



**1 ABAD**  
MAJELIS TARIJH  
MUHAMMADIYAH  
*Menebar Maslahat, Mencerahkan Umat*

# The Contemporary Fatwas of Muhammadiyah



The Council for Religious Opinion and Tajdid  
The Central Board of Muhammadiyah  
1447 H/2026 M



# THE CONTEMPORARY FATWAS OF MUHAMMADIYAH

- Breast Milk Banks
- The Use of Mirin as a Cooking Condiment (For the Muslim Community in Japan)
  - The Use of Stem Cells
- Cryptocurrencies (Crypto) as a Digital Financial Asset
  - Zakat on Digital Assets and Income
- Transferring the Slaughter of *Hadyu* (Sacrificial Offering) to Indonesia
- The Ruling on Performing Hajj with a Non-Hajj Visa, *Murūr* in Muzdalifah, and *Tanāzul* in Mina

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## FOREWORD

In the Name of Allah, the Most Gracious, the Most Merciful

Praise be to Allah, Lord of the Worlds, who has made the Islamic Sharia suitable for every time and place, and peace and blessings be upon our Master Muhammad, the Seal of the Prophets and Messengers, and upon his family, his companions, and those who follow them in righteousness until the Day of Judgment; as to what follows:

It is not hidden from the observer of the reality of the Islamic Ummah today that Muslims live in the era of globalization, where their issues have transcended geographical and digital borders, and contemporary jurisprudential occurrences have taken on a universal character that concerns Muslims in the East of the earth and its West. Given that English serves as the global lingua franca and the primary medium of international academic discourse, the Council for Religious Opinion and Tajdid of the Central Board of Muhammadiyah deems it essential to translate a selection of its contemporary fatwas into English. This initiative aims to broaden the global reach of its scholarly dissemination and foster dialogue with international Muslim communities, global academia, and institutions across the Western world and beyond.

Indeed, Muhammadiyah, in its capacity as an Islamic renewal movement whose age has exceeded a century, is worthy of introducing the

world to its methodology in collective Ijtihad (independent reasoning) and its contributions to addressing the emerging issues of the Ummah. The Council for Religious Opinion and Tajdid is the supreme scholarly institution in Muhammadiyah specialized in examining Sharia matters and issuing fatwas, and it adopts the methodology of collective Ijtihad based on combining the three approaches: *bayānī*, *burhānī* dan *'irfānī* (the expository, the demonstrative, and the gnostic), starting from the methodology of preference (Manhaj Tarjih) which is considered the distinguishing feature of the jurisprudential school of Muhammadiyah. The Council is founded upon the idea of renewal in its authentic sense, that is, reviving the spirit of the Sharia and applying its rulings to the changing reality of people, without deviating from its constants and fundamentals.

It is known that the fatwa in Islamic jurisprudence has two essential functions that complement each other and do not separate: the first of them is giving Sharia certainty to those legally accountable regarding the emerging occurrences in which no explicit texts have appeared in the classical jurisprudential heritage, so the fatwa becomes a reference in which the Muslim finds peace of mind in his worship and transactions. And the second of them is the fatwa being a mechanism for social engineering, as it is not merely an answer of permission or prohibition, but rather a means to direct the society, guide it, and propel it towards progress and advancement. With these two functions, the fatwas of Muhammadiyah come not as negative reactions, but as transformational tools that lead the Ummah to face the challenges of the era with a conscious and advanced confrontation, combining authenticity and contemporaneity, and translating the slogan of Muhammadiyah in "Progressive Islam" (*Islam Berkemajuan*).

From this standpoint, the fatwas selected in this book reflect the diversity of contemporary issues facing the Islamic Ummah, and they can be classified into four main axes:

- **As for the first axis**, it relates to issues of health and biotechnology, and it includes the fatwa on the mother's milk bank (Bank ASI) and the fatwa on stem cells, and these are fatwas that embody the response of Islamic jurisprudence to modern medical developments.
- **As for the second axis**, it addresses issues of global culture and food, and is represented in the fatwa on the use of mirin as a seasoning in Japanese cooking, which is a fatwa of profound importance to Muslim communities in the diaspora and to the halal food industry globally.
- **As for the third axis**, it pertains to contemporary Hajj issues, and encompasses the fatwas on performing Hajj without a Hajj visa, passing through Muzdalifah, waiving [the stay] in Mina, and transferring the slaughtering of the sacrifice to the home country; and these fatwas reflect the dynamic management of the Hajj ritual in light of the increasing numbers of pilgrims and the complexity of logistical and organizational arrangements.
- **As for the fourth and final axis**, it tackles the issues of the digital economy, and includes the fatwa on cryptocurrencies as digital assets, and the fatwa on the zakat of digital assets and incomes, answering the questions of economic transformation in the Web3 era.

Indeed, these fatwas are not merely a local Indonesian product, but rather a serious contribution from Islamic thought in Indonesia to global jurisprudential treasuries. We hope that this book will be a bridge for dialogue between the scholars of Indonesia and both the global Muslim community and international academia, serving as an academic reference from which universities and Sharia institutes worldwide benefit in teaching the jurisprudence of emerging occurrences and contemporary issues.

In conclusion, we ask Allah Almighty to make this work beneficial for the Islamic Ummah across its different homelands and languages, and to make it a continuous charity for everyone who contributed to its production among

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the muftis, translators, and editors. We also hope that this book opens wider horizons for academic dialogue, enriches contemporary jurisprudential treasuries, and acts as an inspiration for new ijtihads that suit the challenges and developments of the era. We declare our complete openness to every constructive criticism and sound observation, in completion of whatever improvement and development there might be in subsequent editions.

And we ask Allah to grant us success in what He loves and is pleased with, and to benefit Islam and Muslims with this work, and the conclusion of our supplication is that praise be to Allah, Lord of the Worlds.

Yogyakarta, 28 Zulkaidah 1447 AH / 15 May 2026 CE

The Council for Religious Opinion and Tajdid

The Central Board of Muhammadiyah

Chairman

Professor Dr. Hamim Ilyas

Secretary

Dr. Muhamad Rofiq Muzakkir



## **BREAST MILK BANK**

(Session held on Thursday, 19 Rabiulawal 1447 H/11 September 2025 M)

### **Question:**

Assalamu 'alaikum w. w.

What is the legal ruling on Breast Milk Banks from the perspective of Islamic law? Are the impacts the same as to those of direct breast milk donation? We request an explanation from the Council for Religious Opinion and Tajdid of Muhammadiyah.

Wassalamu 'alaikum w. w.

*Questioner: Central Board of 'Aisyiyah*

### **Answer:**

Wa 'alaikumus-salam w. w.

Thank you for the question submitted to the Council for Religious Opinion and Tajdid of the Central Board of Muhammadiyah. Before addressing the substance of the question, we feel it is necessary to explain several matters related to breast milk in terms of the benefits and the obligation regarding it according to Islam.

Breast milk is the most ideal substance created by Allah to fulfil the needs of the growth of infants. As long as breast milk can be provided normally for up to two years, its provision must be pursued to the maximum

extent possible. As science has proven, breast milk possesses tremendous benefits, not only for the infant but also for the nursing mother.

For the infant, breast milk is easily digested and absorbed by the body compared to other substances. The nutritional content found in breast milk is of exceptionally high quality, rich in substances that accelerate the growth of brain cells and the development of the nervous system. These nutrients significantly contribute to the infant's intelligence. Furthermore, breast milk contains nearly 200 nutrients, hormones, and factors for immunity, growth, anti-allergy, and anti-inflammation. This composition makes breast milk a highly effective substance in fighting disease attacks, preventing chronic illnesses such as colon disease, and reducing the risk of infant mortality. Moreover, the water content in breast milk reaches 87.5%, meaning that an infant receiving sufficient breast milk intake does not require additional drinking water. The direct provision of breast milk also creates an emotional connection between the mother and the infant, establishing a bond of affection while simultaneously supporting the infant's psychological growth.

As for the mother, breastfeeding can serve as a natural contraceptive that delays menstruation and pregnancy. In addition, breastfeeding reduces the risk of developing breast cancer, ovarian cancer, uterine cancer, osteoporosis, rheumatism, and obesity. The breastfeeding process also helps accelerate uterine recovery postpartum. On the other hand, the provision of breast milk is more practical and economical compared to alternatives.

From an Islamic perspective, the provision of breast milk is a form of fulfilling the infant's rights as well as the parents' responsibility toward their child. This is affirmed in several verses as follows:

وَالْوَالِدَاتُ يُرْضَعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تَضَارُّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ [البقرة (٢): ٢٣٣]

*Mothers should breastfeed their children for two full years, for those who wish to complete the nursing period. It is the father's obligation to bear the cost of their food and clothing in a reasonable manner. No person is burdened beyond their capacity. A mother should not be made to suffer because of her child, nor should a father be made to suffer because of his child. And upon the heir is a similar duty. If they both desire weaning (before two years) based on mutual consent and consultation, there is no sin upon them. And if you wish to have your children nursed (by another person), there is no sin upon you as long as you pay what you give in a reasonable manner. Fear Allah and know that indeed Allah is All-Seeing of what you do."* [Quran, Al-Baqarah (2): 233].

Even in highly critical situations, a mother is still commanded to breastfeed her child, just as the mother of Prophet Musa breastfed her baby (Musa) before he was cast into the Nile River to save him from the killing perpetrated by Pharaoh and his followers. This is recorded in the Quran as follows:

وَأَوْحَيْنَا إِلَىٰ أُمِّ مُوسَىٰ أَنْ أَرْضِعِيهِ فَإِذَا خَفْتِ عَلَيْهِ فَأَلْقِيهِ فِي الْيَمِّ وَلَا تَخَافِي وَلَا تَحْزَنِي إِنَّا رَادُّوهُ إِلَيْكَ وَجَاعِلُوهُ مِنَ الْمُرْسَلِينَ [الْقَصَصَ (٢٨): ٧].

*"We inspired the mother of Musa, 'Breastfeed him (Musa). If you fear for his (safety), cast him into the river (the Nile in a floating chest). Do not fear and do not grieve. Indeed, we will return him to you and will make him one of the messengers.'" [Quran, Al-Qashas (28): 7].*

وَوَصَّيْنَا الْإِنْسَانَ بِوَالِدَيْهِ حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَىٰ وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ أَنِ اشْكُرْ لِي وَلِوَالِدَيْكَ إِلَيَّ الْمَصِيرُ [الْقَمَانَ (٣١): ١٤].

*"We have enjoined upon humanity (to be good) to their parents. His mother carried him in increasing weakness and weaned him in two years. (Our command is,) 'Be grateful to Me and to your parents.' Only to Me is the return."* [Quran, Luqman (31): 14].

Surah An-Nisa' (4) verse 9 is also frequently utilized as general evidence and as an argument for the importance of preventive measures against leaving children (generations) in a weak state, which includes avoiding leaving behind a physically weak generation by ensuring the provision of breast milk. Allah says:

وَلْيَخْشَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعَافًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا [النِّسَاءَ (٤): ٩].

"And let those fear who, if they left behind them weak offspring, would be afraid for them. So let them fear Allah and speak words of appropriate justice." [Quran, An-Nisa' (4): 9].

However, in reality, not all infants receive an ideal intake of breast milk, whether due to unstable or completely ceased maternal milk production, maternal mortality during childbirth, or other factors. Therefore, if breast milk can be provided through a donor or a Breast Milk Bank, this can serve as a solution, provided that it still adheres to the principles and regulations of the Islamic religion.

In Islam, breast milk donation is considered a matter of *muamalah* (worldly transactions) whose original ruling is permissible (*mubah*), as elucidated in the Quran, Surah Al-Baqarah (2) verse 233, particularly in the following segment of the verse:

... وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ [البقرة (٢): ٢٣٣].

"...And if you wish to have your children nursed (by another person), there is no sin upon you as long as you pay what you give in a reasonable manner. Fear Allah and know that indeed Allah is All-Seeing of what you do." [Quran, Al-Baqarah (2): 233].

Although breast milk donation is permissible, the legal implications resulting from the provision of donor breast milk must also be considered, namely the impact on *mahram* (unmarriageable kin) relationships, along with its benefits and harms. In the Book Tanya Jawab Agama, published by Suara Muhammadiyah Magazine No. 10 of 2021, the Council for Religious Opinion and Tajdid issued a fatwa stating that the number (as in how many times) of breastfeeding that establishes a *mahram* relationship is five times, without distinguishing whether it is given directly or indirectly (via a bottle). This is as explained in the following Hadith of Nabi saw.:

عَنْ عَائِشَةَ، أَنَّهَا قَالَتْ: كَانَ فِيهَا أَنْزَلَ مِنَ الْقُرْآنِ: عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ يُحَرِّمَنَّ، ثُمَّ نُسَخْنَ، بِخَمْسِ مَعْلُومَاتٍ، فَتَوَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، وَهَنَّ فِيهَا يُقْرَأُ مِنَ الْقُرْآنِ [رواه مسلم].

*Narrated by Aisyah, she said, "It had been revealed in the Quran that ten clear nursings make the marriage unlawful, then it was abrogated (and substituted) by five nursing acts, and then the Messenger of Allah (PBUH) died, and this matter remained as it is (at five times)." [H.R. Muslim].*

The fatwa also details that among scholars, there are differences of opinion regarding the number of breastfeeding sessions that establishes a *mahram* relationship. The Shafi'i school says that a *mahram* relationship is established when it is done a minimum of five times. Conversely, the Hanafi and Maliki schools argue that the *mahram* relationship occurs simply because the child or infant has drunk the milk once, or even if only a single drop (TJA II/148). However, this opinion is refuted by several Hadiths of Nabi saw., including:

عَنْ عَبْدِ اللَّهِ بْنِ الْجَارِثِ، أَنَّ أُمَّ الْفَضْلِ، حَدَّثَتْ، أَنَّ نَبِيَّ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: لَا تُحْرَمُ الرُّضْعَةُ أَوْ الرُّضْعَتَانِ، أَوْ الْمَصَّةُ أَوْ الْمَصَّتَانِ [رواه مسلم].

*Narrated by Abdullah bin al-Harith that Ummu Fadl said that the Messenger of Allah (PBUH) said, "One or two breastfeeds, or one or two sucklings, do not make marriage unlawful." [H.R. Muslim].*

عَنْ عَائِشَةَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَقَالَ سُؤَيْدٌ وَزُهَيْرٌ إِنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ لَا تُحْرَمُ الْمَصَّةُ وَالْمَصَّتَانِ [رواه مسلم].

*Narrated by Aisyah, she said: The Messenger of Allah (PBUH) said: (And Suwaid and Zuhair said) Indeed, Nabi saw. said: "One or two sucklings do not make marriage unlawful." [H.R. Muslim].*

To clarify, "a single breastfeed" refers to a breastfeed that satisfies (fills) an infant driven by hunger. It fills the child's stomach, strengthens the bones, and grows flesh. This is outlined in the following Hadiths of Nabi saw.:

عَنْ مَسْرُوقٍ أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ دَخَلَ عَلَيَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَعِنْدِي رَجُلٌ قَالَ يَا عَائِشَةُ مَنْ هَذَا قُلْتُ أَخِي مِنَ الرُّضَاعَةِ قَالَ يَا عَائِشَةُ أَنْظِرْنِي مِنْ إِخْوَانِكُنَّ فَإِنَّمَا الرُّضَاعَةُ مِنَ الْمَجَاعَةِ [رواه البخاري].

*Narrated by Masruq that 'Aisyah (may Allah be pleased with her) said, "Nabi saw. entered my house, and there was a man with me. He asked: 'O Aisyah, who is this?' I answered: 'He is my brother through breastfeeding (nursing).' Nabi saw. said: 'O Aisyah, look closely at who your brothers are, for (brother through) breastfeeding (that establishes unmarriageability) is only that which is prompted by hunger.'" [H.R. al-Bukhari].*

There is also a Hadith H.R. Abu Dawud from the companion Ibn Mas'ud:

عَنِ ابْنِ مَسْعُودٍ قَالَ لَا رَضَاعَ إِلَّا مَا شَدَّ الْعَظْمَ وَأَنْبَتَ اللَّحْمَ... عَنْ ابْنِ مَسْعُودٍ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِمَعْنَاهُ وَقَالَ أَنْشَزَ الْعَظْمَ [رواه أبو داود].

*Narrated by Ibn Mas'ud, he said, "There is no (recognized) breastfeeding/nursing except that which strengthens the bones and grows the flesh." ...from Ibn Mas'ud from Nabi saw. with a similar meaning, and he said, "And causes the bones to grow." [H.R. Abu Dawud].*

From the explanations above, it can be affirmed that breastfeeding (*radā'ah*) establishes a *mahram* relationship based on several factors: a minimum of five nursings, without distinction as to whether it is done directly sucking from a mother's nipple or indirectly through a bottle or pacifier—including via a Breast Milk Bank—and the child must still be within the nursing age. This is based on the following Hadith of Nabi saw.:

عَنْ ابْنِ عَبَّاسٍ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا رَضَاعَ إِلَّا مَا كَانَ فِي الْحَوْلَيْنِ [رواه الدارقطني].

*Narrated by Ibn Abbas, the Messenger of Allah (PBUH) said, "There is no nursing (that establishes a mahram relationship) except within the period of two years." [H.R. ad-Daraqutni].*

Breast Milk Banks, as a solution to provide breast milk for specific circumstances as explained above, represent an issue of worldly *muamalah* where the original ruling is permissible (*mubah*), as affirmed by the following jurisprudential maxim:

الْأَصْلُ فِي الْمُعَامَلَاتِ الْإِبَاحَةُ حَتَّى يَدُلَّ دَلِيلٌ عَلَى تَحْرِيمِهَا.

*The original ruling in matters of muamalah is permissibility, until there is evidence indicating its prohibition.*

Although the original ruling for Breast Milk Banks is permissible, several aspects must be observed concerning legal consequences, the intent and purpose to provide *maslahah* (benefit) to the mother and child, and the potential harms. This is because, from a health perspective, unhygienic breast milk or milk originating from a mother with certain types of diseases, or even infected with the HIV-AIDS virus, can transmit to the infant or child consuming

it. Therefore, the provision of breast milk from a Breast Milk Bank must be conducted with rigorous selection through multiple stages of screening, from verifying the prospective donor to the actual process. This adheres to the following Hadiths and jurisprudential maxims:

لَا ضَرَرَ وَلَا ضِرَارًا.

*There should be no harming [oneself] nor reciprocating harm [to others].*

الضَّرْرُ يُزَالُ.

*Harm must be eliminated.*

Therefore, to ensure that the practice of Breast Milk Banks complies with the law and its correct objectives, the following points must be considered:

1. **Adhere to regulations.** In its implementation, whether the mechanism for establishing a Breast Milk Bank, operational procedures, and others, it must strictly refer to the regulations to fulfill its principle of legality.
2. **Paying attention to the scientific, expertise, and Sharia compliance aspects.** The management of breast milk at a Breast Milk Bank must be grounded in related sciences, such as health and medical sciences, based on the expertise or competence of its managers, and guided by a certified Sharia board. This is crucial to ensure that its management aligns with Sharia principles and avoids (as a preventive measure) anything that could cause harm. This conforms with the jurisprudential maxim:

دَرءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ.

