



Implementation of Fatwa on Hajj Bailout Fund in Islamic Financial Institutions: A Systematic Literature Review Using PRISMA Approach

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ABSTRACT

Purpose: This study aimed to examine the implementation of fatwa no.29 regarding to *Hajj* bailout.

Design/Method/Approach: The data retrieved used PoP software from Google Scholar on 1/26/2024. To determine the data, this study used the PRISMA framework approach. Then the final data will be analyzed using a systematic literature review (SLR). The total documents are 78 documents, and the final document analyzed is 23 documents.

Findings: The result showed that the first article appeared in 2011. Most of the research is in the form of article journals and thesis of undergraduate. The case study areas of existing research are quite diverse, which can be grouped into three categories, namely case studies on Islamic Banks, Islamic Rural Banks, and KPPS or BMT. This study found that only a third of the research comply with the Fatwa, while two third do not comply with the Fatwa. Interestingly, most of the main cause of the practice does not comply with Sharia is violating provision no. 4 which is in determining the fee or *Ujrah*. Hopefully, the Sharia Supervisory Board (SSB) will pay more attention to the practice of Islamic Financial Institutions (IFI) in the industrial world. For future research, perhaps researchers can study in more depth and examine the implementation of remaining fatwas.

Originality/Values: This study is concerned with mapping the practice of implementation of Fatwa no.29 in Islamic financial industries in Indonesia.

INTRODUCTION

Hajj is one of the highest pillars of Islam. Performing the Hajj pilgrimage to the holy land of Mecca is the dream of all Muslims. However, the Hajj pilgrimage requires quite a lot of money. Thus, Islam requires that only those who can afford it must go on the Hajj and only once in their lifetime. Nevertheless, it remains the dream and pinnacle of worship rituals desired by all Muslim individuals, including in Indonesia. The queue for regular Hajj in Indonesia is very long, even more than 30 years¹. Based on a release from the Ministry of Religion, the cost of going to performing Hajj per person which has to be paid is approximately Rp. 50 million by 2024². However, the high enthusiasm of Hajj pilgrims in Indonesia is not accompanied by the ability of the people to fulfill the requirements for carrying out the Hajj pilgrimage, especially their ability in terms of costs³.

Therefore, on the other hand, Islamic financial institutions are innovating how to provide products in the form of financial services that are needed by the community in arranging the Hajj and paying off Hajj Travel Costs. Therefore, Islamic financial institutions (IFI) need to respond to the needs of the community in their various products. However, to maintain the implementation of these transactions following *Shariah* principles, the National Sharia Council considers it necessary to establish a fatwa regarding the management and financing of the Hajj by IFI to serve as a guideline. So the DSN-MUI fatwa Number 29 was issued in 200⁴. This fatwa is a guideline for Islamic financial institutions when providing services and financing in managing the *Hajj*.

It has been more than two decades since Fatwa no.29 concerning financing for Hajj arrangements was issued. Of course, there has been a lot of

¹ Linda Hasibuan, “Panjangnya Daftar Tunggu Haji RI, Baru Bisa Jalan 11-47 Tahun,” 2023, <https://www.cnbcindonesia.com/syariah/20230528091823-29-441170/panjangnya-daftar-tunggu-haji-ri-baru-bisa-jalan-11-47-tahun#:~:text=Berdasarkan data terbaru%2C daftar tunggu,11 tahun sampai 47 tahun.>

² Amnia Salma, “Keppres Biaya Haji 1445 H Terbit, Catat Besar dan Tahapan Pelunasannya,” 2024, [https://haji.kemenag.go.id/v5/detail/keppres-biaya-haji-1445-h-terbit-catat-besaran-dan-tahapan-pelunasannya.](https://haji.kemenag.go.id/v5/detail/keppres-biaya-haji-1445-h-terbit-catat-besaran-dan-tahapan-pelunasannya)

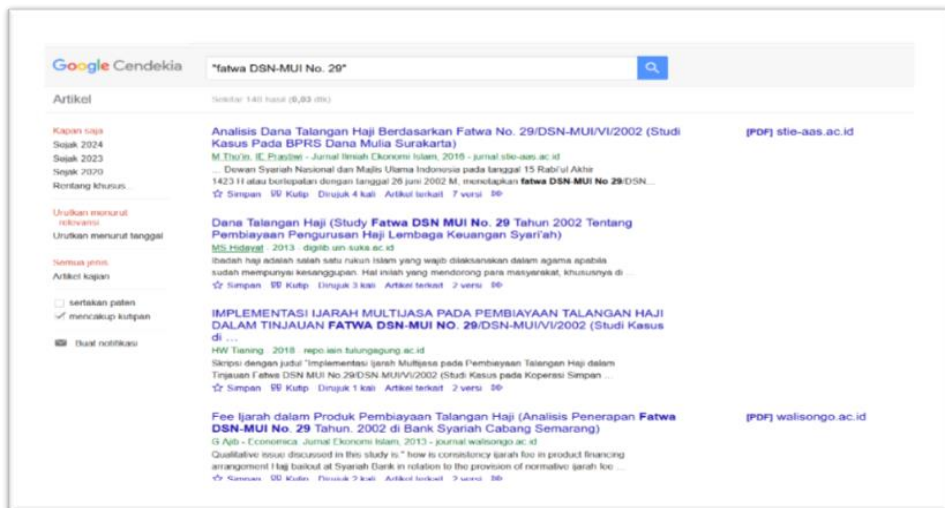
³ Teguh Eka Prasetya, “Konsep Masyaqah Dalam Pembiayaan Pengurusan Haji (Studi Kritis Terhadap Fatwa DSN-MUI Nomor 29/DSNMUI/VI/2002 Tentang Pembiayaan Pengurusan Haji Lembaga Keuangan Syariah)” (Universitas Islam Indonesia, 2020), [https://dspace.uii.ac.id/handle/123456789/18206.](https://dspace.uii.ac.id/handle/123456789/18206)

⁴ DSN-MUI, “Fatwa Dewan Syari’ah Nasional Nomor: 29/DSN-MUI/VI/2002 Tentang Pembiayaan Pengurusan Haji Lembaga Keuangan Syari’ah,” *Fatwa Dewan Syari’ah Nasional-Majelis Ulama Indonesia*. (Jakarta, 2002), [https://drive.google.com/file/d/0BxTl-INihFyzSZA4MjgweFIWTUU/view?resourcekey=0-5M1rLBZ1I4qFnml45QG8hQ.](https://drive.google.com/file/d/0BxTl-INihFyzSZA4MjgweFIWTUU/view?resourcekey=0-5M1rLBZ1I4qFnml45QG8hQ)

research related to fatwa number 29. Based on observations on Google Scholar, by writing the simple keywords "fatwa DSN-MUI No.29" alone, there are approximately 148 documents with various types of documents and topics that are the focus of the research. More details can be seen in Figure 1. These documents examine both the contents of the fatwa itself and the implementation of the fatwa in the sharia financial industry. From the search results, for example, various case studies of the implementation of DSN-MUI fatwa No. 29 ranging from Islamic banking⁵ to Islamic microfinance Such as BMT⁶, and Islamic rural banks or BPRS⁷. This means that Islamic financial products that provide financing for Hajj arrangements have been adopted by both Islamic banking and BPRS.

