

Analysis of the Hajj Fund Management Based on the Fatwa of the National Sharia Council (DSN) Number 122 Concerning the Management of BPIH Fund and Special BPIH Based on Sharia Principles

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Abstract

Badan Pengelola Keuangan Haji (BPKH) has the full authority to manage the existing Hajj pilgrimage funds. However, the current issue is how to oversee the management of the Hajj pilgrimage funds, which have crossed 100 trillion. The monitoring of these funds management is not simple, particularly because the source of the funds comes from the ummah, where it belongs to the ummah, especially the pilgrims, and the benefits should be returned to the pilgrims representing the ummah and also for the benefit of the people and nation. This study aims to describe the fatwa of the National Shariah Board No. 122 concerning Funds Management of BPIH and Special BPIH based on Sharia Principles and to analyze whether the management of Hajj Pilgrimage Funding Costs (BPIH) is under the fatwa. This research used qualitative data. The research that produces descriptive data in the form of non-numeric data, which is a symptom, data information, based on facts obtained from the field, then conclusions are drawn. The result showed that the management of the hajj Pilgrimage Cost (BPIH) was by following the DSN-MUI fatwa. The suitability of Sharia in the management of hajj funds can be seen from the government transferring these funds to the halal sector as confirmed in the Law no. 34 of 2014 emphasizes that the management of hajj funds must comply with sharia principles, namely the sector that is avoided from maisir, gharar, usury, and other.

Keywords: Fatwa, National Sharia Board (DSN), Hajj Fund

1. Introduction

The Indonesian economy has shown positive developments. During 2010 - 2014, the Indonesian economy grew by an average of over 6.0 percent. The positive macroeconomic

development was followed by an increase in the welfare of the population. In 2014, per capita income was IDR 31.3 million or an increase compared to 2010 which was IDR 21.6 million.

Also besides, the poverty rate has decreased in 2014 by 27.73 million people or 11.0 percent of the population, a decrease compared to 2010 of 31.02 million people or 13.3 percent of the population. Increased welfare allows people to be involved in economic, social, and, religious activities more broadly. One of the religious activities that require financial capacity for the Muslim community is carrying out the pilgrimage.

The pilgrimage is different from several other forms of worship that are included in the pillars of Islam, namely that it costs a relatively large amount of up to tens of millions of rupiah. The nominal value of that size for the people of Indonesia can be said to be quite expensive, the majority of the Indonesian population has a level of welfare below the poverty line. For those who are well off financially, going on the pilgrimage is certainly not a problem. However, those who do not have enough money must try their best to work and save money to be able to carry out the pilgrimage. Many Muslims save in banks for years or do other businesses such as selling jewelry or livestock so that they can carry out the dream of many Muslims in this world, namely the pilgrimage to the holy land of Mecca. Even though the majority of Indonesia's population has a low level of economic capacity, every year we see hundreds of thousands of Indonesian Muslims go on the pilgrimage to Saudi Arabia.

Along with the increase in community welfare, the number of prospective pilgrims applying for pilgrimage continues to grow from year to year. In March 2016, the number of prospective pilgrims registering for pilgrimage has reached 3 million and the quota for Indonesian pilgrims is around 170,000, the longest waiting period for departure is up to 37 years. In 2004, the Ministry of Religion began implementing Hajj registration using initial deposits. In 2010, the Government set an initial deposit for regular hajj of IDR 25 million. The high enthusiasm of Indonesian Muslims to register is not balanced with the quota of prospective pilgrims who depart every year, thus making the waiting list for Hajj departures longer. This creates an increase in the accumulation of funds deposited by prospective pilgrims in accounts of the Ministry of Religion. The increase in the accumulation of deposits for hajj deposits prompted the policy of placing hajj deposit funds to be expanded from current accounts to time deposits, purchasing State Sharia Securities (SBSN) / Sukuk, and investing in shares in Bank Muamalat Indonesia.

