

## Effectiveness of Murabaha Financing Dispute Settlement Through Mediation at Indonesian Islamic Banks\*

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### **Abstract**

*This study assesses the effectiveness of mediation in murabahah funding dispute resolution at Bank Syariah Indonesia KC Asia Afrika Bandung City. This study aims to discover and comprehend how Indonesian Islamic Banks manage contentious disputes, with an emphasis on murabahah financing, as well as the effectiveness of murabahah financing dispute resolution through mediation at Indonesian Islamic Banks. The employed research method is qualitative research with a qualitative descriptive approach that depicts a scenario in the agency and community through observation, interviews, and recording. The primary source of data for this study is the results of interviews with the Bank and its customers. While secondary sources are collected from library sources such as books, journals, and other relevant library materials to the topic of research. According to the findings of the study, Bank Syariah Indonesia's strategies for resolving non-performing financing for clients with murabahah financing disputes are simple and clear. The effectiveness of the resolution of murabahah funds through mediation is believed to be effective because it may be measured by the Bank's success in carrying out its mediation-related tasks. A proportion between 80% and 90% would be adequate for the effectiveness of murabahah financial dispute resolution.*

**Keywords:** Settlement Procedure; Effectiveness Level; Mediation

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## A. INTRODUCTION

Banking encompasses all topics pertaining to banks, including institutions, business activity, and processes or methods for conducting these business activities.<sup>4</sup> Banking plays a significant part in the growth of the nation and the local economy. The three primary functions of banking are receiving deposits, lending money, and providing money transfer services.<sup>5</sup> In the midst of the growth of conventional banks, Bank Muamalat Indonesia became the first Islamic bank, became a pioneer for other Islamic banks, and had already adopted this method.<sup>6</sup> After the founding of Bank Muamalat, the Islamic Rural Bank was established (BPRS).

In Law No. 10 of 1998 pertaining to adjustments to Law No. 7 of 1992 pertaining to Banking, there are a number of modifications that provide more prospects for the growth of Islamic banking. The law stipulates that the sharia banking system was created with the following goals in mind: to address the demand for banking services among those who reject the notion of interest, and to provide funding options for company development in accordance with the partnership principle. In this principle, the concept of harmonious investor interactions is utilized; the demand for banking products and services with multiple comparative advantages must be satisfied.<sup>7</sup>

In Fiqh Muamalah, it is explained that one of the contracts used to open financing opportunities for business development in accordance with the principle of partnership is the Murabahah contract. Murabahah refers to the sale of goods for the price of the goods plus the agreed-upon profit between the seller and the buyer. Murabahah, according to Wahbah Al-Zuhailiy, is a sale and purchase made by someone with the initial price plus the profit. The seller transfers the purchase money to the buyer along with the buyer's desired profit.<sup>8</sup>

In Islamic Financial Institutions (LKS), particularly Islamic banking, murabahah is utilized as a financing product to support the purchase of consumer goods, working capital requirements, and investment requirements.

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<sup>4</sup> Kasmir, *Bank dan Lembaga Keuangan Lainnya*, (Jakarta: Raja Grafindo, 2008), hlm. 25

<sup>5</sup> Dwi Nur'aini Ihsan, *Perbankan Umum dan Syariah*, (Tangerang: Penerbit Universitas Terbuka, 2014), hlm. 13

<sup>6</sup> Nofinawati, *Perkembangan Perbankan Syariah di Indonesia*, *Jurnal Ilmiah Syariah*, Vol. 14 No. 2 (Juli-Desember, 2015), hlm. 172

<sup>7</sup> Nofinawati, *Perkembangan Perbankan Syariah di Indonesia*, hlm. 173

<sup>8</sup> Yazid Afandi, *Fiqh Muamalah dan Implementasinya dalam Lembaga Keuangan Syariah*, (Yogyakarta: Logung Pustaka, 2009), hlm. 85

This consumptive method of finance can be used to acquire a vehicle, a residence, or multipurpose products (such as electronics, household appliances, renovating houses and other consumptive goods).<sup>9</sup> Islamic banks do financing analysis in order to evaluate a financing application presented by a prospective financing customer. By assessing the financing request, Islamic banks would obtain confidence that the proposed project is realistic.<sup>10</sup>

In a murabahah agreement, payments are typically made in installments or increments over a predetermined time period. Obviously, a payment system with a term or installments will offer a danger, as installment payment systems may not always operate as agreed. Frequently, due to a number of variables, the agreement cannot be implemented as intended, resulting in a funding issue.

