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THE LEGAL PROPORTION OF BEQUESTS IN HADITH AND ISLAMIC ECONOMICS: IMPLICATIONS FOR FAMILY AND SOCIAL WELFARE

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ABSTRACT

A bequest (*waṣiyyah*) is a noble act and a source of blessings in Islam, regarded as one of the enduring good deeds (*ṣadaqah jāriyah*). However, complications may arise when a bequest is made in favor of legal heirs, who already have designated shares in inheritance, including cases where the sole heir is a daughter. Such situations become contentious due to another hadith prohibiting bequests to legal heirs. This raises the question: What is the permissible extent of a bequest when the sole heir is a daughter? How should the hadith forbidding bequests to heirs be interpreted through the lens of Islamic economic jurisprudence, and what are its implications for family and community economics? This study employs a qualitative methodology using both *fiqh al-ḥadīth* and Islamic economic approaches. The findings reveal that a bequest is considered excessive if it exceeds one-third of the estate. The primary hadith governing this ruling is ṣaḥīḥ and included in the authoritative *Kutub al-Tis'ah*. Conversely, the hadith prohibiting bequests to heirs without their consent is graded as *ḥasan li-ghayrih* and lacks the criteria for *ṣaḥīḥ* classification according to Imam al-Bukhārī, although it is transmitted through multiple chains. In cases where the sole heir is a daughter, she receives her prescribed share and may also benefit from the residual portion (*ʿaṣabah*) within the permissible one-third bequest. This ruling reflects the Prophetic vision to uphold justice in economic distribution and protection of vulnerable groups, such as daughters, aligning with the objectives of the *Sharīʿah* (*maqāṣid al-sharīʿah*), particularly the preservation of wealth (*ḥifẓ al-māl*) and lineage (*ḥifẓ al-nasl*). Islamic economics is founded not on socialism or capitalism, but on five core values: *tawḥīd* (monotheism), *nubuwwah* (prophethood), *khilāfah* (vicegerency), *ʿadl* (justice), and *maʿād* (accountability in the hereafter). Within this framework, the prohibition of bequests to heirs can be reinterpreted as an opportunity to strengthen economic stability in families and society, especially in special cases such as children with disabilities, adopted children, foster parents, and others.

Keyword: Bequest, Hadith, Islamic Economic

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ABSTRAK

Wasiat suatu perbuatan baik, mengandung keberkahan salah satu amal jariyah yang dianjurkan dalam Islam. Namun, akan menjadi permasalahan jika wasiat diberikan juga kepada ahli waris sementara ahli waris sendiri sudah ada bagiannya sendiri termasuk bagian anak perempuan tunggal. Keadaan pelik ini karena dalam hadis lain adanya larangan wasiat untuk ahli waris. Pertanyaannya adalah berapa kadar wasiat yang dapat diberikan ketika memiliki hanya seorang ahli waris, dan itu anak perempuan tunggal, bagaimana fiqh al-hadis larangan memberikan wasiat untuk ahli waris dengan pendekatan ekonomi Islam serta implikasinya bagi ekonomi keluarga dan masyarakat. Penelitian ini menggunakan metode kualitatif dengan pendekatan fiqh al-hadis, dan ekonomi Islam. Hasil penelitian menunjukkan bahwa kadar wasiat dianggap banyak jika telah sampai 1/3 dari harta, dinilai hadisnya shahih, terdapat dalam kutubu tis'ah. Sedangkan hadis larangan memberikan wasiat untuk ahli waris kecuali dengan seizinnya dinilai hasan lighairihi, tidak memenuhi syarat hadis shahih imam Bukhari, tetapi banyak jalur periwayatannya. Anak perempuan tunggal akan mendapatkan bagiannya ditambah ashobah dari 1/3 wasiat dan ini merupakan peran Rasulullah saw sebagai pembuat syari'at. Keputusan ini bagian dari spirit perlindungan terhadap anak perempuan, prinsip keadilan dalam pendistribusian ekonomi, berimplikasi pada ekonomi keluarga dan masyarakat, termasuk hifz al-mal, hifz al-nasl dalam maqashid. Ekonomi Islam dibangun bukan pada sistem sosialis, kapitalis (keadilan sosial/kebebasan individu) melainkan pada 5 nilai dasar tauhid, nub*uwah, khilafah, adl, ma'ad*. Begitu juga dalam pembahasan larangan memberikan wasiat untuk ahli waris dapat dipahami sebagai peluang untuk penguatan ekonomi keluarga dan masyarakat. Terutama dengan pertimbangan; anak berkebutuhan khusus, anak angkat, ibu angkat dan lain lain.

Kata Kunci: Wasiat, Hadis, Economi Islam

A. Introduction

A notable incident concerning the permissible extent of bequests (*waṣiyyah*) is found in the case of the Companion Saʿd ibn Abī Waqqāṣ, who once questioned the Prophet Muhammad (peace be upon him) during a period of illness. He inquired about the amount he could lawfully allocate as a bequest, given that his only heir was a single daughter. In the ḥadīth, the Prophet ultimately ruled that one should not bequeath more than one-third of one's wealth. This ruling appears to contrast with another ḥadīth that forbids bequests to legal heirs. The latter was narrated by Abū Dāwūd, al-Nasāʾī, Ibn Mājah, Aḥmad, al-Dāramī, and al-Dāruquṭnī. Notably, in the

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versions reported in al-Muwaṭṭaʾ and Sunan al-Dāruquṭnī, an additional clause is included: "...unless the heirs give their consent." These seemingly conflicting traditions raise fundamental questions about how to interpret and implement both ḥadīths in light of the views of classical scholars, particularly when considered through the lens of Islamic economics.

The Companions of the Prophet interpreted the ḥadīth of Saʿd as affirming the permissibility of bequeathing to one's heirs under certain circumstances. However, opinions varied regarding the appropriate proportion. According to Ibn Qudāmah, for wealthy individuals, one-fifth of the estate is preferable—a position also attributed to Abū Bakr, ʿAlī ibn Abī Ṭālib, and other early authorities. [1]

Meanwhile, ʿUmar ibn al-Khaṭṭāb opined that one-fourth of the estate should be the upper limit. Linguistically, the term *waṣiyyah* (bequest) is the plural form of *waṣiyyatun* and shares semantic parallels with hibah (gift).[2] In the Islamic legal tradition (sharīʿah), it refers to a binding declaration made by an individual concerning the allocation of part of their estate after death.[3] Bequests are considered voluntary yet commendable acts of charity (*ṣadaqah*), intended to take effect posthumously. According to the consensus (*ijmāʿ*) of scholars, bequests are classified as a sunnah *muʾakkadah* (highly recommended practice). Ibn Rushd defines a bequest as the transfer of part of one's property to another person, or the manumission of a slave, either with or without explicitly using the term "*waṣiyyah*."[4]

Meanwhile, the *fuqahā'* (Islamic jurists) define a will (*waṣiyyah*) as a revocable contract, in the sense that it may be annulled at any time by one of the parties involved. In this context, the right of revocation is vested in the testator, as unanimously agreed upon by the jurists. Accordingly, the testator retains the authority to withdraw the property previously bequeathed, with the sole exception of a bequest involving a *mudabbar* slave. karena fuqaha memperselisihkannya.[5] A *ḥamba mudabbar* refers to a slave whose emancipation is contingent upon the death of the master. This status is established, for example, when a master declares to his servant: 'Upon my death, you shall be free."

