

THE CONCEPT OF iB HASANAH CARD UTILIZATION IN BNI SYARIAH

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Abstrak

Seiring berjalannya waktu kegiatan perekonomian di dunia mengalami peningkatan yang sangat tajam, kegiatan bisnis semakin lama semakin berkembang di segala sector hal ini menyebabkan perputaran arus uang yang cepat di masyarakat. Penggunaan sistem pembayaran dengan uang dalam jumlah besar dirasakan kurang efektif dan efisien serta menimbulkan banyak resiko maka, manusia pun mencari alternatif lain untuk bisa mengimbangi laju pertumbuhan ekonomi yang tinggi.

Akhirnya, lahir kartu plastik yang lebih dikenal dengan kartu kredit menggantikan fungsi uang sebagai alat pembayaran. Penggunaan kartu kredit yang dirasa lebih aman dan praktis dengan berbagai fungsinya yang semakin bertambah, menjadikan alat bayar baru ini semakin berkembang pesat, khususnya di perkotaan yang terdapat banyak tempat publik dan layanan masyarakat seperti tempat pembelanjaan, perhotelan, restoran, hiburan dan jasa publik lainnya. Sebagai alat pembayaran modern, maka cukup dengan 'menggesek' kartu untuk mendebit nilai transaksi yang diinginkan.

Namun, dalam penggunaan kartu kredit syariah tersebut masih menyisakan banyak masalah khususnya bagi kaum muslim yang belum memahaminya tentang mekanisme akad yang digunakan yaitu; kafalah, qord, wal ijarah, serta penggunaan tiga akad inipun dalam kartu kredit syariah menimbulkan banyak masalah yang berkenaan dengan fiqih Islam.

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Oleh karena itu, peneliti ingin meneliti, menjelaskan, dan menggambarkan konsep penggunaan iB Hasanah card yaitu kartu kredit syariah yang diterbitkan dari BNI Syariah, dengan adanya penelitian ini diharapkan dapat memperjelas konsep penggunaan kartu kredit syariah khususnya yang ada di Indonesia.

Kata Kunci: Kartu Kredit Syariah, BNI Syariah

Introduction

The appearing of plastic cards is more popularly known by credit card (credit card) replaces the function of money as means of payment. The use of credit cards that are felt to be more secure and practical with a wide range of functionality that is growing, making this new means of paying the more rapidly growing, especially in urban areas that there are many places of public and community service such as spending, hospitality, restaurant, entertainment and other public services. As a modern payment tool, then simply 'swipe' cards to debit the value of the transaction that we want.¹

Global transactions without cash are starting to become a trend since the invention of credit cards or plastic cards and smart cards. Along with the development of economic and cultural communities it's started to leave the customs using cash (a cashless society). Rapid dynamics of the development of financial institutions and rapid development, then ease of transactions is important and needs to support human activities.²

Credit card business in Indonesia has developed very quickly in recent years. The number of cards in circulation has now reached more than 13 million cards issued by 22 banks and financing institutions. Various attractive offers from the joint promotion and features. Consequently the more extensive circulation of credit cards and even has a variety of functions and ease of obtaining and using it.³

¹ArifPujiono, in his article, antitle: "Islamic Credit Card".WWW.Islamic Credit Card.Ac.id

²RepublikaEeditor. *DSN Emphasizes BI to Issuer syariah credit Card: BI worry about consumptive society*. Republika, march 15 2006.

³www.bnisyariah.com/iBHasanah Card/

Then on February 9, 2009 BNI Syariah Bank do excellent launching of its products in the form of Islamic credit cards have the most complete That feature, the which is not found in conventional Islamic credit card or other credit cards are named iBHasanah Card.

iB Hasanah Card is a credit card that not only serves to make it easier for financial transactions customers, but by having iBHasanah Card customers can do a lot of things that will furnish it's financial management system iBHasanah Card collaborated with a master card international as it's provider, that enable customers having the business of a franchise . This is innovation who gets the predicate as a credit card that inspire chances of a business according syariah of REBI (of a record business) in 2010.⁴

With a variety of convenience offered, credit cards are so popular and became a trend in human lifestyle.

