

Implementation of DSN-MUI Fatwa No. 4/ DSN-MUI /IV/2000 Regarding the Practice of Providing Goods in Murabahah Financing at KWPS Mandiri Trosono Village

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Submitted: June 30, 2023

Revision: November 15, 2023

Accepted: March 5, 2024

Abstract

Sharia cooperatives are a financial institution that aims to build business activities that produce something and invest by developing and advancing the economic activities of small entrepreneurs based on sharia principles. KWPS Mandiri Trosono Village is a sharia cooperative. In KWPS Mandiri Trosono Village there is one form of financing in the form of murabahah financing. Murabahah is a sale and purchase transaction of goods with additional agreed profits. The aim of this research is to determine the application of DSN-MUI Fatwa No.4/DSN-MUI/IV/2000 to the practice of providing goods in murabahah financing at KWPS Mandiri Trosono Village. It can be concluded that KWPS Mandiri Trosono Village has not implemented murabahah financing in accordance with DSN-MUI fatwa No. 04/DSN-MUI/IV/2000. In the practice of murabahah financing at KWPS Mandiri Trosono Village, it does not provide goods in the form of goods but provides them in the form of money loans, so it can be classified as a transaction containing usury because the profit is not based on the purchase price of the goods, but based on the loan. The usury in question is usury nasiah.

Keywords:

Implementation, DSN-MUI Fatwa, Murabahah Financing

Introduction

Sharia financial institutions in Indonesia are experiencing very rapid development. This can be seen from the many financial institutions, both banks and non-banks, which play a role in economic development in Indonesia. One of the non-bank financial institutions is sharia cooperatives. 2021 will be a very good momentum

for non-bank financial institutions to expand their business wings, one of which is sharia cooperatives.¹

The establishment of sharia cooperatives aims to build business activities that produce something and invest by developing and advancing the economic activities of small entrepreneurs based on sharia and cooperative principles.² In sharia cooperatives there are several types of financing, namely murabahah financing, mudharabah financing, musyarakah financing and ijarah financing. Murabahah financing is the financing that is most popular with members, usually used to purchase property, vehicles or other needs. In practice, sharia cooperatives must carry out their activities based on sharia principles, and also understand the use of sharia contracts in every product available in the sharia cooperative.

The Mandiri Syariah Marketing Women's Cooperative, Trosono Village, Sekaran District, Lamongan Regency or known as (KWPS Mandiri Trosono Village) is a sharia cooperative that was founded in 2016, with its address at Trosono Village, Sekaran District, Lamongan Regency. Apart from collecting funds from the community in the form of principal savings and mandatory savings, KWPS also channels funds from member fund collections into financing, namely murabahah financing. Murabahah financing is a sale and purchase transaction of goods with additional agreed profits.³

In the murabahah concept, the seller must provide the basic price and additional profits. In practice, murabahah is a sale and purchase contract where the sharia financial institution acts as the seller while the customer is the buyer. The selling price is the purchase price of the Islamic financial institution plus the profit. One of the contracts is the terms of the goods being contracted, namely the goods being bought and sold.⁴

¹ Bambang Wisnuadhi, et al. "Implementation of Murabahah Financing Products in the Berkah Syariah Cooperative, West Bandung Regency". *Journal of Applied Islamic Economics and Finance*. Vol. 2, no. 2, 279

² Ahmad Rodoni and Abdul Hamid, "Sharia Financial Institutions", (Jakarta: Zikrul Hakim, 2008), 37

³ Dahlan Siamat, *Management of Financial Institutions: Monetary Policy and Banking*, (Jakarta: Lpfeui, 2005), 423

⁴ Dahana Agni Redian Muslimin Ferdi, *Implementation of Murabahah Financing Products at KSPPT BMT El Amanah Kendal* Thesis Faculty of Islamic Economics and Business UIN Walisongo Semarang (2016), 4

In practice, KWPS Mandiri Trosono Village uses a form of murabahah financing agreement which is proven by members being given money loans by KWPS Mandiri Trosono Village for the purpose of purchasing the goods they need. For loans provided by the cooperative for the purpose of purchasing goods requested by members, a profit margin of 20% is imposed. This margin means the profit requested by KWPS Mandiri Trosono Village from its members for the goods purchased. Then, in repayment of murabahah financing in the form of a loan, in murabahah financing, payments are made in installments over 10 installments.⁵

In the murabahah financing practice that occurred at KWPS Mandiri, Trosono Village, there was a deviation related to the provision of goods by the cooperative. The reason is that the cooperative provided a loan and the KWPS Mandiri Trosono Village ordered the members to buy the goods they needed. Regarding this matter, whether the practice of providing loans in murabahah financing is in accordance with the contents of the DSN-MUI fatwa.

