

The Maqasid Al-Shariah (Objectives of Islamic Law) of Hajj Rites in Light of Contemporary Challenges

Kabir Usman Lamido¹, Idris Sani Inuwa², Abduljabbar Aminu Mudi³, Samba Traore⁴, Mohamad Hafiz Darpen⁵

^{1,2,3,4,5}Universiti Islam Antarabangsa Tuanku Syed Sirajuddin (UniSIRAJ), Kuala Perlis, Malaysia

E-mail: hafizdarpen@kuips.edu.my

Abstract

This research examines the Maqasid al-Shariah (Objectives of Islamic Law) underlying Hajj in the context of contemporary challenges. As the fifth pillar of Islam, Hajj is a comprehensive act of worship encompassing spiritual, moral, social, and economic dimensions. Beyond performing rituals, it aims to purify the soul, strengthen faith, foster unity among Muslims, and promote equality regardless of race, nationality, or social status. The study highlights how Hajj rituals such as ihram, tawaf, sa'y, wuquf 'Arafah, and ramyal-jamarat reflect the five universal objectives of Sharia: preservation of religion, life, intellect, progeny, and wealth. Modern challenges like crowd management, environmental concerns, pandemics, political restrictions, rising costs, and commercialization demand fresh juristic reflection. Applying Maqasid al-Shariah provides a flexible framework to balance textual fidelity with contextual wisdom, ensuring that Hajj preserves its spiritual essence while promoting justice, safety, and accessibility for all Muslims today.

Keywords: Hajj, Maqasid al-Shariah, Islamic law, pilgrimage, challenges

Introduction

Hajj is the fifth pillar of Islam and represents the culmination of faith through the physical and spiritual journey to the sacred city of Makkah. Every year, millions of Muslims answer the divine call proclaimed by Prophet Ibrahim (AS): “And proclaim to the people the Hajj; they will come to you on foot and on every lean camel; they will come from every distant pass” (Qur’an 22:27). This collective act of worship embodies tawhid (oneness of God) and unity among believers, transcending racial, national, and economic distinctions (Peters, 1994). Historically, Hajj has served multiple dimensions spiritual purification, intellectual exchange, and socio-political engagement within the Ummah (Esposito, 2018). Today, it functions as both a spiritual obligation and a large-scale global event, drawing over two million pilgrims annually (Saudi Ministry of Hajj and Umrah, 2023). However, the exponential increase in pilgrims has also introduced new challenges related to safety, management, and spiritual focus (Ahmad, 2017).

Despite extensive jurisprudential guidance on the rituals of Hajj (fiqh al-hajj), there remains a gap in connecting contemporary challenges with the higher objectives of Sharia. Modern issues such as overcrowding, public health risks, rising costs, digital surveillance, and

political constraints threaten to undermine the realization of Hajj's maqasid. Few studies have addressed these issues through an integrated framework that balances ritual adherence with ethical and practical considerations guided by Maqasid al-Shariah (Auda, 2008). Thus, there is an urgent need to reexamine the pilgrimage through the lens of Islamic legal objectives to ensure that its core purposes are fulfilled in the modern era.

Research Questions

- 1) What are the Maqasid al-Shariah underlying the rituals of Hajj?
- 2) How do contemporary challenges threaten the realization of these objectives?
- 3) How can Maqasid al-Shariah guide ethical and practical solutions for improving the Hajj experience today?

Objectives of the Study

- 1) To identify the major maqasid embedded in the rites of Hajj
- 2) To analyze the impact of contemporary challenges on these objectives
- 3) To propose sustainable, Sharia-based solutions through the application of maqasid principles.

