



## **COMPARISON OF TAKLIFI LAW ON THE VIEWS OF ABU HAMID AL-GHAZALI AND ABDUL HAMID BIN AL-HUSAIN AL-SHARWANI REGARDING SHAVING HAIR AND CUTTING NAILS WHEN JUNUB**

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### **Abstract:**

This thesis, titled "Comparative Study of Taklifi Law on Abu Hamid Al-Ghazali and Abdul Hamid Al-Sharwani's Views on Shaving Hair and Cutting Nails during Junub," aims to answer two research questions: What are Abu Hamid Al-Ghazali and Abdul Hamid Al-Sharwani's views on shaving hair and cutting nails during junub? How can the taklifi law be compared and analyzed in relation to their views?. This study employs a library research approach, gathering data from various literary sources, including books and journals. The author compares and analyzes the taklifi law in relation to Al-Ghazali and Al-Sharwani's views on shaving hair and cutting nails during junub. The study reveals two main findings: Al-Ghazali's view, as stated in his book "Ihya' Ulum al-Din," is that it is not advisable to shave hair or cut nails during junub, as this may lead to accountability in the afterlife. In contrast, Al-Sharwani recommends delaying these actions until after purification. (2) The analysis of taklifi law reveals that both scholars' views imply that shaving hair and cutting nails during junub are disliked (makruh). The study concludes that both Al-Ghazali and Al-Sharwani's views on shaving hair and cutting nails during junub are similar, and it is recommended that individuals, especially the general public, gain a deeper understanding of Islamic law to avoid making hasty judgments without proper evidence.

**Keywords:** *Taklifi Law, Abu Hamid Al-Ghazali, Abdul Hamid bin Al-Husain Al-Sharwani, Fiqh, Ritual Purity*

### **INTRODUCTION**

Junub linguistically comes from the word janabah which means far away, while junub in terms of terminology is the condition of a person after releasing semen (al-inzal) for women and men, due to wet dreams or sexual intercourse. A Muslim is required to take a big bath while still in junub. Otherwise, he is prohibited from approaching places of worship and performing certain acts of worship. In the al-ghusl term, janabah bathing means pouring water all over the body.

Islamic jurisprudence explains that there are six reasons for obligatory ghusl, three of which commonly occur in men and women, and three (certain) only in women, consisting of intercourse, seminal discharge, death, menstruation, postpartum, and wiladah. Allah has established a law for someone who is in junub not to perform prayers until he has bathed. This provision shows that there is no holy period for a junub person except after she has bathed and there is no holy time for a woman who is menstruating unless

her menstruation has stopped and then she has bathed. This provision is based on the word of God before they became holy. The state of purity is marked by the cessation of menstrual bleeding. Meanwhile, according to His words, when they are pure, it is marked by bathing. Allah has made it mandatory for men and women to bathe when semen comes out, sexual intercourse and for women who menstruate and postpartum.

Scholars agree that ritual bathing (ghusl) is obligatory due to sexual intercourse and does not require ejaculation, as the hadith of Aisha, which states, "Indeed, water (ghusl) is due to ejaculation (ejaculation of semen)," has been deemed annulled according to scholarly consensus. Only Hanafi scholars make an exception: when a person has intercourse with a dead person, an animal, or a child who has not yet aroused sexual desire, if it does not damage the hymen, then he is obligated to perform ghusl if ejaculation occurs. Therefore, if no ejaculation occurs and the child's hymen is not damaged, then he is not obligated to perform ghusl or ablution.

The evidence that demonstrates the obligation of ghusl due to sexual intercourse is the statement of Allah SWT,

وَأَنكُحْتُم مِّنْهُنَّ مَا طَهَّرْتُمُوهُنَّ.....

“...If you are junub then take a bath..” (QS.Al-Maidah: 6)

In general, many people, especially Muslims, still believe that during a period of junub, all parts of the body are in a state of major impurity, so they are not allowed to cut their hair and nails because they are both in a state of major impurity. Among the beliefs spread in this society, a person in junub should not cut their nails, shave their hair, or bleed, or do any activity that causes parts of their body to be separated. Because all their body parts will be returned in the afterlife, and again in a state of junub. Then all of their body parts will demand to be washed. Such beliefs are not only widespread in Indonesia but also among Muslims around the world. In the Shafi'i school of thought, there are two opinions regarding the law of shaving hair and cutting nails during junub. First, Imam al-Ghazali said that a person in junub should not shave their hair, cut their nails, shave their pubic hair, or bleed or excrete anything from their body, because all of these will be held accountable in the afterlife. According to Imam al-Ghazali, these actions are makruh (forbidden). Both Imam al-Sharwāni are of the opinion that it is sunnah (mandub) for a person who is junub to delay taking parts of himself such as nails and hair.

