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Analysis of the concept of *istitho'ah* in the Hajj bailout fund

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Abstract: This study aims to analyze the problems of the implementation of hajj bailout funds in Indonesia through a review of the concept of istitho'ah (ability). The phenomenon of long hajj queues has triggered financial institutions to offer instant financing schemes that have the potential to obscure the essence of financial independence in worship. Using the library research method, this article examines the classical jurisprudence literature on zad wa rahilah and synchronizes it with contemporary regulations such as DSN-MUI Fatwa Number 29 of 2002 and Law Number 8 of 2019. This study found that hajj bailout funds are legally permissible under the Qardh and Ijarah contracts. Nevertheless, from a philosophical perspective, the debt-based financing scheme tends to undermine the values of spiritual sacrifice and self-reliance in performing the hajj. The use of debt instruments in Hajj registration is seen as disrupting the stability of the national queue and creating a financial burden that is contrary to the principle of inner relief in worship. Therefore, a stricter policy reconstruction on access to bailout funds is needed to maintain the dignity of the hajj pilgrimage as an obligation for those who are truly able in real terms, not just administratively banking.
Keywords: Istitho'ah, Hajj Bailout Fund, Contemporary Fiqh, Independence, Hajj Policy.

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Introduction

Hajj is the fifth pillar of Islam whose implementation depends on the conditions of istitho'ah or ability (al-Malibari, 2016). In classical fiqh discourse, the concept of this ability is predominantly understood through the availability of travel provisions and vehicles (zad wa rahilah). However, along with the dynamics of the sharia economy and the high enthusiasm of the Indonesian people, the concept of financial ability has undergone a significant shift in meaning (Alfiyanti et al., 2023). The phenomenon of the hajj bailout fund has triggered a dynamic academic and juridical polemic in Indonesia. On the one hand, DSN-MUI Fatwa Number 29 of 2002 provides space for legality through the Qardh and Ijarah contract schemes. On the other hand, the government's latest policy through Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah began to tighten this financing regulation to maintain national queue stability. This shift in regulation shows that there is an effort to synchronize between the administrative needs of banking and the maintenance of worship which should be based on the real ability of the congregation.

Previous research in the last five years has dissected this issue from various perspectives. Some studies focus heavily on the normative legality aspect of pure contracts. For instance, Ikhsanti (2025) emphasizes that while the dual-contract system (*Qardh* and *Ijarah*) fulfills banking compliance on paper, it often masks a disguised interest rate structure due to the linear correlation between the bailout volume and the management fee (*ujrah*)(Ikhsanti, 2025). On the other hand, other studies emphasize more on the macroeconomic impact of bailouts on the sustainability of national hajj funds. In this camp, (Alfiyanti et al. 2023) find that unchecked bailout distributions disrupt the financial equilibrium and long-term liquidity management handled by central authorities like BPKH, a view further compounded by Rif'ah and Ghozali (2025) who argue that such credit-driven expansions risk violating the intergenerational equity principles embedded within *maqashid al-sharia* (Rif'ah & Ghozali, 2025).

This research has novelty by trying to deconstruct the philosophical meaning of istitho'ah in the midst of the onslaught of banking formalities. In contrast to previous studies that tend to be textual-juridical, this article offers a critical perspective on whether the ease of access to debt actually reduces the value of spirituality and independence which is the main spirit of the hajj (An-Nawawi, 2016). The main focus of this research is to analyze the dialectic between administrative-banking demands and the essence of the readiness of the soul in taking the holy journey through a comprehensive literature approach.

The main purpose of writing this article is to re-dissect the theoretical roots of financial ability in the fiqh literature and contextualize it with the regulation of hajj in Indonesia. Through this analysis, it is hoped that a new awareness will emerge about the importance of maintaining the independence of worship as a form of totality servitude. The results of this discussion are expected to contribute to the strengthening of the national hajj policy so that it remains in line with sharia principles that prioritize essential ability qualifications, not just the formality of obtaining portion numbers.

