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Implementation Of Compliance Management In The Sharia Banking Sector

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ABSTRACT

In Islamic financial institutions themselves, it can be used as a qualitative measure to assess sharia compliance in Islamic financial institutions.Sharia compliance is an obligation for sharia banking products and operations. Banks that fail to carry out their compliance role and function will face compliance risk such as legal risk or legal sanctions, loss of money or material, or will even worsen the bank's reputation. Non-compliance with national banks affects the stability of the national economy because banks are the place for managing or circulating money within the country. Sharia compliance regulations begin with regulations for banks that carry out their activities in the sharia sector. The business activities carried out by sharia banking are in accordance with Bank Indonesia regulations, the fatwa of the National Sharia Council (DSN), and the prevailing laws and regulations. Compliance risk is the risk that arises from the non-compliance of sharia banks with sharia rules or regulations that have been set by the Sharia Supervisory Board (DPS). The Sharia Supervisory Board (DPS) is the holder of the supervisory authority for sharia compliance, which has responsibilities that are regulated through strict legal provisions.

Keywords: Literacy, Inclusion, Islamic Banks, AHP, SWOT Analysis

INTRODUCTION

Islamic banks are financial institutions that adhere to Sharia principles (Trisnaningtyas, 2022). The main principle of Islamic banking is that the products it creates are free of interest or usury and based on the profit-sharing principle. Furthermore, Islamic banks are free of non-productive speculative activities such as gambling (maysir), things that are unclear (gharar), and things that are dubious, and only finance halal business activities (Ir et al., 2017).

Sharia compliance is an essential component of a good sharia banking governance system (Djuwita et al., 2019). where its management cannot be separated from the implementation of Sharia principles, particularly in the implementation of the intermediation function. Sharia supervision by the Sharia Supervisory Board is required to ensure that Sharia principles have been properly applied (DPS). The function and role of DPS in this Islamic bank are inextricably linked to the management of Islamic banking risk, specifically reputation risk, which gives the impression of liquidity risk (Septiana et al., 2022).

Compliance with laws, norms, and regulations helps each bank maintain its reputation, allowing it to meet the expectations of customers, the market, and society as a whole. Banks that are negligent in carrying out the role and function of compliance will face compliance risk, which is defined by the Basel Committee on Banking Supervision as legal risk, material loss, and damage to the bank's reputation as a result of violations of laws, regulations, and rules related to norms (Novita, 2019).

In the banking industry, reputation is critical because it ensures continuous performance improvement (Sri Rahmany, 2017). If a bank is able to perform the role and function of compliance well in sharia itself, it has a complete and comprehensive concept, namely, morality and piety toward Allah SWT.

Sharia compliance can be implemented effectively in a protective, constructive, and consultative manner (Waluyo, 2016). Meanwhile, compliance management ensures that the Islamic bank's business activities are in accordance with the applicable laws and regulations, as well as the sharia principles.

Compliance risk arises when a bank fails to comply with or implement applicable laws and regulations, including sharia principles for sharia banking. As a result, compliance risk management is critical to avoiding the risk of raising and distributing funds, as well as other service activities (Nengsih et al., 2021). And it can boost public trust and credibility, as well as the existence of Islamic banks. However, it must also be considered when evaluating the steps or strategies that have been implemented in order to determine the degree of success in this regard.

In this case, the bank is able to develop policies and procedures in accordance with the applicable laws and regulations, as well as sharia principles, and to develop a strategy for targeted compliance performance. So, from the perspective of compliance management, it is possible to control sharia banking operations, ensure that sharia banks are not out of scope, maintain discipline, and reduce banking risk.

THEORETICAL FRAMEWORK

Financial Literacy

Management is about managing people rather than managing places. Art is required in managing these people, so that good managers are able to make every worker enjoy their work.

