



MIZAN: JOURNAL OF ISLAMIC LAW

P-ISSN: 2598-974X. E-ISSN: 2598-6252

Vol. 8 No. 1 (2024), pp. 12-30

<https://www.jurnalfai-uikabogor.org/index.php/mizan/index>

ISTITHA'AH HEALTH IN THE FIQH PERSECTIVE HAJJ WORSHIP: Viewed in the *Maslahah* Mursalah Aspect'

Ade Irma Imamah, Amrin, Muhammad Faishal Hidayat

Universitas Ibn Khaldun Bogor

Politeknik Negri Medan

Abstract:

This research aims to examine how *Istitha'ah* Health in the Hajj Pilgrimage is viewed in the aspect of *Maslahah mursalah*. This type of research uses a qualitative descriptive approach with normative juridical. The research results show that the Hajj pilgrims' health *Istitha'ah* must be based on the Republic of Indonesia Minister of Health Regulation Number 15 of 2016 by going through a series of health examination programs, including the first stage, second stage and third stage. Apart from that, the government is also implementing a health development program during the waiting period and departure period for Hajj pilgrims. The medical team or health management team for the Hajj pilgrims determines health *Istitha'ah* through a series of health checks. The first stage results in a diagnosis that is categorized as high health risk (*risti*) or not high risk (*non-risti*). The second stage determines the feasibility of *Istitha'ah*. The third stage is used to determine whether the Hajj pilgrims' health status is suitable for departure or not, referring to international aviation safety standards and/or international health regulations. From the perspective of Islamic law and *Maslahah Mursalah*, health guidance, both during the waiting period and during the departure period, is considered *Maslahah Dlaruriyyah*. This is related to providing convenience for fulfilling human needs, in accordance with the main principles in Islam, namely heredity, soul and reason. Thus, collaboration between the government and all elements is needed in efforts to provide outreach to Hajj pilgrims regarding comprehensive health *Istitha'ah*.

Keywords: *Istitha'ah*; Health; *Maslahah Mursalah*

A. INTRODU CTION

The implementation of the Hajj pilgrimage has special requirements that cannot be fulfilled by all individuals (Tunasar, 2013). Therefore, the obligation to perform the Hajj pilgrimage only applies to Muslims who have the ability to fulfill these requirements. The Hajj is a form of worship that involves intense physical activity, so that good physical condition is a must so that the Hajj ritual can be carried out well (Haase, Knut, et al, 2019). In this context, the health of prospective Hajj pilgrims is very crucial, both before departure, during the Hajj, and after returning to Indonesia. Apart

* Manuscript received date: January 18, 2024, revised: February 22, 2024, approved for publication: April 18, 2024

from that, carrying out the Hajj pilgrimage requires excellent physical condition, considering that the pilgrimage process can be quite strenuous and is carried out in extreme weather conditions that are different from the weather in Indonesia. In this regard, in maintaining the safety of the congregation and ensuring that the Hajj pilgrimage is carried out in accordance with Islamic rules.

Istitha'ah is one of the requirements for the implementation of the Hajj, namely the ability of the Hajj pilgrims in physical, spiritual, provision and security aspects to carry out the Hajj without neglecting their obligations to their families (Hulwati, 2022). One important aspect of *Istitha'ah* is health. Therefore, supervision and health checks are very important before prospective pilgrims pay their Hajj expenses. By ensuring the health of prospective Hajj pilgrims, it is hoped that they will be able to carry out the Hajj pilgrimage smoothly and without experiencing significant health problems.

Law Number 8 of 2019 concerning the Implementation of the Hajj and Umrah Pilgrimage states that Hajj pilgrims refer to citizens who are Muslim and have registered to carry out the Hajj pilgrimage in accordance with established provisions. In Article 5 of the law, it is explained that one of the conditions that must be fulfilled by Hajj pilgrims is to meet health requirements. The emphasis on health requirements in Law Number 8 of 2019 shows the importance of the health aspect in the implementation of the Hajj pilgrimage. With this provision, the Government aims to ensure that every Hajj pilgrim has adequate health conditions to face physical and environmental challenges during the Hajj pilgrimage. This is in line with the principle of *Istitha'ah*, namely physical and spiritual abilities which include health, so that pilgrims can carry out their pilgrimage smoothly and without significant risks related to health (Huda et al, 2016). Apart from that, these health requirements can also be a preventive measure to prevent the spread of disease in crowded environments such as during the Hajj pilgrimage. By ensuring that each Hajj pilgrim meets the established health standards, potential health problems can be anticipated and necessary preventive measures taken. Thus, this law reflects the government's commitment to safeguarding the welfare of Hajj pilgrims and ensuring the smooth and safe implementation of the Hajj pilgrimage in accordance with Islamic teachings.

In the context of health, both excellent physical and spiritual abilities are crucial factors that must be considered for prospective Hajj pilgrims. Minister of Health Regulation Number 15 of 2016 regulates the health *Istitha'ah* of Hajj pilgrims. Hajj pilgrims' health *Istitha'ah* is explained as the Hajj pilgrims' ability in terms of health, including physical and mental aspects, which can be measured through health examinations. This aims to ensure that Hajj pilgrims are able to carry out the Hajj pilgrimage in accordance with the guidance of Islamic religious law.

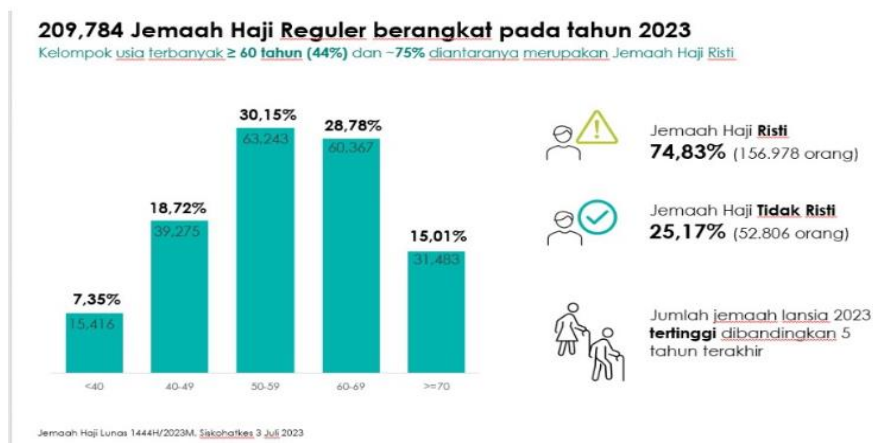
Generally, people understand that Hajj health *Istitha'ah* is the main departure requirement for Hajj pilgrims. Health checks are usually carried out before departure at the Hajj Embarkation Dormitory. This policy is sometimes considered difficult for Hajj

pilgrims to accept, especially if the examination results show that they do not meet the health requirements. Sometimes, the pilgrim's family can respond emotionally to these results. However, if a health examination is carried out before paying off the Hajj Travel Fee (Bipih), the congregation will be more accepting of the results. In fact, in this situation, they still have the opportunity to transfer the Hajj portion to their family members.

