



The Law of Wiping the Jaurab and Khuf Using the Qiyas Method from the Perspective of Islamic Jurisprudence

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Article History Received : 2024-11-01 Revised: 2024-11-15 Published: 2024-12-30 Keywords: <i>Analogy, khuf, jaurab, fiqh</i>	This study aims to analyze the metaphorical method between wiping socks and wiping khuf from the perspective of Islamic jurisprudence of worship. This study is included in the type of qualitative research using the library research method, which is a study conducted by collecting data from books and literature from previous studies, or research conducted by collecting data from searches or other writings both from scientific articles, primary data sources and secondary data sources, and other literature related to the metaphorical method. The results of the study found are as follows. First, the type of metaphor used in determining the law of wiping jaurab which is likened to the law of wiping khuf is the metaphor of 'illah by equating the legal ilat of far' with its asl, where the determination of the legal ilat uses the istinbat method by means of munasabah. Second, the figurative method used in determining the law on whether it is permissible to wipe socks in wudu as a substitute for washing the feet which is ascribed to the law of wiping the khuf is valid because it fulfills the pillars of kias and also complies with the requirements of each pillar.

I. INTRODUCTION

Islam is a perfect religion that abolishes previous Shari'a. The Islamic religion's sharia is complete and its laws are perfect. Its adherents are ordered to join the Islamic religion as a whole and not worship anyone other than Allah SWT. And so that its adherents do not judge anything other than His law. Allah SWT. Says in QS An-Nisa'/4:59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

O you who believe! Obey Allah and obey the Messenger (Muhammad), and Ulil Amri (the authority) among you. Then, if you differ in opinion about something, then return it to Allah (the Qur'an) and the Messenger (sunnah), if you believe in Allah and the Last Day. That is more important (for you) and the consequences are better.

Based on this verse, it is obligatory for all Muslims to obey all the commands of Allah and His Messenger and avoid all His prohibitions. And if a Muslim in his life finds a difference of opinion or problem, then it is proper to return the matter to the Qur'an and the Sunnah as the most important sources of Islamic law in relation to ruling with the laws of Allah and His Messenger in all aspects

of his life, be it in the political, educational, economic, cultural, and so on.

After the departure of the Messenger of Allah, his companions carried out the mandate to continue the preaching and teachings of Islam. If a problem arises, they will judge by the Qur'an and sunnah as well as the ijmak and ijtiha of the friends who existed at that time.

As time goes by and the development of civilization and technology, problems arise that did not previously exist during the time of the Prophet Muhammad saw, his companions, and also the tabiin. Islamic Sharia provides instructions for mujtahids to carry out istinbat from global laws so that they can be applied to the problems that exist at that time.

Prophet Muhammad saw. He once hinted to his friends about how to judge if a problem was not legally found in the Al-Qur'an and Sunnah. As the words of the Prophet Muhammad saw. When sending Mu'az Bin Jabal ra. To Yemen:

أن رسول الله صلى الله عليه وسلم بعث معاذًا إلى اليمن، فقال: "كيف تقضي؟" قال: أقضي بما في كتاب الله. قال: "فإن لم يكن في كتاب الله؟" قال: فبسنة رسول الله صلى الله عليه وسلم. قال: "فإن لم يكن في سنة رسول الله؟" قال: أجتهد رأيي. قال: "الحمد لله الذي وفق رسول رسول الله"

That the Messenger of Allah. Once sent Mu'adz to Yemen, then he asked: "How do you decide on

the law?" He answered: "I decided the law from what is contained in the Book of Allah." He asked again: "What if it is not in the Book of Allah?" He answered: "By the sunnah of the Messenger of Allah." He asked: "What if it is not contained in the Sunnah of the Prophet Muhammad?" He replied: "I will make ijthihad with my opinion." He said: "Praise be to Allah who has given taufik to the messenger of the Messenger of Allah."

According to Sheikh Usaimin rahimahullah, there are four sources of Islamic law, namely the Qur'an, hadith, ijmak, and the last is metaphor. And as one of the sources of law, metaphor becomes one of the references in taking law.

There are many examples of the application of kias around us, one of which is the law of wiping the jaurab (socks) which is allusion to the law of wiping the khuf as a substitute for washing the feet in ablution.

The scholars have different opinions regarding the law of the permissibility of wiping over the jaurab as a substitute for washing the feet in ablution. Imam Syafi'I, Abu Hanifah's companions (Abu Yusuf and Muhammad), and Imam Ahmad bin Hambal said that it is permissible to wipe over the jaurab on the condition that the jaurab must be thick and can be used for walking. However, Imam Ahmad did not require that the jaurab that is wiped can be used for walking.

