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ISLAMIC LEGAL ANALYSIS OF *QARDHUL HASAN* AGREEMENT IN BITUL MAL WA TAMWIL INTEGRATED JOINT BUSINESS SIDOGIRI BRANCH BAWEAN

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Abstract: This study examines the role of Islamic Banks and Baitul Maal wa Tamwil (BMT), especially BMT UGT Sidogiri Bawean Branch, in supporting the community's economy through sharia principles. Islamic Banks act as financial intermediaries that comply with sharia principles, avoid usury, and transactions that contain uncertainty. As a sharia-based microfinance institution, BMT focuses on developing productive businesses and distributing zakat, infak, and sedekah funds to improve the quality of the community's economy, especially in the small and medium enterprise (SME) sector. This study uses a qualitative approach with a case study design to explore how BMT UGT Sidogiri Bawean Branch operates and overcomes challenges in implementing sharia principles. Data collection methods include in-depth interviews, participant observation, and document analysis, while thematic analysis is used to identify significant patterns and dynamics. The research findings indicate that although BMT UGT Sidogiri Bawean Branch has succeeded in providing interest-free loans through the Qardhul Hasan product, there are inconsistencies with sharia principles that need to be fixed. This study confirms the important contribution of Islamic Banks and BMTs in creating a fair and sustainable financial system, as well as their role in building a more inclusive and ethical economy.

Keywords: Islamic Banks, Baitul Maal wa Tamwil (BMT), Qardhul Hasan

Abstrak: Penelitian ini mengkaji peran Bank Islam dan Baitul Maal wa Tamwil (BMT), khususnya BMT UGT Sidogiri Cabang Bawean, dalam mendukung perekonomian masyarakat melalui prinsip-prinsip syariah. Bank Islam bertindak sebagai perantara keuangan yang mematuhi prinsip syariah, menghindari riba, dan transaksi yang mengandung ketidakpastian. Sebagai lembaga keuangan mikro berbasis syariah, BMT berfokus pada pengembangan usaha produktif serta penyaluran dana zakat, infak, dan sedekah untuk meningkatkan kualitas ekonomi masyarakat, terutama di sektor usaha kecil dan menengah (UKM). Penelitian ini menggunakan pendekatan kualitatif dengan desain studi kasus untuk

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mengeksplorasi bagaimana BMT UGT Sidogiri Cabang Bawean beroperasi dan mengatasi tantangan dalam penerapan prinsip syariah. Metode pengumpulan data meliputi wawancara mendalam, observasi partisipatif, dan analisis dokumen, sementara analisis tematik digunakan untuk mengidentifikasi pola dan dinamika yang signifikan. Temuan penelitian menunjukkan bahwa meskipun BMT UGT Sidogiri Cabang Bawean berhasil menyediakan pinjaman tanpa bunga melalui produk *Qardhul Hasan*, terdapat ketidaksesuaian dengan prinsip syariah yang perlu diperbaiki. Penelitian ini menegaskan kontribusi penting Bank Islam dan BMT dalam menciptakan sistem keuangan yang adil dan berkelanjutan, serta peran mereka dalam pembangunan ekonomi yang lebih inklusif dan etis.

Kata Kunci: Bank Islam, Baitul Maal wa Tamwil (BMT), Qardhul Hasan

A. Introduction

Islamic banks are financial institutions that act as intermediaries between people who have excess funds and those who need them, all based on sharia principles.¹ The important role of Islamic Banks is not only in collecting and distributing funds, but also in adhering to the principles of Sharia which prohibit usury and transactions that involve uncertainty. This creates a fair and sustainable financial system, which benefits not only individuals, but also society as a whole.²

In addition to Islamic Banks, Baitul Maal wa Tamwil (BMT) also plays a crucial role in the sharia financial ecosystem. As a sharia-based microfinance institution, BMT focuses on developing productive businesses and distributing zakat, infak, and sedekah funds. BMT aims to improve the economic quality of the community, especially those in the small and medium enterprise (SME) sector, by providing access to fairer financing that is in accordance with sharia principles.