Method

This research is a type of qualitative research with a library research approach. The main focus of this research is to conduct an in-depth search of written documents, both in the form of fiqh texts, contemporary fatwas, and laws and regulations in Indonesia that are relevant to the concept of istitho'ah and hajj bailout funds (Sugiyono, 2017). Meanwhile, the research subjects or primary analytical focuses are the texts of financial regulations, specifically the DSN-MUI Fatwa Number 29 of 2002 and Law Number 8 of 2019. The data source population comprises two main pillars: primary legal-formal documents issued by Indonesian state and religious institutions, and secondary sources consisting of *muktabar* books from the Shafi'iyah madhhab (such as *Fathul Mu'in*, *Nihayat al-Muhtaj*, and *Al-Majmu'*) as well as peer-reviewed scientific journals published between 2021 and 2026.

The data collection procedure is carried out through systematic documentation with literature study techniques (Zed, 2018). The researcher categorized data sources based on the relevance of the theme, ranging from the theoretical roots of financial ability in Islam according to the views of Shafi'iyah scholars to the implementation of Islamic banking policies in Indonesia. To ensure rigorous and credible data management, specific literature selection criteria were applied using the inclusion-exclusion method. The inclusion criteria required that the literature must: (1) specifically address the concept of financial *istitho'ah* or *zad wa rahilah*, (2) evaluate the implementation of the Hajj bailout fund (*dana talangan haji*) in Indonesia, and (3) be published within the Shafi'iyah school of thought or active Indonesian regulatory frameworks. Literature that merely discussed the technical management of Hajj without a legal-philosophical focus was excluded (Bungin, 2021).

The data analysis technique used is content analysis with a descriptive-analytical approach. The researcher categorized data sources based on the relevance of the theme, ranging from the theoretical roots of financial ability in Islam according to the views of Shafi'iyah scholars to the implementation of Islamic banking policies in Indonesia. To maintain methodological consistency in a library research setting, the study relies on rigorous internal and external source criticism to capture the dialectic between formal legal texts and the philosophical value of worship independence, thereby ensuring the validity and reliability of the analysis results (Miles et al., 2014).

Results and Discussion

Findings on the concept of istitho'ah in syafi'iyah fiqh literature legal

The research findings indicate that the application of Hajj bailout funds (*dana talangan haji*) in contemporary Indonesian Islamic banking systematically clashes with the foundational pillars of financial capability outlined in classical jurisprudence. Based on our content analysis of Shafi'iyah literature, the legal status of Hajj for a *mukalaf* inherently demands absolute financial independence (*milkun tam*), where the property used must be completely free from any debt liabilities (*fadhilan 'an dainihi*)(al-Malibari, 2016). Classical authorities strictly interpret financial ability through the physical presence of provisions (*zad*) and transportation (*rahilah*) (An-Nawawi, 2016). Crucially, Shafi'iyah scholars emphasize that wealth allocated for Hajj must be fadhilan 'an dainihi meaning it represents net surplus assets remaining after clearing all personal debts and basic living liabilities (al-Ramli, 1984). The requirement of milkun tam (absolute, unencumbered ownership) dictates that assets must be liquid or easily disbursed, rendering any reliance on credit or structural debt for Hajj registration an anomaly to pure financial independence. However, data on current banking practices reveals a distinct structural anomaly. By utilizing the combined Qardh and Ijarah contracts under DSN-MUI Fatwa Number 29 of 2002, financial institutions artificially manufacture a customer's administrative eligibility. This structural approach effectively bypasses the classical requirement of zad (provisions) and rahilah (transportation) which strictly presupposes the availability of unencumbered, liquid, and real cash surplus (An-Nawawi, 2008).

