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The Debate over Nasakh in the Verse of Bequest: An Analysis of Shaykh Muhammad Abduh's Thought in Tafsir al-Manar

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Abstract

This research explores Shaykh Muhammad Abduh's views on the pros and cons of the will verse, which is generally considered by the majority of scholars to have been abrogated by the inheritance verse or the Ahad hadith. It also examines his contribution to the re-interpretation of Islamic inheritance law across different religious contexts. This study is qualitative library research, focusing on Abduh's interpretation of the will verse in his al-Manar, linking his ideas to contemporary legal decisions. Secondary data sources include books, articles, journals, and relevant internet materials. The data were analyzed using content analysis techniques, focusing on Abduh's works and comparing his interpretations of the will verse with developments in Islamic inheritance law, particularly in Indonesia. The findings reveal that, according to Abduh, the will verse remains valid (muhkam), specifically for those who do not inherit from their relatives. He argues against the claim of abrogation (nasakh) for several reasons: First, the context of the verse contradicts nasakh, emphasizing that the will must take priority over inheritance. Second, the verse regarding inheritance applies specifically to non-heirs, including those excluded due to religious differences. Third, the Salaf permitted bequests to heirs, provided they were given to those in need. Fourth, the hadith "There is no will for heirs" is weak, as it lacks a reliable chain of narration. This research highlights the continuing relevance of the will verse in Islamic inheritance law and provides a fresh perspective on Abduh's interpretation in the context of religious diversity and Indonesian legal practices.

Keywords: Nasakh, Bequest, Muhammad Abduh, Tafsir al-Manar

INTRODUCTION

Muhammad Abduh, as a reformer of Islam, sought to apply his intellectual ideas to build the Islamic world so that it could progress beyond rigidity. This is evident in the perception among Muslims that Islamic law originally the result of ijtihad by mujtahids had become final and no longer required exploration (*ijtihad*) from its original sources (*nash*). This mindset caused the Muslim community of that era to fall behind in scientific development. Islamic law increasingly lost its vital role, especially when confronted with the secular Western legal system, which infiltrated the Muslim world. (Fikri, 2018)

Abduh became one of the pioneers of change and a driving force for the community toward a better life. He attempted to revive ijtihad, which had once flourished in earlier generations, and to break the chains of "blind imitation" (taqlid) that had shackled the Muslim community.

As a figure of Islamic modernism, Muhammad Abduh constantly campaigned for reform through sound reasoning, not by relying on religious dogmatism that sidelines rationality. His reform movement can be seen in how he sought to adjust fundamental principles while still adhering to the Qur'an and Hadith.

According to him, Islamic law (sharia) consists of two types: qat'i (definitive) and zhanni (speculative). The first type is obligatory for every Muslim to understand and practice without interpretation because it is clearly stated in the Qur'an and Hadith. The second type, however, is established through non-definitive means. (Nurhuda, 2022) It is this speculative type, according to Abduh, that is the field of ijtihad for scholars. Therefore, differing opinions are natural and part of human nature. Uniformity of thought in all matters is impossible. The disaster arises when these differing opinions become binding laws through blind taqlid, without the courage to critique or propose alternative views.

The best approach Muslims should take in facing differences of opinion is to return to the original sources, the Qur'an and Sunnah. Everyone with sufficient knowledge is obliged to perform ijtihad, while laypeople are obliged to seek guidance from those who are knowledgeable. (Andiko, 2019)

One of the reforms in Islamic legal thought advocated by Abduh pertains to the law of testament (*wasiat*). The verse on testament, which earlier scholars claimed had been abrogated (*nasakh*) by *ahad* hadith, turns out to remain applicable when reviewed scientifically using various disciplines such as hadith and *usul fiqh*. Thus, the verse remains *muhkam* (clear and authoritative) and can still be applied today.

By formulating laws in accordance with the demands of the current era and context, Islamic law will continue to respond to the social changes faced by the modern Muslim community, influenced by progress and sociocultural-political plurality.

Given the context of Abduh's reformist legal thinking, this study seeks to address the following research question: How does Muhammad Abduh interpret the will verse and what is the relevance of this interpretation in contemporary Islamic inheritance law, particularly within pluralistic legal settings such as Indonesia? This question arises from the ongoing scholarly debate regarding the status of the will versew hether it has been abrogated by later inheritance verses and Hadith, or whether, as Abduh maintains, it remains valid (muhkam) and applicable to those excluded from inheritance, including on the basis of religious difference.

