THE MANĀSIK OF ḤAJJ IN INDONESIA:
Looking for Legal Certainty through the Reasonings of Uṣūl al-Fiqh

Nasrullah
State Institute for Islamic Studies (IAIN) Lhokseumawe, Indonesia
Jalan Medan-Banda Aceh km. 275 No. 1 Buket Ratu-Alue, Aceh, Indonesia
e-mail: nasrullahyahya31@gmail.com

DOI: 10.30631/al-risalah.v20i1.500
Submitted: October 14, 2019; Revised: February 07, 2020; Accepted: April 01, 2020

Abstract: The paper aims to seek legal certainty of the manāsik in Indonesia from the perspective of uṣūl al-fiqh. In the classical fiqh, the manāsik has not received proper attention. Hence, the legal position of manāsik has thus far no definite (qaṭʿī) answer. For today's Indonesia, although the manāsik is understood more as training for prospective pilgrims on how to perform the ḥajj correctly, yet it is different from what the Prophet Muhammad practiced, which was conducted directly within the ḥajj rituals. With that aim in mind, this paper uses the reasoning devices of uṣūl al-fiqh such as bayānī, taʿlīlī, and istiṣlāḥī toward the relevant literary sources in establishing a legal certainty of the manāsik. The bayānī method shows that the texts of the prophetic traditions contain imperative expression (amr), meaning that the manāsik is an obligatory practice. The taʿlīlī points out that the manāsik stands as ‘illa for the perfection of ḥajj; the manāsik is necessary to make ḥajj ritual ideally conducted. The istiṣlāḥī method reveals that the manāsik contains the value of mašlaḥa, which is the validity of ḥajj based on sharia principles. Finally, from the perspective of maqāṣid al-shariʿa, the necessity of the manāsik is classified into ʿarūriyya and ḥājiya. Hence, based on these arguments, this paper argues that the manāsik of ḥajj is obligatory for prospective pilgrims.

Keywords: The Manāsik of Ḥajj, Legal Certainty, Uṣūl al-Fiqh, Indonesia

Abstrak: Tulisan ini bertujuan untuk mencari kepastian hukum manāsik haji di Indonesia melalui penalaran uṣūl al-Fiqh. Dalam fiqh klasik, pembahasan manāsik belum mendapatkan perhatian yang memadai, sehingga kepastian hukumnya belum terjawab secara pasti (qaṭʿī). Sementara dalam konteks Indonesia hari ini, walaupun manāsik lebih dimaknai sebagai pembekalan calon jama’ah haji mengenai ilmu dan praktik tata cara ibadah haji yang benar, namun ini berbeda dengan yang dipraktikkan Nabi yang dilaksakan bersamaan dengan ibadah haji. Untuk itu, tulisan ini menggunakan perangkat-perangkat penalaran uṣūl al-fiqh seperti bayānī, taʿlīlī, dan istiṣlāḥī terhadap sumber-sumber pustaka yang relevan dalam menetapkan hukum manāsik. Melalui penalaran bayānī, tulisan ini

Kata Kunci: Manāṣik Ḥaji, Kepastian Hukum, Usūl al-Fiqh, Indonesia

Introduction

Explanations of fiqh literature on the ḥajj do not explain the position of manāṣik in the view of the imams of madhhabs in minute detail, in contrast to other relevant principles, such as obligatory conditions of the ḥajj (being Muslim, of sound state of mind, adult, and having necessary power and ability)1 and validity conditions of the ḥajj (being Muslim and adult). In other words, manāṣik has yet to receive proper attention from classical fiqh literature. What is certain is that manāṣik is explained based on its etymology, i.e. rituals, as mentioned in Q.S. Ali ʿImrān: 97, a ḥadith by Ibn ʿUmar [reported by al-Bukhārī and Muslim]2 and by Ibn ʿAbbās (reported by Ibn Māja).3 Hence, the question of the legal position of manāṣik has so far no definite (qatʿ i) answer, other than that—if the word is attributed to the ḥajj, i.e. manāṣik al-ḥajj—it is “performing the ḥajj and the ‘umma based on the guidance of the Prophet Muhammad peace be upon him.”

The manāṣik, as the case for Indonesian, nowadays is performed before the departure of the pilgrims to the noble city of Mecca. It is a different situation from the manāṣik of the Prophet Muhammad, in that it was conducted directly within the ḥajj rituals, upon which his companions followed as he did. Therefore, the manāṣik during the lifetime of Prophet Muhammad did not refer to a dedicatedly scheduled and independent practice of manāṣik, but rather to the act of whole-hearted and sincere following of the companions upon the ḥajj rituals of Prophet Muhammad, making their own conducted correctly.

