

A Comparative Analysis of the Concept of Baligh in Islamic and Positive Law in Relation to Parental Obligations to Provide Child Maintenance

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ABSTRACT

Abstract

This study examines the concept of *baligh* in Islamic and positive law and its implications for parental obligations to provide child maintenance. Employing a comparative juridical-normative approach, the study analyzes the criteria and age thresholds of *baligh* and legal adulthood, as well as their consequences for the duration of parental maintenance obligations. The findings indicate that Islamic law primarily determines *baligh* through biological signs, particularly *ihtilam* for males and menstruation for females, while positive law relies predominantly on statutory age thresholds. Although *baligh* is generally associated with the termination of mandatory parental maintenance, Islamic jurisprudence recognizes exceptions where children remain dependent due to illness, disability, education, or inability to obtain employment. Positive law similarly establishes parental maintenance obligations while applying different age thresholds according to the relevant legal context. The study concludes that *baligh* should not be treated as an absolute criterion for terminating parental maintenance obligations; rather, maturity, legal capacity, economic independence, health, education, and the child's actual needs should also be considered.

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Introduction

The majority of Islamic jurists (*jumhur al-'ulama*) differ in their views regarding the age at which *bulugh* (puberty) is considered fully attained. The Hanafi scholars determine the maximum age of *bulugh* as 18 years for males and 17 years for females, while the minimum age is 12 years for males and 9 years for females. These ages are based on the consideration that, at such ages, a male child is generally capable of experiencing a nocturnal emission and impregnating a woman, whereas a female child is capable of becoming pregnant and menstruating (Dedi Supriyadi, 2011). According to Muhammad Jawad

Mughniyah, scholars of the Shafi'i and Hanbali schools regard reaching the age of 15 as one of the indicators of *bulugh* for both males and females. Meanwhile, scholars of the Maliki school hold that *bulugh* is attained at the age of 17 (Mughniyah, 2000).

In contrast to the Islamic legal perspective, positive law approaches the concept of *bulugh* from a different legal standpoint. In positive law, *bulugh* is generally associated with legal maturity, both physically and psychologically, which is reflected in the attainment of a legally prescribed age of majority and the capacity and authority to perform legal acts independently. Various provisions concerning legal maturity and age limits can be found in statutory regulations, judicial precedents, and court decisions. Several provisions in positive law concerning the age of *bulugh* or legal maturity are as follows. First, the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata* or KUHPer), also known as the *Burgerlijk Wetboek* (BW), Article 330 concerning minority stipulates that a person is considered legally competent to perform legal acts upon reaching the age of 21 or upon having been married before reaching the age of 21 (R. Subekti, 2019).

Second, Article 98 paragraph (1) of the Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI) concerning child maintenance provides that the age at which a child is considered capable of supporting himself or herself, or is deemed an adult, is 21 years, provided that the child is not physically or mentally disabled and has not previously entered into marriage. Third, Law Number 16 of 2019 concerning the Amendment to Law Number 1 of 1974 on Marriage, particularly Article 7 paragraph (1), establishes the minimum age for marriage by providing that "marriage is permitted only if the man and woman have reached the age of 19." (Law Number 16 of 2019). Fourth, Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 on Child Protection defines a child as a person who has not yet reached the age of 18, including a child still in the womb. In addition, a Supreme Court jurisprudence dated 13 October 1976, Number 477/K/Pdt, concerning the age of majority expressly establishes 18 years as the age of adulthood. Similarly, the Decision of the North Jakarta District Court Number 1530/Pdt/1987/PN, dated 5 November 1987, concerning the age of majority recognizes 18 years as the threshold for adulthood.

These provisions indicate that positive law itself contains inconsistencies concerning the determination of the age of *bulugh* or legal maturity. Consequently, the absence of a

uniform standard regarding the age of *bulugh* may give rise to multiple interpretations among legal practitioners as well as the general public, particularly in determining the age at which a child is considered sufficiently independent to support himself or herself. The existence of conflicting provisions, both within Islamic law and positive law, has implications for the legal certainty of the duration of parental financial support (*nafaqah*) for children. Limited public awareness of the importance of establishing a clear age threshold may potentially create adverse consequences for both parents and children. For parents, the obligation to provide financial support may become indefinite. Meanwhile, children who have reached *bulugh* or adulthood and are expected to become economically independent may continue to depend on their parents because they do not fully understand the legal consequences associated with reaching *bulugh* and attaining independence.