Therefore, the author is interested in researching this problem with the title *"Comparison of Taklifi Law Regarding the Views of Abu Hamid Al-Ghazālī and Abdul Ḥamīd Bin Al-Husain Al-Sharwāni Regarding Shaving Hair and Cutting Nails When Junub"*.

If you are junub then Based on the background that has been explained, this research focuses on two main problems which are the subject of the study. First, what are the opinions of Abu Hamid Al-Ghazali and Abdul Hamid bin Al-Husain Al-Sharwani regarding the law of shaving hair and cutting nails when in a state of junub. Second, what is the comparative analysis of taklifi law regarding the views of the two ulama in the context of this act. Through the focus of this research, it is hoped that a deeper understanding can be gained regarding the differences and similarities in views between the two, as well as

how Islamic legal review views these actions based on fiqh principles and taklifi legal rules.

## RESEARCH METHODS

This study utilizes library research, where data sources are obtained from libraries, books, or written works relevant to the topic being studied. These sources will be drawn from various works discussing the issue of shaving during menstruation, as well as several other sources.

## RESULTS AND DISCUSSION

### Definition of Sharia Law

In terms of language, law means to prevent and decide. According to the terminology of ushul fiqh, law is:

خَطَابُ الشَّارِعِ الْمُتَعَلِّقُ بِأَفْعَالِ الْمُكَلَّفِينَ بِالْإِقْتِضَاءِ أَوِ التَّخْيِيرِ أَوِ الْوَضْعِ

*"The khitab (doctrine) of syar'i (Allah) is concerned with the actions of people who are already mulakllaf, whether the doctrine is in the form of demands (commands, prohibitions), recommendations to do, or suggestions to leave. or in the form of takhyir (the ability to choose between doing and not doing. Or wadh'i (determining something as a cause, condition, or mani/barrier)."*

### Division of Sharia Law

Ulama ushul fiqh membagi hukum syariat menjadi dua macam, yaitu hukum taklifi dan hukum wadh'i. penjelasan tentang kedua hukum ini dapat dilihat pada uraian berikut:

#### 1. Taklifi Law

Taklifi law is a law that requires the mukallaf to perform an action or prohibits it from being performed or requires the mukallaf to choose between performing it or abandoning it. Abdul Wahhab Khallaf said that;

حُكْمُ التَّكْلِيفِ هُوَ مَا فَتَضَى طَلَبَ فِعْلٍ مِنَ الْمُكَلَّفِ أَوْ كَفَّهُ عَنْ فِعْلٍ أَوْ تَخْيِيرَهُ بَيْنَ فِعْلٍ وَالْكَفِّ عَنْهُ

*"Taklifi law is a law that requires mukallaf people to carry out or prohibits carrying out or choosing between carrying out and leaving it."*

Taklifi law takes the form of demands or choices in terms of what is demanded. Taklifi law is divided into two: demands to do something and demands to abandon something. Meanwhile, the form of demands is also divided into two: definite demands and uncertain demands.

#### a. Division of Taklifi Law

The laws revealed by Allah SWT to humanity are for the benefit and salvation of humanity, both in this world and in the hereafter. This salvation can be achieved if we consistently obey Allah's laws. If we carefully examine them, we will see that some of Allah's laws that we must obey are explicit commands, requiring us to perform them firmly and categorically. These are called obligatory laws, such as prayer and fasting. These commands are also indefinite, requiring us to perform them but not necessarily, such as voluntary prayers. Sometimes these commands require us to abandon activities that are considered forbidden, such as adultery. Furthermore, commands that require us to abandon activities are indefinite, meaning we don't have to abandon

them, but abandoning them is considered better, such as eating jengkol (a type of food) or petai (a type of stinky bean). Sometimes Allah's laws are optional, meaning a person is given the freedom to choose between doing or abandoning them, such as eating and drinking.

