

A COMPREHENSIVE STUDY OF SHODAQOH, HIBAH, AND HADIYYAH IN FIQH MUAMALAH

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Abstract

This study aims to analyze the fundamental differences between the concepts of *Shodaqoh*, *hibah*, and *hadiyyah* from the perspective of Islamic commercial law (*fiqh muamalah*), which are often subject to confusion in their practical application. A qualitative approach is employed, utilizing a literature review of both classical and contemporary jurisprudence. The findings reveal that these three concepts differ significantly in terms of their purpose, reasons for giving, recipients, and legal status. This research is expected to provide a clearer understanding and practical guidance for the public in distinguishing and practicing *shodaqoh*, *hadiyyah*, and *hibah* under Islamic principles. The findings aim to reduce misunderstandings in the practice of giving and promote a more accurate application in daily life, particularly in the context of social interactions and Islamic law.

Keywords: *Shodaqoh*; *Hibah*; *Hadiyyah*

Abstrak

Penelitian ini bertujuan untuk menganalisis perbedaan mendasar antara konsep sedekah, hibah, dan hadiah dalam perspektif *fiqh muamalah*, yang sering kali mengalami kebingungan dalam penerapannya. Pendekatan yang digunakan adalah kualitatif dengan studi literatur terhadap fikih klasik dan kontemporer. Hasil penelitian menunjukkan bahwa ketiga konsep tersebut memiliki perbedaan signifikan terkait tujuan, alasan pemberian, penerima, dan status hukumnya. Penelitian ini diharapkan dapat memberikan pemahaman yang lebih jelas dan panduan praktis bagi masyarakat dalam membedakan dan mengamalkan sedekah, hibah, dan hadiah sesuai dengan prinsip-prinsip syariat Islam. Temuan ini diharapkan dapat mengurangi kesalahpahaman dalam praktik pemberian, serta mendorong penerapan yang lebih tepat dalam kehidupan sehari-hari, khususnya dalam konteks sosial dan hukum Islam.

Kata Kunci: *Hadiah*; *Hibah*; *Sedekah*



A. PENDAHULUAN

The act of helping in goodness is commanded by Islamic teachings as proof that Islam is truly rahmatan lil 'alamin. Allah says in Surah Al Maidah verse 2, ". . . and help yourselves in (doing) good and piety, and do not help yourselves in sin and transgression. Fear Allah, indeed, Allah is very severe in His punishment." This verse emphasizes the importance of collaboration in doing good deeds and avoiding sinful deeds, for example, by giving something useful to fellow people. In this case, the Prophet has taught us to give to each other as a form of affection and strengthen social relations. The Prophet said: "From Abu Hurairah r.a, Abdullah Ibn Umar, and Siti Aisyah r.a, that the Messenger of Allah SAW said, Give each other gifts all of you (then) you will love each other." (HR. Bukhori)

There are various terms used to describe gifts made by one person to another, including *shodaqoh*, *hibah*, and *hadiyyah*, and other terms according to the conditions and circumstances. These terms are derived from the Arabic language and often appear similar in practice. As a result, many people have difficulty understanding and distinguishing the meaning and purpose of each term. It is also important to know to whom *shodaqoh*, *hibah*, and *hadiyyah* may be given. For example, *hibah* or *hadiyyah* cannot be given to an official because it could risk graft or corruption.

In Indonesia itself, many people do not understand the concept of *hibah*, for example when there is a division of property made by parents to their children before they die. This division by the Indonesian people is commonly referred to as the distribution of inheritance. Such a distribution practice is more accurately referred to as a *hibah* and not an inheritance because according to the science of *faraidh*, the distribution of inheritance to the heirs can be done after the heir dies and the property is reduced or taken to pay off the debts of the deceased and for the cost of treating the corpse.¹ Therefore, it is important for Indonesian people, especially those who are Muslim, to know the types of gifts and their practices.

¹ Andi Suwandi Harahap and Faisar Ananda Arafa, "Korupsi, Hibah Dan Hadiah Dalam Perspektif Hukum Islam (Studi Analisis Majelis Ulama Indonesia Medan)," *Yustisi: Jurnal Hukum & Hukum Islam* 9, no. 2 (2022): 1-13, <https://doi.org/https://doi.org/10.32832/yustisi.v9i2.8338>.

Some previous studies related to the theme of this research include; research conducted by Resti Risdianingsih and colleagues on the practice of gifts in the context of e-commerce only.² Maulana Al-Khair, Rais Muqsith Araia, and Muhibban also studied the practice of exchanging gifts with sweepstakes, this study highlighted the legal aspects of the practice of sweepstakes involving gifts.³ Subsequent research conducted by Alifarose Syahda and Rizka Mavaza Putri focuses solely on the concept of *shodaqoh*, particularly in the context of understanding the practice of giving takjil (pre-dawn or iftar meals) during Ramadan by non-Muslims.⁴ Nurfarhana Mohd Daud, Saidin Wan Ismail, Zaluddin Sulaiman, Sidek Abdullah, and Mohd Asyadi Rdzuan in a study entitled *hibah* instruments in the Islamic authority system concluded that the concept of *hibah* refers to the voluntary giving of property without expecting anything in return. The study also highlighted that *hibah* is often equated with *hadiyyah*.⁵

In addition to these studies, there are other similar studies, but they tend to discuss *shodaqoh*, *hibah*, *hadiyyah* separately and focus on practical aspects based on phenomena that occur in the community. Therefore, this research will comprehensively discuss the three concepts so that the differences between them become clear.

