

IMAMS AL-SARKHASI'S AND IMAMS AN-NAWAWI'S VIEWS ON THE REWARDS OF BADAL HAJJ

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ABSTRACT This article aims to describe how the differences in the law of receiving rewards for performing badal Hajj by comparing the opinions of two scholars from the Hanafi and al-Shafi'i Mazhabs, namely Imam al-Sharkhasi and Imam an-Nawawi. The research method used is qualitative research with a descriptive analysis approach, which describes how the law of receiving compensation from the implementation of badal Hajj by comparing the opinions of Imam al-Sharkhasi and Imam an-Nawawi. The data sources used are secondary data sources, namely Kitab *al-Mabsuth* by Imam al-Sharkhasi and Kitab *al-Majmu' Syarah al-Muhadzdzab* by Imam an-Nawawi as well as books and articles based on OJS (*Open Journal System*) on the law of abortion of the womb in less than four months of age. Data processing techniques are done by processing *library* materials (*library research*). Techniques in analysing data analysed by descriptive analysis using the techniques of reduction, display, and verification. The findings: *First*: The arguments used by Imam al-Sharkhasi include al-Qur'an Surat al-Najm : 35 and Hadith narrated by Imam Ahmad; Imam Abu Daud, an-Nasa'I, Ahmad, Hakim and Tirmizi. While Imam an-Nawawi used the Hadith narrated by Imam Bukhari and Imam Muslim. *Second*: The cause of the difference in opinion between Imam al-Sharkhasi and Imam an-Nawawi is in terms of arguments and methods of *istinbath* law. *Third*: After analysing the opinions of Imam al-Sharkhasi and Imam an-Nawawi, the arguments used in *istinbath* law and the method of determining the law regarding the law of receiving wages from the implementation of *badal Hajj* or Umrah, then the author does *tarjih*, then the author chooses the opinion of Imam an-Nawawi that it is permissible for someone to receive wages from *badal Hajj*.

KEYWORDS *Badal Hajj; Reward; Imam an-Nawawi; Imam al-Sharkhasi*

INTRODUCTION

Islamic Sharia is a collection of laws that have been determined by Allah SWT for his servants who were brought and delivered through the intermediary of the Prophet Muhammad, then the sharia was conveyed to the companions to the tabiin and their successors, giving birth to a discipline of fiqh (Islamic law). (Hasan 1995, 5)

Islamic law itself has the main sources, namely the Qur'an and Hadith, and is followed by *ijma'* and *qiyas*, including other sources that are still debated by scholars such as *istihsan*, *istishlah*, *urf* and so on. Along with the development of the times does not make

Islamic law more lagging, but can accompany the development of time, times and human needs in order to create the benefit of the people.

The Indonesian state itself has provided guarantees to provide freedom for Muslims to carry out worship, including worship which is the fifth pillar of Islam. This has been mandated by the state constitution based on Article 29 Paragraph (2) of the Constitution of the Republic of Indonesia. The country, which is known for its Muslim majority, is also supported by Law No. 13/2008 on the Implementation of Hajj, which regulates a series of activities to manage the implementation of the Hajj pilgrimage, starting

from the guidance, service, and protection of the pilgrims from departure until they return to their homeland.

In general, worship can be divided into two groups, namely *mahdhah* worship, which is directly related to God such as prayer, fasting, and others, and *ghariu mahdhah* worship which is related to fellow humans such as competing in goodness. Worship based on the object of its implementation can be divided into three groups, namely (Mughniyah 1996, 212) :

- a. Bodily worship that requires a strong and healthy physique, such as prayer and fasting.
- b. Property worship that requires property in fulfilling it, such as zakat, diyat
- c. Worship that combines body and wealth, such as Hajj and Umrah.

Hajj is one of the five pillars of Islam so that it must be carried out by a Muslim and Muslim as a form of obedience to Allah SWT, of course the obligation in carrying out this worship has fulfilled the requirements and is able (*isthitha'ah*), both physically able as well as in wealth, considering that this worship has a long distance and for days in carrying out a series of worship.

Allah SWT's command to Muslims to perform Hajj and Umrah is not without foundation. This is clearly conveyed by him through the Qur'an Surah al-Imran verse 97. This verse explains to humans about the obligation to perform Hajj and Umrah. The law of performing Hajj and Umrah includes the conditions and pillars as well as being physically and financially able to do it.

فِيهِ آيَاتٌ بَيِّنَاتٌ مَّقَامُ إِبْرَاهِيمَ وَمَنْ دَخَلَهُ كَانَ آمِنًا وَلِلَّهِ عَلَى
الْأَسْرِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا وَمَنْ كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ
عَنِ الْعَالَمِينَ ٩٧

There are clear signs in it, (among them) the tomb of Abraham. Whoever enters it (the House of Allah) will be secure; performing the Hajj is an obligation of man towards Allah, (for) those who are able to travel to the House of Allah. Whoever denies (the obligation of Hajj), then surely Allah is rich (in need of nothing) from the universe.

Allah SWT does not only mention in the Qur'an even the Prophet Muhammad SAW

also mentioned in his hadith narrated by Imam Muslim and Imam Tarmizi that Islam consists of five foundations, among them; testifying that there is no god but Allah SWT and Muhammad is the messenger of Allah, praying, fulfilling zakat payments, performing Hajj and fasting in the month of Ramadan. (ash-Shan'ani 2007, 198)

عَنْ أَبِي عَبْدِ الرَّحْمَنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ
عَنْهُمَا قَالَ : سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ : بُنِيَ
الإِسْلَامُ عَلَى خَمْسٍ : شَهَادَةٌ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ
اللَّهِ وَإِقَامُ الصَّلَاةِ وَإِيتَاءُ الزَّكَاةِ وَحُجُّ الْبَيْتِ وَصَوْمُ رَمَضَانَ .

