



The Characteristic of Mubdil in Hajj (Analysis of Fiqh Al-Hadith)

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Abstract

This paper explores the issue of mubdil in Badal Hajj. A mubdil is a person that performing the entire series of Hajj on behalf of a mubdal minbu (the person being replaced). According to hadith narrations, a mubdil is ideally a child or sibling of the mubdal minbu. However, in practice, Badal Hajj is often carried out by individuals with no familial ties to the mubdal minbu, and in some cases, the mubdil has no knowledge of the person they are replacing. Instances of responsibility misapplication and even fraudulent practices, such as performing Badal Hajj for multiple mubdal minbu, have also been reported. The practice of Badal Hajj is rooted in hadiths of the Prophet Muhammad, permitting to perform Hajj on behalf of others due to physical incapacity or death. This study employs the fiqh al-hadith method to examine these hadiths, analyzing them in relation to Quranic verses, other hadiths, and through both textual and contextual approaches. The findings reveal specific characteristics that a mubdil must possess to fulfill their responsibilities ethically and effectively. These characteristics, when realized, can minimize the misuse of responsibility and ensure the trustworthiness of Badal Hajj practices. This research contributes to the field of Islamic jurisprudence by providing a detailed framework for the ethical practice of Badal Hajj. It highlights the importance of maintaining trust and integrity in religious practices and offers methodological insights into analyzing hadiths in conjunction with contemporary challenges.

Keyword: Mubdil, Badal Hajj, Characteristics

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INTRODUCTION

Basically, Hajj is obligatory for every believer who is able to conduct. As a bodily worship, the Hajj maliyah must be conducted by relying on one's own physical abilities, and at personal expense. In physical conditions that do not allow a *mukallaf* to perform Hajj or for those who die before they have time to perform Hajj, there are opportunities for others to replace to conduct Hajj. Replacing Hajj by others is known as *badal hajj/ hajj badal/ hajj-e-badal* that requires a physical substitute figure for worship. This substitute figure acts as an intermediary between a *mukallaf* and Allah in a series of pilgrimages.

Badal hajj or hajj substitution is understood from the prophet's information, both regarding the *badal hajj* and the rules for its *mubdil*. Various information that comes from the Prophet Muhammad indicates that a broker is a person who has a family relationship with the person he/she replaces as a child or as a brother. In the current practice, *mubdil* does not even have a nasab relationship or kinship with his *mubdal minhu*, not even a little, *mubdil* does not know the person he/she replaces well, and vice versa, a *mubdal minhu* does not know the person who replaces him/her well.

Another problem is the proliferation of sites that sell services as *mubdil* in the hajj pilgrimage. They make the pilgrimage *badal* as a business land that opens up opportunities for irregularities in its implementation. Hajj *badal* services are not only sold in cyberspace, they are even offered in areas where the hajj pilgrimage is held. In fact, there are not a few cases of *mubdil* who make more than one *mubdal minhu* in one pilgrimage. (Bahraen 2019; Mukhtar 2019)

Deviation in the implementation of *badal hajj* is strongly influenced by the qualifications possessed by the *mubdil* who is the organizer of the hajj pilgrimage that he does. Indeed, the prophetic traditions do not explicitly place the requirements of a person who can replace someone else's pilgrimage. The hadiths which inform *badal hajj* textually explain the existence of *badal hajj* for certain people. So it is important to explore and analyze it directly from the hadiths about the *badal hajj*, to get a complete understanding of the characteristics of the *mubdil* that was hinted at by the Prophet through the *fiqh al-hadith* approach.

The aberration of hadith which known as *fiqh al-hadith* has a very broad scope. understanding of hadith can't only be analyzed from the hadith editorial, but can also be understood from the relation between hadiths in one theme, even it can be understood from the relation of hadith intertext with verses of Al-Qur'an and other hadiths on different themes.

In addition, the emergence of a hadith is inseparable from the context around the hadith, both historical, social and anthropological settings, even a hadith is closely related to the psychological context of society when the hadith was revealed.

