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***Fatwā* on The Ruling of Hajj Without *Taşrīh*; The Case of Indonesian Hajj Pilgrims in 2024**

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Abstract

Compliance with government regulations and religious fatwas is essential to ensure the legality and safety of the hajj pilgrimage. However, performing hajj without a *taşrīh* (official visa) has become a significant issue, particularly for Indonesian pilgrims with long waiting periods for official visas. This study examines the perspectives of religious scholars and *fatwā* institutions on the validity of hajj without *taşrīh* factors that contribute to non-compliance and policy recommendations for Indonesian and Saudi authorities to address these violations. Using a qualitative case study approach, the research includes direct observation, in-depth interviews, and thematic analysis to explore the reasons and experiences of unauthorized pilgrims while depicting the perspectives of religious authorities and community leaders. Findings reveal that *taşrīh* violations involve various actors, including individual pilgrims, public officials, and religious leaders like *kiai*, who

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use their influence to facilitate unauthorized hajj. Conflicting fatwas from authorities such as Nahdlatul Ulama, Muhammadiyah, and *Hay'ah Kibār al-'Ulamā'* add complexity to the issue. This study highlights the need for harmonized *fatwā* issuance and enhanced education on the implications of unauthorized hajj. Policy recommendations aim to improve compliance, align Sharia law with government regulations, and ensure a safe, orderly pilgrimage.

Keywords:

Hajj without *taṣrīh*; *Fatwā*; Sharia law; Regulation; Indonesia

Introduction

In recent years, the issue of performing the hajj without a *taṣrīh* or official visa has emerged as a growing concern, drawing attention from religious scholars and government authorities alike. This situation presents legal and administrative challenges and has profound social and religious implications.¹ Therefore, it has become increasingly important to ensure that the hajj is carried out legally and safely to maintain the sanctity and order of this significant religious event.²

Historically, hajj pilgrims were identified using different types of passports. The brown passport was explicitly designed for hajj, offering controls that simplified management and allowed only a single journey.³ This helped the government to implement a quota system based on the capacity of the *mashā'ir* (hajj sites in Mecca, Mina, Muzdalifah, and Arafat) to manage the number of pilgrims.⁴

¹ Ferinda K Fachri, "Problematika Sistem Waiting List Calon Jemaah Haji di Indonesia," *Hukumonline.Com*, accessed July 12, 2024, <https://www.hukumonline.com/berita/a/problematika-sistem-waiting-list-calon-jemaah-haji-di-indonesia-lt661823c307303/>.

² Song Niu and Xueyan Li, "Between Religious Obligation and Health Security: Saudi Hajj Governance Under Covid-19," *Asian Journal of Middle Eastern and Islamic Studies* 16, no. 1 (2022): 1-16, <https://doi.org/10.1080/25765949.2022.2051936>.

³ Suryanto, "Menag: Jemaah Haji Gunakan Paspor Hijau," *Antara: Kantor Berita Indonesia*, 2009, <https://www.antaraneews.com/berita/145978/menag-jemaah-haji-gunakan-paspor-hijau>.

⁴ Emad A Felemban et al., "Digital Revolution for Hajj Crowd Management: A Technology Survey," *IEEE Access* 8 (August 2020): 208583-609, <https://doi.org/10.1109/ACCESS.2020.3037396>.

On the other hand, green passports were used for general travel, including Umrah (shorter pilgrimage) and tourism. They have recently been employed for unauthorized hajj, which made it easier to spot violations of hajj regulations in Indonesia and Saudi Arabia. However, violators were initially subject to only minor penalties.

To tackle this issue, Saudi Arabia mandated using green passports for all types of travel, including hajj, in alignment with Law of the Republic of Indonesia Number 34 of 2009 Concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2009 Concerning the Amendment of Law Number 13 of 2008 Concerning the Organization of the Hajj Pilgrimage Into Law. This policy ensures that only those with official authorization can perform hajj. New standards for recording names on hajj passports were introduced, requiring names to have at least three words and no more than four, aligning with the e-hajj system standards set by the Saudi Ministry of Hajj. This was aimed at enhancing the accuracy of pilgrim identification and data management.

Despite these efforts, compliance issues persist. The lengthy waiting period for official hajj visas, particularly in countries like Indonesia, drives some pilgrims to seek alternative, less legitimate means to attend hajj, posing health and safety risks and disrupting resource allocation.⁵ Research emphasizes the importance of adhering to hajj regulations set by the Kingdom of Saudi Arabia and the fatwas issued by religious authorities.⁶ The Saudi Council of Senior Scholars has explicitly declared hajj without *taṣrīh* invalid.⁷

⁵ Qomarul Huda and Ilham Dwitama Haeba, "Hajj, *Istitā'ah*, and Waiting List Regulation in Indonesia," *Al-'Adalah* 18, no. 2 (2021): 193–212, <https://doi.org/10.24042/adalah.v18i2.9903>; Robert R Bianchi, "Reimagining the Hajj," *Social Sciences* 6, no. 2 (2017), <https://doi.org/10.3390/socsci6020036>.

⁶ Reza Ekhtiari Amiri, Ku Hasnita Binti Ku Samsu, and Hassan Gholipour Fereidouni, "The Hajj and Iran's Foreign Policy towards Saudi Arabia," *Journal of Asian and African Studies* 46, no. 6 (2011): 678–90, <https://doi.org/10.1177/0021909611417546>; Islam Elgammal and Ghada Talat Alhothali, "Towards Green Pilgrimage: A Framework for Action in Makkah, Saudi Arabia," *International Journal of Religious Tourism and Pilgrimage* 9, no. 1 (2021): 39–57, <https://doi.org/10.21427/69x1-d516>.

⁷ Spa, "Council of Senior Scholars: Not Permissible to Perform Hajj without Permit, and Whoever Cannot Obtain Permit Is Considered Unable to Do So," *Saudi Press Agency*, 2023, <https://spa.gov.sa/en/N2090408>.

However, religious authorities have differing views. Nahdlatul Ulama (PBNU) in Indonesia has issued a relatively lenient fatwa, stating that while hajj without *taṣrīh* is still valid, those who perform it are considered sinful for violating regulations in Indonesia and Saudi Arabia.⁸ In contrast, Muhammadiyah aligns with the Saudi *fatwā*, declaring hajj without *taṣrīh* invalid according to Sharia law and existing rules.⁹

Previous studies have highlighted the critical role of regulations and fatwas in guiding hajj practices. Research by Siddiq et al. and Prabowo et al. underscores the importance of policies, such as limiting hajj re-registration and implementing health standards to ensure safety and equity in Hajj access.¹⁰ Fatwas also play a pivotal role in shaping the religious behaviors of Indonesian Muslims. For instance, fatwas issued by the National Sharia Council-Majelis Ulama Indonesia (DSN-MUI) address legal gaps in Sharia economic law and adapt religious rulings to contemporary needs. Historically, fatwas have been instrumental in resolving evolving religious practices within Islamic communities.¹¹

However, specific research on the role of Indonesian *fatwā* institutions, such as Nahdlatul Ulama (NU) and Muhammadiyah, in guiding compliance with Saudi Arabia's hajj regulations, particularly

⁸ Alhafiz Kurniawan, "PBNU Putuskan Ibadah Haji Tanpa Visa Resmi Cacat dan Berdosa," *NU-Online*, 2024, <https://www.nu.or.id/nasional/pbnu-putuskan-ibadah-haji-tanpa-visa-resmi-cacat-dan-berdosa-qIHQn>.

