

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 Fiqhi Page

Answer to Question

Whoever Broke the Fast Before Sunset by Mistake

To: Muhammad Ameen Al-'Amiry

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh. I ask Allah (swt), on the occasion of this blessed month, that you are well and in good health our honorable Ameer in our village in Tunisia these days, the muezzin called for Maghrib prayer 3 minutes before the time, so we broke our fast, but after we broke our fast, the mosque official informed us that the call to prayer was before the time, so is our fasting here correct or not (i.e., it is fasid)?!

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

The answer to your question is found in the book "Ahkam As-Salah" *Rules of Prayer* by Ali Raghib, which was issued by the party, it states:

[...and if he ate or had intercourse while he thought that the dawn had not come when it did already, or he thought that the sun had set but it did not set, his day's fast was not counted for him and he has to make it up. This is due to what Hanzala narrated, he said: "We were in Medina during the month of Ramadan and there was a cloud in the sky. So we thought that the sun had set, so some people broke their fast, so Umar (ra) ordered whoever had broken his fast to fast one day in its place." And for what Hisham bin Urwah narrated on the authority of Fatimah, his wife, on the authority of Asmaa, she said: «أَفْطَرْنَا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فِي يَوْمٍ غَيِّمٍ، ثُمَّ طَلَعَتْ» «We broke our fast at the time of the Messenger of Allah (saw) on a cloudy day, then the sun rose. I said to Hisham: Have they been ordered to make up the fast? He said: They have to do this.»] End.

And you broke your fast, as mentioned in the question, three minutes before sunset. If the matter was really as you mentioned, and your breaking of the fast was really three minutes before sunset, then you have to make up for that day after the end of the month of Ramadan, and there is no sin on you for what you did because you did not intend to break the fast during the day in Ramadan, but that was because of the call to prayer of the muezzin.

But the basic principle in the muezzin is to verify the setting of the sun so that people do not fall into error by calling the call to prayer before sunset, especially in Ramadan. So check the matter with the muezzin so that the time of the call to prayer is correct, by Allah's permission.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

25 Ramadan 1444 AH

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

<https://web.facebook.com/HT.AtaabuAlrashtah/posts/782151850138853>