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If there is a usage of Quranic verses or Hadith from Prophet P.B.U.H., it only needs to be done by translation only.

The manuscript should be in 1.5 single spacing and justified, with the margin of 2.5cm.

Article needs to have a title and author's name and second author's name along with the full address (institution's or university's address, e-mail, handphone's number, office's number, fax together with the second author's details).

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## **HAMKA's Approach in Dealing with the Orphans in Tafsir al-Azhar: A Comparative Study with the Current Issues and Implementations in Malaysia**

**Raudlotul Firdaus Fatah Yasin\***  
**Diki Dermawan**

### **Abstract**

Hamka's approach in dealing with orphans, as presented in his Tafsir al-Azhar, emphasises the importance of providing holistic care and support for these vulnerable members of society. This approach includes not only meeting their basic needs for food, shelter, and education, but also addressing their emotional and psychological needs through nurturing relationships and a supportive community from a Quranic worldview. This comparative study examines the implementation of Hamka's approach in Malaysia, with a focus on current issues and challenges faced in providing adequate care for orphans. Employing a qualitative method of research, the study highlights the importance of incorporating Hamka's holistic approach in addressing the complex needs of orphans, and explores ways in which this approach can be adapted and improved to better serve the needs of orphans in Malaysia. Through an analysis of both Hamka's approach and current practices in Malaysia, this study provides insights and recommendations for policymakers, practitioners, and other stakeholders involved in the care of orphans. Ultimately, the study aims to recognise the contribution of Hamka to ongoing efforts to improve the lives and well-being of orphans in Malaysia and beyond.

**Keywords:** Orphans, HAMKA, Tafsir al-Azhar, Malaysia, Indonesia, holistic approach

### **Introduction**

Haji Abdul Malik Karim Amrullah, also known by his nickname Buya HAMKA. He was born in Maninjau, West Sumatra, Indonesia, on February 17, 1908, and died in Jakarta, Indonesia, on July 24, 1981 (Abdul Rahman, 2009: 124). He was an Islamic scholar, author, and political figure from Indonesia. As for his educational background, his father, Haji Karim Amrullah founded Sumatera Thawalib in West Sumatra, where HAMKA received his initial Islamic education (Izzuddin & Mashitah, 2022: 611; Abdul Rahman, 2009: 124). In

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addition to formal education, he participated in the non-formal education system, gaining knowledge from mosques, suraus, and *talaqqi* with renowned scholars such as Sheikh Ahmad Rashid, Sheikh Ibrahim Musa, and Ki Bagus Hadikusumo (Nurshuhaidah & Firuz, 2021; Zawiyah & Zuraidah, 2014: 95). He was granted the opportunity to further his education in Mecca. There, he graduated from Al-Azhar University with a degree in Islamic law and Arabic literature. He then returned to Indonesia and became a prolific writer and journalist, contributing to a variety of literature, newspapers, and journals. Eventually, he became immersed in politics and served for several years as a member of the Indonesian parliament (Zawiyah & Zuraidah, 2014: 95).

HAMKA's peak involvement in political activities was when he became the first chairman of the Indonesian Ulema Council (MUI) in 1975. Until his resignation in 1981, he played a significant role in defining the country's modern Islamic discourse and the Indonesian political landscape (Herdiawanto et al., 2020: 1; Fathin & Majdan, 2020: 141). He brought his Muhammadiyah-influenced viewpoints, which emphasised democratic principles and religious values, against the government of the time, which neglected these values (Izzuddin & Mashitah, 2022: 609). According to him, a separation between religion and state affairs does not exist (Herdiawanto, 2018: 143). He believed Islam to be the only revelation containing *syariat*, worship, *muamalat*, and a state predicated on tawhid. Moreover, he reckoned that Islam is the finest system with a holistic approach for governing society and the state (Herdiawanto, 2018: 141). Among his significant contributions to the political landscape of Indonesia was incorporating the role of ulema in politics into a broader context and associating the role of religion with the creation of improved political administration and activities (Herdiawanto et al., 2020: 3).

Besides that, HAMKA was known for his efforts to reconcile Islamic teachings with modernity, and he wrote extensively on a wide range of topics, including Islamic theology, literature, and history. His writings were influential in shaping the intellectual and political discourse of the time, and he was widely respected as a scholar and public figure not only in Indonesia but also in Southeast Asia (Zawiyah & Zuraidah, 2014; Abdul Rahman, 2009). HAMKA's writing is estimated to reach more than 100 books, including articles and magazines. Among his notable writings are *Laila Majnun* (1932), *Di Bawah Lindungan Kaabah* (1938), and *Merantau ke Deli* (1939)

(Zawiyah & Zuraidah, 2014: 96). Yet, his most famous work is probably his novel, "Tenggelamnya Kapal Van Der Wijck" (The Sinking of the Van Der Wijck), which tells the story of a doomed love affair between a Minangkabau man and a woman of Dutch-Indonesian heritage. The novel is considered a classic of Indonesian literature and has been adapted into several films (Avif, 2016: 27; Nurshuhaidah & Firuz, 2021). His beliefs continue to influence the religious and political landscape of Indonesia today.