⁹ Ilham, "Fatwa Tarjih: Berhaji dengan Visa Non-Haji, Bagaimana Hukumnya?," *Muhammadiyah.or.Od*, 2024, <https://muhammadiyah.or.id/2024/06/fatwa-tarjih-berhaji-dengan-visa-non-haji-bagaimana-hukumnya/>.

¹⁰ Muchammad Shidqon Prabowo and Dewi Sulistianingsih, "Health Administration in Organizing Indonesian Hajj from the Legal and Managerial Perspective of Good Corporate Governance: A Systematic Study," *Systematic Reviews in Pharmacy*, 2020, <https://doi.org/10.31838/srp.2020.12.178>; Achmad Siddiq et al., "Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of *Sadd al-Darī'ah*," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 7, no. 1 (2024): 35–51, <https://doi.org/10.24090/volksgeist.v7i1.9701>; Misbahuddin Misbahuddin et al., "Normativism of Islamic Law in the Akkattere Hajj Ritual of South Sulawesi's Ammatoa Community," *Samarah* 7, no. 1 (2023): 629–49, <https://doi.org/10.22373/sjhk.v7i1.15987>.

¹¹ Elsy Renie, "The Urgency of Fatwa in the Law of Sharia Economics in Indonesia," *JURIS: Jurnal Ilmiah Syariah* 20, no. 2 (2021): 201–8, <https://ojs.iainbatusangkar.ac.id/ojs/index.php/Juris/article/view/4059>.

those involving *taṣrīḥ*, remains limited. For instance, Huda and Haeba explore the concept of *istitā'ah* (the ability to perform hajj) and examine how waiting lists affect Indonesian pilgrims, indirectly touching on compliance with Saudi *taṣrīḥ* requirements.¹² Similarly, Elgammal and Alhothali highlight the broader challenges of managing hajj operations in Saudi Arabia, including enforcing *taṣrīḥ* regulations.¹³ Felemban et al. further investigated the use of digital technologies in managing hajj crowds, which indirectly relates to monitoring compliance with Saudi policies.¹⁴ Despite these contributions, the specific role of Indonesian *fatwā* institutions in addressing and mitigating violations of Saudi *taṣrīḥ* regulations remains underexplored.

To address this gap, this study examines the perspectives of religious scholars and *fatwā* institutions on the validity of hajj without *taṣrīḥ*, alongside the factors driving non-compliance among Indonesian pilgrims. It investigates how fatwas address the legal and spiritual dimensions of hajj without *taṣrīḥ*, analyzes the patterns and impacts of *taṣrīḥ* regulation violations on hajj operations in Saudi Arabia, and proposes policy recommendations for Indonesian and Saudi authorities. This research provides actionable insights to promote safer, more orderly hajj practices aligned with religious principles and state laws by bridging the gap between Sharia law and government regulations.

Methods

This study employed a qualitative case study approach to delve into the phenomenon of hajj without *taṣrīḥ* among Indonesian pilgrims. Data collection was carried out in three stages: (1) Direct observation and in-depth interviews with unauthorized pilgrims, religious scholars, and travel agents in Mecca from 1 to 23 Dhu al-Hijjah 1445 H, (2) Interviews in Medina with pilgrims, religious authorities, and policymakers from 24 to 30 Dhu al-Hijjah, and (3) Post-hajj field research and targeted interviews with returning pilgrims in Indonesia.

¹² Huda and Haeba, "Hajj, *Istitā'ah*, and Waiting List Regulation in Indonesia."

¹³ Elgammal and Alhothali, "Towards Green Pilgrimage: A Framework for Action in Makkah, Saudi Arabia."

¹⁴ Felemban et al., "Digital Revolution for Hajj Crowd Management: A Technology Survey."

The research network included a range of relevant informants, such as individuals using *ziarah* (holy visit) or non-hajj visas affiliated with the *Forum Komunikasi* KBIHU Surabaya and East Java communities. These informants comprised pilgrims directly involved in unauthorized hajj, travel facilitators, and community leaders who played significant roles in supporting or facilitating such practices. By involving a diverse group of informants, this approach provided comprehensive insights into the motivations, experiences, and perspectives of those participating in hajj without *taṣrīh*, particularly within the context of Indonesian pilgrim communities.

Religious texts and fatwas from Nahdlatul Ulama, Muhammadiyah, and the Hay'ah Kibār al-'Ulamā', along with legal documents from Indonesian and Saudi authorities, were examined to understand the religious and legal frameworks in play. Content analysis was used to extract the main themes related to compliance. Qualitative data were coded, while quantitative data on pilgrims and visa issuances were analyzed using descriptive statistics, providing a comprehensive overview of compliance issues and the effectiveness of current regulations. By integrating these various methods, the study sought to paint a detailed picture of the complexities surrounding hajj without *taṣrīh*, shedding light on why non-compliance occurs and how it might be addressed.

Result and Discussion

Fatwas on the Validity of Hajj Without *Taṣrīh*

The performance of a hajj without a *taṣrīh* (official visa) has become a significant issue within the Muslim community, including in Indonesia.¹⁵ The debate over the validity of such hajj practices involves differing views from scholars and *fatwā* institutions, reflecting the complex interplay between religious doctrine and contemporary governance. As stated by one of the PBNU scholars, the view on the validity of hajj emphasizes the importance of intention as the central element in the performance of worship:

¹⁵ Devi Setya, "Puluhan Orang Ditangkap Terkait Haji Ilegal, Terancam Penjara-Dilarang Masuk Saudi," *Detik Hikmah*, 2024, <https://www.detik.com/hikmah/haji-dan-umrah/d-7383210/puluhan-orang-ditangkap-terkait-haji-ilegal-terancam-penjara-dilarang-masuk-saudi>.

“The main focus is the intention of the pilgrims. Having or not having *taṣrīḥ* does not necessarily invalidate their hajj, although breaking the rules is still not recommended.”¹⁶

Several scholars, including Salamah Abdel Qawy, Sheikh Abdul Hay Yusuf, and Muhammad Al-Dedew, argue that a *taṣrīḥ* is not essential for the validity of hajj, opposing its prohibition based on political or security reasons. They refer to Quranic verses such as Surah al-Baqarah (2:125) and Surah Ali Imran (3:97), prioritizing divine commands over administrative requirements.¹⁷

The landscape of opinions, however, is diverse. Nahdlatul Ulama (PBNU) in Indonesia issued a more flexible fatwa, stating that hajj without a *taṣrīḥ* remains valid if it fulfills the necessary conditions and pillars.¹⁸ Nevertheless, they consider it sinful because it violates regulations set by the Saudi Arabian and Indonesian governments. This flexible approach was further elaborated by a PBNU figure who explained the importance of adhering to the rules even if the validity of the hajj is still seen as legitimate:

“We recognize that violation of administrative rules is a problem, but it does not invalidate the validity of the worship if the intention is sincere.”¹⁹

Sheikh Ṣālih Fawzan from Saudi Arabia echoes a similar sentiment, emphasizing that while such a hajj is technically valid, it incurs sin for violating rules designed for public welfare.²⁰

¹⁶ PBNU scholar, *Interview*, Mecca, 2024.

