

FIQH AL-ĤADĪŚ OF NAJS REMOVAL

Mokhamad Sukron

Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto

Email: mokhamadsukron86@gmail.com

ABSTRACT

Everyday life offers new things, conditions and challenges that can affect the field of fiqh. As people face complex life, they demand further answer and explanation on how Islam deal with those issues. One which raise questions is the case of *najs* removal as it lies in central position of prayers. It becomes the foundation that determines whether the worship practice is lawful or not. This paper discusses the types of an-najs in *al-fiqh al-Islamiyy* and various methods of removing *najs* both classically and contemporary/modern, by providing accounts from the *fiqh al-ĥadĭs*. By addressing this issue, this article aims at giving explanation on how fiqh on removal progresses following the context and is accommodating contemporary developments of Muslims' lives.

Keywords: *Fiqh Al-Ĥadĭs, Perspective, Najs, Removal.*

A. INTRODUCTION

Islam is a complete religion. It has teachings which govern all aspects of human beings' lives, belief or faith, worship practices and humanity values. It concerns relations of God and human, human and human, and human and other creatures. Islam in Islamic jurisprudence or fiqh has several big topics which one of them is worship. This shows the balance of Islam in managing between human life in this world and afterlife. It may differ with other ideologies such as secularism which may put God's position outside of human life.

Besides to govern, jurisprudence is also to rule and ensure everything runs in supposed ways and structured forms. Many kinds of rules are prescribed in Islamic jurisprudence from what should

be done and what is prohibited. There also things that are better or suggested to do (*sunnah*) and things are better to be avoided (*makrūh*). The things that should be done for example are five times daily prayers, Ramaḍān's fasting, zakāh, and pilgrimages. Whereas there are also terms of *harām* which are things that should be avoided. All of those regulations manage moslem in doing practices of worships.

The topics and discourses in Islamic jurisprudence became more interesting because day by day and time by time the questions and new problems appeared in society. That thing can be seen for example in *majālis at-ta'lim* or learning forums attended by people in mosques, radio, television or published newspapers

and magazines and also other media social tools such as youtube, facebook, instagram and whats app or telegram groups. For example, people asked how to clean the lizard's dirt when they were praying: should they totally stop the prayer and then clean it or just temporarily stop and then clean it.

Therefore, this essay would like to look at (1) methods to clean an-najs with classical or normative ways, and (2) methods to clean an-najs in modern or contemporary ways. And by those two questions, this essay is in efforts to (1) discuss normative ways in cleaning the an-najs, and (2) give some glimpses on new, modern and contemporary ways that could be put in dialectical dialogue and discourse or already happened in our daily talk and life.

Some works have given valuable and respectable thoughts in such a topic that for example can be mentioned here (Rohmani, 2019: 1-125) which discussed the purity of clothes which were cleaned by washing machine. Two things that might differ from Rohmani's work from this essay are objects and tools or ways. This essay will make a wider discussion to other objects for example mattress, praying carpet, blanket, etc. The second difference is that this essay will expand in the tool of purifying or washing, from hand pouring, hand washing until washing

machine. In brief, some discussions will focus on conservative or classic ways in cleaning the an-najs supported with great literature and proofs from Islamic law and heritage. And some others will look at modern ways. Here, this essay is trying to look at them in interactive dialogue between the ways.

Furthermore, this essay is classified as a qualitative work which is based on theoretical, literal and library research and analysis. The research object here is an-najs purification, especially in modern or contemporary ways.

B. FINDINGS AND DISCUSSIONS

1. *Fiqh Al-Ĥadīṣ*

Fiqh al-ĥadīṣ basically consists of two words, namely *fiqh* and *ĥadīṣ*. Etymologically, *fiqh* is defined by Ibn Manzūr as *al-‘ilm bi asy-syai`i wa al-fahm lahu* (knowledge of something and understand it) and *al-ḥiṣmah* (intelligence or sharpness of thinking) (Ibnu Manzūr, 1986: 522-523). Ibn Faris defines it as *al-‘ilm bi asy-syai`i*, namely knowledge of something (Ahmad, 1994: 703). Abū Ishāq al-Shīrāzī defines it as *idrāk al-asyā`i al-khaḥfiyyah* (understanding of something vague) (Al-Shīrāzī, 2003: 6). While al-Qarafī defines it as *al-fahm, al-‘ilm, asy-syar'u and at-ḥibb* (understanding, knowing and being aware of his knowledge) (Al-Qarafī, 2007: 17).

