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The Concept of Fair in the Case of Children Given Hadith Perspective

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ABSTRACT: This study discusses the concept of justice in giving parents to children (al-'adl fī al-'aṭiyyah) based on the perspective of the hadith of the Prophet Muhammad (saw). This study uses a literature method with the takhrīj al-ḥadīs approach to trace the validity of sanad as well as the study of matan hadith that discusses the justice of giving to children. The analysis is carried out through textual, intertextual, contextual, and logical approaches to comprehensively understand the hadith message. The results of the study show that the hadith about the justice of giving to children has the status of **ṣaḥīḥ**, so it becomes a strong basis in establishing the law of fair giving. The majority of scholars believe that the equalization of giving to children is **sunnah mu'akkadah**, but it can still consider the condition of the child's needs proportionately. This hadith also provides important implications for resolving potential family conflicts and answering allegations of gender discrimination in Islamic law by affirming that the principle of justice in Islam adjusts the functions and responsibilities of each child. Thus, this research enriches the discourse of family fiqh and can be an applicative solution in the equitable distribution of property before inheritance.

INTRODUCTION

1. Background Problems

For Muslims in particular, the Qur'an and the Prophet's hadiths work as a manual for all human endeavors, regulating everything from religious to secular topics. Property distribution is one of the theological issues governed by the Qur'an and hadith. One of Islam's most urgent concerns is property regulation.

The topic of property, its use, and its distribution is not only governed by the Qur'an but is also extensively discussed in the Prophet's (peace be upon him) hadith.

Since the hadith of the Prophet (peace be upon him) must first be interpreted in terms of sanad and matan, one must first read the hadith regarding al-'at}iyah itself in order to comprehend this justice.[1] Inadequate comprehension will result in incorrect implementation and even mistakes. The most important thing to keep in mind when examining the hadith's components is that they must be in accordance with the Qur'anic teachings and the prevailing social circumstances of the time in order for the hadith to remain an integral part of the Islamic teachings..

Since the function of the Prophet as the Prophet cannot be divorced from the comprehension of the text of the Prophet's hadith, takhrij al-hadith, a way of testing the Prophet's hadith, is particularly beneficial in understanding the notion of al'at}iyah.[2] Taking into account the Prophet's hadith as rah`matan li al-'a>lami>n, this must be done. In order to ensure that its implementation is done correctly and appropriately, it is envisaged that research on this topic would contribute to the scientific riches pertaining to the problem of wealth distribution.

The distribution of inheritance is one contemporary phenomenon that deviates from justice in general. Since children are the family's heirs, in actuality, no parent does not like to leave their property to them. Each child receives the same amount of income even when there is a lot of affection, which occasionally deviates from Islamic law. Actually, the distribution of inheritance has been set up in accordance with Islamic law so that each guy will receive twice as much as the girl.[3]

[1]See: Muh{ammad Mus{t}afa>. Az{ami, *Studies in Hadith Methodology and Literature,* ed. Meth Kieraha, *Understanding the Science of Hadith, Methodological Study & Hadith Literature* (Cet. III; Jakarta: Lentera, 2003 M.), p. 86-92.

[2]Arifuddin Ahmad, *A New Paradigm of Understanding the Hadith of the Prophet,* (Cet. I; Renaissance: Jakarta, 2005 M.), p. 177.

[3]IDLO and Serambi Indonesia, *How to Be Fair to Children in the Distribution of Inheritance*, www.idlo.int/English/External/IPacehnews.asp, (April 15, 2010)

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In accordance with Islamic law and with a feeling of justice, children's inheritance is distributed. Nonetheless, it is occasionally allowed for parents to give their child a larger gift after the inheritance is distributed, so long as the extra sum is regarded as a gift (al-'at}iyah) and not a component of the inheritance.[4]

Even though women are sometimes more needy and committed than boys, some individuals, particularly women, oppose the inheritance distribution because they believe it is unfair because it gives men twice as much wealth as the women's portion.

In conclusion, some individuals suggest that justice need not be based on the same amount but rather on needs and duties. But in the household, boys and girls essentially hold the same place.

Scholars assert that children must be treated equitably, without favoritism in the distribution of resources. However, their perspectives on the law of privilege differ from each other. Various assumptions and rationales support each of these perspectives..[5]

2. Problem Formulation

Based on the background of the problems that have been described above, the following problem formulation can be made:

1. What is the status of the hadith about fairness to children in giving?
2. How to understand the hadith about fairness to children in giving?
3. What messages and impressions are expressed and implied in the hadith about being fair to children when giving?

METHODOLOGY

1. Sources and Data Collection

The sources in this essay are exclusively derived from library research. The collected data comprised primary data, specifically hadiths regarding al-'Adl fi al-'At}iyah, and secondary data, including verses from the Qur'an and hadiths of the Prophet (peace be upon him), along with necessary information for interpreting the primary data through the insights of tafsir, hadith, and fiqh scholars.

Data gathering was carried out using the takhrij al-hadith approach.Meanwhile, the research is qualitative and descriptive, as it elucidates the quality, validity, and analysis of a specific component of the hadiths of the Prophet (saw)..

2. Research Steps

This thesis utilizes a thematic framework, aligning its processes with the mawdu'i hadith approach. This study is qualitative, as it examines descriptive data conveyed through vocal statements. The following are the procedures.

a. Gathering facts on hadiths pertaining to al-'at}iyyah via takhri>j al-hadi>s. The researcher employs two out of five takhrij methods, specifically

1) the approach utilizing one of the hadith matan recitations, in both nominal and verbal forms, by consulting the book al-Mu'jam al-Mufahras li Alfa>z} al-H{adi}s\ al-Nabawi> by A.J. Weinsink, translated by Muhammad Fu'ad Abd al-Ba>qi>, including searches for terms such as 'at}iyyah, 'adil, and others.
2) The approach of utilizing certain subjects in hadith literature, including texts organized as fiqhi chapters or al-targi>b wa al-tarhi>b, as well as the book Mifta>h} Kunu>z al-Sunnah, which was prepared by A.J. Weinsink and translated by Muhammad Fu'a>d Abd al-Ba>qi.

