

THE SAMARINDA CITY ULAMA'S PERCEPTION OF SHARIAH LIFE INSURANCE

Ichsan Nur (1st)¹, Materan Materan (2nd)², Aulia Rachman (3rd)³

¹Ichsan978@gmail.com (1st), Universitas Islam Negeri Sultan Aji Muhammad Idris Samarinda.

²materan23101962@gmail.com (2nd), Universitas Islam Negeri Sultan Aji Muhammad Idris Samarinda.

³rahmanbpnsm@gmail.com (3rd), Universitas Islam Negeri Sultan Aji Muhammad Idris Samarinda.

Abstrak:

This article investigates the existence of legal disputes among ulama regarding the use of life insurance. Some ulama believe that life insurance is gharar because it insures the human soul, while others believe that there is no difference between conventional life insurance and sharia life insurance. This study uses qualitative descriptive approaches in empirical research to gather data as it occurs in the field, based on the problems that are presented. Interviews and documentation techniques were used to get information from informants on the issue of utilizing life insurance in sharia insurance. The study's findings suggest that Nahdlatul Ulama and Muhammadiyah Ulama view purchasing life insurance as a means of preparing for potential future disasters, reducing their personal risk of financial loss, and honoring their life insurance claims rather than as a means of thwarting Allah SWT's will. Sharia is not a fund intended to reward a person's soul; rather, it is referred to as a contribution fund or compensation fund to make up for losses brought on by calamities that occur.

Keywords: The Perception of Ulama, Nahdlatul Ulama and Muhammadiyah, Life Insurance, Shariah Insurance.

A. INTRODUCTION

Nowadays, insurance is extremely significant in economic terms. This is due to the fact that insurance is a genuinely necessary institution for a large number of individuals, as it deals with risk transfer, which is unpredictable in terms of both the dangers involved and the timing of events.¹ The field of Islamic economics, often known as sharia economics, is now growing quickly in Indonesia. The numerous well-established Sharia institutions in the financial, insurance, and capital sectors are indicative of this. In Indonesia, a large number of sharia insurance businesses have been founded.² Sharia Insurance is an insurance provider with a range of products that fall under two categories: general insurance and family insurance. Among the many types of general insurance are accident and fire insurance.³ Life,

¹ Ali, Zainuddin, *Hukum Asuransi Syariah* (Jakarta: Sinar Grafika, 2008). P.20.

² Antonio, Muhammad Syafi'i, *Asuransi Dalam Perspektif Islam* (Jakarta: STI, 1994). P.35.

³ Dariana Dariana, "Perbandingan Mekanisme Asuransi Syariah Dan Asuransi Konvensional Serta

health, and other insurance products are included in family insurance.

Insurance that adheres to sharia principles essentially seeks to foster a community in which members are accountable for safeguarding one another's distress and assisting one another (*ta'awun*). Because the fundamental ideas of sharia encourage people to foster fraternity and work toward easing one another's woes or tragedies. This is appropriate and consistent with what is said in QS. Al-Maidah (5):2 in the Word of Allah SWT.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

“O believers! Do not violate Allah’s rituals ‘of pilgrimage’, the sacred months, the sacrificial animals, the ‘offerings decorated with’ garlands, nor those ‘pilgrims’ on their way to the Sacred House seeking their Lord’s bounty and pleasure. When pilgrimage has ended, you are allowed to hunt. Do not let the hatred of a people who once barred you from the Sacred Mosque provoke you to transgress. Cooperate with one another in goodness and righteousness, and do not cooperate in sin and transgression. And be mindful of Allah. Surely Allah is severe in punishment..”

Life insurance is presently a substantially expanding subset of sharia insurance. Naturally, this will lead to a growth in the number of sharia life insurance firms or their membership.⁴ The goal of life insurance is to shift the risks to the insurance provider through human labor. The purpose of this arrangement is to transfer insured losses to the insurer. But since human lives cannot be replaced with money, the insurer's payment for the insured's losses under a life insurance policy cannot truly be considered compensation.⁵ In this particular instance, multiple academics have differing opinions about how life insurance should be used.

