

The Implication Of Tabarru' And Wakalah Bil Ujrah Contracts In Financial Management Of Islamic General Insurance Institution (Case Study In Indonesia)

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Abstract – There are two purposes of this study. First is to explore the implication of the using of *tabarru'* and *wakalah bil ujarah* contract in financial management of Islamic general insurance institution (IGII). Second is to build a financial management concept based on Islamic values. The two purposes based on the assume that implementation of *tabarru'* and *wakalah bil ujarah* contracts will make differences in managing the fund. The integration of Islamic values will affect the building of financial theories and conditions of the Islamic general insurance institution. This study used a qualitative positivistic paradigm approach. Techniques research conducted by interview and literature studies.

The results showed that the application of the *tabarru'* and *wakalah bil ujarah* contracts have implications for changing in financial management of Islamic general insurance institution (IGII). The change is the implementation of splitted fund practice between the participants funds and company funds. Integration of the results in the field and financial theory underlying create a new concept called Islamic Split Fund Theory (ISFUT). Islamic Split Fund Theory (ISFUT) is the concept of financial management system with splitted fund based on Islamic values, namely transparency, honesty, and justice. Times new roman, bold, 10 point. Explain the purpose, method, and the result in 200 – 250 words.

Keywords – *tabarru'*, *wakalah bil ujarah*, splitted fund , Islamic Split Fund

I. BACKGROUND

Islamic economic practices in Indonesia begins with the establishment Mualamat Indonesia Bank in 1992. The existence of Mualamat Bank is an early stage implementation of an Islamic economic system. The establishment of Mualamat Bank followed by other financial institutions, one of which is Takaful. The formation of Takaful then strengthen the presence of Islamic banking institutions that already exist in advance on the

assumption that Muamalat Bank also requires insurance agencies that are run on the same principle, the principles of Islam (Puspitasari and Muhamad, 2014: 25). Islamic insurance institution was first established in 1994 which is PT Asuransi Takaful Keluarga (ATK) and followed by PT Asuransi Takaful Umum (ATU) in 1995. Both of these companies are subsidiaries of PT Syarikat Takaful Indonesia (STI) (Puspitasari and Muhamad, 2014: 25). PT STI is a company with a majority stake owned by PT Syarikat Takaful Malaysia. The formation of insurance by Islamic system into a solution for Muslims in particular and society in general on the importance of planning for the future (Sumanto et al, 2009: 9) as long as this community knows only conventional insurance.

Islam has set the economic life of the people. Each transaction in the Islamic economy is based on the contract in accordance with the purpose of the transaction. Contract in transactions under the Islamic system is the main thing. Transactions are considered dubious or dangerous in the absence of agreement or contract is not clear. Islamic concept of which is based on the principle of fairness and kindness encourages people to be careful in matters of contract. It is very requires full attention because the contract contains certain consequences. Thus, the contract must be made towards the intention to draw closer to God or spiritual terms is doing business with Allah SWT (Sumanto et al, 2009: 68).

In terms of the presence or absence of compensation, Fiqh Muamalat divide the contract into two parts., the *tabarru* and *tijarah* contract (Muhamad, 2014: 113-116). *Tabarru* contract (gratuitous contract) is a agreements relating to transactions for not profit transaction. This transaction is in fact not a business transaction to seek commercial gain. Akad *tabarru* carried out with the purpose of mutual assistance in order to do good (*tabarru* 'comes from the Arabic word *birr*, which means goodness). While the *tijarah* contracare all sorts of agreements relating to transactions for the benefit (for profit transaction). Akad incorporated in the contract *tijarah* done with the purpose of seeking profit, because the contract is commercial. Examples of the contract *tijarah* are an agreement-contract investment, buying and selling, leasing, and other business activities are profit oriented.

Takaful and conventional insurance have different basic concepts. It needs to be studied in the beginning because if it is not fundamentally understood the basic concept of Takaful, the Islamic insurance basic concept is considered equal to the basic concept of conventional insurance. Transactions on Takaful and conventional insurance contract agreements have very different conditions in the field. Literature (Puspitasari, 2011b: 37). Contract in Islamic insurance based on Islamic rules. Based on the basic concept, the contract contained conditions in the field. The study was conducted on a general in the Takaful is a mutual assistance agreement among participants of the Takaful in the event of a disaster. While in conventional insurance contract is a sale and purchase agreement (tabaduli) between the participants and the conventional insurance companies (Sula, 2004: 40-41).

