



# Balancing Faith and Fairness: A Maqāṣid al-Sharī'ah Perspective on Regulating Repeated Hajj in Indonesia

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## Abstract

*This study explores the phenomenon of repeated Hajj through the perspective of maqāṣid al-sharī'ah (the objectives of Islamic law), focusing on its social, economic, and spiritual implications. Employing a juridical approach enriched with maqāṣid analysis, the research examines Islamic legal texts, government regulations, and empirical data concerning the implementation of Hajj in Indonesia. The findings categorize repeated Hajj as makruh litanjih (discouraged) due to its adverse effects, such as extended waiting times, economic inefficiencies, and heightened health risks for elderly pilgrims. Notably, over 60% of Indonesian Hajj pilgrims are above 60 years old, with waiting periods spanning 20 to 40 years in some regions. This study advocates redirecting financial resources toward supporting others' Hajj, a practice more aligned with maqāṣid principles by prioritizing public welfare (maslahah). It underscores the need for stricter regulations, greater public awareness of contextual Hajj laws, and the application of taisir fiqh (facilitative jurisprudence) to encourage balanced worship practices. Practical recommendations include prioritizing first-time pilgrims, implementing health screenings, and fostering a collective understanding of maqāṣid-based priorities. By integrating maqāṣid principles, this research contributes to contemporary Islamic legal discourse, offering a framework for reforming Hajj policies in Indonesia. The proposed approach aims to create a more equitable, sustainable, and socially responsible pilgrimage system, aligned with the higher objectives of Islamic law.*

**Keywords:** repeated Hajj, maqāṣid al-sharī'ah, Hajj policies, makruh litanjih

## Introduction

The implementation of Hajj in Indonesia faces a critical challenge: excessively long waiting times, with queues ranging from 20 to 30 years in many regions. This issue is compounded by the high proportion of elderly pilgrims, as more than 60% of Indonesian pilgrims are over the age of 60 (Setyawan et al., 2020). This demographic trend poses significant health risks, including heightened mortality rates. During the 2023 Hajj season, 775 Indonesian pilgrims passed away, 75% of whom were elderly (Saputra, 2023). These statistics highlight the severe health and safety challenges faced by this age group during the pilgrimage. One factor contributing to this issue is the practice of repeated Hajj, where individuals undertake the pilgrimage for the second or third time. In 2023, Indonesia dispatched approximately 209,782 pilgrims to Mecca, a portion of whom were repeat pilgrims. This practice exacerbates the already lengthy waiting periods, which can extend up to 41 years in certain regions (Shafi et al., 2016).

The extended queues are primarily due to the limited Hajj quota allocated to each country by Saudi Arabia, which is determined based on the size of the Muslim population. When repeat pilgrims occupy slots, they reduce the opportunities available for first-time pilgrims, further prolonging waiting times. This situation is particularly acute in Indonesia, where the demand for Hajj significantly exceeds the annual quota (Ahmed et al., 2006). Addressing the implications of repeated Hajj is essential for creating a more equitable and efficient pilgrimage system, especially given the growing number of first-time applicants and the pressing need to prioritize high-risk groups such as the elderly.

One of the key factors exacerbating Indonesia's Hajj queue problem is the practice of repeated Hajj, where individuals perform the pilgrimage more than once. This practice negatively impacts the system by extending waiting times, reducing opportunities for first-time pilgrims, and creating imbalances in access. Economically, repeated Hajj represents an inefficient allocation of resources, while socially, it limits the equitable distribution of opportunities to fulfill this essential pillar of Islam. From a spiritual perspective, this practice may deviate from the principles of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law), which prioritize *maslahah*, the welfare and well-being of the community (Tarique et al., 2021; Wibowo, 2019).

The concept of *istita'ah* (the ability to perform Hajj) is central to understanding this issue. As one of the five pillars of Islam, Hajj is obligatory for Muslims who meet the necessary conditions of *istita'ah*, which encompasses both financial (*maliyah*) and physical (*jasmaniyah*) capability. In Indonesia, the financial aspect of *istita'ah* is often fulfilled by many prospective pilgrims, as evidenced by the growing Hajj queue, which averages 30 years in most provinces (Antonio et al., 2020; Tarique et al., 2021). Despite Indonesia having the largest Hajj quota in the world in 2023, the long waiting period remains problematic. This issue is compounded by the fact that many prospective pilgrims can only register for Hajj at an advanced age, often over 35 years, which increases health risks during the pilgrimage.

Istita'ah involves multiple dimensions, including financial capability, physical health, and the ability to travel safely to Mecca. Financially, Muslims must have sufficient resources to cover the costs of travel, accommodation, and other expenses without incurring debt (Rahman & Ahamat, 2018). In Indonesia, institutions have been established to facilitate Hajj funding, helping prospective pilgrims save for years to meet this obligation (Mahadi et al., 2019; Muneeza et al., 2018). However, the financial burden of Hajj remains substantial for many. This raises questions about the sustainability of the current system, particularly given the inefficiencies caused by repeated Hajj and the demographic trends of an aging pilgrim population. Addressing these challenges requires a more comprehensive understanding and application of istita'ah. While the financial aspect of istita'ah is often emphasized, equal attention must be given to physical readiness and the broader implications of repeated Hajj on the community (Taufiq et al., 2024). By prioritizing first-time pilgrims and aligning practices with the principles of maqāṣid al-sharī'ah, a more equitable and efficient pilgrimage system can be achieved, ensuring that the welfare of the community remains at the forefront.

Physically, istita'ah requires individuals to be in good health to endure the physical demands of the pilgrimage, which involves extensive walking and participation in rituals that can be physically taxing (Gowa et al., 2015; Shafi et al., 2016). Health concerns, including the risk of infectious diseases, have increasingly become a challenge during the Hajj, especially given the large-scale gatherings of pilgrims from around the world (Jokhdar et al., 2021; Memish et al., 2014). To address these issues, the Saudi government has implemented robust health surveillance measures, underscoring the importance of physical readiness as an integral component of istita'ah. In addition, the social and psychological dimensions of istita'ah play a significant role. The status and recognition associated with having performed Hajj can elevate an individual's standing within their community (Arifin, 2023; Naj'ma, 2021). For instance, among the Bugis people in Indonesia, the title of "Haji" carries immense prestige and reflects a deep commitment to one's faith.

