



Contribution of Mui-Dsn Fatwa on Operational Products of Mudharabah-Wadi'ah Bank Sharia Indonesia

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ABSTRACT

Fatwa of the Indonesian Ulema Council and the Indonesian Sharia Council recommend non-interest-based banking institutions that are built on the basis of the Qur'an and Hadith. Along with the issuance of the fatwa above, Islamic banking continues to experience rapid growth, even with the merging of Bank Syariah Mandiri, BNI Syariah, and B.R.I. Syariah into one umbrella of Bank Syariah Indonesia (B.S.I.). More complete than other banks in Kendari. The purpose of Islamic banks is not only to function as funding and loan services. Currently, Islamic banks are expanding to develop other financial services, including gold pawning, Western Union, hajj bailouts and others. This article uses qualitative methods through observation, research, and data collection). This method can be used to understand the role of the fatwa on mudharabah-wadi'ah contract products at B.S.I., which is not yet known. To fully understand the role of the MUI-DSN fatwa, the researcher uses the maqashid al-Syari'ah al-Syatibi approach, which is expressed in dharuriyat, which includes khifd al-dien, aql, nafs, aql, and mal. From the data collected, the findings in this article have not shown a significant effect since the merger of the three B.S.M., BNI sharia, and B.R.I. sharia transformed into B.S.I., which has not had any progress for customers. To prove that "The role of the MUI-DSN fatwa in the operationalization of mudharabah-wadi'ah contract products at the B.S.I. Kendari bank" illustrated the existence of different contract implementation regulations in each product integrated with customers, for example, wadi'ah contracts for safekeeping, mudharabah for financing buying or building a house, musharaka for financing business development, and others. This research can later become an additional academic reference, especially for the Faculty of Economics and Islamic Business IAIN Kendari, because it seeks to explain the financing model through the contract system carried out by Bank BNI Syariah Kendari City.

1. Introduction

The existence of Islamic banking was born not without the background of the 1990 Religious Council decree (MUI), which recommended the birth of non-interest banking

institutions.¹ Following up on that recommendation, the rise of Islamic finance institutions stands and flourishes in different parts of Indonesia. As a consequence of that fatwa, Islamic banks are doing rare strategies for advancing in Islamic finance, especially for Sharia labelled Banks as the increase in Sharia banking continues to increase, from several Islamic banks to Indonesian Islamic banks (B.S.I.). Banks affiliated with B.S.I. are three banks, including Bank Mandiri Syariah B.S.M., BNI syariah, and B.R.I. syariah. He said the package was prepared as well. The Banks, simultaneously, are competitive and contribute toward their financial interests, Even one of the banks is overpaid by 21 trillion and projected to rise. The banks exceed 21 trillion in financing and are projected to continue to rise.²

The 2008 Act no. 21 has helped to intensify the growth of the sharia-bank's leap faster, with the cumulative growth of the average asset rising to a dramatic 65% per year or the last five years. ³As that development progressed, the role of the Islamic finance overseer sought to keep those finances strictly regulated and kosher. So surveillance is required, or an accounting system, and it's credible. For that reason, MUI was viewed as an institution that has the ability and trust of the people nationally; thus, a fatwa was issued by MUI and the National Sharia Council (DSN). Along with the birth of the Fatwa Institute, there is also a system of surveillance by the Institut of Surety (L.P.S.), and statistic central body (B.P.S.), as well as the financial services authority (O.J.K.) and the sharia watch board (D.P.S.).⁴

DSN-MUI formation is the efficiency and coordination of clergy in dealing with issues related to financial economics. In addition to the national Sharia board, MUI is also an independent entity that has contributed to the activities of Sharia banking, which Is the Sharia Watch Board (D.P.S.). The council is an independent institution which is a major part of Sharia compliance in operational parts of the Sharia bank. The existence of these institutions, the Sharia bank, has a legal foundation, both sides of the fiqh and banking laws in Indonesia.⁵

The supervising agencies that are already in operation, It is believed to have authority, credibility and authority to provide fatwa or surveillance to date. Therefore, the old MUI was just a manufactured institution making a ruling around islamic law, which is now emerging into an aspect of the islamic economy. It must be acknowledged that mui, Is central to the reinforcement of financial institutional systems, Especially those with Sharia based. Furthermore, the role of the other Sharia watch board, the Sharia bank, which has only been stronger over many years, has more intense trust in people. The fatwa embodied in the Sharia bank's products is not binding, But it had the purpose of legalizing the law, that is, to apply to people without a religious view and to the sect of madzhab.⁶

2. Literature Review

Fatwa is a product of laws excavated from the book of fiqh, a primary reference to the birth of fatwa. As for the fatwa to be a response to questions of an impending and restricted nature, it may be followed or ignored. While banking laws are binding, for example, Sharia

¹ Ma'ruf Amin. *Pembaharuan Ekonomi Syariah dalam Produk keuangan Kontemporer*, (Serang Banten: Yayasan an-Nawawi, 2013),4.

² Direktorat Perbankan Syariah Bank Indonesia, *Data Bank Syariah*, (Jakarta: Bank Indonesia),65

³ Sutan Remy Sjahdeini, *Perbankan Syariah Produk-Produk dan Aspek-Aspek Hukumnya*, (Jakarta: Kencana Prenadamedia Group, 2014), 98.

⁴ Lihat Kumpulan Fatwa DSN No. 04/DSN-MUI/IV/2000/DPS Bank Muamalat, 2011.

⁵ <https://www.kompasiana.com/ikayulip/572ac4d3f1927349059f6b6f/perkembangan-bank-syariah-di-idonesia>.

