

# Sharia economic legal perspective on the practices of the savings and loan units of Harapan Mandiri Village in Talang Tinggi Village Seluma West Bengkulu District

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## ABSTRACT

Sharia Economic Law Perspective on Savings Unit Practices Borrowed from BUMDes Harapan Mandiri in Talang Tinggi Village, Seluma District. There are two issues studied in this thesis, namely: (1). How the Harapan Mandiri Village-Owned Enterprise Savings and Loan Unit (BUMDES) Practices in Talang Tinggi Village, West Seluma District, Bengkulu. (2). How is Sharia Economic Law Perspective for the Practical Solution for the Harapan Mandiri Village-Owned Enterprise Savings and Loans Business Unit (BUMDES) in Talang Tinggi Village, West Seluma District, Bengkulu in accordance with Sharia Economic Law. To reveal this problem in depth and comprehensively, researchers used qualitative methods which are useful for providing information, facts, data and mechanisms regarding the practice of savings and loan units in Talang Tinggi Village, West Seluma District, Bengkulu. From the results of this research, it was found that (1) In the practices carried out by the Harapan Mandiri BUMDes Savings and Loans Unit, there were transactions that were detrimental to one party because there was no guarantee in the event of bad credit (2) The practices carried out by the Harapan Mandiri Savings and Loans Unit were not in accordance with the law. Sharia Economics. Because the transaction contains usury, namely usury qard or taking benefits. The aim of the research is to determine the efficiency of the business by looking at the benefits it provides to the local community's economy, developing Village funds to become a driver of economic activity for the residents of Talang Tinggi Village, encouraging creative small businesses and household businesses to develop with the support of capital financing, increasing Income Revenue. Asli Desa through BUMDes Business activities, improving the welfare of village communities by involving the community in BUMDes business unit activities through collaboration business.

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## 1. INTRODUCTION

As social creatures, humans are required to be able to cooperate with other people to create a peaceful life. Whether we realize it or not, humans always interact with each other, help each other and work together to meet their needs (Arisson, 2016). Muamalah activities include buying and

selling, renting, debts and receivables, borrowing and borrowing and so on (Harun, 2007; Yuswalina, 2013). Savings and Loans in fiqh literature are included in the tabarru (social) card because it contains an element of helping each other in terms of goodness and devotion to Allah (KUSTINA, 2023). In Muamalah Fiqh, the law of savings and loans can change according to the method and contract. Sometimes savings and loans become profitable because someone borrows not because of an urgent need, but for additional capital (Saputra, 2020). These savings and loans can be haram because the need to borrow is for a bad purpose, but can become mandatory if the borrower is in an urgent situation for his survival (Fahrudin et al., 2023; Putra, 2016).

In Islamic law, the practice of savings and loans is a transaction between one party and another, and is permitted by the ulama based on the hadith of Ibn Majah and the Ijma ulama (Mustika, 2021). Often in savings and loan practices there is a group or individual who abuses and takes advantage of this situation to seek profit. In fact, the savings and loan agreement aims to help each other, bring benefits to fellow humans (KUSTINA, 2023).

In the practice of savings and loans, it is not permitted to take advantage of the Muqtarid (the person who takes the loan), and there is additional (Ziyadah) or interest in the payment (Munandar, 2019). As is the case in Talang Tinggi Village, West Seluma District, Talang Tinggi Village has been carrying out the practice of BUMDES Savings and Loans in the form of money or debts and receivables for a long time. The community carries out this practice with the aim of helping each other and assisting fellow humans in meeting their living needs.

With these Savings and Loans they can meet their living needs, they use the loans as business capital. In a loan, the money cannot be in full or not in accordance with the initial loan, but the treasurer deducts the down payment first for administration costs from the money borrowed and the borrower is also charged additional or interest of ½% at the time of repayment or monthly installments (Kartika, 2018; Parlina, 2017; Siahaan, 2015). Based on the initial interview that the author conducted, information was obtained from the BUMDes with the Treasurer (Mrs. Amelia), he said: "For the Savings and Loans Business at the Village-Owned Enterprise (BUMDes) Harapan Mandiri is running well, there will still be obstacles that occur, namely there are still many arrears in payments. from the beneficiaries, resulting in the waiting list for funds not being able to be rolled back for the next beneficiary, and not only that, BUMDes fund borrowers often misuse loans given for their business but use it for other purposes so they cannot pay the installments." The author also interviewed one of the residents of Talang Tinggi village regarding the implementation of the savings and loan business at BUMDes Harapan Mandiri in Talang Tinggi Village with Mrs. Isawani (borrower). She said: "We also want to borrow funds from the savings and loan business to increase our business capital, but I less objection in terms of fulfilling the requirements, the requirements, especially the specified interest, whereas I am unable to pay the interest installments if there is arrears.

