

The Implementation of Wadiah Contracts in Islamic Banking: Safeguarding Customer Confidentiality and Institutional Trust

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Abstract: This study examines the implementation of the *Wadiah* contract in Islamic banking, with particular emphasis on the protection of customer data confidentiality and its conformity with Sharia principles and the regulatory framework established under Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector (P2SK Law). Within Islamic banking, the *Wadiah* contract embodies a fiduciary relationship that requires Islamic financial institutions to safeguard not only customers' deposited funds but also the confidentiality of their personal and financial information. This research employs a normative legal approach, utilizing statutory, conceptual, and comparative analyses. Data were collected through an extensive review of relevant legal instruments, including DSN-MUI Fatwa No. 02/DSN-MUI/IV/2000 on *Wadiah* savings, Islamic banking regulations, and the provisions of the P2SK Law concerning consumer and data protection. The findings reveal that the *Wadiah* contract creates both legal and ethical obligations for Islamic banks to maintain customer confidentiality as an integral manifestation of the trust (*amanah*) principle embedded in Islamic commercial law. Furthermore, the P2SK Law strengthens this obligation by providing a more comprehensive framework for customer data protection and establishing legal consequences for violations of confidentiality. The study argues that effective implementation of the *Wadiah* contract contributes not only to regulatory compliance but also to the realization of the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of wealth (*ḥifẓ al-māl*) and human dignity (*ḥifẓ al-'ird*). Academically, this research contributes to the growing discourse on the intersection between Islamic contract law, financial governance, and data protection by positioning customer confidentiality as a substantive dimension of *Wadiah* rather than merely an administrative obligation. Strengthening this perspective is essential for enhancing public trust and promoting sustainable development within the Islamic banking sector.

Keywords: Customer Confidentiality; Data Protection; Islamic Banking; Maqāṣid al-Sharī'ah; Wadiah Contract.

Introduction

Banks are institutions that protect their customers' funds. The bank not only protects the funds, but is also obliged to maintain the confidentiality of funds and customer data from parties who can harm or misuse them. Maintaining banking secrecy is also a responsibility to depositors. Customers who want to open an account at a bank are required to fill in the requested information in the form completely, clearly, and accurately (Astria et al., 2023)

The confidentiality of Islamic bank customers is regulated in Articles 42, 43, and 44 of Law No. 21 of 2008 concerning Islamic Banking, which has been updated and strengthened by the Law on the Development and Strengthening of the Financial Sector (P2SK Law) (*OJK Issues New Rules on Bank Secrecy, What Are the Contents?*, 2025).

This provision emphasizes that Islamic banks are obliged to maintain the confidentiality of customer data and funds, except under conditions specifically regulated by the Law. Provisions regarding banking confidentiality are stipulated in Article 14 number 37 (P2SK Law), which requires:

"banks and related parties to keep information about their deposit customers confidential", and if a customer is also a borrower, the bank and related parties must maintain the confidentiality of information about the customer in its role as a customer" (Nugraha, 2025)

Akad Wadiah is a type of agreement in Fiqh Muamalah (Islamic social and economic law) related to the storage of money or assets. In this agreement, the customer entrusts money or goods to the bank, which acts as a trustee to maintain and return the money or assets at any time according to the customer's request (Santoso, 2024). In Wadiah's savings, the money saved is considered a trust, and banks are not obliged to give bonuses to customers (University, 2024).

The relationship between the Wadiah Contract and Customer Confidentiality is closely related to the Wadiah contract because the wadiah contract is a deposit contract so that the bank as the trustee is obliged to keep the customer's funds and information safe and must not use the funds without permission from the customer (University, 2024). The main purpose of wadiah is to protect customer assets from loss, damage, or theft. In addition, wadiah savings accounts also facilitate transactions (Dina Nailul Izza, Vania Izza Aprilia, Nely Agustin, 2025)

As we know that the confidentiality of the bank is something that must be maintained and is private and the mandate given as stated in Q.S Al-anfal Verse 27, namely:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمْنَتِكُمْ وَأَنْتُمْ تَعْلَمُونَ ٢٧

Translation:

"O you who have believed, do not betray Allah and the Messenger and do not betray the mandate entrusted to you, when you know."

