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Hajj Fund Investment Law for Infrastructure Development

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Abstract

After the inauguration of the leadership of BPKH on July 26, 2017, President Jokowi stated that Hajj funds should be proactively invested rather than left idle. He emphasized investing in low-risk projects that yield significant profits, such as infrastructure developments. Additionally, there was a proposal from Commission VIII on April 8, 2020, to utilize Hajj funds for Covid-19 handling programs. This proposal was rejected by the Ministry of Religion and BPKH, yet the continuous increase in deposits from Hajj pilgrims has raised public concerns. The aim of this study is to examine the legal framework regarding investments in Hajj funds, focusing specifically on contracts. This research employs a juridical-normative approach, utilizing library research and various references, including the Quran, Hadith, statutory regulations, National Sharia Council Fatwas, journals, and other relevant materials. The findings indicate that the contract to be used is the wadi'ah dhamanah contract. Hajj funds can be invested in infrastructure projects under this agreement. In the event of a loss, BPKH is obligated to return the Bipih deposits as they were initially. Conversely, if the investment is successful, BPKH may voluntarily distribute the profits to Hajj pilgrims without any preconditions.

Keywords Islamic law, Hajj funds investment, wadi'ah dhamanah, sharia principles.

Introduction

To this day, the waiting list for Hajj pilgrims continues to increase every year, even almost 100 years due to cancellation of departures due to the Covid-19 pandemic. (Widiyani, 2022) Meanwhile, the quota for Hajj pilgrims each year is only 0.1 percent of the Muslim population. In 2022 the Hajj quota will only be 100,051 (V. Indonesia, 2023) or around 46 percent of the normal quota in previous years, thereby increasing the length of waiting time for Hajj pilgrims. Now, in 2023 the Hajj quota will return to normal at 221,000 (PHU, 2023) consisting of 203,320 regular Hajj quotas and 17,680 special Hajj quotas, but unfortunately the Hajj pilgrims' deposit will increase from 39.8 million rupiah to 49.8 million rupiah in 2023 (Harbani, 2023) This has raised suspicions among the public that Hajj funds have been invested in infrastructure. (Detikcom, 2023)

The longer the waiting time for Hajj pilgrims means the longer it will take for the Hajj funds to settle in the Bank Receiving Deposits for Hajj Organizing Costs because these funds will only be used in the next few decades when the pilgrims in question carry out the Hajj pilgrimage. This gave rise to the idea of using Hajj funds in the form of investment, such as to finance the development of the Indonesian Capital City (IKN) in East Kalimantan. (Asmara, 2022) and the issue of using Hajj funds for the Corona Virus Disease 2019 (Covid-19) handling program. (Zhacky, 2020) This raises pros and cons in society (Kompastv, 2017) because on the one hand, Hajj pilgrims are the owners and depositors of funds. feel that they have never given permission to the Hajj Financial Management Agency (BPKH) to make investments (C. Indonesia, 2017) but on the other hand, these investments are seen to be able to provide benefit for Hajj pilgrims and Muslims(Hakim et al., 2017). This controversy attracted the author's attention to researching the law on investing Hajj funds to finance infrastructure development based on Islamic law.

Method

This research is library research with the author's juridical-normative type of research. Research sources were obtained from various references, namely the Koran, Hadith, statutory regulations, Fatwa of the National Sharia Council, journals and other references that discuss investment in Hajj funds.

Literature Review

There are several studies on the law of investment in Hajj funds to finance infrastructure development based on Islamic law which have been carried out by several researchers. First, a study of the Use of Hajj Funds for Infrastructure Investment in the Perspective of Islamic Law and Positive Law, the results of which are that Islamic law and Positive Law provide opportunities for Hajj funds to be invested. Law No. 34 of 2014 concerning Hajj Financial Management states that losses resulting from investments are the responsibility of BPKH if they arise due to errors or negligence in their management. Meanwhile, based on the results of the 2017 Bahstul Masail Nahdlatul Ulama National Conference, the risk of loss is the government's responsibility. (Shubhan Shodiq, 2018) Second, a study of Productive Investment Law for Hajj Fund Management in a Sharia Economic Perspective, the results are based on Law no. 34 of 2014 concerning Hajj Financial Management and Results of Ijtima Ulama IV Commission B-2 MUI