In Indonesia, the manāṣik means education and demonstration of the ḥajj and the ‘umra practices based on the principles of sharia. It is a binding right of prospective pilgrims before their departure.4 Ḥajj is an exceptionally noble ritual that makes a Muslim closer to Allah. Ḥajj, as an Arabic word, means an intention5 to perform something.6 As for the definition of the terminology, ḥajj is visiting the Ka’ba by performing a series of rituals in the Haram mosque and the surrounding sites, either for the ḥajj or the ‘umra.7 The alternative definition says that ḥajj means to intend or make a plan of visit-

---

7 Al-Sharbīnī, Mughnī Al-Muhtāj, p. 113.
ing the holy land to perform a series of religious rituals as performed by the Prophet Muhammad peace be upon him. With an objective of being closer to God, a solid knowledge prepared through the manāsik stands as a wasīla (instrument) by which the essence of His order could be fulfilled, namely the obligation of performing the ḥaǧj once in a lifetime.

The purpose the government—through Directorate-General for Ḥaǧj and ‘Umra Affairs of the Ministry of Religious Affairs—organises the manāsik upon prospective pilgrims is to make them understand the knowledge of manāsik so that they can perform the ḥaǧj rituals correctly according to the sharia and achieve the value of ḥaǧj mabrūr. It is the application of the law no. 13 the year 2008 that the government has an obligation to educate, serve, and protect the pilgrims. This law represents the participation and accommodation of the state upon the faith of its citizens as guaranteed by the constitution.

Considering the importance of the manāsik in the current context, especially with regards to pilgrims’ awareness of specific laws and conducts in specific times and place with specific ways of ḥaǧj, it is highly necessary, or a binding right, for prospective pilgrims to have the manāsik before their departure to Mecca. Only with the manāsik can they get necessary proper knowledge with regards to the correct ways of performing ḥaǧj.

This article argues that even though manāsik does not get a significant portion of explanation within the laws of ḥaǧj such as obligatory conditions of ḥaǧj, the questions with regards to the manāsik could find answers from reasonings through contemporary ijtihad. This ijtihad is valid because Islamic law is not inflexible, firm and rigid, but instead has the potential to adopt the developing contexts. Likewise, there is no theoretical argumentation whatsoever that disputes the dynamics of the applicability of Islamic law; Islamic law, either its norms, principles and postulates, are flexible. This vision of law is recognised as the theory of the changes of law (nazarīyyat al-taghayyur al-akhānī), as pointed out by Ibn Qayyim (of the Hanabilites): “taghayyur al-akhānī bi al-taghayyur al-azmina wa al amkina wa al-ahwil.” Therefore, the gate of ijtihad is not closed; contemporary problems that have no precedence could find answers from contemporary ijtihad through the discipline of Islamic jurisprudence (uşūl al-fiqh), i.e. a discipline which attempts at formulating Islamic laws/fiqh for the contemporary Muslims. Islamic law, in this context, refers to at least two components: as methodology and as the product.

The organisation of manāsik for prospective pilgrims is important, although classical fiqh does not explain the issue thoroughly. There is, however, disagreement on the issue between segments of Muslims societies; some view the manāsik is legal, some others consider it illegitimate; some are willing to join while some others do not. This disagreement requires a legal certainty so that people would share the common perception upon the issue.

---

8 Al-Sharwani, Hawashi Al-Sharwani, p. 4.
This article discusses the issue of the legal status of the manāsik in Indonesia through the lens of uṣūl al-fiqh reasoning, to formulate a legal certainty upon the issue. The research question is: how is the legal certainty of manāsik in Indonesia from the perspective of uṣūl al-fiqh?

This is library research that employs a normative approach. The data are qualitative and gathered through documents compilation in libraries. The analysis technique upon relevant materials is deductive analysis.

There are two main topics this article deals with. Firstly, it discusses the definition of manāsik and the relevant reasoning theories of Islamic law, such as the theory of naṣṣiyya and theory of uṣūl al-fiqh. Secondly, it analyses the issue of legal certainty of the manāsik based on the bayānī (textual), the taʿlīlī (causes) and the istislahī (advantages) reasonings, before further coming into conclusion.

Manāsik of Ḥajj and the Relevant Theories

To substantiate the issue of legal certainty the manāsik of Ḥajj in Indonesia through the lens of uṣūl al-fiqh reasonings, a detail elaboration on theories that have a connection to the issue is necessary.

