

## Implementation Of Social Function With Qardh Contract At Bank Devisa Syariah In Indonesia

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### Abstract

*Social function is a criterion that attached to bank syariah operation. Qardh as social function contract is an akad of cost-free financing that is available in bank syariah, cost free by means of profit sharing. Qardh's fund or qardhul hasan is sourced from the receipt of zakat-infaq-sodaqoh plus receipt of non halal funds. Qardh is intended for the benefit to emergency need of fund to customers of bank syariah. The aim of this research is to analyse the implementation of social function in (foreign-activity) devisa sharia banking in Indonesia. Data collection is using direct interview with structured interview approaches, analyzing data of printed information and bank's internet site. It took the conclusions, that the application of qardh financing in devisa sharia banking is not available to ordinary customers. In some devisa sharia banks, there are exist qardh financing application with some prequisites such gold as collateral, through credit cards facility with blocking balance of funds in savings account. The research concluded that social financing is not available for ordinary customers, even the reports showing the increased in the value in the year of 2015, 2016, 2017, 2018, 2019.*

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### Abstrak

Fungsi sosial merupakan kriteria yang melekat pada kegiatan bank syariah. Qardh adalah akad dengan fungsi sosial yang merupakan pinjaman tanpa biaya bagi hasil yang terdapat pada bank syariah. Dana qardh berasal dari penerimaan zakat-infak-sodakoh dengan tujuan untuk menalangi kebutuhan mendesak bagi nasabah bank syariah. Tujuan penelitian ini adalah untuk menganalisa penerapan fungsi sosial pada bank syariah devisa di Indonesia. Pengumpulan data menggunakan wawancara langsung dengan metode terstruktur dan menganalisa dari data tertulis dari situs internet bank syariah devisa. Dapat disimpulkan bahwa keberadaan pinjaman qardh tidak tersedia untuk nasabah umum. Pada beberapa bank syariah devisa, terdapat fasilitas pembiayaan qardh dengan syarat tertentu seperti jaminan emas dan bagi para pemegang kartu kredit dengan pemblokiran tabungan. Penelitian menyimpulkan bahwa pinjaman sosial tidak berlaku bagi nasabah biasa, walaupun angka qardh meningkat untuk tahun 2015,2016,2017,2018 2019.

**Kata Kunci : Fungsi Sosial, Qardh, Bank Devisa Syariah**

### INTRODUCTION

Bank industry in Indonesia is categorised into some classifications, such as public banking, private banking, joint venture banking, foreign banking, devisa bank, rural banking, non devisa banking and syariah banking, later in this paper non syariah banking will be named as conventional banking. Syariah bankings operate its business based on syariah principles, economic democratisation, and prudence principles. Syariah banking has objective in helping the implementation of increasing the wealth (Indonesian statue no 21, 2008).

Bank syariah may operate a social function, which is receiving funds such as zakat, infak, sedekah, hibah or wakaf and other social funds then distributing the funds to the beneficiary or asnaf (Indonesian statute no 21, 2008). Social function of syariah bank may become a mandatory mission that attached to the corporation (Fatwa DSN-MUI 19/2001). Other than transaction such mudharabah, musharakah, murabahah, salam and istishna or ijarah. Qardh is a principle that makes a different of bank syariah, that is not exist in conventional bank (OJK, 2017).

Qardhul Hasan is sourcing from receiving funds that are considered as non halal and also receiving Zakat Infaq and Sedekah funds. Qardh is one model of financing contract in syariah banking, qardh is defined generally as to lend the money without charge any cost to the borrower. Compared to other lending model in syariah banking, where in each transactions will bear cost with the value that will be charged at the beginning, then lending with Qardh that is given to the lender (mustahiq) is not charge any cost, or even the lender is not obliged to give any collateral, which is different model with other lending contracts model that available in conventional bank, however this fund is not classified as hibah or sedekah by mean free fund and no need to payback but only expecting ridha from Allah Subhanallahu wa taala (OJK, 2017).

