

**The Implementation Corporate Social Responsibility (CSR) By
PT Holcim Indonesia Tbk. Area Tuban Under Perspective
Positive Law and Islamic Law**

SKRIPSI

Compiled by:

Fahimatul Alamiyah

14220087



PROGRAM STUDY OF SYARIA ECONOMIC LAW

FACULTY OF SARIA

MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY MALANG

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2023

STATEMENT AUTHENTICITY

In the name of Allah.

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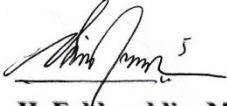
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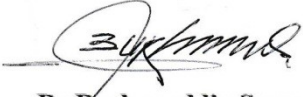
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It always seems impossible until it's done You can do it

ACKNOOWLEDGEMENT

First of all, I would like express my graduate to Allah Swt who has given his bassing, grace and stragth to the writer, so the writer can complate that skripsi well. Second sholawa and greetings always poured out to the great prophet Muhammad saw who has bought humens from dark age to bright era. Preparation of this skripsi intended to fulfill several requirements to obtain a Bachelor's degree in the literature at the state islamic university of maulana malik ibrahim malang.

I am very grate full to my supervaisor Dr. Burhanuddin Susanto, SHI, M.Hum for this practice in providing guidance, input and encouregment for this skripsi I whould also exspress my gratitude to all lacturers and staff of the state university maulana malik ibrahim malang who have paiently provided the best assistance during my sudies

I also extend my deepest gratitude to beloved my mother Mutmainnah, my beloved father Zaidi, my siblings Febiya Yusi Musyaraf and also my big family in Tuban whu have suported and motiveted me so I can achieve this dagree, may Allah always blass and protect and guid you to the right path so we can be happy in the most beautifull place in the hereafter

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This writer has tried to complate this skripsi, bu the writer realizes that there are still many shotcomings, both in tremns of conent and gramer. Therefor, the writer expects suggestion and constructive critizem from he readers for the perfection this skripsi.

Hopefully this skripsi can be useful in enriching in the repertoire of knowledge for readers.

Malang, 10 juni 2021

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TRANSLITERATION GUIDELINES

General

Transliteration is the transfer of Arabic script into Indonesian (Latin) writing, not the translation of Arabic into Indonesian. Included in this category are the Arabic names of Arab nations, while the Arabic names of non-Arabic nations are written as the spelling of the national language, or as written in the book that is the reference. Writing book titles in footnotes and bibliography, still uses this transliteration provision.

There are many choices and provisions for transliteration that can be used in writing scientific papers, both those with international and national standards as well as provisions specifically used by certain publishers. The transliteration used by the Sharia Faculty of the State Islamic University (UIN) Maulana Malik Ibrahim Malang uses EYD plus, which is a transliteration based on the Joint Decree (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia, dated January 22, 1998, No. 158/1987 and 0543.b/U/1987, as stated in the Arabic Transliteration Guide (A Guide Arabic Transliteration), INIS Fellow 1992.

Consonant

ل = Not denoted	ض = dl
ب = b	ط = th
ت = t	ظ = dh
ث = ts	ع = '(comma facing up)
ج = j	غ = gh
ح = h	ف = f
خ = kh	ق = q
د = d	ك = k
ذ = dz	ل = l
ر = r	م = m
ز = z	ن = n
س = s	و = w
ش = sy	ه = h
ص = sh	ي = y

Hamzah (ء) which is often symbolized by an alif, if it is located at the beginning of a word then in transliteration it follows the vowel, it is not symbolized, but if it is located in the middle or at the end of a word, it is symbolized by a comma above ('), turn around with a comma (') for a replacement symbol "ع".

Vokal, Length and Diphthongs

Every Arabic writing in the Latin written form of the vowel fathah is written with "a", kasrah with "i", dlommah with "u", while each long reading is written in the following way:

Vokal (a) long = â for example قال become qâla

Vokal (i) long = î for example قيل become qîla

Vokal (u) long = û for example دون become dûna

Especially for reading ya' nisbat, it cannot be replaced with "i", but still written with "iy" so that it can describe the ya' nisbat at the end. Likewise for the sound of diphthongs, wawu and ya' after fathah it is written with "aw" and "ay". Consider the following example:

Diphthong (aw) = او for example قول become qawla

Diphthong (ay) = اي for example خير become khayrun

Ta' marbûthah (ة)

Ta' marbûthah is transliterated with "t" if it is in the middle of a sentence, but if ta' marbûthah is at the end of the sentence, then it is transliterated using "h" for example الرسالة للمدرسة becomes al-risalat li al-mudarrisah, or if it is in the middle of a sentence consisting of mudlaf and mudlaf ilayh arrangements, then it is transliterated using t which is connected with the next sentence, for example فى رحمة الله become *fi rahmatillâh*.

Article and Lafdh al-Jalâlah

The article is in the form of “al” (ﺍﻝ) written in lower case, unless it is located at the beginning of the sentence, while "al" in the lafadh jalâlah which is in the middle of the sentence it leans on (idhafah) is omitted. Consider the following examples:

1. Al-Imâm al-Bukhâriy say ...
2. Al-Bukhâriy in the muqaddimah his book explains ...
3. *Masyâ’ Allâh kâna wa mâ lam yasya’ lam yakun.*
4. *Billâh ‘azza wa jalla.*

Names and Arabic Words Indonesianized

In principle, every word of Arabic origin must be written using the transliteration system. If the word is the Arabic name of an Indonesian or Indonesianized Arabic, there is no need to write it using the transliteration system. Consider the following example: “...Abdurrahman Wahid, the fourth former President of the Republic of Indonesia, and Amin Rais, former Chairman of the MPR at the same time, have made an agreement to eradicate nepotism, collusion and corruption from the face of Indonesia's earth, one of the ways is through intensifying prayers in various government offices, however...”

Pay attention to the writing of the names "Abdurrahman Wahid," "Amin Rais" and the word "salat" written using the Indonesian language writing procedure which is adapted to the writing of his name. Even though these words come from Arabic, they are in the form of Indonesian names and people and are

Indonesianized, therefore they are not written in the way "Abd al-Rahman Wahîd," "Amîn Raîs," and not written with "shalât.

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ABSTRAK

Fahimatul Alamiyah, 1422087, 2023, **Implementasi Corporate Social Responsibility (CSR) Oleh PT Holcim Indonesia Tbk. Daerah Tuban Dalam Perspektif Hukum Positif dan Hukum Islam**, Skripsi, Program Studi Hukum Ekonomi Syariah, Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: Dr. Burhanuddin Susanto SHI, M.Hum

Kata Kunci: CSR, pemberdayaan masyarakat, KPD, perusahaan

Fokus utama yang menjadi tujuan dalam penelitian ini adalah untuk menganalisis terkait implementasi atau pelaksanaan Corporate Social Responsibility (CSR) Oleh PT Holcim Indonesia Tbk. Daerah Tuban yang didasarkan pada pasal 74 undang-undang nomor 40 tahun 2007 perusahaan yang menjalankan usaha yang berkaitan dengan sumber daya alam wajib melaksanakan tanggung jawab sosial perusahaan atau CSR. Dalam penelitian ini penulis memasukkan implementasi Corporate Social Responsibility (CSR) menurut hukum islam yaitu maqosidh syariah.

Penelitian ini termasuk jenis penelitian yuridis empiris, penelitian yang dilakukan terhadap keadaan sebenarnya atau keadaan sesuai kenyataan yang terjadi dalam masyarakat dan lingkungan dengan tujuan untuk mengetahui dan menemukan fakta-fakta dan data. Bahan Hukum dalam penelitian ini yaitu bahan hukum primer dan bahan hukum sekunder dengan metode pengumpulan melalui studi dokumentasi dan stady lapangan. Terdapat 3 tahapan untuk teknis pengelolaan data dalam penelitian ini editing, mengklasifikasi, verifikasi, analisis dan penutup.

Hasil Penelitian menunjukan bahwa implementasi atau pelaksanaan program csr oleh PT Holchim tbk wilayah Tuban melibatkan pihak ketiga yaitu KPD atau kelompok perwakilan desa sebagai wakil dari perusahaan, jadi perusahaan menunjuk satu perwakilan dari warga desa untuk menjadi wakil perusahaan yang mengawasi pelaksanaan csr di desa tersebut.

Implementasi atau pelaksanaan program oleh PT Holchim tbk wilayah Tuban telah dilaksanakan dengan baik oleh perusahaan, perusahaan juga memiliki beberapa program di masing-masing desa salahsatunya penanaman sayur organik yang menjadi salah satu program di desa glondonggede, namun kurangnya sosialisasi menjadi faktor masyarakat acuh tentang program csr perusahaan yang diharapkan mampu memajukan perekonomian warga desa ring satu yaitu desa glondonggede.

ABSTRAK

Fahimatul Alamiyah, 1422087, 2023, **Implementasion of Corporate Social Responsibility By PT Holcim Traditional Indonesia Tbk. Area Tuban Regarding Positive Law And Islamic Law** , Skripsi, Syaria Economic Law Department Faculty Of Saria Maulana Malik Ibrahim State Islamic University Of Malang Lecturers: Dr. Burhanuddin Susanto SHI, M.Hum

Keywords: CSR, community empowerment, KPD, company

The main focus of this research is to analyze the implementation of Corporate Social Responsibility (CSR) by PT Holcim Indonesia Tbk. Tuban area based on article 74 of law number 40 of 2007 companies that run businesses related to natural resources are required to carry out corporate social responsibility or CSR. In this study, the authors favor the implementation of Corporate Social Responsibility (CSR) according to Islamic law, namely maqosidh sharia.

This research is a type of empirical juridical research, which is research conducted on actual conditions or actual situations that occur in society and the environment with the aim of knowing and finding facts and data. Legal materials in this study are primary legal materials and secondary legal materials with the method of collection through documentation studies and field studies. There are 3 stages for technical data management in this study editing, classifying, verifying, analyzing and closing.

The research results show that the implementation of the CSR program by PT Holchim Tbk in the Tuban region involves a third party, namely the KPD or village representative groups as representatives of the company, so the company appoints a representative from the villagers to become the company representative who oversees CSR implementation in the village.

The implementation of the csr program by PT Holchim tbk Tuban region has been carried out well by the company, the company also has several programs in each village, one of which is planting organic vegetables which is one of the programs in Glondonggede village, but the lack of socialization is a factor in which people are indifferent about the company's csr program which is expected to be able to advance the economy of the residents of Ring One Village, namely Glondonggede Village.

نبذة مختصرة

فهيمة العالمية ، 1422087 - 3202 ، تنفيذ المسؤولية الاجتماعية للشركات بواسطة PT Holcim . منطقة توبان من منظور القانون الوضعي والشريعة الإسلامية ، أطروحة ، برنامج دراسة قانون الشريعة الاقتصادية ، كلية الشريعة ، جامعة الدولة الإسلامية مولانا مالك إبراهيم مالانج. المستشار: د. برهان الدين سوسمتو شي ، محمد هم

الكلمات المفتاحية: المسؤولية الاجتماعية للشركات ، تمكين المجتمع ، شركة

التركيز الرئيسي لهذا البحث هو تحليل تنفيذ المسؤولية الاجتماعية للشركات من قبل شركة PT Holcim Indonesia . منطقة توبان المستندة إلى المادة 74 من القانون رقم 40 لعام 2007 ، يتعين على الشركات التي تدير أعمالاً متعلقة بالموارد الطبيعية تنفيذ المسؤولية الاجتماعية للشركات أو المسؤولية الاجتماعية للشركات. في هذه الدراسة ، يفضل المؤلفون تطبيق المسؤولية الاجتماعية للشركات وفقاً للشريعة الإسلامية ، وهي مقوضة الشريعة.

هذا البحث هو نوع من البحث القانوني التجريبي ، وهو بحث يتم إجراؤه على ظروف فعلية أو مواقف فعلية تحدث في المجتمع والبيئة بهدف معرفة الحقائق والبيانات وإيجادها. المواد القانونية في هذه الدراسة هي مواد قانونية أولية ومواد قانونية ثانوية مع طريقة الجمع من خلال دراسات التوثيق والدراسات الميدانية. هناك 3 مراحل لإدارة البيانات الفنية في هذه الدراسة: التحرير والتصنيف والتحقق والتحليل والإغلاق.

