ISLAMIC ECONOMIC DEVELOPMENT IN INDONESIA THROUGH THE IMPLEMENTATION OF SHARIA FINTECH

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ABSTRACT

The existence of technological developments strongly influences community life in Indonesia. On the economic side, the presence of sharia fintech will make it easier for the Indonesian people to have funds in emergencies easily and quickly. The purpose of carrying out this research is to be able to analyze how the development of sharia fintech in terms of Islamic economic law in Indonesia. This research will be conducted utilizing a qualitative methodology. The data used in this study originated from a variety of still-relevant prior studies. The conclusion that has been found in this study is that Islamic economic law has a developmental position that is parallel to other conventional economic laws. As for the implementation of sharia fintech, there are conveniences that borrowers will accept, such as no need to meet face to face and easy fulfillment of financial requirements following Islamic economic law.

Keywords : Sharia Fintech; Development; Islamic Economy

INTRODUCTION

Indonesia is a legal state that has great attention to economic growth. This can be seen in Article 33 of the 1945 Constitution of the Republic of Indonesia “The national economy is organized based on economic democracy with the principles of togetherness, sustainable efficiency, environmental insight, independence, and by maintaining a balance of will and national economic unity”. These provisions show the ideals of the Indonesian people in the economic field (Hartati, 2021).

The economic growth of a nation requires a directed and integrated system of economic regulation, which is then utilized to improve the people’s welfare. Financial institutions work together to manage and mobilize all economic potentials so that they are empowered to be more optimally successful. Indonesia is the country with the world's largest Muslim population (Surya et al., 2021). It is possible that Indonesia may surpass all other countries in terms of the value of its Islamic economic assets. With the emergence and spread of Islam over the globe comes a sharia-based economic system. When the Prophet Muhammad arrived in Mecca, economic operations had not yet begun because he was preoccupied with his monotheistic beliefs. He is most remembered as a proponent of a new religion who faced formidable opposition from the Quraysh and other Meccans.

Islamic economics has been studied for a very long time. Since the majority of its concepts come from the Qur'an and the Hadith, Islamic economics can be thought of as both a social science and a system. The existence of a capitalist financial system is not what gives rise to a capitalist economic system. Economics in accordance with Islamic principles. Traditional Islamic law in Indonesia is a community-based, evolving body of law. To paraphrase Soerjono Soekanto, a state in which the law and people's ideals are in harmony is the most ideal. Consequently, Islamic law cannot be divorced from Indonesian culture (Cunha et al., 2021).

Public enthusiasm for the expansion of sharia economic practices is quite high, particularly in light of the emergence of Islamic financial institutions (LKS), of which sharia fintech is one example. Using technological advancements, sharia fintech is an innovation of sharia-compliant financial services. In addition to providing unconventional offers and schemes, it imposes some restrictions on the use of funds provided by investors or lenders (Pati et al., 2021). The ease provided by sharia-based fintech cannot be isolated from the qualities of sharia enterprises that rely on sharia economic underpinnings, including divinity (ilahiah), justice (al-adl), prophethood (an nubuwah), government (al caliphate), and outcomes (al maad). Article 1, number 3 of Financial Services Authority Regulation 77/POJK.01/2016 defines Information Technology-Based Lending and Borrowing Services as the provision of financial services to bring together lenders and loan recipients to enter into lending and borrowing agreements in rupiah currency directly through an electronic system utilizing the internet network (Trimulato et al., 2022).

Along with the development of fintech that the Indonesian people have accepted, several crucial questions have emerged in efforts to develop sharia fintech to improve the Indonesian economy, namely the concept of financial services in sharia fintech and its legal relationship considering the principles used are sharia-based which are very different from conventional fintech (Kharisma, 2020).

The incorporation of Islamic principles (sharia economics) into the ideals of Indonesian economic law gives it a solid syar'i and constitutional basis for its survival. Formally known as syar'i, the presence of sharia economics has a solid argumentative foundation. In the context of the state, Islamic economics is grounded in the constitution (Budiono et al., 2022).

