

FEEDING GUESTS BY THE FAMILY MEMBERS OF A DECEASED PERSON: AN ISLAMIC JURISPRUDENTIAL ANALYSIS

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Among the practice that has been accustomed in the Muslim community of the Nusantara region is feeding the guest who pays a visit to their house. This is done as an act of showing their gratitude for the guest visiting them who brings blessing (barakah) to their home. This practice also extends to the event when someone has passed away. The family members of the deceased person (mayyit) will feed the guests who gather at their house on the night of the funeral ceremony. In reality, this practice is not only done to show appreciation for the visit but also to express their gratitude to the guest for reciting Quran, as well as offering the reward of the previous acts to their family member who has just passed away. However, the family members are prohibited from utilising any money from the inheritance of the deceased in doing so. There must be an assurance that the expenses to organise such ceremony or event are not taken from the inheritance either in the form of money or property of the children of the deceased person. Otherwise, such ceremony will be considered as misuse of the property of the children. This act, in particular, will affect the essence of feeding guests to the point that it will alter the hukm of this act from permissibility into muharramah (prohibited) act. Recently, this practice has become the main target of certain groups who consider it as wailing (niyahab) that would tantamount to innovation (bid'ah) in religion. This paper aims to study the methodology of ijtihad used by Nusantara scholars as well as the sources of

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*Islamic law they referred to in allowing the practice of feeding the guest. This paper reveals that Nusantara scholars use various *turuq* of *istinbat* while referring to various sources of Islamic law that consist of primary and secondary sources. It is hoped that this paper gives a better understanding of the methodology of *ijtihad* used to arrive at the conclusion that this practice is allowed in Islam.*

INTRODUCTION

Feeding guest is an act that is encouraged in Islam based on various Quranic verses and *hadith* of the Prophet Muhammad (*s.a.w.*). This act has been practised by *Salaf al-Sâlih* which consists of the Prophet Muhammad (*s.a.w.*) himself, his companion, *tabi'in*, *atbâ' tab'in* as well as the period after. However, feeding guest by family member of deceased person at night of burial ceremony, in particular, has some controversies surrounding this practice. Even though Muslim scholars are having different views on the status of feeding guest in by family member of deceased person, it is still widely practised by Muslim community in the Nusantara region until today.

The practice of feeding guest has been practiced in Malaysia for quite sometimes. However, based on the records that are available to the writer, the discussion on this issue has begun as early as 1781 by Arshad al-Banjari where he agreed with the practice of feeding guest.¹ In 1841, Ahmad Fatâni in his book also supported the practice of feeding guest on the night of burial ceremony.² This position was further supported by Muhammad al-Fatâni in 1889³ and Dawûd al-Fatâni in 1921.⁴ In 1953, both Abû Qaniâh and Abû Zahîdah,⁵ as well as Abd al-Aziz,⁶ continued to uphold this practice in their book. Next, in 1962, Abd al-Qâdir Mandili⁷ as well as Pattani's scholars⁸ in 1973 further upheld the practice of feeding the guest. However, Hassan Bandung⁹ in 1983 followed by Mohd 'Asri in 2009,¹⁰ adopted a contrasting view on this practice. Later, Muhadir Jol has decided to take side with al-Mandili on this issue in 2009.¹¹ Finally, in 2015, Mohd Asri reinstated his opposition to this practice in his latest book.¹² While in the state fatwa institutions, there are several states that have issued fatwa supporting this practice such as Kedah,¹³ Perak,¹⁴ Selangor,¹⁵ Negeri Sembilan,¹⁶ Pahang,¹⁷ Johor¹⁸ and Sabah.¹⁹

Even though some of the above Nusantara scholars²⁰ who in their writing appeared to dislike with the practice of feeding guests, but in reality, that is not the case. They only dislike this practice when it is done unwillingly due to custom and fear of contempt and mockery if they fail to do so.

AUTHORITIES ON THE PERMISSIBILITY OF FEEDING GUESTS IN GENERAL

After discussing the chronology of the feeding guest practice in Malaysia, it is important to highlight the authorities that relied upon by Muslim scholars in permitting this practice in general. These authorities include various *hadith* of the Prophet Muhammad (*s.a.w.*) as well as views of Muslim jurists from four Islamic schools of thought (*madhabs*). Firstly, there is a *hadith* reported by Abdullah ibn ‘Umar in which: “a man asked the Prophet (*s.a.w.*); whose Islam is good or what (sort of) deeds in (or what qualities of) Islam are good? The Prophet (*s.a.w.*) replied: to feed others and to greet (*salam*) those whom you know and those whom you do not know”.²¹ From the above *hadith*, it can be understood that among the best deeds in Islam is feeding others, which is not limited to giving food but to provide drinks, charity as well as gathering.²² Secondly, in another similar *hadith* reported by ‘Amru Ibn ‘Abasah in which he said:²³ “I came to the Messenger of Allah and I asked him: What is Islam? He (*s.a.w.*) answered: good word and feed others”.²⁴ In this *hadith*, the Prophet Muhammad (*s.a.w.*) in describing what Islam mentions about feeding others. This is to show the virtues and superiority of this benevolent act compared to other act of kindness. Thirdly, in a *hadith* reported by Ahnaf Ibn Qays in which he said:²⁵ “when Umar (*r.a.*) was stabbed, he ordered buhayb to lead other Muslim in prayer three times and ordered others to prepare food for others”.²⁶

Based on the above *ahadith*, it can be understood that feeding the guest is a benevolent act that is highly encouraged in Islam. Moreover, this encouragement is a general encouragement which is not tied with any specific requirement either such as a specific time or specific way of doing it. In other words, if a person wishes

to do so, it can be done by any means and at any time. As long as there is no authority in the Quran and *Sunnah* that limit this act, then it will stay on its generality.

AUTHORITIES ON THE PERMISSIBILITY OF FEEDING GUESTS BY FAMILY MEMBERS OF A DECEASED PERSON

Having established the permissibility of feeding others in Islam in the previous discussion, it is necessary to look into the status of feeding guests by the family member of a deceased person. In brief, there are two important *abadith* mentioned by the scholars to support the above practice. Firstly, there is a *hadith* that was narrated by Thowus²⁷ which states: “anyone who has passed away will be tested by Allah in his/ her grave for seven (7) days. Therefore, it is best for them (those who still alive) to feed the guest as *sadaqah* for him/her during those days”.²⁸ ‘Ubayd Ibn ‘Umayr²⁹ said: “both *mu’min* and *munafiq* person will be tested in their grave. The *mu’min* will be tested for the period of 7 days whereas the *munafiq* will be tested for the period of 40 days”.³⁰ Even though the *hadith* reported by Thowus is considered as *mursal*³¹ *hadith*, it is still acceptable as *hujjah* (argument) without any condition. This opinion belongs to Abû Hanifah, Malik, and Ahmad Ibn Hanbal.³² Al- Shafi’e on the other hand, requires *mursal hadith* to be corroborated by another *hadith* or *ijma’* of companion if he is to accept *mursal hadith* as a valid *hujjah*.³³ Accordingly, *hadith* narrated by Thowus is supported by *hadith* reported by ‘Umayr and Mujahid who were considered to be more prominent *tabi’in* than Thowus,³⁴ hence rendering it to be acceptable as a valid *hujjah*.

