

THE PHENOMENON OF HAJJ DEPARTURE CANCELLATION AMONG MANDAILING NATAL SOCIETY AMIDST COVID-19 PANDEMIC: BETWEEN ALLAH’S CALL AND HUMANITY’S CALL

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Abstract

Hajj is the fifth pillar of Islam which is obligatory to accomplish for those who are capable in terms of physic, economy, and health. The number of Indonesian hajj pilgrims as the world’s most Muslim populous country elevates continuously year by year. The Government of Saudi Arabia cooperates with all Muslim populated countries to make regulations and understandings regarding the quota arrangement on the number of hajj and umrah pilgrims that are allowed to visit the two holy lands every year. In consequence, those regulations and understandings influence the waiting list for the hajj pilgrimage much longer, notably in these past two years amidst the Covid-19 pandemic. In response to that condition, the Indonesian government has decided to cancel all hajj departures for life safety. It is unavoidable that some hajj pilgrims may feel disadvantaged by governments’ decision about the cancellation of hajj departure due to covid-19 pandemic situation. This study applies a qualitative descriptive method that aims to discover and provide constructive input regarding the regulations of the hajj pilgrimage during the pandemic and its position viewed through maqashid al-Syariah (the objective of Islamic law). The result of this study reveals that the Indonesian government has certainly

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considered all aspects to decide on the cancellation of the hajj departures during these two consecutive years. The main purpose of hajj departure cancellation by the Indonesian government is crucially beneficial because saving lives and maintains human safety and it is following one of five main objectives of Islamic sharia implementation (ad-dharuriyat al-Khamsa). Moreover, the Indonesian government and the community, in this context the hajj pilgrims, should build a positive relationship and work together to disseminate the policy regarding the hajj cancellation so that it removes misunderstanding and pro contra response in the community.

Keywords: Phenomenon, Hajj, Covid-19 pandemic.

Introduction

The hajj is the most aspired worship for every Muslim although there are some difficult circumstances to fulfill, such as the capacity of financial and economical adequacy, physical condition, psychological condition, and the readiness of personal needed knowledge mastery. All Muslims from across the world are compelled to Mecca and Medina because these are two of their holiest place. It motivates all Muslims to put in a lot of effort and save money to change their status from being unable to fulfill the primary requirement to perform the hajj to being able to.(Nur 2020)

Since the Covid-19 pandemic broke out in 2019, society and the economy have undergone a radical transformation internationally. All hospitals are overloaded and therefore unable to handle the confirmed Covid-19 patients as a consequence of its presence, which further caused a huge number of fatal deaths. This condition demands every government in the world to execute all conceivable preventive measures and regulations to eliminate the covid-19 pandemic's chain of transmission. Large Scale Social Restrictions (Pembatasan Sosial Berskala Besar, or PSBB) and the restriction on community activities are two policies that have already been extensively employed to stop the spread of Covid-19, primarily in Indonesia (Pembatasan Kegiatan Masyarakat also called as PPKM). Following those two policies is a call for each resident to contribute stop the growth of covid-19. Likewise, on March 11, 2020, the World Health Organization (WHO), which controls problems associated with global health, declared that COVID-19 is a pandemic.(Cucinotta and Vanelli 2020)

Covid-19's status as a pandemic effectively urges all countries in the world to be much more aware of and to take any necessary measures as promptly as feasible. To free the country from the dangers posed by COVID-19, all communities and stakeholders must work together, participate, and encourage one another. The cancellation of hajj departure is one of the policies employed to stop the growth of COVID-

19, in addition to social distancing, hand washing, and mask-wearing. Furthermore, due to the public interest of all Muslims as the purpose of Islamic law, a religious approach, in particular through the fiqh's viewpoint (Islamic rules' viewpoint), plays a role in providing space for explaining the legal perspective in Muslim guidance, is believed to be a pertinent option (maqashid al-Syariah).

Questions then arise, they are: What is the viewpoint of Islamic law (fiqh) on the cancellation of hajj worship for humanitarian reasons? Do all communities, in particular the hajj pilgrims from Mandailing Natal Regency, accept the decision to cancel the hajj? Are there special strategies and constructive inputs to deal with the government's decision so that all communities, including those from rural areas, can understand well and accept gracefully the hajj delay and cancellation?

These questions will be addressed through this investigation. This article is divided into three sub-chapters to facilitate the discussion more understandable. First, the article's introduction at the beginning. Second, discusses the emergency (dharurat) from the perspective of Islamic law; what steps the government took to protect each resident from threats related to the cancellation of the hajj departure; and what the community's reactions were in this case; the hajj pilgrims. Moreover, the hajj departure cancellation due to the COVID-19 outbreak is also examined by the authors using the maqashid al-Syariah approach (Islamic laws approach), which creates a clash between Allah's call and the call of humanity. Thirdly, a closing marks the end of the article.

Research Method

This process is categorized as phenomenological qualitative with a concentration on analytical descriptive since it analyzes the relationship between a phenomenon that occurs within the community and Islamic law in addition to describing the characteristics of an object. In conducting this study, the researchers relied on the work of the previous researcher even while gathering information from relevant primary source literature, some earlier studies, relevant news, interviews, and field observations. The researcher made an effort to explain the position of maslahah (public interest) as seen through the lens of Islamic rules and laws, scholars' opinions supported by textual Islamic theorems (from the Qur'an and Hadith), and tarjih (an Islamic term for comparing two theorems to determine which is the strongest to provides a basis or framework) for performing/implementing a specific act of worship) in each theorem for each argument made.