Fatwa Commission allows Hajj funds to be used for direct investment and other investments, as long as they are carried out based on sharia principles and prudence, have useful value, and comply with the provisions of laws and regulations -an invitation for the benefit of the people. (Sholichah, 2018) Third, a study of the Muamalah Fiqh Review of Hajj Funds Invested in Infrastructure (Case Study of the Indonesian Hajj Financial Management Agency), the results of which are that the law on investing Hajj funds in infrastructure is in accordance with the provisions of both the articles on Hajj financial management and the study of Islamic law specifically through National Sharia Council Fatwa. The law is permissible based on a wakalah agreement related to funds invested for interests that are permitted by sharia (Aisyah, 2018). Fourth, an analysis study of Imam Syafi'i's opinion regarding the use of Hajj investment funds for infrastructure development, the results according to Imam Syafi'i's opinion are that it is permissible to use the mausuffah bi dzhimmah contract, so that the use of Hajj funds for infrastructure development is permissible as long as it does not harm prospective Hajj pilgrims and can help the welfare of the prospective Hajj pilgrims. (Saputri, 2019) Fifth, a study of the Legal Certainty of Hajj Fund Investment by the Hajj Financial Management Agency, the results of which are that the management of Hajj funds carried out by BPKH is in accordance with sharia principles and Government Regulation Number 5 of 2018 concerning the Implementation of Law Number 34 of 2014 concerning Hajj Financial Management due to investment activities use contracts that are appropriate and do not conflict with sharia principles and the placement of investment instruments still prioritizes aspects of prudence, security, liquidity, and transparent with the accountability report issued by BPKH. Funds that have been deposited are also guaranteed by the Deposit Insurance Corporation (LPS) using a wakalah contract when prospective congregation members provide the funds. (Amalia, 2021) Sixth, a study of the Analysis of Maslahah Murlahan on the Construction of the Hajj Fund Investment Agreement at Bank Muamalat Purwokerto, the result is that the construction of the Hajj fund investment contract at Bank Muamalat Purwokerto is legally valid because it fulfills the terms and conditions of the contract (wadi'ah, wakalah, and mudarabah). (Melita, 2022) Seventh, study of the wakalah contract for Hajj deposit funds from an Islamic legal perspective, the results it is permissible to use the wakalah element in managing Hajj funds for infrastructure (Minanto, 2023).

From these seven studies, this study aims to complement existing studies by carrying out tathbiqi ijtihad on the law of investing Hajj funds for infrastructure development based on the Koran, Hadith, ushul fiqh methods and relevant fiqh rules. With this study, the contracts used by the relevant parties will be examined and then the law will be determined so as to eliminate doubts from various related parties as to whether or not the investment law is permissible.

Result

Hajj Fund

To find out information about Hajj funds, the regulations relating to Hajj funds will first be presented, namely Law Number 34 of 2014 concerning Hajj Financial Management (Hajj Financial Management Law) and Law Number 8 of 2019 concerning the Implementation of the Hajj and Umrah Pilgrimage. (Law on the Implementation of the Hajj and Umrah Pilgrimage). By knowing these rules, you will be able to know the clear boundaries of what is meant by Hajj funds.

In Article 1 point 1 of the Hajj Financial Management Law, what is meant by Hajj finances are all the Government's rights and obligations that can be valued in money related to the implementation of the Hajj pilgrimage as well as all assets in the form of money or goods that can be valued in money as a result of the implementation of rights and obligations. these, whether originating from the Hajj pilgrims or other sources that are valid and non-binding. Based on this definition, it can be seen that the financial resources for Hajj consist of deposits from Hajj pilgrims and other sources that are legal and non-binding, all of which are the rights and obligations of the government related to the implementation of the Hajj pilgrimage.

Furthermore, in Article 1 point 2 of the Law, what is meant by Hajj funds are funds for paying the costs of organizing the Hajj pilgrimage (BPIH), efficiency funds for organizing the Hajj, endowment funds for the people, as well as the value of benefits controlled by the state in the context of organizing the Hajj and implementing the program. activities for the benefit of Muslims. In this article there are 4 sources of Hajj funds.