Terminologically, Abû Ishâq al-Shîrâzî defines *fiqh* as *ma'rifat al-ahkâm asy-syar'iyyah allatî tarîquhâ al-ijtihâd* (understanding of shari'a laws with the *ijtihâd* method) (Al-Shîrâzî, 2003: 6). Meanwhile, al-Qarafî defines it as *al-'ilm al-ahkâm al-syar'iyyah al-'amaliyyah bi al-istidlâl* (knowledge of sharia laws based on practice by searching for several arguments) (Al-Qarafî, 2007: 17). Thus, *fiqh* can be understood as understanding and knowledge of Islamic Shari'a laws which have a scope of practice (*mu'âmalah*) not in the scope of *aqidah* accompanied by detailed arguments.

Meanwhile, etymologically *al-hadîs*, as defined by Ibn Manzûr, means *naqîd al-qadîm* (antonym of the former), *al-jadîd min al-asyâ'i* (new thing from something), *al-khabar ya'tî 'alâ al-qalîl wa al-kaşîr* (the news that comes to the few and the many) and *mâ yuhadîsu bihi al-muhadîs tahdîsan* (something the speaker talks about) (Manzûr, 1986: 131-133). Terminologically, *al-hadîs* is defined by Al-Sakhâwî as *mâ 'udîfa ilâ an-nabiyyi qaulan lahu au fi'lan au taqrîran au 'ifatan hattâ al-harakât au as-sakanât fî al-yaqzâh wa al-manâm* (something that is based on the Prophet (PBUH) whether in the form of words, deeds, provisions or characteristics, even in the form of the movements or silence of the Prophet (Al-Sakhâwî, 2003: 22). The

definition is more general than the definition of al-Sunnah. Some even categorize that the two are synonyms. Muhammad bin Sulaiman al-Kâfiyajî defines *al-hadîs* as *khabar nusiba ilâ ar-Rasûl qaulan au fi'lan au sukûtan minhu 'inda 'amr yu'âyinuhu* (news attributed to the Prophet Muhammad, whether in the form of words, actions or silence of the Prophet Muhammad on a matter that faced) (Al-Kâfiyajî, 1986: 109).

Fiqh al-hadîs itself is an additional composition from *fiqh* and *al-hadîs* into one word. Etymologically, *fiqh al-hadîs* seen from the origin of the word that formed it can be defined as knowledge and understanding of the hadith of the Prophet. Meanwhile, in terms of terminology, *fiqh al-hadîs* as part of the science of hadith and being a separate discipline, of course, no one has provided a comprehensive definition. However, the use of the term *fiqh al-hadîs* has been widely used with quite various meanings. One of them is the statement of Sufyan ibn 'Uyainah when reminding his students: "*yâ aşhâb al-hadîs ta'allamû fiqh al-hadîs wa lâ yukrihukum aşhâb ar-ra'y*" (O scholars of hadith, learn *fiqh al-hadîs* and do not you be defeated by the rationalists) (Al-Hâkim, 1977: 63).

And then, Fâris Fudlail 'Afiwî defines *fiqh al-hadîs* with *huwa bayân az-zâhir min ar-riwâyât awwal-muhtamâlât wa*

syarhuhâ wa bayânu aujuh al-ikhtilâf wa tahlîluha (explanations of the outward side of the riwayat and the explanations of of the difference). Hosein Rahmani Tirkalai gives his views regarding the study of hadith today:

Today, such studies about hadith are called Fiqh-al-Hadith which these studies are represented only for searching the exact meaning and concept in the texts for this, Scholars attempt to study terms of Hadith and narrative, and also, they strived to compare these narratives with Quran, history, logical particles, and etc by which the final concept of narratives would be found (Tirkalai, 2015: 49-53).

Thus, according to the researcher's opinion, in terminology, fiqh al-hadîs is a deep knowledge and understanding of a hadith along with the things that surround it such as grammar, `âm-khaṣ (general-specific), muṭlaq-muqayyad (Absolute-restricted), mujmal-mubayyin (outlined-detailed), nâsikh-mansûkh (transcriber-abrogated), mu`âridl-ghairu mu`âridl (exhibitions-non exhibitions), and others.