Based on the Decree of the Minister of Health of the Republic of Indonesia, it is the main consideration that holding the Hajj pilgrimage does not only require preparation from a religious perspective, but also physical preparation so that the Hajj pilgrimage can take place safely, orderly and smoothly. Health services for Hajj pilgrims include examination, treatment and maintenance of health, with the aim of keeping Hajj pilgrims in good health, including preventing the transmission or spread of disease during the Hajj pilgrimage. In the context of health services, efforts to improve performance are carried out through training for health workers including: (1) increasing technical and medical capabilities related to health services for Hajj pilgrims, (2) mastery of special material such as handling meningitis cases and the Hajj drug formulary, and (3) improving officer performance to create dedicated and responsible officers. Apart from that, the government also carries out health education for Hajj pilgrims with the aim of: (1) increasing understanding of prospective pilgrims about the importance of optimal health conditions in carrying out the Hajj pilgrimage, (2) increasing knowledge regarding health checks of prospective Hajj pilgrims according to the provisions and recording them in the health book Hajj, and (3) make immediate referrals for prospective Hajj pilgrims who are at high risk for further examination.

Implementation of health service activities involves a series of stages, which include regional health services (health checks before departure/pre-hajj and on return/post-hajj), health services at embarkation and disembarkation, health services during flights, health services while in Saudi Arabia, and health services in the flying group. All health services form a continuous and comprehensive process. In this stage, several activities involve pregnancy tests, meningococcal meningitis vaccines, health coaching and education, as well as referral services and disease monitoring. Examinations at embarkation are carried out selectively, including checking the completeness of Hajj health documents. Organizing Hajj health is a national responsibility carried out across departments by the government.

Based on field data, the dominance of elderly Hajj pilgrims in the Hajj pilgrimage every year is a reality that needs serious attention. In 2023, the number of elderly Hajj pilgrims will reach 60 thousand, and in the following year, and in 2024, this number will fall to 45 thousand (Abdul Basir, 2023). This shows that the majority of Hajj participants are a vulnerable age group, who require special attention when carrying out the Hajj pilgrimage.



Data from the Ministry of Health of the Republic of Indonesia in 2023 shows that as many as 156,978 Hajj pilgrims are in the high risk category, or the equivalent of 74.8% of the total Hajj pilgrims (Abdul Basir, 2023). This figure indicates that the majority of Hajj participants have high potential health risks. The factors of advanced age and health conditions that may have deteriorated are the main challenges in ensuring the smooth and safe implementation of the Hajj pilgrimage.

This has an impact on the death rate for Hajj pilgrims during the Hajj pilgrimage in 2023, showing a drastic increase, reaching 64% or 840 people compared to the last five since 2017 (Mahbib, 2023). The condition that shows the dominance of the elderly age group (≥ 60 years) as many as 84.49% of the total Hajj pilgrims is a serious challenge that needs in-depth attention. This data reflects that the majority of Hajj participants are in a vulnerable age range, which has serious implications for health aspects during the Hajj pilgrimage. The main cause of death can be attributed to the number of high-risk Hajj pilgrims and elderly pilgrims who reach 75% of the total Hajj pilgrims. The backlog of elderly Hajj pilgrims due to restrictions on departures in 2022 and the absence of Hajj departures in 2020-2021 is one of the main factors worsening this situation. Fatigue and illness are the main causes of this increase. This increase in death rates indicates the need for increased attention to aspects of health, services and handling emergencies during the journey and implementation of the Hajj pilgrimage, especially for older Hajj pilgrims. Fatigue and illness while in Saudi Arabia are the main causes of death for Hajj pilgrims. The importance of health *Istitha'ah* requirements in reducing the death rate of Hajj pilgrims has become very real. In Islam, *Istitha'ah* is not only considered an obligatory requirement for the Hajj, but is also strongly emphasized during the Hajj itself.

In facing this challenge, policies to strengthen health *Istitha'ah* are urgently needed as an effective control measure. Efforts to ensure that every Hajj pilgrim, especially the elderly, meets the specified health requirements is key to reducing the risk of death during the Hajj pilgrimage in Saudi Arabia.

The importance of *Istitha'ah* for the health of Hajj pilgrims is reflected in efforts to ensure that the overall health condition of Hajj pilgrims, both physically and mentally, meets the established standards. Law Number 8 of 2019 concerning the Implementation of the Hajj and Umrah Pilgrimage, especially Article 5, provides important confirmation regarding the requirements for Hajj pilgrims. One of the main requirements that prospective pilgrims must fulfill is health requirements. With accountable examinations, it is hoped that potential health risks that Hajj pilgrims may face during their Hajj pilgrimage can be identified. Minister of Health Regulation no. 15 of 2016 is the basis for providing optimal health services to Hajj pilgrims from an early age. Through this approach, it is hoped that every Hajj pilgrim has adequate health conditions and is in accordance with the requirements of Islamic law, so that they can carry out the Hajj pilgrimage solemnly and without significant health obstacles. Thus, the concept of *Istitha'ah* for the health of Hajj pilgrims becomes the main focus in determining whether the pilgrims are fit to go or not. Health *Istitha'ah* provides benefits and avoids losses. According to Imam al-Ghazali, *Maslahah* is a concept that provides beneficial value and avoids losses. This is in line with the objectives of sharia which include five things (religion, soul, reason, lineage and property) known as al-Kulliyat ak-Khams (Nasrun Haroen, 1997) (Amir, 2004).