The socio-historical context is an approach that combining the understanding of hadith as historical facts as well as social facts, in which the message of the hadith is closely related to the situation and the relationship between individuals and society and how the

culture surrounds them. Sometimes, hadiths also deal with technical and casuistic issues, however the moral message of hadith is universally applicable even though the text has local cultural characteristics. (Mustaqim 2016, 64–66)

Likewise, the hadith of the prophet regarding badal hajj can't be separated from the comprehension of the hadiths comprehensively by considering its relation to the verses of the al-Qur'an and other traditions apart from the consideration of the context behind it. Therefore, the approach of fiqh al-hadith is very important to conduct to obtain the meaning contained in the hadith comprehensively. Thus, the characteristics of *mubdil* are obtained in accordance with the signals from the prophetic traditions.

Previous studies related to the badal hajj took a position as a fiqh perspective study by emphasizing the discussion on the opinion of fiqh scholars and the study of badal hajj practices in regions in Indonesia. (Amalia 2020; Aswin 2019; Fauzi n.d.; Malik 2016; Mukti n.d.; Nasution 2010)

This study aims to explore the characteristics of *mubdil* based on fiqh (understanding) of the traditions which inform the existence of a substitute for the pilgrimage. The introduction to the characteristics of a religious broker is at least able to anticipate the misuse of the mandate to carry out Hajj from *mubdal minhu*.

DISCUSSION

Badal Hajj

Hajj is one of the pillars of Islam that every Muslim must perform when he/she meets the requirements of *istita'ab*, including physical ability and financial ability. When physical abilities have been fulfilled but financial capabilities have not been achieved, then the pilgrimage is not obligatory to be carried out. It is different when the financial capacity is sufficient but it is physically impossible to carry out the pilgrimage, then the pilgrimage can be substituted by other people.

Substituting the pilgrimage is termed *Badal* which means representative, substitute (Zuhri 2015, 116). *Badal* interpreted as a substitute, the recipient of authority or a person assigned a certain task and then must be accountable to the assignor (Penyusun Ensiklopedi 2005, 256). Thus, badal hajj is an activity to replace or receive authority in the implementation of the hajj, due to the inability to carry out the hajj, either because of physical obstruction or due to death.

The practice of badal Hajj has been permitted since the time of the Prophet and is practiced based on the information of the Prophet's hadiths about the ability to replace Hajj, both for people who are still alive and for those who have died.

Badal Hajj for People Who Are Still Alive

The badal practice of Haj is formulated from the information of the prophet's hadiths about the ability to substitute Hajj. Information about the badal hajj for people who were still alive is described by the following hadith:

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ أَخْبَرَنَا مَالِكٌ عَنِ ابْنِ سِيَهَابٍ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ كَانَ الْفَضْلُ رَدِيفَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَجَاءَتْ امْرَأَةٌ مِنْ حَشَعَمَ فَجَعَلَ الْفَضْلُ يَنْظُرُ إِلَيْهَا وَتَنْظُرُ إِلَيْهِ وَجَعَلَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَصْرِفُ وَجْهَ الْفَضْلِ إِلَى الشِّقِّ الْأَخْرَ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّ فَرِيضَةَ اللَّهِ عَلَى عِبَادِهِ فِي الْحَجِّ أَذْرَكَتْ أَبِي شَيْخًا كَبِيرًا لَا يَنْبُتُ عَلَى الرَّاحِلَةِ أَفَأَحُجُّ عَنْهُ قَالَ نَعَمْ وَذَلِكَ فِي حَجَّةِ الْوَدَاعِ (al-Bukhari 1422, 132)

It has been narrated to us by Abdullah bin Yusuf, he had told us Malik from Ibn Syihab from Sulaiman bin Yasar from Abdullah bin Abbas ra, he said: When Fadl hitched a ride with Rasulullab SAW, there came a woman from Khasy'am, Fadl looked at her and (woman) even then looked at him, then Rasulullab turned Fadl's face in another direction. The woman said: "O Messenger of Allah, Allah has obliged His servants to perform Hajj, while I have a Father who is unable to drive. can I serve him? " The Apostle answered: "Yes". The incident occurred during the Wada pilgrimage.

