

ABSTRACT

M. Nazwar Rahman; Bailout For Hajj And Umrah Costs In View From The Concept Of Istithâ'ah (Analysis of Maqâshid asy-Syarî'ah), with the academic supervisor : I Dr. Rahmat Sholihin, M.Ag and II Dr. Hj. Hayatun Naimah, SH., MH., Postgraduate of Antasari Islamic State University Banjarmasin (2021).

Keywords: Fiqh of Hajj and Umrah, Istithâ'ah, Maqâshid asy-Syarî'ah.

The times have changed everything in the world, especially in the scientific field *of science*. Departing from the development of muammalah in Indonesia, one of which is the discussion of bailout funds to perform Hajj and Umrah in Indonesia, where the majority of the Muslim population is very enthusiastic about performing Hajj and Umrah. The fact is that registration for Hajj and Umrah departures always increases every year, so that the queue for Hajj departures is relatively long, waiting for more than 30 years. Considering that the departure fee is quite large, one way for the community to be able to depart is by using bailout funds, both bank and non-bank. This becomes interesting if it is related to the argument of the Qur'an Surah Al Baqarah: 97 that Hajj is obligatory for those who can afford it, but in practice, for those who perform Hajj and Umrah, it is still in the category of not being able to (Istithâ'ah). If you use a bailout, there are conditions that must be met, one of which is a guarantee or a monthly fee that must be paid, and if you can't afford it, the guarantee will be taken or a payment fine. This is where this research started, namely trying to examine the bailout funds going for Hajj and Umrah using the maqâshid ash-syarî'ah method.

This type of research is a normative legal research with a legal and conceptual approach. This study also collaborated with empirical data as support. This study uses primary, secondary, and tertiary legal materials. The technique to collect the three legal materials is a documentary study. Then, analyze it qualitatively, and the results are specifically concluded.

The result is, conceptually, *Istithâ'ah* is a mandatory condition of Hajj and Umrah. Be found three senses in a sense *istithâ'ah* in the property category that is, *classical scholars*, able is sufficient supply of a person during the journey and performance of the pilgrimage as well as to support the family with his dependents left behind during and after the pilgrimage, Syafi'i added 'without debt'. Contemporary scholars, add that it is not obligatory to perform Hajj for a person who supplies by selling the property he owns, which is the property for the purpose of daily work. MUI, is that Hajj is allowed to be indebted and bailout provided that it is in accordance with the provisions of Syar'i. be found the three main principles in this *Istithâ'ah*, namely, *hifzh ad-din*, *hifzh an-nafs*, *hifzh mâl*. *hifzh al-'aql* and *hifzh an-nasl*. The law of going on Hajj and Umrah with owe money is included in the level of maqâshid at-tahsîniyât. This capable category of 'Istithâ'ah' is a form of benefit and anticipates the existence of failure for prospective pilgrims for Hajj and Umrah