The Definition of Credit Card

Credit card consists of two words that are credit and card. Card is a thick paper that is not too big that's usually rectangular using for various purposes. Credit itself means a contractual agreement in which a borrower receives something of value now and agrees to repay the lender at some later date.⁵Rasyidin Adnan, op.cit. P.14.

The usage of plastic card in Indonesia is newly relative, but it is already used widely as the payment instrument since enters 1980 decade. Especially after the deregulation of 20 of December 1988 which the credit card business is classified as the financing service cooperation based on the finance minister decision Number. 1251/KMK.013/1988 date 20 of December 1988.⁶

Until now the development of credit cards has grown rapidly, from the statistical data collected by the credit card association Indonesia until the end of March 2012 the number of credit cards that have been circulating in Indonesia reached 14,746,354 cards and the number of transactions with a total of 52,744,761 total values of more than 15 billion rupiah.⁷

⁴<http://ib.eramuslim.com/2011/04/08/hasanah-card/>

⁵Rasyidin Adnan, *Credit Card Transaction System On Islamic Banking.Ponorogo*; The Thesis for bachelor degree in Darussalam Islamic Studies, 2007. P.14.

⁶Rasyidin Adnan, op. cit p. 19

⁷<http://akki.or.id/index.php> on Thursday, 09 February 2012

Working Mechanisms of Credit Card

As it is understood that the credit card was born from the rapid dynamics of trade transactions in the economy. Credit cards are plastic cards issued by banks or nonbank financial institutions. Credit cards are given to customers based on agreements with the various parties concerned. Transactions done using credit cards is a working system, where each participant involved bound with agreement in determining about the rights and obligations in the transaction.⁸

The first party: *bank issuer*, is a party had the power it is given by the Constitution Act to issue cards to its customers he became the representative of the card holder in the value of purchase payments done to merchants.

The second Party: *card holder*, the person whose name is included on the card, or a person authorized to use it, and he was obliged to pay all obligations from the usage of the card to the issuer bank

The third party: *the merchant or supplier*, the parties are bound by the issuer bank to provide goods and services to card holders in accordance with their agreement.⁹

An Overview of Islamic Credit Card

As a payment instrument, the credit card is a form of evolution and big innovation in the history of payment systems and commercial transactions of a modern economy. With a variety of advantages that exist on a credit card, the growth of users and providers of credit cards more rapidly and widely. In fact any banks or financial institution trying to get as many credit card users with the requirements of an increasingly easy. Because many advantages be obtained can from the issuance of credit cards. We often see credit card offers in a variety of supermarkets. Only with the requirements identity card copied or family card and slip income, we can get a credit card.

The phenomenon of the rapid development of credit card with various facilities which exist in it, has been also encourage the Islamic bank or other Islamic financial institution try to participate publish Islamic credit card.

⁸ArifPujiono, op.cit p. 67

⁹Caroline,SH " Penerapan Kartu Kredit Syariah dan perlindungan nasabah di Bank BNI Syariah" The Thesis for magister degree for law faculty in Indonesia University Depok, 2011 p. 13

Berhad Bank Malaysia is the pioneer of the first Islamic credit card in the world by launching Al Taslif Credit Card in 1996. the Middle East as the largest users of credit cards, Islamic credit cards developed in the past five years since its appearance, it has reached growth of 26% with a total transactions of 34.7 million U.S. dollar. In Saudi Arabia alone its growth even up to 40%. With the rapid growth fueled by credit card in the Islamic Middle East and Malaysia, the thought to use of credit cards also developed in Indonesia.¹⁰

The Contracts Agreement Usage in Islamic Credit Card

Based on Fatwa No.54/DSN-MUI/X72006 National Sharia Board of Indonesia Ulama Council (DSN-MUI), which is an Islamic credit card, is a card that functions like a credit card and law relationship (based on existing system) between the parties based on Islamic principles with the provisions contained in this fatwa. Sharia credit card issuance is based on to certain considerations that are:¹¹

1. Along with the times, the world's Islamic banking activities also increased. Therefore, of sharia banks are also required to provide convenience in service to all customers, in accordance with the existing of sharia..
2. Looking at the existing conditions, where the credit card systems are still using the principle of interest, which are not in accordance with the Islamic law.
3. he existence of sharia credit cards to be the best alternative, which can be used by the Muslim-majority in Indonesia as a substitute for interest-based on conventional credit card.