Having established that the *hadith* of Thowus is a valid argument, it is clear from the above *hadith* that feeding guests as *cadaqah* (charity) by those who are still alive on behalf of the deceased person is encouraged in Islam. The word used in the *hadith* comes in plural form without specifying who those people are. There is no restriction imposed as who may or may not perform it. This mean, any person who wishes to feed the guest as a charity on behalf of the deceased person may do so, regardless of whether

they are the family member of the deceased person or otherwise. This general encouragement will stay on its generality as long as there are no other authorities from Quran and *Sunnah* forbidding it.

Secondly, there is a *hadith* in which its *lafz* (wording) is disputed by many scholars. This *hadith* is narrated in Sunan Abû Dawûd by 'Asim Ibn Kulayb:³⁵ "we attended a funeral with the Messenger of Allah and I saw the Messenger of Allah by the graveside, instructing the gravedigger; make it wide by his feet and make it wide by his head. When he came back, he was met by a man who brought an invitation from a woman. He came, and the food was served, and he put out his hand, and the people put out their hands and ate. Our fathers saw the Messenger of Allah chewing a morsel in his mouth, then he said; 'Is it not the meat of sheep that was taken without its owners' permission'. The woman sent word saying; O Messenger of Allah, I sent (someone) to *al-Baqi'* to buy a sheep for me, but I could not find one. So, I sent word to a neighbour of mine who had bought a sheep, (saying) to send it to me in return for its price, but he could not be found. So, I sent word to his wife and she sent it to me. The Messenger of Allah said; Feed it to the captives".³⁶

In this *hadith*, it seems that the Prophet (*s.a.w.*) was invited by a random woman who may or may not be the wife of the deceased person to come and eat at her house. Since the word used in the above *hadith* is general, then there is no way of identifying who is this woman as to whether she is just a random woman or the wife of the deceased person. Hence, this *hadith* alone is not enough to be used as a supporting authority to allow the practice of feeding guest in the house of a deceased person due to the vague identity of the woman.

However, the same *hadith* was later narrated in Mishkât al-Masâbîh, with a slightly different *lafz* which is as follow:³⁷ "we attended a funeral with the Messenger of Allah and I saw the Messenger of Allah by the graveside, instructing the gravedigger; make it wide by his feet and make it wide by his head. When he came back, he was met by a man who brought an invitation from

his woman (wife of the deceased person). He came, and the food was served, and he put out his hand, and the people put out their hands and ate. Our fathers saw the Messenger of Allah chewing a morsel in his mouth”.

From this narration, it can be seen that the Prophet Muhammad (*s.a.w.*) was invited not by a random woman, but by the wife the deceased person, to come and eat at her house. In this narration, there was an addition of *amîr* which has brought a major change to the meaning of the *hadîth*. Without the addition, the woman will just be a random woman who may or may not has relation with the deceased person. However, with the addition of *dhamîr*, it has changed the meaning from a random woman to become the woman of the deceased person. This means that, the Prophet (*s.a.w.*) did accept the invitation of the wife of the deceased person to come and eat at her house after the funeral ceremony. If not because of the morsel is taken without permission, the Prophet (*s.a.w.*) would have eaten it. This second narration of the *hadîth* is sufficed to constitute a valid precedent to allow the practice of feeding guest by family member of the deceased person.

Apparently, there are two narrations of the same *hadîth* from different sources and the scholars have difference of opinion regarding the *lafz* (wording) used in the *hadîth*. Which narration will take precedent and should be used as the authority? If let say the *hadîth* that mentions *dhamîr* shall take precedent, then there is no issue at all since the word used is very clear which means his women (wife of the deceased person). However, if let say the *hadîth* that mentions in general prevail over the other, then there is a need to determine who this is referring to. In determining who is in the previous narration and which narration will take precedent between narration in Sunan Abû Dawûd or narration in Mishket, there is a *qâ'idah fiqhîyyah* (Islamic Legal Maxim) that is relevant to the current discussion which states:³⁸ “*mutlaq* (absolute) will be qualified by the *muqayyad* (qualified)”. This *qâ'idah* implies that if there are two matters of the same *Íukm* and the same cause, the *muqayyad* will qualifies the *mutlaq* and will prevail over it. Applying the above principle to the matter at hand, this means,

mutlaq word in the narration of Abû Dawûd will be qualified by *muqayyad* word and it will prevail over it. Hence, the word mentioned in the narration of Sunan Abû Dawûd can be understood and was referring to the wife of deceased person.³⁹

It is obvious from the above discussion that, the woman mentioned in the narration of Abû Dawûd was referring to the woman of the deceased person as specified in the narration in Masâbih. Thus, confirming the fact that the Prophet Muhammad (*s.a.w.*) did come and eat at the house of a deceased person. This is a very clear indication on the permissibility of family member of the deceased person to prepare food and feed the guest.⁴⁰ Even though the Prophet Muhammad (*s.a.w.*) did not eat the food and had asked the wife of the deceased person to give his food to the captives, it is not an indication that eating the food prepared by family member of the deceased person in their house is prohibited. It simply means that the food served has not obtained valid and proper permission from its owner yet. Since it will take some time for the permission of the owner to be obtained, the Prophet (*s.a.w.*) has decided to give it to the captives. If the Prophet Muhammad (*s.a.w.*) was to wait for permission, then it may cause the food to spoil and become wasted.⁴¹ In other word, the act of accepting the invitation amounted to the approval of the Prophet Muhammad (*s.a.w.*) to the practice in question and he did not consider it as the act that constitutes *niyâhab* or *wahsyah*. Otherwise, he will never accept the invitation in the first place and will not go and eat at the house of the deceased person.

