

ISLAMIC ECONOMIC REVIEW ON THE IMPLEMENTATION OF MUDHARABAH MUTHLAQOH AGREEMENTS IN INDONESIAN HAJJ SAVINGS PRODUCTS AT BSI (BANK SYARIAH INDONESIA) M. Kholil Bangkalan Branch

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Abstract: *The research with the title "Islamic Economic Overview of the Implementation of Mudharabah Muthlaqoh Agreements in Indonesian Hajj Savings Products at BSI (Bank Syariah Indonesia) M. Kholil Bangkalan Branch" has the aim of finding out how the contracts contained in Hajj savings products at BSI Bangkalan are implemented which will later be analyzed with Islamic economic theory. In this research, descriptive research is applied using a qualitative approach, and the method used to collect data is in the form of interviews and documentation, the data analysis method applies descriptive qualitative analysis. The results of the research show that in accordance with the pillars and conditions, namely for people who carry out contracts, namely capital owners and capital managers, it is implied that they must be competent to act. Mudharabah is absolute, capital owners do not bind property managers to trade in certain countries, trade certain goods and at certain times. The capital or goods handed over are in the form of cash which acts as a transaction tool in a country. It has been implemented well and in accordance with existing administration. The profits obtained are only intended for the party entering into the agreement. The percentage distribution of profits that will belong to the manager and capital owners must be clear according to the agreement, for example half, one third, or one quarter. Ijab and kabul are carried out with clear and implied shi'gat accompanied by stating the distribution of profits firmly and clearly. If it is not stated clearly then the contract is invalid. This has also been stated in the agreement file which was agreed at the beginning when carrying out transactions at BSI Bangkalan between the customer and BSI. So overall the requirements in Islamic economics regarding the implementation of mudharabah contracts have been implemented well. So the researcher can conclude that BSI Bangkalan is in accordance with Islamic economics in implementing the mudharabah muthlaqoh agreement on Hajj savings products.*

Keywords: *Mudharabah Muthlaqoh, Hajj Savings, Islamic Economics*

1. Introduction

Indonesia is one of the countries with the largest Muslim majority in the world. According to a report by The Royal Islamic Strategic Studies Center (RISSC) entitled the Muslim 500 2023 edition, the Muslim population in Indonesia reached 237.55 million people last year. This number is the largest in the Association of Southeast Asian Nations (ASEAN) countries and globally (Indonesian Ministry of Religion, 2006). Judging from data from the National Central

Bureau of Statistics, the Muslim population in Indonesia is 216.66 million people with a percentage of 85% of the total population of Indonesia (BPS, 2018). In fact, it cannot be denied that currently, with awareness of the provisions of Allah SWT who orders His servants to seek the sustenance that Allah has prepared on earth using halal methods. (Sabrinasyaha & Sugianto, 2023). Avoid maisir (gambling), gharar (fraud), risywah (bribery), usury (interest). In seeking sustenance, a Muslim must always remember Allah SWT (Halim et al., 2023). When this fortune has been obtained, he must use his possessions well and correctly (Syahira & Anggraini, 2024). With these provisions, economic activity in Indonesia will develop. And because of that, society needs institutions that are tasked with managing the funds they have effectively and can be trusted. This is what makes financial institutions develop very rapidly (Anggraini & Khoiriah, 2023).

Byin general, financial institutions are grouped into 2 forms, namely: Bank Financial Institutions and non-bank Financial Institutions. Based on Banking Law No. 10 of 1998, a bank is a business entity that collects funds from the public in the form of savings and distributes them to the public in the form of credit and/or other forms with the aim of improving the standard of living of many people. (Burhanuddin, 2010). Apart from that, banks are also known as places to exchange money, move money, and accept all kinds of payments or deposits such as payments for electricity, telephone, water, taxes, tuition fees, and other payments (Kasmir, 2012). A bank financial institution is a financial intermediation institution whose general aim is to provide efficient payment mechanisms and tools for customers (Ikhwan, 2018). A non-bank financial institution is a financial institution that provides financial services and withdraws funds from the public indirectly (non-depository) (Burhanuddin, 2010).

As sharia banking was rolled out in the mid-1990s in Indonesia, several sharia financial institutions had a very important position as sharia-based economic institutions in the midst of the national development process (Ramadana & Azhar, 2022). The establishment of Sharia Financial Institutions (LKS) is an implementation of Muslims' understanding of the principles of muamalat in Islamic economic law in general in a more micro scope (Ogny et al., 2023).