The absence of clear governmental regulations and enforceable sanctions concerning the termination of parental financial support further contributes to the continuation of parental support even after a child has reached adulthood and is capable of living independently. This lack of legal clarity may leave parents uncertain as to when their legal obligation to support their children comes to an end. In principle, establishing an age threshold is necessary to determine the duration of the parental obligation to provide mandatory financial support until the child reaches *bulugh* or the legally recognized age of independence. After the child reaches *bulugh* and is legally considered independent, financial assistance provided by parents should no longer necessarily be categorized as mandatory *nafaqah*. Rather, such assistance may be regarded as a voluntary transfer or gift (*hibah*), the provision of which is not legally obligatory. Therefore, clear legal rules in the form of statutory regulations are needed to establish the age of adulthood and the corresponding limits of parental obligations to provide financial support. Such regulations would provide a clear legal reference for both parents and children. Consequently, when a child reaches the legally recognized age of *bulugh* or adulthood, both parties can clearly understand their respective rights, obligations, and responsibilities.

Method

This study employs a comparative method with a juridical-normative approach. The comparative method is used to examine two or more legal systems, concepts, or legal provisions in order to identify their similarities, differences, and distinctive characteristics. In

this study, the comparison focuses on the concept of bulugh (puberty) under Islamic law and positive law, particularly in relation to the legal obligation of parents to provide financial support (nafaqah). The comparison is conducted systematically by examining the relevant concepts, legal foundations, age limits, and legal consequences from each perspective, thereby providing a more comprehensive understanding of their similarities and differences. According to Sugiyono (2017), comparative research is a type of research that compares the existence of one or more variables across two or more different samples or at different points in time. In the present study, this comparative principle is applied not to examine causal relationships but to analyze and compare the legal constructions of bulugh from two different legal perspectives. Accordingly, this study does not employ a causal-comparative or ex post facto design, which is generally intended to identify causal factors underlying a particular phenomenon. Rather, it focuses on comparing the legal norms, concepts, and consequences established within each legal system.

The comparative method in this study is therefore employed to formulate conclusions through the systematic identification and analysis of similarities and differences between Islamic law and positive law. This analysis is expected to clarify the position of the concept of bulugh in determining the extent of parental obligations to provide financial support and to demonstrate the distinctive characteristics of the regulatory framework of each legal system in an objective and systematic manner.

Results and Discussion

1. Baligh According to Islamic Law

Baligh is one of the fundamental concepts in Islamic law concerning human maturity and the commencement of legal responsibility (*taklif*). From the perspective of Islamic jurisprudence (*fiqh*), *baligh* refers to a condition in which a person has reached a certain stage of development that makes him or her legally accountable for the implementation of the Sharia, particularly in matters of worship (Mukti Ali, 2018). A person who has attained *baligh* and possesses sound intellect is regarded as a *mukallaf*, namely a legal subject who has the capacity to receive and perform the requirements of Islamic law. Thus, *taklif* refers to the legal demands of the Sharia imposed upon a person who has fulfilled the qualifications of a *mukallaf*.