Meanwhile, in the Law on Organizing the Hajj and Umrah, the term Hajj funds is replaced with the term Hajj Organizing Costs (BPIH), namely the amount of funds used for Operations for the Hajj (Article 1 number 13). Furthermore, Article 44 explains that BPIH (hajj funds) is sourced from Bipih (Hajj Travel Costs: the amount of money that must be paid by citizens who will perform the Hajj), the State Revenue and Expenditure Budget, Benefit Value, Efficiency Funds, and/or sources other lawful provisions based on statutory regulations. Here it can be seen that the Law on the Implementation of the Hajj and Umrah Pilgrimage changes the endowment funds of the people to APBN as the source of BPIH (hajj funds), in addition to 4 other sources of hajj funds.

Article 8 of the Hajj Financial Management Law in conjunction with Article 1 number 14 of the Hajj and Umrah Implementation Law explains that the value of the Hajj financial benefits is obtained from the results of Hajj financial development which is carried out through placement in the Hajj Treasury and/or investments. Based on the managed fund portfolio in 2022, BPKH has placed 29.39% of funds worth IDR 48.95 trillion and 70.61% investment worth IDR 117.59 trillion. (BPKH, 2022) Thus, the benefit value can be obtained directly from investment or indirectly. through placing Hajj finances in the Hajj Cash at the Bipih Deposit Receiving Bank.

The value of the benefits generated by BPKH as the Hajj financial manager is the right of all pilgrims who have paid the Bipih deposit. The value of the benefits generated by BPKH is divided among others into virtual accounts, BPKH operations, and BPIH sources which many people call "subsidies."

Article 45 paragraph 1 of the Hajj and Umrah Implementation Law explains that BPIH is used for costs: a. flight; b. accommodation services; c. consumption services; d. transportation services; e. services in Arafah, Mudzalifah, and Mina; f. protection; g. services at embarkation or disembarkation; h. immigration services; i. insurance premiums and other protection; j. travel documents; k. cost of living; 1. development of the Hajj Pilgrimage in Indonesia and in Saudi Arabia, m. public services domestically and in Saudi Arabia; and n. BPIH management. Paragraph 2, explains that costs other than those referred to in paragraph (1) are charged to the state income and expenditure budget and regional income and expenditure budgets in accordance with the state's financial capacity and provisions of statutory regulations such as officer operations in serving Hajj pilgrims, including for accommodation. and consumption for Hajj officers, land transportation costs for officers while in Saudi Arabia, as well as air transportation for Hajj officers from Indonesia to Saudi Arabia and vice versa, budget for recruitment and training of Hajj officers, preparation of Hajj travel documents, rental of sector offices and Daker offices as well as operational needs others both domestically and internationally in Saudi Arabia, and to carry out the duties and functions of the Directorate General of Hajj and Umrah (PHU).

Of all the usage allocations, only BPIH sourced from the Community

Endowment Fund/APBN can be reallocated to support efforts to handle the spread of Covid-19. Meanwhile, for BPIH sourced from Bipih, the Benefit Value and Efficiency Funds will be returned to the Hajj Treasury at BPKH for the implementation of Hajj operations in the coming years. Based on this, the issue of using Hajj funds to handle the spread of Covid-19 is completely incorrect because the Hajj funds (BPIH) used for this purpose are sourced from the Ummah Endowment Fund/APBN, not from the Bipih deposits of Hajj pilgrims.

Hajj Fund Investment

Based on Hajj Financial Management Agency Regulation Number 5 of 2018 concerning Procedures and Forms of Hajj Financial Investment, BPKH Regulation 2018, investment is the activity of placing BPKH financial resources in business activities that do not conflict with sharia principles and applicable laws and regulations to obtain returns after considering in-depth study of all potential risks and benefits that will be obtained as a result of these business activities. Hajj financial investments must be carried out in accordance with sharia principles and taking into account aspects of security, prudence, benefit value and liquidity and carried out in a transparent and accountable manner.

