

CANCELLATION OF THE HAJJ: ANALYSIS OF ISLAMIC LAW, REGULATIONS, HISTORY, TA'LIMATUL HAJJ AND ITS IMPACT ON THE SOCIAL AND SPIRITUAL ASPECTS OF SOCIETY

Endang Jumali

Universitas Suryakencana

Email : endangjumali@unsur.ac.id

Abstract

The Covid-19 pandemic has had a tremendous impact not only on the economic aspect but also on the Hajj implementation cancellation in 2020. The purpose of this article is to analyze the cancellation of the Hajj from the perspective of analysis of Islamic law, regulations, history, talimatul Hajj, and its impact on the social and spiritual aspects of society. The method used in this article is a qualitative research method with a library research approach. This article concludes that two fundamental aspects of Islamic Law justify the decision to cancel the Hajj: first, from the element of maqashid al-sharia, namely the safety of the human soul as from protecting the soul (hifzh al-nafs), second from the aspect of fiqh, the requirements compulsory Hajj, namely being able (istitha'ah) in the course of the pilgrimage has not been fulfilled. From the regulatory element, in article 41 of Law Number 8 of 2019, the Minister of Religion is responsible for protecting pilgrims and pilgrim officers before, during, and after Hajj pilgrims and pilgrim officers carry out the pilgrimage. From a historical aspect, the expedition was canceled several times because of war and pandemic diseases. Then from the element of the talimul Hajj of Saudi Arabia, all the congregation can't do it because of the Covid-19 pandemic. In the social and spiritual aspects, the pilgrimage is a combination of soul, wealth and social. While performing the Hajj, someone is performing a soul-training ritual.

Keywords: Hajj; Islamic Law; Regulation; History; Social and Spiritual

INTRODUCTION

The pilgrimage is the fifth pillar of Islam, which every Muslim must perform, which meets the requirements of istitaah, both financially, physically, and mentally. The pilgrimage as standardized worship cannot be separated from the prophets' history before the Prophet Muhammad¹. Since his time, the Prophet Adam has carried out this worship. He has carried out the pilgrimage several times by tawaf (around the Ka'bah) after Kaabang the Ka'bah in Makkah. During the time of Ibrahim and his son, the Prophet Ismail, also received orders to carry out the pilgrimage to the Baitullah. Several other prophets, such as Noah, Hud, Shaleh, and Shu'aib also performed the pilgrimage. Until the time of the Prophet Muhammad, according to the number of scholars, the voyage was expedition in the sixth year of Hijriyah². However, the Prophet Muhammad performed

¹ Annas Syams Rizal Fahmi, An Analysis of Investment for Hajj Funds from Islamic Law Perspective. Al-Iktisab: Journal of Islamic Economic Law, vol.1 No.2 edisi November 2017, pg. 31-39.

² Zubaedi, Analisis Problematika Manajemen Pelaksanaan Haji Indonesia (Restrukturisasi Model Pengelolaan Haji Menuju Manajemen Haji yang Modern). Manhaj, vol.4 no.3 edisi September-Desember 2016, pg. 190-200.

the journey in the tenth year of Hijriyah because the polytheists still controlled Mecca at that time. Prophet Muhammad only performed the pilgrimage once. In Hajj's pillars, it is also explained that the harmonious Hajj is obligatory once in a lifetime, and for the second Hajj and so on, it is Sunnah³. During his time, the Prophet had the opportunity to worship every year and perform Umrah many times. In his historical record, the Prophet performed the Umrah pilgrimage three times, and the last Umrah was carried out by the execution of his first and last Hajj, in his term it is called haji wada⁴.

Even though it has been a very long time since being ordered to carry out the haj pilgrimage, in its implementation, Muslims around the world are very enthusiastic about carrying out this worship, so that in its performance, binding policies are originating from the Government of Saudi Arabia for countries that want to send their congregations to the holy land, such as the management, service, implementation management, and quota limits of each country⁵.

As one of the countries with the largest Muslim population globally, Indonesia organizes the haj pilgrimage every year. The State is responsible for managing the haj pilgrimage as mandated in Article 29 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that the State guarantees the independence of each citizen to embrace his or her respective religion and to worship according to their faith and belief. Currently, the legal basis for implementing the haj pilgrimage are based on Law Number 8 of 2019 concerning Hajj and Umrah's implementation.⁶ In this Law, it regulates a series of activities to manage the haj pilgrimage's performance, which includes guidance, services, and protection for pilgrims. The purpose of organizing the expedition is to provide the best possible advice, assistance, and security for the pilgrims to carry out their worship following the provisions of Islamic teachings. The hajj pilgrimage is carried out based on the principles of justice, professionalism, and accountability with the direction of non-profit.⁷

At the end of 2019, the Corona Virus Disease 2019 (COVID-19) outbreak emerged, which was able to shake the international public in various parts of the world. This virus was first detected in Wuhan City, Hubei Province, China in early December 2019, infecting many people and killing thousands of lives and then spreading to other cities Zhengzhou, Nanchang, Hangzhou, Guangzhou, Beijing, Huainan, Shanghai, and applied

³ Resti Wildayati., Dindin Solahudin., dan Arif Rahman, Optimalisasi Pelayanan Haji dalam Meningkatkan Kepuasan Jamaah. Anida (Aktualisasi Nuansa Ilmu Dakwah), vol.17 no.2 edisi 2017, pg. 165-182.

⁴ Muhaemin, Dimensi Pendidikan dalam Ibadah Haji (Telah tentang Aspek Pendidikan: Tauhid, Etika, Moral, Sosial yang Tersirat dalam Pelaksanaan Ibadah Haji). Jurnal Adabiyah, vol.XIII vol.2 edition 2013, pg. 215-227.

⁵ Hamzani, A. I., Siswanto, S., and Aravik, H, Legal Protection for Hajj Pilgrims Through Regional Regulation. Mazahib, vol.17 no.2 edition 2018, pg. 61-88.

⁶ Mariani, Luth, T., Muhjad, M. H., and Fadli, M, The Determination of Waiting Listed Pilgrim Candidates Criteria in Hajj Enforcement System in Indonesia. Journal of Law, Policy and Globalization, vol.48 no.2 edition 2016, pg. 179-189.

