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IMPLEMENTATION OF WAKALAH BIL UJRAH CONTRACT IN ISLAMIC LIFE INSURANCE

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Abstract

This study analyzes the implementation of the wakalah bill ujrah contract in Islamic life insurance products, focusing on the conformity of participant fund management with DSN-MUI Fatwa No. 52/DSN-MUI/III/2006. It applies a descriptive qualitative approach through a normative-empirical review of fatwas, insurance regulations, recent literature, and product documents such as sharia insurance application forms, policy summaries, policy provisions, benefit illustrations, and product information summaries. The findings indicate that wakalah bill ujrah positions participants as principals and the insurance company as an agent entitled to a fee for managing tabarru ' funds and/or investment funds within agreed authority. Substantively, the practice can be considered sharia-compliant when it ensures clarity of contracting parties, delegated objects, amount and mechanism of ujrah, separation of participant and company funds, and avoidance of riba, gharar, and maisir. Nevertheless, fee transparency, participant literacy, and simplification of policy information remain critical areas to strengthen consumer protection and sharia compliance.

Keywords: *Islamic Life Insurance; Wakalah bill ujrah; Tabarru ' fund; Sharia Compliance; DSN-MUI Fatwa*

1. Introduction

Sharia life insurance is growing as instrument protection finance that seeks combine function protection, principles mutual assistance, and obedience to Islamic law. Different from insurance conventional which relies on transfer risk from insured to underwriter, sharia insurance places participant as mutually supportive communities bear risk through tabarru ' funds. Insurance companies No positioned as participant fund owners, but rather as the manager who runs mandate based on contract certain. Therefore that, quality contract become the most determining element in evaluate the validity of a sharia product insurance the soul of sharia.

In In the Indonesian context, sharia insurance has a legal basis through Law no. 40 of 2014 concerning Insurance as has updated in framework Law no. 4 of 2023

concerning Financial Sector Development and Strengthening. Regulation the reinforced by policy Financial Services Authority, including the Roadmap for the Development and Strengthening of Indonesian Insurance 2023-2027 and POJK No. 8 of 2024 concerning Insurance Products and Channels Marketing Insurance Products. Updates regulations This show that issue products, contributions, policies, marketing, digital delivery, and fulfillment Sharia principles become an important agenda in strengthening industry insurance national (Financial Services Authority, 2023, 2024).

One of contract main in insurance the soul of sharia is contract wakalah bill ujrah. In contract this, participants give power to company insurance For manage participant funds, while company get wage as reward on service management said. DSN-MUI Fatwa No. 52/DSN-MUI/III/2006 confirms that contract wakalah bill ujrah in sharia insurance must be load clarity object power, authority of the representative, amount ujrah, method and time taking ujrah, as well as prohibition for company For take part from results investment if the contract used pure wakalah (DSN-MUI, 2006a). Provisions the put transparency cost as element substantive, not just formality administrative.

Despite Thus, the problem implementation contract wakalah bill wage Still appear in practice. Some participants Not yet understand difference between contributions, ujrah, tabarru ' funds, investment funds, underwriting surplus, and benefits insurance. Research Hardianto, Abbas, and Iswandi (2023) showed that implementation contract wakalah bill price on product insurance Prudential's sharia spirit has constructed through documents and mechanisms that refer to sharia principles, but explanation to participant still become aspect important. Findings A similar thing was also shown by Indra and Sari (2024), namely that implementation contract wakalah bill wage wa tabarru ' can walk in accordance sharia principles, however potential problem appear when participant not enough thorough read the policy or not enough understand structure cost.

Problem the become relevant Because product insurance the soul of sharia does not only load dimensions law contract, but also dimensions protection consumers, fund governance, and trust public. Kholis (2025) emphasized that product insurance connected sharia soul with element investment need assessed No only from formal legality, but also from substance ethical based on maqashid sharia. With Thus, the contract wakalah bill wage No Enough assessed from its existence in policy documents, but must tested from aspect readability, fairness costs, separation of funds, and suitability implementation with principle trustworthy.