⁶ John L. Eposito. *Women In Muslim Family Law*, (Syracus: University Press, 1982), 94. Baca Aderson. *The Thunism Law Of Personal States*, dalam International and corporative Law, 266. 1958.

products and services are required to comply with the principles of Sharia.⁷ In a clear view of Mahmood, the nature of the law is split into two: 1) *status quo* or what is in the book of fiqh without changing interpretations and 2) legal renewal by giving an existing new interpretation of *Nash* or *extra doctrinal reform*.⁸

The basis of the birth of the fatwa, or *nushush Shari'iyah*, arises on reflection of the basic social conditions depending on the basic relevance of problem solutions and problem identification. With such a fatwa, it is necessary to resolve unclear issues of his legal story. Further mandate can be obtained through the process of dialogue discussed through *Dalil Nash*, the book and the social conditions that surround it, thus generating necessary legal conclusions. Further, fatwa is a byproduct of *ijtihad* that produces a person or institution whose authority is recognized as *hujjah*.⁹

The demand for fatwa has been urgent since the inception of the Sharia Bank. Issues are popping up, and they need answers, whether from the *mufti* or *mujtahids* associated with the organization, norms and institutions. The demand for fatwas is not only in Indonesia but also in Muslim countries of the world, such as Jordan, Egypt, Turkey, and so on. Also, economic reforms and family law.¹⁰ The importance of a fatwa because there is no clear picture in the book of fiqh about a variety of problems, especially the financial economy. The birth of the fatwa was to the Fatwa Commission al-azar, which has specifically recommended legal edicts about kosher investments, Five per cent capital on the Faisal Islamic bank, bearer bonds, kosher deposits, and interest fatwa.¹¹

Role fatwa formulations. At the Sharia bank, it did not go unnoticed by the people in general. Scholars and scholars who played an active role in supervising akad products In Islamic financing, it seems to be low on maximum. Islamic banks' claim of support and the role of clergy in overseeing the implementation of the akad product in sharia-bank, especially to financial institutions in every transaction process. The Sharia bank, on its application, is open to all religions and factions as banks generally are. It's just different in the Akad processes and the kosher types of operations of financing alone. It processes applications kosher by the rules, as until now operationalized, among others, *mudharabah*, *ijarah*, *murabahah*, *musyarakhah*, *wadiah* contracts and others. These contracts are considered to be free of interest elements, but some people still think there are deviations, especially in the application aspect and the profit-sharing system. Currently, Islamic banks generally operate in two ways, namely, trade processing centres and trade specialists in all branches of Islamic banks, including Bank Muamalat.¹² This is done as a manifestation of the realization of the application of fatwa products recommended by scholars. In addition to Islamic banks, they are still guided by legislation, MUI and DSN.

The character of the fatwa product produced by an official institution, such as the MUI, often invites pros and cons, such as the fatwa for Vetsin Ajinomoto is haram, the boss is detained at the Metro Jaya Police Headquarters. At the same time, President Gus-Dur declares it halal,¹³ and many other examples. Islamic law is a rule and values in life that has existed since

⁷ Lihat *Undang-Undang Perbankan Syariah*, pasal 26, 19, 20, 21, Tahun 1992.

⁸ Tahir Mahmood. *Family Law Reform in The Muslim World*, (Bombay: Tripati, 1971), 267.

⁹ Ahmad Rofiq, *Fiqh Kontekstual dari Normatif ke Pemaknaan Sosial*, (Yogyakarta: Pustaka Pelajar, 2004), 45. Baca Totok Jumantoro dkk, *Kamus Ilmu Ushul Fiqih*, (Sumatra: Amzah, 2005), 62-63.

¹⁰ M. Atho' Mudzhar, *Fatwa-Fatwa Majelis Ulama Indonesia*, (Jakarta: INIS, 1993), 3.

¹¹ Yusuf al-Qardawi. *Bunga Bank Haram*, terj. Setiawan (Jakarta: Akbar Media, 2002), 159/161

¹² See Bank Muamalat Brochure, 2018.

¹³ Abu Yasid, *Reality Fiqh*, (Yogyakarta: Student Library, 2005), 182.

the past until now, and develops following the flow of human development. Fatwa position. In Indonesia, it is limited to recommendations that are not binding or must be followed and only serve to ensure that they are implemented or not in Islamic financial institutions. The position of such a fatwa invites various understandings among Muslims, especially the fatwa on the prohibition of the interest system on conventional banks.¹⁴

The fatwa product produced by the MUI, as mentioned above, also has the effect of causing polemics among themselves, especially on the understanding of bank interest *adz-afan mudha'afah*. Meanwhile, Yusuf Fahmi Hussain loudly issued a fatwa for the prohibition of bank interest, because saving money by means of security guarantees cannot be ascertained, then the law becomes haram.¹⁵ The fatwa, adopted from the study of classical fiqh and laws and regulations or others, was formed in the context of realizing the aspirations of Muslims. Especially in the field of Islamic finance, to ensure that loans and financing are carried out in accordance with the guidance of Islamic law.

The various responses, as stated above, among Muslims, are considered interesting by the author to explore through the unification of the fatwa institutions of MUI, DSN and D.P.S., which have been operating in Islamic banks. The MUI fatwa product that is produced through a study of one's understanding of *ijtihad*, prudence in every legal decision-making, laws, books and book searches, as well as the reflection of social conditions, are the main considerations in proposals or research submitted. The issue of the MUI-DSN fatwa in the spotlight

Exposure to the background of the problem regarding the unification of the MUI fatwa has a unique significance and response to social conditions. More on this research has significance in reviewing the unification of fatwa products related to Islamic financial institutions. The implication of the fatwa is to ensure and strengthen supervision and firm answers regarding the legality of financial financing contracts at Islamic banks or L.K.S. Second, the significance of this study is considered important because it reveals the credibility and authority of the DSN and MUI fatwas empirically and spiritually in the establishment of fatwas, as well as the benefits of fatwas in the economic life of the community.¹⁶

If traced carefully, the word fatwa comes from Arabic, which means advice, advice, answers or opinions. What is meant is an official decision or advice taken by an institution or individual whose authority is recognized, delivered by a cleric as a response or answer to a question posed by a fatwa requester (*mustafti*) who has no attachment. Thus, the requester for the fatwa does not have to follow the content or the law of the fatwa given to him. Because the fatwa concerns religious matters, not just anyone can serve as a mufti because there are conditions that must be possessed by a mufti, as well as competent in making legal decisions.

