

## Survey on the rights of elderly in Islam and international law

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### Abstract

The old people are the main intellectual capital of the family and country and if the society does not pay attention to them it leads to disorder that put the families and the society under the pressure and there will be no enough time to solve the problems. In this regard, for improvement of such condition referring to Islam and Quran and narratives advices could offer solutions and lead to planning in the world level and also aid the international communities in this case. As a result the families will live in peaceful condition besides the elders and they will be as guide for their families.

**Keywords:** Holy Quran, elders, social rights, Islam, international law.

### Introduction

Usually we meet old aged people in our life that they have live in this condition. It is necessary to plan for this period in order to pass it easily. The problems are about the universal strategies and offering the proper contexts by the countries that they are responsible for serving the people and in this regard consulting with elders is one of the best ways for solving the problems. For doing so, at first it is necessary to respect this group since in otherwise it leads to removing them from the family then we should consider their rights and in this relation the advices of Quran and Islam guide us toward improvement of the elders' conditions.

### Necessity of the subject matter

The right of the elders is one of the main rights in the society and in general, Quran and Islam and most of the countries and international associations have paid attention to this subject matter. Recognition of the adults' rights and providing the context for improvement of the current infrastructures is universal duty that asks all the authors to aid. So, it is refered to this group by the titles of old aged and adulthood and this period is a phase of social life that human being has to pass it and it is unavoidable. Research and taking actions based on the studies is necessary and the fundamental planning could bring peace and calmness to the society. Social rights involve set of rules that consider the needs and problems of the social communities and the codes are regulations are enacted accordingly and the needs of each group have been investigated based on these rules. Islam and Quran emphasize on this issue and always the international associations have invited the people to observing human rights and adults' rights. In this relation, in 1990 United Nations general assembly announced the first of October as the day of the elders that depicts this fact that by recognition of the elders' rights it can be aided to preservation of intellectual capitals that posse valuable experiences and they can be used for guidance of the youths and meets their needs. At the first part of this paper we study holy Quran and some narratives and Islamic thoughts and then in the second part we investigate briefly the visions of other countries toward this subject matter. By survey on the Quran miracles it can be inferred that Quran put emphasis on respect on the elders and the parents.

Set not up with Allah any other *ilah* (god), (O man)! (This verse is addressed to Prophet Muhammad, but its implication is general to all mankind), or you will sit down reprovded, forsaken (in the Hell-fire).

And your Lord has decreed that you worship none but Him. And that you are dutiful to your parents. If one of them or both of them attain old age in your life, say not to them a word of disrespect, nor shout at them but address them in terms of honor.

And lower unto them the wing of submission and humility through mercy, and say: "My Lord! Bestow on them Your Mercy as they did bring me up when I was small" (Al-Isra: 22-24).

According to the miracles we find that God after advice on the respect of the parents emphasizes on respect on the elders and old aged and everywhere it is refered to this group reminds us to respect them. Besides Quran miracles the prophet (peace be upon him) and Imams emphasize on the respect of the old aged since they are blessing of God and they bring the affluences in the life (Abugasem Payandehm Nahjolfasaheh: 110).

In contrary to some families that consider the old aged person causes to annoyance the holy prophet (peace be upon him) knows that the old aged person brings the blessing of God in the families.

The prophet (peace be upon him) said kindness with the parents equals praying and fasting and going hajj and jihad for God sake (Molla Mahdi Naragi, Jamosadat, v.2:203).

Imam Sajjad about the respect on the old aged said: you have to respect on the old aged and if he or she is a pious his or her position is exalted and you have to avoid quarreling with him or her and never surpassing him or her in walking and never consider them fool. Imam Sadeg in Mizan Hekmat, vo.2: pp 106/10084 said: the person who does not respect on the elders and never behaves kindly with the children is not Muslim.

The almighty God said: Allah is He who created you in (a state of) weakness, then gave you strength after weakness, then after strength gave (you) weakness and grey hair. He creates what He wills. And it is He Who is the All-Knowing, the All-Powerful (i.e. Able to do all things) (Ar-Rum: 54)

Quran has several verses and miracles on the respect on the elders and old aged and God emphasizes on acceptance of the old aged in the society.

## Reality of the life of the elders

According to the reports we see that in spite of recommendation of Islam and announcement of international associations unfortunately, most of the old aged group needs have been remained unsolved and they have no ideal conditions. So, it is necessary to take actions and offer solutions to solve their problems. Elimination of health problems, solving economic problems and providing proper conditions are considered as the important issue. By referring to divine codes and civil codes and collaboration of the societies these problems can be solved. We know that assigning one day to the elders and establishing annual conventions could solve their problems and meet their needs. Inattention to the intellectual capitals leads to significant problems for the nations.