HAMKA's great masterpiece, Tafsir al-Azhar is a significant and phenomenal Tafsir in the interpretation of the Quran that has been written by a non-Arabic native (Munawan, 2017: 155). It is renowned for its readability and clarity, which makes it an indispensable resource for Islamic students and scholars. It got its name after Masjid Agung Kebayoran Baru and Masjid Agung (Dewi, 2015: 28). His Tafsir al-Azhar, a comprehensive Quran commentary, may have become the perfect complement for the Muslim community, especially to cultivate the spirit of Islam among the Indonesian youths to readily comprehend what is written in the Quran (Fathin & Majdan, 2020: 111). The commentary is based on the principle of tawhid, which emphasises God's unity and the necessity of interpreting the Quran in light of this principle in reference to prevalent trends in his time (Avif, 2016: 28). Tafsir al-Azhar is notable for its emphasis on the ethical and moral aspects of Quranic teachings and its emphasis on the practical aspects of Islam that cover topical issues in politics, the da'wah movement, education, Sufism, and comparative religion. One of the strengths of HAMKA's Tafsir al-Azhar is its emphasis on the importance of context when interpreting the Quran (HAMKA, 2004: 3; Avif, 2016: 28). HAMKA emphasises the importance of understanding the historical, cultural, and social contexts in which the Quran was revealed (Avif, 2016: 28–29). This approach is particularly important for contemporary readers who may be unfamiliar with the cultural and historical context of the Quranic verses (Fathin & Majdan, 2020: 112). HAMKA's Tafsir al-Azhar is a significant contribution to the field of Quranic interpretation. The resource is valuable for both students and scholars due to its practical approach to Islam and its ease of accessibility.

In reference to the orphan issues in Malaysia, this study aims to identify HAMKA's approach to dealing with orphans in his famous Tafsir al-Azhar and how this contributes to ongoing efforts to improve the lives and well-being of orphans in Malaysia and beyond. The discussion is as follows:



**Definition of Orphans**

HAMKA, being a Muslim scholar, has defined an orphan as a child who has lost one or both parents. In Islamic tradition, orphans are considered to be among the most vulnerable members of society and are therefore afforded special care and protection (Dubai Sun, 2010: 5). The Quran and the Hadith emphasise the importance of caring for orphans and treating them with kindness and compassion. HAMKA himself was an orphan, having lost his father at a young age. He wrote extensively about his own experiences growing up without a father and the challenges he faced as a result. He also emphasised the importance of providing care and support to orphans, both within the family and in broader society. In his view, caring for orphans is not only a religious obligation but also a moral imperative and a reflection of the highest human values.

Universally, orphans are children whose one or both parents have passed away (Awang et al., 2004; UNICEF, 2015; Azlini et al., 2020: 249). There are two different types of orphans, which further explains this. According to Monasch & Boerma (2004), Faith to Action Initiative (2014), and UNICEF (2017), single orphans are defined when a child under 18 years old loses one of their parents; meanwhile, double orphans are classified as children who lost both parents to any cause of death. This is in line with what has been interpreted by HAMKA about the definition of orphans. In addition to that, orphans can also be defined in two categories, namely, biological orphans and social orphans (Barber, nd). Biological orphans refer to the deceased of one or both parents, in contrast to a social orphan, who describes a child who still has parents but, due to unwanted interventions like drug addiction, religious inequity, child prostitution, poverty, and abandonment, the parents cannot fulfil their responsibilities (Barber, nd). This is agreed upon by Cheng (2003) and Govender et al. (2014), even though they do not use the same terms to indicate such context, in which they use actual orphans and form orphans to describe the aforementioned situation (Nur Shuhada et al., 2020: 396). In simpler terms, orphans are children who are either maternal or paternal orphans or simply situational orphans due to their surroundings.

In the Malaysian setting, an orphan is a child who has lost one or both of their parents due to death or in situations where the child's parentage is unknown, (Joyce, 2023, March 23). Orphans are frequently given both institutionalised and non-institutionalised care due to the aforementioned reasons. The majority of orphans who are receiving

institutionalised care remain in residential settings like orphanages under the supervision of a small number of carers (Joyce, 2023, March 23). Non-institutionalised care, on the other hand, refers to a child who is adopted or raised in a typical family environment through kinship (Joyce, 2023, March 23). The sad reality is that orphaned children in Malaysia may experience a variety of problems, such as psychological distress, financial hardships, and social humiliation (Thielman et al., 2012; Sameena et al., 2016). To help them overcome these obstacles and lead satisfying lives, efforts are made to give them the resources and support they need. Through a number of initiatives and programmes, the government additionally offers financial aid, healthcare, education, and support to orphaned children. The Ministry of Women, Family, and Community Development's Strategic Plan, which was called the National Children's Well-Being Roadmap in 2018, is one of the programmes and projects that have been carried out by the responsible ministry (Nur Shuhada et al., 2020: 397).

### **The Phenomenon of Orphans and Statistics in Malaysia**

Orphans are a widespread problem that affects countries worldwide, including Malaysia. The UNICEF statistics from 2022 indicate that there were approximately 147 million orphans globally (UNICEF, 2022). According to the World Population Review in 2023, several countries, including Peru, Russia, Iran, Brazil, Mexico, and China have some of the highest rates of orphans in the world. In addition to that, the same review reported that there has been a notable rise in the mortality rate in recent years, which is attributed to the impact of the COVID-19 pandemic on global health (World Population Review, 2023). Meanwhile, in Malaysia, there are approximately 64,000 orphans residing in institutional care (OrphanCare, 2021). Based on the data provided by the Social Welfare Department on March 2, 2021, it appears that there are only 1510 registered institutional care facilities across Malaysia, which are managed by 15 government-owned institutional care centres. A news article published by The Star on October 10, 2021, stated that the Malaysian government's Ministry of Women, Family, and Community Development has identified approximately 4,696 children who have been orphaned as a result of COVID-19 cases as of September 2021 (The Star, 2021, October 10). Although the number of orphans in Malaysia may appear insignificant in comparison to the country's total population of around 32 million, it remains a troubling matter, particularly when considered alongside instances of child abuse as well as issues related to healthcare and education.

