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LEGAL PROTECTION FOR USER STUDENTS E-MONEY AS A NON-CASH PAYMENT TOOL IN THE ISLAMIC BOARDING SCHOOL ENVIRONMENT

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ABSTRACT | 摘要 | RESUMEN

Electronic money or known e-money according to the explanation of general provisions in article 1 of Bank Indonesia Regulation Number 20/6/PBI/2018 concerning Electronic Money. Advantage of use e-money a faster transaction process compared to cash because there is no need for online authorization, signature or pin and balance e-money can be filled in from various means provided by the publisher. The formulation of the problem that will be study in this research is how legal protection is for student users e-money as a means of non-cash payment in the Islamic boarding school environment. The research results show that students who are legal subjects also have the right to receive protection. The form of protection provided to citizens of the relevant country e-money regulated in Bank Indonesia regulations and POJK No. 1 of 2013 concerning electronic money and also in DSN MUI Fatwa 116/DSN-MUI/IX/2017.

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1. INTRODUCTION

Changes in people's lives continue to develop with the increasingly rapid development of information technology in this era. This development affects various sectors in social, cultural, educational, security and economic. In the monetary sector, we continue to develop to keep up with technological developments, one of them is banking which continues to innovate in its services. Customers as users of banking services must receive special attention from banks to always provide the best service [2]. In banking, certain there are financial transactions in which currently money is also developing into electronic money.

Electronic money or what is known as e-money according to the explanation of the general provisions in article 1 of Bank Indonesia Regulation Number 20/6/PBI/2018¹ concerning Electronic Money, is a payment instrument issued by an issuer whose user previously deposited money with the issuer which already saved on a server or chip. Based on the above understanding, e-money is a non-cash payment made by depositing money then saved on the server.

Advantages of use e-money is a faster transaction process compared to cash because there is no need for online authorization, signature, pin and supply e-money has been provided by the publisher. A simple example when making transactions with a small number of users e-money no need to be confused about exact change or receiving change and no need to worry about calculating errors in transactions [2]. There is still the possibility of calculation errors occurring because of this human error or servers that are hacked by someone else.

Presence e-money this not even applies to society in general but has spread to the Islamic boarding school environment. The beginning for the national movement to use electronic money was pioneered by the Daruut Tauhid Islamic Boarding School, Tebuireng Jombang Islamic Boarding School, Sunan Pandanaran Islamic Boarding School [13]. With development e-money Bank Indonesia is increasingly taking the opportunity to collaborate with Islamic boarding schools, such as the Darut Tauhid Islamic Boarding School and the Nurul Jadid Islamic Boarding School [7]. Not only that, already a lot Islamic boarding school are implementing electronic money in financial transaction activities with in the Islamic boarding school environment.

The Islamic boarding school aims to implement e-money as a means of payment to make it easier for students, Administration in Islamic boarding school and student guardians in managing

¹ Bank Indonesia Regulation Number 20/6/PBI/2018, <https://www.bi.go.id/en/publikasi/peraturan/Pages/PBI-200618.aspx> (accessed 23.02.2024).

financial circulation. Just as among Islamic boarding school students it is to minimize loss of money, among Islamic boarding school administrators it is a method of building the character of frugal living for students; and among Islamic boarding school guardians, it is to make it easier for Islamic boarding school guardians to pay boarding school fees, food money, pocket money and so on [14]. The guardians of students no longer need to regularly visit the Islamic boarding school every week or every month to control the finances of their sons/daughters at the Islamic boarding school because it has been made easier with the system in-money implemented by Islamic boarding schools.

It happened e-money The Islamic boarding school environment, which is an environment with a solid Islamic religion, must avoid the prohibitions regulated by law. Nyoman's research (2013) discusses the form of legal regulation of electronic money regulated in Bank Indonesia Regulation Number 11/12/PBI/2009 concerning Electronic Money and through standard agreements regulated by the issuer in the form of terms and conditions for card holders. Tasya's research (2023) discusses transaction practices and how Islamic law reviews multi-contract practices in card transactions. E-Provisions used as a means of non-cash payment at the Nurul Jadid Islamic boarding school based on Muqāranah madzāhib or comparison of madzhab. Irsyadul's research (2022) discusses legal review (fiqh) in using transactions Smart Card Students.