Bank compliance refers to a bank's adherence to Bank Indonesia's provisions or regulations, as well as the applicable laws and regulations in the banking sector. One of the absolute requirements for banks in maintaining and increasing the trust of the parties concerned with the bank is compliance with applicable laws and regulations, as well as the application of the precautionary principle. And that trust is required for the company to maintain its business excellence and profitable growth. Compliance is the responsibility of personnel from all parts of the bank, so that every level of the organization has its respective responsibilities in all bank business activities to create a culture of compliance. According to Agoes (2009), compliance is an examination to determine whether the company's established rules and procedures, both internal and external, have been followed. And for internal company compliance audits, such as:

1) Written policies and procedures regarding transaction completeness. To prove the existence of compliance with the completeness of transactions carried out within the company, the implementation of these transactions
2) Compliance with legislation. For the company, it must comply with every law and regulation and the company's internal regulations.

Sharia compliance in Islamic banks, according to Arifin (2009), is the application of Islamic principles as well as traditions in financial and banking transactions and other related businesses. Sharia compliance is an effort by the Islamic finance industry to ensure that the policies, provisions, systems, and procedures of Islamic banks are in accordance with the provisions of Bank Indonesia, the DSN MUI fatwa, and applicable laws and regulations (Djuwita et al., 2019). Because the fatwa issued by the party with this authority serves as the primary reference for the Islamic finance industry. Furthermore, the party with authority has the authority to supervise the fatwa's implementation. Sharia compliance is also an important part of risk management in sharia banks because the scope of sharia compliance includes more than just the implementation of contracts but also an effort to realize sharia maqasid. Islamic banks are responsible for bringing the concept of maqasid sharia to life so that their growth and activities are measured not only by their financial appearance but also by the value of their benefits for life in general (Maslihatin & Riduwan, 2020).

It can be used as a qualitative measure to assess sharia compliance in Islamic financial institutions themselves. Sharia compliance provisions include the following (Wulpiah, 2017):

1) Sharia Supervisory Board (DPS), as sharia director for sharia bank operational activities
2) The contract used for the collection and distribution of funds is in accordance with applicable Sharia principles.
3) Zakat funds are calculated, paid, and managed in accordance with applicable sharia principles.
4) The type of cost being financed does not conflict with sharia provisions.
5) So, all existing transactions will be reported in accordance with sharia accounting standards.

Sharia compliance law

Islamic law is based on the Qur'an and Sunnah, and sharia principles are all provisions based on the source of the law. It must be implemented using technical rules as well as general laws and regulations. Furthermore, Islamic financial institutions are a component of the overall Islamic economic system.

Sharia compliance regulations begin with rules for banks that conduct business in the sharia sector. According to the amendments to Law No. 7 of 1992, which became Law No. 10 of 1998 regarding banking, this was the starting point for the operation of Islamic banking in Indonesia. Business activities are clearly based on Sharia principles, economic democracy, and the principle of prudence, according to Article 2 of the Sharia

Banking Law. The muamalah dimension includes Islamic banking law. Provisions pertaining to muamalah, particularly those pertaining to banking issues, are permitted to be ijhaded in accordance with the needs of the time. The principle of prudence is used in Islamic banking management. However, it cannot be separated from compliance management in the system management process.

The compliance function is a preventive action and step that ensures that the policies, provisions, systems, and procedures, as well as the business activities carried out by Islamic banking, are in accordance with Bank Indonesia's provisions, the fatwa of the National Sharia Council (DSN), and the applicable laws and regulations. provisions that, with the transfer of the functions, duties, and authorities of regulation and supervision of financial services in the banking sector from Bank Indonesia to the Financial Services Authority (OJK), the implementation of commercial banks' compliance functions must be re-regulated. OJK Regulation No. 46/POJK.03/2017 relates to the implementation of commercial banks' compliance functions and does not change the compliance function as previously with Indonesian bank regulations. The challenges of implementing the compliance function include: Lack of compliance culture within the organization, lack of support from management, Identify and analyze regulatory developments, Reporting, interaction with regulators, costs and infrastructure requirements, The dynamics of changing terms and receiving information Time priority ((IBI), 2019).

DSN is a member of the Indonesian Ulema Council (MUI), a non-governmental organization with the authority to issue fatwas on Islamic banking issues. DSN's responsibilities and authorities include the following:

1) Supervise the products of Islamic financial institutions to comply with the provisions contained in sharia
2) Provide or revoke recommendations for names that will sit as DPS members in Islamic financial institutions.
3) Issue fatwas on types of financial activities.
4) Issue a fatwa on sharia financial products and services.
5) Supervise the implementation of fatwas that have been implemented.

