

Jurisprudential Rulings Related to Violating Hajj Permits and Campaigns

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Abstract

The study aims to identify some of the jurisprudential issues and emerging issues in Hajj, the study was limited to examine two issues: Hajj permits and the ruling on trading in them, Hajj campaigns and their announcement, and related rulings, in this study, the researchers adopted the inductive approach by extrapolating the texts of jurists and their sayings, as well as the analytical approach, by analyzing the sayings of the jurists, discussing them, and weighing between them and their reasons, among the most important results of the study were the following: Whoever performs Hajj without the permit required by the official authorities, his Hajj is valid, but he is sinning for disobeying the orders of the guardian, and It is not permissible to circumvent the regulations by selling permits to others and trading with them after extracting it, the research also concluded that the most likely opinion is that the transporter of pilgrims will have a Hajj written for him, and it is permissible to advertise and publicize to transport of pilgrims on the condition of faith, honesty, and a warning against consuming people's money unjustly, It is not permissible to circumvent the regulations by registering for campaigns without performing Hajj with them, the study recommended the necessity of obeying the guardian, for the matter is based on what he deems a desirable interest for performing the Hajj, and that is considered one of the public interests entrusted to the Imam based on the rule of "the Imam's action over the subjects is dependent on the interest, one of the results that the research concluded was that requiring the guardian to obtain a permit to perform the Hajj is not intended to prevent the performance of this ritual, or limiting it to one group rather than another, came based on the necessity of preserving the five necessities, which include: preserving oneself, to prevent crowding and jostling, as well as setting the period between each Hajj and the next to five years, to preserve the souls of the pilgrims, and to enable the pilgrims to perform their rituals smoothly and easily, the study also recommends the need to be aware that obedience to the ruler entrusted with the interest of the subjects is obligatory, and rather it is part of the obedience to God through which the servant approaches to his creator.

Keywords: *permits, campaigns, obedience to the ruler, vested interest, fraud, regulations.*

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Introduction

Praise be to God, and prayers and peace be upon our master Muhammad, the Messenger of God, and whoever follows his guidance until the Day of Judgment. As for what follows:

Almighty said: (Pilgrimage to the House is a duty owed to Allah upon all people who are able to make their way to it) Surah Al Imran, verse 97. This is because the ability to perform Hajj is not limited to physical or financial ability only, but it includes the ability to obtain the necessary regulating procedures to perform Hajj. Determining percentages of Hajj and determining the period between one Hajj and another is of great benefit and i, as it prevents crowding and helps everyone perform Hajj easily, conveniently and safely, Therefore, it was of great importance to take into account the organizational and procedural issues issued by the official authorities, It is necessary to understand the jurisprudential issues related to such regulatory procedures, such as obtaining permits for Hajj, as well as the provisions related to Hajj campaigns and their advertising and promotion.

Research problem:

The main problem of this study is to attempt to answer the following questions:

- What is the ruling on requiring a permit to perform Hajj?
- What is the ruling on someone who is unable to perform Hajj because he is unable to obtain a permit?

Research aims:

The research seeks to achieve a set of objectives, including:

- Demonstrating the flexibility, ease and tolerance of Islamic law.
- Explaining that Hajj is only obligatory once in a lifetime, and that anything more than that is voluntary
- Explaining that voluntary charity is better than voluntary Hajj, especially in this time when people are in great need of money.
- The legality of the guardian determining the performance of the Hajj ritual for those who have previously performed Hajj, except after five years have passed.
- Highlighting that the requirement to obtain a permit to perform Hajj is not intended to prevent the performance of this ritual, nor to limit it to one group rather than another, rather, it is a matter of legitimate policy authorized by the guardian, in order to preserve the lives of the pilgrims.
- A statement that the ruling of circumventing and violating the organizing bodies, and going to perform Hajj without a permit is forbidden.
- A statement that whoever performs Hajj without permission from the organizing authorities, his Hajj is valid, but he is sinning because he violates the orders of the ruler.

The importance of the study:

The importance of the study becomes clear by stating the following:

- 1- The role of Islamic law in finding solutions to all emerging issues and cases.
- 2-The Hajj ritual is one of the most revered rituals in Islamic law, and it must be performed perfectly in order to obtain the greatest reward and achieve acceptance with God.
- 3-The necessity of obeying the ruler in the instructions and regulations he issues to achieve security and stability for performing the Hajj rituals.

Previous Studies:

The researchers did not find - as far as they were able - a study that exclusively examined these issues, although many jurisprudential Fatwas were reported on them.

Research Methodology:

The research method is the descriptive and analytical method, benefiting from the rest of the methods as required by the issue.

Search Plan:

The research plan consists of an introductory topic, two main topics, and a conclusion that includes the most important results and recommendations:

The introductory topic: It includes a statement of the vocabulary of the research title

Topic one: The ruling on performing Hajj every year

Topic two: The ruling on performing Hajj without obtaining a permit from the relevant authorities.

INTRODUTORY TOPIC

Statement of the vocabulary of the research title

What is meant by Hajj permit: It is a document required to allow all pilgrims to perform Hajj in the holy rituals, and the visit cannot be carried out without this permit, which was approved by the kingdom with the aim of organizing the Hajj process

Definition of Hajj linguistically and terminologically:

Hajj linguistically: the intention, so-and-so performed Hajj to us, i.e. he came, and he performed Hajj, he performed Hajj, he intended, and I performed Hajj so-and-so, and I adopted him, i.e. I intended. Ibn al-Sakit said, he says: They often disagree with this origin, then it was used in the intention to Mecca for rituals, and Hajj to the House in particular, we say: Hajj is performed by Hajj, and Hajj is intended to go to the house with the legitimate deeds, both obligatory and Sunnah. we say:

I perform Hajj to the House and perform it as a Hajj if I intend to visit it . Accordingly, what is meant by Hajj linguistically is: intention, and this act of worship is called Hajj because of its intention to a specific place.