Based on the Hajj Financial Management Law, Hajj financial management is carried out by BPKH, which is a public legal entity that manages Hajj finances in a corporate and non-profit manner, is independent and is responsible to the President through the Minister of Religion. It is called cooperative because BPKH manages finances based on business patterns as carried out by companies or corporations, by prioritizing efficiency and effectiveness in the use of resources and results. It is called non-profit because BPKH manages Hajj finances by prioritizing the use of proceeds from fund development to provide maximum benefits for the Hajj pilgrims and the benefit of the Muslim community, but with no dividend distribution for its managers.

Hajj financial management aims to improve the quality of the Hajj pilgrimage, rationality and efficiency in the use of BPIH and benefits for the benefit of the Muslim community. For this reason, BPKH has the authority to place and invest Hajj finances in accordance with sharia principles, prudence, security and beneficial value; and collaborating with other institutions in the context of managing Hajj finances.

Investments that are permitted and prohibited

The forms of investment that can be made by BPKH based on article 48 paragraph 1 of the Hajj Financial Management Law are: a. securities; b. gold; c. direct investment; and d. other investments.

Hajj Financial Investments in the form of securities include: a. Sharia Securities issued by the central government; b. Sharia Securities issued by Bank Indonesia; and c. Sharia securities are regulated and supervised by the Financial Services Authority. This investment includes sharia shares listed on the stock exchange: a. sukuk; b. sharia mutual funds; c. sharia asset-backed securities; d. sharia real estate investment funds; and e. other sharia effects.

Hajj financial investments in the form of gold can only be made in the form of: a. gold bar; and/or b. gold account. The gold investment limit is a maximum of 5% (five percent) of the total placement and/or investment of Hajj Finance.

Hajj Financial Investment in the form of direct investment can be done by: a. having his own business, namely investing in shares in a non-public sharia company where BPKH has majority share ownership; b. capital participation, namely investment in shares in non-public sharia companies where BPKH is not the majority shareholder; c. investment cooperation, namely all forms of business cooperation that do not take the form of equity participation; and d. Other direct investments are all forms of direct investment not included above. The direct investment limit is a maximum of 20% (twenty percent) of the total placement and/or investment of Hajj Finance.

Hajj Financial Investment in other forms of investment is determined by BPKH. The investment limit is a maximum of 10% (ten percent) of the total placement and/or investment of Hajj Finance.

The investment period is divided into three, namely short term, medium term and long term. Short-term investments can take the form of investments in securities with a maximum term of 1 year and investments in banking products other than current accounts, deposits or savings for a maximum of 1 year. Medium-term investments include investments made within a maximum of 3 years. Meanwhile, long-term investments are more than 3 years.

Investments that are prohibited under Article 25 (1) of Agency Regulation 5 of 2018 concerning Procedures and Forms of Hajj Financial Investments are carrying out transactions on investment instruments that do not comply with Sharia principles. Types of business activities that conflict with Islamic Sharia, include:

a. Gambling and gaming businesses that are classified as gambling or prohibited trade;
b. Conventional financial institution businesses (ribawi), including conventional banking and insurance;
c. Businesses that produce, distribute and trade haram food and drinks;
d. Businesses that produce, distribute and/or provide goods or services that damage morals and are detrimental.

In addition, BPKH is prohibited from carrying out derivative transactions or having derivative instruments, unless the derivative instruments are obtained by BPKH as instruments attached to shares or bonds traded on the Indonesian Stock Exchange. BPKH is also prohibited from investing in companies that are in legal proceedings or currently have legal cases in court that have the potential to materially affect the company's potential business continuity and/or affect the company's ability to gain profits in the future.

Hajj Fund Investment Law for Financing Infrastructure Development

There are several possible contracts that can be applied in investing Hajj funds. First, use the wakalah contract. Deposits of Hajj funds obtained from the Hajj pilgrims are paid to the Hajj Treasury via BPS BPIH to an account in the name of BPKH in its position as the legal representative of the Hajj Pilgrimage. To determine whether or not BPKH is valid as a representative of the Hajj pilgrims and to determine whether it is legal or not for BPKH to invest in Hajj funds, especially those sourced from Hajj pilgrims, it is necessary to look at the wakalah contract entered into by the Hajj pilgrims and BPKH.

