

Ensuring the Fulfillment of Elderly Rights in Institutional Care: An Empirical Legal Review through the Lens of Islamic Law in Medan

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ABSTRACT

This study aims to analyze the fulfillment of the human rights of the elderly in nursing homes in Medan City as part of social protection for the elderly group. The background of the research is based on the increasing number of elderly people which has implications for the high need for adequate social services and protection. The research method uses a qualitative approach with data collection techniques through observation, interviews, and documentation. The results of the study indicate that nursing homes play an important role in fulfilling the basic rights of the elderly, especially related to physical, psychological, and social needs. However, there are still various obstacles such as limited professional staff, infrastructure, and adequate budget support. This study concludes that the fulfillment of the rights of the elderly in nursing homes in Medan City has been carried out but is not optimal, so that policy strengthening, improving service quality, and cross-sector collaboration are needed to realize the welfare of the elderly more comprehensively. This research is expected to provide a realistic picture of the implementation of the human rights of the elderly in nursing homes, while also assessing the role of the state and society in ensuring a decent, dignified, and humane life for the elderly. Furthermore, it will provide input for policymakers and nursing home managers to ensure that services for the elderly are increasingly oriented toward respecting their human rights.

ABSTRAK

Penelitian ini bertujuan untuk menganalisis pemenuhan hak asasi lansia di panti jompo Kota Medan sebagai bagian dari perlindungan sosial terhadap kelompok usia lanjut. Latar belakang penelitian didasarkan pada meningkatnya jumlah lansia yang berimplikasi pada tingginya kebutuhan layanan sosial dan perlindungan yang layak. Metode penelitian menggunakan pendekatan kualitatif dengan teknik pengumpulan data melalui observasi, wawancara, dan dokumentasi. Hasil penelitian menunjukkan bahwa panti jompo berperan penting dalam memenuhi hak-hak dasar lansia, terutama terkait kebutuhan fisik, psikologis, dan sosial. Namun, masih terdapat berbagai kendala seperti keterbatasan tenaga profesional, sarana prasarana, serta dukungan anggaran yang memadai. Penelitian ini menyimpulkan bahwa pemenuhan hak lansia di panti jompo Kota Medan sudah berjalan tetapi belum optimal, sehingga diperlukan penguatan kebijakan, peningkatan kualitas layanan, serta kolaborasi lintas sektor untuk mewujudkan kesejahteraan lansia secara lebih komprehensif. Penelitian ini diharapkan mampu memberikan gambaran nyata tentang penerapan hak asasi lansia di panti jompo, sekaligus menilai peran negara dan masyarakat dalam menjamin kehidupan lansia yang layak, bermartabat, dan manusiawi. Selanjutnya juga menjadi masukan bagi pembuat kebijakan dan pengelola panti agar pelayanan terhadap lansia semakin berorientasi pada penghormatan hak-hak mereka sebagai manusia.

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A. INTRODUCTION

Human Rights are rights that all humans possess, which are a gift from God Almighty.¹ Human Rights are general in nature, meaning they are comprehensive and apply to every human being regardless of age, background, race, status, and so on. Human rights also apply anytime, anywhere, and to anyone, so they are global in nature. Based on the principle of human rights, they are rights that cannot be revoked by anyone.²

In Indonesia, every citizen, including the elderly, has basic rights guaranteed by law, particularly those related to human rights. The fulfillment of these rights cannot be separated from the obligation of citizens to play an active role in national and state life. In this context, the state has a constitutional responsibility to ensure that all citizens, without age discrimination, receive protection, respect, and guarantees for their rights. This is especially important considering that the elderly are a vulnerable group who often face various obstacles in accessing their rights, especially when living in nursing homes.³

Elderly is the term for people aged 60 and over. Elderly people are a group of people who require special attention in various aspects of life, particularly in fulfilling their human rights. As they age, older people often face greater challenges in terms of health, social welfare, and access to adequate services.

In order to maintain the survival of the elderly, empowerment efforts are needed to support the health status and improve the quality of life of the elderly. Article 1 of Law Number 13 of 1998 concerning the Welfare of the Elderly explains that empowerment is every effort to improve physical, mental, spiritual, social, knowledge, and skills so that the elderly are ready to be utilized according to their respective abilities.⁴

On the other hand, regarding the fulfillment of elderly needs, those who are obliged to fulfill the service rights (maintaining the welfare) of elderly parents are their children or close family members. If elderly parents do not have children or close family members, then they become the responsibility of the state.⁵

Islam has regulated the obligations of a child to his parents both physically and mentally (Qur'an Surah Al-Isrā' verses 23-25). Based on the verse, as a Muslim it is forbidden to worship Allah and it is forbidden to associate anything with Him. One form of servitude to Allah is filial piety to parents. There are many orders in the Qur'an to be filial to parents along with the command to worship Him. Allah commands every human being to be filial to their parents. If both of them are old in your care, then be gentle, don't hurt them with words or deeds, and honor them. Allah also commands you to pray for them so that Allah will love them as they loved and educated you when you were little.⁶

¹ Sundus Serhan Ahmed, "The Evolving Role of Sustainable Development in Shaping Political Progress: A Contemporary Islamic Perspective on Human Rights and Civil Institution," *MILRev: Metro Islamic Law Review* 4, no. 1 (March 2025): 1–30, <https://doi.org/10.32332/milrev.v4i1.10128>.

² Nadia Alvin Hamidah et al., "Penegakan HAM Di Era Modernisasi," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 6 (June 2023): 459–63, <https://doi.org/10.58812/jhhws.v2i6.406>.

³ Md Abdul Malek and Muhammad Abdur Razzak, "Rights of the Elderly: An Emerging Human Rights Discourse," *International Journal of Law and Management* 59, no. 2 (March 2017): 284–302, <https://doi.org/10.1108/IJLMA-03-2016-0036>.

⁴ Pemerintah Republik Indonesia, "Undang-Undang Nomor 13 Tahun 1998 Tentang Kesejahteraan Lanjut Usia" (Jakarta, 1998).

⁵ Asma Latifa, Aldri Frinaldi, and Roberia Roberia, "Penerapan Hukum Administrasi Negara Dalam Membangun Pemerintahan Yang Baik," *Polyscopia* 1, no. 3 (June 2024): 120–26, <https://doi.org/10.57251/polyscopia.v1i3.1376>.

⁶ M. Quraish Shihab, *Tafsir Al-Mishbah* (Jakarta: Lentera Hati, 2000).

The hadith explains that apart from performing prayers on time, one of the deeds most loved by Allah is being devoted to one's parents. This shows that the position of devotion to parents is very important and must be a priority for every child. When a child does not show his devotion to his parents, this act is classified as a major sin. On the other hand, if a child is dutiful to his parents, then he has carried out one of the main deeds that is truly loved by Allah and is entitled to a great reward.⁷

In national life, the implementation of devotion to parents is more effective if it is accompanied by regulations made by the government, the formation of these regulations is in line with the government's obligations in terms of implementing order (*law and order*), striving for the welfare and prosperity of the people, maintaining security and defense, and upholding justice.⁸

In terms of maintaining the welfare in fulfilling the rights of elderly parents, the state provides the fulfillment of the rights of the elderly based on Government Regulation Number 43 of 2004 concerning the Implementation of Efforts to Improve the Social Welfare of the Elderly. ⁹Welfare includes a condition of life and social life that is balanced both in terms of material and spiritual. Welfare is characterized by a sense of security, good morals, and inner peace, all of which enable everyone to optimally fulfill their physical, mental, and social needs. This is done to respect and uphold rights and obligations in accordance with the values of Pancasila. In other words, well-being is not just about material wealth, but also about inner peace, morality, and balance in the lives of individuals, families, and communities.¹⁰

In Article 2 of Government Regulation Number 43 of 2004, Efforts to Improve Social Welfare for the Elderly are aimed at potential and non-potential elderly. ¹¹Then in Article 3 of Government Regulation Number 43 of 2004, Efforts to Improve Social Welfare for potential elderly include: Religious and spiritual services; health services, employment opportunities services, education and training services, services to obtain convenience in using public facilities and infrastructure, providing convenience in services and legal assistance, and social assistance.¹²

Efforts to improve social welfare for elderly people without potential include religious and spiritual services, health services, services to facilitate the use of public facilities,

⁷ M. Berween, "The Fundamental Human Rights: An Islamic Perspective," *The International Journal of Human Rights* 6, no. 1 (March 2002): 61–79, <https://doi.org/10.1080/714003742>.

⁸ Miriam Budiarto, *Dasar-Dasar Ilmu Politik* (Jakarta: Gramedia Pustaka Utama, 2007).

⁹ Raffi Alqindi Noviard and Budi Mulianto, "Pengaruh Kualitas Pelayanan Terhadap Kesejahteraan Lanjut Usia Di Unit Pelayanan Teknis Panti Sosial Tresnawerdha Khusus Khotimah Pekanbaru," *Jurnal Mahasiswa Pemerintahan*, January 2025, 721–34, <https://doi.org/10.25299/jmp..20489>.

