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**DIVORCE DUE TO ABANDONING PRAYER IN THE PERSPECTIVE OF THE SHAFI'I SCHOOL:**

**AN ANALYSIS OF IMPLICATIONS FOR THE VALIDITY OF MARRIAGE**

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**ABSTRACT**

While prayer (*salat*) is a fundamental obligation in Islam, its abandonment triggers complex legal ramifications within the Shafi'i School, particularly concerning the continuity of marriage. However, a critical legal ambiguity persists regarding how specific motives for abandoning *salat*—whether through denial (*juhud*) or negligence (*kasal*)—distinctly impact the marital bond. This study addresses this gap by examining the research question: How does the Shafi'i School differentiate the legal status of marriage for individuals who abandon *salat* based on these distinct motivations? Employing a qualitative method with a literature review of classical Shafi'i jurisprudence (*fiqh*), the findings reveal that denial-based abandonment leads to apostasy (*murtad*), resulting in the immediate nullification (*faskh*) of the marriage. In contrast, negligence-based abandonment maintains the marital validity but subjects the individual to a mandatory three-day repentance period, the failure of which leads to legal termination. This study contributes to contemporary Islamic family law, particularly in the Indonesian context, by operationalizing classical jurisprudence to resolve modern marital disputes arising from religious non-compliance.

**AI DISCLOSURE STATEMENT (if applicable)**

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## A. INTRODUCTION

The five daily prayers are a fundamental obligation in Islam, whose existence has been affirmed in the Qur'an and Sunnah as a primary pillar of a Muslim's faith. The Messenger of Allah shallallahu alaihi wasallam said:

بُيِّئَ الْإِسْلَامُ عَلَى خَمْسٍ: شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ، وَإِقَامِ الصَّلَاةِ، وَإِيتَاءِ الزَّكَاةِ، وَالْحَجِّ، وَصَوْمِ  
رمضان

*Islam is built upon five pillars: the testimony that there is no god worthy of worship except Allah and that Muhammad is the Messenger of Allah, establishing prayer, giving zakat, performing Hajj, and fasting in Ramadan.*<sup>177</sup>

Prayer is not only a personal act of worship but also has a social dimension that influences communal life, including family relationships. From an Islamic perspective, particularly in the Shafi'i School, prayer must not be neglected by a Muslim. This obligation is absolute, and its violation carries consequences both in the vertical relationship between a servant and God and in horizontal relationships, such as within the institution of marriage.

The Shafi'i School is one of the most influential schools of Islamic jurisprudence in the Muslim world, including in Indonesia.<sup>178</sup> It holds a firm stance on the neglect of prayer. Islam places the institution of marriage in a highly esteemed position. In Shariah, marriage is not merely a legal contract but also an act of worship that demands moral and spiritual responsibility from both parties. A husband's duty to establish prayer and lead his family in practicing religious teachings is one of the fundamental pillars of a valid and blessed marriage. Allah ta'ala describes one of the characteristics of a man as *qawwam*. Allah ta'ala says:

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ

*Men are the protectors and maintainers of women because Allah has made some of them excel over others.*<sup>179</sup>

The phenomenon of divorce due to neglect of prayer has significant implications in the context of Islamic family law. This issue is not limited to formal legal aspects but also encompasses ethical and spiritual dimensions that bind both spouses. This study aims to

<sup>177</sup> Muhammad bin Ismail Al-Bukhari, *Sahih Al-Bukhari*, 1st ed. (Damaskus: Dar Ibn Katsir, 1993).

<sup>178</sup> Anny Nailatur Rohmah and Ashif Az Zafi, "Jejak Eksistensi Mazhab Syafii Di Indonesia," *Jurnal Tamaddun : Jurnal Sejarah dan Kebudayaan Islam* 8, no. 1 (2020).

<sup>179</sup> QS. an-Nisa: 34, n.d.

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further explore the views of Shafi'i scholars regarding the relationship between neglecting prayer and divorce, as well as to examine the legal arguments used to justify *fasakh* decisions in such cases.

In the contemporary context, divorce stemming from religious non-compliance—specifically the neglect of *salat*—remains a pressing issue within Muslim societies, particularly in Indonesia. Existing scholarship has explored various dimensions of marital dissolution, such as the annulment of marriage due to deception, gender equality in *khul'*<sup>180</sup>, and judicial rulings regarding apostasy-based divorce.<sup>181</sup>

However, a distinct scholarly gap remains regarding the precise correlation between the Shafi'i categories of abandoning prayer (*juhud vs. kasal*) and the specific legal causality of marital validity. This study addresses this gap by bridging classical Shafi'i jurisprudence with modern judicial dilemmas, thereby strengthening the legal foundation for addressing religious negligence in contemporary family law. By examining the intersection of individual ritual morality and the validity of the marital bond, this research provides a robust, Sharia-compliant framework for interpreting divorce cases in the modern era.

