

## Qowaidul Fiqhiyah In Determining The Schedule Of The Dzhuhur And Asar Call To Prayer In Kediri

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### **ABSTRACT**

This study examines the practice of delaying the call to prayer (adhan) for Dhuhr and Asr in Pare, Kediri, as a social response to the agrarian and educational rhythms of the community. Employing a qualitative approach and qawaid fiqhiyyah analysis, the findings reveal that this temporal adjustment is not a deviation but a manifestation of fiqh responsive to local realities. Legal maxims such as al-‘ādah muḥakkamah, al-mashaqqah tajlibu at-taysīr, and maslahah mursalah form the normative basis for legitimizing this practice within the bounds of Sharia.

The Syafi’i school offers a consistent yet contextually flexible methodological framework in addressing such socio-religious phenomena. This adjustment also aligns with the objectives of Islamic law (maqāṣid al-sharī‘ah), particularly in preserving religion (ḥifẓ al-dīn) and fostering congregational engagement. Thus, the delayed adhan in Pare reflects an adaptive, maslahah-oriented, and contextually grounded face of Islamic jurisprudence. This study advocates for a model of Islamic law that is not merely textual, but transformative and deeply rooted in the lived realities of the ummah.

### **ABSTRAK**

### **Kata Kunci:**

Fiqh Kontekstual  
Qawaid Fiqhiyyah  
Maslahah  
Adzan Dzhuhur-Ashar

Penelitian ini mengkaji praktik pengunduran adzan Dzhuhur dan Ashar di Pare, Kediri, sebagai respons sosial terhadap ritme kehidupan agraris dan pendidikan masyarakat. Dengan pendekatan kualitatif dan analisis qawaid fiqhiyyah, ditemukan bahwa penyesuaian waktu adzan bukanlah bentuk penyimpangan, melainkan representasi fiqh yang responsif terhadap kondisi lokal. Kaidah seperti al-‘ādah muḥakkamah, al-masyaqqah tajlibu at-taisīr, dan maslahah mursalah menjadi fondasi argumentatif bahwa kebiasaan ini sah secara hukum syar’i.

Mazhab Syafi’iyah memberikan kerangka metodologis yang konsisten, sekaligus fleksibel dalam menghadapi dinamika sosial. Penyesuaian ini juga sejalan dengan maqāṣid al-syarī‘ah, khususnya dalam aspek ḥifẓ al-dīn dan penguatan partisipasi jamaah. Oleh karena itu, pengunduran adzan di Pare mencerminkan wajah fiqh yang adaptif, maslahat-oriented, dan kontekstual. Penelitian ini merekomendasikan pendekatan hukum Islam yang tidak hanya tekstual, tetapi juga transformatif terhadap realitas umat.

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## A. Introduction

Salat as one of the pillars of Islam has a time provision that has been determined according to sharia. However, in practice, Muslim communities in various regions often adapt worship to the local socio-cultural context. The phenomenon of the postponement of the time of the call to prayer of zuhur and ashar in Kediri, East Java, is an interesting example of how religious norms interact with the reality of agrarian life. The people of Kediri, who are mostly dependent on the agricultural sector, often postpone the implementation of prayers to adjust to the rhythm of work in the fields, salvation traditions, or other traditional activities. This practice raises a critical question: to what extent can the flexibility of prayer time be accommodated within the framework of fiqh without violating the limits of sharia?<sup>1</sup>

This study departs from the assumption that Islamic law does not operate in a cultural vacuum, but in dialogue with local reality. 'Urf (customs) as a secondary source of law in Islam is key to understanding this phenomenon. The rules of fiqh such as al-'ādah muhakkamah (habit as a source of law) and al-masyaqqah tajlibu at-taisīr (relief from hardship) offer a theoretical framework for analyzing the legitimacy of the postponement of the time of the azan and prayer in Kediri. On the other hand, the contradiction between the textual understanding of the younger generation and the practices of the ancestors confirms the existence of complex socio-religious dynamics.<sup>2</sup>

The basis of the law of prayer time is in the Qur'an surah Al-Isra':78 explains the command to establish prayer at certain times, the Hadith of the Prophet PBUH explains the time limit of prayer starting from sunset to dawn. Determination of the timing of the duhur prayer: starting when the sun slips to the west until the shadow of an object is equal to its height. Asar time: starting after the duhur time is over until the sun begins to turn yellow. Maghrib prayer time: starting from sunset until the disappearance of the red cloud on the western horizon. Isha prayer time: starting from the disappearance of the red magnificently until midnight. Dawn prayer time: It starts from the dawn of shadiq hinnga before sunrise.<sup>3</sup>

There are several factors that affect the difference in prayer schedules in various countries, namely coordinates, Solar Declination, Equation Of Time (Timer), Ikhtiyat, and the height of the sun. The call to prayer also has various types, because the chanting of the call to prayer is usually in accordance with the customs that exist in each region. Sounding the azdan in each country has a different time, for example, if the dawn call to prayer in eastern Indonesia resounds at 5:30 WIT. Hours later, the call to prayer will be heard in central Indonesia.<sup>4</sup>

## B. Methods

In this study, we use a qualitative research method, where this qualitative research uses three main methods to explore the phenomenon that occurs in Kediri village. First, in-depth interviews were conducted with several informants consisting of farmers, kiai, and residents. These interviews aim to gain a deeper understanding of the views, experiences, and perspectives of

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<sup>1</sup> Azyumardi Azra, *Islam Substantif: Memahami Hakikat dan Tujuan Agama* (Bandung: Mizan, 2000), hlm. 45.

