

Exploring The Islamic Concept of Al-Laquit (Abandoned Children Without Document / Foundling) According to Syeikh Daud Bin Abdullah Al-Fatani In The Manuscript Of “Sullam Al-Mubtadi”

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Abstract

The impacts of war, natural disasters like tsunamis and large floods, sinking of illegal immigrant boats and ships in the ocean, social problems, and the lack of education, especially in third-world countries have given rise to the number of abandoned or dumped children without documents who are known as foundlings. In this regard, these children are considered as children 'found' or picked up from the street as their, their parents and their next of kin's names are unknown due to the lack of identification, documentation or possessions with them when they were found. They are known as (Al-Laquit) in Islam. This study aims to study the definition & term of Al-Laquit (abandoned children or foundling) from the perspective of the jurisprudence and the views of the 4 schools of madhabs as well as a "comparison" of debate of Al-Laquit as written by Sheikh Daud Bin Abdullah Al-Fatani in his book "Sullam Al-Mubtadi". Qualitative methodology based on literature review is applied to detail this matter. The findings and out-comes of this study revealed that Sheikh Daud Bin Abdullah Al-Fatani explained the concept of Al-Laquit in his work based on Shariah.

Keywords: Foundling, Al-Laquit, Abandoned Children, Abandoned Infant, Sullam Al-Mubtadi

INTRODUCTION

The issue of found children or foundling needs to be given serious attention by all parties (Taha & Anabtawi, 2024) to ensure that these children's right to life and welfare is preserved (Svoboda, 2023), so that they can live a better life in the future. The lack of attention given to foundling children will expose them to various difficulties in life, such as anxiety, unaddressed trauma, emotional dysregulation, or developmental delay (Child, 2020). Moreover, abandoned children face threats to their future, and they are at risk of dying as a result of being abandoned by a guardian (Damaskopoulou et al. 2023). Islam is concerned about the problem of children found without identification documents (foundling), known as "Al-Laquit".

Sheikh Daud al-Fatani's manuscript, Sullam al-Mubtadi, discusses the issue of foundling children (Daud bin Abdullah al-Fatani, n.d). In this light, the issue of foundling occurs in the lives of all mankind beyond the boundaries of religion (Child, 2020), and the Muslim community is also not exempted from this problem (O'Halloran, 2021). The problem of foundling children does not only occur among Muslims in Southeast Asia, but also occurs in the Muslim community around the world (Mouftah, 2020)(Wagner et al. 2022). In the Islamic scholarly tradition, the foundling children debate is known as Al-Laquit. Among the reasons for the occurrence of this Al-Laquit problem are the consequences of war (Denov & Piolanti 2021)(Mitreuter et al. 2019), natural disasters (Bonnerjea, 1994), and sexual crimes (Mutsonziwa et al. 2020).

This study uses qualitative aspects through philology & transliteration methods to explain all issues and facts. Therefore, the purpose of writing this paper is to discuss the problem of al-laquit (foundling) by bringing the views of authoritative scholars in Islam and then focusing the discussion by referring to the views of Sheikh Daud al-Fatani in his book Sullam al-Mubtadi.

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LITERATURE REVIEW

Definition & Term Of Al-Laquit (Foundling) Based On Hukamak' (Philosophical) Opinions And Jurisdiction From 'Fuqaha' (Scholars) Of The 4 Madhhab

According to Mu'jam al-Sihah (Al-Jawhari, 2007):

اللقيط : المنبوذ

Translation: (Al- Laquit is synonymous with Al-Manbuz, which means unwanted/ abandoned child/ foundling)

According to Mu'jam Lughah al-Fuqaha (Qal'aji and Sadiq, 1996):

اللقيط : وهو الأدمي الصغير المأخوذ من الطريق ونحوه ولا يعرف أبوه، ولا أم

Translation: (Al-Laquit: A child taken in from the street or the like whose parentage is unknown).

A Hanafi scholar in his book Hashiyah Radd Al-Mukhtar 'Ala Al-Dar Al-Mukhtar Sharh (Ibn 'Abidin, 1995) opined that:

اسم لحي مولود طرحه أهله خوفا من العيلة أو فرارا من تهمة الريبة

Translation: (A living child abandoned by his family for fear of poverty or to save themselves from the accusation of adultery).

