



THE LAW OF TRADING AT THE MID OF THE FRIDAY PRAYING

Ibnu Muhdir

UIN Sunan Kalijaga Yogyakarta

Email correspondence: ibnu.muhammad@uin-suka.ac.id

ABSTRACT

This paper discusses the law of trading (buying and selling) at the time of Friday prayings. This discussion has not developed since classical scholars. Allah forbids buying and selling at the time of Friday prayings. The scholars are of the opinion that the law of buying and selling at the time of Friday prayings is haraam, because they always associate it with the law of Friday prayings. According to them, the law of Friday praying is obligatory. The author performs re-ijtihad against the law of buying and selling at the time of Friday prayings. By using the ijtihad method bayāni, the author concludes that the prohibition on buying and selling at the time of Friday prayings is only limited to the etiquette or ethics case. It is associated with the law of Friday prayings which according to the author, it is sunnah. For this reason, the author stipulates that the law of buying and selling at the time of Friday prayings is makruh (disliked).

Keywords: Trading, Friday praying, Ijtihad Bayāni

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INTRODUCTION

Islam regulates everything in human life. Allah governs humans through the Qur'an and the Hadith of the Prophet SAW. The rules in the Qur'an and hadith, are sharia. With *ijtihad*, *fiqh* experts reduce the shari'a into Islamic law (*fiqh*). The law of buying and selling at the time of Friday prayings is *fiqh*, which is *ijtihadi*.

The discussion about the law of buying and selling at the time of the Friday praying is a discussion that has not developed since classical scholars, even the discussion can be said to have stopped and has become a permanent and established law. This is because the law of buying and selling is associated with the law of Friday praying, while the law of Friday praying is considered complete. Based on the Qur'an, Hadith and *Ijma'*, the law of Friday praying is obligatory (Al-Islāmiyyah, 1992; Az-Zuhaili, 1985). In QS: Al-Jumu'ah: 9 it is stated that the command to perform the Jum'ah praying is accompanied by a prohibition on buying and selling. This prohibition on buying and selling is considered as a reinforcement for the argument that Friday prayings are obligatory (Al-Islāmiyyah, 1992).

The original law of buying and selling is *mubah* (permissible). However, because there is a prohibition in the Qur'an regarding the law of buying and selling at the time of Friday prayings, the law of buying and selling has changed, from permissible to unlawful. The sale and purchase is unlawful if it is carried out by a person who is obliged to perform Friday prayings and is carried out after the priest sits on the pulpit, and the second call to praying has been sounded (Az-Zuhaili, 2018).

The law of buying and selling at the time of Friday prayings began to be questioned again, when Ibn Muhdhir wrote a book of his *ijtihad* results with the title: Friday prayings are Sunnah, not mandatory, and may include the Zuhur praying until Isha 'without cause. In the book, it is stated that the law of Friday praying is sunnah, not obligatory (Muhdhir, 2021). With the stipulation of the law that Friday prayings are sunnah, no one is subject to the burden of Friday prayings. Therefore, it does not make sense if the law of buying and selling at the time of Friday prayings is haram.

The law of buying and selling at the time of Friday praying is *ijtihadi*. In the Qur'an, Allah forbids buying and selling at the time of Friday prayings. Allah forbids it in one form (*صيغة*) *ban / nahy* (*نهى*). In this paper, the author will conduct *ijtihad* to determine that the *nahy* only has *makruh* legal force.

LITERATURE REVIEW

The law of buying and selling at the time of Friday prayings has been widely discussed, both in the books of commentary and *fiqh* books. The law of buying and selling at that time was closely related to the law of Friday prayings. Classical scholars stipulate that the Friday praying is obligatory. Therefore, the

prohibition on buying and selling at the time of the Friday praying strengthens the law on the obligatory Friday praying. The scholars are of the opinion that this prohibition is an indication of the unlawful law (haram).

At-Tabari (2001) states that buying and selling at the time of Friday prayings is forbidden. The prohibition begins at the call to praying before the sermon. After the Friday praying is over, it is permissible again to buy and sell.

Kašir (1998) states that when the call to praying for Friday prayings, then leave buying and selling. Therefore, the scholars have agreed on the prohibition of buying and selling after the second call to praying.

