Exposing Transparency in the Wadi’ah Contract: A Case Study of BTM An-Nur Mandiri Jaya, Lampung Tengah

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Abstract
The Islamic Financial Institutions play a crucial role in the economy of a country, including Indonesia, but they face challenges such as bankruptcy, insecurity, and inadequate supervision. This research examines the principle of transparency in Wadi’ah savings contracts at BTM An-Nur Mandiri Jaya from the perspectives of Shariah Economic Law and Positive Law. In this study, the researcher analyzes the application of transparency principles in Wadi’ah contracts at BTM An-Nur Mandiri Jaya, focusing on Shariah Economic Law and relevant Positive Law. A qualitative field research method is employed, supported by relevant literature. The research findings indicate that BTM An-Nur Mandiri Jaya has successfully implemented transparency principles in Wadi’ah contracts, including account opening, deposits, withdrawals, and closures, based on Shariah Economic Law. However, compliance with Positive Law, particularly POJK Number 19 of 2021 Article 32 Paragraph 1 and Law Number 1 of 2013 Article 2 Letter e, remains incomplete, as evidenced by the lack of online media access to obtain information. In conclusion, BTM An-Nur Mandiri Jaya needs to enhance transparency practices in accordance with legal provisions, especially by providing online access to information.

Abstrak


Kata Kunci: Akad Tabungan Wadi’ah, Prinsip Keterbukaan, BTM An-Nur Mandiri Jaya

Introduction

Baitul Tamwil Muhammadiyah (BTM) Integrated Independent Business Center is a microfinance institution that operates based on the profit-sharing principle (Gunawan & Andriyanti, 2021; Munir et al., 2021). Its main objective is to develop micro-businesses to improve the status and dignity of the poor and defend the interests of the underprivileged. BTM was established based on the initiative and initial capital from local community leaders, grounded in the principles of the Salam economic system: safety (centered on justice), peace, and prosperity (Masturoh & Haniatunnisa, 2022).

As a financial institution, BTM plays a role in connecting those who have excess funds with those who experience a lack of funds. The importance of this financial institution’s role can be seen from its policy of providing business loans to various types of businesses (Bharti & Verma, 2023; Brašić Stojanović, 2019; Gong, 2022). The efficiency of financial institutions affects the efficiency and effectiveness of economic activities and the business world as a whole (Adeyele, 2018; Munir et al., 2021).

BTM is a small people’s economic enterprise consisting of individual members or legal entities, based on the principles of Sharia and cooperative principles. Institutionally, BTM is recognized as a cooperative legal entity protected by Law Number 25 of 1992 concerning Cooperatives. However, in its operations, BTM adopts a system similar to Bank Muamalat Indonesia (BMI) and
Sharia People's Credit Banks (BPRS), which is based on Sharia principles (Ma'shum, 2017; Yuliana et al., 2023).

Islamic banking funding products aim to mobilize and invest savings for the purpose of economic development in a fair manner, ensuring fair profits for all parties. Islam prohibits hoarding wealth and encourages the productive use of wealth to achieve Islamic social and economic goals. Sharia banks implement these principles by avoiding the use of interest-based systems (usury/riba) and adopting principles such as wadi’ah, qard, mudharabah, murabahah, ijarah, and others (Muliani, 2022; Sutra Lena & Syarofi, 2022; Zulfikar, 2020).

BTM has provided services to more than 200 individuals. The majority of members served are individuals or small and micro businesses. They come from various fields and professions, such as vegetable vendors, rickshaw pullers, street vendors, grocery store owners, home tailors, craftsmen, farmers, livestock breeders, and others (Harahap et al., 2022; Yusnita et al., 2019).

Service convenience is one of the keys to the development of this sector, evident from BTM's efforts to simplify the borrowing and savings processes for small amounts and the ability to conduct transactions with the assistance of BTM staff. In addition, the promotion of Sharia values, especially the spirit of mutual assistance, has also accelerated the development of BTM. Public trust in BTM has been built through the Islamic image implemented by BTM, both institutionally and personally (Abrori, 2022; Yusnita et al., 2019).