From the explanation above, there are irregularities in murabahah financing practices at KWPS Mandiri, Trosono Village. Therefore, this article will highlight the implementation of DSN-MUI fatwa no. 4/ DSN-MUI/IV/2000 regarding the practice of providing goods in murabahah financing (at KWPS Mandiri Trosono Village). Primarily related to the practice of providing goods in murabahah financing which will be studied in DSN-MUI fatwa No. 4/ DSN-MUI/IV/2000.

Method

This research is field research using a qualitative research approach. Data collection uses observation, interviews and documentation methods. Then it is analyzed qualitatively, namely data based on what was obtained in the field using inductive thinking methods which will be followed by checking the validity of the research data and triangulation.

The approach used in this research is a qualitative descriptive approach. The qualitative descriptive approach is a research approach where the data collected is in

⁵ Results of Interview with Mrs. Rohamatun (As Treasurer of KWPS Mandiri Trosono Village) on December 15 2022 (09.00)

the form of words, pictures and not numbers. This data can be obtained from interviews, field notes, photos, video tapes, personal documentation, notes, or memos and other documentation.⁶

There are two types of data sources used in this research, namely primary data sources and secondary data sources.

1. Primary Data

The data source is obtained directly from the first source.⁷ The primary data sources obtained in this research came from observation, documentation and interviews with the management of KWPS Mandiri Trosono Village as sellers and members of KWPS Mandiri Trosono Village as buyers.

2. Secondary Data

Data sources are obtained from official documents belonging to agencies, books, journals and so on related to the object under study.⁸

To obtain accurate and objective data, researchers describe the problems that are occurring and try to answer the problems being studied by collecting data using observation, interviews and documentation methods.

This data analysis technique is used in qualitative research and is carried out from the beginning or the research will begin (carried out from the beginning of the research to the end of the research). The technique is a descriptive or factual technique. This technique can start from observation, interviews, clarifying problems, data reduction and then what is done is conveying the data. The data analysis techniques used by researchers in research are data reduction, data presentation and drawing conclusions.

The Concept of Murabahah Financing in Islamic Law

The definition of murabahah is a sale and purchase transaction of goods at a price and profit that has been agreed upon by both parties. Murabahah is a sale and purchase transaction by agreeing on an initial price and profit that have been agreed

⁶ Lexy J. Moleong. "Qualitative Research", (Bandung: Teen Rosdakarya, 2008).

⁷ Burhan Ashofa, "Legal Research Methodology", (Jakarta: Rineta Cipta, 2001), 9

⁸ Bambang Sunggono, "Legal Research Methodology", (Jakarta: Grafindo Persada, 2003), 114

upon by both parties.⁹ There is a legal basis regarding murabahah which is explained in the Al-Qur'an, al-Hadith, and ijma':

- a. Al-Qur'an in Q.S. An-Nisa verse 29.¹⁰

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ...

Meaning: O you who believe, do not devour each other's wealth in a false way, except by means of commerce which is carried out freely between you. And don't kill yourself. Indeed, Allah is most merciful to you.

- b. Al-Hadith in the Hadith History of Ibn Majah Shuhaib.¹¹

عَنْ صُهَيْبٍ، قَالَ : أَنَّ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ : ثَلَاثٌ فِيهِنَّ الْبَرَكَهَةُ : الْبَيْعُ إِلَى أَجَلٍ، وَالْمُقَرَّضَةُ، وَخَلْطُ الْبُرِّ بِالشَّعِيرِ لِلْبَيْتِ لَا لِلْبَيْعِ (رواه ابن ماجه عن صهيب)

Meaning: the prophet said, there are three things that contain the blessings of buying and selling in cash, muqaradhah (mudharabah) and mixing wheat with millet for household purposes, not for sale.

- c. Ijma'.

The scholars agree that murabahah buying and selling is legally permissible because humans cannot meet their own needs without the help of other people. but aid and goods owned by people who need them must be replaced with appropriate goods.¹²

In murabahah financing, there are several mechanisms in murabahah financing, namely as follows:

- a) The customer submits an application to purchase goods to the bank.
- b) The bank studies the customer's application. If accepted, the bank legally purchases goods or assets according to the customer's order specifications from the first seller.
- c) The bank offers goods with the requested specifications and the customer must buy them according to the agreed agreement.

