

LEGAL ANALYSIS OF MEN LOOKING AT WOMEN IN THE BOOK KIFAYATU AL-AKHYAR BY IMAM TAQIYUDDIN AL HUSAINI

Embrizal, Arsal

Universitas Islam Negeri (UIN) Sjech M. Djamil Djambek Bukittinggi
embrizalshi@gmail.com, arsal@uinbukittinggi.ac.id²

Abstract

This study discusses the law of men looking at women in the perspective of the *Kitab Kifayatu al-Akhyar* by Imam Taqiyuddin al-Husaini, one of the great scholars of the Shafi'i school whose works are often used as references in the study of fiqh. This problem has a high urgency given that interaction between men and women in social life is inevitable, while Islamic sharia sets certain limits to maintain honor and prevent slander. This research aims to analyze the concepts, legal classifications, and basics of *istinbath* used by Imam Taqiyuddin al-Husaini in establishing the law of seeing women. This research is a library research with a normative-juridical approach. The main source of data is *Kitab Kifayatu al-Akhyar fi Halli Ghayati al-Ikhtishar*, while the supporting data sources come from the fiqh books of the Shafi'i school and relevant scientific literature. The data collection technique was carried out through documentation studies, while the data analysis used a descriptive-analytical method. The results of the study show that Imam Taqiyuddin al-Husaini divides men's views of women into several categories of law based on the existence or absence of the need and the potential for slander. Basically, seeing *ajnabiyah* women without a need that is justified by sharia is haram. However, in certain conditions such as the purpose of marriage and other shari'i needs, viewing is allowed with strict restrictions. This provision reflects the balance between legal strictness and benefit, and is relevant as a guideline for social ethics in the life of the Muslim community.

Keywords: views of men, women, Shafi'i fiqh, *Kifayatu al-Akhyar*.

I. Introduction

Islamic Sharia is present as a comprehensive guideline for mankind in living life, both in terms of worship to Allah SWT and in social interaction with fellow humans. All aspects of life have been regulated with the aim of maintaining the benefit, honor, and order of the people. One of the important issues that has received serious attention is the issue of the relationship between men and women, including the issue of seeing women outside the boundaries determined by the sharia.¹ In the reality of everyday life, interactions between men and women are inevitable. Situations such as studying, working, socializing, and other *muamalah* activities often create conditions where a man sees a woman who is not a mahram. This is where Islamic law provides clear rules so that the interaction does not lead to prohibited acts, such as *fitnah*, *orgasm*, or *adultery*.²

¹ Akhmad Fauzi Aseri and Masyithah Umar, "Pendekatan Feminis (Historis Naratif) Dan Gender Dalam Hukum Islam" 8 (2025): 2123-31.

² Hafidhul Umami, "Studi Perbandingan Madzhab Tentang Khitbah Dan Batasan Melihat Wanita Dalam Khitbah," *Usratuna: Jurnal Hukum Keluarga Islam* 3, no. 1 (2019): 22-48, doi:10.29062/usratuna.v3i1.152.

Scholars from various sects have discussed in depth the ruling on seeing women.³ One of them is found in the book *Kifayatul Akhyar*, the work of Shafi'iyah fiqh scholars who are widely used as references in Islamic boarding schools and educational institutions.⁴ This book provides a comprehensive explanation of the limitations, postulates, and conditions that allow and prohibit a person to see a woman. This study has great urgency, because the correct understanding will affect the pattern of attitudes and behaviors of a Muslim in maintaining his views, interactions, and honor for himself and others. Mistakes in understanding the limits of sharia can have negative impacts, both personally and socially, such as declining morality, damage to honor, and the development of slander in society.⁵

Therefore, the discussion of the law of seeing women in the perspective of the book *Kifayatul Akhyar* needs to be done in depth and systematically. This study is expected to be able to provide enlightenment, strengthen the scientific foundation, and become a practical guide for Muslims in taking care of themselves and complying with the sharia in daily life.

II. Research methods

This research is a library research, which is research that focuses on the assessment and analysis of written sources that are relevant to the object of study.⁶ This research does not involve field research, but relies on data obtained from classical and contemporary literature that has a relationship with the law of men's views on women in the perspective of Islamic jurisprudence.

The approach used in this study is a normative-juridical approach (normative jurisprudence), by examining the provisions of Islamic law as formulated by scholars, especially Imam Taqiyuddin al-Husaini in *Kitab Kifayatu al-Akhyar*. This approach aims to understand the construction of law, the basics of *istinbath*, and the fiqh arguments used in establishing the law of seeing women, both prohibitions and abilities under certain conditions.

The data sources in this study are divided into two, namely primary data sources and secondary data sources.⁷ The primary source of data is *Kitab Kifayatu al-Akhyar fi Halli Ghayati al-Ikhtishar* by Imam Taqiyuddin al-Husaini as the main reference. Meanwhile, secondary data sources include relevant books of fiqh of the Shafi'i school, such as *Raudhatut Thalibin* by Imam an-Nawawi, *Al-Majmu'*, *Al-Umm* by Imam as-Shafi'i, as well as supporting literature in the form of books, scientific journals, and academic articles that discuss the law of views, male and female interaction, and social ethics in Islam.

The data collection technique is carried out through documentation studies, namely by reading, studying, and recording parts of the text that are

³ Efendi, E. C., Rambe, U., & Sobhan, S. (2025). Responding To The Digital Era With Social Transformation Through Tafsir Al-Qur'an For Generation Z. *INJOSEDU: International Journal of Social and Education*, 2(4), 1070-1086.

⁴ Akhmad Abdul Lathif, "Persyaratan Taukil Wali Nikah (Study Komparatif Pendapat Imam Taqiyuddin Abubakar Al-Hishni Dalam Kitab Kifayatul Akhyar Dengan PMA No. 20 Tahun 2019)," no. 20 (2023): 73-75.

⁵ Siti Purhasanah et al., "Kewajiban Menutup Aurat Dalam Perspektif Al-Quran," *Al-Fahmu: Jurnal Ilmu Al-Qur'an Dan Tafsir* 2, no. 1 (2023): 53-61, doi:10.58363/alfahmu.v2i1.31.

⁶ Efendi, E. C., Hadi, W., & Reveny, S. (2025). The Glory Of Science In Classical Islamic Civilization: The Abbasid Dynasty As A Center For Innovation. *INJOSEDU: International Journal of Social and Education*, 2(4), 1099-1116.

⁷ Efendi, Erizal Candra, Wildan Hadi, Robi Harjoni Putra, and Al Aziz. "Aksesibilitas Pembayaran Bitcoin Dalam Perspektif Fiqh Ekonomi." *Jurnal Ekonomi dan Bisnis* 2, no. 12 (2024): 2722-2740.

directly related to the legal discussion of seeing women.⁸ The data obtained were then classified based on themes, such as views without needs, views due to needs, views on mahram, views for the purpose of marriage, and views under other special conditions.

The data analysis in this study uses a descriptive-analytical analysis method, namely by describing the views of Imam Taqiyuddin al-Husaini as stated in *Kifayatu al-Akhyar*, then analyzing it systematically by tracing the evidence, legal ta'lil, and differences of opinion of the scholars presented. This analysis is also complemented by inductive conclusions, which are to draw general conclusions based on the description and analysis of the specific data that has been studied. Through this research method, it is hoped that the research will be able to produce a comprehensive, objective, and scientific understanding of the legal concept of men looking at women according to the *Kitab Kifayatu al-Akhyar*, as well as its relevance in the context of the social life of Muslims.

III. Results and Discussion

Profile of the Author of *Kitab Kifayatu al-Akhyar*

Imam Taqiyuddin al-Hishni's full name is Imam Abu Bakr bin Muhammad bin 'Abdul Mu'min bin Hariz bin Mu'alla bin Musa bin Hariz bin Sa'id bin Dawud bin Qaasim bin 'Ali bin 'Alawi bin Naasyib bin Jawhar bin 'Ali bin Abi al-Qaasim bin Saalim bin 'Abdullah bin 'Umar bin Musa bin Yahya bin 'Ali al-Ashghar bin Muhammad at-Taqi bin Hasan al-'Askari bin 'Ali al-'Askari bin Muhammad al-Jawaad bin 'Ali ar-Ridha bin Musa al-Kaadhzim bin Ja'far ash-Shodiq bin Muhammad al-Baaqir bin 'Ali Zainal 'Abidin bin al-Husayn, the grandson of the Prophet (peace be upon him), as stated in the book *Shudurat al-Dzahab*. Al Hishni is a tribute to al Hishn, a city in Hauran.⁹

He is better known as Imam Taqiyuddin al-Hishni. He was a great scholar and Sufi of the Shafii sect. Imam Taqiyuddin al Hishni, who came from Hishni (Sham), was born in 752 H (1369 AD), and died on Wednesday, 14 Jumadil Akhir 829 H (1446 AD) in Damascus. In his intellectual wanderings, Imam Taqiyuddin al-Hishni came to Damascus and stayed in al-Badraiyah. He learned a lot of various religious disciplines from the great scholars who existed at that time, among his teachers were.¹⁰

⁸ Efendi, E. C., Rambe, U., & Tiswarni, T. (2025). Penerapan Prinsip-Prinsip Hukum Islam Sebagai Pedoman Kehidupan Universal Dan Komprehensif. *Juteq: Jurnal Teologi & Tafsir*, 2(1), 124-143.