Problematic murabahah financing happens when the customer fails to make payments on the closed financing, and as a result, the Islamic Bank takes action to recover the cash granted as financing, which, according to the Bank, is justifiable.<sup>11</sup> The settlement of murabahah disputes through banking mediation (non-litigation), as stated in Law Number 21 of 2008 article 55 paragraph 2 dispute resolution involving a mediator to assist the disputing parties in reaching a settlement in the form of a voluntary agreement on part or all of the disputed issues, is one example of the many methods available for resolving murabahah financing disputes, particularly those that arise due to bad loans.<sup>12</sup>

There are two ways for resolving murabahah funding disputes at Bank Syariah Indonesia. The first is litigation, which goes straight to the Religious Courts; however, litigation is rarely used at Bank Syariah Indonesia KC Asia Afrika Bandung City. The second is the resolution by ways other than litigation, notably mediation or kinship, with the steps or procedures defined by Bank Syariah Indonesia.

In light of the aforementioned issues, researchers are interested in contributing to conflict resolution in Islamic banking through legal literature.

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<sup>9</sup> Fathurrahman Djamil, *Penerapan Hukum Perjanjian Dalam Transaksi di Lembaga Keuangan Syariah*, (Jakarta: Sinar Grafika, 2012), hlm. 119

<sup>10</sup> Like Mawarni, *Skripsi: Efektivitas Penanganan Pembiayaan Bermasalah Produk Griya IB Hasanah Dengan Menggunakan Akad Murabahah Pada Bank BNI Syariah Kantor Cabang Tanjung Karang*, (Lampung: IAIN Metro, 2019), hlm. 25

<sup>11</sup> Arum Fitriana Rohmah, *Penyelesaian Pembiayaan Murabahah Bermasalah di Bank Syariah*, *Jurnal Widya Pranata Hukum* Vol. 1 No. 2, (September: 2018), hlm. 44

<sup>12</sup> Jimmy Joses Sembiring, *Cara Menyelesaikan Sengketa di Luar Pengadilan*, (Jakarta: Visi Media, 2011), hlm. 130

Therefore, the author desires to do additional research on "Effectiveness of Murabahah Financing Dispute Resolution by Mediation at Bank Syariah Indonesia KC Asia Africa Bandung City."

## B. METHODS

This research uses qualitative research. Qualitative research is the natural collection of data by interpreting the phenomena that occur where the researcher is the key instrument.<sup>13</sup> This research uses a qualitative descriptive approach that describes a situation in the institution and the community, and uses data collection methods namely, observation, interviews and documentation with the results as outlined in narratives and not numbers.<sup>14</sup> The primary data sources in this study are the results of interviews obtained from the Bank and customers while the secondary data sources are obtained from books, journals or other library materials related to the object of research.

## C. RESULTS AND DISCUSSION

### 1. Definition of Effectiveness

Effectiveness is the success obtained for a defined program.<sup>15</sup> This effectiveness relates to the extent to which an organization can achieve predetermined goals. Effectiveness is also related to the suitability between something that has been planned with something that has been achieved. This effectiveness can be said to be a measure that gives an idea of how far the target can be achieved.<sup>16</sup>

The definition of effectiveness according to several experts is as follows:

- a. Effectiveness is the achievement of a specified target on time by using certain data sources allocated to carry out the activities of the organization.

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<sup>13</sup> Setiawan, Johan dan Albi Anggito, *Metodologi Penelitian Kualitatif*, (Sukabumi: CV Jejak, 2018), hlm. 254

<sup>14</sup> Setiawan, Johan dan Albi Anggito, *Metodologi Penelitian Kualitatif*, hlm. 8

<sup>15</sup> Lijan Poltak Sinambela, *Manajemen Sumber Daya Manusia*, (Jakarta: PT. Bumi Aksara, 2016), hlm. 278

<sup>16</sup> Kadar Nurjaman, *Manajemen Personalia*, (Bandung: CV. Pustaka Setia, 2014), hlm. 220

- b. Effectiveness is the relationship between output and goals or can also be said to be a measure of how far the level of output, policies and procedures of the organization.<sup>17</sup>

## 2. Effectiveness Measure

Effectiveness often means the quantity or quality of output (output). In an organization the level of success can be measured by observing whether or not the organization is effective in carrying out its duties. The concept of effectiveness can not be separated from systems theory, where the two main conclusions of systems theory, namely the first is that the effectiveness criteria must describe the input-process-output cycle. While the second is the effectiveness criteria must describe the reciprocal relationship between the organization and the larger environment.<sup>18</sup>

