



# Analysis of the Istidlal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective

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## Abstract

Islam has provided detailed regulations on marriage, from the marriage proposal (akad), agreement (akad), to the fulfillment of rights and obligations between husband and wife. All these statements are based on the Quran and Hadith. One of the husband's obligations towards his wife is to provide a living (support payments). Fiqh scholars unanimously agree that livelihood is the responsibility of the husband, regardless of his wealth, poverty, or middle ground. However, Imam Ibn Hazm has a unique and different viewpoint from the consensus of the scholars. He argues that the responsibility of providing a living actually shifts to the wife due to the husband's incapability. Based on this unique perspective, this research aims to analyze "How is the concept of livelihood understood in the perspective of Imam Ibn Hazm and the istidlal method used in that concept?" In this research, a qualitative analysis method with a literature review approach will be used. Data will be collected through the analysis of relevant works by Imam Ibn Hazm concerning the concept of livelihood, as well as through the analysis of works by other scholars and related literature. The istidlal method will be



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applied to understand the arguments and viewpoints of Imam Ibn Hazm regarding the concept of livelihood. The main findings of this research will summarize Imam Ibn Hazm's perspective on the concept of livelihood and the role of istidlal in supporting his viewpoint. The research will identify the main arguments used by Imam Ibn Hazm to support his viewpoint, as well as the implications of his viewpoint on the understanding of the concept of livelihood in Islam. This research will conclude that Imam Ibn Hazm's perspective on livelihood and the use of the istidlal method to support his viewpoint make significant contributions to the understanding of the concept of livelihood in Islam. The implications of Imam Ibn Hazm's perspective on contemporary Islamic family law thinking will also be discussed.

**Keywords:**

Support Payments, Ibn Hazm, Istidlal Method.

**Abstrak**

Islam telah mengatur semua aspek pernikahan secara rinci, mulai dari lamaran pernikahan (akad), persetujuan (akad), hingga pemenuhan hak dan kewajiban antara suami dan istri. Semua pernyataan ini didasarkan pada Al-Quran dan Hadis. Salah satu kewajiban suami terhadap istrinya adalah memberikan nafkah. Para Mufti Fiqh sepakat bahwa nafkah adalah tanggung jawab suami yang harus dilakukan, baik dia kaya, miskin, atau berada di tengah-tengah. Namun, Imam Ibnu Hazm memiliki pandangan yang unik dan berbeda dengan kesepakatan para Mufti. Beliau berpendapat bahwa tanggung jawab memenuhi nafkah sebenarnya beralih kepada istri karena ketidakmampuan suami. Berdasarkan pandangan unik ini, penelitian ini bertujuan untuk menganalisis "Bagaimana konsep nafkah dipahami dalam perspektif Imam Ibnu Hazm dan metode istidlal yang digunakan dalam konsep tersebut?" Dalam penelitian ini, akan digunakan metode analisis kualitatif dengan pendekatan studi kepustakaan. Data akan dikumpulkan melalui analisis karya-karya Imam Ibnu Hazm yang relevan dengan konsep nafkah, serta melalui analisis karya-karya ulama dan literatur terkait lainnya. Metode istidlal akan diterapkan untuk memahami argumen dan pandangan Imam Ibnu Hazm dalam konsep nafkah. Temuan utama dari penelitian ini akan merangkum pandangan Imam Ibnu Hazm tentang konsep nafkah dan peran istidlal dalam mendukung pandangannya.

Penelitian ini akan mengidentifikasi argumen-argumen utama yang digunakan oleh Imam Ibnu Hazm untuk mendukung pandangannya, serta implikasi dari pandangannya terhadap pemahaman konsep nafkah dalam Islam. Penelitian ini akan menyimpulkan bahwa pandangan Imam Ibnu Hazm tentang nafkah dan penggunaan metode istidlal dalam mendukung pandangannya memberikan kontribusi penting dalam pemahaman konsep nafkah dalam Islam. Implikasi dari pandangan Imam Ibnu Hazm ini terhadap pemikiran hukum keluarga Islam kontemporer juga akan dibahas.

### **Keywords:**

Nafkah, Ibn Hazm, Istidlal Method.

## **Introduction**

Humans naturally have a need to establish relationships with each other. One important form of relationship is through the institution of marriage. In this context, it is important to understand the concept of livelihood from an Islamic perspective as an important aspect in maintaining a happy marriage and family.

In Law Number 1 of 1974 concerning Marriage in Indonesia, marriage is defined as an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on belief in the Almighty God.<sup>1</sup> However, to achieve this goal, Islam has established provisions regarding the rights and obligations of husband and wife, including the husband's obligation to provide support for his wife.

Support is an obligation that must be fulfilled by the husband to his wife in accordance with the provisions of the Koran, sunnah and ijmak. In the Koran, Allah SWT says that "Men are the leaders of women because Allah has preferred some of them (men) over others (women), and because they have spent part of their wealth" (QS. An - Nisa: 34). This verse emphasizes that the husband has an obligation to provide support for his wife and family.

However, despite the importance of the concept of livelihood in Islam, the Al-Quran as the main source of law in this religion does not

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<sup>1</sup> *Compilation of Islamic Law*, Cet. 2 (Bandung: Nuansa Aulia, 2011), 76.

*Analysis of the Istidlal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective* explain the provisions regarding maintenance in detail. Therefore, it is important to study the fiqh approach in understanding the concept of livelihood in more depth.