Furthermore, the researcher enhanced the aforementioned takhrij by digital research, specifically utilizing a CD-ROM that encompasses the hadiths of the Prophet (peace be upon him) pertaining to al-'Adl fi al-'Atiyah, whether in the format of al-Kutub al-Tis'ah, al-Maktabah al-Sya>milah, or al-Mu'jam al-Kubra> (PDF). Nonetheless, the primary source texts continue to reference the findings of al-Kutub al-Tis'ah and al-Maktabah al-Sya>milah.

b. Classify hadith according to their content while considering tanawwu'.Subsequently, execute i'tibar by finalizing it with a sanad framework.

c. Performing hadith critique through sanad analysis, encompassing the biographical examination of the narrators and the evaluative judgments of hadith critics, alongside matan analysis, which addresses the potential for sya>z\ and 'illah.

d. Examine different hadith commentaries from various hadith literature, and thereafter conclude the discourse with pertinent verses and hadiths related to al-'Adl fi al-'At}iyah. .[6]

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[4]Multiply, *Justice to Children in Giving*, www.efriassumbayak.multiply.com (April 15, 2010).

[5]*Ibid.*

[6]The steps of the hadith *maud}u>'i* can be seen at: Arifuddin Ah{mad, *op.cit.,* p. 20.

3. Research Approaches and Techniques

a. Approach

Researchers employ various holistic and multidisciplinary methodologies, including a theological approach to examine issues pertaining to the law of al-'at}iyyah, a philosophical approach to explore the essence of al-'at}iyyah and associated hadiths, and historical approaches utilized as instruments to analyze events and circumstances during the era of the Prophet (peace be upon him).

b. Interpretation techniques

Comprehending the significance of verbal expressions, specifically the hadith of the Prophet (peace be upon him), necessitates the application of interpretative techniques to analyze vocabulary, phrases, clauses, and sentences. This is particularly essential in the examination of thematic hadith.

1) Textual interpretation denotes the method of comprehending the matan hadith exclusively through the text itself, focusing on the structure and extent of its meaning, while neglecting asbab al-wurud and other assumptions.

2) Intertextual interpretation entails comprehending the matan hadith by examining other hadiths and pertinent verses from the Qur'an.

3) Contextual interpretation is the understanding of the matan hadith by paying attention to *asbab al-wujud,* or the context of the Prophet's time, historical actors, and events by paying attention to the current context.[7]

4) Logical interpretation is the understanding of the hadith by using the principles of logic in a deductive or inductive way on the grounds that this research is a scientific activity.[8]

DISCUSSION

1. Hadith About *al-'Adl fi al-'Atiyah*

حدثنا حامد بن عمر حدثنا أبو عوانة عن حصين عن عامر قال سمعت النعمان بن بشير رضي الله عنهما وهو على المنبر يقول: أعطاني أبي عطية فقالت عمرة بنت رواحة لا أرضى حتى تشهد رسول الله صلى الله عليه وسلم فأتى رسول الله صلى الله عليه وسلم فقال إني أعطيت ابني من عمرة بنت رواحة عطية فأمرتني أن أشهدك يا رسول الله قال (أعطيت سائر ولدك مثل هذا). قال لا قال (فاتقوا الله واعدلوا بين أولادكم). قال فرجع فرد عطيته.[9]

Means

It was narrated to us by Hamid ibn 'Umar, narrated to us by Abu 'Awanah from Husain from 'Amir, who said, "I heard al-Nu'man ibn Basyir ra while he was on the pulpit saying, 'My father gave me something,' then 'Amrah bint Rawahah said, 'I am not willing until you testify to the Messenger of Allah (peace and blessings of Allah be upon him).'" Then he came to the Messenger of Allah (peace and blessings of Allah be upon him) and said, "I have given something to my son who is from 'Amrah bint Rawa>h{ah), and he told me to bear witness to you, O Messenger of Allah (peace and blessings of Allah be upon him)." Then the Messenger of Allah (peace and blessings of Allah be upon him) said, "Have you given the same to your other children?" and Basyir replied, "No," and the Messenger of Allah (peace and blessings of Allah be upon him) said, "Fear Allah and be fair to your children." Then Basyir went home and took back the gift."

2. **Takhrij al-Hadith**

After searching for the book *al-Mu'jam al-Mufahras li Alfa>z} al-H{adi>s*, using one of the words of the hadith, namely اعدلوا, it was found that the hadith is found in several hadith books (*al-kutub al-tis'ah*) with the following text:

اعدلوا بين أولادكم اعدلوا بين أبنائكم: **د:** بيوع 83، **خ**: هبة 12، 13، **م**: هبات 13، **ن:** نحل 1، **حم: 4**، 275، 278، 375.[10]

Based on the data contained in the book *Al-Mu'jam Al-Mufahras li Alfa>z} Al-H{adi>s,* it can be known that the hadith that explains the justice of parents towards the giving of their children is found in the book:

1. *S}ah}i>h{ al-Bukha>ri,* kitab *al-hibah wa fad}liha* chapters 12 (*al-hibah li al-walad*...) and 13 (*al-isyha>d fi> al-hibah*), as the text mentioned above.
2. *Sahi Muslim,* book *al-hiba>t* chapter 13 (*kara>hah tafd}i>l ba'd} al-aula>d fi> al-hibah*), using the sentence:
   حدثنا أبو بكر بن أبي شيبة حدثنا عباد بن العوام عن حصين عن الشعبي قال سمعت النعمان بن بشير ح وحدثنا يحيى بن يحيى (واللفظ له) أخبرنا أبو الأحوص عن حصين عن الشعبي عن النعمان بن بشير قال: تصدق علي أبي ببعض ماله فقالت أمي عمرة بنت رواحة: لا أرضى حتى تشهد رسول الله صلى

[7]Arifuddin Ahmad, *op.cit.,* p. 24.