However, the long waiting period for Hajj in Indonesia, often spanning decades, means that many pilgrims are elderly by the time of their departure, making them physically vulnerable. This raises critical concerns regarding their health and ability to perform the rigorous rituals of Hajj. This study aims to analyze Indonesia's Hajj policies using maqāṣid al-sharī'ah to address the growing challenges posed by repeated Hajj. The research explores the legal foundation of Hajj's obligation and its virtues (Ardiana et al., 2023). Specifically, it examines whether Hajj should be performed only once in a lifetime, as mandated by Islamic law, or if performing it multiple times to gain additional virtues is justified. The study also evaluates the fiqh perspectives on paying for others to perform Hajj, which could serve as an alternative to reduce the number of elderly pilgrims and alleviate the long queues. While the fiqh of the four major *madhhabs* acknowledges

the virtues of performing Hajj multiple times, it also underscores the importance of prioritizing first-time pilgrims (Pane et al., 2013).

This trend of aging pilgrims stems from several factors, particularly the prolonged waiting period for Hajj quotas. Many Indonesian Muslims find themselves well into their senior years by the time they are able to fulfill this religious obligation (Fajar, 2023). This poses significant health risks, as elderly pilgrims are more likely to suffer from chronic medical conditions, such as diabetes, hypertension, and cardiovascular diseases (Abainou et al., 2018). For example, studies estimate that approximately 10% of elderly pilgrims have diabetes, translating to a substantial number of diabetic participants during the pilgrimage (Abainou et al., 2018). These health conditions not only threaten the safety of elderly pilgrims but also strain medical resources during the pilgrimage.

The physical demands of Hajj, including extensive walking and exposure to extreme weather conditions, can significantly exacerbate existing health issues, especially among elderly pilgrims. These conditions underscore the necessity for robust health management strategies during the pilgrimage (Ahmed et al., 2006; Memish et al., 2014). Additionally, the psychological aspects of the Hajj experience are equally critical. The prolonged waiting period for Hajj can cause anxiety and stress, particularly among older prospective pilgrims who face increasing health challenges as they age (Fajar, 2023). This psychological burden, coupled with physical vulnerabilities, highlights the need for a comprehensive approach to safeguard the well-being of elderly pilgrims. Measures such as health screenings, accessible medical facilities, and support systems provided by the Saudi government and Hajj organizers are essential to mitigate these risks (Ahmed et al., 2006; Memish et al., 2014).

The virtues of Hajj, as emphasized in Prophetic traditions, include forgiveness of sins, entry into paradise, and an increase in sustenance ((HR. Bukhari No. 1773, Muslim No. 1349 from Abu Hurairah r.a.; HR. Bukhari No. 1521, Muslim No. 1350 from Abu Hurairah; HR. Tirmidhi No. 810, Ahmad No. 3669, and An-Nasa'i No. 2631 from Abdullah bin Mas'ud)). Despite these virtues, the practice of Hajj, particularly in Indonesia, carries significant risks and logistical challenges. While the Prophet Muhammad only performed Hajj once in his lifetime (HR. Muslim Number 1337 from Abu Hurairah; HR. Muslim Number 1218 from Jabir bin Abdullah), many acts of worship hold virtues equivalent to Hajj, such as the Sunnah Prayer of Shuruq (HR. Tirmidhi No. 586 from Anas bin Malik). For the Bugis people of Indonesia, however, Hajj holds a profound symbolic and cultural significance. It represents a transformative spiritual journey, elevating one's social status to its highest level. The mappatoppo ritual, which blesses Hajj clothing, underscores this symbolism. These garments, worn during public occasions, signify the completion of Hajj and embody the pilgrim's spiritual transformation. Conversely, non-Hajj individuals wearing these garments are considered to lack social decency (*to de'gaga siri'na*) and face social sanctions (Subair, 2019).

While Hajj is deeply meaningful for Indonesian pilgrims, its technical implementation presents substantial challenges. Historical data reveals the high mortality rate among Indonesian pilgrims, particularly the elderly. For example, the 2017 Hajj season recorded the highest number of deaths at 658 pilgrims, followed by 627 in 2015, 473 in 2019, 388 in 2018, 342 in 2016, and 89 in 2022 (Faizin, 2023). In 2023, Kemenko-PMK (2023) also reported a significant rise in fatalities during the Hajj season, with a total of 775 pilgrims passing away, 577 of whom were over the age of 65. The leading causes of death included acute myocardial infarction, cardiogenic shock, and stroke, either ischemic or hemorrhagic. These statistics illustrate the urgent need for targeted interventions, including improved healthcare services and preventive measures, to address the health risks faced by elderly pilgrims during Hajj.

The investigation conducted by BPKH identified several motivations behind why Indonesian pilgrims perform Hajj more than once. These include the desire to complete an unsatisfactory first pilgrimage, the intention to perform badal Hajj (pilgrimage on behalf of others), serving as a mahram (guardian) or guide for other pilgrims, and fulfilling the *sunnah* (recommended act) of performing Hajj multiple times (BPKH, 2020). This study seeks to explore these motivations through the lens of maqāṣid al-sharī'ah (the objectives of Islamic law), aiming to assess whether they align with the principles of welfare (maslahah) and fairness in Islamic jurisprudence. This research is critical as these motivations for repeated Hajj directly impact the long queues for the pilgrimage, which can delay the departure of first-time and high-risk pilgrims, many of whom are elderly. Furthermore, this study evaluates the effectiveness of Minister of Religious Affairs Regulation No. 29/2015, which mandates a 10-year interval between successive Hajj applications. By analyzing these issues, the study aims to provide insights into the implications of repeated Hajj on the broader Hajj management system in Indonesia. It will also propose strategies that balance individual religious aspirations with equitable access for all prospective pilgrims, ensuring the sustainable and just implementation of the Hajj pilgrimage in alignment with maqāṣid al-sharī'ah.

## Methods

This research employs a juridical approach combined with an analysis grounded in maqāṣid al-sharī'ah. The maqāṣid framework utilized is based on the thought of Imam al-Shāṭibī, focusing on the classification of darūriyyāt (primary needs), ḥājiyyāt (secondary needs), and taḥsīniyyāt (complementary needs). This approach is particularly relevant for assessing the social, economic, and spiritual impacts of repeated Hajj practices and evaluating their alignment with Islamic principles (Moleong, 2019). The study draws on a diverse range of data, including Islamic legal literature, government regulations on Hajj administration, and empirical data such as statistical records of Indonesian pilgrims. The primary goal is to identify the adverse effects of

repeated Hajj and propose solutions that align more closely with *maqāṣid al-sharī'ah*, prioritizing the welfare of the ummah and ensuring equitable access to Hajj (Auda, 2008).