Scholars of Islamic jurisprudence (ushul fiqh) divide taklifi laws into five categories: obligatory, mandatory, prohibited, makruh (reprehensible), and permissible. The division of taklifi law as explained above is the taklifi law adopted by the majority of scholars. However, Hanafi scholars state that taklifi law is divided into seven types: fardhu, wajib, mustahab, haram, makruh tahrim, makruh tanjih, and mubah.

This discussion will focus on the division of taklifi law according to the majority, namely;

a. Wajib

According to sharia, the definition of wajib is مَا طَلَبَ عَلَى وَجْهِهِ الزُّرْمُ فَعَلُهُ

*"something that Allah has commanded to be done with certainty".*

Based on the definition above, an obligation is a command that must be carried out by a Muslim according to predetermined instructions. The consequences of this obligation are reward if carried out, while neglecting it will result in sin. Examples of something that is obligatory include prayer, fasting, paying zakat, performing the Hajj pilgrimage for those who are able, and being dutiful to parents. All of these orders are legally binding and firm.

Linguistically, "mandub" means something that is recommended. Terminologically, it is a command from Allah that must be carried out by mukallaf (Muslims) in an obligatory manner. In other words, a command that does not reach the level of obligatory. Some scholars define mandub as:

مَا يُثَابُ عَلَى فَعْلِهِ يُعَاقَبُ عَلَى تَارِكِهِ

*"Something that is rewarded to those who do it and not punished by those who abandon it."*

b. Haram

A demand to abandon something definitely means that the person being demanded must abandon it. If someone abandons it, it means they have obeyed the one who forbade it. Therefore, they deserve a reward. Those who do not abandon the prohibition violate Allah's demands and thus deserve sin. This form of demand is called tahrim. The influence of the demand on an action is called hurmah, while an action that is definitely prohibited is called haram. Abdul Wahhab Khallaf said that:

الْمُحَرَّمُ هُوَ مَا طَلَبَ الشَّارِعُ الْكَفَّ عَنْ فِعْلِهِ طَلَبًا حَتْمًا بِأَنْ تَكُونَ صِبْغَةً طَلَبَ الْكَفِّ نَفْسُهَا دَلَّةٌ عَلَى أَنَّ حَتْمَ

*"Haram is a sharia demand to abandon an act with a definite demand. This means that the form of prohibition itself indicates a definite prohibition."*

Examples of forbidden acts are killing, committing adultery, eating carrion and so on.

c. Karahah

In linguistic terms, karahah is something that is disliked or something that is

shunned. Usul scholars term karahah as مَا طَلَبَ الشَّارِعُ تَرْكَهُ عَلَى وَجْهِ غَيْرِ الزُّرْمِ

*"Something that the lawmaker demands to be abandoned in the form of an uncertain demand."*

d. Mubah

The word mubah comes from fi'il madhi "abāha" which means to

explain and inform. Sometimes it appears with the meaning of “let go” and allow. Mubah is something that can be done and can also be abandoned. In legal terms mubah mean;

"Something that is given the possibility by the legislator to choose between doing and leaving, he can do or not."

Imam Syaukani gives the meaning: "something that is not praised for doing it or leaving it". Muhammad Khudari interprets it as: "What is given the right to choose to do or leave without any praise or blame." In this case, amukallaf may act or not act. There is no sin in the person who does it and there is no sin in the person who abandons it. Examples include eating, drinking and playing. Because taklifi sharia law contains the meaning of demands, whereas in mubah there are no demands that result in rewards and sins, there are differences between scholars in including mubah within the taklifi law group.

### **Wadh'i Law**

The law of wadh'i is a law which contains the meaning that the occurrence of something is a cause, condition or obstacle to something.

#### **1. Cause**

In terms of language, a cause is something that can convey what is intended. Meanwhile, in terms of terminology, experts define a cause as something clear, measurable, and used by lawmakers, usually characterized by the presence of a law and its absence by the absence of a law. This means that a cause is something that the sharia (lawmaker) uses as a sign of something else that is its consequence, and links the existence of an effect to the existence of a cause, and the absence of an effect to the absence of a cause. Therefore, the existence of a cause necessitates the existence of an effect, and the absence of a cause results in the absence of an effect. Therefore, a cause is something real and definite that sharia uses as a sign of the sharia law that is its consequence. Therefore, the existence of a cause necessitates the existence of an effect, and the absence of a cause necessitates the absence of an effect.

