



Assistance and Transfer of Hajj Quota to Families and Heirs in Indonesia: The Perspective of Maqasid Bin Bayyah and Priority Fiqh Yusuf Qardhawi

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Abstract

The limited availability of Indonesia's Hajj quota, combined with long waiting periods, creates legal and ethical questions concerning companion allocation for vulnerable pilgrims and the transfer of Hajj registration portion numbers to heirs. This study examines these mechanisms through the perspectives of Abdullah Bin Bayyah's maqāṣid al-sharī'ah and Yusuf al-Qaradawi's fiqh al-awlawiyyāt. Using normative legal research, the study applies statutory, conceptual, Islamic jurisprudential, philosophical, and comparative-balancing approaches. Primary and secondary legal materials were collected through library and document research and analyzed qualitatively through legal interpretation, maqāṣid classification, priority assessment, and prescriptive evaluation. The findings show that companion allocation is justified when it is objectively necessary to protect religion, life, intellect, property, and human dignity, particularly where the absence of assistance would endanger the pilgrim or prevent the completion of the rites. However, accompaniment based merely on preference or convenience should not override the rights of long-waiting prospective pilgrims. The transfer of a deceased pilgrim's registration portion number may protect deposited funds, administrative certainty, religious intention, and family interests, but the registration position cannot be treated as an absolute inheritable property right because it operates within a limited public quota system. Therefore, both mechanisms must be conditional, proportionate, transparent, and subject to objective eligibility criteria. The study recommends verified medical and functional assessments for companion allocation, clear limitations on transfers, protection of heirs' financial rights, prohibition of commercialization, and continuous evaluation of the impact on the waiting list. Such measures reconcile humanitarian protection, administrative certainty, and distributive justice in Hajj governance.

Introduction

The Hajj pilgrimage occupies a central position in the religious life of Muslims worldwide. In many Muslim-majority countries, public interest in performing the pilgrimage considerably exceeds the number of places allocated annually by the Government of Saudi Arabia. This imbalance has resulted in increasingly long waiting periods, which in some regions may extend for more than two decades. Indonesia faces a particularly significant challenge because it has one of the largest Muslim populations in the world and, consequently, a very high number of prospective pilgrims competing for a limited annual Hajj quota. The prolonged waiting period creates various legal, administrative, and ethical problems (Amalraj & Arora, 2022; Holler & Tarshish, 2024; Kluesner et al., 2025). Some prospective pilgrims die before their scheduled departure, while others reach an advanced age or experience deteriorating health that makes independent travel difficult. These circumstances raise questions concerning the legal status of

the registration portion number, the funds already deposited, and the possibility of appointing a family member either as a successor or as a companion. In this context, it is necessary to distinguish between the national Hajj quota allocated to Indonesia and the individual Hajj registration portion number assigned to each prospective pilgrim. The former concerns the total number of pilgrims permitted to depart in a particular year, whereas the latter determines an individual's position in the official departure queue (Shambour & Khan, 2022; Almgadi, 2024; Özen, 2025).

To address these circumstances, the Indonesian Hajj administration permits, under specific conditions, the transfer of a deceased prospective pilgrim's registration portion number to an eligible family member or heir. The Hajj administration also provides special arrangements for elderly, disabled, or medically vulnerable pilgrims who require assistance from a family companion. These measures are intended to provide legal certainty, protect deposited funds, respect the intentions of prospective pilgrims, and ensure that vulnerable pilgrims can perform the pilgrimage safely and properly (Alturki, 2024; Parker et al., 2024; Aryaningsih & Nurhayati, 2025).

Nevertheless, these policies create a complex tension between administrative convenience, humanitarian considerations, and distributive justice. On the one hand, transferring a registration portion number to an heir may protect the financial and administrative interests of the deceased pilgrim's family. Similarly, allocating a place to a companion may be necessary to protect the safety, health, and religious interests of an elderly or vulnerable pilgrim. On the other hand, every additional place allocated to an heir or companion may affect the departure opportunities of other prospective pilgrims who have remained in the queue for many years. The central issue is therefore not merely whether such arrangements are administratively permissible, but whether they are normatively justifiable when assessed against the rights and interests of the wider community of prospective pilgrims (Hasrul et al., 2026; Zhu, 2026; Xue & Chen, 2026).

The issue becomes more complicated because the right to perform Hajj is fundamentally personal. Hajj is an individual religious obligation imposed upon Muslims who satisfy the requirement of *istiṭā'ah*, including physical, financial, and security-related capacity. A registration portion number should therefore not automatically be treated as an inheritable proprietary right equivalent to ordinary property. At the same time, the financial deposit and administrative position attached to the registration process possess economic and legal value that cannot simply be ignored following the death of the registered pilgrim. Consequently, the transfer mechanism must be evaluated by distinguishing the personal religious obligation from the administrative and financial interests arising from Hajj registration (Aziz, A et al., 2023; Aljawi & Santiago, 2025; Qadariyah & Faruq, 2025).

Previous studies have discussed the transfer of Hajj registration rights following the death of a prospective pilgrim. Among these are *Pelimpahan Kuota Haji bagi Jamaah yang Meninggal Dunia: Analisis Maqasid Syariah serta Implementasinya di Indonesia dalam Perspektif Sosiologi dan Antropologi* by Kiking Mulyadi, Oyo Sunaryo Mukhlas, and Beni Ahmad Saebani, as well as *Pelimpahan Kuota Haji Jamaah Wafat: Tinjauan Maqāṣid al-Syarī'ah dan Psikologis* by Kiking Mulyadi, Encup Supriatna, and Irfan Fahmi. These studies have contributed to the discussion by examining the protection of heirs, the interests of deceased pilgrims' families, and the transfer mechanism through the framework of *maqāṣid al-sharī'ah*.

However, the existing literature remains limited in at least three respects. First, previous studies have primarily focused on the transfer of a deceased pilgrim's registration portion number and have paid insufficient attention to the allocation of places for family companions of elderly or vulnerable pilgrims. Second, the literature has generally assessed the issue through the

framework of *maqāṣid al-sharī'ah* without systematically applying *fiqh al-awlawiyyāt*, or priority jurisprudence, to determine which competing interests should take precedence. Third, the conflict between the interests of heirs or companions and the rights of prospective pilgrims who have remained in the queue for many years has not been examined comprehensively as a problem of distributive justice in the management of a scarce public religious service (Wardi et al., 2024; Korkmaz, 2025; Sya'ban & Abdullah, 2026).