Hajj, in technical terms: standing at Arafat on the night of the tenth of Dhul-Hijjah, circumambulating the Kaaba seven days, and moving between Safa and Marwah as well in a specific manner with Ihram , and as for its definition, Ibn Farhun said: In his explanation: Hajj, Hajj, with opening the Ha and breaking it, as well as the Hajjah and the Hijjah, in it the two languages are the most commonly heard in the Kaser, and Qiyas are the Fath .

Ruling on Hajj: Hajj is one of the five pillars of Islam, and it is obligatory for those who are physically and financially able, among the free, obligated people once in a lifetime , and the most correct view is that it is obligatory immediately contrary to some Shafi' who say that it is obligatory for laxity.

Evidence from Qur'an, Sunnah, the consensus of the nation, and reason has indicated its obligation.

Firstly - The Book: Many verses indicate the obligation of Hajj, including:

- God Almighty says: (Pilgrimage to the House is a duty owed to Allah upon all people who are able to make their way to it) Al Imran, verse 97.

The significance of the verse: Lam in his saying "By God" Lam of the obligation and affirmation, then he confirmed it by the Almighty's saying: (on), which is one of the most

emphatic terms of obligation among the Arabs. So if an Arab says: To so-and-so on such-and-such, then he has confirmed it and made it obligatory, so God Almighty mentioned Hajj in the most eloquent terms. It is obligatory to confirm his right and glorify his sanctity, and there is no disagreement regarding its obligation, and it is one of the rules of Islam .

Second - Sunnah: There are many hadiths mentioned in the purified Sunnah of the Prophet that indicate the obligation of Hajj, including:

His statement (God's prayers and peace be upon him) on the authority of Abu Hurairah, who said: The Messenger of God - may God's prayers and peace be upon him - addressed us and said: O people, God has imposed Hajj on you, so you must perform Hajj, and a man said: every a year, O Messenger of God, so he was silent until he said it three times, so the Messenger of God - may God's prayers and peace be upon him said: If I had said yes, it would have been obligatory and you would not have been able, then he said: Leave me as long as I have left you, for those who were before you perished because of their many questions and disagreements with their prophets, so if I command you to do something, do as much of it as you can, and if I forbid you to do something, abandon it.

The meaning of the hadith: The hadith indicates that Hajj is necessary and obligatory. Al-Nawawi said: In his explanation of Sahih Muslim, "Know that Hajj is an obligation for every free Muslim who is able, and they unanimously agreed that neither Hajj nor Umrah is obligatory in a person's lifetime except once." Unless he makes a vow, the vow must be fulfilled on his condition."

Third - Consensus: Ibn al-Mundhir said: They agreed that a free, sane, adult Muslim, with a healthy body, hands, sight, and feet, who finds provisions, a mount, and something, is left behind for his family for the duration of his departure, and there is no sea or fear on his way, nor is he prevented by his parents, or one of them, then Hajj is upon him as an obligation.

Ibn Bashir said: The nation has unanimously agreed that it is obligatory in general, so whoever denies it, or doubts it, is an infidel who must repent, and if he does not repent, he will be killed. and whoever acknowledges its obligation and refrains from doing it, then God for him, and he will not be subjected to him.

Fourth - Reasonable: Worships are imposed for the right of servitude, or for the right of gratitude for a blessing, and in Hajj it is a display of servitude and gratitude for a blessing, as for showing servitude, it is a display of submission to the one being worshipped and in Hajj that is, because the pilgrim, in the state of Ihram, appears disheveled, rejects the reasons for adornment and kindness, and is imagined as a slave his master is displeased with him, so he is subjected to his bad condition to his master's kindness and mercy towards him, and if he stands at Arafat, he is in the position of a slave who disobeyed his master, so he stands before him supplicating, praising him, praising him, asking forgiveness for his transgressions and resigning himself to his missteps, and by circumambulating the House, he stays in the place attributed to his Lord, in the position of a servant secluded at the door of his master, seeking refuge beside him. As for giving thanks for a blessing, this is because some of the acts of worship are physical and some are financial, and Hajj is a worship that can only be performed with the body and money, and for this reason it is not obligatory except when there is money and the health of the body, so it included giving thanks for the two blessings, and thanking the blessing is nothing but using it in obedience to one who bestowed it, and giving thanks for the blessing is obligatory both mentally and legally .

The status and virtues of Hajj:

Hajj has a great status among acts of worship, as it is one of the acts of obedience by which a servant draws closer to his Lord, Its reward is great and its virtue is great. Many texts have come that indicate the great reward of its doer, such as the Almighty's saying:

(And proclaim the pilgrimage to all people; they will come to you on foot and on every lean camel from every distant pathway* so that they may attain benefits[17], and pronounce Allah's name during the appointed days over the sacrificial animals[18] that He has provided for them; then eat from it and feed the desperately poor* Then let them complete their rites, fulfill their vows, and circumambulate the Ancient House [Ka'bah]. (Al-Hajj: Verse 27-29).

The meaning of the verse: This verse indicates the status and virtue of Hajj, and among this is what was mentioned of the benefits of visiting the Sacred House of God, desiring it and saying: {that they may witness benefits for them} meaning: that they may obtain religious benefits in the House of God, of virtuous worship, and worship that can only be therein, and worldly benefits, such as earning money, and obtaining worldly profits, and all of this is something that everyone sees and knows

In the purified Sunnah of the Prophet there is something that clarifies the virtue and status of Hajj, and among these hadiths:

- What was narrated on the authority of Abu Hurairah, who said: The Messenger of God, may God's prayers and peace be upon him, said: Whoever performs Hajj and does not commit obscene acts or sin, his previous sins will be forgiven . And in Al-Bukhari's narration, with wording on the authority of Abu Hurairah, may God be pleased with him, he said: The Prophet, may God's prayers and peace be upon him, said (Whoever makes the pilgrimage to this House and does not commit obscene acts or do evil, he will return as the day his mother gave birth him.)