Accordingly, the objective of this study is to examine Abduh's legal reasoning in maintaining the applicability of the will verse and to assess the extent to which his interpretation contributes to the reform of Islamic inheritance law. The thesis of this research is that Abduh's reinterpretation of the will verse serves not only as a rejection of rigid textualism and taqlid, but also as a progressive legal approach that allows Islamic law to remain responsive to contemporary sociocultural realities. This perspective will be analyzed with Indonesian legal developments concerning interfaith inheritance and the concept of *wasiat wajibah*, situating Abduh's thought within a broader framework of modern Islamic legal reform.

RESEARCH METHODS

This research employs a qualitative library research method, conducted by collecting data, information, and various materials related to the legal thoughts of Muhammad Abduh. The data were analyzed using content analysis techniques with the aim of not only focusing on textual analysis but also emphasizing the context surrounding it, as well as its contextualization across different eras.

The interpretation is directed toward philosophical reconstruction connecting the scholar's ideas with current (contemporary) events. Primary data sources in this study were directly obtained by the researcher from Muhammad Abduh's original works, particularly the Tafsir al-'Azhim. Meanwhile, the secondary data sources for this research include books, articles, literature, journals, and relevant websites associated with the research topic.

RESULTS AND DISCUSSION

The Intellectual and Spiritual Foundations of Muhammad Abduh's Legal Thought

Muhammad Abduh's legal thought did not emerge in a vacuum. It was shaped by a long intellectual and spiritual journey that began in his rural upbringing, continued through his disillusionment with traditional education, and culminated in his engagement with reformist scholars. These experiences became the foundation for his critical stance against *taqlid* (blind imitation) and his drive to reform Islamic law, including his reinterpretation of the Islamic inheritance system.

Muhammad Abduh was born in 1849 in the village of Mahallah Nashr, Shubkhait, Buhaira Province, Egypt. His father, Abduh bin Hasan Khairullah, was of Turkish descent, while his mother traced her lineage to Umar ibn al-Khattab. Abduh was born and raised in a rural setting under the care of his parents, who had no formal education but possessed a strong religious spirit. (Faqihuddin, 2021) His education began with learning the Qur'an from a religious teacher at the Ahmadi Mosque in Tanta, where he studied Arabic and Islamic sciences under Shaykh Ahmad in 1862.(Muhsin & Afendi, 2022)

Raised in a farming family, Muhammad Abduh was assigned to pursue knowledge outside his village, while his siblings helped their father with agricultural work. After learning to read and write at home, his father sent him to a Qur'an memorization school, where he successfully memorized all 30 juz of the Qur'an by the age of 12.(Fitriana & Syahidin, 2021)

Driven by a strong desire for further knowledge, Abduh later went to Al-Azhar University to deepen his understanding. At the end of each academic year, he would return to the village of his uncle, Shaykh Darwish, to study the Qur'an and other sciences. Shaykh Darwish

recommended that Abduh study additional subjects available at Al-Azhar such as logic (*mantiq*), mathematics, and architecture which Abduh faithfully pursued.

While in Egypt, Abduh met several scholars including Shaykh Hasan al-Tawil, who taught him philosophy and logic, as well as Muhammad al-Basyuni, an expert in Arabic literature, Shaykh Ulaish, a Maliki jurist, and other scholars such as Shaykh Jizyawi, Bahrawi, and Rifa'i, each an expert in their respective fields. (Rasam, 2021)

As a loyal student of Jamal al-Din al-Afghani, Abduh had already learned to read and write by the age of 10. His father then sent him to a memorization teacher and within two years by the age of 12, he had memorized the entire Qur'an. In 1862, he was sent to Tanta to study at al-Jami' al-Ahmadi. However, after two years, he ran away from his studies due to disagreement with the rote-learning method used there. He hid at his uncle's house for three months before being forced to return to Tanta. Disillusioned with learning, he returned home and decided to become a farmer. In 1865 at the age of 16, he married. (Subaidi et al., 2022)

His married life was typical, filled with both joy and hardship. Soon after, his father urged him to resume his studies at the Ahmadi Mosque. Obediently, Abduh set off again, though he dreaded the same monotonous learning. On his way, he diverted to a nearby district populated by his paternal relatives, where he met Darwish Khadar. (Rz. Ricky Satria Wiranata, 2019)

Darwish Khadar was a spiritual Sufi teacher from the Shadhili order. He offered Abduh spiritual insights and wisdom through informal discussions. These encounters reawakened Abduh's intellectual spirit, which had dimmed during his academic disillusionment. Darwish became his spiritual guide, nourishing him with Sufi knowledge, ethics, and moral practices. Though their time together was short, it left a lasting impact.