The level of effectiveness can also be measured by comparing the plans that have been determined with the actual results that have been realized. However, if the effort or the results of the work and actions taken are not appropriate so that the goals are not achieved or the expected goals, then it is said to be ineffective.<sup>19</sup>

## 3. Definition of Murabaha

Murabaha is the sale and purchase of goods at the original price and an agreed additional profit. In bai' al-murabahah, the seller (in this case the bank) must tell the price of the product purchased and determine a level of profit in addition.<sup>20</sup> Currently, Islamic banks use many financing products because this is the easiest practice to implement compared to other financing products. Murabahah or also called Al-Muraqabah is an agreement to buy and sell an item at a price equal to the cost of goods plus a mutually agreed profit with a

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<sup>17</sup> Beni Pekei, *Konsep dan Analisis Efektivitas Pengelolaan Keuangan Daerah di Era Otonomi. Buku I*, (Jakarta: Taushia, 2016), hlm. 69

<sup>18</sup> Riyanto Yuli Pamungkas, *Skripsi: Efektivitas Program Larasita Dalam Pelayanan Sertifikasi Tanah di Kantor Pertanahan Kabupaten Karanganyar*, (Surakarta: UNS, 2015), hlm. 7

<sup>19</sup> Serli Oktaviana, *Skripsi: Efektivitas Pengelolaan Dana Program BLM-PUAP Oleh Lembaga Keuangan Mikro Agribisnis di Jorong Lubuak Simato Kecamatan Mungka Kabupaten Lima Puluh Kota Menurut Ekonomi Islam*, (Riau: UIN Suska, 2015), hlm. 41-42

<sup>20</sup> Nur Rianto Al-Arif, *Dasar-dasar Pemasaran Bank Syariah*, (Bandung: Alfabeta, 2012), hlm. 43-44

deferred payment of 1 month to 1 year, the agreement also includes the method of payment at once.<sup>21</sup>

Murabahah financing is a sharia banking financing product to meet customer needs by using a murabahah contract or can use a wakalah contract in it.<sup>22</sup> Examples of financing with murabahah contracts include home ownership financing, motor vehicle financing, working capital financing, and multipurpose financing.<sup>23</sup>

#### 4. Murabaha Legal Basis

In general, the premise or basis of murabahah is based on the Al-Quran and Hadith, and the general basis for buying and selling is as follows: "O you who believe, do not devour each other's property dishonestly, except through commerce that applies with pleasure between you. And do not murder yourselves; Allah is really the Most Merciful."<sup>24</sup>

In this verse, Allah SWT emphasizes that in buying and selling transactions, the seller and the buyer must be mutually pleased and honest so that benefits can be achieved. If one of them commits fraud, the blessing in the transaction will be lost and will cause harm in it. O you who believe! Do not eat each other's property in a false way (not true), except in trade which is carried out on the basis of consensual between you. And don't kill yourself. Indeed, Allah is Most Merciful to you. From Suhaib ar-Rumi r.a that the Messenger of Allah said, "Three things in which there are blessings: buying and selling tough, muqaradhah (mudharabah), and mixing wheat with flour for household purposes, not for sale" (HR. Ibn Majah).

#### 5. Kinds of Akad

First: Sale and Purchase Agreement, namely: 1). Murabaha contract, a financing contract by confirming the purchase price, but the buyer adds payment as profit, which has been agreed upon by both parties.<sup>25</sup> 2). Salam

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<sup>21</sup> Sumar'in, *Konsep Kelembagaan Bank Syariah*, (Yogyakarta: Graha Ilmu, 2012), hlm. 19

<sup>22</sup> Lukman Hakim dan Amelia Anwar, *Pembiayaan Murabahah Pada Perbankan Syariah Dalam Perspektif Hukum di Indonesia*, Al-Urban: Jurnal Ekonomi Syariah dan Filantropi Islam Vol.1 No.2 (Desember, 2017), hlm. 217

<sup>23</sup> Ikatan Bankir Indonesia (IBI), *Mengelola Bisnis Pembiayaan Bank Syariah*, (Jakarta: Gramedia Pustaka Umum, 2015), hlm. 96

<sup>24</sup> Departemen Agama, *Al-Quran dan Terjemahannya Edisi Penyempurnaan*, (Jakarta: Lajnah Penthasihan Mushaf Al-Quran, 2019), hlm. 112