However, it cannot be ignored that there have been several incidents involving BTM or BMT that have generated negative news, such as bankruptcy cases, insecurity, and lack of transparency towards customers. This is a consequence of rapid development, where negative issues can arise. Some causes include the lack of requirements to become a member of the BTM association that can provide legal protection and enforce sanctions, as well as the limited feasibility studies during the establishment of BTM or the lack of adequate human resources in terms of quantity and quality (Lawal, 2012; Yuliana et al., 2023).

In 2012, BTM An-Nur Mandiri Jaya was established during BTM's rapid development. However, in 2019, issues arose between customers, employees, and embezzlement by one of the BTM employees. The incident involved the embezzlement of customer savings, difficulties in withdrawing wadi’ah deposits, and a lack of periodic reporting in accordance with the provisions of Law Number 1 of 2013 concerning Microfinance Institutions. This problem indicates a deficiency in implementing the principle of transparency in financial reporting at BTM.

According to the fatwa from the National Sharia Board of the Indonesian Ulema Council (DSN MUI), wadi’ah deposits are pure entrusted funds that can be withdrawn by the owner at any time (Abrori, 2022; Nurjannah & Santoso, 2022). However, in practice, there is often a lack of transparency in the implementation of the wadi’ah contract at BTM. Deposits entrusted by members are not always withdrawable at any time. BTM also faces challenges in fulfilling its obligations to customers regarding deposits, loans, and customer fund withdrawals. The lack of specific regulations regarding BTM has raised concerns among various parties.

Increasing regulation and loan regulations, as well as the role of the Deposit
Insurance Agency (LPS), are important in handling such cases, including the recent case that occurred at BTM An-Nur Mandiri Jaya Punggur.

Literature Review
Throughout the studies, books, theses, and articles related to the Analysis of Sharia Economic Law and Positive Law Regarding the Implementation of the Principle of Transparency in Wadi’ah Contracts (A Study at BTM An-Nur Mandiri Jaya, Punggur Sub-district, Central Lampung District) were collected. Mohammad Lutfi, titled; "Research Journal on the Application of Wadi’ah Contracts in Islamic Banking." This research explains that the Al-Wadiah principle in Islamic banking refers to an agreement where customers deposit money in the bank with the purpose of having the bank responsible for safeguarding and guaranteeing the return of the money in case of customer claims. As a consequence of implementing the wadi’ah principle, all profits generated from the entrusted funds will belong to the bank (and vice versa).

As compensation for the customers, the depositors receive security guarantees for their assets and other banking facilities. In the banking world, incentives or bonuses can be given, which is a policy of the respective bank. This is done to stimulate people’s enthusiasm for saving and also serves as an indicator of the bank’s health. The provision of bonuses is not prohibited, provided it is not previously required and the amount is not specified in terms of a specific figure or percentage. Thus, the wadi’ah contract is legally valid. This is in accordance with the opinions of Hanafi and Maliki scholars (Lutfi, 2020).

Aldira Maradita, titled; “Characteristics of Good Corporate Governance in Islamic Banks and Conventional Banks.” This research explains that the concept of Good Corporate Governance between Conventional Banks and Islamic banks is essentially the same. However, the differentiating factor is the presence of shariah compliance, which entails adherence to Islamic principles, and the existence of the Shariah Supervisory Board (DPS) responsible for examining and making recommendations for new products offered by the banks it oversees, as well as monitoring Islamic banks to ensure that their business activities comply with the principles set by Islamic jurisprudence and fatwas. Additionally, there is the National Shariah Board, whose main function is to oversee the compliance of financial products offered by Islamic institutions with Islamic principles (Maradita, 2014).