Implementation of the contract is believed to be an effect on financial management. The difference between the contract agreement Takaful and conventional insurance lead to differences in the financial management of the institution Takaful and conventional insurance. The research which discusses the influence of the application of the contract on financial management in Islamic general insurance institutions is still very limited. Based on these reasons, the purpose of this study was to analyze the implementation of the contract and how its implications on financial management in Islamic general insurance institutions in Indonesia.

II. THEORITICAL BACKGROUND

Islamic insurance is known with some equivalent term, namely Takaful, ta'min, and tadamun. The third term meaning bear one another, protect one another, and help each other (Puspitasari and Muhamad 2014: 2). The underlying principle of mutual hadith bear, protect each other and help each other between the Muslim, hadith narrated by Muslim history that the Prophet said, which means' parable of the Muslim brotherhood in love and affection between them is like one body. When one part of the body in pain, it will be felt by other parts of the body, such as could not sleep or when fever (Sumanto, et al, 2009: 9).

Based on the principles of the Sharia Board of the National Council of Ulama Indonesia (MUI DSN) in its fatwa No. 21/DSN-MUI/X/2001 on general guidelines stipulate sense Takaful Insurance (ta'min, takaful, or tadamun) is an effort to protect each other and help one among a number of people/parties through investment funds in the form of assets or tabarru which gives the pattern returns to face certain risks through contract (engagement) which in accordance with sharia (MUI, 2010) Takaful refers to the notion that, Sumanto et al (2009: 16) defines basic concept Takaful as the intention of helping others on the basis of the Muslim brotherhood and simultaneously build a shared responsibility, cooperate with each other and protect each other from various troubles.

III. RESEARCH DESIGN

This study uses the positivistic paradigm with an emphasis on qualitative data. This study is exploratory research. Data collection techniques of research conducted by interview and literature study. Interviews were conducted with informants in the field to obtain evidence related to the actual condition. Literature studies are used to explore the theories related to financial insurance company with a full fledge Islamic System.

IV. RESULT AND DISCUSSIONS

a. Application of 'Tabarru' and wakalah bil ujah contracts in Islamic general insurance in Indonesia

The existence of Islamic general insurance business in Indonesia has been known since 1995, or nearly 20 years ago. At the beginning of standing contract used was mudharabah. It was adopted from the concept of Takaful Malaysia (Puspitasari, 2011a: 95). Islamic general insurance agencies used mudharabah contract until 2008, despite the fact that in 2006 the National Sharia Council of the Indonesian Ulema Council (MUI DSN) has issued a fatwa that contains about the use of tabarru and wakalah bil ujah contract. DSN MUI issued that fatwa because it considers that mudharabah contract less in accordance with the principles and objectives of Islamic general insurance business where Islam is free from the elements is forbidden by Islam, namely maisir, gharar, and usury.

Islamic general insurance agencies use mudharabah at the beginning. But over time and an increase understanding and desire to conduct business in order to become a real Islamic business, the contract used in this bussiness are tabarru and wakalah ujah bil. Islamic general insurance does not use mudharabah contract because there is not investment transaction so that it is less appropriate when applied mudharabah in Islamic general insurance.

Tabarru contract used to prevent the insurance business from gambling where it is forbidden by Islam. It is understood that the funds were granted (through the payment of contributions) do not contain properties inherent maisir because the contract is a contract tabarru, not the sale and purchase agreement such as the conventional insurance. Wakalah bil ujah is depute to do something by giving ujah (fee /wages) to the representatives of the working (Sumanto et al, 2009: 94). In this case, the participants appointed Islamic insurance company as a representative to manage the funds tabarru to provide certain ujah. Application of wakalah bil ujah on Islamic insurance business has already suitable based on rule in Islam.