<sup>2</sup> Wahbah al-Zuhaili, *Ushul al-Fiqh al-Islami*, Jilid 1 (Beirut: Dar al-Fikr, 1986), hlm. 245.

<sup>3</sup> Departemen Agama Republik Indonesia, *Al-Qur'an dan Terjemahannya* (Jakarta: Lajnah Pentashihan Mushaf Al-Qur'an, 2005), hlm. 267.

<sup>4</sup> Muhammad Ilyas, *Pengantar Ilmu Falak* (Bandung: PT Remaja Rosdakarya, 1993), hlm. 119.

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various individuals involved in the socio-cultural life of the local community.<sup>5</sup> Second, a textual analysis of mu'tabar fiqh books and local fatwas was carried out, with the aim of understanding the legal basis and religious thought that influenced people's behavior patterns. This method helps researchers explore the relevance of religious texts in the context of everyday life.<sup>6</sup>

Third, participatory observation is carried out by directly observing traditional and agricultural activities in Kediri village. Through this approach, researchers can engage in people's lives and gain more authentic insights into the social, cultural, and economic interactions that occur in the field. The data obtained from these three methods were analyzed thematically, using source triangulation to ensure the validity and accuracy of the research findings.<sup>7</sup>

## C. Result and Discussion

### 1. Legal Basis of Prayer and Adzan Time

The Adhan is one of the most important sharia in Islam which serves as a marker of the entry of prayer time. The function of the adhan is not only as an appeal, but also as an indicator of the time of obligatory worship that has been sharia. The scholars of the four main madhhabs in Islam agree that the original law of the call to prayer is to be sunnah in muakkad (a highly recommended sunnah) for men, and to be carried out immediately after the time of prayer. However, they provide details and flexibility regarding its implementation, especially if there is a need or benefit that requires the call to prayer to be carried out in the middle or even the end of the prayer time.<sup>8</sup>

In this study, the author specifically uses the opinions of scholars from the Shafi'iyah madhhab as the basis of fiqh. This is based on several methodological and contextual considerations. First, the people of Pare, Kediri, who are the focus of the field study, mostly adhere to religious practices affiliated with the Shafi'i school. Therefore, in order to maintain the relevance and accuracy of the analysis of the existing reality, the use of the Shafi'iyah fiqh framework is the most representative approach.<sup>9</sup>

Second, madhhab Shafi'i has a wealth of literature and ushul methods that are quite systematic in explaining the provisions of prayer and adhan times, including ijtihad on the social conditions behind them. This is very much in line with the purpose of this study which emphasizes the contextual and implementive understanding of Islamic law in people's lives.<sup>10</sup>

Third, the consistent use of one madhhab aims to maintain the focus of analysis so that there is no mixing of approaches between madhhabs (talfiq) which can cause inconsistencies in drawing legal conclusions. By delving into one approach as a whole, the discussion becomes more in-depth and directed.<sup>11</sup> Thus, the selection of the Shafi'iyah madzhab in this study is not because it excludes the opinions of other madhhabs, but as an effort to present a legal analysis that is contextual, relevant, and in accordance with the religious practices of the local community.<sup>12</sup>

Madzhab Shafi'iyah emphasizes that the adhan must be sounded at the beginning of the time as a sign of the entry of prayer time and a form of obedience to the sunnah of the Prophet Muhammad PBUH. However, in practice, Shafi'iyah scholars also admit that there is leniency with certain conditions. If there are reasons that are acceptable according to shari'i, such as waiting for pilgrims, extreme weather, or difficult circumstances, then the withdrawal of the call to prayer is

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<sup>5</sup> Lexy J. Moleong, *Metodologi Penelitian Kualitatif*, Remaja Rosdakarya, Bandung, 2019, hlm. 186.

<sup>6</sup> M. Amin Abdullah, *Studi Agama: Normativitas atau Historisitas?*, Pustaka Pelajar, Yogyakarta, 2004, hlm. 98.

<sup>7</sup> Norman K. Denzin dan Yvonna S. Lincoln, *Handbook of Qualitative Research*, Sage Publications, California, 2005, hlm. 345.

<sup>8</sup> Al-Qarafi, Ahmad ibn Idris. *Al-Furuq*, Vol. 2. Beirut: Dar al-Kutub al-'Ilmiyyah, 1998, hlm. 114.

<sup>9</sup> Wahbah Az-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, Damaskus: Dar al-Fikr, 2005, Jilid 1, hlm. 430.

<sup>10</sup> Imam al-Syafi'i, *Al-Umm*, Beirut: Dar al-Ma'rifah, 1990, Jilid 1, hlm. 72.

