



Giving Prizes in Term Savings Products with Prizes (Siberkah) According to Sharia Economic Law at BMT Dana Ukhuwah Cicalengka Branch Bandung District

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Abstrak

Penelitian ini bertujuan untuk mengetahui sistem pemberian hadiah dalam produk simpanan berjangka berhadiah di BMT Dana Ukhuwah Cabang Cicalengka Kabupaten Bandung. Serta permasalahan yang terjadi dalam pelaksanaan pemberian hadiah yang mengakibatkan adanya ketidaksesuaian ketentuan dan syarat dengan yang terjadi di lapangan. Dalam penelitian ini penulis menggunakan penelitian empiris dengan pengumpulan data berupa observasi, wawancara dan dokumentasi. Karena dengan metode tersebut penulis dapat berinteraksi langsung dengan sumber data sehingga data yang ditemukan penulis akan sangat jelas. Hasil dari penelitian ini menunjukkan bahwa simpanan berjangka berhadiah merupakan salah satu program layanan BMT Dana Ukhuwah. Pemberian hadiah ini akan diberikan kepada nasabah yang telah memenuhi syarat dan ketentuan. Adanya penyelenggaraan hadiah dalam sistem simpanan ini membuat nasabah tertarik untuk menyimpan dananya di BMT Dana Ukhuwah. Hadiah yang diberikan kepada nasabah berupa benda seperti kompor gas, magicom, dan emas sesuai dengan jumlah nominal tabungan yang disimpan. Pemberian hadiah akan diberikan di awal pembukaan rekening dengan jumlah simpanan dan jangka waktu yang telah ditentukan saat akad. Dalam pandangan hukum ekonomi syariah pemberian hadiah di BMT Dana Ukhuwah Cabang Cicalengka Kabupaten Bandung diperbolehkan selama tidak mengandung unsur perjudian dan tidak ada pihak yang dirugikan.

Kata Kunci : Simpanan Berjangka, Hadiah, BMT Dana Ukhuwah.

Abstract

This research aims to determine the gift giving system in terms of savings products with prizes at BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency. As well as problems that occur in the implementation of prize giving which result in a mismatch between terms and conditions and those that occur in the field. In this research the outsider used empirical research by collecting data in the form of observations, interviews and documentation. Because with this method the author can interact directly with the data source so that the data the author finds will be very clear. The results of this research show that the term savings with prizes is one of BMT Dana Ukhuwah service programs. This prize will be given to customers who have fulfilled the terms and conditions. The existence of prizes in this term savings system makes customers interested in saving their funds in BMT Dana Ukhuwah. Gifts given to customers in the form of objects such as gas stoves, magicom, and gold according to the nominal amount of savings saved. Prizes will be given at the beginning of account opening with the deposit amount and the period determined at the time of agreement. In view of sharia economic law, giving gifts at the BMT Dana Ukhuwah branch Cicalengka Bandung Regency is permitted as long as it does not contain elements of gambling and no party is harmed.

Keywords: Term Savings, Prizes, BMT Dana Ukhuwah

INTRODUCTION

In life, humans need each other, therefore humans are called social creatures. Likewise in economic terms, humans need social interaction to create profitable transactions. The economic system in Islam has been regulated in such a way for human benefit with the aim of preventing fraud and losses from either party. In the midst of the rapidly increasing development of knowledge and technology, humans have begun to develop economic systems with various profitable innovations. One of them is by establishing a sharia-based financial institution. However, the goal of benefit is not only for the Institution but for the wider community, especially those in lower economic communities. Therefore Baitul Mal wat Tamwil (BMT) was founded as an effort to realize this kamashlahatan.

BMT is a sharia microfinance institution (LKMS) that grew from the community and developed so rapidly that it has reached almost the entire country. This development is not only in terms of the number of BMTs but also in terms of organizational development and its role in empowering society, especially the lower strata of society, as well as its role in distancing society from ribawi practices. With this extraordinary development, currently BMT has become the international spotlight.

