

DEVELOPING SHARIA ECONOMIC INSTRUMENT FOR INDONESIA-MALAYSIA HAJJ SERVICE SYSTEM: *Maqâshid al-Syarî`ah* Perspective

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Abstract: This study aims to analyze the hajj services of the Ministry of Religious Affairs of the Republic of Indonesia and the Malaysian Hajj Savings Institute from the *maqâshid al-syarî`ah* aspect. This study used a qualitative method with a phenomenological approach. The data was obtained through interviews and documents. The data was analyzed through a process of extension of observation and triangulation of sources as well as techniques between interview data and documents. This data was then discussed and analyzed using the *maqâshid al-syarî`ah* approach. Aspects of the hajj service of the Ministry of Religious Affairs of the Republic of Indonesia and the Malaysian Hajj Savings Institute here include aspects of the intensity of the guidance of the hajj rituals that have been in accordance with the *maqâshid al-syarî`ah* in the aspects of *hifdz al-dîn* and *hifdz al-irdh*. Hotel accommodation services are in accordance with the aspects of *hifdz al-aql*, *hifdz al-ruh*, and *hifdz al-irdh*. Consumption services are in accordance with the aspects of *hifdz al-nafs* and *hifdz al-aql*. Meanwhile, health services are in accordance with the aspects of *hifdz al-nafs*.

Keywords: hajj services, *maqâshid al-syarî`ah*; Ministry of Religious Affairs; Hajj Financial Management Agency; Malaysian Hajj Savings Institute.

Abstrak: Penelitian ini bertujuan untuk menganalisis pelayanan haji Kementerian Agama Republik Indonesia dan Lembaga Tabung Haji Malaysia dari aspek *maqâshid al-syarî`ah*. Penelitian ini menggunakan metode kualitatif dengan pendekatan fenomenologis. Data diperoleh melalui wawancara dan dokumen. Data dianalisis melalui proses perpanjangan pengamatan dan triangulasi sumber maupun teknik antara data wawancara dan dokumen. Data ini kemudian dibahas dan dianalisis dengan pendekatan *maqâshid al-syarî`ah*. Aspek pelayanan haji Kementerian Agama RI dan Lembaga Tabung Haji Malaysia meliputi aspek intensitas pembimbingan manasik haji telah bersesuaian dengan *maqâshid al-syarî`ah* pada aspek *hifdz al-dîn* dan *hifdz al-irdh*. Pelayanan akomodasi perhotelan bersesuaian dengan aspek *hifdz al-aql*, *hifdz al-ruh*, dan *hifdz al-irdh*. Pelayanan konsumsi bersesuaian dengan aspek *hifdz al-nafs* dan *hifdz al-aql*. Sedangkan pelayanan kesehatan bersesuaian dengan aspek *hifdz al-nafs*.

Kata kunci: pelayanan haji; *maqâshid al-syarî`ah*; Kementerian Agama; Badan Pengelelola Keuangan Haji Indonesia; Lembaga Tabung Haji Malaysia.

Introduction

Indonesia is one of the large countries with number of prospective pilgrims in year 2018 reached 203,350 people.¹ Annually the pilgrimages are performing the hajj with the cost around 70-75 million per person. The Ministry of Religious Affairs

as the organizer of the pilgrimage had been carried out the series of service systems were covering the aspects of transportation, accommodation, consumption, and health services, both before and after departure. However, the amount of the BPIH is not comparable with the hajj service system that still leaves the problems at the level of the pilgrimage services of every year.

Based on data for 2019, the number of initial deposits of prospective Indonesian hajj pilgrims

¹ Makrum, "Haji, Its Islamic Perspective, Management and Role of Supply Chain in Indonesian Perspectives," *International Journal of Supply Chain Management*, vol. 9, no. 1 (2020), pp. 794-804.

had been reached at 113 trillion rupiahs cost at all. This number will increase with the increasing of the prospective pilgrims regularly, because the registration system is not limited time and can be done for every working day. So the number of registrants can be up to thousands of prospective pilgrims in a year. On the other hand, since 2013, the government of Saudi Arabia has cut the hajj quota for Indonesia on 20%, so that the total hajj quota provided by the Ministry of Hajj and the government of Saudi Arabia only around 168,800 thousand prospective pilgrims per year for Indonesia. This both of regular hajj, ONH plus, and hajj officers. This quota limitation can involve the average waiting period becomes 10 to 30 years for prospective pilgrims.²

In 2020, when the COVID-19 pandemic spread throughout the world, including Indonesia, Malaysia and Saudi Arabia. The government of Saudi Arabia had cancelled the departure of 221,000 hajj pilgrims for the 2020 hajj quota to prevent the spread of corona virus. Minister of Religious Affairs, M. Fachrul Razi, issued a decision to cancel the sending of prospective hajj pilgrims for the 2020 quota. with the consideration of saving lives of the people is a major obligation³ based on the principle of *maqâshid al-syarî'ah* as the main goal of sharia.

The Indonesian hajj financial management body was formed based on Law Number 34 Year 2014 Regarding Hajj Fund Management. Article 1 number 4 of Law no. 34 of 2014 concerning Hajj Fund Management states that the Hajj Financial Management Agency, herein after referred to as BPKH (the Hajj Financial Management Agency), is an institution that conducts Hajj Financial Management.⁴ The enactment of this law gives absolute authority over the management of hajj funds to the BPKH. Previously the management of

the pilgrimage fund was under the authority of the Director General of Hajj and Umrah Management of the Ministry of Religion.

The Malaysian hajj service system is coordinated under one roof, namely the Malaysian Hajj Savings Institute (Lembaga Tabung Haji Malaysia). Since 1995 after the enactment of Deed 535 Hajj Savings. Previously, the establishment of the hajj saving or hajj saving affairs institution contained a dualism of authority to handle hajj in Malaysia, namely the management of hajj funds which was previously handled by the Pilgrimage Deposit Agency (PWSBH) and the hajj service which was coordinated by the Hajj Affairs Officer. After 1969, after the establishment of the Hajj Savings and Affairs Institute (LUTH) which later changed its name to Tabung Haji through deed 539 of 1995 concerning Hajj Savings, the authority for handling Malaysian hajj was coordinated under one roof, both the fund management system and the service system through Tabung Haji.

