



## Female Circumcision in the Perspective of Jurisprudence, History, Medical, and Psychology

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**ABSTRAK:** Sunat perempuan merupakan hal yang umum dilakukan di Indonesia dan wilayah Muslim lainnya seperti Afrika dan Mesir. Masyarakat percaya bahwa sunat perempuan merupakan bagian dari hukum Islam yang bertujuan untuk menstabilkan hasrat perempuan. Selain itu, faktor tradisi juga menjadi alasan kuat praktik sunat perempuan masih berlangsung hingga saat ini. Penelitian ini akan menjelaskan lebih lanjut mengenai sunat perempuan dari sudut pandang fikih, sejarah, medis, dan psikologi. Penelitian ini termasuk dalam jenis penelitian kualitatif dengan menggunakan analisis deskriptif. Pengumpulan data dilakukan dengan cara penelusuran literatur dan sumber-sumber kepustakaan yang relevan dengan topik penelitian. Analisis data dilakukan dengan menelaah informasi yang diperoleh melalui pendekatan interkoneksi, kemudian memberikan argumentasi yang sesuai dengan pembahasan untuk menarik kesimpulan. Hasil dari penelitian ini adalah sunat perempuan tidak memiliki dalil naqli yang kuat. Secara historis, khitan perempuan merupakan tradisi Mesir kuno yang sarat dengan mitos ketidakadilan gender. Dalam pandangan medis dan psikologis, sunat perempuan dapat menyebabkan gangguan reproduksi, hilangnya kenikmatan seksual, dan trauma yang berkepanjangan. Sementara itu, dari sisi fikih, para ulama kontemporer sepakat melarang praktik sunat perempuan, bahkan jika mafsadatnya terlalu tinggi, maka mereka tidak segan-segan mengharamkannya.

**Kata Kunci:** Sunat Perempuan, Sejarah, Fikih, Medis, dan Psikologis.

**ABSTRACT:** Female circumcision is common in Indonesia and other Muslim regions such as Africa and Egypt. People believe that female circumcision is a part of Islamic law that aims to stabilize women's desire. In addition, the tradition factor is a strong reason for the practice of female circumcision until now. This research will explain more about female circumcision through fiqh, historical, medical, and psychological perspectives. This research belongs to the type of qualitative research through descriptive analysis. Data collection is done by searching literature and literature sources that are relevant to the research topic. Data analysis is carried out by examining the information obtained through an interconnection approach, then providing arguments that are in accordance with the discussion to draw conclusions. The result of this study is that female circumcision does not have strong naqli evidence. Historically, female circumcision is an ancient Egyptian tradition full of myths of gender injustice. In medical and psychological views, female circumcision can cause reproductive disorders, loss of sexual pleasure, and prolonged trauma. Meanwhile, in terms of fiqh, contemporary scholars agree to prohibit the practice of female circumcision, even if the mafsadat is too high, then they do not hesitate to forbid it.

**Keywords:** Female Circumcision, History, Jurisprudence, Medical, and Psychological.

### A. INTRODUCTION

The practice of female circumcision has been widely practiced in several countries, including Indonesia. Among Muslims, female circumcision is still often found both symbolically and non-symbolically. The practice of female circumcision in some regions has

different methods. Some are simply sticking a cutting tool over the vagina, a slight wounding, and even cutting out the vaginal clitoris. In its implementation, female circumcision is often accompanied by various traditional ceremonies or religious rituals.

Compared to urban areas, the practice of female circumcision is still often found in remote areas such as mountains and coasts. In addition to the religious commandment as a glory (*makrumah*) for women, the community considers that female circumcision is interpreted so that women are not wild, flirtatious, and able to keep their genitals. In one region, female circumcision is mandatory based on a custom that has been passed down from generation to generation. Women who are not circumcised will face strict social sanctions when they grow up. Therefore, parents will still force their children to be circumcised to avoid the gossip of the community.

Until now, female circumcision is still an issue that continues to undergo discussion regarding its basis and impact. MUI issued a fatwa on the prohibition of female circumcision in 2008. In addition, the Indonesian Minister of Health issued a regulation on female circumcision with the number 1636/MENKES/PER/XI/2010. Followed by the latest regulation in 2014 regarding the revocation of the previous regulation that discusses female circumcision. This proves that female circumcision requires further study on its relevance to the present day.