Figure 1.

Published documents of Fatwa DSN-MUI No. 29 on Google Scholar



A review of this research is very important for the Islamic financial industrial world, especially for Sharia board supervisors (SSB) who are tasked

⁵ Ghufron Ajib, "Fee Ijarah Dalam Produk Pembiayaan Talangan Haji (Analisis Penerapan Fatwa DSN-MUI No. 29 Tahun. 2002 Di Bank Syariah Cabang Semarang)," *Economica: Jurnal Ekonomi Islam* 4, no. 2 (2013): 1–42.

⁶ Dina Setiawati, "Praktik Pembiayaan Haji Dengan Akad Rahn Perspektif Imam Syafi'i Dan Fatwa Dsn-MUI No: 29/Dsn-MUI/VI/2002 Tentang Pembiayaan Pengurusan Haji; Studi BMT Mandiri Sejahtera Jawa Timur" (Universitas Islam Negeri Maulana Malik Ibrahim, 2019).

⁷ Dwi Fetty Andriani, "Implementasi Pembiayaan Dana Talangan Haji Di BPRS Metro Madani Perspektif Fatwa DSN-MUI NOMOR 29/DSN-MUI/VI/2002 (Studi Kasus BPRS Metro Madani KCP. Tulang Bawang Barat)" (IAIN Metro, 2020); Muhammad Tho'in and Iin Emy Pratiwi, "Analisis Dana Talangan Haji Berdasarkan Fatwa No. 29/DSN-MUI/VI/2002 (Studi Kasus Pada BPRS Dana Mulia Surakarta)," *Jurnal Ilmiah Ekonomi Islam* 2, no. 01 (2016).

with supervising Islamic financial institutions, thus the products are issued and marketed in compliance with the *Shari'ah*⁸. Based on the results of a review of several studies, it turns out that in practice, some Islamic financial institutions do not implement the fatwa DSN-MUI⁹. Therefore, this research is important to see whether practice in the field is following the fatwa or not. Unfortunately, there are not many studies that try to evaluate studies that discuss the implementation of DSN-MUI fatwas. Throughout the search, only a few articles tried to evaluate the implementation of the DSN-MUI fatwa, for example, the evaluation of the implementation of the fatwa on *Murabahah*¹⁰, the *fatwa* on *Musarakah Mutanaqishah*¹¹, the *fatwa* on selling and buying gold¹², and the *fatwa* on compensation or *ta'widh*.¹³

Back to the implementation of Fatwa No.29, although there have been many studies discussing Fatwa No.29 in the past 2 decades, there has been no research that has tried to evaluate the results of this existing research.

⁸ Ana Nurwakhidah, "Analisis Kinerja Dewan Pengawas Syariah Dalam Mengawasi Bank Syariah," *MALIA: Jurnal Ekonomi Islam* 12, no. 1 (2020): 53–66; Irwan Misbach, "Kedudukan Dan Fungsi Dewan Pengawas Syariah Dalam Mengawasi Transaksi Lembaga Keuangan Syariah Di Indonesia," *Jurnal Minds: Manajemen Ide Dan Inspirasi* 2, no. 1 (2015): 79–93.

⁹ Ijlal Setiawan et al., "Implementasi Fatwa DSN MUI No.04/DSN-MUI/2000 Tentang Murabahah Pada LKS: Sebuah Studi Literatur," *Journal of Fiqh in Contemporary Financial Transactions* 1, no. 1 (2023): 1–14, <https://doi.org/10.61111/jfcft.v1i1.440>; Muhammad Abdurrahman Shalahuddin and Nenden Silmi Fauziah, "Implementasi Pembiayaan Murabahah Pada Perbankan Syariah Di Indonesia: Studi Literatur," *Journal of Fiqh in Contemporary Financial Transactions* 1, no. 1 (2023): 29–44, <https://doi.org/10.61111/jfcft.v1i1.432>; Riva Adha Vauziah, Fattah Muharrir Muhammad, and Windi Laeli Rahmadin, "Studi Literatur Implementasi Fatwa DSN MUI No. 73 Tentang Musarakah Mutanaqishah," *Journal of Fiqh in Contemporary Financial Transactions* 1, no. 1 (2023): 71–84, <https://doi.org/10.61111/jfcft.v1i1.439>; Faiza Azzahra et al., "Studi Pustaka: Penerapan Praktek Ganti Rugi Ditinjau Dari Fatwa Dewan Syariah Nasional Mui Nomor 43/DSN-MUI/VLII/2004 Tentang Ganti Rugi (TA'WIDH)," *Accounting Research Journal* 2, no. 1 (2023): 43–59, <https://doi.org/https://doi.org/10.56244/accrual.v2i1.742>; Luqman Hakim Handoko, Nashr Akbar, and Ahmad Izzah, "Implementation of Buying and Selling Gold on DSN-MUI Fatwa Number 77/DSN-MUI/V/2010 Concerning Non-Cash Buying and Selling of Gold," *Tawazun: Journal of Sharia Economic Law* 7, no. 1 (2024): 18–33, <https://doi.org/http://dx.doi.org/10.21043/tawazun.v7i1.26181>.

¹⁰ Setiawan et al., "Implementasi Fatwa DSN MUI No.04/DSN-MUI/2000 Tentang Murabahah Pada LKS: Sebuah Studi Literatur"; Shalahuddin and Fauziah, "Implementasi Pembiayaan Murabahah Pada Perbankan Syariah Di Indonesia: Studi Literatur."

¹¹ Vauziah, Muhammad, and Rahmadin, "Studi Literatur Implementasi Fatwa DSN MUI No. 73 Tentang Musarakah Mutanaqishah."

¹² Handoko, Akbar, and Izzah, "Implementation of Buying and Selling Gold on DSN-MUI Fatwa Number 77/DSN-MUI/V/2010 Concerning Non-Cash Buying and Selling of Gold."