Data from the Ministry of Religion stated that the balance of the initial deposit funds on May 31, 2015, reached IDR 73.9 trillion. Funds of that amount have been stored in Sukuk

amounting to IDR 32.2 trillion, deposits IDR 37.2 trillion, and demand deposits IDR 4.5 trillion. Currently, Indonesia is faced with challenges in providing infrastructure. The 2015-2019 RPJMN states that there is a financing gap of IDR 922 trillion. Therefore, the government needs various sources of financing to cover the gap in infrastructure financing needs. The large amount of funds accumulated for the initial deposit of Hajj raises challenges in managing Hajj finances. To meet financing needs, some parties have suggested the use of Hajj funds as a source of infrastructure financing. On the other hand, the quality of the Hajj implementation in the current year is still faced with obstacles as reflected in the survey results of the Central Statistics Agency. The level of satisfaction in the implementation of the Hajj in 2015 was still 82 percent.

The large number of funds deposited for Hajj can be used productively and will be able to bring benefits to the congregation in the form of decreasing the cost of going on the pilgrimage and improving services. Some parties argue that the hajj fund can be developed through infrastructure financing instruments to obtain a greater benefit value. However, some think to believe that the hajj fund investment in infrastructure financing is high risk. Even though the potential returns from investment in infrastructure financing investment are greater, Hajj funds should be prioritized on safer investment instruments. The use of the accumulated funds for the initial pilgrimage for infrastructure financing creates a dilemma.

The suitability of hajj fund management (investment) policies in infrastructure financing is linked to Law Number 34 of 2014 concerning Hajj Financial Management (Law 34/2014). The existence of this suitability will give confidence that the interests of the prospective pilgrims are always prioritized, as well as can provide benefits for the people/society.

Hajj is the fifth pillar of Islam is not only aimed at increasing the piety and spiritual values of the perpetrators but also for saving great economic potential, then whether the Ministry of Religion is responsible for organizing Haj and Umrah. So far, has it been optimal in exploiting the potential for Hajj funds, which flow so much every year in the account of the Minister of Religion? Has the Hajj fund investment management been by following per under sharia law regulated by the National Sharia Council (DSN)? Has the management of Hajj funds provided many benefits and improved the welfare and services of Indonesian pilgrims? and is it possible if the hajj funds are managed optimally through a Sharia financial institution that specifically regulates all hajj financial governance to have many impacts and benefits for all parties involved in it. national?

Article 2 of Law no. 34 of 2014 emphasizes that the management of hajj funds must comply with the principles of sharia, prudence, benefit, non-profit, transparency, and accountability. The Indonesian Ulema Council (MUI) through the National Sharia Board (DSN) has stipulated four conditions for managing hajj financial funds which have settled due to the waiting list for the Hajj pilgrimage for up to 20 years. This was stated in the 2012 MUI Fatwa through the *ijtima'* forum at one of the Islamic boarding schools in Tasikmalaya, in July 2012. The *ijtima'* forum was attended by the Central MUI Fatwa Commission, the Provincial MUI Fatwa Commission throughout Indonesia, fatwa institutions and Islamic organizations at the level of the center, as well as the leaders of Islamic boarding schools and representatives of universities throughout Indonesia who become the basis for fatwa decisions.

In principle, Islam provides rights protection for all people, every right owner can claim the fulfillment of his rights. If there is a violation or destruction of rights, the right owner can demand compensation or compensation that is equivalent to his right.

Everything has an impact, whether the impact is positive or negative, to see the impact of hajj fund management, it is necessary to examine more deeply about sharia law in managing hajj funds, because the board that is authorized to supervise and regulate Islamic financial institutions to comply with Islamic sharia is the Council. National Sharia (DSN).

Based on the problems stated above, the research problem is formulated into several questions as follows:

1. What about the National Sharia Board Fatwa No 122 concerning Funds Management of BPIH and Special BPIH based on Sharia Principles?
2. Is the management of the Hajj Pilgrimage Cost (BPIH) following the Fatwa of the National Sharia Board (DSN) No 122?

This research used the qualitative data, that is, it is a research that produces descriptive data in the form of non-numeric data, which describes a symptom, data, information, based on facts obtained from the field, then conclusions are drawn.

The research method in general is a description of how research is carried out. This research was conducted to analyze the facts, symptoms, and events that occurred in the field as there were spatial and temporal contexts and natural environmental situations, therefore this study used a case study research method. This method is used to achieve the objective, namely to present an empirical picture of the analysis of hajj fund management based on the fatwa of the National Sharia Board (DSN) Number 122 concerning Funds Management of BPIH and

Special BPIH Based on Sharia Principles, so the results of this study, researchers must get a complete picture. and details on how and the suitability of the fund management of the Hajj Pilgrimage Cost (BPIH) with the fatwa at the National Sharia Board (DSN) office.