Islam is a religion of *rahmatan lil a'alam*, which is a mercy for all nature. It is certain that the treatise brought by Islam contains justice and human welfare. Islam strictly prohibits crime and violence in any form. Referring to this, not a few practices of female circumcision have a serious impact on women's health and psychology. Of course, Islam does not want this to happen. On the other hand, some community and religious leaders believe that female circumcision is part of Islamic law. In addition, some communities perform female circumcision on the basis of tradition. The question then arises, is female circumcision necessary?

Some feminist ideas refer to female circumcision as female genital mutilation (FGM), which later changed to female genital mutilation and cutting. The many terms of female circumcision do not change the method in practice. The issue of female circumcision has always been colored by the *ijtihad* efforts of contemporary scholars. According to Husein Muhammad, one of the rules that must be remembered in *ijtihad* is that fatwas and legal decisions can change due to changes in times, places, circumstances, and customs (Husein 2020).

Recently, a religious stance has emerged from Kongres Ulama Perempuan Indonesia (KUPI) II which was held at the Hasyim Asy'ari Islamic Boarding School from November 24-25, 2022 regarding the protection of women from the dangers of female genital mutilation and cutting without medical reasons. First, the law of cutting and or cutting the female genitalia without medical reasons is haram. Second, all parties are responsible for preventing the cutting and or cutting of female genitalia without medical reasons, especially individuals, parents, families, communities, traditional leaders, religious leaders, paraji, or other designations, business actors, health workers, government, and the state. Third, the law of using authority as religious leaders, traditional leaders, medical personnel, and families in protecting women from the dangers of female genital mutilation and cutting without medical reasons is mandatory (KUPI 2023).

Khitan comes from the Arabic "al-khitan" which is a masdar form of the fi'il "khatana" which means *qatha'a* which is cutting. The words "al-khitan" and "al-katanu" mean cutting a certain part of the body. Female circumcision means cutting the skin covering the clitoris of the vagina. In Arabic terms, female circumcision is often referred to as *khafdh* or *khifad*. (Sholeh and Zahiroh 2017).

Other literature states that khitan comes from the word *khatnun* which terminologically means cutting the *kulfah* (skin covering the front) of the male penis and the *nawah* (skin resembling a rooster's javelin located above the *farji*) of the female. Practically speaking, male circumcision is cutting the foreskin from the shaft of the penis and female circumcision is cutting the clitoral hood. In short, the clitoral hood is the fold of skin that surrounds and protects the clitoris (Aryani 2018).

Juridically, female circumcision has been regulated in the Regulation of the Minister of Health of the Republic of Indonesia in 2010 number 1636 with the term female circumcision. Chapter one point one explains that female circumcision is the act of scratching the skin covering the front of the clitoris, without injuring the clitoris (Kemenkes 2010).

Parents really need to talk about reproductive health to children in a good and correct way by saying that the anatomy of men and women is different, both have physical, mental, emotional, spiritual, and social environment differences that must be respected by each other. All body parts are special. Therefore, everyone should respect their own body by always taking care of it physically and mentally (Dewi 2018). The biological structures of women and

men are different, especially when it comes to reproduction. Women have a vulva consisting of an outer and inner pair of labia that cover the clitoris. In this case, men also have a foreskin that covers the penis. This foreskin is then removed in the circumcision procession.

There are several previous studies that are relevant to this research, for example, Ratna Suraiya's research entitled "Female Circumcision in Historical, Medical and Islamic Law Perspectives (Response to the Revocation of the Prohibition of Female Circumcision in Indonesia)" explains female circumcision in historical, medical and Islamic law perspectives as well as a response to the revocation of the ban on female circumcision in Indonesia. In addition, Afifi Fauzi Abbas and Mona Eliza's research entitled "Female Circumcision in the Perspective of Jurisprudence" explains female circumcision but only in the perspective of jurisprudence. This study is relevant to this research, except that this study will examine female circumcision in a more complex perspective, namely fiqh, history, medical, and psychology. In addition, this research is a positive response to one of the results of the religious deliberations of the 2nd Kongres Ulama Perempuan Indonesia (KUPI) regarding the protection of women from harmful female genital mutilation and cutting without medical reasons.

Based on this background and literature review, this research will further examine female circumcision from the fiqh, historical, medical, and psychological perspectives. In addition, this research is a positive response to one of the results of the religious deliberations of the 2nd Kongres Ulama Perempuan Indonesia (KUPI) on the protection of women from harmful female genital mutilation and cutting without medical reasons.