As far as researchers can observe, there have not been many studies on the concept of livelihood that focus on Ibn Hazm's thoughts or perspective. For example, a study conducted by Subaidi (2014). He only shows that the status of living is obligatory and is a form of worship.<sup>2</sup> Likewise, Syamsul Bahri (2015), he stated that the obligation to provide a living is based on the Al-Quran and hadith, and the level of support provided is seen from the condition of the provider.<sup>3</sup> The research conducted by Ibnu Rozali (2017) is not much different from the two, but he succeeded in presenting the details and typology of the livelihood that must be provided.<sup>4</sup>

The study on livelihoods presented by Wardah Nuroniyah et al (2019) is a little more interesting. He offers the concept of shifting maintenance obligations initiated by Husein Muhammad, namely that the obligation of maintenance is not on the husband, but on whoever is capable in the family.<sup>5</sup> Likewise, with research written by Soleh Hasan Wahid (2019), he offers the concept of livelihood from the perspective of two figures, namely Murtadha Muthahhari and Faqihudin Abdul Kodir.<sup>6</sup>

Different from existing research, in this research, the author will examine the typical opinions expressed by Imam Ibn Hazm on the issue of livelihood. This unique approach attracts the author's attention to explore the concept of livelihood from Imam Ibn Hazm's perspective

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<sup>2</sup> Subaidi, "THE CONCEPT OF LIVING ACCORDING TO ISLAMIC MARRIAGE LAW," *ISTI'DAL: JOURNAL OF ISLAMIC LEGAL STUDIES* 1, no. 2 (December 2014): 157–69.

<sup>3</sup> Syamsul Bahri, "The Concept of Livelihood in Islamic Law," no. 66 (2015).

<sup>4</sup> Ibnu Rozali, "The Concept of Providing a Support for the Family in Islam," *Intelektualita Journal: Islam, Social and Science* 6, no. 2 (18 December 2017): 189–202, <https://doi.org/10.19109/intelektualita.v6i2.1605>.

<sup>5</sup> Wardah Nuroniyah, Ilham Bustomi, and Ahmad Nurfadilah, "FAMILY OBLIGATIONS FROM HUSEIN MUHAMMAD'S PERSPECTIVE" 4, no. 1 (2019).

<sup>6</sup> Soleh Hasan Wahid, "CONTEXTUALIZATION OF THE CONCEPT OF GENDER-FRIENDLY LIVING FROM THE PERSPECTIVE OF MURTAḌHĀ MUṬHAHHARI AND FAQIHUDDIN ABDUL KODIR," *Al-Syakhsiyyah: Journal of Law & Family Studies* 1, no. 2 (27 December 2019): 255–79, <https://doi.org/10.21154/syakhsiyyah.v1i2.2030>.

and the istidlal method used to determine law is the main issue in this problem.

Thus, this study proposes the title " Analysis of the Istidlal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective "as an effort to deeply understand Imam Ibn Hazm's unique views on livelihood and analyze the istidlal method used to determine law in this context. Through this research, it is hoped that it can provide new insights and a deeper understanding comprehensive about the concept of maintenance in Islam, as well as its implications in the context of contemporary Islamic family law.

With this research, it is hoped that it can make a significant contribution to the development of thinking and understanding of the concept of livelihood and the rights and obligations of husband and wife in Islam.

## Methods

In this research, the research approach used is library research. This approach involves the use of books, scriptures, magazines and other documentary materials as the main object of research.<sup>7</sup> This is in accordance with the aim of this research to analyze the text of the book al-Muhalla bi al-Atsar by Ibn Hazm. Therefore, this research can be classified as normative-juridical legal research.

The research subject in this study is the text of the book al-Muhalla bi al-Atsar by Ibn Hazm. This text will be the main source of data that will be analyzed in this research. Apart from that, the research subject also includes various references and related literature that supports understanding and analysis of the concept of livelihood in Islam.

Implementation of research procedures will involve the following steps: first, identification and selection of the text of the book al-Muhalla bi al-Atsar and related literature that is relevant to the research theme. Second, search and collect data from identified library sources. Third, reading and understanding the text of the book al-Muhalla bi al-Atsar as well as analysis of the concept of livelihood contained in the text. Fourth, analysis and interpretation of the data

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<sup>7</sup> S. Nasution, *Research Methods for Scientific Research* (Jakarta: Bumi Aksara, 1996), 176.

*Analysis of the Istidlal Method in the Concept of Livelihood according to Imam Ibn Hazm's Perspective* collected to gain a comprehensive understanding of the concept of livelihood in Islam.

The use of materials and instruments in this research involves the use of books, scriptures, articles and related literature as primary and secondary sources. The instruments used are the ability to read, understand, analyze and interpret the text of the book *al-Muhalla bi al-Atsar* and other literature relevant to the research theme.

Data collection was carried out by reading, studying and recording relevant information from the text of the book *al-Muhalla bi al-Atsar* and related literature. The data collected includes the concepts of livelihood contained in the text and related thoughts from other authors which are used as references in this research.

The analysis technique used in this research is inductive analysis. In this analysis, data collected from the text of the book *al-Muhalla bi al-Atsar* and related literature will be analyzed in depth to identify emerging patterns, themes and concepts. From this analysis, general conclusions about the concept of livelihood in Islam can be drawn.<sup>8</sup>

## Results and Discussion

### *Livelihood in Islamic Law*

Nafkah comes from the Arabic syllables *anfaqa – yunfiqu – infaqan* which means to spend. There are several definitions of livelihood according to the opinion of fiqh scholars, including: Shaykh Muhammad Nawawi al-Jawi, stated that the word livelihood is taken from the word *infaq*, which means "to spend". According to him, the word livelihood is not used except for good.<sup>9</sup>

Abdur Rahman al-Jaziri, living in language is spending and paying. Like the saying "I provide for livestock". This means that when the livestock has been transferred from its owner, either by selling or destroying it, it is called giving back. According to the terms of the jurists, living is something that comes from someone who is obliged to pay in the form of bread, clothes, shelter, and the like.<sup>10</sup>

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<sup>8</sup> Sutrisno Hadi, *Research methodology*, Print I (Yogyakarta: Student Library, 2015).

