

WUDHU OF LAWS WHEN THAWAF PERSPECTIVE OF SYAIKH BIN BAZ AND SYAIKH AL-UTSAIMIN

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ABSTRACT This article aims to present the views of scholars Shaykh Bin Baz and Shaykh Al-Uthaimin on the Status of Wudu during *Tawaf*. The type of research used is qualitative by using a library research system (Library Research), research that uses books as a source of data, as well as tracing, examining secondary data that are relevant in this discussion. The data collection technique in the research is to collect reviews, opinions and comments from Shaykh Bin Baz and Shaykh Al-Uthaimin. Regarding this research as well as the opinions of various scholars who support each opinion. The results of this study indicate that if a person's ablution is broken during *tawaf* then he is not obliged to repeat his ablution.

KEYWORDS *Tawaf, Shaykh Bin Baz, Shaykh al-Uthaymeen, Wudu, Tawaf*

INTRODUCTION

Hajj is one of the five pillars of Islam, after shahada, prayer, zakat, and fasting. Hajj is a sacred activity that is basically required by Allah SWT to its people who have reached the requirements of *istitha'ah* (able) financially, physically, and mentally. For all Muslims, almost all Muslims yearn to be able to perform the pilgrimage to the holy land at least once in a lifetime, because a person who performs the pilgrimage means that he has perfected his religion. In addition, Hajj is an obligation for a Muslim if they are able to do it (Syarifuddin, 2003).

There are many types of *tawaf*, but one of the pillars of Hajj is *tawaf ifadah* (Sarwat, : 2011). The *tawaf* here is the *tawaf ifadah*, which is circumambulating the Kaaba seven times round, starting and ending at the hajar Aswad, performed on the Day of Nasr until the end of the Day of Tashriq. (Ministry of Religious Affairs, , 2011).

When doing *tawaf*, the following conditions should be fulfilled (Sayyid, 2011) : 1. be free from minor, major and impure impurities, 2. cover the 'awrah, 3. *tawaf is* done with seven complete rounds, 4. starting *tawaf* from hajar Aswad and ending at hajar Aswad

as well, 5. the position of the Kaaba is to the left of the person who is *tawaf*, 6. *tawaf is* done outside the Kaaba, not inside it, 7. done in a row.

Regarding the status of ablution during *tawaf*, many people ask what is the ruling when they break their ablution during *tawaf*? In answering these questions, the author will explain the views of the scholars regarding the status of ablution during *tawaf*.

METHODS

The type of research used is qualitative by using a library research system, research that uses books as a source of data, as well as tracing, examining data and primary and secondary literature that is relevant in this discussion. The data collection technique in the research is to collect reviews, opinions and comments from Shaykh Bin Baz and Shaykh Al-Uthaimin.

FINDINGS AND DISCUSSION

Thawaf is the movement of the Hajj pilgrimage in a circle around the Kaaba which starts from hajar Aswad and ends at hajar Aswad also after seven rounds, by making the

right body facing the Kaaba (Sarwat, 2011). According to the Fatwa of the Ulema Council Number 40 of 2011 concerning badal Hajj, *tawaf ifadah* is one of the pillars of Hajj that must be performed by the pilgrim in order for his Hajj to be valid. (Fatwa of the Ulema Council, 2011).

Thawaf is derived from the word طاف - يطوف which means to circumambulate or revolve. In the rituals of Hajj الطواف means a lot or travelling around. In the large Indonesian dictionary, the word *tawaf* is a form of worship by walking around the Kaaba seven times in a direction opposite to the clockwise direction, in a certain way and prayer. Thus the Kaaba is on the left side of the person who *tawaf*. *Tawaf* is one of the most important of the several acts of Hajj. More than that, *tawaf* is a separate act of worship that is recommended to be done at all times. Except for that, *tawaf* is the opening and closing act of Hajj. Its purpose is to enliven the shrine of the Grand Mosque, in addition to gaining great rewards from Allah (Mayasari,, 2021).

Tawaf etymologically means circumambulation or turning. The person who performs tawaf is called *Thaif*. In addition to the word tawaf, the term *Muthawwif* is also known, meaning a tawaf guide. In the context of Hajj, the essence of tawaf is to circumambulate the Kaaba seven times round starting from the corner of the hajar Aswad with certain conditions with the intention of getting closer to Allah SWT (Sabry, 2015).