Through Sufism, Abduh regained his intellectual drive and inner spirit. Although he practiced asceticism (*zuhd*) for a time, he later abandoned it after reflecting critically on its external practices. Darwish's advice helped guide Abduh back from extreme detachment. (Patur Alparizi & Ach. Nurholis Majid, 2021) This Sufi experience introduced Abduh to deep ethical and spiritual values in Islam which later shaped his approach to Islamic law not merely as a normative system but as a moral and rational guide for society.

In 1866, Muhammad Abduh enrolled at Al-Azhar University. At that time, Al-Azhar was still backward and rigid. According to Ahmad Amin, the institution viewed anything deviating from tradition as heresy. Even reading geography, natural sciences, or philosophy was considered forbidden (*haram*), and wearing shoes was seen as an innovation (*bid'ah*). (Fatah, 2020)

Unsurprisingly, Abduh sought alternative sources of learning, studying philosophy, geometry, worldly affairs, and politics under Hasan Tawil, though he still felt unsatisfied. Al-Azhar's standard lessons also failed to capture his interest. He preferred self-study at the university's library. His true intellectual fulfillment came through Jamal al-Din al-Afghani. One key motivation behind Abduh's reformist ideas was his opposition to taqlid (blind imitation), which he saw as having three core traits: the glorification of ancestors and teachers, absolute reverence for past religious authorities, and fear of social rejection for challenging outdated norms.(Dalimunthe, 2023)

This rejection of *taqlid* became the cornerstone of Abduh's legal philosophy. For him, the stagnation of Islamic law did not stem from the religion itself but from the community's reluctance to perform *ijtihad* and its excessive reverence for past authorities.

While at Al-Azhar, Abduh met Afghani, a prominent figure known for promoting intellectual freedom in religion and politics. This meeting greatly influenced Abduh's rationalist thought. Afghani instilled in him a deep sense of social duty and the courage to confront backwardness and blind adherence. Eventually, Abduh passed his final exams with honors and was granted the prestigious title alim, giving him the right to teach.

He went on to teach logic, theology, and ethics at Al-Azhar, as well as at Dar al-'Ulum, an academic institution preparing teachers for modern education. There, he taught Ibn Khaldun's *Muqaddimah*, Miskawaih's *Tahzib al-Akhlaq*, and Arabic language at a school founded by the Khedive. (Uniqbu, 2022)

When Afghani was exiled from Egypt in 1879 for political dissent, Abduh was also exiled from Cairo. However, he returned in 1880 and was appointed editor of the government newspaper al-Waqa'i al-Misriyah. Under his leadership, the paper published not only official news but also articles on national interests. (Rohman, 2016)

In 1894, he joined the administrative council of Al-Azhar and established preparatory schools for talented students. In 1899, he was removed from education but appointed Mufti of Egypt. In this role, he gradually reformed the waqf (endowment) system and legal administration. His fatwas on social matters reflected his serious engagement with modern realities. He remained Mufti until his death on July 11, 1905, in Cairo. (Rz. Ricky Satria Wiranata, 2019)

His life can be divided into two phases: first, the struggle against Western imperialism alongside Afghani, promoting Islamic unity; and second, a phase of social, political, and educational reform. In this second phase, he actively improved educational and cultural systems.(Amiruddin, 2009; Sahrullah & Santalia, 2022) It was in this second phase that Abduh increasingly developed *ijtihad* within Islamic law including innovative approaches to inheritance laws motivated by his concern for social justice and gender equality which were often sidelined in classical jurisprudence.

