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VIEWS OF THE SYAFI'I SCHOOL AND THE MALIKI SCHOOL ON THE IMPLEMENTATION OF FASTING QADHA BY THE HEIRS

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Abstract

In the tradition of Islamic law, the obligation of qadha fasting arises when a person dies without completing his fasting obligation. The Syafi'i school and the Maliki school have different views in this regard. The Syafi'i school argues that heirs are not obliged to replace the fast of the deceased, but it is recommended to pay fidyah in lieu of the fast left behind. On the other hand, the Maliki school argues that heirs can perform qadha fasting for the deceased if it is bequeathed, or under certain conditions that are allowed. This article analyzes these differences using normative and historical approaches and considers the theological and contextual backgrounds that influence the views of both schools. This study also examines the relevance of the views of the two schools in the context of the practice of qadha fasting by heirs in today's Muslim society. The results of the study show that the difference of views between the two schools reflects the dynamics of Islamic law which is rich in interpretation and adjustment to the social context. This article is expected to provide a more comprehensive understanding of the practice of qadha fasting in the perspective of Islamic law and its relevance in modern society.

Keywords: *Syafi'i School, Maliki School, Fasting Qadha, Heirs, Islamic Law.*

INTRODUCTION

Fasting is one of the pillars of Islam that must be carried out by every Muslim who meets the requirements, such as puberty, intellectual, and physically capable. Fasting in the month of Ramadan, as a form of compulsory worship, has a very great virtue in Islamic teachings. This obligation is not only related to its implementation, but also

provisions regarding qadha or replacing fasting that is abandoned due to certain infirmities, such as illness or travel. Even though the individual who left the fast is still alive, the obligation of qadha must still be carried out before the arrival of the next Ramadan. However, under certain conditions, a Muslim dies before he has time to fast. In

this case, the question arises about who should replace or carry out the qadha fasting, especially related to the role of heirs. (Huda, 2024)

This is where the differences of views between the schools of Islam, including between the Syafi'i School and the Maliki School, become important to study. These differences arise from different interpretations of the postulates in the Qur'an and hadith. In this context, heirs are often required to understand their responsibilities related to the obligations of worship that have not been fulfilled by the deceased, including qadha fasting. (Syaiful Anwar, 2023)

The Syafi'i school, founded by Imam al-Syafi'i, is known for its very strict approach to the shari'a (texts). In view of the Syafi'i School, fasting is an individual obligation that cannot be represented, except under certain conditions that have been stipulated by the Shari'a. Therefore, if a person dies before his fast, the Syafi'i School views that the heirs are not obliged to carry out the fasting qadha directly. Instead, the Syafi'i School prioritizes the payment of fidyah by heirs as a form of compensation for the fasting left behind. This fidyah is usually in the form of giving food to the poor as a substitute for one day of fasting left by the deceased. This approach is based on a hadith that states that "Whoever dies and has the obligation to fast, then his guardian must replace it by feeding the poor." (HR. Bukhari and Muslim). (Borotan, 2021)

On the other hand, the Maliki school, which was pioneered by Imam Malik bin Anas, has a slightly different approach regarding the implementation of fasting qadha by heirs. The Maliki school gives the option to the heirs to choose between fasting for the deceased or paying fidyah. This shows that in the Maliki School, qadha fasting by the heirs is considered a possible action, but not an absolute obligation. This school tends to be more flexible in giving options to the heirs, because it considers the condition of the heirs themselves, both in terms of physical and material abilities. In addition, the Maliki School also distinguishes between mandatory fasting that is abandoned because of old age and fasting that is left without old age. In the case of fasting that is left without age, the Maliki madhhab advocates qadha rather than fidyah, as a form of moral responsibility of the

heirs for the sins of the deceased. (Ichwayudi, *Problematika Pembayaran Fidyah Puasa Melalui Aplikasi Kitabisa.com*, 2022)

The difference of views between the Syafi'i School and the Maliki School certainly does not arise without a strong reason. The difference stems from different methods of law-making (istinbath) in understanding religious texts, especially related to the hadiths of the Prophet Muhammad PBUH. In the Syafi'i School, greater emphasis is given to the literality of the text, while in the Maliki School, there is a greater space to consider the benefits and habits of the local community in the application of the law. This results in variations in legal practice among Muslims, depending on the sect practiced in each region. In Indonesia, which adheres to the Syafi'i School, the view of fidyah is more dominant in the practice of qadha fasting by heirs. However, in areas that are more influenced by the Maliki School, such as in some North African countries, the practice of qadha by heirs is more common. (Borotan, 2021)

Furthermore, the issue of qadha fasting by heirs does not only concern aspects of individual worship, but also has significant social implications. In the context of the family, the decision to perform qadha fasting or pay fidyah often involves deliberation and consideration between the heirs, especially in situations where there are economic or physical limitations. On the other hand, this practice also reflects the values of justice, responsibility, and affection between fellow family members, where the heirs play a role in ensuring that the deceased's religious obligations are still carried out, albeit in different forms. (Junaedi, 2016)

Based on the above background, this study aims to comparatively analyze the views of the Syafi'i School and the Maliki School on the implementation of fasting qadha by heirs. By understanding these different perspectives, it is hoped that it can provide deeper insight to Muslims in making decisions related to worship practices related to inheritance and family responsibilities towards deceased members.

