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**THE PRINCIPLES OF UTILITY ON SOCIAL FUNCTIONS
IN SYARIAH BANKING**

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Abstract

This research is motivated that the fact is that not many people know about the social functions of Islamic banking because most people still think that business activities in Islamic banking are only profit-oriented. Including non-Muslim communities also thinking that business activities and all activities in Islamic banking are only intended for Muslims, whereas for muamalah or the social field, Islam does not discriminate between religion or belief. This shows that the public still does not know and understand the benefits and objectives of social functions in Islamic banking. The results of the study using the normative legal research with the statute approach, and conceptual approach is that the suitability between social functions in sharia banking and the principle of benefit can find in CSR activities in sharia banking that have fulfilled 2 (two) aspects, it is: First, The Soul Maintenance (hifz al-nafs). In this aspect, the principle of the benefit from social functions in sharia banking can find in various CSR activities as efforts to overcome poverty. Second, The Assets Maintenance (hifz al-mal). The form of assets maintenance that implemented social functions in sharia banking is managing zakat funds and benevolence funds and then distributed by Sharia Bank to zakat and benevolent fund management institutions.

Keywords: *The Principles of Utility, Social Functions, Syariah Banking*

Background

Islamic economics in Indonesia to date shows that rapid growth, one of the developments in the banking sector or often with Islamic banking. This is evident from the large number of Islamic banks that have been operating in Indonesia. Based on snapshot data of Indonesian Islamic banking by the Financial Services Authority (OJK), as of June 2019, the number of Islamic commercial bank offices opened 1,894, and people's financing banks as many as 506.¹

¹<https://www.ojk.go.id/id/kanal/syariah/berita-dan-kegiatan/publikasi/Documents/Pages/Snapshot-Perbankan-Syariah-Indonesia-Juni-2019/Snapshot%20Perbankan%20Syariah%20Juni%202019.pdf>, accessed on 02 Januari 2021.

The development of Islamic Banking cannot be separated from Islamic banking business activities which are in great demand by the public. Sharia banking activities as referred to include 2 (two) components, namely:²

1. Sharia Commercial Banks (BUS) with business activities including collecting funds in the form of savings and investments, distributing profit-sharing financing based on mudharabah contracts, musyarakah contracts, or other contracts that do not conflict with sharia principles, as well as other business activities.³
2. Sharia People's Financing Bank (BPRS) with business activities including collecting funds from the public in the form of savings and investments, channeling funds to the public, placing funds in other Islamic banks in the form of deposits, and other business activities.⁴

Related to the explanation above, in addition to the business activities of BUS and BPRS aiming for commercial purposes, they also have a social to improve the community's economy. This can be seen by the distribution of funds based on the principle of al-Qard, namely a loan agreement to the bank on the condition that the customer is obligated to return the funds received to the bank at the time agreed upon by the bank and customer.⁵ Other evidence, can also be seen from several Islamic bank social programs⁶ whose funds come from Islamic bank business activities such as benevolence funds (social funds)⁷ and zakat funds⁸, where these funds are managed separately from the management of Islamic bank income itself.⁹ For example, the social program at BSM which divides into 3 (three) programs, namely:¹⁰

- 1) Sympathy of the people, namely programs to strengthen social welfare and public health, such as child nutrition assistance, aid, and disaster management;
- 2) Mitra Ummah, namely the Zakat, Shadaqah, and Infaq fund distribution program to realize community economic empowerment and independence, such as providing capital assistance (financing) to Small and Medium Enterprises (SMEs) that have superior products, like a for infrastructure and mosque renovations;
- 3) Didik Ummah, namely education cost assistance programs, such as providing scholarships, achievement houses, Indonesian Student Friends for underprivileged children, Charity Didik Ummah for orphans and poor people.