Al-Qurtubi (2006) states that Allah forbids and forbids buying and selling at the time of Friday prayings for people who are obliged to pray Friday. People who are not obliged to pray Friday, it is not prohibited to carry out buying and selling. There are two opinions about when buying and selling is forbidden. The first opinion is starting after the sun has slipped until the Friday praying is over. The second opinion is starting the call to praying for the sermon until the time for praying.

Al-Bagawi (1411 H) wrote that buying and selling that is forbidden is buying and selling during the second call to praying. According to Az-Zuhri, buying and selling that is forbidden is buying and selling when the imam goes out to the mosque, and according to Ad-Dahak when the eyes of the heart slip to the west.

Haqqi (2018) mentions that those who are told to leave are all muamalah. The mention of buying and selling here is only a majaz of all muamalah.

Az-Zuhaili (2018) states that the law of buying and selling at the time of Friday praying for people who are obliged to pray Friday is forbidden. However, he sorted out the law of buying and selling on Fridays according to the time and circumstances of the mukallaf. According to him, buying and selling on Fridays can be divided into:

1. If the sale and purchase is carried out before the sun slips, then the law is permissible for everyone.
2. If the sale and purchase is carried out after the Friday praying, then the law is permissible for everyone. Allah has ordered us to be scattered on the earth to seek sustenance after Friday prayings (QS. Al-Jumu'ah: 10).
3. If two people are not obligated to pray Friday and they are buying and selling all Friday (all day long, even when Friday prayings are performed), then the law is permissible and not unlawful (haram).
4. If two people are buying and selling, both or one of them is obliged to pray Friday, and the sale and purchase is done after the sun has gone down, before the imam comes to the mosque, before the imam sits on the pulpit and before the muezzin gives the call to praying, then buying and selling that's makruh tanzih.

5. If two people make a sale and purchase, both or one of them is obliged to pray Friday, and the sale and purchase is carried out after the priest sits on the pulpit and the muezzin has sounded the call to praying, then the sale and purchase is unlawful and the perpetrators are sinful.

The current discussion, only reveals the opinions of classical scholars as above, namely about the obligation of Friday prayers and the haram of buying and selling at the time of Friday prayers for people who are obliged to perform Friday prayers. Erman (2011) discusses the reconstruction of the provisions of Friday prayers. According to him, there is no difference in legal understanding of the Nash Qur'an. The difference is only around the Prophet's hadith, especially about the determination of the conditions of the person who is obliged to perform Friday prayers and the legal conditions of Friday prayers.

Widyatama (2015) discusses this Friday prayer in terms of multi-media use to increase the effectiveness of Friday sermon messages. There is no innovation about the law, conditions and pillars of Friday prayers in the discussion, because it is already established. In terms of the delivery of Friday sermons, according to him, so far it is considered monotonous, lack of preparation and does not use multi media, only limited to qualifying and getting along well Friday sermons only. Khatib was less concerned about the response of the pilgrims. Pilgrims pay less attention to khatib messages, some even sleep. This proves that the delivery of khatib messages is very less effective. To improve the effectiveness of the delivery of sermons, Rendra proposes using multi-media, but must still meet a number of conditions and pillars of Friday sermons.

Saputra et al. (2021) discussed the understanding and implementation of hadiths about Friday prayers at the Darul Ma'ruf Batang Kabung Ganting Grand Mosque in Padang. The hadith in question is a hadith about the virtues and practices of Friday prayers. According to them, the worshippers of the mosque understood that Friday is the day of forgiveness, the day of worship, the day of almsgiving and the greatest sacrifice. To implement this understanding, pilgrims divide the time into three stages, namely the time to wait for Friday prayers, the time of Friday prayers and the time of Friday prayers have been completed. The waiting time for Friday prayers is filled with dhikr and prayer together. The time of entering Friday prayers, filled with azan 2 times, lectures, tahlil, sermons with Arabic, Friday prayers two rakaats that end with greetings, and dhikr together. When Friday prayers have been completed, the majority of pilgrims ignore the sunnah ba'diyah Friday prayer.

Najah (2019) discusses the prohibition of buying and selling during Friday prayers in the study of tafsir ahkam fi al-Mu'amalah. According to him, buying and selling that is done during Friday prayers is fāsīd, because there is a prohibition to buy and sell, but the agreement is still valid. The ban on buying and selling since the azan resounds until Friday prayers are completed. If the Friday

azan has been proclaimed, it is illegal for men who are obliged to attend Friday prayers to perform any activity, other than attending Friday prayers.