This study addresses these gaps by integrating the *maqāṣid al-sharī'ah* approach developed by Abdullah Bin Bayyah with Yusuf al-Qaradawi's concept of *fiqh al-awlawiyyāt*. The *maqāṣid al-sharī'ah* framework is used to assess whether the policies protect religion, life, intellect, property, family interests, and human dignity. Meanwhile, *fiqh al-awlawiyyāt* is employed to determine the relative priority of competing benefits and harms. This combined approach is important because the existence of a benefit does not automatically make a policy the most appropriate option. Islamic legal reasoning also requires an assessment of the level, certainty, scope, and consequences of each benefit, particularly where the fulfilment of one interest may restrict the rights of others.

Accordingly, this article examines three principal questions. First, how should the allocation of a companion place for a pilgrim who already holds a registration portion number be assessed from the perspectives of *fiqh al-awlawiyyāt* and *maqāṣid al-sharī'ah*? Second, how should the transfer of a deceased prospective pilgrim's registration portion number to an heir be evaluated under these two frameworks? Third, what regulatory and administrative solutions can be proposed when the allocation of places to companions or heirs is considered potentially unfair to other prospective pilgrims who have waited for many years?

This article advances the preliminary argument that assistance for elderly, disabled, or medically vulnerable pilgrims may constitute a legitimate necessity when the absence of a companion would endanger the pilgrim's life, health, or ability to complete the essential rites. However, companion allocation should not be granted merely on the basis of family preference or convenience. It must be supported by objective criteria, medical or functional assessment, transparent procedures, and proportional consideration of the limited national quota.

Similarly, the transfer of a deceased pilgrim's registration portion number to an heir may be justified as a means of protecting legitimate financial interests, maintaining administrative certainty, and respecting the deceased pilgrim's religious intention. Nevertheless, such a transfer should not be understood as an absolute inheritance right. From the perspective of *fiqh al-awlawiyyāt*, the protection of heirs represents an important interest, but it must be balanced against the rights of other prospective pilgrims who have waited in the queue for a considerable period. The transfer mechanism is therefore more appropriately classified as a conditional administrative benefit associated with *ḥājīyyāt* or, in certain circumstances, *taḥsīniyyāt*, rather than as a primary and unconditional necessity.

By combining *maqāṣid al-sharī'ah* and priority jurisprudence, this study seeks to formulate a more balanced framework for Hajj administration in Indonesia. Such a framework must protect vulnerable pilgrims and the legitimate interests of deceased pilgrims' families without creating disproportionate disadvantages for other prospective pilgrims. Ultimately, the management of companion allocation and registration portion transfers must be transparent, accountable, evidence-based, and consistent with the principles of justice, public benefit, and equal access to a limited religious service.

Method

Research Design

This study employs normative legal research, commonly referred to as doctrinal legal research, using a qualitative analytical design. Normative legal research was selected because the study focuses on the legal, ethical, and jurisprudential foundations of policies concerning the allocation of companion places for Hajj pilgrims and the transfer of Hajj registration portion numbers to the families or heirs of deceased prospective pilgrims in Indonesia. The central concern of the research is not to measure public attitudes or statistically evaluate policy implementation, but to examine whether these policies are consistent with the principles of Islamic law, *maqāṣid al-sharī'ah*, priority jurisprudence, justice, and the applicable Indonesian Hajj administration framework.

The study is prescriptive and evaluative in nature. It is prescriptive because it seeks to formulate legal and policy recommendations concerning the appropriate management of companion allocation and the transfer of registration portion numbers. It is evaluative because it assesses the legitimacy, proportionality, benefits, and potential harms of the existing mechanisms. Through this design, the study examines not only whether the policies are formally permitted, but also whether their implementation reflects substantive justice for vulnerable pilgrims, heirs, and prospective pilgrims who have remained on the waiting list for many years.

This research distinguishes between the national Hajj quota allocated to Indonesia and the individual Hajj registration portion number assigned to a prospective pilgrim. The national Hajj quota refers to the total number of pilgrims permitted to depart from Indonesia in a particular year, whereas the registration portion number determines an individual prospective pilgrim's place in the official departure queue. This distinction is fundamental because the legal issue examined in this study concerns the transfer and prioritization of administrative departure rights within a limited national quota, rather than the inheritance of the religious obligation of Hajj itself.

Research Approaches

This study applies several complementary research approaches to obtain a comprehensive understanding of the legal issues under examination. The first is the statutory approach, which is used to examine the laws, regulations, administrative decisions, ministerial policies, technical guidelines, and official procedures governing Hajj registration, companion allocation, and the transfer of registration portion numbers in Indonesia. Through this approach, the study identifies the legal authority of the government, the eligibility requirements for transfers and companion arrangements, the procedures that must be followed, and the restrictions imposed to prevent abuse.

The statutory approach also enables the study to assess the consistency between general Hajj legislation and technical administrative regulations. Particular attention is given to provisions governing the rights of prospective pilgrims, the management of Hajj deposits, the position of deceased pilgrims' families, the protection of elderly and medically vulnerable pilgrims, and the authority of the Ministry of Religious Affairs to regulate departure priorities. The analysis does not merely describe these provisions but evaluates whether they are coherent, transparent, and consistent with the broader principles of justice and public benefit.

The second approach is the conceptual approach. This approach is employed to analyze the concepts of Hajj obligation, *istiṭā'ah*, inheritance, administrative rights, *badal al-ḥajj*, public benefit, justice, and state authority in regulating religious services. It is particularly important for distinguishing between the personal religious obligation to perform Hajj and the

administrative rights arising from registration, payment, and placement in the departure queue. The conceptual approach prevents the transfer of a registration portion number from being incorrectly equated with the inheritance of the Hajj obligation itself.

The third approach is the Islamic jurisprudential approach, which draws upon principles of *uṣūl al-fiqh*, legal maxims, *maqāṣid al-sharī'ah*, *maṣlahah*, *fiqh al-muwāzanāt*, and *fiqh al-awlawiyyāt*. This approach is used to determine the legal value of policies that are not explicitly regulated in classical Islamic jurisprudence because modern quota and registration systems did not exist during the formative period of Islamic law. The jurisprudential approach therefore provides a normative basis for evaluating contemporary administrative practices in light of established Islamic legal principles.

The fourth approach is the philosophical approach. This approach is used to examine the underlying values of justice, equality, human dignity, protection of vulnerable persons, legal certainty, and public responsibility. The philosophical approach is necessary because the dispute is not limited to procedural legality. It also concerns the ethical justification for prioritizing one group over another when the available Hajj places are limited. Through this approach, the study evaluates whether companion allocation and transfer policies produce a fair balance between individual interests and collective rights.