The significance of the hadith: This hadith indicates that Hajj is one of the deeds that expiates sins and forgives them, so whoever comes to the House and does not commit sexual intercourse, and sexual intercourse means intercourse, and it is used to expose oneself to it and to express obscenity in speech, and it was said: sexual intercourse is a comprehensive name for everything that a man wants from a woman. Ibn Omar was specific to what he proposed to women, and what appears to be what is meant in the hadith is something more general than that, and his saying: He did not commit evil, and he did not commit any evil or disobedience, his saying: He returned as the day his mother gave birth to him, without sin, What appears to be forgiveness of minor and major sins and consequences.

Among them: what was narrated on the authority of Abu Hurairah, may God be pleased with him: that the Messenger of God, may God's prayers and peace be upon him, said: "Umrah to Umrah is expiation for what is between them, and the accepted Hajj has no reward except Paradise

The meaning of the hadith: The hadith indicates that the accepted Hajj is one that is not mixed with sin, taken from righteousness, which is obedience, and it was said: it is the one that is accepted, and a sign of acceptance is that he returns better than he was, and does not repeat sins, and it was said: it is the one in which there is no hypocrisy, It was said: What is not followed by sin, and they are included in what came before them, and the meaning is that it has no reward except Paradise, that the reward for its doer is not limited to atonement for some of his sins, but rather he must enter Paradise, and God knows best.

TOPIC ONE

Performing the Hajj every year, and the extent of the legality of the guardian determining the performance of the Hajj ritual for those who have previously performed the Hajj.

There are two issues

The first issue: The ruling on performing Hajj every year.

The jurists agreed that Hajj is obligatory once in a lifetime, and anything more than that is voluntary

It was mentioned in Sunnah of the Prophet: On the authority of Abu Hurairah, he said: The Messenger of God - may God's prayers and peace be upon him - addressed us and said: "O people, God has imposed Hajj on you, so that you must perform Hajj, then a man said: every year, O Messenger of God, he was silent until he said it three times, so the Messenger of God said: - May God's prayers and peace be upon him." , If I had said yes, it would have been obligatory and you would not have been able - then he said: - Leave me as long as I have left you, for those who were before you perished because of their excessive questioning and their disagreement over their prophets, so if I command you to do something, do as much of it as you can, and if I forbid you to do something, then abandon it.

Al-Nawawi said: In the explanation of Sahih Muslim, they are unanimously agreed that neither Hajj nor Umrah is obligatory in a person's lifetime except once, unless he makes a vow, in which case the vow must be fulfilled on his condition

After we learned that Hajj is only obligatory once in a lifetime, and that anything more than that is voluntary, another issue comes to mind that is worthy of research, which is whether volunteering for Hajj is better for those who perform the obligatory Hajj, or spending the expense of Hajj in voluntary charity better?

We say, and God grant us success: The basic principle is that the voluntary Hajj is better than giving money in charity. However, some reasons may be presented that make giving charity with funds better than performing a voluntary Hajj, such as if the charity is for jihad in the path of God, or for calling to God, or for a people in need, especially if they are his relatives, it was narrated that "charity given to the poor is charity, and for a relative is two charity and connection. .

This issue was discussed by jurists in the past, and their statements regarding it were as follows:

The first saying: This was said by some of the Malikis and Shafi'is, and it is the doctrine of Imam Ahmad ibn Hanbal: that a voluntary Hajj is better than a voluntary conquest, and than charity in cases other than famine .

The second saying: It is the opinion of the Hanafi jurists, that if the Hajj is performed by Hajj al-Islam, then voluntary charity after that is better than Voluntary Hajj It was mentioned in Al-Muhit Al-Burhani by Imam Burhan Al-Din Al-Hanafi that he said: "If a man performs Hajj once, and then wants to perform Hajj once, is Hajj another time better for him or is charity? So what is chosen is that charity is better for him, because the benefit of charity goes to the poor, and the benefit of Hajj is limited to him and it was stated in the response of Al-Muhtar: said: Charity is better than Hajj voluntarily, as was narrated on the authority of Imam Abu Hanifa, but when he performed Hajj and knew the hardship, he issued a fatwa that Hajj is better, and what he means is that if he performs a voluntary Hajj and If he donate this thousand to the needy, it is better.

The third opinion: detail. Whatever the need for it is greater and the benefit is more comprehensive, it is better, as it was stated, "Hajj is better than ten battles," and its opposite is stated, so it is interpreted as being more beneficial. If he is braver and more beneficial in war, then his Jihad is better than his Hajj, or vice versa, then his Hajj is better, and so is his construction Rabat, if he is in need of it, is better than charity and voluntary Hajj, and if the poor person is in dire need, or is one of the righteous people, or from the family of the Prophet - may God bless him and grant him peace - then honoring him may be better than Hajj, Omars, and building Rabat.

As it was narrated in Al-Masmarat: About a man who wanted to perform Hajj, so he carried a thousand dinars to prepare, and a woman came to him on the way and said to

him: I am from the family of the Prophet - may God bless him and grant him peace - and I am in need, so he emptied what he had for her. When the pilgrims returned to his country, he became every time he met a man from them. He said to him, "May God accept from you." He was amazed at their saying. He saw the Prophet - may God bless him and grant him peace - in his sleep and said to him: Are you amazed at their saying, "May God accept from you?" He said: Yes, O Messenger of God. He said: God created an angel in your image who performed Hajj on your behalf. He will perform Hajj on your behalf until the Day of Resurrection by honoring a distressed woman from my family, so look at this honor that he received, and he did not obtain it through Hajj or by constructing Rabat

What the researchers are leaning toward from these statements is that voluntary charity is better than voluntary Hajj, especially in this time when people's need for money has increased, and many people cannot find the necessary sustenance, If this money were put toward feeding the poor and needy, treating their sick, and equipping hospitals providing means of treatment for them, and marrying incapable young men and women to those who want chastity and purity, would have been better, in addition to the fact that by doing this, he clears the way for those who have not performed the obligatory Hajj, and reduces crowding and jostling, and he will be rewarded for this intention, and this opinion is supported by what was narrated on the authority of Ibn al-Jawzi in the book *al-Safwa*: Charity is better than Hajj and Jihad, and his reason for it is that: He rides and returns and the people see him, and this gives a secret that only God Almighty can see, and God knows best.