Result and Discussion

1. The Portrait of Hajj Worship Implementation

The hajj is one of Islam's five pillars which entails worshiping Allah at Mecca, and at the masy'aril haram (also known as the Muzdalifah, the venue for the wuquf in the hajj rituals procedures), and by practicing specific religious procedures at predetermined times. Each Muslim male and female must engage, and those who are capable (الإستطاعة) to do so must do it once in their lifetime. Hajj for the first time is obliged to accomplish in the 9th year of hijri as agreed by the majority of Ulama (Islamic Scholars). Furthermore, Prophet Muhammad (puh: peace be upon him) only performed the hajj once, in the 10th year of the Islamic calendar, and history refers to that event as Hajjatul Wada (Farewell hajj). Additionally, throughout his lifetime, Prophet Muhammad (pbuh) made four umrahs. (Cahyani 2020)

The etymology of the word "Hajj" means القصد or visit. In the meantime, performing the hajj is regarded as going to a precise area at a specific point in time and performing a specific set of rituals in a particular manner. Here, "certain place" refers to Baitullah (Ka'ba), the Arafah mountain plain, Muzdalifah overnight, Muna/Mina, and throwing the jamarat. According to the Islamic calendar, the hajj is only accomplished from the 9 to 13 of Dzhulhijjah in the Islamic calendar. This distinguishes it from umrah, which can be performed whenever and at any time. (Noor 2018) Furthermore, certain hajj rituals entail specific acts related to the hajj that must follow predetermined rules, The Prophet (pbuh) said "Take (follow) the procedure of hajj worship as I did" (narrated by Bukhari). (Al-Bukhari 2002) A set of hajj rituals encompasses miqat (a designated location where one intends to perform the hajj), tawaf (encircles the holy Ka'abah), sa'i (moving from Safa to Marwa and vice versa), wuquf (standing on Mount Arafah), mabit (staying the night) in Muzdalifah and Mina, and throwing jamarat and tahallul (shaving or cutting a male-female Muslims' hair). (Istianah 2017)

The law of doing Hajj is obligatory for anyone particularly a Muslim who is capable of it. This is mentioned in Qur'an Surah Ali Imran in ayat (verse) 79, Hadith, and all Islamic Scholars' consensus. As previously said, the hajj is one of the five pillars of Islam, and to perform it, a Muslim must be capable of fulfilling their financial and economic needs, as well as their physical and psychological preparation. (Hadi 2019) It is significantly better if young individual makes the hajj pilgrimage when they are young in order to maximize each hajj ritual. In comparison, if it is performed out in old age, it is adversely affected by limited physical strength, and in certain circumstances, old-age pilgrims are burdened by a particular sickness. They are unable to do hajj worship with extreme care as a result. When performing the hajj,

some Indonesian pilgrims with a particular condition may merely spend the time moving between hospitals for medical treatment. Consequently, all Muslims must realize that conducting the hajj pilgrimage when young is preferable so that one is in the finest possible physical shape to perform the rituals. Masyithah Mardhatillah, "Specific Treatment of Elderly Pilgrims on Hajj According to the Hadith ; The Approach of Mukhtalif Ahadis," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 14, no. 1 (June 2019): 99–123, <https://doi.org/10.19105/al-lhkam.v14i1.2290>.

A solution, plenty of space, and flexibility are provided by the fiqh perspective (Islamic law perspective) for doing the hajj rituals, including hajj worship during the Corona virus-19 outbreak. History has revealed that a pandemic also occurred such as the deadly Thau illness pandemic, the contagious a'ian, scabies, and leprosy diseases, and the threat of smallpox spreading occurred during the time of Prophet Muhammad (pbuh). The implications of disease pandemics that occurred during the time of Prophet Muhammad (pbuh) is a teaching about how Prophet Muhammad (pbuh) responds effectively by taking urgent measures to curb the spread of the disease and providing healthcare to anybody infected. The actions of Prophet Muhammad (pbuh) prioritize the maslahat (public interest), their safety, and the prevention of the spread of deadly diseases. (Mukharom and Aravik 2020) The Prophet Muhammad (pbuh) said: "Don't really enter a country if you hear there is an epidemic there. And if it occurs in the area you are now in, stay stuck (narrated by Bukhari),(Al-Bukhari 2002) Islam also gives dispensation and solution for each problem in conducting the hajj worship when it is 'uzur syar'i or religious obstacles in terms of Islamic law point of view. For those who are unable to touch water, for example, tayammum employing sands might be used in its place. Another illustration is when Muslim wishes to conduct prayer (shalat), but is unable to stand, in which case he may do it while seated. In addition, in the history of Islam, a young man once had intentions to wed a young woman during the time of the Prophet Muhammad (pbuh). That young man shouldn't have given the candidate for his bride a dowry since he was poor or didn't have any riches. He was instructed by Prophet Muhammad (pbuh) to give the only thing he owned at the time, an iron ring, as a dowry (Siroj 2019)

According to history of sulh al-hudaibiyah, the Prophet (pbuh) and his companions failed to make the hajj pilgrimage, which was a failure in terms of hajj devotion. The prophet (pbuh) and his companions commenced ihram from Medina and carried cattles (slaughtered animals) with them for hadyu and qurban. They also revealed their intention to perform the hajj devotion. Unfortunately, the prophet and his followers were not permitted to visit the holy site of Mecca by the Quraish unbelievers from Mecca. It led to a peace accord between Muslims and Mecca's infidel Quraisy, one of whose terms stated that

the prophet (pbuh) and all Muslims are permitted to do the hajj and enter Mecca the next year.(Amin 2021) The same condition occurs in both of the last two years, the hajj pilgrimage has been postponed due to the global covid-19 pandemic, including in Saudi Arabia and Indonesia.