The fifth approach is a comparative balancing approach. This approach does not primarily compare different national legal systems, but compares the competing interests of the parties affected by the policies. These parties include elderly or medically vulnerable pilgrims, family companions, heirs of deceased prospective pilgrims, and other prospective pilgrims who have waited for many years. The approach is used to assess which interest has a stronger legal and moral claim when all interests cannot be accommodated simultaneously within the available quota.

Object and Scope of the Research

The material object of this study consists of policies and legal norms governing two principal mechanisms in the Indonesian Hajj administration system. The first mechanism is the allocation of a place to a family member who accompanies an elderly, disabled, or medically vulnerable pilgrim. The second is the transfer of the registration portion number of a deceased prospective pilgrim to an eligible family member or heir.

The formal object of the study is the normative assessment of these mechanisms through Abdullah Bin Bayyah's formulation of *maqāṣid al-sharī'ah* and Yusuf al-Qaradawi's theory of *fiqh al-awlawiyyāt*. Bin Bayyah's approach is used to assess the relationship between Islamic legal texts, contemporary realities, public authority, and the pursuit of benefit. Al-Qaradawi's priority jurisprudence is used to determine the order of importance among competing rights, needs, benefits, and harms.

The scope of the research is limited to regular Hajj administration in Indonesia and does not examine commercial or special Hajj arrangements in detail unless they are relevant to understanding the general policy framework. The study also does not examine *badal al-hajj* as its principal subject because substituted pilgrimage concerns the performance of Hajj on behalf of another person, whereas the present research concerns the administrative transfer of a registration position and the allocation of a companion place. Nevertheless, *badal al-hajj* is discussed to clarify the legal distinction between substituting the performance of worship and transferring an administrative entitlement.

Types and Sources of Legal Materials

The study uses primary, secondary, and supporting legal materials. Primary legal materials consist of authoritative sources that directly regulate or establish legal principles relevant to the subject. These include verses of the Qur'an concerning the obligation of Hajj, capacity, justice, protection of property, and the prevention of hardship. Primary materials also include authenticated Prophetic traditions concerning Hajj, substituted pilgrimage, responsibility, public interest, and the removal of harm.

Primary legal materials further include Indonesian laws and regulations governing Hajj and Umrah administration, official decisions of the Ministry of Religious Affairs, regulations issued by the Directorate General of Hajj and Umrah Administration, technical guidelines concerning the transfer of registration portion numbers, and official policies concerning elderly or vulnerable pilgrims and their companions. Relevant fatwas or official religious opinions issued by recognized Islamic authorities are also treated as primary normative materials where they provide direct guidance on the legal status of Hajj registration, transfer mechanisms, or the rights of heirs.

Secondary legal materials consist of scholarly works that explain, interpret, criticize, or develop the primary materials. These include the recognized works of Abdullah Bin Bayyah on *maqāsid al-sharī'ah*, public benefit, legal renewal, balancing, and contemporary fatwa methodology. They also include Yusuf al-Qaradawi's works on priority jurisprudence, balancing between benefits and harms, facilitation, necessity, and contemporary Islamic legal reasoning.

Other secondary materials include classical works of Islamic jurisprudence and legal theory, contemporary books on Hajj administration, peer-reviewed journal articles, academic theses, dissertations, and scholarly discussions on quota management, administrative justice, inheritance, public services, and the legal protection of pilgrims. Studies addressing the transfer of Hajj registration rights, the position of deceased pilgrims' families, the needs of elderly pilgrims, and the fairness of Hajj waiting lists are included when relevant.

Supporting legal materials are used to clarify terminology, institutional procedures, and factual context. These materials include legal dictionaries, Arabic terminology references, Islamic legal encyclopedias, official statistical reports, Hajj registration data, institutional reports, and administrative manuals. Supporting materials do not serve as the principal basis of the legal argument but assist in interpreting concepts and understanding the administrative environment in which the policies operate.

Legal Material Collection Technique

The legal materials are collected through library research and document analysis. The collection process begins by identifying legal and administrative documents related to Hajj registration, waiting-list management, companion eligibility, transfer procedures, deposited funds, and the rights of deceased prospective pilgrims' families. Materials are selected based on their relevance, authority, authenticity, and relationship to the research questions.

The collection process is conducted systematically by grouping the materials into several themes. The first group concerns the personal nature of the Hajj obligation and the requirement of *istiṭā'ah*. The second concerns assistance and protection for elderly, disabled, or medically vulnerable pilgrims. The third concerns the legal character of the registration portion number and the Hajj deposit. The fourth concerns the transfer of administrative rights to family members or heirs. The fifth concerns distributive justice and the rights of prospective pilgrims who have waited in the queue for a long period.

The works attributed to Bin Bayyah and al-Qaradawi are subjected to bibliographic and substantive verification before being used. Verification includes confirming the authorship, title, publication details, relevant passages, and consistency of the quoted proposition with the author's broader theoretical framework. This step is necessary because inaccurate or unverifiable references may weaken the reliability of the normative analysis.

Analytical Framework of Maqāṣid al-Sharī'ah

The first principal analytical framework is Abdullah Bin Bayyah's conception of *maqāṣid al-sharī'ah*. Within this framework, the study examines whether companion allocation and transfer policies contribute to or interfere with the protection of religion, life, intellect, property, family, and human dignity. These objectives are not applied mechanically but are interpreted in relation to the specific context of modern Hajj administration.

The protection of religion, or *ḥifẓ al-dīn*, is examined by assessing whether the policy enables pilgrims to perform Hajj correctly and safely without altering the personal character of the obligation. Companion allocation may support the protection of religion where an elderly or vulnerable pilgrim would otherwise be unable to complete the rites properly. However, the same objective cannot automatically justify every request for a family companion because convenience must be distinguished from necessity.

The protection of life, or *ḥifẓ al-naḥs*, is assessed by considering the physical risks associated with crowd density, extreme weather, long travel, mobility limitations, chronic illness, and cognitive decline. Companion allocation may have a strong justification where objective evidence shows that the absence of assistance would expose a pilgrim to serious danger. In such circumstances, assistance may fall within the level of necessity or urgent need.

The protection of intellect, or *ḥifẓ al-'aql*, is considered where a pilgrim experiences cognitive limitations, disorientation, communication difficulties, or an inability to understand complex procedures. The protection of property, or *ḥifẓ al-māl*, is examined in relation to the Hajj deposit, the economic interests of the deceased pilgrim's family, the prevention of financial loss, and the proper use of public religious funds.

The protection of family and lineage, or *ḥifẓ al-naṣl*, is assessed in relation to family responsibility, emotional security, care for elderly members, and the prevention of disputes among heirs. Human dignity is also considered because vulnerable pilgrims must not be denied reasonable assistance, while long-waiting pilgrims must not be subjected to arbitrary displacement.