Silvia Divi Salsabillah, titled; "Legal Protection for Depositors of Baitul Maal Wa Tamwil after Revocation of Business License." This research explains that the revocation of a BMT’s business license in the form of a cooperative is regulated by the Ministry of Cooperatives and SMEs in Article 56, paragraph (4) of Ministerial Regulation No. 10/Per.M.KUKM/2015 on Cooperative Institutions. This revocation occurs when the BMT experiences liquidity and solvency difficulties that adversely affect depositors. The liability of the BMT towards the funds of its depositors is fulfilled by compensating for the losses resulting from the mistakes made by the BMT’s management (Salsabillah, 2023).

Lu’lu’ Rodiyah, titled; "Implementation of Wadi’ah Contracts in Savings Products at Bank Syariah Mandiri and Its Review from the Perspective of Sharia Economic Law." This research explains that in the process, the contract used in the
savings products at Bank Syariah Mandiri seems to lack transparency. There is no evidence indicating the use of a wadi’ah contract for these savings, neither in the deposit form nor in the savings book itself. However, in Islamic economics, activities should adhere to the principles, including the principles of Clear and Recorded Financial Transactions, as well as Prioritizing Justice and Balance (Rodiyah & Hadi, 2020).

Based on the previous research mentioned above, what sets the author’s research apart is the focus on the application of the transparency principle in wadi’ah savings contracts. The author aims to analyze it from the perspectives of Sharia Economic Law and Positive Law, whereas previous studies discussed the implementation of wadi’ah contracts in BMT or Islamic banks. In this research, the author primarily focuses on the Analysis of Islamic Law and Positive Law Regarding the Implementation of the Principle of Transparency in wadi’ah contracts under the OJK Regulation No. 19/2021 Article 32, paragraph 1 and Law No. 1/2013 Article 2, letter e. The research specifically examines the application of the transparency principle in wadi’ah contracts at BTM An-Nur Mandiri Jaya.

**Research Method**

This research falls under field research, which involves direct observation of the object being studied to obtain relevant data. The research site for this study is BTM An-Nur Mandiri Jaya, located in Tanggul Angin, Punggur Sub-district, Central Lampung Regency, Lampung 34152. The research started in March 2023 after obtaining research permit from the Integrated One-Stop Service Office and continued until the completion of the study. The nature of this research is qualitative descriptive method. Data collection techniques used in this study include observation, interviews, and documentation. The observation conducted in this research involves observing the ongoing developments in the field related to the implementation of the transparency principle in wadi’ah contracts at BTM An-Nur Mandiri Jaya. The documentation data in this study includes information related to profiles, organizational structure, vision, and mission of the managers and employees at BTM An-Nur Mandiri Jaya.

The data analysis method used in this research is tailored to the research objectives, which is the Analysis of Sharia Economic Law and Positive Law Regarding the Implementation of the Principle of Transparency in Wadi’ah Contracts at BTM An-Nur Mandiri Jaya, Punggur Sub-district. The aim is to examine how the transparency principle is applied in wadi’ah contracts at BTM An-Nur Mandiri Jaya and analyze it through Sharia Economic Law and Positive Law. The method of thinking employed in this research is inductive method, which involves studying specific phenomena to derive general principles about the investigated phenomenon. This method is used to draw conclusions regarding various aspects related to the implementation of the transparency principle in wadi’ah contracts at BTM An-Nur Mandiri Jaya, Punggur Sub-district. The primary data source for this research is BTM An-Nur Mandiri Jaya Punggur, while the secondary data sources consist of primary legal materials such as the Qur’an, Hadith, books, journals, and laws that explain the principles of Islamic financial institutions in fiqh.
The Implementation of the Principle of Transparency in the Wad’iah contract at BTM An-Nur Mandiri Jaya.

The application of the transparency principle in wadiah savings contracts at BTM An-Nur Mandiri Jaya is implemented through the Annual Members Meeting (RAT), where the previous year’s work program is presented in terms of finance, management, and business development. The meeting also discusses the upcoming work plan. As a form of transparency, the target for this year’s wadiah savings contracts is 60 members. Therefore, participants attending the RAT are representatives from each member.

