

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 Prayer that a Muslim Has Not Performed is a Debt on His  
Neck that Must be Made up**

**To: Mohammad Alhajj**

(Translated)

**Question:**

Assalam Alaikum wa Rahmatu Allahi wa Barakatuh

After Greetings:

I came across your page recently, by the help of a friend from the members of Hizb ut Tahrir. I was impressed by your enlightenment in the presentation and the strength of the argument, especially the answers to the jurisprudential questions.

I ask Allah Almighty the Most High to prolong your life to do good and to increase your knowledge and to guide me to the path that pleases Allah and His Messenger.

Please answer my question, which is:

I committed to praying years after the age of accountability, praise and thanks be to Allah, and the question is: Do I have to make up the prayers that I missed, or will Allah forgive me without making them up? Thank you.

**Answer:**

Wa Alaikum Assalam wa Rahmatullah wa Barakatuh,

In the beginning, I thank Allah (swt) for having guided you to the good, so you became committed to prayer and became keen to perform it, and I ask Allah (swt) to aid you and make you steadfast.

As for the prayers that you have not performed after you have reached puberty and became an accountable person according to Shariah, since you are a Muslim, this prayer that you did not perform is a debt on your neck that must be made up. Therefore, you have to calculate the time period from when you reached the accountable age to the time you became committed to performing prayer, for example, that this period was three years, so you have to make up the prayers for three years: five prayers per day, which are the obligatory prayers, but as for the Sunnah prayers, you do not have to make them up.

This can be organized and facilitated by praying every day after the obligatory prayer another prayer similar to making up for what you missed of prayer, and if you want to pray again as *qadaa* (missed prayers) then it is all good, until you complete the counted years, and I ask Allah (swt) to help you to make up those prayers that you missed and that He (swt) increases His (swt) aid to you to ensure that the prayer is performed on time.

In order to clarify the legal evidence on this matter, I quote to you some of what came about it in the book, *Ahkam As-Salah* by Ali Ragheb:

[Delaying the prayer from its time deliberately without a *Shar'ai* excuse is definitely *haram* by the clear statement (*nass*) of the Qur'an. He *Ta'ala* said: **﴿قَوْلٌ لِلْمُصَلِّينَ \* الَّذِينَ هُمْ عَنْ﴾**

﴿صَلَاتِهِمْ سَاهُونَ﴾ **“Woe to those who pray. Those who neglect their prayers”** [TMQ 107:4-5].

He *Ta'ala* also said: ﴿فَخَلَفَ مِنْ بَعْدِهِمْ خَلْفٌ أَضَاعُوا الصَّلَاةَ وَاتَّبَعُوا الشَّهَوَاتِ فَسُوفَ يَلْفُونَ غِيًّا﴾ **“And there come after them successors who neglected the prayer and followed lusts: soon will they suffer offence (ghayya)”** [TMQ 19:59]. This is also established by the understanding of the *hadith mutawatir* in which the times were explained. Allah *Ta'ala* has made for each obligatory prayer a time defined by two limits where it starts at a fixed time and expires at a fixed time. And he (saw) said: «مَنْ فَاتَتْهُ صَلَاةُ الْعَصْرِ فَكَأَنَّمَا وُتِرَ أَهْلُهُ وَمَالُهُ» **“Whoever misses 'Asr prayer, it is as if he has been robbed of his family and wealth.”** He (saw) also said in the matter of delaying the prayer from its time: «لَيْسَ التَّفْرِيطُ فِي النَّوْمِ إِنَّمَا التَّفْرِيطُ فِي الْيَقِظَةِ» **“There is no negligence in sleep. Verily negligence is only in wakefulness.”**

