

NON HALAL INCOME: CRITICAL OF ACCOUNTING TREATMENT, SOURCE AND UTILIZATION AT BANK ACEH SYARIAH

Indrayani¹, Lilik Purwanti²

¹Universitas Malikussaleh, Lhokseumawe, Indonesia

²Universitas Brawijaya, Malang, Indonesia

Corresponding E-mail: indrayani@unimal.ac.id

Abstract

The purpose of this study is to examine and criticisms of accounting treatment, source and Utilization of non-halal income at Bank Aceh Syariah. This research employs a qualitative method with a critical approach to the consistency of Sharia banking compliance with Islamic principles. The results show that Bank Aceh Syariah in utilization, Recognition, measurement, presentation, and disclosure of financial information are in line with PSAK 101 but the presentation and disclosure of non-halal income should be fully disclosed in the repor . Bank Aceh Syariah obtains non-halal income from placing funds in non-sharia banks and earning interest income that is used to fund social activities. This creates a paradox for sharia banks that encourage people to migrate to sharia banking, while their funds are mostly placed in non-sharia banks and used for public purposes that enhance the positive image of sharia banking.

Keywords: Non-Halal Income, Social Activities, Bank Aceh Syariah.

1. INTRODUCTION

In this modern era, society cannot be separated from the activities of banking. People use products or services offered by banks to facilitate economic activities, such as sending funds as payment for buying and selling transactions, or saving money to secure funds that will be used when needed, and so on. If we look at the banking sector in Indonesia in general, it is divided into two categories: conventional banks and Islamic banks. Similarly, if we examine on a smaller scale, such as in Aceh province which is a special autonomous region and has special authority to implement Islamic Shariah. The Aceh government has established Qanun Aceh No. 11 of 2018 concerning Shariah Financial Institutions (LKS), which is a legislation that regulates the activities of financial institutions in order to realize a just and prosperous Acehnese society under Islamic Shariah. This regulation is a follow-up to Qanun Aceh No. 8 of 2014 concerning the principles of Islamic Shariah, which clearly obliges financial institutions operating in Aceh to be implemented based on Shariah.

With the implementation of Qanun Aceh, Bank Aceh, which previously operated based on conventional banking, was converted into a Shariah-based bank. Bank Aceh was approved by the Financial Services Authority (OJK) on September 19, 2016, with the operational conversion permit granted based on OJK Board of Commissioners Decision No. KEP-44/D.03/2016 dated September 1, 2016, regarding the Permit for Change of Business Activities from Conventional Commercial Bank to Sharia Commercial Bank. Before the implementation of Qanun Aceh, Bank Aceh still conducted all its operational activities based on conventional banking, so after the implementation of Qanun Aceh, all its operational activities were converted to Shariah-based. However, even though it has been converted into a Shariah-based bank, its transactional activities cannot be separated from conventional banks, such as account balances, bank interest, and all transactions related to other conventional banks. The Institute of Indonesian Accountants (IAI) has issued regulations governing the presentation of financial statements through Statement of Financial Accounting Standards (PSAK) 101 as a guide to reporting Shariah-based financial statements. One

of the topics in PSAK 101 on the presentation of Shariah-based financial statements is to regulate the sources of non-halal receipts and the allocation of non-halal funds. PSAK 101 states that "non-halal receipts are all receipts from activities that do not comply with Shariah principles, including receipts from checking account services and interest income from conventional banks." According to Asni, Abdullah, and Chulhair (2018:58), non-halal funds are sources of welfare (Qardhul Hasan) funds that originate from Shariah-based entity transactions with non-Shariah parties. For financial traffic purposes, Shariah-based entities in certain cases must have an account in conventional banks. The emergence of bank interest or checking account services from the ownership of a conventional bank account is unavoidable.