National Sharia Council Fatwa No: 10/DSN-MUI/IV/2000 concerning Wakalah determines that a wakalah agreement is the delegation of power by one party to another party in matters that may be represented. In a wakalah contract, statements of consent and qabul must be stated by the parties to show their will in entering into the contract (akad). Therefore, every Hajj pilgrim who deposits Hajj funds must make a contract/wakalah contract with BPKH as the Hajj financial manager when making the deposit so that the provisions of Islamic law regarding the wakalah contract are fulfilled. The contract must clearly state the Hajj pilgrims' approval of the sharia investment that will be carried out by BPKH as the legal representative of the Hajj pilgrims.

The problem now is that the congregation's agreement in the form of the wakalah contract cannot be guaranteed either when the congregation pays the Bipih deposit, before or after. Therefore, the author is of the opinion that the wakalah contract cannot be attached to the Hajj pilgrims' deposit as long as it is not clear whether the existence of the wakalah contract is clear.

The second possibility is that the balance of the Hajj fund deposit which consists of Bipih deposits and the value of the benefits is funds entrusted to the Hajj Pilgrimage for the Hajj Pilgrimage. Book II Compilation of Sharia Economic Law Article 20 number 17 (RI, 2010) explains that wadi'ah is the safekeeping of funds between the owner of the funds and the recipient of the deposit who is trusted to look after the funds. The balance cannot be taken by the Hajj Pilgrim unless the Hajj Congregation cancels its portion, either due to death or other valid reasons as regulated in the provisions of the laws and regulations regarding the Implementation of the Hajj Pilgrimage. As funds entrusted to the Hajj Congregation for the Hajj Pilgrimage, when the deposit balance is greater than the determination of the BPIH and/or Special BPIH for the current year, BPKH is obliged to return the difference to the Hajj Congregation. Likewise, if you die, the funds are returned to the heirs.

The next issue is whether deposit funds can be invested. The wadi'ah contract consists of the wadi'ah amanah contract and the wadi'ah dhamanah contract. (RI, 2010) When using the wadi'ah amanah contract, BPKH cannot use the wadi'ah object, except with the permission of the Hajj congregation. However, in the wadi'ah dhamanah contract, BPKH can use wadi'ah objects without the permission of the Hajj congregation. BPKH in the wadi'ah dhamanah contract can provide compensation to the Hajj pilgrims on a voluntary basis and cannot be conditioned at the beginning of the contract.

Based on the lack of certainty regarding the wakalah contract in investing Hajj funds and the possibility that investments have been made by BPKH so far without the consent of the congregation, the author is of the opinion that wadi'ah deposits of Hajj funds are wadi'ah dhamanah. This means that BPKH made an investment without the congregation's approval so that if a loss occurs as a result of BPKH's actions in making the investment, BPKH is obliged to return the deposited funds as before. This is so as not to violate the congregation's rights to the funds they have deposited, namely to get in line for the Hajj departure.

This is in accordance with the word of Allah in Surah al-Nisa' verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ

Meaning: O you who believe, do not consume each other's wealth in a false way, except by means of commerce that is carried out mutually between you. (an-Nisa: 29)

Next, what about the profits obtained by BPKH. Because Hajj funds are funds entrusted in the form of wadi'ah dhamanah with risks that must be borne by BPKH, everything produced by the wadi'ah object (benefit value) belongs to BPKH as muwaddi'. However, in accordance with the aim of establishing BPKH to improve the quality of the Hajj pilgrimage, the rationality and efficiency of using BPIH and the benefits for the benefit of Muslims, BPKH continues to distribute the benefit value to Hajj pilgrims through virtual accounts as well as to subsidize Hajj funds and BPKH operations. BPKH's actions are in accordance with the following hadith of the Prophet: (Majah, n.d.)

حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ، عَنْ شَبِيبِ بْنِ غَرْقَدَةَ، عَنْ عُرْوَةَ الْبَارِقِيِّ، أَنَّ النَّبِيَّ صلى الله عليه وسلم أَعْطَاهُ دِينَارًا يَشْتَرِي لَهُ شَاةً فَاشْتَرَى لَهُ شَاتَيْنِ فَبَاعَ إِحْدَاهُمَا بِدِينَارٍ فَأَتَى النَّبِيَّ صلى الله عليه وسلم بِدِينَارٍ وَشَاةٍ فَدَعَا لَهُ رَسُولُ اللَّهِ صلى الله عليه وسلم بِالْبَرَكَةِ . قَالَ فَكَانَ لَوِ اشْتَرَى التُّرَابَ لَرَبِحَ فِيهِ .