The correct thing is: Charity in times of famine is better for those in need, especially a neighbor, especially a family member, and more specifically a relative, this is what appears to be not considered a voluntary Hajj, rather the soul is cut off by this, and this is a public benefit, and it is transitive, as for a voluntary Hajj, it is limited to its doer, this is apparent from Al-Majd's words in his explanation and elsewhere. God knows.

It was mentioned in *Al-Furoo'* by Ibn Muflih: What supports this opinion is when he said: Is a voluntary Hajj better than voluntary charity? Harb asked Ahmad: Should he perform a voluntary Hajj or see his relatives? He said: If they are in need, what is dearest to me will reach them. It was said: If they are not relatives? He said: Hajj.

After this narration, Abu Bakr mentioned another narration on the authority of Ahmad that he was asked about this issue, and he said: Some people say that I do not do justice to the scenes. Abu Bakr translated: The virtue of maintaining kinship after the obligatory Hajj, and Ibn Hani' narrated on this issue: And if his relatives are poor? Ahmad said: He puts it in hungry livers that is more beloved to me, so what is apparent is the generality, and in asceticism by Imam Ahmad on the authority of Al-Hasan, he said, one of them says: Hajj, Hajj, I have already performed Hajj, pray for the family, give alms to a distressed person, do good to a neighbor.

With this also came the fatwa of the Egyptian Fatwa House, in which it was stated that "In this era in which poverty has increased, needs have increased, and the economy of many Islamic countries has weakened, we declare that providing for the poor and needy, treating the sick, paying off the debts of debtors, and other aspects of relieving people's distress and meeting their needs is a priority over the voluntary Hajj and Umrah without disagreement, is more rewarding than it, and is closer to acceptance by God Almighty, this is what is indicated by the texts of the Qur'an and Sunnah, and agreed upon by the scholars of the nation and its followed schools of thought, and that it is necessary for the wealthy Muslims to fulfill the obligation of sufficiency in paying the needs of those with needs, engaging in this is definitely given priority over engaging in the voluntary Hajj and Umrah, and one who performs the sufficiency obligation is more rewarded than one who performs the individual obligation; Because he seeks to remove the sin from the entire nation, indeed, a group of jurists stated that if consolation is required in the event of

famine and increased need for the person intending to perform the obligatory Hajj, then he must provide it before the Hajj, to agree on the obligation of consolation at that time immediately, unlike Hajj, which differed as to whether it was obligatory immediately or leniently.

It is not permissible for those in wealthy to neglect the needy under the justification of increasing voluntary acts of worship and obedience, It is not permissible to abandon duties in order to achieve desirable things, and it is not permissible to preoccupy with minor acts of worship that are of special benefit, or to spend time and money on them, at the expense of carrying out multiple acts of worship that are of public benefit, one who wants to volunteer for Hajj and Umrah must strive to spend his money to provide for the poor, meet the needs of the poor, and pay off debts, those who are in debt, before giving it in voluntary acts of worship. Likewise, offering to meet the needs of the needy and giving to the needy in exchange for volunteering for Hajj or Umrah brings one who does it the reward of both matters.

It was reported from the nation's jurists that "they believed that if one performed Hajj repeatedly, charity was better." Abdullah bin Al-Mubarak, may God have mercy on him, went out for Hajj one year and met a girl who said to him: My brother and I here have nothing but this garment, and we have no sustenance except what is thrown upon us, this is a dustbin, and we have been dead for days. So he paid her the Hajj expense and said: This is better than our Hajj this year, then he came back.

In this regard :Sheikh al-Islam Ibn Taymiyyah, may God have mercy on him, issued a fatwa where he said: Hajj in the prescribed manner is better than charity that is not obligatory, but if he has relatives in need, then giving charity to them is better.

Worships that have multiple benefits, such as charity and others, are better rewarded and greater in reward - with the Creator, Glory be to Him - than worships whose benefit is limited to one who does them only. It was reported from the Prophet (peace and blessings of God be upon him) that he said: "The most beloved of people to God are ones most beneficial to people, and the most beloved of deeds to God Almighty is joy, you may bring it upon a Muslim, or relieve him of distress, or pay off his debt, or ward off hunger from him, and for me to walk with my Muslim brother in a need is more beloved to me than to seclude myself in this mosque for a month. Whoever restrains his anger, God will cover his faults, and whoever suppresses his anger, even if he wants to expel it, He will fulfill it, God will fill his heart with contentment on the day of resurrection, and whoever walks with his Muslim brother in need until he fulfills it for him, God Almighty will establish his foot on the day when feet will depart.

The statement that charity is preferred over the voluntary Hajj is a statement that applies the jurisprudence of responsibilities and priorities, prioritizing the most obligatory over the obligatory, and the obligatory over the recommended, and being lenient in the Sunnahs and recommended ones, unlike the obligatory ones and duties, so do not be lenient in them, and there is evidence in the Sunnah that indicates leniency in the recommended and preferred ones such as;

What was narrated on the authority of Omar bin Al-Khattab that the Prophet - may God's prayers and peace be upon him - said to him, "O Omar, you are a strong man. Do not crowd the stone or harm the weak. If you find solitude, face it, otherwise face it, and greet it and say Allahu Akbar"

It was reported on the authority of Handala that he said: I saw a peacock passing through the corner, and if it found crowding, it passed and did not crowd, and if it saw it empty, kiss it three times. Then he said: I saw Ibn Abbas do the same, and Ibn Abbas said: I saw Omar Ibn Al-Khattab do the same, then he said: You are a stone. It does not benefit or harm, and had I not seen the Messenger of God - may God bless him and grant him peace

- before you, I would not have kissed you. Then Omar said: I saw the Messenger of God - may God bless him and grant him peace - do the same.