¹³ Azzahra et al., "Studi Pustaka: Penerapan Praktek Ganti Rugi Ditinjau Dari Fatwa Dewan Syari'ah Nasional Mui Nomor 43/DSN-MUI/VLII/2004 Tentang Ganti Rugi (TA'WIDH)."

Consequently, it is not known yet generally how far the industries comply with the fatwa no.29. Has the implementation of the fatwa followed existing fatwas or not? Therefore, this research tries to evaluate the implementation of this fatwa in the Islamic financial industry. Hence, this research is important for several reasons. First, this research can be said to be one of the pioneers in research that evaluates the results of research on the implementation of fatwa DSN-MUI No. 29. *Second*, although this research is comparable to Setiawan, et.al.,¹⁴, Shalahuddin et. al.,¹⁵ and Vauziah, et. al.,¹⁶, Azzhara, et.al.,¹⁷, Handoko, et. al.,¹⁸ however, this research has several differences. The main differences are the topic or implementation of the fatwa to be evaluated, the data used are all existing documents, and the approach method used. *Third*, the main aim of this research is to try to explore and classify the results of implementation in the field of whether financing for Hajj arrangements is appropriate or not. Therefore, the objective of this study is to examine the implementation of fatwa DSN-MUI No.29 in Islamic financial industries.

RESEARCH METHOD

This method used in this study is a descriptive analysis approach to review the literature concerning hajj bailout or Financing Hajj Management in Islamic Financial Institutions. The data was retrieved from *scholar.google.c.o.id*. To gather all required data, it will take several steps to unveil and fix appropriate documents. Therefore, this study will use the PRISMA framework approach to gather the data.

Figure 2 shows the operation of the PRISMA framework in retrieving and filtering the data. Here more detailed explanation:

1. Defining the proper keywords to find the selected documents using *publish or perish* (PoP) software. Thus, this study used the keywords, such as, “*Fatwa DSN MUI no. 29*”, “*Fatwa No.29*”, “*Fatwa Nomor 29*”, and “*fatwa pembiayaan Haji*”. Using these keywords’ approaches, the initial search found 78

¹⁴ Setiawan et al., “Implementasi Fatwa DSN MUI No.04/DSN-MUI/2000 Tentang Murabahah Pada LKS: Sebuah Studi Literatur.”

¹⁵ Shalahuddin and Fauziah, “Implementasi Pembiayaan Murabahah Pada Perbankan Syariah Di Indonesia: Studi Literatur.”

¹⁶ Vauziah, Muhammad, and Rahmadin, “Studi Literatur Implementasi Fatwa DSN MUI No. 73 Tentang Musyarakah Mutanaqishah.”

¹⁷ Azzahra et al., “Studi Pustaka:” Penerapan Praktek Ganti Rugi Ditinjau Dari Fatwa Dewan Syariah Nasional Mui Nomor 43/DSN-MUI/VLII/2004 Tentang Ganti Rugi (TA’WIDH).”

¹⁸ Handoko, Akbar, and Izzah, “Implementation of Buying and Selling Gold on DSN-MUI Fatwa Number 77/DSN-MUI/V/2010 Concerning Non-Cash Buying and Selling of Gold.”

articles in total.

2. Then the next step is refining and cleansing the data, such as eliminating doubling documents, excluding irrelevant documents, un-accessed documents, etc. During this phase, the documents determined to be reviewed are 23 documents.
3. After finalizing the documents to be analyzed, the next stage is to add and complete the data required for the analysis in this discussion. Assuredly, the documents determined in this step will analyzed in the next steps.

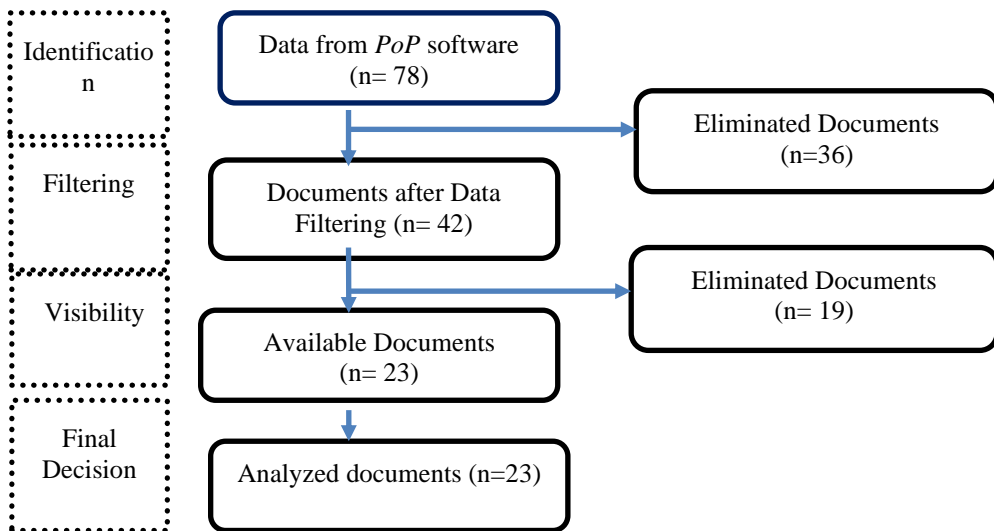


Figure 2. PRISMA Framework Approach

Analyzing the data, it will be analyzed, first, the distribution of research based on year, type, and case of study. Then, this study will analyze the data and present the result based on the previous steps. In this step, descriptive analysis is the main method to describe the current state and also determine the related topic for future research agenda. This study will classify the results into several clusters according to the topic that needs to be discussed and presented in this study.

RESULT AND DISCUSSION

The current state of publication on Implementation of Fatwa No. 29

Yearly Trend of publications

Based on existing data, initially, the data collected was around 78 documents. However, after filtering and sorting the data there were only 23

documents left. Interestingly, almost a decade after the fatwa was issued, there was an article that tried to discuss the implementation of fatwa No.29¹⁹. It could be that this is because journal publications have not yet been digitized. Furthermore, over the last decade, there has been a lack of publications in 2012, 2014, and 2022. The highest publication was in 2019 with 5 publications, followed by 2020 with 4 publications. The detailed distribution can be seen in Figure 3.

