



## The existence of sunnah tarkiyah in Islamic fiqh

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### ABSTRACT

Based on the widely accepted notion, the Qur'an and the Hadith of Prophet Muhammad serve as the primary sources of Islamic law, which are used by scholars of usul al-fiqh to derive legal rulings. Consequently, the study of bid'ah shar'iyah, pertaining to religious innovation in Islamic law necessitates comprehensive analysis due to its urgency. To achieve this, one of the key methods employed is examination of sunnah tarkiyah, a prominent theme in ushul fiqh, which provides valuable insight into the nature of bid'ah shar'iyah. In classical ushul fiqh studies, sunnah tarkiyah is examined as part of the Prophet Muhammad's actions. In the development of contemporary ushul fiqh studies, the sunnah of the Prophet is broadly divided into two, namely fi'liyah and tarkiyah. The study of sunnah tarkiyah has garnered attention from contemporary scholars, who have discovered its potential as a valuable source of evidence in the determination of Islamic law. Its validity is currently being questioned, with arguments stating that the absence of actions or practices by the Prophet cannot be considered as definitive evidence. Therefore, this study aims to determine the validity of sunnah tarkiyah in the formulation of Shari'a law.

**Keywords:** Sunnah tarkiyah; sunnah fi'liyah; source of law

### 1. INTRODUCTION

The almighty Allah has commanded every Muslim to follow the instructions of the Prophet Muhammad and abstain from what is forbidden. It should be noted that the actions of the Prophet serve as a reference point for determining the *shar'i* ruling, specifically when the actions were performed with the intention of the legislation. Furthermore, the absence of certain actions by the Prophet Muhammad serves as a reference point for legislation. This principle has been affirmed by scholars such as Walid

ibn Rāshid al-Sua'idān in the book "*Talqīh al-Afhām al-'Aliyyah bi Syarh al-Qawā'id al-Fiqhiyyah*", where the *fiqhiyyah* rule pertaining to matters of worship is discussed:

كُلُّ فِعْلٍ تَوَقَّرَ سَبَبُهُ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَمْ يَفْعَلْهُ فَالْمَشْرُوعُ تَرْكُهُ<sup>1</sup>

Meaning:

"Any action whose cause existed at the time of the Prophet Muhammad but which the Prophet Muhammad did not do, it is prescribed to abandon the action (which was not carried out)."

This rule explained that assuming there were actions within the prophet's capability that were not intentionally carried out, a Muslim should refrain from engaging in such activities in the worship of Allah SWT. This guideline stems from the belief that those actions would not have been neglected by the Prophet assuming they were prescribed.<sup>2</sup>

Showing love for the Prophet entails following the Prophet's examples (*ittiba*). It involves not only imitating the actions performed by the prophet, but also abstaining from the actions left undone. Numerous quotes from esteemed scholars emphasize that this is part of the *sunnah*. They have also stated that this type of *sunnah* is a recognized source of *shar'i* ruling. Through this approach, a Muslim can recognize the idolatry of some of the deeds carried out by those who seek to draw closer to Allah by doing things that the Prophet left out and did not do, even though there is a demand to do them.

When Muslims examine the development of contemporary *ushul fiqh* studies, one of which is the book "*Ma'alim Ushūl al-Fiqh 'Inda Ahli Sunnah wa al-Jama'ah*" by Muhammad Husain al-Jizani. Al-Jizani, a scholar who lived in this millennial era, is a figure of ulama which later developed the concept of *sunnah tarkiyah* to determine the law. However, Abdullāh ibn Muḥammad ibn al-Ṣiddiq al-Ghumārī is different. In the book "*Husnu al-Tafahhum wa al-Darki fi Mas'alatit Tarki*", the scholar explicitly rejects the validity of *sunnah tarkiyah*.