*Repelling various kinds of harm takes precedence over acquiring benefits.*

3. **Taking a record to identify the breast milk donor and recipient.** This measure offers several benefits: *First*, the origin of all breast milk consumed by infants is clear, ensuring it is screened and safe from sources of contagious diseases. *Second*, from an 'irfānī (ethical/

spiritual) perspective, the beneficiary of the breast milk donation can identify the owner of the breast milk, enabling them, at the very least, to express gratitude to the person who has contributed to their life. *Third*, the beneficiary is aware of with whom the child shares a *mahram* relationship once the breast milk is provided in the amount stipulated by the Prophet's Hadith. Therefore, the identities of both the donor and recipient must be recorded comprehensively and accurately.

4. **Regarding the ruling on mixing breast milk from multiple donors.** Although some contemporary scholars permit it, such as Sheikh Yusuf al-Qaradawi and others, this practice should be avoided to maintain clarity regarding the origin and volume of breast milk from each individual donor. This precaution prevents *syubhāt* (doubtful matters) and the emergence of various issues concerning the legal consequences for both the provider and recipient of the breast milk donation.
5. **The contract ('*aqd*) must be clear.** The contract in breast milk donation is an *ijarah* (wage, service, or compensation) contract. Anything originating from the human body as a gift from Allah, whether it be eye corneas, kidneys, breast milk, or other body parts (*al-a'dā' al-jism al-basyariyyah*), may not be traded or commercialized. This is because, in principle, Allah honors human beings both as entities and regarding their physical bodies, as stated in the Quran, Surah Al-Isra' (17): 70.

This concludes our answer. We hope it is beneficial and enlightening.

*Wallāhu a'lam bi aṣ-ṣawāb.*



## **THE USE OF MIRIN AS A COOKING CONDIMENT A FATWA FOR THE MUSLIM COMMUNITY IN JAPAN**

(Session held on Friday, 27 Rabiulawal 1447 H/19 September 2025 M)

### **Question:**

What is the ruling on using mirin in cooking? Mirin is a traditional condiment that plays an essential role in Japanese culinary practices. Almost all Japanese dishes use mirin because spices are rarely utilized. Mirin is made from plant-based raw materials, namely glutinous rice, malted rice, fermented alcohol, and sugar. The fermentation process lasts for 40 to 60 days, yielding a final product with an alcohol content of approximately 12.5% to 14.5%. However, this alcohol typically evaporates during the cooking process, leaving a distinctive sweet taste without any intoxicating effects, making it safe even for pregnant women and infants.

The primary function of mirin is not only to enhance flavor but also to maintain the texture of the food, reduce fishy odors (especially in fish and meat), and assist in the cooking process. Its usage generally amounts to only one or two tablespoons. Consequently, Japanese society does not view mirin as an alcoholic beverage, but rather as a cooking condiment. Nevertheless, there are specific traditions, such as *otoso* during New Year celebrations, where mirin is used as a beverage ingredient. However, this practice is limited

and not a daily habit. Regarding tax regulations, mirin is subject to a lower tax rate compared to other alcoholic beverages due to its status as a cooking condiment rather than liquor. Mirin tax is merely 1/9th of the beer tax according to Japanese government regulations.

*(The question and explanation above are summarized from a letter sent by Ms. Satomi Ohgata, a Muslim sister from Japan, dated 13 September 2024 (spanning 32 pages), and a presentation delivered before the Halaqah of the Council for Religious Opinion and Tajdid of the Central Board of Muhammadiyah on 24 Rajab 1446 AH / 24 January 2025 CE. The letter was written in three languages: Indonesian, English, and Japanese, while the presentation was delivered in Indonesian.)*

### Answer:

Thank you for your question. Before answering your inquiry, we would like to inform you that we have previously addressed questions related to the use of alcohol, namely:

1. The use in perfumes and sanitizers (<https://fatwatarjih.or.id/hukum-alkohol-pada-parfum-antiseptic-sanitizer-dan-sejenisnya/>) published in *Suara Muhammadiyah* magazine No. 20 of 2015.
2. The status of alcohol regarding whether it is *najis* (impure) or not (<https://fatwatarjih.or.id/apakah-alkohol-itu-najis/>) published in *Suara Muhammadiyah* magazine No. 23 of 2013.
3. The ruling on consuming *tape* (fermented cassava/ glutinous rice) whose production process involves fermentation (<https://fatwatarjih.or.id/halal-haram-air-tape/>) published in the book *Tanya Jawab Agama* volume 7, page 79, published by Suara Muhammadiyah.

Based on our comprehensive study, we believe that the use of mirin as a cooking condiment is permissible (*mubah*), provided that it has been cooked

beforehand so that the intoxicating alcohol elements evaporate. The permissibility (*halal* status) of mirin, in other words, depends on the occurrence of the *istihālah* process. Linguistically, *istihālah* means change or transformation. Terminologically, in Islamic jurisprudence (*fiqh*), *istihālah* is defined as the process of transformation of an impure (*najis*) or forbidden (*haram*) substance into an entirely different substance in terms of its characteristics, name, and overall ruling through a natural or chemical process. (<https://iifa-aifi.org/ar/3988.html>; al-Ghanāim, *al-Istihālah wa Aḥkāmuhā fī al-Fiqh al-Islāmī*, 86). The primary concept is that after undergoing a complete transformation process, the newly formed substance is considered *ṭāhir* (pure) and *halal*, as it has changed into a substance distinct from its origin.

*Istihālah* can occur through various means, one of which is a chemical change, where the molecular structure of a substance is altered into another substance, such as wine (*khamr*) turning into vinegar, which is legally *halal*. Another example is the tanning of the skin of a carcass, which was initially considered *najis*, turning into a pure substance because it is treated with tanning agents (synthetic chemicals) that alter the protein structure of the skin. The ruling on using this skin is also permissible (*mubah*) according to *fiqh*. *Istihālah* can also occur through natural changes, such as animal dung turning into natural compost fertilizer. Animal dung, initially considered *Najis*. But it changes when buried in an open environment alongside soil, which will decompose naturally through the action of bacteria, worms, and fungi. After a certain period, it transforms into compost, which is a fertile and pure soil material. The ruling on its usage thus becomes permissible (*mubah*).

The process of heating mirin over a fire during cooking can be categorized as *istihālah*, which is the transformation of a substance into a new substance with different characteristics. During this process, a portion of the alcohol in the mirin evaporates, and the remainder undergoes a chemical change. This alteration causes the loss of the intoxicating property (the '*illah*

or legal cause for prohibition) inherent in *khamr*. Therefore, the legal status of mirin that has undergone this process changes from *haram* to *halal*.

Regarding the chemical change of *khamr* that renders it *halal*, Ibn Taymiyyah once wrote:

وَكَمَا أَنَّ الْخَمْرَ إِذَا اسْتَهْلَكَتْ فِي الْمَائِغِ لَمْ يَكُنِ الشَّارِبُ لَهَا شَارِبًا لِلْخَمْرِ، وَالْخَمْرَةُ إِذَا اسْتَحَالَتْ بِنَفْسِهَا صَارَتْ خَلًّا كَأَنَّ طَاهِرَةً بِاتِّفَاقِ الْعُلَمَاءِ.

"Just as *khamr* can dissolve when mixed with a liquid [in a larger quantity], such that the person drinking the liquid is no longer considered to be drinking *khamr*, similarly, if *khamr* naturally transforms into vinegar, then that vinegar is pure according to the consensus of scholars." (Ibn Taymiyyah, *Majmū' al-Fatāwā*, XXI: 503).

Similar to Ibn Taymiyyah, AMJA (Assembly of Muslim Jurists of America) also upholds this opinion. According to AMJA, foods containing added alcohol, but which have undergone the process of *istiḥālah* such that no alcohol elements remain, are permissible to consume. Their fatwa states:

"If it is proven that a specific kind of food or beverage contains any percentage of alcohol, even 1%, then it is strictly prohibited to consume it! Even alcoholic mouthwash is prohibited, though it is not swallowed, simply because it contains alcohol."

"There is only one exception to the above rule, which is that, if it has been explicitly proven that the alcohol added to the food has been chemically transformed into a different ingredient and that there is nothing left in the food (not even its taste or flavor) from being cooked so well, then one would be allowed to consume it because the alcohol would have no actual existence in such a case."

<https://www.amjaonline.org/fatwa/en/23062/alcohol-in-food-beverages-even-a-little-is-forbidden>

Based on the explanation above, the use of mirin in cooking must undergo a heating process. If mirin is not heated, its alcohol content remains intact and has the potential to intoxicate, thus its legal status remains *haram*.

Conversely, if mirin is cooked for a sufficient duration, the heating process not only evaporates the majority of the alcohol but also chemically transforms its substances. This transformation completely alters the function of mirin from an alcoholic beverage to a flavoring condiment. Consequently, the ruling on dishes utilizing mirin that has undergone such a process is *halal*. This conclusion is in accordance with the maxim of *Usul al-Fiqh* (principles of Islamic jurisprudence):

الْحُكْمُ يَدُورُ مَعَ عِلَّتِهِ وَجُودًا وَعَدَمًا

*The legal ruling revolves around its 'illah (cause), in both its presence and absence.*

### The Original Purpose of Mirin and the Needs of Japanese Society

The justification for the permissibility of mirin due to chemical transformation through heating is further reinforced by another factor, namely the clear intent and purpose of its usage. The primary purpose of using mirin in Japanese cuisine is for non-intoxicating culinary functions, such as eliminating fishy odors, maintaining the shape of food ingredients, and facilitating flavor absorption. Mirin is generally classified as a cooking condiment, not part of the *khamr* (liquor) industry. Although some individuals may drink it, this practice is uncommon. Islamic law judges a matter based on its predominant general nature, in line with the *fiqh* maxim:

الْعِبْرَةُ لِلْغَالِبِ الشَّائِعِ لَا النَّادِرِ

*The standard of consideration is based on the dominant (common) and widely prevailing characteristic, not the rare exception [Mustafa al-Zarqā', Syarḥ al-Qawā'id al-Fiqhiyyah, 235-6].*

The factor of intent and the initial purpose for using mirin is a highly decisive factor. Intention itself is a *fundamental* element that determines the ruling of an action, as summarized in the *fiqh* maxim:

الْأُمُورُ بِمَقَاصِدِهَا

*The ruling of all matters depends on their intentions* [Mustafa al-Zarqā', *Syarḥ al-Qawā'id al-Fiqhiyyah*, 47].

The evidence for this maxim is well known, namely the hadith H.R. Umar bin Khattab:

عَنْ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى

*From Umar bin Khattab (may Allah be pleased with him) (narrated), he said: I heard the Messenger of Allah (PBUH) say: "Verily, actions are judged by their intentions, and every person will have only what they intended"* [H.R. al-Bukhari and Muslim].

Thus, the ruling on using mirin as a condiment is permissible (*mubah*) due to the absence of the intention to seek an intoxicating sensation, in addition to the fact that mirin has undergone the evaporation process. Conversely, the ruling on mirin becomes *haram* if the intention of its usage is to enjoy the taste of its alcohol or to be consumed for intoxication, such as in the *otoso* tradition.

The consideration of a *mubah* (permissible) ruling is also based on the premise that mirin is a deeply rooted part of the tradition within the local context of Japan. Mirin is not solely an individual necessity, but also a public one inherent in culinary traditions; it is even considered almost equivalent to the role of chili in Indonesia, meaning that for the Japanese, mirin holds a vital role that is difficult to substitute. Therefore, given the highly significant need for mirin in the culinary tradition, it can be accepted under the following maxim:

الْحَاجَةُ قَدْ تَنْزِلُ مَنْزِلَةَ الضَّرُورَةِ

*A need may sometimes occupy the position of an absolute necessity* [Mustafa al-Zarqā', *Syarḥ al-Qawā'id al-Fiqhiyyah*, 209].

Another relevant maxim is:

الْعَادَةُ مُحَكَّمَةٌ

*Customary practices prevailing within a society can serve as a basis for legal consideration [Mustafa al-Zarqā', Syarḥ al-Qawā'id al-Fiqhiyyah, 219].*

This last maxim is a fundamental principle in *fiqh*, stating that customs or traditions accepted and practiced by a society can become one of the foundations for determining rulings, as long as such customs do not contradict sharia principles. Just as *tape* is accepted in Indonesian and Malaysian societies because it has become a customary tradition despite the fermentation process producing alcohol, mirin has similarly become a widely accepted part of Japanese culinary traditions despite containing alcohol.

## Conclusion

Based on the various considerations above, we believe that using mirin as a cooking condiment is permissible (*mubah*), on the condition that it is cooked until its alcohol evaporates. As a condiment containing alcohol, mirin is not considered impure (*najis*), because mirin is not *khamr*.

Regarding the ruling on drinking/ consuming mirin directly, we must reiterate once again that its ruling is *haram*, as its status shifts from a cooking condiment into an intoxicating *khamr*. Furthermore, mixing it as a condiment (one or two tablespoons) without cooking it beforehand is also considered *haram*, because the alcohol is still present and potentially causes intoxication. This prohibition is based on the following hadith:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَا أُسْكِرَ كَثِيرُهُ فَقَلِيلُهُ حَرَامٌ

*From Jabir bin Abdullah (may Allah be pleased with them both) (narrated) that the Messenger of Allah (PBUH) said: "Whatever intoxicates in large quantities,*

*then a small quantity of it is haram"* [H.R. Ahmad, Abu Dawud, al-Tirmidzi, and Ibn Majah].

This concludes our answer; hopefully, the exposition above can serve as a guideline for the daily activities of the Muslim community in Japan. May Allah always guide us to the path He is pleased with. May it be beneficial and enlightening.

*Wallāhu a'lamu biş-şawāb.*



## THE USE OF STEM CELLS

(Session held on Friday, 27 Rabiulawal 1447 H/19 September 2025 M)

### Question:

*Assalamu 'alaikum Warahmatullahi Wabarakatuh.*

What is the Islamic legal ruling on the use of stem cells for medical treatment and beauty purposes? Please provide an answer along with the supporting evidence. Thank you.

*Wassalamu 'alaikum Warahmatullahi Wabarakatuh.*

Questioner: Health Council of the Central Board of Aisyiyah and UNISA (Aisyiyah University of Yogyakarta)

### Answer:

#### A. Introduction

Thank you for the question submitted. The current development of medical science and biotechnology presents various innovations in the effort to cure diseases, one of which is the use of stem cells. Stem cells are master cells that possess the unique ability to proliferate indefinitely and differentiate into various types of cells within the human body. Because of this characteristic, stem cells have become a great hope in the medical world for treating chronic and degenerative diseases that have thus far been difficult to cure, such as cancer, diabetes, neurological disorders, and organ *damage*.

Amidst these substantial benefits, ethical and legal questions arise in Islam: Where are the stem cells obtained from, and how is the process conducted? Does it comply with the principles of Islamic law (Sharia)? What is the and their benefits will first be outlined.

### **B. The Origin of Stem Cells and Their Benefits**

Medically, stem cells can be obtained from various sources.

1. Stem cells that are derived from the body of an adult human being, for example, from bone marrow, peripheral blood, or adipose (fat) tissue. These stem cells are multipotent, meaning their potential is more limited to developing into cells within specific lineages.
2. Perinatal stem cells. It is stem cells obtained from fetal support tissues collected during or immediately after birth, such as from umbilical cord blood, umbilical cord tissue (Wharton's jelly), and the placenta.
3. The most controversial stem cells are known as embryonic stem cells, which are extracted from embryos at the early stages of development. This type has the broadest capacity to develop into various types of body cells (pluripotent), rendering its potential in the medical field immensely significant.
4. Recent developments in biotechnology have also produced what are known as engineered stem cells, or Induced Pluripotent Stem Cells (iPS cells). In this method, scientists take ordinary cells, such as skin cells, and genetically reprogram them in a laboratory so that they return to a pluripotent state, similar to embryonic stem cells. This type is considered a promising type because it holds substantial potential without necessitating the destruction of an embryo.

The difference in these sources is crucial because it relates to their legal status in Islamic law (Shar'i): each type has its own distinct ruling. Besides these four sources, researchers are also developing stem cells from animals

and plants. Currently, neither is yet directly relevant for human medical therapy, but they are utilized by scientists for basic research and pharmaceutical development.

Practically, stem cells offer numerous benefits in the healthcare sector. These cells are capable of replacing damaged tissues or organs because they possess the ability to regenerate and repair dead body tissues, whether in muscles, skin, bones, or internal organs. This capability makes them highly essential in assisting the recovery from serious and chronic illnesses. Furthermore, stem cells can accelerate the recovery of wounds and injuries by stimulating the growth of new tissues. This is highly beneficial for expediting the healing of burns and bone fractures. In addition to their clinical utilization, stem cells have become one of the main pillars in modern biomedical research for discovering more effective new therapies and medications. Stem cells are also said to be capable of slowing down aging or facilitating reverse aging, as well as increasing bodily vitality to appear fresher, fitter, and full of energy.

### C. Islamic Legal Review

In Islam, every medical innovation must be weighed against the principles of halal (permissible) and haram (forbidden), along with the consideration of *maṣlahah* (public interest/benefit) and *mafsadah* (harm). Therefore, the use of stem cells for medical treatment holds varying legal rulings depending on their source and the method of acquisition.

1. If the stem cells originate from the body of an adult, such as bone marrow or blood, then the ruling is permissible (*mubāḥ*), provided it is done with the donor's consent and does not cause serious harm. This permissibility is based on the fundamental principle that seeking medical treatment for healing is a recommended act in the religion. In a Hadith, it is stated:

عَنْ أُسَامَةَ بْنِ شَرِيكَ قَالَ: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: تَدَاوَوْا فَإِنَّ اللَّهَ عَزَّ وَجَلَّ لَمْ يَضَعْ دَاءً إِلَّا وَضَعَ لَهُ دَوَاءً غَيْرَ دَاءٍ وَاحِدٍ الْهَرَمُ

*Narrated by Usamah bin Sharik, he said: The Prophet (PBUH) said, "Seek medical treatment! For indeed, Allah did not send down a disease without also sending down its cure, except for one disease, which is old age." [H.R. Abu Dawud, al-Nasai, Ahmad, and Ibn Majah].*

Furthermore, this permissibility is also based on the foundational maxim that the original legal status of everything is permissible (*mubāḥ*), unless explicit evidence demonstrates its prohibition. The permissibility of stem cells from this category is in line with the rulings on blood donation and organ transplantation, which have been accepted in medical practice on the condition of mutual consent and the absence of harm to the donating party. As for the evidence, Allah says:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى

*"And cooperate in righteousness and piety" [Quran, Al-Ma'idah (5): 2].*

Extracting stem cells from the body of an adult with permission for medical treatment is a form of *ta'āwun* (mutual assistance) recommended by Sharia. As for the basis for the prohibition of harming both the donor and the recipient is the following Hadith:

لَا ضَرَرَ وَلَا ضِرَارَ

*"There should be neither harming [oneself] nor reciprocating harm [to others]" [H.R. Ibn Majah, al-Daraqutni].*

2. If the stem cells are extracted from placental elements or the umbilical cord, the ruling is also permissible. The reason for that is that these body parts no longer possess a primary function after birth and are often discarded. Their utilization for medical purposes does not contradict Sharia principles; rather, it can bring significant health benefits. The principle is identical: it must be based on the consent of the infant's parents, and there must be no potential harm involved.
3. If the stem cells are derived from an embryo that still possesses the potential for life, or from an embryo intentionally created for that purpose and subsequently deliberately aborted, then the ruling is

forbidden (*haram*). This is unequivocally an act of intentional murder prohibited in the religion. This action contradicts the principles of *hifz al-nafs* (preservation of life) and *hifz al-nasl* (preservation of lineage). Destroying or killing an embryo with the potential for life, even for medical purposes, is considered a violation of human dignity. In the Quran, Allah says:

وَلَا تَقْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ

"And do not kill the soul which Allah has forbidden, except by right" [Quran, Al-Isra' (17): 33].