BMT is a sharia microfinance institution, where supervision, regulation and guidance are under the OJK. However, OJK also agreed to a memorandum of understanding with the Ministry of Home Affairs and the Ministry of Cooperatives and Small and Medium Enterprises regarding coordination of the implementation of Law No. 1 of 2013 concerning Financial Institutions (UU LKM) or regarding the development of MFIs with cooperative legal entities.

BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency is a financial institution based on sharia principles. BMT Dana Ukhuwah was born with the aim of being a solution to eradicate bad transactions containing usury and provide convenience for people who need funds and those who want to trust and manage their assets in an Islamic manner.

One of the products issued by BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency, is Term Savings with Prizes or commonly known as SIBERKAH. This Prize Term Savings is an investment that provides profits in the form of profit sharing. The contract used in this Term Savings product with prizes is a *mudharabah mutlaqah* contract, with the funds deposited not being able to be withdrawn at any time but determined in accordance with the agreement between the depositor and the institution concerned. As for the gifts given by BMT to customers, they have been agreed at the beginning of the contract.

Mudharabah mutlaqah is a profit sharing contract when the owner of funds or capital (*shohibul maal*) provides capital to entrepreneurs as managers (*mudharib*) to carry out productive activities, and the management of funds has the nature of free funds which have no limits in determining the implementation business, on condition that the profits generated will be divided between them according to the agreement previously determined in the contract.

A gift is a gift given by an individual or group to another party as thanks or as a form of appreciation. According to DSN-MUI No.86/DSN-MUI/XII/2012 in Sharia financial institutions, a gift is a gift that is non-binding and aims to make customers loyal to Sharia financial institutions. The legal provisions do not forbid, but rather allow Sharia financial institutions to offer or give gifts as product promotion efforts as long as the practice of giving such gifts is in accordance with Sharia principles. Sharia financial institutions apply prizes to fund raising products as a form of promotion and maintain good relationships with customers, but not all Sharia financial institutions implement a gift giving system.

The gift giving program in SiBerkah products includes terms and conditions, namely having equivalent savings Rp,5,000,000 with a minimum period of 6 months, if it is less than 6 months then the customer does not get a prize. Apart from that, customers must be members of BMT, if they are not members of BMT then customers can only keep their funds for 3 months.

The purpose of BMT giving these prizes is to attract customers to save their funds in BMT, apart from that, it is also for outstanding customers who have fulfilled the terms and conditions determined by BMT. The prizes received by customers are adjusted to the nominal amount and storage period. The longer the customer keeps the funds, the greater the prize they will receive from BMT as long as the customer does not violate the rules that have been set during the contract.

However, the facts that occur in the field are that not all outstanding customers get prizes determined by BMT, some customers prefer to pay money to get the prizes they want. Meanwhile, the terms and conditions for awarding prizes state that prizes will be awarded according to the conditions that are met and the prizes are determined by BMT.

METHOD

This type of research is empirical research, namely research with field data as the main data source, such as results interview and observation. Study empirical used to analyze law which is seen as patterned community behavior in people's lives which always interact and relate in social aspects.

The method used in this research is the first document analysis method, which focuses researchers on analyzing and collecting documents in the form of documents regarding profile, vision and mission, organizational structure, brochures, prize term deposit registration forms, operational committee sheets, deposit slips, customer data. get prizes as well as photo documentation of customers who get prizes. Second, field method. This method involves direct visits to locations or communities that are relevant to the research topic. Researchers can observe and interact with relevant actors in the field to gain a deeper understanding of sharia economic practices. The researcher used a face-to-face question and answer interview between the researcher, the operational manager of the Central Ukhuwah Fund BMT and the Cicalengka Branch BMT Ukhuwah Fund, Bandung Regency. Third, the observation method (observation). This research method involves direct observation of behavior or practices related to sharia economic law in real situations. This observation helps researchers to understand the implementation of sharia economic law in the context of everyday life. In this research, researchers used unstructured observation. Where the researcher did not use observation guidelines, so the researcher developed observations based on developments that occurred in the field regarding giving prizes in term savings products with prizes at BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency.