Hadith about badal hajj for people who are still alive, is narrated with a variety of information,¹ Some say that one who came to meet the prophet was a man, and another version stated that the one who came was a woman but what she wanted to serve was her mother, and in some narrations, it was added with information that Hajj is equal to debt, including the narration of Mujahid bin Musa described as follows:

أَخْبَرَنَا مُجَاهِدُ بْنُ مُوسَى عَنْ هُشَيْنِ بْنِ يَحْيَى بْنِ أَبِي إِسْحَاقَ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ أَنَّ رَجُلًا سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّ أَبِي أَذْرَكَتُ الْحَجَّ وَهُوَ شَيْخٌ كَبِيرٌ لَا يَنْبُتُ عَلَى رَاحِلَتِهِ فَإِنْ شَدَدْتُهُ حَشِيمَتٌ أَنْ يَمُوتَ أَفَأَحُجُّ عَنْهُ قَالَ أَرَأَيْتَ لَوْ كَانَ عَلَيْهِ دَيْنٌ فَقَضَيْتَهُ أَكَانَ مُجْرِمًا قَالَ نَعَمْ قَالَ فَحُجَّ عَنْ أَبِيكَ (an-Nasai 2001, 4: 12)

¹ This hadith is found throughout the Kutub at-Tis'ah with 39 sanad lines presented in several versions. Based on information from the book Rijal Hadith, all of the narrators in the series of hadith sanad, none of which are judged by the scholars with a judgmental judgment, generally they are given a ثقة assessment, so that this hadith can be categorized as Sahih hadith. In addition, Ahmad bin Ali bin Hajar stated that this history is the most authentic narration from Ibn Abbas which he received from Fadhil. (Hajar t.th, 67)

It has been reported to us, Mujahid bin Musa from Husyaim from Yahya bin Abu Ishaq from Sulaiman bin Yas ar from Abdullah bin Abbas that there was a man who asked the Prophet sallallaabu 'alaihi wa sallam that my father had received the obligation to do Hajj, while he was in a very old state. Unable to get on top of the vehicle. So if I insisted I was afraid he would die. Then can I do Hajj for him? He said: "What do you think if he has a debt then you pay it, is it legal?" The person said: "Yes". So he said: "Then do Hajj for your father"

In short, the meaning of the hadith is the same, even though there are various editors used, namely regarding the ability to replace the Hajj of a person who is still alive, by suggesting that *the mubdal minbu* or the person who is replaced by his pilgrimage is in a physically incapacitated condition, due to old age or illness that prevents him from doing so. To carry out the pilgrimage journey and it is predicted that he will not be able to carry out it himself, in other words a condition that will cause harm to him if he continues to carry out the trip. The different versions of the hadiths thematically show that *mubdal* can be a woman or a man, and those who are substituted can be either man or woman. The hadith suggests that it is not required that the substitute must be of the same gender as the one who is replaced. In addition, these traditions also illustrate that the one who asks the prophet is the child of the person being served.

Hajj includes worship involving both material abilities and physical abilities.² The scholars agree that a person who is able of performing Hajj and can fulfill all the requirements is obliged to perform Hajj directly and cannot be replaced by other people. (az-Zuhaili 1996, 38). It is different from the case with people who are physically unable to carry out the pilgrimage, but in terms of material there is capability, so in this case, there are two opinions of the scholars:

1. Malikiyah stated that it is **not allowed** to substitute the hajj of a person who is still alive, either during compulsory hajj or circumcision, even though it has met the material requirements. Because the pilgrimage is a practice that prioritizes physical activity in its implementation such as prayer and fasting, so that it can't be replaced by other people. Besides, the purpose of the pilgrimage is to educate the soul and get closer to Allah (az-Zuhaili 1996, 38).

² Ulama divide worship into three forms Maliyah Mahdhah worship involves assets, such as zakat and kafarat, that other people may or can substitute this worship to fulfill it. Mahdhah Badaniyah worship involves the physical, that can't be replaced by others, such as prayer and fasting, because the purpose of the worship is directly for the perpetrator. It is useless if someone else is replaced. Worship Murakabah, between Maliyah and Badaniyah is like a pilgrimage. This worship may be replaced in a state of physical weakness or emergency

Malikiyah scholars based their opinion on the word of Allah in Surah Ali Imran verse 97 as follows:

و لله على الناس حج البيت من استطاع إليه سبيلا {ال عمران : 97}

It is permissible to do Hajj for people who are physically incapacitated, because it shows that they do not meet the requirements of *istitha'ah* in the pilgrimage. Therefore, there is no obligation for Hajj for them, in addition to their opinion that states that Hajj is a practice that prioritizes Hajj physical as well as prayer and fasting that cannot be replaced by others.