2. The Government's Policy Dealing with the Cancellation of Hajj Pilgrimage During Covid-19 Pandemic

The spread of the covid-19 pandemic in Indonesia has lasted the second year, precisely since March 20nd 2020. A substantial spread escalation is carried on by the community's failure to anticipate the covid-19 spread. As a result, it has an impact on practically all aspects of society's activities, such as the temporary halting of social agendas involving crowds. The government also imposes restrictions on businesses, tourist destinations, retail malls, and other aspects of life. The community's economy suffers as a result. To control the crowd or diminish the number of people congregating at one location, the government has also announced a policy that places restrictions on visiting places of worship, such as a ban on congregational prayer in mosques. Although it has only been in effect for a very short while, the demand to perform one's house prayers.(Jubba 2021)

From the government's point of view, issuing a policy is inevitable to prevent the life safety of all residents in the country and to tackle the spread of covid-19 pandemic such as implementing health protocols, social distancing, hand washing, and wearing a mask. Other crucial policies applied by the government is large scale social restriction (PSBB: Pembatasan Sosial Skala Besar) and Society activities Restriction (PPKM: Pembatasan Kegiatan Masyarakat (PPKM)). The government also strictly tightens the foreigner enter to Indonesia and conversely. The government also disseminates of obligation for all residents for vaccines mandatory. Otherwise, the quicker the covid-19 spreads, the higher the risk of all society has, for instance during the peak spread of covid-19, not only performing prayer (sholat) in the mosque is banned, but many other worships are, including the cancellation of the hajj pilgrimage.(Nurhalimah 2020)

The implementation of hajj worship during a covid-19 pandemic is a reflection of dharurah (emergency), so the governmental institution that is in charge of hajj management namely the Ministry of Religion has made a correct decision by canceling the hajj pilgrimage and it is written in the decision of Minister of Religion (KMA) No. 494 the year 2020 about the cancellation on hajj departure in term 1441 Hijri/2020 CE. Moreover, the policy of hajj cancellation is effectively implemented since 2021 due to the covid-19 pandemic is not over yet which is noted in the decision of the minister of religion (KMA) No.660 year 2021 about the cancellation of hajj pilgrim departure in 1442

Hijri/2021 CE. Those measures are the efforts of the government to protect all residents and as the relevant response to prevent the danger of covid-19 pandemic all over the globe that threatens the safety, security, and health of Hajj pilgrims if the policy of hajj cancellation is not made.(Aziz 2021)

Aiming to serve the *maslahat* (public interest) as a manifestation of *maqashid al-syariah*, government policies are being implemented to slow the acceleration of the Covid-19 dissemination. As a consequence, the Indonesian government has a significant obligation to stop the spread of disease and guarantee the safety of the population. Preventing further loss must be given top priority. Concerning the essential issue of the covid-19 pandemic, it immediately impacts the technical component of communal worship, including for Muslims, particularly in the area where covid-19 is most widely disseminated (red zone). Hence the Indonesian Ulemas Council (MUI) issues a fatwa (verdict) No.14 year 2020 about the hajj management in the middle of condition covid-19 pandemic which was used as an alternative solution.(Sunarto 2021)

Following that, the Minister of Religion also issues a regulation Minister of Religion (SE Menag) No. 15 year 2020 about the implementation of the social function of worship house, which includes the activity of social gathering in the worship house such as akad (marriage contract) established in the mosque by ensuring all audiences are healthy and have proof mentioning negative result on the covid-19 test, and restricting the audiences in the room of agenda with a maximum of 100 people. This provides evidence of the government's duty to safeguard all citizens, including those participating in the hajj, and of its concern for doing so. In this case, the ministry of religion. However, the Indonesian government mandates that people split work and home activities according to the zone status of the covid-19 situation by applying from Office and Work from Home and that they refrain from direct physical contact.(Faried F Sanoeng 2020)

Every citizen should be aware that the government, especially the ministry of religion, makes every effort to promote *maslahat* (public interest) for everyone in the form of assurance and protection. In this case, this includes canceling the hajj in the middle of the covid-19 outbreak. These measures are not hasty or coerced; rather, they are based on the idea that protecting lives is an integral element of Muslims' obligation to defend and a realization of *maqashid al-syari'ah*, or the duty to protect (*Hifz an-Nafs*).

Thereupon, every citizen should consider each government policy favorably. Since the judgments or regulations are created by extensive stages, careful deliberation, and careful examination of the input from numerous parties. The way Islam views judges, including the government, is quite fair; if their *ijtihad* (individual interpretation) is

accurate, they will receive double rewards, and if they are incorrect, they will receive one reward. Islam does this to show its appreciation for its remarkable responsibility and high level of trust, especially for umara (stakeholders).