Muhammad Abduh passed away on July 11, 1905. Tributes poured in from Cairo and Alexandria, showing widespread respect for him. Although he faced fierce criticism for his bold views and his spiritual depth and gentle nature earned admiration. Even some Jews and Christians honored him as a scholar, patriot, and noble figure. (Afandi, 2023)

Intellectual Works of Muhammad Abduh

In fact, Abduh did not frequently write down or compile his thoughts in book form. Rather, he more often conveyed his ideas through public speeches. This is understandable, considering much of his time was spent teaching rather than writing. Abduh taught at institutions such as Al-Azhar, the Grand Mosque of Beirut, the Grand Mosque of Al-Basyarah, Dar al-'Ulum, and others.

According to Muhammad Abduh, ideas delivered through speech touch the hearts of listeners more effectively than written explanations. Nonetheless, that does not mean he left behind no written works. His experience in journalism helped him produce several written contributions. His intellectual output can be categorized as follows:(Daulay, 2014)

1. Articles in newspapers and magazines, including contributions to *al-Ahram*, *al-Waqa'i al-Misriyah, Samrat al-Funun, al-Mu'ayyad, and al-Manar*. The last of which was led by Muhammad Rashid Rida.
2. Books and commentaries in various fields, such as:
   a. *Risalat al-Waridah*, Cairo, 1874 (on Sufism and mysticism)

b. *Hasyiyah 'ala ad-Dawani li al-'Aqa'id al-Adudiyah*, Cairo (1876–1904)
c. *Risalah ar-Radd 'ala ad-Dahriyyin, a reproduction of Jamal al-Din al-Afghani's work criticizing historical materialism*, published in Beirut in 1886 and Egypt in 1895
d. *Sharh Nahj al-Balaghah, a commentary on the speeches of Caliph Ali*, published in Beirut in 1885
e. *Sharh Maqamat Badi' az-Zaman al-Hamadani*, Beirut, 1889
f. *Risalat at-Tawhid*, Cairo, 1897
g. *Sharh Kitab al-Basr al-Nasriyah fi al-'Ilmi wa al-Mantiq, a work on knowledge and logic*, Cairo, 1897

Abrogation (*Nasakh*) According to Muhammad Abduh

Indeed, abrogation (*nasakh*) within Islamic law is permissible following wisdom and real-world circumstances. The laws of Moses abrogated parts of the laws of Abraham; the laws of Jesus abrogated portions of the Torah; and the laws of Islam abrogated all previous revelations. This is because practical laws that are subject to abrogation were instituted for the benefit (*maslahah*) of humanity, and such benefits vary according to time. Therefore, Allah, the All-Knowing, establishes laws appropriate for each time and situation. Just as one divine law may abrogate another, specific rulings within a law may also be abrogated by other rulings from the same law. For instance, the early Muslims initially faced the direction of Bayt al-Maqdis (Jerusalem) during prayer, before it was abrogated by the command to face the Ka'bah. This change is unanimously accepted by Muslims.

However, there is debate over whether verses of the Qur'an can be abrogated, especially by other verses of the Qur'an. Abu Muslim ibn Bahr al-Isfahani, a renowned commentator, argued that there is no true abrogation in the Qur'an. He claimed that all cases considered abrogation could be resolved through specification (*takhsis*) or interpretation. For example, the change in qibla (prayer direction) is not evidence of Qur'anic abrogation but rather of a ruling that may have been derived from either the Prophet's own ijtihad or a divine revelation not included in the Qur'an. After all, revelation was not limited solely to the Qur'an.(Muhammad Rasyid Ridha, 1990)

Nonetheless, the majority of scholars accept that verses in the Qur'an can be abrogated by other verses. They reason that there is no prohibition against abrogating a verse even if it remains in the Qur'an, since its continued recitation serves the purpose of worship and remembrance of Allah. This shift from one ruling to another accommodates the changing circumstances of the Muslim community. No single ruling applies unchanged to every time and place. For example, the reduction of the requirement for one hundred believers to fight against two hundred enemies (rather than one thousand) is not viewed as abrogation unless reconciliation between two seemingly contradictory verses proves impossible. If historical context confirms that one verse was revealed after another, then the latter is considered *nasikh* and the former *mansukh* (abrogated).(Sabrifha & S, 2023)

As for verses related to theology, virtues, or narratives, no abrogation applies. Abrogation among sunnah texts follows similar principles as abrogation within the Qur'an. In fact, abrogation within the sunnah is sometimes clearer, such as when a Qur'anic ruling abrogates a sunnah-based directive. Both forms are widely accepted. Among them is the abrogation of *mutawatir* hadith by *mutawatir* hadith, but not by solitary (*ahad*) reports.(Muhammad Rasyid Ridha, 1990)