What was mentioned is not specific to receiving the stone or pillar, but rather it was a general rule among the companions, may God be pleased with them all, from which it is understood that everything that results in hardship or distress for people, one must avoid it .

The second issue: The extent of the legitimacy of the guardian determining the performance of Hajj ritual for those who have previously performed Hajj except after five years have passed.

We notice that many people go every year to perform Hajj rituals, which results in excessive crowding, and the holy sites being occupied with numbers of pilgrims exceeding their capacity, which leads to stampedes, and to the occurrence of serious damage and deaths due to crowding, and based on the legal rule that stipulates “Provided that the imam’s disposition of the subjects is dependent on the interest, and Al-Shafi’i stipulated it and said: The status of the imam to the subjects is the status of the guardian to the orphan”, and the rule of “Harm is removed, and its origin is his saying, may God’s prayers and peace be upon him, ‘There is neither harm nor harm’ ” and other supportive rules, in order to alleviate the hardship and embarrassment, the Saudi authorities, represented by the Guardian - may God protect him - took a decision that no one who had previously performed Hajj ritual was eligible until five years had passed since the last Hajj, this decision is consistent with the principles and spirit of Islamic legitimacy, in terms of self-preservation, It removes harm and hardship from the pilgrims, as is supported by the fact that some jurists said: It is desirable to perform Hajj ritual every five years for those who perform the obligatory Hajj.

It was mentioned in Mawahib al-Jalil that he said: “This is confirmed every five years for the one who performs the obligatory Hajj, based on the hadith of Abu Saeed Al-Khudri - may God be pleased with him - “that the Messenger of God)PBUH(said: God - Almighty - says: A servant has a healthy body for him, and I expanded his livelihood for five years, and he does not go to me for someone who is deprived. ” Ibn Farhun said: Concerning his rituals: The scholars said: It is interpreted as desirable and certain that in such a period it has ended, and this does not lead to the house being emptied of those who revive it every year.

A large group of contemporary scholars have said that whoever has previously performed Hajj obligation does not have the right to volunteer for Hajj until five years have passed since the date of his last Hajj, in order to give those who have not previously performed Hajj the opportunity to do so and make room for him, and to expand the scope of the people, and he will be rewarded for this good intention.

This is supported by what was stated in the text of the decision of the Council of Senior Scholars in the Kingdom of Saudi Arabia:

The Council of Senior Scholars, in its forty-seventh session held in the city of Taif, starting on 22/3/1418 AH; See the telegram of His Royal Highness, Deputy Prime Minister, S/378, dated 7/1/1418 AH; In which His Highness - may God grant him success - wished for the Council of Senior Scholars to research and study the issue of organizing domestic Saudi pilgrims, and to develop a procedure that would regulate their conditions, due to the limited space in the holy sites and the steady increase in the number of pilgrims year after year, and to inform him - may God protect him - of what It will be decided in this regard.

The Council studied this matter and reviewed the reality of the situation in Hajj, and the severe crowding that pilgrims are subjected to in many places, roads, and places, and that the reason for this is the large number of pilgrims in recent years, despite what the government has taken to facilitate access to the places, and the continuous arrangements

it makes annually to facilitate the performance of Hajj rituals for Muslims, and after studying, discussing, contemplating, and seeking solutions and appropriate treatment to alleviate the suffering and hardship of those who want to perform Hajj rituals, and to prevent or reduce the damage resulting from the severity of crowding:

The Council of Senior Scholars, by majority, does not see anything preventing the establishment of a regulation for Saudi pilgrims, including that the government does not allow those who have performed Hajj to repeat Hajj, except after five years, as is the practice with non-Saudi residents of the Kingdom, as long as necessity calls for it, as a contribution to easing the burden on the pilgrims, helping them to perform Hajj rituals, and avoiding embarrassment and hardship for them, .”

TOPIC TWO

Ruling on performing Hajj without obtaining permission from the relevant authorities.

There are two issues

It is known that the reward for Hajj is great and its virtue is great, I previously mentioned some of the virtues of Hajj, and it is from the mercy of God Almighty for his servants that he made performing Hajj obligatory once in a lifetime, and anything more than that is voluntary, as previously mentioned and explained, and out of the concern of the rational government of the Kingdom of Saudi Arabia, some measures have been taken that reduce stampede and crowding, and enable pilgrims to perform the rituals of Hajj easily and safely, among these administrative and security measures is the requirement to obtain a permit to perform Hajj, in fact, this measure is not intended to prevent the performance of this ritual or limit it to one group or another, but rather It is a matter of legitimate policy authorized by the guardian, in order to preserve the lives of pilgrims, and to prevent harm from occurring among pilgrims, such as deaths or injuries, as the government of the Custodian of the Two Holy Mosques - may God protect him - has required that anyone who wants to perform Hajj rituals must obtain a permit from the concerned authorities., whether he has never performed Hajj or has performed Hajj before, taking into account that a Hajj permit is not granted to anyone who has previously performed this ritual, except after five years have passed since his last Hajj, I indicated in the previous topic that limiting this period to five years is consistent with the principles of Islamic Sharia, and agrees with what some jurists have said, in addition to being a matter of Sharia policy, especially in these times when the number of people whose souls and hearts long for the Sacred House have increased, which has caused the existence of the phenomenon of crowding and stampeding, but in reality there are some people who attempt to perform Hajj without a permit, whether by sneaking in from hidden bumpy roads, or by deceiving the security agencies present at the entrances to Mecca, some people may agree with some car drivers to give him a sum of money to enter the holy sites, some of them wear Meeqat clothes and remain in Al Mukheet clothes, until when they reach the holy sites, they take off Al Mukheet clothes and put on their Ihram clothes, and pay their sacrifice.