According to Hasbi ash-Shiddieqy, a will (*waṣiyyah*) is a declaration of intent by an individual to transfer a portion of his property to a designated

[1] Syaikh al Hafidz Abdulghani Al-Maqdisi, *Umdatul Ahkam* (al-Maktabah al-Islamiyah).
[2] Ahmad bin 'Ali bin Hajar Abu al-Fadl al- 'Asqalāni, *Fath Al-Bāri Syarah Shahih Al-Bukhari* (Dar al-Ma'rifah), p. 355.
[3] Muhammad Asyraf bin Amir bin 'Ali bin Hidar, *'Aun Al-Ma'Bud 'Ala Syarhi Sunan Abu Dawud* (Dar Ibn Hazam, 2005), p. 1294.
[4] Muhammad bin Ahmad bin Muhammad bin Rusyd al-Qurtubi Al-Andalusi, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtashid.*, p. 252.
[5] Al-Andalusi, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtashid.*

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recipient, which only becomes effective upon the testator's death. Within the scope of *waṣiyyah* is also included moral advice or admonition, such as instructing someone to refrain from prohibited acts or to increase righteous deeds.[6] From this exposition, it can be understood that *waṣiyyah* constitutes a specific form of contract (*ʿaqd*) that must be executed only after the death of the testator.

A will (*waṣiyyah*) is deemed valid only when its essential pillars (*arkān*) are fulfilled. According to the Ḥanafī school of jurisprudence, there is only one essential pillar, namely *ijāb* (the declaration of intent by the testator, *al-mūṣī*). This is because, in their view, a will constitutes a unilateral contract binding solely upon the testator, while the legatee (*al-mūṣā lahu*) is not bound by it. They further equate the right obtained through inheritance with that obtained through a will, in the sense that both are realized only after the death of the property owner; hence, acceptance (*qabūl*) is not considered necessary. In contrast, Ibn ʿĀbidīn, a prominent authority within the Ḥanafī school, maintains that *qabūl* remains a requisite condition for the validity of a will.

The majority of jurists (*jumhūr al-fuqahā'*) hold that the essential pillars (*arkān*) of a will (*waṣiyyah*) include the testator (*al-mūṣī*). If the testator possesses legal capacity over his property—being a *mukallaf* who is free and competent to engage in lawful transactions—then his will is deemed valid. Conversely, if the testator lacks such capacity, as in the case of a minor, an insane person, one in a state of intoxication, or other similar circumstances, the will is considered invalid. Imām Mālik, however, allows a will to be made by a person of limited intellect (*safīh*) and by a minor who has attained sufficient discernment (*al-qarīb min al-rushd*). Abū Ḥanīfah, on the other hand, rejects the validity of a will issued by a minor who has not reached puberty. Furthermore, according to the jurists, even a non-Muslim may issue a will, provided that its object does not involve unlawful (*ḥarām*) property.[7]

Similarly, with regard to the legatee (*al-mūṣā lahu*), the majority of jurists (*jumhūr al-fuqahā'*) maintain that a will may be directed to non-relatives, although such an act is considered reprehensible (*makrūh*). As for the object of the bequest (*al-mūṣā bihi*), it must not involve sinful purposes. For instance, if a person stipulates in his will the construction of a church for Christian worship, the bequest is invalid. However, if the bequest is for providing lamps in a church to illuminate the premises for refugees seeking shelter—without the intention of glorifying the church—then the will is valid. Any object that is intrinsically unlawful to benefit from cannot constitute a valid bequest, since such a disposition yields no recognized benefit under Islamic law. The final pillar of a will is the will itself, which need not

[6] T.M. Hasbi Ash-Shiddieqy, *Koleksi Hadis-Hadis Hukum* (Pustaka Rizki Putra, 2001), p. 343.

[7] Al-Andalusi, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtashid.*

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necessarily involve material property; rather, it may also pertain to usufruct or non-material benefits.

An example of a non-material bequest can be found in the will of the Prophet Muḥammad (peace be upon him), as narrated by Ibn Abī Awfā, in which he instructed adherence to the Book of God. Another testament of the Prophet, recorded in the ḥadīth of Anas transmitted by al-Nasāʾī, Aḥmad, and Ibn Saʿd, was his exhortation to establish prayer and to treat servants with kindness. This directive was affirmed by the Anṣār and his family members, though it was not issued during his terminal illness, as clarified in other reports. There is also an opinion that the Prophet intended to compose a written will for his community during his final illness, but this was not realized, as related in the Ṣaḥīḥ of al-Bukhārī.[8] Similarly, the Companions practiced non-material bequests: Abū Bakr (may Allah be pleased with him) bequeathed authority to ʿUmar ibn al-Khaṭṭāb, while ʿUmar himself entrusted a directive to the *shūrā* council, and these bequests were duly accepted by the Companions.[9]

A will (*waṣiyyah*) constitutes an act of devotion (*ʿibādah*) that takes effect only after death. The Prophet Muḥammad (peace be upon him) advised that a person who intends to make a will should not allow two nights to pass without having it written. With respect to the ruling on writing a will, the majority of jurists (*jumhūr al-fuqahā'*) hold that it is recommended (*sunnah*), whereas Dāwūd al-Ẓāhirī and the Ẓāhirī scholars maintain that writing a will is obligatory (*wājib*). Al-Shāfiʿī, in his *qaul qadīm*, and Ibn ʿAbd al-Barr, however, report that there is consensus (*ijmāʿ*) among scholars that the obligation of writing a will has been abrogated, based on the proper understanding of the relevant ḥadīth. This is because, in the absence of a will, a person's estate is to be distributed among his legal heirs according to the agreed-upon rules of inheritance. Had it been obligatory, a portion of the estate would necessarily have been set aside as a substitute for the will.

Al-Hādawiyyah and Abū Thawr hold that the most accurate position is a reconciliatory one: the ruling on the will (*waṣiyyah*) is obligatory (*wājib*) when an individual has outstanding obligations established by the Sharīʿah, such that the failure to issue a will may result in the loss of the rights of others. In such circumstances, he cannot discharge those responsibilities except by documenting them in a written will. Conversely, if a person does not face such circumstances, then writing a will is not deemed obligatory[10].

