

## The Sharia Concerning Hajj Based on *Syar'u Man Qablana* Approach (An Analysis of History and *Maqashid* Sharia)

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### ABSTRACT

*Hajj is extraordinary worship in Islam and can be categorized as ancient worship, because the Hajj was performed long ago during the time of Prophet Ibrahim' alayhi sallam. As the people of the Prophet Muhammad salallahu' alayhi wasallam. who came later were also required to carry out the Hajj even he was the fifth pillar of Islam (pilgrimage for those who could) This Shari'a is valid because no one is abrogating even Allah subahahu ta'alah through his word in the Qur'an sura Ali Imran verse 97 emphasizes that performing the hajj is a human obligation to God, that is for those who are able to travel to the temple. Hajj is a Shari'a brought by the previous prophet in the term of jurisprudence known as Shar'u Man Qablana. This study uses the Syar'u Man Qablana approach, which is by observing verses or propositions regarding the relationship between Islamic Shari'a and the previous Ummah about the Hajj in the Ushul Fiqh Method. The aim is to give understanding to the public and academics to understand the essence of hajj as a pilgrimage in Islam and to give an understanding of the theory of sha'a man qablana to know about hajj as a law ordered by God in the Qur'an. This paper is expected to add to the scientific treasures, especially in the matter of the implementation of the pilgrimage. The results showed that the Hajj was a Shari'a from the Prophet Ibrahim which continued to the Prophet Muhammad. Hajj Pilgrimage which still applies to the people of the Prophet Muhammad. called shyar'u man qablana which is the laws of God brought by the Prophets / Apostles before the Prophet Muhammad SAW applies to their people at that time. The Hajj which is the Shari'a of the Prophet Ibrahim applies to the people of the Prophet Muhammad. because there is no proof of abrogation. The pilgrimage, which was originally the Shari'a of the Prophet Ibrahim As, was then prescribed also to the people of the Prophet Muhammad. accompanied by improvements and additions. One of the ritual elements that are developing is the issue of miqat (eating and eating). All of this is intended so that humans more fully appreciate the meaning of surrender completely to Allah.*

**Keywords:** *Sharia, Hajj, History, Syar'u Man Qablana*

## A. INTRODUCTION

One of the Islamic pillars is performing Hajj in *Baitullah*, (the house of God) Makkah for every Muslim who is capable to do it. Every Muslim is obliged to carry out the worship mentioned in the Pillars of Islam namely; (1) pronounce two sentences of the creed "I bear witness that there is no god but Allah and Muhammad is the messenger of Allah" This is the foundation in upholding Islam; (2) perform prayers, which represents the concept of human relations with God; (3) carry out fasting, which affirms the principle of human relations with himself, whose essence is self-control; (4) Pay zakat that affirms the concept of human relations with others which rests on the willingness to share and help with something very concrete, namely property/wealth, to realize justice and benefit for others and all, especially the weak and marginalized; and (5) Carry out Hajj pilgrimage.

Among these five pillars of Islam, carrying out the pilgrimage can be categorized as something special. This is because the pilgrimage becomes obligatory if the conditions are fulfilled, namely the person who performs the pilgrimage must be a Muslim, independent person, already matured person and has a sense of ability. This fifth pillar is only obliged to be carried

out once in a lifetime. In addition to those requirements, performing Hajj is also considered a very unique worship as it contains some challenges to those who want to do it. First, it costs lots of money; second, it is risky; third, it spends much energy; and fourth it requires great preparation.

Despite all of these challenges, most if not all Muslims in the world will strive to be able to fulfill the fifth obligation in the pillars of Islam, including those who have financial deficiencies. This phenomenon also occurs in Indonesia, although data shows that most Indonesians belong to the middle to lower economy class, most Indonesian Muslim will save for years to fulfill their dream to perform Hajj. Many people sell their homes or land to perform Hajj, so it is natural to say that the principle behind Hajj is greater than all of those efforts. As a consequence of this Indonesian Muslim's interest to do the Hajj pilgrimage, the waiting list for the Hajj is never short and always lacks of quota every year. People need to register and wait a long time before they have their turn to leave for Hajj, due to the long waiting list. There is no district or province in Indonesia with one-year waiting time before going Hajj, all candidates of Hajj should wait over five years or more. In other words, the

number of people who want to perform Hajj far exceeds the quota.

Nash-nash Al-Quran and Hadith explain that Allah has ordered previous prophets to perform prayers, zakat, fasting and pilgrimage, not to mention the creed as mabda 'or the basis of one's faith. The second to fifth pillars included in the term 'worship 'amaliyah are carried out by each prophet in different ways except the Hajj. Hajj is a worship with the least difference when compared to the beginning of the celebration. Hajj is a syar'u man qablana which was required from the time of Prophet Ibrahim (as). with the same rituals performed by the people of the Prophet Muhammad. Hajj rituals, such as arafah, shafa and marwah, mina, muzdalifah, and tawaf and jumrah have been introduced directly by Gabriel to the Prophet Ibrahim (as). and Ismail. The syar'u man qablana on the hajj is different from the prayer, fasting and alms. In prayer, fasting and alms, the shyar'u man qablana is limited to the terms of the services, the events or procedures of the former are only absorbed to the extent of history, not practice. His Penyariatan was not associated with previous prophets, in contrast to the hajj which is always associated with Ibrahim and Ishmael. The five daily prayers, zakat, and fasting of Ramadan differ in concept from the

worship of previous people even though they have similar terms. In contrast to the pilgrimage, what happened during the time of the Prophet Ibrahim became the ultimate human qablana, both term and fi'lan. Even the pilgrimage and sacrifice and ied adha will not be separated from the incident of the Prophet Ibrahim As. and Ismail so that the Prophet Ibrahim can be said to be the prince of the pilgrimage.