Data are writings or notes regarding everything the researcher hears, sees, experiences, and even thinks of during data collection activities and describes the fatwa of the National Sharia Council (DSN) Number 122.

This research data consists of primary data and secondary data. Primary data is all data taken or collected from the research location in the form of interviews and documents. Data and information are obtained by using interview techniques that are tangible with social actions and the words of the parties involved in the research problem directly. To obtain primary data, this was done through interviews and documentation in the field. Secondary data is data obtained from books and journals as well as articles related to sharia law and literature to complement and support primary data or all data (interviews and documents) taken from the research location.

2. Description of fatwa DSN no 122 concerning funds management of BPIH and special BPIH based on shariah principles

The background factor for the fatwa of the National Sharia Board (DSN) Number 122 was at the time of Ijtima 'Ulama of the Indonesian Fatwa Commission IV of 2012 regarding the ownership status of BPIH deposit funds which was on the waiting list in Cipasung.

The hajj deposit funds that are accommodated in the account of the Minister of Religion whose registrants are included in the syar'i waiting list belongs to the registrant (prospective hajj). Therefore, if the person concerned dies or there is a syar'i obstacle that causes the candidate to fail to leave, the hajj deposit funds must be returned to the prospective hajj or their heirs. BPIH deposit funds for pilgrimage candidates who are included in the waiting list in the account of the Minister of Religion may be forwarded for productive (profitable) matters, including placements in Islamic banking or invested in Sukuk.

There is a fatwa from the National Sharia Board (DSN) Number 122 with a sociological background, namely that there are questions from the public regarding the status of ownership of funds for pilgrims that are included in the waiting list, according to one version of the funds that have been deposited belongs to the government in this case, namely the Ministry of Religion. the use of it was handed over by the Ministry of Religion, and according to another version the funds belonged to the prospective pilgrims, therefore the fatwa decision

confirms that the funds belong to the prospective pilgrims, its characteristic is that if the pilgrims fail to leave the deposit funds the hajj must be returned. And behind this fatwa is the difference of opinion regarding the status of the fund ownership of the candidate pilgrims who are included in the waiting list which is the background for the fatwa of the National Sharia Board Number 122.

As well as other things behind the fatwa of the National Sharia Board (DSN) Number 122, namely the law that gives authority to the Badan Pengelolaan Keuangan Haji (BPKH) must be sharia-explained about the ownership of funds, the position of the BPKH in managing funds, the position of fund owner, the mechanism for managing funds by the BPKH, and the contract that regulates the relationship between parties.

And it is not known whether the fatwa of the National Sharia Board (DSN) Number 122 is effective or ineffective in the management and BPIH because it is not measurable, meaning that there is no information about the effectiveness of the BPKH. And the fatwa only provides the direction and limits of the sharia in the management of Hajj funds.

If the BPIH is not under the value of the sharia, it will be straightened out by sending a letter from the National Sharia Board (DSN) to the Badan Pengelolaan Keuangan Haji (BPKH). The National Sharia Board (DSN) will remind and reprimand from the aspect of its sharia if there is a fatwa violation. And the National Sharia Board (DSN) is a fatwa authority, not a supervisory authority, and not a regulator, therefore it does not have the authority to oversee the Badan Pengelolaan Keuangan Haji (BPKH).

Provisions related to the contract on the management of the Hajj Pilgrimage Cost (BPIH) is a wakalah that applies until funds of the BPIH and special BPIH belonging to prospective pilgrims are spent by the government in the framework of the pilgrimage. The object or work authorized (mahall al-wakalah) to the government carried out by the manager must be clear and specific among others include:

1. Funds development of BPIH and Special BPIH through placements and restricted investments (al-muqayyadah) with investment activities by following per under sharia principles, prudential principles, and security.
2. Sharing of investment returns to prospective jama'ah haji.
3. Payment of the cost of organizing the pilgrimage.
4. Refund of the excess and on the account of the prospective jama'ah haji in terms of the current year's BPIH and Special BPIH funds balance.
5. Refunds of all BPIH and BPIH Special funds if the prospective pilgrims die or cancel

their departure.