Abu Abdurrahman, Abdullah ibn Umar ibn al-Khattab (may Allah be pleased with him) reported: I heard the Messenger of Allah (peace and blessings of Allah be upon him) say: Islam is built on five things: Bearing witness that there is no god but Allah and that the Prophet Muhammad is the messenger of Allah, establishing Salah, paying Zakat, performing Hajj and fasting Ramadan. (HR. Tirmidhi and Muslim)

Some scholars are of the view that the ruling on performing Hajj is obligatory if one is physically and financially able to do so and if one's family is left behind. However, most scholars are of the view that it is Sunnah (al-Makki 1996, 378-379)

Hajj is an interesting act of worship that is quite different from other acts of worship such as prayer, fasting, zakat and others. One of them is in terms of implementation, that to perform this worship has complex requirements consisting of strong physical abilities considering the long distance to travel to the temple and perform a series of worship contained therein, then the ability in terms of material, not only enough material to go and return for hajj, but there is material provided for the family who lives so as not to neglect the family while performing the worship.

The implementation of Hajj is the same as other acts of worship that have several valid and mandatory requirements and pillars in carrying it out. The conditions for the validity of Hajj are: Islam, sound mind, maturity (*baligh*), independence, and ability (*isthitha'ah*). (Ma'mun 2013, 76).

Problems arise when a person is only able to fulfil one of the requirements to perform

the Hajj, such as only being able to afford it materially but not physically because he is old, so it will be difficult if he is still forced to perform it. From this problem arises a relief that the Hajj can be replaced by someone else with the intention for oneself, known as *badal* Hajj. (Khalilurroman 2017, 232).

Badal Hajj is the act of visiting the *Ka'bah al-mukarramah* and performing a series of Hajj rituals performed by a person on behalf of another person who has died (since embarkation and before the wukuf), and includes pilgrims who are physically and mentally disabled. So that they cannot perform wukuf in Arafat. (Agama 2016, 6)

After a person asks someone else to go for Hajj on his behalf, the question arises whether the substitute should be paid for his work? Or is it sufficient to provide him with provisions or pocket money for the duration of Hajj? The scholars differed on this issue.

Imam al-Sharkhasi and Imam an-Nawawi agreed that it is permissible to ask someone to perform Hajj on one's behalf for various legitimate reasons. However, they differed as to whether it is permissible to receive payment for doing Hajj on behalf of someone who asks him to do Hajj on his behalf.

Imam al-Sarkhasi in his book *al-Mabsuth* is of the opinion that it is not permissible to receive a fee for performing the *badal* Hajj, because the purpose of replacing the Hajj is not to trade services, and this is clearly prohibited. (al-Sarkhasi 1998, 158)

رَجُلٌ اسْتَأْجَرَ رَجُلًا لِيَحُجَّ عَنْهُ لَمْ تَجَزِ الْإِجَارَةُ عِنْدَنَا، وَقَالَ الشَّافِعِيُّ - رَحِمَهُ اللَّهُ تَعَالَى - تَجُوزُ، وَأَصْلُ الْمَسْأَلَةِ أَنَّ الْإِسْتِئْجَارَ عَلَى تَعَالَى - تَجُوزُ، وَتَجُوزُ وَأَصْلُ الْمَسْأَلَةِ أَنَّ الْإِسْتِئْجَارَ عَلَى الطَّاعَاتِ الَّتِي لَا يَجُوزُ أَدَاؤُهَا مِنَ الْكَافِرِ لَا يَجُوزُ عِنْدَنَا،

A person who asks someone else to perform Hajj on his behalf, and this practice is not permissible, and Imam al-Sayfi'I (may Allah have mercy on him) said that it is permissible. In fact, the point is that hiring someone to do acts of worship in the name of obedience is not permissible.

Imam an-Nawawi has a different view from Imam al-Sarkhasi, that it is permissible for a person to receive wages from the results of work to help someone who is asked to perform the pilgrimage for him, this he

explains in *Kitab Majmu' Syarh al-Muhadzzab* (an-Nawawi 1998, 106)

يَجُوزُ الْإِسْتِئْجَارُ عَلَى الْحَجِّ وَ عَلَى الْعُمْرَةِ لِذُخُولِ النَّيَابَةِ فِيهِمَا كَالرَّكَّةِ وَ يَجُوزُ بِالْبَدَلِ كَمَا يَجُوزُ بِالْإِجَارَةِ وَ هَذَا لَا خِلَافَ فِيهِ صَرَخَ بِهِ الْقَاضِي أَبُو الطَّيِّبِ فِي الْمَجَرَّدِ وَ الْأَصْحَابِ قَالُوا : وَ ذَلِكَ بَأَنَّ يَقُولُ : حَجَّ عَنْ وَ أَعْطَيْتُكَ نَفَقَتَكَ أَوْ كَذَا وَ كَذَا وَ إِنَّمَا يَجُوزُ الْإِسْتِئْجَارُ حَيْثُ تَجُوزُ النَّيَابَةُ وَ إِنَّمَا تَجُوزُ فِي حَقِّ الْمَيِّتِ وَ فِي الْمَعْضُوبِ كَمَا سَبَقَ بَأَنَّهُ وَ أُجْرَةُ الْحَجِّ حَلَالٌ مِنَ الطَّيِّبِ الْمَكْسُوبِ

It is permissible to hire out for Hajj and 'Umrah, because representation is permissible in both cases, as is zakaah. It may also be done by donation, as is permissible with hiring out. There is no difference of opinion concerning this, as stated by al-Qadhi Abu ath-Thazyyib and our companions. They said: by saying: Hajj on my behalf and I will pay you, or hajj on my behalf and I will provide for you, or hajj on my behalf and I will give you such and such. The permissibility of leasing is due to the permissibility of representation. It is permissible for the deceased and the disabled, as has been explained, and the wages for performing Hajj are permissible, and it is a good way of earning a living.