¹⁰ See Article 1 paragraph 1 of Law Number 13 of 1998 concerning Social Welfare for the Elderly, which states that "Welfare is a social order and livelihood, both material and spiritual, which is encompassed by a sense of safety, morality, and inner and outer peace, which enables every citizen to fulfill the physical, spiritual, and social needs as best as possible for themselves, their families, and society by upholding basic human rights and obligations in accordance with Pancasila."

¹¹ Potential elderly are elderly who are still able to carry out work and/or activities that can produce goods and/or services. Non-potential elderly are elderly who are unable to earn a living and therefore depend on the help of others.

¹² Faizah Khotimatul Husna and Rezyana Budi Syahputri, "Kajian Kebijakan Pemerintah Dalam Pelayanan Kesehatan Lansia," *Journal of Economics Research and Policy Studies* 5, no. 1 (March 2025): 15–28, <https://doi.org/10.53088/jerps.v5i1.1548>.

infrastructure, and infrastructure, providing easy access to legal services and assistance, and social protection.¹³

In Medan City itself, the rights of the elderly are regulated through Medan City Regulation Number 2 of 2024 concerning the Protection of Persons with Disabilities and the Elderly. This regulation was passed by the Medan City DPRD because there are rights that must be fulfilled and obtained by persons with disabilities and the elderly. In Chapter IV, Article 105 of the Regulation, potential elderly rights include religious and mental spiritual, health services, employment opportunities, skills/training, ease of use of public facilities and infrastructure, ease of legal services and assistance, and social assistance.¹⁴

In Article 133 of Medan City Regulation Number 2 of 2024 concerning Protection of Persons with Disabilities and the Elderly. The regional government organizes integrated welfare services for the elderly as referred to in Article 127 letter b. ¹⁵In Article 134, the service for organizing elderly welfare is to form a Regional Elderly Committee which is tasked with monitoring and evaluating the implementation of elderly welfare policies and programs. ¹⁶Then in Article 135, in addition to the Regional Elderly Committee, the regional government also forms a Communication Forum for Elderly Institutions which is tasked with organizing elderly welfare services carried out by LKS and supporting case referrals from families, communities, and LKS or other institutions that handle the elderly.¹⁷

Medan City Regional Regulation No. 2 of 2024 concerning the Protection of Persons with Disabilities and the Elderly serves as a significant legal basis for supporting the fulfillment of the rights of the elderly in Medan City. This regulation reflects the local government's concrete commitment to realizing an inclusive society that is responsive to the needs and protection of the elderly.

Medan is certainly an interesting research location, given its large population. According to 2022 data from the Medan Statistics Agency (BPS), the number of elderly people aged 60-64 reached 97,039, those aged 65-69 reached 73,242, those aged 70-74 reached 48,124, and those aged 75 and over reached 44,160.¹⁸

Of the above numbers, of course not all elderly people live and reside with their families. Some of them live in nursing homes or social institutions. In the context of this research, the study of the human rights of the elderly in Medan City will be conducted in nursing homes or social institutions, considering that data collection and analysis related to the application of human rights principles for the elderly will be reviewed based on regulations established by the Medan City government itself.

¹³ Peraturan Pemerintah RI, "Pasal 3 Peraturan Pemerintah (PP) Nomor 43 Tahun 2004 Tentang Pelaksanaan Upaya Peningkatan *aisU tujnaL laisoS naarethajeseK*" (Jakarta, 2004).

¹⁴ Pemerintah Daerah Kota Medan, "Pasal 105 Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang Perlindungan Penyandang Disabilitas *aisU tujnaL nad.*" (Medan, 2024).

¹⁵ Pemerintah Daerah Kota Medan, "Pasal 127 Huruf (b) Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang Perlindungan *aisU tujnaL naD satilibasiD gnadayneP. aisnaL naarethajeseK nanayaleP*" natakeseP iulaleM nakaraggnelesiD:)a (Pelayanan Dalam Panti Dan L uar Pandi; Dan (b) Pelaya" (Medan, 2024).

¹⁶ Pemerintah Daerah Kota Medan, "Pasal 134 Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang *nagnudnilrePPenyandang Disabilitas Dan Lanjut Usia*" (Medan, 2024).

¹⁷ Pemerintah Daerah Kota Medan, "Pasal 135 Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang *nagnudnilrePPenyandang Disabilitas Dan Lanjut Usia*" (Medan, 2024).

¹⁸ Badan Pusat Statistik Kota Medan, *Jumlah Penduduk Kota Medan Menurut Kelompok Umur Dan Jenis Kelamin (Jiwa) Dalam Tahun 2022* (Medan: BPS, 2022).

This research is important to carry out considering that the elderly are a vulnerable group of people who need attention not only from their families but also from other elements of society. Moreover, the elderly are the generation that has laid the foundations of social order. Of course, respect for the elderly is something that cannot be ignored. Islam explicitly teaches respect and appreciation for fellow human beings, especially the elderly.

This research is also important to develop a discourse on how Islamic family law views the position of the elderly and how the implementation of the rights of the elderly in reality in society, in this case what is done by the government and how the implementation of regulations on the elderly concretely impacts the welfare and daily lives of the elderly in the city of Medan.

Several studies have previously addressed the same theme, such as the article entitled "Fulfillment of the Human Rights of the Elderly in Nursing Homes in Medan City: An Empirical Legal Review from an Islamic Law Perspective," which is closely related to several previous studies. First, Wahyuni et al.'s article on Child and Elderly Protection from a Legal Perspective emphasizes the importance of comprehensive regulations for vulnerable groups, including the elderly.

The similarity with this article lies in the emphasis on the state's responsibility in providing protection, but the difference is the focus of Wahyuni et al.'s research. more on the construction of national law, while the main article examines the practice of fulfilling the rights of the elderly in Medan nursing homes through a juridical-empirical approach and the integration of Islamic law.

Second, Marjohan's research, which discusses Legal Protection for the Elderly in Palembang, also shares a similar theme, highlighting the fulfillment of the rights of the elderly in nursing homes. The similarities lie in their emphasis on preventive and repressive legal protection, while the differences lie in the methods used. Marjohan's study is more normative based on *maqasid al-shari'ah*, while the main article combines positive regulations with empirical findings in the field.¹⁹

Third, an international study by Podgorica et al. entitled A Systematic Review of Ethical and Legal Issues in Elder Care is relevant because it discusses ethical and legal issues in elderly care in a global context. This article has similarities with the main article in terms of strengthening the human rights of older people, but differs in terms of scope; Podgorica et al. focuses on global issues and ethical dilemmas, while the main article presents contextual empirical data in Indonesia with a touch of Islamic values.²⁰

Fourth, research by Amran Abdul Halim et al. on Community and Legal Rights on Elderly Care has similarities with the main article because they both emphasize children's obligations towards their parents based on Islamic law. However, research by Halim et al. focuses more on aspects of the Muslim community and social awareness of the community, while the main article focuses more on the implementation of the law through the Medan City Regional Regulation.

Fifth, research by Abdul Helim et al. regarding the Ethics of Caring for the Elderly in Nursing Homes from the Perspective of *Maqasid Sharia* has a close theme in terms of ethical

¹⁹ Marjohan, Marjohan Perlindungan Hukum Terhadap Orang Jompo Di Panti (Studi Kasus Di Panti Jompo Kota Palembang) (Palembang: Hukum Online, 2018)

²⁰ Nertila Podgorica, Emiljano Pjetri, Andreas, Sussane. Difficulties and challenges experienced by nurses in eldercare institutions in Albania: A qualitative content analysis. *Plose One*. 2024

assessment of the phenomenon of leaving the elderly in nursing homes. The similarity lies in the use of an Islamic perspective in analyzing social phenomena, while the difference is the research of Helim et al. is normative in nature with a focus on moral assessment of whether the action is disobedient or not, while the main article places more emphasis on the empirical reality regarding the extent to which the rights of the elderly are actually fulfilled in nursing homes.

From this comparison, it can be concluded that the main article offers novelty in the form of integrating a juridical-empirical approach with an Islamic legal perspective in the context of fulfilling the rights of the elderly in nursing homes. Another novelty is the use of the latest regulation, namely Medan City Regional Regulation No. 2 of 2024, which has not been widely studied in academic literature. In addition, this research does not only stop at the normative level, but also provides a real picture through field observations and interviews regarding the conditions of the elderly, so that it can provide practical input for local governments and nursing home managers. Thus, this article complements previous literature that tends to be normative or global with an empirical contribution that is locally based and grounded in Islamic values.

Based on the above explanation, this study examines the implementation of the fulfillment of the rights of the elderly in the Medan City shelters, the implementation of the fulfillment of the rights of the elderly in the Medan City shelters based on Islamic law and positive law, as well as policies in Medan City in accommodating the fulfillment of the rights of the elderly. This study aims to analyze the implementation of the fulfillment of the rights of the elderly in social institutions in Medan City while identifying the implementation of the fulfillment of the rights of the elderly based on the perspective of Islamic law and positive law. As well as, reviewing the policies implemented in Medan City in accommodating the fulfillment of the rights of the elderly.