The form of transparency, particularly for wadiah savings contracts, includes outreach activities conducted in markets, residential areas, and community gatherings. These activities aim to attract the interest of the public to become customers and members of BTM An-Nur Mandiri Jaya. Information transparency is a necessity for Islamic banks, as they serve as financial intermediaries and trusted institutions responsible for managing and distributing funds in accordance with Sharia principles. The fundamental principle of transparency is related to the quality of information provided by the company. The trust of potential members and existing members greatly depends on the quality of information conveyed by the company (Maradita, 2014; Salsabillah, 2023). Therefore, the company is required to provide clear, accurate, and timely information that is accessible at any time.

The principle of transparency is crucial in preventing fraudulent activities. By providing information based on transparency principles, it anticipates the possibility of shareholders, investors, and employees not having access to material information or facts (Ahmad Nadzri & Muneeza, 2021; Yusnita et al., 2019). Transparency means that Islamic banks or BTM are obligated to provide timely, adequate, clear, and accurate information about their banking conditions and prospects. This information should also be easily accessible to stakeholders according to their rights. It serves as a basis for them to assess the reputation and responsibility of the Islamic bank.

However, the implementation of the transparency principle in wadiah savings contracts at BTM An-Nur Mandiri Jaya has not been fully executed properly, as BTM An-Nur Mandiri Jaya has not published its financial reports to external parties. The proper implementation of the transparency principle, especially in the takad tabungan wadiah (wadiah savings agreement), has not been achieved due to miscommunication between customers and the Account Officer, resulting in discrepancies between the amount of customer savings and the amount recorded in the system.

The transparency demonstrated by the company to customers in obtaining financing is evident in the provision of information, and likewise, customers are also required to provide information about the financial reports of their savings. The essence of transparency in banking is to enhance the openness of a company’s performance, which should be regulated in a timely manner (Maradita, 2014; Zulfikar, 2020). One essential piece of information that a company needs to provide is financial reports, as they serve as an indicator of the company’s soundness and development.
Analysis of Transparency Principle in Wadi’ah Contract at BTM An-Nur Mandiri Jaya, Punggur Subdistrict, Central Lampung.

In healthy business practices, it is essential for management to uphold the principle of transparency, ensuring that the maximization of company profits does not lead to vested interests that prioritize personal gains at the expense of the company. With the principle of transparency, it means that Islamic banks or BTM are obligated to provide timely, adequate, clear, and accurate information regarding the condition and prospects of their banking activities. The following are the applications of the principle of transparency as viewed from Sharia Economic Law and Positive Law in the Wadi’ah contract.

1. Analysis of Sharia Economic Law

In Sharia economics, the ideal condition in a transaction is that each party involved has equal information regarding the contract's object, leading to mutual consent. The object of the contract should be clearly understood by all parties to avoid disputes. Minor uncertainties that do not lead to disputes do not invalidate the contract. Clear information in muamalah (financial transactions) or social interactions is essential to ensure that no party is disadvantaged (Dayyan, 2018; Jie et al., 2020; Muliani, 2022). Every transacting party should possess the same relevant information before and during the transaction, including information about the object, the transacting parties, and the contract itself. Furthermore, to achieve transparency, it is necessary to provide access for stakeholders to share important information related to each transaction.

Transparency (honesty) is intended not only for others but also for oneself, to prevent conflicts of interest from various parties in all our activities. Those who uphold the principle of amanah (trustworthiness) are considered fortunate individuals in the field of economics. Regarding the application of the principle of transparency in Sharia Economic Law, BTM An-Nur Mandiri Jaya, as a trustee, must adhere to the principles of transparency, honesty, trust, and justice, especially regarding the savings of its customers. The fate of customers’ savings is heavily entrusted to BTM, as the Wadi’ah contract used for these savings is based on the concept of wadi’ah yad dhamanah, where the trustee is allowed to utilize the entrusted goods or money and is responsible for their safety. Therefore, BTM bears full responsibility for any damage or loss. This aligns with the principles of wadi’ah yad dhamanah, which require honesty, trustworthiness, transparency, and justice among the employees, especially in the wadi’ah savings contract.

