

# The Dialectic of Ijarah 'ala al-Tha'at in the Religious Tradition of Acehne Society: A Legal-Sociological Analysis of the Practice of Paying for Religious Lessons at Graves from the Perspective of the Majority of Scholars

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## Abstract

The practice of offering material rewards for religious lessons at family graves is a deeply rooted socio-religious phenomenon in Aceh, yet it raises legal ambiguities regarding the balance between sincerity and the commercialisation of worship. This study aims to analyse the legal status of seeking remuneration for grave-side religious lessons from the perspective of the Jumhur scholars and its implementation within the socio-religious context of Aceh. Using a qualitative method through a juridical-normative and legal sociology approach, the results of the study indicate that the majority of Jumhur scholars (Maliki, Shafi'i, and Hanbali) permit the acceptance of remuneration for acts whose benefits are transitive (*muta'addi*), such as the teaching of the Qur'an and supplication. In Aceh, this practice manifests in the Samadiyah tradition, where the provision of material support is not construed as a commercial transaction (*ujrah*), but rather as charity or a voluntary gift. The Aceh Ulama Consultative Council (MPU) acts as a regulator through fatwas prohibiting the use of orphans' inheritance for the costs of such rituals, in order to uphold sharia justice amidst local traditions.

**Keywords:** Ijarah 'ala al-Tha'at; Samadiyah; Ulama Jumhur; Islamic Law in Aceh; Tuition Fees.

## Introduction

The practice of reciting the Qur'an at graves accompanied by the payment of wages is a deeply rooted socio-economic phenomenon in Indonesian society, particularly among the Nahdlatul Ulama, and is usually carried out on occasions such as after a funeral, during nyadran rituals, or on specific days.<sup>1</sup> From a legal perspective, there is a dualism of views within Islamic law: Firstly, regarding the ruling on reciting the Qur'an at gravesites itself, opinions are divided between those who permit it (traditionalist circles) and those who consider it disliked or forbidden (puritan circles). Secondly,

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<sup>1</sup> Suriadi Suriadi et al., "Eksistensi Ritus Khanduri Jrat Di Kabupaten Aceh Timur," *Journal of Social Studies Research* 3, no. 1 (2025), <https://doi.org/10.33059/jssr.v3i1.11213>.

regarding the ruling on accepting payment for reciting the Qur'an, the majority of scholars (from the Shafi'i and Maliki schools) generally permit the acceptance of payment for services related to the Qur'an, citing the Prophet's hadith; however, this permission is typically associated with teaching the Qur'an, not with reciting it for the deceased.<sup>2</sup> Meanwhile, some contemporary scholars strictly prohibit the acceptance of payment for 'recitation offerings' for the deceased, out of concern that it may undermine the sincerity of worship. The novelty and urgency of this research lie in the combination of two issues (venue and remuneration) that are rarely addressed simultaneously, as well as the use of the perspective of the Ulama Jumah as an analytical tool, given that this practice not only touches upon aspects of religious ritual but also creates patron-client relationships and economic disparities within society.<sup>3</sup>

The religious life of the Acehnese people has long served as a living laboratory for the application of Islamic Sharia integrated with local wisdom.<sup>4</sup> As a region with special autonomy in the administration of Islamic law, Aceh presents complex socio-religious phenomena, particularly in practices related to death rituals. One issue that continues to be a hot topic of discussion among jurists and legal sociologists is the practice of offering material rewards to religious or community leaders who conduct religious lectures at family graves. This phenomenon, which in fiqh terminology is often linked to the concept of al-ujrah 'ala al-tha'at (remuneration for acts of obedience), touches upon the most fundamental aspect of Islam: the tension between the principle of sincerity in worship and the economic realities faced by religious servants.<sup>5</sup>

From a sociological perspective, religious gatherings at family graves in Aceh form an integral part of the Samadiyah tradition. Samadiyah is a series of communal prayer rituals, zikr, and the recitation of verses from the

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<sup>2</sup> Sulaiman Sulaiman, "NILAI-NILAI PENDIDIKAN AGAMA ISLAM YANG TERKANDUNG DALAM TRADISI KHANDURI JRAT DI DESA RAYEUK NALEUNG KEC. TANAH LUAS," *Al-Madaris Jurnal Pendidikan Dan Studi Keislaman* 5, no. 2 (2024), <https://doi.org/10.47887/amd.v5i2.162>.

<sup>3</sup> Sudirman Suparmin, "Khanduri Blang in Aceh: Construction of Islamic Law with Qawa'id Fiqhiyyah Approach," *Samarah* 9, no. 1 (2025), <https://doi.org/10.22373/sjhk.v9i1.25044>.

<sup>4</sup> Chairul Fahmi, "Revitalisasi Penerapan Hukum Syariat Di Aceh (Kajian Terhadap UU No.11 Tahun 2006)," *TSAQAFAH* 8, no. 2 (2012), <https://doi.org/10.21111/tsaqafah.v8i2.27>.

<sup>5</sup> Ahmad Zaki. Yamani, "Islamic Law and Contemporary Issues : An Address," 2006, 3.

