



A Study on Hadith Authenticity Concerning the Abrogation of Bequests for Iddah Maintenance by Heirs and Its Relevance to Islamic Family Law in Indonesia

Reni Nur Aniroh^{1*}, Maurisa Zinira²

^{1,2}Universitas Sains Al-Qur'an, Jl. KH. Hasyim Asy'ari Km. 03 Kalibeber
Kec. Mojotengah, Kab. Wonosobo, Indonesia

*(Corresponding author) e-mail: reninur@unsiq.ac.id

Abstract

Although Islamic jurists (fiqh scholars) have reached a consensus on the elimination of the provision for iddah maintenance (post-divorce or mourning period support) through inheritance shares upon a husband's death, the hadith cited as the basis for this elimination remains a subject of debate. This consensus carries sociological, legal, and theological implications that may disadvantage wives, particularly in the aftermath of their husbands' deaths. The purpose of this study is to reassess the authenticity of the hadith concerning the elimination of iddah maintenance via inheritance distribution. This paper employs Abou El Fadl's hermeneutic negotiation approach to scrutinize the authenticity of the hadith regarding the elimination of iddah maintenance and to contextualize it within the Indonesian framework. The findings indicate that the hadith serving as the foundation for this issue is attributed to a companion rather than the Prophet (*mauquf hadith*), whose chain of narration (*sanad*) is contested. Certain narrators are considered unreliable, and there are discrepancies within its text (*matn*), with multiple versions existing. Consequently, this paper refrains from relying on the doctrine of abrogation (*naskh*) and supports the view that iddah maintenance following a husband's death is an option that need not conflict with the wife's inheritance share. Both iddah maintenance and the wife's inheritance share can thus be implemented concurrently. The paper posits that, in the Indonesian context, iddah maintenance upon the husband's death should be regarded as a form of joint property that can be allocated without reducing the wife's inheritance share. The implementation of both joint property distribution and inheritance safeguards the rights of the wife and her children following the husband's death.

Keywords: Death Iddah Living, Inheritance Share, Hadith Criticism, Joint Asset.

Abstrak

Meski ahli fiqh telah bersepakat mengenai penghapusan wasiat nafkah iddah wafat oleh bagian waris, namun hadis yang digunakan sebagai dasar penghapusan tersebut masih diperdebatkan. Kesepakatan penghapusan ini memberikan dampak sosiologis, hukum, dan teologis yang cenderung mendiskriminasi istri, terutama pasca meninggalnya suami. Tujuan penelitian ini adalah untuk mengkaji ulang otentisitas hadis penghapusan wasiat nafkah iddah wafat oleh bagian waris. Tulisan ini menggunakan pendekatan hermeneutika negosiasi Abou El Fadl untuk menelusuri otentisitas hadis penghapusan wasiat nafkah iddah oleh bagian waris serta menginterpretasikannya sesuai konteks di Indonesia. Tulisan ini menemukan bahwa hadis yang digunakan sebagai sandaran atas persoalan tersebut merupakan *hadis mauquf* yang ketersambungan sanadnya diperselisihkan, beberapa perawinya dinilai memiliki ketercelaan, dan dalam matannya terdapat kontradiktif dengan versinya yang beragam. Oleh karenanya, tulisan ini cenderung menghindari doktrin naskh dan menguatkan pendapat bahwa wasiat nafkah iddah wafat merupakan sebuah opsi yang tidak perlu dipertentangkan dengan bagian waris sehingga keduanya (wasiat nafkah iddah dan bagian waris istri) dapat diterapkan secara beriringan. Tulisan ini menilai bahwa dalam konteks Indonesia, nafkah iddah wafat disetarakan dengan harta bersama yang dapat diberikan tanpa menghapus bagian warisnya. Pembagian harta bersama plus bagian warisnya ini penting untuk diterapkan agar hak istri dan atau anak-anaknya dapat terjamin pasca meninggalnya suami.

Kata Kunci: Nafkah Iddah Wafat, Waris, Kritik Hadis, Harta Bersama.



Introduction

The presence of hadith as a source of Islamic law, which serves to elucidate the content of the Qur'an, has given rise to various legal rulings, particularly in relation to marital property. Some of these rulings, especially those concerning bequests and inheritance, continue to provoke controversy. Among these are: the rule that bequests are not applicable to heirs; the provision for maintenance and housing for the wife for one year following her husband's death, which has been superseded by the iddah period of four months and ten days, with maintenance replaced by the wife's inheritance share of one-fourth or one-eighth; the limitation of bequests to a maximum of one-third of the deceased's estate; the inheritance share allocated to an uncle, which is not specified in the Qur'anic inheritance verses; and the two-thirds inheritance share for two or more daughters. Furthermore, numerous other legal rulings remain subjects of ongoing debate. Although the formulation of these rulings has been widely accepted and endorsed by the majority of scholars, and has seemingly become well-established law,¹ they are not without criticism and controversy among academics.²

The abolition of the provision for iddah maintenance upon a husband's death through the wife's inheritance share, along with the replacement of the provision requiring the wife to remain in her husband's home for one year with the iddah period of four months and ten days, remains a subject of debate among scholars. This change is supported by Surah al-Baqarah [2]: 240, which has been abrogated by Surah an-Nisa' [4]: 12 and Surah al-Baqarah [2]: 234. *Abū Muslim al-Iṣfahānī*, as quoted by *ar-Rāzī*, argued that the bequest of maintenance and residence for the wife for one year, as mentioned in Surah al-Baqarah [2]: 240, is still applicable. He posited that such a bequest is optional rather than mandatory for the testator to fulfill, an opinion that *ar-Rāzī* also supports.³ Powers noted that the abrogation (*naskh*) of the verses related to bequests occurred because Muslim authorities applied the doctrine of abrogation to these verses approximately twenty-five years after the death of the Prophet Muhammad. However, during the Prophet's lifetime, bequests were still practiced and not abolished.⁴ This is evidenced by the wording of the verse that is widely believed to replace it, which continues to mention bequests alongside the fulfillment of debts and inheritance shares.⁵

The abrogation of the bequest for iddah maintenance and residence for the wife has not been extensively addressed in prior studies. Most research has concentrated on the general abolition of bequests by inheritance and on scholarly opinions regarding bequests to heirs.⁶

¹ According to Ibn Kaṣīr, the abolition of wills in the context of inheritance has reached a consensus (*ijma'*) among the ulama. *Abū al-Fidā' Ismā'il ibn 'Umar Ibn Kaṣīr, Tafsīr Al-Qur'ān al-'Aẓīm*, ditahqiq oleh Sāmī ibn Muḥammad Salāmah (ttp.: Dār Ṭayyibah li an-Nasyr wa at-Tauzī', 1999), 211–12.

² In relation to the hadith concerning the prohibition of wills for heirs, Powers deems it to be a spurious narration. David Stephan Powers, *Peralihan Kekayaan dan Politik Kekuasaan: Kritik Historis Hukum Waris*, Terj. Arif Maftuhin (Yogyakarta: LKiS, 2001), 196–232. Meanwhile, the majority of Sunni scholars consider this hadith to be unproblematic. Asep Sugiri, "Wasiat Untuk Ahli Waris: Kritik Ekstern Dan Intern Otentitas Hadis-Hadis Larangan Wasiat Untuk Ahli Waris," *Al-Jāmi'ah: Journal of Islamic Studies* 42, no. 2 (2004): 467.

³ Muḥammad Fakhr ad-Dīn *ar-Rāzī, Tafsīr Al-Kabīr Wa Mafātīh al-Gayb*, Juz 5 (Beirūt: Dār al-Fikr liṭabā'ah wa an-Nasyr wa at-Tauzī', 1981), 66–67.

⁴ Powers, *Peralihan Kekayaan dan Politik Kekuasaan: Kritik Historis Hukum Waris*, 180–82.

⁵ Q.S. An-Nisa [4]; 12.

⁶ Juandi, "Wasiat Kepada Ahli Waris dalam Pandangan Ibn Hazm dan Muhammad Syahrur" (Skripsi, Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2005); Muhammad Misbakhul Ulum, Zaenul Mahmudi, and Moh. Toriquddin, "Wasiat Sebagai Penyeimbang Pembagian Warisan Menurut Hazairin Perspektif Teori Keadilan Distributif Aristoteles," *Al-Adl: Jurnal Hukum* 14, no. 2 (July 2022): 432–56; Muchammad Hammad, "Waris dan Wasiat dalam Hukum Islam: Studi Atas Pemikiran Hazairin dan Munawir Sjadzali," *At-Tahdzib: Jurnal Studi Islam Dan Muamalah* 3 (2015): 46–59; Isria Shofiana, "Studi Komparatif Pendapat Imam Ibnu Hazm dan Imam Al-Syirazi

Other investigations have examined the practice of bequests to heirs in Muslim countries, focusing on both legislative and judicial perspectives,⁷ as well as societal applications.⁸ Research specifically aimed at the study of hadiths related to bequests and inheritance includes a work titled "Study on Inheritance Distribution and Bequests from the Perspective of Hadith." However, this study does not consider the hadith concerning the elimination of bequests via inheritance shares.⁹ Concurrently, research conducted by Asep Sugiri provides a comprehensive discussion of the hadith prohibiting bequests to heirs but does not address the abrogation of iddah maintenance bequests within the context of inheritance distribution.¹⁰