Setiyawan et al. (2015) discussed about the android-based Friday prayer learning application. According to them, after review, the android-based Friday prayer learning application is easy to run, useful, attractive appearance, and the buttons and functions contained in the application can function properly in accordance with their respective functions. This "Android-Based Friday Prayer Learning App" can run well on devices with the Android operating system at least version 4.0 (Ice Cream Sandwich) with a minimum available storage capacity of 7 MB.

From the literature review above, the author ensures that this article has never been written by anyone. Ijtihad conducted by the author is a personal ijtihad, with no influence from anywhere.

METHODOLOGY

In this paper, the author conducts his ijtihad on the law of buying and selling at the time of the Friday praying with the ijtihad method *bayāni*. According to Amir Muallim and Yusdani, the ijtihad method in the science of ushul fiqh is of three kinds, namely: the ijtihad method *bayāni*, *ta'li* dan *istiṣlāḥi* (Affandi, 2012). In his book, Az-Zuhaili mentions the method *ta'li* by the name *qiyāsi* (Az-Zuhaili, 1986).

Ijtihad method *bayāni* is the ijtihad method to explain the law by understanding the syar'i text which is based on linguistic rules or the meaning of lafaz. In this method, lafaz in syar'i texts is discussed from various aspects, both in terms of the scope of meaning, meaning and use in a sentence context to find the law referred to by syar'i texts or nash.

Ijtihad method *ta'li* or *qiyāsi* is a method of ijtihad to find the law based on 'illah or reason. This is based on the assumption that every law must have a 'illah or legal reason. 'Illah used as the basis for determining the law for cases for which there is no legal stipulation. Cases for which there is no legal stipulation are qiyased to cases where there is already a legal stipulation based on similarities of 'illah.

Ijtihad method *istiṣlāḥi* is a method of ijtihad to determine the law for cases for which there is no legal stipulation yet *ra'y* (mind) which is based on the principle of benefit. By analyzing the positive and negative sides, then a legal case will be determined by law. If the positive side is more, then the law will be established.

With the ijtihad method *bayāni*, the author analyzes the law of buying and selling at the time of Friday prayings. The author analyzes the words used by Allah to regulate buying and selling at the time of Friday prayings. Allah forbids buying and selling at the time of Friday prayings with the word prohibition or

nahy (نهى). Prohibition word or *nahy* (نهى) this is what will be analyzed, so that the author gets clear laws for buying and selling at the time of Friday prayings.

DISCUSSION

Theoretical Foundation about the Law of Friday Prayer

The word "Friday prayer" consists of two words, salat and Friday. The word salat comes from arabic: *ṣalāh* (صلاة). *Ṣalāh* (صلاة) is *ism al-maṣdar* (اسم المصدر) from the word: *صَلَّى* (*ṣalla*) – *يُصَلِّي* (*yusallī*), which replaces *maṣdar*. In *Al-Mu‘jam al-Wasīṭ* it is mentioned: *يُقَالُ: صَلَّى - صَلَاةٌ ، وَلَا يُقَالُ: صَلَّى - تَصَلِّيَةٌ* (meaning: said: *ṣalla* – *ṣalātan*, not said *ṣalla* – *taṣliyyatan*) (Majma‘ al-Lughah al-‘Arabiyyah, 2004: 522.). The plural form of the word *صَلَاةٌ* (*ṣalāh*) is *صَلَوَاتٌ* (*ṣalawāt*) (Al-Fayyūmi, 1987).

According to language, prayer has meanings: prayer, forgiveness, mercy, religion, and the jewish house of worship (Al-‘Arabiyyah, 2004; Manzūr, n.d.). The meaning of prayer according to the term Jumhur Ulama is:

أَقْوَالٌ وَأَفْعَالٌ مُفْتَتِحَةٌ بِالتَّكْبِيرِ مُخْتَتَمَةٌ بِالسَّلَامِ مَعَ النِّيَّةِ بِشَرَائِطٍ مَخْصُوصَةٍ

Meaning: speeches and deeds that begin with takbir and end with greetings, accompanied by intentions, with special conditions (Al-Islāmiyyah, 1992).

