

THE ROLE OF THE SHARIA SUPERVISORY BOARD (DPS) IN IMPLEMENTING SHARIA PRINCIPLES IN BAITUL MAAL WA TAMWIL (BMT) PRODUCTS

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Abstract

As a sharia economic entity, activity of BMT must comply with the provisions of the MUI DSN fatwa. To ensure the implementation of the application of sharia principles to products within the BMT institution. Thus the role of DPS is very important because it ensures that BMT in its operations is in accordance with sharia provisions or not. This study aims to analyze what kind of supervision is carried out by DPS in BMT. This study uses a descriptive qualitative method with an interview method approach with data collection obtained through interview information by the informant manager, AO, Teller from BMT. The results of this study show that there are still obstacles faced by the DPS in carrying out supervision due to several factors, namely limited human resources and the age factor of DPS members. These results provide recommendations to DPS to develop its performance in conducting supervision.

Keywords: Sharia Supervisory Board, BMT, Sharia Principles

1. Introduction

Baitul Maal wa Tamwil (BMT) as institutions intermediary in financial services, the supervision is under the Financial Services Authority (OJK). Baitul Maal wa Tamwil (BMT) is a non-governmental organization founded and developed by the community in translating and practicing a sharia economic system whose first resources, funds or capital come from the local community. In operational BMT, it must comply with sharia provisions. However, BMT must have supervision so that it is in accordance with sharia principles. Along with its development, the role of BMT is increasingly needed by the community. Therefore, it is necessary to have supervision inherent in running the institution so that the operations of Islamic financial institutions do not deviate from the demands of Islamic sharia, so a "Sharia Supervisory Board" is held (Taufiq, 2020). The Sharia Supervisory Board was established by the government through the Financial Services Authority (OJK) to promote Islamic finance in Indonesia.

Thus, there is a previous study that has been carried out by (Lukman Nur Hisam, 2016), the results of the study say that the role of DPS (Sharia Supervisory Board) which has the authority or duty to carry out supervision in sharia compliance, has

duties that have been regulated in legal regulations. firm. If it is observed from the laws and regulations as well as from the application carried out by Islamic financial institutions, the Sharia Supervisory Board (DPS) is placed in a very strategic position. The existence of the Sharia Supervisory Board (DPS) will determine the achievement of sharia compliance which is the most important element for the sustainability of a business in Islamic financial institutions, especially BMTs.

DPS (Sharia Supervisory Board) in carrying out their duties at BMT not only have skills but must also have special knowledge, including knowledge fiqh muamalah and modern Islamic economics. An error that has been carried out by Islamic financial institutions at this time is to make DPS (Sharia Supervisory Board), but there are still many DPS members who do not know about banking science and LKS (Islamic Financial Institutions), especially about Islamic financial economics such as accounting examples, so that In this case, the DPS has not been maximal in carrying out supervision. DPS should be able to understand science related to Islamic finance, for example monetary economics (Agus Irianto, 2018).

Furthermore, the research conducted by (Nurhasanah, 2013) said that the HR of DPS (Sharia Supervisory Board) still needs to increase the quantity and quality so that mistakes are made. which are not in accordance with the provisions of Islamic sharia can be further minimized. Among them is about mastery of science which includes economics and finance or muamalah fiqh and ushul fiqh. The existence of the Sharia Supervisory Board is highly expected not only in its structure but also must have tangible evidence of the results of the performance carried out.

The theory put forward (Rokan 2017) which explains the optimization of the role of the Sharia Supervisory Board (DPS) can be implemented by establishing very strong rules or Standard Operating Procedures and detailed in order to ensure that DPS has good competence in carrying out supervision at BMT (Dewi, 2020). DPS is a key institution that ensures that the operational activities of Islamic financial institutions comply with sharia principles. Other than that, the emergence of DPS is a first step to advance in the financial world. Therefore, the role of DPS cannot be separated from its operations at BMT whose task is to find out which products will be raised by the BMT, to give an opinion on BMT operations as a whole and to make it a Sharia Financial Institution that is acceptable to the public so that they do not hesitate to join in financing or invest funds into BMT (Nuha, 2018).

(Prastiwi, 2017) The Sharia Supervisory Board in carrying out its duties must have good independence. Because it is related to public trust, especially regarding Islamic banking, the membership of the Sharia Supervisory Board must be independent (impartial), objective and honest.