The following are several literature studies related to this research:

1. “Pembatalan Pernikahan Karena Homoseksual: Studi Analisis Putusan Pengadilan Agama Jember No. 44/Pdt.G/2023/Pa.Jr”<sup>182</sup> written by Rustam et al. (2025) analyzed the annulment of marriage (*fasakh*) due to deception regarding sexual orientation, specifically examining the Jember Religious Court Decision No. 44/Pdt.G/2023/PA.Jr. The study highlights that concealing homosexuality before marriage constitutes a fundamental misrepresentation or deception under Article 27 of the Marriage Law and Article 72 of the Compilation of Islamic Law (KHI). It concludes that the marriage can be declared legally invalid to protect the

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<sup>180</sup> Muhamad Ismail et al., “Marriage and Divorce in Islamic Law : Sociological Implications for Modern Muslim Societies” 4 (2024): 25–37, <https://journal.marwah-madani-riau.id/index.php/JILE/article/view/142/126>.

<sup>181</sup> Riadatul Muhimmah, Abdul Rozak, and Izzul Mutho, “AL-AFKAR : Journal for Islamic Studies Muratad Sebagai Faktor Yang Menyebabkan Putusnya Perkawinan Dalam Kompilasi Hukum Islam : Analisis Perspektif Kitab-Kitab Klasik Dan Modern” 9, no. 1 (2026): 1399–1414. <https://doi.org/10.31943/afkarjournal.v9i1.2883>

<sup>182</sup> Muhammad Yusup Rustam, Ruston Kumaini, and Abdul Rahman Ramadhan, “PEMBATALAN PERNIKAHAN KARENA HOMOSEKSUAL: Studi Analisis Putusan Pengadilan Agama Jember No. 44/Pdt.G/2023/PA.Jr,” *Al-Majaalis : Jurnal Dirasat Islamiyah* 12, no. 2 SE- (May 12, 2025): 298–318, <https://ejournal.stdiis.ac.id/index.php/Al-Majalis/article/view/806>.

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victim's rights when a defect is found that violates the essential conditions of the union.

2. “Meninggalkan Salat Berjemaah Tanpa Uzur Menurut Perspektif Mazhab Syafii dan Mazhab Hambali” written by Irman, Muhammad Shiddiq Abdillah, and Awal Rifai (2023). The results of this study show that congregational prayer holds an important status and role in Islam. It not only strengthens the bonds of brotherhood among Muslims but also offers many virtues and wisdoms. According to the Shafi’i School, congregational prayer is classified as *fardu kifayah*, while in the Hanbali Madhhab, it is considered *fardu ain*.
3. Misbahuzzulam et al. (2024)<sup>183</sup> explored the concept of gender equality within the context of divorce, focusing on the Islamic view of *khul'* (sue for divorce) initiated by women who fear they cannot fulfill religious duties. Complementary to this, Chilyatun Nafis (2024) examined the judicial considerations of divorce cases resulting from a husband’s apostasy from a Shafi’i perspective. While these studies contribute to understanding how religious factors influence court decisions, they fail to map the specific intersection of *tarku al-salat* (abandoning prayer) and marital dissolution within Shafi'i jurisprudence. Specifically, existing literature lacks a systematic analysis of how the Shafi'i categories of abandoning prayer—whether through *juhud* (denial) or *kasal* (negligence)—distinctly impact the legal validity of the marital bond. This study addresses this gap by establishing a clear jurisprudential framework to resolve modern marital disputes arising from specific types of religious non-compliance.
4. “Mengqadha Shalat dalam Perspektif Fiqh Islam”<sup>184</sup> written by Saifulloh (2020) presented a comprehensive jurisprudential analysis of *qadha* (replacing missed prayers), reinforcing that prayer is a fundamental pillar that supports a Muslim's faith. The study argues that missed prayers, whether due to valid excuses or intentional neglect, are considered a debt to Allah that must be fulfilled. While

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<sup>183</sup> Misbahuzzulam Misbahuzzulam, Umi Sumbulah, and Fauzan Zenrif, “Kesetaraan Gender Dalam Perceraian,” *Al-MAJAALIS* 11, no. 2 (2024): 354–367, <https://doi.org/10.37397/amj.v11i2.583>.

