

# Ummu Salamah's Compassion: Bridging Orphan Welfare From Battlefield To Modern Law

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## ABSTRACT

This dissertation, titled "Umm Salamah's Compassion: Bridging Orphan Welfare from Battlefield to Modern Law," examines the life and influence of Umm Salamah, a pivotal figure in early Islamic scholarship known for her courage and compassion. Through a qualitative analysis of her contributions to Hadith scholarship, this study explores how historical Islamic practices can inform contemporary legal frameworks. Specifically, it addresses the deficiencies in Singapore's laws on orphan protection and welfare, proposing that Umm Salamah's principles offer valuable insights to improve modern legal systems. The methodology framework behind this study is sociological and normative, as it examines her enduring influence, illuminating her legacy as a trailblazer in Islamic scholarship. The study integrates the concept of *Maqashid Sharia* (objectives of Islamic law), particularly in relation to social justice and the welfare of orphans. Her contributions enriched Islamic thought and how Umm Salamah's work aligns with the principles of *Maqashid Sharia*, emphasizing the protection and welfare of vulnerable groups.

**Keywords:** Umm Salamah; maqasid shariah; orphan; legal

## Introduction

Umm Salamah's story transcends the boundaries of mere historical narrative; it is a testament to the transformative power of knowledge and the unwavering dedication of a woman who dared to defy convention. Born into a world where opportunities for women in scholarly pursuits were

limited<sup>1</sup>, she navigated the complexities of her time with grace and resilience, carving a path that would leave an indelible mark on the landscape of Islamic learning. From her early years, Umm Salamah displayed a thirst for knowledge that could not be quenched by societal norms or patriarchal restrictions<sup>2</sup>. In the pursuit of enlightenment, she sought out the teachings of renowned scholars, immersing herself in the study of Hadith—the sacred traditions of the Prophet Muhammad (peace be upon him). Guided by an insatiable curiosity and an unwavering commitment to truth, she delved into the depths of Islamic jurisprudence, mastering the intricacies of Hadith methodology and interpretation. But Umm Salamah's journey was not without its challenges<sup>3</sup>. In a world dominated by male scholars, she faced skepticism and prejudice. She was forced to navigate a labyrinth of obstacles as she sought to establish herself as a respected authority in her field. Yet, through sheer determination and intellectual prowess, she shattered stereotypes and silenced her critics, earning the admiration and respect of her peers.

As we delve deeper into Umm Salamah's life and works, we are confronted with a legacy that extends far beyond the confines of her time. Her contributions to Hadith scholarship enriched the intellectual tapestry of Islamic thought and laid the foundation for future generations of scholars to build upon especially in the welfare of the orphan.

There are notable and significant differences between Islamic law principles concerning orphan welfare and the secular legal frameworks established in various countries. These differences encompass potential conflicts in several key areas, including the administration of orphan care, the rights granted to orphans, and the responsibilities assigned to guardians. Islamic law, with its deep-rooted compassion and welfare-oriented approach as exemplified by the teachings of Umm Salamah, emphasizes a holistic and humane treatment of orphans. However, modern legal systems often fall short in providing comprehensive provisions that reflect these values.

This shortfall can manifest in several critical areas. For instance, in many modern legal systems, there may be inadequate legal protections for

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<sup>1</sup> Nur Saadah Hamisan@Khair, "Al-Muhaddithat: The Women Scholars In Islam," *Ulum Islamiyyah* 27, no. June (2019): 67–75, <https://doi.org/10.33102/uij.vol27no1.109>.

<sup>2</sup> Annisa Nurul Hasanah, "Kisah Ummu Salamah: Istri Rasulullah, Perawi Hadis Dan Saksi Pembunuhan Husain," *Tokoh*, 2018, <https://islami.co/kisah-dan-ummu-salamah-istri-rasulullah-perawi-hadis-dan-saksi-pembunuhan-husain/>.

<sup>3</sup> "Patience with Hardship – The Story of Umm Salamah," *Discovering Islam*, 2018, <https://aboutislam.net/reading-islam/living-islam/patience-with-hardship-the-story-of-umm-salamah/>.

orphans regarding their inheritance rights, leaving them vulnerable to financial instability and exploitation. Similarly, the frameworks for guardianship might not fully ensure the best interests of the orphan, potentially overlooking the importance of a guardian's moral and emotional suitability<sup>4</sup>. Additionally, the provision of social services, which are essential for the well-being and development of orphans, might be insufficiently addressed within secular legal systems.

Furthermore, this paper will delve into the implementation of *Maqasid Sharia*, the higher objectives of Islamic law, which aim to promote welfare and prevent harm<sup>5</sup>. It will examine how these principles can be integrated into contemporary legal systems to enhance the protection and care of orphans. This analysis will be particularly focused on how such integration can be achieved in non-Islamic countries or secular states, where the existing legal frameworks might not naturally align with Islamic principles. The discussion will highlight the potential benefits of adopting a more holistic and compassionate approach to orphan welfare, inspired by Islamic teachings, within modern legal contexts.

In "Umm Salamah's Compassion: Bridging Orphan Welfare from Battlefield To Modern Law," we embark on a voyage of discovery how Umm Salamah's pioneering work in Hadith scholarship and her compassionate approach to orphan welfare can influence modern legal frameworks and social justice practices.