[8]H. Abd. Muin Salim, *Methodology of Tafsir of an Epistimological Reconstruction* (Professor's Inauguration Speech, Ujung Pandang: IAIN Alauddin, April 28, 1999), p. 35.

[9]Abu> 'Abdillah Muhammad ibn Isma>'i>l al-Bukha>ri>, *S}ah}i>h} al-Bukha>ri>,* Juz. II (Cet. III; Beiru>t: Da>r Ibn Kas\i>r, 1407 A.H./1987 A.D.), p. 914.

[10]AJ. Weinsink, Translated by Muhamamd Fu'ad Abd al-Ba>qi<,*al-Mu'jam al-Mufahras li Alfa>z} al-Hadi>s\ al-Nabawi>,* Juz. IV (London: Brill Press, 1936 H.), p. 153.

الله عليه وسلم. فانطلق أبي إلى النبي صلى الله عليه وسلم ليشهده على صدقتي فقال له رسول الله صلى الله عليه وسلم (أفعلت بولدك هذا كلهم؟) قال لا قال (اتقوا الله واعدلوا في أولادكم). فرجع أبي فرد تلك الصدقة.[11]

3. *Sunan Abi Da'ud,* kitab *al-buyu',* chapter 83 (*fi> al-rajul Yufad}d{il Ba'd{a waladih fi al-nah}l),* using the sentence:
   حدثنا سليمان بن حرب ثنا حماد عن حاجب بن المفضل بن المهلب عن أبيه قال سمعت النعمان بن بشير يقول: قال رسول الله صلى الله عليه وسلم "اعدلوا بين أولادكم اعدلوا بين أبنائكم."[12]
4. *Sunan al-Nasa>i,* kitab *al-nah}l* chapter 1 (*z\ikr ikhtila>f alfa>z} al-na>qili>n*....) using the sentence:
   أخبرنا يعقوب بن سفيان قال حدثنا سليمان بن حرب قال حدثنا حماد بن زيد عن جابر بن المفضل بن المهلب عن أبيه قال سمعت عن النعمان بن بشير يخطب قال قال رسول الله صلى الله عليه وسلم: اعدلوا بين أبنائكم اعدلوا بين أبنائكم.[13]
5. *Musnad Ahmad,* the book *of Musnad al-Nu'man ibn Basyir,* Juz. IV, pp. 275, 278, and 375, using the sentence:
   حدثنا سريج بن النعمان قال: حدثنا حماد يعني ابن زيد عن حاجب بن المفضل يعني ابن المهلب بن أبي صفرة عن أبيه عن النعمان بن بشير، قال: قال رسول الله صلى الله عليه وسلم "اعدلوا بين أبنائكم".[14]
   حدثنا سليمان بن حرب حدثنا حماد بن زيد عن حاجب بن المفضل بن المهلب عن أبيه قال: سمعت النعمان بن بشير يخطب قال: قال رسول الله صلى الله عليه وسلم "اعدلوا بين أبنائكم، اعدلوا بين أبنائكم."[15]
   حدثنا عبد الله حدثنا عبيد الله بن عمر القواريري حدثنا حماد يعني ابن زيد حدثنا حاجب بن المفضل يعني ابن المهلب عن أبيه عن النعمان بن بشير أن رسول الله صلى الله عليه وسلم قال "قاربوا بين أبنائكم يعني سووا بينهم."[16]
   حدثنا عبد الله حدثنا إبراهيم بن الحسن الباهلي وعبيد الله القواريري ومحمد بن أبي بكر المقدمي قالوا: حدثنا حماد بن زيد عن حاجب بن المفضل بن المهلب عن أبيه أنه سمع النعمان بن بشير يقول: قال رسول الله صلى الله عليه وسلم "اعدلوا بين أبنائكم، اعدلوا بين أبنائكم، اعدلوا بين أبنائكم".[17]
   حدثنا عبد الله حدثنا عبيد الله بن عمر هو القواريري حدثنا حماد يعني ابن زيد حدثنا حاجب بن المفضل يعني ابن المهلب عن أبيه عن النعمان بن بشير أن النبي صلى الله عليه وسلم قال "قاربوا بين أبنائكم يعني سووا بينهم".[18]

In this research, the author concentrates on the hadith found in S}ah}i>h{ al-Bukha>ri> as narrated by 'A<mir from al-Nu'ma>n ibn Basyi>, in alignment with the assigned job, but the discussion will encompass the aforementioned hadiths.

The narrator of the hadith in al-Bukhari is al-Nu'man ibn Bashir, whose complete name is al-Nu'man ibn Bashir ibn Sa'ad ibn Salabah ibn Jalas ibn Zaid ibn Malik ibn Salabah ibn Ka'ab ibn al-Khazraj al-Ansari Abu Abdillah al-Madani. He was born 14 months subsequent to the Hijrah of the Prophet (peace be upon him) and was the inaugural companion of the Prophet (peace be upon him) born after the Prophet's (peace be upon him) arrival in Medina. He was 8 years and 7 months old at the time of the Prophet's (peace and blessings of Allaah be upon him) death. in the year 63 AH or 65 AH, he encountered the presence of the Almighty.[19]

His instructors included the Prophet (peace be upon him), his uncle Abdullah ibn Rawahah, 'Umar ibn al-Khattab, 'A'ishah, among others, while his pupils comprised his son Muhammad, Sammak ibn Harb, 'Urwah ibn al-Zubair, 'Amir al-Shi'bi, and others.[20]

3. **Takhrij Results**

Based on the study of the hadith in the book *Al-Mu'jam al-Mufahras li Alfa>z} al-H{adi>s* and the *steps of takhri>j*, it can be revealed that the above hadith, the status of s}ah}i>h{, is due to several factors, including:

1. All the narrators of the hadith are considered *siqah* or *saduq* by the hadith critics.[21]
2. The hadith is strengthened *by mutabi',*[22] namely 'A>mir al-Shi'bi> and al-Mufad}d}al ibn al-Muhallab.