<sup>9</sup> Muhammad Nawawi Al-Jawi, *Tausih 'ala Fath al-Qorib al-Mujib*, n.d., 231.

<sup>10</sup> Abdur Rahman al-Jaziri, *al-Fiqh 'Ala Madzahib al-Arba'ah*, Juz 4, (Beirut: Dar al-Fikr, 1986), 553.

Wahbah al-Zuhaili, explained that living is a facility that a wife is entitled to receive from her husband. The marriage bond means that the wife has the authority to obtain it. In the book *al-Fiqh al-Islam wa Adillatuhu*, Wahbah defines sustenance as the sufficiency that a person provides in terms of food, clothing and shelter.<sup>11</sup>

The principle regarding the obligation to provide a living has been established in the Koran, Hadith and Ijmak as follows:

#### **Al-Qur'an**

Al-Baqarah verse 233:

*" Mothers should breastfeed their children for two full years, that is, for those who want to complete breastfeeding. and the father's obligation to feed and clothe mothers in a virtuous manner. Someone not burdened but according to ability levels. let not a mother suffer misery because of her child and a father because of his child, and the heirs are also obliged to do so. If both of them want to wean (before two years) with their consent and deliberation, then there is no sin on either of them. and if you want your child to be breastfed by someone else, then there is no sin for you if you pay according to what is appropriate. Fear Allah and know that Allah is All-Seeing of what you do."*<sup>12</sup>

In Tafsir Ibn al-Katsir it is explained that a baby's father (husband) is obliged to provide for the baby's mother (wife) in an appropriate manner. Namely in accordance with the customs that apply to them in their respective countries, without excess or deficiency, and in harmony with the ability and smoothness of the baby's father.<sup>13</sup>

Al-Thalaq verses 6-7:

*Place them (the wives) where you live according to your ability and do not make it difficult for them to narrow their (hearts). and if they (wives who have been divorced) are pregnant, then give them their living until they give birth, then if they breastfeed your (children) for you then give them their wages, and discuss (everything) among you. well; and if you*

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<sup>11</sup> Wahbah al-Zuhayli, *Al-Fiqh al-Islam wa Adillatuhu* (Damascus: Dar al-Fikr, 1985), 7, 786.

<sup>12</sup> Ministry of Religion of the Republic of Indonesia, *Al-Quran and Translations*, tt, 37.

<sup>13</sup> Abu Fida Isma'il bin Umar bin Kasir Al-Qurosyi, *Tafsir Ibn Kasir* (Riyadh: Dar al-Thoyyibah, 1999), 1, 634.

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*encounter difficulties then another woman may breastfeed (the child) for him.*

*Let it be someone who is able to provide a living according to his ability. and those whose sustenance is limited should make a living from the wealth that Allah has given him. Allah does not impose a burden on a person but only what Allah gives him. Allah will later provide spaciousness after narrowness.*<sup>14</sup>

In Tafsir al-Misbah Quraish Shihab explains that this verse explains the husband's obligation to provide for his wife and family, by revealing that the editor *should be someone who is capable*. In Surah al-Thalaq, this means capable and has a lot of sustenance to provide for his wife and children. his children to the extent of his abilities. Meanwhile, editors *and people who are limited in their sustenance should make a living from the wealth that Allah has given them*, which means an appeal to people whose income is limited to provide a living according to their abilities and not force themselves to make ends meet by seeking sustenance from sources that are not approved by Allah. Therefore, wives should not demand too much beyond their husband's capabilities.<sup>15</sup>

### **Hadith**

*From Hakim bin Muawiyah from his father he said, I asked: "O Messenger of Allah, what are the obligations of a husband towards his wife?" He answered, "You feed him when you eat, you clothe him when you dress, do not hit him in the face, speak ill of him and do not separate him (from his bed, except in the house)." <sup>16</sup>*

The hadith explains that the husband is obliged to provide for his wife in the form of food and clothing. Then the husband is not permitted to hit his wife, except with educational blows, other than the face. Husbands are also prohibited from criticizing her by saying dirty words or separating from their wife's bed by going somewhere else.<sup>17</sup>

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<sup>14</sup> RI, *Al-Quran and Translations* , 559.

<sup>15</sup> Muhammad Quraish Shihab, *Tafsir Al-Mishbâh*. 14 , Ed.rev (Tangerang: Lantera Haiti, 2016), 303.

<sup>16</sup> Muhammad bin Yazid Al-Qazwainy, *Sunan Ibn Majah* (Beirut: Dar al-Kutub al-Ilmiyyah, 1971), 296–97.

<sup>17</sup> Muhammad bin Isma'il Al-Shan'any, *Subulus Salam Syarh Bulugh al-Maram min Jam'i Adillati al-Ahkam* (Beirut: Dar al-Kutub al-Ilmiyyah, 2012), 3, 144.



Another hadith that explains the husband's obligation to support his wife is the following history of Sulaiman bin Amr bin Ahwas:

*From Sulaiman bin Amr bin Ahwas, my father told me that he testified during the Hajj Wada' with Rasulullah Shallallah Alaihi wa Sallam. He praised Allah and then gave a warning and advice: "Be kind to women, for indeed they are (like) prisoners beside you. You have no power over them whatsoever other than that. Unless they commit heinous acts. If they do, then leave them in their beds and hit them with blows that do not hurt. If they obey you, then do not mistreat them. Indeed, you have rights over them, and so do they have rights over you. Meanwhile, your right over them is that they cannot put people you don't like into your bed and home. Know that their right over you is that you do good to them (by providing enough) for their clothing and food."<sup>18</sup>*

This hadith clearly forms the basis of the husband's obligation to fulfill his wife's needs by providing enough food and clothing for them. More than that, this hadith urges husbands to treat their wives well, unless the wife commits a disgraceful act.