The research relies on two main types of data: primary and secondary (Arfa & Marpaung, 2018). Primary data encompasses official documents related to Hajj administration in Indonesia, such as the Regulation of the Minister of Religion Number 29 of 2015, statistics on Hajj queues, reports on health risks among elderly pilgrims, and publications by the Hajj Financial Management Agency (BPKH). It also includes Islamic legal sources, such as fatwas, classical *fiqh* texts, and hadiths of the Prophet Muhammad (SAW) that address the issue of repeated Hajj. Secondary data consists of academic literature, including books, journal articles, and prior research on *maqāṣid al-sharī'ah*, Hajj policy, and the application of Islamic law in Indonesia. This secondary data serves to contextualize the findings and offer comparisons with existing studies.

Data collection is conducted through comprehensive library research, involving the review of both print and digital reference materials. Collected data is categorized based on its relevance to the study's main theme: the law of repeated Hajj and its implications from the perspective of *maqāṣid al-sharī'ah*. The data is then analyzed using a descriptive-analytical approach and content analysis techniques.

The analysis follows three main stages. First, the data is identified and classified according to the five core objectives of Islamic law (*al-daruriyat al-khams*), such as *hifz al-nafs* (protection of life) in the context of safeguarding elderly pilgrims from health risks. Second, the data is interpreted by linking the principles of *maqāṣid al-sharī'ah* to the socio-policy conditions in Indonesia, including an evaluation of existing Hajj policies. Third, the regulations and practices related to repeated Hajj are assessed by weighing their benefits (*maslahah*) and harms (*mafsadah*), while incorporating the principles of priority jurisprudence (*fiqh al-awlawiyyat*). This methodological approach enables the integration of Islamic legal theory with contemporary socio-political contexts, ensuring findings that are both normative and practically applicable. Ultimately, the research aspires to contribute significantly to the development of Hajj policies that are more aligned with *maqāṣid al-sharī'ah*, promoting fairness, efficiency, and the collective welfare of the ummah.

## Results and Discussion

The Minister of Religious Affairs reveals that over 60% of Indonesian Hajj pilgrims are aged 60 years or older, with 45% aged above 65 years. Health risks increase significantly with age, contributing to higher mortality rates. In the 2023 Hajj season, 775 Indonesian pilgrims died, 75% of whom were elderly. Key causes include physical exhaustion, chronic illnesses, and extreme weather conditions. The practice of repeated Hajj has become a critical issue in Indonesia, particularly within the context of limited quotas and a growing demand for pilgrimage. As one of the world's largest Muslim-majority countries, Indonesia faces significant



challenges in managing its Hajj system, with waiting times extending up to four decades in certain regions. This phenomenon not only reflects the high spiritual aspiration of Indonesian Muslims but also reveals structural inefficiencies in the equitable distribution of pilgrimage opportunities.

Repeated Hajj exacerbates these inefficiencies by consuming the limited quota allocated annually. Pilgrims who have already fulfilled the religious obligation occupy slots that could otherwise be granted to first-time participants, thus prolonging queues for others. This situation creates a systemic inequity, privileging financially capable individuals over those with limited resources. Such practices conflict with the principle of justice (Adl) in Islamic teachings, which emphasizes fairness and prioritization of those who have not yet performed their Hajj duty. Actually, repeated Hajj contributes to economic inefficiencies at both individual and national levels. While it reflects the personal devotion of the pilgrims, it diverts financial resources that could otherwise be used for other socio-economic needs, including poverty alleviation and community development. From a policy perspective, this raises questions about the optimal use of financial resources in a country with pressing developmental priorities.

Table 1. Pilgrim Age Distribution and Mortality Rates

Age Group	Percentage of Pilgrims	Mortality Rate
< 40 years	10%	5%
40-60 years	25%	15%
> 60 years	65%	75%

The demographic composition of Indonesian pilgrims, dominated by the elderly, adds another dimension to the issue. The high proportion of older pilgrims brings significant health risks, as advanced age correlates with greater vulnerability to chronic illnesses, physical exhaustion, and adverse effects from extreme weather conditions. This demographic trend not only increases the mortality rates during the pilgrimage but also places additional burdens on the healthcare system provided for Indonesian pilgrims.

To address these interconnected challenges, the Indonesian government has considered introducing restrictions on repeated Hajj. Such measures could ensure a more equitable allocation of quotas while prioritizing first-time pilgrims who have been waiting for decades. Moreover, targeted regulations could align the management of Hajj with broader national development goals, reducing economic inefficiencies and promoting social justice.

Repeated Hajj significantly contributes to these challenges, as it exacerbates waiting periods, which can reach up to 30 years. The absence of strict regulations limiting repeated Hajj and individual motivations driven by spiritual beliefs further intensify this problem. As a result, the system becomes overburdened, and access becomes increasingly inequitable.

The findings align with the concept of *taisir fiqh* (facilitating ease in worship), which promotes moderation in religious practices. Previous studies emphasize the importance of stricter regulations to prioritize first-time pilgrims. For example, Minister of Religious Affairs Regulation No. 29/2015 addresses special quotas for elderly pilgrims, but its implementation remains limited (Rustika et al., 2020).

This study strengthens the argument that *maqāṣid al-sharī'ah*, particularly the *darūriyyāt* (essentials), should serve as the foundation for equitable Hajj policies. Repeated Hajj can be classified as *makruh litanzih* (discouraged but not forbidden) due to its negative social and economic impacts, which contradict the principle of *maslahah* (Mokodenseho, 2024).

This study shows strengthening policies to limit repeated Hajj, prioritizing first-time pilgrims, and redirecting funds to support others in performing Hajj. Public education on *maqāṣid al-sharī'ah* and the moderation of worship practices is also essential (Pane et al., 2019). These measures will contribute to a fairer, more sustainable Hajj management system, aligning with Islamic principles and addressing the current challenges.

### ***Maqāṣid Sharia in Social Fiqh in Bridging Community Welfare***

Abdullah et al., (2020) and Mokodenseho (2024) explained, to achieve equal relations between individuals or groups in a society can be realized with social fiqh. The spirit that is built makes fiqh not only a "religious" legal stipulation but also a social criticism, a driver of positive change, and an agent of change in people's lives. This analysis technique is used to achieve a *mindset* that does not only understand a law set on the postulates of *qath'i* and *zanni* only; *Ushul* and *Furu'* only; but know which aspects of *al-tsawabit* (believed and considered 'fixed') and which aspects of *al-mutaghayyirat* (believed and considered 'changeable') (Fatmah et al., 2023; Zaprulkhan, 2018). Not only understanding the law from the *aspect of 'illah* fiqh, but also not leaving and forgetting the aspect of *'alamiyah* (universal) (Hajar & Zaeni, 2022).