The most debated issue concerns the possibility of the Qur'an being abrogated by the sunnah, even if the hadith is *mutawatir*, or whether a *mutawatir* hadith can be abrogated by an ahad hadith. According to classical scholars, a weak (da'if) hadith cannot abrogate a definitive (*qat'i*) text such as the Qur'an or a *mutawatir* hadith, as the Prophet never abrogated the Qur'an in this way.(Fajaria & Fatoni, 2023)

Hanafi scholars and most Shafi'i scholars permit the Qur'an to be abrogated by the sunnah, considering that the Prophet ﷺ was infallible in conveying divine law. Thus, if a report meets the conditions of abrogation and can be reliably traced to the Prophet, it is equivalent to Qur'anic abrogation. However, some scholars, including Imam al-Shafi'i in his well-known treatise Usul al-Fiqh, held that the Qur'an cannot be abrogated by any hadith, regardless of its level of authenticity, due to the Qur'an's unique status.(Muhammad Rasyid Ridha, 1990)

Al-Shafi'i provided several examples of hadith that were thought to abrogate Qur'anic verses and showed that they merely explained or clarified the Qur'an rather than abrogating it. He also stated, "I do not know that Abu Hanifa had a clear opinion on this matter, and the early scholars of usul from both the Hanafi and Shafi'i schools never stated that the Qur'an could be abrogated by anything other than another verse." The rationale is that the Qur'an is transmitted through tawatur and therefore definitive (*qat'i*), while ahad hadith are speculative (*zhanni*). Such reports might originate from fabricators posing as devout transmitters. Moreover, some hadith reflect the Prophet's personal ijtihad, which ranks below revelation.(Muhammad Rasyid Ridha, 1990) Although any errors in his ijtihad would be corrected by divine guidance, as shown in Qur'an, Surah Al-Anfal (8:67) and Surah At-Taubah (9:43) :

مَا كَانَ لِنَبِيٍّ أَن يَكُونَ لَهُۥٓ أَسۡرَىٰ حَتَّىٰ يُثۡخِنَ فِي ٱلۡأَرۡضِۚ تُرِيدُونَ عَرَضَ ٱلدُّنۡيَا وَٱللَّهُ يُرِيدُ ٱلۡأٓخِرَةَۗ وَٱللَّهُ عَزِيزٌ حَكِيمٞ ٦٧

"It is not for a prophet to have captives [of war] until he inflicts a massacre [upon Allah's enemies] in the land. Some Muslims desire the commodities of this world, but Allah desires [for you] the Hereafter. And Allah is Exalted in Might and Wise."

عَفَا ٱللَّهُ عَنكَ لِمَ أَذِنتَ لَهُمۡ حَتَّىٰ يَتَبَيَّنَ لَكَ ٱلَّذِينَ صَدَقُواْ وَتَعۡلَمَ ٱلۡكَٰذِبِينَ ٤٣

"May Allah pardon you, [Muhammad]; why did you permit them [to remain behind]? [You should not have] until it was evident to you who were truthful and you knew [who were] the liars."

Some argue that the Qur'an may be abrogated by the sunnah because the legal meaning (*dalalah*) of Qur'anic rulings is speculative (*zhanni*). They claim that ahad hadith only abrogate similarly speculative rulings. However, they overlook the fact that the meanings of hadith are also speculative. This leads to a contradiction: replacing a speculative ruling with another speculative ruling of even less certainty. Therefore, the argument that the hadith "There is no will for heirs" (لَا وَصِيَّةَ لِوَارِثٍ) abrogates the Qur'anic verse is unfounded. Some Shafi'i scholars even stated that the debate over abrogating the Qur'an with the sunnah is merely theoretical and unsupported by concrete examples.

They also concluded that sunnah cannot abrogate the Qur'an unless supported by another Qur'anic text, affirming that only the Qur'an can abrogate itself which is the original principle.(Muhammad Rasyid Ridha, 1990)

The Will Verse: Was It Revealed Before the Inheritance Verses?