The Decree of the Minister of State for Cooperatives and Small and Medium Enterprises No. 91/kep/M.KUKM/IX/2004, which confirms the legality and importance of BMT's role in supporting the national economy, regulates the existence of BMT. One of BMT's leading products is *Qardhul Hasan*, an interest-

¹ Fitria Fitria and Sutris Cahyono, "Optimalisasi Edukasi Pengenalan Produk Dan Akad Dalam Perbankan Syariah," *AKM: Aksi Kepada Masyarakat* 3, no. 1 (July 6, 2022): 111–22, https://doi.org/10.36908/akm.v3i1.497.

² Supriadi Supriadi and Ismawati Ismawati, "Implementasi Prinsip-Prinsip Perbankan Syariah untuk Mempertahankan Loyalitas Nasabah," *JURNAL HUKUM EKONOMI SYARIAH* 3, no. 1 (April 17, 2020): 41, https://doi.org/10.30595/jhes.v0i0.7002; Djauharotun Nafisah and Fauzatul Laily Nisa, "Peranan Serta Kontribusi Prinsip Maghrib Dalam Perbankan Syariah," *Jurnal Ekonomi Manajemen Dan Bisnis (JEMB)* 1, no. 5 (June 6, 2024): 54–61, https://doi.org/10.62017/jemb.v1i5.1370.

free loan designed to help microentrepreneurs who often face difficulties in accessing capital. This initiative is a real form of BMT's commitment to overcoming economic inequality and empowering communities to be more financially independent.

BMT UGT Sidogiri Bawean Branch is a concrete example of how BMT can contribute to improving community welfare. With a focus on small customer segmentation, this BMT offers a *Qardhul Hasan* loan scheme that utilizes funds from community savings to provide interest-free capital solutions. Thus, BMT UGT Sidogiri Bawean Branch not only functions as a financial institution, but also as a strategic partner for micro entrepreneurs in developing their businesses without having to worry about the burden of capital which is often an obstacle.³

The importance of institutions such as Islamic Banks and BMTs lies in their ability to bridge the economic gap in society. By promoting the principles of fairness, equality and sustainability, these institutions not only meet the financial needs of individuals but also contribute to the development of a more inclusive and ethical economy. Amidst the dynamics of the global economy, the role of Islamic Banks and BMTs is increasingly relevant in creating a financial system that is more stable and responsive to the needs of the wider community.

B. Research Method

This study adopts a qualitative approach with a case study design to explore the role of BMT UGT Sidogiri Bawean Branch in supporting the community's economy through sharia principles.⁴ The case study design was chosen to allow for an in-depth analysis of how BMTs operate in their specific context. Data were

³ Esty Pudyastuti et al., "Peran Lembaga Keuangan Mikro Dalam Pemberdayaan Ekonomi Masyarakat Kecil Menengah," *Eqien - Jurnal Ekonomi dan Bisnis* 11, no. 04 (December 27, 2022): 459–65, https://doi.org/10.34308/eqien.v11i04.1298; Segaf Baharun and Muhamad Solehudin, "Artificial Learning Environment and Learning Independence in Arabic Learning: Mediating Effect of Learning Creativity," *Eurasian Journal of Educational Research* 104, no. 104 (2023): 283–302; Segaf Baharun, Khonsa' Nabila, and Muhammad Sofwan bin Harizan, "A Corelation between Poor Motivation and The Efficiency of Female Students in Speaking Skills at Indonesian Islamic Boarding School | 'Alaaqah bayna Dha'f Al-Daafi'iyyah wa Kafaaah Thaalibah fi Mahaarah Al-Kalaam bi Al-Ma'had Al-Islaamiy Al-Induuniisiy," *Al-Ta'rib: Jurnal Ilmiah Program Studi Pendidikan Bahasa Arab IAIN Palangka Raya* 11, no. 1 (June 8, 2023): 97–110, https://doi.org/10.23971/altarib.v11i1.6311.