The current research has novelty value from previous research, namely that the recent research discusses legal protection for student students e-money. The formulation of the problem that studied in this research is how legal protection is for student users e-money as a means of non-cash payment in the Islamic boarding school environment. Due to this, the research with the title "Legal Protection of User Students E-money As a Non-Cash Payment Tool in the Islamic Boarding School Environment" This important to do with academic studies and data to produce conclusions that provide arguments for the issues raised.

2. RESEARCH METHODS

In legal research, an approach needed as an auxiliary medium for analysing the legal issues studied. The research approach used a statutory approach and conceptual approach. The abstract approach departs from the views and doctrines that develop in legal science, then the legislative approach is carried out by examining all laws and regulations related to the legal issue. By studying the views and doctrines that

develop in legal science, this research can find ideas which then give rise to legal understanding and concepts and legal principles related to the issues [11].

3. RESULTS

Definition of Santri and Islamic Boarding School

Santri in the definition, according to Gus Mus, "Santri are kiai students who are educated with love to become strong believers (who not shaken in their faith by relationships, interests, and differences), who love their country, and at the same time respect their teachers and parents even though both of them are gone. A group of people who have compassion for fellow humans and are good at being grateful"².

The term pesantren is no stranger to hearing in the community because pesantren is an educational institution that is growing in the community. Definition According to Halili, Pesantren has a unique feature with the presence of kyai as teachers, hostels, mosques or musholla and the presence of santri who live in the hostels; Pesantren is also an educational institution that pays great attention to building people in good direction and having empathy for others, both traditional and modern [5]. According to Suib, the term pesantren cannot separated from kiai, santri, kitab kuning and mosque, these four elements distinguish pesantren from other institutions [15].

Payment system

The payment system brings together parties who receive and pay in transactions. The institution that plays a vital role in the payment system is the Bank, which has an intermediary function because the Bank is a direct legal source that facilitates the transfer of funds between agents. In this payment system, several terms are known to interested parties.

First, called with cardholder, is a user of a payment card issued by an issuer. In this case, those referred to as cardholders are Islamic boarding school students; second, Issue, is a banking institution that creates and issues cards to users (cardholders). Examples of issuers are banks that issue credit cards such

²Definisi Santri Menurut Gus Mus, artikel Nu Online, <https://www.nu.or.id/nasional/definisi-santri-menurut-gus-mus-dw7wM> (accessed 23.02.2024).

as Bank Lippo, Bank BCA, and other banks. Third, Merchant, internet-based payments require the Merchant to be the person who provides goods or services to be exchange for payment [3].

Fourth, called an Acquirer, is a banking institution that creates accounts for shops that accept payments and carries out the authorization process for payment cards received by merchants from cardholders. Such as Bank Mandiri, BCA, CitiBank, and so on; fifth, Payment Gateway, which is a device operated to process payment messages, including payment instructions from cardholders by acquirers or third parties; sixth, The Brand Holder is the developer of the payment card system, who protects, promotes and creates rules for its use. There are several brand holders who are economic institutions and act as issuers or acquirers. For example, brand holders are Visa, MasterCard, Amex, and so on; seventh, third party which used to run the payment gateway by the acquirer or issuer [3].

The methods presented in the payment system start from the simplest to manual. Offers from non-cash payment sites include bank settlement services and intermediary payments. Bank Indonesia regulations explain that the value of money issued is stored electromagnetically in a media server, as a means of free deposit of money as a means of payment for users and traders [13].