⁹ Sri Nurhayati and Wasilah, Sharia Accounting in Indonesia. Jakarta : Salemba Empat, 2008). 67

¹⁰ Lajnah Pentashihan Mushaf Al-Quran Research and Development and Training Agency Ministry of Islamic Religion, Al-Qur'an..., 112

¹¹ Ibn Majah, Sunan Ibn Majah, III: 390 Hadith Number 2289

¹² Rahmad Syafi'i, Fiqh Muamalah (Bandung: Pustaka Setia, 2004), 75

- d) Banks and customers carry out murabahah buying and selling transactions including negotiating the selling price which consists of the basic price plus profit, payment system and term, consent and acceptance, handover of goods.
- e) Customers pay their obligations to the bank, either in installments or all at once within a mutually agreed time period.¹³

In the current era, many sharia financial institutions have many obstacles. Both obstacles come from the institution and from the members. KWPS Mandiri Trosono Village is one of the sharia financial institutions in Indonesia which has an important role in assisting and managing the economic welfare of the community, especially the people of Trosono Village. KWPS Mandiri Trosono Village is one of the sharia cooperatives which was established under the supervision of the Lamongan Regency cooperative and UMKM service with the knowledge of the Head of Trosono Village.

In implementing its form of financing practices, KWPS Mandiri Trosono Village uses the form of murabahah financing. With murabahah financing, the people of Trosono Village can know and be aware of the importance and need for an economy that adheres to Islamic sharia principles. KWPS Mandiri Trosono Village uses a form of murabahah financing because murabahah financing, if done in installments, can be considered to have a lower risk because it is not related to the member's business conditions, whether they experience profits or losses.

In the practice of murabahah financing at KWPS Mandiri Trosono Village, there are two parties involved in murabahah financing transactions. The first party is the seller or cooperative party who acts as the seller or fund provider. The second party, the buyer, is the member who applies for financing to KWPS Mandiri Trosono Village. In the murabahah financing practice that occurs at KWPS Mandiri Trosono Village, members or so-called buyers submit requests to purchase goods to the seller or cooperative. For the reason that you want to buy an item but don't have enough money, you go to the cooperative to submit a request to purchase the item from the cooperative.

¹³ Yuli Dwi Yusrani Anugrah & Mahfuddhotul Laila, Concept Analysis of the Application of Murabahah Financing in Sharia Banking, *Journal of Islamic Accounting and Finance*, Vol. 2 No. 2 2020, 7

Practice of Providing Goods in Murabahah Financing

In murabahah financing, the object of sale and purchase is the goods to be traded. There are no buying and selling objects in the practice of murabahah financing at KWPS Mandiri Trosono Village. This is because the cooperative lends money to members and gives members the freedom to use the financing money according to what the members need. So in practice there is no bargaining process for the goods requested.

When determining the price at KWPS Mandiri Trosono Village, it is based on the amount of money lent because in this financing practice there is no object of sale and purchase. So when the cooperative provides a loan, the cooperative will ask the members about how much money the members request or need to buy the goods they need. And in the practice of murabahah financing at KWPS Mandiri Trosono Village, there are also agreements and promises which will be stated in a written contract. In the marriage contract, it is stated, among other things, that KWPS Mandiri Desa Trosono, as the seller, informs the members regarding the cooperative capital in the form of the amount of loans or financing provided to cooperative members according to the mutual agreement.

In the practice of murabahah financing at KWPS Mandiri Trosono Village, the cooperative takes a 20% profit based on the size of the loan given to members. KWPS Mandiri Trosono Village did not explain in detail the defects in the goods. This is because members spend their own loans provided by the cooperative to members. As well as all matters relating to the purchase of goods, the cooperative only conveys the amount of financing money based on the loan amount requested by the member and the number of installments that must be paid by the member. Regarding the percentage of profit and the determination of the repayment period obtained, it is done by the cooperative itself without any negotiation.

For example, in the practice of murabahah financing at KWPS Mandiri, Trosono Village, there was a cooperative member who asked the cooperative to buy a refrigerator by applying for a loan of Rp. 2,000,000,-. So the calculation is:

$$\begin{aligned} \text{Selling Price} &= \text{Loan size} + \text{Profit margin} \\ &= \text{Rp. 2,000,000,-} + 20\% \end{aligned}$$

= Rp. 2,400,000,-

Installment payments = Selling Price = Rp. 2,400,000,- = Rp. 240,000,-

The number of installments is 10 x instalments.