Some examples of social programs in Islamic banking above are evidence that in addition to carrying out the function collected and distributing funds, Islamic banking also carries out its social function. Etymologically,

² See Article 18 the Act of Republic of Indonesia Number 21 of 2008 Concerning Sharia Banking.

³ See Article 19 paragraph (1) the Act of Republic of Indonesia Number 21 of 2008 Concerning Sharia Banking.

⁴ See Article 21 of the Law Number 21 of 2008 Concerning Sharia Banking.

⁵ See konsideran Fatwa of the National Syariah Council Number : 19/DSN-MUI/IV/2001 on AL-QARDH.

⁶ This Social Program is a form of Islamic Bank social responsibility (Corporate Social Responsibility / CSR) whose funds are sourced from zakat funds and social funds (benevolence).

⁷ Virtue funds are funds originating from fines (because customers delay payments on purpose even though they are able to pay, or are late in paying installments), infaq and sodaqah, non-halal income (sourced from current accounts received by banks from placements with conventional banks; commissions, fees, or other forms of income from bank partners in addition to income that is entitled to be received in accordance with management provisions), as well as other social funds (donations, hibah). See <https://www.mandirisyariah.co.id/assets/pdf/annual-report/AR-BSM-2017-Lap-Manajemen-Indonesia.pdf> and https://www.bnisyariah.co.id/Portals/1/BNISyariah/Perusahaan/Hubungan%20Investor/Laporan%20Tahunan/PDF/AR-BNI-Syariah-IND-28-4-2017_Part4.pdf, accessed on 28 April 2020.

⁸ Zakat funds are funds sourced from company zakat, customer and general zakat, and bank employee zakat. Regarding customer zakat, when a customer makes a transaction through a BSM ATM, the ATM machine will display the words "are you willing to infaq Rp. 1000 today?" if the customer is willing, then the customer can press the "yes" button. In addition, customers can also beinfaq and tithing via BSM mobile banking. This shows that when making transactions at Islamic Banks, customers can also carry out social activities. See <https://www.mandirisyariah.co.id/assets/pdf/annual-report/AR-BSM-2017-Lap-Manajemen-Indonesia.pdf>, <https://www.bsmu.or.id/sites/default/files/COMPANY%20PROFILE%202018.pdf>, accessed on 28 April 2020.

⁹ The researcher gave the example of Bank Negara Indonesia (BNI) Syariah, the funds are managed by the Hasanah Titik Foundation.

https://www.bnisyariah.co.id/Portals/1/BNISyariah/Perusahaan/Hubungan%20Investor/Laporan%20Tahunan/PDF/AR-BNI-Syariah-IND-28-4-2017_Part4.pdf, accessed on 28 April 2020, while Bank Syariah Mandiri (BSM), managed by the National Amil Zakat Institution (LAZNAS) BSM. See <https://www.mandirisyariah.co.id/assets/pdf/sustainability-report/SR-BSM-2013.pdf>, accessed on 28 April 2020

¹⁰ <https://bsmu.or.id/>, accessed on 28 April 2020.

social function consists of two syllables, namely function and social. According to the Indonesian Thesaurus, the function has the meaning of use, position, activity, obligation, benefit, role, responsibility, and duty.¹¹ The word social has the meaning of community, kind, friendly, warm, pleasant, friendly, generous.¹² Social also comes from the Latin socius which means friend or friend from the Latin socius which means friend or friend.¹³ The definition of the term social above shows that social is also related to society, relations between humans, as well as the notion of sociology which is defining as the study of society, human relations with humans.¹⁴ The two meanings of the word function and social above, a social function can be interpreted as a task or role related to human and human relations or society. At the normative level in Indonesia, there is no clear understanding of social functions, but social functions are mentioned in the legislation¹⁵, namely Article 4 paragraph (2) of the Sharia Banking Law which states that:

"Islamic banks and UUS can carry out social functions in the form of baitul mal institutions, namely receiving funds from zakat, infaq, alms, grants, or other social funds and channeling them to zakat management organizations."

