
**Analysis Of The Application Of Sharia Principles In Bri Syariah, Bni Syariah, Mandiri
And Bank Muamalat**

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Abstract

The purpose of this study was to analyze the application of the principles of sharia in Islamic Bri syariah, Bni Syariah, Mandiri syariah and Bank Muamalat in running their business unit or units in the aspects of financing and raising funds to customers. Data used in this study is qualitative data and analysis techniques in this research is descriptive qualitative data analysis. The focus of this study, among others, on the application of Islamic principles described by the dimension of capital, raising funds, products and services. Data was collected through several ways including in-depth interviews (depth interview) composed of the heads of units and employees, direct observation (passive participation), and the documents comprising bank Profile, Next, analyze the data using an interactive model. The results of this research is good in all aspects of capital, the fund associations, service to Bri Syariah, Bni Syariah Mandiri and Bank Muamalat basically already implement sharia principles.

Keyword: Shariah Principle, Mudharabah, Wadiah, Musyarakah And Murabahah

INTRODUCTION

The birth of banking based on sharia principles in the midst of the conventional banking industry is to offer an alternative banking system for people who need banking services without having to worry about the issue of “interest”. Banking with Sharia principles was established with the aim to promote and develop the application of Islamic principles and traditions to financial and banking transactions and related businesses. Banking based on sharia principles is actually the banks underlying its products and their implementation to Islamic law At present Sharia banking has experienced significant development as evidenced by the data until 2016 has been recorded until April 2016 the number of sharia banks in Indonesia amounted to 199 sharia banks consisting of 12 Sharia commercial banks (BUS), 22 Sharia business units (UUS), and 165 Sharia people's financing banks (BPRS) this shows the interest of the community towards Sharia banking is quite good from year to year it is also based on the awareness of the majority muslim community.

The work of Islamic banks in indonesia has entered the 3rd Decade. Since it was first pioneered in 1992 by bank muamalat indonesia (bmi), other Islamic banks have sprung up. This is inseparable from the bright prospects in the Indonesian Sharia financial sector. Moreover, in 2008, Law No. 21 on Islamic banking was born. This law is a legal umbrella and proof of recognition of the presence of Islamic banking in indonesia.

Although now Sharia-based banks have mushroomed in every region, but there are still many people who assume that sharia-based banks are just a label and as jobs and even as a weapon to attract the interest of the muslim community, which is decorated with greetings, various Sharia contracts but in practice still use the conventional system.

That is the paradigm that exists in the community that Islamic banking is still not fully understood by the wider community in the sense that Islamic banking is still considered not fully able to implement the principles of the true principles of Sharia according to Islam.

Akad According To Islamic Law

According to (Simorangkir, 2005) the meaning of the word contract is agreement. In terms of Islamic law, an agreement that is often referred to as a contract is an act that is deliberately made by two or more people based on their respective agreements. In other words akad is an alliance between *ijab* and *kabul* on a Shari'ah-sanctioned basis, which establishes the agreement of both parties.

Meanwhile, according to (Siddiqie, 2004) is an alliance between consent and *kabul dengna* permissible way Shara' which establishes the legal consequences. Consent is the First party's statement of the desired content of the engagement, and *kabul* is the second party's statement of accepting it.

So that between the First party and the second party must respect each other, respect and trust each other to what has been agreed upon. In Islam, there are also Terms known as the pillars of the contract and the terms of the contract. Pillars of the contract is the core of transaction activities that must be met, according to (Baasyir, 2004) pillars of the contract include:

1. Akad object

The object of the contract is an object that will be *diakadkan* or agreed upon (traded) by both parties. There are various kinds of objects depending on what will be transacted according to the contract that is considered valid.

The object of interest is 1. It has been there at the time of *diakadkan*, the object of the contract must be tangible when both parties agree to determine the contract. So if the object of the contract is intangible then some scholars argue that the object cannot be made an object of the contract. 2. Can accept customary law, for example, in the contract for the lease of goods leased must contain value for the parties who rent or mutually beneficial to both parties. 3. Can be determined and clearly the object of the contract must be determined and known by both parties, the lack of clarity will cause problems in the future

2. Subject akad

Party *berakad*, the party consisting of at least two *berakad* a person who must have reached puberty, be of sound mind and be able to do legal acts on his own.