There are a variety of challenges associated with the orphan problem, particularly in nations with high orphan rates. These countries are often characterised by economic deprivation and limited resources, as noted by Thielman et al. (2012) and Nur Shuhada et al. (2020). The countries in question appear to lack the necessary resources to adequately provide for the social, educational, psychological, and physical needs of orphans. These needs include suitable and comfortable orphanages and residences, high-quality education, and robust psychological and support systems. Sameena et al. (2016) conducted a study that found that children residing in orphanages are particularly susceptible to negative outcomes due to their exposure to neglect, abuse, and fear. Prior to such challenges, Shuhada et al. (2019) provided an analysis that revealed that institutionalised care for orphans is associated with a higher risk of poor health, physical underdevelopment, delayed brain growth, and emotional attachment issues. This has been supported by the study of Nurul Nadiyah and Nurul Nazlia (2021), who reckon that an orphanage environment that is not conducive and a low quality of education can result in orphans developing feelings of inferiority and experiencing the problems mentioned earlier. According to Whetten et al. (2009), facing challenges can potentially harm an individual's development and well-being. This can manifest in various ways, such as experiencing trauma, fear, and slower cognitive and emotional growth. Additionally, individuals facing challenges may be at a higher risk of experiencing abuse and neglect. Instances of physical, sexual, and emotional abuse have been reported among orphans in Malaysia.

In light of the foregoing, as of September 2022, the social welfare department has recorded over 1,000 cases of child abuse involving approximately 68% females and 33% boys from January 2022 to June 2022 (Free Malaysia Today, 2022, September 6; The Sun Daily, 2022, September 6). Siti Zalilah Yusof, the former Deputy Minister of MWFC, stated that the majority of child abuse cases involve physical abuse (578 cases), followed by sexual abuse (i.e., *rape, gang rape, incest, unnatural sex, and molest*) (417 cases) and emotional abuse (60 cases) (Malay Mail, 2023, Jan 5). From March 2020 to March 2022, Selangor had the highest number of cases of child abuse and neglect at 4256, followed by Kuala Lumpur (2131 cases), Sabah (1239 cases), and Johor (1155 cases) (MalayMail, 2022, March 21; Free Malaysia Today, 2022, September 6). While the number of reported cases may not be particularly high, it has reached an alarming level, and it is crucial to note that many cases of child abuse go unreported, particularly when

they involve vulnerable groups such as orphans. The government of Malaysia has taken measures to address orphans and child abuse. The Malaysian government has enacted laws to protect the welfare of children, such as the Registration of Adoptions Act 1952, the Care Centre Act 1984, the Care Centre Act 1993, the Domestic Violence Act 1994, the Education Act 1996, the Child Act 2001, and the Anti-Trafficking in Persons Act 2007, which outline the legal framework for child protection (Malaysia's Domestic Violence Act 521, 1994; Adoption Act 1952, 2013; Child Act 2001, 2018). In addition to providing financial aid, counselling, and placement in foster care or adoption, the Malaysian Department of Social Welfare offers a variety of other services to assist orphans. In addition, the private sector (corporate social responsibility (CSR)) and non-governmental organisations (NGOs) play a significant role in assisting orphans and combating child maltreatment in Malaysia. This is demonstrated by the efforts of one of the EMIR researchers, Farah Natasya, to raise awareness about the issue of orphans and advocate for their rights based on the following policies on child protection: (1) foster care system; (2) child protection and recovery centres; (3) strategic collaboration between MWFCDC with PDRM and NGOs; (4) partnership between MWFCDC and MOE in educating the children on their rights; and (5) establishment of a central data system to coordinate the recording and exchange of information by all ministries, agencies, and NGOs (Farah Natasya, 2023, Jan 5). In Malaysia, in addition to the private sector and non-governmental organisations, the media also plays a role in raising awareness about orphans and child abuse. For instance, the Nhaveen case received extensive media coverage and prompted public outrage. This resulted in demands for justice and increased awareness regarding bullying and abuse in Malaysia (The Straits Times, 2017, June 16; Free Malaysia Today, 2022, December 12; Free Malaysia Today, 2023, January 26; The Straits Times, 2017, June 16).

Current high-profile cases of child maltreatment involve Bella, an orphan with Down syndrome who was raised in an institution called Rumah Bonda by its founder, Siti Bainun (Farah Solhi, 2023, May 2). Siti Bainun was accused of neglect and abuse in connection with a hot water spill that burned and scalded Bella's skin in a condominium unit in Wangsa Maju between February and June 2021 (Aliya Qarina, 2022, October 19; Nurbaiti, 2023, May 3). Siti Bainun was convicted of violating Section 31(1)(a) of the Children's Act 2001 and sentenced to 12 years in prison (Nurbaiti, 2023, May 3). In addition, one of the most prominent cases of

child abuse in 2017 involved the murder of an orphan named Nhaveen, who was 18 years old. In Penang in 2017, Nhaveen was assaulted and sodomised by a group of youths. He ultimately perished from his injuries, sparking outrage and calls for justice (16 June, The Straits Times). The case illuminated the issue of bullying and abuse in Malaysia, particularly against vulnerable groups such as orphans.

Despite these efforts by the government, NGOs, and media, there is still a great deal of work to be done in Malaysia to address the problem of orphans and abuse of children. To ensure that orphans have access to the services and care they require to flourish, additional resources and support are required. Additionally, there is a need for increased awareness and education regarding the issue of child maltreatment, particularly among vulnerable groups such as orphans. In conclusion, orphans in Malaysia are a vulnerable group who confront a variety of obstacles, including psychological trauma, the loss of support systems, and financial hardships. The Nhaveen case and data on child abuse in Malaysia both demonstrate how vulnerable children are to abuse and neglect. Even though the government, NGOs, and media have made some progress in addressing these problems, more has to be done to guarantee that orphans are protected and that child abuse is avoided.

