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Policy Directions For Islamic Banking Law in Supporting MSMEs Through A Community Welfare Approach

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Abstract. This article focuses on aspects of Islamic banking law policy in an effort to promote economic equality. Under the provisions of the Sharia Banking Act, banks that conduct their business activities in accordance with Sharia principles are categorised as Sharia Commercial Banks and Sharia Microfinance Banks. Put simply, Sharia principles in Islamic banking apply Islamic law to banking activities based on fatwas issued by institutions authorised to issue fatwas in the field of Sharia. As a Sharia banking institution, given that the majority of Indonesia's population is Muslim, the strategic role of Sharia banking is essential in efforts to strengthen businesses rooted in the MSMEs sector, thereby enabling the economic development of the people's economy. This article focuses on the direction of Sharia banking legal policy in promoting the strengthening of MSMEs through a community welfare approach, utilising qualitative research methods and legal approach as the foundation for this study.

Keywords: Direction; Islamic Banks; Law; MSMEs; Policy.

1. INTRODUCTION

A key aspect of the current approach to national development in the modern era is the ability of the banking sector to support communities in building their economies through a system that focuses on empowering local populations. Banks are essential in collecting money from people and using it as capital for businesses, which helps the economy grow. This shows how important the role of financial institutions is for a country's economic growth. With capital, you have the ability to transform unprofitable businesses into profitable ones. The issue is that small and micro-enterprises encounter considerable difficulties in obtaining capital, due to various factors such as:(Harmar, P, 2021)

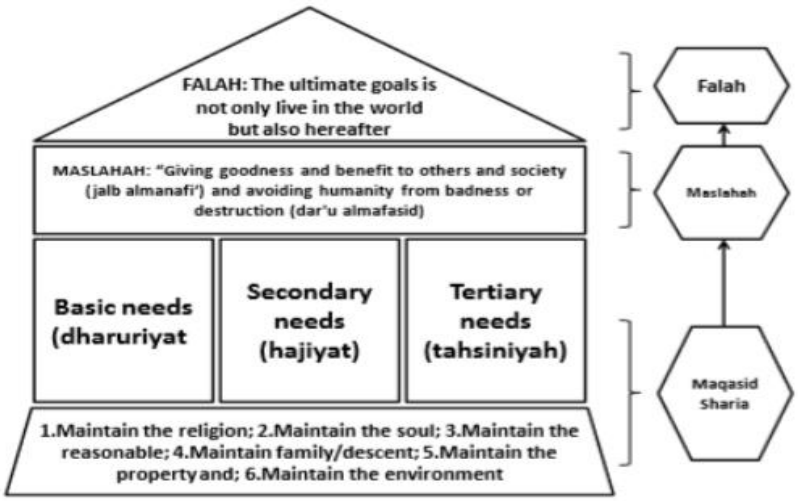
1. The banking administration system is cumbersome and requires collateral commensurate with the amount borrowed.
2. Small business owners are generally grassroots members of the community who are unfamiliar with technical banking terminology.

A significant obstacle for MSME entrepreneurs in expanding their businesses is their difficulty in setting up the administrative systems needed to ensure proper protection and management; this can prevent them from effectively growing their ventures. A significant aspect in the development of MSMEs is that, being a predominantly Muslim nation, Indonesia

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has Islamic banking as one of the key supports for promoting MSME growth within the country.

Under Law No.10 of 1998, as amended by Law No.21 of 2008, an Islamic bank is described as a financial institution that operates its business in compliance with Sharia principles.Depending on its structure, such a bank may be classified as either an Islamic Commercial Bank or an Islamic Microfinance Bank. Chapter 1, Article 1 of Law No.21 of 2008 offers additional clarification on Sharia Commercial Banks.These are Sharia banks that offer payment transaction services as part of their operations.Sharia Rural Finance Banks, on the other hand, are also considered Sharia banks, but they do not provide payment transaction services in their operations. It can therefore be concluded that a Sharia bank is a type of bank that operates its business in line with Sharia principles, and during its operations, it not only provides payment services but also offers financing services. (Amah, N**,** 2013). This financing should foster support for MSMEs, the majority of which are run by Muslims in Indonesia and require financial support to ensure the sustainability and continued existence of MSMEs within the community. Therefore, in the context of the public good, the objective of Islamic banking in developing the sector can be interpreted in the context of *falah* (success) to achieve the welfare of society, as illustrated in the concept below:



Source: Nugroho et al., 2018

Figure 1, The Principles of Falah, Maslahat and Maqasid al-Shari'ah (Amah, N, 2013).