After identifying the relevant objectives, the study classifies the interests according to the hierarchy of *darūriyyāt*, *ḥājjiyyāt*, and *taḥsīniyyāt*. Interests categorized as *darūriyyāt* concern essential protections whose absence may cause serious harm. Interests categorized as *ḥājjiyyāt* remove hardship and facilitate the proper performance of obligations. Interests categorized as *taḥsīniyyāt* improve convenience, comfort, or administrative quality but are not indispensable.

This classification is used to determine whether companion allocation and registration transfer constitute essential protections, genuine needs, or merely complementary benefits. The classification is conducted contextually because the same policy may occupy different levels depending on the circumstances. For example, a companion may represent a necessity for a pilgrim with severe mobility or cognitive impairment, but only a convenience for a healthy pilgrim who prefers to travel with a relative.

Analytical Framework of Fiqh al-Awlawiyyāt

The second principal framework is Yusuf al-Qaradawi's theory of *fiqh al-awlawiyyāt*, or priority jurisprudence. This framework is used to determine which interest should be given

precedence when several legally recognized interests compete. Priority jurisprudence is especially relevant because limited Hajj places cannot always accommodate heirs, companions, elderly pilgrims, and long-waiting prospective pilgrims at the same time.

The analysis begins by distinguishing between obligations, necessities, needs, complementary interests, and personal preferences. A claim based on the protection of life or the prevention of serious harm is given greater weight than a claim based solely on convenience or emotional preference. Similarly, a public interest affecting many prospective pilgrims may outweigh a narrow private interest where the latter is not urgent.

The study also applies the principle that preventing substantial harm takes precedence over securing a lesser benefit. Accordingly, the benefit of allowing a family member to accompany a pilgrim must be compared with the potential harm caused by reducing the departure opportunities of other pilgrims. The analysis considers whether the companion is objectively necessary, whether alternative forms of assistance are available, and whether the additional allocation creates a disproportionate burden on the ordinary waiting list.

In relation to the transfer of a deceased pilgrim's registration portion number, the study evaluates whether protecting the family's financial and administrative interests should take priority over returning the place to the general queue. The analysis distinguishes between the ownership of deposited funds and the administrative position attached to the portion number. The family may have a legitimate claim to the deposited funds, but this does not necessarily establish an absolute right to inherit the deceased person's position in the queue.

Priority jurisprudence is also used to compare certain and uncertain benefits, individual and public benefits, temporary and long-term consequences, and direct and indirect harms. A benefit that is certain, broad, and necessary is generally prioritized over one that is speculative, limited, or complementary. Through this process, the study seeks to avoid treating every benefit as equal and instead establishes a rational order of legal and moral priority.

Technique of Legal Analysis

The legal materials are analyzed qualitatively through descriptive, interpretive, comparative, evaluative, and prescriptive methods. Descriptive analysis is used to present the applicable legal framework and explain the existing mechanisms for companion allocation and the transfer of registration portion numbers. Interpretive analysis is used to clarify the meaning and scope of legal provisions, Islamic legal concepts, and administrative terminology.

Comparative analysis is conducted by comparing the legal position and interests of the affected parties. The comparison includes the interests of vulnerable pilgrims who require assistance, family members seeking to serve as companions, heirs seeking to receive a transferred portion number, and prospective pilgrims who have waited for many years. This comparison is not limited to formal legal claims but also considers the urgency and social consequences of each claim.

Evaluative analysis is then used to assess whether the existing mechanisms satisfy the principles of justice, transparency, proportionality, legal certainty, and public benefit. The policies are examined to determine whether they contain objective eligibility criteria, adequate verification mechanisms, clear limitations, and safeguards against favoritism, commercialization, or manipulation.

Prescriptive analysis is used to formulate recommendations for improving the Hajj administration system. These recommendations are developed by integrating the findings of the statutory analysis with the principles of *maqāṣid al-sharī'ah* and *fiqh al-awlawiyyāt*. The recommendations may include clearer eligibility standards, medical and functional assessments

for companion allocation, transparent transfer procedures, limits on the categories of eligible recipients, protection of deposited funds, public disclosure of the impact on the waiting list, and periodic evaluation of the policy.

Stages of Analysis

The analytical process is conducted in several interconnected stages. The first stage involves identifying and inventorying the relevant legal norms, administrative regulations, Islamic legal principles, and scholarly opinions. The second stage involves clarifying the legal status of the national Hajj quota, the individual registration portion number, the deposited funds, the companion arrangement, and the position of heirs.

The third stage involves identifying the parties affected by the policies and mapping their respective rights, needs, interests, benefits, and potential harms. The fourth stage involves classifying these interests according to the hierarchy of *maqāṣid al-sharī'ah*. The fifth stage involves balancing the competing claims through the principles of *fiqh al-awlawiyyāt*.

The sixth stage involves examining the consistency between Indonesian Hajj regulations and the normative principles derived from Islamic law. The seventh stage involves evaluating whether the existing policies are fair, proportionate, transparent, and capable of protecting both individual and public interests. The final stage involves formulating a normative conclusion and policy recommendations that can reconcile humanitarian assistance, protection of heirs, and fairness for long-waiting prospective pilgrims.

Validity and Reliability of the Legal Analysis

The validity of the study is maintained through source triangulation, conceptual consistency, and bibliographic verification. Source triangulation is conducted by comparing statutory provisions, official administrative documents, authoritative Islamic legal sources, and relevant academic literature. This process reduces the risk of relying on a single interpretation or an isolated legal opinion.

Conceptual consistency is maintained by clearly distinguishing between related but legally different concepts. These include the national Hajj quota, the individual registration portion number, deposited Hajj funds, inheritance rights, administrative transfer, companion allocation, and *badal al-hajj*. Maintaining these distinctions is essential because conceptual ambiguity may lead to an incorrect legal conclusion.

The reliability of the analysis is strengthened by applying the same evaluative criteria to each policy. These criteria include the legal basis of the policy, the urgency of the interest protected, the certainty of the expected benefit, the severity of the potential harm, the number of people affected, the availability of alternatives, and the impact on the fairness of the waiting-list system.

The study also avoids attributing legal opinions to particular scholars without adequate textual support. Arguments associated with Bin Bayyah and al-Qaradawi are used only when they can be traced to recognized works or clearly established theoretical principles. Where a conclusion represents the researcher's application of their theories to the Indonesian Hajj context, it is presented as an analytical inference rather than as a direct statement by either scholar.