The concept of *maqāṣid al-sharī'ah* plays a pivotal role in the development of social fiqh, particularly in bridging community welfare and addressing contemporary societal challenges. *Maqāṣid Sharia* refers to the objectives or goals of Islamic law, which aim to promote the welfare of humanity by safeguarding five essential elements: religion (*din*), life (*nafs*), intellect (*aql*), lineage (*nasl*), and property (*mal*) (Al-Ayyubi, 2024; Isnaini, 2024). Understanding and applying these objectives within social fiqh can significantly enhance community welfare by ensuring that legal rulings and social policies align with the broader goals of justice, equity, and social harmony. One of the primary ways in which *Maqāṣid Sharia* contributes to community welfare is through its emphasis on social justice and equity. For instance, the allocation of zakat (charitable giving) can be tailored to address specific community needs, particularly for marginalized groups such as women and the elderly (Saadah, 2024). By focusing on the *maqāṣid* of social welfare, zakat can be directed towards productive initiatives that empower individuals economically, thereby



fostering a more inclusive economy. This approach not only alleviates poverty but also promotes social cohesion and stability within communities.

The integration of Maqāṣid Sharia into the legal framework can lead to the development of policies that reflect the ethical and moral imperatives of Islam. In Indonesia, for example, the interplay between traditional Islamic jurisprudence (*fiqh*) and the broader ethical framework of Maqāṣid Sharia has influenced the formation of legal policies that prioritize community welfare (Mokodenseho, 2024). This dynamic relationship ensures that legal decisions are not merely based on rigid interpretations of classical texts but are responsive to the evolving needs of society. Furthermore, the application of Maqāṣid Sharia in economic practices, such as Islamic banking and finance, illustrates its potential to enhance community welfare. Islamic financial institutions are increasingly adopting maqāṣid-based performance measurement models that prioritize social responsibility and ethical investment (Sutrisno & Widarjono, 2018; Tarique et al., 2021). By aligning financial practices with the objectives of Maqāṣid Sharia, these institutions can contribute to sustainable development and social welfare, thereby addressing the economic disparities that exist within communities (Syarifah et al., 2022).

In technical analysis, the general type of maqāṣid is used, which is to seek the purpose of legal provisions that are not *partial* and *specific*, but also do not abandon the goal of religious humans to seek welfare and common *good*, without discrimination between Indonesian citizens. Therefore, a classification of physical and *bathiniyah needs analysis will be made* with the classification of basic needs or *dharuriyah (basic needs)*, *hajiyyat needs (secondary)*, and *tahsiniyat* or complementary (*suppendent*). Imam Al-Syatibi is a scholar who believes in Ash'ariyah, good actions (*tahsin*) and bad actions (*taqbikh*) are determined by sharia, not reason (Al-Bisrii, 1983), which is somewhat different in the end because of the involvement of reason in the determination of the law, with the postulate that Allah SWT cannot predict his will, including in determining the law. However, because Allah SWT cannot do *taqbikh* (bad), His decree must be *tahsin* (good). Including all the legal provisions, it must be good for human life. Al-Syatibi elevates human interests to be integral that is integrated with the sharia, which is called *mashlahah* (Mas'ud, 2000). To take this step in *fiqh* he made the theological argument that God acts according to the interests of His creatures. In doing this, Al-Syatibi secretly stopped following the strict doctrine of Ash'ariyah and "followed the steps of Muktaزالah" (Hallaq, 1997).

According to common sense, the issue of Islam is controversial with sharia. Often sharia is interpreted as *fiqh*. This results in harsh sentences such as apostasy and/or blasphemy. According to Akyol, this narrow understanding needs to be carried out a broader process of understanding and interpretation, such as reasoning that has been hindered by Ash'ariyah theology that all forms of stipulation are God's will, humans are only implementers. A broader understanding and interpretation can be done with the theory of maqāṣid al-sharī'ah. However, this surviving *fiqh* is understood or classical *fiqh* remains a legacy. With sharia, Allah SWT.

stipulates all its laws to protect *maslahah* or human interests, namely the protection of five main values, namely the protection of life, religion, property, descendants, and intellect.

*Maqāṣid* comes from the Arabic language which is jama' from *maqsud* which means intent, goal, principle, intention, purpose, ultimate goal. In other words, *the maqāṣid* of Islamic law is the objects or intentions behind the law. For some Islamic legal theorists, *maqāṣid* is an alternative statement to *masalih* or benefits (Ashur, 2006). For example, Al-Juwaynī (2003) uses *the terms al-maqashid* and *al-masholih al-'ammah* interchangeably. Al-Ghazali (2023) mention *maqāṣid* as *a mersal benefit*, that is, a benefit that is not directly mentioned in the nas (sacred text). As for sharia, Jasser Auda translates it as a way of life. It needs to be distinguished from fiqh which is limited to practical things (*amaliyah*) rather than theological (*i'tiqadiyah*). Theoretically, these two terms refer to different meanings. Fiqh represents the cognition part of Islamic law. So, the term fakih (*faaqih*) is used to refer to human beings who have understanding (*fahm*), perception (*tasawwur*), cognition (*idrak*), should not be used to refer to Allah SWT. Meanwhile, *al-syaari'* is used to refer to Allah which means the Maker of Sharia and should not be used to refer to humans, except to the Prophet (peace be upon him) when conveying revelations from God.

According to Jasser Auda, the scope of *maqāṣid* formulated in the classical and contemporary eras has shifted slightly and expanded, known as *general maqāṣid* namely the general objectives of sharia that apply more widely and dynamically. Auda uses a systems approach in explaining *maqāṣid*, with a focus on further development to meet modern challenges (Auda, 2008).

The division of *maqāṣid* in the traditional classification shows three levels, namely *daruriyat* (inevitability), *hajiyyat* (need), and *tahsiniyat* (completeness). *Daruriyat* is divided into five, namely: *hifz al-din*, *hifz al-nafs*, *hifz al-mal*, *hifz al-'aql*, *hifz al-nasl*, or also added the sixth, namely: *hifz al-'ird*. *Daruriyat* is seen as essential for human life, while the level of *hajiyyat* is considered less essential for human life. The *tahsiniyat* only plays a role in beautifying the previous level. However, modern and contemporary Muslim scholars have introduced new concepts and classifications of *maqāṣid* by including new dimensions of *maqāṣid al-sharī'ah*, in order to correct the shortcomings of the traditional *maqāṣid al-sharī'ah* concept.