OPINIONS OF MUSLIM SCHOLARS ON THE FEEDING GUESTS BY THE FAMILY MEMBERS OF A DECEASED PERSON

There are numerous scholars from the four *madhabs* that support the practice of feeding guest after the funeral. One of them is al-Suyûti⁴² in which he opined that, based on the *hadîth* of Thowus⁴³ that was mentioned previously, it is permissible for the family member of a deceased person to perform *cadaqah* (charity) and to feed guests on behalf of the deceased person on those 7 days.⁴⁴

This position is further supported by al-Nafrawî⁴⁵ in his book. He stated that the act of feeding guests by family member of a deceased person in return for the recitation of Quranic verses and the like for the purpose of charity on behalf of deceased person is permissible⁴⁶. However, if it done is for other reason that has been previously mentioned, then it is *makrûh*.⁴⁷ Al- Halabî⁴⁸ also has taken the same position in this matter in which he stated that the act of feeding guest and making *du'â'* (prayers) for the deceased person is permissible.⁴⁹ He further argued that the *hadîth* of Jarir that was used by some people to say that the act of feeding guests is *bid'ah makruhah* is clearly contrary to the *hadîth* of 'Asim that has been narrated by Imam Ahmad and Abû Dawûd with *cahîh* narration.⁵⁰

When commenting the practice of feeding guests by family member, Ibn Qudâmah⁵¹ opined that it is *makrûh* for family member to prepare food for the guest as it will cause more sadness to them and it resembles the practice of *Jabiliyyah* people.⁵² He further explained that in certain cases when the guests come from far just to visit the deceased person and they have to stay overnight, then it is allowed for the family members of the deceased person to feed the guest.⁵³ It is obvious that the '*illah* (effective cause) for considering the practice of feeding guests as *makrûh* is the element of sadness caused to the family member of deceased person. Impliedly, if there is no element that will cause sadness and what's more, it is for the purpose of doing charity on behalf of the deceased person, then it is allowed. Al- Husayn⁵⁴ in commenting this issue in his *fatwâ* opined that if this practice, i.e., feeding guests is done out of *tarâhum* (compassion) and to make *du'â'* for the deceased person as well as an act of charity for the deceased person, then it is permissible.⁵⁵ This is because this practice is done for good intention and every action is determined by its intentions.⁵⁶

Lastly, al- Shawkânî in his book explained that the practice which takes place in some of the countries in form of gathering in the mosque or the house of deceased person for the purpose of recitation of Quran to the deceased person and other gathering which has no precedent from *Shari'ah*, and does not consist of the

element of *ma'siyyat* and safe from the element of *munkarât*, undoubtedly is allowed in Islam. The reason is that the gathering itself is not prohibited, especially when it is organised for the purpose of performing obedience act such as recitation of Quran and the like. And it is not prohibited to do such act especially if the intention is to offer the reward of recitation of Quran to the deceased person.⁵⁷ He further elaborated that, anyone who claims that the gathering which is free from any sinful activity as *bid'ah* has erred. *Bid'ah* is something that is innovated in the religion while this has nothing to do with it.⁵⁸

Contemporary scholar such al-Zuhayli opined that it is *makrûh* for family member of a deceased person to feed the guest as it will burden them and cause them more sadness.⁵⁹ However, if there is a need to feed the guest like the guest comes from far just to visit the deceased person, then it is allowed.⁶⁰ Again, the *hukm* of *makrûh* is tied with the element of sadness caused to the family member of the deceased person. This means, if there is no element of sadness caused in feeding the guest, then it is allowed. According to some Nusantara scholars such as Wan Idris⁶¹ from Pattani, the issue of feeding guest in the house of deceased person must be discussed carefully and in detail manner. They opined that feeding the guest in the house of deceased person on the night of burial ceremony is allowed, provided that it must fulfill several conditions.⁶² Firstly, it is organised by the family of deceased person willingly and is not due to custom as well or fear of contempt and mockery if they fail to comply. Secondly, the ceremony must be held with the intention of offering the reward of recitation of Quran and *dhikr* as well as compassion (*tarâhum*) to other Muslims. Lastly, the ceremony must be organised without using any money or inheritance belonging to the children or family of deceased person. If the feeding ceremony fails to meet even one of the requirements, then the feeding ceremony will be considered as prohibited and *harâm*.⁶³

Based on the above discussion that comprises of various *ahâdîth*, *usûl fiqh* principles, as well as numerous views of Muslim scholars, it can be safely said that in performing *ijtihâd*, there is various *turuq* of *istinbât* that must be taken into consideration by

Mujtahid. Firstly, Nusantara scholars employ the literal and contextual approach in understanding the various *hadith* related to feeding guests. Next, in analysing the *hadith* that come from multiple narrations, they focus on ascertaining the validity and reliability of the narrations first. Only after having established its validity, the focus shifted on how to harmonise both *hadiths* and understand it in the way that it will corroborate each other instead of rejecting one *hadith* over the other. Accordingly, before the authorities are ready to be applied in the present case, the compatibility aspect of local custom must be ascertained carefully before the *hukm* in the original case transferred to a new case. Once the compatibility of local custom is duly ascertained and considered, only then the transferred *hukm* will be considered to be properly placed and decided in its actual and rightful context. Otherwise, the *hukm* of the original case will be transferred to a new case wrongly and out of context without proper consideration of these aspects. This will not only lead to improper placement of *hukm* to the new case, but it will cause injustice to the society who is following that particular *hukm*. It, in particular, will also cause rigidity and inflexibility in the implementation of Islam as a whole.

THE ISSUE OF WAILING (*NIYÂHAH*)⁶⁴

The analysis on the issue of feeding guests will be incomplete without discussing the issue of *niyâhab*. There are several authorities that were used by certain groups in contrasting this practice. Firstly, there is a *hadith* narrated by Abdullah ibn Ja'far:⁶⁵ "Prepare food for the family of Ja'far, for there has come to them that which is keeping them busy or something which is keep them busy". This *hadith* is a clear command by the Prophet Muhammad (*s.a.w.*) to any person whose neighbour has just lost one of their family members, to prepare food for his neighbour. The purpose of this command is to ease the burden and sadness of the person whose family member has just passed away. This is the best practice that should be followed by Muslim neighbours. However, this command does not prohibit⁶⁶ the family member of the deceased person

from feeding the guests as charity on behalf of the deceased person. This is because of the act of feeding guests, as previously discussed, is among the best act of kindness in Islam.

Secondly, there is another *hadith* of the Prophet (*s.a.w.*) narrated by Jarir used by those who oppose this practice which states:⁶⁷ “we used to think that gathering with the family of the deceased and preparing food was a form of wailing”.⁶⁸ From the above *hadith*, it can be understood that the act of feeding guests amounted to the act of *niyahab*. However, before the principle of the *hadith* is further discussed, several important aspects of this *hadith* such as its *sanad* (narration) and its *matan* (content) must be analysed thoroughly.