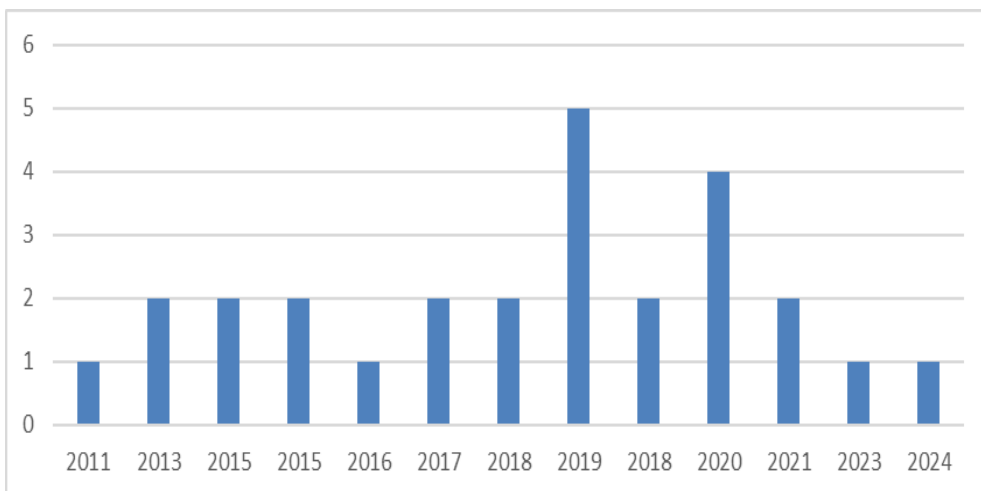


Figure 3. Distribution of the documents based on the year

Classification based on the type of documents

Based on the type of document, there are two types, namely articles published in certain journals and theses from undergraduate or postgraduate. The language used in this document is both, either Indonesian or English. As can be seen in Figure 4, the thesis has a slightly larger number are 12 documents (52%), while articles published in journals are 11 documents (48%). The eleven articles were published in 11 different journals. Meanwhile, the 12 theses come from 9 different universities, of which 4 theses come from IAIN Metro Lampung.

¹⁹ Ikhwan Ikhwan, "Fatwa DSN MUI No. 29 Tahun 2002 Tentang Biaya Pengurusan Haji Oleh Lembaga Keuangan Syariah Dan Penerapannya Pada Perbankan Syariah," *PUSAT PENELITIAN UIN IMAM BONJOL PADANG* (2011), [https://scholar.uinib.ac.id/id/eprint/986/1/10-Fatwa DSN MUI No. 29 tahun 2002 tentang biaya pengurusan haji oleh lembaga keuangan syariah dan penerapannya pada perbankan syariah.pdf](https://scholar.uinib.ac.id/id/eprint/986/1/10-Fatwa%20DSN%20MUI%20No.%2029%20tahun%202002%20tentang%20biaya%20pengurusan%20haji%20oleh%20lembaga%20keuangan%20syariah%20dan%20penerapannya%20pada%20perbankan%20syariah.pdf).

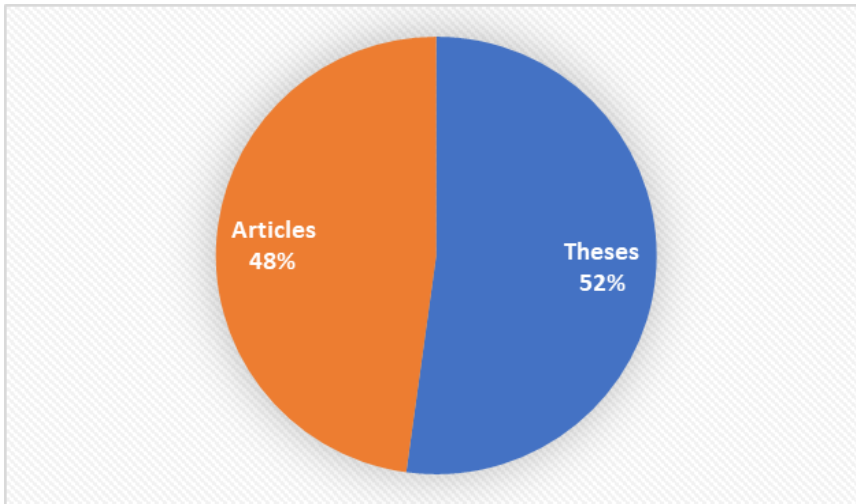


Figure 4. Distribution of documents based on the type of documents

Distribution of Case Studies

Based on Figure 5. case studies taken by the researchers, it appears that there are 3 case studies. Firstly, case studies on Islamic banks such as BNI Syariah²⁰, BSM²¹, and BTN Syariah²². Secondly, case studies on KPPS or Baitu maal wa Tamwil (BMT) are like, KPPS Baitus Izza²³, BMT Beringharjo²⁴, and

²⁰ Irfan Nurudin, “Analisis Kesesuaian Implementasi Pembiayaan Dana Talangan Haji Di Perbankan Syari’ah Dengan Fatwa Mui,” *EKSYAR: Jurnal Ekonomi Syari’ah & Bisnis Islam (e-Journal)* 2, no. 2 (2015): 273–90; Ikhwan, “Fatwa DSN MUI No. 29 Tahun 2002 Tentang Biaya Pengurusan Haji Oleh Lembaga Keuangan Syariah Dan Penerapannya Pada Perbankan Syariah”; Ajib, “Fee Ijarah Dalam Produk Pembiayaan Talangan Haji (Analisis Penerapan Fatwa DSN-MUI No. 29 Tahun. 2002 Di Bank Syariah Cabang Semarang)”; Aan Siti Aminah, “Analisis Kesesuaian Akad Al-Ijarah Dengan Fatwa Dewan Syariah Nasional (DSN) No. 09/DSN-MUI/IV/2000 Pada Produk Pembiayaan Dana Talangan Haji Di PT. Bank Negara Indonesia Syariah Cabang Malang” (Universitas Negeri Malang. Program Studi Akuntansi, 2013).

²¹ Nurudin, “Analisis Kesesuaian Implementasi Pembiayaan Dana Talangan Haji Di Perbankan Syari’ah Dengan Fatwa Mui”; Ajib, “Fee Ijarah Dalam Produk Pembiayaan Talangan Haji (Analisis Penerapan Fatwa DSN-MUI No. 29 Tahun. 2002 Di Bank Syariah Cabang Semarang)”; Ikhwan, “Fatwa DSN MUI No. 29 Tahun 2002 Tentang Biaya Pengurusan Haji Oleh Lembaga Keuangan Syariah Dan Penerapannya Pada Perbankan Syariah.”

²² Nurudin, “Analisis Kesesuaian Implementasi Pembiayaan Dana Talangan Haji Di Perbankan Syari’ah Dengan Fatwa Mui.”