RESULT

Term Savings Products at BMT Dana Ukhuwah

BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency serves various products both in terms of deposits (savings) and in terms of financing (loans) using sharia principles which will improve the welfare of its members and the general public. The products issued by BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency include financing products and savings products.

What is included in financing includes Mudharabah financing, Musyarakah financing, Murabahah financing, and Al-Qardh financing. Meanwhile, savings products

include term savings products with prizes (siberkah), education savings, my savings, qurban savings and school savings.

Term savings with prizes is a savings service product at BMT Dana Ukhuwah Cicalengka Branch in the form of deposits where customers deposit their funds at BMT with the conditions for the funds being deposited and the storage time being determined. The contract used is the Mudharabah Mutalah contract where the customer keeps the funds and gives full freedom to BMT in managing the savings and BMT manages the funds. Profits in this term savings will be determined in accordance with the provisions at the beginning of the contract. Prizes will be given to customers in accordance with the applicable terms and conditions.

Mechanism for Giving Prizes in Term Savings Products

The mechanism for giving gifts in term savings at BMT Dana Ukhuwah is given directly when the customer officially becomes a member and an agreement is made between BMT Dana Ukhuwah and the customer, which means that the gift is given directly at the beginning of the contract.

Terms and conditions for customers who will receive prizes include:

- a. Is part of the BMT Ukhuwah Fund members
- b. Achievement customers.
- c. Time savings customers with a minimum maturity of 6 months with total savings of 5 million.
- d. Prizes are not in the form of money.
- e. Prizes are determined by the BMT Dana Ukhuwah.

Giving Gifts in Term Savings Products at BMT Dana Ukhuwah Branch Cicalengka Bandung Regency According to Sharia Economic Law

Gifts are a form of help in the context of Virtue between fellow humans which has positive value. The legal basis for allowing gifts is found in the Al-Qur'an QS Al-Maidah verse 2:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ ۗ وَاتَّقُوا اللَّهَ ۗ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

"And please help you in (doing) Virtue and piety, and do not help in committing sins and transgressions, and fear Allah, verily, Allah is very severe in punishment."(QS Al-Maidah:2)

Gifts given by BMT to pure customers comes from the profit sharing carried out in term savings products because it uses a mudharabah mutlaqah contract, in this contract there will of course be profit sharing between BMT Dana Ukhuwah and the Customer. Giving gifts by banks or sharia financial institutions is permitted because they do not contain elements of usury and customers are not harmed by providing these gifts, because they are given voluntarily. The existence of a fatwa issued by the MUI Fatwa Commission which regulates sharia economics is a general and binding reference for people in Indonesia. The provisions of DSN fatwa Number 86/DSN-MUI/XII/2012 concerning giving gifts in raising funds for Islamic financial institutions.

In term savings products, giving gifts to customers at BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency must meet the terms and conditions. The terms and conditions refer to the National Sharia Council Fatwa No.86/DSN-MUI/XII/2012 concerning Gifts in Sharia Financial Institution Fund Collection Institutions. The sixth provision is that LKS has the right to determine conditions for recipients of gifts as long as these conditions do not lead to usury practices. So the determination of terms and conditions is permitted by fatwa. However, in this case the fatwa which was used as a reference in giving gifts was not fulfilled by the BMT Dana Ukhuwah Branch, Cicalengka, Bandung

Regency, because the gift giving had provisions for being given in the form of goods determined by the Institution, whereas what happened was that there were quite a few customers "by request" for the goods determined and approved it as a gift therefore BMT Dana Ukhuwah Branch Cicalengka Bandung Regency is not in accordance with the provisions of the fatwa.

CONCLUSION

Term savings with prizes at BMT Dana Ukhuwah is one of the service programs established by BMT Dana Ukhuwah, Cicalengka Branch, Bandung Regency. A term deposit is a deposit from which withdrawals can only be made at a certain time based on an agreement made by the depositor with BMT Dana Ukhuwah. The contract in this term savings is a Mudharabah Mutlaqah contract, which is a type of non-binding cooperation contract. Where customers save their capital in the form of savings and are managed by BMT Dana Ukhuwah. Profits will be given at the beginning or end of each month with the amount of profits agreed at the beginning of the contract. The prizes in this term savings program are given at the beginning of the contract by fulfilling the terms and conditions set by BMT Dana Ukhuwah.

