



THE 3rd INTERNATIONAL CONFERENCE AND CALL FOR PAPER

"Legal Development in Various Countries"



IMAM AS SYAFEI BUILDING
 Faculty of Law, Sultan Agung Islamic University
 Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

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INFORMATION OF THE CONFERENCE AND CALL PAPER

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Welcome to Participants on International Conference

"LEGAL DEVELOPMENT IN VARIOUS COUNTRIES"

This conference tries to reviews different theories of legal development in order to highlight their similarities and differences. And focusing on the development of law in both developed and developing countries and its role in shaping a good future.

KEYNOTE SPEAKER:
Prof. Henning Glaser
Thammasat University, Thailand

IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

Organized by : Faculty of Law Sultan Agung Islamic University (UNISSULA) Semarang-Indonesia

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Nagoya University, Japan
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Indonesia, September 05th 2017

WORLD ISLAMIC UNIVERSITY
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International Conference

5 September 2017

"Legal Development In Various Countries"

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Prof. Henning Glaser
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Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

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SPEAKERS :

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This Conference And Call Paper was held by the Faculty of Law, Sultan Agung Islamic University (UNISSULA) Semarang, on:

Day: Tuesday

Date : September 5th 2017

Time : 08:00 - 15:00 pm

Place : Imam AsSyafei Building 3rd Floor

Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

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PREFACE

Assalamu'alaikum, Wr. Wb

First of all, let's say Thanks to Allah, who has been giving us guidance, happiness, healthy, and mercy, so we can finish this conference proceeding without any obstacles. Praise and salutation upon our prophet Muhammad saw the last messenger, the best figure of this universe; the person who was able to save us from Jahiliyah era.

We would like to extend our thanks to the invited speakers: **Prof. Henning Glaser from Thammasat University, Prof. Shimada Yuzuru from Nagoya University, Hilaire Tegan, Ph.D from Sorbone University, Prof. Dr. I Gusti Ayu Ketut Rachmi Handayani, MM from SebelasMaret University, Dr. Zaharudin from Universiti Utara Malaysia, and Dr. Anis Mashdurohatun, S.H., M.Hum from Sultan Agung Islamic University.**

This is our third International conference and call for paper held by Faculty of Law, Sultan Agung Islamic University. This annual conference tries to gain any information and studies done by academician and practitioner to be discussed as guidelines to exchange and discuss views on the most important recent on Legal Development happens in both developed and developing countries and its role in shaping a good future, and to discuss the challenges and practical aspects in integrating competition law enforcement and guidelines to develop legal state in accordance with the diversity of all countries around the world. We hope this conference brings benefit for both participants and our faculty.

We are pleased to have your critique, suggestion and correction in order to make us better. Finally, we do thanks to all who helped this conference. May Allah guide us to always develop useful knowledge for human being.

See you in our fourth International and call for paper next year.

Wassalamualaikum, Wr. Wb

Semarang, September 5th 2017

Chairman of the Committee,



Dr. Anis Mashdurohatun, S.H., M.Hum
NIDN : 06-02105-7002

GREETING FROM THE DEAN OF FACULTY OF LAW

As-salamu'alaikum Wr. Wb.

Thank to Allah SWT is an absolute act that we must say after conducting the International Conference and Call for Paper by theme: “**Legal Development in Various Countries**” which is held by Faculty of Law, Sultan Agung Islamic University (UNISSULA) Semarang, on September 5th 2017.

This conference tries to reviews different theories of legal development in order to highlight their similarities and differences. In the end, as in contract theories, no monist view of legal development possesses the explanatory power needed to understand how law has come to be and where it may take us in the future. What we do have is a foundation built on at least two millennia of legal history. The intellectual starting point for this project is Nathan Isaacs' unfinished work on a cycle theory of legal development. His view of legal development takes issue with Henry Sumner Maine's thesis that development in advanced legal systems is progressive in nature. And, more importantly for the current undertaking, that this progression is linear in nature. Instead, Isaacs' review of thousands of years of Jewish legal development indicated that legal development perpetually progressed in cycles.