The discussion surrounding the bequest for iddah maintenance has largely diminished, as its alternative—inheritance shares and the four-month-and-ten-day iddah period—has garnered support from the majority of scholars and been institutionalized as an established legal rule, further reinforced by the doctrine of abrogation (*naskh*). However, inconsistencies remain within the hadiths that form the basis for this ruling, particularly regarding the integrity of their chain of narration (*sanad*), the content of the hadith (*matan*), and the overall characteristics of the hadith itself. Furthermore, this ruling carries significant implications, as it denies maintenance to the wife following her husband's death. The wife is entitled to only one-fourth or one-eighth of the inheritance and may choose to leave the house during the day and part of the night to work in order to meet her financial needs during the iddah period.¹¹

Morally, this regulation appears burdensome, as the wife, during her mourning period, must contend with the necessity of providing for herself and potentially her children. This situation is particularly ironic, considering that the wife was the individual closest to her husband, sharing both joy and hardship, yet her financial needs are neglected after his death.¹² In such circumstances, the importance of a bequest becomes evident. Hazairin even posits that the bequest can serve as a balancing mechanism within the distribution of inheritance, ensuring that heirs in unique situations, such as the wife, are not left without support.¹³

Tentang Wasiat Kepada Ahli Waris dan Relevansinya dengan Hukum Islam di Indonesia" (Skripsi, Semarang, Universitas Islam Negeri Walisongo Semarang, 2017); Eti Maryati, "The Method of Takhrij Hadīts 'Lâwasiyyata Liwâritsin' and Its Implications for The Understanding of The Takhshish Al-Qur'an By The Hadīts In Inheritance Law," *IJIK* 9, no. 2 (2019): 72–79.

⁷ Fatum Abubakar, "Pembaruan Hukum Keluarga: Wasiat Untuk Ahli Waris (Studi Komparatif Tunisia, Syria, Mesir, dan Indonesia)," *Hunafa: Jurnal Studia Islamika* 8, no. 2 (Desember 2011): 233–64; Anisa Al Istiqamah, "Analisis Status Hukum Wasiat Yang Diberikan Kepada Ahli Waris (Studi Kasus Putusan Nomor 0424/Pdt.G/2016/PA.Prg)" (Skripsi, Makassar, Universitas Hasanuddin Makassar, 2019); Ilham Ismail, "Wasiat Kepada Ahli Waris: Studi Komparatif Pasal 195 Kompilasi Hukum Islam dengan Hukum Islam" (Skripsi, Jakarta, Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2011).

⁸ Friska Wulansari, "Wasiat Kepada Ahli Waris Perspektif Fikih dan Kompilasi Hukum Islam: Studi Kasus Keluarga J di Desa Lengkongjaya Kecamatan Cigalontang Kabupaten Tasikmalaya" (Skripsi, Bandung, Universitas Islam Negeri Sunan Gunung Djati Bandung, 2023); Fatmiratna, "Praktik Wasiat Yang Diberikan Kepada Ahli Waris (Studi Kasus Desa Sungai Rukam Kecamatan Kusan Hulu Kabupaten Tanah Bumbu)," (Skripsi, Banjarmasin, Universitas Islam Negeri Antasari Banjarmasin, 2022).

⁹ Putri Maharani Pratama, "Kajian Pembagian Waris dan Wasiar Perspektif Hadis," in *Gunung Djati Conference Series*, vol. 24, 2023, 10–21.

¹⁰ Sugiri, "Wasiat Untuk Ahli Waris: Kritik Ekstern dan Intern Otentitas Hadis-Hadis Larangan Wasiat Untuk Ahli Waris."

¹¹ As-Sayyid Sâbiq, *Fiqh As-Sunnah*, Juz II (Beirut: Dār al-Fikr, 1983), 286.

¹² Saharuddin, "Status Ahli Waris Janda Terhadap Hak Penerima Testamen," *Julia: Jurnal Litigasi Amsir* 10, no. 1 (November 2022): 60.

¹³ Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith* (Jakarta: P.T. Tintamas Indonesia, 1982), 57–58; Ulum, Mahmudi, and Toriquddin, "Wasiat Sebagai Penyeimbang Pembagian Warisan Menurut Hazairin Perspektif Teori Keadilan Distributif Aristoteles," 443.

The objective of this study is to reassess the authenticity of the hadith pertaining to the elimination of iddah maintenance bequests through inheritance shares, with a particular focus on the status of the hadith serving as its foundation and its contextualization within the legal framework in Indonesia. By employing Abou El Fadl's theory of hermeneutic negotiation, this paper aims to analyze the authenticity of the hadith relating to the abolition of iddah maintenance bequests through inheritance shares and to interpret the text of the hadith in a manner that incorporates sociological aspects. Additionally, this paper posits that the issue of iddah maintenance bequests is closely linked to sociological factors and thus should be approached as an option that need not conflict with inheritance shares, thereby facilitating its implementation in alignment with the local cultural context.

Method

This study employs a qualitative and descriptive-interpretative approach, focusing on the interpretation of hadith texts and the analysis of their surrounding cultural contexts, particularly in relation to Indonesian culture. The primary sources for this research include hadiths pertaining to the abolition of iddah maintenance bequests through inheritance shares, specifically hadith number 2298 in *Sunan Abi Dāwūd*, as well as hadiths number 3543 and 3544 in *As-Sunan aṣ-Ṣaḡirī* by *an-Nasā'ī*. Secondary sources are derived from other relevant texts. Data collection is conducted through library research, concentrating on hadiths from the *Kutub as-Sittah*, which include *Saḥīḥ al-Bukhārī*, *Saḥīḥ Muslim*, *Sunan Abi Dāwūd*, *Sunan at-Tirmūzī*, *Sunan an-Nasā'ī*, and *Sunan Ibn Majjah*. The data analysis technique employs Abou El Fadl's hermeneutic negotiation approach, emphasizing a balanced negotiation between the author, the text, and the reader. This approach recognizes that interpretation involves not only understanding the meaning of a word but also considering how that meaning is applied within its context. The initial step involves examining the authenticity of the hadith, followed by an assessment of the sociological, legal, and theological implications of the hadith's qualifications. At this stage, the researcher also consults the opinions of several classical jurists to explore the legal ramifications of abolishing the iddah maintenance bequest through inheritance shares and to gain insight into the social context of the community. The final step involves conducting an open interpretation to contextualize the hadith within the legal realities of Indonesia.

Negotiative hermeneutics of Khaled M. Abou El Fadl

Khaled M. Abou El Fadl is a distinguished professor of Islamic law, born in Kuwait in 1963. He hails from a family that places a high value on education and possesses a robust intellectual tradition. By the age of 12, Abou El Fadl had successfully memorized the Qur'an. During his time in Egypt, he regularly attended Qur'an and Islamic law classes conducted by Sheikh Muhammad Al-Ghazali (d. 1995). In addition to his role as a professor of Islamic law at the University of California, Los Angeles (UCLA), Abou El Fadl also serves as a legal advisor to various international organizations. He is recognized for his extensive contributions to issues pertaining to Islamic law, human rights, and pluralism.¹⁴ Among his most influential works is "The Great Theft: Wrestling Islam from the Extremists," in which he addresses the challenges facing the Muslim community.¹⁵ Abou El Fadl continues to foster intercultural dialogue and acts as a bridge between Islamic traditions and the contemporary world.

¹⁴ Nasrullah, "Hermeneutika Otoritatif Khaled M. Abou El Fadl: Metode Kritik Atas Penafsiran Otoritarianisme dalam Pemikiran Islam," *Hunafa: Jurnal Studia Islamika* 5, no. 2 (Agustus 2008): 139–40.

¹⁵ Khaled M. Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (Amerika: Perfect Bound, 2005).

According to Abou El Fadl, the hadith, with all its complexities, requires re-interpretation for proper understanding. This interpretation extends beyond merely grasping its meaning; it also necessitates the application of that meaning.¹⁶ Abou El Fadl highlights the significance of a negotiation process in this application, which involves a balanced interaction among the author, the text, and the reader.¹⁷ Regarding the author, the emergence of hadith cannot be divorced from the contributions of its narrators. While the Prophet serves as the primary historical author, we receive his words through a highly negotiable medium—specifically, the narrators who selected, memorized, and transmitted the reports.¹⁸

In his analysis, Abou El Fadl emphasizes two critical aspects that warrant examination: the competency of the text and the necessity for open interpretation. The competency of a hadith is assessed to determine its authenticity through methodologies established by hadith scholars, including the study of the chain of transmission (*sanad*) and the credibility of the narrators, followed by an analysis of the content of the hadith (*matan*). Furthermore, the entire process of authorship is scrutinized to understand how the diversity of the narrators' voices reshapes the voice of the Prophet and to ascertain whether the hadith genuinely originates from him. The next step involves evaluating the sociological, legal, and theological implications of the text's competency. In the realm of open interpretation, Abou El Fadl posits that the hadith text is amenable to various dynamic interpretations.¹⁹ The role of the reader becomes paramount in the process of deriving meaning, as this is where significance is ultimately formed. To prevent the imposition of arbitrary interpretations, five essential conditions must be satisfied: honesty, diligence, comprehensiveness, rationality, and self-restraint—ensuring that emotions do not interfere with the interpretation of God's intent.²⁰

The validity of hadith regarding the abolishment of iddah maintenance bequests through inheritance shares

Through searches utilizing al-Maktabah asy-Syāmilah, only a limited number of hadiths from the Kutub as-Sittah address the elimination of provisions for iddah maintenance bequests through inheritance shares. These hadiths have been reported by al-Bukhārī, Abū Dawūd, and an-Nasāī. The chains of narration (*sanad*) for these hadiths are illustrated in the following diagram:

¹⁶ Akrimi Matswah, "Hermeneutika Negosiatif Khaled M. Abou El Fadl Terhadap Hadis Nabi," *ADDIN* 7, no. 2 (2013): 257.

