

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question

The Prophetic Sunnah is a Shariah Evidence Equally Like the Noble Qur'an

To: Ahmad Al-Qairawan

(Translated)

Question:

Assalamu Alaikum Wa Rahmatullah Wa Barakatuh Sheikh Ata. I have a very important question, which is: Is the ruling on stoning mentioned in the Qur'an or Mutawatir Sahih Hadiths? I researched that and did not understand why this ruling is included in the Shariah rulings and it was not mentioned in the Qur'an, such as the male thief and the female thief, that their hands should be cut off, for example, or the male and female fornicator that they should be flogged ... etc. of the rulings? Do we follow the Shariah and its laws from the Qur'an or from Hadiths? You will tell me why, for example, the actions of prayer or ablution were not mentioned in the Qur'an and that not everything is mentioned in the Qur'an ... etc. But this is a fundamental ruling, like the mathematical rule 1 + 1 equals 2, meaning every matter found in the Qur'an we judge by it and what is not found we do not take it as a basic law, indeed we can research and strive with details, and the Hadith can be taken in detail, but the basis cannot be taken from the Hadiths and we leave the original, thank you.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

First: What came in your question, your statement: (Every matter found in the Qur'an we judge by it, and what is not there, we do not take it as a basic law), it is a strange matter to Islam and Muslims. The Muslim believes that the Prophet's Sunnah is Shariah evidence equally like the Noble Qur'an, and he believes that what came in the Sunnah is a revelation from Allah (swt), and that it is obligatory to follow without differentiating between it and what is mentioned in the Noble Qur'an... This is the position of Muslims since the noble Companions, may Allah (swt) be pleased with them, to this day ... and we have clarified this issue in the book, *The Islamic Personality (Shakhsiya Islamiya)* in the discussion: "The Sunnah is a Shariah evidence like the Qur'an", "Inferring Evidences from the Sunnah", as well as in the book, the Islamic Personality, Volume 3 in the chapter "Evidence Two: The Sunnah." Refer to them and it will be sufficient, Allah willing. I cite what came in the discussion, "The Sunnah is a Shariah evidence like the Qur'an" in the *The Islamic Personality* book, Volume 1:

[The Sunnah is a Shari'ah Evidence (dalil Shar'i) like the Qur'an and it is a revelation from Allah (swt). Confining to the Qur'an and leaving the Sunnah is kufr buwah (manifest disbelief) and takes those who support this opinion outside the fold of Islam. As for the Sunnah being revelation from Allah (swt), it is explicit from the Noble Qur'an. He (swt) said: ﴿قُلْ إِنَّمَا أُنذِرُكُمْ بِالْوَحْيِ﴾ **"Say: "I warn you only by the revelation"** [TMQ Al-Anbiya: 45]. And He (swt) said: ﴿إِنْ يُوحَىٰ إِلَيَّ إِلَّا أَنَّمَا أَنَا نَذِيرٌ مُّبِينٌ﴾ **"Only this has been inspired to me, that I am a plain warner"** [TMQ Sād: 70]. And He (swt) said: ﴿إِنْ أَتَّبِعُ إِلَّا مَا يُوحَىٰ إِلَيَّ﴾ **"I only follow that which is revealed to me"** [TMQ Al-Ahqaf: 9]. And He (swt) said: ﴿قُلْ إِنَّمَا أَتَّبِعُ مَا يُوحَىٰ إِلَيَّ مِنْ رَبِّي﴾ **"I but follow what is revealed to me from my Lord"** [TMQ al-'Arāf: 203]. And He (swt) said: ﴿وَمَا يَنْطِقُ عَنِ الْهَوَىٰ * إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ﴾ **"Nor does he speak from [his own] inclination * It is not but a revelation revealed"** [TMQ An-Najm: 3-4].

These verses are definite in authenticity and definite in their meaning in restricting what the Messenger (saw) has brought, warned people of, that it is divine revelation which is not open to any interpretation. Thus, the Sunnah is a revelation like the Qur'an.