Although issuance the use of tabarru and wakalah bil ujah contract on the DSN MUI's fatwa, but Islamic general insurance company in Indonesia does not directly apply both of the contract. The Islamic general insurance companies applied both the contract in 2008. PT Asuransi Takaful Umum applied it. Meanwhile, government supported to the existence of Islamic insurance agencies by issuing regulations in the Finance Minister

Regulation No. 18/PMK.010/2010 on the Implementation of Basic Principles in Insurance and Reinsurance Business with the tabarru and wakalah bil ujah contract on Takaful. The tabarru Sharia (Ministry of Finance, 2010). The accounting system of and wakalah bil ujah contract were applied to Islamic general Islamic insurance apply Shariah Financial accounting System insurance transactions around 2008. Akad wakalah bil ujah is an (SFAS) No 108. It is Accounting for Transactions containing agreement that is entered into the contract tijarah group, while the Takaful.

b. Financial Management in Islamic General Insurance

As described in the previous section that Islamic insurance agencies currently using tabarru and wakalah bil ujah. Differences in the nature and purpose of the contract tabarru and insurance agencies currently using tabarru and wakalah bil ujah mandating that funds must be separated either in terms of contract. At the beginning up to 2008, Islamic general insurance recording, physical, and management. Mixing different funds used mudharabah. The using of mudharabah was not provided with the contract is not allowed because it would undermine the specific implications on financial management of Takaful nature of the underlying contract that led to it unlawful institutions. Financial management of the institution is as same as transactions.

on the financial management of conventional insurance agencies. In 2010 the government issued Regulation of the Minister of Finance No. 18/PMK.010/2010 and SFAS 108 to require all company's revenue and costs incurred to claim or the needs of the Islamic insurance companies to implement separation of funds in company is considered as an expense of the company. Profit the management of the funds. It is caused the PMK is compulsory derived from the difference between the revenues and expenses to use the contract tabarru and wakalah bil ujah on Islamic incurred. The basic difference in the use of mudharabah are profit general insurance activities. Separation of funds in the Islamic sharing between company and participants based on the general insurance agency is done by separating the source and use agreement at the beginning, while in conventional insurance do of funds in accordance with the contract. Funds are grouped by not provide profit sharing, which means all profits belong to the company absolutely.

Application of mudharabah had caused much debate among participants from the assets and liabilities of the fund shareholders. economists on sharia, Islamic insurance practitioners and DSN Separation of these funds since in the early transaction that is MUI. There is a presumption that mudharabah did not appropriate separate or divide the participants contributions into tabarru fund to achieve the goal of establishing an Islamic general insurance and ujah (fee). Tabarru fund is a collection of funds intended for accordance with the Islamic spirit. Mudharabah contract is the needs of the participants. Tabarru fund is used for the agreement to cooperate in a profit oriented business. While the payment of claims and contributions retakaful where these two Islamic general insurance is a muamalah activities aimed at components is a manifestation of the needs of the participants. helping each other among the participants in the ownership of tabarru fund is formed by foundation grant contract. Sources of assets. Participant appoint a Islamic general insurance agency to funds for the needs of companies is taken from the ujah. Ujah is manage the tabarru fund. If it thinks logically, so mudharabah is formed by grounding wakalah bil ujah. Further discussion of this not appropriate to apply in the Islamic general insurance study is to discuss about the integration of the company's transaction. Another reason is that there is no business cooperation financial management practices by financial theory in Islamic to get profit. Islamic general insurance activities which used insurance institutions. It needs to be examined in order to analyze mudharabah certainly contain elements of gambling and gharar the practice of separation of funds is a new practice in financial Insurance contain elements of uncertainty because of the risk management and how the fund segregation practices linkages something that is not certain. For example, there could be a first with financial theories already established.

time customer to pay contributions (dues), then get the disaster

that he also received the results of the insurance claims or benefits. Financial Theory of This Study

On the other hand, customers who already pay contributions Based on the results, it showed that the practice of (dues) many times, but did not get the benefit because it never separation of funds is more emphasis on the management of funds. gets calamity. Thus using mudharabah agreement still can not Some financial theory that can be associated to the phenomenon is eliminate the nature of gambling and gharar in general insurance the entity theory, the shari'ah enterprise theory, and fund theory. activities of sharia.