Legal Protection for User Students' E-Money as a Non-Cash Payment Tool in the Islamic Boarding School Environment

Legal protection can simply be interpreted as an effort to protect the rights of citizens through statutory regulations. Talking legal protection indeed cannot be separated from the rule of law, where a country has a close relationship with its citizens regarding the rules that will be set for its citizens [17]. According to Hetty Hasanah, legal protection is any effort that can guarantee legal certainty, so that it can provide legal protection to the parties concerned or those taking legal action [6].

Indonesia a country of law certainly has principles related to legal protection, the principles based on Pancasila and the concept of the rule of law, the two sources prioritize recognition and respect for every human being [1].

E-money is a payment instrument issued since 2007 in Indonesia through Bank Indonesia Regulation 11/12/PBI/2009 concerning electronic money (e-money) [12]. According to the Bank for International Settlements-money “stored-value or prepaid products in which a record of the funds or value available to a consumer stored on an electronic device in the consumer’s possession.” It can be interpreted

that e-money is a card-based or prepaid electronic money product where the user deposits money with the issuer for refill and the value of the funds are recorded and stored for later use. e-Money can be used for all kinds of retail or small payments [16].

Development of e-money use continues to increase from year to year, initiated by the GNNT movement (National Non-Cash Movement) in 2018 reached 144,361,292 devices [8]. Bank Indonesia is trying to collaborate with several institutions, one of which is Islamic boarding schools. The Islamic boarding schools that started the experiment are the Darut Tauhid Islamic Boarding School, West Java and the Al-Mawaddah Islamic Boarding School, East Java; related campaigns e-money In Islamic boarding schools it continues to be encouraged until it reaches the Tebu Ireng Islamic Boarding School in Jombang³, then the Sunan Pandanaran Islamic Boarding School, Sardonoharjo welcomed this innovation by requiring its students, numbering approximately 3,000 students, to use e-money in transactions⁴.

A form of legal protection provides by the state for its citizens through statutory regulations. The use of e-money is based on Bank Indonesia Regulation Number 20/6/PBI/2018 concerning Electronic Money. In the PBI explanation, the administration of electronic money must pay attention to several principles, one of which is consumer protection. Furthermore, article 43, paragraph (2) explains the publisher's obligations, namely:

- a. limit requests and use of User data and, or information, to the extent necessary for the administration of Electronic Money;
- b. provide refilling facilities and infrastructure (Top Up) broadly for User needs, and;
- c. has a mechanism to compensate users for financial losses as long as the losses are not caused by the User's error or negligence.

Regarding this basis, it is the state's effort, case Bank Indonesia, to protect consumers who use electronic money. So that e-money users can make transactions more efficiently and safely without worry.

³Tebuireng Pelopori Transaksi Non-Tunai di Lingkungan Pesantren. NU Online, <https://nu.or.id/nasional/tebuireng-pelopori-transaksi-non-tunai-di-lingkungan-pesantren-OMCYw> (accessed 23.02.2024).

⁴ Santri Sunan Pandanaran Kini Wajib Transaksi tanpa Uang Tunai. <https://www.republika.co.id/berita/dunia-islam/islamnusantara/15/11/17/nxyaxk346-santri-sunan-pandanaran-kini-wajib-bertransaksi-tanpauang-tunai> (accessed 23.02.2024).

Apart from that, OJK also provides legal protection and supervises the payment system e-money which regulated in article 29 of OJK Regulation no. 1 of 2013 concerning consumer protection in the financial services sector. by providing customer service that is accurate, honest, clear not misleading, when a loss occurs to one of the parties.

In the Islamic boarding school environment, of course, the rules that made to shape the character of students based on Islamic law. Sharia there fore, it is implemented e-money in the Islamic boarding school environment, it must also be base on rules sharia. The DSN MUI fatwa explains that the administration and use of electronic money must be *riba*, *gharar*, *maysir* *tadlis*, *risywah*, *israf*, and transactions over haram or immoral objects. the fatwa also regulates protection for users, case a student at an Islamic boarding school. With all the activities in Islamic boarding schools, it is not uncommon for students to lose their personal belongings, including when students lose their cards e-money based on the provisions of Fatwa DSN if the card lost then the amount of money saved will not be lost.

