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LIFE PROTECTION AND SOCIAL WELFARE IN PURE SHARIA DUAL-PURPOSE LIFE INSURANCE PRODUCTS: A STUDY OF THE MAQASID AL-SHARIA IN DSN-MUI FATWA NO. 155/2023

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Abstract. This study aims to analyze the application of the Maqasid Syariah principles in Pure Sharia Dual Purpose Life Insurance products based on the DSN-MUI Fatwa No. 155/DSN-MUI/V/2023. The study uses a qualitative approach with an analytical-descriptive research type. The research data consists of primary data in the form of DSN-MUI Fatwa No. 155/2023 and documents on sharia insurance product provisions, while secondary data are obtained from books, scientific journals, and literature related to maqasid sharia and sharia insurance. The data were analyzed using content analysis techniques by examining the suitability of the contract and product management mechanisms to the maqasid sharia principles. The results of the study indicate that the Ta'awun Hibah contract reflects the values of solidarity and mutual assistance between participants, while the Wakalah bil Ujrah and Mudharabah contracts support the principles of transparency and efficiency in fund management. The management of tabarru' funds, the restriction of their use for participant protection, and the allocation of underwriting surplus as a reserve fund demonstrate the application of the principles of hifzh al-mal (asset protection) and the sustainability of Islamic finance. This research confirms that the Pure Sharia Dual Purpose Life Insurance product not only provides financial protection but also supports the values of justice, social welfare, and Sharia-based economic sustainability.

Keywords: Life Protection, Social Welfare, Life Insurance, Maqasid al-Sharia, DSN-MUI Fatwa

Abstrak. Penelitian ini bertujuan untuk menganalisis penerapan prinsip Maqasid Syariah pada produk Asuransi Jiwa Dwiguna Syariah Murni berdasarkan Fatwa DSN-MUI No. 155/DSN-MUI/V/2023. Penelitian menggunakan pendekatan kualitatif dengan jenis penelitian analitis-deskriptif. Data penelitian terdiri atas data primer berupa Fatwa DSN-MUI No. 155/2023 dan dokumen ketentuan produk asuransi syariah, sedangkan data sekunder diperoleh dari buku, jurnal ilmiah, dan literatur terkait maqasid syariah serta asuransi syariah. Data dianalisis menggunakan teknik analisis isi (*content analysis*) dengan mengkaji kesesuaian akad dan mekanisme pengelolaan produk terhadap prinsip maqasid syariah. Hasil penelitian menunjukkan bahwa akad Hibah Ta'awun mencerminkan nilai solidaritas dan tolong-menolong antarpeserta, sedangkan akad Wakalah bil Ujrah dan Mudharabah mendukung prinsip transparansi dan efisiensi pengelolaan dana. Pengelolaan dana tabarru', pembatasan penggunaan dana untuk kepentingan perlindungan peserta, serta pengalokasian surplus underwriting sebagai dana cadangan menunjukkan penerapan prinsip *hifzh al-mal* (perlindungan harta) dan keberlanjutan keuangan syariah. Penelitian ini menegaskan bahwa produk Asuransi Jiwa Dwiguna Syariah Murni tidak hanya memberikan perlindungan finansial, tetapi juga mendukung nilai keadilan, kesejahteraan sosial, dan keberlanjutan ekonomi berbasis syariah.

Kata Kunci: Perlindungan Jiwa, Kesejahteraan Sosial, Asuransi Jiwa, Maqasid al-Syariah, Fatwa DSN-MUI