The foregoing discussion illustrates that there remains scope for alternative interpretations, particularly when approached from the perspective of Islamic economics, even though the concept of *waṣiyyah* is generally established and subject to multiple interpretations. The divergent

[8] Muhammad bin Ismā'il Al-Kahlānī, *Subul Al-Salam* (Maktabah al-Ma'arif, 2006), p. 104.

[9] Abu Ishaq Ibrahim bin 'Ali bin Yusuf, *Al-Muhazab Fi Fiqh Imam Asy-Syafi'i*, 2nd edn (Dar al Kutub al Ilmiyah, 1995), p. 338.

[10] Al-Kahlānī, *Subul Al-Salam*.

understandings of the ḥadīth concerning the permissible proportion of a bequest—whether one-fifth, one-fourth, one-third, or even more—as well as the ḥadīth prohibiting bequests to legal heirs, require further scholarly engagement. Hence, this research is of significant importance, given that *waṣiyyah* represents an individual right intrinsically linked to social interests and the welfare of heirs, while being regulated within the limits of the Sharīʿah. By employing an Islamic economic approach, this study seeks to offer a fresh interpretive framework for comprehending the objectives underlying these two seemingly divergent traditions.

This study employs a qualitative research methodology to explore the issue of the permissible extent of bequests (*waṣiyyah*) within the framework of ḥadīth and Islamic economics. Two primary approaches are adopted: fiqh al-ḥadīth and Islamic economic analysis. The *fiqh al-ḥadīth* approach involves a critical examination of relevant ḥadīths from their original sources, particularly those included in the *Kutub al-Tisʿah* (The Nine Canonical Books of Ḥadīth), as well as their interpretative commentaries (sharḥ). This approach seeks to reconcile ḥadīths that appear contradictory on the surface, especially regarding the permissibility and limitations of bequests to legal heirs.

Meanwhile, the Islamic economics approach contextualizes these ḥadīths within broader socioeconomic considerations. It aims to offer alternative understandings of *waṣiyyah* by assessing its implications for family financial welfare, wealth distribution, and societal equity. This dual approach enables a holistic evaluation of how prophetic guidance on bequests aligns with the objectives of maqāṣid al-sharīʿah, particularly in preserving wealth (ḥifẓ al-māl) and ensuring the sustainability of family structures (*ḥifẓ al-nasl*).

By combining textual analysis of ḥadīths with applied economic reasoning rooted in Islamic values, the research provides a multidimensional understanding of bequests as both religious acts and instruments of economic justice.

B. Discussion

Qur'anic Evidence on Bequests

The foundational guidance on bequests in the Qur'an is found in two primary verses, each offering a distinct perspective on the legal and ethical framework of waṣiyyah in Islam. Surah al-Baqarah (2:180): "Prescribed for you, when death approaches [any] of you, if he leaves wealth, [is that he should make] a bequest for the parents and near relatives according to what is acceptable—a duty upon the righteous." This verse initially mandated bequests for relatives but was later abrogated by the laws of inheritance.

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However, the recommendation to make bequests within one-third of the estate for non-heirs remains.

In the early period of Islam, the will (*waṣiyyah*) was obligatory, requiring that the entirety of one's estate be transferred to family members, as indicated by the aforementioned verse. This ruling was later abrogated by the Qurʾānic verses on inheritance, though the recommendation (*sunnah*) of making a will remained in force with respect to up to one-third of the estate—or less—for non-heirs. The 'near relatives' (*al-aqrabūn*) referred to in the verse are interpreted, according to Aḥmad ibn Ḥanbal, Ibn Ḥazm, Saʿīd ibn al-Musayyab, and al-Ḥasan al-Baṣrī, as those who do not receive an inheritance. Ibn Ḥazm further argues that if no will is made in favor of such relatives, the judge (*ḥākim*) must act as the testator by allocating a portion of the estate to them in the form of a mandatory bequest (*waṣiyyah wājibah*). This interpretation opens the possibility of granting a compulsory bequest to grandchildren—whether through a son or daughter who predeceased the testator—provided that the portion does not exceed one-third of the estate. When compared with Hazairin's principle of *substitution*

Surah al-Māʾidah (5:106): "O you who have believed, testimony [should be taken] among you when death approaches one of you at the time of bequest—[that of] two just men from among you or two others from outside if you are traveling..." This verse highlights the importance of witnesses and the procedural aspect of bequests, ensuring transparency and legal security.

Hadith on the Proportion of Bequests

حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ، أَخْبَرَنَا سُفْيَانُ، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ سَعْدٍ رَضِيَ اللَّهُ عَنْهُ، قَالَ : كَانَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَعُودُنِي وَأَنَا مَرِيضٌ بِمَكَّةَ، فَقُلْتُ : لِي مَالٌ، أُوصِي بِمَالِي كُلِّهِ؟ قَالَ : «لاَ» قُلْتُ: فَالشَّطْرِ؟ قَالَ : «لاَ» قُلْتُ: فَالثُّلُثِ؟ قَالَ : «الثُّلُثُ وَالثُّلُثُ كَثِيرٌ، أَنْ تَدَعَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدَعَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ فِي أَيْدِيهِمْ، وَمَهْمَا أَنْفَقْتَ فَهُوَ لَكَ صَدَقَةٌ، حَتَّى اللُّقْمَةَ تَرْ فَعُهَا فِي فِي امْرَأَ تِكَ، وَلَعَلَّ اللَّهَ يَرْفَعُكَ، يَنْتَفِعُ بِكَ نَاسٌ، وَيُضَرُّ بِكَ آخَرُونَ» رواه البخاري [11]

meaning: Narrated by Saʿd (may Allah be pleased with him): "The Prophet (peace and blessings be upon him) visited me when I was ill in Mecca. I said, 'O Messenger of Allah, I have wealth; may I bequeath all of it in charity?' He replied, 'No.' I asked, 'Half of it?' He said, 'No.' I said, 'Then one-third?' He replied, 'One-third—and one-third is still too much. To leave your heirs wealthy is better

[11] Muhammad bin Isma'il Abu 'Abdullah al-Bukhari Al-Ju'fi, *Al-Jami' Al-Musnad Al-Shahih Al-Mukhtasar Min Umuri Rasulullah Saw Wa Sunanihi Wa Ayamihi/Shahih Al-Bukhari*, 1st edn (Dar Thawq al-Najah), p. 62.

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than to leave them poor, begging from people. Whatever you spend [in charity] will be counted as charity for you, even the morsel you place in your wife's mouth. And perhaps Allah will prolong your life, so that some people will benefit from you while others will suffer harm from you.'"— *Reported by al-Bukhārī*

Takhrij al-Hadis

Shahih al-Bukhari No 2743, 2744, 5354, 5659, Shahih Muslim No 1628, 4302[12], Sunan Abu Dawud 2864[13], Sunan at-Tirmdzi No 2116[14], Sunan an-Nasai No 3626, 3627, 3628, 3630, 3632, 3633, 3634, 3635[15], Sunan Ibn Majah No 2708, al-Muwatha' No 736[16], Musnad Ahmad No 1440, 1474, 1479, 1488, 1501, 1524[17], Sunan ad-Darimi No 3238, 3239[18].