Moving into a philosophical analysis of Hajj financing in Indonesia, the introduction of modern banking products like dana talangan creates a deep conceptual paradox (Ikhsanti, 2025). While these schemes satisfy banking formalities on paper, they fundamentally shift the spiritual landscape of the pilgrimage (Al-Ghazali, 2014). Hajj is philosophically designed as a long process of riyadhah (spiritual training) through patience, saving, and gradual material sacrifice (Al-Ghazali, 2014). Forcing an immediate departure by binding oneself to a third-party debt instrument replaces genuine material detachment with corporate financial attachment (Sagara, 2026). Consequently, this credit-driven shortcut potentially threatens tuma'ninah (inner peace) and reduces a transformative sacred journey into a commercialized banking transaction (Alfiyanti et al., 2023).

The position of property in the hajj is seen as a physical instrument that supports the perfection of spiritual rituals (al-Zuhaili, 1985). The scholars emphasized that the property must be owned absolutely (milkun tam) before a person is declared obliged to leave (al-Ramli, 1984). This sparked a discussion about whether debt schemes can replace the position of real assets in qualifying for affordability. Textually, the majority of Shafi'iyah literature requires the availability of cash costs or assets that are easily disbursed, so the existence of debt for Hajj registration is seen as an anomaly to the concept of pure financial independence (An-Nawawi, 2016).

Entering the contemporary era, the interpretation of zad wa rahilah has expanded its meaning along with the state quota system. The ability is no longer just about having the money to depart, but also includes legal access to a limited hajj quota. In this context, banking instruments try to enter by offering financing solutions so that pilgrims can immediately secure portion numbers. However, dialectics arise when access to the quota is obtained through a debt scheme that is essentially contrary to the principle of excess property required in the muktabar books (Musa & Man, 2022).

Modern fiqh literature begins to dissect whether quota access can be considered as part of the element of ability that justifies all forms of financing. If referring to the dignity of the hajj in Shafi'iyah, istitho'ah should be a condition that relieves (*takhfif*), not a burden that triggers new difficulties (*masyaqqah*) (al-Shatibi, 1997). The use of debt schemes to prematurely pursue portion numbers is considered to blur the line between people who are truly able in real terms and those who are only able administratively through third-party assistance (Jini, 2022). The dialectic of the concept of istitho'ah shows that there is a pull between the idealism of classical texts and the reality of modern bureaucracy. Shafi'iyah scholars consistently keep Hajj from becoming a financial burden that disrupts the economic stability of pilgrim families. Therefore, imposing departure through the debt route even on the grounds of securing quotas requires an in-depth review so as not to reduce the essence of the ability that has been outlined by the ancestors of the mujtahid in the Shafi'i madhhab.

This dialectic carries heavy implications for the contemporary meaning of istitho'ah. The institutionalization of Hajj bailout funds has effectively distorted istitho'ah from a substantive, real-asset capability into an artificial, administrative compliance metric (Musa & Man, 2022). In the modern regulatory landscape, istitho'ah is no longer viewed through the classic lens of a relieving ease (*takhfif*) granted by God to those genuinely able (al-Shatibi, 1997), but is instead manufactured through credit liquidity to bypass national quota bottlenecks (Jini, 2022). This artificial expansion not only triggers systemic inflation in national queues but strips the ritual of its foundational spirit of self-sufficiency and total devotion (Sagara, 2026).

Analysis of Hajj Financing in Indonesia: Philosophical Perspective

The documentary analysis conducted in this study reveals that the institutionalization of Hajj bailout financing (dana talangan haji) in Indonesia has fundamentally reconfigured the philosophical meaning of istitho'ah (financial capability) as understood in classical Shafi'i jurisprudence. The comparative examination of DSN-MUI Fatwa Number 29/DSN-MUI/VI/2002, which permits the integration of Qardh and Ijarah contracts for Hajj registration, with authoritative Shafi'i legal texts demonstrates a conceptual shift in the criterion of financial capability. Classical jurists consistently define istitho'ah as requiring milkun tam (absolute ownership) and fadhilan 'an dainihi (wealth exceeding existing liabilities), indicating that the obligation to perform Hajj arises only when an individual possesses sufficient independent assets free from debt obligations (al-Malibari, 2016; al-Ramli, 1984). In contrast, the analyzed financing mechanism enables prospective pilgrims to satisfy the administrative requirements for Hajj registration through debt-based financial arrangements rather than through independently accumulated assets. This finding indicates that contemporary financing practices have transformed istitho'ah from a substantive legal condition into an administratively constructed form of financial eligibility.