## B. RESEARCH METHODS

This research is included in qualitative research, which is a humanistic research model that places humans as the main subject in social and cultural events. Humanists here point to humans as the main determinants of individual behavior and social symptoms. Qualitative research will conduct an understanding of meaning, certain contexts, phenomena and unexpected influences (Untung 2019). This research uses a literature study approach, which is an activity to explore, examine, analyze, and identify certain knowledge (Fitrah and Luthfiyah 2017).

The data collection technique used is documentation, which is in the form of written and stored material in the form of memorials or correspondence (Semiawan 2010). In this case, researchers conducted a literature review of various literature studies relevant to the

research topic, namely female circumcision in fiqh, historical, medical and psychological perspectives through articles, books, magazines, journals and other appropriate documents. After that, the collection of literature will be carried out an in-depth analysis process and then drawn conclusions.

## C. RESULTS AND DISCUSSION

### 1. Female Circumcision in the Perspective of Jurisprudence

In classical fiqh discourse, female circumcision is recommended by all four Imams of the Madzhab, it's just that what differs is the degree of ordinance. Dr. Wahbah Az-Zuhaili mentions in his book *al-fiqh al-Islamy wa Adillatuh* that according to the Hanafi and Maliki madhhabs, male circumcision is *sunnah mua'akad* (*sunnah* which is close to obligatory). While female circumcision is *makrumah* (honor) which is recommended not to overdo it so that the vaginal lips are not cut so that they can still feel the pleasure of intercourse. Imam Shafi'i ruled that male and female circumcision is obligatory. Imam Ahmad ibn Hambal ruled it obligatory for male circumcision but honorable for female circumcision (Wahbah Az-Zuhaili 1989).

The ruling on female circumcision according to classical scholars is influenced by various factors. First, the ruling was made through the *qiyas* method. If only men are circumcised then the law also applies to women. Second, the verse of the Quran that commands to follow the religious attitude of Prophet Ibrahim As. At that time, Prophet Ibrahim carried out Allah's command to circumcise when he was 80 years old. Yet if examined further, the meaning of 'following Prophet Ibrahim As' is in the area of *tawhid*, namely the Oneness of Allah SWT. Thirdly, there are *hadith* arguments about circumcision in general. However, some *hadiths* about female circumcision that are actually *dha'if* are also included as a legal basis (Soparianti 2021).

The classical scholars viewed female circumcision as a form of *makrumah*, or honor for women. In *shar'i* law, the term *makrumah* is not recognized. Shaykh Yusuf Al-Qardhawi's opinion regarding the interpretation of "*makrumah li al nisa*" states that female honor is a tradition that is considered good for women because there is no single *naqli* evidence that commands female circumcision. Thus, this matter is flexible or changeable. Traditions that are seen as honoring women at one time are not always honorable at another time.

The difference of opinion that occurs among contemporary scholars about female circumcision is not at the level of obligatory, sunnah, or makrumah laws but rather mubah, makruh, and even haram. This opinion is based on the scientific legality of female circumcision, which has no naqli evidence. In addition, the argument is also based on Islamic principles that always expect the benefit of the people physically and mentally. Nevertheless, some contemporary scholars still adhere to the classical fiqh discourse that recognizes female circumcision as Islamic law and needs to be preserved.

Arab traditions in the practice of female circumcision are considered by contemporary scholars in issuing laws. Basically, tradition is one of the rules in determining Islamic law, but its relevance to human benefit also needs to be considered. As a rule of Islamic law, traditions must not contradict the Quran, sunnah, general principles of Islamic law, generally recognized, and formed before the case.

One of the hadiths narrated by Abu Dawud that is often referred to as a reference to female circumcision is the hadith narrated by Imam Abu Dawud "..... from Ummi Athiyyah Al-Anshariyah, there was a woman in Medina who circumcised women, then the Prophet said to her, "Do not be excessive in trimming, because it gives more honor to women and is more pleasing to husbands".

Contemporary scholars agree that the hadith is dhaif (weak) and that its narrator is unknown. A dhaif hadith cannot be used as a reference for a ruling, let alone legalizing something that was previously forbidden. In addition, a da'eef hadith cannot be used as a basis for something that is medically or psychologically harmful (Soparianti 2021).

Some contemporary scholars who initially considered female circumcision to be sunnah or makrumah (honorable) changed it to mubah, makruh, and even haram. The original ruling on female circumcision is permissible, but if it causes harm by being practiced carelessly, then the ruling is makruh, and can even become haram according to the degree of harm (Suraiya 2019).