Relevant to the article submitted, Japar bin Mat Dain, regarding the Fatawa Institution: The Role and Contribution of the Mufti Position of the Kingdom of Brunei Darussalam, (Dissertation: Malaya Kuala Lumpur Malaysia, 1999).¹⁷ Aidil Nova's Research, Contribution of Fiqh Legal Maxim in Sharia Economic Fatwas,¹⁸ The concentration of this research is on the comparison of F.L.M. with MUI with the book study approach of *Majallah al-Ahkam al-Adliyah*. Isa Ansori, The Position of Fatwas in Several Muslim Countries In this study, the position of fatwas placed in the government structure,¹⁹ Atho' Mudzhar Research, on Fatwas of the Indonesian Ulema Council: A Study of Islamic Legal Thought in Indonesia.²⁰ Concentration in this research emphasizes more on the legal thought fatwas of *ahwal al-*

¹⁴ Abu Muhammad, Dwiono Koesen, Goodbye Conventional Banks, (Jambi: CV Tifa 2013),33.

¹⁵ Yusuf Fahmi Hussain, Fatwa of the Mufti of Egypt on the Haram of Bank Interest, (Egypt: Darul Ifta, 1989), 515.

¹⁶ Atho' Mudzhar, Fatwas of the Indonesian Ulema Council: A Study of Islamic Legal Thought in Indonesia (Jakarta: INIS, 1993),2.

¹⁷ Japar bin Mat Dain, Fatawa Institution: Role and Contribution of the Position of Mufti of the Kingdom of Brunei Darussalam, Dissertation (Malaya Kuala Lumpur Malasiyah, 1999).

¹⁸ Aidil Nova, Maxim's Contribution of Legal Fiqh in Sharia Economic Fatwas (Journal of Tsaqafah/Research IAIN Imam Bonjol Padang 2017).

¹⁹ Isa Ansori, Position of Fatwa in Several Muslim Countries, Research (IAIN Jurai Siswo Metro, 2017).

²⁰ Atho' Mudzhar, Fatwas of the Indonesian Ulema Council, Jakarta: INIS, 1993.

syakhsiyah. Yeni Salma Barlianti, Positivization of Fatwa in the Field of Sharia Economics.²¹ Tahir Mahmood, Family Law Reform in The Muslim World.²²

While the research on the Unification of MUI Fatwa and DSN at Kendari Islamic Financial Institutions, differs in the field of research in advance. This research, will be dissected by using the theory of J.N.D. Anderson, in the book *The Tunisian Law of Personal Status*,²³ describes three typologies of unification. First, unification applies to *one* system of law universally. Second, unification applies the legal system to social groups, religion or the state. Third, the unification of the unification of various laws into *one* legal entity in a systematic and applicable manner or *two* accepted schools of law or schools of thought.

Fatwa is a product of *ijtihad* through a process of dialogue and explanation of a *syar'i* law. Fatwa about *syariah* finan, which DSN and MUI have set, actually built on *manhaj* Islam economy law foundation hats our cable Al-Qur'an, hadist and classic *fiqh* book. Another fatwa is something solution to answer a question about emerging causes such as social incidents, economy and religion.²⁵ *Mustafti* is the party who asks for the fatwa, or the party who asks, and the *mufti* is the one who issues the fatwa or who answers the question. Although the reunification of a fatwa is the answer to a *mustafti* question, it is generally accepted as a history of an opinion; it not only applies to those who ask or *mustafti* but is generally accepted or may be used by anyone.

However, fatwas are not *mulzim* or binding. Fatwas that are stated in writings and oral are expected to provide explanations and solutions for the community at large, al though some people may not know the intention of fatwas. Therefore, fatwas are sometimes general, global, universal, or special, which implicitly and expressly make references, comparisons and considerations in opinion or making a decision.

3. Result and Discussion

Article contribution

Article on the role of MUI-DSN fatwa on the products of the *mudharabah-wadi'ah* contract in Indonesian Islamic bank (B.S.I.) in Kendari in which there are recommended actions and solutions that will have a direct contribution to people's lives. The National Sharia Council and MUI are two institutions that have authority in supervision and death. The working area of the institution is to provide advice or command at various problems and questions related to Islamic financial institutions.

The contributions to his research, in particular, can be beneficial for the birth of the Islamic finance industry, Sharia insurance, bonds and others. As is known, the National Sharia Council (DSN) of the Sharia Supervision Council (D.P.S.) is initiated by mui opes to serve to encourage the establishment of Islamic teachings in life, especially in the field of Sharia economy.

A person informed a Ferayanti (employed of B.S.I. Kendari) Indonesian Islamic bank provides *desin* formation. The product that is the flagship of the ex-BSM bank is *mudharabah-wadi'ah* savings, which are most in demand by its main customers for retirement savings. While *wadi'ah-mudharabah* products are the main theme in this writing and discussion, their status is still under central DSN-MUI monitoring, while the DSN message, according to Fera'sstatement. Product products on the contract are still under the supervision of DSN-MUI, even though all banks are labeled *Shariah*. DSM-MUI supervision system in ex-Bank

²¹ Yeni Salma Barlianti, *Positivisasi Fatwa di Ladang Ekonomi Syariah* (Penelitian Dosen FHUI, 2017).

²² Tahir Mahmood, *Family Law Reform in The Muslim World*, (New Delhi: Law Institut, 1972),64.

²³ J.N.D.Anderson dalam buku *The Tunisian Law of Personal Status*, (International and Corporative Law..1958), 266.

²⁵ Ibn Solaah, Abu 'amr, Uthman bin Abd Rahman, Ttaqiyyuddin. *Adabul Mufti wa Mustafti*, vol 2 (Maktabah al-'ulum wal Hikam, Madinatul Munawwarah, 2002), 23.

Syariah Mandiri (B.S.M.) bank has a significant influence on B.S.M. because, without the role of the DSN-MUI, B.S.M. can no tissue B.S.M. bank products it self.²⁶

Even all banks are labelled Shariah. DSM-MUI supervision system in ex-Bank Syariah Mandiri (B.S.M.) bank has a significant influence on B.S.M. because, without the role of the DSN-MUI, B.S.M. cannot issue B.S.M. bank product sit self.