Based on background behind said, research This aim to: (1) explain draft contract wakalah bill wage in insurance sharia spirit; (2) analyzing implementation contract wakalah bill price on product insurance sharia spirit, especially in the context of Prudential Syariah; (3) assessing its suitability with DSN-MUI Fatwa No. 52/DSN-MUI/III/2006 and regulations insurance latest; and (4) identify factor supporters and constraints implementation contract wakalah bill contribution article This lies in the update framework discussion with integrate fatwa review, regulation latest, five years literature lastly, and aspects protection consumer in practice insurance the soul of sharia.

2. Literature Review

2.1. Sharia Life Insurance

Sharia life insurance is mechanism protection organized finances based on sharia principles through pattern each other helping and supporting each other protect between participant. UU no. 40 of 2014 interprets sharia insurance as gathering agreement consisting of on agreement between company sharia insurance and policy holders as well agreement between policyholders in frame management contribution based on Sharia principles. Formulation This show that connection law in sharia insurance is plural: there are connection between participants through contract tabarru ' and relationships between participant with company through contract management.

Principle base Sharia insurance includes monotheism, justice, mutual assistance, work equality, trust, consent, truth, and prohibition to usury, gambling, and gharar. Principles the differentiate sharia insurance from insurance conventional. In sharia insurance, risk No diverted fully to company, but rather managed in a way collective through tabarru ' funds. The company acts as an operator who administers contributions, managing funds, distributing claim, and run function investment in accordance with mandate contract.

In practice contemporary, insurance the soul of sharia can shaped product traditional and product linked insurance with investment. This is cause need disclosure more information strong Because participant No only face to face with protection risks, but also costs management, fund value, potential underwriting surplus, and risk investment. Therefore that, governance products, policy clarity, as well literacy participant become an integral part of sharia compliance and protection consumers (Financial Services Authority, 2024).

2.2. Contract Wakalah Bil Ujrah

In a way conceptual, wakalah means delegation power from One party to other parties to do action certain things that can represented. When the representative accompanied by reward services, contracts the called wakalah bill ujrah. In insurance sharia spirit, participants play a role as muwakkil or giver power, whereas company insurance play a role as a representative who is given authority For manage participant funds. Ujrah is reward on service management and must agreed in a way clear since beginning.

DSN-MUI Fatwa No. 52/DSN-MUI/III/2006 stipulates that contract wakalah bill wage can used in activity administration, fund management, payments claims, underwriting, management portfolio risk, marketing and investment in sharia insurance as well as Sharia reinsurance. Contract this can also used in management of tabarru ' funds and investment funds with notes company as a representative not entitled get part from results investment if the contract used is wakalah. If there is distribution results investment, then base the contract used must clear, for example mudharabah or mudharabah musytarakah.

With thus, wakalah bill wage demand minimum clarity on four elements. First, the parties to the contract must speak law and have authority. Second, the object power must clear, halal, and can represented. Third, ujrah must known quantity, method, and time taking it. Fourth, the obligations and limits of the representative's authority must

be firmly so as not to happen abuse mandate. In governance perspective, provisions This functioning as mechanism protection participant at a time sharia fence for company.

2.3. Sharia Compliance, Transparency, and Protection Participant

Sharia compliance in insurance the soul of sharia does not can reduced only on the existence of the contract label. Sharia compliance is necessary seen from suitability between structure contract, content documents, marketing processes, fund management, and realization benefits. Puad, Mukshar, Rahman, and Syaifuddin (2025) emphasized that the wakalah model in takaful demands structure transparent and agreed fees since early so that participants understand service what is paid and how much big fees charged. With Thus, the ambiguity wage can reduce quality trustworthy and potential cause dispute.

In framework protection participants, transparency No only means list cost in the policy, but also ensure participant understand information the before sign agreement. POJK No. 8 of 2024 strengthens arrangement about product insurance, policy, premium or contribution, channel marketing, digital delivery, fulfillment sharia principles, as well as monitoring performance product. This direction in line with need For organize repeat communication product insurance the soul of sharia so as not to cause gap between hope participants and benefits real received.

From the perspective maqashid sharia, valid contract not formally yet Of course adequate if implementation cause ambiguity benefits, asymmetry information, or burden costs that are not understood participants. Kholis (2025) shows importance evaluate product insurance the soul of sharia through substance protection soul, protection wealth and justice information. Therefore that, quality contract wakalah bill wage must evaluated with notice openness costs, justice benefits and mechanisms sharia supervision.