Therefore, to discuss more about legal development or law reform, Faculty of Law, Sultan Agung Islamic University is confidence to conduct a conference by the theme “**Legal Development in Various Countries**” focusing on the development of law in both developed and developing countries and its role in shaping a good future.

Finally, we thank to the presenters, article senders, and comittee who have contributed in this event, so that this international seminar ran well.

Wassalamu'alaikum Wr. Wb.

Semarang, September 5th 2017

Dean,



Prof. Dr. Gunarto, SH, SE, Akt, M.Hum
NIDN.062004670

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ISLAMIC LAW STUDY ABOUT DAM TAMATU' HAJJ FOR INDONESIAN JAMAAH HAJJ FOR PEOPLE'S CONSULTATION

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ABSTRACT

The study of Islamic law is an attempt to analyze the development of Islamic law from one time to the next in which the various products of Islamic legal thought have emerged and various interpretations of the holy text of the Qur'an as a fundamental source of Islamic Law. The existence of the Qur'an and Sunnah which have been textually completed and revealed, will only be used as the foundation and foundation in the establishment of Islamic law itself. However, differences in views and opinions on the content of the text, is a science that continues to be explored and developed as a human understanding of the text.

The Dam of tamatu' hajj which is one of the things that exist in the implementation of the pilgrimage, its existence can not be separated from the existing information in the sacred text. The payment of dam and tamatu'by slaughtering a goat, or fasting three days in the land of unlawful or fasting seven days after returning home in performing the pilgrimage, is the standard rule established by the Qur'an.

This understanding of Dam renewal is being researched and analyzed in the area of human ijtihadi. Included in this study, is an attempt to provide small input to the development of Islamic Law to be more maslahah and justice for the people.

Keywords: Islamic Law, Dam, Fiqh.

INTRODUCTION

The study of Islamic law (Fiqh Islam) can be seen as part of an Islamic study whose focus is the legal aspect of Islamic teachings, both in terms of the content of the teaching, how the doctrine is translated and applied, and how the social and cultural responses to the application of that doctrine. The study of Islamic Fiqh can also be seen as part of a general law study that takes Islamic law as its object, both in terms of its legal content, how the law is translated and applied, and how the socio-cultural environment responds to the application of that law.

¹Literally, the word fiqh means "deep understanding". Understanding that is the opposite of, and being a supplement to "ilm" received lessons on the Qur'an and As-Sunnah. Fiqh is a discipline that discusses a knowledge of Islamic law. As a discipline, it is the product of knowledge of Fuqoha'(Islamic lawyers) or mujtahid in which it is assumed to be a theoretical process for the final product. A. Qodri A. Azizy, *Eklektisisme Hukum Nasional: Kompetisi antara Hukum Islam dan Hukum Umum* (Yogyakarta : Gama Media, 2002) p.21

²Atho Mudzhar, *Esai-esai Sejarah Sosial Hukum Islam*,(Yogyakarta : Pustaka Pelajar, 2014) p. 11

The Qur'an as the main source of Islamic law teachings in the form of Kalamullah or the word of god is a basic guide to the application of Islamic law. For the Moslems, the Qur'an is considered to be a scripture, it is also a guide book (Surah al-Baqarah: 2). Therefore, it is always used as a referral and dialogue partners in solving life problems they face.

God's revelation is used as a guide to solve the problems of the people since the time of Rasulluah SAW, although at that time all the problems of the ummah not all can be solved by the Qur'an. Then the Sunnah of the Apostle appears to explain in more detail to the content of the Qur'an.

After the death of Rasulluah then bring up new problems that are not found in the Qur'an and Sunnah (Hadith the Prophet). Hereinafter led to the existence of ijtihad done by the Companions of the prophet, to solve the problems that arise and develop including in the issue of Islamic law, which then gave birth to the science of fiqh.