The operation of B.S.M. and the term quotation, which is a surveillance system carried out by B.S.M., and the reis internal supervision carried out by Muhammad Hidayat. He is a member of DSN-MUI. In addition, he is also on the Sharia supervisory board (D.P.S.) of independent Islamic bank and D.P.S. bank B.T.N. Syariah.

So almost all tall product financing agreements of wadi'ah-mudharabah are done carefully before the approval of the mudharabah, ijarah, musyarakah and wadi'ah; only hajj for wadi'ah contract is still less interested only customer son *mudharabah* products that are most in demand by customers.²⁷

Verification of the role of MUI- Article contribution

Article on the role of MUI-DSN fatwa on the products of the *mudharabah-wadi'ah* contract in Indonesian Islamic bank (B.S.I.) in Kendari in which there are recommended actions and solutions that will have a direct contribution to people's lives. The National Sharia Council and MUI are two institutions that have authority in supervision and death. The working area of the institution is to provide advice or command at various problems and questions related to Islamic financial institutions.

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²⁶ Ferayanti, Interview, Kendari 21 February 2020.

²⁷ Adam, Interview, Kendari, 22 January 2020.

²⁶ Ferayanti, Interview, Kendari 21 February 2020.

²⁷ Adam, Interview, Kendari, 22 January 2020.

Verification of the role of MUI-DSN products akad mudharabah Indonesian Islamic Banks Kendari.

The role of MUI-DSN related to Indonesian Islamic banks (B.S.I.), especially questioning the role of supervision of *mudharabah* products in the distribution of funds in Indonesian Islamic banks, at the beginning of several stages of the agreement carried out by the *shahibul mal* and *mudharib* in it, simple mentation the reis still inequality or has not been fully accepted by some Muslims. On one side, there is conventional, even though viewed from the side of the procedure is different; there are events those who question the contingent cy of the application of a contract that is completely free from the element of riba. For those who are less stated usually they will still be ranked in conventional banks, although here is no DSN-MUI supervision in the bank. B.S.I. bank customers also do not know much about what their role is, really ensuring halal it or not on the product, for customers who do not know to be medio crean remain in conventional banks. For those who are interested in B.S.I., banks also do not question many illegal conventional banks, not do not mind an informant of bank customers B.S.I. Hariyani-Apri stated;

“Products akad mudharabah in Indonesian Islamic banks, such as sponges, because when I, as a customer, want to make money, The bank has many reasons not to withdraw. Because the money saved had to be left in the bank fifty per cent as set, so he was disappointed because the profit amounted to more than the interest ofc on conventional bank banks applied.²⁸ Banking operations with the principle of revenue sharing, in fact, have been fully regulated by law. Bank B.S.I. Syariah conducts transactions on the basis of demos, loans, revenue sharing, buying and selling, rent, and Principles that are allowed in Islam or Sharia. Distributing bank funds to product customers is carried by the supervision of the National Sharia Council (DSN), the Indonesian Ulama Council (MUI), and the Sharia Supervisory Board (D.P.S.), which directly has authority over every product launched by the bank is certain to be free from the element of usury. However, the supervisory board does not always oversee contract practices in the day-to-day operations of Islamic banks. Many assumptions from the public, academics, and religious leaders still think that Islamic banks are just like conventional banks; some even think that the interest distribution is higher than conventional banks.²⁹ Furthermore, the mechanism for channelling funds from Islamic banks to customers is more complicated and convoluted compared to conventional banks. The complexity of the regulations in several Islamic banks in Kendari is also the reason why many people are not interested or willing to switch to entrusting money or borrowing money to Islamic banks, and even still not wanting to move to Islamic banks.³⁰

DSN products akad mudharabah Indonesian Islamic bankskendari

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²⁸ Hariyani-Apri Interview, Kendari, 21 April 2020.

²⁹ Field observations, Kendari, January 2012-2016.

³⁰ Observations in a number of institutions and Muslim civil servants whose ATMs are still at conventional banks, Kendari, February-August 2020

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The actions of the employees, the community and Muslims, in particular, are not affected by the interest system or profit sharing. They think it's the same; there are even some employees who loudly state that it's just a trick or the name is Sharia but still basically taking an interest the same as conventional banks.³¹

For their customers who choose transactions or contracts in Islamic banks, it has become a habit; they are no longer so careful with the profit-sharing system or the interest system. When borrowing money, for example, 150 million, they must return approximately 300 million with the principle of profit sharing already done. Be responsibility. Likewise, for those who borrow funds from conventional banks of 100 million, for example, and must return according to the agreed agreement of 220 million, it is also not a problem; for them, the important thing is to be able to operate the funds for their living needs or their business. The usury system like that is still ongoing, as is the profit-sharing system at B.S.I. in Kendari, bank customers who choose profits from the results of Riba are called rational customers because the customer chooses a definite profit.

Meanwhile, people who choose to be customers of Islamic banks are called emotional because they have chosen uncertain non-riba benefits.³² Such a profit system immediately received a sharp response and criticism, which was addressed to some of the employees of Islamic banks, most of which, in fact, were non-Islamic bank employees or former employees of conventional banks or not Islamic economics scholars. A Qudrah informant stated.

"A little bit after I entered Islamic bank, I just found out about financing Islamic bank funds; I didn't know anything at all, even though I graduated from Islamic banking IAIN Kendari, so if it is related to financing law, I will tell my superiors. I work at this Islamic bank,

²⁸ Hariyani-Apri Interview, Kendari, 21 April 2020.

²⁹ Field observations, Kendari, January 2012-2016.

³⁰ Observations in a number of institutions and Muslim civil servants whose ATMs are still at conventional banks, Kendari, February-August 2020

³¹ Abu Muhammad Dwiono Koesen al-Jambi, Goodbye Conventional Banks, (Jakarta: Tifa Publishing House, 2019), 49.

³² Qudrah, Interview, Kendari, 9 December, 2019.