B. METHODS

Legal research is research that is specifically applied in the field of law. Legal research itself is an effort that has begun with an assessment, because legal rules essentially contain assessments of human behavior.²¹ Based on the research objectives, this study uses an empirical juridical method, namely an approach that examines the application of normative legal provisions in legal events that exist in society, this study combines analysis of laws and regulations with data obtained directly from the field by informally interviewing sources and informants who are competent in the field. All data obtained, both secondary and primary data, are analyzed qualitatively.²² This study uses a conceptual approach to explain the concepts of elderly human rights from the perspective of Islamic law and positive law.²³

In fulfilling the implementation of the principles of elderly rights in Medan City, the author uses an empirical legal approach or *social legal approach* where data is collected from

²¹ Soerjono Soekanto, *Pengantar Sosiologi Hukum* (Jakarta: Bharatara, 1973).

²² Depri Liber Sonata, "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum," *Fiat Justitia: Jurnal Ilmu Hukum* 8, no. 1 (November 2015), <https://doi.org/10.25041/fiatjustisia.v8no1.283>.

²³ Marco Siino et al., "Exploring LLMs Applications in Law: A Literature Review on Current Legal NLP Approaches," *IEEE Access* 13 (2025): 18253–76, <https://doi.org/10.1109/ACCESS.2025.3533217>.

the community related to the implementation of the law.²⁴ There are two data sources used in this study, namely legal sources and empirical sources. Legal sources include various research sources with the characteristics of manuscripts related to law such as Laws, Ministry of Social Affairs Regulations, and Regional Government Regulations and so on. While empirical sources include sources obtained by researchers directly in the study process. In this research, the author will use primary data sources, the data of which is excavated from figures and informants, while conceptual data will be excavated from secondary data sources. The data sources that will be involved in this research consist of three participant clusters consisting of: (a) Department; (b) Orphanage Manager; (c) Orphanage Residents.²⁵

The selection of the three clusters as intended is the right selection to gain an understanding of the implementation of the human rights of the elderly. The Department can provide an overview of the implementation of policies related to the fulfillment of the human rights of the elderly. Through interviews with the Department, the author hopes to obtain relevant data in this study. The Management of the Orphanage, through interviews with the management of the orphanage, the author hopes to dig up information on how the implementation of the fulfillment of the rights of the elderly in daily practice. The residents of the orphanage, by involving the residents of the orphanage, the author can gain a direct view of their life experiences, including how to obtain their rights as elderly people that have been regulated by law.

C. RESULTS AND DISCUSSION

1. The Concept of Human Rights for the Elderly

Human Rights (HAM) are fundamental rights and are inherent in human identity universally. Human rights are owned and inherent in every individual since birth and cannot be revoked by anyone.²⁶ Human rights in Indonesia are recognized in the 1945 Constitution of the Republic of Indonesia (UUD 1945), in articles 28A to 28J, in which the state guarantees the right to life, to develop oneself through the fulfillment of basic needs, recognition, guarantee, protection and legal certainty, to embrace religion, to obtain information, self-protection, to live in prosperity, and to be protected from acts of discrimination. Jimly Asshiddiqie (2010) stated that the protection of the rights of the elderly must be a priority in state policy to prevent discrimination against vulnerable groups in society. On the other hand, Bagir Manan (2013) emphasized that the state is obliged to ensure that the elderly obtain welfare through inclusive and sustainable policies.²⁷

²⁴ Manuj Kant et al., "Towards Robust Legal Reasoning: Harnessing Logical LLMs in Law," *ArXiv Preprint* 4, no. 3 (February 2025).

²⁵ Sukiati, *Metodologi Penelitian: Sebuah Pengantar* (Medan: ijahnaM, 2016).

²⁶ Nurwahida H. Patamani, "Lansia Sebagai Subjek Hukum Dalam Peraturan Perundang-Undangan Indonesia," *Jurnal of Innovation Research and Knowledge* 4, no. 7 (2024); Ageng Widodo, "Peningkatan Kualitas Hidup Lansia: Implementasi Prinsip Hak Lansia Melalui Pelayanan Sosial Lanjut Usia," *Masyarakat Madani: Jurnal Kajian Islam Dan Pengembangan Masyarakat* 9, no. 1 (June 2024): 24–40, <https://doi.org/10.24014/JMM.V9I1.26306>.

²⁷ Jimly Asshiddiqie, "Pembumian Nilai-Nilai Pancasila Dalam Praktik Kehidupan Berbangsa Dan Bernegara," *Jurnal Pembumian Pancasila* 4, no. 1 (June 2024): 21–29, <https://doi.org/10.63758/jpp.v4i1.38>.

2. Policies and Fulfillment of Human Rights for the Elderly in Nursing Homes in Medan

a. Medan City Government Policy regarding Protection of the Elderly

The Medan City Government has demonstrated a serious commitment to protecting and empowering the elderly through the enactment of Regional Regulation (Perda) No. 2 of 2024 concerning the Protection of Persons with Disabilities and the Elderly. This regulation regulates the basic rights of the elderly, including the right to health services, accessibility to public facilities, legal protection, and the opportunity to continue participating in social and economic activities according to their abilities. This regulation serves as an important legal basis for ensuring that the elderly in Medan receive fair, dignified, and humane treatment.

As a form of implementation, the city government is encouraging the establishment of integrated health posts (Posyandu) for the elderly in every sub-district to facilitate access to preventive health services and routine check-ups. This program involves medical personnel from community health centers and health cadres to provide direct assistance to the homes of the elderly, especially those with limited mobility. In addition, elderly data collection through the Integrated Social Welfare Data (DTKS) is also being strengthened so that social assistance can be targeted and reach all elderly people in need.

Furthermore, the Medan City Government is also collaborating with the Indonesian Elderly Foundation to implement senior empowerment programs. Through this collaboration, seniors are encouraged to remain socially active and productive, such as through skills training, regular exercise, and celebrations of major holidays that can improve their quality of life. The government is also striving to create senior-friendly urban spaces, such as providing low-level sidewalks and easily accessible public facilities.

In addition, there are also policies that are strategically directed at protecting and fulfilling the rights of the elderly, such as: First, Cash Social Assistance which is intended to provide assistance in the form of money for elderly people who are experiencing economic difficulties or are said to be non-potential. Second, Assistive Devices are specifically for elderly people with disabilities, monitoring and evaluation are carried out once a year with the money instrument attached to this study.

b. Factual Conditions of the Rights of the Elderly in the Guna Budi Bakti Foundation Nursing Home

Guna Budi Bakti Foundation is a nursing home that has been established since 1985. This orphanage has a large capacity, namely 40 rooms, with a capacity of four people each. Currently, the number of elderly residents of this orphanage is recorded at 66 people, consisting of 31 men and 35 women. This number is still below the maximum capacity of the orphanage, which means there is still room to accommodate more elderly people if needed.

In order to fulfill the basic rights of the elderly, the shelter provides special attention to the physical, mental and spiritual needs of the residents. One of the routine activities is elderly exercise, which aims to maintain fitness and improve the physical health of the residents. The center also provides various forms of entertainment to help maintain the spirits and maintain a positive mood for the elderly.

The religious aspect is also an important concern at the Guna Budi Bakti Foundation Nursing Home. Religious activities are held every Wednesday and are attended by elderly residents of both Buddhist and Christian faiths. These activities are led by officers from the Ministry of Religious Affairs (Kemenag), who come regularly to provide spiritual guidance.

These activities not only serve as a place of worship, but also serve as a moment of reflection and strengthen spiritual bonds among the residents.

Health services are an important part of the facilities provided by the orphanage. Medical examinations and services are carried out once a week by health workers who come to the location. In addition, the center also has a special ward for elderly residents experiencing health problems. This facility demonstrates the center's commitment to the medical needs of the elderly and its efforts to provide optimal comfort and care.

According to Mr. Apo, one of the informants on site, all of the activities and services provided at the Guna Budi Bakti Foundation have been quite good at fulfilling the rights of the elderly. With a combination of physical care, social activities, spirituality, and health support, the center strives to create a safe, comfortable, and dignified environment for the elderly residents.

c. Nursing Homes' Treatment of the Social, Economic, and Health Rights of the Elderly

According to Law Number 13 of 1998 concerning the Welfare of the Elderly, the elderly have the right to protection, health services, social welfare, and the opportunity to participate in community life. One way to realize these rights is through the nursing home system. Because nursing homes are social institutions that provide housing, care and basic services for the elderly. The aim is to provide protection and welfare for the elderly who are unable to live independently. Therefore, it is necessary to examine how nursing homes treat them in terms of fulfilling these rights.