Based on the two previous opinions that contradict each other, the author is interested in discussing it in order to find a meeting point for the two opinions and find the strongest opinion so that it can be implemented in everyday life if needed. The author's interest in discussing this by focussing on it in the form of a thesis entitled *The Law of Obtaining Rewards from Performing Badal Hajj* (Comparison of the Opinions of Imam al-Sharkhasi and Imam an-Nawawi).

METHODS

The research method used is qualitative research with a descriptive analysis approach, which describes how the law of receiving compensation from the implementation of badal Hajj by comparing the opinions of Imam al-Sharkhasi and Imam an-Nawawi. The data sources used are secondary data sources, namely *Kitab al-Mabsuth* by Imam al-Sharkhasi and *Kitab al-Majmu' Syarh al-Muhadzzab* by Imam an-

Nawawi as well as books and articles based on OJS (*Open Journal System*) on the law of abortion of the womb in less than four months of age. Data processing techniques are done by processing *library* materials (*library research*). Techniques in analysing the data analysed by exploratory descriptive analysis using the techniques of reduction, display, and verification.

RESULT/FINDINGS AND DISCUSSION

The Evidence Used by Imam Al-Sharkhasi and Imam An-Nawawi on the Ruling of Earning a Reward for Performing *Badal* Hajj

The author realises that describing and explaining the thoughts of a person, especially a scholar, is a complicated and complex issue. Especially the thoughts of two scholars from the followers of the famous madhhab and still used today, namely Imam al-Sharkhasi from the Hanafi Mazhab and Imam an-Nawawi from the al-Shafi'i Mazhab, this includes textuality and contextualisation of the text. (Ash-Syak'ah 2000). However, this does not discourage the author from trying to study the thoughts of both of them.

After the author has read, studied and understood the thoughts of Imam al-Sharkhasi and Imam an-Nawawi from various literature related to their thoughts, the author finds that the differences of opinion that often occur between them are due to the understanding or interpretation of different texts. This can be seen from their works in expressing their opinions. (Hafiz 2010, 39). This includes the issue of whether or not it is permissible to receive compensation for replacing someone for Hajj.

The evidence used by Imam al-Sharkhasi

Imam al-Sharkhasi is of the opinion that it is permissible to assist a physically challenged person in performing Hajj by providing a proxy. However, there is an ethical problem when the appointed deputy receives compensation in return for replacing the physically incapable person in performing the Hajj. This opinion of his is explained in his book *al-Mabstuh* (al-Sarkhasi 1998, 158) :

رَجُلٌ اسْتَأْجَرَ رَجُلًا لِيُحَجَّ عَنْهُ لَمْ تَجْزِ الْإِجَارَةُ عِنْدَنَا، وَقَالَ الشَّافِعِيُّ - رَحِمَهُ اللَّهُ تَعَالَى - تَجُوزُ، وَأَصْلُ الْمَسْأَلَةِ أَنَّ الْإِسْتِئْجَارَ

- تَعَالَى - تَجُوزُ، تَجُوزُ، وَأَصْلُ الْمَسْأَلَةِ أَنَّ الْإِسْتِئْجَارَ عَلَى الطَّاعَاتِ الَّتِي لَا يَجُوزُ أَدَاؤُهَا مِنَ الْكَافِرِ لَا يَجُوزُ عِنْدَنَا.

A person who asks someone else to perform Hajj on his behalf, and this practice is not permissible, and Imam al-Sayfi'I (may Allah have mercy on him) said that it is permissible. In fact, the point is that hiring someone to do acts of worship in the name of obedience is not permissible.

Some of the arguments used by Imam al-Sarkhasi in the prohibition of receiving rewards from performing *badal* Hajj or Umrah, including (al-Sarkhasi 1998, 160). Among them Q.S an-Najm: 39

۝۳۹ وَأَنْ لَيْسَ لِلْإِنْسَانِ إِلَّا مَا سَعَى

And that a man does not attain except what he has laboured for.