Result and Discussion

This section presents and discusses the findings derived from the normative analysis of Indonesian Hajj administration regulations, Islamic legal principles, and relevant scholarly literature. The discussion focuses on two interrelated policy mechanisms: the allocation of companion places for elderly, disabled, or medically vulnerable pilgrims and the transfer of

deceased prospective pilgrims' registration portion numbers to eligible family members or heirs. The findings are systematically examined through Abdullah Bin Bayyah's *maqāṣid al-sharī'ah* framework and Yusuf al-Qaradawi's *fiqh al-awlawiyyāt* to identify the interests protected, classify their degree of necessity, and determine the appropriate priority when individual, family, and collective rights compete within a limited national Hajj quota. Accordingly, the analysis proceeds from the legal characterization of each mechanism to the assessment of humanitarian necessity, heirs' financial and administrative interests, distributive justice for long-waiting prospective pilgrims, and the formulation of a proportional policy model.

Legal Characterization of Hajj Companion Allocation and Registration Portion Transfer

The analysis of the relevant Islamic legal principles and Hajj administrative materials demonstrates that companion allocation and the transfer of a Hajj registration portion number are two legally distinct mechanisms. Companion allocation concerns the provision of assistance to a registered pilgrim who cannot safely or adequately perform the pilgrimage without another person's support. By contrast, the transfer of a registration portion number concerns the replacement of a deceased or permanently incapacitated prospective pilgrim by an eligible family member under the applicable administrative requirements. Although both mechanisms may affect the allocation of limited Hajj places, they protect different interests and therefore require different legal justifications.

Hajj is an individual religious obligation imposed on Muslims who satisfy the requirement of *istiṭā'ah*. This requirement includes financial, physical, and security-related capacity to undertake the pilgrimage, as indicated in Qur'an 3:97. The personal nature of the obligation means that a person's Hajj cannot ordinarily be transferred to another individual as though it were an ordinary proprietary entitlement. Islamic jurisprudence nevertheless recognizes *badal al-hajj* in particular circumstances, especially where a person upon whom Hajj had become obligatory dies or becomes permanently incapable of performing it. The Prophetic tradition concerning the woman from Khath'am provides an important basis for this exception (Saleh, 2022; Azam & Afzal, 2025; Khatib, M. (2025).

However, the transfer of an Indonesian Hajj registration portion number should not be equated with *badal al-hajj*. In *badal al-hajj*, another person performs the pilgrimage on behalf of someone who has died or is permanently incapable of performing it. In a registration transfer, the substitute becomes a pilgrim in his or her own legal and religious capacity through the use of an administrative position previously held by another person. The deceased prospective pilgrim cannot automatically be regarded as having fulfilled the obligation of Hajj merely because the registration position has been transferred to an heir.

This distinction has important consequences. The Hajj obligation remains a personal religious responsibility, whereas the registration portion number constitutes an administrative entitlement created by the modern Hajj governance system. The deposited funds may constitute property whose value must be protected, but the position in the departure queue is not identical to privately owned property. It is created, regulated, and limited by public law because its exercise affects the rights and departure opportunities of other prospective pilgrims. Therefore, neither companion allocation nor registration transfer can be justified solely by reference to private family interests. Both mechanisms must also be evaluated in relation to the public character of the national Hajj quota (Aljawi & Santiago, 2025; Mustafa, 2026; Faza, 2026).

The absence of an identical quota and registration system in classical Islamic jurisprudence does not make modern administrative arrangements impermissible. Through *maṣlaḥah mursalah*, public authorities may establish rules addressing contemporary needs that are not

expressly regulated in classical legal texts, provided that such rules do not contradict definitive principles of Islamic law. Nevertheless, the recognition of administrative discretion does not eliminate the requirement of justice. A policy may be administratively valid while remaining normatively problematic if it disproportionately privileges one group, lacks objective criteria, or causes avoidable harm to other prospective pilgrims.

Companion Allocation as a Conditional Form of Protection

The analysis indicates that companion allocation may be justified where it is genuinely necessary to enable a vulnerable pilgrim to perform Hajj safely, properly, and with dignity. Modern Hajj involves extensive travel, extreme weather, dense crowds, physical movement between ritual sites, and compliance with complex administrative procedures. Elderly pilgrims, persons with disabilities, individuals with serious medical conditions, and pilgrims experiencing cognitive or functional limitations may be unable to manage these conditions without assistance (Marzban et al., 2025; Alkhotani et al., 2025; Basouli & Derakhsh, 2025).

From the perspective of Islamic legal theory, a companion functions as a *wasīlah*, or means, supporting the performance of the principal obligation. The legal maxim that a means necessary for the completion of an obligation may acquire the legal value of that obligation provides a basis for companion assistance. However, this maxim must be applied carefully. It does not mean that every pilgrim who prefers to travel with a family member acquires a right to an additional departure place. The companion must be demonstrably necessary for the protection of an essential or significant interest.

Applying the *maqāṣid al-sharīʿah* framework, medically necessary assistance may protect religion through *ḥifẓ al-dīn* because it enables the pilgrim to understand and perform the essential rites correctly. It may protect life through *ḥifẓ al-naḥs* by reducing the risk of injury, exhaustion, disorientation, medical emergencies, or death. It may also protect intellect through *ḥifẓ al-ʿaql* where the pilgrim has cognitive, communication, or psychological limitations. In addition, companion assistance may protect property through *ḥifẓ al-māl* by helping the pilgrim manage documents, funds, medication, and personal belongings.

The level of the protected interest depends on the individual circumstances. Where the absence of a companion creates a serious threat to life, health, or the ability to perform the essential rites, companion allocation may fall within *darūriyyāt* or strong *ḥājjiyyāt*. In such a situation, the allocation is not merely a convenience but a necessary form of protection. By contrast, where the pilgrim is physically and mentally capable but simply prefers to travel with a particular relative, the benefit is more appropriately classified as *taḥsīniyyāt*. A complementary preference should not take precedence over the established departure expectations of prospective pilgrims who have remained in the queue for many years.

The legal assessment must therefore be individualized rather than categorical. Age alone should not automatically establish a right to a family companion, because pilgrims of the same age may have substantially different levels of physical and functional capacity. Likewise, a medical diagnosis alone may be insufficient if the condition is stable and can be managed through ordinary Hajj health services. The more appropriate criterion is whether the prospective pilgrim has a verified functional dependence that cannot reasonably be addressed through existing institutional assistance.

This finding also requires a distinction between the right to receive assistance and the right to select a family member who will occupy a place within the national quota. The state has a duty to provide reasonable assistance for vulnerable pilgrims, but this duty does not necessarily require the allocation of a separate place to a privately selected companion in every case. Assistance may also be provided through trained Hajj officers, health personnel, disability

support services, group coordinators, accessible transportation, or a structured caregiver-sharing system. A family companion should be prioritized only when these alternatives are insufficient to protect the pilgrim effectively (Quaium et al., 2023; Parker et al., 2024; Marzban et al., 2025).