The first important aspect is the status of narration of *hadith* of Jarir. In brief, there are two conflicting opinions of *Muhaddithin* regarding the status of this *hadith*. The first group⁶⁹ opined that, the status of *hadith* of Jarir is *mawquf*.⁷⁰ The general rule for the word of companion to be accepted as *hujjah* (argument) is that, at least, it must be *marfu*.⁷¹ This means that it must be linked to the Prophet Muhammad (*s.a.w.*) or at least the narrator is alive during the period of the Prophet (*s.a.w.*). Otherwise, the word of the companion that is not linked to the Prophet Muhammad (*s.a.w.*) will not be acceptable as a valid *hujjah*. This issue is explained by al-Nawawi when he stated that the strongest opinion of al-Shafi'e regarding *mawquf hadith* is that it is not acceptable as a valid *hujjah*.⁷² Hence, following the opinion of the first group, the *hadith* of Jarir is not acceptable as a valid *hujjah* and it cannot be used as an authority in prohibiting the practice of feeding guests.

On the other hand, *Muhaddithin* of the second group⁷³ opined that the *hadith* of Jarir is of *marfu*' status. This means that the *hadith* of Jarir can be accepted as a valid *hujjah* on this matter. However, what is the real meaning of this *hadith*? This question leads the discussion to the second aspect of this *hadith* which is the *matan* (content) of *hadith* of Jarir. The *matan* of the *hadith* is as follow:⁷⁴ “In the *matan* (content) of the *hadith*, there are two (2) important words that need to be discussed. Firstly, the word that translated as “think” or “deem” bring the meaning of uncertainty

and ambiguous”.⁷⁵ Following this rule, any sentence that consists this word will imply that the speaker is uncertain of the truth of the word he has spoken as it only based on what he “thinks” about something, rather than based on established fact. The uncertainty on the part of Jarir in considering the act of feeding guest by family member of deceased person as *niyahab* is the main reason why majority of Muslim scholars only considered this act as *makruh*.⁷⁶ Otherwise, if Jarir is certain that the act of feeding guest by family member of deceased person would amount to *niyahab*, they (majority of scholars) would have considered this act as *haram* (unlawful). The reason is that Muslim scholar has unanimously agreed that *niyahab* is *haram* (unlawful) and must be prohibited totally. Moreover, there is a *mahdhuf* (deleted) word in the *hadith* of Jarir.⁷⁷ Applying the above principle to the *hadith* of Jarir, it should be read as:⁷⁸ “we used to think that gathering with the family of the deceased and preparing food was a form (that causes) of wailing”.⁷⁹

This means Jarir have thought that feeding guest is part of the *niyahab* (wailing) because in the Arab culture when there was a death, the people will gather around and feed the guests so that they can wail and mourn for the loss of their beloved family member.⁸⁰ This is the culture of Arab society when death occurs in one’s family during that time. However, this culture does not take place in the Nusantara region as the act of gathering and feeding guests by family member of deceased person is not done for the purpose of wailing and mourning.⁸¹ Rather it is done for the purpose of offering the good deeds from *dhikr* made by the guests as well as feeding the guests as an act of charity on behalf of the deceased person. Offering good deeds from *dhikr* as well as feeding guests as charity on behalf of the deceased person is not considered as an act of wailing or mourning.⁸²

It would be a mistake to translate the *hadith* of Jarir as: “every gathering that is being served with food is *niyahab*”. It is incorrect to say that every gathering serving food is *niyahab* because there are many other gatherings that serve foods for other purposes other than *niyahab*. For instance, there is gathering in which the food is

served for the purpose of celebrating certain event such as *Mawlid al- Rasûl*. During this celebration, there are foods being served everywhere to show the gratitude for the birth of Prophet Muhammad (*s.a.w.*) who had spent his life to spread Islam to all mankind. Therefore, the most suitable opinion to be followed on this matter is the opinion of the first group which interpreted it as a specific gathering that was known to the Arab society which is held for the purpose of wailing and mourning. It excludes all other gatherings such as the gathering which is held for the purpose of doing *dhikr* and feeding guest as the act of charity on behalf of the deceased person.

The above premise is based on the *Qâ'idah Fiqhiyyah* (Islamic legal maxim) that seems to be applicable in the context of the discussion which states:⁸³ "the *hukm* for any means, the *hukm* is based on its purpose and goal".⁸⁴ This maxim means, if the *hukm* for an act is permissible, then its *wasîlah* (means) will be considered as permissible and *vice versa*. In applying the above principle to the matter at hand, since the *hukm* of *dhikr* and feeding guest as charity on behalf of the deceased person is permissible in Islam, then its *wasîlah*, i.e., gathering to do *dhikr* and feed the guests as charity that is widely practiced in Nusantara region also will be considered as permissible. On the other hand, since the *hukm* of mourning is prohibited in Islam, then the *hukm* of its *wasîlah* (means), i.e., gathering of for the purpose of mourning that happened in Arab society, will also be considered as prohibited.

In commenting the issue of feeding guests, Ibn Hajar in his *Tuhfah* stated that the main reason why gathering and feeding the guest is considered as *niyâhah* (mourning) is because of the extreme wailing and mourning. Impliedly, if there is no extreme wailing and mourning, it will not be considered as *niyâhah*.⁸⁵ Therefore, the most relevant Islamic legal maxim that related in this context is:⁸⁶ "Disappearance of *hukm* depends on disappearance of its '*illah* (effective cause)".⁸⁷ This means, for a *hukm* to be operative and functioning, there must be an '*illah* (effective cause) that exists at the same time which renders the *hukm* to be active. This mean, if there is no extreme sadness or mourning, then the

same *hukm* of *niyâhah* is not applicable here. Applying this Islamic legal maxim on the present context of discussion, since this ‘*illah*’ (effective cause) has never happened and is never exist in the people of Java (people of Nusantara region), the same *hukm* of *niyâhah* (mourning), i.e., *bid’ah makrûhah* and *mahrûmah* is not applicable in Nusantara region. This will render the practice of gathering during the night of death in the house of the deceased person to recite Quran and *dhikr* while the family member of deceased person feed the guest with the intention of offering the reward to the deceased person to be lawful. Furthermore, among other reason that the family member of the deceased person feed the guest is as a token of appreciation for the guest who come from far to recite Quran and *dhikr* so that they can offer the reward to the deceased person.