Based on this background, the purpose of this research is to discuss more deeply whether in implementing Baitul Maal wa Tamwil products, the Sharia Supervisory Board will provide a policy role and monitoring whether the product is optimal in accordance with sharia principles.

2. Research Methods

A. Nature and Type of Research

a.) Types and Approaches of Research

The research approach carried out in this study uses a qualitative approach. According to Libarkin C. Julie and Kurdziel P. Josepha, qualitative research is a research step that uses descriptive data in the form of written or spoken words from people and observed behavior. Qualitative is something that relates to aspects of quality, value, or meaning behind the facts. This aspect can only express and explain through linguistics, words, and language.

The reason for using this qualitative approach is that the author wants to know and explain the role of the Sharia Supervisory Board (DPS) in implementing sharia principles on BMT products by taking data from (field research) and taking data from the library or research studies (library research), namely the method carried out by reviewing several previous journals with current journals to be researched and developed. The object of this research is the role of the Sharia Supervisory Board in BMT (Choirul Absor, 2019). Where this research is centered on problems and in a certain scope so that it can be classified into a phenomenological approach. This means that this type of approach in qualitative research is explored about efforts to get a visible reality by involving careful testing.

b.) Nature of Research

According to its nature, this research uses descriptive analysis research, which aims to describe the current and past phenomena by developing a group or individual trait. This study describes the mechanism in discussing

and analyzing the role of the Sharia Supervisory Board in implementing sharia principles on Baitul Maal wa Tamwil (BMT) products by using the deductive method, which is a method used to draw conclusions that have a relationship with a problem from regulations or general principles.

c.) Data Sources

a. Primary

Data Primary data is data that is obtained directly from the informant or research object and includes the subject in the study.

b. Secondary

Data Secondary data is data where this data can be obtained from scientific journals, books, or by observation and direct interviews in the field.

d.) Data Collection Methods

In collecting valid and objective data, this study used a method of collecting data using the observation method by means of observation. This observation was obtained from the description of the data on the role of the Sharia Supervisory Board in implementing sharia principles in the BMT Mitra Muamalat Kudus product. In this data collection method, interviews were also conducted. An interview is something that happens or is a process of interaction between the interviewer (interviewer) or source of information and the interviewee through direct communication. In this study, interviews with the head of BMT Mitra Muamalat Kudus will be conducted. In addition to observation and interviews, the researchers also used the documentation method. Documentation needs to be used in research because it aims to collect results of data from interviews and observations that have been carried. In this study, the researcher data technique, which is an analysis of descriptive-qualitative data obtained from a research instrument.