⁹ Afifuddin, Imam *Taqiyuddin Al Hishni*, 1 Desember 2022, <https://sidogirimedia.com/imam-taqiyuddin-al-hishni/> diakses tanggal 04 Oktober 2025.

¹⁰ A. Kholil Hasib, *Mengenal Abu Bakar Al Hishni*, 01 Januari 2016, <https://inpasonline.com/mengenal-abu-bakar-al-hishni-penulis-kitab-kifayatu-al-akhyar/> diakses tanggal 04 Oktober 2025.

1. Syaikh Abul 'Abbas Najmuddin Ahmad bin 'Utsman bin 'Isa al-Jaabi;
2. Syaikh Syamsuddin Muhammad bin Sulaiman ash-Sharkhadi;
3. Syaikh Syarafuddin Mahmud bin Muhammad bin Ahmad al-Bakri;
4. Syaikh Syihaabuddin Ahmad bin Sholeh az-Zuhri;
5. Syaikh Badruddin Muhammad bin Ahmad bin 'Isa;
6. Syaikh Syarafuddin 'Isa bin 'Utsman bin 'Isa al-Ghazi;
7. Syaikh Shadrudin Sulaiman bin Yusuf al-Yaasufi.

Imam Taqiyuddin al Hishni is a carefree person who has uniqueness. He went out with the students to the tourist attraction and told his students to have fun and play. It was all accompanied by religion (which was solid) and careful in his speech and actions, and married several women. Then he was actually diligent in worship, stayed away from women, gathered (with his disciples) away from humans accompanied by the routine of preoccupying himself with knowledge in the time before fitnah, namely the famous Fitnah of Tamar Link al Fatih al Mighwali from the descendants of Gengis Khan.¹¹

After fitnah, his zuhud increased, facing Allah SWT, and gathering (with his disciples) away from humans. Be he has followers, his name becomes famous, refrains from talking to many people, especially those who see signs in him. And let his words speak of qadli-qadli and such rulers. Imam Taqiyuddin al-Hishni grew up to be a great and versatile scholar. But unfortunately the students from his education are not mentioned in detail in the biographies. Only a few people are mentioned, one of which is his nephew (Ibn Akhihi) named Muhammad bin Husayn bin Muhammad al-Husaini al-Hishni, Umar bin Muhammad and Muhammad bin Ahmad al-Ghazi.

As a Muslim scholar, of course, Imam Taqiyuddin al-Hishni has many works in various fields of Islamic knowledge. He left behind works in the fields of faith, tafsir, hadith, fiqh, and Sufism. In the field of faith, he adheres to the madhhab of Imam Ash'ari. And often also involved in debates with scholars of Shaykh al-Islam Ibn Taymiyah, Throughout his life, Shaykh Taqiyuddin al-Hishni wrote many great and high-value books, including:¹²

1. *Daf'u Syubahi Man Syabbaha Wa Tamarrada Wa Nasaba Dzalika Ila asy- Sayyid al-Jalil al-Imam Ahmad;*
2. *Syarah Asmaullah al-Husna;*
3. *At-Tafsir;*
4. *Syarah Shohih Muslim (3 jilid);*
5. *Syarah al-Arbain an-Nawawi;*
6. *Ta'liq Ahadits al-Ihya;*
7. *Syarah Tanbih (5 jilid);*
8. *Kifayatul Akhyar;*
9. *Syarah an-Nihayah;*
10. *Talkhish al-Muhimmaat (2 jilid);*
11. *Syarah al-Hidayah;*
12. *Adab al-Akl wa asy-Syarab;*

¹¹ Ibid

¹² Ibn Qodhi Sihbah, *Thobaqotus Syafi'iyah* lihat Maktabah Syamilah, juz 1, h. 209

13. *Kitab al-Qawaa'id*;
14. *Tanbihus Saalik*;
15. *Qami'un Nufuus*;
16. *Siyarus Saalik*;
17. *Siyarush Sholihaat*
18. *Al-Asbaabul Muhlikaat*;
19. *Ahwal al-Qubur*;
20. *Al-Mawlid*.
21. *Qa'm an-Nufus wa Ruqyah al-Ma'yus*

So many works have been left behind by Imam Taqiyuddin al-Hishni and one of the ones that has been mentioned is *Qa'm an-Nufus wa Ruqyah al-Ma'yus* (Controlling Lust, Curing Despair). Judging from the title of the book alone, we can already guess that the book is related to the discipline of *tasawwuf*.

At the end of his life, Imam Taqiyuddin al-Hishni suffered from health problems, especially his eyes and ears, on the night of Wednesday 14 Jumada al-Akhirah 829 H (1446 AD) and was buried in al-Qubaibat. May Allah always pour out His mercy and love on him who had spent his life serving Him and spreading religious knowledge widely.

Kitab Kifayatu al-Akhyar Profile

The full name of this book is "*Kifayatu Al-Akhyar Fi Halli Ghoyati Al-Ikhtishor*" (كفاية الأخيار في حل غاية الاختصار). The meaning of "*kifayah*" is "sufficient". The word "*Al-Akhyar*" is the plural form of "*khoir*" which can be interpreted as "the best human being". "*Hall*" can be interpreted as "to decipher". So, overall, the meaning of this book seems to be intended as a book whose content is sufficient for good people who want to learn religion (or represent the best scholars in terms of teaching), namely by explaining, explaining and lecturing the book called "*Ghoyatu Al-Ikhtishor*".¹³

This book is sometimes called and abbreviated as "*Al-Kifayah*" (الكفاية). However, this mention needs to be careful. The reason is, among the *mutaqoddimin*, if it is called "*Al-Kifayah*", their perception is "*Kifayatu Al-Nabih*" by Ibn Ar-Rif'ah which is a lecture from the book "*At-Tanbih*" by Ash-Syirozi. The difference between these two "*Kifayahs*" must be noted because there is often ambiguity among scholars. The mention of "*Al-Kifayah*" meaning "*Kifayatu Al-Akhyar*" is if it is mentioned after the time of Al-Hishni (829 AH).¹⁴

The target of writing this book is two kinds of people as explained by Al-Hishni himself. First; People who have dependents who do not have the opportunity to start with the *ulama*. Second: *Salik* (worship expert) who focuses on his worship, not on knowledge. Therefore, even though this book is in the form of *syarah*, the content is concise. Not too short and not too long. This book was written not for scholars who intend to "*tabahhur*" (deepen and master completely).

¹³ Muafa, Mengenal kitab Kifayatu Al Akhyar karya Al Hisni, 10 Desember 2017, <https://irtaqi.net/2017/12/10/mengenal-kitab-kifayatu-al-akhyar-karya-al-hishni/#:~:text=Bisa%20dikatakan%20kitab%20Kifayatu%20Al,yang%20tahu%20berapa%20jumlah%20persisnya. diakses tanggal 04 Oktober 2025.>

¹⁴ *Ibid*

This book is a syarah from "Matan Abu Shuja'" or also called "Ghoyah Al-Ikhtishor" or "Al-Ghoyah Wa At-Taqrib" or "Mukhtashor Abu Shuja'" or "At-Taqrib" or "Al Ghoyah". Matan Abu Shuja' is one of the most famous matan in the madhhab Ash-Shafi'i.¹⁵

In addition to lecturing in certain parts, he also criticized, the prominent thing that Al-Hishni did was to provide evidence and ta'lil (reasoning) every time he presented the law. Al-Hishni is an expert in hadith, so it is natural that he is quite good at mentioning the postulates from the hadith when lecturing the book.