<sup>184</sup> Kholid Saifulloh, “Mengqadha Shalat Dalam Perspektif Fiqh Islam,” *Al-MAJAALIS* 7, no. 2 (2020): 45–68.

this research establishes the absolute nature of the religious burden regarding *salat*, it does not extend its analysis to the social and legal ramifications within the domestic sphere. Specifically, there is no discussion on how this "religious debt" or its persistent neglect serves as a catalyst for marital dissolution. This study fills the identified gap by bridging the individual ritual obligation discussed by Saifulloh with the specific legal consequences for marriage validity in Shafi'i jurisprudence, particularly when differentiating between *juhud* (denial) and *kasal* (negligence).

## **B. METHOD**

This research utilizes a qualitative library research method with a normative-doctrinal legal approach. Data were gathered from primary sources, including the Qur'an and Hadith literature, and secondary sources consisting of authoritative classical Shafi'i jurisprudence (*fiqh*) texts. The selection criteria for classical texts focused on foundational and "mu'tamad" (relied upon) references within the Shafi'i school, such as Imam al-Shafi'i's *Al-Umm* and Imam al-Nawawi's *Raudhah al-Talibin*, to ensure the authenticity of the jurisprudential perspectives.

The Arabic classical texts were examined through qualitative content analysis to identify and categorize legal rulings regarding the abandonment of prayer and its specific impact on marital validity. This methodological framework aligns with qualitative-juridical studies previously published in the *Al-Majaalis* journal, such as the work by Misbahuzzulam et al. (2024), which employed normative analysis to investigate legal dimensions of divorce. Conclusions were drawn using a deductive reasoning process, synthesizing classical legal arguments to address contemporary marital disputes arising from religious non-compliance.

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## C. RESULTS AND DISCUSSION

### 1. Divorce (Talak) in Islam

#### a) Definition of Talak

The linguistic meaning of talak originates from the word: Talak in language means التخلية (release) and الإرسال (setting free)<sup>185</sup>. Another meaning is حَلُّ القيد والإطلاق (untying the bond and leaving it). For instance, in the phrase ناقة طالق, it refers to a camel that is set free without any restraint. It is also mentioned that talak is linguistically associated with separation. However, in customary usage (ʿurf), the term talak is specifically used to refer to the release of a marital bond in a figurative sense, which applies to a woman.<sup>186</sup>

As for the technical definition of talak, it refers to the dissolution of a marriage contract through the utterance of talak or its equivalents:<sup>187</sup>

حَلُّ عَقْدِ النِّكَاحِ بِأَفْظِ الطَّلَاقِ وَنَحْوِهِ

#### b) Legal Rulings on Talak

The ruling on talak varies depending on the circumstances. It falls under five main legal categories: mubah (permissible), sunnah (recommended), wajib (obligatory), makruh (discouraged), and haram (forbidden).

##### 1) Mubah (Permissible)

Talak becomes permissible when the husband needs it due to the wife's bad character, which causes harm and prevents the achievement of marriage's objectives if they remain together.<sup>188</sup>

##### 2) Makruh (Discouraged)

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<sup>185</sup> Ibnu Manzur, *Lisan Al-Arab*, 3rd ed. (Beirut: Dar al-Shadir, 1993).

<sup>186</sup> Wahbah Zuhaili, *Al Fiqhu Al Islami Wa Adillatuhu*, 4th ed. (Damaskus: Dar al Fikr, n.d.).

<sup>187</sup> Zakariya bin Muhammad Al-Anshari, *Asna Al Mathalib Fi Syarhi Raudh at Thalib* (Beirut: Dar al Kitab, n.d.).

<sup>188</sup> Abdullah bin Ahmad Al-Maqdisi, *Syarh Dalil at Thalib*, 1st ed. (Riyadh: Dar Athlas al Khadra, n.d.).

Talak is discouraged when there is no valid reason for it, such as when the husband and wife have a harmonious relationship.<sup>189</sup> This is derived from the hadith of the Prophet shallallahu alaihi wasallam:<sup>190</sup>

أَبْغَضُ الْحَالِلِ إِلَى اللَّهِ الطَّلَاقُ

“The most detested permissible act in the sight of Allah is divorce”<sup>191</sup>

In this hadith, the Prophet *shallallahu alaihi wasallam* mentioned that talak is lawful but is disliked and detested by Allah.<sup>192</sup> This indicates its discouraged status, as it leads to the dissolution of a marriage that holds numerous benefits.