From the results Ijtihad conducted by the companions gave birth to two main cirri in giving birth to the character of Islamic law. Geneologically, the map of Islamic thought can be traced to the Umay school and the 'Alawi madhhab. The role of reason and revelation (the text of the Qur'an and Sunnah) which has been a heated debate especially since that friendship, which begins between 'Umar ibn Khattab and the companions of other prophets,

³As an implication, the study of the Qur'an is more often emphasized on how to expose and explain the verses of the Qur'an than others, although there are also studies of the Qur'an from other aspects done in order to support the development of the study the interpretation itself. Abdul Mustaqim in *Epistemologi Tafsir Kontemporer*, (Yogyakarta: LKiS, 2012) p. 31. Quoted from Amin in *al-Khuli Manahij tajdid fi an-Nahw wa al-Balaghah wa al-Tafsir wa al-adab*, (Beirut: Dar al-Ma'rifah , 1961) p. 234

⁴In the realm of Islamic thought, there is a difference of understanding between the scholars of hadith, fiqh and fiqh in defining the sunnah. The scholars of the hadith are more concerned with something that is based on Rasulluah Saw. In his capacity as a guide clergy, guide, advisor and example of Muslims. Hadith scholars take everything that concerns the prophet Muhammad. Whether in the form of behavior, posture, words and deeds, either bring the consequences of law or not. This is, as they say, the definition which they say, ie everything that is based upon the Prophet (PBUH) either words, deeds, taqir, teachings, nature, behavior, journey of life either before being appointed apostle or later. Whereas ulama ushul fiqh discusses everything that comes from Rasulluah Saw in his capacity as a Shari'a-formator who explains to man the laws of life and lays the rules for the mujtahids after his death. Therefore their concern is the word, deed, taqir related to law. Meanwhile, fiqh scholars discuss everything from the prophet Saw which aims to show the syara 'provisions concerning human deeds, both in terms of mandatory, haram, mubah or the other. They define the sunna as an act of Rasulluah Saw containing the Shari'a which includes obligatory, haram and mubah acts. Muhammad'Ajaj al-Khathib, *al-Sunnah qobl Tadwin*, (Beirut: Dar al-Fikr, 1981) p. 16

⁵Etymologically the madhhab is derived from the form of mashdar mim (adjective) and the eating isim (word that indicates the place) taken from fi'il madhi dzahaba, which means to go and can also al-ray or opinion. So madhhab is the way of thinking (opinion) pursued by a mujtahid in establishing Islamic law that comes from the Qur'an and Hadith. Huzaemah Tahido Yanggo, *Pengantar Perbandingan Madzhab*, (Jakarta: Logos, 1997), p. 71

⁶The 'Umari school is attributed from 'Umar ibn al-Khattab as the foundation of rational and contextual thinking in the understanding of the passage. While the 'Alawi madzhab consists of friends who gather around 'Ali bin Abi Thalib who are more likely to textual, while the portion of the use of the ratio is less. Jalaludin Rachmat, Foreword, in Taufik Adnan Amal, *Islam dan Tantangan Modernitas: Studi atas Pemikiran Hukum Fazlur Rahman*, (Bandung: Mizan, 1993) p. 18

division of zakat for a muallaf and distribution of war booty. In this case Umar refuses to apply the two provisions of the law, hence when it is opposed by the other companions of the prophet, he says that the implementation of the two provisions of the law has been lost relevance, while the opponents of Umar actually insist on continuing to apply the two provisions of the law because of arranged in detail and detailed in the text of the Qur'an.