The subject matter of this research is limited to several main issues, including the opinions of scholars regarding *shodaqoh*, *hibah*, and *hadiyyah*; the forms, pillars, and conditions of these practices; and the legal implications of gifts from fathers to their children. The study aims to provide a comprehensive understanding of the differences among

² Resti Risdianingsih, Asep Ramdan Hidayat, and Yayat Rahmat Hidayat, "Analisis Fikih Muamalah Tentang Hadiah Bersyarat Melalui Cashback Di E-Commerce Lazada," *Jurnal Riset Ekonomi Syariah*, 2023, 99–104, <https://doi.org/10.29313/jres.v3i2.2805>.

³ Maulana Al-Khair Soedarjo, Rais Muqsith Araia, and Muhibban, "Analisis Pertukaran Hadiah Dengan Undian Perspektif Syariah," *Journal of International Multidisciplinary Research* 2, no. 5 (2024): 32–38, <https://doi.org/10.62504/jimr419>.

⁴ Alifarose Syahda and Riska Mavaza Putri, "Konsep Sedekah : Kontekstualisasi Pembagian Takjil Dalam Memahami Hadis Sunan at-Tirmidzi Nomor 807," *UIN Sayyid Ali Rahmatullah Tulungagung* 1, no. 2 (2022): 69.

⁵ Nurfarhana Mohd Daud et al., "Instrumen Hibah Dalam Sistem Kewangan Islam: Pemerhatian Terhadap Aplikasi Hibah Di Institusi Tabung Haji," *Islam Dan Masyarakat Kontemporari* 22, no. 2 (2021): 46–55, <https://doi.org/https://doi.org/10.37231/jimk.2021.22.2.576>.

shodaqoh, *hibah*, and *hadiyyah* in *fiqh muamalat*, thereby helping individuals better understand and practice these acts in accordance with the laws outlined in Islam.

B. METHOD

This research uses a qualitative research method with a literature study approach, which aims to describe and analyze in depth the concepts of *shodaqoh*, *hibah*, and *hadiyyah* in Islam. The literature study approach was chosen because it allows researchers to develop a more holistic understanding of the differences between the three concepts, from both classical and contemporary *fiqh* perspectives. This research aims to explore the relationship between existing theories and practical phenomena that arise in society, as well as provide a clearer explanation of their application in the context of Islamic law.

The main data sources used in this research include books, academic journals, scientific articles, and other scientific works relevant to the topic under study. All of these sources were studied in depth to gain a more comprehensive understanding of the concepts of alms, grants, and gifts. Data analysis was conducted through data condensation, which is the process of filtering information obtained from various sources to identify data that is relevant and following the research objectives. The selected data were then systematically analyzed to reveal patterns or fundamental differences between the three concepts. Finally, this study concludes with findings that can contribute to a better understanding of the practice of giving in Islam under the principles of Sharia.

C. RESULTS AND DISCUSSION

Shodaqoh, *hibah*, and *hadiyyah* are all gifts given by one party to another without expecting anything in return. These three concepts have high noble values in the eyes of religion and society. The following is a detailed discussion of each of these concepts.

1. *Shodaqoh*

a. Definition of *Shodaqoh*

Etymologically, the word *Shodaqoh* comes from the Arabic *ash-shodaqoh*. At the beginning of the growth of Islam, *Shodaqoh* was defined as a circumscribed gift. But after the obligation of *zakah* was made mandatory, which in the Qur'an is also referred to as *Shodaqoh*, the term

Shodaqoh has two meanings, namely recommended *Shodaqoh* and mandatory *Shodaqoh* (*zakah*).⁶

In terminology, *shodaqoh* is defined as giving someone sincerely, to those who are entitled to receive it, accompanied by the reward of Allah. Based on this definition, *infaq* (donation) of wealth for good is included in the category of *shodaqoh*.⁷ According to Mardani in his book entitled *Fiqh Ekonomi Syariah*, *shodaqoh* is an agreement to give one person's object to another person because he expects the pleasure and reward of Allah and does not expect any reward or reimbursement.⁸

b. Legal Basic for *Shodaqoh*

The scholars of fiqh state that the ruling on *shodaqoh* is sunnah. This agreement is based on the verses of the Qur'an and the Sunnah of the Prophet. Namely in the word of Allah surat al-Baqarah, 2: 280 which means: "And if (the debtor) is in difficulty, then give him a respite until he is able. And giving in *shodaqoh* (some or all of the debt) is better for you if you know." (QS: 2/280).⁹

The hadith or sunnah of the prophet that underlies the ordinance of *shodaqoh* is said by the Prophet: "Give in *shodaqoh* even with a single date (fruit), because it can cover hunger and can extinguish wrongdoing as water extinguishes fire." (HR Ibn al-Mubarak).¹⁰

The law of *shodaqoh* can change to haram if the goods/assets that are donated will be used to commit crimes and immoral acts, this is based on the word of Allah in surah Al-Baqarah verse 272.¹¹

The legal basis regarding the person who gives in *shodaqoh* and then inherits it is based on the Prophet's hadith: "Abdullah ibn Buraydah from his father said: A woman came to the Prophet (peace be upon him) and said: "O Messenger of Allah, I gave my slave girl in charity to my mother,

⁶ Nasrun Haroen, *Fiqh Muamalah* (Jakarta: Gaya Media Pratama, 2000), 89.

⁷ Haroen, 89.