The prohibition of this type of stem cell follows the prohibition of abortion itself. This is in accordance with the jurisprudential maxim stating:

مَا بُنِيَ عَلَى الْحَرَامِ فَهُوَ حَرَامٌ

"Whatever is built upon that which is forbidden is also forbidden."

4. Contemporary scholars still differ in their opinions regarding stem cell sources derived from: (1) surplus embryos from In Vitro Fertilization (IVF) programs that are not implanted, and (2) embryos resulting from medical miscarriages. This difference of opinion arises due to varying considerations. On one hand, some scholars permit it based on the consideration of the *maslahah* (benefit) that can be achieved. On the other hand, some scholars forbid it based on two primary reasons: first, surplus IVF embryos are considered to still possess the potential for human life; second, an embryo resulting from a miscarriage must be respected and honored as a fetus created by Allah.

In Indonesia, the use of stem cells from human embryos has been strictly prohibited under Law Number 17 of 2023 concerning Health. Therefore, this fatwa reinforces the provisions established in the aforementioned regulation, based on the principle that state policies are directed towards the welfare of the people. This is in accordance with the jurisprudential maxim:

تَصَرَّفُ الْإِمَامُ عَلَى الرِّعِيَّةِ مَنْوُطٌ بِالْمَصْلَحَةِ

"The policy of a leader concerning their subjects must be dependent upon public interest (maslahah)."

Nevertheless, if an exceptional medical case is encountered, such as a life-threatening situation where, according to medical experts, the only means of salvation is through embryonic stem cells, this may be termed a state of emergency (*ḍarūrah*). The government itself, upon conducting a study and finding such possibilities, may open the door to this emergency permissibility and regulate it accordingly. The door of permissibility can be opened on the condition that it utilizes miscarried embryos and/ or surplus embryos from In Vitro Fertilization (IVF) programs that are no longer needed, provided there is consent from the married couple involved. However, as long as the government has not opened this avenue, this practice holds an illegal status and thus remains prohibited from being conducted.

#### D. Using Stem Cells from Halal Materials for Aesthetic Purposes

The subsequent question is: what is the legal ruling on using stem cells for aesthetic purposes, such as beautifying oneself or smoothening the skin?

The ruling pertaining to this matter is the same as the ruling on stem cells for medical treatment, which is permissible (*mubāḥ*), provided that halal materials are used as mentioned above, and it does not cause harm (*muḍarat*). This ruling derives from the following foundational maxim in Islamic jurisprudence:

الأَصْلُ فِي الْأَشْيَاءِ الْإِبَاحَةُ حَتَّى يَدُلَّ الدَّلِيلُ عَلَى التَّحْرِيمِ.

"The original ruling for all things is permissibility until there is evidence indicating its prohibition."

The evidence related to this matter includes the following Hadith:

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ، قَالَ رَسُولُ اللَّهِ: صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا يَدْخُلُ

الْحِنَّةَ مِنْ كَانٍ فِي قَلْبِهِ مِثْقَالُ ذَرَّةٍ مِنْ كِبَرٍ. فَقَالَ رَجُلٌ: إِنَّ الرَّجُلَ يُحِبُّ أَنْ يَكُونَ تَوْبَهُ حَسَنًا وَنَعْلُهُ حَسَنَةً؟ قَالَ: إِنَّ اللَّهَ جَمِيلٌ يُحِبُّ الْجَمَالَ، الْكِبَرُ بَطْرُ الْحَقِّ وَعَمَطُ النَّاسِ.

*Narrated by Abdullah bin Mas'ud (may Allah be pleased with him), the Messenger of Allah (PBUH) said: "He who has in his heart the weight of a mustard seed of pride shall not enter Paradise." A man asked, "Verily, a person loves that his dress should be beautiful, and his shoes should be beautiful, is that considered pride?" He replied, "Indeed, Allah is Beautiful and He loves beauty. Pride is rejecting the truth and belittling people" [H.R. Muslim].*

The Hadith above indicates that beauty and elegance are qualities favored in Islamic teachings. It is not forbidden for a Muslim, rather encouraged, to present a good and beautiful appearance, as long as it is done within the boundaries of Sharia. In a Hadith, it is also mentioned that the Messenger of Allah (PBUH) loved beauty. It is reported that when looking in the mirror, he would recite:

اللَّهُمَّ حَسَّنْتَ خَلْقِي فَحَسِّنْ خُلُقِي

*"O Allah, just as You have made my physical creation beautiful, then make my character beautiful as well" [H.R. Ahmad and Ibn Hibban].*

The aforementioned Hadith serves as evidence reinforcing that physical adornment is an acknowledged practice, provided that the importance of good character (*akhlaq*) is not forgotten.

However, it is important to note that the utilization of stem cells for the sake of beauty must not ignore the principle of *aulawiyat* (priorities) in life. Islam teaches that all financial expenditures should be managed in a balanced manner, prioritizing more essential needs. Therefore, the expenses incurred for stem cell therapy must not divert a Muslim's primary responsibilities toward their family, such as fulfilling daily needs, children's education, and the obligation of providing sustenance (*nafkah*), which are the priorities.

Matters of beauty fall under the *taḥsīnī* (tertiary) level within the hierarchy of *maqāṣid al-syarī'ah* (the higher objectives of Islamic law), hence they must not override or neglect needs at the *ḍharūrī* (primary) and *ḥājī* (secondary) levels. Furthermore, the purpose of using stem cells for beauty needs to be intended as a medium to further enhance a harmonious relationship

between husband and wife through mutual physical attraction, rather than for arrogance, showing off (*riya*), or merely seeking social validation.

### E. Conclusion

The Council for Religious Opinion and Tajdid appeals to the public to be meticulous and to continuously abide by government regulations concerning the utilization of stem cells. This is a very important subject considering that stem cell therapy is a modern medical technology that requires rigorous supervision from ethical, legal, and safety perspectives. Therefore, it must be ensured that the stem cells used originate from processing laboratory facilities that hold official permits from the Ministry of Health (Kemenkes) and/ or the Food and Drug Supervisory Agency (BPOM), and the procedures are performed by competent medical personnel.

The Council also recommends that Islamic higher education institutions, including Muhammadiyah universities, dedicate serious attention to the issue of stem cells. This attention is crucial because developments in this field are not only related to medical aspects but also intersect with matters of *maqāṣid al-syarī'ah* (the higher objectives of Islamic law). If stem cells are utilized to cure diseases, it is closely related to *ḥifẓ al-nafs* (the protection of life). If medical treatment through stem cells can contribute to saving care costs for patients suffering from chronic illnesses, then this is associated with *ḥifẓ al-māl* (the protection of wealth). Meanwhile, biotechnology research and development involving stem cells also touch upon the aspect of *ḥifẓ al-'aql* (the protection of intellect), which in a broader sense implies the advancement of science for the benefit of humanity. Thus, the involvement of Muslims in pursuing, studying, and advancing research on stem cells is fundamentally a part of the endeavor to actualize the *maqāṣid al-syarī'ah* itself.

This concludes our answer; we hope the explanation above can serve as a guiding principle moving forward.

*Wallāhu a'lamu biṣ-ṣawāb.*



## CRYPTOCURRENCY AS A DIGITAL FINANCIAL ASSET

(Session held on Monday, 13 Ramadan 1447 H/March 2, 2026 M)

### A. Introduction

The global economic transformation from a physical to a digital system has positioned blockchain-based crypto assets as a significant macroeconomic reality. Its global market has reached a capitalization of trillions of dollars.<sup>1</sup> This phenomenon is no longer merely a minor speculative commodity. Considering that adoption in Indonesia has surged drastically, reaching 20.16 million investors in the first half of 2024, the Tarjih dan Tajdid Council of the Central Board of Muhammadiyah deems it necessary to promptly provide legal certainty (*hukm al-wāqī'*) to respond to the dynamics of this digital finance for the public interest.

Conceptually, crypto assets can *fundamentally* be likened to valuable commodities that are purely digital in form. These assets do not have a physical form like metal coins or paper banknotes, but rather exist as data codes locked with secret mathematical cryptography. The records of ownership and transfer of these digital assets are registered simultaneously and transparently across thousands of computers worldwide. It is this shared

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<sup>1</sup> As of February 20, 2026, Bitcoin reached \$1.51 trillion and Ethereum reached \$240 billion. Bitcoin's market cap is equivalent to Rp25,556.75 trillion (or approximately Rp25.56 quadrillion), while Ethereum's is equivalent to Rp4,062 trillion. CoinMarketCap, "Global Cryptocurrency Market Charts: Bitcoin and Ethereum Market Capitalization," CoinMarketCap, accessed February 19, 2026, <https://coinmarketcap.com/charts/>. (Note: These figures are based on projections of actual market values as of February 20, 2026).

ledger system that enables crypto asset transactions to be conducted directly from the sender to the receiver without requiring traditional intermediaries (such as banks), while ensuring that the assets are relatively secure and extremely difficult to forge or duplicate (double-spending), provided the protocols and private keys remain secure.

Under Indonesian law, the use of crypto as a means of payment is absolutely prohibited based on Law (UU) No. 7 of 2011 concerning Currency, which establishes the Rupiah as the sole legal currency. Nevertheless, the state recognizes and legalizes crypto as investment assets and digital commodities through Law No. 4 of 2023 concerning the Development and Strengthening of the Financial Sector (UU P2SK), which places crypto as part of Financial Sector Technological Innovation (ITSK) under the supervision of the Financial Services Authority (OJK), as well as the Regulation of the Commodity Futures Trading Regulatory Agency (Bappebti) No. 8 of 2021, which provides formal legality in physical market trading.

### **B. Crypto as *Māl Mutaqawwam* (Wealth with Value)**

The crucial initial step in determining the legality of crypto assets is to analyze their position as *māl* (wealth/ property) in fiqh discourse. Given their digital nature, an in-depth review of the criteria for wealth formulated by jurists (*fuqaha*) -both from classical and contemporary- is required.

Crypto as a digital entity can be considered an asset that fulfills the fiqh criteria of *māl mutaqawwam*. This determination is based on three main perspectives:

#### 1. Utility and value storage function.

The perspective of the Hanafi School emphasizes the aspect of human inclination (utility) and the ability to be stored (*iddikhār*). Ibn Nujaym defines wealth as follows

الْمَالُ: مَا يَمِيلُ إِلَيْهِ الطَّبَعُ، وَيُمْكِنُ ادِّخَارُهُ إِلَى وَقْتِ الْحَاجَةِ مَنْقُولًا كَانَ أَوْ غَيْرَ مَنْقُولٍ

*Wealth is anything towards which human nature inclines, and which can be stored for times of need, whether it is movable or immovable property.*<sup>2</sup>

## 2. Economic value and legal liability.

The perspective of the majority of scholars emphasizes economic value (*qīmah*) and legal liability (compensation), rather than mere physical form. Imam al-Suyūṭī notes the following.

كُلُّ مَا لَهُ قِيَمَةٌ يُلْزَمُ بِإِتْلَافِهِ ضَمَانٌ

*Anything that has (economic) value, wherein the act of destroying it obligates compensation.*<sup>3</sup>

## 3. Rights and benefits.

The views of contemporary scholars assert that rights and benefits are fully recognized as wealth. The Tarjih Council in its Decision regarding *al-Amwāl fī al-Islām*, issued in Garut in 1976, defines wealth as: "Anything that is considered an object whose utility can be utilized as wealth, just as anything that can be appraised with a price is considered wealth, regardless of its type or value."<sup>4</sup>

Ali Khafif, an expert in contemporary *mu'amalah* fiqh, provides the definition of wealth as follows.

الْمَالُ مَا يُمْكِنُ حَيَاتُهُ وَإِحْرَازُهُ وَالْإِنْتِفَاعُ بِهِ إِنْتِفَاعًا عَادِيًّا

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<sup>2</sup> Zainuddīn Ibnu Nuja'im, *Al-Baḥr al-Rā'iq Syarḥ Kanz al-Daqā'iq*, jil. 5 (Kairo: Dār al-Kitāb al-Islāmī, t.t.), 277. This definition (namely, which human nature inclines and the value storage function) constitutes the standard in the Hanafi's school. See: *Majallah al-Aḥkām al-'Adliyyah*, Pasal 126 (<https://maqam.najah.edu/legislation/158/>) and Muḥammad Amīn Ibnu 'Ābidīn, *Radd al-Muḥtār 'alā al-Durr al-Mukhtār* [Hāsiyyah Ibnu 'Ābidīn], jil. 4 (Beirut: Dār al-Fikr, 1992), 501.

<sup>3</sup> Jalāluddīn al-Suyūṭī, *Al-Asybah wa al-Nazā'ir fī Qawā'id wa Furū' Fiqh al-Syāfi'iyyah* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1990), 327.

<sup>4</sup> Majelis Tarjih PP Muhammadiyah, *Muqarrarāt Majlis Tarjih* (Himpunan Putusan Tarjih Muhammadiyah), published by Pimpinan Daerah Muhammadiyah (PDM) Kodya Malang, tth, hlm. 133.

*Wealth is anything that is possible to be possessed (owned), stored or preserved, and utilized with customary utilization.*<sup>5</sup>

Crypto assets fulfill the criteria in the definitions above: (1) They possess utility (benefits) desired by society, (2) can be stored in digital wallets, and (3) have an economic value recognized by society (*'urf*). Thus, their status is legally valid as *māl mutaqqawwam*. Proceeding from its valid position as a commodity asset, the original ruling of transacting and investing in crypto is permissible (*mubah*). This is based on fundamental fiqh maxims:

الأصل في المعاملات الإباحة حتى يدل الدليل على التحريم

*The original ruling in all forms of mu'amalah is permissible (mubah), until there is evidence indicating its prohibition.*

الأصل في المنافع الإباحة، وفي المضار التحريم

*The original ruling for everything beneficial is permissible (mubah), and the original ruling for everything harmful is prohibited (haram).*

### C. Conditions of Permissibility

The permissible (*mubah*) status of crypto assets is conditional (*muqayyad*) and can become *haram* if it violates Sharia boundaries. The conditions for the permissibility of crypto relate to two things, namely the validity of the object and the transaction mechanism.

#### 1. First Condition: The Validity of the Object

In *mu'amalah* fiqh, the eligibility of an asset as a transaction tool highly depends on the legal status of the object (*ma'qūd 'alaih*). Given that the permissible status of crypto is conditional (*muqayyad*), a digital asset can only be recognized as valid if its utility and the ecosystem of the project hosting it are genuinely in line with sharia principles. Therefore, the crypto object must meet the following criteria:

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<sup>5</sup> Alī Khafif, *Aḥkām al-Mu'āmalāt al-Syari'iyyah* (Kairo: Dār al-Fikr al-Arabī, 2008), hlm. 28. See also: Wahbah al-Zuhaili, *Al-Fiqh al-Islāmi wa Adillatuh*, Cet. 4, Vol. 4 (Dammaskus: Dar al-Fikr, 1997), 4:40-42.

a. Not Used for Impermissible Acts

Crypto assets must be free from ecosystems that violate the sharia, such as digital casinos (crypto gambling), the pornography industry, or dark markets (dark web). Involvement in such tokens constitutes cooperating in sin, which is forbidden by religion, according to Q.S. al-Ma'idah (5): 2 as follows.

...وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

....Help one another in acts of piety and righteousness, and do not assist each other in acts of sinfulness and transgression ...

b. Possessing Utility (*Manfa'ah Mubāhah*)

Digital assets must have economic fundamentals and uses justified by sharia, rather than merely serving as instruments of speculation or jokes (meme coins). Such utilities include, among others:

- 1) Store of Value: Secure value storage via cryptographic systems.
- 2) Utility and Governance: Access to platform service features or participation rights in decentralized organization governance.
- 3) Technological Infrastructure: Supporting smart contract development, community project funding, and the strengthening of the Web3 ecosystem.

Assets that lack utility or exist purely for speculation do not meet these validity criteria, and their use is *haram*. The evidence for this is the prohibition against *tabdhīr* (squandering) wealth, *maysir*, and *gharar*. Joke coins or zero-utility coins contain these three elements. Allah SWT says:

إِنَّ الْمُبَدِّرِينَ كَانُوا إِخْوَانَ الشَّيَاطِينِ ۗ وَكَانَ الشَّيْطَانُ لِرَبِّهِ كَفُورًا

Indeed, the squanderers are the brothers of devils, and the devil is ever ungrateful to his Lord [Q.S. al-Isra' (17): 27].

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تَقْلِحُونَ

*O you who have believed, indeed, intoxicants, gambling (maysir), [sacrificing on] stone altars [to other than Allah], and divining arrows are but defilement from the work of Satan. So avoid it that you may be successful [Q.S. al-Ma'idah (5): 90].*

Mentioned in a hadith from Rasulullah saw. as follows

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْحِصَاةِ، وَعَنْ بَيْعِ الْغَرَرِ

*Rasulullah saw. forbade the transaction determined by throwing a pebble, and the transaction involving gharar (uncertainty/ deception) [H.R. Muslim].*

c. Free from Ponzi and Pyramid Schemes

Traded crypto assets must be clear of Ponzi schemes or pyramid system business models, where profits do not originate from economic value added or asset utility, but rather from the deposits of new investors to pay older investors. From a fiqh perspective, this model contains the element of *tadlīs* (deception). This act falls under the category of unjustly consuming the wealth of others, as prohibited by Allah in the Qur'an as follows

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ

*O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent [Q.S. al-Nisa' (4): 29].*

2. Second Conditions: Transaction Mechanism (free from prohibited Schemes)

The validity of a crypto asset as a digital commodity does not automatically render all forms of its transactions permissible. The conformity of the transaction object (*ma'qūd 'alaih*) must be accompanied by the validity of the exchange mechanism itself. Considering the current crypto exchange ecosystem is laden with various derivative instruments and financial engineering that are complex, the principle of prudence must be prioritized to avoid practices contradicting the Sharia. Therefore, buying and selling digital commodities on crypto exchanges are subject to the following conditions:

a. Not Engaging in Futures Trading:

This mechanism is the practice of guessing, buying, or selling contracts regarding the future price of crypto assets. In *mu'amalah* law, the exchange of commodities and money must be on the spot (immediate cash or *yadan bi yadin*). In futures practices, the buyer does not hand over the money in full, and the seller does not conduct the actual handover of the crypto asset when the contract occurs, rather they only deposit a guarantee. Because the handover of both money and assets is delayed when the transaction should have been executed instantaneously, this scheme absolutely falls under the prohibition of selling debt for debt based on the following hadith

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْكَالِي بِالْكَالِي

*Rasulullah saw. forbade the sale of debt for debt* [H.R. Ibn Ābi Shaybah, al-Bazzar, al-Hakim, and al-Tahawi].

b. Not Utilizing Interest-Bearing Debt Facilities (Leverage/ Margin Trading)

This mechanism is a practice where traders borrow funds from an exchange to multiply their transaction capital in pursuit of larger profits. This practice is prohibited for two reasons. *First*, the exchange charges loan service fees or interest, which is inherently *ribā nasi'ah*. Regarding the absolute prohibition of this *ribawi* practice, *Rasulullah saw.* firmly cursed all parties involved in the following hadith.

لَعَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ آكِلَ الرِّبَا وَمُؤَكِّلَهُ وَكَاتِبَهُ وَشَاهِدَيْهِ، وَقَالَ: هُمْ سَوَاءٌ

*Rasulullah saw. cursed the devourer of riba, its payer, its scribe, and its two witnesses. He stated, "They are all equal (in sin)"* [H.R. Muslim].

Second, this mechanism inherently combines a loan contract with a condition of buying and selling on the exchange platform, a scheme prohibited based on *Nabi's* saying:

لَا يَحِلُّ سَلْفٌ وَبَيْعٌ

*It is not lawful to combine a loan and a sale* [H.R. Abu Dawud and al-Tirmidhi].

c. Free from Market Manipulation Practices (Pump and Dump)

This practice is a scheme where a group of parties deliberately executes massive purchases to create a false price spike to lure retail investors in due to euphoria, which is then followed by a massive sell-off by the group, causing the price to plunge instantly, thereby harming others. This action is categorized as a form of sin because it contains elements of *taghrīr* (deception) and falls under the category of unjustly consuming the wealth of others. More specifically, this manipulative practice is identical to the prohibition of *najsh* in the hadith of Prophet Muhammad (PBUH), namely the act of engineering bids to attract others to buy at a higher price than its fair value. Rasulullah saw. explicitly forbade this practice as narrated in the following authentic hadith.

نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ النَّجْشِ

*Nabi saw. forbade the practice of najsh* [H.R. al-Bukhari and Muslim].

d. Prohibition of Short Selling

The short-selling mechanism in crypto assets is prohibited under Sharia law, yet possesses different legal rationales (*'illah*) depending on the type of market.

1) Short Selling in Futures/ Derivatives Markets

In futures markets, a trader executes a sell action without actually owning or holding the crypto asset. This transaction is purely a speculative contract on price movements without any real transfer of asset ownership. This falls into the prohibited category of selling what one does not own. Rasulullah saw. said:

لَا تَبِعْ مَا لَيْسَ عِنْدَكَ

*Do not sell what is not with you* [H.R. al-Tirmidhi].

2) Short Selling in the Spot Market

In the spot market (whether on Centralized Exchanges or Decentralized Finance protocols), although the good "exists" (because it is borrowed first prior to being sold), this practice

remains prohibited because it contains elements of *riba* and the forbidden combination of contracts (*bay' wa salaf*). Borrowing crypto assets for the purpose of shorting always incurs interest (funding fee). In Islam, any loan that draws a benefit or interest for the lender is *riba*. Allah SWT says:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

*But Allah has permitted trade and has forbidden interest (riba) [Q.S. al-Baqarah (2): 275].*

Furthermore, the prohibition is based on the following fiqh maxim.

كُلُّ قَرْضٍ جَرَّ مَنْفَعَةً فَهُوَ رِبَاٌ

*Every loan that brings a benefit (to the creditor) is riba.*

In addition, this practice combines a lending contract (*qard*) with a sales contract (*bay'*) in one unified transaction. The exchange provides a loan on the condition that the trader conducts trading transactions on their platform so the exchange gains profits from interest and transaction fees. Nabi said:

لَا يَحِلُّ سَلْفٌ وَبَيْعٌ

*It is not lawful to combine a loan and a sale [H.R. Abu Dawud and al-Tirmidhi].*

#### e. Not Giving and/ or Taking Rewards from Loans

The transaction mechanism must not contain reward schemes, such as in interest-bearing crypto lending practices or fixed/ guaranteed yield schemes on asset deposits where the essence of the contract is a profit-yielding loan. A scheme that guarantees a percentage of profit from a loan contradicts sharia as it contains elements of *riba qard* (a stipulated addition on a debt), in accordance with the fiqh maxim: "Every loan (capital transaction) that draws a benefit (a profit stipulated upfront) is riba."

#### D. Legal Status of Airdrops

The practice of airdrops (distributing free crypto coins as a promotional strategy) is fundamentally ruled as permissible (*mubah*). From a fiqh perspective, an airdrop bears the status of *hibah* (a gratuitous gift) or *ju'alah* (wages for marketing services). However, this permissibility is bound by the following two main conditions:

1. Does Not Involve Impermissible Acts. An airdrop becomes *haram* if the requirements to obtain it violate the sharia, such as the obligation to promote gambling platforms, spread hoaxes, create fictitious reviews, or support prohibited projects.
2. Free from Riba Elements (Circulating Deposited Funds). An airdrop is also forbidden if it requires users to deposit funds, which are then utilized by the organizers for their business. This condition alters the status of the funds from a deposit (*wadi'ah*) into a loan (*qard*). In a loan contract, there must be no excess or benefit taken by the creditor from the debtor, in accordance with the fiqh maxim: "Every loan that brings a benefit (for the lender), then it is *riba*."

#### E. The Importance of Literacy and State Legality

The halal nature of the object and transaction mechanism is insufficient to guarantee the security of wealth if it is not accompanied by individual capability and compliance with regulations. Given the high volatility of crypto assets, Sharia demands every Muslim to possess adequate literacy and conduct independent research (Do Your Own Research/ DYOR). The goal is to avoid ignorance (*jahālah*), which can result in the act of squandering wealth, in accordance with the following prohibition of Nabi saw.

إِنَّ اللَّهَ كَرِهَ لَكُمْ ثَلَاثًا: قِيلَ وَقَالَ، وَإِضَاعَةَ الْمَالِ، وَكَثْرَةَ السُّؤَالِ

Indeed, Allah hates three things for you: *qīla wa qāla* (rumors/ gossip), squandering wealth, and asking too many (unnecessary) questions [H.R. al-Bukhari and Muslim].

Before entering the crypto market, every Muslim is obliged to equip themselves with adequate Islamic economic literacy. This is crucial to identify and avoid practices of *maysir* (gambling), *gharar* (deception/ uncertainty), *riba* (unlawful addition), as well as *darar* (harm). The necessity of this literacy aligns with the stern warning of Umar bin Khattab (R.A.) as follows

لَا يَبِيعُ فِي سَوْقِنَا هَذَا إِلَّا مَنْ تَفَقَّهَ فِي الدِّينِ

*Let no one sell in our market except one who has understood (studied deeply) matters of religion [H.R. al-Tirmidhi].*

Furthermore, every Muslim is obligated to comply with positive law by exclusively transacting through physical crypto asset exchanges or traders officially registered and supervised by the competent authority (OJK). This compliance is a manifestation of the principle of *sadd al-dharī'ah* (blocking the means to harm) in order to guarantee consumer protection from cyber crimes.

## F. Crypto as Currency Cannot Be Used

To be recognized legally as a full currency (*nuqūd*), crypto fails to meet the primary requirements. There are three major obstacles rendering it unsuitable as currency:

1. Extreme Volatility (Element of *Darar*): A currency must function as a stable unit of account. Wild crypto price fluctuations trigger ambiguity in transactions and destroy purchasing power abruptly. Such massive financial losses are strictly prohibited in fiqh based on the principle: *lā darara wa lā dirāra* (there shall be no harming oneself nor harming others).
2. Supply Limitation (Scarcity): Many crypto assets (like Bitcoin) have algorithmically limited supplies. Although this characteristic is advantageous for an investment instrument (store of value), this limitation actually hampers the circulation of the economic wheel if used as currency.

3. State Sovereignty and *Maslahah 'Ammah*: Islam grants full authority to the state to regulate financial instruments for the sake of public interest (*maslahah 'ammah*). Citizens are obligated to obey regulations to maintain national stability. Considering current regulations prohibit it, the use of crypto as a means of payment within the Unitary State of the Republic of Indonesia (NKRI) is an act that violates the law (*ghayru mashrū'*).

### G. Conclusion

Based on all the analyses and legal considerations expounded, the Council for Religious Opinion and Tajdid of the Central Board of Muhammadiyah provides special emphasis regarding the essence of the progress in this digital financial innovation. Crypto technology, particularly the blockchain system serving as its primary foundation, is inherently a *mu'amalah* instrument that must be utilized and managed as optimally as possible to realize the benefit of humanity. Therefore, this innovation must absolutely not be misused for intentions, practices, or other interests that violate the sharia, harm other parties, or generate harm (*mudarat*). Indeed, in the view of Islam, every form of technological leap of progress must always be directed and bound by moral values to yield benefit, justice, and prosperity for human life as a whole.

This fatwa is formulated as a dynamic guideline, not an absolute recommendation to invest in crypto. The permissibility of transactions is perpetually bound to Sharia compliance, risk management, and state regulation. Muslims are advised to exercise caution and not to be trapped in speculative euphoria that has the potential to ruin a family's financial resilience. Ignorance of Sharia boundaries within a complex digital ecosystem makes one highly susceptible to falling into impermissibility (*ḥarām*). Through a comprehensive understanding, it is hoped that the utilization of crypto assets can provide economic benefits while simultaneously preserving the integrity of a Muslim.

*Wallāhu a'lam bi al-ṣawāb.*



## ZAKAT ON DIGITAL ASSETS AND INCOME

(Session held on Monday, 13 Ramadan 1447 H/2 March 2026 M)

### A. Introduction

Islam is a religion that carries a universal message, being *shālih li kulli zamān wa makān* (relevant and suitable for every time and place). One of the special characteristics of Islamic law, particularly in the field of *mu'āmalah māliyah* (property and transaction law), is its principle of elasticity and flexibility in responding to the development of human civilization. Unlike the matters of *maḥḍah* (pure) worship, which are fixed (*tawqīfī*), worldly affairs (*muamalah*) are built upon the principles of public interest and openness, provided there is no textual evidence prohibiting them.

The Council for Religious Opinion and Tajdid of the Central Board of Muhammadiyah observes that advancements in information technology have birthed a fundamental digital economic revolution. This phenomenon has given rise to various new forms of assets and income sources (*al-amwāl al-mustajiddah*) that possess high economic value, yet their legal status is often not covered by classical fiqh literature. Therefore, the Council deems it necessary to provide legal certainty and Islamic guidance (*taujih syar'i*) regarding the obligation of zakat in this sector. This aims to ensure that the wealth possessed by Muslims in the digital era maintains its blessings, is cleansed from the rights of others, and functions as a means for economic equalization. Stemming from this awareness, the fundamental thoughts underlying this fatwa are outlined below.

## 1. The Essence of Wealth (*Māl Mutaqawwam*) in Fiqh

In Islam, wealth (*al-māl*) is not merely limited to gold, silver, or physical paper money. Fiqh defines wealth as anything that human nature is inclined towards (possessing desirability) and can be stored for use when needed (possessing storability). Specifically, the object of zakat must be *māl mutaqawwam* (wealth that is legally valued by *sharia* and permissible to utilize). Fiqh scholars define wealth based on its utility and societal recognition (*'urf*). Ibn Nujaim of the Hanafi School in *al-Baḥr al-Rā'iq* quotes the definition of wealth as follows:

الْمَالُ: مَا يَمِيلُ إِلَيْهِ الطَّبَعُ، وَيُمْكِنُ ادِّخَارُهُ إِلَى وَقْتِ الْحَاجَةِ مَنْقُولًا كَانَ أَوْ غَيْرَ مَنْقُولٍ

*Wealth is everything that human nature is inclined towards, and it is possible to store it until the time of need, whether it is movable or immovable goods.*

Furthermore, from the perspective of the Shafi'i school, Imam Jalāluddīn al-Suyūṭī (d. 911 AH) emphasized the aspect of exchange value and legal protection over the wealth. He defined wealth as follows:

مَا لَهُ قِيَمَةٌ يَبَاعُ بِهَا وَتَلْزَمُ مُتْلِفَهُ

*Everything that has a value (price) so that it can be traded, and the person who destroys it is obligated to replace it.*

This definition by al-Suyūṭī is highly crucial in the digital context; digital assets are recognized as wealth because they have an exchange value (market value), and if someone destroys or steals another person's digital account/ asset, they are subject to the obligation of compensation (*ḍamān*).

## 2. The Transformation of the Form of Wealth in the Digital Era

The modern world has experienced a fundamental transformation in the form of wealth; people have transitioned from the barter system and *dinar-dirham* (precious metals) to fiat money, and are now entering the era of digital assets. Assets such as crypto, Non-Fungible Tokens (NFTs), property in the metaverse, and social media monetization accounts

(AdSense, Affiliate) are the new forms of wealth in the present era. Even though these assets do not have a physical form that can be touched like gold bars, their existence is legally and customarily (*urf*) recognized by modern society as something valuable. The Council in its *fatwa* concerning *al-Amwāl fī al-Islām* issued in Garut in 1976, defined wealth as: "Everything that is considered as an object whose benefits can be utilized as wealth, just as that which can be valued with a price as wealth, regardless of its type and whatever its value." Contemporary fiqh expert Ali Khafif asserts that the status of wealth (*māliyah*) is established by societal consensus. The following is the definition of wealth according to his opinion:

الْمَالُ مَا يُمْكِنُ حَيَاةً وَإِحْرَازَهُ وَالْإِنْتِفَاعُ بِهِ انْتِفَاعًا عَادِيًّا

*Wealth is everything that is possible to be owned, stored, or guarded, and utilized with customary utilization.*

Based on the collection of opinions above, the Council concludes that digital assets (such as digital wallet balances, crypto assets whose underlying is halal, and monetization accounts) are validly categorized as *al-māl* because they have fulfilled the pillars of wealth: (1) Desired by humans, (2) Can be stored (digitally), (3) Have an exchange value, and (4) Are recognized as wealth in the current commercial *urf*.

### **3. New Economic Realities and the Obligation upon Business Yields (*Kasab*)**

Sociological facts demonstrate that many individuals achieve extraordinary levels of wealth (*ginā*) through digital income and assets. A content creator, crypto trader or investor, developer, or affiliate marketer can have an accumulation of wealth that far exceeds the *niṣāb*, even though that wealth is stored in the form of binary code on a server (cloud) or blockchain. The obligation to pay zakat from these digital business yields is based on the generality of the command of Allah SWT to spend a portion of the good business yields (*kasab*). Allah SWT says in Q.S. al-Baqarah (2) verse 267 as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ

*O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth ...*

The phrase "*mā kasabtum*" (what you have earned) encompasses all forms of halal and productive wealth acquisition, whether sourced from conventional trade, services, or digital economic activities. Therefore, ignoring the potential of zakat from the digital sector means ignoring the command to spend (zakat) on wealth resulting from business that has been mandated in the verse.

#### 4. The Urgency of Zakat for Purification and Poverty Alleviation

The obligation of zakat does not drop merely due to a change in the form of wealth; the main purpose of zakat is *tazkiyah al-nafs* (purification of the soul) for the wealth owner and a social function to alleviate poverty. As long as a person has reached the status of being capable, the obligation to purify wealth remains attached to them. Allah SWT says in Q.S. al-Taubah (9) verse 103 as follows:

خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا وَصَلِّ عَلَيْهِمْ ۚ إِنَّ صَلَاتَكَ سَكَنٌ لَهُمْ

*Take zakat from a portion of their wealth, with that zakat you cleanse and purify them and pray for them. Indeed, your prayer (becomes) peace of mind for them.*

This verse uses the general word *amwālihim* (their wealth), which encompasses all types of wealth owned, including digital assets.

#### 5. Maqāṣid of Wealth

Although the physical form of digital assets (programming code) is different from gold or silver, the function (*maqāṣid*) and fundamental nature of its wealth are the same. Two primary characteristics (*illat*) that obligate zakat exist in digital assets, namely:

- a. ***Al-Nama'* (Numuw)**: The wealth has the characteristic of growing or is projected to grow (productive).

- b. **Al-Tamawwul:** The wealth is valuable, can be controlled, and can be exchanged.

Fiqh maxims state that the ruling revolves with its *illat* (cause):

الْحُكْمُ يَدُورُ مَعَ عِلَّتِهِ وَجُودًا وَعَدَمًا

*The ruling revolves (applies) along with its illat (legal reason), its existence and non-existence.*

Because digital assets meet the criteria of *al-namā'* (growing) and *al-tamawwul* (having wealth value), their zakat obligation remains attached, just as the zakat obligation is attached to gold, silver, merchandise, or agricultural products. Therefore, a fatwa is needed to clarify the procedures for its fulfillment for the sake of the ummah's public interest.

Departing from the determination of the property status (*māliyah*) of these new forms of wealth, the Council deems it necessary to map these *zakat*-able objects into specific classifications to facilitate the application of their legal rulings. This is because each form of wealth has different characteristics in terms of legal characterization (*takyīf fiqhī*), which has implications on the rule of *nisab* and *haul*. Therefore, this fatwa will focus the discussion and legal provisions on three main domains of wealth in the digital economy era, namely:

1. **Digital Assets** (*al-uṣūl al-raqmīyah* / digital assets), which include crypto commodities (cryptocurrency), unique digital ownership certificates (Non-Fungible Tokens/ NFTs), and land and property ownership in the virtual world (Metaverse Land);
2. **Digital Securities** (*al-aurāq al-māliyah al-raqmīyah* / digital securities), such as stocks, sukuk, and investment instruments transacted electronically; and
3. **Digital Income** (*al-dakhl al-raqmī* / digital income), which includes professional income from content creation activities, affiliate marketing, and online trading.

The elaboration of these three categories is intended to provide comprehensive guidance for the *muzaki* (zakat payer) in fulfilling their obligations.

### **B. Legal Ruling on The Zakat of Digital Assets (*al-Uṣūl al-Raḡmīyah*)**

Before establishing its legal provisions, it is first necessary to situate the operational definitions of the digital asset objects currently being developed so that the established rulings are right on target.

#### **1. Definition**

##### **a. Fungible Crypto Assets**

Simply put, crypto assets are digital assets that have no physical form (like coins or paper), but rather are in the form of digital codes stored within a global computer network. As an analogy, crypto can be imagined like "digital gold" or points in a system, but these points have real exchange value, can be traded worldwide, and cannot be counterfeited. Main Characteristic: crypto assets are more accurately understood as commodities or digital investment instruments, not as a state currency. In some aspects, it bears similarities to gold because both are obtained through a "mining" process, have a limited quantity based on protocol, are not issued by a monetary authority, and possess value due to scarcity and market acceptance.