There is disagreement among contemporary scholars on the existence of *sunnah tarkiyah* and whether it can be used as evidence in determining the law or not. They adhere to their arguments and proofs. Presently, there is still disagreement and no meeting point that can reconcile or provide the best solution to the disagreement occurring among them because each group considers its arguments the strongest and most accurate. Currently, within their circle, there is an extreme group (*mutasyaddid*) that easily idolizes and misleads a practice with the argument that it was not carried out by the Prophet Muhammad. On the other hand, there is an easy-going group (*mutasahil*) in

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<sup>1</sup> Walid bin Rāsyid al-Su'aidān, *Talqīh al-Afhām al-'Aliyyah bi Syarh al-Qawā'id al-Fiqhiyyah*. Tahqiq Sulaimān bin Fahd al-'Audah. (Riyādh: t.p.t.th), p.25

<sup>2</sup> Walid bin Rāsyid al-Su'aidān, *Talqīh al-Afhām al-'Aliyyah bi Syarh al-Qawā'id al-Fiqhiyyah*,...h. 25

performing a practice, when there is no clear evidence on which it is based. In this case, one should be fair and scientific in presenting arguments and tolerate others in responding to differences of opinion that occur among scholars, specifically when it involves *ijtihadiah khilafiyah* issues.

## 2. METHODS

This qualitative study was conducted using a *shar'i* approach. The primary data were obtained from the books of classical and contemporary scholars who mentioned the existence of *sunnah tarkiyah*. Meanwhile, secondary data were obtained from journals and books related to the existence of *sunnah tarkiyah*. Data collection methods were based on library materials or studies. The data were comprehensively analyzed using the content analysis method.

## 3. RESULTS AND DISCUSSION

### A. Definition of *Sunnah*

According to Mahmud Saltut, *sunnah* linguistically means الطَّرِيقَةُ meaning the way, procedure, or method. It can also mean السَّيْرَةُ, which translates to the journey of life, encompassing the joys and sorrows, or both praiseworthy and despicable actions. (حَسَنَةٌ (سَيِّئَةٌ أَوْ كَانَتْ

In terms of *sunnah* are:

مَا أُضِيفَ إِلَى النَّبِيِّ صَلَّى اللَّهُ سَلَّمَ قَوْلًا أَوْ فِعْلًا أَوْ تَقْرِيرًا أَوْ صِفَةً

Meaning:

"Something that is attributed to the Prophet, whether in the form of words, actions, decrees (*taqrir*), or characteristics of the Prophet."

### B. Types of *Sunnah*

The scholars of *al-sunnah wa al-jamā'ah* broadly divide the Prophet's *sunnah* into two, namely:

1. *Sunnah fi'liyah*. This *sunnah* is in the form of actions or deeds carried out and modeled by the Prophet, such as modeling prayer movements and Hajj rituals.

*Sunnah fi'liyah* consists of three types:

- a) Actions that fall under human nature (*Jibillah*). The ruling on the Prophet's actions that fall under this category is permissible, such as eating, drinking, walking, sleeping, and other actions that are permissible for the Prophet and all of the people. Moreover, this is what has been determined by the majority of scholars.

- b) Actions that were specifically performed by the Prophet, such as the recommendation to engage in *tahajjud* prayer during the night, the encouragement to engage in contemplation and reflection, allowance of *wishol* (using fragrance) while fasting, the permission to have more than four wives, permission to enter Makkah without wearing ihram, and other actions exclusively granted to the Prophet, are not intended for replication.
- c) The Prophet's actions explain the laws of Allah, such as providing explanations and descriptions of the commands and prohibitions of Allah. Similarly, in explaining the commands and prohibitions of the Prophet.

2. *Sunnah tarkiyah* (abandoning an action): This *sunnah* is an activity that the Prophet abandoned even though there was a reason and a demand, and nothing prevented the prophet from carrying it out.

This includes omitting the *adhan* and *iqamah* for the Eid al-Fitr and Eid al-Adha prayers, not requiring a bath for every prayer, absence of giving the *adhan* and *iqamah* for the *tarawih* prayers, not reciting verses of the Qur'an for the dead, not offering the *Sunnah* prayer on the night of Nishfu Sha'bān, not giving zakah on vegetables, as well as other actions not done by the Prophet despite the reasons and demands.