¹⁷ Khaled M. Abou El Fadl, *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*, trans. R Cecep Lukman Yasin (Jakarta: Serambi Ilmu Semesta, 2004), 135.

¹⁸ Abou El Fadl, 159.

¹⁹ Abou El Fadl, 102, 184, 212.

²⁰ Abou El Fadl, 99–103.

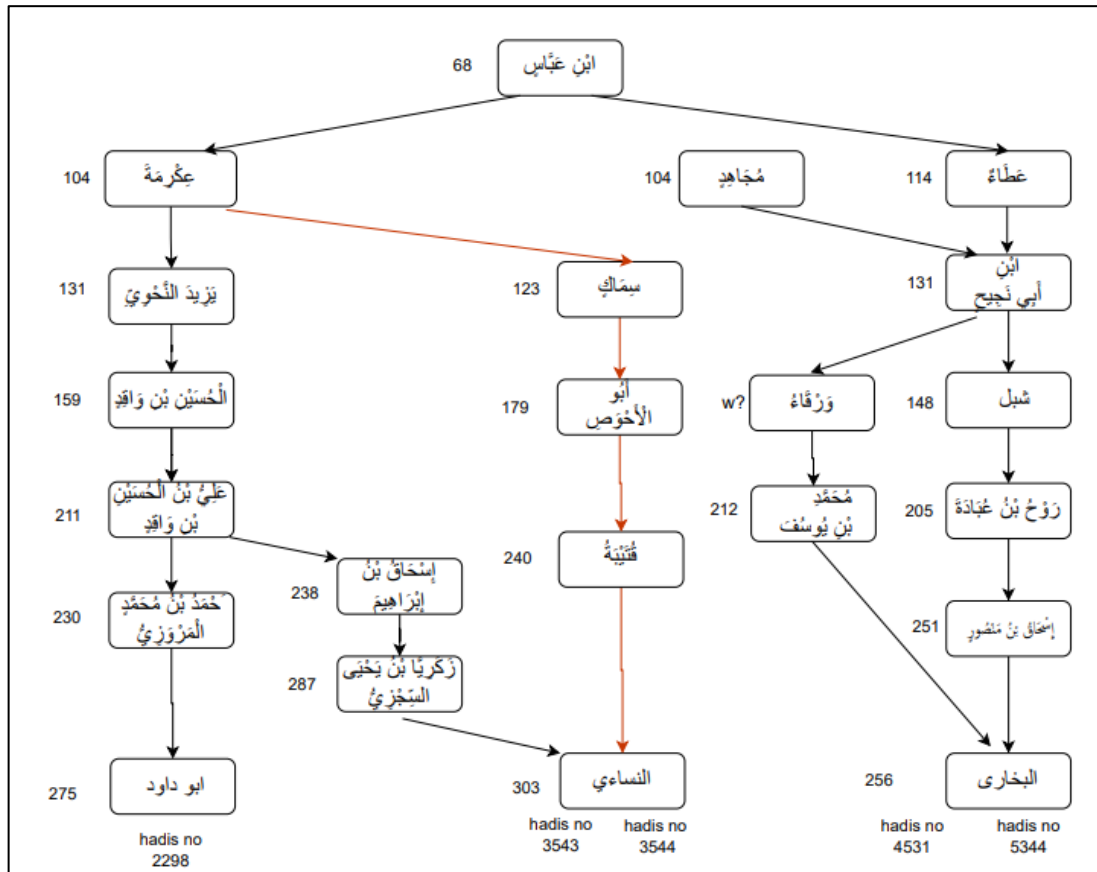


Figure 1. Chain of narration for the hadith regarding the elimination of iddah maintenance bequests

Source: Summarized from hadith number 2298 in *Sunan Abī Dāwud*, hadith numbers 3543 and 3544 in *As-Sunan aṣ-Ṣagīrī* by *an-Nasā'ī*, and hadith numbers 4531 and 5344 in *Ṣaḥīḥ al-Bukhārī*.

Chain continuity of hadith

The chain of narration (*sanad*) presented above indicates that, among the Companions, only Ibn 'Abbās transmitted this hadith. No other Companions of the Prophet are recorded as having conveyed this narration, suggesting that it was not widely known among them. At the level of the the generation following the Companions (*tābi'in*), it was reported solely by 'Ikrimah and 'Atā'. However, in another chain of narration (Qutaybah - Abū al-Aḥwaṣ - Simāk - 'Ikrimah), the chain concludes with 'Ikrimah and does not extend back to any Companion. Consequently, this hadith is classified as a disconnected hadith (*munqaṭi'*) since the chain only reaches the *tābi'in*. Nevertheless, due to the existence of multiple chains of transmission, they provide mutual reinforcement, even though the connection ultimately extends only to the level of the Companions.

To assess the authenticity of the hadiths concerning the elimination of iddah maintenance bequests, the researcher selected a specific chain of narration for the analysis of the transmitters (*rijāl hadith*), namely the chain from Sunan Abū Dāwud via 'Ikrimah. This chain is regarded as the most reliable among others in clearly demonstrating the elimination of the iddah maintenance bequest, connecting, albeit indirectly, to Ibn 'Abbās. Abū Dāwud (d. 275 AH) recorded this hadith through the following chain of transmission: Aḥmad bin Muḥammad al-Marwazī (d. 230 AH) → Ali ibn al-Ḥusain ibn Wāqid (d. 211 AH) → al-Ḥusain

ibn Wāqid (d. 159 AH) → Yazīd An-Naḥwī (d. 131 AH) → ‘Ikrimah (d. 104 AH) → Ibn ‘Abbās (d. 68 AH). Below is a detailed account of the continuity of this chain of transmission:

1. Aḥmad ibn Muḥammad al-Marwazī
Aḥmad ibn Muḥammad ibn Šābit ibn ‘Usmān ibn Mas’ūd ibn Yazīd al-Khazā’ī Abū al-Ḥasan ibn Syabbūyah al-Marwazī. Teachers: ‘Abd al-‘Azīz ibn Abī Razmah, ‘Alī ibn al-Ḥasan ibn Syaḡīq, ‘Alī ibn al-Ḥusain ibn Wāqid, among others. Students: Abū Dāwud, Aḥmad ibn Abī al-Ḥiwārī, Abū Bakr ibn Aḥmad ibn Abī Khīsamah, and others. Scholarly Evaluation: An-Nasā’ī regarded him as trustworthy (*ṣiqah*). Death: 230 AH or 229 AH.²¹
2. ‘Alī ibn al-Ḥusain ibn Wāqid
‘Alī ibn al-Ḥusain ibn Wāqid al-Marwazī. Teachers: Al-Ḥusain ibn Wāqid, Hisyām ibn Sa’id, Abū ‘Iṣmah, and others. Students: Aḥmad ibn Muḥammad ibn Syabbūyah al-Khazā’ī (Aḥmad ibn Muḥammad al-Marwazī), Aḥmad ibn Sa’id ad-Dāramī, Aḥmad ibn Naṣr al-Khazā’ī, and others. Evaluation: Abū Ḥātim considered him as weak in hadith transmission, an-Nasā’ī judged him as there is no harm in him, and Ibn Ḥibān regarded him as trustworthy. Born in 135 AH and died 211 AH or 212 AH.²²
3. Al-Ḥusain ibn Wāqid al-Marwazī
Al-Ḥusain ibn Wāqid al-Marwazī Abū ‘Abdillāh qāḏī Marwa, maula ‘Abdullah ibn ‘Āmir ibn Kurayz. Teachers: Yaḥya ibn ‘Aqīl, Yazīd al-Raqāsyī, Yazīd an-Naḥwī, and others. Students: ‘Ais ibn ‘Aqār al-Marwazī, ‘Alī ibn al-Ḥusain ibn Syaḡīq, ‘Alī ibn al-Ḥusain ibn Wāqid, and others. Evaluation: Aḥmad ibn Ḥambal considered him there is no harm in him, Yaḥya ibn Ma’īn deemed him trustworthy, Abū Zur’ah and an-Nasā’ī judged him as there are no harm in him. Died in 159 AH.²³
4. Yazīd an-Naḥwī
Yazīd ibn Abī Sa’id an-Naḥwī Abū al-Ḥasan al-Qurasyī. Teachers: Sulaimān ibn Barīdah, ‘Abdullāh ibn Barīdah, ‘Ikrimah maulanya ‘Abdullāh ibn ‘Abbās, and others. Students: Al-Ḥasan ibn Rasyīd al-‘Anbarī, Al-Ḥusain ibn Wāqid, ‘Abdullāh ibn Sa’id, and others. Evaluation: Yaḥya ibn Ma’īn, Abū Zur’ah, Nasā’ī, dan Abū Dāwud regarded him trustworthy (*ṣiqah*). Abū Ḥātim judged him as trust hadith (*ṣāliḥ al-ḥadīṣ*). Died in 131 AH.²⁴
5. ‘Ikrimah
‘Ikrimah al-Qurasyī Abū ‘Abdillāh al-Hāsyimī al-Madanī mawla ‘Abdullāh ibn ‘Abbās. Teachers: Ibn ‘Abbās, ‘Alī ibn Abī Ṭālib, al-Ḥusain ibn ‘Alī, dan Abū Hurairah, and others. Students: Yazīd ibn Abī Sa’id an-Naḥwī, Abū Zaid al-Madanī, Ya’lā ibn Muslim al-Makī, and others. Evaluation: Nasā’ī dan ibn Abī Ḥātim deemed him trustworthy. Died in Madinah in 104 AH, though some say 105 AH or 100 AH or 107 H.²⁵
6. Ibn ‘Abbās
‘Abdullāh ibn ‘Abbās ibn Abd al-Muṭalib ibn Hāsyim ibn ‘abd Manāf. Teachers: Nabi saw, ‘Umar ibn Khaṭāb, Abu Ṭalḥah, and others. Teachers: Sa’id ibn Jubair, Mujāhid, ‘Aṭā’

²¹ Yūsuf ibn ‘Abd ar-Raḥman ibn Yūsuf Abū al-Ḥajāj, *Tahzīb Al-Kamāl Fī Asmā’ Ar-Rijāl*, Tahqīq Basyār ‘Awād Ma’rūf, Juz 1 (Mu’asasah ar-Risālah, 1980), 434–36.