Methods

This study adopts a qualitative and analytical methodology. It draws on classical sources of Islamic jurisprudence, including al-Mustasfa by al-Ghazali (1997), al Muwafaqat by al-Shatibi (1997), and Maqasid al-Shariah al-Islamiyyah by Ibn Ashur (2006). Contemporary works by Jasser Auda (2008, 2010), Yusuf al-Qaradawi (1999), and Muhammad Hashim Kamali (2012) inform the modern interpretive framework. The research also reviews contemporary fatwas, official reports from the Saudi Ministry of Hajj, and academic literature addressing issues of Hajj management, technology, and sustainability. The analysis applies *ijtihad* maqasidi contextual reasoning guided by the objectives of Sharia to evaluate solutions for current Hajj challenges.

The significance of this research lies in bridging classical Islamic jurisprudence with contemporary global realities. It demonstrates that Maqasid al-Shariah provides not only a spiritual compass but also a comprehensive ethical framework for managing complex socio-political and administrative issues in modern Hajj. The study contributes to the growing field of applied maqasid studies, offering practical recommendations that uphold Sharia's higher objectives while enhancing efficiency, safety, and inclusivity in the pilgrimage.

Results

Concept of Maqasid al-Shariah

Maqasid al-Shariah refers to the higher purposes and wisdoms intended by Allah behind the rulings of Islamic law. Al-Ghazali (1997) defined Sharia's objectives as the preservation of five fundamental values—religion (*din*), life (*nafs*), intellect (*'aql*), progeny (*nasl*), and wealth (*mal*). These universals, known as *al-kulliyat al-khams*, serve as the foundation of Islamic ethics and legislation. Al-Shatibi (1997) elaborated that these objectives are realized through three hierarchical needs: necessities (*daruriyyat*), conveniences (*hajiyyat*), and embellishments (*tahsiniyyat*). Ibn Ashur (2006) later revived maqasid discourse by emphasizing that Sharia aims to achieve human welfare (*maslahah*) and prevent harm (*mafsadah*), suggesting that law must evolve with societal change.

Contemporary scholars such as Jasser Auda (2008) propose a systems-based view of maqasid, highlighting interconnectivity and dynamism. He argues that the higher objectives of Sharia should guide modern governance, education, and technology. Thus, maqasid represents not a static legal theory but a living ethical paradigm capable of addressing modern challenges including those facing Hajj.

Maqasid Approach in Islamic Jurisprudence

Hajj is established in both the Qur'an and Sunnah as an obligatory act for those physically and financially capable: "And Hajj to the House is a duty owed to Allah by people who are able to undertake it" (Qur'an 3:97). The Prophet ﷺ described it as a means of spiritual renewal: "Whoever performs Hajj and does not commit any obscenity or wrongdoing will return as sinless as the day he was born" (Sahih al-Bukhari, 1521).

In fiqh al-hajj, scholars emphasize its dual dimension individual devotion ('ibadah fardiyyah) and collective expression of Muslim unity ('ibadah jama'iyah). The Hajj experience fosters humility, equality, and submission, embodying the Sharia's objectives of purifying the soul and strengthening the community (Rahman, 2019). Thus, the performance of Hajj reflects the practical realization of Sharia's purposes in a global congregation.

Previous Studies and Gaps

Previous studies have examined Hajj from logistical, sociological, and management perspectives. Ahmad (2017) analyzed crowd control and safety strategies; Al-Kahtani (2021) explored environmental management during Hajj; and Al-Shehri (2022) investigated the role of digital technology in improving pilgrims' experience. However, few researchers explicitly connect these issues to Maqasid al-Shariah. While Auda (2020) discusses the theoretical relevance of maqasid in modern contexts, there remains a lack of empirical and applied research linking maqasid principles with real-world challenges in Hajj operations. This study fills that gap by offering an integrated framework grounded in both classical jurisprudence and contemporary realities.

The Maqasid al-Shariah of Hajj Rites

The foremost objective of Hajj is the preservation and renewal of faith. The pilgrimage represents the pinnacle of servitude to Allah, where every act from entering ihram to circumambulating the Ka'bah signifies submission to divine will. Hajj reinforces tawhid (the oneness of Allah) and revives spiritual consciousness. Al-Shatibi (1997) noted that acts of worship serve to strengthen the believer's link with Allah, ensuring that the maqasid of religion devotion, sincerity, and unity are realized. In modern contexts, maintaining spiritual focus amidst commercialization and distraction is essential to safeguarding Hifz al-Din.

