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The Tradition of the Youngest Child's Obligation to Live with Parents After Marriage in Javanese Custom: An Analysis of Maqashid Syariah and Living Law

Pandu Irawan^{1*}, Agus Setiawan, Ahmad Muslimin²

¹Universitas Ma'arif Lampung, Indonesia

Correspondence: panduirawan1922@gmail.com

ABSTRACT

This study analyzes the tradition of the youngest child's obligation to reside with parents after marriage in Javanese society, specifically in Kalirejo Village, Pesawaran Regency, employing the perspectives of *Maqāṣid al-sharī'ah* and *living law*. Employing a qualitative case study approach, this research collected data through observation, in-depth interviews, and documentation. The findings reveal that this tradition persists due to interconnected factors of family responsibility, economic considerations, inherited cultural values, and social pressure. From Eugen Ehrlich's perspective of *living law*, this tradition constitutes living law as it originates from social needs, is practiced collectively, and possesses strong social legitimacy, despite being dynamic and undergoing shifts. The *Maqāṣid al-sharī'ah* analysis utilizing Jasser Auda's systems approach demonstrates that the tradition contains benefits (*maṣlaḥah*) in preserving life (*hiḍ al-naḥs*), lineage (*hiḍ al-nasl*), and realizing filial piety (*birrul walidain*). However, it also harbors potential for harm (*maḥsadah*) in the form of unequal distribution of responsibilities and domestic conflict. The synthesis of both perspectives indicates that this tradition remains relevant provided it is reconstructed flexibly, justly, and based on family deliberation to achieve a balance between cultural values and Sharia principles.

Keywords: Youngest Child Tradition, Living Law, Maqashid Sharia, Islamic Family Law, Birrul Walidain

ABSTRAK

Penelitian ini menganalisis tradisi kewajiban anak bungsu tinggal bersama orang tua setelah menikah dalam masyarakat Jawa di Desa Kalirejo, Kabupaten Pesawaran, menggunakan perspektif Maqāṣid al-syarī'ah dan living law. Penelitian kualitatif dengan pendekatan studi kasus ini mengumpulkan data melalui observasi, wawancara mendalam, dan dokumentasi. Hasil penelitian menunjukkan bahwa tradisi ini bertahan karena faktor tanggung jawab keluarga, ekonomi, budaya turun-temurun, dan tekanan sosial. Dalam perspektif living law Eugen Ehrlich, tradisi ini merupakan hukum yang hidup (living law) karena lahir dari kebutuhan sosial, dijalankan secara kolektif, dan memiliki legitimasi sosial yang kuat, meskipun bersifat dinamis dan mengalami pergeseran. Analisis Maqāṣid al-syarī'ah dengan pendekatan sistem Jasser Auda mengungkap bahwa tradisi ini mengandung kemaslahatan dalam menjaga jiwa (hifz al-nafs), keturunan (hifz al-nasl), dan mewujudkan birrul walidain, namun berpotensi menimbulkan mafsadah berupa ketidakadilan beban tanggung jawab dan konflik rumah tangga. Sintesis kedua perspektif menunjukkan bahwa tradisi ini relevan selama direkonstruksi secara fleksibel, adil, dan berbasis musyawarah keluarga untuk mencapai keseimbangan antara nilai budaya dan prinsip syariat.

Keywords: *Tradisi Anak Bungsu, Living Law, Maqashid Syariah, Hukum Keluarga Islam, Birrul Walidain*

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1. INTRODUCTION

In communities characterized by strong cultural backgrounds, traditions frequently constitute an integral component in regulating various aspects of social life, including family dynamics (Turyani, Suharini, & Atmaja, 2024). Traditions are not merely understood as customs passed down through generations but also as value systems that shape how communities perceive interpersonal relationships (Rafiuddin et al., 2022). Within many communities, traditions function as moral guidelines directing social behavior in preserving communal harmony (Januardi, Superman, & Nur, 2024). This phenomenon is likewise observable in traditions pertaining to parent-child relationships, wherein such relationships are perceived not solely as biological bonds but as moral responsibilities to be maintained throughout one's lifetime (Gafur, Rusli, & Mardiyah, 2022).