⁸ Mardani, *Fiqh Ekonomi Syariah*, Cet.Ke-2 (Jakarta: Kencana, 2013), 344.

⁹ Haroen, *Fiqh Muamalah*, 89.

¹⁰ 'Abdul 'Azhim bin Badawi al Khalafi, *Al-Wajiz Fi Fiqhis Sunnah Wal Kitabil 'Aziz*, Cet.Ke-2 (Jakarta: Pustaka as-Sunnah, 2006), 721.

¹¹ M.Aliyul Wafa, Didin Sirojudin, and Siti Latifatul Maulidiah, *FIQIH* (Jawa Timur: Hasbullah, LPPM Universitas KH. A. Wahab, 2023).

but she has passed away." He said: "May Allah reward you, and she becomes your property." He replied, "May Allah reward you, and she will be your inheritance." (Sahih Tirmidhi no: 535, Muslim II: 805 no: 1149, Tirmidhi II: 89 no: 662 and 'Aunul Ma'bud VIII: 79 no: 2860).¹²

In Islam, *shodaqoh* has a broad meaning, encompassing not only material donations but also all forms of goodness, both physical and non-physical. Based on hadiths, scholars categorize sedekah into various forms, such as giving material assistance to others, doing good deeds, refraining from wrongdoing, reconciling disputing parties, helping someone board a vehicle, lifting goods onto a vehicle, removing obstacles from the road, walking in the path of Allah, engaging in dhikr (reciting tasbih, takbir, tahmid, tahlil, and istighfar), encouraging good deeds, preventing wrongdoing, guiding those in need of help, and smiling at others.¹³

Unlike zakat, which is obligatory for individuals who meet specific wealth thresholds, sedekah is a voluntary act encouraged for all believers regardless of their financial status.¹⁴ Furthermore, sedekah encompasses all forms of kindness, extending beyond material contributions, whereas zakat specifically mandates the allocation of physical wealth, such as monetary assets, agricultural yields, livestock, trade resources, and professional earnings. Moreover, while zakat is strictly designated for eight specified recipient groups as outlined in Islamic jurisprudence, sedekah is universally open to anyone in need, reflecting its broader humanitarian scope.¹⁵

c. *Shodaqoh* that is not permissible

Several things are not allowed to be given in *shodaqoh*, including the

¹² Haroen, *Fiqh Muamalah*.

¹³ Zhila Jannati, "Keutamaan Bersedekah Sebagai Upaya Meningkatkan Kesehatan Mental," *Ghaidan: Jurnal Bimbingan Konseling Islam & Kemasyarakatan* 5, no. 2 (2021): 77–87, <https://doi.org/https://doi.org/10.19109/ghaidan.v5i2.11023>.

¹⁴ Najib Kailani and Martin Slama, "Accelerating Islamic Charities in Indonesia: Zakat, Sedekah and the Immediacy of Social Media," *South East Asia Research* 28, no. 1 (2020), <https://doi.org/10.1080/0967828X.2019.1691939>.

¹⁵ Kailani and Slama; Salwa Amirah Awang et al., "The Concept of Charity in Islam: An Analysis on the Verses of Quran and Hadith," *Journal of Usuluddin* 45, no. 1 (2017), <https://doi.org/10.22452/usuluddin.vol45no1.6>.

following:

- 1) It is not permissible to give in *shodaqoh* something that is jointly owned or belongs to someone else. For example, a wife cannot give away her husband's property without his permission. This is based on the hadith:

Abi Umamah reported: "I heard the Messenger of Allah say in his sermon during the Farewell Hajj: A wife should not give in charity what is in her husband's house unless he gives her permission." (HR. At-Tirmidzi).¹⁶

- 2) It is not permissible to give in charity property that is forbidden in terms of its substance, or forbidden in terms of obtaining it. This is explained in the hadith:

"Verily, Allah is pure, and will not accept anything but what is pure". (HR Muslim). Then, the Prophet mentioned a man who wandered for a long time with his hair matted, and his clothes dusty, raising his hands to the sky and saying, O my Lord, O my Lord, when his food is unlawful, his clothes are unlawful, his drink is unlawful, and he was raised from something unlawful, so how can his prayer be answered?.¹⁷

- 3) It is not permissible to give in *shodaqoh* something that is still needed to provide for one's family or to repay a debt.¹⁸
- 4) It is not permissible to give *shodaqoh* to someone who is not entitled to receive it.

d. Things that can invalidate *shodaqoh*

Several actions can nullify the rewards of giving *shodaqoh*, including:

- 1) *Al-Mann* (Mentioning the Charity): If a person gives charity and then reminds or informs others about it to gain recognition or admiration, the reward of their charity becomes nullified. This act reflects arrogance or a desire for praise from others.
- 2) *Al-Adza* (Causing Harm): If a person gives charity but subsequently harms the recipient with words or actions, the charity is

¹⁶ Haroen, *Fiqh Muamalah*.

¹⁷ Haroen.

¹⁸ Yuyun Yunita, "Konsep Sedekah Dalam Islam," *Jurnal Pendidikan Dan Sosial Keagamaan* 1, no. 1 (2022): 59-72, <https://doi.org/https://doi.org/10.47902/mumtaz.v1i1.18>.

considered invalid in terms of its reward. Examples include saying something demeaning to the recipient or treating them disrespectfully.

