

ANALYSIS OF ARRUM HAJJ PRODUCTS IN PEGADAIAN SYARIAH PROBOLINGGO (BASED ON MUI DSN FATWA NO. 25 / DSN-MUI / III / 2002)

Maryani¹ , Nahdiatul Nabila²

Faculty of Islamic Economics and Business, Institut Ilmu Keislaman Zainul Hasan Genggong, Probolinggo, Indonesia

Abstract

Hajj is a unique and complicated pillar of Islam. Every Muslim want to perform the Hajj. With a variety of obstacles, there are still many people who have not had the opportunity to perform the pilgrimage. One of the most common obstacles encountered was financial problems, including registration fees to the pilgrimage departure. Several Islamic Financial Institutions are present to provide various financial services that are religiously acceptable to the general public and the Muslim community. One of the Sharia financial institutions present in Indonesia which also has community financing activities is Pegadaian Syariah. The result of this study showed that the Arrum Hajj uses collateral in the form of gold while the Hajj Bailout has no collateral at all, this is what distinguishes between Arrum Hajj and the Hajj Bailout.

Keyword: Arrum Hajj; Hajj ; Pegadaian Syariah

1. INTRODUCTION

Hajj is a unique and complicated pillar of Islam. As part of Islamic teachings, the mechanism of performing Hajj requires all forms of abilities related to physical and non-physical abilities, mental readiness, self-awareness, religious zeal, sincerity, struggle and sacrifice. Being able to travel means that it involves physical, material, and spiritual abilities. All three are conditions that must be met for a Muslim who wants to perform the pilgrimage. Performing the Hajj can certainly be one of the ideals and hopes of a Muslim. But with a variety of obstacles, there are still many people who have not had the opportunity to perform the pilgrimage.

One of the most common obstacles encountered was financial problems, including registration fees to the pilgrimage departure. In some areas, a candidate must wait for 10 years or more. This situation is very unfavorable for some people who do not have enough and must save first to fulfill it. Several Sharia Financial Institutions exist to provide religiously acceptable financial services to the general public and the Muslim community in particular, one of which is the Hajj Bailout Fund. Hajj Bailout Funds are funds provided by Sharia Financial Institutions to Prospective Hajj Pilgrims to fulfill the requirements of at least 3 initial deposits of Hajj cost so that he can get the portion of Hajj in accordance with the provisions of the Ministry of Religion. These funds will be returned by pilgrims in accordance with the agreement (*akad*) that has been agreed between Sharia Financial Institutions and pilgrims prospective pilgrims. This is where the role of Islamic Financial Institutions Sharia Financial Institutions is to overcome the problem of people who are eager to go on the Hajj but are hit with a large enough cost.

The response from the community was very positive because the pilgrimage bailout was needed by the community to bridge this problem. At present many Islamic Financial Institutions stand in Indonesia that compete with each other in making products and also providing services to the public. Many products that have been created by Islamic Financial Institutions include financing products, fund raising or service products. All products are intended to serve the community. One of the Sharia financial institutions present in Indonesia which also has community financing activities is Pegadaian Syariah.

Pegadaian Syariah is a sharia financial institution that runs its business using the pawn system and is based on Islamic principles. Pegadaian Syariah Probolinggo is a

pawnshop whose operational system uses sharia principles, namely the use of Islamic legal principles in each of its activities and follows sharia fatwas such as, DSN MUI Fatwa No.25 / DSN-MUI / III / 2002. Regarding the maintenance of the Sharia Financial Institutions hajj pilgrimage, as well as holding fast to the provisions of sharia law that originate from the Qur'an and al Hadits. Various Pegadaian Syariah products are provided to the community such as Ar-Rahn, Mulia, Arrum, Amanah and so on. And sharia pawnshop products that are growing are in the Arrum Hajj products.

This product was first released in April 2016, where it made the right solution in order to help Muslims realize the fifth pillar of Islam. As a new product released in 2016 by Pegadaian Syariah of course, the Arrum Hajj Pawnshop Product has a positive and negative review. Registering Hajj with financing products is considered to be the same as a person who is in debt to perform the Hajj, which means that the person is financially incapable and has no obligation to perform the Hajj, this also inhibits those who are financially able to perform the Hajj pilgrimage. Moreover, at present the Islamic banking has also provided Hajj savings products. However, the positive side of this Arrum Hajj Financing Product can help those who are unable to realize their dreams of going to Hajj to the holy land, because some people will be more disciplined and orderly if they use financing or debt products compared to saving.

Based on the description above, the authors are interested in conducting research. In its implementation, Arrum Hajj products are different from the Hajj Bailout products in Islamic Banking. Based on the results of the study it can be explained that the Arrum Hajj uses collateral in the form of gold while the Hajj Bailout has no collateral at all, this is what distinguishes the two.