In connection with the above provisions, other social funds as referred to are defined as Bank receipts originating from the imposition of sanctions on Customers (ta'zir).¹⁶

Based on the explanation above, it can be seen and understood that as financial institutions, Islamic Banks have contributed to helping each other and cooperating to improve the economy, health, and welfare of the community and helping in other good. This is one of the teachings of Islam, namely the principle of help (ta'awun)¹⁷ which is mentioning in the QS. Al-Maidah verse 2 is partially translated as follows:

".....And help you in (doing) righteousness and piety, and do not help each other in sin and enmity. Fear Allah, indeed, Allah is severe in punishment."¹⁸

In connection with the explanation above, it can be seen that the principle of helping (ta'awun) is also related to the interests of the community as well as social functions, but it should also be understood that the notion of community interest in the principle of mutual assistance (ta'awun) is not necessarily the same. In this regard, the fact is that not many people know about the social functions of Islamic banking because most people still think that business activities in Islamic banking are only profit-oriented. Including non-Muslim communities also thinking that business activities and all activities in Islamic banking are only intended for Muslims, whereas for muamalah or the social field, Islam does not discriminate between religion or belief. This shows that the public still does not know and understand the benefits and objectives of social functions in Islamic banking. Based on the description above, a problem arises which becomes a legal issue in this scientific paper, namely whether the social function of Islamic banking has followed the principle of expediency?

¹¹ Tim Redaksi Tesaurus Bahasa Indonesia. *Tesaurus Bahasa Indonesia*. (Jakarta: Pusat Bahasa Departemen Pendidikan Nasional, 2008), p. 153.

¹² *Ibid.*, hlm. 467.

¹³ Koentjoroningrat. *Pengantar Ilmu Antropologi*. (Jakarta: Rineka Cipta, 2000), p. 143-144.

¹⁴ Tim Redaksi Tesaurus Bahasa Indonesia. *Loc. Cit.*

¹⁵ See Article 6 of the Law Number 5 of 1960 on the Basic Regulation of Agrarian Principles which contains "All rights to land have a social function."

¹⁶ See the explanation of Article 4 paragraph (2) of the Law Number 21 of 2008 concerning Sharia Banking.

¹⁷ The principle of ta'awun is an act of mutual help based on the principle of guaranteeing, cooperation and not only thinking about business profits or material benefits, while in Islam, taawun is defined as an attitude of mutual help in the goodness of fellow human beings and above all, again to brothers and sisters. See Nabilah Amalia Balad. *Prinsip Ta'awun Dalam Konsep Wakaf Dengan Perjanjian Sewa Menyewa Berdasarkan Undang-Undang Nomor 41 Tahun 2004 tentang Wakaf*. Jurnal Hukum Magnum Opus Vol. II, No. 2, Februari 2019, p. 19.

¹⁸ Tim Penyusun Mushaf Al-Khamil. *Al-Qur'an dan Terjemahannya*. (Jakarta: CV Darus Sunnah, 2002), p. 107.

Research Method

This research uses normative research or doctrinal research method which aims to provide a detailed explanation of the systematic rules of law in specific fields of law and analyze the relationship between the rules and the others, can predict improvement the rules of law in the future.¹⁹ In this study, the author will examine the characteristics of the social function in Islamic banking, based on the system and legal principles that should be the basis for future social function as a next step. In practice, this research uses two approaches. *Firstly*, a statue approach to review all laws and regulations related to social functions in Islamic banking and the legal issues discussed.²⁰ *Secondly*, a conceptual approach to analyze the benefits of social functions in sharia banking uses legal concepts and principles from legal books or journals according to existing rules of law.²¹

Discussion

The social function of sharia banking as one of the obligations of sharia banking has regulated in Article 4 of Law paragraph (2) Sharia Banking²² is an effective effort to contribute and benefit as much as possible for the society or the public interest in the context of improving the welfare of the public. In line with Bentham's opinion that the regulation must contain the public interest because the benefits obtained the happiness for many people, it is according to the principle of utility.²³