Lastly, before applying the principle of *hadîth* of Jarir to the issue at hand, there is one important *hadîth* that must be considered together. This is the *hadîth* of ‘Asim that has been mentioned in the previous discussion. At first glance, both of these *hadîth*, i.e., *hadîth* of ‘Asim and *hadîth* of Jarir is contradict to each other. However, the previous discussion herein revealed that it is only a notional contradictory⁸⁸ and not actual contradictory.⁸⁹ When it seems that there are two contradicting *hadîths*, there are two *qâ'idah fiqhiyyah* which are relevant to the current issue. The first *qâ'idah* is:⁹⁰ “If there are two contradicting authorities, they must be combined”.⁹¹ And the second relevant *qâ'idah* states:⁹² “Using two authorities is *awlâ* (preferred) than neglecting one of them”.⁹³ From the above *qâ'idah*, it can be understood that if there are two contradicting authorities be it Quran or *Sunnah*, instead of discarding one authority over the other, both authorities must be used and combined. Based on the previous lengthy and technical discussion, it has been established that the *hadîth* of ‘Asim is meant for those who prepare food and feed them to the guest for the purpose of *tarâhum* (compassion). Furthermore, the intention of doing so is to offer the reward from recitation of Quran and *dhikr* to the deceased person and is not be organised simply because of the custom. Whereas, *hadîth* of Jarir is meant for those who feed

the guest for the purpose of following the custom and *niyâhah* while counting good deed that has been done by the deceased person when he was alive. This is the common practice during that point of time among the Arab society. This practice will not only burden the family member of the deceased person but also will renew their sadness. If this is the case, then it should be considered as *niyâhah* and should be prohibited. This is what actually meant by Nusantara scholars when they considered the act of feeding guests at the house of deceased person as *bid'ah makruhah*. They feed the guest out of obeying the custom and are afraid that the society will bad-mouth them if they fail to do so.⁹⁴ This position is supported by al- Fusâni in his book where he mentioned that this is what actually meant by most of Nusantara scholars⁹⁵ in considering this practice as *bid'ah makrûhah* in their writing.⁹⁶

CONCLUSION

In conclusion, the practice of feeding guests had been widely practiced by Muslim despite its continuous debate until today. Those who oppose this practice base their disagreement on the literal understanding of the available authorities in this matter. This literal approach in understanding the authorities will not only cause rigidity in its application, but it will also cause the application of certain *hukm* in society to be out of context. This is due to the failure of this approach to ascertain and consider the compatibility of the original *hukm* before applying it into the new society that comes from different culture and background. Another element in the argument of those who oppose this practice is their focus on the *sanad* (narration) of the *hadîth* to the extent that they disregard the possibility of some frail *hadîth* might be corroborated by other *hadîth* of similar *matan* (content). Even though their benevolent intention to preserve the *asâlah* (originality) of Islam is highly appreciated, their approach seems quite rigid and a little bit harsh especially when dealing with the *khilâfiyyah* issue which is known for a fact to involve with differences of opinion between Muslim scholars.

On the other hand, in analysing the available authorities, Nusantara scholars have employed both literal and contextual approach. These multiple approaches have led to flexible understanding, hence rendering the practice of feeding guests by family member to be permitted. Rather than simply transferring the *hukm* of feeding guests originated from Arab society into Nusantara society, Nusantara scholars tried their best to adopt the original *hukm* by modifying certain elements in it in order to suit the local circumstances. This is to ensure that the original *hukm* will be transferred in its rightful context considering the differences in culture and background that exist between Arab society and Nusantara society. This can be seen from the fact that the act of feeding guests in Arab society is construed differently compared in Nusantara society. Even though the practice is quite similar in nature, i.e., to feed the guests who pay a visit to their house, but the motive and intention for organising this practice are totally different. In Arab society, the intention for organising such practice is to wail and mourn over the death of family member. In Nusantara society, on the other hand, the intention of such practice is to do charity on behalf of the deceased person. This difference in motive and intention is what causes the *hukm* to differentiate between Arab and Nusantara society.

In reality, the practice of feeding guests on behalf of the deceased person is the last effort made by the living family members to show their love and care toward the family member who has passed away. This practice has been imported and modified by Nusantara scholars to suit the local setting so that it will not overstep the boundary set by Islam on this matter. However, due to the ambiguous nature of the authorities, it will definitely invite multiple interpretations and understandings that will eventually result in multiple *hukms*. It must be noted that, since this issue falls under *khilâfiyyah* issue, the differences of opinion as well as various interpretation between scholars is allowed and much welcomed. This difference, however, must be celebrated with respect towards each other so that it will not spark enmity and hatred within the Muslim community.

Notes

- 1 Muhammad Arshad ibn 'Abdullah al- Banjari, *Sabil al-Muhtadin Li al-Tafaqquh fi Amr al- Din*, (Pattani: Matba'ah Halabi, n.d) Vol. 2, 87.
- 2 Dawud ibn 'Abdullah al- Famâni, *Furu' al- Masâ'il wa Usûl al- Masâ'il*, (Pattani: Matba'ah Halabi, 1841) Vol. 1, 183.
- 3 Zayn al- Din Ibn Muhammad al- Famâni, *Kashf al- Lithâm 'An Asîlah al- Anâm*, (Matba'ah Sulayman Mar'I, : Singapore, 1889) Vol. 1, 85.
- 4 Dawud Ibn 'Abdullah al- Famâni, *Bughyiyah al- Tullâb Li Murîd Marîfah al- Ahkâm bi al- Sawâb*, (Pattani: Matba'ah Halabi, n.d.), Vol. 2, 33-34.
- 5 Abû Qani'ah, Abû Zahidah, *Senjata Shari'ah: Pakaian Ahli Sunnah wal Jamâ'ah Memawangkan Khurâfat dan Mubtadi'ah*, (Pattani: Matba'ah Halabi 1953), 33- 34.
- 6 Abd al- Aziz ibn Idris, *al- Qawl al- Mufid Li Ifâdah al- Mustafid*, (Kelantan.: n.p., 1953) .
- 7 'Abd al- Qâdir al- Mandili, *Beberapa Mutiara yang Bagus Lagi Indah*, (Misr: Matba'ah al- Anwâr, 1962), 61- 63.
- 8 Wan Idrîs ibn Wan Ali, *Ini beberapa Jawapan yang Bagus daripada Soalan yang Datang daripada Majlis Ugama Islam Changwad*, (Pattani: Pustaka Abadi Publication, 1973) 2-18.
- 9 An e- book found at Perpustakaan Islam Online: <http://zayislam.blogspot.com/2009/11/download-ebook-islam-chm.html>
- 10 Mohd Asri Zainul Abidin, *Bidaah Hasanah: Istilah Yang Disalah Fahami*, (Johor: Perniagaan Jahabersa, 2018), 37.
- 11 Muhadir Jol, *Persoalan Khilafiyah & Penjelasan Ulama: Inilah Jawapannya*, (Kuala Lumpur: Mawleed Publisher, 2009), 611- 631.
- 12 Mohd Asri Zainul Abidin, *Menjawab Persoalan Menjelaskan Kekeliruan*, (Selangor: Karya Bestari, 2015), 260-263.
- 13 See Enakmen Mufti dan Fatwa (Kedah Darul Aman) 2008; Fatwa Mengenai Pembid'ahan kepada Amalan- amalan Ahli Sunnah wal Jamaah di Negeri Kedah Darul Aman, No. 720.
- 14 See Enakmen Pentadbiran Agama Islam (Perak) 2004; Fatwa Mengenai Pencegahan Menyebarkan Aliran dan Dakya Wahabiah di Negeri Perak Darul Ridzuan, no. 3565.