Hajj is a ritual whose history comes from the *Shari'ah* of the Prophet Ibrahim, and in QS. An-Nisa: 125, it is mentioned that:

وَمَنْ أَحْسَنُ دِينًا مِّمَّنْ أَسْلَمَ  
وَجْهَهُ لِلَّهِ وَهُوَ مُحْسِنٌ ۖ وَاتَّبَعَ  
مِلَّةَ إِبْرَاهِيمَ حَنِيفًا ۚ وَاتَّخَذَ اللَّهُ  
إِبْرَاهِيمَ خَلِيلًا

"And who has a better religion than he who submits himself entirely to Allah? And he is the doer of good (to others) and follows the faith of Ibrahim, the upright one, and Allah took Ibrahim as a friend."

The pilgrimage is carried out in the city of Mecca where the Kaaba as a guide to the direction of Muslim prayer throughout the world called Qibla is located. The Kaaba was built by the prophet Ibrahim, but the foundation of the Kaaba itself had existed from the time before the prophet Ibrahim. After giving various tests to the prophet Ibrahim, Allah shows him the foundation of

*Ka'bah* and commanded him to develop it as a mosque, a symbol of obedience and submission to Allah as what has been mentioned in Al-Qur'an, *Al-Baqarah*: 127-128.

After completing the construction of the *Ka'bah*, the Prophet Ibrahim was commanded by Allah to invite people coming to Mecca. When doing this command, the prophet Ibrahim went to *Shafa* and invited people to go to *Ka'bah*. The Prophet Ibrahim said, "How will my voice reach them?" Allah said, "tell them and I will let them know". Then, the Prophet Ibrahim climbed up the *Shafa* and said "O people, Allah told you to perform Hajj, so please you do", as what has been written in Al-Qur'an, Al-Hajj: 27. This became the forerunner to the Hajj pilgrimage. Since then, Muslims in the time of the Prophet Ibrahim and the other prophets performed Hajj to *Baitullah*. Even the ignorant people (*Jahiliyah*) in the time of *Rasulullah* also performed Hajj. Some people of Anshar at the beginning of their Islam were hesitant to perform *Sa'i* because they used to do it in the time of *Jahiliyah* and they thought it was the tradition of *Jahiliyah*. Then, Allah explained that *Sai* is the *Syi'ar* and Islamic teachings as what is written in Al-Baqarah: 158.

As it has been explained previously, performing Hajj is the *Shari'a* which has

existed since the time of Prophet Ibrahim. That is why some pillars of the Hajj are closely related to the Prophet Ibrahim, his wife (Hajar), and his son (the Prophet Ismail). For example, *Sa'i* was inspired by the action of Hajar who ran from *Shafa* to *Marwah* in order to find some water. Stoning the devil (throwing pebbles [*Jumrah*]) was also inspired by the action of the Prophet Ibrahim, Hajar, and the Prophet Ismail who fought against the devil that hinder them to slaughter Ismail (Muh. Mu'inudinillah Basri & Elly Damaiwati, 2009: 10).

Performing Hajj is the *Shari'a* of the Prophet Ibrahim which then passed to the time of *Rasulullah* who came after the time of the Prophet Ibrahim. Every prophet has a duty to carry out a new *Shari'a* for his people, and also to improve or cancel the previous *Shari'a* for his people. *Shari'a* deals with legal issues, so the study about the *Shari'a* of the previous prophets (*Syar'u Man Qablana*) is often used in *Ushul Fiqh* to produce *Shari'a* law.

Because these modifications had lasted for a long time from the time of the Prophet Abraham to the Prophet Muhammad SAW., a study summarizing the changes related to the modification is needed so that it can broaden people's horizons of the Hajj not only the Hajj as currently understood by Muslims in the

world but also the Hajj by the people before the prophet Muhammad SAW, which is called Syar'u Man Qablana. The analysis was done by comparing the verses of the Qur'an which relate to Islamic Shari'a and the previous Shari'a of performing Hajj.

## B. LITERATURE REVIEW

### 1. The Definition of Hajj

Linguistically, the word Hajj means (القصد) *al-qashdu* (intentionally), for example; *Hajja ilaina Fulan* (Fulan comes intentionally), and the meaning of *rajulun mahjud* is the person discussed. Meanwhile, in *Shari'a*, Hajj means going to *Ka'bah* to do certain rituals as worships (Ahmad Sarwat, 2011: 22).

Based on the definition above, it can be seen that Hajj is not apart from:

#### a. Pilgrimage

Pilgrimage is a journey which takes a far enough distance (except the inhabitants of Makkah)

#### b. Certain Places

The certain places are *Ka'bah* in *Baitullah* (Makkah), *Arafah*, *Muzdalifah*, and Mina.

#### c. Certain Time

The certain time to perform Hajj is on *Syawal*, *Dzulq'adah*,

*Dzulhijjah*, and the first ten days of *Dzulhijjah*.

#### d. Specific worships

The specific worship is the obligatory in performing Hajj, the Sunnah in performing Hajj, the *thawaf*, *Wuquf*, *Sa'i*, *mabit* in Mina, *Muzdalifah*, and etc.

#### e. The intention of worships

Everything will not be counted as Hajj if the intention of performing Hajj is not as worships for Allah SWT.

Based on the definitions of some key terms above, it can be concluded that the Hajj pilgrimage is a worship carried out by traveling to *Baitullah* in the city of Mecca in the time that has been determined, namely in the month of Dhul-Hijjah, by performing tawaf, wukuf, sa'i, mabit in Mina and Muzhdalifah and other practices, and beginning with intention to do pilgrimage.

### 2. The History of Hajj

Besides the history of Hajj, it is also necessary to discuss the history of *Ka'bah* as it is related to Hajj. Among the virtues of the hajj associated with the Ka'bah is *thawaf*, *sa'im* throwing the pilgrimage and the Black Stone (which is believed to be a stone that comes from heaven).