Qur'an—particularly Surah Al-Ikhlās, recited thousands of times—the rewards of which are dedicated to the deceased.<sup>6</sup> In practice, the bereaved family (ahli bait) often provides financial compensation or goods to the prayer leader (Teungku) and sometimes to the congregation present. This raises legal ambiguity: whether such gifts are categorised as *ujrah* (remuneration) based on a contract for the hire of services (*ijarah*), a gift of charity ( ), or as alms and donations (voluntary gifts) intended to honour guests and those offering prayers.<sup>7</sup>

The root of this debate lies in the differing views between Hanafi scholars, who tend to prohibit the commercialisation of worship, and the scholars of the Jumhur (Maliki, Shafi'i, and Hanbali) schools, who offer a more pragmatic and accommodating approach to religious professions. In Aceh, the religious authorities, represented by the Ulama Consultative Council (MPU), have sought to codify and standardise this practice to prevent economic exploitation, particularly to protect inherited assets involving orphans. This research will provide an in-depth analysis of this legal dialectic, ranging from classical theological foundations to its sociological manifestations in contemporary Acehnese society.

## Data and Method

This study employs a juridical-normative research design with a qualitative approach, focusing on how a specific legal concept (*Ijarah*) is applied in real-life social settings, rather than merely in theoretical texts.<sup>8</sup> The author also employs a mixed-methods approach, primarily combining a juridical-normative approach (analysing Islamic legal texts such as the Qur'an, Hadith, and *fiqh* on *Ijarah*) with a sociological approach (observing and understanding social practices, local traditions (*urf*), and economic interactions within the Acehnese community).

Data was obtained through a literature review of classical *fiqh* texts (the four schools of jurisprudence). Primary Data: Gathered directly from the field to understand the 'living' practice. This would likely involve: (1) In-depth Interviews: With key informants such as local *teungku* (religious leaders),

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<sup>6</sup> Mutia Sahara, "The Wasilah with Stones as Media in Samadiyah Tradition in Peulokan Village of West Labuhan Haji District, South Aceh," *TAFSE: Journal of Qur'anic Studies* 8, no. 2 (2023), <https://doi.org/10.22373/tafse.v8i2.23197>.

<sup>7</sup> Sahara.

<sup>8</sup> Muhammad Siddiq Armia, *PENENTUAN METODE & PENDEKATAN PENELITIAN HUKUM*, ed. Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022).

community elders, families who have hired reciters, and the reciters themselves. (2) Participant Observation: Direct observation of the *pengajian* (Qur'anic recitation) ceremonies at the cemetery to document the rituals, interactions, and payment transactions. (3) Documentation: Collecting any local written records or guidelines related to the practice.<sup>9</sup>

Meanwhile, secondary data is collected from existing literature and documents to build the theoretical framework. This would include: (1) Primary Legal Sources: Classical and contemporary books of *fiqh muamalah* (Islamic jurisprudence on transactions) that discuss the concept of *Ijarah*, particularly *Ijarah 'ala al-a'mal* (wage for services). (2) Scholarly Works: Previous research articles, theses, and books on similar topics, such as ' ' the fiqh review of wages for reciting the Qur'an at graves, or the sociological analysis of legal practices in Aceh. (3) Religious Opinions (Fatwas): Published fatwas from recognised Islamic bodies (such as the MPU Aceh or national councils) regarding the permissibility of taking wages for religious services.

The analysis would likely be qualitative, using an interactive model to integrate the legal and sociological findings. First, Dialectical and Comparative Analysis: This would be central to the study. The researcher would compare the theoretical legal norms of *Ijarah* (as understood by the *Jumhur Ulama*) with the empirical social reality of the practice in Aceh. Second, Thematic Analysis: Data from interviews and observations would be coded to identify key themes, such as the reasons for giving wages, the nature of the transaction (is it a wage, a gift, or charity?), and the social and economic pressures influencing the practice.

## Results and Discussion

### A. Theoretical Construction of *Ijarah 'ala al-Tha'at*: Definition and Legal Basis

Terminologically, *ijarah* is defined by scholars as a contract or transaction concerning a specific intended benefit, which is permissible (*mubah*), and may be utilised in exchange for a specific consideration as compensation.<sup>10</sup> In the Shafi'i school, *ijarah* is a contract for the ownership of the benefit of an object ('*ayn*) or service ('*amal*) with a clearly defined consideration. The Maliki school adds the dimension of time as a crucial element, defining it as the

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<sup>9</sup> Djaali, "Metode Penelitian Kuantitatif," *Google Books*, no. April 2016 (2021).

<sup>10</sup> Faris Alshubiri and Mawih Kareem Al Ani, "Financing and Returns of Shari'ah-Compliant Contracts and Sustainable Investing in the Islamic Banking of Oman," *Economic Change and Restructuring* 56, no. 4 (2023), <https://doi.org/10.1007/s10644-023-09522-8>.

ownership of a permitted benefit for a specific period in exchange for a consideration.<sup>11</sup>

Issues arise when the benefit being transacted is not a general worldly benefit such as sewing or building a house, but rather a religious benefit or obedience (*tha'at*). This is where the distinction lies between *mahdhah* (pure) acts of worship, the benefits of which return to the performer, and acts of worship whose benefits are *muta'addi* (transitive) or can be felt by others, such as teaching the Qur'an, *ruqyah*, or reciting prayers for the deceased.