²³ Hasna Wukuf Tianing, “Implementasi Ijarah Multijasa Pada Pembiayaan Talangan Haji Dalam Tinjauan Fatwa DSN-MUI NO. 29/DSN-MUI/VI/2002 (Studi Kasus Di Koperasi Simpan Pinjam Pembiayaan Syariah Baitul Izza Serut Tulungagung),” 2018; Danis Amwalul Fikki, “Penerapan Akad Ijarah Pada Produk Pembiayaan Pengurusan Porsi Haji Di KSPPS Kopena Pekalongan Ditinjau Dari Fatwa DSN-MUI,” *SERAMBI: Jurnal Ekonomi Manajemen Dan Bisnis Islam* 1, no. 2 (2019): 45–54.

BMT Mandiri Sejahtera²⁵. Thirdly, case studies on Islamic rural banks are BPRS Amanah²⁶, BPRS Rajasa Lampung²⁷, BPRS Dana Mulia²⁸, BPRS Belitung²⁹, and BPRS Metro Lampung³⁰.

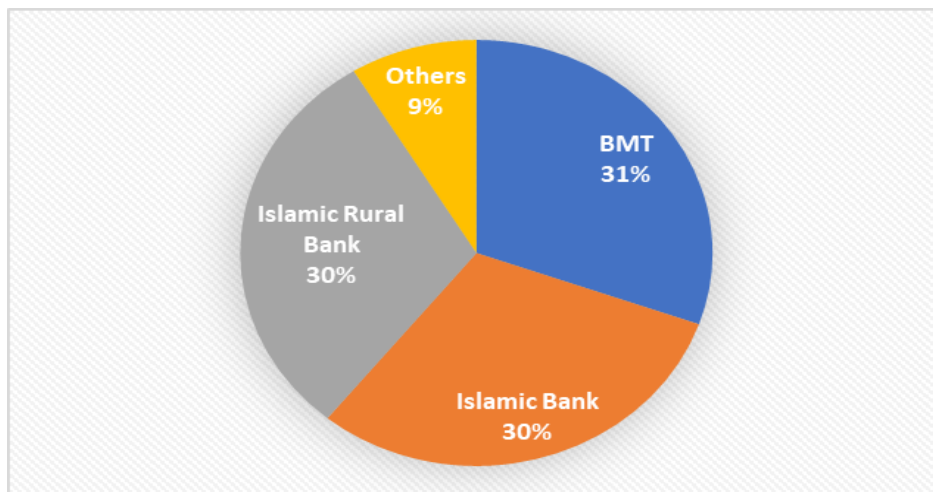


Figure 5. Case studies distributions

²⁴ Syafiyah Salamah, “Mekanisme Pembiayaan Haji Di Bmt Dan Kesesuaian Akadnya Dengan Fatwa Dsn Mui Dan Menurut Pma No. 24 Tahun 2016 (Studi Kasus Di BMT Beringharjo KC. Bintaro)” (Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta, 2021).

²⁵ Setiawati, “Praktik Pembiayaan Haji Dengan Akad Rahn Perspektif Imam Syafi’i Dan Fatwa Dsn-MUI No: 29/Dsn-MUI/VI/2002 Tentang Pembiayaan Pengurusan Haji; Studi BMT Mandiri Sejahtera Jawa Timur.”

²⁶ Sinta Paramita, Ibdalsyah Ibdalsyah, and Hilman Hakiem, “Analysis of the Fatwa Mechanism of DSN-MUI Application No. 29/DSN-MUI/vi/2002 Hajj Credit Financing in Islamic Financial Institutions (Case Study: PT. BPRS Amanah Ummah Leuwiliang Bogor),” *Al-Infaq: Jurnal Ekonomi Islam* 8, no. 1 (2019): 93–106, <https://doi.org/https://doi.org/10.32507/ajei.v8i1.441>.

²⁷ In Nuralimah, “Analisis Penetapan Ujrah Pembiayaan Talangan Haji Perspektif Fatwa Dewan Syariah Nasional (Studi Kasus PT BPRS Rajasa Kantor Kas Kalirejo Lampung Tengah)” (IAIN Metro, 2020).

²⁸ Tho’in and Prastiwi, “Analisis Dana Talangan Haji Berdasarkan Fatwa No. 29/DSN-MUI/VI/2002 (Studi Kasus Pada BPRS Dana Mulia Surakarta).”

²⁹ J Juwita, *Konsep Pendidik Menurut Al-Mawardi (364 H-450 H) Dalam Kitab Adab Ad Dunya Wa Ad Din* (idr.uin-antasari.ac.id, 2015), <https://idr.uin-antasari.ac.id/413/>.

³⁰ Andriani, “Implementasi Pembiayaan Dana Talangan Haji Di BPRS Metro Madani Perspektif Fatwa DSN-MUI NOMOR 29/DSN-MUI/VI/2002 (Studi Kasus BPRS Metro Madani KCP. Tulang Bawang Barat);” Amanda Dwi Lestari, “Mekanisme Pembiayaan Akad Qardh Wal Ijarah Pada Dana Talangan Haji Dalam Perspektif Fatwa DSN-MUI NO. 29/DSN-MUI/VI/2002 (Studi Pada BPRS Metro Madani Cabang Jatimulyo Lampung Selatan)” (UIN Raden Intan Lampung, 2019).

The Most Productive Authors, and Affiliations

Of the 23 documents, there are 31 authors, each of whom has only one document. Meanwhile, there are 6 documents with more than one author³¹. The rest are solo writers. This is understandable because most of the documents are the result of undergraduate theses.

Furthermore, of the 23 articles, there are 19 affiliates. There are only two affiliates that have the most publications, namely the IAIN Metro Lampung Campus, and UMS with 4, and 2 documents respectively. The rest there is only one document such as IAIN Pekalongan, IAIN Walisongo, IAIN Syiekh Abdur Rahman Siddik, IAIN Tulung Agung, IIQ, STIE AAS Surakarta, STIE Imam Syafi'i Pekanbaru, STMIK EL Rahma, UIN Imam Bonjol, UIN KH. Abdur Rahman Wahid, UIN Syarif Hidayatullah, UINSU, Unida Gontor, University of Ibn Khaldun, Pamulang University, University of Malang.