In Islamic law, the indicators of *baligh* are primarily determined by biological signs. The majority of Islamic jurists (*jumhur al-‘ulama*) agree that the principal sign of *baligh* for males is *ihtilam*, namely a nocturnal emission accompanied by the discharge of semen, whereas for females it is menstruation (*haid*) (al-Jazari, 2000). In addition to these two indicators, other biological signs include the discharge of semen, the growth of pubic hair, and pregnancy in females. When such biological signs are absent or difficult to ascertain, Islamic jurists employ a specific age threshold as an alternative indicator for determining *baligh*. However, the schools of Islamic jurisprudence differ regarding the age at which *baligh* is deemed to have been attained. The concept of *baligh* is closely related to the concept of *ahliyyah*, or legal capacity. A person is considered a *mukallaf* when two principal elements are fulfilled: *baligh* and sound intellect (‘*aql*) (Amir Syarifuddin, 2018). Once these two elements are present, a person is considered legally capable of receiving and performing *taklif* obligations, including the five daily prayers, fasting during Ramadan, zakat, pilgrimage (*hajj*), and other obligatory acts of worship. Conversely, such a person is also subject to the prohibitions established by Islamic law, including prohibitions against associating partners with God (*shirk*), theft, fraud, adultery, robbery, and other prohibited acts. Within the theory of *ahliyyah*, legal capacity is generally divided into *ahliyyah al-wujub* and *ahliyyah al-ada’*. *Ahliyyah al-wujub* refers to a person's capacity to possess rights and bear legal obligations. This capacity is inherent in human beings from the time they are in the womb, continues after birth and throughout their development into adulthood, and ends with death. Accordingly, every human being, in principle, possesses *ahliyyah al-wujub* and may become the holder of legal rights and obligations (Amir Syarifuddin, 2018).

In contrast, *ahliyyah al-ada’* refers to a person's capacity to perform legally recognized acts and fulfill the obligations imposed upon him or her. This capacity is not automatically possessed by every human being but is subject to certain conditions, particularly *baligh* and sound intellect. Once a person reaches adulthood, which is generally accompanied by intellectual maturity, he or she is considered legally competent to perform legal acts and comply with the requirements of Islamic law as a *mukallaf* (Amir Syarifuddin, 2018). Thus, *baligh* functions not merely as an indicator of biological maturity but also has significant legal consequences. Once a person reaches *baligh* and possesses sound intellect, he or she becomes individually responsible for observing the commands and prohibitions of Allah. Accordingly, *baligh* constitutes one of the principal grounds for determining when a

person becomes fully subject to legal obligations under Islamic law. With regard to the age at which *baligh* is attained, Islamic jurists have expressed different opinions. The Shafi'i and Hanbali schools establish the age of 15 as the threshold of maturity for both males and females. The Maliki school establishes 17 as the age of *baligh* (Jawad Mughniyah, 2000). The Hanafi school, meanwhile, establishes 18 years for males and 17 years for females as the maximum age for *baligh*. The minimum ages are 12 years for males and 9 years for females. These thresholds are associated with the possible occurrence of biological signs, such as the discharge of semen in males and menstruation, reproductive discharge, or pregnancy in females (Jawad Mughniyah, 2000). The Imamiyyah school establishes the age of *baligh* at 15 for males and 9 for females, based on the hadith of Ibn Sinan.

Differences among Islamic jurists also concern whether the growth of pubic hair may be regarded as an indicator of *baligh*. The Hanafi school does not regard the growth of pubic hair as an absolute indicator of *baligh*. It likewise does not consider the growth of axillary hair to be an indicator of *baligh*, because such hair growth is regarded as no different in principle from hair growth on other parts of the body. By contrast, the Hanbali school and one narration attributed to Abu Yusuf regard the growth of pubic hair as an absolute sign of *baligh*. Within the Maliki school, there are two views. The more widely accepted position holds that the growth of pubic hair is an absolute sign of *baligh*. The other view limits the legal consequences of this sign to matters involving the rights of other human beings (*huquq al-adamiyyin*), such as *qadhf* (false accusation of adultery), theft punishable by amputation, and homicide. In matters concerning the rights of Allah, however, the growth of pubic hair is not automatically regarded as an indicator of *baligh*. The Shafi'i school, meanwhile, regards the growth of pubic hair as a sign of *baligh* for non-Muslims, whereas among Muslims there are differing opinions within the school concerning its legal status (Ahmad al-Qurthubi, n.d.). Based on the foregoing discussion, *baligh* in Islamic law may be understood as a concept that connects biological maturity with legal capacity. The principal indicators of *baligh* are essentially biological, while age serves as an alternative criterion when biological signs cannot be identified. Although Islamic jurists differ regarding the age threshold and certain indicators of *baligh*, the concept ultimately concerns the transformation of a person's legal status from one who is not yet fully subject to legal obligations into that of a *mukallaf*, who bears individual responsibility for complying with the requirements of