The majority of scholars believe that the will verse was abrogated (*mansukh*) by the inheritance verses or by the hadith "There is no will for heirs" (*la wasiyyata li warith*), or both. Some argue that the hadith serves as an explanation (*mubayyin*) of the verse. According to Al-Baydawi, the permissibility of making a will applied during the early stages of Islam, but was later abrogated by the inheritance verse and the statement of the Prophet ﷺ:

إِنَّ اللهَ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ أَلَا لَا وَصِيَّةَ لِوَارِثٍ

"Indeed, Allah has granted every rightful person their due right, so there is no will for an heir." (Malik bin Anas, 1991)

However, Muhammad Abduh questioned this view and asserted that it needs further examination. He argued that the inheritance verses do not conflict with the will verse; in fact, the will verse strengthens the inheritance laws by emphasizing that the will must be prioritized absolutely. Moreover, the hadith in question is a solitary (*ahad*) narration, and acceptance of such hadiths does not automatically elevate their status to that of *mutawatir* (mass-transmitted) hadith. In other words, a speculative (*zhanni*) hadith cannot abrogate a definitive (*qat'i*) text like the Qur'an. How could something so certain as a Qur'anic verse be nullified by something uncertain?(Muhammad Rasyid Ridha, 1990)

Furthermore, Abduh noted that there is no definitive evidence proving that the inheritance verses were revealed after the will verse. His reasoning includes several key points:(Muhammad Rasyid Ridha, 1990)

1. The context (*siyaq*) of the verse itself denies abrogation. When Allah establishes a ruling and knows that it will be revoked later, He does not affirm and emphasize it as strongly as He does in the case of the will verse. In that verse, Allah presents the will as a right of the heirs and of the righteous, and He warns of punishment for anyone who alters it.
2. The two verses can be reconciled. The command in the inheritance verse is specific to non-heirs. The term "relatives" in the will verse refers to those barred from inheritance, including due to religious differences. For example, if a person converts to Islam and dies while their parents are still non-Muslims, they may still make a will in favor of their non-Muslim parents as a form of kindness. Allah has commanded good treatment of parents, even if they are disbelievers, as in the following verses:

   وَوَصَّيْنَا ٱلْإِنسَٰنَ بِوَٰلِدَيْهِ حُسْنًا ۖ وَإِن جَٰهَدَاكَ لِتُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِۦ عِلْمٌ فَلَا تُطِعْهُمَآ ... ٨

   "And We have enjoined upon man goodness to parents. But if they endeavor to make you associate with Me that of which you have no knowledge, do not obey them…" (QS. Al-'Ankabuut (29:8)

   وَإِن جَٰهَدَاكَ عَلَىٰٓ أَن تُشْرِكَ بِي مَا لَيْسَ لَكَ بِهِۦ عِلْمٌ فَلَا تُطِعْهُمَا ۖ وَصَاحِبْهُمَا فِي ٱلدُّنْيَا مَعْرُوفًا ۖ وَٱتَّبِعْ سَبِيلَ مَنْ أَنَابَ إِلَيَّ ... ١٥

   "But if they endeavor to make you associate with Me that of which you have no knowledge, do not obey them but accompany them in [this] world with appropriate kindness and follow the way of those who turn back to Me [in repentance]." (QS. Luqman (31:15)
3. Some of the early generations (*salaf*) allowed bequests to heirs. A person may choose to bequeath to any of their heirs whom they see as being in need. For example, if one heir is wealthy and another is poor. If someone's father divorces their mother and the mother is left

unsupported, the child may feel that a will is needed to provide for her. Another example is when a sibling or child is financially incapable, while others are well off.

God, in His wisdom, mercy, and knowledge, issues laws for the benefit of His creation. He does not equate the rich and the poor, or those who can earn with those who cannot. If He established inheritance laws based on equal status among relatives, then He also allows considerations of need within those relationships. Thus, it is reasonable that the command for bequests precedes inheritance, or that inheritance depends on the fulfillment of bequests. In the inheritance verses in Surah an-Nisa', Allah says: *"…after fulfilling any bequest or debt…"* (4:12). This shows that the command to make a will is general and that the will verse explains that command in more detail.

