

System Of Funds In Funds Travel Service Bureau Of Legal Sociology Perspective

Kholifatun Nur Mustofa[✉]

IAIN Salatiga

Info Articles

History Article:
Received 18 May 2020
Accepted 20 June 2020
Published 30 Junly 2020

Keywords :
*Fundraising System, Umrah,
Legal Sociology*

Abstract

Umrah is a form of sunnah worship and has the essence of Sharia which is almost the same as the pilgrimage. The difference lies in the time of it is implementation. Hajj is performed in the month of Dhul-Hijjah, while Umrah can be performed at any time. Many aspects of cooperation merely fear Allah provide for the hereafter. One form of cooperation that is common in the community is Umrah bailout services that can be used as a business, which is profitable or often also called Umrah bailout funds are needed by Muslims who have a strong desire to perform Umrah worship but they are limited by their financial condition meaning they can leave Umrah but the payment is more flexible because it is paid in installments or through installments through financial services. Umrah bailout products are used as the choice of the community in performing Umrah worship, Umrah bailout funds whose financing is aimed at people who want to carry out Umrah worship. The high interest of the community to be able to worship the holy land of Mecca, but is constrained by the high enough cost, so it takes a long time to collect the cost to go on pilgrimage, therefore more and more services for Umrah worship providers, it is clear that the sale of Umrah organizers services becomes an industry the religiosity sector, what else is very beneficial for the service bureau.

[✉] Address Correspondence:
E-mail : ofakholidatunm@gmail.com

INTRODUCTION

Umrah is a dream worship for every Muslim man and woman who is a mandatory ritual in the series of pilgrimage and become a sunnah worship when umrah is performed alone, Hajj or Umrah is a religious teaching that not everyone can fulfill it. In addition to the costs achieved to meet the conditions of departure, health aspects must also be met (Ilham, 2018), of course there are still some dynamics that color it both from the process or flow to its application. Especially regarding the flow or systematic Umrah bailout products, sometimes there are still some customers who are still confused. The Kaaba which is the Qibla for Muslims is the birthplace of the Prophet Muhammad SAW, something that is very sacred for the Indonesian Muslim community. Various reasons to visit the birthplace of this prophet, including to carry out the pilgrimage and umrah because it is related or part of the doctrine or teachings of religion that is often used as a destination for Muslims. Moreover, pilgrimage to the Holy Land where Muhammad was born is a law that has been obligatory since the time of Prophet Ibrahim, because of Mecca with the Kaaba, then this city has never been quiet until now (Abdillah, 2017).

The background above, makes the writer interested in studying: Why do people keep using the bailout system offered by the bureau or the hajj and umrah agents? The author uses the Legal Sociology approach.

METHODOLOGY

The method used in this study is a qualitative approach to literary studies with descriptive methods. The qualitative method was chosen with the aim of obtaining in-depth data on natural conditions with the researcher as an instrument of descriptive data of the things observed (Moleong, 2001; Sugiyono, 2010). Descriptive research that is used aims to answer the formulation of existing problems using a systematic, factual, accurate, nature and relationship between existing phenomena. This type of research is a literature study that is a data collection technique by conducting a review of the literature, books, notes and certain reports relating to the problem (Nazir, 1998; Sugiyono, 2014).

This research was conducted through the literature in the form of previous studies and in-

depth analysis of documents related to the research topic that is related to system of founds travel services bureau of legal sociology. Secondary data into the type of data used in this study, namely support from certain documentation, articles, and websites.

LITERATURE REVIEW

Hajj and Umrah Bureau of Fundraising Practices in the Community

Umrah is a multidimensional sunnah worship, both in terms of the spiritual and spirituality of a Muslim, as well as the physical dimensions and material abilities. "Umrah literally means visiting, visiting the Kaaba and a visit that demands strong spiritual and spiritual preparation, because the Umrah is not an ordinary visit to the Kaaba" (Depag RI, 2003). The obstacles that are often faced by Indonesian people who want to visit the House of God or the House of God are the cost of Hajj which is too expensive and a limited quota every year. People turn to register for Umrah because they can go directly to the year of registration, so the opportunity for Umrah service bureau is very influential in Umrah financing products that have good prospects to pave the way for Muslims who are eager to perform Umrah. (Widya, 2016).