As we know that the body is created from earth, it means that the body is also a small earth consisting of seven layers. I am a spirit that is (confined) in a body (earth). If I want to meet Allah then I must first come out of the body (matter) which consists of seven layers, so it is like the first *tawaf* I am opening the first layer, the second *tawaf* I open the second layer and so on until the seventh *tawaf* means I have opened seven layers. So the essence of *tawaf* is to release the bad traits that are in us (Farida, 2010) :

1. The first *tawaf* is to be free from pride, greed for the world.
2. The second *tawaf* is free from hypocritical shirk.
3. The third *tawaf* is to be free from stinginess

4. The fourth *tawaf* is free from envy, jealousy, and hatred.

5. Fifth *tawaf* to be free from anger and despair.

6. The sixth *tawaf* is free from disbelief in favours, grudges, and resentment.

7. The seventh *tawaf* releases the nature of complaints, worries, and anxieties.

Imam al-Nawawi's opinion in al-Majmuu' Syarah al-Muhadzzab (8/220), which explains that *tawaf al-ifaadah* is a pillar of Hajj, according to scholarly consensus, and the end time of its performance is not limited, is as follows¹ :

وَهَذَا الطَّوَّافُ رُكْنٌ مِنْ أَرْكَانِ الْحَجِّ لَا يَصِحُّ إِلَّا بِهِ بِإِجْمَاعِ الْأُمَّةِ... قَدْ ذَكَرْنَا أَنَّهُ لَا أَجْرَ لَوْ قُتِيَ طَوَّافٌ إِلَّا فَاضَتْ بِئِنَّ يَصِحُّ مَا دَامَ حَيًّا لَكِنْ يُكْرَهُ.

Meaning:

"This *tawaf* (*tawaf al-ifaadah*) is one of the pillars of Hajj; Hajj is not valid without *tawaf al-ifaadah*, according to scholarly consensus. We have already mentioned that there is no time limit for *tawaf al-ifaadah*. It is valid to do it throughout one's life, but it is makrooh."

Firstly, the ruling on ablution during *tawaf*

In this case, the scholars differed in their opinions on whether taharah or ablution is a valid condition for *tawaf*. Their opinions are divided into three, namely (ibn rusdy) :

1 - According to Imam Abu Hanifah, if a pilgrim is not pure from minor or major impurity, it is permissible for him to perform *tawaf* but he must offer a compensatory sacrifice. If the pilgrim has minor impurity, he must offer a sacrifice in the form of a goat, and if he has major impurity, he must offer a sacrifice in the form of a camel.

2. According to Imam Malik and Imam Shafi'i, *tawaf* without purity is invalid whether intentional or forgotten. In fact, according to Imam Shafi'i, in addition to being pure from impurity, it must also be pure from *khabsats* (his clothes) as if he were praying. Abu Tsur, however, is of the view that if a person does *tawaf* without ablution, his *tawaf* is valid if he does not understand. If he understands, his *tawaf* is not valid.

¹ RI, Ministry of Religious Affairs. Guidance for Hajj and Umrah Manasik. Directorate General of Hajj and Umrah. (Jakarta: 2020

3 - It was narrated from Muhammad ibn Hakim that if a person does *tawaaf ziyarah* but forgets to purify himself until he returns home, then there is nothing wrong with him (his tawaaf is valid). Imam Ahmad stated in one of his reports that if a person forgets while in a state of major impurity, his tawaaf is valid and there is no blame on him.

In the Book of Bidayatul Mujtahid by Ibn Rushd in the Book of Wudhu, explains according to Imam Malik and Shafi'i require wudu in tawaf. While Imam Abu Hanifah does not require it.

Hadas is a condition that prevents a person from praying and *circumambulating*. There are two kinds of hadas: minor and major hadas. Minor hadas are those that can be purified by performing ablution, for example, such as skin contact between men and women who are not mahrams and removing something from the kubul and anal orifices such as urine, excreting faeces, farting. While major hadas are those that can be purified by taking an obligatory bath, such as menstruation, nifaas, and jinabat.

Ablution is one of the conditions for the acceptance of prayer as part of mahdah worship. If someone has broken their ablution, they are required to perform ablution again, as can be understood from the hadith² :

عن ا هـ ريرة قال: قال رسول الله صلعم لا يقبل الله صلاة أحد كم اذا أحدث د يتوضاء

Meaning:

"It was narrated from Abi Hurairah RA, he said: The Messenger of Allah (SAW) said: "The prayer of a person with wudoo' will not be accepted until he performs ablution". (HR. Abu Daud)

In the matter of ablution, there are actions that according to scholarly opinion can invalidate ablution, but according to the Hanafi Mazhab do not invalidate ablution. One of the actions that Imam Hanafi states does not invalidate wudu is touching a woman without a layer, which is between the toucher or the touched. The Hanafi Mazhab explains that touching a woman without a layer does not

invalidate wudu, a person's wudu when an extraordinary touch (intercourse) meets two genitals without obstruction or what is meant by meeting two genitals is a man having intercourse with lust even though he does not release semen or sperm³ .