⁴ Hardani Hardani et al., *Buku Metode Penelitian Kualitatif & Kuantitatif* (Yogyakarta: CV Pustaka Ilmu, 2020).

collected through three main methods: in-depth interviews, participant observation, and document analysis. In-depth interviews were conducted with BMT managers, customers, and community leaders to uncover their views and experiences regarding the functions and impacts of BMTs. Participant observation at BMT locations provided a first-hand view of daily interactions and the application of sharia principles in practice. Document analysis involved a review of financial statements and internal policies to gain a comprehensive understanding of BMT policies and practices. The data analysis technique used thematic analysis, where data from interviews, observations, and documents were coded and grouped into key themes to identify significant patterns and dynamics. This approach aims to provide in-depth insights into the role of BMTs in sharia-based economic empowerment.⁵

C. Results and Discussion

Islamic banks are financial institutions that connect people with excess and insufficient funds according to sharia principles. Islamic banks also collect and distribute funds for financing. In addition to Islamic banks, BMT is also a growing Islamic financial institution, such as BMT UGT Sidogiri Bawean Branch. BMT UGT Sidogiri Bawean Branch is sharia-based and uses a profit-sharing system, avoiding usury. They create management with Islamic values, humanity, and cooperation. Previous research on *Qardhul Hasan* at BAZNAS Semarang City showed that the implementation was not in line with sharia principles. This study uses qualitative methods to answer problems related to the Bina Mitra Mandiri program. The results of the study indicate that the practice of *Qardhul Hasan* at BMT is not in accordance with the principles of *Qardhul Hasan* practice that should be. There is a potential for inconsistency with the principles of *Qardhul Hasan* which refer to Islamic rules regarding taking benefits.

⁵ John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (SAGE Publications, 2022).

⁶ Laelatur Rohmah, Desy Meina Indrasari, and Agus Eko Sujianto, "Pentingnya Bank Syariah Dalam Mengelola Keuangan Masyarakat Indonesia," *Jurnal Akuntan Publik* 1, no. 2 (May 25, 2023): 70–80, https://doi.org/10.59581/jap-widyakarya.v1i2.359.

⁷ Miftakhur Rokhman Habibi and Ruriana Diah, "Peran Perbankan Syari'ah Dalam Perkembangan Perekonomian Di Indonesia," *Maliyah : Jurnal Hukum Bisnis Islam* 12, no. 1 (June 3, 2022): 1–25.

Islamic Financial Institutions engage in financing activities commonly known as contracts. One of them is financing the *Qardhul Hasan* contract. Islamic financial institutions at BMT UGT Sidogiri Bawean Branch finance the *Qardhul Hasan* contract in an effort to meet the needs of the community, particularly Muslims and the surrounding community, who seek sharia services to manage their economy. The BMT UGT Sidogiri Bawean Branch is a private financial institution with community capital. So its existence is similar to that of a cooperative whose operations are based on sharia principles.⁸

During the economic crisis that hit the people of Indonesia in 1997, small traders and below were able to demonstrate their ability to survive. This shows that small entrepreneurs have greater potential to be able to develop their economy by financing the *Qardhul Hasan* contract.

The community that runs a business is one part of the community that has a very good process in economic development. However, capital is often the main obstacle for them to develop their business. Therefore, the existence of BMT UGT Sidogiri Bawean branch as one of the economic solutions whose operations are in accordance with sharia principles, which can provide relatively affordable capital, easy requirements, and easy, fast and precise procedures, so that it can be one solution to provide capital loans to members who need it. Easy because there are no difficult letter requirements, and fast because the withdrawal of funds needed can be taken at any time without having to wait for a long process.

The practice of *Qardhul Hasan* is an agreement between BMT and customers to help productive small businesses. Where the portion of capital and target customers given are different from other financing. Because *Qardhul Hasan* is included in maal financing. *Qardhul Hasan* in BMT UGT SIdogiri Bawean

⁸ Nanang Sobarna, "Analisis Perbedaan Perbankan Syariah Dengan Perbankan Konvensional," *Eco-Iqtishodi: Jurnal Ilmiah Ekonomi Dan Keuangan Syariah* 3, no. 1 (July 1, 2021): 51–62, https://doi.org/10.32670/ecoiqtishodi.v3i1.665.