In the monotheistic view, humans as economic actors are just trustees. Therefore, humans must follow God's provisions in all activities, including economic activities which must be obeyed, not only mechanistic in nature and social life, but also theological (uluhiyyah) and moral (khuluqiyyah). There are three fundamental aspects in Islamic teachings, namely aspects of faith (tawhid), law (shari'ah), and morals.

## 2. METHOD

This type of research is research that uses a qualitative approach (Manab, 2014) based on a case study by conducting field research, in this case the researcher conducted direct observations and interviews with employees and customers regarding Savings and Loans Practices (BUMDES) in Talang Tinggi village, West Seluma subdistrict. Qualitative research is research that aims to understand the phenomena experienced by research subjects holistically, and by means of descriptions in the form of words and language, in a special natural context and by utilizing various scientific methods.

This research approach is a numerical approach that is made descriptively, namely research that attempts to explain the solution to existing problems based on data. There is a gap between theory and practice in BUMDES Savings and Loans in Talang Tinggi Village, West Seluma District, so direct observation is needed to study the errors that occur in the practice of BUMDES Savings and Loans in Talang Tinggi Village, West Seluma District. Research time is at least 1 (one) month and/or in accordance with the problem to be researched<sup>13</sup>. This means that if the researcher has completed the problem under study before the specified time, namely 1 month, then it is okay and

can proceed to the next stage. This location is located at the Talang Tinggi Village Bank, West Seluma District, Bengkulu Province. The location for this research was chosen because the application of Savings and Loans Practices (BUMDES) is not in accordance with Sharia economic law theory.

### 3. RESULTS AND DISCUSSION

Village-Owned Enterprises (BUMDes) are village business institutions managed by the community and village government in an effort to strengthen the village economy and are formed based on village needs and potential. Village-Owned Enterprises (BUMDes) are a new organization that was formed on the basis of the ratification of Law Number 6 of 2014 concerning Villages as the basis for a government program that develops the economy through the periphery. The potential of BUMDes as an independent business institution for village communities in providing the welfare of village communities themselves. So that rural people can develop their potential, so that they are not disadvantaged and benefit more, a reverse flow is needed in the equal distribution of natural resources and the Bumdes policy is an instrument for utilizing the local economy with various types of potential.

With the establishment of BUMDes Harapan Mandiri, it can be hoped that it will be able to increase village potential and assets to build prosperity, especially in Talang Tinggi village. At the beginning of the establishment of BUMDes Harapan Mandiri Talang Tinggi Village, it only operated in the savings and loans sector which provided savings and loans to the community in Talang Tinggi Village and had a capital of Rp. 80. As time goes by, BUMDes hopes to independently carry out operational activities in exploring the potential that exists in Talang Tinggi village. This potential is carried out because of the geographical location of the Talang Tinggi village area. The majority of the population makes a living as farmers. After the potential has been explored, new business units are then formed. based on community needs, such as: Tent and chair rental, 3 kg LPG gas base business unit, transportation service unit and others.

After knowing the procedure for borrowing requirements, then if someone wants to borrow they must register themselves with the BUMDes Management or the Head of the Savings and Loans Unit and complete the conditions that have been determined and give it to the BUMDes Savings and Loans Secretary Harapan Mandiri, Talang Tinggi Village, West Seluma District. This was conveyed by Mr. Sandra, Chairman of BUMDes Harapan Mandiri, who said that in loan transactions at the Savings and Loans unit, prospective customers go to the BUMDes management or one of the Savings and Loans Unit administrators to apply for a loan, then carry out the filing and requirements such as KTP, loan nominal and others. -others as directed by the management as regulated in the SOP.

Based on an interview with Mrs. Nurhayati as head of the Harapan Mandiri Savings and Loans unit, she said that before prospective customers take out loans, apart from these general requirements, customers also fulfill other requirements such as 6000 stamp duty, an additional 1.5 on each loan, filling out a loan application letter and collateral. borrow. This guarantee is only to anticipate traffic jams. From the results of the interviews above, it can be concluded that the loan process must meet the conditions that have been determined, one of which is the addition of 1.5 to each loan. In carrying out the practice of Debts and Receivables, what is used in debts and receivables is that there are Muqrid borrowers and those who want to borrow Muqtarid or people who will enter into debt and receivables contracts at the Harapan Mandiri Savings and Loans Unit.