The word Jum‘at comes from arabic: *jum‘ah* (جمعة). In language, *jum‘ah*, meaning: gathered (الإجتماع / *al-ijtimā‘*), handfull (قُبْضَةٌ / *qubḍah*), fellowship/association (الألفة المجمعَة / *al-ulfah al-majmū‘ah*), and sunday (الأُسْبُوعُ / *al-usbū‘*) (Ma‘luf, 1975).

According to the terms, the words Jum‘ah and Jumu‘ah, is the sixth day of the week. It is named after that because it is the day muslims gather (الإجتماع) at the Mosque (Ma‘luf, 1975). The word الجمعة this, Read: *الْجُمُعَةُ* (*al-jum‘ah*), *الْجُمُعَةُ* (*al-jumu‘ah*) or *الْجُمُعَةُ* (*al-juma‘ah*). The word *الْجُمُعَةُ* (*al-jumu‘ah*) with the *ḍammah* mim is the *lughah* Hijaz, *الْجُمُعَةُ* (*al-jum‘ah*) with the *sukun* mim is the *lughah* Bani ‘Uqail, and *الْجُمُعَةُ* (*al-juma‘ah*) with the *fathah* mim is the *lughah* Bani Tamim. The *fushā* reading is *جُمُعَةٌ* (*jumu‘ah*), with its mim which reads *ḍammah*. The plural is *جُمُعَاتٌ*, *جُمُعَاتٌ*, and *جُمُعَاتٌ*. The name of this Friday, at the time of Jahiliyah was ‘*Arūbah* (Al-‘Arabiyyah, 2004; Al-Fayyūmi, 1987; Az-Zabīdi, 1983).

So, what is meant by Friday prayers in this writing is the two raka‘at prayers performed on Fridays at zuhur time, instead of zuhur prayers (Qal‘aji & Qunaibi, 1988). This Friday prayer stands alone which is different from zuhur prayer in terms of *jahr* (read aloud), the number of raka‘at, there is a sermon, and the conditions are different from zuhur prayer, it's just that, the time is the same as the time of zuhur prayer (Al-Qaḥṭāni, n.d.).

History of Friday Prayers

In a narration, that As‘ad bin Zurārah was the first to perform Friday prayers with the inhabitants of Medina, before surah al-Jumu‘ah was revealed. The full history is as follows:

عَنْ ابْنِ سِيرِينَ قَالَ جَمَعَ أَهْلُ الْمَدِينَةِ قَبْلَ أَنْ يَفْتَمَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَبْلَ أَنْ تَنْزَلَ الْجُمُعَةُ وَهُمْ الَّذِينَ سَمَوْهَا الْجُمُعَةَ فَقَالَتِ الْأَنْصَارُ لِلْيَهُودِ يَوْمَ يَجْتَمِعُونَ فِيهِ كُلَّ سَبْعَةِ أَيَّامٍ وَاللَّيْصَارَى أَيْضًا مِثْلَ ذَلِكَ فَهَلُمَّ فَلْنَجْعَلْ يَوْمًا نَجْتَمِعُ وَنَذْكُرُ اللَّهَ وَنُصَلِّيُ وَنَشْكُرُهُ فِيهِ أَوْ كَمَا قَالُوا فَقَالُوا يَوْمَ السَّبْتِ لِلْيَهُودِ وَيَوْمَ الْأَحَدِ لِلنَّصَارَى فَاجْعَلُوهُ يَوْمَ الْعُرُوبَةِ وَكَانُوا يُسْمُونَ يَوْمَ الْجُمُعَةِ يَوْمَ الْعُرُوبَةِ فَاجْتَمَعُوا إِلَى أَسْعَدَ بْنِ زُرَّارَةَ فَصَلَّى بِهِمْ يَوْمَئِذٍ وَذَكَرَهُمْ فَسَمَّوهُ الْجُمُعَةَ حَتَّى اجْتَمَعُوا إِلَيْهِ فَدَبِحَ أَسْعَدُ بْنُ زُرَّارَةَ لَهُمْ شَاةً فَتَعَدَّوْا وَتَعَشَّوْا مِنْ شَاةٍ وَاجِدَةٍ ذَلِكَ لِفَلْتِهِمْ فَأَنْزَلَ اللَّهُ فِي ذَلِكَ بَعْدَ ذَلِكَ إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ

Meaning: Narrated Ibn Sirin, he said: The people of Medina had gathered before the Prophet came to Medina and surah al-Jumu'ah came down. They were the ones who named the day jumu'ah. The Ansar said: "The Jews had a day which they gathered on that day every seven days (once a week). Christians are like that too. Therefore, let us make the day on which we gather, remember Allah, pray, and give thanks to Him on that day." Or as they talked about, then they said: "Saturday for Jews and Sunday for Christians, then make it (the day used to gather, remember Allah, pray, and give thanks to Allah) the day of 'Urubah/'Arubah." In the past, they named Friday after the day 'Urubah/'Arubah. Later, they gathered at the place of As'ad ibn Zurarah. On that day, As'ad ibn Zurarah prayed with them and prayed with them.

إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَى ذِكْرِ اللَّهِ

If you are called to pray on Friday, then hurry up to remember Allah. (Ar-Razzāq, 2015; Rajab, 1996).

In the beginning, before Friday prayers were obligated, the Muslims of Medina performed Friday prayers on their own *ijtihad*, not because they were ruled by the Prophet SAW. At that time, Islam had not been implemented openly (still secretly) and has not been widespread in Medina, as the history above. After Islam was openly implemented and has been widespread in Medina, the Prophet sent Muṣ'ab bin 'Umair to Medina to teach the Qur'an and to establish Friday prayers to show The Shi'ah of Islam in Medina (Rajab, 1996).

Prophet Muhammad SAW performed Friday prayers for the first time during the hijrah trip to Medina. On his hijrah journey, on Monday morning, the 12th of Rabi'ul Awwal, the Prophet Muhammad SAW stopped in Quba', in the place of Bani 'Amr bin 'Auf. The Prophet stayed here for four days, Monday to Thursday, while building a mosque. On Friday, he continued his journey to Medina. When entering the Friday prayer, he reached the bottom of the valley belonging to Bani Salim bin 'Auf, then he preached and performed Friday prayers (Al-Bagawi, 1411 H; Hayyan, 1993).

The Law of Friday Prayer

According to classical scholars, Friday prayers are obligatory. The obligatory law is based on the Qur'an, Hadith, and *Ijma'* ulama (Al-Islāmiyyah, 1992; Az-Zuhaili, 1985). The obligations to perform Friday prayers are: people who are

intelligent, independent, men, and mukim, while there is no uzur. People who leave Friday prayers without any uzur will be sanctioned (Al-Bagawi, 1411 H).

Muhdir (2021), with his *ijtihad*, he established that the law of Friday prayers is *sunnah*. His *ijtihad* on the law of Friday prayers is written in a book entitled: *Salat Jum'at adalah Sunnah, Bukan Wajib, dan Boleh Menjamak Salat Zuhur Sampai Isya' Tanpa Sebab*. In the book, it is mentioned that the law of Friday prayers is *sunnah*, not obligatory.

In establishing this Friday prayer, Ibn Muhdir is based on the Qur'an and Hadith. Allah narrates Friday prayers through the Qur'an and Hadith, with the form / *ṣīghah* (صيغة) command / *amr* (أمر). The origin of the *amr* or commandment is to indicate the obligatory law, unless there is a *qarīnah* that turn the obligatory law to another law. According to Ibn Muhdir, there are at least some *qarīnah*, so the law of Friday prayers is *sunnah*:

1. That the command to perform Friday prayers is in the Qur'an, which is in surah al-Jumu'ah: 9 is limited to *khair* (خير), meaning *afdal* (أفضل). *Afdal* (أفضل) in ushul fikih is the same as *sunnah*, which is something that is rewarded for doing it and not tortured when leaving it..
2. In the Hadith the Prophet mentioned that the one who leaves Friday prayers three times in a row because of his disdain, Allah will close his heart. So, people can leave Friday prayers at any time as long as it is not three times in a row. This shows that the law of Friday prayers is *sunnah*.
3. Some of the Prophet's companions left Friday prayers and the Prophet witnessed them. The Prophet did not sanction them. They were also not threatened by the Prophet.
4. The Prophet Muhammad once left Friday prayers.
With these *qarīnahs*, certainly with a long description and comparison with other legal cases, Ibn Muhdir determined that the law of Friday prayers is *sunnah* (Muhdir, 2021).