Almost every legal issue mentioned is always accompanied by istidlal from the Qur'an, As-Sunnah, Ijma' and Qiyas. Sometimes one legal case is mentioned with more than one postulate. Indeed, the study of this book is expected to be sufficient for a student of knowledge so that there is no need to read muthowwal books such as "Kifayatu An-Nabih" by Ibn Ar-Rif'ah, "Al-Majmu'" by An-Nawawi, "Al-Hawi Al-Kabir" by Al-Mawardi, "Nihayatu Al-Mathlab fi Diroyati Al-Madzhab" by Al-Juwaini, "Bahru Al-Madzhab" by Ar-Ruyani and others. It is also hoped that the study of the books of legal hadith will no longer be necessary.¹⁶

The main source of "Kifayatu Al-Akhyar" is the book "Roudhotu Ath-Tholibin" by An-Nawawi. This book of An-Nawawi is the main reference of Al-Hishni. The way to describe the cases of fiqh, the details, the presentation of ikhtilaf, including the tarjih, follows the style and manner of An-Nawawi in "Roudhotu Ath-Tholibin". In fact, it is not an exaggeration to say that Al-Hishni sometimes quoted the entire editorial in "Roudhotu Ath-Tholibin" without changing it. However, Al-Hishni refers critically, so that sometimes he gives ta'qib (correction), istidrok (complement), details the law, and sometimes even criticizes. If he corrects, it will begin with the word "qultu" and end with the word "wallahua'lam".¹⁷

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This book is also an important source of data to know the ikhtilaf of Ash-Shaikh (Ar-Rofi'i and An-Nawawi) because Al-Hishni is quite serious about mentioning their ikhtilaf. It's just that Al-Hishni not only recites ikhtilaf, but also tahtahqiq. Even though Al-Hishni had great respect for Ash-Shaykh, he was also

¹⁵ Kholil Hasib, *Mengenal Abu Bakar Al Hisni*, 01 Januari 2016, <https://inpasonline.com/mengenal-abu-bakar-al-hishni-penulis-kitab-kifayatu-al-akhyar/>. diakses tanggal 04 Oktober 2025

¹⁶ Muafa, *Mengenal kitab Kifayatu Al Akhyar karya Al Hisni*, 10 Desember 2017, <https://irtaqi.net/2017/12/10/mengenal-kitab-kifayatu-al-akhyar-karya-al-hishni/>. diakses tanggal 04 Oktober 2025

¹⁷ Ibid

¹⁸ Muafa, *Mengenal kitab Kifayatu Al Akhyar karya Al Hisni*, 10 Desember 2017, [https://irtaqi.net/2017/12/10/mengenal-kitab-kifayatu-al-akhyar-karya-al-hishni/#:~:text=Bisa%20dikatakan%20kitab%20Kifayatu%20Al,yang%20tahu%20berapa%20jumlah%20opersisnya](https://irtaqi.net/2017/12/10/mengenal-kitab-kifayatu-al-akhyar-karya-al-hishni/#:~:text=Bisa%20dikatakan%20kitab%20Kifayatu%20Al,yang%20tahu%20berapa%20jumlah%20opersisnya.). diakses tanggal 04 Oktober 2025.

critical when he lectured, especially if he found the teachings or inconsistencies of Ash-Shaikhan.

Manuscript The concept of men's views on women in Kitab Kifayatu al-Akhyar

The following is a concept text about men's views on women in the book Kifayatu al-Akhyar by Shaykh Taqiyuddin Abu Bakr Muhammad al-Hishni al-Husaini:¹⁹

قال : ونظر الرجل إلى المرأة على سبعة أضرب ، أحدها : نظرة إلى أجنبية لغير حاجة ، فغير جائز:

"A man's view of a woman has seven types: (1) a man's view of a foreign woman without a desire. This view cannot be..."

وَقَالَ صَاحِبُ الْمُنْتَظَمَةِ: وَنَظَرَ الْفَحْلُ إِلَى النِّسَاءِ عَلَى سَبْعَةِ سَبْعَةٍ: فَالْأَوَّلُ أَنْ كَانَ قَدْ قَبِلَ لِأَجْنَبِيَّةٍ فَامْتَنَعَ لِغَيْرِ حَاجَةٍ مَرَضِيَّةٍ
A poet said: And a man's view of women
There are seven kinds: A man who looks at a foreign woman, then let him refrain from it, because there is no urgent need.

والرجل هو البالغ من الذكور ، وكذا المرأة هي البالغة من الإناث ، إن لم يرد بالألف واللام الجنس ، ثم إن النظر قد لا تدعو إليه الحاجة ، وقد تدعو إليه الحاجة.

The man in question here is a man of puberty, as is his woman. Seeing it sometimes out of necessity and sometimes not.

الضرب الأول : أن لا تمس إليه الحاجة ، فحينئذ يحرم نظر الرجل إلى عورة المرأة الأجنبية مطلقاً ، وكذا يحرم إلى وجهها وكفيها إن خاف فتنة ، فإن لم يخف ، ففيه خلاف ، الصحيح التحريم ، قاله الاصطخري وأبو علي الطبري ، واختاره الشيخ أبو محمد ، وبه قطع الشيخ أبو إسحاق الشيرازي والرويان ، ووجهه الإمام باتفاق المسلمين على منع النساء من الخروج حاسرات سافرات ، وبأن النظر مظنة الفتنة ، وهو محرك الشهوة ، فالأليق بمحاسن الشرع سد الباب ، والإعراض عن تفاصيل الأحوال ، مما تحرم الخلوة بالأجنبية ، ويحتج له بعموم قوله تعالى : ﴿ قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ﴾ (النور : ٣٠)

Meaning: "First: if there is no need to look. In this situation it is absolutely forbidden for a man to look at the aurat of a foreign woman. Similarly, it is forbidden to look at his face and both palms if he is worried that there will be slander. If not, then there is a dispute, the right opinion is haram looking at his face and palms. This is the opinion of Ishthakhri and Abu Ali Thabari; this is also the opinion chosen by Shaykh Abu Muhammad, Shaykh Abu Ishaq Ash-Shirazi, and Ruyani. Imam Haramain agreed with the Muslims about the prohibition of women from going out with their faces open. Seeing is the door of slander and can arouse orgasm. So that the most appropriate act according to the Shari'ah is to close all gaps and turn away from all circumstances that can cause fitnah; as it is forbidden to khalwat with foreign women. The evidence of this problem is as the generality of the word of Allah:

وهل للمراهق النظر ؟ وجهان : أحدهما أن نظره كنظر البالغ ، لظهوره فيه على عورات النساء ، فعلى هذا المعنى أنه كالبالغ ، ويجب على المرأة أن تحتجب عنه ، كما أنه أيضاً يلزمها الاحتجاب من المجنون قطعاً ، ويلزم الولي أن يمنعه النظر كما يلزمه أن يمنعه من الزنا وسائر المحرمات

¹⁹ Imam Taqiyuddin Abi Bakar Ibn Muhammad A Husaini Al Hishni Al Dmasyqy Al Syafi'i, Kifayah Al Akhyar fii Halli Ghayah Al IKhtisar, Dar al Kutub al Islamiyah, hal 466

Meaning: Can a boy who is approaching puberty see a woman? There are two opinions. The most correct opinion of his view is judged like the view of a man of puberty; because he has understood the woman's aura. Based on this, he was punished like a puberty and it was mandatory for women to wear hijab from him, just as it was mandatory to wear hijab from a madman. Here, the man's guardian should forbid him to touch a woman, just as he should forbid her from adultery and all unlawful acts;

وأما حكم الممسوح وهو الطواشي : قال الأكثرون : نظره إلى المرأة الأجنبية كنظر الرجل إلى محارمه ، وعليه يحمل قوله تعالى : (أو النَّبِيِّنَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ) النُّور : ٣١

As for the ruling for a castrated person, most scholars say, "His gaze on a foreign woman is punished like a man's sight of his mahram." Allah says:

والثاني : أنه كالفحل مع الأجنبية ، لأنه يحل له نكاحها قال النووي : المختار في تفسير غير أولي الإربة ، أنه المغفل في عقله الذي لا يكثر بالنساء أو لا يشتهيهن ، كذا قاله ابن عباس وغيره رضي الله عنهم والله أعلم

Another opinion is judged as a man's view of a foreign woman, because it is lawful for him to marry her. Nawawi said, "The one chosen about the interpretation of the verse 'Who has no desire (for women) is a man who is negligent in his intellect, who has no concern for women, or has no appetite for them. The same is said by Ibn Abbas and others.