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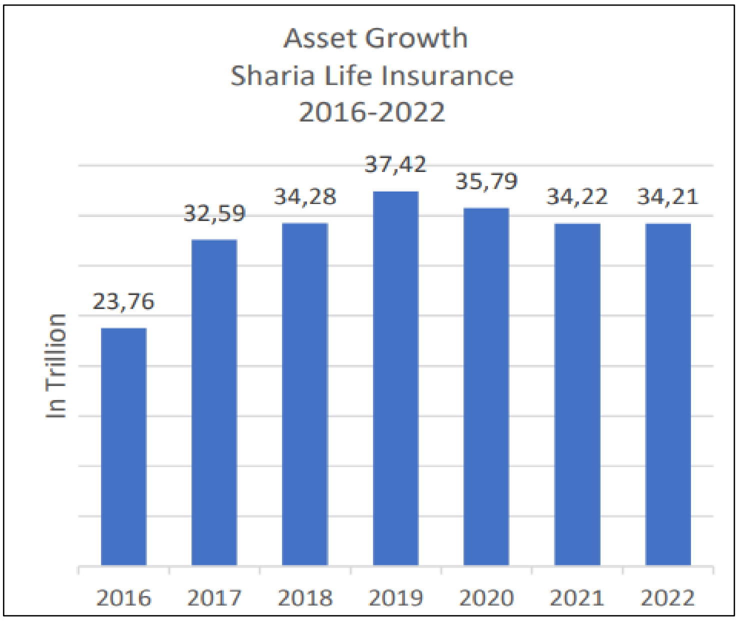
INTRODUCTION

The COVID-19 pandemic has increased public awareness of the importance of financial and health protection in facing unexpected risks. Rising mortality rates and economic instability during the pandemic highlighted the need for protection systems that not only provide financial security but also strengthen social solidarity (Asuransi Jiwa Dwiguna, 2023). In this context, Pure Dual-Purpose Sharia Life Insurance emerges as an alternative solution that combines financial protection with social welfare through the *tabarru'* mechanism based on the principle of *ta'awun* (mutual assistance).



Gambar 1. Asset growth sharia life insurance 2016-2022

Sharia insurance applies the concept of *risk sharing*, where risks are collectively borne by participants through mutual assistance funds, differing from conventional insurance which emphasizes *risk transferring* (Mapuna, 2019). Indonesia's Muslim-majority population has created strong growth potential for the Islamic insurance sector, particularly Sharia life insurance. Data from OJK (2023) indicate that Sharia life insurance assets and contribution revenues have increased significantly over the last several years, reflecting growing public interest in Sharia-based financial protection. Furthermore, Pure Dual-Purpose Sharia Life Insurance offers distinctive features compared to general Sharia insurance because it provides both death protection benefits and survival benefits for participants who reach the end of the policy period. This concept reflects the Maqasid al-Sharia principle of *hifz al-nafs* (protection of life) while also supporting broader social welfare objectives.

Although studies on Sharia insurance and Maqasid al-Sharia have been widely conducted, most previous research has focused on general Sharia insurance products, operational mechanisms, or legal compliance aspects. Research specifically analyzing Fatwa DSN-MUI No. 155/DSN-MUI/V/2023 regarding Pure Dual-Purpose Sharia Life Insurance from the perspective of Maqasid al-Sharia remains limited. In particular, few studies have explored how the principles of *hifz al-nafs* and *maslahatul ummah* are operationalized within this newly regulated insurance product. Therefore, the novelty of this study lies in its analytical focus on the integration of life protection and social welfare values in Pure Dual-Purpose Sharia Life Insurance based on the framework of Maqasid al-Sharia and Fatwa DSN-MUI No. 155/2023. This study also offers a contemporary perspective by examining how the fatwa functions not only as a legal guideline, but also as a socio-economic instrument for strengthening sustainable Islamic financial protection in post-pandemic society.

Based on these conditions, this study aims to analyze the concepts of life protection (*hifz al-nafs*) and social welfare (*maslahatul ummah*) in Fatwa DSN-MUI No. 155/DSN-MUI/V/2023 concerning Pure Dual-Purpose Sharia Life Insurance from the perspective of Maqasid al-Sharia. The findings are expected to contribute theoretically to the development of Islamic insurance studies and practically to increasing public awareness of the importance of Sharia-based financial protection that upholds justice, solidarity, and collective welfare.