<sup>25</sup> Undang-Undang No. 12 Tahun 2008 Pasal 19 Ayat (1) huruf c

contract, a financing agreement in the form of a sale and purchase transaction of goods by ordering in advance with cash payments in advance.<sup>26</sup> 3). Istishna contract, a sale and purchase agreement with an order for the manufacture of goods with certain criteria and payment according to the agreement of the parties.<sup>27</sup> Second: Profit Sharing Contract, namely: 1). Mudharabah contract, a cooperation agreement between the owner of the capital and the manager of the business in accordance with the agreement. 2). Musyarakah contract, a contract with special financing for working capital and profits are divided according to the agreed ratio.<sup>28</sup> Third: Lease Agreement (Ijarah). A lease agreement for an item or service between the owner of the object and the lessee to obtain compensation for the object being leased.<sup>29</sup> Fourth: Shulh contract. Shulh is a type of contract that resolves disputes peacefully and also forgives each other. Thus, the contract used in this shulh aims to resolve the dispute between the two parties.<sup>30</sup>

## 6. Financing Analysis

Islamic banks do financing analysis in order to evaluate a financing application presented by a prospective financing customer. By assessing the financing request, Islamic banks would obtain confidence that the proposed project is realistic.<sup>31</sup> The initial stage in the process of a financing analysis is data collection and verification. The provision of financing facilities to customers begins with the customer submitting an application to the Bank. The customer's request contains information regarding the purpose of financing, the amount of financing proposed, the period of financing requested by the customer and other information. Data collection and verification carried out by the Bank aims to find out and ensure the correctness of the personal data of customers who will carry out financing. The verification can be in the form of customer

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<sup>26</sup> Otoritas Jasa Keuangan, *Statistik Perbankan Syariah Juni 2015*, (Jakarta: OJK, 2015)

<sup>27</sup> Peraturan Otoritas Jasa Keuangan No.31/POJK.05/2014 Pasal 1 Ayat 13

<sup>28</sup> Mahmudatus Sa'diyah dan Nur Aziroh, *Musyarakah Dalam Fiqih dan Perbankan Syariah*, Jurnal Equilibrium Vol 2 No 2, (Januari, 2016), hlm. 312

<sup>29</sup> Muammar Arafat Yusmad, *Aspek Hukum Perbankan Syariah Dari Teori Ke Praktik*, (Yogyakarta: CV Budi Utama, 2018), hlm. 48

<sup>30</sup> Ma'rifah Yuliani, *Akad Shulh Dalam Sengketa Hukum Muamalah (Litigasi dan Non Litigasi)*, Jurnal Ilmu Hukum dan Pemikiran Vol 17 No 2, (Desember, 2017), hlm. 140

<sup>31</sup> Like Mawarni, *Skripsi: Efektivitas Penanganan Pembiayaan Bermasalah Produk Griya IB Hasanah Dengan Menggunakan Akad Murabahah Pada Bank BNI Syariah Kantor Cabang Tanjung Karang*, hlm. 43

interviews, BI-Checking, and also direct visits to residences in order to check the truth of the customer's condition.<sup>32</sup>

## 7. Mediasi

Mediation is an alternative form of dispute resolution outside the court, dispute resolution by mediation, is currently limited to disputes in the civil sector only. This is due to the fact that the dispute does not harm the general public. Mediation is a dispute resolution process with third party intermediaries, namely parties who provide input to parties to resolve their disputes. The neutral party is appropriate and agreed by both parties to the dispute.<sup>33</sup> The purpose of mediation is to reach and produce an agreement between the two parties to the dispute in order to end the dispute without going to court (court). The purpose of mediation is peace or it can be said to be able to obtain an agreement between parties in resolving disputes in the fulfillment of mutually beneficial benefits. Dispute resolution by mediation provides benefits including:<sup>34</sup> 1). Mediation can resolve disputes quickly and relatively cheaply because cases are not brought to court or arbitration institutions; 2). Mediation provides an open opportunity for the parties to channel their ideas and opinions as well as alternative solutions to be used; 3). Mediation can obtain clear results through a middle point that will not be obtained if the settlement is through litigation or arbitration institutions.

## 8. Procedures for Indonesian Sharia Bank KC Asia Afrika in Resolving Murabahah Financing Disputes

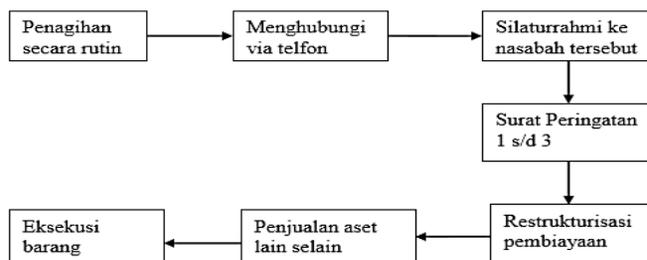


Table 1 Flow of Procedure for Settlement of Murabahah Financing Disputes at BSI KC Asia Africa