Social rights are the first part that needs attention. In principle, the social rights of the elderly need to be fulfilled by nursing homes, this is based on the fact that nursing homes are, in terms of their duties and functions, a place created to provide care for the elderly. It is hoped that the elderly who are in their twilight years and may not receive the best care and attention from their families will get it in nursing homes. This reality can be seen from the statement made by the nursing home manager as follows:

We at this nursing home are trying our best to ensure that the social rights of the elderly are fulfilled, one of which is by creating an interaction space for the elderly, besides that we are also trying to fulfill other social needs, such as the right to receive spiritual services which we do about once a week by bringing in religious leaders to provide spiritual and spiritual nourishment for the elderly.

Based on this statement, it can be seen that the management of the Nursing Home in Medan City strives to carry out activities oriented towards fulfilling the social rights of the elderly, by carrying out activities needed to meet the social needs of the elderly. This opinion is further emphasized through the statement delivered by one of the residents of the Nursing Home, as follows:

Once a week here (at the nursing home) we hold religious studies/worship services (religious studies for Muslims and religious services for non-Muslims). Religious leaders attend. They motivate us and ensure we can worship well. We also have other activities where we gather with fellow residents to share stories. Essentially, there are many activities here designed to provide comfort for us.

The statement above shows that activities oriented towards fulfilling social rights for the elderly are felt to be quite beneficial for the elderly residents of nursing homes. Therefore, from the two statements above, one can draw a common thread that both the nursing home management and the residents have made and felt efforts to fulfill social rights for the elderly.

In addition to social rights, economic rights are also a part that must be fulfilled. This is one of the basic rights that is inherent in efforts to fulfill the welfare of the elderly, so in this case the government is obliged to form and establish a regulatory concept that completely provides direction for distribution in fulfilling economic rights for the elderly. The manifestation of this responsibility is then translated by the government in the form of laws and regulations, which are then applied by the Medan City government in the form of Regional Regulations. Where the Regional Regulation explicitly explains the economic rights that must be obtained by the elderly. In addition, the Regional Regulation also explains the scheme for fulfilling economic rights for the elderly, with a cash social assistance pattern for non-potential elderly. This cash social assistance is applied in the form of assistance inside and outside nursing homes, which is expected to provide social security for the elderly. The management of this cash social assistance can be understood explicitly as conveyed by the Medan City Social Service, as follows:

In an effort to ensure the fulfillment of social rights for the elderly, we as the Medan City Government are implementing a cash social assistance program. We provide this assistance to the elderly to at least reduce their burdens. We strive to distribute this assistance appropriately, so we strive to keep our data on the elderly updated so that we can provide appropriate assistance for them.

From the statement above, it can be seen that the economic rights of the elderly are fulfilled by the government with a cash social assistance scheme, which is managed and distributed as precisely as possible. In addition, this distribution is also attempted to reach the elderly in all lines, in this case it can be interpreted as providing services to the elderly inside and outside the institution. This service demonstrates the Medan City Government's commitment and commitment to fulfilling the economic rights of the elderly. This is evident in the statement made by a nursing home manager in Medan:

The Medan City Government's commitment to meeting the needs of the elderly in nursing homes is quite real, in our opinion, because we also receive cash social assistance from the city government to help ensure the welfare of the elderly in our nursing homes.

From the two statements above, it can be concluded that the fulfillment of economic rights for the elderly is carried out by the Medan City Government, both inside and outside the institution, which is carried out using a cash social assistance scheme, which is carried out with the principle of target accuracy.

Next is the right to health. The Right to Health is an integral part of the principal rights that must be fulfilled by the government for the elderly. Especially for the elderly, the principle of fulfilling this right to health is a form of concern and implementation of the 1945 Constitution.²⁸ Therefore, to answer these duties and responsibilities, the government issued

²⁸ Pemerintah RI, "Pasal 34 Ayat (2) Undang-Undang Dasar Negara Republik Indonesia 1945" (Jakarta, 1998).

a regulation governing the scheme for fulfilling the Right to Health for the elderly. This scheme itself is carried out both inside and outside nursing homes, aiming to provide welfare and health guarantees for the elderly. In relation to these rights, the Medan City Government through its Regional Regulation has adopted these roles and responsibilities. As is known, the Medan City Regional Regulation explicitly regulates health services for the elderly, with the aim of providing welfare guarantees for the elderly. Health services for the elderly are implemented with the principle of collaboration between regional apparatus lines, as stated by the Medan City Social Service, as follows:

Healthcare for the elderly is a basic right that we must fulfill and facilitate. Therefore, we, the Medan City Social Services Agency, are collaborating with the Medan City Health Agency to conduct regular health checks for the elderly in Medan. We provide this service openly and strive to ensure it reaches the right targets. Furthermore, we provide the entire service series free of charge.

Based on the statement above, it can be seen that the government's efforts to provide health services for the elderly are carried out with the aim of ensuring the welfare and health of the elderly in the city of Medan. In parallel with this, data from the Medan City Nursing Home also shows that healthcare is a priority and falls under the responsibility of the nursing home. This can be confirmed by the following statement from the nursing home's management:

Regarding health issues, this is a special and primary concern for us, because we do not want any undesirable incidents to happen to the elderly in our nursing homes. "That's why we conduct weekly health checks, which are routinely conducted on Wednesdays. Not only are these checks routine, but we also provide treatment for the elderly who may be diagnosed with a disease after the check-up. We hope that with this health service, the elderly residents of our home will receive the best health care and we can monitor their health.

From the two statements above, it can be concluded that both the Medan City Government and the Nursing Homes in Medan City view that the right to health is a basic and principled right for the elderly, therefore both the government and the nursing home managers carry out policies and programs aimed at fulfilling this right. Both view that if the right to health for the elderly is carried out appropriately and in a targeted manner, guarantees for the social welfare of the elderly will be realized.

d. Social and Health Services for Nursing Homes in Medan City

In Medan City, there are at least several nursing homes registered with the Medan City Social Services, including those shown in the table below:

Table 1. List of Names of Social Welfare Institutions Based on Services for the Elderly

No.	Foundation Institution	Address	Number of Occupants			Land ownership	Legality	
			Number	Male	Female		Registered Mark	Operational Permit
1.	Werda Karya Kasih	Jl. Mongonsidi Ujung No.2 Medan	95	41	54	One's own	460/9366 Date October 19, 2020	465.3/1318 March 23, 2021

2.	Guna Budi Bakti Foundation	Jl. KL. Yos Sudarso KM. 16 No. 14, Martubung Village, Medan Labuhan District	68	28	40	One's own	460/93 66 Date October 19, 2020	465.3/969 8 Date 02 November 2020
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Various forms of social services are provided, such as daily support, spiritual guidance, group therapy, and recreational and arts activities. These activities aim to maintain the elderly's enthusiasm for life, prevent loneliness and isolation, and strengthen a sense of community among the residents of the home. Social workers and volunteers often serve as important liaisons between the elderly and their families, including helping to establish communication, provide visits, and facilitate family reunions. In addition, activities to celebrate major holidays, birthdays, and cultural activities are also part of social services that evoke positive memories and strengthen the identity of the elderly. Nursing homes also collaborate with government agencies, NGOs, and community groups to provide social assistance, light skills training, and expand access to the rights of the elderly, such as social security and legal protection. With integrated and empathetic social services, elderly people in nursing homes not only get physical comfort, but also a dignified, active, and meaningful life until the end of their lives.²⁹

Healthcare services at the Medan City Nursing Home are fairly routine, including routine checkups, daily health monitoring, regular medication administration, and emergency care in the event of a critical condition. Healthcare workers such as general practitioners, nurses, and physiotherapists are involved to ensure that the elderly receive appropriate care tailored to their needs. In addition to medical aspects, health services also include psychological and social support. Seniors often experience profound feelings of loneliness or loss, making counseling and social activities crucial to maintaining their mental health. Nursing homes also collaborate with nearby hospitals and clinics for referrals or further treatment. Promotional and preventive measures such as senior exercise, nutrition education, and spiritual activities are routinely implemented to maintain the fitness and vitality of the residents.³⁰

3. Analysis of the Fulfillment of Elderly Rights in Medan, Indonesia

Article 103 of Medan City Regional Regulation Number 2 of 2024 concerning Protection of Persons with Disabilities and the Elderly, states that protection of the Elderly is implemented through improving the welfare of the Elderly. ³¹This is the basis for fulfilling the Rights of the Elderly in Medan City, thus the direction of the Medan City Government's policy in protecting the Elderly is directed to ensure that there is an increase in welfare for the elderly. Improving

²⁹ Gaurav Agrawal and Aditi Mishra, "Public Health Insurance for Elderly: Did Researchers Recognise Health as Human Right for Elderly?," *International Journal of Human Rights in Healthcare* 16, no. 4 (November 2023): 352–63, <https://doi.org/10.1108/IJHRH-08-2021-0155>.

³⁰ Amartya Sen, "Human Rights and Capabilities," *Journal of Human Development* 6, no. 2 (July 2005): 151–66, <https://doi.org/10.1080/14649880500120491>.