⁹ Febri Annisa Sukma et al., "Konsep Dan Implementasi Akad *Qardhul Hasan* Pada Perbankan Syariah Dan Manfaatnya," *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah* 3, no. 2 (July 31, 2019): 148–62, https://doi.org/10.29313/amwaluna.v3i2.4296.

branch is a form of property loan to other people who really need it only for their business production activities.¹⁰

Before the *Qardhul Hasan* financing is disbursed, a detailed process path is required, the process is: (a) Administrative stage in the form of a photocopy of the KTP, (b) Decision stage (The authority limit of the *Qardhul Hasan* financing subcommittee at the BMT UGT Sidogiri Bawean branch decides on the approval of the *Qardhul Hasan* financing application from the mustahik up to a minimum limit of IDR 100,000 and an indefinite maximum limit). (c) Guidance stage (Criteria for mustahik to receive *Qardhul Hasan* financing: (1) Belonging to the weak economic group, (2) Be Muslim, (3) Have a good character, (4) Maximum repayment period of 5 months.

The *Qardhul Hasan* contract is a form of contract that is mutually helpful between two parties where one party acts as the owner of capital and entrusts his capital to be managed by the second party. After seeing the financing process of the *Qardhul Hasan* contract, small entrepreneurs are very enthusiastic about the existence of the *Qardhul Hasan* contract, so that small entrepreneurs, especially street vendors located near the town square, flock to finance the *Qardhul Hasan* contract, because in the *Qardhul Hasan* contract, small entrepreneurs no longer think about interest and the process is very easy.

BMT UGT Sidogiri Bawean branch feels happy with the existence of *Qardhul Hasan*, because they can help people who are classified as dhaif (weak) both physically and economically, and can improve their quality towards Allah SWT.¹¹ The practice of financing the *Qardhul Hasan* contract at BMT UGT Sidogiri, Bawean branch is carried out for small entrepreneurs so that they can add to their production equipment. The *Qardhul Hasan* contract is socially oriented, namely helping socially without collateral, but in reality, many of the small entrepreneurs after carrying out *Qardhul Hasan* financing do not return their money

¹⁰ Muhamad Bisri Mustofa and Mifta Khatul Khoir, "*Qardhul Hasan* Dalam Persfektif Hukum Islam Pada Baitul Maal Wa Tamwil (BMT) Dan Implementasinya," *At Taajir : Jurnal Ekonomi, Bisnis Dan Keuangan Syariah* 1, no. 1 (2020): 44–58, https://doi.org/10.47902/attaajir.v1i1.27.

¹¹ Susilo Priyono, Rina Istiqomawati, and Iwan Setyawan, "Analisis Pembiayaan *Qardhul Hasan* Dalam Meningkatkan Kesejahteraan Hidup Anggota Ditinjau Dari Perspektif Islam," *Equilibrium : Jurnal Ilmu Manajemen* 2, no. 2 (July 31, 2022), https://doi.org/10.56393/equilibrium.v2i2.1365.

to BMT UGT Sidogiri, Bawean branch, on the grounds that they do not have the money to pay off the *Qardhul Hasan* financing, and some of them move to other areas so that the BMT cannot collect due to their irresponsibility.

Seeing the risks experienced, in 2006 the financing of the *Qardhul Hasan* contract was transferred to certain people, on the grounds that the parties of the BMT UGT Sidogiri Bawean branch had confidence in them (certain people) to pay off the financing of the *Qardhul Hasan* contract, and it has been proven that until now the *Qardhul Hasan* contract still exists, because the financing of the *Qardhul Hasan* has run smoothly without any financing delays. If the borrower cannot return the specified time, the BMT will give mercy to the borrower by adding time, and if they have not paid off the debt, the BMT will not provide the *Qardhul Hasan* contract again.