This opinion alligns with other Hanafi scholars, including Imam al-Sarkhasi (Imam Muhammad Bin Ahmad Bin Abi Sahl al-Sarkhasi) in his book Al-Mabsut :

في المبسوط، اللقيط لغة إثم لشيء موجود، فعيل بمعنى مفعول كالقتيل والجريح بمعنى المقتول والجروح. وفي الشريعة اسم لحي مولود طرحه أهله خوفا من العيلة أو فرارا من تهمة الريبة

Translation: In the book Al-Mabsut, unwanted/ abandoned children /foundling (اللقيط) linguistically refers to the wazan(arabic grammar) of فعيل but means مفعول as in قتل and جريح, in reference to مقتول and مجروح which is defined in the Islamic Shariah law as “A term for a living child abandoned by his family, for fear of poverty or to protect themselves from adultery accusations.” (Al-Sarkhasi, 1993)

Imam Abi Abdullah Muhammad Al-Ansori Ar-Roso' a Maliki scholar in his book Syarah Hudud Ibn Arafah (Ar-Roso', 1993), defined Al-Laquit as

صغير ادمي لم يعرف أبوه ولا رقه

Translation: A child whose parents and independence status are unknown.

Similarly, another Maliki scholar, Imam Ibn Al-Hajib, provides an almost similar definition in his book Jami' Al-Ummahat (Ibnu Al-Hajib, 1998):

طفل ضائع لا كافل له

Translation: An abandoned child with no guardian.

Morevoer, Imam Albahuti (Imam Mansur Ibn Yunus al-Bahuti), a Hanbali scholar in the book Al-Rawd Al-Murbi' Sharh Zād Al- Mustaqni (Al-Bahuti, 2008) defined al-Laquit as:

طفل لا يعرف نسبه ولا رقه نبذ أو ضل عن الطريق ما بين ولادته إلى سن التمييز

Translation: A child whose relatives and descendants are unknown, stranded, or abandoned on the streets from newborn to mummyz.

Imam Sharbini, a Syafie scholar in the book Mughni Al-Muhtaj Ila Ma'rifat Ma'ani Alfaz

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Al-Minhaj (Al-Sharbini, 1994), mentioned that Al-Laqit is also known as Al-Manbuz and provided this definition:

صغير منبوذ في شارع أو مسجد أو نحو ذلك لا كافل له معلوم

Translation: A child left on the street, mosque, or similar, without knowing who the guardian is.

Other Syafie scholars also shared their definition of Al-Laqit, for instance in the book Fiqh al-Manhaji Ala Mazhab Al-Imam As-Syafie (Al-Khin et al. 2017):

اللقيط : على وزن فعيل، بمعنى مفعول : كقتيل بمعنى مقتول. وللقيط والملقوط والمنبوذ : أسماء تطلق على الطفل الموجود مطروحا في شارع ونحوه ، وليس ثمة من يدعيه

Translation: An abandoned/ unwanted child or foundling (اللقيط), which linguistically refers to the wazan(arabic grammar) of فعيل which means مفعول, as reflected in the term قتل about مقتول, which is defined as "Al-Laqit/Malqut/Al-Manbuz". A name given to a child found lying in the street, and no one claims him/her (in reference to an unclaimed child left on the street).

Similarly, Dr Wahbah al-Zuhaili (Al-Zuhayli, 2004), defined the term Al-Laqit as:

هو الطفل المفقود المطروح على الأرض عادة، خوفا من مسؤولية إعالته، أو فرارا من تهمة الريبة أو ألزنا
فلا يعرف أبوه ولا أمه أو لسبب آخر

Translation: Laqit is a lost child or abandoned in a specific area for fear of the responsibility of taking care of the child, to save (the parents) from adultery accusations or other causes which cause his father or mother to be unknown.

Ibn Rushd (2004), in his book Bidayatul Mujtahid, defined Al-Laqit as a non-pubescent child found without any indication of his origin, parents or family members. Similarly, according to Sayyid Sabiq in his book Fiqh Sunnah, Al-Laqit is a child who has yet to reach puberty, found or lost on the street, and whose family identity is unknown Sayyid Sabiq (1995). At the same time, Al-laqit refers to mentally unsound individuals whom no one wants to care for due to their high treatment cost (Al-Ansari, 2014).