Thus, in the studies on the emotional needs of the old aged and the fundamental spiritual needs necessitate this fact that the families should care about their elders and pay attention to their needs in the mechanistic life. It does not mean to provide material needs and ignore their spiritual needs. As before said they should be considered from all aspects and pay attention to their emotional needs. The families are expected to behave correctly with the elders since it leads to content of God.

Shahriyar has written on this subject:

I hold the youth as the candle to find the way  
But I could not find it and I lost the youth  
Now, I am wishful as I am old  
To return to youth  
To find the way of youth  
Also, Nizami has composed this poem:  
The old aged is bent that they seek youth on the soil

So, if the elders are accepted their thoughts and ideas are used in planning and they act as guides of the youths in training of the children and transferring of their experiences to next generations. On other hand, some people believe that the adulthood is affected by internal and mental and social and physical factors and in their opinion, it is possible that some people in old age be active and never feel that they are old (Interpretation of some authors in Islamic texts, 1990.v.11:38).

So, the house of elders is a new phenomenon that offers accepted services and some of the old aged persons choose to live there. Some people believe that this institution has negative effect and indeed, they have been built for individuals who have no children and they cannot live with their relatives and these associations are the last option.

Unfortunately, the elders do not have positive vision toward these institutes and they avoid there and consider them as place of determinism. Although, some elders live there but they expect that they will leave there and sometimes they protest and their children do not pay attention to their conditions (Ali Gaemi, family and the old aged problems, 1987:178) [7].

As before said these institutes never solve their problems although, mechanistic life has led that the children transfer their parents to these centers but we should be careful about the effect of such centers in supporting of the elders so the best way to protecting the elders is living in the family. It seems that the elders and old aged live in the family in cease of having conditions and the family chooses the best and rational way.

We know that they have own difficulties and need to sympathy and kindness.

In this case, providing welfare equipments for filling their free times can be the best option for this group. In this regard, Islam has offered the best way to live in family since selection of the place to live is effective in the healthy life and as a result the people do not suffer from mental disorders. In this relation, Quran in miracle 15 of verses Al- Ahgaf says:

And we have enjoined on man to be dutiful and kind to his parents. His mother bears him with hardship and she brings him forth with hardship, and the bearing of him, and the weaning of him is thirty (30) months, till when he attains full strength and reaches forty years, he says: "My Lord! Grant me the power and ability that I may be grateful for Your Favor which You have bestowed upon me and upon my parents, and that I may do righteous good deeds, such as please You, and make my off-spring good. Truly, I have turned to you in repentance, and truly, I am one of the Muslims (submitting to Your Will)" (Al- Ahgaf: 15).

Imam Sajjad in Sahifeh Sajjadih writes about the right of the parents and says: O, my God let me to be kind with my parents and do beneficence. O, my God, let me to obey my parents since goodness is pleasant for me as it like that I drink the cold water when I am thirsty. My God let their goodness be significant in my mind although it is less (Sahifeh Sajjaideh, 1391:141-142).

It should be pointed that we have to accept the elders and their expectations so it is necessary to plan to meet their needs and solve their problems since old age is a life phenomenon and it requires specific care and attention by the family and the society and in case of ignorance it leads to disorders and irrevocable results and problems. If we consider this issue we will see that our relationship with elders is meaningful and it influence our life. In this regard, I refer to the opinions of Mr. Ahmadi on the rights and duties of the children on the parents that originated from Quran and authentic narratives. He believes that the parents have 80 rights on their children that 40 of them is about life and 40 of them is on the time of death and the rights on life are: 1-ten rights about body, ten rights about tongue, ten rights about heart, ten rights about property. Ten rights about body are 1-serving and respecting, sitting in front of them and never sitting behind them, do their orders and avoid if the religion prevent them, fast for good deed by permit of them, never travel without their permission, when they come stand and never sit whenever they let, walk behind them expect on the ice and dangerous places and darkness, look them kindly and serve them.

Ten rights in tongue: speak softly, never speak loudly, never be rude and never call them by their names, never interrupt them, never reject their ideas and never call them rudely, never disobey them, speak politely, pray them and demand them to pray about you.

Ten rights on the heart: be kind with them, love them although they are in economic hardship, if you think they misbehave you, and if they never be kind with you, be happy by their happiness, never irritate by their misbehave and speech, never oppress them if they oppressed you, never complain about them if they hit you, act for their content and demand God they have long life.