Javanese society is known for its emphasis on harmony, balance, and respect toward elders (Mudyo, 2024). These values are subsequently reflected in various social practices developed within family life. One tradition still observable within segments of Javanese society is the belief that the youngest child bears the responsibility to reside with parents after marriage. This tradition

has evolved as part of a value system emphasizing the importance of maintaining family bonds and ensuring that parents continue to receive attention and care as they enter old age (Wahyuni & Nur, 2025). The presence of children within the household also provides a sense of security and emotional support for aging parents.

The phenomenon of the tradition obligating the youngest child to live with parents remains evident in the community of Kalirejo Village, Negeri Katon Subdistrict, Pesawaran Regency. Based on preliminary observations, the majority of residents in this area possess Javanese cultural backgrounds and continue to uphold strong familial values. Within certain families, this tradition is maintained as a manifestation of filial responsibility toward parents. Nevertheless, in practice, this tradition is not uniformly applied, as it is influenced by social conditions, economic factors, and family dynamics. These variations indicate differences in how community members interpret and practice the tradition, simultaneously demonstrating that the tradition undergoes adaptation in response to social changes.

The dynamics observable in these practices suggest that social transformations—such as increased mobility, economic demands, and evolving mindsets among younger generations—affect the sustainability of this tradition. On one hand, this tradition is regarded as a form of moral responsibility in ensuring parental welfare. On the other hand, it may engender challenges within the marital households of married children. Role conflicts, limited autonomy of newly formed families, and divergent interests constitute recurring challenges (Ludfi & Fina, 2024). Consequently, the practice of this tradition reveals tensions between traditional values and the realities of modern life.

Scholarly examinations of the tradition regarding the youngest child's obligation to reside with parents remain relatively limited. Research by Annisa (2023) investigated similar practices within Javanese communities in East Kotawaringin; however, it did not specifically address the position of the youngest child nor employ an integrative approach combining Islamic law and social reality. Studies by Khairani (2023) and Maghribi (2018) focused more extensively on the obligation of children to provide financial support (*nafkah*) to parents from the perspective of Islamic law, without examining the sociocultural dimensions as a living practice within society. Yunita (2024) examined the obligation of daughters to support parents financially; however, this research did not address the Javanese cultural structure or the child's position based on birth order. Meanwhile, Putri et al. (2022) examined the alimentary responsibilities of adult children toward elderly parents but did not connect these to local cultural dimensions.

The research gaps identified in this study encompass: (1) the absence of research integrating *maqashid sharia* and living law perspectives in analyzing the youngest child tradition; (2) the lack of specific focus on the role of the youngest child within the structure of family responsibility; and (3) the limited scope of studies conducted within the context of Javanese communities in Pesawaran Regency. Thus, this research presents novelty (novelty) in examining the tradition of the youngest child's obligation to reside with parents through an interdisciplinary approach combining *maqashid sharia* and living law. This study aims to analyze the underlying factors sustaining this tradition and to evaluate it through the lenses of *maqashid sharia* and living law to

generate a comprehensive understanding of the relationship between religious norms, culture, and social practices in family life.

2. RESEARCH METHODS

This research constitutes field research (*field research*) employing a qualitative approach conducted through an in-depth case study design (Syahrizal & Jailani, 2023). The research subjects comprised the community of Kalirejo Village, Negeri Katon Subdistrict, Pesawaran Regency, specifically pertaining to family life practices, Javanese cultural values, and the implementation of filial obligations in the post-marital context. This study is classified as empirical legal research or juridical-empirical research, as it examines how Islamic legal provisions and Javanese customary values are understood, applied, and practiced by communities in real-life contexts (Marlina et al., 2023).

The approaches employed in this research include the socio-legal approach and the anthropological-cultural approach. The socio-legal approach was utilized to view Islamic law not merely as textual norms (*law in books*) but also as social practices (*law in action*) that interact with local cultural values (Waruwu, 2024). The anthropological approach was employed to understand the construction of values within Javanese tradition that positions the youngest child as the guardian of parents, thereby helping to explain the historical, philosophical, and sociocultural background of the tradition (Manurung & Lubis, 2025).