⁷ Nathasya Victoria Ruswandana., Bambang Eko Turisno., dan Suharto, Perlindungan Hukum Terhadap Konsumen Dalam Pembatalan Keberangkatan Ibadah Haji Khusus Oleh Biro Penyelenggara Ibadah Haji Khusus. Diponegoro Law Journal, vol.5 no 3 edisi 2016, pg. 1-12.

to the closest country of South Korea, Japan, Taiwan, Hong Kong and the Philippines⁸. The high-speed transmission of the virus has finally infected almost all of mainland Asia. It continues to spread to various countries in the Middle East, Europe, Australia, and the United States⁹.

The World Health Organization (WHO) has designated Covid-19 as a pandemic that has a dangerous rate of transmission and has urged all countries to be vigilant and take policies following WHO's recommendations and protocols¹⁰. The status of Covid-19 as a pandemic has put the world community in a health emergency. It must comply with all government health policies to control transmission¹¹.

The Covid-19 pandemic had a tremendous impact not only on the economic aspect but also on the cancellation of the implementation of Hajj in 2020. On June 2, 2020, the Ministry of Religion of the Republic of Indonesia issued the Decree of the Minister of Religion (KMA) of the Republic of Indonesia No.494 years 2020 regarding the cancellation of the departure of the pilgrims for the Hajj pilgrimage in 1441 H / 2020 M.¹² Following the mandate of the Law, the Government said that apart from being economically and physically capable, The hajj pilgrims' health, safety, and security must be guaranteed and prioritized, from embarkation or debarkation, while traveling, and also while in Saudi Arabia.¹³ The Government, through the Minister of Religion, emphasized that this decision had gone through an in-depth study because of the Covid-19 pandemic that hit almost all countries in the world, including Indonesia and Saudi Arabia, so that it could threaten the safety of pilgrims. Islam teaches that guarding the soul is an obligation that must take precedence¹⁴.

Suddenly, some Indonesians were shocked by the Government with the issuance of the 2020 Hajj cancellation policy, which some people consider sudden. During the Covid-19 pandemic, people were already preoccupied with stressors that emerged from various directions. Especially for those with risk factors, the emergence of pandemic triggers and stressors certainly adds to the worry. What is needed in this pandemic condition is not only physically healthy but also psychologically healthy. The term mental health or mental health. WHO said that being mentally healthy must meet the four criteria of

⁸ Wenham, C., Smith, J., and Morgan, R, COVID-19: the gendered impacts of the outbreak. *The Lancet*, vol.395 edition 2020, pg. 846-848.

⁹ Baharuddin., and Rumpa, F.A, 2019-*n Cov Melindungi Diri Sendiri dengan Lebih Memahami Virus Corona*, Rapha Publishing, Yogyakarta, 2020, pg. 13.

¹⁰ Liang, X, *Guidance for Corona Virus Disease 2019*, People's Medical Publishing House, Beijing, 2020, pg. 19.

¹¹ Martinez-Juarez, L.A. et al, Governments and international institutions should urgently attend to the unjust disparities that COVID-19 is exposing and causing. *EclinicalMedicine*, 2020 doi.org/10.1016/j.eclinm.2020.100376

¹² Sinuhaji, J. (2020, June 02). Ungkap Alasan Pembatalan Pemberangkatan Haji 2020, Menag: Tanggung Jawab Memberi Perlindungan. *Pikiran Rakyat*. Retrieved from <https://www.pikiran-rakyat.com/khazanah-islam/pr-01392879/ungkap-alasan-pembatalan-pemberangkatan-haji-2020-menag-tanggung-jawab-memberi-perlindungan>

¹³ Aditya, N.R. (2020, June 07). Ibadah Haji 2020 Batal, Penyelenggara Ibadah Haji Dirugikan, Kenapa??. *Kompas*. Retrieved from <https://travel.kompas.com/read/2020/06/07/091900227/ibadah-haji-2020-batal-penyelenggara-ibadah-haji-dirugikan-kenapa?page=all>.

¹⁴ Dzulfaroh, A.N. (2020, June 02). Ibadah Haji 2020 Dibatalkan, Ini Respons Asosiasi Penyelenggara Haji Amphuri. *Kompas*. Retrieved from <https://www.kompas.com/tren/read/2020/06/02/153100465/ibadah-haji-2020-dibatalkan-ini-respons-asosiasi-penyelenggara-haji-amphuri?page=all>

being healthy: physical, mental, social, and spiritual health¹⁵. Therefore, in this article, we will analyze the Hajj's cancellation from exploring Islamic Law, regulations, history, *talimatul Hajj*, and its impact on society's social and spiritual aspects.

In this article, researchers use qualitative methods with a library research approach. The data used are secondary¹⁶, seen from how the data were obtained. What is meant by secondary data here is data that was already available before the holding of this research. Secondary data is usually available for a specific purpose, not explicitly provided for this research. Secondary data is generally available in libraries, data and information centers, the internet, and other places that provide the secondary data in question. Thus secondary data is often referred to as library data.

The next stage of data collection for this research is to make secondary data into primary, secondary, and tertiary materials used by researchers in conducting their research. Secondary data are arranged hierarchically, where primary materials have more priority than secondary materials and tertiary materials. Meanwhile, secondary materials have more importance than tertiary materials.

In its implementation, primary materials, secondary materials, and tertiary Law are collected according to the discussion being worked on and compiled. The technique used to study and collect these three materials is often referred to as a documentary study¹⁷. Because the three materials are prepared concerning a particular topic, the three types of materials must not contradict each other. Still, they must support each other to synchronize¹⁸ between the three materials. The availability of primary materials for a particular subject takes precedence over secondary materials and tertiary materials. Thus, secondary materials and tertiary materials are positioned as supporting materials for primary materials.

DISCUSSIONS

Analysis of Islamic Law in the Cancellation of Hajj

The Minister of Religion's decision regarding the pilgrimage's cancellation is indeed the right thing to take. Although this has the consequence of increasing the pilgrims' waiting period, this decision must be taken immediately. At least, there are two essential things from Islamic law that justify this decision:

1. First, from the aspect of *maqashid al-sharia* or the purpose of establishing Islamic law.

Abu Ishaq Ibrahim bin Musa bin Muhammad al-Lakhmi al-Syatibi, commonly known

¹⁵ Subardjo, R.Y.S. (2020, June 03). Batal Haji, Ini Dampak Psikologisnya. *Kompas*. Retrieved from <https://www.kompas.tv/article/84849/batal-haji-ini-dampak-psikologisnya?page=all>

¹⁶ Salim HS., dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi*, RajaGrafindo Persada, Jakarta, 2013, pg. 12.