In conducting its operations, Shariah-based banks will certainly have dealings with conventional banks. Therefore, Shariah-based banks in conducting their business activities are sometimes unable to avoid activities that generate non-halal receipts. Regarding this matter, the DSN-MUI, in its fatwa, stated that Shariah-based economic activities in Indonesia are not yet completely free from ribawi conventional economic systems. Then, ED PSAK 101 regarding the recognition and measurement of non-halal funds describes that non-halal receipts are all receipts from activities that do not comply with Shariah principles, including receipts from checking account services or interest income from conventional banks. Non-halal receipts generally occur in emergency or unwanted conditions for Shariah-based entities because they are prohibited in principle.

Recognition is the recording of a certain amount of rupiah (cost) in the accounting system so that the amount will affect a position and be reflected in the financial statements. Recognition in the context of non-halal funds is related to whether a transaction that generates non-halal funds is recorded (journalled). Measurement is the amount of rupiah that will be recorded. Measurement in the context of non-halal funds is how much rupiah will be reported in the financial statements for non-halal funds. Presentation is the establishment of ways to report elements or positions in a set of financial statements so that the elements or positions are sufficiently informative. Presentation in the context of non-halal funds is about establishing ways to report the non-halal fund position that are sufficiently informative. Disclosure is related to the way of elaborating or informative things that are considered important and beneficial to users, besides what can be stated through the main financial statements. Disclosure in the context of non-halal funds is the way of elaborating or informing things related to non-halal funds that are considered important and beneficial to users of the financial statements.

Islam's view on non-halal funds is that the issue of haram is still considered haram no matter how good and noble the intention and purpose may be. No matter how good the plan is, as long as it is not justified by Islam, haram can never be used as a means to achieve noble goals. Islam wants a pure purpose and the way to achieve it must also be pure. Therefore, whoever collects funds through *riba*, sin, forbidden games, gambling, and other things that can be categorized as haram to establish a mosque or to carry out other plans, then their good intentions will not be a means of intercession for them, and thus the haram sin must be removed (Al-Qardhawi:2007). The prohibition of non-halal funds applies to the owner of the non-halal funds, so the owner of the funds cannot use them to fulfill their personal needs. Instead, they must be channeled for the development of public facilities owned by the community in general.

Non-halal income received by Sharia entities is automatically accepted according to Sharia principles, including receiving non-halal funds from interest on savings and deposits in conventional banks for financial transactions and payments because the financial system has not yet been fully operated by Islamic financial institutions, thus making it an emergency situation. If in the future Islamic financial institutions are already able to provide these transactions, it is recommended that relationships with conventional financial institutions be terminated to avoid engaging in usury transactions. (Mohammad: 2008). The National Sharia Council of the Indonesian Ulema Council (MUI) decided that Sharia banks may use non-halal funds for the benefit of the community. However, the Chairman of the Indonesian Ulema Council (MUI), Ma'ruf Amin,

emphasized that Sharia banks may only use non-halal funds for social purposes. Non-halal funds cannot be mixed for the bank's profit (CNN Indonesia.com, 2018). In a previous study by Dian Pangrestu Widati (2018) entitled "Accounting Treatment for Non-Halal Fund Income in the Financial Statements of PT. Bank Rakyat Indonesia (BRI) Syariah (Persero) Tbk," a qualitative descriptive research method was used. The results of this study found that bonuses received by the bank from other Sharia banks are recognized as operational or other business income. Receipt of non-Sharia bank giro services is not recognized as bank income and is used for charitable funds (Qardhul Hasan). Receipt of non-Sharia bank giro services is recorded as bank liabilities before being channeled, and the presentation and disclosure of non-halal funds income is provided in the form of financial statements and reports on the source and use of charitable funds.

Based on the phenomenon mentioned above, where Sharia banks sometimes cannot avoid receiving non-halal funds and these funds cannot be mixed for the bank's profit, the author is interested in conducting research entitled "**Criticism of the Use and Accounting Treatment of Non-Halal Transactions in Bank Aceh Syariah ing.**"

2. RESEARCH METHOD

This research is a qualitative study that uses a critical approach to analyze the consistency of Sharia banks' compliance with Islamic principles. The research begins with an exploration of non-halal income sources from Bank Aceh Syariah . Data is obtained from the bank's annual reports from 2019-2022. The analytical method used is consistency analysis, which is an effort to seek truth through the conformity between a statement and the previous statement that is considered correct, according to Siregar (2016).

