kehidupan rumah tangga ayah dan ibu juga memiliki pernah terhadap rumah tangga anaknya. Dalam tulisan ini berdasarkan data kepustakaan yang penulis dapatkan bahwa dalam UU No.1 Tahun 1974 pasal 45 bahwa orang tua tidak wajib untuk ikut campur dalam urusan rumah tangga anak sampai anak itu memintanya. Penelitian ini merupakan jenis penelitian pustaka (*Library Research*) dengan Tujuan mengidentifikasi masalah (*Problem Identification*) dan bersifat eksplanatif (menerangkan) dengan cara menguji korelasi antar variabel-variabel sebagai sebab dan akibat. Hasil penelitian menunjukkan bahwa bahwa orang tua tidak berhak untuk ikut campur dalam urusan rumah tangga anaknya demi menjaga kemaslahatan rumah tangga anak itu sendiri. Karena Fakta dilapangan, rumah tangga anak tidak harmonis bahkan sampai bercerai dikarenakan orang tua yang terlalu ikut campur dalam urusan rumah tangga anaknya.

Kata Kunci: Campur tangan, Undang-Undang, Orang Tua

A. INTRODUCTION

Marriage is a natural need for every human being. Marriage is very important for human life, both individually and in groups. Through a legal marriage, the relationship between men and women occurs honorably according to the position of humans as noble creatures. The relationship of married life is built in a peaceful, calm atmosphere and the affection between husband and wife. The offspring of a legitimate marriage adorn family life and are also the next generation for the survival of humanity as a whole. Therefore, it is appropriate that Islam regulates the issue of marriage very carefully and in detail, to bring humanity to live in honor (Juliandi et al. 2024).

Everyone in building a family, wants a harmonious family, which is able to provide love and affection to its family members, so that they have a sense of security, peace, and happiness in trying to achieve the welfare of life in the world and the hereafter. Various efforts are made to achieve happiness and the sustainability of a family. However, it should be remembered that the formation of a harmonious family, which begins with marriage which means "a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God", or it is said that "marriage is a union of love between a man and a woman who are confirmed in front of a religious officer or civil registry" is not easy to realize. Some can realize a harmonious family, some are less and some cannot and even fall apart in the middle of the road.

Parents who act as monitors and also have the authority to care for, educate and provide affection for their children sometimes do not realize that the child is already married which automatically has released their power or guardianship with the parents (Fahmi Arifudin and Taupiqurrohman 2023). Excessive parental affection for their children sometimes gives rise to a conflict in the child's household when the views between the parents and the child or in-laws are not equal, the feeling of affection or feeling of wanting to make up for the shortcomings or inability of the parents towards their child's education which is now realized in the form of grand parenting or providing financial support in the child's household which the author means as parental interference or intervention in the child's household (Sholehah 2016).

There are several realities related to parental intervention in the child's household, sometimes the intervention is an aid to the child's household and sometimes it can be a problem in the child's household when there are differences between each member, especially between the parent's family and the child's family. This can be seen in the condition of the relationship between the two families, namely the relationship between the parent's family and the child's family (Dlaifurrahman 2018).

The phenomenon of parental family intervention towards the child's family in the above case is also common in the lives of parents and children's families who are close or still united in a household building. Living in one household building like a married couple who still live in the same house with their in-laws (parents' family), for some married couples living in the same house with their in-laws is common and not a problem, but for some others, what generally happens is that it can cause problems and even lead to divorce. This research is a type of library research with the aim of identifying problems (Problem Identification) and is explanatory in nature (explaining) by testing the correlation between variables as cause and effect.

C. RESULT AND DISCUSSION

Rights and obligations of parents towards children

Based on Article 45 paragraph (1) which states: "both parents are obliged to care for and educate their children as well as possible." The validity period of Article 45 paragraph (1) above, based on Article 45 paragraph (2) states as follows: "The obligations of parents referred to in paragraph (1) of this article apply until the child is married or can stand alone, which obligations continue to apply even though the marriage ends between the two parents broke up."