Meaning: Hadith was conveyed by Abu Bakr bin Abi Syaibah, from Sufyan bin Uyainah, from Syabib bin Gharqadah, from Urwah al-Bariqi: that the Prophet sallallaahu 'alaihi wasallam once gave him one dinar so that he could use it to buy a goat. Then he gave two goats, then sold one of them for one dinar. After that he came to the Prophet sallallaahu 'alaihi wasallam bringing one dinar and a goat. The Prophet sallallaahu 'alaihi wasallam then prayed for blessings." He said: "Indeed, if he buys land, he will still be lucky."

This is also in accordance with the following hadith of the Prophet: (Muslim, n.d.)

حَدَّثَنَا أَبُو الطَّاهِرِ، أَحْمَدُ بْنُ عَمْرِو بْنِ سَرْحٍ أَخْبَرَنَا ابْنُ وَهْبٍ، عَنْ مَالِكِ بْنِ أَنَسٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي رَافِعٍ، أَنَّ رَسُولَ اللَّهِ صلى الله عَلَيه وسلم

اسْتَسْلَفَ مِنْ رَجُلٍ بَكْرًا فَقَدِمَتْ عَلَيْهِ إِبِلٌ مِنْ إِبِلِ الصَّدَقَةِ فَأَمَرَ أَبَا رَافِعٍ أَنْ يَقْضِيَ الرَّجُلَ بَكْرَهُ فَرَجَعَ إِلَيْهِ أَبُو رَافِعٍ فَقَالَ لَمْ أَجِدْ فِيهَا إِلَّا خِيَارًا رَبَاعِيًا . فَقَالَ " أَعْطِهِ إِيَّاهُ إِنَّ خِيَارَ النَّاسِ أَحْسَنُهُمْ قَضَاءً "

Meaning: Hadith was conveyed by Abu al-Tahir, Ahmad bin Amr bin Sarh, from Ibn Wahab, from Malik bin Anas from Zaid bin Aslam, from Atha' bin Yasar, from Abu Rafi': that the Messenger of Allah sallallaahu 'alaihi wasallam once borrowed a young camel to a man, when the alms camel arrived, he ordered Abu Rafi' to pay for the young camel he had borrowed from the man. Then Abu Rafi' returned to him and said, "I did not get any young camels except mature camels." He said: "Give it to him, the best people are those who are best at paying debts."

The next issue is whether it is legal to invest Hajj funds in infrastructure. To answer this question, it is necessary to first describe the infrastructure. Infrastructure development is an important and vital aspect to accelerate the national development process. Not only profitable from an economic perspective. Infrastructure is also very necessary so that the process of developing human resources in an area can run well because infrastructure is a physical means of supporting economic, industrial and other social activities.

The industrial sector will develop if good infrastructure is available, such as toll roads, ports, train stations and airports. If infrastructure is inadequate, producers will find it difficult to market their products widely. The agricultural and forestry sectors require water resource infrastructure for cultivation, as well as adequate road, railway, airport and dock infrastructure to sell their products. If infrastructure facilities are inadequate, this will affect sales figures and have a big impact on the economic sector. (Fikriansyah, 2023)

In accordance with the author's opinion above that investment in Hajj funds may be based on a wadi'ah dhamanah contract, investment in Hajj funds for infrastructure may be carried out as long as it complies with Sharia principles and statutory regulations after considering an in-depth study of all potential risks and benefits that will be obtained as a result. from these business activities. Investments in Hajj funds for infrastructure must be carried out in accordance with sharia principles and taking into account aspects of security, prudence, benefit value and liquidity and carried out in a transparent and accountable manner.

This is in accordance with the hadith of the Prophet (Al-Tirmizi, n.d.)