تظهر نتائج البحث أن تنفيذ أو تنفيذ برنامج المسؤولية الاجتماعية للشركات من قبل PT Holchim في منطقة توبان يشمل طرقاً ثالثاً ، وهو مجموعة من ممثلي القرية كممثل للشركة ، لذلك تقوم الشركة بتعيين ممثل من القرويين ليصبح ممثل الشركة الذي يشرف على تنفيذ المسؤولية الاجتماعية في القرية.

تم تنفيذ أو تنفيذ البرنامج من قبل شركة PT Holchim في منطقة توبان بشكل جيد من قبل الشركة ، كما أن للشركة عدة برامج في كل قرية ، أحدها هو زراعة الخضروات العضوية وهو أحد البرامج في قرية Glondonggede ، لكن الافتقار إلى التنشئة الاجتماعية أصبح عاملاً في عدم اكتراث المجتمع ببرنامج المسؤولية الاجتماعية للشركات الذي من المتوقع أن يكون قادراً على النهوض باقتصاد القرويين في Glondonggede.

CHAPTER I

INTRODUCTION

A. Background of Problem

In this era, industrial development and investment began to develop rapidly, the impact of which also affected micro and macro economic growth in Tuban district. The strategic area of Tuban Regency is a driving factor for industrial development and infestation in Tuban Regency so that it will have an impact on increasing the economy in East Java, especially in all regions of Tuban Regency. This is the same as the maqhosid sharia concept where there is a symbiosis of mutualism, namely helping in goodness. The entry of investors to rural areas where later the area will be encouraged to become more advanced and developed. This is also confirmed in the Qur'an Surah Al-Maidah 2 ".

وَتَعَاوُنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوُنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

"help you in goodness and piety, don't help in bad and evil" ¹

With the existence of large companies entering rural areas such as PT Holchim Indonesia, they also contribute to the development of rural areas through CSR programs or corporate social responsibility, thus the company also participates in realizing the welfare of the community, especially the people who are in the PT Holchim Indonesia company area. CSR is a form of corporate synergy, namely corporate social responsibility that participates in regional development and contributes to the realization of community welfare,

¹ Al Bayan, *Al-Quran Dan Terjemahanya* (Semarang: Asy Syifa 2001),p:178 .

especially those in the company's area. The Tuban district government also takes part in synergizing in corporate social responsibility programs so that the results of development and community empowerment are maximized.

In legislation, there are many terms used to refer to corporate social responsibility, some mention social and environmental responsibility, there are also terms business social responsibility, corporate citizenship, corporate responsibility and also business citizenship. the laws of the Republic of Indonesia. Although CSR itself is still slightly regulated in legislation, these rules have been confirmed in the following laws:

1. Law Number 25 of 2007 concerning Investment.
2. Regulation of the Minister of State for State-Owned Enterprises Number Per-5/MBU/2007 concerning BUMN Partnership Program with Small Business and Community Development Program, specifically for BUMN companies.
3. Law No. 40 of 2007 concerning Limited Liability Companies. Article 74 paragraph (1) of this Law states that companies that carry out their business activities in the field of and or related to natural resources are obliged to carry out social and environmental responsibilities. Paragraph (2) of this article states that the obligation is calculated as a company expense whose implementation is carried out with due regard to propriety and fairness. Furthermore, paragraph (3) states that companies that do not carry out their obligations as referred to in paragraph (1) are subject to sanctions in accordance with the relevant laws and

regulations. Then paragraph (4) states that further provisions regarding social and environmental responsibility are regulated by a Government Regulation ².

CSR is divided into two meanings, namely CSR in a broad sense and CSR in a narrow sense. CSR in a broad sense is a community and environmental empowerment program that aims to realize sustainable economic goals. A sustainable economy is not only realizing economic development but also a broader corporate responsibility, namely realizing the progress of the country's regions and even internationally. While CSR in a narrow sense has been put forward by the following experts:

1. According to Widjaja & Yeremia: CSR is a form of corporate cooperation in which the cooperation is established not only between investors but also all individuals who participate in maintaining the sustainability and existence of the company so as to ensure the survival of business actors and the community around the company. This understanding can be related that the Company's company should maintain and empower the environment in order to build a sustainable economic system to improve the quality of life for the community and the environment that can provide benefits for both the Company, consumers and the community around the company ³
2. According Company Law of 2007 Article 1 point 3 CSR is defined as social and environmental responsibility is the

² Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas

³ Widjaja, G., & Yeremia, A. P., *Risiko Hukum dan Bisnis Perusahaan Tanpa CSR*. (Jakarta: Forum Sahabat, 2008),p: 78.

Company's commitment to realizing sustainable economic development that can improve the quality of life for the community and the environment around the company, this applies to the company itself, the community around the company and also society in general. It is also explained in the Company Law of 2007 Article 15 letter (b) which explains that corporate social responsibility is a responsibility that must be fulfilled by an investment company or company to create a harmonious relationship with the community which is in accordance with the norms and customs of the local community. The Company Law of 2007 also defines that CSR is the company's responsibility to the community and the environment in order to improve the quality of life of the community around the company. ⁴

3. Regulation of the Minister of State for State-Owned Enterprises Number Per-5/MBU/2007 concerning SOE Partnership Programs with Small Businesses and Community Development Programs, the concept of CSR can be understood in Article 2 every Company and BUMN must have corporate social responsibility or CSR⁵.
4. The World Business Council for Sustainable Development is a form of business that has a strong desire to create prosperity and welfare for employees and their families as well as those

⁴ Undang-Undang No. 40 Tahun 2007 tentang Perseroan Terbatas

⁵ Undang-undang BUMN per-5/MBU/2007 tentang Program Kegiatan BUMN Dengan Usaha Kecil dan Program Bina Lingkungan

who participate in maintaining and building the sustainability of the company. As well as being committed to improving progress and improving the quality of life of the community around the company⁶

5. According to Kotler & Nance Corporate social responsibility or CSR is a corporate commitment, namely the obligation of the corporation to the government to contribute to building and realizing the welfare of the community with the business run by the corporation.⁷

With this definition of CSR, the author can understand that corporate social responsibility is a responsibility that must be fulfilled by the company's internal parties to external parties, namely the community around the company and the wider community.

CSR in the Islamic perspective is closely related to the purpose of Islamic law itself, namely maqashid sharia, namely maslahah or welfare. This can be interpreted that the existence of corporate companies or investors who enter rural areas not only to seek wealth and profits but also to spread goodness with the existence of corporate social responsibility programs, the economic life in the area around the company will be better⁸. Islam itself teaches that honest business activities are a very noble thing, which not only benefits the businessman but also helps others by benefiting from the goods or services it offers. CSR in the view of Islam is

⁶ Anne LT., *Buseness and Sociality: Stake Holder, Etnic, Public Policy*, (Jakarta: Grow hell Initiative, G.C., 2002),p:82.

⁷ Kloter P, and Nance, L, *Corporate Social Responcibility*, (Jakarta: Jhon Wiley and Sons Inc., 2005), p: 102

⁸ Rika, Nurela and Islahuddin, *Pengaruh Corporate Cocial Responsibility*, (Pontianak: Simposium Nasional Akutansi XI 2011),p: 23-24.

not only the company's obligation to the laws and regulations but also human morality in which the company contributes to building long-term relationships.

It is right that corporate social responsibility should be carried out by the company, if the company does not carry out social responsibility to the community and the environment it will have a negative impact on the company. On the other hand, the company should play an active role in assisting and supervising the distribution of activities and funds from the CSR program so that it is right on target in the hands of those who really should be the target of CSR, this will provide long-term benefits for the company.⁹ For example creating a good relationship between the company and its employees, this is very good aimed at increasing productivity and better work responsibilities, creating a just and safe environment and full of prosperity this is very in line with Islamic philosophy which is based on human responsibility and brotherhood¹⁰.

If studied more deeply related to the implementation of CSR PT. Holcim Indonesia is in accordance with the legal theory and some expert opinions, but this still needs to be studied more deeply regarding the effectiveness of the performance of the community and environmental empowerment program carried out by PT Holcim Indonesia. The author obtained information from several community sources who live around the company, especially the ring one area, basically when asked about the

⁹ MB Handrie Anto and Retno Dwi Pratiwi, *Persepsi Stekeholder Terhadap Pelaksanaan Corporate Social Responcibility Kasus Pada Bank Syariah di DIY*, (Yogyakarta: Istana Ilmu, 2008),p: 80.

¹⁰ M. Umar Chapra, *Sistem Monater Islam* (Jakarta: Gema Insani Pers.2000),p: 55.

corporate social responsibility program carried out by PT Holchim Indonesia they all knew about the CSR program such as training and community empowerment, health assistance, programs education and scholarships to infrastructure development, the general public understands that it is a CSR program from PT Holchim Indonesia, but when asked about data such as the planning structure, socialization to evaluation, they all say they don't know about it, all interviewees say they don't know deeper into it. The informants also said that they did not feel the need to know all the activities of PT Holchim's CSR activities.

The informants said that so far there has never been a representative from the company who directly disseminated the company's CSR program or just talked to the community forum, the company actually sent representatives more often to communicate with village officials. One of the informants said that the corporate social responsibility program carried out by PT Holchim was still very limited and sometimes only certain people and a few relatives from the village apparatus participated in PT Holchim's CSR program.

This study discusses the effectiveness of PT. Holcim Indonesia's Corporate Social Responsibility program in Tuban district. The object of this research is the CSR program conducted by PT. Holcim Indonesia Tuban area. This research was conducted in the ring 1 area, namely the villages located around the production area of PT. Holcim Indonesia, namely the village of Glondonggede, the village is also the target of PT

Holcim Indonesia's CSR because it is an area affected by the production activities of PT Holcim Indonesia.

B. Problem Formulation

Here the author has formulated two problem formulations that the authors take from the background of the problem, including:

1. How the implementasion of corporate social responsibility by PT Holchim Indonesia Tuban area?
2. How legal analitic of imlementasion corporate social responsibility by PT Holcim Indonesia Tuban area regarding positive law and islamic law?

C. Research Objective

Here the author also formulates two research objectives including:

1. To describe the implementasion of corporate sicial responsibility by PT Holchim Indonesia Tuban area.
2. To reveal legal analitic of implementasion of corporate social responsibility by PT Holchim Indonesia Tuban area regarding positive law and islamic law.

D. Benefits of Research

From the explanation of the research objectives that have been explained by the author, this research will provide two research benefits, namely practical and theoretical benefits.

1. Practicial Benefits

The practical benefits of this research will later provide knowledge and understanding to the community in general and to

people in the ring one area, namely glondonggede village as a party that is directly related to PT Holchim's corporate social responsibility program regarding the implementation of PT Holchim's CSR programs.

2. Theoretical Benefits

The theoretical benefits of this research provide understanding and knowledge for the author in particular and all academics in general related to the implementation of the corporate responsibility program that is being held by PT Holchim Indonesia.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

Research on corporate social responsibility programs by PT Holchim Indonesia has indeed been carried out before but for research on corporate social responsibility by PT Holchim Indonesia Tuban this is the first time it has been carried out, as a comparison here the author will explain some comparisons from research related to CSR. PT Holchim Cilacap and Bogor areas as follows.

The first with the title: Study of strategies and local community responses to the Corporate Social Responsibility CSR of PT Holchim Indonesia in the Cilacap area. This research was written by Hanifa Choirunnisa, a student majoring in accounting, Faculty of Business and Economics, University of Surabaya in 2017. In her research, the author explains the strategy and community response to the CSR program or corporate social responsibility of PT Holchim Indonesia in the Cilacap area. Not many local residents know about the CSR program that is being run by PT Holcim this is due to the lack of community response and the lack of socialization from the company to the community which has resulted in many people who are indifferent and do not care about the CSR program run by PT Holchim Indonesia Cilacap area.

The similarity between the author's research and Hanifah Choirunnisa's research is that they both examine the corporate social responsibility currently being run by PT Holchim. While the difference is in the formal object of this research, the author's research leads to the implementation and effectiveness of the CSR program, while Hanifa's research refers to the company's strategy and community response to PT Holchim's CSR program, besides that there are also other differences, namely the area or location of the research the author examines the CSR program PT Holchim in the Tuban area while Hanifa researched the CSR program of PT Holchim in the Cilacap area.

