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## Employee's Right to Rest According to Islamic Law

### Abstract

Human beings are creatures with limited strength and energy. This characteristic of theirs is a situation that stems from their natality and nature. As a human being, a worker also gets tired after working for a while; their energy decreases, and they become completely exhausted. In order for them to regain their energy, they need to sit down and rest for a while. One of the wisdoms and reasons why Allah Almighty created nights as one of the proofs of His existence is that it is a situation and an important blessing aimed at meeting the need for rest of human beings. Because when a human being's body gets tired, their spiritual world is also negatively affected by this situation.

A person who is tired from working needs to sit down and rest for a while at certain intervals during the day in order to regain their strength and become refreshed. This right is both their human and legal right. In fact, many scientific studies show that the vast majority of work accidents and work inefficiencies are caused by employers not taking their employees' needs for rest into consideration. In other words, the employee's right to rest is an important right in terms of ensuring work safety and increasing work efficiency.

Indeed, the principles of "no person should be given more work than they can handle", "human beings are created as weak beings", "do not offer your employees a job that is beyond their capacity!" are also important principles that point to the employee's right to rest. In this full-text declaration, the issue of "Employee's Right to Rest According to Islamic Law", which will contribute greatly to labor and employee-employer peace, establish occupational safety and worker health, and increase work quality and production, will be examined with evidences.

**Keywords:** Islamic Law, Employee, Right to Rest

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## İslam hüququna görə işçinin istirahət haqqı

### Xülasə

İnsanın gücü və enerjisi məhduddur. Bu xüsusiyyət onların təbiətindən irəli gəlir. İnsan olaraq işçi müəyyən müddət işlədikdən sonra yorulur, enerjisi azalır, tamamilə tükənir. Enerjilərini bərpa etmək üçün bir müddət oturub dincəlməlidirlər. Allah-Təalanın gecəni varlığının dəlillərindən biri kimi yaratmasının hikmət və səbəblərindən biri də bəşəriyyətin istirahət ehtiyacını qarşılıyan və əhəmiyyətli bir nemət olan vəziyyətdir. Cənki insan fiziki cəhətdən yorulanda onun mənəvi dünyası da bu haldan mənfi təsirlənir. İşdən yorulan insanın gücünü bərpa etmək və canlandırmaq üçün gün ərzində vaxtaşırı oturub dincəlməsi lazımdır.

Bu hüquq həm insanı, həm də qanuni hüquqdur. Həqiqətən də, çoxsaylı elmi araşdırımlar göstərir ki, iş yerlərində baş verən bədbəxt hadisələrin və səmərəsizliyin böyük əksəriyyəti işəgötürənlərin işçilərinin istirahət ehtiyacını nəzərə almamasından qaynaqlanır. Daha aydın desək, işçinin istirahət hüququ əməyin mühafizəsinin təmin edilməsi və iş səmərəliliyinin artırılması üçün mühüm hüquqdur.

Həqiqətən də, “Heç kəsə gücündən artıq iş yüklenməməlidir”, “İnsan zəif varlıq kimi yaradılmışdır”, “İşçilərə öz imkanlarından artıq iş təklif etmə!” prinsipləri işçinin istirahət hüququna da toxunan mühüm prinsiplərdir. Bu tam mətnli açıqlama əmək və işəgötürən–işçi barışığına, əməyin mühafizəsi və sağlamlığının qurulmasına, iş keyfiyyətinin və istehsalın artırılmasına əhəmiyyətli töhfə verəcək “İşçinin İslam şəriətinə görə istirahət hüququ” məsələsini dəlillərlə araşdıracaq.

*Açar sözlər: Islam hüququ, işçi, istirahət haqqı*

## Introduction

In general terms, rest refers to a temporary pause in work that allows a working person to recover the strength and energy expended through labor, alleviating the sense of fatigue and exhaustion that accumulates. In other words, the need for rest expresses the compulsory desire and inclination to withdraw into repose in response to the feelings of tiredness, weariness, depletion, and lack of energy that arise in the human body or mind after engaging in work (Devellioğlu, 1984, p. 553; Erdoğan, 1996, pp. 284–559). This feeling is a natural consequence of the fact that humankind has been created with inherent weakness (Nisâ 4/28). The signs and evidences that withdrawing for rest, catching one's breath, and regaining strength constitute a legitimate and lawful right can be found in verses of the Qur'an and in hadiths. In this regard, the following examples may be cited: “*And [mention] when Moses said to his young man, 'I will not cease [traveling] until I reach the junction of the two seas or continue for a long period'*” (Kehf 18/60). “*So he watered [their flock] for them; then he went back to the shade and said, 'My Lord, indeed I am, for whatever good You would send down to me, in need'*” (Kasas 28/24). “*It is He who made the night for rest and the sun and moon for calculation*” (En‘âm 6/96). “*And it is He who has made the night for you as clothing and sleep [a means for] rest and has made the day a resurrection*” (Furkân 25/47). “*Indeed, your body also has a right over you*” (Buhârî, 1981: Savm, 55). Alongside these, the numerous hadiths concerning qaylūlah (midday nap) (see Buhârî, 1981: Salât, 58; İbn Mâce, 1981: Savm, 22) constitute further supporting evidence.