Islamic law. In the context of the capacity to receive and perform *taklif*, *ahliyyah* may therefore be understood as a person's legal fitness to become a subject of Islamic law. This includes *ahliyyah al-wujub*, namely the capacity to possess rights and bear obligations, and *ahliyyah al-ada'*, namely the capacity to perform legally recognized acts and fulfill the obligations imposed upon him or her. *Baligh* and sound intellect constitute essential elements in the establishment of *ahliyyah al-ada'*. Therefore, attaining *baligh* signifies not only biological maturity but also the emergence of legal consequences in the form of personal responsibility for fulfilling the obligations prescribed by Islamic law.

2. *Baligh* According to Positive Law

The indicators of *baligh* under positive law are broadly comparable to those recognized in Islamic law and psychological perspectives. However, positive law places greater emphasis on maturity in both physical and psychological dimensions. In addition, *baligh* in positive law is primarily assessed through socially determined age thresholds established by legislation, which represents the product of political and legal processes. In positive law, *baligh* refers to a person's maturity based on age and certain circumstances that establish his or her legal responsibility for acts performed under the law. Once a person reaches the legally prescribed level of maturity, he or she is regarded as an adult and legally competent (John Ganesha Siahaan, 2021). A person's legal capacity to perform legal acts is determined by his or her level of maturity, because maturity serves as a benchmark for determining whether a person is legally capable of performing a particular act. Legal capacity (*kecakapan*) does not necessarily imply legal authority (*kewenangan*); however, a person who possesses legal authority must necessarily have legal capacity.

Civil law views legal capacity as a person's ability to perform legal acts and, consequently, to bear responsibility for their legal consequences. Under civil law, a person who is legally competent is generally an adult who has reached the age of 21 and is of sound mind. Conversely, persons who are legally incompetent include minors and persons placed under guardianship due to mental disorders, habitual intoxication, or wasteful behavior (Putri Ayu, 2021). In the context of the capacity to bear legal obligations, a legal subject is positioned in terms of his or her obligation to accept and fulfill legal responsibilities. Meanwhile, the capacity to perform legal acts places the legal subject in the position of exercising rights through legally recognized actions.

It can therefore be understood that positive law regards a person as an adult when he or she is capable of assuming legal obligations and responsibilities, performing legal acts, entering into agreements, managing property, and undertaking other legally recognized actions.

Similar to Islamic law, positive law contains several differing provisions concerning the age of legal maturity. These include the following:

- a. The Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata* or BW), Article 330 on Minority, provides that a person is considered an adult upon reaching the age of 21 or upon having previously married. This means that once a person reaches the age of 21, he or she is legally regarded as an adult and is capable of performing legal acts independently. If a person has not yet reached the age of 21, legal acts concerning that person may require assistance from a guardian or parent.
- b. The Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI), Article 98 paragraph (1) concerning Child Maintenance, provides that adulthood is attained at the age of 21, provided that the child does not have a physical or mental disability and has not previously entered into marriage. Thus, under the Compilation of Islamic Law, legal maturity is associated with a sufficient level of maturity without physical or mental disability, enabling the person concerned to exercise his or her rights and fulfill obligations in relation to legal acts.
- c. Law Number 16 of 2019 concerning the Amendment to Law Number 1 of 1974 on Marriage, particularly Article 7 paragraph (1), establishes the minimum marriageable age by providing that marriage is permitted only when both the male and female parties have reached the age of 19 (Law Number 16 of 2019).
- d. Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 on Child Protection provides that a child is a person who has not yet reached the age of 18, including a child who is still in the womb. Thus, a person under the age of 18 is legally regarded as a child and, in certain legal contexts, may not independently perform legal acts without the assistance or supervision of a guardian or parent.
- e. The jurisprudence of the Supreme Court of the Republic of Indonesia, dated 13 October 1976, Number 477/K/Pdt concerning the Age of Majority, states that the age of adulthood is 18 years (Jurisprudence, 1976).
- f. The Decision of the North Jakarta District Court, Number 1530/Pdt/1987/PN, dated 5 November 1987, concerning the Age of Majority, likewise recognizes 18 years as the age of adulthood.