According to Amin Abdullah in the introduction to Jasser Auda's book, Islamic law rooted in *maqāṣid al-sharī'ah* can be implemented effectively through a concise framework. This framework comprises six key features that emphasize flexibility, contextualization, and prioritization of universal values such as justice and welfare. These elements enable Islamic law to adapt to contemporary challenges while remaining faithful to its foundational principles. By adopting this approach, Islamic jurisprudence can address diverse societal needs in a manner that is both practical and ethically grounded (Auda, 2008).

In principle, maqāṣid al-sharī'ah is interpreted as the core goal of all linguistic and rational ijtiḥad ushul methodologies. This system is in the context of actualization of the past, preserving the treasures of the past and accommodating the treasures of the present which are considered effective-functional like the reform of contemporary Islamic law ( *المُحَافَظَةُ عَلَى الْقَدِيمِ صَالِحٌ وَالْأَخْذُ بِالْجَدِيدِ أَصْلَحُ* ).

The registration process for prospective Sunnah (voluntary) pilgrims is governed by the Regulation of the Minister of Religion Number 29 of 2015. Article 3, paragraph 4 of this regulation specifies a mandatory grace period of 10 years before individuals who have already performed Hajj may register again. Additionally, if provincial quotas remain unfilled, they are converted into a national quota, which can then be allocated to prospective Sunnah pilgrims within the current year's quota framework. This provision creates a potential loophole that could inadvertently extend the already lengthy Hajj queue in Indonesia (Kemenag, 2015).

Tubagus Ace Hasan Syadzily, Deputy Chairman of Commission VIII of the House of Representatives of the Republic of Indonesia explained that the once-in-a-lifetime mandatory hajj policy in Indonesia can reduce the number of queues so it is necessary to prioritize prospective pilgrims who have never performed Hajj. This means that it is forbidden to perform Hajj more than once in a lifetime, except for being a Hajj officer who serves Hajj pilgrims. However, before the discourse on the establishment of the law, there needs to be in-depth education to the public (Gowa et al., 2015). Ash-Syatibi significantly values maqāṣid al-sharī'ah as a more fundamental ushul than the ushul of fiqh itself. He considers maqāṣid to be the main points of religion and the generality of faith (*ushul al din wa kulliyat al millah*) (Al-Syathiby, 2005).

First, some pilgrims choose to repeat Hajj because they perceive their initial pilgrimage as imperfect and wish to perform it more completely. This situation highlights the need for preachers and guides to reassure worshippers that their previous Hajj was valid and accepted according to Islamic principles. Educating pilgrims about the fiqh of taisir (facilitation) and emphasizing the importance of avoiding unnecessary mafsadat (harm) can help address these concerns, encouraging them to focus on other virtuous acts rather than repeating the pilgrimage. Hilman Latif, During his tenure as Director General of Hajj and Umrah Organizers, he even published a book on Hajj and Umrah Moderation to suppress the opportunity *for madharat* in the implementation of Indonesian Hajj (Kemenag, 2019). Why is that, because Hajj is a physical worship that requires excellent conditions. The fiqh of taisir in this book is explained with various opinions of scholars about the implementation of hajj which is based on the principle of the validity and success of the hajj, but also accommodates the diverse physical conditions of Indonesian pilgrims, especially the physically weak. In the subchapter of this book, it is explained about the "obligation of Hajj for life" although it does not specifically discuss the stability in the implementation of Hajj so that it wants to repeat it. However, at least in the rules of

jurisprudence it is stated, *al-yaqiinu laa yazaalu bi syakk* (faith is not lost with the presence of doubt. This means that if it is believed that the stages of manasik have been carried out according to guidance, it is certainly considered valid. When a pilgrim forces to continue to hesitate and eventually register for hajj again, even though many Indonesian pilgrims have not yet departed, it will certainly increase the length of the queue which results in madharat for prospective elderly pilgrims. Conditions like this do not reflect a moderate attitude in hajj jurisprudence. Islam commands to be *awaathan* (middle). As mentioned in the hadith *khairu umuuri awsathuha* (the best thing is the middle). Ibn Qayyim explained,

يقول الإمام ابن قيم الجوزية: " فما أمر الله بأمر إلا وللشيطان فيه نزغتان: إما إلى تفريط وإضاعة، وإما إلى إفراط وغلو، ودين الله وسط بين الجافي عنه والغالي فيه، كالوادي بين الجبلين، والهدى بين ضلالتين، والوسط بين طرفين ذميمين؛ فكما أن الجافي عن الأمر مضيع له، فالغالي فيه مضيع له: هذا بتقصيره عن الحد، وهذا بتجاوزه الحد.

In essence, exaggeration and overstepping can depart from Satan. Because, Allah SWT does not command anything that goes beyond the limit.

Second, repeating the hajj because it will perform the hajj for others (badal hajj). Badal hajj becomes khilafiyah in the implementation by madhhab Shafi'i and madhhab Maliki. This khilafiyah is based on the same hadith, namely a hadith from Ibn Abas which narrates the events of Subrumah.

Table 2. A Comparison of the Mazhab Shafi'i and Maliki Regarding Badal Hajj

No.	Mazhab Syafi'i	Mazhab Maliki
1.	It is not permissible for mubaddil to perform hajj on others if he himself has not performed hajj. Relying on the detailed hadith that the Prophet ordered the hajj for himself first, then to recite it.	Allowing the "mubaddil" of the person who replaces the hajj does not have to have performed the hajj for himself before. Relying on the general evidence that the implementation of badal hajj is allowed.
2	Allowing badal hajj for people who are dead or living only do not have the ability to attend in person due to health conditions that do not allow	Badal Hajj is only for the dead. It is not allowed to carry out badal hajj as a substitute for hajj for people who are still alive because hajj is a worship related to physical worship and not property
3	There does not have to be a will from a deceased person, it can be done on the initiation of mubaddil.	Badal Hajj for a deceased person must be based on a will. If there is no will, it is not mandatory to be badabel.