Jomana Talal Bima's PhD dissertation defined "Laqet" as the orphaned child with unknown parents, or a foundling (Bima, 2023). Muslims believe that caring for orphans is a noble endeavor that brings rewards. Prophet Muhammad emphasized to take care of the interests of orphans and there are many sources of Hadith giving encouragement to help them.

The Al-Laqit can be categorised into three; the first category is an Al-Laqit stranded and separated from his family due to natural disasters like tsunamis, hurricanes, major floods, earthquakes or incidents like accidents and fires. This Al-Laqit is likely a legitimate child, but due to the incident, no family has come forward to claim him as their child, leaving him abandoned on the street. This could occur if the whole family is missing after being swept away by a tsunami. In this regard, the child is considered to have unknown ancestry. The second category is Al-Laqit, born out of wedlock, who is shunned to avoid the burden of shame. The third category is a child abandoned by his family as he was born from rape, and his origin was unknown when found (Alias, 2011). From these categories, it can be summarised that Al-Laqit is a child of unknown origin, and he could either be born legitimately or illegitimately. However, his parentage cannot be confirmed as his family's identity is unknown (Noor, 2019).

According to Islamic law, a legitimate child is born from legal marriage with a legal aqad bond. As gazetted in the Federal Territory Fatwa on 2 January 2001, a legitimate child is born more than 6 Qamariah months from

his parent's marriage. This means that a child born less than 6 Qamariah months after marriage is considered illegitimate. Meanwhile, an illegitimate child is defined as a child born outside of wedlock, either due to adultery or rape and is not born from syubhah intercourse nor a child of enslaved people (Jakim, 2015). This is very different from Al-Laquit as Al-laquit has an unknown status. Whether he was born out of a legal marriage according to the syarak, out of wedlock, or from a syubhah relationship cannot be determined. Therefore, Al-Laquit cannot be categorized as a legitimate or illegitimate child because his parents and origin are unknown. Thus, al-Laquit is considered a free child whose parentage cannot be claimed by anyone, as his family's lineage cannot be determined. This is different from an illegitimate child who can take on the nasab (lineage) of his mother.

DISCUSSION

Al-Laquit (Foundling) & General Comparison For Citizenship Issues:

According to Torgersson (2023), foundlings have been defined in the 1961 Convention on the Reduction of Statelessness (by UNHCR) article 2 as well as the European Convention on Nationality (ECN) article 6(1)(b). In the ECN's Explanatory Report, the Council of Europe (CoE) defines foundlings as "newborn infants discovered abandoned in a State's territory with no known nationality or parentage who would be stateless if this concept were not followed."

The principle of caring for the welfare of foundling or al-laquit is the basis of Islamic law as well as the provisions of the law in Malaysia to protect these children. Based on the law Islam and civil law, early protection of these children is located in the field of government duties. In Malaysia, the responsibility to give protection to this al-laquit will move to the adoptive mother and adoptive father, or if al-laquit is not chosen as an adopted child by any party, then the government through the Social Welfare Department Malaysia (Jabatan Kebajikan Masyarakat) continues to support and nurture these children until they reach an age where they can live independently. Legal provisions regarding physical custody status, alimony, and self-identity, such as lineage, naming, and citizenship a form of guarantee of rights given to al-laquit. Nevertheless, issues related to al-laquit in Malaysia should be given attention, for example such as religious status of the two al-laquit found in countries where most of the population are Muslims. This is because contrary to what determined in Islam, they are not automatically considered Muslims and their religious status is not recorded in the birth certificate. Likewise, found children, except for newborns, will face the risk of being "stateless" and unable to enjoy privileges for Malaysian citizens (Noor, 2019).

METHODS

This study used qualitative methodology specifically library research. It utilised the literature review method, philology method & transliteration method involving literature studies through data analysis from scientific works, religious books, academic training, articles, dissertations, theses and adapting philology method & transliteration method in describing and detailing the core of the two primary sources of the main material of the study, namely the original manuscript of Sullam Al-Mubtadi's book and the current printing book for the manuscript as the main reference. Philology is a science that studies the culture (including literature) of the past through ancient manuscripts (Zaidun, 2017).

The word philology (English: Philology) itself is actually taken from the Greek language *φιλολογία* (read: philologia), which means "love words/language" (Hamzah, 2017). In Arabic, Philology is the science of "Tahqiq alNus" Al-Zamakhshariy, for example, mentioned in the book "Asas al-Balaghah" by expressing as follows: "Tahqiq of a text or text is to see the extent to confirming something is true so that it is believed to be true (Hanafi, 2020). Philology in the Islamic world is known as Tahqiq (Almakki, 2018). Linguistically, tahqiq means tashih (justifying) and ihkam (straightening). From the terminology perspective, it denotes forming texts under tahqiq conforming to the author's expectations, in terms of language and meaning.