2. Contemporary Perspective

Everything comes from identification or meaning. From that point of view, it is important to start a deeper discussion with definitions of contemporary perspective as words. Things are made in pairs. Here also between classical and contemporary ways on an-najs purification.

Contemporary itself means modern or new thing. The word "perspective" has equal word in Arabic as *ru`yah* or *ra`yun* or *wijhatu naẓar*. Mustafa, az-Ziyât, `Abd al-Qâdir, & an-Najjâr (1972) saw that *ru`yah* means to see with vision sense. Mustafa here gave a physical meaning of perspective which used eye as vision tool. And a further meaning given by them that perspective means belief. Belief here can be understood as opinion, especially opinion and supported by scientific or logical reason to make it as something that is interesting and received to be more discussed.

Another meaning of perspective from a language point of view is to draw (Shadily, H., 2008: 228). The word "draw" gives us a sense of portraying and seeing things from one or more points. Both can be done only by eye, by mind, or both of eye and mind or imagination. In addition, Echols and Shadily in their work also stated that for example a statement of "to keep on perspective" means to keep seeing forward. This meaning emphasized a strong seeing of perspective in discussing some topics or issues. Strong seeing comes from logical, social, or factual backgrounds, academic theories, accurate methods of research, on track analysis and in the end those procedures and steps will lead to acceptable conclusions.

Furthermore, word of *ra`yun* as Arabic translation from word of perspective can be put in Islamic Jurisprudence as *ijtihâd*, because *ijtihâd* can be applied or argued on accurately undefined and unfound cases in Quran or *hadîs* (Glasse, 1996: 116). In the present time, people may find things that have not been found in the past, especially in the Prophet's (Peace be Upon Him) time, for example the invention of things, science, technology or even an idea. It is the same, that in future, we may find things that have not occurred now and need to be answered or solved.

3. Islamic Legal Proof on Perspective

Islam in its straits and disciplines, is an interesting path of beliefs, norms, laws and characters. In aspect of norms and general laws, Islam is a collection of what we listened to and obeyed. For example, the commands of praying, fasting, donating and pilgrim practices are some adequate examples of being a good worshipper and right human being. It positioned God as leader of His universe kingdom. That is a normal thing because religion should be on its track and rail in governing and managing its followers. There are no alternative ways in positioning as slaves except giving mind, body and soul to their Owner.

But it is a unique thing also that Islam is a democratic and free mind religion that allows its adherences to argue, think and apply something new. In the science and technology field we may call them innovation and creativity. Both of those have similarity and differential sides. The similarities laid in that the innovation and creativity in science-tech and religion follow the same methods and procedures in finding new things. The more scientific and creative technology is to make welfare and easier life, the more comfortable human life is. Religion cannot work only in spiritual life but also motivates human beings to be more creative for the development of science and technology.

Furthermore, in Islamic jurisprudence aspect, creativity and innovation tend to be an answer toward contemporary, progressive and changeable situations and conditions that pass in human daily life and history. In this regard, the Prophet Mohammed Peace be upon Him has said to one of his compatriots,

عَنْ الْحَارِثِ بْنِ عَمْرِوٍّ أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ مُعَاذًا إِلَى الْيَمَنِ فَقَالَ: كَيْفَ تَقْضِي فَقَالَ أَقْضِي بِمَا فِي كِتَابِ اللَّهِ قَالَ فَإِنْ لَمْ يَكُنْ فِي كِتَابِ اللَّهِ قَالَ فَبِسُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فَإِنْ لَمْ يَكُنْ فِي سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَجْتَهُدُ رَأْيِي قَالَ الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ رَسُولِ اللَّهِ. (رواه الترمذي)

“From al-Hârîth ibn ‘Amr: The Messenger of Allah, Peace and Blessings be upon Him, sent Mu’âz to Yemen and he said, “How will you judge?” Mu’âz said, “I will judge according to the Book of Allah.” The Messenger of Allah, Peace and Blessings be upon Him, said, “What if it is not in the Book of Allah?” Mu’âz said, “Then, with the Sunnah of the Messenger of Allah.” The Prophet said, “What if it is not in the Sunnah of the messenger of Allah?” Mu’âz said, “Then, I will strive to form an opinion.” The Prophet said, “All praise is due to Allah, who has made suitable the messenger of the messenger of Allah” (Narrated by at-Tirmizîy) (al-Tirmizî, 2016: 608).