METHOD

This study employs a qualitative approach to analyze pure dual-purpose Sharia life insurance from the perspective of the maqasid al-Sharia and its compliance with DSN-MUI Fatwa No. 155/2023. This approach is used to gain an in-depth understanding of the concepts, principles, and implementation of this life insurance product. The type of research is analytical-descriptive. It is descriptive because this study will explain the principles of maqasid syariah in DSN-MUI Fatwa No. 155/2023. It is also analytical because this study will analyze the compliance of the practice of pure dual-purpose Sharia life insurance at insurance companies in Indonesia with the provisions of DSN-MUI Fatwa No. 155/2023.

The data sources used are primary data, namely DSN-MUI Fatwa No. 155/2023, and secondary data consisting of various books, scholarly articles, and journals. The data collection technique involves gathering various literature related to the maqasid syariah and the practice of Pure Dual-Purpose Sharia Life Insurance. Data analysis was conducted by analyzing the content of the Fatwa in relation to the maqasid syariah. Using a qualitative method that relies on references from books, journals, and several articles, this study aims to provide a comprehensive and in-depth understanding of Life Protection and Social Welfare in Pure Sharia Dual-Purpose Life Insurance Products: A Study of Maqasid al-Shariah in DSN-MUI Fatwa No. 155/2023

RESULTS AND DISCUSSION

The Concept of Pure Sharia Dual-Purpose Life Insuranc

Pure Sharia Dual-Purpose Life Insurance is a type of insurance product that combines savings, life insurance, and accident insurance. This insurance offers an additional benefit: a lump-sum payment if the policyholder suffers total permanent disability whether caused by illness or accident or is diagnosed with a critical illness (BRIlife, 2020). Pure dual-purpose life insurance is a type of life insurance that provides a benefit in the form of a payout at the end of a predetermined period, provided the insured is still alive when that period ends (Achmad, 2017). Sharia-Compliant Pure Dual-Purpose Life Insurance can provide benefits while the policyholder is still alive until the end of the predetermined insurance term (DSN-MUI, 2023).

Dual-Purpose Insurance is a type of life protection that not only provides a death benefit to beneficiaries if the policyholder passes away during the insurance term but also offers cash value and attractive bonuses if the policyholder survives until the end of the contract term. This policy offers the advantage of flexibility to file a claim before the contract term ends, for example, to cover children's education expenses. However, fund withdrawals can only be made once every few years, in accordance with the agreed terms (Anisa & Sari, 2024). Pure Sharia Dual-Purpose Insurance has the following main benefits:

- Coverage for policyholders; Policyholders are covered for the duration of the contract, and beneficiaries can receive a death benefit and bonuses if the policyholder passes away. Additionally, the cash value received is based on the initial agreement.
- Long-term savings; Dual-Purpose Insurance serves not only as life insurance but also as a savings tool for the future. This product can be utilized for various purposes, such as children's education savings, retirement funds, or a reserve for unexpected needs. With these benefits, this insurance is the right choice to encourage people to be more disciplined in saving and planning for the future.

Pure Sharia Dual-Purpose Life Insurance is ideal for policyholders of working age, as it provides long-term benefits. These benefits can be received 10–15 years down the line, such as for retirement funds, education funds, and protecting the family in the event the insured passes away (Manulife, 2021).

The Pure Sharia Dual-Purpose Life Insurance product has the following characteristics (1) This product offers dual benefits: it provides a payout to the policyholder if they are still alive at the end of the policy term, and it also provides a death benefit to the beneficiaries if the policyholder passes away, and(2) It uses the Hibah Tanahud contract to collect funds from policyholders, which are then managed by the insurance company to provide benefits in accordance with Sharia principles (DSN-MUI, 2023). Dual-Purpose Life Insurance Murni Syariah applies several Sharia principles that underpin its operations and management. These principles are as follows (1) Mutual Aid (Ta'awun); The concept of Ta'awun is a core principle that emphasizes cooperation among participants. Each participant contributes to help other participants facing risks, fostering solidarity and social support among them, (2) Tabarru' (Donation); Participants agree to set aside a portion of their contributions as a charitable fund to be used to assist other participants affected by misfortune. This principle reflects fairness and solidarity among participants, (3) Justice (Al-'Adl); All transactions in Shariah life insurance must be fair, with no party feeling disadvantaged. This includes transparent fund management and fair profit distribution, (4) Trustworthiness; This principle requires all parties, both the insurance company and the participants, to act honestly and reliably in managing funds and claims, (5) Willingness; Participants must be willing to donate a portion of their contributions for mutual aid purposes, and agree to pay management fees to the insurance company, (6) Free from Riba; Sharia life insurance is prohibited from using riba, so all transactions must be free from interest that is not in accordance with Sharia principles, (7) Free from Gharar; Transactions must be clear and free from excessive uncertainty, ensuring that all parties understand their rights and obligations, and (8) Free from Maisir (Gambling); Sharia life insurance must not contain elements of gambling; claims are not considered wins or losses but rather part of a mutual aid system (Prudential Syariah, 2021)