2.4. Research Previous and Position Articles

Table 1. Research map relevant previous

Researchers	Focus	Findings main	Relevance with article
Hardianto et al. (2023)	Implementation contract wakalah bill price on product insurance Prudential's sharia spirit.	Implementation contract assessed refers to sharia principles through documents and mechanisms management.	Become comparator direct for study implementation on product insurance the soul of sharia.
Indra & Sari (2024)	Contract wakalah bill wage wa tabarru ' at PT Asuransi Takaful Umum Padang Branch.	Premiums are divided to contribution ujrah and tabarru '; constraints appears in understanding participant against the police.	Strengthening argument that literacy participants and the legibility of the policy is issue main.
Maulana et al. (2024)	Potential and challenges wakalah bill interest on transactions modern sharia business.	Contract potential increase efficiency, but face challenge understanding, regulation, and supervision.	Give framework general For read challenge implementation wakalah bill ujrah.
Kholis (2025)	Analysis ethical insurance sharia- based unit-linked life maqashid sharia.	Product need tested from formal legality at the same	Underlying discussion that compliance contract must

		time substance protection and justice.	accompanied by protection participant.
Puad et al. (2025)	Perception practitioners about wakalah in takaful.	Wakalah fee must clear, fair, and known since early so as not to cause misunderstanding.	Strengthening focus on transparency wage as the core of sharia compliance.
Marsella et al. (2025)	Efficiency insurance full-fledged sharia general and sharia business units ahead of the spin-off.	Efficiency and governance become issue important in strengthening institutional sharia insurance.	Give context industry that sharia compliance is necessary walk together efficiency operational.

Source: Processed writer from various study previous.

Table 1 shows that article This No just repeat discussion conceptual about contract wakalah bill ujrah, but place it in framework evaluation sharia compliance, transparency ujrah, regulation product insurance latest, and protection participant. Position This important Because challenge main insurance adult sharia soul This No only proof that contract has listed, but whether contract the understood, implemented, and monitored in a way adequate.

3. Research Methods

Study This use approach qualitative descriptive with pattern normative- empirical approach normative used For examine suitability contract wakalah bill wage with the DSN-MUI fatwa and regulations insurance. Approach empirical used in a way limited For read practice implementation through document product insurance sharia life insurance, such as the Sharia Life Insurance Application Letter (SPAJ), policy overview, provisions general and special policies, illustrations benefits, summary information products and services, as well as information relevant institutions.

Research data consists of on primary data and secondary data. Primary data is sourced from from document products and information companies that load construction contract, allocation contribution, costs / ujrah, benefits insurance, as well as connection between participants and managers. Secondary data sourced from DSN-MUI Fatwa No. 21/DSN-MUI/X/2001, DSN-MUI Fatwa No. 52/DSN-MUI/III/2006, DSN-MUI Fatwa No. 53/DSN-MUI/III/2006, Law No. 40 of 2014, Law No. 4 of 2023, POJK No. 8 of 2024, Roadmap for Development and Strengthening of Indonesian Insurance 2023-2027, and article five- year journal last relevant.

Data collection techniques were carried out through documentation and studies library. Documentation directed For identify clause contract, statement power, structure costs, allocation of tabarru ' funds, mechanisms claims, mechanisms investment, underwriting surplus, and provisions policy expiration. Literature study used For build runway theoretical about contract wakalah bill ujrah, insurance spirit of sharia, sharia compliance, and protection consumers.

Data analysis was performed through analysis content and analysis conformity. Stage First is data reduction with grouping information based on element contract: parties, object power of attorney, sighat, ujrah, fund management, claims, investment, and settlement dispute. Stage second is compare element the with indicator in fatwas and regulations. Stage third is interesting conclusion about level conformity, notes repairs, as well as implications for strengthening practice insurance the soul of sharia.

Table 2. Indicators analysis suitability contract wakalah bill wage

Indicator	Basis of assessment	Question analytical
The parties	Muwakkil and deputies must clear and articulate law.	Whether participants and companies stated clear in document contract ?
Object power	The object represented must be halal, clear, and can represented.	Whether fund management, administration, claims, underwriting, and investment explained ?
Ujrah	Magnitude, method, and time taking wage must mentioned.	Whether fees / fees listed in a way explicit and easy understood ?
Separation of funds	Tabarru ' funds and company funds must separated.	Whether document differentiate contribution tabarru ', ujrah, and the value of participant funds ?
Investment	Investment must in accordance sharia principles and contracts used.	Whether management investment free from usury, gambling, and gharar ?
Claims and surplus	Claim paid from tabarru ' funds; surplus is regulated in a way clear.	Whether mechanism claims and underwriting surplus explained ?
Settlement dispute	Dispute completed through deliberation and the mechanisms determined.	Whether there is provision settlement dispute ?