3. Consent and *qobul* or submission and acceptance

It is the beginning of an explanation that comes out of one who is walking, to show his will in making a contract, who just start it. *Kabul* is the answer of the other party after the consent, to express his agreement. Consent and *qobul* can be done with writing, oral and gestures that have been done by many people.

With the pillars and terms of the contract is expected to change the existing paradigm in the community related to Sharia banking, and can provide excellent service to customers who are still considered services provided by some Islamic banks are only limited as a customer enticing factor only.

RESEARCH METHODS

Research Location

This study was conducted on unit heads and employees of Bank BRI Syariah, Bank Mandiri Syariah, Bank BNI Syariah and Bank Muamalat in Malang regency. The object of this study was chosen because the four banks are the same as applying sharia principles.

Population and sample

The population in this study are all unit heads and employees of Bank BRI Syariah, Bank Mandiri Syariah, Bank BNI Syariah and Bank Muamalat. The sample taken was determined by 5 respondents from each Bank. So that the total number of respondents who made the sample was 20 respondents with the census method in sampling .

Data Analysis Techniques

Data analysis techniques used are descriptive qualitative data analysis is a technique used to analyze data by describing or describing the data that has been collected sober this approach will be able to deliver in-depth understanding of the processes of application of complex sharia principles.

focus of this study, among others, on the application of sharia principles that are described based on the dimensions of capital, fundraising, products and services. Data collection techniques were conducted through several ways including in-depth interviews (indepth interview) consisting of unit heads and employees, direct observation (passive participation), and documents consisting of bank profiles. Furthermore, data analysis using interactive models (Miles and Huberman: 1992), namely: data collection, data reduction, data presentation, and conclusion.

RESULTS AND DISCUSSION

Role of the government in encouraging Islamic banking in managing risk is through the enactment of Bank Indonesia Regulation (PBI) number 11/33/PBI/2009 dated December 7, 2009 concerning the implementation of Good Corporate Governance for Sharia commercial banks and Sharia business units effective since January 1, 2010. These efforts are intended to strengthen the resilience of the banking system to face future risks, including the impact of the current global economic uncertainty that is feared to be prolonged. Therefore, in 2012, Bank Indonesia encouraged the strengthening of business governance or GCG and Risk Management in Islamic banks. Another effort that can be done by the government is to provide incentives to Islamic banks to implement profit-sharing-based products. The incentive can be the granting of an assessment that has a greater weight on the activity. Thus, Islamic banks are triggered to compete to intensify profit-sharing-based products in the hope of getting a good performance assessment by the government and the community.

The idea is interesting to follow up considering that the performance assessment of Islamic banks set by Bank Indonesia does not contain the perspective of adherence to sharia rules. Measurement of the performance of Islamic banks in Indonesia refers to regulations Bank Indonesia No. 21 of 2008 on the assessment of the soundness of Islamic banks.

In the regulation, there are six determinants of the soundness of Islamic banks, namely capital, assets, management, equity, liquidity, and sensitivity to market, abbreviated as CAMELS. In fact, the use of CAMELS also applies to conventional banks. This is stated in Bank Indonesia Regulation No. 6/10/PBI / 2004 dated April 12, 2004 on the Health Assessment System of commercial banks and Bank Indonesia Circular No. 6/23 / DPNP dated May 31, 2004. The fact of measuring the performance of Islamic banks is not reasonable considering that there are fundamental differences between Islamic banks and conventional banks. Although both are in the economic sphere, it is clear that Islamic banks have a wider scope. The responsibility of Islamic banks is not only solely on the economic aspect, but also the aspect of obedience to the Shari'a of Allah SWT. Points of obedience to Allah SWT that should be included in the measurement of the performance of Islamic banks. Thus, Islamic banks are not trapped in economic activities that are not in line with Sharia commands.