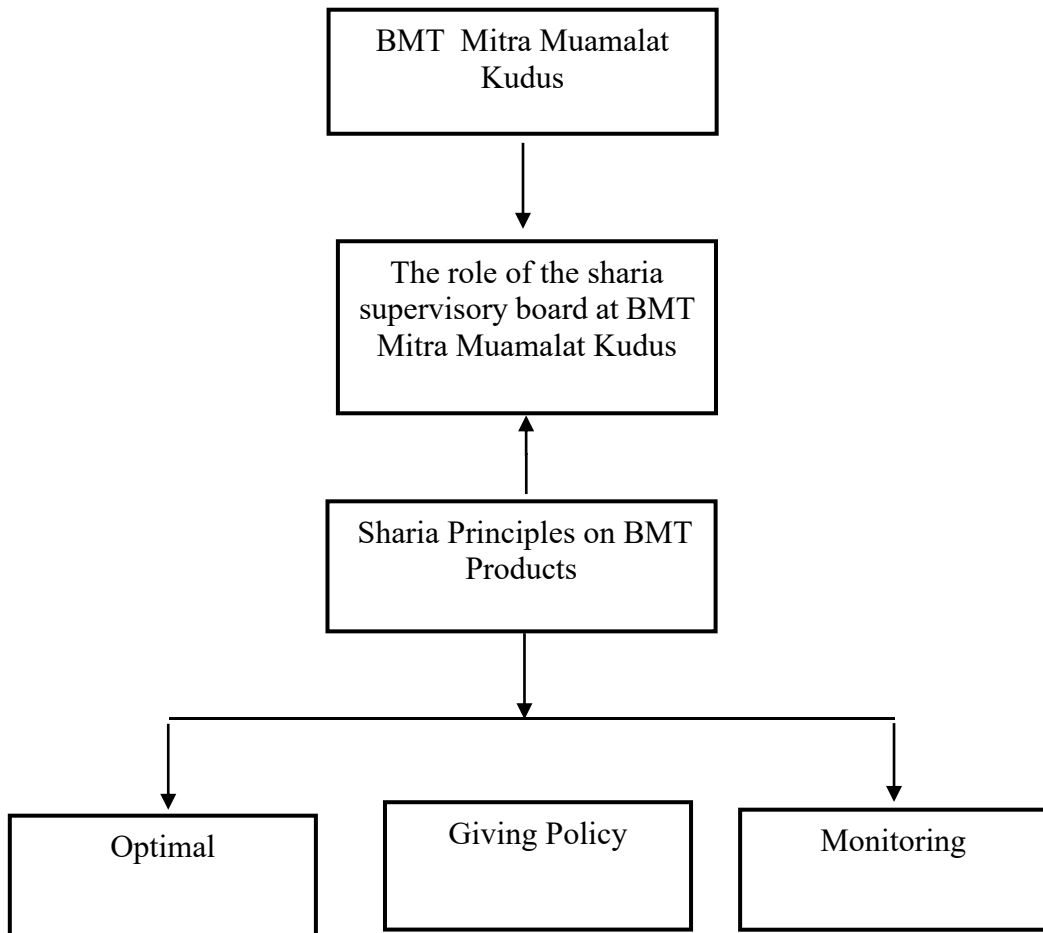
e.) Location and Time of

Research This research will be conducted at BMT Mitra Muamalat Jl. Hos Cokroaminoto No.57, Mlati Norowito, Kec. Kudus City, Kudus Regency, Central Java 59319. The research time will be carried out in the next few weeks to obtain valid and objective data.

B. Framework for Thinking The

Following is a framework of thought that the author describes in order to facilitate and understand the direction and purpose of this research, the framework of thought is as follows:

Figure 1
Mindset



This framework provides an overview that is systematically arranged in relation to the flow of thought in answering the questions and problems in this research. This framework was created to find out "The Role of the Sharia Supervisory Board in Implementing Sharia Principles in BMT Products".

The presence of BMT Mitra Muamalat Kudus is one of the sharia microfinance institutions as a complementary institution for the operation of the sharia banking system in Kudus. Does the role of the Sharia Supervisory Board in implementing sharia principles on Mitra Muamalat BMT products run optimally, whether to provide other policies and monitoring.

3. Results and Discussion

A. Results of Data Analysis

Researchers have conducted interviews at BMT Mitra Muamalat Kudus with Mr. Arif Subkhan, SE as Manager, Mrs. Oktasari as employee, Mrs. Noor Amalia as employee. Of the three informants, he deserves to be a resource person because he is able to answer the questions that have been given by the researcher. The results of interviews with the three members at BMT Mitra Muamalat Kudus show similarities that the Sharia Supervisory Board at BMT Mitra Muamalat has two members as sharia supervisors and internal supervisors, namely Mr. H. Zaenuri education and training for National education certification and his job is a teacher and Mr. H. Sumaji.

The requirements for the appointment of a DPS carried out by BMT Mitra Muamalat Kudus by holding an RAT (Annual Member Meeting) are marked as having certification from the MUI. In determining this DPS, the determination is made by the members by meeting the conditions, namely that they must have knowledge related to fiqh muamalah, as well as a competency possessed by the DPS, high religious knowledge and have morals and can carry out their mandate. The most important requirement is to have certification. This adjusts the previous research by (Fatarib, 2018) which states that the qualifications of the DPS must have good moral character as well as high religious knowledge and muamalah.

The task of the DPS is to review matters relating to the Act before the birth of a new product. The role of the Sharia Supervisory Board in reviewing new products from an economic and sharia perspective, DPS must comply with the provisions of the DSN Fatwa as a guide. In carrying out its duties as both sharia and internal supervisors in reviewing the launch of new products whether the new products are in accordance with sharia provisions or not, BMT also invites kyai or ulama to discuss that the products launched are truly sharia. But if it violates sharia rules then it is processed again until the new product is truly sharia. In this case, according to previous research conducted by (Pratama, 2020) explaining the role of DPS not only as an supervisor but also as an advisor, or supervisor, or supporter.