Data collection techniques were implemented through three primary methods: observation, in-depth interviews, and documentation. Non-participatory observation was conducted over an 18-day period to comprehend the actual situations within families practicing this tradition (Zahroh et al., 2025). Semi-structured interviews were conducted with informants selected purposively, comprising married youngest children (both those residing and those not residing with parents), parents, community leaders, and religious figures. Documentation was performed by collecting relevant documents such as photographs, demographic data, and Islamic legal documents (IKE, 2024).

Data validity was ensured through triangulation techniques, comparing data obtained from various sources and collection methods (Nurfajriani et al., 2024). Data analysis was conducted through qualitative descriptive methods encompassing three stages: data reduction, data presentation, and conclusion drawing (Handoko, Wijaya, & Lestari, 2024). The analytical process encompassed interpretation and meaning-making from interview data, observations, and documentation, as well as comparison between Javanese culture and Islamic law to identify similarities, differences, and potential for integration.

Research methodology is designed to provide a systematic framework for investigating the complex phenomenon of community-based financing at IAIN Parepare. By employing a rigorous

qualitative approach, this study ensures that the intricate relationship between digital governance and Islamic distributive justice is captured with high precision and scholarly depth. The following sections outline the structured journey of the investigation, from the initial research design to the final verification of data.

3. RESULTS AND FINDINGS

This research was conducted in Kalirejo Village, Negeri Katon Subdistrict, Pesawaran Regency, Lampung Province. The village comprises 7 hamlets and historically constitutes a transmigration area originating from Central Java and East Java. Based on demographic data, the population of Kalirejo Village reaches 4,601 individuals with a composition of 2,512 males and 2,089 females. The livelihood structure is predominantly agricultural, with 614 individuals working as farm/plantation laborers, 264 as entrepreneurs, and 139 as farmers/planters. This condition indicates that the community's economic character remains highly dependent on the agrarian sector.

The research findings demonstrate that the tradition of the youngest child's obligation to reside with parents after marriage is shaped by four primary factors. First, family responsibility factors. The youngest child occupies a distinctive position within the family structure, characterized by stronger emotional bonds due to longer periods of cohabitation. As expressed by an informant: "As the last child, I feel it is indeed my obligation to accompany my parents. Since childhood, I was often told that the youngest child would be the one to take care of the parents" (Susilowati, interview, 2026). Second, economic factors. Cohabitation provides advantages in expenditure efficiency. An informant stated: "If we live separately, the expenses are substantial—rent, electricity, and daily necessities. Living with parents allows us to share everything, making it more affordable" (Susilowati, 2026).

Third, cultural and hereditary traditional factors. This tradition has persisted for generations and has become part of customary practices accepted without extensive questioning. A community leader expressed: "From ancient times, it has been this way. The youngest child typically lives with parents; this has become a habit continuously practiced to this day" (Sumedi, interview, 2026). Fourth, social factors in the form of social pressure from the environment. An informant who does not reside with parents stated: "Sometimes there are comments from neighbors, accused of being less filial for not living with parents, even though I still provide assistance" (Pujianto, interview, 2026).

In terms of practice, the most dominant form of tradition is the youngest child remaining in the parental home after marriage, with the spouse joining to establish an extended family pattern. The youngest child generally serves as the primary responsible party in caring for parents, encompassing physical, emotional, and financial aspects. Nevertheless, the research identified variations in practice. In some families, other children continue to provide financial contributions.

Other variations are observable in families where role distribution is conducted flexibly depending on the conditions and capabilities of each member. Economic factors and the number of siblings significantly influence the form of practice. There are also cases where the youngest child does not reside with parents yet continues to fulfill responsibilities through financial assistance or regular visits, indicating adaptation to modern conditions.

