CHAPTER FOUR

FINDING AND ANALYSIS

A. The Supervision of Sharia Cooperative by Cooperative and Small and Medium Enterprise Office Yogyakarta.

Cooperative supervision is the efforts made by cooperative supervisors, sharia supervisory boards, the government, cooperative movements, and the community so that the organization and business of the KJKS are properly organized in accordance with the applicable laws.¹ The position of the Ministry of Cooperative and Small and Medium Enterprise is to implement the element of the government with the task of assisting the President to coordinate policy formulation and coordination of the implementation of cooperative and small and medium empowerment policies in Indonesia.²

1. The Role of Cooperative and Small and Medium Enterprise Office of Yogyakarta in Supervise Sharia Cooperative

Supervisors are elected by the Member Meeting to oversee the implementation of Annual Member Meeting decisions and also ideology. The duty of the supervisor is not to find fault but to keep the activities carried out by the cooperative in accordance with the ideology, cooperative AD / ART and the decision of the Member Meeting.

Actually, the supervision of cooperative and sharia cooperative is not really different as the different is only on the supervisor. Beside Cooperative and Small and Medium Enterprise Office as the supervisor, Sharia Cooperative also has Sharia Supervisory Board as the supervisor. Supervision is carried out by the

¹ Ministerial Regulation of Small and Medium Enterprise Ministry No. 16/Per/M.KUKM/IX/2015 on Regarding the Implementation of Savings and Loan Business Activities and Sharia financing by the Cooperative.

² Art. 94 of Presidential Decree No. 9/M/2005 on Small and Medium Enterprise Cooperative ministry

deputy for supervision. The duty of Deputy for Supervision is to organize policy formulation, coordinate and synchronize policy implementation in the fields of:

- a. Improved compliance with laws and regulations
- b. Institutional examination of cooperatives
- c. Examination of savings and loan business
- d. Enforcement
- e. Health assessment of savings and loan business.

Table 2.

The Organization Structure of Deputy for Supervision of Cooperative and

Small and Medium Enterprise Ministry

DEPUTI BIDANG Sub Bagian Program PENGAWASAN Bagian Perencanaan Sub Bagian Pelaporan Sub Bagian Keuangan Bagian Umum Sub Bagian Tata Usaha establishment The of SEKRETARIAT DEPUTI BIDANG **KELOMPOK JABATAN FUNGSIONAL** PENGAWASAN ASDEP ASDEP ASDEP PEMERIKSAAN USAHA PENILAIAN KESEHATAN ASDEP PEMERIKSAAN SIMPAN PINJAM **USAHA SIMPAN PINJAM KEPATUHAN KELEMBAGAAN Bidang Pemeriksaan** Bidang Pemeriksaan Usaha **Bidang Penerapan Sanksi** Bidang Kepatuhan Legal **Bidang Konvensional** Organisasi Simpan Pinjam Konvensional Bidang Sub Penerapan Sub Bidang Pemeriksaan Sub Bidang Pemeriksaan Sub Bidang Penilaian Kesehatan Sub Bidang Penerapan Sanksi Peraturan dan Hukum Manajemen Organisasi Penghimpunan Dana KSP Administrasi Sub Bidang Evaluasi Penerapan Bidang Pemeriksaan Bidang Pemeriksaan Sub Bidang Penilaian Kesehatan Sub Sub Sub Bidang Pelimpahan Perkara Peraturan dan Hukum Organisasi Usaha Penyaluran Dana USP Koperasi Bidang Kepatuhan Usaha dan Bidang Pemeriksaan Usaha Bidang Pemeriksaan Kinerja **Bidang Syariah** Bidang Pemantauan Keuangan Simpan Pinjam Syariah Bidang Penilaian Sub Bidang Pemeriksaan Kinerja Bidang Pemeriksaan Sub Sub Sub Bidang Pemantauan Sub Bidang Kepatuhan Usaha Kelembagaan Penghimpunan Dana Kesehatan KSP Pola Syariah Pelaksanaan Sanksi Sub Bidang Kepatuhan Sub Bidang Pemeriksaan Kinerja Sub Bidang Sub Bidang Penilaian Kesehatan Pemeriksaan Sub Bidang Pemantauan Keuangan USP Pola Syariah Pembiayaan Keuangan Keputusan Hasil Pelimpahan Bidang Pemeriksaan Laporan **Bidang Pemeriksaan Laporan Bidang Tindak Lanjut** Bidang Kepatuhan Transaksi **Bidang Rehabilitasi** Penilaian Kesehatan Keuangan Keuangan Simpan Pinjam Sub Bidang Pencegahan Sub Bidang Pemeriksaan Sub Bidang Pelaksanaan Sub Bidang Rehabilitasi Transaksi Mencurigakan Sub Bidang Audit Financial Eksternal Rekomendasi Kelembagaan Sub Bidang Pemeriksaan dan Sub Bidang Pemeriksaan Sub Bidang Audit Khusus Sub Bidang Pemantauan Tindak Sub Bidang Rehabilitasi Usaha Pelaporan Lanjut Rekomendasi Internal KELOMPOK JABATAN FUNGSIONAL

