



Research Paper

Review of the Fatwa of the National Sharia Council (DSN-MUI) on Financing the Hajj Management of Sharia Financial Institutions at BMT NU

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ABSTRACT

The Talangan haji in Indonesia raises pros and cons because every product must have a positive and negative impact. This study aims to reveal how the mechanism for the Talangan haji fund is implemented in BMT NU.

The research method used is qualitative research, the type of field research (*field research*) is descriptive analysis, and the subjects include employees of BMT NU Ngasem – East Java. Data collection techniques through observation and interviews. The data analysis method is carried out inductively, namely analyzing data whose process is direct from fact to theory which makes the author go into the field to study, analyze, and draw conclusions then that is the result of the research.

The results of the study show that the Talangan haji products have met sharia principles. The implementation of the Talangan haji uses two contracts, *qard* and ijarah. The *qard contract* is used as an agreement in providing Talangan haji funds to customers, and the ijarah contract is used when BMT NU takes care of hajj registration online through the Integrated Hajj Computerization System (Siskohat).

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Introduction

Hajj is the fifth pillar of Islam (Nasution & Soemitra, 2022). Hajj is carried out on the condition that it is physically and materially capable. The attraction of Hajj is so great, especially for Muslims in Indonesia. This is marked by the waiting list for Hajj in Indonesia in the span of 16 years, which is the fastest to 38 years for the longest (Dwi, 2024). Results Raj & Bozonelos (2015) It was explained that the main motivation for a person to carry out Hajj is to fulfill religious obligations, improve spiritually, and follow the teachings of the Quran.

The existence of the hajj waiting list queue in Indonesia for up to 38 years is due to one of the reasons is the ease of registering for hajj because there is a Talangan haji fund. If you look deeper, there is no prohibition on performing hajj many times as long as you can, but the high interest of the public to repeat the hajj is often considered to hinder the opportunities of other prospective pilgrims who are making hajj for the first time (Farhanah, 2017).

The Talangan haji fund is a loan product from Islamic financial institutions to the public or customers to cover the lack of funds to get a portion of Hajj when paying off the Hajj Implementation Fee (BPIH). The existence of this product allows customers to register their names at the Ministry of Religion to register for Hajj where the customer does not have money. Lestari et al (2017), Maulida & Chamila (2016), dan Oktapiani et al (2016) Customers will also get certainty of their Hajj departure time. The existence of this product also allows customers to simply register through Islamic financial institutions (LKS) because the system of LKS is already connected to the Integrated Hajj Computerized System (Siskohat) owned by the Ministry of Religion. Customers also benefit from not having to come directly to register with the Ministry of Religion (Syaf, 2020). The existence of this phenomenon makes financing from Islamic financial institutions very much needed (Helmi & Huda, 2022).

The Talangan haji fund is now experiencing a shift in the meaning of *istiṭā'ah* from material and spiritual ability to the ability to pay off debts in installments. This is also supported by the Talangan haji program (Farhanah, 2017). There is an assumption in Indonesia that Hajj is a social symbol in the community and indeed Hajj is also the spiritual peak of a person in practicing his religion. This is what makes Indonesia a country with the largest contingent of prospective pilgrims in Indonesia (Farid, 2019). The following is data on the longest waiting time for Hajj from five provinces in Indonesia:

Table 1. Longest Wait Time for Provincial Hajj in Indonesia Per 2024

No.	Province	Quota	Long Wait (Year)	Number of Registrants
1.	Kalimantan Selatan	3.589	38	133.141
2.	Nusa Tenggara Barat	4.226	36	150.851
3.	Aceh	4.116	34	135.915
4.	Jawa Timur	33.031	34	1.115.230
5.	Daerah Istimewa Yogyakarta	2.951	33	96.226

Source: Directorate General of Hajj and Umrah (2024)

Table 1 above shows that the enthusiasm of Muslims in Indonesia to perform the hajj is high. This can be seen in the waiting period to leave for Hajj up to 38 years. The province with the longest waiting time is South Kalimantan, followed by West Nusa Tenggara Province (NTB) with a waiting period of up to 36 years. The provinces of the Special Region of Aceh and East Java rank third and fourth with a waiting period of 34 years and the fifth position, namely the Special Region of Yogyakarta with a waiting period of 33 years.