## Method

The research approach adopted for this endeavor embodies a qualitative methodology, a choice well-suited for delving into the nuanced intricacies of Umm Salamah's life and scholarly contributions. As scholars in various disciplines have underscored, qualitative research offers a rich and multifaceted lens to explore complex phenomena, enabling a deep dive into the subjective experiences, perceptions, and contexts that shape individual lives and historical narratives<sup>6</sup>. By embracing qualitative methods, this study seeks to move beyond mere quantitative metrics and statistical analyses, aiming instead to capture the essence of Umm

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<sup>4</sup> Valentyna Myronenko et al., "Social and Legal Protection of Orphans and Children Left without Parental Care under Martial Law," *Cuestiones Políticas* 41, no. 77 (2023): 227–42, <https://doi.org/10.46398/cuestpol.4177.15>.

<sup>5</sup> Jasser Auda, *Maqasid Al-Shariah: A Beginner's Guide* (The International Institute of Islamic Thought, 2018).

<sup>6</sup> C. Marshall and G. B Rossman, *Designing Qualitative Research* (SAGE Publications, 2014).

Salamah's enduring influence in Hadith scholarship through a holistic examination of her life, works, and impact.

Drawing upon the insights of scholars such as Creswell and Poth, who advocate for the use of qualitative inquiry in uncovering the underlying meanings and social dynamics inherent in human experiences<sup>7</sup>, this research endeavors to engage in a rigorous exploration of Umm Salamah's legacy. As Denzin and Lincoln assert, qualitative inquiry offers a means of understanding the complexities of human phenomena by privileging context, interpretation, and reflexivity<sup>8</sup>. This study contextualises Umm Salamah's achievements through qualitative lens which include historical texts and Hadith collections related to Umm Salamah's contributions, legal texts from Islamic jurisprudence, and modern legal codes.

The study encompass both sociological and normative research through comparative analysis of Islamic law, Indonesian law, and international law regarding orphan welfare. The data collection are done through legal documents, scholarly articles, textual analysis and books. The research integrates the concept of *Maqashid Sharia*, focusing on the welfare and protection of vulnerable groups, particularly orphans. It assesses how these ethical and legal principles can be applied or adapted in contemporary legal systems to enhance social justice and legal protections for orphans.

## **Results And Discussions**

The exploration of Umm Salamah's enduring influence in Hadith scholarship unveils a tapestry rich in intellectual prowess, ethical guidance, and historical significance. Apart from bearing the title Ummul Mukminin, she was also known as al-Sayyidah, al-Muhajjibah, and al-Thahirah.<sup>9</sup> Throughout Islamic history, women like Umm Salamah have actively participated in narrating and contributing to transmitting and authenticating prophetic traditions<sup>10</sup>.

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<sup>7</sup> J. W. Creswell and C. N. Poth, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (SAGE Publications, 2018).

<sup>8</sup> N. K. Denzin and Y. S. Lincoln, *The Sage Handbook of Qualitative Research* (SAGE Publications, 2018).

<sup>9</sup> Annisa Nurul Hasanah, "Biografi Ummu Salamah; Istri Rasulullah, Perawi Hadis Yang Ahli Fiqih," *Bincang Syariah*, 2022, <https://bincangsyariah.com/khazanah/biografi-ummu-salamah-istri-rasulullah-perawi-hadis-yang-ahli-fiqih/>.

<sup>10</sup> MUSFERAH MEHFOOZ, "Contribution of Muslim Women Scholars to Ḥadīth Transmission and Authentication," *Islamic Studies* 60 (2021), <https://www.jstor.org/stable/27088425>.

Delving into her legacy offers profound insights into the role of women in early Islamic scholarship and underscores the importance of the science of al-jarḥ wa 'l-ta'dīl. In the science of Hadith, not all individuals who transmit the sayings of the Prophet PBUH are regarded equally<sup>11</sup>. They vary in several aspects, and this disparity arises due to the division of Hadith knowledge into various branches, one of which is known as al-Jarḥ wa al-Ta'dil, which deals with scholars' assessments of narrators. This branch is closely linked to determining the authenticity or status of a particular Hadith<sup>12</sup>. Lexically, al-Jarḥ signifies criticisms, indicating the identification of flaws or deficiencies in a narrator, leading to the rejection of their narrations due to concerns regarding their trustworthiness or memorization<sup>13</sup>. Conversely, al-Ta'dil denotes the acceptance of a narrator's speech, signifying their purification and the subsequent acceptance of their narrations<sup>14</sup>.

Expanding upon Umm Salamah's early life, her upbringing within the Banu Makhzum tribe of the Quraysh in Makkah imbued her with a rich cultural heritage and a strong sense of identity within the pre-Islamic Arabian society. As a member of the Banu Makhzum tribe, Umm Salamah would have been familiar with the customs, traditions, and societal norms prevalent among the Quraysh at that time<sup>15</sup>. According to historical accounts, the Banu Makhzum tribe held significant prominence within the Quraysh community. Renowned for its distinguished leader, Al-Mughira Ibn-Abd-Allah, the clan boasted of notable figures such as Ibn-Umar, who stood as prominent pillars of Banu Makhzum's influence in 6th-century Mecca. The tribe was characterized by its wealth, affluence, and formidable power within the Quraysh hierarchy, ranking among the top three influential families in Mecca before the advent of Islam, alongside the Banu Hashim and Banu Umayya<sup>16</sup>.

