

**THE CONCEPT OF ORPHANS TREATMENT IN THE QUR'AN  
(THE EXEGESIS OF THEMATIC STUDIES)**



**THESIS**

**Submitted to Ushuluddin and Humanities Faculty in Partial  
Fulfillment of the requirement For the Degree of S-1 of Islamic  
Theology on Exegesis and Qur'anic Studies Departement**

Arranged By :

**Qorina Ziba Putri**

**NIM: 134211053**

**SPECIAL PROGRAM OF USHULUDDIN AND HUMANITIES FACULTY  
STATE OF ISLAMIC UNIVERSITY (UIN) WALISONGO  
SEMARANG  
2018**



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By:  
QORINA ZIBA PUTRI  
NIM: 134211053

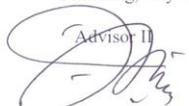
Semarang, July 10, 2018

Approved by

Advisor I

  
Moh. Masruur, M. Ag  
NIP. 19720809 200003 1 003

Advisor II

  
Muhtarom, M. Ag  
NIP. 19690602 199703 1002



## DECLARATION

I certify that this final project is definitely my own work. I am completely responsible for content of this final project. Other writer's opinions or findings included in the final project are quoted or cited in accordance with ethical standards.

Semarang, July 10, 2018  
The Writer,



Qorina Ziba Putri  
NIM 134211053



## ADVISOR APPROVAL

Dear Sir,  
**Dean of Faculty of Ushuluddin and  
Humanity  
State of Islamic University (UIN) Walisongo  
Semarang**

*Assalamu'alaikum Wr. Wb.*

After correcting it to whatever extent necessary, we state that this final project belongs to a student as below:

Name : Qorina Ziba Putri  
NIM : 134211053  
Department : Tafsir and Hadist  
Title : The Concept of Orphans Treatment in The Qur'an (The Exegesis of Thematic Studies)

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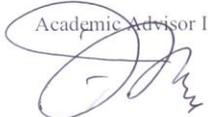
*Wa'alaikumussalam Wr. Wb.*

Semarang, July 10, 2018

Academic Advisor I

  
**Moh. Masruf, M.Ag**  
NIP.19720809 200003 1 003

Academic Advisor II

  
**Muhtarom, M.Ag**  
NIP.19690602 199703 1002



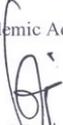
## RATIFICATION

This final project by Qorina Ziba Putri, NIM : 134211053 under title "The Concept of Orphans Treatment in The Qur'an (The Exegesis of Thematic Studies)" was examined by two experts and passed on : **July 19, 2018**.

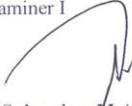
Therefore, this paper is accepted as one of requirements for fulfilling Undergraduated Degree of Islamic Theology.

  
Chairman of Meeting  
**H. Mokh Sya'roni, M.Ag.**  
NIP. 19720515 199603 1002

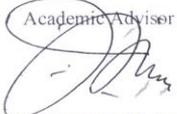
Academic Advisor I

  
**Moh. Masjur, M. Ag**  
NIP. 19720809 200003 1 003

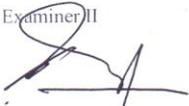
Examiner I

  
**H. Sukendar, M.Ag, M.A.**  
NIP. 19740809 199803 1004

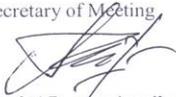
Academic Advisor II

  
**Muhtarom, M.Ag**  
NIP. 19690602 199703 1002

Examiner II

  
**Dr. Zainul Adzfar, M.Ag.**  
NIP. 19730826 200212 1002

Secretary of Meeting

  
**Hj. Sri Purwaningsih, M.Ag.**  
NIP. 19700524 199803 2002



## MOTTO

فِي الدُّنْيَا وَالْآخِرَةِ وَيَسْأَلُونَكَ عَنِ الْيَتَامَى قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ  
تُخَالِطُوهُمْ فَإِخْوَانُكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللَّهُ لَأَعْتَبْتَكُمْ

إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ

(2:220)<sup>1</sup>

“(Their bearings) on this life and the Hereafter. They ask thee concerning orphans. Say: “The best thing to do is what is for their good; if ye mix their affairs with yours, they are your brethren; but Allah knows the man who means mischief from the man who means good. And if Allah had wished, He could have put you into difficulties: He is indeed Exalted in Power, Wise.”<sup>2</sup>

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<sup>1</sup> Al-Baqarah (2): 220

<sup>2</sup> Abdullah Yusuf Ali, *The Holy Qur'an (Text Translation and Commentary)*, Lahore: Goodword Book, 1934. p.15



## DEDICATION

### *Alhamdulillahilāhirabbil'ālamīn*

All the praises and thanks be to Allah, the Lord of the 'Ālamīn

### **The final project is dedicated to:**

My beloved parents: Bapak Fauzi Syafei and Ibu Siti Barokah.

Love and respect are always for you. Thank you for the valuable efforts and contributions in making my education success.



My beloved little brothers

(Bagas Lazuardi Imani and Maulana Yusuf)

Keep on your study and reach your dream



All of my beloved teachers who thought me and inspired me to always study and be better.



My beloved classmates, the great and funny genuine of FUPK 9, we have made a history guys.

A big family of FUPK it is honor to be part of you.



A big family of LPM IDEA and Ushuluddin Language Community (ULC), being with you are full of life experience



All of my friends thanks for lovely friendship.



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This final task entitled: “THE CONCEPT OF ORPHANS TREATMENT IN THE QUR’AN (THE EXEGESIS OF THEMATIC STUDIES)”, for submitted to the Faculty of Ushūluddīn and Humanity in partial fulfillment of the requirements for the degree of Islamic Theology in Exegesis and Qur’anic Studies Department.

I would like to extend my deep appreciation to all those who have assisted me during my graduates studies at State of Islamic Unity (UIN) Walisongo Semarang. First, I would like to thank to Prof. Dr.H. Muhibbin, M.Ag Rector of State of Islamic University (UIN) Walisongo Semarang. Second, my sincere thanks go to Dr. H. Mukhsin Jamil, M. Ag, Dean of Faculty of Ushuluddīn and Humanity.

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Last but not least, I would like to thank to my friends from all cohorts of FUPK, especially to FUPK 9, who support me to keep my spirit in finishing this work and always inspire me to do better. Moreover, I also want to thank to all of my friends in Walisongo LPM IDEA and Ushuluddin Language Community (ULC).

Furthermore, I hoped to Allāh gave reward in return for a helping hand from any parties which could not mention one by one. *Jazākumullāh Khairal Jazā'*. Amīn. Finally, I was conscious of short of this paper. And my success (in my task) could only come from Allāh, in Him I Trust, and unto Him I look. I received always the constructive criticism for repairing later. I hope this paper could benefit especially for me and generally to another person.

Semarang, July 10, 2018

The Writer

Qorina Ziba Putri

NIM. 134211053



### TRANSLITERATION<sup>3</sup>

Table 1: Transliteration Table: Consonants

Arabic	Roman		Arabic	Roman
ب	B		ط	ṭ
ت	T		ظ	ẓ
ث	Th		ع	‘
ج	J		غ	Gh
ح	ḥ		ف	F
خ	Kh		ق	Q
د	D		ك	K
ذ	Dh		ل	L
ر	R		م	M
ز	Z		ن	N
س	S		ه	H
ش	Sh		و	W
ص	ṣ		ء	’
ض	L		ي	Y

---

<sup>3</sup> Retrieved on 20 April 2017 from [http://rotas.iium.edu.my/?Table\\_of\\_Transliteration](http://rotas.iium.edu.my/?Table_of_Transliteration)

**Table 2: Transliteration Table: Vowels and Diphthongs**

Arabic	Roman		Arabic	Roman
َ	A		أَ، آ، ئَ	An
ُ	U		وُ	Un
ِ	I		يِ	In
َ، آ، آ، ئَ،	Ā		وَ	Aw
ُو	Ū		يَ	Ay
يِ	Ī		وُ	uww, ū (in final position)
			يَ	iyy, ī (in final position)

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## ABSTRACT

The orphan is a child left behind by his father when he is immature. There are also left by his mother, then the child is also called orphans. A child who loses his parents must be in trouble because he loses the person who is the foundation of life protection. The child who lost his father, then he lost the figure that gave him joy, and not fulfilled his basic needs. Losing a father does not mean the father has died, but also includes a father who ignores his children. While the child is left by his mother, have a more severe condition. Because the mother is a symbol of affection, attention, protector, nurse and educator for his children. Children who lack food will result in malnutrition and illness. But if the child lacks affection, then he never has a feeling of security. In addition, he will feel anxious, suspicious, failure to learn to love. This illustrates the fragility of a child in the event of loss of a parent.

The Qur'an that was revealed to Prophet Muhammad SAW as a guide and guidance for Muslims, ordered him to have concern for orphans. There are many verses that advocate paying attention to the fate of orphans. In it Allah SWT mentioned a lot about the suggestion to love and do good to them. Starting from treating gently, setting aside property, educating, nurturing to raise them. Even plainly Allah says those who rebuke them as liars of religion. Therefore, Allah SWT specifically provides specific guidance, guidance and guidance on how to maintain and care for the right orphans.

Although Muslims have been warned, appealed and modeled by Rasulullah SAW how to behave and treat them well, but the facts in the social environment of Indonesian society is still contradictory. There are some individuals who still commit acts of violence against them and deliberately use their suffering to enrich themselves by disguising the orphanage.

From this problem, the researchers tried to explore what the concept of orphanage maintenance desired al-Qur'an. In this research, researcher use *mawdlu'i* method that is by collecting passages in which there is word "*yatīm*" and its change. Then from these verses will be designed and grouped things that need to be considered in the maintenance of orphans according to the Qur'an. Then how to implement it in today's society. From the collection of this verse it will be known the meaning of orphans and what elements are in the maintenance of the desired Quran from the care, care, and rescue efforts of orphans.

**Keyword: orphans, treatment, al-Qur'an**

# CHAPTER I

## INTRODUCTION

### A. Background

Allah SWT willed to Prophet Muhammad SAW and all his people in the Qur'an: *Therefore, to the orphans do not apply arbitrarily.* This Testament is enshrined in a letter *ad-Dluhā* verse 9. Through this verse, he SAW was ordered to become a surrogate father to the fatherless. Prohibited insulting, degrading, moreover they snapped. Thus Ibn Kasir opinion quoted Ibn Qatadah in *Tafsīr al-Qur'an al-Adlīm*.<sup>1</sup>

This verse contains the phase of the life of Prophet Muhammad who live in a community of the Quraisy Tribe. The descent of this verse is inseparable from the labyrinth of life forms and processes that once he went through it. As a child, he was given protection by Allah SWT during the life of orphans. His father died while still in the womb and his mother's death leading up to the age of 6 years. Exactly three months after his mother, Aminah bint Wahab from Bani Zuhrah married his father. Followed his grandfather when even 8 years. Parenting it was replaced by the child's grandfather named Abu Thalib.<sup>2</sup>

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<sup>1</sup> Ibnu Kasir, *Tafsīr al-Qur'an al-'Adlīm Vol. 30*, Dar al-taufiqiyah li al-turats, Kairo, 2009, p. 156.

<sup>2</sup> Muhammad Husain Haekal, *Sejarah Hidup Muhammad*, Litera Antarnusa, Jakarta, 1990, p. 49.

In the care of his uncle then Allah SWT saved him from neglect, poverty, crime and deception of the people around him. Through education and the teaching of his uncle, he was educated to live independently. Each year he is always invited to trade to the town since the age of 12 years go. Until one day when he was accompanying his uncle trade towards Syria, he met a priest named Bahira-tells his uncle about the signs of Prophethood (*irhas*) contained in him. After obtaining an explanation from Bahira, an uncle finally decides to take him back home and canceled his trip to trade.<sup>3</sup> In the age of 25, he was allowed back to trade independently. His uncle introduced him to a rich merchant widow, in the city of Mecca called Siti Khadijah. From there, finally he marriage his employer. After that thanks to the success he reconciled the dispute between his kind of substitute for the Kiswa Kaaba (the cover)<sup>4</sup>, the degree is lifted and glorified by his people as *Al-Amīn*. Because that's a boon, he was obliged to do good to the orphans.<sup>5</sup>

---

<sup>3</sup> Philip K. Hitti, *History of The Arabs*, translated by R. Cecep Lukman Yasin, PT. Serambi Ilmu Semesta, Jakarta, 2008, p. 140.

<sup>4</sup> They question who most has the right to place the position of the black stone at the Kaaba. He split the tasks to them with techniques and strategies that are very fair and relieve their hearts.

<sup>5</sup> Nayla Putri, *Sirah Nabawiyah*. CV. Pustaka Islamika, Bandung, 2008, p. 71.

He was soon a will exert. He sent it to his companions:

قَالَ حَدَّثَنِي عَبْدُ الْعَزِيزِ بْنُ أَبِي حَازِمٍ قَالَ حَدَّثَنِي أَبِي قَالَ سَمِعْتُ

سَهْلَ بْنَ سَعْدٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَنَا وَكَافِلُ الْيَتِيمِ

فِي الْجَنَّةِ هَكَذَا وَقَالَ بِإِصْبَعَيْهِ السَّبَّابَةِ وَالْوَسْطَى (رواه البخاري)

Have told us Abdullah bin Abdul Wahab said; have tell me Abdul Aziz bin Abu Hazim said; My father had been telling me he says; I heard Sahl bin Sa'd of the Prophet he said, "I and the person who took the orphans are in heaven like this." He hinted with both thumbs i.e. the index finger and the middle finger." (HR. al-Bukhāri)<sup>6</sup>

This loosely Ḥadīth Sahīh al-Bukhāri. Included and listed in the chapter the virtue of keeping orphans. *Asbābul wurūd* of this *ḥadīth* according to Ibn Hajar al-Asqalani beginning of events experienced by him at the feast of *'Īd al-Fitr*. These events told by Ibn Hajar al-Asqalani when describing these hadith in his book, *Fath al-Bari*:

One time, after carrying out the prayer of *Īd*, Rasulullah gets a orphans dressed in shabby crying. Whereas, the other children were gathered together and happy. Found it, he then approached the orphans while asking, "Hi little boy, why are

---

<sup>6</sup> Imam Bukhari, *Sahih Bukhari, Hadith no. 34*, Dar al-Kutub 'Ilmiah, Beirut, t.th., p. 215.

you crying and do not gather together your friends?" The child did not know that the man who greeted him was Mumammad SAW. The orphans answered the questions by choked up. "Oh sir, my father died and my mother has now married again. My stepfather was very cruel to kick me out. Now I'm starving, have no food, drink, clothing, and shelter. And today I see friends blessed by having a father. I was reminded of the accident about dad so that I cried," said the orphans. Hear interviews from the boy, he then cries to heard words of orphans. She immediately embraced and kissed the head of the orphans. "Hi little boy, wilt thou call me as a father, Aisha as your mother, Ali as your uncle, Hasan and Husein as your brother, and Fatimah as your sister?" asked he. Facial the orphans that become bright. She is very happy to be appointed as a child of Rasulullah SAW. Then, Rasulullah SAW invites home for orphans and give her nice clothes, then encouraged him to eat together. The orphans feel very excited. After eating, he immediately met with his friends to play. His friends ever feel amazed with the orphans while asking: "Before you always crying, why are you so happy now?" asked her friends. With cheerful, the orphans then answered, "I'm hungry before, now I'm full. First I was an orphan, but now I've had a father, Rasulullah SAW is my father, Aisyah is my mother, Ali is my uncle, Hasan and Husein is my brother, and Fatimah is my sister." Then he said: "I and the people who bear the orphans, was in heaven like this: he was brandishing his middle finger and index finger, while giving both.

Post events that, he asserted his position against orphans in the presence of his companions. No Prophet can give a concrete example in taking care of orphans. He directly revealed himself as the

father of surrogates and in charge of their lives to the fullest. This was stated in his saying<sup>7</sup>:

حَدَّثَنَا عَمْرُو بْنُ عَبَّاسٍ، قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ، قَالَ: حَدَّثَنَا  
سُفْيَانُ، عَنْ أَبِي إِسْحَاقَ قَالَ: سَمِعْتُ عَبْدَ الرَّحْمَنِ بْنَ أَبِي قَالَ:  
قَالَ دَاوُدُ: كُنْ لِلْيَتِيمِ كَالْأَبِ الرَّحِيمِ، وَاعْلَمْ أَنَّكَ كَمَا تَزْرَعُ كَذَلِكَ  
تَحْصُدُ، مَا أَقْبَحَ الْفَقْرَ بَعْدَ الْغِنَى، وَأَكْثَرَ مِنْ ذَلِكَ، أَوْ أَقْبَحَ مِنْ  
ذَلِكَ، الضَّلَالَةُ بَعْدَ الْهُدَى، وَإِذَا وَعَدْتَ صَاحِبَكَ فَأَنْجِزْ لَهُ مَا  
وَعَدْتَهُ، فَإِنْ لَا تَفْعَلْ يُورِثُ بَيْنَكَ وَبَيْنَهُ عَدَاوَةً، وَتَعَوَّذْ بِاللَّهِ مِنْ  
صَاحِبٍ إِنْ ذَكَرْتَ لَمْ يُعْنِكَ، وَإِنْ نَسِيتَ لَمْ يُدْكَرْكَ. (رواه  
البخاري)

"Dawud said, "Be like a merciful father towards the orphan. Know that you will reap as you sow. How ugly poverty is after wealth! More than that: how ugly is misguidance after guidance! When you make a promise to your friend, fulfil your promise. If you do not, it will bring about enmity between you and him. Seek refuge in Allah from a

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<sup>7</sup> Muhsin M.K, *Mari Mencintai Anak Yatim*, Gema Insani Press, Jakarta, 2003, p. 75.

companion who, when you mention something to him, does not help you and who does not remind you when you forget." (HR. Bukhāri)<sup>8</sup>

The story is narrated by Ahmad bin Hambal as follows: narrated Kab bin Malik RA, "the first problem which caused Abu Lubabah reprehensible is because he and the orphan argued about its many stalk (which endeared the orphans it)." Both complained to the Prophet and he won Abu Lubabah. The orphans crying. Then the Massanger said, "o Abu Lubabah Bough, give it to him." Abu Lubabah objections. The Prophet repeated requests he was, "give a limb to him and you will get to heaven." But, Abu Lubabah still refused. Shortly thereafter came the Abu Dahdah approached Abu Lubabah saying, "Sell that limb with two boxes of my garden." Abu Lubabah accept it. Then, Abu Dahdah brings a limb to the Prophet. He said, "o Messenger, if I give a limb to orphan it, will I get such as this branches in heaven." The Prophet said yes. Then, the limb was given to the orphans, and the Massanger said, "How many fragrant branches belonging to Abu Dahdah in heaven." (Narrated by Ahmad, Ibn Hibbaan and Al-Tabarāni.). This Hadith describes so vividly how great attention of the Prophet towards orphans.

That's the way he runs the wills of the Qur'an. The Qur'an instructs him to have concern for them. There are many verses that

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<sup>8</sup> Syeikh Imam Muhammad bin Ismail al-Bukhari, *al-Adab al-Mufrad*, al-Mathba'ah as-Salfiyyah, Kairo, 1375, p. 46.

recommends that paying attention to the fate of the orphans. In it Allah SWT, an awful lot of mention about the suggestion to have mercy and do good to those groups. Starting from treat gently, set aside property, educate, take care to raise them. Even in a palpable Allah SWT to call those who rebuke them as liars. Therefore Allah SWT specifically give specific instructions, guidance and guidance how to treatment and care of the orphans who are true and correct:

فِي الدُّنْيَا وَالْآخِرَةِ وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ  
 تُخَالِطُوهُمْ فَإِخْوَانُكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللَّهُ  
 لَأَعْتَبْتُمْ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ (سورة البقرة: 220)

(Their bearings) on this life and the Hereafter. They ask the concerning orphans. Says: “The best thing to do is what is for their good; if ye mix their mischief from the man who means good. And if Allah had wished, He could have put you into difficulties: He is indeed Exalted in Power, Wise.” (QS. Al-Baqārah: 220)<sup>9</sup>

Verse on top of this is a major trigger of the initial treatment command on an Islamic basis. *Asbābun nuzūl* of this verse is closely related to a companion who fear a threat to people who certainly

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<sup>9</sup> Abdullah Yusuf Ali, *The Holy Qur'an (Text, Translation and Commentary)*, Goodword Book, Lahore, 1934, p. 15.

wronged orphans. He came to the Prophet and told him about the orphans that are in his home. He told me that he always separate food for her family of food and drink rations for orphans. If the food they left, then divided up the foul because of the fear of God with the threat if the food it ate:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا  
وَسَيَصْلُونَ سَعِيرًا (سورة النساء : 10)

Those who unjustly eat up the property of orphans, eat up a fire into their own bodies: They will soon be enduring a Blazing Fire! (QS. Nisaa: 10)<sup>10</sup>

Sayyid Qutb depicting this verse as a parable of the person consuming the property of orphans in *zalīm* with a scary picture, the image of the fire in the belly and the image of the blazing fire as far as the eye can see. The real treasure of the orphans that they eat is none other than the fire of hell, and they feed the fire. Place back they are hell to burn stomach and skin them. The fire inside and outside fire. That is the hell fire personified. So, hell fire that seemed to be

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<sup>10</sup> *Ibid*, p. 35.

felt by the stomach and skin, and visible to the eye, when he burned his stomach and skin.<sup>11</sup>

From these events, certain portions of verses that justify the use of way better in the personal care of orphans. The story told by Abu Dawud: *"there was one of his best friends who keep the orphans. I was so carefully, the companion to the point separating the food and drinks for the family with food and drinks for the orphans that fosterage fearing lest there were ration (orphans) are eaten by her family. If food orphans his left, he leave the food to foul because he was afraid of the threat of God if we eat them. He was then facing the problem and asked the Messenger of Allah. Then came the verse to-220 Surah Al-Baqārah."*<sup>12</sup>

This history be cues that orphans should be positioned as well as families. When children eat, then invite your orphan (cared) to eat together. Regarding the prohibition of consuming the property of orphans in the Quran, it applies when someone nurturing orphans inherited treasures so as not to making use the property for personal gain. This is the definition of orphans of wealth-consuming tyrant who mentioned the Quran surah An-Nisā verse 10.

A good Treatment against orphans are all things that can bring benefit to them. So the opinion of al-Marāghī. Because in fact,

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<sup>11</sup> Sayyid Qutb, *Fī Zhiḷāl al-qur'ân*, translated by As'ad Yasin, Abdul Aziz Salim Basyarahil and Muchotob Hamzah, Gema Insani Press, Jakarta, 2000, volume II, p. 133.

<sup>12</sup> *Ibid*, p. 113.

hanging out with them in all activities, be it eating, drinking nor in terms of effort at all do not incur sin. The orphans also is the brother of the same faith. The meaning of sisterhood in this context is joined in the matter of property rights and life. That is, the question of food do not need to question. It's just that their association with, must be grounded with a mutual pardon without any desire for mutual master.<sup>13</sup>

The command ignores their fate is clearly visible on the teachings of the Qur'an. Of them by keeping or maintaining the property of orphans, eat it with no in *ẓalīm*, even God forbid him except with way better (benefit), so that the children can receive the treasure relics of his parents in intact, without in the least diminished when they have reached the age of adulthood and has been able to manage the treasure.<sup>14</sup>

It is very important. So that the Quraisy infidels pre-treatment of Islam against those not repeated and again practiced. Surah an-Nisā can be a bit of give you an idea of how their behavior and attitude at that time:

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<sup>13</sup> Ahmad Musthafa al Maraghi, *Tafsir al-Marāghī*, Vol. IV, Darul Fikr, Beirut, t.th., p. 279.

<sup>14</sup> Abdullah Nasih Ulwan, *Pendidikan Anak Menurut Islam Pemeliharaan Kesehatan Jiwa Anak*, Remaja Rosda Karya, Bandung, 1996, p. 131-132.

وَأَتُوا آلِيَتِمَىٰ أَمْوَالَهُمْ ۖ وَلَا تَتَبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ ۖ وَلَا  
تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ ۚ إِنَّهُ كَانَ حُوبًا كَبِيرًا ﴿٢﴾ وَإِن  
خِفْتُمْ أَلَّا تُقْسِطُوا فِي آلِيَتِمَىٰ فَإِنكُحُوا مَا طَابَ لَكُمْ مِّن  
النِّسَاءِ مَثْنَىٰ وَثُلَّةَ وَرُبْعَ ۖ فَإِن خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا  
مَلَكَتْ أَيْمَانُكُمْ ۚ ذَٰلِكَ أَذَىٰ أَلَّا تَعُولُوا ﴿٣﴾

To orphans restore their property (when they reach their age), nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your won. For this is indeed a great sin. If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, two or three or four; but if ye fear that ye shall not be able to deal justly (with them), then only one, or (a captive) that your right hands possess, that will be more suitable, to prevent you from doing injustice. (QS. An-Nisā 2-3)<sup>15</sup>

This text contains guidelines on grammar rules for the treatment of orphans, including keeping his wealth in accordance with Islamic teachings. Imam Al-Marāghī explains that what is meant by giving treasure children orphaned is making it special for them and should not be in the least wrong way to eat them (not valid).<sup>16</sup>

<sup>15</sup> Abdullah Yusuf Ali, *The Holy Qur'an (Text, Translation and Commentary)*, Goodword Book, Lahore, 1934, p. 34.

<sup>16</sup> Ahmad Musthafa al Maraghi, *op. cit.*, p. 324.

Islam came to give solutions special to them. Before the coming of Islam, the orphans do not receive much less attention. Then, glorify him, and Islam forbids to exploit it.<sup>17</sup> Consuming the property of orphans is defined by the Prophet Muhammad is one of the major sins and cause hell. He said, "the seven great sins Shun, i.e. anything God, magic, kill the soul which is forbidden except with the right, consuming *ribā*, consuming the property of orphans, fled from the battlefield, and accuses women believed adultery was negligent." (HR. Al-Bukhāri and Muslim).

So the importance of their position, the scholars have done numerous attempts to rescue them in accordance with the teachings and instructions of the Qur'an. They try to contribute his thoughts on the treatment of orphans. Like Abu Ja'far Muhammad Ibn Jareer Ibn Yazid Ibn Katheer bin Kholid ath-Tabari.<sup>18</sup> The way of glorifying the orphans as mentioned by Al-Shawkaani said at least divided into two forms:

- a. When the orphan it is rich, then how to honor him is to cultivate and develop the orphans property with a full mandate, responsibility, and compassion. When people who take care of these orphans attempt in a rich, he could not eat of the orphans,

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<sup>17</sup> QS. Al-An'am: 152-153, and al-Isra: 34.

<sup>18</sup> Abu Ja'far Muhammad bin Jarir ath-Thabari, *Jami' al-Bayan Fi Ta'wil al-Qur'an*, Dar al- Fikr, Beirut, t.th., p. 3.

but the poor, take care of it when you can eat as needed and with the size of the habit.<sup>19</sup>

- b. Whereas when the poor orphans, then it should help the poor, nurture him and provide his needs.<sup>20</sup>

Although Muslims have already warned, suggested and given by the Prophet Muhammad's example of how to behave and treat them well, but the fact the community social environment in Indonesia still flips. There are some persons who commit acts of violence against them and thus deliberately exploit their plight to enrich themselves with impersonate orphanage. The orphanage is a foundation that was deliberately set up to be a shelter the children who no longer can feel the affection of his biological parents. However there are some orphanages which in fact do acts of persecution against children which should be cared for and loved.

The news was preached by the tabloids a few months ago, Thursday, February 2, 2017. Inhumane treatment that happens in the orphanage of the Yayasan Tunas Bangsa, Shoots Way Singgalang V, district Tenayan Raya, Pekanbaru, Riau. This persecution has already lasted a long time. The owner of the Yayasan Tunas Bangsa never reported to the police because it was found to exploit children to become beggars in 17 years ago. The case was recently revealed, when one of the parents see her son the dweller's at the party who

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<sup>19</sup> QS. An-Nisa': 6.

<sup>20</sup> Asy Syaokani, Muhammad bin Ali bin Muhammad, *Fathul Qadir*, Daar al-Wafa', 1994, p. 543.

invited orphans orphanage Yayasan Tunas Bangsa. The orphanage Yayasan Tunas Bangsa Shoots suddenly getting crowded discussed following reports the presence of toddler ages 1 year and 8 month named Muhammad Zikli (MZ) died allegedly due to the persecuted. Victim families notice any anomalies of death victims who discovered the existence of the wounds in the whole body of a toddler.