Among historians in the past, some say that *Ka'bah* was built by angels

before the earth was created. In Al-Qur'an (Al-Baqarah: 30) : "*And when your Lord said to the angels, I am going to place in the earth a khalif, they said: What! wilt Thou place in it such as shall make mischief in it and shed blood, and we celebrate Thy praise and extol Thy holiness? He said: Surely I know what you do not know.*" Then, Allah was angry with the Angels, the angels then ran to the 'Arsy and looked up as they begged for forgiveness. The angels performed *thawaf* - circling the 'Arsy seven times like the *thawaf* of pilgrims in the current *Ka'bah*. Seeing that, Allah showed mercy and created a house under the 'Arsy (*bait al-ma'mur*), and said: "*Do the thawaf by circling this house and leave the 'Arsy*". After that, Allah ordered the angels on the earth to build a building similar to the *bait al-ma'mur* and to do the *thawaf* around the building as the *thawaf* of the angels under the 'Arsy. Then, it means angels have performed Hajj 2000 years before the creating of Adam (Al-Kharbutli, Ali Husni, 2013: 19-20).

According to other historians, the Prophet Adam is the first person who built *Ka'bah*. At that time, Allah ordered *Jibril* to convey a message to the Prophet Adam and Hawa, "*Build me a building*". After the building was completed, Allah ordered the Prophet Adam and Hawa to perform *thawaf*, and Allah said: "*You are*

*the first man and this is the first building*". Then, time passed by to the time of the Prophet Ibrahim who elevated the foundation of *Ka'bah*.

Even so, the historians agreed that *Ka'bah* essentially built by the Prophet Ibrahim and his son, the Prophet Ismail because today's *Ka'bah* is identical to the building built by the Prophet Ibrahim and Ismail (Yahya, Fathurrahman, 2010: 34). They carried out the construction of *Ka'bah* because they were ordered by Allah. However, in Al-Qur'an (Al-Baqarah: 127), Allah says: "*And when Ibrahim and Ismail raised the foundations of the House: Our Lord! accept from us; surely Thou art the Hearing, the Knowing*". This verse shows that *Ka'bah* has existed before the Prophet Ibrahim, and he and his son elevated the foundation because it might be true that at that time *Ka'bah* probably had collapsed (Shihab, M.Quraisy. (2012: 12). Nevertheless, some historians say that before Prophet Ibrahim built the *Ka'bah*, at that time the today's location of *Ka'bah* was a red highland as a worship place of *Amaliqs* that had been perished before the Prophet Ibrahim came to Hijaz. Then, after the Prophet Ibrahim and the Prophet Ismail finished constructing the *Ka'bah*, both of them prayed and begged for forgiveness from Allah to accept their deeds, their

descendants would be obedience to Allah, and were guided to perform Hajj. This prayer shows that the Prophet Ibrahim knew there was a kind of worship which related to *Ka'bah*.

It is uncertain when the *Ka'bah* was constructed for the first time. Even so, *Ka'bah* is the direction of the *qibla* prayer for Muslims from all over the world. The *Ka'bah* is also called as *bait al-'atiq* which means "free from anyone's ownership" including from the oppressive rulers and the city owners because *Ka'bah* is the property of Allah alone. *Ka'bah* stands in the city of Mecca, a city known as the city of prophets, and the first prophet who go to Mecca was the Prophet Adam. When the prophet Adam was lonely, he went to Mecca to convey his feelings to Allah S.W.T. (Ali Husni Al-Kharbutli, 2013: 21). His arrival was none other than because he knew that *Baitullah* is in this city.

Aside from being a *Qibla* direction, the *Ka'bah* is also the central meeting of world Muslims to perform Hajj. Going to *Baitullah* to perform Hajj is a religious rite for the believers of divine religions. It has been carried out by the prophets before the time of Prophet Muhammad because Hajj was the main worship for the prophets. However, the procedure of performing Hajj between one to another

prophet is different because of the different conditions of mankind and the environment in the era of every prophet. The implementation of Hajj in the time of Prophet Adam was very simple. The prophet Adam was guided by angels with the procedures for performing Hajj and the prayers. According to some different sources, the Prophet Adam performed *thawaf* seven rounds, and then continued with two *rak'ah* prayers in front of the *Ka'bah* door, and ended with praying at the door of *Multazam* (Putuhena, 2007: 21-23).

In contrast to Prophet Adam, the Hajj performed by Prophet Ibrahim has different procedures, especially in relation to places and activities. Some procedures are related to the life history of Prophet Ibrahim's family. The Hajj carried out by Prophet Ibrahim was started with *Thawaf*, and in each round, they rubbed the corner of *Ka'bah*. After that, they prayed behind the maqam of Prophet Ibrahim followed by performing *Sa'i* between *Shafa* and *Marwah*. Maqam Ibrahim is a stone with the footprints of the prophet Ibrahim, on top of the stone he used to stand and lay the first stone of the *Ka'bah*. Maqam Ibrahim is located inside the Haram Mosque. The extent of approximately five square feet is supported by six pillars as high as eight feet. While *Sa'i* is jogging between the

hills of Shafa and Marwah accompanied by recitation of takbir, tahlil, and prayer each time starting a journey on one of the two hills. This activity seems to do a recollection of what was done by Hajar, the wife of the prophet Ibrahim when he was looking for a fountain to give his son to drink, namely the prophet Ismail.

Then followed by instructions from the angel Gabriel, they went to Mina to throw the pilgrimage and continued with a visit to Arafat. Arriving at Arafat, Gabriel asked Ibrahim: "A arafta manasikaka (do you know your manasaka)?" Ibrahim replied: "Na'am (yes)." Gabriel's question to Ibrahim was then allegedly the beginning of naming the place with Arafat (Syihabuddin An Nuwairy, 2004: 286-297). In this place Allah ordered Ibrahim to call on people to perform the pilgrimage. After from Arafat, it continued to slaughter sacrificial animals and shave. This of course shows a significant development when compared with the implementation of the pilgrimage at the time of the Prophet Adam (M. Shaleh Putuhena, 2007: 27-28).