I only explain to prospective customers, if anyone wants to apply for funds and explain the conditions, after that I will survey their homes".³³

In carrying out its activities, not a few Islamic banks criticize or criticize the bank. A civil servant within the scope of the Ministry of Religion stated;

"Islamic banks are the same as conventional banks in obtaining profits. Islamic banks are just labels, not sharia; in fact, the interest is even more oppressive and cruel than conventional banks; that's why I don't want to be a customer or put in and borrow money because the interest is higher, apart from the long-winded service, as has been suggested many times. Times and have to wait a long time for the disbursement."

In terms of justification for the interest system, Allah S.W.T. Forbids is a type of consumptive interest, such as borrowing to meet the basic needs of daily life, such as eating, drinking, and clothing.³⁴

Banks are financial intermediaries (financial intermediaries) that channel funds from excess funds (surplus units) to parties who need funds (deficit units) at a specified time (Wijaya, 2009). In addition, in using customer funds and transactions, Sharia Banks always base themselves on contracts that are in accordance with Islamic Sharia.³⁵

According to Ferry Eko Cahyono (Branch Manager), the marketing strategy of the mudharabah-wadi'ah contract product is to get as much profit as possible by doing a raid on sharia, offering superior products, such as mudharabah, wadi'ah, murabahah, ijarah and so on, through the distribution of brochures and intensive, massive and aggressive public outreach. According to him, the marketing of B.S.I. or ex-BNI shari'ah products has complied with the rules. However, at the operational level, there may be common mistakes, and every year, our employees are evaluated and checked.³⁶

Indonesia is the largest gold mining-producing country in the world; why is because almost every province has a gold mine; therefore, in the marketing strategy of sharia products through the distribution of brochures, social media, the internet and others about B.S.I. or Islamic banks. B.S.I. has offered financing with benefits through the price of gold to customers; according to the B.S.I. manager, the benefits of each customer buying gold, for example, one kilo of gold bullion, will get a gift that is prepared from B.S.I. shari'ah.³⁷ B.S.I. shari'ah, which was only established a few years ago, turns out in March 2021 already has plans to open branches in various regions in Southeast Sulawesi. Through someone intense with the business, Hikma Muharam (Operational Manager B.S.I. Syariah Kendari), his party plans to open four branches in Southeast Sulawesi, especially in Baubau, which is the most prominent in micro-enterprises, besides Baubau is popular with its business ventures so that the velocity of money is faster, compared to Kendari³⁸.

Based on the above problems, the research on the implementation of the Kendari sharia B.S.I. financial contract was analyzed through the theory of Imam Satibi, which is included in the maqashid al-Shari'ah which is broken down into three variants of dharuriyat, hajjiat and tahsiniyat in order to maintain the safety of ad-dien or al-mal. The field of this formulation can help verify which ones are uhul and furu'; for more details, it can be explained

³³ Husain, Nurul, Interview, Kendari 2 March 2019.

³⁴ Abu Muhammad Dwiono. Goodbye Conventional Banks, 45.

³⁵ Ferry Eko Cahyono, Interview, 26 August 2021.

³⁶ The People's Daily Newspaper of Southeast Sulawesi, April 1, 2019.

³⁷ Kendari Express, 28 February 2021.

³⁸ Sahal Mahfud. Nuances of Social Fiqh (Yogyakarta: LkiS, 2007), Xiv.

related to the implementation of the B.S.I. sharia bank financial contract which includes the mechanism for collecting and distributing funds on products developed by the bank. Then, how is the funding mechanism of funds in which the contract is attached to Sharia products at B.S.I. Sharia, which is based on religious values or the principle of a profit-sharing system, margins, profits, finances halal businesses only, profits are obtained in the form of financing that is free from elements of usury and interest, as well as bank operations are also always based on shari'ah values, so the whole action is called *maslahah hajiyat*". This principle means that the theory is to provide convenience in living towards prosperity, eliminating difficulties or better maintenance of the five basic elements of human life, especially in saving religion, property, soul, reason and religion.

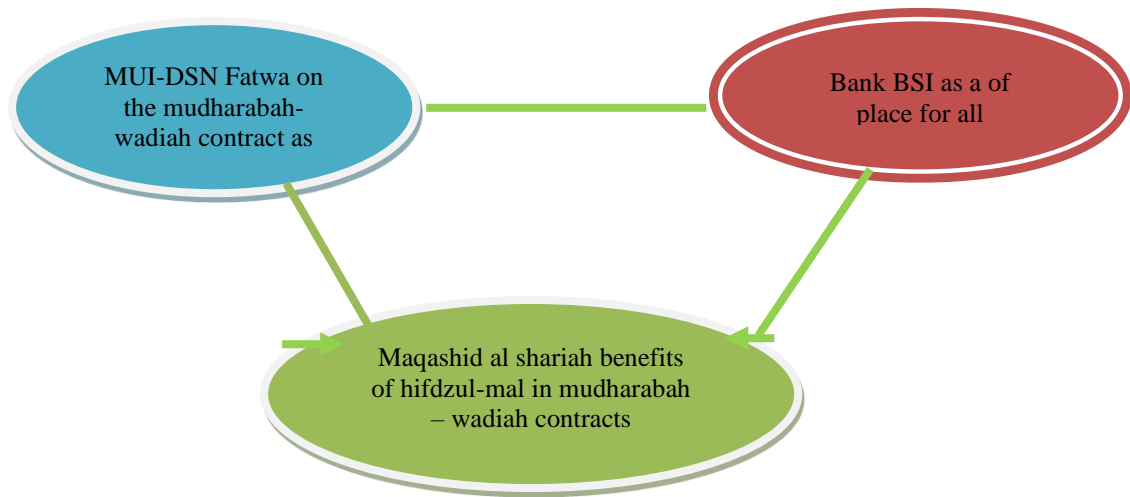
If B.S.I. takes profit, then the profit they get is the principle of profit sharing in the form of fund financing to bank customers. As an illustration, Islamic banks provide *murabaha* contract financing for the purchase of goods or assets that are already available, such as financing for the purchase of houses by customers. This scheme means that financing.