As for the obligation of following the Sunnah like the Noble Qur'an, it is also explicitly stated in the Qur'an. And He (swt) said: ﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾ **“Whatsoever the Messenger (saw) gives you, take it, and whatsoever he forbids you, abstain from it”** [TMQ Al-Hashr: 7]. And He (swt) said: ﴿مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ﴾ **“He who obeys the Messenger (saw), has indeed obeyed Allah”** [TMQ An-Nisā': 80]. And He (swt) said: ﴿فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ﴾ **“And let those who oppose the Messenger's commandment beware, lest some fitna (affliction) befall them or a painful torment be inflicted on them”** [TMQ An-Nur: 63]. And He (swt) said: ﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ﴾ **“It is not for a believer, man or woman, when Allah and His Messenger have decreed a matter that they should have any option in their decision”** [TMQ Al-Ahzaab: 36]. And He (swt) said: ﴿فَلَا وَرَبِّكَ لَا يُؤْمِنُونَ حَتَّىٰ يُحَكِّمُوكَ فِي مَا شَجَرَ بَيْنَهُمْ ثُمَّ لَا يَجِدُوا فِي أَنفُسِهِمْ حَرَجًا مِّمَّا قَضَيْتَ وَيُسَلِّمُوا تَسْلِيمًا﴾ **“But no, by your Lord, they can have no imān, until they make you (O Muhammad) judge in all disputes between them, and find in themselves no resistance against your decisions, and accept them with full submission”** [TMQ An-Nisā': 65]. And He (swt) said: ﴿أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ﴾ **“Obey Allah and obey the Messenger”** [TMQ An-Nisā': 59]. And He (swt) said: ﴿قُلْ إِنْ كُنْتُمْ تُحِبُّونَ اللَّهَ فَاتَّبِعُونِي﴾ **“Say (O Muhammad): If you (really) love Allah then follow me”** [TMQ Aal-Imrān: 31].

All of these ayāt are explicit and clear in the obligation of following the Messenger (saw) with regards to what he (saw) has brought and in considering the obedience to the Messenger (saw) as obedience to Allah (swt). So the Qur'an and hadīth are Shar'ah evidences in terms of the obligation of following what has come therein. The hadīth is like the Qur'an in this respect. Therefore, it is not allowed for someone to say: we have the Book of Allah (swt) from which we will take (rulings), because what one understands from this statement is that the hadīth has been abandoned. Rather, it is imperative that the Sunnah is combined with the Book. So, the hadīth is taken as a Shar'ah evidence just as the Qur'an. It is not allowed for a Muslim to imply that the Qur'an alone is sufficient, and the Sunnah is not needed. The Messenger (saw) has alluded to this, it has been reported that the Prophet (saw) said: ﴿يُوشِكُ أَنْ يَقْعُدَ الرَّجُلُ مِنْكُمْ عَلَىٰ أَرِيكْتِهِ يُحَدِّثُ بِحَدِيثِي، فَيَقُولُ: بَيْنِي وَبَيْنَكُمْ كِتَابُ اللَّهِ، فَمَا وَجَدْنَا فِيهِ حَلَالًا﴾ **“You will find a man who while he is sitting comfortably on his bed narrate my hadīth, and he will say between me and you is the Book of Allaah, whatever we find in it that is halaal we will make it Halaal, and whatever we find in it haraam we will make it haram”**. [Reported by Al-Haakim and Bayhaqī]. And in the narration of Jabir, which goes back to the Prophet (saw), he (saw) said: ﴿مَنْ بَلَغَهُ عَنِّي حَدِيثٌ فَكَذَّبَ بِهِ، فَقَدْ كَذَّبَ ثَلَاثَةً: اللَّهَ، وَرَسُولَهُ، وَالَّذِي حَدَّثَ بِهِ﴾ **“Whosoever comes to know a hadīth about me and he rejects it. He has rejected three: Allah, His Messenger and the one who informed him of the hadīth”** (Mujma' Az-Zawa'id from Jabir).