Thus, this social function of bank syariah, will be benefit to some customers that are in a need of urgent money for a help in an emergency situation (OJK, 2017), a loan without cost. Qardhul Hasan has diverse meanings, namely Qardhul Hasan defined as loans and also interpreted as charitable, implementation Qardhul Hasan is done in two ways: Productive Loan and Social Fund, it is suggested that proposal for more bank Syariah implement it (falikhatur, asega and hasim, 2016). This social function suggested without forgetting the other competition strategy such as conglomeration approach (Taurusianingsih, 2016).

Bank devisa, a common name that is translated by google transtalor into English as a foreign exchange bank is one category in Indonesian banking that some cireteria have to be fulfilled. A bank that plan to be classified as bank devisa, must fullfill some perquisites such the minimum threshold of some financial ratio for the last 18 months, minimum sharesvalue of one trillion, ratio KMPM and others administration requirement. From a list number of bank syariah, bank syariah corporation (BUS) or bank syariah division (UUS), there are six banks syariah that meet the qualification as bank syariah devisa. These bank syariah devisa should provide qardh available to the customers for qardh financing.

The Researchers study object is to do research in implementation of Qardh contract in Sharia devisa's banks, to evaluate wether the social function is implemented in those banks. The research is proformed with the observation of the offers from printed booklet/brochure and the offers available in banks' internet sites, and also interviews with call service centres and customer services of the banks.

Is social function being implemented in devisa syariah bank?

This research is expected will be usefull to the researcher/writer, academic staffs, syariah banking professionals and general purpose to all readers. To the researchers, this will be usefull for enhancing the knowledge about social function in syariah banking.

And also to academic staffs, this research is expected will be added value in increasing the information strategy to syariah banking in operationg social function. And to banking professionals, the result of this result is expected to become a good input in making decisions, especially to syariah banking that has mission in keeping and implementing its social functions.

This research is being motivated by fenomena of lower Qardh contracts used in Indonesian Syariah banks compared to other contract (OJK SPS, 2019) as described in background of the research. It has been explained previously that syariah bank is bank with

social function. This function would be a distinct between the conventional. Therefore, this research if to find out the implementation of this social functions.

## LITERATURE REVIEW

As per some references given by OJK, BI and DSN-MUI, Products and services of Syariah banking are different in term of types, characteristics, products and instruments of earning, from conventional bank. The differents derived from the view of interest concepts which is a main principle in conventional bank, whereas in syariah bank, the main principle of earning is profit – loss sharing (more often called as profit sharing) and to avoid interest that is basically prohibited. However, there are also other different characteristics with banking products. Those products are categorized based on transaction characteristics and operation principles, here are: (a) Profit sharing financing product : Mudharabah, Musyarakah; (b) Purchase and Selling product : Murabahah, Salam and Istishna; (c) Leasing product : Ijarah; (d) Service product : wadiah, hawalah, wakalah, kafalah, etc; (e) Social product which is al-Qardh.

In syariah banking act, as a corporation, syariah banking is categorized with General Syariah Bank, Syariah Unit business and Syariah Rural Bank. Syariah Public bank or Bank Umum syariah, later will be stated as BUS is bank that is in operation provide service in cash management in general. BUS could be categorized as devisa or non devisa. Bank Devisa is a bank that in general can operate the transactions with overseas partners of something that is related with foreign exchange in general, such fund transfer to overseas, inkasso to overseas, truncation of letter of credit, and so on. Syariah Public Bank have characteristic that almost the same with conventional public bank due to legal estabhlishment of the entity mostly are Limited Liability Company. Some of BUS were grown well after spin off (Chotib, 2016).

Syariah Unit Corporation, later will be stated as UUS, is a division from a conventional public bank that has function as a headquarters of dovision or branches or units that operating its unit with syariah as a principles, or division in branches from bank in overseas that runs its business with syariah principles. UUS position is one level of board director of the corporation. UUS can be seen or called generally as window banking operation.

According to act no. 21 2008 about syariah banking, the term of Bank Pembiayaan Rakyat is bank that in its operation will not provide payments system. Legal entity of BPRS is limited liability company PT. BPRS ownership is only eligible to local Indonesian citizen or local Indonesian entity, local government or partnership between local individual with local enterprise.

