
Optimization of Sharia Insurance Implementation and Supervision Based on Fatwas of the Indonesian Ulama Council

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Abstract: *Implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya (ASMS) demonstrate success in integrating sharia principles in the travel insurance industry based on a review of Fatwa Majelis Ulama Indonesia (MUI). To find out the relevance of sharia insurance mashlahah for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with Fatwa Majelis Ulama Indonesia (MUI). Implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya (ASMS) covers several important points. First, the adoption of sharia principles in the preparation of Hajj and Umrah travel insurance products has provided a strong legal foundation for companies. PT. Asuransi Syariah Mandiri Surabaya (ASMS) carefully ensures that insurance products comply with Fatwa MUI's provisions, which allows insurance use by avoiding elements of riba and speculation. This demonstrates the company's commitment to sharia compliance and ensures that Hajj and Umrah pilgrims can avail protection without violating religious principles. Second, the implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya (ASMS) Positively meet the needs of pilgrims in the face of certain risks that may arise during the journey of worship. Overall, the implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya (ASMS) can be considered successful and relevant to the needs of the Muslim community. Taking into account aspects of sharia compliance and risk protection.*

Keywords: *optimizing, implementation and supervision, shariah insurance, fatwa, Indonesian ulama council.*

INTRODUCTION

Man as a human being who is present as a form of God's omnipotence, cannot avoid the risks that are likely to be present during his life journey on this almighty earth of God. All the risks of calamity or trials are certainly present with the same probability in every human being regardless of the social caste he has. The risk involves situations such as accidents, death, and illness that can befall anyone, ultimately harming the individual experiencing it. In addition to not knowing social caste, the test of life is also present regardless of geographical location, not only Indonesian citizens but people in other countries around the world can be exposed to similar tests. The density of activities experienced by mankind in various sectors such as tourism, business, international relations, and state relations including carrying out the Hajj, demands

special attention to minimize the possibility of disaster, so it is necessary to have a special insurance institution in this sector [1].

When it comes to Hajj, there are minor differences between Malaysia and Indonesia. Where Indonesian worshippers are allowed to perform congregational prayers as much as 40 times at the Prophet's Mosque in Madinah, while in Malaysia itself this program has been abolished under the pretext of being sunnah and for the sake of time efficiency. In addition, Indonesians benefit from a shorter waiting period for Hajj, which is a maximum of 43 years for a 100 per cent quota or 86 years for a 50 percent quota. There are also related rules Body Mass Index (BMI), where those with BMI values above 40 are not allowed to depart. For prospective pilgrims with BMI values between 35-40 and who have congenital diseases such as diabetes and hypertension that are not controlled, also not allowed to go, the policy is a form of effort to reduce the probability of negative things happening in the future. It is important to remember that every risk faced will bring its consequences. So prevention and handling measures then become important to reduce the magnitude of the loss experienced [2].

The probability of possible losses, as mentioned earlier, can be minimized by involving insurance companies. The company is responsible for bearing losses as a result of various events that occur outside the plan. Before the birth of the institution in the form of insurance, Allah SWT had already issued propositions that became a reminder for humans to be careful and prepare themselves for various bad possibilities that they might experience. In this context, Allah SWT forbids people to be extravagant and gives demands to save [3].

Insurance can then be one way that can be chosen as a form of guard against all bad possibilities in the future. This concept has been recognized by the Islamic religion, and Allah SWT has given direction through the Qur'an to carry out financial preparation and protection. The term "insurance" can be found in English vocabulary which is then familiar and understood as a guarantee. In practice, insurance provides financial protection to individuals or groups when they face certain risks, thereby mitigating the impact of possible losses [4].

Muhamad Nejatullah Shidiqi revealed that insurance has a position as an important need considering that humans often need backup when an accident occurs in the form of compensation and this is then offered by insurance. Insurance acts as an institution providing compensation for general problems, such as death, disability, fire, and various adverse natural disasters as a result of these events [5].

In the context of commercial law, Muhammad Nasik referred to the commercial law code Wetboek Van Koophandle, where article 246 generally defines insurance or coverage as mutual agreement. In the agreement, the guarantor promises to be willing to hand over compensation to the insured party for any uncertain event that has the opportunity to bring losses to the insured. Thus, insurance becomes a form of agreement that provides financial protection for individuals or groups in the face of certain risks [6].

As a Muslim, it is important to understand the meaning of conventional insurance and sharia insurance, as well as give priority to sharia insurance. This is due to concerns that conventional insurance allows the discovery of elements that contradict Islamic sharia. According to Dewan Syariah Nasional (DSN) and Majelis Ulama Indonesia (MUI), Sharia insurance is defined as an effort to provide protection and assistance to certain parties using investments in the form of assets or tabarru' which are returned as benefits or replacements to overcome certain risks by way of contracts while still adhering to sharia principles [7].

The importance of sharia insurance for a Muslim lies in the understanding that sharia insurance focuses on Islamic ethical and moral principles in its implementation. The

contracts agreed in sharia insurance must comply with the principles of justice, uncertainty (gharar), and the prohibition of riba (usury). By prioritizing sharia insurance, a Muslim can ensure that his financial activities are in line with Islamic religious values and do not involve elements that could contradict the beliefs and principles of sharia. Sharia insurance offers various products, for example, life insurance tailored to the implementation of Hajj, known as Hajj insurance. This product is very important, especially for pilgrims with old age, of course, they need the existence of life security during the Hajj. The phenomenon of miscarriage (death) when performing Hajj is quite frequent, influenced by various factors [8].

One of the main factors that cause the high mortality rate of Hajj participants is the need for a lot of energy in the series of spiritual activities. The series of Hajj, which is intended to include pillars and obligations in each place has been determined in the Shari'a such as Miqat, Mecca, Muzdalifah, Mina etc. all of which are located in the territory of Saudi Arabia.

Fatigue due to activity intensity and long trips can be a major factor, especially for elderly pilgrims. Looking at this, Hajj insurance in sharia format provides protection specifically tailored to the needs and risks that may be faced by pilgrims during the Hajj. This product can provide financial guarantees for heirs or people left behind in case of untoward events during the Hajj. Participation in life insurance during Hajj is a wise and responsible step. Hajj insurance not only provides financial protection for pilgrims who face the risk of dying during the pilgrimage but also provides peace of mind to families who stay at home [9].

By having life insurance for Hajj, pilgrims can ensure that they and their families are protected from financial repercussions that may arise as a result of an unforeseen event. If something unexpected happens, such as death, the insurance company that is the insurer will be responsible for the claim. This will help the families of pilgrims left behind to cope with the financial burden and care for the bodies without difficulty. Through Hajj insurance, pilgrims can ensure that financial and administrative obligations that may arise as a result of untoward events have been addressed. This is a proactive step in ensuring the smooth implementation of Hajj and providing extra security for all parties involved.