One of the financial institutions in the form of a bank is BSI. As a sharia financial institution that is considered well established, of course BSI has good human resource management, this is in balance with BSI's status which is a good institution in managing banks with the implementation of the Islamic economic system. One of the BSIs in Madura is BSI Pawn Gold Bangkalan (Sadewo & Dzikrulloh, 2023). In this financial institution there is one of the superior products, namely the Indonesian Hajj Savings Product. This product uses a mudharabah muthlaqoh contract. Hajj savings products are the second most popular product among consumers in Bangkalan Regency after gold savings. One of the reasons the researchers took this research was that it was strengthened by the condition of the religious people of Bangkalan, with the concept of sharia which applies the mudharabah muthlaqoh agreement which is certainly interesting to study in the light of Islamic economics (Princess & Nature, 2022). In another study, it showed that a review of the implementation of a similar contract was at BSI Pekanbaru. In this research, the implementation of the contract was studied using the DSN MU fatwah. The difference between this research is that the researcher focuses on reviewing Islamic economics with contract theory starting from the legal basis to the pillars and conditions of the contract. In general, mudharabah financing is financing with a profit-sharing principle that is used for cooperative businesses with the aim of obtaining goods and services at the same time. Mudharabah comes from the word dharb which means to hit. Or more precisely, it is the process of running a business. Mudharabah business profits are shared according to the agreement stated in the contract. If the loss is borne by the capital owner as long as it is not caused by the

manager. However, if the loss is caused by the manager's negligence or fraud, then the manager must be responsible for the losses incurred (Sipul & Hasan, 2022). The application of mudharabah to financing can be applied to financing working capital and the bank's income level is determined by the amount of business profits, namely in accordance with the profit-sharing ratio that has been agreed upon by the shahib al-mal (syariah bank) and mudharib (customer) at the beginning of the contract. Of course, this mudharabah financing does not use a riba (interest) system, so that business actors are not too burdened in developing their business (Chairunisyah et al., 2023).

The mudharabah contract is a solution used by all sharia banks to avoid usury, namely with a profit sharing system. Mudharabah in sharia banking is usually applied to financing and fund raising products. One of the fund collection products in sharia banking is savings. Data from Bank Indonesia states that total mudharabah savings in sharia banking in Indonesia have increased continuously from year to year, namely 4.184 billion rupiah in 2005, increasing to 19.570 billion rupiah in 2010. However, in practice there are still many sharia banks in Indonesia that have not implemented contracts. This mudharabah is kaffah. Seeing the large opportunities in the development of Mudharabah Savings in Indonesia and seeing the existing obstacles, the researcher wants to examine in more depth how mudharabah is implemented.

Mudharabah contracts between Sharia Financial Institutions and customers in the form of financing are carried out to support the services provided by Sharia financial institutions to customers in order to help customers get the Hajj portion as intended above. Provisions regarding qardh financing, namely: The customer is obliged to return the principal amount received at a mutually agreed time; administration fees are charged to customers; Sharia Financial Institutions can ask customers for guarantees if necessary; Customers can make additional donations voluntarily to Sharia Financial Institutions as long as it is not agreed in the contract (Ismaydina & Jannah, 2022). The application of Mudharabah Muthlaqah is that the depositor acts as the owner of the funds (shahibul maal) and the bank acts as the fund manager (mudharib). Customers as fund owners (shahibul maal) cannot impose certain restrictions or requirements on sharia banks as fund managers (mudharib) in managing their investments, whether related to the place, method or object of investment. Customers will get benefits in the form of profit sharing on their deposits where the bank distributes profit sharing to customers with a ratio that has been agreed at the beginning and gets profit sharing at maturity or every month which goes directly into the customer's account (Prasetyo et al., 2020). If the deposit is disbursed before the maturity date, the bank will impose a fine (penalty) on the customer concerned in accordance with bank policy. Sharia banks have the right and freedom to invest Mudharabah Muthlaqah in various business sectors that the Sharia bank estimates will make a profit (Nurhayati & Wasilah, 2014).

According to the Ministry of Religion of the Republic of Indonesia, Hajj is a visit to Baitullah to carry out acts of worship, including wukuf, tawaf, sa'i and other worship activities at a certain time, in order to carry out the call of Allah SWT to gain His pleasure. which is required for every capable Muslim (Abdurrahmat, 2003). God has confirmed it through His words in QS. Ali Imran (3):97. By looking at the description, it is certainly interesting to study in depth the implementation of the mudharabah muthlaqoh contract in Indonesian Hajj savings products at BSI Bangkalan.