In addition to western and customary law, Islamic law is a source of national law. Nonetheless, this does not imply that Islamic law must assume the exclusive form of formal regulation, other than its inherent inclination to assist (rather than coerce) people who have relied on it in everyday life. In addition, Islamic law has existed in Indonesia for a very long time, both normatively sociologically and formally legally (Pratama et al., 2019). Islamic legal legislation is situated in the context of the needs of Muslims themselves in the context of implementing Islamic education in a kaffah (proper) manner, even if the development of national law based on sharia teachings cannot be divorced from the framework of federal law (Riyanti, 2021).

Since most Indonesian citizens are Muslim, research on the economy is critical, especially in the field of sharia finance, one of which is sharia fintech which has begun to be favored by the public considering the easy access to fintech (Berakon et al., 2021).

Based on the description above, the author is interested in discussing the Development of Islamic Economic Law in Indonesia. Studies on Sharia Fintech will later show Indonesia's Islamic economy's development.

LITERATURE REVIEW

Islamic Economics

Economics studies human behavior using scarce resources to produce goods and services that humans need. Meanwhile, Islam regulates human life in this world and hereafter. Thus the economy is a part of religion (Islam) because it is part of human life that comes from the Qur'an and al-Sunnah. This absolute position of the source makes Islam a special religion compared to other religions so that in discussing the Islamic economic perspective, everything boils down to the Islamic faith based on the Qur'an al-karim and al-Sunnah al-nabawiyyah.

From the explanation above, it can be concluded that what is meant by Islamic Economics is a system that applies economic principles that follow Islamic teachings for every economic activity that aims to create goods and services to meet human needs (Rahmayati, 2021).

Sharia fintech has been regulated in the DSN MUI fatwa no. 117/DSN-MUI/II/2018 regarding sharia fintech, among the contracts used are al-Qardh and wakalah bil ujroh contracts. In addition, fibtech is also regulated in POJK regulation no.77/POJK 01/2016.

When viewed from the goal, at first glance, there is no difference between Islamic economics and other economic systems, namely to seek fulfillment of various needs of human life, either personal or collective. Likewise, with the principles and motives, every person or society tries to get the maximum results with the smallest energy or cost in the shortest time (Mulyany & Furqani, 2019). However, Islamic economics is fundamentally different from other economic systems. To provide a clearer understanding of the definition of Islamic economics from various leading Muslim economists today. The definitions of Islamic economics given by them vary but contain the same meaning (Fahlevi, 2019), namely as follows:

a. Islamic economics is a science that studies the economic problems of society from the perspective of Islamic values.
b. Islamic economics is a branch of science that promotes human welfare through the allocation and distribution of scarce resources, in accordance with Islamic teachings, without restricting individual freedom, causing a protracted macroeconomic and ecological imbalance, or weakening family and social solidarity within the moral fabric of society.
c. Islamic Economics studies the representation of Muslim behavior in a particular Muslim society.
d. Mohammad Akram Khan emphasized that Islamic economics is a study that focuses on human welfare, which is achieved by organizing the resources of this earth based on cooperation and participation.

From the definitions above, it can be concluded that Islamic economics is not only a practice of economic activities carried out by individuals and existing Muslim communities but also an embodiment of economic behavior that is based on Islamic teachings and includes a perspective on financial problems in analyzing and proposing alternative solutions to various economic problems (Furqani et al., 2020).

Sharia Fintech

Fintech sharia, is a financing service based on information technology based on sharia principles that brings together lenders and borrowers through an electronic system. The term Fintech derives from financial technology or financial technology. The National Digital Research Center (NDRC) in Dublin, Ireland, defines fintech as "innovation in financial services" or "innovation in financial services fintech," which refers to a financial sector innovation that incorporates modern technology (Ferdiana & Darma, 2019). Fintech is described as the use of digital technology to solve financial issues. Or fintech is an industry comprised of enterprises that employ technology to improve the efficiency of the financial system and its delivery (Alt et al., 2018).