Discussed the definition utilitarian in etymology, utility comes from the Latin word mean benefit and useful.²⁴ Based on the word, the utility principle is the basis, guidance for evaluating the good or bad things and whether it is moral or immoral on the side of use or the benefits can obtain from it. According to this principle, good things are beneficial, while bad things are harmful and useless.²⁵ According to Jeremy Bentham's opinion, utility is the thing that can own and give benefits, gain pleasure and happiness, or something that can prevent damage, displeasure, crime, or unhappiness.²⁶

In Islam, the concept of usefulness is also known as *maslahah*. It is something that can bring benefits or advantages and throw harm (damage). The point is to maintain the purpose of syara' to establish the law.²⁷ In other words, *maslahah* is defined as something that can bring benefits and rejects damage. In this regard, to examine the benefits as intended, it can be done using the ijthihad method, it is the opinion of the scholars to find and provide legal provisions regarding problems that arise (such as provisions for social functions for which there is no detailed explanation) and the things are not explained in the Al -Qur'an and Hadith,²⁸ and the part of ijthihad itself is *maslahah mursalah*.²⁹

Maslahah mursalah is a method used to find legal provisions by looking for the benefits of the rule or action. It is mean either the rule or the action can be said is a good thing and allowed if it has a good purpose. It brings

¹⁹ Dyah Ochtorina Susanti and A'an Efendi. *Penelitian Hukum (Legal Research)*. (Jakarta: Sinar Grafika, 2014), p. 10.

²⁰ *Ibid.*, p. 110.

²¹ *Ibid.*, p. 115

²² The contents of Article 4 paragraph (2) of the Law Number 21 of 2008 concerning Sharia Banking: "The Sharia (Islamic) Bank and UUS may conduct social functions in the form of baitul mal institution, receiving fund from "zakat", "infaq", "shodaqoh", grant, or other social funds and distribute it to a "zakat" managing organization."

²³ Ahmad Ali. *Mengungkap Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence) termasuk Interpretasi Undang-Undang (Legisprudence)*. (Jakarta: Kencana, 2009), p. 273.

²⁴ Dudu Duswara Machmudin. *Pengantar Ilmu Hukum Sebuah Sketsa*. (Bandung: Refika Aditama, 2010), p. 26.

²⁵ *Ibid.*

²⁶ Jeremy Bentham. *An Introduction to the Principles of Morals and Legislation*. (Kitchener: Batoche Books, 2000), p. 15

²⁷ Al-Ghazali. *Al-Mustafa min 'ilm Al-Ushul (Juz 1)*. (Beirut : Dar Al-Fikr, t.th.), p. 286.

²⁸ Afdhol. *Kewenangan Pengadilan Agama Berdasarkan UU No. 3 tahun 2006 & Legislasi Hukum Islam di Indonesia*. (Surabaya: Airlangga University Press, 2013), p. 32.

²⁹ Muhammad Sa'id Ramdan al-Buti. *Dawabit al-Maslahah fi as-Syariah al-Islamiyah*. (Beirut: Mu'assasah ar-Risalah, 1977), p. 12.

benefits and rejects harm from human beings.³⁰ Based on this definition, there are 4 (four) things that must be fulfilled in the use of *maslahah mursalah*, including:³¹

1. The act is executed (real) no just a guess. Regarding the social function of Sharia banking, the manifestation of this social function is implementing CSR activities such as providing business capital, establishing the mosques, providing compensation for the poor people, providing scholarships for underprivileged children, etc.
2. The action will bring benefits and rejects harm. The various CSR programs have been implementing by sharia banking, such as providing educational scholarships for underprivileged children, providing advantages for scholarship recipients because these children can continue their education without thinking about the cost of education.
3. The *maslahah* must be suitable with the law or principles that have been determined by *nash* and *ijma'*. In the implementation of social functions, sharia banking also concerns with sharia principles or in each CSR program. So, it is not against the existing rules or regulations.
4. The scope of *maslahah* must be general. It is can bring benefits to many people. The CSR program is the implementation of social functions in sharia banking that execute for the society who proper and according to criteria as recipients of funds or support such as educational scholarships, business capital, foods support, etc. This means that everyone has the right o participate in the sharia banking CSR program and has the right to enjoy the various benefits from it.