One of the institutions that offers Hajj and Umrah travel insurance products is PT. Asuransi Syariah Mandiri Surabaya (ASMS). Hajj insurance products available at this institution provide financial protection solutions for pilgrims throughout the pilgrimage in the haram land. This is in line with the provisions in the fatwa Majelis Ulama Indonesia (MUI) about Hajj insurance. This fatwa reflects efforts to regulate Hajj insurance to remain within the corridors of Islamic sharia. In the fatwa, a tabarru' (grant) contract is used as a basis for Hajj insurance, with the aim of mutual assistance among fellow pilgrims. Tabarru givers are those who participate in Hajj insurance, while sharia insurance is positioned as the party that manages grant funds [10].



Figure 1. Indonesia Sharia Insurance Association

The special provision stipulates that sharia insurance companies have the right to charge ijarah (fees) as a form of payment for services for the management of the grant funds they are involved in while still prioritizing fairness and fairness as a form of transparency in Hajj insurance arrangements. This gives confidence to pilgrims that the funds they donate for Hajj insurance are managed with the principle of justice and following the provisions of Islamic sharia. Thus, Hajj insurance not only provides financial protection but is also regulated by Islamic ethical and moral principles.

The mashlahah approach in analyzing sharia insurance for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) Can provide a rational and substantial perspective on operational activities, agreements, and products offered. Thus, it is hoped that product design will be able to experience growth according to needs that quickly follow the progress of the times, while the goal must remain firmly held to mashlahah for the realization of the benefit of the people. It would then not be the same as relying solely on formalistic approaches to fiqh and texts. The focus of this paper will be centred on research. The Relevance of Sharia Insurance Maslahah for Hajj and Umrah Travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with Fatwa Majelis Ulama Indonesia (MUI). Thus, it can achieve benefits as a sharia goal can be realized [11].

LITERATURE REVIEW

In the context of research on the relevance of sharia insurance mashlahah for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with Fatwa Majelis Ulama Indonesia (MUI), the search for theory will involve a literature review related to the concept of mashlahah (benefit) in sharia insurance, the principles of Islamic law contained in the fatwa, and the relevance between sharia insurance theory and the views of MUI. Theories about the concept of mashlahah will help us understand how Sharia insurance, especially Hajj and Umrah travel, can provide benefits or benefits for Muslim communities. Understanding the principles of Islamic law contained in Fatwa Majelis Ulama Indonesia (MUI) will provide a legal basis that supports the practice of Sharia insurance in the context of Hajj and Umrah travel. Thus, the search for this theory will provide a solid foundation for research, enabling researchers to conduct an in-depth analysis of the relevance of Islamic insurance mashlahah for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with a fatwa that has been issued by MUI [12].



Figure 2. Illustration of Sharia Insurance that Protects and Prospers

In terms of etymology, the word "maslahah" is a masdar of the word صالح , which means it benefits from its damage. In Arabic, al-mashlahah is also the singular form (mufrad) of al-mashalih. These words refer to benefits that can be felt directly or through a process, such as gaining pleasure, prevention, protection, or avoiding harm and disease. In Islamic terminology, scholars give various formulations of meaning

related to masalah. Amir Syarifuddin and al-Ghazali suggest that masalah includes maintaining the purpose of sharia even though it is contrary to human will, because the human benefit is not always based on the will of sharia, but is more inclined to lust [13].

Al-Khawarizmi defines masalah as safeguarding the purpose of sharia by avoiding human corruption. While Ibn Rushd issued an opinion that sharia comes with a vision of reforming human morals, with moral goals as the main foundation. Based on the etymological definition, it can be concluded that masalah refers to benefits that can be felt and can avoid losses. The measure of benefits and disadvantages in masalah is measured by lust linguistically, and by the purpose of sharia as a measure of terms. The measure of the purpose of sharia involves the maintenance of religion (hifdz din), soul (hifdz nafs), reason (hifdz aql), honour and descent (hifdz nashl), as well as property (hifz maal) [14].

Sharia Hajj and Umrah Travel Insurance is a form of insurance with principles that remain in line with Islamic sharia, specifically designed to protect for any eventuality that occurs by Hajj and Umrah pilgrims during their journey to the holy land. To ensure the safety and comfort of pilgrims during the pilgrimage, sharia insurance for Hajj and Umrah travel is a solution adopted by various sharia insurance companies, including PT. Asuransi Syariah Mandiri Surabaya (ASMS). Sharia insurance for Hajj and Umrah travel is based on Islamic economic principles involving the concepts of mutual aid and risk sharing [15].

This concept includes elements such as mudharabah (profit sharing), tabarru' (voluntary giving), and wakalah (Amanah). Within the framework of sharia insurance for Hajj and Umrah travel, pilgrims pay premiums as profit-sharing contributions (mudharabah), and the funds are used to protect participants who experience certain risks during their journey. By adopting these principles, sharia insurance for Hajj and Umrah travel not only provides financial protection but also reflects the values of solidarity and justice in the context of Hajj and Umrah. This insurance provides solutions that follow the teachings of Islam, ensuring that pilgrims can carry out their worship with serenity and confidence.

Sharia insurance for Hajj and Umrah travel provides comprehensive protection involving various risks, including trip cancellations, flight delays, and lost baggage. The principles of fairness and sustainability are upheld in Islamic insurance, where policyholders derive benefits according to the premium contributions they pay, and surplus investment returns can be directed to social goals and mutual benefits. The success of sharia insurance for Hajj and Umrah travel also depends heavily on transparency, honesty, and fairness in claims management. A fast and fair claims process is an important key to meeting the needs of participants who may experience difficulties during their journey. Therefore, close cooperation between sharia insurance companies and travel operators, airlines, and various other related parties is very important. By upholding these principles, Sharia insurance for Hajj and Umrah travel not only provides financial protection but also contributes positively to community welfare and economic sustainability based on Islamic sharia values [16].

In risk management, sharia insurance for Hajj and Umrah travel can also have a positive impact on economic development and community welfare. Premium funds and investment returns can be allocated to support development projects and the welfare of Muslims. This means that insurance not only acts as a means of protection but also as a financial instrument that contributes positively to society. Sharia insurance for Hajj and Umrah travel, through an approach following Sharia principles, creates a fair, mutually supportive, and sustainable environment.

More than just providing financial benefits, sharia insurance for Hajj and Umrah travel also supports social causes and general benefits. By adhering to sharia principles,

this insurance creates an environment that is in line with Islamic values, such as fairness, business ethics, and common welfare. Therefore, the development of sharia insurance for Hajj and Umrah travel not only helps meet the needs of Muslims who undertake the holy journey but also contributes positively to society and the economy as a whole.

Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (MUI) has an important role as an essential guide in regulating and guaranteeing sharia insurance business practices, especially in the Hajj and Umrah travel sector. This fatwa, commonly known as Fatwa Majelis Ulama Indonesia (MUI), became a key guideline that became a benchmark for the value of business ethics for companies such as PT. Asuransi Syariah Mandiri Surabaya (ASMS), as well as other entities in the sharia insurance industry for Hajj and Umrah travel. The pawn point of this fatwa is adherence to the principles of Islamic sharia. This fatwa forms the guiding legal and ethical foundation of PT. Asuransi Syariah Mandiri Surabaya carries out related insurance business following the rules of Islamic law. Therefore, it is expected PT. Asuransi Syariah Mandiri Surabaya ensures that every product and service they offer is in line with Islamic teachings, reflecting the values of business ethics described in the fatwa. Sustainability of this compliance is key in building and maintaining community trust and support.

The principle of *tabarru'* which is one of the main focuses of the fatwa, affirms the importance of voluntary contributions from insurance participants for the common good. This principle creates a social dimension in the sharia insurance business, where participants not only pay premiums to get protection but also contribute voluntarily to help fellow participants who may experience disasters during the worship journey. In addition, this fatwa establishes the principle of *mudharabah*, which emphasizes profit sharing in the management of participants' funds. This creates balance and fairness in the distribution of benefits, ensuring that each party gets a fair share according to their contribution. By applying this principle, PT. Asuransi Syariah Mandiri Surabaya was able to manage participant funds transparently and proportionally, increasing participant trust in the company [17].

The principle of *wakalah* in fatwas also plays an important role in affirming the company's mandate and responsibility in managing participants' funds. PT. Asuransi Syariah Mandiri Surabaya is expected to carry out its business activities in good faith and with high integrity, prioritizing the interests of participants above all else. This principle creates a trusting relationship between the company and the participants, strengthening the bond of trust essential in the Islamic insurance business.

Fatwa MUI become a guiding indicator of the value of business ethics PT. Asuransi Syariah Mandiri Surabaya in the aspect of compliance with sharia norms. This compliance creates a positive image for the company in the eyes of consumers. By complying with this fatwa, PT. Asuransi Syariah Mandiri Surabaya can build and maintain customer trust, which is a crucial asset in the insurance industry. The importance of this fatwa is not only limited to legal compliance and a positive image of the company but also involves a positive impact on the growth of the industry as a whole. Compliance with fatwas creates a strong foundation for continued growth in the Islamic insurance industry of Hajj and Umrah travel. This helped form a more stable and reliable industry for the community of Muslims participating in their worship journeys.

In the context of risk management, the principle of *mudharabah* emphasized by this fatwa helps PT. Asuransi Syariah Mandiri Surabaya in risk management with an approach that is not biased or only benefits the implementing party. The profit earned from the process of investing participants' funds is then shared on the principle of profit sharing, creating a fair system and providing incentives for participants to continue entrusting their funds to the company. This principle not only supports fairness in profit

sharing but also provides transparency and trust to participants regarding the management of their funds. Thus, the principle of *mudharabah* is not only the foundation of the profit-sharing principle but also a key aspect of sustainable risk management [18].

The principles of transparency and accountability emphasized in the fatwa create a more open and trustworthy business environment. Insurance participants can see how their premium funds are managed and their investment returns are used. This creates a high level of trust, reduces uncertainty, and gives participants a better understanding of the benefits and risks associated with insurance products. Moreover, fatwas provide positive encouragement for PT. Asuransi Syariah Mandiri Surabaya to focus more attention on mutual benefit and community empowerment. The use of premium funds for development projects and community welfare creates a wider positive impact beyond the scope of the company's business. This helps shape an atmosphere in which the insurance business is not only seen as a profit-seeking entity but also as an agent of positive change in society.

Overall, Fatwa Majelis Ulama Indonesia (MUI) plays a central role as an indicator of the value of business ethics in the context of sharia insurance for Hajj and Umrah travel. Adherence to the principles contained in this fatwa plays a role in shaping ethical business practices in line with Islamic values. PT. Asuransi Syariah Mandiri Surabaya by implementing and understanding in depth this fatwa, can have a positive impact on the development of the industry, create a positive image among consumers, and contribute to the empowerment of society as a whole [19].

METHODOLOGY

The method is a series of procedures and processes to solve a question or problem. Research is a careful, detailed and comprehensive study of phenomena to increase the absorption of information related to a topic. The research method can be a series of steps that play a role in solving the problems raised in research. This research is based on qualitative descriptive field studies, a research procedure that displays written or verbal descriptive data from desirable and observable individuals. At the same time, field research means that researchers go to the scene to observe phenomena in natural conditions. The location of this study is in PT. Asuransi Syariah Mandiri Surabaya (ASMS).

The implementation of this research conducts sociological strategies on the implementation of sharia insurance for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) The perspective of Fatwa Majelis Ulama Indonesia (MUI) as a whole includes structure, layers, and various social symptoms. The object of review is the mechanism and contract for the implementation of sharia insurance for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) perspective Fatwa Majelis Ulama Indonesia (MUI). The subject of his research is the leaders and users (consumers) of PT. Insurance [20].

Data collection techniques in this study are as follows: a. Observation. Observation is a series of activities that are observed in detail and in-depth. Observation is defined as an effort to absorb information by utilizing the senses to the maximum. Observation can also be understood as a collective activity to find hidden things through the path of the five senses possessed by the person in charge of observation. Therefore, observation can be made through sight, smell, hearing, touch and taste. This observation technique emphasizes the presence of researchers both physically and with intermediaries who absorb all information on the object of research by utilizing observation sheet devices, and observation guides. The method studied in this paper aims to obtain data on the relevance of sharia insurance *mashlahah* for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with Fatwa Majelis Ulama Indonesia (MUI).

b. Interview. The interview method is an oral activity that contains questions and answers about a certain theme according to the agreement of the parties. The two parties involved are the interviewer as the person in charge of submitting questions and the interviewee as the party who has the right to answer questions. Interviews in a series of research are positioned as a method used to collect all useful information as an in-depth initial review for the author so that they can formulate the problem to be studied. In its implementation, the questioner can do it in two ways, namely with direct questions or conceptualized questions either through direct face-to-face or through intermediary media. The informant who is positioned as the main door for information entry is the manager of sharia insurance for Hajj and Umrah trips PT. Asuransi Syariah Mandiri Surabaya (ASMS) and service users. The interview method is used to obtain more valid and flexible information about the relevance of sharia insurance mashlahah for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with Fatwa Majelis Ulama Indonesia (MUI) [21].

c. Documentation. Many varieties of documentation sources can be based on ancient manuscripts, ledgers, newspapers, magazines, agendas and others. Hopefully, researchers have basic information such as the location of the study, the state of society, and culture that are peculiarities of the area to be reviewed. The documentation method was chosen as a medium to identify the relevance of sharia insurance mashlahah for Hajj and Umrah travel PT. Asuransi Syariah Mandiri Surabaya (ASMS) with Fatwa Majelis Ulama Indonesia (MUI). To complement the collective activities of the data, the authors use information relevant to the research in question (e.g. books, internet, etc.).