4. DISCUSSION

4.1 Analysis of Tradition from the Living Law Perspective

Within the framework of living law as articulated by Eugen Ehrlich, the tradition of the youngest child's obligation to reside with parents constitutes a reflection of law that genuinely lives within society (Zarianto & Adityarani, 2025). Ehrlich emphasizes that the center of legal development lies not in written regulations but in social life itself. This tradition demonstrates the primary characteristics of living law as it emerges from societal social needs, particularly in ensuring the continuity of elderly parental care (Putranto & Triadi, 2025). The absence of formal regulations governing this practice actually reinforces that its validity derives from the collective consciousness of the Kalirejo Village community.

Living law also functions as an effective instrument of social control. Although no formal sanctions exist, communities possess their own mechanisms for ensuring compliance with norms, such as through social evaluation or moral pressure (Listyowati et al., 2025). This is reflected in informants' statements that non-participation in the tradition would become a subject of community discussion. This form of control is often more effective as it directly relates to individual acceptance within their social environment (Siregar & Gumiri, 2025). This phenomenon demonstrates that living law possesses influence not merely due to rules but because of the social support accompanying them.

However, living law is not static. Ehrlich emphasizes that living law will always evolve in response to changes within society (Saputra, 2026). In the modern context, shifts in the practice of this tradition are becoming apparent in Kalirejo Village. Community members no longer view the youngest child's obligation as absolute but rather as a family responsibility that can be distributed flexibly. This change indicates a process of social adaptation, wherein norms are maintained but implementation methods adapt to contemporary conditions such as educational factors, social mobility, and evolving mindsets. From Ehrlich's perspective, this change does not signify the disappearance of law but rather constitutes part of the development of living law itself.

4.2 Analysis of Tradition from the Maqashid Sharia Perspective

From the perspective of Maqāṣid al-sharī'ah, this tradition can be analyzed through five fundamental principles (al-ḍarūriyyāt al-khams). First, the preservation of life (hifẓ al-naḥs) is evident in the protective function provided to parents, particularly as they enter old age (Maharani,

2025). The presence of children within the same household enables the fulfillment of basic needs such as healthcare, security, and emotional support. This aligns with an informant's statement: "If we live together, parents are better cared for. When they are ill, someone is immediately available to help, so they do not feel alone" (Susilowati, 2026). Second, the preservation of lineage (*hifz al-nasl*) appears in the continuity of family values transmitted across generations (Hasan, 2025). Living with parents enables the direct transmission of values, norms, and culture.

Third, the preservation of intellect (*hifz al-'aql*) can be observed in the family's role as a space for interaction that shapes mindsets, attitudes, and emotional maturity (Misliana & Sassi, 2025). Cohabitation opens spaces for dialogue, exchange of experiences, and learning life values. Fourth, the preservation of religion (*hifz al-dīn*) is reflected in the value of filial piety (*birrul walidain*), which constitutes an integral component of Islamic teachings (Mufid, 2022). This practice reinforces the internalization of religious values in daily life. Fifth, the preservation of property (*hifz al-māl*) can be observed from the economic dimension, where cohabitation may promote efficiency yet also potentially generate issues if not regulated equitably (Sumidartiny, 2025).

The systems approach proposed by Jasser Auda provides a more contextual understanding of this tradition (Fatimawali, Abidin, & Jumat, 2024). Auda emphasizes that *maqāṣid* must be understood as part of an open and interconnected system, wherein the boundaries between *dharuriyyat*, *hajiyyat*, and *tahsiniyyat* cannot always be rigidly separated (Irawan, 2022). In this context, the practice of cohabitation with parents may carry different meanings depending on conditions. Under certain circumstances, it may be considered merely a form of enhancing family relationships (*tahsiniyyat*). However, in other conditions—for instance, when parents are elderly and require care—this practice may constitute a more fundamental need, even approaching *dharuriyyat*, as it pertains to life protection and welfare (Sulthon, 2025).

