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An Analysis of Waqf Hadiths in Sahih Al-Bukhari Per Fiqh Al-Bukhari Perspective

Mohd Ashrof Zaki Yaakob, Nurulaina Saidin, Mohd Faiz Mohamed Yusuf, Mohammad Mahyuddin Khalid, Azri Bhari, Mohd Yusra Abdullah, Hanifah Musa Fathullah Harun
Academy of Contemporary Islamic Studies (ACIS), Universiti Teknologi MARA (UiTM)
Corresponding Author’s Email: ashrof@uitm.edu.my

Ishak Suliaman
Academy of Islamic Studies, Universiti of Malaya

Abstract
Waqf issues have been widely discussed in various kitabs of traditional fiqh turath and contemporary fiqh mu’asarah. Both are common sources of references for waqf scholars and researchers. Waqf discussions are commonly focused on its fiqhi definitions, evidences, scope and flexibility in implementation and further development of waqf in contemporary situations. A less uncommon focus of waqf discourse is on major fiqh al-hadith collections that inform the waqf rulings and their significant contributions in guiding and clarifying waqf matters. Imam al-Bukhari’s Sahih al-Bukhari is a magnum opus of hadiths collections that have been oftentimes referred in waqf discourse. Imam al-Bukhari’s al-Jami’ al-Sahih al-Musnad min Hadithi Rasulullah wa Sunanih wa Ayyamih, or al-Jami’ al-Sahih, or commonly known as Sahih al-Bukhari is evident of his fiqih ijtihad that transcends his lifetime until the present. Through the sahih, Imam al-Bukhari expounded his profound understanding of fiqh in various chapters of the kitab. The Sahih al-Bukhari is renowned for its scholarly and authentic hadith collections. It is a compendium of fiqih al-hadith collated through scientific and stringent analyses of many genuine or sahih hadiths and their sources. It illustrates deep understanding of hadiths and fiqih knowledge known as fiqih al-Bukhari.

Keywords: Al-Hadith, Al-Bukhari, Fiqh, Sahih, Waqf.

Introduction
The existence of waqf is not stated explicitly by using the term waqf itself in the holy book al-Qur’an but there are some marks from the al-Qur’an that encourage people to improve the welfare of society by donating properties (Yaakob et al., 2017). Every individual who performs waqf sincerely will be rewarded continuously by Allah. There are points from al-Quran that describe waqf;

“The example of those who spend their wealth in the way of Allah is like a seed [of grain] which grows seven spikes; in each spike is a hundred grains. And Allah
multiplies [His reward] for whom He wills. And Allah is all-Encompassing and knowing.” (Al-Qur’an 2:261)

“And if someone is in hardship, then [let there be] postponement until [a time of] ease. But if you give [from your right as] charity, then it is better for you, if you only knew.” (Al-Qur’an 2:280)

“Never will you attain the good [reward] until you spend [in the way of Allah from that which you love. And whatever you spend - indeed, Allah is knowing of it.” (Al-Qur’an 3:92).

All the verses in the al-Quran reflect indirectly to waqf (Yaakob et al., 2016). Arguments of waqf in the hadith can be found abundantly in books of hadith, however, in the chapter of fiqh (Islamic jurisprudence) of the books, the argument for waqf is focused on hadith related to waqf land of Umar in Khaybar and Abu Talhah’s dates farm and Bayruha’ well (Yaakob et al., 2017). The hadiths regarding waqf in al-Kutub al-Sittah (Sahih al-Bukhari, Sahih Musim, Sunan Abu Dawud, Sunan Al-Tirmidhi, Sunan Al-Nas’ai and Sunan Ibn Majah) there are 36 texts of hadiths (Suliaman & Yaakob, 2019). The objective of this study is to:

1. Analyzing the waqf hadith in Sahih al-Bukhari
2. Identifying the perspective of discussion of hadith waqf in sahih al-Bukhari
3. Confirming the validity of the waqf hadith discussion based on the waqf hadith in the sahih al-Bukhari

Introduction to Fiqh Al-Bukhari

Fiqh discourses are often based on specific fiqh kitabs that relate to the issues concerned. Fiqh al-Bukhari as in the Sahih al-Bukhari is seldom used as the main kitab to discuss fiqh issues. It may be attributed to a rather daunting task to quickly select relevant hadiths from the voluminous Sahih al- Bukhari. Nevertheless, the sahih’s fiqh al-Bukhari remains a major and genuine hadiths for solutions to fiqh issues.