Entity theory start with the fact that the company is a separate Transactions that contain elements of gambling and gharar entity with its own identity (Kam, 1990). Furthermore, already clearly forbidden in Islam. Gharar or transaction that is Hendriksen (1982) suggested that the business enterprise is dubious is the nature of gambling and for that reason prohibited considered to have a separate existence, even the personality of by Islam. Doubt or uncertainty transaction will cause injustice to others. Based on the postulate entity, accounting records the results the parties involved. Gharar interpreted as a lack of clarity, a hoax of operations and an entity (institution or company) that is transactions with obscurity and or deception of one of the parties separate and distinguishable from the owners (Harahap, 2008: 14- such as bai 'ma'dum (buying and selling something that no goods) 15). According to this concept, the preparation of the financial

statements can be tailored to the needs of the wearer. Entity theory oriented income.

Entity theory considers the company as a separate legal entity from the other party, including the user or the public. This understanding is taken from the theory of capitalism which considers that economic activity is an individual activity, the company is economic institutions whose purpose and responsibility not only for profit purpose or other social aspects (Harahap, 2008: 15). Thus, the existence of theory entity will not be able to accommodate the diversity of stakeholders and acceleration of existing businesses. Enterprise theory appear to overcome this required proper and appropriate alternative environment. According Triyuwono (2004: 85) enterprise theory development raises new concept of shari'ah enterprise theory proposed by Triyuwono (2004: 85).

Shari'ah enterprise theory has a broader vision, which appears in the breadth of coverage corporate stakeholders (Triyuwono, 2002). According to this theory, stakeholders include the direct and indirect of participants of participants funds only be used for the needs of the participants, while the which is different from the direct or indirect of participants in assets and liabilities of shareholders fund are used for the needs of other theories. Direct of participants are parties to contribute to the corporate, financial and non-financial (eg, power and skill) is the main element helping activity so that it can be said that the Because these groups contribute consequently the company general insurance institute sharia as an institution that does not (which receives contributions) have an obligation to give most of prioritize profit. As stated by Muhamad (2013: 150) that the prosperity that created them as a counter achievement. The first concept of beneficial theory funds for institutions/companies that parties include shareholders, employees, creditors, government do not give priority to profit, if there is only an additional suppliers and others. Indirect of participants are those who did not contribute to the company's financial and non financial, but with operations.

such status even they have a right to welfare section successfully This fund segregation practices embody accountability for created company. This second party includes society in general human functioning as Khalifa fil ard with stakeholders liability (especially mustahiq) and the natural environment (in the sense of coverage broad, encompassing God, man, and nature. Khalifa fil maintaining, repairing and preserving nature).

Fund theory emphasizes the flow of funds, where the proposed by Triyuwono (2001: 140). Concepts covered shari'ah funds (assets) is part of the resource that must be managed enterprise theory in practice the separation of funds by the insurer properly and according to the rules. The concept of looking as sharia. With the practice of segregation of funds, a form of fund theory there should be clarity as to what the source of funds accountability thorough covering of God, man, and nature has and use of these funds. The existence of the funds should actually done. Accountability welfare division is even carried out with a be used in accordance with the rules and should be morally more certain source of funds, with respect to the ownership of the accountable to all stakeholders. Harahap (2008: 19) argues 'fund stakeholders. That is, if the fund is not intended for the needs of accounting theory is a concept which is intended to determine the participants, the company may not use the funds participants, source of funds and their use'. The emphasis is on the flow of unless the initial contract has been agreed by both parties.

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d. Integration of Practice and Theory of Fund Separation in Islamic General Insurance Institution

Tabarru contract can be analogous to the implementation of fund theory if it is analyzed from the point of view of the theory. Principles contained in the tabarru contract is an agreement for the good of the activities/mutual help and not for commercial. This concept has similarities with the principle of a fund theory that is does not give priority to profitability (Hendriksen, 1982). It would be said that the fund theory is also not intended for commercial activities in line with the principle of the contract means tabarru. In addition, fund theory has similarities with the practice of the concept of separation of funds thought in Islamic general insurance. The similarity of these ideas is the theory emphasizes the current fund of funds, where the source and use of funds used for things that are in accordance with the rules of the