The second is research with the title: the role of companion in PT Holchim's CSR corporate social responsibility program and women's empowerment. This research was written by Nindya Dwinata, a student majoring in sociology of law, Faculty of Law, State University of Jakarta. This study describes the role of mentoring PT Holchim Indonesia's corporate social responsibility (CSR) program and women's empowerment in Bogor district. In her research, Nindya explores information about women's empowerment carried out by PT Holchim through the CSR program to what extent is the level of women's empowerment and the extent to which PT Holcim provides assistance to support the success of the women's empowerment program, namely the green posdaya, where assistance from PT Holcim this community is considered capable of influencing the level of success of empowering women in green posdaya.

The equation of the research written by Nindya and the author's research lies in the research subject, namely PT Holcim Indonesia in carrying

out corporate social responsibility or CSR programs. While the difference lies in the case study, namely Nindya researching about the CSR program green Posdaya women's empowerment run by PT Holchim Indonesia in the Bogor area while the author examines the implementation and effectiveness of the corporate social responsibility program by PT Holchim Indonesia in the Tuban area. located in the ring one area, namely the village of glondonggede.

Previous Research

NO	Name / PT / Year	Title	Material objects	Formal object	The similarity and differences
1	written by Hanifa Choirunnisa, a student majoring in accounting, Faculty of Business and Economics, University of Surabaya in 2017	Study of strategies and local community responses to the Corporate Social Responsibility CSR of PT Holchim Indonesia in the Cilacap area	PT Holchim Indonesia in the Cilacap area	explains the strategy and community response to the CSR program or corporate social responsibility of PT Holchim Indonesia in the Cilacap area	The similarity: both examine the corporate social responsibility currently being run by PT Holchim. While the difference is in the formal object of this research, the author's research leads to the implementation and effectiveness of the CSR program, while Hanifa's research refers to the company's strategy and community response to PT Holchim's CSR program, besides that there are also other differences, namely the area or location of the research the author examines the CSR program PT Holchim in the

					Tuban area while Hanifa researched the CSR program of PT Holchim in the Cilacap area.
	Written by Nindya Dwinata, a student majoring in sociology of law, Faculty of Law, State University of Jakarta	The Role Of Companion In PT Holchim's CSR Corporate Social Responsibility Program And Women's Empowerment	PT Holchim Indonesia In The Cilacap Area	describes the role of mentoring PT Holchim Indonesia's corporate social responsibility (CSR) program and women's empowerment in Bogor district.	The similarity: subject, namely PT Holchim Indonesia in carrying out corporate social responsibility or CSR programs. While the difference lies in the case study, researching about the CSR program green Posdaya women's empowerment run by PT Holchim Indonesia in the Bogor area while the author examines the implementation and effectiveness of the corporate social responsibility program by PT Holchim Indonesia in the Tuban area. located in the ring one area, namely the village of glondonggede.
3	Fahimatul Alamiyah student of syaria business law Department, Faculty of Syaria, Maulana Malik Ibrahim Islamic State Univercity 2023	Implementasion of Corporate Social Responsibility (CSR) By PT Holcim Indonesia Tbk. Area Tuban (Legal Analysis Through Leability and	PT Holcim Indonesia Tbk Area Tuban	The Implementasion of Corporate Social Responsibility (CSR) By PT Holcim Indonesia Tbk. Area Tuban prespective Legal Positive	The similarity: the authors is Corporate Social Responsibility PT Holcim Indonesia, Difference: lies in The Implementasion of Corporate Social Responsibility (CSR) By PT

		Islamic Law)		Law (limited liability company Law, investment Law) and Islamic Law (maqoshid syariah)	Holcim Indonesia Tbk. Area Tuban prespective Legal Positive Law (limited liability company Law, investment Law) and Islamic Law (maqoshid syariah)
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B. Theoritical Framework

This paper is a literature review of the theory and practice of corporate social responsibility in Indonesia. In the early part discussing the concept of CSR, the basic understanding of CSR for the company continued with the reason of the importance of social responsibility in realizing the survival and development of society. The next section argues the pros and cons of CSR, the approach to the implementation of CSR, corporate CSR activities in Indonesia.

1. Definision of CSR

Many terms about corporate responsibility, in social and environmental responsibility or corporate social responsibility or sometimes referred to as business social responsibility or corporate citizenship or corporate responsibility or business citizenship. The above terms are equally meaningful and often used to explain the meaning of CSR. CSR is still very few but there are regulations on CSR in Indonesia, namely: (a) Law number 40 of 2007 on Limited Liability Companies; (b) Law Number 25 Year 2007 regarding Investment; (c) Regulation of State Minister for State Owned Enterprises Number Per-5 / MBU / 2007

concerning Partnership Program of SOEs with Small Business and Community Development Program, especially for SOE companies.¹¹

After that corporate social responsibility is included again in Law number 40 Year 2007 regarding Limited Liability Company. Article 74 paragraph (1) of this Law stipulates that a company that carries out its business activities in the field and or related to natural resources is obliged to carry out social and environmental responsibility. Paragraph (2) of this Article states that such obligation shall be calculated as the cost of the company whose execution is carried out with due regard to the properness and reasonableness. Furthermore, paragraph (3) states that a company that does not fulfill the obligation as referred to in paragraph (1) shall be liable to sanctions in accordance with the relevant laws and regulations. Then paragraph (4) stipulates that further provisions on social and environmental responsibility shall be regulated by a Government Regulation¹².

There are two types of CSR concepts, namely in a broad sense and in a narrow sense. CSR in a broad sense, closely related to the goal of achieving sustainable economic activity. The sustainability of economic activity is not only related to social responsibility but also concerning corporate accountability to society and nation and international world. CSR in a narrow sense can be understood from some of the following rules and expert opinions:

¹¹ Sulistyaningtyas, I. D. *Tanggung Jawab Sosial Perusahaan dalam Program Kampanye Sosial*. (Jakarta: Gema Insan, 2006). p: 63-76.

¹² Sulistyaningtyas, I. D. *Tanggung Jawab Sosial Perusahaan dalam Program Kampanye Sosial*. (Jakarta: Gema Insani, 2006).p:87

- 1) According to Widjaja & Jeremiah, CSR is a form of cooperation between companies (not just Limited Liability Companies) and all stakeholders (holders) who directly or indirectly interact with companies to ensure the existence and viability of the enterprise.

This definition is in line with Social and Environmental Responsibility, which states that the company's commitment has a role in implementing sustainable economic development that is useful for improving the quality of life and also the environment that has good benefits, both for the community, the company itself and also the local community.¹³

- 2) According to the Law of a limited liability company in 2007 the definition of CSR in Article 1 point 3 mentions social and environmental responsibilities is the company's commitment to participate in sustainable economic development in order to improve the quality of life and the environment that is beneficial for both the Company itself, the local community and society in general. The law on investment in 2007, in the explanation of article 15 letter b mentioned corporate social responsibility is the responsibility inherent in every investment company to keep creating a harmonious, balanced, and appropriate relationship with the environment, values, norms and culture local community. in law Limited Liability compant 2007 tries to separate social responsibility from environmental responsibility, leading to CSR as a company's

¹³ Widjaja, G., & Yeremia, A. P., *Risiko Hukum dan Bisnis Perusahaan Tanpa CSR* (Jakarta: Forum Sahabat, 2008).p: 78

commitment to sustainable economic development in an effort to improve the quality of life and the environment.¹⁴

- 3) Regulation of the State Minister for State Owned Enterprises Number Per-5 / MBU / 2007 concerning Partnership Program of SOEs with Small Business and Community Development Program, the concept of CSR can be understood in Article 2 that it is the obligation for SOEs both Perum and Persero to implement.¹⁵
- 4) The World Business Council for Sustainable Development is defined as a business commitment to contribute to sustainable economic development by taking into account the employees and their families, the surrounding community and the general public in order to improve their quality of life.¹⁶
- 5) According to Kotler & Nance defines it as a corporate commitment to improve the welfare of surrounding communities through business practice policies and corporate resource contributions.¹⁷

From this sense it appears that CSR is a social responsibility and company in relation to internal and external parties of the company.

2. History of CSR

The term Corporate Social Responsibility (CSR) in a global context has been around since the 1970s, and it is in John Elkington's

¹⁴ UU Tahun 2007 tentang Penanaman Modal dan Perseroan Terbatas
PP BUMN number. Per-5/MBU/2007 tentang Program Kegiatan BUMN Dengan Usaha Kecil dan Program Bina Lingkungan

¹⁵ PP BUMN number. Per-5/MBU/2007 tentang Program Kegiatan BUMN Dengan Usaha Kecil dan Program Bina Lingkungan

¹⁶ Anne LT., *Buseness and Sociality: Stake Holder, Etnic, Public Policy* (Jakarta: Grow hell Initiative, G.C., 2002),p: 82

¹⁷ Kloter P, and Nance, L, *Corporate Social Responcibility* (Jakarta: Jhon Wiley and Sons Inc., 2005),p 102

Cannibals With Forks: The Triple Bottom Line in 21st Century Business (1998) that it is becoming more famous. The World Commission on Environment and Development (WCED) in the Brundtland Report (1987) initiated the development of three important components of sustainable development, including social justice, economic growth and environmental protection. Elkington packages CSR into three focuses: 3P (profit, planet and people). A company is declared good if the company is not solely looking for economic profit (profit) as much as possible, but also cares about the welfare of society (people) and also environmental sustainability (planet).¹⁸

For further development, these three concepts are to become a benchmark or reference for a particular company in carrying out social responsibility, which is known as the CSR concept. CSR is defined as a form of business commitment to acting in an ethical manner, contributing to quality improvement for employees' families, the wider community, local communities and employees themselves, and operating legally. The concept of CSR involves partnership responsibilities, including involving the company, government and local communities in a dynamic and active way, last discussed the establishment of the organization's reputation, CSR and CSR recommendations in indigenous peoples empowerment.¹⁹

3. Basic Understanding of CSR Company

¹⁸ Kartasmita, G., *Pembangunan Untuk Rakyat: Memadukan Pertumbuhan dan Pemerataan*. (Jakarta: PT. Pustaka Cidesindo, 1996), p: 204.

¹⁹ Kartasmita, G. *Pembangunan Untuk Rakyat: Memadukan Pertumbuhan dan Pemerataan*. (Jakarta: PT. Pustaka Cidesindo, 1996), p: 211

Understanding of CSR generally revolves around three main things, namely CSR is:

- 1) voluntary role in which a company helps to overcome social and environmental problems, therefore the company has a free will to do or not to do this role.
- 2) aside from being a profit 44institution, the company set aside some of its profits for philanthropy whose purpose is to empower social and environmental damage due to exploration and exploitation.
- 3) CSR as a corporate obligation to care for and eradicate the increasing humanitarian and environmental crisis.²⁰

Further understanding of CSR is based on the notion that not only the Government through the determination of public policy (public policy), but also the company must be responsible for social problems. Businesses are encouraged to take a pro-active approach to sustainable development. The concept of CSR is also based on moral argumentation. No single company lives in a vacuum and lives in isolation. The company lives in and with an environment. The company can live and grow thanks to the communities in which it lives, providing the general infrastructure for the life of the company, in the form of roads, transportation, electricity, fire suppression, law and enforcement by law enforcers (police, prosecutors and judges)²¹.

²⁰ Anne LT., *Buseness and Sociality: Stake Holder, Ethnic, Public Policy* (Jakarta: Grow hell Initiative, G.C., 2002),p: 112.

²¹ Anne LT., *Buseness and Sociality: Stake Holder, Ethnic, Public Policy* (Jakarta: Grow hell Initiative, G.C., 2002),p:123.