In terms of language, a cause is something that can convey what is meant. Meanwhile, according to terminology, experts define a cause as something clear, measurable, which is used by lawmakers, commonly with the sign of the existence of a law and its absence, there is no law. Which means a cause is something that is used by the sharia law (lawmakers) as a sign of something else that is the result, and connects the existence of an effect because of the existence of a cause, and the absence of an effect because of the absence of a cause. Therefore, the existence of a cause necessitates the existence of an effect and the absence of a cause results in the absence of an effect. So, a cause is something real and definite that is used by sharia as a sign of the sharia law which is its result so that the existence of a cause necessitates the existence of an effect and the absence of a cause necessitates the absence of an effect.

Several examples can clarify the meaning of cause as explained above, such as the word of Allah in the Al-Qur'an surah al-Isra' (17) verse 78:

أَقِمِ الصَّلَاةَ لَدُلُوكِ الشَّمْسِ إِلَى غَسَقِ اللَّيْلِ وَقُرْآنَ الْفَجْرِ إِنَّ قُرْآنَ الْفَجْرِ كَانَ مَشْهُودًا

*Establish prayer from after the sun sets until dark at night and (also*

*establish prayer) at dawn. Indeed, the morning prayer is witnessed (by angels).*

## 2. Condition

A condition is something whose existence or absence of law depends on its existence. The existence of something means that the condition can influence the existence or absence of law. As stated above, a condition is similar to a cause, meaning it "depends on existence," so if it were absent, law would not exist. The difference between the two lies in the existence of the cause or condition. The existence of a cause necessitates the existence of law, but the existence of a condition does not necessitate the existence of law. The existence of a condition does not necessarily mean the existence of law.

An example of this is the marriage of a man and a woman, where laws require the presence of two male witnesses at the wedding. The presence of these two male witnesses is a requirement for the validity of the marriage. However, the presence of these two male witnesses cannot be considered a cause, as their presence does not necessitate the marriage. Other examples of this include the conditions for the validity of prayer, Ramadan fasting, waqf, and so on. This means that if these conditions are not met, it will be considered invalid.

## 3. Mani' (barrier)

Mani' is something that, by its very existence, can nullify a law or cancel a cause. Sometimes the "cause" according to Islamic law is clear and meets its requirements. However, the presence of mani', which constitutes the law, such as a valid husband-wife relationship or kinship, gives rise to the right to inherit. However, due to an obstacle (for example, religious differences), these inheritance rights are invalidated. Based on the definitions outlined above and the examples of cause, conditions, and mani', a simple example can be illustrated as follows.

For example, consider the case of marriage. A valid marriage between a man and a woman (cause) requires the presence of two witnesses (requirement). The presence of this cause (marriage) will result in the two being legally related as husband and wife (effect). This husband-wife relationship will give rise to a system of kinship relations (effect). This kinship system can be the basis for the law of inheritance. However, because one person in the kinship has a different religion (mani') then the right to inherit becomes void.

## **Abu Hamid Al-Ghazali's opinion regarding shaving hair and cutting nails during Junub**

### **Biography of Imam Al-Ghazali**

Al-Ghazali's real name was Muhammad ibn Muhammad at Tusi, nicknamed Abu Hamid, and he was given the title Zainuddin (the Decorator of Religion). He was born in Thus, a city in Khurasan (Persia), in the mid-fifth century Hijri (450 AH/1058 CE). The name Al-Ghazali comes from the name of the village where he was born, and is also often associated with his father's occupation as a weaver of cloth called "gazzal." He is known as one of the greatest Islamic thinkers, awarded the titles Hujjatul Islam (proof of the truth of Islam) and Zainuddin (the adornment of religion). Al-Ghazali died in his hometown, Thus, on 14 Jumadil Akhir 505 AH (December 19, 1111 CE).

Al-Ghazali first studied religion in the city of Tus, then continued his studies in the city of Jurjan, and finally to Naisabur to study with Imam Juwayni

until his death in 478 AH/1085 CE. He lived in his hometown until the age of twenty, studying Islamic jurisprudence with Ahmad ibn Muhammad al-Razkani. In 470 AH, Al-Ghazali moved to the city of Jurjan to study with Imam Abi Nasr al-Isma'ili, where he also mastered Arabic and Persian. The following year, in 471 AH, he left for the city of Naisabur, located near Tus, attracted by the Nizamiyyah university in Baghdad.