¹⁷ Shaykh Salamah 'Abd Al-Qawi, “*Al-Ḥajj Bi-Dūn Idhn Huwa Fisq Li-Annahu Yukhālif Walī Al-Amr!! Fa Mā Ḥukm al-Ḥajj al-Taḥrīb?*,” Twiter, 2024; Abd al-Hayy Yusuf, “*Da’aba al-Kathīr Min al-Muslimīn ‘alā Ta’ammud al-Dhahab Ilā al-’umrah Qabla Maw’id al-Ḥajj Biḥawāli Shahr, Thumma Yamkuthūna fī Makkah Mutakhafiyyīn Ilā Ḥīna Adā’ihim al-Ḥajj. Hal Hādha al-Fi’l Ṣaḥīḥ? Al-Jawāb: Wa ‘Alaykum as-Salām wa Raḥmatullāh wa Bara,*” Twiter, 2024, https://x.com/Dr_AbdHayYousif/status/1800750519238922374.

¹⁸ Kurniawan, “PBNU Putuskan Ibadah Haji Tanpa Visa Resmi Cacat dan Berdosa.”

¹⁹ PBNU scholar, *Interview*, Mecca, 2024.

²⁰ Saleh bin Fawzan bin Allah al-Fawzan, “*Mā Ḥukm al-Ḥajj Bilā Taṣrīḥ?*,” *Al-Fauzan*, 2024, <https://www.alfawzan.af.org.sa/ar/node/15766>.

Conversely, the Majelis Tarjih Muhammadiyah takes a stricter stance, declaring hajj without an official visa invalid and unlawful. They argue that hajj requires comprehensive preparation, including spiritual, logistical, and administrative aspects (*al-istiṭā'ah al-idāriyyah*), necessitating government coordination.²¹ In this view, the necessary administrative readiness for hajj (*al-Istiṭā'ah al-Idāriyyah*) inherently includes compliance with government regulations, such as obtaining a *taṣrīḥ*. Muhammadiyah emphasizes that meeting these administrative requirements is essential to ensuring pilgrims' safety, order, and proper management during the hajj. Performing the hajj without an official visa violates the administrative preparedness fundamental to the pilgrimage in the modern era.

This perspective was echoed by a Muhammadiyah representative who explained as follows:

"Hajj without an official permit contradicts the principle of *istiṭā'ah al-idāriyyah*. We view adherence to administrative requirements as essential for ensuring the legitimacy of the pilgrimage in the context of modern regulations."²²

Saudi scholars, through the *Hay'ah Kibār al-'Ulama'*, assert that a *taṣrīḥ* is integral to Sharia's efforts to enhance public welfare and minimize harm.²³ They base their arguments on Quranic verses and hadiths, including Surah al-Hajj (22:25) and a hadith reported by Abu Hurairah: "Whoever performs hajj and does not engage in obscenity or wrongdoing will return as sinless as the day his mother gave birth to him."²⁴ This approach aligns the requirement for *taṣrīḥ* with broader Islamic principles of obedience to leaders (*ulī al-amr*) and prevention of harm, as mentioned in Surah al-Nisa (4:59) and Surah al-Baqarah (2:286).

²¹ Ilham, "Fatwa Tarjih: Berhaji dengan Visa Non-Haji, Bagaimana Hukumnya?"

²² Muhammadiyah representative, *Interview*, Surabaya, 2024

²³ Admin, "Inside the Haramain Aims to Provide You with News, Updates, Pictures and Videos from the Two Holy Mosques," Twitter, 2024, <https://x.com/insharifain>.

²⁴ Muḥammad bin Ismā'īl Al-Bukhārī, *Al-Jāmi' Al-Ṣaḥīḥ* (Beirut: Dār al-Fikr, 1981).

Two prominent views regarding the necessity of a *taṣrīh* have emerged. The first, supported by the Hanafi, Maliki, and Shafi'i schools and one narration from Imam Ahmad, holds that road safety is necessary for obligatory hajj.²⁵ They interpret Surah Ali Imran (3:97) to mean that those without *taṣrīh* are considered unable to fulfill the obligation. The second opinion, favored by most scholars and another narration from Imam Ahmad, contends that road safety is a condition for performing hajj, not an impediment to its validity. This view is supported by a hadith narrated by Abdullah bin Umar, where the Prophet Muhammad explained that the hajj's ability is measured by provision and means of transport.²⁶

Contemporary scholars tend to conclude that the *taṣrīh* condition is a prerequisite, not a fundamental condition, for performing the hajj. This view is supported by the principle that Allah does not burden anyone beyond their capacity. The ruling for those performing the hajj without a *taṣrīh* is that while it is valid if conditions are met, they have violated governmental regulations, which must be obeyed unless they involve disobedience to Allah.

The concept of *istiḥsān* (jurisprudential preference) is employed in fatwas to mandate the *taṣrīh* as a precautionary measure,²⁷ aligning with *maqāṣid asy-syarīah*, which aims to protect religion, life, and public order.²⁸ As part of its implementation, Saudi Arabia introduced "Nusuk," a smart card with a QR code for pilgrim identification, facilitating compliance with regulations and access to services during hajj.²⁹

²⁵ Kamāl al-Dīn Muḥammad ibn ‘Abd al-Wāḥid al-Siwāsī, *Sharḥ Faḥ al-qadīr*, al-Ṭab‘ah (Bayrūt: Dār al-Kutub al-‘Ilmiyah, 2009); Shihāb al-Dīn Aḥmad ibn Idrīs al-Qarāfi, *al-Dhakhīrah*, al-Ṭab‘ah (Tūnus: Dār al-Gharb al-Islāmī, 2015); Khaṭīb al-Shīrbīnī, *Tahdhīb wa-tawdīḥ Muḡhni al-muḥtāj : al-mu‘āmalāt al-māliyah min fiqh al-sādah al-Shāfi‘iyah*, al-Ṭabah 1 (Dimashq: Dār al-‘Aṣmā’, 2006); ‘Alī ibn Sulaymān Mardāwī, *al-Inṣāf fī ma‘rifat al-rājih min al-khilāf ‘alā madhhab al-Imām Aḥmad ibn Hanbal*, al-Ṭab‘ah (Bayrūt: Manshūrāt Muḥammad ‘Alī Bayḍūn : Dār al-Kutub al-‘Ilmiyah, 1997).

²⁶ Abū ‘Isā al-Tirmidzī, *Sunan Al-Tirmidzī* (Cairo: Muṣṭafa al-Halībī, 1975).

²⁷ ‘Alī Ibn Aḥmad Ibn Ḥazm And Sa‘īd, *Afghānī, Mulakhkhaṣ Ibtāl al-Qiyās wa al-Ra’y wa Al-Istiḥsān wa al-Taqlīd wa Al-Ta‘līl* (Dimashq: Publisher Not Identified, 1379).

²⁸ Sa‘īd.

²⁹ Spa, “Makkah Deputy Governor: ‘No Hajj Without Permit,’ Strict Enforcement of Regulations,” *Saudi Press Agency*, 2023, <https://www.spa.gov.sa/en/N2102189>.