Based on these various provisions of positive law, which contain differences and apparent inconsistencies, it can be concluded that the determination of legal adulthood under Indonesian positive law depends on the particular legal context and regulatory framework. Consequently, different age thresholds may produce different legal consequences for legal subjects in relation to the exercise of their rights and fulfillment of their obligations. Broadly speaking, the age of adulthood recognized in Indonesian positive law under the aforementioned provisions falls within a range of approximately 18 to 21 years for both males and females.

Positive law recognizes both legal capacity (*kecakapan hukum*) and legal authority (*kewenangan*) in relation to a legal subject. These concepts have different meanings and functions, including legal capacity, legal authority, and the authority to act. The legal consequence of attaining adulthood under positive law is the assumption of greater responsibility and independence, particularly in relation to the capacity to perform legal acts, enter into agreements, manage property, and undertake other legally recognized actions.

3. A Comparison of Islamic Law and Positive Law on *Baligh* in Relation to Parental Obligations to Provide Financial Support

Based on a comparative analysis of the concept of *baligh* under Islamic law and positive law and its relevance to parental obligations to provide financial support to children, it is evident that *baligh* is closely related to the legal construction concerning the duration of parental financial support. Nevertheless, the two legal systems do not establish identical standards for determining when such an obligation comes to an end. Islamic law generally determines *baligh* on the basis of biological signs and age thresholds developed by the various schools of Islamic jurisprudence, whereas Indonesian positive law relies on age limits established according to the specific context and purpose of each statutory provision. From the perspective of Islamic law, the majority of Islamic jurists (*jumhur al-'ulama*) generally hold that providing financial support to a child who has not yet reached *baligh* constitutes an obligation of parents who possess sufficient financial means. This obligation is based on the child's status as a person who has not yet achieved independence and is not fully capable of meeting his or her own living needs. Once a child reaches *baligh*, however, Islamic jurists differ regarding whether the obligation to provide financial support continues. Thus, *baligh* does not necessarily constitute an absolute termination point for parental support but rather serves as an important indicator that must be considered together with the child's economic condition, ability to work, health, education, and actual needs.

These differences may be explained as follows. First, Hanafi and Maliki jurists generally establish a more specific rule concerning male children, whereas Shafi'i jurists apply the principle to both males and females. Once a child reaches *baligh* or reaches an age at which he or she is capable of working, the child is generally no longer considered entitled to financial support from the parents. Nevertheless, these three schools recognize that an adult child may continue to be entitled to parental support if he or she is unable to work due to chronic illness, mental disability, or physical disability (Abi Ishaq al-Shirazi, n.d.). Second, the Hanafi and Shafi'i schools provide an exception for children who are still pursuing education. Children undertaking formal education, such as university studies, or religious education, such as studying at an Islamic boarding school (*pesantren*), may continue to receive financial support from their parents even after reaching *baligh* (Muhammad Shata, 2022). This demonstrates that *baligh* does not automatically terminate the parental obligation to provide support where a legitimate circumstance prevents the child from achieving independence. Third, the Hanbali school maintains that an adult child who has not yet obtained employment may still be entitled to financial support. Fourth, the Maliki school, whose position has also been supported in contemporary scholarship by scholars such as al-Syalabi and Wahbah al-Zuhayli, recognizes that an individual's inability to meet basic living needs may result from difficulties in obtaining employment. Accordingly, as long as the child remains unable to meet his or her basic needs independently, the obligation of parental support may continue (Wahbah al-Zuhayli, 1997).