The Concept of Maqasid al-Sharia

Literally, Maqasid al-Sharia consists of two words: Maqasid and Al-Sharia. Maqasid is the plural of the word maqsad, meaning "purpose." In technical terms, maqasid refers to the objectives of Sharia and the wisdom embedded by Allah SWT in every law. Meanwhile, Sharia, linguistically, refers to a water source or the path leading to the source of happiness. Thus, the Maqasid of Sharia are the objectives of Islamic law contained within each of its rules (Sutrisna dkk., 2020). Generally, Maqasid aims to maintain world order (Nidham Al-Alam) while considering maslahah or the common good and avoiding mafsadah or harm. Thus, it can be concluded that Maqasid Syariah aims to ensure the realization of Maslahah for humanity. Based on their level of importance, the Maqasid of Sharia are divided into three categories, namely (Hammadil Ubaidi, 1992):

Maqasid Dharuriyyah

Maqasid Dharuriyyah can be referred to as Al-Kulliyat Al-Khamsah, which consists of Hifzu din, hifzu nafs, hifz ‘aql, hifzu nasl, and hifzul mal. Therefore, human life cannot exist without taking these five things into account. The Five Universal Principles have a hierarchy based on context that must be prioritized. Thus, the preservation of religion takes precedence over the preservation of life, the preservation of life takes precedence over the preservation of reason, the preservation of reason takes precedence over the preservation of lineage, and the preservation of lineage takes precedence over the preservation of property. That which aligns with the Five Universal Principles is called maslahah, and that which contradicts them is called mafsadah (Hammadil Ubaidi, 1992).

Maqasid Hajiyah

Maqasid Hajiyah are legislated to fulfill human needs. The role of Maqasid Hajiyah is to ensure the achievement of the objectives of the Five Universal Principles. For example, the laws of buying and selling and leasing are prescribed as a means to achieve the preservation of wealth. Maqasid Hajiyah consist of rukhsah, or matters related to ease, so that people can fulfill their obligations without difficulty (Hammadil Ubaidi, 1992).

Maqasid Tahsiniyyah

Maqasid Tahsiniyyah refers to aspects related to moral refinement, good customs, and noble conduct that function as complementary elements to *maqasid dharuriyyah* and *maqasid hajiyah* (Hammadil Ubaidi, 1992). These principles aim to promote ethical values, social propriety, and civilized behavior in human life, thereby enhancing the overall quality and harmony of social interactions in accordance with Islamic teachings.

Analysis of DSN-MUI Fatwa No. 155/2023 on Pure Sharia Dual-Purpose Life Insurance from the Perspective of Maqasid Syari’ah

DSN-MUI Fatwa No. 155/2023 on Pure Sharia Dual-Purpose Life Insurance contains provisions stating that Pure Sharia Dual-Purpose Life Insurance is permissible if it adheres to the provisions outlined in this fatwa. This fatwa addresses the following provisions (DSN-MUI, 2023):

Contractual Provisions

The contractual provisions in Fatwa DSN-MUI No. 155/DSN-MUI/V/2023 demonstrate how the principles of Maqasid al-Sharia are operationalized within the Pure Dual-Purpose Sharia Life Insurance product. The use of the *Hibah-Tanahud* contract between individual and collective participants reflects the principle of *ta'awun* (mutual assistance), which supports the objective of *maslahatul ummah* through collective risk sharing and social solidarity. Meanwhile, the implementation of *Wakalah bil Ujrah*, *Mudharabah*, and *Mudharabah Musytarakah* contracts in fund management and investment activities indicates efforts to ensure transparency, fairness, and professional management in accordance with Sharia principles. These arrangements are closely related to the research objective of analyzing how the concepts of *hifz al-nafs* and social welfare are embedded within the operational structure of the insurance product.