- 15 Enakmen Pentadbiran Agama Islam (Negeri Selangor) 2003; Fatwa Menangani Persoalan Bid'ah dalam Masalah Ikhtilaf/ Khilaf Perkara Furu'.
- 16 See Fatwa berkaitan dengan Aliran dan Dakwah Wahhabiah.
- 17 See Fatwa" Tegahan dan Larangan Menyebarkan Ajaran Salafiah @ Wahabiah dan Seumpamanya di Negeri Pahang; see Fatwa: Menangani Persoalan Bid'ah dalam Masalah Ikhtilaf' Khilaf Furu' 2016.
- 18 Enakmen Pentadbiran Agama Islam (Negeri Johor) 2003.
- 19 See Fatwa Mufti Kerajaan Johor: Perkara Mengenai Kaum Muda-Wahhabi- dan Musuh- musuh Islam.
- 20 Among these scholars were Shaykh Arshad al- Banjari, Shayk Ahmad Fatâni, Shaykh Muhammad al- Famâni and Shaykh Dawud al- Famâni.
- 21 *Ibid.*
- 22 Ahmad ibn Muhammad al- Qustallâni, *Irshâd al- Sâri Li Sharh Sahîb al- Bukhârî*, (Bayrut: Dâr al- Kutub al- 'Ilmiyyah, 1996), Vol. 1, Kitâb al- Imân, *Hadith* 12: 135- 136.
- 23 Ali ibn Sulmân Muhammad Al- Qâri, *Mirqât al- Mafâtiḥ Sharḥ Mishkât al- Masâbiḥ*, (Bayrūt: Dâr al- Kutub al- 'Ilmiyyah, 2001) Vol. 1, Kitâb al- Îmân, *Hadith* 45: 200; see Ali ibn Abû Bakr al- Haythamî, *Majmâ' al- Zawâ'id wa Manba' al- Fawâ'id*, (Bayrūt: Dâr al- Kutub al- 'Ilmiyyah, 2001), Vol. 1, Kitâb al- Imân, Bab Fi al- Islâm wa al- Iman, *Hadith* 167: 74.
- 24 *Ibid.*
- 25 Ahmad ibn Abi Bakr al- Bûsîrî, *Ithâf al- Khayrah al- Mahrah bi Zawâ'id al- Masânîd al- 'Ashrah*, (Riyâd: Maktabah al- Rushd, 1998), Vol. 3, Bâb al- Tâ'ziyyah wa Tahayyi'ah Tâ'am Yub'athu Bihi Li Ahl al- Mayyit, *Hadith* 2723: 289; It was mentioned by Ahmad ibn 'Ali Ibn Hajar al- 'Asqalâni, *al- Mamâlib al- 'Aliyah bi Zawâ'id al- Masânîd al- Thamâniyyah*, (Riyâd: Dâr al- 'Ismah, 1998) Vol. 5, Kitâb al- Janâ'iz, Bâb Sun'at al- Tâ'âm (Li Ahl al- Mayyit), *Hadith* 833, 328, (he further commented that the isnad is hasan.) .
- 26 *Ibid.*
- 27 Thowus was a prominent (kibar) tabi'in from Yemen that has met and studied under more than 50-70 companions. It is said that his isnad is sahih. See: *al- Hawi Li al- Fâtâwa*, p. 179.
- 28 Ahmad ibn Alî al- Asqalâni, *al- Mamâlib al- 'Aliyah*, Vol. 5, Kitâb al- Janâ'iz, Bâb Sun'at al- Tâ'âm (Li Ahl al- Mayyit), *Hadith* 833, 328; the

isnad is strong.

- 29 'Ubayd Ibn 'Umayr is a tabi'in that is much more prominent than Thowus. There is an opinion that said that he is companion of the Prophet (*s.a.w.*) that was born during the period of the Prophet Muhammad (*s.a.w.*) and met the Prophet Muhammad (*s.a.w.*). He lived until the period of 'Umar al- Khattab acted as Khalifah. In the narration of 'Ubayd Ibn 'Umayr, there was addition of: the munafiq (hypocrite) will be tested for a period of 40 morning (days).
- 30 *Ibid*, Al- Suyuti, al- Hâwi li al- Fatâwâ, Vol. 2, p. 178.
- 31 Mursal hadith is a hadith where the chain on narration cuts off at the tabi'in level and it does not go directly to the Prophet (*s.a.w.*).
- 32 *Ibid*, al- Hâwi li al- Fatâwâ, Vol. 2, 183.
- 33 *Ibid*.
- 34 *Ibid*.
- 35 Abû Dawûd Sulayman, *English Translation of Sunan Abû Dawûd*, (Riya : Dâr al- Salam, 2008), Vol. 4, Awwal Kitâb al- Buyû', Hadîth 3332, 62-63. The isnad is sahih.
- 36 *Ibid*, Abû Dawûd, English Translation..; see al- Khatîb al- Tabrizî, *Mishkât al- Macâbih*, (Bayrût: Dâr al- Arqâm, 1996), Vol. 1, , Kitâb al- Faâ'il wa al- Shamâ'il, Bâb fi al- Mu'jizat, Facl al- Thâlith, Hadîth 5942: 473, where in this book, it come with different lafz i.e "da'iyâ imra'atihi" which according to al- Qârî, it refers to wife of the mayyit; see Ahmad 'Ali ibn Hajar al- 'Asqalânî, *Hidâyah al- Ruwât Ila Takhrij Ahâdith al- Masâbih wa al- Mishkât*, (Qâherah: Dâr Ibn Affân, 2001), Vol. 5, Kitâb al- Faa'il; wa al- Shamâ'il, Bâb fi al- Mu'jizat, Fa'Îl al- Thalith, No. pp. 357- 358, it used the same lafz which is "imra'atihi" which refers to the wife of the mayyit; see Muhammad Ashraf ibn Amir al- Siddiqy, 'Awn al- Ma'âd Ala Sharh Sunan Abû Dawûd, (Bayrût: Dâr Ibn Hazm, 2005) Kitâb al- Buyû', Bâb fi Ijtinâb al- Shubhât, Hadîth 3332: 1522-1523; see 'Ali ibn 'Umar al- Daruqutni, Sunan al- Daruqutni, (Bayrût: Dâr Ibn Hazm, 2011), Bâb al- Sayd wa al- Dhabâ'ih wa al- At'imah wa Ghayr Dhalik, Hadîth 54, 1081; see Ahmad ibn al- Husayn al- Bayhaqî, Sunan al- Kubrâ, (Bayrût: Dâr al- Kutub al- 'Ilmiyyah, 2003), Vol. 5, Bâb Karâhiyah Mubâya'ah Min Akthar Malihi Min al- Ribâ Aw Thaman al- Muharram, Hadîth 10825, 547.
- 37 Al- Khatîb al- Tabrizi, *Mishkât al- Macâbih*, (Bayrût: al- Maktab al- Islami, 1979), Kitâb al- Fadhâ'il wa al- Shama'il, Fasl al- Thalith, Bab fi al- Mu'jizat,