Nahy (نهي) or Prohibition

Nahy (نهي) is the masdar form of the word: *نَهَى* – *يَنْهَى* which means preventing and prohibiting (Ma'luf, 1975). *Nahy* (ban) is the opposite of *amr* (order) (Al-Bagdādi, 1988). According to the term, *nahy* (نهي) mean:

اسْتَدْعَاءُ تَرْكِ الْفِعْلِ بِالْقَوْلِ عَلَىٰ جِهَةِ الْإِسْتِعْلَاءِ

Meaning: Demands to leave actions with words from a higher party (An-Namlah, 1999).

There are *صِيغَةٌ* (*ṣīghah* or form) *nahy* in ushul fikih (Az-Zalmi, 2014):

1. *Al-Fi'l al-Mudāri'* (الْفِعْلُ الْمُضَارِعُ) for *mukhatab* (second person) starting with *لَا النَّاهِيَّة* (*lā an-nāhiyah* or *lā* to prevent/prohibit), such as QS. Al-Baqarah: 188:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ

Meaning: do not eat the wealth between you in a false way.

2. Derivation from the word *tahrīm* (تحريم), such as QS. Al-Ma'idah: 3:
 حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ وَلَحْمُ الْخِنْزِيرِ
 Meaning: Forbidden to you carrion, blood and pork.
3. Derivation from the word *nahy* (نهي), such as QS. An-Nahl: 90:
 وَيَنْهَى عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ
 Meaning: He (Allah) forbids abominable and evil deeds.
4. *Nafy* (نفي) or denial of the word *hill* (حل) along with its derivation, such as QS. Al-Baqarah: 229:
 وَلَا يَجِلُّ لَكُمْ أَنْ تَأْخُذُوا مِمَّا آتَيْتُمُوهُنَّ شَيْئًا
 Meaning: It is not lawful for you to take back what you have given them.
5. An act that is threatened with punishment, such as QS. Al-Ma'un: 4-7:
 قَوْلِيلٌ لِّلْمُصَلِّينَ ، الَّذِينَ هُمْ عَنْ صَلَاتِهِمْ سَاهُونَ ، الَّذِينَ هُمْ يُرَاءُونَ ، وَيَمْنَعُونَ الْمَاعُونَ
 Meaning: So woe to those who pray, namely those who are negligent of their prayings, who are happy, and are reluctant to give help.
6. Denial question (الاستفهام الإنكاري), such as QS. Yunus 99:
 أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّىٰ يَكُونُوا مُؤْمِنِينَ
 Meaning: do you want to force people so that they become believers?

Meaning of *Nahy*

Nahy used for several meanings, as describe in the Table 1

Table 1
Meaning of *Nahy*

Meaning	Example in Al-Qur'an	
To forbid (التحريم)	وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ	Do not kill people that Allah has forbidden except for a right reason (QS. Al-Isra': 33)
To show makruh (الكراهة)	وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ	Do not choose what is bad for you to spend (QS. Al-Baqarah: 267)
To humiliate (التحقير)	وَلَا تُمَدِّنْ عَيْنَيْكَ إِلَىٰ مَا مَتَّعْنَا بِهِ أَزْوَاجًا مِنْهُمْ	And do not fix your eyes on the pleasures that We have given to some of them (QS. Taha: 131)
To explain the consequences (بيان العاقبة)	وَلَا تَحْسَبَنَّ اللَّهُ غَافِلًا عَمَّا يَعْمَلُ الظَّالِمُونَ	And do not think that Allah is unaware of what the wrongdoers do (QS. Ibrahim: 42)
To pray (الدعاء)	رَبَّنَا لَا تُزِغْ قُلُوبَنَا بَعْدَ إِذْ هَدَيْتَنَا	O our Lord, do not incline our hearts to error, after You have guided us (QS. Ali 'Imran: 8).
To make despair (اليأس)	لَا تَعْتَذِرُوا قَدْ كَفَرْتُمْ بَعْدَ إِيمَانِكُمْ	Do not apologize, because you have disbelieved after believing (QS. At-Taubah: 66)
To give a hint (الإرشاد)	لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ تُبَدَّ لَكُمْ تَسْؤُكُمْ	Do not ask things, which if explained to you will trouble you (QS. Al-Ma'idah: 101)

To cheer up (التسلية)	وَلَا تَحْزَنْ عَلَيْهِمْ	And do not grieve for them (QS. An-Naml: 70)
For adab (الأدب)	وَلَا تَنْسُوا الْفَضْلَ بَيْنَكُمْ	And do not forget the good between you (QS. Al-Baqarah: 237).