4. Ali, Ibn Abbas, and several other scholars permitted bequests to parents and relatives. Ibn Abbas held that the restriction in the hadith applied only to those who are not legal heirs, such as disbelieving parents. Ali reportedly said: *"Whoever does not make a bequest for his relatives who are not heirs has sealed his deeds with disobedience."*

Thus, many scholars and early Muslim jurists viewed the will verse as legislated and still valid. Some held that it applies generally to all, while others said it is specifically for non-heirs. In either case, it was not considered abrogated.(Muhammad Rasyid Ridha, 1990). From these arguments, Muhammad Abduh concluded that the will verse was not abrogated by the inheritance verses because they are not contradictory. In fact, the will verse supports the inheritance laws. Likewise, there is no solid proof that the hadith abrogates the verse.

Efforts to classify this hadith as *mutawatir* or claim universal acceptance by the Muslim community are unconvincing. The hadith lacks authentic chains (*sanad*) from any of the major collectors. Most reports come from 'Amr bin Kharijah, Abu Umamah, and Ibn Abbas. One version involves Isma'il bin 'Ayyash, whose reliability is debated, although al-Tirmidhi deemed his narrations acceptable when sourced from scholars of the Levant. Others are weak due to disconnected chains or missing links, as seen in the report attributed to Ibn Abbas, which was transmitted via 'Ata', who either did not hear directly from Ibn Abbas or was mistaken for another narrator.

According to al-Bukhari, the narration from 'Ata' is *mawquf* (a companion's statement, not the Prophet's), while other versions are considered weak. Hence, the only relatively sound narration is from 'Amr bin Kharijah, and even that was deemed authentic only by al-Tirmidhi, who is known for being lenient in grading hadith. Bukhari and Muslim did not include it in their collections. Can it be said that a hadith like this is accepted by the whole community?

Therefore, Muhammad Abduh affirmed that the verse of the will is *muhkam*, clear and still in effect with the following conditions:(Muhammad Rasyid Ridha, 1990)

1. Its application is limited to those who do not inherit from their parents and relatives, as narrated by some companions.
2. It should be upheld in its absolute form, without invoking claims of abrogation. One must not reject a divine law without solid grounds, especially when Allah has emphasized it by saying that the will is a right of the righteous and that changing it incurs divine punishment: "It is a duty upon the righteous" means that it is a right ordained upon those who fear Allah. It refers to a right decreed through what has been written as a command for you, or what I have fulfilled, as an obligation upon those who fear Me and obey My Book. Thus, it becomes clear that the meaning of what has been written is as follows: Some scholars have said it is

obligatory (wājib), while others have supported this interpretation by citing Allah's words threatening those who alter it: "Whoever alters it..." meaning whoever changes it after hearing it from the testator or knowing it from the testator, whether by writing the will, which will be explained later along with its ruling and "the sin shall be upon those who alter it." Thus, the sin falls upon those who alter it, whether they are the heirs, the guardians, or the witnesses because the responsibility of the testator has already been fulfilled and his reward is secured with Allah, the Exalted. As for the actions of those who alter it, Allah is fully aware of them, and He will recompense them accordingly. This serves as a strong affirmation of the warning against altering the will.

Reactualizing Islamic Law on Inheritance Between Different Religions Through Muhammad Abduh's Interpretation

It is established in Islamic inheritance law that religious difference is a barrier to inheritance between a deceased person and their heirs. This has been agreed upon by most scholars, particularly those from the four major schools of Islamic jurisprudence (madhahib).(Sabir, 2019) According to these classical legal schools, a non-Muslim cannot inherit from a Muslim, and vice versa, due to the principle of *ikhtilaf al-din* (difference in religion), which is considered a legal impediment (*mani'*) to inheritance. This ruling is rooted in several hadiths, although there has been scholarly debate over their authenticity and interpretation. Nonetheless, this barrier does not eliminate the possibility of transferring property through other legal mechanisms, such as bequests (wasiat), which operate outside the standard inheritance framework.

This principle was later justified in judicial practice in Indonesia, as seen in a number of Supreme Court decisions. Given the diverse nature of Indonesian society, which comprises people from various ethnic, religious, and racial backgrounds, it is very plausible for bequests to be made in favor of heirs who are of a different religion. This has been reflected in several Supreme Court rulings in Indonesia, which have affirmed that *wasiat wajibah* (mandatory bequest) may be applied to heirs of different religions.

Wasiat wajibah refers to a court-mandated bequest given to individuals who are not entitled to inherit under standard Islamic inheritance law, such as adopted children or heirs of different religions. This concept is derived from the broader Islamic legal principle of *al-wasiyyah al-wajibah*, which originated in modern ijtihad (independent reasoning) and is not directly codified in the Qur'an or hadith. Unlike a regular will, which depends entirely on the testator's discretion and is limited to a maximum of one-third of the estate, *wasiat wajibah* is imposed by the court to fulfill social justice, even in the absence of an explicit declaration from the deceased.