- 3) *Riya'* (Showing Off): Charity loses its value if done to show off or seek praise, either during the act or afterward. For instance, giving charity in front of a large audience solely to appear generous or publicizing the act to be praised as a charitable person invalidates the reward. Sincerity of intention is key in such acts of worship.

e. The Wisdom of *shodaqoh*

Giving *shodaqoh* teaches valuable lessons and brings numerous benefits to both the giver and the recipient. One key lesson is the strengthening of human relationships, as acts of charity foster compassion and mutual respect within a community. It also nurtures *ukhuwah Islamiyah*, or Islamic brotherhood, by reinforcing a sense of unity and shared responsibility among Muslims.

In addition, *shodaqoh* serves to purify wealth, making it more blessed and legitimate while reducing the potential for God's wrath. The act of giving encourages individuals to let go of greed and selfishness, replacing these traits with humility and gratitude. Furthermore, those who give *shodaqoh* are graced with a unique spiritual reward: the prayers of two angels who supplicate daily for their blessings and continued prosperity.

2. *Hibah and Hadiyyah*

a. Definition of *Hibah* and *Hadiyyah*

Hibah according to the language comes from the word *wahaba- hibah* which means giving. According to Sayyid Sabiq, *hibah* is applied to gifts to others, whether in the form of property or not.¹⁹ The word *hibah* is taken from the word "*hubuubur riih*" meaning *muuruuruha* (the journey of the wind) said in the book of Al-Fath, interpreted with a more general meaning of *ibra'* (freeing people's debts), namely giving away other people's debts and charity, namely giving away something obligatory for the sake of seeking the reward of the hereafter, and *ja'alah*, which is something that must be given to others as a reward, *Hibah* is used to refer to something more specific than something that is given in exchange for

¹⁹ Rozalinda, *Fikih Ekonomi Syariah Prinsip Dan Implementasinya Pada Sektor Keuangan Syariah*, Edisi.1, C (Jakarta: Rajawali Pers, 2016), 303.

something, and this is exactly what is said when someone says that *hibah* is a gift of property without compensation, and this is the meaning of *hibah* according to *syara'*.²⁰

According to the term, *hibah* is a contract that shows the transfer of ownership of an item without replacement during life as sunnah worship.²¹ *Hibah* according to *syara'* terminology are: An agreement that gives ownership without a substitute while one is still alive and is done voluntarily. According to Hanbali scholars, *hibah* is the transfer of ownership of an asset, tangible or intangible, without compensation, delivered while the giver is alive, and formalized through customary expressions or acts of ownership transfer.²²

From the above definition, it can be concluded that *hibah* is a gift of property to another person without reward to get closer to Allah where the person who is given is free to use the property. This means that the property becomes the property of the person who is given it. If people give their property to others to be used but not as property rights then it is called *ariyah* (a loan for use without compensation). If accompanied by a reward, it is called buying and selling.²³ In other words, if someone gives their property to another person without expecting anything in return during their lifetime, then they have given a *hibah* to the other person.

Another form of transferring ownership is a *hadiyyah*. *Hadiyyah* is a gift given out of gratitude and admiration for the recipient. It can be given as recognition by a superior to a subordinate or a peer for achievements. A *hadiyyah* can also be given by a subordinate to a superior as a token of appreciation. The practice of giving *hibah* and *hadiyyah* is highly encouraged in Islam as part of the concept of *maqasid syariah* in protecting wealth and establishing good relations with others.²⁴

²⁰ Abdul Aziz Muhammad Azzam, *Fiqh Muamalat Sistem Transaksi Dalam Fiqh Islam*, Edisi.1, C (Jakarta: Amzah, 2014), 435.

²¹ Mustafa Dib Al-Bugha, *Buku Pintar Transaksi Syariah* (Jakarta Selatan: Hikmah, 2009), 94.

²² Rahmat Syafi'i, *Fiqh Muamalah* (Bandung: Pustaka Setia, 2000), 242.

²³ Abdul Rahman Ghazali and Dkk, *Fiqh Muamalat*, Cet.Ke-5 (Jakarta: Prenada Media Group, 2018), 158.

²⁴ Rusni Hassan and Nor Azdilah Mohamad Zaizi, "The Concept and Application of Hibah As a Financial Instrument From the Malaysian Legal Perspective: An Analysis," *IJUM Law Journal* 28, no. 1 (2020): 227-52, <https://doi.org/10.31436/iiumlj.v28i1.498>.

b. Legal basic for *hibah* and *hadiyyah*

The fiqh scholars agree that the law of *hibah* and *hadiyyah* is sunnah. This is based on the Qur'an and Hadith, including the following;

1) Qur'an

... وَءَاتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنَ السَّبِيلِ وَالسَّائِلِينَ
وَفِي الرِّقَابِ ...

'... gives wealth, in spite of love for it, to relatives, orphans, the needy, the traveler, those who ask (for help), and for freeing slaves; ...' (QS. Al-Baqarah: 177)

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً ۚ فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِّنْهُنَّ نَفْسًا فَكُلُوهُ هَنِيئًا مَّرِيئًا

'And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease.' (QS. An-Nisa: 4)

2) al-Hadith

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: تَهَادُوا تَحَابُّوا

'Narrated Abu Hurairah from the Prophet. Give Hadiyyahs to each other, and you will love each other.' (HR. Bukhari).²⁵

وَعَنْ ابْنِ عَبَّاسٍ -رَضِيَ اللَّهُ عَنْهُمَا- قَالَ : قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ (الْعَائِدُ
فِي هَبْتِهِ كَالْكَلْبِ يَبِيءُ، ثُمَّ يَعُودُ فِي قَيْئِهِ) مُتَّفَقٌ عَلَيْهِ

'It was narrated from Ibn Abbas r.a. that the Messenger of Allah (saw) said. Said: "The one who asks for something back that has been given, is like a dog swallowing back something he has vomited.' (mutafaq alaih)²⁶

²⁵ Rozalinda, *Fikih Ekonomi Syariah Prinsip Dan Implementasinya Pada Sektor Keuangan Syariah*.