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<sup>11</sup> MUHAMMAD MUSHFIQUE AHMAD AYOUP, "IRSYAD AL-HADITH SERIES 347: THE LEVELS OF AL-JARH WA AL-TA'DIL," Mufti of Federal Territory's Office, 2019, <https://muftiwp.gov.my/en/artikel/irsyad-al-hadith/3156-irsyad-al-hadith-series-347-the-levels-of-al-jarh-wa-al-ta-dil>.

<sup>12</sup> Mohd Akil Muhamed Ali et al., "Al-Jarḥ Wa Al-Ta'dil (Criticism and Praise): It's Significant in the Science of Hadith," *Mediterranean Journal of Social Sciences* 6, no. 2S1 (2015): 284–92, <https://doi.org/10.5901/mjss.2015.v6n2s1p284>.

<sup>13</sup> Heru Widodo and Fahmi Irfanudin, "Al Jarḥ Wa At-Ta ' Dil in Researching Sanad," *ASILHA – ISLAMICATE INSTITUTE Journal of Hadith Studies* 3, no. 1 (2020): 23–33.

<sup>14</sup> Amr Abdul Mun'im Salim, *Kitab Asli Taysir Ulum Al-Hadits Lil Muftadi'in; Mudzakkirat Ushul Al-Hadits Lil Muftadi'in* (Maktabah Ibnu Taymiyah, 1997).

<sup>15</sup> Islam Story, "Umm Salamah," Islam story, accessed April 17, 2024, <https://islamstory.com/en/artical/3408736/Umm-Salamah>.

<sup>16</sup> Dr. Hafiz Muhammad Sarfraz Ghani and Prof. Dr. Matloob Ahmed, "The Role of Banu Makhzoom in the System of Government of the Prophet (PBUH) (Research and

Before her conversion to Islam, Umm Salamah was married to Abdullah ibn Abdul-Asad, a union that likely provided her stability and familial ties within the community. However, her life took a significant turn with the advent of Islam, which would profoundly shape her personal journey and spiritual trajectory<sup>17</sup>.

In the wake of their conversion to Islam, the Quraysh responded with vehement hostility upon learning of Umm Salamah and her husband's newfound faith. Fueled by anger and resentment, they unleashed a torrent of persecution and harassment upon the couple, seeking to intimidate and coerce them into renouncing their beliefs<sup>18</sup>. However, in the face of relentless adversity, Umm Salamah and her husband remained resolute and unwavering in their commitment to Islam, steadfastly holding onto their faith despite the relentless onslaught of opposition.

Umm Salamah encountered a profound familial upheaval as her husband, Abu Salamah, and their son migrated to Madinah. Amidst intertribal conflicts between Banu Abdulasad and Banu Makhzum, custody disputes over their son ensued, rendering Umm Salamah entangled in a poignant dilemma between her husband's departure and the separation from her child under her son's clan<sup>19</sup>. Subsequently, she endured a year of mourning, punctuated by daily visits to the valley of their parting, where she sought solace amidst her grief<sup>20</sup>.

A compassionate man from Banu Umayyah intervened, urging her clan to reunite her with her family. Eventually, they relented, allowing Umm Salamah to depart for Madinah with her son. She encountered Uthman ibn Talhah along the way, who pledged to escort her safely to her destination. Uthman's kindness and chivalry guided their journey, ensuring their well-being until they reached Madinah<sup>21</sup>. It was among the virtues of Umm Salamah that she was directly involved in the revelation of several

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Analytical Study),” *Al Khadim Research Journal of Islamic Culture and Civilization* 2, no. 2 (2021): 56–68, [https://doi.org/10.53575/arjicc.u4-v2.2\(21\)56-68](https://doi.org/10.53575/arjicc.u4-v2.2(21)56-68).

<sup>17</sup> Umair Mirza, *Al Isabah Fi Tamyiz Al Sahabah - Imam Ibn Hajar Asqalani*, 1995, <https://archive.org/details/al-isabah-fi-tamiz-al-sahaba-al-ibn-hajar-ashqalani-jild-1/Al-Isabah-fi-Tamiz-al-Sahaba-al-ibn-Hajar-Ashqalani-Jild-1/>.

<sup>18</sup> Abdul Wahid Hamid, “Permission to Migrate to Abyssinia,” *About Islam*, 2023, <https://aboutislam.net/shariah/prophet-muhammad/his-companions/family-umm-salamah-example-boundless-dedication-story/>.

<sup>19</sup> “Umm Salamah,” *Alim.Org*, 2024, <https://www.alim.org/history/prophet-companions/6/>.

<sup>20</sup> Abdul Wahid Hamid, “Umm Salamah: Mother of Believers,” *Islam Online*, 1999.

<sup>21</sup> Muhammad Syamil, “Edisi Hijrah: Kisah Uthman Bin Talhah,” *Ustaz Ustazah*, 2023, <https://ustazustazah.com/edisi-hijrah-kisah-uthman-bin-talhah/>.

Quranic verses<sup>22</sup>. One of them is in Surah Ali Imran, verse 195, regarding the migration to Madinah. Umm Salamah expressed concern to the Prophet Muhammad about the absence of women being mentioned in connection with migration (Hijrah). Allah revealed a verse addressing this concern<sup>23</sup>.

In this verse, Allah assures both men and women that He will not deprive any of them of the rewards for their righteous deeds. He emphasizes the equality of reward between men and women. Allah promises forgiveness and admission into Paradise for those who migrated, were expelled from their homes, faced persecution, fought, and were martyred for His sake<sup>24</sup>. This promise highlights the ultimate reward awaiting believers in the Hereafter, which is with Allah, the Most Generous.