Applying these principles in hajj regulations varies significantly across countries, reflecting diverse political and legal systems. The Kingdom of Saudi Arabia, an absolute monarchy with a governance system rooted in Islamic sharia, designates Islam as the state religion, with the Quran and Sunnah as primary sources of law.³⁰ The Saudi monarchy restricts power to the descendants of King Abdul Aziz bin Abdul Rahman Al Saud, requiring citizens to pledge allegiance to the King under the Quran and Sunnah (Articles 5, 6, and 7). In this context, fatwas issued by the Council of Senior Scholars hold legal authority once ratified by the King and directly support government policies, including the strict rules for hajj that mandate the possession of *taşrih*. The "*La hajj bi lā taşrih*" campaign aims to ensure compliance and safety during the hajj season.

In contrast, Indonesia, a democratic country based on Pancasila and the 1945 Constitution, guarantees religious freedom and human rights. Article 29 of the Constitution emphasizes freedom of religion and the nation's foundation on the belief in One Almighty God, while Article 31 guarantees the right to education.³¹ Unlike Saudi Arabia, Indonesia is not a theocracy, and fatwas issued by institutions like the Indonesian Ulema Council (MUI), Nahdlatul Ulama (PBNU), and Muhammadiyah serve as ethical and moral guidelines rather than binding laws.³² Hajj regulations in Indonesia are governed by specific laws, such as Law No. 8 of 2019. Fatwas serve as moral guidance that relies on individual awareness and adherence.

The influence of fatwas globally shows further variations. In Malaysia, fatwas from the National *Fatwā* Council have regulatory influence but still require government approval to become legally binding. Malaysia's legal system combines sharia and civil law, with fatwas playing a significant role in religious policy.³³ While Malaysia

³⁰ Fahd Bin Abdulaziz Al-Saud, "Basic Law of Governance," *The Embassy of the Kingdom of Saudi Arabia*, 2024, <https://www.saudiembassy.net/basic-law-governance>.

³¹ Jimly Asshiddiqie, *Konstitusi dan Konstitusionalisme Indonesia* (Jakarta: Sinar Grafika, 2021).

³² Ahmad Munjin Nasih, "Lembaga Fatwa Keagamaan di Indonesia (Telaah Atas Lembaga Majelis Tarjih dan Lajnah Bathsul Masail)," *De Jure: Jurnal Hukum dan Syar'iah* 5, no. 1 (2013): 67-78, <https://doi.org/10.18860/j-fsh.v5i1.2997>.

³³ Zaini Nasohah, "Undang-Undang Penguatkuasaan Fatwa di Malaysia," *Islamiyyat* 27, no. 1 (2005): 25-43,

does not issue specific fatwas on hajj without *taṣrīḥ*, the Ministry of Tourism, Arts, and Culture (MOTAC) has emphasized that using tourist or Umrah visas to overstay for hajj violates both Saudi and Malaysian regulations.³⁴ Such actions are considered deceitful and may compromise the safety of pilgrims and diplomatic relations between Malaysia and Saudi Arabia.

In Egypt, *Dar al-Iftā' al-Miṣriyyah* issues fatwas under the leadership of the Grand Mufti, with sharia principles being a primary source of legislation. Although Egypt does not have a specific *fatwā* on hajj without *taṣrīḥ*, *Dar al-Iftā'* views visa regulations as an essential administrative requirement that Muslims should follow as part of their duty to obey the authorities. The *fatwā* highlights that while administrative compliance is crucial, the validity of the hajj remains unaffected if performed by those unaware of visa irregularities, provided they meet all religious requirements.³⁵ Morocco follows a similar model, with the Supreme Council of Ulema issuing fatwas. While Islam is the state religion and Sharia is a crucial source of legislation, Moroccan law integrates both Civil and Sharia law, with fatwas serving more as moral guidance.³⁶

Differences in fatwas regarding using non-hajj visas for performing hajj have significant implications across multiple aspects of the pilgrimage experience. These varying interpretations, issued by scholars from different countries and religious authorities in Saudi Arabia, often lead to confusion and uncertainty among pilgrims. Those following more permissive fatwas may experience inner conflict when confronted with Saudi Arabia's strict regulations, which do not recognize non-hajj visas as valid permits for hajj. This

https://www.researchgate.net/publication/237600975_Undang-Undang_Penguatkuasaan_Fatwa_di_Malaysia.

³⁴ Muhammad Fathi Noordin, "Hukum Khusus Haji dan Kurban Irsyad Seri 80: Hukum dan Status Haji Menggunakan Visa Wisata Arab Saudi dengan Overstay," *Pejabat Mufti Wilayah Persatuan*, 2024, <https://muftiwp.gov.my/ms/artikel/irsyad-hukum/edisi-haji-korban/5912-irsyad-hukum-khas-haji-dan-korban-siri-ke-80-hukum-dan-status-haji-dengan-menggunakan-visa-pelancong-arab-saudi-dengan-cara-overstay>.

³⁵ "Hukm al-Ḥajj Bi-Ta' shīrah Mazūrah - al-Fatāwā - Dār Al-Iftā' al-Miṣriyyah," *Dar al-Iftā' al-Miṣriyyah*, 2024, <https://www.dar-alifta.org/ar/fatawa/13056>.

³⁶ Mhd Syahnan and Ja'far, "Examining Religious Moderation of the Al-Jam'iyatul Washliyah Fatwa Council," *Journal of Indonesian Islam* 15, no. 1 (2021): 21-46, <https://doi.org/10.15642/JIIS.2021.15.1.21-46>.

uncertainty can affect pilgrims' trust in religious authorities, potentially resulting in a crisis of faith. Many pilgrims feel guilty or regretful about the validity of their worship, especially if they face serious legal consequences.

In a broader sense, these differences highlight the complex relationship between religious authority and state power in different Muslim-majority countries. In Indonesia, fatwas are more flexible and adaptive, serving as tools for social adaptation to contemporary issues without the force of law. Fatwas holds formal legal authority in Saudi Arabia that directly supports state policies. This contrast is evident in recent developments where Indonesia's Ministry of Religious Affairs (*Kementerian Agama*) received warnings from Saudi Arabia because many Indonesian pilgrims use visit visas to perform hajj. The Saudi government urged strict action against travel agencies sending pilgrims with visit visas, and *Kementerian Agama* is considering restrictions on *Umrah* or visit visas before hajj. However, a concrete response has yet to be implemented.³⁷

The constitutional and legal differences between countries like Indonesia and Saudi Arabia and comparisons with Malaysia, Egypt, and Morocco demonstrate how fatwas are integrated into national legal systems in diverse ways. In Indonesia, fatwas function as moral guidance without legal enforcement, while in Saudi Arabia, fatwas directly support state policy. Egypt and Morocco present other variations, where fatwas require additional legislation or approval to become binding law.

Socially, these differing fatwas contribute to fragmentation within the Muslim community. Communities may split into groups with differing views on what is religiously permissible, creating internal tension and conflict. This division is further exacerbated by social media, which often serves as a platform for spreading both accurate and inaccurate information about fatwas and regulations, intensifying community divisions and potentially encouraging unlawful actions.