There is enthusiasm among Muslims in Indonesia for Hajj, so the *ijtihadh* of the Talangan haji fund was carried out by the National Sharia Council (DSN), especially to respond to the request of Sharia Financial Institutions (LKS) for the management of Hajj and bailout for the payment of Hajj fees. The purpose of this Talangan haji fund is to help the community in financing for the purpose of performing the hajj. DSN-MUI Fatwa Number: 29/DSN-MUI/VI/2002 which contains the financing of hajj management of Islamic financial institutions as a form of fulfilling the request from LKS. The fatwa contains, among others: (1) In the management of hajj for LKS, they can obtain a reward for services (*ujrah*) by using the principle of *al-ijârah* according to the DSN-MUI Fatwa No.9/DSN-MUI/IV/2000. (2) If necessary, LKS can help cover the customer's BPIH payment by using the principle of *al-qard* in accordance with DSN-MUI Fatwa No.19/DSNMUI/IV/2001. (3) Hajj management services carried out by LKS shall not be required by the provision of Talangan haji. (4) The amount of reward for *al-ijârah* services should not be based on the amount of *qard* bailout given by LKS to the customer (Almurni et al., 2022).

A lot of research has been done on the Talangan haji fund, including the polemic of the Talangan haji fund which makes the hajj waiting list in Indonesia longer (Farhanah, 2017). Other research has been conducted by Rahayu & Marzuki (2020) about the analysis of the financing of the Talangan haji fund seen from Islamic business ethics where the result is that the Talangan haji fund has a positive and negative impact. Positive impacts include making Islamic financial institutions more innovative in their products and services. The existence of this Talangan haji fund also provides a

mudharat side, including damaging the purity of the hajj because it plunges someone into debt and has an effect on the waiting list for hajj that is getting longer.

Other research on Talangan hajis focusing on implementation in Islamic financial institutions has also been carried out by Subkhi (2020) that the Talangan haji is not only limited to commercial that prioritizes profits but is a form of LKS service that is benevolent in nature with the aim of helping people in need. Research conducted by Walyoto & Peranginangin (2018) by utilizing logistical regression to predict the interest of people in East Java to use the Talangan haji fund, including driven by community income factors, the length of the hajj waiting list, and religious understanding. The implementation of this Talangan haji fund is also a product of sharia pawnshops (Zuliani & Saputra, 2022). The results of the study are also supported by Fitriyah's research (2016) that the existence of the Talangan haji fund has a significant effect on the decision of customers to register for hajj. Research on the Talangan haji fund that still has the potential to be reviewed more deeply is its implementation in one of the LKS. The Islamic financial institution (LKS) that is the subject of this research is BMT NU Ngasem East Java. As in table 1, it is known that East Java province is among the five longest provinces for the waiting period for Hajj.

BMT NU Ngasem East Java is one of the micro-Islamic financial institutions in East Java. BMT NU Ngasem is the same as other Islamic financial institutions that have funding and financing activities. BMT NU Ngasem is a micro-Islamic financial institution that in its operational activities is closer to the micro sector or people who have difficulty accessing financing to banks (Mundhori & Nashrulloh, 2020). This study aims to find out how the implementation of the use of the Talangan haji product is, including how the contract is used and the challenges faced by BMT in the implementation of this product.

Method

This study uses a qualitative research method because the data from this study is related to the interpretation of data found in the field (Abdussamad, 2021). The type of research used by researchers is field research, which is looking for direct sources of reality in the field (Rahmadi, 2018). The researcher collects data and information directly from parties related to the review of the fatwa on the implementation of the Talangan haji product. The subject of this study is BMT NU Ngasem, East Java, Tambakrejo Branch Office.

This research is descriptive analysis, where the research method is used to find the widest possible knowledge of the research object at a certain time. The data source used is primary data, obtained directly from the source. Secondary data is data obtained or

collected by the author from various sources, namely DSN-MUI fatwa books, scientific journals on Islamic banks, and documents related to research topics.