²² Abū al-Faḍl Aḥmad ibn ‘Alī ibn Muḥammad ibn Aḥmad ibn Ḥajr al-‘Asqalānī, *Tahzīb At-Tahzīb*, Juz 7 (Hindi: Maṭba’ah Dāirah al-Ma’ārif an-Niẓāmiyah, 1326), 308.

²³ Abū al-Ḥajāj, *Tahzīb Al-Kamāl Fī Asmā’ Ar-Rijāl*, Juz 6:491–95.

²⁴ Abū al-Ḥajāj, *Tahzīb Al-Kamāl Fī Asmā’ Ar-Rijāl*, Juz 32:143–44.

²⁵ al-‘Asqalānī, *Tahzīb At-Tahzīb*, Juz 7:264–71.

'Abdullāh ibn 'abdillāh ibn Abī šaur 'Ikrimah, and others. Died in 68 AH, though some say in 72 AH or 71 AH.²⁶

The chain of narration presented above indicates direct encounters between teachers and students. Furthermore, the ages of the narrators suggest that they could have met one another. Overall, this hadith features a connected chain, but this connection only extends to the Companions. Consequently, this hadith is classified as a narration attributed to a companion (*mauqūf*). While Ibn Šalāḥ and an-Nawawī categorize *mauqūf* hadiths as *muttaṣil* (connected in their chain), this perspective differs from that of Syuhudi Ismail, as cited by Abdul Haris. According to Syuhudi Ismail, a hadith's chain can only be regarded as fully connected (*muttaṣil*) if it reaches all the way to the Prophet (*marfū*).²⁷

The credibility of hadith narrators

In addition to evaluating the continuity of the chain of narration, several general criteria are used to assess the quality of hadith transmission. These criteria include: the integrity (*'ādil*) of all narrators within the chain; the precision and accuracy (*ḍābiṭ*) of each narrator; the absence of anomalies (*syuḏūḏ*) in the chain; and the absence of defects (*'illah*).²⁸ In the chain of narration concerning the abrogation of the bequest for the post-divorce waiting period, there is no definitive indication of "unfairness" among the narrators. However, the author discovered that 'Alī ibn al-Ḥusain ibn Wāqid was noted for having a poor memory. Abū Ḥātim classified him as weak in narration (*ḍa'if al-ḥadīṣ*), an-Nasāi regarded him as not a problem (*laisa bihi ba's*), Ibn Ḥibān labeled him trustworthy (*aš-ṣiqāṭ*), and Ibn Hajar described him as honest, but he has mistakes (*ṣadūq, lahu auham*).²⁹ Despite some critics praising him, the concerns regarding the narrator's defects should take precedence in determining the status of the hadith in question. Therefore, from this perspective, the authenticity of the hadith is called into question.

The next requirement is that the sanad must be free from anomalies in the chain. This requirement pertains to the minor rule of *ḍābiṭ* narration. A *syāḏ* hadith may occur due to factors such as the narrator's weak memorization, inadequate understanding, or the effects of aging on memory. The necessity of avoiding anomalies in the chain reinforces the elements of the preceding requirement.³⁰ The final condition is the absence of hidden defects, which may arise if the narrators are unaware that the hadith they are transmitting contains a flaw. Identifying such defects necessitates a careful examination of the hadith and a comparison of all transmission routes.

Concerning the credibility of the narrators, it is important to note that in the alternative chain of transmission, 'Alī ibn Husayn ibn Wāqid is regarded by some hadith critics as blameworthy. Additionally, Simāk is considered to have poor memorization according to aḏ-Ḍahabi, and an-Nasāi indicates that there are issues within his hadith. Ibn Hibban also asserts that Simāk frequently makes mistakes.³¹ While 'Aṭa' has not been definitively classified as a bad narrator, his reporting does not explicitly address the abolition of the iddah maintenance, as will be discussed in the next section. Furthermore, as previously mentioned, the sanadic

²⁶ Aḥmad ibn Muḥammad ibn al-Ḥusain ibn al-Ḥasan Abū Naṣr al-Bukhārī al-Kilābāzī, *Al-Hidāyah Wa al-Irsyād Fī Ma'rifah Ahl Aš-Šiqah Wa as-Sadād*, Juz 1 (Beirut: Dār al-Ma'rifah, 1407), 384–85.

²⁷ Abdul Haris, *Uṣūl Al-Ḥadis: Teori Dasar Studi Hadis Nabi Muhammad SAW* (Yogyakarta: Fakultas Ekonomi dan Bisnis Islam UIN Sunan Kalijaga, 2018), 87.

²⁸ Haris, 85.

²⁹ al-'Asqalānī, *Tahzīb At-Tahzīb*, Juz 7:308.

³⁰ Haris, *Uṣūl Al-Ḥadis: Teori Dasar Studi Hadis Nabi Muhammad SAW*, 91–92.

³¹ Abū al-Ḥajāj, *Tahzīb Al-Kamāl Fī Asmā' Ar-Rijāl*, Juz 12:115–21.

continuity from other routes is limited to the level of the *tabi'in*. From this standpoint, the authenticity of the hadith is called into question.

Consideration of hadith text

Regarding the validity of the *matan*, it remains a subject worthy of research, despite the questionable quality of the *sanad*. This is due to the diverse information present among some of the *matans*, where certain aspects corroborate each other while others are in contradiction. In light of these circumstances, can the authenticity of the hadith be established? Before addressing this question, several examples of the hadith *matans* are presented below.

1. "Aḥmad bin Muḥammad al-Marwazī menceritakan bahwa Ali ibn al-Ḥusain ibn Wāqīd, dari ayahnya, dari Yazīd An-Naḥwī dari 'Ikrimah dari Ibn 'Abbās: *"Those of you who die leaving widows should bequeath for them a year's maintenance without forcing them out"*. (al-Baqarah [2]: 240). However, this provision is overridden by the verse on inheritance, which specifies a designated share for wives, specifically one-quarter (1/4) or one-eighth (1/8), and the period has been amended from one year to four months and ten days."³²
2. "Zakariyyā ibn Yahyā as-Sijzy, a hadith expert, reported that Ishāq ibn Ibrāhīm conveyed that Ali ibn al-Ḥusayn ibn Wāqīd stated: My father reported to me that Yazīd an-Naḥwī narrated from 'Ikrimah from Ibn 'Abbās. In his words: *"Those of you who die leaving widows should bequeath for them a year's maintenance without forcing them out"*. (al-Baqarah [2]: 240). However, this provision is overridden by the verse on inheritance, which specifies a designated share for wives, specifically one-quarter (1/4) or one-eighth (1/8), and the period has been amended from one year to four months and ten days."³³
3. "Qutaybah reported from Abu al-Ahwas, from Simāk, from 'Ikrimah regarding the words of Allah: *"Those of you who die leaving widows should bequeath for them a year's maintenance without forcing them out"*. (al-Baqarah [2]: 240). He stated that the verse has been deleted by the verse: *"As for those of you who die and leave widows behind, let them observe a waiting period of four months and ten days"* (al-Baqarah [2]: 234).³⁴
4. Ishāq reported that Rauh stated that Shibl heard from Ibn Abī Najīh, who in turn heard from Mujāhid: *"As for those of you who die and leave widows behind .."* (al-Baqarah [2]: 234). Mujāhid stated, *"The 'iddah period is obligatory for the wife to observe in her family home."* Subsequently, Allah revealed the verse: *"Those of you who die leaving widows should bequeath for them a year's maintenance without forcing them out. But if they choose to leave, you are not accountable for what they reasonably decide for themselves."* (al-Baqarah [2]: 240). Mujāhid stated that Allah has decreed the 'iddah for a wife to be one year, comprising seven months and twenty nights as a testament. She may choose to remain in the place where her husband left her, or she may opt to go out. This is in accordance with the words of Allah: *"... without forcing them out. But if they choose to leave, you are not accountable ..."* (al-Baqarah [2]: 240). This indicates that the 'iddah period remains obligatory for the wife, as noted by Mujahid. Aṭā' also reported that Ibn 'Abbās stated: *"This verse abolishes the requirement to observe 'iddah in her family home. The wife may choose to observe 'iddah*

³² Hadith number 2298, "Naskh Matā' al-Mutawaffā 'anhā Zaujuhā bimā Faraḍa lahā min al-Mirās", Abū Dāwud Sulaimān ibn al-Asy'ās ibn Ishāq as-Sijistānī, *Sunan Abī Dāwud*, Juz 2 (Beirut: al-Maktabah al-'Aṣiriyyah, n.d.), 289.