The explanation above shows the social function of sharia banking has fulfilled four things in the *maslahah mursalah*. The social functions have been implemented with good intentions and purposes, purpose such as³² 1) improving the welfare of the society and the quality of the environment; 2) supporting the implementation of transparent and responsible business practices; 3) making positive changes in society, especially in the environment where sharia banks operate; 4) creating the positive image of Sharia banks to the public; 5) increasing public awareness that sharia banking activities are not only profit-oriented activities but also social activities. Regarding some of the purposes mentioned above, it shows that the social function of sharia banking is not only beneficial for sharia banks Itself but also society and the public interest. This is in line with the concept of *maslahah mursalah* emphasizing the beneficial action to prevent harm, bring happiness and goodness to many people. Related with the concept, moreover, the benefit of Islamic concept (*maslahah mursalah*), especially in the scope of muamalah/economics said that the action can be useful or suitable with the benefit of principles when it fulfills 2 (two) aspects, Firstly soul maintenance (*hifz al-nafs*), secondly assets maintenance (*hifz al-mal*).

1. Social Functions in Sharia Banking as a Form of Soul Maintenance (*Hifz Al-Nafs*)

In the discussion of this subchapter, the author examines the suitability of social functions in sharia banking as one of the purposes of Islamic law and also one of the principles in the concept of *maslahah mursalah*. *Hifz al-nafs* is the maintaining soul. Regarding the term *Al-nafs* mean the soul, life, and personal, while the *hifz al-nafs* means the maintaining of the soul or life. It is an effort to prevent the occurrence of bad actions or things that threaten the soul, life and ensure that it is still alive.³³ Based on the definition, it can know that every human being is encouraged to self-preservation, preserve health, and continue to strive to maintain life. According to the concept, not everybody has sufficient finances because many people have difficulty maintain life. It often

³⁰ Hasbi asy-Shiddieqy. *Filsafat Hukum Islam*. (Semarang: Pustaka Rizki Putra, 2001), p. 340-341.

³¹ Wahbah Zuhaili. *Ushul Fiqh al-Islamy*. (Beirut, Lebanon: Dar al-Fikr, 2008), p. 78. See Zaky ad-Din Sya'ban. *Ushul al-Fiqh al-Islami*. (Mesir: Mathba'ah Dar al-Ta'lif, t.th.), p. 173.

³² Muhamad Nafik dan Moh. Qudsi Fauzy. *Pengembangan Model Fungsi Sosial Bisnis Islam Berdasarkan Maqashid Syariah Pada Bank Syariah X*. Telaah Bisnis, Vol. 16, No. 1, Juli 2015, p. 39.

³³ Nuruddin Al-Mukhtar Al-Khadimi. *Al-Munasabah Al-Syar''iyyah wa Tatbiquha Al- Mu''asirah*. (Beirut: Dar Ibn Hazm, 2006), p. 77.

leads to poverty, the condition of the person is unable to self-preservation due to a lack of physical, mental, energy, and financial circumstances.³⁴ This circumstance is often a factor that causes a person to end life, even though Allah SWT has forbidden humans to kill other people, even less kill themselves. As stated in the QS. Al-Furqan Verse 68³⁵ and QS. An-Nisa' Verse 29³⁶, is managed prohibition against humans from killing other people and even less killing themselves because if you implemented it, and will get wickedness and certainty hell will be the punishment.