Source: perative and Small and Medium Enterprise office of Yogyakarta

sharia cooperative is based on Regulation of Cooperative and small and medium enterprise ministry No. 16/Per/M.KUKM/IX/2015 with regard to business feasibility and benefits for its members. Sharia Cooperative is also regulated on the regulation of deputy for supervision of Small and Medium Enterprise Cooperative Office No. 02/Per/Dep.6/IV2017, on that regulation explain the guidelines of cooperative compliance supervision.

According to M. Yusuf Choerullah,³ the cooperative compliance is obedience in implementing the prevailing norms in cooperatives in accordance with the laws and regulations⁴. The guidelines of cooperative supervision compliance have the purposes, namely:

- a. Realizing a culture of compliance in every cooperative organization;
- b. Realizing that policies, systems and procedures are in accordance with the values of the Cooperative as well as the laws and regulations, including sharia principles, so that the Cooperative becomes an orderly organization.⁵

Supervision and inspection of cooperatives are activities carried out by officials in charge of cooperatives to supervise and examine cooperatives so that activities are carried out properly accordingly with statutory regulations (Regulation of the Minister of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia No. 17/Per/M.Kukm/IX/2015 concerning Cooperative Supervision).⁶ Activity supervision of cooperatives in Yogyakarta is carried out by the Small and Medium Enterprise Cooperative Office of Yogyakarta.

The examination is carried out with the intention to obtain the truth of the information on the Savings and Loans business submitted by the Cooperative to

³ Choerollahh is Assistant Deputy of Compliance of Deputy of Supervision of the Ministry of Small and Medium Enterprise Office

⁴ Ade Dian, "Workshop penerapan Kepatuhan Koperasi" available on <u>http://diskumkm.jabarprov.go.id/index.php/en/news/workshop-penerapan-kepatuhan-koperasi</u> Accessed on Tuesday, October 10^{th,} 2018

⁵ Art. 2 of Regulation of deputy for Supervision of Small and Medium Enterprise Cooperative Office No. 02/Per/Dep.6/IV2017 on The guidelines of cooperative compliance supervision

⁶ Fitrianingsih Dwi Lestari, "Efektifitas Pembinaan dan Pengawasan Koperasi oleh Pemerintah Daerah", *PRIVAT LAW*, VOL: 6 NO: 1 2018 Page. 46

the Small and Medium Enterprise Cooperative Office / Supervisory Officer and to find out the Cooperative's compliance with the applicable provisions.⁷ There is some aspect supervised by the ministry, there are:

- a. Financial Audit
- b. Compliance Audit
- c. Management Audit⁸

Small and Medium Enterprise office also has several methods to supervise sharia cooperative, the have active supervision, passive supervision, and preventive supervision.

a. Active Supervision

Supervising by visiting and coaching the problematic cooperatives. for example, cooperatives that are deemed to have committed irregularities in their business activities, cooperatives that have decreased assets or business income.