The Indonesian Women's Ulama Congress (KUPI) issued a fatwa on protecting women from the dangers of female genitalia cutting and wounding (P2GP), often referred to as female circumcision, at its second congress in Jepara. KUPI's view on female genital mutilation and cutting without medical reasons is dangerous and even threatens the physical and psychological condition of women. Through considerations based on the Qur'an, hadith, and Islamic legal principles that require the protection of humans from all

forms of harm and evil, the female scholars at the religious meeting considered that P2GP without medical reasons is haram (Kodir 2022).

The Egyptian Fatwa Council of Al-Azhar University in Cairo, Egypt on November 22, 2006 initiated a world council of scholars attended by scholars and medical experts from various parts of the world. Sheikh Dr. Ali Jum'ah as the chairman of the Egyptian Fatwa Council urged his views on the prohibition of all forms of female circumcision because it is considered medically harmful and prohibited in Islam. Not all agreed on the prohibition of female circumcision, but they agreed to abandon all forms of female circumcision (Kodir 2022).

The recommendation to ban female circumcision is based on three aspects: The practice of female circumcision is an ancient tradition that is still preserved by people in various parts of the world, including Muslims. The practice of female circumcision is an ancient tradition that is still preserved by people around the world, including Muslims, even though female circumcision is not found in the Quranic texts or saheeh hadith. Female circumcision practiced today has caused many adverse effects on women physically and psychologically. This must be prevented in accordance with the noble values of Islam, namely "it is forbidden to harm (human) creatures". The congress urged the state to make a regulation prohibiting female circumcision in any form and even have punitive sanctions for perpetrators and those who advocate it (Kodir 2022).

Contemporary scholars agree to return the ruling on female circumcision to tradition. In the past, female circumcision was an honor, but the tradition now is to leave the decision medically to be assessed for its impact. If the practice of female circumcision has more mafsadat then contemporary scholars do not hesitate to forbid it.

## 2. Female Circumcision in Historical Perspective

Female circumcision is common in the Islamic world. In Africa, female circumcision is practiced by both Muslim and non-Muslim communities. Historically, female circumcision has existed since pre-Islamic times. The practice emphasizes cultural norms rather than religiosity. The most dangerous level of female circumcision is the total cutting of the female clitoris which is often called Fir'aun's circumcision and Sudanese circumcision which is still practiced in the Sudan, Somalia, and some areas of Ethiopia and Egypt. This practice of female circumcision is not found in Saudi Arabia, Tunisia, Iran, and

Turkey. Meanwhile, in Indonesia, the practice of female circumcision is not evenly distributed (Purwosusanto 2020).

The practice of female circumcision in some parts of Africa is done by cutting off the clitoris completely and even infibulation, which is sewing the skin of the labia which results in the vaginal opening getting smaller like a match head. The stitched labia will be broken the first time you have sex. The myth that reinforces this tradition is that women have sacrificed to their husbands by never having sex which is proven by the labia majora stitches not being torn. Many myths have been created to perpetuate the tradition, such as the scream of the woman on the first night of marriage as a symbol of the man's strength because he managed to penetrate the suture of the labia majora (Purwosusanto 2020).

In ancient Egypt, it was believed that women's lust was higher than that of men. They thought that a woman who did not control her lust would commit acts that could embarrass herself and her family. Therefore, the community agreed to cut off the female genital area in order to stabilize her desire. This tradition was also shared by Europe in the 12th century with the 'chastity belt' system to control sexual offenses by cutting the skin of the female genital organs (Subhan 2008).

It is clear that female circumcision is an ancient tradition that was later accommodated by Islamic law. This does not mean that Islam commands female circumcision, but rather tries to state unequivocally the prohibition of female circumcision. The preaching of Islam must be gentle. Therefore, the command to cut a little without exaggeration in the practice of female circumcision is a form of respect for the traditions of the time, but it is no longer relevant today. In fact, the hadith is dhaif and even the Qur'an does not command female circumcision. Moreover, history has not found any evidence that the Prophet's daughters were circumcised.