2. Research Methods

This research uses conceptions and theories in a qualitative research approach and applies descriptive analysis research (Moleong, 2006). The research location is Bank Syariah Indonesia

(BSI) Gadai Emas KC Bangkalan M. Kholil. The research carried out requires data sources in the form of primary and secondary data sources. As in the definition of primary data source as a data source obtained from a person who provides information directly in a research by conducting interviews with bank leaders and employees. In this research, primary data was obtained from employees and heads of BSI Bangkalan. Meanwhile, secondary data sources are defined as a form of data source used to support research needs and also primary data sources, in this case composed of several documentation and theories obtained from various sources, both books and the internet, to provide additional supporting information regarding a focus. research studies conducted (Bachri, 2010).

In a method used to collect data that was implemented in detail and used by researchers, namely in the form of semi-structured interviews, interviews were conducted with informants, namely employees and the head of BSI Bangkalan. In this case, the interview model can take more data than expected (Patton, 2002). Data analysis techniques in research are carried out as a form of data reduction process, data display, and inference/validation.

3. Results and Discussion

BSI Overview (History in Establishment)

Bank Syariah Indonesia itself has developed quite rapidly and is part of one of the state-owned industries that contributes to economic development in Indonesia. February 1 2021, precisely 19 Jumadil Akhir 1442 H, was marked by a history of uniting BRI Syariah, BNI Syariah and Bank Syariah Mandiri, in a grouping to become Bank Syariah Indonesia (BSI). In the merger process, the three Islamic banks have the advantages and strengths to offer increasingly comprehensive Islamic financial performance services. There is support for the synergy of benefits in a parent company (BRI, BNI, Mandiri) and the government which provides a commitment in the Ministry of BUMN (Mohamma & Agilga, 2022). In the process carried out to combine the three Islamic banks mentioned as an initiative to realize the dream of Islamic banking, it is hoped that it can be used as a financial service that the people can be proud of and a hope in new strength for the process of increasing development and the national economy and advancing prosperity. the whole community.(Yoannisa Fitriani Suhayati, Azri Nur Maulina, 2022)The existence of Bank Syariah Indonesia is a form of reflection of the existence of sharia banking which is carried out in Indonesia in a more beneficial, universal and modern way for all mankind. (Rahmatan Lil 'Aalamiin) (BSI Bank, 2022).

OverviewIslamic Economics on the Implementation of Mudharabah Muthlaqoh Agreements in Savings ProductsIndonesian Hajj at BSI (Indonesian Sharia Bank) M.Kholil Bangkalan Branch

Indonesia is one of the countries with the largest Muslim population in the world, so the Hajj pilgrimage is eagerly carried out by Muslim communities in Indonesia. Bank Syariah Indonesia continues to innovate by creating Indonesian Haj Savings products using the mudharabah muthlaqah agreement. With this, it is hoped that customers who use this product's services can be helped to carry out their Hajj pilgrimage.

Indonesian Hajj Savings Products at BSI Bangkalan

Indonesian Hajj Savings products in general are third party savings whose withdrawals are only made when the customer wants to payHajj pilgrimage or under certain conditions according to the customer's agreement. Hajj savings are savings intended for individual customers to prepare for the Hajj Pilgrimage Costs (BPIH). These savings use Rupiah currency and the

contract used for this Hajj Savings is a Mudharabah Muthlaqah contract, so during the journey, these Hajj savings cannot be withdrawn at any time, such as other savings accounts, this contract is valid from the date the Tabungan Haji Indonesia account is opened until the date of termination of the contract due to the closing of the Tabungan Haji Indonesia account for any reason or other reasons as regulated in the general terms and conditions and special terms and conditions that have been agreed to by the Bank. with the Customer, These include causes regulated by law and force majeure.

This contract is an integral and inseparable part of the Customer Information File (CIF). Customers who have sufficient balance can be registered to obtain a portion number via SISKOHAT according to the desired departure year and/or according to the departure year that is still available if. Currently, the balance that can be registered to obtain a portion number is IDR 25,000,000. The bank will include customers in a life insurance program with a life insurance company appointed by the bank. The customer will also bear the investment risk and give approval/permission to the bank to manage funds in accordance with the principles of the Mudharabah Muthlaqah agreement.