The Ĥadîs above puts *ra`yu* or opinion and creation after two main sources of Islamic law which are the Quran and the Ĥadîs. On the other hand, daily life may face different conditions and abnormal situations. In this matter, Prophet Peace be Upon Him has said,

عَنِ ابْنِ بَرِيْدَةَ عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ فِيْمَا يَأْمُرُ الرَّجُلَ إِذَا وُلَّاهُ عَلَى السَّرِيَّةِ: إِنْ أَنْتَ حَاصِرْتَ أَهْلَ حِصْنٍ فَأَرَادُوا أَنْ تُنْزِلَهُمْ عَلَى حُكْمِ اللَّهِ عَزَّ وَجَلَّ فَلَا تُنْزِلَهُمْ عَلَى حُكْمِ اللَّهِ فَإِنَّكَ لَا تَدْرِي أَتُصِيبُ فِيهِمْ حُكْمَ اللَّهِ عَزَّ وَجَلَّ (رواه الطحاوي).

“From Ibn Buraidah, from his father that when The Messenger of Allah Peace and Blessings be upon Him commanded the leader of the war: “If you succeed in encircling the enemy's stronghold, then the enemy wants to be punished according to God's law, don't judge according to God's law. But judge based on your own decision. Because you do not know whether you are right in applying God's law" (Narrated by Aṭ-Ṭahâwîy)(Huda, 2018).

Ibn Buraidah's Ĥadîs report above gave information also about terms and pre-conditions applied to the person who is eligible and qualified to be heard as innovator or opinion maker:

- a) Excellent knowledge of Arabic language include grammar, semantic and its literary style, and
- b) Deep knowledge in Islamic studies.

In addition to those qualifications, the innovation or opinion should be applied only on those things that could be compared to main laws which have been mentioned before in the Quran or Sunnah. In another meaning, a new law should be broken down from its main sources of Islamic law or Islamic jurisprudence.

4. Types of an-Najs

a. The Light Najs

Again, Islam is a very detailed religion. It discusses everything from small things to big ones. In an-najs topic, we may give an example of the little kind of it. Al-Hadlramiyy (2009) has mentioned that a boy child's pee or urine who has not been fed yet except his mother's milk and has not reached yet two years of age is classified as this first type of an-najs (Al-Hadlramîyy, 2009: 25-28). Perhaps there are many other examples of it, especially in modern ways. If there are previous research investigating the level of dirties in boy

child's urine compared with other dirties, a method of qiyâs or comparative way can be applied.

Some people may throw an interesting question at this point, "Why do baby boy's pee be considered as little or small an-najs?". A medical or health science view will be taken as a granted response in this. Whereas through our fiqh discussion, the fiqh also counts the level of dirty as in this matter is boy child's urine. We have often heard fiqh talk about the colour of liquid (water for example), the taste, and the smell of it in the discussion of the basic and first thing of worship fiqh, which is tahârah or cleanness.

b. The Medium Najs

Second type of an-najs is the medium an-najs. Briefly, it covers all dirties other than small or soft an-najs and big an-najs. The reason for its name, derived from our usual or daily life, those dirties which are classified as medium najs are normal dirties such as human's and animal's feces, adult's and animal's urines.

c. The Heavy Najs

The last kind of najs is the heavy one. It is a dog's and pig's saliva. Especially the dog, which is a little difficult to clean. The scientific reason which might be applied to support dog and pig's saliva as heavy najs is for their contents of germs.

5. Cleaning an-Najs in Normative Ways

Islamic Jurisprudence might have put the baby boy's pee or urine as little najs for its only light bad smell, with still pure or tends to transparent liquid. In this point we guess that medical science also believes that the baby's pee is assumed and might have been proved in the laboratory for its low level of dirtiness. Although it is still understood as dirty and that why Islam still commands people, parents, or babysitters to clean it which we will arrive in the core point of how to clean.

Furthermore, al-Hadramîy has written that the little najs is cleaned or purified by water pouring on, for example baby boy's urine, with enough or more amount of water and trying to erase or delete the outlook of the urine (Al-Hadramîyy, 2009: 25-28). Those three in one effort in cleaning the little najs, we can emphasize that they are the maximal and comprehensive tricks to the baby boys' pee for example also in its dimension of dirtiness: the color and the smell in special discussion on baby's urine.