Fintech comprises online financial transactions, electronic currencies, virtual accounts, aggregators, lending institutions, crowdsourcing, and personal financial advisors. Fintech include financial services operations including payments, transfers, clearing, and settlements (Rusydiana, 2018). This activity has close relations to mobile payments (by banks or non-bank financial institutions), electronic wallets (digital wallets), and other similar activities. These models attempt to expand financial inclusion, expand consumer access to payment services, and assure the payment system's optimal operation (Teng & Khong, 2021).

Fintech has many services and products that the public can use. However, Bank Indonesia divides five types of fintech. The first is crowdfunding, namely, fundraising where collecting a certain amount of money for a project or business by several people or many people is usually done through an online platform (Wiguna & Wirdyaningsih, 2022). The second is peer-to-peer lending, which is debt-based in the form of lending money between individuals where borrowers and lenders are brought together through the platform provided by the company. The third is a market aggregator, in this category, fintech is a comparison of various financial products, where fintech will collect financial data as a reference by users (Nisar et al., 2020). The fourth is Risk and Investment Management, a digital financial planner that will help users make financial plans per existing economic conditions. The fifth is the mobile payment / online banking, namely financial transactions that include monthly bill payments, money transfers, shopping payments to merchants at digital merchants, balance information and account mutations, and much more (Shen & Hou, 2021).

The definition of sharia fintech is a combination or combination of innovation between finance and technology in the process of financial services and investment based on the values of Islamic teachings. Although sharia fintech is a new type of innovation, its development is relatively rapid. In Islam, several rules become a reference in accordance with Islamic principles (Rabbani et al., 2021).

Various products offered by fintech to meet financial needs, such as crowdfunding, mobile payments, and money transfer services, have led to multiple changes in the business world. Crowdfunding financial assistance can quickly get funds from various countries, even from someone you have never met (Hanafizadeh & Amin, 2022). Fintech services also make it easier to send money globally around the world. In fintech, a PayPal payment service can change the exchange rate automatically so that we can easily buy goods from Indonesia if we are abroad. Fintech also has an essential role in meeting the needs of consumers (Iman, 2018), including:

a. Financial data and information can be accessed anytime and anywhere
b. Giving hope to small businesses to develop their business to match the existing big companies.

The development of the fintech industry is very fast in all corners of the world. This can be proven by the emergence of various business start-ups in the fintech field and the large interest in investing in fintech globally. Especially in Indonesia, businesses using fintech are enough to attract the attention of business people in Indonesia (Pollio & Cirolia, 2022).

METHOD

This study's investigation will be carried out by making use of a qualitative strategy as the research method. The research data utilized in this study were obtained from previously conducted research as well as studies that continue to be applicable to this research. After the data for the research have been properly gathered, they will be processed so that, in the future, conclusions may be drawn from them that are in line with what the researcher is hoping to find.

RESULT AND DISCUSSION

The Position of Islamic Economic Law in Indonesia

The advancement of science and technology as well as the spread of new cultural practices around the world have repercussions in many spheres of human existence. The emergence of an economic concept, called the Islamic Economic Concept, is one of the effects of global culture, and law is required to actualize the community's welfare. Sharia Economics is the discipline of those who adhere to the Islamic way of life. Sharia Economics examines not just social individuals, but also those who are obligated to worship Allah SWT. Sharia Economics is an economic system that follows the teachings of Islam as laid out in the Qur'an and the Hadith.

Sharia Economic Law, which is grounded in Islamic law, reveals that Islamic law predates and inspired both national and western legal systems as well as traditional legal practices. This doesn't mean it needs to be a strict rule with a closed interpretation unless its sole purpose is to undermine the concept of "awareness" as it's been used in the real world. The law source in this case must be regarded as material law, or the stuff that formal legal sources are made of. We Muslims unanimously agree that Islamic law is a comprehensive system that governs every facet of community behavior. The Qur'an contains numerous general guidelines for human conduct.

Understanding Islam as a complete and all-encompassing religion is the foundation for a sharia economic system to exist. Islam offers a framework for building an economy complete with all policy instruments, institutions, and legal aspects of development, control, and supervision in the form of human guidance, interactions and processes, application principles, and physical space. Obviously, humans are required to develop, administer, and oversee the economic system's operation for the instruments to provide quality, intensity, and utility.