3. Phenomenon of Hajj Pilgrimage Cancellation Among Mandailing Natal Society Amidst Covid-19 Pandemic

Facing the situation of the covid-19 pandemic which alters the established social community pattern, is almost similar to facing a stressful situation owing to obscurity and bewilderment in comprehending the texts of regulation and reality. This phenomenon has a complex social impact on the community that affects culture, religion, and social transformation. The mindset, attitude, perception, and aspirations of the society are unavoidably impacted by social transformation.(Prasetya, Nurdin, and Gunawan 2021) In this case, religious practices are also drastically altered. For example, five times of prayer in the mosque are now advised to be performed at home. Dzuhur prayer should be performed at home instead of jum'at prayer; nevertheless, in some areas, this practice is permitted at mosques under specific restrictions, such as strict adherence to health regulations. Additionally, according to the religious practice, the hajj pilgrimage is altered, and the departures for the two subsequent years of 2020 and 2021 are canceled.(Sunarto 2021)

According to Islamic thought, there are a few issues with the covid-19 epidemic that need to be understood. One of them perceives the covid-19 outbreak as a test for the human race allowed by Allah and according to the sunnatullah (law of nature). Nevertheless, this pandemic is also portrayed as a test and a calamity, which naturally prompts people to reflect on their lives and raise their level of personal trust in God as well as their level of service to the government in general.

Nevertheless, regardless of that point of view, we cannot dispute that religion emerged to play a significant role in providing protection and overcoming uncertainty and ambiguity. The issue arises when society's level of religiosity rises yet attitudes and compliance with covid-19 spread prevention laws deteriorate.(Jubba 2021) Some individuals have a misguided understanding of fate, calamity, and tawakkal (recumbency). They hold that everything is predetermined by Allah and that it is better to die during prayer from the covid-19 virus than to avoid it. Jumud, or a restrictive attitude, is a phenomenon that directly contradicts the prime reason for the arrival of Islam, namely (a) protecting religion, (b) prioritizing life-saving, (c) keeping a logical and rational mindset, (d) protecting children and descendants and (e) securing treasure an property. All those five main objectives of the coming of Islam are known as ad-dharuriyat al-khamsa.

Religion can occasionally regulate the covid-19 pandemic like a knife with opposing blades because the interaction between the two issues sometimes exists in a different space. Religion may slow the spread of the virus on the one hand, but on the other, it helps the infection spread to more people and places. As a result of the covid-19 epidemic, social order temporarily changes, forcing the community to evolve with it—including in terms of religious customs. Some people regularly invoke religion to defend risky behavior because they are operating under the incorrect assumption that doing so constitutes disobeying religious law.(Alkaf 2020)

As a result of such phenomena, there was some uproar in society when either the central or local government decided to stop the spread of the covid-19 virus. They react unfavorably to government policies that are primarily related to religious practices, such as limiting the number of individuals who attend mosques for congregational prayer, substituting the dzuhur prayer for the jum'at prayer, and canceling the hajj pilgrimage. While those laws were put in place to safeguard society from potential dangers like death.(Pratiwi 2021) Those policies drive new polemic and pro contra responding government policies because many members of society feel bothered, intervened, and arranged due to the change of religious practice, meanwhile, they perceive that religious worship is a human right and is not allowed to intervene, the government exactly must give freedom to practice.(Alimin Alwi 2020) The Mandailing Natal community exhibits this phenomenon by expressing opposition to the cancellation of the hajj trip in 2020 and 2021.

There have been some occurrences in Mandailing Natal society related to the cancellation of the hajj pilgrimage in 2020 and 2021. The following are factors that have an impact on the diverse attitudes and reactions of society:

Some members of society assume that covid-19 pandemic is a fate and a test from Allah to elevate the level of faith and recumbency. It is reflected in religious practice attitude among society which tends to increase and leads the heart to hope and believe that everything is going based on provision and permission from Allah. People just effort as they can, after that they pray and let it be under God's decision. The community believes anything that comes from Allah is the best thing. Therefore, the practice of religion is the same as conducted before the covid-19 pandemic is spreading. Fatally, when the government via the minister of religion issued a decision of Minister of religion (KMA RI) about the hajj cancellation, they misunderstand and assume that the government policy is a realization of restricting religious ritual practice. The disbelief of some people in the community of Mandailing Natal is affected by some factors, they are low education, lack of awareness, and lack of care for human beings.

Besides, some people in society disbelieve the existence of covid-19. So when the government announced policies or regulations to stop covid-19, they neglected and perceived that the policies are not important. Even they negatively assumed that the government policy on hajj cancellation is part of political policy. The assumption is strengthened by a real story where a hajj pilgrim had been vaccinated as the requirement to be allowed to go to Baitullah/Mecca for hajj, but suddenly the hajj departure is canceled. Society's distrust on covid-19 pandemic is also possibly influenced by errors social environment when a certain person inputs wrong data of covid-19 patients which turns the situation from the low level of covid-19 status from the yellow zone (middle level of danger) into the red zone (very dangerous) in 2020 and fourth level in 2021. Even worse, the rumors among society reveal that a certain person announced a man dead in the hospital caused by covid-19, whereas that person announces it without an official series of accurate tests.

Besides, there is also a great number among society who have high awareness and care on the importance of obeying all governments' regulations and policies, because they realize that the policy issued is made for the sake of public interest under the consideration of maslahat (public interest). People also realize that covid-19 pandemic gives a large impact on human life in terms of economy, social, education even religious practice. The policies are efforts to cut the chain of covid-19 pandemic spread for instance by obeying health protocol continuously. With the policy of government over religious rituals such as congregational prayer, jum'at prayer, and hajj departure cancellation, people realize whatever the government implement is aimed to protect and keep all people safe. The consciousness is clearly shown via the attitude of religious practice and social concern and respect to the established norms until mindset and attitude are a reflection of Islamic values, which does not only promote individual interest but prioritizes public and environmental interests.