²⁶ Rozalinda.

‘Had I been given a *hadiyyah* of an animal's leg, I would have accepted it. And if I were invited to eat a piece of an animal's leg, I would certainly accept the invitation.’ (HR Ahmad and at-Tarmidzi).²⁷

As reported by Ahmad from the tradition of Khalid bin 'Adi, the Prophet Muhammad saw. said: ‘Whoever receives a favor from his brother, not out of expectation or begging, should accept it and not reject it, for it is the sustenance that Allah has given him.’²⁸

Abu Hurairah reported that the Prophet saw. said: ‘Give gifts to one another, for gifts dispel hatred; and let not a neighbor despise a gift from her neighbor, even if it is a leg of a goat.’²⁹

c. The Pillars and Conditions of *hibah* and *hadiyyah*

The majority of scholars suggest that *hibah* and *hadiyyah* become a valid act if they fulfill the following pillars and conditions:

- 1) *Wahib* (the one that gives *hibah*), required to be legally competent, meaning they must be of legal age (*baligh*), of sound mind, and be an adult. The giver should be the rightful owner of the property being donated and must act voluntarily, without being coerced or pressured. Additionally, the giver should not be someone who has had their rights restricted or deprived for any legal or other reasons.³⁰
- 2) *Mauhub lahu* (the one who receives the *hibah*), is required that it is actually present when the *hibah* is made. So it is not valid to give a *hibah* to a child who is still in the womb, a *hibah* is a direct contract that cannot be linked to a certain time. If the person to whom the grant is made is a child or insane, then the grant must be taken by his guardian, his caretaker, or the person who educates him or a foreigner.³¹

²⁷ Ghazali and Dkk, *Fiqh Muamalat*.

²⁸ Chairuman Pasaribu & Suhrawadi K.Lubis, *Hukum Perjanjian Dalam Islam*, Cet.Ke-3 (Jakarta: Sinar Grafika, 2004), hlm. 114.

²⁹ Chairuman Pasaribu & Suhrawadi K.Lubis, *Hukum Perjanjian Dalam Islam*.

³⁰ Zakiyatul Ulya, “Hibah Perspektif Fikih, KHI Dan KHES,” *Maliyah: Jurnal Hukum Bisnis Islam* 7, no. 2 (2017): 1–23, <https://doi.org/https://doi.org/10.15642/maliyah.2017.7.2.1-23>.

³¹ Ghazali and Dkk, *Fiqh Muamalat*.

- 3) *Mauhub* (the property that is used as *hibah*), required:
 - a) The item to be given is already in existence when the transaction is carried out and when the contract is executed. Therefore, it is not valid to give something that is not yet real.
 - b) The object that is donated is *halal* or permissible in *syara'*, it is not permissible to donate *haram* objects such as pigs, dogs, alcohol, and others.
 - c) Ownable substance, meaning that the object that is donated can be owned, the object can be received and can be transferred to the recipient of the grant, so it is not permissible to donate such as water in the river, and fish in the sea.
 - d) The property that is donated must be separate from everything else, not linked to rights or anything else.
 - e) The property that is donated is valuable and useful.
 - f) The property that is given is the property of the person giving the gift, so it is not valid to give someone else's property.
- 4) *Sighat* (utterance) *ijab* and *qabul*, *ijab* is a statement from the person who give his property and *qabul* is a statement from the person who receives the *hibah*. For example, the grantor says: "I give this house as *hibah* to you", then the grantee replies: "I accept your *hibah*".

d. Types of issues with *hibah*

1) *Al-'Umra*

Al-'Umra is derived from the word "*umur*" which means life. It is called so because, in the pre-Islamic period, when someone gave a house to another person, they would say, "I give you this '*umra*'" meaning, "I grant you the use of this house for the duration of your life." Thus, it was called '*umra*..³²

According to Sayyid Sabiq '*umra* is a kind of *hibah*. That is someone grants something to another person as long as he lives and if the gifted dies then the item returns to the grantor. The person who says '*umra* is called *mu'mir* and the object that is given '*umra* is called *mu'mar*..³³

³² Azzam, *Fiqh Muamalat Sistem Transaksi Dalam Fiqh Islam*.

³³ Ghazali and Dkk, *Fiqh Muamalat*.