### **Orphans and Orphanage Care in the Qu'ran**

Islam, in general, is very concerned with the welfare of every member of the community, regardless of their stage of life. Allah stated plainly in Surah al-Isra' (70): "We have honoured the sons of Adam...". All human beings, at all phases of life, should be respected and honoured for their inherent worth as humans. This includes the orphans, who, according to Islamic teachings, should receive careful attention and care, have their possessions protected, and be warned against having their rights violated. According to Abdul-Haq Humeish (2010), orphans need to be protected in all aspects generally, specifically to observe underlying rights in accordance with Islamic teachings, namely (1) the right to life, (2) the right of kinship, (3) the right to breastfeeding, (4) the right to accommodation, (5) the right to show him mercy and compassion, (6) the right to education, and (7) the right to child support (pp. 7–10). Orphans are considered vulnerable members of society who require special care and attention from the larger community. Numerous references and examples of the importance of caring for orphans as a fundamental rule can be found throughout the Quran, Hadith, and Sunnah.

In accordance with the aforementioned example, the Qur'an lays forth in detail how much care and sponsorship should be provided for orphans. Surah Al-Baqarah, verse 83, contains one of the most significant lines in the Quran that speaks to the need to care for orphans: And [recall] when We took the covenant from the Children of Israel, [enjoining upon them], "Do not worship except Allāh; and to parents do good, and to relatives, orphans, and the needy. And speak to people good words, establish prayer, and give zakāh." This verse underscores the value of taking care of orphans and other vulnerable members of society, as well as the obligation of the larger community to support and aid them. Additionally, it connects the welfare of orphans to the larger Islamic notion of compassion and social duty. In order to ensure that this vulnerable minority receives decent treatment, care, and affection in order to become a good Muslim member of the community, similar messages may be found in Surahs ad-Dhuha and al-Maa'un. As an illustration, Allah declares in Surah ad-Dhuha, verses 9–11, "And as for the orphan, do not oppress [him]." Allah asks, Have you seen the one who denies the "final" judgment?"—that is, the one who repulses the orphan—in Surah al-Maa'un, verses 1–2. According to these verses, orphans must be cared for and treated with kindness in order to avoid feeling inferior to other Muslims and becoming a useless part of the community. Besides that, these verses emphasise the importance of treating orphans with kindness and compassion and highlight the need to protect them from oppression and mistreatment. They also encourage believers to report instances of favour and kindness towards orphans and other vulnerable members of society in order to encourage and inspire others to follow suit.

Islam places a lot of emphasis on the Muslim community's cooperation and harmony in order to uphold orphans' rights. This is done by repeatedly encouraging its members to help one another, ease the suffering of their fellow Muslims, find happiness for themselves, and protect their assets, all of which are highly rewarded. Sponsoring and caring for orphans is considered a virtuous act that brings benefits to both individuals and society. This is particularly significant within the Muslim community, as it is believed to bring rewards in both this life and the Hereafter. The verse from Surah Arrahman (60) in the Quran poses a rhetorical question from Allah, the Almighty, about the concept of reward for good deeds. The question implies that the only appropriate reward for doing good is more good. The verse suggests that Allah rewards a servant who does good to another servant with great reward

and sound living in both this life and the Hereafter. Furthermore, the observed behaviour exemplifies the rational and innate tendencies of human nature towards compassion and kindness.

Although the Quran does not explicitly address orphanages as institutions, it does offer a number of concepts and recommendations that can be used in the aforementioned care and support of orphans. The preservation of identity and faith, as well as financial and emotional support, are all emphasised in these concepts. By putting these guidelines into practice, orphanages can be developed and run in a way that is consistent with Islamic teachings. Overall, the Quran emphasises the value of taking care of orphans and shielding them from harm. It underlines the obligation of the larger community to support and aid them and exhorts believers to treat orphans with respect and compassion. Despite the fact that the Quran does not specifically address orphanage care, its teachings stress the significance of giving orphans a secure and supportive environment where they can flourish and grow.

### **HAMKA's Approach in dealing with Orphans in Surah An-Nisa' and Surah Ad-Dhuha**

Without doubt, the Qur'an repeatedly addresses the rights of orphans. It can be found in Surah Al-Baqarah (2: 83, 177, 215, & 220), Surah an-Nisa', Surah Al-Anfal (8: 41), Surah Al-Hasyr (59: 7), Surah al-An'am (6: 152), Surah al-Isra' (17: 34), Surah al-Fajr (89: 17), Surah ad-Dhuha (93: 6 & 9), Surah al-Insan (76: 8), and Surah al-Balad (90: 15). Arabic words such as "*al-Yatīm, al-Yatāmā, wa Yatīman*" which each word conveys a different interpretation in different verses. In reference to the rights of orphans, it has been stated previously that at least seven rights need to be observed with the orphans: (1) the right to life; (2) the right of kinship; (3) the right to breastfeeding; (4) the right to accommodation; (5) the right to show mercy and compassion; (6) the right to education; and (7) the right to child support. Regardless of that, based on the mere understanding of the Tafsir Azhar, HAMKA explicitly touches on the gains of the care of orphans, the protection of their wealth, the right to accommodation, and the right to education.