<sup>11</sup> Muhammad Abu Zahrah, *Ushul al-Fiqh*, Kairo: Dar al-Fikr al-'Arabi, 1958, hlm. 352.

<sup>12</sup> Jamhuri, "Perempuan Dewasa dan Tanggung Jawab Nafkah dalam Pemahaman Ulama Fikih," *Jurnal Hukum Keluarga El-Usrah*, Vol. 4, No. 2, 2021, hlm. 268.

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not included in the reprehensible act. In this case, the principle of *al-masyaqqah tajlibu al-taysir* (difficulty brings convenience) is also used in considering a flexible adhan policy.<sup>13</sup>

Imam al-Shafi'i himself explained in *al-Umm* that the adhan is a call to people to come to perform congregational prayers, and should be done immediately after the time. However, he also did not rule out the possibility of *ijtihad* in its implementation as long as it did not go out of the legal time limit. Thus, the call to prayer that is sounded in the middle or end of time due to the needs of the *ummah* is still considered valid, even though it does not reach the primacy of the beginning of time (*fadhilah al-awwal*).<sup>14</sup>

Shafi'iyah respects *al-'urf* (local customs) in the application of the law. The habit of withdrawing the adhan, as long as it does not contradict the *shari'a*, can be accepted as an implementation of the law in accordance with the rules of *al-'adah muhakkamah*, which states that the habit can be used as a legal basis if it does not contradict the *nash*.<sup>15</sup> With this approach, Shafi'iyah still holds the principle of the adhan at the beginning of time, but opens up the *ijtihad* space to adjust to the conditions of the *ummah*. The postponement of the call to prayer in Pare, for example, to wait for children to finish reciting or residents returning to work, is still valid in Shafi'i *fiqh* as long as it does not pass the deadline for prayer time.<sup>16</sup>

## 2. Field Interview Results

This research involves in-depth observation and interviews with a number of community leaders in Pare who are responsible for the implementation of the call to prayer and congregational prayers at local mosques. The interview was conducted to understand the practice of setting the time of the Dzuhur and Asr adhan, as well as the reasons behind it.

The first interview showed that the Dzuhur call to prayer was sounded at 12.30 WIB, while the Asr call to prayer was carried out at around 15.00 WIB. The resource person explained that the delay in the Dzuhur call to prayer was done consciously to wait for the children to come home from school so that they could participate in congregational prayers at the mosque. Meanwhile, the Asr call to prayer was also postponed so as not to interfere with children's recitation activities at the Al-Qur'an Education Park (TPQ), which was generally completed around that time. This practice is carried out regularly and has become an agreement with the local community.

The second interview provided similar information. The Dzuhur call to prayer is still sounded according to the predetermined time, which is around 12.30 WIB. However, the Asr call to prayer was delayed until 16.00 WIB. This postponement is also based on social considerations, namely to provide opportunities for TPQ students to complete their recitation activities first. Thus, they can participate in the implementation of the Asr prayer in congregation.

Meanwhile, the third interview noted that the Dzuhur call to prayer was still carried out as usual without any change in time. However, the time of the call to prayer and the implementation of the Asr prayer has shifted to around 16.30 WIB or even until 17.00 WIB. This change does not only consider children who are studying, but also the general public, especially farmers or day laborers who have just returned from rice fields or work at that time. This aims to expand the participation of worshippers in Asr prayers, so that the momentum of togetherness in congregational worship can be maximized.

The three field data show that there are variations in the time of the call to prayer and the implementation of Dzuhur and Asr prayers in several mosques in Pare, which are generally based on social and cultural considerations. This adjustment was made to respond to the needs of the surrounding community so that they can be more active in participating in congregational worship, without leaving *sharia* provisions related to the beginning and end limits of prayer times. In

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<sup>13</sup> Yahya ibn Sharaf Al-Nawawi, *Al-Majmu' Sharh al-Muhadzdzab*, Vol. 3. Beirut: Dar al-Fikr, 2000, hlm. 85.

<sup>14</sup> Shamsuddin Al-Ramli, *Nihayat al-Muhtaj ila Sharh al-Minhaj*, Vol. 1. Beirut: Dar al-Kutub al-'Ilmiyyah, 1993, hlm. 273.

<sup>15</sup> Jalaluddin Al-Suyuthi, *Al-Asybah wa al-Nazhair*, Beirut: Dar al-Kutub al-'Ilmiyyah, 1999, hlm. 60.

<sup>16</sup> Yahya ibn Sharaf Al-Nawawi, *Raudhat al-Talibin*, Vol. 1. Beirut: Dar al-Fikr, 1992, hlm. 112.

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practice, this decision was taken with internal deliberation and has become a widely accepted habit by the local community.