### 3) Sunnah (Recommended)

Talak is recommended when there is a necessity, particularly when remaining in the marriage would cause harm to the wife. Likewise, if conflicts arise between the spouses to the extent that continuing the marriage results in harm to the wife, then talak is recommended.<sup>193</sup> The Prophet *shallallahu alaihi wasallam* said:

لَا ضَرَرَ وَلَا ضِرَارَ

“There should be no harm and no reciprocation of harm.”<sup>194</sup>

### 4) Wajib (Obligatory)

Talak becomes obligatory when the wife fails to uphold her religious duties, such as abandoning prayer or deliberately delaying it, and the husband is unable to reform her.<sup>195</sup>

The classification of divorce as *wajib* (obligatory) when a spouse neglects religious duties underscores that in Islamic jurisprudence, the

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<sup>189</sup> Yahya bin Syaraf Al-Nawawi, *Al Minhaj Syarh Shahih Muslim Bin Al Hajjaj, Oman : Bait Al Afkar Al Dauliyyah*, 2nd ed. (Beirut: Dar Ihya at-Turats Al-Arabiyy, 2000).

<sup>190</sup> Ibnu Al-Athar, *Al-Uddah Fi Syarhi Al-Umdah Fi Ahadis Al-Ahkam*, 1st ed. (Beirut: Dar Al-Basyair Al-Islamiyah, n.d.).

<sup>191</sup> Abu Dawud Sulaiman bin Asy'ats, *Sunan Abi Dawud, Tahqiq Syaikh Al-Arnauth*, 1st ed. (Kairo: Dar Ar-Risalah Al-Alamiyah, 2009).

<sup>192</sup> Salih bin Fauzan Al-Fauzan, *Al-Mulakhas Al-Fiqhi*, 1st ed. (Riyadh: Dar al Ashimah, 2002).

<sup>193</sup> Al-Fauzan, *Al-Mulakhas Al-Fiqhi*.

<sup>194</sup> Ibnu Majah, *Sunan Ibnu Majah*, 1st ed. (Kairo: Dar Ar-Risalah Al-Alamiyah, 2009).

<sup>195</sup> Al-Fauzan, *Al-Mulakhas Al-Fiqhi*.

marital contract is not merely a social arrangement but a spiritual covenant<sup>196</sup>. From the perspective of *Maqasid al-Shariah*, specifically *Hifdz ad-Din* (Protection of Religion), a husband's failure to reform a wife who abandons prayer threatens the religious integrity of the household<sup>197</sup>. This ruling implies that the preservation of the family's spiritual foundation takes precedence over the continuation of the marital bond itself. In the contemporary Indonesian context, while the Compilation of Islamic Law (KHI) does not explicitly list "neglecting prayer" as a standalone ground for divorce, such cases are often channeled through Article 116 (f) concerning "constant disputes and quarrels" (*syiqoq*), where religious non-compliance serves as the underlying cause of domestic disharmony.

## 2. The Position Of Salat In Islam

### a) Definition of Salat

Linguistically, salat means ad-du'a' (supplication), as mentioned in the words of Allah Ta'ala:

وَصَلِّ عَلَيْهِمْ

“And pray for them.”<sup>198</sup>

Also, the Prophet shallallahu alaihi wasallam said:

إِذَا دُعِيَ أَحَدُكُمْ إِلَى طَعَامٍ فَلْيُجِبْ: فَإِنْ كَانَ مُفْطِرًا فَلْيُطْعِمْ، وَإِنْ كَانَ صَائِمًا فَلْيُصَلِّ

“If one of you is invited (to a meal), he should accept it. If he is not fasting, he should eat, and if he is fasting, he should supplicate (for the one who invited him).”<sup>199</sup>

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<sup>196</sup> Hassan Audu, “Divorce in Islam : Legal , Social , and Ethical Perspectives” 10, no. 3 (2025): 145–159.

<sup>197</sup> Nur Hana Maruan et al., “Addressing Unregistered Marriages in Malaysia: A Maqasid Al-Shariah Approach to Legal Challenges and Women’s Protection,” *International Journal of Research and Innovation in Social Science (IJRISS)* 9, no. 6 (2025): 6104–6113, <https://rsisinternational.org/journals/ijriss/articles/addressing-unregistered-marriages-in-malaysia-a-maqasid-al-shariah-approach-to-legal-challenges-and-womens-protection/>.

<sup>198</sup> *Qs. at-Taubah: 103*, n.d.

<sup>199</sup> Ahmad bin Hanbal, “Musnad Imam Ahmad,” in *Musnad Imam Ahmad* (Kairo: Muassasah Ar-Risalah, 2001), 173.