Santri who are legal subjects also have the right to receive protection. The form of protection provided to citizens of the relevant country e-money regulated in BI regulations and POJK No. 1 of 2013 concerning electronic money is also a DSN MUI Fatwa 116/DSN-MUI/IX/2017⁵.

4. CONCLUSION

The presence of e-money not only applies to society in general but has spread to the Islamic boarding school environment, especially santri in Islamic boarding school. In the Islamic boarding school environment, of course, the rules that are made to shape the character of students are based on Islamic sharia law. So the implementation of e-money in the Islamic boarding school environment must also based on sharia rules. Santri are legal subjects and have the right to receive protection. The form of protection provided to citizens of the relevant country is regulated in BI regulations and Law No. Concerning electronic money, there is also the DSN MUI Fatwa 116/DSN-MUI/IX/2017.

⁵ Fatwa DSN MUI No. 116/DSN-MUI/IX/2017

REFERENCES

- [1] Al Waris et al, (2023). “Perlindungan Hukum Terhadap Hak-Hak Anak Dalam Kandungan Hasil Zina Perspektif Hukum Islam Dan Hukum Positif”, *Rechtenstudent Journal* 4 (1).
- [2] Ardiyanti, A. I. 2015. ‘Pengaruh Pendapatan, Manfaat, Kemudahan Penggunaan, Daya Tarik Promosi, Dan Kepercayaan Terhadap Minat Menggunakan Layanan e-Money (Studi Kasus: Mahasiswa Universitas Brawijaya)’, *jurnal Ilmiah Mahasiswa FEB Universitas Brawijaya*, Vol.03, No. 1.
- [3] Barkatullah, A. H. 2016. “Kedudukan Hukum Bank Yang Menjalankan Fungsi Sebagai *Payment Gateway* Dalam Transaksi Elektronik Di Indonesia”, *Al’Adl*, Volume VIII Nomor 2.
- [4] Candrawati, NNA, 2013. “Perlindungan Hukum Bagi Pemegang Uang Elektronik Dalam Melakukan Transaksi e-Money”, Tesis Universitas Udayana.
- [5] Halili, 2023. “Penggunaan E-Money di Lingkungan Pesantren Sebagai Bentuk Transformasi Sistem Pembayaran di Era Digital (Studi Kasus Pondok Pesantren Nurul Qarnain)” *Jurnal Maisiyatuna* Vol.4, No.3.
- [6] Hasanah, 2011. “Perlindungan Konsumen dalam Perjanjian Pembiayaan Konsumenatas Kendaraan Bermotor dengan Fidusia”. *Mimbar Hukum* Vol.23, No.3.
- [7] Hastriana, A. Z, 2017. “Pandangan Kiai Madura Terhadap Pembayaran Non Tunai”, ‘*Anil Islam: Jurnal Kebudayaan Dan Ilmu Keislaman*, Vol 10 No, 1.
- [8] Hidayati, N. nd. Analisis Pengaruh Instrumen Pembayaran Non-Tunai Terhadap Stabilitas Sistem Keuangan DI Indonesia.
- [9] Ibad, I dan Hakim, F. L. 2022. “Tinjauan Fikih terhadap Penggunaan Smart Card Santri sebagai Alat Transaksi Pembayaran Non Tunai di Koperasi Pesantren As’adiyah.”, *Wasathiyah: Jurnal Pemikiran Fikih dan Usul Fikih Ma’had Aly Salafiyah Syafi’iyah Sukorejo Situbondo*.
- [10] Madinah, T. (2023) “Tinjauan Hukum Islam Terhadap Praktik Multi Akad Dalam Transaksi E-Bekal Perspektif Muqāranah madzāhib (Studi Kasus Di Pondok Pesantren Nurul Jadid)” Skripsi UIN Maulana Malik Ibrahim Malang.
- [11] Marzuki, P. M. (2005) *Penulisan Hukum*. Jakarta: Kencana Prenada Media Group.
- [12] Pranoto, & Salsabila, S. S. (2018) “Eksistensi Kartu Kredit Dengan Adanya Electronic Money (E-Money) Sebagai Alat Pembayaran Pembayaran Yang Sah”. *Privat Law*, 6(1).