Therefore, it is wrong to compare the Qur'an with the hadīth, the result of which would be, if the hadīth does not agree with it (i.e the Quran) then we abandon it, because this leads to abandoning the Sunnah if it came to specify the Qur'an, restrict it or elaborate its ambivalent (mujmal) parts, since it would show that what the hadīth states does not agree with the Qur'an or it is not found in the Qur'an. Like the ahadīth which relate the branches to the foundation (asl). Indeed, the rules mentioned in the hadīth have not been mentioned in the Qur'an, especially, many of the detailed rules which have not been revealed in the Qur'an but mentioned in the hadīth only. Therefore, Hadīth is not compared to the Qur'an regarding what is mentioned in the Qur'an and rejecting anything else. Indeed, the order regarding this is that when a hadīth mentions something which contradicts what has come in the Qur'an as a definite meaning, then the hadīth is rejected on the basis of its meaning i.e the text (matn)

because its meaning contradicts the Qur'ān. This is like what has been narrated about Fatimah bint Qays when she said: «طَلَّقْتَنِي ثَلَاثًا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَأَتَيْتُ النَّبِيَّ ﷺ فَلَمْ يَجْعَلْ لِي سَكْنًا، وَلَا نَفَقَةً» **“My husband divorced me three times in the time of the Messenger of Allah (saw). So I went to the Prophet (saw) but he did not allow me to get lodging (sukna) or maintenance (nafaqah).”** This hadīth is rejected because it contradicts the Qur'ān. It contradicts His (swt) saying: «أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجُوهِكُمْ» **“Lodge them (the divorced women) where you dwell, according to your means”** [TMQ At-Talaaq: 6]. Therefore, the hadīth is rejected because it has contradicted definite text and definite meaning of the Qur'ān. As for when the hadīth does not contradict the Qur'ān since it includes things not brought by the Qur'ān or it is an addition to what is in the Qur'ān, then the hadīth is taken just like the Qur'ān. It should not be said; the Qur'ān and what has been mentioned in it suffices for us since Allah (swt) has ordered us to (follow) them both together and it is obligatory to believe in both of them together]. **End of quote from the *The Islamic Personality Vol. 1.***

It is clear from the above that the Shariah ruling is taken from the purified Sunnah as it is taken from the Noble Qur'ān without a difference, and the ruling does not have to be mentioned in the Noble Qur'ān in order for it to be adopted, rather the Shariah ruling is taken even if the Prophet's Sunnah is restricted to mentioning it. The topic of stoning the married adulterer is from the Sunnah that explains of the Qur'ān, because the Sunnah clarifies the Qur'ān by specifying its general rules, and the stoning of the married adulterer is specifying of the general meaning of the verse that requires the flogging of the adulterer as shown below ... It is not said that the ruling of stoning the adulterer comes from the Sunnah only, because the ruling on stoning the adulterer is from a chapter of the punishment for the adulterer that is explained in the Qur'ān, meaning that the origin of the issue of punishment for the adulterer is indicated in the Qur'ān and the Sunnah came to clarify the Qur'ān by specifying the general verse related to this, and excluded the married adulterer making his punishment stoning to death ... and specifying the general in the Book (Qur'ān) in the Sunnah is numerous and is not limited to the topic of stoning the married adulterer ...

Second: We previously answered on 12 Muharram 1441 AH corresponding to 11/9/2019 CE the topic of the stoning of the married adulterer. I quote from it the related parts to your question:

[You are asking about the punishment of the muhsan zani (married adulterer), is it conclusive (qat'i) in Islamic jurisprudence? Is it from the Hudood (determined punishments), or is it not from the Hudood but from the Ta'zeer (discretionary punishments) as some scholars say in this era?

The answer to your question is as follows:

1- The punishment of the muhsan zani (married adulterer) by stoning to death is from the Shariah rulings (Ahkam Shari'ah) and is not from the Aqa'id (beliefs). It is like all other Shariah rulings, the evidence of which is not required to be decisive evidence to adopt it, but it is sufficient to have most likely probability (ghalabat Al-Dhann) as is known in the principles of jurisprudence ... So, there is no effect in that the evidence of this punishment is conclusive or inconclusive in adopting it, but what is important is that there should be proven Shari' evidence for it, and there has been many valid evidences in the Shariah that indicate without doubt that the punishment of the muhsan zani is stoning to death as mentioned below.

