



Incorporating of Substitution on Ramadhan Fasting

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Abstract

Fasting according to the Arabic is Saumu, which means according to the language is to refrain from everything, such as refraining from eating, drinking, speaking unhelpful and so on. According to Islamic terms fasting means refraining from something that breaks the fast, one day long, starting from dawn until sunset with the intention and some conditions. Ramadan fasting is fasting which is carried out for a whole month in the month of Ramadan. The law of Ramadan fasting is obligatory 'ain (fardhu ain) for every Muslim who is a Muslim. The basis for this obligatory Ramadan fasting is al-Qur'an and al-hadith. In carrying out Ramadan fasting for a whole month, sometimes there are excuse that hinders its implementation, so that we are unable or unable to do it, such as illness and traveler, but the obligation of fasting does not disappear due to this excuse. Therefore, Allah SWT, gave rukhsah or relief not to fast and replace it or give it on another day outside the month of Ramadan. Some Muslims do not know the laws regarding the qadha of fasting, so they play with the qadha of fasting. Likewise, they do not know the obligations that arise from postponed the qadha on the fast of Ramadan, namely, changing the fast after the qadha period has expired or the next Ramadan has come. This is the subject of this paper. Of course, in this paper there are still various shortcomings that require improvement and refinement.

Keywords: *Incorporating; Substitution; Ramadhan Fasting*

1. Definition of Qadha

Qadha comes from Arabic, namely:

قضى - يقضى - قضا - منها وفرغ اتمها حاجته¹.

Meaning: Refine and finish.

According to Shari'at Islam Qadha means doing something of worship after the predetermined time has passed. In the Islamic fiqh book, it is stated that qadha is paying an obligation after the expiration of time, such as a woman who missed her fast due to menstruation, it is obligatory for her to

¹ Louis Ma'luf, *Al-Munjid* (Beirut: Al-Maktabah Syarqiyah, t.th), h. 636.

replace the remaining fast in another month, if there is only three days it is obligatory for her to replace it for three days as well.²

Zakiyuddin Sya'ban in his book *Ushul Fiqh Islam* explains that obligatory worship, when reviewed from the time of its implementation can be distinguished to the absolute obligatory and muqayyad obligatory. Absolute Obligatory, is: Something which is a requirement of syara' to be done without a certain time, such as paying *kifarat* and *nazar* fast at an unspecified time. While muqayyad obligatory is something that is a requirement of syara' to be done at a certain time, such as: Prayer, Fasting and Hajj. This muqayyad obligatory if a mukallaf has done it at a time that has been determined perfectly in harmony and conditions, then the act is called by *ada* (cash). When done in time, but to repeat the worship, it is called *ia'dah*. And if it is done after the time has expired, it is called *qadha*.³

The author's intention here is qadha fasting Ramadan. Ramadan fasting is the obligation of Muslims to carry it out, as a form of worship that is continuously carried out throughout the day in the month of Ramadan. If the implementation is hampered by something or other reasons, but then it is done outside the month of Ramadan, then this implementation outside the month of Ramadan is called qadha fasting Ramadan.

Qadha fasting Ramadan is obligatory for every mukallaf who is left behind one day or several days between fasts in the month of Ramadan. The qadha obligation applies to the fast that remains, whether it is left behind due to the existence of excuse, or the absence of excuse (conscious), but there are certain exceptions that can be replaced by the form of *fidyah*.

2. Time of Implementing Qadha Fasting Ramadhan

In carrying out the Qadha fasting of Ramadan, there is a wide amount of time to carry it out, it can be carried out throughout the year, except for times that are prohibited from fasting, such as: Eid al-Fitr, Eid al-Adha and the third day of Tasyriq, namely on the 11th, 12th and 13th of Zulhijjah. He explained that the Qadha fasting of Ramadan can be carried out at any time we want, as long as it is not the time that is forbidden to fast.

Some scholars argue that people who leave the fast of Ramadan, because of excuses, it is obligatory for him to immediately make up (qadha) his fast on the day of the opportunity he gets after the holiday. Some scholars argue that it is not obligatory for him to make (qadha) his fast immediately, but that throughout the year it is the time to make up his fast. He is allowed to make qadha on the days he wants in that year.