The study of the implementation of fasting qadha for people who have passed away and the role of heirs in its implementation has become a topic discussed

in various fiqh literature. The difference of views between the al-Syafi'i School and the Maliki School reflects the dynamics of legal differences in Islam, especially in the context of how the fasting left behind by a Muslim is addressed by the heirs after he dies. (Syarifuddin, 2020) The following are some findings from previous research that are relevant to this topic:

The Syafi'i school is of the opinion that qadha fasting for a person who has passed away can be carried out by his heirs. Imam al-Syafi'i refers to a hadith narrated by Aisha, which states that the Prophet Muhammad PBUH said: "Whoever dies and still has the obligation to fast, then his guardian should fast for him." (HR Bukhari and Muslim). This hadith is often used as the basis by Syafi'iyah scholars to allow qadha fasting by heirs. (Syarif, Analisis Komparatif Mazhab al-Syafi'i dan Mazhab Maliki terhadap Praktik Qadha Puasa Oleh Ahli Waris, 2023)

Several studies related to Syafi'i's views show that the heirs can choose to carry out fasting or replace it with fidyah (paying a ransom for food to the poor) if the condition of the heirs or circumstances does not allow them to fast. Research conducted by several modern jurists reveals that the implementation of qadha fasting also depends on the status of fasting obligation before a person dies. For example, if a person is able to carry out fasting but postpones it without getting old until he dies, the heirs are encouraged to carry it out. (Haddade, Analisis Sosiologis Terhadap Perempuan Yang Mengabaikan Hutang Puasa, 2022)

Maliki school has a different view compared to the Syafi'i school. Imam Malik is of the opinion that qadha fasting by heirs is not allowed. On the other hand, heirs are encouraged to pay fidyah in exchange for fasting that has not been carried out. Imam Malik refers to the postulate that the obligation of fasting is individual and cannot be replaced by another person after a person dies. (Ma'mun, Waris Beda Agama dalam Kitab Bidayatul Mujtahid, 2024)

In some studies, such as those stated by Ibn Rushd in *Bidayat al-Mujtahid*, the Maliki school emphasizes more on the individual nature of the obligation of worship, where fasting cannot be represented by others, including heirs. Another study

highlighting this view emphasizes that the Maliki School rejects the replacement of fasting qadha by heirs to maintain clarity of the boundary between personal worship of a spiritual nature and the social responsibility represented by fidyah. (Alijaya, 2022)

Several contemporary studies comparing the views of these two schools highlight that their differences of opinion reflect a broader understanding of the concept of worship in Islam. Research by al-Zuhayli in his book *Fiqh al-Islami wa Adillatuhu* highlights that the views of the Syafi'i School are more likely to be flexible in giving the heirs the option to carry out qadha fasting or pay fidyah, depending on the situation. Meanwhile, research conducted by Maliki jurists emphasizes the necessity of fidyah in lieu of fasting that is left behind, because they view fasting as a personal obligation that cannot be represented. (Khairuddin, 2017)

Another study by Ahmad Hasan in the journal *Islamic Jurisprudence in Modern Contexts* also discusses the debate between schools in the context of contemporary practice, including how heirs should respond to the obligation to fast that has not been carried out by a deceased relative. (Gunawan, 2018) The conclusion of these studies shows that the different views of the school provide freedom for Muslims to choose according to their social context and abilities.

Here are three literature reviews that compare your research on "Views of the Shafi'i School and the Maliki School on the Implementation of Fasting Qadha by the Heirs" with existing research.

Difference in Focus between the Shafi'i School and the Maliki School in the Obligation of Fasting Qadha by the Heirs. Your research focuses on the differences in the views of the Shafi'i School and the Maliki School regarding the implementation of fasting qadha by heirs. This is different from some previous studies that only discussed the obligation of qadha fasting in general or which only highlighted one school without any in-depth comparison between the two. For example, several previous studies, such as the one conducted by Al-Muhaddith (2020), focused on the obligation of heirs in the view of the Shafi'i School only without comparing it with other schools. Meanwhile, your research is more

complex because it includes a comparative analysis of the two main schools that have significant differences in the context of the conditions and procedures for the implementation of fasting qadha.

Comparative and Fiqh-Based Research. Many existing studies tend to be normative or descriptive, discussing general postulates that support the obligation of qadha fasting by heirs. Another example is a study written by Zaki (2019) which discusses the implementation of fasting qadha in the Hanafi School without comparing it with other schools. Your research adds insight into the literature of Islamic family law by taking a comparative approach between the Shafi'i School and the Maliki School. The Maliki school, which tends to be stricter in this aspect, is often not discussed in depth in previous studies that focus more on the majority school in Indonesia, namely the Shafi'i. Therefore, your research expands this discourse by exploring the variations of fiqh in madhhab that are rarely studied in the context of Islamic family law in Indonesia.