Applying priority jurisprudence, a necessary companion may be given priority because the protection of life and the effective performance of an obligation outweigh a minor acceleration in the waiting time of others. However, when family accompaniment is merely desirable, the collective interest in maintaining an orderly and predictable waiting list should prevail. The relevant principle is not that vulnerable pilgrims must be denied assistance, but that the least burdensome and most proportionate form of assistance should be selected.

Accordingly, companion allocation is legally and ethically defensible only when supported by objective medical and functional assessments, transparent eligibility criteria, and evidence that no less quota-intensive alternative can provide adequate protection. This conditional approach preserves compassion toward vulnerable pilgrims while preventing family preference from becoming an unjustified privilege.

Transfer of a Hajj Registration Portion Number to an Heir

The transfer of a deceased prospective pilgrim's registration portion number protects several legitimate interests. It may preserve the economic value of the funds already deposited, provide administrative certainty for the family, prevent prolonged disputes, and respect the deceased person's serious intention to perform Hajj. These considerations support the permissibility of a regulated transfer mechanism under contemporary Islamic legal reasoning.

From the perspective of *ḥifẓ al-māl*, the deposited Hajj funds must be protected and managed lawfully. The death of a prospective pilgrim should not cause the deposited funds to become inaccessible, uncertain, or administratively neglected. The family or lawful heirs retain a legitimate interest in the economic value associated with those funds. Therefore, the administration must provide a clear mechanism through which the funds may be refunded, transferred under lawful conditions, or otherwise settled (Boilă, 2022; Mustawa et al., 2022; Hathaway et al., 2024).

However, the protection of deposited funds does not necessarily establish an absolute right to inherit the deceased person's position in the queue. The economic interest in the deposit and the administrative interest in the registration position must be distinguished. The deposit is more closely connected to private property, whereas the queue position exists within a limited public allocation system. Its exercise has distributive consequences because allowing an heir to occupy the deceased person's place prevents another long-waiting prospective pilgrim from advancing into that position.

The protection of the deceased person's religious intention may also constitute a valid moral consideration under *ḥifẓ al-dīn*. Nevertheless, an intention to perform Hajj does not transform a public administrative entitlement into unrestricted inheritable property. The heir performs Hajj for himself or herself unless the separate requirements of *badal al-hajj* are satisfied. Consequently, respect for the deceased's intention supports a compassionate administrative response, but it cannot by itself determine the priority of the heir over all other registered pilgrims.

The transfer mechanism may also protect family stability and prevent conflict, which relates to the broader objectives of protecting family relations and social order. Even so, these benefits are generally classified as *ḥājīyyāt* or *taḥsīniyyāt*, depending on the circumstances. They remove hardship and improve administrative convenience, but they do not ordinarily possess

the same normative weight as the protection of life, the prevention of severe harm, or the enforcement of an established public right.

Under priority jurisprudence, the relevant question is not simply whether the transfer benefits the heir. The principal question is whether that benefit is sufficiently urgent, certain, and substantial to outweigh the interests of prospective pilgrims who registered earlier or who would otherwise move forward in the queue. Priority reasoning requires an assessment of the nature of the competing claims, the number of people affected, the availability of alternative forms of protection, and the long-term effect of the policy on public trust.

The analysis therefore supports the conditional permissibility of transferring a registration portion number rather than treating transfer as either absolutely prohibited or automatically guaranteed. Transfer may be allowed when it is based on clear law, limited to eligible close family members, conducted only once, prohibited from commercial exchange, and administered transparently. However, the government must clarify that the transferred portion number is a regulated administrative benefit rather than an unrestricted inheritable asset.

Distributive Justice Between Heirs and Long-Waiting Prospective Pilgrims

The central normative conflict arises because the national Hajj quota is scarce. A policy that benefits one person may directly or indirectly affect the waiting time of another. Therefore, the fairness of registration transfer cannot be assessed only from the perspective of the deceased pilgrim's family. It must also be examined from the perspective of prospective pilgrims who have complied with the registration system and waited for many years in reliance on the principle of chronological order.

Long-waiting prospective pilgrims possess a legitimate expectation that departure opportunities will be distributed according to clear, predictable, and non-discriminatory criteria. Although a position in the queue may remain subject to public regulation, repeated exceptions may weaken the fairness and credibility of the system. If heirs and companions are routinely inserted into departure groups without strict justification, prospective pilgrims may reasonably perceive that chronological order no longer provides equal protection.

From a *maqāṣid al-sharī'ah* perspective, justice is not achieved merely by identifying a benefit for the heir. The total pattern of benefits and harms must be examined. The heir may benefit from preserving the deceased person's registration position, but another pilgrim bears the cost through delayed departure. The administration must therefore determine whether the private benefit is greater, more urgent, and more certain than the public harm created by postponing others (Volden & Welde, 2022; Edmans, 2023; Myrdal, 2024).

Several criteria are relevant to this balancing process. The first is the level of necessity. A claim protecting life or preventing severe physical harm has greater normative weight than a claim protecting convenience or family preference. The second is the certainty of the benefit and harm. A medically verified need is more certain than a general assertion that a family member would be more comfortable with a companion. Similarly, a measurable delay imposed on long-waiting pilgrims is more concrete than an abstract administrative benefit.

The third criterion is the scope of the affected interest. A policy that protects one family must be compared with its cumulative effect on thousands of prospective pilgrims if implemented repeatedly. An individual transfer may appear insignificant, but a large number of transfers and companion allocations may materially affect the waiting-list system. *Maqāṣid* analysis must therefore consider not only each individual decision but also the aggregate consequences of the policy.

The fourth criterion is the availability of alternatives. If the heir's financial rights can be fully protected through a refund or transfer of the deposit without inheriting the exact queue position, the argument for preserving the original position becomes weaker. Likewise, if a vulnerable pilgrim can be adequately assisted by trained officers or institutional caregivers, the need to allocate a separate place to a family companion is reduced.

The fifth criterion is the nature of the underlying right. The heirs possess a strong claim to the lawful financial value of the deceased person's deposit. However, their claim to the deceased person's position in the public queue is more limited because the position was originally granted to a particular individual on the basis of personal registration. In contrast, long-waiting prospective pilgrims possess an interest in equal treatment, chronological predictability, and protection from arbitrary displacement.

Applying *fiqh al-awlawiyyāt*, established public interests should generally take precedence over non-essential private advantages. This does not mean that the public interest always defeats individual rights. Rather, the strength of each claim must be determined according to its legal status and level of necessity. The heir's property rights must be fully protected, but the inheritance of the queue position may be limited where it produces disproportionate harm to others.