Before the death of MZ, behavior deviating from the owner of this Foundation, it was wafted by the surrounding communities. Like, each granting of donation amount does little, hoarded until the conditions of such foodstuffs in an expired. "Had also expired goods that were distributed to the local community. Obviously we refuse that," said the Chairman of RT 04/11, district Tenayan Kingdom that also an anesthesiologist, Bhabinkamtibmas.<sup>21</sup>

Although the majority of its citizens, but Muslim orphans displaced case is really severe. "According to the data, there are about 4.8 million children, abandoned in Indonesia. About 38 percent is kids ages toddlers without the protection of the family so that it can be said to be orphans," This concern presented the Chairman of the National Commission for child protection (Komnas PA), Arist Merdeka Sirait. He's assess, during this Government ignore against

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<sup>21</sup><https://www.tabloidbintang.com/berita/peristiwa/read/59472/pemilik-panti-asuhan-bermasalah-ini-pernah-dilaporkan-atas-kasus-pencurian-anak> accessed on 22 November 2017.

the constitutional rights of orphans. In fact, the number of children who are less fortunate that quite a lot.<sup>22</sup>

The establishment of orphanages has yet to guarantee their well-being. They still in desperate need of attention, compensation, treatment and the protection of both the child's self nor the treasure relics of his parents. As a child that life is full of suffering and underprivileged must have a reasonable desire both in terms of physical or mental sense, for that's the orphaned children need the presence of foster parents. I.e. people who sincere self-sacrificing and includes property to care for them. Through foster parents they can earn a living and daily needs, in addition to the attention and affection. In fact, they can get guidance and education relating to knowledge, morals and religion. So her being able to sail the ships life of its own.<sup>23</sup>

If this problem is not getting the attention and studies about the care and treatment of their forwards don't start soon and encouraged, how their fate in a future?

## **B. Research Question**

Every writing scientific papers written because has problems remain unsolved mysteries. Similarly, in the writing of this thesis. There are some who want to cut and wanted to be resolved based on

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<sup>22</sup><http://www.republika.co.id/berita/koran/urbana/14/11/10/netcw8-pemerintah-kurang-perhatikan-anak-yatim> accessed on 21 November 2017.

<sup>23</sup> Muhsin M.K, *op. cit.*, p. 2.

the background that have been presented. From the explanation of the above background, the author formulates the set of problem in to two formulation, that is:

1. What is the meaning of the orphans in the Qur'an?
2. What does the concept of the treatment of orphans in the Qur'an?
3. How to implement the concept of the treatment of orphans in this present era?

### **C. The Purpose and Benefits of Research**

As for purpose to be accomplished in the writing of this thesis are:

1. To be able to know and describe about the meaning of the orphans in the Qur'an.
2. To be able to know and describe about the concept of the treatment of orphans in the Qur'an.
3. To be able to know and describe about the implementation of concept of the treatment of orphans in the Qur'an in this present era.

While some of the benefits that can be gained in the writing of this thesis are:

1. To add to the corpus of scientific knowledge especially in the disciplines of *tafsīr*.
2. Contribute thoughts about how the concept of the treatment of orphans that are in accordance with the guidelines and instructions of the Qur'an.

3. Be the Guide and guidelines for everyone who need to maintain and nurture the orphans both individually and institutional accordance with the values taught by Islam.

#### **D. Literature Review**

A review of the literature used as comparison against the existing research, both about the advantages or disadvantages that exist in previous research. The formulation in the library fully excavated from materials that are

written by experts in their field-related research.

As for the studies discussed in this thesis is focused on the education and guardianship of orphans that concern the upbringing upon himself and the treatment and development of the top treasure relics of his parents if there are any. Thus, in this study required a study of the library where the knowledge of the researchers has never been a writer find the research thesis that examines about education and guardianship of orphans in the Qur'an. Thus, to find out about the theme widely, researchers attempted to collect works about education and guardianship of orphans, either in the form of books, articles, and papers. All the data will be classified at one of the main priorities of the education and guardianship of orphans.

This research is also expected to provide input or complement against the existing research and comparison could be made at the same time reference in other studies. By conducting a review of the literature against the library materials, similar research

results, good books, papers, articles in the mass media, the internet and so on. At the very least, researchers will know that there are a couple of books or research results which reveal the problems above, among others:

*First*, the final project of Umi Kulsum from Tarbiyah faculty of UIN WaliSongo (2008) by the title "The Treatment and Education of orphans in the Qur'an" in there discusses an explanation of orphans verses in the Qur'an that relate to the treatment of the educational aspect only.

*Second*, the final project of Mustoifiyah from Ushuluddin and Humanities faculty of UIN Walisongo (2014) by the title "*Concept of the Treasure of the orphan in the perspective of the interpretation of the An-Nur Hasbi Ash-Shiddieqy*". This final project discusses about how interpretation Hasby Ash-Shiddieqy about the treasures of the orphan in the interpretation of the An-Nur. This thesis also describes how to give attention to the property of orphans.

*Third*, the final project of Ida Husaina from Ushuluddin faculty of IAIN Tulungagung (2017) by the title "*Orphans in the Perspective of the Qur'an*". This thesis discusses the meaning of the orphans in the Qur'an, but does not discuss how the treatment of orphaned children completely.

Specifically, this paper will reveal about the education and guardianship of orphans by providing compassion, nurturing and development of the world upon himself by giving attention to his education, until the child reaches the age of adults and being able to

socialize with the environment of the community. In addition the treatment in this study intended to safeguard against his parents ' heritage treasures including its development to later be used by the child when it has reached the age that is sufficiently.

The focus of this research is aimed at the entire verses of the Qur'an as a source of major guidelines in maintaining and nurturing orphans with attention to psychological abuse, give compassion, attention to his education as well as protect property as well as expanding it, to later be handed back after the orphans it reached the age of majority and have been able to use such property in the correct way and in accordance with the teachings of Islam. Is it not precisely instead will return the Muslims to the civilization times of ignorance, where they rebuke and are treated arbitrarily.

## **E. Research Methods**

The research method is the way how a study was carried out (methos: Ordinance).<sup>24</sup> Then in this study the authors need to use as a reference methodology. As for the author's methodology used in this study include the following:

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<sup>24</sup> Imam Barnadib, *Perbandingan Pendidikan*, Andi Offsit, Yogyakarta, 1998, p. 5.

### 1. Kind of research

The type of this research is library research, which utilizes the source library to obtain data for the research.<sup>25</sup> Various sources of data in this study are originate from written materials either Indonesia or Arabic literary that made possible and has relevance to support this research.

As the title implies, this research is qualitative<sup>26</sup> which is purely based on bibliographical research. In this research, the sources of data are written texts relating to the topic.

### 2. Sources of data

Source of data taken for this study from document libraries that consist of two different types, there are:

#### a. Primary data

The source primary data is the main reference which will be used in this study, there are the verses of the Qur'an which is taken from the Quran itself. This research will take all verses that especially talk about orphans by the key words: *al-yatīm*, *al-yatāmā*, *yatīman*, and *yatīmaini* that scattered on some letters.

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<sup>25</sup> Mestika Zed. *Metode Penelitian Kepustakaan*, Buku Obor, Yogyakarta, 2008, p. 1.

<sup>26</sup> This research is descriptive, it means the collected data are from word by word and pictures instead of numeral. It stresses on the meaning of the topic concerned on human's life. The application of this method can be done by formulating the problem, collecting data, analyzing data and formulating the conclusion. See Sudarwan Danim, *Menjadi Peneliti Kualitatif*, (Bandung: Pustaka Setia, 2002), p 51.

b. Secondary data

This research is a research based on library research, then the secondary data that used in this research includes books, theses, articles, journals or the results of thought and research, or other literature that can support and related to the theme of the discussion of this writing research.

The methods used in this study is the *mawdlū'i* method (thematic), than this research does not only focus on a specific interpretation. This research will use the source of interpretation of the mixture, there are from the classic interpretation, medieval, contemporary, and the interpretation of Indonesia such as *Tafsīr Jāmi' Al-Bayān fī Tafsīr Al-Qur'an* as the work of Ibn Jarīr Al-Thabari, *Jāmi' ahkām Qur'an* as the work of Imam al-Qurthubi, *Tafsīr al-Mishbāh* as work of Quraish Shihab.

The researcher also uses *Al-Mu'jam Al-Mufahras li Alfādl al-Qur'an al-Karīm* to find the verses of Qur'an. To make easier in writing the verses of Qur'an and English translation is utilizing The Holy Qur'an, Text, Translation and Commentary by Abdullah Yūsuf Ali which published in Lahore by Goodword Books on 1934.

Those are the books which become the first source of this research. But, it does not mean that researcher would not use any other book of interpretation. It is still used to be reference,

especially to complete the analysis and the discourse of this research.

3. The method of collect the data

Data collecting that will use in this research is from techniques of documentation. Documentation done by gathering some information of knowledge, facts, and data. Thus data can be collected with the category and classification of written materials relating to research issues, from the source of the documents, books, scientific journals, newspapers, magazines, websites and more.

Some of the methods that are required for collecting data in this research by thematic method (*tafsīr mawdlū'i*). This is because in a discussion which is done later researcher will choose a theme that is used in the Qur'an. Then the *tafsīr* method used is the most appropriate method of thematic interpretation or can be called by *mawdlū'i*. The intended interpretation of *mawdlū'i* methods is convened the verses of the Qur'an which has the same intent in the sense of both discuss one topic issues and organize them based on the chronology and causes of decline in these verses.<sup>27</sup>

Thus in the *tafsīr mawdlū'i* method or can be called a method of thematic interpretation all discussed completely from the various aspects associated with it. As *asbābun nuzūl*,

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<sup>27</sup> Abd. Al-Hayy al-Farmawi, *Metode Tafsir Mawdu'i*, translation by Suryan A Jamrah, Raja Grafindo Persada, Jakarta, 1996, p. 36.

vocabulary, and so forth. All are described in detail and thoroughly as well as supported by argumentation or facts which can be scientifically justified, whether that argument comes from the Qur'an, Hadith or rational thinking.

According to al-Farmawi steps or the workings of the *tafsīr* method *mawdlū'i* can be specified as follows<sup>28</sup>:

- a. Choosing and determining the problem in Qur'an that will be researched thematically.
- b. Tracing and collecting the verses related to the determined problem; *makiyah* and *madaniyah* verses.
- c. Arranging those verses systematically in accordance with chronology by knowing and understanding toward background and *Asbābun nuzūl*.
- d. Knowing correlation (*munāsabah*) of verses in each surah.
- e. Outlining the theme in correct, systematic and whole frame.
- f. Accomplishing the research by some ḥadīth, if it is necessary. By this, the research will be more intact and clear.
- g. Learning those verses thematically and completely by collecting the verses which have similar meaning and compromising between *'ām* and *khāṣ*, *muṭlaq* and *muqayyad*. Synchronizing the verses that seem contradictory, explaining *nasikh* and *mansūkh* verses, so that all of verses can stand in one estuary, without any differences and contradiction,

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<sup>28</sup> *Ibid*, p. 45-46.

afterwards there will be no forcing to some verses in false meaning.

In this study, steps will be made to collect data is as follows:

- a) Track and collect the texts relating to the subject matter defined of the theme. In this research, will be collect all of verses of the Qur'an which talk about one issue or theme as well as directing in one understands and one purpose, though the verses that fall in the way different and scattered in various letters the Qur'an and different time and place of the descent. To collect these verses, this research using the keywords that relate to the theme, namely, *al-yatīm* and *al-yatāmā* are scattered on some letters. There are 22 verses in the Qur'an that mention about orphans: Al-Baqārah: 83, 177, 215, 220; An-Nisā: 2, 3, 6, 7, 10, 36, 127; al-Anfāl: 41; al-Hashr: 7; al-An'ām 152; al-Isrā': 34; al-Fajr: 17; ad-Dluhā: 9; al-Mā'ūn: 2; al-Kahfi: 82; al-Insān: 8; al-Balād: 15; ad-Dluhā: 6.<sup>29</sup>
- b) Compose verse in order according to the chronology of the period of decline, with the knowledge of the background of the decline of the verse or the revelation of the Qur'an or *asbab an-nuzūl*.

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<sup>29</sup> Muhammad Fuad Abdul Baqi, *Al-Mu'jam Mufahras Li Alfādh Al-Qur'an Al-Karim*, Darul Ḥadīth, Kairo, 1981, p. 770.

- c) Tracing and collecting the verses related to the determined problem; *makiyah* and *madaniyah* verses.
- d) Exposes the interpretation in each verse.

In following the seven steps of *tafsīr mawdlū'i* method applied by Farmawi, the authors apply only four points above in collecting data, while other points the author apply for data analysis.

But in the workings of the application of the method of *tafsīr mawdlū'i* not necessarily have to meet the overall stages that have been set. It could be one or two stages cannot be done perfectly. Another approach has also role in analyzing the problem of this research. All of assisting approach that is able to clarify the problem, will be utilized by the researcher provided that they are relevant with the topic.

#### 4. Analyzing Data

In order for the data obtained can be used as discussion is accurate, then the researcher uses the method of processing and data analysis by analysis of the content which is a systematic technique to analyze the content of messages and manage it with the purpose to capturing the message between the lines of one or

more statements.<sup>30</sup> To manage the data the researcher used a method of hermeneutics analysis.

This research also uses the hermeneutics<sup>31</sup> method by using a double movement analysis, its mean the process of interpretation involves the movement of hermeneutics objective and hermeneutics subjective, from the present situation towards a situation in which the Qur'an was revealed (*asbāb an-nuzūl*) and then implied to the present.<sup>32</sup>

The researcher also investigating the thought of the classical and contemporary Islamic scholars on *tafsīr*. This step is needed to enlarge the understanding and insight of contextual interpretation related the topic of orphans.

## **F. Systematics of Writing**

To give direction and a clear picture of the things written in this thesis, the following authors explained in the Systematics of writing. And in the outline of the thesis consists of five chapters, each chapter is divided into sub chapters, and each chapter has sub

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<sup>30</sup> Noeng Muhadjir, *Metodologi Penelitian Kualitatif*, Rake Sarain, Yogyakarta, 1993, p. 76-77.

<sup>31</sup> Hermeneutics is defined as a set of rules or patterns to be followed by a mufasir in understanding religious texts. See K. Bertens, *Filsafat Barat Abad XX*, I, Gramedia, Jakarta, 1981, p 225.

<sup>32</sup> Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, The university of Chicago Press, Chicago & London, 1982, p. 5.

discussion each of which between one more inter-related. As for the five chapters is as follows:

The first chapter, the introduction. In the introduction it is talking about a glimpse of recommending treatment orphans against the Prophet and the virtue of keeping them according to the Qur'an and Hadith. Then do the formulation of the problem in order to clarify the purpose and benefits of this thesis writing. Do not forget to set out regarding the review of the literature and research methods to distinguish the subject matter of discussion in this study and obtained by different methods of research-research has ever been done before. In the end to make it easier to understand a series of writing research authors include the Systematics of writing.

The second chapter, covering a wide range of studies on the existence of the orphans. This is where the next then obtained from the formulation of the concept of the treatment of the child based on the study has ever done before, so that it can be used as a foothold to do research measures possible will not Repeat the previous research which has already been discussed. Starting from understanding the meaning of orphans from time to time, orphaned category, treatment efforts of orphans as well as how the attention of scholars and the concrete actions that they did to the rescue of their future.

The third chapter, this chapter describes the interpretation of the scholars of *tafsīr* against treatment of orphaned children in the Qur'an. Review about orphans based on interpretation of the Qur'an. Beginning with the interpretation of the scholars of *tafsīr al-yatīm*

said against the Qur'an. Next expose the verses that the word *al-yatīm* in the Qur'an. It also presented an explanation of the interpretation to each verse. Both of which are based on *tafsīr Qur'an bil Qur'an*, *tafsīr Qur'an bil Ḥadīth*, and interpretation from *mufasir*. Coupled with the concerns that shape their interpretation aspects influenced verses against the treatment of orphans.

The fourth chapter, this chapter is an analysis of principal problems that become the objects of discussion with a basic grounding in the theory are on chapter II and chapter III. First performed an analysis of the definition of the orphans in the Qur'an. The new analysis was presented and further to find out how real the concept of the treatment of orphans in the Qur'an.

The fifth chapter, in this chapter as a cover against a whole series of chapters of this thesis, which will be delivered some conclusions as the discussion on the previous chapters and continued with advice and ends with a closing word.

## CHAPTER II

### TREATMENT OF ORPHANS IN ISLAM

#### A. Understanding The Word Orphan

The word "*yatim*" in the Great Indonesian Dictionary is defined as a fatherless or fatherless and motherless child, although it is also said to be an identical "*yatim piatu*" in English called "orphan" or in Latin called "*orphanus*" which is adopted from the Greek word "*orphanas*". The use of the word "orphan" for a child left behind by his mother is denied from *Lisān al-'Arab*. The orphanage is a special child whose father dies, while the child whose mother dies is called "*munqaṭi*" (the one disconnected).<sup>1</sup>

The word orphan comes from Arabic. Orphans in the plural '*yatāmā*' or '*aitam*'. Means the child who left his father before he *baligh* (adults), whether in a state of rich or poor, male or female, Muslim and non-Muslim. Now we know the term orphan, for the child who was left dead father and mother. This term is known only in Indonesia only. In some other countries only known as orphans. The addition of the word '*piatu*' is to add more impression of suffering than if the child is in orphan condition only.<sup>2</sup>

In the Encyclopedia of Islam explained that the so-called orphan is a child whose father has died and not *baligh* (adult),

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<sup>1</sup> Muhammad B. Mukarram Ibn Manzur, *Lisan al-'Arab*, Dar al-Kutub al-'Ilmiyyah, Beirut, 1993, p. 768

<sup>2</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, Aqwam Media Profetika, Solo, 2014, p. 13

whether he is rich or poor, male or female. The children whose fathers and mothers have died are usually called “*yatim piatu*”, but this term is only known in Indonesia alone, whereas in classical fiqh literature known orphans only.<sup>3</sup>

Etymologically the word orphan is derived from the Arabic language with the form of *fi'il mādli* “*yatāmā*” and its *fi'il mudlāri* form “*yatīmu*” which means weak, tired, detached, slow, sad.<sup>4</sup> It can also mean aloof, reduce, slow down.<sup>5</sup> *Masdar* form is “*yatmun*” which means sad or sorrow, can also shaped “*yutman*” which means orphanhood, loneliness, intent or need. While the form *isim fā'il* is “*yatīm*” which means orphans, who alone, and also can mean a very valuable pearls.<sup>6</sup>

According to Ibn Manzur the orphan is a child left behind by his father when he is immature. If only his mother died, then called *al-'Ajūl*, while if left behind by both called *al-Kitin*.<sup>7</sup>

Rashid Ridha interpreted the term orphan in language is a child who was left dead by his father in absolute terms, while the ‘*urf*’ of fiqh experts, called orphans are a man who had been left by his

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<sup>3</sup> Dahlan Abdul Azizi, *Ensiklopedia Hukum Islam*, P.T Loktiar Baru Van Hoeve, Jakarta, 1997, p. 288

<sup>4</sup> Ahmad Warsono Munawir, *al-Munawir Kamus Bahasa Arab Indonesia*, Pustaka Progesif, Surabaya, 1987, p. 1587

<sup>5</sup> Louis Ma'luf, *al-Munjid Fi al-Lughoh wa 'Alam*, Dar al-Masyrik, Beirut, 1987, p. 923.

<sup>6</sup> Ahmad Warsono Munawir, *op. cit.*, p. 1587.

<sup>7</sup> Ibn Manzur, *Lisan al-Arab*, Dar al-Kutbi al-'Ilmiyah, Beirut, t.th., p. 645.

father before he grew up, then when he has adult his predicate of orphanhood be lost.<sup>8</sup>

The word "orphan" in other contexts can be broadly meaningful, that is used for a man who has a mother who ignores education and always busy father. As in the line of poems written by Shawkhani as follows:

"A woman when an adult is illiterate, she will trouble a boy who will be stupid and lazy. Is not it called an orphan who is left by his father in distress so that he is insulted. But what the orphan said to be a man whose mother ignored his education and his father was busy."<sup>9</sup>

In Indonesia, children are left to die by his mother often referred to as an orphan. Whereas the term orphan can also be embedded on the child in such conditions. There are children who contended that left dead by her mother, has a more severe condition. Because the mother was a symbol of affection, attention, protector, nurses and educators for children. A child deficient packed will lead to nutritional deficiencies and illness. However if children lack compassion, and he never had a secure feeling. In addition, he will feel anxious, suspicious, failure to learn to love. But this is the basic skills and required everyone to socialize. So, the lack of affection can

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<sup>8</sup> M. Rasyid Ridha, *Tafsir al-Qur'an al-Hakim asy-Syahir fi Tafsir al-Manar*, Dar al-Ma'arif, Beirut, t.th., p. 345

<sup>9</sup> Atiyah al-Abrashi, *Dasar-Dasar Pokok Pendidikan Islam*, Bulan Bintang, Jakarta, 1993, p. 133-134

inhibit the pattern to establish rapport with others, a lifetime of the child.<sup>10</sup>

In this era, many mothers left dead her husband and they slam the bone trying to fulfill the needs of her children. Many of the women are now able to run many roles at the same time; become a caregiver, treatment, protector, even the backbone of the family at once. Different if this happens on a husband. Men are rarely prepared for his role as caregivers and treatment of the children. They are leaning more to the public sector and working to earn a living. If in the life of his wife suddenly died, the big change in his life. The man usually requires the help of others to care for his child on the death of his wife.<sup>11</sup>

Though the word "orphan" has many meanings, in the context of this discourse, the exact meaning is the son who left his father dead and he is still not reaching puberty.

## **B. Category of Orphan**

The scholars and *ahlul ilmi* agreed that the word orphan was given to a child who was left dead by his father before *baligh* (adult). So, a child is categorized orphaned as long as he is not yet *baligh* (adult). The problem is, what is the limitation of childhood prior to adulthood? According to the jurists, the limits of the faith are before

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<sup>10</sup> Nurul Chomaria, *Menjadi Ibu Penuh Cinta*, Aqwam Media Profetika, Solo, 2014, p. 24.

<sup>11</sup> Nurul Chomaria, *op. cit.*, p. 15.

adult. As for *baligh*, one is no longer referred to as an orphan based on the hadith:

حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْحَضْرَمِيُّ ، حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ  
 الْمُقَدَّمِيُّ ، حَدَّثَنَا سَلْمُ بْنُ قُتَيْبَةَ ، حَدَّثَنَا ذِيَالُ بْنُ عُبَيْدٍ ، قَالَ:  
 سَمِعْتُ جَدِّي حَنْظَلَةَ ، يَقُولُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ  
 : " لَا يُتَمَّ بَعْدَ احْتِلَامٍ ، وَلَا يُتَمَّ عَلَى جَارِيَةٍ إِذَا هِيَ حَاضَتْ ."

"I heard from my uncle Handalah that Rosulullah SWA said: there is no orphan nature after a wet dream and not in say orphans for women who have experienced menstruation."<sup>12</sup>

Hadith (there is no orphan nature after wet dream) Abu Dawud's report from Sahabat Ali Karomallahu Wajhah he said: I memorize from Rosulullah SWA: there is no orphan nature after a wet dream and no fast a day and night. This hadith is the basis that wet dreams are a sign of age reaching adult and it also signifies the boundaries of the orphan nature while the loss of orphan nature does not necessarily change its status into adult which is adult is the purpose of the burden of *shari'ah* law. But the loss of orphaned

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<sup>12</sup> Al-Imam ath-Thabrani, *al-Mu'jam al-Kabir*, Vol. 4, Maktabah Ibn Taimiyah, Kairo, t.th., p. 14.

nature is a benefit for the orphans themselves in the hereafter. From the understanding of this hadith can be reinforced the opinion of the Ulama 'which states that: wet dream is a sign of the entry of adult age, the history of Abu Dawud, al Judge of the Ḥadīth narrated by companion Ali RA: from child to wet dream.

The rules of adult as agreed by some scholars are as follows, for girls:

- a) Completing the age of fifteen.
- b) Out menstrual blood
- c) Wet dream

While for boys the sign of mature is:

- a) Completing the age of fifteen.
- b) Has been a wet dream.<sup>13</sup>

What is the limit of mature when he has dream for men and menstruation for women. Establishment of the child is immature and independent. Because, usually boys have wet dreams when aged about 13 years or women's menstrual about 15 years (some even before that). At that age, orphans actually need more attention and handling. He is still in the process of seeking identity. Especially at

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<sup>13</sup> Syekh Salim Ibnu Samir al-Hadhrami, *Ilmu Fiqh (Safinatunnaja)*, translated by. Moch. Anwar, Sinar Baru Algnindo, Bandung, 2014, p. 9.

this age is prone to be affected by the outside world if not get enough education from the family.<sup>14</sup>

What would happen if the suggestion of wiping the orphaned against a teenager aged 17 years or even 25 years, not a sense of mercy that arises, but other flavors that are biological. What *baligh* means here is when he has grown and independent. In general, adults are depicted with all the organisms that have matured. Maturity can be interpreted from aspects of biology, law, personal character, or social status. Some aspects of this maturity are often inconsistent and even contradictory. A person may be said to be mature because of the biological aspect and has an adult character, but still be treated like a child.<sup>15</sup>

According to KUH (Book of Law) article 330, a person is said to be immature if not yet 21 years old and married. If there are married couples but not yet up to age 21, they are said to have grown up. Because marriage will bring them into adulthood. Here are three forms of maturity that are often expressed by experts:<sup>16</sup>

1) Adult physical (biological)

Maturity is characterized by the maturation of primary and secondary reproductive organs in both men and women.

2) Adult intellectual

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<sup>14</sup> M. Khalilurrahman Al-Mahfani, *Dahsyatnya Doa Anak Yatim*, PT Wahyu Media, Jakarta Selatan, 2009, p. 5.

<sup>15</sup> Nurul Chomaria, *op. cit.*, p. 47.

<sup>16</sup> *Ibid*, p. 7.

Conditions in which a person reaches maturity of thinking. In this condition, sometimes children seem more mature than his age. He talked high like a parent, even he was able to think creatively, imaginatively, and structured. This condition is said to be intellectually mature.

### 3) Emotional adult

Emotional or mental maturity is characterized by one's emotional maturity. This can be viewed from the attitude, speech, and when faced with problems. It is these positive attitudes that distinguish someone as an adult or not.

Indeed, a person is called an adult when his intellect and emotions mature and all with physical development. So there is no phrase, "it's big still really like a child". Or vice versa. While Allah (SWT) and his apostles consider man to be a god if he has "*rushd*" (wise, righteous, and intelligent).<sup>17</sup>

Such is the limitation of one's faith, when he can manage his own assets and when he should be free from the dependents of others when they are adults and independent. The duty of Muslims is to deliver orphans to the stage of maturity.

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<sup>17</sup> M. Khalilurrahman Al-Mahfani, *op. cit.*, p. 6.

### C. The Position of Orphans Before Islam

As has been known that in the days before the arrival of Islam, Arab society has morally depraved, often performing immoral acts and others. This is evidenced by many baby girls buried alive, because it is considered a family matter. Similarly, slaves and orphans. They get cruel treatment not even get the rights as they should. In the days of ignorance the orphans were considered weak so that he became the subject of injustice related to their property.<sup>18</sup>

Moreover, the inhabitants of that time were immersed in the darkness of a wild tradition, from war, robbery, strong eating of the weak, where the weak became a delicious meal for those who were strong so that the weak live under the pressure always provided by the powers that are above them. The wild territory, having no other occupation than war, seizing, and sophisticated wars dragged down by hubris of the tribe with the aim that they could live in luxury with the spoils of war they get. So you can imagine what about orphans? Which is in the first order of the weak and neglected group.<sup>19</sup>

People who choose a bitter path in the competition between tribes. Thus, each tribe prepared a poet who could magnify and exalt the tribe, describe the wars he had passed, and waddle them to encourage their children to grow up in the shade of the poems and cultivate a desire for revenge within them. In this complex and

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<sup>18</sup> Asghar Ali, *Pembebasan Perempuan*, Lkis, Yogyakarta, 2007, p. 51.

<sup>19</sup> Butsainah As-Sayyid Al-Iraqi, *Berkah Mengasuh Anak Yatim*, translated by Firdaus Sanusi, Kiswah, Solo, 2013, p. 60.

troubled condition, an orphan can only lament his fate and accept the injustice of the guardians and powerful men who oppress him, without giving him any help in defending his rights and protecting all his affairs.<sup>20</sup>

And the ignorant people do not give any inheritance to the women and children who are still small. They only give inheritance to grown men. As the saying of the Prophet SAW narrated from Ibn Abbas ra. That, "It is said that the ignorant people do not want to give the inheritance to the girls and boys who are still small to reach adulthood. One day there was an Ansar man named Aus Ibn Thabit died, and he left two daughters and a small boy. Then came two of his uncle's sons, then they took all his inheritance. So his wife said to them both: "Marry my two daughters, and both still have bloodspring with you. But they rejected the offer, So the Aus wife came to the Messenger of Allah and gave information about it. Then Rasulullah SAW sent messengers to two of his uncle's children, saying: "do not take the inheritance though only a small part. For I have received the news that both men and women will share."<sup>21</sup>

When viewed in terms of maintenance of property, Muslims are always governed to keep the orphan property well, but unlike what happened in the time of ignorance, many of the guardians who

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<sup>20</sup> *Ibid*, p. 55.