Table 1: The characteristic of Islamic school of thought on *ijarah 'ala al-thaat*

School of Thought	Definition of Ijarah	Main Focus
Hanafi	A transaction involving a benefit in exchange for a consideration.	The benefit must be material/worldly.
Shafi'i	A transaction concerning a specific, permissible benefit that can be utilised in exchange for consideration.	Clarity regarding the object of the benefit and its permissible nature.
Maliki	A contract of ownership of the benefit of something required for a specific period in return for payment.	Time limit and legality of the benefit.
Hanbali	A contract for the use of an object in return for payment (covering <i>ijarah 'ayn</i> and labour).	Details of the terms of <i>ijarah</i> and the division of responsibilities.

## B. Textual Basis: The Qur'an and Sunnah as the Epicentre of Law

The legal basis for *ijarah* in general is found in various verses of the Qur'an and the Sunnah. In Surah Al-Qasas, verse 26, the Qur'an recounts the

<sup>11</sup> S.A.G.M.S.I. DR. H. Akhmad Haries and L.C.M.A. Maisyarah Rahmi HS, "Ushul Fikih: Kajian Komprehensif Teori, Sumber Hukum Dan Metode Istinbath Hukum," 2021, <https://books.google.co.id/books?id=A4gzEAAAQBAJ>.

story of the daughter of Prophet Shu'ayb who advised her father to 'hire' Musa due to his strength and trustworthiness. Similarly, in Surah At-Talaq, verse 6, Allah explicitly commands the payment of wages to a wet nurse. These verses provide fundamental legitimacy for the concept of wages in Islam.

However, regarding the matter of compliance, the debate refers to more specific hadiths. On the one hand, there is a strict prohibition against seeking sustenance through the Qur'an.<sup>12</sup> The Prophet (peace be upon him) said, "Recite the Qur'an, do not overdo it, do not turn away from it, do not seek sustenance through it, and do not ask for excess through it." On the other hand, there is an authentic hadith narrated by Bukhari which serves as the primary basis for the majority of scholars, in which the Messenger of Allah (peace be upon him) said, "Verily, the most entitled to have its reward taken by you is the Book of Allah." The apparent contradiction between these hadiths is resolved by the scholars through the method of *jama' wa al-taufiq* (reconciliation of evidence), whereby the prohibition is directed at the commercialisation of the recitation of the Qur'an in its pure form without any teaching process or social benefit, whilst the permission is directed at educational services and community service that require the allocation of professional time.<sup>13</sup>

### **C. School of Thought Dialectics: The Legal Debate on Receiving Remuneration for Acts of Worship**

Historically, the intellectual tradition of the Hanafi school has taken the most conservative stance in prohibiting the taking of remuneration for acts of worship.<sup>14</sup> Their argument is rooted in the view that worship is a servant's duty to the Creator, which must be performed sincerely without any economic motive. Taking remuneration from worship is considered to nullify the reward, as the intention has shifted from obedience to the pursuit of worldly gain. Hanafi scholars such as Ibn Abidin emphasised that for any act of

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<sup>12</sup> Muhammad Ulinuha and Mamlatun Nafisah, "Moderasi Beragama Perspektif Hasbi Ash-Shiddieqy, Hamka, Dan Quraish Shihab: Kajian Atas Tafsir an-Nur, Al-Azhar, Dan Al-Mishbah," *ŞUHUF: Jurnal Pengkajian Al-Qur'an Dan Budaya* 13, no. 1 (2020).

<sup>13</sup> Rahmad Kurniawan, Nur Asnawi, and Chairul Fahmi, "Juridical-Philosophical Review of the Position of Sharia Compliance in Islamic Banking in Indonesia," *Jurnal Ilmu Hukum Tambun Bungai* 9, no. 2 (December 31, 2024): 531-45, <https://doi.org/10.61394/JIHTB.V9I2.497>.

<sup>14</sup> Chairul Fahmi, "KONSEP IJMAK MENURUT FAZLUR RAHMAN DAN PEMBAHARUAN HUKUM ISLAM," *Jurnal Ilmiah Islam Futura* 11, no. 1 (2017), <https://doi.org/10.22373/jiif.v11i1.59>.

worship specifically pertaining to a Muslim, one must not demand payment for it.<sup>15</sup>

However, with the changing times and the weakening of the state funding system (Baitul Mal), later Hanafi scholars reoriented the law.<sup>16</sup> They realised that if muezzins, imams, and Quran teachers were not provided with compensation, the very existence of religious practice would be threatened, as people would prefer commercial professions merely to survive.<sup>17</sup> Consequently, a fatwa emerged permitting the payment of wages for these professions—not as compensation for their acts of worship, but as remuneration for the time they devote to safeguarding the public interest (maslahah ammah).