Provisions regarding administrator rights:

1. Candidates for jama'ah haji as muwakkil agree and agree that a portion of the investment returns on BPIH and BPIH Special funds is used as the right of the manager by taking into account the main interests of the prospective jama'ah haji.
2. The manager is obliged to share the proceeds from the investment to individual prospective pilgrims proportionally.
3. If the manager allocates hajj finance which is equivalent to the need for 2 (two) times the cost of organizing the haj pilgrimage and of these costs are stored in the account and generate profits, the manager may share the proceeds with prospective pilgrims.

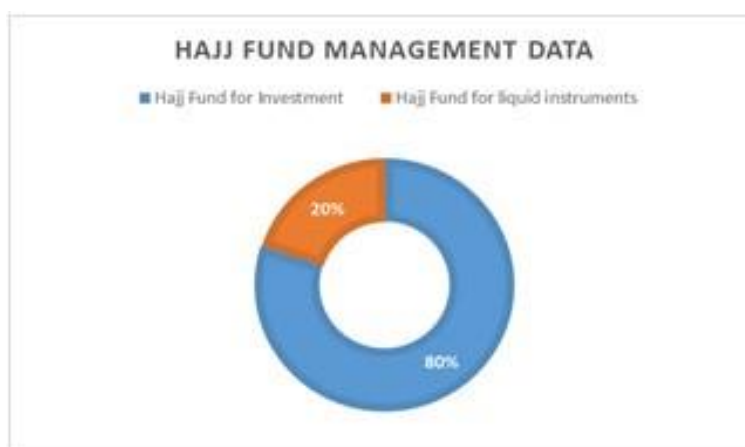


Fig. 1 Data Sources for Hajj Fund Management and BPKH Strategic Plan 2017

And to give confidence and trust to prospective jama'ah haji that and BPIH and Special BPIH are managed and developed by the government as representatives with attention to aspects of security, prudence, and value of benefits, the government may guarantee all BPIH funds. In Article 2 of Law no. 34 of 2014 mandates that the management of hajj funds must comply with the principles of sharia, prudence, benefit, non-profit, transparency, and accountability.

3. Analysis of haji fund management based on fatwa DSN no 122

Hajj finance is all the rights and obligations of the central government which can be valued in terms of money related to the implementation of the haj pilgrimage and all forms of wealth in the form of money or goods that can be valued in money as a result of the

implementation of these rights and obligations, both from the pilgrims and other sources that are legal and not binding.

The increase in prospective pilgrims every year due to spiritual encouragement increased understanding that Hajj is mandatory, there are many trends in ustad's lectures which then make the Muslim ummah excited for the pilgrimage, and also the facilities from financial institutions to establish Hajj.

In-Law no. 34 of 2014 concerning Hajj Financial Management can be categorized as three types of hajj fund ownership; first, the hajj funds belong to participants who have registered for hajj with a waiting list status. Second, the remaining use of the hajj funds allocated to the Umat Endowment Fund (DAU) is purely the property of the people which must be used for the benefit of the ummah. Third, the hajj management funds invested belong to the BPKH.

Based on these three things, the Hajj Financial Management Agency has the full authority to manage haj pilgrimage funds where funds are available, the problem is how to oversee the management of haj pilgrimage funds, which has now reached 100 trillion. Supervision of the management of these funds is not easy, especially since the source of the funds comes from the people, basically belong to the people, especially the pilgrims, the benefits should return to the pilgrims representing the people and also for the benefit of the people and the nation.

Will the supervision be effective so that implementation is also effective? The answer depends on the BPKH implementing body consisting of Ajar Susanto Broto, along with members consisting of Rahmat Hidayat, Anggito Abimanyu, Beny Witjaksono, Acep Riana Jayaprawira, Iskandar Zulkarnain, Hurriyah El Islamy.

The congregation posed many questions in various media, ranging from extreme questions to moderate questions such as: Are the supervisory board and implementing agency able to manage these funds effectively and efficiently? The answer to this question will be able if the duties and responsibilities of the two agencies are carried out in synergy with the following conditions; first, the Supervisory Body which must be able to prove its performance, so that its integrity is tested in carrying out its duties; second, the executing agency must work professionally in managing Hajj funds; third, the system to be established in managing Hajj funds by the institution must be based on good institutional governance.