Technically, there is no distinction between Islamic and Islamic economics in Indonesia, but the words are distinct in academic studies. In this context, sharia refers to everything from water and roads to rules and regulations. Meanwhile, sharia is a part of Islamic law that sets limits on how fast people can do things, as well as giving them rules to follow in their relationships with God and with one another.

As stated in Article 29 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Islamic law enjoys a very prominent role in constitutional law. This article contains the following fundamental rules:

a. No law in the Republic of Indonesia may be in conflict with the religious principles held by the faithful of any religion practiced here.
b. If doing so requires the use of state authority, the Indonesian government must enforce the Shari'a of all religions recognized in the country. This means that the Indonesian government must step in when the application of a law that has its foundation in religion is necessary for the good of the people.

c. The implementation of Shari'a, which does not necessitate state power because it can be carried out by each religion involved, becomes the individual responsibility of the adherents in accordance with the precepts of their respective religions.

When constructing Indonesian national law, Islamic law is used as a foundational pillar. Islam's legal framework divides into two categories: religious practice and criminal procedure, known as mu'amalah. In contrast to the precise nature of the legal arrangements around places of worship, the legal arrangements surrounding muamalah govern only the ideas involved. These guidelines were established and are enforced by state and government authorities, in particular the ulil amri. Thus, sharia economic law, which is grounded in Islamic law, represents a new legal framework in the Indonesian economy.

Islamic law legislation is situated in the context of the needs of Muslims themselves, but the building of national law based on sharia teachings cannot be separated from the setting of national legal politics. Therefore, the law is constantly implemented since it is regarded as a manner of exercising kaffah-based Islamic principles, even in the form of statutory rules. With the principles of Islam, the root of sharia economic law in Indonesia, both Muslims and non-Muslims can experience justice in their economic operations.

National law or state law (both terms are used interchangeably in Indonesia) refers to the body of law that applies only within Indonesia. Indonesian national law, which replaced colonial law after independence, is binding on all indigenes, and in particular, all citizens of the Republic of Indonesia. Republic of Indonesia citizens are bound by national law based on Pancasila and the Constitution of 1945, which protects the country's overall welfare. Once the general populace realizes and appreciates the Islamic financial system's just and equitable nature in safeguarding the welfare of the people, as is the desire of the nation and the Unitary State of the Republic of Indonesia, the incorporation of Islamic economic law into Indonesia's legal system will be seen as a necessity. As has been shown, tying Islamic economic law to Pancasila and the 1945 Constitution of the Republic of Indonesia will give it a far more authoritative footing in the global economy. The Sharia economic system does not conflict with or violate Pancasila.

All rules must be consistent with Indonesia's Pancasila ideology, which aims to promote the welfare of the Indonesian people. The Constitution of the Republic of Indonesia, adopted in 1945, is another pillar of the country's revered Pancasila ethos. From the perspective of Sharia economic law in a sharia economy, Indonesia does not contradict, much less violate, Pancasila, especially the "Sila Ketuhanan Yang Maha Esa," nor does it contradict, much less violate, the Constitution of the Republic of Indonesia, either the Preamble, which includes, among other things, the sentence: "By realizing a social justice for all the people of Indonesia," or any part of its contents, particularly those contained in CHAPTER XI (Religion) Article 29 paragraphs (1) and (2), and CHAPTER XIV Articles 33 and 34 which regulate the national economy and social welfare of Indonesia. A KHES (The Compilation of Sharia Economic Law) exists in Indonesia as a kind of positivization and unification of sharia economic law. If the KHES (The Compilation of Sharia Economic Law) has not been compiled, the religious court judge decides sharia economic cases by consulting fiqh works dispersed across many schools of thought. As a result of the absence of a unified positive legal reference, there are disparities in the decisions of different courts and judges. The unique phrase judge is applicable.

Economics, as a discipline, examines how people think about and react to issues related to the creation, distribution, and consumption of products and services. Islamic economics is similar to traditional economics in this respect, but it is also constrained by Islamic morals, or in common parlance, by the halal-haram prohibitions.