3. RESULTS AND DISCUSSION

Non-halal income in Sharia banking refers to income derived from transactions that are contrary to Islamic Sharia principles, such as riba or interest. On the other hand, Sharia banks are known as banks without interest, which avoid the practice of riba in every transaction (Ahmad, 2014). In Islam, riba refers to any addition given or received in a debt that generates profit. Therefore, in Islam, debt transactions themselves are not prohibited, but what is prohibited is an agreement to provide an excess payment from the principal to the lender. In Islam, debt has a dimension of mutual cooperation or ta'awun, and is not intended to make a profit, even if there is willingness from both parties. According to Fatwa Majelis Ulama Indonesia Number 123/DSNMUI/XI/2018, non-halal income obtained by Sharia banks is not considered as profit. However, this non-halal income still needs to be reported in the Sharia banking financial statements in accordance with the Sharia Accounting Statement Standard 101. Usually, this non-halal income is presented in the report on the source and use of charitable funds. This report provides an overview of the non-halal income sources obtained by Sharia banks.

Sharia banks in Indonesia generally obtain non-halal income from their transactions with non-Sharia banks. Usually, the cash held by Sharia banks is kept as a mandatory reserve minimum in banks in Indonesia and then deposited in the form of giro in several banks. Some banks place their giro in Sharia banks, while others place them in non-Sharia banks. The giro service income obtained from deposits in non-Sharia banks is used as a source of charitable funds by Sharia banks to carry out their social activities. Various Sharia banks in Indonesia have reported their sources of charitable funds, which show that non-halal income is one of the main sources of all social activities of Sharia banks. This non-halal income is obtained from sources such as interest income. However, this non-halal income is not considered as profit by Sharia banks and is only used as a source of charitable funds in order to carry out their social activities.

Table 1.
Report on Qardhul Hasan Funds Sources of Bank Aceh Syariah .

Tahun	Non-Halal	Donation (Infaq)	Penalties	Other
2022	99,11%	0,15 %	0,74 %	0 %
2021	70,95 %	0,52 %	28,53 %	0 %
2020	93,72 %	0,88 %	5,40 %	0 %
2019	84,18 %	15,35 %	0,47 %	0 %

Source: Research results, processed (2023)

Based on the available data, it appears that in this research, Bank Aceh Syariah used non-halal income as the main and largest source for funding social responsibility activities. In addition, other sources of charitable funds come from fines imposed on customers who delay payments. Receipts from fines are also a source of charitable funds for Bank Aceh Syariah . Based on the MUI fatwa, fines fall into the category of funds that cannot be recognized as income for Sharia financial institutions. This is due to the opinions of scholars who say that fines are another form of riba because of the excess payment charged to the debtor. From Bank Aceh Syariah 's annual report, it can be seen that the main source of non-halal income comes from giro service income received from non-Sharia commercial banks, which is essentially interest income. To place their excess funds, Sharia banks generally place them in non-Sharia banks, and from those deposits, Bank Aceh Syariah earns giro service income. However, this raises questions about the consistency of Sharia banks with their basic principle as interest-free banks, as Bank Aceh Syariah actually still places its funds in non-Sharia banks.

The Reality of Using Non-Halal Funds

As a bank that adheres to Islamic values, Bank Aceh Syariah is expected to demonstrate a strong Islamic identity in its operational activities, both commercially and socially (Kamla and Rammal, 2013). Social responsibility is an ethical investment because it will increase positive impact for the bank in achieving long-term sustainability. Sustainable efforts for the bank are not only about maximizing economic performance for shareholders but also providing benefits in social and environmental aspects.