The core idea is the effort to benefit society by having Islamic banking as part of the existing financial systems, while also supporting a financial system that follows Islamic principles. Therefore, this article focuses on analyzing how Islamic banking legal policies are managed as a means of supporting Islamic finance, which helps in providing financial support to MSMEs, thereby contributing to the improvement of public welfare.

2. RESEARCH METHODOLOGY

In an endeavour to establish Islamic banking as a pillar of financing within statutory provisions, the major function of Islamic banking is to provide order to the development of MSMEs in Indonesia, a predominantly Muslim country. As a result, this study focuses on the management features of Islamic banking's internal legal policies to support its strategic role in financing transactions in accordance with statutory rules, with qualitative methodologies serving as the foundation for this research.

3. RESULTS AND DISCUSSION

Direction of Islamic Banking Legal Policy in Encouraging MSMEs in a Sustainable Development Approach

One widely recognized and commonly used source of funding to support the economy is the banking sector. Banking, as a financial institution, is regarded as being able to support the development initiatives that are being promoted by the government. By acting as an intermediary, banks assist the real sector of the economy in raising production levels, which in turn supports economic growth. Therefore, the development of the banking system in a country can serve as an indicator of the country's overall advancement. (Maulana, A, 2024)

As a concrete step to expand Islamic banking in Indonesia, Bank Indonesia has developed a Grand Strategy for the Development of the Islamic Banking Market, which serves as a comprehensive strategy for market growth.This strategy includes several key factors: creating a vision for the year 2010 to establish Indonesia as a leading Islamic banking industry in ASEAN, building a new national image for Islamic banking that is inclusive and universally accessible, improving the accuracy of market mapping, creating a wider range of financial products, enhancing service quality, and implementing a new communication strategy that portrays Islamic banking as more than just a traditional bank. In addition, various specific initiatives have been and will continue to be carried out as part of the broader strategy aimed at developing the Islamic banking financial market, including the following: (https://ojk.go.id/id/kanal/syariah/tentang-syariah/Pages/Perbankan-Syariah.aspx)

1. Which began in 2008, the goal was to implement a new vision for the development of Islamic banking, focusing on building a comprehensive understanding of Islamic banking as something beyond traditional banking.The target asset value for this phase was Rp.50 trillion, with an expected industry growth rate of 40%.In the second phase, starting in 2009, the objective was to position Indonesian Islamic banking as the most attractive in the ASEAN region.The asset target for this phase was set at Rp.87 trillion, with an

anticipated industry growth rate of 75%. Phase III was initiated in 2010 with the objective of positioning Indonesian Islamic banking as the top Islamic banking institution in ASEAN, aiming for an asset value of Rp.124 trillion and an industry growth rate of 81%.

2. A new image campaign for Islamic banking aims to establish its positioning, highlight its unique features, and enhance its brand identity. The revised positioning of Islamic banks offers mutual benefits, as it involves creating distinctions through competitive advantages that include a variety of products and schemes, transparency, financial expertise and ethical practices, advanced and easy-to-use information technology, and the presence of adequate Islamic financial investment knowledge. Meanwhile, the branding message conveys that "Islamic banks are more than just banks, or beyond banking."
3. A new, more precise mapping tool has been developed to assess the potential of the Islamic banking market.This tool generally guides Islamic banking services to be inclusive, serving all levels of society and various segments, in line with the specific strategies of each Islamic bank.
4. A product development initiative centered on a varied range of products, backed by distinct value propositions that offer mutual benefits, a broad network of offices, and the application of straightforward and standardized product names.
5. A program to improve service quality that is supported by skilled human resources and information technology, which are able to meet customer needs and ensure their satisfaction, as well as accurately and clearly explain Islamic banking products and services to customers in a manner that complies with Sharia principles.
6. A larger and more effective public outreach and education initiative through various direct and indirect communication methods, including print, electronic, and online or website media, to assist the public in understanding the advantages of Islamic banking products and services.