Sharia Fintech Development in the Indonesian Economy

The development of Fintech in Indonesia, the country with the largest population in Southeast Asia and the fourth in the world, is the largest fintech market. According to the Indonesian Fintech Association (IFA), the number of fintech players in Indonesia grew by 78% in 2016. Then until November 2016, IFA recorded around 135-140 start-up companies registered. This shows that Indonesia welcomes the presence of fintech to meet financial needs.

Fintech in Indonesia has huge promise since it can meet urgent requirements that cannot be met by conventional financial institutions, particularly Islamic fintech. The development of Islamic Fintech with the Interpretive Structural Model (ISM) framework consists of four criteria, including:

a. Fintech function perspective
b. Problems faced in connecting Islamic Fintech
c. The strategy or tax base needed in the framework of developing sharia fintech
d. The existence of actors involved in the development of sharia fintech in Indonesia

Contract Implementation

In a special sense, Akad put forward by fiqh scholars, among others: "The bond between Ijab and Kabul is based on the provisions of syara' which has implications for the object." Although online contracts are a new phenomenon, the principles of contract law in general and contract law following sharia still apply. In terms of engagements, according to Islamic law or sharia, contracts through information technology media must still meet the pillars and conditions of the contract. In Article 21 of the Supreme Court Regulation Number 2 of 2008 concerning the compilation of Sharia Economic Law, it is stated that the contract is carried out based on the principles, namely:

a. Iktiyari/Volunteering; every contract is carried out at the parties' will, avoiding coercion due to pressure from one party.
b. Amanah/Keep promises; The parties must carry out each contract following the agreement determined by the person concerned, simultaneously avoiding a breach of contract.
c. Iktiyati/Prudence; every contract is carried out with careful consideration and carried out appropriately and carefully.
d. Luzum/Unchanged; every contract is carried out with a clear purpose and careful calculations to avoid the practice of speculation or maisir.
e. For mutual benefit, every contract is carried out to fulfill the interests of the parties to prevent manipulation and harm to one party.
f. Tsawiyah / Equality, the parties in each contract, have equal positions and balanced rights and obligations.
g. Transparency, every contract with balanced responsibilities of the parties.
h. Ability; each contract is carried out following the parties' capabilities so that it does not become an excessive burden for the person concerned.
i. Taisir/Ease; Each contract is carried out by giving each other convenience to each party to be able to carry it out according to their abilities.

j. Good faith; The contract is carried out to uphold the benefit and does not contain elements of traps and other bad deeds.
k. For lawful reasons; not against the law, not prohibited by law, and not unlawful.

The contract schemes implemented include, for example, Wakalah contracts and Musyarakah contracts for sharia fintech services. According to Hashbi Ash-Shiddieqy, wakalah is a contract of power transfer in which a person appoints another person as his successor (bertasharruf). The law of wakalah with the presence and absence of wages is valid because the Prophet Muhammad SAW once sent his employees to collect zakat and give them wages. Wakalah with wages, if it has been agreed upon, the contract becomes customary and binding so that the person giving the representative is the same as the paid person, meaning that he must carry out what has been delegated to him. Therefore the representative is entitled to receive wages as soon as possible once the Wakalah is completed. The second contract is the Musyarakah contract between Ammana and the fund distributor, in this case, BMT, KSPPS, BPRS, and Sharia Venture Institutions. With a musharaka contract, the owner of the capital and the distributor of the funds both deposit capital in nominal terms according to the ability and agreement of the parties in the musharaka.

CONCLUSION

The evolution of Islamic economic law parallels that of mainstream economic law. Muslims are required to adhere to an economy based on Islam, whereas non-Muslims have an alternate option. The conceptualization of Islamic economics in Indonesian culture is a reaction to the requirements of the present. The Islamic financial sector has been widely accepted and utilized in Indonesia. The proliferation of sharia fintech and other Islamically oriented financial institutions is a defining feature of the Islamic economic system.

Financial technology (fintech) is an innovation in financial services that use technology to facilitate access to financial products and services that are inaccessible through traditional financial aid. The advantages of employing sharia fintech services include that the beneficiary of the loan or finance does not need to meet face-to-face, financial needs can be met more readily, and Muslims can conduct economic operations in accordance with Islamic sharia.

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