RESULT AND DISCUSSIONS

In terms of language, the term "maslahah" is a loanword from Arabic which has come to be known as "maslahat," which represents the meaning of something that provides benefits and avoids and avoids harm. In substance, the existence of shari'a carries the mission of the welfare of the ummah (innama unzilat shari'atu lithahqiqi mashalihil anam). Etymologically, the word "maslahah" is taken from the root word "salaha" yasluhu, salah (صلاح, يصلح, صلح), i.e. goodness, obedience, and expediency [22].

The word "mursalah" means free attachment to religious propositions (Qur'an and al-Hadith) regarding whether or not it can exist. The term "al-mursalah" is the ism manual (object) of fi'il madhi in the form of tsulasi with the addition of the letter "alif" at its base, i.e. "marsala." Etymologically, it means detached or free (muthliqoh). When the words "detached" and "free" are associated with the word "maslahah," it indicates that "maslahah mursalah" is "independent or free from information indicating whether or not it may be done." This concept implies that maslahah mursalah is not bound by specific legal rules and can be applied in a general context [23].

Some understanding of mashlahah mursalah has been conveyed by scholars:

a. Al-Ghazali states that maslahah mursalah is a principle or view that is not in a specific bind that validates it.

b. As-Syaukani states there is no clear declaration of sharia regarding its permissibility.

c. Ibnu Qudamah states that maslahah mursalah is something that the sharia does not provide a blatant argument for its cancellation and even tends to be ignored.

d. Yusuf Hamid al-Alim states that there is no clear evidence regarding the determination or prohibition of sharia regarding the problem of mursalah.

e. Jalaluddin Abd ar-Rahman states that maslahah mursalah is of interest following the vision and mission of the Shari'a (lawmakers) and there is no particular indication of its recognition or rejection specifically.

run well. These needs each include religion, soul, reason, possessions and children. The benefits of daruriyyah include:

1. Keeping Religion. To maintain religion, a servant is obliged to continue to cleanse the soul by faithfully carrying out the commandments that have been set by Him and abandoning all His prohibitions, as stated in the word of Allah in QS Al-Baqarah: 21 which means: "O man, worship your Lord who created you and those before you, so that you may gain piety." Maintenance of religion is implemented through sharia procedures, namely:

a. The law of war or jihad is applied when religion is under threat from a group of armed forces, so war must be waged until the religion can be re-established, including the recognition of the shahada, the enforcement of prayers, the continuation of Ramadan fasting, and the giving of zakat. (Al-Baqarah: 21).

b. Perform active practices following religious commandments, such as performing prayers, paying zakat, fasting in Ramadan, and performing the pilgrimage to Jerusalem. As mentioned in the Hadith which states: "Prayer is the pillar of religion. Whoever establishes prayer seems to build the foundation of religion, while whoever demolishes it destroys the foundation of religion."

c. The death penalty for a Muslim who apostatizes from his religion can be found in Al-Baqarah: 217 and Al-Ma'idah: 5.

2. Safeguarding Life/Soul. Controlling the spiritual life of religion involves prohibiting the shedding of the blood of fellow human beings without a valid reason. Those who violate it are subject to qishas, as described in Qur'anic verses, including Al-Baqarah 178 and 179. The law of qishas is recognized as a guarantee of survival. Suicide is also prevented, according to God's instructions in verses Al-Ma'idah: 32 and An-Nisa': 29.

The verse implies an obligation to safeguard the human right to life, and although specifically addressed to the Children of Israel, this principle includes all individuals regardless of ethnicity, race, skin, or religion. The use of the word "katabna" affirms the obligation to save everyone.

3. Maintain the continuity of offspring. To maintain the continuity of offspring, religion establishes a legal marriage between a man and a woman. Marriage is considered an effective way to maintain the purity of the bloodline. In the perspective of sharia, adultery is prohibited because it can bring negative impacts and defects to generations throughout the ages. Religion prescribes stoning and torture as sanctions for adulterers, as described in the verse al-Qur'an QS. An-Nur: 2.

4. Guarding Property. Religion establishes rules for safeguarding property, such as the obligation to pay zakat, allowing buying and selling practices, and prohibiting usury and hoarding of commodities for speculative purposes that may harm society. This is done to create a fair distribution, prevent greed, and ensure individual rights are respected. These principles are explained in His words in QS. An-Nisa': 29. For the rights of others to be protected, Allah prescribed the punishment of hadd for thieves, namely cutting off hands (al-Maidah: 38), and for robbers, the sanction of exile or the death penalty (al-Maidah: 33). All of this is regulated to maintain benefits in the field of property ownership.

5). Keep your mind. To maintain reason, sharia prohibits consuming liquor or intoxicating food. Allah 'azza wa jall in QS. Al-Maidah: 90 states a prohibition against the consumption of wine because it can damage the intellect [\[28\]](#).

Hajjiyyat Fame

The hajjiyyah maslahah includes all actions that are not related to other bases (such as those in the daruriyyah maslahah), but are still needed by society, can be realized, and can avoid difficulties and limitations. One example of the implementation of the hajjiyyah maslahah is maintaining personal and religious freedom, which gives people freedom of action in their lives.

1. In the context of worship, it includes the application of the laws of leniency (rukhsah), such as combining and shortening prayers for travellers, combining prayers for those who are in place, performing prayers in a sitting or lying state for those who are unable to stand, allowing people who are fasting in Ramadan who are travelling or are sick not to fast, and not compulsory prayers for women who are menstruating, puerperium, and similar situations.

2. In terms of traditions and customs, it is permissible to hunt animals, enjoy delicious dishes, wear nice clothes, and have a proper place to live.

3. In the aspect of mu'amalat or interaction between humans and groups, including the permissibility of various transactions that meet the needs of debt and receivables sales, leasing, companies, banks, families, and social and educational institutions such as social foundations. These include the breakup of marriage due to the necessity and necessity of divorce, guardian control over the marriage of underage girls according to Kufu's choice, and others.

4. In the context of criminal sanctions, the right for guardians to grant pardons in qishas law is collective, where relatives are jointly responsible for the day, as well as the annulment of hudud sentences, and various similar matters [\[29\]](#).