The Shaafa'i school is of the view that if a man touches a non-mahram woman, his wudoo' is invalidated. This applies absolutely, meaning that even if the touch causes lust or sexual pleasure, or the woman touched is old and ugly. If the person touched is young, the touching also invalidates wudoo'. They reasoned that an old woman or a woman with an ugly face still invalidates wudoo' if one touches her, because as long as she is alive, there is no possibility of arousing desire if one touches her.⁴ .

According to the Hajj and Umrah Manasik Guide of the Ministry of Religious Affairs of the Republic of Indonesia, the Directorate General of Hajj and Umrah explains the valid requirements for tawaf as follows⁵ :

1. Clean from impurity and uncleanness
2. Covering the aurat
3. Being inside the Masjid al-Haram, including the expansion area on the second, third, or fourth floors, even if the position exceeds the height of the Ka'bah and there is an obstruction between him and the Ka'bah;
4. Starting from hajar Aswad
5. The Kaaba is on the left
6. Outside the Kaaba (not inside Hijir Ismail)
7. Circumnavigating the Kaaba seven times.
8. A separate intention, if the *tawaaf* he is doing is independent of Hajj and 'Umrah.

³ <http://romusysho.com/2661-wudhu-cancelled-in-mid-thawaf338.html>, accessed on 16 March 2021 at 12.30 am.

⁴ Az Zuhaili, Wahbah. *Fiqh Islam Wa Adillatuhu*, (Jakarta: Gema Insani, 2011)

⁵ Ministry of Religious Affairs of the Republic of Indonesia Directorate General of Hajj and Umrah, *Manual of Hajj and Umrah Manasik*, 2020

² Mayasari, nur'aini. *A Comparative Study of the Opinions of the Hanafi Mazhab and the Shafii Mazhab Regarding Tawaf for People Who Are Imprudent*. (Purwokerto: IAIN Purwokerto, 2021)

Secondly, the status of ablution during *tawaaf* according to Shaykh bin Baz and Shaykh al-Uthaymeen

Scholars such as Shaykh Bin Baz and Shaykh al-Uthaymeen differ on the status of ablution during *tawaaf*.

1. Shaykh Bin Baz

According to Shaykh Bin Baz in *Majmu Fatawa wa Muqalah* Juz 10 page 123 said as follows⁶ :

إذا أحدث الإنسان في الطواف بريح أو بول أو مني، أو مس فرج أو ما أشبه ذلك انقطع طوافه كالصلاة، يذهب فيتطهر ثم يستأنف الطواف، هذا هو الصحيح، والمسألة فيها خلاف، لكن هذا الصواب في الطواف الصلاة جميعاً؛ لقوله النبي صلى الله عليه وسلم: (إذا فسا أحدكم في الصلاة فليصرف وليتوضأ وليعد الصلاة) رواه أبو داود، وصحه ابن خزيمة، والطواف من جنس الصلاة في الجملة، لكن لو قطعته لحاجة مثلاً، كمن طاف ثلاثة أشواط ثم أقيمت الصلاة فإنه يصلي ثم يرجع فيبدأ من مكانه ولا يلزمه الرجوع إلى الحجر الأسود، بل يبدأ من مكانه ويكمل، خلافاً لما قال بعد أهل العلم: إنه يبدأ من الحجر لأسود، والصواب: لا يلزمه ذلك، كما قل جماعة من أهل العلم، وكذا لو حضر جنازة وصلى عليها، أو أوقفه أحد يكلمه، أو زحام، أو ما أشبه ذلك، فإنه يكمل طوافه، ولا حرج عليه في ذلك.