This reality is a phenomenon that the Mandailing Natal community is happening. It results from reading religious texts textually and ignoring context when evaluating acts of worship and social interaction. This insight is typically attained through listening to religious leaders or Ustadz. When religious interpretation is restricted to textual interpretation without consideration of context (fiqh waqi'), society's attitudes and understanding of religion become rigid and overly fanatical. In the meantime, Islamic teachings are available to address all of life's challenges. As a result, it takes more than only textual interpretation to settle a legal issue; also necessary are the surrounding circumstances and phenomena. (Syamsurijal 2020)

Since 2019, Wuhan, a city in China, has seen the covid-19 for the first time. After that, it expanded significantly over the world, beginning in

March 2020 in Indonesia. Since then, the covid-19 pandemic has affected humans, and all of their customs and routines, including their religious beliefs, have undergone an abrupt change. To deal with reality, it is necessary to understand and interpret religion in a way that is both textual from the holy book and contextual from looking at the surrounding area. The synchronization endeavor is crucial since covid-19 affects human health and life. Islamic law, which is consistent with the maqashid al-syariah, mandates saving lives, hence the religion exists and offers assistance in all circumstances, both routine and urgent/emergency.(Agung Kurniawan 2021)

It cannot be denied that it will raise a dilemma when in a given time, there is interest dualism to be solved, namely policy from the government which regulates worship during covid-19 including the cancellation of the hajj pilgrimage, as the relevant way to stop the speedy of covid-19 spread and regulation about religious practice implementation to avoid risks.(Syamsurijal 2020) At this point, religious leaders and Islamic scholars participate to give enlightenment to the society that religion gives solution to the covid-19 pandemic.

The interpretation of religious texts that foster fanaticism is one factor, but lack of awareness due to the government's limited ability to inform and educate the public is another that contributes to society's lack of concern for government policy to address covid-19. The government's policy to combat covid-19 not reaching the lowest rungs of society is another issue that plays a role. Because the general people prefer to listen to and follow the instructions of religious leaders and Islamic scholars than those of the government.

By maximizing the involvement of civil servants, religious leaders, and counselors in the ministry of religion, the government should respond to this situation effectively. For the policy and regulations the government has made to be effectively communicated to all people, the government should also establish good relationships with the head of Islamic boarding schools (pesantren), social organizations, and religious organizations. In the end, all of these groups should collaborate to inform, remind, and spread information about the policy.

The public's faith is eroding due to the legal unfairness, thus the government should exercise control through a single door, monitor activity, and take punishment against lawbreakers without exception. The government can increase community awareness of the need for religious practice to be accompanied by pertinent knowledge in order to prevent fanaticism and hubris by involving religious leaders, traditional figures, and public figures. Finally, those initiatives will restore the ideal perception that religion may provide solutions to the most recent issues, like the covid-19 pandemic.(Solechan 2020)

4. Hajj Worship During Covid-19: Between Allah's Call and Humanity's Call

Islam's teachings provide a set of guidelines and norms as well as solutions to every issue facing the human race. The core of its teachings can be understood as God's eternal nature; nevertheless, interpretation and application are subject to vary depending on the situation. Instead of a textual modification, this one is contextual, taking the situation and context into account, (Muhammad Azhar 1996) Islam's teachings can therefore coexist with a variety of recent modifications and current dynamic issues (Darwis 2017) Similar to the Covid-19 pandemic, which fundamentally alters the order of human life, including worship, the government is forced to issue necessary regulations, such as the policy of the hajj pilgrimage departure cancellation in 2020 and 2021, to safeguard human lives and ensure public health. Although performing the hajj is an obligation of Allah to all Muslims, especially those who are capable in terms of economy, finance, physical readiness, and psychological readiness, the issue of Covid-19 also becomes a crucial aspect to consider in performing the hajj because the departure from home to the two holiest places, Mecca and Medina, and the return to home involve some aspects that deal with health and life safety.

The hajj departure cancellation is mentioned in the Decision of Minister of Religion (KMA) No.494 year 2020 about the cancellation of hajj departure due to the Hajj worship management in 1441 H/2020 AD. Regarding the hajj cancellation, there are some responses from the society where some of them support the policy and the remaining others reject it. The policy of hajj cancellation itself is the realization of responsibility from the Indonesian government to protect people from the covid-19 by considering *maslahat* (public interest) (Rachmah 2021), it is in line with the *fiqh* legal maxim:

Meaning: The policy of a leader for his people must be oriented to the public interest. (H.A.Djazuli 2006)

The protection of religion (*al-din*), life (*an-nafs*), the brain (*al-'aql*), descendants (*an-nasab*), and property or treasure (*al-maal*) is the major goal of the *maqashid al-syariah*. Each of these aspects is separated into tiers based on priority, and the three are *daruriyyat*, *hajiyyat*, and *tahsiniyyat*. The government will automatically take into account and prioritize the five facets of life when they reach the level of *daruriyyat* (emergency) in order to ensure the protection of the general interest. This aims to break the chain of the Covid-19 pandemic's spread because it apprehensively puts people in danger. In light of this, the government's decision to cancel the hajj pilgrimage is appropriate and consistent with *fiqh* legal principles as it demonstrates its concern for humanitarian values by rejecting and

preventing any potential hazards to human safety. It is in line with fiqh legal maxim as follows:

Meaning: Rejecting harm is prioritized over taking benefit.(H.A.Djazuli 2006)

If the position between harm and benefit is balance or even contradictory, then rejecting harm must be chosen and must be prioritized, because there is wisdom in it and benefit will automatically follow.(Asy-Syathibi 2010)