The effort in replacing someone to perform Hajj or Umrah (*badal*) is an act of worship that draws closer to Allah SWT, so the person who helps to replace the performance of Hajj or Umrah should be done with the intention of *lilahi ta'ala*, namely voluntarily. (al-Sarkhasi 1998). Even if the compensation for the cost of supplies while replacing the worship is not disputed, if there is excess wealth for supplies, it must be returned to the person concerned (al-Sarkhasi 1998). (al-Sarkhasi 1998)

Hadith narrated by Imam Ahmad

عَنْ عَبْدِ الرَّحْمَانَ بْنِ شَيْبَةَ قَالَ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : اِقْرُؤُوا الْقُرْآنَ، وَاعْمَلُوا بِهِ، وَلَا تَحْفُوا عَنْهُ، وَلَا تَغْلُوا (فِيهِ)، وَلَا تَأْكُلُوا بِهِ، وَلَا تَسْتَكْبِرُوا بِهِ (رواه أحمد)

Abdurrahman bin Shibl said: The Messenger of Allah (SAW) said: read the Qur'an, practice it, do not neglect it and do not exaggerate with it, do not eat from it, do not multiply wealth from it. (Ahmad 1998, 310)

The Hadith explicitly prohibits consuming and multiplying wealth from teaching the Qur'an, but Imam al-Sarkhasi likens it to receiving rewards from performing the Hajj, because both of these acts of worship lead to obedience to Allah SWT. (al-Sarkhasi 1998, 163).. The prohibition is explained in the Book of *Badai' al-Shanai'* explaining that the predecessors of the Hanafi Mazhab, including Imam al-Sharkhasi and his companions, were of the opinion that any worship or obedience that was intended for Muslims only, could not be hired

or paid to others to carry it out, whether it was compulsory worship or sunnah worship, including those that were fardhu 'ain or fardhu kifayah. The Hanafi school also prohibits ijarah contracts in acts of worship that are not related to financial aspects, such as bodily worship such as being an imam, calling to prayer, teaching the Qur'an, and all forms of worship that do not involve property or money such as replacing someone to perform Hajj or Umrah. (al-Kasani 1987, 249)..

Hadith narrated by Imam Abu Daud, an-Nasa'I, Ahmad, al-Hakim, Tirmidhi وَعَنْ عُثْمَانَ بْنِ أَبِي الْعَاصِ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ قَالَ : يَا رَسُولَ اللَّهِ اجْعَلْنِي إِمَامًا قَوْمِي . قَالَ : "أَنْتَ إِمَامُهُمْ وَاقْتَدِ بِأَصْنَعُوهُمْ , وَاتَّخِذْ مُؤَدِّنَا لَا يَأْخُذْ عَلَى أَدَانِهِ أَجْرًا - (أَخْرَجَهُ ٧١٤٥٥)) وَصَحَّحَهُ الْحَاكِمُ وَحَسَنَهُ التِّرْمِذِيُّ .

'Uthman ibn Abil 'Ash (may Allah be pleased with him) reported: He said: "O Messenger of Allah, make me the imam of my people". He (peace and blessings of Allaah be upon him) said: "You are their imam, look after the weakest, and appoint a muezzin who does not seek reward for his calls." (Narrated by five, authenticated by Tirmidhi, and authenticated by al-Hakim)

Acts such as azan, iqamah, prayer, hajj, fasting, reading the Quran, and dhikr are among the acts of drawing closer to Allah SWT (taqarrub). Therefore, in Islam, according to the Hanafis, it is not permissible to take any reward or payment for these acts of worship other than from Allah SWT. If someone recites the Qur'an with the aim of obtaining wealth or material rewards from others, then the reward of the recitation becomes void. The reward of reciting the Quran, even if the intention is for the sake of Allah SWT, will only be given to oneself and cannot be gifted to others, even to dead bodies. Therefore, in Islam, it is recommended to always worship with sincere and sincere intentions solely to get closer to Allah SWT without expecting worldly rewards from others. This will increase the value of worship and provide greater rewards in the sight of Allah SWT. (Abdullah 2020, 171)

The evidence used by Imam an-Nawawi

In contrast to the opinion of Imam al-Sharkhasi, Imam an-Nawawi, who has a background in fiqh and ushul fiqh from Imam

al-Shafi'i, is of the opinion that it is permissible for someone who has substituted for someone else's Hajj or Umrah to receive a reward for what he did. He explains this opinion in his book Majmu' Syarh al-Muhadzzab (an-Nawawi 1998, 106)

بِجُورِ الْإِسْتِئْجَارِ عَلَى الْحَجِّ وَ عَلَى الْعُمْرَةِ لِذُخُولِ النَّبَايَةِ فِيهِمَا كَالزَّكَاةِ وَ يَجُوزُ بِالْبَدَلِ كَمَا يَجُوزُ بِالْإِجَارَةِ وَ هَذَا لِأَخْلَافِ فِيهِ صَرَّحَ بِهِ الْقَاضِي أَبُو الطَّيِّبِ فِي الْمَجْرَدِ وَ الْأَصْحَابِ قَالُوا : وَ ذَلِكَ بَأَنَّ يَقُولُ : حَجٌّ عَنِّي وَ أُعْطِيكَ نَفَقَاتِكَ أَوْ كَذَا وَ كَذَا وَ إِنَّمَا يَجُوزُ الْإِسْتِئْجَارُ حَيْثُ تَجُوزُ النَّبَايَةُ وَ إِنَّمَا تَجُوزُ فِي حَقِّ الْمَيْتِ وَ فِي الْمَعْضُوبِ كَمَا سَبَقَ بَأَنَّهُ وَ أَجْرَةُ الْحَجِّ حَلَالٌ مِنَ الطَّيِّبِ الْمَكَّاسِ ب

It is permissible to hire out for Hajj and 'Umrah, because representation is permissible in both cases, as is zakaah. It may also be done by donation, as is permissible with hiring out. There is no difference of opinion concerning this, as stated by al-Qadhi Abu ath-Thazzyib and our companions. They said: by saying: Hajj on my behalf and I will give you something in return, or hajj on my behalf and I will provide for you, or hajj on my behalf and I will give you such and such. The permissibility of leasing is due to the permissibility of representation. It is permissible for the deceased and the disabled, as has been explained, and the reward for performing Hajj is permissible, and is a good way of earning a living.