The pattern or form of CSR also evolves from the charity principle to the stewardship principle²². Based on the charity principle, the community is able to have moral obligation to provide assistance to the underprivileged. This type of corporate assistance is very necessary and important especially in times or systems of the State where there is no social security system, health insurance for the elderly, and allowance for the unemployed. While in the stewardship principle, corporations are positioned as public trusts because they control large resources where their use will have a fundamental impact on society. Therefore the company bears the responsibility to use these resources in a way that is good and not only for the benefit of shareholders but also for society in general. Thus today's corporations have various aspects of responsibility. Corporations must be able to manage their economic responsibilities to shareholders, fulfill their legal responsibilities by complying with applicable laws and regulations, and being socially responsible to stakeholders.²³ Various factors are responsible for why social responsibility is so important within the organization, such as:

- 1) The existence of the current globalization, which gives an idea of the loss of the dividing line between the various regions of the world so as to bring universality. Thus it becomes possible

²² Anne LT., *Buseness and Sociality: Stake Holder, Ethnic, Public Policy* (Jakarta: Grow hell Initiative, G.C., 2002), p: 138

²³Rahmat, G. *Corporate Social Responsibility*. (2009). Retrieved from www.ginombero.wordpress.com, diakses pada 10-10-2017

that multinational corporations can flourish anywhere as a chain of globalization.

- 2) Consumers and investors as the primary public of profit organizations need a picture of the organization's responsibility for its social and environmental issues.
- 3) As part of organizational ethics, it is necessary for the organization's responsibility to manage the organization well (better known as good corporate governance).
- 4) Society in some countries assumes that the organization has met the standards of organizational ethics, when the organization is concerned with the environment and social problems.
- 5) Social responsibility can at least reduce potential crises in the organization.
- 6) Social responsibility is considered to enhance the reputation of the organization.²⁴

CSR is not only an effort to show an organization's awareness of social and environmental issues, but also to support the realization of sustainable development by balancing economic and social development supported by environmental protection. In order to respond to change and create trust relationships, the current effort by organizations (especially business organizations) is to design and develop a series of programs that

²⁴ Sulistyaningtyas, I. D. *Tanggung Jawab Sosial Perusahaan dalam Program Kampanye Sosial*. (Jakarta: Gema Insan, 2006),p: 63-76.

lead to the form of social responsibility.²⁵ This program becomes the parameters of the organization's concern by expanding the social wing to the public. This concern and wing development is not in the framework of dividing up the "treasures" so that it can please many parties, but rather on how to empower the community, so that together with the organization can care about the social sphere. In practice, companies not only focus on providing financial assistance. Very much data records the company's efforts that contribute to physical and social development through CSR programs.²⁶

4. Implementasion CSR prespective Islamic law

The application of social responsibility by Muslims is valued in Islam because most of them fall under the concept of "amar ma'ruf and munkar" and beneficial social work which is considered 'worship', after Muslims implement social responsibility initiatives which can be considered 'worship,' they have simultaneously performed a good deed ('amal salih). Good deeds mean everything that is done for a good purpose, and acting in accordance with Allah's pleasure and pleasure with the intention of earning Allah's pleasure. Allah says that those who do good are the best creatures.²⁷

Islam views CSR as a form of effort to realize social justice in the process of achieving *alfalah* (human welfare). *Alfalah* is the goal of the Islamic social system, which puts forward the affairs of social and

²⁵ Sulistyaningtyas, I. D. *Tanggung Jawab Sosial Perusahaan dalam Program Kampanye Sosial*. (Jakarta: Gema Insan, 2006),p: 79

²⁶ Sulistyaningtyas, I. D. *Tanggung Jawab Sosial Perusahaan dalam Program Kampanye Sosial*. (Jakarta: Gema Insan, 2006)p: 86

²⁷ Wan Jusoh, W. N. H., Ibrahim, U., & Mohammad, M. D. *An Islamic Perspective On Corporate Social Responsibility Of Islamic Banks*. (Jakarta:Mediterranean,2015),p: 18.

economic justice, as well as a balance between the material and spiritual needs of all human beings. It is also necessary to preserve and enrich faith, life intelligence, offspring and wealth.²⁸

Corporate social responsibility in Islam is different from universal Corporate social responsibility, where CSR in Islam emphasizes morals in every activity or business process, while CSR is universally more of a philanthropy.²⁹ According to social fiqh or fiqh based on the relationship between individuals or groups, CSR (Corporate social responsibility) must function as a medium to solve social problems such as those related to education, health, economy, environment, culture and politics³⁰. From aspect of *maslahah mursalah* CSR (Corporate social responsibility) carried out by the company has a good impact on the surrounding social environment which is in accordance with the principle of *maslahah mursalah* which puts forward aspects of fulfilling primary human needs.³¹

According to Muhammad Djakfar: CSR (Corporate social responsibility) in Islam there are elements including:

- 1) AL-Adlu (justice): business relations should not contain elements of tyranny and justice must be fulfilled which is applied in business contracts and business relations.

²⁸ Wan Jusoh, W. N. H., Ibrahim, U. & Mohammad, M. D. *An Islamic Perspective On Corporate Social Responsibility Of Islamic Banks*. (Jakarta: Mediterranean, 2015), p: 24.

²⁹ Siregar, B.G.. *Penerapan Corporate Social Responsibility Dalam Pandangan Islam*. (Jambi, Juris, 2016), p: 21.

³⁰ Santoso, S. *Konsep Corporate Social Responsibility Dalam Perspektif Konvensional Dan Fiqh Sosial*. (Jakarta: Ahkam, 2016), p: 10.

³¹ Hendar, J. *Corporate Social Responsibility Dalam Perspektif Hukum Islam*. (Jakarta: Syiar, 2013), p: 6.

- 2) Al Ihsan (kindness): CSR can be manifested as a form of good attitude, behavior and transaction intentions, and seeks to provide the best for stakeholders.
- 3) Benefits : CSR should be of benefit to both the company's internal and external environment.
- 4) Amanah: the implementation The company's corporate social responsibility should be trustworthy, in which corporate social responsibility is carried out and reported honestly and transparently to the rightful parties³².

Company policies on the implementation of Corporate social responsibility when viewed from an Islamic perspective can be grouped into 3, among others, as follows:

- 1) Corporate social responsibility between stakeholders and internal company.

This means that CSR serves as an example of Islamic law in providing good business partnership relations between the environment mutually beneficial business from internal to external parties company.

- 2) CSR to the natural environment.

This means that CSR has a role in environmental preservation ranging from abiotic to biotic environment.

³² Devirahtiasari, Fitrahmasari, R., & Fadah, I., *CSR in Islamic Perspective*. (Jakarta: Pena Nusantara, 2015) ,p: 15.

3) CSR towards the social environment and community welfare.

This means that CSR plays a role in providing welfare to the social environment in society. It is a reflection of Islam which upholds social relations and urges its people to always be generous.³³

Therefore, companies or business actors must have ethics and good morals. So that the company will not carry out activities that are negligent can endanger society, consumers, and the company itself.

5. Corporate Social Responsibility Prospective Maslahah Mursalah

According to Syed Nawab Heidar, this CSR activity when viewed from the perspective of business ethics, in this case Syed Nawab Heidar Naqwi outlines the principles of Islamic economics which include:³⁴

- 1) Tawhid, in this case, monotheism is an Islamic economic philosophy which is the basic orientation of economics, whose paradigm is relevant to logical, ethical and aesthetic values that can be functionalized into the midst of human economic behavior. In addition, monotheism also in economics leads economic actors to believe that property belongs to Allah.
- 2) Balance, this in economics has the power to form a mosaic of one's thoughts that an attitude of balance can lead humans to a state of necessity for social functions for property, meaning that the monopolistic practice of concentrating economic power, controlling market share and so on must be avoided.

³³ Pramiana, O., & Anisah, N. *Implementasi Strategic Corporate Social Responsibility* (Jakarta: Jendela Ilmu, 2013),p: 86.

³⁴ Muhammad, *Aspek Hukum dalam Mu'amalat*, (Yogyakarta: Graha Ilmu, 2007), p: 82-83

- 3) Free will, this is the principle that leads humans to believe that Allah not only has absolute freedom, but He also with His Rahman and Rahim nature gives humans the freedom to choose.

The three principles put forward by Syed Nawab, the author sees that all of them are a basis for conducting an economy that has a foundation for caring for others. Namely concern for the environment and social. In the context of CSR activities, it is inseparable from social and environmental principles. So it can be categorized as having wise business ethics. This business ethic cannot be separated from a value of justice, including Islamic distribution justice, in this case according to Munawar Iqbal, what is meant by distributive justice in Islam is reflected in the following three things:³⁵

- 1) Guarantee the fulfillment of basic needs for all.
- 2) Objectivity or fairness but not equality in individual income.
- 3) Limiting extreme inequality in individual wealth income. In addition, Islam builds social cohesiveness, compassion and brotherhood. This is manifested in the obligations of zakat, infaq, and alms which are a real form of caring for each other which is built to build social harmony.

CSR in Islamic law based on research and texts and hadiths, it is known that Islamic Shari'a law includes human benefit, in which case CSR activities are seen as activities for human benefit. Seeing some of the CSR

³⁵ Faisal Badroen, dkk, *Etika bisnis dalam Islam*, (Jakarta: Kencana Prenada Media, 2006), p: 49.

implementations carried out by several companies, if viewed from the perspective of Islamic law, namely from a *maslahah* review. Etymologically the word *maslahah* is synonymous with the word benefit³⁶. According to Ibn Mandhur, *maslahah* means anything that contains benefits either by attracting things that are beneficial and wearing or by refusing or avoiding such as refusing or avoiding things that can be harmful and painful. Terminologically, *syar'i maslahah* can be interpreted as a benefit desired by Allah SWT for His servants in the form of maintaining religion, soul, reason, descent, property with different levels of significance from each other.³⁷

While *Maslahat Mursalah* is a benefit that is not mentioned by *syara'* and there are no arguments that tell to do or leave it, whereas if it is done it will bring great good or benefit. The benefit of *mursalah* is also called the absolute benefit. Because there is no argument that acknowledges its validity or invalidity. In this case, Imam al-Ghazali said that the problem is basically getting benefits and rejecting *madharat*³⁸. So forming the law by means of *mursalah maslahat* solely to realize human benefit with the meaning to bring benefits and reject harm and damage to humans.³⁹ The application of this *maslahah* as a source of law is not absolute. According to the Maliki school of thought, there are several conditions that must be met, including:⁴⁰

³⁶ A. Malthuf Siroz, *Paradigma Ushul Fiqh Negosiasi Konflik Antara Maslahah dan Nash*. (Yogyakarta: Pustaka Ilmu, 2013), p: 11.

³⁷ A. Malthuf Siroz, *Paradigma Ushul Fiqh Negosiasi Konflik Antara Maslahah dan Nash*. (Yogyakarta: Pustaka Ilmu, 2013)p:12.

³⁸ Ahmad Abdul Majid, *Ushul Fiqih*. (Pasuruan: Garoeda Buana Indah, 1994), p: 88-89

³⁹ Kamal Muctar, dkk. *Ushul Fiqh Jilid I*. (Yogyakarta: Dana Bakti Wakaf, 1995), p: 143.

⁴⁰ A. Malthuf Siroz, *Paradigma Ushul Fiqh*. (Jakarta: Pustaka Firdaus, 2000) p:18.

- 1) Maslahah must be in line with the main objectives of Islamic law in the context of realizing human benefit. With this requirement, it means that maslahah should not negate other sources of evidence, or contradict the qot'iy arguments, but must be in accordance with the benefits that syar'i wants to realize.
- 2) Maslahah is substantively logical, that is, it can be accepted by common sense. So that where it is submitted to the rationalist group it will be accepted.
- 3) The application of maslahah as a source of law must be able to guarantee primary human interests or prevent loss and trouble.⁴¹

Besides that, Usul Fiqh scholars make criteria that must be met in applying maslahah, including the following: ⁴²

- 1) The maslahah must be included in the mu'amalah, so that the interests in it can be considered rationally and are not at all related to the field of worship.
- 2) Maslahah must be in line with the spirit of the Shari'ah and not contradict one of its sources.
- 3) Maslahah must be included in the interests of dharuriyyah and hajiyyah not takmiliyah.⁴³

CSR is a law that has no evidence and Nash which destroys and prohibits the activities carried out by the company. If this is related to

⁴¹ Muhammad Abu Zahrah. *Ushul Fiqh*, (Jakarta: Pustaka Firdaus, 1994), p: 427.