On the other hand, some crypto tokens also bear similarities to stocks or digital securities, as they can represent specific rights, such as participation rights in governance, access rights to services (utility), or rights to benefit-sharing within an ecosystem. Thus, crypto assets are more accurately positioned as a form of digital wealth/ digital asset that has the characteristics of commodities and/ or ownership instruments, not as a substitute for the official currency of a country.

## **b. Non-Fungible Crypto Assets (Non-Fungible Token/NFT)**

NFT is a "digital certificate of authenticity" that guarantees ownership over a unique work or asset in the virtual world. The term Non-Fungible means "cannot be exchanged on an equal basis". NFTs are also crypto assets, as they are cryptography-based, run on a blockchain, and are traded within the blockchain ecosystem.

Description: An amount of Rp100,000 is a Fungible asset (can be exchanged), because someone's Rp100,000 bill has the exact same value and can be exchanged with another person's Rp100,000 bill. Conversely, an original painting by a renowned painter is Non-Fungible (cannot be exchanged), because it is unique and there is only one original.

Function: an NFT functions as a digital ownership certificate that transparently and immutably records who the legitimate owner of an asset is on the blockchain. Although the digital file can still be copied by others, the NFT ensures there is only one official copyright holder, whether for digital items like avatars in the metaverse or real-world assets like property and stocks. Furthermore, NFT technology can now be combined with a tokenization system to allow for joint (fractional) asset ownership, where the NFT is used to mark the uniqueness of its primary asset, while the tokenization technology divides that proof of ownership into smaller, more affordable units for many people.

## **c. Metaverse Land**

The Metaverse is a three-dimensional virtual world platform based on the internet, where users can interact using digital identities (avatars). In several metaverse platforms, virtual land (metaverse land) is available, represented through unique tokens (NFTs) on the blockchain. These NFTs do not create physical land, but rather represent digital ownership rights over specific virtual coordinates within the platform. This virtual land can be traded, transferred, or

utilized for digital economic activities, such as virtual exhibitions or online stores. In a Web3-based metaverse ecosystem, NFTs do not only represent virtual land, but also various other digital objects and rights such as avatar clothing, exclusive event access, virtual buildings, digital artwork, and specific memberships. Unlike the Web2 online game model, where item ownership is only recorded on company servers and users essentially only hold a license to use, NFTs are recorded on the blockchain and are under the owner's control via a digital wallet. Therefore, NFTs can be transferred, traded, or moved even outside their original platform through open marketplaces. Simply put, land ownership in the metaverse can be analogized to:

- 1) A certificate for a kiosk inside a digital shopping center. The kiosk owner does not own physical land, but holds exclusive rights over a specific space digitally to open a business.
- 2) A stock certificate in a virtual company. The NFT does not create a company, but grants ownership rights or specific beneficial rights within that digital ecosystem.

However, unlike real-world land protected by state agrarian laws, rights in the metaverse are digital and depend on the system and rules of the overarching platform.

**Economic Value:** The economic value of land in the metaverse emerges from several factors:

- 1) **Scarcity:** the quantity of land or specific items is limited by protocol.
- 2) **Location and digital visibility:** land located in crowded areas or near virtual activity centers may have higher value.
- 3) **Economic benefit (utility):** it can be used to open digital stores, place advertisements, host events, or be rented out to other parties.

- 4) Market demand and speculation: its value is highly influenced by community interest and platform growth expectations.

Nevertheless, it must be emphasized that the value and utility of such virtual land remain dependent on the platform's sustainability and market acceptance towards it. If the platform ceases operations or loses users, its economic value can decline significantly.

## 2. *Takyīf Fiqhī* (Legal Characterization)

Following an in-depth review of their characteristics, functions, and ownership motives, the legal status of digital assets, which include Fungible Crypto, NFT Crypto, and Metaverse Land, held for investment can be categorized as *urūḍ al-tijārah* (commercial goods or trade commodities). The determination of this category is based on the condition that these assets are intended for investment, i.e., traded to seek profit (capital gain), or used as a means of storing wealth value. This economic behavior aligns with the basic definition of commerce (*tijārah*) in fiqh, namely the activity of revolving wealth with the goal of obtaining profit. Therefore, digital assets in this context are treated like merchandise (*sil'ah*), which are subject to obligatory zakat from their commercial value, not as pure currency (*nuqūd*), so that all *syar'ī* provisions regarding its nisab and haul follow the provisions of commercial zakat.

## 3. Provisions on Obligatory Conditions, Nisab, and Zakat Rates

The obligation of zakat on digital assets does not automatically apply to every owner; rather, it is bound to the fulfillment of strict *syar'ī* conditions to ensure legal justice.

- a. The first *fundamental* condition is that the asset must possess the status of *māl halāl*. Which is wealth that holds economic value, legal according to Sharia and state regulations, and can be stored and exchanged. The implication of this condition affirms that zakat must not be paid from assets acquired through unlawful transactions such as Future Trading (speculative futures trading) or

Leverage (interest-bearing debt) because they contain elements of speculation and usury (*riba*), whereas zakat is only validly paid from good and halal wealth.

- b. Alongside the halal nature of the asset, the next absolute condition is that the wealth must hold the status of being free from mature debts. This principle affirms that zakat is only imposed on a person's net worth. If an owner of a digital asset has a debt that must be paid immediately, and if settling that debt would cause their remaining wealth to decrease below the minimum limit (*nisab*), then the zakat obligation drops for them. This condition is highly relevant in the context of digital investments, where the practice of purchasing assets with borrowed funds frequently occurs; therefore, zakat calculations must be performed after deducting debt obligations to ensure that the *muzaki* are those who truly possess surplus wealth.
- c. Besides the aspects of legality and being clear from debt, there is a specific condition in the context of blockchain technology, namely perfect ownership (*milik tām*), which is technically characterized by full control over access to private keys. In cases where the owner loses access to their private key or forgets the digital wallet password (lost keys) such that the asset cannot be accessed forever, the zakat obligation is dropped due to the loss of the element of physical control and benefit (*qabḍ*) over that wealth. However, this condition is legally different from assets that are currently locked in a locked staking scheme to gain yield; the zakat of such assets must be paid if the owner still holds full ownership rights and the asset is guaranteed to return to them, a legal status assimilated to deposit money in banking.

As for the minimum wealth threshold (*nisab*) for digital assets, its provisions are similar to (*qiyas*) to the *nisab* of gold, namely equivalent to 85 grams of pure gold. If a person's total digital asset value—after debt

deduction—has reached this *nisab* limit and is stored for one full year (haul), then its zakat is obligatory to be paid at a rate of 2.5% (two and a half percent) from the total asset value upon maturity. This provision relies on *syar'ī* evidence that mandates zakat on any wealth prepared to grow or be traded (*urūḍ al-tijārah*).

### C. Valuation Methods and Payment Procedures

Considering the characteristics of digital assets, which possess extremely high price volatility in the market, establishing a wealth value standard becomes a crucial technical aspect to ensure justice for the *muzaki* and *mustahik*. Regarding this matter, the asset value used as the basis for calculating zakat is the spot market rate at the time the haul or the day when the zakat obligation is fulfilled. Even though sharp price fluctuations occur along the way, the value recognized by *syar'ī* (*mu'tabar*) is neither the buy price nor the annual average price, but rather the real value of the asset at the time the obligation falls due, as that is the true reflection of wealth at that moment.

In the technical execution of payment (*ikhrāj*), sharia provides leeway through two methods that can be chosen for the sake of convenience and public interest.

1. The first method is in-kind (*bi 'ainihi*), which is paying the zakat directly using the digital asset itself; for example, a Bitcoin owner pays their zakat in the form of Bitcoin transferred to the official digital wallet belonging to the amil institution.
2. The second method is fiat conversion (*al-qīmah*), namely converting the value of the zakat-able digital asset into the prevailing official currency (such as Rupiah or USD) equivalent to the asset's price at the time of the haul, and then paying it via cash or bank transfer. In practice, this fiat conversion method is often deemed more beneficial and preferred by Amil Zakat Institutions (LAZ) as it facilitates the

process of managing funds and distributing benefits to the *mustahik*, who generally requires assistance in the form of cash or basic necessities.

#### **D. Legal Ruling on the Zakat of Digital Securities (*al-Auraq al-Māliyah al-Raqmiyah*)**

Unlike crypto assets, whose value is purely based on digital market mechanisms, digital securities are essentially legal proofs of ownership over real assets or real companies whose transactions are conducted electronically. The Council establishes its zakat provisions as follows.

##### **1. Understanding (Definition)**

Digital securities are investment instruments recorded electronically that represent ownership rights or claim rights over an asset or business entity. Its primary objects include:

- a. **Stocks (Stock/Shares):** Proof of ownership of a portion of capital in a limited liability company traded on the stock exchange, both for short-term purposes (trading) and long-term investment.
- b. **Online Mutual Funds:** A vehicle used to collect funds from the investing public to be subsequently invested in a portfolio of securities by an investment manager.
- c. **Retail Sukuk:** State Sharia Securities (SBSN) or corporate sukuk sold to individuals online, which are proof of ownership over underlying assets.

##### **2. Takyīf Fiqhī (Legal Characterization)**

The Council stipulates that digital securities are categorized as *ʿUrūḍ al-Tijārah* (commercial wealth/ merchandise) or fall under the chapter of Zakat on Stocks.

- a. **Legal Basis:** Stocks and mutual fund units are proof of ownership

(*hiṣṣah*) over a real company. Although the transactions are conducted digitally without physical handover, the underlying objects are companies possessing physical assets, businesses, and growing inventories. Therefore, its zakat ruling follows the ruling of the underlying assets.

- b. **Legal Illat (legal cause):** The existence of a profit-seeking motive (*namā'*) both from price appreciation (capital gain) and the distribution of business yields (dividends).

### 3. Obligatory Conditions, Nisab, and Rate

The provisions for the obligatory conditions of zakat on digital securities follow the standard baseline of wealth zakat: reaching a *nisab* equivalent to 85 grams of gold, being free from debt (such as margin trading debt), and having been owned for one full year (*haul*). If these conditions are met, the zakat rate obligatory to be paid is 2.5% (two and a half percent) of the total asset value at the *haul*.

### 4. Valuation and Payment Methods

Considering the highly fluctuating prices of securities in the capital market, establishing the wealth value must follow a fair standard (*adālah*). The value serving as the basis for zakat calculation is the market rate at the time of the *haul*. It is important to note regarding the issue of price volatility: if a sharp fluctuation in stock value occurs, the *muzaki* is not permitted to use the annual average price or the buy price. The valid value (*mu'tabar*) according to Sharia is the current market value when the obligation falls due, as that is the reflection of the real wealth possessed at that time. If the stock price drops drastically below the buy price but remains above the *nisab*, zakat must still be paid from that remaining value. Conversely, if its value multiplies, zakat is paid from its final value.

As for the payment, it can be executed by converting the value of the asset into Rupiah currency (fiat conversion) to be distributed through Amil Zakat Institutions. However, it is also permitted in-kind, namely,

transferring the ownership of stocks/ securities equal to the zakat value to the amil institution if legally feasible.

### E. Legal Ruling on The Zakat of Digital Income (*al-Dakhl al-Raqmī*)

#### 1. Understanding (Definition)

Zakat on Digital Income is a zakat imposed on material rewards or financial gains obtained by someone through expertise, services, or creativity on digital platforms. The objects of this zakat include:

- a. **Content Creators:** Income sourced from AdSense, Sponsorships, Endorsements, as well as audience appreciation (gifts) received by YouTubers, TikTokers, Celebgrams, and the like.
- b. **Affiliate Marketing:** Commissions earned from promoting other parties' products through digital links.
- c. **Digital Freelancers:** Income from graphic design, programming, article writing, or online consulting services paid through digital payment gateways.

#### 2. *Takyīf Fiqhī* (Legal Characterization)

From a sharia perspective, income from digital professions is categorized as *al-māl al-mustafād*, which is wealth obtained through a specific effort or profession. In contemporary *ijtihad*, this income is equated with professional zakat because it is sourced from the utilization of energy, thought, and time that produces tangible economic value. This obligation is an expression of gratitude for the convenience of technological facilities that serve as a medium (*wasilah*) for sustenance.

#### 3. Obligatory Conditions, Nisab, and Rate

The zakat obligation on digital income follows the provisions below:

- a. **Nisab:** The minimum limit for mandatory zakat is analogized to the

general wealth zakat *nisab*, namely equivalent to 85 grams of pure gold per year.

- b. Zakat Time (*Haul*):** Although the *nisab* calculation is based on an annual standard, zakat on digital income can be paid monthly (or every time income is received) by calculating the monthly *nisab* proportion equivalent to the gold. This is done to facilitate the *muzaki* and ensure the availability of funds for the *mustahik* without having to wait for the end of the year.
- c. Zakat Rate:** The amount of zakat obligatory to be paid is 2.5% (two and a half percent) of total net income.

#### 4. Valuation and Payment Methods

The determination of the zakat value on digital income is conducted by summing all net income obtained from various digital platforms after deducting production operational costs and mature debts. The operational costs in question encompass essential expenditures supporting the acquisition of such income, such as internet subscription fees, equipment rental costs, and up to the wages of assistants or content editors. Considering digital income is often received in various value units, if the revenue is earned in the form of foreign currency or crypto assets, its value must be converted into Rupiah currency based on the spot market rate or official exchange rate prevailing at the time the zakat payment is executed. In the payment procedure, *muzakis* are highly recommended to deposit their zakat in the form of official currency through trusted amil zakat institutions to ensure public interest and ease in the targeted distribution of funds to the eight entitled *asnaf* (categories).

## F. Closing

This fatwa is compiled as a guide for all Muhammadiyah citizens and Muslims in general in fulfilling the zakat obligation in the digital economy era. Through the establishment of this ruling, it is expected to create certainty for

digital asset owners and professionals in the effort to purify wealth and perfect their pillars of Islam. Based on the entire description above, there are several crucial points to be emphasized as a closing, as follows:

- 1. Zakat Awareness:** The development of information technology is understood to not in the slightest degree abrogate the obligation of zakat, but merely alter the form of wealth. Therefore, every Muslim who has achieved a level of sufficiency (*ginā*) through crypto assets, digital securities, or online creative professions is obligated to immediately calculate and pay their zakat as a manifestation of piety and self-purification.
- 2. Distributive Justice:** The payment of zakat from the digital sector is seen as a crucial instrument in the efforts of poverty alleviation and economic equalization amidst global inequality. Digital wealth must function socially and be channeled to the eight entitled *asnaf*, so that it does not merely circulate among the wealthy.
- 3. Syar'ī Vigilance:** Digital economy activists are reminded to continually be cautious regarding the source of acquisition of their assets. Zakat can only be accepted from wealth acquired through halal and *tayib* means. Transactions containing elements of gambling (*maisir*), uncertainty (*garar*), and usury (*riba*) must be avoided to preserve the blessings of the wealth.
- 4. Amil Optimization:** Muslims are urged to channel their digital zakat through official and trusted Amil Zakat Institutions to guarantee professional, transparent governance that aligns with sharia provisions, such as Lazismu.

This fatwa is dynamic in nature and will continuously be reviewed in accordance with technological developments and the dynamics of Islamic law in the future. May Allah SWT perpetually bestow guidance upon the entire ummah to remain on the straight path.

*Naşrun min Allāh wa Fathun Qarīb.*



## **THE TRANSFER OF *DAMM* SLAUGHTERING TO THE HOME COUNTRY**

(Session held on Friday, 20 Ramadan 1447 H/March 9, 2026 M)

### **Question:**

What is the ruling on transferring the slaughtering of *damm* (a mandatory sacrifice or compensation required when a pilgrim fails to fulfil mandatory rituals during *hajj* or *umrah*) to the home country, so it benefits the Indonesian people more?

*(This question has been submitted by various parties to the Council for Religious Opinion and Tajdid of the Central Board (PP) of Muhammadiyah, ranging from the general public, Hajj and Umrah Guidance Groups (KBIH), organizational leaders at various levels, to government institutions. The question has been raised continuously from 2022 to 2026. The Council has held several group discussions (halaqah) and fatwa sessions to address this problem.*

### **Answer:**

Thank you for the question. The Council for Religious Opinion and Tajdid holds the opinion that such an act is permissible and in accordance with Sharia. This fatwa is related to the current reality of *damm* slaughtering in the Haram area, which faces numerous problems. Furthermore, it also deals with the necessity and the public good when the *damm* is distributed in the home country. To explain further, please read the explanation below.

## A. Definition and Types of *Damm*

Linguistically, *damm* means "blood." In the terminology of Islamic jurisprudence (*fiqh*), *damm* refers to the slaughtering of an animal (goat, cow, or camel) that is obligatory for an individual performing Hajj or Umrah due to certain reasons, either as an integral part of the ritual procedures (*nusuk*) or as a substitute for a violation or negligence. *Damm* is also referred to as *hadyu*. Linguistically, *hadyu* means a gift or offering. In Sharia terminology, *hadyu* refers to livestock (camel, cow, or goat) that is brought or gifted to Allah to be slaughtered as a means of drawing closer (*taqarrub*) to Allah, with its meat distributed to the poor.

In Islamic jurisprudence, *damm* is divided into several types, namely:

1. *Damm Ihşār*: The kind of *damm* that is obligatory for pilgrims who are impeded on their journey to *Baytullah* (due to illness, enemies, or other obstacles) so that they cannot complete their rituals. As mentioned in the Quran:

وَأَتَمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ ۖ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ ۚ وَلَا تَحْلِقُوا رُءُوسَكُمْ حَتَّىٰ يَبْلُغَ الْهَدْيُ مَحَلَّهُ ۚ

"Complete the Hajj and Umrah for Allah. But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals (*hadyu*). And do not shave your heads until the sacrificial animal has reached its place of slaughter" [Q.S. al-Baqarah (2): 196].

2. *Damm Fidyah* (*Damm Jabrān/ Isā'ah*): This is obligatory due to committing an act prohibited during *ihram* (such as cutting the hair with 'uzr (excuse), cutting nails, or wearing sewn garments for men), or failing to perform the obligatory act of Hajj (such as failing to stay overnight in Muzdalifah/ Mina or failing to throw the *jamrah*). And the evidence is the Quran:

فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ بِهِ آدَىٰ مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ

"And whoever among you is ill or has an ailment of the head (making shaving necessary) must offer a ransom of fasting or charity or sacrifice" [Q.S. al-Baqarah (2): 196].

عَنْ كَعْبِ بْنِ عُجْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَرَّ بِهِ زَمَنَ الْحُدَيْبِيَّةِ وَهُوَ يُوْقِدُ تَحْتَ قَدْرٍ وَالْقَمَلُ يَتَنَازَرُ عَلَى وَجْهِهِ فَقَالَ: أَيُّذِيكَ هَوَامُ رَأْسِكَ؟ قَالَ: نَعَمْ. قَالَ: فَاحْلِقْ رَأْسَكَ وَأَطْعِمْ سِتَّةَ مَسَاكِينَ لِكُلِّ مَسْكِينٍ نِصْفَ صَاعٍ، أَوْ صُمْ ثَلَاثَةَ أَيَّامٍ، أَوْ أَنْسُكْ بِنَسِيكَةٍ [متفق عليه].