Umm Salamah, a revered figure among early Muslims and one of the wives of Prophet Muhammad (peace be upon him), played a significant role in preserving and transmitting Hadiths. Her contributions to the field of Hadith scholarship extend beyond mere narration, encompassing aspects of interpretation, analysis, and dissemination of prophetic traditions. In one of the hadith, Umm Salamah, renowned as one of the esteemed wives of Prophet Muhammad (peace be upon him), relayed an inquiry posed to her by Kabshah, daughter of Abu Maryam. Kabshah sought clarification from Umm Salamah regarding the prohibitions articulated by Prophet Muhammad. "He forbade us to boil dates so much so that the kernels are spoiled and to mix raisins and dried dates."<sup>25</sup>. This prohibition underscores the importance of moderation and careful food preparation practices, suggesting that overcooking dates may compromise their flavor or nutritional integrity. Though the referenced hadith narrated by Umm Salamah, is deemed weak (*da'if*) owing to concerns regarding its chain of narrators (*isnad*) or the trustworthiness of certain narrators.

The mentioned hadith serves as a poignant reflection of the teachings imparted by Prophet Muhammad (peace be upon him) concerning dietary practices and the meticulous preparation of food. It underscores the profound emphasis placed by the Prophet on the principles of moderation and conscientiousness in both the processing and consumption of food

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<sup>22</sup> Muhammad Hafil, "Ummu Salamah, Wanita Yang Dua Kali Hijrah," *Republika*, 2020, <https://islamdigest.republika.co.id/berita/qbn8n7430/ummu-salamah-wanita-yang-dua-kali-hijrah>.

<sup>23</sup> Ibn Kathir, "Allah Accepts the Supplication of Men of Understanding," *Quran.com*, 2024, <https://quran.com/3:195/tafsirs/en-tafisr-ibn-kathir>.

<sup>24</sup> "Al Imran Verse 195," *Quran.com*, 2024, <https://quran.com/ali-imran/195>.

<sup>25</sup> "Drinks (Kitab Al-Ashribah)," *Sunnah.com*, accessed April 17, 2024, <https://sunnah.com/abudawud:3706>.



items<sup>26</sup>. By advocating for moderation and care in culinary practices, this hadith encapsulates the holistic approach of Islam towards maintaining physical well-being and spiritual balance through dietary habits.

Ummu Salamah was not only beautiful but is depicted as a major companion of Prophet Muhammad (peace be upon him), known for her significant contributions to Islam, her unwavering faith, resilience, wisdom, and sacrifices<sup>27</sup>. She was quick with her judgement, which can be seen during the Treaty of Hudaibiyah. After finalizing the treaty, the Prophet Muhammad (peace be upon him) instructed the companions to sacrifice their animals then shave their heads. Despite the Prophet's repeated instructions to the companions to perform their rituals, they remained unmoved. Seeking guidance, the Prophet turned to Umm Salamah, who proposed a solution: for the Prophet to lead by example, sacrificing his animal and shaving his head first. Following her advice, the Prophet spurred the companions into action, breaking the deadlock and initiating the rituals as intended<sup>28</sup>. After listening to Umm Salamah's suggestion, the Prophet quickly sacrificed his animal and asked someone to shave his head. Seeing this, the companions also got up and started sacrificing their animals and shaving their heads, making it feel like they were getting ready for a battle<sup>29</sup>.

According to the author, Umm Salamah portrays wisdom and leadership during adversity during the Treaty of Hudaibiyah. When the companions hesitated to act after the Prophet Muhammad's instructions, she offered practical advice. Umm Salamah demonstrated her keen insight and problem-solving skills by suggesting a specific course of action to the Prophet. Her guidance ultimately spurred the companions into action, showing her ability to inspire and influence others positively. Through her actions, Umm Salamah exemplified courage and resourcefulness, contributing to the resolution of a challenging situation. Her ability to offer practical advice in challenging situations and her willingness to speak up and act illustrates her leadership qualities and commitment to the teachings of Prophet Muhammad (peace be upon him).

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<sup>26</sup> Muhammad Zafarullah Khan, *Riyad As-Salihin English Translation Gardens of the Righteous* (Curzon Press Ltd, 2023), <https://archive.org/details/riyad-as-salihin-english/page/150/mode/2up?q=dates>.

<sup>27</sup> Haifaa Younis, "Hind Umm Salamah (Ra) Part I | Builders of a Nation Ep. 10" (Jannah Institute, 2023), [https://www.youtube.com/watch?v=VdLCeN\\_HcT0](https://www.youtube.com/watch?v=VdLCeN_HcT0).

<sup>28</sup> Ummu Abdirrahman Imran, "Ummu Salamah," *Asy Syariah*, 2011, <https://asysyariah.com/ummu-salamah/>.

<sup>29</sup> Syaikh Shafiyurrahman al-Mubarakfuri, *Sirah Nabawiyah Perjalanan Hidup Rasul Yang Agung*, *IslamPos* (Darul Haq, 2016).



She was also involved in various historical events, such as the migration to Madinah and her participation in battles alongside the Prophet. One major contribution was tending to the wounded and offering solace to the bereaved during the battle of Uhud. The sorrow of the Muslims was palpable, with many children becoming orphans and numerous wives becoming widows<sup>30</sup>. Following the Battle of Uhud, she found herself widowed after her husband's demise on the battlefield.