The first data collection technique is through observation, which is a data collection technique that requires the author to go directly into the field to observe space, place, actors, activities, time, events, and goals. The author came to BMT NU Ngasem to see and observe the process of opening a Talangan haji account directly. The second data collection technique is through an interview conducted with the account officer of BMT NU Ngasem. From the results of data collection techniques, a data analysis is needed, where the data analysis used in this study uses an inductive data analysis method, namely analyzing data whose process is directly from fact to theory (Hardani et al., 2020).

Results

Talangan haji Product Service Mechanism at BMT NU

Talangan haji financing is a consumptive financing facility shown to customers to meet the needs of the initial deposit fee for the Hajj Implementation Fee (BPIH) determined by the Ministry of Religious Affairs, to get the seat number of the Hajj portion. This bailout fund is guaranteed by a deposit given to customers or members. Members are then obliged to return the amount of money borrowed within a certain period. For this bailout loan service, Islamic financial institutions receive a reward (fee or *ujrah*) (Ghufroon, 2002).

This is in line with what was conveyed by employee at BMT NU Ngasem Tambakrejo Branch "Talangan haji financing is in great demand by the community, this is because with this Talangan haji, people who want to perform the hajj can easily get the hajj portion and the certainty of when they will depart for the hajj. This is evidenced by the increasing number of customers who are recorded to be using it."

The implementation of the Talangan haji financing at BMT NU Ngasem East Java, namely the contract used in financing the Talangan haji at BMT NU Ngasem East Java, is a *qardh wal ijarah* contract. This agreement is based on fatwa number 29/DSN-MUI/VI/2002 concerning Hajj Management Financing of Sharia Financial Institutions which regulates all management and financing of Hajj by Sharia Financial Institutions. The contract is also used by KSPPS BMT Mulia Babat Lamongan (Saidi & Warsidi, 2020).

Qard is one of the contracts used in financing products. The *qard* contract in the Financial Institution is used as a debt agreement between the institution and members which will be used for registration of the acquisition of the hajj portion (hajj seat) through the Integrated Hajj Computerization System (Siskohat) and at the time of BPIH repayment. The *ijarah* contract in the Talangan haji fund is an agreement of BMT NU Ngasem to provide administrative management services that will be enjoyed by the

member, because the service member must pay a fee or *ujrah* to KSPPS BMT NU Ngasem East Java.

The requirements for obtaining a *Talangan haji* based on the Standard Operating Procedure (SOP) book for the provisions of the *Talangan haji* are photocopy of ID card and filling out the application form for the *Talangan haji* fund, photocopy of KK and Marriage or Divorce Certificate, NPWP (if any), original collateral documents (mabrur and BPIH savings book sheet 1), and other supporting documents that are considered necessary. This *Talangan haji* fund has features including:

Table 2. Features of the *Talangan haji* Fund BMT NU Ngasem East Java

No.	Talangan haji Package	Rp. 22.500.000
	Information	Duration 1 Year
1.	Savings balance	Rp. 100.000
2.	Ujrah	Rp. 2.850.000
3.	BPIH down payment	Rp. 2.500.000
4.	Materai	Rp. 78.000
5.	Initial deposit amount	Rp. 5.528.000
6.	Monthly installments	Rp. 1.875.000

The financing procedure for the *Talangan haji* product is (1) members complete the requirements for applying for financing at BMT NU Ngasem – East Java, (2) after the complete requirements for the BMT process the application and analyze it in accordance with Islamic banking principles. After that, the members are ready to be surveyed, (3) BMT submits to the leadership for financing approval, (4) after the decision is approved the members prepare for the hajj, (5) BMT and members arrange a schedule to carry out the contract (contract according to the agreement above), (6) BMT and members arrange a schedule to register with the Ministry of Religion of the Republic of Indonesia according to the member's domicile, (7) BMT's task is to deliver, register, up to the number of the hajj portion obtained, (8) as a guarantee that the Hajj portion number is kept by BMT until the financing is paid off, and (9) BMT also delivers registration to the Ministry of Religion of the Republic of Indonesia.