Source: Processed from DSN-MUI Fatwa No. 52/DSN-MUI/III/2006 and regulations related.

4. Results and Discussion

4.1. Construction Contract Wakalah Bil Ujrah on Sharia Life Insurance

Construction base contract wakalah bill wage in insurance the soul of sharia rests on relationships power between participants and companies. Participants give mandate to company For manage contribution, doing administration participation, managing risk, processing claims, and in product certain manage investment funds. For services said, the company entitled get Ujrah No may understood as ownership on tabarru ' funds, but rather as cost service agreed management.

In context product insurance Prudential Syariah's sharia soul, construction contract the generally seen through document application participation, summary information product, policy overview, terms general and special policies, as well as illustration benefits. Documents the functioning as proof that candidate participant know rights, obligations, benefits, contributions, costs, and contracts used. In document sharia products, contracts tabarru ' is common used For connection between participants in establishment of a mutual aid fund, meanwhile wakalah bill wage used For connection participant with company as manager.

From the corner law contract, structure the can accepted during object power defined with clear. Object power covers management of tabarru ' funds, management administration, payment claims, underwriting, marketing, management portfolio risk and investment in accordance mandate. Clarity object power is very important because the representative only may act within the limits of authority granted by the muwakkil. If company do external actions mandate or take benefits that are not agreed, then quality sharia compliance can questioned.

Another determining aspect is separation of funds. Tabarru funds are collective funds participants used For help other participants who experienced risk. Company funds is owned by companies, including the amount received as reward services. This separation of funds become indicator important For avoid mixing ownership and for ensure company No positioning himself as guarantor risk as if insurance conventional.

4.2. Analysis Compliance with DSN-MUI Fatwa No. 52/DSN-MUI/III/2006

DSN-MUI Fatwa No. 52/DSN-MUI/III/2006 provides standard main For evaluate implementation contract wakalah bill ujrah on sharia insurance. The fatwa emphasize that contract must load rights and obligations participant as well as company, size and method taking ujrah, the object of authority, as well restrictions that company as a representative not entitled get part from results investment if the contract used is wakalah. With standard said, the suitability contract No Enough assessed from existence phrase wakalah bill wage in documents, but must seen from fulfillment every element main.

Based on review documents, elements of the parties to the product insurance the soul of sharia has stated through identity policy holder / participant and identity company as manager. Elements sigh or statement contract there is in form signed application and policy or approved by the participants. Elements object power there is in clause fund management, administration, payments benefits and management risk. With thus, from side structure base contract, mechanism the can assessed fulfil pillars and conditions wakalah bill ujrah.

However, the aspects that need to be get attention more big is transparency ujrah. The fatwa requires that quantity, method, and time taking wage must mentioned. This means that the information wage ideally No only appear in document advanced or police illustration, but rather delivered in a way clear since stage beginning marketing and filling application. If the participant new know the details of the ujrah after the policy is issued or after illustration read in a way technical, then formally akad Possible still there is, but in a way substantive transparency not optimal.

Evaluation to investment must also be done in a way Be careful. If participant funds managed in instrument investment, then agreement and scheme distribution results must clear. If the company only act as a representative, the company get ujrah and not take part from results investment. If there is distribution results, the underlying agreement must in the form of mudharabah or mudharabah musytarakah according to the related fatwa. Clarity This important For prevent overlapping overlap between wakalah, mudharabah, and mechanisms other costs that may be incurred cause confusion participant.

Table 3. Matrix suitability implementation contract wakalah bill wage

Elements assessed	Sharia provisions	Findings implementation	Evaluation
The parties	Participant as muwakkil and company as a representative must clear.	Identity participants and companies listed in document applications and policies.	In accordance.
Sighat contract	There must be statement power of attorney / consent contract.	Statement contract listed in application /policy and approved participant.	In accordance.