### 3. Analysis Based on Fiqh Rules

#### a) العادة محكمة (Custom Can Be a Legal Consideration)

This rule states that customs that are not contrary to the sharia can be used as a legal basis. In this case, the adjustment of the time of the call to prayer and the implementation of prayers in Kediri is an adaptation to the needs of the community. The postponement of the call to prayer for Dzuhur and Asr is not due to ignoring the sharia, but in response to social conditions, such as school activities, TPQ, and work in the rice fields.<sup>17</sup>

In the Shafi'i madzhab, a habit that does not contradict nash and brings benefits can be used as a legal argument. The postponement of the adhan and prayer in Kediri, which has been going on for a long time, is carried out with legitimate consideration and accepted by the community, without exceeding the prayer time limit. Based on the rules al-'ādah muḥakkamah, this practice is valid and valid according to fiqh.<sup>18</sup>

The local custom (urf) which is a reference in determining the time of the call to prayer and the implementation of this prayer has also met the requirements of 'urf saḥīḥ, namely: it is general, does not contradict the postulates of shari'i, and does not cause damage (mafsadah). Thus, the habits carried out by the Pare people are included in the category of 'urf mu'tabar, which is a habit that is considered valid and can be the legal basis for the implementation of worship.<sup>19</sup> This habit reflects the interaction between sharia values and the social reality of society. Islam is present in the midst of dynamic conditions, so Islamic law has the flexibility to accept local customs in accordance with sharia principles. The practice of resigning the call to prayer in Kediri is an example of the application of the rules of al-'ādah muḥakkamah, where local customs are used as legal considerations because they are in line with the maqashid of sharia.<sup>20</sup>

#### b) المشقة التيسير تجلب (Difficulty in bringing convenience)

This rule states that difficulties in the implementation of sharia law can be followed by leniency (taysir). This principle shows that Islam is flexible and responsive to the human condition. In Kediri, the delay in the call to prayer occurs not without reason, but because of social conditions that make it difficult to carry out congregational worship at the beginning of the time, such as children who are in school, students reciting, or residents who are still working in the rice fields.<sup>21</sup> The postponement of the call to prayer and prayer to wait for pilgrims who are hampered by routine busyness is included in the masyaqqah 'ādiyāh (persistent general difficulties), which can be used as a basis for providing ease. Imam al-Suyuthi explained that masyaqqah What leads to relief is the difficulties experienced by the majority of people, not just certain individuals.<sup>22</sup>

In Hanbali fiqh, Ibn Qudamah emphasized that if worship is in accordance with the requirements of sharia but needs adjustment due to certain conditions, it is permissible and does not violate the law of origin. In fact, the implementation of worship that considers the

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<sup>17</sup> Jalaluddin Al-Suyuthi, *Al-Ashbah wa al-Naza'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2003, hlm. 123.

<sup>18</sup> Badruddin Al-Zarkasyi, *Al-Bahr al-Muhit fi Usul al-Fiqh*, Vol. 6. Beirut: Dar al-Kutub al-'Ilmiyyah, 1994, hlm. 221.

<sup>19</sup> Ahmad ibn Idris Al-Qarafi, *Al-Furuq*, Vol. 2. Beirut: 'Alam al-Kutub, 1998, hlm. 35.

<sup>20</sup> Muhammad Ibn al-Najjar, *Sharh al-Kawkab al-Munir*, Vol. 2. Riyadh: Maktabah al-'Ubaykan, 1993, hlm. 312.

<sup>21</sup> Jalaluddin Al-Suyuthi, *Al-Ashbah wa al-Naza'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2003, hlm. 75.

<sup>22</sup> Ibid., hlm. 76.

needs of pilgrims so as not to make it difficult for them is considered a form of taysir recommended by religion.<sup>23</sup>

The practice carried out by the Pare community, namely adjusting the time of the call to prayer and prayer to the rhythm of social life, is a direct application of this rule. They ensure that prayers are still carried out on time, but by making it easier for worshippers to participate in worship. In this context, convenience is not an easing of obligations, but an effort to expand the participation of the people in congregational prayers.<sup>24</sup> The rules of *al-masyaqqah tajlibu at-taisir* support a holistic sharia approach, which assesses not only worship from the aspect of time, but also from the quality of the presence of the congregation and the social benefits it produces. By slightly delaying the time, the people of Pare actually strengthen the social dimension of congregational prayer, which is in line with the sharia *maqashid*.<sup>25</sup>

c) العرف للحكم كاشف (Custom Becomes a Legal Indication)

This rule states that the habits ('urf) of the community can be the basis of law if they do not contradict the *nash shar'i*. 'Urf that applies in society can open up legal understanding or even be taken into consideration in determining laws. In *fiqh*, 'urf is often used to adapt the law to local social and cultural dynamics.<sup>26</sup> The practice of postponing the call to prayer in Pare is not a violation of prayer time, but an adjustment based on social needs. This custom has been widely accepted without rejection, including from local religious leaders. According to *ushul fiqh* scholars, habits that are consistent and not contrary to the sharia can be used as a valid legal basis.

Even in the Maliki madhhab, 'urf is one of the sources of law that is used as a reference after the Qur'an, Sunnah, and *ijma'*. Imam Malik himself refers to the practice of the people of Medina as 'urf *fi'li* which is used as the basis of law. This shows that the habits of society, as long as they do not contradict the postulates of *shari'i*, have the power to be a guide to the law that should apply in a particular context.