³¹ Pemerintah Daerah Kota Medan, "Peraturan Daerah Kota Medan Nomor 2 Tahun 2024" (Medan, 2024).

social welfare for potential Elderly as referred to in Article 105 is carried out by providing accessibility space for services to improve the social welfare of the Elderly which includes:³²

First, Religious and mental-spiritual services. In principle, religious and mental-spiritual services are aimed at ensuring mental peace and spiritual harmony for the elderly. These services are implemented through a collaborative role between the government, society, and family. In this case, the government is required to guarantee facilitation of spiritual and mental services for the elderly. This facilitation is implemented in the form of spiritual guidance services, the provision of worship facilities for the elderly, and the formation of religious activity groups. Then, after the government guarantees the availability of these facilitation spaces, the next responsibility for improving the social welfare of the elderly in relation to spiritual and mental health rests with the community and family.

Second, Health services. Health services are one of the most important things in ensuring the fulfillment of the rights of the elderly. By implementing adaptive and friendly health services for the elderly, the social welfare space for the elderly will be easier to fulfill. Therefore, the Medan city government in this case is obliged to facilitate health service spaces that are easily accessible and friendly for the elderly, health services are implemented in stages from the lowest to the highest level.

Third, Employment opportunities. The Medan City Government, through Regional Regulation No. 2 of 2024, affirms its role in providing facilitation for potential seniors to gain access to employment opportunities. This facilitation is implemented collaboratively, with each party having its own role and function. It is hoped that opening up employment opportunities for potential seniors will improve their social and economic well-being.

Fourth, Skills and training services. Potential elderly are seen as productive elderly who can still improve their skills in the workplace. Therefore, the Medan city government in this case provides facilities for improving these skills by conducting skills development training for the elderly. With the implementation of this training, it is hoped that the elderly can improve their work skills so that they can help in improving the welfare of the elderly. Educational and training services are intended to develop and increase the capacity of knowledge, attitudes, and skills based on the potential and experience of the elderly.

Fifth, Services provide easy access to public facilities and infrastructure. The government's responsibility to ensure easy access to public facilities and infrastructure is an obligation inherent in the government, especially in the regions. This is based on the 1945 Constitution's mandate to provide space for the fulfillment of rights for vulnerable groups. One of the vulnerable groups that is the focus of the government is the elderly. Therefore, the government must provide guarantees for the fulfillment of the rights of the elderly regarding ease of use of public facilities and infrastructure, which is expected to accelerate the government's efforts to improve the social welfare of the elderly. It is hoped that with this convenience, the elderly will have an equal position in society in accessing every public facility and infrastructure in the city of Medan.

Sixth, Social assistance. The Regional Government facilitates the provision of Social Assistance to the Elderly who are potentially unable to improve their welfare. This Social Assistance is non-permanent, in the form of material, financial, service facilities, and information to encourage the growth of independence. This Social Assistance is implemented

³² Pemerintah Daerah Kota Medan.

in the form of business assistance for the Elderly and/or the Elderly's Family. The provision of social assistance for the elderly who are potentially unable to improve their social welfare is intended to accelerate the space for improving the social welfare of the Elderly, which is expected to increase their independence.

In addition, it is also necessary to improve social welfare for non-potential elderly. Social welfare protection for non-potential elderly is implemented through the same scheme as the implementation of social welfare protection for potential elderly. where potential and non-potential elderly are given the same rights in an effort to improve their welfare. However, the most contrasting difference between the two can be seen in the facilitation of employment opportunities, skills training and social assistance intended to improve social welfare for potential elderly. Meanwhile, for non-potential elderly, Medan City Regulation Number 2 of 2024 provides different facilities than for potential elderly. This is proven by its main focus on fulfilling the right to life for the elderly by maximizing social protection services for non-potential elderly. This is based on the argument that elderly people are not potentially considered as part of a vulnerable group who often experience social injustice and discrimination in the form of neglect.

Social protection facilitation is intended to provide services for elderly people who are not potential to avoid risks. Risks include various disturbances and threats, both physical, mental and social including disasters, exploitation, violence, and mistreatment involving the community that can result in the inability of the elderly to fulfill their basic needs and carry out their social roles.³³ Social protection is implemented through a system within the institution and/or outside the institution in the form of social assistance, which is carried out by the Government and the community; provision of welfare consultation centers for the elderly, especially in social service units managed by the Government and the community; services to poor and/or neglected elderly in government or community institutions; and social assistance for poor and/or neglected elderly people directly or through social welfare institutions for the elderly in the form of money and/or prepared food.

Then it is also necessary to conduct an analysis of the fulfillment of the rights of the elderly in nursing homes in Medan City. The principle of protection and fulfillment of human rights for every citizen is a necessity for a democratic state of law.³⁴ The elderly group is considered to really need special attention from the government, both in the form of policies and regulations. By making these policies and regulations, it can be seen how the ideal concept is in efforts to fulfill the rights of the elderly so that the goals of a legal state oriented towards the protection and fulfillment of human rights can be realized.³⁵ One of the spaces for the realization of these policies and regulations must be realized in the form of actions to fulfill and protect the rights of the elderly in all lines of life and the most important thing is how to maintain their survival, by providing the right touch in good and appropriate rules and policies.

³³ Pemerintah Daerah Kota Medan.

³⁴ Bobi Aswandi and Kholis Roisah, "Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (HAM)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (January 2019): 128, <https://doi.org/10.14710/jphi.v1i1.128-145>.

³⁵ Adhi Santika et al., *repaP etihWPemenuhan Hak-Hak Lansia Untuk Hidup Setara, Sejahtera, Dan Bermartabat* (Jakarta: Perkumpulan Prakarsa, 2020).

In the Regional Regulation, the Medan City Government provides regulations on how to realize welfare for the elderly, both potential and non-potential, by providing the same rights but with slightly different treatment. The difference can be seen in how the Medan City Government provides regulations on the fulfillment of the Rights of the Elderly in Nursing Homes for non-potential Elderly. Thus, it can be seen whether the nursing homes in this case have implemented the rules ordered by the Medan City Government.

So based on the field findings that have been carried out, it was found that in Medan City there are two (2) private nursing homes and one (1) government-owned nursing home that are concerned with efforts to fulfill the rights of the elderly. In its implementation, each nursing home states that the integrated service process that is implemented in such a way is carried out in an effort to guarantee the welfare of the elderly. This is as stated by one of the nursing home managers:

We implement our service and care procedures for the elderly in a manner that prioritizes their rights to well-being. We implement this in our nursing home's standard operating procedures (SOPs), adopting several applicable laws and regulations directly related to the rights of the elderly.

Based on this statement, it can be seen that the nursing home acts in accordance with applicable regulations and implements them in the form of nursing home SOPs that are oriented towards protecting and fulfilling the rights of the elderly. In addition to the statement from the nursing home manager, a similar thing was also conveyed by one of the nursing home residents, who stated:

We are treated well here. The management strives to provide the best possible service for us, the residents of this nursing home. The management also provides both mental and physical health services. Every week, the management conducts routine health checks on us to ensure the health of us, the residents.

City nursing home is trying to ensure the fulfillment of the rights of the elderly. The statement above shows the efforts made by the nursing home management to facilitate the needs of the elderly in the nursing home, as well as statements from nursing home residents who feel safe and comfortable when they live in the nursing home. This is inseparable from the nursing home's efforts to always try to do the best in providing the best service to fulfill the rights of the elderly in the nursing home.

Based on the field research conducted, it was found that in the fulfillment of the rights of the elderly in nursing homes in Medan City, there are several supporting and inhibiting factors in the fulfillment of the rights of the elderly.³⁶ Supporting factors are seen as one of the factors that encourage the success of a policy made by the government, by analyzing the supporting factors, it can be known what things are the drivers of achieving a desired target. In relation to the fulfillment of the rights of the elderly, at least this study highlights several

³⁶ Marzie Tajik Jalali et al., "Factors Facilitating and Inhibiting the Social Participation of the Elderly in Health-Oriented Activities in Shiraz, Southern Iran," *BMC Geriatrics* 23, no. 1 (March 2023): 175, <https://doi.org/10.1186/s12877-023-03892-4>.

things that can be categorized as supporting factors in the fulfillment of the rights of the elderly in nursing homes in Medan City, including the following:³⁷

First, Community Concern. Community concern for the elderly is a form of attention to the elderly who are in nursing homes. The concern given by the community is in the form of donations for elderly needs such as basic necessities, diapers and other necessities required by the elderly. The community living near the nursing home environment tries to create a sense of closeness to the elderly who are in the nursing home. With the community, in the middle of the city. This strategic location makes the nursing home frequently visited by school children, from junior high school, high school, and kindergarten. Nursing homes in Medan often receive assistance from the surrounding community, who donate money, goods, and necessities for the elderly. In addition to material assistance, some also provide entertainment and education through outreach to the elderly. Not only the food needs of the elderly funeral, but also the community or social environment around the nursing home accepts if the elderly who are in the nursing home when they die to be buried in the cemetery or cemetery in the community environment. In addition, spiritual support is also a point of concern that is given in such a way by community groups around the nursing home, this is proven by the spiritual service that is carried out once a week by presenting religious leaders to provide spiritual motivation for the elderly in the nursing home. Thus, it is hoped that the elderly will continue to receive good spiritual nourishment in order to maintain the spirit of their lives and fulfill their rights.