حدثنا محمد بن إسماعيل، حدثنا إبراهيم بن موسى، حدثنا الوليد بن مسلم، عن المثنى بن الصباح، عن عمرو بن شعيب، عن أبيه، عن جده، أن النبي صلى الله عليه وسلم خطب الناس فقال " ألا من ولي يتيما له مال فليتجر فيه ولا يتركه حتى تأكله الصدقة

Meaning: Hadith was conveyed by Muhammad bin Ismail, from Ibrahim bin Musa, from al-Walid bin Muslim, from al-Mutsanna bin al-Shabah, from Amru bin Syu'aib, from his father, from his grandfather: that the Prophet sallallaahu 'alaihi wasallam conveyed His sermon contained: "Whoever takes care of an orphan while the child has property, he should use it for trading and not let it run out to pay his zakat.

This is in accordance with the hadith of the Prophet (Malik, n.d.)

حدثني يحيى، عن مالك، عن عمرو بن يحيى المازني، عن أبيه، أن رسول الله صلى الله عليه وسلم قال " لا ضرر ولا ضرار ".

Meaning: The hadith was conveyed by Yahya, from Malik, from Amru bin Yahya al-Mazini, from his father that the Messenger of Allah said: "There should be (no) harm and cause harm."

This is in accordance with the following Fiqh rules quoted by the MUI Sharia Council: (MUI, 2018)

أينما وجدت المصلحة فثم حكم الله

Meaning: "Where there is benefit, there is the law of Allah."

تصرف الإمام على الرعية منوط بالمصلحة

Meaning: "The actions of the priest towards his people must be linked to benefit."

Discussion

It is highly recommended that the discussion centers on the rationales, methodologies, and potential implications of the research findings, while also considering their applicability to related issues. Elucidate the contributions of your research to the advancement of science.

Conclusion

Based on the discussion above, the author concludes that Hajj funds may be invested in infrastructure development based on the wadi'ah dhamanah agreement. If there is a loss in investment, BPKH is obliged to return Bipih's deposit to its original condition. However, if the investment produces profits or beneficial value, BPKH may provide it to the Hajj pilgrims voluntarily and is not required from the start..

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References

Aisyah, N. (2018). *Tinjauan Fiqih Muamalah terhadap dana haji yang Diinvestasikan untuk Infrastruktur (Studi Kasus Badan Pengelola Keuangan Haji Indonesia)*. INSTITUT ILMU AL-QUR'AN (IIQ) JAKARTA.

Al-Tirmizi. (n.d.). *Jami` at-Tirmidhi 641*. Book 7, Hadith 25. Retrieved September 1, 2023, from https://sunnah.com/tirmidhi:641

Amalia, A. (2021). Kepastian Hukum Investasi Dana Haji Oleh Badan Pengelola Keuangan Haji [UIN SYARIF HIDAYATULLAH]. In *Repository.Uinjkt.Ac.Id*. https://repository.uinjkt.ac.id/dspace/handle/123456789/56478

Asmara, C. (2022). *Benarkah Jokowi Bangun IKN Pakai Dana Haji? Ini Kata Menag!* CNBC Indonesia. https://www.cnbcindonesia.com/news/20220517131053-4-339529/benarkah-jokowi-bangun-ikn-pakai-dana-haji-ini-kata-menag

Detikcom, T. (2023). *Ma'ruf Diviralkan Setujui Dana Haji untuk Infrastruktur, Jubir Beri Penjelasan*. DetikNews. https://news.detik.com/berita/d-5599333/maruf-diviralkan-setujui-dana-haji-untuk-infrastruktur-jubir-beri-penjelasan

Fikriansyah, I. (2023). *Infrastruktur Adalah: Pengertian, Jenis, dan Fungsinya*. DetikFinance. https://finance.detik.com/berita-ekonomi-bisnis/d-6818426/infrastruktur-adalah-pengertian-jenis-dan-fungsinya

Hakim, M. A. L., Saifuddin, Menteri PPN/Kepala Bappenas Bambang Brodjonegoro, K. D. P. B., & Pengelola Keuangan Haji Yuslam Fauzi, dan Ketua Majelis Ulama Indonesia KH Ma'ruf AminBersama, S. P. (2017). *MANFAAT INVESTASI DANA HAJI UNTUK UMAT*. 01/09/2023

Harbani, R. (2023). *Biaya Haji Reguler 2023 dan Rincian Per Embarkasinya*. DetikHikmah. https://www.detik.com/hikmah/haji-dan-umrah/d-6762380/biaya-haji-reguler-2023-dan-rincian-per-embarkasinya

