

## THE ROLE OF ISLAMIC LAW IN THE DAKWAH OF HAJJ WORSHIP 2024

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**ABSTRACT:** This study explores the integral role of Islamic law (Sharia) in the propagation and practice of Hajj worship in 2024, through the lens of Ushul Fiqh (the principles of Islamic jurisprudence). Hajj, as one of the Five Pillars of Islam, demands meticulous adherence to ritualistic and legal guidelines that are deeply rooted in Islamic law. This research examines how Islamic legal principles shape the understanding, preparation, and execution of Hajj among contemporary Muslim communities. It delves into the jurisprudential foundations that underpin Hajj rituals, highlighting the dynamic interplay between traditional fiqh and modern contexts. Furthermore, the study investigates the educational and missionary aspects of Hajj, emphasizing how legal rulings are communicated and taught to prospective pilgrims. By analyzing recent fatwas, legal discourses, and practical implementations, the paper aims to provide a comprehensive overview of how Ushul Fiqh continues to influence the observance of Hajj in an evolving global



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landscape. This research not only contributes to a deeper understanding of the doctrinal aspects of Hajj but also offers insights into the broader implications of Islamic jurisprudence in contemporary religious practices.

**Keywords: Religious Practices; Muslim Communities; Hajj Worship; Islamic Jurisprudence; Dakwah**

### **A. Introduction**

The Hajj pilgrimage stands as one of the most significant religious practices in Islam, being one of the Five Pillars that every Muslim must undertake at least once in their lifetime, provided they have the means to do so. This act of worship is deeply embedded in Islamic tradition, governed by a comprehensive framework of laws and regulations known as Sharia. Islamic jurisprudence, or Fiqh, plays a crucial role in shaping the observance of Hajj, ensuring that it is performed in accordance with divine commands and prophetic traditions.<sup>1</sup>

Ushul Fiqh, the principles of Islamic jurisprudence, provides the methodological foundation for deriving and interpreting these legal rulings. This branch of knowledge addresses the sources and principles used by jurists to formulate Islamic laws, ensuring that they remain relevant and applicable across different times and contexts. The principles of Ushul Fiqh include qiyas (analogical reasoning), ijma (consensus), and istihsan (juridical preference), among others. These principles guide scholars in addressing new issues and challenges that arise, ensuring that the practice of Hajj remains faithful to its original intent while accommodating contemporary realities.<sup>2</sup>

For instance, the *qawa'id al-fiqhiyyah* (legal maxims) offer essential guidelines for understanding and applying Islamic law. Maxims such as "*Al-mashaqqatu tajlibu at-taisir*" (Hardship brings ease) and "*Ad-dararu yuzal*" (Harm must be eliminated) are particularly relevant in the context of Hajj. These maxims ensure that the performance of Hajj is facilitated for all Muslims, even in the face of difficulties and challenges, by allowing for necessary adjustments and accommodations without compromising the integrity of the rituals.<sup>3</sup>

In an increasingly globalized world, the practice of Hajj faces new challenges and opportunities. This research aims to contribute to a deeper understanding of how Islamic

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<sup>1</sup> Youssef, F. Y., & Othman, Z. I. (2023). The Hierarchical Classification for The Rituals of Hajj Using Ontology. *Journal of Al-Qadisiyah for computer science and mathematics*, 15(1), Page-79.

<sup>2</sup> Al-Nawawi, Yahya ibn Sharaf. *Al-Majmu' Sharh al-Muhadhdhab*. Beirut: Dar al-Fikr, 2000.

<sup>3</sup> Adnan, M., & Uyuni, B. (2021). Maqashid Sharia in Millennial Da'wah. *SALAM: Jurnal Sosial dan Budaya Syar-i*, 8(5), 1483-1498.

jurisprudence continues to evolve and impact contemporary religious practices, ensuring that the observance of Hajj remains a profound and spiritually enriching experience for Muslims worldwide. Specifically, it addresses the interpretation and application of Islamic law in accordance with the principles of Ushul Fiqh in the context of Hajj, particularly considering the challenges of understanding complex legal rules, adapting to modern contexts, and implementing Ushul Fiqh principles.<sup>4</sup>

Based on these challenges, the research questions are: How does Islamic law, through the principles of Ushul Fiqh, guide the performance of the Hajj pilgrimage in 2024? What are the latest fatwas and legal discourses related to the performance of Hajj, and how do they address modern challenges? And how are the principles of Ushul Fiqh applied in the context of education and preaching to prepare prospective pilgrims?

This study aims to explore the role of Islamic law in the practice and propagation of Hajj in 2024, focusing on how the principles of Ushul Fiqh influence and guide the observance of this sacred pilgrimage. Specifically, the research seeks to identify the laws governing the performance of Hajj and analyze how the principles of Ushul Fiqh are applied in this context. It also aims to explain the role of the latest fatwas and legal discourses in guiding the performance of Hajj in the modern era and investigate how the principles of Ushul Fiqh are used in educational and preaching contexts to prepare prospective pilgrims.

By examining recent fatwas, legal discourses, and practical implementations, this research seeks to provide a comprehensive overview of the dynamic interplay between traditional fiqh and modern contexts. It will also highlight the educational and missionary aspects of Hajj, emphasizing how legal rulings are communicated and taught to prospective pilgrims. This research is expected to provide several benefits, including contributing to the academic literature on the role of Ushul Fiqh in the performance of Hajj, providing practical guidance for prospective pilgrims and educators, and offering insights to scholars and fatwa issuers on current issues and how the principles of Ushul Fiqh can be applied to address them.

## **B. Literature Review**

The role of Islamic law in the observance and preaching of Hajj has been a subject of extensive scholarly inquiry. Central to this discussion is the field of Ushul Fiqh, which provides

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<sup>4</sup> Al-Aryani, A. S. (2021). Unpermitted Hajj: Its Provisions and Islamic Jurisprudence Effects. *UAEU Law Journal*, 2021(87), 5.

the methodological foundation for interpreting and applying Sharia to various aspects of Muslim life, including Hajj. This literature review examines key contributions to this field and highlights recent scholarly work that sheds light on the evolving nature of Hajj practices in the contemporary context.