Second, CSR Commitment. It is hoped that providing a suitable place and adequate facilities will make the elderly feel comfortable. This assistance to the elderly is free of charge, and this nursing home also has a special cash fund that is used for the needs of the elderly. Although this nursing home is owned by a private party, this nursing home has cash that is allocated for the elderly who are in the nursing home, the purpose of the cash is if one of the elderly is sick and will be taken to the hospital then buy the equipment needed by the elderly, buy the food they want. This is in accordance with the results of an interview with one of the nursing home managers in Medan City:

The elderly here have their daily needs, such as food, clothing, and so on, met. All their food needs are met, whether they want to eat satay or buy milk. We, as caregivers, buy it outside. We use the orphanage's cash to buy the food, as the cash is used for the orphanage and the elderly.

The ability of the nursing home to meet the needs and desires of the elderly, in such a way as not to collect any fees for any form of facilities obtained is a form of extraordinary commitment from the nursing home management. Therefore, the nursing home maximizes various forms of cooperation with several companies located around the nursing home, in addition to maximizing networks that can provide legitimate and non-binding assistance, one of which is in the form of corporate CSR assistance.³⁸

³⁷ Alison Kesby, "Narratives of Aging and the Human Rights of Older Persons," *Human Rights Review* 18, no. 4 (December 2017): 371–93, <https://doi.org/10.1007/s12142-017-0470-6>.

³⁸ Kieran Walsh, Thomas Scharf, and Norah Keating, "Social Exclusion of Older Persons: A Scoping Review and Conceptual Framework," *European Journal of Ageing* 14, no. 1 (March 2017): 81–98, <https://doi.org/10.1007/s10433-016-0398-8>.

Meanwhile, regarding the inhibiting factors in relation to the fulfillment of the rights of the elderly, at least this study highlights several things that can be categorized as inhibiting factors in fulfilling the rights of the elderly in nursing homes in Medan City, including the following:³⁹

First, Unequal distribution of family support. Support provided to family members in nursing homes involves visiting them. This is as conveyed by the nursing home manager:

The elderly in this nursing home are rarely visited by their families, only one or two elderly people are sometimes visited by their families. If possible, visit the families in the orphanage, even if only for a short time. The elderly here are happy when their families visit them, and usually after being visited by their families, they tell stories about their family members visiting them. By visiting families in nursing homes, they can feel happy because their families still remember them.

Neglect of family members is a form of unequal support given to the family. The elderly are a group that often experiences less than ideal treatment and lacks adequate support. Nursing homes offer an alternative for families who lack the time to care for elderly family members and those who experience neglect.

Second, The Government's Role is Inadequate. The government needs to maximize its role in fulfilling the rights of its citizens. One of the most important points is the fulfillment of the Rights of the Elderly in Nursing Homes. Indeed, many regulations have been issued related to the fulfillment of the Rights of the Elderly, but in terms of implementation, they are still far from ideal. The government's role is not only to provide regulations but also to have a supervisory function and direct action to ensure that what it has created is actually implemented. As stated by the Medan City Social Services Agency, which states the following:

There are no government-owned nursing homes in Medan yet; the one owned by the North Sumatra Provincial Government is still limited in capacity. Furthermore, there is no temporary shelter for the elderly before they are transferred to nursing homes.

This statement demonstrates the government's lack of commitment to fulfilling the rights of the elderly in Medan City. This is evidenced by the lack of a government-owned nursing home, and the lack of a halfway house for the elderly. This is despite the Medan City Regional Regulation mandating access to the rights of the elderly.

4. Analysis of the Fulfillment of Rights for the Elderly from an Islamic Law Perspective

Fulfillment of the Rights of the Elderly in Islam is all forms of care and protection provided by the state for the rights, dignity, and honor of the elderly. Islamic law issues regulations governing various forms, methods, and other provisions for providing protection to the elderly. Thus, the rights, dignity and honor of the elderly that have been regulated in Islamic law need to be realized in an orderly, directed and definite manner through regulations made by the government. According to Rahardjo, protection is providing protection to human rights that are harmed by others and this protection is given to the community so that they can enjoy all the rights granted by law or in other words, protection is

³⁹ Britta Baer et al., "The Right to Health of Older People," *The Gerontologist* 56, no. Suppl 2 (April 2016): S206-17, <https://doi.org/10.1093/geront/gnw039>.

various legal efforts that must be given by law enforcement officers to provide a sense of security, both mentally and physically from disturbances and various threats from any party.

The main reference for the normative basis in Islam relating to the rights of elderly people refers to the Surah Al-Baqarah verse 83 and 215. The context of this verse explains the social relations that exist within the family, children are responsible for the lives of their parents as part of the implementation of religious values. In addition, there are also other verses that explain the fulfillment of parental rights, namely Surah An-Nisā' verse 36. Further information regarding the fulfillment of this right is explained in Surah Al-Isrā' verses 23-25 regarding the command to be devoted to parents.

If we refer to the sources of evidence in the Al-Quran and Hadith, there are quite a lot of explanations regarding the protection and fulfillment of the rights of the elderly. This confirms that the position of elderly parents is important. For example, as explained in the rules of *ushul fiqh* (method of determining Islamic law) it is stated that *al-aṣl fī al-amr li al-wujūb*. Editorial in Al-Baqarah verse 83, 251; An-Nisā' verse 36; Al-Isrā' verses 23-25; Luqmān verses 14-15; and Al-Aḥqāf verses 15-18 show that the obligation to protect the dignity and honor of parents is a necessity, especially if the parents are elderly.

Islam requires the government to provide protection to the elderly, as can be understood from Surah Al-Anfāl verse 27. This verse explains the prohibition for leaders or people who are entrusted with betraying Allah, the Messenger of Allah, and those who have entrusted them. One of the mandates that must be fulfilled by the government is to provide welfare (rights) to every citizen fairly and equally, including elderly parents as citizens in a government. Thus, the government has an obligation to protect the rights, dignity, and honor of the elderly, so that their souls and bodies can be maintained. Because they will receive legal certainty in obtaining their rights in the world through government regulations.

The next basis is found in Surah Al-Baqarah verse 215. This verse explains that *sunnah* almsgiving to parents and relatives is better. The proof is the history of the Prophet Muhammad, that he said, *"O women, give charity even with your jewellery! Hearing this call, Abdullah bin Mas'ud's wife, Zainab, said to her husband, I see you are poor. If I may give charity to you, of course I will give my charity to you. Then he faced the Prophet and asked him, Is it legal for me to pay alms to my husband and the orphans I look after? Prophet said to him, if you do that, you will get two rewards, the reward of alms and the reward of doing good to your husband's relatives and your children are the people most entitled to receive alms from you."*

The verses and hadith above explain that parents have the right to receive support from their children and/or family. Parents who are economically capable, meaning they can meet their living needs, then children are not obliged to support their parents. But it is *sunnah* for children to give *infaq* to their parents to show devotion and to achieve their parents' approval. Meanwhile, for parents whose economic situation is weak or even considered poor, their children and/or family are obliged to support their parents, even if the parents do not request it. Thus, protection for the elderly is carried out by providing the material needs required by the elderly, so that they are protected from destruction.

The third basis is Surah An-Nisā' verse 36. Through the verse an-Nisa verse 36, Allah explains to all humans regarding commendable attitudes and virtuous actions. Allah explains various kinds of commendable morals in interactions with others, of which there are thirteen, one of which is doing good to both parents. Many verses, Allah. together mention the command to worship and affirm Him. The meaning of doing good to both parents (*birr al-*

walidain) is to obey them in good things, to help and help them, to try to make their requests come true, and not to do anything that could hurt them. Father and mother are the intermediaries for the existence of children in the world. They are both the ones who educate children with love and sincerity

Ibn Al-Arabi said, *birr al-walidain* is one of the principles of several obligatory religious principles. Doing good to both of them can be done with words and actions. Both parents have the absolute right to be given affection and also have special rights in the bonds of close family. The verse above is substantially the same as the content of Surah Al-Baqarah verse 83, namely providing physical and spiritual protection to elderly parents by being devoted to them. M. Quraish Shihab explains that in terms of children's obligations to parents, the devotion ordered in Islam is to be polite to both of them in words and actions according to the customs of society, so that they are happy, and to fulfill their legitimate and reasonable needs according to their abilities as children. As Allah says in the Qur'an Surah Al-Isrā' verses 23-25.