واعلم أن من جب ذكره فقط ، أو سُلِّتْ حصيناه فقط ، والعين ، والشيخ الهرم ، حكمهم كحكم الفحل على ما قاله الأكثرون .
وأما مملوك المرأة وعدها ، فهل هو كالحرم ؟ فيه خلاف : قال الرافعي : الأصح نعم ، قال النووي : ونص عليه الشافعي ، وهو ظاهر الكتاب والسنة ، وفيه نظر من جهة المعنى والله أعلم

Meaning: It should be noted that whoever is castrated has both testicles paralyzed, impotent, or an elderly person; They were punished like normal men. Based on the opinion of most scholars. A boy belonging to a woman, what is a mahram? In this case there is a dispute. Rafi'i said, "The most correct opinion is yes." Nawawi said, "Shafi'i thinks so. Even that is the opinion of the Qur'an and As-Sunnah." In this case, there is research in terms of meaning. Wallahu a'lam.

قلت : صحح النووي في نكت المهذب ، أنه كالرجل الأجنبي ، فيحرم عليه النظر ، ويجب عليها الاحتجاب منه ، كذا صححه ابن الرفعة في المطلب) ، وهو قوي حسن ، فلتكن الفتوى عليه ، والقائلون بالجواز ، شرطوا أن يكون العبد ثقة ، ذكره البغوي ، وكذا المرأة ، قاله الهروي ، وهو ظاهر متعين ، وتسمية بعضهم له بأنه ... محرم لها فيه تساهل ، ولهذا لو لمسها أو لمستها انتقض وضوءهما قطعاً (والحرم لا ينقض ، فإطلاق الحرمة مع ذلك ممنوع والله أعلم..

Meaning: I add, "In Nukatul Muhadzdzab; Nawawi confirmed that he was punished like a foreigner; so that it is forbidden to see it. It is obligatory for the woman to wear a hijab from him. This is justified by Ibn Raf'ah in Al-Mathlab. This is a strong but good opinion; Fatwa with him. The scholars who allow it, require that the slave be a trusted person. This is Baghawi's opinion. Likewise, the woman is a trusted person. This is Harawi's opinion. These conditions are very clear and clear. Some scholars who call it mahram oversimplify this problem. Based on this; If he touches the woman or the woman touches him, the ablution of both is definitely void. If they were mahrams, of course the ablution of both of them would not be void, because mahraman along with it is forbidden. Wallahu Alam.

وهذا الذي ذكرناه من نظر الرجل إلى المرأة ، هو فيما إذا كانت حرة ، وأما إذا كانت المرأة أمة ، فماذا ينظر منها ؟ فيه أوجه : قال الرافي : أصحها فيما ذكره البغوي والروايي ، يحرم النظر إلى ما بين سرتها وركبتها ، وفيما سواه يكره ، والثاني : يحرم ما لا يبدو حال الخدمة دون غيره ..

Meaning: Everything we have said above is a man's view of a free woman. As for when the woman is a slave, what can she see from him? There are several .opinions (1) Rafi'i said, "The most correct opinion as stated by Baghawi and Ruyani is that it is forbidden to look at the area between the navel and the knees, while looking at the other part is makruh. (2) It is forbidden to see parts that are not visible during the service.

والثالث : أنها كالحرّة ، وهذا غريب لا يكاد يوجد لغير الغزالي انتهى . قال النووي : قد صرح العمراني وغيره بأن الأمة كالحرّة ، وهو مقتضى إطلاق الأكرين ، وهو أرجح دليلاً والله أعلم .

Meaning: 3. Her awrah is punished like a free woman. This is a foreign opinion, there are hardly any scholars who think so other than Ghazali. Nawawi said, "Imrani and other scholars have stated in detail that the aurat of female slaves is the same as the aurat of free women. This is the meaning of most of the words of the scholars. This is the most diligent opinion postulate." Wallahu a'lam.

قلت : ينبغي أن يفصل ، فيقال : إن كانت الأمة شوهاء ، فالمنتهج ما قاله الرافي ، وإن كانت جميلة كبعض جوار الترك ، فالصواب الحزم بالتحريم ، فإن بعض الجوار لها حسن تام ، والبعض بالعكس ، والمعنى المحرم للنظر الجمال ، لأنه مظنة الافتتان والله أعلم . ولو كانت الحرّة عجزواً ، فأخفقها الغزالي بالشابة ، قال : لأن الشهوة لا تنضب وهي محل الوطء . وقال الروايي : إن بلغت مبلغاً يؤمن الافتتان بها ، جاز النظر إلى وجهها وكفيها ، لقوله تعالى : (وَالْقَوَاعِدُ مِنَ النِّسَاءِ الَّتِي لَا يَرْجُونَ يَكْلَمَا ..) (.. الآية) الثور : ٦٠ .

Meaning: I add, "It's better to be more detailed. If the female slave is bad, then it is the right opinion as Rafi'i said. If she is as beautiful as a Turkish girl then the correct opinion is haram. Some slave women have perfect beauty and some have the opposite. In essence, it is forbidden to look at a beautiful female slave because it is a trigger for slander." Wallahu a'lam. If a woman is free but is old then Ghazali equates her with a girl. He said, "Because orgasm is erratic and the old woman can still be the object of intercourse." Ruyani said, "When he has reached an age that if seen does not cause fitnah, then he can see his face and both hands. Based on the word of God:

فَرَعُ

ما حكم الصغيرة ؟ حكى الرافي في النظر إليها وجهان ، وقال : الأصح الجواز ، ولا فرق بين عورتها وغيرها ، غير أنه لا ينظر إلى الفرج . قال النووي : جزم الرافي بأنه لا ينظر إلى فرج الصغيرة ، ونقل صاحب العدة الاتفاق على هذا ، وليس كذلك ، بل قطع القاضي حسين بجواز النظر إلى فرج الصغيرة التي لا تشتهي والصغير ، وقطع به في الصغير المروزي ، وذكر المتولي فيه وجهين ، والصحيح الجواز ، لتسامح الناس بذلك قديماً وحديثاً ، وإن إباحة ذلك تبقى إلى بلوغه سن التمييز ومصيره ، بحيث يمكنه ستر عورته عن الناس والله أعلم .

Meaning: Rafi'i mentioned two opinions; he said, "The truest opinion is permissible. There is no difference between his awrah and a man's awrah, but he should not look at his genitals." Nawawi said, "Rafi'i thinks that he can see the genitals of a young girl." The author of Al-'Uddah cites an agreement on this. Even though it shouldn't be an agreement. Qadhi Husain is of the opinion that it is permissible to see the genitals of a young girl that does not cause orgasm; Likewise, it is permissible to see the genitals of a little boy. Marwazi thinks the same about the little boy. Meanwhile, Mutawali said there are two opinions on this issue. The truth is that it is permissible, because Muslims forgive it, both in the past and in the present. The permissibility of

it remains, until he reaches the age of tamyiz and until it is possible for him to cover his awrah from human view. Wallahu a'lam.

فَرْعٌ

ما حكم نظر المرأة إلى الرجل الأجنبي؟ فيه أوجه: أصحها عند الرافعي: أنها تنظر إلى جميع بدنه إلا ما بين سرتة وركبته. الثاني: لا ترى منه إلا ما يرى منها. قال النووي: وهذا هو الأصح عند جماعة، وقطع به صاحب المهذب، وغيره لقوله تعالى: (وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ) [النور: ٣١] ولقوله: أفعمياوان أنتما، ألستما تبصرانه (1) الحديث وهو حديث حسن، والله أعلم.

Meaning: What is the ruling for a woman to look at a foreign man? In this case there are several opinions. The first opinion: according to Rafi'i, the most correct opinion is that he can see all parts of his body except the area between the navel and the knees. Second opinion: women should not look at a man unless he sees it from the woman. Nawawi said, "This is the most correct according to a number of scholars." The writers of Al-Muhadzdzab and others agree with him, based on the words of Allah: *قُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ* Say to the believing woman, Henna They do not hold back their gaze" (An-Nûr [24]: 31) The Prophet said: *"أَفَعْمِيَا وَإِن أَنْتُمَا أَلْسِنْتُمَا تُبْصِرَانِي؟"* "Are you two blind, don't you both see it? 50 (Hasan). Wallahu a'lam.

قال: والثاني نظره إلى زوجته وأمته، فيجوز أن ينظر إلى ما عدا الفرج منهما:

Meaning: (2) His view of his wife and female slaves. In this case it is permissible to see other than the genitals of the two...