Therefore, the habit of the Pare people who adjust the time of the call to prayer for the benefit of the congregation is not a form of ignorance of the law, but an expression of the dynamics of Islamic law that is sensitive to living traditions. 'Urf in this case is a mirror of the needs of the community which is read by Islamic law as part of the benefit. This rule provides room for Muslims to make established social practices part of contextual law implementation.<sup>27</sup>

d) لا يُنكر تغيير الأحكام بتغيير الأزمنة والأمكنة (Not Denying Legal Changes due to Changes in Times and Places)

This rule shows that the law of *fiqh* that is *ijtihādī* can change according to time, place, and social conditions. Changes in society are natural, and Islamic law that comes from flexible sharia can adapt to these dynamics, as long as it does not deviate from the basic principles of religion.<sup>28</sup> The practice of the Pare community in postponing the call to prayer reflects the adaptation of the law to social change. In the past, the implementation of congregational prayers at the beginning of the time was easier to do, but with changes in social structure such

<sup>23</sup> Ibn Qudamah. *Al-Mughni*, Vol. 2. Beirut: Dar al-Fikr, 1997, hlm. 200.

<sup>24</sup> Ibrahim ibn Musa Al-Shatibi, *Al-Muwafaqat fi Usul al-Shariah*, Vol. 2, Beirut: Dār al-Ma'rifah, 1997, hlm. 256.

<sup>25</sup> Abu Hamid Al-Ghazali, *Al-Mustasfa min 'Ilm al-Usul*, Vol. 1. Beirut: Dar al-Kutub al-'Ilmiyyah, 1993, hlm. 286.

<sup>26</sup> Badruddin Al-Zarkasyi, *Al-Manthur fi al-Qawa'id*, Vol. 2. Beirut: Dar al-Kutub al-'Ilmiyyah, 2000, hlm. 302.

<sup>27</sup> 'Abd al-Wahhab Al-Khallaf, *'Ilm Usul al-Fiqh*, Kuwait: Dar al-Qalam, 1978, hlm. 98.

<sup>28</sup> Ibn Qayyim al-Jawziyyah. *I'lam al-Muwaqqi'in*, Vol. 3. Beirut: Dar al-Jil, 1991, hlm. 11.

as the busy school of children, TPQ, and field work, the implementation at the beginning of the time became less effective to gather the congregation to the maximum.<sup>29</sup>

In fiqh, changes in the law based on this context apply to the laws of mu'āmalah and worship that do not have a ta'abbudī qath'i time<sup>30</sup>. The prayer time does have a limit of beginning and end according to Nash, but its implementation in that range can be adjusted. Therefore, delaying the implementation of the call to prayer is not a violation, but the application of the law within the framework of sharia flexibility that takes into account the actual benefits of the ummah.<sup>31</sup>

This rule is also an important basis in contemporary fatwas. Many fatwa institutions in the Islamic world, such as Majma' al-Fiqh al-Islami and Egypt's Dar al-Ifta', affirm that legal adjustments based on the context of time and place are part of the wisdom of Islamic law. The adjustment of the time of the call to prayer in Pare shows sensitivity to the modern context as well as the maintenance of the spirit of congregation and social benefits.<sup>32</sup>

Thus, the postponement of the adhan time and the implementation of prayers by the people of Pare can be categorized as a form of taghayyur al-ḥukm (change in ijthadi law) due to the change in azmān wa amkina which is valid according to sharia. As long as it is within the limits of sharia and accompanied by the intention to facilitate and optimize the congregation, this practice is not only allowed, but is actually recommended according to the principles of adaptive Islamic law.<sup>33</sup>

e) *المصلحة المرسله* (Unspecified Benefits)

The rule of *maslahah mursalah* states that benefits that are not explicitly mentioned in the nash (texts of the Qur'an and Hadith), but do not contradict the principles of sharia, can be used as a basis for establishing laws. In the context of Keidri, the adjustment of the Dzuhur and Asr call to prayer time reflects the real need of the community for the flexibility of prayer times for the wider benefit, such as maintaining work productivity, education, and maintaining the continuity of congregational prayers in mosques.<sup>34</sup>

This rule emphasizes that the main purpose of sharia (*maqashid al-shariah*) is to bring goodness and prevent damage.<sup>35</sup> Therefore, if a practice brings real benefits, such as increasing the attendance of worshippers and avoiding difficulties in attending early due to daytime activities, then the adjustment of the adhan time can be justified. As long as it is still within the legal prayer time limit, this postponement is part of the *maslahat* based shari'i policy.<sup>36</sup>

Scholars such as Imam Malik and Imam Ahmad provided a wide space for *maslahah mursalah*, especially in social and public policy aspects. This is because the sharia cannot explicitly regulate all conditions and changes of the times. Therefore, if in the context of Pare there is an adjustment of time to make it easier for the people to carry out congregational

<sup>29</sup> Jalaluddin Al-Suyuthi, *Al-Ashbah wa al-Naza'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2003, hlm. 146.