Hypothetically, the author thinks that Umm Salamah's experience of being involved in historical events such as the migration to Madinah and participating in battles alongside the Prophet, notably the Battle of Uhud, deepened Umm Salamah's understanding of orphanhood and widowhood. During the Battle of Uhud, she witnessed firsthand the sorrow of the Muslims as many children became orphans and numerous wives became widows. This experience likely heightened her empathy and compassion towards orphans and widows, as she later found herself in the position of widowhood after her husband's death.

Examining Umm Salamah's trajectory as the consort of the Prophet (peace be upon him), it is reasonable to infer her close involvement within the innermost circle when the Prophet (peace be upon him) conveyed something. In this article, the author regarded hadith as the mechanism for promoting virtuous deeds. Although hadith is the encouraged practice of the Prophet, sometimes it is used as a basis for a legal ruling. One of the hadiths, while not explicitly delineating a specific legal ruling to adhere to, underscores the commendable nature of displaying kindness towards orphans.

In one of the chapters on the treatment of orphans, the messenger of Allah (peace be upon him) said that gestured with his forefinger and middle finger, indicating that he would be close to the one who cares for an orphan in Paradise<sup>31</sup>. This gesture by the Prophet Muhammad (peace be upon him) conveys profound meanings regarding the importance of caring for orphans and the rewards associated with such actions in the Hereafter.

Firstly, the Prophet's raising of the forefinger and middle finger serves as a visual illustration, emphasizing the message's significance. In Islamic tradition, gestures and actions of the Prophet are often imbued with symbolic meaning, and here, the raising of fingers likely signifies attention and emphasis.

Secondly, the statement itself—"I will be like this in Jannah with the person who takes care of an orphan"—underscores the intimate connection

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<sup>30</sup> Yudi, "Kondisi Kaum Muslimin Setelah Kekalahan Di Perang Uhud," *IslamPos*, 2021, *Kondisi Kaum Muslimin Setelah Kekalahan di Perang Uhud*.

<sup>31</sup> Al-Nawawi, "*Riyad As-Salihin*," Dar Al-Manarah, 2003.

between the Prophet and those who show kindness and care towards orphans. By expressing his proximity to such individuals in Paradise, the Prophet elevates caring for orphans to a position of great honor and significance.

Furthermore, the choice of the orphan as the subject of this statement is noteworthy. Orphans hold a special status in Islam, as they are among the most vulnerable members of society, lacking the care and protection typically provided by parents. By highlighting the importance of caring for orphans, the Prophet emphasizes the broader Islamic principle of social justice and compassion towards the marginalized and disadvantaged.

Additionally, the reference to Paradise (Jannah) suggests that the rewards for acts of kindness towards orphans extend beyond the confines of this worldly life. In Islam, Paradise is portrayed as the ultimate abode of bliss and reward for believers who faithfully adhere to the teachings of Islam and perform righteous deeds. Thus, the promise of being close to the Prophet in Paradise is a powerful incentive for believers to engage in acts of charity and benevolence, particularly towards orphans.

Overall, this statement by the Prophet Muhammad (peace be upon him) emphasizes the importance of caring for orphans, highlights the spiritual rewards associated with such actions, and reinforces the principles of compassion, social justice, and altruism within the Islamic faith.

Equivalent to a similar essence, another hadith on generosity towards an orphan reported by Abu Bakr ibn Hafs that "Abdullah would not eat unless an orphan was at his table."<sup>32</sup> This hadith reflects the noble character of Abdullah ibn Umar, a prominent companion of the Prophet Muhammad. It illustrates his deep compassion and concern for the welfare of orphans, who were among the most vulnerable members of society during that time. By ensuring that an orphan was always present at his table before he ate, Abdullah ibn Umar demonstrated his commitment to caring for those in need and his adherence to the teachings of Islam, which emphasize the importance of charity, kindness, and looking after the less fortunate. This is in line with the hadith that the most exemplary Muslim household is one where orphans receive kind treatment, while the least commendable household is where orphans face mistreatment<sup>33</sup>.

The above-mentioned hadiths are interconnected through the theme of caring for orphans. The first hadith illustrates the actions of 'Abdullah, who ensured that an orphan was always present at his table before he ate,

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<sup>32</sup> "(75)Chapter: The Excellence of Someone Who Provides for an Orphan in the Company," Sunnah.com, accessed June 10, 2024, <https://sunnah.com/adab:136>.

<sup>33</sup> "(76)Chapter: The Best House Is a House in Which Orphans Are Well," Sunnah.com, accessed May 30, 2024, <https://sunnah.com/adab:137>.

demonstrating his commitment to providing for the needs of orphans. This aligns with the second hadith, highlighting the significance of treating orphans with kindness and compassion. Together, they emphasize the importance of creating a nurturing environment for orphans within Muslim households, reflecting the teachings of Islam regarding the care for the less fortunate in society.

The author analyzed that these hadiths highlight the integral role of compassion and empathy in Islam, especially towards orphans. They stress the moral obligation of Muslims to actively care for the welfare of orphans, not only through material provisions but also through emotional support and inclusion within the familial and communal structure. From an academic perspective, these hadiths offer insights into Islam's social and ethical teachings, shedding light on the values underpinning interpersonal relationships and community welfare within Muslim society. They also provide a basis for scholarly discussions on Islamic ethics, philanthropy, and social justice.