There, he studied with the great scholar Abu al-Ma'ali Diya'uddin al-Juwayni, better known as Imam Haramain, the leader of the university. Al-Ghazali studied various disciplines such as kalam (theology), fiqh (Islamic jurisprudence), ushul fiqh (theoretical reasoning), rhetoric, logic, and philosophy. Initially a student, he was later appointed as an assistant professor. In 475 AH, at the age of 25, Al-Ghazali began his career as a lecturer at the Nizamiyyah University of Naisabur. After the death of Imam Haramain, Prime Minister Nizam al-Muluk appointed Al-Ghazali as his successor, even though he was only 28 at the time. He was also asked to deliver regular sermons every two weeks before dignitaries and scholars in the city of Mu'askar, and was appointed as an advisor (mufti) to the Prime Minister. In this position, Al-Ghazali wielded significant political influence during Nizam al-Muluk's reign.

In Baghdad, al-Ghazali's reputation grew, and his study groups expanded. It was here that he began engaging in polemics, particularly with the Islamic inner circle and the philosophers. During this period, he also suffered a spiritual crisis as a result of his doubtful attitude (al-syak), known to Westerners as skepticism, namely a crisis of doubting all knowledge, both empirical and rational. As a result of this crisis, he suffered from illness for six months until doctors ran out of treatment. Then he left all the positions he held, such as rector and professor in Baghdad, then he wandered to Damascus. Then in 490 H / 1098 AD, he went to Palestine to pray beside the grave of Prophet Ibrahim (peace be upon him). Then, he went to Mecca and Medina to perform the Hajj pilgrimage and visit the tomb of the Prophet Muhammad (peace be upon him).

### **Imam Al-Ghazali's Opinion on Shaving Hair and Cutting Nails During Junub.**

One of Al-Ghazali's most popular books is Ihyā' Ulūm al-Dīn, which is also very well-known among the public. Imam Al-Ghazali is also known as a scholar of the Shafi'i school of thought. In Islamic law, differences of opinion are like the many fruits that come from a tree, namely the tree of the Qur'an and the Sunnah, not the many fruits that come from various types of trees. Although there are many differences of opinion, these differences do not prevent them from praying in congregation, even though imams and followers from various schools of thought and opinions exist in various parts of the world.

Imam Al-Ghazali's view in Ihyā' Ulūm al-Dīn states that a person who is in a state of Junub should not cut their nails and hair because after death they will be held accountable. This book combines various disciplines, including Islamic jurisprudence, Sufism, and philosophy. As narrated in the book Ihyā' Ulūm al-Dīn :

وَلَا يَنْبَغِي أَنْ يَخْلُقَ أَوْ يُقَلِّمَ أَوْ يَسْتَحِدَّ أَوْ يُخْرِجَ دَمًا أَوْ يُبَيِّنَ مِنْ نَفْسِهِ جُزْءًا وَهُوَ جُنُبٌ إِذْ تُرَدُّ سَائِرُ أَجْزَائِهِ فِي الْآخِرَةِ فَيُعَوَّدُ جُنُبًا وَيُقَالُ  
إِنَّ كُلَّ شَعْرَةٍ يُطَالِيهِ بِجَنَابَتِهَا

*And a person who is junub should not shave their hair, cut their nails, shave their pubic hair, or bleed or expel anything from their body. Because all of those body parts will be brought back in the afterlife, and they will*

*return in a state of junub, and it will be said that all their hair demands an account because they (were resurrected) in a state of junub.*

Thus, Imam Al-Ghazali stated that it is "not proper" for someone who is junub to shave their hair and cut their nails. Generally, the prohibitions that we know of for those in a state of junub, including those who are menstruating, include reading the Quran, praying, fasting, performing Umrah, and Hajj. However, a prominent scholar, Imam Al-Ghazali, disagrees, stating that it is not proper (Lā yanbaghi) for someone who is junub to cut their hair and nails. The reason he cited is none other than that our bodies will be resurrected in the afterlife and will be held accountable for them.