1. Manāsik of Ḥajj

Manāsik is an Arabic word rooted from nusuk which means ritual or devotion to Allah. In the KBBI (Kamus Besar Bahasa Indonesia, the Big Dictionary of the Indonesian Language), the word manāsik means ibadah (worship, devotion). Ḥajj, on the other hand, means affairs related to Ḥajj rituals, such as ḵārām, wuqūf, ṭawāf, saʿy, and taḥallul. Whereas “manāsik Ḥajj” (manāsik of Ḥajj) means the demonstration of Ḥajj rituals based on its pillars (usually using an imitated kaʾba) before the departure of prospective pilgrims to the holy land.

In Indonesia, manāsik is understood as education and training sessions of performing the Ḥajj and the ’umra rituals following the procession of the actual Ḥajj. Accordingly, the manāsik of Ḥajj that is organised in Indonesia is a program that is intended to provide prospective pilgrims with necessary knowledge and horizon regarding the practices of the Ḥajj and the ’umra. Not only does the manāsik provides prospective pilgrims with theories on the procession of the Ḥajj and the ’umra rituals, but they can also simulate those rituals with imitative kaʾba, through which they could obtain a solid comprehension on the Ḥajj and the ’umra procession.

The organisation of the manāsik is intended to provide the prospective pilgrims with a simulation of the actual procession of the Ḥajj and the ’umra. Upon the simulation prospective pilgrims could have during the manāsik organised by the Ministry of Religious Affairs, they are expected to know clearly the procedures of the Ḥajj, so they can perform it individually while they are in Mecca in the future.

---


2. The Theory of Naṣṣiyya

Etymologically, naṣṣ means comes to sight or elevates to the supposed summit of something. From the perspective of usūl al-fiqh, the theory of naṣṣ refers to a concept contained in a word or text of a naṣṣ (the Qurʾān and ḥadīth). From the aspect of clarity of a text (dalīl), there are four types of concept: zāhir, naṣṣ, mufassar and muḥkam.18 All of these four indicate that the text has precise meanings, or in other words, unambiguous references. For this reason, a law of sharia is sometimes derived from the zāhir of the Qurʾānic and Hadith texts, which are texts that point to a meaning based on its general wording (ʻumūm al-lafẓ) or its general meaning (ʻumūm al-maʿnā). In the context of the general wording (ʻumūm al-lafẓ), a law is derived by seeing the meaning of the text, in the sense that a dalīl is understood to contain this or that meaning. As for ʻumūm al-maʿnā, a law is derived from analogy (qiṣāṣ).

In short, zāhir refers to something whose intention is definite, based on a dalīl independent from other external factors, yet has other possibilities due to the general sense of the wording and the general meaning the text could indicate.19 The reason for this is that zāhir generally has two or more meanings. In this context, it is obligatory to follow the zāhir of a dalīl, unless with the existence of other dalīl that deviates it to other meanings, either as takhṣis, taʿwīl, or naskh.20

Unlike zāhir, naṣṣ has a more definite meaning.21 From the perspective of Shafiʿiyya usūl al-fiqh, a text that is naṣṣ cannot have but one meaning (iḥtiṣāl), not like zāhir. As for the Ḥanafiyya, a text that is naṣṣ concerning sharia laws becomes subject to taʿwīl, especially for naṣṣ and zāhir.22 A text that is naṣṣ has a more reliable reference to meaning than that of zāhir, because, naṣṣ refers to the generic wording, making its reference more solid. In this context, a meaning that is directly referred to by a word is more natural to comprehend compared to that is indirect. As for the aspect of legal consequence, both naṣṣ and zāhir equally require obligation. If there is a contradiction between naṣṣ and zāhir, the former is preferred to the second, and the meaning of the second should be understood under the light of the first.

Mufassar, according to al-Sarakhshi, refers to a concept that refers to a transparent/opened word, whose intention/meaning is clear, which makes taʿwīl unnecessary.23 On the other hand, Khalaf suggests that mufassar is a word whose formulation refers to a detailed meaning, so detailed that the possibility of the existence of another option is irrelevant.24 For the aspect of its intention, mufassar contains a more precise meaning than naṣṣ and zāhir, because of the degree of clarity it has that makes the word impossible to be treated through taʿwīl. For this reason, the meaning of mufassar is stronger than naṣṣ and zāhir, which means if there is a contradiction between them, mufassar should be preferred.25

Accordingly, the reference (dīlāla) of mufassar should be applied with certainty (qāʿī) as long as there is no dalīl that abrogates (naskh) it. The meaning of mufassar stands solid and cannot be treated through taʿwīl and takhṣis; it can only be abrogated (mansūkh) by the other dalīl, if any. As for the