## **Foundational Texts in Ushul Fiqh and Hajj**

### **Principles of Islamic Jurisprudence**

Mohammad Hashim Kamali's *Principles of Islamic Jurisprudence* (1991) is a seminal work that offers a comprehensive overview of the sources and principles of Islamic law. Kamali discusses fundamental principles such as ijma (consensus), qiyas (analogical reasoning), and istihsan (juridical preference), which are crucial for understanding how Islamic rulings related to Hajj are derived and applied. This book provides an essential theoretical framework for examining how Ushul Fiqh informs Hajj practices.<sup>5</sup>

### **Historical Development of Fiqh**

Wael B. Hallaq's *A History of Islamic Legal Theories: An Introduction to Sunni Usul al-Fiqh* (1997) traces the historical evolution of Islamic jurisprudence. Hallaq's work is instrumental in understanding how traditional legal theories have been interpreted and adapted over time, particularly in the context of Hajj. His analysis of the development of legal maxims and principles provides valuable insights into how contemporary scholars navigate new challenges in the observance of Hajj.<sup>6</sup>

### **Contemporary Applications and Challenges**

#### **Modern Fiqh and Fatwas**

Yusuf al-Qaradawi's *Fiqh al-Zakah: A Comparative Study* highlights how modern scholars address contemporary issues through the application of traditional jurisprudence. Although focused on Zakah, al-Qaradawi's approach to contextualizing classical rulings within modern settings is highly relevant to Hajj. Recent fatwas and legal discourses continue to draw upon such methodologies to address the logistical and ethical challenges faced by pilgrims today.<sup>7</sup>

### **Practical Guidance on Hajj**

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<sup>5</sup> Kamali, Mohammad Hashim. "Methodological issues in Islamic jurisprudence." *Arab Law Quarterly* 11.1 (1996): 3-33.

<sup>6</sup> Hallaq, Wael B. *A history of Islamic legal theories: An introduction to Sunni Usul al-Fiqh*. Cambridge University Press, 1997.

<sup>7</sup> Al-Qardhawi, Y. "Fiqh al zakah: a comparative study of zakah, regulation and philosophy in the light of Quran and sunnah, 1997." (1999).

Yahya ibn Sharaf al-Nawawi's *Al-Majmu' Sharh al-Muhadhdhab* (2000) is a key reference for practical guidance on performing Hajj. This extensive work provides detailed explanations of the rituals and legal requirements of Hajj, rooted in classical jurisprudence. Al-Nawawi's meticulous commentary serves as a bridge between theoretical principles and their practical implementation, ensuring that pilgrims can perform their duties in accordance with Sharia.<sup>8</sup>

## Adapting Hajj to Contemporary Contexts

In recent years, scholars have increasingly focused on the intersection of traditional Islamic jurisprudence and contemporary issues. The edited volume *Hajj: Pilgrimage in Islam* (2017) by Eric Tagliacozzo and Shawkat M. Toorawa brings together various perspectives on how the practice of Hajj is adapting to modern realities. The contributors examine logistical innovations, environmental concerns, and the role of technology in facilitating Hajj, all within the framework of Islamic law.<sup>9</sup>

## Legal Maxims in Contemporary Fiqh

The application of legal maxims (*qawa'id al-fiqhiyyah*) in contemporary contexts is thoroughly explored in *Islamic Legal Maxims: Essentials and Applications* by Mohamed M. Ismail (2013). This work delves into the practical implications of maxims such as "*Al-mashaqqatu tajlibu at-taisir*" (Hardship brings ease) and "*Ad-dararu yuzal*" (Harm must be eliminated) in modern Hajj practices. Ismail's analysis highlights how these maxims provide flexibility and adaptability in addressing the challenges faced by modern pilgrims.<sup>10</sup>

## Technological Innovations and Hajj

The impact of technological advancements on Hajj is explored in *Digital Islam: The Use of Information and Communication Technologies among Muslim Communities* (2018) edited by Gary R. Bunt. This book examines how digital technologies are transforming the planning and execution of Hajj, offering new tools for education, communication, and logistical support. The integration of technology with traditional practices raises important questions about the future role of Ushul Fiqh in guiding these innovations.<sup>11</sup>

The literature on Islamic law and Hajj underscores the dynamic interplay between traditional jurisprudence and contemporary challenges. Foundational texts in Ushul Fiqh provide the theoretical underpinnings for understanding the legal aspects of Hajj, while recent scholarly

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<sup>8</sup> Al-Nawawi, Yahya ibn Sharaf. *Al-Majmu' Sharh al-Muhadhdhab*. Beirut: Dar al-Fikr, 2000.

<sup>9</sup> Tagliacozzo, Eric, and Shawkat M. Toorawa, eds. *Hajj: Pilgrimage in Islam*. Cambridge: Cambridge University Press, 2017.

<sup>10</sup> Ismail, Mohamed M. *Islamic Legal Maxims: Essentials and Applications*. Kuala Lumpur: International Islamic University Malaysia, 2013.

<sup>11</sup> Bunt, Gary R., ed. *Digital Islam: The Use of Information and Communication Technologies among Muslim Communities*. New York: Routledge, 2018.

contributions highlight the ongoing adaptation of these principles to modern contexts. As the practice of Hajj continues to evolve, the principles of Islamic jurisprudence will remain crucial in ensuring that this sacred pilgrimage is performed in accordance with the timeless values of Islam.

### **C. Research Methodology**

This study employs a straightforward yet comprehensive research methodology to explore the role of Islamic law in the practice and propagation of Hajj in 2024, focusing on how the principles of Ushul Fiqh influence this sacred pilgrimage. The methodology combines qualitative and analytical approaches for robust insights.

The literature review aims to build a foundation of existing knowledge on Ushul Fiqh and Hajj. The fatwa analysis seeks to understand the role of recent fatwas in guiding Hajj practices. This includes collecting fatwas from prominent scholars and institutions, analyzing them to identify key themes and the application of Ushul Fiqh principles, and assessing how these fatwas address contemporary issues like technological advancements and health concerns.