## **Abdul Hamid Ibn Al-Husain Al-Sharwāni's Opinion on Shaving Hair and Cutting Nails During Junub**

### **Biography of Abdul Hamid Ibn Al-Husain Al-Sharwāni**

Imam Al-Sharwāni's full name is Abdul Ḥamīd Bin Al-Husain al-Daghīstānī al Sharwānī al-Makkī. Al-Sharwāni is a scholar who comes from Daghistān. There is no known information about his birth year. However, after he studied various religious studies in his country, Daghistān, he traveled to Islamic countries in order to study, such as to Istanbul, then to Egypt. In these two cities, al-Sharwani studied from leading scholars there, including Sheikh Mustāfa al-Wadīnī and Sheikhul Islam Ibrāhīm bin Muḥammad al-Bajūrī. Then after completing his education in both cities, he came to the city of Mecca and lived there.

He was busy with teaching, educating cadres and writing essays, thus completing the Hawāsyī (marginal notes) on Tuḥfah al-Muḥtāj Sharḥ al-Minhāj, the work of Ibn Hajar al-Haitami, and printed in Egypt in 10 volumes. Al-Sharwani is a cleric who is quite disciplined, authoritative and mostly silent. During his life until the end of his life he filled his busy schedule only with teaching. Many students study with him. One of Al-Sharwani's habits after dawn is teaching the book Tuḥfah by Ibn Hajar. Al-Sharwani also likes to be alone and does a lot of 'uzlah. What he did when he finished breakfast was that he entered his private room at the Sulaimaniyyah madrasah to do dhikr until just before Asar.

Al-Sharwāni educated his students in a very simple, not too strict manner, as was done by his teachers. He was more popular for the scientific aspect than the spiritual aspect. When he was alone, besides thinking, he also read books, especially in correcting his work, Hawāsyī 'ala Tuḥfah al-Muḥtāj. No valid data has been found on the names of books written by him other than the book above. Al-Sharwani died on Thursday night, 26 Dzulhijjah in the year 1301 Hijriah/1814.

## **Imam Al-Sharwāni's opinion regarding shaving hair and cutting nails during Junub**

Imam Al-Sharwāni's views on shaving hair and cutting nails are written in the book entitled Hawāsyī (marginal notes) Tuḥfah al-Muḥtāj, in the book it is said that:

وَيُسْنُ لِلْجُنُبِ تَأْخِيرُ الْأَخْذِ مِنَ الْأَجْزَاءِ، يَعْنِي اجْزَاءَ الْبَدَنِ كَالشَّعْرِ وَالظُّفْرِ حَتَّى يَتَطَهَّرَ، وَقَدْ يُنَافِيهِ النَّصُّ فِي الْخِيْصِ عَلَيَّ أَهْمًا تَأْخُذُهَا أَيْ الْأَجْزَاءَ مِنْ شَعْرٍ وَظُفْرٍ إِلَّا أَنْ يَفْرَقَ بَأَنْ تَطَهَّرَهَا غَيْرُ مُتَرَقِّبٍ، وَمَنْ لَوْ تَرَقَّبَتْهُ وَأَمَكَّنَهَا الصَّبْرُ إِلَيْهِ سُنُّ لَهَا التَّأْخِيرُ

*"It is sunnah for a person who is junub to delay cutting body parts, such as hair and nails, until the person is purified. There is no text regarding*



*menstruation that stipulates cutting these parts, except that it differs from purifying body parts such as nails and hair. Therefore, if it is possible to protect them or to be patient with them, it is sunnah to delay it."*

Al-Sharwāni discusses this in his book entitled *Hawāsyi Tuḥfah Al-Muḥtaj*, especially in the Hajj chapter. In this chapter he explains the sunnah of delaying cutting nails and hair during junub until he is pure. As we know, the pillars of junub bathing require a person to wash all parts of the body without exception. Imam Al-Sharwani's view is also spread in society that a person with large hadas is not allowed to carry out activities that cause one of his body parts to fall off. Therefore, he emphasized his opinion that it is sunnah to postpone/stop cutting parts of his body such as nails and hair until he is pure from junub. As in the *Hawāsyi* text above, however, he did not explain the basis for his opinion.