B. METHODE

This research uses descriptive qualitative with normative juridical (Saifudin, 2009). StudyThe focus of this research is to understand the concept of health *Istitha'ah* during the Hajj pilgrimageperspectivefiqh is reviewed in the aspect of *Maslahah mursalah* (Sugiyono, 2012). This research uses library research. The data sources were obtained from literature studies in the form of laws, Fiqh, journals related to the problems studied. Meanwhile, data analysis techniques use data reduction, data display (presenting data), and conclusion drawing or verification.

C. RESULTS AND DISCUSSION

1. The concept of Istiha'ah for Hajj pilgrims from a health perspective

Hajj pilgrims' health *Istitha'ah* refers to the Hajj pilgrims' ability in terms of health, including physical and mental aspects, which are measured through accountable examinations. This aims to ensure that Hajj pilgrims are able to carry out the Hajj pilgrimage in accordance with the instructions of the Islamic religion. Arranging health *Istitha'ah* for Hajj pilgrims has the main objective of ensuring that adequate health checks and necessary health guidance are provided for Hajj pilgrims. With the health examination process, it is hoped that potential health risks that Hajj pilgrims may face during the Hajj pilgrimage can be identified. The health guidance provided within the framework of this *Istitha'ah* covers the physical and mental aspects of the Hajj pilgrims. In this way, Hajj pilgrims can prepare themselves optimally, both in terms of physical

and spiritual health, to face challenges during the journey and carry out the Hajj pilgrimage smoothly. Therefore, health *Istitha'ah* arrangements are not merely administrative in nature, but are a form of systematic effort to ensure the successful implementation of the Hajj pilgrimage in accordance with Islamic religious guidance.

Law Number 8 of 2019 concerning the Implementation of the Hajj and Umrah Pilgrimage, especially Article 5, provides important confirmation regarding the requirements for Hajj pilgrims. One of the main requirements that prospective pilgrims must fulfill is health requirements. This is in line with Minister of Health Regulation Number 15 of 2016 as a technical direction that provides further implementation regarding the health *Istitha'ah* of Hajj pilgrims. Health *Istitha'ah* is explained as the Hajj pilgrim's ability from a health aspect, including both physical and mental, which can be measured through a health examination. This examination is a means of evaluating the health of Hajj pilgrims, so that they can carry out the Hajj pilgrimage in accordance with the provisions of Islamic law.

With these health requirements, the government is trying to ensure that every Hajj pilgrim has adequate health conditions to face physical and mental challenges during the Hajj pilgrimage. This step is also in line with efforts to prevent and control diseases that may arise during the Hajj trip, including steps to prevent the spread of infectious diseases. Thus, Law Number 8 of 2019 and Minister of Health Regulation Number 15 of 2016 provide a strong legal basis and operational framework to ensure that the health of Hajj pilgrims is a priority in organizing the Hajj pilgrimage. This is a proactive step by the government in maintaining the welfare and safety of Hajj pilgrims and optimizing the implementation of the Hajj pilgrimage in accordance with the provisions of the Islamic religion.

The Hajj health *Istitha'ah* regulations stated in Minister of Health Regulation Number 15 of 2016 have the aim of carrying out health checks and providing health guidance to Hajj pilgrims. This is done with the intention that Hajj pilgrims can carry out their worship in accordance with the instructions of Islamic teachings. In article 10 of the regulation, it is explained that Hajj pilgrims who are considered to meet the requirements for health *Istitha'ah* are those who have the ability to participate in the entire process of the Hajj pilgrimage without relying on medicine, medical equipment, or the help of other people, with a level of physical fitness of at least in the adequate category. (Fahham, 2016). On the other hand, Hajj pilgrims who do not fulfill health *Istitha'ah* are caused by several conditions which include clinical conditions that have the potential to be life-threatening, serious mental disorders, illnesses that are difficult to recover from, dangerous infectious diseases, and weak physical conditions due to chronic illnesses.

2. The Process of Determining Health *Istitha'ah* during the Hajj Pilgrimage

Minister of Health Regulation Number 15 of 2016 is the legal basis that regulates Hajj Health *Istitha'ah* with the main aim of ensuring the implementation of health checks and health guidance for Hajj pilgrims. This is done so that Hajj pilgrims can carry out their worship in accordance with the provisions of Islamic teachings. According to article 10, Hajj pilgrims who are determined to meet the health *Istitha'ah* requirements are Hajj pilgrims who have the ability to participate in the Hajj pilgrimage process without the help of medicine, equipment and/or other people. The congregation's physical fitness level must be at least in the sufficient category. This means that they are expected to be able to carry out the Hajj pilgrimage without dependence on drugs or significant health aids, and be able to carry out physical activities with an adequate level of fitness. However, the article also stipulates conditions that could cause the congregation not to fulfill health *Istitha'ah*.

Article 10 in the Minister of Health Regulation Number 15 of 2016 which regulates Hajj health *Istitha'ah* provides a clear basis regarding the criteria for Hajj pilgrims who meet the health requirements to perform the Hajj. Fulfilling the health *Istitha'ah* requirements is the key to ensuring that Hajj pilgrims can carry out the Hajj pilgrimage in accordance with the guidance of Islamic teachings. The importance of the health *Istitha'ah* category which includes the ability to participate in the Hajj pilgrimage process without the help of medicine, tools and/or other people, with a level of physical fitness that is at least sufficient, emphasizes the holistic aspect of health. Hajj pilgrims are expected to be able to carry out various physical activities required for the Hajj pilgrimage, without relying significantly on external assistance.

Meanwhile, conditions that are reasons for not fulfilling health *Istitha'ah* are also regulated in detail. These conditions, such as life-threatening clinical conditions, serious mental disorders, difficult-to-cure illnesses, dangerous infectious diseases, and physical weakness due to chronic illnesses, reflect a deep understanding of the health risks that can occur during the Hajj journey. The continuation of the implementation of these articles is the importance of a comprehensive health examination before departure. This examination is not just an administrative formality, but rather a preventive step to identify potential health risks early on. Thus, health *Istitha'ah* requirements are not only a formal requirement, but also a strategy to maintain the health and safety of Hajj pilgrims during the Hajj pilgrimage.

The first to third stages of health examination involve anamnesis, physical examination, supporting examinations, diagnosis, determining the level of health risk or airworthiness, as well as recommendations/suggestions/follow-up plans, forming a comprehensive framework for assessing the health condition of prospective Hajj pilgrims. However, to ensure holistic health *Istitha'ah*, expansion of the examination component is a must.