If B.S.I. takes profit, then the profit they get is the principle of profit sharing in the form of fund financing to bank customers. As an illustration, Islamic banks provide *murabaha* contract financing for the purchase of goods or assets that are already available, such as financing for the purchase of houses by customers. This scheme means that the financing in question is the cost provided by the bank in the form of *murabahah* financing for home needs. So, the financing of the house purchase, then the payment is in monthly instalments, and the profit margin is calculated every month. However, in the mechanism, the customer must pay a down payment first. On the other hand, in returning instalments to the bank, the bank, in obtaining profits, adjusts the increase in the price of goods and the profit-sharing system. Meanwhile, the financing of the *ijarah* contract mechanism at BNI Syariah banks with a rental system for worship financings, such as financing for hajj bailouts, marriages, and education for human welfare in the world and the hereafter, is the concept of "*dharuriyat*" benefit which includes the maintenance of religious life and property in the form of hajj or umrah.

Apart from that, in the B.S.I. Sharia Bank, there is also continuity of care for the circumcision worship services other than those required, such as the B.S.I. Sharia bank employee civilizing, reading one sheet of the Koran after the midday prayer, reading the Hadith every morning at half past eight, wearing a headscarf, rotating recitations around the house. B.S.I. shari'ah employees are a manifestation of the benefit of *tahsiniyat*. Currently, the bank has experienced an increase in customers (3000 third-party customer accounts) continuously, from weeks, months and years, due to a well-run organization, strategic location and innovative ideas. This regulation shows the satisfaction of customers and the success of the sharia product financing strategy, as well as the quality of the work of the bank. As for those related to the implementation of the ek-BNI Sharia bank financial contract, which has implications for judgments, criticisms and criticizing responses, it will be described using Kotler's theory, which includes organization, people, places and ideas, and Imam Satibi's theory in *maqasid al-syariah* which includes *dharuriyat*, *hajjiat* and *tahsiniyat*. This means that the theories of the two figures are integrated or linked if they are able to synergize with each other approaching perfection, and their implications for the assessment of sharia B.S.I. products in Kendari.¹²

The relationship between the role of the MUI-DSN fatwa on the reality of the *mudharabah-wadi'ah* products of Indonesian Islamic banks

⁴¹ in the view of the figh clerics like shashafi priest, they shampoo the transaction into the urbun.money system first



Realization of the role of DSN-MUI in funding lending to wuddharabah-wadia'ah products at B.S.I., which includes a contract supervision system that refers to the MUI-DSN fatwa, which is stipulated on the principle of profit sharing. The role of the MUI-DSN fatwa in this paper is analyzed through the theory of magashid asy-syariah, which states that property essentially belongs to Allah swt. Man is only the manager of all the wealth that is on earth and in the sky. For that purpose, the property must be protected, and its benefits are maintained through the concept of dharurivat al-khams or five things, namely maintaining the existence of property from the side of religious law so that it is not destroyed and lost from the side of its benefits. Intellect and property are the main goals of Islam. It is obligatory because protecting religion is directly related to protecting khifdu-dien, nafs, agl, nasl and khifdul-mal to maintain the benefit of the property. Still, this article is focused on maintaining the safety of assets from the element of usury from the results of financing transactions for the mudharabah contract product. wadigh at B.S.I., which is halal only. Hifzh al-mal, which means that is the safeguarding of assets in seeking profit-sharing principles or world-hereafter profits in managing assets through the B.S.I. mechanism, which is based on Sharia and rejects the elements of interest, usury, speculation and gharar.

The role of the DSN-MUI fatwa is to ensure the halalness of a product at the B.S.I. bank. In this case, the mudharabah and wadi'ah contract products are the centre of attention. Products that have been spread in Islamic banking other than B.S.I., such as bank mu'amalat B.T.N. sharia, B.M.T. and others in Kendari. The author's findings in several Islamic banks prove that the role of MUI-DSN has not fully played a role in supervising all Islamic banks, especially B.S.I., during the practice of contracts in Islamic banks, which are suspected or assumed to have deviations from the elements of the terms and pillars in the contract. If the transaction contains conditions that are lacking, it can be ascertained that there is a fraudulent or damaged contract by the bank. In addition to these findings, some customers object to the profit-sharing system as agreed in the contract, which is quite burdensome compared to conventional banks, even lower. The anxiety of customers is also felt by Hariyani, who said,"

The agreement on the profit-sharing system in Islamic banks is felt like a loan shark because the mutual benefit or profit-sharing agreed upon is not as expected, the interest is higher, or the profit is more stifling. In addition, if the customer fails to pay or is not on time, a fine is witnessed, and if the guarantee is due for months, the house or land is auctioned and sold at a low price; it is no different from conventional banks. Conventional banks are sometimes still tolerant; for example, they cannot pay credit on time; for example, on the 10th, they are tolerated on the 15th, so they are not immediately sanctioned. So for customers who fail to pay, their houses, motorbikes or land that are used as collateral for debt may even be confiscated, even if the business initiated by the customer is not running smoothly or is closed due to the COVID-19 pandemic or others, it can be confiscated at any time, and many businesses fail. The Sabah customers left the mats and just left, a bank employee said

"The role of the MUI fatwa greatly assists the implementation and smoothness and stability of customers in conducting financing contracts. Even though the DSN or MUI supervisory teams are not always in place and are only centred in Jakarta, it is different from other institutions. Institutes, universities, and local governments. In each of these institutions, employees or supervisors are available directly every day and during office hours. However, we, the bank, still carry out the contract and are carried ¹³out by the head of the bank directly, and it is in accordance with the procedures or rules that the MUI has decreed".

The organizational mechanism and idea of profit sharing system by B.S.I. bank, which has been loudly sounding halal, does not always get a place or response. The organizational mechanism and the idea of the profit-sharing system by B.S.I. bank, which has been sounding halal so far, do not always get a place or a positive response from customers or the public, either from academics, community leaders, religion or religious bureaucracy. Even today, regarding the mudharabah-wadiah contract at B.S.I. banks, there is still a skewed response attached to Islamic bank products, especially Islamic banks that are members of B.S.I. One customer stated

Even though Islamic banks have transformed into B.S.I., I think it's the same; it is said that the profit-sharing method is halal, it is still used, and if it fails to pay, it will also be fined or sanctioned, confiscated and auctioned off its assets. Apart from that, customers who say that profit sharing is only profit from the deal in purchasing facilities, for example, houses or cars they want to own. Meanwhile, instalment payments, for example, a house for 150 in 10 years, must be paid in the amount of 300 million or more; it is also considered the same as conventional banks, even more stifling interest than conventions.