<sup>21</sup> Syaikh Muhammad Ali Ash Shabuni, *Rawai'ul Bayan Tafsir Ayat-ayat Hukum Jilid II*, translation by. Moh. Zuhri dan M. Qodirun Nur, CV. As Syifa', Semarang, 1993, p. 227

take the orphan's property for free. Do not even hesitate to exchange it from good quality with his own poor quality while saying that both goods are the same type.<sup>22</sup> This has become a bad habit in Arab society that needs to be straightened out.

There is a history that says that for the sake of having the orphan's property, then willing to marry him for the treasure fell into his hands. It is narrated from 'Aishah ra, that there is a man who is taking care of orphans and he married her, whereas the girl has a good name. But the man restrained him and did not get the rights over him, even the orphaned girl did not get the dowry, as people do in general. It is true that giving dowry or dowry is not included in the pillars of marriage, but it is the right of every woman to be married.

Giving dowry is a sign of affection and a proof of a bond between a man and a woman to build a household. So here it is clear he did not get justice where in the time of ignorance married without giving dowry. Again and again the oppressed orphans of their rights. Such is the portrait of Arab society before the coming of Islam. In addition, in the days of ignorance, if a person dies then the child and his wife will be neglected because all his heritage is controlled by the corpses family.<sup>23</sup>

It is very rare for parents who die by leaving a lot of wealth for their children. Most people are not yet in the prosperous stage of

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<sup>22</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, vol. 2, Lentera Hati, Jakarta, 2002, p. 337.

<sup>23</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, *op. cit*, p. 64.

their economic life. They fulfill their basic needs are still minimal. So that if they die there is no relic and eventually the family becomes poor people.

When Islam comes with its teachings, little by little there is a change from the tradition of ignorance era that at that time did not appreciate orphans. In *al-Marāghī* it is explained that all testaments relating to orphans, have invited the attention of the entire society of the Muslims at that time. They become confused and feel guilty when caring for orphans and use their wealth, because they feel fearful when the tyranny of the orphans in their care has been applied.

Finally, the Companions felt guilty when they remained mingled with orphans, some even separating the orphans from their families. They do not want to meddle in orphan affairs. For example, if they cook, just enough for themselves. Until finally they realize that such an attitude does not bring *maṣlahāt* to orphans, even invite *mafsadah* (damage) is greater for them, especially in terms of education and dissemination of assets of orphans and other things that lead to the destruction of the future they.

In addition, the attitude of such caregivers is an act of humiliation and humiliation of orphans. Thus they have been confronted with a problem that must be solved by bringing the

benefit of orphans into living in their homes with a sense of pride as a member of their family.<sup>24</sup>

## **D. Suggestions for Orphans Care**

### **1. The rights of orphans**

An orphan who lost his father, must have felt a very sad feeling for losing the figure that gave him joy. Losing a father does not mean the father has died, but also includes a father who ignores his children. So many children are 'lost' his father. How lonely the feelings of the child, and how his feelings toward his friends when his friend's fathers were so warmly accompanying his son, unlike him. Orphaned children who are kept by one of the families, or who live in the orphanage have rights that must be fulfilled by the Muslims around him. These rights include:

#### **a. Getting good treatment**

In the teachings of Islam, orphans get special attention about the life of care, coaching, and nurturing has been regulated in the Qur'an. Among them, affection for him, the problem of his parents' relics if any. Maintenance and guidance of orphans is not limited to mere physical matters, such as food, drink and clothing. Coaching should also pay attention to his psychic problems, such as giving attention, affection, gentle treatment, moral guidance, and so forth.

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<sup>24</sup> Ahmad Musthafa al-Marāghī, *Tafsir al-Marāghī*, Juz II, Darul Fikr, Beirut, t.th., p. 276

b. Fulfill basic needs

From Muhammad ibn Wasi 'al-Azdiy that Abu ad-Darda' ra once wrote to Salman al-Farisiy ra, "O my brother approached the orphan, wipe his head and feed him from your food, for indeed I have heard Rasulullah SAW said when someone complained to him of his hardness of heart. Then he said,

أَذِنَ الْيَتِيمَ وَ امْسَحَ رَأْسَهُ وَ أَطْعَمَهُ مِنْ طَعَامِكَ يَلِنَ قَلْبُكَ  
وَ تُقَدَّرَ عَلَى حَاجَتِكَ

"The Approach to the orphans, caress his head and let it eat from your heart will undoubtedly eat soft and fulfilled all your necessary". (HR. Muslim)<sup>25</sup>

The duty of the guardian or guardian is to provide for the orphaned child to meet their needs. What is spent by a *waṣi* (people who give inheritance) or guardian of orphan's estate has two conditions:<sup>26</sup>

*First*, it can be witnessed, so that his speech is unacceptable (in court) except in the presence of evidence.

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<sup>25</sup> Imam as-Suyuthi, *Mukhtashor Shahih al-Jami' ash Shaghir: 250*, Alfian Lin Nasyr wal Intāj Al-Fanni, Kairo, 2008, p. 22.

<sup>26</sup> Syaikh Imam al-Qurthubi, *Tafsir al-Qurthubi*, translation by Fathurrahman, Pustaka Azzam, Jakarta, 2012, p. 137.

*Second*, it cannot be witnessed, so that his remarks are unacceptable (in court) except in the presence of evidence. If so, the home and whatever he buys (with orphan property) using the document, then his remarks are unacceptable except in the presence of evidence.

The basic need that must be fulfilled to orphans is to feed. The Qur'an affirms it in Letter al-Balād verses 14-15

أَوْ إِطْعَامٌ فِي يَوْمٍ ذِي مَسْغَبَةٍ (14) يَتِيمًا ذَا مَقْرَبَةٍ (15)

“Or the giving of food in a day of privation. To the orphan with claims of relationship,”<sup>27</sup>

In the verse it is affirmed, it is obligatory for a person to feed orphans, especially those with relatives. Emphasized relatives so that people feel that nurturing and caring for orphans is an obligation. Because being orphaned is something unexpected.<sup>28</sup>

c. Fix or provide shelter

Residence is a place to take shelter from the heat of the sun, the cold of rain, and the protection of self-esteem, and the property of the orphan's family. Orphans after being abandoned by one or both parents may experience extreme

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<sup>27</sup> Abdullah Yusuf Ali, *The Holy Qur'an (Text, Translation and Commentary)*, Goodword Book, Lahore, 1934, p. 318.

<sup>28</sup> Hamka, *Tafsir al-Azhar*, vol. 9, Gema Insani, Jakarta, 2015, p. 586.

shortcomings so that they are less able to meet basic needs and have shelter.

Their residence looks unkempt, broken here and there or they do not have it. Muslims who know this must improve or provide shelter so that the orphans feel comfortable and secure. There is no need to build it in a fancy way and model, but they can be sheltered and protected if they live there.

If they do not have a place to live, the best thing is to invite them to live with Muslim families or to send them to institutions that provide care facilities, and care and provide a decent place to live for them.

Narrated, when the prophet Moses studied on the prophet Khidhir, suddenly prophet Khidhir correct the wall of the house that almost collapsed. In a condition full of questions, the prophet Moses also said, "If you will undoubtedly take a reward for it." Prophet Khidhir did not answer Moses' question.

The time came when the prophet Khidhir explained everything he had done without giving Moses the opportunity to question him. Explained that the wall of the house is almost collapsed belongs to two orphans and under it there are treasures for both of them.

Prophet Khidhir not necessarily know the condition of the orphan family and then fix the wall of the house. The knowledge and command to fix the wall of the house that almost collapsed came from Allah SWT ("... And I do not do it according to my own will ...") (Al-Kahfi: 82)<sup>29</sup>

d. Provide a proper education

One of the systems and ways of improving the quality of human life in all aspects of life is through education. This is because education as a conscious vehicle needed to prepare human children to support their role in the future, both as individuals and as social. Because in its development, humans almost no one does not use education as a tool of empowerment and improvement of quality, even in a society that is still underdeveloped.<sup>30</sup>

Sahal Mahfudh asserted that education is basically a conscious effort that shapes systematic, planned, and directed behavior and behavior through the guidance and development of potential in order to instill knowledge and morals in children or learners, so that students have an

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<sup>29</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, *op. cit.*, p. 61.

<sup>30</sup> Hujair AH. Sanaky, *Paradigma Pendidikan Islam: Membangun Masyarakat Madani Indonesia*, UII Safiria Insani Press, Yogyakarta, 2003, p. 4.

independent person during his adulthood and able to take responsibility and act as himself in the future.<sup>31</sup>

Orphans, if they do not get a compassionate, loving compassionate heart, and do not have close relatives that can be relied upon to keep them well and take care of and guarantee them, educate and guide them and help cover up their hunger, the orphans will fall into the valley of irregularities and criminality. In fact it will eventually become the burden of society and the spread of destruction among the next generation.<sup>32</sup>

Providing orphan education is not equated with providing education in accordance with ordinary children. Those who do not have parents always tend to be aggressive and not easily controlled. They tend to sense as a form of anxiety due to loss of backing and moral (psychological) support from parents. Therefore, they should not be treated badly and harshly.<sup>33</sup>

Orphan education is done gradually to know the level of maturity. In *Tafsīr al-Marāghī* is described testing orphans

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<sup>31</sup> KH. MA. Sahal Mahfudh, *Nuansa Fiqh Sosial*, Lkis, Yogyakarta, 1994, p. 257.

<sup>32</sup> Abdullah Nasih Ulwan, *Pendidikan Anak Menurut Islam Pemeliharaan Kesehatan Jiwa Anak*, Remaja Rosda Karya, Bandung, 1996, p. 131.

<sup>33</sup> Najiullah, *Progam Pendidikan Terurai Untuk Pembinaan Aitam*, Dewan Dakwah Islamiyah Indonesia, Jakarta, 1994, p. 3.

by giving little wealth to use or spend alone. If he has been able to use it well, then he has entered his maturity. Because the meaning of adulthood here is if he has understood well how to use the treasure and spend it a sign that he is sensible and think well.<sup>34</sup>

Orphans with all their limitations require certain educational patterns to be self-sufficient. First, they need a substitute figure to recognize attitudes and roles according to his nature to maturity in the future. The fundamental obligation of this substitute is the fulfillment of their affection. With affection, they will feel safe and comfortable. This condition is needed for the basis of the development of a sense of trust towards others.<sup>35</sup>

The educational principles that need to be applied in educating children,<sup>36</sup> among others:

- 1) Inculcate the spirit of trust within the child, good faith for himself and others.
- 2) Spreading the spirit of love and empathy between the child and all members of the house, between him and others, especially the scientist, the pious, and the jihadist.

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<sup>34</sup> Ahmad Musthofa al Maraghi, *Tafsir al Maraghi*, Juz IV, Dar Al Fikr, Beirut, t.th., p. 338.

<sup>35</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, op. cit., p. 78.

<sup>36</sup> Mahmud Muhammad Al-Jauhari and Muhammad Abdul Hakim Khayyal, *Membangun Keluarga Qur'ani*, translated by Kamran As'ad Irsyadi dan Mufliha Wijayati, Amzah, Jakarta, 2013, p. 234.

- 3) Awakening awareness and feelings within the child and sourced from religion, not just the rules imposed on them.
  - 4) Instill moral character in children so that it becomes permanent and bad habits can be released.
- e. Wake up her heritage treasure

In the days of ignorance, if someone dies then the child and his wife will be neglected. Because all the treasures will be mastered by the brother of the corpse. Therefore, Islam guarantees the preservation of inheritance so that it actually falls into the right hands. The child who has abandoned his parents was more secure survival and education.

There are several stages of guarding that must be done guardian while waiting for the merit and ability of the child to manage the relics of the property independently. The verses that call for the guarding of this orphan's treasures include: Al-Isrā' verse 34, An-Nisā verses 2 and 6, and Al-An'ām verse 152).

From these verses, there are two categories of guardians who can manage the treasure of relics in different ways, namely:

1) A capable guardian

If the guardian of the orphan is able, it is obligatory for him to keep all the treasures of his parents without taking anything for himself and his family. All of these treasures shall only be used for orphans' purposes, such as the cost of basic daily necessities, health, education, etc., which is for the benefit of orphans who are entitled to receive the property of their parents.

If the guardian is able to provide the daily operational costs for the orphans it is better. The guardian's job just keeps his property intact. The property should not be exchanged for the worse, or deducted for the personal benefit of the guardian. If the child has mature and adult so as to manage his property, the guardian must submit all his property.

2) Poor guardian

If the guardian of the orphan is poor, it is permissible to take or use the orphan's property properly (not excessively and exceed the limit). Utilization of treasures deservedly this can be said just a substitute for the energy he used to maintain the orphan's property.

One time, a friend asked the Messenger of Allah, "Ya Rasulallah, I am a poor man, I take care of orphans and his property, may I eat from the child's property?"

Prophet replied, "Eat from orphan's treasures just plain, overage, do not waste, do not your property mixed with the orphan's property." (HR. Abu Daud)<sup>37</sup>

- f. Gain inheritance from the parents and the legacy of others

## 2. Obligations to Orphans

From Abu Hurairah ra. said, has said Muhammad SAW,

«كَافِلُ الْيَتِيمِ لَهُ أَوْ لِغَيْرِهِ . أَنَا وَهُوَ كَهَاتَيْنِ فِي الْجَنَّةِ » وَأَشَارَ

الرَّوَايِ وَهُوَ مَالِكُ بْنُ أَنَسٍ بِالسَّبَّابَةِ وَالْوَسْطَى . رَوَاهُ مُسْلِمٌ

"The keeper of the orphan, whether from his relatives or anyone else, me and him (his position) like these two fingers in heaven." And the narrator, Malik bin Anas with his index finger and middle finger." (HR Muslim)<sup>38</sup>

Asy-Shaykh Salim bin Ied al-Hilaliy hafizhohullah said, "The meaning (لَهُ أَوْ لِغَيْرِهِ) is his relative or *ajnabi* (foreigners). Whereas (who include) relatives here, is the mother of the orphan, his grandfather, his brother or parties other than those who have kinship with him.

<sup>37</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, op. cit., p. 68-69.

<sup>38</sup> Imam an-Nawawi, *Riyādhūs Shālihīn*, *Hadith no. 263*, Dār Ibnu Katsir, Beirut, 2007, p. 107.

From the above hadith, if there is a Muslim who endures and guarantees the life of the orphan from feeding, clothing, education and otherwise he will be in heaven and live side by side with the Prophet (s) in it. He raised his hand and raised his fingers and gestured with his index finger and center and separated the two.

From Sahl bin Sa'd ra, the Prophet SAW said,

(أنا وكافل اليتيم في الجنة هكذا)، وأشار بالسبابة والوسطى،  
وفرج بينهما شيئاً؛ رواه البخاري

"I and the keeper of orphans in heaven later, this position as (two fingers) is". And he gestures with his index finger and middle finger and separates the two ". (HR. Bukhāri)<sup>39</sup>

Asy-Shaykh Salim bin Ied al-Hilaliy hafizhohullah said, "There is encouragement in caring for orphans and keeping their property. That will lead to enter into heaven and accompany the Prophets, the *ṣiddīqīn*, the martyrs and the *ṣālihīn*. And they are the best friends (who accompany)".

From the description above, there are several obligations that need to be considered in maintaining orphans, namely:

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<sup>39</sup> Imam an-Nawawi, *loc. cit.*

- a. Do good to orphans
- b. Honoring orphans
- c. Take care of them appropriately
- d. Associating with them as brothers.<sup>40</sup>

### 3. Prohibition against orphans

- a. Acted arbitrarily

It is a must that human beings as social beings must be shoulder to shoulder, help-help and keep each other's words and actions against other human beings. Moreover, arbitrary and tyrannical apply to orphans. Orphanhood makes a child weak, having to live a life with the loss of one of the roles of the parents upbringing. The loss of the foundation of complete parental protection makes an orphan easy to get violent, degraded, deceived, and so on.

The treatment of caregivers or guardians of orphans should be the same as their treatment of their children. There should be no violence against orphans, as they are also part of the nanny's household. The scope of households is people who have family relationships with (husband, wife and children) because of blood relations, marriage, dairy, caring, and guardianship, who settled in the household. In Act

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<sup>40</sup> Muhsin M.K, *Mari Mencintai Anak Yatim*, Gema Insani Press, Jakarta, 2003, p. 26.

Number 23 of 2004, it stipulates in Article 5 that "Everyone is prohibited from domestic violence against persons within the scope of their household, by:

1. Physical violence
2. Psychic violence
3. Sexual violence, or
4. neglect of household.<sup>41</sup>

In the Qur'an it is clear that Allah forbade it in sura ad-Dluhā verse 9:

فَأَمَّا الْيَتِيمَ فَلَا تَقْهَرْ (9)

“Therefore, treat not the orphan with harshness”<sup>42</sup>

What is meant by arbitrary attitude is not to give good service to orphans, not to be friendly to them, and to do violence to them.

According to Sayyid Qutb, that Allah gives direction to the Prophet Muhammad and the Muslims to protect all orphans and social to the beggars. And forbidden to act arbitrarily against him, is also forbidden to hurt, and insult

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<sup>41</sup> Constitution No. 23 of 2004 about PKDRT

<sup>42</sup> Abdullah Yusuf Ali, *op. cit.*, p. 319.

him. God hates all forms of transgression against the rights of his weak servant who has no weapons to protect his rights.<sup>43</sup>

b. Scold the orphans

Prohibition to rebuke orphans is clearly stated in al-Qur'an letter al-Mā'ūn verses 1-2:

أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالذِّينِ (1) فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ (2)

Seest thou one who denies the Judgment (to come). Then such is the [man] who repulses the orphan (with harshness). (al-Ma'un: 1-2)<sup>44</sup>

The meaning of rebuking an orphan is to obstruct him vigorously from getting his rights. The word rebuke itself is a word that contains all the meanings associated with distancing, ignoring, rough, hard, and all other forms of injustice experienced by orphans.<sup>45</sup>

According to Muhammad Abduh that "*yadu'u al-yatīm*", rebuked the orphan to evict an orphan or loudly uttered when he came to him to ask for something that was needed merely because he underestimated his weak condition and the absence of a parent who could defend it and fulfill his needs. It is also driven by pride because it considers itself

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<sup>43</sup> Sayyid Quthb, *Tafsir fi dzilalil Qur'an*, Translated by As'ad, Gema Insani, Jakarta, 2004, p. 98.

<sup>44</sup> Abdullah Yusuf Ali, *op. cit.*, p. 324.

<sup>45</sup> Butsainah As-Sayyid Al-Iraqi, *Berkah Mengasuh Anak Yatim*, translation by Firdaus Sanusi, Kiswah, Solo, 2013, p. 69.

stronger and nobler. Meanwhile, according to the custom, the condition of an orphan is a description of the weakness and the need for help. So whoever insults him, he has insulted every weak human being, and weakened everyone who needs help.<sup>46</sup>

According to the commentators, the word scolded is interpreted by being arbitrary and not giving its rights. This verse goes down with regard to the Sufyan ashes which each week slaughters a camel. Then came the orphans asking for the meat. Abu Sufyan also struck the orphan with his wand. "Therefore, the person who *"yadu'ul yatīm"* (rebukes the orphan) is called a belie of religion and the day of vengeance. He does not believe in the day of vengeance and considers that his help to the orphans will not bring anything in the world. This attitude is a form of denial or deception of religion.<sup>47</sup>

c. Approaching their property

The Qur'an has explained in Chapter al-Isrā' verse 34, "Thou shalt not approach the orphan's treasures" but in this verse it is affirmed, "Except in the best possible way". The Qur'an does not explain in detail how the good treatment

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<sup>46</sup> Syaikh Muhammad Abduh, *Tafsir Al-Qur'an Al-Karim*, translation by Muhammad Bagir, Mizan, Bandung, 1998, p. 330-331.

<sup>47</sup> M. Khalilurrahman Al-Mahfani, *Dahsyatnya Doa Anak Yatim*, Jakarta Selatan, PT Wahyumedia, 2009, p. 16

of this verse. Hamka explains in his commentary that if the orphan caretaker is poor, for example, the time is spent to care for the orphan, he may use it or run the treasure in order to live, so as not to freeze.

Hamka continued, for example, the state of paper money today if only kept since World War II for example, the value of paper money is not fixed, allowing for an increase. So it is best for the guardian to run, commissioned, spoken, premises controlled by faith. So that until the adult orphan is able to stand on their own, already know how to distribute the wealth, already know the meaning of profit and loss, so it is not wasted.<sup>48</sup>

d. Mix up their property with personal property

For the guardian who gets the right to care for the orphan, when he receives the trust of his parent's estate, it is unlawful for the guardian to confuse the orphan's property with his property. Allah SWT emphasizes in Letter An-Nisā verse 2:

وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ

"... and devour not their substance (by mixing it up) with your won."<sup>49</sup>

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<sup>48</sup> Hamka, *Tafsir al-Azhar*, vol. 5, Gema Insani, Jakarta, 2015, p. 286.

<sup>49</sup> Abdullah Yusuf Ali, *op. cit.*, p.

The two different property rights should be separated. It is better to receive the trust of the property, there is a record of the amount, type, and value of the property. More importantly again if when the process of handover and recording involves several witnesses to avoid misunderstanding.

e. Exchanging their property

With regard to the management of orphan property, the exchange of goods or property with personal property is strictly prohibited. Many occur where close relatives target the treasure of the corpse. By reason of wanting to be the guardian of orphan. And after having received the trust to manage the orphan's property, the guardian exchanged the property with poor quality, such as land located on the edge of the highway, exchanged for the land in the village. Likewise, 24 carat gold reel is exchanged for 18 grams of gold, although the number of grams is the same. This is mentioned clearly in the Qur'an:

وَلَا تَبَدَّلُوا الْحَيِّثَ بِالطَّيِّبِ

"... nor substitute (your) worthless things for (their) good ones ..." <sup>50</sup> (QS. An-Nisā verse 2)

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<sup>50</sup> Abdullah Yusuf Ali, *Loc. Cit.*

## f. Eat their treasure

Among doing good to orphans is by not eating their possessions. Their possessions usually come from their father's inheritance or their fathers and mothers who have died while they are his heirs. As long as the children are not yet reached the age of adult, immature and have not been able to make good use of their possessions then one can manage and manage their property in a *ma'rūf* (good) way. However, he must keep his treasures not mixed with the orphanage's assets. He should not eat any of their property unless there is a *udhur shar'i* that allows them to take and utilize their property by not committing persecution.

But it may also be that the orphan's wealth was obtained from donors who were handed over to an orphan foundation to manage it. This also holds a ban on the foundation's managers to eat and possess their possessions arbitrarily. Namely the owner of the foundation lives on the property of the donors while the orphans remain alive in need. So he should not exploit orphans for his own benefit.

وَءَاتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ وَلَا

تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا

“To orphans restore their property [When they reach their age], nor substitute [your] worthless things for [their] good ones; and devour not their substance [by mixing it up] with your won. For this is indeed a great sin.”<sup>51</sup> (QS An-Nisā’/ 4: 2)

- g. In a hurry to spend their possessions

Allah says in the letter of An-Nisā verse 6, "... *And (do not you) hurry (spend it) before they grow up ...*"

Allah forbids the saints to allow the imperfect people to spend their treasures made by God as the support of life and human life. God commands them to spend their wealth in order to meet their needs such as clothing, food, and so on.

- h. Submit their possessions before adulthood

In the use of property, especially in relation to a contract, a child who has not been *baligh* is not allowed to allocate or hold his own property. Rather must the person who became his guardian like his parents, relatives, or people who are given the mandate to take care of it. It is described by Allah in the Qur'an an Surah An-Nisā verse 2:

وَأَتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَيْرَ بِالْطَّيِّبِ وَلَا تَأْكُلُوا

أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا

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<sup>51</sup> *Ibid*, p. 34.

“To orphans restore their property [When they reach their age], nor substitute [your] worthless things for [their] good ones; and devour not their substance [by mixing it up] with your won. For this is indeed a great sin.”<sup>52</sup>

The word *ḥūb* is a *masdar* form of the verb *ḥāba-yahūbu* which means sinful. Thus, the word *ḥūb* can be interpreted as sin, need, humiliation and weakness. The word *ḥūb* can mean "dispel the camel". Sin is said to be *ḥūb* because he must be driven away and kept away. In relation to this verse, *ḥūb* is linked with the act of eating the orphan's property in no way or the legitimate cause or replacing the treasure with low quality.<sup>53</sup>

The word *tatadabbalū* which means to swap by taking the bad orphan's treasure, which is haram and take good for your treasure. Sufyan ays-tauri says from Abu Salih: "do not be hasty with ill-gotten fortune before coming to you the lawful sustenance destined for you". Said bin Jubair said: "Do not you trade in other people's illegal possessions with halal from your possessions". While Sa'id bin al-Musayyab and Az-Zuhri said: "Do not give something thin and take something fat. There are also those who understand it in the

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<sup>52</sup> *Ibid*, p. 34.

<sup>53</sup> Departemen Agama RI, *Al-Qur'an dan Tafsirnya: Edisi yang Disempurnakan*, Lentera Abadi, Jakarta, 2010, p. 112.

sense of making, because swapping is making something in the place of something else.<sup>54</sup>

According to Sayyid Qutb, leave their treasures under your control and do not give bad treasures in exchange for good, as ye take their land or their garden and ye exchange with your barren land. Similarly, livestock, stocks, money or any kind of possessions. Do not eat their treasures by collecting them with your treasures. Because such a sin is great.<sup>55</sup>

This verse is addressed to the recipients of the mandate to keep the orphan and his property. Orphans are every child whose father has died, and is still small (not yet reached adulthood). People who are entrusted with the mandate to keep orphans should keep the treasure in a good way. It should not confuse the orphan's property with his own property, so it cannot be distinguished which of the orphan's property and where is his own property. Nor does he justify eating the treasure when he is able.<sup>56</sup>

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<sup>54</sup> Abdullah bin Muhammad bin Abdurrahman bin Ishaq Al-Sheikh, *Tafsir Ibnu Katsir*, translation by M. Abdul Ghoffar, Jilid. 2, Pustaka Imam asy-Syafi'i, Bogor, 2003, p. 125.

<sup>55</sup> Sayyid Qutb, *Tafsir fi Dzilalil Qur'an*, translated by As'ad Yasin, Abdul Aziz Salim Basyarahil and Muchotob Hamzah, Gema Insani, Jakarta, 2000, p. 276.

<sup>56</sup> Departemen Agama RI, *op. cit.*, p. 113.

And before the property is handed over to orphans, if they have adult and are able to use the property then test it first. Whether they can really nurture and use his wealth to good use, as understood by the two Syafi'i and Hanafi Madzhab While requires guardians to hand over property in adulthood with the condition smart, capable, and 25 years old although in a state not smart.<sup>57</sup>

And when the guardian will hand over the orphan's estate to him, the Qur'an strictly prohibits the guardian from committing frauds, such as exchanging high-quality orphaned orphaned treasures, or confusing his property with your treasure, so as not to show where the orphan's wealth with caretaker / guardian's treasure..

The two treasures must be separated, it is better to receive the mandate to keep and keep the orphan's property, there is a record of the amount, type, and value of the property. More importantly again if the handover of trust and recording presents witnesses, to avoid misunderstandings.

But the jurists did not stipulate the obligation of the guardian to present the witness because this law is only temporary in order to be alert and cautious by presenting the witness during the process of surrendering the property in order to avoid the accusations that occur in the future if the

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<sup>57</sup> *Ibid*, p. 119.

orphan denies that his or her property has been handed over to him or if the orphan claims that there are deficiencies or alterations and other allegations.<sup>58</sup>

i. Broken promise

Human life in the world, always bound by promises. Therefore, it is not easy to make an appointment if the promise will not be fulfilled. A person who wants to take care of an orphan, he must be able to fulfill whatever obligations the orphan needs. That is the care of the caregivers to the orphaned child. Allah warns in al-Imran verse 112, that wherever we are, it will be miserable that will happen to us if we do not hold two ropes. First rope from God, both ropes from fellow human beings. The rope with the human fellow is a promise.<sup>59</sup>

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<sup>58</sup> Butsainah As-Sayyid Al-Iraqi, *op. cit.*, p. 141.

<sup>59</sup> Hamka, *op. cit.*, p. 286.