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[11]Abu> al-Husain Muslim ibn al-Hajja>j al-Naisabu>ri>, *S}ah}i>h} Muslim,* Juz. III (Beiru>t: Da>r Ihya>' al-Tura>s\ al-'Arabi>, t.th.), p. 1241.

[12]Abu> Da>ud Sulaima>n ibn al-Ash'as\ al-Sajasta>ni al-Azdi>, *Sunan Abi> Da>ud,* Juz. II (Beiru>t: Da>r al-Fikr, t.th.), p. 315.

[13]Abu> 'Abd al-Rah}ma>n Ahmad ibn Shu'aib al-Nasa>i, *Sunan al-Nasa>i,* Juz. VI (Cet. V; Beiru>t: Da>r al-Ma'rifah, 1420 H.), p. 573.

[14]Abu> 'Abdillah Ahmad ibn Muhammad ibn Hambal, *Musnad Ahmad ibn Hambal,* Juz. IV (Cet. I; Beiru>t: 'A<lam al-Kutub, 1419 H./1998 A.D.), p. 275.

[15]*Ibid.,* Juz. IV, pp. 275 and 278.

[16]*Ibid.,* Juz. IV, p. 278.

[17]*Ibid.* Jud. IV, p. 375.

[18]*Ibid.* pp. 275, 278 and 375.

[19]Abu> al-Fad}l Ahmad ibn Hajar al-Asqala>ni, *Tahzi>b al-Tahzi>b*, Juz X (Cet. I; Da>r al-Fikr: Beirut, 1404 H/1984 M), pp. 399-400.

[20]Abu> al-Hajja>j Yu>suf ibn al-Zaki< al-Mizzi<, *Tahz\i<b al-Kama>l,* Juz. XXIX (Cet. I; Beiru>t: Muassasah al-Risa>lah, 1400 A.H./1980 A.D.), p. 411.

[21]See: Ah{mad ibn 'Ali ibn H{ajar al-'Asqala>ni, *Tahz\i>b al-Tahz\i>b*, Juz. X (Cet. I; Beiru>t: Da>r al-Fikr, 1404 H./1984 A.D.), p. 399., Juz. V, p. 57. Dan Juz. XI h. 103. Abu> al-H{ajja>j Yu>suf ibn al-Zaki> al-Mizzi>, *Tahz\i>b al-Kama>l*, Juz. XXIX (Cet. I; Beiru>t: Muassasah al-Risa>lah, 1400 H./1980 A.D.), p. 411., Juz.VI p. 5'17. and Juz. V p. 324.

[22]*Al-Muta>bi'* are two hadith sanads that have the same narrator at the level of companions but different narrators in the narrator after him. See: 'Abd al-Haq ibn Saif al-Di>n ibn Sa'adullah al-Bukha>ri al-Dahlawi>, *Muqaddimah fi> Us}u>l al-H{adi>s* (Cet. II; Beiru>t: Da>r al-Basya>ir al-Isla>miah, 1406 H./1986 A.D.), pp. 56-57.

3. Shaykh al-Albani's assessment that the hadith is considered *sahih.*[23]
4. The assessment of Abu 'I<sa> al-Turmuz\i> that the hadith *is h}asan s{ah}i>h*{.[24]
5. Meanwhile, the difference in some of the hadith is due to al-Nu'ma>n ibn Basyi>r narrating it in the form of a bi *al-ma'na narration*.[25]

4. Asba>b Wuru>d al-H{adi>s

This event pertains to al-Nu'man ibn Basyir, during which his father bestowed a gift upon him. Subsequently, 'Amrah bint Rawahah, Basyir's wife, expressed her reluctance to relinquish it until it was witnessed by the Messenger of Allah (peace be upon him). In response, his father approached the Prophet (peace and blessings of Allah be upon him) and stated, "I have given this treasure to my son." The Prophet (peace and blessings of Allah be upon him) inquired further. When asked, "Will you give (the same)?" al-Nu'man's father responded, "No." The Messenger of Allah (peace and blessings be upon him) then instructed, "Return, fear Allah, and administer justice to your children.".

Then al-Nu'man said, "Finally my father came home, and he cancelled his gift."[26]

In a separate account, al-Nu'man stated, "My mother, 'Amrah bint Rawa>h}ah, requested my father to grant me a property that was a slave (al-gula>m); this request was fulfilled after nearly two years. However, my mother insisted that it be witnessed by the Prophet (peace be upon him). Ultimately, my father brought me to the Prophet (peace be upon him) to explain the gift, to which the Prophet responded as previously described."[27]

In a separate account, while al-Nu'man was delivering a sermon in Kufa, he recounted that his father approached the Prophet (peace and blessings of Allaah be upon him) and informed him that 'Amrah bint Rawa'hah had given birth to a son whom he named al-Nu'man. 'Amrah was reluctant to care for the child until he was granted the finest garden from his own. Subsequently, the Prophet (peace and blessings of Allaah be upon him) posed the same inquiry as mentioned earlier.[28]

The historical distinction of the asba>b al-wuru>d hadith can be exemplified by the instance of Basyi>r bequeathing to his son al-Nu'ma>n, which transpired on two occasions: the gift of a garden at birth and the provision of slaves during his childhood.