³³ Hadith number 3543, "Naskh Matā' al-Mutawaffā 'anhā bimā Furiḍa lahā min al-Mirās", Abū 'Abd ar-Rahman bin Syu'aib bin 'Alī al-Kharāsānī an-Nasāī, *As-Sunan Aṣ-Ṣaḡiri Li an-Nasāī*, Juz 6 (Halab: Maktabah al-Maṭbū'at al-Islāmiyyah, 1986), 206–7.

³⁴ Hadith number 3544, an-Nasāī, 206–7.

in her family's house or in any location of her preference." This interpretation is grounded in the divine words: "... without forcing them out..." (al-Baqarah [2]: 240). 'Aṭā' further explained: "If she wishes, she can observe 'iddah in her family home and remain in the place where her husband left her, or if she prefers, she may leave, in accordance with the words of Allah: ... When they have reached the end of this period, then you¹ are not accountable for what they decide for themselves..." (al-Baqarah [2]: 234). 'Aṭā' indicated that the provision of inheritance was established subsequently, thereby eliminating the requirement to reside in the husband's house. As such, the widow can observe 'iddah anywhere she chooses, without the obligation to live in the husband's home. Muhammad ibn Yūsuf, as narrated by Warqā' from Ibn Abī Najīḥ from Mujāhid, supports this view. Similarly, Ibn Abī Najīḥ from 'Aṭā' from Ibn 'Abbās stated: "This verse abolishes the requirement to observe 'iddah in the family home, allowing the wife to observe 'iddah wherever she wishes, based on Allah's words: ...without forcing them out..." (al-Baqarah [2]: 240).³⁵

5. Iṣḥāq ibn Manṣūr reported that Rauh ibn 'Ubādah conveyed that Syibl heard from Ibn Abī Najīḥ, who in turn learned from Mujāhid. "As for those of you who die and leave widows behind..." (al-Baqarah [2]: 234). Then Mujāhid stated, "The 'iddah period for this wife within her husband's family is obligatory". Subsequently, Allah revealed the verse: "Those of you who die leaving widows should bequeath for them a year's maintenance without forcing them out. But if they choose to leave, you are not accountable for what they reasonably decide for themselves. And Allah is Almighty, All-Wise" (al-Baqarah [2]: 240). Mujāhid then said: "Allah has decreed that the 'iddah for the wife should last one year, comprising seven months and twenty nights as a testament. She may choose to remain where her husband left her or opt to leave, in accordance with the words of Allah: "... without forcing them out.¹ But if they choose to leave, you are not accountable .." (al-Baqarah [2]: 240). The 'iddah period remains obligatory for her," as stated by Mujāhid. 'Aṭā' also indicated that according to Ibn 'Abbās, this verse abolishes the requirement for the 'iddah to be observed in the family home, allowing the wife to observe the 'iddah wherever she chooses. Furthermore, 'Aṭā' reiterated Ibn 'Abbās's view that this verse removes the obligation for the 'iddah to be conducted within the family home, thereby permitting the wife to fulfill her 'iddah in any location she prefers. "... When they have reached the end of this period, then you are not accountable ..." (al-Baqarah [2]: 234). Subsequently, following the disclosure of the inheritance provision, the requirement for the wife to reside in her husband's house was lifted, allowing her to fulfill the 'iddah period in a location of her choosing, without the obligation to remain in her husband's residence.³⁶

Based on the aforementioned grouping of chain of narration (*matan*), it is clear how the diverse voices of these authors reshape the perspective of the historical or main author.³⁷ Abū Dāwud's *matan* and an-Nasāī's two *matans* are closely aligned. Collectively, these three *matans* support the abolition of the will to provide for the 'iddah of death through inheritance, reducing the 'iddah period from one year to four months and ten days. In contrast, the two texts from al-Bukhārī are longer and differ from those narrated by Abū Dāwud and an-Nasāī. Both of al-Bukhārī's Hadīths recount Mujāhid's statements regarding the wife's obligatory 'iddah of four months and ten days, as well as the stipulation that she must reside in her

³⁵ Hadith number 4531, "Bāb wa allāzīna yutawaffawna minkum wa yaẓarūna azwājā", Muhammad ibn Isma'il Al-Bukhārī, *Ṣaḥīḥ Al-Bukhārī*, Tahqīq Muḥammad Zahīr ibn Nāṣr an-Nāṣr, Juz 6 (Dār Tūq an-Najāh, 1422), 29.

³⁶ Hadith number 5344, "Bāb wa allāzīna yutawaffawna minkum wa yaẓarūna azwājā", Al-Bukhārī, Juz 7, 60.

³⁷ Ideally, the primary author of these hadiths is the Prophet, yet their chains of transmission are only traced back to the level of the companions.

husband's home, with all maintenance needs provided, for seven months and twenty nights to complete the one-year period as an option. Mujāhid does not mention the elimination of this iddah maintenance through inheritance. However, in a subsequent narration, 'Aṭā' reports from Ibn 'Abbās regarding the abolition of the iddah requirement to remain in her husband's house.

“Aṭā' stated, 'If a woman wishes, she may observe her 'iddah with her family and remain in her residence. Alternatively, she may choose to leave, as Allah says: '...then you are not accountable for what they decide for...' (Al-Baqarah 2:234). Aṭā' further explained that the subsequent verse concerning inheritance and the revocation of her residence allows her to live wherever she desires during her 'iddah, without being bound to any specific residence.’³⁸

The abolition of the bequest of alimony upon death by inheritance has been widely accepted and is considered well-established by the majority of Muslims. However, aside from its questionable sanad, its matan is also subject to scrutiny. As previously mentioned, there are three distinct discussions that appear to contradict one another. The hadīth that explicitly states the abrogation of the iddah maintenance allowance, reported by Abū Dāwud and an-Nasai, contradicts al-Bukhārī's Hadīth, which presents Mujāhid's opinion against abrogation. Additionally, Ibn 'Abbās's discourse on 'Aṭā' indicates that the allowance is indeed abrogated.

Mujāhid explained that al-Baqarah [2]: 234 indicates the obligatory iddah for the wife in her husband's house for a period of four months and ten days. Subsequently, the revelation of al-Baqarah [2]: 240 clarifies that the will for the wife includes provision for one year, and she should not be compelled to leave her husband's house. However, if the wife chooses to leave, there is no sin in doing so. According to Mujāhid, al-Baqarah [2]: 240 provides an option for the wife after completing the four months and ten days (as outlined in al-Baqarah [2]: 234); she may accept the will by continuing to reside in her husband's house for an additional seven months and twenty days to fulfill the one-year provision willed by her husband. If she opts to leave her husband's house after the four months and ten days, this decision is permissible. However, 'Aṭā' reported from Ibn 'Abbās that al-Baqarah [2]: 234, concerning the mandatory 'iddah in the husband's house for four months and ten days, was abrogated by al-Baqarah [2]: 240, allowing her to reside wherever she wishes. Furthermore, according to 'Aṭā', with the revelation of the verse on inheritance, the provision regarding residence during 'iddah was abolished, enabling the wife to observe 'iddah in any location of her choosing.

Mujāhid's statement contradicts 'Aṭā's assertion and diverges from the information provided by Abu Dāwud and an-Nasā'ī. In al-Bukhārī's hadīth, it is indicated that al-Baqarah [2]: 234 addresses the provision of the “*obligatory 'iddah stay in the husband's house*” in conjunction with the revelation of al-Baqarah [2]: 240. According to Mujāhid, there exists an additional option of seven months and twenty days regarding whether to remain in the husband's house. In contrast, 'Aṭā' claims that the obligation of 'iddah to stay in the husband's house has been lifted, allowing for the possibility of not residing there. Furthermore, 'Aṭā' asserts that, with the revelation of an-Nisā' [4]: 12 concerning inheritance shares, the “*residence requirement*” has been superseded by inheritance rights. The substitution of residence with inheritance, based on this hadīth, appears to be inaccurate. The concepts of inheritance shares and the option to reside in the husband's house are fundamentally different. If there is indeed

³⁸Hadith number 4531 and 5344, Al-Bukhārī.

an abrogation, it would be more appropriate for the inheritance portion to abrogate the provision of 'iddah maintenance rather than the residential requirement.

This deletion is not supported by the information contained in 'Usmān's hadith, as narrated by al-Bukhārī in number 4536. The hadith includes a discussion between Ibn az-Zubayr and the caliph 'Uthmān concerning the inclusion of the verse on the will in the Qur'ānic text. Ibn az-Zubayr stated:

I stated to 'Usmān, "This is the verse in 'As for those of you who die and leave widows behind...' (al-Baqarah [2]: 234), in relation to his statement '...without forcing them out...' (al-Baqarah [2]: 240). Others have declared it nullified; why, then, did you write it down?" 'Uthmān responded, "O son of my brother, do not alter anything from its original position."³⁹

This indicates that 'Usmān did not concur with Ibn az-Zubayr regarding the abrogation of the reading in the verse.