funding sources (Harahap, 2008: 19). The use of the asset and its distribution should be in accordance with its objectives. In the practice of the separation of funds, asset and liability participants include the direct and indirect of participants funds only be used for the needs of the participants, while the which is different from the direct or indirect of participants in assets and liabilities of shareholders fund are used for the needs of other theories. Direct of participants are parties to contribute to the company. It is also in the general insurance activities of sharia the corporate, financial and non-financial (eg, power and skill) is the main element helping activity so that it can be said that the Because these groups contribute consequently the company general insurance institute sharia as an institution that does not (which receives contributions) have an obligation to give most of prioritize profit. As stated by Muhamad (2013: 150) that the prosperity that created them as a counter achievement. The first concept of beneficial theory funds for institutions/companies that parties include shareholders, employees, creditors, government do not give priority to profit, if there is only an additional suppliers and others. Indirect of participants are those who did not contribute to the company's financial and non financial, but with operations.

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shareholders increasingly apparent with the practice of things, either covered or not covered by the fund shari'ah theory segregation of funds. Islamic general insurance companies which and enterprise theory in practice the separation of these funds, is practice the separation of funds has been realized that the funds as follows. First, fund theory is generally applicable to non-profit derived from the participants as tabarru fund is not the right organizations. Non-profit organizations do not perform the company should be separated, managed and recorded / booked separation of funds to distinguish the assets and liabilities of separately. Participants fund are grouped separately in the group shareholders of the other part. While the concept of separation of of participants tabarru funds'. The Company is not entitled to use funds applied to Islamic financial institutions, particularly these funds for the benefit of the company. insurance companies sharia, by separating the assets and

This study uses three basic theories. They are entity theory liabilities of shareholders from the assets and liabilities Takaful the shari'ah enterprise theory, and fund theory. After the study participants. Islamic insurance company rather than as a nonprofit the theory reflects the concept of separation of funds in the corporation.

practice of Islamic general insurance agency is shari'ah enterprise Second, fund theory does not give priority to profitability. On theory and fund theory. Fund theory emphasizes the existence of the concept of the separation of funds there is an element of the fund. Fund theory pay attention to the flow of funds, which is profitability, although not solely for the benefit of shareholders. the source of the funds and to what use these funds. Fund theory Profitability is measured in each group of funds: funds of does not give priority to profitability. Fund theory is widely used participants tabarru and fund companies. Profitability in the in the financial statements of non-profit organizations and concept of the separation of funds is not an element of government agencies (Harahap, 2008: 19, and Muhamad, 2013 exploitation of the advantages of contributing participants, or in 150). While the concept of shari'ah enterprise theory focuses on other words the contribution (premium) is not considered income the accountability of human function as the representative of God for the company in full. Profitability arising will be distributed on earth (Khalifa fil ard) and the broad scope of stakeholders that (shared) for stakeholders in the form of return of surplus tabarru'. include direct participants (direct participant) and indirect Profitability elements contained in the shari'ah enterprise theory participants (indirect participant). Man as Khalifa fil ard has content. However, the element of profitability in the shari'ah special mission to spread mercy to all the worlds as a mandate to enterprise theory is not merely to realize the interests of capital manage the earth by God's will. owners only. Profitability will be distributed to the participants

Companies that perform the actual fund segregation practices either directly or indirectly (stakeholders wider). implicitly have applied the concept contained in the fund theory Third, the fund theory is not an element of spirituality. On and enterprise shari'ah theory. The Company complies with the concept of separation of funds, the spiritual element is very rules in the use of funds shows that the management of the fund attached to all. Separation of funds is the embodiment of financial with the concept of separation of funds is based on the flow of management which are subject to the rules of Allah, ie the funds. Practice separation of these funds can be said to have practice of separation of funds based on the contract-contract in similarities with the concept of fund theory that emphasizes the accordance with the rules of sharia. This submission is a form of existence of the funds as stated by Puspitasari (2011c: 265). Fund accountability of human functioning as Khalifa fil ard which theory pay attention to the flow of funds, which is the source of means everything you do should dipertanggungawabkan to Allah the funds and to what use these funds. Practice separation of as Sole Owner of the universe. This form of accountability similar funds is also prioritizes the flow of funds ie funds from the concept of enterprise shari'ah theory, where this concept collection fund participants will be used only for the needs of focuses on human functioning as Khalifa fil ard with participants and funds ujah which is the fee will be used for the accountability that manifests itself in obedience to the rule of benefit of the company. Allah.