2.LITERATURE REVIEW

2.1. Pegadaian Syariah

Pegadaian is a State-Owned Enterprise that provides credit financing to the public in a special way, which is a pawning law and operates in three types of company business, namely: financing, gold, services. According to the Civil Law Article 1150, a lien is a right obtained by a person on a movable object granted by a party that has a debt to the receivable party. A person who has a debt gives his power to the person who is in debt to use the

movable property in paying off the debt if someone who is in debt cannot pay or fulfill their obligations when due (Subekti, R and Tjitrosudibio, 2014: 297). Meanwhile, according to Sudarsono (2003: 153) pawn in fiqh is called Ar Rahn and Rahn according to language is the name of the goods used as collateral. Whereas according to the syara 'is holding hostage or holding a number of assets that are surrendered as collateral rights, but can be taken back as a ransom

2.2. Arrum Haji

Arrum Hajj is a product offered by Pegadaian Syariah that aims to help customers to be able to get a portion of Hajj with a gold guarantee, Pegadaian provides this product as an alternative choice for people who have difficulty making financing for performing Hajj. The Arrum Hajj Product is a consumer financing product aimed at pawnshops for customers who need funds to pay the initial deposit of Hajj Operational Cost. Arrum Hajj is not a pilgrimage bailout fund but a debt provided by a sharia pawnshop to a customer using a pawn contract, the existence of collateral is the most striking thing that makes Arrum Hajj different from the pilgrimage bailout fund.

3.RESEARCH METHODS

3.1. Research Design

This research is a qualitative descriptive study with a case study approach, which is an intensive, detailed and in-depth study of a particular organization, institution or phenomenon. According to Arief (2007: 416), in case study research is trying to understand why the subject did so and how behavior changed when the subject gave a response to the environment by finding important variables in the development history of the subject.

4.DISCUSSION

4.1. The Arrum Hajj Product Mechanism at Pegadaian Syariah Probolinggo

Arrum Hajj is a product provided by Pegadaian Syariah Probolinggo which is intended for customers who want to perform the hajj pilgrimage, where Pegadaian Syariah

Probolinggo helps customers to carry out hajj pilgrimage in financial matters. Only by mortgaging gold or precious metals weighing 15 grams or valued at Rp. 7,000,000 customers will get a loan worth Rp. 25,000,000 for the hajj registration and will soon get a portion of the hajj and already know when he will leave for the hajj pilgrimage. The process of the Arrum Hajj Product mechanism begins with the customer visiting the Probolinggo Pegadaian Office bringing the terms and conditions mentioned above and also paying administrative fees, then the pawnshop will process all the required documents.

After that the customer will be accompanied by a sharia pawnshop employee to the nearest bank to make a savings book to obtain Initial Deposit for Hajj Pilgrimage Costs and lending which is directly credited into the customer's hajj savings account, in this case the bank cooperating with the Pegadaian Syariah Probolinggo, it is BNI Syariah. Furthermore, customers will come to the office of the Ministry of Religion to register themselves as prospective pilgrims and get the portion of Hajj. After that the customer submits Initial Deposit for Hajj Pilgrimage Costs, registration form and savings book to the Pegadaian Syariah. The last procedure is the customer pays installments to the Islamic pawnshop in accordance with the contract.

4.2 The Suitability of Arrum Hajj products at PT. Pegadaian Syariah Probolinggo with DSN MUI Fatwa No. 25 / DSN-MUI / III / 2002 concerning the financing of Islamic financial institutions hajj management

The National Sharia Council of the Indonesian Ulema Council in its fatwa No: 29 / DSN-MUI / VI / 2002 on Hajj Financing Arrangements Sharia Financial Institutions stipulate that Hajj Bailout Products are permitted, with the provisions as regulated in the fatwa. The terms of the contract that are used in financing the management of the Islamic Financial Institution pilgrimage are:

1. In arranging Hajj for customers, Sharia Financial Institutions can obtain service fees (ujrah) with the principle of al-ijarah in accordance with DSN-MUI Fatwa Number 9 / DSN-MUI / IV / 2000 concerning ijarah Financing.
2. If necessary Sharia Financial Institutions can help bail out customers Hajj Cost payments using the qard

principle in accordance with MUI fatwa number 19 / DSN-MUI / IV / 2001 concerning Al-Qardh

3. Pilgrimage services by Sharia Financial Institutions cannot be required by the provision of pilgrimage bailouts.

4. The amount of al-Ijarah rewards should not be based on the amount of al-Qardh bailout given by Sharia Financial Institutions to the customer. In Pegadaian Syariah the Rahn that is implemented is not a Rahn that is independent, but a Rahn that is converged with other contracts, especially the Qardh contract. In fact, the principal contract used at the Pegadaian Syariah is the Qardh contract. It's just that if the Qardh contract is implemented independently, then there is no profit for the Pegadaian Syariah company. Therefore, the Qardh contract is then complemented by an Ijarah and Rahn contract. With an ijarah agreement, the Pegadaian Syariah company is entitled to get a fee by placing marhun as ma'jur on the facilities provided by Syariah Procurement. Thus it can be understood that the mechanism of work between Sharia Pawnshops and conventional pawnshops has significant differences. If in a conventional pawnshop, the customer is charged in the form of interest that can accumulate and multiply, while in the Sharia Pawnshop the customer is only charged the cost of safekeeping, maintenance, safeguarding, and valuation (ujrah).