Transliteration is a process of rewriting words from one form of written script to another while maintaining their pronunciation (Che Wan Ahmad et al. 2012). As most old Malay manuscripts were written in the Jawi script, transliteration in this study involved rewriting words written in Arabic or Jawi scripts to Roman scripts.

Transliteration allows readers who cannot read the Jawi script to read it in the roman scripts and understand its content (Mahbob & Juhaida 2021). This study used the literature review method was used to examine research findings while the philological methods in "Tahqiq" (adjusting words that are difficult to understand in Arabic & jawi scripts to match the actual meaning of the writing) as well as applying the transliteration method by changing the Arabic and Jawi words found in the manuscript to Rumi writing to make the arguments in the manuscript easy to understand.

The original manuscript of Sullam Al-Mubtadi, written by Syeikh Daud Bin Abdullah Al-fatani, a great scholar in the Malay archipelago, is still stored in the Malay Manuscript Center at the National Library of Malaysia and can be referred to today. Copies of the original manuscript are still sold and easily available. Among the editions of the Sullam Al-Mubtadi that are still published today are listed in Table 1 below:

Table 1: Name of the Current Publishing Company for the Book of Sullam Al-Mubtadi Written by Sheikh Daud Bin Abdullah Al-Fatani

Book Name	Publisher Name
Sullam Al-Mubtadi	Percetakan Al-Mu'arif Sdn Bhd (Pulau Pinang)
Sullam Al-Mubtadi	Percetakan Ibn Halabi (Patani, Thailand)
Sullam Al-Mubtadi	Percetakan Muhammad Al-Nahdi Wa Awladuh (Bangkok, Thailand)
Sullam Al-Mubtadi	Percetakan Sulayman Mar'ic (Surabaya & Singapore)

Table 1 above lists the published editions for the original manuscript of Sullam Al-Mubtadi written by Sheikh Daud Bin Abdullah Al-Fatani. These editions, which have the same content, are still used for teaching in various Asian countries, especially in Malaysia, Thailand, Indonesia & Singapore. In this study, the researcher chose Sullam Al-Mubtadi published by Percetakan Al-Mu'arif Sdn Bhd (Penang) as the main reference because it is very easy to find in Malaysia. This book is still used in "tafaqquh fiddin" classes as part of the fardhu ain lessons in pondoks, suraus, and mosques.

RESULTS

Debate On The Law Of Al-Laquit As Written By Syeikh Daud Bin Abdullah Al-Fatani in His Book "Sullam Al-Mubtadi":

The book "Sullam Al-Mubtadi" is one of the most famous works of Syeikh Daud bin Ab-dullah Al Fatani. He is known as an icon of the community and a prominent Malay scholar. He was one of the figures who steered the spread of Islamic agenda in the Malay archipelago at the end of the 18th century and early 19th century (Ghazali, 2011).

Sullam al-Mubtadi presents simple but comprehensive discussions on fiqh. It is the only book with comprehensive input on Fiqh. Syeikh Daud Al-Fatani covered all four parts of the fiqh ruling worship, muamalah, munakahat and crime (Shamsuddin et al. 2020), comprising the entire fiqh debate.

Figure 1 below, shows the complete excerpt of the original section of "Al-Laquit" as contained in the book "Sullam Al-Mubtadi" printed by the company "Percetakan Al-Mu'arif Sdn Bhd (Pulau Pinang)" which is easily available for purchase in book stores in Malaysia country.