If the Islamic finance industry deviates from the DSN fatwa, DSN may impose sanctions in the form of a warning. When the DSN receives a report from each DPS in the Islamic finance industry that deviates from the established sharia compliance, this can be done. Non-compliance is defined as a violation of the existing regulatory framework, for which a warning letter will be issued. If the Islamic finance industry disregards the DSN's warning, the DSN may propose it to competent authorities such as the OJK and other relevant agencies. Criminal penalties can also be imposed on those who are in charge of running the agency's business, as long as it can be demonstrated that they made a mistake by violating the principles outlined in Sharia law.

A Sharia Supervisory Board (DPS) must be established, according to Article 32 of the Sharia Banking Law (Prabowo & Jamal, 2017). Islamic banking plays an important role in sharia contracts, including:

1) Create guidelines for the approval of sharia banking products and operations in accordance with the National Sharia Council (DSN).
2) Make an annual report related to Islamic banks that are under its supervision.
3) Make a semi-annual report on the development and application of Islamic financial systems in Islamic financial institutions, especially Islamic banks under their supervision.
4) Responsible for reviewing and making follow-ups if there are new products from Islamic banks to be examined and fated by the National Sharia Council (DSN).
5) Provide input for the development and progress of Islamic financial institutions.
6) Helping to disseminate information about banking and finance to the public

The Sharia Supervisory Board (DPS) is the supervisory authority for sharia compliance, with responsibilities governed by strict legal provisions. However, when viewed in the context of Islamic finance laws, regulations, and practices, this DPS is strategically placed. And the position of this DPS determines Sharia compliance, which is the most important factor in the survival and growth of the Islamic finance industry. as well as issues with DPS in dual positions, which continue to be problematic. As a result, a high professional attitude is required, as well as knowledge, expertise, and broad insight in the field of Sharia (Nurhisam, 2016).

According to Bank Indonesia Regulation Number 11/3/PBI/2009 concerning

Sharia Commercial Banks, banks are required to have one director of compliance. Bank Indonesia Regulation No. 15/13/PBI/2013 amends Bank Indonesia Regulation No. 11/3/PBI/2009 on Islamic Commercial Banks. The director of compliance is responsible for the following tasks:

1) Determine the steps needed to ensure that the bank has complied with all Bank Indonesia regulations and applicable laws and regulations.
2) Monitor and maintain that the business activities of a bank do not deviate from the applicable provisions.
3) Monitor and maintain bank compliance with all agreements and commitments made by banks to Bank Indonesia.

Sharia compliance is a requirement for sharia banking products and services. When compared to the conventional banking business model, Islamic banking employs a slightly more complicated business model. In this case, the Sharia Supervisory Board (DPS) requires not only the ability of sharia council members and other staff and workers but also a legal framework for proportional sharia compliance (Kasim & Bukido, 2018).

RESEARCH METHODOLOGY

This study falls under the category of qualitative research. which means gathering information in a natural setting. The goal of this research is to interpret and explain data related to the current situation, societal attitudes, the conflict of two or more circumstances, and the influence of a condition. This qualitative research does not rely on statistics but rather on data collection, analysis, and interpretation. In this qualitative study, the researcher conducts a literature review to gather information from books, magazines, newspapers, and other sources in order to lay a theoretical foundation. This research will also look at written sources such as scientific journals, reference books, literature, encyclopedias, scientific articles, scientific works, and other sources in written or digital form that are relevant and related to the object of this research study. - Texts or writings that describe and explain how compliance management is implemented in the Islamic banking sector

RESULT AND DISCUSSION

Compliance Management Implementation

The services provided by banks to customers in the Islamic banking industry do not contradict Sharia principles. As a result, unlike traditional banks, the services provided are not solely for profit. However, it intends to use some Sharia-compliant contracts. Compliance with laws, norms, and regulations helps banks maintain their reputation by keeping them in line with the expectations of their customers, markets, and society. Banks that fail to carry out their compliance roles and functions will face compliance risks such as legal risk or legal sanctions, financial or material loss, or even a deterioration of the bank's reputation. Noncompliance with national banks has an impact on the stability of the national economy because banks are the place where money is managed or circulated within the country. It is also necessary to carry out the banking compliance function, which includes:

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1) The bank compliance function must be independent.
2) The bank's compliance function must have adequate resources to carry out its duties and responsibilities effectively.
3) The relationship between internal audit, which must pay attention to the broad scope of activities of the compliance function so that it must be the subject of periodic reviews carried out by the internal audit function
4) The bank's executive officers are responsible for managing compliance risk

effectively, informing the compliance policy to ensure that it has been monitored and evaluated, as well as establishing an effective and permanent compliance function as part of the bank's compliance policy.

5) Related to outsourcing, the compliance function must be in line with the bank's risk management activities.

The development of a sharia economy, particularly sharia financial institutions, in accordance with sharia principles DSN-MUI and DPS have made efforts to provide sharia compliance guarantees. There have been 95 fatwas issued to date. However, due to various constraints, particularly a lack of resources, sharia compliance enforcement has not been carried out optimally. Furthermore, many rational people who are unwilling to use sharia principles merely contribute to the principles' incomplete fulfillment. In the future, all parties involved, including the community, will maintain a high level of sharia compliance to support the development of the sharia economy.

Being an investment, a representative, or the holder of a mandate from the owner of funds for this Islamic bank, Islamic banking basically needs to be regulated because, like a financial institution, it will undoubtedly have systematic risks. In general, systemic risk can be defined as the risk of a bank failing, which will have an impact not only on the bank but also on broader economic losses. Risk can emerge as a result of liquidity, solvency, economic turmoil, and developments in the banking market. As a result, regulation is required to protect customers and the economy from the failure of Islamic banking processes and procedures (Mardian, 2019).

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Compliance Management Risk

Compliance risk is a risk that Islamic banks must accept because they do not comply with and implement the laws, regulations, provisions, and sharia principles (Rustam, 2013). For example, if a bank officer fails to submit a Debtor Information System (SID) report to Bank Indonesia on time, the bank will be fined by Bank Indonesia. As a result, the bank faces compliance risk (Andrianto & Firmansyah, 2019).

Bank Indonesia also explains compliance risk as a result of the bank's failure to comply with and implement applicable laws and regulations. Meanwhile, there are those who believe that compliance risk is a risk caused by failing to comply with or implement applicable laws and regulations because compliance risk is inherent in bank risks associated with laws and regulations (IBI, 2017).

According to the Islamic Financial Service Board (IFSB), compliance risk is a risk that arises from Islamic banks' failure to comply with Sharia rules or regulations established by the Sharia Supervisory Board (DPS). The goal of this DPS is to be one method of managing compliance risk in Islamic banking. The primary goal of implementing compliance risk management is to ensure that the risk management process can reduce the possibility of negative consequences from bank actors who deviate from or violate applicable regulatory standards. The risk management framework serves as the foundation for all risk management activities within an organization ((IBI), 2018).

Risks caused by non-compliance with existing sharia provisions, both internal and external, such as (Fasa, 2016):

a. minimum statutory reserve requirements;
b. net open position;
c. non-conforming financing;
d. the maximum limit for providing financing;
e. tax provisions;
f. conditions in the contract;
g. the Fatwa of the National Sharia Council (DSN);

The risk that arises when Islamic financial institutions fail to operate in accordance with Sharia principles. It is also critical to preserve the trust and existence of

Islamic banks (Fadillah et al., 2021).

The control system for compliance risk will work well if a bank can implement several things, including (Sebayang, 2020):

1) Effectiveness and independence of the audit function, quality assurance unit, and risk management work unit
2) Accuracy, completeness, and integrity of reports and management of information systems
3) The existence of a supervisory system for irregularities that is able to identify and measure the frequency and amount of risk exposure.
4) The bank's level of responsiveness to deviations from internal policies and procedures
5) The level of responsiveness of banks to irregularities in the bank's internal control system.

Basically, there are two types of compliance risks faced by Islamic banks: the risk of compliance with laws and regulations and the risk of compliance with sharia principles.