For this reason, the first step that must be taken is the need for a comprehensive and integral understanding of these three matters based on the mandate of the Law on the Hajj Financial Management Agency, namely the Hajj financial executing agency has a very strong function, among others, emphasized in article 28, namely planning, implementing, taking

responsibility. , and hajj financial reporting.

The pros and cons surrounding the use of hajj funds for infrastructure have become viral in various media because the public's understanding is not yet complete about the MUI Law and Fatwa. Therefore, in article 13 it is explained that the expenditure for the placement and/or financial investment of Hajj as referred to in Article 10 letter c is implemented after obtaining approval from the supervisory board.

In line with the management of hajj funds in article 48 section 1, it is emphasized that the placement or investment of Hajj finance can be made in the form of banking products, securities, gold, direct investment, and other investments. Sukuk is a form of investment instrument, so BPKH places its investment in the form of deposits in Islamic banks, while there are four (4) placement of hajj fund management investments in Sharia Banks, placements in Islamic banks that we can call Sukuk, are in gold, direct investment, and others, and in the meantime, we are still placing maal (assets) in sukuk, both sukuk issued by the State and Islamic Sukuk issued by the private sector.

Sukuk issued by the State are SBSN (Surat Berharga Syariah Negara), so securities sukuk are issued by the government that can be traded, meaning that when BPKH needs the funds, they can be sold. The difference means that direct investment is riskier and BPKH has not yet entered into that investment.

Currently, BPKH has not entered into direct investment and is still in the exploration process and even if it does, it can take the form of BPKH to create its own company, or then buy shares in someone else's company, or buy a building. it is still being explored and it is still not being realized because it is still measuring the risk and return aspects.

In paragraph (2) The placement and/or investment of Hajj finance as referred to in paragraph (1) shall be carried out by sharia principles by taking into account the aspects of security, prudence, benefit value, and liquidity. The problem is that these funds cannot be used before there is a Government Regulation that regulates them.

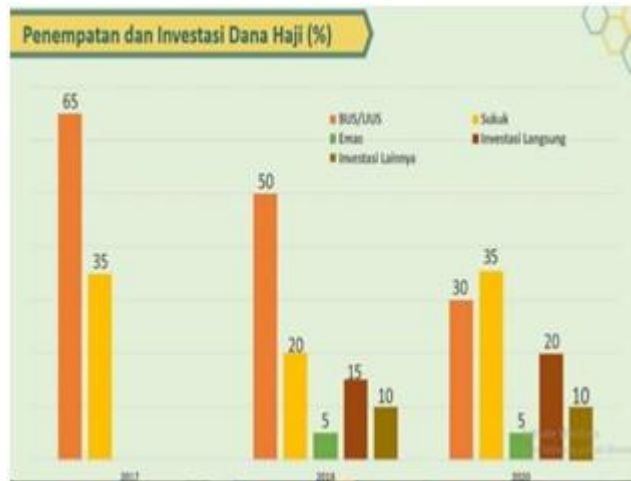


Fig. 2 Data Sources for Hajj Fund Management and BPKH Strategic Plan 2017

To give confidence and trust to prospective jama'ah haji that the BPIH and the Special BPIH are managed and developed by the government as representatives with attention to aspects of security, prudence, and value of benefits, the government may guarantee all BPIH funds. The BPKH is an institution established by the government that guarantees in the form of a law, and that BPKH is a professional institution. In Article 2 of Law no. 34 of 2014 mandates that the management of hajj funds must comply with the principles of sharia, prudence, benefit, non-profit, transparency, and accountability. Hajj Financial Management by the Badan Pengelolaan Keuangan Haji (BPKH) is carried out in a corporate and non-profit manner.

Hajj Financial Management aims to improve:

1. Quality of Hajj Pilgrimage Implementation;
2. The rationality and efficiency of using BPIH;
3. Benefits for the benefit of Muslims.