In general, in Surah An-Nisa', several verses have mentioned the word orphan. This is demonstrated in verses 2, 3, 6, 8, 10, 36, and 127, which use the word "*al-Yatāmā*" (Qorina, 2018). Even though there are many verses in Surah An-Nisa's address about the orphans, HAMKA in his Tafsir Azhar specifically elaborates on verse 10 in regards to the protection of the wealth of orphans. This serves as HAMKA's approach to dealing

with orphans. In his interpretation of the verse, Hamka highlights the prohibition of misappropriating or using the property of orphans for personal gain. It stresses the value of safeguarding orphans' wealth and issues a warning against its wrongful consumption. These passages seek to remind society of its moral and ethical obligations to orphans and their property. It underscores the need to safeguard the financial interests and inheritance rights of orphans. Allah says, *"Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire and they will be burned in a Blaze"*. The verses further emphasise the repercussions for those who unfairly take orphans' property. The use of the metaphors "consuming fire into their bellies" and "burned in a blaze" highlights the gravity of the offence and the harshness of the punishment (HAMKA, nd: 1111). This strengthens faith in divine justice and accountability and acts as a deterrent to exploiting orphans. It is significant to note that the verses underline the necessity to safeguard orphans' assets until they reach adulthood. This guarantees their financial security and protects them from exploitation in the future. It also emphasises the need for society to take on the roles of guardians and carers for orphans, protecting their assets and ensuring their future security.

In addition to Surah An-Nisa', HAMKA provides an interpretation of orphans in Surah Ad-Dhuha (Chapter 93 of the Quran) in his Tafsir al-Azhar, Volume 10. The sixth verse of this surah employs the term *"Yatīman"* while the ninth verse uses *"al-Yatīm"*. The surah highlights that HAMKA's work does not directly address the rights of orphans, prompting readers to consider this topic more deeply. The verses discuss overarching themes of hope, gratitude, and compassion that have relevance to the care of orphans in general. The text suggests that although there are no explicit instructions regarding the rights of orphans, there are fundamental principles and values that are crucial in comprehending the ethical treatment of vulnerable individuals, such as orphans. The concept can be analysed through the lenses of compassion and care, social responsibility, resilience-building, gratitude and generosity, and emotional support.

HAMKA's interpretation of verse 6 suggests that it is a continuation of God's persuasion from the preceding verse. The Prophet Muhammad is depicted as being in a state of despair, lamenting the timing of the revelation that was disclosed to him, regardless of whether it was prompt or delayed (HAMKA, nd: 8033). This verse implies Allah has reminded the Prophet of His blessings, possibly with the intention of bringing him feelings of pleasure and happiness. Also, Allah has warned



about the blessings bestowed upon him since childhood, particularly highlighting his status as an orphan. According to HAMKA in his Tafsir al-Azhar (nd: 8034), Prophet Muhammad was cared for by a nursing mother named Halimatus-Sa'diyah and later raised by his grandfather Abdul Mutalib and uncle Abu Thalib until he reached adulthood. The verse highlights the example set by Allah on how to treat orphans. It emphasises the importance of ethical treatment, which includes providing them with proper accommodation and education. In the HAMKA's interpretation of the verse, the well-being of an orphan requires the provision of essential requirements such as care and suitable shelter. This includes affectionate physical contact that provides a sense of security, as well as emotional support and a stable living environment from a compassionate individual. The Islamic teachings provide comprehensive assistance to orphans, encompassing both emotional and financial support. This aid begins at birth and persists until the orphan has completed their education or vocational training, equipping them with the necessary skills to navigate adulthood. This has been emphasised by the guardians of the Prophet Muhammad. In the reference to the verse, safeguarding three particular aspects can prevent a child from experiencing neglect with regards to their material and moral requirements. Hamka's approach to caring for orphans emphasises the significance of creating a stable and nurturing environment for them, which is a central theme in his approach.

In verse 9 of Surah Ad-Dhuha, HAMKA establishes the principle that those who treat orphans justly will receive abundant blessings from Allah. This is exemplified through the story of Ummi Salamah and Ja'far bin Abu Thalib. Verse 9 of Surah Ad-Dhuha reads:

*"So do not oppress the orphan". (93: 9)*

The verse underscores the significance of exhibiting kindness and compassion towards orphans while also drawing attention to the necessity of safeguarding them from exploitation and mistreatment. HAMKA highlights that the mentioned verse could serve as a prompt for the Prophet Muhammad (peace be upon him) to recall his own past as an orphan and reflect on the divine blessings that he received from Allah in the form of refuge. The verse also stresses the significance of Muslims taking care of orphans and ensuring that their rights are met. The Qur'an and the Hadith place significant emphasis on the rights of orphans in Islam. Islam outlines several rights for orphans, which encompass the provision of basic necessities such as food, clothing, shelter, education,

and emotional support. Safeguarding the property and assets of orphans is crucial since they are vulnerable to being exploited and taken advantage of. Other than that, it promotes the treatment of orphans with kindness, love, and compassion. Muslims are encouraged to provide the same level of care and attention to orphans as they would their own children. The ninth verse of Surah Ad-Dhuha is significant in emphasising the significance of providing for orphans and ensuring that their needs are met. It underlines the blessings that Allah has granted to the Prophet Muhammad (peace be upon him) and emphasises the importance of Muslims emulating his actions by providing care and support to orphans.

Overall, Hamka's approach to caring for orphans in Surah An-Nisa and Surah Ad-Dhuha reveals that it is based on several key principles. These include the right to accommodation, which is essential for protecting the physical and emotional well-being of orphans. Additionally, Hamka emphasises the importance of providing orphans with access to education, as this can help them lead better lives as adults. He also stresses the need to protect the wealth of orphans and avoid exploiting them through unethical practices. Finally, Hamka emphasises the importance of showing kindness and compassion towards orphans, recognising their vulnerability and the challenges they face. However, Hamka's approach does not provide specific guidance on how to provide for the needs of orphans in practical terms or how to achieve this goal, leaving it up to individuals and society to determine how best to care for orphans. The author's approach might become subject to criticism for not addressing broader societal factors that contribute to the issue of orphanhood. However, it still holds significant value as a contribution to Islamic thought and offers a structure for the provision of care to vulnerable members of society.

