

Question 271) - Are there conditions to establish it?

A: Yes, they are as follows:

1. That it be in a city or the prayer grounds of a city. it is not allowed in villages.
2. That the Sultan or one whom he orders establishes it. Or that the Muslims agree on it and appoint an imam to lead them in Jumu'ah.

70? Al-Quduri only said, "That the Sultan or one whom he orders establishes it." I added, "or that the Muslims agree on it and appoint an imam to lead them in Jumu'ah." Al-Fatawa al-Hindiyah quotes Ma 'arijud Dirayah, "in lands where the rulers are Kuffar the Muslims may establish Jumu'ah, and a judge may be appointed with their consent. it is Wajib upon them to seek a Muslim ruler." (146/1 - Egyptian Edition)

Ibn 'Abidin ash-Shami has also quoted it like that from Ma'arijud Dirayah in Raddul Mukhtar (540/1)

3. it has to be in the Waqt of Zhuhr. it is not valid before or after that.
4. A khutbah? [lecture] before the salah. According to imaam abu Hanifah RAH. a concise mention of Allaah will suffice' According to the other two imams a lengthy discourse which can be called a lecture is necessary.
5. A congregation. The minimum according to Imaam Abu Hanifa RAH. And Imaam Muhammed RAH. is three' excluding the Imam. Imaam Abu yusuf RAH. said that the minimum is two excluding the Imam.

?Neither at-Quduri nor al-Hidayah mentions general permission to attend as a condition for the validity for Jumu'ah. it is however mentioned in the books of the Ahnaf. It means that doors of the masjid should be open and all people allowed to enter. if a group enters and then locks the doors upon them selves, then it is not valid as per al-Fatawa al-Hindiyah quoting al-Muhit. Ash-shami mentions in his commentary on ad-Durr al-Muhtar, ?This condition is not mentioned in the Zhahirur Riwayah nor in at-Hidayah' it is mentioned in an-Nawadir. Al-Kanz, al-wiqayah, an-Niqayah, al-Multaqi and other reliable texts rule according to it.

I say, ?Even if this condition is only found in the Nawadir, it is nevertheless practiced in the general Masajid of the Muslims. They are kept open for all who desire to pray Jumu'ah. However, in army camps, personnel are called by Azan for Jumu'ah but outsiders ,are prohibited from entering. General permission is restricted. The latter Fuqaha like Ibn 'Abidin have found a solution to this problem, when he says in the end of the discussion, "The problem only arises if the Jumu'ah is only established in a single place' If there are several places then there is no problem." Raddul Muhtar (546/1)

It is appropriate that Fatwa be given that their Jumu'ah is valid because general permission is not mentioned in the Zahirur Riwayah, and the Salah is prayed in cities in many places. Allah knows best.

~ al-Quduri ~