"If a person who is doing *tawaaf* smells wind, urine or semen, or touches his private parts or something similar, his *tawaaf* is interrupted like the prayer, so he should go and purify himself, and he should repeat his *tawaaf*, based on the Prophet's words: (If you become impure during prayer, he should go out and perform ablution. Then he repeats the prayer) narrated by Abu Dawood as saheeh by Ibn Huzaymah, *tawaaf* is similar to prayer in general, but if he interrupts it because of a need, for example, like the one who did three rounds of *tawaaf* and then prayed, then he prayed, returned and started from his place and did not have to return to the hajar Aswad, but started from his place and continued, contrary to what some scholars said: The correct view is that he does not have to do that, as some of the scholars said, and the same applies if he attends a funeral and prays, or someone stops him or he talks to him or to the crowd or anything like that, he completes his *tawaaf* and there is nothing wrong with that."

Shaykh Bin Baz, in his book *Fatwas on Hajj and Umrah*, translated by Asmuni Shalihin Zamakhshari, states that he was asked about the

obligation of ablution in Hajj. He replied that wudoo' is not obligatory for sa'i and other parts of Hajj, except for *tawaaf*. If a person wants to do *tawaaf*, he must do wudoo'; if he does not do wudoo', then *his* *tawaaf* is invalid.

Shaykh Abdul Aziz bin Abdullah bin Baz was asked: When I performed Hajj, I stoned the *Jumrah of Aqabah* before midnight, then I went straight to the Masjid al-Haram for *tawaaf ifadah*, and while doing *tawaaf* I broke my ablution, then I completed *tawaaf*. Because of the crowds around Ibrahim's shrine I could not pray two raka'ats of *tawaaf*, so I left the Haram and Mina and returned only after Maghrib prayer. Did I do anything that would spoil my Hajj, which is Hajj Ifrad? Answer: Stoning the Jamarat before midnight on the night of Eid is not permissible. This is because according to the majority of scholars, the time for stoning the Jamarat on the night of 'Eid is halfway through the night. So it is not permissible to stone them before that. This is the first point. Secondly, if *tawaaf* al-ifaadah is done before midnight, it is not valid. Likewise, if it is done after midnight but without wudoo', it is also invalid, such as because it is invalidated while doing *tawaaf*. This means that you have not done *tawaaf* properly. Therefore, you have to repeat stoning the Jamarat with the intention of stoning it for Eid, and repeat *tawaaf* with the intention of *tawaaf ifadah*. If you realise this after the time for stoning has expired, then you have to offer expiation, because you did not actually stone the Jamarat. The expiation is to slaughter a sheep in Makkah and distribute it to the poor in the Haram. However, *tawaaf* can be done at any time, even at the end of Dhul Hijjah or even during the month of Muharram, so that the Hajj is complete.⁷

From the above explanation by Shaykh Bin Baz, it can be concluded that if a person breaks his wudoo' while doing *tawaaf*, he should repeat his wudoo' and continue the *tawaaf* that he missed, because wudoo' for *tawaaf* is as obligatory as wudoo' for prayer. This is because *tawaaf* is essentially the same as prayer. If prayer is invalidated by impurity, then *tawaaf* is invalidated by impurity. If

⁶ Baz, Abdul Aziz bin Abdullah bin Abdurrahman bin, *Majmu' Fatawa*, (Riyadh: Darul Qasim lil Nasyar)

⁷ <http://almanhaj.or.id/1697-wajib-bewudhu-ketika-tawaf-and-not-obligatory-in-sai> accessed on 16 March 2021 at 12.04 am

prayer requires wudoo', then *tawaaf* requires wudoo'.

2. Shaykh al-Uthaymeen

According to Shaykh al-Uthaymeen in his book *Syarah Mumta'* Volume 7 page 262 says⁸ :

وهذا الذى تظمنن إليه النفس أنه لا يشترط في الطواف الطهارة من الحدث الأصغر، لكنها بلا شك أفضل وأكمل وأتبع للنبي صلى الله عليه وسلم، ولا ينبغي أن يخل بها لإنسان لمخالفة جمهور العلماء في ذلك، لكن أحياناً يضطر لإنسان إلى القول بما ذهب إليه شيخ لإسلام، مثل لو أحدث أثناء طوافه في زحام شديد، فالقول بأنه يلزمه أن يذهب ويتوضأ ثم يأتي في هذا الزحام الشديد لا سيما إذا لم يبق عليه إلا بعض شوط ففيه مشقة شديدة ولم يظهر فيها النص ظهوراً بيناً، فإنه لا ينبغي أن نلزم الناس به، بل نتبع ما لأسهل والأسر، لأن إلزام الناس بما فيه مشقة بغير دليل واضح مناف لقوله تعالى: (يريد الله بكم اليسر ولا يريد بكم العسر): 185(البقرة)

Meaning:

"The majority of scholars are sometimes forced to say what a Shaykh of Islam has done, such as if he is doing *tawaaf* in a severe crowd, then the saying that he should go and do ablution then come in the crowd again, especially if there are only a few laps left for him where there is great difficulty and what is in it is great difficulty, then we should not oblige people to do it, but we must follow what is easy, because forcing people when there is difficulty at that time is contrary to the words of Allah Ta'ala: "Allah wills for you ease and does not want hardship for you".