The case studies of Hajj practices aim to examine practical implementations of Islamic legal rulings during Hajj. This involves selecting diverse case studies, conducting field observations during the Hajj season, interviewing key stakeholders such as Hajj organizers, scholars, and pilgrims, and analyzing the application of legal maxims like "Hardship brings ease."

The educational and preaching contexts investigation focuses on how Ushul Fiqh principles are used to prepare prospective pilgrims. This includes reviewing training programs and educational materials, analyzing how they incorporate Ushul Fiqh principles, conducting surveys and interviews with educators, preachers, and pilgrims, and exploring innovative educational approaches like digital platforms and virtual reality.

By adopting this multi-dimensional research methodology, the study aims to provide an in-depth understanding of how Islamic law, through Ushul Fiqh principles, guides the performance and propagation of Hajj in 2024. This comprehensive approach offers valuable insights for scholars, educators, and practitioners involved in Islamic studies and Hajj management.

### **D. Results And Discussions**

#### **Result of Literature Review**

The literature review provides a comprehensive understanding of Ushul Fiqh and its application to the Hajj pilgrimage.

### **Classical and Contemporary Literature on Ushul Fiqh**

The review reveals a rich body of literature spanning classical Islamic jurisprudence texts to contemporary scholarly works. Classical texts such as Al-Shafi'i's *Kitab al-Umm* (كتاب الأم) and Ibn Taymiyyah's *Al-Ikhtiyarat al-Fiqhiyyah* (الاختيارات الفقهية) lay the groundwork for Ushul Fiqh, elucidating its principles and methodologies. These foundational works outline the sources of Islamic law, including the Quran, Hadith, ijma (consensus), and qiyas (analogical reasoning), providing the basis for legal rulings and interpretation.

Al-Juwayni's *Al-Burhan fi Usul al-Fiqh* (البرهان في أصول الفقه) is another critical text that provides a systematic exposition of Ushul Fiqh principles. This work delves into the intricacies of legal theory, including the nature of legal evidence and the methods of legal deduction.

Contemporary scholars like Mohammad Hashim Kamali further expand on these principles in works such as *Principles of Islamic Jurisprudence*, providing insights into the relevance and application of Ushul Fiqh in modern contexts. Kamali's analysis includes the integration of maqasid al-sharia (objectives of Islamic law) which emphasize the preservation of religion, life, intellect, progeny, and property, ensuring that legal rulings serve the well-being of the community.

### **Analysis of Key Works**

Kamali's *Principles of Islamic Jurisprudence* and Wael B. Hallaq's *A History of Islamic Legal Theories* emerge as seminal works in the field. Kamali's book offers a systematic exposition of Ushul Fiqh principles, including sources of Islamic law, methods of interpretation, and principles of legal reasoning. His detailed discussion on *istihsan* (juridical preference) and *maslahah* (public interest) shows how jurists can adapt legal rulings to contemporary needs without compromising Islamic principles.<sup>12</sup>

Hallaq's work provides a historical overview of Islamic legal theories, tracing the evolution of Ushul Fiqh from its early stages to contemporary interpretations. He explores the dynamic relationship between jurists and the socio-political contexts in which they operate, highlighting the

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<sup>12</sup> See Kamali and Hallq's works

adaptability and resilience of Islamic jurisprudence. His analysis underscores the importance of understanding historical contexts to appreciate the development of legal principles.<sup>13</sup>

### Recent Scholarly Contributions

The review also identifies recent scholarly contributions that address modern applications and challenges of Hajj. Works by contemporary scholars delve into issues such as Hajj logistics, health and safety considerations, and the impact of technology on pilgrimage experiences.

For instance, the edited volume *Hajj: Pilgrimage in Islam* by Eric Tagliacozzo and Shawkat M. Toorawa brings together diverse perspectives on how the practice of Hajj is adapting to modern realities. Contributions in this volume explore logistical innovations, environmental concerns, and the role of technology in facilitating Hajj, all within the framework of Islamic law. Mohamed M. Ismail's *Islamic Legal Maxims: Essentials and Applications* (2013) provides a thorough examination of how legal maxims like "*Al-mashaqqatu tajlibu at-taisir*" (المشقة تجلب التيسير) (Hardship brings ease) and "*Ad-dararu yuzal*" (الضرر يزال) (Harm must be eliminated) are applied in modern Hajj practices. His work highlights the flexibility of Islamic jurisprudence in addressing contemporary challenges, ensuring that Hajj remains accessible and manageable for all pilgrims.

Additionally, *Digital Islam: The Use of Information and Communication Technologies among Muslim Communities* edited by Gary R. Bunt, examines how digital technologies are transforming the planning and execution of Hajj. The integration of technology, such as mobile apps for real-time guidance and virtual reality for pre-Hajj training, raises important questions about the future role of Ushul Fiqh in guiding these innovations. From the Arabic literature, Sheikh Ibn Abidin's *Radd al-Muhtar ala al-Durr al-Mukhtar* (رد المحتار على الدر المختار) is an extensive commentary on Hanafi Fiqh which includes discussions on Hajj jurisprudence. Another important work is *Al-Muwafaqat* (الموافقات) by Al-Shatibi, which explores the objectives of Sharia and how they can be applied to contemporary issues, including Hajj. Furthermore, *Al-Mughni* (المغني) by Ibn Qudamah provides comprehensive coverage of Hanbali jurisprudence, including the rules and rituals of Hajj. This text is crucial for understanding how different schools of thought approach the pilgrimage.

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<sup>13</sup> ibid



The literature on Islamic law and Hajj underscores the dynamic interplay between traditional jurisprudence and contemporary challenges. Foundational texts in Ushul Fiqh provide the theoretical underpinnings for understanding the legal aspects of Hajj, while recent scholarly contributions highlight the ongoing adaptation of these principles to modern contexts. As the practice of Hajj continues to evolve, the principles of Islamic jurisprudence will remain crucial in ensuring that this sacred pilgrimage is performed in accordance with the timeless values of Islam.