b. Passive supervision

Passive supervision is carried out by checking financial development reports sent by sharia cooperatives on a regular basis with the cooperative office. In addition, passive supervision is also commonly carried out by mediating between the parties who involved in the dispute (between cooperatives and members, and between cooperatives and non-members)

c. Preventive Supervision

Preventive supervision is carried out with the aim of coaching and prevention. This was done to prevent sharia cooperatives from doing wrong things that contradicted to the regulations and fatwa of MUI.⁹

 ⁷ Dinas Koperasi DIY, "Diklas Koperasi Syariah 2018", Available on http://diskopumkm.jogjaprov.go.id/publik/diklat-koperasi-syariah-diy/ Accessed on Tuesday, October 9th 2018
⁸ Ibid

d. The Certain Circumstances Supervision

This supervision is carried out when there is a problem in the cooperative, in other words, this supervision is done when needed or in certain circumstances.

The scope of Cooperative and small and medium enterprise ministry consists of five aspects, namely:

a. The Application of Compliance

Aspects of implementation of compliance as referred to in Article 5 letter an in accordance with the laws and regulations include:

- a. Legal Compliance
- b. Business and Financial Compliance
- c. Transaction Compliance
- b. The Institutional of Cooperative

The institutional aspects of cooperatives that are compiled above include legality completeness consisting of the Cooperative Establishment Deed, Articles of Association, amendments to the Articles of Association for Cooperatives, business licenses, licenses for opening branch offices, subbranch offices and cash offices, completeness of Cooperative organizations that reflect the task structure, control range, and internal control unit.

c. Saving and Loan Business

Aspects of the savings and loan business that are compiled above include:

⁹ Art. 7 of Regulation of Cooperative and small and medium enterprise ministry No. 17/Per/M.KUKM/IX/2015 on The Supervision of Cooperative

- Fund raising comes from members, prospective members, other cooperatives and/or their members, banks and other financial institutions, issuance of bonds and other debt securities, and other legitimate sources, as well as investment capital
- Control the balance of funds between sources of funds and distribution of funds so as not to over liquid and illiquid
- Channeling of funds to channel funds that are in the form of productive assets reduces congestion¹⁰
- d. Health Assessment of Savings and Loan Business

Health assessments of Islamic Financial Services Cooperatives and Sharia Financial Services Units are carried out by Sharia Financial Cooperatives and Islamic Financial Services Unit health appraisers who meet the requirements of the Cooperative and Small and Medium Enterprises at the Central, Provincial and Regency / City levels. KJKS health level assessment is very useful to provide an overview of the actual conditions of KJKS to interested parties, especially for customers and managers. In addition, knowing the level of health will help certain parties in making decisions so that they avoid making decision mistakes.¹¹ The aspect of health assessment of savings and loan business as referred to in Article 5 letter d is carried out by conducting an assessment through both qualitative and quantitative approaches to the following aspects:

- 1) Capital.
- 2) Productive Asset Quality.

¹⁰ Ibid.

¹¹ Fida Arumningtyas, "Penilaian Kesehatan Koperasi Jasa Keuangan Syariah (KJKS) Berkah Madani Periode 2015-2016", *Islamic Economic Journal*, Vol 3 No. 2 ISSN: 2460-1896 E-ISSN 2541-5573 (December 2017) Page. 254

- 3) Management.
- 4) Efficiency.
- 5) Liquidity.
- 6) The identity of Cooperative.
- 7) Growth and Independence.
- Compliance with sharia principles for sharia pattern savings and loan business.
- e. The Application of Sanction

Aspects of the savings and loan business that are compiled above include

- 1) Administrative Sanctions;
- 2) Handover of Cases
- 3) Monitoring The Implementation of Sanctions
- 4) Handover
- 5) Institutional Rehabilitation
- 6) Business Rehabilitation

There are several sanctions which regulated on Ministry Decision no 91 of 2004 such if KJKS late delivered a quarterly (*Triwulan*) report for a period of 1 (one) month from the specified schedule for delivering the report, subjected to a written reprimand, and also Administrative Sanction, the decline in the level of health. The heavies sanction for KJKS is a dissolution, as mentioned on Art 44 of Ministry Decision no 91 of 2004, dissolution can be done by the member and government. The dissolution by the member is through members meeting while the dissolution by the government is done after the Cooperative and Small and Medium Enterprise office get a report

from DPS or find an infringement which conduct by KJKS. The creditor can ask the fund or money in 3 month since get the receipt of notice of dissolution

