

A REVIEW OF THE PRACTICE OF TAHLIL AND FUNERAL FEASTS BASED ON THE METHODOLOGY OF USUL FIQH

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Abstract

This research is a review study on the practice of tahlil (a prayer ritual) for the deceased, based on the principles of usul fiqh and fiqhiyyah rules. In the author's observation, previous discussions on this matter have been based on the arguments of scholars and their quotes, without a process of legal reasoning through usul fiqh. The study will also address the issue of feasts (serving food) as a form of charity, intended to gift its reward to the deceased, based on the knowledge of usul fiqh as well.

Keywords: : *Tahlil, Usul Fiqh, Kaedah Usuliyyah.*

INTRODUCTION

In the Islamic community of the Malay Archipelago, there is the practice of performing tahlil (a prayer ritual) for the deceased, accompanied by a feast as a form of charity. This practice may not be found in other continents. Some scholars consider it to be a bid'ah (innovation) that should be abandoned, while others view it as a good practice that should be continued. Both opinions are valuable ijtihad (independent legal reasoning) that are beneficial. However, in the author's view, this issue should be based on the principles of Usul Fiqh. Therefore, this study is a review of the matter based on the methodology of Usul Fiqh, alongside fiqhiyyah rules (legal maxims).

Analysis of the Abstention (al-Tark) of the Prophet

Does everything that the Prophet (PBUH) and the righteous predecessors did not do count as forbidden?

Some have cited the Prophet's (PBUH) abstention as evidence for prohibition, but this reasoning is flawed. Abstention does not imply prohibition. It only indicates that the action is permissible unless clear evidence from the Qur'an or Sunnah establishes its prohibition. (al-Shatibi: 2020, Ibn Battah: 2021)

The Proof of Abstention Does Not Imply Prohibition

i. Allah's Command on Obedience. Allah (SWT) says: *"And whatever the Messenger has given you—take it; and whatever he has forbidden you—avoid it..."* (Quran 59:7). Allah did not say, "And whatever he has left, avoid it," which further supports the idea that abstention does not imply prohibition. (Muhadir: 2010)

ii. The Prophet's Statement on Commands and Prohibitions. The Prophet (PBUH) said: *"What I have commanded you, do as much of it as you can; and what I have forbidden you, avoid it."* He did not say, "And what I have left, avoid it." (Sahih al-Bukhari: 6858, Sahih Muslim: 1337)

iii. Definition of Sunnah in Usul al-Fiqh. The scholars of Usul al-Fiqh define the Sunnah as the sayings, actions, and tacit approvals of the Prophet (PBUH). They do not include his abstentions as a source of evidence, because abstention is not a legal proof. (al-Shatibi: 2020)

Situations That Indicate Prohibition

There are only three situations that indicate prohibition:

- a. Prohibition (al-nahi) such as: *"Do not approach adultery"* (Quran 17:32).
- b. The term "forbidden" (al-haram) such as: *"Forbidden to you [for food] is the dead meat..."* (Quran 5:3).
- c. Censure or threat of punishment such as: *"Whoever cheats is not one of us."* (Sahih al-Bukhari: 2317)

Since abstention does not fall into any of these categories, it cannot be used to prove prohibition. (Ibn Qudamah: 2020)

The Prophet's Abstention

The Prophet's (PBUH) abstention from an action can have various reasons, such as:

- a. Habit: Like the case with the dhub (lizard) in the story of Khalid ibn al-Walid when the Prophet (PBUH) abstained from eating it simply because he did not find it appetizing. (Sahih al-Bukhari: 5389, Sahih Muslim: 1943)

- b. Forgetfulness or Error: The Prophet (PBUH) also forgot things, as he admitted, for example, in prayer when he missed a part of it. (Sahih Muslim: 572, Sunan Abu Dawood: 1322)
- c. Fear of Making Something Obligatory: The Prophet (PBUH) abstained from actions like praying Taraweeh in congregation, fearing it might become obligatory on the Ummah. (Sahih al-Bukhari: 1129, Sahih Muslim: 732)
- d. Not Thinking of It: There were actions that the Prophet (PBUH) did not do simply because they did not occur to him at the time, like the design of the minbar (pulpit) in the mosque. (Sahih al-Bukhari: 661)

Some actions, like many of the recommended (mustahabb) acts, were left by the Prophet (PBUH) because they are included in general commands like: "*Do good deeds.*" (Qur'an 22:77). (al-Jassas: 2012, al-Nawawi: 1996)

A Study on Principles of Usul and Fiqh about Abstention

- a. Abstention Does Not Imply Prohibition
- b. The Arabic expression "الترك لا يقتضي التحريم" refers to the principle that abstention from an action does not imply its prohibition. This is a foundational concept in Islamic jurisprudence. (al-Shatibi: 2020, al-Shafi'i: 2018)

Definition of the Forbidden (Haram)

Linguistically "Haram" means prohibition, and it is the opposite of "halal" (permissible). (al-Isfahani: 2019)

In Islamic Jurisprudence "Haram" refers to an act that the Shari'ah commands to be avoided definitively, obligating the person to leave it, and rewarding the one who avoids it while condemning the one who commits it and punishing them. (al-Marghinani: 2021)