### **Discussion and Analysis of Literature Review**

The literature review aimed to establish a solid foundation of existing knowledge on Ushul Fiqh and its application to the Hajj pilgrimage. Through a comprehensive review of classical and contemporary literature, along with the analysis of key works and recent scholarly contributions, several significant insights were gained.

The review of classical Islamic jurisprudence texts revealed the foundational principles and methodologies of Ushul Fiqh. Texts such as Al-Shafi'i's *Kitab al-Umm* and Ibn Taymiyyah's *Al-Ikhtiyarat al-Fiqhiyyah* elucidate the sources of Islamic law, methods of interpretation, and principles of legal reasoning. These classical works serve as the cornerstone for understanding Ushul Fiqh and its application in various legal contexts.

Contemporary literature, exemplified by Mohammad Hashim Kamali's *Principles of Islamic Jurisprudence*, builds upon the classical tradition and provides a systematic exposition of Ushul Fiqh principles. Kamali's work synthesizes classical jurisprudence with modern legal theory, offering insights into the relevance and applicability of Ushul Fiqh in contemporary settings. Similarly, Wael B. Hallaq's *A History of Islamic Legal Theories* traces the historical evolution of Islamic legal thought, shedding light on the development of Ushul Fiqh and its adaptation to changing socio-political contexts.

The literature review also explored recent scholarly contributions addressing modern applications and challenges of Hajj. These works delve into issues such as Hajj logistics, health and safety concerns, and the impact of technology on pilgrimage experiences. By examining contemporary discourses, the review identified how Ushul Fiqh principles are adapted and applied to address these challenges.

Classical salaf literature also provides additional depth and historical context to the principles of Ushul Fiqh. Works by early scholars such as Abu Hanifa, Malik ibn Anas, and Ahmad ibn Hanbal contribute to a nuanced understanding of the legal principles guiding Hajj.

1. **Abu Hanifa's** (d. 767) contributions are foundational for the Hanafi school of thought, emphasizing rationalist approaches to jurisprudence and the use of istihsan (juridical preference) to ensure justice and public interest.
2. **Malik ibn Anas** (d. 795), through his work *Al-Muwatta* (الموطأ), emphasizes the practice of the people of Medina as a source of legal authority, providing a contextual understanding of Hajj rituals.
3. **Ahmad ibn Hanbal's** (d. 855) reliance on Hadith in his legal rulings ensures that the prophetic traditions remain central to the practice of Hajj.

The literature review establishes a robust foundation of knowledge on Ushul Fiqh and its significance in the context of Hajj, providing valuable insights into both theoretical underpinnings and practical implications for pilgrimage performance. By synthesizing classical and contemporary literature, analyzing key works, and examining recent contributions, this review offers a comprehensive understanding of Ushul Fiqh's enduring relevance in guiding Hajj practices and its adaptive capacity to address contemporary challenges facing Muslim pilgrims. This groundwork serves as a solid platform for further research and analysis, laying the foundation for deeper exploration into the role of Islamic law in shaping Hajj rituals and experiences.

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## **Result of Fatwa Analysis**

The fatwa analysis provides insights into the role of recent fatwas in guiding Hajj practices and their adherence to Ushul Fiqh principles. By examining a range of fatwas from prominent Islamic scholars and institutions, the analysis reveals how Islamic jurisprudence addresses contemporary issues and ensures the practical and spiritual integrity of the Hajj pilgrimage.

## Collection of Fatwas

Fatwas related to Hajj were collected from notable sources, including:<sup>14</sup>

1. Al-Azhar: As a leading Islamic authority, Al-Azhar issues fatwas that are respected across the Muslim world. Their fatwas cover various aspects of Hajj, from ritual purity to logistical arrangements.
2. Saudi Arabian Council of Senior Scholars: Given Saudi Arabia's role as the custodian of the Two Holy Mosques, the Council's fatwas are particularly influential. These fatwas address practical concerns, including crowd management, health measures, and the use of technology.
3. Indonesian Ulema Council (MUI): Representing the world's largest Muslim-majority country, MUI issues fatwas that guide millions of Indonesian pilgrims. These fatwas address issues unique to Indonesian pilgrims, such as travel logistics and cultural practices.
4. Other Recognized Authorities: Fatwas were also sourced from other respected institutions and scholars, providing a broad perspective on Hajj-related jurisprudence.

## Identification of Key Themes

Through analysis, several key themes emerged from the collected fatwas, highlighting the critical issues and legal interpretations relevant to Hajj practices:<sup>15</sup>

1. Performance of Rituals: Fatwas provide detailed guidance on the proper performance of Hajj rituals, including ihram (the state of consecration), tawaf (circumambulation of the Kaaba), sa'i (the walk between Safa and Marwah), and the standing at Arafat. For instance, the Saudi Council of Senior Scholars has issued fatwas on maintaining the sanctity and sequence of these rituals.

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<sup>14</sup> Syatar, A., & Rahman, A. (2019). Transformation of Fiqh in the Forms of Pilgrimage and Zakat Legislation. *Mazahibuna: Jurnal Perbandingan Mazhab*; Syaukani, Imam (ed.). (2009). *Manajemen Pelayanan Haji*. Jakarta: Puslitbang Kehidupan Keagamaan.; Tahun 2023 Pemerintah Usung Tagline "Haji Ramah Lansia." (n.d.). Nu.or.id. <https://www.nu.or.id/nasional/tahun-2023-pemerintah-usung-tagline-haji-ramah-lansia-2RpqE>

<sup>15</sup> Arifin, A. (2018). *Ensiklopedia Fiqih Haji dan Umrah (Ed. Revisi)*. Elex Media Komputindo. And Abdallah, M. (2022). Pilgrimage/Journey/Practice of Hajj. *International Handbook of Practical Theology*, 417.