The Most Popular Publications

Of the 23 publications, there are only 7 publications that have been cited by others, namely Tho'in³², Aminah³³, Fikki³⁴, Ajib³⁵, Andriani³⁶, Tianing³⁷, Saidi

³¹ Paramita, Ibdalsyah, and Hakiem, "Analysis of the Fatwa Mechanism of DSN-MUI Application No. 29/DSN-MUI/vi/2002 Hajj Credit Financing in Islamic Financial Institutions (Case Study: PT. BPRS Amanah Ummah Leuwiliang Bogor)"; Ika Prastyaningstih and Setiawan Bin Lahuri, "Analisis Fiqh Dalam Penerapan Multi Akad Produk Dana Talangan Haji Lembaga Keuangan Syariah (Studi Fatwa DSN-MUI No. 29/DSN/MUI/VI/2009)," *Economic: Journal of Economic and Islamic Law* 8, no. 3 (2018): 49–66; Tho'in and Prastiwi, "Analisis Dana Talangan Haji Berdasarkan Fatwa No. 29/DSN-MUI/VI/2002 (Studi Kasus Pada BPRS Dana Mulia Surakarta)"; Ahmad Arif Rahman Saidi and Warsidi, "Implementasi Fatwa-Fatwa Dsn-Mui Pada Pembiayaan Dana Talangan Haji (Studi Kasus Pada Kspps Btm Mulia Babat-Lamongan)," *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah* 4, no. 1 (2020), <https://doi.org/https://doi.org/10.30651/justeko.v4i1.5234>; Yunia Lathifa et al., "Implementasi Pembiayaan Talangan Haji Di KospinMU Surya Mentari Karanganyar Perspektif Fatwa DSN-MUI Nomor 29/DSN-MUI/VI/2002," *Elhisbab* 1, no. 1 (2021): 1–15, <https://doi.org/https://doi.org/10.28918/.v1i1.175>; Sri Rizki and Cahaya Permata, "Penyelesaian Sengketa Pengembalian Dana Haji Perspektif Fatwa DSN-MUI Nomor: 29/DSN-MUI/VI/2002: Studi Putusan Nomor2346/Pdt. G/2021/PA. Mdn," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 1 (2024): 916–27, <https://doi.org/https://doi.org/10.47467/as.v6i1.5774>.

³² Tho'in and Prastiwi, "Analisis Dana Talangan Haji Berdasarkan Fatwa No. 29/DSN-MUI/VI/2002 (Studi Kasus Pada BPRS Dana Mulia Surakarta)."

³³ Aminah, "Analisis Kesesuaian Akad Al-Ijarah Dengan Fatwa Dewan Syariah Nasional (DSN) No. 09/DSN-MUI/IV/2000 Pada Produk Pembiayaan Dana Talangan Haji Di PT. Bank Negara Indonesia Syariah Cabang Malang."

³⁴ Fikki, "Penerapan Akad Ijarah Pada Produk Pembiayaan Pengurusan Porsi Haji Di KSPPS Kopena Pekalongan Ditinjau Dari Fatwa DSN-MUI."

³⁵ Ajib, "Fee Ijarah Dalam Produk Pembiayaan Talangan Haji (Analisis Penerapan Fatwa DSN-MUI No. 29 Tahun. 2002 Di Bank Syariah Cabang Semarang)."

& Warsidi³⁸ with several citations. Meanwhile, the rest articles do not have any citations. Of the 7 publications, 4 of them are articles published in 5 different journals, namely *Economica: Jurnal Ekonomi Islam*, *Jurnal Ilmiah Ekonomi Islam*, *Jurnal Justisia Ekonomika*, and *SERAMBI: Jurnal Ekonomi Manajemen dan Bisnis Islam*, while the rest three documents are theses, namely National University of Malang, IAIN Metro Lampung, and IAIN Tulungagung.

Keywords Co-occurrences Analysis

Based on a search of 23 existing articles, 3 documents did not include keywords. In total, there are 27 keywords, but only 24 keywords are connected. The keywords that appear most frequently were Hajj bailout fund (n=9), Fatwa DSN MUI (n=7), Hajj financing (n=7), Qardh (n=7), Ijarah (n=7), and Ijarah Multijasa (n=5), Fatwa (n=3), Fatwa DSN-MUI No.29 (n=2), and Islamic financial institutions (n=2). Meanwhile, the rest of the keywords only appear once. In addition, the other three keywords that are excluded from the visualization are masalah, usury, and profit which also appear once time.

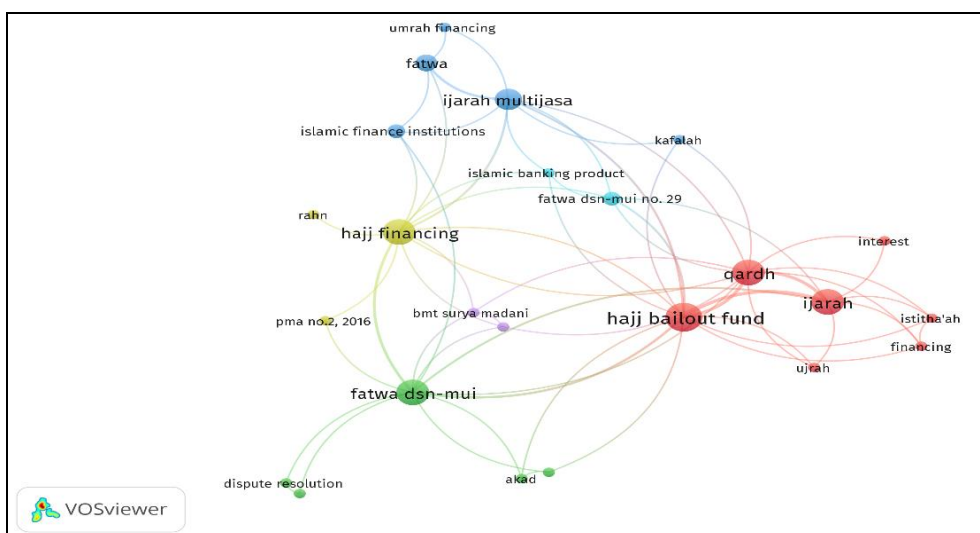


Figure 6. Visualisation of Keywords analysis

³⁶ M A Akbar and I Handriani, “Study and Implementation Information System of Zakat Using MVC Architecture,” in *IOP Conference Series: Materials Science and Engineering*, ed. Adriansyah A., vol. 453 (Institute of Physics Publishing, 2018), <https://doi.org/10.1088/1757-899X/453/1/012032>.

³⁷ Tianing, “Implementasi Ijarah Multijasa Pada Pembiayaan Talangan Haji Dalam Tinjauan Fatwa DSN-MUI NO. 29/DSN-MUI/VI/2002 (Studi Kasus Di Koperasi Simpan Pinjam Pembiayaan Syariah Baitul Izza Serut Tulungagung).”