Islam prioritizes the sanctity of human life: "Whoever saves one life, it is as if he has saved all of mankind" (Qur'an 5:32). The logistical complexity of Hajj requires rigorous safety protocols, especially given the history of crowd incidents. Measures such as crowd flow management, emergency medical facilities, and heat mitigation strategies directly serve the maqasid of protecting life (Ahmad, 2017). The principle la darar wa la dirar ("no harm and no reciprocating harm") mandates that safety and health take precedence in policy-making.

Hajj is also a journey of moral discipline and reflection. The prohibition of intoxicants and unethical conduct ensures that pilgrims maintain mental clarity and moral awareness. Ibn Ashur (2006) emphasized that preserving intellect extends beyond avoiding substances it includes fostering wisdom, patience, and ethical responsibility. Educational programs and pre-Hajj orientations thus serve as maqasid-driven tools to enhance pilgrims' understanding.

During Hajj, chastity, modesty, and family integrity are emphasized. Pilgrims are prohibited from engaging in sexual relations, quarrels, or immoral behavior, reflecting Islam's aim to safeguard lineage and morality (Qur'an 2:197). The collective environment of Hajj encourages values that strengthen family and community ethics, reinforcing the maqasid of Hifz al-Nasl.

Islam mandates that Hajj expenses must come from lawful sources. The Prophet ﷺ said: "When a person sets out for Hajj with pure provisions and places his foot in the stirrup, a caller calls from the heavens: 'May your Hajj be accepted'" (al-Tabarani, al-Mu'jam alKabir). Economic moderation and avoidance of extravagance are crucial. Rising costs and commercial exploitation of pilgrims contradict this maqasid. Transparent pricing, fair trade, and equitable resource distribution protect both individual and collective wealth.

Beyond the five universals, Hajj fulfills broader collective objectives: unity, equality, humility, and solidarity. The uniform garments of ihram erase social distinctions, fostering global Muslim fraternity. Ibn Ashur (2006) highlighted that such communal experiences advance justice and mutual compassion key maqasid of Sharia. In contemporary terms, these values underpin international cooperation, cross-cultural understanding, and the moral cohesion of the Ummah.

Discussion

Contemporary Challenges Affecting the Hajj

Overcrowding and Safety Management

Overcrowding remains one of the most persistent and critical challenges in Hajj management. Each year, millions of pilgrims from across the world gather in limited physical spaces such as Mina, Arafat, and Muzdalifah. The exponential increase in the global Muslim population and improved transportation systems have intensified pressure on infrastructure and safety protocols. Incidents of crowd crushes and stampedes, such as those recorded in 1990 and 2015, highlight the life-threatening consequences of inadequate crowd control (Ahmad, 2017). From a maqasid perspective, preserving life (Hifz al-Nafs) necessitates that authorities implement proactive safety strategies. This includes using artificial intelligence for realtime crowd monitoring, emergency planning, and equitable distribution of pilgrims to reduce congestion (Al-Shehri, 2022). Thus, technology becomes a tool for fulfilling the Sharia's objective of preventing harm and ensuring welfare.

Health and Environmental Concerns

Health risks during Hajj ranging from infectious diseases to heat-related illnesses pose serious challenges. The COVID-19 pandemic demonstrated how global health emergencies can disrupt Hajj operations entirely (WHO, 2020). Environmental degradation caused by excessive waste, carbon emissions, and resource overuse further complicate matters (Al-Kahtani, 2021). Addressing these concerns aligns directly with Hifz al-Nafs (preservation of life) and Hifz al-Mal (preservation of wealth). Measures such as strict hygiene protocols, ecofriendly transport systems, and waste management programs reflect the maqasid principle of minimizing harm (dar' al-mafsadah). Islam's environmental ethics, grounded in the Qur'anic call to avoid corruption on earth (Qur'an 7:56), reinforce the duty of stewardship (khilafah) during the pilgrimage.