Regarding the explanation above, to overcome the problem of fundamental human rights must be fulfilled. It is the natural necessary such as food thus the humans are not starving and weak that lead threatens their lives, clothing, and house to protect them from the weather or bad situation. The awful situation actually will interfere with health and be life-threatening. Besides, the needs in the health sector must realize to ensure the formation of powerful souls to live the day and do activities. This is in line with the opinion of 'Afra in Maftukhatusolikah whose mentions nine main fields that must realize to maintain the soul, that is: 1) food; 2) equipment for the preservation of the mouth, teeth, and others; 3) clothes; 4) housing; 5) health preservation; 6) transportation and communication (public services); 7) individual security and property rights; 8) civil society defense; 9) employment and social protection.³⁷ It shows that a person's soul can be maintained and alive if the basic human needs are complete. Take into consideration everyone will naturally be struggling to fulfill all the human needs to maintain life until the efforts to improve the quality and welfare of life.³⁸

Responding to the problems above, the CSR program as a form or implementation of social functions in sharia banking is present to overcome the problem of poverty that can threaten human life. Various programs or activities are organized by Islamic banking as an effort to maintain the soul (*hifz al-nafs*), including:

1. Education Sector

In the sector of education, sharia banking provides educational scholarships for underprivileged people. It certainly provides benefits because people who lack funds in education can still study and enter the university to improve their quality of life. After all, their insights and thoughts will form, and their future is also more organized. So, it is not easy to despair even to suicide if faced the problem. Related to this, education or knowledge can increase a person's degree as well. It is the word of Allah SWT in QS. Al Mujadilah Verse 11. It is part of the translation:

*".....And when you are told, "Arise," then arise; Allah will raise those who have believed among you and those who were given knowledge, by degrees. And Allah is Acquainted with what you do."*³⁹

2. Economic Sector

In the economic sector, sharia banking provides various programs of business capital support. The program increases entrepreneurial competence through some training and local skills of the local community, generates an entrepreneurial spirit, especially in Micro, Small, and Medium Enterprises (MSME) that improve and develop MSME in Indonesia. So, the economy in society is help and they can preserve a better life and certainly will not threaten life. These various programs certainly give

³⁴ Mudrajad Kuncoro. *Ekonomi Pembangunan: Teori, Masalah, dan Kebijakan*. (Yogyakarta: UPP AMP YKPN, 2003), p. 101.

³⁵ The contents of the QS translation Al-Furqan Verse 68 :
"And those who do not invoke with Allah another deity or kill the soul which Allah has forbidden [to be killed], except by right, and do not commit unlawful sexual intercourse. And whoever should do that will meet a penalty."

³⁶ The contents of the QS translation An-Nisa' Verse 29:
"O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful."

³⁷ Maftukhatusolikah. *Mempertimbangkan Tingkat Maqasid asy-Syari'ah dalam Penentuan Anggaran Belanja Pemerintah (Evaluasi terhadap APBN 2008-2013)*. Jurnal Intizar, Vol. 21, No. 1, 201, p. 33.

³⁸ Amir Syarifuddin. *Ushul Fiqh Jilid II*. (Jakarta: Kencana, 2011), p. 224.

³⁹ Tim Penyusun Mushaf Al-Khamil. *Al-Qur'an dan Terjemahannya*. (Jakarta: CV Darus Sunnah, 2002), p. 544.

benefits, particularly for entrepreneurs. It will help them to continue and develop their business to increase their income and welfare.

When the income is sufficient, there is no lack of food circumstances that can affect death. So, the soul of entrepreneurs is maintained. In addition, a good economy will prevent conflicts or fights that lead to murder. Furthermore, there is a compensation program for orphans or poor people. The support is given directly to the orphans or poor people of money cash for supply daily needs.