There are several rules related to *nahy* (Al-Bākistāni, 2002), namely:

- Nahy* show the law of haram (النهي يدل على التحريم).
The origin of *nahy* is for the unlawful (haram) law, unless there is a *qarinah* that turns the forbidden law to a law other than haram.
- Nahy* show damage (النهي يدل على الفساد).
Nahy indicates the damage and cancellation of something that was prevented. Umar once refused and prevented people from marrying, while the men were in *ihram*. Likewise Mu'awiyah, he divorced people who married syigar.
- Nahy* which is after the question, then it is useful to show what the questioner wants (النهي الوارد عقب سؤال إفادته على حسب ما يقصده السائل).

For example the hadith below:

سُئِلَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْوُضُوءِ مِنْ لُحُومِ الْإِبِلِ فَقَالَ تَوَضَّئُوا مِنْهَا وَسُئِلَ عَنِ لُحُومِ الْغَنَمِ فَقَالَ لَا تَوَضَّئُوا مِنْهَا وَسُئِلَ عَنِ الصَّلَاةِ فِي مَبَارِكِ الْإِبِلِ فَقَالَ لَا تُصَلُّوا فِي مَبَارِكِ الْإِبِلِ فَإِنَّهَا مِنَ الشَّيَاطِينِ وَسُئِلَ عَنِ الصَّلَاةِ فِي مَرَابِضِ الْغَنَمِ فَقَالَ صَلُّوا فِيهَا فَإِنَّهَا بَرَكَهٌ

Meaning: The Messenger of Allah, asked about ablution for eating camel meat. He replied: "Ablutions for it!". He was also asked about ablution because of eating goat meat. He replied: "Do not perform ablution because of it!". He was also asked about praying at the camel mooring, then he replied: "Do not pray in that place, for indeed it is a devil." He was also asked about praying at the place where the goat moored, so he said: "Pray there, because that place contains blessings." (Dawud, n.d.).

Legal Istinbat

Allah forbids buying and selling at the time of Friday prayings. Allah forbids it with the word prohibition or *nahy* (نهي), contained in Al-Qur'an (QS. Al-Jumu'ah: 9):

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ

Meaning: O you who believe, if you are called to pray on Friday, then all of you hasten to pray Friday and leave buying and selling.

The prohibition for buying and selling in the paragraph above is: ذَرُوا الْبَيْعَ (leave buying and selling). The meaning of the word ذَرُوا is اتركوا (leave). Word ذَرُوا (leave) is *fi'il amr* (command verb), but orders to leave. If we return to the meaning of *nahy* is:

اسْتِدْعَاءُ تَرْكِ الْفِعْلِ بِالْقَوْلِ عَلَىٰ جِهَةِ الْإِسْتِعْلَاءِ

Meaning: The demand for abandoning actions with words from a higher party (An-Namlah, 1999), so word ذَرُوا (leave) this is included *sīgah* (صيغة) *nahy*, because here is an order from Allah to leave buying and selling, even that is said

النهي عن البيع or prohibition of buying and selling (Haqqi, 2018). At-Tabari in commenting on the sentence وَذُرُوا الْبَيْعَ (and leave buying and selling) write:

فخص البيع بالنهي لما كان هو أعظم المهمات عندهم

Meaning: Allah specializes buying and selling to be prohibited, because buying and selling is a very important thing for them (Ar-Rāzi, 1981).

Ibn ‘Adil in commenting on the sentence وَذُرُوا الْبَيْعَ (and leave buying and selling) write:

فَنَهَى عن البيع بعد النَّدَاءِ

Meaning: Then Allah forbids buying and selling after the call to praying (‘Adil, 1998).

In relation to the sentence وَذُرُوا الْبَيْعَ (and leave buying and selling), Al-Kasani commenting that the order to leave the sale and purchase is a prohibition or *nahy* to do so, and the lowest degree of prohibition or *nahy* is *makruh* (Al-Kasani, 2002).