Besides the above considerations, it is the legal basis about issuance of Islamic credit cards is the word of Allah SWT which says ;

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ (المائدة : ١)

"O ye those who believe stick to any promises ..."¹²

Islam teaches his servant to always fulfill the promise (contract). In a credit card there is some agreement that must be fulfilled by both

¹⁰ ArifPujiono, op.cit p.70

¹¹ Caroline,SH, op.cit p34

parties, they are the card issuer and cardholder.

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ
اللَّهَ شَدِيدُ الْعِقَابِ (المائدة: ٢)

"And please do help you in righteousness and piety, and do please help in sin and transgression, And fear Allah. Verily, Allah is Severe in punishment."¹³

The verse above are important points that are foundational in issuance of Islamic Credit Card that is the principle of mutual help fellow Muslims of the impact of *riba* in Islamic credit card, by creating a common good.¹⁴

As mentioned in the definition of Islamic credit card by the MUI decision, in which the issuance of Islamic credit card must be in accordance with the provisions that exist in the MUI decision. This is the difference between Islamic credit card and a conventional credit card. Meanwhile provisions of the agreement in Islamic credit card that are:¹⁵

a. *Kafalah*

In *Syari'ah* card application, the card issuer is a guarantor (*kaafil*) for the card holder to the merchant for all payment obligations (*dayn*), which is arisen from the transaction between the card holder and the merchant, and withdrawal of cash from besides the bank or ATM of card issuer bank. Forkafalah giving, the card issuer is able to accept the fee (*ujrahkafalah*).

b. *Qardh*

In this case, the card issuer is a borrower (*muqridh*) to the cardholder (*muqtaridh*) through the cash withdrawal from the bank or the ATM of card issuer bank.

c. *Ijarah*

In this case, the card issuer is a payment system service provider and service to card holder for the *ijarah*, the card holder is imposed membership fee.¹⁶

¹² Surah Al-Maidah: 1

¹³ Surah Al-Maidah: 2

¹⁴ Caroline, SH, op.cit, op.cit.p.33-34

¹⁵ Rasyidin Adnan, op. cit p.99

iBHasanah Card as Islamic Credit Card from BNI Syariah

Then on February 7, 2009 BNI Syariah hold launching of their excellent products in the form of Islamic credit cards that have the most complete feature, which is not found in conventional credit card or other Islamic creditcards that are named iBHasanah Card dengan menggandung master cardinternational.¹⁷

Like a credit card, BNI Hasanah Card can also be used for "all" transactions that are commonly used on conventional credit card to make purchases, smart spending, cash advanced, DanaPlus, Shield Plus (Islamic Insurance for Islamic card) as well as ease payment with via ATM. The different between the BNI card Hasanah Card / Islamic card with a conventional credit card is without any interest implementation system and also the limitation on the use of the card, especially in Islamic transactions that do not fit with sharia laws.¹⁸

In the development iBhasanah card run into quite significant increase and this is because in its use iBHasanah Card is not just for consumption but here iBHasanah Card is also positioning itself as a card that can finance the franchise, umra, study abroad, and also for daily transactions but still in the corridors of sharia.¹⁹

And the background of iBHasanah Card issuance From BNI Syariah are: First, the activities of the payment system with credit card payment form has been growing in all sectors of economic. Second, motivated by the growth of Islamic finance industry is very high. Third, the needs of the community against Islamic credit card is high enough, the Fourth, BNI Syariah shows sustained commitment in the Islamic banking segment and also the market leader in business card. Fifth, Shariah compliant credit cards has issued in Indonesia itsare, the Dirham Card from Bank Danamon.²⁰

The Definition of iBHasanah Card

IB literally Hasanah Card can be interpreted as: priority / goodness, safety, health body, quite a treasure, sakinah family, or superior