### **Comparison between on the implementation of HAMKA's theory with the issues of the orphans in Malaysia**

The problem of orphans in Malaysia is a multifaceted issue that demands careful analysis and attention. The author has observed common key issues surrounding orphans in Malaysia, although it is challenging to provide a comprehensive analysis. The challenges faced in this context encompass a range of issues such as insufficient support programmes for reintegration and adoption, limited availability of data, stigma and discrimination, and concerns related to mental health and emotional well-being. This section aims to conduct an analysis of the challenges

faced by orphans in Malaysia by drawing upon existing literature. Additionally, it will explore how HAMKA's approach to addressing the needs of orphans can be applied to mitigate these challenges. In the previous discussion, HAMKA underlined his approach to dealing with the orphans based on the underlying principles of showing mercy and compassion, protecting their wealth, providing them with proper accommodation, and ensuring their right to education. In the following narratives, it gives insights into the issues in Malaysia that were interpreted by HAMKA in his tafsir a long time ago.

Mohd Shukri et al. (2019) conducted a study on the potential benefits of implementing a special provision of *wasiyyah wajibah* in order to address the issue of neglected orphans and facilitate the distribution of inheritance after death. The field of Wasiyyah Wajibah pertains to inheritance and is not often emphasised in society. The law in question is designed to address situations where an individual is lawfully entitled to inherit from their ancestors but is unable to do so due to certain obstacles (Mohd Shukri et al., 2019: 263). The situation pertains to a current family dispute between Nor Hidayah, the spouse of the deceased Abam Bocey, and her brother-in-law Ali Puteh over Abam's inheritance. According to sources, a dispute arose between Ali and his brother's family regarding the inheritance. Ali claimed ownership of the entire inheritance, despite the fact that a portion of it was intended for his brother's one-year-old son and wife. (Syahrul, 2020, August 27; Astro Awani, 2022, February 18). The distribution of inheritance is contingent upon a specific order of individuals, and only after this order is followed will the rightful recipient receive their share. The implementation and enforcement of laws and regulations aimed at protecting the rights of orphans in Malaysia can be challenging, despite their existence. The topic of orphans can be analysed in terms of the various challenges they may encounter, such as those related to inheritance rights, property disputes, and guardianship. The legal challenges faced by individuals can have a negative impact on their overall well-being and potentially limit their opportunities for a secure future. The said case naturally highlights the importance of safeguarding wealth in order to maintain social equity and secure a brighter future for orphaned individuals. The said case also highlights the significance of the *wasiyyah wajibah* law in educating individuals about the faraid and the will of the deceased regarding inheritance, particularly when it concerns vulnerable groups such as orphans (Mohd Shukri et al., 2019).

Apart from that, Marjan et al. (2017) and Marjan et al. (2019) have found that institutionalised children and adolescents are highly susceptible to developing severe mental and behavioural issues. The mentioned issues are related to mental health and include depression, anxiety, personality disorders, difficulties in coping and adjusting, and low self-esteem. A study conducted by Sanurizwanie et al. (2017) examined the variations in mental health between orphan and non-orphan teenagers. According to the study, there was a notable difference in the levels of mental health (specifically depression, anxiety, and stress) between orphans and non-orphans, with orphans exhibiting higher levels of these conditions (Sanurizwanie et al., 2017). According to Marjan et al. (2019), the probability of the concerns mentioned earlier has increased up to seven times compared to their peers. The adverse life circumstances experienced by orphans, such as the loss of parents, separation from family, and limited support systems, can make them more vulnerable to mental health issues. In Malaysia, the insufficient provision of mental health services and limited awareness regarding mental health issues can intensify the difficulties faced by orphans, potentially increasing their vulnerability to psychological distress and trauma.

In supporting the previous narratives, Orphan Care (2021, September 29), an NGO founded by Queen Tunku Hajah Azizah Aminah Maimunah to oversee the welfare of orphans in Malaysia, has provided evidence supporting previous reports of harm caused by orphanages. The NGO has highlighted the negative impact of these institutions on the mental and behavioural well-being of children. The inadequate staff-to-children ratio in institutions, as well as the potential for physical and sexual abuse by older or staff children and the risk of child abusers gaining access to children through employment and institutional oversight, all contribute to the potential for harm and abuse. Besides that, the operation of the institution necessitates a significant financial investment, in contrast to community-based prevention and family support systems. The potential lack of funds to sustain the institution on a monthly basis could pose a significant challenge for the founder and may also have negative consequences for the well-being and progress of the orphans under their care. In some cases, orphanages and welfare institutions lack the necessary resources, infrastructure, or trained personnel to offer comprehensive care for the children in their care. The lack of proper education, healthcare, emotional support, and opportunities for personal development may be a consequence for

orphans. It is therefore necessary to implement comprehensive reintegration and adoption programmes to ensure that orphans are placed in stable and nurturing family environments. However, programmes in Malaysia are frequently restricted in their scope. Extended periods of time spent in institutional care can have adverse effects on a child's growth and overall welfare. The authors of the study recommend that the government, NGOs, and media take steps to regulate programme implementation and intervention in order to maintain the mental health of orphans.