## CHAPTER III

### CHARACTERISTICS OF ORPHANS IN THE QUR'AN

#### A. The Interpretation of the Word Orphan in the Qur'an

The word orphans has three basic Word form. First, *yatama* – *yaitimu* – *yutman* (يَتَمُّ – يَتِيمٌ – يُتَمُّ). Second, *yatima* – *yaitamu* – *yutman* – *yatman* (يَتَمُّ – يَتِيمٌ – يُتَمُّ – يُتَمَّا). Third, *yatuma* – *yaitumu* – *yutman* – *yatman* (يَتَمُّ – يَتِيمٌ – يُتَمُّ – يُتَمَّا). The meaning of etymology is a 'something unique', 'there are no similarities'. In terminology, the word means minors who lost his father, who is responsible for the financing and education. The dual form, *tatsniyah* (تَنْسِيَةٌ) from a single word orphans is *yatīmāni/yatīmaini* (يَتِيمَانِ – يَتِيمَيْنِ). Plural, many forms, namely *aitām*, *yatāmā*, *yatmah*, *maitamah*, and *yatāim* (أَيْتَامٌ – يَتَامَى – يَتِيمَةٌ). The singular, two plural, nor is it found in the Qur'an, but the plural form used in the Qur'an is simply *yatāmā*.<sup>1</sup>

Orphaned words, not just used for a child who lost his father. Orphaned word used for people who don't have the knowledge. It is based on the Hadith of Prophet Muhammad which means: "the orphan is not the man who has no father and mother, but the orphans it is people that have no science" (HR. Ibn Majah). People who are not knowledgeable and had called the orphan, seen in terms of

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<sup>1</sup> M. Quraish Shihab, *Ensiklopedia Al-Qur'an: Kajian Kosakata*, Lentera Hati, Jakarta, 2007, p. 1106.

difficulty and distress caused by his stupidity. Science becomes a helper human life, as a father to his son.<sup>2</sup>

Imam Shaykh al-Qurthubi explains, lafazh *الْيَتَامَى* also in-*athaf* to lafazh *al-walidaini*. Lafazh *الْيَتَامَى* is the plural of the word *yatīm*, such as *nadaamaa* which is the plural of the word *nadīm*. A human being will become orphans because of the loss of his father, while an animal being orphaned due to the loss of its mother. But Al-Mawardi States that any orphaned words used to refer to a man who lost his mother. But the first was more *ma'ruf*.

The origin of the meaning of *yatīm* is *al-infirād* (separate/alone). It says, "*Ṣabiyun yatīmun*," namely children separated from her father; "*Baitun yatīmun*", its mean, homes that do not have any ornaments, both before and after it; and "*Durrah yatīmun*," its mean, that there is no unique gems.

According to one opinion, origin meaning *yatīm* is *al-ibtha'* (slow), but later the word is used to refer to orphans, for the good of plodding approached him. It says, "*Yatuma yatum yutman*," such as "*Azhuma ya'zhumu*" and "*yaytam yutman yataman wa yatima*," like "*Sami'a yasma'u*." In this case, Al-Farra' else mentions two forms *i'rab* (*yatuma yaytam yatima and yaytam*), and *aytama-qad hullah* (Allah make it orphaned). This is indicated by compassion toward

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<sup>2</sup> Dahlan Abdul Aziz, *Ensiklopedi Hukum Islam*, PT. Ichtiar Baru Van Hoeve, Jakarta, 1997, p. 1962.

orphans, the suggestion to guarantee them, and maintaining their property.<sup>3</sup>

According to Quraish Shihab, there is no single verse in the Qur'an that describes the orphan with a picture of privilege and uniqueness, so on this basis he is convinced that what is meant by the word in the letter ad-Dluhā verse 6 is the state of Prophet Muhammad SAW which his father had left behind since he was still in his mother's womb.<sup>4</sup>

According to Didin Hafidhudin, based on the letter An-Nisā verse 2 of Islamic teachings place the guidance and protection of orphans as the responsibility of the Muslims, especially those who still have a kinship with the orphan. The act of sponsoring the orphans will form a gentle soul, filled with love and willingness to sacrifice for others.<sup>5</sup>

As has been pointed out above that the verses of the Qur'an that talk about orphans as much as 22 verses, either in the letter *Makiyah* and *Madaniyah*. In the Mecca period or better known as Makiyah's letter, the attention of the Qur'an to the orphans is more focused on the self or the individual's own orphans problem. Where

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<sup>3</sup> Syaikh Imam Al-Qurthubi, *Tafsir Al-Qurthubi*, Pustaka Azzam, Jakarta, 2007, p. 33.

<sup>4</sup> M. Quraish Shihab, *Tafsir al-Qur'an al-Karim*, Pustaka Indah, Bandung, 1997, p. 497.

<sup>5</sup> K.H. Didin Hafidhudin, *Tafsir Al-Hijri; Surat An-Nisa'*, PT. Logos Wacana Ilmu, cet. I, 2001, p. 2.

in these verses the focus of the Qur'an talk is on the order of planting the tenderness and the growth of affection in the human soul to them.

While the verses of the Qur'an revealed in Medina or known by the Surah *Madaniyah*, give wider attention than the verses *Makiyah*, where the verses *Madaniyah* provide various solutions and answers to the problem around orphans and how to maintain themselves and his property.<sup>6</sup>

## B. Orphans Verse in the Qur'an

Muhammad Fuad Abdul Baqi in "*Al Mu'jam Mufahras Li Al Fadh Al-Qur'an Al Karim*" find orphaned words in the Qur'an as many as 23 times with details as follows:

1. The word *اليتيم* as much as 5 times in chapter al-An'ām (6) verse 152, chapter al-Isrā' (17) verse 34, chapter al-Fajr (89) verse 17, Sura ad-Dlūhā (93) verse 9 and Sura al-Mā'ūn (107) verse 2.
2. In the form of the word *يَتِيمًا* is mentioned as much as three times that found in surah al-Jnsān (76) verse 8, surah al-Balād (90) verse 15, and a letter ad-Dlūhā (93) verse 6.
3. In the form of the word *يَتِيمَتَيْنِ* is mentioned as much as it once only in surah al-Kahfi (18) verse 82.
4. Word *الْيَتَامَى* referred to as much as 13 times in surah Al-Baqārah (2) verse 83, 177, 215 and 220, surah An-Nisā' (4) verse 2, 3, 6,

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<sup>6</sup> Mustafā Ma'ruf, *Masyarakat Ideal*, Pustaka, Bandung, 1995, p. 298.

8, 10, 36, 127, and surah al-Anfāl (8) verse 41 as well as chapter al-Hashr (59) verse 7.<sup>7</sup>

As for the word orphans with derivation as mentioned in *Mu'jam al Mufahras li Alfadz al Quran al Karim* by Abd Al Baqi Muhammad works is as follows:<sup>8</sup>

Word	
اليتامى	
Al-Baqārah 83	<p>وَإِذْ أَخَذْنَا مِيثَاقَ بَنِي إِسْرَائِيلَ لَا تَعْبُدُونَ إِلَّا اللَّهَ وَالْوَالِدَيْنِ إِحْسَانًا وَذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَقُولُوا لِلنَّاسِ حُسْنًا وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ ثُمَّ تَوَلَّيْتُمْ إِلَّا قَلِيلًا مِّنْكُمْ وَأَنْتُمْ مُّعْرِضُونَ</p>
Al-Baqārah 177	<p>لَيْسَ الْبِرَّ أَنْ تُولُوا وَجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَآتَى الْمَالَ عَلَىٰ حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا</p>

<sup>7</sup> Muhammad Fuad Abdul Baqi, *Al Mu'jam Mufahras Li Al Fadh Al-Qur'an Al Karim*, Daral Ḥadīth, Kairo, 1981, p. 770.

<sup>8</sup> *Ibid*, p. 771.

	<p>وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ الْمُتَّقُونَ</p>
<p>Al-Baqārah 215</p>	<p>يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلَّهِ وَالَّذِينَ وَالْأَقْرَبِينَ وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ</p>
<p>Al-Baqārah 220</p>	<p>فِي الدُّنْيَا وَالْآخِرَةِ وَيَسْأَلُونَكَ عَنِ الْيَتَامَى قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَاطَبُواهُمْ فَاِخْوَانُكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللَّهُ لَأَعْتَبْتُمْ إِنْ اللَّهَ عَزِيزٌ حَكِيمٌ</p>
<p>An-Nisā 2</p>	<p>وَأْتُوا الْيَتَامَى أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَبِيثَ بِالطَّيِّبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَى أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا</p>
<p>An-Nisā 3</p>	<p>وَإِنْ حِفْظُهُمْ إِلَّا تَفْسِطُوا فِي الْيَتَامَى فَانكِحُوا مَا طَابَ لَكُمْ مِنْ النِّسَاءِ مَتًى وَثَلَاثَ وَرُبَاعَ فَإِنْ حِفْظُهُمْ إِلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا</p>

An-Nisā 6	<p>وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبُرُوا وَمَنْ كَانَ غَنِيًّا فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا</p>
An-Nisā 8	<p>وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا</p>
An-Nisā 10	<p>إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا وَسَيَصْلَوْنَ سَعِيرًا</p>
An-Nisā 36	<p>وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ مُخْتَلًا فَخُورًا</p>
An-Nisā 127	<p>وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُتْلَىٰ عَلَيْكُمْ فِي</p>

	<p>الْكِتَابِ فِي يَتَامَى النِّسَاءِ اللَّاتِي لَا تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَتَرْعَبُونَ أَنْ تَنْكِحُوهُنَّ وَالْمُسْتَضْعَفِينَ مِنَ الْوِلْدَانِ وَأَنْ تَقُومُوا لِلْيَتَامَى بِالْقِسْطِ وَمَا تَفَعَّلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا</p>
<p>Al-Anfāl 41</p>	<p>وَاعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَى عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّمَيِّ الْجُمُعَانَ وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ</p>
<p>Al-Hashr 7</p>	<p>مَا أَقَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ</p>
<p>اليتيم</p>	
<p>Al-An'ām 152</p>	<p>وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ .....</p>

Al-Isrā' 34	وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا
Al-Fajr 17	كَلَّا بَلْ لَا تُكْرِمُونَ الْيَتِيمَ
Ad-Dlulhā 9	فَأَمَّا الْيَتِيمَ فَلَا تَقْهَرْ
Al-Mā'ūn 2	فَذَلِكِ الَّذِي يَدْعُ الْيَتِيمَ
يتيمين	
Al-Kahfi 82	وَأَمَّا الْجِدَارُ فَكَانَ لِغُلَامَيْنِ يَتِيمَيْنِ فِي الْمَدِينَةِ وَكَانَ تَحْتَهُ كَنْزٌ لَهُمَا وَكَانَ أَبُوهُمَا صَالِحًا فَأَرَادَ رَبُّكَ أَنْ يَبْلُغَا أَشُدَّهُمَا وَيَسْتَخْرِجَا كَنْزَهُمَا رَحْمَةً مِنْ رَبِّكَ وَمَا فَعَلْتُهُ عَنْ أَمْرِي ذَلِكَ تَأْوِيلُ مَا لَمْ تَسْطِعْ عَلَيْهِ صَبْرًا
يتيمًا	
Al-Insān 8	وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا

Al-Balād 15	يَتِيمًا ذَا مَقْرَبَةٍ
Ad-Dluhā 6	أَلَمْ يَجِدْكَ يَتِيمًا فَآوَى

From the verses contained in common sense content its mean about guardianship of orphans, which, in the words of maintenance there is a sense of caring for, educating, gives notice, affection and regard it as a brother without set it apart with the other. Keeping orphans in this case not only maintain themselves only orphans but also includes keeping the treasure relics of his parents if there really is, to be used later when the child has reached the age of majority, so keep the property of orphans also meant developing the property.

### C. The Orphans Verse Interpretation in the Qur'an

#### 1. The interpretation of Word *yatāmā* (اليتامى)

##### a. Chapter Al-Baqārah: 83

وَإِذْ أَخَذْنَا مِيثَاقَ بَنِي إِسْرَائِيلَ لَا تَعْبُدُونَ إِلَّا اللَّهَ وَبِالْوَالِدَيْنِ إِحْسَانًا  
وَذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَقُولُوا لِلنَّاسِ حُسْنًا وَأَقِيمُوا الصَّلَاةَ  
وَاتُوا الزَّكَاةَ ثُمَّ تَوَلَّيْتُمْ إِلَّا قَلِيلًا مِّنْكُمْ وَأَنْتُمْ مُّعْرِضُونَ (البقرة 83)

“And remember We took a covenant from the Children of Israel (to this effect): Worship none but

Allah; treat with kindness your parents and kindred, and orphans and those in need; speak fair to the people; be steadfast in prayer; and practise regular charity. Then did ye turn back, except a few among you, and ye backslide (even now).” (al- Baqārah: 83)<sup>9</sup>

This verse tells us about the suggestion to do good to orphans, guarantees them, and maintaining their property, as seen from the existence of resonate إِحْسَانًا. The Prophet said,

"The person that guarantees orphans, either be her (dependants) or (dependants) other, me and him are like this in heaven." Malik gesturing with the index finger and middle finger. (HR. Muslim).

It was narrated that the Messenger of Allah that the index finger is longer than the middle finger and middle finger is shorter than on the index finger. After that is shorter than the ring finger on the middle finger. The intent of this Hadith, he wished to explain about the degree and glory (them) over all creatures (the others). He said, "we will be collected like this, and we are a noble people. Similarly, the insurer orphans, any high degree."<sup>10</sup>

According to Quraish Shihab, the word إِحْسَان in this verse is used for two things; First, giving favor to others, and

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<sup>9</sup> Abdullah Yusuf Ali, *op. cit.*, p. 5.

<sup>10</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 2, p. 30.

second, good deeds. *Ihsān* said broader than just "giving favors or a living". Its meaning is even higher than the content of the meaning of "fair" for fair use is to treat others the same as moderate to yourself. Whereas, *ihsān* is treat it better than moderate against yourself. The fair is take all your rights or provide all the rights of others, while *ihsān* is giving more than you have to give and take a little more than you're supposed to take. "You and your treasure is to (belonging to) your dad (your parents)" (HR Abu Dawud).<sup>11</sup>

After doing *ihsān* to parents and relatives, and then did well to orphans, that is, whose father died and still immature and needs in General.

b. Chapter Al-Baqārah: 177

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ  
 آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَآتَى الْمَالَ  
 عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ  
 وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا

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<sup>11</sup> M. Quraish Shihab, *Tafsir Al-Mishbah, op. cit., vol. 1, p. 299-300.*

وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا  
 وَأُولَئِكَ هُمُ الْمُتَّقُونَ (177)

“It is not righteousness that ye turn your faces Towards east or West; but it is righteousness- to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity; to fulfil the contracts which ye have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the Allah-fearing.” (al-Baqārah: 177)<sup>12</sup>

Qatadah narrated from Abdurrazaq, he said: the Jews used to pray facing toward the West, while the House of Christians facing East. Then came down verse: *"is not present in the face in the direction of East and West that's a virtue."*

Ath-Tabari and Ibn Mundhir narrated from Qatadah, he said: tell us that a man asked the Prophet. About virtues, Allah bring down this verse: *"is not present in the face in the direction of East and West that's a virtue."* Then he calls it and read it to him. And first, before the establishment of the mandatory forms of worship, when someone has testified that

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<sup>12</sup> Abdullah Yusuf Ali, *op. cit.*, p. 12.

there is no God but God and Muhammad is his slave and His Messenger, and he died in a State so, there is hope that in the end he will get good. God lowered: "is not present in the face in the direction of East and West that's a virtue." The Jews used to be used to the West are the House of the Nazarenes used towards the East.

The word Allah *وَأَتَى الْمَالَ عَلَى حُبِّهِ* "and giving the treasure he loves." Some scholars take this verse as evidence upon the opinion of those who say that there is actually something that is obligatory upon a treasure other than zakat, namely مال البر (alms for worship services). Then the other said that the cleric in question from this verse is simply the zakat required only. However the opinion first. The proposition is a Hadith narrated by Ad-Daraquthni of Fatima Bint Qais, he said: the Prophet once said: "Verily in the treasure any obligation other than zakat." Then he read this verse.<sup>13</sup>

This verse describes the obligations of faith by giving alms to the person entitled to receive it. This paragraph enter the orphan category into the category of persons entitled to receive zakat.

The scholars are agreed that if the Muslims of the Middle needs help, even though the charity had disbursed, then any other property must be issued. Malik said: the

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<sup>13</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 2, p. 555.

Muslims obligated to redeem the fighters who were taken prisoner by the enemy, although their fortunes will be exhausted for the purposes of that. And the decision is also the consensus of the scholars.<sup>14</sup>

According to Quraish Shihab, after this verse mentions the fact that faith side doesn't look, this verse continue the description of examples of perfect virtue from the side that was born to the surface. Examples include either a willingness to sacrifice personal interests for the sake of others so that not only gave the treasure has not endeared or needed.<sup>15</sup>

وَأَتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ

السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ

“... to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves ...” (al-Baqārah: 177)<sup>16</sup>

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<sup>14</sup> *Ibid*, p. 556.

<sup>15</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, *op. cit.*, vol. 1, p. 469.

<sup>16</sup> Abdullah Yusuf Ali, *op. cit.*, p. 12.

## c. Chapter Al-Baqārah: 215

يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ  
وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ

عَلِيمٌ (215)

“They ask thee what they should spend (In charity). Say: Whatever ye spend that is good, is for parents and kindred and orphans and those in want and for wayfarers. And whatever ye do that is good, -Allah knoweth it well.” (al-Baqārah: 215)<sup>17</sup>

Ibn Jareer at-Tabari said from Ibn Juraij said: a when the companions asked Prophet Muhammad where they should give their property. Then came down verse: "they ask you about what they spend, say 'whatever treasure you spend should be given to parents ... '"

Ibn Al-Mundhir narrated from Abu Hayyan that Amr ibnul Jamuh once asked the Prophet, "What must we give of our treasures? And to whom we give it?" Then came down this verse.

Ibn Abbas said: Abu Salih: in this verse came down with regard to Amr ibnul-Jamuh al-Ansari, a wealthy person

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<sup>17</sup> *Ibid*, p. 15.

who was already aged. He once said, "O Messenger of Allaah, what kind of treasures should I give out charity? And to whom I have to give?" Then came down this verse.

According to one opinion, those who ask questions (in this paragraph) are people of faith, so that the meaning (this verse) was, what they spend and where they spending.

As-Sudi said, "these verses were revealed before zakat is obligatory, this verse *naskh* by (verses about) the obligatory zakat". However, Athiyah said, "Ibn Al-Mahdawi do confusion against us-Reluctant in this matter. Al Mahdawi based to As-Sudi, he said, 'this verse about the obligatory zakat, then both parents disappear him'".

Ibn Juraij and another said, "That Charity is charity of the *sunnah*, and not zakat. Thus, there is no text in *naskh*. This verse tells us about the people who are entitled to receive the alms of the *sunnah*. Compulsory for the rich to provide a living to his parents that need, so as to improve the economic condition of both, namely in the form of clothing, food, and others." Alms should be given in this verse also includes relatives, orphans, the poor, and Ibn Al-sabil.<sup>18</sup>

According to this verse, Quraish Sihab answer their questions about who should be the treasure spend. The answer to their question was from a good treasure, which is

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<sup>23</sup> Syaikh Imam al-Qurthubi, *op. cit*, vol. 3, p. 85.

just as good Please spend. Here, the property represented by the word (خير) *khair*/good for gesturing that treasures that spending let something good as well as used for a good purpose.<sup>19</sup>

Furthermore, the described for whom the property should be given, its mean, first father to mother, because they are the reason of the existence of the child as well as at most, next to the House of relatives near and far, and orphaned children, its mean children adults are his father had died, as well as to the poor people who need help. This verse tells us these things in the form of the verb past tense for give a cue that that seem to have them perform so that no longer need to be ordered.<sup>20</sup>

d. Chapter Al-Baqārah: 220

فِي الدُّنْيَا وَالْآخِرَةِ وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ  
تُخَالَطُوهُمْ فَإِخْوَانُكُمْ وَاللَّهُ يَعْلَمُ الْمُفْسِدَ مِنَ الْمُصْلِحِ وَلَوْ شَاءَ اللَّهُ  
لَأَعْتَبْتَكُمْ إِنْ اللَّهَ عَزِيزٌ حَكِيمٌ (220)

<sup>24</sup> M. Quraish Shihab, *Tafsir Al-Mishbah, op. cit., vol. 1, p. 555.*

<sup>25</sup> *Ibid, p. 556.*

“(Their bearings) on this life and the Hereafter. They ask thee concerning orphans. Say: "The best thing to do is what is for their good; if ye mix their affairs with yours, they are your brethren; but Allah knows the man who means mischief from the man who means good. And if Allah had wished, He could have put you into difficulties: He is indeed Exalted in Power, Wise." (al-Baqārah: 220)<sup>21</sup>

Abu Dawud, Nasa'i, judges, and others narrated from Ibn Abbas, said: after descending verse "and do not approach the property of orphans, except with way more beneficial ..." (al-An'aam 152) and the verse "Verily, those who ate the property of orphans ..." (An-Nisā 10), every person who had care of the orphans began separating the food and drink food and drink of the orphans; If the boy's food left a little, the nanny was going to save it for the boy until the food it ate, or if not then food was left to stale. Such circumstances feels the weight of by them so that they report it to Rasulullah SAW and Allah lowers his word, "and they ask you about the orphans."

Adh-Dhahhak and as-Suddi said: for the descent of this verse is their first Jaahiliyyah feel guilty if it interfered with the orphans in terms of eating, drinking, and others.<sup>22</sup>

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<sup>21</sup> Abdullah Yusuf Ali, *op. cit.*, p. 15.

<sup>22</sup> Imam Jalaluddin al Mahally dan Imam Jalaluddin as -Suyuthi, *Tafsir Jalalain berikut Asbabunnuzul*, Sinar Baru Offset, Bandung, 1990, p. 205.

Many *nash* referring that confirms the primacy of the sympathize orphans and promising a great reply to the treatment of the orphans. Among them is the words of Allah SWT:

وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَإِخْوَانُكُمْ

“They ask thee concerning orphans. Say: "The best thing to do is what is for their good; if ye mix their affairs with yours, they are your brethren ..." (Al-Baqārah: 220)<sup>23</sup>

In interpreting paragraph above, Shaykh Abdurrahman bin Nashir As Sa'di rahimahullah said: when it comes down verse:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا

وَيَصِلُونَ سَعِيرًا

“Those who unjustly eat up the property of orphans, eat up a Fire into their own bodies: They will soon be enduring a Blazing Fire!” (An-Nisā: 10)<sup>24</sup>

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<sup>23</sup> Abdullah Yusuf Ali, *op. cit.*, p. 15.

<sup>24</sup> *Ibid*, p. 35.

The verse feels heavy for the companions. (So the companions) immediately segregate their food from food orphans, fearing it would take their property, although they are accustomed to combine their fortunes with the orphans (in his caring).

They then asked the Prophet about it, Allah gave the message to them, that the intent (the verse) is doing on the issue of wealth wish for reconciliation of the orphan, by way of keeping the property and develop it in trade. And merge their property with the property of orphans in food or in addition, the law may, as long as it doesn't harm the orphans. For them it was the brother of you guys as well. And (already a generality), if you are hanging out and mingling with her own. The parameter in this case is the intention and charity (the caregivers for orphans). Allah is knowing who intends to do good to orphans and he has no desire to get the orphaned treasures. If anyone is annoyed by him without any intent, then he did not sin.

In the Tafsīr at-Tabari explained, that although Allah allows you to intervene and manage the property of orphans, but be afraid of God when you mix with them, if you want to eat (using) their property in a manner that vanity, and you make the means to ruin their property as well as eating in a

way that is not right, then will come torment you will not be able to accept it. Because Allah Is Omniscient.<sup>25</sup>

According to Qurthubi this verse shows that Allah gave permission for addressing orphans with the intention of fixing (the State of) them through attention and kindness that was given them. This paragraph allows for spending treasures the orphans in the sale, as appropriate with the benefit. It is also about that gives his wealth in *mudlārabah* (for results), Commerce, and more. But opinions on the use of cross-orphaned treasures in the form of *qirādl*.<sup>26</sup> Asyhab prohibits it, and he equate the prohibition to prohibition did buy and sell for their interests.<sup>27</sup>

In al-Marāghī explained that all wills relating to orphans, has invited the attention of the whole community of the Muslims of that time. They become confused and feel sinful if caring for orphans and use his wealth, for fear when *zhalim* prevailed against orphans in her care. Finally, the companions feel sinful if it remained mixed with the orphans, even other partially separating orphans from their family environment. They don't want to interfere with the Affairs of

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<sup>25</sup> Abu Ja'far Muhammad bin Jarir Ath-Thabari, *Jami' al-Bayan at-Ta'wil fi Al-Qur'an*, translate by Ahsan Askan, Pustaka Azzam, Jakarta, 2008, p. 630.

<sup>26</sup> Namely, the giving of treasure to others that may be charged or asked back, commonly called borrowing. This transaction was not commercial but to contain each other to help.

<sup>27</sup> Syaikh Imam al-Qurthubi, *op. cit.*, p. 135-136.

orphans, so that when they are cooking, just enough for their own. Until they realize that such an attitude does not bring Affairs for the orphans, even invite *mafsadah* (damage) for them, especially in terms of education and dissipated treasures of the orphans as well as other things that resulted in the destruction of their future.

In addition, the attitude of the caregivers that such is the Act of contempt and imposed against orphans. And thus they have been confronted by a problem that must be resolved by bringing Affairs for the orphans to be able to live in their household with a feeling of pride as one of the members of his family.<sup>28</sup>

The verse reminiscent of humans, especially the caregivers of orphans to always devote the affection and not complicate the others, especially orphans who are helpless. Take care of their affairs are worth is better and reasonable. That is, educated, outgoing, maintain, and develop their property well done and reasonable, that's the attitude that is claimed against orphans. Separating the food and drinks they are the attitudes that are inconsistent with the fairness and do not reflect the relationships of family and brotherhood.

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<sup>28</sup> Ahmad Musthafa al Maraghi, *Tafsir al-Marāghī*, Darul Fikr, Beirut, t.th., p. 276.

Therefore, act well as his own brother because basically they are the same faith or civil humanity.<sup>29</sup>

e. Chapter An-Nisā: 2

وَأْتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَبَدَّلُوا الْخَيْرَ بِالْطَّيِّبِ وَلَا تَأْكُلُوا أَمْوَالَهُمْ  
إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا (النساء 2)

“To orphans restore their property (When they reach their age), nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your won. For this is indeed a great sin.” (an-Nisā: 2)<sup>30</sup>

Muqatil and al-Kalbi said, "This verse down deals with a boy from Ghathafan that holds many treasures belonging to the son of his brother who has been orphaned. When the orphans has reached the age of puberty n Deputy, he asked his wealth on his uncle, but the uncle didn't want to hand them over. Then they both go sue the matter to the Prophet. Then came down this verse. When I heard this verse, then the uncle immediately said, "We are obedient to

<sup>29</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, op. cit., vol. 1, p. 470.

<sup>30</sup> Abdullah Yusuf Ali, op. cit., p. 34.

Allah and his Messenger, we took refuge to Allah from sin." Then he gave the child her treasure. Then the Prophet said, "Whoever is nourished from parsimony himself and with it he came back like this, then it means he has to occupy paradise." When the child has received his inheritance, then the next treasure that he gave out charity in the way of Allah. Then the Prophet said, "Has remained reward and sins still remains." Then the friend said, "O Messenger of Allah, we already know that the reward was fixed, then how can sin which is also still remains, but it is give in the way of Allah?" Then the Prophet said, "Whether it has been fixed for the child and her father still bear the sin."<sup>31</sup>

Word (تبدلوا) anyone understand it in the sense of making because the switch is making something in place of something else, while scholars understand the prohibitions above in the sense of: you shall not make bad those treasures and treasure that is good for you. That is, don't take their possessions are worth the high and leave those who do not value. Indeed, at the time of Gentiles, many caregivers who take the property of orphans that the quality is good and the switch with the same goods belonging to the guardian but the

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<sup>31</sup> Wahbah az-Zuhaili, *Tafsir Al-Munir vol. 2*, Gema Insani, Jakarta, 2013, p. 567.

quality is bad, saying that both are the same type of goods or simply applied.

His word (إلى أموالكم) does not mean if combine with others can be justified. Episodes of this verse is not the terms of the ban, but he is merely an overview of the case. So it is with the prohibition of eating, it's not mean if not eaten, then it can be. Word (تأكلوا) is used because it is usually the most urgent use of the treasure was to eat, and if very urgent alone was off limits, then the more that is not urgent.<sup>32</sup>

The theme of this text is the command of Allah SWT to leave it to the orphans their property intact when they have reached the age of puberty and the prohibition of eating then Deputy treasure orphans as well as prohibition of combining the treasures of orphans to property of the person who nourishes. The message of these verses addressed to the caregivers of orphans for orphans still treasures they hold and the orphans are still under the care of them.

In this verse is the prohibition of all forms of business spending that could reduce and spend the treasures of orphans as well as various forms of use and utilization against the property of orphans revealed with الأكل (eat). This

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<sup>32</sup> M. Quraish Shihab, *Tafsir Al-Mishbah, op. cit., vol. 2, p. 406.*

is due, most purchases and use of the property. There is the aim anyway was to eat.

*Jarr ilā* letter (meaning to) in this verse means *ma'a* or it could be that question is still its original meaning, namely to. So it is, do you guys take some treasure orphans along with you guys. Because if you guys do such a thing, then it means you have exchanged the treasure that is lawful, that is your own treasure with the unlawful (for you guys), the treasure of the orphans. Eating the treasure of orphans is a great sin. It is reported that they swap a fat and healthy goats belonging to orphans with skinny sheep, and they are prohibited from doing so.