Honesty is an essential aspect of Sharia Economic Law, particularly in the principle of akhlaq (morality), which emphasizes that behavior and ethics are the primary guidelines in modern business that is reembrisng religiosity. From this principle arises the necessity to uphold honesty and truthfulness (Ash-Shidiq). Honesty is a fundamental value in Islam, as Islam is synonymous with truth (Al-Qur’an, Surah An-Nisa’, verse 95). Allah commands all Muslims to be honest in all matters and speech (Surah Al-Ahzab, verse 70).

In Islam, one of the conditions for cooperation is the principle of transparency or honesty (Kuran, 1995; Lutfi, 2020). Honesty eliminates suspicion and disputes, allowing long-term and mutually beneficial collaborations. Islam
highly values honesty in all aspects of life, including business cooperation, as it promotes Islamic economic values such as justice and condemns injustice, as injustice leads to dishonesty. Clarity of information in muamalah or social interactions is crucial to ensure that no party is disadvantaged. Every transacting party should possess the same relevant information before and during the transaction, including information about the object, the transacting parties, and the contract itself. Furthermore, to achieve transparency, it is necessary to provide access for stakeholders to share important information related to each transaction.

Furthermore, it is necessary to uphold the principle of amanah, which is a characteristic of an individual involved in economic activities, as these individuals are considered fortunate. Amanah (responsibility) should be possessed by Muslim businessmen, alongside honesty, as it is not only for the benefit of mu’amalah but also related to one’s faith. Expressing truthful and accurate information without falsehood or deception is essential since such data serves as testimony. The Quran instructs Muslims to record their activities in every mu’amalah, including business partnerships, buying and selling, lending and borrowing, renting, and others. Allah teaches and admonishes humanity in the Quran, such as in Surah Al-Anfal, verse 58, which means that if you (Prophet Muhammad) are truly concerned about betrayal from a certain group, return the agreement to them in a fair and honest manner. Surely, Allah does not like the treacherous.

In the characteristic of amanah, one party is always in a weaker position as they may not have sufficient information about the products and services involved in the transaction (Lawal, 2012; Yuliana et al., 2023; Zulfikar, 2020). Therefore, consent or approval heavily depends on honest information from their contracting partners. The Prophet Muhammad said, "Keep away from falsehood, for falsehood leads to wickedness, and wickedness leads to Hellfire." Manipulating the reception, processing, and dissemination of information is considered falsehood.

Based on the research conducted at BTM An-Nur Mandiri Jaya regarding the application of the principle of transparency in the Wadi’ah contract and its analysis in Sharia Economic Law, the Wadi’ah savings contract at BTM An-Nur Mandiri Jaya already adheres to the principle of transparency by providing information about savings, loans, and deposits at the institution. BTM has implemented transparency by providing information about the Wadi’ah contract, including honesty, trust, and justice. BTM An-Nur Mandiri Jaya is able to provide comprehensive information, especially regarding the mechanism of opening savings accounts, depositing funds, as well as withdrawals or account closures. Although there may have been some misunderstandings regarding the principle of transparency in the Wadi’ah savings contract between employees and customers, the issues have been resolved effectively, and BTM An-Nur Mandiri Jaya strives to uphold the principles of transparency in Islamic law.

2. Analyzing the Positive Law

Every customer has the right to receive clear information from the bank regarding the issued products, in accordance with BAPEPAM Regulation No. VII.G.2 concerning annual reports related to the transparency principle of Good Corporate Governance (GCG), which obligates the submission of important reports to stakeholders periodically (Munir et al., 2021; Salsabillah, 2023). This must be taken into serious consideration to avoid information imbalances between
customers and the bank, as any issues that arise will negatively impact the customers.

Transparency, in this context, refers to providing clear and detailed information about the related products, ensuring that customers truly understand the characteristics of the products. In the case of the Wadi’ah savings contract, BTM must provide comprehensive information to customers regarding the Wadi’ah savings contract. The information provided should be clear, adequate, accurate, and easily accessible. Additionally, transparency is essential to maintain public trust.