## Research

Health is one of the two essential blessings whose full value is often not recognized by humankind in ordinary times (Buhârî, 1981: Rikâk, 1). What is expected of human beings is to appreciate the value of their health, preserve it, and take necessary precautions to protect it. Indeed, the hadith, “*Take advantage of five before five: your youth before old age, your health before sickness, your wealth before poverty, your life before death, and your free time before becoming preoccupied*” (Tirmizî, 1981: Zühd, 25), underscores the importance of life and the blessing of health. For without health, even the most beautiful aspects of life lose their meaning and value. In this context, a person has significant responsibilities toward their body in order to fulfill their obligations to God, to those under their care, and to all living beings. Fundamentally, one must recognize that the body is a sacred trust temporarily entrusted to them, safeguard it from harmful substances and practices, and acknowledge that adequate rest is a personal responsibility. As the Qur'anic verse commands, “*Do not throw yourselves into destruction with your own hands*” (Bakara 2/195), and “*Prepare against them whatever you are able of power*” (Enfâl 8/60). Likewise, the hadiths affirm: “*Indeed, your body also has a right over you*” (Buhârî, 1981: Şavm, 55); “*There are two blessings which many people squander: health and free time*” (Buhârî, 1981: Rikâk, 1); and “*The strong (healthy) believer is better and more beloved to Allah than the weak believer*” (Müslim, 1981: Kader, 34). These textual sources collectively point to the indispensable and inalienable rights of every individual (see Semerkandî, 1438/2017: 4/122–211; Meydâni, 1978: 2/154–309; Üdeh, 1990: 1/69–337; Karaman, 1991, pp. 121–168; Ebû Zehrâ, 1994: 1/327–471; Dağcı, 1999, pp. 41–50; Öztürk, 1999: 11–490; Kaya, 2007, pp. 65–87; Ekşî, 2011, pp. 13–15; Kaya, 2013, pp. 248–353; Committee, 2013, pp. 767–791; Zeydân, 2015, pp. 471–488; DİB High Council of Religious Affairs, 2018, pp. 523–530; Erturhan, 2022: 133–180). Accordingly, they highlight the duties of workers toward the protection of their physical, spiritual, and bodily integrity.

- When considered in the context of the five principles known as “five principles”, which aim to protect life, property, religion, mind and generation (Ebû Zehrâ, 1981, p. 239; Zuhaylî, 1992, pp.

237–240; İbn Âşûr, 1996, p. 139; Uludağ, 2003, p. 5; Yaman, 2010, pp. 508–512; Şa‘bân, 2014, p. 414), the “employee’s right to rest” is an essential right.

- The extraordinary story of three people who took shelter in a cave for protection and rest, known as the “Hadith of the Cave” in the hadith literature, is a fundamental proof that the right to rest is a human need and that working individuals need this right more than anyone else (see Buhârî, 1981: İcâre, 12; Ebû Dâvûd, 1981: Buyû‘, 29; Ahmed b. Hanbel, 1982: 2/116; Zebîdî, 1981: 7/37–41).
- The right of the worker to rest is one of the issues that Islam, an altruistic and human-oriented religion, and Islamic civilization attaches special importance to (Daryal, 1997, pp. 81–138; Erdem, 2019, pp. 22–25).
- If a shepherd falls asleep while herding the flock for which he is responsible, and one or more sheep are lost because of this, the situation is evaluated: “If the shepherd sleeps lying down, he is responsible for the lost sheep and must compensate for the damage. However, if the shepherd sleeps sitting down and something is lost from the flock for this reason, he is not responsible for this damage” (Committee: 1973: 2/336; Günenç, 1992: 2/50), the fatwa of which is an important criterion regarding the worker’s right to rest and the extent of it.
- The employee must work continuously, excluding rest hours, according to the contract he has made with the employer (Committee, 1986, pp. 55–57, 402–403, 425–427; Committee, 2006: 2/540–542; Döndüren, 2010: 657). Because, verses such as “... obey your employers” (Nisâ 4/59), “fulfill your contracts fully” (Mâide 5/71), “Muslims abide by the conditions they have agreed upon among themselves” (Buhârî, 1981: İcâre, 14; Ebû Dâvûd, 1981: Akdiye, 12) etc. require this.
- Pioneering figures of Islamic thought, such as Ali and Abu Darda, stated that physical fatigue leads to heart fatigue and that rest is a necessity that should not be neglected in this context (Committee, 1986, p. 55). In this regard, it is important to avoid actions that contradict Islamic principles of faith, deeds, and morality while resting/having fun (DİB High Board of Religious Affairs, 2018, pp. 535–536).