Al-Nu'man's father reclaimed the garden because he did not allocate it to his other son. 'Amrah, the mother of al-Nu'man, requested a gift in exchange for the garden. Subsequently, Basyir acquiesced to his wife's demand and bestowed slaves upon his son. However, 'Amrah insisted that the gift be witnessed by the Messenger of Allah (peace be upon him) to prevent its reclamation by his father.[29]

5.* Meaning of *Mufradat

أشهد : This word is *Fi'l al-Mud}a>ri'* from أشهد, whose root is said to consist of the letters ش-ه-د which shows the meaning of presence, knowledge, and information.[30] Then followed by wazan أشهد (adding the letter hamzah at the beginning) so that the meaning becomes to witness or make a witness.[31]

عطية :Word عطية is an Arabic word that is rooted in the word ع-ط-و has the meaning of taking or acquiring something by hand.[32] So what is meant by عطية is a gift given to others, whether because of glorification or not, whether sincere or not, whether they want to get a reward or not.[33]

سائر : This word is a word that is commonly used to mean something else that remains, almost the same meaning as باقي (leftovers). However, the original meaning is "passing" or "flowing," so it can be understood that what is meant by سائر In this hadith, it is a child who is passed away who does not get the same gift as his brother gets.

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[23]Muhammad Na>s}ir al-Di>n al-Alba>ni>, *al-Silsilah al-S}ah}i>h}ah,* Juz. X (al-Riya>d}: Maktabah al-Ma'a>rif, t.th.), p. 183.

[24]Abu> 'I<sa> Muhammad ibn 'I<sa> al-Turmuz\i>, *al-Ja>mi' al-S}ah{i>h} Sunan al-Turmuz\i>,* Juz. III (Beiru>t: Da>r Ih{ya>' al-Tura>s\ al-'Arabi>, t.th.), p. 649.

[25]It can be seen from several texts that are different from each other, even though the meaning and essence remain the same.

[26]Ibn Hamzah al-Husaini> al-Hanafi> al-DImasyqi>, *al-Baya>n wa al-Ta'ri>f fi> Asba>b Wuru>d al-Hadi>s\ al-Syari>f,* ed. HM. Suwarta Wijaya and Zafrullah Salim, *Asbabul Wurud Historical Background of the Emergence of the Hadiths of the Prophet,* Juz. I (Cet. IX; Jakarta: Kalam Mulia, 2006), p. 32.

[27]Abu> al-Fad}l Ah{mad ibn 'Ali ibn H{ajar al-'Asqala>ni>, *Fath} al-Ba>ri>,* Juz. V (Beiru>t: Da>r al-Ma'rifah, 1379 H.), p. 212.

[28]Ibid. Jud. V, p. 212.

[29]Ibid. Juz. V, p. 212.

[30]Abu> al-Husayn Ah{mad ibn Fa>ris ibn Zakariya>, *Maqa>yi>s al-Lugah,* Juz. III (Beiru>t: Ittiha>d al-Kita>b al-'Arab, 1423 H./2002 A.D.), p. 172.

[31]Ibra>hi>m Mus}t}afa>, et al., *al-Mu'jam al-Wasit},* CD-ROM al-Maktabah al-Sya>milah,, Juz. I, p. 1032.

[32]Abu> al-H{usain Ah{mad ibn Fa>ris ibn Zakariya>, *op.cit.,* Juz. IV, p. 287.

[33]Abu> Hila>l al-'Askari>, *Mu'jam al-Furu>q al-Lugawiyah,* (Cet. I; t.t., *Muassasah al-Nasyr al-Isla>mi>,* 2000 M.), p. 153.

فاتقوا : This word comes from وقىwhich means avoiding something from something else with another.[34] So that *Al-Wiqa>Yah* is to keep something from things that can hurt or harm it.[35] So, the words *Al-Taqwa>* etymologically it is to make *Al-Wiqa>Yah* (guard or protection), while thermologically it can be interpreted as guarding oneself from the wrath of Allah by obeying Allah swt. Therefore *Al-Taqwa>* includes obedience which means sincerity and includes disobedience which means abandonment or vigilance.[36]

واعدلوا : This word basically has two opposite meanings, which are "straight" and "crooked."[37] So *Al-'ADL* is an expression of something that is somewhere between recklessness and excess. Meanwhile, thermologically, scholars have different opinions. Nahwu scholars define justice as the exit of isim from the original sigat to another. Fiqhi scholars define that a person who shuns major sins, does not continuously commit minor sins, is often righteous and avoids humble works such as eating on the street.[38] Meanwhile, the old Hadith defines it as a trait that is embedded in the heart that can encourage a person to always be devout and maintain *muru>ah* (self-esteem).[39] However, in this hadith, what is meant by *Al-'ADL* is one of the etymological meanings, which is straight or middle.

أولادكم : This word is a plural form (*Al-Jam'*) from ولدwhich means every child born, both male and female.[40] Word *Al-Walad* although it has similarities with *Al-Ibn*, *Al-Sibt*} and *al-'aqab* also have differences.[41]

6. **Important Statement**

فأمرتني أن أشهدكThis sentence is considered important because from this sentence two aspects can be understood, namely:

1. Legal clarification for competent people or those who are authorized to know the legal status of a problem, whether the action is right or wrong, so that it does not linger in mistakes if it is wrong and knowledge increases if it is true. Therefore, 'Amrah bint Rawa>h{ah asked her husband, Basyi>r, to ask the Prophet (peace and blessings of Allaah be upon him) about the matter.
2. Make evidence in the event of any transaction so that there is material evidence that can be used as a reference or proof of ownership.
3. Ask for evidence if you feel that there are irregularities or errors in a matter to ascertain the status of the action, whether it has a basis or not.