2. Pilgrimage Logistics: Fatwas address logistical aspects such as travel arrangements, accommodation, and the management of large crowds. The Indonesian Ulema Council (MUI) has issued fatwas on permissible travel routes and the use of facilities provided by non-Muslim entities.
3. Rights and Responsibilities of Pilgrims: Fatwas highlight the ethical and legal responsibilities of pilgrims, including financial obligations, interpersonal conduct, and adherence to health and safety regulations.

## Application of Ushul Fiqh Principles

The fatwa analysis assessed how Ushul Fiqh principles were applied in the formulation of legal rulings:<sup>16</sup>

1. Qiyas (Analogical Reasoning): Fatwas often use qiyas to extend the principles of classical jurisprudence to new situations. For example, fatwas on the use of digital navigation tools during Hajj are derived through analogical reasoning, comparing them to traditional methods of guidance.
2. Ijma (Consensus): Many fatwas reflect a consensus among scholars, ensuring that rulings are widely accepted. For example, the consensus on health measures during the COVID-19 pandemic underscores the collective agreement on ensuring public safety.
3. Istihsan (Juridical Preference): Fatwas sometimes employ istihsan to prioritize public interest and ease over strict adherence to traditional rulings. An example includes permitting the use of medical masks during ihram, which traditionally would not be allowed.

## Contemporary Issues

Fatwas were examined to determine how they address contemporary issues affecting Hajj practices, such as technological advancements and health concerns:<sup>17</sup>

1. Technological Advancements: Fatwas provide guidance on using modern technologies for navigation, communication, and information dissemination during Hajj. For instance, the Saudi Council of Senior Scholars has issued fatwas endorsing the use of mobile apps for real-time updates and navigation assistance.
2. Health Concerns: Fatwas have addressed health emergencies and pandemics, offering guidelines for maintaining health and safety during Hajj. During the COVID-19 pandemic,

<sup>16</sup> Bianchi, R. R. (2017). Reimagining the hajj. *Social Sciences*, 6(2), 36.

<sup>17</sup> Kamaruding, M., Alias, M. S., Muis, A. M. R. A., & Mokthar, M. Z. (2017). The Islamic Philosophical Perspective on Hajj Pilgrim's Management. *Journal of Business and Social Review in Emerging Economies*, 3(2), 235-244. And *Ibadah Haji 2023 Ramah Lansia - Infografik Katadata.co.id*. (2023, June 13). Katadata.co.id. <https://katadata.co.id/sortatobing/infografik/6487f8dab60a7/ibadah-haji-2023-ramah-lansia>.

both Al-Azhar and the Saudi Council issued fatwas endorsing vaccination and the use of masks, social distancing, and other health measures to protect pilgrims.

3. Environmental Sustainability: Recent fatwas have also begun to address the environmental impact of Hajj, promoting sustainable practices. For instance, the Indonesian Ulema Council (MUI) has issued fatwas encouraging the use of environmentally friendly products and reducing waste during the pilgrimage.

### **Examples of Specific Fatwas**

1. Saudi Arabian Council of Senior Scholars:
  - a. Fatwa on COVID-19 Measures: Endorsed the mandatory use of masks and social distancing during Hajj 2020 and 2021. Permitted vaccination as a requirement for Hajj participation to protect public health.
  - b. Fatwa on Technology: Approved the use of Hajj-related mobile applications for navigation, booking services, and real-time updates, emphasizing the importance of leveraging technology to facilitate a safer and more organized pilgrimage.
2. Indonesian Ulema Council (MUI):
  - a. Fatwa on Hajj Routes: Permitted the use of various travel routes and non-Muslim-owned airlines, provided they meet Islamic ethical standards and ensure the safety and convenience of pilgrims.
  - b. Fatwa on Environmental Practices: Encouraged the reduction of single-use plastics and promoted recycling initiatives among Indonesian pilgrims to minimize the environmental footprint of Hajj.

The fatwa analysis reveals the dynamic role of Ushul Fiqh in guiding contemporary Hajj practices. By examining fatwas from prominent Islamic authorities, the analysis highlights how traditional principles of Islamic jurisprudence are applied to address modern challenges. These fatwas ensure that the practice of Hajj remains relevant and accessible while maintaining its spiritual and legal integrity. The incorporation of technological advancements, health measures, and environmental considerations reflects the adaptive capacity of Islamic law in responding to the evolving needs of the Muslim community. This comprehensive approach underscores the enduring relevance of Ushul Fiqh in guiding the observance of Hajj in the 21st century.<sup>18</sup>

### **Discussion and Analysis of Fatwa Analysis**

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<sup>18</sup> Jumali, E. (2020). Cancellation Of The Hajj: Analysis Of Islamic Law, Regulations, History, Ta'limatul Hajj And Its Impact On The Social And Spiritual Aspects Of Society. *Jurnal IUS Kajian Hukum dan Keadilan*, 8(3), 584-599.

The objective of the fatwa analysis was to gain insight into the role of recent fatwas in guiding Hajj practices, with a specific focus on understanding their alignment with Ushul Fiqh principles and their responses to contemporary issues. Through the collection, analysis, and assessment of fatwas related to Hajj, several key findings emerged.

### **Adherence to Ushul Fiqh Principles**

The analysis revealed that recent fatwas on Hajj demonstrate a strong alignment with Ushul Fiqh principles. Fatwas issued by prominent Islamic scholars and institutions consistently draw upon the primary sources of Islamic law, including:<sup>19</sup>

- 1 Quran and Sunnah: The foundational texts are paramount in deriving rulings for Hajj rituals and obligations. Fatwas frequently cite verses from the Quran and hadiths of the Prophet Muhammad (peace be upon him) to justify legal opinions and instructions.
- 2 Ijma (Consensus): Many fatwas reflect the consensus of the scholars, ensuring that the rulings have broad acceptance within the Muslim community. This collective agreement enhances the legitimacy and reliability of the fatwas.
- 3 Qiyas (Analogical Reasoning): Fatwas often employ qiyas to extend established principles to new situations. For example, the use of digital tools for navigation during Hajj is derived through analogical reasoning, comparing them to traditional methods like physical maps and guides.
- 4 Istihsan (Juridical Preference): Some fatwas utilize istihsan to prioritize public welfare and ease over strict adherence to classical rulings. For instance, allowing the use of medical masks during ihram despite the traditional prohibition highlights a preference for health and safety.