<sup>30</sup> Najmuddin Al-Tufi, *Al-Ta'liq 'alā Mukhtaṣar al-Rāwī*, Beirut: Dar al-Fikr, 2000, hlm. 88

<sup>31</sup> Ibrahim ibn Musa Al-Shatibi, *Al-Muwafaqat fi Usul al-Shariah*, Vol. 4. Beirut: Dār al-Ma'rifah, 1997, hlm. 361.

<sup>32</sup> 'Abd al-Wahhab Al-Khallaf, *Ilm Usul al-Fiqh*, Kuwait: Dar al-Qalam, 1978, hlm. 232.

<sup>33</sup> Wahbah Al-Zuhayli, *Usul al-Fiqh al-Islami*, Vol. 2. Damaskus: Dar al-Fikr, 1998, hlm. 1042.

<sup>34</sup> Abu Hamid Al-Ghazali, *Al-Mustasfa fi Ilm al-Usul*, Jilid. 1, Beirut: Dar al-Kutub al-'Ilmiyyah, 1993, hlm. 286.

<sup>35</sup> Muhammad ibn Isma'il Al-Bukhari, *Ṣaḥīḥ al-Bukhārī*, Kitāb Mawāqīt al-Ṣalāh, Hadis no. 527. Beirut: Dār Tawq al-Najāt, 2002

<sup>36</sup> Abu Ishaq Al-Syatibi, *Al-Muwafaqat fi Usul al-Shari'ah* Jilid. 2, Beirut: Dar al-Kutub al-'Ilmiyyah, 1996, hlm. 12.

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prayers more optimally, it becomes a form of *ijtihad* that is accepted in the framework of *maslahah mursalah*.<sup>37</sup>

This adjustment is in accordance with the spirit of the *Shari'ah* to avoid difficulties (*raf' al-ḥaraj*). If the call to prayer at the beginning of time makes it difficult for the majority of people, maintaining it without considering the benefits can reduce the essence of congregational prayer. Therefore, *maslahah mursalah* provides room for a valid and ideal adjustment in *maqashid*. The practice in Kediri shows the flexibility of Islamic jurisprudence in responding to reality.<sup>38</sup> Islam is not rigid on technical aspects, as long as key principles such as the timing and validity of prayer are maintained. The withdrawal of the call to prayer reflects that *fiqh* is not only a matter of *halal* and *haram*, but also a tool to realize the benefits of the *ummah* based on a dynamic context.<sup>39</sup>

f) سد الذرائع (*Sadd al-Dzarā'i*)

The rule of *sadd al-dzarā'i* means "to close the roads that lead to destruction (*mafsadah*)". In *ushul fiqh*, this rule is used to prevent an action that *dzahir* appears to be *mubah*, but can be a means to things that are prohibited or destructive. In the context of *Pare*, the adjustment of the time of the *Dzuhur* and *Asr* call to prayer is not only aimed at convenience, but also to prevent the neglect of congregational prayers by people who are busy or far from the mosque. If the call to prayer is sounded at the beginning of the time without considering the readiness of the community, many will not be able to attend the mosque,<sup>40</sup> which has the potential to weaken the tradition of congregational prayer. This time adjustment is a preventive effort in the context of *sadd al-dzarā'i*, which is to prevent the loss of the spirit of congregation and the social bonds of Muslims.<sup>41</sup>

g) رفع الحرج (*Removing Difficulties*)

The rule of *raf' al-ḥaraj* states that the Islamic *sharia* came to eliminate difficulties and not burden the *ummah* with something beyond their ability. This principle is based on the verse of the *Qur'an*, "Allah wills ease for you and does not want hardship for you" (*QS. Al-Baqarah: 185*). In the context of *Pare*, the adjustment of the time of the *adhan* and prayer, especially *Dzuhur* and *Asr*, is the application of this principle in answering the social reality and rhythm of the local community's life.<sup>42</sup>

The people of Kediri are busy in the fields, schools, and *TPQ*. If the call to prayer is sounded too early without considering their rhythm, congregational prayers can become a burden. Therefore, the postponement of the *adhan* time is done to create convenience (*taysīr*)<sup>43</sup>, not just to postpone worship without *sharia* reasons. The rule of *raf' al-ḥaraj* emphasizes that a heavy legal burden can hinder the purpose of the *Shari'a*, which is the benefit of humans. The ease of prayer time does not mean underestimating the law, but rather making it more

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<sup>37</sup> Ibn Qayyim al-Jawziyyah. *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*. Jilid. 3, Beirut: Dar Ibn Hazm, 2003, hlm. 11.

<sup>38</sup> Yusuf Al-Qaradawi, *Dirasat fi Fiqh Maqasid al-Shari'ah*. Kairo: Dar al-Shuruq, 2006, hlm. 98.

<sup>39</sup> Muhammad al-Tahir Ibn 'Ashur, *Maqasid al-Shari'ah al-Islamiyyah*. Amman: Dar al-Nafa'is, 2001, hlm. 231.

<sup>40</sup> Ahmad ibn Idris Al-Qarafi, *Al-Furuq*, Vol. 2. Beirut: 'Alam al-Kutub, 1998, hlm. 33.