### **Ijmak**

The scholars agree on the opinion that the husband is obliged to provide for his wife. Provided that the husband has reached puberty, unless the wife is *nusyus*, then the obligation to provide for her is terminated. According to Hanafiyah scholars, there is no support for young wives who are not yet ready to have sex.<sup>19</sup>

### **Aqli's argument**

A wife is in the custody (control) of her husband after the marriage contract. Her job at home is only to serve her husband, so that her living needs automatically become the husband's responsibility in lieu of detention.<sup>20</sup>

### **Biography of Imam Ibn Hazm**

Ibn Ḥāzm was born on the last day of the month of Ramadan in 384 AH/ 994 AD in Manta Lisyam (Cordoba). His birth was just after dawn before the sun rose. Ibn Ḥāzm was born in the east of the city of

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<sup>18</sup> Al-Qazwainy, *Sunan Ibn Majah*, 297.

<sup>19</sup> al-Zuhayli, *Al-Fiqh al-Islam wa Adillatuhu*, 7, 787.

<sup>20</sup> 'Alauddin Abu Bakr bin Mas'ud Al-Kasani al-Hanafī, *Storm' ash-Shonai'* (Beirut: Dar al-Kutub al-Ilmiyyah, 2003), 5, 113.

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Cordoba, which at that time was the center of scientific civilization in Europe.<sup>21</sup>

Ibn Hazm came from an elite-aristocratic family who had taken the political route in achieving the glory of Islam. Ibn Hazm's family even had a hand in establishing the Umayyad dynasty in Spain, where Khalaf, one of his grandfathers, accompanied the Umayyad family when they first came to Spain. After the Umayyad family succeeded in establishing the Umayyad state in Spain, the Khalaf family finally settled in Manta Lisyam. Ibn Hazm's father, Ahmad, once held the position of *Vizier* during the reign of Al-Mansur, while Ibn Hazm himself held the same position during the reign of Al-Murtadha Abdurrahman bin Muhammad (Abdurrahman IV), Al Mustadzhar (Abdurrahman V), and Hisham Al Mu'tadd Billah.<sup>22</sup>

Ḥ āzm's happy and prosperous family life did not last long. When his father served as a minister at the end of the first Umayyad government in Andalusia, disaster befell him along with a change in rulers. As a ruler of the Umayyad caliph, Hisyām Abu Man ṣ ūr al-'Āmiri could not do anything. The Caliph was nothing more than a figurehead. Here and there there were frequent rebellions, which began in 398 H. The rebels attacked, robbed and ravaged West Cordoba. As a result, there was massive displacement. Ibn Ḥ āzm's family was forced to flee to their old residence in East Cordoba, precisely the village of Bilat Magis in 399 H. In these uncertain conditions, A ḥ mad, Ibn Ḥ āzm's father was called to the presence of Allah in 402 H. <sup>23</sup>Ibn Ḥ āzm died in Ounabah, a village located in the west of Andalusia on Sunday 28 Sha'ban 456 H. with the age of 71 years 10 months 29 days.<sup>24</sup>

### *Analysis of the concept of livelihood according to Imam Ibn Hazm*

According to Imam Ibn Hazm, a husband is obliged to provide support for his wife from the moment the marriage contract is executed

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<sup>21</sup> Muhammad Abu Zahroh, *Tarikh al-Madzahib al-Islamiyah* (Cairo: Dar al-Fikr al-Arabi, n.d.), 515.

<sup>22</sup> Muhammad Iqbal, *100 greatest Islamic figures in history* (Jakarta: IntiMedia & Ladang Pustaka, 2003), 109.

<sup>23</sup> Muhammad Abu Zahroh, *Ibn Ḥ āzm Hayatuhu wa 'Asruhu – Ara'uhu wa Fiqhuhu* (Cairo: Dar al-Fikr al-Arabi, 1954), 29–30.

<sup>24</sup> Muhammad al-Muntashir Al-Kattani, *Mu'jam Fiqh Ibn Ḥ āzm al-Dhahiri* (Beirut: Dar al-Kutub al-Ilmiyyah, 2009), 9.

and declared valid, whether he is invited to live at home with his wife or not, even though the wife is still in his arms. Likewise, whether the wife is in a state of nusyus or not, rich or poor, has parents or an orphan, is a virgin or a widow, is free or a slave, then the husband is still obliged to provide for his wife according to his ability.

The evidence regarding the obligation to provide is the words of the Prophet ﷺ: *ahul al-bayti wa-ahlu al-bayti* (the people of the house and the people of the house).

رَوَى جَابِرُ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَبَّ النَّاسَ أَلَّ اللَّهُ فِي  
النِّسَاءِ فَإِنَّكُمْ بِأَمَانَةِ اللَّهِ وَاسْتَحْلَلْتُمْ قُرُوجَهُ نَّ عَلَيْكُمْ رِزْقُهُنَّ وَكِسْوَتُهُنَّ

بِالْعَرَفِ رُفٍ.