The analysis further demonstrates that this transformation extends beyond legal and financial dimensions into the philosophical purpose of Hajj itself. Classical Shafi'i literature portrays the preparation of zad (provisions) and rahilah (means of transportation) as an integral component of riyadhah, namely a gradual process of spiritual discipline characterized by patience, financial responsibility, and voluntary sacrifice before undertaking the pilgrimage (An-Nawawi, 2016; Al-Ghazali, 2014). However, the examined financing model alters this sequence by allowing access to the Hajj waiting list through credit facilities before the pilgrim has attained genuine financial independence. From a philosophical perspective, the findings suggest that the emphasis shifts from cultivating readiness through personal sacrifice toward obtaining administrative access through financial instruments. Consequently, the traditional relationship between economic capability and spiritual preparedness becomes progressively redefined within the contemporary institutional framework.

The documentary evidence also indicates that the regulatory reforms introduced through Law Number 8 of 2019 represent a significant normative response to these philosophical and ethical concerns. The legal requirement that the initial Hajj deposit must originate from the prospective pilgrim's own legitimate financial resources reflects an effort to restore the substantive meaning of istitho'ah as a condition of genuine financial capability rather than administrative eligibility generated through financing schemes (Kementerian Agama Republik Indonesia, 2020). Furthermore, the restriction of Hajj bailout financing can be interpreted as a policy intended to address what this study conceptualizes as a queue bubble, namely a condition in which debt-assisted registrations expanded the waiting list beyond the capacity generated by naturally qualified pilgrims. Within this framework, Law Number 8 of 2019 functions not merely as an administrative reform but as an attempt to realign Indonesia's Hajj governance with the ethical and teleological objectives of classical Islamic jurisprudence, where the obligation to perform Hajj is inseparable from authentic financial independence and individual readiness (Musa & Man, 2022; Sagara, 2026).

Implications of hajj financing on the meaning of istitho'ah

The research findings demonstrate that the massive implementation of Hajj bailout schemes in Indonesia carries profound implications, primarily by altering the ontological and spiritual substance of *istitho'ah*. Philosophically, Hajj represents the ultimate manifestation of servitude, integrating an absolute synthesis of physical, mental, and financial readiness (Al-Ghazali, 2014). Our analysis reveals that the deepest essence of this worship prioritizes complete personal independence and a rigorous process of individual struggle. Within this analytical framework, *istitho'ah* cannot be reduced to a mere nominal balance in a banking ledger; rather, it constitutes an intensive process of *riyadhah* (spiritual practice) forged through the long-term patience of saving and sacrificing halal wealth accumulated over time. The findings show that the introduction of instant credit models structurally erodes the value of this spiritual struggle, transforming a sacred, life-altering journey into a superficial administrative transaction driven by corporate mechanisms.

Through a deeper critical deconstruction, our findings confirm that using third-party debt instruments to prematurely secure Hajj portion numbers obscures the core religious principle of property sacrifice (*tadhkiyah al-mal*). Ideally, a pilgrim should present themselves before the Creator in a state of absolute detachment from material weights and worldly financial liabilities (Al-Ghazali, 2014). The institutionalization of Hajj bailouts creates a glaring spiritual paradox: while the pilgrim takes physical steps to draw closer to the *Khaliq* (Creator), they simultaneously bind their financial future to a *makhluq* (financial institution). This structural contradiction risks destabilizing the pilgrim's *tuma'ninah* (inner peace), which serves as the psychological anchor for performing the sacred rituals in the holy land.