As for the technical definition, salat is an act of worship consisting of specific actions and utterances, beginning with takbir and ending with salam, performed under certain conditions.

b) The Status of Salat

1) A Pillar of Islam

بُيِّئَ الْإِسْلَامُ عَلَى خَمْسٍ: شَهَادَةِ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ، وَإِقَامِ الصَّلَاةِ، وَإِيتَاءِ الزَّكَاةِ، وَالْحَجِّ، وَصَوْمِ رَمَضَانَ

Islam is built upon five pillars: the testimony (shahada) that none has the right to be worshiped except Allah and that Muhammad is the Messenger of Allah, establishing salat, giving zakat, performing Hajj (to the House of Allah), and fasting in the month of Ramadan.<sup>200</sup>

Shaykh Abdul Muhsin Al-Abbad explains that the command to establish salat is divided into two states. The first state is obligatory (wajib), which means performing salat by fulfilling only its obligatory aspects, thereby fulfilling one's religious duty. The second state is recommended (mustahabb), which means perfecting salat by also performing its Sunnah aspects and not merely limiting oneself to the obligatory elements.<sup>201</sup>

2) The Pillar of Religion

رَأْسُ الْأَمْرِ الْإِسْلَامُ، وَعَمُودُهُ الصَّلَاةُ، وَدُرُوزُهُ سَنَامِهِ الْجِهَادُ

“The foundation of the matter is Islam, its pillar is salat, and its peak is jihad.”<sup>202</sup>

Imam Ath-Thibiy explains that the foundation of the matter in religion is Islam, meaning the two testimonies (shahadatayn). If a person does not profess these two testimonies, they have no religion at all. However, after affirming the shahada, a person has obtained the foundation of Islam. But this foundation is not yet strong and complete, similar to a

<sup>200</sup> Muhammad bin Ismail Al-Bukhari, *Sahih Al-Bukhari*, 1st ed. (Beirut: Dar Thuq An-Najah, 2001).

<sup>201</sup> Abdul Muhsin Al-Abbad, *Fathu Al-Qawiy Al-Matin Fi Syarh Al-Arbain Al-Nawawiyah*, 1st ed. (Dammam: Dar Ibnu Al-Qayyim, 2003).

<sup>202</sup> Muhammad bin Isa At-Tirmizi, *Sunan Al-Tirmidzi, Sunan Al-Tirmidzi* (Beirut: Dar Al-Gharb Al-Islamiy, 1996).

house without supporting pillars. When a person performs and maintains salat, their religion becomes strong.<sup>203</sup>

3) The First Deed to Be Judged on the Day of Judgment

إِنَّ أَوَّلَ مَا يُحَاسَبُ بِهِ الْعَبْدُ يَوْمَ الْقِيَامَةِ مِنْ عَمَلِهِ صَلَاتُهُ، فَإِنْ صَلَحَتْ فَقَدْ أَفْلَحَ وَأَنْجَحَ،  
وَإِنْ فَسَدَتْ فَقَدْ خَابَ وَخَسِرَ

“On the Day of Judgment, the first deed a servant will be held accountable for is his salat. If it is sound, he will be successful and saved, but if it is corrupted, he will have failed and lost”.<sup>204</sup>

This hadith explains that the first act of worship to be examined is salat. If a person’s salat is good—meaning they perform and maintain it properly—then they will be saved. However, whoever does not perform salat or performs it incorrectly, contrary to the prescribed method in Islamic teachings, will be at a loss and deprived of salvation from divine punishment.<sup>205</sup>

c) Abandoning Salat

As previously explained, salat holds a very fundamental position in Islamic law. Therefore, abandoning salat also carries significant legal implications from the perspective of Islamic jurisprudence. Among the evidences that indicate this is the statement of the Prophet *shallallahu alaihi wasallam*:

الْعَهْدُ الَّذِي بَيْنَنَا وَبَيْنَهُمُ الصَّلَاةُ، فَمَنْ تَرَكَهَا فَقَدْ كَفَرَ

“The covenant between us and them (the disbelievers) is salat; whoever abandons it has committed disbelief.”<sup>206</sup>

Another statement of the Prophet *shallallahu alaihi wasallam* is:

إِنَّ بَيْنَ الرَّجُلِ وَبَيْنَ الشِّرْكِ وَالْكُفْرِ تَرْكُ الصَّلَاةِ

<sup>203</sup> Husain bin Abdullah At-Thibiy, *Al-Kasyif an Haqiq As-Sunan*, 1st ed. (Riyadh: Maktabah Nizar Mustafa Al-Baz, 1996).

<sup>204</sup> Muhammad bin Isa At-Tirmizi, *Sunan At-Tirmizi*, 2nd ed. (Kairo: Maktabah Mustafa Al-Babiy Al-Halbiy, 1975).

<sup>205</sup> Husain bin Mahmud Al-Mudzhiri, *Al-Mafatih Fi Syarh Al-Mashabih*, 1st ed. (Suriah: Dar An-Nawadir, 1925).

<sup>206</sup> At-Tirmizi, *Sunan Al-Tirmidzi*.