2- It is noted that some scholars of this age are not following a correct way in taking the Islamic rulings from their evidence, so that they are keen when seeking the Islamic ruling to keep in stride with the times and reach opinions that conform with the prevailed rulings and opinions in the world that were imposed by Western civilization upon the people in the name of international laws and human rights conventions and others.... This is not correct, because what is required is the rule of Allah, not any rule, nor a rule that is consistent with the provisions, laws, charters and opinions that prevail in the world... The duty is to adopt the Shari' rule as it is from its evidences and make it the subject of application and implementation and to call for it and promote it in the whole world. It is the valid rule for all

humankind because it is from the Creator of humankind the Knowing of their conditions, ﴿أَلَا﴾ **“Does He who created not know, while He is the Subtle, the Acquainted?”** [Al-Mulk: 14]. ﴿أَلَا لَهُ الْخَلْقُ وَالْأَمْرُ تَبَارَكَ اللَّهُ رَبُّ الْعَالَمِينَ﴾ **“Unquestionably, His is the creation and the command; blessed is Allah, Lord of the worlds”** [Al-A'raf: 54].

Therefore, we should not heed the words of those who are keen in their deductions to keep pace with the times and conforming with the Western civilization, whether they do so under the pressure of reality or to please the Western Kuffar...

3- The punishment of zina for the muhsan (married), which is stoning until he dies, and for the non-muhsan, which is lashing 100 lashes, is a punishment within Islam under the Hudood. We have provided detailed adequate clarification of the provisions of the Hadd of Zina in the Punishment System book, and I cite for you from the book, *The Punishment System*, some of what is stated in the section "The Hadd of Zina":

[Some say that the hadd of the male and female zani is 100 lashes for the muhsan (married) and non-muhsan equally, without difference between them due to His Saying Ta'ala: ﴿الزانية والزاني فاجلدوا كل واحد منهما مائة جلدة ولا تأخذكم بهما رأفة في دين الله﴾ **“The female zani and male zani, lash each one of the two one hundred lashes, and let not pity for the two seize you in the Deen of Allah”** [An-Nur: 2].

They said, it is not permitted to abandon the Book of Allah via the way of definitiveness (qat') and certainty (yaqeen) for single individual reports (akhbar al-ahad), wherein falsehood is possible, and because this leads to abrogating the Book by the Sunnah which is not permitted.

Most of the people of knowledge of the Sahabah, Tabi'in and those after them of the scholars of (different) cities in all periods say that the non-muhsan is lashed 100 lashes and the muhsan is stoned until he dies. This is because the Messenger (saw), “stoned Ma'iz”, and due to what was narrated from Jabir bin Abdullah, “that a man committed zina with a woman, so the Prophet (saw) commanded regarding him so he was lashed. Then he was told he was a muhsan, so he commanded regarding him and he was stoned.”

The one who examines the evidences sees that His saying Ta'ala, ﴿الزانية والزاني فاجلدوا كل واحد منهما مائة جلدة ولا تأخذكم بهما رأفة في دين الله﴾ **“The female zani and male zani, lash each one of the two one hundred lashes, and let not pity for the two seize you in the Deen of Allah”** [An-Nur: 2], is general. This is because the word 'zani' (male) and 'zaniya' (female) is of the words of generality, so it includes the muhsan and non-muhsan. When the hadith came which is his (saw) saying, «واغد يا أنيس إلى امرأة هذا فإن اعترفت فارجمها» **“O Unays, go tomorrow to this woman. If she confesses, stone her”**, and it is proven that the Messenger of Allah (saw) stoned Ma'iz after he asked about his ihsan, and he stoned Al-Ghamidiyyah beside other sahih ahadith. So, the hadith specified the ayah. Thus, these ahadith specified this general meaning of the ayah in other than the muhsan and excluded the muhsan from it. Accordingly, the ahadith specified this general meaning did not abrogate the Qur'an. The specifying the Qur'an by the Sunnah is permissible and it happened in numerous ayat which came general and the hadith specified them.

The hukm shar'i which the Shar'i evidences ie the Book and Sunnah indicate is that the punishment of zina is lashing the non-muhsan 100 lashes, acting according to the Book of Allah, and banishment one year acting according to the Sunnah of the Messenger of Allah (saw).

However, the banishment is permissible and not obligatory, and it is left to the Imam, so if he wills, he lashes him and banished him one year; and if he wills, he lashes him but does not banish him. However, it is not permitted to expel him without lashing him, because the punishment is lashing. As for the punishment of the muhsan, it is stoning until he dies, acting according to the Sunnah of the Messenger of Allah (saw), which came as specifying of the Book of Allah. it is permitted regarding the muhsan, to combine the lashing and stoning on

him so he is lashed first then stoned. It is also permitted to stone him only, without lashing. However, it is not permitted to solely lash because the obligatory punishment is the stoning.