What is the effect of these tricks on the performance of Hajj ritual, and what is the ruling on Hajj without a permit?

Let us begin, and from God, success:

What is meant by trick is linguistically: it refers to cleverness in managing matters, which is the stirring of the mind until it is guided to what is intended, and it is what one reaches a certain state, secretly, and most of its use is when it is done with malice, It may be used wisely.

Its origin is from al-Hul, which is a change from one state to another with a kind of care and gentleness that turns something away from its apparent appearance, or from al-Hul meaning strength, and the trick combines with tricks.

As for terminology, jurists use trickery in a more specific sense than its meaning in language, It is a specific type of action by which its doer transforms from one state to another, then, its use is customarily used in conducting of hidden methods by which he achieves the goal, such that he does not notice it except by some kind of method of intelligence and acumen

The trick here does not mean legal tricks, but rather it means circumventing the regulations established by the state.

Among the words related to the word “trick” are the words<punishment, deception, arrangement and trick.

Contemporary scholars have argued that it is not permissible to violate the issued regulations by the ruler and governed by the state’s regulations, rather, it is necessary to adhere to them and not violate it. Hence, a group of scholars said that whoever violates the regime and goes to perform Hajj without permission from the competent authorities, that he has done so, he becomes a sinner who commits a forbidden act. His Eminence the Grand Mufti of the Kingdom of Saudi Arabia, Sheikh Abdul Aziz bin Abdullah Al Al Sheikh, issued Fatwa on this, stressing the necessity of adhering to the directives issued by the ruler, and adhering to the instructions received from the competent authorities, as His Eminence said: “Hajj is without a permit.” “Forbidden” because it is a kind of circumvention of the instructions regulating Hajj on the part of the state and is contrary to Sharia law and to the ruler, stressing that whoever does so has committed a forbidden act.

Mufti indicated that it is not permissible to bring pilgrims into the holy sites without a permit, explaining this as a violation of the guardian. He said: “It is not permissible to circumvent regulations and orders.

For his part, the Saudi Minister of Islamic Affairs, Endowments, Da’wah and Guidance, Saleh Al-Sheikh, issued fatwa that it is not permissible to pass the checkpoints without permission from the competent authorities, indicating that bypassing them is a fraud based on the requirement in the Prophet’s hadith: “If someone detains me, then my place is where you detain me,” as the stipulation is for the incident that one does not know about, not the violation and then citing Sharia law to legislate it.

In the same context, a member of the Council of Senior Saudi Scholars, Sheikh Abdullah bin Sulaiman bin Muni’, explained that whoever performs Hajj without a permit is considered disobedient and sinful, and is required to follow the orders of the ruler and not disobey him, he did not issue these decisions regulating the Hajj except for the interest and benefit of everyone .

Through this Fatwa and the statements of the scholars contained in it, it becomes clear to us beyond any doubt that it is forbidden to circumvent the regulatory authorities and go to perform Hajj without a permit, and it is forbidden to violate the regulations.

First Issue: The ruling on performing Hajj without a permit:

In the previous issue, we mentioned the ruling on circumventing the authorities and regulations and violating them in order to perform Hajj ritual, in this issue, I will clarify the ruling on performing Hajj without obtaining a permit from the competent authorities and regulations, this makes us differentiate between Hajj ritual that a person performed without obtaining a permit, is it obligatory Hajj or voluntary? Each case has its own ruling.

The ruling on performing the obligatory Hajj without obtaining permission from the relevant regulations and authorities:

God has imposed Hajj on one who is able, and in this case, if the person is able and fulfills all the requirements for ability, but he is unable to obtain a permit to perform the Hajj ritual, for any reason, and he has done everything in his power and taken all the

legitimate and possible ways in order to obtain Hajj permit, in this case it is permissible for him to perform the Hajj without a permit, because Hajj has become obligatory for him, and this person has become obligatory, and no party has the right to prevent him from performing the obligatory duty, even if he performed the obligatory duty without a permit, based on the preponderance from the sayings of jurists,

Hajj is obligatory immediately, unlike the Shafi'is, and it is obligatory at the first time of empowerment, and there is no obedience to a creature if it disobeys the Creator, and in this case there is no lack of obedience to the ruler, It was reported on the authority of Nafi' on the authority of Ibn Omar that he said: The Messenger of God, may God's prayers and peace be upon him, said: Hearing and obedience are required of a Muslim in what he likes and dislikes, as long as he is not commanded to disobey. If he is commanded to disobey, then he is not obliged to hear or obey, and his saying: "There is no obedience in disobeying God, but obedience in good deeds ,this can be inferred by the jurisprudential rule: "What is easy is not nullified by what is difficult, and its meaning is: If what is commanded is not possible to do in the required manner, but rather it is possible to do some of it, it is not voided by what is difficult, that is, by not being able to do all of it, so some of what is possible must be done." This rule is one of the common principles that will hardly be forgotten as long as the principles of Sharia are established." This is supported by the Almighty's saying: (So fear Allah as much as you are able) Al-Taghabun: Verse: 16.

He went on to say that it is permissible to perform the obligatory Hajj without the permission of His Eminence Sheikh Ibn Uthaymeen, when he was asked about circumventing the regulations, and he said: I see that the regulations that do not contravene Sharia must be followed,for example: If the government said to those who have not performed the obligatory Hajj, "Do not perform Hajj due to the fulfillment of the conditions," then here there is no obedience to her; because this is a sin, and God made it obligatory immediately, but a voluntary act is not obligatory, obedience to one's guardian insofar as it does not include abandoning an obligation or doing a forbidden act is obligatory.