¹⁶ Ibid, p.99

¹⁷ Caroline, SH, op.cit p.39

¹⁸ <http://kartukreditbnisyariah.blogspot.com/2011/01/hasanah-card.html>

¹⁹ <http://keuanganinvestasi.blogspot.com/2012/06/penerbitan-kartu-kredit-bni-syariah.html>

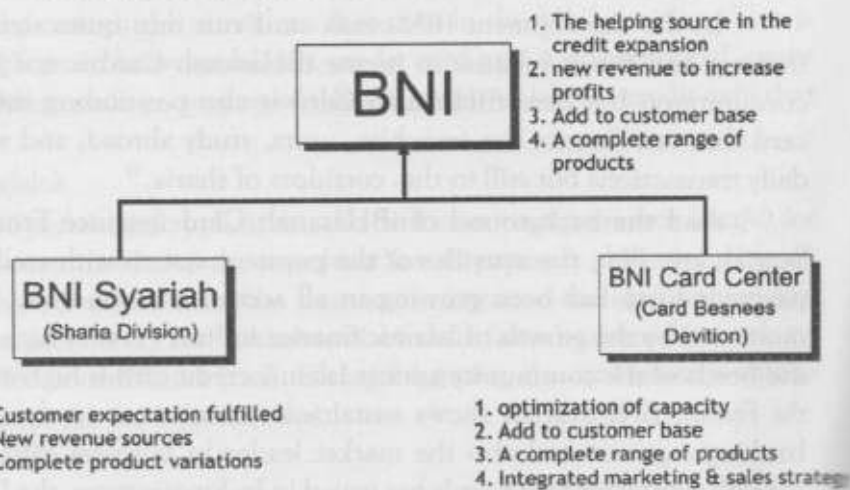
in competition.²¹

According with fatwa DSN No.54/DSN-MUI/X/2006 Card Shariah is defined as a card that functions as a credit card that the relationship between the parties based on sharia principles as stipulated in the fatwa.²²

iBHasanah Card is one of excellent products of BNI Syariah issued by DSN fatwa No.54/DSN-MUI/X/2006. iBHasanah card is a card that functions as a credit card based on the sharia system as stipulated in the fatwa.²³

The purpose of publishing iBHasanah Card are: First, to complete the range of card products offered by BNI bank. Second, to show about the sustainable BNI commitment in the Islamic banking segment and business cards.

The value of iBhasanah for BNI card itself is as follows :



Thus, the issuance of iBHasanah Card is one of the breakthrough that's not only to fulfill the needs of stakeholders who will use a credit cards but also as a medium for developing the Islamic banking sector

²⁰Caroline,SH, op.cit p. 39.

²¹www.bnisyariah.co.id

²²Caroline,SH, op.cit p. 38-39.

²³ PT. Bank BNI Syariah, *PanduanPemasaranBukuPeganganBagiPemasar*

The Contract Agreement Used in iBHasanah Card

As mentioned in the definition of Islamic credit card by the MUI fatwa, in which in the issuance of Islamic credit card must be in accordance with the provisions contained in the MUI Fatwa. This is the difference between Islamic credit card with a conventional credit card. The provisions of the contract agreement in the Islamic credit card that's are:

1) Kafalah

In this case the card issuer is BNI Syariah as guarantor for the iBHasanah Card holders to pay to the merchant for all obligations arising from transactions between iBHasanah Card holders with the merchant and or cash withdrawals from a bank or BNI Syariah ATM. From kafalah providing BNI Syariah can receive monthly membership fee.

2) Qardh

In this case the card issuer is BNI Syariah as lender to the holder of BNI Hasanah Card for all cash withdrawals transactions using the card and loan transactions.

3) Ijarah

In this case card issuers is the BNI Syariah as the provider of payment systems and services to BNI Hasanah Card holders. On this ijarah, the holder of BNI Hasanah Card charged membership fee.²⁴

The Types of iBHasanah Card

To avoid greater expenses than income and to avoid the payment the arrears, BNI Syariah divided iBHasanah Card features into three types that are tailored to the customers' income levels, namely: Hasanah Classic, Hasanah Gold, and Hasanah Platinum.