The management of hajj funds on Islamic banking instruments and other investment instruments aims to increase returns to cover costs and improve hajj services from various aspects.⁵ The pilgrimage is the fulfillment of the fifth pillar of Islam and has become a sacred and urgent intention to be fulfilled for the majority of the world's Muslims. The issue of the plague and other obstacles did not affect the desire of the world's 1.6 billion Muslims to make pilgrimages to Baitullah and al-Haramain.⁶ Hajj program have the effect economic potential to encourage the growth of sharia banking in Indonesia and Malaysia, as well as contribute also in national economic development.⁷

Maqâshid al-syarî'ah is realized in the form of the five main components in human life, namely to protect the people of religion, soul, mind, descent, and wealth. The five basic components are framed

² Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kementerian Agama RI, *Manajemen Penyelenggaraan Ibadah Haji Indonesia*, 1st ed, (Jakarta: Dirjen Haji dan Umrah Kemenag RI, 2016).

³ Razaq Raj and Dino Bozonelos, "COVID-19 Pandemic: Risks Facing Hajj and Umrah COVID-19 Pandemic: Risks Facing Hajj and Umrah," *International Journal of Religious Tourism and Pilgrimage*, vol. 8, no. 7 (2020), p. 93.

⁴ LL SETNEG., "Undang-Undang Nomor 34 Tahun 2014 Tentang Pengelolaan Dana Haji Pasal 1 Angka 4," Oktober 2014, 2014, <https://peraturan.bpk.go.id/Home/Details/38717>.

⁵ Dece Kurniadi, Jamal Wiwoho, and Hudi Asrori, "Hajj Fund Management in Perspective of the Financial Theory and Fiqh", vol. 358, no. 34 (2019), pp. 225-27, <https://doi.org/10.2991/icglow-19.2019.57>.

⁶ Raj and Bozonelos, "COVID-19 Pandemic : Risks Facing Hajj and Umrah COVID-19 Pandemic : Risks Facing Hajj and Umrah."

⁷ Endang Jumali, "Management of Hajj Funds in Indonesia," *Journal of Legal, Ethical and Regulatory Issues*, vol. 21, no. 3 (2018), p. 2.

in three priority scales *masalahah*, namely *masalahah dar'uriyat* (primary needs), *hajiyat* (secondary needs), and *tahsiniyat* (tertiary needs).⁸ The priority scale is conducted based on the order of needs.⁹ Al-Syatibi built the theory that the purpose of the sharia which is revealed to humans is to guarantee the benefit in the world and in the hereafter. *Maslahah*, It is realized in the form of five basic components in human life, namely to protect the people, religion, mind, descent, and wealth.¹⁰

Generally, *ushul fiqh* experts divide the concept of *maqâshid al-syarî'ah* into three important parts, namely *maqâshid al-dhar'uriyah*, namely benefits that touch basic needs. If this basic benefit is not fulfilled, it can cause harm and torment. *Maqâshid al-hajiyah* is a supporting benefit which if not fulfilled can cause difficulties and difficulties. *Maqâshid al-tahsiniyah* is a complementary benefit that aims to maintain ethics and aesthetics. All of the benefits above have components consisting of, namely caring for the soul, mind, offspring, developing wealth, and maintaining honor.¹¹ *Maqâshid al-syarî'ah* is one indicator to assess a process to interaction. in service, *maqâshid al-syarî'ah* can act as engineering socio-economy to realize human benefit.¹²

In essence the aspects of *muamalah*, the sharia provides the space and openness to capture the substance of substance and is not only limited to what is pointed out by the text or textual, but gives the breadth to capture the contextual meaning. so that in general the aspects of *muamalah`ilat* and legal substance can be

⁸ Zein Muttaqin and Nadia Nuril Ferdous, "Investigating Meat Milling Business In," *Madania*, vol. 21, no. 2 (2017), pp. 171–80.

⁹ Abdurrahman Kasdi, "Maqasyid Syari'ah Perspektif Pemikiran Imam Syatibi Dalam Kitab Al-Muwafaqat," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 5, no. 1 (2016).

¹⁰ Abu Ishak Ibrahim Al-Syatibi, *Al-Muwafaqat Fi Usul Al-Ahkam*, II (Cairo: Daar el-Fikr Publishing, n.d.).

¹¹ Ainol Yaqin, "Reconstruction of Maqâshid Al-Syarî'ah in the Development of Islamic Law Methodology (Explorative Study of Jasser Auda's Thought)," *Madania: Journal of Islamic Studies*, vol. 22, no. 1 (2018), p. 63, <https://doi.org/10.29300/madania.v22i1.803>.

¹² Budiman Mochammad Arif et al., "Assessing Religiosity and Socio-Economic Development Based on the Maqasid Al-Shariah Framework," *Maqasid Al-Shariah Based Index of Socio-Economic Development Workshop (MSDI) Islamabad, Pakistan*, no. October (2017), pp. 1–12, <http://repository.poliban.ac.id/39/>.

analogous.¹³ So, reality, the dynamic of *muamalah* interactions requires a touch of *masalahah* to justification.¹⁴

Method

This research is conducted using qualitative methods. The data were obtained from the object of research, in the form of documents and information from informants from Indonesian Hajj Financial Management agency, the Malaysian Tabung Haji agency, the Ministry of Religious Affairs of Hajj Organizing Agency, Indonesian Hajj Pilgrims informants, Hajj Officers. The data analysis using extended observation techniques and triangulation of sources and documents. Data on hajj services covering aspects of registration, consumption, accommodation, transportation, and health was analyzed based on the Syatibi's version of *maqâshid* theory which includes aspects of religious (spiritual), soul, reason, assets, and honor.

Hajj and Umrah Services Directorate of the Ministry of Religious Affairs of the Republic of Indonesia

1. Registration Process

The service process starts from the pilgrimage registration stage which is carried out throughout the year with the principle of departure priority in accordance with the registration sequence number or portion number. The registration mechanism for leaving for hajj through two routes, first, the regular hajj route, the implementation of this route is coordinated and organized by the government or through the Ministry of Religious Affairs. secondly, the special hajj lane, the operation of this lane is coordinated by the hajj travel agency that receives official permission from the the Ministry of Religious Affairs.