يجوز للرجل أن ينظر إلى جميع بدن زوجته، لأنه يجوز له الا الاستمتاع بها. نعم في النظر إلى فرجها وجه، أنه يحرم، لقوله: (النظر إلى الفرج يورث الطمس (1) أي العمى. وقال في العدة) : يولد الولد أعمى، ومنهم من قال: يورث العمى للنظر، والحديث قال ابن الصلاح فيه: ان ابن عدي والبيهقي روياه بإسناد جيد (٢)، والصحيح أنه لا يحرم النظر إلى الفرج، لأنه يجوز له الاستمتاع به، بل هو محل الاستمتاع الأعظم، فالنظر أولى، والخبر إن صح، فمحمول على الكراهة، والنظر إلى باطن الفرج أشد كراهة، ولهذا يكره للإنسان أن ينظر إلى فرجه لغير حاجة، ونظر السيد إلى أمته التي يجوز له الاستمتاع بها، كنظر الزوج إلى زوجته، سواء كانت قنة أو مديرة أو مستولدة، أو عرض مانع قريب الزوال، كالحيض والمرض والرهن، وإن كانت مزوجة أو مكاتبه أو مشتركة بينه وبين غيره، أو محوسية أو وثنية أو مرتدة، حرم نظره إلى ما بين سرتها وركبتها، ولا يحرم ما زاد على الصحيح.

Meaning: A man can see his wife's entire body because he can have fun with her, even though there is an opinion that looking at her genitals is forbidden, based on the words of the Prophet Muhammad (saw) "Seeing the genitals can cause thams."

Thams is blindness. In Al-'Uddah it is stated, "Meaning, 'The child who will be born will be blind.' Some scholars are of the opinion, "It causes blindness to the one who sees it." The hadith was commented by Ibn Shalah, "Ibn Adiy and Baihaqi narrated it with the sanad jayid." The correct opinion is that it is not haram to look at the wife's genitals, because she can have fun with her. A wife's genitals are a real place to have fun, so seeing her is more appropriate to be allowed. If we consider that the hadith is saheeh, then the law of the wife's genitals is only limited to makruh, and seeing the inside of the genitals is more intense. Based on this, it is makruh for a person to see his genitals without need. A master can look upon his slave woman as a husband to his wife. It is the same as being a pure female slave, mudabarah, ummul walad, or hindered by obstacles that will quickly disappear such as menstruation and pawning. If the slave is married, mukatabah, musytarakah between him and another person, a

Magi, an idolatrous, or an apostate, then it is forbidden to look at the area between his navel and his knees; not to the other part, according to the correct opinion.

واعلم أن نظر الزوجة إلى زوجها ، كنظره إليها . وقيل : يجوز نظرها إلى فرجه قطعاً ، ونظر الأمة إلى سيدها كنظره إليها

Meaning: It should be noted that a wife's view of her husband is punished like her husband's view of her. Some think that a wife can see her husband's genitals. A slave's view of her master is judged just as the master's view of herself. Wallahu a'lam.

قال : والثالث : نظره إلى ذوات محارمه أو أمته المزوجة ، فيجوز أن ينظر فيما عدا ما بين السرة والركبة :

Meaning: "(3) his view of his mahrams or female slaves who speak out. He shouldn't look at the part between his belly button and his knees...."

الرجل لا ينظر من محرمه ما بين سرتها وركبتها قطعاً ، لأنه عورة ، وهل له النظر إلى غير ذلك من بدنها ، المذهب : نعم ، لقوله تعالى : (وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِمَوْلَاهِنَّ أَوْ لِأَبَائِهِنَّ) الآية [النور : ٣١] ولأن الحرمة معنى توجب حرمة المناكحة ، فيكونا كالرجلين ، ألا ترى أنه لا ينتقض وضوؤه بلمسها في الأظهر ، وسواء في ذلك المحرم بنسب أو مصاهرة أو رضاع على الصحيح ، وقيل : لا ينظر من محارمه إلا ما يبدو عند المهنة ، وهي الخدمة ، وهل الثدي مما يبدو عند المهنة ؟ فيهو جهان . وكما يجوز للمحرم النظر ، يجوز له الخلوة بمحرمه والمسافرة بها ، وحكم الأمة قد مر والله أعلم .

Meaning: A man should definitely not see the area between his navel and his mahram's knees because it is aurat. Can it involve other than his body? Madzhab Shafi'i states yes, based on the word of Allah... (..."وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا ...") ... Let them not show their ornaments except what is visible to them... (An-No. [24]:31). Because mahram means that it is forbidden to marry each other, so that the two are like two men, it should be noted that the ablution is not void by touching it, according to the strongest opinion. The same is true based on nasah, family relationship with marriage, or breastfeeding; according to the most correct opinion. Some argue that he does not see his mahrams ignoring what they see when working, namely service. Are breasts one of the ones visible at work? In this case there are two opinions. As it is permissible for a mahram to see, he can also be alone with his mahram and safar with him. Meanwhile, the law of a female slave has been explained. Wallahu a'lam.

فُرُوعُ : الْأَوَّلُ

نظر الرجل إلى الرجل جائز في جميع البدن ، إلا ما بين السرة والركبة بلا خلاف ، وكذا يحرم النظر إلى الأمد بشهوة بلا خلاف ، وهو أولى بالتحريم من النظر إلى النساء ، وهذا عند أمن الفتنة ، فإن خشي الافتتان به ، حرم ، وكذا يحرم النظر إلى المحارم بشهوة بلا خلاف ، ومن لم يخف من النظر فتنة ، قال الرافي : لا يحرم ، فإن لم تكن شهوة ، وخاف الفتنة ، حرم على الصحيح ، وهو قول الأكثرين ، قال النووي في غير موضع من شرح المذهب : الصحيح تحريم النظر إلى الأمد مطلقاً ، ونص عليه الشافعي ومعنى مطلقاً ، أي سواء كان بشهوة أو بغير شهوة . نعم شرط في (الروضة) أن يكون حسناً . قلت : الحسن أمر نسبي يختلف باختلاف الطباع ، ولا شك أن الأمد مظنة الفتنة ، كما أن المرأة كذلك ، وإذا كانت الحكمة غير منضبطة ، فالقاعدة إلغاؤها وإناطة الحكم بما ينضبط ، ألا ترى أن المشقة في السفر هي الحكمة في جواز القصر ، فلما لم تكن منضبطة ألغيناها وأنطنا الحكم بالمنظنة ، وهو السفر ، فكذلك ها هنا ، نالوجه المنع مطلقاً ، وكذا أطلقه غير واحد من الأصحاب ، بل نص الشافعي إطلاقه .

Meaning: First: a man's gaze on another man, can be on the whole body except the area between the navel and the knees; when it is safe from fitnah. If he is afraid of slander, then it is forbidden. It is forbidden to see the mahram with orgasm without any dispute. Similarly, it is forbidden to see an amrad man (a young man without a beard) with an orgasm without any disagreement; Seeing Amrad is faster than seeing

women. This is if you look at women not with orgasm and do not cause slander. Rafi'i said, "It is not forbidden." If there is an orgasm and he is afraid of fitnah, then it is haram according to the correct opinion. This is the opinion of most scholars. Nawawi said in Syariyul Muhadzdzab, "The correct opinion is that it is haram to see the absolute amrad." Shafi'i applied it. Absolute here the meaning is the same whether or not it is with orgasm. Although in Ar-Riyada it is required that the amrad should be a handsome person. Wallahu a'lam. I add, "Handsome is a relatively different character; according to the difference in character. There is no doubt that an amrad can be a source of slander as well as a woman. If the wisdom is not accurate, then the rule that must be held is to discard it and associate the law with what is accurate, don't we know that toil while traveling is wisdom about the permissibility of qashar shalar. When the wisdom is felt to be unrealized, we can throw it away and restore the cause of the law to its origin, which is traveling. The same is true here. Another opinion prohibits this absolutely. The same thing has also been said by some madhhab scholars, even Shafi'i." Wallahu a'lam.