Various reasons in favour of *tawaaf* not requiring *taharah*⁹ :

1. The Hadith stating that *tawaaf* is like prayer is not marfu' (up to the Prophet). It is only mauquf (a companion's statement) up to Ibn 'Abbas. This is corroborated by at-Tirmidhi, al-Baihaqi, Ibn Taymiyyah, Ibn Hajar and others.
2. If it is said that the Hadith is *saheeh*, then it does not necessarily follow that *tawaaf* is the same as prayer and therefore *taharah* is required as well as prayer. *Tawaf* is much different from prayer. Among the differences:

- a. Prayer requires standing, *tawaaf* does not. If someone does *tawaaf* while crawling, his *tawaaf* is valid.
- b. Prayer requires Takbiratulihram, *tawaaf* does not.
- c. Prayer requires facing the Qiblah, while *tawaaf* only requires the Kaaba to be on the left.
- d. Salat is required to recite al-Fatihah, while *tawaf* is only recommended to recite the Qur'an but not required to recite al-Fatihah.
- e. Salat requires bowing and prostration, *tawaf* does not.
- f. Prayer is not allowed to eat and drink, *tawaf* is still allowed.

In *Fathul Qadir* and *Al-Mabsuth* it is stated that *tawaaf* is similar to prayer in terms of reward, not in terms of ruling. Talking and speaking in prayer invalidate the prayer, unlike *tawaaf*. Shaykh Muhammad ibn Sholeh al-Uthaymeen (may Allah have mercy on him) said: The correct view is that *tawaaf* around the Ka'bah is not like prayer. *Tawaaf* is an act of worship that stands on its own, like *i'tikaaf*.¹⁰

From the explanation of Shaykh al-Uthaymeen, it is not required to make wudoo' again when the wudoo' of someone who is doing *tawaaf* is cancelled while doing *tawaaf*. If it is obligatory to do wudoo', there is a fear that it will cause difficulty for the one who is doing *tawaaf*.

CONCLUSION

The arguments used by Imam al-Sharkhasi include the Qur'an Surah al-Najm: 35 and Hadith narrated by: *first*: Imam Ahmad; *second*: Imam Abu Daud, an-Nasa'I, Ahmad, al-Hakim and Tirmizi. Hadith narrated by: *first*: Imam Bukhari; *second*: Imam Muslim; *third*: Imam Bukhari and Imam Muslim.

The cause of the difference in opinion between Imam al-Sharkhasi and Imam an-Nawawi is in terms of arguments and methods of *istinbath* law. Imam al-Sharkhasi uses the arguments of the Qur'an and Hadith and the method used in determining the prohibition of receiving wages from the implementation of *badal Hajj* is *qiyas* and *dalalah isyarah* on the

⁸ Al-Uthaymeen, Muhammad ibn Shalih. *Syarah Mumti'*, (Darul Ibn Jauzee)

⁹ <http://romusyho.com/2661-wudhu-cancelled-in-mid-thawaf338.html>, accessed on 16 March 2021 at 12.30 am.

¹⁰ Ibid

understanding of Surah al-Najm : 35 and the Hadith narrated by Imam Ahmad using the method of *qiyas* and *dalalah ibrah al-nas*. Imam an-Nawawi uses the Hadith narrated by Imam Bukhari and Muslim, the method of *istinbath* law used is *qiyas*.

After analysing the opinions of Imam al-Sharkhasi and Imam an-Nawawi, the evidence used in *their* legal reasoning and the method of determining the ruling on the law of receiving wages from performing *badal Hajj* or Umrah, then the author conducted *tarjih*, the author chose the opinion of Imam an-Nawawi that it is permissible for a person to receive wages from *badal Hajj*. The reason is that in terms of evidence, Imam an-Nawawi used the hadith narrated by Imam Bukhari and Imam Muslim and the use of *qiyas* in comparing the permissibility of receiving rewards from cupping and teaching. On the other hand, Imam an-Nawawi's opinion is more beneficial for a person who is physically unable to perform Hajj, so that he can entrust his family or an appointed representative to help him perform Hajj on his behalf.

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