Throwing the pilgrimage is an obligation in the Hajj which must be done on the day of the id and three days of tasriq or on the day of the id and two days of tasyriq for people who want to speed up home from Mina. Throwing the

pilgrimage by most Muslims is said to be like throwing a demon that is being tied to the Jamarot monument. This act seems to trace to the rest of the prophet Ibrahim, who at that time was carrying out the pilgrimage and suddenly the devil appeared before him in the "Aqobah" pilgrimage. Then Ibrahim pelted the devil with seven pebbles, until the demon entered the ground. The devil reappeared himself in the second pilgrimage. Then Ibrahim threw the devil back with seven pebbles, until the demon entered the ground. Then the devil reappeared himself in the third pilgrimage. Then Ibrahim threw the demon with seven pebbles, until the demon entered the ground. The wisdom of throwing these pilgrimages is as a manifestation of our obedience to Allah SWT. Like the prophet Ibrahim who threw stones at Satan so that they would not prevent him from carrying out the commands of Allah SWT. So, by throwing the jumrah means we have imitated the attitude of the Prophet Ibrahim, who removed all temptations when he wanted to do the commands of Allah.

The call of Prophet Ibrahim As. which is then answered by humans closely related to Talbiyah. Talbiyah which is one of the dhikr in the pilgrimage has also been known from the time of Prophet Ibrahim As. The call of



the Prophet Ibrahim' alayhi wassalam for Hajj was answered by all that exist in the world by saying:" Labbaik, Allahuma Labbaik ". Therefore, talbiyah with lafadz "labah allahumma labaik" counts syar'u man qablan which still applies because it is still a dhikr in carrying out the pilgrimage from the time of the Prophet Ibrahim to the present.

Talyyah Talyyah before the time of the Prophet can also be seen from what was narrated from Ustman, said Ustman: Has conveyed to me someone who is honest that the Messenger of Allah said: Having passed this great way seventy prophets on red camels bound in reins, their clothes were like coats and their talbiyah varied, among them Jonah the son of Mata. Yunus said (in his talbiyah): "I fulfill your call, O who makes it easy for trouble, I fulfill your call." While Moses said: "I am your servant, fulfilling your call, fulfilling your call. He then continued his saying: "And talbiyah Isa: I am Your Servant, the son of Your servant from the second child of Your servant fulfilling Your call (Abu Walid Al-Azraqy, 1389: 73). Even though the lafadz are a little different, they all still mention the 'labaik' lafadz in each talbiyah.

After performing Hajj, the Prophet Ibrahim returned to *Syam* and left the Prophet Ismail in Mecca. At that time,

the Prophet Ismail had grown up so he was able to replace his father's duty in carrying the *da'wah* on a straight religion. After the death of Prophet Ismail, the one who was responsible for the *Ka'bah* was his son, *Nabit*. Nabit was the first child of the Prophet Ismail, and the wife of the Prophet Ismail was a daughter of the leader of the Jurhum tribe, from whom Ismail was blessed with 12 children, they were Nabit, Qidar, Adbil, Mubsim, Musyim, Dauma, Dawam, Masa, Haddah, Tsitsa, Yathur, and Nafisy. After the Kaaba was ruled by the Jurhum tribes, the children of the Prophet Ismail began to feel uncomfortable in the city of Mecca because they saw their brothers from the Jumhursaling tribe fighting for power over the Kaaba and Makkah. Therefore they moved and scattered to other areas. And none of the people who reject them, because they accept and submit to the religion of Abraham.

However, the people of *Jurhum* were cruel and committed evil did to the pilgrims and often took the property of *Ka'bah*. Thus, *Khuza'ah* tribe took control of Mecca and *Ka'bah*. Afterward, the tribe of *Khuza'ah* ruled over the *Ka'bah* for about five centuries, and at that time they made a lot of misunderstanding, such as; the tradition of idolatry (a worship to a physical image, such as a statue or icon). After the

tribe of *Khuza'ah* stopped ruling, the tribe of *Quraish* emerged and succeeded in gathering power to take over Mecca and *Ka'bah* (Ali Husni Al-Kharbuthli, 2013: 79).

### 3. Some Changes in Performing Hajj

The transfer of power over Mecca and *Ka'bah* from one tribe to another makes the ritual of Hajj deviate from its original worship. Some of them are as follows:

- a. Laying idols around the *Ka'bah* and in some areas around *Baitullah* by saying that these idols are the intermediaries between slaves and God Almighty.
- b. Performing *thawaf* without wearing any clothes. They argued that their clothes are no longer sacred because they have worn the clothes in daily activities when they are inevitable of sin.
- c. Performing *Wuquf* at *Muzdalifah* and refuse to perform *Wuquf* at *Arafah* which is a place where the *Wuquf* should be performed.
- d. Starting the ritual of Hajj from a place between *Shafa* and *Marwah* (or commonly known as *Miqat Makani*)
- e. Upon the completion of Hajj, they entered their homes not from the available doors, but from the

holes behind the house or from the top of the house.

- f. The slaughter of sacrificial animals which is essentially done as a sacrifice is diverted as a sacrifice made for idolatry.

- g. *Mabit Mina* which supposed to be done with *Dzikir* is filled by the proud of their ancestors.

Some deviations above occurred in the Hajj performed during the time of *Jahiliyyah* in which they performed those actions as the form of admiration over *Ka'bah* and claimed that it included in the teachings of the Prophet Ibrahim. Hence, Islam comes to reinforce the right things and rectify the deviant actions (M.Quraisy Shihab, 2012: 6).