---

21 Ibid., p. 154.
23 Rachmat Syafeʿi, Ilmu Usūl Fiqih, p. 156.
25 Ibid., p. 10.
aspect of legal consequence, *mufassar* indicates an absolute obligation (*qaʿi*) as long as it is not abrogated (*mansūkh*).²⁶

The last concept is *muhkam*.²⁷ It is a text that shows meaning in a precisely clear way, making it impossible to be treated through *taʿwil*, and, in the context of the teaching it contains, its meaning is universal and is unable to get *mansūkh* by Allah or His Prophet. This kind of text commonly contains the basic tenets of religion, such as the obligation to worship Allah, to believe in the Prophet and His scriptures, and to hold on the principle etiquettes, such as being humble to parents and obligation to implement justice. Texts concerning those issues refer to its meaning in a definite way (*qaʿi*), has no possibility of receiving *taʿwil* and becoming *mansūkh* during the lifetime of the Prophet.²⁸

The legal consequence of *muhkam* is an absolute obligation (*qaʿi*), unambiguous, and cannot be abrogated (*mansūkh*) by other texts. The reference of *muhkam* is the strongest compared to *zhāhir*, *nass*, and *mufassar*. Consequently, if there is a contradiction between texts of those categories, *muhkam* should be preferred to others.²⁹

Besides these four concepts, the theory of *nassiyā* also recognises the concepts of *ibaʿara* (the formation of *nass*),³⁰ *ishāra* (the ordinary meaning of *nass*),³¹ *dalāla* (the reference of *nass*),³² and *iqtiḍāʾ* (the intention of *nass*).³³ Accordingly, a sharia text (*nass al-sharʿiy*) should be understood from the perspective of its *ibāra* (formation of the wording), *ishāra*, *dalāla*, and *iqtiḍāʾ*. Everything we understand from a text through these four perspectives refers to madlá (an object) of a *nass*. As for *nass* itself stands as the *hujja* (argument) above all of those.³⁴

Concerning the organisation of the *manāsik* amid the law of *ḥajj*, the theory of *nassiyā* (the Qur’anic or the Hadith text) plays as the primary foundation in understanding the issue. In addition to that, other disciplines, such as *tafsīr*, *uṣūl al-fiqh*, *hadith*, and others, play as secondary sources whose role is the complementary instrument in understanding the issue at hand.

3. Theory of *Uṣūl al-Fiqh*

According to al-Bayḍawī, *uṣūl al-fiqh* is a discipline concerning general *dalīl* of *fiqh*, the method of employing the *dalīl*, and the conditions of people who can operate it.³⁵ Jumhūr al-ʿulamā, on the other hand, as conveyed by Khudhari Beik, defines *uṣūl al-fiqh* as rules (*qaʿwāʾid*) that have to be followed by mujtahid in deducing law (*istinbār*).³⁶ Both mentioned definitions have different stressing points. Shafiʿi ʿiyya ʿulamā emphasise on the objects of *uṣūl al-fiqh*, which are the general (*ijmāl*) *dalīl*, the methods of deducing law (*istinbār*), and the requirements that are needed to be fulfilled by a mujtahid.³⁸ On the other hand, the majority

²⁷ Ibid., p. 157.
²⁹ Ibid., p. 226.
³² Ibid., pp. 367-368.
³³ Ibid., p. 264.
of ‘ulamā’ (jumhūr) emphasises the aspect of operational and functional of usūl al-fiqh, which is how to use the rules of usūl al-fiqh in deducing sharia law.

Usūl al-fiqh is a discipline whose object is dalīl of law or the sources of law and all related matters, and methods used to derive laws from the dalīl by way of ordering them and assessing their strength. According to al-Zuhaili, the object of usūl al-fiqh are as follows:

a. The sources of sharia law
b. Issues of ijtihād
c. Seeking for solutions for contradictive dalīls
d. Issues of sharia law
e. Issues of the ontology of law, subject of law, object of law, and so on.
f. Issues on rules of deriving law and the ways of applying them.

Any attempt at istinbāt (deriving law) would not be effective without a proper approach. Of course, approach in this context relates to the source of law. According to ‘Alī Hasaballāh, as cited by Nasrun Rusli, scholars develop two approaches of istinbāt, namely linguistic rules and the intention of the sharia. For this reason, the objective of usūl al-fiqh is to apply rules upon specific sharia dalīl through which the derivation of applicative sharia law that the dalīl might implies runs.