Sharia Bank Policy Strategy Related to Compliance Risk

The strategy for developing sharia banking is to improve business competence with the conventional banking system, which is done comprehensively by referring to an analysis of sharia banking's strengths and weaknesses. As a result, the government's efforts to realize this include increasing strength, developing the Islamic bank network, expanding the monetary role, and implementing Islamic banking socialization activities (Karim, 2016).

The following is a Sharia Bank policy strategy related to compliance risk, including:

1. Banks must identify and analyze several factors that can increase compliance risk exposure and have a quantitative effect on profit and loss and the bank's capital, such as:

a) the bank's business activities, namely the type and complexity of the bank's business, including new products and activities;

b) the bank's non-compliance, namely the number (volume) and materiality of the bank's non-compliance with internal policies and procedures, applicable laws and regulations, and sound business ethics practices and standards; and
c) litigation, namely the amount and materiality of litigation claims and customer complaints.

2. Banks must ensure the effectiveness of the implementation of compliance risk management, among other things related to (Direktur, 2003):

a) Policy:
1) the accuracy of the determination of the risk limit that has been determined;
2) the consistency of risk management policies with the Bank's business direction and strategy;
3) the implementation of compliance, responsibility, and accountability arrangements at all levels of the organization; the fact that the policy excludes deviant decision-making (irregularities);
4) the implementation of compliance checking policies through regular procedures.

b) Procedure:
1) timely communication of policies to all employees at every level of the organization;
2) Adequate control over new product development; adequacy of reports and data systems;
3) Adequate supervision of the Bank's Commissioners and Directors;
4) Adequacy of the Bank's internal control, including aspects of separation of functions and dual control;
5) A timely and effective management information system;
6) The effectiveness of controls on the accuracy, completeness, and integrity of data;
7) The adequacy of the process of interpreting (interpreting) the applicable laws and regulations;
8) The Bank's commitment to ensure that its resources are properly

allocated for employee training and improvement of the compliance culture;

9) Timely identification and corrective action on the effects of violations and non-compliance with applicable laws and regulations;
10) Timely identification and - The Bank's resources;
11) The Bank's resources;
12) The Bank's commitment to ensure that the Bank's resources are properly allocated for employee training and improvement of the bank's compliance culture;
13) Timely

c) Human resources

1) The accuracy of the compensation program and performance management of Bank employees and officials;
2) The turnover rate of employees and Bank officials occupying strategic positions in the bank (a high-risk unit);
3) The adequacy of the training program; - Adequacy of competence of the bank's commissioners and directors;
4) The level of understanding and conformity of the direction of the business strategy with risk tolerance

d) Control system:

1) the effectiveness and independence of the audit function, quality assurance unit (if any), and the risk management unit;
2) the accuracy, completeness, and integrity of reports and management information systems;
3) the existence of a monitoring system for irregularities that is able to identify and measure the increase in the frequency and amount of risk exposure;
4) the level of responsiveness of the bank to deviations from the bank's internal policies and procedures; and
5) the level of responsiveness of the bank to irregularities in the bank's internal control system.

CONCLUSION

Based on the description above, the researcher can draw the following conclusions:

1. Sharia compliance carried out by the Islamic finance industry is an effort to ensure that the policies, provisions, systems, and procedures, as well as the business activities carried out by Islamic banks, are in accordance with the provisions of Bank Indonesia, DSN MUI fatwas, and applicable laws and regulations.
2. OJK Regulation No. 46/POJK.03/2017 concerning the implementation of the compliance function of commercial banks and not changing the compliance function as before with Indonesian bank regulations
3. Compliance with laws, norms, and regulations helps maintain the reputation of banks so that they are in line with the expectations of customers, the market, and society. Banks that fail to carry out their compliance role and function will face compliance risk such as legal risk or legal sanctions, loss of money or material, or will even worsen the bank's reputation.
4. Systematic risk in general can be interpreted as the risk of failure that will be experienced by a bank, which will not only affect the bank but can also have an impact on broad economic losses.
5. The risk management framework is a foundation for the implementation of all risk management activities within an organization. The risk management framework assists companies in managing risk effectively, ensures that the information received is adequate, and is a risk management process that is used as a basis for decision-making.

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