The concept of enterprise shari'ah theory is also included in Based on the study of the practice of separation of funds in the practice of segregation of funds by Takaful entities. With the Islamic insurance activities, necessary to fund the elaboration practice of segregation of funds, a form of accountability of theory and shari'ah enterprise theory in order to obtain a thorough covering of God, man, and nature has done concept which truly reflects the meaning contained in the fund Accountability welfare division is even carried out with a more segregation practices. Elaboration fund shari'ah theory and certain source of funds, with respect to the ownership of the enterprise theory would manifest itself in a new draft proposal. stakeholders. That is, if the fund is not intended for the needs of the concept is defined how the financial management and what the participants, then the company may not use the funds information is presented for the benefit of the wearer. Proposed participants, unless the initial contract has been agreed by both concepts combined yield fund theory and this theory is called the parties. shari'ah Islamic enterprise fund split theory.

If examined thoroughly, then there is some meaning to the The results of the discussion in this chapter, it shows that concept of separation of funds that are not contained in the fund there are similarities in some minds the concept of theory. The concept theory. On the other hand, the practice of splitting the theory in question is the theory and shari'ah enterprise fund theory. funds have similar objectives contained in the concept of However, there needs to be a second elaboration of the theory to enterprise shari'ah theory. Therefore, it is necessary to depict entirely with the practice of the separation of funds.

Elaboration between the theory and practice of the concept of the management of its assets. This condition is analogous to funds separation has resulted in a Islamic fund split theory which the presence of poor property rights owned by Muslims, so the will be discussed in the next chapter.

e. Islamic Split Fund Theory

Islamic split fund theory is the concept of financial statements of the company. Companies pay zakat management with separation and division of welfare funds that amounting to 2,5% of the total net profit of the company. accountability can be accounted to God, man, and nature and Company zakat is different from employees zakat. Employees based on the values of justice, honesty, and transparency zakat is paid from their salary, while the company zakat is paid Separation of funds in the concept of Islamic split fund theory is based on the company's net profit after tax. Zakat is paid by the a separate fund management stakeholders based on the flow of company comes from shareholder funds and is not permitted to funds because stakeholders have different rights and obligations use the tabarru' funds. Based on field data, the company is of shareholders and comply with the rules in the management of managed by a charity foundation zakat formation of this company. these funds is based on sharia (based on the law of God) The foundation manages and shodaqah charity that comes from Accountability distribution of wealth in the Islamic concept of employees, companies, and third parties. What is meant by a third split fund accountability theory concerning the distribution of party is a participant who intends to tithe or distribute surplus welfare that is accountable to Allah, man, and nature. tabarru obtained at the end of the period through the foundation.

The real concept of Islamic Split Fund Theory can be seen in Eligible activities of the management of zakat will be funded by the activities in the general insurance companies sharia. Islamic charity. For example, when the company helped the tsunami Split Fund Theory concept has responsibility, addressed to God that struck Aceh, material and donated items funded from the man, and nature. Form of responsibility, addressed to Allah charity run, but accommodation officer which includes recorded in the accounts on the company's financial statements transportation, lodging, and consumption financed from company because the company may not use the property of other funds.

stakeholders. Forms of activities devoted to the kind of religious Third, nature. Nature get part of the added value of assets activities, such as building and renovating mosques or mosque managed by the company. There are differences in paradigms for should not belong to the company but can be realized in a mosque Islamic economics. Some salient feature of Islamic economics, / prayer room around the area of the company or elsewhere. Other among others, the world and the universe there is a human religious activities that every year is celebrated by Muslims can destined to make a life in it, promising sufficiency for all living also be grouped in the allocation of added value aimed at the beings. Humans are required to maintain and preserve the world main stakeholders, namely Allah SWT. and the universe. This command is contained in the translation of