The number of registrants for prospective pilgrims every year has increased. Increasing the number of registrants every year reaches approximately 550 thousand people nationally. The increase in the number of registrants is not

¹³ Abd. Rauf Amin, *Al-Ijtihad Ta'assarah Wa Ta'sirahu Fi Fiqhi Al-Maqasidi Wa Al-Waqy*, I (Beirut: Dar al-Kutub al-'Ilmiyah, 2013).

¹⁴ Asriaty, "Penerapan Mashlahah Mursalah Dalam Isu-Isu Kontemporer," *Madania: Jurnal Kajian Keislaman*, vol. 19, no. 2 (2015), p. 119.

proportional to the hajj quota established by the government of Saudi Arabia for Indonesia, which is only 211,000 people per hajj season (basic quota). Since 2013 M/1434 H Indonesian hajj quota has been reduced by 20% or 42,200 people, bringing the total quota to around 168,800 worshipers. In 2019/1440 AH, Indonesia received an additional quota of 10,000 people. So the total regular pilgrims in 2019 are 214,000 people. This has an impact on increasing the number of initial deposits of prospective pilgrims saved in BPKH accounts. Also an impact on the waiting list that is increasingly varied each pilgrim area prospective pilgrims. The estimated waiting time ranges from 5-15 years. In 2016 the waiting list for prospective pilgrims reached 3,080,122 people.

To find out and check the year of departure, prospective pilgrims can access the official website of hajj affairs at the address www.haji.kemenag.go.id by entering the portion number of prospective pilgrims. A portion number is given to regular Hajj registrants who have paid an initial deposit of Rp. 25,000,000 in BPS-BPIH who have been connected with SISKOHAT online. Whereas the prospective pilgrims would make an initial deposit of USD 40000.

Bank receiving initial deposit for prospective pilgrims is 17 BPS-BPIH banks and 3 transit banks that have been appointed by the Minister of Religious Affairs. Five of them are Islamic commercial banks, 13 Syariah business units, namely BNI Syariah banks, Mandiri Syariah banks, BRI Syariah banks, Muamalat Indonesia banks, Mega Syariah banks, BTN Sharia business units, Permata Bank Syariah business units, Syariah CIMB bank business units, Aceh bank Sharia business unit, North Sumatra bank Sharia business unit, Nagari bank Sharia business unit, Riau KEPRI Sharia business unit, Sumsel Babel bank Sharia business unit, DKI bank Sharia business unit, Central Java Sharia business unit, Central Java Sharia business unit. Whereas 3 of them are transit banks, namely banks that have the right to receive BPIH initial deposit payment services in areas where there are no Islamic banks, namely BRI banks, Mandiri banks, and BNI banks.¹⁵

¹⁵ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kementerian Agama, *Manajemen Penyelenggaraan Ibadah Haji*

The government together with the House of Representatives (DPR) annually determine the Hajj Travel Costs (BPIH). The Minister of Religious Affairs will propose BPIH fees that have been decided together with the DPR to the President to stipulate government regulations regarding the amount of BPIH fees for the current year.

The service improvement before departure begins with the guidance to the process of hajj rituals, for prospective Indonesian pilgrims the guidance was held for 8-10 meetings.

In 2019, the Indonesian government through the Directorate of Hajj and Umrah of the Ministry of Religious Affairs of the Republic of Indonesia has improved hajj services starting from the pre-departure process by providing a portion of hajj ritual guidance 8 times while in the country and 2 times while in Saudi Arabia.

2. Accommodation

Article 1 number 12 of Law Number 13 of 2008 concerning the Organization of Hajj defines accommodation as housing or accommodation provided for Hajj pilgrims during embarkation or debarkation and in Saudi Arabia.¹⁶

The accommodation standards are realized by the Directorate General of Hajj and Umrah Management of the Ministry of Religious Affairs of the Republic of Indonesia by conducting studies and direct surveys of the pilgrims accommodation before being stipulated in a decision of the Director General.¹⁷

The accommodation facilities offered are equivalent to 3 star hotels in Indonesia. Boarding houses in Mecca have convenient, appropriate facilities and are in direct contact with the needs of the pilgrims. The distance from the hotel to the haram mosque is approximately 4 km. The hotel facilities consist of a lobby room, 4 lifts that can accommodate 12 people at a time. Room facilities

Indonesia, 1st print, (Jakarta: Dirjen Haji dan Umrah Kemenag RI, 2016).

¹⁶ LL SETNEG, "Undang-Undang Nomor 13 Tahun 2008 Tentang Penyelenggaraan Ibadah Haji," BPKH, 2017, <https://peraturan.bpk.go.id/Home/Details/39044/uu-no-13-tahun-2008>.

¹⁷ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI, *Rencana Operasional Penyelenggaraan Ibadah Haji 2019*, I (Jakarta: Dirjen Haji dan Umrah Kemenag RI, 2019).

are equipped with air conditioner, beds with soft mattresses equipped with pillows and blankets. each pilgrim gets 5 bottles of mineral water during his stay at the hotel. Bathroom facilities are equipped with a shower, cold and warm water. In addition, there are 4 washing machines.¹⁸

3. Catering

Pursuant to Article 4 of the Minister of Religious Affairs Regulation No. 9 of 2016 concerning the Provision of Goods/Services in the Organization of Hajj in Saudi Arabia it is stipulated that the provision of pilgrimage consumption consists of consumption while in the cities of Medina, Jeddah, Mecca, and Arafah, Muzdalifah, Mina (ARMUZNA). The provision of consumption services is carried out by companies that have been selected by the Hajj Consumption Providers team in Saudi Arabia, the selected companies will enter into a work contract signed by the Commitment Making Officer of the Indonesian Hajj Affairs Office in Jeddah with the Hajj Pilgrimage Catering Company. In 2019 catering companies serving consumption of pilgrims in Saudi Arabia consisted of 15 companies in Medina, 36 companies in Mecca, and 2 companies in Jeddah. While catering services during ARMUZNA are handled by *muassasah* as many as 55 *Maktab* and *Muta'ahidin* as many as 18 *Maktab*.¹⁹