Third, perform Hajj again because they are mahrams or guides for pilgrims. In this matter, it is necessary to re-understand the fiqh of safar. The researcher focused on the discussion of fiqh whether a woman should be accompanied by her mahrom. This kind of understanding certainly needs to be seen from the context of the era when the verses were sent down and the determination of the hadith, which described the conditions at that time when the security order was not stable. At that time, women were still doing a lot of domestic activities. A discussion on the 'illah of the law prohibiting women from safar without a mahram has been published in literature research by Nazahah & Sahidin (2022) which concludes that scholars have two views on the law of women traveling without a mahram. Some argue that the main reason for the ban is the trip itself if done without a mahram. Consequently, a woman's journey without a mahram is considered haram, both in the conditions of mandatory travel, sunnah, and mubah. However, some other scholars argue that the reason for the ban is safety on the way. Thus, as long as safety is guaranteed, women are allowed to travel either for compulsory, sunnah, or mubah purposes. Meanwhile, trips made for prohibited purposes are still punished as haram.

Ibn Rushd supported Plato's opinion that on the issue of women specifically, he held that "women and men have the same nature and the only difference between them is physical strength." Women have no intellectual shortcomings compared to men and the only thing that degrades their quality is social habits. If women are well trained, they could become "philosophers and rulers", even scholars. This opinion certainly wants to convey the message, that women can travel alone while being trained to be able to take care of themselves and be facilitated with adequate security (Belo, 2009).

Ibn Rushd's opinion seems to be different from the opinion of Imam Al-Ghazali who is in line with the philosopher Aristotle in this issue of gender equality. Al-Ghazali (2011) emphasizes the absolute obedience of a woman to her husband in everything that is asked. Ibn Rushd commented on this as a "form of slavery". Aristotle explicitly explained that "male courage lies in ruling", while "women lie in obedience" (Akyol, 2022). This is not in line with the opinion of Ibn Rushd who seeks to equalize gender according to their respective capacities, regardless of whether they are male or female.

Fourth, because performing Hajj more than once is sunnah. This hadith needs to be reviewed holistically, by presenting other hadiths. Including how to implement priority fiqh. In the context of Indonesia, for example, on the island of Java, the queue for hajj departures has reached 30 years (Ahmed et al., 2006). This means that when the registrant has become a prospective pilgrim at the age of 35, he will depart at the age of 65. An age that is vulnerable to travel long distances and do activities in crowds of many people, let alone crowded. This becomes a *community*, even borrowing the soul (*dharar*). It is another case if Muslims at the age of 65 remain healthy, but it cannot also be generalized. Therefore, researchers view this as makruh.

According to Abdul Wahab Khalaf, *makruh* is a type of *taklif* law in the form of an uncertain prohibition, although it is then done without punishment but will sometimes get a reproach (legality or bad impact on the *mukalaf*). Rachmat Syafei explained that the provisions of Hanafiyah scholars regarding *makruh* law have two forms. First, *makruh tanzih*, which is a stipulation not to do something with uncertain postulates of demands, this is the same as conveyed by the majority of scholars, including Abdul Wahab Khalaf. For example, when a person eats horse meat when the horse is needed for war, but is forced to do it to save lives. Second, *makruh li tahrim*, that is, the demand to leave it must be based only on the evidence of *dzanni*, because if the evidence of the demand to leave it is in the form of *qath'i*, then the legal provisions are *haram*. For example, *makruh* for men using silk and gold jewelry (Khalaf, 2010).

Yusuf Qardhawi in his fatwa, explained the law for Muslims who will perform *hajj nafilah* (*sunnah*), namely the implementation of *hajj* after the obligatory (once in a lifetime). The explanation states that the law must be abandoned or *haram*, when it actually adds to the congestion and urgency during its implementation. Because, this gives rise to *masyaqqah*. According to him, this decree has wisdom. For example, excess wealth can be channeled to help poor or poor families; assisting *da'wah* programs or projects that have a vital impact on Islamic teaching; Reduce the density of pilgrims for those who are carrying out their mandatory *hajj* (Qardhawi, 1995).

As a result, the law of *hajj* many times in Indonesia is *makruh litanzih*. It is better not to perform the *hajj* many times to avoid the risk of prospective pilgrims from the elderly, who are vulnerable to physical weakness. If it is able to do more than once, *the legal mandub* is to finance the *hajj* of others whose *istitha'ah* knowledge and physical fulfillment are fulfilled (Khoiri, 2023). This is because forcing to perform *hajj* many times in order to achieve the virtues in *the nash*, but has a greater impact on *madharat*, does not reflect the *maqāṣid al-sharī'ah*. The suggestion is that it is necessary to *screen* who is entitled to *Hajj* first by paying attention to the aspect of physical ability. In addition, it is necessary to socialize the *fiqh* of *hajj* in the Indonesian context so as to convince the public to act more wisely in the *amaliyah* of *hajj*.

### ***Hajj Legal Practice: An Analysis Based on Maqāṣid Al-sharī'ah and Public Welfare***

The distinction that the researcher carried out in this research analysis is to formulate a *new amaliyah* for Muslims who have excess wealth to get the priority of *Hajj* without having to go to the holy land which results in the *Hajj* queue getting longer, anticipating the elderly *Hajj*. Therefore, a mindset is needed about the law of *hajj* that is adjusted to the *mukalaf*, especially those who want to perform *hajj nafilah* (more than once in a lifetime). The mindset that needs to be built is an understanding of the *hadith* of the Prophet (peace be upon him) related to the virtues of Muslims who show a good deed, then they will get rewards as they do. In the context of giving *ifthar* (breaking the fast) for Muslims who are fasting, they get the reward of fasting



without reducing the reward of those who fast. Therefore, in the amaliyah of hajj, the Sunnah (mandub) of the law finances Muslims who are already capable in science and physicality. This provision is based on practicing the hadith of qauliyah "*man dalla 'ala khairin, fa lahu ajru faa'ilih*".

This situation is particularly relevant given the aging demographic of pilgrims, which raises concerns about the physical vulnerability of elderly participants (Fajar, 2023). The proposed approach could potentially alleviate the burden on the existing Hajj queue while ensuring that those who are financially capable can fulfill their religious obligations in a manner that is both practical and considerate of their health. In exploring this topic, several previous studies provide valuable insights. For instance, discuss the dimensions of Maqāṣid Sharia, emphasizing the importance of community welfare and justice. Their findings suggest that Islamic financial institutions have yet to fully realize the maqāṣid objectives, particularly in terms of community welfare (Antonio et al., 2020). This highlights the potential for a new amaliyah that aligns with the maqāṣid framework, promoting equitable access to Hajj for those with excess wealth.