**Whoever missed a fard prayer, he has to compensate it whether he missed it with an excuse or without excuse.** This is because the mere compensation of the prayer is established by the *Sahih hadith*. It was narrated in the two *Sahih*s from 'Imran bin Hussayn who said: **“We were travelling with the Prophet (saw) and we travelled by night until we were at the end of the night. We alighted fell asleep and there is no sleep sweeter to the traveller than it. Nothing awoke us except the heat of the sun. When the Prophet (saw) awoke they complained to him about what befell them so he said: «لَا ضَيْرَ أَوْ لَا يَضِيرُ»** **“No blame and no harm. Leave, so they moved and they travelled not far then they halted. He called for *Wudu* and made *Wudu*. The prayer was announced and he prayed with the people.”** It is also due to what was narrated from Jabir (ra) that 'Umar bin Al-Khattab (ra) came on the Day of the Trench after the sun had set and began to insult the Qurayshi kuffar and said: **“O Messenger of Allah, I almost did not pray 'asr until the sun was almost setting. So the Prophet (saw) said: «وَاللَّهِ مَا صَلَّيْتُهَا، فَقَمْنَا إِلَى بَطْحَانَ فَتَوَضَّأْنَا لِلصَّلَاةِ وَتَوَضَّأْنَا لَهَا فَصَلَّى الْعَصْرَ بَعْدَمَا غَرَبَتِ الشَّمْسُ»** **“by Allah you did not pray it.”** So we went to Bathan and he made the *Wudu* for the prayer and we made *Wudu* for it. He prayed 'asr after the sun setting then prayed *maghrib* after it” and due to what was narrated from Abu S'aid who said: **“We were obstructed from the prayer on the Day of the Trench until it was after *maghrib* entering the night (when) He (swt) sufficed us and that is the saying of Allah 'azza wa jalla: «وَكَفَى اللَّهُ الْمُؤْمِنِينَ الْغِتَالِ وَكَانَ اللَّهُ قَوِيًّا عَزِيزًا»** **“And Allah sufficed for the believers in the fighting. And Allah is the strong, Mighty”** [TMQ 33:25]. He said: So Rasool Allah (saw) called Bilal and he called the *iqamah* for *dhuhr*, and he prayed it and perfected its prayer as if it was at its time. Then he commanded him and he called the *iqamah* for 'asr, and he prayed it and perfected its prayer as if he prayed it at its time. Then he commanded him and he called the *iqamah* for *maghrib* and he prayed it likewise.” It is also due to what was narrated from him (saw) that when he was asked by a Khath'amiyah girl who said: **“O Messenger of Allah, verily the obligation of *Hajj* reached my father (as) a chronically ill old man who is not able to perform the *Hajj*: If I made the *Hajj* for him, would that benefit me? He said to her: «أَرَأَيْتِ لَوْ كَانَ عَلَى أَبِيكَ دَيْنٌ فَفَضَّيْتَهُ أَكَانَ يَنْفَعُهُ ذَلِكَ؟ قَالَتْ: نَعَمْ. قَالَ: «فَدَيْنُ اللَّهِ أَحَقُّ بِالْقَضَاءِ»** **“Do you see that if there was a debt upon him and you repaid it, would that benefit him?”** She said: Yes. He said: **“The debt of Allah has more right to be repaid.”**” All these *ahadith* are explicit about compensating the prayer which indicates that this is obligatory, and there is no atonement for leaving the prayer except making it up later on, whether leaving it was for an excuse or without an excuse, because the *ahadith* are explicit.

One should not say that these *ahadith* are all restricted by specific occurrences which are sleeping, forgetfulness, fighting and inability. All these are *Shar'ai* excuses, where no sin is in leaving the prayer, and in delaying it from its time. Thus making up of the prayer is specific to them without covering other (occurrences); and this is contrary to missing the prayer deliberately for which came no text permitting its praying again. One should not say

that because these occurrences did not come with the description of sleeping, forgetfulness and fighting in the form of a restriction therein, but they only came as a description for a reality that has occurred without being understood therefrom a restrictive description from such occurrences. Do you see in the *hadith* of Jabir how he 'Umar bin Al-Khattab' began insulting the Qurayshi *kuffar* and said: **“O Rasool Allah, I almost did not pray ‘asr until the sun was almost setting, so the Prophet said to him: «وَاللَّهِ مَا صَلَّيْتُهَا» “By Allah, you did not pray it” then he stood, made Wudu and prayed.”**

Where is the restrictive description which indicates that it is specific to it? The same is said in the remaining occurrences, where the words do not indicate that the matter is restricted to them and not permitted in others. Rather each one of these *ahadith* discussed a specific incident, that came in the form of naming a certain reality not in the form of naming a certain restriction. It does not appear in the *ahadith* a cause (*sabab*) that specifies the making up of the prayer therein alone, as it is clear from reading the *ahadith*, whereas the *ahadith* in which came a verb indicating a description, such as his saying (*man nama*) **“whoever slept”,** (*aw nasiyaha*) **“or forgot it”,** (*itha raqada*) **“if he slept”,** (*aw ghafila*) **“or forgot”,** (*man nasiya*) **“whoever forgot”,** the description, (*wasf*) in all of them is considered as a restriction, and the opposite meaning (*mafhum al-mukhalafah*) is acted upon it, because it is a description. The opposite meaning in the description (*sifah*) is considered.

This is because if the mention of the description (*wasf*) is not considered as a restriction then the mention of this description is useless, and the *hadith* is free from that. However, the action according to the opposite meaning of these texts is suspended by other texts. If there came a text whose wording (*mantuq*) indicates opposite to the meaning (*mafhum*) of another text, then the *mafhum* is suspended, and the *mantuq* is taken, because its indication is stronger than the indication of the *mafhum*. The *mafhum* of all these *ahadith* are suspended by the *ahadith* which came on missed prayers in other than them which is fighting. In the *hadith* of repaying the *Hajj* wherein his (saw) saying **“the debt of Allah is of more right to be repaid”**; it came with general words covering all debts of Allah. The prayer is a debt of Allah which enters in the generality of the word **“debt of Allah,”** because it is a generic noun in a genitive construction (*ism jins mudhaf*), so it is definitely of the forms of generality. The one who deliberately left (the prayer) was addressed with the prayer just as every Muslim, and it was obligatory upon him to perform it, so it became a debt upon him. The debt is not cancelled except by paying it. Likewise the prayer is not cancelled by missing its time, it must be made up, and the Muslim carries the sin of neglecting it at its time] **End quote from the book, Ahkam As-Salah.**

I pray that you find this sufficient, Allah is Most Knowing and Most Wise.

**Your Brother,**

**Ata Bin Khalil Abu Al-Rashtah**

23 Ramadan 1442 AH

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**The link to the answer from the Ameer’s Facebook page:**

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/2922268761352462>