Meanwhile, the Indonesian Hajj Savings product at BSI KC Bangkalan M. Kholil is actually almost the same as the Indonesian Hajj savings product in general. The following calculations for the Indonesian Hajj Savings product at BSI KC Bangkalan M. Kholil are divided into several parts, namely deposits and withdrawals, closing savings accounts, and fees used in the Indonesian Hajj Savings product.

a. Deposits and Withdrawals

- 1) Deposits and withdrawals can be made at all Bank Branches according to the bank's operational hours
- 2) Minimum initial deposit of IDR 100,000 (one hundred thousand rupiah) and subsequent deposits of minimum IDR 10,000 (ten thousand rupiah) via Branch. Rp. 1 via E-Channel (Mobile and Internet Banking)
- 3) BalanceThe minimum to be registered in the Integrated Hajj Information and Computerization System (SISKOHAT) is the nominal amount determined by the Government Institution that has the authority to organize the Hajj and Umrah plus the minimum savings balance.
- 4) Withdrawals can only be made in "emergency conditions" (for example, the customer experiences a disaster or misfortune) and can only be done with a Savings Withdrawal Slip. Statement of Request for Partial Withdrawal of Indonesian Hajj Savings Funds and showing the Savings Book.
- 5) Withdrawals and transfers can be authorized by attaching a power of attorneyvalid from the customer, accompanied by proof of identity of the owner and proxy.

b. Closing savings account

- 1) For customers who already have a portion number, the account may not be closed, unless the customer cancels the portion.
- 2) For customers who have performed the Hajj pilgrimage, savings can be closed no later than 6 (six) months after the arrival date of the last flying groupHajj pilgrims in Indonesia.

c. Cost

- 1) E channel fees are charged according to transactions excluding Hajj fee transactions.
- 2) Savings that are closed after the customer registers for Hajj are free of charge, while savings that are closed before registering for Hajj are charged IDR. 20,000.00.

Review of Islamic Economics on the Implementation of Mudharabah Muthlaqoh Agreements in Savings Products Indonesian Hajj

Mudharabah Muthlaqah or also called unrestricted mudharabah, is a form of collaboration between the owner of funds (shahibul maal) and the fund manager (mudharib) which gives the manager the freedom to manage funds in any form of business that brings profit as long as the business does not conflict with sharia principles. In this mudharabah muthalaqah, the fund owner gives full freedom to the fund manager to use the funds in businesses that are profitable and do not conflict with sharia principles. However, managers are still responsible for carrying out management using normal, healthy business habits. General provisions for products using mudharabah muthalaqah contracts include:

- a. The bank as fund manager (mudharib) is obliged to notify the owner funds (shahibul maal) regarding the ratio and procedures for sharing profits as well as the risks that can arise from storing funds. If an agreement has been reached between the bank and the customer, this must be stated in the contract.
- b. For mudharabah savings, the bank can provide a savings book as proof storage and ATM cards as a means of withdrawal. And for mudharabah deposits, banks are required to provide deposit certificates or deposit receipts (bilyets) to depositors
- c. Savings *mudharabah* can be withdrawn at any time by the saver, in accordance with the agreed agreement but is not permitted to experience a negative balance
- d. Mudharabah deposits can only be disbursed according to the agreed time period. Deposits that are extended by depositors after maturity will be treated the same as new deposits, but if the contract already includes an automatic deposit extension, then there is no need to create a new contract

Technically, the use of the mudharabah muthalaqah contract principle in this Hajj savings product is as an instrument for collecting funds or channeling funds from the public to sharia banks which has been regulated in article 5 of Bank Indonesia regulation no 7/46/PBI/2005 concerning contracts for collecting and distributing funds for banks that carry out business in accordance with sharia principles. The number of users of Indonesian Hajj Savings Products at BSI KC Bangkalan is 256 users. When opening a Hajj Savings account at BSI KC Bangkalan M. Kholil, there are several provisions that customers must know, such as the contract used in Indonesian Hajj savings. The terms and conditions of the Hajj Savings contract at BSI KC Bangkalan M. Kholil are as follows:

- a. By paying attention to the applicable provisions regarding the mudharabah mutlaqah agreement, for this Hajj savings account, the distribution of the profits is determined between the bank and the customer is expressed in the form of a profit sharing ratio agreed upon by both parties.
- b. Tax The profit sharing received by the customer is borne by the customer and is deducted directly from the profit sharing income he receives.
- c. The bank will include customers in a life insurance program with the company life insurance appointed by the bank, as is the customer's application form for the life insurance program which is part of opening a Hajj savings account at BSI.
- d. The customer and the bank agree that the customer can only withdraw funds in accordance with the provisions applicable to the bank and agree to share the proceeds of the customer's funds placed with a profit sharing ratio of 8% for the customer and 92% for the bank which will be calculated, recorded, and distributed monthly based on the profit sharing distribution principle, but for other products such as the Impian Savings product, the profit sharing ratio between the customer and the bank is 18% for the customer and 82% for the bank in

accordance with the existing provisions at the BSI KC Bangkalan bank.