Sharia insurance has various benefits and drawbacks, particularly with regard to life insurance products. Islamic economics Muhammad Nejatullah Siddiqui writes about insurance in Islam, although he sees it from a somewhat different angle. Compared to other

Prospeknya,” *IQTISHADUNA: Jurnal Ilmiah Ekonomi Kita* 2, no. 2 (December 31, 2013): 573–90.

⁴ Dewi, Gemala, *Aspek-Aspek Hukum Dalam Perbankan Dan Perasuransian Syariah Di Indonesia* (Jakarta: Kencana, 2007).

⁵ Afif Effendi, “ASURANSI SYARIAH DI INDONESIA (Studi Tentang Peluang Ke Depan Industri Asuransi Syariah),” *Wahana Akademika: Jurnal Studi Islam Dan Sosial* 3, no. 2 (December 28, 2016): 71–92.

academics, he views insurance more liberally.⁶ According to him, insurance differs from gambling since it is based on a different principle, and in general, Islam is not against the concept of managing risks that can be quantified, like insurance. Some contemporary groups defend life insurance by arguing that it is not intended to subdue divine forces but rather merely compensates the insured for losses incurred since insurance works to lessen the financial strain on the insured's family.⁷

However, there are several parties who forbid both sharia and conventional life insurance, including Abdullah Al-Qalqili, a Jordanian mufti, Muhammad Yusuf Al-Qardhawi, Mahmud Ali, an Indian mufti of Al-Ulum Cawnpur and Mahdi Hasan, an Indian mufti. The main reason for prohibiting insurance, according to them, is because the object of the insurance business depends on the life and death of a person, which means it precedes the destiny of Allah SWT, insurance contains oppressive exploitation, insurance includes buying and selling or exchanging currency without cash, and life insurance is considered haram because it contains the element of bribery, because the compensation provided through insurance is payment for something that cannot be assessed by anything.⁸

This article was written to answer the above problem which was explained in the previous paragraph. As a guide to discussing the issue of using sharia life insurance, this article presents an important question, namely how the Nahdlatul Ulama and Muhammadiyah Ulama of Samarinda City perceive the use of sharia life insurance.

B. RESEARCH METHODOLOGY

The type of research used in this research is descriptive analysis research using qualitative data collection methods. The definition of the descriptive analysis method is a method that functions to describe or provide an overview of the object under study through data or samples that have been collected as they are without carrying out analysis and making valid conclusions.⁹ Meanwhile, qualitative data is the data obtained which is a description of a fact that occurred, so that the conclusions drawn are in accordance with the actual events in this research.

⁶ Hartono, Sri Redjeki., *Hukum Asuransi Dan Perusahaan Asuransi* (Jakarta: Sinar Grafika, 1997).

⁷ Muhammad Muslehuddin, *Asuransi dalam Islam*, (Jakarta: Bumi Aksara, 1998), p. 125.

⁸ Zainuddin Ali, *Hukum Asuransi Syariah*, (Jakarta: Sinar Grafika, 2008), h.80.

⁹ Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021). P.126.

Based on the explanation of this type of research, in this case the researcher will describe the perceptions of the Samarinda City Nahdlatul Ulama and Muhammadiyah Ulama regarding the use of life insurance in sharia insurance so that later the researchers will also review the legal use of life insurance in sharia insurance according to the perceptions of the Nahdlatul Ulama and Muhammadiyah Ulama Samarinda City.

Research subjects are data sources whose information is requested in accordance with the research problem.¹⁰ What is meant by research subjects are informants from a study who are willing to be interviewed by researchers, namely the Nahdlatul Ulama Ulama and Muhammadiyah Ulama. In this research, researchers will observe in depth the perceptions expressed by the Nahdlatul Ulama and Muhammadiyah Samarinda City Ulama regarding the use of life insurance in sharia insurance. Determining the research location is very important to account for the results of the data obtained. Thus, the research location needs to be determined first. In this research, researchers used Samarinda City as the research location.