As per regulation that was issued by Bank Indonesia, number 15/27/DPNP dated 19 Juli 2013, regarding the requirement for public bank to have operation of transaction in foreign currency, which also applicable to syariah banks, there are some requirement that have to be fulfilled to became eligible to do the transactions, there are a). Performance at good level with grade one or two composite during last eighteen months, b). having shares value at lease Rp1.000.000.000.000,00 (one trillion rupiah); and c). attained rasio of Kewajiban Penyediaan Modal Minimum (KPMM) in line with Profil Risiko for the score of last KPMM as per regulation of Bank Indonesia regarding the KPMM, 1) Profil Risiko less than 10% (ten percent) hence KPMM decided at least 10% (ten percent)., 2) KPMM for Bank Umum Syariah (BUS) decided at least 10% (ten percent) as long as there is no new regulation KPMM according to the regulation for Bank Umum Syariah.

Credit definition in some literatures is coming from a word credo that means to lend money base on trust. But actually, the word of credo is coming initially from European scholars from Islamic age at 11th century. It came from word qardh that has a meaning to lend money

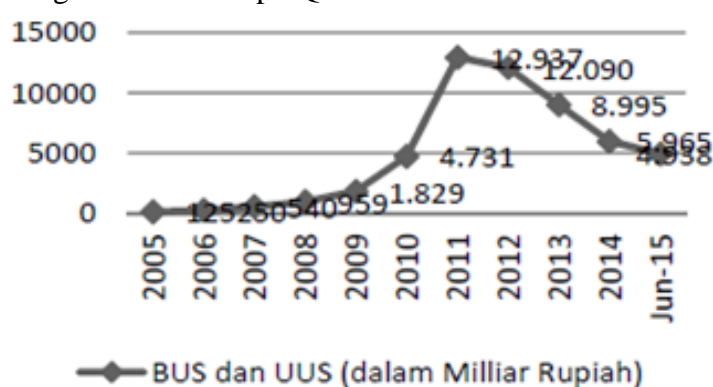
or goods based on trust. According to terminology is to lend to money without any earnings from that loans. Whereas definition from Muhammad Safi'i Antonio, qardh is to lend without expecting any earning (Mujahidin, 2016).

Basic principle of qardh transaction is simply a transaction with social function, because it is not purposively with the intention of having earned from the fund lending. However, this transaction is also useful to syariah bank for facilitating the needs of syariah banks in terms of: (a) To fulfill social responsibility of syariah banks in order to help small medium enterprise that need funds without interest; (b) To distribute social funds that is received by the syariah banks, this is including the funds that is comply with syariah principles, such as infaq, sodaqoh, hibah, fine and other funds that is not comply with syariah principles, like interest from conventional bank that is not able to avoid which is coming from accounts opening, etc; (c) As an additional product to customer that is loyal to the syariah bank and good performance whom need cash advances for a short period of time, or to the customer that is need quick cash while he/she cannot withdraw money because his/her funds is in fixed deposit account; (d) As a special scheme to facilitate syariah banks' employee that need loans for unplanned needs of funds; (e) Taking over of conventional's bank loan to syariah bank. This take over must be initiated with transfer of fund to the customer.

Application of qardh in syariah banks generally in four types: (a) As a loan for hajj payments, when hajj incumbent being given a loan for payment full of haji expenses. The customers will payback in full before the embarkation; (b) As a cash advances, from syariah credit cards, when card holder is giving a free option for cash withdrawal in ATM.

The card holder will be payback as per the terms and condition, (a) As a loan to small medium enterprise, as per analysed by the bank that it will not applicable to the enterprise to give with scheme of purchase-sell, or rental nor profit sharing; (b) As a loan to banks's employee, when the bank facilitate it to help the needs of its employee. Banks' employees will payback in term of installment by deducting their salary (Subagyo, 15), (Abidin, Alwi and Ariffin, 2011).