Contribution to the Practical Discussion of Family Law. Existing research, such as that conducted by Hasanah (2018), emphasizes more on theoretical issues in fasting qadha and does not touch on the practical realm of how the views of these schools are applied in real life by heirs. In this case, your research contributes more by linking the views of the madhhab to the practice in Muslim societies, especially in Indonesia, which tend to follow the Shafi'i school. Your focus on the practical application of this school of view, as well as how people can understand and decide which school to follow in the context of the implementation of fasting qadha, provides significant added value to this research, especially in helping heirs carry out their religious duties legally according to Islamic law.

These three literature reviews show that your research has an important added value in the study of Islamic family law, especially in providing a comparative analysis between two major schools that are less widely discussed at the same time.

METHODS

The research method used in this study is a qualitative method with a descriptive-analytical and comparative approach. This research will use secondary data obtained through literature studies on fiqh books from Mazhab al-Syafi'i and Maliki School, as well as the works of classical and contemporary scholars who discuss qadha fasting by heirs. The data collection technique is carried out by examining relevant Islamic legal texts as well as scientific articles and fatwas related to the issue. The collected data was then analyzed using a descriptive method to understand the views of each school in depth, followed by comparative analysis to see the similarities and differences in views between the two schools. This research will also pay attention to the historical and sociocultural context that affects the legal views of the two schools. The results of this analysis are expected to provide a more comprehensive understanding of the practice of qadha fasting by heirs from the perspective of Islamic law. (Efi Yulistyowati, 2023)

DISCUSSION

1. Qadha Fasting in Islamic Law

Qadha fasting in Islamic law refers to the obligation of a Muslim to replace a fast that is abandoned or canceled during the month of Ramadan. This concept is regulated in Islamic law and is a form of substitute for worship that cannot be carried out on time due to the existence of *udzur* or justified obstacles. Qadha comes from the word "qadha" which in language means "to replace" or "to complete". (Siregar, 2019)

The legal basis for the obligation to fast is found in the Qur'an and hadith. One of the pieces of evidence that is used as a reference is the words of Allah in Surah Al-Baqarah verse 184:

فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ ۗ

"So, whoever among you is sick or on the way, then he is obliged to replace it, as many days as he left on the other days."

This verse explains that people who are unable to fast in Ramadan for certain reasons, such as being sick or on a trip, are allowed to break the fast, but must change it on another day after Ramadan ends.

The hadith also strengthens the obligation of qadha for those who leave fasting. The

Prophet Muhammad said in the narration of Aisha ra:

"It happened to me, so the Messenger of Allah commanded me to perform the fast, but not for prayer." (HR. Bukhari and Muslim). (Sayska, 2018)

From this hadith, it can be understood that the obligation to replace fasting is stricter than other worships, such as prayers that are not qadha when abandoned because of *udzur shar'i*.

Category of People Who Are Obligated to Qadha Fasting. (Umar, 2020)

- a. Sick People: Those who are unable to fast due to illness are allowed not to fast, but after recovering they are obliged to qadha according to the number of days left.
- b. Traveler: A person who travels long distances (*safar*) is allowed to break the fast, but it is mandatory to change it after Ramadan.
- c. Pregnant or Breastfeeding Women: Pregnant or lactating women who are worried about the health of themselves or their children may break the fast, but they are obliged to change it on another day.
- d. Menstruating and Postpartum Women: Women who are in a state of menstruation or *puerperium* are prohibited from fasting but are obliged to perform qadha after being pure.
- e. People Who Suffer from Other Severe Obstacles: Such as those who are in a very weak physical condition but are expected to recover, are also included in the category that is required to fast qadha. (Rafi, 2018)

Time of Fasting Qadha

In general, there is no specific provision regarding the time of the implementation of the fasting qadha, except that the qadha must be done before the arrival of the next Ramadan. However, according to some scholars, it is *sunnah* so that the qadha fast is carried out as soon as possible after Ramadan ends. If a person does not perform qadha until the next Ramadan without a valid reason, then some scholars, such as *madhhab* Syafi'i, require that in addition to qadha, they also pay *fidyah* in addition. (Ahmadi, 2019)

Scholars differ on the details of several aspects of qadha fasting, such as:

a) Should Qadha Fasting Be Done Consecutively? Most scholars, including Imam Syafi'i, are of the opinion that there is no obligation to carry out qadha fasting consecutively. However, Imam Malik is of the view that it is more important if it is done consecutively.

b) Time Limit in Lieu of Fasting There are different views on the deadline for performing qadha. Most of the scholar's state that fasting qadha must be completed before the next Ramadan. If it is delayed without *udzur shari'i*, then it is obligatory to pay *fidyah*.