Since the post-reform era, the need to manage Hajj and Umrah more professionally has therefore also increased. Not surprisingly, the tourism industry's market share of this type has increased in demand, so Umrah service producers have experienced a significant increase. Umrah now no longer talks about the *ubudiyah* worship only, but has also penetrated the industrial needs, namely pro and professional sales of Umrah services. When entering the world of professional industries Umrah is a commodity that can be traded. At the same time, the management of the Umrah service business involves many aspects and strategies so that the demand for Umrah is facilitated. And certain circumstances of this service industry even initiate so that each of the Muslims feels the need to carry out the Umrah, even once in his life (Subkhani, 2017).

The practice of bailout is a modification of the first popular scheme, namely installments before Umrah. The difference is when using an installment scheme, prospective pilgrims are required to deposit money in stages before leaving. However, in the installment scheme on the bailout, prospective pilgrims may leave before being paid

off or "go Umrah first before paying". The Umrah installment scheme is in the spotlight of the Financial Services Authority (OJK) financial institution supervisor. OJK has banned the installment scheme because the travel service business is not a financial services company, so it is not authorized to manage public funds. OJK also banned the bailout program, because it found a number of cases, the value of funds must be returned Jemaah instead increased many times the normal rate.

Provisions on the prohibition of users of bailouts or installments are also regulated in the Regulation of the Minister of Religion (PMA) No. 8/2018 concerning Organizing Umrah Worship Trips established on March 13, 2018. Article 11 paragraph 5 states that Umrah travel agents must dispatch pilgrims no later than six months after registration. Then, Article 11 paragraph 3 states that the Umrah fee must be paid at the latest three months before the date of departure. Of the two verses, the bailout package is clearly prohibited. Article 12 states that the Umrah travel agency is prohibited from facilitating the departure of pilgrims using Umrah fees from the bailout funds, meaning that the installment scheme and bailout funds are prohibited. This can be different if the prospective pilgrims make loans to banks or official finance companies that are supervised by the authorities, after that they only register with the Umrah travel agency. because the Ministry of Religion does not have the authority to forbid banks to provide loans to customers (Ringkang Gumiwang, 2018).

Hajj and Umrah bailout financing is a product that has considerable economic potential. Because the bailout funds invite people who want to fulfill this Umrah bailout financing but do not yet have sufficient funds. Law No. 17 of 1999 concerning the implementation of the pilgrimage, mandating the government to involve the participation of the wider community in terms of service and organization and supervision, the implementation of the pilgrimage, providing strict legal protection for pilgrims and efforts to improve services by eliminating monopolies. In this activity, the National Sharia Board provides an opportunity for Islamic Financial Institutions (LKS) to respond to the needs of the community in its various products, including the management of Hajj and Umrah and the bailout to pay for Hajj Travel Costs (BPIH).

Hajj or umrah pilgrimage financing usually uses a *qardh wal ijārah* contract given to

prospective hajj or umrah customers in order to obtain a hajj portion number or the payment of the BPIH (Hajj Settlement Service Fee).

Qardh wal ijārah is a contract that occurs between a bank or financial service with prospective hajj customers in connection with the granting of a loan of money by a financial services bank to a customer to fulfill the requirements to obtain a portion of hajj or to pay off BPIH. The Bank charges fee a reasonable administrative for the Bank's services in managing customer interests. The use of this contract is based on the fatwa of financing the management of Hajj and Umrah, namely, fatwa DSN 29 / DSNMUI / VI / 2002 on the Financing of Hajj Management and Umrah of the Syariah Financial Board (Nirzami 2019). The contract used in the Umrah bailout product is *Qardh wal ijārah*, which is a combination of two contracts at once, namely *Qardh* (Financing / bailout) and *ijārah* (Rent) in this case the rent referred to in the *ijārah* contract is rent or can be called *ujrah* or wages (Rozalinda 2005).