¹⁷ Salim HS., *Op Cit*, pg. 19.

¹⁸ Bambang Sunggono, *Metodologi Penelitian Hukum*, Raja Grafindo Persada, Jakarta, 2013, pg. 94.

as Imam Al-Syatibi, the Islamic legal philosopher from Spain, the Maliki sect, was the central figure who developed this Maqashid Sharia perspective¹⁹. According to him, the stipulation of law is for the benefit of humans. The texts in Islamic teachings show that sharia is caused by the existence of *illat* (the factor that causes the stipulation of a law). In Al-Syatibi's view, it turns out that the *illat* of law leads to the benefit of humans themselves, both globally (read Q.S. Al-Anbiya: 107) and partially (read Surah Al-Maidah: 6). Therefore, the use of humans becomes the basis for a law. According to Al-Syatibi, Islamic teachings are oriented towards five basic needs (*al-dlaruriyat al-khamsah*), namely *hifzh al-din* (maintaining religion), *hifzh al-nafs* (guarding the soul), *hifzh al-'aql* (maintaining reason), *hifzh al-nasl* (protecting the descendants), and *hifzh al-mal* (safeguarding property). At the implementation level, these five basic needs will be categorized into *dharuriyah* (primary), *hajiyyat* (secondary), and *tahsiniyah* (tertiary). It may be that the form of rituality of worship in certain conditions becomes *dharuriyah* (primary)²⁰. Still, under different conditions, it becomes *hajiyyat* (secondary) because it considers the facts of locality and consideration of the implementation of the five basic needs (*al-dlaruriyat al-khamsah*). In the context of the Hajj in 2020 M / 1441 H, the perspective of *Maqashid Al-Syariah* Al-Syatibi is essential to be analyzed. This pilgrimage is an order of Allah SWT, as stated in QS Ali Imran: 97, and it is part of the principle of protecting religion (*hifzh al-din*). However, in the aspect of its implementation during the pandemic coronavirus disease 2019 (Covid-19) situation, Hajj's performance in 2020 can conflict with the congregation's health and safety. Of course, the human soul's health and safety as a means of protecting the soul (*hifzh al-nafs*) is a need that must be prioritized (*dharuriyah*) compared to the implementation of the pilgrimage itself. Among the *ushuliyah* rules (rules that are used as guidelines in formulating Islamic law) states that Islamic law must be built on the principle of *La dharara wa La dhirara* (لا ضرر ولا ضرار) the mean neither fade nor wane nor transmit and neither transmit a disease and the rules that read *الضرر يزال* (*addhororu yuzalu*) which means the danger must be eliminated and *الضرر يدفع بقدر الإمكان* (*addhororu yudfa'u biqodril imkaani*) with the meaning that harm/loss must be avoided as much as possible. In the context of the current pandemic, pilgrims have the potential to contract or transmit Covid-19 from or to other worshippers.

2. Second, from the aspect of *fiqh*, the mandatory requirements for the haj pilgrimage cover at least five things, namely Islam, reason, baligh, independence, and ability (*istitha'ah*). Especially for the aspects of being able (*istitha'ah*) in the pilgrimage, at least it includes being economically able, physically capable, and being able to travel which is manifested in a safe form during the trip²¹. In the context of security during the

¹⁹ Moh. Kurdi Fadal, *Kaidah-kaidah Fikih*, Artha Rivera, Jakarta, 2008, pg. 39-40.

²⁰ Jaih Mubarak, *Kaidah-kaidah Fiqh Jinayah*, Pustaka Bani Quraisy, Bandung, 2004, pg. 23-24.

²¹ Budi Kisworo, *Ibadah Haji Ditinjau Dari Berbagai Aspek*. Al Istimbath: Jurnal Hukum Islam, vol.2 no.1 edisi 2017, pg. 75-98.

pilgrimage during the Covid-19 pandemic, of course, this is a question of its own. This is because Covid-19, which is currently hitting more than 200 (two hundred) countries and more than 6.4 million cases, has seriously threatened the pilgrimage's safety. Thus, according to the author, even without a government decision, the Indonesian Muslim community would not fulfill the Hajj pilgrimage's mandatory requirements because it was not safe during the trip.

Regulatory Aspects in Cancellation of Hajj

Indonesia is not formally a religious state, but almost all religious interests have been provided with adequate regulations and facilities by the government, including the implementation of the haj pilgrimage. With this regulation, the government is obliged to protect and provide proper facilities in the haj pilgrimage's performance.

Through Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah, which was ratified on April 26, 2019, the pilgrimage position is so strong. Law Number 8 of 2019 is an improvement to Law Number 13 of 2008 concerning Hajj's implementation, stipulated on April 28, 2008, previously. In the fourth part of the eighth paragraph of article 41 of Law Number 8, the Year 2019, the Minister of religion stated, "Responsible for protecting pilgrims and pilgrimage officers before, during, and after Hajj pilgrims and hajj officers carry out the pilgrimage".

Of course, this mandate is the authority of the Minister of Religion to ensure protection for all citizens who perform the pilgrimage. However, in this Covid-19 situation, no one can protect citizens who serve the expedition. Because, as is understood, the various causes and conditions of people affected by Covid-19 have entirely multiple dimensions²².

For example, those who have high immunity, so even though they are exposed to Covid-19 but are classified as people without symptoms (OTG), at the same time, they can transmit the virus to other people who have weak immunity. Therefore, the Minister of Religion, as the person in charge of the implementation of this pilgrimage, has the authority to decide to postpone the departure of the congregation. This is concretely manifested in the Decree of the Minister of Religion (KMA) Number 494 of 2020 concerning the Cancellation of Hajj Pilgrims Departure during the Hajj 1441H / 2020 M.

Apart from the basis of the Law on the Implementation of Hajj and Umrah, the Minister of Religion, as an element of the government, is obliged to participate in preventing the plague. This is regulated in Law of the Republic of Indonesia Number 4 of 1984 concerning Communicable Disease Outbreaks, especially in Article 10, which states, "The government is responsible for implementing epidemic control efforts as referred to

²² Oktaviani, Z. (2020, June 03). Pengamat: Alasan Pembatalan Haji Belum Dipahami Masyarakat. *Ihram*. Retrieved from <https://ihram.co.id/berita/qbcdpa327/pengamat-alasan-pembatalan-haji-belum-dipahami-masyarakat>

in Article 5 paragraph (1)". If referring to that, among the countermeasures is to make other countermeasures. The Minister of Religion realized these other countermeasures by not dispatching pilgrims to reduce the risk of the spread of the Covid-19 outbreak. Conversely, if the Minister of Religion continues to depart for the pilgrimage, then he is considered to have the potential to participate in spreading the plague.