In line with Imam an-Nawawi, Imam al-Shafi'i actually explained that it is permissible for a person to receive compensation for the work done to help someone who is asked to perform the Hajj on his behalf, as he explained in al-Umm. (al-Sayfi'i 1990, 158).

قَالَ الشَّافِعِيُّ - رَحِمَهُ اللَّهُ تَعَالَى -: لِلرَّجُلِ أَنْ يَسْتَأْجِرَ الرَّجُلَ يَحُجُّ عَنْهُ إِذَا كَانَ لَا يَقْدِرُ عَلَى الْمَرْكَبِ لِضَعْفِهِ وَكَانَ ذَا مَقْدَرَةٍ بِمَالِهِ وَلِوَارِثِهِ بَعْدَهُ، وَالْإِجَارَةُ عَلَى الْحَجِّ جَائِزَةٌ جَوَازُهَا عَلَى الْأَعْمَالِ سِوَاهَا، بَلْ الْإِجَارَةُ إِنْ شَاءَ اللَّهُ تَعَالَى عَلَى الْبِرِّ خَيْرٌ مِنْهَا عَلَى مَا لَا بَرَّ فِيهِ، وَيَأْخُذُ مِنَ الْإِجَارَةِ مَا أُعْطِيَ، وَإِنْ كَثُرَ كَمَا يَأْخُذُهَا عَلَى غَيْرِهِ لَا فَرْقَ بَيْنَ ذَلِكَ .

Imam al-Sayfi'I said: It is permissible for a person to pay someone else to perform Hajj for him if he is weak and unable to ride, but he has sufficient wealth for his heirs (family) in addition to the payment. Compensation for Hajj is permissible, just as it is for other acts of worship. In fact, this kind of reward

is better, *in sha Allah*, because it is used in a good cause and is something that must be done.

Some of the evidence that supports Imam an-Nawawi's view that it is permissible for someone who substitutes for someone else's Hajj or Umrah to receive a reward for doing so include (an-Nawawi 1998, 109):

Hadith narrated by Imam Bukhari

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَضِيَ اللَّهُ عَنْهُ أَنَّ نَاسًا مِنْ أَصْحَابِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَتَوْا عَلَى حَيٍّ مِنْ أَحْبَاءِ الْعَرَبِ فَلَمْ يَفْرَوْهُمْ، فَبَيْنَمَا هُمْ كَذَلِكَ، إِذْ لَدَعَ سَيِّدٌ أَوْلَانِكَ، فَقَالُوا: هَلْ مَعَكُمْ مِنْ دَوَاءٍ أَوْ رَاقٍ؟ فَقَالُوا: إِنَّكُمْ لَمْ تَفْرَوْنَا، وَلَا نَفْعَلُ حَتَّى تَجْعَلُوا لَنَا جُعَلًا، فَجَعَلُوا لَهُمْ قَطِيعًا مِنَ الشَّاءِ، فَجَعَلَ يَفْرَأُ بِأَمِّ الْقُرْآنِ، وَيَجْمَعُ بُرَاقَهُ وَيَتَوَلَّى، فَبَرَأَ فَأَتَوْا بِالشَّاءِ، فَقَالُوا: لَا نَأْخُذُ حَتَّى نَسْأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَسَأَلُوهُ فَضَحِكَ وَقَالَ: "وَمَا أَدْرَاكَ أَنَّهَا رُقْيَةٌ، خُذُوهَا وَاضْرِبُوا لِي بِسَهْمٍ. وَفِي رِوَايَةِ الْآخَرِ: إِنَّ أَحَقَّ مَا أَخَذْتُمْ عَلَيْهِ أَجْرًا كِتَابَ اللَّهِ

It was narrated from the Companion Abi Said Al-khudri (Radliyallahu 'Anhu) that a group of Companions came to a tribe from among the Arab tribes, but they did not let them in. This went on until one day the leader of the tribe was bitten by a snake, so they said: 'Have you brought any medicine or anyone who can make quqyah?' The Companions replied: 'You did not let us in, and we will not make quqyah until you give us something in return.' So they gave them some sheep in return, then one of the Companions recited Surah al-Fatihah, and collected his saliva and spit it out (read: melted) until the leader of the tribe who was bitten by a snake was cured, and they gave him a sheep. The Companions said, 'We will not take it until we ask the Messenger of Allah.' They asked the Messenger of Allah about it, and he laughed and said: 'What is Ruqyah? Take it, and give me my share.' In some other redactions of the hadith, the Prophet continued to say to the Companions: "Verily the most deserving of your reward is (reciting) the book of Allah" (HR Bukhari) (Bukhari 1998, 389)

Based on the *asbabul wurud* of this Hadith, it is permissible to use the verses of Allah SWT as a cure for diseases because the Qur'an itself is *ash-Shifa*, the cure for various diseases. When examined in depth, this hadith

becomes the basis for the permissibility of receiving rewards for reciting the words of Allah SWT. (Damsyiqi 1994, 44). This Hadith reflects the principle that in Islam, people are entitled to receive remuneration for their work or services. In the context of this hadith, the companions of the Prophet were promised goats as a reward after they successfully cured someone by reciting Surah Al-Fatihah and using their saliva.