There are several essential characteristics that distinguish Islamic and conventional banks (Negara, 2008), including the following: (Rosidi, A., Prastyo, H., & Zusrony, E, 2021)

1. Operations are based on the principles of anti-riba (usury) and anti-maysir (gambling);
2. Prioritizing services based on Islamic Sharia principles, with money being used as a medium of exchange rather than a commodity, and profit sharing, buying and selling, and leasing are also practiced.
3. The public interest is the primary focus.
4. Objectives are Islamic, socio-economic, and profitable.

5. Prudence regarding participation in risk management related to customer relationships.

Prior to merging with Himbara Bank, it transitioned into an Indonesian Sharia Bank, similar to Bank Mandiri Syariah Indonesia.The purpose of creating this banking institution was outlined as follows: 1). Enhancing the standard of social life for the people of Indonesia in order to decrease the socio-economic disparity that arises from non-Islamic economic practices. Increasing community involvement in the development process, particularly in the financial economy sector, has been limited due to a lack of participation in using banking institutions.This is because there are doubts regarding the law on bank interest. Creating strong and healthy banking institutions and systems that operate efficiently and fairly, in order to encourage greater involvement from the community in boosting the local economy.This includes, but is not limited to, expanding the reach of banking services to remote and rural areas. Educating and assisting the community in understanding economic principles, applying business strategies, and enhancing the overall quality of life for everyone in the community. These objectives clearly align with the primary goal of enhancing capacity to establish a welfare system that benefits the community.

The core issue stems from the general public's lack of understanding regarding Islamic banking. Islamic banks are often viewed like traditional banks because people do not fully understand the new ideas and practices that have been introduced in modern banking, and also because there is limited knowledge about these concepts. This causes the public to perceive Islamic banking products in a way that does not align with the actual fact that Islamic banks are financial institutions that have embraced this concept. (Novitasari, M, 2019) In its development as a Sharia bank, BSI is supported through the BSI UMKM Center, which facilitates business matching by connecting potential buyers. This helps in the halal certification of MSMEs and provides access to Sharia capital based on their business capacity and capabilities. It also offers incubation programs to nurture young entrepreneurs through initiatives like BSI *Talenta Wirausaha* and BSI Aceh Muslim preneur. Additionally, BSI supports government initiatives such as the provision of free nutritious meals and KUR. The bank also provides MSME portals to assist with product marketing. Platforms like the BSI MSME Portal and the Salam Digital Portal play a significant role in this ecosystem. The BSI MSME Portal is created to assist small and medium enterprises in enhancing the quality of locally made products so they can effectively compete in the international market. Meanwhile, the Salam Digital Portal simplifies the process for the general public to access microfinance services through digital means. This concrete evidence has led to a rise in MSME financing at BSI, with the total reaching Rp52.01 trillion, marking a 9.01% year-on-year growth, and BSI's

Macroprudential Inclusive Financing standing at Rp98.5 trillion in June 2025. This year, BSI's MSMEs have surpassed 347,000, showing a 6.28% increase in customers compared to the previous year. This shows that Sharia financing is experiencing steady and positive growth for small and medium enterprises, especially in the areas of wholesale and retail trade, agriculture and forestry, healthcare, and the halal food and beverage industries. **(**https://www.bankbsi.co.id/news-update/berita/fokus-ekonomi-kerakyatan-pembiayaan-umkm-bsi-naik-901**)**

Banking plays an important role in the development of a nation because its primary function is that of a financial intermediary.This means it gathers money from people through savings and then provides that money back to others in the form of loans or financial support.(Rini, H. Z, 2017). In Indonesia, micro-enterprises dominate the MSME sector. Micro-enterprises represent 64,601,352 businesses, which is 98.67% of all MSMEs. Meanwhile, small businesses make up about 1.22%, whereas medium and large companies contribute less than 1%. This figure can serve as both a positive and encouraging element. (Nihayah, A. Z., & Rifqi, L. H, 2022). The Islamic economy has seen significant growth in Indonesia during the last several decades. As the nation home to the world's largest Muslim population, Indonesia holds considerable potential to develop into a major hub for the Islamic economy on a global scale. A vital element in advancing the Islamic economy within Indonesia is the role of Micro, Small, and Medium Enterprises (MSMEs). MSMEs play a crucial role in the national economy by contributing substantially to the Gross Domestic Product and providing a large number of job opportunities. Promoting small and medium-sized enterprises will also help improve social welfare.