Tahsiniyyah Fame

The care of the benefit of tahsiniyyah or al-kamaliyyat is related to beauty (aesthetics), perfection, and propriety or honour. The accommodation of tradition, noble character, ethics, and etiquette is a demand in maintaining the benefit of tahsiniyyah. Without this level of tahsiniyyah, the rules of life would be fixed or eternal as in daruriyyat, or difficulties (haraj) would not arise as in hajj. But by the standards of the average human being, life is extremely harsh and terrible. Some varieties of tahsiniyyah maslahah involve:

1. In the aspect of worship, it includes taharah, not opening the aurat and noble character, and using perfume when going to the mosque or meeting events.

2. In the context of muamalat, the prohibition of selling dirty and dangerous goods, other people's belongings, and asking for girls to other people's belongings. Another example is the granting of direct authority to guardians to marry women who are in their line, considering that girls tend to be shy. In addition, there are clues about witnesses in a contract.

3. In the customary aspect, sharia provides direct guidance on ethics in daily life such as eating and drinking, prohibiting things that are physically or mentally destructive, and encouraging to avoid excessive clothing and food and drink.

4. In the realm of criminal law, for example, it involves the prohibition of carrying out various criminal cases involving the taking of rights and taking the lives of others. The obligation to fulfil promises is also emphasized while breaking promises and preventing potentially harmful actions is prohibited [\[30\]](#).

Overview of Sharia Insurance

Definition of Sharia Insurance. Insurance in Arabic is known as "ta'min", the insured party is called "muammin", while the insured party is called "muamman lahu" or "musta'min". The term sharia insurance is understood as one method of minimizing losses or economic burdens caused by various conditions outside the planning of the party concerned. Possible conditions such as disasters, accidents, or deaths certainly result in losses or decreases in economic value, both to themselves and to the company, which can be caused by factors such as death, accidents, illness, and ageing.

According to Law Number 2 of 1992, insurance or guarantee is an agreement between two or more parties where the insurer by receiving a premium promises to compensate the insured for loss, damage or potential loss of profit or legal liability to a third party. Provide compensation. A party in which the insured may reside. This arises due to uncertain events or is carried out to provide payment based on the life or death of the insured. The Encyclopedia of Islamic Law states that insurance is an agreement between two parties, one party is obliged to pay premiums, and the other party is obliged to provide full insurance to the party who pays premiums in the event of certain circumstances following the provisions. by law. Reaching fatwa approval Dewan Syariah Nasional. [31].

This is following the provisions Peraturan Menteri Keuangan (PMK) No. 18/PMK.010/2010 Pasal 1 (1) Basic Rules for the Implementation of Insurance and Reinsurance Activities Following Sharia Law, insurance is defined as a system of financial mechanisms that ensure mutual assistance between two parties (through the formation of collectives) funds (dana tabarru') to overcome unforeseen circumstances (ta'awuni) and protect participants (takaful).

It can be seen from the understanding of takaful above, that takaful is an agreement between the policyholder and the insurance company. In this contract, the insured party submits a certain amount of funds to the company as a form of covering possible risks, especially if an event occurs that causes losses to the insured. Please note that the deposits that have been handed over are managed in the form of tabarru (mutual aid funds between all participants) and savings funds, which will then be invested by the guarantor through a Sharia-compliant investment plan [32].

Sharia Insurance Policy. Broadly speaking, the legal basis or operational regulations of sharia insurance, such as Islamic banking, rely on two sources of law, namely sharia law and positive law. Each category will be described in the description below:

a. Islamic Sharia

The four main foundations of Islam as well known and agreed upon by scholars include the Qur'an, as-Sunnah, Ijma, and Qiyas. Although in the operational regulations of sharia insurance, there is no specific verse in the Qur'an and as-Sunnah that explicitly and specifically mentions the name of the insurance financial system. Similarly, the postulates of Ijma and Qiyas do not provide guidelines that can be used as references. However, the Qur'an and the Sunnah present general principles related to the operation of Islamic insurance. However, no verse explicitly addresses the practice of insurance as it applies today. The absence of the term "insurance" explicitly in the Qur'an is an indication that this concept is not directly mentioned in the holy text.

Even so, there are quant postulates that describe fundamental noble values that are relevant to the mechanisms brought by insurance, such as the spirit of mutual assistance, coalition, and the desire to avoid future losses. These aspects can be reviewed in QS. al-Maidah verse 2.

The above paragraph commands tolerance between human beings, and in the context of the insurance business, this practice is reflected in the customer's willingness to

deposit money as a form of contribution with an agreed contract, which is manifested in the form of a tabarru account'. This account is positioned as a source of funds to help fellow customers when one of them experiences unexpected things that will bring losses. The basic tenets of Islam command humans to be responsible for planning and facing the future, as stated in QS. al-Hashr verse 18 [33].

Sharia insurance regulations currently refer to the fatwas of the National Sharia Council in addition to the legal foundations of the Quran and Sunnah. The Indonesian Ulema Council reasoned that the issuance of this fatwa was because existing insurance regulations in Indonesia currently cannot be used as a reference in the application of sharia law. The fatwa of the National Sharia Council of MUI is not a product of national law because it is not included in the scope of Indonesian laws and regulations. Here are some fatwas related to sharia insurance operations in Indonesia:

1. Fatwa Number: 21/MUI/X/2001 concerning General Guidelines for Sharia Insurance.
2. Fatwa Number: 50/MUI/I/III/2006 concerning the agreement of Mudharabah Musytarakah.

From the explanation above, it can be seen that sharia insurance does not contradict the Quran and Hadith. Therefore, the legal basis of sharia insurance is the Quran and Hadith. In addition to referring to the Qur'an and Indonesian Hadith, fatwa Dewan Syariah Nasional Majelis Ulama Indonesia also consulted. Dewan Syariah Nasional (DSN) is a body appointed by MUI to resolve problems related to the activities of Islamic financial institutions in Indonesia [34].

b. Positive Law in Indonesia

Not only based on Islamic law, the provisions of insurance activities also have several national legal bases, one of which is Law No. 2 of 1992 concerning Insurance Business. Technically, the activities of insurance and reinsurance companies are carried out following Sharia principles and the Decree of the General Manager of Financial Institutions No. 4499/LK/2000 Regulates the types, valuations and limits of investments of insurance companies and reinsurance companies following sharia law.

Although there is a positive legal basis, it cannot be considered as a strong legal basis for sharia insurance. This is because the regulation does not expressly regulate the existence of insurance based on sharia principles, including the technical implementation of administrative activities. To ensure the legal force of sharia insurance provisions, firmer legal force is needed both in Islamic law and state law. So far, the Finance Ministerial Decrees issued in 2000 and 2003 provide a legal basis, although they have not provided stronger legal certainty [35].