According to Subekti, an agreement is an event where one person promises to another person or two people who promise each other something (Subekti 2001). For the fulfillment of a contract, then in an alliance must meet the following elements:

1. *Al-aqdu* (agreement), which is a statement from someone to do something or not do something and has nothing to do with the will of others. This promise is binding for those who claim to carry out their promises (Hendi, 2010).
2. Consent, is a statement of agreement from the second party to do or not do something as a reaction to a promise made by the first party. And the agreement must be in accordance with the promise of the first party.
3. When both promises are fulfilled by the parties then what is called *aqdu* happens.

According to the fatwa of the National Sharia Council of the Indonesian Ulema Council, *ijārah* is a contract for the transfer of use rights (benefits), for an item or service within a certain time through the payment of rent or wages, without being followed by the transfer of the item itself (Fatwa DSN-MUI 2000). Basically, the lease agreement is a common agreement that allows the existence of *fasakh* on one side because *ijārah* is an exchange agreement, except when it is found that matters that cause or require *fasakh* (Sohari, 2011). *Qardh* is the activity of channeling funds in

the form of loans without repayments with the obligations of the borrower to repay the principal at the same time or installments within a certain time (Muhammad, 2009).

First, the contract *al-qardh* (loan) with an object of money, here the customer only returns the amount borrowed. The second contract is *ijarah al 'amal* (rent services), namely pilgrimage services. As is well known that *al-Ijara* there are two kinds: *al-mall Ijara* (lease of goods) and *Ijara al-amal* (rental services). Meanwhile, what is meant in the MUI Fatwa above is *ijarah al'amal*. That is why the arguments *ijarah* presented in the DSN Fatwa are directly related to *ijarah al'amal* not *ijarah al maal*. Thus, according to him, if the practice of financing the management of Hajj and Umrah is in accordance with DSN Fatwa No.29/DSN-MUI/VI/2002, it is permissible to use these services (Ika Septiyani, 2019).

The use of the contract *qardh* on the financing of the pilgrimage is basically a benevolent or soft loan without compensation. However, the bank does not take advantage of this contract, but the bank takes advantage of the use of *ijarah* contracts, by taking service fees (*ujrah* fees) from administrative costs for organizing the pilgrimage for the use of *ijarah* contracts, by taking service fees (*ujrah* fees) from Hajj administration (Ika Setiana, 2014). In addition, the Umrah service carries less risk and provides better returns compared to other financing products. In addition, the Umrah service carries less risk and provides better returns compared to other financing products (Maroah, 2016).

Economic and policy studies show that the management and policies of hajj and umrah management in Indonesia are marked by the increasing need for better hajj services, although on the other hand it is also marked by the inadequacy of the Indonesian Government's negotiations in obtaining privileges in terms of both quota and hajj pilgrimage services. Of course issues such as corruption and collusion in the management of hajj also cannot be left here (Imam Syaukani, 2011). Some companies engaged in the Hajj and Umrah Travel Bureau to be able to increase the number of Umrah pilgrims must have a strategy one way to implement the Umrah bailout system to help pilgrims who are eager to leave for Umrah but have constraints in the area of cost so the existence of this program is very beneficial for lower middle class worshipers (Ika Septiyani, 2019).