Indirectly, the Sharia Supervisory Board according to the assessment in carrying out its duties is sufficient, but there are still many obstacles faced. Due to the limited number of DPS members, there are only 2 and they are already old, so there

is a lack of supervision and monitoring in the field. However, these obstacles can be resolved with the help of other BMT Mitra Muamalat employees. From employees going to the field also to branches to monitor and supervise BMT products. DPS BMT Mitra Muamalat Kudus has not made any deviations. For example, once the deviation was quite small because if the supervisor had problems, there was evaluation assistance from other employees. Things like this relate to research that has been done previously by (Ridwan, 2017) which states that the level of DPS supervision that is less than optimal results in deviations.

The obstacles faced by DPS in supervising new products at BMT, namely buying and selling such as murabahah contracts, want to buy a laptop but don't want to ask for money to buy their own laptop. Well, this is against the rules. So, DPS is tasked with bridging the shift to products whose names are multipurpose, no need to buy and sell murabahah financing. For example, if you want to buy a laptop, if according to the contract, we have to buy a laptop, for example, the price is Rp. 5,000,000.00 this laptop price is not allowed customers to ask for Rp. 6.000.000.00. This is called an obstacle. However, the obstacles faced by DPS still have solutions.

Remembering how many times DPS conducts surveillance, which is once every two months. Supervision is in the form of a report from the manager and evaluates every month. Not only with the supervisors but also with the management reporting both in the form of financial reports as well as reports on problems in the field. The theory is twelve times. For example, surveying a branch or going into the field. There is also an annual if you want to close the book, namely evaluating the annual BMT programs if there are obstacles or not, if there are obstacles, they are recorded. For the following year the program is evaluated, or the discussion of the overall annual evaluation is evaluated. This is like the research conducted by (Agustina Sintya Putri Pratama, 2020) which says that DPS in carrying out its supervision is flexible or there is no certain time limit.

In assessing the sharia aspect of the DPS in carrying out its duties with the help of the manager's report, it is impossible for the DPS members who are already old to go into the field. So the employees who help to go down to the field. And his duty is that DPS matches reports or products that are in accordance with DSN, they don't, they don't conflict with sharia. Because this BMT product has rules. Colliding with the DSN fatwa is not the job of the DPS to evaluate. If it doesn't hit, it means it's appropriate; if it hits the rules, it means it doesn't match.

For DPS actions regarding operational activities and BMT products that are not in accordance with sharia principles, the solution is recorded and evaluated, how is it due to technical or human resources, we provide direction until the evaluation of changing this product has not been shariah changed first to conform to sharia. The example of our SIBERKAH savings at that time was in the form of money, we have studied it and adjusted it according to the DSN fatwa, it is not allowed to give gifts in the form of money. It used to be possible but we have reviewed it again and it turns out that it is not possible. The gift if it is in the form of money according to the DSN fatwa is not allowed, but if the gift is in the form of goods or gold it is permissible. Such an example evaluates a product.

The form of supervision carried out by DPS on BMT products is to monitor the products that will be issued whether in accordance with sharia principles or not, if they are not appropriate, an evaluation of the product will be held. The process for appointing the Sharia Supervisory Board at BMT Mitra Muamalat Kudus is the same as the management, so we hold a meeting together, as the election of the management and supervisors every 3 years a reorganization is held and chooses the candidates who are in accordance with their fields and competent people in their fields . The Sharia Supervisory Board must have a certificate and have competence in the sharia field. The condition is to follow the training and have a certificate of supervision and know and understand the fiqh-fiqh muamalah, must be competent in their field.

In carrying out its duties the role of the Sharia Supervisory Board at BMT Mitra Muamalat Kudus is quite optimal, because the task of the Sharia Supervisory Board is quite difficult to review all products. Usually assisted by managers, administrators, and use the services of outside parties such as from lecturers, ulama', NU administrators to help review sharia products. In carrying out DPS supervision, there will certainly be many risks, including when in the field it is not in accordance with sharia, the theory is appropriate if in the field it is difficult and becomes our challenge. Then we accommodate it first, whether the product is in accordance with the instructions or difficult to apply or not. For example, buying and selling or murabahah, we have to buy the product or not because we are working with the shop. Payment must be made before the transaction. In an effort to improve the performance of the DPS at BMT so that it is in line with its duties, Mitra Muamalat

Kudus BMT provides insight by participating in the trainings of the Sharia Supervisory Board and attending training on the development of sharia supervision in related institutions and participating in the training according to their fields.

