

Research Horizon

Vol. 3, no. 3, (2023), 224-234

Website: <https://journal.lifescifi.com/index.php/RH/index>

Samsarah in Insurance Marketing: A Case Study of Family Takaful Insurance

Adrian^{1,*}, Asmuni², Hasman Zhafiri Muhammad³, Novi Andriani⁴, Umi Nurhayati⁵

^{1,2,3} Faculty of Islamic Studies (FIAI), Universitas Islam Indonesia, Sleman, Special Region of Yogyakarta 55581, Indonesia

⁴ Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Sleman, Special Region of Yogyakarta 55281, Indonesia

⁵ Postgraduate, Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Sleman, Special Region of Yogyakarta 55281, Indonesia

* Corresponding author:

Email: 1913070@students.uii.ac.id

Received : 21 Maret 2023

Revised : 12 April 2023

Accepted : 10 Juni 2023

Abstract

This study aims to delve deeper into the subject of *samsarah* in insurance marketing, with a specific focus on family takaful insurance companies. The research methodology involves conducting a literature review by collecting relevant materials and examining all sources pertaining to the laws of family takaful insurance. Subsequently, the collected data will be carefully analyzed to distinguish between information considered accurate and inaccurate. The findings of this study indicate that the system employed in family takaful is genuinely based on cooperation (*tabarru*). Family takaful insurance applies a risk-sharing principle that is materialized through the collection of *tabarru* funds, fostering solidarity, mutual protection, and strong bonds among participants. The role of a family takaful insurance agent extends beyond merely selling takaful products. They provide valuable assistance by sharing information with insurance participants. This may include organizing workshops that highlight the advantages and benefits of family takaful insurance. These workshops serve to enhance participants' understanding and confidence in the knowledge conveyed by sharia-compliant insurance agents, thereby increasing awareness of the significance of the benefits associated with family takaful insurance.

Keywords

Insurance, Muamalah, Law, Samsarah, Mutual (Tabarru) System

1. Introduction

The interactions that occur in humans are of course based on the interests of fulfilling each other's needs, the fulfillment of these needs has inherent rights and obligations of every human being, and with the existence of these rights and obligations, it is then managed and regulated in an attractive law, legal purposes. so as not to harm each other in fulfilling the interests of each human being (Alfrillianda, 2022). Furthermore, the Islamic religion itself has warned that there are risks that will be posed by a transaction in fraud, uncertainty, and others, this risk has been promised by Allah SWT that in a lie or fraud, it will return to itself, this must be prevented because it can slow down the development of groups, the way to prevent this is by providing solutions so that transactions become valid according to *syara'* (Palevy et al., 2020).

In addition, there must be a good relationship between one human being and another human being, they are required to complement each other in carrying out an activity, whether it is *muamalah* activity or not, the concept of *muamalah* itself in Islam is very good because it can benefit all parties in it, this can be the foundation for every human being in seeking blessed sustenance by studying the concept of good *muamalah* in Islam itself. However, if in a transaction there is a loss due to inappropriate human morals, then surely one of the parties will be harmed and of course, this becomes the center of attention in dealing with transactions. Overall, improving good behavior in society can be a sign for every human being in carrying out *muamalah* activities and must be fully obeyed (Megawati et al., 2021). Legally *muamalah* in buying and selling itself is 'halal' until there is an argument that forbids it and maybe this argument still has to be seen as to the origin of the truth, concerning the general principles of halal *muamalah*, a *muamalah* practice is punished as "haram" if it does not fulfill the pillars and conditions in a transaction (Tarmizi & Hamzah, 2021).

Furthermore, progress in the field of science creates intense competition in society in the search for and obtaining jobs, this progress encourages scientific selection which leads to "the strongest and the survivors", causing an imbalance between the rate of increase in the number of workers and available jobs, one effort that can be done to minimize the imbalance that occurs is simply by creating new jobs (Mujahidah, 2021). As is the case in Samsarah's services for family insurance takaful, mediation activities that help market products from family insurance takaful to expedite the product sales process in exchange for wages. This collaboration will benefit both parties in the contract because both of them will benefit from their respective portions (Putri, 2021). The practice of family takaful insurance is not something new in Islam, because from the past, namely during the time of Rasulullah saw, sharia insurance was known as Al-Aqilah, which was an attempt to jointly bear or be responsible for his family, if one of them there are members tribe who was killed by members of another tribe, then the heir of the victim will be paid with blood money or what is called diyat, as compensation to the closest relative of the victim of the murder, then the closest relative of the killer is called *aqilah*, then they will flock flocked to raise funds aimed at helping families involved in accidental killings (Smanto, 2009).