The term fiqh al-Bukhari is derived from scholars’ views that fiqh al-Bukhari is contained in the tarjamah bab volume in the sahih al-Bukhari (Al-‘Asqalani, 2000). A distinguishing feature of fiqh al-Bukhari is that its discussion of fiqh matters are implicitly or subtly done in its tarjamah bab. Unlike many other kitabs that organised content of their fiqh discussion according to fiqh issues in question. To draw the fiqh rulings from the tarjamah bab of fiqh al-Bukhari, detailed analysis of the fiqh elements are required (Noor, 2013).

Imam Al-bukhari, the Fuqaha’

Imam al-Bukhari full name is Muhammad bin Ismail bin Ibrahim bin al-Mughirah bin Bardizbah al-Ju’fi al-Bukhari. The imam was born after solatul Jumaat, 13 Syawal 194 Hijrah, in Bukhara (Al-Khatib, 2003; Al-‘Asqalani, 2000). Imam al-Bukhari passed away on a Saturday night after solatul Isya’, on the eve of Aidilfitri of 256 Hijrah, at the age of 62 (Shah et al., 2010). Imam al-Bukhari’s reputation as a great muhaddith through his Sahih al-Bukhari remains until the present.

In addition to being a great muhaddith, Imam al-Bukhari has also authored many other great kitabs such as Qadaya al-Sahabah wa al-Tabi’in, al-Tarikh al-Kabir, al-Tarikh al-Awsat, al-
Many ulamas of his time had given him due recognition and acknowledgement of his distinguished fiqh scholarship. Being accorded such great respect by his peers is evident of his great scholarship. Such recognition and acknowledgement by his peer are significant, for they were true witnesses of his scholarship (Noor, 2013).

Among the great scholars who acknowledged Imam al Bukhari excellent knowledge was Imam Ahmad bin Hanbal who stated that Imam al Bukhari was a truly a great alim of fiqh for the ummah (Al-Khazraji, 1399 H). Other ulamas were Al-Dawraqi (d. 252 H) and Na’im bin Hammad (d. 228 H). They also hailed Imam al Bukhari as one of the greatest alim of fiqh for the ummah (Al-Mizzi, 1402 H). Meanwhile, Imam Abu Hatim al-Razi noted that, “Muhammad bin Isma’il (Imam al-Bukhari) is the most alim among those who have entered Iraq” (al-Baghdadi, n.d.). This recognition by many great peers is clear evidence of Imam al-Bukhari great fiqh scholarship.

There were among them, who regarded the knowledge of Imam al-Bukhari had even superseded that of his teachers Ahmad bin Hanbal, Ishaq bin Rahawayh, and Ishaq bin Rahaway. This was affirmed when Ishaq bin Rahaway, himself admitted that Imam al-Bukhari fiqh scholarship exceeded his. There were also many ulamas who regarded Imam al-Bukhari fiqhi scholarship as at par with that of Imam Malik. These evidently indicated the significance and excellence of Imam al-Bukhari fiqh knowledge (Noor, 2013).

**Authorithy of Sahih Al-Bukhari**

*Sahih al-Bukhari* is regarded as the most sahih or authentic *kitab* in the world after the Al-Qur’an (al-Khatib, 2003). It is the first *kitab* to only contain *sahih* or authentic hadiths collection. The *sahih* is even recognised as the most *sahih* *kitab* on Prophetic hadith (al-‘Asqalani, 2000). An original name of *sahih al-bikhari* was *al-Jami’ al-Musnad al-Sahih al-Mukhtasar min Umur Rasulullah Salla Allah ‘Alayhi wa Sallam wa Sunanih wa Ayyamih* (Al-Khatib, 2003; Abu Shahbah, n.d; al-‘Asqalani, 2000). It contains 97 *kitabs*, that are divided into 3450 chapters (Abu Shahbah, n.d). Further, the *sahih* contains 9082 hadiths (Al-Khatib, 2003), and among them are 7397 *sahih* hadiths including those repeatedly mentioned; while those not are 2602 (Abu Shahbah, n.d).