The analysis above plays a significant role in understanding the connection between the hadiths about caring for orphans and the broader ethical teachings of Islam. Umm Salamah exemplifies the values of compassion and empathy towards orphans in Islam through her actions and experiences. After the death of her husband, Abu Salamah, she was left as a widow with young children to care for. Despite her hardships, Umm Salamah displayed remarkable kindness and generosity towards orphans, embodying the teachings of Islam regarding the treatment of vulnerable members of society.

Her story reflects the practical application of the hadiths mentioned earlier. Just as 'Abdullah ibn Umar ensured that an orphan was always included at his table, Umm Salamah's life demonstrates a continuous commitment to caring for orphans, even amidst personal challenges. Additionally, her example aligns with the broader moral standard set forth in the second hadith, which emphasizes the importance of creating a nurturing environment for orphans within Muslim households.

Umm Salamah's compassion towards orphans serves as a living embodiment of the ethical teachings of Islam, providing a practical model for Muslims to follow in their interactions with the less fortunate. Her story reinforces that caring for orphans is not merely charitable but an essential component of Islamic ethics and social responsibility.

In academic discourse, Umm Salamah's example offers valuable insights into the lived experiences of early Muslim communities and the practical application of Islamic teachings in everyday life. Her story enriches scholarly discussions on Islamic ethics, family dynamics, and

social welfare, highlighting the profound impact of individual actions in shaping communal values and behaviors within Islamic societies.

The link between the hadiths about caring for orphans, exemplified by figures like Umm Salamah, and modern law lies in the universal principles of justice, compassion, and welfare of vulnerable individuals. Umm Salamah's example of caring for orphans reflects the practical application of the hadiths and is deeply intertwined with the principles of *Maqasid Shariah*. *Maqasid Shariah*, or the objectives of Islamic law, aims to preserve and promote essential human interests<sup>34</sup>. These objectives are commonly classified into five categories: the preservation of religion (din), life (nafs), intellect (aql), lineage (nasl), and property (mal). By examining Umm Salamah's actions through the lens of *Maqasid Shariah*, we can see how her commitment to orphan care aligns with these core objectives.

1. Preservation of Life (*Nafs*): Umm Salamah's dedication to the well-being of orphans ensures their survival and nurtures their growth. Providing food, shelter, and emotional support to orphans helps preserve their lives, a fundamental aim of *Maqasid Shariah*. This care reflects the ethical teachings of Islam, emphasizing the sanctity of life and the responsibility to protect the vulnerable. One of Al-Ghazali work in "*Al-Mustasfa min 'Ilm al-Usul*", he elaborates on the objectives of Shariah, with the preservation of life being paramount<sup>35</sup>. This principle is also emphasized in contemporary discussions by scholars such as Mohammad Hashim Kamali, who highlight the ethical obligation to care for the vulnerable, including orphans<sup>36</sup>.
2. Preservation of Lineage (*Nasl*): By including orphans in her household, Umm Salamah supports the preservation of their lineage. Ensuring that orphans are raised in a caring environment helps maintain their familial and social identities. The ethical standards set by the hadiths encourage creating a nurturing environment for orphans, aligning with the objective of preserving lineage by integrating orphans into the social fabric of the Muslim community<sup>37</sup>.
3. Preservation of Intellect (*Aql*): Providing a stable and supportive environment for orphans fosters their intellectual growth. Umm

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<sup>34</sup> Maszlee Malik, "Al-Maqasid Al-Shari'ah (the Comprehensive Objectives of Shari'a)," *Penang Institute-G25 Forum "Maqasid Syariah in a Constitutional Democracy"* 1 (2015).

<sup>35</sup> Al Ghazali, *Al Mustasfa Min Ilm Al Usul: On Legal Theory of Muslim Jurisprudence* (Dar Ul Thaqaafah, 2018).

<sup>36</sup> Mohammad Hashim Kamali, *The Objectives of Islamic Law The Promises and Challenges of the Maqasid Al-Shari'a* (Rumeed Ahmed University of British Col, 2018).

<sup>37</sup> Muhammad Al-Tahir Ibn Ashur, "Ibn Ashur: Treatise on Maqasid Al-Shari'ah," n.d., 518, <https://doi.org/https://doi.org/10.2307/j.ctvkc673b>.

Salamah's care likely included opportunities for education and moral development, contributing to the preservation and enhancement of their intellect. Islamic teachings advocate for the intellectual development<sup>38</sup> of all individuals, including orphans, ensuring they become productive and knowledgeable members of society.

4. Preservation of Property (*Mal*): Umm Salamah's actions may also involve ensuring that orphans receive their rightful inheritance and are taught to manage their property wisely. Protecting the property rights of orphans is crucial in safeguarding their future economic stability<sup>39</sup>. The hadiths and broader Islamic teachings emphasize justice and fairness in financial matters, including the protection of orphaned children's assets.
5. Preservation of Religion (*Din*): By embodying the principles of compassion and care towards orphans, Umm Salamah reinforces the religious duty of Muslims to look after the less fortunate. Her story highlights how individual actions can uphold and propagate the ethical teachings of Islam, ensuring that the religion's moral standards are maintained within the community<sup>40</sup>. Her work serves as a practical model for others, promoting the preservation of Islamic values.