Biography of the Narrators

"Saʿd ibn Abī Waqqāṣ al-Zuhrī al-Madanī was a distinguished Companion who migrated to Medina prior to the Prophet Muḥammad's (peace be upon him) own migration to the city. He participated in the Battle of Badr and other major campaigns, and he was among the Companions who were given the glad tidings of Paradise (*al-ʿashara al-mubashshara*). Moreover, he was one of the six individuals nominated by ʿUmar ibn al-Khaṭṭāb as candidates for the caliphate after his death. Saʿd also served as the commander of the Muslim army that conquered Iraq and the territories of Kisrā, and he was the one who established the boundaries of Kūfah for the Arab tribes. During the caliphate of ʿUmar, he held the governorship of Kūfah[19].

The chronology of Saʿd's report has been framed in three hypotheses. First—and most widely accepted—while the Messenger of God (peace and blessings be upon him) was in Mecca during the Ḥajj al-Wadāʿ (Farewell Pilgrimage), he visited Saʿd b. Abī Waqqāṣ, who was gravely ill and thought to be near death. Second, some—on the authority of al-Tirmidhī transmitting from Sufyān ibn ʿUyaynah—locate the episode at the time of the Fatḥ

[12] Muslim bin al-Hajaj Abu al-Hasan al-Qushairi Al-Naisaburi, *Al-Musnad Al-Shahih Al-Mukhtasar Binaql Al- 'Adl Ila Rasulullah Saw* (Dar Ihya al-Turats al- 'Arabi).

[13] Abu Dawud Sulaiman bin al-Ash'ats bin Ishaq bin Bashir bin Shadad bin 'Amru al-Azdi Al-Sijistani, *Sunan Abu Dawud* (al-Maktabah al- 'Asyriyah).

[14] Muhammad bin 'Isa bin Saurah bin Musa bin Ad-Dhahak, *At-Tirmidzi, Al-Jami' Al-Kabir-Sunan at-Tirmidzi* (Dar al-Magrib al-Islamiyah).

[15] an-Nasā i Abu Abdurrahman Ahmad bin Syu'aib bin 'Ali al-Kharāsāni, *Sunan Al-Syaghir LilNasā I*, 2nd edn (Penerbit Maktabah al-Muthabu'āt al-Islāmiyah).

[16] Malik bin Anas bin Malik bin 'Aamir al-Ashbahi Al-Madani, *Al-Muwatha'*, 1st edn (Muasasah Zaayad bin Sulthan, 1425H/2004M.).

[17] Abu Abdullah Ahmad bin Muhammad bin Hanbal bin Hilal bin Asad Al-Syaibani, *Musnad Al-Imam Ahmad Bin Hanbal*, 1st edn (Muasasah al-Risalah).

[18] Abu Muhammad 'Abdullah bin 'Abdurrahman bin al-Fadl bin Bahram bin 'Abdu as-Shomad Ad-Darimi, *Musnad Ad-Darimi*, 1st edn (Dar al-Mughni lilnasyr wa at-Tauzi'i al-Mamlukah al-'Arabiyah).

[19] Taufik Rahman, *Hadis-Hadis Hukum* (Pustaka Setia, 2000).

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Makkah (Conquest of Mecca). This view, however, has been rejected by ḥadīth specialists as erroneous, who deem the first hypothesis the most accurate. Third, a mediating position posits that the incident occurred twice: once during the Conquest of Mecca and again during the Farewell Pilgrimage. [20]

Saʿd did not wish to die in the land from which he had emigrated—Mecca. He said to the Messenger of God (peace and blessings be upon him), "O Messenger of God, I fear dying in the very place from which I emigrated, just as Saʿd b. Khawlah did." For Mecca, in his eyes, was the stronghold of the polytheists who had grievously harmed the Prophet (peace be upon him) and his Companions. The Meccans had driven the believers from their homeland, dispossessed them of their wealth, and expelled them unjustly. Saʿd longed instead to die in the land of emigration—Madinah—the city honored by God as the dwelling place of Islam, and the refuge of the Muhājirūn whose sincerity was manifest. These were the men who aided the Prophet (peace be upon him) with all their might, ensuring that God's religion would stand firm and that its mission would soar above the designs of the unbelievers. For this reason, Saʿd harbored aversion to Mecca and cherished Madinah. Mecca, to him, was a city steeped in idolatry and hostility, while Madinah was a sanctuary of purity, monotheism, and the righteous deeds of the pious and virtuous. It was then that the Messenger of God (peace and blessings be upon him) supplicated to Allah, asking that Saʿd be granted death in al-Madīnah al-Muṭahharah, the sanctified city.

This episode took place before Saʿd had any male offspring. According to al-Wāqidī, Saʿd later fathered four sons, though some reports state that he had more than ten, alongside twelve daughters[21]. Some accounts identify one of his daughters as ʿĀʾishah[22]. At the time when he first intended to draft his will, Saʿd had only one child. However, by the time of his death—in either 55 AH or 58 AH—he had already been blessed with several more children, as affirmed in the ḥadīth. Among his sons were ʿAbd Allāh, ʿAbd al-Raḥmān, ʿUmar, ʿImrān, Ṣāliḥ, ʿUthmān, Isḥāq, ʿĀmir, and others, in addition to twelve daughters[23].

Saʿd transmitted 215 hadiths and passed away in al-ʿAqiq, at his residence there. His body was subsequently brought to Madinah and interred in al-Baqīʿ in the year 55 AH. According to Imam al-Bukhārī, Saʿd had migrated, participated in the Battle of Badr, and eventually died in Makkah. Ibn Hishām records that he undertook a second migration to Abyssinia, took part in the Battle of Badr as well as subsequent military

[20] Abu al- 'Ala Muhammad 'Abdu al-Rahman bin 'Abdu al-Rahim Al-Mubarukufi, *Tuhfatu Al-Ahwadz Syarah Jami' at-Tirmidzi* (Bait al-Afkar ad-Dauliyah), p. 1727; Al-Kahlānī, *Subul Al-Salam*.

[21] Al-Kahlānī, *Subul Al-Salam*.

[22] Badruddin Abi Muhammad Mahmud bin Ahmad al- 'Aini, *'Umdatu Qari Syarah Shahih Al-Bukhari* (Dar al-Fikr), p. 35.

[23] Ali bin 'Adam bin Musa, *Syarah Sunan An-Nasa I*, 1st edn (Kerajaan Arab Su'udiyah Mekah al-Mukarramah, 2003), p. 109.