The hadith from the history of Ibn Abbas used as the argument for the possibility of replacing the hajj for the living person, is understood by the Malikiyah scholars as a hadith that applies exclusively to Abu Khasy'amiyyah and does not apply in general. (an-Namri 1387,125)

2. Jumhur scholars such as Hanafiyah, Syafi'iyah and Hanabalah argued that: people who are not physically able to perform the pilgrimage, or are unable due to conditions of emergency, but are able to materially, may have their hajj substituted by other people, because this worship is different from prayer and fasting. It is because there is an element of *maliyahin* its implementation (an-Namri 1387, 125)

The majority of scholars who allow the Hajj *badal* for people who are still alive, require that the physical condition of the *mubdal minhu* makes it impossible to carry out Hajj, either because of age or health factors which predict that it is no longer possible to carry out the Hajj. if it is still carried out this will cause harm to him/her. Such conditions are expected to continue until his death, so that it is the cause of the *badal hajj*.

Even though the Hanabalah and Hanafiyah scholars allowed the *badal hajj*, the *mubdal minhu* was not sentenced to be obliged to perform Hajj. Several scholars explained that Hanafiyah and Hanabalah only allow the *badal hajj* on the pilgrimage, circumcision is not the obligatory hajj. It is different from the case with Syafi'iyah who viewed that person is still obliged to carry out the pilgrimage because he has the ability from a material perspective even though it is with other people because for Syafi'iyah *istitha'ah*, it is divided into two things, namely *istitha'ah* with her/himself and *istitha'ah* with others. In the meaning of the word, if he is physically incapable, but is able materially, then he is obliged to substitute his hajj with other people. (an-Namri 1387, 41–43)(Abu Ath-thaib 1415, 175)

From Zahir verse *وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا* as if there was a conflict between the verse and the hadith of the prophet. In the verse, it is explained that the obligation is only for those who are capable, both from a material perspective and from a physical perspective. Thus, if the terms of the *istita'ab* are not fulfilled, there is automatically no obligation to perform Hajj.

The thing that must be taken into account is the historical setting of the emergence of hadith that shows that the hadith appeared later than the verse, namely at the time of hajj wada 'and on the other hand it is impossible for the prophet to convey things that are contrary to the verses of Al-Quran. Even though the previous verse has explained that those who are given an obligation are those who are able to do hajj. Hence, it can be understood that the hadith can be viewed as *takhsish* for the verse, in which in a physical condition that does not allow a Muslim to perform Hajj, the solution given is to perform Hajj with the intermediary of others as implied in the hadith.

The opinion of the Malikiyah scholars who viewed the hadith is specifically for Abu Khasy'amah this opinion is refuted by the existence of other reports about badal hajj for people who are still alive who do not mention the story of the woman from Khasy'amah. One these narrations is the narration of Mujahid bin Musa in the above hadith. This opinion of the Malikiyah Ulama seems to have something to do with the book Muwatha 'by Imam Malik, in which the hadith about the badal hajj is only found in one version, namely the version which mentions the story of Abu Khasy'amah. And found no other history in this matter.

These hadiths can be understood as an explanation of the permissibility of serving others, even though Hajj is seen as a form of worship that prioritizes physical activity over material, with the consideration that the pilgrimage is a *maliyah* worship. It is different from prayer and fasting that is a bodily worship that can't be substituted by other people, and this pilgrimage is not only physical worship but also maliyah worship, in which maliyah worship can be replaced by other people. Besides narration, it is also analogized that the pilgrimage is the same as debt. When a debt can be paid through the intermediary of another person, the same goes for Hajj, it can also be paid by another person, provided that the physical condition of the person being substituted really prevents him/her from performing Hajj.

Lafaz **إِنْ فَرِيضَةُ اللَّهِ عَلَى عِبَادِهِ فِي الْحَجِّ** , the hadith suggests the hajj in this case is the obligatory hajj, not the circumcision hajj, as understood from the opinion of the Hanafiyah and Hambalah Ulama. In addition, if it is the circumcision pilgrimage, of course, before he/she has performed the obligatory hajj, then the woman who asked the question was unlikely to ask the prophet about this problem because there was no longer the obligation of Hajj for her/his father, because the hadith was only obligatory once as the following hadith:

حَدَّثَنَا أَبُو سَعِيدٍ الْأَشْجَعِيُّ حَدَّثَنَا مَنْصُورُ بْنُ وَرْدَانَ عَنْ عَلِيِّ بْنِ عَبْدِ الْأَعْلَى عَنْ أَبِيهِ عَنْ أَبِي الْبَخْتَرِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ لَمَّا نَزَلَتْ {وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا} قَالُوا يَا رَسُولَ اللَّهِ أَيْنِ كُلِّ عَامٍ فَسَكَتَ فَقَالُوا يَا رَسُولَ اللَّهِ فِي كُلِّ عَامٍ قَالَ لَا وَلَوْ قُلْتُ نَعَمْ لَوَجِبَتْ فَأَنْزَلَ اللَّهُ {يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنَ أَشْيَاءَ إِن تَبَدَّلَ لَكُمْ تَسْؤُكُمْ} (at-Tirmizi 1998, 2: 170)

We are old that Abu Sa'id Al Asyaj has told us Mansbur bin Wardan from Ali ibn Abdul A'la from his father from Abu al Bakhtari from Ali said: When the verse came down Performing Hajj is a human obligation to Allah, namely (for) those who are able to travel to Baitullah, the companions ask: "O Messenger of Allah, is it (done) every year?" He was silent, they asked again: "O Messenger of Allah, is it (done) every year?" he replied: "No, if I had said yes, it would have been obligatory (the law)." Then Allah sent down you who believe, do not ask (to your Prophet) things that if explained to you will give trouble for you.

Therefore, an individual who is unable to perform Hajj due to a lack of physical ability can have his Hajj replaced by another person on the condition that this physical inability continues until he dies. The scholars who allow this badal pilgrimage require permission from the mubdal minhu, so that he knows the form of the hajj he wants.

3. Badal Hajj for People Who Have Died

The existence of the Hajj badal for those who have died, is informed by the following prophet's hadith:

حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي بَشِيرٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ امْرَأَةً مِنْ جُهَيْنَةَ جَاءَتْ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَتْ إِنَّ أُمَّي نَذَرْتُ أَنْ تَحُجَّ فَلَمْ تَحُجَّ حَتَّى مَاتَتْ أَفَأَحُجُّ عَنْهَا قَالَ نَعَمْ حَتَّى عَنْهَا أَرَأَيْتِ لَوْ كَانَ عَلَى أُمِّكَ دَيْنٌ أَكُنْتُ قَاضِيَةً أَقْضُوا اللَّهُ فَاللَّهُ أَحَقُّ بِالْوَفَاءِ (al-Bukhari, 1422 H, p. 18)

We have been told that Musa bin Ismail, narrating to us Abu 'Awanah from Abi Bisyr from Sa'id bin Jubair from Ibn Abbas r.a. That a woman from Juhainah came to see the Prophet and she asked: "My mother had vowed to go on Hajj, but she died before she had time to do Haj, can I do it? "The Prophet replied:" Yes, purify her with hajj, what do you think if your mother has a debt, will you pay it? Pay it to Allah, because the debt to Allah is more entitled to be paid”³

This hadith is narrated with several variations of complementary information. In one narration, it has been informed that it was a man who came to the prophet who wanted to serve his sister, and some explained that it was a woman who came to serve her father, while some eyes explained that it was a man who wanted to serve her father. His father, even in some eyes, is not affected by the vows of the person to be served as the narrations below:

– حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِيرٍ قَالَ سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ أَتَى رَجُلٌ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ لَهُ إِنَّ أُخْتِي قَدْ نَذَرَتْ أَنْ تَحُجَّ وَإِنَّمَا مَاتَتْ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَوْ كَانَ عَلَيْهَا دَيْنٌ أَكُنْتُ قَاضِيَهُ قَالَ نَعَمْ قَالَ فَاقْضِ اللَّهَ فَهُوَ أَحَقُّ بِالْقَضَاءِ

– أَخْبَرَنَا أَبُو عَاصِمٍ حُسَيْنُ بْنُ أَصْرَمَ النَّسَائِيُّ عَنْ عَبْدِ الرَّزَّاقِ قَالَ أَنْبَأَنَا مَعْمَرٌ عَنِ الْحَكَمِ بْنِ أَبَانَ عَنْ عِكْرِمَةَ عَنِ ابْنِ عَبَّاسٍ قَالَ قَالَ رَجُلٌ يَا رَسُولَ اللَّهِ إِنَّ أَبِي مَاتَ وَلَمْ يَحُجَّ أَفَأَحُجُّ عَنْهُ قَالَ أَرَأَيْتَ لَوْ كَانَ عَلَى أَبِيكَ دَيْنٌ أَكُنْتُ قَاضِيَهُ قَالَ نَعَمْ قَالَ فَادِينِ اللَّهَ أَحَقُّ

In principle, these hadiths have the same goal, such as to explain that a Muslim who is able to perform Hajj during his lifetime but died before he had time to carry out his Hajj may be substitute by someone else. The different versions of the hadith indicate that the substituted Hajj is performed either because there is a vow or not.