B. Discussion

From the results of interviews with the manager and the two employees at BMT Mitra Muamalat Kudus that the role of the Sharia Supervisory Board in implementing sharia principles on BMT Mitra Muamalat products in Kudus has dimensions including:

a) Optimal

The results of interviews with managers and employees said that the role of the Sharia Supervisory Board is quite optimal, because the task of the Sharia Supervisory Board is quite difficult to review all products that are in accordance with sharia. Usually assisted by managers, administrators, and use the services of outside parties such as from lecturers, ulama', NU administrators to help review sharia products. From previous research, the role of the Sharia Supervisory Board has not been optimal because many of the DPS members have no role at all in supervising the operations of Islamic banking or financial institutions and the absence of existing facilities in the BMT, because there is no special room, as well as because they are busy in carrying out their work other than those assigned by the Sharia Supervisory Board. become a factor of non-optimality in carrying out their duties.

b) Providing Policies

The Sharia Supervisory Board provides policies if there are obstacles in sharia products. Among the policies are providing evaluations on changing the product to comply with sharia and providing direction to members of BMT Mitra Muamalat in Kudus as well as reviewing the system and procedures for new products to be launched related to compliance with sharia principles and providing sharia opinions or opinions on new products to be launched. according to the DSN MUI fatwa.

c) Monitoring

Monitoring the contracts used in new products contained in the DSN MUI fatwa and analyzing the adjustment of new products in accordance with the fatwa of the National Sharia Council-Indonesian Ulema Council. If there is no fatwa in this case, the Sharia Supervisory Board will evaluate the product so that it is in accordance

with sharia principles.

Thus, according to the results of interviews with DPS at BMT Mitra Muamalat, in carrying out their duties, they are faced with several obstacles, namely limited human resources and the age factor of DPS. In carrying out their duties, the members of the DPS must meet the classification as a DPS so that their supervision can run optimally. The limited number of human resources is also a factor in the old age of DPS which hinders the optimization of DPS supervision. Thus, when conducting supervision outside the BMT, DPS rarely supervises. This was not possible because the elderly DPS were allowed to go out into the field on their own without the help of BMT employees.

With the conditions described above, the supervision carried out by the DPS has not been maximized in making the supervision carried out by the DPS not maximal in carrying out its duties. This situation was acknowledged by the manager at BMT Mitra Muamalat Kudus because DPS in supervising products at BMT still needed assistance from other employees to help carry out supervision when in the field.

There are many studies related to the role of DPS, among others:

Research that discusses the Sharia Supervisory Board (DPS) has been carried out by many researchers. In general, DPS research is related to discussing the roles, functions, and duties of the DPS authority. This research was conducted by (Azzarqa and Mujib, 2017) regarding the Sharia Supervisory Board (DPS) at Sharia Microfinance Institutions in the Central Java Region. The research conducted found two main factors in determining the members of DPS at BMT in the Central Java Region. Where BMTs whose positions are in urban areas with "santri" backgrounds, DPS figures tend to be religious leaders, for example kyai and preachers. And with the "non-santri" background, DPS figures are figures and popularity is not the main consideration.

The results of research conducted by (Azizah, Mardian and Baehaqi, 2021) The implementation of Sharia compliance carried out by KSPPS BMT Binamas Purworejo was measured by the 10 focus of research discussions contained in the Regulation of the Deputy for Supervision of the Ministry of Cooperatives and Small and Medium Enterprises No. 07/PER/DEP.6 /IV/2016 concerning Guidelines for Health Assessment of Savings and Loans Cooperatives and Sharia Financing. So far it's been running well. Some have been implemented well, but

some are still not fully implemented.

(Agus Irianto, 2018) in his research shows the obstacles faced by DPS in conducting supervision at BMT Purwokerto City. The results of the research carried out are: 1. Limited knowledge of DPS regarding BMT Operations. This results in the minimum supervision that has been carried out by the DPS. 2. Busyness of DPS in the place of origin. This is because the DPS in Purwokerto has another position.