Furthermore, the provisions regulating participants' rights and obligations, underwriting processes, investment management, and mechanisms for handling fund deficits through *Qardh* or *Hibah* agreements demonstrate the application of financial protection and sustainability principles. The limitation of fund utilization solely for insurance benefits and Sharia-compliant investment purposes reflects the Maqasid principle of *hifz al-mal* (protection of wealth), while the availability of deficit support mechanisms strengthens long-term financial stability for participants. Thus, these contractual arrangements not only function as legal and operational guidelines, but also serve as instruments for realizing the broader objectives of Maqasid al-Sharia, namely protecting life, wealth, justice, and collective welfare within Islamic financial services.

Provisions Regarding the Tanahud Fund

The provisions regarding the management and utilization of the *Tanahud Fund* further demonstrate the implementation of Maqasid al-Sharia principles within the Pure Dual-Purpose Sharia Life Insurance product. The restriction that benefit payments may only be sourced from the *Tanahud Fund* and not from the *Tabarru' Fund* reflects the principle of transparency and clear separation of funds in Sharia financial management. This mechanism supports the objective of *hifz al-mal* (protection of wealth) by ensuring that participants' funds are managed responsibly and used strictly according to their designated purposes. In addition, the limitation of funding sources to Tanahud contributions, investment returns, reinsurance funds, *qardh*, and grants indicates an effort to maintain financial sustainability and prevent misuse of funds.

Furthermore, the obligation of managers to invest the *Tanahud Fund* and provide *qardh* or grants in the event of deficits demonstrates the application of long-term financial protection and collective welfare principles. Investment activities aim to preserve and grow participants' funds in a Sharia-compliant manner, while the deficit coverage mechanism reflects institutional responsibility and mutual support among participants. These provisions are closely aligned with the objectives of this study, namely analyzing how the values of *hifz al-nafs* and *maslahatul ummah* are implemented through operational and financial mechanisms in Pure Dual-Purpose Sharia Life Insurance. Thus, the fatwa not only regulates technical insurance procedures, but also embodies the broader objectives of justice, protection, and social welfare emphasized in Maqasid al-Sharia.

Provisions Regarding the Management of Tanahud Fund Investments

The provision stating that investment income from the *Tanahud Fund*, after deducting profit-sharing or *ujrah* for the Manager, belongs entirely to the Collective Participants reflects the principles of fairness and transparency in Sharia financial management. This mechanism ensures that investment benefits are distributed proportionally to participants as the rightful owners of the funds, in line with the Maqasid al-Sharia principle of *hifz al-mal* (protection of wealth). In addition, the requirement for managers to maintain separate records for the *Tanahud Fund* demonstrates accountability and prevents the mixing of participants' funds with other financial sources. This provision supports the research objective of examining how Sharia insurance operationalizes protection, justice, and financial sustainability within its management system.

Provisions Regarding the Return of Tanahud Funds

The provision allowing the return of *Tanahud Funds* before the end of the agreement period, based on mutual agreement and policy terms, reflects flexibility and the protection of participants' rights. This mechanism demonstrates that Sharia insurance not only emphasizes contractual obligations but also prioritizes fairness and mutual consent between participants and managers. From the perspective of Maqasid al-Sharia, this policy supports the protection of participants' financial interests while maintaining ethical contractual relationships. Thus, the return mechanism strengthens public trust in Sharia insurance products and reinforces their role as a fair and participant-oriented financial protection system.