In view of sharia economic law, giving gifts in this term savings product is in accordance with sharia principles and is legally permissible because it does not contain elements of gambling and no party is harmed in giving this gift because the prize given to the customer is given from the profits from the term deposit product. there is BMT Ukhuwah Fund. However, the problem in the field is that many customers feel that the gifts given are not useful because the customer has received the same gift, so that quite a few customers use the "by request" system, even though the provisions for giving gifts are clearly in the form of items determined by BMT Dana Ukhuwah. . So the gift contract that was executed became defective because of violations committed by both parties. This occurs due to the lack of firmness on the part of BMT Dana Ukhuwah in enforcing existing provisions and as a result of the lack of public knowledge of sharia economic law.

REFERENCES

- Adam, P. (n.d.). *Fatwa-Fatwa Ekonomi Syariah, Konsep, Metodologi, Dan Implementasinya Pada Lembaga Keuangan Syariah*. Jakarta: Amzah.
- Akhmad Farroha Hasan, M. (2018). *Fiqh Muamalah Dari Klasik Hingga Kontemporer*. Malang: UIN-Maliki Malang Press.
- Ali, Z. (n.d.). *Hukum Perdata Islam di Indonesia*. Jakarta: Sinar Grafika.
- al-Khalafi, A. A. (359). *Al-Wajiz Fi Fiqhis Sunnah Wal Kitabil Aziz* .
- al-Zuhaili, W. (1997). *al-fiqh al-islami wa adillatuh*. Beirut: Dar al-Fikr al-Mu'ashir.
- al-Zuhaili, W. (2002). *al-mu'amalat al-maliyyah al-mu'ashirah*. Beirut: Dar al-fikr.
- Andrianto, S. d. (2019). *Manajemen Bank Syariah (Implementasi Teori dan Praktek)*. Surabaya: CV Penerbit Qiara Media.
- Antonio, S. (1999). *Bank Syariah dan Teori Wacana Ulama dan Cendekiawan*. Jakarta: Tazkia Institute.
- As-Qalani, A.-H. I. (2013). *Terjemah Bulugul Maram*. Solo: Al-Tibyan.
- Departemen Pendidikan Indonesia. (2011). *Kamu Besar Bahasa Indonesia*. Jakarta: Gramedia Pustaka Utama.
- dkk, Z. A. (2020). ANALISIS KESESUAIAN STRATEGI PEMASARAN TERHADAP MAQASHID SYARIAH (STUDI KASUS DI BMT BINA INSAN SEJAHTERA MANDIRI). *Jurnal Rausyan Fikr*. Vol.16 No.1 Maret 2020, 130.