The main data sources in qualitative research are words and actions, the rest is additional data such as documents and so on. In this research, researchers classify data sources into two parts, namely: Primary data is data collected by the researcher himself directly from the source.¹¹ Secondary data is data that indirectly provides data to data collectors or researchers. This is data obtained from documentation that can show the perceptions of ulama regarding the legal status of the use of life insurance. As well as data obtained from books or libraries, journals and theses which discuss the problems of using life insurance in sharia insurance.

The data collection technique uses an interview technique¹², namely a data collection tool in the form of an interview guide and an instrument in the form of questions addressed to Nahdlatul Ulama Ulama and Muhammadiyah Samarinda City. The documentation method is a way of collecting data through documentation or documentary images, which are intended in the discussion of this research in the form of related photos of the Nahdlatul Ulama and Muhammadiyah Ulama of Samarinda City.

¹⁰ Suharsimi Arikunto, *Prosedur Penelitian : Suatu Pendekatan Praktik* (Jakarta: Rineka Cipta, n.d.). p.172

¹¹ Abdul Rachmad Budiyo, "ILMU HUKUM DAN PENELITIAN HUKUM*," n.d. p.98.

¹² Samiaji Sarosa, *Analisis Data Penelitian Kualitatif* (PT Kanisius, n.d.). p.78.

Data analysis activities discuss¹³, describe and interpret the findings from the perspective of a particular point of view, whether presented in narrative form for qualitative data. The data obtained from the research was then analyzed using descriptive qualitative analysis, by grouping and selecting the data obtained. Next, it is connected to the formulation of the problem that will be researched based on its truth, then explained to answer the problem. Qualitative descriptive is an attempt to provide a detailed description of the research conducted to readers by presenting the researcher's analysis. The data analysis techniques used in this research are as follows:¹⁴ (a) *Data collection* (b) *Data reduction* (c) *Data display* (penyajian data), and (d) *Data conclusion*.

C. DISCUSSION

There is a similarity of opinion between the Nahdlatul Ulama Ulama and the Samarinda City Muhamadiyah. They stated that the use of life insurance is not a transaction that precedes the destiny of Allah SWT, because using life insurance is not a pledge of someone's life but rather minimizing financial risks or financial losses so as not to burden the customer's family who experience a disaster. Regarding the problem of *gharar* in life insurance, according to them, *gharar* arises because of the contract used by the insurance, especially in conventional insurance, namely using a *tabadulli* (exchange) contract, which is different from sharia insurance, which has a clear contract, namely the *tabarru'* (please help) contract.¹⁵ Then, regarding the issue of payment of claims given to sharia life insurance participants, is it enough to compensate for losses to lives, whereas human lives cannot be valued? According to their perception, the claim is interpreted as compensation funds or grant funds, and it needs to be emphasized that the claim is a fund that is useful for compensating for financial losses or risks of customers who experience disaster, not for respecting the customer's soul, and for paying claims given to insurance participants. The spirit of sharia is sufficient because the provisions provided by sharia insurance itself already have an agreement with the customer.¹⁶ Furthermore, they are very supportive of having

¹³ Wiwin Yuliani, "METODE PENELITIAN DESKRIPTIF KUALITATIF DALAM PERSPEKTIF BIMBINGAN DAN KONSELING," *QUANTA: Jurnal Kajian Bimbingan dan Konseling dalam Pendidikan* 2, no. 2 (February 1, 2018): 83–91, <https://doi.org/10.22460/q.v2i2p83-91.1641>.

¹⁴ Milles dan Huberman, *Analisis Data Kualitatif*, (Jakarta : Universitas Indonesia Press, 1992), h.15.

¹⁵ Iqbal, Muhaimin., *Asuransi Umum Syari'ah Dalam Praktik*. (Jakarta: Gema Insani Press, 2005).