Technological and Administrative Challenges

The digital transformation of Hajj management introduces both benefits and ethical concerns. The use of AI surveillance, biometric identification, and online registration systems

enhances efficiency but raises questions about data privacy and digital equity (Al Shehri, 2022). Some pilgrims from less developed nations struggle to access or understand online platforms, potentially facing exclusion. Maqasid al-Shariah requires that such technologies serve justice ('adl) and inclusion, consistent with Hifz al-'Aql and Hifz al-Mal. Ethical technology policies guided by maqasid ensure that modernization supports, rather than undermines, Sharia's higher aims. Digital literacy initiatives and transparent governance can thus reconcile innovation with ethical integrity.

Economic and Political Barriers

Economic inequality and political restrictions continue to limit access to Hajj. Rising travel costs, visa quotas, and geopolitical tensions affect pilgrims' ability to perform this obligation. Islam mandates that Hajj be performed only by those financially capable (istita'ah), yet modern inflation and commercial exploitation have distorted this balance (Rahman, 2019). From a maqasid perspective, ensuring economic fairness relates to Hifz al-Mal and Hifz al-Din. Equitable quota allocation, standardized pricing, and anti-corruption measures preserve the wealth and dignity of pilgrims. Political neutrality in pilgrimage management also upholds the Sharia's vision of Hajj as a unifying global event rather than a politicized arena.

Spiritual and Moral Challenges

Modern pilgrims face distractions that compromise the spiritual essence of Hajj. The proliferation of smartphones, social media, and commercial activities can reduce the pilgrimage to a superficial experience. The Prophet ﷺ warned that actions are judged by intentions (niyyah), emphasizing sincerity over display (Sahih al-Bukhari, 1). Preserving spirituality aligns with Hifz al-Din the ultimate purpose of Hajj. Efforts to promote spiritual education, regulate commercialization, and encourage mindfulness can help restore Hajj's inner dimensions. The maqasid approach thus calls for policies that nurture both outer compliance and inner devotion.

Applying Maqasid al-Shariah to Address These Challenges

Ethical and Policy Frameworks

The integration of Maqasid al-Shariah into Hajj management provides a moral compass for policy-making. A maqasid-based framework requires that all administrative decisions aim at achieving *maslahah 'ammah* (public welfare) and avoiding harm. Policymakers should evaluate initiatives based on how they uphold the five universal objectives religion, life, intellect, progeny, and wealth (al-Ghazali, 1997; Auda, 2008). For instance, ensuring equitable access to Hajj visas promotes justice ('adl), while sustainable environmental policies protect life and wealth. Ethical oversight committees grounded in Sharia principles could institutionalize maqasid thinking within decisionmaking processes of the Saudi Ministry of Hajj and international Islamic organizations.

Juristic Adaptation (Ijtihad Maqasidi)

Ijtihad maqasidi represents dynamic juristic reasoning that interprets legal rulings according to Sharia's objectives. Al-Shatibi (1997) and Ibn Ashur (2006) emphasized that Sharia's flexibility allows scholars to adapt rulings to new circumstances without violating core principles. For example, crowd control measures that temporarily restrict movement or restructure rituals can be justified through the maqasid of preserving life. Modern jurists can employ ijtihad maqasidi to develop rulings on digital identity, travel regulations, and environmental sustainability areas absent from classical fiqh. By prioritizing the Sharia's aims

rather than literal texts, this approach ensures relevance, inclusivity, and ethical coherence in contemporary contexts (Kamali, 2012).