Ten rights on property: provide their clothes before prepare your clothes, feed them by your food, pay their debates, pay their cost of the journey and send them to hajj and if they died

hire someone to say prayer for them or do yourself, buy them house if they do not have, meet their economic needs, do their affairs and offer them properties (www. beytoote.com). As it was said if we could meet the old aged needs and demands goodness from God undoubtedly, we observe part of their rights in the family and this conduct leads to content of God. All children are responsible for providing the elders needs and it could help the society.

### **The elders and international law**

Concerning to the human rights in the introduction of Universal Declaration of Human Rights it is written that any human has rights and recognition of the equal rights and transferability of rights constitute the foundation of the liberty, peace and justice in the world. These human rights should be recognized in the framework of law and expanded from the education perspective. If we consider the elders rights from this standpoint we observe that the dignity and status of the elders is protected. Skinner the famous American psychologist believes that adulthood is similar to foreign land and if you are prepared there will be pleasant. The largest international organization, United Nations has approved the programs for increase of the retirement salary, improvement of economic status of the elders in all over the world and invited the countries to observe their rights. In Islamic republic of Iran in code 21 of constitutional law paragraph four stipulates insurance of the widows and old women and also, in code 21 considers social security from retirement, illness and adulthood perspectives (Constitutional law, Jihnagir Mansur, 47th edition).

The report of the United Nations depicts that the population of upper than 60 years in the world will reach one milliard in the future. The population fund of United Nations and Help Each International Organization believes that the population of elders is increasing relative to other age group that they need to specific care, health care and provisions.

The experts' researches show that for the first time in 2000 the number of the population upper than 60 years is higher than children lower than 5 years and by this trend until 2050 the old aged population will higher than population under 15 years. This issue depicts that the countries should plan for encountering this problem otherwise it leads to unpleasant consequences. Fortunately, in some countries the anthropologic conducts have been taken. In Islamic Republic of Iran an association has been established for improvement of the adults' conditions and the plan of empowering of the elders and retirees has been implemented. In China when the children grow up they have to support their parents and the individuals who avoid this duty are punished in Japan the experience of the elders is used in technology and scientific scopes and they have day of old aged. In supporting the adults' rights in Canada and England the governments have established free centers for adults.

The secretariat of United Nations Organization believes that elders play an important role in communities as equal as the supervisors and care takers so they should be supported against misuse.

But in the meantime, the UN General Assembly in resolution 91.46 dated 18<sup>th</sup> December 1991<sup>[13]</sup> in the context of the elderly are the most important rights that aged to be included Articles 6-1 of access to food, water, shelter and clothing, adequate health care, social support and self-reliance through income

families and have a job or income opportunities to acquire other businesses and to participate in the timing of business practices to leave and access to proper educational programs and live in secure places proportionate with the elders conditions. Also, in article 6 it is stipulated that the elders should access to equipments whenever they want.

But the fact that many elderly people and the provision of housing and basic amenities of life are faced with many difficulties to achieve the above rights by the public.

So, the articles 7-9 refer to living the elders with the family and community and participation in implementation of the plans that affect their rehabilitation and welfare and transferring their experiences to the next generation. These articles refer to accessibility to the community and volunteer services in accordance with the interests and abilities of the elders and movements and establishing assemblies for the elders. That many countries are trying to create media experiences of the elderly with the younger generation and they are successful do not depend on the activities of other countries.

Concerning to supporting the elders articles 10-14 emphasize on supporting of the families and community based on the cultural values and access to the health in order to establish physical and mental and emotional health and delaying the onset of disease, access to social and legal services for independence of the elders and using health care for supporting and employing supportive centers aids and establishing social and psychological motivations. In article 14 it is referd to human rights, liberty, dignity, beliefs and privacy and decision making about quality of life and health care. In articles 15 and 16 of General Assembly resolution stating in substance that the elderly are able to achieve self-assembly and self-actualization should have opportunities for the full development of their potential disabilities. Finally, articles 17-18 stipulate on respectful life, security, liberty and avoiding physical and mental misuse and emphasize on just behavior with elders without considering age, gender, race, inability and other conditions and economic status. We hope for improvement of the elders conditions in communities.

### **Conclusion**

By survey on the life of the old men and old women and confirmation with the modern life we find that the relationship between the children and parents has been weakened and they live alone or they live in adult centers that this issue has been let to discontent of the adults. So, in order to prevent such problems and return the old aged to the family we need to recognize their rights and do the Islam and Quran orders and enactment of the rules and exchange of the ideas among the countries. We hope that to provide intimate family and as a result recognize the human rights.

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