<sup>41</sup> Ibn al-Qayyim al-Jawziyyah. *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin* Vol. 2, Beirut: Dar Ibn Hazm, 2003, hlm. 165.

<sup>42</sup> Abu Ishaq Al-Shatibi, *Al-Muwafaqat fi Usul al-Shari'ah* Vol. 2, Beirut: Dar al-Kutub al-'Ilmiyyah, 1996, hlm. 124.

<sup>43</sup> Wahbah Al-Zuhaili, *Usul al-Fiqh al-Islami*, Vol. 2. Damaskus: Dar al-Fikr, 1998, hlm. 928.

functional and relevant. The flexibility of prayer times in accordance with sharia reflects the main principle of sharia: to make it easier, not difficult.<sup>44</sup>

By eliminating difficulties without ignoring the law of origin, the policy of the Pare people in adjusting the prayer time is actually a form of applying maqāṣid al-syarī'ah, especially in the aspect of ḥifẓ al-dīn (maintaining religion) which is carried out with an inclusive and friendly approach to social conditions. By eliminating difficulties without ignoring the law of origin, the policy of the Pare people in adjusting the prayer time is actually a form of applying maqāṣid al-syarī'ah, especially in the aspect of ḥifẓ al-dīn (maintaining religion) which is carried out with an inclusive and friendly approach to social conditions. This shows that Islamic law is not rigid, but dynamic in responding to the context.<sup>45</sup>

#### h) الرخصة للتخفيف (Relief Is Given to Lighten the Load)

This rule states that rukhsah (leniency) is part of the sharia which is intended to provide convenience in the implementation of the law, especially when there are difficulties or difficult circumstances (masyaqqah). In the context of Pare, the postponement of the call to prayer and the implementation of Dzuhur and Asr prayers are included in the category of rukhsah, because they are carried out to avoid difficulties<sup>46</sup> faced by the community in performing worship in the midst of the busy day such as working in the rice fields, teaching, and household activities.<sup>46</sup>

Islamic sharia provides rukhsah in many ways, such as pluralizing or qashar prayers during safar, breaking the fast for the sick, or replacing ablution with tayammum when there is no water.<sup>47</sup> All of this shows the basic principle of sharia that al-rukhsah is a valid instrument in fiqh to ensure the ease and continuity of worship.<sup>48</sup> Therefore, as long as the postponement of the prayer is still within the time limit determined by the sharia, it is a form of rukhsah that is valid and does not come out of the framework of Islamic law.<sup>49</sup>

The scholars agree that rukhsah can be applied based on real needs (ḥājah) even if it has not reached the level of emergency (ḍarūrah). The busyness of the people of Pare at the beginning of Dhuhur and Asr is the basis for practicing rukhsah in adjusting prayer times. This shows that the Shari'ah is mutanāsiq (harmonious) with reality, not rigidly demanding without considering the abilities of the ummah.<sup>50</sup> Thus, rukhsah in postponing the time of prayer is a manifestation of sharia affection for the ummah. This is not a deviation from the original law, but a valid exception to maintain the continuity of worship and avoid masyaqqah. This is in line with the words of Allah, "Yurīdu Allāhu bikumu al-yusra wa lā yurīdu bikumu al-'usra" (QS. Al-Baqarah: 185), which is the basis of the principle of rukhsah in Islam.<sup>51</sup>

#### i) تعارض الأدلة (Contradiction of Evidence)

This rule states that if there is a conflict between two shari'i postulates, then a method is needed to compromise both (al-jam'), choose a stronger one (tarjīḥ),<sup>52</sup> or suspend the law (tawaqquf) until there is clarity. In the context of Pare, the determination of prayer times that

<sup>44</sup> Ibn Qudamah, *Rawdah al-Nazir wa Junnah al-Munazir*. Beirut: Mu'assasah al-Risalah, 2002, hlm. 151.

<sup>45</sup> Abdul Wahhab Al-Khallaf, *'Ilm Usul al-Fiqh*. Kairo: Maktabah al-Da'wah al-Islamiyyah, 2004, hlm. 212.

<sup>46</sup> Al-Suyuthi, Jalaluddin. *Al-Ashbah wa al-Nazā'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2003, hlm. 85.

<sup>47</sup> Al-Ghazali, Abu Hamid. *Al-Mustaṣfā min 'Ilm al-Uṣūl*, Vol. 2. Beirut: Dar al-Kutub al-'Ilmiyyah, 1993, hlm. 253.

<sup>48</sup> Jalaluddin Al-Suyuthi, *Al-Ashbah wa al-Nazā'ir*, Beirut: Dar al-Kutub al-'Ilmiyyah, 2003, hlm. 85.

<sup>49</sup> Ibn Qudamah. *Al-Mughni*, Vol. 2. Beirut: Dar al-Fikr, 1984, hlm. 205.

<sup>50</sup> Ahmad ibn Idris Al-Qarafi, *Al-Furuq*, Vol. 2. Beirut: 'Alam al-Kutub, 1998, hlm. 190.