In general, the reasons behind children leaving their parents in nursing homes in Medan City include, avoiding arguments between parents and children, lack of effectiveness in caring for parents, parents wanting to live independently in their old age, parents not wanting to bother their children, parents wanting to find a new, different atmosphere outside the family, parents often worrying the family. If it is not possible to care for parents at home for valid reasons according to Islamic law, then it is permissible to entrust parents to a nursing home. However, the orphanage in question should guarantee the quality of its services. If not, then you cannot direct your parents to a nursing home. And of course, children must ask their parents' permission first before leaving them in a nursing home. In looking at the reality of parents who are in an orphanage, we must also look at the obligations that children have towards their parents which must be carried out, namely continuing to provide everything that can make them happy which is the right of the parents, so it cannot be abandoned, let alone deliberately ignored. So in this case, parents who are left in nursing homes do not feel any objection.

Quraish Sihab explained that twenty times the word "*wālidain*" in the Al-Qur'an, in various forms, is found in various orders from Allah regarding various kinds of devotion to mothers and fathers, among others, such as doing *Ihsân* and *ḥusn* (devotion and goodness), making a will for them regarding inheritance, this before the revelation of the verses that regulate the distribution of inheritance, or giving them a living, giving thanks and asking them for forgiveness and mercy, as well as Allah's teaching to children to ask Allah to be inspired by the ability and intelligence to be grateful for His blessings on them and His blessings on their parents, namely because of the blessings That's what parents can protect and look after them. Yazid ibn Abd Qadir Jawas, in *Birrul Walidain*; devoted to Both Parents mentions four forms of protection and filial piety to parents, including: associating with both of them in a good way, speaking to both parents with words that are gentle, humble to both parents.

Meanwhile, Ibrahim al-Hazimiy, mentions eighteen forms of rights of elderly people in Islam, including: calling them by a name that they like and that is encouraging to their parents, not sitting before they ask, not walking ahead of them, facing them in a friendly and cheerful manner, giving advice to both of them in a polite way, fulfilling their calls with pleasure. be careful, speak softly, serve food to parents, prepare clothes for parents, serve both of them if necessary, obey all their requests (as long as the orders do not deviate from Allah's commands and prohibitions), allow parents to eat and drink first, ask for Allah's

forgiveness and mercy for them, forget errors and omissions. Treat them both with full respect, don't be arrogant or conceited, please and make your parents happy, accompany your parents well.

Normatively, it must be acknowledged that the government has demonstrated seriousness in addressing the phenomenon of population aging. In 1998, the government enacted Law No. 13 of 1998 concerning the Welfare of the Elderly and Law No. 39 of 1999 concerning Human Rights, both of which constitute a strong legal basis for efforts to improve the welfare of the elderly in Indonesia. However, Law No. 13 of 1998 has proven to be no longer appropriate to the current context of Indonesia, let alone in anticipating the conditions of the elderly population in the future.

The welfare of the elderly should not only be a focus of the central government, but also a focus of regional governments to ensure the survival of the elderly in each region. Therefore, there needs to be an article in Law No. 13 of 1998 that outlines the role of regional governments in ensuring the welfare of the elderly in their regions. This is necessary to monitor the situation of the elderly in each region, given the increasing number of elderly people. The development of people's lives is increasing, especially the elderly, human development carried out by the government by improving health services, clothing and food has an impact on increasing life expectancy (UHH). This is a development success but is a future challenge for the government so that renewal is needed in order to fulfill social welfare services for the elderly and the rights of the elderly.

In line with this, in Islam, the paradigm of protecting and fulfilling the rights of the elderly is a necessity, because it is a form of devotion and an implementation of the concept of *birrul walidain*, as it is known that Islam provides many conveniences and special treatment for the elderly. This is a manifestation of Islam's seriousness in protecting and caring for the elderly. Because in Islam, protecting and fulfilling the rights of the elderly is a command from Allah, as discussed in the previous discussion that Allah places parents as an integral part of Himself that cannot be separated.

So, in parallel with this, history records that during the leadership of the Prophet and his companions and other caliphs, we can find many policies taken by the Islamic government at that time that were oriented towards fulfilling and protecting the rights of the elderly. For example, we can see how the policies taken by Islamic governments from time to time related to the fulfillment of the Rights of the Elderly, such as during the time of the Prophet Muhammad and the *Khulafâ' al-Râsyidîn*. That the policy of protecting the elderly implemented by the Prophet Muhammad when he led the religion and the state, can be described as follows: first, Individuals, society, and the government are responsible for caring for elderly parents and protecting their rights. Second, Care for the elderly covers all aspects of their lives. Third, Reducing the burden on the elderly in Islamic law. Fourth, Freeing and preventing the killing of elderly people in war.

So it can be concluded that in Islam the state has a very central role in fulfilling the rights of the elderly, at least this research tries to summarize several responsibilities inherent in the state regarding the fulfillment of the rights of the elderly according to Islam, including the following: (1) Fulfillment of Basic Needs. The state is responsible for ensuring that the elderly have their basic needs met, such as food, clothing, and shelter. If the family cannot afford it, the state is obliged to guarantee the fulfillment of these needs, including through funds from the *Baitulmal* (state treasury). (2) Health Services. The state must provide accessible and

high-quality health services for the elderly, even free of charge. This includes providing adequate health facilities and medical personnel. (3) Social Protection. The state needs to create a social security system that protects the elderly, especially those who are vulnerable and underprivileged. This could take the form of social assistance programs, subsidies, or other facilities that help the elderly remain independent and prosperous. (4) Supportive Environment. Countries must strive to create an environment that is friendly to the elderly, both physically and socially. This includes accessibility to public facilities, transportation, and a safe and comfortable environment. (5) Empowerment. The state also needs to empower older adults to remain productive and active according to their abilities. This can be done through skills training programs, suitable employment opportunities, or social activities that involve them.

Thus, this research provides an important contribution in broadening understanding regarding the fulfillment of the rights of the elderly, particularly in the aspects of protection, welfare, and social services. Theoretically, this research enriches the literature on human rights by emphasizing that the elderly as a vulnerable group require special treatment from a legal and social policy perspective. The research findings also confirm and complement theories on social justice and protection of marginalized groups, so that they can serve as academic references in legal, social, and public policy studies related to the elderly.

Practically, the results of this study have direct implications for the formulation of government policies and programs. First, the study emphasizes the need to improve older adults' access to healthcare, social security, and opportunities for community participation. Second, this research provides input for social institutions and community organizations to strengthen advocacy and support for the elderly. Third, this research can be a basis for developing a community-based elderly empowerment model, so that the fulfillment of their rights is not only legal-formal but also functional in everyday life.

Thus, the contribution of this research not only adds to the academic treasury, but also offers practical recommendations that are applicable in supporting the creation of a more comprehensive and sustainable system of protection and fulfillment of the rights of the elderly.

D. CONCLUSION

Based on the research results in the discussion that has been carried out, this research finally provides a conclusion. First, the fulfillment of the rights of the elderly in the Medan City Home has been implemented normatively. This is based on the programs of the management of the home in Medan City that are oriented towards fulfilling the rights of the elderly, such as routine health checks, economic assistance by providing free services at the home and finally conducting religious activities regularly once a week. However, there has been no psychological service carried out by the Medan City home, even though this service is very important for the elderly. Second, that based on the Islamic view, caring for the elderly is an obligation for all parties, both the government and most importantly the family. Islam views that the placement of elderly people in nursing homes must be based on efforts to guarantee the rights of the elderly themselves. Likewise, in the positive legal perspective in Indonesia, which views the elderly as a vulnerable group whose needs need to be guaranteed and fulfilled, this is based on constitutional orders which are then translated into the form of laws. So in relation to the implementation of the Rights of the Elderly in Nursing Homes, both

Islamic law and positive law view it as mandatory which is interpreted as an obligation. However, there are still some fundamental shortcomings in the implementation of the Rights of the Elderly in Nursing Homes, such as the role and responsibilities of the family towards their family in the Nursing Home. Third, that the Medan City Government has issued Medan City Regulation Number 2 of 2024 concerning the Protection of Person with Disabilities. and the Elderly, which regulates the fulfillment of the Rights of the Elderly by providing guarantees for the welfare of the Elderly, in this case the Regulation regulates the care of the Elderly both inside and outside the Home. However, the Regional Regulation does not yet regulate the availability of nursing homes owned by the Medan City government, nor do they regulate halfway houses.

However, this study has limitations. First, the scope of the study only covered nursing homes in Medan City, so the results cannot be broadly generalized to other regions. Second, the juridical-empirical approach used emphasized qualitative data, thus not fully capturing the quantitative dimension of the fulfillment of elderly rights. Third, this study has not explored differences in the experiences of the elderly based on gender, economic status, or religious background, which may influence the form of protection they receive. For future research, it is recommended to expand the scope of the study area to allow for cross-regional comparisons. The use of mixed methods will provide a more comprehensive picture of the level of fulfillment of elderly rights. Furthermore, future research could examine intersectional aspects, such as the differences in the experiences of male and female elderly in accessing services, and explore the roles of family, community, and religious institutions in supporting the fulfillment of elderly rights. This way, future efforts to fulfill elderly rights can be more comprehensive, inclusive, and sustainable.