The difference of opinion arises from the way they understand the Word of Allah SWT, in Surah al-Baqarah verse 185, which reads:

... وَمَنْ كَانَ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ ۗ ...

Meaning: ... Whoever is sick or is on the way (then he breaks the fast) then (it is obligatory for him to fast), as many days as he has left on other days....⁴

The first opinion implies that the person who was given the break if the break was due to an excuse. So if the excuse is gone and there is a time, he is obliged to immediately make up the fast that he left behind. The second opinion implies that the verse only orders to qadha the fast, it is not determined

² Sulaiman Rasyid, *Fiqh Islam* (Jakarta: At-Thahiriyah, 1955), h. 233.

³ Zakiyuddin Sya'ban, *Ushul Fiqh Islam* (Mesir: Dar an-Nahdhah, al-arabiyah, t.th), h. 231.

⁴ Departemen Agama RI, *Al-Qur'an dan terjemahnya* (Jakarta: Yayasan penyelenggara penerjemah/penafsir al-Qur'an, 1976), h. 44.

on which day he is obliged to make up the (qadha) fast. Then he can choose the day he wants between the month of Ramadan and the next month of Ramadan. This is based on the hadith of the Prophet Muhammad SAW :

عن عائشة قالت. ما قضيت شيئا ما يكون علي من رمضان إلا في شعبان حتى قبض رسول الله صلى الله عليه وسلم . (رواه الترمذي وابن حزيمة)⁵

Meaning: From Aisyah he said; I never made the fast (qadha) that I left in the month of Ramadan, other than in the month of Sha'ban until Rasulullah SAW, passed away. (H.R. Tirmizi and Ibn Khuzaimah).

From the above hadith, it can be concluded that the qadha of Ramadan fasting is not required to be rushed and may be done where there is an opportunity to carry it out, so that the month of Sha'ban. But there are still many Muslims when the month of Ramadan has passed, while they still have qadha fasting and neglect their obligation to make up their fast. Sometimes they don't remember it or think that the time from Ramadan to the next month of Ramadan is still long. Or they remember, but they cannot control themselves from their lust, so they feel hard to do fast qadha. Thus, without realizing it, the fasting qadha is delayed from day to day from month to month, so that it gets to the next Ramadan and not infrequently the time passes. If this happens it will certainly be burdensome for ourselves, because however, the fasting that is left behind we must change until whenever, because fasting is an obligation for Muslims to carry it out.

As for the way to fast, it is not obliged to be consecutive, it is permissible to be fasting in every other day. Rasulullah SAW. Said:

عن ابن عمر ان النبي صلى الله عليه وسلم قال قضاء رمضان ان شاء فرق و ان شاء تابع. رواه الدارقطني . قال البخاري قال ابن عباس لابأس ان يفرق لقول الله تعالى : فعدة من أيام أخر⁶

Meaning: From Ibn Umar, that the Prophet SAW. Said: Qadha of fasting Ramadan if you want to be separated and if you want successively. HR. Ad-Daruquthni. Has said Bukhari: Said Ibn Abbas: It is okay to separate it, because the words of Allah SWT: So let it be replaced on other days

Likewise the hadith of the Prophet SAW. What was narrated by Ad-Daruquthni too :

عن عائشة قالت فعدة من أيام أخر متتابعات فسقطت متتابعات. (رواه الدارقطني وقال :إسناده صحيح)⁷.

Meaning: From 'Aisha said she: Has been sent a verse فعدة من أيام أخر متتابعات then fall متتابعات (consecutively). (HR. Daruquthni and he said the sanad was valid (shahih)).

It can be understood from these two hadiths that if a person leaves the fast of five days for example, then he may made up (qadha) it every day intermittently and may also continue for up to five days as long as in that same year.

So making up the fast is the same as *ada'* or fasting in time means that whoever forsake the fast for a few days should replace it as much as that day without addition, only the difference in making up the fast does not need to be consecutive in that case Allah gives freedom and does not oblige consecutively.