The rules of usūl al-fiqh and the discussion upon them could be understood through sharia texts (nass) and laws implied within. Likewise, it is through the rules an appropriate comprehension upon the product of laws derived by mujtahid and methods through which they derived them is possible.

There are two objectives of comprehending usūl al-fiqh. The first objective is to find legal solutions for unprecedented issues that are not mentioned or discussed by earlier jurists and not found in classical fiqh literature. Having an adequate level of understanding upon the rules of usūl al-fiqh and the methods of implementing them formulated by the preceding ‘ulamā’ would lead to answers upon matters unmentioned in classical fiqh literature. The second objective is to understand the legal reasoning of earlier cases that were discussed by previous jurists as well as to develop new rules that are compatible with the current contexts. When one finds fiqh laws elaborated in previous literature and faces difficulties to understand them because the difference of historical contexts on which the laws were based on, usūl al-fiqh is an appropriate instrument by which one might find solutions. Additionally, these cases and rules would be the raw materials in formulating new rules that are compatible with the current context.

The ‘ulamā’ of usūl al-fiqh suggest that usūl al-fiqh is one of the instruments used to know the laws of Allah as He and Prophet Muhammad intend, either for matters related to ‘aqīda, ‘ibāda, mu’āmalāt, ‘uṣūla, and akhlāq. Usūl al-fiqh gives an understanding of the methodology of deriving law (istinbāt) conducted by the previous ‘ulamā’. Accordingly, usūl al-fiqh emphasises the importance of empirical factor that further becomes subject to rational deduction or probable. Accordingly, usūl al-fiqh is a method of Islamic jurisprudence, i.e. the methodology of the Islamic law that produces Islamic laws, fatwas, and regulations.

Throughout history, usūl al-fiqh becomes even more meaningful and useful in solving social problems. Its meaning is even more felt when there is a belief that the opportuni-

ty of doing ijtihad is closed. If it is true that the opportunity of ijtihad is closed (based on the history of the development of Islamic law), it is intended to set ijtihad away from non-competent people. While for individuals with adequate competences, the gate of ijtihad remains open, and no one has the right to close it.

**Seeking Legal Certainty for Manāsik through Uṣūl al-Fiqh Reasoning**

Currently, manāsik is one of the crucial steps of performing the ḥajj. Nevertheless, there is no legal certainty for this matter, which makes it requires a comprehensive inquiry. The reason for this is that the word manāsik is mentioned in some places in the Qur’ān such as Q.S. al-Baqara: 200 (manāsikakum), Q.S. al-An’ām: 162 (nusukī), and the Ḥadith of the Prophet Muhammad, such as that are reported by Muslim, Abū Dāwud, Nasā‘ī, Ibn Mājī (manāsikakum), and a report from Abī Zubair reported by Muslim (manāsikakum).

These dalīls indicates that manāsik could be classified as ḥukm taklīfī, i.e. the obligation of ḥajj, and ḥukm wadī’ī through uṣūl al-fiqh reasoning through which legal certainty in the context of fiqh structure upon the issue could be found. In the context of uṣūl al-fiqh reasoning, the methods of deriving laws (jūrūq al-istibnā‘), such as bayānī, ta’līli, and istislāhī would work to derive the legal certainty of manāsik of ḥajj.

1. **Bayānī (Textual) Reasoning**

The theory of deriving law (Istibnā‘) through semantic approach or lughawī-bayānī reasoning is a theory that concerns with the linguistic analysis that considers a text (lafz/word) of a nasṣ (the Qur’ān or ḥadith). The theory of qawā‘īd al-lughawī is a theory that is often used by jurists in deriving the Islamic law (fiqh) through linguistic rules of the dalīl of the Qur’ān and ḥadith. The divine revelation that manifests as the law is fixed in words/texts (lafz, nasṣ) that was heard by the Prophet Muhammad peace be upon him. Those words are called dalīl that lead to law. For the reason of the importance of words as an instrument to understand the revelation, the theory of Islamic law (uṣūl al-fiqh) has a serious concern with textual and linguistic aspects. Accordingly, it is not wrong to consider that the field of Islamic law is a discipline of interpretation upon the text of the revelation in which the law is fixed. This is the reason why linguistic discussion in uṣūl al-fiqh starts with al-mabālhīth al-lafżīyya.