Umm Salamah's story, when analyzed through the *Maqasid Shariah* framework, not only illustrates the practical application of Islamic teachings but also underscores the broader objectives of Shariah in promoting justice, compassion, and welfare. Her example demonstrates how individual actions, aligned with these objectives, can profoundly impact the lives of vulnerable individuals and shape communal values and behaviors. This alignment with *Maqasid Shariah* enhances our understanding of Islamic ethics, family dynamics, and social welfare, reinforcing that caring for orphans is an essential component of Islamic social responsibility and law.

Many modern legal systems, regardless of their religious or cultural background, uphold the protection of orphans and other marginalized groups as a fundamental principle. For example, laws concerning child

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<sup>38</sup> Syed Muhammad Naquib al-Attas, *The Concept of Education in Islam* (Ta'dib International, 2023).

<sup>39</sup> "6:152," Quran.com, accessed July 17, 2024, <https://quran.com/6?startingVerse=152>.

<sup>40</sup> Jalal Alharbi and Lourance Al Hadid, "Towards an Understanding of Compassion from an Islamic Perspective," 2018, <https://doi.org/https://doi.org/10.1111/jocn.14725>.

welfare, adoption, guardianship, and inheritance often reflect the need to ensure the well-being and rights of orphaned children.

In Indonesia, there are potential relatable Indonesian laws concerning the protection of child and adoption. One of which being the Law No. 23 of 2002 on Child Protection, where the law emphasizes the protection and welfare of children, including provisions related to adoption and the rights of orphans<sup>41</sup>. It mandates that all adoption processes must be in the best interest of the child and ensures that adoptive parents and children share the same religion to maintain cultural and religious continuity. Another regulation outlines with the procedural requirements for adopting children, including the necessity for thorough background checks and assessments by social workers to ensure the welfare of the child is prioritized<sup>42</sup>.

Several international laws and conventions focus on the protection of orphan rights and children's welfare. One of the conventions adopted by the United Nations in 1989, is one of the most comprehensive international treaties on child rights. It covers various aspects of children's rights, including the right to protection, education, health care, and family life. Specifically, it obliges states to ensure the care and protection of children who are orphaned or separated from their families, emphasizing their right to be raised in a family environment whenever possible<sup>43</sup>.

Another convention by the Fourth Geneva Convention 1949 dictates specific provisions to protect children in times of armed conflict. Articles 24 and 50 focus on the protection and care of children who are orphaned or separated from their families, ensuring their identification, and safeguarding their education and cultural environment<sup>44</sup>. These international laws provide a robust framework for the protection and welfare of orphans, ensuring their rights are safeguarded in various contexts, including during conflicts and through adoption processes.

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<sup>41</sup> "Indonesia: Law of the Republic of Indonesia Number 23 of 2002 on Child Protection" (2002), <https://www.refworld.org/legal/legislation/natlegbod/2002/en/103932>.

<sup>42</sup> "Adopting Children in Indonesia: Government of Indonesia Requirements for Adoption," Living In Indonesia, 1997, <https://www.expatriat.or.id/info/adoptingchildreninindonesia.html>.

<sup>43</sup> "Children's Rights and International Protection," Humanium, 2015, <https://www.humanium.org/en/childrens-rights-and-international-protection/>.

<sup>44</sup> "Geneva Conventions and the Law," ICRC, accessed June 15, 2024, <https://www.icrc.org/en>.

In Singapore, under the Widows' and Orphans' Pension Act 1904<sup>45</sup>, the act provides financial assistance to widows and orphans who have lost their primary breadwinner. While it explicitly addresses widows and orphans rather than orphans alone, it still reflects societal recognition of the vulnerability and need for support among these groups.

Singapore's child protection system includes various measures and services aimed at protecting children from abuse and neglect. The Ministry of Social and Family Development (MSF) plays a crucial role in child protection, including interventions and support services for vulnerable children and orphans<sup>46</sup>. This comprehensive system ensures that children's rights are protected and their needs are met through a collaborative approach involving various stakeholders. Although not directly derived from Islamic teachings, the act shares fundamental principles with Islamic ethics regarding the care for vulnerable members of society. This connection becomes apparent when examining the underlying principles of the act alongside Islamic teachings on social welfare.

Firstly, both the act and Islamic teachings recognize the vulnerability of widows and orphans who have lost their primary source of support. Islamic ethics emphasize the importance of providing a safety net for these individuals, ensuring they have access to financial assistance and support services to help them navigate their circumstances and maintain a basic standard of living. Similarly, the Widows' and Orphans' Pension Act seeks to alleviate the economic hardships faced by widows and orphans by providing them with financial assistance, thereby acknowledging and addressing their vulnerability.

Secondly, Islamic teachings emphasize the collective responsibility of society to care for its vulnerable members, including orphans and widows. This concept of social responsibility is reflected in the act's provision of financial support for widows and orphans, indicating a societal commitment to assist those most in need. By recognizing the well-being of individuals as integral to the community's overall welfare, both Islamic ethics and the Widows' and Orphans' Pension Act underscore the importance of solidarity and mutual support within society.

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<sup>45</sup> "Widows' and Orphans' Pension Act 1904" (2020), <https://sso.agc.gov.sg/Act/WOPA1904#:~:text=The pension payable to a,monthly free from any deduction.>

<sup>46</sup> Ho Lai Yun, "Protection Of Children In Singapore: An Overview," *Research and Advocacy Standing Committee Singapore Children's Society*, no. October 1995 (2005): 1–15, [https://www.childrensociety.org.sg/resources/front/template/scs/files/child\\_protection.pdf](https://www.childrensociety.org.sg/resources/front/template/scs/files/child_protection.pdf).