The Financial Services Authority (OJK) has issued Circular Letter Number 14/SEOJK. 07/2014 which discusses the Confidentiality and Security of Data and/or Personal Information of Consumers, which applies to Financial Services Business Providers (PUJK). In this circular, banks are required to protect customers' personal data and information and are prohibited from leaking customers' personal data and information to third parties in any way (Yetno, 2024)

Method

This type of research is normative research, which emphasizes more on secondary sources of reference or data, also known as doctrinal research, where law is often understood based on what is stated in the law (Law in Books) or as rules or norms that should be used as guidelines in human behavior (Achmad Nur Kholis, 2023), namely research that conceptualizes law as what is written in laws and regulations or laws in book or law is conceptualized as a rule or norm that is a benchmark for human behavior that is considered appropriate. The approaches applied in this study include relevant legal approaches, comparative approaches that compare Indonesian laws and regulations with the laws and regulations of other countries whose legal systems regulate legal issues that are the subject of this research, and a case approach to research leaks related to bank secrets which is the main focus

of this study, namely the Implementation of Wadiah Contracts in Banking in Maintaining Customer Secrecy (Wenur, 2023).

Result and Discussion

Implementation of Customer Confidentiality in Maintaining Wadiah Contracts

The confidentiality of Islamic bank customers is a binding principle, which requires banking institutions to maintain the confidentiality of all data related to their customers, deposits, investors, and investments, as stipulated in Article 41 of Law No. 21 of 2008 concerning Islamic Banking (Ainia, 2024). Maintaining the confidentiality of customer information based on the Wadiah agreement is a legal and moral responsibility for banks, especially Islamic banks, to protect and not leak all information about savers (including identity, personal data, account balances, transaction activities, and other information related to stored assets) arising from the deposit agreement between the customer and the bank.

The Wadiah contract in Islamic banking requires the bank as the recipient of the deposit to maintain the customer's deposit along with all information related to formality, professional, and confidential as part of the mandate and confidentiality, the bank not only bears the obligation to maintain the physical custody of funds/deposits, but also the obligation to keep the customer's identity, balance, and transactions confidential according to sharia principles (Amani & Lisda Khoirunisa, 2023). The Wadiah model that is often applied in Islamic banking is Wadiah-Yad-Dhamanah. In this model, the bank plays the role of a custodian who has the task of managing the funds deposited by the customer, while the customer himself as the depositor has the right to withdraw the funds at any time. In practice, customers will not get any profit or rewards from the funds they deposit, and if the bank gives a bonus, this is not agreed in advance in the contract and is not the customer's obligation. There are two types of Wadiah contract implementation, namely Wadiah Yad Dhamanah and Wadiah Yad Amanah. In Wadiah Yad Amanah, the guard is not allowed to manage the deposited funds. Meanwhile, in Wadiah Yad Dhamanah, depositors can access the funds they deposit without restrictions.

The implementation of the Wadiah contract in Islamic banking includes the bank's strategy to strengthen customer trust by applying the Wadiah contract to savings products. Banks are expected to manage funds safely and wisely and implement technical security measures such as data encryption and protection against cyberattacks to protect customer information (Fitri Susanti Siregar, 2024). The Wadiah Contract must be implemented in accordance with the principles of Islamic law so that financial transactions remain fair and have integrity (Kirom et al., 2025). Banks are obliged to ensure the safety of customer funds through strong digital security systems, such as data encryption and securing technological infrastructure.