أعطيت سائر ولدك مثل هذا(Have you given to your other children like this?), this sentence is a question of the Prophet (peace be upon him) which is intended to clarify the problem asked or asked by Basyi>r, so that later the Prophet (peace and blessings of Allaah be upon him) will not be wrong in giving an answer, whether it is permissible or not, because not all giving is prohibited or allowed by the Shari'a.

واعدلوا بين أولادكمThis sentence is a law given by the Prophet (saw) which indicates that the Prophet (saw) commanded Bashir to do justice to his children. The use *of d}ami>r al-jam'i* (plural) in this sentence even though the object is one, namely Basyi>r can give rise to the understanding that the Prophet (saw) intended to impose the law on all his people or it could be that the Prophet (saw) used the plural form as a tribute to Basyi>r.

فرجع فرد عطيتهThis sentence is considered important as proof of the virtue of the companions where they immediately practice what the Prophet (peace[42] and blessings of Allaah be upon him>) said.

7. **Understanding Hadith (Text and Context, Aqli and Naqli Evidence, Scholars' Opinion)**

a. Understanding Text and Context

The text or matan of the hadith generally conveys the obligation to do justice to children in the matter of giving, so that if there is a deviation, it must be straightened out by the authorities.

[34]Abu> al-Husayn Ah{mad ibn Fa>ris ibn Zakariya>, *op.cit.,* Juz. VI, p. 99.
[35]Muhammad 'Abd al-Rau>f al-Mana>wi>, *al-Tauqi>f 'ala> Muhimma>t al-Ta'a>ri>f,* (Cet. I; Beiru>t: Da>r al-Fikr, 1410 H.), p. 730.
[36]'Ali ibn Muhammad ibn 'Ali al-Jurja>ni>, *al-Ta'ri>fa>t* (Cet. I; Beiru>t: Da>r al-Kita.b al-'Arabi>, 1405 H.), p. 90.
[37]Abu> al-Husayn Ah{mad ibn Fa>ris ibn Zakariya>, *op.cit.,* Juz. IV, p. 200.
[38]'Ali ibn Muhammad ibn 'Ali al-Jurja>ni. *op.cit.,* p. 191.
[39]Muhammad 'Ajja>j al-Khat}i>b, *Us}u>l al-Hadi>s\ 'Ulu>muh wa Mus}t}alah}uh* (Beiru>t: Da>r al-Fikr, 1409 H./1989 A.D.), p. 231.
[40]Muhammad ibn Mukrim ibn Manz\u>r al-Afri>qi>, *Lisa>n al-'Arab,* Juz. III (Beiru>t: Da>r S}a>dir, t.th.), p. 467.
[41]For more details, see: Abu> Hila>l al-'Askari>, *Mu'jam al-Furu>q al-Lugawiyah* (Cet. I; t.t.: Muassasah al-Nasyr al-Isla>mi>, 2000 A.D>), pp. 12, 271 and 365.
[42]Application comprehension is one part of understanding because basically the postulates can be understood from two aspects, namely *fahm al-nas{* (text comprehension) and *fahm al-tat}bi>q* (applicative comprehension). Applicative understanding follows the conditions and things that surround the event. Therefore, Bashir, seeing that there was no other thing that could be given to his children, he then took back the gift.

In addition, the text of the hadith can also give rise to various interpretations because the matan of the hadith is indeed varied. Some hadiths tell briefly and some others tell the story of al-Nu'ma>n. Therefore, in terms of the text of the hadith it can give rise to various understandings.

However, in context, the hadith applies in general, not only to al-Nu'ma>n and his father, Basyi>r because the indicator that the Prophet (peace and blessings of Allaah be upon him) applied the hadith in general, namely *plural d{ami>r*. In addition, the العبرة بعموم الألفاظ لا بخصوص الأسباب method of (the judgment is on the generality of the pronunciation, not on the specificity of the cause)[43] is more accurately practiced in the above hadith, so that even though *the cause of wuru>d al-hadith* exists and specifically applies to al-Nu'ma>n and his family, the matan of the hadith still applies generally, that is, it covers all Muslims.

b. Evidence *of 'Aqli* and *Naqli*

In *aqliyah*, giving to children should be the same for several reasons:

a. Discrimination against children will cause hostility and jealousy among children.
b. Children's distrust of parents can even cause children's disobedience to their parents.
c. Equal rights of children to parental inheritance.
d. Parents' ignorance about who among their children is the most meritorious and most devoted in his life.

However, in *aqliyah* , the difference in the giving of parents to children can occur for the following reasons:

a. The property is the absolute property of the parents so they have the right to give their property to anyone in the amount they want.
b. Children's needs are not the same as each other, so giving to children is also not the same according to their needs.

Meanwhile, in *naqliyah*, the equalization of parental giving to children can also be classified into two parts, namely:

a. The *naqli evidence* that supports the equalization of giving to children is the generality of the verses of the Qur'an that tell to do justice, as in surah al-Nisa>': 135.

يا أيها الذين آمنوا كونوا قوامين بالقسط شهداء لله ولو على أنفسكم أو الوالدين والأقربين.

b. Hadith narrated by Ibn Ibba>n:

إعدلوا بين أولادكم في النحل كما تحبون ان يعدلوا بينكم في البر واللطف.[44]

(Be fair to your children in giving as you please, they do justice to you in kindness and gentleness).

c. Hadith narrated by al-Baihaqi> from 'Abdullah ibn 'Abba>s:

سووا بين أولادكم في العطية فلو كنت مفضلا أحدا لفضلت النساء.[45]

(Do the same to your children in giving, if I prioritize someone then I favor women).