<sup>51</sup> Muhammad ibn Jarir Al-Tabari, *Jāmi' al-Bayān fi Ta'wīl Āy al-Qur'ān*, Vol. 2. Beirut: Mu'assasah al-Risalah, 2000, hlm. 460

<sup>52</sup> Ibid.

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shifts slightly from the beginning of time can be seen as the result of *ijtihād* in the face of two tendencies of postulates:<sup>53</sup> one emphasizes the virtue of prayer at the beginning of time, and the other provides room for ease in its implementation as long as it is still within the legal time.<sup>54</sup>

When the people of Kediri choose to postpone the implementation of the *adhan* and *Duhur* or *Asr* prayers shortly after the entry of time, it does not mean that they ignore the postulate of the primacy of time. On the contrary, they consider the urgent social needs and local benefits, so it is more appropriate to practice postulates that allow for the flexibility of time, such as the *hadith* of the Prophet who postpones the *Asr* prayer during *safar* or in very hot weather.<sup>55</sup>

In *ushul fiqh*, when the evidences seem to be contradictory, the first way is to do *jam' wa al-tawfiq*, that is, to compromise the two by looking at the context of their application. In this case, compromise can be made while still respecting the primacy of the beginning of the time but without ignoring the needs of the community for comfort and solemnity in worship.<sup>56</sup>

Thus, the practice that occurred in Kediri is a form of application of the rules of *ta'āruḍ al-adillah* within the framework of *maqāṣid al-sharī'ah*. He did not abuse the postulate to justify the postponement, but rather it was the result of scientific considerations on various existing postulates, in order to maintain the benefits and minimize difficulties in the implementation of congregational prayers in the community.<sup>57</sup>

#### D. Conclusion

This study confirms that the practice of postponing the time of the *Dzuhur* and *Asr* call to prayer in the people of Pare, Kediri, is a form of *sharia* accommodation to the local socio-cultural dynamics that are valid in *fiqh*. Through the approach of *qawaid fiqhiyyah*, especially *al-'ādah muḥakkamah* (habits can be the basis of law), *al-masyaqqah tajlibu at-taisīr* (difficulties in bringing convenience), and *maslahah mursalah* (benefits that are not determined in the text), the adjustment of time is not only justified, but rather a representation of the spirit of *Islamic sharia* that upholds the benefits of the *ummah* within the framework of law.

Field data shows that the postponement of the call to prayer is carried out on the basis of concrete and repeated considerations, such as waiting for children to finish reciting, *TPQ* students, and farmers returning home from the field. This practice is not a form of neglect of *sharia*, but the application of the principle of *maqāṣid al-sharī'ah*, namely maintaining religion (*ḥifz al-dīn*) and increasing the participation of the *ummah* in congregational worship.

Methodologically, the use of the *Shafi'iyah* school as the basis of *fiqh* gives strong legitimacy, because in addition to being relevant to the religious reality of the Pare community, this school also has flexibility in accommodating customs (*'urf*) and *uzur* (*masyaqqah*) as long as it does not exceed the prayer time limit. Even rules such as *lā yunkar taghayyur al-aḥkām bi taghayyur al-azminah wa al-amkinah* (no denial of changes in law due to changes in time and place) support these changes as part of the contextual and solutive dynamics of *Islamic law*.

Moreover, by applying rules such as *sadd al-dzari'ah* (preventing damage) and *raf' al-ḥaraj* (eliminating difficulties), the people of Pare actually preserve the social values of congregational

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<sup>53</sup> Sayf al-Din Al-Amidi, *Al-Iḥkām fī Uṣūl al-Aḥkām*, jilid 4, Beirut: Dār al-Kutub al-'Ilmiyyah, 1983, hlm. 21–25.

<sup>54</sup> Muslim ibn al-Hajjaj, *Ṣaḥīḥ Muslim*, Kitāb al-Ṣalāh, Hadis no. 137. Beirut: Dar Ihya' al-Turāth al-'Arabī, 2001.

<sup>55</sup> Abu Ishaq Al-Shatibi, *Al-Muwāfaqat fī Usul al-Sharī'ah*, Vol. 2. Beirut: Dar Ibn 'Affān, 1997, hlm. 295.

<sup>56</sup> Abu Ishaq Al-Shatibi, *Al-Muwāfaqat fī Uṣūl al-Sharī'ah*, Vol. 1. Beirut: Dar al-Kutub al-'Ilmiyyah, 1997, hlm. 341

<sup>57</sup> Muslim ibn al-Hajjaj, *Ṣaḥīḥ Muslim*, Kitāb al-Ṣalāh, Hadis no. 137. Beirut: Dar Ihya' al-Turāth al-'Arabī, 2001

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prayer, while avoiding the harm in the form of the lack of presence of worshippers if the call to prayer is sounded at the beginning of the time without considering the readiness of the community.

Finally, this study shows that Islamic law is not rigid, but flexible and adaptive to reality. The adjustment of the adhan time carried out by the people of Pare is a concrete example of contextual fiqh based on nash, maslahat, and social wisdom. This practice is a form of social fiqh that is able to dialogue with the needs of the times without going outside the boundaries of sharia.

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