The use of non-halal funds at Bank Aceh Syariah is channeled in the form of Qardhul Hasan contracts for social purposes, namely:

- a. Partnership grant assistance program. Providing facilities and infrastructure to help improve the quality of community businesses.
- b. Social assistance. Providing public facilities, purchasing staple food items, natural disaster relief, places of worship, environmental programs, social activities, and decent housing for the less fortunate, the poor, and the needy.
- c. Education, sports, arts, culture, and regional tourism assistance, including scholarships for students, the provision/construction of school facilities and infrastructure, support for academic activities of students, and support for the development of sports, arts, culture, and tourism in the region.
- d. Health assistance, mass treatment to improve health quality, providing public sanitation facilities and facilities for the healthy and less fortunate, providing health facilities for community health centers, and health education.
- e. Foundation assistance: Bank employee welfare (Qardhul Hasan) foundations, employee cooperatives, social activities in the context of the bank's anniversary and Islamic holidays, assistance for retired Aceh Bank employees, and special scholarships for orphans, children from disadvantaged families, and retired Aceh Bank employees.

Bank Aceh Syariah has implemented social responsibility practices and recorded them in its annual reports. The bank has its own characteristics in its social activities, with a focus on education, economy, health, environment, as well as social and missionary activities. The sources of funding for Bank Aceh Syariah's social activities generally come from charitable funds, including Non-Halal income from the receipt of giro services from non-Sharia banks. Almost all Sharia banks rely heavily on Non-Halal income as their primary source of funding for their social activities, as seen in Bank Aceh Syariah's annual report revealing the use of charitable funds for: According to the DSN-MUI fatwa, non-halal income can be used and channeled for the benefit of the Muslim community and public interests that are not against Sharia principles. Bank Aceh, as a Sharia financial institution, has a dual role as a commercial and social institution that aims to maximize the community's economy and is based on Sharia. Bank Aceh actively distributes charity funds in accordance with Sharia banking regulations, including tabarru'-based financing using Qardhul Hasan contract aimed at micro and small scales to help economically weak/less fortunate customers improve their economic status. Bank Aceh is committed to promoting effective, measurable, and systematic management of charity funds to provide benefits to deserving communities.

Based on Table 1, it can be seen that in general, the social activities of Bank Aceh Syariah are sourced from Non-Halal income, Infaq/Sedekah, and fines. The implementation of social responsibility is an ethical investment for banks in their efforts to have a positive impact and achieve long-term sustainability (Abbasi et al., 2012). By carrying out social responsibility, it is expected to have an indirect positive impact on the social welfare (Qardhul Hasan) of the community and the environment, which in turn can enhance the bank's image among the public. This is consistent with the findings of Suryani and S. Lindiawati's (2018) study on shariah bank customers in Indonesia, which found that the practice of social responsibility in shariah banks has a positive impact on the bank's image. Therefore, many banks are trying to have a positive impact on the community through social activities, utilizing Non-Halal income which is considered a form of purification of income.

Criticism Accounting Treatment of Non-Halal Funds at Bank Aceh Syariah.

The following presents the use and accounting treatment of non-halal funds at Bank Aceh Syariah from the perspective of the Bank's Financial Statements for the years 2019-2022, and compares their consistency with PSAK 101:

Table 2. Illustration of The Utilization and Accounting Treatment of Non-Halal Funds at Bank Aceh Syariah

Accounting Treatment for Non-Halal Income	Bank Aceh Syariah financial statements	PSAK 101	Conclusion
Utilization	Dana non-halal must be used for public interests	on-halal funds must be used for public purposes such as the construction of roads or other needs that are useful for the community.	Consisten
Recognition	Recognized as other liabilities	Recognized as the most liquid liability and recognized as a reduction in liabilities when disbursed	Consisten
Measurement	it is measured by the amount of funds received at	It is measured by the amount of funds received at the time of its occurrence.	Consisten

	the time of its occurrence.		
Presentation	presented in the financial report of sources and utilization of welfare (Qardhul hasan) funds.	presented in the report of sources and utilization of welfare (Qardhul hasan) funds.	Consisten but need Critical
Disclosure	disclosed in the notes notes the financial statements.	disclosed in the notes to the financial statements.	Consisten but need Critical