Not a few Islamic banks are criticizing, such as public statements that Islamic banks only change the B.S.I. label, meaning that Islamic banks still use guarantees for customers if they want to take debts, not only without guarantees. Debt that uses an asset value greater than what is owed is also a potential burden for customers, so the poor who want to develop a business are constrained; only people who are rich and have lots of assets can borrow. While people experiencing poverty continue to suffer, conventional banks providing loans have a looser payment limit than Islamic banks. An informant from Mega Lestari stated,

"When I borrowed money from a Sharia bank, the instalment payment period was ten days, while conventional banks were 15 days. The payment model that applies a looser interest rate than Islamic banks is what makes me still choose to go to a conventional bank with a five-day difference, which can still be used for business or trade and can get money to cover debts at the bank concerned.

Bank interest is indeed haram, but saving lives or *hifdu nafs* is more prioritized depending on the level of one's urgency. Therefore, the customer often complains about saving the necessities of life and also needs attention, even though they have to borrow and pay debts at conventional banks. In addition, criticism is also addressed to Islamic banks, that many Muslim customers should be in B.S.I. banks; in fact, many run to conventional banks. This finding shows that there is a gap in the level of financial management, and there are still many Muslims who put their trust in conventional banks compared to Islamic banks. This finding is a real form in the field.

In the stages of acceptance and rejection of Sharia and conventional B.S.I. banks, it can be clearly explained that the two banks have similarities, namely both institutions or organizations that carry out bank functions, namely collecting, managing and distributing funds, which are oriented towards profit or ¹⁴results, as a means to facilitate the payment of salaries, prizes, overtime pay, allowances and others. Meanwhile, in terms of the difference

⁴² Hariyani Interview with BSI bank customers, Kendari March 2, 2021

⁴³Ruli, BSM bank employee interview, Kendari March 2, 2020

⁴²Hikmawati, interviews with customers and researchers. February 2021 Kendari.

⁴³Mega Lestari, interview 23 July 2021 Kendari.

between the two banks, it is Islamic banks obtain income through the principle of profit sharing and margin, which is a manifestation of the supervisory role of the MUI or DSN. Meanwhile, conventional tire banks in obtaining income depend on the interest system, and ignore the supervisory board or fatwas of scholars. An informant Said Tidore stated;

"The role of MUI-DSN does play a role in the field of supervision in every financing, especially the financing system for the mudharabah-wadi'ah contract. The B.S.I. supervision system also involves the deposit insurance agency (L.P.S.), the central statistics agency (B.P.S.) and the financial services authority (O.J.K.). Overall, these institutions refer to the direction and conformity of the regulations that the central DSN-MUI institution has determined.

Based on the explanation of the data and interviews above, related to the role of MUI-DSN in the mudharabah-wadi'ah product contract at the B.S.I. Sharia Bank, several research findings were obtained in accordance with the significance of the problems proposed. The findings of this researcher, of course, are corroborating, criticizing and comparing the findings of previous researchers. Theoretically and practically, the findings of this study at least resulted in the contribution of the role of the MUI-DSN fatwa to the product strategy in B.S.I. sharia. First, this article can provide an answer that the mudharabah-wadi'ah product applied at B.S.I. sharia is free from usury, speculative, and gharar elements and is based on a fatwa issued by the Indonesian Ulema Council (MUI). Second, providing insight to prospective customers, that Islamic banks collect profits through a profit-sharing system, margins, objects or investments are taken from halal or only finance halal business activities. Third, the trust of Muslims has not been maximized against B.S.I. Sharia banks that apply a profit-sharing system or which are claimed to be in accordance with Islamic rules.

Verification of the role of the MUI-DSN fatwa on financial contracts for mudharabah and wadi'ah products at B.S.I. banks proves that there are different variants in the implementation of supervision, namely the clarity of the fatwa on profit-sharing principles to customers. The principle that the B.S.I. Sharia bank's mechanism, in this case, is to regulate the collection and distribution of funds for business results development activities, funding activities, and financing or lending on mudharabah products is actually aimed at ensuring that customers do not doubt the product. In addition, customers are widely required to put in and borrow money for business activities. In addition, the B.S.I. Sharia Bank is also a place of service. Also, it functions as a place of worship worship to Allah swt, in addition to making the activity of providing business capital as a medium for accusing customers of helping and doing good deeds to customers. The mission of a good bank does not necessarily get a good response. However, some customers at B.S.I. respond to a motion of no confidence that is only sweet talk; later, the practice of taking profits is more entangled in the neck compared to conventional bank interest. Bullying between customers is not infrequently avoided, and the number is not small, both from academics and society in general.

The phenomenon above shows that almost the entire role of the MUI-DSN fatwa on mudharabah-wadi'ah products at the B.S.I. Kendari Bank has not yet had a maximum significant effect on all Muslim customers. The implications of the MUI-DSN fatwa are within the scope of the Ministry of Religion, especially in Kendari. The data still shows that there are many employees or lecturers whose A.T.M. cards are still in conventional banks. Suppose we look deeper into the transactions at the B.S.I. bank. In that case, it is limited to U.K.T. students and staff and lecturers at IAIN Kendari, and almost all transactions in the form of credit, borrowing, debt and other transactions still rely on conventional banks. Indonesian Islamic banks not only function as funding and lending services, but currently, Islamic banks are expanding their business to other financial service sectors, including gold pawning, Western Union, haji bailouts and others, with Sharia.¹⁵

The banking¹⁶ network spread throughout Indonesia. 121 Regencies and Cities in 34 Provinces throughout Indonesia and continues to grow, even the overall achievements of B.S.I.