In Islamic sharia there is a principle of purpose which is commonly known as *maqosid sharia*. There are 5 of them, number 1 is protection of the soul. There can be no worship of Allah without protection of the soul. The meaning of the soul is the human right to live that must be protected. If that right cannot be protected because of an emergency. So the obligation to worship is lost with the principles of emergency principles that can eliminate the obligation. Strengthened by the principle of fiqh, namely *dhar'ul mafasid muqoddimu ala zalbil masolih* (درء المفسد مقدم على جلب المصالح) this means that Preventing mafsadah (*damage*) must take precedence over taking benefit, as well as rules تصرف الإمام (The actions of the imam (*authority holder*) towards the people must follow the benefit). The cancellation of this departure is not due to the Indonesian Government's factor, but the situation is not possible because the Covid-19 cases are still increasing.

History of the Cancellation of Hajj

In the history of the implementation of the pilgrimage, several events have occurred. For example, in 865 AD, there was a massacre on the hill of Arafah led by Ismail Bin Yusuf al Alawi or who is known as Al-Safak with very many victims at that time so that the pilgrimage was canceled on that time. In 930, the Bahrain-based Qarmathi Heterodox Sect Group launched an attack on Mecca. They killed about 30,000 worshipers in the holy city, then threw their bodies into the well. They also looted Masjid al-Haram and stole Hajar Aswad from the Kaaba and took it to Bahrain. For ten years, no hajj was carried out until Hajar Aswad was returned.²³

According to Oman Fathurrahman, historian Badruddin Mahmud Al-Ayni (d 1451) in his work 'Iqd al Juman fi Tarikh Ahlu al-Zaman', for example, reported the spread of plague in Mecca during the haj season of 749 H / 1348-1349 AD, which caused pilgrims to fall apart. Ibn Abi Hajalah also conveyed the same experience in his work of al-niqmah fi al-salah 'ala al-Nabi (1977).²⁴

Experience during the cholera pandemic in the 19th century also showed that the route from and to Mecca/Medina became a cluster of the spread of the plague that was so terrible that casualties fell. It was added in the article that Marcelin Carbonell, a

²³ Garjito, D. (2020, June 03). Haji 2020 Batal, Bukan Kali Pertama, Ini Sejarah Pembatalan Ibadah Haji. *Suara*. Retrieved from <https://www.suara.com/news/2020/06/03/213150/haji-2020-batal-bukan-kali-pertama-ini-sejarah-pembatalan-ibadah-haji?page=all>

²⁴ Fathurrahman, O. (2020, June 03). Haji (Batal) Masa Pandemi. *Republika*. Retrieved from <https://republika.co.id/berita/qbbomo282/haji-batal-di-masa-pandemi>

French doctor who was directly involved in handling Hajj pilgrims in the Hijaz of the early 20th century in his memoir (2001), mentioned the tense atmosphere at the time of the cholera pandemic outbreak which was coupled with a dirty environment.²⁵ In 1865 AD, the pilgrimage route to and from Mecca / Medina became a cluster of the spread of a cholera epidemic that was so terrible that as many as 15,000 pilgrims died due to the plague. In fact, in November 2009, WHO recorded as many as 17,000 victims of pilgrims due to flu A H1N1.²⁶

The Hajj departure cancellation is acceptable in the Indonesian context, namely that there have been precedents and similar incidents that preceded it. In the context of Indonesia's post-independence state, in 1947, the Minister of Religion, Fathurrahman Kafrawi, issued a Declaration of the Ministry of Religion Number 4 of 1947 concerning the Termination of Hajj in Wartime.²⁷ The decision of the Minister of Religion at that time was driven by the statement of Hadratusy Syaikh KH Hasyim Asy'ari, on April 20, 1946, which was conveyed in his oration via radio that leaving for the pilgrimage that year was haraam because the nation's independence was being threatened reclaimed by the Dutch colonialists. The journey was not safe. As one of the essential indicators of istatha'ah in the form of travel security, the threat of the Dutch colonialists was used as the basis for the haj's cancellation pilgrimage.²⁸

The Indonesian Government is not the first to decide to cancel Hajj pilgrims' departure for 2020 M/1441 H. Previously at the end of March 2020, the Egyptian Government through the Ministry of Waqf, asked its citizens to postpone the intention of doing Haj this year, because the state budget for Haj was diverted for handling Covid-19. Based on these data, we are all increasingly convinced that an outbreak can happen to anyone. He does not see religion, country and is doing any activity. Muslims who are performing the pilgrimage can also be part of the victims of the outbreak. Likewise, with the Covid-19 epidemic, it also has the potential to happen to anyone, including the pilgrims, if they do it.

Talimatul Hajj (Saudi Arabia Hajj Regulations)

As a constitutional state with a government system in the form of a kingdom, Saudi Arabia has regulations on implementing the pilgrimage. The structure of the bureaucratic organization related to the performance of Haj can be seen in the chart below:

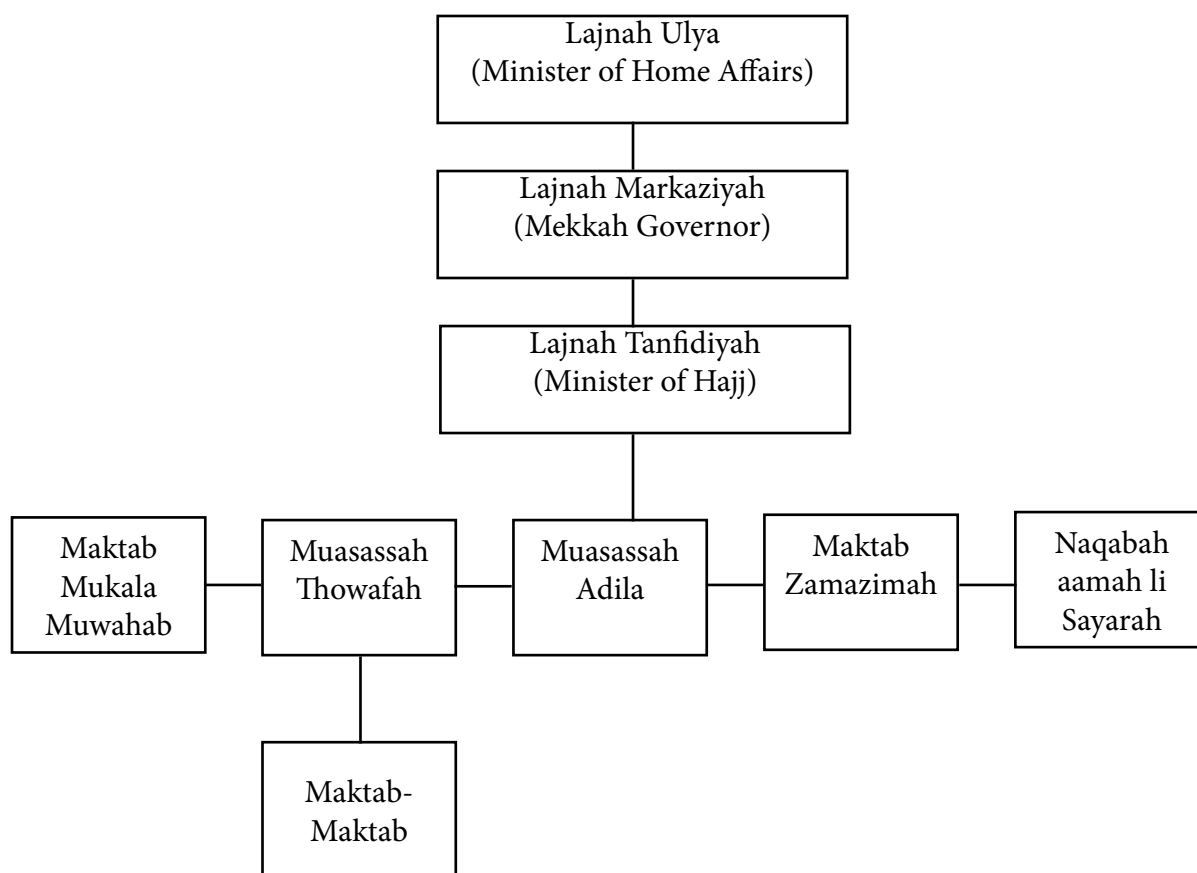
²⁵ Alqahtani, A. S., Althimiri, N. A., and Bindhim, N. F, Saudi Hajj pilgrims ' preparation and uptake of health preventive measures during Hajj 2017. *Journal of Infection and Public Health*, vol.12 no.6 edition 2019, pg. 772-776.

²⁶ Garjito, D. (2020, June 03). Haji 2020 Batal, Bukan Kali Pertama, Ini Sejarah Pembatalan Ibadah Haji. *Suara*. Retrieved from <https://www.suara.com/news/2020/06/03/213150/haji-2020-batal-bukan-kali-pertama-ini-sejarah-pembatalan-ibadah-haji?page=all>

²⁷ Eka Yudha Wibowo, Pengaruh Haji Terhadap Politik Islam Di Indonesia (Tahun 1900-1945). *Thaqafiyat*, vol.16 no.1 edisi Juni 2015, pg. 34-52.

²⁸ Fathurrahman, O. (2020, June 03). Haji (Batal) Masa Pandemi. *Republika*. Retrieved from <https://republika.co.id/berita/qbbomo282/haji-batal-di-masa-pandemi>.

Figure 1
Structure of Hajj in Saudi Arabia



Talimatul Hajj is a technical regulation that regulates the implementation of Hajj in Saudi Arabia.²⁹ This regulation regulates administrative, technical arrangements for accommodation, catering, and transportation. In this regulation, it is handled concerning the obligations of each congregation sending country from various countries. In addition to the context of service, talimatul Hajj also regulates the provisions of worship (*Manasik*) that must be carried out by every Hajj pilgrim from various countries, namely as follows:

1. General provisions, the Talimatul Hajj contains general conditions, among others:
 - a) Departure is carried out based on a schedule issued by the Ministry of Haj and Umrah;
 - b) Improve coordination between the organizers of the Hajj Affairs Office and Muassasah Mutawwif;
 - c) Notifying the pilgrims the need for discipline and adhering to the time limit set for throwing out Jumrah in departure programs;
 - d) The importance of the role assigned to the organizers of the Hajj affairs office and religious/worship advisors in increasing awareness of the pilgrims in order to be disciplined with the arrangements and regulations given to them;
 - e) Activating the role of religious/worship

²⁹ Gaffar, H. D., Achmadi, U. F., Syamsu, and Patellongi, I, Hajj Health Management Focusing on the Risk Factors Management. International Journal of Scientific and Research Publications, vol.3 no.1 edition 2013, pg. 2250-3153.

- guides who accompany the pilgrims before the departure of the pilgrims to the holy land;
- f) Implement all regulations and instructions relating to the Hajj pilgrims' departure program for throwing Jamarat; g) The need for discipline to leave 50 % of the pilgrims at the camp (Mina) until the thirteenth day; h) Explanation and assessment of the roles of the hajj affairs office administrators by the Ministry of Haj and submitted to the competent agencies; i) The importance of guiding the hajj pilgrims to take reliefs from the religious law regarding "representing", for those who are elderly, elderly and women; j) The Ministry of Haj and Umrah is given a text of the guidance program addressed to pilgrims, no later than the 15th of Dzulqa'dah;
2. Rules for the Transport of Pilgrims to and from Saudi Arabia: a) Coordination with GACA to determine the schedule for the departure and return of Hajj pilgrims and to obtain slot time; b) Departure of Pilgrims via air starting on the 1st of Dzulq'dah and ending on the 4th of Dzulhijjah; c) Required to have a pick-up officer from the Hajj affairs office for 24 hours at each arrival airport; d) Registration of arrival and departure schedules of all Hajj pilgrims coming from outside, ticket numbers, their residential addresses at Masyair Muqaddasah and field service maktabas that supervise them into the Integrated Electronic System of External Hajj Pilgrims (E-hajj); f) The transportation of zam-zam water is carried out by empty flight when it returns weighing 5 liters; g) Land transportation is carried out with the Bus Companies Association (Naqabah 'Aammah Lis Sayunjuk) for the total number of pilgrims, to transport them on the journey to Masya'ir Muqaddasah by pilgrimage company buses that are under Naqabah; h) Deadline departure of Gel I from Madinah to Mecca on 5 Dzulhijjah, early release of Gel II to Madinah after wukuf on 14 Dzulhijjah, the deadline for returning from Medina to Indonesia on 14 Muharram; i) All pilgrims transport by land must be registered in the E-Hajj system;
3. E-Hajj Integrated Service System: a) Appointment of Person in Charge/Activation of E-Hajj; b) Preparation of Service Guarantee Costs; c) Execution of Contracts; d) Service Package; e) Visa issuance.
4. General Guidance Regulations for Hajj Pilgrims Related to Worship, Environment, Security, and General Ethics for the Haj Season: a) Implementing Departure Programs; b) Comply with and be disciplined with the laws and regulations of the Kingdom of Saudi Arabia related to security and safety programs for the movement of pilgrims at Masya'ir Muqaddasah through routes and roads that have been specially prepared for that, and in accordance with the program and plans that have been prepared by the security concerned; c) Establish Guidance Programs for Hajj Pilgrims before they come for Hajj, and convey to the Ministry of Haj and Umrah evidence that agencies with an interest in Hajj in countries of origin of Hajj pilgrims have provided these guidance programs; d) Guiding Hajj pilgrims before they come to the holy land, to keep/ deposit official documents, money and valuables in safe deposit boxes available at