To facilitate access to information about the bank's product characteristics, Sharia banks, such as BTM or BMT, should provide services where written publications are displayed in each branch, visible on notice boards accessible to customers and the public. This complies with the provisions of the Financial Services Authority Regulation No. 19 of 2021, Article 32, Paragraph 1, which states that in implementing the principle of transparency, Financial Institutions (LKM) must announce their financial position reports and income statements for each fiscal year period on notice boards in their respective offices, easily accessible to the public or through local daily newspapers, no later than 5 (five) months after the end of the fiscal year.

In addition to notice boards, Sharia banks, BTM or BMT, can also implement electronic transparency principles through hotlines/call centers or easily accessible websites for all customers. Moreover, in financial transparency principles, BTM must adhere to several transparency principles, including:

1. Timeliness: Financial reports should be presented in a timely manner to serve as a basis for economic, social, and political decision-making and to avoid delays in decision-making.
2. Easy accessibility: Information should be easily accessible to all parties.
3. Openness: Public information transparency gives everyone the right to access information available in public bodies, emphasizing that all public information should be open and accessible to every information user. However, BTM An-Nur Mandiri Jaya has not fully implemented transparency since the information conveyed to customers or the public is primarily verbal, without online access through a website or other online media.
4. Financial condition: A comprehensive display or overview of an organization's financial state or performance during a specific period. In terms of disclosing financial conditions, BTM An-Nur Mandiri Jaya has provided financial condition reports through its Annual General Meeting (RAT) despite using the same time format, which is "as of December 31st," whereas the income statement should use the time format "for the year ended December 31st."
5. Management structure: The organizational structure demonstrates division of work and how different functions or activities are carried out. In terms of management structure, BTM An-Nur Mandiri Jaya has implemented it well by establishing a vision and mission, as well as a management chart reflecting the roles and responsibilities in each field.
6. Planning and Results: A series of actions to achieve desired outcomes. BTM
An-Nur Mandiri Jaya has implemented planning and results through its Annual General Meeting (RAT) conducted every year.

The fundamental principle of transparency is related to the quality of information provided by a company. The trust of potential members and existing members greatly depends on the quality of information provided by the company. Therefore, companies are expected to provide clear, accurate, and timely information that can be accessed anytime.

However, based on positive law, BTM An-Nur Mandiri Jaya has not fully implemented the transparency principle as stipulated, either through POJK No. 19 of 2021, Article 32, Paragraph 1: In implementing the transparency principle, Financial Institutions (LKM) are required to announce their financial position reports and income statements for each fiscal year period on notice boards in their respective offices, easily accessible to the public or through local daily newspapers, no later than 5 (five) months after the end of the fiscal year.

Furthermore, apart from not implementing the transparency principle in the POJK and Law No. XX of 2013, Article 2, Letter e, the application of transparency principles in BTM An-Nur Mandiri Jaya has not provided online media access to access information through a website. The implementation of transparency principles in BTM An-Nur Mandiri Jaya is still primarily verbal, and there is no widely accessible website for customers or the general public to access information.

**Conclusion**

The implementation of transparency principles in the Wadi’ah savings contract at BTM An-Nur Mandiri Jaya has not been fully executed properly. BTM An-Nur Mandiri Jaya has not published its financial reports to external parties. The application of transparency principles in the contract, especially in the Wadi’ah savings agreement, has not been well implemented due to miscommunication between customers and the Account Officer. This resulted in discrepancies between the customers’ recorded savings amount and the amount reflected in the system. The essence of transparency in banking is to enhance the openness of the company’s performance, regulated in a timely manner.

One crucial piece of information that needs to be provided by a company is its financial statements, as they indicate whether the company is developing well or not. Additionally, apart from not implementing transparency principles in accordance with POJK and Law No. XX of 2013, Article 2, Letter e, BTM An-Nur Mandiri Jaya has also not provided online media access to retrieve information through a website. The implementation of transparency principles in BTM An-Nur Mandiri Jaya is still primarily conveyed verbally, and there is no widely accessible website for customers, potential customers, or the general public to access information.
References