Paying Umrah costs through installments or

bailouts is a trend in the community. However, the government bans travel schemes and bailouts by travel companies for various reasons. Wahyu for example, he is one of the people who uses the services of a bailout fund to be able to perform Umrah. He is from Purworejo Regency, Central Java. He said he was happy not to be the head because he had just returned from Mecca and Medina for nine days (umrah). He was satisfied that he was using the services of a travel company because the Umrah fee could be paid later after the pilgrimage had finished returning from the Makkah. But after returning from Umrah Wahyu had an obligation to pay in installments according to the agreement. The presence of the Umrah bailout funds also seemed to be an effort to organize the Umrah to raise public confidence that had collapsed following the rise of cheating Umrah travel fraud some time ago. But after returning from Umrah Wahyu had an obligation to pay in installments according to the agreement. The presence of the Umrah bailout funds also seemed to be an effort to organize the Umrah to raise public confidence that had collapsed following the rise of cheating Umrah travel fraud some time ago. People who want Umrah worship, it is proposed to save first. In terms of financial planning, worshipping Umrah with debt is also not recommended. In the eyes of financial planning, umrah is an expenditure that is not mandatory, so the expenses that arise should be financed from savings (Ringkang Gumiwang, 2018).

The problem of weak oversight from the agencies that oversee it should be re-recorded and tightened the bureaucratic system by using a system approach that can be overcome by using information disclosure and reporting mechanisms using the obligations of public companies or issuers in the rights to information disclosure, reporting and supervision to the Ministry of Religion of the Republic of Indonesia, the Service Authority Finance (OJK) (formerly Bapepam-LK) and PT Indonesia Stock Exchange (IDX) can be an alternative so that there are not many systems that violate the rules. In addition, the bailout fund is sometimes in the private sector. Therefore, extra tight supervision should be the main focus in the scope of government and private institutions. The monitoring looseness is a gap that can be used by the Umrah and Hajj managers to take advantage of this small gap to reap profits. Helping others is justified but if there is an additional cost from the initial cost, it is against the rules. (Mohammad, 2020).

CONCLUSION

The practice of bailout is a modification of the first popular scheme, namely installments before Umrah. The difference is when using an installment scheme, prospective pilgrims are required to deposit money in stages before leaving. However, in the installment scheme on the bailout, prospective pilgrims may leave before being paid off or "go Umrah first before paying". Hajj or Umrah bailout financing usually uses a qardh wal ijārah contract given to prospective Umrah customers which is a combination of two contracts at once, namely Qardh (Financing / bailout) and ijārah (Rental) in this case the rent referred to in the ijārah contract is rent or can be called ujah (wages). The issue of fees for Hajj is too expensive and quotas are limited every year. People turn to register for Umrah because they can go directly to the year of registration.

The government prohibits installment schemes and bailout funds by travel companies for various reasons. The problem of weak oversight from the agencies in charge of it must be re-recorded and tightened through a system approach, can be by using information disclosure and reporting mechanisms using the obligations of public companies or issuers in the right of information disclosure, reporting and supervision to the Indonesian Ministry of Religion, the Financial Services Authority (OJK) (formerly Bapepam-LK) and PT Indonesia Stock Exchange (IDX) can be an alternative.

It is better not to force the will to go on Umrah with a bailout if you are unable to pay afterwards, it's better if you try to save money until you are really able to perform Hajj or Umrah, better try harder and enjoy the results of your hard work from savings, rather than having debt after returning home worship to pay off the payment of Umrah or Hajj fees. The decision to go Umrah by way of debt is indeed the choice of each individual, because everyone has their own financial planning, but before making a decision, it is better to pay attention to financial conditions and be selective in choosing a loan institution. You should look for as much information about the service bureau that will be used. This is useful to avoid the element of fraud that will have a negative impact on yourself and your family. Selective in choosing is one of the actions that can be used to choose a trustworthy and trustworthy agent.