There is a difference of opinion of scholars about the time when property of orphans should be given. Wahbah az-Zuhaili Jashash opinion sets forth in his book, he mentions Abu Hanifah in this matter, namely compulsory absolutely submit to the orphan's wealth if he or she has reached the age of 25 years, although as any State of the child. So, when the orphans has reached the age of 25 years, although it has not been found on himself signs of *ar-Rushdu*, then his compulsory submitted to him.<sup>33</sup>

Currently, according to al-Qurthubi in his interpretation, on the deliberations of the first verse of God

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<sup>33</sup> Wahbah az-Zuhaili, *op. cit.*, vol. 2, p. 568.

does not associate the words *rushd* with puberty later in the next verses He alludes. Then the mandatory require *ar-rushd* in both the text. In here Qurthubi confirms, if a person has reached the age of 25 years, but he's still an idiot (not able to manage his money well) then he has not *rushd* and is not obliged to hand over the property to her based on the second paragraph of the above.<sup>34</sup>

The next verse which reads *وَلَا تَبَدَّلُوا الْخَيْرَ بِالْأَلْبَسِ* "do not swap the good with the bad", meaning do not replace the fat goat originating from the orphan with a skinny goat originating from your treasure. While people and ignorance in the past who have no religion not be difficult giving the property of orphans. But they exchanged their property with an ugly orphaned children are good, then they say: 'there's no difference between this and that and name to this and that'. Then Allah forbade the believers do it.<sup>35</sup>

The word of Allah *وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَى أَمْوَالِكُمْ* described the customs of the Arabs at the time of confuse ignorance with their treasures of orphans when giving a living to them. Therefore they are prohibited from doing it, so they stay

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<sup>34</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 5, p. 25.

<sup>35</sup> *Ibid*, p. 26.

away so that they do not falling them. Then came the surah Al-Baqārah that lighten their load.<sup>36</sup>

f. Chapter An-Nisā: 3

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ  
 مِثْلَىٰ وَثَلَاثَ وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ  
 أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا (النساء 3)

“If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly [with them], then only one, or [a captive] that your right hands possess, that will be more suitable, to prevent you from doing injustice.” (an-Nisā: 3)<sup>37</sup>

Imam Al-Bukhaari, Muslim Imam Nasa'i, Al-Bayhaqi and other narrated from Urwah bin Zubair that he asked to his *khaalāh* (aunt of the mother), namely sayyidah Aisha-Zubair about this verse, and then sayyidah-Zubair said, "O my sister's son, there a female orphans who are under the care of his guardian, the guardian of the property enjoy the

<sup>36</sup> *Ibid*, p. 27.

<sup>37</sup> Abdullah Yusuf Ali, *op. cit.*, p. 34.

female orphans. Then the guardian apparently attracted to treasure and her beauty, and he wanted to marry her without willing to be fair in giving dowry to him by not giving him's dowry or mahar as usual given to the women it seems. Then such an attitude is forbidden to them and they were commanded to marry other women that they enjoy doing, two, three, or four. "

Sa'id bin Jubayr, Qatadah, ar-Rabi', adh-Dahhak and as-Suddi said, "they're being cautious and steer clear of treasure orphans and behave more freely and ease in women's issues, they are married to women they want, but Sometimes they behave fairly and sometimes not. Then when they ask about the problem of orphans, then came down verse orphans, that is, verse two of An-Nisā letter. Allah almighty also lowered this letter of An-Nisā verse 3, as if Allah said to them, "as you guys afraid can't do justice to the rights of orphans, then so are you guys should be afraid can't do justice to the rights woman. Therefore, do not marry the woman more than the amount that you guys could meet his rights. Because women have in common with the orphans, that is the same as being weak. "This is the view of Ibn Abbas r.a natural history in al-Walibi (Ali Ibn Rabi'ah Ibn Nadhlah), one of the reliable Narrator of ath-Tabqah ats-Tsaalitsah.<sup>38</sup>

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<sup>38</sup> Wahbah az-Zuhaili, *op. cit.*, vol. 2, p. 572.

The meaning of the verse above according to Muhammad Abduh is about the treatment of orphans. Most of the male guardian, who is in charge of managing the wealth of the orphan woman, unable to prevent himself from injustice in managing the property of orphans, one solution is recommended to prevent wrong manage is married orphans it. On the one hand, the Qur'an limited the number to four, on the other hand the economic responsibility for give the basic necessities to his wife will align with the female orphans property access through the responsibility of management. However, most supporters of polygamy is rarely discuss polygamy in the context of fair treatment towards orphans.

Muhammad Abduh also explained that this paragraph related to another verse as narrated by Aisha r.a in surah al-Nisâ: 127, meaning: "and you have a desire to marry them (orphans)" means that the existence of feeling in heart to marry armed with wealth and beauty, then forbidden to marry unless his intention is exactly straight from the heart.

Ibn jarir said: the verse above is the prohibition to marry more than four because it was feared the loss of the treasure will be orphans. This happened to someone quraisy people married women more than ten then drop it treasures of yesteryear used to provide a living for the wives of the other, therefore this kind of way is prohibited.

According to Qurthubi in his interpretation, this verse tells us when the female orphans had reached the age of puberty, then it is permissible for the guardian to marry on condition that fair in giving a living and her brideprice.<sup>39</sup>

According to Quraish Shihab in his interpretation, said *فَانكِحُوا مَا طَابَ لَكُمْ* means marry what you enjoy doing, not who you love. This verse emphasizes the woman's nature, not a specific person, surname, or lineage.

In this verse, Quraish Shihab also cites the description of the Prophet's wife, Aisha-Zubair imam Al-Bukhaari, Muslim, Abu Dawood and Tirmidhi narrated that ' Urwah Ibn Zubayr asked the wife of the Prophet; Aisha ra. about this verse. He said that this relates to the orphans who are in maintenance of a guardian, where his joining treasure guardians, and the guardian would love to beauty and treasure the orphaned, then he wanted to marry her without giving her a dowry accordingly. Sayyidah Aisha ra. It further explained that, after the descent of this verse, the companions asked him again to the Prophet Muhammad on women, then came word:

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُنلَىٰ عَلَيْكُمْ فِي  
الْكِتَابِ فِي يَتَامَى النِّسَاءِ اللَّاتِي لَا تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَتَرْغَبُونَ

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<sup>39</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 5, p. 39.

أَنْ تَنْكِحُوهُنَّ وَالْمُسْتَضْعَفِينَ مِنَ الْوِلْدَانِ وَأَنْ تَقُومُوا لِلْيَتَامَى

بِالْقِسْطِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا (النساء 127)

“They ask thy instruction concerning the women say: Allah doth instruct you about them: And (remember) what hath been rehearsed unto you in the Book, concerning the orphans of women to whom ye give not the portions prescribed, and yet whom ye desire to marry, as also concerning the children who are weak and oppressed: that ye stand firm for justice to orphans. There is not a good deed which ye do, but Allah is well-acquainted therewith.” (an-Nisā: 127)<sup>40</sup>

Aisha ra. then continued his statement that he said are you reluctant to marry them, it was the reluctance of the guardians to marry the little orphans of wealth and beauty. Then, on the contrary in paragraph 3 letter An-Nisā, they are prohibited from marrying orphans they want because of the treasure and her beauty but was reluctant to do justice to them.<sup>41</sup>

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<sup>40</sup> Abdullah Yusuf Ali, *op. cit.*, p. 43.

<sup>41</sup> M. Quraish Shihab, *Tafsir Al-Mishbah, op. cit.*, vol. 2, p. 410.

## g. Chapter An-Nisā: 6

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا  
إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا  
فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ  
أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (النساء 6)

“Make trial of orphans until they reach the age of marriage; if then ye find sound judgment in them, release their property to them; but consume it not wastefully, nor in haste against their growing up. If the guardian is well-off, Let him claim no remuneration, but if he is poor, let him have for himself what is just and reasonable. When ye release their property to them, take witnesses in their presence: But all-sufficient is Allah in taking account.” (an-Nisā: 6)<sup>42</sup>

This verse came down with regards to self Thabit bin Rifa'ah her uncle, that Rifa'ah died when his son, Thabit is still small, and then Uncle Thabit came to see the Prophet and said, "Behold, the son of my brother is an orphan who are under the care of me, what is halal for me from Allah,

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<sup>42</sup> Abdullah Yusuf Ali, *op. cit.*, p. 34.

and when should I submit it to Thabit?" Then Allah bring down this verse.<sup>43</sup>

In the previous verses, Allah commanded to submit to the orphans their property and ordered to give dowry to the sitri. Here Allah SWT give two terms that encompassed two things at once, that the absence of us-Safah (does not yet have a perfect sense) and test the attitude and maturity of children for the sake of keeping their property so as not to be destroyed and used incorrectly.

الرشد according to Imam Al-Shaafa'i consists of two elements, namely the good religious attitude and the ability to use and manage possessions well and true. But according to the majority of only one element, namely the ability to use and manage the property with good and true.<sup>44</sup>

If the trustee is wealthy and didn't need to part of the property of orphans that fosterage, then let him refrain to use the property of orphans that fosterage. But if he is poor, then it is permissible for him to use the orphan's property of the child in accordance with the levels required in the form of covering the hunger and covering the 'Awrah.

This is corroborated by a Hadith narrated by Imam Ahmad from Abdullah ibn Amr r. a,

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<sup>43</sup> Wahbah az-Zuhaili, *op. cit.*, vol. 2, p. 586.

<sup>44</sup> *Ibid*, p. 590.



*jariyah*, if he's a *ghulām* (son) then note how he set up a living and finance monthly within the family or give it something as a form of responsibility in the manage, it is to know how to set up and manage it. While the guardians keep track of it at the time that he did not squander his wealth, and if he has to waste then the trustee is not liable to succeed him as long as he still oversees and directs it.

As for *jariyah* (girl's) should be the guardian ceded it to the housekeeper that he taught him and watched him to weave and cut the embroidery-embroidery or dispose of the remains of cotton and give her salary, then he is able to utilize the best yarn and the beauty of embroidered, and if he sees it has perfect whatever then compulsory he handed his possessions to him but still supervised, and if not then both (girls and boys) remained in detention for his whatever perfect until it has.<sup>46</sup>

Al-Hasan, mujahid and other than saying, "Test them about intelligence, religions, and ways of managing his wealth."

The scholars differed about ta'wil of word رُشْدًا. Al-Hasan, Qutaadah and other scholars said that it is the perfection of reason and religion, Ibn ' Abbas As-Suddi and Al-thawri holds its meaning is the perfection of the intellect

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<sup>46</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 5, p. 86.

and the ability to manage and maintain the property. Sa'id Ibn Jubayr and Al-Sya'bi argued a man who has bearded not necessarily have perfect whatever, therefore it is allowed to hand over the property to the orphan when he has his mind perfectly.

Al-Shafa'i said: if he is wicked Act on treasure and his religion or his treasures only then has to be put on hold, however, if the person is wicked in his religion and could manage his wealth, here the scholars differed in two groups:<sup>47</sup>

1. Mandatory restricted and detained her wealth. It is favoured by Abdul Abbas ibn Syuraih.
2. Not mandatory is restricted and detained her wealth. It is the opinion of the Abu Ishak Al-Mawarzi.

If the opinion of the above is true then there are two terms before handing over his money, namely: has perfect his mind and reaching puberty, if one of the conditions is not present on the person is not obliged to hand over the management of the property to him , says that *nash* is mentioned in the Qur'an. This is an opinion that is narrated by Ibn Qasim, Asyhab, Ibn Wahab, from Malik regarding this verse, and it is also the opinion of a group of Abu

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<sup>47</sup> *Ibid*, p. 94.

Hanifah apart jurist, Zufar, and An-Nakha'i, because they make perfect sense someone at age 25 years.

Based on the agreement of scholars, then what is the usefulness of 20 years of age who have been serious between who does not serious (people are discouraged), just that our scholars require an older girl who had intercourse intimate with her husband when he is already reaching puberty, and in that time he has undergone the process of testing to reach the perfection of his mind.

But Abu Hanifah and Imam Al-Shafa'i does not agree with this opinion, they argued that the test for the enactment of a boy and girl done to what has been explained earlier, and the scholars tried to distinguish their second opinion by saying, "the treatment trials against girls and men are different, because the activity of girls is limited, do not do the activity as the men, not out of homes because keeping her virginity, it is therefore worth asking his permission when the guardian considered ".<sup>48</sup>

Currently in al-Mishbah interpretation, the meaning of *al-rushd* is the perfection of the mind and the soul, which makes it able to behave and act as precisely as possible. Murshid is a clue-giver/proper guidance. People who have bore the trait it is perfectly named Rashid who by Imam

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<sup>48</sup> *Ibid*, p. 95-96.

Ghazali defined as he and his handling of that flows to the right destination, without any hint of justification or guidance from anyone. The above paragraph is not regarded as a son Rashid but it has *rushd*. The word *rushd* used pun is not in the form of the definite/*ma'rifah*. On that basis, intelligence and mental stability in question is in accordance with his age, its mean the age of a child who was entering the gate of maturity.<sup>49</sup>

h. Chapter An-Nisā: 8

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ  
وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا (النساء 8)

“But if at the time of division other relatives, or orphans or poor, are present, feed them out of the (property), and speak to them words of kindness and justice.” (an-Nisā: 8)<sup>50</sup>

In this verse Allah almighty describing people who aren't getting a legacy while they are present when the Division of it happening, and they are relatives-relatives of orphans and the poor. Then why not share their perfunctory if the orphan estate lot number, if he only has a treasure that no

<sup>49</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, *op. cit.*, vol. 2, p. 422.

<sup>50</sup> Abdullah Yusuf Ali, *op. cit.*, p. 35.

such moves of homes and land, or his wealth a bit, then he is not allowed to handing out to the them. If he shared it so for him a great reward.

It was narrated from Ibn Abbas, Sa'id bin Al-Musayyab and Ibn Zayd that if people who are sick want to separate his assets to diwasiatkan and then present the people who didn't get a legacy, then let them do not prevent it.<sup>51</sup>

If in al-Mishbah interpretation, this verse tells us that when the Division when present, i.e. known by relatives who are not entitled to inheritance. Well they are adults or children, or present the orphans and the poor, whether they are relatives or not, even better they present or not during the existence of that received by those who need it, then give them the most, that is, although gradually became of the treasure, and speak good words to them, which entertaining their hearts because at least that was given to them because it does not even know which can be given to them.<sup>52</sup>

i. Chapter An-Nisā: 10

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا  
وَسَيَصْلُونَ سَعِيرًا (النساء 10)

<sup>51</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 5, p. 124.

<sup>52</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, *op. cit.*, vol. 2, p. 425.

“Those who unjustly eat up the property of orphans, eat up a Fire into their own bodies: They will soon be enduring a Blazing Fire!” (an-Nisā: 10)<sup>53</sup>

This verse was revealed concerning a man who comes from Ghathfan called Mirtsad bin Zaid who is given the mandate to maintain and manage the property of his nephew that orphans and child, then he ate it, and then Allah lowered this verse.<sup>54</sup>

Take the property of orphans by any means its also categorized of eating the property, because the purpose is to consume and most of the treasures were spent for consumption. While the mention of *al-buṭun* (stomach) specifically indicates the reduced the treasure because it is consumed and denouncing the act as odds with the moral and character. Edible treasure then called fire according to the meaning of exegesis.

Based on the Qur'an and Sunnah that ate the property of orphans is a great sin, as ordered by the Prophet, "Shun the seven destructive things ...-one is consuming the property of orphans".<sup>55</sup>

After the verses ago warned to do justice to the weak groups, both women as well as orphans, as well as the

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<sup>53</sup> Abdullah Yusuf Ali, *op. cit.*, p. 35.

<sup>54</sup> Al-Wahidi, *Asbab An-Nuzul*, p. 106.

<sup>55</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 5, p. 136.

dangers that can await them. This verse may be a warning and a threat that makes the person while pulling away for not keeping the orphans and the people is weak, because of fear. Then this verse reminds that the threat it was only shown to those who apply the mayhem.<sup>56</sup>

j. Chapter An-Nisā: 36

وَأَعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ  
وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ  
بِالْجُنُبِ وَأَبْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَنْ كَانَ  
مُخْتَلًا فُحُورًا (النساء 36)

“Serve Allah, and join not any partners with Him; and do good- to parents, kinsfolk, orphans, those in need, neighbours who are near, neighbours who are strangers, the companion by your side, the wayfarer (ye meet), and what your right hands possess: For Allah loveth not the arrogant, the vainglorious.” (an-Nisā: 36)<sup>57</sup>

<sup>56</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, op. cit., vol. 2, p. 428.

<sup>57</sup> Abdullah Yusuf Ali, op. cit., p. 37.

This verse (وَبِأُولَئِكَ إِحْسَانًا وَيَذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ) has the same discussion which has been described in chapter Al-Baqārah.

k. Chapter An-Nisā: 127

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُتْلَىٰ عَلَيْكُمْ فِي  
الْكِتَابِ فِي يَتَامَى النِّسَاءِ اللَّاتِي لَا تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَتَرْغَبُونَ  
أَنْ تَنْكِحُوهُنَّ وَالْمُسْتَضْعَفِينَ مِنَ الْوِلْدَانِ وَأَنْ تَقُومُوا لِلْيَتَامَى  
بِالْقِسْطِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا (النساء 127)

“They ask thy instruction concerning the women say: Allah doth instruct you about them: And (remember) what hath been rehearsed unto you in the Book, concerning the orphans of women to whom ye give not the portions prescribed, and yet whom ye desire to marry, as also concerning the children who are weak and oppressed: that ye stand firm for justice to orphans. There is not a good deed which ye do, but Allah is well-acquainted therewith.” (an-Nisā: 127)<sup>58</sup>

Al-Bukhari narrated from Aisha about this verse, he said, "is this verse is a man who reared a daughter orphaned.

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<sup>58</sup> *Ibid*, p. 43.

The man is himself wali and his successors. He ate of the orphaned daughter of the kurmanya tree. She herself wanted to marry her and don't want her to marry someone else for fear her husband will partake of orphans. Then he held her back from being married to another person. Then down the word of Allah above.

Narrated from Ibn Abi Hatim on as-Suddi that Jabir has a daughter of his uncle isn't pretty. The daughter of his uncle had property inherited from his father. Jabir doesn't want to marry her, but also does not want her to marry someone else for fear her husband would take his money. Then he asked the Prophet. Then came the word of Allah above.<sup>59</sup>

This verse came down with regard to the question of the companions about women's issues and the applicable differentiate against them in the Affairs of the legacy, and more. Then Allah told his Prophet SAW, to tell them that Allah gave fatwa to them about women. This verse back in the beginning of the surah, which talk about women's issues. There are still some problems that are not yet known by the companions, then Allah give instructions by this verse.<sup>60</sup>

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<sup>59</sup> Jalaluddin As-Sayuthi, *Sebab Turunnya Ayat Al-Qur'an*, Gema Insani, Jakarta, 2008, p. 204.

<sup>60</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 2, p. 954.

## 1. Chapter Al-Anfāl: 41

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَأَنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ  
 وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ إِن كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ  
 عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّقَىٰ الْجُمُعَانَ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ  
 (الأنفال 41)

“And know that out of all the booty that ye may acquire (in war), a fifth share is assigned to Allah,- and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer,- if ye do believe in Allah and in the revelation We sent down to Our servant on the Day of Testing,- the Day of the meeting of the two forces. For Allah hath power over all things.” (al-Anfāl: 41)<sup>61</sup>

In this verse, according to Qiraish Shihab, the Qur'an provides an alternate in the financing needs of orphans, especially those that have no possessions, among others with *ghaniimah* (غنيمة = treasure spoils of war), that the State Treasury of the enemy with the road battle, and *fay'* (فَيْء = treasure booty). Provided in Sura Al-Hashr verse 7, its mean the State Treasury of the heathen *dzimmiy* (ذِمِّي) and compensation guarantees security and protection. They are

<sup>61</sup> Abdullah Yusuf Ali, *op. cit.*, p. 82.

reasonable given the legacy when present at the event the Division of inheritance, although it is not mandatory as they are not a family beneficiary (An-Nisā: 8).<sup>62</sup>

m. Chapter Al-Hashr: 7

مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَى  
وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ  
مِنْكُمْ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ  
إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ (الحشر 7)

“What Allah has bestowed on His Messenger (and taken away) from the people of the townships,- belongs to Allah,- to His Messenger and to kindred and orphans, the needy and the wayfarer; In order that it may not (merely) make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah; for Allah is strict in Punishment.” (al-Hashr: 7)<sup>63</sup>

This verse (وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ) has the same discussion which has been described in chapter Al-Baqārah.

<sup>62</sup> Quraish Shihab, *Ensiklopedia Al-Qur'an: Kajian Kosakata*, Lentera Hati, Jakarta, 2007, p. 1107.

<sup>63</sup> Abdullah Yusuf Ali, *op. cit.*, p. 282.

## 2. The Interpretation of Word *al-yatīm* (اليتيم)

### a. Chapter Al-An'ām: 152

وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ ۖ يَبْلُغَ أَشُدَّهُ ۗ وَأَوْفُوا

الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ ۗ لَا تَكْلَفُ نَفْسًا إِلَّا وُسْعَهَا ۗ وَإِذَا قُلْتُمْ

فَاعْدِلُوا وَلَوْ كَانَ ذَا قُرْبَىٰ ۗ ۖ وَبِعَهْدِ اللَّهِ أَوْفُوا ۗ ذَٰلِكُمْ وَصَاكُم

بِهِ لَعَلَّكُمْ تَذَكَّرُونَ (الأنعام 152)

“And come not nigh to the orphan's property, except to improve it, until he attain the age of full strength; give measure and weight with [full] justice;- no burden do We place on any soul, but that which it can bear;- whenever ye speak, speak justly, even if a near relative is concerned; and fulfil the covenant of Allah: thus doth He command you, that ye may remember.” (al-An'ām: 152)<sup>64</sup>

Eating the treasure of orphans is despotism, violates the rights of weak people and persecuting their needs in their State which was a little more portable, may yet take the property of orphans with a better way, which is for the benefit and investment. It was his way of keeping and expanding it by offer them or by means of other development. The treasure was handed over to the orphans

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<sup>64</sup> *Ibid*, p. 66

when she had reached adulthood and as already experienced in financial matters. Abu Hanifa held that the maximum limit save the property of orphans is 25 years. Description until adulthood its mean power Agency and the knowledge described in the letter of An-Nisā verse 6.<sup>65</sup>

According to Quraish Shihab, this verse confirms that ye shall (guardian) approach let alone using unauthorized treasure orphans, except the best possible way so as to guarantee the existence, even development of the treasure, and let good maintenance that continued until the orphan it reached his maturity and receive from you treasure them for their own governance.<sup>66</sup>

There is also the use of editors like this verse, that is in Surah al-Isra' verse 34:

وَلَا تَقْرُبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ

Quraish Shihab explained, that according to the observations of a number of scholars of Qur'an verses that use the word "do not approach" (وَلَا تَقْرُبُوا) as the second paragraph above, usually a ban on approaching something that can stimulate the appetite the soul or to do it. Thus, the prohibition approach contains the meaning of the prohibition

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<sup>65</sup> Wahbah az-Zuhaili, *op. cit.*, vol. 4, p. 375.

<sup>66</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, *op. cit.*, vol. 3, p. 735.

to fall in the seduction of something potentially take to the steps to do so. sex such as cohabitation or when wives are menstruation, as well as the acquisition of property in vanity, has a very strong stimulus, so that the Quran forbids him. Indeed who are around or chasm, he plunged into it. As for the offences that do not have a strong stimulus, usually a direct prohibition addressed to the deed, not the ban on him.<sup>67</sup>

Both of the verse above, particularly to warn that taking care of orphans in order not to approach their property, either in the form of inheritance or donations earmarked for them. This is due to weak and orphans have no protector. When fixed, it could be approached to be affected take his money, let alone the treasure is very tempting.<sup>68</sup>

Keep and expand the treasure without neglecting the needs of property owners, who are not able to manage the treasure. Therefore, give their shopping and clothes from the results of the treasure, and speak to them words of good. This is a wise course of action so that their hearts calm down and keep relations harmonious.<sup>69</sup>

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<sup>67</sup> *Ibid*, p. 736.

<sup>68</sup> M. Quraish Sihab, *Membumikan al-Qur'an*, vol. 2, Lentera Hati, Tangerang, 2011, p. 184-185.

<sup>69</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, *op. cit.*, vol. 2, p. 417-418.

## b. Chapter Al-Isrā': 34

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا  
بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا (الإسراء 34)

“Come not nigh to the orphan's property except to improve it, until he attains the age of full strength; and fulfil (every) engagement, for (every) engagement will be enquired into (on the Day of Reckoning).” (al-Isrā': 34)<sup>70</sup>

This verse (وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ) has the same discussion which has been described in chapter Al-An'ām verse 152.

## c. Chapter Al-Fajr: 17

كَأَلَّا بَلَ لَا تُكْرِمُونَ الْيَتِيمَ (الفجر 17)

“Nay, nay! but ye honour not the orphans!” (al-Fajr: 17)<sup>71</sup>

كأَلَّا "Certainly not (so)". This is a rebuttal. That is, it really isn't like what he think. Wealth is not because priorities and poverty not because of his humiliation, poverty and the ignominy that is my decision and the statutes.

<sup>70</sup> Abdullah Yusuf Ali, *op. cit.*, p. 33.

<sup>71</sup> *Ibid*, p. 317

بَلْ لَا تُكْرِمُونَ الْيَتِيمَ "Actually we don't glorify the orphans."

This is a notice about what they do, as it does not give the inheritance to the orphans and take his money by excessive.

Abu Amr and Ya'qub read *yukrimuuna*, *yahaadhhuuna*, *ya'kuluuna* and *yuhibbuuna*, that is with the letter *ya'*, as has been previously mentioned *al-insaan* (human). But what is meant by *al-insaan* is *al-jins* (the human kind). Therefore, disclosed by the plural.

Do not glorify the orphans is by not giving the right and took his money, as has been explained in the letter before. Muqatil said, "This verse descended on Qudaamah bin Maz'oon, an orphan in the maintenance of Khalaf Ibn Umayyah."<sup>72</sup>

d. Chapter Ad-Dluhā: 9

فَأَمَّا الْيَتِيمَ فَلَا تَقْهَرْ (الضحى 9)

"Therefore, treat not the orphan with harshness," (ad-Dluhā: 9)<sup>73</sup>

"Therefore, treat not the orphan with harshness," Its mean do not act *zalīm* of him, give him his due, and remember that you are also orphans. Thus according to al

<sup>72</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 20, p. 384.

<sup>73</sup> Abdullah Yusuf Ali, *op. cit.*, p. 319.

Akhfasyi. Setting aside against orphans was due to no one but Allah help her. Then the command should not be done arbitrarily against him became very stressed.<sup>74</sup>

This verse contains a suggestion to be gentle to the orphans. As well as the suggestion to do good and polite to him. To the extent that Qatadah said: be you guys against orphans such as a father who is compassionate.

It was narrated from Abu Hurairah that the man never complained to the Prophet will be violent in heart, the Prophet said,

إِنْ أُرِدْتَ أَنْ يُلَيِّنَ، فَاْمَسْحِ رَأْسَ الْيَتِيمِ، وَأَطْعِمِ الْمِسْكِينَ

"If you want to soften your heart, then go ahead of orphans and give poor people eat."

In Sahih Hadith narrated from Abu Hurairah that the Messenger of Allah, said:

It was narrated that Ibn' Umar in the past whenever seen orphans, rubbed his head and give him something. From Anas, he said: the Prophet had said, "Whoever trial on orphans, put it in his charge, and fullfill all the needs of orphans, then undoubtedly it will be a hijab thwarts from the heat of the fire Hell on the day of resurrection. And he who stroked the

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<sup>74</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 20, p. 496.

head of orphans, then for every strand of her hair there is the reward of goodness."<sup>75</sup>

After the last verses mention three grace of Allah to the Prophet Muhammad (verse 6-8), the verses also mentions three consequences of awards it. Allah says: for God hath thee third confers a favor it then thanks to Allah, its mean by doing well against his creatures. Then, as for the orphans do not apply arbitrarily against them. Wouldn't you feel how bitter became orphans.

The word (تَقَهَّر) taqhar is derived from the word (قَهَرَ) qahara which in terms of language means to tame, subjugate to reach its goal, or prevent the opponent from reaching his goal. Humans who feel that they have such abilities often leave them arbitrary, and therefore the word is understood also in an arbitrary sense. Such arbitrariness takes many forms. Surah al-Fajr: 17, which is the first revelation to speak of orphans, depicts the people of Mecca as a society that does not provide the best service to orphans. They are not friendly to the orphans. The second revelation is the verses of this surah ad-Dluḥā, while the third revelation concerning the orphans is al-Mā'ūn: 1-2. Arbitrariness there is described with a rebuke to the orphans. The fourth revelation is surah al-Balād: 12-15. There, it is described as a way of climbing,

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<sup>75</sup> Ibid, p. 498.

removing the shackles that wrap around a person or freeing slaves and feeding the day or season of hunger to the orphans and the poor. The fifth revelation is in surah al-Isrā': 34 and Al-An'ām: 152 whose second verse content prohibits nearing the orphan's property except as best he can until he reaches adulthood.