In addition to the deviant rules above, the tradition of performing Hajj was also misused, for instance; calculating the month with a system of shifting or ending which means to make the *Qamariyah* months were in line with *Syamsiyah* months. They did this because they wanted to perform Hajj in the months that they wanted; in winter, early spring, and late fall. The reason behind this was because at that time the plants could be harvested so that they had lots of merchandise to sell and aimed to get the most benefit of it. At that time, Hajj was held in the month of *Dhulhijjah*, *Dzulqa'adah*, and *Muharram*. These

months were the forbidden months for them, and it means in those months God did not hear the sound of friction from weapons. In the reconstruction of Hajj in the time of *Jahiliyyah*, they still do the elements of performing Hajj like in the time of the Prophet Ibrahim. This indicates that at that time, the Arab tribes were still following the *Millah* of Ibrahim (M. Shaleh Putuhena, 2007: 29-30).

#### **4. Performing Hajj as Guided by Prophet Muhammad**

In regards to the performing of Hajj at the time of the Prophet Muhammad, according to Islamic scholars, the obligation of performing Hajj for the people of Prophet Muhammad was in 6 H/ 628 AD. However, because of certain obstacles and conditions, *Rasulullah* performed Hajj in 10 H. Before performing Hajj, the Prophet Muhammad had performed *Umroh* several times, and the only time for the Prophet Muhammad performing Hajj was after he was appointed as *Rasulullah SAW*. It was mentioned in several names, such as; *Haji Wada'*, *Hajjat al-Islam*, *Hajjat al-Balagh*, *Hajjat al-Tamam*. The Prophet Muhammad carried out his Hajj based on the guidance of Allah. Most of the places and activities in the Hajj performed by *Rasulullah* were as the same as the Hajj performed by the Prophet Ibrahim, but there is no clear information about the

time of the Hajj performed by the Prophet Ibrahim, the similarities are none other than Allah's will.

Wada' Hajj is a pilgrimage performed by *Rasulullah SAW*. in the 10th year H. So named because at that time the Prophet Muhammad. say goodbye to his people with his farewell statement. The Hajj Rasul is called "Hajj Wada" and is named after a number of other names, including:

- a. Hajjat al-Islam because this is the first and last pilgrimage of the prophet in accordance with Islamic guidance. This Hajj becomes a reference for Muslims in the implementation of the Hajj;
- b. Hajjat al-Balaghah / Hajj delivery. So named because the one he asked the congregation in his sermon during the hajj was "Did I deliver?" namely the teachings of Islam. And specifically the Prophet Muhammad. convey the details of the Hajj both orally and in practice;
- c. Hajjat At-Tamam / Hajj Perfection. This is because on the day of Arafat when the prophet before wukuf, Allah's affirmation came down about the perfection of religion and the adequacy of His favors in surah Al-Maidah

verse 3 (M. Quraish Shihab, 2012: 1043).

The Messenger of Allah announced his intention to perform the pilgrimage, so people came in droves and prepared to attend this pilgrimage, the Prophet Muhammad. exemplifies perfectly the procedure for hajj. In this Hajj Wada event, the Prophet Muhammad. convey various decrees of Allah and perfection of Islamic teachings during the Sermon at Arafat. Prophet Muhammad SAW. also conveyed Allah's care of Muslims from the disruption of unbelievers, so that on that day the worries of Muslims were lost.

The Prophet Muhammad started his journey to Makkah on Saturday afternoon, the 25 *Dzulqa'adah* 10 H with approximately 100,000 pilgrims. After his *Dzuhur* prayer, he left by bringing some camels for sacrifice. Together with tens of thousands of Muslims, he went to *Dzul Hulaihah* (Bir 'Ali) which is a miqat makani (a place for the intention of Ihram) in Madinah. Arriving in *Dzithuwa* (the suburb of Makkah), on the 4th of *Dzulhijjah*, the Prophet Muhammad wearing the Ihram clothes went with the Muslims to enter Masjidil Haram and did the *Thawaf* which is in every round the Prophet Muhammad showed the honor of *Hajar Aswad* by waving at the seventh (last) round and then prayed. Afterward,

the Prophet Muhammad went to maqam Ibrahim and did two *rak'ah* prayers and read Al-Baqarah: 125. Then, he headed to Shafa to perform *Sa'i*. *Rasulullah* was in Makkah in three days and on the fifth day (8 *Dzulhijjah*), *Rasulullah* went to Mina, on the 9 *Dzulhijjah* he went to Arafah for *Wuquf*. After maghrib (almost the 10 of *Dzulhijjah*), *Rasulullah* went to *Muzdalifah*. On the following morning, *Rasulullah* went to Mina for throwing *Jumrah* Aqabah by using 7 pebbles as big as a date and reciting Takbir. Next, *Rasulullah* did the *tahallul* by cutting his hair and going to the place for sacrificing animals. On the same day, after *Dzuhur*, *Rasulullah* went to Makkah (Masjidil Haram) to do the *thawaf* ifadah. After the Nahr days passed by, *Rasulullah* went back to Mina which was on the 11, 12, 13 of *Dzulhijjah* to do the mabit and stoning the devil with 21 pebbles, and in every time he threw the pebbles, *Rasulullah* recited *Takbir* and prayed (M.Quraisy Shihab, 2012: 55).

Among these series of worship, Islamic scholars have different opinions about whether the Hajj performed by the Prophet Muhammad was *ifrad* (performing Hajj), *tamattu'* (performing *umrah* before Hajj), or *Qiran* (performing *umrah* and Hajj at the same time).

Historically, the Hajj performed by the Prophet Muhammad has been

developing because of the *qauliyah* and '*amaliyah*. However, when *Rasulullah* carried out the Hajj Wada', he did not explain and his people did not ask about the legal status of Hajj in relation to the pillar of Hajj, the conditions to perform Hajj, the obligations, or the *sunnah* of Hajj. Another factor in the development of Hajj is the increasing number of Muslims with their cultural and geographical diversity which has the potential to bring up new things that have not yet been discovered in the Hajj Wada' performed by *Rasulullah*.