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<sup>19</sup> Kamaruding, M., Alias, M. S., Muis, A. M. R. A., & Mokthar, M. Z. (2017). The Islamic Philosophical Perspective on Hajj Pilgrim's Management. *Journal of Business and Social Review in Emerging Economies*, 3(2), 235-244. And Kholilurrahman, K. (2017). Hajinya Lansia Ditinjau Dari Perspektif Bimbingan Dan Konseling Islam. *al-Balagh: Jurnal Dakwah dan Komunikasi*, 2(2), 231-241.

By adhering to these principles, the fatwas ensure their legitimacy and validity within the framework of Islamic jurisprudence. This alignment underscores the role of Ushul Fiqh in maintaining the integrity of Hajj practices.

### Contemporary Issues

The fatwa analysis highlighted the adaptability of Islamic legal rulings to address contemporary issues affecting Hajj practices. Fatwas were found to address a wide range of concerns, including:<sup>20</sup>

1. **Technological Advancements:** Fatwas provide guidance on utilizing digital tools for navigation, communication, and information dissemination during Hajj. For instance, the Saudi Council of Senior Scholars has endorsed the use of mobile applications for real-time updates and navigation assistance, ensuring that pilgrims can perform their rituals efficiently and safely.
2. **Health-Related Matters:** Fatwas have addressed health emergencies and pandemics, offering directives on health protocols to mitigate the spread of diseases among pilgrims. During the COVID-19 pandemic, both Al-Azhar and the Saudi Council issued fatwas endorsing vaccination and the use of masks and social distancing to protect public health.
3. **Environmental Sustainability:** Recent fatwas have begun to address the environmental impact of Hajj, promoting sustainable practices. For example, the Indonesian Ulema Council (MUI) has issued fatwas encouraging the use of environmentally friendly products and reducing waste during the pilgrimage.
4. **Logistical and Ethical Concerns:** Fatwas cover logistical aspects such as travel arrangements, accommodation, and crowd management, ensuring the ethical and safe conduct of the pilgrimage. The Indonesian Ulema Council (MUI) has issued fatwas on permissible travel routes and the use of facilities provided by non-Muslim entities, ensuring that ethical standards are maintained.

These examples demonstrate the dynamic nature of Islamic jurisprudence in responding to evolving circumstances while upholding the objectives of Sharia. The adaptability of fatwas

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<sup>20</sup> Vernandhie, D. D. The Government's Efforts Through Legal Politics In Hajj Management. *Legal Reconstruction in Indonesia Based on Human Right.*; Widyarini, W. (2016). Penyelenggaraan Ibadah Haji bagi Lansia. *Az-Zarqa': Jurnal Hukum Bisnis Islam*, 8(2).

ensures that Hajj practices remain relevant and accessible, addressing the needs and challenges of contemporary Muslim communities.

### **The Role of Islamic Legal Authorities**

The fatwa analysis underscores the vital role of Islamic legal authorities in providing guidance and direction to pilgrims undertaking the Hajj pilgrimage. By applying Ushul Fiqh principles and addressing contemporary challenges, fatwas serve to ensure the adherence of Hajj practices to Islamic legal norms while also promoting the welfare and safety of pilgrims. This highlights the significance of fatwas as authoritative sources of guidance for Muslims embarking on the sacred journey of Hajj.

### **Comprehensive Fatwa Examples<sup>21</sup>**

1. Saudi Arabian Council of Senior Scholars:
  - a. COVID-19 Measures: Fatwas endorsed mandatory health measures such as mask-wearing and social distancing during Hajj 2020 and 2021. Vaccination was required to protect public health, reflecting the principle of preventing harm (darar) in Islamic law.
  - b. Technology Usage: Approved the use of Hajj-related mobile applications for navigation and booking services, demonstrating the application of qiyas in extending traditional principles to modern technologies.
2. Indonesian Ulema Council (MUI):
  - a. Travel and Logistics: Permitted the use of various travel routes and non-Muslim-owned airlines, provided they meet Islamic ethical standards and ensure the safety and convenience of pilgrims.
  - b. Environmental Practices: Encouraged the reduction of single-use plastics and promoted recycling initiatives among Indonesian pilgrims, aligning with the principle of preserving the environment and minimizing harm.

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<sup>21</sup> Vernandhie, D. D. The Government's Efforts Through Legal Politics In Hajj Management. *Legal Reconstruction in Indonesia Based on Human Right.*; and Widyarini, W. (2016). Penyelenggaraan Ibadah Haji bagi Lansia. *Az-Zarqa': Jurnal Hukum Bisnis Islam*, 8(2).



The fatwa analysis offers valuable insights into the evolving landscape of Hajj jurisprudence and its adherence to Ushul Fiqh principles. By examining recent fatwas, this analysis contributes to understanding how Islamic legal authorities interpret and apply Islamic law to address contemporary challenges in the context of the pilgrimage. These findings serve as a resource for both scholars and practitioners involved in Hajj management and Islamic jurisprudence, emphasizing the alignment of fatwas with Ushul Fiqh principles and their responsiveness to contemporary issues. This study provides a deeper understanding of the intersection between Islamic jurisprudence and pilgrimage rituals, shedding light on the dynamic nature of Islamic legal discourse in addressing the needs and challenges of contemporary Muslim communities.

### **Result of Case Studies of Hajj Practices**

The case studies of Hajj practices in 2024 provide valuable insights into the practical implementations of Islamic legal rulings during the pilgrimage, focusing on their adherence to Ushul Fiqh principles and their responses to contemporary challenges. A range of case studies involving different aspects of Hajj was selected to provide a comprehensive understanding of its practices. These case studies included examinations of:

1. Hajj Logistics: Coordination of travel arrangements, accommodation, and transportation.
2. Health and Safety Measures: Implementation of protocols to ensure the well-being of pilgrims.
3. Crowd Management: Strategies to manage the large number of pilgrims and prevent overcrowding.
4. Use of Technology: Integration of digital tools for navigation, communication, and information dissemination.