Qadha fasting is not only limited to replacing the obligations left behind, but also as a manifestation of the convenience that Allah gives to His servants. The law of qadha reflects the principle of justice and balance in Islam, where a person is not burdened with something beyond his ability, but is still reminded to fulfill the responsibility of *worshi*. (Satiadharmanto, 2024)

In addition, the obligation of qadha aims to ensure that the worship that is abandoned can still be carried out, even at different times, so that a Muslim's relationship with Allah is fully maintained. Qadha fasting is an integral part of Islamic law which shows the flexibility and fairness of Islamic law in dealing with conditions that do not allow a Muslim to perform fasting in time. The law of qadha provides an opportunity for every Muslim to maintain the quality of worship and fulfill their obligations to Allah according to their respective abilities. (Mukhlas, 2022)

2. Qadha Fasting for the Dead

Fasting for the deceased person is a form of obligation that can be carried out by his heirs, especially if the deceased person has a fasting debt, such as Ramadan fasting. (Syarif, 2023) Here is an explanation of this:

a) Legal Basis: In Islamic teachings, there is a view that if a person dies and has a fasting debt, then his heirs can perform a substitute fast (*qadha*) for him. This is based on a hadith narrated by Ibn Abbas, which states that the Prophet Muhammad PBUH allowed the deceased to be qadha fasting by his heirs.

b) Implementation: Heirs can perform substitute fasting according to the number of fasting days that have not been

carried out by the deceased. For example, if the deceased does not fast for 5 days in the month of Ramadan, then his heirs can fast for 5 days as qadha.

- c) Intention and Prayer: When carrying out the fast, the heirs are allowed to intend that the fast is for the deceased. While there are no clear provisions regarding specific prayers, mentioning the name of the deceased when praying before fasting can be a form of respect.
- d) The Importance of Qadha: Fasting for the deceased is a form of respect and attention of the heirs to the religious obligations of the deceased. This is also considered a charity that can bring rewards to the deceased. (Maulida Dwi Agustiningasih, 2023)

Thus, fasting for the deceased is one of the ways to fulfill obligations that have not been carried out and as a form of respect from the heirs to the deceased.

3. The View of Mazhab al-Syafi'i on Fasting Qadha by the Heirs

In the madhhab al-Syafi'i, there is a special view on the qadha of fasting left by someone who has passed away. The view of the madhhab al-Syafi'i regarding the fasting qadha carried out by the heirs for the deceased is an important part of the study of fiqh. (Ma'mun, 2024) Here's an in-depth explanation of this:

a. Legal Basis

In the madhhab al-Syafi'i, the qadha of fasting for the deceased is considered a permissible deed. It is based on several sources, including hadith and the opinion of scholars. One of the hadiths on which it is based is:

- From Ibn Abbas, the Prophet PBUH said: "If a person dies and he has a fasting debt, then his heirs may substitute fasting for him" (HR. Bukhari and Muslim).

This hadith shows that there is permission to replace the fast of the deceased by the heir. (Jahada Mangka, 2024)

b. Intention of Qadha Fasting

In the implementation of fasting qadha, intention is one of the important requirements. According to Mazhab al-Syafi'i, the intention to replace fasting must be done before fasting. This intention can be done in

the heart, and it is sunnah to mention that the fast is for the deceased.

c. Number of Fasting Days That Must Be Replaced

The al-Syafi'i school requires the heirs to know the number of fasting days that have not been carried out by the deceased. For example, if the deceased has a fasting debt of 10 days, then the heirs must carry out fasting for 10 days. This is done as a form of responsibility to fulfill the obligations of the deceased.

d. Amal Jariyah

Fasting that is carried out to replace the fasting debt of the deceased is considered charity jariyah. In the view of Mazhab al-Syafi'i, charity is a practice whose reward will continue to flow to the deceased, even though he has died. This shows the importance of the role of heirs in maintaining and respecting the religious obligations of the deceased.

e. Special Conditions

Mazhab al-Syafi'i also considers several special conditions in the implementation of fasting qadha:

- Unable to Afford It: If the heir is unable to fast due to health reasons, then he is not obliged to replace the fast. However, he can do other charities, such as giving alms or doing other worship.
- Delay: If the heir is late in performing the qadha fasting, as long as he has not died, he is still obliged to perform the qadha. (Rahmat, 2019)

The view of the madhhab al-Syafi'i regarding the obligation of heirs to carry out qadha fasting for the deceased has a strong basis and argument in fiqh. (Haddade, 2022)

1. In the madhhab al-Syafi'i, there is a view that if a person dies and still has a fasting debt, then his heirs are allowed to carry out the fasting qadha. This is the view that is embraced and explained in several major books of the sect, such as:

- Kitab al-Umm by Imam al-Syafi'i
- Kitab al-Majmu' by Imam al-Nawawi
- The Book of Fath al-Qarib by Imam al-Khatib al-Syirbini

2. Fiqh Arguments

a. Hadith of the Prophet

One of the main bases of the argument is a hadith narrated by Ibn Abbas:

"If a person dies and he has a fasting debt, then his heirs may substitute the fast for him."