Islam makes the hajj a requirement for all Muslims who meet certain criteria, including financial, psychological, and physical readiness. However, under the circumstances of the Covid-19 pandemic, those criteria are insufficient, and Muslims must also take into account the circumstances in which performing the hajj is both possible and permitted. There are rukhsah (easiness or dispensation) in Islamic teachings that permit a Muslim to perform a certain act of worship efficiently during an emergency. In other words, something prohibited becomes permitted with some caveats and restrictions when there is a daruroh (emergency).(Asy-Syathibi 2010) it is in line with fiqh legal maxim:

Meaning: Difficulty brings easiness.(H.A.Djazuli 2006)

The emergency in Islamic law is well set, and the main character of Islamic law is to make sure the essence of the five aspects of life and it is in line with the maqasid al-syariah. All things contradict one of five aspects of life, then it automatically is categorized into emergency and it is well patterned in terms of maqasid al-syari'ah.(Shidiq 1970)

Maqasid and as-Syari'ah are the only two words that make up the expression. As-Syari'ah refers to the path leading to the source of life, whereas maqasid is the plural form of maqsad, which signifies objective. The goal of strengthening Islamic law is to define Maqasid as-Syari'ah terminologically, to put it succinctly.(Jalaluddin as-Suyuti 2019) Moreover, Syaikh Yusuf al-Qardawi explains that the benefit to reach by the religion is universal and it is the realization of syumuliatul Islam, a true benefit or a true public interest comprising life now on this earth and hereafter, physical and spiritual, individual interest and public interest, interest for recent time and for coming time. All are well protected without any discrimination by kind, group, social status, weak and strong or ordinary person.(Qardhawi, n.d.)

The values of Maqasid as-Syari'ah is reflected in each of God's word and hadith. Those two bases are the source of law that gives a solution for every problem. The companions of Prophet Muhammad (pbuh), as the best generation, practiced the method and teachings from Prophet as the one who receives and delivers revelation from God until a situation comes which put Islamic scholars to collect, write in a book and teach this Maqasid as-Syari'ah as the knowledge. The idea of

Maqasid as-Syari'ah for the first time is proposed by Imam al-Haramain Ali Al-Juwaini who wrote in his book about Maqasid as-Syari'ah entitled: "al-Burhan fi Ushulil Fiqh". The embryo of the theory Maqasid as-Syari'ah is established by Al-Juwaini as the main objective of Islamic law which is formulated into three types primary, secondary and tertiary (dharuriyyat, hajiyyat dan Tahsiniyyat). (Sya'ban 1963) the Idea of maqasid asy-syari'ah is developed more advance by imam al-Ghazali which is recorded in his masterpiece entitled "Al-Mustasyfa" and comprehensively the concept is completed by asy-Syathibi in his book entitled "al-Muwafaqat fi Ushuli asy-Syari'ah". This book becomes the main book for Islamic law, particularly for whoever wants to dig the knowledge in-depth about the maqasid as-syari'ah. (Asy-Syathibi 2010)

The goal of the fiqh book (book of Islamic regulations) is to compile all of the laws of Islam so that all Muslims can readily understand and adhere to them. It can be pictured as a 'ready-to-eat meal' book. Since the fiqh book was not designed to address a specific situation, it is generally timeless, but in some circumstances, it also requires case-specific solutions. The purpose of a fatwa, instruction, or piece of advice is to address a need. It usually synchronizes casuistically with the situation. The fatwa will probably alter if the circumstances change.

Fatwa and the Book of Fiqh are not binding (not binding means must not be followed, one may leave it). Islamic law does not contain any regulations that state that a Muslim must adhere. For example, a Muslim cannot adhere to one Madzhab Syafii (School or Section of Syafii) while simultaneously leaving another Madzhab or another Fatwa. Different opinions and fatwas do not automatically invalidate those of other Islamic experts. It is evidence that the same community as mustafti (people who need and practice the fatwa from the Islamic scholars) may utilize various fatwas. It is in line with fiqh legal maxim:

Meaning: "Ijithad (individual or group interpretation) cannot cancel another ijithad". (Dr Abdul Karim Az Zaidan 2010)

The verdict is another legal product. It is pertinent information that a judge states concerning a certain defendant's case. Additionally, it is required to apply, especially for those involved in the lawsuit. In a democracy, a judge's decision can overturn another judge's decision as long as it is following higher law. For this reason, when a judge issues a ruling in response to a particular issue or case in court, it is forcedly applied to certain parties and can be reviewed or even reversed if it is later determined that it does not reflect the facts of the case.

The last law product is regulations and the constitution. By the purpose and placement of legislation, they are required to apply for a

particular community if they reside in a particular location. Constitutional and regulatory law is typically the result of a protracted process and series of phases involving extensive discussion by numerous stakeholders. Constitutions and laws are primarily intended to protect the country from threats and destructive activities while also achieving the nation's dream. A noble goal of the constitution and laws is to promote social prosperity, public order, and international peace. Every inhabitant of a region governed by the constitution and rules is required to apply.

In some cases, fatwa (originally fatwa is not a must for everyone to apply) can be a must for everyone to apply if it transforms from fatwa into regulation and constitution. In some cases, fatwa frequently is used as the source to design a regulation. The aim is to avoid the clash between society's religion and law product of regulation, for instance, fatwa MUI (Indonesian Ulema Council) about DSN-MUI about sharia economy becomes guidance in designing the regulation by BI (Bank of Indonesia) and OJK (Financial Service Authority). In the end, the original fatwa is not a must to apply (binding), now it is officially binding and a must effectively apply by everyone because becomes a regulation.