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“Indeed, between a person and shirk (polytheism) and kufr (disbelief) is abandoning salat.”<sup>207</sup>

Imam An-Nawawi mentions that abandoning salat falls into two categories:

i. Denying the obligation of salat

A person who abandons salat by denying its obligation is considered an . (murtad), and all the rulings concerning apostates apply to them. However, this does not apply if the person is a new Muslim (muallaf) who has recently entered Islam and has not yet learned the rulings of Islam, including the obligation of salat.

ii. Not denying the obligation of salat

For those who abandon salat but do not deny its obligation, their case is examined based on the reason for their abandonment. The reasons fall into two categories:

1. Excusable reasons in Islamic law

- a. Among the acceptable reasons in Islamic law is missing salat due to sleep or forgetfulness.
- b. Since these instances occur without intention, the person must immediately perform the missed salat as soon as they wake up or remember it.

2. Non-excusable reasons in Islamic law

If salat is abandoned deliberately without a valid excuse, such as out of laziness, then this is not acceptable in Islamic law.

Imam Ash-Shafi’i stated in Al-Umm:

أخبرنا الربيع قال قال الشافعي - رحمه الله تعالى - : من ترك الصلاة المكتوبة ممن دخل في الإسلام قيل له لم لا تصلي؟ فإن ذكر نسيانا قلنا فصل إذا ذكرت، وإن ذكر مرضا قلنا فصل كيف أطقمت قائما أو قاعدا أو مضطجعا أو موميا فإن قال أنا أطيع الصلاة،

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<sup>207</sup> Muslim bin Al-Hajjaj, “Sahih Muslim,” in *Sahih Muslim* (Turki: Dar at-Thiba’ah al-’Amirah, 1915), 61.

وأحسنها، ولكن لا أصلي وإن كانت علي فرضا قيل له الصلاة عليك شيء لا يعمله عنك  
غيرك، ولا تكون إلا بعملك فإن صليت، وإلا استتبتناك فإن تبت، وإلا قتلناك فإن الصلاة  
أعظم من الزكاة

Whoever abandons an obligatory salat after entering Islam is asked: ‘Why do you not pray?’ If they claim forgetfulness, they are told to pray as soon as they remember. If they claim illness, they are instructed to pray as they are able—standing, sitting, lying down, or with gestures. But if they say: ‘I am capable of praying properly, but I refuse to do so even though I acknowledge it as an obligation,’ they are told: ‘Salat is a duty that no one can perform on your behalf; it can only be done by you. If you perform it, that is good. If you refuse, you will be ordered to repent. If you repent, you are saved. Otherwise, you will be executed, for salat is greater than zakat.’<sup>208</sup>

Imam An-Nawawi stated that abandoning salat falls into two categories:

a) Abandoning Salat Due to Denial of Its Obligation

- (a) A person who abandons salat while denying its obligation is considered an apostate (*murtad*), and all the rulings applicable to apostates apply to them.
- (b) This does not apply if the person is a new Muslim (*muallaf*) who has recently embraced Islam and may not yet be aware of their religious obligations.
- (c) This ruling also applies to anyone who denies a well-established Islamic ruling (*hukm shar‘i*) that has been agreed upon by scholarly consensus (*ijma’*).

The Shafi‘i School’s differentiation between *juhud* (denial) and *kasal* (negligence) represents a nuanced middle ground compared to other major schools of *fiqh*. Unlike the Hanbali School, which generally adopts a more stringent view—where abandoning prayer out of laziness can be classified as *kufir akbar* (major disbelief) that immediately nullifies faith—the Shafi‘i *qawl asahh* (stronger opinion) maintains the individual’s status as a Muslim despite their grave sin. This distinction has profound legal implications: in the Shafi‘i view, the person remains subject to inheritance laws and maintains their marital bond initially,

<sup>208</sup> Muhammad bin Idris Al-Syafii, “Al-Umm,” in *Al-Umm*, 1st ed. (Beirut: Dar al Fikr, 1983), 292.

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whereas in the Hanbali view, the marriage would be dissolved instantly. Conversely, the Hanafi School offers a more rehabilitative approach, prioritizing imprisonment and physical admonition over the death penalty, suggesting that the goal of the law is reform (*islah*) rather than terminal punishment.

b) Abandoning Salat Without Denying Its Obligation

This is divided into two categories:

(a) Abandoning Salat Due to a Valid Excuse

Such as missing salat due to sleep or forgetfulness. In this case, the person is only required to make up (*qadha'*) the missed salat, and the time for doing so is extended.

(b) Abandoning Salat Without a Valid Excuse Due to Laziness

According to the stronger opinion (*qawl asahh*) in the Shafi'i School, the person is not considered a disbeliever (*kafir*).

