Aspek Hukum Islam Dalam Asuransi Haji =
The Aspect Of Islamic Laws Of Pilgrim Life Insurance

Elvi Zahara

Program Pascasarjana
Program Ilmu Hukum
Universitas Medan Area

ABSTRAC

To avoid or to reduce the risks that possibly occur to pilgrims, it is advisable to take pilgrim life insurance. The insurance function as savings that can guarantee sum of money for pilgrim expenses or to give some income for family or for joint heirs of the insured whenever the insured dies.

The aim of this research is to inquire the kinds of compensation received by the insured (pilgrim policy) who may be hit by accident, to inquire the interest of the Islamic society of Medan City in pilgrim life insurance, and to inquire the viewpoint of Islam on pilgrim life insurance.

This research is a descriptive one with sociological jurisdiction approach.

The data were collected from library study and field research. The collected data were analyzed qualitatively using analytical descriptive approach. The result of the research revealed that the compensation received by insured (pilgrim policy owners) or joint heirs of pilgrim are as the following:

1. Takaful Haj Fund:
   a. If the insured resign before the contract is due he will receive:
      1. The deposit fund.
      2. The profit of the deposited fund (mudharabah).
   b. If the insured dies before the contract is due the heirs will receive:
      1. The deposit money.
      2. The profit of the deposit money.
      3. The difference between Manfaat Takaful Awal (The first Takaful Profit) and the premium paid.
   c. If the insured is still living until the contract is due will receive:
      1. The deposited money.
      2. The profit of the deposited money.
      3. The profit of the specific account (tabarru').

2. Takaful Haj and Umroh Pilgrimages:
   a. If the insured dies in the haj pilgrimage his heir will receive 100% of the Takaful profit for insured aged 65 or above, and 50% for the insured aged lower than 65.
   b. If no one dies, then the insured will receive the profit of the surplus fund of the family Takaful Insurance.
The Moslem society interest in haj insurance in Medan City islow seeing the number of the policies sold. The reasons are follows:

1. unable
2. deposit
3. religion
4. not knowing the usefulness of haj life insurance
5. deathly afraid
6. disappointment

According to the ulama (Moslem theologians) the haj insurance is not prohibited. The reasons are as follows:
1. No al-Qur'an verses and Hadis prohibited the insurance.
2. There are will no gharar (uncertainty), maisir (speculation), and riba (interest).
3. The government should be involved.
4. Containning public interest.
5. Mutual agreement.
6. Insurance belong to akad mudharabah (deposit contract).
7. Advantageous for haj, haj candidate, his heir, and insurance business.
8. As a pension's system.
9. Advantageous for haj, haj candidate, his heir, and insurance business.