¹⁴Said Tidore, Interview, 6 oktober 2021

have not shown significant progress compared to conventional banks that have existed before. In addition, other Islamic banks are not yet interested in joining B.S.I., like Muamalat Bank, B.T.N., B.M.T., Islamic pawnshops and others in Kendari. So the role of the MUI-DSN fatwa has grown not only that, but other supervisors are also involved, such as the deposit insurance agency (L.P.S.), the central statistics agency (B.P.S.) and the financial services authority (O.J.K.), and overall contribute to the supervisory board. And Islamic banks in general.

However, the involvement of various supervisory institutions in advance has not changed many customers to switch to B.S.I. banks. The fact still shows that the lack of improvement and overall customer appreciation for Muslims towards Islamic banks is a manifestation of the implications of financing transactions for *mudharabah-wadi'ah* products, Which has not had a significant influence on Indonesian Islamic banks.

4. Conclusion

the MUI-DSN fatwa on the operational product of the *mudharabah-wadi'ah* contract at the B.S.I. bank in Kendari. From the discussion that has been described, writing about the contribution of the role of. The bank not only acts as a bank that manages the financial system or business and investment but also becomes a place of worship in achieving prosperity in the world and the hereafter. In writing this work, at least it produces some conclusions. First, the role of the MUI-DSN fatwa on the operationalization of the *mudharabah-wadi'ah* contract product at the B.S.I. Kendari Bank, as a whole, has a clear operational basis for Islamic banking, in addition to prioritizing the principle of profit sharing and *tabarru'* which is fee-based. Bank products incorporated in B.S.I. Kendari can be broadly grouped into two. 1) *Mudharabah* financial products through the MUI-DSN related to funding and financing that have existed before have even been developed by conventional banks. 2) B.S.I. bank, in its financial application, tends to avoid prohibition aspects such as usury, *gharar* and *maysir*. In B.S.I., there are no sanctions for customers who pass the grace period of the agreed payment at the time of the contract. However, in reality, the interviews found that there were fines and withholding sanctions for customers who failed to pay on time, and even some customers objected to the sanctions and complained. Funding and contract financing in B.S.I. has been operating, referring to sharia provisions that have been agreed upon by fatwa and supervisory institutions such as DSN, D.P.S. and MUI. The types of contracts attached to products, such as *mudharabah*, *wadi'ah*, *murabahah*, *musyarakah*, *ijarah* and others, are products developed by Islamic banks whose halalness has been guaranteed by the institution, even though here and there. There are still those who accept and reject the differences in understanding between academics and scholars. Second, in relation to the role of the MUI-DSN fatwa on the operationalization of the *mudharabah-wadi'ah* contract product at B.S.I. bank", in Kendari, it implies the existence of a fatwa which shows the strengthening of several accusations levelled at the public against B.S.I. bank products which so far are considered not to reflect fully. The whole of its halalness, both in terms of financing contracts and for the benefit of customers in general. This article shows that some of the customers understand that there is an element of usury. Still, on the other hand, some are reluctant to comment further on the existing B.S.I. bank, although here and there, there are still shortcomings in the Sharia bank product. Some groups agree with B.S.I. bank, and they view that conventional banks openly apply the interest system according to the law, "for that reason, they also don't make transactions at that bank, and they prefer B.S.I. bank even though there are still mistakes. Meanwhile, customers who are not happy with the B.S.I. bank also still express doubt and worry about the B.S.I. product, which results in a more stifling profit sharing than conventional bank interest. In the article "The Role of the MUI-DSN Fatwa on the Operationalization of *mudharabah-wadi'ah* Contract Products at the B.S.I. Kendari Bank, regarding the collection and funding of customers in *mudharabah* and *wadi'ah* contract products who gain profits in a shorter period than conventional banks. In this case, it is required to be careful, creative, and innovative about what banks must transact, especially the B.S.I. Sharia Bank Kendari, in obtaining profits so as

not to cause a negative impression on a wider number of customers. The contribution of this article has shown that the transformation of Islamic banks into B.S.I. does not show any significant changes in terms of fixed products as before; mudharabah and wadi'ah products are still superior in their implementation. Likewise, products in the form of an I.B. hasana house still exist, with a financing system with a murabahah sale and purchase contract to build and buy houses, shophouses, and others. Whereas in the principle of wadi'ahyad dhomana contract, it is for the use of safekeeping services or goods, and the B.S.I. bank utilizes the results. The contract model practice mechanism at B.S.I. in the contract also received intensive supervision from the DSN-MUI, although the supervision was not yet fully carried out. In addition, the current B.S.I. bank is not only looking for profit but also aims to ensure that its products are halal in the eyes of customers. The product of mudharabah-wadi'ah contract transactions attached to the B.S.I. transaction is carried out by focusing on the Islamic contract model, namely the philosophy of anti-gharar, usury, falsehood and others which are forbidden in Islam.

Research Contribution

Articles about the role of fatwas, in which there are fatwa decisions and recommendations for Islamic financial products, such as mudharabah, wadi'ah, ijarah and others, of course, have an important role and contribute directly to customers' and people's lives. The two MUI-DSN institutions are institutions that have supervisory authority in addition to the fatwas needed in order to strengthen each financial product at B.S.I. or others. Sharia bonds, especially mudharabah bonds and others, which receive direct supervision from the DSN-MUI, DPS-LKS O.J.K. and so on, will encourage the level of trust of customers in financial transactions at B.S.I. according to Islamic principles and sharia economics.

Study limitations

One of the limitations of the study needs to be stated in this paper, because it uses interviews and data collection methods inside and outside Kendari at different times. Even to add confirmation data, after the process of writing the results of the interview, it is sometimes done via WhatsApp, Facebook, cellphone and others. In addition, the author is also not always at the B.S.I. location due to the COVID-19 pandemic and only communicates continuously via WhatsApp regarding the development and role of the MUI-DSN fatwa in the Kendari B.S.I. contract assembly. In addition, the authors also use the services of postgraduate students who happen to work at the bank, making it easier for sources of information and data to photograph the events of the contract process directly. In addition, in the process of writing articles, there are also obstacles to permits and health tests for the COVID-19 pandemic, so there is a lack of complete information collection at the time of writing.

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