¹⁶ Ana Lathifatul Hanifah, "ASURANSI KONVENSIONAL DAN ASURANSI SYARIAH DALAM HUKUM ISLAM KONTEMPORER," *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 6, no. 1

insurance, because according to them, sharia insurance is a forum for the community to minimize the risks or losses that occur to them due to a disaster that will occur in the future.¹⁷ Judging from the perception of the Nahdlatul Ulama and Muhammadiyah Ulama of Samarinda City, if it is related to the opinion of the previous Ulama, namely the opinion of Muhammad Abu Zahrah, a Professor of Islamic Law at Cairo University, who is of the opinion that it is permissible to use insurance of a social nature and forbids insurance of a commercial nature, the meaning is the use of Social insurance is permitted because it aims to help others or help each other without seeking profit from it, while commercial insurance is prohibited from being used because there is an element of profit-seeking that can cause losses to customers.¹⁸

It can be concluded that the perception of Nahdlatul Ulama and Muhammadiyah Ulama is similar to that of Muhammad Abu Zahrah, in that they are of the opinion that insurance that is social in nature or aims to help each other is permissible and prohibits insurance that is for profit or commercial purposes, which can cause losses to one party.

The similar perceptions of Nahdlatul Ulama and Muhammadiyah Ulama regarding the use of sharia life insurance occur because their perceptions have the same *ijtihad*, which is based on *maqasid asy-syariah*.¹⁹ When seen in the application of *maqasid asy-syariah*, insurance is a protection for the benefit of the soul. The welfare of the soul is one aspect that must be protected, also referred to as the *salbiyah* (maintenance or protection) aspect. The realization of the benefit of the soul consists of three aspects. First, the aspect of *ijabiyah* (realization or realization) is realized through marriage, which aims to preserve offspring. Second, soul protection in the *dharuriyyah* aspect (the primary concept at the level of human needs) can be done by fulfilling basic needs, such as food, to sustain life. Third, the realization of the benefit of the soul. This is also done through the aspect of *salbiyah* (maintenance or protection). The way it works is through rejection and prevention of things that will damage the body, which in essence can damage the soul. The location of the benefit of the soul is

(April 16, 2017): 59–74, <https://doi.org/10.51226/assalam.v6i1.80>.

¹⁷ Muhammad Maksum, "PERTUMBUHAN ASURANSI SYARIAH DI DUNIA DAN INDONESIA," no. 1 (2011).

¹⁸ Dariana, "Perbandingan Mekanisme Asuransi Syariah Dan Asuransi Konvensional Serta Prospeknya."

¹⁹ DR H. Akhmad Haries M.S.I S. AG and Maisyarah Rahmi HS Ph.D LC , M. A., *Ushul Fikih: Kajian Komprehensif Teori, Sumber Hukum Dan Metode Istimbath Hukum* (Bening Media Publishing, 2021).

characterized by a feeling of security in the soul. feeling safe from things that will damage the body. The presence of pain will disturb a person because they cannot carry out daily activities, including meeting family needs. A person's illness requires treatment, which is sometimes not cheap.

This condition does not allow everyone to be able to incur such large and unplanned costs. One form of effort that can deal with the above problems is taking out insurance.²⁰ The role of insurance is to cover medical costs experienced by insurance participants. With the role of insurance in protecting the benefit of life, it is necessary to expand the scope of the meaning of life protection as an aspect of maqasid al-syari'ah.²¹ The scope of the meaning of soul protection is not limited to marriage, which aims to preserve the soul, or is realized in fulfilling basic needs to maintain survival. However, it needs to be based on the fact that current developments require humans to carry out activities that involve risks. In everyday life, a person is very open to the risks that will befall him, such as accidents on the road, at work, or in places that are prone to accidents. These events often result in losses. The role of insurance in protecting life benefits lies in matters that cause life threat, damage to limbs that cause disability or death of a person.²² The role of insurance in the benefit of life is emphasized more on the salbiyah aspect, namely an effort to prevent, preserve or protect. Sri Redjeki Hartono stated that life insurance has more meaning than an insurance institution, but can be interpreted as a savings institution. Life insurance can provide funds to support a family until their children are adults.²³