The results of research that has been carried out by (Eko Kuswanto, 2018) are some of the obstacles faced by DPS such as those related to professionalism that already has proof of certificate. Another obstacle faced is that DPS has other performances outside of the DPS's duties which can be a distraction in the focus of supervision.

(Subhan, 2019) in his research explained that there were obstacles at BMT Al-Amanah regarding the lack of competent human resources in their fields. This shows that the BMT has a passive attitude, not active which can be interpreted if it is necessary to come to the BMT. This is due to the lack of DPS work standards which results in the less effective role of DPS in carrying out its supervision.

(Agustina Sintya Putri Pratama, 2020) in the research conducted, it was found that the DPS in BMT Sri Sejahtera had an important role in operational supervision. Its performance is also considered to have been good where the results of the evaluation of the supervision have been carried out. But even though the DPS already has the knowledge, it is still necessary to have other supervisors to carry out supervision so that it is in accordance with sharia.

In the previous studies that have been mentioned above, many have discussed the role of DPS which is still minimal in carrying out supervision. This is because it is marked by limited human resources, the lack of knowledge possessed by the DPS, and the ineffectiveness of the DPS in carrying out supervision. But there are also those who find that the DPS optimization in conducting surveillance is good. So between previous studies and current research both examine the role of DPS. The difference is in the current research, the results obtained explain the lack of optimal DPS in conducting supervision at BMT Mitra Muamalat Kudus due to several factors that make DPS less effective in carrying out supervision. But the existence of these obstacles does not make supervision at BMT less because there is assistance from other employees participating to help carry out supervision so that

the products issued by BMT are in accordance with sharia rules as well as the MUI DSN.

According to research conducted by (Rif'an, 2018) explains the importance of DPS supervision in supervising Islamic financial institutions because there is a problem faced, namely the lack of mastery of sharia knowledge. This is indicated by BMT Amanah who have embezzled money from members. This makes sharia supervision decrease drastically. This phenomenon explains the importance of the certification held by the DPS in order to carry out their duties properly and this can be considered to have fulfilled the procedures and served to improve the quality of supervision in financial institutions.

Several important factors to solve various DPS problems are by applying policies. Where this is the National Sharia Council which is referred to as an institution that is required to have a detailed and detailed sharia supervision system so that all Islamic financial institutions can adjust their needs. Regulations for the DPS are very important and must be subject to legal or formal oversight. The regulations that are made can be started with DPS certification carried out as much as possible in order to produce a very high quality DPS. Furthermore, by making procedures according to operational standards or making supervision guidelines that can be used as a reference for DPS so that the monitoring process runs accordingly. Furthermore, it is mandatory to report the results of the annual report by the DPS in various financial institutions. This is intended so that DPS always evaluates the various problems faced by financial institutions such as BMT whether it is in accordance with the sharia concept as well as whether it is in accordance with the DSN fatwa rules.

The position of this research is to support previous research which resulted in the role of the Sharia Supervisory Board being less than optimal, while the research we did was optimal but there are still many obstacles.

4. Conclusion

From the results of the study as well as the discussion about the role of the Sharia Supervisory Board in implementing products at BMT Mitra Muamalat Kudus above, it can be concluded that first, the role of the Sharia Supervisory Board is quite optimal, because the task of the Sharia Supervisory Board is quite heavy to review all products that are in accordance with with sharia. Then the second, the

Sharia Supervisory Board provides a policy by providing an evaluation of changing the product to comply with sharia. And the third is monitoring the contracts used and analyzing the suitability of new products in accordance with the DSN fatwa. However, the role of the Sharia Supervisory Board still has problems due to the limited condition of human resources as well as the age factor of the members of the Sharia Supervisory Board. However, for this reason there is usually assistance from managers, administrators, and the use of services from outside parties such as from lecturers, ulama', NU administrators to help review sharia products.

The results of the research above can be used as a new reference source for researchers in the future if the choice of topics studied has the same role as the Sharia Supervisory Board. Likewise, researchers will provide research recommendations which will then be continued to analyze the optimal role of the Sharia Supervisory Board in carrying out their duties.

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