Result and Discussion

The existence of the *Talangan haji* product in Indonesia is due to two problems, namely the limitation or quota of hajj and the cost of hajj which has increased from previous years (Yurista et al., 2022). Indonesia in 2023 gets the largest quota in the world from Saudi Arabia, but the quota has not met the needs shown by the number of registrants that continue to increase every year. This is according to Samsudin et al (2023) dan Hakim & Suhendra (2018) It also has an impact on the hajj waiting list. The

existence of this product also provides a positive side for Islamic financial institutions, namely as a means of marketing so that the wider community is increasingly known for the existence of Islamic financial institutions in Indonesia (Qomaro, 2015).

This Talangan haji fund has a strong foundation in the form of a DSN fatwa with the support of *ijtima'* ulama of the Fatwa Commission throughout Indonesia. The fatwa refers to the verses and hadiths of the Prophet PBUH, as well as *qawâ'id* fiqhiyyah which are the basis for *ijârah* and *qard* transactions. This reflects the opinion of most scholars in Indonesia (*jumhur ulama*). For this reason, the Talangan haji fund has a strong *sharî* foundation (Sopa & Rahmah, 2013).

BMT NU Ngasem East Java has a financing product intended for all members, both from public and private employees, entrepreneurs and teachers to make it easier to perform the hajj, namely the Talangan haji product. The Talangan haji fund product is financing using two *qard* and *ijarah* contracts given to prospective hajj customers to make it easier to obtain the hajj portion number (Bidol & Astuti, 2021).

(Sabilla et al., 2022) in the management of Hajj for customers, LKS can obtain service rewards (*Ujrah/Fee*) by using the principle of *Al-Ijarah* contract in accordance with DSN-MUI Fatwa Number: 9/DSN-MUI/IV/2000, (2) if necessary, LKS can help to cover the payment of *BPIH* of customers with the principle of *Al-Qardh* contract in accordance with DSN-MUI Fatwa Number: 19/DSN-MUI/IV/2001, (3) Hajj management services carried out by LKS must not be required by the provision of Talangan haji, and (4) The amount of *Al-Ijarah's* remuneration should not be based on the amount of *Al-Qardh* bailout given by LKS to customers. With the fatwa above, DSN-MUI has provided an answer to the fatwa request submitted by several LKS related to the financing of the Hajj pilgrimage, including the Talangan haji fund which is the object of this study. The two contracts are the *qard* contract and the *ijarah* contract (Putro et al., 2022).

The explanation of this *qard* contract is as a complementary product to members who have proven their loyalty and *bona fide* nature, who need immediate Talangan haji funds for a relatively short period. The member must return within a short period of time. This contract also provides facilities for members who need quick funds, while members cannot withdraw their funds because, for example, they are stored in deposits. The *qard* contract is also a product to contribute to small businesses or help the social sector. This bailout fund is in the form of loans for customers in need. Customers who borrow must return the principal amount received at the mutually agreed time.

In this Talangan haji product, there is an administrative fee charged to members. Islamic financial institutions (LKS) can request guarantees from members if deemed necessary. Members who get a loan may voluntarily provide additional (contributions) to the Islamic financial institution if it is not agreed in the contract. Another provision

is that if the member is unable to return part or all his obligations at the agreed time and the Islamic financial institution has ensured his or her inability, the Islamic financial institution can extend the refund period and write off part or all its obligations.

A qard contract or debt receivable allows the person who owes it to overpay. The party who gives the debt is halal to take the excess as long as the excess is not agreed or required while making a debt and receivables contract because the debt is accompanied by conditions that are favorable to the debtor, the contract is invalid and falls into haram (riba).