Second issue: The ruling on performing a voluntary Hajj without obtaining a permit to perform Hajj:

If a person had performed Hajj, Hajj al-Islam, and wanted to volunteer for another Hajj, and the security authorities and government regulations required those who wanted to perform Hajj to obtain a permit to perform Hajj, and the person was unable to obtain the permit because the system did not allow him to do so because the conditions did not match him, so he went and performed Hajj without obtaining permit: What is the ruling on this behavior, and what is the extent of its impact on the validity of Hajj?

We say, and God grant us success: Complying and obeying the guardian's order to obtain a permit is more obligatory than going to perform a voluntary Hajj without obtaining a Hajj permit, because the ruler did not stipulate obtaining a permit to perform Hajj except based on taking into account the public interest of the nation, and in this case it is necessary to follow what he stipulated the ruler and the directives he issued to the concerned authorities in this matter, and the systems, because God made it obligatory to obey him, so God Almighty said,(O you who believe, obey Allah and obey the Messenger, and those of you who are in authority.) An-Nisa, verse: 59. So the meaning of the statement about faith means that your faith requires that you obey. God, and that you obey the Messenger and those in authority. If we obey the ruler without disobedience, we draw closer to God Almighty through this obedience, and we draw closer to God by obeying the ruler by not performing Hajj, this is obligatory obedience, and abandoning the voluntary Hajj is not a sin. I do not see people being pretentious and disobeying the ruler,the matter that contradicting it is violating God Almighty in a matter in which they have capacity, and praise be to God.

Sunnah has made clear to us beyond any doubt that obedience to the ruler is obedience to God and His Messenger.” On the authority of Abu Hurairah, on the authority of the Messenger of God, may God bless him and grant him peace, he said: “Whoever obeys me has obeyed God, and whoever disobeys me has disobeyed God, and whoever obeys the prince has obeyed me.” and whoever disobeys the prince has disobeyed me.” and because the legal rule stipulates that the imam’s action is based on what is in the best interest, therefore it is obligatory to obey him in this case. If a person is able to perform the voluntary Hajj in compliance with the command mentioned to continue between Hajj and Umrah, continue between Hajj and Umrah, as they negate poverty and sins just as bitumen negates the impurity of iron, gold, and silver, and there is no reward for an accepted Hajj other than Paradise. . If he performs Hajj without permission, and his action does not result in any prohibited act such as lying, cheating, deceit, fraud, or bribery, and he does not cause harm to anyone, then his Hajj is valid, but he is sinning for disobeying the order of the guardian, by analogy with a woman’s Hajj without Mahram with her. If she performs Hajj without Mahram, it is forbidden for her to travel without him, and her Hajj is reward for her . Likewise, if he falls into a legal prohibition in order to be able to perform a voluntary Hajj, then his Hajj is valid even though he did so in sin

Research Conclusion:

After that, we thank God who helped us to complete this research in which we talked about “the jurisprudential provisions related to violating Hajj permits and campaigns.” After presenting the research topics, the two researchers arrived at a set of results and recommendations, which we summarize in the following:

First - the results of the study:

- 1- Requiring a permit to perform Hajj and Umrah from the competent authorities; It is considered consistent with Islamic law and its general purposes.
- 2- The competent authorities may determine the proportions of pilgrims and determine the period between each Hajj and another.
- 3- It is not permissible to circumvent the regulations by selling permits or other things.
- 4- Transporting pilgrims is a commercial activity, and advertising and publicity for it is permissible provided that there is confidence and honesty.

Second - Recommendations:

The researchers recommend:

- 1- The obligation to obey the ruler in the necessity of committing to obtaining Hajj and Umrah permits.
- 2- The necessity of immediately implementing the penalty for violating Hajj and Umrah regulations, because this violation results in harm to others.
- 3- Holding awareness seminars and conferences on the optimal performance of the Hajj ritual, and the necessity of adhering to the regulations, laws and rules governing it.

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References

- * The Holy Quran.