The importance of Islamic banking in supporting the growth of MSMEs is significant, as the MSME sector plays a major role in the country's economy. In addition, small and medium-sized enterprises demonstrate considerable economic resilience, as shown by their ability to survive and remain undisturbed during the 1998 crisis. Moreover, the MSME sector plays a crucial role in employing a large number of people, especially in rural regions, thereby offering livelihood opportunities to various local communities. Therefore, many organizations are focused on supporting the growth of small and medium-sized businesses by offering financial resources, such as those provided by Islamic banks. Some Islamic banks also offer particular services aimed at supporting the financing of small and medium-sized enterprises. In addition to offering financial support, Islamic banks, acting as partners of small and medium-sized enterprises, can contribute to the growth of their clients' or partners' businesses by providing

effective guidance and oversight in business development. (Mulato, T., Sudirman, S., Kamaruddin, K., & Iryani, I, 2021).

In Islam, economics is the study of how humans fulfill their needs in order to attain falah, which refers to peace and prosperity in both this life and the hereafter. Therefore, it can be said that economic matters in Islam focus on ensuring that wealth circulates among people so that they can fulfill their role as servants of God, attaining success in both this life and the hereafter. In general, national economic matters are closely connected to the well-being of society. It is commonly understood that the degree of societal well-being serves as a key indicator of a nation's stability and development. As the level of societal welfare in a country increases, the management of funding for productive enterprises also improves. On the other hand, when the level of societal welfare in a country is low, there tends to be a greater focus on managing funds for consumptive enterprises rather than productive ones. This is the current economic problem. (Harahap, I, 2016). Therefore, the role of Islamic banking in enhancing public welfare is very important. Since banks act as intermediaries, Islamic banking operates according to Islamic principles.When these principles are properly applied, they are certain to contribute positively to the well-being of the broader community. (Harahap, I, 2016) The pattern built in the Islamic banking system is a model for building falah for society that is not based on usury.

Sharia Bank, as one of the LKS (Sharia Financial Institutions) and a PWU (Cash Waqf Recipient), operates under a legal foundation outlined in Law No.21 of 2008 on Sharia Banking.This law defines Sharia Bank as a financial institution that conducts its business in accordance with Sharia principles.It also specifies that Sharia Banks are categorized into two types: Sharia Commercial Banks and Sharia People's Financing Banks, as stated in Article 1, number 7. In addition to their role in collecting and distributing community funds, Sharia banks can also perform social functions by receiving zakat, infaq, alms, and grants, and then distributing them to zakat management organizations, as stated in article 4 paragraph 2. (lmiah, D, 2020). The basic principles offered in Islamic banking are based on the values of welfare for humanity.

Financial inclusion in Indonesia has been carried out through different initiatives, including the offering of People's Business Credit (KUR) and the growth of BMT (Baitul Mal wa al-tamwil). KUR is a special business credit program designed for micro, small, and medium enterprises as well as cooperatives that qualify based on business criteria but do not have the required collateral that banks typically demand. Through the KUR program, the government aims to enhance access to business credit for small and medium-sized enterprises by improving the capabilities of guarantor companies. (Pratama, F., & Subhan, M, 2024).

Micro, Small, and Medium Enterprises (MSMEs) are businesses run by small entrepreneurs with limited capital, but they play a crucial role in contributing to the national economy. According to Law Number 20 of 2008, Micro, Small, and Medium Enterprises (MSMEs) are businesses that seek to expand and develop their operations in order to contribute to a national economy that is built on principles of fair and democratic economic growth. In practice, MSMEs usually make use of all available local support, including natural resources and local human resources. (Cahya, A. D., Widyastuti, M. L., & Fatharani, H. 2021).