The majority of scholars (Jumhur), comprising followers of the Maliki, Shafi'i, and some Hanbali schools, have from the outset held a more open stance towards the concept of *ijarah 'ala al-tha'at*.<sup>18</sup> The Shafi'i school, which is the most dominant in Aceh, holds that as long as the benefit of an action can be assessed in economic terms and provides a benefit to others, then the taking of remuneration is legally valid and permissible.

Their primary basis is the hadith concerning the Companion Abu Sa'id al-Khudri, who performed ruqyah on a tribal chieftain using Surah al-Fatihah and requested a goat as payment. When this was reported to the Prophet (peace be upon him), he not only permitted it but also requested a share of the gift as a form of endorsement. From this incident, the scholars of the Shafi'i and Maliki schools of thought concluded that if the Qur'an can be used as a means of paid healing, then it can also be used as a means of education and other spiritual services that benefit others.<sup>19</sup>

On the other hand, the initial view of the Maliki school and some scholars of the Hanafi school regards the practice of reciting the Qur'an directly beside

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<sup>15</sup> Nispul Khoiri et al., "Fiqh Nusantara: Exploring the Discourse and Complexity of Indonesian Islamic Jurisprudence," *Multidisciplinary Science Journal* 7, no. 10 (2025), <https://doi.org/10.31893/multiscience.2025584>.

<sup>16</sup> Mohammad ridwan Ridwan, "Aturan Hukum Lembaga Keuangan Mikro Syariah (Bmt Dan Koperasi Syariah) Beserta Akad Akadnya," *At-Tasyri': Jurnal Hukum Dan Ekonomi Syariah* 3, no. 2 (2023), <https://doi.org/10.55380/tasyri.v3i2.401>.

<sup>17</sup> Syifa Un Nafsi, Chairul Fahmi, and Riadhus sholihin, "THE VALIDITY OF USED GOODS AUCTION PRACTICES ON FACEBOOK PLATFORM," *JURISTA: Jurnal Hukum Dan Keadilan* 8, no. 2 (December 31, 2024): 622–43, <https://doi.org/10.22373/JURISTA.V8I2.195>.

<sup>18</sup> DSN MUI, "Fatwa Dewan Syari'ah Nasional-Majelis Ulama Indonesia No: 19/DSN-MUI/IV/2001 Tentang Al-Qardh," *Fatwa DSN MUI*, 2001, 1–4.

<sup>19</sup> Andrée Feillard, "Discordances à l'aube de l'islamisation Du Droit à Aceh (Décembre 2002)," *Archipel* 87, no. 1 (2014), <https://doi.org/10.3406/arch.2014.4456>.

a grave as something *makruh* (disliked, though not sinful). This objection is not based on the essence of the recitation of the Qur'an itself, but rather on the principle of precaution (*sadd adz-dzari'ah*).<sup>20</sup> These scholars exercise caution because they consider that this practice was not widely or extensively carried out by the early generations of Islam (Salafus Shalih). There is a concern that such an activity might resemble rituals from other faiths of the past. Nevertheless, the scholars within this group agree that if a person recites the Qur'an at home or in a mosque and intends the reward (transfer of reward/*ishal ats-tsawab*) for the deceased, this is permitted and the reward will reach them.

The Hanbali school, whilst generally in line with the Shafi'i school, offers a more cautious note. Ibn Taymiyyah states that a person may accept payment if they genuinely require it to meet their family's basic needs, yet must still prioritise the aspect of taqarrub (drawing closer) to Allah. For the Jumhur group, this payment is not merely a wage, but rather a 'compensation for time' that allows a scholar to remain focused on religious service without being burdened by poverty.

Ibn Qudamah (Hanbali) in his book *Al-Mughni* demonstrates flexibility in accepting the benefits of physical acts of worship for the deceased. He narrates how Imam Ahmad ibn Hanbal revised his opinion from forbidding to permitting the recitation of the Qur'an at graves after hearing a narration from Ibn 'Umar. Ibn Qudamah argues that all acts of obedience dedicated to a deceased Muslim will benefit that deceased person.<sup>21</sup>

Imam Nawawi (Shafi'i), on the other hand, presents a more textualist yet accommodative stance. In his *\*Syarh Shahih Muslim\**, he acknowledges that the well-known view within the Shafi'i school is that the reward for reciting the Qur'an does not reach the deceased, yet he also notes the existence of a group of Shafi'i scholars who hold the opposite view. Regarding remuneration, Nawawi supports the permissibility of *ijarah* (contractual hire) for the teaching of the Qur'an based on the hadith concerning a dowry in the form of memorisation of the Qur'an.<sup>22</sup>

Imam An-Nawawi, a leading jurist of the Shafi'i school of thought, explicitly states that it is recommended for pilgrims to recite verses from the Qur'an and then conclude by praying for the deceased. His theological

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<sup>20</sup> Syamsul Hilal, "Urgensi Ijarah Dalam Prilaku Ekonomi Masyarakat," *Asas Jurnal Hukum Ekonomi Syariah* 5, no. 1 (2013): 4.