From a legal and administrative perspective, the differences in fatwas add complexity to the enforcement of regulations by

³⁷ Anggela Ni Luh, "Marak Jemaah Pakai Visa Ziarah untuk Haji, RI Dapat Peringatan dari Saudi," *Ekonomi Bisnis*, 2024, <https://ekonomi.bisnis.com/read/20240821/12/1792967/marak-jemaah-pakai-visa-ziarah-untuk-haji-ri-dapat-peringatan-dari-saudi>.

authorities in Saudi Arabia and the pilgrims' home countries. The divergent interpretations of religious and state laws present challenges in law enforcement, as pilgrims may believe they are following correct religious guidelines while legally violating state regulations. Sharia courts in Saudi Arabia play a crucial role in handling cases of *taṣrīh* violations, often navigating various legal interpretations to reach fair decisions. These decisions affect individual pilgrims and public perceptions of justice within the sharia legal system.

Understanding this context is crucial for managing hajj practices, ensuring adherence to sharia principles and providing a safe spiritual experience for pilgrims while navigating the complex landscape of international relations and religious governance. The issue of hajj without *taṣrīh* reflects the broader challenges of reconciling traditional religious practices with modern administrative requirements.

As the global Muslim community continues to grapple with these issues, the principles of *istiḥsān*, *maqāṣid asy-syarīah*, and *sadd al-dharī'ah* will likely play crucial roles in shaping future regulations and practices surrounding the hajj pilgrimage. The ongoing dialogue and adaptation in Islamic jurisprudence will be essential in addressing the evolving needs of pilgrims while respecting religious traditions and contemporary legal frameworks.

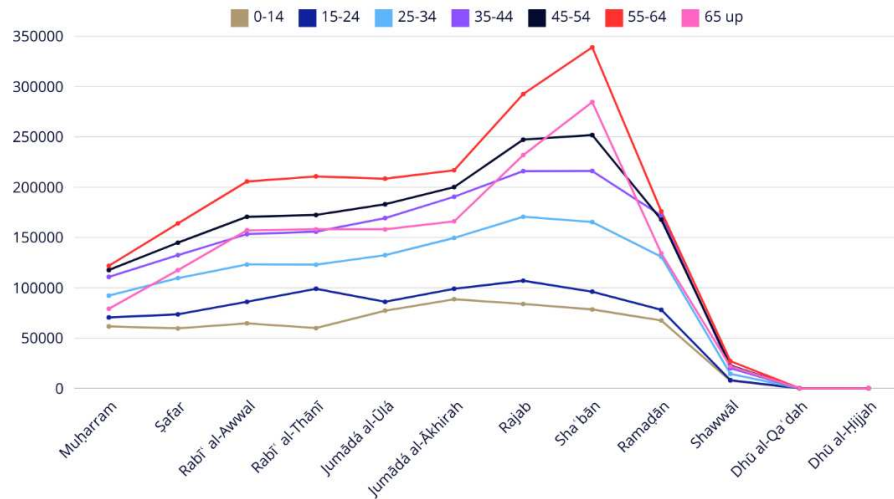
Violation Factor and Pattern of *Taṣrīh* Regulations and Their Impact on Hajj Performance in Saudi Arabia

Saudi Arabia's tourism sector has experienced significant growth in recent years, aligning with Vision 2030 led by King Salman bin Abdulaziz Al Saud and Crown Prince Mohammed bin Salman bin Abdulaziz Al Saud. The Minister of Tourism Ahmed bin Aqeel Al-Khateeb announced that 60 million tourists visited the country in the first half of 2024, with expenditures reaching SR143 billion. However, this substantial increase in domestic and international tourism has brought new challenges, particularly violations of *taṣrīh* (official visa) regulations for hajj.³⁸

³⁸ Ministry of Tourism Saudi Arabia, "Tourism Intelligence Center," 2024, <https://mt.gov.sa/tic/what-is-tic>.

Data from 2024 reveals a notable rise in the use of Umrah visas by individuals aged 35-64 to perform hajj in the months leading up to the Hajj season, especially during Ramadan, Shawwal, and Dhu al-Qa'dah. Figure 1 illustrates the development of inbound travelers using Umrah visas based on age groups during 1445 Hijriyah (2024 CE).³⁹

Figure 1. Development of the Number of Inbound Travelers Using Viza Umrah Based on Age Group During the Year 1445 Hijriyah



As shown in Figure 1, during Ramadan 2024, the 35-44 age group recorded 171,641 entries, while the 45-54 and 55-64 age groups reached 167,709 and 175,890 entries, respectively.⁴⁰ These age groups have been identified as the primary violators of *taṣrīh* regulations, likely motivated by health concerns and the desire to perform hajj before their physical condition deteriorates. Younger age groups, mainly those aged 0-24, show significantly lower involvement in *taṣrīh* violations after Ramadan, likely due to other priorities such as education or employment. The number of entries for those aged 65

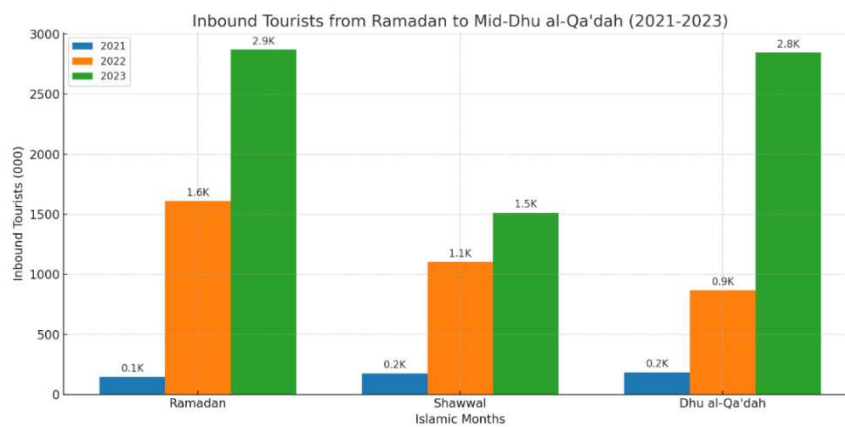
³⁹ General Authority for Statistics, "Umrah Statistics," 2024, <https://www.stats.gov.sa/en/862>.

⁴⁰ Statistics.

and older dramatically decreases after peaking during Ramadan, likely influenced by health factors or physical limitations.

Similar trends have been observed from 2021 to 2023, with significant increases in inbound tourists during the critical months leading up to hajj. Figure 2 presents the estimated number of inbound travelers from Ramadan to mid-Dhulqaidah for these years.

Figure 2. Estimated Number of Inbound Travelers from Ramadan to Mid Dhulqaidah (2021-2023)



As illustrated in Figure 2, inbound tourists surged during Ramadan, reaching 1.6 million in April 2022 and remaining high throughout Shawwal and Dhu al-Qa'dah. Even during the COVID-19 pandemic in 2021, a similar increase was observed, albeit on a smaller scale. This persistent trend reflects growing dissatisfaction with the existing hajj quota system and the social pressures driving individuals to violate regulations to fulfill their religious obligations.⁴¹

Violations of *taşrīh* regulations are not limited to the general public but involve public officials, community leaders, and influential religious figures. A notable example is Supadi, the Speaker of the Rembang Regional House of Representatives (DPRD), who used a visit visa to enter Mecca on June 4, 2024, despite the Saudi government closing access to non-hajj visas on May 23, 2024.⁴² His

⁴¹ Ministry of Tourism Saudi Arabia, "Tourism Intelligence Center."