Figure 1. The Graph Qardh Data Period 2005-2015



Source : Nurhaida, 2016

In Indonesia syariah banks industry, since its first fatwa of qardh product at year of 2001 by Syariah National Board Fatwa number DSN MUI No. 19/DSN-MUI/IV/2001, about qardh product in syariah banking since 2005 showing increasing trends, in term of volume of loan that is given to the customer, and in term of number of customer itself. However, in the year of 2012, both loan volume or number of customers were decreasing at BUS and UUS in Indonesia, decreased to following years.

Based on the presentation, could be understood that since 2005 financing with qardh contract had increasing until 2011, where its volume of loan increasing from Rp. 125 millions to become Rp. 12.9 millions in the year of 2011 or increasing more than 100%. However, since the year of 2012 had decreasing trend continued to the following years. According to statistic shariah banking report by June 2015 were only 4.938 billions Rupiahs (Haida, 2016).

General principles of Qardh : according DSN MUI No. 19 year of 2001, 1. Al-Qardh is a loan that is given to customers (muqtaridh) that is needed, 2. Customers al-qardh must return the money that they received according to the agreement. 3. Administration charge is borne by customer. 4. Syariah finance institution could ask for collateral to customer when it is necessary. 5. Qardh customers could give additional (donation) voluntarily to the bank as long as not prescribed in the agreement. 5. If customers can not returned the fund partially or all loan and the instition had confirmed, the institution can change the period of loan, or write it off partially or in full.

Customers' fund, according to DSN MUI No. 79 : 1. Qardh akad (or contract) in Shariah finance institution are in two types : a. Akad Qardh that is dedicated for social function and merely by meant as regulated in Fatwa DSN-MUI No.19/DSN-MUI/IV/2001 about al-qardh, not as a companying to another transactions in order to get the benefit; b. Akad Qardh that is exist as a method or accompanying to another transactions that are using akads of mu'awadhah (exchange with commercial intention) it the products that bear a profit. 2. Akad or product that is using akad qardh as a completion or as a base to accompanying akad mu'awadah as by meant in point 1.b of above regulation, stated moreover at :a. Fatwa DSN-MUI No. 26/DSN-MUI/III/2002 about Gold Rahn; b. Fatwa DSN-MUI/VI/202 about payment for Haji administration at Shariah Financial Institutions; c. Fatwa no. 29/DSN-MUI/VI/2002 about re-financing; d. Fatwa DSN MUI Nomor: 42/DSN-MUI/V/2004 about Syariah Charge Card; e. Fatwa DSN MUI Nomor: 54/DSN-MUI/X/2006 about Syariah Card; f. Fatwa DSN MUI Nomor: 67/DSN-MUI/III/2008 about loan factoring Syariah. 3. Akad that is by meant at point 1.a is not right to use customers' fund; 4. Akad by it's meaning at point 1.b could be sourced from customer's fund; 5. Earning or income that are generated from completion of transaction by mu'awadah.

## METHODS

This research is a kind of basic qualitative reseach, which is a reseach that creating descriptive data as textual written information or by oral data information that are derived from persons and behavior that can be observed. Descriptive research means a research which will describe some objects that are related to the subjects of research without further analysis of connection or correlate it between variables. This research is used for finding out about what and how the condition being happened and will report it as it is. By this qualitative research, it is expected that it will be known about its authentic, social relations and perception of object from researcher without affecting normal conditions. The researchers will use this research with using case study due to its objective to understand the background of person, group or institutis, in deep and details about organization, institutions, and some phenomena (Yusuf, 2014).

Source of data that is used for the reseach are as follows (Yusuf, 2014): (1) Literature Research, is method a data sourcing that is used to look for basis of problems of research by searching in library online and physical, Is a source that are taken from scholars and text books that is in line with research problems, papers, journals, articles that is using shariah principles.This include some publication that is made by syariah banks and syariah financial

institutions, authorities and government publication; (2) Field Research, is to collect the data from research places, to look for the data by visiting the research object to gather concrete data that is related with the problems of research. It has two types as follows: (a) Data Primary, is a data that are collected directly from the field, this data by meaning the data that related to the issuance of loan with qardh contract that is done by asking the customer services of the syariah banks devisa; (b) Data Secondary, is some data that are not collected by the researchers, the sources of data is publication from authorities' publication, such yearly financial reports, OJK regular reports, etc.