Application of DSN-MUI Fatwa No.4/DSN-MUI/IV/2000 on the Practice of Providing Goods in Murabahah Financing

The urgency of fatwas in the activities of sharia financial institutions is a necessity. Moreover, if you look at the complexity of problems in modern economic and financial activities today, all of which require explanation from the sharia side, and so that they do not conflict with sharia provisions. So, the presence of a fatwa will be the main basis that will be followed by financial business players in Indonesia.

In essence, the existence of a fatwa is to avoid any damage, whether damaged in terms of the contract, transaction, sharia, or other aspects. So that the existence of transactions in Sharia Banking brings great benefits to sharia banking customers in particular, and national economic development for Indonesia in general.

The financing practice that occurs at KWPS Mandiri Trosono Village is that members want to buy an item but do not have enough money so they go to the cooperative to submit a request to purchase goods to the cooperative. The cooperative does not buy items requested by members, but rather provides money loans to members and instructs members themselves to buy the items they need. So there is no bargaining process between the seller and the buyer for an item because the cooperative provides loans in the form of money to members.

In practice, when determining the price of goods in murabahah financing at KWPS Mandiri Trosono Village, it is calculated based on the amount of money lent to members based on the size of the loan requested by the member. And in determining the profit calculation percentage in the murabahah financing practice at KWPS Mandiri Trosono Village, the cooperative calculates profits based on the size of the loan the cooperative gives to cooperative members. The calculation of profit or margin is determined by the cooperative at 20%. Regarding the determination of the repayment period, it is also determined by the cooperative, namely with a period of 10 months or 10 installments.

In the DSN MUI fatwa no. 04/DSN-MUI/IV/2000 concerning murabahah explains that banks study customer requests. If accepted, the bank legally purchases goods or assets according to the customer's order specifications from the first seller.¹⁴ However, in practice, if a bank as a cooperative accepts a request from a customer as a member, the cooperative will provide it in the form of a loan and not buy the goods or assets requested by the member. So that in practice the provision of goods carried out by the cooperative is not in accordance with sharia principles and in accordance with the DSN MUI fatwa no. 04/DSN-MUI/IV/2000.

The practice of providing goods carried out by the cooperative is not in accordance with the sharia principles above, which also influences the determination of goods prices, margins or profits determined by the cooperative. Regarding determining the price of goods, KWPS Mandiri Trosono Village determines it based on the size of the loan given to members based on the amount of money requested by members. Then, regarding determining the margin, it is calculated at 20% of the loan amount.

Looking at the practice of determining the price of goods in murabahah financing at KWPS Mandiri Trosono Village, it is classified as a transaction mixed with transactions containing usury. Because transactions that are not mixed with transactions containing usury are murabahah buying and selling which takes profits based on the purchase price of the goods. Meanwhile, KWPS Mandiri Trosono Village takes profits based on the amount of money borrowed.

Riba nasiah is usury (additional) which occurs as a result of delayed payment in an exchange contract for two goods which are classified as riba commodities, either one type or different types by delaying the delivery of one of the goods exchanged or both.¹⁵ In practice, the price of the goods above is classified as riba nasiah because there is an addition when making installment payments.

Members voluntarily follow the margin provisions or 20% provisions determined by KWPS Mandiri Trosono Village. In Islamic law, not every mutual agreement is

¹⁴ DSN MUI Fatwa No. 04/DSN-MUI/IV/2000 concerning murabahah

¹⁵ Muhammad Arifin bin Badri, MA. From Majmu' Fataawa al Lajnah ad Da'imah, 13/263 and Ar Riba 'illatuhu wa Dhawabituju, by dr. Salih bin Muhammad as-Suthan, 8

automatically permissible according to the law. However, this mutual willingness must be seen as to whether the agreement is permissible or not based on the essence of the agreement. Ribawi assets may not be transacted either in buying and selling or savings and loans, even if both parties are willing to do so. This is because it is contrary to the Shari'a of Allah SWT.¹⁶

Conclusion

It can be concluded that KWPS Mandiri Trosono Village has not implemented murabahah financing in accordance with DSN-MUI fatwa No. 04/DSN-MUI/IV/2000. This is a result of the cooperative management's lack of understanding in implementing murabahah financing in accordance with the DSN-MUI fatwa. So in the murabahah financing practice that occurs at KWPS Mandiri Trosono Village, the cooperative does not provide it in the form of goods but provides it in the form of cash loans. So that this practice can be classified as: Transactions that are mixed with transactions contain usury because taking profits is not based on the purchase price of the goods so it can be classified as usury.

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¹⁶ Ade Wahidin, "The Principle of Mutual Willingness in Islamic Economic Transactions (Analytical Interpretation of Surah An-Nisa' (4) Verse 29)", Journal of Islamic Economics and Business, 123

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