Forms of human responsibility includes direct participants God's word in Surat Al-Qasas, below and indirect participants. Direct participants include employees, "... And do not do mischief on earth. Allah loves not customers, suppliers, government, and the creditors. The parties is those who do mischief. "

what will get part of the added value of assets managed by the Thus, nature is very feasible to get a part of the added value of company directly. Accountability to employees as a direct assets under management in every activity of the company. If participant is given in the form of salary. Salary taken from mature were damaged by the absence of human effort to maintain shareholders funds group, should not be taken from funds group and preserve it, then the company may simply not be able to carry tabarru '. The company has been getting ujah for tabarru fund out their business activities. This practice is carried over to management fee'. Ujah one of which is used to provide salaries provide assistance to other parties who experienced a natural to employees for the direct participation of the company's disaster or a donation for the preservation of nature. The company existence. Direct participation of employees is realized through has budgeted for these activities in the accounts of social funds labor and skills that support the company's operations (social reserve). Social This reserve is used for social activities Accountability to the government realized in tax payments. The for the general public, among which religious activities (as is government classified as a direct participant because allocated for accountability to Allah), disaster relief, and other government support the continuity of the company including by activities, including a contribution to the preservation of nature. making specific regulations in the area of insurance sharia and Here is the Table 1 contains a summary of the designation of each provide infrastructure. Thus, decent government accountability source umu sharia insurance fund.

have this form of the welfare division. Tax payment comes from shareholder funds because in this case the tax applied to activities that create a surplus.

Groups of indirect participants cover mustahiq. Mustahiq does not contribute to the continuity of the company, but the company, especially those using sharia system, should be aware that there are other people's rights on the added value resulting

Table 1. Summary of to whom the Islamic General Insurance

Dedicated for	Fund		Islamic general insurance institution. Separation of funds is done by separating the funding system in accordance with the intended use of the funds based on the contract Islam. Technical separation of funds are separate funds for the needs of the activities of the fund for helping ujah (fee) company. Thus it will be clear designation of each group of funds and the funds are not mixed. Practice hybrid contract has some similarities with the purpose of financial theories. Linkage studies hybrid contract practice with the theories underlying generate the new concept. It is Islamic Split Fund Theory. Islamic Split Fund Theory is the concept of financial management with separation and division of welfare funds that accountability can be accounted to God, man, and nature based on the values of justice, honesty, and transparency.
	Tabarru'	Dana Asuransi Perusahaan	
Allah	Grant	Praying activity, build or renovate mosque	
Direct	Claim, retakaful	Salary, tax, incentive	
Stakeholder	Participant	-	
Indirect	-	Zakat, infaq, shodaqoh	
Nature	-	CSR to nature disaster and public social activity .	

The value of justice in practice the separation of funds in the general insurance activities carried out by separate funds sharia stakeholders are assets / liabilities of participants of asset / liability companies. Fund management in these activities are based on the origin of funds, both in the activities of income, investment, and payment of costs incurred. If the funding comes from a group of funds of participants tabarru then the funds are only used for the needs of the participants Takaful, and if the funding comes from the group company funds sourced from shareholder capital and ujah then group these funds are used for the operational needs of the company. This concept does not allow the use of funds that do not fit the origin and needs of each group.

In the practice of the separation of sharia fund general insurance business, honesty is realized by recording based on the composition of the distribution of funds (tabarru and ujah) which has been agreed between the company and the participants. Additionally, honesty is also reflected in the management of the funds. The use of the funds are used in accordance with the source, function, and regulation of each group of funds. Determination of the composition of the distribution of funds will be implemented in good faith based on the initial contract is used. The composition of this division is informed to the participants. Thus, both parties know each other how much money is used to fund tabarru and how much funding as ujah/fee companies

Transparency in conditions of practice in the field can be seen in separation systems sharia fund general insurance business. Islamic commercial insurance companies to separate in the manufacture of a separate fund management reports. Collection of funds financial statements tabarru participants' will be made separately from the management group of the company's funds by prioritizing data is clear and nothing is hidden. Reporting separately fund management will foster a sense of trust the participants of the Islamic general insurance to the manager (company) that bring a sense of tranquility in the Islamic general insurance transaction

V. CONCLUSION

This study aims to explore the implications of the tabarru and wakalah bil ujah contract implementation at the financial management of Takaful institution's. Result showed the application of the hybrid contract has implications for the practice

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