Object power	Object of power must clear and can represented.	Management administration, funds, risks, claims and investments explained in document product.	In accordance with notes the need more languages easy understood.
Ujrah	Magnitude, method, and time taking wage must mentioned.	Information fees / fees there is in illustration or summary product, but need more stand out since stage beginning.	In accordance conditional; necessary strengthening transparency.
Tabarru fund '	Participant funds must separated from company funds.	Document product differentiate contribution tabarru ', ujrah, and funds/ value participant.	In accordance.
Investment	The company as a representative does not take results investment except other agreements stated clear.	Investment carried out on sharia instruments and structures contract need explained in a way consistent.	In accordance with notes harmonization explanation contract.
Claim	Claim originate from the tabarru fund ' according to policy provisions.	Payment benefit associated with policy terms and availability of tabarru funds '.	In accordance.
Dispute	Completed through deliberation and mechanisms applicable law / arbitration.	Provision dispute generally loaded in the policy.	In accordance.

Source: Analysis writer based on DSN-MUI Fatwa indicator No. 52/DSN-MUI/III/2006 and documents product insurance the soul of sharia.

4.3. Transparency Ujrah as Point Critical Implementation

Findings most important in implementation contract wakalah bill wage is that transparency wage become point critical. In theoretical, ujrah is legitimate compensation Because company operate function management. However, the validity the requires clarity. Participants must know whether wage taken at the beginning, in a periodically, based on percentage contribution, based on cost certain, or related with management of tabarru ' funds and investment.

In practice marketing insurance, information cost often lose stand out compared to information benefits. Conditions This can cause perception that all over contribution participant become benefit or fund value, even though part contribution used For tabarru ', ujrah, costs administration, costs insurance, or other components as appropriate type product. If communication the No done in a way clear, participants can experience misunderstanding when fund value or benefits received No in accordance hope beginning.

Therefore, transparency wage need placed on stage precontractual, not only post-contractual. Companies and agents must explain structure contribution in a way simple, display simulation costs, distinguish between tabarru 'and ujrah funds, as well ensure participant understand that the tabarru fund is not savings personal. Explanation the can poured in sheet summary One page, statement understanding participants, and recordings of the explanation process on digital marketing.

In sharia perspective, strengthening transparency This in harmony with principle pleasure, trust, and justice. Ridha participant No Enough assumed from sign hands on the document, but must built through adequate understanding. Company mandate No

only measured from compliance administrative, but also from quality the explanation given to participants. Justice realized through information equivalent cost, no hidden, and can compared to with promised benefits.

4.4. Supporting Factors Implementation

There is a number of supporting factors implementation contract wakalah bill interest on insurance the spirit of sharia. First, support regulations and fatwas. The existence of the DSN-MUI fatwa regarding sharia insurance, wakalah bill ujrah, and tabarru ' giving base relative normative clear for industry. OJK regulations then strengthening governance products, supervision, channels marketing, fulfillment sharia principles, and protection consumers.

Second, the need public to protection appropriate finances with Sharia principles. Awareness to planning risk life, health, education and inheritance the more increased. Product insurance the soul of sharia offers alternative for people who want protection based mutual assistance and freedom from element usury, gambling, and gharar.

Third, development institutional industry. Separation of sharia business units and strengthening company full-fledged sharia insurance can increase governance focus, specialization source Power human, and consistency sharia supervision. Although Thus, research by Marsella et al. (2025) shows that issue efficiency still need attention to strengthening institutional No cause burden excessive operational.

Fourth, digital transformation. Digitalization allows delivery information products, electronic policy approval, tracking claims and documentation explanation product in a way more transparent. However, digitalization must accompanied by design easy information understood so as not to just move document long to electronic media.

4.5. Implementation Constraints

The first obstacle is low literacy sharia insurance. Many candidates participant understand sharia insurance in general general as halal products, but Not yet understand the details of the contract, allocation contribution, mechanism tabarru ', ujrah, investment, underwriting surplus, and risk product. Low literacy This can cause participant signing the policy without truly understand implications contract.

The second obstacle is complexity policy documents. Policy documents and illustrations benefit often load term difficult technical understood by the community general. Terms such as contribution, dues tabarru ', ujrah management risk, value cash, underwriting surplus, qardh, and company funds need systematic explanation. Without simplification language, documents that are law complete Not yet Of course communicative for participant.