In light of HAMKA's approach to caring for orphans, the above discussions have touched on aspects of an orphan's rights in Islam, including providing for their physical needs as well as their mental needs. As orphans are frequently abused and exploited, it is particularly crucial to safeguard their possessions. Muslims are also urged to treat orphans with the same respect and tenderness they would their own children and to treat them with kindness, love, and compassion. This includes protecting their mental and physical well-being. It is also important to highlight that HAMKA has stressed the punishments that shall be received by the abuser and oppressor for the rights of orphans in the Hereafter. In Malaysia, in general, there are the implementations that have been mentioned by HAMKA yet their effectiveness is still doubtful.

Last but not least, it is important to ensure that every orphan has access to adequate education. Education can play a significant role in shaping an individual's future and helping them become a better person. According to Nurulwahida and Aizan's (2016) perspective, engaging in activities that enhance both interpersonal and intrapersonal intelligence could potentially enhance the potential of orphans. The importance of providing education to orphans cannot be overstated. It is crucial that all individuals involved in the care of orphans, particularly teachers and carers, uphold the "no child left behind" policy to ensure that these children receive the education they deserve. This is a well-established fact. The experience of orphans in Malaysia is often characterised by societal stigma and discrimination. This can have negative consequences for their ability to integrate into society and can also impact their self-esteem. The negative stereotypes and biases associated with orphans can result in restricted access to education and employment opportunities, which can further reinforce their disadvantaged status. This creates a cycle of disadvantage that can be difficult to break. Siti Nur Syamimi and Abdul Rahman (2019) proposed a strategy to enhance humanising

education for vulnerable groups such as orphans, poor individuals, and youth. The proposed approach involves the use of e-learning, mentoring programmes, and marketplaces. The advancement of information and technology (IT) has significant implications for groups that may be at risk of being left behind. It is important to ensure that these groups are included in the planning process to improve their quality of life. According to Siti Nur Syamimi and Abdul Rahman (2019: 150), the model of the "knowledge economy" can provide individuals with transferable skills and values that can increase their marketability for employment opportunities. This, in turn, may indirectly enhance their self-esteem. However, Nurul Nadiah and Nurul Nazlia (2021) conducted an assessment of the education quality and academic performance of orphaned and vulnerable adolescents who were residing in orphanages during the COVID-19 pandemic. The study highlights the importance of considering various factors that affect the quality of education, particularly during the current time. These factors include the student's background, the environment of the orphanage, the facilities available at the orphanage, and the involvement of guardians and the community. It is important to consider the underlying factors, particularly with regards to the Malaysian government's response to the current difficult situation and whether the needs of the people are being adequately addressed. The statement highlights the significance of acknowledging the individual requirements and situations of each orphaned child and emphasises the need to customise interventions accordingly. The plight of orphans in Malaysia is a pressing concern that requires attention from society. By taking action to address this issue, Malaysia can work towards improving the opportunities and future prospects of these vulnerable children.

HAMKA suggests that the education system should be reformed to prioritise moral education and character building as a means of addressing the needs of orphans. The concept behind this educational approach is centred on prioritising the cultivation of positive character traits and ethical principles. According to HAMKA's perspective, the primary focus of education should be on fostering the growth of an individual's character and ethical values. The inclusion of lessons on ethics, morality, and values is deemed necessary in the curriculum. The premise is that instilling positive values and morals in children can enhance their ability to confront life's obstacles and make constructive contributions to their community. The approach mentioned not only aligns with current times but also adheres to Allah's instructions to

safeguard the rights of orphans. Other than that, the cultural and religious diversity in Malaysia is an important factor that requires consideration. The cultural and religious diversity of Malaysia may present certain difficulties in incorporating HAMKA's approach into the education system. The curriculum's emphasis on Islamic values is based on Islamic principles, which may not be suitable for some non-Muslim individuals. Ensuring that the implementation of HAMKA's approach is inclusive and avoids marginalising non-Muslims is crucial.

In conclusion, the community, civil society organisations, and government institutions must work together to find multifaceted solutions to these problems. Some suggested actions include raising awareness to minimise stigma, establishing legal frameworks, ensuring access to mental health treatments, expanding adoption and foster care systems, and providing complete assistance for orphan reintegration. The absence of thorough data, however, is a significant obstacle that could cause the collaboration mentioned above to fail. It is challenging to comprehend the scope and nature of the issue because there is a lack of comprehensive and current data on orphans in Malaysia. For successful policy formation, resource allocation, and targeted interventions, accurate data is essential.

### **The Responsibility of Supporting Single Parents**

The term single parent or widow is a relatively new term that is not found in the Arabic language. It also cannot be found in the textual sources of the Quran and the hadiths of the Prophet Muhammad (peace be upon him). However, some researchers have attempted to find a term with a similar meaning to widow in the hadith literature. The synonymous term for widow is *kafilah al-yatim* (caretaker of orphans). This is because a widow has the responsibility of sustaining herself and raising her children by working. (Muhammad Dhiya'ul Hafidh & Raudlotul Firdaus, 2020)

It is important to note that the term single parent is a localized term used in certain cultures and languages, including the Malay language in Malaysia. While it may not have a direct counterpart in Arabic or be explicitly mentioned in the Islamic textual sources, it has been adopted to describe women who have lost their husbands and bear the responsibilities of single parenthood. As mentioned in the hadith narrated by Sahl bin Sa'd:

*The Messenger of Allah (peace be upon him) said, "I and the caretaker of an orphan in Paradise will be like this." Sa'd said:*

*(While demonstrating) by joining his index finger and middle finger together. (Sahih al-Bukhari, Hadith 6005)*

The usage of this authentic hadith elevates the status of an orphan's caretaker to a high position, with great rewards in the hereafter. They will be placed in close proximity to the Prophet Muhammad (peace be upon him) in Paradise, in addition to having their hands raised in a superior position.