*Jabir ra narrated that the Messenger of Allah SAW actually preached before people and said: fear Allah in matters of women, because all of you have married them with the trust of Allah and you have justified them with the word of Allah, and it is obligatory for you to provide sustenance and clothing for them with good (proper) way.<sup>25</sup>*

This word then makes it obligatory to provide for one's wife after the contract. It is explained in the book *al-Muhalla* that a wife only gets the right to support when a house or place to live has been built for her. This statement is not explained in the Koran, *sunnah*, *qaul sahabi*, *qiyas*, and so on. If Allah wills there to be an exception for maintenance for wives who are still young ( *shaghirah* ) and wives who are disobedient ( *nasyizah* ), then Allah will provide an explanation regarding this.<sup>27</sup>

In a history, Ibn Umar said:

كَتَبَ عُمَرُ بْنُ الْخَطَّابِ إِلَى أَمْرَاءِ الْخِزَانَةِ أَنْ أَنْظَرُوا مَنْ طَالَتْ غَيْبَتُهُ أَنْ يَبْعَثُوا نَفَقَةً أَوْ يَرْجِعُوا  
أَوْ يُقَاتِلُوا قَارِقَ فَإِنْ قَارِقَ عَلَيَّ نَفَقَةً مَا قَارِقَ مِنْ يَوْمِ غَابَ

*Umar bin Khattab wrote a letter to the princes of the army that they should see from the length of his absence that they should either send allowances or return or leave.*

<sup>25</sup> Al-Kattani, 239.

<sup>26</sup> Abi Dawud Sulaiman bin Asy'ats Al-Sajistany, *Sunan Abi Dawud* (Beirut: Dar al-Kutub al-Ilmiyyah, 2013), 2, 50.

<sup>27</sup> *Analysis of the Istidlal Method in the Concept of Favehah according to Imam al-Hafiz al-Kutub al-Ilmiyyah*, 2003), 249.

In this history, Umar did not differentiate dissident wives ( *nasyiz* ) from the others. This means that *Nasyizah* still has the right to receive maintenance from her husband.<sup>28</sup>

Ibn Hazm said: Abû Sulaymân and his companions and Al-Tsawri said that maintenance must be paid to the wife from the time of the marriage contract, even though she is still small. Furthermore, Ibn Hazm said that there was no information from the companions about *Nusyuz women* not having the right to receive maintenance. This information only comes from Al-Nakha'i, Al-Sya'bi, Hammad bin Sulaymân, Al-Hasan and Al-Zuhri, we don't know what their reasons are other than purely because of sexual relations, if the wife doesn't want to have sex, then he is not entitled to receive maintenance.<sup>29</sup>

For rich husbands, bread, meat and fruit are the bread and butter. Meanwhile, her husband, who has a middle economic background, earns a living according to his abilities. Likewise, a poor husband can earn according to his means. Husbands must also meet the needs of adequate clothing facilities for their wives according to their ability level. A rich husband, the clothes given must be made of silk and the like. For husbands who are in the middle class, the type of clothing given is made from linen and cotton. Meanwhile, for husbands who are deprived, their income for clothing is according to their ability.<sup>30</sup>

Housing is also one of the obligations that a husband must fulfill to his wife. In line with the word of Allah in surah al-Thalaq verse 6:

God willing

*Place them (the wives) where you live according to your ability.*<sup>31</sup>

All the rules regarding religion have a text. Based on this principle, Ibn Hazm formulated that there are four basics of Sharia law, namely the Koran, Sunnah, Ijmak and *al-Dalil*.<sup>32</sup>

According to Imam Ibn Hazm's view, the husband has the responsibility to provide support to his wife from the moment the marriage contract occurs, whether they live together or separately. This applies regardless of the condition of the wife, who may be in a state of nusyuz or not, as well as other factors such as the wife's social

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<sup>28</sup> Ibn Hâzm, 250.

<sup>29</sup> Ibn Hâzm, 250.

<sup>30</sup> Ibn Hâzm, 249–50.

<sup>31</sup> Ibn Hâzm, 253.

<sup>32</sup> Zahroh, *Ibn Hâzm Hayatuhu wa 'Asruhu – Ara'uhu wa Fiqhuhu* , 276.

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status, wealth or family situation. The legal basis for this obligation is the words of the Messenger of Allah which states that the husband is responsible for providing sustenance and adequate clothing to his wife. Apart from that, husbands are also expected to meet appropriate clothing needs and provide accommodation that suits their abilities, in accordance with the instructions in the Al-Quran. In his conclusion, Ibn Hazm argued that the husband's obligations towards his wife include living, clothing and shelter which must be fulfilled according to the husband's capabilities.

## Analysis of Imam Ibn Hazm's Istidlal Method in the Concept of Living Al-Qur'an

The Koran is God's promise to humans and it is mandatory for us to acknowledge and practice it. There is no doubt in it and the Koran is the true intermediary for returning to Allah. In accordance with His words in su-ra h al-An

وما من دابَّةٌ في الأرضِ ولا طائرٌ بِجناحِهِ إلّا أمّهُ أمثالكم ما فرطنا في الكتابِ مِن شَيْءٍ يُنسى، ثُمَّ إِلَىٰ رَبِّهِمْ يُحْشَرُونَ

And there are no animals on the earth or birds that fly with their two wings, but people (also) like you. We will not forget anything in the Book, then to God they will be gathered.<sup>34</sup>

The Koran is the first basis for Islamic law as a whole. Regarding the universality of meaning contained in the Al-Quran, Ibn Hazm believes that explanations of Al-Quran verses are sometimes produced from other verses, in this case the explanations produced are some that are clear and some are vague that can only be known by certain experts. Apart from that, an explanation of the universality of the Al-Quran requires an explanation from the Sunnah.<sup>35</sup>

For Ibn Hazm, the Koran has explained everything, because Allah will not make things difficult for His servants:

لَا يُكَلِّفُ الْإِنْسَانُ شَيْئًا مِّنْ دُونِ طَاعَتِهِ أَوْ أَخْطَأْنَا رَبَّنَا وَلَا تَحْمِلْ عَلَيْنَا إِكْلِينَ وَلَا تَحْمِلْ عَلَيْنَا مَا