- e. The profit sharing ratio provisions mentioned above are valid until there is a change in the profit sharing ratio agreed upon by the bank and the customer (Results of an interview with Mrs. Diah Norvitriani, Customer Service, on January 19 2023).

Benefits and advantages of Indonesian Haji Savings products. Some of the benefits and advantages of the Indonesian Haji Savings product include:

other:

- a. Free administration fees
- b. Transactions cannot be taken at any time, but only under certain circumstances
- c. Online account opening
- d. Hajj payments can be made online
- e. Makes it easy To get the Hajj departure portion, the system is done online with the Ministry of Religion's Siskohat from a minimum age of 12 years.
- f. No account closing fees
- g. Get E-Banking (BSI Mobile and BSI Net Banking)
- h. After the customer registers for the Hajj portion, they are equipped with BSI Debit Haji Indonesia as an ATM card using the Visa provider.

Problems and Solutions for Indonesian Hajj Savings Products. Actually, there are not many problems with this Indonesian Hajj Savings product, it's just that registration with SISKOHAT is often problematic and cannot be accessed by the customer, therefore the bank itself helps register these customers to help with the registration process through SISKOHAT (Results of interviews with Mrs. Diah Norvitriani, Customer section Service, on January 19, 2023).

In accordance with the pillars, it consists of: capital owners who surrender their capital (shahib al-mal); amil who runs or manages capital (mudharib); form of business as a form of capital management which is the job of managing capital so as to generate profits; principal assets or capital in the form of money that is carried out; profits shared together in accordance with the agreement; and shigat contract, namely the consent and acceptance carried out by the owner and the capital manager, then the implementation of the contract for the Hajj savings product at BSI Bangkalah has fulfilled the pillars above, a description of this has been provided in the previous discussion section regarding the implementation of the contract.

Meanwhile, the conditions for a valid contract *mudharabah* closely related to harmony *mudharabah* itself. As for the legal conditions *mudharabah* are as follows:

- a. For people who carry out contracts, namely capital owners and capital managers, it is implied that they must be competent to act. In its implementation at BSI Bangkalan, there are already capital owners, namely customers, and capital managers, namely BSI.
- b. *Mudharabah* is absolute, capital owners do not bind property managers to trade in certain countries, trade certain goods and at certain times. The use of the *mudharabah muthlaqoh* contract already represents the description above and at BSI Bangkalan it is in accordance with the above conditions.
- c. The capital or goods handed over are in the form of cash which acts as a transaction tool in a country. It has been implemented well and in accordance with existing administration. With good and clear administration, BSI will safeguard the cash given by consumers in a trustworthy and accountable manner.
- d. The profits obtained are only intended for the party entering into the agreement. The percentage distribution of profits that will belong to the manager and capital owners must be clear according to the agreement, for example half, one third, or one quarter. This has also

been implemented and the administrative provisions for filing the agreement at the beginning are also clear in the previous description.

- e. Consent and acceptance are done with *shigat* which is clear and implied, accompanied by stating the distribution of profits firmly and clearly. If it is not stated clearly then the contract is invalid. This has also been stated in the agreement file which was agreed at the beginning when carrying out transactions at BSI Bangkalan between the customer and BSI.

4. Conclusion

Can It was concluded that the research with the title Review of Islamic Economics on the Implementation of Mudharabah Muthlaqoh Agreements in Indonesian Hajj Savings Products obtained results that in accordance with the provisions of the mudharabah muthlaqoh contract as stated in the pillars and terms of the contract, the entire administrative process from the beginning to the end of the contract was in accordance with Islamic economics. To be clearer, the terms and conditions have been met in harmony, namely that the people who carry out the contract, namely the capital owner and capital manager, are required to be competent to act. Mudarabah is absolute, capital owners do not bind property managers to trade in certain countries, trade certain goods and at certain times. The capital or goods handed over are in the form of cash which acts as a transaction tool in a country. It has been implemented well and in accordance with existing administration. The profits obtained are only intended for the party entering into the agreement. The percentage distribution of profits that will belong to the manager and capital owners must be clear according to the agreement, for example half, one third, or one quarter. Ijab and kabul are carried out with clear and implied *shigat* accompanied by stating the distribution of profits firmly and clearly. If it is not stated clearly then the contract is invalid. This has also been stated in the agreement file which was agreed at the beginning when carrying out transactions at BSI Bangkalan between the customer and BSI. So overall the requirements in Islamic economics regarding the implementation of mudharabah contracts have been implemented well. So the researcher can conclude that BSI Bangkalan is in accordance with Islamic economics in implementing the mudharabah muthlaqoh agreement on Hajj savings products.

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