Technological Innovation Guided by Sharia Objectives

Technology, when aligned with maqasid, can significantly enhance the Hajj experience. Digital mapping systems, real-time crowd tracking, and health monitoring apps contribute to Hifz al-Nafs. Online fatwa platforms and virtual training programs support Hifz al-'Aql by promoting knowledge accessibility. Furthermore, adopting green technologies such as solar-powered facilities and waste recycling serves Hifz al-Mal and Hifz al-Nasl by protecting future generations. Auda (2010) advocates for a systems-thinking model of maqasid where technology and ethics coevolve. Such integration transforms innovation from mere efficiency to moral excellence (ihsan) in fulfilling Allah's command to seek ease and prevent hardship (Qur'an 2:185).

Global Cooperation and Ummah Unity

Hajj, by its very nature, embodies global unity. However, administrative, political, and economic divides often fragment this spirit. A maqasid-based vision encourages transnational collaboration among Muslim-majority states, international health agencies, and Islamic scholars to standardize safety measures, environmental guidelines, and ethical protocols. Preserving unity (wahdat al-Ummah) aligns with the collective maqasid of social solidarity and justice. Global forums under the Organization of Islamic Cooperation (OIC) could facilitate shared research, technology exchange, and equitable policy frameworks. By prioritizing maslahah 'ammah, such cooperation reaffirms Hajj as a unifying force transcending national boundaries.

Conclusion

The Hajj remains one of Islam's most profound acts of worship, embodying submission, equality, and unity. However, modern realities ranging from population growth to technological dependence demand renewed juristic and ethical attention. This paper has demonstrated that the Maqasid al-Shariah provide a comprehensive framework for understanding and addressing these evolving challenges. The five universal objectives preservation of religion, life, intellect, progeny, and wealth each find expression in the rituals of Hajj. Yet, contemporary challenges such as overcrowding, health crises, commercialization, and political restrictions threaten their realization. Through the application of ijtiḥad maqasidi, scholars and policymakers can reinterpret Sharia rulings to align with these objectives while preserving the sanctity of worship.

References

- Ahmad, M. (2017). Safety management and crowd control during Hajj: Lessons and recommendations. *Journal of Islamic Management Studies*, 9(2), 45–62.
- Al-Ghazali, A. H. (1997). *Al-Mustasfa min 'ilm al-usul*. Dar al-Kutub al-'Ilmiyyah.
- Al-Kahtani, S. (2021). Environmental sustainability in the management of Hajj: Challenges and prospects. *Saudi Journal of Environmental Research*, 6(3), 101–118.
- Al-Shatibi, I. (1997). *Al-Muwafaqat fi usul al-shariah*. Dar al-Ma'rifah.
- Al-Shehri, M. (2022). Digital transformation and ethical governance in Hajj management. *Journal of Islamic Technology*, 4(1), 22–39.

- Auda, J. (2008). *Maqasid al-Shariah as philosophy of Islamic law: A systems approach. The International Institute of Islamic Thought.*
- Auda, J. (2010). *Maqasid al-Shariah: An overview.* IIIT Publications.
- Esposito, J. L. (2018). *Islam: The straight path (5th ed.).* Oxford University Press.
- Ibn Ashur, M. T. (2006). *Maqasid al-Shariah al-Islamiyyah.* Dar al-Nafa'is.
- Kamali, M. H. (2012). *Principles of Islamic jurisprudence.* Islamic Texts Society.
- Peters, F. E. (1994). *The Hajj: The Muslim pilgrimage to Mecca and the holy places.* Princeton University Press.
- Qaradawi, Y. (1999). *Fiqh al-maqasid: Understanding the higher objectives of Sharia.* Dar al-Shuruq.
- Rahman, F. (2019). Hajj as a unifying act of worship: Theological and social dimensions. *Journal of Islamic Civilization, 12(1), 65–84.*
- Saudi Ministry of Hajj and Umrah. (2023). *Annual report on Hajj operations.* Government Press.
- World Health Organization. (2020). *Health guidelines for mass gatherings: Hajj and Umrah edition.* WHO Press.