The second contract is ijarah where the object of ijarah is the benefit of using goods or services. The benefits of goods or services must be assessable and can be implemented in the contract. The benefits of goods or services must be permissible (not prohibited). Another requirement is that the ability to fulfill the benefits must be real and in accordance with sharia. The benefits should be specifically recognized in such a way 00000as to eliminate the netting (ignorance) that would result in a dispute. The specification of the benefits must be clearly stated, including the duration. Rent or wages are something that members promise and pay to the Islamic financial institution as a benefit payment. Something that can be used as a price in buying and selling can also be used as rent or wages. Flexibility in determining rent or wages can be realized in time, place and distance

The ijarah contract allows BMT NU Ngasem to receive a reward for services or ujarah from members for the services that have been provided by BMT NU Ngasem East Java. Financially, the financial institution contract acts as the party that lends funds to members so that members can register their names at the Ministry of Religion to perform the hajj. Here the contract used is a qard contract, so members are obliged to pay off their loans before leaving for Hajj, a period given for one year. In this contract, the BMT is prohibited from burdening members with any costs, except for administrative fees within reasonable limits, the BMT can only take service money (ujrah) from members, in other words members hire services to BMT for hajj management services to the Office of the Ministry of Religion, the contract used is ijarah.

Ijarah in its context is a contract for the transfer of use rights to goods and services, through the payment of rental wages, without being recognized by the transfer of ownership of the goods or services provided (Aritonang, 2019). For this Talangan haji loan service, BMT NU Ngasem East Java received a fee/ujrah reward. There is a fee/ujroh charged, the amount of ujarah must be as large as the real cost, such as stamps, paper fees, hpp, and what is real. Any excess of real costs, then the law is riba. BMT NU Ngasem has so far provided ujarah burdens according to its real cost and is based not on percentages but directly nominal, as explained in the previous discussion. The results

of this study are in line with the results of the research Novindri (2013), Sinaga et al (2018), dan Wahyudi et al (2024) That the Talangan haji contract at Islamic banks contains multiple contracts, where the contracts that are allowed to be used are qard and ijarah. In another study with the research subject of BMT UGT Nusantara Surabaya Branch, the contract used in financing the Talangan haji fund is kafalah (Amirullah, 2023).

The Talangan haji fund product is allowed by the National Sharia Council (DSN), its ability is based on the qardh contract and ijarah which are components of the contract. The Indonesia Ulema Council also considers this product not problematic because it is in accordance with sharia principles because members who apply for bailouts are not necessarily financially incapable. BMT NU Ngasem will not accept bailout applications if customers cannot guarantee that they can return the loan. This indicates that people who use the Talangan haji fund are classified as people who can carry out the hajj even in installments. Members or customers will not be dispatched except after paying off the bailout funds.

The product of this Talangan haji fund is related to the field of mu'amalat and not in the scope of worship which is now developing in such a way and has not been practiced by the Prophet, Companions, and previous scholars. So that we can get the legal basis from the fatwa of the National Sharia Council (DSN) MUI Number 29/DSN-MUI/VI/2002. This product does not violate sharia principles because a fatwa has been issued on this matter from the National Sharia Council (DSN). In addition, there are benefits that can be felt by customers who use this product facility. The fatwa decides the ability of this product based on the following evidence:

قَالَتْ إِحْدَاهُمَا يَا أَبَتِ اسْتَأْجِرْهُ ۖ إِنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ الْقَوِيُّ الْأَمِينُ

Meaning: "One of the two women said: "O my father! Take him as the one who works (for us), for indeed the best person you take to work (for us) is a strong and trustworthy person." (QS : Al-Qashash. 26).

In the Qur'an there is an order to help each other who is in difficulty. This Talangan haji fund is used to help and make it easier for the community to perform the hajj even though they do not have enough money to carry out the hajj. Sudarto (2021) explained that the Talangan haji fund aims to help people who lack funds to meet the minimum requirements to get a portion of hajj. The existence of this Talangan haji fund can help Muslims in preparing for the departure of the hajj. This program is also beneficial for LKS because LKS receives ujah from every customer who participates in the Talangan haji program.

Talangan haji financing products using multi-contracts are allowed according to Islamic fiqh, where there is a condition that there is no connection between the two contracts (Prastyaningsih & Lahuri, 2018). Maulidizen (2017), Pratami (2020), dan

Awauddin (2020) emphasized that Islamic financial institutions must still be vigilant because in the bailout contract there is a hidden potential for *riba* due to the existence of multiple contracts by requiring rewards or services. This has happened to PT. BPRS Dana Mulia which is the result of research by Tho'in & Prastiwi (2016) that the *ujroh* taken is still not in accordance with Islamic law.