Based on the Prophet's hadith, the return of 'umra after the giver dies is void. The ownership of 'umra should be permanent for the person who was given 'umra during his lifetime. After the person who was given 'umra died, it passed to his heirs, if he did not have heirs then given to the baitulmal. This opinion is adopted by Hanafi, Shafi'i, and Ahmad based on the Prophet's hadith from Urwah that the Prophet said "Whoever is given 'umra then 'umra is for him and his children. 'Umra is inherited by the one who inherits among his children after death".³⁴

In contrast, Imam Malik said that 'umra is the possession of benefits and not control. If it is given to a person then it is for him while he is alive and cannot be inherited. If it is given to him and his children after he dies then it becomes inherited property for his family.³⁵

To sum up: if there is a condition in 'umra that it belongs to the recipient and his descendants, then this confirms the ruling that it belongs to the recipient and his heirs. This is the view of all the scholars who said that 'umra is permissible, and if he stipulates that it is without conditions, then it belongs to the recipient and his heirs as well, because it is a gift of property similar to a *hibah*, and if he stipulates that it will return to the giver after the recipient dies.³⁶

2) *Ar-Ruqba*

The word *ar-ruqba* is derived from the word *muraqabah* (surveillance), because the two of them watch each other when he dies so that he can reconcile with him, then his heirs will take his place.³⁷ *Ruqba* is when a person says to his friend "I *ruqba* my house to you, I give it to you as long as you live". This means that if you die before me then return the house to me. And if I die before you then the house belongs to you and the person after you. So each of these two waited for the death of his friend so that the ownership of the house belonged to whoever lived between the two of them.³⁸

³⁴ Ghazali and Dkk.

³⁵ Ghazali and Dkk.

³⁶ Azzam, *Fiqh Muamalat Sistem Transaksi Dalam Fiqh Islam*, 461.

³⁷ Azzam, *Fiqh Muamalat Sistem Transaksi Dalam Fiqh Islam*.

³⁸ Ghazali and Dkk, *Fiqh Muamalat*.

3) Legal basic of *Al-'Umra* and *Ar-Ruqba*

The majority of fiqh scholars allow these two types of *hibah* because they are included in *hibah* that are connected with the conditions of *ijab* and *qabul*, this is based on the Prophet's hadith narrated from Abu Hurairah: "It was narrated from Abu Hurairah r.a. that the Prophet said: *Umry* is permissible".

The majority of fiqh scholars allow two types of *hibah*, as they fall under the category of *hibah* that meet the conditions of *ijab* (offer) and *qabul* (acceptance). This understanding is based on the Prophet's hadith narrated from Abu Hurairah, who reported that the Prophet Muhammad saw. said: "*Umry* is permissible."³⁹ Another narration from Jabir mentions that the Messenger of Allah swt. said: "*Umry* is permissible for those who can afford it, and *ruqba* is permissible for those who can afford it."

While most scholars accept both *umry* and *ruqba* under certain conditions, there is a difference in opinion between the Hanafi and Maliki schools. Both these schools of thought consider *ruqba* as prohibited but permit *umry*. This ruling is also supported by the following hadith from the Prophet Muhammad saw: "Verily, the Messenger of Allah swt permitted *umry* but invalidated *ruqba*".

Imam Al-Subki, in *Mughni Al-Muhtaj*, explains that the validity of the *hibah* of *'umra* and *ruqba* is not based on analogy (*qiyas*), but on hadith, which takes precedence over reasoning. The Shafi'i scholars, agreeing with Abu Yusuf of the Hanafi school, recognize *ruqba* as a valid *hibah*. However, Abu Hanifah and Muhammad argue it is invalid due to conditions that prevent immediate ownership. In contrast, the *hibah* of *al-'umra* is valid because it does not hinder the transfer of ownership. This is supported hadith narated by Al-Sy'bi from Shuraih that "the Messenger of Allah allowed grant *al-'umra* and canceled grant *al-ruqba*".⁴⁰

e. Responding to *hibah* and *hadiyyah*

Person who is given a *hibah* or *hadiyyah* is encouraged to reciprocate, as the Prophet did during his lifetime as narrated by Bukhari, Ahmad, Abu Dawud, and At-Tirmidhi from the hadith of Aisha r.a. She said: "The

³⁹ Rozalinda, *Fikih Ekonomi Syariah Prinsip Dan Implementasinya Pada Sektor Keuangan Syariah*.

⁴⁰ Al-Bugha, *Buku Pintar Transaksi Syariah*.

Messenger of Allah received a *hadiyyah* and gave it in return".⁴¹ This means that the Prophet replied to the *hadiyyah* he received with a *hadiyyah* at least equivalent to the price of the *hadiyyah* he received. To repay kindness so that no one owes him a favor.

Al-Khattabi, as quoted by Sayyid Sabiq, explains that scholars have divided gifts (*hibah* and *hadiyyah*) into three types. The first type involves giving to someone of lesser status, such as a servant, out of respect and love, where no repayment is expected. The second type is the gift given by a lesser person to someone of higher status, typically to fulfill needs or gain benefits, and such a gift must be reciprocated. An example of this would be a poor person offering their crops to a rich person. The third type of gift is exchanged between equals, promoting love and affection, such as a wedding or circumcision gift. This kind of gift, too, is generally expected to be reciprocated.⁴²

f. Revocation of Hibah and Hadiyyah

The majority of scholars are of the opinion that an object or property that has been given to another person is forbidden to be asked back under any circumstances, even between brothers or husband and wife, unless the giver is a father and the recipient is his own child.⁴³ This is based on the words of the Prophet saw. narrated by Abu Daud and Nasai "The person who takes back his grant is like a dog who licks his vomit". In another Hadith narrated by Ahmad, "No one may take back a gift except a father's gift to his son." It is permissible for a father to revoke a gift that has been given to his child because he is more entitled to protect the interests of his child.

Unlike the Hanafiah scholars, according to them, the *hibah* is not binding. Therefore, the grantor may revoke the *hibah*, this is based on the prophet's hadith narrated by Ibn Majah, al-Daru Quthni, At-Thabrani, and al-Hakim which means "The one who grants his property is more entitled to his property as long as the *hibah* is not accompanied by compensation".