If we compare the Hadīth mentioned above with the texts of Abū Dāwud's Hadīth 2298 and an-Nasāī's 3543 and 3544, discrepancies become apparent. In the traditions of Abū Dāwud and an-Nasāī, al-Baqarah [2]: 240 is replaced by al-Baqarah [2]: 234 concerning the 'iddah period of four months and ten days, while an-Nisā' [4]: 12 replaces the 'iddah maintenance.⁴⁰ Conversely, in the text of al-Bukhārī's Hadīth, as reported by 'Aṭā', al-Baqarah [2]: 234 is replaced by al-Baqarah [2]: 240, along with an-Nisā' [4]: 12. However, according to Mujāhid, there was no deletion.⁴¹ Consequently, there is inconsistent information across these traditions regarding which verse was omitted and which was retained, as well as conflicting details concerning the absence of deletion. To clarify this information, the details from these traditions are organized in the following table:

Table 1. Comparison of hadith interpretation based on narrators

Q.S. al-Baqarah [2]: 234	Abū Dāwud 2298	An-Nasāī 3543 dan 3544	Al-Bukhārī 4531 dan 5344
<ul style="list-style-type: none"> ▪ Iddah four months and ten days 	<ul style="list-style-type: none"> ▪ The period of one year in Q.S. al-Baqarah [2]: 240 is deleted by Q.S. al-Baqarah [2]: 234 to four months and ten days ▪ Bequest of maintenance on death Q.S. al-Baqarah [2]: 240 abolished by 	<p>Mujāhid:</p> <ul style="list-style-type: none"> ▪ Mandatory iddah of four months and ten days in the husband's house. ▪ Opsion: Following the iddah of four months and ten days, the wife may remain in the husband's house for an additional seven months and twenty days, completing a total of one year, as a testament. <p>'Aṭā':</p>	
<p>Q.S. al-Baqarah [2]: 240</p> <ul style="list-style-type: none"> ▪ One year of alimony for the iddah of death ▪ Without getting the wife out of the house. ▪ If the wife wants to go out, it is permissible 			
<p>Q.S. an-Nisā' [4]: 12</p>			

³⁹ Hadith number 4530 and 4536, Bukhārī, 29, 31.

⁴⁰ Hadith number 2298, Abū Dāwud, 289, and Hadith number 3543 and 3544, an-Nasāī, 206-207.

⁴¹ Hadith number 4531 and 5344, Bukhārī, 29, 60.

<ul style="list-style-type: none"> ▪ The wife's share of inheritance is a quarter if there are no children, and an eighth if there are children. 	<p>inheritance Q.S. an-Nisā' [4]: 12</p>	<ul style="list-style-type: none"> ▪ Iddah in the husband's house (Q.S. al-Baqarah [2]: 234) is abolished by iddah wherever the wife wishes (Q.S. al-Baqarah [2]: 240). ▪ Staying in the husband's house (Q.S. al-Baqarah [2]: 240) is removed by the inheritance part of Q.S. an-Nisā' [4]: 12)
---	--	--

Sociological, legal, and theological impacts of the abolition of nafkah iddah wills by the inheritance section

The hadith upon which the abolition of iddah alimony upon death is based cannot be upheld as evidence; however, the fuqaha have reached a consensus on its abolition and have outlined its provisions in fiqh. During the iddah period following the husband's death, the fuqaha agree that the wife does not have the right to receive iddah maintenance. They argue that death signifies the conclusion of the marriage, as reconciliation is no longer possible. In contrast, a wife is entitled to iddah maintenance only in cases of *raj'i divorce* (a divorce pronounced by a husband to his wife for the first or second time, which permits the husband to refer to his wife during the iddah period), where she remains in the 'iddah period and the husband has the option to reconcile. During this period, the marriage is not considered terminated, and the husband is thus obligated to provide maintenance to his wife.⁴² The wife is entitled to her share of inheritance, which is a quarter if the husband has no children or an eighth if he does. The majority of fuqaha interpret this share of maintenance as being superseded by her inheritance rights. This viewpoint differs from that of Ibn Qudamah, who contends that a pregnant wife during the iddah period following her husband's death is entitled to maintenance and housing, similar to a pregnant woman who has been divorced.⁴³

Regarding housing, according to the Maliki school of thought, a wife is obligated to have a place to stay during the iddah period following her husband's death. She is permitted to go out during the day and part of the night while remaining in the home where she lived with her husband. This allowance is made because she does not receive any financial support from her deceased husband, which necessitates her ability to leave the house for work to meet her livelihood needs.⁴⁴ In contrast, the Shafi'i scholars maintain that a wife should not leave her home at all during this period, except in cases of emergency. She is required to remain in her house for four months and ten days, serving as a substitute provision for the one-year residential requirement. Notably, the Hanafi school of thought still mandates 'iddah maintenance in the case of a *ba'in divorce*, as compensation for the confinement to her husband's home.⁴⁵ This can be analogously applied to the iddah of death, suggesting that the wife should also receive iddah maintenance during this period, as she is required to remain in her husband's house and observe mourning.

⁴² Wahbah az-Zuhaylī, *Uṣūl Al-Fiqh al-Islāmī*, Juz 7(Damsyiq: Dār al-Fikr, 1986), 658.

⁴³ Ibnu Qudamah, *Al-Mugni 'alā Mukhtaṣar al-Khiraqi*, Jilid VIII (Beirut: Dar al-Kutub al-Islamiyah, 1971), 234.

⁴⁴ az-Zuhaylī, *Uṣūl Al-Fiqh al-Islāmī*, 659.

⁴⁵ az-Zuhaylī, 658.

The concept of maintenance and residence as understood in classical fiqh is founded on the principle of the separation of marital property. Specifically, when the husband is employed, he retains ownership of the property, while the wife is entitled only to receive maintenance from him. Likewise, the obligation to provide housing falls upon the husband, establishing him as the owner of the home. In the event of the husband's death, the wife is entitled to a share of his inheritance and the right to reside in the home until the conclusion of her iddah period. Should the wife have had no independent means of support prior to her husband's passing, her livelihood would be contingent upon his income. Consequently, it may become necessary for the wife to seek to meet her own needs during the iddah period. This situation may, in fact, undermine the intended value and wisdom of the iddah itself. During her mourning period, the wife is often burdened with the necessity of securing maintenance for herself and potentially for her children. Therefore, the provision of nafaḥ iddah wafat would be more appropriately regarded as compensation for her mourning period in the household of her deceased husband.

Theologically speaking, the acceptance of the abolition of the will to support the 'iddah of death in relation to inheritance indicates an approval of the perceived contradiction between certain verses in the Qur'an. The doctrine of abrogation (*naskh*) arose from the belief that some verses appeared contradictory when examined superficially. For instance, al-Baqarah [2]: 240 is often viewed as conflicting with al-Baqarah [2]: 234 and an-Nisā' [4]: 12. al-Baqarah [2]: 240 mandates that a husband provide maintenance and shelter for his wife for one year, whereas al-Baqarah [2]: 234 delineates the wife's obligation to observe an iddah of four months and ten days. Additionally, an-Nisā' [4]: 12 specifies that the wife's share of inheritance is one-fourth if there are children and one-eighth if there are no surviving children. Early scholars posited that the obligation to provide a year of support was superseded by the iddah of four months and ten days as articulated in al-Baqarah [2]: 234, and that the bequest for maintenance was replaced by the inheritance share outlined in an-Nisā' [4]: 12. The obligation to bequeath to the wife aligns with the directive in al-Baqarah [2]: 180, which encompasses bequests to relatives; the majority of scholars agree that this verse has been partially abrogated, specifically regarding bequests to those relatives.⁴⁶ Al-Qurṭubī also affirmed this interpretation, attributing it to scholars such as Ibn 'Abbās, Qatādah, aḍ-Ḍaḥḥāk, Ibn Zayd, and ar-Rabī'. Furthermore, he quoted Ibn 'Aṭiyyah, who stated that the abrogation of the one-year provision in favor of the four months and ten days was based on consensus (*ijmā'*). Most scholars concur on this matter of naskh, with the exception of Mujāhid.⁴⁷

Upon examining the verses pertaining to inheritance, it is evident that they also reference wills, indicating the enactment of wills as an additional option for the testator. Notably, the significance of wills in the context of inheritance is emphasized four times in Surah an-Nisā' [4]: 11 and 12, highlighting the strength of the testamentary command. Furthermore, Powers argues that the omission of the testamentary command is linguistically unacceptable. This assertion is supported by the strong language used in the will verses, which state, "*it is prescribed upon you*" and "*it is an obligation upon the pious*".⁴⁸ Wills are addressed in ten verses of the Qur'ān, significantly more than the three verses that focus solely on inheritance.

⁴⁶ Muhammad ibn Jarīr Aṭ-Ṭabarī, *Jāmi' al-Bayān Fī Ta'wīl al-Qur'ān* (Muasasah ar-Risālah, 2000), 250; Abū 'Abdillāh Muhammad bin Idrīs Asy-Syafi'ī, *Tafsīr Al-Imām Asy-Syafi'ī*, Tahqiq Ahmad bin Mustafā al-Farran (As-Su'ūdiyyah: Dār at-Tadmiriyyah, 2006), 273.

⁴⁷ Abū 'Abdillāh Muhammad bin Ahmad Al-Qurṭubī, *Al-Jāmi' Li Ahkām al-Qur'ān* (Kairo: Dār al-Kutub al-Misriyah, 1964), 226.

⁴⁸ Powers, *Peralihan Kekayaan dan Politik Kekuasaan: Kritik Historis Hukum Waris*, 188.