Through the bayānī (textual) reasoning, the word manāsik as mentioned in Q.S. al-Baqara: 200 means ‘your ḥajj’. As for Q.S. al-An’ām: 162, the word nusukī means to worship. As for the ḥadith, the word manāsīkakum means ‘you follow the ways of worship as conducted by the Prophet Muham-

---


44 Al-Nawawī, Šāhīḥ Muslim Bi Sharh Al-Nawawī, p. 419.


Both of the ḥadīths mentioned above are considered reliable because they are based on two binding bases, namely qawālī (saying) and fīlī (action) of the Prophet Muhammad peace be upon him, making them stand in the same position as the ḥadīth on praying. Besides, both ḥadīths show that the way of conducting ḥajj belongs to a tawqīfī matter, which refers to following what the Prophet Muhammad peace be upon him did. In this context, an act of worship would not be valid unless supported by the sharia dalīl.

The manāsik of ḥajj as organised specially for prospective Indonesian pilgrims by Kelompok Bimbingan Haji (KBH) is indeed different from what the Prophet Muhammad did, in that the Prophet did it simultaneously during his actual ḥajj. This is entirely understandable because he is the source of sharia. Nevertheless, in this current context, the prospective pilgrims whose knowledge is necessarily elementary about the ḥajj performance are in critical need of knowledge on the proper manāsik of ḥajj.

For the objective of the perfection of ḥajj, the above mentioned Qur’ānic verses and ḥadīths of the Prophet Muhammad peace be upon him through the bayānī reasoning point to the instruction (amr) of manāsik for prospective pilgrims. Therefore, those texts order the prospective pilgrims to take or follow the way of performing ḥajj to what the

---

50 Abū Zakariyā Muhyyiddin al-Nawawī, Șāhīh Muslim Bi Sharh Al-Nawawī, p. 419.
51 Al-Ḥafiz Jalaluddin al-Shuyūṭī al-Saidin Al-Nasāʿī, Sunan Al-Nasāʿī, p. 27.
Prophet Muhammad peace be upon him did. The imperative expression (amr) from the perspective of ṣuṣūl al-fiqh indicates obligation, following the rule: al-asl fi al-amr li al-wuṣūf (the basic meaning of an imperative text is an obligation).54

Scholars of ṣuṣūl al-fiqh divide wājib into several approaches: from the side of time to apply the instruction (wājib muḍlaq and wājib mu ‘aqqaṭ), from the side of individuals bound by the instruction (wājib ‘ain and wājib kaffa‘ār), from the side of the amount or degree of an object of instruction (wājib muḥaddad and wājib ghair al-muḥaddad), from the side of the form of activity instructed (wājib mu ‘ayyān and wājib muḥkāyyar).55

The first approach, wājib mu ‘aqqaṭ is divided into three categories: muwassa’, mudayyaq, and dhū shabḥaini. From this categorisation, manāsik for the perfection of ḥajj belongs to dhū shabḥaini, which means an obligation whose application timing is defined, on the one hand, as muwassa’ (broad) and on the other hand as mudayyaq (confined). It is called mudayyaq (confined) because the ḥajj could only be performed in restricted months and only once in a year, and it is called muwassa’ (broad) because the ḥajj does not spend the entire duration of the pilgrim months.

Through the bayānī reasoning over the available dalil, the position of manāsik is, on the one hand, an obligation, unless there happens something that cancels it. On the other hand, the formulation of imperative ness of the text indicates its interrelatedness with certain conditions and attributions that implies the meaning of repetition. According to Jumhūr of ‘ulamā’, this can be defined through indications, such as the minimal condition by which the instruction stands. If there is no such indication, the minimal prerequisite of the instruction should be applied once as for the indication that requires repetition is an order that occurs with the conditional formulation.56

2. Ta’līl Reasoning (‘illa)

Ta’līl reasoning is a strategy that sees the background of a stipulation. In other words, it seeks to understand what are reasons that form a particular regulation. In the context of the manāsik, this strategy tries to understand the intention of the activity, whether it has a value, the absence of which would harm another activity. The ‘illa in this context are classified into three categories: ‘illa tashrī’, ‘illa qiyāsı and ‘illa istiḥsānī.57 The difference between these categories lies only in the context of its usefulness and the intensity of its requirements. The requirements of ‘illa qiyāsı are more than that of tashrī‘ār and istiḥsānī. Accordingly, dalil qiyas and istihsān are included in ta’līl reasoning.58

Referring to the above two mentioned hadiths, the reason (‘illa) behind the organisation of the manāsik is the perfection of ḥajj. The perfection in this context should be fulfilled through the manāsik, such as the understanding upon the requirements, pillars, conditions of obligation and things that nullify ḥajj. Unawareness of these matters would potentially lead to imperfection or

---

even nullification of ḥajj. Therefore, the ḥajj conducted is a failure during the year one is obliged to conduct it, even though he/she has paid dam for some relevant cases. For this reason, the pilgrims should really spend the time and opportunity that are obliged by the sharia, namely doing ḥajj once in a lifetime for adult Muslims with a sound state of mind, should they are capable of doing it, and fulfil the conditions of health physically and mentally and possessing funds to families left behind at home.