**Waqf-Related Hadiths in Sahih Al-Bukhari**

Imam al-Bukhari brilliant scholarship is evident in his unique compilation of hadiths under specific topics in his *sahih*, known as *Tarajim al-Bukhari* (Abu Shahbah, n.d). However, Imam al-Bukhari had not fixed a specific volume on waqf. Instead, waqf-related hadiths according to his *ijtihad*, are found in various *bab* or chapters throughout the *sahih*. Nevertheless, in those chapters, Imam al-Bukhari had named certain sections that are related to waqf. According to Ibn Hajar al-‘Asqalani, Imam al-Bukhari purposely place his section on waqf in *sahih*’s *Kitab al-Shurut* (conditions) to explain the waqf conditions. He deemed it approprite to discuss the *waqf* matters and conditions in the *Kitab al-Shurut* (Al-‘Asqalani, 200).

As aforementioned, not all waqf issues are specifically discussed in the *Sahih Al-Bukhari* under themes like *al-Waqf* atau *al-Ahbas*. The *waqf hadiths* are instead spread out in various places
in the chapters of the *kitab*. It requires detailed analysis to identify waqf hadiths, such as their *matn*, especially hadiths under *al-Wa†q* atau *al-Ahbas*.

Table 1  
*The Position of Hadiths related to Waqf in Sahih al-Bukhari*

| No. | Name of The Book | Book | Chapter | Number of Hadith |
|-----|------------------|------|---------|-----------------|
| 1.  | Sahih al-Bukhari | Kitab Al-Shurut (Conditions) | Chapter Conditions in Waqf | 1 |
|     |                   | Kitab Al-Wakalah (Representative) | Chapter Representation in Waqf, Alimony and Delegating to Feed His Companions | 1 |
|     |                   | Kitab Al-Wisoya (Wills) | Chapter If a Person Gives Waqf Or Will to His Relatives | 1 |
|     |                   | | Chapter Whether Wakaf Givers Can Utilize (Goods) Wakaf | 2 |
|     |                   | | Chapter If a Person Gives Alms or Gives Waqf with Part of His Property or Part of His Children | 1 |
|     |                   | | Chapter Testimony in Waqf and Alms | 1 |
|     |                   | | Chapter If a Person Endows Land But Does Not Explain Its Limits | 2 |
|     |                   | | Chapter If One Congregation Endows Jointly Owned Land | 1 |
|     |                   | | Chapter How to Write Aqad Wakaf | 1 |
|     |                   | | Chapter Wakaf for the Rich, the Poor and Guests | 1 |
|     |                   | | Chapter Endowing Land for Mosques | 1 |
|     |                   | | Chapter Endowing Riding Animals, Horses, Merchandise and Property | 1 |
|     |                   | | Chapter If the Person Who Gives Waqf Says “We Do Not Ask For The Price Except From Allah” | 1 |

The total number of hadiths related to *waqf* | 15 |

Analyses have indicated that *waqf* hadiths in the Sahih al-Bukhari are found under themes or words such as *Wa†q*, *al-Wa†q*, *Wa†qif*, *al-Wa†qif*, *Mawquf*, *al-Mawquf*, *al-Habs* dan *al-Ahbas*. There are 15 *waqf* hadiths listed under *al-Wa†q* atau *al-Ahbas* hadiths in the Sahih al-Bukhari. Imam al-Bukhari has his own distinct understanding of *waqf* matters. He apportioned 15 *waqf hadiths* into 13 different chapters on *waqf* in 3 *kitab* namely *Kitab Al-Shurut* (Conditions), *Kitab Al-Wakalah* (Representation), *Kitab Al-Wisoya* (Wasiat).

From the collection of hadiths, a group of hadith was included in a chapter entitled “*Bab al-Shurut fi al-Wa†q* (Conditions of *Waqf*)” in the “*Kitab Al-Shurut* (Conditions and Terms)”. Another sub-group of *waqf* hadith is included in a chapter named “*Bab al-Wakalah fi al-Wa†q*
wa Nafaqatihi wa an Yut’imma Sadiqan Lahu wa Ya’kulu bi al-Ma’ruf (chapters on agency in waqf, provision, and appointing agent for charity); while 13 more hadith groups are included in various chapters in Kitab Al-Wisoya (Will).

