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The elderly's religious observances provisions in Islamic jurisprudence

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Abstract

The study aims to investigate the elderly's religious observances provisions in Islamic jurisprudence via comparative qualitative research methods. As a result, there is no deference opinion among the scholars about ablation conditions, including the full brain witch is the asset of trust so fasting is not an obligation for mad. In conclusion, Islam is the religion of tolerance, holding, flexibility, and balance as it obligate Muslim to perform his duties, on the other hand, it gave him some license to match with the possibility and nature of human.

Keywords: The elder, Islam, Jurisprudence, Religious.

Las disposiciones de observancia religiosa de los ancianos en la jurisprudencia islámica

Resumen

El estudio tiene como objetivo investigar las disposiciones de observancia religiosa de los ancianos en la jurisprudencia islámica a través de métodos comparativos de investigación cualitativa. Como resultado, no existe una opinión de deferencia entre los eruditos sobre las condiciones de ablación, incluido que la bruja cerebral completa es un activo de confianza, por lo que el ayuno no es una obligación para los locos. En conclusión, el Islam es la religión de la tolerancia, la tenencia, la flexibilidad y el equilibrio, ya que obliga a los musulmanes a realizar sus deberes, por otro lado, le dio una licencia para que coincida con la posibilidad y la naturaleza del ser humano.

Palabras clave: El anciano, Islam, Jurisprudencia, Religioso.

1. INTRODUCTION

This subject (the elderly's religious observances provisions) is (a) very important in Islamic society because aging is one of several life steps which human go through it in his life. Islam (is) concerned with human since his creation and until his death and emphasized the old- age because the human is in this stage weak, helpless and aged, and because when the elder reaches to this old age his desire to contact with Allah became bigger and he grants this desire through performing his religious observances, the weakness and helplessness makes religious observances performance so hard for the elderly. The research idea has resulted from this spirit. So I started writing these judgments related to the elder devotions and I found a lot of written researches about this subject; however, I did not find any research including all the Islamic doctrines (IBRAHIM & AHMED AL, 2000).

2. LITERATURE REVIEW

There are different opinions among scholars about purification definition:

– Al Ahnaf said: purification is the cleanness from presumptive and truly impurity (dirt and ritual impurity).

– Al Malikia said: purification is an attribute determined only by a legislative ruling attributable to real objects, witch

conclusively allows prayer with, in, or for the attributed object (SAIED, 2010).

– Al Shfieia said: purification is removing the ritual impurity and the dirt with its meaning or shape. (AL BAHONY, 1984)

– Al Hanabila said: purification is removing the major minor ritual impurity which happened because of Major ritual impurity, menstrual of course or nullifications of ablutions.

– Al Emameia said: purification is a name for ablution, bathing or performs Tayammum in a good way to pray. It means the ablution witch requires the revelation to pray. And bathing which requires the revelation for pray. AL GOZAIRY (2001) And Tayammum witch requires the revelation for pray, this determines is for elimination what does not mean pious acts like ablution and Tayammum. The overbalanced definition for purification is the Endameba's, and from this, we can define the elder purification as cleanness form dirt and ritual impurity with ablution or bathing, or with what can be an alternative like Tayammum (IBN KODAMAH, 2001). The purification has two parts:

– Purification from ritual impurity with his two types: minor ritual impurities like excrement or pee. and the major ritual impurity like menstrual of course and it is named as presumptive purification Removing minor ritual impurity with

ablution and major ritual impurity with bathing or both of them could be with Tayammum when there is no water or it is hard to use (AL BAHONY, 1984).

– Purification from dirt: including body and clothes and it is required, and we can remove the dirt by washing it with water or wiping (AL FAKHR, 2001).

– If the elder does not complain from any mental or physical problems, he treated as an adult, rational person and he should perform purification well, removing the ritual impurity with water as known when water is existing, and removing the minor ritual impurity with ablution and removing the major ritual impurity with bathing and both of them could be with Tayammum if there is no water or it is hard to use it and this is the saying of Al Hanabila, Al Malikia and Al Emameia (AL GERGANI, 1985).

In this case, the elder is of a responsible age. Unless if he has surgery or disease will hurt him if he uses water, there is a deference opinion among the scholars, including:

- It is legal for him to perform Tayammum, and that is the saying of Al Malikia, Al Hanabila, Al Shafieia, and Al Ahnaf, and their evidence was:

❖ He says). **إِنْ كُنْتُمْ مَرُضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُم مِّنَ الْغَائِطِ أَوْ لَامَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا** (8)

This verse showed that the ill person has an excuse to perform Tayammum.

❖ He says **(يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ)** this verse showed that is easier to perform Tayammum for the ill person instead of using water if he has fears for himself from destruction (AL KHAWNYB, 2008).

Jabir said: We set out on a journey. One of our people was hurt by a stone, which injured his head. The then had a sexual dream. He asked his fellow travelers: Do you find a concession for me to perform tayammum? They said: We do not find any concession for you while you can use water. SAIED (2010) He took a bath and died. When we came to the Prophet (ﷺ) the incident was reported to him. He said: They killed him, may Allah kill them! Could they not ask when they did not know? The fire of ignorance is inquiry. It was enough for him to perform tayammum and to our some drops of water or bind a bandage over the wound (IBRAHIM & AHMED AL, 2000).