Provisions Regarding Underwriting Surplus

The allocation of underwriting surplus entirely as reserve funds within the *Tanahud Fund* reflects the principle of prudence and long-term financial sustainability. Rather than being distributed for short-term interests, the surplus is retained to strengthen the collective protection fund and anticipate future risks faced by participants. This policy aligns with the Maqasid al-Sharia objective of preserving wealth and ensuring collective welfare through sustainable financial management. In the context of this study, the underwriting surplus mechanism demonstrates how Pure Dual-Purpose Sharia Life Insurance integrates social solidarity, risk protection, and financial resilience within a Sharia-compliant framework.

Dispute Resolution Provisions

In the event of a dispute, it shall be resolved in accordance with Sharia principles and applicable laws and regulations, namely through consensus-based deliberation or through a dispute resolution body such as the National Sharia Arbitration Board. Based on the DSN-MUI Fatwa regarding pure Sharia dual-purpose life insurance, it regulates various technical aspects related to contracts, fund management, and dispute resolution to ensure compliance with Sharia principles. Based on Imam Asy-Syatibi's Maqasid Syariah, an analysis of these provisions can be conducted by examining to what extent this fatwa fulfills the maqasid syariah of daruriyyat (primary), hajiyyat (secondary), and tahsiniyyat (tertiary), which serve to safeguard the public interest.

Analysis of Contractual Provisions

One of the contracts used in Pure Dual-Purpose Sharia Life Insurance is the Hibah Tanahud Contract between individual participants and the collective. This contract reflects the values of solidarity and mutual aid in Islam, where participants contribute in the form of a gift to assist other members of the collective in need. In this contract, the rights and obligations of the participants must be agreed upon, including the procedures for paying contributions and the arrangement of benefits. The Hibah Tanahud ensures that funds are used to help others, thereby supporting The maqasid al-sharia in fostering the common good and protecting lives and property (hifzh an-nafs and hifzh al-mal) (DSN-MUI, 2023).

The Wakalah bil Ujroh agreement between the collective participants and the manager for product management, wherein the manager acts as an agent responsible for managing funds in accordance with Sharia principles, demonstrates transparency and clarity that support the maqasid of Sharia, particularly regarding justice and the protection of property (hifzh al-mal)

(Zuhaili, 2011). Additionally, the Mudharabah and Mudharabah Musyarakah contracts serve to ensure the financial sustainability of participants.

Analysis of the Tanahud Fund Provisions

Restricting benefit payments solely to the Tanahud Fund ensures that tabarru' funds are not misused. This demonstrates an effort to safeguard participants' rights fairly, in line with the maqasid to protect wealth and prevent loss. Provisions limiting funding sources to participant contributions, investment returns, and grants or qardh promote the integrity and sustainability of the fund (Zuhaili, 2011). This ensures the autonomy of the Islamic financial system, which aligns with the hajiyyat aspect of the maqasid.

Analysis of the Management of the Tanahud Fund's Investments

The decision that investment income, after deducting costs or profit-sharing, is entirely the right of the participants reflects fairness. This is consistent with the maqasid in ensuring a fair distribution of financial benefits. The obligation to record the Tanahud Fund separately prevents the commingling of funds, avoids potential gharar, and enhances transparency This aligns with the maqasid of safeguarding assets and fostering trust. Allocating the entire underwriting surplus to the reserve fund supports the sustainability of the Tanahud Fund, ensuring the system remains capable of providing benefits to participants. This aligns with the maqasid of protecting assets and ensuring the well-being of the community

CONCLUSION

Based on the analysis of DSN-MUI Fatwa No. 155/2023, the Pure Sharia Dual-Purpose Life Insurance product has implemented the principles of Maqasid al-Sharia through contracts and fund management mechanisms that emphasize justice, transparency, mutual assistance, and financial sustainability. The use of *Hibah Tanahud*, *Wakalah bil Ujrah*, and *Mudharabah* contracts reflects the values of solidarity, accountability, and protection of participants' assets. In addition, the management of the *Tanahud Fund*, including investment arrangements, surplus underwriting allocation, and deficit coverage mechanisms, demonstrates efforts to maintain collective welfare and long-term financial stability. Overall, this product not only provides financial and life protection for participants, but also supports the realization of social welfare and sustainable Sharia-based economic development.

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