Pilgrims in 2019 receive consumption services while in Saudi Arabia, namely during the city of Mecca as much as 40 times with portions of lunch, dinner and morning snacks. The prepared menu varies every day, while the taste of the food is adjusted to the origin of the pilgrims province. The portion of food that is prepared meets the standard of 5 healthy 5 perfect consisting of rice, vegetables, side dishes, fruit, and drinking water.²⁰

Hajj services in 2019 are getting better. While

in Mecca, consumption services are provided for 20 days or 40 times the portion of food, lunch, dinner, and snacks for the morning.²¹

4. Transportation

Provisions for the provision of transportation facilities are regulated in the Decision of the Director General of Hajj and Umrah Administration Number 41 of 2019 concerning Guidelines for Provision of Indonesian Hajj Pilgrimage Land Transportation in Saudi Arabia in 2019. This decree establishes three types of land transportation services for hajj pilgrims while in Saudi Arabia, namely transportation between city of study, prayer transportation, and transportation Armuzna.²²

Inter-city transportation services provide routes for services, namely, 1) Medina-Madinah Airport, 2) Medina-Mecca, 3) Jeddah-Mecca, 4) Mecca-Jeddah, 5) Mecca-Medina, 6) Madinah-Madinah Airport. Land transportation using bus manufacture in 2015 and above, capacity of 47 seats, equipped with air conditioning, seat belts, emergency manual door opener buttons, glass breakers, extinguishers, leak-proof tires, luggage, toilets, toilets, first aid boxes, loudspeakers and GPS.²³

Services at the time of departure by providing bus transportation services to transport prospective pilgrims from the district to the Hajj hostel and from the Hajj dormitory to the plane, providing consumption and health services for prospective pilgrims before departure.²⁴

The distance of the boarding hotel or pilgrimage hotel in Mecca ranges from approximately 1000m to 5000m from the Haram mosque, therefore pilgrims whose hotels are within the radius are determined to get ground transportation services in the form of buses that take pilgrims from the boarding to the Haram PP mosque. This type

¹⁸ Ahmad Abd. Mutalib, Congregational Hajj Group 22 Makassar Embarkation, interview via cellphone on September 11, 2019.

¹⁹ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI, *Rencana Operasional Penyelenggaraan Ibadah Haji 2019*.

²⁰ Syahrudin Sainur, Head of Group 03 UPG Embarkation Makassar, interview on September 12, 2019 via cellphone

²¹ Surahman Amin, Pilgrims of Hajj group 21 Papua Embarkation Makassar, interview on September 12, 2019

²² Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI, *Rencana Operasional Penyelenggaraan Ibadah Haji 2019*.

²³ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI.

²⁴ Ahmad, Makassar Hajj Group Embarkation Congregation Makassar, interview on September 12, 2019

of transportation is known as a prayer bus that operates 24 hours. To facilitate access to the bus service, the distance is set 9 routes with 56 stops and 3 terminals.²⁵

5. Health services

Health services for Indonesian pilgrims in Saudi Arabia are the responsibility of the Ministry of Health under the coordination of the Ministry of Religious Affairs. Health services are carried out at the Indonesian Hajj Health Office (KKHI) in the work area. KKHI is equivalent to hospital type C with bed facilities. Health care is handled by general practitioners and specialists and assisted by nurses, and pharmacists. KKHI is a place of Hajj pilgrimage that is not handled by sector-level health services.²⁶

KKHI is in the Medina daker and the Mecca daker. The median daker KKHI is equivalent to a type D hospital with facilities consisting of 65 beds and health services including, internal health services, neurological diseases, lung disease, heart and blood vessel disease, intensive care (ICU), ER, surgical services, laboratories, pharmacies, nutrition services, and environmental health. KKHI Medinah is equipped with ambulance referrals and transfers.

Health services in Saudi Arabia are centered at the Indonesian Hajj Health Office (KKHI), offices are located in the Medina work area and the Mecca work area. KKHI serves referral and inpatient patients with beds and health facilities. The medical team consists of general practitioners and specialists. Health services consist of services for internal medicine, lung disease, heart and blood vessel disease, dental disease, ICU, ER, surgical services, laboratories, pharmacies, nutrition services, and environmental health. Health workers are divided into three themes, namely the TPP, TGC, and TKR teams with assigned tasks and functions.²⁷

²⁵ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI, *Rencana Operasional Penyelenggaraan Ibadah Haji 2019*.

²⁶ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI.

²⁷ Junaidi, PPIH Health Saudi Arabia Rehabilitation Curative Team (TKR) 2019, interview, October 2, 2019.

Hajj Service in Malaysian Hajj Savings Institute

The hajj service system in Malaysia is coordinated under one roof, namely through the Malaysian Tabung Haji agency. since 1995 after the entry into force of the Deed of 535 Hajj Saving (Tabung Haji). Previously, the establishment of the hajj or Tabung Haji agency was a dualism of the authority of hajj handling in Malaysia, namely the management of hajj funds that were previously handled by the Wang Pilgrimage Board (PWSBH) and the hajj services coordinated by the Hajj Affairs Officer. After 1969 after the formation of the Institute for Pilgrimage Affairs and Hajj (LUTH) which later became the hajj through the deed 539 of 1995 About Hajj Tabungs, the authority to manage hajj in Malaysia was coordinated under one roof, both the fund management system and its service system through the Tabung Haji. Therefore, the authority of the Hajj Saving does not only manage and invest hajj funds, but has additional authority in the form of coordinating the services of Malaysian pilgrims, before departure, departure process, and post-departure.