Analysis method that is used in this research is descriptive, for describing data into narrative. Data that are used are facts from interview and questionnaire that is collected from Sharia devisa's banks.

The research is performed in Jakarta, where headquarters of Sharia devisa's banks are located. This research were performed during Januari to April 2018, then updated in May 2020 for paper revision. The researchers also visiting Sharia devisa's bank's branch offices or head offices, some of them are located at area of Tebet Jakarta Selatan, Mampang Jakarta Selatan dan Slipi Jakarta Barat. Four of Sharia devisa's banks have several branches at kotamadya Jakarta Selatan, whereas bank Mega Syariah and Bank Panin Dubai have a limited number of branches.

## RESULTS AND DISCUSSIONS

Interview Information that are collected during interview sessions with call centers and some front end officers, more or less that can be written and summarised as reports such below: Deposit with No Profitshare, Being informed during the interview with customer service officers and call center officers, all of six Sharia devisa's banks informed same informations, that customer are able to choose for savings without zero profitsharing or bonus or any Rupiah add up to the account, which is akad wadiah. Those six banks explaining with different terminology of what it called interest in conventional banking systems, ones said bonus; some others used profit sharing as a object of earning.

Loan with No Profitshare, Those all six bank, explaining the same, there is no loan with no margin, they explaining differently, some straight forward saying 'no', some with more explanation operationally as an opposite from saving without no profitshare is none of present service of the bank, even with specific condition, so far not available.

Loan with Collateral, Apart from those six Sharia devisa's banks, four of them describing some loan option with collateral as a gold, or collateral as a fixed deposits, two of them is still in operationally offering as a loan provided, and the rest are no longer available during the days of research, they explaining that the condition was offered in previous periods. During the interview sessions, it was found that one of the Sharia devisa's bank set a collateral as a fix term depotist. By analyzing in a simple way of logic thinking, to borrow is because no money, then to keep the fixed term deposit showing there is still money available.

Thus, from interviews held by the researchers with some staffs in front office and some staffs in call centers, it is concluded that the Sharia devisa's banks has no qardh financing available for general ordinary customers. Internet Sites Observations, All six Sharia devisa's banks have internet sites and call centers, these channels had been used by the researchers to get informations for observation and data for tele-interview by phone. At those internet sites, we could get information that is available for download some information for general purpose, including the financial information which is also available at OJK and also pdf version of yearly financial reports and other reports that is informed about corporate transactions. However,

upon surfing the sites, the researchers resumed that is qardh financing for social purpose is also not available for general ordinary customers. Informations for financing with other akad is available, such financing for purchase of vehicles or house with murabahah, business financing with musyarakah, credit card with cash advance facility with qardh contract.

General View, As per Statistic Report of Syariah Banking per December 2019, that issued by OJK, there are 14 BUS, 20 UUS and 167 BPRS. BUS are : Bank Aceh Syariah, Bank Muamalat Indonesia, Bank Victoria Syariah, Bank BRI Syariah, Bank Jabar Banten Syariah, Bank BNI Syariah, Bank Syariah Mandiri, Bank Mega Syariah, Bank Panin Dubai Syariah, Bank Syariah Bukopin, BCA Syariah, Maybank Syariah, BTPN Syariah and BPD NTB (early 2020, Maybank Syariah changed to Net Syariah). From 14 BUS, there are six banks with classification asl Bank Devisa syariah, they are Bank BNI Syariah, Bank BRI Syariah, Bank Panin Dubai Syariah, Bank Syariah Mandiri, Bank Muamalat and Bank Mega Syariah.

From all syariah banks, total loan that is issued with qardh akad, so far for recent five years is increasing, compared to total loan that issued by rural syariah banks, eventhough the percentage is little. In detail, one of Sharia devisa's bank has '0' zero amount in qardh.