Meanwhile, *the naqliyah* evidence that shows that giving does not have to be the same is as follows:

a. A hadith narrated by Malik from 'A<ishah about the gift of Abu > Bakr to his daughter 'A<ishah by saying:

والله يا بنية ما من الناس أحد أحب إلي غنى بعدي منك ولا أعز علي فقرا بعدي منك وإني كنت نحلتك جاد عشرين وسقا.[46]

b. Hadith al-Bukha>ri> from Sa'ad ibn Abi> Waqqa>s} about the ability to give 1/3 of property to others, let alone to one's own children:

يا رسول الله أوصي بمالي كله؟ قال (لا). قلت فالشطر؟ قال (لا). قلت الثلث؟ قال (فالثلث والثلث كثير إنك إن تدع ورثتك أغنياء خير من أن تدعهم عالة يتكففون الناس في أيديهم...).[47]

c. The author does not find any evidence *of naqli qat}'i* that shows the haram of prioritizing some children.

c. Scholars' Opinion

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[43]Shams al-Di>n Muh{ammad ibn 'Abd al-Rah{ma>n al-Sakha>wi>, *Fath} al-Magi>s*, Juz. I (Cet. I; Beiru>t: Da>r al-Kutub al-'Scientific, 1403 A.D.), p. 262.

[44]Abu> H{a>tim Muh{ammad ibn H{ibba>n ibn Ah{mad al-Tami>mi>, *S{ah{i>h{ Ibn H{ibba>n,* Juz. XI (Ces. II; Beiru>t: Muassasah al-Risa>lah, 1414 H./1993 A.D.), p. 503. This hadith is considered *s{ah{i>h{* by Ibn H{ibba>n and al-Alba>ni>.

[45]Abu> Bakr Ah{mad ibn al-H{usain ibn 'Ali ibn Mu>sa> al-Baihaqi>, *Sunan al-Baihaqi> al-Kubra>,* Juz. VI (Makkah al-Mukarramah: Maktabah Da>r al-Ba>z, 1414 H./1994 A.D.), p. 177. The hadith is considered *d{a'i>f* by al-Alba>ni>. See: Muh{}ammad Na>s{ir al-Di>n al-Alba>ni>, *al-Silsilah al-D{a'i>fah,* Juz.I (al-Riya>d{: Maktabah al-Ma'a>rif, t.th.), p. 514. However, it is considered *h{asan* by *Subul al-Sala>m.* Jud. IV, p. 355.

[46]Abu> 'Abdillah Ma>lik ibn Anas al-As}bah{i>, *Muwat}t}a' Ma>lik,* Juz. II (Egypt: Da>r Ih{ya>' al-Tura>s\ al-'Arabi, t.th.), p. 752. The hadith is considered *s{ah{i>h{* by Imam Ma>lik.

[47]Abu> 'Abdillah Muhammad ibn Isma>'i>l al-Bukha>ri>, *op.cit.,* Juz. III, p. 1006.

Al-Muhaddis\u>n (hadith scholars) in understanding the hadith differ in interpreting it as follows:

1. Some scholars, including al-Bukha>ri>, T{aw>us, al-S|auri>, Ah{mad ibn H{ambal and Ish{a>q enforce the hadith textually, namely that it is obligatory to equate the gift of children, both men and women. Their reason is the text of the hadith and a ما يؤدى إلى التحريم حرام rule(something that makes haram haram) where the inequality of giving to children can break friendship, persecution and disobedience to parents.[48] However, scholars differ about the quality and quantity of equalization of giving:
   a. Muh{ammad ibn al-H{asan, Ah{mad, Ish{a>q and other scholars consider that the equalization must follow the division of inheritance, because that is the right of children after the death of parents.
   b. Other scholars say that the equalization of giving does not distinguish between men and women by looking at the text of the hadith, besides that there is a hadith from 'Abdullah ibn 'Abbas: سووا بين أولادكم في العطية فلو كنت مفضلا أحدا لفضلت النساء.[49] (Apply equally to your children in giving, If I favor someone then I will favor a woman)
2. The majority of hadith scholars consider that the equalization of giving is circumcision, not obligatory, so that if a person distinguishes the gift of his child, the law is makruh, so that the commandment in the hadith is sunnah and the prohibition of distinguishing the gift of giving to a child is makruh.[50]

While fiqhi scholars in responding to the hadith mentioned above, differ in giving opinions, some consider that equating giving to children as an encouragement is not an obligation and some consider it as an obligation,[51] so it is haram to discriminate between children in giving and goodness because it can cause enmity and hatred between them or to parents. However, the majority of fiqhi scholars agree that the sunnah equates giving to children and makruh distinguishes them.[52] Nevertheless, fiqhi scholars still differ in their opinions about the quality and quantity of giving to children as follows:

1. Abu Yusuf from madhhab al-Hanafiyah, al-Ma>likiyah and al-Sya>fi'iyah (*jumhu>r al-'ulama>'*) argues that it is sunnah to equate the gift of children, both men and women based on the hadith of the Prophet (peace be upon him) above without mentioning the difference between men and women by considering the commands in the hadith to be encouraged, because a person is free to spend his property, either to his family or to others.[53]
2. Al-Hana>bilah and Muhammad of the al-Hanafiyah madhhab argue that the giving of children is adjusted to the rules of inheritance, so that men will get twice as much as women.[54]

d. Author's Opinion

By looking at the above explanation and its arguments, both in terms of understanding the text and context, the postulates *of 'aqliah* and *naqliah* and the opinions of scholars, the author concludes that the equalization of giving to children is *sunnah muakkad* (highly recommended) for several reasons:

a. To avoid jealousy and hostility within children, as well as to avoid children's disobedience to parents because they feel oppressed or differentiated.
b. Out of the difference among scholars between scholars who are obliged to equate gifts with scholars who allow different gifts based on the method of madhhab sya>fi'iyah:

الخروج من الخلاف مستحب.[55]

In addition, the equalization of gifts can also be *t}ari>q al-khala>s}* (solution) in the issue of inheritance where many people oppose the division of inheritance that distinguishes between men and women مثل حظ الأنثيين with the record that the gift was given before death. Because in *al-'at}iyyah* or *al-hibah* (gifts) while still alive, it can be distributed fairly to children without distinguishing between men and women.