From the perspective of Indonesian positive law, the obligation to provide financial support to children is fundamentally imposed upon parents, particularly the father, and is related to the child's status as a minor or as a person who has not yet attained sufficient independence. Indonesian positive law, however, does not establish a single uniform age of majority applicable to all areas of law. Based on various statutes, judicial precedents, court decisions, and other official legal provisions, the age of majority in Indonesian law may be found within a range of 18 to 21 years, depending on the particular legal context.

The parental obligation to provide for the needs of the family is, among other provisions, affirmed in Article 34 paragraph (1) of Law Number 1 of 1974 on Marriage, which provides that a husband is obliged to protect his wife and provide for all household needs according to his means. This provision is reinforced by Article 80 paragraph (4) of the Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI), which provides that, according to his income, a husband is responsible for the provision of maintenance, clothing, accommodation, household expenses, healthcare, and medical expenses for his wife and children. Where such obligations

are neglected, legal mechanisms may be pursued to seek the fulfillment of maintenance obligations. In family-law matters involving Muslims, claims may be submitted to the Religious Court (*Pengadilan Agama*), whereas claims involving non-Muslims may be brought before the District Court (*Pengadilan Negeri*) in accordance with the respective jurisdiction. Furthermore, under certain circumstances, the neglect of family members may give rise to criminal liability under Law Number 23 of 2004 on the Elimination of Domestic Violence. Article 9 paragraph (1) prohibits any person from neglecting a person within his or her household, while the corresponding criminal sanctions are further provided under Article 49 letter (a). With regard to the amount of financial support, neither Islamic law nor Indonesian positive law generally establishes a universally applicable fixed amount or percentage. The amount of support is determined according to the financial capacity of the parents, the child's needs, and the particular circumstances of the family. Under Islamic law, maintenance must be provided in a *ma'ruf* manner, meaning that it should be reasonable, appropriate, and proportionate to the recipient's needs. This principle may, among other sources, be derived from Qur'an 2:233. Accordingly, the determination of maintenance is not based solely on the child's age but also takes into account the financial capacity of the obligated party and the needs of the beneficiary.

The comparative analysis therefore reveals both fundamental similarities and differences between Islamic law and positive law. The principal similarity lies in the recognition that children who are not yet capable of living independently are entitled to have their basic needs provided for by their parents. Both legal systems also refrain from establishing a universally fixed monetary amount of maintenance and instead relate the amount to the parents' financial capacity and the child's needs. The principal difference concerns the basis for determining legal maturity and the termination of the maintenance obligation. Islamic law employs *baligh* as one of its principal indicators, while also considering biological signs, age, and the child's circumstances. Positive law, by contrast, relies on age thresholds established by individual legal instruments, meaning that there is no single absolute age of majority applicable across all areas of law. Accordingly, the termination of parental financial-support obligations does not have a uniform threshold under either Islamic law or Indonesian positive law. Under Islamic law, reaching *baligh* does not necessarily and automatically terminate the obligation to provide financial support, particularly where the child remains unable to achieve independence due to health conditions, educational pursuits, or difficulties in obtaining employment. Similarly, under positive law, reaching a particular statutory age cannot simply be interpreted as terminating every form of parental responsibility. Therefore, the child's level of maturity, capacity for independence, personal

circumstances, and the applicable legal context should be considered collectively when determining the duration and termination of parental financial-support obligations.

4. Analysis of *Baligh* in Relation to Parental Obligations to Provide Financial Support

Based on the findings of the comparative analysis of the concept of *baligh* under Islamic law and positive law and its relationship to parental obligations to provide financial support to children, *baligh* may be understood as an important indicator in determining the duration of parental maintenance obligations. Nevertheless, *baligh* should not be regarded as the sole criterion that automatically terminates parental responsibility. Under both legal perspectives, the continuation of financial support is also influenced by the child's circumstances, ability to work, health condition, educational status, and level of independence. From the perspective of Islamic law, the majority of Islamic jurists (*jumhur al-'ulama*) generally maintain that providing financial support to a child who has not reached *baligh* is an obligation of parents who possess sufficient financial means. This position is based on the consideration that a child who has not reached *baligh* generally lacks sufficient legal capacity and independence to meet his or her own living needs. Once the child reaches *baligh*, however, Islamic jurists differ as to whether the parental obligation to provide financial support automatically comes to an end.