<sup>21</sup> M.Khoirul Hadi Al-Asy'ari, "PANDANGAN IBN QUDAMAH TENTANG WAKAF DAN RELEVANSINYA DENGAN WAKAF DI INDONESIA," *Li Falah: Jurnal Studi Ekonomi Dan Bisnis Islam* 1, no. 1 (2016), <https://doi.org/10.31332/lifalah.v1i1.474>.

<sup>22</sup> Ruri Liana Anugrah et al., "Islam, Iman Dan Ihsan Dalam Kitab Matan Arba'in An-Nawawi (STUDI MATERI PEMBELAJARAN PENDIDIKAN ISLAM DALAM PERSPEKTIF HADIS NABI SAW)," *Jurnal Intelektual: Jurnal Pendidikan Dan Studi Keislaman* 9, no. 01 (2021).

argument is based on the belief that the place where the Qur'an is recited ( ) will be enveloped in tranquillity (*sakinah*) and mercy. If prayer alone is believed to bring benefit and reach the occupant of the grave, then the blessing of reciting the Qur'an by the grave is hoped to serve *as* a means (*wasilah*) for the descent of greater mercy upon the deceased. The practice of reciting Surah Yasin during a visit to the grave is a direct manifestation of this view.<sup>23</sup>

Conversely, Ibn Abidin (Hanafi) maintains the position that explicitly requesting payment for the handling of the deceased and other acts of worship is forbidden, although he acknowledges the practice of voluntary giving as a form of social respect. They rule that the practice of reciting the Qur'an at graves is *a bid'ah* (an innovation in worship lacking a basis).<sup>24</sup>

Their argument is based on the legal principle that all forms of *mahdhah* worship are, by default, prohibited unless there is a specific textual evidence (*dalil*) commanding it (*tawqifiyyah*). According to this view, there is no authentic hadith narrating that the Prophet Muhammad (peace be upon him) specifically sat to recite the Qur'an at the Baqi' cemetery or commanded his companions to do so. Visiting graves is prescribed solely for the purpose of reflecting on death (*dhikr al-maut*) and offering greetings and brief supplications, not to turn them into places of worship or for reciting the Qur'an.

From the perspective of the sociology of Islamic law, this diversity of jurisprudence allows for flexibility. In regions where the traditions of Ahlussunnah wal Jama'ah are deeply rooted, the practice of visiting graves accompanied by recitation has harmoniously acculturated with the customary laws of the local community. This practice functions as a social mechanism to strengthen family cohesion, pray for ancestors, and preserve collective memory, provided its observance is free from actions that undermine the doctrine of tawhid, such as wailing or begging the occupants of the graves.<sup>25</sup>

#### **D. The Metaphysics of Reward: The Debate on Transferring Reward to the Deceased**

The practice of reciting the Qur'an at family graves automatically assumes that the reward from such recitation can be transferred to the deceased (*ihda' al-thawab*). Those who support this view, including the

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<sup>23</sup> Ruri Liana Anugrah et al.

<sup>24</sup> Burak Ergin, "A New Method of Legal Reasoning in the Hanafi School: Intra-Madhab Talfiq," *Islam Tetkikleri Dergisi* 12, no. 2 (2022), <https://doi.org/10.26650/IUITD.2022.1109679>.

<sup>25</sup> Sahara, "The Wasilah with Stones as Media in Samadiyah Tradition in Peulokan Village of West Labuhan Haji District, South Aceh."

majority of later Hanbali and Shafi'i scholars, base their argument on analogy (qiyas) with the pilgrimage, charity, and fasting, the rewards of which are agreed to reach the deceased based on authentic hadiths.<sup>26</sup>

Ibn Qudamah explains that if Allah conveys the reward of fasting and the Hajj to the deceased, then logically the reward for reciting the Qur'an can also be conveyed, as both are acts of worship. In this context, the recitation of the Qur'an at graves is viewed as a form of intercession or collective supplication through the means of the Word of Allah. Imam Al-Mardawi, in his book *Al-Inshaf*, even emphasises that reciting the Qur'an beside graves is not disliked (makruh) and is in fact recommended according to the sound opinion within the school of Ahmad.<sup>27</sup>

The view rejecting the transfer of the reward for recitation often refers to Surah An-Najm, verse 39: "And that a man shall have nothing but what he strives for." Imam Ibn Kathir and Imam Nawawi note that this is the well-known view among classical Shafi'i scholars. Their argument is that reward is Allah's exclusive prerogative regarding individual effort, and there is no explicit evidence from the Prophet (peace be upon him) commanding the routine sending of the reward of recitation as practised by later communities.<sup>28</sup>

However, proponents of the transfer of reward respond to this challenge by stating that the verse means a person is not automatically entitled to another's reward, yet they may still receive the 'gift' of reward if another voluntarily bestows it. In Aceh, this discourse culminated in the acceptance of the more optimistic view of the later scholars, wherein the recitation of prayers and the Qur'an at graves is regarded as a form of 'entrusting prayers' that provides tangible benefit to the deceased.