⁴² Kamal Muctar, dkk. *Ushul Fiqh Jilid I*. (Yogyakarta: Dana Bakti Wakaf, 1995), p: 144

⁴³ Kamal Muctar, dkk. *Ushul Fiqh Jilid I*. (Yogyakarta: Dana Bakti Wakaf, 1995), p: 111

masalah mursalah, the writer sees that this activity has something that if done creates great benefits for the community and the company itself. Seen from the benefits, even for small communities it is very important. Seeing people who lack funds to pay for their children to go to school, but with a company that issues CSR in the field of education for the surrounding community. So this is where the form of CSR activities can be seen which is beneficial for all people.

CHAPTER III

RESEARCH METHODS

Research method as a science is always based on empirical facts that exist in society. Empirical facts are done methodically, arranged systematically, and described logically and analytically. The focus of research is always directed to the discovery of new things or the development of existing knowledge.⁴⁴ While the meaning of research is a scientific activity to find, develop or test the truth of a knowledge that is done systematically and methodologically. Methodological means by using methods that are scientific, while systematic means in accordance with the guidelines and rules that apply to a scientific work.⁴⁵

A. Kind of Research

This type of research been a empirical research. The understanding of empirical research is a research process that produces the data descriptive words written or spoken of those interviewed and observed behavior for the implementation of the research on natural background or context of a wholeness (entity).⁴⁶ This research is often called empirical research or empirical juridical empirical law is a research associate with the real human behavior. Empirical jurisdiction or which could be called the sociology of law is a science that emerged from the development of the

⁴⁴ Abdulkadir Muhammad. *Hukum Dan Penelitian Hukum*, (Bandung: Citra Aditya Bakti, 2004), p:57.

⁴⁵ Muhammad Nazir, *Metode Penelitian*, (Jakarta: Ghalia Indonesia, 1985) p.108.

⁴⁶ Lexy J. Moleong, *Metode Penelitian Kualitatif*, (Bandung: PT. Remaja Rosdakarya, 1999), p. 89.

science of law and can be determined by studying the social phenomenon in society that looks the legal aspect.⁴⁷ This study focuses on the analysis of the field. The data used is the type of primary data gathered in the field. Then coupled with secondary data such as documents and other references related to the issues studied. Researchers will conduct interviews to interested parties, in this case the Glondonggede village chief and in charge of CSR PT. Holchim tbk Tuban.

B. Approachs of Research

In this study the authors use the Sociological Juridical Approach Method, which is a method approach that identifies and conceives the law as a real and functional social institution in a real life system.⁴⁸ The sociological juridical approach emphasizes research which aims to gain knowledge of law by way of empirical studies in the field, namely the implementation of CSR PT Holcim tbk. area of Tuban. While the approach of legislation is done by reviewing and examining all the arrangements relating to the object of research, namely Law No. 40 of 2007 on Limited Liability Companies, Law No. 25 of 2007 on Capital Investment and Islamic law.

C. Sources of Data

The data sources of this study are classified into three by type, ie primary, secondary and tertiary data sources. Primary data is data obtained directly from the first source related to the issues to be discussed⁴⁹

⁴⁷ Ali, *Sosiologi Hukum*, (Jakarta: Universitas Indonesia Press, 2001) p.13.

⁴⁸ Soerjonember Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: Universitas Indonesia Press, 1985), p.51

⁴⁹ Amiruddin, *Pengantar Metodologi Penelitian Hukum*, (Jakarta: Raja Grafindo Persada, 2006), p: .30

Furthermore, secondary data are data obtained from books and literature as a complement and to enrich primary data⁵⁰. Secondary data sources here in the blessing of books and scientific literature and research results, various legal regulations and so forth.

The primary data obtained from interviews and observations conducted by researchers in the field of the research object. Researchers interviewed several parties, this case the Glondonggede village chief and in charge of CSR PT. Holchim tbk Tuban. And of course, observing the objects of research and environmental indicators that have been set up, namely the theory of the effectiveness of the law. As for the secondary data obtained from Article 74 Number 40 Year 2007 regarding Limited Liability Company and Islamic Law and books related to the theme studied and written documents as supporters. Then, the data in the form of tertiary encyclopedias, dictionaries law, Indonesian dictionary, English dictionary to find the meaning of a foreign word.

D. Research Location

Glondonggede village expecially Satriyan hamlet is one of the ten villages have a productivity of the company and the location of the target company's CSR.

E. Technique of Data Collecting

To do a research, it takes data to complete and support a theory for the research to be scientific, and to get the data needed then it must use its own methods to get the data so that the data is valid and in accordance

⁵⁰ Marzuki, *Metodologi Riset*, (Yogyakarta : PT. Hanindita Offset, 1983), p:56.

with the reality. In this study the authors used data collection methods such as interviews (interviews) and documenter methods.

a. Interview

The interview is the process of getting the information by asking questions directly to the respondent. Interview is aimed at certain people. Use type of interview is a structured interview.⁵¹ The interview technique used to obtain data from the informant is semi-open interview. This means conducting interviews using the prepared questions first, but in the implementation there is no possibility research title. There are 4 speakers selected by the author, which 4 speakers are believed to be able to provide information that can support the research bias author, namely diantasanya

- 1) Mr Bisri As secretary of Glondonggede village.
- 2) Mr. Luhur As the head of CSR office PT Holcim tbk. Tuban.
- 3) Mr. Rusdan as KPD village of Glondonggede.
- 4) Miss Ifa and Msr. Sri Handayanin as a participant of organic vegetable training program of PT Holcim Tuban CSR program.

b. Observation

The method used to obtain data by observation and systematic record of the problems investigated.⁵²

c. Document Studies

⁵¹ Cholid Narbuko dan Abu Achmadi, *Metode Penelitian*,(Jakarta: Bumi Aksara, 2003), p.: 81

⁵² Cholid Narbuko dan Abu Achmadi, *Metode Penelitian*,(Jakarta: Bumi Aksara, 2003), p: 95

According Suharsimi Arikunto, the documentation comes from the word document which means written items.⁵³ Medium according Kontjaraningrat documentation is a collection of verbal data in the form of writing.⁵⁴ This method of writing is used to obtain documents and policies related to the implementation of the PT Holcim area CSR program of Tuban.

F. Data Processing Method

Data processing method describes the procedure for data processing and analysis of legal materials in accordance with the approach used. Data processing is usually done through the stages, namely editing, classifying, verifying, analyzing, and concluding.⁵⁵

a. Editing

The first stage is to review the data that has been obtained, especially from the completeness of the research data, having clarity of meaning, relevance and also its suitability with other research data groups, the aim of which is whether the research data is able to solve the problems being carried out research and is useful for research. minimize the potential for fraud and error in research data, and improve the quality of the research data itself. Then the data in the study came from interviews with mediators and judges mediators. Then also the result of observation. The data is derived from documents as well as additional data, entirely examined again.

⁵³ Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, (Yogyakarta: PT. Rineka Cipta, 1989), p: 200

⁵⁴ Kontjaraningrat, *Metode-metode Penelitian Masyarakat*, (Jakarta: PT. Gramedia, 1990), p: 46.

⁵⁵ Tim Penyusun, *Pedoman Penulisan Karya Ilmiah Fakultas Syariah UIN Maulana Malik Ibrahim Malang*, (Malang: Fakultas Syariah, 2012), p: 29.

b. Classifying

Reduce the existing data by arranging and classifying the data obtained into specific patterns or specific issues to facilitate the reading and discussion in accordance with the needs of research. The second step is carried out by means of research data is checked then grouped or classified based on the needs in order to facilitate the reading.

c. Analyzing

The process of simplification of words into a form that is easier to read and easy to interpret. In this case, the analysis of the data used by the writer is descriptive qualitative, the analysis which describes a situation or status phenomenon with words or sentences, then separated by category for the conclusion.⁵⁶ In data processing or analysis process, researchers presented the first data obtained from the field or from the interview.

d. Concluding

The final stage of data processing is concluding. Concluding are conclusions from the data obtained through analysis of answers to readers on the anxiety of what is presented on the background of the problem.

Actually, the process of analyzing the data is a process that will never be completed, requires total concentration and a long time. Job

⁵⁶ Moleong, *Metodologi Penelitian Kualitatif*, (Jakarta: PT. Rineka Cipta, 2012) p: 248.

analyzing the data it can be done since researchers in the field.⁵⁷ But in this study, the authors analyze the data after writers leaving or getting data from the field. It is feared the data would be lost or idea you have in mind, researchers will quickly fade if not faster data analysis to be done. Data analysis is the process of reviewing all the available data from various sources, including interviews, field observations that have been poured in the form of notes, personal documents, official documents, images, photos, and others.⁵⁸

G. Technique Data Analysis

After the data is collected, the next step is to conduct an analysis of these data using qualitative analysis method (not numerical) by way of inductive deductive.⁵⁹ Deductive is to analyze the data that is common to assess the data that is specific to provide assessment using existing provisions in Article 74 of Number 40 Year 2007 regarding Limited Liability Company and Islamic Law on the effectiveness of Corporate Social Responsibility by PT Holcim Indonesia Tbk Area Tuban. Namely inductive method of thinking by describing provisions that are special, in that it Effectiveness of Corporate Social Responsibility By PT. Holcim Indonesia Tbk. Area Tuban under Perspective Legal Positive Law (limited liability company Law, investment Law) and Islamic Law (maqoshid syariah).

H. Technique of Data validity

⁵⁷ Burhanudin Ashshofa, *Metode Penelitian Hukum*, (Jakarta: PT. Rineka Cipta, 2004), p: 66.

⁵⁸ Moleong, *Metodologi Penelitian Kualitatif*, (Jakarta: PT. Rineka Cipta, 2004) p: 190.

⁵⁹ Azwar, Saifudin.. *Metodologi Penelitian*, cet. Ke-5. (Yogyakarta: Graha Ilmu 2004) p: 11

This research was conducted in the extension of the observation that removing the distance between the researcher and the informant and the negative case analysis which means that researchers find the data of different or even contradictory to the data that has been found.

I. Systematic of Discussion

Writing the research proposal is divided into five chapters for including field research, among others:

Chapter I Introduction

An introductory chapter which contains several sections, among others: the background issues that presented the background in conducting research. Then is the problem formulation to talk about what will be studied. Followed by research objectives and benefits of research as a result that would be obtained stakeholders in the theme studied. Next is a previous study presents data on the results of previous studies. And the last is the systematic writing.

Chapter II Research Methods

Research method used starting from the research paradigm, research type, location, types and sources of data, data mining techniques, methods of processing, engineering analysis techniques to the validity of the data. This chapter describes how the journey of researchers from the early start of data collection to data checking.

Chapter III Literature Review

Literature review that includes an overview of Implementasion of Corporate Social Responsibility By PT Holcim Indonesia Tbk. Area

Tuban prespective Legal Positive Law (limited liability company Law, investment Law) and Islamic Law (maqoshid syariah) and practice of corporate social responsibility PT. Holcim Tuban.

Chapter IV Presentation and Discussion

Presentation and discussion of research results related problems studied. The findings in the field described in this chapter with a systematic discussion. The results of the analysis of the data obtained are also described. In this chapter we will discuss, describe and answer the hypotheses and research indicators described in the data. In this chapter we will discuss, describe and answer the hypotheses and research indicators described in the data. namely discussing all forms and the effectiveness of CSR by PT Holcim Tuban in terms of legal and field practice.

Chapter V Closing

The chapter contains conclusions and suggestions, which are the final part of this research report, as well as suggestions regarding the problems. In addition to conclusions regarding the results of the study, also explained the results of thoughts in the form of recommendations that are expected to be useful for those who need it later.

CHAPTER IV

RESEARCH RESULT AND DISCUSSION

A. General Condition of Research Objects

1. Profile of PT. Holcim Indonesia Tbk

PT. Holcim Indonesia Tbk has been through a long journey of cemented industry and infrastructure development in Indonesia. The long journey of PT. Holcim Indonesia Tbk started when it was called PT. Semen Cibinong which was officially established on June 15, 1971 with its flagship product "Semen Kujang". PT. Semen Cibinong is the first private cement manufacturer in Indonesia. In 1973, the first unit located in Gunung Putri sub-district, Bogor Regency was built and only ready to operate in 1975.