.....

As for the evidence for the punishment of the muhsan, there are numerous ahadith. It is narrated from Abu Hurayrah and Zayd bin Khalid who said that a man of the Bedouins came to the Messenger of Allah (saw) and said, «يَا رَسُولَ اللَّهِ أَنْشُدَكَ اللَّهَ إِلَّا فَضَيْتَ لِي بَكْتَابِ اللَّهِ، وَقَالَ الْخَصْمُ الْآخَرَ، وَهُوَ أَفْقَهُ مِنْهُ: نَعَمْ، فَأَفْضُ بَيْنَنَا بَكْتَابِ اللَّهِ، وَأَنْذَن لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: قُلْ، قَالَ: إِنَّ ابْنِي كَانَ عَسِيفًا عَلَيَّ هَذَا فَرَزَنِي بِأَمْرَاتِهِ، وَإِنِّي أَخْبِرْتُ أَنَّ عَلَى ابْنِي الرَّجْمَ فَأَقْتَدَيْتُ مِنْهُ بِمَانَةِ شَاةٍ وَوَلِيدَةٍ، فَسَأَلْتُ أَهْلَ الْعِلْمِ فَأَخْبَرُونِي أَنَّ عَلَى ابْنِي جَلْدَ مِائَةٍ وَتَغْرِيْبَ عَامٍ، وَأَنَّ عَلَى امْرَأَةٍ هَذَا الرَّجْمَ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَالَّذِي نَفْسِي بِيَدِهِ لَأَفْضِيَنَّ بَيْنَكُمَا بِكِتَابِ اللَّهِ، الْوَلِيدَةُ وَالْعَنْمُ رَدٌّ، وَعَلَى ابْنِكَ جَلْدُ مِائَةٍ، وَتَغْرِيْبَ عَامٍ، وَاعْدُ يَا أُنَيْسُ - لِرَجُلٍ مِنْ أَسْلَمَ - إِلَى امْرَأَةٍ هَذَا فَإِنِ اعْتَرَفَتْ فَارْجُمُهَا، قَالَ: فَعَدَا عَلَيْهَا فَاعْتَرَفَتْ فَأَمَرَ بِهَا «O Messenger of Allah, I adjure you by Allah that you do not judge except by the Book of Allah', and the other litigant who was more knowledgeable than him said, 'Yes, judge between us by the Book of Allah.' The Messenger of Allah (saw) said, 'Speak.' He said, 'My son was an employee for this one and he committed zina with his wife. I was told that there was stoning upon my son, so I ransomed him from it with one hundred sheep and newborn ones. Then I asked the people of knowledge and they informed me that upon my son is one hundred lashes and one year's banishment, and upon this one's woman is stoning.' The Messenger of Allah (saw) replied, 'By the One in whose hand is my soul, verily I will judge between you by the Book of Allah. The newborn sheep and the sheep have to be returned back and upon your son is one hundred lashes, and one year's banishment. O Unays',—he said to a man from the tribe of Aslam,—'go tomorrow to this one's wife and if she confesses, stone her.' He went to her and she confessed so the Messenger of Allah (saw) gave his order regarding her, and she was stoned." (Al-A'seef is the employee). So, the Messenger (saw) commanded with the stoning of the muhsan and did not lash him.