Indonesia, C. (2017). *Ketentuan soal Investasi Dana Haji Digugat ke MK*. https://www.cnnindonesia.com/nasional/20170809112817-12-233453/ketentuan-soal-investasi-dana-haji-digugat-ke-mk

Indonesia, V. (2023). *Tok! Kuota Haji RI Tahun Ini 221 Ribu, Tanpa Batasan Usia*. VOA Indonesia. https://www.voaindonesia.com/a/tok-kuota-haji-ri-tahun-ini-221-ribu-tanpa-batasan-usia-/6909366.html

Kompastv. (2017). *Pro Kontra Dana Haji Untuk Investasi Infrastruktur (Bag 1)*. Kompastv. https://www.youtube.com/watch?v=sZqblrOovTY

Majah, I. (n.d.). *Sunan Ibu Majah*. Book 15, Hadith 13. Retrieved September 1, 2023, from https://sunnah.com/ibnmajah:2402

Malik. (n.d.). *Muwatta Malik*. Book 36, Hadith 1435. Retrieved September 1, 2023, from https://sunnah.com/urn/514340

Melita, E. A. (2022). *Analisis Maslahah Mursalah Terhadap Konstruksi Akad Investasi Dana Haji Di Bank Muamalat Purwokerto* [UNIVERSITAS ISLAM NEGERI PROFESOR KIAI HAJI SAIFUDDIN ZUHRI PURWOKERTO]. https://eprints.uinsaizu.ac.id/15957/1/MELITA ELZA ALFIANI_ANALISIS MASLAHAH MURSALAH TERHADAP KONSTRUKSI AKAD INVESTASI DANA HAJI DI BANK MUAMALAT PURWOKERTO.pdf

Minanto, A. (2023). Akad Wakalah Dana Setoran Haji Perspektif Hukum Islam. *Jurnal Al-Ahkam*, *XIV*, 132–140.

MUI. (2018). *FATWA DEWAN SYARIAH NASIONAL-MAJELIS ULAMA INDONESIA NO : 122/DSN-MUI/II 1201, 8 Tentang PENGELOLAAN DANA BPIH DAN BPIH KI{USUS BERDASARKAN PRINSIP SYARIAH*.

Muslim. (n.d.). *Sahih Muslim*. Book 22, Hadith 147. Retrieved September 1, 2023, from https://sunnah.com/muslim:1600a

PHU, A. (2023). *2024, Kuota Haji Indonesia 221.000 Jemaah*. Http://Haji.Kemenag.Go.Id. http://haji.kemenag.go.id/v5/detail/2024-kuota-haji-indonesia-221000-jemaah

RI, M. A. (2010). *Kompilasi Hukum Ekonomi Syari'ah*. Direktorat Jenderal Badan Peradilan Agama.

Saputri, R. M. (2019). *Analisis Terhadap Pendapat Imam Syafi'i Tentang Penggunaan Investasi Dana Haji untuk Pembangunan Infrastruktur*. UNIVERSITAS ISLAM NEGERI RADEN INTAN LAMPUNG.

Sholichah, I. U. (2018). Hukum Investasi Produktif Dalam Pengelolaan Dana Haji (Perspektif Hukum Ekonomi Syariah). *Syar'ie*, *3*, 1–192. https://stai-binamadani.ejournal.id/Syarie/article/view/161

Shubhan Shodiq. (2018). *Penggunaan Dana Haji Untuk Investasi dalam Perspektif Hukum islam dan Hukum Positif*. UIN SYARIF HIDAYATULLAH.

Widiyani, R. (2022). *Daftar Tunggu Haji Nyaris 100 Tahun, Kok Bisa? Kemenag Jelaskan Alasannya*. DetikEdu. https://www.detik.com/edu/detikpedia/d-6129723/daftar-tunggu-haji-nyaris-100-tahun-kok-bisa-kemenag-jelaskan-alasannya

Zhacky, M. (2020). *DPR: Isu Dana Haji dari Calon Jemaah untuk Tangani Corona Tak Benar!* DetikNews. https://news.detik.com/berita/d-4977975/dpr-isu-dana-haji-dari-calon-jemaah-untuk-tangani-corona-tak-benar