Banks Syariah fulfills this obligation by storing customer funds safely, openly, and in accordance with Sharia principles, including the implementation of digital data protection to maintain the confidentiality of customer information from unauthorized access. The implementation of wadiah contracts emphasizes responsibility, openness, and security as important elements in protecting confidentiality and building customer trust in Islamic banking. The wadiah contract in Islamic banking requires the bank, as the manager, to handle the client's deposits and all related information in a secure, professional, and confidential manner, as part of the responsibility and obligation to maintain confidentiality. Banks are not only responsible for protecting the safety of

funds or physical deposits, but also for maintaining the confidentiality of client identities, account balances, and transactions, in accordance with the principles of Islamic law, the DSN-MUI Fatwa, and the Sharia Banking Law which regulates bank confidentiality responsibilities ("Yuda Septian Kurniawan Elman Johari, 'Implementation of Wadi'Ah Contracts in Sharia Banking,' 2023).

The responsibility of financial institutions to maintain customer confidentiality is an obligation both legally and morally to protect customers' personal and financial information from improper use and disclosure. In Indonesia, this is clearly regulated in Law No. 10 of 1998 concerning Banking, Law No. 21 of 2008 concerning Sharia Banking and Law No. 27 of 2022 concerning Personal Data Protection. Banks are obliged to maintain the confidentiality of all customer data, unless such disclosure is required by certain legal regulations. In addition to complying with regulations, banks also have ethical and contractual responsibilities to maintain customer trust by implementing reliable electronic security systems, conducting internal controls, and educating employees on the importance of data confidentiality.

Forms of Banking Law Enforcement with Customer Data Leakage

Personal data protection is a major challenge that threatens all over the world. Many government agencies and private companies face the risk of data leaks, which can damage people's privacy. Maintaining the confidentiality of customer data is the responsibility of banks, but they often fail to keep customer data from being lost or leaked. When personal data is leaked, it can cause huge losses for both customers and banks. This also damages customer trust, because it can be detrimental financially, psychologically, and socially. In addition, banks do not fulfill their obligations as institutions that must ensure the security of customers' data and financial systems (*Cimb Niaga, 'Definition of Wadi'ah Contracts in Sharia Savings', 2024*). The protection of personal data is a key right protected by law and is an essential element of the principle of trust in Islamic banking. In Islamic view, maintaining the privacy and security of customer information is an ethical responsibility to protect property (Elisabeth Br Sinurat Ringga Umi Kalsum, Mutia Marina, 2025). Sanctions related to the leakage of personal information and misuse of customer funds at Islamic banks in Indonesia are mainly regulated by the Personal Data Protection Law, the Banking Law, and the supervisory regulations set by the Financial Services Authority. Customer information may not be submitted to third parties without written permission, unless required by current law (Aritonang & Handayani, 2025).

Banking secrets include all information about customers who deposit funds in banks. In order to protect the security of customer data, banks use their banking secrets in accordance with two theories often put forward by experts, namely:

1. Theory Absolute:

According to this theory, banks are obliged to maintain the confidentiality of information about customers that they know during the course of their business, both under ordinary conditions and in unexpected situations. This theory emphasizes the importance of individual interests, so that the interests of the government and society are often overlooked

2. Relative Theory

In this theory, banks are not required to always hide information about customers. If there is a legitimate legal reason, the bank is allowed to disclose the information to the authorities. According to this theory, the disclosure of customer and

financial information can be done if there is a legal basis that justifies it (Ningtias, 2025).

In conventional banks, bank secrecy is explained normatively as a legal obligation for banks to keep all information about their depositors and savings customers confidential. This rule is clearly stated in Article 40 paragraph (1) of Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking, which states that banks are obliged to maintain the confidentiality of information about their depositors and savings customers. The explanation related to the article emphasizes that what is meant as a bank secret includes all data and information about financial conditions and other matters from customers known by the bank through their business activities (Priyanto, 2024). Meanwhile, the principle of confidentiality and the principle of prudence in Islamic banks in protecting customer data require these institutions to maintain the confidentiality of information and data regarding customer deposits, in order to maintain trust and legal protection for customers. This principle of privacy clearly refers to Article 41 of Law No. 21 of 2008 concerning Islamic Banking as a legal basis to ensure confidentiality in banking, while emphasizing that this responsibility also includes financial data, deposits, and information regarding customer investments obtained by Islamic banks in carrying out their operations (Putri, 2025).