الْفَرْعُ الثَّانِي

أن نظر المرأة إلى المرأة ، كنظر الرجل إلى الرجل ، وهذا في نظر المسلمة إلى المسلمة ، وأما نظر الذمية إلى المسلمة ، ففيه خلاف . قال الغزالي : الأصح أنها كالمسلمة ، وقال البغوي : الصحيح المنع . فعلى هذا لا تدخل مع المسلمات إلى الحمام ، وما الذي ترى من المسلمة ، قيل : ترى ما يرى الرجل . وقيل : ما يبدو عند المهنة . قال الرافعي : وهذا أشبه . قال النووي : الصحيح ما صححه البغوي ، وسائر الكافرات كالذمية في هذا ، ذكره العمراني والله أعلم

Meaning: Second: a woman's view of another woman is punished like a man's view of another man if the one who looks at it and who is seen is a Muslimah. As for if a daimi woman is a Muslim woman, there is a dispute. Ghazali said, "The most correct opinion, the law is the same as looking at fellow Muslims" Baghawi said, "The right is forbidden." Based on this, he is not allowed to enter the bathroom together with Muslim women. What can a dzimi woman see from a Muslim woman? Some argue that he should only see what a man sees. Some argue that it is okay to look at anything that looks like when working. Rafi'i said, "This opinion is more similar." Nawawi said, "The correct opinion is as allowed by Baghawi." In this case, all infidel women are punished like dhimi women. This is Imrani's opinion. Wallalau a'lam.

قلت : واحتج البغوي لما قاله بقوله تعالى : (أَوْ يَسَاجِرٍ) [النور : ١٣] وليست الكافرات من نسائهن ، أي من نساء المؤمنات . بل قال الامام العلامة الشيخ عز الدين بن عبد السلام : إن المرأة الفاسقة في ذلك حكمها حكم الذمية ، فيجب على ولاية الأمور منع الذميات والفاسقات من دخول الحمامات مع المحصنات من المؤمنات ، فإن تعذر ذلك لقلّة مبالاة ولاية الأمور بإنكار ذلك ، فلتحتز المؤمنة الحرة عن الكافرة والفاسقة

Meaning: I add, "Baghawi argued when he brought the word of Allah: ... or the women of Isiam...." (An-Nur [24]: 31) Kafir women do not include Muslim women, namely women of faith. Even Imam Izudin bin Abdusalam said, 'A wicked woman is like a dhimi woman, so the rulers are obliged to forbid dzimi women and wicked women to enter the bathroom with believing women who guard her honour. If it can't; Due to the lack of attention of the ruler to deny this, an independent believer should be careful of infidel women and wicked women"

الْفَرْعُ الثَّالِثُ

أنه كل ما لا يجوز النظر إليه متصلاً ، كالذكر وساعد الحرة ، وشعر رأسها ، وقلامة ظفر رجلها ، وشعر عانة الرجل ، وما أشبه ذلك فيحرم النظر إليه بعد الانفصال على الصحيح ، فينبغي لمن حلق عانته ، وكذا المرأة الحرة إن مشطت رأسها أن يواريا ذلك .

Meaning: Third: Every limb that is forbidden to be seen when it is still united with the body, such as dzakar, the forearm of a free woman, the hair of her head, the cut of her toenails, the pubic hair of a man, and the like, the limb is also forbidden to be seen when separated from her body. This is in the most correct opinion.

Therefore, when a person shaves his pubic hair, he should hide his shaving hair. On the other hand, if a woman is free to comb her hair, she should hide her hair loss.

واعلم أنه حيث حرم النظر ، حرم المس بطريق الأولى ، لأنه أبلغ لذة ، فيحرم على الرجل من فخذ الرجل بلا حائل ، فإن كان فوق حائل وخاف فتنة ، حرم أيضاً ، وقد يحرم المس وإن لم يحرم النظر ، فيحرم من المحارم ، حتى يحرم على الشخص مس بطن أمه وظهرها ، وكذلك يحرم عليه أن يكبس ساقها ورجلها ، وكذا يحرم تقبيل وجهها ، قاله القفال ، وكذا لا يجوز للرجل أن يأمر ابنته أو أخته أن تكبس رجله ، ولهذا قال القاضي حسين : العجائز اللاتي يكحلن الرجال يوم عاشوراء (١) مرتكبات الحرام والله أعلم

Meaning: It should be known that what is forbidden to see, is also forbidden to be touched; even the forbidden is greater because the pleasure is also greater. Thus it is forbidden for a man to touch another man's thighs without a hitch. If with a barrier he is afraid of slander, then it is also forbidden. Sometimes touching it is forbidden even if you don't see; So it is forbidden to touch the mahrams. To the point that an unlawful man touches his mother's stomach and back. Similarly, it is forbidden to massage the thighs and legs of the mother. It is forbidden to kiss his face. Qafal said, "Similarly, it is not permissible for a man to order his daughter or sister to massage his feet." Based on this, Qadhi Husayn said, "The grandmothers who molested the men on the day of Ashura did what was unlawful." Wallahu a'lam.

الفَرْعُ الرَّابِعُ

يحرم على الرجل أن يضاجع الرجل ، وكذا يحرم على المرأة أن تضاجع المرأة في فراش واحد ، وإن كان كل واحد منهما في جانب الفراش ، كذا أطلقه الرافعي ، وتبعه النووي على ذلك في الروضة) ، وقيد النووي التحريم في شرح مسلم ، بما إذا كانا عازبين ، وهذا القيد صرح به القاضي حسين والهروي وغيرهما ، وقد ورد في بعض الروايات ذلك ، وإذا بلغ الصبي والصبية عشر سنين ، وجب التفريق بينه وبين أمه وأبيه وأخته وأخيه في المضجع للنصوص الواردة في ذلك والله أعلم

Meaning: Fourth: a man is forbidden to sleep with another man. Similarly, it is forbidden for fellow women to sleep together on the same bed, even if each is on a different side. This is what Rafi'i stipulated and Nawawi followed in Ar-Raudhah. Nawawi attributed his haram in Muslim Syarh if the two were not married. This association is clearly stated by Qadhi Husain, Harawi, and others. There are several histories that mention it. When the young son and daughter are ten years old: it is obligatory to separate him from his mother, father, sister, and brother in bed. This is based on the narration of the narration. Wallahu a'lam.

قال : والرابع : النظر لأجل النكاح ، فيجوز إلى الوجه والكفين :

"... (4) looking at the purpose of marriage. Here it is possible to see the face and palms of the hands....."

تقدم أن النظر قد لا تدعو إليه الحاجة ، وقد تمس الحاجة إليه ، وقد مضى الضرب الأول .

الضرب الثاني : ما تمس الحاجة إليه ، والحاجة أمور ، منها قصد النكاح ، فإذا أراد الرجل أن يتزوج امرأة ، ورغب في نكاحها ، فلا شك في جواز النظر إليها ، وهل يستحب لئلا يندم ، لأن النكاح يراد به الدوام أو يباح ؟ الصحيح أنه يستحب ، لقوله عليه الصلاة والسلام للمغيرة بن شعبة : (انظر ، فإنه أحرى أن يؤدم بينكما (1)) رواه النسائي وابن ماجه وحسنه الترمذي وصححه ابن حبان والحاكم وقال : إنه على شرط الشيخين ، وغيره من الأخبار ، ويجوز تكرير النظر لئلا يندم له ، وسواء نظر بإذنها أو بغير إذنها ، فإن لم يتيسر له ، بعث امرأة تتأملها وتصفها ، لأنه عليه الصلاة والسلام بعث أم سليم إلى امرأة وقال : (انظري إلى عرقوبها وشمي معافها (٢)) والمرأة أيضاً إذا رغبت في نكاح رجل ، تنظر إليه ، فإنه يعجبها منه ما يعجبه منها . قاله عمر رضي الله عنه . ثم المنظور إليه الوجه والكفان ظهراً وطناً ، ولا ينظر إلى غير ذلك . وفي وجه ينظر إليها كنظر الرجل إلى الرجل ، وهذا النظر مباح ، وإن خافا فتنة لغرض التزويج . ووقت النظر بعد العزم على نكاحها وقبل الخطبة ، لئلا يتركها بعد الخطبة فيؤذيها . هذا هو الصحيح . وقيل : ينظر حين يأذن في عقد نكاحها . وقيل : عند ركون كل واحد إلى صاحبه ، وإذا نظر ولم تعجبه ، فليست ، ولا يقول : إني لا أريدها لأنه إيذاء والله أعلم .