- Dr. Muhaimin, S. M. (2020). *METODE PENELITIAN HUKUM*. Mataram: Mataram University Press.
- Ghozali, K. Z. (2019). Peran Baitul Mal Dalam Daulah Islam Sebagai Sentral Perekonomian Negara. *Al-Ashlah*, 119-120.
- Gulo, W. (2005). *Metodologi Penelitian*. Jakarta: PT Grafindo.
- H. Zaenal Arifin, S. M. (2021). *Akad Mudharabah Penyaluran Dana Dengan Prinsip Bagi Hasil*. Indramayu: Penerbit Adab.
- Hamdani, F. (2013). *Konsep Hadiah dalam Surat Al-Naml Ayat 35-36*.
- Hamid, A. R. (2008). *Lembaga Keuangan Syariah*. Jakarta: PT. Bestari Buana Murni.
- Hasanah, H. (Juli 2016). Teknik-Teknik Observasi. *jurnal at-aqaddum*, Vol.8 No.1, 26.
- Hayatul Millah, U. H. (2021). Impelementasi Nisbah Bagi Hasil Produk Tabungan Mabur Melalui Akad Mudharabah Mutlaqah dalam Perspektif Ekonomi Islam (Studi Kasus Bank Mandiri KC Lumajang). *Jurnal Ekonomi dan Bisnis Islam*, 97.
- Heykal, N. H. (n.d.). *Lembaga Keuangan Islam*. Jakarta: Kencana Prenada Media Group.
- Hidayanti, T. N. (2018). Analisis Hukum Islam Terhadap Bonus Tabungan Berjangka di BMT Mashlahah Surabaya. Hal.3.
- Isnain, M. (2013). *Terjemah "Subulus Salam-Syarah Bulugul Maram"*. Jakarta: Darus Sunnah Press.
- Jaih, M. (Juli-Desember 2013). Fatwa Tentang Hadiah di Lembaga Keuangan Syariah. *Miqot Vol.XXXVII No.2*.
- Jannah, M., Fuad, M., & Dewi, M. (2023). Pengaruh Literasi Keuangan, Inklusi Keuangan dan Pendapatan Terhadap Perilaku Keuangan Pelaku UMKM di Langsa Kota:(Studi Kasus Usaha Pakaian Jadi). *Jurnal Ekonomi Utama*, 2(3), 298-306.
- Jaziri, A. A. (Beirut). *Kitab Al Fiqh Ala Mazhab Al Arba'ah*. 1990: Darul Fikri.
- Keuangan, O. J. (n.d.). *Seri Standar Produk Perbankan Syariah "Standar Produk Mudharabah"*.
- Latif, C. A. (2020). Pembiayaan Mudharabah dan Pembiayaan Musyarakah di Perbankan Syariah. *Jurnal Ilmu Akuntansi dan Bisnis Syariah*, 12-13.
- Maruta, H. (n.d.). Akad Mudharabah, Musyarakah, dan Murabahah Serta Aplikasinya Dalam Masyarakat. 83-84.
- Mashuri. (n.d.). Peran Baitul Maal W Tamwil (BMT) Dalam Upaya Pemberdayaan Ekonomi Masyarakat. 114.
- Mislan, W. b. (2016). *BMT Praktik dan Kasus*. Jakarta: PT Raja Grafindo Persada.
- Muhammad. (2007). *Lembaga Ekonomi Syariah*. Yogyakarta: Graha Ilmu.
- Murdiyanto, D. E. (2020). *METODE PENELITIAN KUALITATIF*. Yogyakarta: UPN "Veteran".
- Novitasari, T. (2019). Peran Otoritas Jasa Keuangan dalam Pengawasan Lembaga Baitul Maal wa Tamwil (BMT): Studi Kasus BMT Global Insani. *Jurnal Hukum*, 124.
- Prof.Dr.H. Jaih Mubarak, S. M. (2019). *Akad Syirkah dan Mudharabah*. Bandung: PT Remaja Rosdakarya.
- Pusvisasari, L., Bisri, H., & Suntana, I. (2023). Analisis Filosofi dan Teori Hukum Ekonomi Syariah dalam Konteks Perbankan Syariah. *Jurnal Ekonomi Utama*, 2(3), 269-277.
- Rahman, T. (2021). *Fiqh Muamalah Kontemporer*. Lamongan: Academia Publication.
- Ramulyo, I. (2004). *Perbandingan Hukum Kewarisan Islam Dengan Kewarisan Kitab Undang-Undang Hukum Perdata*. Jakarta: Sinar Grafika.
- RI, D. A. (2005). *Al-Qur'an dan Terjemahannya*. Bandung: Syamiil Al-Qur'an.
- Rizkison, K. S. (2020). Peran Baitul Maal wat Tamwil (BMT) dalam mewujudkan Ekonomi Syariah yang kompetitif. *Jurnal Ilmiah Ekonomi Islam*.
- Rohmah, A. (Oktober, 2021). Analisis Pemberian Hadiah dalam Produk Simpanan Berjangka Wadiah Berhadiah (sajadah) di BMT NU Situbondo. *Jurnal Hukum Ekonomi Syariah*, Vol.4 No.2.
- Rusmiati, R., Nurnasrina, N., & Sunandar, H. (2023). Implementasi Fungsi Pengawasan dan Pengendalian Bank Syariah di Indonesia. *Jurnal Ekonomi Utama*, 2(2), 155-161.