Furthermore, both frameworks aim to empower widows and orphans by providing them with resources and assistance to sustain themselves and their families. This empowerment preserves their dignity and autonomy, enabling them to rebuild their lives and contribute to society despite their circumstances. By facilitating access to financial assistance and support services, the act and Islamic teachings uphold the dignity of widows and orphans, affirming their inherent worth and agency within society.

In conclusion, while the Widows' and Orphans' Pension Act may not explicitly draw from Islamic teachings, its principles align closely with the values of compassion, social justice, and welfare espoused in Islam. By providing financial assistance and support to widows and orphans, the act reflects a commitment to promoting the well-being and dignity of vulnerable individuals within Singaporean society, echoing the ethical imperatives emphasized in Islamic teachings regarding the care of orphans and widows.

The above laws draw parallels and adopt frameworks that resonate with Islamic values and *Maqasid Shariah*. These statutes can help create a harmonious legal structure that supports the welfare of orphans and aligns with the ethical and social objectives of Shariah law. Islamic law emphasizes the protection and welfare of children. The Prophet Muhammad (PBUH) emphasized the care of orphans in numerous hadiths, highlighting their importance within the community. Shariah law stresses maintaining the religious identity and cultural heritage of individuals, including orphans. The Indonesian regulation requiring that adoptive parents and children share the same religion ensures the child's Islamic upbringing and cultural identity are preserved, aligning with the *Maqasid Shariah*'s objective of preserving religion (*din*). Islamic ethics demand thoroughness and fairness in legal processes to ensure justice and welfare. This profound proof can be seen through the procedural requirements for adopting children in Indonesia, including thorough background checks and assessments by social workers. This ensures that adoptive parents are capable of providing a safe and nurturing environment, supporting the objectives of preserving life (*nafs*) and property (*mal*).

The rights to education, health care, and family life are also emphasized in Islam. These principles are reflected by UNCRC, ensuring that orphans' rights to protection, education, and health care are upheld, thereby ensuring comprehensive care for orphans.

Islam recognizes the importance of supporting widows and orphans financially. The integration of the Widows' and Orphans' Pension Act can be expanded within Shariah law to provide more comprehensive financial

assistance and support systems specifically for orphans. This aligns with the *Maqasid Shariah's* objective of preserving life (*nafs*) and property (*mal*)

## **Conclusion**

The potential contradiction between the responsibilities outlined in Islamic teachings regarding the care for orphans and legal obligations within a secular legal system, such as Singapore's, can arise due to differences in the scope, mechanisms, and sources of authority between religious and legal frameworks.

From an Islamic perspective, caring for orphans is not just a moral obligation but also a religious duty deeply ingrained in the teachings of the Quran and the traditions of the Prophet Muhammad. Muslims are encouraged to provide financial, emotional, and social support to orphans, with the promise of spiritual reward for such acts of charity and compassion.

However, when it comes to legal systems like the one in Singapore, laws are formulated based on a secular framework that seeks to ensure the welfare of all citizens regardless of their religious affiliations. While there may be overlap in certain areas, such as the protection of vulnerable groups like widows and orphans, the legal obligations outlined in secular laws are generally not explicitly rooted in religious doctrine.

In Singapore, the Widows' and Orphans' Pension Act of 1904 serves as a legal mechanism to provide financial assistance to widows and orphans who have lost their primary breadwinner. While this act aligns with the principles of social welfare and support for vulnerable groups, it may not necessarily encompass the comprehensive ethical obligations outlined in Islamic teachings regarding the care of orphans.

The potential contradiction arises when an individual's religious beliefs and moral convictions conflict with or diverge from the requirements or limitations imposed by secular laws. For example, a devout Muslim may feel compelled by religious duty to provide extensive support and care for orphans beyond what is mandated by law. However, they may face constraints or legal repercussions if their actions exceed the boundaries established by secular legislation.

Navigating such contradictions requires individuals to reconcile their religious convictions with their legal obligations within the framework of the law. This may involve finding a balance between adhering to religious principles and respecting the authority of secular laws and institutions. In cases where there is tension between religious duties and legal obligations, individuals may seek guidance from religious scholars, legal experts, or

community leaders to navigate these complexities in a manner that upholds both their religious beliefs and their legal responsibilities.

Through historical Context, Umm Salamah's experiences during the early Islamic period, including her role in supporting orphans and vulnerable individuals, can serve as a historical precedent for the importance of orphan welfare within Muslim communities. Her compassion towards orphans amid the challenges of the battlefield underscores the significance of providing care and support for vulnerable groups in times of adversity.

Umm Salamah's actions align with the ethical teachings of Islam regarding the care for orphans and the importance of compassion and social responsibility. Her example highlights the enduring relevance of these principles in shaping attitudes and practices towards orphan welfare within Muslim societies. Umm Salamah's compassion bridges historical contexts, such as the battlefield, and modern legal frameworks concerning orphan welfare. This implies examining how the principles embodied by Umm Salamah can inform and influence contemporary legal approaches to orphan welfare, including legislation such as the Widows' and Orphans' Pension Act of 1904 in Singapore.

Ultimately, exploring Umm Salamah's compassion underscores the importance of incorporating ethical principles and historical insights into contemporary orphan welfare and social justice discussions. Drawing inspiration from her example, we can strive to create a more compassionate and inclusive society that upholds the dignity and well-being of all its members, particularly the most vulnerable among us.

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