If someone says, "I left salat because I forgot, it was cold, I had no water, or there was impurity (*najasah*) on my body," or any other excuse, whether valid or invalid, then according to Shahib at-Tatimmah, they are still instructed to perform salat.

If they refuse, then according to the Madhhab, they are not executed, because their reason is a delay in performing salat, which in this case is not definitively established as an outright rejection. However, according to one opinion, they are still executed due to their stubborn refusal to perform a fundamental obligation (*rukun Islam*).

If someone explicitly says, "I deliberately abandoned salat and I do not want to perform it," then they are executed.

If someone says, "I deliberately abandoned salat without an excuse, but I did not say that I refuse to perform it," they are still executed according to the Shafi'i School.<sup>209</sup>

Thus, the Shafi'i School views abandoning salat as a grave offense in religious matters if it is done intentionally. This is evident from the way the Madhhab prescribes the death penalty as the punishment for those who deliberately abandon salat.

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<sup>209</sup> Yahya bin Syaraf Al-Nawawi, "Raudhah Al-Thalibin Wa Umdatul Muftin," in *Raudhah Al-Thalibin Wa Umdatul Muftin* (Beirut: Al-Maktab Al-Islami, 1991), 146.

### 3. Divorce Due to Abandoning Salat According to the Shafi'i School

In the Shafi'i School, abandoning salat has significant legal consequences, including in marital relations. Salat is the pillar of religion, and neglecting it carries serious implications, as stated in the hadith of the Prophet shallallahu alaihi wasallam:

العَهْدُ الَّذِي بَيْنَنَا وَبَيْنَهُمُ الصَّلَاةُ، فَمَنْ تَرَكَهَا فَقَدْ كَفَرَ

“The covenant between us and them (the disbelievers) is salat; whoever abandons it has committed disbelief.”<sup>210</sup>

Imam An-Nawawi, in Raudhah Al-Talibin, explains that abandoning salat falls into two categories. The first is abandoning salat due to denying its obligation (juhūd), which results in the person being deemed an apostate (murtad), except if they are a new Muslim who has not yet understood Islamic rulings. In this case, the apostasy rulings apply, including the annulment of marriage if the person does not promptly return to Islam.

تَارِكُ الصَّلَاةِ وَهُوَ ضَرْبَانِ. أَحَدُهُمَا: تَرَكَهَا جَحْدًا لِوُجُوبِهَا، فَهُوَ مُرْتَدٌّ تَجْرِي عَلَيْهِ أَحْكَامُ الْمُرْتَدِّينَ، إِلَّا أَنْ يَكُونَ قَرِيبَ عَهْدٍ بِالْإِسْلَامِ، يَجُوزُ أَنْ يَخْفَى عَلَيْهِ وَجُوبُهَا.

A person who abandons salat falls into two categories: the first is one who abandons it while denying its obligation. Such a person is deemed an apostate, and the rulings of apostates apply to them, except if they are new to Islam and may not yet know of its obligation.<sup>211</sup>

As for a person who abandons salat but still acknowledges its obligation, their marriage remains valid. However, they are ordered to repent within three days. If they refuse to perform salat, they may be sentenced to death according to the Shafi'i School. Imam Ash-Shafi'i states in Al-Umm:

وَقَدْ قِيلَ يُسْتَتَابُ تَارِكُ الصَّلَاةِ ثَلَاثًا، وَذَلِكَ إِنْ شَاءَ اللَّهُ تَعَالَى حَسَنٌ. فَإِنْ صَلَّى فِي الثَّلَاثِ، وَإِلَّا قُتِلَ.

<sup>210</sup> At-Tirmizi, *Sunan Al-Tirmidzi*.

<sup>211</sup> Al-Nawawi, “Raudhah Al-Thalibin Wa Umdatul Muftin.”

“It has been said that the one who abandons salat is given three days to repent. This, if Allah wills, is a good approach. If they pray within these three days, they are safe. Otherwise, they are executed.”<sup>212</sup>

Although execution is the prescribed punishment for one who persistently refuses to perform salat after being ordered to do so, their marriage does not automatically dissolve as long as they are still considered a Muslim. However, if the person is eventually executed, the marriage ends automatically. This differs from the case of a person who is ruled as an apostate due to denying the obligation of salat, where their marriage is immediately annulled without waiting for execution. In this context, Mukhtashar al-Muzani states:

وَإِذَا ارْتَدَّ أَوْ أَحَدُهُمَا مُنْعَا الْوَطْءَ فَإِنْ انْقَضَتْ الْعِدَّةُ قَبْلَ اجْتِمَاعِ إِسْلَامِهِمَا انْفَسَخَ النِّكَاحُ.