³⁸ Saidi and Warsidi, “Implementasi Fatwa-Fatwa Dsn-Mui Pada Pembiayaan Dana Talangan Haji (Studi Kasus Pada Pada Kspps Btm Mulia Babat–Lamongan).”

From Figure 6, it can be seen that the discussion of Hajj bailout funds is a central issue in research on the implementation of Fatwa No. 29. Apart from that, the issue of financing the Hajj, especially in the use of multi-service *ijarah* contracts, has also been discussed in existing research. Even though fatwa no. 29 of 2002 is more about fee-based products that is Hajj management services by Islamic financial institutions. Where in the fatwa, the main point is arranging *Hajj* registration for customers, IFIs can obtain compensation for services (*ujrah*) using the al-Ijarah principle following Fatwa DSN-MUI No. 9/DSN-MUI/IV/2000³⁹. However, if necessary, IFI can help cover customers' BPIH payments using the al-Qardh principle following Fatwa DSN-MUI No. 19/DSN-MUI/IV/2001. So, it should be noted, firstly, that the Hajj management services provided by IFI should not be required to provide Hajj bailouts. Secondly, the amount of compensation for al-Ijarah services may not be based on the amount of al-Qardh bailout that IFI provides to customers.⁴⁰

The Fact of Fatwa's Implementation in the Islamic Financial Industries

This section is the core of this research, where the aim is to find out whether the implementation of Islamic financial products related to Hajj management services in Islamic financial industries complies with the *fatwa* DSN-MUI No. 29 or not. Unfortunately, more than half of the existing documents showed that implementation in the field does not comply with the fatwa (n-15 or 65%) while the rest 8 documents are Shariah compliant (35%).

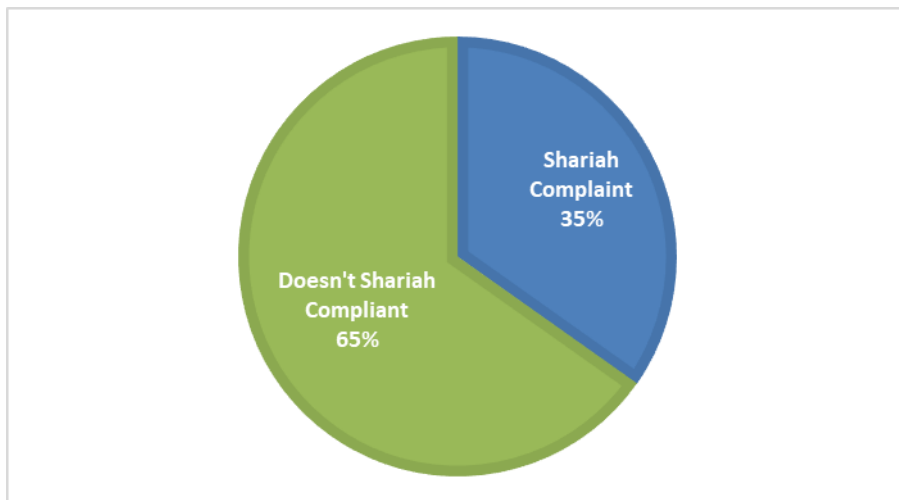


Figure 7. *Shari'ah* compliance Distributions

³⁹ DSN-MUI, "Fatwa Dewan Syari'ah Nasional Nomor: 29/DSN-MUI/VI/2002 Tentang Pembiayaan Pengurusan Haji Lembaga Keuangan Syari'ah."

⁴⁰ DSN-MUI.

The Implementation complies with the Fatwa No. 29

Based on Figure 7. unfortunately, it is only one-third of the implementation in the field has complied with the existing fatwa. Of the 10 studies, 4 articles examined the practice at BPRS⁴¹, three articles studied the practice at BMT⁴² or KPPS⁴³. Furthermore, there is one that focuses on dispute resolution⁴⁴ and one research that does not know the case study⁴⁵.

The implementation doesn't comply with the fatwa No. 29

Based on Figure 7. it is clear that nearly two-thirds of the research concluded that the implementation of Fatwa No. 29 is still far from complying with Fatwa No. 29. Of all non-shariah compliance with the Fatwa, it can be classified into two categories, namely either it is not using the contract specified in the fatwa or not fulfilling one of the points of the rules set by the DSN-MUI in the fatwa.

First, Tianing⁴⁶ mentioned that if it is considered from the DSN MUI fatwa no.29/DSN-MUI/III/2002 which concerns financing for Hajj arrangements by Islamic Financial Institutions, technically, the contract used by

⁴¹ Paramita, Ibdalsyah, and Hakiem, "Analysis of the Fatwa Mechanism of DSN-MUI Application No. 29/DSN-MUI/vi/2002 Hajj Credit Financing in Islamic Financial Institutions (Case Study: PT. BPRS Amanah Ummah Leuwiliang Bogor)"; Juwita, "Implementasi Fatwa DSN No. 29/DSN-MUI/VI/2002 Terhadap Pembiayaan Umrah Di BPRS Bangka Belitung" (Institut Agama Islam Negeri Syaikh Abdurrahman Siddik, 2019); Lestari, "Mekanisme Pembiayaan Akad Qardh Wal Ijarah Pada Dana Talangan Haji Dalam Perspektif Fatwa DSN-MUI NO. 29/DSN-MUI/VI/2002 (Studi Pada BPRS Metro Madani Cabang Jatimulyo Lampung Selatan)"; Andriani, "Implementasi Pembiayaan Dana Talangan Haji Di BPRS Metro Madani Perspektif Fatwa DSN-MUI NOMOR 29/DSN-MUI/VI/2002 (Studi Kasus BPRS Metro Madani KCP. Tulang Bawang Barat)."

⁴² Muhammad Nasrudin, "Penerapan Fatwa Dewan Syariah Nasional No. 29/DSN-MUI/VI/2002 Tentang Pembiayaan Pengurusan Haji Di BMT Surya Madani Boyolali" (Universitas Muhammadiyah Surakarta, 2017).

⁴³ Fikki, "Penerapan Akad Ijarah Pada Produk Pembiayaan Pengurusan Porsi Haji Di KSPPS Kopena Pekalongan Ditinjau Dari Fatwa DSN-MUI."

⁴⁴ Rizki and Permata, "Penyelesaian Sengketa Pengembalian Dana Haji Perspektif Fatwa DSN-MUI Nomor: 29/DSN-MUI/VI/2002: Studi Putusan Nomor2346/Pdt. G/2021/PA. Mdn."