3. Health and Environment Sector

The sector of health and the environment is implementation providing assistance programs. It is a free health program for underprivileged people. People Development program is health facilities assistance, health training, operational assistance, health infrastructure, purchasing prosthetic limbs and hearing aids, providing medicines for children with disabilities, victims of natural disasters, etc.⁴⁰ These activities are very beneficial for the underprivileged (poor) because free medical services and other services can make people continue to maintain their bodies and soul to stay healthy without worry about a lack of funds. So they can do the daily activities, especially in earn a living to maintain life.

According to the explanation, it can know that the social function is a concept in Sharia banking that voluntarily contributes benefits things to society. It provides assistance to overcome the problem, reduce poverty problems in Indonesia, and improve the welfare of people's lives. So, people can fulfill basic needs such as food, clothing, and others without worry about lack of food, disease due to financial inability that will threaten their life condition.

2. Social Functions in Sharia Banking as a Form of Assets Maintenance (*Hifz Al-Mal*)

Islam suggests every human being share with other people. It is not only implemented for the rich but also for the middle-class people who have intermediate abilities. The ability referred is own asset, as stated in the QS. Al-Imran Verse 134, the translation is as follows:

*“who spend in the way of Allah both in plenty and hardship, who restrain their anger, and forgive others. Allah loves such good-doers.”*⁴¹

Concern to the definition of assets is anything that has value or material that can be controlled and provides value for benefits.⁴² In line with this definition, the assets also have the meaning of valuable material and can be used as a medium of exchange in buying and selling activities.⁴³ Another definition of an asset is something that can be owned, controlled, managed, and transferred, both tangible and intangible things, both registered and unregistered things, both movable and immovable things, and also rights that have economic value.⁴⁴ Still related to property, in the Islamic economic system, the asset is used as *wasilah* to support worship activities. It means assets can influence people to perform good deeds as taught in Islam. Besides being a supporter of worship activities, the asset also has a role in helping humans to fulfill their needs and maintain their lives. It shows that an asset is an essential aspect of human life. The assets must be protecting and managing that bless the owner and prevent disaster or difficulties in the world and the hereafter.

In connection with the explanation above, Imam Syathibi explained how to manage or maintain the assets. It knows from the way the assets themselves are acquired that the acquisition is prohibited from being stolen,

⁴⁰ Tim Redaksi Mandiri Syariah. *Laporan Berkelanjutan 2019: Memperkuat Sinergi Keberlanjutan sebagai Keunggulan Perusahaan*, p. 29. Diakses melalui <https://www.mandirisyariah.co.id/assets/pdf/sustainability-report/Laporan%20Berkelanjutan%20BSM%202019.pdf>, accessed on 11 March 2021.

⁴¹ Tim Penyusun Mushaf Al-Khamil. *Op. Cit.*, p. 68.

⁴² Andi Iswandi. *Maslahat Memelihara Harta Dalam Sistem Ekonomi Islam*. Salam: Jurnal Filsafat dan Budaya Hukum, Vol. 1 No 1, 2014, p. 24.

⁴³ *Ibid.*

⁴⁴ Mardani. *Fiqh Ekonomi syariah: Fiqh Muamalah*. (Jakarta: Kencana, 2013), p. 60.

fraudulent or treasonous in doing business, contains usury, and take other people's asset in the wrong way.⁴⁵ According to Imam Syathibi's opinion, Wahbah Zuhaili added about manage the assets, It is forbidden for someone to accumulate assets, meaning that high-class people (rich) or who has many assets are required to distribute it through zakat, infaq, or alms as an effort to equalize their property to provide benefit to all human beings.⁴⁶

Furthermore, sharia banking protects and maintains the assets of the company, employees, clients, and society in general. Sharia banking implemented social functions through accumulating funds from zakat and benevolence funds. These funds are then handed over to certain institutions appointed as managers of social function funds, then distributed to the underprivileged (poor) through CSR programs. In this regard, the receipt of zakat funds originating from the zakat of companies, employees, and the society, and also the benevolence funds originating from infaq, alms, waqf. The funds or assets will continue to be maintained and well-managed because used for useful activities. After all, it can even give happiness to many people. Based on sharia principles, in using assets to implement social functions, Sharia banking will also select and determine program activities that according to Sharia principles and suitable with sharia provisions, the activities such as containing maysir, gharar, and usury.