Benefits of Sharia Insurance. Benefits that can be obtained by insurance participants include, among others:

- a. Protection or Sense of Security. The customer has the right to receive a claim (the right of the insurance participant) that must be provided by the insurance company following the contract. This claim is intended to protect the insured against possible losses.
- b. Benefits of fairer distribution and Fees. The higher the potential loss and the greater the impact of the loss, the greater the coverage premium. It is important to note that the calculation of the nominal premium that must be paid by the customer ensures the absence of usury elements.
- c. Useful to be used as savings. In this context, it confirms that the premium given is funds that can be withdrawn following the nominal funds that have been deposited previously except for a small operational fee that is the right of the implementing party.

d. An instrument to share risk. The pattern of insurance activities of all bad possibilities is borne jointly between both parties in the form of cooperation and mutual assistance. This cooperation can support business development because insurance companies will invest in certain business units based on sharia principles.

e. There is a degree of certainty. Some insurance benefits, including the certainty of indemnity in events that may occur, are reasons for people, groups, or companies to join the insurance program [36].

4. The Difference Between Sharia and Conventional Insurance

Islamic insurance is fundamentally different in many ways compared to conventional insurance. First, the principle of the Sharia insurance contract is takafuli (mutual aid), meaning helping each other when customers are in trouble. While the traditional insurance contract is tradable (buying and selling between the customer and the company). In addition, funds (premiums) collected from customers of Takaful Insurance Company are assessed through a profit-sharing system (mudharabah) following Sharia principles. In traditional insurance, investment is carried out in various fields through the flow of nominal increases known as interest.

The funds that have been handed over by the customer to the organizer or insurance company are essentially deposits. Thus, these funds are still considered customer ownership in sharia insurance. The Company acts as a management party entrusted to following Sharia principles. This is different from the principle of conventional insurance that transfers ownership rights to customer funds into the full ownership of the manager, including in terms of determining policies regarding fund playback. In the event of a disaster that befalls the participant, the client's claim payment will be deducted from the "tabarru" (social fund) account, which is agreed by all participants to be used for mutual aid purposes. Traditional insurance system uses funds in company deposits when there is a request for the disbursement of funds. This indicates the transfer of profits entirely within the power of the organizer. This is certainly detrimental to customers when no claims are submitted because they do not experience emergency conditions. After all, there is no profit sharing that will be given to customers. Unlike the sharia system, investment profits are the right of both parties who are in a joint agreement through the principle of profit sharing.

The necessity of a Sharia Supervisory Board in sharia insurance companies stands out. This board has a vital role in overseeing investment management, products, and policies to always follow the principles of Islamic Shari'a. In contrast, in conventional insurance, this aspect is not given special attention.

The loading burden on conventional insurance is especially significant for agent commissions, it can absorb premiums in the first and second years, which risks causing forfeiture of premiums. On the other hand, in Islamic insurance, the agent's commission burden is not borne by the participant, but rather by shareholder funds. Although only 2-30% were taken from participants, this avoided the risk of forfeiture. Premiums in conventional insurance involve elements of mortality tables, interest, and various insurance costs. Conversely, sharia insurance utilizes contributions or contributions from elements of tabarru' and savings. Tabarru' is calculated based on mortality tables without involving interest calculations. From the description above, it can be concluded that the fundamental difference between Islamic insurance and conventional insurance lies in the way of risk management and mitigation.

Sharia insurance does not allow *garar* and *maisir* to participate in risk management. In addition, usury is not allowed in investment and fund management. The three prohibitions, namely "*garage*", "*maisir*" and "*usury*" are things that must be avoided in Islamic insurance practice and are the main difference from conventional insurance [37].

Overview of Sharia Insurance in PT. Asuransi Syariah Mandiri Surabaya

PT. Asuransi Syariah Mandiri Surabaya is a general insurance company established on August 21, 1978, by individuals from Bank Negara Indonesia (BNI). Pada tahun 1986, PT Asuransi Wahana Tata joined as a shareholder. As of December 31, 2017, the shareholders consisted of Dana Pensiun Bank Negara Indonesia, Asuransi Wahana Tata, and PT Angkasa. In providing quality insurance services, ASMS is supported by a professional workforce, integrated service system, application of the latest information technology, as well as harmonious and mutually beneficial cooperation with business partners such as loss adjusters and reasurador, both from within and outside the country. In carrying out its business activities, ASMS always shows significant progress so that it has succeeded in becoming a healthy, sturdy, and trustworthy insurance company. This success is proven through the settlement of various insurance claims, both small and large, including earthquake claims in Palu in 2018. In resolving all such claims, ASMS always strives to provide a quick, efficient, and timely response following its commitment to provide the best standard of service to the insured.



Figure 4. Profile of PT. Asuransi Syariah Mandiri Surabaya

To improve its performance, the Company always implements Good Corporate Governance following its true meaning in the management of the Company, which is focused on improving performance and managing resources, and services. This includes efforts to achieve integrated Company operations with information technology support, operational efficiency without reducing productivity and service quality, as well as increasing deposit capital and expanding reinsurance networks both at national and international levels. ASMS Insurance has been registered and subject to supervision by Otoritas Jasa Keuangan (OJK) with business license number KEP-1754/MD/1978 dated December 11, 1978.

The marketing network of ASMS Sharia Business Unit is spread in various main regions in Indonesia both in the form of special branches in Jakarta and Sharia Service Units which are currently located in the Bandung, Surabaya and Banjarmasin areas. In addition, ASMS's sharia general insurance services can also be accessed/obtained at Conventional Marketing Offices/Branch Offices spread across various regions in Indonesia. To support the synergy of the Sharia general insurance business, ASMS Sharia Business Unit has collaborated with various parties including Sharia Banking,

Sharia Financial Institutions, Sharia Insurance and Reinsurance Companies and certified insurance agents both institutions and individuals.

As stipulated in regulations and to manage and maintain the mandate that has been given by participants professionally based on sharia principles, ASMS Sharia Business Unit in operational activities has been owned and supported by competent and certified experts in various fields, especially sharia insurance.

Sharia Insurance is a system that involves mutual assistance cooperation (ta'awun), where participants or customers share risk by giving part or all of their contributions through tabarru funds, which will later be used to pay claims in disaster situations or disasters experienced by some participants or customers. In this context, insurance companies act as managers who manage and invest funds from participant contributions, not as insurers as in conventional insurance.

In general, sharia general insurance products have similarities with conventional general insurance products in terms of guaranteed risks. However, in its implementation, sharia general insurance products must primarily comply with sharia principles. This includes ensuring that the object or property to be insured does not contradict the teachings of Islam, both in its purpose and business processes. The implementation of sharia general insurance products must also be based on the application of sharia principles through the use of contracts or agreements, such as tabarru contracts, tijarah contracts, wakalah bil ujah contracts, and mudharabah contracts. The importance of ensuring that risk management and investment do not contain elements of maisyir, gharar, and riba is also emphasized in sharia general insurance [38].