⁴⁵ Nurul Azizah, "Mekanisme Pembiayaan Dana Talangan Haji Dan Kesesuaiannya Fatwa DSN MUI NO. 29 Tahun 2002 Tentang Pembiayaan Pengurusan Haji Lembaga Keuangan Syariah (Studi Kerjasama Antara Dallas Tour & Travel Kabupaten Sukabumi Dan Bank Sinar Mas Syariah)," 2023.

⁴⁶ Tianing, "Implementasi Ijarah Multijasa Pada Pembiayaan Talangan Haji Dalam Tinjauan Fatwa DSN-MUI NO. 29/DSN-MUI/VI/2002 (Studi Kasus Di Koperasi Simpan Pinjam Pembiayaan Syariah Baitul Izza Serut Tulungagung)."

KSPPS Baitul Izza does not comply with the fatwa because the provisions in the fatwa are to use qard and ijarah contracts.

Second, After reviewing these 23 documents, regarding non-shari'ah compliance with the fatwa, some researchers mentioned it in general terms without any explanation, and others mentioned it in detail. For example, Lestari⁴⁷ stated that in terms of compliance with the *Qardh wal ijarah* agreement and Fatwa DSN MUI no. 29/DSN-MUI/VI/2002 concerning *Hajj* Bailout Financing, is not fully following what is regulated in the fatwa. The author does not further explain in detail which point does not comply with the fatwa.

Mostly, the main point violated by Islamic financial institutions is related to the *ujrah* set up by the IFI for consumers. Most of these institutions determine the *ujrah* for processing Hajj registration with the percentage of the loan provided by the Islamic financial institution and also the repayment period⁴⁸. For example, of the several Islamic banks studied⁴⁹, Bank Syari'ah Mandiri takes 12.6% per year, BTN Syari'ah takes 8.25% per year and BNI Syari'ah takes 9.1% per year of the total funds lent. It seems clear that there is an element of usury in it because the *Ujrah* with the *ijarah* contract should be determined not based on the loan and should only be given once. Meanwhile, here the *ujrah*, apart from being based on the loan nominal, and period. Similarly, Ajib⁵⁰ found that the *ijarah* fees charged by Bank Muamalat Indonesia (BMI) in the Hajj Talangan financing pattern, although they do not violate the

⁴⁷ Winda Puji Lestari, "Penerapan Akad Qardh Wal Ijarah Dan Fatwa DSN MUI No. 29/DSN-MUI/VI/2002 Pada Pendanaan Talangan Haji" (Universitas Pamulang, 2015).

⁴⁸ Ikhwan, "Fatwa DSN MUI No. 29 Tahun 2002 Tentang Biaya Pengurusan Haji Oleh Lembaga Keuangan Syariah Dan Penerapannya Pada Perbankan Syariah"; Lathifa et al., "Implementasi Pembiayaan Talangan Haji Di KospinMU Surya Mentari Karanganyar Perspektif Fatwa DSN-MUI Nomor 29/DSN-MUI/VI/2002"; Nuralimah, "Analisis Penetapan Ujrah Pembiayaan Talangan Haji Perspektif Fatwa Dewan Syariah Nasional (Studi Kasus PT BPRS Rajasa Kantor Kas Kalirejo Lampung Tengah)"; Salamah, "Mekanisme Pembiayaan Haji Di Bmt Dan Kesesuaian Akadnya Dengan Fatwa Dsn Mui Dan Menurut Pma No. 24 Tahun 2016 (Studi Kasus Di BMT Beringharjo KC. Bintaro)"; Tho'in and Prastiwi, "Analisis Dana Talangan Haji Berdasarkan Fatwa No. 29/DSN-MUI/VI/2002 (Studi Kasus Pada BPRS Dana Mulia Surakarta)"; Agussalim, "Pelaksanaan Pembiayaan Talangan Haji Pada Pt. Bank Riau Kepri Kantor Cabang Syariah Pekanbaru (Tinjauan Kesesuaian Terhadap Fatwa DSN-MUI Nomor: 29/DSN-MUI/VI/2002 Tentang Pembiayaan Pengurusan Haji Lembaga Keuangan Syariah)," *Jurnal Khazanah Ulum Perbankan Syariah (JKUPS)* 2, no. 1 (2017): 40–56; Prastyaningih and Lahuri, "Analisis Fiqh Dalam Penerapan Multi Akad Produk Dana Talangan Haji Lembaga Keuangan Syariah (Studi Fatwa DSN–MUI No. 29/DSN/MUI/VI/2009)."

⁴⁹ Nurudin, "Analisis Kesesuaian Implementasi Pembiayaan Dana Talangan Haji Di Perbankan Syari'ah Dengan Fatwa Mui."

⁵⁰ Ajib, "Fee Ijarah Dalam Produk Pembiayaan Talangan Haji (Analisis Penerapan Fatwa DSN-MUI No. 29 Tahun. 2002 Di Bank Syariah Cabang Semarang)."

provisions of the DSN fatwa, do not fulfill the requirements of the *ijarah* contract as regulated in Islamic law (*fiqh*). Further, the *ijarah* fees charged by Bank Syariah Mandiri (BSM) and BNI Syariah do not follow the DSN fatwa, which is calculated from the nominal amount of bailout funds and the term of the contract. Misunderstandings in understanding the contents of this fatwa are caused by a lack of comprehensive understanding of the elements contained in the *fatwa*.

CONCLUSION

Upon the DSN-MUI Fatwa being issued, all Islamic financial institutions must implement and comply with what is mandated by laws related to Islamic finance, including Fatwa No. 29 issued in 2002. This research found 23 documents that discussed the implementation of Fatwa No.29 that were published from 2011 to 2024. The documents are divided into two types namely articles and theses. Then there are 31 authors distributed to 19 institutions or affiliations. This study also found that the case studies are diverse in Islamic banks such as BSM, BNI Syariah, etc, or Islamic microfinance such as BMT or KPPS. From the analysis of the keywords, this study found 27 keywords that show the inclination of practice is related to *Ijarah* multi-service financing rather than *Qardh*.

The main finding related to shari'ah compliance, it is very unfortunate that many Islamic financial institutions do not fully comply with existing fatwa regulations. Two-thirds of studies found that IFI does not comply with Fatwa No. 29. The Fatwa rule that is most frequently violated is point number 4 related to determining *ujrah* or wages set by Islamic financial institutions. Therefore, this study suggests to the Suprvsiroy board to pay attention to the practice of IFI. For the next research is suggested to explore more or review others' implementation of fatwa.■

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