The third obstacle is potential ambiguity costs. Although cost has listed, how to presentation can influence understanding participants. The costs are spread across several part documents, submitted in percentage without nominal simulation, or No explained the consequences to benefit can cause asymmetry information. This is reason why the DSN-MUI Fatwa emphasizes clarity quantity, method, and time taking ujrah.

The fourth obstacle is quality agents and personnel marketers. Agents have role important as connector between companies and participants. If agent more emphasize

benefits and disadvantages explain risk as well as costs, then principle transparency can disturbed. Because of that that, training agent must enter material contract, ethics marketing, sharia compliance and protection consumers.

The fifth obstacle is supervision post-sales. Sharia compliance is not stop when the policy is issued. The company needs to ensure that fund management, payments claims, changes costs, communication fund value, and distribution of fixed surplus in accordance agreement. Supervision of the Sharia Supervisory Board, internal audit, and reporting to the regulator must walk in a way sustainable.

4.6. Implications of Improvement For Eligibility Publications and Industry Practices

Based on the discussion above, there is a number of implications important. First, the article about implementation contract wakalah bill wage need display arguments that are not only descriptive, but also analytical. Discussion must show connection between harmonious contract, DSN-MUI fatwa, document products, practices fund management and protection participants. With method this article become more strong in a way academic and not only in the form of description general.

Second, research similar need clarify data sources and indicators analysis. If using SPAJ documents, policies and illustrations benefits, researchers must explain which part shows sigh contract, object power of attorney, ujrah, tabarru ' funds, and provisions claim. If using interviews, informants, techniques validation, and procedures analysis must explained so that the findings can tested in a way methodological.

Third, from side practice industry, company need make summary contract wakalah bill more wages easy read. Summary the should contains: who are the parties, what is authorized, how much ujrah, when wage taken, how tabarru ' funds are used, how claim paid, whether there is investment, and how dispute completed. Summary like This will strengthening participant informed consent at a time lower risk dispute.

Fourth, from the side of the sharia regulator and supervisor, supervision need quality - oriented understanding participants, not only completeness document. Indicator like policy readability, transparency cost, standard explanation agent, recording digital approvals, and post-sale sharia compliance audits can become instrument important in strengthen industry insurance the soul of sharia.

5. Conclusion and Suggestions

5.1. Conclusion

Based on results analysis, contract wakalah bill interest on insurance the soul of sharia is contract management that places participant as giver power and company insurance as a representative who obtains contract This legitimate used throughout fulfil pillars and conditions wakalah, namely clarity of the parties, objects power, authority, representative authority, and clarity ujrah.

Implementation contract wakalah bill price on product insurance the soul of Prudential Syariah sharia general can assessed in accordance with DSN-MUI Fatwa No. 52/DSN-MUI/III/2006 because structure contract listed in document products, there are separation of tabarru ' funds and company funds, and company act as manager. However, the suitability the need accompanied by notes that transparency

wage must reinforced, especially at the stage beginning marketing and filling application, so that participants No only agree formally but also understanding substance contract.

Supporting factors implementation covering support for fatwas and regulations, increasing need protection Islamic finance, strengthening institutional industry, and digital transformation. Meanwhile that, the obstacle mainly is literacy participants who have not even, complexity policy documents, potential ambiguity structure cost, quality explanation agents, as well as need supervision sustainable after- sales.

5.2. Suggestions

First, the company insurance the soul of sharia is necessary serve information wage in a more format clear, concise, and easy compared, including nominal simulation as well as the impact to benefits and value of funds. Information the should given since stage precontractual, not only in the policy or illustrations that are technical.

Second, agents and workers marketers need get training special about contract wakalah bill ujrah, tabarru funds, ethics marketing, and protection consumer. Assessment performance agent should No only based on sales, but also quality explanation and compliance to sharia principles.

Third, the Sharia Supervisory Board and regulators are necessary strengthen audits of openness cost, suitability contracts, fund management, and mechanisms claims. Supervision is also necessary directed at evidence that participant has understand contract, not only proof that document has signed.

Fourth, research next recommended using more field data area, for example interview with participants, agents, Sharia Supervisory Board, and regulators, so evaluation implementation contract wakalah bill wage can covers experience users and effectiveness supervision in a way more comprehensive.

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