- Ibn Hanbal, Ahmed bin Muhammad, (1416 AH), Musnad of Imam Ahmad, first edition, Dar Al-Hadith - Cairo.
- Ibn Hazm, Ali bin Ahmed, (without date) Ranks of Consensus in Worship, Transactions, and Beliefs, (edition) Dar Al-Kutub Al-Ilmiyya, Beirut,
- Ibn Dhuwayan, Ibrahim bin Mohammad, Manar Al-Sabil fi Sharh Al-Dalil, seventh edition, Al-Maktab Al-Islami - Beirut.
- Ibn Muflih, Muhammad bin Muhammad, (1424 AH) Al-Furu' and his correction of Al-Furu', first edition, Al-Risala Foundation. Beirut.
- Ibn Mandour, Muhammad bin Makram, (1968 AD) Lisan al-Arab, first edition, Dar Sader, Beirut.
- Abu Al-Faraj, Jamal Al-Din, (1421 AH), Sifat Al-Safwa, first edition, Dar Al-Hadith, Cairo. Egypt.
- Al-Tirmidhi, Muhammad bin Issa,, (without edition),Al-Jami' Al-Sahih Sunan Al-Tirmidhi, Dar Ihya' Al-Arab Heritage - Beirut.
- Al Hattab . Muhammad bin Abdul Rahman, (1412 AH), Mawahib Al-Jalil fi Sharh Mukhtasar Khalil, Third Edition, Dar Al-Fikr. Beirut,
- Al-Desouki. Muhammad bin Ahmed bin Arafa, (without date), Al-Desouki's Footnote to Al-Sharh Al-Kabir, (without edition), Dar Al-Fikr - Beirut.
- Al-Zuhayli' Muhammad Mustafa, (1427 AH) Jurisprudential rules and their applications in the four schools of thought, first edition, Dar Al-Fikr - Damascus.
- Al-Suyuti, Abdul Rahman, (1403 AH), Al-Ashbah wa Al-Nada'ir, (without edition), Dar Al-Kutub Al-Ilmiyyah, Beirut.
- Al-Sherbini, Muhammad bin Ahmed Al-Khatib, (without date), Persuasion in Solving the Words of Abu Shuja', Dar Al-Fikr. Beirut.
- Al-Asimi, Abdul Rahman bin Muhammad, (1397 AH) Hashiyat al-Rawd al-Murabba' Sharh Zad al-Mustaqni', first edition: (without a publisher).
- Al-Abdari, Muhammad bin Yusuf, (1398 AH), Taj wal Ikleel by Mukhtasar Khalil, first edition, Dar Al-Fikr. Beirut.
- Al-Uthaymeen, Muhammad bin Saleh. (1413 AH), Collection of Fatwas and Letters of Al-Othaymeen, last edition, Dar Al-Watan, Riyadh.
- Al-Fayoumi' Ahmed bin Muhammad, (without date) Al-Misbah Al-Munir fi Ghareeb Al-Sharh Al-Kabir by Al-Rafi'i, Al-Maktabah Al-Ilmiyya - Beirut.
- Al-Qurtubi, Muhammad bin Ahmad, (1423AH), Al-Jami` fi Ahkam al-Qur'an, (without date), Dar Alam al-Kutub, Riyadh, Kingdom of Saudi Arabia.
- Al-Kasani, Aladdin, (1982) Bada'i' al-Sana'i' fi Tarteeb al-Shara'i', second edition, Dar al-Kitab al-Arabi. Beirut.
- Kuwait, (1404 AH) Ministry of Endowments and Islamic Affairs, Kuwaiti Jurisprudence Encyclopedia, second edition, Dar Al-Sasil - Kuwait.
- Al-Labadi, Abdul-Ghani, (1419 AH) Hashiyat Al-Labadi on achieving one's goals, first edition, Dar Al-Bashaer Al-Islamiyyah. Beirut.
- Al-Muttaqi, Ali bin Hussam, (1401 AH), Kanz al-Ummal fi Sunan al-Aqwal wa'l-Afal, fifth edition, Beirut.
- Al-Nafrawi, Ahmed bin Ghanem, (1415 AH) Al-Fawakih Al-Dawani on the message of Ibn Abi Zaid Al-Qayrawani, (without edition): Dar Al-Fikr, Beirut.
- Mazze, Mahmoud bin Ahmed, (without date) Al-Muhit Al-Burhani, (without edition) Arab Heritage Revival House.
- Mortada, Abdul Rahim. The frequency of Hajj and Umrah and their impact on crowding, a comparative jurisprudential study, Journal of the Faculty of Studies in Alexandria.
- See what is meant by the Hajj permit through the following link: <https://rahhal.wego.com/blog>

- Ibn Taymiyyah, Ahmed bin Abdul Halim, (1408 AH) Al-Fatawa Al-Kubra, first edition, Dar Al-Kutub Al-Ilmiyyah. Beirut.
- Ibn Abdeen, Muhammad Amin, (1421 AH), Footnote to Al-Mukhtar's Response to Al-Durr Al-Mukhtar, 2nd edition, Dar Al-Fikr. Beirut.
- Ibn Hajar, Ahmed bin Ali, (1379 AH), Fath al-Bari, Sharh Sahih al-Bukhari, (without edition), Dar al-Ma'rifa. Beirut.
- Ibn Qudamah, Abdullah bin Ahmed, (1405 AH) Al-Mughni in the jurisprudence of Imam Ahmed bin Hanbal, first edition, Dar Al-Fikr - Beirut.
- Ibn Najim, Zain al-Din. (without date), The Clear Sea Explanation of the Treasure of Minutes, (without date), Dar Al-Ma'rifa - Beirut,
- Bukhari. Muhammad bin Ismail, (1407 AH) Sahih Al-Bukhari, third edition, Dar Ibn Kathir, Al-Yamamah - Beirut.
- Al-Basti, Muhammad Ibn Hibban (1414 AH), Sahih Ibn Hibban, second edition, Al-Resala Foundation, Beirut.
- Al-Hajjaj, Muslim bin Al-Hajjaj, (without date), Al-Jami' al-Sahih called Sahih Muslim, (without edition), Dar Al-Jeel, Beirut.
- Al-Kharshi, Muhammad Abdullah, (without edition) Mukhtasar Sidi Khalil, (Dar Al-Fikr Beirut.
- Al-Rafi'i, Abdul Karim bin Muhammad, (1417 AH), Al-Aziz Sharh Al-Wajeez, first edition, Dar Al-Kutub Al-Ilmiyyah, Beirut.
- Al-Saadi, Abdul Rahman (1420 AH), Taysir al-Karim al-Rahman fi Tafsir Kalam al-Mannan, first edition, Al-Resala Foundation, Beirut.
- Al-Adawi, Ali Al-Saidi, (1412 AH) Footnote to the explanation of the sufficiency of the divine student (without edition), Dar Al-Fikr. Beirut
- Al-Omrani, Yahya bin Abi Al-Khair, (1421 AH), Al-Bayan fi the Doctrine of Imam Al-Shafi'i, first edition, Dar Al-Minhaj - Jeddah.
- Al-Nasa'i, Ahmad bin Shuaib, (1420 AH) Sunan Al-Nasa'i, explained by Al-Suyuti, fifth edition, Dar Al-Ma'rifa, Beirut.
- Al-Nawawi, Yahya bin Sharaf, (1392 AH), Al-Minhaj Sharh Sahih Muslim, second edition, Arab Heritage Revival House - Beirut -.
- Shaheen, Sultan Ali, Educating pilgrims about the issue of repeating the Hajj ritual, Journal of the Taibah College of Arts, Volume 7, Issue 14.