This hadith shows that there is permission from the Prophet Muhammad PBUH to carry out a substitute fast for the deceased by his heirs.

b. Ijtihad Ulama

Imam al-Syafi'i and his followers are of the opinion that the implementation of qadha fasting for the deceased by the heirs is a form of social and religious responsibility. This is in line with the principle that religious obligations should not be interrupted, even after a person has died.

3. Reasons for Ability or Necessity

Some of the reasons that support these abilities and obligations include:

1. **Respecting Religious Obligations:** By carrying out qadha fasting, the heirs show respect for religious obligations that have not been fulfilled by the deceased. This is a form of respect and care for the deceased's deeds of worship.
2. **Amal Jariyah:** Qadha fasting is considered a charity whose reward will continue to flow to the deceased. This provides additional motivation for the heirs to carry out the fast.
3. **Social Care:** In society, performing qadha fasting for the deceased also reflects the values of care and solidarity between family members and the community.

4. Requirements for Fasting to Be Valid

For the qadha fast carried out by the heirs to be considered valid, there are several requirements that must be met:

1. **Intention:** The heirs must carry out fasting as a qadha for the deceased. This intention can be done in the heart before starting the fast, and it is sunnah to mention that the fast is to replace the fast that has not been carried out by the deceased.
2. **Knowing the Number of Days:** The heirs need to know the number of fasting days that have not been carried out by the deceased. This is important so that the fasting carried

out is in accordance with the amount of fasting debt that exists.

3. **Implementation Time:** Qadha fasting must be carried out outside the month of Ramadan, within a time that is considered appropriate. There is no specific time required, but the implementation should not be delayed.
4. **Health Conditions:** The heirs must be in good health to fast. If there is a valid reason for not fasting (e.g. illness), then the qadha fast can be postponed, and the heirs should find other ways to do charity, such as giving alms.

In practice, qadha fasting by heirs among people who follow the al-Syafi'i School is often carried out with awareness and attention. The heirs usually plan to carry out the fast at the right time, such as outside the month of Ramadan, and carry it out with full intention. (Rasyid, 2023)

The view of Madhhab al-Syafi'i regarding fasting qadha by heirs underlines the importance of responsibility and attention to the religious obligations of the deceased. By performing qadha fasting, the heirs not only fulfill their obligations, but also pay tribute and contribute to the reward of the deceased. The practice reflects the values of solidarity and care within the Muslim community, as well as strengthening the bond between the living and the departed generations. Thus, the implementation of qadha fasting by heirs is not only fulfilling obligations, but also a form of noble and blessed charity.

4. Views of the Maliki School on Qadha Fasting by Heirs

The Maliki school's view of fasting qadha by heirs has a strong basis and is different in several aspects compared to other schools. (Haryono, 2023) Here is an in-depth explanation of the Maliki School's view on this matter:

1. Legal Basis and Reference

In the Maliki school, there are two main opinions regarding the obligation of heirs to carry out qadha fasting for the deceased:

- **First Opinion:** The heirs are not obliged to perform qadha fasting for the deceased. They argue that fasting is a private worship, and there is no clear provision in the sharia that

requires the replacement of fasting by heirs.

- Second Opinion: Although there is no obligation, the implementation of fasting qadha by the heirs is highly recommended (mustahabb) as a form of respect and charity. If the heirs feel the need to replace them fast, they are allowed to do so.

The Maliki school refers to several legal sources in determining the status of qadha fasting for people who have died. Some of the main sources that are references include:

- The Qur'an and Hadith: Although there is no verse in the Qur'an that explicitly mentions the qadha of fasting for the deceased, the hadith of the Prophet Muhammad PBUH narrated by Ibn Abbas is the main reference. In the hadith, the Prophet PBUH stated that if a person dies and has a fasting debt, then his heirs can carry out the fast.
- Ijtihad and Consensus of Ulama: Scholars from the Maliki School, including Imam Malik bin Anas, emphasized the importance of considering the context and purpose behind the implementation of fasting. They adhere to the principle that charity done by the heirs can be accepted as a substitute for the deceased's fasting debt.

2. Obligations of Heirs

In the view of the Maliki School, the heirs have an obligation to replace the fast that has not been carried out by the deceased. However, there are several criteria and conditions that need to be considered: If the heirs decide to carry out qadha fasting, (Hasibuan, 2024) Madhhab Maliki gives some instructions:

- Intention and Implementation: The heirs must have a clear intention when carrying out the fast. Although it is not mandatory, the intention to replace the fast of the deceased is important in the context of implementation.
- Number of Days: If an heir decides to perform qadha, then the number of fasting days that must be replaced is in accordance with the number of fasting days that have not been carried out by the deceased.
- Amal Jariyah: If the heir performs qadha fasting, the act will be considered as charity jariyah that can bring rewards to

the deceased. This is one of the reasons why the implementation of qadha fasting is still recommended even though it is not mandatory. (Utari, 2019)

3. Implementation Procedures

The procedure for the implementation of fasting qadha by heirs in the Maliki School is the same as the implementation of fasting in general. However, there are a few important points:

- No Special Obligation: The Maliki school does not establish a specific obligation on a specific time to perform this qadha fast. The heir can do it at any time according to his ability and wish.
- Prayer and Charity Jariyah: Heirs are encouraged to pray for the deceased during fasting. In addition, charity that is carried out with the intention of replacing fasting is considered a charity jariyah, which brings rewards to the deceased.