Islam encourages hard work, courage and skill in earning a living and sustaining life. Based on Islamic economic principles, people are allowed to receive wages or rewards for the work or services they perform. (Abdullah 2020, 210). This is in line with the concept of justice and reciprocity applied in Islamic economics. In this case, the Prophet's companions worked to cure someone who was bitten by a venomous animal. They were then rewarded in the form of goats as a form of appreciation and reward for their services. This reflects fairness in economic transactions and motivates individuals to contribute to society. It is important to note that in Islam, effort and success are seen as blessings from Allah. However, along with effort, receiving a wage or reward commensurate with the work done is considered a legitimate right. As such, this hadith highlights values such as justice, hard work, and just rewards in the context of Islamic economics. (Mas'adi 2002, 186).

Hadith narrated by Imam Muslim

حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى أَخْبَرَنَا هِشَامُ بْنُ يُوسُفَ أَنَّ ابْنَ جُرَيْجٍ أَخْبَرَهُمْ قَالَ أَخْبَرَنِي يَعْلى بْنُ مُسْلِمٍ وَعَمْرُو بْنُ دِينَارٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ يَزِيدُ أَحَدَهُمَا عَلَى صَاحِبِهِ وَعَبْرُهُمَا قَالَ قَدْ سَمِعْتُهُ يُحَدِّثُهُ عَنْ سَعِيدٍ قَالَ قَالَ لِي ابْنُ عَاسٍ رَضِيَ اللَّهُ عَنْهُمَا حَدَّثَنِي أَبِي بْنُ كَعْبٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاَنْطَلِقَا فَوَجِدَا جِدَارًا يُرِيدُ أَنْ يَنْقُضَ قَالَ سَعِيدٌ بِيَدِهِ هَكَذَا وَرَفَعَ يَدَيْهِ فَاسْتَقَامَ قَالَ يَعْلى حَسِبْتُ أَنْ سَعِيدًا قَالَ فَمَسَحَهُ بِيَدِهِ فَاسْتَقَامَ } لَوْ شِئْتُمْ لَأَتَّخَذْتُمْ عَلَيْهِ أَجْرًا { قَالَ سَعِيدٌ أَجْرًا نَأْكُلُهُ

Ibrahim ibn Musa reported to us Hisham ibn Yusuf reported to us that Ibn Juraij reported them saying, Ya'laa ibn Muslim and 'Amru ibn Dinar reported to me from Sa'id ibn Jubayr, one of them added to his companion and the other said, I heard him narrate from Sa'id saying; Ibn 'Abbas (may Allah be pleased with him) reported to me Ubay ibn Ka'ab saying, the

Messenger of Allah (blessings and peace of Allah be upon him) said: "(The two of them set out and found a wall that was about to fall down, so they built it up again)." Sa'id said: "He raised it with his hand like this". So he raised his hand and the wall was raised again". Ya'laa said: "I suspect that Sa'id said: So he wiped the wall with his hand, and it stood upright again". ("If you wish you are entitled to a reward"), said Sa'id: a reward that we can enjoy." (Muslim 1992, 190)

It is important to note that in this narration, Ubay bin Ka'ab (ra) shows an attitude of *tawadhu'* and selflessness. Although he could have potentially earned a wage for his work, he chose not to do so. This reflects an attitude of humility and modesty that is highly valued in Islam. This Hadith does not specifically address the obligation of receiving wages, but rather highlights the attitude of *tawadhu'* and selflessness in the context of providing assistance without always demanding rewards. Therefore, this Hadith does not directly relate to the obligation to receive wages for one's labour. In Islam, the obligation to receive wages (salaries or rewards) from legitimate and halal work is an important principle. The Prophet Muhammad (SAW) said, "Pay the labourer his wages before his sweat dries." This emphasises the obligation to give wages to workers or work done. (Abidin 2007, 139). Although this hadith does not explicitly address the obligation to receive wages, the general principle in Islam is that every individual has the right to receive wages or rewards that are reasonable and commensurate with the work or services they perform. Providing fair and equitable wages is part of economic justice in Islam.

Hadith narrated by Imam Bukhari and Imam Muslim

(إِحْتَجِمِ وَأَعْطِ وَالْحَجْمُ أَجْرُهُ (رواه البخار و المسلم

Do your cupping, then give the cupper his reward (HR Imam Bukhari and Imam Muslim).

This hadith, narrated by Imam Bukhari and Muslim, highlights the importance of paying wages to workers immediately after the work is completed. In this hadith, the Prophet gives instructions to work (إِحْتَجِمِ) and directly

pays wages to the labourer using the cupping device (الْحُجَامِ). This message reflects the Islamic principles of justice and ethics in economic relations. (Mas'adi 2002, 200). The command to "إِحْتَجِمِ" or work indicates the importance of productive activity and endeavour to earn a living. However, the more prominent aspect of this hadith is the obligation to give wages quickly and directly to the workers. The Prophet clearly taught his followers not to delay the payment of wages, showing concern and care for the financial well-being of workers. In the context of Islamic economics, the importance of prompt payment of wages reflects the principle of justice and fairness towards workers. This attitude helps create a healthy work environment, mutual trust, and forms the basis for continued economic sustainability within the framework of Islamic values. Therefore, this hadith provides highly relevant guidance for Muslims in conducting their economic affairs in a fair and ethical manner. (Sinn 2006, 113)

Causes of Differences of Opinion Between Imam Al-Sharkhasi and Imam An-Nawawi on the Ruling of Earning Rewards for Performing *Badal Hajj*