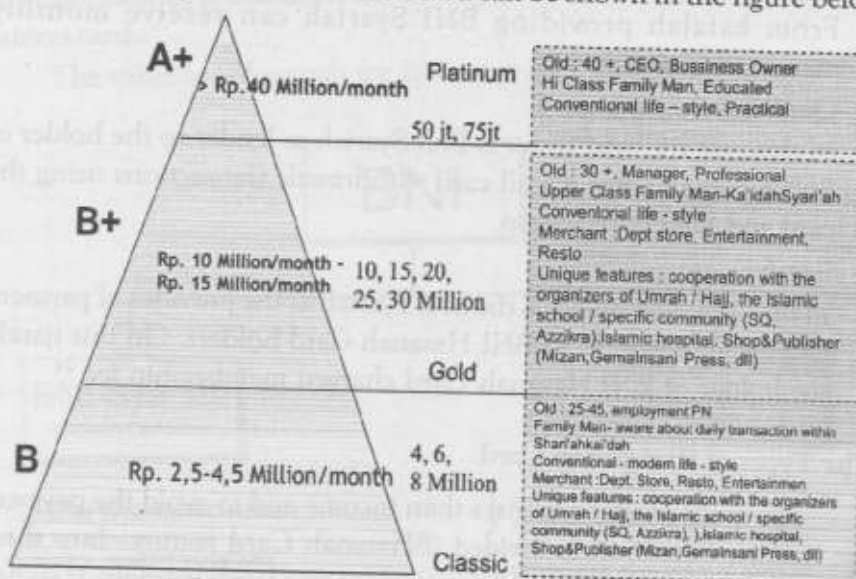
The three types are determined based to the the income level of customers in order to avoid expenses that exceed income as for the details as follows:

Jasa, dan Layanan Bank BNI Syariah, Jakarta: diterbitkan oleh BNI Syariah

The Concept of iB Hasanah Card Utilization in BNI Syariah

DESCRIPTION	Hasanah Card Classic	Hasanah Card Gold	Hasanah Card Platinum
Limit	4, 6 and 8 million	10, 15, 20, 25 and 30 million	Rp. 40 s/d Rp. 500 million
terms of income	Rp. 2 s/d Rp. 5 million	>Rp. 5 million	Rp. 500 million a year
Goodwill Investment	10 % From limit	not required	not required

The target market for each card can be shown in the figure below:



The Application of iBHasanah Card Contracts

Shopping activity today in the cashless era. Debit card or credit card could be an intermediary shopping transaction, so that shoppers are not bothered with carrying cash. credit card business in Indonesia has developed very rapidly in recent years.

The rapid development of credit cards is proof the society need to the payment system that is easier, especially in requiring situations of immediate payment. However, high usage has also been identified as a

change in lifestyle that encourages people to take better utilize the value of money in a more recreative and consumptive.²⁵

For some people, the use of credit cards as payment cards and be repaid before the due date to avoid interest, either because the amount of interest assessed too high or because the conviction rate is to be avoided. A BUMN Islamic bank has issued functionally and it can be used as a credit card but the so-called Sharia-compliant namely Hasanah CARD with the holding International Master Card provider.

The basis used in the issuance of Hasanah Card are the fatwa of National Sharia Council (DSN) No.54/DSN-MUI/X/2006 on Islamic card and letter of approval from Bank Indonesia No.10/337/DPBs on 11-03-2008.

Hasanah Card Advantage is on its underlying contract sharia, sharia is not allowed in the compound interest. This implies the use of a cheaper cost.

The transactions way was done by Hasanah Card holders its same with a conventional credit card. Technology and infrastructure used to run Shariah credit card transactions that same also with conventional credit card, such as EDC, ATM, etc.. Features was offered by sharia credit card is also not inferior to conventional credit cards. The different from Islamic credit card is the credit card contract or agreement sharia usage.²⁶

The contracts used in Hasanah Card there are 3 (three) contracts that's are; kafalah, qard, and ijara. In kafalah contract, the bank as card issuer to act as guarantor for the cardholder to the merchant to pay for all obligations arising from transactions carried out by the card-holder. From providing kafalah, the card issuer may receive a fee (ujrah) from the cardholder.