According to Shaḥrūr, this reinforces the notion that there is no abrogation (*naskh*) of wills.⁴⁹ Ar-Rāzī further contends that the order established in Surah al-Baqarah [2]: 234 cannot possibly abrogate the directives found in Surah al-Baqarah [2]: 240, thereby suggesting that the avoidance of *naskh* takes precedence.⁵⁰ Additionally, the argument for the abrogation of wills based on the Hadīth “no bequest to heirs” is difficult to accept, as this hadīth is classified as weak (*daʿīf*).⁵¹

The verse that mandates a will for the wife and the verse that grants her a share of inheritance, along with an iddah period of four months and ten days, as interpreted by Mujāhid, do not contradict each other. They address different matters, and thus, there is no inconsistency between them. The concept of *naskh* is unnecessary for their interpretation. The will to provide maintenance during the iddah following death is distinct from the inheritance share. Similarly, a will to provide shelter for one year differs from the iddah period of four months and ten days. The iddah period is obligatory, while the provision for residing in the husband's house for one year is optional and can be combined with the iddah of four months and ten days. Furthermore, Hazairin emphasizes the significance of this will, particularly in addressing specific circumstances. It is evident that Q.S. al-Baqarah [2]: 240 conveys the intention that widows should not be neglected, at least for one year after the death of their husbands.⁵² Therefore, it is preferable to avoid the doctrine of *naskh* in this context.

Analysis of hadith texts regarding the abolition of wills for support during the iddah of the deceased in relation to inheritance and its contextualization in Indonesia

This research aligns closely with Mujāhid's perspective, which posits that the deceased's will regarding the maintenance of the iddah is an option that can be fulfilled in conjunction with the inheritance entitlement. In the Indonesian context, this issue is addressed in the Compilation of Islamic Law (KHI). The KHI stipulates that a husband is obligated to provide housing for his wife during the iddah period, including the iddah of death (as per the husband's will). Furthermore, the KHI states that in such circumstances, the husband must equip the residence with necessary furnishings and supporting facilities.⁵³ This indicates that the husband's obligation extends beyond merely providing shelter; it encompasses the responsibility to supply all essential needs, including sustenance for daily living throughout the iddah period. Consequently, the obligation of wives whose husbands have passed away to mourn during the iddah period, as outlined by KHI,⁵⁴ is balanced by compensation in the form of *nafkah*, as they are required to remain in their husband's home. This regulation is more progressive than the provisions found in classical fiqh and is consistent with Mujāhid's viewpoint.

However, when considering the rules concerning the inheritance shares of spouses, it appears that the provision for iddah maintenance is superseded by the inheritance share. Article 195, paragraph (2) of the KHI stipulates that a will is considered part of the inheritance,

⁴⁹ Muhammad Syahrur, *Metodologi Fiqh Islam Kontemporer*, Trans. Sahiron Syamsuddin dan Burhanuddin (Yogyakarta: eLSAQ Press, 2008), 320–23.

⁵⁰ ar-Rāzī, *Tafsīr Al-Kabīr Wa Mafātīh al-Gayb*, Juz 5:66–67.

⁵¹ Sugiri, “Wasiat Untuk Ahli Waris: Kritik Ekstern dan Intern Otentitas Hadis-Hadis Larangan Wasiat Untuk Ahli Waris.”

⁵² Hazairin, *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*, 57.

⁵³ Compilation of Islamic Law, Article 81, Paragraph (1) and (2).

⁵⁴ Compilation, Article 170, Paragraph (1).

effectively treating the will as an integral component of the estate.⁵⁵ A wife is entitled to one-quarter of her husband's estate if he leaves no children, and one-eighth if he does. Conversely, if the wife passes away, the husband is entitled to half of her estate if there are no children; if there are children, he will receive one-quarter.⁵⁶ Additionally, another article of the KHI states that in the case of a divorce due to death, half of the joint property is allocated to the surviving spouse.⁵⁷

In relation to the joint property in this matter, iddah alimony upon the death of a spouse can be interpreted as part of the joint property. This interpretation is grounded in the understanding that, in Indonesia, most husbands and wives collaborate to meet the family's needs,⁵⁸ resulting in all property acquired during the marriage being classified as joint property.⁵⁹ The KHI states that one of the functions of joint property is to cover debts incurred for the benefit of the family.⁶⁰ Given this fact, the needs of the iddah wife and children are automatically addressed from the joint property, irrespective of whether a will exists. Consequently, a wife during her iddah period is able to meet her needs from the joint property without diminishing her inheritance rights.⁶¹ Referring to Mujāhid's perspective, iddah maintenance is an option that does not conflict with inheritance shares and can be fulfilled concurrently, which is relevant to the situation in Indonesia.

By employing Abou El Fadl's theory of negotiative hermeneutics, the hadith regarding the abolition of the will to allocate funds for the iddah following a spouse's death can be critically examined. This examination takes into account the intricacies of the text and the socio-cultural context in which it exists. Engaging in dialogue with the reader's context allows for a more dynamic and inclusive interpretation. Interpretation of hadith transcends mere literal understanding; it also considers the ethical and moral implications of the teachings. This approach thus facilitates a more pertinent application in real-life societal contexts. Additionally, it encourages acceptance of diverse interpretations and understandings, thereby mitigating dogmatism and fostering critical thinking. Consequently, the issues surrounding spousal maintenance and inheritance can be addressed in a manner that is relevant to evolving social and cultural circumstances. In the Indonesian context, the provision of iddah maintenance—culturally equated with joint property—without diminishing the inheritance share can serve as a viable solution, ensuring that the needs of the wife and her children are met during the iddah period following the husband's death.

⁵⁵ Ibrahim Ahmad Harun, *Pedoman Pelaksanaan Tugas dan Administrasi Peradilan Agama, Buku II*, Edisi Revisi (t.t: Mahkamah Agung RI Direktorat Jenderal Badan Peradilan Agama, n.d.), 173.

⁵⁶ Compilation, Article 180.

⁵⁷ Compilation, Article 179.

⁵⁸ Ismuha, *Pencapaian Bersama Suami Isteri: Ditinjau dari Sudut Undang-Undang Perkawinan Tahun 1974 dan Hukum Islam* (Jakarta: PT Bulan Bintang, 1986), 295–96; Ratno Lukito, *Pergumulan Antara Hukum Islam dan Adat di Indonesia* (Jakarta: INIS, 1998), 82; Koentjaraningrat, *Manusia dan Kebudayaan di Indonesia*, cet. ke 7 (Djambatan, 1982); Michele Ford and Lyn Parker, *Women and Work in Indonesia* (London-New York: Routledge, 2008), 7; Hildred Geertz, *The Javanese Family: A Study of Kinship and Socialization* (Prospect Heights (Ill.): Waveland press, 1989), 47–49; For a more in-depth discussion on the financial obligations of the family that are imposed on shared wealth, refer to Reni Nur Aniroh, "Kewajiban Nafkah Vis-a-Vis Kepemilikan Harta Perkawinan: Konstruksi Kesetaraan dan Keindonesiaan Kompilasi Hukum Islam" (Disertasi, Yogyakarta, Universitas Islam Negeri Sunan Kalijaga, 2024).

⁵⁹ Compilation, Article 1, Letter f. Soerjono Soekanto, *Hukum Adat Indonesia* (Depok: Rajawali Pers, 2020), 246–48.

⁶⁰ Compilation, Article 93, Paragraph (2).

⁶¹ Compilation, Article 171, Letter e.

Conclusion

Hadith that address the abolition of alimony and housing for wives by their heirs cannot be accepted or utilized as a basis for legislative guidance. The hadith upon which this interpretation relies exhibits numerous weaknesses in both its chain of transmission (*sanad*) and its text (*matan*). Its chain of transmission only reaches the level of the companions (*mauquf hadith*), which raises questions regarding its continuity. In other chains, the sanad extends only to the level of the *tabi'in*, and some of the narrators are considered disreputable. Regarding the *matan*, it is reported in various forms, with contradictory information present among different versions. Furthermore, the abolition of the obligation to support the *iddah* (waiting period) following death through inheritance has sociological, legal, and theological implications that may be discriminatory against women (wives).

The differing opinions among hadith scholars and fiqh scholars regarding the rulings and their various implementations indicate a lack of a standardized provision for *iddah* death maintenance. The majority of classical scholars rejected the concept of *iddah* maintenance, advocating instead for the allocation of a share of the inheritance. Some scholars proposed that *iddah* maintenance could be presented as an option alongside the inheritance share. In Indonesia, while wills are often perceived as part of the inheritance—implying that they may be superseded by it—the concept of joint property is anticipated to serve as a substitute for *iddah* nafkah. This approach ensures that during the *iddah* period, a wife is not neglected and can meet her and her children's needs using joint property, without diminishing or compromising her share of the inheritance.