⁴² Malvyandie Haryadi, "Profil Ketua DPRD Rembang Yang Ditahan Saudi Karena Berhaji Tanpa Visa Resmi," *Tribun News*, 2024,

arrest on June 9, 2024, highlights the legal risks faced by those attempting to use unauthorized visas for hajj.⁴³

At the local community level, a case involving pilgrims from Jember revealed the involvement of five individuals, including community leaders, using visit visas to perform hajj. They bypassed strict checks in Arafah, Muzdalifah, and Mina by joining a group organized by KBIHU (Hajj and Umrah Guidance Group).⁴⁴ The involvement of community leaders in these violations adds complexity to the issue, as they have significant influence that can normalize such behavior among their followers or the general public.

Influential religious figures known as *kiai* are known to often play a role in *taṣrīh* regulation violations. Some *kiai* act as tour leaders, organizing hajj trips without proper *taṣrīh* and using their religious authority to facilitate the use of *ziarah* visas or other non-compliant visas.⁴⁵ They leverage their influence to assure pilgrims that they can still perform hajj without a valid visa, increasing the risk of non-compliance among followers who may not fully understand the consequences.⁴⁶

Another group involved in *taṣrīh* violations are the *muṭawwif*, hajj guides of Indonesian origin residing in Mecca, known as *muqimīn*. These *muṭawwif*s facilitate unauthorized pilgrims by providing access to accommodation and services typically reserved for those with official documentation. Their deep understanding of the hajj process and extensive networks enable them to assist illegal pilgrims in evading local authorities, often acting as intermediaries between unauthorized pilgrims and service providers in Saudi Arabia.

<https://www.tribunnews.com/nasional/2024/07/10/profil-ketua-dprd-rembang-yang-ditahan-di-arab-saudi-kedapatan-berhaji-gunakan-visa-ziarah>.

⁴³ Hendrik Khoirul Muhid, "Ketua DPRD Rembang Supadi Ditahan Otoritas Arab Saudi, Berikut Sanksi Pelanggaran Imigrasi Visa Haji," *Tempo*, 2024, <https://www.tempo.co/politik/ketua-dprd-rembang-supadi-ditahan-otoritas-arab-saudi-berikut-sanksi-pelanggaran-imigrasi-visa-haji-40651>.

⁴⁴ Radar Digital, "Update Haji, Ada Lima Penyusup Naik Haji, Mereka Warga Jember Visa Ziarah, Kok Bisa?," *Radar Jember*, 2024, <https://radarjember.jawapos.com/nasional/794778903/update-haji-ada-lima-penyusup-naik-haji-mereka-warga-jember-visa-ziarah-kok-bisa>.

⁴⁵ Religious Leader, *Interview*, Surabaya, August 4-5, 2024.

⁴⁶ Yanto Bashri, "Kiai in Indonesian Social-Political Changes," *Journal of Nahdlatul Ulama Studies* 2, no. 1 (2021): 67-88, <https://doi.org/10.35672/jnus.v2i1.67-88>.

The methods to bypass *taṣrīḥ* regulations are varied and sophisticated. They include visa manipulation techniques such as creating fake *Nusuk* cards, which are supposed to function as smart cards with QR codes for identifying official Hajj pilgrims. On the other hand, travel agencies often promote "Hajj Furoda," using visas that do not authorize hajj but still promise pilgrims the hajj experience. On the ground, logistics are managed with the help of Indonesian residents in Saudi Arabia, who provide daily accommodations for pilgrims without official visas and avoid official facilities to reduce the risk of capture. Various professionals, including private sector employees, entrepreneurs, and members of religious organizations, use their networks and resources to organize hajj trips without proper *taṣrīḥ* while anticipating capture risks.

The primary motivation for violating *taṣrīḥ* regulations is often the long waiting period to obtain an official hajj visa.⁴⁷ The quota system and complex administrative procedures lead to frustration and hopelessness among many pilgrims. For those who have waited years, choosing an alternative route using non-hajj visas becomes a viable option despite the risks. Social and religious pressures play a significant role, especially in highly religious communities where the expectation to perform hajj is high. The 35-64 age group, often the primary violators, frequently feels they cannot wait any longer, particularly given the potential health decline with age. These individuals may believe the opportunity to perform hajj should not be missed, even if it means breaking the rules. In many communities, performing a hajj is considered a mark of purity and a significant spiritual accomplishment, leading to higher social status and compelling many to perform a hajj even if it involves breaking the law.⁴⁸

⁴⁷ Siddiq et al., "Restrictions on Hajj Pilgrimage for Indonesian Congregation from the Perspective of *Sadd al-Darī'ah*."

⁴⁸ Farooq Haq and John Jackson, "Spiritual Journey to Hajj: Australian and Pakistani Experience and Expectations," *Journal of Management, Spirituality and Religion* 6, no. 2 (2009): 141-56, <https://doi.org/10.1080/14766080902815155>; Zainuddin, Juselim Sammak, and Salle, "Akkattere: Syncretism of Patuntung Beliefs And Sharia on Pilgrimage of the Ammatoa Kajang Community," *AHKAM: Jurnal Ilmu Syariah* 23, no. 2 (2023): 473-96, <https://doi.org/10.15408/ajis.v23i2.30675>; Muhammad Aziz Zakiruddin, Kamsi, and Ahmad Bahiej, "Siyāsah Syar'iyah Paradigm of Hajj Financial Management Regulation in Indonesia," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 531-52, <https://doi.org/10.29240/jhi.v7i2.5310>.

Illegal hajj pilgrims in Saudi Arabia often experience anxiety and uncertainty, feeling like fugitives constantly avoiding security forces.⁴⁹ This situation is exacerbated by unstable living conditions, fear of arrest, and health problems due to inadequate nutrition. Many pilgrims feel abandoned by travel agents who initially promised official hajj visas but did not fulfill those promises. The social impact is significant, with some pilgrims feeling proud if they manage to perform the hajj without issues, viewing it as proof of their ability to outsmart an unjust system.⁵⁰ However, those who fail often experience shame and guilt, especially if they must return without completing the hajj pilgrimage. Pressure from family and society, who may not fully understand the situation, can worsen these feelings, mainly when significant financial spending has been made to finance the hajj.

Perceptions of law enforcement in Saudi Arabia vary widely. Some pilgrims feel harshly treated by security forces, who frequently conduct raids on hotels and residences. These raids create deep fear, with many pilgrims fearing arrest, fines, or imprisonment. One pilgrim shared,

“The authorities came suddenly, and we were terrified. I thought they would take us all to prison.”⁵¹

Saudi authorities impose severe penalties on violators, including hefty fines and a ten-year ban on entering the country. Those found transporting illegal pilgrims face threats of imprisonment, substantial fines, and vehicle confiscation. While these measures are designed to deter violations, they often incite excessive fear among pilgrims who have already entered Saudi Arabia without valid visas. Many violators feel they are victims of irresponsible travel organizers. This is as one participant explained,

“We were promised everything would be fine, but now we face unexpected consequences.”⁵²

⁴⁹ Indonesian Hajj Pilgrims, *Interview*, Mecca, May 27, 2024.