After the period of companionship between these two things, the next generation of the next generation is *tabi'in* generation and *tabi'inat*. The argument made by Imam Abu Hanifah, who is known as a rationalist who raised the theory of *Istihsan* and his opponent Imam Asy-Shafi'i known as the literary-literary (*qiyas*) character who rejected the *istihsan* theory. Which was later opposed by Asy-Syatibi which raised the *istishlah* theory as a criticism of the theory of *qiyas*. In modern times, the debate was continued by Hasan At-Turabi by renewing the traditional *ushul al-fiqh* science.

The development of Islamic law in modern times also undergoes reforms in Islamic Fiqh. Contemporary issues arise that are always disputed and debated by Muslims. Among today's Islamic legal products that are always debated about the validity of *Fatwa*, where the product is the legal basis for the people.

Referring to the sequence of Islamic law, this study will discuss about Dam Haji Tamatu 'for Jamaah Haji Indonesia for the benefit of the people. Starting from *Qurban* is one of the worship that most involves people. Because the meat of *qurban* was then enjoyed by the people especially by the poor and the poor. The *qurban* result from the pilgrims 'pilgrims' essences are also to be distributed to the *mustad'afin*. But then when looking at the situation in the Haram Land Especially the city of Makah (Mina) where the slaughter of *qurban* animals. Outside the place It's rarely found among poor people, even Saudi Arabia belongs to a group of rich countries in the world.

⁷Abdullah Ahmed an-Naim *Toward an Islamic Reformation; Civil Liberties, Human Rights and International Law*, (Syracuse: Syracuse University Press, 1990) p. 28.

⁸Etymologically (*lughawi/language*) calculates something better, or something is better or follows something better or seeks better to follow, as it is told to do so. While in terms of the Maliki school of thought is to use the benefits of *juz'i* as a substitute for the proposition that is *kulli*. *Istihsan* is one of the *ijtihad* methods disputed by the 'ulama, although in reality all scholars use it practically. Amir Syarifudin, *Ushul Fiqh Volume 2* (Jakarta: Kencana Cet. 7, 2014) pp. 346-347. *Istihsan* means to think well of something. According to the 'ulama *ushul fiqh istihsan* is the transfer of a *mujtahid* from the demands of the *jalli kias* (real) to the *khali* (vague) *kias*, or from the *qulli* proof to the *takhshish* law because of the theorem that causes *Mujtahid* to divert his thoughts and attach importance to the transfer of law. Abdul Wahab Khallaf, trans. Masdar Helmi, *Ilmu Ushul Fiqh* (Bandung: Gema Risalah, 1997) p136

⁹Taha Jabir al-Alwani, *Metodologi Hukum Islam Kontemporer*. trans. Yurdani (Yogyakarta: UII Press, 2001), pp. 38-41; Asy-Syafi'i, *Ar-Risalah* Ahmad Muhammad Sakir (ed.), (Beirut: Dar al-Fikr, t.th.) p. 25.; Asy-Syatibi, *Al-Muwafaqatfi Ushul asy-Shari'ah Volume I* (Beirut: Dar al-Ma'rifah, 1997) p. 324-325

¹⁰At-Turabi, *Fiqh Demokratis: Dari Tradisionalisme Kolektif Menuju Modernisme Populis*, trans. Abdul Haris and Zaimul Am, (Bandung: Thrash, 2003) p. 56

Therefore, the meaning of Dam, with the social, economic, and cultural changes of the Muslims then led to various interpretations of the implementation of animal slaughter qurban. Starting with the method of interpretation of verses whether the hadith should be interpreted by slaughtering the animals qurban? Should the animal be sacrificed on the ground? And what if the Dam payment is changed to poverty eradication programs?

DAM OF TAMATU' HAJJ

Dam is a fine or a ransom for those who perform Haj or Umrah but violate the stipulated rules or regulations. Such violations, for example, impose Ihram restrictions or can not complete mandatory hajj like mabit in Mina or Muzdalifah. The scholars have agreed that a person performing the pilgrimage will be subjected to Dam if he commits such offenses as: Performing a Hajj Qiran or Tamattu, not Ihram from Miqat, not Mabit I in Muzdalifah, not Mabit II in Mina, not throwing Jumrah, and do not do Tawaf Wada.