The *Qardhul Hasan* contract, which was socially oriented at that time, also became profit oriented, because the BMT UGT Sidogiri Bawean branch no longer had funds from zakat, infaq, shadaqah and so on. The financing funds for the *Qardhul Hasan* contract given to certain groups of people were taken from customer money, so that people who financed the *Qardhul Hasan* had to give results to the BMT UGT Sidogiri Bawean branch to share the results with the customer's money. So the *Qardhul Hasan* contract since 2006 has been the same as other contracts, namely profit sharing, but the profit sharing in the *Qardhul Hasan* contract does not occur in the contract, and certain groups of people already know in advance that they have to give results without being stated in the contract.

In terms of economics, the *Qardhul Hasan* procedure at BMT UGT Sidogiri, Bawean branch does not use the 5C principle, namely: character, capacity, capital, collateral, condition, so that irresponsible small entrepreneurs act arbitrarily towards BMT UGT Sidogiri, Bawean branch. As much as possible, BMT parties must directly or indirectly supervise the development of the business that we have financed, do not just wait for the arrival of loan repayment deposits. The earlier we can catch bad signs, the faster and easier we can handle the problems that arise. The distribution of *Qardhul Hasan* at BMT UGT Sidogiri, Bawean branch must use a prudent pattern, meaning that the loan disbursement pattern must be adjusted to business needs. If the business requires the loan to be disbursed at once, then the

loan should be disbursed at once, so that it helps the loan to be able to start the business immediately. If the business does not require the loan to be disbursed at once and the loan can be given in stages, then the loan should be given in stages so that there are no idle funds in the hands of the borrower. It is feared that if borrowers hold idle/unused funds, then borrowers will be tempted to use these funds for other purposes that are not related to the borrower's objectives.¹²

The practice of financing the *Qardhul Hasan* contract at BMT UGT Sidogiri, Bawean branch according to Islamic law in the case above where financing the *Qardhul Hasan* contract is only for certain people is not a problem, because in the Qur'an and fiqh there is no compulsion to help humanity, but it is only required to help each other in goodness. For the problem of overpayment in the *Qardhul Hasan* contract at BMT UGT Sidogiri, Bawean branch, seen from the perspective of Islamic law, it is not said to be usury, because giving additional payments in the *Qardhul Hasan* contract is not done in the contract, because the excess payment is made by the debtor not based on a previous agreement, then the excess is permissible (halal) for the creditor, and is a good thing for the debtor.

D. Conclusion

Islamic banks and Baitul Maal wa Tamwil (BMT), especially BMT UGT Sidogiri Bawean Branch, have a very important role in the sharia financial system by providing financing that complies with sharia principles. Islamic banks act as intermediaries between parties with surplus funds and those in need, while avoiding usury and uncertain transactions. Meanwhile, BMT focuses on developing productive businesses and distributing zakat, infak, and sedekah funds to improve the community's economy, especially in the small and medium enterprise (SME) sector.

BMT UGT Sidogiri Bawean Branch provides interest-free loans through the *Qardhul Hasan* product, which helps micro entrepreneurs overcome capital difficulties. Research shows that there is a mismatch in the implementation of

¹² Rini Rahayu Kurniati, Afifuddin, and Sri Nuring Wahyu, "Model Akad *Qardhul Hasan* Pada Usaha Mikro Kecil Menengah," *Akuntansi Bisnis & Manajemen (ABM)* 27, no. 1 (March 2, 2020): 29–40, https://doi.org/10.35606/jabm.v27i1.551.

Qardhul Hasan with sharia principles as well as changes in practice to overcome loan repayment problems.

The existence of Islamic banks and BMT UGT Sidogiri Bawean Branch confirms their contribution to creating a fair and sustainable financial system. Both not only meet individual financial needs, but also play a role in building a more inclusive and ethical economy, bridging economic gaps, and providing sharia-based financing that is relevant to today's global economic dynamics.

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