REFERENCES

- Abdillah, "Analisis Sistem Terhadap Regulasi Penyelenggaraan Ibadah Umrah DI Indonesia", Postgraduate Dissertation in Sharia or Islamic Law UIN Alauddin Makassar, 2017.
- Ali, Nirzami, "Talangan Biaya Umroh Melalui Jasa Keuangan Perspektif Hukum Islam ", Thesis Faculty of Sharia UIN Raden Intan Lampung, 2019.
- Departemen Agama RI, Bimbingan Manasik Haji, Jakarta: 2003
- Devisi Publikasi, Dimensi Sosiologis Haji dan Umrah.
<https://www.jareinstitute.com/haji-dan-umroh-aspek-sosiologis-dan-kepercayaan/> accessed on Tuesday, May 14, 2020 at 15.04 WIB.
- Dewi, Subkhani Kusuma , "Trend Wisata Umrah: Antara Meneladani Sunnah dan Turisme Spiritua" in the Article Empirisma; Vol. 26, No. 2 Juli 2017.
- Fatwa DSN MUI, no. 09/DSN-MUI/IV/2000, Tentang Pembiayaan Ijarah
<https://business-law.binus.ac.id/2018/04/24/trevel-umroh-apa-dan-bagaimana-seharusnya/&ved=2ahUKEwiA64i67rTpAhVE4XMBHd9eAKYQFjAAegQIAxAB&usg=AOvVaw2WIWpOIOu-2zljL2TDPDaC&csid=1589512111966> accessed on Tuesday, May 15, 2020 at 10:19 WIB.
- Maroah, "Analisis Prosedur Dan Talangan Umroh Di KSPPS Artamadha Banyuputih Batang ", (Thesis of Faculty of Economics and Islamic Business UIN Walisongo Semarang, 2016).
- Muhammad, Model-Model Akad Pembiayaan di Bank Syariah, Yogyakarta: UII Press, 2009.
- Ringkang Gumiwang, Menyoal Praktik Umrah Dahulu, Bayar Belakangan.
<https://tirto.id/menyoal-praktek-umrah-dahulu-bayar-belakangan-cJLW> accessed on Tuesday, May 13, 2020 at 08.00 WIB.
- Rozalinda, Fiqh Muamalah dan Aplikasinya pada Perbankan Syariah, Padang: Hayfa Press, 2005.
- Sahari, Sahari , Fiqih Muamalah, Bogor: Ghalia Indonesia, 2011.
- Septiyani, Ika, "Efektifitas Dana Talangan Umroh Terhadap Peningkatan Jumlah Jamaah Pada PT. KANOMAS ARCI WISATA",

- Thesis of the Faculty of Da'wah and Communication Studies UIN Syarif Hidayatullah Jakarta, 2019.
- Setiana, Ika, Analisis Penerapan Akad Qard Wal Ijarah Pada Pembiayaan Talangan Haji di Bank Syariah Mandiri Cabang Purwokerto, *Jurnal Raushan Fikr*, Vol. 4 No.2, Juli 2014
- Subekti, Tjitrosudibio, Kitab Undang- Undang Hukum Perdata, Jakarta: PT Pradnya Paramita, 2001.
- Suhendi, Hendi , Fiqih Muamalah, Jakarta: Raja Grafindo Persada, 2010.
- Syaf, Mohammad Najib. “Zona Riba Terselubung pada Dana Talangan Haji dalam Perspektif Hukum Islam”. *Jurnal Pancawahana: Jurnal Studi Islam*. Vol. 15, No 1 April 2020
- Syaukani, Imam , Kepuasan Jamaah Haji Terhadap Kualitas Penyelenggara Haji Tahun 1430 H/2009 M, (Jakarta: Badan Litbang dan Diklat Kementrian Agama RI, 2011).
- Yuliyayu, Widya Sisilia. “Pembiayaan Talangan Dana Umrah Melalui Produk Ijarah Flexi Ib Hasanah Umrah Pada Bank BNI Syariah Cabang Jakarta Barat”, Thesis of the Faculty of Da'wah and Communication Studies UIN Syarif Hidayatullah Jakarta, 2016.