Indonesia is expected to be one of the top five nations with the highest GDP by 2030 in the near future. The recognition of this great potential brings hope to both the government and the public, as they both desire for Indonesia to match the status of other prominent countries. A high GDP can greatly enhance the economy by increasing the amount of goods and services produced and sold, which in turn leads to a stronger economic growth. However, a high GDP value does not always indicate that there is good equality among different economic groups in society. It is clearly visible when looking at the differences in the real world, where wealthy individuals live in expensive homes in large cities, while people with lower incomes have to settle for smaller, more affordable homes located on the outskirts of cities. (Rifa'i, A, 2017).

The role of Islamic banks in supporting the growth and development of micro, small, and medium enterprises is anticipated to persist. One example is improving access to financing by making the requirements less strict and offering business training and mentoring programs. Islamic banks are anticipated to keep enhancing their abilities to support small and medium-sized businesses. Small and medium enterprises, which have the potential to boost gross domestic product, continue to face challenges due to limited access to funding and financial support. (Ramadan, M. R, 2021). According to Antonio (2011), Islamic banks operate based on several profit-sharing principles, which include: 1). Mudharabah is a type of partnership involving two or more individuals in which one party supplies the entire capital, while the other party manages the business operations. Musyarakah is a type of partnership in which two or more individuals contribute money or capital together. If a loss occurs, it will be shared according to the agreed terms. Revenue sharing is the outcome achieved by Islamic banks from funds that are invested in the form of productive assets. Financing that is determined by how it is used includes: 1). Productive financing refers to a type of financing that is used specifically to fulfill the requirements of production activities. Productive financing is categorized into various types, specifically; 2). Working capital financing is used to address the need for increased production, whether in terms of quality or quantity, and also to enhance the usefulness or value of an item's placement; and 3). Investment financing is a type of funding

that is utilized to address the need for capital goods and related matters. (Rahmah, N. A., Fasa, M. I., & Suharto, S, 2021).

The presence of Islamic financial institutions (LKS) can assist in offering financial support to micro, small, and medium-sized customers, serving as an alternative option that addresses challenges related to obtaining financing. The presence of Islamic financial institutions is highly strategic and advantageous for MSMEs, as they offer services tailored to micro, small, and medium-sized businesses that need Islamic financial solutions. In Indonesia, the establishment of banks that operate based on Islamic principles, such as Bank Muamalat Indonesia and Bank Perkreditan Rakyat Islam, has created a significant need for understanding Islamic banking among both academics and the general public. Moreover, most Indonesians follow Islam, which makes Islamic financial institutions, such as Islamic insurance, very popular among the people. Although Islamic financial institutions are beginning to expand across the country, many individuals still lack awareness about Islamic insurance products. (Adekantari, S., & Rukmana, L, 2024). The application of sharia financing for small and medium enterprises is still being reviewed by regulators, and there are no significant barriers to carrying out financial activities or procedures.However, the main challenge arises from the lack of awareness among customers, who are not yet fully informed about how operations in sharia banks function.Many people perceive sharia finance as being complicated due to the nature of its responsibilities and processes. (Putri, D. A., Ardana, M. R. A., Osama, N., & Zamani, M. Z. (2023). Therefore, the position of Islamic finance is important, especially Islamic banking, as one of its functions is to create Islamic-based financing.

4. CONCLUSION

The viewpoint of Islamic banking's existence, it plays an essential role in meeting the needs of Muslims through Islamic banks, which operate in accordance with Sharia principles. The growth of small and medium-sized enterprises definitely needs support from a sharia banking system that focuses on the community's interests to help develop MSMEs in Indonesia. The fundamental principles of the sharia banking system are closely linked to the falah model, which focuses on the well-being and benefit of the community. Financing provided to medium and small enterprises through Islamic banking is a way of promoting the well-being of the Muslim community by aligning with Sharia principles, which focus on productive financing and the provision of working capital. In order to assist small and medium-sized businesses, BSI banking plans to offer macroprudential inclusive financing amounting to Rp98.5 trillion in June 2025. This year, the number of BSI MSMEs has surpassed 347,000 individuals, with a yearly

customer growth rate of 6.28%, which definitely helps in expanding the capacity of existing MSMEs.

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