The Hanafi and Maliki schools give particular attention to male children, whereas the Shafi'i school applies the relevant principle to both males and females. In principle, once a child has reached *baligh* or an age at which he or she is capable of working and meeting personal needs, the child is no longer automatically regarded as entitled to financial support from the parents. Nevertheless, all three schools recognize an exception where an adult child is unable to work because of chronic illness, mental disability, or physical disability. In such circumstances, the child's needs may remain the responsibility of the parents (Abi Ishaq al-Shirazi, n.d.). The Hanafi and Shafi'i schools also recognize the circumstances of children who are still pursuing education. A child who has reached *baligh* but continues to undertake formal education, such as university studies, or religious education, such as studying at an Islamic boarding school (*pesantren*), may continue to receive financial support from the parents (Muhammad Shata, 2002). This position demonstrates that *baligh* should not be understood solely as a biological threshold but should also be considered in relation to the child's actual capacity to achieve independence. The Hanbali school, meanwhile, maintains that an adult child who has not yet obtained employment may continue to be entitled to parental support. A similar position is found in the Maliki school and is supported by several contemporary

scholars, including al-Syalabi and Wahbah al-Zuhayli. They recognize that the inability to meet one's living needs may result from difficulties in obtaining employment. Accordingly, as long as the child remains unable to meet his or her basic needs independently, the obligation to provide financial support may continue (Wahbah, 1997).

Under Indonesian positive law, the obligation to provide financial support to children constitutes part of parental responsibility, particularly that of the father. Article 34 paragraph (1) of Law Number 1 of 1974 on Marriage provides that a husband is obliged to protect his wife and provide for all household needs according to his means. This provision is reinforced by Article 80 paragraph (4) of the Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI), which provides that, according to his income, a husband is responsible for maintenance, clothing, accommodation, household expenses, healthcare, and medical expenses for his wife and children. Where the obligation to provide financial support is neglected, the affected party may pursue legal mechanisms to seek its fulfillment. For Muslim families, claims concerning maintenance may be submitted to the Religious Court (*Pengadilan Agama*), while claims involving non-Muslims may be brought before the District Court (*Pengadilan Negeri*) in accordance with its jurisdiction. Furthermore, under certain circumstances, the neglect of family members may give rise to criminal consequences under Law Number 23 of 2004 on the Elimination of Domestic Violence. Article 9 paragraph (1) prohibits the neglect of persons within a household, while the relevant criminal sanctions are further regulated in Article 49 letter (a).

With regard to the amount of financial support, neither Islamic law nor positive law establishes a universally applicable fixed amount or percentage. The amount of maintenance should fundamentally be determined according to the parents' financial capacity and the child's needs. Under Islamic law, maintenance must be provided in a *ma'ruf* manner, meaning that it should be reasonable, appropriate, and proportionate to the recipient's needs. Accordingly, the amount of maintenance should not be determined solely on the basis of the child's age but should also take into account the capacity of the obligated party and the needs of the beneficiary.

The analysis therefore demonstrates that *baligh* is closely related to the duration of parental maintenance obligations, but this relationship is **conditional rather than absolute**. Establishing an age threshold for maintenance is essentially intended to provide greater certainty regarding the development of a child's responsibility and to prevent inappropriate or prolonged dependency. A child who has attained an adequate level of maturity and possesses

the ability to meet his or her own living needs should, in principle, be encouraged to achieve independence. Conversely, parents should not perpetuate a pattern of dependency when their child has acquired sufficient capacity to live independently. However, where the child has legitimate reasons for remaining dependent, such as health conditions, educational pursuits, or difficulties in obtaining employment, the obligation to provide financial support may continue.