Based on the table above, it can be seen that the utilization and accounting treatment of non-halal income in Bank Aceh Syariah's financial statements broadly complies with PSAK 101. The measurement of Giro in other banks is measured at nominal value and expressed as the Giro balance minus the allowance for losses. Bonuses received by the bank from other Islamic commercial banks are recognized as operating income or other business income. The receipt of Giro services from non-shariah banks is not recognized as the bank's revenue and is used for welfare funds (qardhul hasan). The receipt of Giro services from non-shariah banks is recorded as a liability of the bank before being disbursed. This non-halal income is presented in the sources and utilization of welfare (qardhul hasan) funds report and attached to the annual report on Bank Aceh Syariah's official website for public information. Criticism of the presentation and disclosure of information on the use of non-halal Income in the report on sources and uses of welfare funds is that it is not fully disclosed, where the use of non-halal funds is presented briefly in the form of productive welfare funds, donations, and other uses for public interest. Bank Aceh Sharia should present and disclose information on the use of non-halal income in full disclosure without any cover-ups, specifically presented in a report on sources and uses of non-halal funds and published on the company's website. This is to make it accessible to the public and to present the sources and uses of non-halal income in full disclosure.

Criticism of Source and Utilization Non-Halal Income

According to the Fatwa of the Indonesian Council of Ulama, non-halal income obtained by Islamic banks cannot be considered as the company's profit because its source of income comes from transactions considered unlawful or unclear in origin. The Statement of Financial Accounting Standards 101 classifies non-halal income as a source of welfare (qardhul hasan) funds used to fund the social responsibilities of Islamic banks. However, after examining the annual reports of Islamic banks, it was found that non-halal income came from interest received on placing the Shariah bank's funds in non-Shariah banks. This shows that Shariah banks are still engaging in ribawi transactions considered unlawful.

The source of non-halal income at Bank Aceh Syariah comes from placing Giro funds in non-Shariah banks, which is disclosed in the notes to the financial statements as follows:

Table 3. Placing Giro funds in non-Shariah banks

	2022	2021	2020	2019
Giro funds in non-Shariah banks				
PT Bank Central	10.014.760.658	39.177.136.153	10.225.690.523	16.042.485.978

Asia Tbk

PT Bank Rakyat Indonesia (Persero) Tbk	1.286.825.179	1.000.000.000	159.814.339	-
PT Bank Mandiri (Persero) Tbk	-	-	628.656	8.046.510.036
PT Bank Syariah Mandiri	-	-	1.222.132	-
PT Bank Syariah Indonesia, Tbk	6.371.845	2.669.733.502	-	-
Jumlah	11.307.957.681	42.846.869.655	10.387.355.650	24.088.996.014

Sourcer : Annual Report Bank Aceh Syariah 2019-2022

Based on table 3, it can be seen that the placement of excess funds in the form of Giro at Bank Aceh Syariah is actually lower compared to placements in non-Shariah banks, and even experienced a significant decrease from 2021 to 2022. However, this does not mean that Bank Aceh Syariah cannot utilize its excess funds to obtain better interest income. In this context, Bank Aceh Syariah can use its excess funds to provide Shariah-compliant financing to the public, which adheres to the principles of Shariah that do not involve interest or riba. In this regard, Bank Aceh Syariah can use these funds to finance social projects that benefit the community, such as infrastructure development, education, healthcare, and so on. Additionally, Bank Aceh Syariah can also enhance its positive image through Corporate Social Responsibility (CSR) activities that are related to Shariah values. This can help increase public awareness of the importance of transacting with Shariah banks and can increase public trust in Bank Aceh Syariah. Therefore, Bank Aceh Syariah can use its excess funds to obtain positive benefits, both in terms of interest income and in enhancing its positive image through CSR activities.

Although the Fatwa of the Indonesian Council of Ulama allows the use of non-halal income for social activities, it does not mean that Bank Aceh Syariah does not strive to use halal funds as a form of sacrifice and sincerity in donating its profits for social activities. However, currently, all Shariah banks in Indonesia rely on non-halal income derived from interest as a source of funding, and there are even some banks that rely on such non-halal income as their main source (see table 3). Therefore, the consistency of Shariah banks in adhering to Shariah principles deserves to be questioned. The use of non-halal income for social activities is only an effort to redeem the mistakes that have been made. However, in reality, these violations still occur every year and are considered normal.