1. Registration Process

Since 1995 the Hajj registration system in Malaysian Hajj Savings Institute has used the concept of an open Hajj registration system based on the concept of "Registering First, Priority". Therefore, pilgrims who register candidates apply a waiting list system. In 2019 the total quota of Malaysian pilgrims will reach 30,200 per year. The cost of a pilgrimage trip through Malaysia ranges from RM. 22,900, - equivalent to Rp. 77,264,600, - with the initial deposit of the prospective pilgrims ranging from RM 9,980, - equivalent to Rp. 33,672,520, - the cost of subsidized Hajj Tabungs for each pilgrims in 2019 would be around RM. 12,920, - equivalent to 43,592,080, - these costs are included in the iderct cost category with details, namely, (1) Book publication costs and Hajj treatise, (2) Hajj course or Hajj ritual costs, (3) Hajj and medical expenses, (4) Domestic Hajj operational costs (in Malaysia), (5) Hajj service costs while in Saudi Arabia, (6) Health care costs.²⁸

²⁸ Lembaga Tabung Haji, "Https://Www.Tabunghaji.Gov.My," Tabung Haji, n.d.

In 2018 the total number of depositors who saved at Malaysian Hajj Savings Institute reached 9.3 million. This number is not much different from the number of depositors in 2017. But the increase is very significant when compared to 2015 data, the total number of depositing customers amounted to 8.8 million people. The increase in the number of depositing customers is inseparable from the offer of yield offered by the Tabung Haji above the profit sharing offered by Islamic banks in Malaysia.²⁹

The lack of the haj quota given by the Saudi Arabian government to the Malaysian Diraja government has made the pilgrimage queue even longer, but the haj pilgrims provide freedom for pilgrims who have enough money to register on a number of hajj trips with special hajj services.³⁰ The 2019 Malaysian Hajj quota is 30,200 people, which are divided into regular Hajj with a quota of 24,160 people or 80% of the total quota, and special Hajj as many as 6,040 people or 20% of the total quota of Malaysian Hajj pilgrims.

2. Accommodation or Hotel

The Malaysian Tabung Haji Agency prepares 19 hotels for Malaysian Hajj congregation accommodation while in Saudi Arabia, 19 hotels in Mecca, and 5 hotels in Medina. Hotel facilities for rent are equivalent to 4 and 5 stars with locations that are close to the Haram Mosque and the Nabawi Mosque. Even hotels in Medina, the farthest distance ranges from 300 m and the closest is around 100 m. This includes religious advice, medical, financial, postal facilities, counseling and communication facilities. The hotels can accommodate 9,661 worshipers at a time. There are two hotels in Medina, namely the Anwar al-Madinah Mövenpick hotel and the al-Haram Madinah Hotel.³¹ The hotel has supporting facilities, such as elevator, 24-hour front desk, dry

cleaning, currency exchange, multi-language staff, safe deposit boxes, ATMs, porters, meeting rooms, shops, bag or luggage storage, gift shops, and internet available. Room facilities with a double with a bathroom equipped with hot and cold shower.³²

3. Consumption

Malaysian Hajj cylinders provide consumption to Malaysian Hajj pilgrims consisting of lunch and dinner. Some foodstuffs are imported from Malaysia and Thailand, such as Thai rice. Some foods are varied and follow the taste or taste of Malaysia, which is not too spicy. Meals are provided daily with lunch and dinner duration. To maintain the quality and taste of food, the Malaysian government standardizes food menus provided to pilgrims, in addition, the Tabung Haji brings in chefs from Malaysia to prepare Malaysian cuisine. Tabung Haj has a catering kitchen known as TH two-story global service located in Wadi Naseem. Meanwhile, to meet the food needs of pilgrims, they worked with 5 catering companies in Medina and 7 companies in Mecca.

4. Health services

The Malaysian hajj health service program dispatched 264 medical officers to Saudi Arabia to serve Malaysian pilgrims in the health sector. The health staff consisted of 61 doctors, 23 of whom were specialist doctors, the rest consisted of nurses and pharmacists. Malaysian hajj health workers are selected through selection. Furthermore, the selected officers are trained and arranged in coordination with the pilgrimage Tabungs. As a first step, Malaysian hajj health workers inject meningococcal vaccine to all prospective pilgrims to avoid transmission of meningitis.³³

²⁹ Hafidz, Executive Responsibility for Tabung Haji Malaysia, "interview", September 1, 2019.

³⁰ Rashidi, al-Ihwal division and Public Relations of Tabung Haji Malaysia, "interview", September 1, 2019 at the Tabung Haji Malaysia office.

³¹ Rashidi, interview, ... September 1, 2019.

³² Hafidz, "interview"..., September 1, 2019.

³³ Hafidz, "interview"..., September 1, 2019.

The Table of Comparison of Indonesia-Malaysia Hajj Service

No	Aspects	Ministry of Religion RI	Malaysian Tabung Hajj Agency
1.	Registration Process	<ul style="list-style-type: none"> - Regular and special hajj mechanisms - A quota of 211,000 people per hajj season - Initial deposit of Rp. 25,000,000,- at BPS-BPIH - Additional BPKH around Rp. 35,000,000,-/ hajj pilgrims 	<ul style="list-style-type: none"> - Regular and special hajj mechanism - A quota 30.200 people per year - Costs around RM. 22,900,- equivalent to Rp. 77,264,600,- - Initial deposit of RM 9,980,- equivalent to Rp. 33,672,520,- - Additional TH around RM 12,920,- equivalent to RP. 43,592,080/ person
2.	Manasik Guidance	<ul style="list-style-type: none"> - Duration 8-10 times face to face - Face to face methods, practicum, audio/visual hajj rituals 	<ul style="list-style-type: none"> - Duration 17 meetings - Methode: Theory and practical
3.	Accommodation	<ul style="list-style-type: none"> - Hotel facilities equivalent to 3 and 4 stars - Distance from mosque to hotel is 3-5 km 	<ul style="list-style-type: none"> - Hotel facilities equivalent to 4 and 5 stars - The distance from mosque to hotel is 1 km
4.	Food Menu	<ul style="list-style-type: none"> - 40 meals (morning snack, lunch and dinner Indonesian foods 4 healthy 5 perfect) 	<ul style="list-style-type: none"> - Have TH Global Service catering (food service provider) - Lunch and dinner during hajj season with Malaysian food
5.	Transportation	<ul style="list-style-type: none"> - Departure by bus - Homeland to Saudi Arabia by plane - Haram Mosque to Hotels using shalawat bus 	<ul style="list-style-type: none"> - Departure from hajj dormitory to Airport by bus - Airport to Saudi Arabia by airplane
6.	Health	<ul style="list-style-type: none"> - Headquartered in the Indonesia hajj health office - ICU, ER, surgery, laboratory, pharmacy, nutrition and environmental health facilities 	<ul style="list-style-type: none"> - TH Malaysia dispatched 264 medical officers to Saudi Arabia

The Relevance of *Maqâshid al-syarî`ah* to Hajj Services at the Ministry of Religious Affairs of the Republic of Indonesia and the Malaysian Hajj Savings Institute

Law No. 13/2008 concerning the Organization of Hajj states that the implementation of the hajj is a series of activities that include; guidance, service, and protection in the implementation of the pilgrimage to prospective pilgrims or pilgrims in the country and in Saudi Arabia.