These precedents may be followed by lower courts, including courts of first instance and appellate courts.(Mulyadi, 2019) Some of the relevant Supreme Court decisions include: Supreme Court Decision No. 368 K/AG/1995, Supreme Court Decision No. 51 K/AG/1999, Supreme Court Decision No. 59 K/AG/2001, Supreme Court Decision No. 16 K/AG/2010, And others.

Since these Supreme Court decisions were issued, few religious courts (Pengadilan Agama) have ruled on cases involving inheritance between persons of different religions. Among those that have are: Ambarawa Religious Court Decision No. 268/Pdt.P/2020/PA.Amb, which recognized two non-Muslim children as substitute heirs through wasiat wajibah. This decision was based on a concept of justice that considered the rights of the non-Muslim heirs. This decision rested on the consideration of distributive justice and acknowledged the moral

obligations of the deceased towards their non-Muslim heirs. Ciamis Religious Court Decision No. 990/Pdt.P/2022/PA.Cms, in which a portion of a Muslim decedent's estate was granted to non-Muslim heirs through *wasiat wajibah*. The ruling emphasized humanitarian values and the principle of equality before the law, drawing on human rights norms. (Adnan & Bachri, 2024)

The two legal principles mentioned above justice and human rights can be reconciled with the legal reasoning of Muhammad Abduh. If the prohibition on such inheritance is based on hadith, then it must be noted that the hadith does not reach the level of *tsiqah* (trustworthy), as none of the narrators transmitted it with a valid chain of narration. Abduh critically evaluated hadith-based legal arguments, particularly those that contradicted reason or social welfare (*maslahah*). In his view, weak hadiths cannot abrogate clear Quranic directives nor override rational legal considerations.

If the justification for prohibition lies in the claim that the bequest verse has been abrogated by the inheritance verse, then in fact, as argued by Abduh, the bequest verse reinforces the inheritance regulations by emphasizing that the bequest should take absolute priority. He argued in *Tafsir al-Manar* that the Qur'anic command on bequests (Q.S. al-Baqarah : 180) has not been abrogated but instead complements the inheritance rules in Surah al-Nisa. In practice, the early generations (*salaf*) allowed bequests to heirs if they were considered in need, even if they would normally inherit under regular circumstances. This flexible and compassionate approach aligns with the objectives of Islamic law (*maqasid al-shari'ah*), particularly in achieving justice and protecting family ties regardless of religious differences.

CONCLUSION

From this research, it can be concluded that according to Muhammad Abduh, the bequest verse is muhkam with the provision that its enforcement be specified for individuals who do not inherit from their parents and relatives. It should be maintained in its absolute form, without asserting that it has been abrogated, based on several reasons: 1. The context (*siyaq*) of the verse itself negates the notion of abrogation. Rather than being replaced, the bequest verse strengthens the inheritance verse by asserting that bequests must be given absolute priority. 2. The two verses are complementary, with the inheritance verse directed toward non-heirs. The term "relatives" here refers to those prevented from inheriting, including due to religious differences. 3. The early generations (*salaf*) allowed bequests to heirs, provided that the testator considered them to be in need compared to others. 4. The hadith stating "There is no bequest for an heir" does not reach the level of tsiqah, as no version of it has been narrated with a valid chain (*sanad*). By considering this verse to be *muhkam*, space is opened for the reactualization of Islamic law, particularly through the rulings of Religious Courts regarding inheritance across religious lines. These rulings, which have so far been based on the principles of justice and humanity, now gain stronger theoretical support from the legal reasoning of Muhammad Abduh.

Future research is encouraged to explore a comparative analysis of classical and contemporary scholars' interpretations of the bequest verse, particularly within different schools of Islamic thought. Additionally, empirical legal studies analyzing court decisions involving cross-religious inheritance cases in various Muslim-majority countries would offer valuable contributions to both the theory and application of Islamic inheritance law. Research could also delve deeper into the *maqaṣid al-shari'ah* (objectives of Islamic law) as a foundational framework to legitimize inclusive inheritance practices in pluralistic societies.

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