Apart from all that, *samsarah* services in family takaful insurance or sharia insurance takaful agents are not only required to sell sharia insurance products but they are also required to educate the public regarding the purpose and importance of sharia insurance products (Hariyadi, 2017). However, in practice, many agents fail to market their products because some people consider the practice of insurance to be unlawful, namely that there is an element of uncertainty in the

funds they save. Based on the problems above, the formulation of the problem is how *fiqh muamalah* views the practice of family takaful insurance, then how is the role of an insurance agent or *samsarah* able to make people aware that the practice of family takaful insurance is beneficial? The purpose of this writing is to find out how *fiqh muamalah* views the law of family takaful insurance and the benefits of family takaful insurance and to know the role of an agent in making people aware of the importance of having insurance in family takaful.

2. Literature Review

2.1 Family Takaful Insurance History

The development of non-banking financial institutions, sharia insurance in Indonesia, began with the growth of Indonesia's first sharia insurance, namely in 1994. PT Syarikat Takaful Indonesia (STI) was first established on February 24, 1994, as a holding company which gave birth to two well-known subsidiaries, namely PT Asuransi Takaful Keluarga dated 24 August 1994, and PT Asuransi Takaful Umum dated 2 June 1995. The establishment of this sharia-based institution aims to assist all the needs of the participants, providing a guarantee for risks that may occur in the future. With the presence of this sharia-based insurance, it can be beneficial for people who participate in sharia insurance products, especially in family takaful insurance that provides a product called *fulnadi* or education fund, this helps families who wish to set up an education fund for their children from an early age, and it is necessary to know that one of the principles of Islamic insurance is for mutual benefit for Islamic insurance participants (Kasim, 2021).

Family takaful insurance contains aspects of sharia values that conventional insurance does not have, namely the principles of fairness, transparency, and risk sharing. The principle of risk sharing owned by family takaful insurance will extend the property or life protection for less fortunate members. If the family takaful insurance company has excess funds, then the funds from this takaful can be used to pay zakat, help the poor, distribute the Koran, or be distributed to help build public infrastructure projects, such as building schools, etc. as permitted by law in Islam (Swartz & Coetzer, 2010).

3. Research Methods

The method used in this writing is through literature study by collecting various data related to (Ikhsan & Haridhi, 2017) looking at all sources of *muamalah* points of view in looking at *samsarah* services/insurance agents using literature studies. Furthermore, the researcher will try to process the data that has been collected and try to sort out what is considered true and incorrect from the wrong data, for example, internet sites, magazines and journals, scientific theses, etc. (Sari et al., 2021). Researchers will also carry out an analysis starting with data analysis which in-depth will then be complemented by a normative analysis (Wahyudi & Hariyani, 2020) This analysis is called qualitative/normative analysis, then the results of the analysis are drawn deductively, namely by drawing conclusions based on facts from a general sorting to then draw a specific conclusion (Irawan, 2018).

4. Findings And Discussion

4.1 Benefits Of Being an Agent in Insurance

Business competition in the field of insurance finance is very tough where after the birth of family takaful insurance and general takaful insurance, gave birth to subsidiaries engaged in insurance both sharia-based and conventional-based and of course increasingly competitive demanding every company to continuously improve its company performance. One of the factors that drive the growth of a company is seen from its financial management and performance, to assess the company's management can be seen from its performance in planning the company's growth in the future. Company performance is a result that has been achieved by an individual or group in an organization or community that is directly related to their authority and responsibility to achieve predetermined and planned goals, and of course by morals and ethics (Audina, 2018).

In the family takaful insurance company itself, the success that has been obtained so far cannot be separated from the role of a *samsarah* service/agent in inviting the community to take part in becoming participants in family takaful insurance. the meaning of *samsarah* or the agent himself in the language is the *mufrad* of *simsar* is an intermediary between sellers and buyers to complete a transaction or sale and purchase which is mutually beneficial, *simsar* himself will help to bring together buyers and sellers of a product/service (Dewi, 2019).