References

- Agrawal, Gaurav, and Aditi Mishra. "Public Health Insurance for Elderly: Did Researchers Recognise Health as Human Right for Elderly?" *International Journal of Human Rights in Healthcare* 16, no. 4 (November 2023): 352–63. <https://doi.org/10.1108/IJHRH-08-2021-0155>.
- Asshiddiqie, Jimly. "Pembumian Nilai-Nilai Pancasila Dalam Praktik Kehidupan Berbangsa Dan Bernegara." *Jurnal Pembumian Pancasila* 4, no. 1 (June 2024): 21–29. <https://doi.org/10.63758/jpp.v4i1.38>.
- Aswandi, Bobi, and Kholis Roisah. "Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (HAM)." *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (January 2019): 128. <https://doi.org/10.14710/jphi.v1i1.128-145>.
- Badan Pusat Statistik Kota Medan. *Jumlah Penduduk Kota Medan Menurut Kelompok Umur Dan Jenis Kelamin (Jiwa) Dalam Tahun 2022*. Medan: BPS, 2022. [Google](#)
- Baer, Britta, Anjana Bhushan, Hala Abou Taleb, Javier Vasquez, and Rebekah Thomas. "The Right to Health of Older People." *The Gerontologist* 56, no. Suppl 2 (April 2016): S206–17. <https://doi.org/10.1093/geront/gnw039>.
- Berween, M. "The Fundamental Human Rights: An Islamic Perspective." *The International Journal of Human Rights* 6, no. 1 (March 2002): 61–79. <https://doi.org/10.1080/714003742>.
- Budiarjo, Miriam. *Dasar-Dasar Ilmu Politik*. Jakarta: Gramedia Pustaka Utama, 2007. [Google](#)
- Hamidah, Nadia Alvin, Aris Prio Agus Santoso, Dewa Sakti, Evrilia Sifaul, Helmi Nugraheni,

- Maya Mukti, Amanda Sukma, et al. "Penegakan HAM Di Era Modernisasi." *Jurnal Hukum Dan HAM Wara Sains* 2, no. 6 (June 2023): 459–63. <https://doi.org/10.58812/jhhws.v2i6.406>.
- Husna, Faizah Khotimatul, and Rezyana Budi Syahputri. "Kajian Kebijakan Pemerintah Dalam Pelayanan Kesehatan Lansia." *Journal of Economics Research and Policy Studies* 5, no. 1 (March 2025): 15–28. <https://doi.org/10.53088/jerps.v5i1.1548>.
- Jalali, Marzie Tajik, Yaser Sarikhani, Fatemeh Askarian, Milad Ahmadi Marzaleh, Seyede Maryam Najibi, and Sajad Delavari. "Factors Facilitating and Inhibiting the Social Participation of the Elderly in Health-Oriented Activities in Shiraz, Southern Iran." *BMC Geriatrics* 23, no. 1 (March 2023): 175. <https://doi.org/10.1186/s12877-023-03892-4>.
- Kant, Manuj, Sareh Nabi, Manav Kant, Roland Scharrer, Megan Ma, and Marzieh Nabi. "Towards Robust Legal Reasoning: Harnessing Logical LLMs in Law." *ArXiv Preprint* 4, no. 3 (February 2025). [Google](#)
- Kesby, Alison. "Narratives of Aging and the Human Rights of Older Persons." *Human Rights Review* 18, no. 4 (December 2017): 371–93. <https://doi.org/10.1007/s12142-017-0470-6>.
- Latifa, Asma, Aldri Frinaldi, and Roberia Roberia. "Penerapan Hukum Administrasi Negara Dalam Membangun Pemerintahan Yang Baik." *Polyscopia* 1, no. 3 (June 2024): 120–26. <https://doi.org/10.57251/polyscopia.v1i3.1376>.
- Malek, Md Abdul, and Muhammad Abdur Razzak. "Rights of the Elderly: An Emerging Human Rights Discourse." *International Journal of Law and Management* 59, no. 2 (March 2017): 284–302. <https://doi.org/10.1108/IJLMA-03-2016-0036>.
- Noviardi, Raffi Alqindi, and Budi Mulianto. "Pengaruh Kualitas Pelayanan Terhadap Kesejahteraan Lanjut Usia Di Unit Pelayanan Teknis Panti Sosial Tresnawerdha Khusus Khotimah Pekanbaru." *Jurnal Mahasiswa Pemerintahan*, January 2025, 721–34. <https://doi.org/10.25299/jmp..20489>.
- Patamani, Nurwahida H. "Lansia Sebagai Subjek Hukum Dalam Peraturan Perundang-Undangan Indonesia." *Jurnal of Innovation Research and Knowledge* 4, no. 7 (2024). [Google](#)
- Pemerintah Daerah Kota Medan. "Pasal 105 Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang Perlindungan Penyandang Disabilitas." *aisU tujnaL nad..* Medan, 2024. [Google](#)
- . "Pasal 127 Huruf (b) Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang Perlindungan." *aisU tujnaL naD satilibasiD gnadnayneP. snaL naarethajeseK nanayaleP* ia Diselenggarakan Melalui Pensekatan:)a (Pelayanan Dalam Panti Dan Luar Pandi ;Dan)b (Pelaya." Medan, 2024. [Google](#)
- . "Pasal 134 Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang." *nagnudnilreP Penyandang Disabilitas Dan Lanjut Usia.* Medan, 2024. [Google](#)
- . "Pasal 135 Peraturan Daerah Kota Medan Nomor 2 Tahun 2024 Tentang." *nagnudnilreP Penyandang Disabilitas Dan Lanjut Usia.* Medan, 2024. [Google](#)
- . "Peraturan Daerah Kota Medan Nomor 2 Tahun 2024." Medan, 2024. [Google](#)
- Pemerintah Republik Indonesia. "Undang-Undang Nomor 13 Tahun 1998 Tentang Kesejahteraan Lanjut Usia." Jakarta, 1998. [Google](#)
- Pemerintah RI. "Pasal 34 Ayat (2) Undang-Undang Dasar Negara Republik Indonesia 1945." Jakarta, 1998. [Google](#)

- Peraturan Pemerintah RI. "Pasal 3 Peraturan Pemerintah (PP) Nomor 43 Tahun 2004 Tentang Pelaksanaan Upaya Peningkatan Kesejahteraan Sosial Lanjut Usia." Jakarta, 2004. [Google](#)
- Santika, Adhi, Eka Afrina Djamhari, Herni Ramdhaningrum, and Mickael Bobby Hoelman. *etihW repaPPemenuhan Hak-Hak Lansia Untuk Hidup Setara, Sejahtera, Dan Bermartabat*. Jakarta: Perkumpulan Prakarsa, 2020. [Google](#)
- Sen, Amartya. "Human Rights and Capabilities." *Journal of Human Development* 6, no. 2 (July 2005): 151–66. <https://doi.org/10.1080/14649880500120491>.
- Serhan Ahmed, Sundus. "The Evolving Role of Sustainable Development in Shaping Political Progress: A Contemporary Islamic Perspective on Human Rights and Civil Institution." *MILRev: Metro Islamic Law Review* 4, no. 1 (March 2025): 1–30. <https://doi.org/10.32332/milrev.v4i1.10128>.
- Shihab, M. Quraish. *Tafsir Al-Mishbah*. Jakarta: Lentera Hati, 2000. [Google](#)
- Siino, Marco, Mariana Falco, Daniele Croce, and Paolo Rosso. "Exploring LLMs Applications in Law: A Literature Review on Current Legal NLP Approaches." *IEEE Access* 13 (2025): 18253–76. <https://doi.org/10.1109/ACCESS.2025.3533217>.
- Soekanto, Soerjono. *Pengantar Sosiologi Hukum*. Jakarta: Bharatara, 1973. [Google](#)
- Sonata, Depri Liber. "Metode Penelitian Hukum Normatif Dan Empiris: Karakteristik Khas Dari Metode Meneliti Hukum." *Fiat Justisia: Jurnal Ilmu Hukum* 8, no. 1 (November 2015). <https://doi.org/10.25041/fiatjustisia.v8no1.283>.
- Sukiati. *Metodologi Penelitian: Sebuah Pengantar*. Medan: Manhaji, 2016. [Google](#)
- Walsh, Kieran, Thomas Scharf, and Norah Keating. "Social Exclusion of Older Persons: A Scoping Review and Conceptual Framework." *European Journal of Ageing* 14, no. 1 (March 2017): 81–98. <https://doi.org/10.1007/s10433-016-0398-8>.
- Widodo, Ageng. "Peningkatan Kualitas Hidup Lansia: Implementasi Prinsip Hak Lansia Melalui Pelayanan Sosial Lanjut Usia." *Masyarakat Madani: Jurnal Kajian Islam Dan Pengembangan Masyarakat* 9, no. 1 (June 2024): 24–40. <https://doi.org/10.24014/JMM.V9I1.26306>.