Priority jurisprudence also requires distinguishing between greater and lesser harms. Completely prohibiting transfer may create hardship for families and undermine confidence in the administration. Conversely, allowing unconditional transfer may convert registration positions into family-controlled assets and weaken the integrity of the queue. The more proportionate solution is a regulated mechanism that preserves legitimate financial and humanitarian interests while restricting the automatic succession of departure priority.

The conflict cannot therefore be resolved by asserting that either heirs or long-waiting pilgrims always possess an absolute priority. Different legal components must be treated separately. The heirs' entitlement to the deposited funds is stronger than their claim to inherit the same departure schedule. A vulnerable pilgrim's need for essential assistance is stronger than a healthy pilgrim's preference for family companionship. Meanwhile, the general queue retains priority where a claimed exception protects only a complementary benefit.

A Maqāṣid- and Priority-Based Model of Fair Allocation

The combined application of *maqāṣid al-sharī'ah* and *fiqh al-awlawiyyāt* produces a proportional model rather than a simple permission–prohibition dichotomy. Under this model, each claim is evaluated according to the importance of the interest, the certainty of the need, the number of people affected, the availability of alternatives, and the consequences for the fairness of the Hajj administration system.

For companion allocation, the highest priority should be given to pilgrims whose functional dependence is objectively established and whose safety or ability to complete the rites cannot be adequately protected through institutional support. The allocation should be based on an independent medical and functional assessment rather than age, family influence, economic capacity, or personal preference alone. The companion should also satisfy competency, health, and responsibility requirements because allocating a place to an individual who cannot provide effective assistance would not achieve the intended benefit.

The government should first evaluate less quota-intensive forms of assistance. These may include improving the ratio and competence of trained officers, developing specialized support groups for elderly and disabled pilgrims, providing accessible facilities, and assigning professional caregivers. A family companion should become eligible when these measures

cannot reasonably meet the pilgrim's needs. This approach reflects the principle of achieving the necessary benefit through the means that impose the least harm on others.

For registration transfer, the protection of the Hajj deposit should be guaranteed independently of the transfer of the queue position. Heirs should have clear options, including receiving a refund, transferring the financial deposit to an eligible family member, or applying for a regulated succession mechanism. However, the transfer of the exact departure position should be subject to stricter conditions than the transfer of financial value.

A differentiated mechanism may provide a fairer solution. Where the deceased prospective pilgrim had already entered the final departure stage, completed major administrative requirements, or received a scheduled departure allocation, preserving the position for an eligible family member may have a stronger justification. At this stage, the administrative expectation is more concrete, and replacing the pilgrim may cause relatively limited disruption.

By contrast, where the deceased was still at an early stage of a very long waiting period, the heir's claim to the same future departure year is weaker. In such a case, the financial deposit may be protected or credited to the heir, but the heir may be placed in the queue according to a newly regulated registration date or a modified priority formula. This approach protects property without automatically transferring the entire benefit of the deceased person's chronological position.

The system should also prohibit the sale, brokerage, exchange, or repeated transfer of registration portion numbers. Without such safeguards, an administrative accommodation intended to protect families could develop into a commercial mechanism that undermines equal access. Transfer should be limited to clearly defined close relatives, supported by authentic civil documentation, and subject to a single-transfer rule.

Transparency is essential to the legitimacy of these exceptions. The government should publish the number of companion allocations and registration transfers granted each year, the categories of eligibility, the effects on the ordinary waiting list, and the procedures for review or appeal. Individual medical and personal information must remain confidential, but aggregate information should be available to enable public oversight.

An independent objection mechanism is also necessary. Prospective pilgrims or family members should be able to challenge inconsistent decisions, while administrative authorities should be required to provide written reasons for granting or refusing an exception. Reasoned decisions reduce arbitrariness and demonstrate that the policy is based on objective criteria rather than personal influence.

Table 1. Synthesis of the Findings Based on Maqāṣid al-Sharī'ah and Fiqh al-Awlawiyyāt

Issue Examined	Legal Characterization	Relevant Maqāṣid Dimension	Level of Interest	Priority-Based Assessment	Main Finding and Policy Implication
Companion allocation for pilgrims with severe physical, medical, or cognitive limitations	A form of assistance supporting the performance of Hajj rather than an independent right to an	<i>Ḥifẓ al-dīn</i> , <i>ḥifẓ al-nafs</i> , <i>ḥifẓ al-'aql</i> , and <i>ḥifẓ al-māl</i>	May reach <i>ḍarūriyyāt</i> or strong <i>ḥājjiyyāt</i> when the absence of assistance	Protection of life, health, and the proper completion of Hajj take priority over minor	Companion allocation is justified when the pilgrim's dependence is objectively

	additional quota		creates serious risk	administrative inconvenience to the waiting-list system	verified and institutional assistance is insufficient
Companion allocation based only on family preference, emotional comfort, or convenience	A complementary service rather than an essential requirement for performing Hajj	Mainly related to comfort, family support, and administrative convenience	Generally classified as <i>taḥsīniyyāt</i>	A complementary private benefit should not override the established interests of prospective pilgrims who have waited for many years	Family preference alone is insufficient to justify an additional place within the limited national quota
Institutional assistance for elderly and vulnerable pilgrims	A public service obligation of the state and Hajj organizers	<i>Ḥifẓ al-naḥs, ḥifẓ al-dīn</i> , human dignity, and justice	<i>Hājiyyāt</i> and, in serious cases, <i>ḍarūriyyāt</i>	A less quota-intensive form of assistance should be prioritized when it can adequately protect the pilgrim	The government should strengthen trained officers, health personnel, disability services, accessible facilities, and professional caregivers before granting family companion places
Transfer of a deceased pilgrim's deposited Hajj funds	Settlement of the deceased person's financial rights and obligations	<i>Ḥifẓ al-māl</i> and protection of heirs	Strong <i>ḥājiyyāt</i> and a legally protected financial interest	The heirs' entitlement to the lawful economic value of the deposit is stronger than their claim to inherit the exact	The administration must guarantee a clear refund, settlement, or lawful transfer mechanism for