### C. Evidence for the Existence of *Sunnah Tarkiyah*

The evidence for the existence of "*sunnah tarkiyah*" is the Hadith of the Prophet Muhammad, narrated by Anas bin Malik narrated:

أَخْبَرَنَا حُمَيْدُ بْنُ أَبِي حُمَيْدٍ الطَّوِيلُ، أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ رَضِيَ اللَّهُ عَنْهُ، يَقُولُ: جَاءَ ثَلَاثَةٌ رَهْطًا إِلَى بُيُوتِ أَزْوَاجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يَسْأَلُونَ عَنْ عِبَادَةِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَلَمَّا أُخْبِرُوا كَانَتْهُمْ تَقَالُوهَا، فَقَالُوا: وَأَيْنَ نَحْنُ مِنَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ؟ قَدْ غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ وَمَا تَأَخَّرَ، قَالَ أَحَدُهُمْ: أَمَا أَنَا فَإِنِّي أَصَلِّي اللَّيْلَ أَبَدًا، وَقَالَ آخَرُ: أَنَا أَصُومُ الدَّهْرَ وَلَا أَفْطِرُ، وَقَالَ آخَرُ: أَنَا أَعْتَزِلُ النِّسَاءَ فَلَا أَتَزَوَّجُ أَبَدًا، فَجَاءَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَيْهِمْ، فَقَالَ: أَنْتُمْ الَّذِينَ قُلْتُمْ كَذَا وَكَذَا، أَمَا وَاللَّهِ إِنِّي لَأُحْشَاكُمُ اللَّهُ وَأَنْفَاكُمُ لَهُ، لَكِنِّي أَصُومُ وَأَفْطِرُ، وَأَصَلِّي وَأَرْفُدُ، وَأَتَزَوَّجُ النِّسَاءَ، فَمَنْ رَغِبَ عَنْ سُنَّتِي فَلَيْسَ مِنِّي. رواه البخاري<sup>3</sup>

Meaning:

*"Humaid ibn Abi Humaid al-Thawil reported to us that he heard Anas ibn Malik say: Three Companions came to the house of the Prophet's wives and asked about the worship of the Prophet. After receiving an explanation, they felt that their worship was nothing compared to the worship of the Prophet, therefore, they said: "What is the value of our worship compared to the worship of the Prophet, when Allah has forgiven his past and future sins!". Then, one of them said: "I will pray all night, forever." The second said: "I will continue fasting in the year and will not break my*

<sup>3</sup> Muhammad bin Ismā'il Abū Abdullāh al-Bukhārī al-Ju'fī, *Shahih al-Bukhārī*. Tahqīq Muhammad Zuhair bin Nāshir Al-Nāshir, Juz.VII, (Cet.I,Thūqun Najah, 1422 H), p. 2

*fast, forever." The third said: "I will stay away from women and not marry, forever." Hearing about the attitude of the three Companions, the Messenger of Allah came and said: "Is it true that you say such and such? Know, by Allah, that I am the most fearful and most pious servant of Him. Nevertheless, I fast and break my fast, I pray at night and sleep, and I marry women. Whoever does not like my sunnah (which is like that), then he does not belong to my group." (HR. Muttafaq 'Alaihi)*

This hadith clearly illustrated that these three companions performed acts of worship prescribed in the original but in a way not modeled by the Prophet. The original ruling of night prayer, fasting (*sunnah*), and marriage is prescribed in Islam. The *kaifiyat* (procedure) used by the three companions was abandoned (not practiced) and not modeled by the Prophet. Therefore, their worship was denied and rejected. The rejection of their manner of worship justifies another of the prophet's sayings:

أَخْبَرْتَنِي عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ. رواه مسلم

Meaning:

*"Whoever performs an action for which we have not given command is rejected."*  
(HR. Muslim).

A deed that was permissible according to the original law but not performed appropriately in accordance with the instructions and commands of the Prophet is unacceptable. This hadith also gives a reminder that good intentions are not enough to perform a deed. This is because good intentions alone do not necessarily make an action good and acceptable in the sight of Allah, but it should also be in accordance with the method taught by the Prophet. Therefore, at the end of the Prophet's denial, the Prophet said: "Whoever does not like my *sunnah* does not belong to my group."