### 3. Female Circumcision in Medical Perspective

In the WHO (world health organization) review states that female circumcision is carried out with four types, namely: the first type, female circumcision is done by removing part or all of the female clitoris. This includes the removal of the prepuce (skin around the clitoris) which in medical terms is known as a clitoridectomy; the second type, excision (removal or removal) of part or all of the clitoris and labia minora, which is a kind of thin skin like a tongue around the vagina with or without removing the labia majora; the third type, sewing the labia minora and labia majora together with the aim of making



the vaginal opening smaller. This action is called infibulation in medicine with or without cutting the clitoris; the fourth type, this type is a classification of all actions performed outside the female genitalia (vulva) with non-medical purposes such as piercing, perforating, scraping, or genital cutting. This kind of circumcision practice is called female genital mutilation (FGM), which is the total or partial removal of the female external genitalia (Aryani 2018).

Medically, the practice of female circumcision emphasizes the element of cutting that is not excessive. It is done by only scratching a small amount of skin covering the front of the clitoris, not injuring the clitoris. This does not result in total or partial removal of the external part of the female genitalia. Technically, the incision of the skin in front of the clitoris (clitoral hood) is done using a special and sterile needle. Female circumcision is generally reserved for children under the age of five. At this age, the clitoral hood is still very thin and has not been passed by many blood vessels and nerves, so there is minimal bleeding or pain (Aryani 2018).

Anatomically, not all girls have a clitoral hood (prepuce) so there is no need for circumcision. The clitoral hood is similar in nature to the foreskin on the male penis so girls can also be circumcised to remove the foreskin. Female circumcision has benefits such as preventing bad odor due to fluid that accumulates under the pubic mouth, but these benefits are not as significant as male circumcision. Some medical experts claim that the benefits of female circumcision are not worth the risks involved. The clitoral hood is so thin that it requires great skill in removing it. The slightest injury to the clitoris can cause bleeding, infection and urinary problems. Long-term risks can cause pain during sex and can interfere with women's reproductive health (Sari 2022).

The Indonesian Minister of Health Regulation number 1636 of 2010 contains service and professional standards to support the safety of women who are circumcised. However, the circumcision technique is explained as limited to scraping the prepuce without clear boundaries because the clitoral area of each woman is different. Basically, the practice of female circumcision is the same as male circumcision, except that the anatomical conditions of both need to be considered. According to some experts, the clitoral area is very sensitive to touch which will have an impact on sexual reactions during intercourse because many blood vessels and nerves pass through, so there is no need for scraping, let alone cutting. In essence, most medical personnel practice female circumcision at the request of the patient's family because medically significant benefits have not been found

in female circumcision. Technically, female circumcision is performed by referring to the Indonesian Minister of Health Regulation number 1636 of 2010, although the regulation has been replaced in 2014 regarding the revocation of the prohibition of female circumcision in the Indonesian Minister of Health Regulation number 1636 of 2010. The revocation of the regulation on the prohibition of female circumcision is a response to the insistence of MUI and the community who consider that female circumcision is an Islamic Shari'ah (Suraiya 2019).

#### 4. Female Circumcision in Psychological Perspective

Similar to the medical perspective, psychologists have yet to discover the benefits of female circumcision. Some psychologists claim that the traumatic impact of female circumcision is prolonged. In addition, female circumcision can cause feelings of inferiority and even inability to feel the pleasure of sex (Soparianti 2021).

Psychologists call for efforts to prevent the practice of female circumcision because it can cause prolonged trauma. Although there are trauma treatment therapies for women who have been circumcised, the implementation is difficult and takes a long time. The bleeding that occurs when a woman is circumcised due to the cutting of the clitoral hood can cause excessive shock because she feels shaken by the sight of blood in her vaginal area. Part of the trauma women feel about the practice of circumcision is that part of their genitalia is taken away, which they feel is a violation of their ownership and human rights. Thus, when remembering their circumcision experience, women will feel fearful and insecure (Susapto 2021).

### D. CONCLUSION

The practice of female circumcision in some parts of Indonesia and other Muslim regions tends to be embedded with elements of tradition carried over from pre-Islamic times. The four madhhab rule that female circumcision is obligatory and makrumah. However, female circumcision does not have strong naqli evidence. For this reason, contemporary scholars conducted further studies on the law of circumcision from historical, medical and psychological perspectives.

Historically, female circumcision has existed since pre-Islamic times. The myth at that time was that women needed to be circumcised to stabilize their desire. In fact, the Prophet Muhammad never circumcised his daughters. Medically and psychologically, female

circumcision has many negative effects. Female circumcision can cause bleeding, reproductive disorders, loss of pleasure from sex, and prolonged trauma. The magnitude of the level of mafsadat from female circumcision, contemporary scholars agree to prohibit it and even forbid it according to the level of damage obtained.

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