Pegadaian Syariah Probolinggo has a partnership with Bank Negara Indonesia (BNI) Probolinggo in the implementation of the pilgrimage bailout program using the fatwa above as a reference in the implementation of the pilgrimage bailout. The contract used in this Hajj Arrum product is Rahn Tasjily's contract as Fatwa No.68 / DSN-MUI / IV / 2008 dated March 6, 2008 concerning Rahn Tasjily. And also use the Ijarah agreement which was stated by Fatwa DSN NO: 09 / DSN-MUI / IV / 2000 Concerning Ijarah Financing. Referring to Fatwa No.68 / DSN-MUI / III / 2008 number two point a "rahin submits a valid proof of ownership or certificate of goods used as collateral (marhun) to murtahin". This statement is in line with what is done by sharia pawnshop as murtahin, where sharia pawnshop requires collateral for Hajj documents in the form of Hajj cost, Hajj registration, and savings book, in the sense that the portion or the set of Hajj is still owned by the customer, only documents that are valid proof of ownership of the portion of the pilgrimage it is used as collateral in the Islamic pawnshop. Submitting legal

evidence does not mean also transferring ownership of portions or sets of pilgrimage. as explained in Fatwa No.68 / DSN-MUI / III / 2008 number two point b. Fatwa No.68 / DSN-MUI / III / 2008 number two point e states "murtahin can charge maintenance and storage costs for marhun goods (in the form of legal proof of ownership or certificates) that are borne by rahin, based on the ijarah agreement".

Application of Arrum Hajj Financing Products at Pegadaian Syariah Probolinggo imposes maintenance costs for collateral, but the maintenance costs for collateral are not based on the amount of customer debt (rahin), but are linked to estimated marhun prices (collateral) as described in Fatwa No. 68 / DSN-MUI / III / 2008 number two point f "the amount of charge 77 referred to in letter e must not be related to the amount of rahin debt to murtahin". Rahn Tasjily is collateral in the form of goods on debt, with the agreement that what is handed over to the recipient of the guarantee (murtahin) is only valid proof of ownership, while the physical collateral of the goods (marhun) remains under the control and utilization of the guarantor (rahin). Rahin surrendered proof of ownership or certificate of goods used as collateral (marhun) to murtahin. From the explanation above, it can be concluded that PPS Probolinggo Sharia Pegadaian in applying Arrum Hajj Financing Products has followed Fatwa No.68 / DSN-MUI / III / 2008 dated March 6, 2008 concerning rahn tasjily. 2. Ijarah Ijarah agreement, which is a contract for the transfer of use rights over goods and / or services through payment of rental wages, without being followed by the transfer of ownership of the goods themselves. Through this contract, it is possible for 78 pawnshops to withdraw leases on the storage of movable property belonging to customers who have made the contract. In the MUI DSN fatwa number 68 of 2008 concerning Rahn Tasjily stated that the amount of maintenance and storage costs is based on real expenses and other expenses based on the ijarah contract.

Therefore ijarah becomes one of the financial instruments used in sharia pawnshops. In the perspective of sharia pawnshop, ijarah is defined as a contract for transferring the right to use goods or services through payment of rental wages without being followed by transfer of ownership of the goods themselves. Islamic pawn shops have the right to charge rental fees for depositing collateral goods belonging to

customers. In other words, ijarah is the use of benefits or services through compensation compensation. Owners who rent out benefits are called muajir, while tenants are called mustajir, sharia pawnshops, in this case act as muajir, while customers act as mustajir. Lending specifically used for registering hajj as well as being used as collateral must be in the form of gold. Furthermore, the fatwa also explained the costs or storage costs (marhun) borne by the pawners (rahin), as well as the intended costs carried out based on the ijarah agreement. If we see from the Arrum Hajj product system it can be seen that the basic contract used is financing using 79 qardh contracts in addition to the rahn and ijarah contracts themselves. Thus from the fatwa Arrum Hajj system which is the financing used for registering hajj costs is included in the category mentioned in the fatwa so that it can be said to be in line with the fatwa.