Use of arguments

The difference in legal wording related to the law of receiving compensation from the implementation of *badal Hajj* or *Umrah* between Imam al-Sharkhasi and al-Nawawi can be caused by the argument used. Imam al-Sharkhasi used the argument of the Qur'an Surah an-Najm: Based on the wording of the verse does not indicate a prohibition to receive compensation for what has been attempted by humans in terms of *muamalah*, but in the context of the Hanafi Mazhab there is no reward for someone in helping fellow Muslims in the context of worship, because what will reward a Muslim for helping others in terms of worship is Allah SWT itself. (al-Sarkhasi 1998, 351). The legal consequences of helping, especially helping to fulfil obligations in worship such as replacing people for Hajj or Umrah, lead to sincerity in lending a hand to help fellow servants of Allah SWT. So that the reward received for the helper is only the reward and pleasure of Allah SWT, so he is not entitled to receive compensation from the *badal Hajj* or *Umrah*, considering that the worship he

helps is doing Hajj or Umrah which is *taqarrub ala allah* (getting closer to Allah SWT) so it is considered too lowly if measured by the worldly return of the person who has been helped, considering that Allah SWT is an all-rich god, so even if Allah SWT knows that the person who cancels the Hajj or Umrah needs money to live after carrying out his duties, then Allah SWT himself will provide sustenance through His means. (al-Sarkhasi 1998, 352).

The effort in replacing someone for Hajj or Umrah (*badal*) is an act of worship that brings one closer to Allah SWT, so the person who helps to replace the performance of Hajj or Umrah should be done with the intention of *lilahi ta'ala*, namely voluntarily. Even if the compensation for the cost of supplies while replacing the worship is not disputed, if there is excess property for supplies then it must be returned to the person concerned. So Imam al-Sarkhasi concluded that the right reward for helping someone in worship is only Allah SWT. (al-Sarkhasi 1998, 160).. On the other hand, according to Ibn Nujaim that all acts of worship only Allah will reward, because the value of the reward of worship cannot be described by the value that applies to humans, including helping someone in the pilgrimage. (Nujaim 1991, 201). So the reward for the person who replaces someone else's Hajj cannot be rewarded with material, because Allah SWT himself will reward him.

The Hadith narrated by Imam Ahmad prohibits eating and increasing wealth from teaching the Qur'an, but Imam al-Sharkhasi likens increasing wealth through teaching the Qur'an to receiving rewards from performing the Hajj because both of these acts of worship lead to obedience to Allah SWT. The prohibition is explained in the Book of *Badai' al-Shanai'* explaining that the predecessors of the Hanafi Mazhab, including Imam al-Sharkhasi and his companions, were of the opinion that any worship or obedience that was intended for Muslims only, could not be hired or paid to others to carry it out, whether it was compulsory worship or sunnah worship, including those that were fardhu 'ain or fardhu kifayah. They also prohibit *ijarah* contracts in acts of worship that are not related to financial aspects, such as bodily worship such as being an imam, calling to prayer, teaching the Qur'an,

and all forms of worship that do not involve property or money such as replacing someone to perform the Hajj or Umrah. (al-Kasani 1987, 249)

Imam al-Sharkhasi is of the view that *ijarah* (i.e. hiring or compensating others) in acts of worship, such as hiring others to pray, fast, perform Hajj, or recite the Qur'an whose reward is given to a particular person, hiring to call the azan or iqamah, and hiring people to be imams in worship, is forbidden. In his view, earning rewards or fees from these acts of worship is considered improper and contrary to the spirit of pure worship. On the contrary, acts of worship must be done with the sincere aim of getting closer to Allah, without obtaining material rewards or gifts from others. (al-Sarkhasi 1998, 163).

Actions such as azan, iqamah, prayer, hajj, fasting, reciting the Quran, and dhikr are among the actions to get closer to Allah SWT (*taqarrub*). Therefore, in Islam, according to the Hanafis, it is not permissible to take any reward or payment for these acts of worship other than from Allah SWT. If someone recites the Qur'an with the aim of obtaining wealth or material rewards from others, then the reward of the recitation becomes void. The reward of reciting the Quran, even if the intention is for the sake of Allah SWT, will only be given to oneself and cannot be gifted to others, even to dead bodies. Therefore, in Islam, it is recommended to always worship with sincere and sincere intentions solely to get closer to Allah SWT without expecting worldly rewards from others. This will increase the value of worship and provide greater rewards in the sight of Allah SWT. (Abdullah 2020, 171). The prohibition of receiving rewards from performing *badal* Hajj is also prohibited by the Hambali Mazhab. Receiving rewards from work such as adhan, iqomat, teaching the Qur'an, fiqh, hadith, *badal* Hajj is forbidden because it is included in *mashalih*, all acts of worship that are *taqarrub*. (Abdullah 2020, 172)

Unlike Imam al-Sharkhasi who has a background in *fiqh* and *ushul fiqh* from Imam Hanafi, Imam an-Nawawi who has the colour of fiqh and ushul fiqh of Imam al-Shafi'i uses the hadith narrated by Imam Bukhari and Imam Muslim. The Hadith used as the basis for

determining the law for Imam an-Nawawi does not explicitly explain the permissibility of receiving wages from *badal* Hajj, but rather explains that every effort made by every servant has a reward. So Imam an-Nawawi understands that the effort made by the person who is entrusted to replace someone else's Hajj is an effort that must be rewarded by giving a reward according to what has been done. The permissibility of accepting the reward of *badal* Hajj is equated with the permissibility of accepting the reward of the practice of *ruqyah*, on the other hand Imam an-Nawawi also equated it with *hijamah*.