Fatwa (individual/group interpretation), either fatwa from MUI, Bahtsul Masail decision, the decision of Tarjih council, the decision of Hisbah council, the decision of Darul Ifta, fatwa lajnah ad-Da'imah and other personal fatwas are not binding or not a must to apply for everyone, except if it turns into legal law product such as regulation. Thus, the decision of the Indonesian government on the hajj pilgrimage departure cancellation and strengthened by religious perspectives (fatwa) either from MUI and other fatwa institutions, are binding and effectively a must to apply for everyone regardless diversity of Islamic sections in practicing Islamic teachings in daily life.

Conclusion

Fiqh, or Islamic law, serves as a comprehensive explanation of Islamic teachings. As a result, even as the era changes, society's condition develops and evolves, which could result in a new modern issue. It indirectly increases the flexibility of all Muslims in how they grasp and apply the Islamic theorems (from the Qur'an and hadith) in their daily lives. Islam's presence aims to help society as a whole and to reject/prevent damages.

Nevertheless, the characteristic of fiqh is permanently fixed and it does not need any change even if the era and condition change. The only thing changed is the mindset and the perspective of a mujtahid (Islamic scholar who is capable of doing law interpretation) in determining a law through a fiqh point of view and it inevitably affects the ways of religious implementation in daily life. In this context, fiqh

experts categorize that phenomenon as taghayyur al-ahkam, not taghayyur al-fiqh since it needs changes in the context of implementation and practice, not in the context of the foundation which is used to decide a certain law (an-nusush as-syar'iyah).

In the context of hajj pilgrimage departure cancellation by the government in 2020 and 2021, shows that the existence of fiqh or Islamic law is synchronized and adapted with the government's policy for the sake of life's safety of pilgrims from Indonesia during the covid-19 pandemic. For the reason of that, the community should understand and accept this situation, and the one who is in charge to disseminate this hajj cancellation policy is not the only government (umaro') but also preachers, Islamic teachers, Islamic scholars, and religious leaders to enlighten society regarding the positive objective of hajj departure cancellation.

The writers argue that the ones who are in charge to enlighten the community about the hajj cancellation are religious leaders, Islamic scholars, and preachers. They are responsible to explain to the community where they are living so the community can understand and accept them well and obey the governments' policies and regulations due to covid-19 measures, including accepting the reality of the hajj departure cancellation. The reason why religious leaders, Islamic scholars, and preachers are eligible to deliver the government's policies and regulations is that they have followers (jama'ah) and are considered noble figures. Furthermore, besides the call for Islamic expertise and noble character, they are also expected to disseminate and deliver positive government policy for the sake of achieving greater public interest, keeping unity, and countering useless provocatives that obstruct the government's programs for the development and prosperous nation.

Bibliography

- Agung Kurniawan, Hamsah Hudaf. 2021. "Konsep Maqashid Syariah Imam Asy-Syatibi Dalam Kitab Al-Muwafaqat." *Al Mabsut* 15 (1).
- Al-Bukhari, Muhammad bin Ismail. 2002. *Shahih Al-Bukhari*. Damaskus-Beirut: Dar Ibnu Katsir.
- Alifah, Maharani, and Dhiya Rahmadhanitya. 2021. "The Impact of Covid-19 on Indonesian Muslim Pilgrimage Dampak Covid-19 Terhadap Jamaah Haji Dan Umrah Indonesia." *Millah: Jurnal Studi Agama* ISSN: 2527-922X (e); 1412-0992 (P) 21 (1): 1–22. <https://doi.org/https://doi.org/10.20885/millah.vol21.iss1.art1>.
- Alimin Alwi. 2020. "Solidaritas Masyarakat Multikultural Dalam Menghadapi Covid-19." *Prosiding Seminar Nasional Problematika Sosial Pandemi COVID-19 "Membangun Optimisme Di Tengah Pandemi Covid-19*.