In addition, methods to clean the medium najs also referred to its term that water is medium to clean and to remove the color and smell of the urine.

Safīnatu an-Najâh, one of main and classic literatures in Islamic jurisprudence stated that heavy najis is purified by these procedures:

1. Media Preparation:

- Water
- Soil

2. Order of Techniques:

- Wash the big *najis* concrete outlook with water;
- Wash again 7 times which is divided into the first time with soil, and the rest (6 times) is to be washed with water. (Al-Hadramîyy, 2009: 25-28)

Of course, the precondition of the soil itself should be clean and in an enough amount to be as medium to clean the dirt. It has not been explained the character of the soil geologically but logically it should be hard such as sand but still considered as soil. Furthermore, the above procedure based on the saying of the prophet (Peace be upon Him),

عن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم يقول: طَهُورُ إِنَاءٍ أَحَدِكُمْ إِذَا وَلَغَ فِيهِ الْكَلْبُ أَنْ يَغْسِلَهُ سَبْعَ مَرَّاتٍ، أَوْ لَاهُنَّ بِالتُّرَابِ (رواه مسلم)

From Abu Hurayrah (Allah may Please him) that the Messenger of Allah (Pray and Peace of Allah be upon Him) said: "The purification of the vessel of one of you, if a dog licks it, is to wash it seven times, the first time with soil" (Narrated

by Muslim) (Al-Hâkim, 1977: 234).

Regarding this essay's topic which deals with how to clean heavy najis, the dog's saliva, although used in livestock's keeping or for hunting, is still considered as dirty and otherwise should be cleaned according to Islamic jurisprudence for moslem.

In this regard also, a creativity can be thrown here in how to clean dog's saliva. Is it only seven times by water in which the first time of them is mixed with soil or we can use for example by detergent, other chemical liquid such as antiseptic or antibacterial liquid? An opinion/*ro'yun* may argued here that it can use detergent or other chemical liquid in washing the heavy najis.

6. Classical Islamic Jurisprudence's Scholars' Views on How to Clean an-Najis in Contemporary Ways

Four imams or leaders in Islamic jurisprudence who are al-Hanbaliyy, al-Hanafiyy, al-Mâlikiyy and al-Syâfi'iyy have important position in fiqh's topics for their competencies in finding and discussing new laws in Islamic jurisprudence. In this regard, all of them have agreed on making water as the main medium in purifying an-najis (al-Jazîrîy, 1988: 12-22). So, moslems may use most of other liquids whereas water is part of them.

Furthermore, from contemporary Islamic scholar view, it is not an impossibility to produce a new creation and practice in fiqh because time has characteristics of new and special conditions (Adegoke, 2020: 108-117). In old times, modern tools such as soap were not found yet. In another hand, the differences between schools of Islamic jurisprudence (*mazâhib al-fiqhiyyah*) does not lead into discordance. (Habiburrahman, 2016: 67-104) stated that the difference is limited only in branches and parts of a law, and has common thinking as mentioned here before. (Widigdo, 2018: 217-308) added that dialogues and jadal (dialectica) between schools of Islamic thought are a positive thing and considered as a scientific method. Widigdo's statement can be understood also in worship practice as *ṭahârah*. In this topic, some classical era scholars allowed the use of soap in an-najs purification while the others do not agree.

C. CONCLUSION

There are three kinds of an-najs or dirty in Islamic jurisprudence. Those

DAFTAR PUSTAKA

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kinds differ from one to another in level of an-najâsah or dirtiness; small or lite najs for its lightness of dirt such as baby boy's urine who has not yet eaten food and drank except his mother's milk. Second type of an-najs is medium an-najs, which are things except the small an-najs and dog's saliva. And the last type is the heavy an-najs. It is considered as the heavy an-najs type because the dog's saliva is too dirty in Islamic jurisprudence's perspective.

Furthermore, water is the main tool in the cleaning process toward all kinds of an-najs. When the Holy Quran states that Allah the Almighty has given life for all of His creatures by water, it is actually also to the important position of water as the most trustable media in cleaning everything. In another meaning also, cleanliness is a basic thing in creating a healthy life. And the cleanness also comes from soap which is allowed as an alternative thing in an-najs purification.[]

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