It reads above that the first and foremost demanded of orphans is to be kind to keep their feelings instead of giving them food. Hurting children's feelings can lead to a psychiatric complex that is carried into adulthood, a far worse outcome than a material shortage. In the Medina period the verses that descended concerning the treatment of orphans were further elaborated to include among others uttering kind and gentle words to them while developing their treasures (An-Nisā: 5). The emphasis on the beautiful and *ma'ruf* phrases is reaffirmed in verse 8 of this chapter.<sup>76</sup>

e. Chapter Al-Mā'ūn: 1-2

أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالذِّينِ (1) فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ (2)

“Seest thou one who denies the Judgment [to come]?  
Then such is the (man) who repulses the orphan  
(with harshness),” (al-Mā'ūn: 1-2)<sup>77</sup>

<sup>76</sup> M. Quraish Shihab, *Tafsir al-Mishbah*, op. cit., vol. 15, p. 439.

<sup>77</sup> Abdullah Yusuf Ali, op. cit., p. 324.

Adh-Dhahhak narrated, from Ibn Abbas, he said that the meaning of this verse is to hold the rights of orphans and not give it to them. Qatadah argues, that its meaning was rebuked and cruel them.

In essence they (referred to in this verse) don't give their inheritance to women and small children, they argue that inheritance was only entitled to received by those who can use their Spears to stab or use their swords to cut off.

A narrated of the Prophet mentions:

مَنْ ضَمَّ يَتِيمًا مِنَ الْمُسْلِمِينَ حَتَّى يَسْتَعْيِي فَقَدْ وَجَبَتْ لَهُ الْجَنَّةُ

"Whoever embraces (treatment) an orphan who comes from a Muslim family, until the child has enough, then that person deserves to go to heaven".<sup>78</sup>

The statement proposed in the first verse is not aimed at obtaining answers because Allah Omniscient, but intends to arouse the hearts and minds of talk partners in order to pay attention to the content of the talks. With that statement, the above verse invites man to realize one of the primary evidence of the religious consciousness, which without it diversity votes are very weak, if reluctant, saying none.

The word (يدع) *yadu'u* mean pushing out loud. These words should not be interpreted as limited to physical

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<sup>78</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 20, p. 790.

impulse, but includes all kinds of persecution, harassment, and hostile attitude against them. So, this verse prohibits to leave and leave them. This meaning is supported by readings even though the *shādh*, its mean (يدع اليتيم) *yada'u al-yatīm*, meaning that ignore the orphans.<sup>79</sup>

### 3. The Interpretation of Word *Yatīmāini* (يتيمين)

Chapter Al-Kahfi 82

وَأَمَّا الْجِدَارُ فَكَانَ لِغُلَامَيْنِ يَتِيمَيْنِ فِي الْمَدِينَةِ وَكَانَ تَحْتَهُ كَنْزٌ لَهُمَا وَكَانَ أَبُوهُمَا صَالِحًا فَأَرَادَ رَبُّكَ أَنْ يَبْلُغَا أَشُدَّهُمَا وَيَسْتَخْرِجَا كَنْزَهُمَا رَحْمَةً مِنْ رَبِّكَ وَمَا فَعَلْتُهُ عَنْ أَمْرِي ذَلِكَ تَأْوِيلُ مَا لَمْ تَسْطِعْ عَلَيْهِ صَبْرًا  
(الكهف: 82)

"As for the wall, it belonged to two youths, orphans, in the Town; there was, beneath it, a buried treasure, to which they were entitled: their father had been a righteous man: So thy Lord desired that they should attain their age of full strength and get out their treasure - a mercy (and favour) from thy Lord. I did it not of my own accord. Such is the interpretation of (those things) over which thou wast unable to hold patience." (al-Kahfi: 82)<sup>80</sup>

<sup>79</sup> M. Quraish Shihab, *Tafsir al-Mishbah*, op. cit., vol. 15, p. 646.

<sup>80</sup> Abdullah Yusuf Ali, op. cit., p. 142.

The word of Allah SWT, وَأَمَّا الْجِدَارُ فَكَانَ لِغُلَامَيْنِ يَتِيمَيْنِ "as for the walls of the House belong to two children orphaned." The two orphans is still small, it is indicated for the editor of the word "yatīm". Their name is the Ashram and Shuraim. The Prophet said,

لَا يُتِمُّ بَعْدَ بُلُوغٍ

"No longer orphaned after reaching puberty."

The possibility also remains an hung up term to both the child reaching puberty earlier because even if indeed orphaned, that is with the meaning as mercy against both.

The word of Allah SWT, وَكَانَ تَحْتَهُ كَنْزٌ "and underneath there is a stash of possessions for both of them." The interpretation different opinions regarding the stash object.

Ikrimah and Qatadah said, "That is in the form of material possessions." This appears from an astronomically *al-kanz* language is a collection of treasures. Ibn' Abbas said, "That is in the form of science in embaran-sheets are buried."

The word of Allah SWT, وَكَانَ أَبُوهُمَا صَالِحًا "Was her father was Salih." The context of this and previous word showed that the father of two is the nearby father. Other opinions stated, that it was the father of seven, was said by Ja'far ibn

Muhammad. Some say the tenth. With that both children are awake even though not mentioned *ṣālih*.

This shows that Allah Ta'ala keeps the righteous person and his son (his descendants) even though the distance is far away from him (the descendants of faraway). It is narrated that Allah Ta'ala keeps the righteous of seven generations of his descendants. This is indicated by the word of Allah Ta'ala: "Verily my protector is the One who has sent down the Book (Qur'an) and He protects the righteous." (Al-A'raf 196)<sup>81</sup>

#### 4. The Interpretation of Word *Yatīman* (يَتِيمًا)

##### a. Chapter Al-Insān: 8

وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا (الإنسان 8)

“And they feed, for the love of Allah, the indigent, the orphan, and the captive,” (al-Insān: 8)<sup>82</sup>

*يَتِيمًا* referred to in this verse is the orphans of the Muslims. Manshur narrated from Hasan, that there is an orphan who attended the banquet of Ibn Umar. One day, Ibn Umar again wanted to invite the orphan, but the orphan could

<sup>63</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 19, p. 102-105.

<sup>82</sup> Abdullah Yusuf Ali, *op. cit.*, p. 304.

not be found. After Ibn Umar finished eating his meal, the orphan came, but the food was gone. So Ibn Umar served him a piece of bread and honey. Then he said, "It's just for you."

Some say that the verse feeding the poor has been *naskh* (deleted) by the alms verse and the verse feeding the prisoners has been punished by the warning command. Thus saith Sa'id ibn Jubair. But other than that, "This verse is fixed and strong. Feeding the orphans and the poor is *sunnah*, while feeding the prisoner to preserve his life, unless the priest may have to break another law on him".<sup>83</sup>

This verse aims to describe al-Abrar's cravings - as described by earlier verses - on the environment of his community. Sensitivity can be realized in the provision of food, can also in other forms in accordance with the needs of the environment. Can be in the form of health services, education, or anything that helps ease the burden of those who need.

There is a narration which states that this verse goes down with regard to the events experienced by Sayyidina Ali ra. along with his wife, Fatimah, and their two sons, Sayyidina Al-Hasan and al-Husain, who for three consecutive days gave their food, the first day to the poor, the

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<sup>83</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 19, p. 688-689.

second day to the orphans, and the third day to the prisoner. However, this narrative is disputed.<sup>84</sup>

b. Chapter Al-Balād: 15

يَتِيْمًا ذَا مَقْرَبَةٍ (البلاد 15)

“To the orphan with claims of relationship,” (al-Balād: 15)<sup>85</sup>

Qurthubi says: يتيما ذا مقربة "(to) orphans who have relatives". This verse tells us that charity to the closest relatives is more *afdlāl* (important) than giving to other than relatives. Just as giving charity to an orphan who has no caregiver is more important than giving charity to an orphan with a nanny.<sup>86</sup>

c. Chapter Ad-Dluhā: 6

أَلَمْ يَجِدْكَ يَتِيْمًا فَآوَى (6)

“Did He not find thee an orphan and give thee shelter (and care)?” (ad-Dluhā: 6)<sup>87</sup>

<sup>84</sup> M. Quraish Shihab, *Tafsir al-Mishbah*, op. cit., vol. 14, p. 572.

<sup>85</sup> Abdullah Yusuf Ali, op. cit., p. 318.

<sup>86</sup> Syaikh Imam al-Qurthubi, op. cit., vol. 20, p. 424.

<sup>87</sup> Abdullah Yusuf Ali, op. cit., p. 319.

Allah SWT mentions some of the pleasures that have been given to His Prophet Muhammad SAW, with the words: ألم يجدك يتيما "Did not he find you as an orphan," it's mean you have no father, having died. فآوى "Then he protected you," that is to make for your shelter, where you take refuge with your uncle and he is responsible for looking after you.

One day it is said to Ja'far bin Muhammad al-Sadiq: Why is the Prophet orphaned from both his parents (not having both parents)? Then Ja'far said: In order that there is no right of the creature upon it which he must fulfill.

Mujahid argues: This is like the expression of the Arabs: درة يتيمة (The pearl is very good and not priceless), it's mean if not found unmatched. So the interpretation of this verse: Did not He find you alone in glory that no one compares to you? So God protected you and surrounded you.<sup>88</sup>

There are one of the contemporary exegetes explain about orphans by hermeneutic analysis, he is Fazlur Rahman. Because this study uses hermeneutic analysis, it is necessary to explain the interpretation of orphans according to Fazlur Rahman. In a book entitled "The Main Theme of the Qur'an", Fazlur Rahman does not

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<sup>88</sup> *Ibid*, p. 488.

address the issue of orphan in particular. But the orphan verses he alluded to in his book on the discussion of the human theme as a member of society. The orphan verses in the theme are not mentioned all, Fazlur Rahman takes only a portion of the orphaned verses that he inserted in the theme of zakat and polygamy.

The Qur'an is revealed aimed at upholding a just, ethical, and enduring order of society. Because between individuals and society cannot be separated. No individual lives without society. The concepts of human deeds of charity will have meaning when applied in a social context.<sup>89</sup>

The individual human success in the world is *taqwa*. But *taqwa* will only be meaningful in a social context. The desired social order of the Qur'an is an ethical and egalitarian order. This is evident from the Qur'an's denunciation of the economic imbalances that many have alluded to in the verse. Because this is the most difficult to cure and which is the essence of social inequality in Mecca society at that time. Inter-ethnic rivalries and their involvement in alliances, enmities, and resentments are equally serious. The unification of these tribes into a political unity is indispensable. To eliminate the institutions of slavery and the arbitrary treatment of daughters, orphans, and women. Because of the condition of Mecca society at that time, it needed reforms, both to break down the concept of

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<sup>89</sup> Fazlur Rahman, *Tema Pokok Al-Qur'an*, Pustaka, Bandung, 1996, p. 54.

polytheism that developed at the time and socio-economic imbalance.<sup>90</sup>

First, Fazlur Rahman saw the economy in the city of Mecca at that time. Mecca is a bustling commercial city. But in that city, too, there was an invisible exploitation of the weak (the unconquered, the slaves, and the coolies), and the frauds in trade and financial practices. Clearly the Qur'an describes a situation characterized by an outrageous gesture, selfishness, and luxury in addition to poverty and powerlessness;<sup>91</sup>

You are always busy in the race piling up the treasure until your death comes. No! Later will you know! No! Later you will know.<sup>92</sup>

Woe to those who love to curse, to criticize, to gather up treasures, and to count. He thought that his wealth could give him eternity. No! Indeed he will be thrown into the *ḥuṭamah*. Do you know what *ḥuṭamah* is? That is the burning fire of God (those who are very miserly).<sup>93</sup>

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<sup>90</sup> Sibawaihi, *Hermeneutika al-Qur'an Fazlur Rahman*, Jelasutra, Yogyakarta, 2007 p. 92.

<sup>91</sup> Fazlur Rahman, *op. cit.*, p. 56.

<sup>92</sup> Surat at-Takastur ayat 1-4.

<sup>93</sup> Surat al-Humazah ayat 1-7.

Of course the Qur'an does not forbid people to seek wealth. Instead it gives a high value to wealth with titles as "abundance of God" (*fadllul Allah*)<sup>94</sup> and "goodness" (*khair*)<sup>95</sup>. But the misuse of wealth can harm the human self itself:<sup>96</sup>

- 1) They will lose the noble value, so that his wealth becomes insufficient wages and "world delusions".
- 2) Their struggle is only on wealth and made the peak of knowledge,<sup>97</sup> because they only know the life outward and do not care about the goals of a noble life.<sup>98</sup>
- 3) Without the desire to improve the welfare of orphans and the poor, even prayer will turn into a hypocritical act.<sup>99</sup>

This attitude of disregard for those in need of economic aid reflects the peak of narrow-mindedness and the narrowness of reason - the basic weakness in man.<sup>100</sup>

From this discussion it can be seen that the Qur'an according to Rahman is indeed doing social reforms by strengthening the weak part of society, such as poor people, orphans, women, slaves and people who are in debt. In addition, Fazlur Rahman also alluded to

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<sup>94</sup> Al-Jumu'ah: 10, al-Jinn: 20, al-Ma'idah: 54, bandingkan dengan an-Nur: 22, an-Naml: 16, ar-Rumm: 23.

<sup>95</sup> Al-Baqarah: 184, 215, 272, 273; Hud: 84; al-Hajj: 11; Shad: 32; Qaf: 25; al-Qalam: 12; al-Ma'arij: 21.

<sup>96</sup> Dr. Sa'dullah Assa'idi, *Pemahaman Tematik Al-Qur'an Menurut Fazlur Rahman*, Pustaka Pelajar, Yogyakarta, 2013, p. 192.

<sup>97</sup> Surat an-Najm ayat 30.

<sup>98</sup> Surat ar-Rum ayat 7.

<sup>99</sup> Surat Al-Ma'un ayat 1-7.

<sup>100</sup> Fazlur Rahman, *op. cit.*, p. 57.

the orphan verses in the issue of polygamy. For Rahman, the issue of polygamy is one way of al-Qur'an in order to reform the social of Arab society at that time.<sup>101</sup> The verse that Rahman uses in the discussion of polygamy is the letter of An-Nisā verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ

مِثْنَىٰ وَثُلَاثَ وَرُبَاعَ ۚ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ

أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ ۖ أَلَّا تَعُولُوا (النساء 3)

“If ye fear that ye shall not be able to deal justly with the orphans, Marry women of your choice, Two or three or four; but if ye fear that ye shall not be able to deal justly [with them], then only one, or [a captive] that your right hands possess, that will be more suitable, to prevent you from doing injustice.”<sup>102</sup>

In understanding the above verse, Rahman also relates it to other verses, namely An-Nisā: 2, about the Qur'an condemning the guardians of orphanages of men and women (these orphans are a lot because of war- warfare that often happens) for misappropriating their property. This theme is also put forward by the Qur'an in Al-An'ām: 152, al-Isra ': 34, and then more emphasized in Al-Baqārah: 220, An-Nisā: 2, 6, 10, 127 related to well-being orphans in the outline of Al-Baqārah: 83, 177, 215, An-Nisā: 8, 36, al-Fajr: 17, ad-

<sup>101</sup> *Ibid*, p. 68.

<sup>102</sup> Abdullah Yusuf Ali, *op. cit.*, p. 34.

Dluhā: 9, al-Mā'ūn: 2, and with respect to the rights they and the poor are generally in the spoils of war in al-Anfāl: 41, al-Hashr: 7.

From here on, in Rahman's view, the Qur'an declares that not to misuse the property of orphaned daughters, the wali may marry up to four of them, on condition that it can be fair. This is also supported by the information in the letter An-Nisā: 127 which descends before An-Nisā: 3 above. Thus the question of polygamy arises in the context of orphaned women. In line with Rahman, Riffat Hasan also stated that the issue of polygamy listed in An-Nisā's letter: 3, then in fact the main focus of this polygamy problem is its association with the issue of sponsorship of orphans. So according to Riffat Hasan means marriage means marrying the mother orphan. This is because the verse goes down when there is a lot of war and many men die so many widows and orphans, so the moral message of the Qur'an on this matter is that these orphans are nurtured and rescued. Besides this verse also talks about justice so that polygamy is actually only allowed under difficult conditions.<sup>103</sup>

#### **D. Model of Orphanage Treatment Institution**

One of the efforts to provide protection for orphans and abandoned children is to place them in an orphanage. The orphanage is one of the social institutions that educate and nurture a child with social problems such as economic capacity, lack of either the head of

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<sup>103</sup> Fazlur Rahman, *op. cit.*, p. 58.

the family or both, so that the family environment can no longer provide solutions to life problems that make them feel they do not have a clear future . Through the orphanage the children of the orphanage are nurtured, nurtured and educated with a variety of knowledge and skills so as to restore confidence based on knowledge and creativity that is learned so that children feel have a clear future.

Indonesia is the country that has the largest orphanage around the world. The number is estimated to be between 5.000 and 8.000 orphanages caring for up to 1,5 million children, of which more than 99% of orphanages are run by non-governmental organizations, especially religious organizations. In 1998 the number of orphanages 1.600 pieces, raising as many as 91.051 children. However, in the last ten years, the number has jumped sharply to 8.000 orphanages with the number of foster children 1,4 million children.<sup>104</sup>

Lots of backgrounds of someone living in an orphanage. For example a child whose presence is unwanted and then entrusted to an orphanage, a parent dies with no family, abandoned children or discarded by his or her parents, and an economically disadvantaged family who is obliged to leave his child in an orphanage.

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<sup>104</sup> Lia Hartati, "Kompetensi Interpersonal pada Remaja yang Tinggal di Panti Asrama dan yang Tinggal di Panti Asuhan Cottage", *Jurnal Psikologi* Vol. 10 No. 2 (Desember, 2012), hlm. 79.

## 1. History of orphanages in Indonesia

In history, the first time the orphanage in Batavia was founded simply in 1629 precisely during the reign of Governor General Jacques Specx. The orphanage is managed by the deacons of the Protestant Church located on Kaaimansgracht Road, now Jl. Cubeb. This modest house was later replaced with a new building constructed of stone that could accommodate dozens of children in 1639.

In 1662, a large new orphan house was built on Jl.Orpa (from the Portuguese word orfan, meaning orphaned) and later renamed Roa Malaka II. In the weeshuis (orphanage house in Dutch) this is a mixed or Indo child born outside marriage. In addition, there were also ten or more elderly and twenty-five slaves, mostly women.

During the reign of Governor-General Leonard du Bus de Gisignies (1826-1830) there was a closing of an orphanage. This is motivated by the state of Batavia which was already unhealthy again proved from the high number of deaths coupled with the large number of orphans abandoned due to the inadequacy of this orphanage.

The Church belongs to the new English began to pioneer the weezengestich (house to accommodate the insane) on Jl. Prapatan which also accommodate the orphaned children in 1834 which then moved to the building which is now used by the State Administration Institution on Jl. Veteran in 1854.

A large orphanage house was finally opened in 1844 on Jl. Gajah Mada, which is now the National Archives Building. The house is a luxury residence of the Reiner de Klerk residence purchased by the College van der Hervormde Gemeente (Church Council for Renewal), and is designated as a church and orphanage. However, the orphanage was eventually sold to the Dutch East Indies government in 1900 due to the opinion of the church council declaring that the place was less suitable for churches and orphanages because there were so many Chinese and Arabs who built houses in the Molenvliet area. Approximately twenty-five children were temporarily transferred to some modest houses in the complex currently used by the National Gallery on Jl. Merdeka Timur in 1915.

Some orphanages were also established, but it was not until the early 20th century that a building specifically dedicated to an orphanage was established under the auspices of the Vincentius Society. The building became a boys 'and girls' dormitory. Although it was taken over by the Japanese army for Romusha, but when Japan lost the war, the buildings were returned in 1946 despite being dirty and damaged.

Since 1946, orphanages have grown increasingly as one of the solutions to accommodate children victims of war, neglected children, etc. Until now, various types of orphanages

have been built according to the policies and goals of each of the growing organizations and organizations in Indonesia.<sup>105</sup>

In addition to the Church building a place to accommodate orphans. Various Islamic institutions in Indonesia are also not left to build orphanages. One of them is Muhammadiyah, which established Orphanage Orphanage Muhammadiyah in Yogyakarta. This orphanage is the oldest orphanage in Indonesia. The birth of this home begins with incessant da'wah launched by KH. Ahmad Dahlan in 1917 on the importance of caring for and caring for orphans and the poor and neglected children. In 1918 an autonomous organization was born Muhammadiyah which was named Pembina Kesejahteraan Umat (PKU). This organization that realizes this form of sponsorship activity of orphans into an organized container that is: Orphanage Orphans Muhammadiyah Yogyakarta which was officially established in 1912.<sup>106</sup>

## 2. Orphanage system

In providing care services, orphanages have 2 systems that can be used, namely Dormitory care system and Cottage care system. Orphanage system, putting foster children in a dormitory

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<sup>105</sup> Karolina Lamtiur Dalimunthe, Kajian Mengenai Kondisi Psikososial Anak yang Dibesarkan di Panti Asuhan, Skripsi Fakultas Psikologi, Universitas Padjadjaran, 2009, p. 9-10.

<sup>106</sup> <http://payputramuhammadiyahjogja.com/sejarah/> accessed on 27 July 2018, at 14:16 pm.

building and they are grouped in groups of 15-20 foster children in each room cared for by one mother nanny.

Instead of care in the orphanage care system cottage, has a comparison of the number of children smaller than the orphanage orphanage. Orphanage care system Cottage, foster children are placed as in normal family circumstances, each family consists of a mother with 8-10 sons and daughters, and as many as 12 people. His age is arranged in such a way that it looks as if the siblings are one with the other. In systems that resemble normal family life, it is expected that foster children can develop a reasonable stage of development. Foster children attend school outside the orphanage, mingling with children from normal family.

The scope of the interaction given between the Orphanage orphanage and the cottage orphanage is different. Usually at the orphanage Dormitory scope interaction more to peers, because time togetherness or meet can take place at any time. There they are together doing any activity, even they are placed in one room. According to Kramer and Gottman, individuals who have the opportunity to interact with peers have a great opportunity to improve social development, emotional development and easier to foster interpersonal relationships. Time togetherness and meet between foster mother with foster children not all the time. In this orphanage, the role of foster

mother is to care and meet all the needs required by foster children.

While teenagers who live in orphanage Cottage interaction more to parents or foster mother and other family members. The role of foster mother in this orphanage is to care and meet the needs of the family needs, in this case foster mother only take care of foster children in the family only. Cottage orphanage teenagers also have peers to interact, different residence different and time togetherness or meet who can not at any time. It will not be a problem when foster mothers give their chances to interact with peers both within the orphanage and outside the orphanage, so that adolescents can foster good interpersonal relationships with others.<sup>107</sup>

### 3. Orphanage function

Orphanages serve as a means of coaching and alleviation of abandoned children. According to the Department of Social Affairs of the Republic of Indonesia, the orphanage has the following functions:

- a) As the center of social welfare services of children. The orphanage serves as a recovery, protection, development and prevention:

The function of child recovery and eradication is aimed at restoring and instilling the social function of foster

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<sup>107</sup> Lia Hartati, *Loc. cit.*

children. This function includes a combination of specific skills, techniques, and facilities aimed at achieving physical maintenance, social adjustment, psychological counseling, and personal and work guidance, vocational training and placement.

The function of protection is a function that prevents the child from delays and cruel treatment. This function is also directed to families in order to improve the family's ability to nurture and protect families from the possibility of division.

The development function focuses on the effectiveness of the role of foster children, their responsibilities to foster children and to others, the satisfaction derived from the activities they undertake. This approach focuses more on developing the potential and ability of foster children rather than healing in the sense of more emphasis on developing the ability to develop themselves in accordance with the situation and environmental conditions.

Prevention functions focus on interventions on the social environment of foster children aimed at on the one hand to avoid foster children from a behavioral pattern that is distorted, while encouraging the social environment to develop patterns of reasonable behavior.

- b) As a data center and information and social welfare consultation of children.
- c) As a skill development center (which is a support function).

## CHAPTER IV ANALYSIS OF THE CONCEPT OF THE TREATMENT OF ORPHANS IN THE QUR'AN

### A. The Meaning of the Orphans in the Qur'an

In this section the author will try to do an analysis of all the data that has been collected. Referring from the data presented and presented in chapter two or chapter three. Many orphan words are found in the Qur'an. Muhammad Fuad Abdul Baqi in "*Al Mu'jam Mufahras Li Al Fadh Al-Qur'an Al-Karim*", has conducted a search of the word orphan in the Qur'an. He found that the word orphan and its change of form was repeated in the Qur'an 22 times.<sup>1</sup>

All of these words are highlighted in isolation by the Qur'an. The Qur'an has its own command in treating this word. This word is very often accompanied by the word poor. Both are portrayed as part of things that need special attention. This word often precedes the word poor. When against the poor word Allah commands Muslims to feeding, in contrast to this orphan word. God did not order to feed him, but rather the treatment. The orphaned editors always begin with a firm order not to rebuke orphans.

The meaning of the word orphan in the Qur'an is not explained clearly. Explanation that the orphan is a child left behind by his father comes from the mufasir. In the context of the word

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<sup>1</sup> Muhammad Fuad Abdul Baqi, *Al Mu'jam Mufahras Li Al Fadh Al-Qur'an Al Karim*, Daral Hādīth, Kairo, 1981, p. 770.

orphan in the Qur'an, according to Quraish Shihab, Allah never even accompanies it with a picture of privilege and uniqueness, so on this basis he is convinced that what is meant by the word in the letter ad-Dluhā verse 6 is the state of Prophet Muhammad SAW that his father left behind since he was still in his mother's womb.<sup>2</sup>

Quraish Shihab opinion is not origin. According to Arabic expert, Ibn Manzur has the book of *Lisanul Arab*, Orphan word has a special meaning. This word describes the condition and powerlessness of the situation experienced by a human being in protecting himself. This is because orphans are a name for a child who was left dead by the father as the head of a household that protects the family from distractions and threats when a child has not grown up.

Ibnu Mandzur describes a child, both men who have lost their parents have their own titles. Conditions cannot be equated with children who still have parents who are still intact. When he was left dead by his father then called the orphan. The child left behind by his father in a still small state is also worth mentioning as an orphan. But this opinion cannot be justified. As explained by Ibn Mandzur himself the use of the word "orphan" for a child whose mother died is not true. The name of orphan is only for the children whose father dies, while the child whose mother dies is called "*munqati*" (the one

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<sup>2</sup> M. Quraish Shihab, *Tafsir al-Qur'an al-Karim*, Pustaka Indah, Bandung, 1997, p. 497.

who is disconnected).<sup>3</sup> Whereas if her mother alone who died then called al-'Ajul. And when his parents are gone, he is called *al-Kitin*.<sup>4</sup>

Rashid Ridha, author of *Tafsīr al-Manar* also interpreted the term orphan in language is a child who was left dead by his father in absolute, while the urf experts *fiqh*, called orphaned is a person who has been left died by his father before he grew up, so when he has grown up his predecessor predicate.<sup>5</sup>

The term orphan is only known in Indonesia only. In some other countries only known as orphans. The addition of the word '*piatu*' is to add more impression of suffering than if the child is in orphan condition only.<sup>6</sup> In Indonesian Dictionary the word is also the same meaning. That is, a fatherless or fatherless and motherless child, although it is also said to be an identical "orphan"<sup>7</sup> in English called "orphan" or in Latin called "*orphanus*" which was adopted from Greek called "*orphanas*".<sup>8</sup>

The Islamic Encyclopedia explained that the so-called orphan is a child whose father has died and not yet *baligh* (adult),

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<sup>3</sup> Muhammad B. Mukarram Ibn Manzur, *Lisan al-'Arab*, Dar al-Kutub al-'Ilmiyyah, Beirut, 1993, p. 768.

<sup>4</sup> *Ibid*, p. 645.

<sup>5</sup> M. Rasyid Ridha, *Tafsir al-Qur'an al-Hakim asy-Syahir fi Tafsir al-Manar*, Dar al-Ma'arif, Beirut, t.th, p. 345.

<sup>6</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, Aqwam Media Profetika, Solo, 2014, p. 13.

<sup>7</sup> Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, Balai Pustaka, Jakarta, 1996, p. 1133.

<sup>8</sup> William Morris, *The Heritage Illustrated Dictionary*, Random House, Canada, 1961, p. 11.

whether he is rich or poor, male or female. The children whose fathers and mothers have died are usually called orphans, but this term is only known in Indonesia alone, whereas in classical *fiqh* literature known orphans only.<sup>9</sup>

Yet this word can also be relied upon to refer to a child who lost his mother. Shaykh Imam al-Qurthubi explains, the word *اليتامى* also in-*ataf* to word *al walīdāini*. The word *اليتامى* is the plural of the word *yatīm*, such as the *nadāmā* which is the plural of the word *nadīm*. A man will be orphaned because of the loss of his father, while an animal becomes orphaned because of the loss of its mother. But Al-Mawardi stated that the word orphan was used to refer to a man who lost his mother. But the first opinion is the better.