"From Ka'ab bin Ujrah (may Allah be pleased with him), it is narrated that the Messenger of Allah (PBUH) passed by him during the time of Hudaibiyah while he was lighting a fire under a pot, and lice were falling on his face. The Prophet asked, 'Are your head lice troubling you?' He replied, 'Yes.' The Prophet said, 'Shave your head, then feed six poor persons, half a sa' (of staple food) for each, or fast for three days, or slaughter an animal (a sheep)'" [al-Bukhari and Muslim].

3. *Damm Tamattu'* and *Qiran*: This is an obligatory *damm* for pilgrims who perform Hajj via *tamattu'* (performing Umrah first and then Hajj) or *qiran* (combining Hajj and Umrah in a single intention). The evidence is the Quran.

فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ ۖ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ ۖ تِلْكَ عَشْرَةٌ كَامِلَةٌ ۚ ذَلِكَ لِمَنْ لَمْ يَكُنْ أَهْلَهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ ۚ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"And when you are secure, then whoever performs Umrah followed by Hajj [offers] what can be obtained with ease of sacrificial animals. And whoever cannot find [or afford such an animal] - then a fast of three days during Hajj and of seven when you have returned. Those are ten complete [days]. This is for those whose family is not in the area of al-Masjid al-Haram. And fear Allah and know that Allah is severe in penalty" [Q.S. al-Baqarah (2): 196].

4. *Damm Jazā'* (Hunting Violation): This is an obligatory *damm* for killing game animals while in the state of *ihram*. The evidence:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ ۚ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمَّدًا فَجَزَاءٌ  
مِّثْلُ مَا قَتَلَ مِنَ النَّعْمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدِيًّا بَلِغَ الْكَعْبَةِ أَوْ كَفَّارَةً طَعَامٌ  
مَسْكِينٍ أَوْ عَدْلٌ ذَلِكَ صِيَامًا لِيَذُوقَ وَبَالَ أَمْرِهِ ۗ عَفَا اللَّهُ عَمَّا سَلَفَ ۗ وَمَنْ عَادَ  
فَيَنْتَقِمُ اللَّهُ مِنْهُ ۗ وَاللَّهُ عَزِيزٌ ذُو انْتِقَامٍ

"O you who have believed, do not kill game while you are in the state of ihram. And whoever of you kills it intentionally - the penalty is an equivalent from sacrificial animals to what he killed, as judged by two just men among you as an offering (hadyu) delivered to the Ka'bah, or an expiation: the feeding of needy people or the equivalent of that in fasting, that he may taste the consequence of his deed. Allah has pardoned what is past; but whoever returns [to violation], then Allah will take retribution from him. And Allah is Exalted in Might and Owner of Retribution" [Q.S. al-Maidah (5): 95].

After understanding the types of *damm*, a crucial question emerges regarding the place of slaughter. Must the slaughtering be done in Mecca? Or is there any room for *ijtihad* to do it in other places, such as the home country, for a greater good (*maslahah*)? Here is the explanation.

## B. *Tahqiq al-Manāt*

As mentioned in the evidence above, the original ruling is that the slaughtering of the *damm* must be performed in Mecca. However, as the times change, it demands new *ijtihad* (reassessment). The contextual shift in the application of the original ruling can be observed through the following phenomena:

### 1. Environmental Issue

The massive scale of *damm* slaughtering during the Hajj season has posed serious ecological challenges in the Mina area and its surroundings, particularly concerning soil and water source pollution. Additionally,

methane gas emissions from unmanaged animal waste contribute to the degradation of air quality. This issue alone fundamentally contradicts the Sharia principle of *hifz al-bī'ah* (environmental protection). The research regarding this issue has been long documented in some studies regarding the Hajj ecosystem. It can also be directly observed in the surrounding area of the slaughter site.<sup>1</sup>

## 2. The Need and Stunting Problem in Indonesia

Classical Islamic scholars generally established that the primary beneficiaries of *damm* meat are the poor in the Haram area. However, considering the current good welfare in Saudi Arabia, including the Haram area, the distribution of *damm* meat has recently begun to be exported overseas to meet more urgent needs. Additionally, Indonesia continues to face severe nutritional and economic challenges that require massive animal protein intervention. Data indicate that as of March 2025, there were 23.85 million people living in poverty.<sup>2</sup> The national extreme poverty rate was approximately 1% in 2025.<sup>3</sup> Data from the Indonesian Health Survey (SKI/ Survei Kesehatan Indonesia) shows that the stunting prevalence rate remains around 19.8%. The consumption of animal protein is the primary

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<sup>1</sup> Islamic Relief Worldwide, *Hajj and the Climate Crisis: Sustainability in the Holy City* (Birmingham: Islamic Relief, 2025), 5, <https://islamic-relief.org/wp-content/uploads/2025/07/HajjAndClimate2025.pdf>; A. S. Alzahrani et al., "The Economic and Environmental Analysis of Energy Production from Slaughterhouse Waste in Saudi Arabia," *Environment, Development and Sustainability* 23, no. 3 (2021): 3895–3912, <https://doi.org/10.1007/s10668-020-00770-6>.

<sup>2</sup> Badan Pusat Statistik, "Persentase Penduduk Miskin Maret 2025 Turun menjadi 8,47 Persen," rilis berita, 25 Juli 2025, <https://www.bps.go.id/id/pressrelease/2025/07/25/2518/persentase-penduduk-miskin-maret-2025-turun-menjadi-8-47-persen-.html>.

<sup>3</sup> "Kemiskinan Ekstrem di Indonesia Terus Berkurang sampai 2025," Databoks Katadata, 27 Januari 2026, <https://databoks.katadata.co.id/demografi/statistik/6978781ec9b04/kemiskinan-ekstrem-di-indonesia-terus-berkurang-sampai-2025>.

key to preventing stunting.<sup>4</sup> By distributing the *damm* meat in Indonesia, especially in areas with high poverty rates, it will be more beneficial to those in need.

### 3. Efficiency and Biosecurity Aspects: Risk of Lost Benefits

Resource efficiency and national health sovereignty are also huge factors. Historically, efforts to import slaughtered meat from Saudi Arabia to Indonesia have proven to be economically inefficient. In 2023, a trial shipment of *damm* meat revealed that logistical costs for slaughtering, freezing, and shipping with refrigerated containers were very expensive.<sup>5</sup> Often, these operational costs far exceed the value of the slaughtered animal itself. Consequently, this leads to a misallocation of resources. The funds that could have been allocated to the poor instead are used for an unnecessary international logistics chain. Furthermore, relocating the slaughter to Indonesia provides a direct stimulus to the domestic livestock sector.

Another pivotal aspect is biosafety or biosecurity. The government, through the Indonesian Quarantine Agency, has strict regulations regarding the import of animal products from countries that are not free from Foot and Mouth Disease (FMD).<sup>6</sup> The strict regulation is not without reason. In

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<sup>4</sup> Kementerian Kesehatan RI, "SSGI 2024 Achievements Reveal Positive Trends," *Badan Kebijakan Pembangunan Kesehatan*, diakses 5 Maret 2026, <https://www.badankebijakan.kemkes.go.id/en/capaian-ssgi-2024-ungkap-tren-positif/>.

<sup>5</sup> [Radarsemarang.jawapos.com](https://radarsemarang.jawapos.com), "Daging *Damm* Petugas Haji Arab Saudi Proses Kirim ke Indonesia, Inovasi Baru Kemenag RI dan Banznas," *Radar Semarang*, 16 Juli 2023, <https://radarsemarang.jawapos.com/berita/721780819/daging-damm-petugas-haji-arab-saudi-proses-kirim-ke-indonesia-inovasi-baru-kemenag-ri-dan-banznas>.

<sup>6</sup> Terkait dasar hukum dan status kesehatan hewan, lihat: Peraturan Presiden Republik Indonesia Nomor 45 Tahun 2023 tentang Badan Karantina Indonesia, diakses dari <https://peraturan.bpk.go.id/Details/255540/perpres-no-45-tahun-2023>; Undang-Undang Republik Indonesia Nomor 21 Tahun 2019 tentang Karantina Hewan, Ikan, dan Tumbuhan, diakses dari <https://peraturan.bpk.go.id/Details/123687/uu-no-21->; serta World Organisation

2022, Indonesia experienced a traumatic FMD outbreak that caused a massive detrimental impact on the national livestock.<sup>7</sup>

Empirical evidence suggests that shipping raw meat in bulk from Saudi Arabia carries a high risk of detainment or destruction at ports if it fails to meet sanitary and phytosanitary technical requirements. While processing the meat into canned or retort-packaged products can mitigate biosecurity risks, this approach introduces other issues. Prolonged high-temperature sterilization risks reducing the meat's nutritional quality, texture, and flavor compared to fresh meat.

All these empirical facts affirm that restricting *damm* slaughter only in the Holy Land potentially limits the maximum utility of the meat and leads to mistargeted beneficiaries.

## C. Understanding of the Scriptural Evidence

### 1. Legal Classification

The Council for Religious Opinion and Tajdid views that the idea of fix location for slaughtering found in the Qur'an does not fall under the category of *ta'abbudī mahd* (purely ritualistic acts with inscrutable reasoning), but rather *ta'aqqulī* (rational acts). Thus, it can be analyzed through *ta'līl al-aḥkām* (legal reasoning) and *maqāṣid al-syarī'ah* (the broader objectives of Sharia). This is grounded in strong indications from Qur'anic verses that directly link the prescription of *damm* with dimensions of social utility, as will be explained.

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for Animal Health (WOAH), "Foot and Mouth Disease," diakses 5 Maret 2026, <https://www.woah.org/en/disease/foot-and-mouth-disease/>.

<sup>7</sup> "Kementan Ungkap Wabah PMK pada Ternak Sebabkan Kerugian Rp 9 Triliun," *Kumparan Bisnis*, 26 Agustus 2025, <https://m.kumparan.com/kumparanbisnis/kementan-ungkap-wabah-pmk-pada-ternak-sebabkan-kerugian-rp-9-triliun-25jN8haf0Jf>.

## 2. *Ta'lil al-Aḥkām* (Exploration of Legal Rationale)

Regarding the location of *damm* slaughter, Allah mentions explicitly in Surah al-Hajj (22) verse 33 using the phrase *al-Bait al-'Atiq* (the Ka'bah).

لَكُمْ فِيهَا مَنَافِعُ إِلَىٰ أَجَلٍ مُّسَمًّى ثُمَّ مَحَلُّهَا إِلَىٰ الْبَيْتِ الْعَتِيقِ

"For you therein are benefits for a specified term; then their place of sacrifice is at the ancient House" [Q.S. al-Hajj (22): 33].

In addition, in Surah al-Maidah verse 95, Allah uses the phrase *hadyan bālighal Ka'bah*. In classical literature, both terms "al-Baitul al-'Atiq" and *hadyan bālighal Ka'bah* have been interpreted as a physical obligation to slaughter within Mecca. However, a broader interpretation can be achieved through two approaches:

### a. *Maqāṣid* (Objectives of Sharia)

The ultimate objective (*ghāyah*) of the sacrifice or *hadyu* is the distribution of benefits (*manāfi'*) and feeding those in need. Within this framework, the geographical location (Mecca) functions merely as a medium (*wasīlah*). Thus, "delivered to the House of Allah" signifies that the animal is legally dedicated to Allah, while its physical execution may be relocated to regions possessing a more acute need for the meat's utility. Therefore, the concept of *balāgh* means the reaching of the worship's objective, not merely reaching a geographical coordinate for slaughter.

### b. *Munāsabah* (Correlation of Verses).

Allah states in Q.S. al-Hajj (22) verse 37:

لَنْ يَنَالَ اللَّهُ لُحُومَهَا وَلَا دِمَآؤُهَا وَلَكِنْ يَنَالُهُ التَّقْوَىٰ مِنْكُمْ ۚ كَذَٰلِكَ سَخَّرَهَا لَكُمْ لِتُكَبِّرُوا اللَّهَ عَلَىٰ مَا هَدَيْكُمْ ۗ وَبَشِّرِ الْمُحْسِنِينَ

"Their meat will not reach Allah, nor will their blood, but what reaches Him is piety from you. Thus have We subjected them to you that you may

*glorify Allah for that [to] which He has guided you; and give good tidings to the doers of good".*

This verse unequivocally declares that the physical meat and blood do not reach Allah; only the piety of the believer does. This verse gives the idea of redirecting the focus from the physical value (including rigid geographical constraints, Mecca) towards spiritual value. The verse is showing us that the priority is how piety is manifested. In the context of sacrifice, piety is realized through obedience to Sharia's objectives: distributing benefits and feeding the hungry.

The regulation on the slaughter inherently belongs to the *ma'qulat al-ma'nā* (rational) rather than *ta'abbudi* (pure ritualistic). It is proven by identifying the 'illat (legal cause) directly from Qur'anic texts. Allah SWT states:

لِيَشْهَدُوا مَنَافِعَ لَهُمْ وَيَذْكُرُوا اسْمَ اللَّهِ فِي أَيَّامٍ مَّعْلُومَاتٍ عَلَىٰ مَا رَزَقَهُم مِّنْ بَهِيمَةِ الْأَنْعَامِ ۖ فَكُلُوا مِنْهَا وَأَطْعِمُوا الْبَائِسَ الْفَقِيرَ

*That they may witness benefits for themselves and mention the name of Allah on known days over what He has provided for them of [sacrificial] animals. So eat of them and feed the miserable and poor" [Q.S. al-Hajj (22): 28].*

Allah also states:

وَالْبَدَنَ جَعَلْنَاهَا لَكُمْ مِّنْ شَعَائِرِ اللَّهِ لَكُمْ فِيهَا خَيْرٌ ۗ فَاذْكُرُوا اسْمَ اللَّهِ عَلَيْهَا صَوَافٍ ۗ فَأَإِذَا جَبَّتْ جُنُوبَهَا فَكُلُوا مِنْهَا وَأَطْعِمُوا الْقَانِعَ وَالْمُعْتَرَّ ۗ كَذَلِكَ سَخَّرْنَاهَا لَكُمْ لَعَلَّكُمْ تَشْكُرُونَ

*"And the camels and cattle, We have appointed for you as among the symbols of Allah; for you therein is good. So mention the name of Allah upon them when lined up [for sacrifice]; and when they are [lifeless] on their sides, then eat from them and feed the needy and the beggar. Thus*

have We subjected them to you that you may be grateful" [Q.S. al-Hajj (22): 36].

From these verses, the 'illat for prescribing *damm* is identified through:

- a. The explicit command to consume and to feed (*fakulū minhā wa aṭ'imū*). This command indicates that the consumption and distribution of food were the primary purposes of the *damm*. Historically, the command to consume the sacrificed animal comes from the fact that animals brought on the journey were essential food sources to ensure the survival of the pilgrim. Today however, integrated catering and logistics systems have entirely supplanted this function. Pilgrims no longer rely on the animals they bring for sustenance in Mecca.
- b. The verses also specify the recipient of *damm* as stated as *al-bā'is al-faqīr*, *al-qāni'* and *al-mu'tarr*. This confirms that the target for sacrificial distribution is the poor.
- c. The term *manāfi'* (benefits) in Q.S. al-Hajj (22): 28 indicates a beneficial value. This value can be realized through the fulfillment of food security.

### 3. The Principle of Substitution (*al-Badaliyyah*)

Furthermore, the permissibility to transfer the *damm* to the home country is supported by the principle of substitution found in two Qur'anic verses.

Allah SWT states:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْتُلُوا الصَّيْدَ وَأَنْتُمْ حُرْمٌ ۗ وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمَّدًا فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدِيًّا بِالْغَلَبَةِ أَوْ كِفَّارَةً طَعَامٍ لِلْمَسَاكِينِ

أَوْ عَدَلٌ ذَلِكَ صَيْمًا لِيَذُوقَ وَبِأَلِّ أَمْرِهِ ۖ عَفَا اللَّهُ عَمَّا سَلَفَ ۚ وَمَنْ عَادَ فَيَنْتَقِمُ اللَّهُ مِنْهُ ۗ وَاللَّهُ عَزِيزٌ ذُو انْتِقَامٍ

"O you who have believed, do not kill game while you are in the state of ihram. And whoever of you kills it intentionally - the penalty is an equivalent from sacrificial animals to what he killed, as judged by two just men among you as an offering (hadyu) delivered to the Ka'bah, or an expiation: the feeding of needy people or the equivalent of that in fasting, that he may taste the consequence of his deed. Allah has pardoned what is past; but whoever returns [to violation], then Allah will take retribution from him. And Allah is Exalted in Might and Owner of Retribution." [Q.S. al-Maidah (5): 95].

This verse explains that paying *fidyah* (feeding the poor) and fasting can serve as direct substitutes for slaughtering an animal (*damm*). The substitute principle in this case acts as an equivalent option for violating hunting prohibitions during *ihram*. This flexibility (*takhayyur*) proves that Islamic compensation is not rigidly bound to a single medium, but it may go beyond that as long as having impact on social and spiritual matters. The phrase "feeding the poor" is the key phrase in this punishment. If Sharia allows to substitute "animal slaughter" with "feeding the poor", then by the same logic, it enables the possibility of substituting the slaughter location from Mecca (since it does not need it anymore) to other places. Thus, this will ensure the effective distribution of food, uphold the spirit of justice, and realize the benefits inherent in that verse.

In another verse, Allah also states:

...فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ ۖ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ ثَلَاثَةَ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةَ إِذَا رَجَعْتُمْ ۗ تِلْكَ عَشْرَةٌ كَامِلَةٌ ۚ ذَلِكَ لِمَنْ لَمْ يَكُنْ أَهْلَهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ ...

And when you are secure, then whoever performs Umrah before Hajj (Hajj Tamattu'), he [is obligated to offer] what can be obtained with ease of sacrificial animals (*hadyu*). But if he cannot find [such an animal], then he is

*obligated to fast for three days during the Hajj and seven days after you have returned. Those are ten complete days [Q.S. al-Baqarah (2): 196].*

The phrasing "obtained with ease" grants us flexibility. If slaughtering in the Mecca becomes highly problematic due to various factors, the essence of this "ease" can be manifested through changing the slaughter location, which at the same time gives the best benefit to the Ummah. The phrase "whoever cannot find" in the verse can also be interpreted broadly. Not only to find the animal, but also the inability to find "people who are truly in need" if conducted locally. Thus, performing the sacrifice outside of Mecca is a solution to ensure that the ritual of the slaughtering of the *damm* does not become useless in social terms.

#### **4. Expansion of Location (*Tawsi'ah al-Makān*): The Sunnah of the Prophet as Precedent**

There is a precedent in the time of the Prophet regarding the expansion of location of the slaughtering to facilitate the Ummah. There is a Hadith that states:

عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: كُلُّ فِجَاجِ مَكَّةَ مَنْحَرٍ، وَكُلُّ أَيَّامِ التَّشْرِيقِ ذَبْحٌ.