The addition of examination components, such as mental health, cognitive health, and activity daily living (ADL) health, provides a more complete and in-depth dimension regarding the capabilities of prospective Hajj pilgrims (Jahan, Ishrat, et al., 2023). This reflects the understanding that the Hajj pilgrimage is not only physical, but also involves spiritual, mental aspects and the ability to carry out daily activities, namely First, Mental Health: Mental health assessment is important because the mental health of prospective Hajj pilgrims can influence the implementation Hajj. This evaluation can include psychological, emotional and social aspects, so that a comprehensive picture of the mental well-being of prospective Hajj pilgrims can be obtained. Second, Cognitive: Cognitive examination involves assessing the cognitive abilities of prospective Hajj pilgrims, such as memory, comprehension and situational judgment. This is important to ensure that prospective Hajj pilgrims can properly understand the instructions and directions during the journey and during the Hajj pilgrimage. Third, Health Activity Daily Living (ADL): Assessment of prospective Hajj pilgrims' ability to carry out daily activities, such as bathing, dressing and eating, provides further insight into their independence and dependence on the help of others. By adding these components, health examinations become more holistic and in accordance with the concept of health *Istitha'ah* which includes physical and non-physical aspects. This helps ensure that prospective pilgrims not only meet the physical requirements, but also have sufficient mental readiness and independent abilities to carry out the Hajj pilgrimage well.

The *Istitha'ah* Health Policy in the second stage must comply with the provisions that are used as requirements for repayment of Hajj Travel Costs (Bipih), after confirmation of the departure of the Hajj pilgrims in the current year has been stated. This second stage of examination is carried out by the Health Organizing Team at the Regency/City level, which can be carried out at community health centers and/or hospitals. At this stage, the health administration team needs to ensure accuracy in assessing the four criteria for health *Istitha'ah* which include *Istitha'ah*, no *Istitha'ah*, *Istitha'ah* with assistance, or temporary *Istitha'ah*. At this stage, it is determined whether a pilgrim fulfills or does not fulfill the health *Istitha'ah* requirements. The second stage of examination steps involve: Anamnesis, Physical Examination, Supporting Examination, Diagnosis, Determining the Level of Health Risk, Recommendations for Follow-up Plans, Marking of Wristbands for Hajj Pilgrims. This second stage aims to ensure that the departing Hajj pilgrims have met the specified health requirements and are ready to carry out the Hajj pilgrimage. The entire process is carried out in accordance with applicable clinical standards and ethical codes. This determination is crucial because it will affect the feasibility of the Hajj pilgrims in paying the Hajj Travel Costs (PM Kes No. 15 of 2016).

Hajj pilgrims who receive recommendations for *Istitha'ah* with assistance or temporary *Istitha'ah* in this second stage still have to undergo further health checks at the final stage to assess their fitness to fly. This shows that decisions regarding health *Istitha'ah* are not final at the second stage, but still require further evaluation at the next

stage. The importance of being careful in determining health *Istitha'ah* in this second stage is not only related to administration, but also concerns the welfare and safety of the Hajj pilgrims during the Hajj pilgrimage. Thus, the implementation of this policy must consider health and safety aspects as a whole to ensure that Hajj pilgrims who pay *Bipih* truly meet the necessary health requirements.

After going through the second stage of the *Istitha'ah* Health policy, the continuation of health checks at the final stage is a crucial step to assess the suitability of flying for Hajj pilgrims (PM Kes No. 15 of 2016). At this stage, the final health examination is the main determinant of whether the pilgrims can continue their journey to the holy land or not. The health *Istitha'ah* criteria that have been established in the second stage, such as *Istitha'ah*, no *Istitha'ah*, *Istitha'ah* with assistance, or temporary *Istitha'ah*, still need to be re-evaluated.

This final health examination is carried out to ensure that the health condition of the Hajj pilgrims still meets the requirements to carry out the Hajj pilgrimage optimally and safely. This process includes a more detailed assessment of the physical, mental and emotional health conditions of the Hajj pilgrims. This third stage is carried out to determine the health status of the Hajj pilgrims as fit or unfit to fly which is carried out by the PPIH Embarkation Health Sector at Embarkation when the Hajj pilgrims are approaching departure (PM Kes No. 15 of 2016). The third stage of examination includes: 1) Anamnesia: 2) physical examination. 3) supporting examination: 4) Diagnosis: 5) determination of flightworthiness; 6) recommendations/suggestions/follow-up plans. Then, at each stage of the examination, there are also stages of *istithaah* development, the health of the Hajj pilgrims during the waiting period and also guidance on the health *istuthaah* of the Hajj pilgrims during the departure period. Because it is at these stages that Hajj pilgrims receive monitoring, examination, and guidance and direction to maintain health stability until the Hajj pilgrims are fit to fly and depart.

This evaluation aims to ensure that Hajj pilgrims not only meet health requirements at the start of registration, but also remain in good health until departure. The final decision after the final stage of the health examination will determine whether the Hajj pilgrims are declared fit to fly or not. If conditions are discovered that require special attention or affect the pilgrim's ability to perform the Hajj pilgrimage, corrective action or medical recommendations can be given. Thus, the *Istitha'ah* Health policy in the second stage and its continuation until the final stage reflects the government's commitment to maintaining the health and safety of Hajj pilgrims. This is in line with the principles of Islamic law which emphasize the importance of health *Istitha'ah* in carrying out the Hajj pilgrimage.