⁵⁰ Indonesian Hajj Pilgrim, *Interview*, Surabaya, August 30, 2024.

⁵¹ An unauthorized pilgrim, *Interview*, Mecca, 2024.

⁵² A pilgrim, *Interview*, Jeddah, 2024.

Violations of *taṣrīḥ* regulations have significant economic, social, and psychological impacts. Economically, pilgrims often sacrifice valuable assets to fund their illegal hajj trips, facing severe financial hardship if caught and deported. The debt burden on families, especially if the deported pilgrim is the primary breadwinner, further exacerbates their economic situation. Socially, these violations carry a heavy stigma. Failing to complete the hajj legally and facing deportation can bring shame to families, damaging their reputation and social relationships. This social pressure can also negatively affect their children's future, impacting opportunities for education or marriage. Psychologically, involved pilgrims often experience significant stress due to the fear of arrest, especially around the Grand Mosque, where random checks by security forces are frequent.⁵³ Many avoid the Grand Mosque, living in a state of deep anxiety, with the guilt of breaking the law adding to their psychological burden.

Policy Recommendations for Indonesian and Saudi Authorities to Prevent Hajj Without *Taṣrīḥ*

The Hajj pilgrimage holds profound spiritual significance for millions of Muslims, yet it involves a complex mix of social pressures, economic motivations, and administrative challenges. Addressing *taṣrīḥ* violations—cases where pilgrims attempt the pilgrimage without an official visa—requires a multifaceted approach that considers both regulatory needs and the sanctity of the pilgrimage. As the pilgrimage continues to grow, Saudi Arabia, as the host nation, faces a monumental logistical burden in ensuring the safety and order of each hajj season. To provide a secure and spiritually enriching experience for all pilgrims, efforts to address *taṣrīḥ* violations must involve strict law enforcement, robust international collaboration, and effective educational initiatives.

The Indonesian Panitia Khusus (*Pansus*) Haji managed by the House of Representative reinforces efforts to enhance the quality of hajj management by issuing key recommendations in September 2024. These included revising existing laws on Hajj and Umrah, such as Law No. 8 of 2019 and Law No. 34 of 2014, improving transparency in

⁵³ Robert Bianchi, *Guests of God: Pilgrimage and Politics in the Islamic World* (Oxford: Oxford University Press, 2004).

Hajj quota allocations, and strengthening internal and external oversight mechanisms. Additionally, the *pansus* emphasized the importance of conducting regular audits on Indonesia's Integrated Hajj Computerization System (Siskohat) to improve data security and governance efficiency. These recommendations laid the groundwork for broader reforms in Indonesia's hajj management system.⁵⁴

In line with subsequent political development, the Indonesian government, under President Prabowo Subianto, established the *Badan Penyelenggara Haji dan Umrah* (Hajj and Umrah Organizing Body). This body operates independently of the Ministry of Religious Affairs (*Kemenag*)⁵⁵ and is tasked with two core missions: ensuring safe departures for pilgrims and enhancing their comfort during the pilgrimage. Its strategic programs include developing Indonesian pilgrim villages in Saudi Arabia, designed to centralize services and create a cohesive community for Indonesian pilgrims. The body is expected to fully operate independently by 2026, transitioning from its current collaboration with *Kementerian Agama*.⁵⁶

Central to this effort is strict enforcement of hajj regulations, as Saudi authorities and pilgrim-sending countries must work to ensure full compliance from all involved parties. Government agencies, particularly those in Saudi Arabia and countries like Indonesia, should mandate certifications for travel agencies, conduct regular audits, and revoke licenses for non-compliance. Indonesia's Minister of Religious Affairs recently emphasized that agencies violating hajj visa rules will face severe sanctions, potentially including license revocation and legal action against those facilitating unauthorized

⁵⁴ Rahel Narda Chaterine and Bagus Santosa, "Pansus DPR Beri 5 Rekomendasi untuk Ibadah Haji, Minta Negara Perkuat Pengawasan Halaman All," *Kompas.Com*, 2024, <https://nasional.kompas.com/read/2024/09/30/13592641/pansus-dpr-beri-5-rekomendasi-untuk-ibadah-haji-minta-negara-perkuat>.

⁵⁵ Hanif Hawari, "Badan Penyelenggara Haji dan Umrah Pisah dari Kemenag, Apa Tugasnya?," *Detik Hikmah*, 2024, <https://www.detik.com/hikmah/haji-dan-umrah/d-7602201/badan-penyelenggara-haji-dan-umrah-pisah-dari-kemenag-apa-tugasnya>.

⁵⁶ Dicky Setyawan, "Tugas dan Fungsi Badan Penyelenggara Haji Menurut Aturannya," *Tirto.Id*, 2024, <https://tirto.id/tugas-dan-fungsi-badan-penyelenggara-haji-menurut-aturannya-g43h>.

pilgrimages.⁵⁷ This aligns with Saudi Arabia's stringent measures to curb unauthorized hajj participation. Recent reports highlight the arrest of over 153,000 individuals on visit visas attempting the hajj and the dismantling of 140 unauthorized campaigns.⁵⁸ These actions underscore the importance of oversight and swift, decisive penalties to deter future violations and maintain the integrity of the hajj pilgrimage.

The impact of *taṣrīh* violations significantly strains Saudi organizers who must dedicate additional resources to manage unregistered pilgrims using unauthorized visas. The situation demands extensive funds for extra security personnel and logistical facilities, as violations disrupt orderly operations, increase security risks, and compromise the safety of both authorized and unauthorized pilgrims in already crowded holy sites. A stark example of these consequences occurred during the 2024 hajj, when 1,301 pilgrims died, with 1,079—83 percent—lacking official hajj visas.⁵⁹ These pilgrims, often brought by unlicensed agents using visit visas, were deprived of proper accommodations, transportation, and healthcare facilities, leading many to suffer from exhaustion, hunger, and extreme heat exposure.⁶⁰ The presence of unauthorized pilgrims requires Saudi authorities to implement costly and complex measures to manage their needs, diverting resources from registered pilgrims and undermining the experience for all.⁶¹ Saudi Ministry of Interior spokesperson Colonel Talal Al-Shalhoub highlighted proactive steps to raise awareness about the importance of securing a valid hajj permit, with intensified media campaigns designed to educate the

⁵⁷ Anton Santoso, "Indonesia Says Agents Face Severe Sanctions for Hajj Visa Violations," *Antara: Indonesian News Agency*, 2024, <https://en.antaranews.com/news/315660/indonesia-says-agents-face-severe-sanctions-for-hajj-visa-violations>.

⁵⁸ Spa, "Interior Ministry Holds Press Conference for Hajj Security Forces Commanders 1445-2024," *Saudi Press Agency*, 2024, <https://www.spa.gov.sa/en/N2118842>.

⁵⁹ Laila Afifa, "Saudi Arabia Finds 83% of Dead Hajj Pilgrims Lacked Hajj Visa," *Tempo.Co*, 2024, <https://en.tempoco.com/read/1883999/saudi-arabia-finds-83-of-dead-hajj-pilgrims-lacked-hajj-visa>.