The results of the pilgrimage investment in the Indonesian Hajj Financial Management Agency and the Malaysian Hajj Savings Institute are intended to fund the operation of the hajj services, starting from the registration process, services before departure, services during the pilgrimage process in Saudi Arabia consisting of hospitality accommodation services, transportation, and consumption, and health.³⁴

Aspects of hajj services when associated with *maqâshid al-syarî`ah*, it is illustrated that the entire system of hajj services carried out by the ministry of Religion and the Malaysian Tabung Hajj Agency with funding sources from the optimization of hajj funds is in contact with *maqâshid al-syarî`ah*, especially with regard to the benefit of all hajj pilgrims. during the series and process of the pilgrimage.³⁵

The process of implementing the hajj begins with guidance of hajj rituals, both directly and indirectly during 8-10 meetings for Indonesian pilgrims, which are 8 times centered at the Office of Religious Affairs (KUA) and 2 times in the city districts for outside pilgrims Java, while the pilgrims on the island of Java Manasik guidance done 8 times with a duration of 6 times in the KUA and 2 times in the city district. Guidance methods in the form of face-to-face, demonstration, practices of rituals, audio or visual playback of rituals and video playback of rituals on airplanes on departure.³⁶

³⁴ MZ Abidin, "Analysis of Hajj Fund Investment in Infrastructure Financing and Improving the Quality of Hajj Services," *Harmoni*, (2016), pp. 152-64.

³⁵ Musmuliadi Kamaruding et al., "The Islamic Philosophical Perspective on Hajj Pilgrim Management," *Journal of Business and Social Review in Emerging Economies*, vol 3, no. 2 (2017), pp. 235-44.

³⁶ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemendagri, *Rencana Operasional Penyelenggaraan Ibadah Haji 2019*.

Tabung Hajj provides pre-departure hajj guidance services with the term hajj courses which are carried out in the month of *Rabiul Awwal* until *Jamadil Akhir*. Courses are held every weekend with a duration of 2 hours each face to face. The course was held for 17 meetings. The Hajj basics courses and practicals are conducted at selected mosques in collaboration between *Tabung Hajj*. The course modules cover the basics and pillars related to Hajj, Health, procedures for managing hajj in the country, procedures for administering Hajj and the Holy Land. Course participants are only intended for prospective pilgrims who are selected in the current year.

The duration of the hajj *manasik* guidance for each meeting is 4 hours, each hour is 60 minutes. The *manasik* guidance material is sourced from the hajj *manasik* book package published by the Ministry of Religion. The development of the material can adjust to the Decision of the Director General of the Hajj and Umrah Administration Number 146 of 2019. Learning strategies explain the theory as much as 30% and 70% in the form of practice or simulation.

The intensity of hajj *manasik* guidance services is part of the *maqâshid al-syarî'ah* relating to caring for the dimensions of religious spirituality or *hifdz al-dîn* and part of maintaining the honor or *hifdz al-'irdh*. The procession of the pilgrimage is loaded with spiritual meaning, namely the penetration of a servant to dialogue with God through a series of pilgrimage processions, ranging from intending *ihrâm*, *tawâf*, *sa'i*, *tahallûl*, before staying at the *arafah*, *mabit*, throwing the pilgrimage, *umrah*.³⁷ This procession, in addition to requiring physical readiness, must also pay attention to the cognitive dimension, in the form of *fiqh* aspects and its laws so that the implementation of the pilgrimage becomes legal and *mabrur*. Because. All hajj activities shall also coincide with sharia rules.³⁸

Hajj reflects 5 aspects in every person who carries it out, namely: part of the *qalbiyyah* worship (mental/mental worship), part of *ruhiyyah* worship (spirit/soul worship), part of bodily worship (physical worship/body), part of *maliyyah* worship (material/property worship), and part of *ijtima'iyyah* worship (social/community worship).³⁹ Perpetrators are considered to have *cdaysma*, authority, and role models related to religious matters.

The majority of Indonesian and Malaysian pilgrims have different scientific backgrounds and different levels of religious practice, the procession of the pilgrimage is often accompanied by a dimension of *khurafat* and things can turn to polytheism and the cancellation of the pilgrimage. Therefore, to maintain the spirituality of the hajj pilgrimage and maintain the *muru'ah* or the authority of the pilgrims, the guidance of hajj rituals intensively brings great benefit and is in accordance with the objectives of the *maqâshid al-syarî'ah*, namely the achievement of hajj pilgrimages based on the method of pilgrimage *“ملايتم الواجب إلا به فهو واجب”* all means that lead to perfection, the facility is mandatory. The implementation of the guidance of the pilgrimage is a means to get hajj *Mabrur*, the means in the form of hajj guidance must be done and must be facilitated.

Hajj services from the aspect of accommodation and hospitality for Indonesian pilgrims in the past few years are getting better. Hotel facilities are very touching with the basic needs of pilgrims. Room facilities are comfortably occupied by around 4-8 people per room equipped with mattresses for each pilgrims, rooms are equipped with air conditioner and bathroom, toilet, shower, washing machine. In addition, the hotel provides bottled water in every room and dispenser. Hotel facilities in Mecca and Medina are equivalent to 3 and 4 star hotels.

The hospitality standard stipulated by the Ministry of Religion is that pilgrims receive maximum service. Each hotel is required to have an accommodation instruction card, prepare one liter of mineral water per day per pilgrim, change sheets

³⁷ Onur Akbulut and Yakin Ekin, “Reflections of Hajj and Umrah Pilgrimage on Religious Stores in Mugla-Turkey,” *International Journal of Religious Tourism and Pilgrimage*, vol. 6, no. 3 (2018), pp. 18–29.