One of the developments of Hajj is the *Miqat (Makani or Zamani)*. *Miqat Makani* in Hajj is a predetermined place for intending Hajj ihram (Rosyada, Dede, 1999: 89). From the boundaries of this place a person will perform the hajj pilgrimage and intend hajj. When viewed from a geographical point of view, in the matter of miqat eating the Muslim pilgrimage is divided into two groups. The first group is Muslims who live within the city of Mecca or where they live is less than the miqat limit. *Miqat* pilgrims living in the city of Mecca are from the city of Mecca itself. He may carry out Ihram from his home, but more importantly is from the mosque around his house. People whose dwelling is located between the cities of Mecca and miqat, the eating miqat is in the area

where he lives is like the residents of the city of Jeddah, which is about 75 km from Mecca and the population of Basrah which is about 45 km from Mecca.

The second group is the so-called *al-afaqi*, namely people who are not residents of the city of Mecca and where they live in *laur miqat*. Shaykh Ismail, Abu al-Abbas and Ahmad al-Umani argued that people who had lived in Mecca for one year then had their pilgrimage under the golden shower and their Umrah in the Tan'im. *Miqat eat al-afaqi* groups are in some predetermined places.

As the practice performed by the Prophet Muhammad, the place for *Miqat Makani* is *Dzul Hulaifah*, and the time to perform *Mikat Zamani* is on *Dzulhijjah* in regards to the time of Ihram which has been set by Allah at certain times and in certain months which is in line with *Al-Qur'an (Al-Baqarah: 197)*. However, Allah and His Messenger did not specify the number and the names of the month. Perhaps, by referring to the previous Arab traditions, the ulama agreed to establish that these months were *Shawwal, Dzulqa'ah, and Dzulhijjah* as the *mawaqitu zamaniyah*. Even so, the Islamic scholars have a different point of views about the month of *Dzulhijjah* in regards to whether it is the first ten days of this month or the whole days a month.

*Miqat Zamani* functions to prepare Muslims who want to perform Hajj, not only the financial matters but also the matter of *taqwa*. This is in accordance with the verse of Al-Qur'an, Al-Baqarah: 197: *"The pilgrimage is (performed in) the well-known months; so whoever determines the performance of the pilgrimage therein, there shall be no intercourse nor fornication nor quarreling amongst one another; and whatever good you do, Allah knows it; and make provision, for surely the provision is the guarding of oneself, and be careful (of your duty) to Me, O men of understanding."* But other opinions, such as the Quraish Sihab in its interpretation say that the word 'ma'lumat' in the verse shows that the months have been known by the Arab community since the time of Prophet Ibrahim.

However, Allah and His Messenger did not specify the number and name of the month. Perhaps based on previous Arabic traditions, the scholars agreed to stipulate that the months were Shawwal, Dhu'l'a'ah and Dhu'a-Hijjah as *mawaqitu zamaniyah*. Even so, the scholars differed on the month of Dhu al-Hijjah, whether only the first ten days of the month, or the whole month.

*Miqat zamani* is intended to prepare provisions for Muslims who have

intended to carry out the Hajj. Provisions in this case are not only material, but also the provision of devotion. This is according to the verse which reads:

Meaning: Be Armed, and Be Truly the provision is piety and fear Me O people of understanding.

The provision of *taqwa* means to keep someone's away from humiliation or become a beggar during the Hajj. Therefore, in preparing this provision, enough time is provided in the period of two months and seven days before the 8 of *Dzulhijjah* which is the peak of Hajj.

Meanwhile, the Hajj on the 8 to 13 of *Dzulhijjah* is based on the Al-Hadith which says: Learn the procedures of performing your Hajj from me, because I don't know whether I can perform Hajj again after this year (Imam Abi 'Abdi Al-Rahman Ahmad bin Syu'aib Al-Nasa'i, 1988: 425).

This Hadith implies that the Hajj performed by the Prophet Muhammad was an example for Muslims in the following years. It is not only about things related to *fi'li*, but also the suitability of the time that has been exemplified at that time by the Prophet Muhammad when performing the Farewell Hajj (*Wada'*). This is reinforced by the following hadeeth: *"The Hajj is 'Arafat...and whoever sees (attends) the 'Arafah before the rising of Fajr, then he*

has performed the Hajj" (Al-Tirmidzi, 188). *Wuquf* in Arafah is distinguishing between Hajj and *Umrah* in which there is no *Wuquf* in *Umrah*. *Wuquf* in Arafah is the most important steps of Hajj where the majority of Islamic scholars believes that the *Wuquf* time begins on the 9th day of *Dzulhijjah* after the sun slips until the dawn of the tenth day (Sayyid Sabiq, 494-495).

The meaning of the word wukuf is the existence of pilgrimage in Arafat, there, and settled there. Wukuf means "standing, being, or stopping somewhere." According to the term, before staying is stopped at the arafah at a certain time with the intention of worship. The things that are done during the Sunnah before staying, are as follows:

- a. It was permitted to go to Mina on Tarwiyah day, on the 8th of Dhul-Hijjah, stay there and mabit there until dawn on the day of Arafat, then depart to Arafat after the sun rises;
- b. Sunnat is in Namirah, near Arafat;
- c. Performing Adhan, and plural prayers taqdim and qashar, dzuhur and asr.

After finishing the prayer, they perform before staying. Things that were laid out during the time before were:

- a. Bath;

- b. Do not enter the Arafat area except after sun slips and prayers;
- c. Sermon and pray two prayers;
- d. Immediately performing before staying after the prayer;
- e. Being in the area before staying until the sun sets;
- f. Stay where you are, not take a walk;
- g. Facing Qibla, in a state of purification, covering genitalia;
- h. More easily, before staying in an enclosed space;
- i. In a state of not fasting;
- j. In a state of solemnity, persevering in prayer and so on;
- k. More pray, seek forgiveness, and others.