“If both spouses or one of them apostatizes, they are prohibited from marital relations. If the waiting period (iddah) ends before both return to Islam together, the marriage is automatically annulled.”<sup>213</sup>

From this discussion, it can be concluded that in the Shafi’i School, abandoning salat has serious consequences for marriage.

- a. If someone abandons salat while denying its obligation, their marriage is immediately annulled, as they are deemed an apostate<sup>214</sup>.
- b. If someone abandons salat but still believes in its obligation, their marriage remains valid, but they are ordered to repent.
- c. If they refuse to perform salat after three days, they are executed, which consequently terminates the marriage.

Socio-Legal Implications and Contemporary Application: The Shafi’i perspective that marriage remains valid during the three-day repentance period for *kasal*

<sup>212</sup> Muhammad bin Idris Al-Syafii, “Al-Umm,” in *Al-Umm* (Beirut: Dar Al-Marifah, 1990), 292.

<sup>213</sup> Ismai bin Yahya Al-Muzanni, “Mukhtashar Al-Muzani,” in *Mukhtashar Al-Muzani* (Beirut: Dar Al-Marifah, 1990), 274.

<sup>214</sup> Muhammad Syihab Nokman and Mohd Harifadilah Rosidi, “The Validity of Fasakh Due to Non-Cohabitation: An Analysis of Marital Intimacy and Its Implications within the Framework of Maqasid Al-Shariah” IX, no. 2454 (2025): 2213–2222.

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reflects a judicial caution against the hasty dissolution of the family unit. This "grace period" aligns with the principle of *Istislah* (public interest), allowing room for reconciliation. However, the eventual termination of marriage upon execution (or persistent refusal) highlights that a functional Islamic marriage requires a minimum threshold of shared religious practice.

In modern judicial practice, particularly within the Indonesian Religious Courts<sup>215</sup>, the application of these classical rulings faces a "normative-empirical gap." Since the Indonesian state does not apply capital punishment for religious neglect, the "termination of marriage" mentioned in classical texts is reinterpreted through judicial discretion. Judges often use the "neglect of prayer" as evidence of a "broken marriage" (*broken marriage principle*), where the spiritual void leads to a loss of *Sakinah, Mawaddah, and Warahmah*. Thus, while the classical Shafi'i text provides the moral-legal justification, the contemporary court operationalizes it through the lens of domestic irreconcilability.<sup>216</sup>

Thus, maintaining salat is not only an individual obligation but also has broad implications in Islamic family law, particularly regarding the validity of marriage.

#### D. CONCLUSION

This study concludes that in Shafi'i jurisprudence, the legal status of a marriage is inextricably linked to the religious compliance of the spouses, specifically regarding the performance of *salat*. The research finds a critical legal distinction: abandonment based on *juhud* (denial) triggers immediate *faskh* (annulment) due to apostasy, whereas abandonment due to *kasal* (negligence) allows for a three-day restorative period before any terminal legal action is taken. This "grace period" serves as a unique jurisprudential mechanism for spiritual and marital reconciliation, emphasizing that the Shafi'i School prioritizes the preservation of faith as the foundation of the family unit.

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<sup>215</sup> Balawyn Jones and Amira Aftab, "Inside Indonesia 's Religious Courts : An Argument for Domestic and Family Violence Screening and Exemption from Compulsory Mediation" 2, no. 23 (2023): 217–231.

<sup>216</sup> Antoni Joseph and Hidayatullah Ismail, "Divorce Law in the Perspective of the Quran : Solutions to the Phenomenon of Digital Divorce and Social Media Normative Study of the Principles of Ihsan and Taqwa in the Contemporary Talak Process" 6, no. 2 (2026)..

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The scientific contribution of this research lies in its potential to serve as a jurisprudential framework for modern Islamic legal systems. In the Indonesian context, where the Compilation of Islamic Law (KHI) does not explicitly categorize prayer abandonment as a standalone ground for divorce, these findings provide a robust evidentiary threshold for judges. The categories of *juhud* and *kasal* can be operationalized to determine the severity of religious non-compliance in *syiqaq* (marital dispute) cases, offering a clearer standard for "irreconcilable differences" rooted in spiritual neglect .

Moving forward, it is recommended that legal practitioners and policymakers in Indonesia consider a more explicit integration of religious compliance standards within judicial guidelines to protect the rights of spouses affected by religious negligence. Future research should complement this doctrinal study with empirical legal analysis, specifically examining how Religious Court judges in Indonesia currently interpret and apply these Shafi'i principles in their rulings. Such studies would further bridge the gap between classical jurisprudence and contemporary judicial practice.

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