³ The hadith was narrated by people who were considered tsiqah by the scholars so that its sanad could be judged as authentic sanad. Based on information from the book of Rijal hadith, none of the narrators in this sanad route were recorded by hadith scholars. This hadith is found in the books of Sahih Bukhari, Sahih Muslim, Sunan Nasa'i, Sunan Tirmizi and Musnad Ahmad bin Hanbal with 13 sanad lines, which are bi al-ma'na narrations.

In terms of replacing the Hajj of the deceased, there are several opinions of scholars as follows:

1. Hanafiyah: It is legal to replace/substitute the pilgrimage of a person who has died on the condition that a will to perform it. And the cost of the pilgrimage was taken out of his/her inheritance.
2. Malikiyah: It is legal but *makruh* to replace the pilgrimage of a person who has died on condition that there is a will to carry out the worship. The cost of carrying out the hajj is taken from one third of his wealth.
3. Syafi'iyah and Hanabalah: It is obligatory for heirs to serve people have died from their inheritance, as well as paying off their debts even without a will. The Syafi'iyah and Hanabalah scholars require that the person during his lifetime considered capable of performing Hajj, and when he dies he also has sufficient assets to perform Hajj, but if the corpse has a will but the assets are insufficient then it is not obligatory to perform the Hajj. (az-Zuhaili, 1996, 38, 43-44)

Based on the opinions of these scholars, it can be understood that the scholars agree on the existence of the badal hajj for those who have died. Ulama Malikiyah and Hanafiyah stipulate that the badal hajj is valid if there is a will from *mubdal minhu* and the cost of carrying out his hajj is incurred from one third of his inheritance, because according to the provisions, the right to will is only one third of the inheritance.

Meanwhile, according to Syafi'iyah and Hanabalah badal, hajj must be carried out if the person's assets are sufficient after the debt is issued (if any) and the cost of organizing the corpse, either with a will or without a will.

The agreement of the scholars is in accordance with what is meant in the hadith, where those who die have the opportunity to perform Hajj through other people. This can be understood from the analogy of performing Hajj with debt payments, in which debts can be represented in payments, as well as Hajj as murakabah worship between bodily and maliyah (as previously explained). For people who are still living, Hajj can be conducted especially for people who have died. It's just that the hadiths do not explain the requirements for the implementation of the Hajj badal, whether it must be through a will or is it permissible without a will. Based on the analysis of all the editors of the hadith that analogizes the hajj with debt.

Thus, just as the debt was legacy or not, the debt still had to be repaid. Furthermore, the qiyas can be understood as a sign that the haj must be carried out with or without a will as long as the inheritance is sufficient for the implementation of the hajj.

Characteristic of Hadith Perspective

The hadith of the prophet does not explicitly state who has the right to be a religious broker in the pilgrimage, but the narrative of the hadiths that explain the badal hajj hints at the competencies that a religious broker must have.

a. Responsible and trustworthy

The editorial staff of the hadith informs that those who become religious brokers are children or relatives of *mubdal minbu*, either those who are replaced by men or women as well as those who replace them. As informed by the following hadiths:

- أَخْبَرَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ الدُّورِيُّ قَالَ حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ سُفْيَانَ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ عَنْ يُوسُفَ عَنْ ابْنِ الزُّبَيْرِ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لِرَجُلٍ أَنْتَ أَكْبَرُ وَلَدِ أَبِيكَ فَحُجَّ عَنْهُ
- حَدَّثَنَا آدَمُ حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِيرٍ قَالَ سَمِعْتُ سَعِيدَ بْنَ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ أَتَى رَجُلٌ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ لَهُ إِنَّ أُخْتِي قَدْ نَذَرَتْ أَنْ تَحُجَّ وَإِنَّمَا مَاتَتْ فَقَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَوْ كَانَ عَلَيْهَا دَيْنٌ أَكُنْتُ قَاضِيَهُ قَالَ نَعَمْ قَالَ فَاقْضِ اللَّهُ لَهُوَ أَحَقُّ بِالْقَضَاءِ

Textually, the hadith gives an understanding that those who act as *mubdil* in the hajj pilgrimage are those who have a lineage relationship with *mubdal minbu*. However, there is no explicit statement from the prophet that the substitute for the hajj must be either a child or a brother. There is not even an editorial hadith that prohibits *mubdil* other than those with kinship.