Analysis of Waqf-Related Hadiths in Sahih Al-Bukhari

The sahih’s 15 texts on waqf hadiths evidently indicated the significance of waqf according to fiqh al-Bukhari. Although there is no specific volume on waqf, the fiqh al-Bukhari waqf exposition is evidently comprehensive and in-depth in chapters related to waqf.

The Sahih al-Bukhari, three waqf-related chapters of Kitab Al-Shurut (Conditions), Kitab Al-Wakalah (Representation), Kitab Al-Wisoya (Wills) contain discussions on three major aspects such as conditions for waqf, waqf trustees e.g nazir or mutawalli; while, waqf status are included in matters concerning wills to indicate certain equity between waqf and wills management.

Table 2

Cross-references of hadith texts related to waqf in al-Kutub al-Sittah

| No. | Texts (Matan) Hadith | Cross References in al-Kutub al-Sittah |
|-----|---------------------|----------------------------------------|
|     |                     | B  | M  | AD | T  | N  | IM |
| 1.  | دُعِّيَ الْمُؤْمِنَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَلَّهَانُ ۚ أَنْ نُصُفِّي عَنْهَا ۖ وَأَنْ نَلْقَيَ صَدِيقًا لَهُ وَأَنْ نَتَخَيَّرَ نَفْسَنَا مِنَ الْأَحْيَانِ ۖ وَأَنْ نَقَطَّعَنَّ بِهِمَا مَا نَعْلِمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ فِيهَا مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَقَطَّعَنَّ أَحْلَٰلَ مَا لَمْ نَعْلَمُ ۖ وَأَنْ نَلْعَبَ مِنْ أَحْلَٰلِ الْعَالَمِ ۖ وَأَنْ نُعْلَمَنَّ F

*Abbreviated alphabet : B (al-Bukhari), M (Muslim), AD (Abu Dawud), T (al-Tirmidhi), N (al-Nasa’i) and IM (Ibn Majah).

All the 15 hadith texts in the Sahih al-Bukhari. are related to waqf. Similar hadiths can also be found in five other major kitabs as shown in table 2 above. Cross-referencing of Sahih al-Bukhari with those of other hadith kitabs will indicate that other scholars also discussed the
same waqf matters. This also indirectly support the authenticity of hadiths in Sahih al-Bukhari and Sahih Muslim, for hadiths in these two kitabs are regarded as authentic by other hadiths scholars that merit inclusion in their own kitabs.

The various locations of the waqf hadiths in his Sahih al-Bukhari, indicated Imam al-Bukhari profound understanding and applications of waqf in its various contexts. This approach is significantly different from that of other scholars that discuss waqf issues under specific chapters. Imam al Bukhari prefers to discuss waqf issues in three different kitabs. This is to indicate interrelationship between three major hadiths rulings on conditions, agency or representations and will in waqf matters.

Sahih al-Bukhari waqf hadiths are authentic guidelines to understand waqf as practiced by Rasulullah SAW and the companions. Further analysis and understanding of the 15 texts of hadiths are required to formulate more comprehensive guidelines in the implementation and management of waqf in Malaysia.

Conclusion
Imam al-Bukhari Sahih al-Bukhari is a great kitab that should be earnestly studied as premier sources of Islamic injunctions not only of waqf, but the muamalat, ibadat, munakahat, jinayat and many more. Sahih al-Bukhari is a great compilation of the most authentic hadiths of Rasulallah SAW. The hadiths are verified and validated by many scholars of the past and present based on sunnah Rasulallah SAW and al Quran are indeed evidence of their authenticity.

The Sahih al-Bukhari collection of waqf-related hadiths are indeed authentic and one of the most authorised for implementation of waqf ibadah. The Fiqh al-Bukhari drawn from the volumes or chapters of hadiths in Sahih al-Bukhari are in accordance to the ijtihad of Imam al-Bukhari in the matters concerned. Genuine understanding of waqf issues based on fiqh al-hadith is important for correct implementation of waqf according to the practices of Rasulullah SAW and Companions.

In conclusion, the Imam al-Bukhari Sahih’s Fiqh al-Bukhari should be further studied and formulated into more innovative waqf applications to enhance current waqf practices to fulfil the injunctions for waqf as Commanded by Allah SWT.

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