This word is not only attached to a child who lost his father. Rasulullah SAW himself once aligned this word against ignorance. He calls an orphaned person for a person who has no knowledge. He said: "The orphan is not a person who has no father and mother, but the orphan is a person who has no knowledge" (HR. Ibn Majah). When quoting this hadith, Dahlan explains the reason. The person who is not knowledgeable is called an orphan, because it is viewed in terms of the hardship and distress of his life which is due to his own folly. Because science is basically a means of help for

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<sup>9</sup> Dahlan Abdul Azizi, *Ensiklopedia Hukum Islam*, PT. Loktiar Baru Van Hoeve, Jakarta, 1997, p. 288.

human life, just like a father to his son, therefore every Muslim is required to seek it.<sup>10</sup>

This word according to Quraish Shihab 3 basic word form. The first basic form is *yatama - yaitimu - yutman* (يتم - يئتم - يتما - يتما). Second, *yatima - yaitamu - yutman - yatman* (يتم - يئتم - يتما - يتما). Third, *yatuma - yaitumu - yutman - yatman* (يتم - يئتم - يتما - يتما). The dual form, *tathniyah* (تثنية) of the single orphaned word is *yatīmāni/yatīmāini* (يئيمان - يئيمزين). The plurals are many forms, namely *aitām, yatāmā, yatmah, maitama, and yatāim* (أيتام - يتامى - يتمة - ميتمة - يتما). The singular, two, and plural forms are contained in the Qur'an, but the plural used in the Qur'an is only *yatāmā*.<sup>11</sup>

Etymologically this word is derived from the Arabic language with the form of *fi'il māḍli yatāmā* and its *mudlari'* form *yatīmu* which means weak, tired, detached, slow, sad.<sup>12</sup> It can also mean aloof, reduce, slow down.<sup>13</sup> *Masdar* form is *yatmun* which means sad or sorrow, can also shaped *yutman* which means orphanhood, loneliness, intent or need. While the form *isim fa'il* is

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<sup>10</sup> *Ibid*, p. 1962.

<sup>11</sup> Quraish Shihab, *Ensiklopedia Al-Qur'an: Kajian Kosakata*, Lentera Hati, Jakarta 2007, p. 1106.

<sup>12</sup> Ahmad Warsono Munawir, *al-Munawir Kamus Bahasa Arab Indonesia*, Pustaka Progresif, Surabaya, 1987, p. 1587.

<sup>13</sup> Louis Ma'luf, *al-Munjid Fi al-Lughoh wa 'Alam*, Dar al-Masyrik, Beirut, 1987, p. 923.

*yatīm* which means orphans, who alone, and also can mean a very valuable pearls.<sup>14</sup>

All three have the same meaning. The etymological meaning of these three words is one. 'Something unique', 'which has nothing in common'. By terminological, the word means a minor who loses his father who is responsible for financing and education.

It's just that this title applies to an immature child. When they are *baligh* they no longer hold the status of orphans. The scholars have agreed that the word orphan is given to a child who was left dead by his father before *baligh* (adult).<sup>15</sup> Orphan status was attached while she was a child. The problem is, what is the limitation of childhood prior to adulthood? According to the jurists, the limits of the faith are before *baligh*. As for *baligh*, one is no longer referred to as an orphan based on the hadith:

حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْحَضْرَمِيُّ ، حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي بَكْرٍ

الْمُقَدَّمِيُّ ، حَدَّثَنَا سَلْمُ بْنُ قُتَيْبَةَ ، حَدَّثَنَا ذَيْبَالُ بْنُ عُبَيْدٍ ، قَالَ :

سَمِعْتُ جَدِّي حَنْظَلَةَ ، يَقُولُ : قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ

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<sup>14</sup> Ahmad Warsono Munawir, *loc. cit.*

<sup>15</sup> Syaikh Muhammad Ali Ash Sabuni, *Rawai'ul Bayan Tafsir Ayat-ayat Hukum Jilid II*, translated by. Moh.Zuhri dan Qodirun Nur, CV. Asy Syifa', Semarang, 1993, p. 211.

وَسَلَّمَ : " لَا يُثَمَّ بَعْدَ اِحْتِلَامٍ ، وَلَا يُثَمَّ عَلَى جَارِيَةٍ إِذَا هِيَ

حَاضَتْ "

"I heard from my uncle Hanzalah that the Prophet SAW said: there is no orphan nature after the dream of wet and not in say orphans for women who have experienced menstruation."

Through this hadith obtained information that (no orphan nature after a wet dream). Rasulullah SAW said: I memorize from Rasulullah SWA: there is no orphan nature after the dream of wet and no fast a day and night. This hadith has been used as the basis of the scholars in determining the status of orphans. The wet dream is a sign of age reaching adult and it also signifies the boundary of the orphan nature while the loss of orphan nature does not necessarily change its status into adult which is adult is the purpose of the burden of *Shari'ah* law. But the loss of orphan nature is a benefit for the orphans themselves in the hereafter. From this hadith understanding can be strengthened the opinion of Ulama 'which states that: wet dream is a sign of the influx of mature, the history of Abu Dawud, al Judge of the Hadith narrated by companion Ali RA: from child to wet dream.

*Baligh* here means he has grown and independent. In general, adults are depicted with all the organisms that have matured. Maturity can be interpreted from aspects of biology, law, personal

character, or social status. Some aspects of this maturity are often inconsistent and even contradictory. A person may be said to be mature because of the biological aspect and has an adult character, but still be treated like a child.

A group of scholars said: The mention of a child does not escape from two names: *ghulām* and *jariyah*, if he is a *ghulām* (boy) then notice the way he organizes his living and monthly finances in the family or give him something as a responsibility to manage, know how to organize and manage it. While the guardian at that time still monitor it so he does not waste his property, and if he wasted it then the guardian is not responsible for replacing it as long as he keeps a watch on it and directs it.

More details Indonesian law clarifies the age of a child is said to have grown up. According to KUH (Book of Law) article 330, a person is said to be immature if not 21 years old and married. If there are married couples but not yet up to age 21, they are said to have grown up. Because marriage will bring them into adulthood. This maturity includes three things. Adult Physical (biological), Intellectual adult and Emotional adult. Such is the limitation of one's faith, when he can manage his own assets and when he should be free from the dependents of others when they are adults and independent. The duty of Muslims is to deliver orphans to the stage of maturity.

## **B. The Concept of Treatment of Orphans in the Qur'an**

Having known the meaning of orphans in the Qur'an in the previous analysis, the authors in this section will proceed to describe the analysis of how the concept of orphan care desired by the Qur'an. The Qur'an is so concerned about the fate of orphans. Provides guidelines on how Muslims should maintain and treat them (Chapter Al-Baqārah: 83, QS Al-Baqārah: 177, QS An-Nisā: 6, QS An-Nisā: 36, QS An-Nisā ': 127, QS Al-An'ām: 152, and QS Ad-Dluhā: 9) as well as a warning to those who commit adultery over them and his property (Chapter An-Nisā: 10, QS al-Fajr: 17, QS Al-Maun: 2) as well as the punishment God has provided for those who dare to eat their property (Chapter Al-Baqārah: 215). And also a reward for those who glorify them (chapter al-Insān: 6).

All tools for conceptualizing their maintenance are contained and explained directly in all verses of the Qur'an. Starting from a loud ban rebuking them, a harsh injunction to eat his property in a good way, the prohibition of eating their property tyrannically, the obligation to glorify them, condemnation to the person who exchanged their property with ugliness, reprobate not to apply arbitrarily to them, their possessions when they have grown up, even the suggestion to give the best possessions to give to them.

In the early period of Islam in Mecca or better known by the name of Makiyah letters, the attention of the Qur'an to orphans is more focused on the self or personal problems of the orphans themselves. Where in these verses the focus of Qur'an talk is on the

order of planting tenderness and they get the treatment of the growth of affection in the human soul to them.<sup>16</sup> Who are cruel and do not even get the rights they deserve. In the age of ignorance the orphans are considered weak so that he becomes the subject of injustice related to their property.<sup>17</sup>

While the verses of the Qur'an that were revealed in Medina or known by the Surah Madaniyah, gave wider attention than the verses Makiyah, in which the verses Madaniyah provide various solutions and answers to the problems surrounding orphans and how to care for themselves and their property.

According to Fazlur Rahman, the emergence of orphans seen from the history of the Prophet's time, these orphans much because of the wars that often occurred at that time. In the Qur'an there are several themes that talk about orphans among them: misappropriation of orphan's wealth; This theme is put forward by the Qur'an in the city of Mecca (Chapter Al-An'ām: 152 and QS. Al-Isra ': 34) and then more emphasized in Medina (Chapter Al-Baqārah: 220 and QS An- Nisa ': 2, 6, 10, 127), in relation to the welfare of orphans in outline (Chapter Al-Baqārah: 83, 177, 215, QS An-Nisā': 8, 36; Fajr: 17, QS Ad-Dluhā: 9, QS Al-Mā'ūn: 2), and

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<sup>16</sup> Mustafa Ma'ruf, *Masyarakat Ideal*, Pustaka, Bandung, 1995, p. 298.

<sup>17</sup> Asghar Ali, *Pembebasan Perempuan*, vol. 2, Lkis, Yogyakarta, 2007, p. 51.

with respect to their rights and the poor in general in the spoils of war (Chapter al-Anfāl: 41; Al-Hashr: 7).<sup>18</sup>

Their fate when Islam came was very apprehensive. The infidels of Quraish who were still in a state of drowning in the darkness of a wild tradition. Starting from war, robbery, strong eating the weak, where the weak becomes a delicious meal for those who are strong so that the weak live under the pressure always provided by the power that is above them. The wild area, having no other work except war.<sup>19</sup> In this complex and troubled condition, an orphan can only lament his fate and accept the injustice of the guardians and powerful men who oppress him, without giving him any help in defending his rights and protecting all his affairs.<sup>20</sup>

There is a hadith that can describe the condition of the fate of the orphans at that time. The history explains that in order to have the orphan's property, then willing to marry him for the treasure to fall into his hands. 'Aisha ra, the Prophet's wife also narrated the condition of the orphans at the time. He related that there was a man taking care of an orphan and marrying her when the girl had a good name. But the man restrained him and did not get the rights over him, even the orphaned girl did not get the dowry, as people in general. It

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<sup>18</sup> Fazlur Rahman, *Tema Pokok Al-Qur'an*, Pustaka, Bandung, 1996, p. 68-69.

<sup>19</sup> Butsainah As-Sayyid Al-Iraqi, *Berkah Mengasuh Anak Yatim*, translated by Firdaus Sanusi, Kiswah, Solo, 2013, p. 60.

<sup>20</sup> *Ibid*, p. 55.

is true that giving dowry or dowry is not included in the pillars of marriage, but it is the right of every woman to be married.

Not only inhumane treatment, but their property is often deprived. They have always been the victims of the greed of a greedy Quraish for treasure. I'm so sorry the ignorant people do not want to give any orphan's inheritance to the women and children who are still small. They only give inheritance to grown men. As the saying of the Prophet SAW narrated from Ibn Abbas ra. That, "It is said that the ignorant people do not want to give the inheritance to the girls and boys who are still small to reach adulthood. One day there was an Ansar man named Aus Ibn Thabit died, and he left two daughters and a small boy. Then came two of his uncle's sons, then they took all his inheritance. So his wife said to them both: "Marry my two daughters, and both still have bloodspring with you. But they rejected the offer, So the Aus wife came to the Messenger of Allah and gave information about it. Then Rasulullah SAW sent messengers to two of his uncle's children, saying: "do not take the inheritance though only a small part. For I have received the news that both men and women will share."<sup>21</sup>

It does not stop there until the injustice they receive. When they were married, the orphans were not given the dowries by the summits. They have their right to be oppressed and castrated. They do not get justice where in the time of ignorance married without

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<sup>21</sup> Syaikh Muhammad Ali Ash Shabuni, *op. cit.*, p. 227.

giving dowry. Such is the portrait of Arab society before the coming of Islam. In addition, in the days of ignorance, if a person dies then the child and his wife will be neglected because all his heritage is controlled by the corpses family.<sup>22</sup>

The habit is explained by Verse An-Nisā verse 127:

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُتْلَىٰ عَلَيْكُمْ فِي الْكِتَابِ فِي  
يَتَامَى النِّسَاءِ اللَّائِي لَا تُؤْتُونَهُنَّ مَا كُتِبَ لَهُنَّ وَتَرْعَبُونَ أَن تَنْكِحُوهُنَّ  
وَالْمُسْتَضَعِّفِينَ مِنَ الْوِلْدَانِ وَأَنَّ تَقُومُوا لِلْيَتَامَىٰ بِالْقِسْطِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ  
فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا

Imam Bukhori, Imam Muslim Nasa'i, Baihaqi and others narrated from 'Urwah ibn Zubair that he asked his khaalāh (aunt of the mother) that is Ayat al-A'ishah r.a. about this verse, then sayyidah r.a. said, "O my sister's son, there is a female orphan under her guardian's care, the guardian enjoys the orphan's treasure. Then the guardian is attracted to his treasures and beauty, then he wants to marry her without wanting to be fair in giving dowries to him by not giving him the dowry or dowry as usual to the women it seems. Then this attitude is forbidden to them and they are ordered to marry other women they love, two, three, or four."

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<sup>22</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, op. cit, p. 64.

The injustice committed by the community during the jahiliyyah period is also explained in the chapter of an-Nisa verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِثْقَىٰ  
وَأَثَلَاتٍ وَرِيَاعٍ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ أَدْنَىٰ  
أَلَّا تَعُولُوا (النساء 3)

Sa'id bin Jubair, Qatadah, ar-Rabi', adh-Dahhak and as-Suddi said, "They are cautious and keep away the orphans' assets and be more free and facilitate in women's problems, they marry women, the women they want, but sometimes they are fair and sometimes not. Then when they ask about the orphans' problems, then the verses of orphaned children are down, that is the verse of two letters An-Nisā. Allah Almighty also sent down the verses of three letters An-Nisā, as if Allah SWT said to them, "As you fear can not be fair to the rights of orphans, so also you must be afraid of not being fair to the rights had a woman. Therefore, do not marry a woman more than the amount you can fulfill her rights. Because the woman has in common with orphans, who are equally weak creatures." This is the opinion of Ibn Abbas in the natural history of al-Walibi (Ali ibn Rabi'ah bin Nadhlah), one of the reliable relics of ath-Tabqah ats-Tsaalitsah.<sup>23</sup>

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<sup>23</sup> Wahbah az-Zuhaili, Tafsir Al-Munir vol. 2, Gema Insani, Jakarta, 2013, p. 572.

According to Fazlur Rahman, in the social life of society, the Qur'an emphasizes the welfare of the society, the wealth that human beings gain, should not rotate among the rich only. The Qur'an commands the Muslims that they are better off expending their wealth in the way of Allah and thus they "owe God to God who will be repaid by multiplying" rather than levying money to inhale the blood of orphans and men -the poor.<sup>24</sup>

Man's neglect of his possessions is illustrated in the Qur'an of al-Fajr verses 15 and 16. Then Allah SWT warned men to say that their wealth is useless if they do not glorify orphans:

كَلَّا بَلْ لَا تُكْرِمُونَ الْيَتِيمَ (الفجر 17)

كَلَّا "Absolutely not (so)". This is a rebuttal. That is, it is not exactly what he thinks. Wealth not because of its virtue and fidelity not because of its disgrace, piety and humiliation are my statutes and decrees.

بل لا تكرمون اليتيم "Actually you are not glorifying orphans."

This is a notification about what they do, such as not giving inheritance to orphans and consuming excessive wealth.<sup>25</sup>

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<sup>24</sup> Al-Qur'an chapter Ar-Rum: 39, al-Baqarah: 245, al-Maidah: 12, 18; al-Hdid: 11, 18; at-Taghobun: 17; al-Muzammil: 20. See Fazlur Rahman, *Tema Pokok Al-Qur'an*, Pustaka, Bandung, 1996, p. 58.

<sup>25</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 20, p. 384.

The essence of their treatment in the Qur'an is then summarized in the content of chapter ad-Duha verses 6-8:

أَمْ يَجِدُكَ يَتِيمًا فَآوَى (6) وَوَجَدَكَ ضَالًّا فَهَدَى (7) وَوَجَدَكَ عَائِلًا  
فَأَعْنَى (8)

Here Allah SWT reminds us of the times when the Prophet at the time was still orphaned. It's as if God wants what you feel when you're orphaned without protection from your family and relatives by your side. Such is the fate of them. So since then he proclaimed himself as a successor to every orphan in his time.

After the last verses mention three graces of Allah to the Holy Prophet (verses 6-8), they also mention the three consequences of the awarding. Allah says: Because Allah has bestowed upon you the three blessings then thank goodness, that is by doing good to His creatures. Then proceed with the following verse:

فَأَمَّا الْيَتِيمَ فَلَا تَقْهَرْ (الضحى 9)

So, as for orphans do not apply arbitrarily to them. Have you not felt how bitter to be orphaned? Therefore, do not you act tyrannous towards him, give him his right, and remember that you are also an orphan. Thus according to al Akhfasyi. The specialization of orphans is because no one helps him but Allah. Then the

command should not be arbitrary against it to be greatly emphasized.<sup>26</sup>

The word (تقهر) taqhar is derived from the word (قهر) qahara which in terms of language means to tame, subjugate to reach its goal, or prevent the opponent from reaching his goal. Humans who feel that they have such abilities often leave them arbitrary, and therefore the word is understood also in an arbitrary sense. Such arbitrariness can take many forms.

Orphaned children who are kept by one of the families, or who live in the orphanage have rights that must be fulfilled by the Muslims around him. These rights include:

a. Getting a good treatment

In the Qur'an Allah SWT affirms the virtue of sponsors orphans and promises a great reward for the orphan caretakers.

The verse is listed in the chapter of Al-Baqārah verse 220:

وَيَسْأَلُونَكَ عَنِ الْيَتَامَىٰ قُلْ إِصْلَاحٌ لَهُمْ خَيْرٌ وَإِنْ تُخَالِطُوهُمْ فَإِخْوَانُكُمْ

"And they ask you about orphans, say:" Take care of their affairs properly is good, and if you interrogate them, then they are your brothers ". (Al-Baqārah: 220).

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<sup>26</sup> *Ibid*, p. 496.

Then followed the suggestion to do good with the word *إحسانا* mentioned twice in chapter Al-Baqārah verse 83 and chapter An-Nisā verse 36:

• وَإِذْ أَخَذْنَا مِيثَاقَ بَنِي إِسْرَائِيلَ لَا تَعْبُدُونَ إِلَّا اللَّهَ وَبِالْوَالِدَيْنِ إِحْسَانًا وَذِي  
الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَقُولُوا لِلنَّاسِ حُسْنًا وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ  
ثُمَّ تَوَلَّيْتُمْ إِلَّا قَلِيلًا مِّنْكُمْ وَأَنتُمْ مُّعْرِضُونَ (البقرة 83)

• وَاعْبُدُوا اللَّهَ وَلَا تُشْرِكُوا بِهِ شَيْئًا وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ  
وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَىٰ وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنبِ وَابْنِ  
السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ إِنَّ اللَّهَ لَا يُحِبُّ مَن كَانَ مُخْتَالًا فَخُورًا

According to Quraish Shihab, the word *إحسان* in both verses is used for two things; first, giving pleasure to others, and second, good deeds. The word *ihṣān* is broader than just "giving a favor or a living". Its meaning is even higher than the content of meaning "fair" because fair is treating others the same treatment with yourself. Whereas, *ihṣān* is treating it better than its treatment of oneself. Fair is taking all your rights or giving all

the rights of others, while *ihsān* is giving more than you have to give and take less than you should take.<sup>27</sup> Rasulullah SAW said:

"The person who guarantees the orphan, both his (dependent) and other (dependents), me and he is like this in heaven." Imam Malik gestures with his index finger and middle finger. This hadith is narrated by Abu Hurairah which is imprinted by the Muslims (in Saheeh).

The purpose of this hadith, he wanted to explain about the degree and glory (them) over all beings (others). He said, "We will be gathered like this, and we are the noble ones. Similarly, the orphan insurer, the degree is high."<sup>28</sup>

From these two verses it can be seen that orphans get special attention about their nurturing, nurturing, and upbringing lives arranged in the Qur'an. Among them, affection for him, the problem of his parents' relics if any. Maintenance and guidance of orphans is not limited to mere physical matters, such as food, drink and clothing. Coaching should also pay attention to his psychological problems, such as giving attention, affection, gentle treatment, moral guidance, and so forth.

b. Fulfill basic needs

From Muhammad ibn Wasi 'al-Azdiy that Abu ad-Darda' ra once wrote to Salman al-Farisiy ra "O my brother approached the orphan, wipe his head and feed him from your

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<sup>27</sup> M. Quraish Shihab, *op. cit.*, vol. 1, p. 299-300.

<sup>28</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol. 2, p. 30.

food, for indeed I have heard Rasulullah SAW said when someone complained to him of his hardness of heart. Then he said,

أَذِنِ الْيَتِيمَ وَ امْسَحْ رَأْسَهُ وَ اطْعِمَهُ مِنْ طَعَامِكَ يَلِنْ قَلْبُكَ وَ تُقَدَّرَ عَلَيَّ

حَاجَتِكَ

"Come closer to the orphan, wipe his head and feed him from your food undoubtedly your heart will be gentle and fulfilled all your needs". (HR. Muslim)

The duty of the guardian or guardian is to provide for the orphaned child to meet their needs. What is spent by a wasi (a testator) or guardian of orphan's estate has two conditions:<sup>29</sup>

*First*, it can be witnessed, so that his speech is unacceptable (in court) except in the presence of evidence.

*Second*, it cannot be witnessed, so that his remarks are unacceptable (in court) except in the presence of evidence. If so, the home and whatever he buys (with orphan property) using the document, then his remarks are unacceptable except in the presence of evidence.

The basic need that must be fulfilled to orphans is to feed. The Qur'an affirms it in chapter al-Insān verse 8:

وَيُطْعَمُونَ الطَّعَامَ عَلَى حُبِّهِ مِسْكِينًا وَيَتِيمًا وَأَسِيرًا (8)

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<sup>29</sup> Syaikh Imam al-Qurthubi, *op. cit.*, p. 137.

And chapter Al-Balad verse 14-15:

أَوْ إِطْعَامٌ فِي يَوْمٍ ذِي مَسْعَةِ (14) يَتِيمًا ذَا مَقْرَبَةٍ (15)

In the verse it is affirmed, it is obligatory for a person to feed orphans, especially those with relatives. Emphasized relatives so that people feel that nurturing and caring for orphans is an obligation. Because being orphaned is something unexpected.<sup>30</sup>

In addition to feeding them, God commands humans to give the treasures they love to share with them, the orphans:

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ  
بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَآتَى الْمَالَ عَلَى حُبِّهِ  
ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينَ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ  
الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ  
وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ الْمُتَّقُونَ (البقرة

(177)

In addition to feeding them, Allah commands humans to give their preferred treasures to be shared with them. The

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<sup>30</sup> Hamka, *Tafsir al-Azhar*, vol. 9, Gema Insani, Jakarta, 2015, p. 586.

scholars make this verse an argument for treasure other than zakat, ie مال البر (alms for worship). Then other scholars say that the meaning of this verse is only zakat which is required only. But the first opinion is correct. His argument is a hadith narrated by Ad-Daraquthni of Fatimah bint Qais, he said: Allah's Messenger (may peace be upon him) once said: "Verily in the treasure there is an obligation besides zakat." Then he read this verse.<sup>31</sup>

This opinion is reinforced by the history of Ibn Jarir ath-Thabari. In connection with chapter al-Baqarah verse 215, he said from Ibn Juraij, he said: One day the Companions asked to Rasulullah SAW where they should have their treasures. Then the verse goes down:

سَأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِّنْ خَيْرٍ فَلِلْوَالِدَيْنِ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ  
وَالْمَسَاكِينِ وَإِنَّ السَّبِيلَ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ (البقرة

(215

This verse goes down with Amr ibnul Jamuh al-Anshari, an elderly reporter. He once said, "O Messenger of Allah, what kind of treasure should I give up? And to whom should I go?" So this verse goes down. Ibn Jurayj added that the

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<sup>31</sup> Syaikh Imam al-Qurthubi, *op. cit.*, p. 555.

alms that should be given in this verse includes relatives, orphans, the poor, and *ibn sabil*.<sup>32</sup>

According to Quraish Sihab, this verse answers their question of who to whom the treasure should be spent. The answer to their question is from good treasure, which is what is good to spend. Here, the treasure is indicated by the word (خير) *khair* / good to indicate that the spent treasure is something that is good and is used for good purposes.<sup>33</sup> This is the verse that affirms to the Muslims for whom property should be given.<sup>34</sup>

The Qur'an also provides an alternative in financing the needs of orphans, especially those who do not have property, among others with *ganīmah* (غنيمة = spoils of war) contained in chapter al-Anfal verse 41, the state treasury obtained from the enemy with the way war:

وَأَعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ  
وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَأَبْنِ السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ  
عَبْدِنَا يَوْمَ الْقُرْآنِ يَوْمَ التَّغْيِ الْجُمُعَانَ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ (الأنفال

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<sup>32</sup> Syaikh Imam al-Qurthubi, *op. cit.*, vol 3, p. 85.

<sup>33</sup> M. Quraish Shihab, *Tafsir Al-Mishbah*, *op. cit.*, vol. 1, p. 555.

<sup>34</sup> *Ibid*, p. 556.

And *fa'y* (ء في = loot). It is written in the letter of Al-Hashr verse 7, the state treasury derived from *kufir dzimmiy* (ذمى):

مَا أَقَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَى فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَى  
وَالْيَتَامَى وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ  
وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ  
شَدِيدُ الْعِقَابِ (الحشر 7)

A person is allowed to provide the property with compensation of security and protection. A fair orphan is given an inheritance when present at a property sharing event, although it is not mandatory because they are not the family of heirs (An-Nisa: 8).<sup>35</sup>

c. Fix or provide shelter

Residence is a place to take shelter from the heat of the sun, the cold of rain, and the protection of self-esteem, and the property of the orphan's family. Orphans after being abandoned by one or both parents may experience extreme shortcomings so that they are less able to meet basic needs and have shelter.

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<sup>35</sup> Quraish Shihab, *Ensiklopedia Al-Qur'an: Kajian Kosakata*, Lentera Hati, Jakarta, 2007, p. 1107.

Their residence looks unkempt, broken here and there or they do not have it. Muslims who know this must improve or provide shelter so that the orphans feel comfortable and secure. There is no need to build it in a fancy way and model, but they can be sheltered and protected if they live there.

If they do not have a place to live, the best thing is to invite them to live with Muslim families or to send them to institutions that provide care facilities, and care and provide a decent place to live for them.

This is narrated in chapter al-Kahfi verse 82:

وَأَمَّا الْجِدَارُ فَكَانَ لِغُلَامَيْنِ يَتِيمَيْنِ فِي الْمَدِينَةِ وَكَانَ تَحْتَهُ كَنْزٌ لَهُمَا وَكَانَ  
أَبُوهُمَا صَالِحًا فَآزَادَ رَبُّكَ أَنْ يَبْلُغَا أَشُدَّهُمَا وَيَسْتَخْرِجَا كَنْزَهُمَا رَحْمَةً مِنْ رَبِّكَ  
وَمَا فَعَلْتُهُ عَنْ أَمْرِي ذَلِكَ تَأْوِيلُ مَا لَمْ تَسْطِعْ عَلَيْهِ صَبْرًا

Narrated, when the prophet Moses studied on the prophet Khidr, suddenly prophet Khidhir correct the wall of the house that almost collapsed. In a condition full of questions, the prophet Moses also said, "If you will undoubtedly take a reward for it." Prophet Khidhir did not answer Moses' question.

The time came when the prophet Khidhir explained everything he had done without giving Moses the opportunity to question him. Explained that the wall of the house is almost

collapsed belongs to two orphans and under it there are treasures for both of them.

Prophet Khidr not necessarily know the condition of the orphan family and then fix the wall of the house. The knowledge and command to fix the wall of the house that almost collapsed came from Allah SWT ("*... And I do not do it according to my own will ...*") (Al-Kahf: 82).<sup>36</sup>

d. Provide a proper education

One of the systems and ways of improving the quality of human life in all aspects of life is through education. This is because education as a conscious vehicle needed to prepare human children to support their role in the future, both as individuals and as social. Because in its development, humans almost no one does not use education as a tool of empowerment and improvement of quality, even in a society that is still underdeveloped.<sup>37</sup>

Sahal Mahfudh asserted that education is basically a conscious effort that shapes systematic, planned, and directed behavior and behavior through the guidance and development of potential in order to instill knowledge and morals in children or learners, so that students have an independent person during his

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<sup>36</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, *op. cit.*, p. 61.