• According to the findings of non-Muslim observers, the inherent sense of goodness in Muslims is a beautiful feeling that extends not only to working people but also to pack animals. So much so that even pack animals were allowed to rest on certain days of the week (Djevard, 1969–1974–1978, p. 53). This beautiful innate quality in Muslims stems from general principles of Islam, such as “be good to those under your protection” (Nisâ 4/36), “those who show no mercy will not be shown mercy” (Buhârî, 1981: Adâb, 18; Müslim, 1981: Fezâil, 66; Tirmîzî, 1981: Birr, 12), and so on.

• As long as a job is legitimate, it is protected by Islamic law (Armağan, 2001, p. 174). Individuals and societies that value their employees and their labor are the ones who benefit. One historical example of this is the incident of George Washington. It is said that George Washington (1732–1799) encountered soldiers trying to lift stones in the streets of the city named after him, but were unable to do so. He told their commander, “Help the soldiers!” However, when he saw that the commander refused to help, he immediately threw off his coat and helped the soldiers. He then said, “If you ever need help again, knock on Washington’s door!” (Sibaî, 1979, p. 63). In contrast, the following passage from “Memoirs of Duty of Duty by Çavuş from Devrek” is quite thought-provoking in the context of employees’ right to rest: “You arrive, barefoot and bare-backed, on a bitter winter day, at the age of thirteen or fifteen, after a three-day walk from Çomaklar Village in the Devrek district, at a mine run by an Armenian merchant named Rombaki in Zonguldak. You enter the mine, bent double, with a greasy lamp in your hand. The working conditions are beyond difficult. Working hours are set between sunset and sunrise. There are no clocks. But the employer is quite adept at robbing his employees of their right to rest and their rest time. A burning lamp has been placed right in front of the chicken coop. The rooster in the coop starts crowing as soon as he sees the lamp’s light, thinking it’s dawn. Then he shouts, “Get up, man!” etc., the sunrise was brought forward for the worker/miner with insulting shouts” (Kalyoncu, 2011); “Memories of the Obligation of Devrek Sergeant Ethem”, Hamit Kalyoncu, Yeni Ufuk, 04 March 2011) case is also a historical fact regarding the usurpation of the worker’s right to rest.

• The prevailing understanding in Turkish labor law is a legal and humanitarian approach aimed at protecting employees. According to Article 50 of the 1982 Constitution, the right to rest is a constitutional right, and its conditions are regulated by law. By granting employees the right to rest, the legislature aims to preserve and protect the health of both employees and society. The “right to rest” which is adopted for employees’ rest periods, can be described as breaks, weekly breaks, national and general holidays, and annual leave, which vary depending on working hours (Sümer, 1993, pp. 92–100; Committee, 1986, p. 404).

## Conclusion

For an individual to provide sustenance both for themselves and for those under their care through lawful means, it is a religious and legal obligation to seek legitimate sources of income and to work in such occupations. Moreover, this endeavor is regarded as praiseworthy, akin to an act of charity. Indeed, the fatigue and hardships endured in securing the livelihood of one’s dependents can serve as a means for the forgiveness of certain sins. Within this cycle of life’s struggles, the working individual, while employed in an occupation or profession, naturally feels the need to rest and recover from fatigue at the times stipulated either by contract with the employer or by customary practice. In truth, Islamic law provides highly humane and objective solutions to this matter. Accordingly, this full-text study has presented significant findings regarding the “right to rest” recognized by Islamic law as a worker’s right. These findings highlight how this principle contributes to ensuring industrial peace and occupational safety, increasing productivity, fulfilling mutual rights and responsibilities, and ultimately protecting the shared interests of both employer and employee.

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