The majority of scholars agree that an act is considered forbidden (haram) when there is a definitive or indicative text from the Qur'an or Sunnah commanding its avoidance. (Ibn Qudamah: 2019, Ibnu Hujaym: 2018)

The Prophet's Abstention and Its Implications

The Prophet's abstention from an action in his time is not a proof of its prohibition. Prohibition (haram) can only be established through a clear text (a command or prohibition from the Qur'an or the Sunnah). (al-Shatibi: 2020)

For any action, we must examine whether there is a clear text in the Qur'an or the Sunnah prohibiting it. If there is no such text, the matter remains permissible (mubah) to be done or left. (al-Haskafi: 2019)

- i. Allah's Command to Follow the Prophet (PBUH). Allah said in the Qur'an: *"And whatever the Messenger has given you—take it; and whatever he has forbidden you—avoid it."* (Qur'an 59:7).
- ii. The Prophet's Statement on Following His Commands. The Prophet (PBUH) said: *"I have commanded you to do certain things, so do as much of them as you can. I have forbidden you from certain things, so avoid them."* (Sahih Muslim: 1337, Sunan al-Nasa'i: 3137)
- iii. The Prophet's Actions Were Left Due to Various Reasons. The Prophet (PBUH) left many things undone for reasons such as fear of making something obligatory, personal preference, or situational considerations. For example, he did not rebuild the Ka'bah on the foundations of Ibrahim (PBUH), not because it was forbidden, but because the people were new to Islam and he feared it might lead to division. (Sahih al-Bukhari: 1589, Malik: 2020)
- iv. Actions by the Companions. The companions of the Prophet (PBUH) did many things in his lifetime that he did not do or order, such as:
 - a. Compilation of the Qur'an during the caliphate of Abu Bakr (RA) and Uthman (RA). (Sahih al-Bukhari: 4986, Sahih Muslim: 2276)
 - b. Taraweeh Prayers in Congregation initiated after the Prophet's death. (Sahih al-Bukhari: 1129, Sunan Abu Dawood: 1374)
 - c. New Matters after the Prophet's Death such as the punctuation of the Qur'an, the development of grammar, and sciences like jurisprudence. (al-Shatibi: 2020, al-Shafi'i: 2018)

CONCLUSION

We should adhere to the guidance in the Qur'an: *"And do not say about what your tongues assert falsely, 'This is lawful and this is unlawful,' to invent lies against Allah. Indeed, those who invent lies against Allah will never succeed."* (Qur'an 16:116)

Also, Allah says: *"Say, 'Have you seen what Allah has sent down to you for provision, and you have made some of it lawful and some of it unlawful?' Say, 'Has Allah permitted you, or do you invent lies against Allah?'"* (Qur'an 10:59).

The Prophet's abstention from something does not necessarily imply its prohibition, because the principle is clear: "Abstention does not imply prohibition." The scholars have clarified that the Sunnah includes the sayings, actions, and approvals of the Prophet (PBUH), but not his abstentions, as they are not a source of legal rulings.

Views of Islamic Scholars on Tahlil for the Deceased

- a. View of the Shafi'i School: Imam al-Nawawi, a prominent scholar from the Shafi'i school, mentions in his book *al-Majmu'* that tahlil and praying for the deceased are recommended (mustahabb). This includes reading the Qur'an, tahlil, dhikr, and other prayers for the deceased.

Evidence: Several hadiths support this, such as the one where Prophet Muhammad (PBUH) said: *"When one of you dies, pray for him."* (Sahih Muslim: 949)

- b. View of the Hanafi School: Scholars from the Hanafi school are more cautious about the practice of tahlil or reciting the Qur'an for the deceased. While they agree that prayer and charity can benefit the deceased, they are less inclined to say that Qur'anic recitations specifically reach the deceased unless done as part of a prayer. (al-Marghinani: 2021)
- c. View of the Maliki School: According to the Maliki school, tahlil and prayers for the deceased are also beneficial. However, they emphasize that these practices should not lead to bid'ah (innovation) or actions that have no basis in the teachings of Islam.

Imam Malik stressed the importance of avoiding excessive practices in mourning, but he acknowledged that prayer and dhikr are legitimate ways to help the deceased. (Malik: 2020)

- d. View of the Hanbali School: In the Hanbali school, as explained by Ibn Qudamah and Ibn Taimiyyah, reciting tahlil for the deceased is allowed and beneficial. Ibn Taimiyyah, in Majmu' al-Fatawa, stated that giving the reward of acts like tahlil or Qur'anic recitation to the deceased is accepted, based on hadiths that show such acts can reach the deceased. (Ibn Qudamah: 2019).