⁶⁰ Samy Magdy, "More than 1,300 Pilgrims Died during the Hajj in Saudi Arabia this Year, Officials Say," *AP.News*, 2024, <https://apnews.com/article/hajj-heat-deaths-mecca-saudi-arabia-pilgrimage-9f97aae1032b14ada29bbea7108195d3>.

⁶¹ Magdy.

public on the dangers and penalties associated with unauthorized hajj participation.⁶²

As the tourism sector in Saudi Arabia expands, ensuring the integrity of the visa system remains critical to preserving the orderliness of the hajj. This objective is especially relevant for high-risk age groups, such as those aged 35–64, who may be more likely to pursue unauthorized routes to fulfill their religious obligation. Enhanced monitoring and international cooperation can address these challenges by fostering a shared responsibility for compliance among pilgrim-sending countries. Countries like Indonesia, which send large numbers of pilgrims annually, should work closely with Saudi authorities to monitor and report non-compliant travel agencies. Religious organizations are vital in communicating Saudi regulations to local communities, serving as trusted mediators to ensure these critical messages reach a broad audience. Collaborative efforts across countries, including establishing a dialogue among international religious organizations, would help create a unified approach to hajj compliance, reducing misunderstandings and reinforcing adherence to Saudi policies as the host nation.

An essential aspect of this approach involves empowering religious organizations, such as Nahdlatul Ulama (NU) and Muhammadiyah in Indonesia, to educate pilgrims on the importance of following hajj regulations. These organizations can clarify permissible practices and provide spiritual guidance that reinforces Saudi policies, which ultimately preserves the sanctity and safety of the pilgrimage. In situations where conflicting fatwas might arise, clear and consistent messaging from these organizations can prevent misunderstandings that lead to unauthorized hajj participation. For instance, one pilgrim shared,

“I follow the *fatwā* from PBNU, which says the pilgrimage is valid even without *taṣrīḥ*. This assures the risks.”⁶³

This perspective highlights the importance of delivering reliable, uniform information to prevent rationalizations that may contravene Saudi requirements.

⁶² Spa, “Interior Ministry Security Spokesman: Some Tourism Companies Have Deceived Visit Visa Holders, Encouraging Hajj Violations,” *Saudi Press Agency*, 2023, <https://www.spa.gov.sa/en/N2128574>.

⁶³ Hajj violator, *Interview*, Surabaya, 2024.

Utilizing digital platforms to disseminate accurate information about hajj regulations is another essential strategy for addressing *taṣrīḥ* violations.⁶⁴ Mobile apps, websites, and social media channels effectively educate pilgrims on the risks and consequences of unauthorized hajj participation. Pre-departure seminars and online resources organized by governmental and religious authorities offer valuable guidance, preparing pilgrims to comply with regulations while minimizing misinformation that may circulate within communities.

Harmonizing *fatwā* interpretations across countries is critical to achieving a cohesive and respectful hajj experience. As the hajj host, Saudi Arabia holds the authority to set the standards and policies for pilgrimage, and all participating nations must respect and follow these regulations. Establishing an international forum that brings together scholars and sharia experts from various countries would foster consensus on hajj-related *fatwas*. This unified understanding of acceptable practices would mitigate potential legal and religious misunderstandings, allowing pilgrims from diverse backgrounds to align their worship practices with the expectations set by Saudi authorities.

Flexibility within Sharia-compliant frameworks is also necessary to accommodate diverse *fatwā* interpretations, especially in emergencies such as health pandemics. Saudi Arabia could consider, for example, allowing additional vaccination options for pilgrims whose vaccines are not officially recognized in the Kingdom. Clear communication of such policies to all stakeholders, including *fatwā* councils in pilgrim-sending countries, would reassure pilgrims of the safety and acceptability of their pilgrimage, thus promoting compliance and a smoother experience.⁶⁵

Additionally, transparent law enforcement and consistent oversight are indispensable to compliance with hajj regulations. The

⁶⁴ Mohd Aliff Nawi and Mohd Isa Hamzah, "Mobile Fatwa (M-Fatwa): The Integration of Islamic Fatwa Through Mobile Technology," *Turkish Online Journal of Distance Education* 15, no. 2 (2014): 108–16, <https://doi.org/https://eric.ed.gov/?id=EJ1043124>.

⁶⁵ Mansour Tobaiqy et al., "Assessment of Preventative Measures Practice among Umrah Pilgrims in Saudi Arabia, 1440H-2019," *International Journal of Environmental Research and Public Health* 18, no. 1 (2021): 1–16, <https://doi.org/10.3390/ijerph18010257>.

responsibility to thoroughly vet and monitor travel agencies rests with Saudi authorities and international counterparts, ensuring that only qualified, compliant agencies offer hajj services. Additionally, educating pilgrims on the consequences of regulatory violations—such as potential fines, deportation, and bans from future entry into Saudi Arabia—reinforces the importance of respecting Saudi policies and guiding pilgrims to conduct their worship responsibly.

These recommendations collectively aim to create a hajj experience that is spiritually fulfilling and wholly aligned with Sharia principles. Collaborative efforts among governments, religious organizations, and international bodies and practical educational outreach are essential for achieving an orderly and secure pilgrimage. The hajj pilgrimage involves intricate layers of religious devotion, societal expectations, and administrative challenges, highlighting the need for an approach that respects the journey's spiritual and logistical dimensions. As Saudi Arabia continues to expand its tourism sector and refine its hajj management systems, addressing these complexities with innovation, flexibility, and cooperation will ensure a positive and safe pilgrimage experience for all.

The complex interplay of these factors underscores the importance of a balanced approach to *taṣrīḥ* violations, which upholds the sanctity and administrative order of the hajj. Saudi Arabia's role as the host requires the support and cooperation of all participating nations to adhere to these policies, allowing the Kingdom to mitigate risks associated with unauthorized pilgrims. Enhancing coordination, fostering understanding, and implementing sound policies can effectively address *taṣrīḥ* violations, ensuring the hajj remains a sacred, organized, and transformative experience for Muslims worldwide. Through unity, respect for Saudi policies, and shared responsibility, this revered journey can be preserved for generations to come.

Conclusion

The study highlights the importance of adherence to hajj regulations and religious fatwas in maintaining the pilgrimage's sanctity, safety, and orderliness. Despite the stringent policies the Saudi government sets, such as the requirement of obtaining a *taṣrīḥ* for performing hajj, compliance issues persist, particularly among Indonesian pilgrims. This is primarily attributed to long waiting

periods for official visas and socio-religious pressures. The differing fatwas from various religious authorities, including the Nahdlatul Ulama and Muhammadiyah in Indonesia, add complexity to the situation by providing conflicting interpretations regarding the validity of hajj without *taṣrīh*. These findings underscore the need for a harmonized approach to *fatwā* issuance that aligns with Sharia law and governmental regulations to mitigate non-compliance. Moreover, enhancing education and awareness about the legal and moral implications of unauthorized hajj practices is essential. By addressing these gaps, policymakers and religious leaders can work towards ensuring a more orderly, safe, and religiously compliant pilgrimage, thus upholding the integrity of the hajj. Future research should develop strategies to streamline visa processes and foster cooperation between religious authorities and governmental bodies to enhance compliance.

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