Sharia Insurance Implementation in PT. Asuransi Syariah Mandiri Surabaya (ASMS)

PT. Asuransi Syariah Mandiri Surabaya (ASMS) provide insurance services for the travel of Hajj and Umrah pilgrims, following the provisions contained in Government Regulation (PP) Number 79 of 2012 concerning the implementation of Law No. 13 of 2008 concerning Hajj Organizers. In the context of insurance implementation arrangements for prospective Hajj pilgrims, the results of the research were collected through data, interviews, and observations with Mr. G.C Koen Yuliyanto as President Director of Hajj and Umrah Organizers PT. Asuransi Syariah Mandiri Surabaya shows that the implementation of Hajj and Umrah insurance has been running following applicable procedures as stated in the provisions governing the implementation of Hajj in Law No. 13 of 2008 concerning Hajj Organizers as amended by Law No. 8 of 2019. The conference was not spared from being associated with three things, namely the approach of coaching, protection and guidance, so these three things have become obligations of PT. Asuransi Syariah Mandiri Surabaya in the service of Hajj and Umrah.

Hajj and Umrah travel insurance is an important component in preparation for a trip to the holy land for Muslims. This journey not only has a spiritual dimension of worship but also involves practical aspects that require careful consideration. In this context, having Hajj and Umrah travel insurance can provide crucial financial protection and peace of mind during this meaningful trip, several procedures must be done if there are clients who want to apply for Hajj and Umrah travel insurance in PT Asuransi Syariah Mandiri Surabaya. Based on the interview conducted is Personal Information: Full name, address, telephone number, and other contact information, passport number and expiration date, information of family or other participants to be travelled, Itinerary, including departure and arrival dates. Medical history including existing medical conditions, information regarding prescription medications being taken, allergy records or other special health conditions [39].

In general, PT Asuransi Syariah Mandiri Surabaya offers two Umrah travel schemes, namely regular and Umrah. Regular Umrah and Umrah Plus trips offer spiritual

experiences and worship services for Muslims, albeit with different focuses and dimensions. Regular Umrah includes travel to three major holy cities in Saudi Arabia: Jeddah, Medina, and Mecca, while Umrah Plus involves additional destinations outside of Saudi Arabia such as Turkey, Aqso (Jerusalem), Malaysia, Singapore, Dubai, Yemen, Oman, and Uzbekistan. The results of the interview conducted, namely:

Regular Umrah and Umrah Plus both have their values and interests. Regular Umrah provides a focus on worship and solemnity in the holy land, while Umrah Plus expands the experience by adding a tourist and cultural dimension. These two types of Umrah bring Muslims closer to God and help deepen their understanding of Islam as well as enrich spiritual and social experiences. The travel costs that must be met on regular Umrah are IDR 26,000,000 while Umrah Plus is IDR 35,000.00 with a period of 9 days, 12 days, and 16 days.

Regular Umrah and Umrah plus travel facilities are an important key in providing a comfortable and comprehensive experience to pilgrims. Both regular Umrah (Jeddah, Medina, Mecca) and Umrah plus with additional destinations such as Turkey, Aqso (Jerusalem), Malaysia, Singapore, Dubai, Yemen, Oman, and Uzbekistan, have characteristics and facilities tailored to the characteristics of each trip.

Accommodation: Regular Umrah generally provides accommodation in hotels located close to the Grand Mosque in Mecca and the Prophet's Mosque in Medina. Comfort facilities such as air-conditioned rooms, cleaning services, and easy access to places of worship are priorities. Transportation: Regular Umrah pilgrims usually get convenient intercity transportation, including travel from Jeddah to Medina and Mecca. Local transportation for various Umrah rituals is also provided. Spiritual Assistance: Regular Umrah trips are complemented by spiritual assistance by ustad or priests who guide pilgrims in carrying out worship properly. They provide instruction and a deep understanding of the rituals of Umrah. Pilgrimage Guides: Regular Umrah pilgrims usually get pilgrimage guides who guide them to visit historical sites in Mecca and Medina, such as Jabal Rahmah and Jabal Nur. Scheduled Worship Trips: Regular Umrah follows a structured schedule of worship, including thawaf, sa'i, and other Umrah rituals. This helps worshippers perform worship following the correct ordinances.

Umrah Plus offers facilities designed to meet the needs and preferences of pilgrims, opening up opportunities to explore cultural and historical richness in additional destinations. As the results of the interview conducted:

Umrah Plus offers additional tourist destinations outside Saudi Arabia. Pilgrims can visit historical sites in Turkey, Aqso, Malaysia, Singapore, Dubai, Yemen, Oman, and Uzbekistan. In addition, the Umrah plus facility includes a wider cultural experience as pilgrims can explore cultural and historical richness in additional destinations. For example, visiting Jerusalem in Aqso or enjoying the cultural diversity in Turkey. Interstate Transportation: Umrah Plus provides interstate transportation facilities, both flights and land trips. Pilgrims can travel comfortably and safely from one destination to another. Language Guide Service: A local-speaking tour guide is usually included in the umrah plus to provide information and guidance in each destination. It helps pilgrims understand the cultural and historical context of each place they visit. Local Food and Cuisine Settings: Umrah Plus often presents a diverse culinary experience by incorporating local cuisine from each destination. This allows pilgrims to enjoy the culinary diversity of the world.

Hajj and Umrah travel insurance has a very significant role in providing a sense of security and comfort to pilgrims who travel to the holy land. The importance of this insurance is not only related to the financial aspect, but also has a big impact on the health, safety, and peace of mind aspects of pilgrims. Hajj and Umrah insurance PT Asuransi Syariah Mandiri Surabaya provides good service standards for a smooth trip,

this is contained in ASMS Travel Insurance which is a comprehensive travel insurance product, which provides benefits/compensation for risks caused by accidents, travel inconvenience and protection of baggage and personal belongings during the trip both domestically and abroad as the results of the interview conducted [40].

ASMS Travel Insurance provide insurance against personal accidents which include: death due to accidents and total permanent disability due to accidents. Medical expenses and medical care include medical treatment costs due to accidents, evacuation and repatriation costs including emergency medical evacuation and repatriation of bodies, follow-up care costs, and travel visits. Inconvenience during the trip: loss of baggage and personal belongings, baggage delays, cancellation/delay fees, trip interruptions and trip delays, loss of cash in the wallet.