It is narrated from Ash-Sh'abi 'that when Ali (ra) stoned the woman, he lashed her on Thursday and stoned her on Friday, and said, I lashed her according to the Book of Allah and stoned her according to the Sunnah of the Messenger of Allah (saw).' It is narrated from Ubadah bin As-Samit who said, The Messenger of Allah (saw) said, «خُذُوا عَنِّي، خُذُوا عَنِّي، قَدْ جَعَلَ «Take from me, take from me. Verily Allah has ordained a way for them. For the virgin with the virgin, one hundred lashes and expulsion for a year. And for the married (thayyib) with the married, one hundred lashes and stoning." So, the Messenger (saw) says, the punishment of the muhsan is lashing and stoning, and Ali (ra) lashed the muhsan and stoned her. It is narrated from Jabir bin Samara that the Messenger of Allah (saw) stoned Ma'iz bin Malik and did not mention lashing. Al-Bukhari narrated from Sulaiman bin Buraydah that the Prophet (saw) stoned Al-Ghamidiyyah and did not mention lashing. Muslim reported that the Prophet (saw) had commanded regarding a woman from Juhaina, so her clothes were fastened around her, then she was stoned, and lashing was not mentioned. This indicated that the Messenger (saw) stoned the muhsan and did not lash him, and he said, «الثَّيْبُ بِالثَّيْبِ جَلْدَ مِائَةٍ وَالرَّجْمُ» "The muhsan/married (thayyib) with the muhsan/married (thayyib), one hundred lashes and stoning." This indicated that stoning is obligatory, whereas lashing is permissible, and it is left for the opinion of the Khaleefah. The hadd of the muhsan is made lashing with stoning, by combining between the ahadith. No one should say regarding the hadith of Samara, that he (saw) did not lash Ma'iz, but rather restricted himself to stoning him, so this is an abrogator of the hadith of Ubadah bin As-Samit which says, «الثَّيْبُ بِالثَّيْبِ جَلْدَ مِائَةٍ وَالرَّجْمُ» "The muhsan/married (thayyib) with the muhsan/married (thayyib), one hundred lashes and stoning." One should not say that, because nothing is proved to indicate that the hadith of Ma'iz came after the hadith of Ubadah. Without such proof regarding the two hadiths, the non-mentioning of lashing does not mean abandoning it, nor abrogating its hukm. The absence of the proof regarding to which of them came after the other negates the abrogation, and there is no outweighing factor (murajjih) for one of them over the other. What came in the hadith of an increase (ziyada) over stoning, is considered a permissible matter not obligatory, since the obligatory is stoning and what increases over that is optional for the

Imam, due to combining the ahadith]. End quote from the Punishment System book.

In summary: The punishment of the muhsan zani (married adulterer) is stoning to death as evidenced by the valid evidences from the Sunnah of the Messenger of Allah (saw) in the two Sahihs and in other books of Hadith, it is a punishment from the Hudood and not a matter of Ta'zir.] end of quoting of the previous Answer to the Question.

In conclusion, you have judged yourself by yourself, you said: (You will tell me why, for example, the actions of prayer or ablution were not mentioned in the Qur'an and that not everything is mentioned in the Qur'an ... etc. But this is a fundamental ruling, like the mathematical rule 1 + 1 equals 2, meaning every matter found in the Qur'an we judge by it and what is not found we do not take it as a basic law, indeed we can research and strive with details, and the Hadith can be taken in detail, but the basis cannot be taken from the Hadiths and we leave the original, thank you.)

You permit to take from the Sunnah what shows how to perform the prayer and say that this is permissible because it is fixed like 1 + 1 = 2!

Although it does not differ from the inference of the Sunnah with regard to the married adulterer ... In the case of prayer - ﴿وَأَقِيمُوا الصَّلَاةَ﴾ “and establish the prayer” - this is general, and the hadiths that show how to pray even if the mujtahids differed on in terms of how to perform Ruku', Sujud and recitation... These hadiths are the clarification of the general ... Likewise, the verse ﴿وَالزَّانِيَةُ وَالزَّانِي﴾ “The male fornicator and the female fornicator” ... it is general because the terms; the male fornicator and the female fornicator are general terms, and the hadiths related to the married adulterere have specified this general in which the flogging is mentioned, it specified it to the unmarried adulterer, so the issue here falls under the section of specifying the general ... and if you studied the fundamentals (usul), then you will find the explanation of the general and specifying the general and restricting the mutlaq (absolute) etc. all of these are sections of the Qur'an and the Sunnah that must be inferred to according to the Shariah.

Based on that, the differentiation between explaining the general in the case of prayer and specifying the general in the case of adultery is a distinction that is not valid and is not permissible, unless you are completely unaware of the principles of jurisprudence. And I ask Allah (swt) to guide you to the correct matters and that you make every effort to understand the fundamentals of jurisprudence so that your question is in its field and not in another context. I hope the issue is clearer now.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

2 Jumada Al-Akhar 1442 AH

15/1/2021 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/2842481322664540>