### **Field Observations and Stakeholder Interviews**

Field observations were conducted during the Hajj season, allowing for firsthand insights into the implementation of Islamic legal rulings. Additionally, key stakeholders, including Hajj organizers, scholars, and pilgrims, were interviewed to gather diverse perspectives on Hajj practices and their adherence to Ushul Fiqh principles.

- 1 Logistics Coordination: Observations revealed meticulous planning in transportation and accommodation arrangements. Interviews with Hajj organizers highlighted the use of digital platforms for booking and managing travel logistics, ensuring efficiency and convenience for pilgrims.
- 2 Health and Safety Protocols: Implementation of comprehensive health measures was observed, including vaccination requirements, health screenings, and emergency medical

services. Stakeholder interviews emphasized the importance of these measures in preventing health crises, especially in light of recent pandemics.

- 3 Crowd Management: Strategies such as staggered scheduling for rituals, use of barriers, and real-time monitoring of crowd density were employed to manage large gatherings. Interviews with pilgrims indicated that these measures significantly reduced the risk of overcrowding and ensured a safer pilgrimage experience.
- 4 Technology Integration: The use of mobile applications for navigation, real-time updates, and communication was widespread. Pilgrims reported enhanced experiences due to the accessibility of information and guidance through these digital tools.

### **Analysis of Legal Maxims**

The application of legal maxims such as "Hardship brings ease" was analyzed in the context of Hajj practices. Through the examination of case studies, insights were gained into how these maxims are operationalized to address challenges and facilitate the pilgrimage experience for pilgrims.<sup>22</sup>

- a. Ease of Rituals: Modifications to the rituals, such as allowing flexibility in performing certain rites to avoid peak times, were observed. This application of the maxim "Hardship brings ease" ensured that pilgrims could fulfill their religious obligations without undue strain.
- b. Health Considerations: Fatwas permitting the use of medical aids, such as masks and hand sanitizers, reflected the principle of prioritizing health and safety. The allowance for sick or vulnerable pilgrims to perform Hajj by proxy also exemplified the application of this maxim.
- c. Environmental Adaptations: The implementation of sustainable practices, such as waste reduction initiatives and the use of eco-friendly products, highlighted the application of the maxim "Harm must be eliminated." These measures aimed to minimize the environmental impact of the pilgrimage.

The case studies revealed the practical implications of Islamic legal rulings on various aspects of Hajj, including crowd management strategies, health and safety protocols, and the integration of technology. Insights were gained into how Ushul Fiqh principles guide decision-making and implementation processes during the pilgrimage, ensuring the fulfillment of religious obligations while accommodating contemporary challenges and circumstances.

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<sup>22</sup> Youssef, F. Y., & Othman, Z. I. (2023). The Hierarchical Classification for The Rituals of Hajj Using Ontology. *Journal of Al-Qadisiyah for computer science and mathematics*, 15(1), Page-79. And Zakiruddin, M. A. (2024). Dynamics of Hajj Financial Management Regulation in Efforts To Good Governance. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 8(2), 195-208.

1. Growth and Improvement in 2024: The Hajj of 2024 saw significant advancements in logistics, health protocols, and technological integration. The use of AI and machine learning for crowd control, along with improved health monitoring systems, contributed to a safer and more efficient pilgrimage experience.
2. Enhanced Pilgrim Experience: The feedback from pilgrims indicated a higher level of satisfaction due to the ease of navigation, timely access to information, and improved safety measures. The use of digital platforms for real-time communication and updates was particularly appreciated.
3. Sustainability Efforts: The emphasis on environmental sustainability reflected a growing awareness of the need to protect the sacred sites and reduce the ecological footprint of the pilgrimage. Initiatives such as recycling programs and the use of renewable energy sources were increasingly adopted.
4. Educational Initiatives: Enhanced educational programs using virtual reality and online platforms were implemented to better prepare pilgrims for the rituals and logistics of Hajj. This not only improved their understanding and readiness but also ensured that they could perform the rites correctly and efficiently.

The case studies of Hajj practices in 2024 underscore the dynamic nature of Islamic jurisprudence in adapting to contemporary challenges while upholding Ushul Fiqh principles. The integration of modern technologies, comprehensive health and safety measures, and sustainable practices demonstrate a forward-looking approach to managing the pilgrimage. These findings highlight the significance of continuous innovation and adherence to Islamic legal principles in ensuring the successful and safe execution of Hajj. This study provides a deeper understanding of the practical application of Ushul Fiqh in guiding Hajj practices and offers valuable insights for future improvements in Hajj management.

Overall, the case studies of Hajj practices provide valuable empirical evidence of the application of Islamic legal rulings in real-world contexts. By examining diverse case studies, conducting field observations, and interviewing key stakeholders, this research methodology offers a nuanced understanding of how Ushul Fiqh principles inform and shape the practical implementation of Hajj practices, contributing to the broader discourse on Islamic jurisprudence and pilgrimage management. The examination of case studies of Hajj practices provides valuable insights into the practical implementations of Islamic legal rulings during the pilgrimage. By selecting diverse case studies, conducting field observations, and interviewing key stakeholders, this study offers a comprehensive understanding of how Islamic legal principles are applied in real-world contexts. The application of legal maxims further underscores the adaptive nature of Islamic jurisprudence in addressing the needs and challenges of contemporary Hajj practices.

Overall, this analysis contributes to a deeper appreciation of the intersection between Islamic law and pilgrimage rituals, highlighting the dynamic nature of Islamic legal discourse in guiding Hajj practices.

### **Discussion and Analysis of Educational and Preaching Contexts**

The analysis of educational and preaching contexts explores how Ushul Fiqh principles are integrated into preparing prospective pilgrims for Hajj, emphasizing their effectiveness in enhancing pilgrims' understanding and adherence to Islamic law.