pilgrims' lodgings, or at the Haj Office or companies or tourism agents or group leader (Chairman of the Kloter) or at the associated Muassasah Mutawwif or at Muassasah Adilla, and asked for proof of receipt from them.³⁰

Social and Spiritual Aspects of Hajj for the Community

Pilgrimage has social and spiritual dimensions because it is a combination of soul, wealth, and social worship. When performing the Hajj, a person is performing the riayadah ritual (soul training). In the Koran, it is stated that the pilgrimage is part of the glorification of the syiar and whoever glorifies the syiar is the category of the most pious people.³¹

Spiritually, the Hajj, which is performed without being accompanied by reprehensible actions, provides spiritual motivation, which is likened to a person who has just been born from his mother's womb, this implies that he is conducted in a holy state. Abu Hurairah narrated:

عن أبي هريرة رضي الله عنه قال: قال رسول الله صل الله عليه وسلم (من حج هذا البيت فلم يرفث ولم يفسق رجع كما ولدته أمه) وفي لفظ مسلم: (من أتى هذا البيت فلم يرفث ولم يفسق رجع كما ولدته أمه)

Meaning: From Abi Hurairah said Prophet Muhammad said that whoever visits Baitullah and does not have dirty and dirty talks does not shake, then returns as if his mother had just been born. In another narration, it is stated, "whoever visits Baitullah and does not have dirty and dirty talks, and does not gossip, he will return as if his mother had just been born".

Imam Ghazali said that the essence of worship is: First, following the Prophet Muhammad's orders in all his commands and prohibitions. Second, something that looks like worship, but is done without instructions, cannot be called worship. Third, prayer and fasting are only worshiped if they are carried out following the provisions of syara. Fourth, praying at forbidden times or fasting on holidays, it does not become worship at all. It is even an offense and brings sin. Fifth, so is the implementation of the pilgrimage. If it is done not following the rituals, place, and time which is not ordered by religion, then the Hajj is invalid, and it is even sin because it violates the provisions of Islamic law.³²

As a worship practice, the pilgrimage can impact humans if, in humans, they have a clean heart that can catch divine rays. In Imam Ghazali's theory, the al-Mirah (Mirror) theory, Imam Ghazali further stated that the heart man is like a mirror while God's

³⁰ Alqahtani, A. S., Tashani, M., Heywood, A. E., Booy, R., Rashid, H., and Wiley, K. E, Exploring Australian Hajj Tour Operators' Knowledge and Practices Regarding Pilgrims' Health Risks: A Qualitative Study. JMIR Public Health and Surveillance, vol.5 no.2 edition 2019, pg. 1-9.

³¹ M. Sulthoni., Muhlisin., dan Mutho'in, Haji Dan Kegairahan Ekonomi: Menguak Makna Ibadah Haji Bagi Pedagang Muslim di Yogyakarta. Jurnal Penelitian, vol.9 no.1 edisi Mei 2012, pg. 49-65.

³² Muhammad Nuri, Pragmatisme Penyelenggaraan Ibadah Haji Di Indonesia. Salam: Jurnal Filsafat dan Budaya Hukum, vol.1 no.1 edisi 2012, pg. 143-155.

guidance is light. If the human heart is immaculate, surely he will be able to catch the divine guidance light and reflect the light around it. Abi Hurairah's hadith above can significantly impact and mark on humans themselves if the heart can accept God's guidance, namely not to do dirty words, obscene words, and argue with each other. Hajj is a spiritual journey is described in the Koran surah al Baqarah verse 196, "And make the pilgrimage and Umrah complete because of Allah." The meaning of perfection in this verse is a command to always human beings not forget the basic principles of worship, namely "Ikhlās."

As an implementation of this sincerity, it can be reflected in a series of Hajj rituals, including:

- a. Talbiyah. Talbiyah comes from an Arabic word which means to inhabit and live in that place. According to the term, Talbiyah is always with him and dependent on him as a person who lives and settles in one place. The utterance of Talbiyah has excellent meaning because it contains the monotheism and greatness of Allah SWT. When Muslims in the holy land of Mecca, chanted by pilgrims from all prisons of the world. The voice touched the heart; the sight for those who read it was very touching. Jabir Bin Abdillah refers to the Talbiyah of the Prophet SAW as Talbiyah tauhid. Because it contains the purification of worship only to Allah SWT and discarding polytheism, this also proves that the Talbiyah sentence is not merely an empty lafad but includes a significant meaning, which is the spirit and principle of religion, namely "tauhidullah";
- b. Releasing Social Status. Ihram intends to perform Hajj and stay away from all the prohibitions that have been determined. By wearing ihram clothes, it means that someone has abandoned the status that differentiates one another. Between officials and the people, managers and employees, rich and poor, strong and weak, all bound by true equality symbolized in the ihram dress, there is no social status that distinguishes "me" and "you," only equality unity of the people Islam. In Ihram, a person must forget all the glitters of life and give birth to simplicity threatened in a life-saving and not excessive manner of life. Wearing Ihram can Ihramone self in the unity of the servant of Allah SWT. Dressed in Ihram can Ihram all ego traits, individualistic, the awareness arises, that humans are small beings amid millions of people. Understanding also that people in their lives need other people and Allah's help;
- c. Be humble. The all-white ihram outfit indicates humility for those who wear it even though conglomerates, nobles, presidents, kings, ministers, officials, etc. It turns out that abundant wealth, high position, and an honorable position in humans' eyes in the eyes of God are the same³³. Likewise, with Ihram's reward, who Ihram performs

³³ Aldossari, M., Aljouidi, A., and Celentano, Health Issues in the Hajj Pilgrimage: A Literature Review. East Mediterranean Health Journal, vol.25 no.10 edition 2019, pg. 744–753.