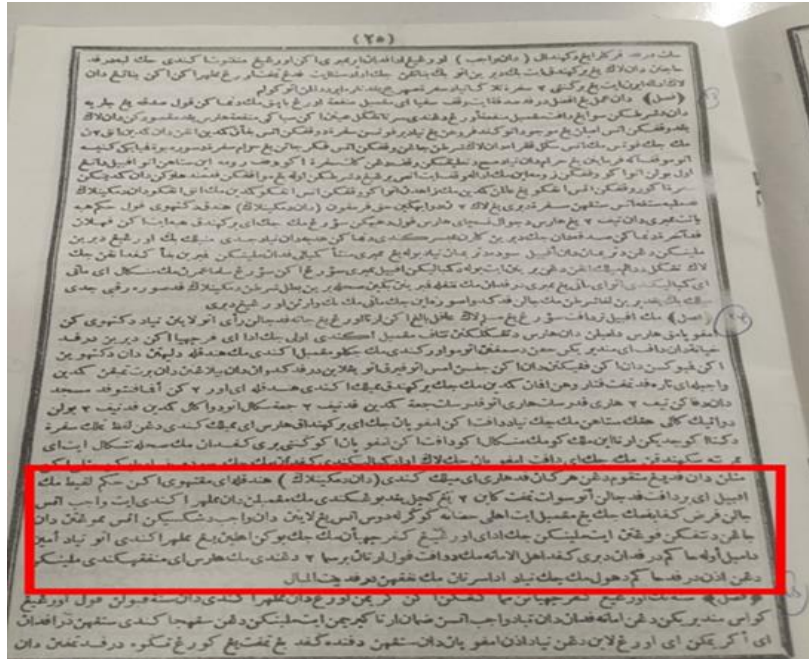


Figure 1: The original section of "Al-Laquit" as contained in the book "Sullam Al-Mubtadi" printed by the company "Percetakan Al-Mu'arif Sdn Bhd (Pulau Pinang)"

This study is only focused on the explanation of "Al-Laquit" in the book of Al-Bay' Sullam Al-Mubtadi on page 25, section 14. This section only discusses abandoned children and foundlings. The clause on "Al-Laquit" in the manuscript is as follow :

"(دان دمکینلاک) هندقله ای مختهوی اکن حکم لقیط مک افبیل ای بردافت فد جالن اتو سوات تمفت کاین ۲ یغ کچل یغذبو غکسکندی مک مغمبلن دان مملهار اکندی ایت و اجب اتس جالن فرض کفایه

مک جک یغ مغمبل ایت اهلی حضانه کوکرله دوس اتس یغ لاینن دان و اجب دشکسیکن اتس مموغثن دان جاشن دنتفکن فوغثن ایت ملینکن جک اد ای اور غیغ کفر چهیان مک جک بوکن اهلین یغ مملهار اکندی اتو تیاد امین دامبل اوله حاکیم درفدان دیری کفد اهل الامانه مک ددافت فول ارتان برسا ۲ دغندی مک هارس ای منفهکندی ملینکن دغن اذن درفد حاکم دهول مک جک تیاد ادا سرتان مک نفقهن درفد بیت المال"

(The full excerpt of the "Al-Laquit" clause quoted from Al-Bay' Sullam Al-Mubtadi, page 25, section 14) (Al-Fatani, n.d).

The meaning behind the excerpt above will be explained according to each line in the paragraph as follows:

(دان دمکینلاک) هندقله ای مختهوی اکن حکم لقیط مک افبیل ای بردافت فد جالن اتو سوات تمفت کاین ۲ یغ کچل یغذبو غکسکندی مک مغمبلن دان مملهار اکندی ایت و اجب اتس جالن فرض کفایه

(Paragraph 1)

Translation: And so again, be aware of the law of Laqit. So when you find an infant wrapped in cloth on a street or a location, but his parent or guardian is not there because the infant is dumped or abandoned, it is obligatory to adopt the infant and care for him (Fardhu Kifayah).

According to the book Kifayah al-Muhtadi Fi Sharh Sullam Al-Mubtadi (Kifayah Al-Muhtadi Explains the Light of Sullam Al-Mubtadi) by the great-grandnephew of Syeikh Daud Bin Abdullah Al-Fatani's, Muhammad Nur Bin Muhammad Bin Ismail Al-Fatani (1933), the definition of "Laqit" refers an abandoned child (unwanted child/foundling) or a mentally unsound person. So, the ruling for adopting and caring for the child is "Fardhu Kifayah" (Al-Fatani, 1933).

A Hanafiyyah scholar in the book Al-Binayah Fi Sharh Al-Hidayah mentioned that adopting Al-Laquit is encouraged, and it becomes fardu kifayah to avoid greater harm If a person suspects an abandoned child is Al-

Laquit. It is obligatory to take the child in (Ainaini, 1990). This was also explained by Imam Al-Kasani (2000) in his book "Bada'i Al-Sana'i Fi Tartib Al-Syara'i". In the Hanafi madhhab, the ruling for adopting a laquit is mandub (sunnah or recommended practice). This is a highly recommended practice because it can protect the child's life. This ruling can be turned into fardu kifayah when the child's well-being is compromised if left alone without care.