An activity that is conducted repeatedly does not count as an obligation any longer, but rather recommendation (Sunna). Based on a hadith of the Prophet Muhammad peace be upon him, the obligation of ḥajj is only once in a lifetime for those who have the capability, while the next ḥajj counts as Sunna. Ibn ’Abbās conveyed that al-‘Aqrah bin Habis asked the Prophet Muhammad peace be upon him, “O Prophet, is the ḥajj (conducted) every year or only once (in a lifetime)? The Prophet answered: بل مرة واحدة فمن زاد فهو تطوع, which means “once in a lifetime, and whoever adds over it, it (counts) as tattawwū’” (Sunna) (reported by Abū Dāwūd and Ibn Mājja).

This ḥadīth, according to al-Albānī, is sound. It emphasises that the second ḥajj and every other ḥajj after, count as Sunna. Accordingly, those who have conducted the ḥajj and wants to perform it once again should set priority to people—who have fulfilled the conditions of the obligation of the ḥajj—who are yet to perform it. Somebody who has performed ḥajj but maintains his/her desire to go for another ḥajj indicates his/her egoism (sarakah).

Nowadays, the waiting list of ḥajj departures reaches the length of 20 years. This duration of await also covers people who have gone for a ḥajj previously. For this matter, the government needs to uphold the decided regulations firmly and close the opportunity of repeating ḥajj that happens at the cost of the first-time pilgrims. The reason for this policy is that the opportunity of ḥajj counts only once in a lifetime. Therefore, the priority should be appropriately set so that it does not contradict to the provisions of Allah. People that have gone for a ḥajj but possess the necessary finance capability needed for another visit should allocate it to other kinds of priorities such as charity for houses of worship, Islamic education institutes, scholarship for underprivileged children, free ḥajj visit for people in needs, building houses for homeless, helping orphans, etc. All of these are teachings of Islam and even more appropriate in the context of the current economic situation of Indonesia.

Upon the consideration of the ḥilla of the order of manāṣīk, the organisation of manāṣīk is essential to provide the prospective pilgrims with the necessary knowledge concerning ḥajj, either before the departure or during the actual ḥajj through a commando of a Karom. Manāṣīk is therefore classified


into the **baṭiniyya** (mental) needs, i.e. capability of the prospective pilgrims of **manāsik** knowledge needed for ḥajj. Accordingly, both material and spiritual dimensions should be balanced so that ḥajj becomes perfect.65

### 3. **Istiślāḥī** (Benefit) Reasoning

**Istiślāḥī** reasoning (**turūq al-istiślāḥī** or **istiślāḥī** reasoning) is a strategy that deals with verses and ḥadith that have a relatively general meaning. For example, the texts that order the **manāsik** as conducted by the Prophet Muhammad peace be upon him contain benefit. The benefit in this context is that **manāsik** makes the prospective pilgrims able to keep away from activities that could harm the ḥajj. Accordingly, **manāsik** is an event that is necessary and is ordered by the sharia in a clear way (**qāriʿ**). The formulation of the texts that use imperative expression (**al-amr**) indicates its position as an obligatory act. For this reason, refraining from **manāsik** would potentially make one’s ḥajj imperfect or even nullified, based on the provisions of the sharia.

As a manual of doing ḥajj, **manāsik**, through the **istiślāḥī** reasoning, represents a highly valuable affair that relates to the validity and nullification of ḥajj. **Uṣūliyyūn** defines valid (**ṣāḥ** as “**tarattubu thamratīhi al-maṣūbi bi minhu shar’ an ṣāliḥī. Fa idhā basala al-sababu wa tawaffara al-sharṭu wa antafa al-manī’u tarattabati al-atharu al-shar’iyatu ṣāliḥ al-fi’l” (the fulfilment of something required by the sharia, [in a condition that] the causes exist, the requirements are fulfilled, the inhibitor does not exist, and the given act achieves the intention of the sharia.)66 This definition shows that an act is valid (**ṣāḥ**) as long as the requirements and pillars are fulfilled and the inhibitor is absent, and the intention of the sharia is fulfilled. If one of the mentioned conditions is not met, the given act is null.