❖ The Almighty Allah legal purification with dust when the person has fears from using water or he has fears on his money, or the water is very expensive to buy, so it was a primary to legal Tayammum for an ill person (IBN HAGAR, 2013).

❖ Abu Youssef, Al Shafeia, Al Hanabila, and a group from Al Ahnaf said that it is illegal to perform Tayammum when water exists, and their evidence. The illness increasing is uncertain and it is not legal to leave a certain duty just for fear and fail. The scholars public objected their saying because this saying is not matching with their saying about perform Tayammum in case of fear even with uncertain destruction (ABU DAWOD, 1999).

The overbalanced saying is: I overbalance the scholars' public from the first saying that it is legal to perform Tayammum with dust for the ill person because facilitation is a feature of Islam and to mitigate difficulties. And there is no doubt that using water for the ill person may hurt him and this is not expectable. The scholars' public showed that the elder himself is the only one who can determine hurt witch may happen to him if he uses water unless he was sure, and if he was not sure from the hurt quantity he should go to a smart doctor (AL BAHONY, 1984). Al Emameia showed that just thinking it hurts is enough weather the hurt was impulsive or the doctor told the patient about it, and if the patient know or think about hurt he should take the doctor's opinion even if there is no any hurt on him if the patient is a doubt about hurt he should also take the doctor's opinion as a determine opinion or he cannot depend on it.

The scholars' agreement that If the elder has no power or his body is too weak to ablution it is okay to have somebody to help him in ablution because Al Mogera Ibn Shouba said that he poured the

water to the prophet (peace upon him)in his ablution (AL KHAWNYB, 2008).

Al Emameia said it is from ablution condition that the ablate should do ablution himself if he can and he may let somebody help him if he had to, but he should do the most ablution parts by himself and the woing should be with his own hand unless he could not do that in this case the helper hold the elder's hand and perform ablution with it (AL GERGAN, 1985).

If the elder did not find anybody to help him and he does not have money to have his own server in this situation the scholars public said that it is legal to perform Tayammum, that is because no power and weakness are considered as inability which requires mitigation, and because it is from Tayammum conditions the ability for using water (KHALID, 2000).

The prophet Mohammed (peace upon him) took a refuge with Allah from the physical and mental inability He says (Allahumma inni a ' udhu bika menal a'jizi wal – kasali, wa – soa al kibar), in this situation the elder has no obligations because it is from ablution conditions to be full- brain. And this is with the scholars' agreement (ABU DAWOD, 1999).

There is a deference opinion among the scholars in the elder license limitation who cannot perform pray, these sayings are:

– The first opinion: if the elder cannot perform prayer while standing he can pray while staying, and if he cannot perform prayer while staying he can pray while lying on his right side as in the grave and he should face the Qiblah with his body. and if he could not lie on his right side he could lie on his back and perform pray throw moving his head, if he could not move his head he could perform pray throw moving his eyelids, and this is the saying of Al Hanabila, Al Emameia, Al Shafieia, and Al Malikia (AL BAHONY, 1984).

– The second opinion: if he could not perform pray while standing he could perform it while staying and if he could not he may perform it lying on his back, facing the Qiblah with his legs to make his moving in prostration and bowing to Qiblah, and this is the Ahnaf 's saying (AL ZOBAIDY, 2005).

– The third opinion: the elder inability to pray: the pray is an obligation in any way, and if the elder could not moving his eyelids he may evoke the pray into his hart and moving his tongue with reading and mention of Allah, and if he could not do this he may imagine the pray into his mind, and this is the saying of Al Emameia, Al Shafieia, and Alk Hanabila (AL GERGANY, 1985).

There is no difference among the scholars the bowing and prostration are pillar in pray, but in elder bowing and prostration they agreed that the elder can bend as far as he can, (AL KHAWNYB,

2008) and if he could not bend his body he can move his head, Al Khawny said: if the elder could not bend himself he may use what can help him in this and if he is completely unable to bend he should bend as far as can and moving his head while bowing when he is standing after or before bowing, and if he is between bowing while sitting and moving his head while standing he may do as second, and the primary is collect both things together, repeating the pray, moving the head is necessary, but if he could not he may close his eyes for bowing and open them for finishing bowing (AL GOZAIRY, 2001).

If the elder is unable to perform full prostration, he performs it as far as he can, and he raise the prostration place to close it to his head and put it on his forehead, and put all the other prostration place into their position, if the bend could not be possible to determine prostration, he can moving his head, if he could not he may move his eyes, and if he could not, he may evoke the pray into his hear and point with his hand to prostration place, and the primary is raising the prostration place to touch it with his head, and the primary is put all other prostration places into their positions even if it was not an obligation. (AL GERGANI, 1985) It is clear that the scholars agreed that the elder who cannot perform full prostration can bend as far as he can (NICOLAIDES, 2015).