Then in the qard contract the bank as card issue acts as a lender to the cardholder through cash withdrawals from a bank or ATM card issuing bank. While the other contract is an ijara where the card issuer is provider payment systems and services to cardholders. On this ijara contract, the cardholder charged with membership fee.

²⁴Caroline,SH, op.cit p.41

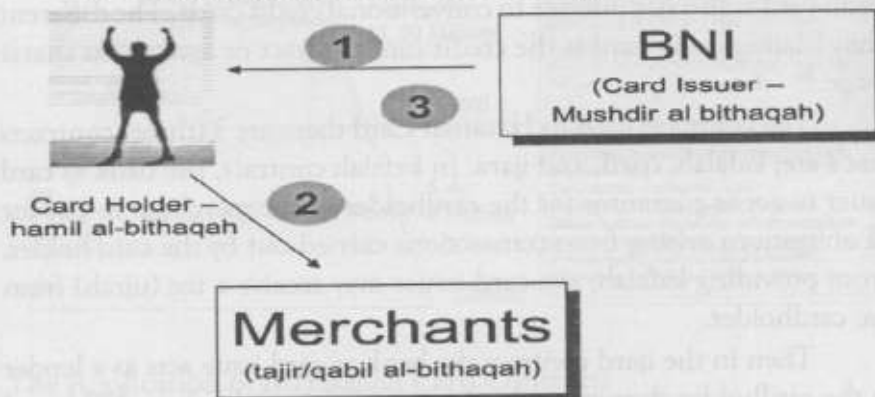
²⁵arsasi.wordpress.com/2009/10/08/kartu-kredit-syariah

Thus the Islamic credit card holders will be subject to annual membership fee or annual fee based on ijara contract and will be charged monthly membership fee or monthly fee on the basis of the contract kafalah.

Another difference with the conventional credit card is the imposition of fines for customers who delayed in payments due and the card or card usage limit is exceeded, then the fine is treated as income of the bank. For the Islamic card, the fine shall be distributed as charity.

In the Islamic credit card customers are not allowed to do transactions that do not fit sharia. and Hasanah Card cannot be used at merchants who trade in the products/services that are not Shariah compliance. On the application merchants who clearly come inside in category of haram, then hasanah card cannot be used. However there are many merchant are not expressly listed in the category of haram, but that does not trade in sharia-compliant products. For these conditions the implementation adhered to the agreement between the Bank and the cardholder, the cardholder may not use Hasanah Card to purchase goods that are not in accordance with sharia.

The application can be described through the picture below:



The Explanation:

The first

- BNI ensure the card holder to pay a merchant for all obligations arising from using Hasanah Card transactions including ATM cash advance from non BNI)
- Implementation of the kafalah contract on Hasanah Card application form.

- BNI is entitled to annual membership fee.
- The Second
- BNI provides loans for (1) cash advance via ATM BNI and (2) shopping transactions through a merchant or cash advance from an ATM non BNI.
 - Implementation à qardh&Ijarah contract at Hasanah Card application form.
 - BNI is entitled to a cash withdrawal fee, the amount was not associated with the withdrawal amount.

The Third

- BNI provide payments and services for card holders.
- Implementation of the ijara contract à Hasanah Card application form.
- BNI is entitled to monthly membership fee and merchant fee

And that is one of the limits set out in the Islamic credit card is not encouraged cardholders to do excessive spending. To support this policy the Indonesia Bank provided policy to the sharia cardholder must deposit cash collateral or goodwill investment at least 10% of card limit imposed for Hasanah Classic type or the lower plafond. it is based on the fact that this type of high NPL value cards (Non Performing Loan) was on the classic card.

This policy is also intended to make debt isn't as a primary means to life needs finance. Islamic card should be more used as a payment tool that provides convenience and comfort, and not merely as a tool to improve consumption. In accordance with the spirit that carried to the wise inspiration spending.²⁷

The Fee Regulation use don iB Hasanah Card

In the fifth part of the DSN-MUI Fatwa about Islamic credit card credit card fee there are mentioned the provisions of sharia, that is:

1) *Membership Fees*

Card issuer has the right to receive membership fees (rusum al-'udhwyah) including extended periods of membership from the card holder as a reward (ujrah) for permission to use the card facility.