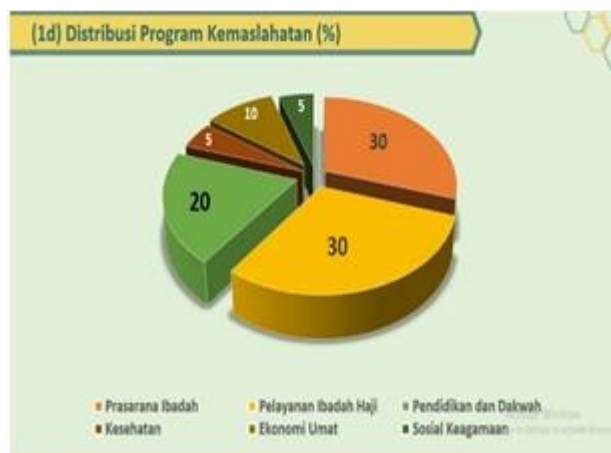


Fig. 3 Data Sources for Hajj Fund Management and BPKH Strategic Plan 2017

For the program for the benefit of the Ummah, specifically from the investment profits in the Ummah Endowment Fund, and the figures are not far from that, that is the profit from the management of the Ummah Endowment Fund which will be intended for the benefit of the Ummah program. In general, the benefit of the BPKH ummah has some types of groups that may receive, the distribution is determined, and BPKH collaborates with benefits partners such as amil zakat institutions, social institutions, and waqf institutions, so BPKH synergizes with existing institutions because they are more experienced.



Fig. 4 Data Sources for Hajj Fund Management and BPKH Strategic Plan 2017

The average profit of hajj fund management is 8.25% per year. In governance, the Hajj Financial Management Agency (BPKH) prepares a strategic plan for 5 (five) years, and Hajj Finance must be managed at a Sharia Commercial Bank or Sharia Business Unit. Placement or investment must be following sharia principles and consider security aspects. , prudence, benefit value, and liquidity. The placement or investment of Hajj Finance is carried out with the approval of the supervisory board. And for the administration of Hajj, the BPKH is required to manage and provide Hajj Finance which is equivalent to the need for 2 (two) times the cost of organizing Hajj.

The provisions related to the contract on the management of the BPIH are the wakalah contract which is valid until the BPIH and BPIH funds belonging to the prospective Hajj pilgrims are spent by the government in the framework of organizing the haj pilgrimage.

Candidates for jama'ah haji as muwakkil agree that a portion of the investment returns on BPIH and BPIH Special funds is used as the right of the manager by taking into account the main interests of the prospective jam'ah haji. Every citizen who is going to perform the hajj pilgrimage must open a savings account for the Hajj pilgrimage at BPS BPIH, then citizens who already have hajj savings pay the initial deposit for the BPIH or the Special BPIH according to the amount which has been stipulated as in Government Regulation No.5 of 2018 article 10 section (5). The initial deposit payment for the BPIH or the Special BPIH as referred to in Government Regulation No.5 of 2018 article 12 paragraph (3) is accompanied by filling and signing the wakalah contract form by the pilgrims.

And to give confidence and trust to prospective jama'ah haji that and BPIH and Special BPIH are managed and developed by the government as representatives by paying attention to aspects of security, prudence, and value of benefits, the government may guarantee all BPIH funds. And in article 53 of Law 34/2014, members of the implementing body and members of the supervisory board are jointly and severally responsible for any losses on the placement or investment of Hajj Finance as a whole arising from errors or negligence in its management.

Funds belonging to the pilgrims, when hajj deposits are accommodated in the account of the Minister of Religion whose registrants are included in the waiting list, in syar'i, belong to the registrant (prospective pilgrims). Therefore, if the person concerned dies or there is a syar'i obstacle that makes the prospective hajj pilgrims fail to leave, then the hajj deposit funds must be returned to the prospective pilgrims or their heirs. The fact is that all this time, the funds have been used and partially returned to pilgrims. This means that these funds are transferred for productive matters and are managed with high-risk mitigation, and therefore to maintain the conformity of sharia values in the management of the Hajj Implementation Cost (BPIH) fund on behalf of the owner, the government is allowed to transfer these funds to the halal sector as confirmed in article 2 of Law no. 34 of 2014 mandates that the management of Hajj funds must comply with sharia principles, namely sectors that are avoided from maisir, gharar, usury, and others, and Hajj Finance must be managed at a Sharia Commercial Bank or Sharia Business Unit as stated in article 46 paragraph (1) UU no. 34 of 2014, because indeed the mandate of Law No. 34 of 2014, hajj funds must be managed by sharia principles, the mandate of the law is that all implementation of hajj financial management must be under sharia in terms of placement, management, bank transfer, all of which must comply with sharia.