**Tabel 1. Finance Reports, with specific accounts group of Loan.**

Assets Information of BUS and UUS	Rupiah Billions				
	2015	2016	2017	2018	2019
Total Pembiayaan	213.989	249.087	286.822	321.306	356.438
Pembiayaan Qardh	3.951	4.731	6.349	7.674	10.572
Prosentase Qardh/Pembiayaan	1,85%	1,90%	2,21%	2,39%	2,97%
Total Aset	292.262	356.504	424.181	477.327	524.564

Souce: Research Data, 2019.

Information At Yearly Financial Reports : All six Sharia devisa's banks stated information that have similarity in stating the notes of akad or contracts that they are using in the operational: (a) Bank syariah doing business in banking industry with sharia principles that is regulated by Indonesia Law, one of them are qardh; (b) Bank operate in business of syariah banking with main activity Murabahah, Qardh, Mudharabah and Musyarakah; (c) To distribute loan with principles of akad qardh or other akads that is not against with shariah principles.

At the time of writing this paper, May 2020, most of the yearly reports are not ready, thus information are taken from prior years while financial information are available at OJK internet sites at publication section for each banks.

Description of akad Qardh : Almost all Sharia devisa's bank states the definition of akad qardh at notes to the account in yearly finance report, each definitions describing same information, unless some of them state other akad in lending. (a) Qardh Loan consist of loan with akad hawalah and rahn. Akad hawalah is akad for refinancing from customer to another party that is mandatory to bear or to pay. Bank will get earning (ujrah) and being recognized upon receiving; (b) Qardh Loan is a loan with akad qardh. Akad qardh is a loan to customer with the condition that the customer must payback the loan at agreed term; (c) Qardh loan is offering the funds or billing with same meaning based on agreement or contract between borrower and bank that mandatory to the borrower to payback at specific period of time; (d) Qardh loan is lend and borrowing of funds without agreed charges that mandatory to the borrower to payback the fund in total or by installment in specific period. Qardh loan including wakalah and rahn; (e) Qardh loan is a type of loan given by the bank to the customer that is intended for hajj fund, rahn and advance payment of Islamic card; (f) Qardh loan consist of loan with akad hawalah and rahn. Akad hawalah is akad of refinancing from borrower (customer) to

another party (bank) that is the party to bear or payer. By using this akad, bank get earning of ujah and being recognized upon receiving.

Exposure of amount of account Qardh : At notes to the accounts, there are some statements with similar wordings, at some Sharia devisa's banks, as: (a) Qardh Loan is recognized as per value that are lend as per transaction dates. Excess on receiving of the repayments upon settlement is recognized as an income upon receiving the funds; (b) Qardh Loan is recognized as per value that are lend as per transaction dates. Excess on receiving of the repayments upon settlement is recognized as an income upon receiving the funds. Qardh value is stated as balance amount lessed by provision of bad debt.

Qardh Financing : Unless it is stated differently with two Sharia devisa's banks, information stated as: (a) Bank devisa Syariah 1, has provides loan to consumer banking customer by using advance payments or IB credit card. This card have function as payment card that is accepted by all merchant with logo MasterCard and all ATM with logo CIRRUS all over the world. There are three akads that is used for loan or advance payments by Hasanah cards, which are akad Kafalah, Qardh, and Ijarah. Hasanah carad have three types : classic, gold dan platinum; (b) Bank devisa Syariah 2 &3 (Qardh with Gold collateral), Operation of pawnship that are known for decade were only understood as a fulfillment of fast need that were existed in consumer customer in fact created a big market and presently had been started professionally and konvensional by one of financial institution at the country, this is a combined contract with hawalah and rahn including payment of ujah.

Qardh with Collateral : At two Sharia devisa's banks, it stated at notes to the accounts about collateral that is exist for loan with akad qardh, being stated as: (a) Bank has collaterals for loan of qards in the mode of cash, fixed deposits, collateral that is bond by mortgage, guarantee and other collateral assets; (b) Qardh loan is guaranteed with collateral that is bonded with fiducia or letter of power to fiducia or letter of authority for terminate fixed deposits mudharabah or other guarantee that is acceptable by the bank; (c) This kind of loan would refer to rahnu financing contract, resumed by us, the researchers.