### **Taklifi Law Analysis of Al-Ghazālī and Al-Sharwāni's Views Regarding Shaving Hair and Nails When Junub**

In looking at Sharia law, there are two views according to ushul fiqh experts and according to fiqh experts. First, ushul fiqh experts view sharia law in terms of the khitāb conveyed by Allah to His Prophet. As in the following definition;

خطاب الله المتعلق بأفعال المكلفين طلباً أو تحييراً أو وضعاً

"Allah's commands that are pleased with the actions of themukallaf, whether in the form of demands, in the form of choices to act or in the form of provisions stipulated in connection with these demands"

Second, fiqh experts look at sharia law from the perspective of the influence of the commandment on actions. As defined belowt:

الأثر الذي يقتضيه خطاب الشارع في الفعل

*"The influence desired by the khitābah of the law maker on actions"*

The intended influence of the lawmaker's khitābah on the act "As mentioned by the author in the previous chapter, the taklifi law according to the majority of scholars is divided into five parts, namely obligatory, mandūb, haram, makrūh, and mubah. All of the above are forms of sharia law demands that have been agreed upon by the majority of scholars, however, unlike the Hanafiyah scholars who divide this law into seven parts. Therefore, fardhu is included in the taklifi law.

Regarding the issue of cutting hair and nails during junub, there are two scholars who are compared, namely the first according to Imam Al-Ghazali (450 AH / 1058 AD) in his popular book contained in the book *Ihyā' ulūm al-dīn* said that:

وَلَا يَنْبَغِي أَنْ يَخْلُقَ أَوْ يُقَلِّمَ أَوْ يَسْتَحِدَّ أَوْ يُجْرِحَ دَمًا أَوْ يُبَيِّنَ مِنْ نَفْسِهِ جُزْءًا وَهُوَ جُنُبٌ إِذْ تُرِدُّ سَائِرَ أَجْزَائِهِ فِي الْآخِرَةِ فَيَعُودُ جُنُبًا وَيُقَالُ  
إِنْ كُلَّ شَعْرَةٍ يُطَالِيهِ بِمَنَابِتِهَا

*"And a person who is junub should not shave his hair, cut his nails, shave his pubic hair, or bleed or expel anything from his body. Because all of those body parts will be brought back in the afterlife, and they will return in a state of junub, and it will be said that all of his hair demands an account because he (was resurrected) in a state of junub."*

Imam Al-Ghazali's statement explaining the prohibition of cutting nails and hair during junub uses the phrase "لَا يَنْبَغِي" which in the terms of the Shafi'i school of jurisprudence means "haram" or "makruh." The above opinion with

the phrase "وَلَا يَنْبَغِي" which means "should not" is a sentence that does not clearly show the law of haram. This explanation is found in the book Fawā'id Al-Makkiyyah that Lā-yanbaghi can be haram or makruh. With this, the opinion explained by Imam Al-Ghazālī is that it includes makruh tanzih where the prohibition on this type of makruh is uncertain because there is no evidence that supports the haraam of this act.

The definition of makruh is that if it is done there is no sin and if it is abandoned, it will be rewarded, in other words it is better to be abandoned. So it is better not to try to cut hair and nails during junub at that time. Al-Ghazālī considers that if someone does this, namely cutting their nails, shaving their hair, or removing something from their body, then when they die, that person will be resurrected with their limbs, meaning they will be responsible for all their body parts while they were alive in the world. On this basis, not a few fiqh scholars commented on his opinion, especially among tabi'in scholars, namely Aṭā bin Abi Rabah who said that cutting parts of the body such as hair and nails is permissible, as said:

يحتجم الجنب، ويقلم أظفاره، ويحلق رأسه، وإن لم يتوضأ

*"A junub person can do cupping, cut his nails, cut his hair, even if he has not performed ablution."*

From the information above, cutting nails and hair, or removing something from our body parts, there are quite a few people out there who consider this something haram so they are afraid of removing one of the parts of our body such as nails and hair. In this opinion, there is no clear evidence stating that it is haram or not permissible to cut nails and hair when the hadas are large. There are even those who really believe in this without delving into the existing arguments. So with al-Ghazali's explanation regarding cutting nails and hair when junub which is contained in the book ihyā' ulūm al-dīn chapter on marriage etiquette, he believes that it is makruh related to cutting nails and hair when junub, so it is clear that the argument that says it is makruh on this basis.