⁴¹ Azzam, *Fiqh Muamalat Sistem Transaksi Dalam Fiqh Islam*.

⁴² Ghazali and Dkk, *Fiqh Muamalat*.

⁴³ Fauzi Saleh, "Fiqh Al-Hadist Tentang Hibah Ayah Kepada Anak," *Substantia: Jurnal Ilmu-ilmu Ushuluddin* 12, no. Nomor 1 (2010): 33, <https://doi.org/http://dx.doi.org/10.22373/substantia.v12i1.3775>.

However, they also prohibit withdrawing gifts from others on the condition that the grantee has given something in return and the grantee has accepted it.

According to Sayyid Sabiq, the grantor who may not withdraw his *hibah* is merely giving without asking for compensation. As for the grantor who is allowed to withdraw the *hibah* is the grantor who gives so that the *hibah* is rewarded and reciprocated.⁴⁴

Hibah can be revoked if given by parents to their children to protect their interests. For example, a father can take back a car given to a child if it is misused, such as for skipping school. Additionally, *hibah* may be withdrawn if it causes injustice, envy, or slander.⁴⁵ However, certain gifts (*hibah* or *hadiyyah*), such as pillows, perfume, and milk, cannot be returned. This is based on a hadith narrated by Ibn Umar, where the Prophet said, “There are three kinds of *hibah* that cannot be returned: pillows, perfume, and milk.” Similarly, in a hadith from Abu Hurairah, the Prophet stated, “Whoever is given a gift of perfume, it cannot be taken back because it is a fragrance that is easily lost.”⁴⁶

g. The Wisdom of Giving *Hibah* and *Hadiyyah*

The wisdom of giving *hibah* and *hadiyyah* is profound, as it removes enmity, fosters love, and reflects nobility, character, and honor. The Prophet said, “Give *hadiyyah* to each other, all of you, because *hadiyyah* remove envy.” Allah, knowing human tendencies toward miserliness, strongly criticizes those who demand gifts back.⁴⁷ Giving *hibah* or *hadiyyah* has many benefits, such as providing someone in need with what they did not expect. The reward for the giver is immense, as Allah is described as the generous, and those who are generous are among the fortunate, as stated in Surah Al-Hasyr (59:9).

h. Father gifts to his child.

The scholars agree that a father should treat his children with fair treatment in order to avoid hostility between them and break the ties that

⁴⁴ Ghazali and Dkk, *Fiqh Muamalat*.

⁴⁵ Khoirun Nisa', Namiatul Ma'arifah, and M. Aliyul Wafa, *FIQIH* (Jawa Timur: LPPM Universitas KH. A. Wahab Hasbullah, 2022).

⁴⁶ Sayyid Sabiq, *Fiqh Sunah*, jilid III (Jakarta: Al-I'tishom, 2008), 617–18.

⁴⁷ Syekh Ali Ahmad Al-Jarjawi, *Indahnya Syariat Islam*, Cet.Ke-1 (Jakarta: Gema Insani Press, 2006).

should be connected. Imam Ahmad, Ishaq, Ats-Tsauri, Thawus, and some of the followers of Imam Malik held this view. They said: “Indeed, differentiating gifts between children is false and fraudulent, and it is obligatory to stop doing so.” Bukhari corroborated this point by citing a report narrated by Ibn 'Abbas r.a. and narrated by al-Thabrani and Sa'id ibn Mansyur and authenticated by Ibn Hajar in Fathul Bari that the Prophet said: “Give equally to children. If I were allowed to differentiate in giving to them, I would give preference to women”.⁴⁸

'Ash-Sya'bi narrated from An-Nu'man bin Bashir, “My father once gave me something. Ismail b. Salim, one of his people, said: ‘His father gave him a male slave.’ My mother, Amarah bint Rawahah, then said to him (my father), ‘Come to the Rasulullah saw. and testify to him about it.’ So he went to the Prophet and told him, ‘I have given a male slave to my son An-Nu'man, and my wife Amarah has asked me to witness it to you.’ Rasulullah then said, ‘Do you have any other children besides him?’ He replied, ‘Yes.’ ‘Did you give them all as you gave An-Nu'man?’ ‘No’. So, the Prophet said, ‘Some people say this is injustice. Some of them say it is a form of favoritism. Therefore, testify this to someone other than me.’

The Hanafi, Shafi'i, Maliki, and the majority of scholars agree that fairness among children is recommended, while favoritism is disliked. They reject the various explanations regarding the hadith of An-Nu'man as mentioned in Al-Fath and Al-Authar.⁴⁹

3. Difference between *Shodaqoh*, *Hibah*, and *Hadiyyah*

Based on the discussion that has been described, it can be stated that *Shodaqoh*, *Hibah*, and *Hadiyyah* are concepts whose meanings are almost similar. The results of this study are in line with research entitled *Instrumen Hibah dalam Sistem Kewangan Islam*,⁵⁰ it is said that *hadiyyah* and *shodaqoh* are part or type of *hibah*. So it can be said that *hibah* is more general than *hadiyyah* and *shodaqoh*. Every *hadiyyah* and *shodaqoh* is a *hibah*, but not all *hibah* are *hadiyyah* and *shodaqoh*. The opinion in the study

⁴⁸ Sabiq, *Fiqh Sunah*.

⁴⁹ Sulaiman bin Ahmad bin Yahya Al-Faifi, *Ringkasan Fikih Sunah* (Solo: Aqwam, 2010), 937.