In the debt and receivables contract, the object for the loan transaction to occur is in the form of money (Sholikhah, 2020) This money will be used as a mutual aid transaction for the people of Talang Tinggi Village. Furthermore, the provisions in the unit are that there is a contract or agreement which is carried out verbally and in writing by the unit management and the management of BUMDes Harapan Mandiri who have verified all the terms and conditions according to the mutual agreement.

Based on an interview with Mrs. Neti Herlina as a borrower customer, she said that during the practice of these debts, the focus was more on verbal and written when making contracts directly to the party managing the Harapan Mandiri BUMDes Savings and Loans Unit. 51 Meanwhile, according to Mrs. Sahuna as a customer, who said almost the same as what Mrs. Neti said, it's just that we as customers only know the nominal amount and additions when making installments which are conveyed orally, without knowing the statement letter or provisions that apply to the loan process if it occurs. congestion.

According to an interview with Mr. Indi Selepsi regarding this debt and receivable transaction, as long as I carried out this transaction by borrowing money from the savings and loan unit for a need, it was not complicated by the management and when borrowing from the savings and loan unit there were no guarantees applied and the conditions stipulated. Applying is not difficult, unlike other places where the conditions applied are quite difficult in my opinion and the interest applied is quite high compared to savings and loan units.

According to Islamic law, this transaction is prohibited because it is a transaction that contains usury. Usury means setting interest/exaggerating the loan amount when repaid based on a certain percentage of the principal loan amount charged to the borrower (Muhayati, 2016). In another sense, usury means to grow or enlarge (Arifin & Misaeropa, 2019). Islam prohibits and forbids creditors from asking for additional debts when they are due to repay the debt. Many jurists argue that transactions mixed with usury are void, invalid and should not be continued.

Whoever practices usury, the transaction is rejected, even though he does not know it because he has done something that is forbidden by Allah SWT. The prohibition on usury shows that the law is haram and corrupt. Based on research conducted by the author, it can be concluded that the practice of debts and receivables with additions that occurs in Talang Tinggi Village is not in accordance with Sharia Economic Law, because transactions in debts and receivables that take advantage are usury.

#### 4. CONCLUSION

Based on the research presented by the author in Chapters I to Chapter IV of this thesis, the author will convey several conclusions from the research results in Chapter V. These conclusions are as follows: The practice of accounts payable and receivable that occurs in Talang Tinggi Village, West Seluma District, Regency Meanwhile, between the community (customers) as borrowers and the BUMDes Harapan Mandiri Savings and Loans Unit as lenders, namely the customer comes to the BUMDes Harapan Mandiri office to meet the BUMDes management or Head of the Savings and Loans Unit to make a loan request and complete the conditions proposed by the management, and carry out an agreement which states that when the customer returns the loan, he will return the loan along with an additional 1.5% per month according to the mutually agreed time.

If the customer/borrower experiences a problem, the management of the Savings and Pinjam Unit will issue the first warning if the customer visits the customer's house to hold a discussion to resolve the problem, and if the customer continues to have continuous bad credit, the BUMDes will take the applicable legal route to resolve the problem. Meanwhile, the minimum and maximum loans start from IDR 1000,000.00 to IDR 3,000,000.00

The practice of debts and receivables that occurs in Talang Tinggi Village, West Seluma District, Regency. According to Sharia Economic Law, in the practice of debts and receivables at the Harapan Mandiri BUMDes Savings and Loans Unit, there are additional payments or monthly installments for debts and receivables at Harapan Mandiri BUMDes in Talang Tinggi Village, Seluma District West Seluma Regency is not allowed, because the debt and receivable transactions used by the Savings and Loans Unit are usury Qard which takes benefits or usury, the law of usury is haram. Paying debts by charging usury is not in accordance with the concept of the qard contract, which is a muamalah activity aimed at helping others, not just seeking profit unilaterally.

#### THANK-YOU NOTE

For the BUMDes Savings and Loans Unit Harapan Mandiri, Talang Tinggi Village, West Seluma District, Seluma Regency, it is recommended to create new products, namely: For the BUMDes Savings and Loans Unit, Harapan Mandiri Talang Tinggi Village is expected to create a new system such as Mudharaba or cooperation to comply with Sharia Economic Law. Considering that there are a lot of people who want to borrow from the Savings and Loans Unit, my suggestion is that the Harapan Mandiri BUMDes Management add capital to the Savings and Loans Unit so that others don't have to wait too long for their turn. Implementing a guarantee system for Savings and Loans Unit loans so that there are no losses from one or the other.

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