The big step took place on August 10, 1977 when PT Semen Cibinong became the first cement producer to list its shares on the Jakarta Stock Exchange, and then one year later PT Semen Cibinong also listed its shares on the Surabaya Stock Exchange. The expansion of PT Semen Cibinong Tbk continued with the acquisition of a majority share of PT Semen Nusantara Cilacap on June 14, 1993 which was then followed by a 100 percent purchase of PT Semen Dwima Agung's shares in 1995.

The starting point of the change took place on 13 December 2001 when the Holcim Group officially became the majority shareholder (77.33%) of PT Semen Cibinong Tbk, since then PT Semen Cibinong Tbk started to become part of the Holcim Group. On January 1, 2006

the company officially changed its name to PT Holcim Indonesia Tbk, since then PT Holcim Indonesia Tbk became one of the Holcim Group's cement companies.

PT Holcim Indonesia Tbk inaugurated its new plant in Tuban, East Java, Monday, August 24, 2015. The factory with a production capacity of 3.4 million tons per year was inaugurated by the Minister of Industry of the Republic of Indonesia, Saleh Husin. "With the establishment of this new plant, it will certainly increase the national cement production capacity significantly. We hope that this will support the needs and supply of cement," Saleh said. Improvement of the national cement production capacity, according to Saleh, is in line with the accelerated program of integrated infrastructure development that makes the potential for the development of the domestic cement industry continues to increase. distribution channels, the efforts made by PT Holcim Indonesia Tbk by building grinding plant, packing plant, batching plant and other storage facilities, especially outside Java, greatly help reduce logistics costs In turn, it supports the availability of cement evenly in the eastern part of Indonesia. The factory, which started its construction five years ago, is the first greenfield project in Indonesia With a total investment of 800 million US dollars, the Tuban plant is projected to meet market demand in East Java and the inter-island developing Tuban factory will provide an additional 40 percent of Holcim's total production capacity in Indonesia to 12.5 million tons of cement per year. "Tuban plant has many advantages in

terms of technology. This factory applies the latest machines to Holcim's other factories in the world. Therefore, we are confident the Tuban plant will be able to operate sustainably both for business and environment, "said President Director of PT Holcim Indonesia Tbk, Gary Schutz.⁶⁰

Vision

Being the leading company with the best performance in the building materials industry in Indonesia.

Mission

Health and Safety: Ensure zero harm in every operational and business activity.

Customer: Partnering with customers to realize different and innovative solutions.

Employees: Developing high performing human resources through diverse working environments and engaging individuals within them.

Stakeholders: Creating equal value and sustainable solutions for stakeholders.⁶¹

2. The Basis of Implementing Law

The legal basis for the implementation of the Corporate Social Responsibility program as mentioned in several regulatory products, namely legislation and Islamic law, are:

⁶⁰ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:87.

⁶¹ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:16

- 1) Law Number 19 Year 2003 regarding State-Owned Enterprises which is followed up by the Regulation of the Minister of State-Owned Enterprises No. 4 of 2007 which regulates the amount of funds up to the procedures of Corporate Social Responsibility.⁶²
- 2) Law Number 25 Year 2007 on Capital Investment, which in Article 15 b states that "Every Investment is obliged to carry out corporate social responsibility".⁶³
- 3) Law Number 40 Year 2007 regarding Limited Liability Company, Chapter V Article 74 paragraph (1): "In the Resource Management Activities the Company is obliged to carry out social and environmental responsibility" and paragraph (2): "Social and environmental responsibility as referred to in paragraph (1) shall be the obligation of the company to be budgeted and calculated as the cost of the company whose execution is carried out with due consideration to the properness and reasonableness⁶⁴ ".
- 4) Law Number 32 of 2009 on the Protection and Management of the Environment. Under Article 68 of Law 32/2009, every person conducting business and / or activity is obliged to:
 - a. Provide information related to the protection and management of the environment correctly, accurately, openly and in a timely manner.
 - b. Maintaining the sustainability of environmental functions.

⁶² Law Number 19 Year 2003 on peran BUMN

⁶³ Law Number 25 Year 2007 on Capital Investment

⁶⁴ Law Number 40 Year 2007 regarding Limited Liability Company

- c. Comply with the provisions on environmental quality standards and / or standard criteria for environmental damage⁶⁵.
- 5) Government Regulation Number 47 of 2012 on Corporate Social Responsibility and Environment of Limited Liability Company. In Article 4 of Regulation 47/2012, it is said that the TJSL is executed by the Board of Directors based on the company's annual work plan after obtaining approval from the Board of Commissioners or General Meeting of Shareholders ("GMS") in accordance with the articles of association of the company. The company's annual work plan contains the activities and budget plans required for the implementation of TJSL⁶⁶.
- 6) Regulation of the Minister of State-Owned Enterprises Number PER- / 05 / MBU / 2007 concerning Partnership Program of State-Owned Enterprises with Small Business and Community Development Program, among others:
- a. Article 1, that the Community Development Program is a program of empowering the social condition of the community by BUMN through the utilization of funds for the share of profit of SOEs.
 - b. Article 2, Persero Terbuka can implement partnership program and environmental development program based on this rule as stipulated in the General Meeting of Shareholders (GMS).

⁶⁵ Law Number.32 of 2009 on the Protection and Management of the Environment.

⁶⁶ Government Regulation Number.47 of 2012 on Corporate Social Responsibility and Environment of Limited Liability Company.

- c. Chapter III, Article 9 paragraph (2), that the environmental development program fund is sourced from a) Provision of maximal profit after tax of 2% (two percent), b) Interest on deposits and / or demand deposit services from environmental development program funds.⁶⁷

3. Implementasion CSR PT. Holcim perspective of Islamic law

The application of social responsibility by Muslims is valued in Islam because most of them fall under the concept of "amar ma'ruf and munkar" and beneficial social work which is considered 'worship', after Muslims implement social responsibility initiatives which can be considered 'worship,' they have simultaneously performed a good deed ('amal salih). Good deeds mean everything that is done for a good purpose, and acting in accordance with Allah's pleasure and pleasure with the intention of earning Allah's pleasure. Allah says that those who do good are the best creatures.⁶⁸

Islam views CSR as a form of effort to realize social justice in the process of achieving *alfalah* (human welfare). *Alfalah* is the goal of the Islamic social system, which puts forward the affairs of social and economic justice, as well as a balance between the material and spiritual needs of all human beings. It is also

⁶⁷ Regulation of the Minister of State-Owned Enterprises Nomor. PER- / 05 / MBU / 2007 concerning Partnership Program of State-Owned Enterprises with Small Business and Community Development Program.

⁶⁸ Wan Jusoh, W. N. H., Ibrahim, U., & Mohammad, M. D., *An Islamic Perspective On Corporate Social Responsibility Of Islamic Banks*. (Jakarta: Mediterranean, 2015), p: 18.

necessary to preserve and enrich faith, life intelligence, offspring and wealth.⁶⁹

Corporate social responsibility in Islam is different from universal corporate social responsibility, where CSR in Islam emphasizes morals in every activity or business process, while CSR is universally more of a philanthropy.⁷⁰ According to social fiqh or fiqh based on the relationship between individuals or groups. Corporate social responsibility must function as a medium to solve social problems such as those related to education, health, economy, environment, culture and politics⁷¹. From aspect of *maslahah mursalah* CSR carried out by the company has a good impact on the surrounding social environment which is in accordance with the principle of *maslahah mursalah* which puts forward aspects of fulfilling primary human needs.⁷²

According to Muhammad Djakfar CSR in Islam there are elements including:

- 1) AL-Adlu (justice): business relations should not contain elements of tyranny and justice must be fulfilled which is applied in business contracts and business relations.

⁶⁹ Wan Jusoh, W. N. H., Ibrahim, U., & Mohammad, M. D., *An Islamic Perspective On Corporate Social Responsibility Of Islamic Banks* (Jakarta: Mediterranean,2015),p: 24.

⁷⁰ Siregar,B.G. *Penerapan Corporate Social Responsibility Dalam Pandangan Islam* (Jambi: Juris, 2016) p:21.

⁷¹ Santoso,S. *Konsep Corporate Social Responsibility Dalam Perspektif Konvensional Dan Fiqh Sosial*.(Jakarta: Ahkam,2016), p: 10.

⁷² Hendar, J.*Corporate Social Responsibility Dalam Perspektif Hukum Islam*.(Jakarta: Syiar Hukum,Jurnal, 2013) ,p: 6.

- 2) Al Ihsan (kindness): CSR can be manifested as a form of good attitude, behavior and transaction intentions, and seeks to provide the best for stakeholders.
- 3) Benefits: CSR should be of benefit to both the company's internal and external environment.
- 4) Amanah: the implementation The company's corporate social responsibility should be trustworthy, in which corporate social responsibility is carried out and reported honestly and transparently to the rightful parties⁷³.

Company policies on the implementation of CSR when viewed from an Islamic perspective can be grouped into 3, among others, as follows:

- 1) CSR between stakeholders and internal company: this means that CSR serves as an example of Islamic law in providing good business partnership relations between the environment mutually beneficial business from internal to external parties company.
- 2) CSR to the natural environment: this means that CSR has a role in environmental preservation ranging from abiotic to biotic environment.

⁷³ Devirahtiasari, Fitrahmasari, R., & Fadah, I. *CSR in Islamic Perspective*. (Jakarta: Media Perss, 2018) p: 150.

3) CSR towards the social environment and community welfare: this means that CSR plays a role in providing welfare to the social environment in society. It is a reflection of Islam which upholds social relations and urges its people to always be generous.⁷⁴

Therefore, companies or business actors must have ethics and good morals. So that the company will not carry out activities that are negligent can endanger society, consumers, and the company itself.

4. CSR Program at PT. Holcim Indonesia Tbk Tuban

Corporate Social Responsibility is the responsibility of the company's activities internally and externally in accordance with Article 74 of Law Number 40 Year 2007 regarding Limited Liability Company that a company conducting its business activities in the field and / or related to natural resources are obliged to carry out social and environmental responsibility, the mining company is also obliged to carry out social and environmental responsibility because it is engaged in natural resources. It is also the underpinning of PT Holcim Indonesia Tbk, an Indonesian public corporation where majority of its shares (80.65%) are owned and managed by Holcim Group, based in Switzerland, the world's largest cement producer with a total of more than 85,000 employees and production capacity in more than 70 countries reached more than 170 million tons of cement is constantly

⁷⁴ Pramiana, O., & Anisah, N. . *Implementasi Strategic Corporate Social Responsibility*. (Bandung: Bandung Pers, 2018),p:89.

racing to increase its role in the surrounding community in the form of CSR programs.⁷⁵

The CSR program is essential for Holcim, as the Community is a stakeholder who must benefit from Holcim's existence. Implementation of CSR activities is also in line with company values. The ongoing or ongoing activities of CSR, among others:

1) Education & Training

Holcim Indonesia has been consistent with the implementation of programs that can improve the educational experience of communities in the vicinity of the Company's operational areas. This is done by providing scholarships for students from low-income families and by establishing inclusive, regular or irregular programs / events that can improve the quality of education or learning processes of students, adults, and even families in the community⁷⁶.

2) GOTA (Foster Parent Movement)

GOTA is a government initiative supporting the 9-year compulsory education program. While students receive free education up to the 9th year of their compulsory education program, many students are still unable to have school uniforms, books, and other items needed for the learning process.

⁷⁵ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p: 40

⁷⁶ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p 40

Holcim Indonesia factory employees regularly participate in the GOTA program, as foster parents for students from around the company's operational area, As of April 2016, Holcim Indonesia noted an increase in employee participation in the Tuban plant, which is a total of 241 employees, willing to be people elderly parents for a total of 392 students from six villages around the Tuban plant, compared with 173 employees in 2013.⁷⁷

3) Improvement of Public Health

Programs aimed at improving the health of people living in communities both in and near Holcim Indonesia operations are conducted in several ways. For programs that are national and generally organized on a large scale, Holcim Indonesia works with government agencies or non-governmental organizations. By the end of 2016, Holcim Indonesia has been involved in various programs, including blood donors and Integrated Service Post (Posyandu). In addition, Holcim Indonesia also carries out programs and initiatives that meet the needs of each targeted site. Community needs information is captured from regular interactions with local communities, including during visits and Community Consultation Forum sessions. The programs organized by this interaction largely focus on improving the quality of the environment so that ultimately

⁷⁷ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:41.

it can improve the quality of public health. Several programs have been implemented including waste management and sanitation facilities, as well as some programs that are part of Posdaya, Holcim Indonesia's main CSR activities that establish improved public health as one of its pillars.⁷⁸

4) Posdaya - Integrated Concept to Support and Empower the Community.