³⁸ Kamaruding et al., “The Islamic Philosophical Perspective on Hajj Pilgrim Management.”

³⁹ Dulsukmi Kasim, “Hajj Fiqh A Historical and Philosophical Review”, *Al'Adl Journal*, vol. 11, no. 2, July (2018), p. 150

and pillowcases, towels, toiletries, Zamzam water in dispensers, and washing machines. The hotel manager is also required to provide a receptionist, janitor, security officer, luggage transport service to the pilgrims' room floor, and pilgrimage services to 4 historic sites in Medina. Other facilities are rooms with strong and safe beds with foam mattresses and pillows with four bed linen that are given in stages while in the hotel. The hotel room is also equipped with a bathroom, shower, sink, water faucet, toilet seat, and exhaust fan. The physical condition of the building is required in good condition and suitable for use, an adequate elevator according to the capacity of the building, a lobby area with a minimum area of 50 square meters, for the apartment has a kitchen space, available electricity and sufficient lighting in the lobby. Hotels must also provide generators for backup electricity, have emergency stairs, lock care, prayer rooms in congregation, clotheslines, cleaning equipment, and spare keys.⁴⁰

Whereas Malaysian Tabung Hajj Agency prepares 14 hotels for Malaysian hajj congregation accommodation while in Saudi Arabia. Hotel facilities for rent are equivalent to 4 and 5 stars with locations that are close to the Haram Mosque and the Nabawi Mosque. Even hotels in Medina, the farthest distance ranges from 300 m and the closest is around 100 m.

Housing facilities are the primary needs of every person, even though they are temporary, psychologically, with a comfortable place to live, then a sense of security will be guaranteed from all forms of physical, physical and material threats. This is an embodiment of *maqâshid al-syarî'ah*, namely *hifdz al-'aql*, *hifdz al-ruh*, and *hifdz al-'irdh*, part of maintaining the benefit of the mind, the benefit of the soul, and the benefit of honor.

Benefit according to the meaning of *syara`* is a means that can deliver to the attainment of the intention of the maker of *syara`* both worship and custom (المصلحة بحسب الشرع هي السبب المؤدي إلى).⁴¹ (مقصود الشارع عبادة أو عادة

Maintaining the honor of the part of the benefits suggested in achieving *maqâshid al-syarî'ah*. The hotel is a place of refuge, releasing fatigue, and resting from fatigue after carrying out a series of pilgrimage. Therefore, each pilgrim is given a room with convenient facilities, the rooms are separate between male and female pilgrims. The existence of rooms makes every pilgrims keep their genitals and honor. In addition, hotels with adequate facilities make people proud, proud, and confident. This pride is a reflection of the progress, prosperity, and ability (*istita`ah*) of the Indonesian pilgrims. *Istita`ah* is one of the mandatory requirements for pilgrimage. Therefore, the management of hajj funds invested by obtaining returns, in essence reflects the ability of a country to manage and develop potential assets for the welfare of the pilgrims. This is a manifestation of *hifdz al-'irdh* or maintaining the *murû'ah* and honor of the nation and citizens in the eyes of the world, and at the same time as a form of state responsibility towards its citizens as mandated by article 2 letter f that the management of financial pilgrimage is accountable and accountable.

Catering services are realized by presenting a culinary menu flavored to Indonesia according to the origin of the pilgrims. The menu is offered according to the four healthy five perfect standards. The menu is adjusted to the zonation of accommodation of pilgrims from each region and will be presented based on a cycle of three times a week. Menu cycles presented include pilgrims from Sumatra in the zone where they live there will be a menu of fish, curry chicken, and meat rendang. Meanwhile, the congregation from Jakarta received a menu of meat stews, Jakarta fried chicken, and pesmol milkfish. For pilgrims from Solo, they are served fried empal, ferocious tamarind, and soy grilled mackerel. Congregations from East Java provided rawon, chicken geprek, and presto milkfish.

Consumption is a primary basic need for everyone and part of the benefits at the dharury level. Realizing this primary benefit means having reached the maqasid syari'ah from the aspect of *hifdz al-nafs* and aspects of *hifdz al-'aql* or protecting the soul and mind. Balanced nutritional

⁴⁰ Direktorat Jenderal Penyelenggaraan Haji dan Umrah Kemenag RI, *Rencana Operasional Penyelenggaraan Ibadah Haji 2019*.

⁴¹ Abd Wahab Khalaf, *Mashadir Al-Tasyri' Al-Islamiy Fima La Nash Fih*, (Kuwait: Daar al-Qalam, 1972).

intake balanced by the density of the activities of the pilgrimage that requires physical fitness, mental, and a calm mind. Without a balanced nutritional intake, the physical, mental, and mind will be disrupted, so that the activities of worship and a series of hajj processions will be disrupted. When and wherever the status of welfare can be realized, it must be endeavored to be realized and maintained. Conversely, if *mafsadat* and damage can be avoided, it must be endeavored to prevent and close the road.

Mashlahat al-Syatibi perspective is anything that contains benefits in it, all means and efforts to bring benefits, then the facility is ordered to do, as long as the means used to bring benefit do not contain the same level of danger or even exceed the benefits. Therefore, the essence of mashlahât is all pleasures whether physical or spiritual, able to be understood in the mind and be felt with the soul.⁴²

The pilgrimage is a spiritual tour whose main purpose is to perfect the pillars of Islam. The implementation of this service must be supported by material, physical and mental readiness. Because all the facilities that support the achievement of material, physical and mental benefits, such as the adequacy of nutritional intake to maintain physical fitness and mental balance, it must be endeavored to be realized. Disregarding these benefits results in damage to the core and purpose of the pilgrimage, so that the damage and mafasat must be removed.

The location of hotels and accommodations for pilgrims, which are generally 2 to 5 kilometers from the Haram mosque and the distance of the cities of Medina and Mecca about 500 km and geographical conditions and extreme air temperatures make land transportation services an urgent and urgent need for the implementation of a perfect hajj procession. Fulfillment of land transportation in the form of buses, both inter-city studies, salawat buses, and ARMUZNA services are categorized as emergency or urgent, because if this transportation service is not met, the pilgrimage procession will be disrupted, even the pilgrimage

and umrah pillars tend to be ignored and not implemented perfectly, so that the validity of the pilgrimage is valid.