There is no difference among the scholars that it is legal to elder or unable person like hemiplegic and companion or the person who has a disease prevents him to go to the mosque if the person who has a

legal excuse in all these cases it is allowed to not attend the Jumuah and the congregation pray (AL ZOBAIDY, 2005).

He is treated as an able person, Fasting is an obligation for all Muslims, unless that Allah gave license to those whom may be unable for fasting, as (elder men and women, thirsty who cannot perform fasting because it is difficult for them. There is no difference among the scholars that the elder man and women who have difficulty in fasting, and has no ability for fasting, it is legal to them to not perform fasting and they must pay a ransom. But there is deference opinion among the scholars about ransom obligation (IBN KODAMAH, 2001).

- Al Ahnaf, Al Hanabila, Al Emameia, and Al Shafieia said that the ransom is an obligation.
- ❖ Allah says (وعلى الذين يطيقونه فدية طعام مسكين) he is an evidence for its obligation. Because there is no ability for the elder to perform fasting.
- ❖ Ibn Abbas said explaining this verse (this verse is not cooed and it is for elder man and women who cannot perform fasting, and they feed a poor for every day) (AL GOZAIKY, 2001).
- ❖ If the elder is unable to perform fasting at all, and he will not be abler to re-perform fasting so he has to pay a ransom (AL ZOBAIDY, 2005).

- Al Malikia said that is legal to an elder to pay a ransom, their evidence was

❖ The reason for not paying a ransom is the existence of inability, and the elder and patient must not pay a ransom if they are died before performing fasting (31), the scholars' public discussed Al Malikia's evidence and they said it is not legal to treat the elder as unable person or as a patient because fasting is an obligation so it is legal to not pay Kafara, but if the patient died he has to feed because feeding was an obligation from beginning and this is a deference point weather the older was able to perform fasting and he did not until he died, because feeding obligation depends on beaning the elder a life (AL BAHONY, 1984). The overbalanced: after showing the scholars' opinions, I overbalance the scholars' public opinion because of its good evidence and to clear the elder's pact.

Whom can perform fasting during the year, the performing became an obligation, and he has to pay Kafara for each day with food, it means to feed a poor, and this is the Al Emameia's opinion. Al Khawie said (weakness is not enough to make the Eftar legal, and Eftar is not be exist unless there is hart from fasting, in this case the Eftar is legal, then he can re-perform fasting) (KHALID, 2000). There is no deference opinion among the scholars about ablation conditions, including the full brain witch is the asset of trust so fasting is not an obligation for mad (AL GERGANI, 1985).

It is an obligation for him: Representation is not legal for ability elder, and if he make someone perform pilgrimage for him it would not be enough, and if he is unable to perform then the pilgrimage is not an obligation in this case, and he should rent somebody to perform pilgrimage if he did not recommend the pilgrimage the value of pilgrimage cost must be taken from heritage before distribution, and this is Al Emameia, Al Shafieia, Al Malikia 's opinion IBN KODAMAH (2001) Al Ahnaf, and Al Malikia said: if the elder does not have the physical ability the pilgrimage is not an obligation, and if he recommends pilgrimage, the pilgrimage cost should be taken from a third of heritage as all other heritage, if he did not recommend the pilgrimage, pilgrimage is not an obligation in this case (IBN HAGAR, 2013).

He is the person who has enough money to perform the pilgrimage, but he does not have the physical ability to do it, so the pilgrimage is not an obligation in this case with scholar's public agreement. But there is deference opinion among the scholars in representation, it means to rent somebody to perform pilgrimage instead him, KHALID (2000) their saying are:

– Al Hanabila, Al Emameia Al Ahnaf, and Al Shafieia said that he must rent somebody to perform a pilgrimage for him.

– Al Malikia said: representation is not legal for a living person, because pilgrimage is for who has the possibility for it (AL GOZAIRY, 2001).

The scholars have detailed this matter and agreed that the unable elder who cannot perform some pilgrimage pillars like circling and striving and other pilgrimage pillars which pilgrimage does not be complete without them, in this case, the elder can re-present somebody to help him performing pilgrimage ABU DAWOD (1999) They agreed that holding the elder or using a vehicle is legal during striving and instead of waking, the elder may touch the land and if he cannot that he may re-present somebody to help him. The elder who cannot strive even with somebody's help, he should re-present a person to perform striving for him by holding him in a cart or with any other way. And the older did not have the possibility to do this he must re-present another person to perform the pilgrimage.

3. RESULTS AND CONCLUSIONS

1. Islam is the religion of tolerance, holding, flexibility, and balance as it obligate Muslim to perform his duties, on the other hand, it gave him some license to match with the possibility and nature of human.
2. The mind is the asset of obligation, all the worships are not obligated if the person is unable to perform it or he has mental problems to keep the elder health and safety.

3. Islam cares about Muslims in all his life steps especially in the old – age step it granted care and safety for him because of his weakness and inability.
4. The family and society must care about the elder, sanitarily, morally, and socially.

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