Allah does not burden a person but according to his ability. he gets the reward (from the good deeds) he works for and he gets the punishment (from the evil) he does. (they pray): "O Our Lord, do not punish us if we forget or we make a mistake. O Our Lord, do not impose on us a heavy burden as You imposed on those before us. O Our Lord, do not to Us what We cannot bear. forgive us; forgive us; and be merciful to us. So help us against the disbelievers."<sup>37</sup>

According to Ibn Hazm, the Koran is a divine word that is an explanation for mankind. Knowledge of Allah's law is included in the

<sup>33</sup> Abu Muhammad Ali bin Ahmad Ibn Hāzm, *Al-Ihkam fi Ushul al-Ahkam* (Beirut: Dar al-Afaq al-Jayyidah, n.d.), 1, 95.

<sup>34</sup> RI, *Al-Quran and Translations*, 132.

- <sup>35</sup> Analysis of the *Ma'alaq* Method in the Context of Livelihood according to Imam Ibn Hāzīm's Perspective  
Zuhron, *Ibn Hāzīm Hayatuhu wa-'Asyā'uh* - *Ar-Ri'āyah wa-Qanūnuh*, 276.
- <sup>36</sup> Ibn Hāzīm, *Al-Ihkam fi Ushul al-Ahkam*, 3, 34.
- <sup>37</sup> RI, *Al-Quran and Translations*, 49.



Koran. There are no mutashabih words in the Koran that have not been explained, except for two things. Namely, the letters at the beginning of the letter such as **ص، حم، الم** and lafadz qasam in the name of Allah.<sup>38</sup>

Ibn Hazm believes that explanations of the verses of the Koran can be found in other verses, although some are clear and some require special understanding. The Koran is considered to have explained everything, except in certain matters such as the initial letters of the letter and the pronunciation of qasam. In conclusion, the Al-Quran is considered as a divine word that is a guide for mankind, and there are no ambiguous words in the Al-Quran that have not been explained, except in certain cases.

### **Sunnah**

The second proposition according to Ibn Hazm is al-Sunnah, which includes the words ( *qauli* ), deeds ( *fi'li* ), and decrees ( *taqriri* ) of the Prophet Muhammad. The Sunnah qauliyah in the form of commands ( *jamir* ) and prohibitions ( *nawahi* ) must be taken into account, that commands indicate obligations and prohibitions indicate prohibition, imperative. Everything demands to be done immediately unless something indicates otherwise. Humans are not allowed to say that something is permissible or makruh without evidence from the Koran, al-Sunnah, or ijma', because this means going against the will of Allah.<sup>39</sup>

Meanwhile, those in the form of the Prophet's actions ( *sunnah fi'liyah* ) only function as models of good behavior to be imitated ( *uswah/qudwah hasanah* ). The law of following it is not mandatory, unless the sunnah fi'liyah functions as a "demonstration" of the sunnah qauliyah. With regard to the Prophet's approval ( *sunnah taqririyah* ) of the actions of friends known to him, that only shows permissibility. Therefore, we are not obliged to follow the actions of the Prophet SAW, but we may follow him as a role model. This is based on the word of Allah surah al-Ahzab verse 21.<sup>40</sup>

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<sup>38</sup> Zahroh, *Ibn Hāzm Hayatuhu wa 'Asruhu – Ara'uhu wa Fiqhuhu* , 277.

<sup>39</sup> Ibn Hāzm, *Al-Ihkam fi Ushul al-Ahkam* , 2, 6.

<sup>40</sup> Ibn Hāzm, 2, 8–9.

Furthermore, if two contradictory hadiths are found, one comes from the words of the Prophet SAW ( *sunnah qauliyah* ) while the other is from the actions of the Prophet SAW ( *sunnah fi'liyah* ), Ibn Hazm provides the following solution:<sup>41</sup>

- 1) If it is known that the Sunnah Qauliyah came first ( *wurud* ) from the Sunnah Fi'liyah, then the Sunnah Fi'liyah is considered to cancel ( *nasikh* ) the law of the Sunnah Qauliyah. This is based on the belief that the Prophet SAW did not commit any haram acts.
- 2) If it is not known which comes first or later ( *wurud* ), then the one which contains additional rules ( *al-za'id* ) is chosen between the two.

Ibn Hazm, like the majority of scholars, believes that the Koran and Sunnah are both revelations from Allah. He referred to the Al-Quran surah al-Najm verses 3-4 as his evidence, and on that basis he formulated that the revelation was divided into two, first; The revelation that is read ( *revelation matluw* ) and its editorial composition contains miracles, that is the Koran. Second, revelations that are not read (delivered) and whose editorial composition is not a miracle ( *revelation marwi* ), namely news ( *al-khabar* ) that comes from the Prophet. Thus, the sunnah ( *al-khabar* ) is essentially a revelation from Allah, therefore the obligation to obey it, according to Ibn Hazm, is at the same level.<sup>42</sup>

For Ibn Hazm, the sunnah has an important role and position as a source of sharia. Likewise, because the Sunnah is also a revelation like the Koran, the two (as long as the Sunnah is valid) always correspond in content to the Koran and there will be no contradiction ( *ta'arud* ) between the two.<sup>43</sup>

Ibn Hazm views that the qauliyah sunnah must be taken literally, while the fi'liyah sunnah is only an example of good behavior. If there are conflicting hadiths, Ibn Hazm provides a solution based on the order in which they come or additional rules. Ibn Hazm also considers the Koran and Sunnah to be revelations of Allah that are equally important, and the Sunnah will not conflict with the Koran if the

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<sup>41</sup> Ibn Hāzm, 2, 39.