²⁶ *ibid*

2) *Merchant fee*

Card issuer may receive a fee which is taken from the price of the transaction object or service on the salary / reward (ujrah) over intermediate (samsarah), marketing (taswiq), and billing (tahsilaldayri).

3) *Fee for cash withdrawal*

Card issuer may receive a cash withdrawal fee (rusumsahb al-mtqiid) as fee for service and use of facilities which the amount of money is not related with withdrawal amount.

4) *kafalah Fee*

Card issuer may receive a fee from the gift card holder kafalah. All of that fees must be determined at the time of card issuance in a clear and fixed, except for the merchant fee.²⁸

The advantages of iB Hasanah Card

Credit card is identical with penalty increases and interest rates. Not a few of credit card customers get easily a card but after that had problems which are not a crucial. Not a few customers' cardholders who are late paying a bill because various reasons finally had to bear burden of credit card interest penalties large enough. Especially if, the burdens of interest charges continue to swell, the customer would not want to deal with debt collectors.²⁹

Therefore, if viewed from problematics above, BNI Hasanah Card has some advantages compared with another conventional credit cards are:

1. In accordance with Islamic guidance

iBHasanah card is a financing card that functions as a credit card in accordance with Islamic principles with using kafalah contract, qard, and ijara, to provide convenience to customers in fulfilling their daily needs of Shariah compliance.

In addition, iBHasanah Card cannot be used in places that are not suitable with shariah law.

²⁷ Ibid

²⁸ Caroline, SH, op.cit p.36-37

2. Accepted around the world.

iBHasanah Card is a card that works like a credit card so accepted in all places of business labeled with Master Card and all ATM marked with CIRRUS around the world.

3. Low cost

Imposition of a set fee in iBHasanah card does not use the system of interest. The cost is fixed (not interest rates). This condition is caused, in terms of pricing, it would be fair, transparent, and competitive.

4. Transactions for business and entrepreneurial needs.

For customers who want to have their own businesses or become entrepreneurs, iBhasanah card provides financing solutions to business requirements or business in an easy and light, through the programs installment 0%, to 12 months (without interest).

5. Otodebet zakat, infaq, charity, and wakaf of money (Ziswaf)

For customers who have limited time can use iBhasanah card to pay zakat, infaq, charity, and wakaf of money by way of otodebet every month, just simply contact the BNI Call 24 hours service at (021) 5789 9999 or via phone to give power to debit SmarttransferZiswaf.³⁰

The usage facility of Islamic credit card is part from the way to develop Islamic banking products that are done to attract customers, and give better service to customers with a maximum. Islamic credit card issuance increased the variety of Islamic banking products are expected to provide facilities and provide security in transactions. Today, Islamic credit cards are a good alternative for Muslims in Indonesia that does not necessarily depend to a conventional credit card that contains elements of Riba.³¹

The weakness of IB Hasanah Card

Although it is one of excellent products in a variety of features BNI Syariah services provided, cannot be denied that in iBHasanah Card there are still weaknesses that hamper its development.

First, the less socialization causes have not been many people who understand the Islamic credit card even though from Muslim community,

²⁹ Caroline,SH, op.cit p. 45

³⁰ PT. Bank BNI Syariah, op.cit

especially in the operating mechanism, where is in its operational used same contracts, that's are ijara, qard and kafalah.

The second weakness is the Islamic credit card has not found a suitable way to prevent the Islamic credit card owners to use his credit cards in activities that are contrary to Shari'a law and its marchant have not been registered in the list of block merchant codes outside the sharia. For example the purchase of alcoholic beverages in the supermarket.

The third weakness is the BNI Syariah cooperation with some of the tenants have not been as much as other conventional credit card, so the promo of BNI itself is still considered small.³²

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³¹ Caroline, SH, op.cit p. 45

³² Ibip. P.46

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