Qardh Loan for Advance Payment of Hajj : At some notes to the accounts, it is stated that akad qardh is also being used for advance payment of hajj, according to regulation from Ministry of Religion year 2013, it is allowed to go for hajj with using advance payment, then the regulation being revised in 2016 with regulation number 24, where it is not allowed to jamaah go for hajj by loan in order to settle expenses for hajj ibadah (BPIH) through syariah bank, this restriction is based on the assumption if the jamaah go for hajj by loan meaning that they are not ready financially, and it effected to loan of hajj expenses with loan of qardh are decreasing at year of 2017.

Qardh Loan to Employee : At one of Sharia devisa's bank, there is information about creditor of qardh loan is key personnels of employee. For confidential purpose and authority of the researcher, details of the lender and the condition is bank's private informations

Qardh Loan to Affiliated Party, At one of the bank that disclose the details of main creditor list at financial reports, part of qardh amount is loan to related party such as the director and sister company that owned by the shareholders. At the notes to the account, is clearly stated the information of those party that are having qardh loan.

Appointing a Third Party : Two of Sharia devisa's banks at the field of research, establish a foundation institutions to distribute zakat, infaq, sodaqoh and other qardhul hasan' source of fund. Thus, all distribution of qardhul hasan being performed by a third party, hence it is not a direct bank to customer relationship. These syariah banks are one window operated syariah bank and the other one is a full syariah bank. In the notes to the accounts, it is stated clearly that one bank establishing a Baitul Maal foundation and one other bank appointing one



Zakat foundation specifically for managing the qardh fund distribution to the deserved individual, with the purpose of efficiency.

Thus, from all information above, could be concluded that qardh contract are existed and it is applied in financing for some transations, none of information stated that is being used for social needs of some specific customers.

Source of Qardhul Hasan : All six Sharia devisa's banks stating the same information at notes to the accounts, in regards to qardh fund sources of qardhul hasan, as: (a) The bonus that were earned from public syariah bank recognized as other income, and income from interest of conventional banks is not recognized as bank's income but being used for qardhul hasan; (b) Source of qardh loan are from banks' fund and wadiah savings. This qardh loan is a loan to the customers with immediate needs such as advance reimbursement and is not intended for consumption; (c) Earning of interest from current accounts from non syariah banks is not recognized as an income and being used for goodness wealth (qardhul hasan); (d) Goodness funds : the source of funds are from infaq and sodaqoh bank's employee and general customers, fines from loans and deposits, income from non halal and other social funds; (e) Earning from interest from current account in conventional bank (if exist) is not recognised as an income of the bank and will be used as goodness funds (qardhul hasan); (f) Fine/penalty that are charged to customer that are able to pay, but intendedly in making late payment, a sum of money that the amount is not set by agreement upon preparing the contract and is not confirmed upon contract signing. Funds that are come from fine/penalty is distributed for social/welfare funds; (g) Qardh loan funds source from bank's share capital and savings of thirdparty; (h) Earning from current account at non syariaiah bank is not recognized as bank's income but being used as a goodness fund (qardhul hasan); (i) Bank is not recognizes as an income such charge of late payments but allocated as a goodness fund (qardhul hasan).

Product name : One Sharia devisa's bank has a product name for qardh contract financing, it is Value chain SME, wakalah bil ujah wal qardh.

## CONCLUSION

The use of akad qardh at Sharia devisa's banks, not merely functions as it meant in the principles from DSN-MUI, which means is to help by giving loan without charging any fees that that means syariah bank will lend money without cost that have to be paid by the lender, a social funding. In financial reports of Sharia devisa's banks, 2015, to 2019, where the reports are available in public, it is stated that akaq qardh is not representing as a social funds, it is a method of loan to some specific credit card holders, loan to affiliated companies, loan to employee, advance payments for dana hajj, etc. and some banks set a gold as a collateral with ujah fees for safekeeping the collateral, for getting the financing.

Based on the research results by analyzing the financial reports and interviews that were performed at the front office of Sharia devisa's banks also querryng by phone to call centers, the researchers concluding that social functions at syariah bank devisa has not been performed, and is not available to general ordinary cusomers, ordinary customers could not take advantage that is available at syariah banks in principle.

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