- Alkaf, M. 2020. "Agama, Sains, Dan Covid-19: Perspektif Sosial-Agama." MAARIF 15 (1). <https://doi.org/10.47651/mrf.v15i1.79>.
- Amin, M. Yakub. 2021. "Amnesti Umum Nabi Muhammad SAW Pada Peristiwa Fathu Mekkah." Politea 4 (1). <https://doi.org/10.21043/politea.v4i1.10527>.
- Asy-Syathibi. 2010. *Al-Muwafaqat Fi Ushul Fiqh*. Edited by Abdullah Darraz. 2nd ed. Beirut: Dar al-Ma'rifah.
- Aziz, Rohmanur. 2021. "Critical Discourse Analysis of the Role of Mass Media in the Cancellation Policy of Hajj Pilgrims during the Pandemic." *Ilmu Dakwah: Academic Journal for Homiletic Studies* 15 (1). <https://doi.org/10.15575/idajhs.v15i1.12979>.
- Cahyani, Andi Intan. 2020. "PELAKSANAAN HAJI MELALUI PENERAPAN FORMAL DALAM PERATURAN HAJI DI INDONESIA." *El-Iqthisadi : Jurnal Hukum Ekonomi Syariah Fakultas Syariah Dan Hukum* 1 (2). <https://doi.org/10.24252/el-iqthisadi.v1i2.11677>.
- Cucinotta, Domenico, and Maurizio Vanelli. 2020. "WHO Declares COVID-19 a Pandemic." *Acta Biomedica*. Mattioli 1885. <https://doi.org/10.23750/abm.v91i1.9397>.
- Darwis, Rizal. 2017. "PEMIKIRAN IBNU QAYYIM AL-JAUZIYAH TERHADAP PARADIGMA PERUBAHAN HUKUM." *Adzkiya : Jurnal Hukum Dan Ekonomi Syariah* 5 (1). <https://doi.org/10.32332/adzkiya.v5i1.1006>.
- Dr Abdul Karim Az Zaidan. 2010. *Al Wajiz Fil Qawaid Al Fiqhiyah*. Riyad: Daar Ar-Risalah.
- Faried F Sanoeng, Saifuddin Zuhri. 2020. *Fiqh Pandemi: Beribadah Di Tengah Pandemi*. Jakarta Selatan: Nuo Publishing.
- H.A.Djazuli. 2006. *Kaidah-Kaidah Fikih (Kaidah-Kaidah Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis)*. Jakarta: Kencana Prenada Media Group.
- Hadi, M. Sabiq AL. 2019. "Rekonstruksi Pemahaman Yang Keliru Tentang Kewajiban Dan Keutamaan Haji Dan Umroh." *Al-Iqtishod : Jurnal Ekonomi Dan Bisnis Islam* 01 (01).
- Istianah, Istianah. 2017. "Prosesi Haji Dan Maknanya." *Esoterik* 2 (1).
- Jalaluddin as-Suyuti. 2019. *Al-Asybah Wan Nazhair*. Beirut: Darul Kutub Ilmiah.
- Jubba, Hasse. 2021. "Beradaptasi Dengan Bencana: Strategi Beribadah Umat Islam Dan Kristen Di Tengah Pandemi Covid-19." *Religious: Jurnal Studi Agama-Agama Dan Lintas Budaya* 5 (1). <https://doi.org/10.15575/rjsalb.v5i1.11164>.
- Mardhatillah, Masyithah. 2019. "Specific Treatment of Elderly Pilgrims on Hajj According to the Hadith ; The Approach of Mukhtalif Ahadis." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 14 (1): 99–123. <https://doi.org/10.19105/al-lhkam.v14i1.2290>.
- Muhammad Azhar. 1996. *Fiqh Kontemporer Dalam Pandangan Neomodernisme Islam*. Yogyakarta: Pustaka Pelajar.
- Mukharom, Mukharom, and Havis Aravik. 2020. "Kebijakan Nabi Muhammad Saw Menangani Wabah Penyakit Menular Dan Implementasinya Dalam Konteks Penanggulangan Coronavirus Covid-19." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 7 (3). <https://doi.org/10.15408/sjsbs.v7i3.15096>.
- Noor, Muhammad. 2018. "Haji Dan Umrah." *Jurnal Humaniora Teknologi* 4 (1). <https://doi.org/10.34128/jht.v4i1.42>.

- Nur, Sultan. 2020. "Pelaksanaan Ibadah Haji Pada Masa Pandemi Covid 19 ; Studi Komparatif Perspektif Mazhab Fikih." *Jurnal Perbandingan Mazhab 2* (2).
- Nurhalimah, Neneng. 2020. "Upaya Bela Negara Melalui Sosial Distancing Dan Lockdwon." *Sekolah Tinggi Tarbiyah Insan Kamil*, 1–6.
- Prasetya, Andina, Muhammad Fadhil Nurdin, and Wahyu Gunawan. 2021. "Perubahan Sosial Masyarakat Dalam Perspektif Sosiologi Talcott Parsons Di Era New Normal." *Sosietas Jurnal Pendidikan Sosiologi 11* (1).
- Pratiwi, Dian Kus. 2021. "Inovasi Kebijakan Pemerintah Daerah Dalam Penanganan Covid-19 Di Indonesia." *Amnesti Jurnal Hukum 3* (1). <https://doi.org/10.37729/amnesti.v3i1.929>.
- Qardhawi, Yusuf. n.d. *Madkhill Lid Dirosat Al-Syari'ah Al-Islamiyah*. Cairo-Mesir: Darul Ilmiyyah.
- Rachmah, Nofrila Tiar. 2021. Analisis Fiqh Siyasa Terhadap Kebijakan Pemerintah Yang Tertuang Dalam Keputusan Menteri Agama Nomor 494 Tahun 2020 Tentang Pembatalan Ibadah Haji Pada Masa Pandemi Covid-19. Skripsi UIN Sunan Ampel Surabaya.
- Shidiq, Ghofar. 1970. "TEORI MAQASHID AL-SYARI'AH DALAM HUKUM ISLAM." *Majalah Ilmiah Sultan Agung 44* (118): 117–30.
- Siroj, A. Malthuf. 2019. "Konsep Kemudahan Dalam Hukum Perspektif Al Quran Dan Hadist." *AT-TURAS: Jurnal Studi Keislaman 6* (2). <https://doi.org/10.33650/at-turas.v6i2.636>.
- Solechan, Solechan. 2020. "Rules and Policies Related with Good Governance When Corona Virus 2019 (COVID19) Pandemic." *Administrative Law and Governance Journal 3* (2). <https://doi.org/10.14710/alj.v3i2.206-219>.
- Sunarto, Sunarto. 2021. "HARMONI SYARI'AH TERHADAP TEROR KORONA: Kemudahan Beribadah Dalam Menghadapi Epidem Covid-19." *MISYKAT: Jurnal Ilmu-Ilmu Al-Quran, Hadist, Syari'ah Dan Tarbiyah 6* (1). <https://doi.org/10.33511/misykat.v6n1.65-94>.
- Sya'ban, Zakiyyudin. 1963. *Ushul Fiqh*. Kairo: Maktabah Tijariyah al-Misra.
- Syamsurijal. 2020. "Religiositas Yang Naif: Ortodoksi Masyarakat Muslim Di Tengah Bayang- Bayang Pandemi Covid-19." *Mimikri 6* (2).