Among the scholars who allow wiping the jaurab absolutely are Imam Ibn Hazm and Shaykh Usaimin, as long as the jaurab covers the part that must be washed when washing both feet in wudu.

Meanwhile, those who do not allow wiping the jaurab as a substitute for washing the feet in wudu are Imam Malik and Imam Abu Hanifah. Imam Malik once allowed wiping the jaurab on condition that the jaurab was sewn with leather on the top and bottom, but then he again did not allow wiping the jaurab absolutely.

II. RESEARCH METHODS

The research conducted by this author is a qualitative research (non-statistical) using library research. Library research is a research conducted using literature from previous research.

The approaches used in this research are as follows:

1. Normative legal approach, namely legal research conducted by examining library materials or secondary data as basic materials for research by conducting searches on texts and literature related to the problems being studied. This

approach is intended to find and obtain legal facts about wiping jaurab whose law is alluded to the law of wiping khuf, which is sourced from the Qur'an, hadith, ijmak, and qiyas.

2. Conceptual approach, namely an approach intended to analyze legal materials so that the meaning contained in legal terms can be known. This is done as an effort to obtain new meanings contained in the terms studied or to test the legal terms in theory and practice.

To collect and process data in this writing, the author uses a library research method, namely collecting data through reading results or other literature related to the problem to be researched.

The data sources that the author uses are as follows:

1. Primary data sources, namely sources obtained through the holy book of the Qur'an, the hadith of the Prophet SAW, along with fiqh literature written by scholars regarding qiyas and the law of wiping jaurab.
2. Secondary data sources, namely materials that provide explanations regarding primary legal materials, such as books, theses, dissertations, or other literature that discuss qiyas and the opinions of scholars regarding the law of wiping jaurab.

Next, the author notes important things from the results of the scientific paper literature that are related to the discussion of this scientific paper. Because this research is a library research, namely by reading, recording, and reviewing various literatures that are in accordance with the subject matter which are then filtered and processed to describe the problem theoretically, the data processing carried out in this study is as follows:

1. Identifying data, namely by searching, finding, collecting, researching, registering and recording data that is related to research needs.
2. Translate selected data if the data obtained is in Arabic.
3. The collected data is selected and sorted based on its relationship to the research problem. This is intended to separate some data from other data sets based on research criteria.
4. The data obtained is then systematized so that it can be analyzed as a basis for drawing conclusions.

5. Conclusions are drawn deductively, which is a way of thinking from general things first, then continuing to specific conclusions.

Theoretically, this research is expected to play a major role in the development of Islamic science, especially in the field of fiqh, and provide significant contributions to intellectuals in terms of increasing the treasury of religious knowledge. The results of this study can also be a reference or reference in further research on the discussion of fiqh, especially on the qiyas of wiping socks by wiping khuf.

Practically, as a scientific activity, this thesis is expected to contribute to society, especially for students or people who do not yet understand the legal system with qiyas. It is hoped that the community and students of sharia science can better understand the method of law making with the qiyas method.

III. RESULTS AND DISCUSSION

A. The Law of Wiping the Khuf in Islamic Jurisprudence

Islam is a religion that is easy and convenient, as this was confirmed directly by the Prophet Muhammad. In a hadith narrated by a noble friend, Abu Hurairah, Rasulullah saw. said:

"إِنَّ الدِّينَ يُسْرٌ"
"Indeed, religion (Islam) is an easy religion."

Among the conveniences that we can find is the convenience of wiping the khuf as a substitute for washing the feet during ablution. The scholars have agreed on the permissibility of wiping socks, as evidenced by the many hadiths which state that the Messenger of Allah. exemplify it.

1. Understanding Wiping Khuf

Khuf is something worn on the feet made of thin leather. Meanwhile, in terms of sharia', khuf is something that covers the legs up to the ankles or more, made of leather or something similar. The term meaning of wiping the khuf is wiping with wet hands on a certain khuf, within a certain time limit.

2. Proposition of the Law of Wiping Khuf

- a. Hadith narrated by the Companion of the Prophet SAW., Sa'id bin Abi Waqqas

أَنَّهُ مَسَحَ عَلَى الْخُفَّيْنِ
That he (Prophet Muhammad saw) wiped his two khuf.

- b. Hadith narrated by Mugirah ra.

أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ خَرَجَ لِحَاجَتِهِ، فَتَبِعَهُ الْمُغِيرَةُ بِإِدَاوَةٍ مِنْ مَاءٍ، فَصَنَبَ عَلَيْهِ حِينَ فَرَغَ مِنْ حَاجَتِهِ فَنَوَضًا وَمَسَحَ عَلَى الْخُفَّيْنِ
That the Prophet saw. To fulfill his wish, Mugirah then came out with him with a bag of water. After defecating, Mugirah poured water on him until he performed ablution and wiped his two khuf.

The two hadiths above indicate the permissibility of wiping the two khuf during ablution as a substitute for washing the feet. The scholars differ in their opinions as to whether washing the khuf is an absolute permissibility or whether it is a rukhsah given by Allah SWT. Due to masyaqqah (because it is difficult to remove the khuf when performing ablution).

3. Wisdom of Sharia Wiping Khuf

The Shari'a of wiping the khuf comes as proof of the simplicity of Islamic Shari'a and how Allah really understands the condition of his servants. The requirement to wipe the khuf is a convenience given by Allah SWT. For those who find it difficult or for those who are traveling, especially if they are required to hurry and ensure a smooth journey. Then the scholars differed about which is more afdhal, whether wiping the khuf or washing the feet in wudu.

- Most scholars are of the opinion that the law of wiping the khuf is permissible, but washing the feet during ablution is more afdhal.
- In the Hambali school of thought, what is more afdhal is rubbing the khuf to take the rukhsah given by Allah swt.
- According to Shaykh Abdullah At-Thayyar, if you wear a khuf or jaurab, wiping both is more afdhal. However, if you are not wearing anything, the more appropriate thing is to wash your feet.

4. Conditions for the ability to wipe the khuf

To be able to wipe the khuf instead of washing the feet during ablution, there are several conditions that need to be met:

- a. Wear both khuf in a state that has been previously purified.

It is stated in the hadith narrated by Mugirah ra.:

دَعُوهُمَا فَإِنِّي أَدْخَلْتُهُمَا طَاهِرَتَيْنِ
Leave them both (khuf), for I entered them both in a state of purification beforehand.

If we wear both khuf while we are not cleansed, we must remove them when we are about to perform ablution and wash our feet as usual.

- b. Still within the time limit determined by the Shari'a. The time limit is one day and one night for residents, and three days and three nights for travelers. The time starts when you first wipe the khuf after having hadas.
- c. Wiping the khuf is only permissible in lifting the small hadas with wudu. As for lifting large hadas, it is not permitted. It is obligatory for him to remove his khuf and perform the obligatory bath. Narrated by Safwan bin 'Assāl:

أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمَرَنَا أَلَّا نَنْزِعَ خِفَافَنَا ثَلَاثَةَ أَيَّامٍ وَلَيَالِيَهُنَّ إِلَّا مِنْ جَنَابَةٍ، وَلَكِنْ مِنْ غَائِطٍ وَتَوَلٍّ وَنَوْمٍ

Rasulullah saw. Make the time limit for wiping the khuf three days and three nights for travelers, and a day and a night for those who live, except in cases of junub.

5. Procedure for Wiping the Khuf

Scholars differ on the size that should be wiped when wiping over the khuf in wudu:

- Hanafi school: It is sufficient to wipe at least the size of the three smallest fingers (little finger) on the top of the khuf.
- Maliki school of thought: It is obligatory to wipe the entire surface of the khuf, while wiping the bottom is mustahab.
- Shafi'i School: Only the top of the khuf is required to be washed, while the bottom, heels and sides do not need to be wiped.
- Hambali School: Simply rub the front surface of the khuf parallel to your toes.

6. The Ruling of Wiping Over a Torn Khuf (Mumazzaq). Scholars have different opinions regarding the permissibility of wiping over a torn khuf:

a. Hanbali School:

It is permissible to wipe over a torn khuf if the tear is light. The reason is that it is rare to find a khuf that is safe from light tears, so this is forgiven.

b. Zhahiriyah School and Shaykh Usaimin:

It is permissible to wipe over a torn khuf absolutely as long as the khuf can still be used to walk or can still be called khuf. The reason is, the law of wiping over the khuf is not associated with the condition of the torn khuf.