The authorized official dissolves the Sharia Financial Services Cooperative or a cooperative that has an Islamic Financial Services Unit if the Cooperative concerned, based on the assessment of the Sharia Supervisory Board has proven to violate sharia principles in carrying out its business activities.¹² As explained above, sharia financial service cooperative has officials who conduct health assessments as explained on decision of the ministry of cooperative and small and medium enterprise No. 91/Kep/M.KUKM/IX/2004

2. The Coordination of Implementation of Supervision

Cooperative and small and medium enterprise also do Coordination with some institution to support the supervision of sharia cooperative, Coordination of the implementation of Cooperative supervision is carried out jointly by:

- a. Police
- b. Attorney
- c. Controlling of Financial Transaction Analysis Center (PPATK)

Supervision coordination is intended to reduce the negative impacts regulated in the joint agreement text.

¹² Art 42 of Cooperative and Small and Medium Enterprise Ministry Decision No. 91 of 2004 on Instruction for Implementing Cooperative Business Activities Sharia Financial Service

Table 3.

List of Sharia Cooperatives Disbanded By Small and Medium Enterprise Service of Yogyakarta¹³

No.	Name	Legal Entity		Address
		Nomor	Establish	Address
1	Koperasi Syariah Syafa	064/KD/AD/I/2010	6 Januari 2010	Jl. Mrican UH 7/335, Giwangan, Kec. Umbulharjo, Kota Yogyakarta, D.I. Yogyakarta
2	Syariah Amanah	023/KD/AD/III/2005	31 Maret 2005	Jl. Kusumanegara (Bank BNI), Semaki, Kec. Umbulharjo, Kota Yogyakarta, D.I. Yogyakarta
3	KSU Syariah BMT Eldata	17/BH/KPTS/V/2008	3 Mei 2008	Notoprajan NG II/2/3, Notoprajan, Kec. Ngampilan, Kota Yogyakarta, D.I. Yogyakarta
4	KSU Syariah Jogja Prima Sejahtera	26/BH/KPTS/XII/2007	19 Desember 2007	Jl. Kusumanegara No 224, Umbulharjo, Kec. Umbulharjo, Kota Yogyakarta, D.I. Yogyakarta

For the purposes of creditor and the members of the Cooperative against the dissolution of the Cooperative, resolution of dissolution is performed. The settlement was carried out immediately after the dissolution of the Cooperative decision issued. The resolver is responsible to the power of member meeting in terms of projected appointed by the meeting of members and to the Government in terms of the resolver was appointed by the Government.

¹³ Data from Cooperative and Small and Medium Enterprise Service of Yogyakarta

B. The Supervision of Sharia Cooperative by Sharia Supervisory Board

1. The Urgency of Supervision of Sharia Supervisory Board

As an important organ in Sharia Cooperative business, Sharia Supervisory Board specifically does not yet have the arrangements as in the financial bank institution, as regulated in Law No. 21 of 2008 concerning Sharia banking. The existence of Sharia Supervisory Board in sharia business is organized by Sharia Cooperative and regulated in the Minister of Cooperatives and Small and Medium Enterprises Regulation,¹⁴ such as the arrangement in the Minister of Cooperatives and Small and Medium Enterprises Decree No. 91 of 2004, but in this decision, it is still possible not to have DPS. In Regulation of the Minister of Small and Medium Enterprises Number 16 of 2015 concerning the Implementation of Savings and Loans and Sharia Financing requires all sharia cooperatives to run sharia microfinance businesses to have Sharia Supervisory Board in each head office. The number of Sharia Supervisory Board (DPS) Sharia Cooperatives is at least 2 people and half have DSN-MUI certification.