### **Integration of Ushul Fiqh Principles in Educational Materials**

The investigation into Hajj educational materials revealed a robust integration of Ushul Fiqh principles. These materials, ranging from textbooks to digital resources, systematically incorporate key concepts such as:

- a. Sources of Islamic Law: Clear explanations of Quranic verses and Prophetic traditions (Sunnah) relevant to Hajj rites.
- b. Methods of Interpretation: Application of qiyas (analogical reasoning) and ijma (consensus) in deriving legal rulings for Hajj practices.
- c. Principles of Legal Reasoning: Understanding istihsan (juridical preference) and maslahah (public interest) in addressing contemporary issues during Hajj.

By grounding Hajj education in these principles, educators ensure that pilgrims acquire a comprehensive understanding of the religious and legal foundations governing their pilgrimage. This knowledge empowers pilgrims to perform rituals correctly and to navigate unforeseen challenges in accordance with Islamic teachings.

### **Impact on Pilgrim Preparation and Experience**

The systematic incorporation of Ushul Fiqh principles not only enriches pilgrims' spiritual journey but also enhances the authenticity and integrity of the Hajj pilgrimage. Pilgrims are not merely guided by religious devotion but also equipped with a deep understanding of their legal obligations. This ensures that their actions during Hajj are in full accordance with Islamic law, thereby preserving the sanctity and significance of the pilgrimage as a pivotal pillar of Islam.

## **Stakeholder Feedback and Recommendations**

Surveys and interviews with stakeholders—educators, preachers, and pilgrims—provided critical insights into the effectiveness of current educational approaches. Feedback highlighted both strengths and areas for improvement in Hajj educational materials. Recommendations were formulated to enhance the design, content, and delivery of these materials:

- a. **Enhanced Clarity and Accessibility:** Simplifying complex legal concepts without compromising accuracy to facilitate broader understanding among pilgrims.
- b. **Interactive Learning Tools:** Expanding the use of digital platforms and virtual reality to offer immersive Hajj simulations and virtual tours, thereby enhancing engagement and retention of knowledge.
- c. **Tailored Educational Programs:** Customizing educational content to cater to diverse linguistic and cultural backgrounds among pilgrims, ensuring inclusivity and accessibility.

These recommendations aim to optimize the educational experience, making it more engaging and effective in preparing pilgrims for their sacred journey.

## **Innovative Educational Approaches**

Exploration of innovative educational approaches, such as digital platforms and virtual reality, revealed promising opportunities. Case studies and pilot programs utilizing these technologies demonstrated their potential to:

- a. **Enhance Understanding:** Provide interactive simulations that simulate Hajj rituals, fostering a deeper comprehension of the pilgrimage journey.
- b. **Improve Accessibility:** Reach a broader audience through online platforms, offering flexible learning options that accommodate diverse schedules and geographical locations.
- c. **Increase Engagement:** Utilize gamification and interactive modules to sustain pilgrims' interest and motivation in learning about Hajj rites and obligations.

The integration of Ushul Fiqh principles in Hajj education plays a pivotal role in equipping pilgrims with the knowledge and understanding necessary to engage in the pilgrimage with reverence and adherence to Islamic law. By ensuring that educational materials are comprehensive, accessible, and technologically enhanced, educators and organizers can significantly enhance pilgrims' preparation and experience. This commitment not only strengthens pilgrims' spiritual connection but also upholds the integrity of the Hajj pilgrimage as a sacred ritual in Islam. Moving

forward, continuous improvement in educational approaches, coupled with the adoption of innovative technologies, will further enrich Hajj education, ensuring that future pilgrims are well-prepared to fulfill their religious obligations with deep spiritual fulfillment and adherence to Islamic principles.

## **E. Conclusion**

In conclusion, the study has provided valuable insights into the utilization of Ushul Fiqh principles in preparing prospective pilgrims for the Hajj pilgrimage. Through a multifaceted investigation of educational and preaching contexts, including the review of training materials, analysis of their incorporation of Ushul Fiqh principles, surveys, and interviews with stakeholders, and exploration of innovative educational approaches, several key findings have emerged. The integration of Ushul Fiqh principles in Hajj education plays a crucial role in empowering pilgrims with the necessary knowledge and understanding to engage in the pilgrimage with reverence, devotion, and adherence to Islamic law. This commitment to enriching the spiritual journey of pilgrims reflects a dedication to upholding the integrity of the Hajj pilgrimage as a sacred ritual in Islam.

Furthermore, the study has highlighted the importance of continuously improving Hajj education to better serve the needs of prospective pilgrims. By leveraging emerging technologies and incorporating stakeholder feedback, educational materials can be enhanced to provide pilgrims with more effective and engaging learning experiences. This, in turn, will empower pilgrims with the knowledge and understanding needed to undertake the pilgrimage with reverence and adherence to Islamic principles.

## **F. Suggestions for Further Research**

While this study has provided valuable insights into the utilization of Ushul Fiqh principles in Hajj education, there are several avenues for further research that warrant exploration:

1. **Long-term Impact Assessment:** Conduct longitudinal studies to assess the long-term impact of Hajj education on pilgrims' understanding and adherence to Islamic principles post-pilgrimage.

2. **Comparative Analysis:** Compare different educational approaches and their effectiveness in conveying Ushul Fiqh principles to prospective pilgrims, considering factors such as cultural context and educational background.
3. **Innovative Technologies:** Further explore the potential of innovative technologies, such as augmented reality and gamification, in enhancing Hajj education and pilgrimage readiness.
4. **Cross-cultural Perspectives:** Investigate how Ushul Fiqh principles are incorporated into Hajj education in different cultural contexts, considering variations in religious interpretation and educational practices.
5. **Impact of Hajj Education:** Explore the impact of Hajj education on pilgrims' overall Hajj experience, including their spiritual growth, sense of community, and adherence to Hajj rituals and obligations.

By addressing these areas of further research, scholars can deepen their understanding of the intersection between Islamic law and pilgrimage education, ultimately contributing to the enhancement of Hajj education and pilgrimage readiness for prospective pilgrims worldwide.

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