3. Draft Determination of Health *Istitha'ah* in the Hajj in the *Maslahah Mursalah* Aspect

Referring to Islamic fiqh, *istithaah* (health eligibility) is indeed considered as one of the components of the "obligatory requirements" in performing the Hajj (M. Zuhri, 1996). Therefore, the results of the second stage of the health examination using the term "fulfilling the Hajj pilgrims in achieving health *istithaah* with the required principles of Islamic fiqh" or "not fulfilling the requirements" for health *istithaah* are very relevant. The coaching program for the welfare of Hajj pilgrims is designed to provide maximum benefit or benefit. Health coaching is divided into two types, namely health coaching during the waiting period (coaching towards *istithaah*) and health coaching during the departure period (coaching to strengthen health *istithaah*), namely:

First, Health coaching during the waiting period (coaching towards *istithaah*) includes a focus on the waiting period before the departure of the Hajj pilgrims, involves a series of activities and information aimed at preparing the Hajj pilgrims' health condition towards an optimal level of *istithaah*, this coaching includes education about health, disease prevention, as well as healthy practices while waiting for departure. In general, Hajj guidance is: 1) Hajj health guidance activities, which is a process that involves providing communication, information and health education in a planned, systematic and continuous manner to Hajj pilgrims. The aim of this assistance is so that Hajj pilgrims are able to adapt to their health conditions and the environment around them, with the aim of maintaining and improving their health during the Hajj pilgrimage. The forms of these activities include health counseling, increasing physical fitness, increasing community-based health efforts, home visits. 2) Hajj health education activities which include outreach activities carried out by clinics/health centers or mass organizations as well as dissemination of information and use of mass media (Technical Instructions Minister of Health Regulation No. 15 of 2015).

Second, Health coaching during the departure period (coaching in the context of strengthening health *istithaah*) includes carrying out in the period before the departure of the Hajj pilgrims involving determining the special steps needed to ensure the pilgrims depart in optimal health conditions. This coaching includes additional health evaluations, increasing readiness physical, as well as practical suggestions that can be implemented by Hajj pilgrims. Health guidance for Hajj pilgrims during the departure period is carried out by determining based on three categories, namely: 1) fulfilling the Hajj health *istithaah* requirements, 2) fulfilling the Hajj health *istithaah* requirements with assistance, and 3) not fulfilling the Hajj health *istithaah* requirements temporarily. The function and benefit of health coaching during the waiting period and departure period is to optimize the health condition of the Hajj pilgrims until the time of departure. If a Hajj pilgrim has a chronic disease, the guidance aims to manage the disease until it reaches a stable condition so that it can depart (Technical Instructions Minister of Health Regulation No. 15 of 2015).

Health guidance during departure pays special attention to determining the steps necessary to ensure that each Hajj pilgrim meets the specified health requirements. This includes additional examinations, health evaluations, and practical suggestions for maintaining health during the Hajj pilgrimage. This coaching program was implemented with the aim of improving the health of Hajj pilgrims and ensuring the continuity of their health during the Hajj pilgrimage.

In the perspective of Islamic law, based on the concept of *Maslahah mursalahah*, health care for Hajj pilgrims during the waiting period and departure period is considered *Maslahah dlaruriyyah*. *Maslahah dlaruriyyah* refers to interests or benefits that are urgent and essential for the survival or sustainability of human life. In this case, health guidance is considered an action that supports the fulfillment of basic needs and protects the welfare of Hajj pilgrims. Management of chronic diseases and improving the health conditions of Hajj pilgrims is an integral part of this development effort. By providing appropriate assistance and care, health guidance during the waiting period and departure period is expected to provide significant benefits for Hajj pilgrims and ensure that they can carry out the Hajj pilgrimage in good health condition.

The concept of *Maslahah daruriyah* in Islamic thought refers to benefits related to the basic needs of humanity, both in this world and in the afterlife (Mun'im A. Sirri, 1995). *Maslahah daruriyah* is a benefit whose existence is very necessary for human life, so that human life is considered incomplete without one of these five principles. These principles, also known as "Maqasid al-Shariah" (Aims of Islamic Law), include: Religion (Din), Soul (Nafs), Intellect (Aql), Heredity (Nasl), Property (Maal) (Al-Ghazali, 1999).

Maintaining and fulfilling these five principles is considered a necessity (*daruriyah*) in Islam (Bashir, 1999). All efforts that directly guarantee or lead to the existence of these five principles are considered good and are an integral part of the principles of Islamic life. By safeguarding and maintaining these five principles, it is hoped that humanity can achieve a balanced and meaningful life, both in this world and in the afterlife. The benefits of *daruriyah* can also inform public policies and social actions taken by governments and Islamic communities. Maintenance of *Maslahah daruriyah* ensures justice, security and prosperity in society, in line with ethical principles and Islamic values (Asafri Jaya, 1996). The concept of a coaching program for the welfare of Hajj pilgrims is designed to provide maximum benefit or benefit. Health coaching is divided into two types, namely health coaching during the waiting period (coaching towards *istithaah*) and health coaching during the departure period (coaching to strengthen health *istithaah*).

This concept reflects the basic principles in Islamic teachings, where protecting and preserving one of the five principles of human existence, namely mental safety (health), is considered a top priority. Actions that can directly cause the destruction or disappearance of any of the five principles are considered bad, and therefore, Allah forbids them. In Islam, Allah's prohibitions (*haram*) often refer to actions or behavior

that can harm or threaten these five principles. Actions This is because these actions are not only in accordance with religious rules, but also in accordance with the principles of justice, ethics and the welfare of humanity. Compliance with Allah's prohibitions can produce a balanced, safe and just life in an Islamic society.

According to Imam al-Ghazali, several conditions regarding benefits can be used as a basis for arguments in adopting a law. These conditions are that benefits must be in line with sharia principles (Amir Syarifuddin, 1999). Benefits must not conflict with existing Islamic legal texts. And benefit must be included in the category of *Maslahah* dharuri, both for personal interests and for humanity at large. By applying these conditions, al-Ghazali emphasized that the benefit that is the basis for drawing a law must be in harmony with sharia principles, not deviate from the provisions stipulated in the sharia text, and be essential or necessary for the interests of individuals and the people. humanity as a whole (Al-Ghazali, 1997). Thus, health development, both during the waiting period and the departure period, is considered a *Maslahah* dlaruriyyah (Nasrin, 1996). This is related to providing convenience for fulfilling human needs, in accordance with the main principles in Islam, namely heredity, soul and reason.

4. Towards the Success of the Hajj Pilgrimage through Health *Istitha'ah*

In digging deeper into the concept of health *Istitha'ah* for Hajj pilgrims, the essence of the health perspective includes the principles of caution and thorough preparation before entering the stage of carrying out the Hajj pilgrimage. The government, together with health institutions, plays a crucial role in ensuring that every Hajj pilgrim meets the specified health requirements. A comprehensive examination must be the first step to assess and overcome potential health risks (Endang, 2020).