- Rusyd, I. (2007). *Bidayatul Mujtahid*. Jakarta: Pustaka Azzam.
- Siti Afifah, A. S. (2013). Analisis Produk Deposito Mudharabah dan Penerapannya Pada PT BPRS Amanah Ummah. *Jurnal Al-Muzara'ah*, 141.
- Sitorus, S., Eliza, E., & Hidayat, T. (2022). Analisis Atas Rekonsiliasi Laporan Keuangan Komersial Menjadi Laporan Keuangan Fiskal Untuk Menentukan Besarnya Penghasilan Kena Pajak Yang Dilakukan oleh PT. XYZ di Jakarta. *Jurnal Ekonomi Utama*, 1(2), 88-99.
- Soemitra, A. (2017). *Bank dan Lembaga Keuangan Syariah*. Jakarta: Prenada Media.
- Subhan, M. (n.d.). STRATEGI PEMASARAN SYARIAH PADA BMT AL-AMANA DALAM MENINGKATKAN MODAL DAN PENYALURAN PEMBIAYAAN. *Jurnal Ekonomi dan Bisnis*, 98-99.
- Sudarsono, H. (2007). *Bank dan Lembaga Keuangan Syariah, Deskriptif dan Ilustrasi*. Yogyakarta: Ekonisia Kampus Fakultas Ekonomi UII.
- Sugiyono. (2005). *Memahami Penelitian*. Bandung: CV Alfabeta.
- Suhardi, K. (2002). *Syarah Hadis Pilihan Bukhari Muslim*. Jakarta: Darul Falah.
- Suprayogi, R. A. (2014). ANALISIS KEOPTIMALAN FUNGSI BAITUL MAAL PADA LEMBAGA KEUANGAN MIKRO ISLAM. *JURNAL JESTT Vol.1 No.12 Desember*, 841-851.
- Suyitno, A. T. (2006). *Dasar-Dasar Penelitian*. Surabaya: Elkaf.
- Suyono, E. R. (2016). Pengelolaan Baitul Mal Wat Tamwil Berbasis Komputer di Kabupaten Banyumas Jawa Tengah. *Jurnal Visioner & Strategis*, 5(01), 23-34.
- Tusadiah, H. (2017). PEMBERIAN HADIAH VOUCHER PADA PROGRAM TABUNGAN MUDHARABAH DI BANK OCBC NISP SYARIAH CIBEUNYING. *Jurnal 'Adliya*, 216-217.
- Wibawa, G., Muttaqin, R., & Sumaryana, F. D. (2020). Multiakad Pada Lembaga Keuangan Syariah Kontemporer: Prinsip Dan Parameter Kesyarifannya. *Fair Value: Jurnal Ilmiah Akuntansi Dan Keuangan*, 3(1), 94-106.
- Wiroso. (2009). *Produk Perbankan Syariah*. Jakarta Barat: LPFE Usakti.
- Yuliani, L., & Ariyani, D. D. F. (2022). Pengaruh Premium Growth Dan Claim Ratio Terhadap Profit Growth Pada Perusahaan Asuransi Umum Yang Terdaftar di Otoritas Jasa Keuangan (OJK) Periode 2011-2015. *Jurnal Ekonomi Utama*, 1(1), 31-40.
- Zahra, I. A., & Syaiful, R. A. (2022). Analisis Merger dan Acquisition Terhadap Kinerja Keuangan Pada Perusahaan Non Keuangan Yang Terdaftar di Bei Periode 2008-2014. *Jurnal Ekonomi Utama*, 1(2), 73-80.
- Zuhaili, W. (2000). *Fiqh Imam Syafi'i*. Jakarta: Almahira.
- Zuhdi, M. (2000). *Studi Islam*. Jakarta: PT Raja Grafindo.