Although Hajj and Umrah travel insurance PT Asuransi Syariah Mandiri Surabaya Provides extensive protection, it is important to understand that not always all types of accidents or events will be fully covered by insurance. Certain conditions or situations may not be covered or have certain limitations in the policy terms. As the results of interviews conducted with leaders PT ASMS. Here are some points that explain that accidents on the Hajj and Umrah trips are not always fully covered by insurance:

War, revolution, terrorism, and sabotage intentionally engage or participate in acts of crime. Violate applicable laws and regulations. Acts of suicide or self-harm. Radioactive, nuclear, or chemical contamination. Government regulations, interventions, criminal proceedings, and some other exceptions In the scope of insurance, the occurrence of loss is a risk that may occur in various aspects of life. Humans cannot predict the likelihood of risk arising in their lives, so they try to find ways to manage these risks. Risks related to the safety and smooth running of Hajj and Umrah travel can be overcome through travel or tourism insurance. PT Asuransi Syariah Mandiri Surabaya as an insurance company, is responsible for paying claims due to losses following the provisions of the insurance policy that has been purchased. PT Asuransi Syariah Mandiri Surabaya should make claim payments to maintain consumer trust in insurance companies.

If there are obstacles in carrying out claim payments, it can be an obstacle that causes rejection of insurance claims. Claim payment constraints, which determine the rejection of insurance claims, may occur if the insured is proven to have committed fraud by manipulating data. This incident was revealed during the field survey conducted, and the survey results show fraud committed by the insured. Therefore, the insured is expected to be able to convey information to the insurance company transparently and honestly from the beginning to reduce the risk of rejection of insurance claims [10].

The Relevance of Sharia Insurance

The practice of sharia insurance is not explicitly mentioned in the Qur'an, there is not a single verse that clearly explains the practice of insurance. The Qur'an only accommodates a few verses that contain basic values that exist in insurance practice, such as the basic value of help, cooperation or the spirit to protect against losses suffered in the future. Sharia insurance is a practice of liability among fellow participants. When one participant experiences an insured risk, it will get a claim from the participants themselves.

Operationally, generally, insurance following Sharia has a system that contains the following:

1. Have a takaful contract (please help, bear each other) to provide compensation or protection for future disasters.
2. The funds collected become the trust of the fund manager. The funds are invested following Shariah instruments such as mudarabah, musharakah, wadiah and wakalah.

3. Premiums have elements of tabarru or mortality (life expectancy).
4. The charge of operational costs borne by policyholders, is limited to the range of 30% of premiums so that the formation of cash value is quickly formed in the first year which has a value of 70% of premiums.
5. From the tabarru' account (benevolent fund of all participants) from the beginning it has been given up by participants to help.
6. The coverage mechanism in Sharia insurance is the sharing of risk. In the event of a disaster, all participants participate (mutually) and help.
7. Profits (profits) are divided between the company and participants according to the principle of profit sharing (mudarabah), or in the tabarru contract 'can be in the form of gifts to participants and ujah (fees) to managers.
8. Have a creed, social mission and uplift the economy of Muslims or intifada mission.

In an Islamic society, social welfare can only be realized if each individual cooperates and helps others. This is the basic concept used by the Islamic community in conducting insurance. The concept of help in goodness and piety is in line with the divine principle and worship in a covenant covenant made. Mutual help and cooperation are interpreted as Takaful, which is an insurance concept based on Islamic sharia or sharia insurance.

Meanwhile, the contracts that can be used in sharia insurance are also determined by the purpose of the contract from both parties in carrying out the transaction based on the principle of freedom of contract. Therefore, if someone wants to insure as well as invest, then the contract used is mudarabah, musharakah, or the like. However, if it is purely for sharia insurance, then the right contract to use is a wakalah contract with the details of the contract between the insurance company and the participant is a wakalah, while between insurance participants is a grant contract.

In general, based on (Fatwa DSN No. 21 / MUI / X / 2001 concerning General Guidelines for Sharia Insurance) when insurance participants participate in the sharia insurance company program will be given a contract, the agreement given must follow Sharia which does not contain gharar (fraud), maysir (gambling), usury, zhulm (persecution), risywah (bribery), haram goods and immorality.

First, a contract that accommodates the needs of participants and guarantees that each participant gets protection benefits according to their contribution. Second, travel sharia insurance contracts ensure transparency in fund management. The MUI fatwa emphasizes the importance of clarity regarding participant fund investment and profit sharing. PT. Asuransi Syariah Mandiri Surabaya in its implementation, provides transparent information to participants regarding how their funds are invested and how profits are distributed following sharia principles. It aims to maintain the trust of participants and ensure compliance with sharia values. Third, the travel sharia insurance contract avoids the element of usury. In its implementation, PT. Asuransi Syariah Mandiri Surabaya (ASMS) Ensure that the financial scheme used does not involve interest or usury elements. This principle is in line with Islamic teachings that prohibit the practice of riba in all its forms. In addition, the implementation of the travel sharia insurance contract also involves a mechanism of mutual responsibility among participants. The concept of solidarity is realized through mutual assistance and risk sharing so that if one participant experiences a disaster, the financial burden can be divided fairly according to their respective contributions.

In its overall implementation, PT. Asuransi Syariah Mandiri Surabaya Uphold sharia principles in Hajj and Umrah travel insurance. Thus, participants can experience the benefits of protection following Islamic values without involving practices that are

contrary to religious teachings. This creates a financial solution that complies with sharia guidelines, making sharia travel insurance PT. Asuransi Syariah Mandiri Surabaya is a relevant and suitable option for Muslims who wish to perform Hajj and Umrah with peace of mind [41].

CONCLUSION

Implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya demonstrates success in integrating Sharia principles into the travel insurance industry. Based on a study of relevance to Fatwa Majelis Ulama Indonesia (MUI), it can be concluded that the implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya (ASMS) covers several important points. First, the adoption of sharia principles in the preparation of Hajj and Umrah travel insurance products has provided a strong legal foundation for companies. PT. Asuransi Syariah Mandiri Surabaya carefully ensures that insurance products comply with the provisions of Fatwa MUI, which allows the use of insurance by avoiding elements of *riba* and speculation. This demonstrates the company's commitment to sharia compliance and ensures that Hajj and Umrah pilgrims can avail protection without violating religious principles. Second, the implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya Positively meets the needs of pilgrims in the face of certain risks that may arise during the journey of worship. Protection against risks such as trip cancellations, delays, or loss of valuables provides a sense of security and comfort for worshippers, allowing them to focus on performing worship without the burden of excessive worry. Overall, the implementation of sharia insurance for Hajj and Umrah travel by PT. Asuransi Syariah Mandiri Surabaya can be considered successful and relevant to the needs of the Muslim community. Taking into account aspects of sharia compliance and risk protection.

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Author Contribution

All authors contributed equally to the main contributor to this paper, all authors read and approved the final paper, and all authors declared no conflict of interest.

Conflicts of Interest

All authors declare no conflict of interest.

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