Supervision of sharia compliance in Islamic financial institutions is very important to do and it cannot be separated from the role of the function of Islamic financial institutions in serving the community.¹⁵ Thus, the knowledge of DPS in Sharia Cooperative or in other Islamic financial institutions is not just understanding in "muamalah fiqh" only, but is also required to understand consumer protection laws and operational management of financial institutions. With this literacy and knowledge, DPS has a very large responsibility in carrying out various controls.

¹⁴ Abdul Mujib, "Dewan Pengawas Syaria pada Lembaga keuangan Mikro Syaria di Jawa Tengah" Az Zaqra' Vol. 9 No. 1. (Agustus 2017). Page 136.

¹⁵ Agus Yuliawan, "Urgensi Pengawas Syariah di Koperasi" Available on

http://www.neraca.co.id/article/101205/urgensi-pengawas-syariah-di-koperasi accesed on Wednesday October 17th . 9.29 PM

The scope of supervision by Sharia Supervisory Board can be divided into two, namely:¹⁶

a. Organizational Structure

Supervision of the organizational structure is carried out to each board of LKS. This supervision is focused on understanding and performance of Sharia Financial Institution (LKS) managers and employees. If DPS find the performance of the board and employees of LKS is lacking or not in accordance with sharia

b. Financed Business Operation

This supervision is focused on products and operationalization products issued by LKS. As well as a scope of organizational structure, under this supervision DPS can take action when finding business operations that are funded less or not accordingly with sharia principles. The same with other Islamic Financial Institutions, sharia supervision has important urgency both for the internal interests of the institution, the community and sharia economic development in general. With the supervision of sharia that runs optimally, psychologically it will foster comfort and activity transact, both the people who will be in contact with Sharia Cooperative, as well as the managers and administrators who run BMT operations. For economic development of Sharia, optimizing Sharia Supervision in sharia cooperative will minimize errors and irregularities that have occurred, and in a way will renew optimism of the community in welcoming the development of Islamic economics.

¹⁶ Adrian Sutedi, 2009, perbankan Syariah: Tinjauan dan Beberapa Segi Hukum. Bogor: Ghalia Indonesia. Page 136 - 137

The Sharia Management Board is in charge to supervise the implementation of the business activities of the Sharia Financial Services / Sharia Financial Services Unit based on sharia principles and reporting the results of its supervision to the Officials.¹⁷ Specifically related to Sharia Cooperative, the sharia supervision has several urgency values, including the following;

- Sharia Cooperative is an Islamic Financial Institution under the Ministry of a Cooperative and Small and Medium enterprise, so it does not have a strict flow of control and supervision as a Sharia Bank. The existence of sharia supervisory board on sharia cooperative indirectly becomes a means of the internal institutional audit is the guidance coaching done by the government. In Ministry Decision No. 91 concerning Operational Guidelines for Sharia Cooperative, the Sharia Supervisory Board internal supervision function is mentioned in article 32: The Sharia Supervisory Board assumes supervision of the implementation of Sharia Financial Services/Sharia Financial Services Unit based on sharia principles and reports the results of its supervision to officials. What is meant by this Officer as mentioned in the General Provisions Chapter is: government apparatus that is determined by the Minister and authorized to ratify the deed of establishment, amendment of articles of association and dissolution of cooperatives at the central, provincial and district/city levels.¹⁸
- b. Because it is not bound and not related to the Bank Indonesia Regulation, then in the development and innovation of its products, Sharia Cooperative has a wider range of motion. Because it is enough to base it on the design of

¹⁷ Art 32 of Decision of Ministry of Cooperative and Small and Medium Enterprise No. 92/Kep/M.KUMK/IX/2004

¹⁸ Hatta Syamsudi Lc, "Optimalisasi Pengawasan Syariah di BMT", Available on <u>https://www.academia.edu/31068771/Optimalisasi Pengawasan Syariah di BMT atau Koperasi Syariah</u>, Accessed on Saturday, October 13rd 2018, 6.49 PM. Page

its products on fatwas issued by the National Sharia Council - Indonesian Ulama Council. To currently, the DSN MUI¹⁹ has issued 82 Fatwas regarding sharia contracts and transactions, which are still a small portion applied in BMT. To translate and elaborate the DSN-MUI Fatwa in the form of a product contract, it is absolutely necessary to have an optimal sharia supervisory board. More about product innovation and the role of sharia supervisory board in it will be discussed separately.