And if you let the hajj deposit funds that are stored in the account of the Minister of Religion whose registrants are included in the waiting list to settle in the government account is not considered wise and good.

So the proceeds from tasharruf belong to the prospective pilgrims who are included in the waiting list (among others, as an addition to the savings of prospective pilgrims or a reduction in the real/real cost of Hajj). Meanwhile, as the manager of the government (Ministry of Religion) after the establishment of the Badan Pengelolaan Keuangan Haji, BPKH has the right to receive reasonable / not excessive rewards (ujrah) as explained in ibn Umar's hadith regarding the rights of waqf managers. If the funds are managed optimally, then the people will have no difficulty in financing Community Organization (ORMAS).

4. Conclusion

There is a fatwa from the National Sharia Board (DSN) Number 122 with a sociological background, namely that there are questions from the public regarding the ownership status of the Hajj candidates' funds which are included in the waiting list, according to one version of the funds that have been deposited belongs to the government in this case, namely the Ministry of Religion. The use of it was submitted by the Ministry of Religion, and according to another version of the funds belonged to the prospective pilgrims, therefore the fatwa decision confirms that the funds belong to the prospective pilgrims, its characteristic is that if the pilgrims fail to leave the deposit funds the hadj must be returned. And behind this fatwa is the difference of opinion regarding the status of the fund ownership of the candidate pilgrims who are included in the waiting list which is the background for the fatwa of the National Sharia Board Number 122.

The fatwa of the National Sharia Board (DSN) has been late affirming the principles of BPIH based on sharia and if the management of the Hajj Implementation Fee Fund (BPIH) is not by the value of sharia, it will be straightened out by sending a letter from the National Sharia Board (DSN) to the Badan Pengelolah Keuangan Haji (BPKH). The DSN will remind and admonish from its sharia aspects if there is a fatwa violation. And the National Sharia Board (DSN) is a fatwa authority, not a supervisory authority, and not a regulator, therefore it does not have the authority to supervise the Badan Pengelolah Keuangan Haji (BPKH).

The provisions related to the contract on the management of the Hajj Pilgrimage Cost (BPIH) are the wakalah contract which is valid until the BPIH and BPIH funds belonging to the prospective Hajj pilgrims are spent by the government in the framework of organizing

the Haj pilgrimage.

And to give confidence and trust to prospective jama'ah haji that and BPIH and Special BPIH are managed and developed by the government as representatives by paying attention to aspects of security, prudence, and value of benefits, the government may guarantee all BPIH funds. The BPKH is an institution established by the government that guarantees in the form of a law, and that BPKH is a professional institution. In Article 2 of Law no. 34 of 2014 mandates that the management of hajj funds must comply with sharia principles, be careful, benefit, non-profit, transparent, and accountable.

Funds belonging to the pilgrims, when hajj deposits are accommodated in the account of the Minister of Religion whose registrants are included in the waiting list, in syar'i, belong to the registrant (prospective pilgrims). Therefore, if the person concerned dies or there is a syar'i obstacle that makes the prospective hajj pilgrims fail to leave, then the hajj deposit funds must be returned to the prospective pilgrims or their heirs. The fact is that all this time, the funds have been used and partially returned to pilgrims. This means that these funds are transferred for productive matters and are managed with high-risk mitigation, and therefore to maintain the conformity of sharia values in the management of the Hajj Pilgrimage Cost (BPIH) fund on behalf of the owner, the government is allowed to transfer these funds to the halal sector as confirmed in article 2 of Law no. 34 of 2014 mandates that the management of Hajj funds must comply with sharia principles, namely sectors that are avoided from maisir, gharar, usury, and others, and Hajj Finance must be managed at a Sharia Commercial Bank or Sharia Business Unit as stated in article 46 section (1) UU no. 34 of 2014, because indeed the mandate of Law No. 34 of 2014, hajj funds must be managed by sharia principles, the mandate of the law is that all implementation of hajj financial management must be following sharia in terms of placement, management, bank transfer, all of which must comply with sharia. Based on the results of the research, the management of Hajj Pilgrimage Funding Costs is following the DSN-MUI fatwa Number 122 concerning Management of BPIH and Special BPIH Funds based on sharia principles.

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