

TRANSLATION OF ISLAMIC LEGAL RULING

DETERMINATION OF THE LEGAL RULINGS BOARD OF THE MISSION COUNCIL Number: 23/B/MF-DD/VIII/1430/2009

Regarding CODE OF RITUAL FOR STOMA WEARERS

Praise be to God, and prayers and peace be upon his messenger, henceforth.

Beseeching mercy, piety and aid from God, the Legal Rulings Board of the Islamic Mission Council of Indonesia, having:

a. Considered:

- a.1. That the Islamic Faith is a perfect, complete and comprehensive religion with dimensions that are *kaffatan* [meaning unavailable] to people and merciful to all worlds..
- a.2. That God as the maker of canon law (*shahibus-syar'i*) is a Deity who is All-Merciful and All-Knowing towards the limitations and weaknesses of His servants as evidenced by the existence of laws relating to emergencies and leniency or tolerance in Islamic canon law
- a.3. That those who are ill, journeying, under duress, or in difficulty are *ahlul-a'dzar* [meaning unavailable] to whom God and His Messenger give facility and lenience in matters of worship and behaviour. This includes for sufferers of stoma conditions which require them to wear a special bag as a substitute for their defecation passage.
- a.4. For this purpose there needs to be a stronger and more convincing legal reference point that provides inner assurance for those concerned.

b. Borne in mind:

b.1. The verses in relation to those who are deemed '*udzur* (*ahlul-a'dzar*) [meaning unavailable], including: that God has not made this religion something restrictive (Al Hajj:78). God always desires lenience and facilitations (Al-Baqarah:185), with difficulties come facilitations (Alamnasyrah:5-6). God does not impose burdens but always matches them to the abilities of his servants (Al Baqarah:286; At-Thalaq:7; At-Taghabun:16)

b.2. The Hadith of the Prophet:
The Tale of Abu Hurairah:

إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ ، وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فِدَعُوهُ. (رواه البخارى، كتاب الإعتصام بالكتاب والسنة برقم:6858، ومسلم كتاب الفضائل برقم: 3236,6188)

"When I command you to do something, do it in accordance with what abilities you have. And when I forbid you to do something, then depart from it." *Shahih Bukhari [6858] Muslim no.3236,6188*

The Tale of Hikam bin Hazn:

أَيُّهَا النَّاسُ إِنَّكُمْ لَنْ تُطِيعُوا أَوْ لَنْ تَفْعَلُوا كُلَّ مَا أَمَرْتُكُمْ بِهِ وَلَكِنْ سَدِّدُوا وَأَبْشِرُوا (رواه ابوداود كتاب الصلاة برقم:1096، البيهقي فى السنن كتاب الجمعة برقم:5541، ابو يعلى فى المسند برقم:6826، وحسنه الألباني فى صحيح الجامع برقم:7871)

"O mankind, you will not be continuously able to do everything I command, therefore keep proportion and be encouraged." *Hadith of Hasan. HR. Abu Dawud [1096], Imam Baihaqi [5541], Abu Ya'la [6827]. Shahihul Jami' no.:7871*

b.3. The case of a menstruating woman in the era of the Prophet.

قوله (صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) لِقَاطِمَةَ بِنْتِ أَبِي حُبَيْشٍ : " وَتَوَضَّئِي لِكُلِّ صَلَاةٍ حَتَّى يَجِيَّ ذَلِكَ الْوَقْتُ وَقَالَ فِي الْمُسْتَحَاضَةِ : " وَتَوَضَّأْتُ عِنْدَ كُلِّ صَلَاةٍ " وَقَوْلُهُ : " أَنَّهُ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ أَمَرَ الْمُسْتَحَاضَةَ بِالْجَمْعِ بَيْنَ صَلَاتَيْنِ

The Prophet said to Fathimah binti Abi Hubeisy: "you should perform ritual ablutions each time you pray until the time of the next prayers." The Prophet told a woman suffering a gynaecological condition: "and perform ritual ablutions each time you pray." The Prophet ordered women undergoing menstruation to combine two prayer times." (*Muttafaqun'alaih and others, from the Kitab Irwa'ul Ghalil Syekh Albani hadith no:205-207*)

The Prophet said to Hammah: "I informed you to use cotton, because it can absorb the blood". Hammah said: "The bleeding is greater than that." The Prophet said: "use a cloth!". Hammah said: "There is still much bleeding." Then the Prophet said: "So use something to hold it!" (*HR.Ahlu-Sunan*)

b.4. The case that befell 'Imran bin Hushain:

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ ، رَضِيَ اللهُ عَنْهُ ، قَالَ:كَانَتْ بِي بَوَاسِيرُ ، فَسَأَلْتُ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنِ الصَّلَاةِ ، فَقَالَ : صَلِّ قَائِمًا ، فَإِنْ لَمْ تَسْتَطِعْ فِقَاعِدًا ، فَإِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبٍ . - وَفِي رِوَايَةٍ : سَأَلْتُ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنِ صَلَاةِ الْمَرِيضِ ؟ فَقَالَ : صَلِّ قَائِمًا ، فَإِنْ لَمْ تَسْتَطِعْ فِقَاعِدًا ، فَإِنْ لَمْ تَسْتَطِعْ فَعَلَى جَنْبٍ . (رواه البخاري برقم:1117, وابوداود برقم:952, والترمذي برقم:372, واحمد برقم:20057)

From 'Imran bin Hushain it was said, "I suffer from haemorrhoids." I asked the Prophet what should be the manner of prayers for sufferers of this condition. The Prophet said: "perform the prayers standing up. If you are not able to, perform the prayers seated. If not able, lying down." In another story: "I asked the Messenger of God about the prayers for sick people." Said the Prophet: "perform the prayers standing up. If you are not able to, perform the prayers seated. If not able, lying down." (*HR. Bukhari [1117], Abu Dawud [952], Turmudzi [372], Ahmad [20057]*)

b.4. The Jurisprudential Precepts relating to the laws of lenience and emergency, be it because of illness, journeying, burden or difficulty, that *al-masyaqqatu tajlibut-taysir* [meaning unavailable], difficulties necessitate convenience; *ad-dhararu yuzâlu* [meaning unavailable], something that endangers must be eliminated.

c. **Taken note of:**

A letter requesting a legal ruling from the Executive of InOA-Indonesian Cancer Foundation and Wocare Clinic Bogor which was followed up with the views expressed at a restricted exchange-of-opinions session of the Fatwa Board on Friday, 7 August 2009.

DETERMINES AS FOLLOWS

d. **Decides that:**

1. The manner of worship of those suffering stoma conditions is in general classified in the category of persons who are deemed *udzur* (*ahlul-a'dzar*) namely the existence of various types of lenience and facilitations (*at-takhfifat wat-taisirat*) in accordance with the characteristics and nature of the Islamic Faith.
2. The nature of ritual ablutions for *ahlul-a'dzar* such as sufferers of stoma conditions is that at all levels the sufferers can select one option from the following alternatives:
 - 2.1. If the faeces are discharged continuously, they should perform ritual ablutions each time they say their prayers. With these ritual ablutions, their prayers will be obligatory and/or recommended. If the faeces still discharge without any sense of intentionality, whereby the stoma bag is seen to be secure and its purity maintained, their ritual cleanliness status will not be deemed cancelled on the grounds of emergency because of the seriousness of their illness. It will be sufficient if they pray to and rely on God to always be given the strength and the ease to worship from God, may He be honoured and worshipped.

- 2.2. If this condition causes difficulty for those concerned, then they may perform ablutions by alternative means, whereby everything relating to the cleanliness of their clothing and the prayer room has been prepared in advance.
- 2.3. Those concerned are also permitted to perform their ablutions with water or otherwise at the time when they are in difficulties (burdened), so they may perform their prayers by combining two prayer times; perform a prayer time just before a later one or after an earlier one, except for the dawn prayers. For these combined prayers, it will be sufficient to pause with a call to prayer between the two series of prostrations.
3. The nature of the prayers for persons who are *udzur* such as sufferers of stoma conditions: they may sit, lie down, gesture or adopt such other position as they wish whereby they carry out their prayer obligations to the best of their ability.
4. Further, the nature of the Ramadhan fasting rituals for those who are *udzur* consists of several options: *firstly, the compliance mode*, namely that they eat the fasting meal just before dawn to strengthen them physically, *secondly to perform it outside the normal time* if they are able to discharge it during another month; *thirdly by the substitutionary mode* namely providing food to several poor people to the number of non-fasting days, the amount of which is to be calculated on the basis of their normal eating and drinking over the period of a day and a night. If they die while still owing a Ramadhan fasting debt then their heirs or next of kin can discharge it in substitution.
5. Pilgrimage rituals for sufferers of stoma conditions. If they are able, they may perform them in the way the pilgrimage ceremonies are generally done. If they are unable, they may authorise a relative or heir according to the deputised pilgrimage system which will be entrusted to a family member or relative who has made the pilgrimage, at the expense of the person concerned, either fully or in part.

Determined in : Jakarta
On : 12 August 2009

LEGAL RULINGS BOARD OF THE
ISLAMIC MISSION COUNCIL OF INDONESIA

Drs H. Dahlan Bashri, MA
Chairman

H. Ali Fahmi Arsyad, Lc
Secretary

Certification:

Translated by D.H. Deck, NAATI Accredited Professional Level (3), no 15698. To the best of my knowledge and ability this is a true and correct translation of a document in the Indonesian language.

The Indonesian original contains a number of Arabic phrases transcribed into romanised spelling. With some of these, the transcription process has rendered the words unrecognisable, and the meaning is therefore unclear. These are indicated with '[*meaning unavailable*]' at the first occurrence of each.