In connection with Allah SWT's command to prepare oneself for tomorrow, one way is by trying to save or take insurance. Saving is an effort to collect funds for urgent needs or greater interests in the future. Meanwhile, insurance is just in case a disaster happens to us, especially for the backbone of the family who earns a living if, at a certain age, they are no longer productive, or maybe Allah SWT has destined them to die. Here, planning is needed to face the future. Then Allah SWT ordered us to work together and help each other in virtue and piety. Rasulullah SAW also taught us to always care about the interests and

²⁰ Hadi Daeng Mapuna, "Asuransi Jiwa Syariah; Konsep dan Sistem Operasionalnya," *Al-Risalah Jurnal Ilmu Syariah dan Hukum* 19, no. 1 (August 12, 2019): 159, <https://doi.org/10.24252/al-risalah.v19i1.9976>.

²¹ Maisyarah Rahmi Hs, "Maqasid Syariah Sertifikasi Halal," (Palembang: Bening Media Publishing, 2021)p.79.

²² Ismanto, Kuart, *Asuransi Perspektif Maqashid Asy-Syariah*. (Yogyakarta: Pustaka Pelajar, 2016).

²³ Hartono, Sri Redjeki., *Hukum Asuransi Dan Perusahaan Asuransi*. p.10.

difficulties experienced by other brothers and sisters.²⁴ Therefore, in sharia insurance, insurance participants work together and help each other through the instrument of tabarru' funds (benevolent funds). The problem of using insurance, including going against or going against the destiny of Allah SWT, has been explained by Nahdlatul Ulama and Muhammadiyah Ulama through their perception that using insurance does not include going against destiny, because having insurance does not mean eliminating our trust in Allah SWT, but preparing ourselves for disasters that will occur in the future, and insurance also functions to reduce risks or financial losses caused by disasters that will happen to us. Everything that happens on this earth is determined by Allah SWT; humans just try to prepare themselves as best they can.²⁵

From the description above, it can be concluded that the existence of insurance has an important role in the development of human life (human being), because it protects aspects of human life, especially health problems. This has similarities with the aim of establishing law in Islam (Maqasid Asy-syariah) or at least helping to realize the benefit of the human soul.

D. CONCLUSION

Based on the descriptive discussion of the research and the analysis that has been carried out, it can be concluded simply that regarding the perceptions of the Nahdlatul Ulama and Muhammadiyah Ulama of Samarinda City towards the use of sharia life insurance, namely the perceptions of the Nahdlatul Ulama and Muhammadiyah Ulama towards the use of sharia life insurance are similar, they state that the use of life insurance It is not a transaction that precedes the destiny of Allah SWT, because using life insurance is not pledging a person's soul, but rather minimizing financial risks or financial losses so as not to burden the customer's family who experience a disaster. Regarding the problem of gharar in life insurance, according to them, gharar arises because of the contract used by the insurance, especially in conventional insurance, namely using a tabadulli (exchange) contract, which is different from sharia insurance which has a clear contract, namely the tabarru' (please help) contract. . Furthermore, regarding the issue of payment of claims,

²⁴ Effendi, "ASURANSI SYARIAH DI INDONESIA (Studi Tentang Peluang Ke Depan Industri Asuransi Syariah)."

²⁵ Mapuna, "Asuransi Jiwa Syariah; Konsep dan Sistem Operasionalnya."

according to their perception, claims are interpreted as compensation funds or grant funds, and it needs to be emphasized that these claims are funds that are useful for compensating for financial losses or risks of customers who experience disaster, not for respecting the soul of the customer.