Primadhany (2018) said on the responsibilities of the Hajj Financial Management Agency (BPKH) underscores the need for effective financial management in facilitating Hajj. The agency's role in ensuring that funds are managed responsibly can be pivotal in implementing a system that allows wealthy individuals to contribute to Hajj funds without necessitating their physical presence, thereby addressing the logistical challenges posed by an aging pilgrim population. Additionally, Priyatno's research Priyatno on welfare analysis through the Human Development Index (HDI) using a Maqāṣid Sharia approach indicates that incorporating maqāṣid principles into social policies can enhance community welfare (Priyatno, 2023). This aligns with the proposed amaliyah, as it seeks to create a system that not only prioritizes Hajj for the wealthy but also contributes to the overall welfare of the community by potentially redistributing resources to support those who are less fortunate.

Study of Hajj fund management institutions provides a framework for understanding how different countries manage Hajj funds (Muneeza et al., 2018). Their findings suggest that effective management practices can lead to improved outcomes for pilgrims, which could be adapted to support the proposed amaliyah. By learning from these practices, Indonesia could develop a model that allows for the prioritization of Hajj for wealthy individuals while ensuring that the needs of the broader community are met.

In this research, the researcher distinguishes by formulating a new practice for Muslims who have excess wealth to attain the rewards of Hajj without needing to travel to the holy land. This practice can help alleviate the increasing waiting times for Hajj and anticipate the challenges faced by elderly pilgrims (Gowa et al., 2015). Therefore, there is a need to shift the mindset regarding the laws of Hajj, particularly for those who wish to perform voluntary Hajj (more than

once in their lifetime). The mindset that needs to be built involves understanding the teachings of Prophet Muhammad (PBUH) related to the rewards of those who guide others toward goodness. This concept is encapsulated in the hadith where it is mentioned that anyone who guides to good will receive a reward equal to the reward of the one who performs the good deed. In the context of fasting, for example, when a Muslim provides iftar (breaking the fast) for those fasting, they will receive the reward of the fast without diminishing the reward of the fasting individual. Similarly, in the practice of Hajj, the voluntary (Sunnah) act of assisting others to perform Hajj is regarded as equally virtuous as the act of performing Hajj itself. This is grounded in the hadith: "*Man dalla 'ala khairin, fa lahu ajru faa'ilihi*" means "Whoever directs someone to good will have a reward equal to that of the one who does the good deed."

The rationale behind this approach is to enable those who have already completed their obligatory Hajj to focus on assisting others, rather than repeating the pilgrimage for personal benefit, especially in light of the prolonged waiting times for Hajj in countries like Indonesia (Huda & Haeba, 2021). By directing their resources toward funding the Hajj of others who have not yet had the opportunity to perform it, individuals not only earn immense reward but also help in reducing the strain on the Hajj system. This approach also ensures that the elderly, who may face physical challenges in undertaking the pilgrimage, are given priority in the limited Hajj slots available.

The principle of *maslahat* (benefit) in Islamic law serves as a foundational concept that emphasizes the well-being of the community and the common good. This principle is crucial in formulating policies and practices that aim to enhance social welfare and address contemporary challenges faced by Muslim communities. In the context of the proposed new amaliyah for prioritizing Hajj for Muslims with excess wealth, the application of *maslahat* can provide a framework for ensuring that such practices align with the broader objectives of Islamic law (Mas'ud, 2000).

Maslahat is often interpreted as the pursuit of public interest and the prevention of harm, which can be seen in various Islamic legal discussions. For instance, A'yun highlight how Islamic philanthropy is rooted in the concept of *maslahat*, as it aims to alleviate poverty and promote community welfare (A'yun et al., 2022). Their research emphasizes that philanthropic efforts, when aligned with Islamic principles, can significantly contribute to social justice and the overall well-being of society. This aligns with the proposed amaliyah, as it seeks to utilize the financial capabilities of wealthy individuals to benefit the broader community by addressing the challenges posed by the lengthy Hajj queue.

Furthermore, the work of Khoiri elaborates on the *maqāṣid al-sharia* (objectives of Islamic law) and its relationship with *maslahat*. According to Khoiri, *maqāṣid* emphasizes the preservation of benefits and the rejection of harm, which is essential in developing social policies that reflect the needs of the community (Khoiri, 2023). This perspective reinforces the idea that

prioritizing Hajj for those with excess wealth can be a means of fulfilling the community's spiritual needs while also addressing the logistical challenges faced by elderly pilgrims.

Additionally, the study by Ibrahim on the role of Islamic microfinance in promoting social welfare illustrates how financial institutions can operate within the framework of *maslahat* (Ibrahim, 2024). By providing financial support to those in need, Islamic microfinance can enhance community welfare and contribute to the common good. This approach can be mirrored in the proposed *amaliyah*, where the financial contributions of wealthy Muslims can be directed towards initiatives that support the community, thereby embodying the principles of *maslahat*.

The welfare principles in national and Islamic law underscores the importance of integrating *maslahat* into legal frameworks (Manalu, 2023). This integration can lead to more equitable and just policies that prioritize the welfare of the community, aligning with the proposed *amaliyah*'s goal of facilitating Hajj for those who can afford it while considering the needs of the broader Muslim population. It is crucial to build a mindset that understands Hajj not merely as an individual obligation but as an act that serves the greater good of the Muslim community. In this regard, performing Hajj once is sufficient, and further pilgrimages should not be pursued when they can create undue burden on the Hajj process. This is especially relevant considering that elderly Muslims or those with health issues may face significant difficulties in completing the pilgrimage. By redirecting financial resources to fund the Hajj of others, individuals fulfill the spirit of the pilgrimage without contributing to the growing backlog of waiting pilgrims (Aziz et al., 2023).

This approach also aligns with the broader Islamic principle of *maslahat* (benefit) and the concept of "common good," which emphasizes the well-being of the community as a whole (Al-Syathiby, 2005). Islam teaches that every good deed performed for the benefit of others carries equal or greater reward, as exemplified by the hadith on charity and guiding others toward good. This understanding highlights that spiritual rewards can be achieved through helping others fulfill their religious obligations, without necessarily performing the acts oneself. By funding someone else's pilgrimage, a Muslim can partake in the reward of Hajj as if they had performed it themselves.

The underlying principle here is not to invalidate the importance of Hajj as a religious obligation but to emphasize that in contemporary circumstances, such as the long waiting periods and the physical constraints of elderly Muslims, a more holistic approach to Hajj is needed (Shafi et al., 2016). Redirecting financial resources to help others, rather than performing Hajj repeatedly, ensures that the benefit is distributed more equitably among the Muslim community, allowing those who are physically able and who have already performed the pilgrimage to assist those who are still waiting.