*"From Jabir bin Abdullah (may Allah be pleased with him), he said, the Messenger of Allah (PBUH) said, 'All the streets of Mecca are places of slaughter (manhar), and all the days of Tashriq are times for slaughter'" [H.R. Abu Dawud and Ibn Majah].*

In this hadith, the Prophet (PBUH) himself expanded the location of slaughter from one specific point (near the Ka'bah) to the entirety of Mecca's streets. At that time, the expansion of the location was a way to accommodate and provide technical relief to the huge numbers of pilgrims. As for today, the expansion from Mecca to "anywhere that needs it" operates on the same logic (*qiyās*): to actualize benefit (*taḥqīq al-maṣlaḥah*) and eliminate hardship (*raf' al-ḥaraj*). In fact, if the measure is

based only on the beneficial aspect, the expansion to the home country generates a broader and more equitable impact, such as targeted recipients and domestic economic growth. Regardless of that, this hadith affirms permissibility to expand the slaughter location across the Haram territory without employing restrictive phrasing (*ḥaṣr*) that outright negates the possibility of other locations.

## 5. Scholarly Opinions

Scholars across four main schools of law (*madzahib al-arba'ah*) agree that the purpose of the distribution of *damm* is to feed the poor. We can see as follows:

### a. Hanafi School

Jurists within this school accepted slaughter outside Mecca. Ibn Mazah (d. 616 H) wrote.

وَلَوْ ذَبَحَ حَاجُّ الْهَدْيِ ذَبْحَهُ فِي الْحَرَمِ، وَلَوْ ذَبَحَ خَارِجَ الْحَرَمِ: يَجْزِيهِ، إِلَّا أَنَّهُ إِذَا سُرِقَ لَحْمُهُ بَعْدَ الذَّبْحِ وَقَدْ كَانَ الذَّبْحُ فِي الْحَرَمِ فَلَيْسَ عَلَيْهِ بَدَلُهُ، وَإِنْ كَانَ الذَّبْحُ خَارِجَ الْحَرَمِ فَعَلَيْهِ بَدَلُهُ إِذَا سُرِقَ؛ هَكَذَا ذَكَرَهُ النَّاطِقِيُّ رَحِمَهُ اللَّهُ فِي "أَجْنَاسِهِ."

*"If a pilgrim slaughters a hadyu, he should slaughter it in the haram sanctuary, although if he slaughters it outside the haram sanctuary, his slaughter remains valid. However, if they slaughter in Haram, and then the meat is robbed, then they do not have to replace it. If they slaughter it outside the Haram, then they have to replace it. Thus, it was mentioned by al-Nāṭiqī in his book al-Ajnās.<sup>8</sup>*

Al-Shīrāzī (d. 727 H) reported.

وَكُلُّ دَمٍ وَجَبَ عَلَى الْمُحْرَمِ وَجَبَ ذَبْحُهُ فِي الْحَرَمِ، وَيُفْرَقُ لَحْمُهُ عَلَى مَسَاكِينِ الْحَرَمِ؛ فَإِنْ ذَبَحَ خَارِجَ الْحَرَمِ فَأَصَحُّ الْقَوْلَيْنِ: أَنَّهُ لَا يَجُوزُ، وَفِي قَوْلِنَا: يَجُوزُ

<sup>8</sup> Burhān al-Dīn Ibn Māzah al-Ḥanafī, *al-Muḥīṭ al-Burhānī fī al-Fiqh al-Nu'mānī* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2004), 2:456.

"Every blood penalty must be slaughtered in the haram sanctuary. And the meat is distributed to the poor of haram. If he slaughters it outside, then there are two opinions, one is not permissible, while another opinion says: it is permissible".<sup>9</sup>

Those opinions demonstrate a flexible precedent regarding the place of slaughter within classical Hanafi fiqh.

b. Maliki School

Furthermore, Malikiyah also hold an opinion that *damm* (particularly *damm fidyah* for violations) may be slaughtered anywhere.

وَإِخْتَلَفَ الْعُلَمَاءُ فِي مَوْضِعِ الْفِدْيَةِ الْمَذْكُورَةِ... وَقَالَ مَالِكٌ: يَفْعَلُ ذَلِكَ أَيْنَ شَاءَ، وَهُوَ الصَّحِيحُ مِنَ الْقَوْلِ، وَهُوَ قَوْلُ مُجَاهِدٍ

"And the scholars has differs among the ways to slaughter the fidyah... And Malik says: He may do that (fidyah) wherever he wishes.' This is the correct opinion, and this is also the opinion of Mujahid".<sup>10</sup>

c. Syafi'i School

Imam al-Nawawi (d. 676 H) documented a view within Syafi'i school which allowing the slaughter outside Mecca. In *Raudah al-Talibin*, he wrote:

وَهَلْ يَخْتَصُّ دَبْحُهُ بِالْحَرَمِ؟ قَوْلَانِ: أَظْهَرُهُمَا: نَعَمْ. فَلَوْ دَبِحَ فِي طَرْفِ الْحَلِّ، لَمْ يَجْزِهِ. وَالثَّانِي: يَجُوزُ دَبْحُهُ خَارِجَ الْحَرَمِ، بِشَرْطِ أَنْ يُنْقَلَ وَيُفَرَّقَ فِي الْحَرَمِ قَبْلَ تَغْيِيرِ اللَّحْمِ، وَسِوَاءٍ فِي هَذَا كُلِّهِ دَمُ التَّمَتُّعِ وَالْقِرَانِ

"Does the slaughter have to be done in Mecca? There are two opinions: the strongest is yes. And if the person slaughters the damm just an inch

<sup>9</sup> Muzhir al-Dīn al-Syīrāzī, *Al-Mafātīḥ fi Syarḥ al-Maṣābīḥ* (Kuwait: Wizārat al-Awqāf wa-al-Syu'ūn al-Islāmiyyah, 2012), 3:298.

<sup>10</sup> Abū 'Abd Allāh Muḥammad ibn Aḥmad al-Anṣārī al-Qurṭubī, *al-Jāmi' li Aḥkām al-Qur'ān*, ed. 2, jil. 2 (Kairo: Dār al-Kutub al-Miṣrīyah, 1384 H / 1964 M), 385.

*outside the haram area, it is invalid. Second opinion: It is permissible to slaughter it outside the Haram. However, the meat must be distributed within the Haram before the meat rots. It is the same whether for damm Tamatu' Hajj and the Qiran Hajj".<sup>11</sup>*

It is important to note that the opinion permitting slaughter outside the Haram (even though it is not the primary opinion), it remains a well-established and recognized view, with a strong foundation in its rationale, namely prioritizing the substance (the distribution of the meat to those who have the right). The purpose is prioritized over the formality, such as the location of slaughter. Yes, we have to admit that this opinion requires the meat to be brought back to the Haram. However, it still demonstrates the idea that the location of slaughter is actually a technical matter, not a purely ritual (*ta'abbudī*).

Additionally, there are also different opinions within the Syafi'i school regarding the distribution of the meat. Imam al-Nawawi wrote:

وَهَلْ يَتَعَيَّنُ صَرْفُهُ إِلَى فُقَرَاءِ الْحَرَمِ، أَمْ يَجُوزُ إِلَى غَيْرِهِمْ أَيْضًا؟ قَوْلَانِ. أَظْهَرُهُمَا:  
الثَّانِي

*"Is it obligatory to give the meat of a damm only to the poor in the Haram, or is it permissible to give it to others? There are two opinions. The more correct of the two is the second opinion (that it is permissible)."<sup>12</sup>*

The opinions above strengthen the idea that the primary purpose of the *damm* is to give benefit (in the form of meat) to those in need, and not merely regarding the location of slaughter.

#### d. Hanbali School

<sup>11</sup> Abū Zakariyyā Muḥyī al-Dīn Yaḥyā bin Syaraf al-Nawawī, *Rawḍah al-Ṭālibīn wa 'Umdat al-Muftīn*, ed. Qism al-Taḥqīq wa al-Taṣḥīḥ fī al-Maktab al-Islāmī (Dammaskus), di bawah pengawasan Zuhair al-Syāwīsy, cet. 3, jil. 3 (Beirut: Al-Maktab al-Islāmī, 1991), 187.

<sup>12</sup> al-Nawawī, *Rawḍah al-Ṭālibīn*, jil. 3, 57.

Imam al-Buhuti (d. 1051 H / 1641 CE) reported:

وَقَوْلُهُ تَعَالَى: ﴿هَذَا بَالِغُ الْكَعْبَةِ﴾ وَقَوْلُهُ: ﴿ثُمَّ مَحَلُّهَا إِلَى الْبَيْتِ الْعَتِيقِ﴾ لَا يَمْنَعُ الذَّبْحَ فِي غَيْرِهَا، كَمَا لَمْ يَمْنَعَهُ مِنْي... (وَهُمْ) أَي: مَسَاكِينُ الْحَرَمِ (مَنْ كَانَ) مُقِيمًا (بِهِ، أَوْ وَارِدًا إِلَيْهِ مِنْ حَاجٍ وَغَيْرِهِ مِمَّنْ لَهُ أَخْذُ زَكَاةٍ لِحَاجَةٍ) كَالْفَقِيرِ، وَالْمَسْكِينِ، وَالْمُكَاتَبِ، وَالْعَارِمِ نَفْسَهُ (فَإِنْ دَفَعَ) مِنَ الْهَدْيِ أَوْ الْإِطْعَامِ (إِلَى فَقِيرٍ فِي ظَنِّهِ، فَبَانَ غَنِيًّا، أَجْرَاهُ) كَالزَّكَاةِ. .

*The verse, "hadyan bālighal-Ka'bah" [an offering delivered to the Ka'bah] and "Thumma maḥilluhā ilā al-Bait al-'Atiq" [then their place of sacrifice is at the Bait al-'Atiq], do not prohibit slaughtering outside the Ka'bah. Just as these verses also do not prohibit slaughtering in Mina... (and they) are the poor of the Haram (who are) residing (therein, or those who come to it from among the pilgrims and others who are entitled to receive zakat due to need) such as the faqir, the poor (miskin), the slave seeking to purchase their freedom (mukatab), and the person in debt; (if one gives) from the hadyu animal or food (to a person who, according to their assumption, is poor, but who turns out to be wealthy, then it suffices them) just as in the case of zakat.<sup>13</sup>*

The Hanbali school permits slaughtering outside the Holy Land, but the distribution is intended for the poor within the Haram. This view demonstrates that for the scholars of the Hanbali school, the place of slaughter is something that is *ta'aqqulī* (rational/subject to reasoning). The aforementioned view also indicates that the distribution is for the poor. Consequently, if there is a surplus of meat in the Haram itself, this opinion can be utilized as a foundation to expand the slaughtering and its distribution outside the Haram.

## 6. Legal Maxims (*Qawa'id Fiqhiyyah*)

A ruling is established based on a specific contextual need. A change

<sup>13</sup> Manṣūr ibn Yūnus al-Buhūtī, *Kasasyāf al-Qinā' 'an al-Iqnā'*, ed. 1, jil. 6 (Arab Saudi: Wizārat al-'Adl, 1421-1429 H / 2000-2008 M), 198.

in that context demands the recontextualization of the ruling. This aligns with two primary maxims:

أَحْكَامُ يَدُورُ مَعَ عَلَّتِهِ وَجُودًا وَعَدَمًا

"The ruling changes with the change of causes, whether it exists or vanished."

لَا يَنْكُرُ تَغْيِيرُ الْأَحْكَامِ بِتَغْيِيرِ الْأَزْمَانِ وَالْأَمْكَانِ

"The ruling will change with the change of times and places."

#### D. Fatwa and Recommendations

Based on this evidence: empirical reality regarding hajj, the socio-economic status of other places such as Indonesian people, and comprehensive scriptural analysis, the Council for Religious Opinion and Tajdid of the Central Board of Muhammadiyah issues the following fatwa and recommendations:

##### 1. Dictum of the Fatwa

- a. It is permissible to relocate the slaughter location of the *damm* to the home country such as Indonesia. This act is considered valid according to the Sharia. This fatwa is based upon the current conditions in order to establish the public good of the Ummah and to prevent food waste.
- b. The process of slaughtering in the home country still must adhere to the timeframes of hajj.
- c. The slaughtered animals must fulfill all the criteria regarding the type of animal, age, and health condition. Pilgrims' funds must be managed carefully as a trust. It is not allowed to use the money outside the buying of animals, except for justifiable and transparent operational distribution costs.

- d. The priority of meat distribution is to the *al-bā'is al-faqīr* (the severely poor), regions suffering from nutritional crises (stunting), and extreme poverty across the country.

## 2. *Tausiah* (Recommendations)

- a. Urges all pilgrims, particularly Muhammadiyah members wishing to do their slaughter in the home country, to entrust their *damm* funds through official *amil* institutions (e.g., Lazismu) that possess transparent accountability systems. This is to protect the hajj from the scam committed by irresponsible parties and to ensure that the benefit is truly realized.
- b. Encourages Lazismu to develop comprehensive Standard Operating Procedures (SOP) to collect the funds, the animals, and the distribution to the rightful beneficiaries.

## E. Closing

This fatwa is formulated to serve as a guideline for Muhammadiyah members and the broader Muslim community. May Allah SWT always give His guidance upon the Muslim Ummah.

*Nasrun min Allah wa Fathun Qarīb.*



## **THE RULING ON PERFORMING HAJJ WITH A NON-HAJJ VISA, *MURŪR* IN MUZDALIFAH, AND *TANĀZUL* IN MINA**

(Session held on 5 Zulhijjah 1445 H/12 June 2024 M)

The Council for Religious Opinion and Tajdid of the Muhammadiyah Central Board has received several questions from various parties regarding problematic issues in contemporary Hajj implementation, particularly in the year 2024. There are at least three issues that require solutions under Islamic law (Sharia). First, the phenomenon of individuals performing Hajj without using a Hajj visa; second, the permissibility of *murūr* (passing through) in Muzdalifah; and third, the permissibility of *tanāzul* (returning) to the hotel while in Mina. Therefore, the Council for Religious Opinion and Tajdid of the Muhammadiyah Central Board deems it necessary to explain the aforementioned issues. The explanations are elaborated sequentially below.

### **A. Performing Hajj with a Non-Hajj Visa**

According to Law Number 8 of 2019 concerning the Implementation of Hajj and Umrah, there are two types of legal visas that can be used to perform Hajj. First, the Indonesian quota Hajj visa encompasses both regular and special quotas. Second, the *mujamalah* Hajj visa, which is an invitation from the Government of the Kingdom of Saudi Arabia, also known as the Furoda Hajj. Based on this, a Hajj visa is essentially a written permission granted by an authorized official at the Representative Office of the Government of Saudi

Arabia in Indonesia, enabling the holder to travel for Hajj to the territory of the Kingdom of Saudi Arabia. Any party performing Hajj without the visas specified in the law—such as using a visitation visa—is legally prohibited and is considered to be performing Hajj illegally.

In Islam itself, it is known that Hajj is a paramount act of worship as it constitutes one of the five pillars of Islam. As a religious obligation, Hajj requires immense and thorough preparation so that a person is capable of undertaking it. A segment of Surah Ali 'Imran (3), verse 97 states:

...وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا ۚ وَمَنْ كَفَرَ فَإِنَّ اللَّهَ غَنِيٌّ عَنِ الْعَالَمِينَ

*And [due] to Allah from the people is a pilgrimage to the House for whoever is able to find thereto a way. But whoever disbelieves, then indeed, Allah is free from need of the worlds."*

This verse indicates that the obligation of Hajj necessitates thorough preparation, or as expressed in the verse, *istiṭā'ah* (capability). This preparation involves not only spiritual aspects but also highly complex physical, logistical, and administrative elements. Therefore, the implementation of Hajj requires government involvement to ensure it is conducted properly and in an orderly manner. Thus, the preparation (capability) for Hajj is not solely viewed from physical, financial, and logistical readiness, but also administrative readiness (*al-Istiṭā'ah al-Idāriyyah*). In this context, a person who cannot obtain an official Hajj visa is considered to have not met the requirement of administrative readiness.

Besides failing to meet the administrative readiness requirement, performing Hajj using a non-Hajj visa has shown to pose a significant risk of harm (*mudarat*) and negative consequences (*mafsadah*). **First Mafsadah:** Performing Hajj without an official Hajj visa has the potential to bring danger and disadvantages, both to oneself and to others. The detriment to oneself comes in the form of severe legal threats. The official website of the Ministry

of Religious Affairs of the Republic of Indonesia (kemenag.go.id) states that pilgrims caught using a visitation visa will be detained, deported, and potentially fined 10,000 Riyals, equivalent to Rp42,000,000 (forty-two million rupiah). This fine information is also confirmed by the Ministry of Interior of the Kingdom of Saudi Arabia (*Wizārah ad-Dākhiliyyah al-Mamlakah al-'Arabiyyah as-Su'ūdiyyah*) on their official website (moi.gov.sa). Hajj with a non-Hajj visa also constitutes an immigration violation with potential sanctions in the form of a ban from performing Hajj for 10 consecutive years. Meanwhile, the danger posed to others is that it prevents the Hajj organization from running optimally, which will subsequently impact many aspects. An act that causes harm, either to oneself or to others, is prohibited. A hadith of the Prophet (PBUH) from the Companion 'Ubādah bin aṣ-Ṣāmit, narrated among others by Ibn Mājah—which has become a foundational jurisprudential maxim—states:

عَنْ عُبَادَةَ بْنِ الصَّامِتِ: أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَضَى أَنْ: لَا ضَرَرَ وَلَا ضِرَارَ  
[رواه ابن ماجه]

*Narrated from 'Ubādah bin aṣ-Ṣāmit, that Rasulullah saw. decreed that there should be no harming (oneself) and no reciprocating harm (to others) [H.R. Ibn Majah].*

Therefore, performing Hajj with a non-Hajj visa is a forbidden act as it causes many negative consequences (*mafsadah*), and its occurrence must be prevented. An Islamic jurisprudential maxim states that averting various negative consequences takes precedence over acquiring benefits:

دَرَأَ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

*Averting harms is prioritized over achieving benefits.*

**Second Mafsadah:** It gives rise to injustice, such as taking the rights of others. In practice, performing Hajj without an official Hajj visa automatically takes another person's rightful allocation. In 2023 alone, there was a case of 100,000 Indonesian pilgrims performing Hajj using visitation visas. This

overcapacity ultimately causes the available space to become increasingly restricted, whether in the areas for Tawaf, Sa'i, throwing the Jamarat, standing (Wukuf) in Arafah, or staying overnight (Mabit) in Muzdalifah and Mina. In fact, based on a report by the Directorate General of Hajj and Umrah Organization, the space per pilgrim in Muzdalifah is estimated to be only about 0.29 square meters, narrower than last year's approximately 0.45 square meters. With a large number of pilgrims using non-Hajj visas, many Hajj sites become increasingly crowded and congested. Under certain conditions, this disrupts other pilgrims, causes fainting, and even results in fatalities.