Judging from the perceptions of the Nahdlatul Ulama and Muhammadiyah ulama, it can be concluded that these ulama allow or justify the use of sharia insurance that is social in nature or helping each other and forbids insurance that is commercial in nature because it can be detrimental to one party. This opinion is similar to the opinion expressed by a previous cleric, namely Muhammad Abu Zahrah, a Professor of Islamic Law from Cairo University, Egypt.

DAFTAR PUSTAKA/REFERENCES

- Ali, Zainuddin. *Hukum Asuransi Syariah*. Jakarta: Sinar Grafika, 2008.
- Ali, Zainuddin. *Metode Penelitian Hukum*. Sinar Grafika, 2021.
- Antonio, Muhammad Syafi'i. *Asuransi Dalam Perspektif Islam*. Jakarta: STI, 1994.
- Budiyono, Abdul Rachmad. "ILMU HUKUM DAN PENELITIAN HUKUM*," n.d.
- Dariana, Dariana. "Perbandingan Mekanisme Asuransi Syariah Dan Asuransi Konvensional Serta Prospeknya." *IQTISHADUNA: Jurnal Ilmiah Ekonomi Kita* 2, no. 2 (December 31, 2013): 573–90.
- Dewi, Gemala. *Aspek-Aspek Hukum Dalam Perbankan Dan Perasuransian Syariah Di Indonesia*. Jakarta: Kencana, 2007.
- Effendi, Afif. "ASURANSI SYARIAH DI INDONESIA (Studi Tentang Peluang Ke Depan Industri Asuransi Syariah)." *Wahana Akademika: Jurnal Studi Islam Dan Sosial* 3, no. 2 (December 28, 2016): 71–92.
- Hanifah, Ana Lathifatul. "ASURANSI KONVENSIONAL DAN ASURANSI SYARIAH DALAM HUKUM ISLAM KONTEMPORER." *As-Salam: Jurnal Studi Hukum Islam & Pendidikan* 6, no. 1 (April 16, 2017): 59–74. <https://doi.org/10.51226/assalam.v6i1.80>.
- Hartono, Sri Redjeki. *Hukum Asuransi Dan Perusahaan Asuransi*. Jakarta: Sinar Grafika, 1997.
- Hs, Maisyarah Rahmi. "Maqasid Syariah Sertifikasi Halal," n.d.
- Iqbal, Muhaimin. *Asuransi Umum Syari'ah Dalam Praktik*. Jakarta: Gema Insani Press, 2005.
- Ismanto, Kuart. *Asuransi Perspektif Maqashid Asy-Syariah*. Yogyakarta: Pustaka Pelajar, 2016.
- Maksum, Muhammad. "PERTUMBUHAN ASURANSI SYARIAH DI DUNIA DAN INDONESIA," no. 1 (2011).
- Mapuna, Hadi Daeng. "Asuransi Jiwa Syariah; Konsep dan Sistem Operasionalnya." *Al-*

- Risalah Jurnal Ilmu Syariah dan Hukum* 19, no. 1 (August 12, 2019): 159.
<https://doi.org/10.24252/al-risalah.v19i1.9976>.
- M.S.I, DR H. Akhmad Haries, S. AG, and Maisyarah Rahmi HS Ph.D LC , M. A. *Ushul Fikih: Kajian Komprehensif Teori, Sumber Hukum Dan Metode Istinbath Hukum*. Bening Media Publishing, 2021.
- Sarosa, Samiaji. *Analisis Data Penelitian Kualitatif*. PT Kanisius, n.d.
- Suharsimi Arikunto. *Prosedur Penelitian : Suatu Pendekatan Praktik*. Jakarta: Rineka Cipta, n.d.
- Yuliani, Wiwin. “METODE PENELITIAN DESKRIPTIF KUALITATIF DALAM PERSPEKTIF BIMBINGAN DAN KONSELING.” *QUANTA: Jurnal Kajian Bimbingan dan Konseling dalam Pendidikan* 2, no. 2 (February 1, 2018): 83–91.
<https://doi.org/10.22460/q.v2i2p83-91.1641>.