Second, the view of Imam Al-Sharwānī (d. 1301 H/1814 M) regarding cutting hair and nails when in a state of junub, he stated in his book Hawāsyī (marginal notes) Tuḥfah al-Muhtāj that:

وَيُسْنُ لِلْجُنُبِ تَأْخِيرُ الْأَخْذِ مِنَ الْأَجْزَاءِ، يَعْنِي اجْزَاءَ الْبَدَنِ كَالشَّعْرِ وَالظُّفْرِ حَتَّى يَتَطَهَّرَ، وَقَدْ يُنَافِيهِ النَّصُّ فِي الْحَيْضِ عَلَى أَنَّهَا تَأْخُذُهَا  
أَيُّ الْأَجْزَاءِ مِنْ شَعْرٍ وَظُّفَرٍ إِلَّا أَنْ يَفْرَقَ بَأَنْ تَطَهَّرَهَا غَيْرُ مُتَرَقِّبٍ، وَمَنْ لَمْ يَلَوْ تَرْقِيبَتَهُ وَأَمْكَنَهَا الصَّبْرُ إِلَيْهِ سُنُّ لَهَا التَّأْخِيرُ

*"It is sunnah for a person who is junub to delay cutting body parts, such as hair and nails, until the person is purified. There is no text (nash) regarding menstruation that stipulates cutting these body parts, except that it differs from purifying body parts such as nails and hair. Therefore, if it is possible to maintain it or to be patient with it, it is sunnah to end it."*

Based on this evidence, if a person becomes pure from major impurity, such as junub (junub) or menstruation, it is sunnah for that person to trim their nails and hair. However, the explanation of the evidence above sometimes explains that a menstruating person may trim some parts of their body, such as their hair and nails, unless there is a difference in the intention to purify those parts. The phrase "wa min thamma" (from that conclusion) suggests that if a person is able to be patient with trimming their body parts, then it is sunnah for that person to delay trimming their body parts while junub. This means that if they are careful or able to be patient, then it is sunnah for that person to trim them

after becoming pure from major impurity, such as junub.

The explanation above, as mentioned by Al-Sharwāni, means that trimming nails and hair while junub is sunnah if the person is able to be patient with trimming them while junub. This means that if a person is junub and is patient with trimming body parts, such as hair and nails, it is sunnah to trim them after becoming pure from their junub.

According to the author's analysis, the legal opinion that is appropriate to use is the opinion of Imam Al-Sharwani because this is easy to do without thinking about the care in cutting hair and nails so that ordinary people do not need to have difficulty collecting one or two strands from these parts of the body.

### **Results of comparative analysis of Taklifi Law on Al-Ghazālī and Al-Sharwāni's views regarding shaving hair and nails during Junub**

Based on the explanation above, it can be concluded that there are differing views between Al Ghazali and Al Sharwani regarding the ruling on cutting hair and nails while junub. However, when analyzed through the law of taklifi, both actually have the same meaning. According to Al Ghazali, cutting hair and nails while junub is makruh tanzih, meaning an act that should be avoided even if it is not sinful. He argues this because the body part cut while junub is also considered junub and must be purified. Meanwhile, Al Sharwani argues that delaying cutting hair and nails until one is purified from junub is sunnah. This means that if it is done while junub, it is makruh, and it is preferable to do it after purification. Thus, despite using different terminology, both have similar views, namely, they both advise against cutting hair and nails while still

| No. | Aspek        | Al-Ghazālī                                                                                                       | Al-Sharwāni                                                                                                           |
|-----|--------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 1.  | Similarities | In his book, Al-Ghazali states that it is best not to cut nails or hair when in a state of junub (it is makruh). | Al-Sawani says in his book that it is sunnah to stop cutting nails and hair when junub. (makruh is done during junub) |
| 2.  | Differences  | The metaphor/sentence used                                                                                       |                                                                                                                       |

### **CONCLUSION**

Based on the analysis and discussion above, it can be concluded as follows:

Imam Al-Ghazālī believes that you should not shave your hair or cut your nails when you are junub. He considered that in the afterlife the body parts that were separated during junub would be resurrected or would be held accountable after death. Meanwhile, Imam Al-Sharwāni said that it is sunnah to stop shaving your hair and cutting your nails from junub until after you become pure.

Analysis of the law of taklifi from the views of Al-Ghazālī and Al-Sharwani is that the word "should not" conveyed by Al-Ghazālī means it is makruh to cut nails and hair. Likewise the words of Al-Sharwāni who recommends ending cutting hair and nails until they are pure, which actually

has the meaning of makruh cut it off at junub. Thus, the views of Al-Ghazālī and Al-Sharwānī are that it is equally permissible to shave one's hair and cut one's nails when one is junub.

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