#### **D. Rules for Understanding the Existence of *Sunnah Tarkiyah***

1. Imam Abul Muzhaffar al-Sam'anī al-Shāfi'i (d. 489 AH) stated that:

إِذَا تَرَكَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَيْئًا مِنَ الْأَشْيَاءِ وَجَبَ عَلَيْنَا مُتَابَعَتُهُ فِيهِ

Meaning:

*"If the Prophet abandoned a matter (i.e., made it a sunnah tarkiyah) of any kind, then we are obliged to follow him in that matter."*

2. Abul Husain al-Bashri al-Mu'tazilī al-Syāfi'ī (w.436 H) said:

فَأَمَّا اتِّبَاعُ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَدْ يَكُونُ فِي الْقَوْلِ وَقَدْ يَكُونُ فِي الْفِعْلِ وَقَدْ يَكُونُ فِي التَّرْكِ

Meaning:

*"As for following the Prophet, it can be in speech (sunnah qauliyah), it can also be in action (sunnah fi'liyah), and it can also be in things left behind (sunnah tarkiyah)."*

3. Ibn Taymiyyah, in the book, "*al-Iqthidha' al-Shirath al-Mustaqim*", stated that:

إِذَا تَرَكَ الرَّسُولُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِعْلَ عِبَادَةٍ مِنَ الْعِبَادَاتِ مَعَ كَوْنِ مُوجِبِهَا وَسَبَبِهَا الْمُقْتَضِي لَهَا قَائِمًا ثَابِتًا،  
وَالْمَانِعُ مِنْهَا مُنْتَفِيًا، فَإِنَّ فِعْلَهَا بِدْعَةٌ<sup>4</sup>

Meaning:

*"If Rasulullah abandoned an act of worship that existed, even though the factors and causes that required its performance existed and the factors that prevented it did not exist, then performing that act of worship would be a bid'ah."*

From the above rules, it is clear that *sunnah tarkiyah* can be used as *hujjah*, when the following two conditions are met:

1. The *muqtadhī* (motivating factor) for doing the act existed during the Prophet's era
2. Nothing obtains in the way (*Intifāu al-mawānī*)

When these conditions are met, it is *sunnah* to leave it (*sunnah tarkiyyah*) because the knowledge has been passed and was not abandoned but made a *sunnah* for the ummah by the Prophet.

### **E. Sunnah Tarkiyah Only Applicable in the Realm of Ta'abbudi**

Imam Ibnu Hajar al-Haitami al-Syafi'i (w. 974H) who created a definition of charity *ta'abbudi*, stated:

هُوَ اصْطِلَاحًا مَا لَا يُعْقَلُ مَعْنَاهُ عِبَادَةٌ كَانَتْ أَوْ غَيْرَهَا التَّعَبُّدُ<sup>5</sup>

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<sup>4</sup> Ahmad bin Abdul Halim Abu al-Abbas Ibnu Taimiyah, *Majmu' al-Fatāwa*. Tahqīq Abdurrahman bin Muhammad bin Qāsim. Juz.XXVI, (Saudi Arabiyah: Majma' al-Malik,1416 H), p.172, and Muhammad Husain Al-Jizānī, *Qawā'id fi Ma'rifaṭil Bida' I* Print, (Riyādh: Dār Ibn al-Jauzī, 1419H), p. 75

<sup>5</sup> Ahmad bin Muhammad bin 'Ali bin Hajar al-Haitami, *Tuhfah al-Muhtāj fi Syarh al-Minhāj*, Juz.VIII, (Mesir: al-Maktabah al-Tijariyah al-Kubrā,1357 H/1983 M), p. 229

Meaning:

*"The term ta'abbudi refers to something that the jurists do not understand, whether it is a form of worship (such as purification, prayer, and others) or something else (such as muamalat, customs, and others)."*

Abū Bakar al-Bakri al-Dimyathī al-Syāfi'ī (w.1302H) explained what al-Haitamī meant:

وقوله: ما لا يعقل معناه: أي أمر لا تدرك حكمته، بل الشارع تعبدنا به<sup>6</sup>

Meaning:

*"What al-Haitami means by "something that we do not understand" is something that the wisdom of the Shari'ah does not reach (by human thought), but the owner of the Shari'ah only commands us to do it as a form of worship (ritual)."*

The limitations of *ta'abbudi* worship are acts of worship whose purpose, benefits, and harms are not known in detail.