Posdaya program held in communities around the operational area of Holcim Indonesia, including:

- a. Economics: training / support system to start local products business, including fish apartments, chips, brown sugar, fish shredded, pastries, handicrafts, batik, freshwater fish cultivation, chicken farms etc.
- b. Environment: growing organic vegetables, handling organic waste.
- c. Health: Posyandu (integrated service post), health seminars, pregnancy seminars, programs.
- d. Community: chicken, cow and goat farmers.⁷⁹

5) Women Empowerment

⁷⁸ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:43

⁷⁹ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p: 45

Holcim Indonesia recognizes the potential of women to be agents of change in overcoming the poverty challenge in the communities surrounding the Company's operations. Therefore, Holcim continues to support small businesses that are established and managed by local women. In Tuban, the wives of local fishermen and mothers living around Glondonggede and Socorejo.⁸⁰

6) Community Activity Center

Community Activity Center (PKM) is at the forefront of implementation of various CSR initiatives developed at the Holcim plant in Tuban. Already present even before the start of Holcim's operations in Tuban, PKM has become a bridge between the Company and the community, helping to communicate and budget all CSR plans in the region. Up to now, PKM has assisted various projects and programs that provide benefits for 15,818 people, covering aspects of economic empowerment, health, social and educational improvements. The PKM's regular program includes opening of employment opportunities, scholarships, free medication, and other SME-related projects. One of the main programs of PKM is microfinance support for farmers and small business owners. In particular, Saprodi's program, which channeled

⁸⁰ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p: 46

funds for farmers to buy seeds, fertilizers, and pesticides, has provided support to a total of 135 farmers.⁸¹

7) Infrastructure Development

Construction of glondonggede village hall, Renovation⁸² of Merkawang MI and Merkawang village market renovation⁸³.

5. Corporate Understanding of CSR

PT. Holcim Indonesia Tbk is committed to a sustainable development paradigm that refers to the concept of a triple bottom line. Living side by side with local communities is a consequence of PT. Holcim Indonesia as part of the community. Triple bottom line concept influencing company policy is realized with six pillars of sustainable development of PT. Holcim Indonesia Tbk, one of which is the implementation of social responsibility.⁸⁴

PT. Holcim Indonesia Tbk with a high level of social awareness so very concerned about life in society and life to the surrounding environment. As mentioned in Antara News media, there are several real programs that PT. Holcim Indonesia has implemented in this CSR program, such as literacy program, living environment in the form of live pharmacy, early childhood education, health for elderly people, potential of local economy through home industry. Not to forget the awareness of the environment also became a realization

⁸¹ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:47.

⁸² PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:50.

⁸³ PT. Holchim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p :52

⁸⁴ Andi. *Corporate Social Responsibility (CSR) PT Holcim Indonesia Tbk.* 2012 <https://andisiandi.wordpress.com/2012/11/01/corporate-social-responsibility-csr-pt-holcim-indonesia-tbk/>. diakses pada jumat, 22 maret 2018

program such as environmental management system through the application of quality and environmental policies. Among them through energy saving program to reduce the use of electrical energy and thermal energy⁸⁵.

6. **Format of CSR**

The form of CSR program in PT. Holcim Indonesia Tbk is Stewardship principle, where its use will have fundamental impact for society, so company must be able to manage its economic responsibility to shareholders, fulfill legal responsibility by complying with laws and social responsibility to Stakeholders.⁸⁶

7. **Corporate CSR Model**

PT. Holcim Indonesia Tbk is cooperating with the residents such as the company appoint some residents to become the representative of the company to observe what the citizens need. Therefore, Holcim companies understand what their needs are and in cooperation with the people who act as corporate representatives, the company knows what the citizens need and that need can be met. For holcim's own master factory more focused on csr to empower the six existing villages in one.⁸⁷

As an example of the implementation of CSR activities in accordance with the needs of residents is when Holcim established a factory in Tuban, many people around who work as fishermen want to

⁸⁵ PT. Holcim, *Laporan Kinerja Pembangunan Keberlanjutan Holcim Indonesia* 2016, p:85.

⁸⁶ Anombernim, . *PT Holcim Indonesia Mitra Pemerintah dan Peduli Lingkungan*. 2014, <http://www.majalahpotretindonesia.com/index.php/wawancara/item/107-pt-holcim-indonesiamitra-pemerintah-dan-peduli-lingkungan/107-pt-holcim-indonesia-mitra-pemerintah-dan-peduli-lingkungan>

⁸⁷ Anombernim, *Profil Perusahaan* 2014. <http://www.holcim.co.id/id/tentansg-kami.html>.

start a new business that can improve their welfare. Therefore, Holcim then designed the program of fish apartments for areas living near the coast in Tuban. Dann people who work as farmers companies facilitate the form of organic vegetable planting training. Currently, some communities around the Holcim business location in Tuban have benefited from the company's CSR program.⁸⁸

B. Data Exposure

1. Implementation Of Csr Pt Holcim Araea Tuban

The basic principle of PT. Holcim Indonesia CSR strategy is sustainable development that adopts the concept of triple bottom line which is elaborated through the implementation of 6 pillars of sustainable development. Combined with the six pillars of CSR according to Holcim, the mindset is expected to always concentrate on creating sustainable products and sustainable construction, energy and climate, resource conservation and social commitment social commitment). All CSR programs use partnership methods.⁸⁹

KPD is a village representative group, KPD is in the form of representatives of companies whose members are villagers who serve the object of corporate CSR. KPD in the select and in form by the direct company which KPD has a duty to accommodate the aspirations of the citizens to convey to the company, in short this KPD is a representative of the company whose members are villagers who

⁸⁸ Anombernim, *Perusahaan Peraih Csr Award Koran Sindo 2013*.
<http://ekbis.sindonews.com/read/753575/34/ini-27-perusahaan-peraih-csr-award-koran-sindo-2013-1372084074/20>

⁸⁹ Anombernim, *Profil Perusahaan*. 2014. <http://www.holcim.co.id/id/tentang-kami.html>

became the object area of PT. Holcim CSR program. In this Glondonggede Village PT. Holcim commissioned four members of the Village Representative Group (KPD), including:⁹⁰

NO	NAME	NOTE
1	Rusdan	Satriyan
2	Zuhri (almarhum)	Striyan
3	Nur ali	Ketapang
4	Ngadimin	Glondonggede

The responsibility of CSR fund recipients is not only to accommodate the aspirations of the citizens but also as a representative of the company to realize the objectives of the CSR program itself and also as a representative of the company to channel CSR funds to be right on target.

2. Analysis Implementasion Of Corporate Social Responsibility By PT. Holcim Traditional Indonesia Tbk. Area Tuban Regarding Positive Law And Islamic Law.

Based on Law Number 25 Year 2007 regarding Capital Investment and Law Number 40 Year 2007 regarding Limited Liability Company, Article 15 b states that "Every Investment is obliged to perform corporate social responsibility" and "In the Company's Natural Resource Management Activities shall be obliged to carry out social

⁹⁰ Interview with KPD chairman, Mr. Rusdan

and environmental responsibility "and paragraph (2):" The social and environmental responsibilities referred to in paragraph (1) shall be the obligations of the company which are budgeted and calculated as the cost of the company whose implementation is carried out with due regard to the properness and fairness⁹¹".

The form of CSR program in PT. Holcim Indonesia Tbk is Stewardship principle, where its use will have fundamental impact for society, so company must be able to manage its economic responsibility to shareholders, fulfill legal responsibility by complying with laws and social responsibility to Stakeholders⁹².

The basic principle of PT. Holcim Indonesia CSR strategy is sustainable development that adopts the concept of triple bottom line which is elaborated through the implementation of 6 pillars of sustainable development. Combined with the six pillars of CSR according to Holcim, the mindset is expected to always concentrate on creating sustainable products and sustainable construction, energy and climate, resource conservation and social commitment social commitment). All CSR programs use partnership methods.

PT. Holcim Indonesia Tbk is cooperating with the residents such as the company appoint some residents to become the representative of the company to observe what the citizens need. Therefore, the Holcim company understands what their needs are and in cooperation with the people acting as the representative of the company ie KPD (village

⁹¹ PT.Holcim Indonesia. *Sustainable Development Report*. 2014, p: 78.

⁹² Rahmatullah. 2013. <http://www.rahmatullah.net/2010/05/masalah-pengelolaan-programcorporate.html>

representative group), the company knows what the citizens need and the need can be met. For holcim's own master factory it focuses more on csr to empower six villages in ring one special to the village of Glondonggede⁹³.

The application of social responsibility by Muslims is valued in Islam because most of them fall under the concept of "amar ma'ruf and munkar" and beneficial social work which is considered 'worship', after Muslims implement social responsibility initiatives which can be considered 'worship,' they have simultaneously performed a good deed ('amal salih). Good deeds mean everything that is done for a good purpose, and acting in accordance with Allah's pleasure and pleasure with the intention of earning Allah's pleasure. Allah says that those who do good are the best creatures.⁹⁴

Islam views CSR as a form of effort to realize social justice in the process of achieving al-falah (human welfare). Al-falah is the goal of the Islamic social system, which puts forward the affairs of social and economic justice, as well as a balance between the material and spiritual needs of all human beings. It is also necessary to preserve and enrich faith, life intelligence, offspring and wealth.⁹⁵

Corporate social responsibility in Islam is different from universal Corporate social responsibility, where CSR in Islam emphasizes morals in every activity or business process, while CSR is

⁹³ hasil wawancara dengan sekretaris desa glondonggede

⁹⁴ Wan Jusoh, W. N. H., Ibrahim, U., & Mohammad, M. D. *An Islamic Perspective On Corporate Social Responsibility Of Islamic Banks*. (Jakarta: Mediterranean, 2015). p:18.

⁹⁵ Wan Jusoh, W. N. H., Ibrahim, U., & Mohammad, M. D. *An Islamic Perspective On Corporate Social Responsibility Of Islamic Banks*, (Jakarta: Mediterranean, 2015). p:24.

universally more of a philanthropy.⁹⁶ According to social fiqh or fiqh based on the relationship between individuals or groups, CSR must function as a medium to solve social problems such as those related to education, health, economy, environment, culture and politics⁹⁷. From aspect of *maslahah mursalah* CSR carried out by the company has a good impact on the surrounding social environment which is in accordance with the principle of *maslahah mursalah* which puts forward aspects of fulfilling primary human needs.⁹⁸

According to Muhammad Djakfar in Islam there are elements including:

- 1) AL-Adlu (justice): business relations should not contain elements of tyranny and justice must be fulfilled which is applied in business contracts and business relations.
- 2) Al Ihsan (kindness): CSR can be manifested as a form of good attitude, behavior and transaction intentions, and seeks to provide the best for stakeholders. CSR from PT Holcim covers several fields including education, health, training, and scholarships for the community aiming to advance the economy of the surrounding community, especially the villagers of ring 1.
- 3) Benefits: CSR should be of benefit to both the company's internal and external environment. CSR program from PT. Holcim, it is

⁹⁶ Siregar,B.G. *Penerapan Corporate Social Responsibility (Csr) Dalam Pandangan Islam*. (Jambi: Juris, 2016). p: 21.

⁹⁷ Santoso,S. *.Konsep Corporate Social Responsibility Dalam Perspektif Konvensional Dan Fiqh Sosial* (Jakarta: Ahkam, 2016) p:110.

⁹⁸ Hendar, J. *Corporate Social Responsibility Dalam Perspektif Hukum Islam*. (Jakarta: Syiar Hukum, 2013) ,p: 69.

hoped that the community can develop and become a more advanced society.

- 4) Amanah: the implementation The company's corporate social responsibility should be trustworthy, in which corporate social responsibility is carried out and reported honestly and transparently to the rightful parties⁹⁹. With PT. Holchim's CRS program, it is very important to carry out socialization related to the CSR program to the community to provide knowledge and insight for the community, especially the residents of Ring 1, one of which is Glondonggede Village.

