THESIS

ANALYSIS OF SHARIA COMPLIANCE ON THE IMPLEMENTATION OF SHARIA *REFINANCING* CONTRACT AT BPRS DANA AMANAH SURAKARTA

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FACULTY OF SHARIA

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Presented to the University of Darussalam Gontor in Partial fulfillment of Requiriment for Completing the Graduate Program Department of Islamic Economics Law

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ABSTRACT

Analysis of Sharia Compliance on The Implementation of Sharia *Refinancing* Contracts at BPRS Dana Amanah Surakarta

Aqil Mu'tashim Bilhaq

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Public interest in fulfilling consumptive needs using sharia financing is getting higher. This is because not all people have sufficient financial capacity to fulfil their consumptive needs. Sharia refinancing is a refinance process carried out with sharia principles to provide new financing facilities to customers. One of the main legal bases for this practice is the Fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) Number 89/DSN-MUI/XII/2013 concerning Sharia Refinancing. BPRS Dana Amanah Surakarta is the longest established BPRS in Surakarta, because BPRS Dana Amanah is the 2nd (second) BPRS established in the city of Surakarta This research aims to determine how the implementation of refinancing that occurs at BPRS Dana Amanah Surakarta and whether the implementation that occurs at BPRS Dana Amanah Surakarta is in accordance with sharia compliance. The method used in this research is a qualitative research method of field study with a descriptive-analytical approach. Data were obtained through in-depth interviews, observation and study of relevant documents. The results showed that BPRS Dana Amanah Surakarta uses the Musyarakah Mutanaqisah (MMQ) contract in the implementation of sharia refinancing, where the implementation of sharia refinancing at BPRS Dana Amanah Surakarta has generally fulfilled sharia principles and is in accordance with the Fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) Number 89/DSN-MUI/XII/2013 concerning Sharia Refinancing. But there is a need to increase literacy and inclusion from BPRS Dana Amanah to the community so that more people take this refinancing financing, considering that refinancing itself is very flexible and very helpful for customers who have productive assets in paying off debts or needing cash.

Keywords: Consumptive Needs, Sharia Refinancing, BPRS Dana Amanah Surakarta, Fatwa DSN-MUI.

ABSTRAK

Minat masyarakat untuk memenuhi kebutuhan konsumtif menggunakan pembiayaan syari'ah semakin tinggi. Hal tersebut dikarenakan tidak semua masyarakat memiliki kemampuan finansial yang cukup untuk memenuhi kebutuhan konsumtif mereka. Refinancing syariah merupakan proses pembiayaan ulang yang dilakukan dengan prinsip-prinsip syariah guna memberikan fasilitas pembiayaan baru kepada nasabah. Salah satu dasar hukum utama dari praktik ini adalah Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) Nomor 89/DSN-MUI/XII/2013 tentang Pembiayaan Ulang (Refinancing) Syariah. BPRS Dana Amanah Surakarta termasuk BPRS terlama yang pernah berdiri di Surakarta, karena BPRS Dana Amanah adalah BPRS ke 2 (dua) yang berdiri di kota Surakarta. Penelitian ini bertujuan untuk mengetahui bagaimana implementasi *refinancing* yang terjadi di BPRS Dana Amanah Surakarta dan apakah implementasi yang terjadi di BPRS Dana Amanah Surakarta telah sesuai dengan kepatuhan syariah. Metode yang digunakan dalam penelitian ini adalah metode penelitian kualitatif studi lapangan dengan pendekatan deskriptif-analisis. Data diperoleh melalui wawancara mendalam, observasi dan studi dokumen yang relevan. Hasil penelitian menunjukkan bahwa BPRS Dana Amanah Surakarta menggunakan akad *Musyarakah Mutanaqisah (MMQ)* dalam implementasi refinancing syariah, yang dimana implementasi refinancing syariah di BPRS Dana Amanah Surakarta secara umum telah memenuhi prinsip-prinsip syariah dan sesuai dengan Fatwa Dewan Syariah Nasional Majelis Ulama Indonesia (DSN-MUI) Nomor 89/DSN-MUI/XII/2013 tentang Pembiayaan Ulang (Refinancing) Syariah. Akan tetapi perlu adanya peningkatan literasi dan inklusi dari BPRS Dana Amanah ke masyarakat sehingga lebih banyak lagi masyarakat yang mengambil pembiayaan refinancing ini, mengingat refinancing ini sendiri sangat fleksibel dan sangat membantu nasabah yang memiliki asset produktif dalam melunasi hutang atau membutuhkan uang tunai.

Kata Kunci: Kebutuhan Konsumtif, Refinancing Syari'ah, BPRS Dana Amanah Surakarta, Fatwa DSN-MUI.

DECLARATION

I, hereby,

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Title	: "Analysis of Sharia Compliance on The Implementation of Sharia *Refinancing* Contracts at BPRS Dana Amanah Surakarta"

I sincerely declare that this thesis belongs to my work and not to other researchers for a different degree. Furthermore, this thesis is never published before, except for some parts with their original references.