Fuqaha has a different opinion in this matter, namely Jumhur said that fasting qadha is not obligatory in succession, but only circumcision is carried out in succession and if it is carried out separately the law is valid. They take the argument with generally the Word from Allah "then change another day". Thus fasting separately has meant changing the fast on other days. Some scholars think that

⁵Abdul Razak, *Terjemahan Shahih Muslim* (Jakarta: al-Husna, 1980), h. 103.

⁶Asy-Syaukani, *Nailul Awthar* (Mesir: al-Baby al-Halabi,t.th), h. 260.

⁷*ibid.*

making up the fast is obligatory in a row, because they consider the hadith that allows separation is not valid according to the hadith members.⁸

In the book *Nailul Awthar* that there is a mention in the *al-bahar* book of the words of An-Nakhai, Nasir and one of the sayings of Shafi'i that the sentence: *متتابعات* in the verse that reads *فعدة من أيام أخر* is qiraat ahad and cannot be used as evidence (*hujjah*). Thus they allow the fasting qadha separately, not necessarily in succession. As for those who say they must successively think that the qiraat can be used as evidence (*hujjah*).⁹

From the opinions of these scholars, a conclusion can be drawn, in that fasting does not have to be consecutive, it can be done separately according to our situation and conditions for doing it. Thus the obligation to do qadha fasting Ramadan must be done, no matter how to replace it or carry it out.

3. Postpone the Qadha of Fast Ramadhan

In implementing ramadan fasting qadha is not required to hasten it, There is a wide range of time where there is an opportunity to carry it out so that it is up to the month of Sha'ban and if the qadha of the fasting Ramadan is postponed until the next Ramadan (the qadha has expired), in this case the four Imams have different opinions, namely:

1. Syafi'i, Maliki and Ahmad

If someone delaying the fast ramadan until the next Ramadan, so let him do the Ramadan fast that he faced, then he qadha Ramadan that he had abandoned and not obliged to pay fidyah if the postponement was due to excuses. If the postponement is not due to excuses let him do the fast of Ramadan that he faced, then he qadha Ramadan that he left behind and must pay fidyah by feeding the poor as much as one mud for each day he left behind.

2. Hanafi

If a person delaying qadha of fasting Ramadan until the next Ramadan, then let him do the Ramadan that he faced, then he qadha Ramadan that he has abandoned and is not obliged to pay fidyah, whether the postponement is due to excuses or not.¹⁰

In the book *Nailul Awthar* it is stated that Jumhur argues that it is obligatory to make up and pay for the fidyah, because they took the evidence from al-Qur'an Surah al-Baqarah verse 184, which reads

... وَعَلَى الَّذِينَ يُطِيقُونَهِ فِدْيَةٌ طَعَامُ مِسْكِينٍ ...

Meaning: ... And it is obligatory for people who are hard to do it (if they do not fast) pay fidyah (that is) to feed a poor person....¹¹

They consider that those who leave fasting because they are unable to do it, are therefore obliged to pay a fidyah of one mud per day from those who miss it as stated in the verse that people who are unable to fast are obliged to feed the poor. According to Abu Hanifah, he was only obliged to make qadha

⁸Mahmoud Syaltout, *Al-Fatawa* (Cairo: Dar al-Qalam, t.th), h. 149.

⁹Asy-Syaukani, *Nailul Awthar*. h. 240.

¹⁰Sayid Sabiq, *Fiqh Sunnah*, Juz I, (Mesir: An-Nizhamiyah, t.th), h. 470.

¹¹Departemen Agama RI, *Al-Qur'an dan terjemahnya*. h. 44.

and not obliged to pay fidyah. He took the evidence with verse *فعدة من أيام أخر* they argue with this verse that Allah does not oblige fidyah, only requires replacing.¹²

As for people who have passed away, but they are still burdened with the obligation to fast, while they have the opportunity to fast before they die, it is obligatory for the guardian to replace them based on the hadith of the Prophet Muhammad SAW, as follows :

عن عائشة رضى الله عنه ان النبي صلى الله عليه وسلم قال من مات وعليه صوم صام عنه وليه. (متفق عليه)¹³

Meaning: From 'Aisyah r.a that the Prophet SAW. said: Whoever dies even though he still has the obligation to fast should be replaced by his guardian. (Narrated by Bukhari and Muslim)