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campaigns, and died in Makkah during the Farewell Pilgrimage in the year 10 AH. Other reports, however, maintain that he died in Madinah in the year 7 AH[24].

Vocabulary meaning

Laysa yarithunī: literally means *"none shall inherit from me except a daughter."* This expression refers to the context of *aṣḥāb al-furūḍ* (the Qur'anic heirs with prescribed shares), whether male or female.
Shaṭar: denotes *"one-half (al-niṣf)."*
Yatakaffafu al-nās): signifies *"to beg or to ask others for sustenance (literally, to extend one's hand in need),"* particularly in the sense of soliciting food out of hunger[25].

Fiqh al hadis

Saʿd informed the Messenger of Allah (peace be upon him) that he possessed considerable wealth but had no heirs whose welfare after his death he feared for, except for a single daughter. Therefore, he inquired of the Prophet whether he might bequeath the entirety of his wealth as a will. The Prophet did not permit him to do so. Saʿd then proposed an alternative, asking whether he could bequeath half of his wealth, to which the Prophet again responded in the negative. He further inquired about one-third, and the Prophet allowed it, though he still regarded such a proportion as excessively large for a bequest.

Imam Mālik cited the opinion of Imam Abū Ḥanīfah, who asserted that it is impermissible to bequeath more than one-third of one's estate.[26] Similarly, according to Muḥyī al-Dīn Abū Zakariyyā in his commentary on *Ṣaḥīḥ Muslim*, which aligns with the view of the majority (*jumhūr*), a bequest exceeding one-third is not allowed. [27] In the view of Dāwūd and al-Muzanī, the heirs are not permitted to consent to any bequest that surpasses one-third of the estate[28].

By contrast, the Ḥanafī school permits bequests exceeding one-third of the estate. A similar view is also attributed to Isḥāq, Sharīk, and Aḥmad in one of his narrations, and was likewise upheld by ʿAlī and Ibn Masʿūd[29]. They argue that making a bequest greater than one-third is permissible for one who leaves no heirs, basing their reasoning on the Qur'ānic verse: *"And judge between them by what Allah has revealed"* (Q. al-Māʾidah: 49).[30]

[24] Mahyuddin Abu Zakaria Yahya bin Syarf bin Muri Al-Nawawi, *Al-Minhaj Fi Syarh Shahih Muslim Bin Al-Hajaj* (Bait al-Afkar ad-Dauliyah), p. 1036.
[25] Jalaluddin Abdu al-Rahman bin Abu Bakar Al-Sayuthi, *Syarah Sunan Ibn Majah* (Bait al-Afkar ad-Dauliyah), p. 1031.
[26] Al-Madani, *Al-Muwatha'*.
[27] Al-Nawawi, *Al-Minhaj Fi Syarh Shahih Muslim Bin Al-Hajaj*.
[28] Ash-Shiddieqy, *Koleksi Hadis-Hadis Hukum*.
[29] Al-Mubarukufi, *Tuhfatu Al-Ahwadz Syarah Jami' at-Tirmidzi*.
[30] 'Aini, *'Umdatu Qari Syarah Shahih Al-Bukhari*.

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However, when examined in light of the Prophetic tradition, a bequest amounting to one-third is already deemed excessive. Ibn ʿAbbās and the well-known opinion within the Shāfiʿī school maintain that the preferable practice is to bequeath less than one-third of the estate.

Shaykh Ibn ʿUthaymīn explained that the common practice among people today of bequeathing a full one-third of their estate contradicts what is preferable, even though it is legally permissible. The more virtuous course of action is to bequeath less than one-third—such as one-fourth or one-fifth. Leaving wealth for one's heirs is better than giving it away in charity, since the heirs have a stronger claim to the estate[31]. Similarly, according to Imām al-Shawkānī in *Nayl al-Auṭār*, the well-known position within the Shāfiʿī school is that it is recommended to bequeath less than one-third. Imām al-Nawawī elaborated that if the testator (*muṣī*) is of limited means, it is better to bequeath less than one-third, whereas if he is wealthy, bequeathing up to one-third is permissible. [32] The underlying wisdom of bequests, as indicated in the relevant ḥadīth, includes strengthening family ties, doing good toward relatives, showing compassion to one's heirs, and giving priority to close kin over distant ones. This serves as strong evidence for both the wealthy and the poor alike. Ultimately, the divergence of scholarly opinion stems from whether the prescribed limit should be understood as specifically tied to the underlying rationale (ʿ*illah*) articulated by the Lawgiver—that is, to prevent leaving one's heirs impoverished and dependent upon others for their livelihood, as illustrated in the ḥadīth of Saʿd ibn Abī Waqqāṣ.

The Ḥadīth: "There is No Bequest for an Heir"

حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ، حَدَّثَنَا ابْنُ عَيَّاشٍ، عَنْ شُرَحْبِيلَ بْنِ مُسْلِمٍ، سَمِعْتُ أَبَا أُمَامَةَ، سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: «إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ فَلَا وَصِيَّةَ لِوَارِثٍ» رواه داود[33]

Meaning: Abd al-Wahhāb ibn Najdah narrated to us, Ibn ʿAyyāsh narrated to us, from Shuraḥbīl ibn Muslim, who said: I heard Abū Umāmah say, "I heard the Messenger of Allah (peace and blessings be upon him) say: *'Indeed, Allah has granted each person entitled to a right his due; therefore, there is no bequest for an heir.'"* (Narrated by Abū Dāwūd).

Takhrij al-Hadis

Sunan Abu Dawud 2870, Sunan an-Nasai No 3641, Sunan Ibn Majah No 2713, 2714, al-Muwatha' No 736, Musnad Ahmad No 18082, 18083, 22294, Sunan ad-Darimi No 3303.

In the narration recorded by al-Dāruquṭnī, the wording is as follows:

[31] Al-Maqdisi, *Umdatul Ahkam*.
[32] Muhammad bin 'Ali bin Muhammad bin 'Abdullah asy-Syakani Al-Yamani, *Nailu Al-Authar*, 1st edn (Dar al-Hadis, 1993); Al-Mubarukufi, *Tuhfatu Al-Ahwadz Syarah Jami' at-Tirmidzi*.
[33] Al-Sijistani, *Sunan Abu Dawud*.