In this context, the importance of collaboration between ministries of health and religion becomes increasingly apparent. Both parties need to work together in developing policies and programs that support the concept of health *Istitha'ah*, both in the aspects of disease prevention, increasing health capacity, and emergency health services during the Hajj pilgrimage (Niu Song, 2019).

Education and outreach to Hajj pilgrims are also the main pillars in implementing the concept of health *Istitha'ah* (Fajar, et al, 2023). Universities, community organizations and religious educational institutions have a strategic role in providing understanding and education regarding the importance of maintaining health as part of religious obligations. Organizing seminars, scientific discussions and other educational programs need to be intensified to equip Hajj pilgrims with adequate knowledge and awareness (Memish, Ziad A., et al 2014). Apart from that, the involvement of the private sector, especially business actors in the Hajj and Umrah sector, in supporting health *Istitha'ah* can have a significant positive impact. Collaboration between the government and the private sector in providing health services, transportation and accommodation

that support health will create a conducive environment for the smooth implementation of the Hajj pilgrimage.

By gathering support from various parties, including government, society, universities, community organizations and the private sector, the concept of health *Istitha'ah* for Hajj pilgrims is not just a formal regulation, but is the main foundation in ensuring the success and safety of the Hajj pilgrimage. In this way, Indonesia can continue the tradition of holding a safe, healthy and meaningful Hajj pilgrimage for all Hajj pilgrims.

5. Building Health *Istitha'ah* with Shared Responsibility

It is important to understand that health *Istitha'ah* is not solely the responsibility of the government or health institutions, but is a joint effort of all elements of society. Universities, as centers of knowledge, have an important role in formulating policies that are more research-based and developing the concept of health *Istitha'ah* (Shafi, Shuja, et al., 2008).

The role of social organizations is also no less significant. They can be effective outreach agents, spreading information and understanding about the importance of maintaining health in the context of the Hajj pilgrimage. Socialization activities, health training and assistance for Hajj pilgrims before departure are concrete steps that can be taken by these groups.

The Hajj and Umrah Guidance Group also needs to play an active role in providing health guidance. With a friendly approach and deep understanding of religious values, they can provide health guidance that is appropriate to the context of the Hajj pilgrimage, ensuring that Hajj pilgrims are able to carry out the rituals of worship comfortably and smoothly (Ridda, Iman, et al, 2021).

Meanwhile, the involvement of the private sector or business actors in the Hajj and Umrah sector is key in providing facilities and services that support health. Investments in health infrastructure, comfortable transportation and accommodation that meets health standards will be a positive contribution to the overall Hajj experience. No less important, in-depth scientific studies and research need to continue to be encouraged. The Ministry of Health and the Ministry of Religion need to encourage collaboration with academics and professionals in the health sector to produce new findings that can improve our understanding of health *Istitha'ah*. Thus, *Istitha'ah* for the health of Hajj pilgrims is not just a formal requirement, but a holistic concept that includes shared responsibility. In embracing this concept, Indonesia can make history as a country that organizes the Hajj pilgrimage which is not only safe and orderly, but also upholds the values of health and welfare of all Hajj pilgrims.

6. Facing Future Challenges: Strengthening Health *Istitha'ah* as a Top Priority

As time goes by, it is important to continue to develop the concept of health *Istitha'ah* in response to the dynamics and challenges that may arise. The increase in the number of elderly Hajj pilgrims indicates the need to adapt strategies to deal with increasingly complex health needs.

The government, together with health institutions, needs to design proactive policies to support the health of Hajj pilgrims. This involves increasing the capacity of health services at all stages of the Hajj journey, including expanding or revising regulations derived from Minister of Health Regulation No. 15 of 2016 is a step that can be taken to discuss in more detail the health criteria that are permitted to pay off Hajj Travel Costs (*Bipih*), as well as strengthening the health *Istitha'ah* provisions. These regulations can provide more detailed and comprehensive guidance for Hajj health providers, Hajj pilgrims and related parties.

Several points that can be integrated or detailed in these derivative regulations include: 1) More detailed health *Istitha'ah* criteria. Provides more detailed and specific guidance regarding the health criteria that qualify for repayment of *Bipih*, including physical, mental and other general health parameters. 2) More Specific Health Examination Procedures: Clarify the stages and procedures for health examinations, including assessment criteria and additional examinations that need to be carried out at each stage. 3) Criteria for Determining Health *Istitha'ah*: Provides more detailed guidelines regarding determining whether a Hajj pilgrim can be declared *Istitha'ah*, not *Istitha'ah*, *Istitha'ah* with assistance, or temporary *Istitha'ah*. 4) Obligations of Related Parties: Determine the responsibilities and roles of each related party, including the health administration team, hospitals and community health centers in carrying out health examination procedures and health *Istitha'ah* assessments. 5) Correction Mechanism and Medical Recommendations: Explains the mechanism for improving or correcting health conditions that require medical action or certain recommendations before departure. 6) Involvement of Health and Religious Experts: Accommodate the involvement of health and religious experts in the health *Istitha'ah* assessment process to ensure that policies are in accordance with health aspects and Islamic law.

Policy synergy between the Ministry of Religion and the Ministry of Health is the main key in ensuring the success of policy implementation, especially related to health aspects in the implementation of the Hajj pilgrimage. The importance of this synergy includes several main aspects, namely 1) Integration of Health and Sharia Requirements which includes the Health Aspect, namely the Ministry of Health's role in compiling strict health requirements and ensuring that each Hajj pilgrim meets the health standards required to carry out the Hajj and the Sharia Aspect, namely the Ministry of Religion has an important role in ensuring that these health requirements comply with the principles of Islamic law. 2) Joint Policy Development in the form of Policy Preparation: The Ministry of Religion and the Ministry of Health can work together in

preparing integrated policies, accommodating health and sharia aspects for the benefit of Hajj pilgrims and Protocol Development: The preparation of integrated protocols and implementation guidelines can be the result of collaboration between both ministries. 3) Implementation of Health Examinations, namely the Health Organizing Team: The involvement of health organizing teams from both ministries can ensure that health examinations are carried out holistically and in accordance with sharia requirements and Hajj Health Center: Synergy can be implemented at the Hajj health center, where various medical and religious teams can working together to assess the health of Hajj pilgrims. 4) Education and Outreach in the form of Socialization of Health Requirements: The two ministries can collaborate in organizing education and outreach programs for prospective Hajj pilgrims regarding health requirements and aspects of sharia that need to be taken into account and Training for Health Workers: Conduct joint training for health workers so they can understand and implementing sharia principles in health services to Hajj pilgrims. 5) Joint Monitoring and Evaluation, namely in the form of Implementation Evaluation: Both ministries can carry out joint evaluations of policy implementation and health checks, and make improvements if necessary. Congregation Health Monitoring: Synergy in monitoring the health of Hajj pilgrims during their journey in Saudi Arabia can increase the effectiveness of handling health conditions. In this way, the strong commitment of the two ministries in implementing joint policies will provide confidence and optimal protection for the health of Hajj pilgrims, while still complying with the principles of Islamic law in the implementation of the Hajj pilgrimage.