B. The Law of Wiping Jaurab in Islamic Jurisprudence

1. Definition of Jaurab and Opinions of Scholars Regarding the Permissibility of Wiping It

Jaurab is something woven from cotton, wool, or the like that is used to cover the feet, commonly known as socks. The difference with khuf is that

khuf is made of leather, while jaurab is not made of leather. Imam Syafi'i, Abu Hanifah's companions (Abu Yusuf and Muhammad), and Imam Ahmad bin Hanbal said that wiping over jaurab is permissible on condition that the jaurab is thick and can be used for walking. However, Imam Ahmad did not require that the jaurab must be able to be used for walking.

Some scholars such as Imam Ibn Hazm and Shaykh Utsaimin allow wiping the jaurab absolutely, as long as the jaurab covers the part that must be washed when washing both feet in wudu. Meanwhile, the scholars who do not allow wiping the jaurab as a substitute for washing the feet in wudu are Imam Malik and Imam Abu Hanifah. Imam Malik initially allowed it on condition that the jaurab was sewn with leather on the top and bottom, but then he returned to the opinion that it was absolutely not allowed.

2. Proposition of the Law of Wiping Jaurab

The evidence for the ability to wipe the jaurab is contained in the hadith narrated by Mughirah ra:

عَنْ الْمُغِيرَةِ بْنِ شُعْبَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَسَحَ عَلَى الْجَوْرَبَيْنِ وَالنَّعْلَيْنِ

That the Prophet (saw) wiped his two feet and sandals.

However, this hadith is considered negated by many scholars of hadith. In fact, some even state that this hadith is a mungkar hadith.

- Abu Dawud narrated this hadith, because according to him Abdurrahman bin Mahdi did not narrate this hadith, and what Mughirah ra said is makruf is the hadith about wiping the khuf.
- Ibn Al-Madini also narrated this hadith, because the hadith about wiping the khuf from Mughirah ra was narrated by the ulama of Medina, Basrah and Kufa, while only Huzail bin Syurahbil narrated about wiping the jaurab.
- Abdurrahman bin Mahdi stated that the Mughirah hadith about jaurab is a wrong hadith.

This hadith is also considered weak by other scholars such as Imam Muslim, Sufyan Ats-Tsauri, and Yahya bin Ma'in. Imam Tirmizi stated that this hadith is hasan, but Imam Nawawi prioritized the opinions of scholars who considered this hadith weak.

However, Ibnul Munzir stated that the permissibility of wiping over the jaurab has been narrated from nine companions, including Ali bin Abi Thalib, Ammar bin Yasir, and Anas bin Malik. Ibnul Qayyim added the names of other

companions, bringing the total to thirteen companions who permitted wiping over the jaurab.

3. Conditions for Wiping the Jaurab

Basically, the requirements for wiping jaurab and khuf are the same. However, there are two special conditions for jaurab:

- The needle must be thick.
- Jaurab can be used for walking.

4. The Law of Wiping the Jaurab Based on Kias

Wiping the khuf as a substitute for washing the feet in wudu is the sunnah of the Prophet, and scholars agree on its permissibility. However, in wiping the jaurab, there are differences of opinion among the ulama. Scholars who allow the use of kias equate the law of jaurab with khuf, based on the similar characteristics between the two. Ibn Taimiyah stated in Majmu' Fatawa:

It is permissible to wipe over the jaurab if the jaurab can be used for walking, whether it is made of leather or not. If the hadith about wiping over the jaurab is not proven to be authentic, then a metaphor can be used to establish this ruling, because the difference between the jaurab (which is made of wool) and the khuf (which is made of leather) has no impact in the Shari'a.

C. The Validity of Using the Fictional Method in Determining the Ruling of Wiping the Jaurab Regarding the Permissibility of Wiping the Khuf

Kias is one of the sources of Islamic law that is agreed upon by scholars regarding its validity. Kias itself is a method of istinbāt law by determining the law of far' based on the law of aṣl because of the similarity of 'illat between the two.

One of the legal grounds for whether a person is allowed to wipe the khuf during ablution as a substitute for washing the feet is because it is related to the law of the permissibility of washing the khuf during ablution as a substitute for washing the feet.

Apart from the differences between scholars regarding the permissibility of wiping the khuf, we will take the opinion of the ulama regarding the permissibility of washing the robe which is illustrated by the law of the permissibility of wiping the khuf to examine the validity of the allusion to the permissibility of wiping the khuf.

In the opinion of scholars who validate the hadith of Muḡīrah ra about the permissibility of

wiping the jaurab, the application of metaphor is impossible, because there is already a sharia text that explains its permissibility, namely the hadith of Muḡīrah itself. Which if wiping the jaurab becomes far' in metaphor, then the metaphor will be invalid because the law of far' has been explained in the sharia text.