Table 1 respondent Data

No	Department	Age	Education	Total
1	Leaders	40 - 50	<S1	3
2			>S1	2
3	Employees	30 – 40	<S1	15
4		< 30	>S1	0

Discussion

Data obtained from several respondents ranging from leadership elements to employee elements focused on capital aspects and aspects of the Association of funds in the application of sharia principles at Bank BRI Syariah, Bank Mandiri Syariah, Bank BNI Syariah and Bank Muamalat are as follows:

1. Aspects of the application of sharia principles in terms of capital and fund raising, Islamic banks demonstrate techniques for measuring the performance of Islamic banks that pay attention to the application of the principle of profit sharing. The technique is done by classifying performance based on the role of Islamic banks, whether viewed as shohibul maal, mudharib, or both at once. The classification is also in line with the modeling of Islamic banks when functioning as liquidity providers. When as shahibul maal, Islamic banks focused on the asset side. Whereas when acting as a mudharib, the focus is on the liability side. Thus, the use of quantitative figures can still be done with a note of attention to compliance with the operational principles of Islamic banks, namely profit sharing. More importantly, the number should gain greater weight than other quantitative figures such as those commonly used to measure the performance of conventional banks.
2. Aspects of the application of sharia principles in terms of service, the public as customers for Islamic banks must also be considered considering the level of their understanding of Islamic bank products is still low . The public must be made aware of the benefits and advantages of profit-sharing-based products, both for savings and financing products. Awareness is a joint responsibility between Islamic banks, the government, as well as the religious scholars. During this time, Islamic banks have done a lot of socialization to the

public and in terms of service of Islamic banking employees apply Islamic principles such as by wearing a hijab and starting with a greeting.

3. Aspects of the application of sharia principles in terms of products, Islamic banks open outlets in public places, socialize to campuses and schools, display their profiles in the mass media, and so on. In addition to getting closer to the community, Islamic banks also provide an explanation to them about the main differences from Islamic banks and conventional banks, namely the absence of interest and the application of profit sharing systems. However, in practice the employees in Islamic banks still lack an understanding of the philosophy of Islamic banking practices. They still do not have sufficient understanding to educate the public or customers.

The application of sharia principles in the aspect of human resources, employees of Islamic banks are still very limited knowledge about Islamic banking. This is understandable considering their educational background is not from the Islamic economy. Even at the manager level, many Islamic bank employees come from conventional banks. But that is not an excuse, is not every Islamic bank has a Sharia Supervisory Board (DPS) consisting of people who have good competence both in Sharia and economics. The DPS function should be maximized by supplying an understanding of Sharia, especially sharia economics to human resources owned by Islamic banks. Thus, employees have an adequate understanding to serve and educate customers and the community. This effort is a separate note for activists in educational institutions to provide quality human resources and have high spiritual value. Thus, the provision of human resources is one of the important pillars for Islamic banks to be able to operate professionally and remain subject to sharia rules, including in implementing the principle of profit sharing.

CONCLUSION

1. Capitalization aspects

In Bri Syariah, Bni Syariah, Mandiri and Bank Muamalat have basically implemented sharia principles such as the principle of profit sharing. Financing or capital based on sharia principles is the provision of money or bills equated to it based on an agreement or agreement between the bank and another party that requires the financed party to return the money or bills after a certain period of time in exchange or profit sharing. In conducting financing, Islamic banks require financing analysis so that Islamic banks gain confidence that the financing provided can be returned by their customers. But the realization of financing is not the last stage of the financing process. After the realization of the financing, the officials of Islamic banks need to monitor and supervise the financing in order to promote efficiency in the management of business governance in the field of lending and achievement targets set so that the objectives of the financing can be achieved.

2. Fund gathering aspects

Bri Syariah, Bni Syariah, Mandiri and Bank Muamalat in terms of the Association of funds implement a classification system based on the functions and roles of Islamic banks, namely by classification as a container for customers using mudharabah and

- Wadiah contracts
3. Aspects of Service
Bri Syariah, Bni Syariah, Mandiri syariah and Bank Muamalat. Frequently socialize about the benefits and advantages of profit-sharing-based products, both for savings and financing products by applying Islamic principles
 4. Product aspects
Bri Syariah, BNI Syariah, Mandiri syariah and Bank Muamalat, the product about fund raising is done in accordance with Islamic law, which is not applying the interest system but has applied the non-usury system. In the products of the Association of Islamic bank funds, mudharabah and wadiah contracts have been implemented.
 4. Aspects of human resources
BRI Syariah, Bni Syariah, Mandiri syariah and Bank Muamalat in terms of fulfilling human resources with Sharia principles apply the principle of development. the development of Islamic banks is currently emphasized on the development of human resources with the assessment process to get an overview of the individual in the process of recruitment, selection, placement and development of Islamic for employees to establish a competitive advantage for Islamic banking in order to exceed the capacity of conventional bank resources

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