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حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عَبْدِ الصَّمَدِ بْنِ الْمُهْتَدِي بِاللَّهِ , نا أَبُو عُلَاثَةَ مُحَمَّدُ بْنُ عَمْرِو بْنِ خَالِدٍ , نا أَبِي , نا يُونُسُ , عَنْ عَطَاءٍ الْخُرَاسَانِيِّ , عَنْ عِكْرِمَةَ , عَنِ ابْنِ عَبَّاسٍ , قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: «لَا تَجُوزُ وَصِيَّةٌ لِوَارِثٍ إِلَّا أَنْ يَشَاءَ الْوَرَثَةُ» رواه الدارقطني [34]

Meaning: Ubayd Allāh ibn ʿAbd al-Ṣamad ibn al-Muhtadī bi-llāh narrated to us, Abū ʿUlāthah Muḥammad ibn ʿAmr ibn Khālid narrated to us, my father narrated to us, Yūnus narrated to us, from ʿAṭāʾ al-Khurāsānī, from ʿIkrimah, from Ibn ʿAbbās, who said: The Messenger of Allah (peace and blessings be upon him) said: *"A bequest in favor of an heir is not valid unless the other heirs consent."* (Narrated by al-Dāruquṭnī).

Takhrij al-Hadis

Sunan ad-Darulqutni No 4155, 4295, 4296.

Fiqh al hadis

The ḥadīth *lā waṣiyyata li-wārith* ("there is no bequest for an heir") appears as the title of a chapter in both *Ṣaḥīḥ al-Bukhārī* and *Sunan al-Tirmidhī*. However, neither its isnād (chain of transmission) nor its matn (text) is found therein, which indicates that the ḥadīth does not meet the criteria of authenticity (*ṣaḥīḥ*) according to these two Imāms. [35] Nevertheless, al-Bukhārī later transmitted, in a *mawqūf* form, the statement of ʿAṭāʾ ibn Abī Rabāḥ on the authority of Ibn ʿAbbās in the context of explaining or interpreting a Qur'ānic verse; the matn of this report has been judged to carry the ruling of *marfūʿ*[36]. In the narration reported by al-Dāruquṭnī, attributed to the Companion Ibn ʿAbbās, an additional phrase appears at the end—*illā an yashāʾa al-warathah* ("unless the heirs consent"). This narration has been graded *ḥasan* in *Bulūgh al-Marām*. Similarly, Imām Aḥmad and al-Tirmidhī have transmitted it, and it was further strengthened by Ibn Khuzaymah and Ibn al-Jārūd. Its transmitters (*rijāl*) are considered trustworthy (*thiqāt*), yet the report is deemed to have an underlying defect (*maʿlūl*). It has been noted that ʿAṭāʾ al-Khurāsānī never directly heard from Ibn ʿAbbās. In another narration recorded by al-Dāruquṭnī, transmitted from ʿUmar ibn Shuʿayb on the authority of his father, from his grandfather, the report is considered *marfūʿ*. [37]

Within the same chapter, the narration of ʿAmr ibn Khārijah is transmitted by al-Tirmidhī and al-Nasāʾī, and from Anas according to the narration of Ibn Mājah, as well as from ʿAmr ibn Shuʿayb on the authority of

[34] Abu al-Hasan 'Ali bin 'Amr bin Ahmad bin Mahdi bin Mas'ud bin an-Nu'man bin Dinar al-Baghdadi Ad-Daruquthni, *Sunan Ad-Daruquthni* (Muasasah al-Risalah, 2004), p. 143.

[35] 'Aini, *'Umdatu Qari Syarah Shahih Al-Bukhari*.

[36] Al-Kahlānī, *Subul Al-Salam*.

[37] Al-Mubarukufi, *Tuhfatu Al-Ahwadz Syarah Jami' at-Tirmidzi*.

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his father, from his grandfather, and from Jābir as reported by al-Dāruquṭnī. Al-Dāruquṭnī stated that the soundest judgment regarding this ḥadīth is that its quality is *mursal*. Likewise, in the transmission from ʿAlī recorded by Ibn Abī Shaybah, the authenticity of each chain of transmission remains questionable. However, due to the multiplicity of transmission routes, the meaning of the ḥadīth gains cumulative strength and can thus be acted upon. Indeed, Imām al-Shāfiʿī explicitly affirmed in *al-Umm* that the matn of this ḥadīth attains the status of *mutawātir*. He further remarked that this report was narrated by a large number of transmitters, who in turn conveyed it through multiple independent routes, rendering it stronger than a solitary report (*khabar āḥād*). Fakhr al-Dīn al-Rāzī, however, rejected al-Shāfiʿī's assessment concerning its *mutawātir* status. Nevertheless, this does not undermine the acceptance of the ḥadīth, for it is still widely recognized and acted upon within the Muslim community[38].

A differing view is presented by the Shīʿa scholars of the Zaydī, Imāmī, and Ismāʿīlī schools, who maintain that making a bequest in favor of one of the heirs is permissible, even without the consent of the other heirs, basing their opinion on Qurʾān al-Baqarah (2:180). Conversely, the scholars of the Ẓāhirī school, along with Abū Ibrāhīm Ismāʿīl ibn Yaḥyā al-Muzanī, argue that a bequest in favor of an heir is invalid, even if the other heirs grant their approval.

The jurists also differed regarding the permissibility of making a bequest to non-immediate relatives. The majority (*jumhūr*) hold that such a bequest is permissible, though deemed reprehensible (*makrūh*), citing as evidence the ḥadīth narrated from the Companion ʿImrān ibn Ḥuṣayn. In contrast, al-Ḥasan and Ṭāwūs prohibited bequests to relatives, a view also adopted by Isḥāq. Their argument is based on Qurʾān al-Baqarah (2:180), in which the definite article *al-* in the terms *al-wālidayn* (the parents) and *al-aqrabīn* (the near of kin) is understood as restrictive (*al-ḥaṣr*), confining the ruling exclusively to those two categories[39]. An illustration is found in the narration of ʿImrān ibn Ḥuṣayn: a man, during his terminal illness, intended to emancipate six of his slaves while possessing no other wealth. The Messenger of Allah (peace and blessings be upon him) then drew lots among them, emancipating two and leaving four in bondage[40]. This case indicates that bequeathing to relatives was considered obligatory prior to the revelation of the Qurʾānic verses on inheritance. However, after the subsequent revelation of those verses, the ruling of obligatory bequest was abrogated (*nuskhiḥa*)[41].

The majority of scholars (*jumhūr al-ʿulamāʾ*) maintain that this ḥadīth serves as evidence for the prohibition of making a bequest in favor of an heir when the other heirs do not consent. A different view is held by al-

[38] 'Asqalāni, *Fath Al-Bāri Syarah Shahih Al-Bukhari.*
[39] Al-Andalusi, *Bidayah Al-Mujtahid Wa Nihayah Al-Muqtashid.*
[40] Al-Naisaburi, *Al-Musnad Al-Shahih Al-Mukhtasar Binaql Al- 'Adl Ila Rasulullah Saw.*
[41] Al-Sayuthi, *Syarah Sunan Ibn Majah.*

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Hādī and some other scholars, who argue that such a bequest remains permissible, citing as proof Qurʾān al-Baqarah (2:180). According to them, the obligatory nature of this ruling was abrogated, yet this does not imply absolute prohibition. Were it not for this ḥadīth, bequests to heirs would not be permissible at all, since the obligation of making bequests was abrogated by the Qurʾānic verses on inheritance[42].