Study of Tahlil Activity Based on Usul Fiqh Principles

This principle suggests that if something is not explicitly prescribed in Islamic sources (such as the Qur'an or Hadith), its mere omission does not automatically imply that it is forbidden. In other words, the fact that the practice of reciting tahlil for the deceased is not directly mentioned in certain Qur'anic verses or Hadiths does not necessarily make it impermissible. (al-Shatibi: 2020)

According to the principle of "الترك لا يقتضي التحريم" (absence does not necessitate prohibition), the fact that people may neglect or abstain from reciting tahlil for the deceased does not make it unlawful. The absence of this act does not indicate a prohibition. In Islam, not performing a recommended act (mustahabb) does not carry the weight of an obligatory command (fard) and does not result in sin. (al-Nawawi: 1996)

The key issue is whether the act is prescribed or prohibited by the primary sources (the Qur'an and Hadith). Since tahlil is not explicitly forbidden and is generally viewed as a beneficial act, it does not fall under the category of prohibited innovations, provided it is done with the right intentions and in a way that does not introduce bid'ah (innovations without an authentic basis). (Muhammad Fuwad Abdul-Baqi: 2015)

FINDING

The ruling on tahlil for the deceased, when examined through the lens of "al-tarku la yuqtadi al-tahrim", suggests that that not performing tahlil does not mean it is forbidden, but performing it with the right intention is a praiseworthy and permissible act in Islam.

While scholars may have different views on the exact manner of performing tahlil for the deceased, most agree that praying for the dead, including reciting tahlil, is a positive and beneficial practice in Islam.

Serving Food After a Tahlil

- a. Viewpoint that allows it. Some scholars believe it is permissible to serve food after the tahlil, as long as it is done with the good intention and to get close to God as long as it does not involve acts of shirk (associating partners with God) or superstitions. (al-Nawawi: 1996)
- b. Viewpoint that discourages it. Some scholars argue that holding a meal after tahlil is a cultural practice without any authentic evidence in Islamic law. They believe it could be seen as an unnecessary or excessive act that is not directly related to the main purpose of tahlil, which is to pray for the deceased. (Fatawa al-Hindiyyah: 2022, Ibn Qudamah: 2019)

Study of Serving Food Based on Usul Fiqh Principles

- a. Tahlil Meal: Holding a meal after a tahlil for the deceased is not something that is clearly commanded or forbidden in Islamic law. Therefore, if someone chooses to serve food after a tahlil, it is not considered an obvious mistake, because there is no evidence from the Qur'an or Hadith that prohibits or mandates it. (al-Shatibi: 2020)
- b. Not Serving a Meal: Similarly, if a person does not serve food after a tahlil, there is no negative legal consequence. This is because there is no clear evidence that mandates or forbids the meal. (al-Haskafi: 2019)

As conclusion, according to the principle "الترك لا ينتج حكما" (failing to do something does not result in a ruling), the ruling on serving food after a tahlil depends on intention and context. If it is done with good intentions, such as strengthening family bonds, and does not involve any elements of bid'ah (innovation) or shirk (associating partners with God), it can be considered permissible. If it is not done, there is no negative legal consequence.

Supporting Arguments For Tahlil Activity

- a. Charity for the Deceased: Umar (RA) said: *"Charity given after death has rewards that last for a certain period. Charity given in the first three days reaches the deceased and has reward for three days. Charity on the seventh day reaches the deceased and its reward continues until the 25th day, and so on..."* (al-Bayhaqi: 2020)
- b. Food After Death: When Umar was close to death, he instructed Shuhaib to lead prayers for the people and provide food for the guests for three days. (Ibn Kathir: 2022)
- c. Imam Thawus on the Seven-Day Period: Imam Thawus said: *"The deceased are tested in their graves for seven days. Therefore, it was a practice among the early Muslims to offer food as a substitute for those who had passed during these seven days."*
- d. Ubaid bin Umair on Testing: Ubaid bin Umair said: *"A believer is tested for seven days, while a hypocrite (munafiq) is tested for forty days."* (al-Bayhaqi: 2020)
- e. Ibn Kathir on Qur'anic Recitation for the Deceased: In his Tafsir, Ibn Kathir commented on the verse 39 of Surah An-Najm, explaining Imam al-Shafi'i's view that reciting the Qur'an on behalf of the deceased doesn't necessarily reach them, but later he amended his opinion, stating that such recitations do indeed reach the deceased.
- f. Ibn Taimiyyah on Charity for the Deceased: Ibn Taimiyyah from the Hanbali school explained: *"Charity given on behalf of the deceased benefits them, which is agreed upon by all Muslim scholars."* (Ibnu Taimiyah: t.th)
- g. Imam Nawawi on Prayers at the Grave: Imam Nawawi in his work al-Majmu stated that it is recommended to stand by the grave after burial and pray for the deceased. (al-Nawawi: 1996)
- h. Ibn Qudamah on Qur'anic Recitation at Graves: Ibn Qudamah, from the Hanbali school, said that there is no harm in reciting the Qur'an or certain phrases (like Ayat al-Kursi) by the grave. (Ibn Qudamah: 2019)

CONCLUSION

After studying based on Usul Fiqh, different scholars from various Islamic schools of thought agree that acts of charity, prayers, and recitations can benefit the deceased. Offering such acts on their behalf is a good deed, with many of the scholars agreeing on the practices of prayer, charity, and Qur'anic recitation as ways to help those who have passed.

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