The fastest land transportation that can accommodate a large number of people in a single transport is only a bus, making it difficult to find other alternatives. Fourth, the main choice is not made can cause damage to human rights goals.⁴³ the main goal of the hajj procession is the achievement of the Hajj Mabru with the implementation of all the pillars of the hajj perfectly.

The definition of health can be found in the WHO statement, namely: a state of complete physical, mental and social wellbeing, not merely the absence of disease or infirmity (improving the human condition perfectly from physical, mental and social aspects, not only free from disease and weakness). Operationally, the notion of health is formulated by M. K Tadjudin as a state of the quality of a person's organism capable of carrying out its functions properly due to genetic and environmental factors.⁴⁴ Article 1 number 1 of Law no. 23 of 1992 concerning Health defines health as a state of well-being of the body, soul, and social that enables everyone to live productively socially and economically.⁴⁵ Health services for Indonesian pilgrims in Saudi Arabia are the responsibility of the Ministry of Health under the coordination of the Ministry of Religious Affairs. Health services are carried out at the Indonesian Hajj Health Office (KKHI) in the work area. KKHI is equivalent to hospital type C with bed facilities.⁴⁶

Health needs are the basic rights of every person and part of *hifdz al-nafs* or protecting the soul and body that must be fulfilled. Therefore, all means that lead to the realization of health must be fulfilled. There are many suggestions of the Koran which signal to maintain health and take

⁴² Moh. Toriquddin, "Theory of Maqashid Syariah from the Perspective of Al-Syatibi," *Journal de Jure, Journal of Sharia and Law*, vol,6, no. 1 (n.d.), p. 42.

⁴³ Oni Sahroni, *Fikih Muamalah Kontemporer Membahas Ekonomi Kekinian*, 1 (Jakarta: Republika, 2019).

⁴⁴ Mia Fitiah elKarimah, "Kajian Al-Qur'an Dan Hadist Tentang Kesehatan Jasmani Dan Ruhani," *Jurnal Tajdid*, vol. XV, no. 1 (2016), p. 108.

⁴⁵ Article 1 number 1 of Law no. 23 of 1992 concerning Health.

⁴⁶ Masdalina Pane et al., "Indonesian Hajj Cohorts and Mortality in Saudi Arabia from 2004 to 2011," *Journal of Epidemiology and Global Health*, vol. 9, no. 1 (2019), pp. 11–18, <https://doi.org/10.2991/jegh.k.181231.001>.

action to prevent disease.⁴⁷ As the word of God: “ولا تلقوا بأيديكم إلى التهلكة” mean “don’t destroy yourself”.

The Saudi Arabian Ministry of Health requires proof of pre-hajj health services, such as vaccinations for fever, meningitis, polio and seasonal influenza vaccinations for hajj visas. The government of Saudi Arabia also provides free health services to approximately 25 hospitals in the Mecca area, equipped with 136 treatment centers with the latest technology, 15,000 thousand doctors and 17,609 special nurses during the hajj season.⁴⁸

Maintaining health is part of realizing benefit at the *daruriyat* or primary level, because it must take precedence over benefit at the secondary level, as *fiqh* rules *تقديم المصلحة الجوهرية على المصلحة الشكلية* “تقديم المصلحة الجوهرية على المصلحة الشكلية” namely prioritizing the substantive benefit over the formal benefit.

Conclusion

The management of hajj funds at the Indonesian Hajj Financial Management Agency and the Malaysian Hajj Savings Institute, it aims to improve the standard of hajj service, both before departure and during the hajj. The service improvement before departure begins with the guidance to the process of hajj rituals, for prospective Indonesian pilgrims the guidance was held for 8 to 10 meetings. Meanwhile, the Malaysian hajj pilgrimage ritual were held 17 meetings. The intensity of the hajj ritual guidance services is a part of the *maqâshid al-syarî'ah*, that is related to the caring for the spiritual dimension of religion or *hifdz al-dîn* and it is a part of maintaining honor of *hifdz al-irdh*. And hotel facilities in Mecca and Medina for Indonesian pilgrims meet the standards of 3 and 4 star hotels. For Malaysian pilgrims, hotels with facilities equivalent to 4 and 5 stars are provided. This is as a manifestation of *maqâshid al-syarî'ah*

which includes *hifdz al-`aql*, *hifdz al-rûh*, and *hifdz al-irdh*, which is part of maintaining the benefit of the mind, the soul, and the honor. In the consumption aspect, catering services are realized by presenting a culinary menu with Indonesian and Malaysian flavors. The menu offered is according to the standard four healthy five perfect. This is including the realizing *maqâshid al-syarî'ah* from the *hifdz al-nafs* aspect and the *hifdz al-`aql* aspect or guarding the soul and mind. The fulfillment of transportation for Indonesian pilgrims in the form of buses, both inter-city pilgrimages, *salawat* buses, and ARMUZNA services are included in the emergency or urgent category. The health service aspect is realized through PPIH health officers from Saudi Arabia and Indonesia, through the Preventive Promoted Team whose task to provide the counseling related to the health of the hajj pilgrims which covered the curative, rehabilitative, and preventive promoted efforts. Meanwhile, the Health Service of Malaysian Hajj Savings Institute dispatched 264 medical officer to Saudi Arabia to serve Malaysian hajj pilgrims. This aspect is in accordance with the principle of *hifdz al-nafs* or maintaining the soul and body that must become mandatory.

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⁴⁷ Quraish Shihab, *Membumikan Al-Qur'an, Fungsi Dan Peran Wahyu Dalam Masyarakat*, 1st print, (Bandung: Mizan Media Utama, 2007).

⁴⁸ William J Leggio et al., “Experiencing Hajj: A Phenomenological Qualitative Study of Paramedic Students,” *Australasian Journal of Paramedicine*, vol. 13, no. 4 (2016), <https://doi.org/10.33151/ajp.13.4.494>.

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