We also cannot accept the opinion of the ulama who say that jaurab cannot be interpreted as the law of wiping the khuf because wiping the khuf is worship, and according to them it is impossible to know the legal 'illat of worship and it is not valid to refer to other matters.

The opinions of scholars that we can take to prove the validity of the kias of wiping the jaurab with the law on the permissibility of wiping the khuf include the opinions of Imam Ibn Taimiyah and Imam Ahmad. Imam Ahmad said that there is no mu'aththir (influential) difference in the law if he compares the law of washing the jaurab with the law of washing the khuf, without mentioning the nature of the two which is the reason for the law.

Ibn Taymiyah said about the metaphor between wiping khuf and jaurab:

"Whether the jaurab has a sole or not, then wiping it is the same as wiping the khuf. If the jaurab is usually used for walking, then the ruling is the same as the khuf, and this is the correct opinion."

As explained previously, the wisdom behind the prescription of wiping over the khuf is the relief for those who are excused to remove their khuf when they want to perform ablution, due to cold weather or so as not to be hampered in their journey when making a long journey. We can also find this in the hajat and wisdom in the permissibility of wiping over the jaurab.

As for the differences in the properties in the jaurab that are not in harmony with the properties in the khuf, such as the material, durability, and water resistance, it has been hinted at in Imam Ahmad's statement above, that this does not have an impact on the law that can cancel the analogy between the two. Imam Ibn Taymiyyah has also explained the absence of the influence of these properties as he explained in the majmu' Fatāwā.

From the statements above we understand that the similarity of the intention and wisdom in washing the khuf is the same as the intention and wisdom in the ability to wipe the jaurab.

Next, we will see whether the law on the permissibility of wiping the khuf is valid or invalid. To see its validity, we must first see whether the legal adoption of wiping the jaurab

with kias fulfills the pillars of kias and is also in accordance with the requirements for each pillar.

1. Al-'Aṣl and its Law

First, we analyze the position of rubbing the khuf as al-aṣl and its law, namely worship (mubah). In an authentic hadith it is stated that the sharia law is:

خفين مسح عليّاه

"That the Prophet SAW wiped both of his khufs."

With the hadith above, we can conclude that wiping the khuf and its law is permissible to use in metaphors.

2. Al-Far' and its Law

Next we look at the validity of wiping jaurab as al-far' to be used in metaphor. With the opinion of some scholars who say that the Muḡirah hadith about wiping jaurab is weak, then the hadith cannot be used as a legal basis. Then there is also no hadith that prohibits wiping jaurab in ablution in the shari'a texts. With the absence of a shari'a law regarding the permissibility of wiping jaurab by the shari'a texts and the absence of texts that contradict the permissibility of wiping jaurab, then wiping jaurab as al-far' is valid and can be used in metaphor, so the law of al-aṣl will be applied to it.

3. 'The Law of the Law'

'The justification for the permissibility of wiping over the khuf as has been explained is the wisdom and need for it, namely convenience for the traveler to make his journey easier and as a protector and warmer for the feet from cold weather.

By fulfilling the pillars of allusion in the above problem along with the conditions for each pillar, we can conclude that the law of the permissibility of wiping the jaurab based on the allusion to the permissibility of wiping the khuf is valid and in accordance with the rule of istinbāṭ of law with allusion.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the discussion explained previously, it can be concluded that the type of figure used in determining the law of wiping the jaurab which is symbolized by the law of wiping the khuf is kias 'illah, by equating the 'illat of far law' with its aṣli. The determination of legal 'illat is carried out

through the istinbat method using munāsabah. Apart from that, the figurative method used in determining the law on whether it is permissible to wipe socks in wudu as a substitute for washing the feet which is interpreted as the law of wiping the khuf can be declared valid. This is because this method has fulfilled the pillars and is in accordance with the requirements stipulated in each pillar.

B. Suggestion

In determining the law of wiping the jaurab which is likened to the law of wiping the khuf, a more in-depth study is needed so that it remains in line with the principles of Islamic law and the needs of the community. It is important for scholars and academics to continue to explore more comprehensive istinbat methods to ensure that the application of the metaphor remains relevant to the times. In addition, there needs to be wider socialization to the community regarding this law so that there is no misunderstanding in the practice of ablution. A broader and more in-depth study of fiqh can also enrich understanding of the flexibility of Islamic law in responding to changing social conditions.

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