Prohibition or *nahy* originally was to declare the law haram. However, if there is *qarīnah* or reasons that turn the forbidden law to another law, then the forbidden law will change. There are at least two *qarīnah* that change the forbidden law, namely:

1. *The law of buying and selling at the time of Friday prayings is always associated with the law of Friday prayings.*

The scholars have agreed on the obligatory Friday praying. Therefore, if due to buying and selling, then someone leaves the Friday praying, then the sale and purchase becomes haram. According to Az-Zamakhsyari, most scholars are of the opinion that the prohibition does not cause damage to the buying and selling contract. The prohibition of buying and selling at the time of Friday prayings is due to neglect of obligations, namely Friday prayings (Al-Qurtubi, 2006).

If buying and selling activities are carried out during Friday prayings, it will cause the perpetrators to leave Friday prayings. Performing the Friday praying is obligatory, so leaving the sale and purchase is also obligatory, because the Friday praying is impossible if left behind by buying and selling. Something that makes the implementation of obligations, then something is legally obligatory. This is included in the rules:

مَا لَا يَتِمُّ الْوَاجِبُ إِلَّا بِهِ فَهُوَ وَاجِبٌ

Meaning: Obligations if cannot be perfect except with something else, then something else is obligatory.

Something that makes obligations can be carried out, there are times when conditions are conditions and sometimes there are causes (Al-Gazzi, 1996). Wudhu is a condition for praying, so ablution is obligatory. Leaving buying and selling is the reason for the obligatory Friday prayings, so leaving buying

and selling is obligatory. Therefore, carrying out buying and selling at the time of the Friday praying is forbidden, because what is obligatory is to leave it.

Muhdir (2021) in his *ijtihad* stipulates that the law of Friday praying is *sunnah*, not obligatory. People who leave Friday prayings are not sinful. Therefore, buying and selling activities that neglect Friday prayings, which are *sunnah*, cannot be unlawful.

2. *The prohibition of buying and selling at the time of Friday prayings is to regulate etiquette.*

It is not good, when people perform the *sunnah* Friday prayings, there are people who are busy buying and selling. This is only limited to respecting people who are worshipping the *sunnah*. Therefore, Allah forbids buying and selling during Friday prayings. This prohibition is only limited to etiquette and morals, and this is the ethics of buying and selling.

Most scholars have determined that if there is a prohibition or *nahy* that aims to regulate human manners, then the law of *nahy* or prohibition is *makruh*. Al-Minyawi said that if it is related to etiquette and morals, then the law is *makruh*. The origin of *nahy* is for prohibition. *Adab* is *qarinah* that turns the original law of *nahy* from haram to *makruh* (Al-'Usaimin, 2011).

Ibn 'Abd al-Barr has distinguished between *nahy* or prohibition in terms of worship and morality. *Nahy* or prohibitions in worship result in haram laws, while *nahy* or prohibitions in morals result in *makruh* laws (Al-Barr, 1987). So, the law of buying and selling at the time of Friday praying is *Makruh*.

CONCLUSION

The law of buying and selling at the time of Friday prayings is *makruh*. This is different from the *ijtihad* of the previous scholars who said it was haram. This very striking difference is due to two things. *First*, the law of buying and selling at the time of the Friday praying is always associated with the law of the Friday praying. The scholars say that Friday prayings are obligatory, so buying and selling at the time of Friday prayings is forbidden. The author says that Friday prayings are *sunnah*, so buying and selling at the time of Friday prayings is *makruh*.

Second, the prohibition of buying and selling at the time of Friday prayings is to regulate etiquette or ethics. The scholars who say that the prohibition of buying and selling during Friday prayings is haram, are those who view the law of Friday prayings as obligatory. According to them, leaving buying and selling is the reason for the implementation of Friday prayings for someone. The author, with his *ijtihad*, stipulates that the prohibition is only an ethics in buying and selling, because it respects people who are doing Friday prayings whose law is *sunnah*.

With that two reasons or *qarīnah*, the author stipulates that the law of buying and selling at the time of the Friday praying is makruh. So, ethically, you should not carry out buying and selling during Friday prayings. However, if there are people who run the sale and purchase at that time, then it is permissible. They are not sinful.

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