***Istinbath* Method**

The author has previously explained some of the arguments used by Imam al-Sharkhasi and Imam an-Nawawi in determining the ruling on receiving compensation for performing *badal* Hajj. The differences in the arguments used by these two scholars clearly show the differences in the basis of their opinions. But not only the use of arguments that differ from each other, the method of *istinbath* law used is also different.

Imam al-Sharkhasi used the Qur'an and Hadith to prove his opinion that it is forbidden to accept remuneration for *badal* Hajj. Imam an-Nawawi only used Hadith to substantiate his opinion with evidence. These two scholars both use *qiyas* in their method of ruling. The difference arises when the results of the use of *qiyas* in determining the law of accepting rewards from *badal* Hajj.

Imam an-Nawawi himself also used *qiyas* in allowing someone to receive a reward for performing *badal* Hajj, because he compared the permissibility of receiving such a reward to the permissibility of receiving a reward for making *merukyah*, reciting the Qur'an. Imam an-Nawawi himself has the *fiqh* and *ushul fiqh* style of Imam al-Shafi'i. From the understanding of the context of the *dalalah*, the above Hadith is understood as *mafhum muwafaqah*, indeed in general this Hadith explains that the cupper is entitled to be rewarded for his efforts and treatment using the verses of Allah SWT. Therefore, Imam an-Nawawi permits receiving compensation for performing *badal* Hajj by analysing the permissibility of receiving compensation from cuppers and *thabibs*.

The Strongest Opinion Between Imam al-Sharkhasi and Imam an-Nawawi Regarding the Ruling on Accepting the Reward of *Badal* Hajj

After the author collects data, sifts through various primary and secondary sources, then understands the opinions of Imam al-Sharkhasi and Imam an-Nawawi regarding the law of receiving compensation for performing *badal* Hajj, after going through this process, the author chooses the opinion of Imam an-Nawawi that a person who practices *badal* Hajj to replace the Hajj of another person who has died or is physically unable to perform it may receive compensation for his efforts.

The author's reason for choosing Imam an-Nawawi's opinion starts with the evidence and method of legal *judgement*. He uses several *saheeh* traditions, although they do not directly refer to the permissibility of receiving rewards from performing *badal* Hajj, such as the permissibility of receiving rewards from teaching the Qur'an, cupping, and others, but the wording of each of the traditions used is still related so that it can be compared to the permissibility of receiving rewards for *badal* Hajj. The author also understands that the use of the *qiyas* method in determining the ruling on receiving rewards for performing *badal* Hajj is more precisely the opinion of Imam an-Nawawi, that the permissibility of receiving rewards for teaching the Qur'an, performing *tincturing* or cupping is the same as receiving rewards for replacing someone's Hajj, because of the effort for something.

Basically, a person can perform Hajj on behalf of another person for reasons that are acceptable according to *sharee'ah*, such as sickness, old age, and illnesses that could endanger his own life. If he is unable to fulfil his obligations and his desire to perform Hajj is high, then he may be deputised by someone, whether he chooses to do it himself, such as appointing his own family, or appointing someone else as his deputy who fulfils the conditions. When he asks his family to act on his behalf to perform Hajj, there is no problem if he only provides travel expenses and supplies for the duration of his duties, but the problem arises when he asks someone else to act on his behalf, because the person he chooses will have to leave his job and family behind, and the

family will need money to live on during the time when one of his family members is appointed to perform Hajj or Umrah. So there is nothing wrong with the person who takes over the Hajj being rewarded for the effort and expense of the family left behind.

CONCLUSION

The arguments used by Imam al-Sharkhasi include the Qur'an Surah al-Najm: 35 and Hadith narrated by: *first*: Imam Ahmad; *second*: Imam Abu Daud, an-Nasa'i, Ahmad, al-Hakim and Tirmizi. Hadith narrated by: *first*: Imam Bukhari; *second*: Imam Muslim; *third*: Imam Bukhari and Imam Muslim.

The cause of the difference in opinion between Imam al-Sharkhasi and Imam an-Nawawi is in terms of arguments and methods of *istinbath* law. Imam al-Sharkhasi uses the arguments of the Qur'an and Hadith and the method used in determining the prohibition of receiving wages from the implementation of *badal* Hajj is *qiyas* and *dalalah isyarah* on the understanding of Surah al-Najm : 35 and the Hadith narrated by Imam Ahmad using the method of *qiyas* and *dalalah ibrah al-nas*. Imam an-Nawawi used the Hadith narrated by Imam Bukhari and Muslim, the method of *istinbath* law used was *qiyas*.

After analysing the opinions of Imam al-Sharkhasi and Imam an-Nawawi, the evidence used in *their* legal reasoning and the method of determining the ruling on the law of receiving wages from performing *badal Hajj* or Umrah, then the author conducted *tarjih*, *the* author chose the opinion of Imam an-Nawawi that it is permissible for a person to receive wages from *badal Hajj*. The reason is that in terms of evidence, Imam an-Nawawi used the hadith narrated by Imam Bukhari and Imam Muslim and the use of *qiyas* in comparing the permissibility of receiving rewards from cupping and teaching. On the other hand, Imam an-Nawawi's opinion is more beneficial for a person who is physically unable to perform Hajj, so that he can entrust his family or an appointed representative to help him perform Hajj on his behalf.

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