				departure position	deposited funds
Transfer of the deceased pilgrim's registration portion number to an heir	A regulated administrative benefit created by the modern Hajj system, not the inheritance of the Hajj obligation itself	<i>Ḥifẓ al-māl</i> , <i>ḥifẓ al-dīn</i> , family stability, and legal certainty	Generally, <i>ḥājiyyāt</i> or <i>taḥsīniyyāt</i> , depending on the circumstances	The transfer may be permitted, but it must be balanced against the rights of long-waiting prospective pilgrims	Transfer is conditionally permissible but cannot be treated as an absolute inheritable property right
Transfer where the deceased pilgrim had already entered the final departure stage	Continuation of an advanced and concrete administrative expectation	Legal certainty, protection of property, family interest, and administrative efficiency	Stronger <i>ḥājiyyāt</i> than an early-stage registration claim	Preserving the position may cause less disruption because the departure process is already substantially completed	A stronger justification for transfer exists when major departure requirements have been completed, subject to clear legal conditions
Transfer where the deceased pilgrim remained at an early stage of a long waiting period	Transfer of a future and still-contingent administrative expectation	Protection of property and family interests	Usually, <i>ḥājiyyāt</i> or <i>taḥsīniyyāt</i>	The heir's interest is weaker because the departure expectation remains distant and the impact on the public queue is more significant	The financial deposit may be protected, but the heir should not automatically inherit the same projected departure year
Rights of long-waiting prospective pilgrims	A legitimate expectation of chronological, equal, and non-arbitrary treatment within a public allocation system	Justice, public benefit, legal certainty, and protection from harm	A significant collective <i>ḥājiyyāt</i> interest	Established public interests generally take priority over non-essential private advantages	The ordinary queue should remain the default mechanism, while exceptions must be limited, justified,

					and transparent
Distinction between registration transfer and <i>badal al-hajj</i>	Registration transfer concerns administrative succession, whereas <i>badal al-hajj</i> concerns performing Hajj on behalf of another person	<i>Ḥifẓ al-dīn</i> and doctrinal clarity	Essential for maintaining the correct legal status of the Hajj obligation	Administrative transfer must not be interpreted as evidence that the deceased person has fulfilled Hajj	Regulations must clearly state that the heir performs Hajj in his or her own capacity unless the separate requirements of <i>badal al-hajj</i> are fulfilled
Commercialization or repeated transfer of registration portion numbers	Misuse of a regulated public administrative benefit	<i>Ḥifẓ al-māl</i> , justice, public order, and prevention of exploitation	Prevention of harm may reach strong <i>ḥājiyyāt</i>	Preventing corruption, brokerage, and unfair access takes priority over private economic gain	Sale, brokerage, repeated transfer, and informal exchange of portion numbers must be prohibited
Transparency in companion and transfer decisions	A procedural requirement for accountable Hajj governance	Justice, public trust, legal certainty, and collective benefit	Strong <i>ḥājiyyāt</i>	Transparent procedures reduce arbitrariness and strengthen the legitimacy of limited exceptions	Authorities should publish eligibility categories, aggregate allocation figures, waiting-list effects, and review procedures
Overall policy model	A conditional and proportionate system balancing individual protection and public justice	Integration of all relevant objectives of Islamic law	Varies according to the urgency and certainty of each claim	Necessary and certain interests take priority over speculative or complementary benefits, while public harm must	Companion allocation and registration transfer should be based on verified need, limited exceptions,

				be minimized	financial protection, written reasons, independent review, and continuous evaluation
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The table demonstrates that the legality of companion allocation and registration transfer cannot be determined merely by identifying a benefit for pilgrims or heirs. The decisive consideration is the relative weight of each benefit and harm. Under *maqāṣid al-sharī‘ah* and *fiqh al-awlawiyyāt*, protection of life, health, and the ability to perform Hajj properly may justify an exception, whereas convenience and family preference should not displace long-waiting prospective pilgrims. Similarly, heirs possess a strong right to the deceased pilgrim’s deposited funds, but their claim to the exact queue position remains conditional because the registration position forms part of a limited public allocation system.

Synthesis of the Findings

The results demonstrate that both companion allocation and the transfer of Hajj registration portion numbers may be accepted within Islamic law, but neither should be treated as an unconditional entitlement. Their legitimacy depends on their purpose, level of necessity, procedural safeguards, and effects on other prospective pilgrims.

Companion allocation has its strongest justification where it protects life, health, dignity, and the effective performance of Hajj for a genuinely dependent pilgrim. In this context, the protected interests may reach the levels of *darūriyyāt* or substantial *ḥājiyyāt*. However, family accompaniment based merely on preference or convenience remains a *taḥsīniyyāt* interest and should not displace long-waiting pilgrims.

The transfer of a registration portion number may protect property, administrative certainty, religious intention, and family stability. Nevertheless, these interests do not transform the registration position into an absolute inheritable right. The deposited funds and the public queue position have different legal characteristics and must therefore be regulated separately.

The fairness conflict identified by the reviewer is resolved through proportional priority rather than an absolute preference for either heirs or long-waiting pilgrims. The heirs’ financial rights must be protected, while their claim to preserve the exact queue position remains conditional. The ordinary queue should retain priority where the transfer protects only a complementary private benefit. An exception may be justified where the family’s interest is urgent, legally established, and incapable of being protected through a less harmful alternative.

Accordingly, the most consistent policy with Bin Bayyah’s *maqāṣid*-oriented reasoning and al-Qaradawi’s priority jurisprudence is one that combines compassion with distributive discipline. The state must facilitate vulnerable pilgrims and protect the legitimate rights of deceased pilgrims’ families, but it must do so through objective criteria, limited exceptions, transparent procedures, and continuous evaluation of the effects on the wider waiting list. Such a model better reflects the objectives of Islamic law because it protects individual dignity without sacrificing public justice.

Conclusion

This study concludes that the allocation of companion places for vulnerable Hajj pilgrims and the transfer of Hajj registration portion numbers to heirs may be accepted within Islamic law, but neither should be treated as an absolute or automatic entitlement. From the perspective of *maqāsid al-sharī'ah*, companion allocation is justified when it is objectively necessary to protect religion, life, intellect, property, and human dignity, particularly where the absence of assistance would endanger the pilgrim or prevent the proper completion of the rites. However, accompaniment based merely on preference or convenience should not take priority over prospective pilgrims who have remained in the waiting list for many years. Similarly, the transfer of a deceased pilgrim's registration portion number may protect deposited funds, administrative certainty, religious intention, and family interests, but the registration position itself cannot be equated with fully inheritable private property because it operates within a limited public quota system. Through *fiqh al-awlawiyyāt*, the fairness of these policies must therefore be determined by balancing the urgency, certainty, scope, and consequences of competing interests, while distinguishing between essential needs and complementary benefits. Accordingly, the most just policy is a conditional and proportionate mechanism based on verified medical or functional need, clear eligibility requirements, protection of heirs' financial rights, restrictions on the transfer and commercialization of portion numbers, transparent decision-making, and continuous evaluation of the impact on long-waiting pilgrims. Such an approach enables the government to provide humanitarian protection and administrative certainty without undermining distributive justice, public trust, and equal access to the limited Hajj quota.

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