In the Indonesian context, there is a significant difference between the age of 15, which is recognized by some Islamic jurists as the age of *baligh*, and the age of 18, which is widely recognized in positive law as an important threshold of legal adulthood. This difference is particularly significant when *baligh* is associated with the termination of parental maintenance obligations. A 15-year-old child in Indonesia is generally still enrolled in junior secondary education and remains socially and economically dependent on his or her parents. Although children at this age will generally have undergone biological puberty, biological maturity does not necessarily correspond to psychological, social, and economic maturity. At this stage, children remain in the process of developing their personality, emotional regulation, education, and capacity for independent living. By contrast, the age of 18 may be regarded as a more relevant alternative normative threshold for determining the termination of parental maintenance obligations, particularly when considered in light of educational development and the child's capacity for independence in Indonesian society. At this age, a person will generally have completed upper-secondary education or entered a transitional stage toward higher education or employment. In addition, cognitive development, decision-making capacity, understanding of the consequences of one's actions, and social and economic capabilities are generally more developed than at the age of 15. Nevertheless, the age of 18 should not be treated as an absolute threshold without consideration of the individual circumstances of the child.

The analysis therefore indicates that using *baligh* alone as the criterion for terminating parental maintenance obligations has limitations when applied within the context of contemporary family law. *Baligh* constitutes an important legal indicator in Islamic law, but it is not entirely synonymous with economic independence. Therefore, determining when parental maintenance obligations should terminate ideally requires a combination of age, maturity, capacity to work, health condition, educational status, and the child's actual ability to meet his or her own living needs.

In relation to a child who possesses the capacity to work but has not yet reached *baligh*, Islamic jurisprudence also provides that parents may employ the child, with the income generated from such work potentially being used to meet the child's needs. However, if the child does not work, the obligation to provide financial support remains with the parents. Parents are not permitted to compel the child to work. Thus, a child's ability to work does not automatically extinguish the parental maintenance obligation when, under the applicable legal framework and factual circumstances, the child remains within the category of persons dependent upon parental support (al-Syarbayni, n.d.). Based on the foregoing analysis, it may be concluded that the duration and termination of parental maintenance obligations should not be determined solely by reference to a single age threshold. Instead, a more substantive approach should be adopted by considering maturity, legal capacity, economic independence, ability to work, health condition, educational status, and the child's actual needs. Such an approach provides a more effective means of reconciling the concept of *baligh* under Islamic law with the concept of legal adulthood under positive law while ensuring proportionate protection of both children's rights and parental interests.

Conclusion

Baligh refers to the condition in which a person has reached maturity and attained a certain age at which he or she becomes subject to the obligations of Islamic law (*taklif*). According to the majority of Islamic jurists (*jumhur al-'ulama*), the principal signs of *baligh* are *ihtilam* (nocturnal emission) for males and menstruation (*haid*) for females. The legal consequence of attaining *'aqil baligh* (maturity accompanied by sound intellect) is that the individual can no longer evade legal responsibility and becomes subject to the obligations prescribed by Islamic law, particularly those relating to worship, because he or she is considered to possess sufficient intellectual capacity as the basis for religious accountability. In contrast, *baligh* under positive law refers to a person's maturity as determined by age and certain circumstances that render the individual legally accountable for the legal acts he or she performs. The legal consequence of attaining maturity under positive law is the assumption of independent responsibility, particularly in terms of legal capacity and authority to perform legal acts. A comparison between Islamic law and positive law regarding the age of *baligh* indicates that neither legal system establishes a single, explicit, and universally applicable age of maturity. Both legal frameworks recognize varying age thresholds depending on the applicable legal provisions. The majority of Islamic jurists agree that the age of *baligh* for both males and females may be established at 15 years. Under positive law, meanwhile, the relevant circular letter concerning the age of majority establishes 18 years, or having previously married, as the threshold of legal adulthood. *Baligh* is closely related to the duration of parental financial-support obligations. The majority of Islamic jurists and the Indonesian Civil Code (*Burgerlijk Wetboek*) agree, in principle, that providing financial support to a child who has not yet reached *baligh* constitutes an obligation of parents who are financially capable. Accordingly, once a child reaches *baligh*, parental financial support is generally no longer considered an obligatory parental responsibility, except under certain circumstances that require parents to continue providing support even after the child has reached *baligh*.

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