In marketing family takaful insurance products, you cannot escape the help of a service from a marketing agent who helps market family takaful insurance products. takaful participants. Therefore, to improve the performance of family takaful insurance companies, companies are required to provide a good and correct understanding of enhancing the role of a family takaful insurance agent. The followings are the duties and obligations of a family takaful insurance agent in marketing the product properly and correctly, namely:

1. Help increase public awareness, especially people who are still unfamiliar with the understanding of family takaful insurance. The role of a family takaful insurance agent can be through mentoring by providing information to insurance participants about the importance of this product, for example by holding workshops with the theme of big profits and extraordinary benefits in family takaful insurance. This can help and it is hoped that the community will be able to understand and know the importance of the benefits and advantages of family takaful insurance.
2. Helping make people aware through good communication strategies and of course, being able to communicate by putting things in their place based on education and income levels. One way to develop a strategy is to look at the prospective customer's educational background and income level. This can make it easier for a family takaful insurance agent to provide a good and precise understanding so that prospective customers are interested in becoming partners.
3. An agent must also take part in helping participants provide understanding and confidence in the knowledge that will be obtained from a family takaful insurance agent. This is because there are still doubts about society being able to convey what they have got about insurance in family takaful.

4.2 Insurance Law Based on DSN-MUI

The family takaful insurance company has developed and strengthened its position as a sharia insurance in Indonesia which is truly trustworthy and trustworthy (Sabiti et al., 2017). Besides this development cannot be separated from a system implemented by insurance companies, namely the existence of a profit-sharing system that is mutually beneficial between companies and customers, moreover, excess funds from Islamic insurance companies will be allocated to places that need it (Wiguna et al., 2020). Likewise, with the development of family takaful insurance, the growth of family takaful insurance is certainly inseparable from the role of various parties such as the DSN MUI which justifies the practice of this sharia insurance, and of course, this is very helpful to convince people to join in insurance because, in sharia insurance in Indonesia, it is already stipulated and explained in DSN Fatwa No: 21/DSN-MUI/X/2001 concerning general guidelines for sharia insurance that sharia insurance is an attempt to protect and help each other between several people or parties through investment in assets and or *tabarru'* which provide a pattern of return to face certain risks through a contract (agreement) that is by sharia (Mahalli, 2015). Apart from being made lawful by the DSN-MUI, family takaful insurance has also been directly supervised by the financial services authority, from this supervision the OJK considers that family takaful insurance companies have developed well from year to year, as evidenced by the many awards (Choirawan & Fasa, 2022).

In addition, the practice of family takaful insurance is explained that the contracts used in family takaful insurance are *ijarah* contracts and *tabarru* contracts, which are *mudharabah* or cooperation in the common good while what is meant by *tabarru'* contracts are grants. In this *ijarah* contract, the family takaful insurance company acts as the fund manager and the participant acts as the policyholder. This can be described in Islamic insurance based on the *wakalah bil ujah* contract, which means that these funds can be used by the company to carry out operations, while the funds from the spread may not be used by the company to meet its needs, but are used to help other participants (Mukhlis & Haryani, 2016).

Based on this, it can be understood that the *ijarah* contract is insurance for losses, while the *tabarru* contract tends to help other participants. Family takaful insurance is a form of sharia insurance whose main purpose is to provide services, provide protection, and assistance when customers experience a disaster (Jannah & Nugroho, 2019). Family takaful insurance companies obtain funds from various sources, then these funds are processed by the company to obtain results from managing these funds. The funds obtained by this family takaful insurance come from the investment it owns and part of the capital or equity embedded in the company (Suprayogi & Safitri, 2017). For this reason, customers who save in family takaful in the form of contributions or premiums are a combination of *tabarru* and *ujrah* funds (Puspita, 2016).

Many scholars think that legal insurance is "halal" or permissible in Islam, this is, of course, a reference for some people who consider insurance to be impermissible, then those who support the legalization of this insurance include Abdul Wahab Khallaf, M. Yusuf Musa, Abdur Rachman Isa, Mustafa Ahmad Zarqa, and M. Nejatullah Siddiqi. In their view, sharia insurance is permissible for the following reasons:

1. No law in the Koran and al-hadith prohibits insurance.
2. There is the consent granted or the willingness of benefits for both parties, both the insurer and the insured.