## F. Consequences of Violating *Sunnah Tarkiyah* Means Falling into Heresy

The Shafi'i scholars used the rule of *sunnah tarkiyah* to determine a matter of *bid'ah*. This referred to the explanation of Imam al-Haitamī, who stated:

وَكَذَا مَا تَرَكَ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَعَ قِيَامِ الْمُقْتَضَى فَيَكُونُ تَرْكُهُ سَنَةً وَفَعَلَهُ بِدْعَةٌ مَذْمُومَةٌ<sup>7</sup>

Meaning:

*"The same applies to things that the Prophet Muhammad left out, even though the motivation to do them was present at the time. Therefore, leaving it is a sunnah (tarkiyah) and doing it is a reprehensible bid'ah."*

Examples of violating *sunnah tarkiyah* falling into *bid'ah* include doing ablution in reverse order. When something can be considered as a *bid'ah* because it meets the criteria of *sunnah tarkiyah*, then doing ablution in reverse order can also be considered as a *bid'ah*. The Shaafa'i scholars stated that performing such action was *sunnah tarkiyah*. This was confirmed by Imam Ibn Sayyidin Nas al-Ya'mari al-Syāfi'i (d. 734 AH), who stated:

ولم ينقل أن النبي صلى الله عليه وسلم توضأ وضوءاً منكسأً، ولو كان لنقل، ولو لبيان الجواز.

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<sup>6</sup> Abū Bakar bin Muhammad Syatha al-Dhimyathī, *Pānah al-Thalībīn 'alā Hal al-Faḥḥ Fath al-Mu'in*, Juz.IV, (vol.I; Dār al-Fikr, 1418 H/1997 M), p. 45

<sup>7</sup> Ahmad bin Muhammad bin 'Alī bin Hajar al-Haimatamī al-Sa'dī al-Anshārī, *al-Fatāwā al-Hadīsiyah*, Juz. I (Dār al-Fikr, t.p.t.th), p. 200

Meaning:

*"And it has never been narrated that the Prophet performed ablution in reverse order. Had it been, it would have been narrated, even if (only once) to explain the permissibility (of performing ablution in reverse order)."*

## G. How to Recognize *Sunnah Tarkiyah* According to the Scholars

*Sunnah tarkiyah* is known in one of two ways, as stated by Imam Ibn al-Qayyim:

وَأَمَّا نَقْلُهُمْ لِتَرْكِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَهُوَ نَوْعَانِ، وَكِلَاهُمَا سُنَّةٌ؛ أَحَدُهُمَا: تَصْرِيحُهُمْ بِأَنَّهُ تَرَكَ كَذَا وَكَذَا وَلَمْ يَفْعَلْهُ، كَقَوْلِهِ فِي شَهَادَةِ أَحَدٍ: وَلَمْ يُعَسِّلَهُمْ وَلَمْ يُصَلِّ عَلَيْهِمْ وَقَوْلِهِ فِي صَلَاةِ الْعِيدِ لَمْ يَكُنْ أَدَانٌ وَلَا إِقَامَةٌ وَلَا نِدَاءٌ وَقَوْلِهِ فِي جَمْعِهِ بَيْنَ الصَّلَاتَيْنِ وَلَمْ يُسَبِّحْ بَيْنَهُمَا وَلَا عَلَى أَثَرٍ وَاحِدَةٍ مِنْهُمَا وَنَطَائِرُهُ. وَالثَّانِي: عَدَمُ نَقْلِهِمْ لِمَا لَوْ فَعَلَهُ لِتَوَقُّرِثِ هِمْمُهُمْ وَدَوَاعِيهِمْ أَوْ أَكْثَرُهُمْ أَوْ وَاحِدٌ مِنْهُمْ عَلَى نَقْلِهِ؛ فَحَيْثُ لَمْ يَنْقُلْهُ وَاحِدٌ مِنْهُمْ أَلَيْتَهُ وَلَا حَدَّثَ بِهِ فِي مَجْمَعٍ أَبَدًا عَلِمَ أَنَّهُ لَمْ يَكُنْ وَهَذَا كَثَرُكَ التَّلَفُّظِ بِالنِّيَّةِ عِنْدَ دُخُولِهِ فِي الصَّلَاةِ، وَتَرْكِهِ الدُّعَاءَ بَعْدَ الصَّلَاةِ مُسْتَقْبِلِ الْمَأْمُومِينَ وَهُمْ يُؤْمِنُونَ عَلَى دُعَائِهِ دَائِمًا<sup>8</sup>