Based on article 48, if a child has ownership rights to an item while he/she is not yet 18 years old, then the parents are not permitted to transfer his/her rights to the item to another person, but there is an exception if the transfer of rights is in the interests of the child and the child wishes and agrees (Maulana, Nisa, and Munir 2022). This is because children under the age of 18 (eighteen) are considered to be children or are not yet capable of carrying out legal acts on the rights to goods or other things they own. Based on the opinion of Imam Syafi'i, a father should fulfill his child's living needs, namely clothing, food and shelter as well as love and

affection. The limit for parents to support their children is until the child reaches puberty, if this limit has been reached, then parents are no longer required to provide support to their children unless the child is still in a state of not working or is still in school or not married or poor (Arifudin et al. 2022).

Limits for parents in interfering in children's household affairs

In living the Islamic religion, we as its people are required to marry and have offspring or children. In a legitimate household according to Islam and the State, there is an obligation imposed by parents on their children (Swasti, Bhakti, and Gunawan 2020). Parents are obliged to fulfill the material and spiritual needs of their children so that there is a peaceful family. However, what if the children who are the responsibility of the person are able to fulfill their own needs or even more than that.

The Imams of the 4 schools of thought agree that parents still have the rights and obligations of children who have their own property if their child has not reached puberty, but if the child is an adult, then the rights and obligations of the parents are lost, the rights referred to here are the right to education, custody rights, and the right to guardianship of the child's rights (Frizka et al. 2023).

In Law no. 1 of 1974 article 45 parents are required to maintain and educate their children well. Until the child can stand on their own, this obligation applies until the child is married. If the child is married, the parents' task is only to be a supervisor for their child's family and help if their child needs direction when running a household life and continue to love and cherish their children.

Based on the opinion of Imam Syafi'i, a father should fulfill his child's living needs, namely clothing, food and shelter as well as love and affection. The limit for parents to provide for their children is until the child reaches puberty, if it has reached that limit, then parents are no longer obliged to provide for their children unless the child is still in a state of not working or is still in school or not married or poor (Bakir and Hafidz 2022).

so in general society after marriage, husband and wife usually for several days or weeks still live with their parents or in-laws. This is common for many people after marriage, but there are also those who already have their own homes who prefer to live in their homes (Lisdayanti

2018). In Law No. 1 of 1974 chapter X article 45 paragraph (2) namely "the obligations of parents referred to in paragraph (1) apply until the child is married or can stand alone, which obligations continue to apply even though the marriage between the two parents has ended".

Parents must be aware of their capacity when their children are already building a household, because parents are only parents and children, advisors to children, guides to children in building their families. Parents may be worried in seeing their children build their households, indeed sometimes the intentions of the parents are good but not everything that is done by the parents will have a good effect on the child's family, in fact it often causes conflict between husband and wife. Although in reality the role of parents is very important in the lives of children who are married or not married (Maryam and Laili 2023).

Analysis

Every problem that occurs in the household should be resolved within the household first or between the husband and wife, but if the husband and wife are unable to resolve the problem then the husband and wife should call the judge from each of the two parties, either parents or other parties. -the party appointed to resolve problems in the family or can be called a Hakam so that problems can be resolved peacefully. As a parent, you should mature your mind and thoughts as you get older, don't let your parents' immature attitudes and egos create and influence the happiness of your child's home life, even though the parents' intentions are to see the child's happiness.

Intervention or involvement of parents in the child's household is actually very necessary for the child's household life because it is a reference when living a household life. Although sometimes parental intervention does not always end well, sometimes it also makes the child's household life problematic, therefore parents need to realize that when children are married, they already have a new life and family, it is better for parents to limit their rights and obligations towards their child's family because not always what parents think is good for them is also good for their children's lives.

Even in Law No. 1 of 1974, Article 45 also stipulates that all obligations attached to parents towards their children end when the child

is an adult or married. When a child is married, parents are no longer obliged to interfere in their child's affairs, especially in their child's household affairs. Parents only become supervisors for their children, when the child asks for help from their parents to complete their household affairs, only then may parents intervene to solve the problems in the child's household. In truth, parents only want the best for their children and they do not want to see their children's lives destroyed.

C. CONCLUSIONS

In fact, parents only want the best for their children and they do not want to see their children's lives destroyed. Therefore, they take part in taking care of their children's household. However, in the marriage law it is stated that parents do not have the right to interfere in their children's household affairs in order to maintain the welfare of the child's household itself. Because the facts in the field, children's households are not harmonious and even get divorced because parents interfere too much in their children's household affairs.

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