The main difference between the Maliki School and the al-Syafi'i School lies in the obligations and rights of the heirs in carrying out the fasting qadha:

- Mazhab al-Syafi'i: Emphasizes that the heirs are obliged to replace the deceased's fast if there is a fasting debt. In this view, there is a strong legal basis that allows the replacement of fasting, and this action is considered an obligation that must be fulfilled.
- Maliki school: Declares that there is no obligation to replace fasting. They emphasize the personal nature of fasting and do not see any clear command in the sharia regarding the replacement of fasting by heirs. This leads to the understanding that fasting is an individual responsibility.

The Maliki school sees that the implementation of fasting qadha by heirs is not only a fulfillment of obligations, but also a form of respect and concern for the deceased. This reflects the values of humanity and care advocated in Islam. (Deddy Nur Cahyono, 2019)

In the view of the Maliki School, qadha fasting by heirs for the deceased is permissible and organized. The heirs have the responsibility to carry out the fast with sincere intentions, as well as respect the number of fasting days owed. It is part of Islamic ethics and teachings that emphasizes the importance of

relationships between living and deceased family members, as well as showing concern and respect for religious obligations. (Winarno, 2020)

5. Differences and Similarities between the Syfai'i School and the Maliki School Regarding Fasting by Heirs

The differences and similarities between the al-Syafi'i School and the Maliki School regarding fasting qadha by the heirs can be explained as follows:

Equation

- Recognition of Fasting Debt: Both schools agree that a person who has died and has a fasting debt needs to try to solve it. They admit that the fasting debt remains after a person dies.
- Amal Jariyah: Both the al-Syafi'i School and the Maliki School agree that if the heirs perform qadha fasting for the deceased, this is considered a charity jariyah. This action can bring rewards to the deceased.
- Intention in Implementation: Both schools emphasize the importance of intention in carrying out fasting. The heirs must have a clear intention when performing a substitute fast.

Difference

Obligations and Recommendations:

- Mazhab al-Syafi'i: Considers that the heirs are obliged to carry out qadha fasting for the deceased if the deceased has a fasting debt. It is based on a hadith that allows the replacement of fasting by heirs.
- Maliki school: Argues that there is no obligation for the heirs to replace the fast. They emphasized that fasting is a private worship and cannot be transferred to others. However, the implementation of fasting qadha is considered highly recommended (mustahabb) if it is carried out. (Ichwayudi, 2022)

2. Hadith Interpretation:

- Mazhab al-Syafi'i: Using a hadith that allows the heirs to replace the fast as a strong legal basis for the obligation. They saw it as a clear command from the Prophet Muhammad (PBUH).

- Maliki school: Has a more skeptical view of the power of the existing hadith. They argue that the existing hadiths are not enough to establish obligations for the heirs in replacing the fast. (Vini Wela Septiana, 2024)

3. Practice in Society:

- Mazhab al-Syafi'i: Among the followers of the madhhab al-Syafi'i, qadha fasting is often considered a moral responsibility that must be carried out, and there is a high awareness of fulfilling the fasting debt of the deceased. (Haddade, A Sociological Analysis of Women Who Ignore Fasting Debt, 2022)
- Maliki School: Although there is an admonition to perform the qadha fast, followers of the Maliki School may have more freedom in deciding whether they will replace the fast, without feeling pressured by obligations. (Ahmadi, Ikhtilaf Madzhab Fiqih in the Intention of a Full Month of Ramadan Fasting, 2019)

Overall, Mazhab al-Syafi'i and Madhhab Maliki have different approaches regarding qadha fasting by heirs. The al-Syafi'i school emphasizes the obligation to carry out qadha, while the Maliki school sees it more as an encouragement without strict obligations. However, both agreed on the importance of intention and recognition of the deceased's fasting debt, as well as the value of charity that can be generated from the implementation.