This shift in perspective is in line with the Islamic concept of "Fikih Taisir" (facilitation), which advocates for ease and adaptability in religious practice. Fikih Taisir teaches that in cases of difficulty, especially those related to health or safety, Muslims are allowed to choose alternatives that ease their burden while still fulfilling the core purpose of the religious obligation (Hallaq, 1997). By enabling wealthy Muslims to assist others in fulfilling their Hajj, the burden of waiting for years in long queues can be reduced, thereby ensuring that the elderly and those with special needs are not unduly burdened by the physical challenges of the pilgrimage.

The shift in understanding Hajj, particularly in the context of social responsibility within Islam, reflects a broader view of its impact on community welfare and ethical obligations. As challenges like long waiting times and an aging pilgrim demographic grow, innovative solutions that prioritize social responsibility are increasingly necessary. Social responsibility in Islam is grounded in the principles of *maslahat* (benefit) and *maqāṣid al-sharia* (objectives of Islamic law), which focus on the well-being of the community. Muneeza & Mustapha discuss the impact of the COVID-19 pandemic on Hajj, underscoring the need for policy adaptations that prioritize pilgrim health and safety, reflecting social responsibility (Muneeza & Mustapha, 2021). Clingingsmith highlight how Hajj fosters social cohesion and tolerance, reinforcing community bonds and aligning with the Islamic principle of working toward the common good. In Indonesia, where demand for Hajj continues to rise (Clingingsmith et al., 2009), emphasize the need for ethical Umrah marketing practices that consider both the economic and well-being aspects of pilgrims (Nurohman et al., 2023).

The transformative power of Hajj, noting its potential for personal and communal growth. This reinforces the idea that Hajj is a collective responsibility, impacting the broader Muslim community (Alnabulsi et al., 2019). Gowa further highlight the importance of health interventions, especially for elderly or vulnerable pilgrims, emphasizing the need for social responsibility in ensuring their safety (Gowa et al., 2015). This rethinking of Hajj is also grounded in the concept of social responsibility within Islam. Rather than focusing solely on personal gain, Islam encourages a mindset of shared benefits. The act of funding someone else's pilgrimage is not merely a charitable act but an expression of solidarity with the wider Muslim community. It reflects a deeper understanding of the interconnectedness of all Muslims, which is central to the Islamic concept of *Ummah*. The *Ummah* is not just a collection of individuals, but a community bound by a shared commitment to the welfare of each member (Clingingsmith et al., 2009; Khoiri, 2023). By helping others to perform Hajj, wealthy Muslims can ensure that the benefits of this important religious act are distributed more equitably, creating a more balanced and just approach to this sacred duty.

The shift in thinking about Hajj is also consistent with the broader goals of *maqāṣid al-shariah* (the objectives of Islamic law), which aims to preserve the welfare of humanity by protecting fundamental values such as life, faith, intellect, lineage, and property. In this case,

preserving the welfare of elderly Muslims and ensuring their ability to participate in Hajj is in line with the maqāṣid's focus on protecting life and health (Memish et al., 2014; Mokodenseho, 2024). By reducing the burden of physical strain on elderly pilgrims, this approach respects their dignity and well-being while still allowing them to fulfill their religious obligations.

Addressing the issue of repeated Hajj requires practical and sustainable solutions that balance individual desires with communal welfare. One key alternative is redirecting financial resources from repeated Hajj trips to sponsor first-time pilgrims who lack the means to undertake the pilgrimage. This strategy aligns with the principle of *maslahah* (public benefit), enabling more individuals to fulfill their religious obligation while enhancing the overall social impact of Hajj. Public education campaigns are equally vital, focusing on raising awareness of *fiqh taisir* (facilitative jurisprudence) and *fiqh al-awlawiyyāt* (prioritization jurisprudence). These concepts advocate for moderation and the prioritization of collective welfare over personal preferences (Yusuf et al., 2023; Zaprulkhan, 2018). Additionally, stronger enforcement of policies that limit repeated Hajj participation and prioritize first-time pilgrims is essential to ensure equitable access to this sacred journey (Shafi et al., 2016). By implementing these measures, Indonesia's Hajj management can align more closely with the principles of *maqāṣid al-sharī'ah*, fostering a fairer, more sustainable, and socially beneficial system that reflects the higher objectives of Islamic law.

To ensure equitable access to pilgrimage opportunities, stakeholders are urged to implement targeted and inclusive strategies. Firstly, regulatory frameworks should prioritize first-time pilgrims to minimize prolonged waiting periods and foster broader participation. Secondly, public awareness campaigns must emphasize the ethical imperative of prioritizing first-time pilgrims in alignment with principles of fairness and social justice. Thirdly, enhanced collaboration between governmental authorities and religious institutions is essential to ensure that quota management adheres to maqāṣid al-sharī'ah, promoting community welfare and equitable resource allocation. Lastly, strengthening healthcare provisions for elderly pilgrims and offering alternative spiritual avenues for those unable to perform Hajj repeatedly would mitigate health risks while supporting a sustainable and just pilgrimage system. These recommendations collectively aim to align policy interventions with universal values of inclusivity, fairness, and sustainability.

This study highlights the need for policy reforms that address the challenges posed by repeated Hajj. By prioritizing first-time pilgrims, redistributing financial resources, and promoting contextual understanding of Hajj law, it is possible to create a more equitable and sustainable Hajj management system. These findings contribute to contemporary Islamic legal discourse and provide practical solutions to optimize Hajj policies in Indonesia, ensuring they align with the principles of maqāṣid al-sharī'ah and promote public welfare.

## Conclusion

This study concludes that the practice of repeated Hajj in Indonesia, when evaluated through the lens of maqāsid al-sharī'ah, has notable adverse effects on public welfare, including extending the pilgrimage queue and heightening health risks, particularly for elderly pilgrims. Analysis based on the principles of hifz al-nafs (preservation of life) and hifz al-mal (preservation of wealth) suggests that undertaking Hajj more than once in a lifetime is classified as makruh litanjih (discouraged but not sinful), especially when it limits the opportunity for new pilgrims to fulfill their religious duty. The study further identifies the need to reinforce existing regulations, such as the 10-year re-registration grace period, through improved socialization and a more robust approach to prioritizing fiqh al-awlawiyyat (jurisprudential prioritization). As a solution, this research recommends the introduction of Hajj financing programs that allow individuals to sponsor others, thereby mitigating the negative consequences of prolonged queues and excessive hardship. Lastly, future studies should explore the application of priority fiqh in other religious practices, particularly in relation to their socio-economic impact on society.

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