References

- Abou El Fadl, Khaled M. *Atas Nama Tuhan: Dari Fikih Otoriter Ke Fikih Otoritatif*. Trans. R Cecep Lukman Yasin. Jakarta: Serambi Ilmu Semesta, 2004.
- — —. *The Great Theft: Wrestling Islam from the Extremists*. Amerika: Perfect Bound, 2005.
- Abū al-Ḥajāj, Yūsuf ibn 'Abd ar-Raḥman ibn Yūsuf. *Tahzīb Al-Kamāl Fī Asmā' Ar-Rijāl*. Tahqiq Basyār 'Awād Ma'rūf. Juz 1. Mu'asasah ar-Risālah, 1980.
- Abubakar, Fatum. "Pembaruan Hukum Keluarga: Wasiat Untuk Ahli Waris (Studi Komparatif Tunisia, Syria, Mesir, dan Indonesia)." *Hunafa: Jurnal Studia Islamika* 8, no. 2 (Desember 2011): 233–64.
- Al Istiqamah, Anisa. "Analisis Status Hukum Wasiat Yang Diberikan Kepada Ahli Waris (Studi Kasus Putusan Nomor 0424/Pdt.G/2016/PA.Prg)." Skripsi, Universitas Hasanuddin Makassar, 2019.
- Al-Bukhārī, Muhammad ibn Isma'il. *Ṣaḥīḥ Al-Bukhārī*. Tahqiq Muḥammad Zahīr ibn Nāṣr an-Nāṣr. Dār Tūq an-Najāh, 1422.
- Al-Qurṭubī, Abū 'Abdillāh Muhammad bin Ahmad. *Al-Jāmi' Li Ahkām al-Qur'ān*. Kairo: Dār al-Kutub al-Misriyah, 1964.
- Aniroh, Reni Nur. "Kewajiban Nafkah Vis-a-Vis Kepemilikan Harta Perkawinan: Konstruksi Kesetaraan Dan Keindonesiaan Kompilasi Hukum Islam." Disertasi, Universitas Islam Negeri Sunan Kalijaga, 2024.
- 'Asqalānī, Abū al-Faḍl Aḥmad ibn 'Alī ibn Muḥammad ibn Aḥmad ibn Ḥajr al-. *Tahzīb At-Tahzīb*. Juz 7. Hindi: Maṭba'ah Dāirah al-Ma'ārif an-Niḥāmiyah, 1326.
- Asy-Syafi'i, Abū 'Abdillāh Muhammad bin Idris. *Tafsīr Al-Imām Asy-Syafi'i*. Tahqiq Ahmad bin Mustafā al-Farran. As-Su'ūdiyyah: Dār at-Tadmiriyyah, 2006.
- Aṭ-Ṭabarī, Muhammad ibn Jarīr. *Jāmi' al-Bayān Fī Ta'wīl al-Qur'ān*. Muasasah ar-Risālah, 2000.
- Bukhārī, Muhammad ibn Isma'il al-. *Ṣaḥīḥ Al-Bukhārī*. t.p.: Dār Tūq an-Najāh, 1422.

- Fatmiratna. "Praktik Wasiat Yang Diberikan Kepada Ahli Waris (Studi Kasus Desa Sungai Rukam Kecamatan Kusan Hulu Kabupaten Tanah Bumbu)." Skripsi, Universitas Islam Negeri Antasari Banjarmasin, 2022.
- Ford, Michele, and Lyn Parker. *Women and Work in Indonesia*. London-New York: Routledge, 2008.
- Geertz, Hildred. *The Javanese Family: A Study of Kinship and Socialization*. Prospect Heights (Ill.): Waveland press, 1989.
- Hammad, Muchammad. "Waris Dan Wasiat Dalam Hukum Islam: Studi Atas Pemikiran Hazairin Dan Munawir Sjadzali." *At-Tahdzib: Jurnal Studi Islam Dan Muamalah* 3 (2015): 46–59.
- Haris, Abdul. *Uṣūl Al-Ḥadīs: Teori Dasar Studi Hadis Nabi Muhammad SAW*. Yogyakarta: Fakultas Ekonomi dan Bisnis Islam UIN Sunan Kalijaga, 2018.
- Harun, Ibrahim Ahmad. *Pedoman Pelaksanaan Tugas dan Administrasi Peradilan Agama, Buku II*. Edisi Revisi. t.t: Mahkamah Agung RI Direktorat Jenderal Badan Peradilan Agama, n.d.
- Hazairin. *Hukum Kewarisan Bilateral Menurut Qur'an dan Hadith*. Jakarta: P.T. Tintamas Indonesia, 1982.
- Ibnu Qudamah. *Al-Mugni 'alā Mukhtaṣar al-Khiraqī*. Jilid VIII. Beirut: Dar al-Kutub al-Islamiyah, 1971.
- Ismail, Ilham. "Wasiat Kepada Ahli Waris: Studi Komparatif Pasal 195 Kompilasi Hukum Islam Dengan Hukum Islam." Skripsi, Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2011.
- Ismuha. *Pencabarian Bersama Suami Isteri: Ditinjau Dari Sudut Undang-Undang Perkawinan Tahun 1974 Dan Hukum Islam*. Jakarta: PT Bulan Bintang, 1986.
- Juandi. "Wasiat Kepada Ahli Waris Dalam Pandangan Ibn Hazm dan Muhammad Syahrur." Skripsi, Universitas Islam Negeri Sunan Kalijaga, 2005.
- Kilābāzī, Aḥmad ibn Muḥammad ibn al-Ḥusain ibn al-Ḥasan Abū Naṣr al-Bukhārī al-. *Al-Hidāyah Wa al-Irsyād Fī Ma'rifah Ahl Aṣ-Ṣiqah Wa as-Sadād*. Juz 1. Beirut: Dār al-Ma'rifah, 1407.
- Koentjaraningrat. *Manusia dan Kebudayaan di Indonesia*. Cet. ke 7. Djambatan, 1982.
- Lukito, Ratno. *Pergumulan Antara Hukum Islam dan Adat di Indonesia*. Jakarta: INIS, 1998.
- Maryati, Eti. "The Method of Takhrij Hadīts 'Lâwasiyyata Liwâritsin' and Its Implications for The Understanding of The Takhshish Al-Qur'an By The Hadīts In Inheritance Law." *IJIK* 9, no. 2 (2019): 72–79.
- Matswah, Akrimi. "Hermeneutika Negosiatif Khaled M. Abou El Fadl Terhadap Hadis Nabi." *ADDIN* 7, no. 2 (2013): 249–72.
- Nasāī, Abū 'Abd ar-Rahman bin Syu'aib bin 'Alī al-Kharāsānī an-. *As-Sunan Aṣ-Ṣagīrī Li an-Nasāī*. Halab: Maktabah al-Maṭbū'āt al-Islāmiyah, 1986.
- Nasrullah. "Hermeneutika Otoritatif Khaled M. Abou El Fadl: Metode Kritik Atas Penafsiran Otoritarianisme dalam Pemikiran Islam." *Hunafa: Jurnal Studia Islamika* 5, no. 2 (Agustus 2008): 137–50.
- Powers, David Stephan. *Peralihan Kekayaan Dan Politik Kekuasaan: Kritik Historis Hukum Waris*. Trans. Arif Maftuhin. Yogyakarta: LKiS, 2001.
- Pratama, Putri Maharani. "Kajian Pembagian Waris dan Wasiat Perspektif Hadis." In *Gunung Djati Conference Series*, 24:10–21, 2023.
- Rāzī, Muḥammad Fakhr ad-Dīn ar-. *Tafsīr Al-Kabīr Wa Mafātih al-Gayb*. Juz 5. Beirut: Dār al-Fikr liṭabā'ah wa an-Nasyr wa at-Tauzī', 1981.
- Sābiq, As-Sayyid. *Fiqh As-Sunnah*. Juz II. Beirut: Dār al-Fikr, 1983.

- Saharuddin. "Status Ahli Waris Janda Terhadap Hak Penerima Testamen." *Julia: Jurnal Litigasi Amsir* 10, no. 1 (November 2022): 58–60.
- Shofiana, Isria. "Studi Komparatif Pendapat Imam Ibnu Hazm dan Imam Al-Syirazi tentang Wasiat Kepada Ahli Waris dan Relevansinya dengan Hukum Islam di Indonesia." Skripsi, Universitas Islam Negeri Walisongo Semarang, 2017.
- Sijistānī, Abū Dāwud Sulaimān ibn al-Asy'as ibn Ishāq as-. *Sunan Abi Dāwud*. Beirut: al-Maktabah al-'Aširiyah, n.d.
- Soekanto, Soerjono. *Hukum Adat Indonesia*. Depok: Rajawali Pers, 2020.
- Sugiri, Asep. "Wasiat Untuk Ahli Waris: Kritik Ekstern Dan Intern Otentitas Hadis-Hadis Larangan Wasiat Untuk Ahli Waris." *Al-Jāmi'ah: Journal of Islamic Studies* 42, no. 2 (2004): 465–94.
- Syahrur, Muhammad. *Metodologi Fiqh Islam Kontemporer*. Trans. Sahiron Syamsuddin and Burhanuddin. Yogyakarta: eLSAQ Press, 2008.
- Ulum, Muhammad Misbakhul, Zaenul Mahmudi, and Moh. Toriquddin. "Wasiat Sebagai Penyeimbang Pembagian Warisan Menurut Hazairin Perspektif Teori Keadilan Distributif Aristoteles." *Al'Adl: Jurnal Hukum* 14, no. 2 (July 2022): 432–56.
- Wulansari, Friska. "Wasiat Kepada Ahli Waris Perspektif Fikih dan Kompilasi Hukum Islam: Studi Kasus Keluarga J di Desa Lengkongjaya Kecamatan Cigalontang Kabupaten Tasikmalaya." Skripsi, Universitas Islam Negeri Sunan Gunung Djati Bandung, 2023.
- Zuḥaylī, Wahbah az-. *Uṣūl Al-Fiqh al-Islāmī*. Damsyiq: Dār al-Fikr, 1986.