Likewise, according to Hasbi, some scholars permit (and validate) bequests in favor of heirs. If the Qurʾānic verse obligating a person to make a bequest to parents and close relatives at the approach of death is considered abrogated, then what has been abrogated is the obligation, not the permissibility. Furthermore, this verse is directed toward heirs who are barred from receiving inheritance due to certain impediments, such as religious difference or other legal causes. With regard to the one-third portion of the estate that may be allocated through a bequest with the approval of some heirs: if such a bequest is made while the testator is still alive, it may be revoked at any time. However, if some heirs withdraw their consent after the testator's death, the bequest must nonetheless be executed.

The Mālikī school distinguishes between terminal illness (*maraḍ al-mawt*) and ordinary illness. A bequest made during a terminal illness is treated as if it were discovered only after the individual's death. Some jurists further recognized exceptions concerning inheritance or rulings on heirs, granting validity to such bequests due to specific causes or circumstances. According to al-Zuhrī and Rabīʿah, the heirs have no right to revoke their consent once it has been granted. Thus, if a person makes a bequest in favor of his brother at a time when he has no children, and subsequently a child is born before his death, the bequest remains valid. Similarly, if he makes a bequest in favor of his brother, and his child predeceases him, then the bequest is to be executed for the benefit of the brother as the rightful heir.[43]

With regard to the narration reported by al-Dāruquṭnī—*"except if the heirs consent"*—this serves as evidence that a bequest in favor of an heir becomes valid when the heirs approve it, and in such a case, the bequest must be executed. In the implementation of bequests, Qurʾān al-Nisāʾ (4:11) states: *"after any bequest which he may have made or debt [is paid]."* The scholars unanimously agree that the repayment of debts takes precedence over the execution of a bequest. Conversely, according to al-Suhaylī, the bequest should be given precedence over debt repayment, based on several arguments. First, a bequest is generally an instruction to perform acts of goodness and to maintain ties of kinship, whereas debt typically arises from human error or negligence. Therefore, executing a bequest is considered superior, as it represents a higher form of virtue.

Secondly, al-Suhaylī argued that the bequest should be prioritized in accordance with the Qurʾānic verse itself, for a bequest is to be executed

[42] Al-Kahlānī, *Subul Al-Salam*.
[43] Ash-Shiddieqy, *Koleksi Hadis-Hadis Hukum*.

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without compensation, whereas debt is repaid in exchange for what was received. Executing a bequest is more burdensome for the heirs than repaying a debt, since a bequest can easily be neglected, unlike a debt which is subject to constant claims. Thus, the bequest should be fulfilled before the settlement of debts.

Thirdly, a bequest is generally intended for the poor and needy, whereas debt repayment involves a creditor who is likely to demand repayment. This strengthens the view that a bequest ought to be prioritized, though the matter remains disputed.

Fourthly, a bequest stems from the personal will of the deceased, and therefore deserves precedence as a form of recommended practice (*mandūb*) to be honored. Debt, on the other hand, must be repaid regardless of whether it is explicitly mentioned in the verse, because its obligation is established independently. Moreover, a bequest may pertain not only to wealth but also to good deeds, whether obligatory or recommended, and can be executed by anyone designated by the testator. Debt, however, is limited in scope and nature. Additionally, matters that occur less frequently—such as bequests—are to be prioritized over matters that are more common, such as debts.[44] From the above discussion, two positions emerge: the first, adopted by the majority of scholars, is that debts must be settled before the execution of a bequest; while the second, as maintained by al-Suhaylī in light of Qurʾān al-Nisāʾ (4:11), holds that a bequest should be given precedence over debt repayment.

Bequest in the Context of Economics

Islamic economists have formulated fundamental values in the framework of Islamic economics. Although variations in interpretation exist, these values ultimately converge toward the same essence. Among the most notable formulations are the five foundational principles outlined by Adiwarman Karim: tawḥīd (faith in the Oneness of God), nubuwwah (prophethood), khilāfah (governance or stewardship), ʿadl (justice), and maʿād (accountability and final outcome).[45] Within Islamic teachings, the concept of tawḥīd encompasses two main dimensions: *tawḥīd rubūbiyyah* and *tawḥīd ulūhiyyah*. *Tawḥīd rubūbiyyah* refers to the acknowledgment of God as the sole Creator, Sustainer, and Regulator of the universe. Meanwhile, *tawḥīd ulūhiyyah* signifies the exclusive devotion to God, without associating Him with any partners. Accordingly, humankind's ultimate duty is to comply with God's commands and abstain from what He has prohibited.

The position of the Prophet Muḥammad (peace be upon him) holds a unique and exalted status in the sight of Allah (SWT). Within his person lies

[44] Al-Kahlānī, *Subul Al-Salam*.
[45] Adiwarman A. Karim, *Ekonomi Islam: Suatu Kajian Kontemporer* (Gema Insani Press, 2003), p. 95.

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uswah ḥasanah (the best model), serving as a noble exemplar for humanity. He embodies lofty values that provide enduring guidance for human life, including in the realm of economics. The Prophet (peace be upon him) taught the principles of honesty (*ṣidq*), trustworthiness (*amānah*), intelligence and sound judgment (*faṭānah*), conveying truth (*tablīgh*), courage, patience, tolerance, compassion toward fellow human beings, wisdom, and other virtuous values. Consequently, obedience to the Prophet is equivalent to obedience to Allah (SWT). This embodies the fundamental value of nubuwwah (prophethood) as one of the core principles of Islamic economics.

The fundamental value of *khilāfah* in human existence reflects the essential reality of humankind's role in this world as part of servitude to Allah (SWT). Within the economic sphere, the concept of *khilāfah* signifies that human beings are entrusted with the responsibility to manage and utilize the resources of the universe in the best possible manner. This trust requires the empowerment of all aspects of creation to achieve the welfare of living beings, while simultaneously fostering the development of the innate potentials bestowed upon humanity.

According to Adiwarman A. Karim, the meaning of ʿ*adl* (justice) in the Islamic perspective refers to the principle of refraining from committing injustice (*ẓulm*) toward others. It does not imply absolute equality in the sense of uniform distribution.[46] This conception differs from the capitalist notion of justice—"you get what you deserve"—and from the socialist understanding of justice as complete equality, in which no individual has the privilege to obtain more than others. Islam acknowledges the existence of economic disparities among individuals and does not promote absolute economic equality. Instead, the value of justice in economics, particularly in the distribution of wealth through *waṣiyyah* (bequest), is aimed at fulfilling the fundamental needs of individuals, families, and society. The prescribed limitations on the amount of *waṣiyyah* are designed to prevent potential harms, such as poverty that may lead individuals to beg for sustenance.