Similarly, a Hanabilah scholar in Al-Kafi Fi Fiqh Al-Imam Ahmad bin Hanbal described that adopting and caring for an abandoned child become fardu kifayah to prevent further destruction and harm (Ibn Qudamah 2005). Furthermore, a Shafie scholar in the book Fiqh al-Manhaji stated that caring for and educating foundling with unknown identify is fardu kifayah (Al-Khin et al. 2017).

In general, scholars from the Maliki, Hanbali and Syafi'i madhab stated that the ruling of adopting and caring for al-laquit is fardhu kifayah, and it can become fardhu 'ain when there is a concern about the children's well (Ridwan & Ibrahim 2012). The ruling of adopting al-Laquit to change from fardhu kifayah to fardhu ain is when there is a threat to the child's well-being or faith. For instance, when an Al-laquit is found and cared for by a non-muslim. This can lead to apostasy, and Muslims who allow this will surely be held accountable by Allah SWT (Abdullah, 2014).

مك جك بغ مغمبل ايت اهلى حضانه كوكرله دوس اتس بغ لاينش دان واجب دشكسيكن اتس موغتن دان جاغن دتتفكن فوغتن ايت
ملينكن جك اد اى اور غيغ كقرچهيان مك جك بوكن اهليش بغ مملهاكندي اتو تباد امين دامبل اوله حاكيم درفداش دبري كقد اهل الامانه
مك ددافت فول ارتاش برسما ۲ دغندي مك هارس اى منفقهندي ملينكن دغن انن درفد حاكم دهول مك جك تباد ادا سرتاش مك نفقهش
درفد بيت المال

(Paragraph 2)

Translation: So if the person who found the foundling is a member of Hadhanah (who fulfils the condition to obtain custody), then the sin of other Muslims is dropped. If Al-Multaqit, who found the child, wants to care for the abandoned child, he is obligated to bear witness to finding the child. If Al-Multaqit does not fulfil the requirements to become a hadhanah member, then the judge can give custody of the child to a trustful member who is qualified and fulfils the conditions. If the al-Multaqit finds possessions along with the Al-Laquit, then he can use (spend) the possession to the interest of the Al-Laquit, providing that he obtained permission from the judge/government. If the Al-laquit has no possession when found, then his nafaqah (expenses) is borne by the Baitul Mal.

According to the book Kifayah Al-Muhtadi Fi Sharh Sullam Al-Mubtadi (Kifayah Al-Muhtadi On Explaining the Light of Sullam Al-Mubtadi) by the great-grandnephew of Syeikh Daud Bin Abdullah Al-Fatani's, Muhammad Nur Bin Muhammad Bin Ismail Al-Fatani, the Al-Multaqit (the person who found the abandoned children and wants to care of him) must be Muslim, free, rusyid (mentally san/matured), just, and settled to become a Hadhanah member (Al-Fatani, 1933)

The book Fiqh Al-Manhaji (Fiqh Madhhab Syafie) details four criteria that qualify the Al-Multaqit (the person who found Al-Laquit or foundling) to gain custody of the Al-Laquit:

Islam: A foundling cannot be cared for by non-Muslims unless the child is confirmed to be a non-Muslim. For example, if it is discovered through any means that the child's parents are not Muslim. At that time, it is permissible for non-Muslim guardians to continue looking after the child.

Fair: A foundling should not be cared for by someone with evil intentions. The child should be handed over to a just and trustworthy individual.

Rusyid (sane/mature): If an underage/immature person finds the child, the child should be taken from him. This also applies if the child is found by a mentally un-sound person (safh) even though he used to have a sane mind. The child cannot stay with him if he is not allowed to use his possessions.

Settled: Custody should only be given to a person settled in one place. This is because the guardian is not allowed to take the children travelling with him to avoid child trafficking and slavery.

Apart from fulfilling the above conditions, the decision to allow the child to continue living with the al-Multaqit is subject to the decision of the qadi or judge (government). This is because the government is the guardian of children whose parentage is unknown. In this light, the government is responsible for granting the child custody and protecting his best interests (Al-Khin et al. 2017).