3. Can bring *maslahah* from the insurance business.
4. The contract used in sharia insurance is mutual help
5. Family takaful insurance can be categorized as *syirkah ta'awuniah* where its use is permissible according to Islam (Syari & Masykur, 2019).

Shaykh Ahmad Mustafâ al-Zarqâ' thinks that the law of sharia insurance is permissible, he argues that the original law of everything is lawful or permissible, besides this it does not only limit classical contracts which are known to be understood and also does not prohibit the emergence of a new form of contract which can then meet the needs of the times as long as it does not conflict with the sharia contract, along with these conditions, due to the harmony between the insurance contract and the *mumalah* contract that developed in the pre-Islamic period whose permissibility was recognized by sharia, such as the muwalah contract, nizhâm'aqilah, and others (Rauf, 2016).

4.3 Insurance Law Based on *Fiqh Muamalah*

The scope of *fiqh mu'amalah* is divided into two, namely the scope of *mu'amalah* which is *adabiyah* in nature, namely consent, and qabul, meaning that they are willing to give up and there is no compulsion from one of the parties in authority, has rights and obligations, as well as honesty in trading, no fraud, counterfeiting, hoarding, and everything that originates from the human senses, whether the senses of sight, hearing or touch that are related to the distribution of assets (Nasution, 2022). Family takaful insurance is not only a name tag added to business alone, but must be based on full Islam, namely Islam *rahmatan Lil Alamin* which has compassion for all nature, does not discriminate between human beings, is responsible, and cares when one of the customers experiences a disaster. Family takaful insurance is a principled insurance business and its management is carried out by sharia principles and has the values of justice, honesty, and the prohibition against uncertainty, gambling, and usury. In Islam, Allah SWT says in the Qur'an that it is permissible to do business to take profits as long as these profits are not burdensome to others and always comply with the restrictions in doing business, concerning Allah's *qalam* awt that makes family takaful insurance have a more specific purpose. broader than just seeking profit, namely for the common good (Putri, 2020).

The Islamic view of the sharia insurance system needs to be studied in more depth because the Qur'an and As-Sunnah are not explained in detail, even the famous priests of their time such as Imam Shafi'i, Imam Malik, Imam Hambali, and Imam Abu Hanifah never gave a fatwa law against the sharia insurance system, because at that time there was no insurance system, it was in the XIX century AD that insurance was first known in the east, while the west knew the insurance system in the XIV century, and mujtahid scholars knew around II to with IX AD (Ilmu et al., 2020).

The view of *fiqh muamalah* regarding family takaful insurance, according to him is social security and cooperation among fellow Muslims, in the sense that one and another are willing to bear each other's risks together, in Islam itself the willingness to bear can be interpreted as a form of mutual help for the good in quotes to lighten each other's burdens when other customers experience a disaster. In society, humans need social life because without socializing there will not be peace, with good socializing a bond will arise that can provide protection or help realize

people's awareness to do good based on the values of faith in God, this already exists. within every human being to protect each other. Based on the above arguments, the author will present the word of God in surah al-Maidah (3) verse 2, namely:

“Help ye one another in righteousness and piety but help ye not one another in sin and rancor.”

The verse above explains that, as humans, we are required to work hand in hand in helping fellow Muslims regardless of race, ethnicity, and culture, then takaful insurance certainly does not only involve two parties who are takaful but requires a third party, that third party is an institution or legal entities such as DSN-MUI which guarantee risks and guarantee takaful from elements prohibited by sharia such as *gharar*, *maisir*, and usury (Arti, 2016)

4.4 Sharia Principles and Transparency in Family Takaful Insurance Management

The religion of Islam is a religion that emphasizes mutual benefit, by encouraging humans to interact well with each other and mutually benefit one another, in this case, Islam also advocates for leaders to be able to bring benefits to achieve common goals. (Hadi, 2012). As every company, it must have a goal to increase its profits in the field of services or goods, then this is always related to efficiency or achievement in company resources or human resource management.(Nuhin & Suprayogi, 2022). In the family takaful insurance company itself, it has a very clear goal, namely for the benefit of the ummah, by raising funds as well as channeling funds to the community through premium calculations, therefore it is very important for family takaful insurance, both conventional and sharia insurance, to invest properly. without any mistakes by managing all existing assets to meet the needs together (Aprilianto, 2022).