Apart from that, initial health checks, monitoring during worship, and emergency measures. An integrated health information system can be an effective tool to ensure real-time access to health information for Hajj pilgrims (Zulfa, 2017). Continuing health education needs to be strengthened. Collaboration between the government, universities and community organizations in organizing seminars, workshops and educational campaigns will play a key role in increasing awareness and understanding of the importance of health during the Hajj pilgrimage.

Another challenge is overcoming the impact of the pandemic and the spread of infectious diseases. Strict health protocols and an efficient health surveillance system need to be implemented to prevent the spread of disease among Hajj pilgrims (Memish, Ziad A., et al, 2023). Continued research and innovation in the health sector will also help identify new solutions and strengthen preventive measures. Strengthening health *Istitha'ah* is not just the task of one party, but rather a joint struggle to create a healthy, safe and meaningful Hajj pilgrimage environment. With the commitment and cooperation of all parties, Indonesia can emerge as a pioneer in implementing the concept of health *Istitha'ah*, providing an example for other countries in achieving successful Hajj pilgrimages in accordance with religious teachings.

7. Moving Forward: Transforming Health *Istitha'ah* as a Foundation for Healthy Community Development

As a country with a long tradition of hosting the Hajj pilgrimage, Indonesia has a big responsibility to continue to develop and strengthen the concept of health *Istitha'ah* as the main foundation for implementing a quality Hajj pilgrimage. In the future, there needs to be a deep transformation so that health *Istitha'ah* does not just become a formal rule, but becomes a value that is applied in everyday life.

Strengthening cross-sector collaboration is important to achieve this goal. The government, health institutions, community organizations and the private sector need to continue to work together in designing policies and implementation strategies. Health education, both at the academic and social levels, must be an inseparable part of the journey of every prospective Hajj pilgrim.

Improved health facilities and information technology

is also an important step. Health system integration that allows various health services to coordinate with each other will help increase the efficiency and effectiveness of services (Wahyuni, et al, 2023). The use of technology to monitor the health of Hajj pilgrims, including mobile applications and online platforms, will facilitate faster access to information and health services. Proactive steps in overcoming potential health risks, especially in the midst of a global pandemic situation, are the basis for the sustainability of health *Istitha'ah*. Strict health protocols, increased preparedness, and investment in medical research will ensure that Indonesia continues to be a pioneer in maintaining the health of Hajj pilgrims.

The importance of community involvement in implementing the concept of health *Istitha'ah* cannot be ignored. The spirit of mutual cooperation, concern for personal and fellow health, as well as increasing awareness of the positive impact of health on the implementation of the Hajj pilgrimage will create a healthier and better quality society. By viewing the concept of health *Istitha'ah* as a long-term investment for the welfare and development of society, Indonesia can move forward as a country that provides an example in carrying out a healthy, safe and meaningful Hajj pilgrimage. With the cooperation and commitment of all parties, Indonesia can open a new chapter in the tradition of holding the Hajj pilgrimage which is full of meaning and provides real benefits for all Muslims.

D. CONCLUSIONS

Strengthening health *Istitha'ah* policies is not solely the responsibility of the Government, but also requires active involvement from various elements of society. These groups include universities, community organizations, Hajj and Umrah Guidance Groups, as well as business actors in the Hajj and Umrah sector. The public can be involved in various activities such as outreach, seminars, scientific discussions, and other activities

aimed at increasing understanding and awareness of the importance of health *Istitha'ah* in the implementation of the Hajj pilgrimage. Apart from that, a more in-depth study of health *Istitha'ah* also needs serious attention. The government, through the Ministry of Health and the Ministry of Religion, should encourage strengthening regulations as an urgent need to provide guidance regarding the criteria for Hajj pilgrims who have *Istitha'ah* with assistance, who do not fulfill temporary *Istitha'ah*, or even who only fulfill Health *Istitha'ah* without other *Istitha'ah*, in determining approval for the departure of the Hajj pilgrims. This step was taken with the aim of reducing the death rate of Hajj pilgrims and improving the implementation of the Hajj pilgrimage in the coming year. Apart from that, there is a need to encourage academics and professionals to develop research and scientific work that can support a better understanding regarding Hajj health *Istitha'ah*. With this scientific research and writing, Hajj health *Istitha'ah* can become a major topic of discussion in the academic realm, helping the public and health practitioners to understand the health aspects that need to be considered during the Hajj pilgrimage.

REFERENCES:

- Abdul Basir, Perlu Penguatan Kebijakan Istitha'ah Kesehatan Haji diakses pada tanggal 15 November 2023 <https://kemenag.go.id/kolom/perlu-penguatan-kebijakan-istitha-ah-kesehatan-haji-XrpNz>
- Aldossari, Mae, Abdullah Aljouidi, and David Celentano. "Health issues in the Hajj pilgrimage: a literature review." *East Mediterr Health J* 25.10 (2019): 744-753.
- Al-Ghazal, *Al Mustafa, Juz I*, (Beirut: Daar al-Ihya' al-Tutats al_Arabi, 1997).
- _____. *Ilm al-Ushul. Jilid I-II* (t.t: Dar al-Fikr, t.th).
- Amir Syarifuddin, *Ushul Fiqh*, (Jakarta: Zikrul Hakim, 2004).
- _____. *Ushul Fiqh II* (Jakarta: Logos Wacana Ilmu, 1999).
- Asafri Jaya. *Konsep Maqashid Syari'ah Menurut al-Syatibi*.Ed. 1 (Cet. 1; jakarta: PT. Raja Grafindo Persada, 1996)
- Bashir, Abdel-Hameed M. "Property rights in Islam." *Conference Proceedings of the Third Harvard University Forum on Islamic Finance*. Cambridge, MA: Harvard University, 1999.
- Dewi, Subkhani Kusuma, and Muhammad Akmaluddin. "Broadcasting Umrah through the Hadith of Hajj Badal in the COVID-19 Pandemic Era." *Jurnal Studi Ilmu-ilmu Al-Qur'an dan Hadis* 24.2 (2023): 231-252.
- Fahham, Achmad Muchaddam. "Penyelenggaraan Ibadah Haji: Masalah dan Penanganannya." *Kajian* 20.3 (2016): 201-218.