c. Sharia Cooperative was born, lived and grew up in the community. Members of sharia cooperatives are usually the lower middle class who live in rural and corner urban. They entrust funds to Sharia Cooperative mostly for reasons of proximity, closeness to the management, and of course the comfort of the sharia side. People who save money on Sharia Cooperative are more due to the factor of 'sharia loyalists' rather than factors seeking profit from Return on Investment. As a sharia loyalist, the community demands that Sharia Cooperative actually run in accordance with the principles and values of sharia, both in terms of contract, application and management. Community trust and love will be maintained as long as the BMT is able to prove the running of sharia supervision properly and optimally.

One of the main things that distinguish between Islamic and conventional financial institutions is the existence of a sharia supervision system (riqobah syar'iyyah). So both Islamic financial institutions²⁰ in the form of banks and non-banks are also required to have a Sharia Supervisory Board in their institutional

¹⁹ National Sharia Council of MUI was formed in order to realize the aspirations of Muslims regarding economic problems and encourage the application of Islamic teachings in the field of economics / finance carried out in accordance with the guidance of Islamic law.

²⁰Islamic Financial Institution is business entity whose activities in the field of Islamic finance and assets in the form of financial and non-financial assets based on sharia principles.

structure.²¹ "Sharia Supervisory Board must be established in Sharia Banks and Commercial Banks Conventional that has an Islamic business unit".²²

Sharia Cooperative as Sharia Microfinance Institutions also has the same obligation in the establishment of Sharia Supervisors. The Decree of the Minister of Cooperatives and Small and Medium Enterprises No. 91 of 2004 which regulates the Operational Guidelines for Sharia finance Cooperation Activities also mentions in general in the articles concerning the position of Sharia Supervisory Board in Islamic finance cooperation institutions, along with several authorities related to Islamic finance cooperation operations.

2. The Duty and Authority of Sharia Supervisory Board

The duty of DPS is to discuss the problems and business transactions and they determined that transaction or problem was appropriate or not in accordance with sharia. While among the authorities of DPS are:

- To provide sharia guidelines to banks for the deployment of funds, a. distribution of funds, and other bank activities.
- To make improvements if a product being run is considered not in accordance b. with sharia.²³

Base on a book which published by Bank Indonesia it is explained that DPS has three positions:

 ²¹ Hatta Syamsudi Lcm, *Op.Cit.* Page 6
²² Law no. 21 of 2008 on Syariah Bank

²³ Karnaen Perwataanmadja and Muhammad syafii Antonio, 2004, Apa dan Bagaimana Bank Islam, Yogyakarta, Dhana Bakti Wafaf: Page 23

- As an advisor and adviser to the board of directors, the head of the Sharia Business Unit, and the head of the sharia branch office concerning matters relating to sharia aspects.
- b. As a mediator between banks and DSN in communicating proposals and suggestions for the development of bank products and services that require studies and fatwas from DSN.
- c. As a representative of the DSN placed in the bank. DPS is obliged to report the business activities and development of Islamic banks that they supervise to DSN at least once a year. In addition, the position of DPS in Islamic banks also has the status of guarantor that the bank under its supervision runs in accordance with sharia principles.²⁴ Basically, Sharia Supervisory Board has several duties, Government officials who responsible in Cooperative sectors to carry out the coaching of Sharia Financial Services Cooperative and Sharia Financial Services Units Cooperatives as follow:
 - a. To monitor the development of Sharia Financial Services Cooperatives and Sharia Financial Services Units on a regular basis through the financial statements of the Sharia Financial Services Cooperative and the Cooperative Islamic Financial Services Unit concerned;
 - b. To conduct a examination of both the organization as well as its business, including the implementation of appropriate member coaching programs Standard Operating Procedure (SOP) for Islamic Financial Services Cooperatives and Sharia Financial Services units;