Various kinds of Dam among others first, Dam Takhyir Ta'dil ie Pay Dam for the mistake of doing one of two things namely; hunt down land animals that can be eaten meat, or cut down, cut and unplug plants in the holy land. The fine is one of the following: Cut a goat or give Fidayah to a poor man worth one goat or fast for 10 days.

Secondly, Dam Takhyir Takdir is paying a fine for doing one of the following restrictions: Cutting, removing hair or body hair, Wearing forbidden clothes during ihram, Wearing perfume on hair or beard, Wearing fragrance on body or clothing, Intercourse before Tahallul second. The dam applied to the offense is to cut a goat or feed the poor worth of the goat or fast for 10 days.

Third, Dam Tartib Ta'dil is paying a fine for intercourse with his wife before tahallul, ie by slaughtering a camel or 7 goats or feeding the poor indigent worth one camel or fasting for 10 days.

Fourth, Dam Tartib Takdir Pays a fine for doing one of the following cases; Doing Haji Tamattu or Qiran, not doing Wukuf at Arafat, not throwing a pause, not Mabit in Muzdalifah, not Mabit in Mina, not Ihram at Miqat, not doing Tawaf Wada, not fulfilling vows vowed. The dam applied to the offense is to cut a goat or feed the poor worth of the goat or fast for 10 days.

Dam Haji Tamatu 'which became the study in this paper will be studied in the discussion about the implementation of the Hajj, in this case about the problem of dam payment of tamatu' hajj. Because it is the jurisdiction of Islam. In the Qur'an there is an obligation for pilgrims to pay the hadyu or later we know by paying Dam (Al-Baqarah: 196). The verse mentions that pilgrims who perform umrah before hajj (tamatu' hajj) are obliged to pay hadyu in the form of slaughtering qurban animals or obliged to fast three days during the haj season and seven days after returning.

The qurban worship is proof of obedience to God's command, sami'na wa'atho'na (I hear God, I fulfill your command), at the expense of the most beloved person, as did Abraham and his

son Ismail As. In addition, ibadah qurban contains the meaning of austerity or ta'awun (help) and critical humanitarian attitude (willingness to give a loved one for spiritual purposes). It shows that obedience to God's command should be based on the dimensions of humanity. It is not just a symbol for the religion of god, but it also has a humanitarian function, ie the liberation of humanity from the grip of poverty and social, political and economic suppression.¹⁴

JAMAAH HAJJ OF INDONESIA

Jamaah Hajj of Indonesia is the largest Hajj pilgrimage around the world. On average around three million Pilgrims pilgrims from all over the world gather and every year after the day of Arafah on 9th of dzulhijjah, millions of rabbits sacrificing qurban animals, including qurban animals from the hadyu tamatu' hajj, are no exception of Indonesian pilgrims.

¹¹Hajj tamatu 'itself is interpreted This kind of the most afdhal, when in miqot utter the intention: So you must be berumrah first then tahallul by releasing ihram and halal clothes do things prohibited during ihram. Then on the 8th day you intend to perform the Hajj and perform the instructions contained in this brief pamphlet, but you must remember that you must pay or slaughter the shares. Kholid bin Abdullah bin Nasir, *Mayaf'alah Al-hajj wal mu'tamiru* (Riyadh: al-Maktab Attaqwin, 1906) p. 2

¹²Hadyu is a slaughtered animal in lieu of the abandoned duty of the pilgrimage, or as a fine for violation of the forbidden things in the pilgrimage. The Religious Department of the Republic of Indonesia, *Al-Qur'an dan Terjemahannya*, Edition 10th, (Bandung: CV Publisher Diponegoro, 2008), p. 30