- Fajar, Abbas Sofwan Matlail, and Akhmad Najibul Khairi Syaie. "Handling Community Tensions During the Hajj Waiting Period." *Tribakti: Jurnal Pemikiran Keislaman* 34.2 (2023): 281-296.
- Haase, Knut, et al. "A pilgrim scheduling approach to increase safety during the Hajj." *Operations research* 67.2 (2019): 376-406.
- Haseeb, Abdul, et al. "Threat of antimicrobial resistance among pilgrims with infectious diseases during Hajj: lessons learnt from COVID-19 pandemic." *Antibiotics* 12.8 (2023): 1299.
- Huda, Qomarul, and Ilham Dwitama Haeba. "Hajj, Istitha'ah, and Waiting List Regulation in Indonesia." *Al-'Adalah* 18.2 (2021): 193-212.
- Hulwati, Hulwati. "Hajj Fund Investment Management in Indonesia." *At-tijarah: Jurnal Ilmu Manajemen dan Bisnis Islam* 8.1 (2022).
- Jahan, Ishrat, et al. "Leveraging A Smartwatch for Activity Recognition in Salat." *IEEE Access* (2023).
- Jumali, Endang. "Cancellation Of The Hajj: Analysis Of Islamic Law, Regulations, History, Ta'limatul Hajj And Its Impact On The Social And Spiritual Aspects Of Society." *Jurnal IUS Kajian Hukum dan Keadilan* 8.3 (2020): 584-599.
- Kepala Biro Komunikasi dan Pelayanan Publik diakses pada tanggal 15 November 2023 <https://sehatnegeriku.kemkes.go.id/baca/rilis-media/20230530/5843128/1-600-tenaga-kesehatan-haji-siap-layani-jemaah-di-kloter/>
- Mahbib Khoiron, Mengapa Syarat Istitha'ah Kesehatan Haji 2024 Perlu diperketat? Diakse pada tanggal 16 November 2023 <https://www.nu.or.id/lapsus/mengapa-syarat-istithaah-kesehatan-haji-2024-perlu-diperketat-NecYK#>
- Mariani; Luth, Thorhir; Muhjad, M. Hadin; Fadli, Moh. "The Administration of the Waiting Listed Pilgrim Candidates in a Justicial Operation System of Hajj Worship." *JL Pol'y & Globalization* 49 (2016): 62.
- Memish, Ziad A., et al. "Hajj: infectious disease surveillance and control." *The Lancet* 383.9934 (2014): 2073-2082.
- Memish, Ziad A., et al. "Hajj: infectious disease surveillance and control." *The Lancet* 383.9934 (2014): 2073-2082.
- Mun'im A. Sirri, *Sejarah Fiqh Islam*, Cet. 1 (Surabaya: Risalah Gusti, 1995).
- Mukri, S. G., Aji, A. M., & Yunus, N. R. (2017). Relation of Religion, Economy, and Constitution In The Structure of State Life. *STAATSRECHT: Indonesian Constitutional Law Journal*, 1(1).
- Nasrin Haroen, *Fiqh Fiqh I*, (Ciputat,: Logis Publising House, 1996), h. 117.

_____. *Ushul Fiqh*, (Ciputat : Pt. Logos Wacana Ilmu, 1997).

Niu, Song, and Mindan Xu. "Impact of Hajj on global health security." *Journal of religion and health* 58 (2019): 289-302.

Peraturan Menteri Kesehatan Nomor 15 Tahun 2016

Petunjuk Teknis Permenkes No. 15 Tahun 2015 *Pemeriksaan dan Pembinaan Kesehatan Haji mencapai Kesehatan Jemaah Haji untuk Menuju Keluarga Sehat*.

Ridda, Iman, et al. "Preparedness for mass gathering during Hajj and Umrah." *Handbook of healthcare in the Arab World* (2021): 1215-1235.

Saifudin Anwar, *Metode Penelitian*, (Yogyakarta: Pustaka Pelajar, 2009).

Shafi, Shuja, et al. "Hajj: health lessons for mass gatherings." *Journal of infection and public health* 1.1 (2008): 27-32.

Suharsimi Arikunto, *Prosedur Penelitian: Suatu Pendekatan Praktek* (Jakarta: Rineka Cipta, 2010).

Syafii, Ilham. "Optimalisasi Pelayanan Haji: Implementasi Siskohat Di Kantor Wilayah Kementerian Agama Daerah Istimewa Yogyakarta Tahun 2020." *Jurnal Manajemen Dakwah* 8.2: 225-247.

Tunasar, Cenk. "Analytics driven master planning for mecca: Increasing the capacity while maintaining the spiritual context of hajj pilgrimage." *2013 Winter Simulations Conference (WSC)*. IEEE, 2013.

Undang-Undang Nomor 8 Tahun 2019

Wahyuni, Sri Dewi, and Irda Sari. "Analisis Implementasi Penggunaan Aplikasi Primary Care Dalam Menunjang Efektivitas Pelayanan Rawat Jalan di UPTD Puskesmas Rawat Inap Ciranjang." *J-REMI: Jurnal Rekam Medik dan Informasi Kesehatan* 5.1 (2023): 15-22.

Zuhri, M. *Hukum Islam dalam Lintasan Sejarah*. Ed. 1, Cet. 1, (Jakarta: PT. Raja Grafindo Persada, 1996).

Zulfa, Agvira Faiza, Irfan Sanusi, and Asep Iwan Setiawan. "Optimalisasi Siskohat dalam Meningkatkan Pelayanan Pendaftaran jemaah Haji." *Jurnal Tadbir: Jurnal manajemen Dakwah* 2.2 (2017).