Hadith 5942:1671-1672; where in this book, it come with different lafz i.e “da’iya imra’atihi” which according to al- Qâri, it refers to wife of the mayyit; see Hidâyah al- Ruwât Ilâ Takhrîj Ahâdith al- Macâbîh wa al- Mishkât, Vol. 5, Kitâb al- Faa’il; wa al- Shamâ’il, Bâb fi al- Mu’jizat, Fasl al- Thalith, No. pp. 357- 358, it used the same lafz which is “imra’atihi” which refers to the wife of the mayyit; see al- Siddiqy (2005) ‘Awn al- Ma’bud ‘Ala Sharh Sunan Abû Dawûd, Kitâb al- Buyû’, Bâb fi Ijtinâb al- Shubhât, Hadith 3332: 1522-1523; see al- Daruqutni, Sunan al- Daruqutni Li Imâm al- Kabîr ‘Alî Ibn Umar al- Daruqutni, (Bayrût: Dâr Ibn Hazm, 2011), Bâb al- Sayd wa al- Dhabâ’ih wa al- Am’imah wa Ghayr Dhalik, Hadith 54: 1081; see al- Bayhaqî, Sunan al- Kubrâ Li al- Imâm al- Bayhaqî, (Bayrût: Dâr al- Kutub al- ‘Ilmiyyah, 2003), Vol. 5, Bâb Karâhiyah Mubâya’ah Min Akthar Malihî Min al- Ribâ Aw Thaman al- Muharram, Hadith 10825: 547.

- 38 Ahmad Ibn Idrîs al- Sanhaji, *Kitâb al- Furûq; Anwâr al- Burûq Fi Anwa’ al- Furûq*, (Bayrût: Dâr al- Salâm, 2001), Vol. 1, Al- Farq al- Hâdi wa al- Thalathun, 327.
- 39 Wan Idris ibn Wan Ali, *Ini beberapa Jawapan yang Bagus... 7*.
- 40 Mawlana Abû Sai’ed Al- Khâdimî, *al- Bariqah al- Mahmûdiyyah Fi Sharî al- lariqah al- Muhammadiyyah*, (Bayrût: Dâr al- Kutub al- Ilmiyyah, 2011), Vol. 4, p. 186.
- 41 Muhammad Ali ibn Husayn al- Makki (1959) *Inârat al- Dujâ Sharah ‘Alâ Tanwîr al- Hijâ Nazam Safinah al- Najâ*, (Micr: Matba’ah Mucmafâ al- Bâb al- Halabî wa Awlâdih bi Misr, 1959), 219.
- 42 Abd al- Rahmân ibn Abû Bakr ibn Muhammad Jalâl al- Dîn al- Khuayri al- Suyûtî. He was born on 849AH in Qâherah and died on 911AH in Qâherah. He was among the most prominent Shafi’eyyah scholars that has written countless treatise in tafsîr, fiqh, Hadîth, Quran, Usûl al- Fiqh and Aqîdah.
- 43 Jalâl- Din al- Suyûmî, *al- Hâwi li al- Fatâwâ al- Suyûmî*, Vol. 2, 178.
- 44 *Ibid*, vol. 2, 184.
- 45 Ahmad Ibn Ghânim al- Nafrâwî was born in 1634M in Nafri, Egypt. He studied Maliki madhab in al- Azhar University in Qâherah. He later died in 1714 in Qâherah.
- 46 Ahmad Ibn Ghanim al- Nafrawî, *al- Fawâkih al- Dawânî ‘Ala Risâlah Ibn Abû Zayd al- Qayrûnî*, (Bayrût: Dâr al- Kutub al- ‘Ilmiyyah, 1998), Vol. 1, Bâb Bayân Ma Yaf’ al al- Mukhtasar, 439.

- 47 *Ibid.*
- 48 Ibrahim Ibn Muhammad al- Halabî was born 1460M in Halab, Syria. He later studied Hanafî *madhab* in al- Azhar University in Egypt and stayed in Istanbul. He died in 1549M in Istanbul.
- 49 Ibrahim ibn Muhammad al- Halabî, *Halabî Kabîr* (Istanbul: Matba'ah Kutubkhan Jehan, 1850, 609-610.
- 50 *Ibid.*
- 51 Abdullah ibn Ahmad ibn Muhammad ibn Qudâmah al- Maqdisî was born in 541AH IN Palestine and he later died in 620AH in Dimashq. He was among the most prominent Hanbali madhab scholars that has written various treatise on *fiqh* and *hadith*.
- 52 Abdullah ibn Ahmad al- Maqdisî, *al- Mughnî 'Ala Mukhtasar al- Khiraqî fi al- Fiqh al- Hanbalî*, (Bayrût: Dâr al- Kutub al- Ilmiyyah, 2008), Vol. 2, Kitâb al- Janâ'iz, 199.
- 53 *Ibid.*
- 54 Muhammad Ali Ibn Husayn al- Maghribî al- Maliki was the mufti of Maliki *madhab* in Makkah in 1927M.
- 55 Muhammad 'Ali Ibn Husayn al- Maghribî, *Qurrat al- Ayn bi Fatâwâ Ulama' al- Haramayn*, (Makkah: Matba'ah Mucmafâ Muhammad, 1927), 64- 65.
- 56 Muhammad ibn Ismâ'il al- Bukhârî, *The Translation of the Meanings of Sahîl al- Bukhârî; Arabic- English*, trans. Muhammad Muhsîn Khan (Riyâ: Dâr al- Salâm, 1997) Vol. 1, Kitâb al- Imân, *Hadith* 54:85.
- 57 Muhammad 'Ali Al- Shawkânî, *Rasâ'il al- Salafyyah fi Ihya' Sunnah Khayr al- Bariyyah*, (Bayrut: Dâr al- Kitâb al- 'Arabî, 1994), al- Risâlah al- Rabî'ah; Irshâd al- Sâ'il Ila Dalâ'il al- Masâ'il, 84- 85.
- 58 *Ibid.*
- 59 Wahbah al- Zuhayli, *al- Fiqh al- Islamî wa Adillatuhu*, (Bayrût: Dâr al- Fikr, 1985), Vol. 2, 549- 550.
- 60 *Ibid.*
- 61 His full name is Tuan Guru Haji Wan Idris bin Haji Wan Ali. He was born in 1920 in Pattani and later died in 1990M. After finished his study in Makkah, he returned to Pattani and opened his traditional school known as Pondok Tok Jum in Pattani.