The zahir of this hadith is obligatory to made up (*qadha*) the fast of a person who has died, whether it is obligatory fasting or vows and the one who replace is the guardian. The meaning of the guardian here is the guardian of a relative, whether his position is as guardian 'asabah or heir. In this case the scholars have different opinions, in *the fasting guidebook* it is mentioned :

According to the opinion of the Shaafa'i, that he who is able to fast *qadha*, but does not do it until he dies, should be fed in his name. Meanwhile, according to the opinion Thaus, Al-Hasan, Az-Zuhri, Qatadah, Abu Tsaur, Daud, Ibnu Umar, 'Aisyah, Malik, Abu Hanifah and Ats-Tsuri that people who can fast *qadha* but do not do it until he dies then fasted on his name by the guardian. According to Ibn Abbas, Ahmad and Ishaq fasted their fast if they nazar fast and were given food if they fasted during Ramadan. According to Nawawi, the most valid of these three opinions is to be fasted on his name by a guardian.¹⁴

As for the argument of those who argue that the guardian is obliged to make fasting for the dead is based on the hadith of the Prophet Muhammad SAW narrated by Bukhari and Muslim from 'Aisyah as mentioned above, whereas the argument of people who argue that guardians are not obliged to make fasting for people who have died, only enough to pay fidyah is based on the hadith of the Prophet narrated by Turmuzi from Ibn Umar. :

من مات وعليه صيام اطعم عنه ماكن كل يوم مسكينا¹⁵

Meaning: Whoever dies even though he still has the obligation to fast is given food in his name (fidyah), a poor person every day.

From the differences in opinion of the scholars above, the writer prefers to pay fidyah as a substitute, but the guardian nazar fast is obliged to be fasted. This is based on the hadith narrated by Abu Daud from Ibn Abbas:

إذا مرض الرجل في رمضان ثم مات ولم يصم اطعم عنه ولم يكن عليه قضاء وإن نذر قضى عليه وليه¹⁶

Meaning: If someone is sick in the month of Ramadan then he dies even though he is not fasting, he is given food in his name (his fidyah) and there is no qadha on it and if the nazar fast, it should be made up (qadha) by his guardian.

Qadha fasting Ramadan is an obligation for Muslims to carry it out, so there is no doubt that hastening the *qadha* is at a time that allows its implementation it is better than to postpone it and it is not proper for Muslims to postpone it when the excuse is gone.

¹²Asy-Syaukani, *Nailul Awthar*. h. 240.

¹³Muhammad bin Ismail al-Kahlani, *Subulus Salam* (Bandung: Dahlan, t.th), h. 165.

¹⁴Hasbi Ash-Shiddiqy, *Pedoman Puasa* (Jakarta: Bulan Bintang, t.th), h. 555.

¹⁵Muhammad bin Ismail al-Kahlani, *Subulus Salam*. h. 165.

¹⁶Asy-Syaukani, *Nailul Awthar*. h. 240.

Fortunately those who have done their fasting qadha after the completion of Ramadan, so that in the face of the next Ramadan he is free from double obligation, because fasting qadha is the same as *ada'* is the right of Allah to His servants.

Thus every month of Ramadan we can do charity with a calm soul, clean from all burdens that become thoughts, not bothering ourselves, nor causing trouble for our family, because fasting qadha is our own burden while we are still alive. Then, if we have died but the fasting qadha is still left behind, then the one who is responsible for this is our own family.

Conclusion

Qadha fasting Ramadan is mandatory for every mukallaf who has left his fast in the month of Ramadan either due to excuse or not, but there are certain exceptions that can be replaced with fidyah. Qadha fasting can be done all year round except on days where fasting is prohibited. It can also be done in succession and separately according to the wishes of the person carrying it out.

The one who postpones the fast of Ramadan, let him do the fast of Ramadan that he faces and is obliged to make up and pay the fidyah one mud for every day he leaves. The person who neglects the qadha of Ramadan fasting until he dies while he has the opportunity to fast beforehand, then the one who is responsible for paying his fidyah is his guardian (his heir).

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