### **E. Living Sunnah in Aceh: The Samadiyah Tradition and the Practice of Grave-side Recitation**

In Aceh, death rituals are not merely a family affair, but a social event that mobilises the entire ecosystem of the gampong (village) community. Samadiyah is the local term for the tahlilan ritual performed for seven

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<sup>26</sup> Badrus Samsul Fata, "KRITIK DAN PENOLAKAN ULAMA HANBALI ATAS PEMIKIRAN TEOLOGI IBNU TAIMIYYAH," *AL Fikrah : Jurnal Pendidikan Dan Pemikiran Islam* 3, no. 2 (2023), <https://doi.org/10.51476/alfikrah.v3i2.514>.

<sup>27</sup> Fata.

<sup>28</sup> Imam Abi Zakaria Mahyuddin Ibn Syarf Al-Nawawi, *Majmu' Syarah Muhazzab* (Bairut: Dar al-Fikr, 1996).

consecutive days, beginning on the night of death. This tradition takes place at the house of mourning or the meunasah, led by a Teungku and attended by both male and female congregants.<sup>29</sup>

From a sociological perspective, Samadiyah is a manifestation of strong social solidarity. The village community comes not only to pray, but also to assist the bereaved family in various ways, ranging from cooking to serving food. In the perspective of Emile Durkheim's sociology of religion, such rituals serve as a means to strengthen collective bonds and enhance social stability amidst situations of crisis or grief. The presence of the congregation at Samadiyah sends a psychological message to the family that they are not alone in facing their loss.<sup>30</sup>

In the context of the ritual economy, Samadiyah involves a significant circulation of material resources. The bereaved family typically provides khanduri (a meal) for the congregation every night throughout the ritual. Additionally, there is a tradition of giving envelopes containing money to the prayer leader and, at times, to the congregation members. Interestingly, Acehese people almost never refer to these gifts as 'upah' (ujrah), but rather as sedekah, keupah lelah, or bungong jaroe (a token of appreciation).<sup>31</sup>

The use of this linguistic euphemism is crucial for preserving the ritual's sacredness. By labelling the money as charity, the bereaved family feels they are performing a charitable act in the name of the deceased, whilst the recipients (the Teungku and the congregation) feel they are receiving a gift for their presence and prayers, rather than a commercial wage. This aligns with findings regarding the practices of religious preachers in other parts of Indonesia, where community contributions are viewed as a form of appreciation and gratitude, not a professional transaction.

## **F. Authoritative Regulation: The MPU Aceh Fatwa and the Regulation of Religious Services**

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<sup>29</sup> Sahara, "The Wasilah with Stones as Media in Samadiyah Tradition in Peulokan Village of West Labuhan Haji District, South Aceh."

<sup>30</sup> Fajriatul Ula, Nur Raihan, and Muhammad Reza Fadil, "Living Hadis Dalam Tradisi Samadiyah Di Langsa Aceh Living," *Al-Bukhari Jurnal Ilmu Hadis* 5, no. 2 (2022).

<sup>31</sup> Dhaifina Fitriani, "Studi Al-Qur'an Dan Hadis Aturan Hukum Konkrit: Ijarah (Sewa Menyewa)," *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies* 2, no. 1 (2020): 27-38, <https://doi.org/10.32505/lentera.v2i1.2112>.

The Aceh Ulama Consultative Council (MPU) plays a crucial role in providing legal certainty amidst deeply rooted traditions.<sup>32</sup> One sensitive issue regulated is the source of funds for the performance of Samadiyah rituals and grave-side religious gatherings. According to the MPU Aceh Fatwa (such as Fatwa No. 5 of 2024 or similar documents), it is stipulated that the costs for funeral rituals must not be taken from the estate (*tirkah*) if there are orphans or minors among the heirs.<sup>33</sup>

This provision constitutes a Sharia safeguard against assets that are highly susceptible to misuse. Many bereaved families in Aceh, under social pressure, are forced to hold lavish rituals by spending the inheritance, which under Islamic law may fall into the category of “consuming the property of orphans”, a prohibited act. The MPU of Aceh emphasises that the costs of such rituals must come from voluntary contributions by adult heirs or from assets specifically allocated by the deceased prior to their passing through a will, provided this does not exceed one-third of the estate.

The MPU of Aceh also provides ethical guidelines for prayer leaders and *Teungku*. Although the acceptance of fees is permitted under the Shafi’i school of thought as a form of remuneration for services, the MPU strictly prohibits the setting of rigid or commercial rates. A prayer leader must not act as a ‘ ‘ – as if they were a vendor of religious services setting prices – as this could undermine the value of sincerity and the very essence of prayer itself.<sup>34</sup>

Furthermore, the MPU provides guidance on the conduct of rituals to prevent extravagance (*israf*). For instance, during condolence visits, it is recommended that sermons or religious counsel be kept brief (under 10 minutes) to ensure the comfort of the bereaved family. The MPU of Aceh is also active in issuing fatwas on medical and legal aspects relating to the deceased, such as the prohibition on the buying and selling of human organs, which demonstrates that the Acehnese religious authorities hold a holistic view in upholding the dignity of the deceased.