This hadith emphasizes the significance and virtue of caring for orphans, highlighting the immense reward and honor bestowed upon those who fulfill this responsibility. It serves as a reminder to society to value and support orphaned children, recognizing the elevated status of those who undertake the noble task of providing love, care, and guidance to them.

### **Marriage Guardian**

If a husband leaves behind ample and sufficient wealth for his wife's needs, then it may not be much of a concern. However, what if it is a financially disadvantaged family, where the wife is unemployed and there are children who still depend on the family for their necessities? Who is responsible for supporting the woman when her husband is no longer present?

In Islam, this responsibility falls upon the *wali nikah* (marriage guardian). The role of the marriage guardian goes beyond the ceremonial aspects of the marriage. They have the duty to offer guidance, assist in maintaining the integrity of the marital relationship, seek suitable righteous spouses, and also provide for the woman.

This has been exemplified by the Prophet Muhammad (peace be upon him) when Zainab, Ruqayyah, and Ummu Kalthum were left by their husbands after participating in war (*jihād*). Prophet Muhammad took care of their children and fulfilled their living needs. Additionally, when Fatimah bint Qais found herself homeless after her husband's demise, Prophet Muhammad placed her in the household of Ibn Ummi Maktum.

In Islam, it is recognized that the responsibility to provide for a single mother in need rests on the marriage guardian, who assumes a guardianship role and supports her and her children. This exemplifies the compassionate and caring nature of Islamic teachings towards vulnerable members of society, ensuring their welfare and well-being.



Therefore, the marriage guardian has the responsibility to provide for and take care of the widow and her children. However, if the wali nikah is also impoverished and in need of assistance, they are exempted from the obligation of providing for them. Although the wali nikah may not be able to fulfill the financial support for the widow, this responsibility can be transferred according to the order of wali nikah in Islamic jurisprudence.

The sequence of marriage guardian, based on the priority order utilized by religious authorities such as the Department of Islamic Development Malaysia (Jabatan Agama Islam) and Shariah Courts in Malaysia, is as follows: 1. Biological father; 2. Paternal grandfather; 3. Full brother of the father; 4. Half-brother of the father; 5. Full brother of the mother; 6. Half-brother of the mother; 7. Son of the full brother of the father; 8. Son of the half-brother of the father; 9. Father of the paternal half-brother of the father; 10. Father of the paternal half-brother of the mother; 11. Paternal great-grandfather with his great-grandfather; 12. Paternal great-uncle with his great-uncle; 13. Paternal great-grandfather with his ancestor; 14. Paternal great-uncle with his ancestor; 15. Son of the paternal half-brother of the father (male cousin); 16. Son of the paternal half-brother of the mother (male cousin); 17. Grandson of the paternal half-brother of the father; 18. Son of the paternal great-grandfather with his great-grandfather; 19. Son of the paternal great-uncle with his great-uncle; 20. Wali Hakim (judicial guardian)/Wali Raja (royal guardian)/Wali Sultan (guardian appointed by the Sultan).

Each marriage guardian in the sequence has the responsibility to provide for the widow and her children if the preceding wali is unable to fulfill the obligation. This system ensures that there is a structure in place to support and safeguard the welfare of widows and their dependents in accordance with Islamic principles and legal practices.

This hierarchy is taken into account to ensure that the primary responsibility for providing financial support rests with the closest male relatives. Starting with the biological father and progressing through the family lineage, it seeks to prioritize the obligation of care and maintenance for single mothers and orphaned children within their own familial network. However, if there are no capable relatives available to fulfill this responsibility, it then falls upon the Wali Hakim, which is the government, or the governing authority entrusted with the welfare and resources of the state.

## **Government**

In Malaysia, since 2016, the government has implemented assistance programs through the Department of Social Welfare (JKM) to support single mother families. Under this program, each child under the age of twelve is provided with a monthly allowance of RM450 for families with four or more children. However, if the children are cared for by foster families, the assistance provided is RM250 per child, with a maximum limit of RM500 per month for two or more children. This assistance program is known as Bantuan Kanak-Kanak (BKK). Additionally, there are also assistance programs provided by state authorities, particularly the Islamic Religious Councils, but the amount of assistance varies depending on the policies of each region.

The eligibility criteria for receiving BKK are as follows: 1) The maximum age for receiving assistance is 18 years old and below; 2) The child must still be pursuing their education and be either an orphan or have parents who are unable to support them due to physical limitations; 3) They may also be eligible if they have severe illness or if their parents are in police custody.

### **People Who Marry Orphan**

The man who marries orphaned children, in addition to the guardian and the government, have the responsibility to provide for the financial needs of the orphaned family. This is in accordance with the verse of Allah in Surah An-Nisa:

“And if you fear that you will not deal justly with the orphan girls, then marry those that please you of [other] women, two or three or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]. [An-Nisa: 3]

Polygamy in this context, can provide physical and emotional protection for orphaned children, as well as financial support. The Prophet Muhammad set an example for his followers by marrying several widows, such as Khadijah, his first wife who was a widow with a daughter, Salamah, who was widowed due to her husband's martyrdom and was subsequently married by the Prophet, and Saudah, who had a young child and was married by the Prophet as well.

According to HAMKA(1982), if a man intends to practice polygamy with an orphaned child, he must be self-aware and confident in his ability to be just. He should treat the orphaned child well, showing

them the same affection as his other wives, providing for them, and ensuring their right to inheritance.

However, if there are any malicious motives behind marrying an orphaned child, the sin committed is immense. This verse specifically addresses men who intend to marry orphaned children to avoid the burden of expensive dowries or to take advantage of the orphan's inheritance.

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