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Abstract

Waqf issues have been widely discussed in various *kitab*s 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 Rasulallah wa Sunanih wa Ayyamih*, or *al-Jami' al-Sahih*, or commonly known as *Sahih al-Bukhari* is evident of his *fiqh ijtiha*d 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 *fiqh al-hadith* collated through scientific and stringent analyses of many genuine or *sahih hadiths* and their sources. It illustrates deep understanding of hadiths and *fiqh* knowledge known as *fiqh 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 Muslim, Sunan Abu Dawud, Sunan Al-Tirmidhi, Sunan Al-Nasa’i 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-*

Tarikh al-Saghir, al-Jami' al-Kabir, al-Tafsir al-Kabir, Birr al-Walidain, Kitab al-Du'afa' dan al-Musnad al-Sahih.

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).

Authority 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-bukhari* was *al-Jami' al-Musnad al-Sahih al-Mukhtasar min Umur Rasulallah Salla Allah 'Alayhi wa Sallam wa Sunanih wa Ayyamih* (Al-Khatib, 2003; Abu Shahbah, n.d; al-'Asqalani, 2000). It contains 97 *kitab*s, 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 appropriate 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-Waqf* 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.	<i>Sahih al-Bukhari</i>	<i>Kitab Al-Shurut</i> (Conditions)	Chapter Conditions in Waqf	1
		<i>Kitab Al-Wakalah</i> (Representative)	Chapter Representation in Waqf, Alimony and Delegating to Feed His Companions	1
		<i>Kitab Al-Wisoya</i> (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 *Waqf*, *al-Waqaf*, *Waqif*, *al-Waqif*, *Mawquf*, *al-Mawquf*, *al-Habs* dan *al-Ahbas*. There are 15 waqf hadiths listed under *al-Waqf* 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-Waqf* (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-Waqf*

wa Nafaqatihu wa an Yut'ima 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 (<i>Matan</i>) Hadith	Cross References in <i>al-Kutub al-Sittah</i>					
		B	M	AD	T	N	IM
1.	أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَصَابَ أَرْضًا بِخَيْرٍ...	2	1	1	1	3	1
2.	لَيْسَ عَلَى الْوَلِيِّ جُنَاحٌ أَنْ يَأْكَلَ وَيُوَكِّلَ صَدِيقًا لَهُ...	2	-	-	-	-	-
3.	قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِأَبِي طَلْحَةَ أَرَى أَنْ تَجْعَلَهَا فِي الْأَقْرَبِينَ...	2	-	-	-	-	-
4.	أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى رَجُلًا يَسُوقُ بَدَنَةً...	4	4	1	1	3	1
5.	أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَأَى رَجُلًا يَسُوقُ بَدَنَةً...	3	4	1	1	3	1
6.	قُلْتُ يَا رَسُولَ اللَّهِ إِنَّ مِنْ تَوْبِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ...	3	-	-	1	4	-
7.	يَا رَسُولَ اللَّهِ إِنَّ أُمَّي تُوَفِّيَتْ وَأَنَا غَائِبٌ عَنْهَا...	1	-	-	-	2	2
8.	كَانَ أَبُو طَلْحَةَ أَكْثَرَ أَنْصَارِيَّ بِالْمَدِينَةِ مَالًا...	3	1	-	-	-	-
9.	إِنَّ أُمَّهُ تُوَفِّيَتْ أَيَقَعُهَا أَنْ تَصَدَّقَتْ عَنْهَا...	1	-	2	1	4	2
10.	أَمَرَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِنَاءِ الْمَسْجِدِ...	4	1	-	-	-	-
11.	أَصَابَ عُمَرَ بِخَيْرٍ أَرْضًا فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ...	1	1	1	1	3	1
12.	أَنَّ عُمَرَ رَضِيَ اللَّهُ عَنْهُ وَجَدَ مَالًا بِخَيْرٍ...	1	-	-	-	1	-
13.	لَمَّا قَدِمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمَدِينَةَ أَمَرَ بِبِنَاءِ الْمَسْجِدِ...	3	1	-	-	-	-
14.	أَنَّ عُمَرَ حَمَلَ عَلَى فَرَسٍ لَهُ فِي سَبِيلِ اللَّهِ...	4	2	1	-	2	2
15.	يَا بَنِي النَّجَّارِ ثَامِنُونِي بِحَائِطِكُمْ...	2	1	-	-	-	-
16.	أَصَابَ عُمَرَ أَرْضًا بِخَيْرٍ فَأَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَسْتَأْمِرُهُ فِيهَا...	2	1	1	1	3	1

*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 *kitab*s as shown in table 2 above. Cross-referencing of *Sahih al-Bukhari* with those of other *hadith kitab*s will indicate that other scholars also discussed the

same *waqf matters*. This also indirectly support the authenticity of hadiths in *Sahih al-Bukhari* dan *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 Rasulullah SAW. The *hadiths* are verified and validated by many scholars of the past and present based on sunnah Rasulullah 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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