<sup>37</sup> Hujair AH. Sanaky, *Paradigma Pendidikan Islam: Membangun Masyarakat Madani Indonesia*, UII Safiria Insani Press, Yogyakarta, 2003, p. 4.

adulthood and able to take responsibility and act as himself in the future.<sup>38</sup>

Orphans, if they do not get a compassionate affectionate, loving compassionate heart, and do not have close relatives who can be relied upon to maintain it properly and take care and guarantee it, educate, and guide it and help cover hunger, then this orphan will lapse into the valley of irregularities and criminality. In fact it will eventually become the burden of society and the spread of destruction among the next generation.<sup>39</sup>

Providing orphan education is not equated with providing education in accordance with ordinary children. Those who do not have parents always tend to be aggressive and not easily controlled. They tend to sense as a form of anxiety due to loss of backing and moral (psychological) support from parents. Therefore, they should not be treated badly and harshly.<sup>40</sup>

Orphan education is done gradually to determine the level of maturity. In Tafsīr al-Marāghī is described testing orphans by giving little wealth to use or spend alone. If he has been able to use it well, then he has entered his maturity. Because

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<sup>38</sup> MA. Sahal Mahfudh, *Nuansa Fiqh Sosial*, LKiS, Yogyakarta, 1994, p. 257.

<sup>39</sup> Abdullah Nasih Ulwan, *Pendidikan Anak Menurut Islam Pemeliharaan Kesehatan Jiwa Anak*, Remaja Rosda Karya, Bandung, 1996, p. 131.

<sup>40</sup> Najiullah, *Progam Pendidikan Terurai Untuk Pembinaan Aitam*, Dewan Dakwah Islamiyah Indonesia, Jakarta, 1994, p. 3.

the meaning of adulthood here is if he has understood well how to use the treasure and spend it a sign that he is sensible and think well.<sup>41</sup>

Orphans with all their limitations require certain educational patterns to be self-sufficient. First, they need a substitute figure to recognize attitudes and roles according to his nature to maturity in the future. The fundamental obligation of this substitute is the fulfillment of their affection. With affection, they will feel safe and comfortable. This condition is needed for the basis of the development of a sense of trust towards others.<sup>42</sup>

The educational principles that need to be applied in educating children,<sup>43</sup> among others:

- 1) Inculcate the spirit of trust within the child, good faith for himself and others.
- 2) Spreading the spirit of love and empathy between the child and all members of the house, between him and others, especially the scholar, the pious, and the jihadist.
- 3) Awakening awareness and feelings within the child and sourced from religion, not just the rules imposed on them.
- 4) Inculcate moral character in children so that it becomes permanent and bad habits can be released.

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<sup>41</sup> Ahmad Musthofa al Maraghi, *op. cit.*, p. 338.

<sup>42</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, *op. cit.*, p. 78.

<sup>43</sup> Mahmud Muhammad Al-Jauhari dan Muhammad Abdul Hakim Khayyal, *Membangun Keluarga Qur'ani*, translated by Kamran As'ad Irsyadi dan Mufliha Wijayati, Amzah, Jakarta, 2013, p. 234.

e. Keep her heritage treasure

There are several stages of guarding that must be done guardian while waiting for the merit and ability of the child to manage the relics of the property independently. The verses that call for the guarding of this orphan's treasures include: Al-Isra 'verse 34, An-Nisā verses 2 and 6, and Al-An'ām verse 152).

From these verses, there are two categories of guardians who can manage the treasure of relics in different ways,<sup>44</sup> namely:

1) A capable guardian

If the guardian of the orphan is able, it is obligatory for him to keep all the treasures of his parents without taking anything for himself and his family. All of these treasures shall only be used for orphans' purposes, such as the cost of basic daily necessities, health, education, etc., which is for the benefit of orphans who are entitled to receive the property of their parents.

If the guardian is able to provide the day-to-day operating costs for the orphans it is better. The guardian's job just keeps his property intact. The property should not be exchanged for the worse, or deducted for the personal benefit of the guardian. If the child has *baligh* and adult so as to

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<sup>44</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, *op. cit.*, p. 68-69.

manage his property, the guardian must submit all his property.

## 2) Poor guardian

If the guardian of the orphan is poor, it is permissible to take or use the orphan's property properly (not excessively and exceed the limit). Utilization of treasures deservedly this can be said just a substitute for the energy he used to maintain the orphan's property.

One time, a friend asked the Messenger of Allah, "Ya Rasululla, I am a poor man, I take care of orphans and his property, may I eat from the child's property?" The Prophet replied, *"Eat from orphan's treasure just plain, overage, do not waste, do not your property mixed with the orphan's property."* (Abu Dawud)

## f. Gain inheritance from parents and other people's

In the Qur'an Allah says:

وَإِذَا حَضَرَ الْقِسْمَةَ أُولُو الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينُ فَارْزُقُوهُمْ مِنْهُ وَقُولُوا

لَهُمْ قَوْلًا مَعْرُوفًا (النساء 8)

In this verse Allah SWT explains those who do not inherit while they are present when the division takes place, and they are the relatives of the orphans and the needy. So why not divide them in moderation if the orphan's inheritance is many in number, if he only has immovable property such as house and

land, or his property is little, then he is not allowed to distribute it to them. If he shares it then it is for him a great reward.

### 1. Obligation to Orphans

From Abu Hurairah ra said, has said the Prophet SAW,

كَافِلُ الْيَتِيمِ لَهُ أَوْ لِعَيْرِهِ أَنَا وَهُوَ كَهَاتَيْنِ فِي الْجَنَّةِ

"The keeper of the orphan, whether from his relatives or anyone else, me and him (his position) like these two fingers in heaven." And the narrator, Malik bin Anas with his index finger and middle finger." (HR Muslim)

Asy-Shaykh Salim bin Ied al-Hilaliy hafizhohullah said, "The meaning (له أو لغيره) is his relative or *ajnabi* (others).

Whereas (who include) relatives here, is the mother of the orphan, his grandfather, his brother or parties other than those who have kinship with him.

From the above hadith, if there is a Muslim who endures and guarantees the life of the orphan from feeding, clothing, education and otherwise he will be in heaven and live side by side with the Prophet SAW in it. He raised his hand and raised his fingers and gestured with his index finger and center and separated the two.

From Sahl bin Sa'd ra, the Prophet SAW said,

أنا وَكَافِلُ الْيَتِيمِ فِي الْجَنَّةِ هَكَذَا

"I and the keeper of orphans in heaven later, this position as (two fingers) is". And he gestures with his index finger and middle finger and separates the two ". (HR al-Bukhāri)

Asy-Shaykh Salim bin Ied al-Hilaliy said, "There is encouragement in caring for orphans and keeping their property. That will lead to enter into heaven and accompany the Prophets, the *siddiqin*, the martyrs and the *shalihin*. And they are the best friends (who accompany)".

From the description above, there are several obligations that need to be considered in maintaining orphans,<sup>45</sup> namely:

- a) Do good to orphans
- b) Honoring orphans
- c) Take care of them appropriately
- d) Associate with them as brothers.

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<sup>45</sup> Muhsin M.K, *Mari Mencintai Anak Yatim*, Gema Insani, Jakarta, 2003, p. 26.

## 2. Prohibitions Against Orphans

### a. Acting arbitrarily

It is a must that human beings as social beings must be shoulder to shoulder, help-help and keep each other's words and actions against other human beings. Moreover, arbitrary and tyrannical apply to orphans. Orphaned makes a child weak, having to live a life with the loss of one of the roles of the parents upbringing. The loss of the foundation of complete parental protection makes an orphan easy to get violent, degraded, deceived, and so on.

The treatment of caregivers or guardians of orphans should be the same as their treatment of their children. There should be no violence against orphans, as they are also part of the nanny's household. The scope of households is people who have family relationships with (husband, wife and children) because of blood relations, marriage, dairy, caring, and guardianship, who settled in the household. In Act Number 23 of 2004, it stipulates in Article 5 that "Everyone is prohibited from domestic violence against persons within the scope of their household, by:"<sup>46</sup>

- 1) Physical violence
- 2) Phychic violence
- 3) Sexual violence

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<sup>46</sup> Law Number 23 Year 2004 regarding PKDRT.

## 4) Neglect of household.

In the Qur'an it is clear that Allah forbade it in sura ad-Dluhā verse 9:

فَأَمَّا الْيَتِيمَ فَلَا تَقْهَرْ (9)

"And against the orphan you shall not be arbitrary."

What is meant by arbitrary attitude is not to give good service to orphans, not to be friendly to them, and to do violence to them.

According to Sayyid Qutb, that Allah gives direction to the Prophet Muhammad and the Muslims to protect all orphans and social to the beggars. And forbidden to act arbitrarily against him, is also forbidden to hurt, and insult him. God hates all forms of transgression against the rights of his weak servant who has no weapons to protect his rights.<sup>47</sup>

## b. Scold the orphans

Prohibition to rebuke orphans is clearly stated in al-Qur'an chapter al-Mā'ūn verses 1-2:

أَرَأَيْتَ الَّذِي يُكَذِّبُ بِالْإِيمَانِ (1) فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ (2)

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<sup>47</sup> Sayyid Quthb, *Tafsir fi dzilalil Qur'an*, Trans. As'ad, Gema Insani, Jakarta, 2004, p. 98.

"Do you know people who reject religion? That is the person who rebukes the orphans".

The meaning of rebuking an orphan is to obstruct him vigorously from getting his rights. The word rebuke itself is a word that contains all the meanings associated with distancing, ignoring, rough, hard, and all other forms of injustice experienced by orphans.<sup>48</sup>

According to Muhammad Abduh that "*yadu'u al-yatīm*", rebuked the orphan to evict the orphan or to utter loud utterances when he came to him asking for something necessary merely for underestimating his weak condition and the absence of a parent capable of defending him and fulfilling his needs. It is also driven by pride because it considers itself stronger and nobler.<sup>49</sup>

Meanwhile, according to the custom, the condition of an orphan is a description of the weakness and the need for help. So whoever insults him, he has insulted every weak human being, and weakened everyone who needs help.

According to the commentators, the word scolded is interpreted by being arbitrary and not giving its rights. This verse goes down with regard to the sufyan ashes which each week slaughters a camel. Then came the orphans asking for

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<sup>48</sup> Butsainah As-Sayyid Al-Iraqi, *op. cit.*, p. 69.

<sup>49</sup> Syaikh Muhammad Abduh, *Tafsir Al-Qur'an Al-Karim juz Amma*, trans. Muhammad Bagir, Mizan, Bandung, 1998 p. 330-331.

the meat. Abu Sufyan also struck the orphan with his wand. "Therefore, the person who *"yadu'ul yatim"* (rebukes the orphan) is called a belie of religion and the day of vengeance. He does not believe in the day of vengeance and considers that his help to the orphans will not bring anything in the world. This attitude is a form of denial or deception of religion.<sup>50</sup>

c. Approaching their property

The Qur'an has explained in chapter al-Isrā' verse 34 and al-An'ām verse 152:

• وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا

بِالْعَهْدِ إِنَّ الْعَهْدَ كَانَ مَسْئُولًا (الإسراء 34)

• وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ ۙ يَبْلُغَ أَشُدَّهُ ۗ

وَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ بِالْقِسْطِ ۗ لَا تَكْلَفُ نَفْسًا إِلَّا وُسْعَهَا ۗ

وَإِذَا قُلْتُمْ فَاعْدُوا ۗ وَلَوْ كَانَ ذَا قُرْبَىٰ ۗ ۙ وَبِعَهْدِ اللَّهِ أَوْفُوا ۗ

ذَٰلِكُمْ وَصَّاكُم بِهِ لَعَلَّكُمْ تَذَكَّرُونَ (الأنعام 152)

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<sup>50</sup> M. Khalilurrahman Al-Mahfani, *Dahsyatnya Doa Anak Yatim*, PT Wahyumedia, Jakarta Selatan, 2009, p. 16.

ولا تقربوا مال اليتيم "Thou shalt not approach the orphan's treasures" is also affirmed in this verse, إلا بالتي هي أحسن "except in the best possible way". But the Qur'an does not explain in detail how the good treatment of this verse. Hamka explains in his commentary that if the orphan caretaker is poor, for example, the time is spent to care for the orphan, he may use it or run the treasure in order to live, so as not to freeze.

Hamka continued, for example, the state of paper money today if only kept since World War II for example, the value of paper money is not fixed, allowing for an increase. So it is best for the guardian to run, commissioned, spoken, premises controlled by faith. So that until the adult orphan is able to stand on their own, already know how to distribute the wealth, already know the meaning of profit and loss, so it is not wasted.<sup>51</sup>

d. Mix up their property with personal property

For the guardian who gets the right to care for the orphan, when he receives the trust of his parent's estate, it is unlawful for the guardian to confuse the orphan's property with his property. Allah SWT emphasizes in Surah An-Nisā verse 2:

وَلَا تَأْكُلُوا أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ

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<sup>51</sup> Hamka, *op. cit.*, vol. 5, p. 286.

"... And do not eat their property (orphans) with your treasure."

The two different property rights should be separated. It is better to receive the trust of the property, there is a record of the amount, type, and value of the property. More importantly, when the process of handover and recording involves several witnesses to avoid misunderstanding.

e. Exchange their property

With regard to the management of orphan property, the exchange of goods or property with personal property is strictly prohibited. Many occur where close relatives target the treasure of the corpse. By reason of wanting to be the guardian of orphan. And after having received the trust to manage the orphan's property, the guardian exchanged the property with poor quality, such as land located on the edge of the highway, exchanged for the land in the village. Likewise, 24 carat gold reel is exchanged for 18 grams of gold, although the number of grams is the same.<sup>52</sup> This is mentioned clearly in the Qur'an:

وَلَا تَبَدَّلُوا الْحَيِّثَ بِالطَّيِّبِ

"Do not exchange good with evil ..." (QS. An-Nisha verse 2)

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<sup>52</sup> Nurul Chomaria, *Cara Kita Mencintai Anak Yatim*, *op. cit.*, p. 76.

f. Eat their treasures

Among doing good to orphans is by not eating their possessions. Their possessions usually come from their father's inheritance or their fathers and mothers who have died while they are his heirs. As long as the children are still not reaching the age of *baligh*, immature and have not been able to take advantage of their possessed property well then one can arrange and manage their property in a good way. However, he must keep his treasures not mixed with the orphanage's assets. He should not eat any of their property unless there is a *udzur syar'i* that allows them to take and utilize their property by not committing persecution.

But it may also be that the orphan's wealth was obtained from donors who were handed over to an orphan foundation to manage it. This also holds a ban on the foundation's managers to eat and possess their possessions arbitrarily. Namely the owner of the foundation lives on the property of the donors while the orphans remain alive in need. So he should not exploit orphans for his own benefit.

وَأْتُوا الْيَتَامَىٰ أَمْوَالَهُمْ وَلَا تَتَبَدَّلُوا الْخَيْرَ بِالْأَسْفَلِ وَلَا تَأْكُلُوا

أَمْوَالَهُمْ إِلَىٰ أَمْوَالِكُمْ إِنَّهُ كَانَ حُوبًا كَبِيرًا

"And give unto the orphans (who are *baligh*) their property, do not exchange good with bad and do not eat their treasure with your wealth. Verily

those acts (exchanging and eating) are a great sin."  
[QS An-Nisā ' 4: 2]

In addition to the command not to eat the orphan's treasures, Allah SWT also threatens for anyone who eats their treasures with a picture like the following verse:

إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَىٰ ظُلْمًا إِنَّمَا يَأْكُلُونَ فِي بُطُونِهِمْ نَارًا  
وَيَصِيلُونَ سَعِيرًا (النساء 10)

This verse was revealed concerning a man from Ghathfan named Mirtsad bin Zaid who was given the trust to keep and manage the treasures of his orphaned and small nephew, then he ate it, then Allah SWT decreed this verse.

Taking the orphan's treasures in any way is categorized as well as eating them, for the purpose is to consume them and most of the treasures are consumed. While the mention of al-buthun (abdomen) specifically indicates the loss of property because it is consumed and denounced because it is against moral and moral behavior. Then the treasure eaten is called fire according to the meaning of the interpretation.

According to the Qur'an and the Sunnah that eating the orphan's treasures is a great sin, as the Rasulullah said,

"Abstain from seven things that are destructive ... -one is eating the orphan's treasures."<sup>53</sup>

In Tafsir at-Tabari, it is explained that although Allah allows you to interfere and take care of the orphan's property, but be fearful of Allah when you mix with them, if you want to eat (use) their possessions in a vanity way, and you make the means to destroying their property and eating in a way that is not right, it will bring in torment that you will not be able to receive it. For Allah is Knower.<sup>54</sup>

- g. In a hurry to spend their possessions

Allah says in the letter of An-Nisha verse 6, "...  
*And (do not you) hurry (spend it) before they grow up ...*"

Allah forbids the saints to allow the imperfect people to spend their treasures made by God as the support of life and human life. Allah commands them to spend their wealth in order to meet their needs such as clothing, food, and so on.

- h. Submit their possessions before adulthood

In the use of property, especially in relation to a contract, a child who has not been *baligh* is not allowed to allocate or hold his own property. Rather must the person

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<sup>53</sup> Syaikh Imam al-Qurthubi, *op. cit*, vol. 5, p. 136.

<sup>54</sup> Abu Ja'far Muhammad bin Jarir Ath-Thabari, *Jami' al-Bayan an Ta'wil Ayi Al-Qur'an*, translation by Ahsan Askan, Pustaka Azzam, Jakarta, 2008, p. 630.

who became his guardian like his parents, relatives, or people who are given the mandate to take care of it. It is described by Allah in the Qur'an an chapter An-Nisā verse 2:

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا  
إِلَيْهِمْ أَمْوَالَهُمْ وَلَا تَأْكُلُوهَا إِسْرَافًا وَبِدَارًا أَنْ يَكْبَرُوا وَمَنْ كَانَ غَنِيًّا  
فَلْيَسْتَعْفِفْ وَمَنْ كَانَ فَقِيرًا فَلْيَأْكُلْ بِالْمَعْرُوفِ فَإِذَا دَفَعْتُمْ إِلَيْهِمْ  
أَمْوَالَهُمْ فَأَشْهَدُوا عَلَيْهِمْ وَكَفَىٰ بِاللَّهِ حَسِيبًا (النساء 6)

This verse is addressed to the recipients of the mandate to keep the orphan and his property. Orphans are every child whose father has died, and is still small (not yet reached adulthood). People who are entrusted with the mandate to keep orphans should keep the treasure in a good way. It should not confuse the orphan's property with his own property, so it cannot be distinguished which of the orphan's property and where is his own property. Nor does he justify eating the treasure when he is able.<sup>55</sup>

And before the property is handed over to orphans, if they have *baligh* and are able to use the treasure then test it first. Can they really maintain and use their wealth well, as

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<sup>55</sup> Departemen Agama RI, *Al-Qur'an dan Tafsirnya: Edisi yang Disempurnakan*, Lentera Abadi, Jakarta, 2010, p. 113.

the Shafi school understands? I. While Hanafi Hanafi requires guardians to hand over property in adulthood with the condition smart, capable, and 25 years old although in a state not smart.<sup>56</sup>

And when the guardian will hand over the orphan's estate to him, the Qur'an strictly prohibits the guardian from committing frauds, such as exchanging high-quality orphan treasures, or confusing his property with your treasure, so as not to show where the orphan's wealth with caretaker/guardian's treasure.

The two treasures must be separated, it is better to receive the mandate to keep and keep the orphan's property, there is a record of the amount, type, and value of the property. More importantly, if the handover of the trust and the recording presents witnesses, to avoid misunderstandings.

But the jurists did not stipulate the obligation of the guardian to present the witness because this law is only temporary in order to be alert and cautious by presenting the witness during the process of surrendering the property in order to avoid the accusations that occur in the future if the orphan denies that his or her property has been handed over

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<sup>56</sup> *Ibid*, p. 119.

to him or if the orphan claims that there are deficiencies or alterations and other allegations.<sup>57</sup>

i. Broken promise

Human life in the world, always bound by promises. Therefore, it is not easy to make an appointment if the promise will not be fulfilled. A person who wants to take care of an orphan, he must be able to fulfill whatever obligations the orphan needs. That is the care of the caregivers to the orphaned child. Allah warns in al-Imran verse 112, that wherever we are, it will be miserable that will happen to us if we do not hold two ropes. First rope from God, both ropes from fellow human beings. The rope with the human fellow is a promise.<sup>58</sup>

### C. The Implementation of Orphans Treatment in Today's Society

In this day and age, the problem of children being orphaned more and more. Not only because of the loss of parents only, there are children whose presence is not desired, parents die and have no family, families who are economically unable to care for their children and then throw away their children so many children become displaced.

Therefore, one of the efforts to provide protection to abandoned and orphaned children is to include them in an orphanage.

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<sup>57</sup> Butsainah As-Sayyid Al-Iraqi, *op. cit.*, p. 141.

<sup>58</sup> Hamka, *op. cit.*, p. 286.

This orphanage became the community's fastest alternative in taking care of the children. Already many institutions are building places to accommodate orphaned and abandoned children.

Indonesia is the country that has the largest orphanage around the world. The number is estimated between 5,000 to 8,000 orphanages caring for up to 1.5 million children, of which more than 99% of orphanages are run by non-governmental organizations, especially religious organizations. In 1998 the number of orphanages 1,600 pieces, raising as many as 91,051 children. However, in the last ten years, the number has jumped sharply to 8,000 orphanages with the number of foster children 1.4 million children.<sup>59</sup>

Ironically, despite having many orphanages, the case of abandoned orphans is still fairly severe. "According to the data, there are around 4.8 million abandoned children in Indonesia, about 38 percent of which are children under five without family protection so it can be said orphaned." This concern was conveyed by the Chairman of the National Commission for Child Protection (Komnas PA), Arist Merdeka Sirait. He considered, so far the government is ignorant of the constitutional rights of orphans. In fact, the number of children who are less fortunate enough.<sup>60</sup>

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<sup>59</sup> Lia Hartati, "Kompetensi Interpersonal pada Remaja yang Tinggal di Panti Asrama dan yang Tinggal di Panti Asuhan Cottage", *Jurnal Psikologi* Vol. 10 No. 2 (Desember, 2012), p. 79.

<sup>60</sup> <http://www.republika.co.id/berita/koran/urbana/14/11/10/netcw8-pemerintah-kurang-perhatikan-anak-yatim> accessed on 21 Oktober 2017.

The task of taking care and maintaining orphans is the Islamic Shari'a. The command is clearly written in the Qur'an. For Islamic institutions managing the orphanage, it is necessary to observe proper maintenance in accordance with what is commanded in the Qur'an. The big question is, have the orphanages fulfilled the care of orphans according to the teachings in the Qur'an?

In history, the new orphanage emerged after the Prophet's time. The pioneer of institutional development comes from the church. In Indonesia alone was the first orphanage comes from the church. The first care star in Batavia was established simply in 1629 precisely during the reign of Governor General Jacques Specx. The orphanage is managed by the deacons of the Protestant Church located on Kaaimansgracht Road, now Jl. Cubeb. The system used in the orphanage averages the dormitory system, ie placing foster children in a dormitory building and they are grouped in groups of 15-20 foster children in each room cared for by one nanny.

This is different from the time of the Prophet. In the time of the Apostles, orphans were nurtured directly by their immediate family, they became adopted sons who lived together in one part of the family. Unlike in an orphanage, although they have replacement parents called "carers", but the attachment of the child with the caregiver must be different from the attachment of the child to the parent living in a family.

The orphanage method in the present day is on average by collecting many orphans in a single dormitory, even if the number of

caregivers is not worth the number of children cared for. This is different from the concept of orphan care in the Qur'an that requires to interfere with orphans like their own children. The Prophet had already taught his people first how to spare the orphan, the Messenger of Allah said that he is the father of orphans, put them in a family. If seen today, is there a family willing to appoint an orphan in a family, entering their Family Card. Not even deposited in the orphanage is not yet clear the proximity to the nanny.

Most orphanages are also looking for donors. Though the obligation to support the orphan is the nanny, as a substitute for his parents. It may be that the orphan's wealth is obtained from the donors who are handed over to an institution to manage it. It is incumbent upon the managers of such institutions to be careful not to take possession of their property and to possess their possessions arbitrarily. The owners of the institution should not live off the donor's wealth while the orphans still live in deprivation.

## CHAPTER V

### EPILOGUE

#### A. Conclusion

Based on the descriptions of data discussions that have been writers do, the authors can take conclusions to answer some of the formulation problems that have been presented as follows:

1. The meaning of the word orphan in the Qur'an is not clearly explained. Explanation that the orphan is a child left behind by his father comes from the commentator of Qur'an (*mufasir*). According to the exegetes, orphans are a name for children who were left behind by his father, who were left behind by his mother can also be called orphan. Because this word describes the condition and powerlessness of the situation experienced by a human being in protecting himself.
2. The Qur'an is so concerned about the fate of orphans. From his verses, there is a picture of how the orphan care is desired by the Qur'an. The Qur'an provides guidelines on how Muslims should treat and treat them (QS. Al-Baqārah: 83, QS. Al-Baqārah: 177, QS. An-Nisā: 6, QS. An-Nisā: 36, QS. An-Nisā ': 127, QS. Al-An'ām: 152, and QS. Ad-

Dluhā: 9) as well as a warning to those who commit adultery over them and his property (QS. An-Nisā: 10, QS. al-Fajr: 17, QS. Al-Maun: 2) as well as the punishment God has provided for those who dare to eat their property (QS. Al-Baqārah: 215). And also a reward for those who glorify them (QS. al-Insān: 6). All tools for conceptualizing their maintenance are contained and explained directly in all verses of the Qur'an. The concept of the orphan care of these verses reminds people, especially the orphaned caregivers to always pour out their affection and not trouble others, let alone helpless orphans. Taking care of their business properly is better and fairer. That is, educating, socializing, nurturing, and developing their well-done and fair property is the attitude demanded of orphans. Separating their food and beverages is an attitude that is inconsistent with reasonableness and does not reflect kinship and fraternal relationships. Therefore, behave as well as you yourself because they are essentially brothers of religion or humanity.

3. Care in an orphanage, not yet guaranteed can have a positive impact on the child's development. This is related to the inability of institutions to become an environment that can meet the needs and support for children to develop

optimally. Although today there are no orphanages unlike the time of the Prophet, but how to care for and educate the orphans still have to follow what has been described in the Qur'an. Caregivers should have close attachment to their parents. The owners of the institution must continue to feed the orphans as described in the Qur'an, not eating their property. If the orphan gets a donation from a donor, it is forbidden for the manager of the property to give it in half, must be given as a whole in accordance with the mandate, excluding the donor's treasure into personal property.

## **B. Suggestion**

This study is to describe the meaning of orphans in the Qur'an in accordance with the use of the word *al-yatīm* in finding orphaned verses in the Qur'an. Then the researchers tried to explore how the concept of orphan care desired by the Qur'an began from the guidelines how should Muslims maintain and treat them, keep their property, glorify them, warning those who do *dzolim* over them and his property, and also the punishment that God has provided for those who dare to eat their property. This thesis is literature review using *maudlu'i* method. This research still needs to be developed

again. From this research, it may be possible to develop into a field study about on the alignment of Muslims in applying orphanage care in orphanages, for example.

### **C. Closing**

By saying thanks to Allah who has been giving blessings and mercies to the researcher, it is a great gift from Him through finishing this final project.

In this study, the researchers are well aware that there are still many shortcomings in various lines. For that researchers apologize. However, although this thesis is the work of a beginner who is learning to research and write. Researchers are very open if there are criticisms and suggestions from readers.

At last, researcher hopes that this work will be valuable and beneficial for researcher especially and the others who concern on any other field of study generally.

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## CURICULUM VITAE

Nama : Qorina Ziba Putri  
Tempat/Tgl. Lahir : Pekalongan, 19 Maret 1994  
Alamat : Jl. Pucang Gading rt. 04/ rw. 11, Kel.  
Batarsari, Kec. Mranggen, Kab. Demak.  
Email : qorinazieba@gmail.com

### **Riwayat Pendidikan :**

FORMAL : 1. SDIT Harapan Bunda Lulus tahun 2006  
2. Pondok Modern Darussalam Gontor Putri 3  
Lulus tahun 2012  
3. Fakultas Ushuluddin UIN Walisongo  
Semarang Lulus tahun 2018

NON FORMAL : 1. Pondok Daarul Qur'an Mulia, Gunung  
Sindur, Bogor  
2. Ma'had Ulil Albab Tanjung Sari, Ngaliyan,  
Semarang.

### **PENGALAMAN ORGANISASI:**

1. Lpm Idea Fakultas Ushuluddin dan Humaniora 2013
2. ULC Fakultas Ushuluddin dan Humaniora 2013
3. HMJ Ushuluddin dan Humaniora 2013
4. Pengurus Ma'had Ulil Albab 2013