- 62 Wan Idris ibn Wan Ali, *Ini beberapa Jawapan yang Bagus... 2-4*.
- 63 *Ibid.*
- 64 *Niyâhab* is an act of wailing by the family member who has just passed away that is common in Arab society. *Niyâhab* is also known as *ma'tam* and *wahsyah*. When one of their family members passed away, they will gather.
- 65 Muhammad ibn Yazid ibn Majah al- Qazwini, *English Translation of Sunan Ibn Majah*, (Riyâ: Dâr al- Salâm, 2007) Vol. 2, Abwâb Ma Ja'a fi al-Janâ'iz, Hadith 1610: 451 ; see Muhammad ibn 'Isa Al- Tirmidhi, *English Translation of Jami' al- Tirmidhi*, (Riya: Dâr al- Salâm, 2007) Vol.2, Abwâb al- Janâ'iz, Bâb Ma Ja'a fi al- Ta'am Yusna' Li Ahl al- Mayyit, Hadith 998: 385-386; see Abû Dawûd Sulayman Ibn Ash'at al- Sijistani, *English Translation of Sunan Abû Dawûd*, (Riyâ: Dâr al- Salâm, 2008) Kitâb al- Janâ'iz, Bâb Sun'ah al- Ta'am li Ahl al- Mayyit, *Hadith* 3132: 574.
- 66 According to Muhammad al- Subki, even though the act feeding guest by family member of the *deceased person* is contrary to the hadith of Ja'far hence rendering this practice to be *makruh*, it still doesn't deny the virtue of feeding guest as charity on behalf of *deceased person*.
- 67 Ahmad ibn Hanbal, *al- Musnad li al- Imâm Ahmad ibn Muhammad ibn Hanbal*, (Qâherah: Dâr al- Hadith, 1995), *Hadith* 6905: 387; see Muhammad Ibn Yazid ibn Majah, *English Translation of Sunan Ibn Majah*, Vol. 2, *Hadith* 1612, 452- 453.
- 68 *Ibid.*
- 69 Among the *Muhaddithin* were Imam Ahmad ibn Hanbal.
- 70 According to Ibn al-Salah, "*Mawquf* refers to a narration attributed to a companion, whether a statement of that companion, an action or otherwise".
- 71 Ibn Salah said: "*Marfu* refers to a narration attributed specifically to the Prophet (*s.a.w.*)".
- 72 Yahya ibn Sharaf al- Nawawi, *Sahîh Muslim bi Sharf al- Nawawî*, (Qâherah: Matba'ah al- Micriyyah bi al- Azhar, 1920), Vol. 1, 30- 31.
- 73 Among the *Muhaddithin* were al- Tirmidhi, al- Hâkim and al- Dhahabi.
- 74 Ahmad ibn Hanbal, *al- Musnad li al- Imâm Ahmad*, *Hadith* 6905: 387; Ibn Majah (2007) Translation of Ibn Mâjah, Vol. 2, Abwab Ma Ja'a fi al-Janâ'iz, Bab Ma Ja'a fi al- Nahy 'An al- Ijtimâ' Ila Ahl al- Mayyit wa Sun'at

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- al- Ta'am, *Hadith* 1612: 452- 453.
- 75 Ahmad ibn Abd al- Wahhab Al- Fusâni, *Senjata Ahli Deceased person*, (Perigi: Madrasah Maslahah al- I Islamiyyah, 1992), 18-21.
- 76 *Ibid.*
- 77 *Ibid.*
- 78 Ahmad ibn Hanbal, *al- Musnad li...*, *Hadith* 6905: 387; Ibn Majah, *English Translation of Sunan...*, Vol. 2, 3.
- 79 *Ibid.*
- 80 See al- Ma'ani.com: <https://www.almaany.com/ar/dict/ar-ar/%D8%A7%D9%84%D9%86%D9%88%D8%AD/>
- 81 Al- Fusâni, *Senjata Ahli Deceased person*, 18-21.
- 82 *Ibid.*
- 83 Muhammad Sidqî ibn Ahmad al- Burnû Al- Ghizzî, *Mawsu'ah al- Qawâ'id al- Fiqhiyyah*, (Bayrut: Mu'assasah al- Risâlah, 2003), Aqsâm 9-10-11, p. 218- 220.
- 84 *Ibid.*
- 85 Abd al- Hamid al- Sharwâni, Ahmad ibn Qâsim al- 'Ibadi, *Hawâshi Tubfat al- Muhtaj bi Sharî al- Minhâj*, (Misr: Matba'ah Mucmafa Muhammad, 1938), Vol. 3, 207- 208.
- 86 Muhammad Sidqy al- Ghizzî, *Mawsu'ah al- Qawâ'id al- Fiqhiyyah*, Aqsâm 5-6-7, 5, pp. 442- 443.
- 87 *Ibid.*
- 88 Abd al- Majîd Muhammad Ismâ'il Al- Suswah, *Manhaj al- Tawfiq wa al- Tarjih Bayna Mukhtalaf al- Hadith wa Atharihi fi al- Fiqh al- Islâmi*, (Bayrut: Dâr al- Nafâ'is, 1997), 54.
- 89 See *Manhâj al- Tawfiq wa al- Tarjih Bayna Mukhtalaf al- Hadith wa Atharihi fi al- Fiqh al- Islami* where it is discussed that there two types of contradiction which are Tâ'arud Haqiqi (Actual contradiction) and Tâ'arud Zahiri (notional contradiction). And the contradiction in the above hadith is referring to Tâ'arud Zahiri since there is a possibility of tarjih between these two hadiths, 108- 109.
- 90 *Ibid*, 184- 185.
- 91 *Ibid.*

- 92 Abd al-Rahim ibn al-Hasan al-Asnawi, *Nihayat al-Sawl fi Sharh Minhaj al-Usul*, (Qâherah: Alim al-Kutub, 1925), Vol. 4, 461-462.
- 93 *Ibid.*
- 94 Wan Idrîs ibn Wan Ali, *Ini beberapa Jawapan yang Bagus*, 2-4.
- 95 Among them were Shaykh Dawûd al-Famâni, Shaykh al-Marbawî, etc.
- 96 Ahmad ibn ‘Abd al-Wahhâb Al-Fusâni, *Khulâsah al-Mardhiyyah Fi Masâ’il al-Khilâfiyyah*, (Changwad: Taman Pustaka Press, 1969), pp. 4-5.



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