Meaning: It has been stated that looking sometimes occurs without a need and sometimes with a need. An example of the first thing has been put forward, while the second example is if there is a need to see. There are several wishes, among which is the desire to get married. If a man wants to marry a woman and is happy to marry her, there is no doubt that he can see the woman he is going to marry. Is this sunnah, with the excuse that he will not regret it later and his marriage can last or is it just a matter of being reconciled? The correct opinion is sunnah. The Prophet said to Mughirah bin Shu'bah: "انظر فأبىه أحرى أن يؤدم بينكما" Behold, for it will further perpetuate the relationship between the two of you." (HR. Nasa'i dan Ibnu Majah)

The hadith was hasanated by Tirmidhi and saheeh by Ibn Hiban and Hakim. He said, "The above hadith meets the requirements of Shaykhini" And many other hadiths. He may see it several times to make it clearer, whether he sees it with or without his permission. If he does not have the ease of seeing it then he can send a woman who can observe and describe it for him. As the Prophet once sent um Sulaim to a woman and she said, "Look at her eyebrows and kiss both sides of her neck." A woman when she wants to marry a man, she should look at the man, so that the woman feels admiration for him as the man admires her, Umar's words are seen are the face and the inner palms and the backs of his hands, It can't see anything else. In one opinion, it is only possible to look at the woman as a man sees his neighbor. The ruling here is mubah, even though both are afraid of fitnah, because of the purpose of marriage. As for when he is allowed to see it, there are several opinions. Some argue that the time is after he is determined to marry her. There are those who argue that when proposing, so that is not to leave the woman after the proposal so that it hurts her. This is the correct opinion. Some argue that he can see when he has been allowed to perform a marriage contract against him. Some argue that when each party has leaned towards the other. When he had seen her and she was not impressed by him; he should be quiet and not say, "I don't want it" because it can hurt the woman. Wallahu a'lam.

قال : والخامس : النظر للمداواة ، فيجوز إلى المواضع التي يحتاج إليها :

(5) Looking at the purpose of treatment. This is allowed on the necessary parts of the body...."

من مواضع الحاجة النظر إلى المرأة الأجنبية ، لاحتياجها إلى القصد والحجامة ومعالجة العلة ، لأن أم سلمة رضي الله عنها استأذنت رسول الله ﷺ في الحجامة ، فأمر النبي ﷺ أبا طيبة أن يحجمها (٣) رواه مسلم . وليكن ذلك بحضرة محرم ، أو زوج ، خشية الخلوة ، بشرط أن لا تكون هناك امرأة تعالجها ، وكذلك يشترط في معالجة المرأة الرجل أن لا يكون هناك رجل ، قال الزبيري والرواياني : قال النووي ، وهو الأصح ، وبه قطع القاضي حسين والمتولي ، قالوا : والأولى أن لا يكون ذمياً مع وجود مسلم .

واعلم أن أصل الحاجة كافي في النظر إلى الوجه واليدين ، وفي النظر إلى بقية الأعضاء يعتبر تأكيد الحاجة ، وفي النظر إلى السوءتين يعتبر مزيد تأكيد الحاجة ، قال الغزالي : وذلك بأن تكون الحاجة بحيث لا يعد الكشف بسببها هتكاً للمرأة وتعذراً في العادة والله أعلم .

Meaning: Including the necessary body parts is to see a foreign woman for the purpose of removing her blood, cupping her, and treating her illness. Um Salamah (as) asked the Prophet for permission to cuddle, then the Prophet ordered Abu Thabibah to cupping her, (HR. Muslim). It should be done in the presence of the mahram or husband: so that there is no khalwat. On the condition that at that time there were no women who could give treatment to him. Similarly, it is required in the treatment of a woman to a man if at that time there is no man who can give treatment to her. This is the opinion of Zubaidi and Ruyani. Nawawi said, "This is the most correct opinion. Qadhi Husain and Mutawali agreed with him. They said, "The main thing is that he should not be a dzimi if there is a Muslim". Please note that the law of origin of necessity is sufficient to see the face and both hands. Meanwhile, seeing other limbs is allowed if it is really needed. Look at the abdomen and anus if it is needed for the purpose of treatment. Ghazali said, "The need to reveal the awrah should not cross the limit that is considered to be able to damage the authority and according to custom is uduh." Wallahu a'lam.

قال : والسادس : النظر للشهادة والمعاملة ، فيجوز إلى الوجه خاصة :

(6) looking to testify and muamalah. Here you can only look at the face...."

من مواضع الحاجة جواز النظر إلى ثدي المرأة المرضعة ، لأجل الشهادة على الرضاع ، وكذا النظر إلى فرجها ، لأجل الشهادة على الولادة ، وكذا النظر إلى فرج الزانين ، لأجل الشهادة عليهما ، لأن الحاجة تدعو إلى ذلك . وقيل : لا يجوز كل ذلك ، لأن الزنا مندوب إلى ستره . والولادة والرضاع بشهادة النساء مقبولة فيهما .

والصحيح الأول ، لأنه بالزنا هتك حرمة الشرع ، فجاز أن تهتك حرمة ، وأما الرضاع والولادة ، ففي الجواب عنهما وقفة ، وكما يجوز النظر لهذه الأمور ، كذا يجوز النظر لأجل المعاملة ، لأن الحاجة قد تدعو إلى ذلك ، وتقبيد الشيخ بالوجه فقط ، لأن الحاجة به تندفع والباقي ممنوع منه ، فبقي على أصله والله أعلم

Meaning: Included in the condition needed is to see the breasts of a breastfeeding woman for a testimony of breastfeeding. Looking at his genitals for a testimony of the birth. Seeing the genitals of two adulterous people for the testimony of both because it is needed. Some argue that all of this is not allowed, because adultery is condemned to be covered. Meanwhile, the testimony of two women on birth and breastfeeding was accepted. The correct is the first opinion, which is allowed. Because when he commits adultery, it means that he has violated the haram of the Shari'a, so his honor can also be violated. As for breastfeeding and birth, the answer needs to be reviewed. As it is permissible to see in these matters, so it is permissible to look for the purpose of muamalah because it is necessary. The association of the

Shaykh with the face alone because it has fulfilled the needs and the rest is forbidden so that it remains above the law of origin. Wallahu Alam.

قال : والسابع : النظر إلى الأمة عند ابتاعها ، فيجوز إلى الموضع الذي يحتاج إليه في تلقيها :

(7) Looking at the female slave when buying it, it is permissible to see the part that is the cause when releasing it."

مِنْ مَوَاضِعِ الْحَاجَةِ النَّظَرِ لِأَجْلِ الشَّرَاءِ ، وَقَدْ ذَكَرْنَاهُ فِي الْبَيْعِ فَرَأَيْتُمْ

Including the need is to look for the purpose of buying. We have already mentioned it in the sale and purchase discussion, please refer back.

Legal analysis of men viewing women

In analyzing the law of seeing women for men, of course we need to express the opinions of scholars on the limitations of women's aurah, because abilities or prohibitions are closely related to women's aurah. In daily life, we find a lot of people's views around looking at the face of a woman who is not a mahram, starting from those who allow it, to absolutely forbidding it by relying on the evidence in the hadith narrated by Muslim which reads:

عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ، قَالَ: سَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ نَظَرِ الْفُجَاءَةِ فَأَمَرَنِي أَنْ أَصْرِفَ بَصَرِي

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So what really needs to be understood is to see a woman accidentally here? Face or the whole body? If you look at the hadith information, Imam Nawawi explained in his book Sahih Muslim:

وَفِي هَذَا حُجَّةٌ أَنَّهُ لَا يَجِبُ عَلَى الْمَرْأَةِ أَنْ تَسْتُرَ وَجْهَهَا فِي طَرِيقِهَا وَإِنَّمَا ذَلِكَ سُنَّةٌ مُسْتَحَبَّةٌ لَهَا وَيَجِبُ عَلَى الرَّجَالِ غَضُّ الْبَصَرِ عَنْهَا فِي جَمِيعِ الْأَحْوَالِ إِلَّا لِعَرَضٍ صَحِيحٍ شَرْعِيٍّ

Meaning: And in this case it is an argument that it is not obligatory for a woman to cover her face while on the road, but it is limited to the sunnah that is preferred for women, and it is obligatory for a man to limit his gaze from women in everything except for the right intentions in the Shari'a.²¹

So if you want to talk more about looking at the face, what should be discussed is about the limits of women's aura. From this benchmark, we see how the opinions of madhhab scholars are related to seeing women's faces. In the books of fiqh, scholars generally agree that the awrah of a woman in front of a non-mahram is her entire body except for her face and palms:

²⁰ Ensiklopedi Hadits kitab 9 imam. Versi 10.0, Pustaka Hadits, 2024, diakses tanggal 05 November 2025 melalui aplikasi

²¹ Muhyiddin bin Yahya bin Syaraf An Nawawi. *Syarhu-n-Nawawi Ala Muslim*. Juz 14. hal 139

واتفق على أن جسم المرأة كله عورة بالنسبة للرجل الأجنبي عدا الوجه والكفين؛ لأن المرأة تحتاج إلى المعاملة مع الرجال وإلى الأخذ والعطاء