Ihram but Ihram eart and feelings still feel in his wealth, position, intelligence, that arrogance removes the bonus of Ihram. Ihram in essence, everything belongs to God. He is the Owner of all kingdoms and what is in the heavens and the earth. Meanwhile, humans are only entrusted with all of that. In Arabic, humble is called tawaadhu. This term comes from lafaz adl-dlaah, which means someone's willingness people to a lower position or humility towards fellow people who believe or want to accept the truth whatever its form and from anyone.³⁴

Ahmad al-Anthaki said: The most beneficial tawaadhu is that which can erode pride from you and which can extinguish your fire (restrain) your anger. What is meant by anger is anger because of personal interests that feel they deserve more than what should be obtained.³⁵

CONCLUSION

The decision of the Minister of Religion regarding the cancellation of the pilgrimage was correct. At least, there are two essential things from Islamic law that justify this decision: First, from the aspect of maqashid al-sharia, namely the safety of the human soul as from protecting the soul (hifzh al-nafs) becomes a need that must be prioritized (dlaruriyah) compared to the implementation of the pilgrimage. Second, from the aspect of fiqh, the obligatory requirements for the haj pilgrimage cover at least five things, namely Islam, reason, baligh, independence, and ability (istitha'ah). Particularly for the aspect of being able (istitha'ah) in the pilgrimage, at least it includes being economically capable, physically able, but the ability to travel which is manifested in a safe form during the trip cannot be fulfilled. From the regulatory aspect, the Minister of Religion is stated to be responsible for protecting pilgrims and hajj officers before. After Hajj pilgrims and Hajj officials carry out the Haj pilgrimage, this mandate is under the authority of the Minister of Religion to ensure protection for all citizens who perform the pilgrimage. From a historical aspect, several times the Hajj cancellation occurred including: in 865 AD there was a massacre on the hill of Arafah led by Ismail Bin Yusuf al Alawi, in 930 the Qarmathi Heterodox Sect Group based in Bahrain carried out an attack on Mecca, and during the cholera pandemic in In the 19th century, from the aspect of talimul hajj in Saudi Arabia, it was impossible for all the congregation to carry it out due to the Covid-19 pandemic. In the social and spiritual aspects, the pilgrimage is a combination of worship between soul, wealth and society. During the Hajj, someone is doing the riayadah ritual (soul training).

³⁴ Rustika., Asep Kusnali., Herti Windya Puspasari., Ratih Oemiyati., Ristrini., Dede Anwar Musadad., dan Pri-masari Syam, Tingkat Pengetahuan, Sikap, Dan Tindakan Jemaah Haji Terkait Istithaah Kesehatan Di Indonesia. Buletin Penelitian Sistem Kesehatan, vol.22 no.4 edisi Oktober 2019, pg. 245-254.

³⁵ Kristiadi. (2020, June 03). Calon Jemaah Haji Terima Pembatalan Secara Ikhlas. *Media Indonesia*. Retrieved from <https://mediaindonesia.com/read/detail/317958-calon-jemaah-haji-terima-pembatalan-se-cara-ikhlas>

REFERENCES

Book

- Baharuddin., and Rumpa, F.A, (2020), *2019-n Cov Melindungi Diri Sendiri dengan Lebih Memahami Virus Corona*, Rapha Publishing, Yogyakarta
- Bambang Sunggono, (2013), *Metodologi Penelitian Hukum*, Raja Grafindo Persada, Jakarta
- Jaih Mubarak, (2004), *Kaidah-kaidah Fiqh Jinayah*, Pustaka Bani Quraisy, Bandung
- Liang, X, (2020), *Guidance for Corona Virus Disease 2019*, People's Medical Publishing House, Beijing
- M. Shaleh Putuhena, (2007), *Historiografi Haji Indonesia*, LKiS Pelangi Aksara, Yogyakarta
- Moh. Kurdi Fadal, (2008), *Kaidah-kaidah Fikih*, Artha Rivera, Jakarta
- Muhammad Sholikhin, (2013), *Keajaiban Haji dan Umrah: Mengungkap Kedahsyatan Pesona Ka'bah dan Tanah Suci*, Erlangga, Jakarta
- Salim HS., dan Erlies Septiana Nurbani, (2013), *Penerapan Teori Hukum Pada Penelitian Tesis Dan Disertasi*, Raja Grafindo Persada, Jakarta

Journals

- Aldossari, M., Aljouidi, A., and Celentano, (2019), Health Issues in the Hajj Pilgrimage: A Literature Review. *East Mediteranian Health Journal*, vol.25 no.10 edition 2019, pg. 744–753.
- Alqahtani, A. S., Althimiri, N. A., and Bindhim, N. F, (2019), Saudi Hajj pilgrims ' preparation and uptake of health preventive measures during Hajj 2017. *Journal of Infection and Public Health*, vol.12 no.6 edition 2019, pg. 772–776.
- Alqahtani, A. S., Tashani, M., Heywood, A. E., Booy, R., Rashid, H., and Wiley, K. E, (2019), Exploring Australian Hajj Tour Operators' Knowledge and Practices Regarding Pilgrims' Health Risks: A Qualitative Study. *JMIR Public Health and Surveillance*, vol.5 no.2 edition 2019, pg. 1-9.
- Annas Syams Rizal Fahmi, (2017), An Analysis of Investment for Hajj Funds from Islamic Law Perspective. *Al-Iktisab: Journal of Islamic Economic Law*, vol.1 No.2 edisi November 2017, pg. 31-39.
- Budi Kisworo, (2017), Ibadah Haji Ditinjau Dari Berbagai Aspek. *Al Istimbath: Jurnal Hukum Islam*, vol.2 no.1 edisi 2017, pg. 75-98.
- Eka Yudha Wibowo, (2015), Pengaruh Haji Terhadap Politik Islam Di Indonesia (Tahun 1900-1945). *Thaqafiyyat*, vol.16 no.1 edisi Juni 2015, pg. 34-52.
- Gaffar, H. D., Achmadi, U. F., Syamsu, and Patellongi, I, (2013), Hajj Health Management Focusing on the Risk Factors Management. *International Journal of Scientific and Research Publications*, vol.3 no.1 edition 2013, pg. 2250-3153.
- Hamzani, A. I., Siswanto, S., and Aravik, H, (2018), Legal Protection for Hajj Pilgrims Through Regional Regulation. *Mazahib*, vol.17 no.2 edition 2018, pg. 61-88.
- Handayani, D., Wahyuni, C. U., and Martini, S, (2016), Indeks Prediksi Risiko Kematian