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- [13] Saifuddin (2023) “Risk Menejemen E–Bekal untuk Meningkatkan Pelayanan pada Santri di Pondok Pesantren Nurul Jadid”. *Reslaj: Religion Education Social Laa Roiba Journal* Vol 5 Nomor 2.
- [14] Sudianto (2021). “Implementasi Elektronifikasi Pembayaran Di Tmi Pondok Pesantren Al-Amien Preduan Sumenep Madura 2021” *Jurnal Penelitian Dan Pemikiran Keislaman*, Vol.8. No.1.
- [15] Suib, M. S. (2017) *Sinergitas Peran Pondok Pesantren Dalam Peningkatkan Indek Pembangunan Manusia (IPM) Di Indonesia*, Vol 1 No. 2.
- [16] Usman, R. (2017) “Karakteristik Uang Elektronik Dalam Sistem Pembayaran”. *Yuridika*, Vol 32 No.1.
- [17] Wahyu, M. (2022) “Perlindungan Hukum Terhadap Hak-Hak Anak Dalam Kandungan Hasil Zina Perspektif Hukum Islam Dan Hukum Positif”. Skripsi UIN Khas Jember

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ABOUT THIS ARTICLE

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PROTECCIÓN LEGAL PARA LOS ESTUDIANTES USUARIOS EL DINERO ELECTRÓNICO COMO HERRAMIENTA DE PAGO NO EFECTIVO EN EL ENTORNO DEL INTERNADO ISLÁMICO

RESUMEN

Dinero electrónico o dinero electrónico conocido según la explicación de las disposiciones generales del artículo 1 del Reglamento del Banco de Indonesia número 20/6/PBI/2018 sobre dinero electrónico. La ventaja de usar dinero electrónico es un proceso de transacción más rápido en comparación con el efectivo porque no hay necesidad de autorización en línea, firma o PIN y el saldo del dinero electrónico se puede completar desde diversos medios proporcionados por el editor. La formulación del problema que se estudiará en esta investigación es cómo es la protección legal para los usuarios estudiantiles del dinero electrónico como medio de pago no monetario en el entorno de los internados islámicos. Los resultados de la investigación muestran que los estudiantes que son sujetos de derecho también tienen derecho a recibir protección. La forma de protección brindada a los ciudadanos del país correspondiente es el dinero electrónico regulado en las regulaciones del Banco de Indonesia y POJK No. 1 de 2013 sobre dinero electrónico y también en DSN MUI Fatwa 116/DSN-MUI/IX/2017.

Palabras clave: Protección jurídica, dinero electrónico, internado islámico

伊斯兰寄宿学校环境下学生用户使用电子货币作为非现金支付工具的法律保护

摘要

电子货币，或根据印度尼西亚银行2018年第20/6/PBI/2018号条例中关于电子货币的一般规定，被称为电子货币。与现金相比，使用电子货币的优势在于交易过程更快，因为不需要在线授权、签名或密码，并且电子货币的余额可以通过发行方提供的各种方式进行充值。本研究将探讨的问题是，在伊斯兰寄宿学校环境中，作为学生用户的电子货币作为一种非现金支付方式，其法律保护如何。研究表明，作为法律主体的学生也有权获得保护。为该国公民提供的电子货币保护形式，在印度尼西亚银行条例和2013年关于电子货币的第1号POJK以及DSN MUI Fatwa 116/DSN-MUI/IX/2017中均有规定。

关键词：法律保护，电子货币，伊斯兰寄宿学校。