Meaning:

*"With regard to the narration of the Companions of the Prophet's words, there are two types, and both are Sunnah: First: Tashrih (clear words) of the Companions narrating that: "Rasulullah left this-and-that," or "The Prophet did not do it," or similar expressions. An example is when a narrator mentioned that the Prophet Muhammad did not bathe the bodies of the Martyrs of Uhud and did not offer the funeral prayer for them. Another example is the narrator's statement about the 'Eid prayer, where it is reported that the Prophet did not perform the adhan or the Iqamah (call to prayer) before it. Additionally, what the narrator says about joined prayers, is narrated that the Prophet did not offer any voluntary prayers between the two joined prayers or after they were completed."*

*Secondly: "None of the Companions narrated this practice. Had the Prophet performed it, all the Companions, some of them, or one of them, would have narrated it. This is because of their enthusiasm and need to learn religious knowledge. However, since there is no narration being prescribed, it is clear that this practice was not carried out by the Prophet. For example, not reciting the intention before saying the Takbir for prayer, as well as praying together after praying in congregation, facing them, and then the congregation continually assenting to the imam's prayer."*

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Muhammad bin Abū Bakar bin Ayyūb Sa'ad Syamsuddīn Ibn Qayyim al-Jauziyah, *I'lām al-Muwaqī'im 'an Rabb al-'Alamin*, Tahqiq Muhammad Abdussalam Ibrahim. I Print, Juz. II, (Beirūt: Dār al-Kutub al-'Ilmiyah, 1411H), p. 281



This is how the scholars of *ushul* determine the validity of *sunnah tarkiyah* by examining the practices of the Companions and whether they narrated those actions or not. When the practice is prescribed, it will be narrated by the al-Salaf, in this case, the Companions. Many factors promote them to narrate it, as they were keen on carrying out *hifzu al-din* which is a form of safeguarding the religion. It is also impossible for the Companions to conceal the practices prescribed by Allah and the Messenger.

## CONCLUSION

In conclusion, *Sunnah tarkiyah* refers to actions that the Prophet Muhammad abandoned despite having a motivation or impetus to perform them (*al-Muqtadī*) and without any hindrance or obstacle (*Intifa'u al-Mawani*). The Prophet did not abandon them out of consideration for the rights of others. Therefore, *sunnah tarkiyah* refers to actions that the Prophet and the companions left behind with two conditions, namely there is a motivation or impetus to perform them and there is no obstacle preventing them. When these two conditions are met, it falls under the rule of *sunnah tarkiyah*, which serves as proof. When a practice is carried out with the intention of *taqarrub ila Allah* (declaring oneself to Allah), the culprit falls into *bid'ah*. Abandoning practices that the Prophet and the companions relinquished, an individual follows *sunnah tarkiyah*, and earns a reward from Allah in return. However, when the conditions are not met, it does not fall under the rules of *sunnah tarkiyah*. Performing it is not considered *bid'ah shar'iyyah* but rather *al-mashlahah al-mursalah*.

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