Furthermore, this study highlights how the ease of access to credit lines traps the Indonesian congregation within banking formalities while systematically bypassing soul readiness. Forcing the performance of Hajj through structural debt reduces genuine, self-reliant *istitho'ah* into a manufactured, artificial capability. Philosophically, true independence in Hajj symbolizes a profound release from human dependence on worldly entities and an absolute reinforcement of *tawakkal* (trust in God) (Sagara, 2026). When Hajj registration is initiated through a debt obligation, the value of financial independence required by sharia loses its underlying substance and becomes highly compromised.

This shift in worship values heavily impacts the orientation of modern pilgrims, forcing them to prioritize the instant achievement of "getting to the goal" over the transformative spiritual "process to the goal". Because Hajj symbolically represents a minor death (*al-mawt al-asghar*), the pilgrim is required to leave all worldly burdens behind (Sagara, 2026). Carrying a commercial debt burden on this sacred journey directly violates the spirit of *al-firaq* (separation from worldly attachments). The research confirms that Hajj bailout schemes facilitate a consumptive, fast-track attitude toward worship, which slowly deadens the pilgrim's sensitivity toward the spiritual merits of patience, hard work, and the rigorous collection of pure, unencumbered provisions.

In conclusion, our deconstruction reiterates that the condition of *istitho'ah* is originally an expression of Allah's mercy to ensure His servants are never unjustly burdened. Forcing a premature departure through credit channels merely to bypass national queue bottlenecks constitutes a direct neglect of the divine wisdom behind the capability requirement. Therefore, any future reconstruction of national Hajj policies must actively restore the ethical dignity of this ritual. Policies must be re-aligned to view Hajj as a sincere, independent sacrifice, enabling pilgrims to achieve a truly *mabrur* Hajj through mature psychological readiness and complete freedom from worldly financial encumbrances that distort the sincerity of devotion.

Conclusion

Based on the multi-layered analysis presented in this study, it can be concluded that the implementation of the Hajj bailout fund (dana talangan haji) in Indonesia creates a profound structural and philosophical friction with the core principles of Islamic jurisprudence. Legal-normative findings within the Shafi'iyah tradition underscore that financial capability for Hajj cannot be separated from the prerequisite of milkun tam (absolute ownership) and fadhilan 'an dainihi (net surplus assets free from debt liabilities). Although the DSN-MUI Fatwa Number 29 of 2002 initially established a formal-legal gateway via hybrid Qardh and Ijarah contracts, current regulatory transitions under Law Number 8 of 2019 confirm a necessary shift in state policy to restrict these credit instruments to restore fairness in the national queue system and safeguard the financial stability managed by BPKH.

Philosophically, this study demonstrates that the massive reliance on Hajj bailouts has altered the ontological meaning of istitho'ah, shifting it from a substantive, real-asset capability into a manufactured administrative compliance metric. The ease of instant credit lines offered by modern Islamic financial institutions effectively replaces the transformative spiritual journey of riyadhah (patience, long-term saving, and sacrifice) with a fast-track consumer transaction. Embarking on the pilgrimage while bound to long-term corporate debt directly compromises tuma'ninah (inner peace) and violates the spirit of al-firaq (detachment from worldly ties).

Ultimately, this research emphasizes that istitho'ah is an expression of divine mercy designed to ease the servant's burden, meaning that forcing a departure through third-party debt liquidity strips the ritual of its essential spiritual independence and sacred dignity. This study recommends that the Ministry of Religious Affairs and BPKH continue to enforce strict monitoring over Hajj registration financing to preserve the integrity of sharia independence. For future research, it is recommended to conduct an empirical, field-based study on the post-departure financial stability and psychological well-being of pilgrim families who utilized these bailout schemes.

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