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<sup>32</sup> Nurkhalis Muchtar, “Genealogi Dan Peran MPU Aceh Dalam Mengawal Agama Masyarakat Aceh,” *AL-UKHWAH - JURNAL PENGEMBANGAN MASYARAKAT ISLAM*, 2025, <https://doi.org/10.47498/jau.v4i1.5284>.

<sup>33</sup> Khairani, Chairul Fahmi, and Ayyub Sabar, “BLASPHEMY ACCORDING TO THE ITE LAW AND ISLAMIC LAW: AN EXAMINATION OF THE MIRZA ALFATH CASE, INDONESIA,” *JURISTA* 2, no. 2 (2018).

<sup>34</sup> Ismail, “Urgensi Dan Legitimasi Fatwa Majelis Permusyawaratan Ulama Aceh Nomor 3 Tahun 2018 Tentang Penetapan Arah Kiblat,” *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 1 (2020), <https://doi.org/10.24090/mnh.v14i1.3669>.

## G. Critical Analysis: Socio-Economic Implications and Distortions of Sincerity

Although the Samadiyah tradition and the giving of wages/charity have a strong basis in social cohesion, these practices are not immune to sociological criticism. One of the main issues is the emergence of a social burden on poor families. In some areas of Aceh, there is strong moral pressure to organise Samadiyah in accordance with the village's general standards. This often creates the phenomenon of 'poverty due to death', where families who have already lost their breadwinner must bear the debt of hosting the prayer leaders and congregation.<sup>35</sup>

A distortion of sincerity also poses a real threat. When the giving of envelopes becomes an established norm, there is a concern that the intentions of the congregation and the Teungku present may shift from praying to expecting material gifts. From an Islamic economic perspective, this can undermine the spiritual efficacy of the ritual. As several researchers have pointed out, if the primary purpose of teaching or reciting the Qur'an is financial gain, then such acts become futile in the sight of Allah.<sup>36</sup>

However, on the other hand, this practice also functions as a mechanism for the redistribution of wealth. For wealthy families, Samadiyah is an occasion to distribute money to widows, orphans, and the poor in the village who are present as congregants. In this context, the money given is no longer a wage, but rather productive social charity.<sup>37</sup>

An in-depth analysis of the legal framework governing the practice of seeking remuneration for religious teachings at family gravesites in Aceh reveals a subtle harmony between Islamic legal doctrine and sociological realities. The views of the majority of scholars, particularly those of the Shafi'i school, allow the people of Aceh to legitimise their traditions without coming into conflict with religious norms.<sup>38</sup> The concept of *ijarah 'ala al-tha'at* in Aceh

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<sup>35</sup> Sahara, "The Wasilah with Stones as Media in Samadiyah Tradition in Peulokan Village of West Labuhan Haji District, South Aceh."

<sup>36</sup> Ula, Raihan, and Fadil, "Living Hadis Dalam Tradisi Samadiyah Di Langsa Aceh Living."

<sup>37</sup> Ainun Mardiah, Sori Monang, and Aulia Kamal, "Ritual Kematian Dalam Masyarakat Suku Alas Di Desa Batu Mbulan II, Aceh Tenggara," *SINTHOP: Media Kajian Pendidikan, Agama, Sosial Dan Budaya* 1, no. 2 (2022), <https://doi.org/10.22373/sinthop.v1i2.2394>.

<sup>38</sup> Abdul Mugni, Isra Maulina, and Harjoni Desky, "Cultural Setting Model Development for Poverty Alleviation Programs in North Aceh," *El-Hekam* 8, no. 1 (2023), <https://doi.org/10.31958/jeh.v8i1.9556>.

is not practised as a cold business contract, but rather as a form of symbolic exchange that strengthens emotional and spiritual bonds among residents.

The existence of the MPU Aceh as a guardian of Sharia law has proven effective in mitigating the potential negative impacts of this tradition.<sup>39</sup> By prohibiting the use of orphans' assets for ritual expenses and emphasising the voluntary nature of giving, the MPU has successfully restored the orientation of death rituals towards humanity and justice.<sup>40</sup>

Looking ahead, the challenge for the people of Aceh is to ensure that this tradition does not become trapped in burdensome formalities and social prestige. Religious education that emphasises the purity of prayer and the simplicity of rituals must continue to be promoted, so that Samadiyah and grave-side recitations remain a means of mercy for the deceased and a source of solidarity for those left behind, without tarnishing the noble values of Islamic Sharia through excessive commercialisation.<sup>41</sup>

The practice of reciting the Qur'an at graves in Aceh is a phenomenon situated at the intersection of a strong cultural heritage and debates over religious interpretation. On the one hand, this tradition reflects the sincerity of the Acehnese people in demonstrating devotion to parents and relatives who have passed away. The atmosphere in the cemetery complex, particularly on certain days such as after Eid al-Fitr or during the *meuriwang* period (keeping vigil at the graves), is not only filled with the recitation of verses from the Holy Qur'an, but also serves as a space for social interaction that revives kinship bonds and village solidarity. The community views this practice as a noble endeavour to send the rewards of recitation to the deceased, a manifestation of love that transcends the boundaries of death. Consequently, socially, this tradition holds a highly esteemed place and is almost never questioned as part of the Islamic identity of the Acehnese people.