⁵⁰ Daud et al., “Instrumen Hibah Dalam Sistem Kewangan Islam: Pemerhatian Terhadap Aplikasi Hibah Di Institusi Tabung Haji.”

was taken based on the views of Imam Abi Zakariya Mahyaddin bin Syaraf An-Nawawi and Prof. Dr. Muhammad Az Zuhaili who said *hibah* is interrelated with '*athiyah*, *hadiyyah*, and *shodaqoh*, In this case '*athiyah*⁵¹ is considered to include *hibah*, *hadiyyah* and *shodaqoh*.⁵² Unfortunately, previous research does not provide a further explanation of the differences in the concepts of *shodaqoh*, *hibah*, and *hadiyyah*. Therefore, the results of this study are useful to strengthen and add to previous research.

The previous researchers' opinions regarding *hibah* are based on the general concept of transferring ownership without compensation, which also includes *shodaqoh* and *hadiyyah*. While both are forms of giving, they differ in their intent. *Shodaqoh* is given with the intention of worship and getting closer to Allah, while *hadiyyah* is given to express appreciation, and *hibah* is given freely without a specific motive, under a contract.⁵³ Islamic scholars agree that *hibah* is permissible as it fosters a relationship between the giver and recipient.⁵⁴ While *shodaqoh* must be given to those in need, *hibah* and *hadiyyah* can be given to anyone, including both loved ones and acquaintances. This is reflected in the distinction made by the Prophet, who accepted *hadiyyah* but did not *shodaqoh*.⁵⁵ Moreover, these concepts differ in their legal rulings, permissible revocation, and form, as outlined in the following sections:

Table 1
Perbedaan Sedekah, Hibah Dan Hadiah

Aspects of Difference	<i>Shodaqoh</i>	<i>Hibah</i>	<i>Hadiyyah</i>
Destination	Draw closer to Allah and gain rewards in the hereafter	Strengthening the relationship or strengthening social relations	Motivating someone, or expressing love, or honoring

⁵¹ Lihat konsep '*athiyah* pada buku: Prilia Kurnia Ningsih, *Fiqh Muamalah*, ed. Imam Subchi (Depok: Rajawali Pers, 2021), 213.

⁵² Daud et al., "Instrumen Hibah Dalam Sistem Kewangan Islam: Pemerhatian Terhadap Aplikasi Hibah Di Institusi Tabung Haji."

⁵³ Tim Laskar Pelangi, *Metodologi Fiqih Muamalah: Diskursus Metodologis Konsep Interaksi Sosial-Ekonomi*, ed. Ust. Mudaimullah Azza (Kediri: Lirboyo Press, 2021), hlm. 359.

⁵⁴ Umi Hani, *Buku Ajar Fiqh Muamalat*, ed. Afif Khaliq (Banjarmasin: Universitas Islam Kalimantan Muhammad Arsyad Al-Banjary Banjarmasin, 2021), hlm. 123.

⁵⁵ Al-Bugha, *Buku Pintar Transaksi Syariah*, hlm. 95.

Aspects of Difference	<i>Shodaqoh</i>	<i>Hibah</i>	<i>Hadiyyah</i>
The Pretext of Giving	Caring for each other	Bond of affection	Certain events make it worth giving
Recipient	People who need help	People who are close to the giver	The achievers and the beloved include the poor and the rich.
Giving Rules	Must go through certain rules and conditions	Must go through certain rules and conditions	Can go through certain rules or not
Form of Giving	Tangible or intangible	Only in the form of property	Only in the form of property
Legal Basis	It is Sunnah muakad, but it may become obligatory if a needy person asks for charity from a wealthy person.	The original ruling is Sunnah. However, based on the circumstances and the roles of the grantor and grantee, it can become obligatory, haram or makrooh.	<ul style="list-style-type: none"> • Sunnah • The ruling on gifts can change to haram if there is a shar'i prohibition on it, such as giving something that is haram, there is an element of bribery and lead haram things.
Whether or not it can be revoked	Inalienable	Generally cannot be revoked, but there are exceptions	Inalienable

Source: Managed by author

D. CONCLUSION

Shodaqoh, *hibah*, and *hadiyyah* are three forms of giving in Islam that have their objectives, conditions, pillars, and provisions. *Shodaqoh* is a gift made sincerely to expect the pleasure of Allah swt, a *hibah* is giving something to someone else without expecting anything in return, while a *hadiyyah* is a gift to honor the recipient. These three forms of giving are both a form of one's generosity and according to the majority of scholars, it is forbidden to ask for the *hadiyyah* back under any circumstances, except for the *hadiyyah* from a father to his son. The *hibah* from father to son can be revoked by considering the interests and justice. Although in general, the concepts of *shodaqoh*, *hibah*, and *hadiyyah* are the same as giving ownership without expectation of return, more specifically the

three concepts have differences in terms of purpose, a pretext for giving, recipient, rules of giving, a form of giving, legal basis, and whether or not the gift can be revoked. The main difference between *shodaqah*, *hibah*, and *hadiyyah* lies in the intention behind the gift. By understanding these differences and similarities, Muslims can better implement or practice the concepts of *shodaqah*, *hibah*, and *hadiyyah* under what has been prescribed.

Suggestions from researchers for future researchers who feel interested in researching similar themes, it would be better if combined with field research that explores information directly from the community to find out the real understanding related to the concept of *shodaqah*, *hibah*, and *hadiyyah*.

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