<sup>42</sup> Ibn Hāzm, 1, 97.

<sup>43</sup> Ibn Hāzm, 1, 98.

Sunnah is authentic. Sunnah has an important role as a source of Shari'a and must be obeyed.

### **Ijmak**

The third source of law in Istidlal *that* Ibn Hazm recognized was ijmak, namely the consensus of friends which is based on the texts of the Koran and as-Sunnah.<sup>44</sup>In the book "*an-Nubzah al-Kafiyah fi Ahkam Usul al-Din*" he strengthens his opinion regarding the validity of ijmak and the necessity of continuing to rely on the text even in ijmak, on verses of the Koran, including; an-Nisa': 115, Ali 'Imran: 103, al-Anfal: 46, and an-Nisa': 82.<sup>45</sup>

Furthermore, in establishing and accepting ijmak as a source of law, Ibn Hazm has two criteria. First, he limited his participants to friends only. Second, he narrows his scope to only issues based on the text. This approach is different from that adopted by the majority of ushul al-fiqh scholars, who state that ijmak participants are ulama/mujtahid (including post-friends) and their field is not bound by the text.<sup>46</sup>

Ibn Hazm only accepted the advice of friends, because friends received information directly from Rasulullah SAW ( *tawqif* ). Their numbers are limited so their opinions can still be known. So, their agreement was definite and total and based on direct information from the Prophet SAW. According to him, only a friend's ijmak can be accepted as ijmak and that is only possible on issues that are based on the text.<sup>47</sup>

Ibn Hazm recognized ijmak as the third source of law. Ijmak is an agreement between friends based on the Al-Quran and as-Sunnah. Ibn Hazm limits ijmak participants to friends and only accepts ijmak in matters based on the text. His approach is different from the majority of ushul al-fiqh scholars who admit that ijmak participants are also ulama/mujtahid after the Companion period and their scope is not tied to the text.

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<sup>44</sup> Ibn Hāzm, 4, 128.

<sup>45</sup> Abu Muhammad Ali bin Ahmad Ibn Hāzm, *Al-Nubzah al-Kafiyah fi Ahkam Ushul al-Din* (Beirut: Dar al-Kutub al-Ilmiyyah, 1985), 15.

<sup>46</sup> Ibn Hāzm, *Al-Ihkam fi Ushul al-Ahkam* , 4, 147.

<sup>47</sup> Ibn Hāzm, 4, 148.

Ibn Hazm believes that only a friend's *ijmak* can be accepted as *ijmak* because the friend received the information directly from Rasulullah SAW. Their limited number makes it possible to find out their opinions. He believed that their agreement was certain and based on direct information from the Prophet SAW. According to Ibn Hazm, only the *ijmak* of friends can be accepted as *ijmak* and only in matters based on the text.

### *Al-Dalil*

According to Abu Zahrah in the book " *Ibn Hazm Hayātuhū wa 'Asruhu wa Fiqhuhu* ", if from the three sources, Al-Quran, Sunnah, and *Ijmak* cannot be found and no clear legal rules regarding a problem can be obtained, then Ibn Hazm takes the path of *ijtihad*, namely by *al-Dalil* . According to him, *al-Dalil* does not actually stand alone outside the Al-Quran, Sunnah and *Ijmak*, but still originates and originates from them.<sup>48</sup>

In his book *Al-Ihkam fi Ushul al-Ahkam* chapter 29, Ibn Hazm emphasized that *al-Dalil* is different from *qiyas* , and it is not an addition to *na ṣ* or something that exists independently of *na ṣ* , such as *qiyas* . *Al-dalil* is implicit in *na ṣ* itself. This is a reaction and confirmation of the prejudices of groups that accept *qiyas* and equate

ظن قوم بجهلهم أن قولنا بالدليل خروجنا عن النصّ، والجماع وظنّ آخرون أن القياس والدليل واحد، فأخطوا في ظنهم أفسد خطأ.

*They stupidly think that our opinion about al-Dalil actually comes out of the framework of the text and ijmak. There are also those who think that qiyas is the same as al-Dalil. This is truly a very wrong assumption.*<sup>49</sup>

Ibn Hazm divides *al-Dalil* into two types, namely: 1) *al-Dalil* which is taken from *na ṣ* Al-Quran and Sunnah and 2) *al-Dalil* which is taken from *ijmak*. *Al-Dalil* taken from *na ṣ* There are seven types, and there are four types of *al-dalil* which is based on *ijmak*.<sup>50</sup>

*Al-Dalil* taken from *na ṣ* of which there are seven types, including:

- 1) مَقْدِمَتَانِ تَنْتِجُ نَتِيجَةً لَيْسَتْ مَنْصُوصَةً فِي أَحَدِهِمَا

<sup>48</sup> Zuhairi, *Ibn Hāzim Hayatuhu wa 'Asruhu – Ara'uhu wa Fiqhuhu*, 364.

<sup>49</sup> Ibn Hāzim, *Al-Ihkam fi Ushul al-Ahkam*, 5, 105.

<sup>50</sup> Ibn Hāzim, 5, 106.

( *al-Dalil* in the form of legal conclusions ( *natijah* ) implicitly from *na ṣ* which contains two propositions (muqaddimah).

كُلُّ لُحْمٍ رَخْمٌ وَكُلُّ رَخْمٍ خَمْرٌ (Every intoxicant is wine and every wine is haram) → the implicit meaning is كُلُّ لُحْمٍ رَخْمٌ (any intoxicant is haram).