**Tabel 4. Bank Aceh Syariah Qardhul Hasan Report 2019-2022
(Presented in Millions of Rupiah).**

Source	2022	2021	2020	2019
Beginning Balance	20.323	19.096	18.040	16.923
Donations	21	28	28	3.832
Penalties	103	1.524	172	117
Non-Halal Income	13.733	3.790	2.987	21.017
Total Receipts	13.857	5.342	3.187	24.966
Utilization	8.375	4.115	2.131	23.849

Source : Annual report Bank Aceh Syariah 2019-2022

Non-halal income at Bank Aceh Syariah can be avoided if the bank does not place its excess funds in the form of Giro at non-Shariah banks. However, a dilemma arises if the bank does not place these funds because it will impact the amount of funding for Bank Aceh Syariah's social activities. Bank Aceh Syariah heavily relies on Giro service income from non-Shariah banks as a source of funding. As a bank that claims to adhere to Shariah principles and Islam as a guide for conducting business, Bank Aceh Syariah should be consistent in applying these principles holistically, not just partially. When Bank Aceh Syariah claims that they operate under Islamic principles, they should no longer place their excess funds in non-Shariah banks. If not, then a paradox will occur when the Shariah bank tries to promote its services to the public to join Bank Aceh Syariah, while Bank Aceh Syariah still places its excess funds in non-Shariah banks and uses Giro service income as part of activities that will enhance positive image and financial performance of the Shariah bank.

Bank Aceh Syariah should set an example and demonstrate consistency in adhering to Shariah principles to the public by fully migrating as implemented in Qanun No. 11 of 2018, the Shariah Financial Institution in Aceh. If it cannot be done directly and frontally, it can be done gradually by not always relying on Giro service income as a source of funding for social activities. Shariah banks should place their funds in Shariah financial institutions, not non-Shariah banks. By placing funds in Shariah financial institutions, non-halal transactions can be avoided, and it can increase the public's confidence in the Shariah bank's compliance with Islamic principles as a whole. Social responsibility undertaken by Shariah banks should purely come from something that is halal and sincere because it originates from the bank's efforts, not from interest income obtained only by placing funds in non-halal financial institutions.

4. CONCLUSIONS AND SUGGESTIONS

4.1. Conclusion

From this study, it can be concluded that Bank Aceh Syariah obtains non-halal income from Giro service income or interest obtained from placing funds in non-Shariah banks. However, according to the decision of the Ulama Council, non-halal income is not allowed to be used as the main profit or income of the bank. From an accounting perspective, non-halal income must be disclosed separately from Shariah-compliant halal income of the Shariah bank, such as musyarakah, mudharabah, murabahah, and others, based on PSAK 101. However, non-halal income can be used for social purposes as a form of purification for violating Shariah in transactions. From the aspects of utilization, Recognition, measurement, presentation, and disclosure, Bank Aceh Syariah is in accordance with PSAK 101 but the presentation and disclosure of non-halal income should be fully disclosed in the report. However, the source of obtaining non-halal income by Shariah banks appears paradoxical and inconsistent because Shariah banks invite the public to migrate from non-Shariah banking, while the Shariah bank itself still uses non-Shariah banks to store its funds and obtain interest on those funds, and use them for the benefit of Bank Aceh Syariah.

4.2. SUGGESTIONS

This study is still limited to the main data and information from the annual report of Bank Aceh Syariah, so the information presented in the annual report may not provide a comprehensive overview of the sources of non-halal income and their use. Therefore, further research is expected to delve deeper into non-halal transactions and giro placements in non-shariah banks by obtaining information directly from the shariah bank through interviews with relevant parties. In addition, further research can be done by comparing the practice of implementing the social responsibility of shariah banks in various countries, whether using non-halal funds or halal funding sources.

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