¹³"If you have (feel) safe," since the first you feel safe, or after your siege becomes safe. "For those who want to perform umrah before the pilgrimage (the month of pilgrimage), (it is obligatory to slaughter) the easy-to-find victim," whoever is jib on the hajj and have fun (tamattu) , that is, by wearing perfume and having his wives, it is obligatory for him to slaughter a sacrifice that is easy to obtain: to slaughter a goat as a gratitude to God. "But if he does not find (the star of the victim or can not afford) in the days of pilgrimage and seven days (again) when you have returned, "whoever can not afford the price of the sacrifice, it is obligatory for him to fast ten days, three days in pilgrimage and seven days when returning to his homeland. "That is the perfect ten (ten)," the perfect ten days in exchange for the slaughter, and the reward is like a slaughtering reward without deduction. "Thus (the obligation to pay fidyah) for those whose family is not in the vicinity of the Sacred Mosque the non-residents of Mecca). "Tamattu and pay the fidyah (sacrifice) is devoted to other people of Makkah. As for the people of Makkah, they are not required of tamattu ', nor do they sacrifice, "And fear Allah and know that Allah is severe in punishment." Fear Allah by doing His commandments and keeping away from His prohibitions , and know that His punishment is very hard for those who resist His command. Sheikh Muhammad Ali Ash-Shabuni, *Shafwatut Tafasir*, Cet. 1, e.g. 245-249

¹⁴Abdul Munir Mulkhan, *Social Ritual and Qurban Humanitarian Jihad* (Jakarta: Muara, 2014) pg 17-18

Every year more than one hundred and fifty thousand Indonesian pilgrims go to holy land. In 2013 the Jamaah Hajj Indonesia who performs pilgrims as much as 168,800 pilgrims, consisting of 155,200 regular haj pilgrims and 13,600 special hajj pilgrims organized by the Special Hajj Organizer (PIHK). whereas in 2017 the government has added quota of Jamaah Hajj Indonesia from about 168,000 to 221,000 pilgrims.

The majority of Pilgrims pilgrims perform Hajj Tamatu', meaning most of the Jamaah Hajj Indonesia is hit by the Dam or pay the limit. Can be imagined if the money from Dam Haji Tamatu 'is managed by the government professionally to realize the benefits of the people. Given that according to the World Bank, Indonesian citizens over 109 Million belong to the poor. The World Bank's index is a society earning less than two (2) dollars.

Hajj is the fifth pillar of Islam that must be fulfilled by every Muslim who fulfills the requirements of stature, both financially, physically, and mentally. The State is responsible for the performance of Hajj as mandated in Article 29 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that the State guarantees the independence of every citizen to embrace their respective religions and to worship according to their religion and beliefs that's it. Indonesia as one of the world's largest Moslem population, conducting a pilgrimage every year. At present, the legal basis and law enforcement of the implementation of the Haj pilgrimages is based on Law Number 13 Year 2008 About Hajj Implementation. In Law Number 13 Year 2008 regarding the Implementation of Hajj Worship, set up a series of activities on the management of Hajj pilgrimage covering the guidance, service, and protection of pilgrims. The purpose of Hajj worship is to provide the best guidance, service, and protection for the pilgrims so that pilgrims can fulfill their worship in accordance with the provisions of Islamic teachings. Hajj pilgrimage is performed on the basis of justice, professionalism, and accountability with the principle of nonprofit. In practice, Law Number 13 Year 2008 has not answered the demands and expectations of the public because the substance and its scope have not been able to fully present the performance of the pilgrimage, so that the pilgrimage is a complex problem faced by the Government every year. Problems faced by the Government in the implementation of Hajj worship include, among others:

1. registration, coaching, services, and protection / security.
2. lodgings, transportation, and catering (this problem occurs from year to year, but there is no comprehensive solution)
3. a very long / long list of haj waiting

¹⁵Ministry of Religious Affairs, Laporan Evaluasi Penyelenggaraan Haji Tahun 1434H / 2013M (Jakarta: Kemenag 2013) p.2

4. lack of coordination between officers / committees of pilgrimage in Saudi Arabia.