From the linguistic point of view, null or void means “**tararrudu al-taṣarruf al-shar’iyyi ’an i’ibārīhi wa athārīhi fi ṣaṣari al-shar’i’i** (a legal act of sharia that refrains from its intention and objective as indicated by the sharia).67 This definition shows that an act, in this context, ḥajj, that does not fulfil the requirements and pillars counts as null and void, so that the ḥajj should be repeated in another time.68

**Based on the istiślāḥī reasoning, manāsik** has several **mašlahā**69 (benefits) compared to mafsada (drawbacks), which is obtaining necessary knowledge for ḥajj in order to achieve ḥajj mabrūr. As the shāriʿ (the source of sharia) Allah—Exalted and Glorified is He—does not create laws unless with specified intentions. For this reason, the real intention of **manāsik** is to get the advantages (**mašlahā**70 and keep drawbacks (**mafsada**) away from the prospective pilgrims both in the world and the hereafter. In other words, it is intended

---


to pull advantages, avails, and kindness and push away disadvantages.\(^{71}\)

In addition to using three strategies of deriving law (isti
dībāj) as the above-elaborated, the theory of maqāṣid al-shari`a\(^{72}\) is another appropriate method of finding a legal conclusion. The intention of sharia of manāsik is so that the ḥajj could be conducted ideally, making it proper to be classified as darūriyya (the primary intention) and ḥājiyya (the secondary intention). The reason behind its classification as darūriyya is that it not only does it mention the word manāsik, the order of ḥajj is directed to those who are capable of doing (Q.S. Āli `Imrān: 97). On the other hand, it is ḥājiyya because the manāsik represent the needs of prospective pilgrims to make their ḥajj perfect without any drawbacks, either in its obligatory conditions or the pillars of ḥajj.

From the above-explained reasonings of usūl al-fiqh, it is evident that the question of legal certainty of manāsik that have been organised consistently for prospective Indonesian pilgrims could find its answer from a proper investigation upon the text of the Qur`ān and the ḥadiths. All the three methods of usūl al-fiqh indicate that the manāsik is an order that contains an ḍilla of the perfection of ḥajj as well as values of mašlaḥa. As for the maqāṣid sharia method, manāsik could be classified into a primary intention (darūriyya) and secondary intention (ḥājiyya) for the prospective pilgrims.

With the legal certainty of manāsik based on the usūl al-fiqh reasonings, manāsik of ḥajj in Indonesia is an obligation before their departure to the Holy Land. The notion of obligation (waqib) is restricted, especially for those who do not have the necessary knowledge with regards to the ḥajj procedures. For this reason, doing ḥajj without proper knowledge would lead to failure, either for the miscarriage of pillars or other fundamental elements of ḥajj. Accordingly, the organisation of manāsik by the government is relevant to the da`īlat,\(^{74}\) especially the mentioned ḥadith. Make the best of the opportunity of ḥajj with proper preparation, because it is a once in a lifetime obligation.

Conclusion
Based on the intention of this article, which is seeking for legal certainty of manāsik of ḥajj as organised in Indonesia through usūl al-fiqh reasonings, it is evident that the manāsik as programmed by the Ministry of Religious Affairs through BPA (Badan Penyelenggaran Haji, The Organ of Ḥajj Organisation) is waqib (obligatory) for prospective pilgrims. This legal conclusion is based on Q.S. al-Baqarah: 200 and Q.S. al-An`ām: 162 and ḥadiths of Muslim, Abū Dāwud, Nasā`ī and Ibn Māja. Classifying manāsik as waqib (one of the taklīf law) is based on the fact that those texts contain imperative expressions (al-amr), instructing the pilgrims to follow what the Prophet did during his pilgrimage.


The obligation of joining the manāsik for prospective Indonesian pilgrims is based on the usūl al-fiqh reasonings, such as bayānī, that the texts contain imperative expressions so that it is an obligation to fulfill the mentioned acts. Based on the ta‘līlī reasoning, the ḥilla of manāsik is the perfection of ḥajj (a proper knowledge is needed to make ḥajj perfect). As for the istiṣlāḥī reasoning, the organisation of manāsik contains maslaḥa to achieve the validity of ḥajj based on the sharia. As for the maqāsid sharia, manāsik belongs to the primary (darūrīya) and secondary (ḥajjīya) needs for prospective pilgrims, especially Indonesian. This way of manāsik is different from the way it was performed during the time of Prophet Muhammad peace be upon him that the companions were quick to understand the ḥajj procedures for the simultaneous following to what the Prophet did during the actual ḥajj.

Bibliography

Journals

Books
Nasrullah


The Manāsik of Ḥajj in Indonesia …


*Websites*