Protecting Al-Laquit in Islam is based on the principle of protecting human life (Noor, 2019). Scholars generally agree that saving the life of Al-Laquit by protecting and caring for the child is fardhu kifayah for the Muslim community. Meanwhile, it becomes fardhu ain for the person who found the child to take him in and care for him immediately, as it is dangerous for the child to be exposed on the street (Al-Zuhayli, 2004). However, providing that a person is protecting the Al-Laquit, the other Muslim community members will be free from this obligation (Ibn Qudamah, 2004).

Whoever finds a foundling without a guardian on the street is obligated to care for and educate the child. Hence, it is a fardhu kifayah to the person. It is a sin to leave an abandoned child without care on the street, and everyone within the state, district or village who knows the child's existence will be accountable. The obligation will ease when one member of the community takes the child under his care (Al-Khin et al. 2017).

According to the Hanbali madhhab, to ensure that the affairs involving Al-Laquit are clear and there is no dispute in the future, it is sunnah for Al-Multaqit (the one who found Al-Laquit) to bear witness to finding the Al-Laquit and any possessions found along with him (Al-Bahuti 1999).

Shafie scholars, on the other hand, believe that the Al-Multaqit must bear witness to finding the Al-Laquit to preserve the child's status as a free individual and his lineage status, even if the Al-Multaqit is a just person. Similarly, it is necessary to bear witness to any possessions or items found with the Al-Laquit so that the items are not taken away by Al-Multaqit (Al-Ansari, 2014)

Any possessions found with the foundling are considered to belong to him. Hence, no one should dispute that he fully controls the possessions. These possessions should be used to cater for the child's needs. Hence, the government can sell these possessions to get money to care for the child. In this regard, his guardian can spend money generated by these possessions on the child's interests and needs. The guardian should refund every cent of the money spent without the consent of the child's qadi (male guardian) or the judge (Al-Khin et al. 2017).

Furthermore, an Al-Multaqit who does not bear witness to finding and caring for the Al-Laquit will not obtain the hadhanah right of the child, and the child could be taken away from the Al-multaqit (Noor, 2019). The obligation to bear witness is only for cases involving Al-Multaqit, who wants to care for and take in the child. In this regard, even if the Al-Laquit has no possessions, the al-Multaqit must bear witness to these possessions. This will avoid any negative perception and guarantee the child's rights to possessions, even if the person adopting the child is just and trustworthy (Al-Khin et al. 2017)..

On the other hand, bearing witness is only encouraged (sunnah) for cases where the person who found the child decided to hand over his care to the Al-Laquit (Al-Bujayrimi 2011). If the child has no property, his nafaqah (life expense) must be taken from Baitul Mal by allocating public interest funds, as Islamic scholars agree.

CONCLUSION

Manuscript writing is a result of intellectual effort, thinking power, thought patterns in interpreting concepts and ideas and a high level of wisdom, in addition to having scientific values. Manuscripts made a significant contribution, specifically in the context of the creation and development of contemporary printing is a result of information and knowledge advancement. The Sullam Al-Mubtadi manuscript is one of numerous Malay writings that include a wealth of information in the fields of religion and social science. Children are the jewels and the treasures of the nation and the religion. They are the next generation who will steer the nation's leadership, civilisation and social development. Educating and caring for children is critical as the failure to nurture them could mean the fall of a country and the 'ummah'. Natural disasters such as tsunamis, major floods, social problems, lack of education, and low moral and spiritual value and faith among the younger generation have led to the birth of unwanted, exiled children, child abandonment without documents and

foundling (Al-Laquit).

A large number of people who have been married for a long time but still do not have children often need the love of a child to take care of and to liven up the atmosphere of the home. The effort and ability to maintain, nurture and educate foundlings (Al-Laquit) evoke a positive value reflecting the mutual responsibility to safeguard human lives. It is a noble principle which maintains the bonds of kinship and social identity to create a dynamic Islamic society where everyone helps each other shoulder to shoulder.

Children are the first generation that will determine the future of the country; if their welfare is not taken care of, then generations in the future will be damaged. Therefore, small children who are found abandoned on the streets without knowing who their parents are without any documents left behind when they are found must be taken responsibility by every person who finds them, and the government must be responsible because it is a civil awareness. Their welfare needs to be taken care of because one day they may hold the reins of national leadership, such as being the head of state, and may work as a leader in the government management sector.

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