The program of social function activities in sharia banking which previously stated is the gives support through scholarships, construction of mosques or other public facilities, support the business capital for MSME, free medical assistance, etc. Considering the use of assets for CSR program activities as mentioned has a positive and beneficial impact on many people that shows the social function of Sharia banking truly reflects the protection and maintenance of the assets because the social functions will prevent using assets for other activities. That is the prohibited activities in Islamic sharia example, cheating, killing humans, buy forbidden food or drinks (alcohol drinks) for wasting money, etc.

In connection with the explanation above is crucial to know and understand the implementation of social functions in sharia banking through the CSR program and supervised by the Sharia Supervisory Board to ensure CSR activities following sharia principles. That is the difference of social function activities in sharia banking from other social functions. In connection with the explanation described, it can conclude that the benefit of maintaining the assets (*hifz al-mal*) is considered in implementing the social functions in sharia banking. It is necessary to make the person with another are not take each other's property in the wrong way. Besides, the rights and obligations of every people can be managed and saved from crime. So, peace and happiness will create between the owner of the asset and the recipient. It is the conception and the applicable theory given by Allah SWT to the human being in protecting or maintaining the assets.⁴⁷

Conclusion

Based on the description above, the author concludes that suitability between social functions in sharia banking and the principle of benefit can find in CSR activities in sharia banking that have fulfilled 2 (two) aspects, it is: **First**, The Soul Maintenance (*hifz al-nafs*). In this aspect, the principle of the benefit from social functions in sharia banking can find in various CSR activities as efforts to overcome poverty. It implements the fundamental rights of the underprivileged (poor) through: *firstly*, providing support to the underprivileged (poor) by providing educational scholarships. So, they can think more rationally to deal with problems (not easily discouraged and even will doing suicide) and can raise the degree (social status) of the scholarship recipient. *Secondly*, support to improve the economy and welfare of the society through the business development capital

⁴⁵ Al-Syathibi. *al-Muwafaqot fi Ushul al-Syariah jilid 2*. (Kairo: Musthofa Muhammad), jilid 2, p. 6-7.

⁴⁶ Andi Iswandi. *Maslahat Memelihara Harta Dalam Sistem Ekonomi Islam*. Salam: Jurnal Filsafat dan Budaya Hukum, Vol. 1 No 1, 2014, p. 29. See also Wahyono Hadi Parnomo dan Ismunandar. *17 Tuntunan Hidup Muslim*. (Yogyakarta: Penerbit Deepublish, 2017), p. 118.

⁴⁷ Andi Iswandi. *Op. Cit.*, p. 31.

assistance, entrepreneurial competency training, compensation, etc. The existence of these supports is beneficial for entrepreneurs and society in general. So, they could improve their economy and preserve better life and prevent life-threatening conditions (hunger). *Thirdly*, the support of free medical treatment for underprivileged society, give operational assistance and establishment of health facilities, and other supports in the health field that helpful for poor people, especially for the poor people. Because they can continue to maintain their body and soul to stay healthy without worry about a lack of funds. *Second*, The Assets Maintenance (*hifz al-mal*). The form of assets maintenance that implemented social functions in sharia banking is managing zakat funds and benevolence funds and then distributed by Sharia Bank to zakat and benevolent fund management institutions. Then they will give to the society as CSR programs. In this regard, the CSR program as a manifestation of the social function of sharia banking, assets owned by companies, employees, clients, and the society will bless and protect from prohibited actions in Islamic sharia such as gambling, buying drinks (alcohol), drugs, etc.

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