²⁴ Jaih Mubarok, 2004, Perkembangan Fatwa Ekonomi Syariah, Bandung : Pustaka Bani Quraisy, Page 17

c. To conduct health assessments of Islamic Financial Service Cooperatives and Service Units Islamic finance in accordance with the profit sharing pattern (Sharia) health standard.²⁵

In carrying out their duties DPS has a mechanism of work. And they have to obey with that mechanism; this is the mechanism which explained in the Guidelines of DSN,namely:

- a. Do the periodic Supervision to Sharia Financial Institution which takeover under themselves
- b. Oblige to submit proposals for the development of sharia financial institutions to the leaders of the institutions concerned and to the DSN.
- c. Report the progress of product and operational of sharia financial institution under their supervision to DSN at least twice a year.
- d. Formulate the problems which required the discussion of DSN.

As already explained above, at least it can be seen that there is fundamental difference between DSN and DPS in the authority assumed by each Board. DSN has the authority to establish and issue Islamic law fatwas relating to sharia economic and financial activities while DPS only monitors the implementation of DSN fatwas in the field carried out by economic institutions or Sharia Financial Institutions.

Referring to the DPS task responsibilities that have been explained above, it can be seen that DPS has a unique role within the scope of the Sharia Financial Institution. The uniqueness is not more than the two roles that exist in DPS, namely the role of guarantor of the implementation of the sharia

²⁵ Art 31 of Decision of Ministry of Cooperative and Small and Medium Enterprise No. 92/Kep/M.KUMK/IX/2004

principle and the role of operational supervisor of sharia by Sharia Financial Institution.²⁶

3. The Procedure of Supervision by Sharia Supervisory Board

In conducting supervision, DPS can implement through these three procedural supervisions with the following explanation:

- a. The procedures or step of supervision planning at this step is DPS made plans related to the step supervision that will be a carried out. This step is important and most basic stage because the results in this step will be the reference and guidelines for DPS in carrying out supervision of LKS (*Lembaga Keuangan Sharia*). Supervision planning is adjusted to the scope of DPS supervision;
- b. To carry out procedures, prepare and review audit work papers, this stage is the operational step of the first step. At this step, the job of DPS accordingly with plans that have been made to make it easier supervision, then in this step DPS can do one form of supervision by conducting a review inspection paperwork.
- c. Documenting the conclusion and report, this step is the final step which is the step archiving that needs to be done by DPS. This is important so that any development of supervision can be monitored as material for job evaluation and consideration in determining the supervision model to be carried out in the future.

Beside conducting routine supervision, sharia supervisory board can also do direct report if there is an activity which violates the fathwa of DSN. If the sharia cooperative in running their activity is not in line with the fathwa of DSN the sharia supervisory board can give the report to Cooperative and small and

²⁶ Kuat Ismanto, 2009, *Manajemen Syariah : Implementasi TQM dalam Lembaga keuangan syaria*, Yogyakarta: pustaka pelajar. Page 114

medium enterprise office without having to wait for the annual report and small and medium enterprise office will give the sanction

4. The Challenge and Obstacle of Sharia Supervisory Board to Supervise Sharia Cooperative

The current sharia audit problem is the absence of specific guidelines regarding competencies that must be owned by sharia auditors so it is still very difficult to find a sharia auditor who has competence and independence. Nowadays the Islamic audit is only functioned as a complementary audit of the financial audit. In addition, sharia audit opinions have not been found, such as financial audits from independent auditors.

Thus, this has become a serious problem and challenge for sharia auditors, especially DPS in Indonesia. Sharia auditor competence is different from auditors in general because the sharia auditor must combine financial aspects and sharia aspects of the company's operations. The competencies possessed by sharia auditors on sharia and accounting knowledge are relatively inadequate. This will be a challenge for practitioners to recruit graduates who master sharia and accounting knowledge.²⁷

²⁷ Etika Rosy, "Tantangan dalam Rekruitmen DPS pada Lembaga Keuangan Syariah di Indonesia" Available on http://www.depokpos.com/arsip/2018/10/tantangan-dalam-rekruitmen-dps-pada-lembaga-keuangan-syariah-di-indonesia/ . Accesed on Wednesday October 17th, 2018. 9.12 PM.