Meaning: And all scholars agree that the entire body of a woman is the awrah in front of the man who is not her mahram other than her face and both palms, because women also need muamalah with men and also transactions such as taking and giving.²²

In this case, the author will express the opinions of scholars among scholars of the madhhab;

a. Madzhab Al Hanafiah

Ibn Hummam in his book Fathul Qodir said:

ولا يجوز أن ينظر الرجل إلى الأجنبية إلا وجهها وكفيها، لقوله تعالى في سورة النور 31: ولا يبدن زينتهن إلا ما ظهر منه
And it is forbidden for men to look at women who are not his mahram except her face and the palms of her hands, according to the Word of Allah in Surah An nur verse 31: {And they should not reveal her ornaments, except what is visible to her.}

Similarly, in the book Al Ikhtiyar li ta'lilil mukhtar by Imam Abdullah bin Mahmud bin Maudu Al Mushili it is said that:

ولا ينظر إلى الحرة الأجنبية إلا إلى الوجه والكفين إن لم يخف الشهوة، فإن خاف الشهوة لا يجوز إلا للحاكم والشاهد، ولا يجوز أن يمسه ذلك وإن أمن الشهوة

Meaning: And it is not permissible (for men) to look at a free woman who is not his mahram except on her face and the palm of her hand if he is not afraid of her orgasm appearing, if it is feared that her orgasm will appear, it is forbidden except for judges and witnesses, and it is forbidden to touch her even if her orgasm is still maintained.²³

In this madzhab, there are provisions related to seeing a woman's face, namely if it is feared that orgasm will appear, then it is forbidden for men to look at the woman's face.

b. Madzhab Malikiyyah

In the book of Syarh Mukhtashor Khalil it is said that:

أن عورة الحرة مع الرجل الأجنبي جميع بدنها ما عدا الوجه والكفين ظاهرهما وباطنهما فيجوز النظر لهما بلا لذة ولا خشية فتنة من غير عذر ولو شابة

Meaning: Indeed, the awrah of an independent woman towards a man who is not her mahram is his whole body apart from the face and the two palms of either the back or the inner palms, so it is permissible to look at both without the intention of enjoying (orgasm) and without fear of fitnah and without udzur even to young people.²⁴

²² Wizaratul awqaf wa syu'un al Islamiyyah. Al Mausua'ah al Fiqhiyyah Al Kuwaitiyyah. Juz 31. hal 44

²³ Abdullah bin Mahmud bin Maudu Al Mushili. Al Ikhtiyar li ta'lilil mukhtar. Juz 4 / p. 156

²⁴ Muhammad Bin Abdilllah Al-Khursyi Al Maliki. Syarhu Mukhtashar Al Khalil. Juz 1/hal 247

The same is true in the hasyiyah written by Imam As-Shawi al Maliki:

وَعَوْرَةُ الْحُرَّةِ مَعَ رَجُلٍ أَجْنَبِيٍّ: مِنْهَا أَيُّ لَيْسَ بِمَحْرَمٍ لَهَا جَمِيعُ الْبَدَنِ عِزُّ الْوَجْهِ وَالْكَفَّيْنِ: وَأَمَّا هُمَا فَلَيْسَا بِعَوْرَةٍ. وَإِنْ وَجِبَ عَلَيْهَا سِتْرُهُمَا لِحُوفِ فِتْنَةٍ

Meaning: and the aurat of a woman is independent of a man who is not her mahram: from her or from that who is not mahram for her is all the body except the face and the palms of the hands. And both are not part of the aurat, even though it is obligatory for them to be closed if it is feared that there will be slander.²⁵

c. Madzhab Syafi'iyah

Imam Shafi'i himself in Al-Umm said that:

وكل المرأة عورة، إلا كفيها ووجهها. وظهر قدميها عورة

Meaning: And every woman is awrah except for her two palms and her face.²⁶

Imam Ibn Hajar Al Haitami in his tuhfatul Muhtaj said:

وعورة الحرة ولو غير مميزة والخنثى الحر ما سوى الوجه والكفين ظهرهما وبطنهما إلى الكوعين

Meaning: And the awrah of an independent woman, even though she is not mumayyiz (not able to distinguish between good and bad) and the free sissy, is in addition to the face and two palms of the hands, either the back of the hand or the inner palm to the elbow.²⁷

d. Madzhab Al Hanabilah

In the book Al inshaf fi Ma'rifati rajih minal khilaf, Imam Al Mardawi said:

والحرة كلها عورة، حتى ظفرها وشعرها، إلا الوجه، الصحيح من المذهب أن الوجه ليس بعورة. وعليه الأصحاب. وحكاة القاضي إجماعاً. وعنه الوجه عورة أيضاً. قال الزركشي: أطلق الإمام أحمد القول بأن جميعها عورة، وهو محمول على ما عدا الوجه، أو على غير الصلاة.

Meaning: And a free woman whose whole body is awrah even down to her nails and hair, except for the face. And it is most true in madhhab (Hanbali) that the face is not aurat, and neither are the companions (of madhhab Hanabilah). And this is what Qadi said in ijma. And even a little from it it is said that the face is part of the aurat. Zarkashi said: Imam Ahmad established that his whole body is aurat, and it consists of everything except the face, or outside the prayer.²⁸

e. Statement in the Fiqh Council of the OIC (Organization of the Islamic Conference)

It turns out that the information written in the OIC's majma' fiqih magazine in Jeddah is similar, it reads:

إن حجاب المرأة المسلمة عند جمهور العلماء هو ستر جميع بدنها عدا الوجه والكفين إذا لم تخش فتنة فإن خيفت فتنة واجب سترهما أيضاً.

²⁵ As-Shawi Al Maliki. Hasyiatu-s-Shawi 'ala Syarhi Shogir. Juz 1/ hal 482

²⁶ Imam As-Syafi'i. Al umm. Juz 1/ Hal 109

²⁷ Ibnu Hajar Al-Haitami. Tuhfatul Muhtaj fi syarhil minhaj. Juz 2/ hal 112

²⁸ Al Mardawi Ad Dimasyqi Al Hambali. Al Inshaf fi Ma'rifati rajih minal Khilaf. Juz 1 / Hal 452

Meaning: Actually, the hijab of a Muslim woman according to a number of scholars is to cover her entire body except the face and palms if there is no concern about the occurrence of fitnah, then if it is feared that it will happen, it is obligatory for her to cover her face and palms as well.

From the opinion of scholars in punishing the limits of this aurat, correlated with the previous discussion of the book *kifayatu Al-Akhyar*, the author concludes that seeing a woman's face is okay because everyone agrees that a woman's face is not an awrah and covering it is sunnah. However, this must still be addressed with the condition that it is forbidden to see it deliberately to satisfy lust and without any interest. This benchmark is used as the basis of groups or scholars who prohibit men from seeing women's faces, namely in order to avoid slander and to suppress lust. *Wallahu A'lam Bishhowab.*

IV. Conclusion

Based on the results of a study of the *Kitab Kifayatu al-Akhyar* by Imam Taqiyuddin al-Husaini, it can be concluded that the law of men looking at women in the perspective of Shafi'iyah jurisprudence has very detailed, systematic, and oriented provisions to protect honor and prevent slander. Imam al-Husayn divides men's views of women into several categories of law by considering the elements of necessity (*ḥājah*), the potential for orgasm, and the possibility of fitnah. The basic principle that is emphasized is that seeing *ajnabiyah* women without a need that is justified by the law is haram, including seeing the face and palms according to the strongest opinion in the Shafi'i madhhab, especially if it is feared that it will cause fitnah.

The *Kifayatu al-Akhyar* also shows the flexibility of Islamic law in certain contexts, such as the permissibility of seeing women for the purposes of marriage, medicine, muamalah, and other shari'i needs, with strict and proportionate restrictions. Similarly, the discussion of views on mahrams, wives, slaves, children, same-sex couples, and other special conditions confirms that the law of views does not stand rigidly, but is always associated with *maqāṣid al-syarī'ah*, which is to protect religion, honor, and heredity. Imam al-Husayn consistently associated each law with the postulates of the Qur'an, hadith, *ijma'*, and *qiyas*, while also showing a critical attitude towards the differences of opinion of scholars.

Thus, the thought of Imam Taqiyuddin al-Husaini in *Kifayatu al-Akhyar* makes an important contribution to the treasures of Islamic jurisprudence, especially related to the ethics of views and interactions between men and women. A comprehensive understanding of this concept is expected to be able to become a practical guideline for Muslims in maintaining their views, controlling orgasm, and building a moral social life in accordance with Islamic sharia values in the midst of the dynamics of modern life.

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