In Islamic doctrine, al-Maʿād refers to the belief in eternal life after the transient and finite existence of the worldly realm. During one's lifetime, all acts of righteousness and good deeds—ranging from intention and planning to execution—are to be performed solely in pursuit of the pleasure of Allah (swt). Such virtuous actions will be rewarded, either in this world or in the Hereafter, with the ultimate recompense being entry into Paradise. Conversely, all forms of evil and wrongdoing will inevitably incur divine punishment, culminating in the torment of Hell. In other words, al-Maʿād embodies the principle of reward and punishment, establishing a moral framework that holds every human being accountable for their deeds both in this life and in the Hereafter.

The aforementioned values, when connected to the concept of *wasiyyah* (bequest), demonstrate profound relevance and importance in the

[46] Adiwarman A. Karim, *Ekonomi Islam: Suatu Kajian Kontemporer,* (Jakarta: Gema Insani Press, 2003. p. 176.

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economic realities of both family and society. Anchored in the foundational principles of Islamic economics—*tawḥīd* (faith), *nubuwwah* (prophethood), *khilāfah* (stewardship), *ʿadl* (justice), and *maʿād* (eschatological accountability)—the institution of *wasiyyah* reflects a holistic approach aimed at attaining the ultimate goal of divine pleasure (*riḍā Allāh*). In this light, *wasiyyah* constitutes a moral and legal responsibility of the testator towards their family, ensuring the continuity of welfare for the heirs. It represents a balance between rights and responsibilities, and serves as an instrument to realize the higher objectives of the Sharīʿah (*maqāṣid al-sharīʿah*) in the domain of wealth. Specifically, it upholds *ḥifẓ al-māl* (protection of wealth) by ensuring equitable distribution and continuity of resources, while also safeguarding *ḥifẓ al-nasl* (preservation of lineage) by providing guarantees for the heirs' livelihood and well-being.

The primary objective of limiting a bequest to one-third of the total estate is to ensure that the descendants of the deceased are not left in destitution or compelled to depend on others. This regulation serves as a mechanism for strengthening the economic resilience of the family even after the benefactor has passed away, while simultaneously enabling the benefactor to continue receiving the reward of *ṣadaqah jāriyah*. In the framework of *maqāṣid al-sharīʿah*, the allocation of a bequest (*waṣiyyah*) to an only daughter can be regarded as a manifestation of *ḥifẓ al-nasl* (preservation of lineage) and *ḥifẓ al-māl* (preservation of wealth). Furthermore, the Prophetic prohibition against making a bequest in favor of legal heirs—except with the explicit consent of the other heirs—functions to confer legal validity upon the bequest and to prevent potential conflicts in matters of inheritance. In addition, the institution of *waṣiyyah* plays a protective role for individuals who might otherwise suffer harm or lose their rightful claims if no bequest is made. For instance, a creditor of the deceased, whose claim is unknown to the heirs, may be deprived of repayment unless explicitly mentioned in the bequest. Conversely, if the deceased had outstanding debts, the *waṣiyyah* provides a mechanism to ensure that such obligations are duly fulfilled. Thus, *waṣiyyah* serves not only as a means of wealth distribution but also as an instrument of justice, conflict prevention, and protection of rights within the economic framework of both family and society.

The Wisdom Behind the Event

It can be understood that every command or prohibition, whether originating from Allah or from the Prophet, is believed to contain wisdom and hidden meanings. Accordingly, the hadith concerning bequests also encompasses several profound lessons. Among these are the encouragement to visit the sick, particularly one's relatives and close kin; the exhortation to engage in consultation with scholars and to seek their guidance in addressing significant issues that require collective deliberation; the

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recommendation to allocate one-third of one's wealth, or even less, in a bequest, regardless of the abundance of the individual's possessions; the permissibility of accumulating wealth through lawful means; and the recognition that preserving wealth for the benefit of one's heirs who are in need is deemed more virtuous than distributing it in charity to others[47].

The restriction against granting a bequest in excessively large proportions is intended to prevent heirs from being neglected after the testator's death, thereby sparing them from a life of dependency on the goodwill of others. Moreover, such a restriction helps to avert potential disputes over inheritance that may arise from disproportionate bequests. Another underlying wisdom is the reinforcement of the heirs' and society's economic stability in accordance with the principles of Islamic law.

C. Conclusions

A bequest constitutes one of the mechanisms of wealth distribution, the quantity of which is explicitly restricted by Islamic law. Individual freedom over the disposal of wealth is not absolute, as it is subject to these legal constraints. Similarly, one's social generosity toward the wider community is not without limits, being confined to one-third of the estate. From this perspective, the Islamic economic framework neither aligns with socialist theory, which emphasizes collective ownership, nor with capitalist theory, which promotes unrestricted individual ownership. Rather, it occupies a balanced position between the two. The regulation of wealth distribution ensures that heirs are not neglected; leaving substantial wealth for one's heirs is considered a virtuous act, akin to providing sustenance to one's spouse—even if it were merely a single morsel of food.

It is deemed more virtuous to leave behind substantial wealth than to witness one's heirs compelled to extend their hands in dependence upon others. Although the Companions of the Prophet (peace be upon him) differed in their views regarding the precise quantitative limit of bequests—owing to the variety of evidences they employed—they shared a common legal rationale (*ʿillah*). The overarching principle remains consistent: leaving sufficient wealth for one's heirs is preferable, as it prevents them from falling into the condition of begging. Furthermore, the institution of bequests reflects Islam's support for equitable income distribution, intended to mitigate the gap between the rich and the poor. It also encourages voluntary acts of bequest, which are regarded as a form of worship and a means of attaining spiritual merit.

The Prophet advised that if one intends to make a bequest, one should not go to sleep without having written it down, nor let two nights pass without recording it (Ṣaḥīḥ al-Bukhārī, No. 2738). Although wealth is held in individual possession, its disposal is regulated by the injunctions of Islamic law. In essence, ultimate ownership of wealth belongs to Allah, while human

[47] Rahman, *Hadis-Hadis Hukum*.

ownership is merely symbolic (*majāzī*). The inquiry of Saʿd ibn Abī Waqqāṣ also reflects, in part, the elevated status of daughters in Islam—granting them not only a rightful share of inheritance, which they previously did not enjoy, but also the possibility of receiving additional portions through bequests left by their parents. Accordingly, a proper understanding and application of the limits of bequests, as outlined in this hadith, carry practical implications for strengthening the economic resilience of families. On a broader scale, the implementation of bequests can also contribute to societal welfare, functioning as a form of *ṣadaqah jāriyah* (ongoing charity) that aligns with the five foundational values of Islam. Future research on the concept of bequests should therefore be directed toward their practical applications within contemporary contexts.

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