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[48]Abu> al-Fad}l Ah{mad ibn 'Ali ibn H{ajar al-'Asqala>ni>, *op.cit.,* Juz. V, p. 214.
[49]Ah{mad ibn al-H{usain ibn 'Ali ibn Mu>sa> al-Baihaqi>, *op.cit.,* Juz. VI, p. 177.
[50]Abu> al-'Ala> Muh{ammad 'Abd al-Rah{ma>n ibn 'Abd al-Rah{i>m al-Muba>rakfu>ri>, *Tuh{fah al-Ah{waz\i>,* Juz. IV (Beiru>t: Da>r al-Kutub al-'Scientific, t.th.), pp. 507-508.
[51]Abu> al-Wali>d Sulaima>n ibn Khalaf al-Ba>ji> al-Andlu>si>, *al-Muntaqa> Syarh{ al-Muwat}t}a'*, (CD-ROM al-Maktabah al-Sya>milah), Juz. V, p. 651.
[52]Al-Sayyid al-Sa>biq, *Fiqh al-Sunnah,* Juz. III (Beirut>t: Da>r al-Kita>b al-'Arabi, t.th.), p. 544.
[53]Wahbah al-Zuhaili>, *al-Fiqh al-Isla>mi> wa Adillatuh,* Juz. V (Cet. IV; Syria: Da>r al-Fikr al-Mu'a>s}ir, 1418 A.H./1997 A.D.), pp. 651-652.
[54]*Ibid.* , Juz. V, p. 652.
[55]Abu> Zakariya> Yah{ya> ibn Syaraf al-Nawawi>, *Raud{ah al-T{a>libi>n,* Juz. I (Beiru>t: Da>r al-Kutub al-'Scientific, 1421 A.H./2000 A.D.) p. 376.

However, the equalization of giving does not have to be the same in quality and quantity, but the giving takes into account the needs and employment of children, such as children who are already established whose income does not have to be the same as children who do not have an established job.

In addition to paying attention to needs and employment, the provision of materials to children still considers gender, namely the female part is not more than the male part so that it does not cause problems in the future.

e. Hadith Messages and Instructions

The message and instructions of the hadith mentioned above, both implied and expressed, can be made globally as follows:

1. The above hadith is proof of Islam's concern for gender or justice, especially in the field of property.
2. *Al-Isyha>d* (making testimony) is not a valid condition for giving and almsgiving, but is recommended as proof of giving.
3. The government has the right to correct the irregularities that occur in society if it knows that it is such as injustice in the giving of parents to their children.[56]
4. Before answering questions or fulfilling requests, please clarify the problem first.
5. The virtue of companions such as Basyi>r who directly applied the words of the Prophet (saw).

CONCLUSION

Based on the explanations that have been described above, several points can be made as a result of the conclusion of the discussion as follows:

1. *Takhri>j al-H{adi>s* about fairness towards children in giving using the book *al-Mu'jam al-Mufahras li Alfa>z} al-H{adi>s* found that the hadith is found in the books *of S{ah}i>h} al-Bukha>ri>, S{ah}i>h} Muslim, Sunan Abi> Da>ud, Sunan al-Nasa>i* and *Musnad Ah}mad.* While the hadith has the status of *s}ah}i>h}* for several reasons, namely: all the narrators are *s\iqah,* reinforced *by al-muta>bi',* the assessment *of s}ah}i>h}* by al-Alba>ni> and al-Turmuz\i> even though it is narrated meaningfully.
2. Understanding the hadith can be done by approaching the text and context, considering the postulates *of 'aqli* and *naqli* and paying attention to the opinions of the scholars, so that a conclusion emerges that the equalization of giving to children is *sunnah muakkad* (highly recommended) for several reasons, namely: avoiding jealousy, hostility and disobedience, taking the middle path from the opinions of the scholars. However, the equalization of gifts does not have to be the same in quantity and quality, and *al-'at}iyah* is one of the solutions in facing opposition to the unequal distribution of inheritance.
3. Messages and instructions about the hadith that are fair to children in giving include *al-isyha>d* in transactions, clarification of problems before answering or settling and other instructions.

A. Implication

The above hadith is one of the proofs of the totality of Islamic sharia in regulating the life of mankind, both related to *the worldly* and those related to *ukhrawi*>.

The above hadith can also be an answer or rebuttal to the criticism of discrimination where some gender pioneers consider that Islam, especially the source of Islamic sharia tends to prioritize men over women, but with the emergence of the above hadith, it proves that Islam does not discriminate but it could be Muslims who do not know or do not understand the postulates of the Qur'an and Hadith.

The above hadith can also be a solution if parents are worried about where their property will be divided by inheritance, because the evidence about inheritance in the Qur'an is very clear, so it is difficult to change or interpret. Therefore, parents who see that all children have the same needs for their property or if parents are worried about enmity, jealousy and disobedience towards their parents, then parents can take a solution by practicing the hadith.

Finally, this research is still far from perfection, both in writing, methodology and discussion, so suggestions, criticisms and justifications are needed for straightening or adding to this research so that it can be better and more perfect.

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