This information can be understood that in general, children or siblings are close and well-known to *mubdal minbu*, and vice versa. Because of this close relationship, *mubdal minbu* can know how the character of *mubdil* is trustworthy and responsible or not. The existence of a direct recommendation from the prophet to the questioner in the hadith badal hajj to serve his parents or siblings indicates that the *mubdil* who is licensed by the prophet is a

person who is responsible and trusted in the case of badal pilgrimage.

The implementation of the badal hajj is analogous to the Prophet Muhammad with the payment of debts, this can be understood as a sign that if debts can be paid by other than relatives, the haj pilgrimage can also be conducted by mubdil who have no nasab connection.

Therefore, the mention of children and siblings must be understood as substantive criteria such as trustworthiness and responsibility towards parents and siblings that occur because of the existence of a family relationship, who naturally have caring and affection so that it is impossible to abuse trust.

A trustworthy and responsible character is a requirement that must be fulfilled by *mubdil* considering that the difference between the implementation of Hajj for oneself and Hajj which is obligatory, lies in the intention of the person who performs this which is reflected in the entire series of hajj pilgrimages that are carried out.

When the trusted and responsible character has been fulfilled, then anyone can become a candidate as a mubdil even though they do not have a *nasab* relationship with *mubdal minhu*.

b. Mubdil has Baligh and Sensible

In the hadiths about badal hajj, it is stated that those who came to the prophet to ask permission to serve their parents or siblings were explained in lafaz. *رجل* and *إمرأة*. Both terms are in Arabic rules, used to describe people who have grown up. Therefore, it can be understood that these hadiths indicate that the mubdil must be someone who is mature and intelligent. This requirement is also a requirement for the obligatory Hajj for every convert, which must also be fulfilled by someone who will replace someone else's Hajj.

c. Having Experience Conducting Hajj

A preacher is required to have performed the pilgrimage first. This can be understood from the following prophet's hadith:

حَدَّثَنَا إِسْحَقُ بْنُ إِسْمَاعِيلَ الطَّلَقَانِيُّ وَهَذَا أَبُو السَّرِيِّ الْمَعْنَى وَاحِدٌ قَالَ إِسْحَقُ حَدَّثَنَا عَبْدُهُ بْنُ سُلَيْمَانَ عَنْ ابْنِ أَبِي عَرُوبَةَ عَنْ فَتَادَةَ عَنْ عَزْرَةَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنِ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَمِعَ رَجُلًا يَقُولُ لَبَّيْكَ عَنْ شُبْرَمَةَ قَالَ مَنْ شُبْرَمَةُ قَالَ أَخِي أَوْ قَرِيبِي لِي قَالَ حَجَّجْتَ عَنْ نَفْسِكَ قَالَ لَا قَالَ حُجَّجَ عَنْ نَفْسِكَ ثُمَّ حُجَّجَ

(Abu Daud t.th., 2: 162) عَنْ شُبْرَمَةَ

We have been told that Ishaq bin Isma'il Ath Thalaqani and Hannad bin As Sari with one meaning, Ishaq said: 'Abdab bin Sulaiman from Ibn Abu' Arubab from Qatadab from 'Azrah from 'Azrah from Sa'id bin Jubair from Ibn Abbas that the Prophet sallallaahu 'alaibi wa sallam heard someone say: "labbaika' an syubrumah" he asked: "Who is Shubrumah?" He replied: "Brother." Or "My relative." He asked: "Have you performed Hajj for yourself?" He replied: "Not yet." He said: "Perform Hajj for yourself, then do Hajj for Shubrumah".

In the hadith, it is explained that the mubdil must have had the pilgrimage for himself before performing the badal haj of others. This condition applies to the badal haj of people who are still alive and badal haj of people who have died. The demand to carry out Hajj for individuals before performing badal will minimize the occurrence of misuse of trust in the implementation of Hajj. His personal physical obligations if carried out, it will prevent him from using other people's funds for himself. If the Hajj has been performed, then the mubdil will not be burdened anymore when substituting someone else's Hajj.

d. Understanding the process of performing Hajj and Hajj Badal

The requirement to perform Hajj for ourself as informed by Syubrumah's hadith indicates that the mubdil must understand the technicalities and processes of performing Hajj and Hajj badal. The experience of carrying out the pilgrimage basically makes the mubdil know the pillars, conditions and things that can cancel the pilgrimage.