- Jemaah Haji di Provinsi Jawa Timur. Jurnal Wiyata, vol.3 no.2 edisi 2016, pg. 133-139.
- M. Sulthoni., Muhlisin., dan Mutho'in, (2012), Haji Dan Kegairahan Ekonomi: Mengungkap Makna Ibadah Haji Bagi Pedagang Muslim di Yogyakarta. Jurnal Penelitian, vol.9 no.1 edisi Mei 2012, pg. 49-65.
- Mariani, Luth, T., Muhjad, M. H., and Fadli, M, (2016), The Determination of Waiting Listed Pilgrim Candidates Criteria in Hajj Enforcement System in Indonesia. Journal of Law, Policy and Globalization, vol.48 no.2 edition 2016, pg. 179-189.
- Martinez-Juarez, L.A. et al, (2020) Governments and international institutions should urgently attend to the unjust disparities that COVID-19 is exposing and causing. *EClinicalMedicine*, 2020. doi.org/10.1016/j.eclinm.2020.100376
- Muhammad Nuri, (2012), Pragmatisme Penyelenggaraan Ibadah Haji Di Indonesia. Salam: Jurnal Filsafat dan Budaya Hukum, vol.1 no.1 edisi 2012, pg. 143-155.
- Muhaemin, (2013), Dimensi Pendidikan dalam Ibadah Haji (Telah tentang Aspek Pendidikan: Tauhid, Etika, Moral, Sosial yang Tersirat dalam Pelaksanaan Ibadah Haji). Jurnal Adabiyah, vol.XIII vol.2 edition 2013, pg. 215-227.
- Nathasya Victoria Ruswandana., Bambang Eko Turisno., dan Suharto, (2016), Perlindungan Hukum Terhadap Konsumen Dalam Pembatalan Keberangkatan Ibadah Haji Khusus Oleh Biro Penyelenggara Ibadah Haji Khusus. Diponegoro Law Journal, vol.5 no 3 edisi 2016, pg. 1-12.
- Resti Wildayati., Dindin Solahudin., dan Arif Rahman, (2017), Optimalisasi Pelayanan Haji dalam Meningkatkan Kepuasan Jemaah. Anida (Aktualisasi Nuansa Ilmu Dakwah), vol.17 no.2 edisi 2017, pg. 165-182.
- Rustika., Asep Kusnali., Herti Windya Puspasari., Ratih Oemiyati., Ristrini., Dede Anwar Musadad., dan Primasari Syam, (2019), Tingkat Pengetahuan, Sikap, Dan Tindakan Jemaah Haji Terkait Istithaah Kesehatan Di Indonesia. Buletin Penelitian Sistem Kesehatan, vol.22 no.4 edisi Oktober 2019, pg. 245-254.
- Wenham, C., Smith, J., and Morgan, R, (2020), COVID-19: the gendered impacts of the outbreak. *The Lancet*, vol.395 edition 2020, pg. 846-848.
- Zubaedi, (2016), Analisis Problematika Manajemen Pelaksanaan Haji Indonesia (Restrukturisasi Model Pengelolaan Haji Menuju Manajemen Haji yang Modern). Manhaj, vol.4 no.3 edisi September-Desember 2016, pg. 190-200.

Newspaper

- Aditya, N.R. (2020, June 07). Ibadah Haji 2020 Batal, Penyelenggara Ibadah Haji Dirugikan, Kenapa?". *Kompas*. Retrieved from <https://travel.kompas.com/read/2020/06/07/091900227/ibadah-haji-2020-batal-penyelenggara-ibadah-haji-dirugikan-kenapa-?page=all>.
- Dzulfaroh, A.N. (2020, June 02). Ibadah Haji 2020 Dibatalkan, Ini Respons Asosiasi Penyelenggara Haji Amphuri. *Kompas*. Retrieved from <https://www.kompas.com/tren/read/2020/06/02/153100465/ibadah-haji-2020-dibatalkan-ini-respons-asosiasi-penyelenggara-haji-amphuri?page=all>
- Fathurrahman, O. (2020, June 03). Haji (Batal) Masa Pandemi. *Republika*. Retrieved

- from <https://republika.co.id/berita/qbbomo282/haji-batal-di-masa-pandemi>.
- Garjito, D. (2020, June 03). Haji 2020 Batal, Bukan Kali Pertama, Ini Sejarah Pembatalan Ibadah Haji. *Suara*. Retrieved from <https://www.suara.com/news/2020/06/03/213150/haji-2020-batal-bukan-kali-pertama-ini-sejarah-pembatalan-ibadah-haji?page=all>.
- Kristiadi. (2020, June 03). Calon Jemaah Haji Terima Pembatalan Secara Ikhlas. *Media Indonesia*. Retrieved from <https://mediaindonesia.com/read/detail/317958-calon-jemaah-haji-terima-pembatalan-secara-ikhlas>.
- Oktaviani, Z. (2020, June 03). Pengamat: Alasan Pembatalan Haji Belum Dipahami Masyarakat. *Ihram*. Retrieved from <https://ihram.co.id/berita/qbcdpa327/pengamat-alasan-pembatalan-haji-belum-dipahami-masyarakat>.
- Sinuhaji, J. (2020, June 02). Ungkap Alasan Pembatalan Pemberangkatan Haji 2020, Menag: Tanggung Jawab Memberi Perlindungan. *Pikiran Rakyat*. Retrieved from <https://www.pikiran-rakyat.com/khazanah-islam/pr-01392879/ungkap-alasan-pembatalan-pemberangkatan-haji-2020-menag-tanggung-jawab-memberi-perlindungan>.
- Subardjo, R.Y.S. (2020, June 03). Batal Haji, Ini Dampak Psikologisnya. *Kompas*. Retrieved from <https://www.kompas.tv/article/84849/batal-haji-ini-dampak-psikologisnya?page=all>.