Data leaks in the banking sector are often targeted by hackers. They take the data they steal to resell or use on their own. Data theft is a serious problem in the digital world because it can cause negative impacts and make people afraid when the data is used incorrectly. In practice, hackers use advanced technology to commit criminal acts in cyberspace, so their activities are difficult to detect and can be done anytime, anywhere. The techniques used are increasingly varied and complicated, making it difficult to create perfect security in the cyber world. Given the increasing number of cybercrime acts in Indonesia, the proper application of punishment is essential. This punishment is not only a form of punishment for the perpetrator, but also as a way to prevent similar acts from happening and protect society in the digital world. Information technology is now developing very quickly, especially in the field of conventional and sharia banking (Purwaningsih et al., 2021). Thanks to these technological advancements, banks have created services that facilitate the transaction process. One example is the banking industry which has just released a mobile service system called m-banking. This service allows customers to make various financial transactions through their mobile phones without having to come to a bank office. In addition to ensuring security and confidentiality, mobile banking also aims to provide convenience and convenience for customers, so they can transact at any time without having to wait at the bank. This is an important factor in the creation of a mobile banking system (Agus Suwandono Amanda Savira Monica, 2019).

A customer data breach is not a trivial matter – especially if it occurs outside the limits allowed by law. In such a situation, it could be indicated that the bank has failed to meet its legal responsibilities. Affected customers have the full right to take legal measures, such as:

1. Filing a civil lawsuit to seek compensation for financial loss or other losses.
2. Filing criminal charges if the data breach was caused by negligence, carelessness, or a violation of the law.

Therefore, protection for customers is not limited to files. If it happens slowly

Conclusion

Based on the results of research and analysis that has been carried out regarding the use of Shopee Pinjam by students of UIN Fatmawati Sukarno Bengkulu in the perspective of Maslahah Mursalah, the following conclusions can be drawn: The use of Shopee Pinjam among students of UIN Fatmawati Sukarno Bengkulu is motivated by two main factors, namely economic desperation factors and consumptive factors. Some students use this service to meet Hajiyyat (important) needs, such as paying UKT and boarding fees due to delays in remittances or the condition of parents who stop working. However, there is also a pattern of use that is Tahsiniyyat (complementary) and experimental, where loans are used for non-urgent daily needs and just try the loan limit feature. The majority of students take loans without their parents' knowledge, which shows that there are efforts to achieve financial independence that are morally and economically risky.

In Maslahah Mursalah's perspective, the use of Shopee Pinjam has a benefit value (*maslahah*) that is casuistic and limited. These benefits are recognized according to sharia if they are used to maintain the smooth running of studies (*Hifz al-'Aql*) and survival in emergency conditions. However, in principle, this service also contains elements of real damage (*mafsadah*), especially related to the sanction of a delay fine of 5% which leads to the practice of usury and the risk of freezing accounts that damage the reputation of student credit. Therefore, the level of benefit of Shopee Pinloan for students is highly dependent on the accuracy of the purpose of use and the ability to manage returns; If it is used for a consumptive lifestyle, then the harm element is much greater than the benefits obtained. Overall, the practice of Shopee Pinjam in the student environment of UIN Fatmawati Sukarno Bengkulu shows the dilemma between easy access to digital finance and compliance with sharia principles. Although it helps in a pinched situation, this reliance on late interest-based loans is not entirely in line with the ideals of Maslahah Mursalah which requires the protection of property (*Hifz al-Maal*) from losses and unjust practices.

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