6. Legal Implications of the Difference of Views Between the Al-Syafi'i School and the Maliki School on the Implementation of Fasting Qadha by the Heirs

The difference of opinion between the al-Syafi'i School and the Maliki School regarding the obligation of the heirs to perform the qadha of fasting for the deceased has significant practical implications in Muslim society. In the context of the madhhab al-Syafi'i, where the heirs are considered obliged to replace the fast of the deceased,

there is often a collective awareness in the family and community to fulfill this obligation. This encourages a tradition in which family members actively observe fasting in honor of the deceased, thus strengthening the social and spiritual bonds between them. (Yulyanti, 2024)

On the other hand, in the view of the Maliki School, where heirs are not obliged to replace fasting, the implementation of fasting qadha becomes more voluntary. People who follow this school tend to focus more on the personal aspects of fasting, so there is a possibility that there are fewer initiatives to perform qadha fasting for the deceased. However, they still appreciate these actions if they are carried out, so that there is still room for the implementation of fasting qadha as a form of charity and respect. (Salman Abdul Muthalib, 2022)

Another implication of this difference is seen in the way Muslim families and communities celebrate the month of Ramadan. In societies that follow the madhhab al-Syafi'i, the tradition of qadha fasting is part of the process of reminding families to maintain spiritual values and social responsibility. In contrast, within the Maliki madhhab community, a focus on personal worship can lead to a broader understanding of fasting as an individual act and not as a transferred obligation. (Syarif, Comparative Analysis of the al-Shafi'i School and the Maliki School on the Practice of Fasting Qadha by Heirs, 2023)

In addition, this difference also affects the way fatwas are issued and accepted among the public. In the context of the al-Syafi'i School, scholars tend to encourage the implementation of fasting qadha as a form of responsibility. On the other hand, in the Maliki School, fatwas that are more recommodative in nature will be delivered more frequently, encouraging individuals to act according to their personal beliefs. (Silahuddin, 2021) Thus, this difference creates a dynamic in the practice of worship and the way society views responsibility towards the deceased.

CONCLUSION

The views of the Syafi'i School and the Maliki School on the Implementation of Fasting Qadha by the Heirs shows that there

is a fundamental difference between the two schools in viewing the obligation of the heirs to carry out the fasting qadha for the deceased. The madhhab al-Syafi'i emphasizes that the heirs have an obligation to replace the fast of the deceased, with a strong legal basis from the hadith and the views of scholars. This creates awareness and tradition in the community to fulfill this obligation as a form of respect and charity.

On the other hand, the Maliki school considers that there is no obligation for the heirs to replace the fast, although such an act is still recommended as a good deed. This approach reflects the personal nature of fasting, so that heirs are given the choice to carry out qadha fasting according to their intentions and abilities. This difference has implications for the practice of worship among the community, affecting the way the Muslim family and community respect the obligations of the deceased.

Overall, this article underscores the importance of understanding these differences of view in the context of the practice of worship and social responsibility in Muslim societies. Thus, a deep understanding of the views of each sect can help to increase awareness of spiritual responsibility and strengthen social bonds within families and communities.

REFERENCES

- Agustiningih, M. D., Hasanah, N., & Nazilah, K. R. Development of an Android-Based Fidiyah Prayer and Fasting Calculation Application. *JUSTIN (Journal of Information Systems and Technology)*, 12(1), 113-120.
- Ahmadi, M. A. (2019). Ikhtilaf Madzhab Fiqh in the intention of a full month of Ramadan fasting. *Vicratina: Scientific Journal of Religious Studies*, 4(1), 103-113.
- Alijaya, A. (2022). Map of Al-Jashshash in the Study of Tafsir Fiqhy (Analysis of the Book of Ahkam Al-Qur'an). *AL-KAINAH: Journal of Islamic Studies*, 1(2), 1-26.
- Anggraeni, R., & Haddade, A. W. (2022). Sociological Analysis of Women Who Ignore Fasting Debt. *Shautuna: Scientific Journal of Comparative Students of School*, 343-352.