In this case, the management of family takaful insurance funds must be completely transparent by publishing every year or every three months the process of incoming and outgoing funds from customers (Wanita, 2020). In Islam itself, it is strongly emphasized that all activities must be by sharia rules and principles, knowing this can understand the difference between insurance whose system is truly sharia, and conventional insurance which only wants profit. company investment and of course free from all kinds of prohibitions in Islam, with this system and implementing an Islamic economic system that races with mutual help between one another for the benefit of all as creatures of Allah SWT (Hakim, 2016).

In the view of some people, sharia insurance has complicated procedures and the system is similar to conventional, so most of the public believes that the sharia insurance management system is not based on sharia so that there are many issues that sharia insurance only uses sharia names, and the system is not implemented. by sharia, even all operations they consider are the same as conventional insurance (Khumaini & Husein, 2019). It should be noted that the insurance practices in family takaful insurance are not the same as those in conventional insurance, the practices in family takaful insurance are completely transparent regarding the management of funds from customers, and several agreements and illustrations have been written in the policy, in In this illustration, there is an attractive agreement where the first year the management of the customer's funds is 75% for operational activities, then in the second year the management is 15%, this is a family takaful insurance company that is truly transparent during the cooperation between the customer and the takaful insurance company family. In contrast to conventional insurance, conventional insurance premium elements consist of:

1. There will be a list of tables or what is called a mortal table, the purpose of which is to find out the number of claims that can cause losses subject to death, they also predict a person's age limit.
2. Conventional insurance also sets interest rates in receipts and calculations.

It has costs such as commission fees, advertising costs, policy-making costs, administrative costs, sale promotion, maintenance costs, and other costs (Subekti, 2009).

In addition to the elements discussed above, the scholar Shaykh al-Ghazali provides an understanding of the reasons for the prohibition of conventional insurance, namely:

- a. If the time agreement has been completed, the funds are returned to the customer along with interest (usury), when the time for the policy agreement has not expired and the agreement is terminated, the company returns the premium funds minus administrative costs, this is not recommended in Islam.
- b. Replacing losses to customers when an event occurs in the policy agreement, is not recommended in Islam. Because someone is insured not in the form of seeking profit or loss, on the other hand, in this transaction, some give their shares in the form of money to be given to those who are guaranteed.
- c. Conventional insurance operates with a usury system.
- d. The performance of conventional insurance companies uses a lottery system, where not all customers get benefits (Fahriza & Hanifuddin, 2021).

5. Conclusion

Family takaful insurance provides a product called *fulnadi* or education fund. It aims to help families who wish to set up education funds for their children from an early age, and it should be noted that one of the principles of Islamic insurance is mutual benefit for Islamic insurance participants. Family takaful insurance contains aspects of sharia values that conventional insurance does not have, namely the principles of fairness, transparency and risk sharing. the risk-sharing principle of family takaful insurance will extend property or life protection to less fortunate members.

In marketing family takaful insurance products, you cannot escape the help of a service from a marketing agent who helps market family takaful insurance products. takaful participants. Therefore, to improve the performance of family takaful insurance companies, companies are required to provide a good and correct understanding of enhancing the role of a family takaful insurance agent. The meaning of *samsarah* or the agent itself in the language is the *mufrad* of *simsar*, which is an intermediary between the seller and the buyer to complete a transaction or sale and purchase which is mutually beneficial, *simsar* himself will help bring together buyers and sellers of a product/service.

Besides that, the practice of family takaful insurance explains that the contracts used in family takaful insurance are *ijarah* contracts and *tabarru* contracts, which are *mudharabah* or cooperation for the mutual benefit, while what is meant by a *tabarru* contract is mutual help. Whereas in this *ijarah* contract, the family *takaful* insurance company acts as the fund manager and the participant as the policyholder. Based on this, it can be understood that the *ijarah* contract is insurance for losses, while the *tabarru* contract tends to help other participants. Family takaful

insurance is a form of sharia insurance whose main purpose is to provide services, provide protection, and assistance when customers experience a disaster.

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