Company policies on the implementation of CSR when viewed from an Islamic perspective can be grouped into 3, among others, as follows:

- 1) CSR between stakeholders and internal company: this means that CSR serves as an example of Islamic law in providing good business partnership relations between the environment mutually beneficial business from internal to external parties company.
- 2) CSR to the natural environment: this means that CSR has a role in environmental preservation ranging from abiotic to biotic environment. PT Holchim has a role to participate in preserving

⁹⁹ Devirahtiasari, Fitrahmasari, R., & Fadah, I. *CSR in Islamic Perspective*. (Jakarta: Gema Insani, 2018),p: 158.

nature and the environment, not only taking advantage of nature as the main ingredient for making cement but also having to balance it with efforts to save the environment from the impact of the cement factory. One of PT Holchim's efforts in protecting and preserving the environment is by planting greenery around the cement factory area.

- 3) CSR towards the social environment and community welfare: this means that CSR plays a role in providing welfare to the social environment in society. It is a reflection of Islam which upholds social relations and urges its people to always be generous.¹⁰⁰ The existence of the PT Holchim company in ring 1 village, namely Glondonggede village, is expected to be able to raise the economic level of the people in it, especially residents who are around the company, namely ring one residents, here PT Holchim provides entrepreneurship training to residents, for example planting organic vegetables in residents' yards.

Therefore, companies or business actors must have ethics and good morals. So that the company will not carry out activities that are negligent can endanger society, consumers, and the company itself.

The four moral philosophies above are attempts in order to align all aspects of a Muslim's life with his religious teachings, so that

¹⁰⁰ Pramiana, O., & Anisah, N.. *Implementasi Strategic Corporate Social Responsibility*. (Bandung: Pena Insan, 2018) ,p:87.

the Islamic financial and banking system is expected to contribute to the achievement of socio-economic goals of Islam¹⁰¹.

In the strategy development stage, from the interviews the authors collect facts and formulate solutions to deal with community issues through social mapping. The results of social mapping according to parties Holcim outline that the dominant problem faced by society is the problem of education, health, poverty and employment¹⁰².

This conclusion is brought to the community through the Village Representative Group (KPD) which has been described in the general picture as a group formed PT.Holcim Indonesia to bridge communication with the community. KPD is expected to be a bottom up method, which is a people-oriented development approach. KPD as a communication process is expected to be a means of realizing the CSR program that is needed by the community and synergic with government policy because the program is planned, implemented, monitored and evaluated by these components but in the implementation can be understood more deeply that in KPD is not represented by the government from the community and KPD and there is no particular forum in capturing the aspirations of the community. This is contrary to the effective communication model of CSR, which is a two-way symmetrical model which according to Grunig this model describes a communication guide in which

¹⁰¹ M. Umer Capra, *Sistem Moneter Islam* (Jakarta: Gema Insani Press & Tazkia Cendekia. 2000),p: 48.

¹⁰² Hasil wawancara dengan bapak luhur selaku kepala kantor csr pt holcim

companies and the public adapt to each other. As an extension of the vision of community goals and problems, CSR's strategy of PT.Holcim Indonesia Tuban area is to create a sustainable program and become a solution for community problems.¹⁰³

Community Response to Corporate Social Responsibility Program CSR Program PT.Holcim Indonesia Tuban area in empowering the surrounding community is already ideal in theory. However, it needs further study in the implementation level. Basically all respondents who were interviewed to represent the local community stated they knew that PT.Holcim Indonesia area Tuban has a program of social responsibility to the community around the company such as infrastructure development program, training and scholarship. However, if asked about the process in CSR programs such as planning, social mapping, community communication forums up to evaluation, all respondents also have the same answer that does not know about those processes because for them it is a matter of *pak inggi* (title for *pak lurah*) the PT.Holcim Indonesia *padahal* is clearly explained that the company does not involve the village administration but establish its own representative *yag* placed in the village. They do not feel important to know and do not know at all how the mechanism works. They also said there was no representation from the visiting companies to simply communicate with the public. So far in the implementation of CSR respondents considered PT.Holcim Indonesia

¹⁰³ Hasil wawancara dengan peserta posdaya program penanaman sayur organik

more often represented to communicate with KPD than open forums with the community.¹⁰⁴

Some respondents also informed that the program is often only followed by the family of company representatives namely KPD. only one of the respondents who claimed to have attended CSR program in the form of training on economic improvement of the community that is planting organic vegetables, the rest admitted that the program is still very limited and based on the choice of government or Holcim, so not all can be involved or show their interest to the activities of Corporate Social Responsibility PT.Holcim Indonesia area Tuban¹⁰⁵

This indicates that the active participation of the community is still low, making it difficult for each party to synergize to realize a comprehensive dialogue. Moreover, according to Ife 2006. Most of the programs realized without involving the community will lead to discrepancies between the program and the needs of the community, it also raises the participation of the community in low CSR programs. In fact, participation is a fundamental essence in the realization of CSR programs.¹⁰⁶

Apart from the lack of communication between the company and the community, the conflict and the limited number of participants offered from the company and other factors, the respondents still showed enthusiasm if later will be held again development program

¹⁰⁴ result of interview with ifa resident of satriyan hamlet

¹⁰⁵ result of interview with Sri Hidayati resident of satriyan hamlet

¹⁰⁶ O’riordan, Linda & Fairbrass, Jenny. *Corporate Social Responsibility Models and Theories in Stakeholder Dialogue*, (Jakarta: UniversityBelfast, 2008),p: 112

from PT. Holcim Indonesia area Tuban. CSR as one of the functions of community relations in a company can be one of the formers of reputation and image of a very good company. But in the process it takes a process of communication that can form a common understanding between the company and its stakeholders ¹⁰⁷. Strategy is at the heart of a communication activity. It determines what an organization wants to achieve and how it achieves its goals.

The reputation of PT. Holcim Indonesia is considered as a whole valued by local people well, it is judged from the image of the company that they value as a company that has been able to manage other branch companies before establishing a factory in Tuban but not yet proven because the public has not fulfilled the demands of society as a whole so that people tend to compare with the competitors who also operate around their area.

Never theless, the strategy developed by PT. Holcim Indonesia has a good and ideal basis, especially in community relations effort through CSR program. PT. Holcim Indonesia has poured the CSR elements in the vision, mission and corporate policy with a comprehensive, live how it is supported by the implementation of strategies and dialogue with local communities regularly and openly. Finally, when looking at the description of CSR strategy stages above PT. Holcim Indonesia tends to be classified as the fourth group in CSR theory ie ethical theories group. It is based on CSR PT. Holcim

¹⁰⁷O'riordan, Linda & Fairbrass, Jenny. *Corporate Social Responsibility Models and Theories in Stakeholder Dialogue*, (Jakarta: UniversityBelfast, 2008),p:127

Indonesia who understand the relationship between business and society is the planting of ethical values. Reflected from the vision of the company that contains an ethical perspective and instill it in all aspects of the company.¹⁰⁸

¹⁰⁸Garriga, E & Mele, D. *Corporate Responsibility Theories : Mapping the Territory. Journal of Bussiness Ethics.*(Jakarta: Juris, 2004) p:87

CHAPTER V

CLOSING

1. Conclusion

Based on Law Number 25 Year 2007 regarding Capital Investment and Law Number 40 Year 2007 regarding Limited Liability Company, Article 15 b states that "Every Investment is obliged to perform corporate social responsibility" and "In the Company's Natural Resource Management Activities shall be obliged to carry out social and environmental responsibility "and paragraph (2):" The social and environmental responsibilities referred to in paragraph (1) shall be the obligations of the company which are budgeted and calculated as the cost of the company whose implementation is carried out with due regard to the properness and fairness".

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2. Suggestion

The author realizes, in research that the authors make is still many shortcomings, both from the language, structure of writing, sources, and contents. Therefore, criticism and suggestion is very author expect for future improvement. Hopefully this research can be useful for anyone who reads it. If there are errors in terms of content and in writing, it is my weakness and lack as a normal human being.

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INTERVIEW:

- Mr. Bisri as secretary of Glondonggede village, 21 January 2018, 08.30 wib
- Mr. Rusdab as chairman of KPD in Satriyan hamlet of Glondonggede village, 10 May 2018, 18.30 wib
- Mr. Luhur as head of CSR office PT Holcim Tuban, 24 January 2018, 08.30 pm
- Msr Sri Hidayah resident of dukuh Satriyan, participant of planting organic vegetable planting in Satriyan sub-village, 25 January 2018, 10.30 wib
- Miss Ifa of dukuh Satriyan, participant of planting organic vegetable planting in Satriyan sub-village, 25 January 2018, 14.00 wib

ATTACHMENT

Interview results

The interview technique used to obtain data from the informant is semi-open interview. This means conducting interviews using the prepared questions first, but in the implementation there is no possibility research title.

There are 4 speakers selected by the author, which 4 speakers are believed to be able to provide information that can support the research bias author, namely:

- 1) Mr Bisri As secretary of Glondonggede village
- 2) Mr. Luhur As the head of CSR office PT Holcim Tbk. Tuban
- 3) Mr. Rusdan as KPD village of Glondonggede
- 4) Miss Ifa and Msr. Sri Handayanias a participant of organic vegetable training program of PT Holcim Tuban CSR program

No	name	Quescion
1	Mr Bisri	<ol style="list-style-type: none"> 1. Related CSR PT Holcim Indonesia Tbk. Tuban CSR program what are the packs currently held in the village of Glondonggede in particular the hamlet Satriyan? 2. What kind of posdaya program is currently being run in the striyan hamlet? 3. Related to what CSR funds are managed in the villages, in the sense that funds from companies entering the village continue to be managed by village officials? 4. Oh so seprti it sir, so all related to PTC Holcim CSR handling is KPD as the representative of the company? 5. Is this program effective and in accordance with what is promised by the company?. 6. So everything related to CSR becomes the responsibility of KPD, the village is only as a companion only?
2	Mr. Rusdan	<ol style="list-style-type: none"> 1. I would like to ask about PT Holcim Tuban CSR program especially in Satriyan village, how can it take a while? 2. KPD in Glondonggede is anyone? 3. what does KPD stand for? 4. Posdaya program that is or has been done in this satriyan village what is it? 5. How do you as the KPD is a container of the aspirations of villagers and as a representative of

		<p>the company in carrying out its duties?</p> <ol style="list-style-type: none"> 6. What are the constraints that you experience in realizing the success of the CSR program itself? 7. Back again to the CSR program, the power post program how to hire the pack? 8. With the number of participants is there any specific requirements that should be done by participants such as teaching organic vegetables menanm techniques to other citizens? 9. Are there reports on the CSR program, such as details of funds, experts, participants and the implementation schedule?
3	Mr. Luhur	<ol style="list-style-type: none"> 1. Sir before we interviewed, we first interviewed the village apparatus and, how exactly does the company's csr system work? 2. Here to a representative of the company, what company believes that to have maximal in carrying out its duties? 3. In determining the csr program, what is in the company as a measuring tool in forming csr program? 4. Who are the parties involved in forming the CSR program? 5. If the company does not involve village officials to contribute to forming a CSR program, how can you know what the community needs? 6. What are the company benchmarks in determining CSR programs? 7. What percentage of the success rate and distribution of the program? 8. Are there reports made for all CSR programs? 9. How about the CSR funds? 10. Does the branch not know about the details of funds from the central company? 11. How is the distribution of experts and various assistance if the branch company does not receive CSR funds directly?
4	Miss Ifa	<ol style="list-style-type: none"> 1. Is it true that Ms. Ifa is following the PT Hochim CSR program? 2. From whom get Ms. ifa received information regarding this program? 3. What kind of program do you follow? 4. How many participants in the program? 5. What is your opinion about PT Holcim's CSR program?

		6. What are your hopes for the sustainability of PT Holcim's CSR program?
5	Msr. Sri Handayani	7. Is it true that msr. Sri is following the PT Hochim CSR program? 8. From whom get Msr. Sri received information regarding this program? 9. What kind msr. Sri of program do you follow? 10. How many participants in the program? 11. What is your opinion about PT Holcim's CSR program? 12. What are your hopes for the sustainability of PT Holcim's CSR program?

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