These adverse impacts demonstrate that performing Hajj without an official Hajj visa is inherently an act of taking and usurping the rights of others. Therefore, it can be categorized as a criminal act from the perspective of Sharia (*jarimah dīniyyah*). On the other hand, Allah requires a proper process in performing good deeds, especially specific acts of worship, including Hajj. In Surah Al-Baqarah (2), verse 188, it is stated:

وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنْتُمْ تَعْلَمُونَ ۝

*"And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you [to] consume a portion of the wealth of the people in sin, while you know [it is unlawful]."*

**Third Mafsadah:** Performing Hajj with a non-Hajj visa is an act of deception, as it necessitates document forgery and information manipulation. Consequently, using a visa other than an official Hajj visa to perform Hajj can be considered a form of fraud against the government and competent authorities. Rasulullah saw. himself warned those who commit deception (*al-gasyyu*) by refusing to acknowledge them as part of his community. A hadith of the Prophet (PBUH), narrated by Muslim from the Companion Abu Hurairah, states:

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ حَمَلَ عَلَيْنَا السَّلَاحَ فَلَيْسَ مِنَّا، وَمَنْ غَشَّنَا فَلَيْسَ مِنَّا [رواه مسلم]

*Narrated from Abu Hurairah, that Rasulullah saw. said: "Whoever takes up arms against us is not one of us, and whoever deceives us is not one of us" [H.R. Muslim].*

Furthermore, another hadith mentions that Muslims must obey and follow the stipulations they have agreed upon. In *al-Muwaṭṭa`*, a hadith is mentioned from the Companion Abu Hurairah, which Rasulullah saw. said:

الْمُسْلِمُونَ عَلَى شُرُوطِهِمْ [رواه مالك]

*Muslims must abide by the conditions they have agreed upon [H.R. Malik].*

Thus, it can be understood that the process of performing Hajj with a non-Hajj visa involves many elements that can be classified as forms of wickedness (*fusūq*) prohibited during Hajj. A segment of verse 197 in Surah Al-Baqarah (2) states:

فَمَنْ فَرَضَ فِيهِنَّ الْحَجَّ فَلَا رَفَثَ وَلَا فُسُوقَ وَلَا جِدَالَ فِي الْحَجِّ ...

*Whoever undertakes the Hajj therein, there is to be no sexual intercourse (rafas), no disobedience/wickedness (fusūq), and no disputing during Hajj..."*

Similarly, a hadith narrated by at-Tirmidhi from the companion Abu Hurairah states:

عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: مَنْ حَجَّ فَلَمْ يَرْفُثْ، وَلَمْ يَفْسُقْ، غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ [رواه الترمذي]

*Narrated from Abu Hurairah, he said, Rasulullah saw. said: "Whoever performs Hajj and does not commit any obscenity (rafas) nor commit any wickedness (fusūq), his past sins will be forgiven" [H.R. at-Tirmidhi].*

Based on the exposition above, several conclusions can be drawn: **First**, performing Hajj legally obliges the use of an official Hajj visa, as it constitutes a part of the required *istiṭā'ah idāriyyah* (administrative capability). **Second**,

departing for Hajj with a non-Hajj visa is a prohibited act because it causes numerous negative consequences (*mafsadah*), including harming oneself and others, acts of injustice by usurping others' rights, and constituting a form of fraud.

Furthermore, the following recommendations are conveyed: **First**, requesting the government to immediately take preventive measures and close all avenues for the abuse of visitation visas to violate Hajj regulations. **Second**, the Government of the Republic of Indonesia needs to establish coordination with the relevant Government of Saudi Arabia, specifically involving the Ministry of Foreign Affairs of the Republic of Indonesia and the Ministry of Foreign Affairs of Saudi Arabia. **Third**, in addition to engaging with Saudi authorities, the Government of the Republic of Indonesia must also enhance coordination among three relevant ministries—namely the Ministry of Religious Affairs, the Ministry of Law and Human Rights, and the Ministry of Transportation—along with other pertinent agencies, to earnestly prevent any opportunity for any party to perform Hajj without using a Hajj visa. One approach is by not issuing a visitation visa to anyone suspected of exploiting it to perform Hajj illegally. **Fourth**, the government should conduct massive educational campaigns for the public regarding the obligation to use an official Hajj visa for Hajj and the prohibition against using a non-Hajj visa.

### B. *Murūr* in Muzdalifah

Regarding the provisions of *murūr* in Muzdalifah, the Tarjih Council has provided explanations, both through the Hajj Rituals Guide (*Tuntunan Manasik Haji*) and the Hajj-related decisions compiled in Volume III of the Tarjih Decisions Compilation (*Himpunan Putusan Tarjih*). In HPT Volume III, two important points are noted: **First**, Muzdalifah is visited by Hajj pilgrims when the sun has set on the 9th of Dhul Hijjah. During the journey from Arafah to Muzdalifah, it is prescribed to recite the *talbiyah* and to supplicate. During

the overnight stay (*mabit*), the Maghrib and Isha prayers are performed by combining them at the time of the latter (*jama' ta` khīr*) and shortening them (*qaṣar*). Resting by sleeping is done until the time of dawn. This practice conforms to the guidance of the Prophet (PBUH) in the hadith by the companion Jabir, narrated by Muslim:

عَنْ جَابِرٍ... حَتَّى أَتَى الْمُرْدَلِفَةَ، فَصَلَّى بِهَا الْمَغْرِبَ وَالْعِشَاءَ بِأَذَانٍ وَاحِدٍ وَإِقَامَتَيْنِ، وَلَمْ يُسَبِّحْ بَيْنَهُمَا شَيْئًا، ثُمَّ اضْطَجَعَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى طَلَعَ الْفَجْرُ، وَصَلَّى الْفَجْرَ حِينَ تَبَيَّنَ لَهُ الصُّبْحُ بِأَذَانٍ وَإِقَامَةٍ... [رواه مسلم]

*Narrated from Jabir, he said, "...Upon reaching Muzdalifah, he [the Prophet] performed the Maghrib and Isha prayers with one Adhan and two Iqamahs, and he did not offer any voluntary prayers in between them. Then Rasulullah saw. lay down to sleep until dawn broke, and he offered the Fajr prayer when the morning became clear to him, with an Adhan and an Iqamah..." [H.R. Muslim].*

**Second**, for those who have constraints, it is permissible to stop briefly in Muzdalifah while remaining in the vehicle or disembarking, and to leave Muzdalifah before dawn. This is in accordance with a hadith narrated by al-Bukhari from Aisha:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: نَزَلْنَا الْمُرْدَلِفَةَ، فَاسْتَأْذَنَتِ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ سَوْدَةَ أَنْ تَدْفَعَ قَبْلَ حَطْمَةِ النَّاسِ، وَكَانَتْ أَمْرَاءَ بَطِيئَةً، فَأَذِنَ لَهَا، فَدَفَعَتْ قَبْلَ حَطْمَةِ النَّاسِ، وَأَقَمْنَا حَتَّى أَصْبَحْنَا نَحْنُ، ثُمَّ دَفَعْنَا بِدَفْعِهِ، فَلَأَنْ أَكُونَ اسْتَأْذَنْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَمَا اسْتَأْذَنَتْ سَوْدَةُ أَحَبَّ إِلَيَّ مِنْ مَفْرُوحٍ بِهِ [رواه البخاري]

*Narrated from Aisha, she said, "We alighted at Muzdalifah, and Sawda asked the Prophet's (PBUH) permission to leave early, before the rush of the people. Sawda was a slow (heavy) woman. So the Prophet gave her permission, and she departed before the rush of the people, whereas we stayed there (stayed overnight at Muzdalifah) until the morning, and only then did we proceed. Truly, to have asked the Messenger of Allah's (PBUH) permission as Sawda did would have been more beloved to me than any other joyful thing" [H.R. al-Bukhari].*

The two points explained above indicate that, in principle, the overnight stay (*mabit*) is conducted in Muzdalifah until dawn, just as it was performed

by Rasulullah saw.. However, if there is a difficulty that serves as a valid excuse ('*uzur*') permitted by Sharia (*syar'i*), then the recommendation to stay overnight (*mabit*) may be substituted with passing through (*murūr*), and then either alighting or remaining on the vehicle.

The second point simultaneously serves as the foundation for the permissibility of the *murūr* scheme planned by the government as an alternative to *mabit* in Muzdalifah for groups at high risk of illness, the elderly, individuals with disabilities, and their companions. In the scheme released by the government, it is stated that *murūr* will take place on the 9th of Dhul Hijjah from 19:00 to 22:00 Saudi Arabia Time. Pilgrims will move from Arafah, pass through Muzdalifah without disembarking, and head directly to Mina.

A valid excuse ('*uzur*') in this case is viewed not only from the aspect of pilgrims having weak physical conditions—whether due to illness or old age—but also due to specific circumstances. For example, the companions of individuals with disabilities who might be physically healthy and able-bodied, but by virtue of their accompanying role, are permitted to perform *murūr*. This also includes the condition of increasingly constrained areas caused by the construction of several facilities within the Muzdalifah area. Moreover, in 2024, 21% of Hajj pilgrims from Indonesia belong to the elderly, illness-prone, and disabled groups. The high density of pilgrims, coupled with limited space, leads to a higher potential for illness among the high-risk, elderly, and disabled pilgrim groups. A jurisprudential maxim states:

إِذَا تَعَدَّرَ الْأَصْلُ يُصَارُ إِلَى الْبَدَلِ

*If the original (primary) ruling is difficult to realize, one may shift to a substitute ruling.*

This maxim constitutes the basis for transitioning from *mabit* to *murūr*. In the context of Hajj, *mabit* holds the position of the original ruling (*al-aṣl*), and *murūr* holds the position of the substitute (*al-badl*). Consequently, if *mabit*, as the original ruling is difficult to execute due to an acceptable reason,

its fulfillment can be achieved by performing *murūr* as a substitute for the primary ruling.

The premise of this maxim also indicates that a pilgrim who meets the conditions to perform *murūr* is not liable for *damm* (a penalty). Because, in essence, they have not abandoned or failed to perform one of the obligatory acts of Hajj that would require a *damm*. They are still considered to have completed the entire sequence, with the *mabit* in Muzdalifah being replaced by *murūr* (passing through) Muzdalifah.

Pilgrims permitted to perform *murūr* may also pass through Muzdalifah on that night at any time, not restricted to the beginning, middle, or end of the night. This is based on a linguistic analysis of the aforementioned hadith regarding Sawda. The hadith mentions that Sawda departed early before Rasulullah saw. and the rest of the group, without any details on exactly when Sawda departed for Mina. The hadith's wording uses the phrase *qablahu wa qabla ḥaṭmat an-nās* (before him and before the rush of the people), where *qablah* (before) is a word indicating general time, which negates specific information about Sawda's exact departure time. Consequently, Aisha, as the narrator, did not provide further specification (*tark al-istifṣāl*) regarding the exact time Sawda was permitted by the Messenger of Allah to leave Muzdalifah. In a maxim of Usul, it is stated:

حِكَايَةُ الْحَالِ إِذَا تَرَكَ فِيهَا الْأِسْتِفْصَالَ تَقُومُ مَقَامَ الْعُمُومِ فِي الْمَقَالِ

*Conveying information regarding a situation without detailing indicates the applicability of generality to that situation.*

This linguistic analysis leads to the conclusion that the nighttime (*al-lail*) in the hadith explaining Sawda's departure from Muzdalifah refers to the entire night, whether it is the beginning, middle, or end of the night. Thus, the *murūr* performed is similarly not bound to the early, middle, or late part of the night.

Based on the explanation above, the following conclusions can be drawn: **First**, in principle, under normal circumstances, Hajj pilgrims are instructed to stay overnight in Muzdalifah on the night of the 10th of Dhul Hijjah until dawn breaks, and only then depart for Mina. **Second**, for those experiencing difficulties ('uzur) either due to physical conditions or circumstantial constraints, it is permissible for them to replace the *mabit* in Muzdalifah with *murūr*. **Third**, pilgrims who meet the criteria for the permissibility of *murūr* can perform *murūr* at any time—early, middle, or late at night—and are not subject to a *damm* penalty.

### C. *Tanāzul* to the Hotel After Arriving in Mina

It is stated in HPT Volume III that after the *mabit* and performing various acts of worship in Muzdalifah, pilgrims are directed to head towards Mina. In Mina, pilgrims throw the Jamrah al-Aqabah with 7 pebble throws. This is as stated in one of the hadiths of the Prophet (PBUH) from the companion Ibn Abbas, narrated by Muslim:

عَنِ ابْنِ عَبَّاسٍ، عَنِ الْفَضْلِ بْنِ عَبَّاسٍ وَكَانَ رَدِيفَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّهُ قَالَ فِي عَشِيَةِ عَرَفَةَ وَغَدَاةِ جَمْعٍ لِلنَّاسِ حِينَ دَفَعُوا: عَلَيْكُمْ بِالسَّكِينَةِ، وَهُوَ كَأَنَّ نَاقَتَهُ حَتَّى دَخَلَ مُحَسِّرًا - وَهُوَ مِنْ مَنَى - قَالَ: عَلَيْكُمْ بِحِصَى الْخُدْفِ الَّذِي يرمى بِهِ الْجَمْرَةَ، وَقَالَ: لَمْ يَزَلْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَلْبِي حَتَّى رَمَى الْجَمْرَةَ [رواه مسلم]

*Narrated from Ibn Abbas, from al-Fadl ibn Abbas, when he was riding behind Rasulullah saw. that he said to the people on the evening of Arafah and the morning of Muzdalifah when they departed: "You should proceed with tranquility." He continuously guided his camel slowly until he entered the valley of Muhassir, and at that time, he was coming from Mina. He said, "You should take pebbles to throw at the Jamrah" [H.R. Muslim].*

Regarding the execution of Hajj rituals in Mina, the Government is also planning a *tanāzul* scheme to anticipate pilgrim congestion. Even though the area in Mina is larger than Muzdalifah, the space allocated for each pilgrim is

still relatively narrow, receiving only 0.79 cm. In its implementation, after returning from Muzdalifah on the 10th of Dhul Hijjah, pilgrims head back to their hotels. The pilgrims then return to Mina the following day to perform the sequence of rituals in Mina. This indicates that essentially, the *tanāzul* intended by the government means returning to the hotel intermittently while performing the prescribed rituals in Mina, including throwing the Jamarat, whether doing it themselves or delegating it, while the person being represented remains in the Mina tent.

In this context, the principle of ease, grounded in the foundational aims of preserving religion (*hifz ad-dīn*) and preserving life (*hifz an-nafs*), is fundamentally the basis for the permissibility of the *tanāzul* scheme for those who are feared to face hardship or even danger if they stay in Mina. This principle of ease is indeed established by Allah in every act of worship. Among the textual evidence demonstrating this are:

1. Segment of verse 78 in Surah Al-Hajj (22):

...وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ ۗ ...

"...and [Allah] has not placed upon you in the religion any difficulty..."

2. Segment of verse 185 in Surah Al-Baqarah (2):

.....يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ ۗ ...

...Allah intends for you ease and does not intend for you hardship..."

3. A hadith H.R. al-Bukhari from Aisha:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَنَّهَا قَالَتْ: مَا خَيْرَ رَسُولٍ اللَّهُ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بَيْنَ أَمْرَيْنِ إِلَّا أَخَذَ أَيْسَرَهُمَا مَا لَمْ يَكُنْ إِهْمًا، فَإِنْ كَانَ إِهْمًا كَانَ أَبْعَدَ النَّاسِ مِنْهُ، وَمَا انْتَقَمَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لِنَفْسِهِ إِلَّا أَنْ تُنْتَهَكَ حُرْمَةُ اللَّهِ، فَيَنْتَقِمَ اللَّهُ بِهَا [رواه البخاري]

Narrated from Aisha that she said, "Rasulullah saw. never had to choose between two matters except that he chose the easier of them as long as it

*was not a sin. If it were a sin, then he was the furthest of people from it. The Prophet (PBUH) also never took revenge for himself, except when the sanctities of Allah were violated, then he would take revenge for the sake of Allah" [H.R. al-Bukhari].*

These proofs are also in alignment with several jurisprudential maxims. Among them:

الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ

*Hardship brings forth an ease.*

And another maxim:

إِذَا ضَاقَ الْأَمْرُ اتَّسَعَ

*When a matter becomes constrained (difficult), it then becomes expanded (facilitated/eased).*

In the book *Jāmi' al-Masā'il fi 'Ilm al-Uṣūl wa al-Maqāṣid*, it is stated that the hardship (*masyaqqah*) referred to here is the burden and difficulty experienced by a person in the execution of Sharia law. Therefore, a person's weakened bodily state due to old age, a physique susceptible to illness, as well as disability, are highly fitting to be categorized as a *masyaqqah* that complicates the normal execution of Hajj. Hence, *murūr* and *tanāzul*, which serve as schemes to overcome these difficulties, are part of the facilitation (*taisīr*) and a form of expansion (*ittisā'*) that is permissible. (*Tuntunan Manasik Haji*, Chapter 9, Worship in Muzdalifah, point 2).

It should be noted that pilgrims carrying out the *tanāzul* scheme are not liable for a *damm* penalty during the *tanāzul*, because fundamentally, no act of worship is abandoned when performing *tanāzul*. Likewise, if a pilgrim performs *tanāzul* and delegates the throwing of Jamarat to another younger pilgrim, they are also not liable for a *damm* penalty. This aligns with the opinion of the majority of scholars (*jumhur*), except for the Maliki school, which still obligates a *damm*. The situation differs if a pilgrim does not go to Mina at all, thereby abandoning prescribed worship such as throwing the

Jamarat; in such a case, the pilgrim is obligated to pay the *damm*. This is because they have abandoned one of the obligatory acts from the sequence of Hajj worship. In HPT Volume III, it is stated that one of the causes necessitating a *damm/ hadyu* is abandoning a Hajj obligation, such as throwing the Jamarat, entering *ihram* from the *miqat*, the *mabit* in Muzdalifah, the *mabit* in Mina, or the farewell Tawaf (*Tawaf Wada'*). This provision is based on Surah Al-Baqarah (2), verse 196:

وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ ۖ فَإِنْ أُحْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ

"And complete the Hajj and 'Umrah for Allah. But if you are prevented, then [offer] what can be obtained with ease of sacrificial animals..."

Based on the exposition above, several conclusions can be drawn:

1. **First**, in principle, the prescribed acts of worship during Hajj include the *mabit* in Mina after returning from Muzdalifah, throwing the Jamarat, and executing the subsequent acts of worship.
2. **Second**, *tanāzul* is permitted for pilgrims who have a valid Sharia excuse (*uzur syar'i*), whether related to physical conditions—such as illness risks, old age, and disability—or an excuse related to the conditions of the location and the circumstances of implementation. The permissibility of *tanāzul* is based on the principle of *taisir*, which necessitates ease.
3. **Third**, the *tanāzul* referred to here is commuting back and forth from Mina to the hotel intermittently while performing worship in Mina. Thus, when a pilgrim performs *tanāzul*, it does not mean they are completely absent from Mina or do not perform any acts of worship while in Mina.
4. **Fourth**, for a pilgrim who performs *tanāzul*, and during the time for throwing the Jamarat, they are present in the Mina tent, but they have to delegate the task to another pilgrim; they are not liable for a *damm*.

5. **Fifth**, a Hajj pilgrim who is completely unable to go to Mina and does not perform the worship prescribed in Mina is liable for a *damm*, because they have abandoned one of the obligations of Hajj.

Such is the fatwa of the Council for Religious Opinion and Tajdid of the Muhammadiyah Central Board regarding the use of non-Hajj visas, *murūr*, and *tanāzul*. May it be beneficial and enlightening.