However, when this practice is brought into the realm of Islamic law (*fiqh*), it is no longer as straightforward as it appears on the surface. Scholars are divided into two main schools of thought, each with a solid foundation of argumentation. The first group, which tends to be followed by the majority of the traditional community, views this act as permissible, and even potentially

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<sup>39</sup> Ismail, "Urgensi Dan Legitimasi Fatwa Majelis Permusyawaratan Ulama Aceh Nomor 3 Tahun 2018 Tentang Penetapan Arah Kiblat."

<sup>40</sup> Luthviah Romziana et al., "SANTRI RECEPTION AGAINST SAMADIYAH RECITATION TO FREE THE CORPSE FROM THE TORMENT OF THE GRAVE," *MUŞHAF Jurnal Tafsir Berwawasan Keindonesiaan* 2, no. 2 (2022), <https://doi.org/10.33650/mushaf.v2i2.3306>.

<sup>41</sup> Rahmat Kurniawan and Suharman Suharman, "SOLIDARITAS SOSIAL DALAM TRADISI SAMADIYAH DI TENGAH MASYARAKAT ISLAM DI DESA MEUNASAH KRUENG KECAMATAN INGIN JAYA," *JURNAL AL-IJTIMAIYYAH* 8, no. 1 (2022), <https://doi.org/10.22373/al-ijtimaiyyah.v8i1.12910>.

a sunnah if intended to pray for and bestow reward upon the deceased. This view is based on the belief that the reward for reciting the Qur'an can reach the deceased and bring them peace in the barzakh. Conversely, the second group, comprising reformist scholars and some followers of specific schools of thought, assess this practice – as makruh or lacking direct guidance from the Prophet. They express concern over elements of extravagance in the tradition of *'keumit kubu'*, which is carried out for a fee and on an ongoing basis, and which has the potential to give rise to practices categorised as bid'ah. In Aceh itself, although Islamic law is enforced through various Qanuns, there is no specific regulation or single fatwa from the Aceh Ulama Consultative Council (MPU) that explicitly governs the procedures or legal status of reciting the Qur'an at graves. This formal legal vacuum allows the tradition to operate naturally in a grey area, accepted as culture whilst its status as a form of worship remains a subject of ongoing debate amongst religious scholars.<sup>42</sup>

From a more dynamic social perspective, this practice is also not immune to the influence of changing times. Amidst the wave of modernisation and increasingly widespread access to religious information, particularly among Aceh's younger generation, a shift in perspective is occurring. The younger generation tends to begin questioning the essence of this ritual: whether the merit is greater when recited upon the grave itself or when prayed for from a distance. Rather than outright rejecting the practice, many of them choose to 'purify' it, for instance by prioritising a brief visit accompanied by personal prayer over hiring people to recite the Quran for days on end. This debate fosters a healthy dialectic between those who wish to preserve the tradition as a 'cultural treasure' and those who seek to ensure every act of worship has a clear doctrinal basis. Behind this theological debate, the practice also harbours an inescapable economic dimension. For some, the bereaved families' requests to complete *the dom jeurat* (Qur'an recitation at the grave) have become a supplementary source of income sustaining Qur'an teachers and students in the villages.<sup>43</sup>

Ultimately, the tradition of reciting the Qur'an at graves in Aceh is a complex social text. It speaks not only of the relationship between humans and their God through the recitation of the Qur'an, but also of the relationship between humans and their ancestors, as well as the social dynamics among fellow community members. Its enduring presence demonstrates that Acehnese society possesses its own mechanisms for preserving traditions amidst the winds of Islamic intellectual renewal. This practice will continue to transform; it will not disappear, but rather adapt to a new, more critical sphere of consciousness whilst still upholding the values of respect for the departed.

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<sup>42</sup> Ismail, "Urgensi Dan Legitimasi Fatwa Majelis Permusyawaratan Ulama Aceh Nomor 3 Tahun 2018 Tentang Penetapan Arah Kiblat."

<sup>43</sup> Sri Wahyuni et al., "THE ROLE OF COURTS IN RESOLVING CASES OF BANKRUPTCY OF ISLAMIC BANK CUSTOMERS," *JURISTA: Jurnal Hukum Dan Keadilan* 7, no. 1 (June 10, 2023): 1–23, <https://doi.org/10.22373/JURISTA.V7I1.42>.

## Conclusion

An analysis of the law regarding the collection of fees for religious instruction at graves in Aceh reveals a harmonisation between the doctrine of *ijarah 'ala al-tha'at* from the perspective of the *Jumhur* scholars and local wisdom. The collection of fees in accordance with Islamic law is valid ( ) according to the *Jumhur* as compensation for time and service. In Aceh, this practice is carried out through a mechanism of social charity that strengthens community cohesion. The role of the MPU Aceh is crucial in ensuring this tradition continues within the bounds of justice, particularly in safeguarding the rights of orphans to their inheritance.

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