BMT NU also needs to be careful with the potential for *riba* in the Talangan haji product. BMT NU Ngasem takes service wages (*ujrah*) with different levels. Members must pay service fees in accordance with the bailout or *qard* funds submitted. This action is carried out because the risks given to members are different, where the larger the bailout fund, the higher the risk borne by the institution. Rianti & Hikmah (2021) explained that *ujroh* in accordance with Islamic law contains elements of *ta'awun* and pleasure between parties, namely customers and LKS. Results Paramita et al (2017) with the research subject of PT. BPRS Amanah Ummah Leuwiliang Bogor that *ujroh* has been agreed upon at the beginning of Rp 2,000,000.00 per customer. The thing that needs to be noted is that if LKS takes advantage of financing as long as it is still in accordance with sharia principles with reasonable profits, then the public does not need to hesitate because the product has gone through in-depth sharia calculations and analysis (Haris & Waridah, 2020).

As Muslims, of course, everyone has the desire to perform Hajj, and we all know that Hajj is a very noble worship, and the reward is very great. The worship is part of the pillars of Islam for people who can fulfill it. The virtues of Hajj are mentioned in the Qur'an and Sunnah. To be able to go to the holy land, in addition to needing excellent health, of course, financial needs are the number one need. One way that these financial needs can be met is by saving, either ordinary savings or saving in haji savings or with bailout funds.

With a high level of awareness of the importance of the haji and a good economic situation, it is not surprising that the waiting list to go to the holy land has been very long, the waiting list for prospective pilgrims has reached 38 years, but if Allah wills that everything is not difficult, Allah will call his guests because the person who performs the haji is a guest of Allah SWT, either by paying in full or with the Talangan haji fund. Putri & Wirman (2021) explained that Hajj is not a forced worship but based on individual ability. Indeed, there is already convenience with the Talangan haji fund from LKS, but it is better to carry out the Hajj not with loan funds because it can create a burden on the mind even though the debt will be erased when repaid.

Amsari (2021) in his research on the implementation of the Talangan haji fund at BNI Syariah Medan Branch Office, stated that there is a potential for problematic financing from this product. The bank has a risk mitigation of non-performing financing

through customer analysis with the 5C principles which include Character, Capacity, Capital, Collateral, and Condition of Economic. Analysis is important considering that Islamic financial institutions need to apply the principles of vigilance and prudence in distributing financing to become a healthy LKS. Pamungkas & Wage (2020) serta Putri et al (2023) stated that financing analysis is important before the realization of financing in LKS. The existence of this principle is expected to remain a concern for BMT NU so that it becomes a financially healthy BMT.

In the implementation of this Talangan haji product, there are also problems such as the cancellation of the haji because of not being able to pay the repayment until the deadline and the cancellation of the haji due to death (Fatwa & Muin, 2015). The application of the contract to the Talangan haji fund also risks causing problems when there is a default of one of the parties who has the potential for losses. The absence of guarantees or collateral can trigger the default, so the existence of guarantees is a solution to reduce the potential for fraud (Muzzaki et al., 2023). This does not apply to Sharia Pawnshops because pawnshops will execute gold guarantees in the event of wanprestasi (Lubis, 2021).

Conclusion

Talangan haji financing at BMT NU implemented a qard wal ijarah contract. BMT NU takes service fees (*ujrah*) in accordance with the proposed financing. BMT NU needs the principle of prudence in the implementation of the Talangan haji product contract because it has the potential to cause usury. BMT NU also needs to consider the existence of guarantees and strict financing analysis to avoid the risk of default because it will affect the level of financial health. The results of this study are expected to be able to be a study for Islamic financial institutions in the consistency of the implementation of contracts in products, so that the role of the Sharia Supervisory Board (DPS) needs to be improved. This study has limitations in data triangulation that does not cross check data between BMT managers and DPS. Further research can be carried out by conducting a comparative test of the implementation of the Talangan haji product contract between BMT.

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