This research also identifies potential *mafsadah* (harm) arising from this tradition, particularly when responsibility is concentrated solely on the youngest child, creating imbalances in family burden. As expressed by an informant: "Sometimes it feels burdensome because all the responsibility falls on me, while other siblings only help occasionally" (Susilowati, 2026). This condition demonstrates that the application of tradition cannot be positioned as an absolute obligation. Within the framework of *maqāṣid al-sharī'ah*, the principle of balance between benefit and harm constitutes the primary consideration (Jasmin, HL, & Sultan, 2025). Therefore, this practice must be adapted to the conditions of each family, grounded in deliberation and equitable distribution of responsibilities.

4.3 Synthesis of Maqashid Sharia and Living Law

Analysis of this tradition reveals a strong convergence between normative values in Islam and social realities living within society (Samsidar et al., 2025). From the perspective of *maqāṣid al-sharī'ah*, this tradition is understood as an endeavor to preserve the five essential elements of life, particularly in the aspects of life protection and family continuity. Jasser Auda's approach strengthens this analysis by emphasizing that *maqāṣid* must be understood contextually and

flexibly, enabling the interpretation of social practices as part of an interconnected life system (Akmal, 2025). Meanwhile, from the living law perspective, this tradition reflects law that genuinely lives within society as explained by Eugen Ehrlich, wherein these norms are unwritten yet possess binding force because they are accepted and practiced collectively (Hattu, 2026).

The convergence of these two perspectives lies in their shared orientation toward creating order and benefit (*maṣlaḥah*) in human life. *Maqāṣid al-sharī'ah* provides the normative foundation regarding what should be achieved, while living law demonstrates how these values are manifested in the concrete practices of society (Makky & Anam, 2025). In other words, *maqāṣid* functions as direction, while living law constitutes the form of implementation within social contexts. Nevertheless, both perspectives also open space for critique of the practice of this tradition. The burden concentrated on the youngest child and the potential for domestic conflict indicate that this practice does not always fully realize benefit (*maṣlaḥah*) (Izzatillah et al., 2026). From the living law perspective, these dynamics demonstrate that social norms are not static and will continually evolve in response to societal development (Herlina & Anggraeni, 2025).

Based on these considerations, reconstruction of this tradition is necessary to maintain its relevance while remaining aligned with both perspectives. Reconstruction does not imply eliminating the tradition but rather adjusting its implementation patterns according to principles of justice, deliberation, and more proportionate distribution of responsibilities within the family (Qibthiyah, 2025). This approach enables the fundamental values of the tradition to be preserved while avoiding disproportionate burdens. Thus, the tradition of the youngest child's obligation is no longer understood as an absolute duty but rather as a flexible and contextual value system (Tsalitsah, 2024). The synergy between *maqāṣid al-sharī'ah* and living law yields a more comprehensive understanding, wherein law is not merely conceptually ideal but also relevant and applicable in real life. This approach ultimately opens space for achieving balance between local cultural values and the principles of Islamic Sharia.

5. CONCLUSION

Based

This research concludes that the tradition of the youngest child's obligation to reside with parents after marriage in Kalirejo Village constitutes a social practice shaped by factors of family responsibility, economic considerations, inherited cultural traditions, and social pressure. From Eugen Ehrlich's living law perspective, this tradition constitutes living law (living law) as it emerges from societal social needs, is practiced collectively, possesses strong social legitimacy, and is dynamic in responding to changing times. Meanwhile, from the perspective of *Maqāṣid al-sharī'ah* employing Jasser Auda's systems approach, this tradition contains beneficial values (*maṣlaḥah*) in preserving life (*hifẓ al-nafs*), preserving lineage (*hifẓ al-nasl*), and realizing filial

piety (birrul walidain); however, it also has the potential to generate harm (mafsadah) in the form of inequitable distribution of responsibilities and domestic conflict if applied rigidly.

The synthesis of both perspectives demonstrates that this tradition remains relevant as part of local culture but requires reconstruction to become more adaptive, just, and grounded in family deliberation. This tradition is no longer understood as an absolute obligation but rather as a flexible and contextual value system oriented toward benefit and balance in family life. This research recommends that community members, religious leaders, and village government officials encourage a proportionate understanding of filial piety toward parents without disproportionately burdening the youngest child exclusively, as well as support elderly welfare programs so that parental care responsibilities receive support from the social environment and village institutions.

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