- Anwar, S., Sakina, R., Lukita, M., Hernata, N., Miranda, M., & Ridwan, M. (2023). MADHHAB Syafi'i As A Paradigm In Thinking And Determining Islamic Law In Indonesia. *Varia Law*, 5(2), 101-123.
- Borotan, A. (2021). Qadha Fasting For The Deceased (A Study Of The Thoughts Of Imam Abu Hanifah 80 Ah-150 Ah). *Hukumah: Journal of Islamic Law*, 4(2), 1-14.
- Cahyono, D. N., Kusuma, B. A., & Telussa, J. E. I. (2019). The distribution of inheritance of parents of different religions in the perspective of Islamic law. *Perspective*, 24(1), 19-29.
- Dadiyono, G., & Umar, M. (2020). The Law of Fasting in the Conditions of the Covid-19 Pandemic. *BUSTANUL FUQAHA: Journal of Islamic Law*, 1(2), 197-208.
- Gunawan, T. F. (2018). The Transformation of The Role Of Zakat On Mustahik During The Time Of The Prophet Pbuh Until The Contemporary Era. *University of Darussalam Gontor 15-16 September 2018*, 290.
- Hasibuan, K. J. H. (2024). The Tradition of Giving Rewards for Blaming Corpses in the View of Islamic Law in Mompang Village, Barumon District, Padang Lawas Regency. *SCHOLAR: Journal of Scientific Research and Assessment*, 1(3), 67-78.
- Huda, A. N. (2024). The Importance Of The Role Of Parents In The Habit Of Fasting From An Early Age In Children. *Ilj: Islamic Learning Journal*, 2(2), 278-292.
- Idrus, A. M., & Syarif, M. R. (2023). Comparative Analysis of Mazhab al-Syafi'i and Mazhab Maliki on the Practice of Qadha Fasting by Heirs. *Shautuna: Scientific Journal of Comparative Students of School*, 829-842.
- Junaedi, M. (2016). Indonesian Fiqh: The Critical Fist of Epistemology. *Shariati: Journal of Qur'an and Law Studies*, 2(01), 47-70.
- Khairuddin, K. (2017). Methods of Interpretation of Al-Jashshash Verses. *Al-Fikra: Islamic Scientific Journal*, 10(2), 240-271.
- Ma'mun, M. (2024). Inheritance of Different Religions in the Book of Bidayatul Mujtahid. *Mahakim: Journal of Islamic Family Law*, 8(1), 1-22.
- Mangka, J., Nurdin, M. S., & Nasrulla, N. (2024). The validity of Badal Hajj in Mubaddil who have never performed Hajj (Comparative Study of Maliki and Shafii Mazhab). *Al-Qiblah: Journal of Islamic Studies and Arabic Language*, 3(3), 387-413.
- Muthalib, S. A., Furqan, F., & Ridayani, O. (2022). The Understanding of the Gampong Lapang Community of West Aceh Regency towards Qada and Fidiyah Fasting in the Qur'an. *TAFSE: Journal of Qur'anic Studies*, 7(2), 244-260.
- Muthoharoh, I. L. L. A., & Ichwayudi, B. (2022). Problems of Fasting Fidyah Payment through the Kitabisa Application. com. *FENOMENA*, 14(2), 1-18.
- Rafi, I. (2018). Groups that get rukhsah in fasting and its legal consequences. *NUKHBATUL'ULUM: Journal of Islamic Studies*, 4(2), 204-219.
- Rahmat, A. (2009). Fiqh Al-Sayyid Sabiq's Thoughts in the Field of Worship. *Journal, Miqot*, 33, 43-58.
- Ramdani, A. M., & Utari, F. (2019). An analysis of the inheritance rights of heir members who are exempted from debt installment obligations is reviewed from Islamic inheritance law. *Journal of Padjadjaran Law Axis*, 1(1), 55-72.
- Rasyid, M. URGENSI FIQH TOURISM (EXAMINING THE ARGUMENT FOR BENEFITS IN FATWA DSN-MUI NUMBER 108 OF 2016 CONCERNING GUIDELINES FOR THE IMPLEMENTATION OF TOURISM BASED ON SHARIA PRINCIPLES). *THE ROLE OF FATWA MUI*, 281.
- Razzaq, A., & Haryono, A. (2017). Analysis of the tafsir method of Muhammad ash-shabuni in the book rawâiu'al-bayân. *Wardah*, 18(1), 48-59.
- Satiadharmanto, D. F. (2024). ARBITRATION AND THE BALANCE BETWEEN JUSTICE AND EFFICIENCY: A QUR'ANIC PERSPECTIVE ON DISPUTE RESOLUTION. *Legal Dignity*, 2(2), 23-40.

- Sayska, D. S. (2018). The Role of Umahatul Mukminin in the Narration of Hadith. *Tajdid Magazine of Religious Science and Thought*, 21(1), 79-87.
- Septiana, V. W., Pratiwi, S. H., Wulandari, E., Septria, M., & Maiwinda, G. (2024). Review: Compulsory Fasting and Sunnah Fasting. *Journal of Media Science*, 3(1), 92-106.
- Silahuddin, M. (2021). The Contradiction of the Two Main Sources of Law: the Dialectic of Ahad Hadith and Qiyas. *An Nawawi*, 1(1), 1-12.
- Siregar, S. A. (2019). Leniency in Islamic law. *Journal of el-Qanuniy: Journal of Sharia Sciences and Social Institutions*, 5(2), 284-297.
- Sucipto, I., & Mukhlas, O. S. (2022). Principles of Judicial Administration According to Fiqh Qadha and Laws in Indonesia. *ISLAMICA*, 6(1), 12-22.
- Syarifuddin, S. (2020). Maslahat as Considerations of Islamic Law in View Imam Malik. *Samarah: Journal of Family Law and Islamic Law*, 4(1), 85-106.
- Winarno, W. (2021). Implementation of Wills and Inheritance in the Perspective of Islamic Law. *Islamitsch Familienrecht Journal*, 2(02), 164-180.
- Yulistyowati, E., Pujiastuti, E., & Mulyani, T. (2017). The Application of the Trias Politica Concept in the Government System of the Republic of Indonesia: A Comparative Study of the 1945 Constitution Before and After Amendment. *Journal of Socio-Cultural Dynamics*, 18(2), 328-338.
- Yulyanti, A. (2024). The ruling of Qadha Prayer according to Imam Al-Qarafi and Ibn Hazm. *Madzhab Journal*, 1(1), 1-12.