5. CONCLUSION

Analysis of Arrum Hajj products in Pegadaian Syariah Probolinggo is a product provided by Pegadaian Syariah Probolinggo that is intended for people who want to go on the Hajj. Pegadaian Syariah provides loan funding facilities for customers who want to perform the pilgrimage. This form of financing from Arrum Hajj is a loan of Rp. 25,000,000.- in the form of hajj savings, namely by mortgaging 15 grams of gold or equivalent to Rp. 7,000,000, then the customer has received money that can be used to register the hajj. Pegadaian Syariah provides this product as an alternative choice for people who find it difficult to conduct financing to carry out hajj Arrum Hajj products at Pegadaian Syariah Probolinggo uses the Rahn Tasjily and Ijarah contracts. in accordance with Fatwa No.68 / DSNMUI / IV / 2008 dated March 6, 2008 concerning Rahn Tasjily and Fatwa DSN NO: 09 / DSN-MUI / IV / 2000 concerning Ijarah Financing. And in accordance with DSN MUI Fatwa No. 25 / DSN-MUI / III / 2002 concerning the financing of Islamic financial institutions hajj management.

REFERENCE

- [1] Arikunto, Suharisimi, 1998, *Prosedur Penelitian Suatu Pendekatan Praktek*, Yogyakarta: Rineka Cipta.

- [2] Achmed Abu & Cbolid Narbuko, 2010, Metodologi Penelitian. Jakarta: Bumi Aksara.
- [3] Brosur pegadaian syariah. Bungin, Burhan, 2005 Analisis Data Penelitian Kualitatif, Jakarta: PT. Raja Grafindo Persada.
- [4] Danim, Sudarwan, 2013 MenjadiPenelitiKualitatif, Bandung: CV PustakaSetia.
- [5] Dede Alfian Al Anshori, D (2014). Pelaksanaan Dana Talangan Haji di Bank Muamalat Indonesia Cabang Purwakarta Melalui Akad Qardh Wal Ijarah (Doctoral dissertation, UIN Sunan Gunung Djati Bandung).
- [6] Fatwa, N. (2015). Penerapan Akad Al-Qardh Wal Ijarah Pada Produk Talangan Haji Pada PT. Bank Syariah Mandiri Kcp Sungguminasa Gowa. Jurnal iqtisaduna, 1(1), 46-52.
- [7] Arief, Furchan, 2007, Pengantar Penelitian dalam Pendidikan, Surabaya: Usaha Nasional.
- [8] Gunawan, Imam, 2013, Metode Penelitian KUALITATIF; Teori dan Praktik, Jakarta: Bumi Aksara.
- [9] Hadi, Muhammad Sholekul, 2003, Pegadaian Syariah, Jakarta: Selemba Diniyah.
- [10] Heykal, Mohamad dan Nurul Huda, 2010 , Lembaga Keuangan Islam : Tinjauan Teoritis dan Prkatis, Cet. 1, Jakarta: Kencana.
- [11] M. Habiburrahim, Yulia Rahmawati, dkk., 2012, Mengenal Pegadaian Syariah, Jakarta:Penerbit Kuwais.
- [12] Moleong ,Lexy J., 2007, Metodologi Penelitian Kualitatif, Bandung: Remaja Rosdakarya.
- [13] Saleh Hassan, 2008, Kajian Fiqh Nabawi dan Fiqh Kontemporer, Rajawali Pers, Jakarta.
- [14] Silalahi, Gabriel Amin, 2003, Metode Penelitian dan Studi Kasus, Sidoarjo: CV Citra Media.
- [15] Subagyo, Joko, 2006, Metode Penelitian Dalam Teori dan Praktek. Jakarta: PT Rineka Cipta.
- [16] Subekti dan R. Tjitrosudibio, 2014, Kitab Undang-Undang Hukum Perdata, Jakarta: PT. Balai Pustaka
- [17] Sudarsono, Heri, 2003, Bank dan Lembaga Keuangan Syariah, Yogyakarta:Ekonesia.
- [18] Sugiono, 2011, Metodologi Penelitian Kualitatif dan Kuantitatif Dan R&D.Bandung: Alfabeta.
- [19] Syafi'i, Rahmat, 2004, Fiqh Muamalah, Bandung: CV Pustaka Setia.
- [20] Tanzeh, Ahmad, 2011, Pengantar Metode Penelitian. Yogyakarta: Teras.
- [21] Tho'in, M., & Prastiwi, I. E (2016). Analisis Dana Talangan Haji Berdasarkan Fatwa No. 29/ DSN-MUI/ VI/ 2002 (Studi Kasus Pada BPRS Dana Mulia Surakarta). Jurnal Ilmiah Ekonomi Islam, 2(01).
- [22] Zainal, Arifin,. 2004, Penelitian Pendidikan: Metode dan Paradigma Baru