Therefore, before wukuf is the core of the whole series of pilgrimage. So important is this activity, that someone who does not perform pilgrimage before is not valid.

The Hajj performed by the Prophet Muhammad SAW has developed if compared to the Hajj performed by the Prophet Ibrahim. The development of Hajj today is indeed the symbol of what the Prophet Ibrahim did with his family, Hajar, and Ismail. There is a hidden meaning behind the practice of Hajj, and that is the teaching of the behavior of the Prophet Ibrahim and his family in harmonizing his life to Allah in which the

man's oath to Allah as spoken at every beginning of prayer "*Indeed, my prayer, my rites of sacrifice, my living and my dying are for Allah, Lord of the worlds.*" was really done by the Prophet Ibrahim and his family. It is such a sincere attitude that one must have in mind and should be practiced in everyday life after he returns from his Hajj. Thus, the Hajj was originally the *Shari'a* of the Prophet Ibrahim, and it passed down to the people of the Prophet Muhammad with its improvements. All of this means that humans should better appreciate the meaning of self-surrender completely to Allah SWT.

### C. DISCUSSION

The *Shari'a* of Hajj is the *Shari'a* of the Prophet Ibrahim which was passed down to the Prophet Muhammad who came after the time of the Prophet Ibrahim. Rasul who came later beside carrying out some sort of improvements, they also canceling the previous *Shari'a* which was not applied again to their people. The *Shari'a* dealt with legal issues and that is why the study of the Prophet's previous *Shari'a* (*Syar'u Man Qablana*) is often found in the books of Ushul Fiqh as a means of producing Islamic law.

Syar'u etymologically means flow. *Shari'a* is a form of *faisil* in terms of

language is a place where people who want to drink are visited by humans to get rid of their thirst. *Sharia* is also interpreted as a straight path or *tariqatun mustaqimatun* as implied in the Koran Al-Jatsiyah: 18 (Beni Ahmad Saebani, 2008: 37). *Shari'a* is a reference of Muslims to take actions which are closely related to the problem of faith, worship, and muamalah. *Sharia* is sometimes often equated with *fiqh*. While *fiqh* itself means understanding, and in terms it is an in-depth understanding of the ulama on *sharia* law 'which is *amaliyah* or practical that is extracted from detailed arguments. *Fiqh* is also interpreted as the study of *Shari'a* (Juhaya S. Pradja, 1997: 7).

Manna' Al-Qathan in *Mabahits fi 'Ulum Al-Qur'an* says that terminologically, *Shari'a* means the laws originated or produced by Allah which is transferred to *Rasulullah*, as what happened to the Prophet Muhammad which was appointed as *Rasulullah* for mankind so that they follow all the guidelines and demands in Islamic teachings. The guidance for the mankind is the proper deeds and the right manner which is in accordance with the rules set by Allah (Dedi Ismatullah, 2011: 33).

In principle, the *Shari'a* set by Allah for the previous people had the same principle as the *Shari'a* brought by the



Prophet Muhammad. The same principles are those related to the divine concept, the hereafter, promises, and treat. Meanwhile, some details are the same and some of them are also different according to the conditions and the development of each era (Alaidin Koto, 2009: 112).

The Prophet Ibrahim and the Prophet Muhammad were the messengers of Allah to convey the *Shari'a* to their own people, an example of the *Shari'a* of the Prophet Ibrahim which still applies to the people of Prophet Muhammad is the pilgrimage to Makkah (Hajj). Thus, the *Shari'a* brought by the Prophet Ibrahim and still valid until the people of Prophet Muhammad is called as *Syar'u Man Qablana* in which it is the laws of Allah brought by the Prophets before the Prophet Muhammad.

The change in law can be understood as an adjustment to the physical condition and human thought of the time the "messengers" were sent. The scholars explained that the *Shari'a* before us or *Shyar'u Man Qablana* are the laws that have been prescribed for the people before Islam which were brought by the Prophets and Apostles earlier and became a legal burden to be followed by the people before the *Shari'ah* of the Prophet Muhammad.

*Sharia* before us in the above understanding, can be divided into three groups: First, the previous *Shari'a* contained in the Koran or the Prophet's explanation that was intended for the people before the Prophet Muhammad and also explained and the Koran or the Hadith of the Prophet that such has been written down and no longer valid for the Ummah Prophet Muhammad. Second, the laws explained in the Koran and the hadith of the prophet are prescribed to the people of the Prophet Muhammad and declared valid for the next. Third, the laws mentioned in the Koran and the hadith of the Prophet are explained to be applicable to the people before the Prophet Muhammad, but clearly not stated to apply to us, nor is there an explanation that the law has been established (Imam Yazid, 2017: 376).

Of the three *Shari'a* groups before the people of the Prophet Muhammad, the first form is clear that the position is no longer valid for the people of the Prophet Muhammad. Likewise, the second agreed form has become Islamic law. The third form is actually what is called "*Shari'a* before the people of the Prophet Muhammad" which is the subject of studies of Usul scholars when discussing the arguments of *shara 'or* the method of *ijtihad*.

The discussion on the Shari'a "Sharia before the people of the Prophet Muhammad SAW" arises because on one hand it is contained (referred to) in the Koran which is naturally binding for the people of the Prophet Muhammad, but on the other hand the Koran itself states that the law applies to certain people before the Prophet Muhammad.