While performing hajj for mubdal minhu, mubdil knows that every activity in the series of hajj pilgrimage is intended in the name of the mubdal minhu he replaces. At the same time knowing that a series of hajj pilgrimage only applies to making a person mubdal minhu only.

e. Replacing *istita'ah Mubdal Minhu*

The analogy between Hajj and debt in these hadiths shows that *mubdal minhu* has met the requirements of *istitha'ah*, because a person who is able to perform Hajj is obliged to perform Hajj, and as long as the Hajj has not been carried out, he is still in debt until the Hajj is completed. This explains that people who have been obliged to perform Hajj, and died before they had time to do it, must be replaced by someone else.

In some hadith there are additional editors **إِنَّ أُمَّي نَدَرْتُ أَنْ تَحُجَّ** this implies a strong desire from the mubdal minhu to carry out Hajj. This is a description of the mandate to be carried out by a religious broker.

The fulfillment of *istita'ah* in terms of material from mubdal minhu illustrates the obligation to perform Hajj, either with a will or without a will. Then, the mubdil who has the mandate can carry out badal from the mubdal minhu's assets. However, if the mubdala minhu has not the requirements of *istita'ah*, the mubdil is not obliged to carry out the badal haj even though it is mandated.

f. Have a Healthy Physical and Mental

Istitaah requirements for those who will perform Hajj consist of abilities in terms of physical and mental health. When the hajj is carried out for the purpose of making other people's hajj clear, a religious broker must also meet the *istitha'ah* requirements that include physical abilities that enable him to carry out all series of hajj pilgrimages. In addition to physical abilities, mental health must also be possessed by a religious broker so that the Hajj pilgrimage can be carried out properly in accordance with the pillars and requirements.

The characteristics understood from the hadiths about the badal hajj are a must-have requirement for a religious broker. Fulfillment of these characteristics guarantees the implementation of the badal hajj in accordance with applicable regulations and the problem of misuse of trust in the practice of badal hajj by mubdil will not occur.

Based on the understanding of the hadith, it can also be concluded that the mubdil does not have to be the child or brother of the mubdal minhu. However, it can be conducted by other people who are not related at all, as long as the characteristics of the mubdil can be fulfilled.

CONCLUSION

Badal Hajj is permitted for individuals who are alive but physically unable to perform Hajj due to old age, incurable illness, or other conditions preventing them from undertaking the pilgrimage, provided that they are financially capable of doing so and someone else performs it on their behalf. *Badal Hajj* also applies to individuals having passed away, on condition that during their lifetime they were materially and physically capable of performing Hajj but did not fulfill this obligation. At the time of their death, they must have left sufficient assets to cover the costs of the pilgrimage, whether or not through a will.

The hadiths concerning *Badal Hajj* state that the *mubdil* (the individual performing Hajj on behalf of another) should ideally be a child or relative of the *mubdal minbu* (the person being replaced), provided the *mubdil* has performed Hajj for themselves. This criterion reflects the substantive principles of responsibility and trustworthiness, allowing others outside of the familial relationship to fulfill this role, provided that they meet the ethical and procedural requirements outlined in the hadith.

A *mubdil* fulfilling the characteristics specified by the hadith has a greater capacity to uphold the trust of performing *Badal Hajj* in accordance with Islamic principles and regulations, minimizing concerns about fraud or misuse during its implementation.

This study contributes to the understanding of *Badal Hajj* practices within Islamic jurisprudence by emphasizing the ethical qualifications necessary for a *mubdil*. It provides a framework for addressing contemporary challenges, ensuring integrity and accountability in fulfilling this religious mandate.

However, this research is limited in its reliance on textual analysis without incorporating empirical data on the practical challenges faced by *mubdil* in modern contexts. Additionally, it does not explore regional or cultural variations in the interpretation and implementation of *Badal Hajj*.

Future research should include field studies to examine the lived experiences of *mubdil* and *mubdal minbu* in diverse contexts. Comparative analyses of how *Badal Hajj* is implemented in different cultural and regulatory environments could also provide valuable insights into best practices and potential areas for reform.

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