In Law Number 13 Year 2008 also has not set about the implementation of Umroh worship, whereas the current umroh worship becomes increasingly in demand by people who are Islamic as the length of waiting list of hajj. Umroh implementation did not escape the problems faced by prospective Umroh congregation, among others:

1. Umrah pilgrims who failed to leave for the Holy Land due to travel organizers of hajj and umroh are not responsible, this is a new spotlight that should be immediately addressed by the Government. Because not a few travel organizers pilgrims and umrah who do not have a business license, but still remain active dispatch Jemaah.

2. Jamaah umroh can perform their worship but they can not go home because of alleged technical errors from travel agents in the visa arrangement of pilgrims. Therefore, it is necessary to regulate Umroh service in a law that aims to protect, provide comfort and certainty for the Umrah pilgrims in performing worship in the holy land.

Moslems are the largest part of the Indonesian nation. Every year hundreds of thousands of people perform the pilgrimage to the holy land. Organizing and arranging the pilgrimage of the Islamic Ummah of Indonesia is a government task that basically aims to run smoothly, orderly, safe and perfect and worship.

The involvement of the government in the departure of the Islamic worship journey of Islamic hajumat quite large, because the Hajj affairs is a mandate of the people who fought in the GHBN which basically contains the national will in continuing efforts to improve services in accordance with the ability of the community on the basis of government set from the departure process, travel during the pilgrimage to return to the homeland.

TAMATU'HAJJ DAM OF JAMAAH HAJJ OF INDONESIA FOR PEOPLE'S CONSULTATION

Dam of Tamatu' hajj's payments made by Indonesian pilgrims are conducted through the Intrnational Development Bank (IDB), the amount of DAM payments is about 350-400 reals depending on the type and size of the goats. Hajj pilgrims are allowed to see and hold the goats that will be slaughtered for sacrifice. At the time of slaughter pilgrims are also allowed to see / meyaksikan the process, but have difficulty to be able to know about the goats they have, because so many goats to be slaughtered in Mina.

Implementation of Qurban is one of the most involved worship of the ummah. Because the qurban meat will then be enjoyed by the people especially by the poor and the poor. Results qurban derived from Dam tamatu' hajj essencealso to be distributed to the mustad'afin. As the meaning of the essence of payment of Dam, where at that time the land of Haram or Mecca that barren society around it have no fixed income, so they live in the limitations of the economy (distress). So at that time one of the Dam's payment mission was to help the people around the haram.

However, when you see the situation in the land of Haram Especially the city of Makah at this time, It is rarely encountered poor people living in the land of Haram, even the country of Saudi Arabia belongs to a group of rich countries in the world.

Therefore, the meaning of the hadith, with the social, economic, and cultural changes of the Muslims then led to various interpretations of the implementation of animal slaughter qurban. Starting with the method of interpreting the verse whether the hadith should be interpreted by slaughtering the animals qurban? Whether the animal qurban should be slaughtered on the haram? And what if the Dam payment is changed to poverty eradication programs? At least Hanafi schools allow the meat of qurban to be sold for the benefit of the liberation of poverty.

Especially for the pilgrims of Indonesia with every year to perform hajj tamatu'already how many trillions of money used for payment dam hajj tamatu'. During this time pilgrims are only required to buy a coupon from the IDB (International Development Bank), which later the coupon agan replaced a goat in exchange for payment of his Dam. It can be imagined that such large sums are then allocated for poor children's scholarships from basic tuition to universities, or interest-free loans for street vendors and small farmers, along with training and guidance can be obtained from these funds. Could it be done? Or, then, the meat of qurban resulting from the payment of the haji tamatu 'paid by the pilgrims of Indonesia is required to be distributed to the poor in Indonesia.

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