Otherwise, if it is found that this thesis is plagiarism, I am ready to be ceased academically.

UNIDA, Sya'ban 27th, 1446 H

February 26th, 2025 M

Researcher,

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SEPULUH RIBU RUPIAH 10000

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NIM 422021321024

SUPERVISOR DECISION LETTER

Honourable to

Dean of Sharia Faculty

University of Darussalam Gontor

Bismillahirramanirrahim

Assalamua'alaikum Warahmatullah Wabaraktuh

I present this thesis written by

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Department	: Islamic Economic Laws Department
Title	: "Analysis of Sharia Compliance on The Implementation of Sharia *Refinancing* Contracts at BPRS Dana Amanah Surakarta"

It has been processed and corrected to meet the practical requirement to obtain the Bachelor's Degree (S1) in the Islamic Economic Laws Department, Sharia Faculty University of Darussalam Gontor. Therefore, we hope this thesis could be examined.

Hopefully, this thesis will be useful for religion, nation, and the development of an educational institution

Wassalamu'alaikum Warahmatullahi Wabarakatuh

UNIDA, Sya'ban 21th, 1446 H

February 20th, 2025 M

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DECISION OF THE TEAM

The committee of the thesis examination in partial fulfilment of the requirements for the degree of Licentiate in Islamic Education in the Faculty of Sharia, University of Darussalam Gontor, Indonesia, declared that the thesis written by:

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Has been examined by the board of examiners of the Bachelor's Degree (S1) on Department of Islamic Economics Laws Faculty of Sharia University of Darussalam Gontor on Wednesday 5 March 2025

The board of examiners has decided to grant him pass in the thesis examination. Hence, he is eligible to be awarded the degree of Licentiate in Department of Islamic Economics Laws in the Faculty of Sharia.

Board Examiner
Supervisor

Devid Frastiawan Amir Sup, S.H.I., M.E.
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THESIS ACCEPTANCE LETTER

Bismillahirrahmanirrahim
Assalamu'alaikum wr. wb.

The Faculty of Sharia, University of Darussalam Gontor, Ponorogo Indonesia has received a thesis written by:

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In partial fulfillment of the requirement for the degree of Licentiate in the Islamic Economics Law Departement in the Faculty of Sharia, academic year 1445-1446/2024-2025.
Wassalamu'alaikum wr. wb

UNIDA, Ramadhan 8th, 1446 H
March 3rd, 2025 M

Dean of Sharia Faculty

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MOTTO

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَن تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنكُمْ ۚ وَلَا تَقْتُلُوا أَنفُسَكُمْ ۚ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾

"O you who believe, do not eat from one another's wealth by means of false means, except by way of a mutually agreeable trade between you. And do not kill yourselves; indeed, Allah is Most Merciful to you"

(QS an-Nisa' [4]: 29).

حدثنا محمد بن سليمان المصيصي : حدثنا محمد بن الزبرقان عن ابي حيان التيمي عن ابيه عن ابي هريرة رفعه قال : (إِنَّ اَللهَ تَعَالَى يَقُوْلُ: اَنَا ثَالِثُ الشَّرِيْكَيْنِ مَا لَمْ يَخُنْ اَحَدُهُمَا صَاحِبَهُ. فَإِذَا خَانَهُ خَرَجْتُ مِنْ بَيْنِهِما)

Muhammad bin Sulaiman al-Mishishi conveyed to us from Muhammad bin az-Zibriqan, from Abu Hayyan at-Taimi, from his father, from Abu Hurairah by marfu' to the Prophet SAW. That he said "verily Allah says, I will bless the endeavour of two people in a partnership so long as each does not betray the other. If one of them betrays the other, I will no longer bless their endeavours".

(HR Abu Dawud)

DEDICATION

This Thesis is dedicated

to

University of Darussalam Gontor

to

Mr. Devid Frastiawan Amir Sup, S.H.I., M.E.

to

My father Rial Fu'adi, My mother Umi Kulsum

And all my brothers and sisters, Maulida Azkia Zahra, Eisyda Nishfa Laila, Muhammad Faqih Dhia 'Ulhaq, Muhammad Mahir Dhia 'Ulhaq

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Praise be to Allah, the creator of the earth and the universe, the Most Compassionate, the Most Merciful. Shalawat and salam to the Prophet Muhammad Saw. who has brought light to the whole world.

It is only through the kindness and guidance of Allah SWT that the author was able to complete this thesis. realizing him inability to complete this thesis, the author feels compelled to express him gratitude for all the direction, advice, and assistance needed. On this occasion, the researcher would like to express him deepest appreciation to

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Researcher realises that this thesis is imperfect because of the limited experience and knowledge. Thus, the author expects all forms of advice and

criticism from various parties. Hopefully, this thesis will benefit and increase knowledge for researchers and readers. Aamiin.

Researcher

Aqil Mu'tashim Bilhaq

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