The two propositions (muqaddimah) of *Burhani* which are mentioned finally and explicitly by the hadith are: كُلُّ لُحْمٍ رَخْمٌ as the

first proposition, and وَكُلُّ خَمْرٍ رَخْمٌ as the second muqaddimah, gives

birth to an implicit legal conclusion ( *natijah* ), namely كُلُّ لُحْمٍ رَخْمٌ.

It is with this basis and method that Ibn Hazm argues that the prohibition of all intoxicating objects is not obtained through the method of qiyas, but is only an application and taking the implicit meaning of the generality of a *na ṣ* the final *z* .

شَرُّ طُمْلَةٍ قِيَصٌ ۖ فَحَيْثُ وَجَدَ فَوَاجِبُ مَا عَلَّقَ بِذَلِكَ الشَّرْطُ 2)

( *Al-Dalil* is in the form of applying general conditions, in a *na ṣ* , as long as the specified conditions are still fulfilled).

QS example. Al-Anfal; 38.

" Say to those who disbelieve: "If they stop (from their disbelief), Allah will surely forgive them their past sins ."

From the wording of this verse, it can be understood that Allah SWT will forgive (the provisions of the law) past sins, including sins of disbelief, provided that the perpetrator truly stops, and does not repeat them again (the conditions).<sup>51</sup>

لَا طَاقَ لَهُمْ مِنْهُ مَعْنَى فَيُؤَدِّى إِلَيْهِمْ طَاقَهُمْ 3)

(The evidence is in the form of a certain meaning contained in a word or the meaning contained in another word). Example of Surah Al-Isra' verse 23:

" So never say to them the words «ah» and do not shout at them and speak to them noble words "

This verse includes a prohibition against hitting ( *al-darb* ), because hitting is within the scope of the word and meaning of rebuking ( *al-nahr* ). Another example, Surah At-Tawbah verse 114;

*Abdillah Afabih, et al.*

<sup>51</sup> Ibn Ḥāzm, 5, 106.

The word *halim* (polite) in this verse implicitly shows that the Prophet Ibrahim was not *safih* (stupid, rude).

- 4) The argument is in the form of a determination that all of the provisions of the law are rejected except for one, so that one is true. If it is not clearly stated whether the law is obligatory or haram, then the law is still permissible, even though it is not

قَضَايَا وَارِدَةٌ مُدْرَجَةٌ فِيْقَصِّىْ ذَٰلِكَ أَنَّ الدَّرَجَةَ الْعُلْيَا فَوْقَ النَّثَائِيَةِ لَهَا بَعْدَهَا مِثْلُ 5)

(A proposition in the form of a proposition containing the determination that what is mentioned first is more important than what is next, even though it is not mentioned textually). For example, the expression: "Abu Bakr is more important than 'Umar, and 'Umar is more important than Usman. From this expression it can be concluded that Abu Bakr is more important than Usman.

حدود الكلم \ عكس القضايا : أن God God تتعكس جزئية أبدا 6)

(The evidence is in the form of coverage of the *hudud al-kalam*/'*aks al-qadaya* text; an understanding obtained from the text as a logical consequence).

For example the expression; "All things that intoxicate are haram." From this expression it is logically known that some of the prohibited objects contain intoxicating effects.

لَنْ طَيِّطُوِيْ فِيْهِ مَعًا 7)

(The proposition is in the form of pronunciation which contains many meanings). For example, Surah Ali 'Imron verse 185;

" Every soul will taste death "

The verse above contains the meaning that anyone who lives will experience death, such as Ahmad, Umar and so on. although not mentioned one by one.

According to Abu Zahrah, if the Al-Quran, Sunnah, and Ijmak do not provide clear legal rules regarding an issue, Ibn Hazm will use *ijtihad* with *al-Dalil*. Ibn Hazm believes that *al-Dalil* does not stand alone outside the Koran, Sunnah and Ijmak, but still originates and originates from them.

Ibn Hazm divides *al-Dalil* into two types, namely *al-Dalil* which



~~Abdullah Afanah, et al~~  
is taken from the na ṣ of the Koran and Sunnah, and al-Dalil which is taken from ijmak. Al-dalil taken from na ṣ has seven types, such as

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implicit legal conclusions from na ṣ which contains two propositions, general application of the conditions in na ṣ as long as these conditions are fulfilled, taking certain meanings from one pronouncement or the meaning contained in another lafaz, and others.

Apart from that, Ibn Hazm emphasized the difference between al-Dalil and qiyas. He stated that al-Dalil is not the same as qiyas and is not an addition to na ṣ or something that stands alone outside na ṣ. Ibn Hazm also emphasized that the use of al-Dalil must be based on clear na ṣ and must not violate the principles of the Koran, Sunnah and Ijmak.

In the context of his book al-Muhalla, Ibn Hazm uses the Al-Quran and Sunnah as a legal basis regarding the concept of livelihood. This shows that he considers the Koran and Sunnah as the main sources for establishing law.

## **Conclusion**

Based on the data we have discussed, it can be concluded that Ibn Hazm has views that are in line with the majority of ulama regarding the husband's obligation to support his wife and the standards for providing maintenance. However, he has a difference of opinion regarding the category of wife who is entitled to receive maintenance. Ibn Hazm is of the opinion that disobedient wives and wives who cannot be married still have the right to receive maintenance from their husbands. This opinion is different from the view of some ulama who limit the right to alimony to wives who are obedient and capable of being promiscuous.

To support his view, Ibn Hazm used the istidlal method by citing a hadith narrated by Jabir ra. as an argument for determining the husband's obligation to support his wife. Apart from that, he also used a hadith narrated by Ibn Umar as an argument in determining the category of wife who was entitled to receive maintenance. His opinion is also supported by the Al-Quran, especially Surah Al-Thalaq verse 7, which is the basis for determining living standards.

## **Acknowledgment [12 pt]**

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