Regarding the *Syar'u Man Qablana*, its legality should be checked. Some Islamic scholars have different opinions about whether the previous *Shari'a* becomes the pillar in setting the law for the people of the Prophet Muhammad. *Syar'u Man Qablana* as a legal argument was included by Ghazali as the four arguments (The four rules are *Syar'u man qablana*, *qaul al-shahabi*, *istihsan* and *istishlah*) which are not supported by the Ushul scholars.

Their opinions can be grouped as follows:

1. The Islamic scholars of Hanafiyah, Hanabilah, some scholars of Syafi'iyah, Malikiyah and the Islamic scholars of Asy'ariyah and Mu'tazilah argued that the laws of Syara' before us do not apply to us (the people of Prophet Muhammad) provided there is no explanation about its enactment for the people of Prophet Muhammad. The reason is that the *Shari'a* before us was

applicable generally. It is a different case if the *Shari'a* brought by the Prophet Muhammad as the last messenger is applicable generally and abolishes the previous *Shari'a*.

2. Some companions of Abu Hanifah, some Malikiyah scholars, some companions of Imam Syafi'i and Imam Ahmad mention that the laws consisted in Al-Qur'an or Al-Hadith, as long as there was no explanation to abolish these laws, then it means still applicable to the people of the Prophet Muhammad.

Based on the opinions of Islamic scholars regarding the legality of *Syar'u Man Qablana* as a legal argument, most Islamic scholars argued that the previous laws of Syara' do not apply to us (the people of Prophet Muhammad) provided there is no explanation about its enactment for the people of Prophet Muhammad. The reason is that the *Shari'a* before us was applicable generally. It is a different case if the *Shari'a* brought by the Prophet Muhammad as the last messenger is applicable generally and abolishes the previous *Shari'a*. As in the Al-Qur'an, Al-An'am verse 146, it is mentioned that: "And to those who were Jews We made unlawful every animal having claws, and of oxen and sheep We made unlawful to them the fat of both, except such as was

on their backs or the entrails or what was mixed with bones: this was a punishment We gave them on account of their rebellion, and We are surely Truthful." This verse explains the rules that Allah set for the Jews previously. Then, it is explained in the Al-Qur'an that it is no longer valid for the people of the Prophet Muhammad: "Say: I do not find in that which has been revealed to me anything forbidden for an eater to eat of except that it be what has died of itself, or blood poured forth, or flesh of swine-- for that surely is unclean-- or that which is a transgression, other than (the name of) Allah having been invoked on it; but whoever is driven to necessity, not desiring nor exceeding the limit, then surely your Lord is Forgiving, Merciful." Thus, there was a *Shari'a* brought by the previous prophets which is invalid (because it was canceled by the *Shari'a* of the Prophet Muhammad) for the next generation.

Performing Hajj is the *Shari'a* of the Prophet Ibrahim which is applicable to the people of the Prophet Muhammad because there is no proposition which abolishes this law. Historically, it can be seen that the practices of Hajj are closely related to Prophet Ibrahim, his wife and his son Ismail. For examples; the practice of *Sa'i* was taken from Hajar who ran from Shafa to Marwah in search of water,

the stoning of the devil (*Jumrah*) is related to the pebbles thrown by the Prophet Ibrahim, Hajar, and Ismail against the devil that hinder them in executing the commands of Allah to slaughter Ismail (Muh. Mu'inudinillah Bashri & Elly Damaiwati, 2009: 10).

#### **D. CONCLUSION**

Based on the explanation, it is clear that the Hajj is a *Shari'a* from the US Abraham who continued to the Prophet Muhammad who came later. Every Apostle who came later, besides carrying the task of bringing a new *Shari'a* to his people, also made some sort of refinement of the cancellation of the previous *Shari'a* that was no longer applied to his people. Sharia is related to legal issues, so the study of the previous *Shari'a* of the Prophet (syar'u Man Qablana) is often found in the books of Usul Fiqh as a means of producing *Shari'a* law.

Prophet Ibrahim and the Prophet Muhammad were Rasulullah (Allah's messenger) to convey the *Shari'a* to their respective people, one of the *Shari'ahs* of Abraham which still applies to the people of the Prophet Muhammad is the pilgrimage to the temple of Mecca. So the *Shari'a* that was brought by the Prophet Ibrahim and still applies to the people of the Prophet Muhammad is

called *syr'u man qablana* which is the laws of God brought by the Prophets / Apostles before the Prophet Muhammad and applied to their people at that time.

The pilgrimage which is the Shari'a of the Prophet Abraham applies to the people of the Prophet Muhammad because there is no proof that *menasakhnya*, the Hajj is a sharia that has existed since the Prophet Ibrahim, his wife Hajar and his son Ismail. For example *sa'i*, taken from Hajar's run from Safa to Marwah in search of water, throwing *jumrah* related to throwing Ibrahim, Hajar and Ishmael against Satan who tempted them to prevent them from carrying out Ishmael's slaughtering orders.

The order of carrying out the obligation of pilgrimage to the people of the Prophet Muhammad. was received on 6 H./628 AD, but because there was a certain obstacle and reason for the Prophet Muhammad. performing the pilgrimage in the year 10 H. Before carrying out the pilgrimage, the Prophet Muhammad. He had performed the pilgrimage a number of times, and then the Prophet Muhammad performed the only hajj which was carried out by him after being sent by Allah as an Apostle. The implementation of the Hajj run by the Prophet Muhammad has undergone development. The hajj performed by the

Prophet Muhammad is an example and a foothold for Muslims in performing the hajj in the following years and beyond.

One element of rituals that is developing is the issue of *miqat*, both *eatung miqat* and *agei miqat*. Changes in the form of improvements and the addition of Hajj practices today are actually symbolic of what was done by the Prophet Ibrahim with his family, Hajar and Ismail. There is a hidden meaning behind the practice, namely the teaching to emulate the behavior of the Prophet Ibrahim and his family in devoting his life to God. All of this is intended so that humans more fully appreciate the meaning of complete surrender to Allah SWT.

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