<sup>32</sup> Ikatan Bankir Indonesia (IBI), *Mengelola Bisnis Pembiayaan Bank Syariah*, hlm. 108-111

<sup>33</sup> Jimmy Joses Sembiring, *Cara Menyelesaikan Sengketa di Luar Pengadilan*, hlm. 27

<sup>34</sup> Munir Fuady, *Teori-Teori Dalam Sosiologi Hukum*, (Jakarta: Kencana Prenada Media Group, 2011), hlm. 335

The procedure or mechanism in dispute resolution is a method carried out by the Bank that has been determined with the aim of avoiding fraud or errors in completing murabahah financing. The procedure flow or mechanism for resolving the problematic financing dispute above is used as a guideline by the ACR (Area Collection Retail) team in carrying out the task of completing financing with customers who have problems in fulfilling their obligations.

Based on the results of the research that the researcher has done at Bank Syariah Indonesia KC Asia Afrika, the researcher conducts an analysis related to the Murabahah Financing Dispute Resolution Procedure. Based on the theory used by the researcher, the procedure is a series of activities that are systematically arranged in order and must be followed to be able to solve a problem.<sup>35</sup> Based on this understanding, Bank Syariah Indonesia, especially in the settlement of murabahah financing disputes, has its own procedures that have been agreed upon between the leadership and staff. This procedure must of course be followed in order to achieve BSI's goal of resolving murabahah financing disputes, with the hope that the customer will not find it difficult.

The procedures carried out by Bank Syariah Indonesia with various handling efforts, with the initial step prioritizing saving financing that prioritizes the principle of kinship, because BSI operates using sharia principles, the principle of kinship takes precedence over legal channels. There are several procedures carried out by the Bank in dealing with problematic murabahah financing:

- a. Conducting friendships, where the Bank makes direct visits to the residences of customers who have previously contacted via telephone. This gathering aims to find out the actual condition of the customer and discuss the causes of what happened so that customer payments become stuck, as well as what solutions can be taken to fix it.
- b. If there are still problems in payment, the Bank will issue a warning letter (SP 1 to 3) with a period of 7 days.
- c. If there are still problems, the next step taken by the Bank is to carry out restructuring, because this step is most often done.

If these are taken and the financing is still hopelessly blocked, the Bank will take the following action:

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<sup>35</sup> Lilis Puspitawati dan Sri Dewi Anggadini, *Sistem Informasi Akuntansi*, (Yogyakarta: Graha Ilmu, 2011), hlm. 23

- a. Selling assets other than collateral, the Bank asks customers to sell their other assets with the aim of being able to pay their obligations.
- b. Auction of collateral, namely the sale of collateral through auction. This is the last stage, after the customer is said to have no good faith.<sup>36</sup>

The procedure provided by the Bank to the customer is also quite easy because the procedure can be understood and followed by the customer and there is also a grace period if the first call does not come, the grace period is 7 days. So that it gives time for customers if they have not fulfilled the call.<sup>37</sup> Bank Syariah Indonesia's policy or system for addressing non-performing murabahah financing is adequate, since BSI has always implemented actions that are in line with the rules used at Bank Syariah Indonesia whenever there has been an issue with murabahah financing.

When a customer is stuck in a murabahah financing payment, Bank Syariah Indonesia contacts and asks for permission to visit the customer's house. The Bank asks the problems faced by customers, and also suggests solutions to customers according to the customer's condition.<sup>38</sup> Communication is a powerful weapon to approach customers, this aims to maintain the company's position to be superior compared to other banks. Good communication that exists between customers and banks is a major factor in the success of non-performing financing.

In this case, the Bank, especially the ACR (Area Collection Retail) division, only acts as an intermediary and offers solutions to problems that arise from the murabahah agreement. However, all decisions offered by the Bank are entirely the choice of both parties, namely the Bank and the Customer, because it is the customer who knows more deeply how the situation is and the Bank agrees to the customer's choice.

## **9. Level of Effectiveness of Settlement of Murabahah Financing Disputes Through Mediation**

In accordance with the results of the study, the main problem that occurred was the installment of a customer who experienced congestion, which

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<sup>36</sup> Dian. (2022, Juni 01). Wawancara dengan Bapak Dian divisi ACR (*Area Collection Retail*). (Dea, Interviewer)

<sup>37</sup> Hanira. (2022, Juni 02). Wawancara dengan nasabah yang melakukan pembiayaan murabahah. (Dea, Interviewer)

<sup>38</sup> Mansur. (2022, Juni 05). Wawancara dengan nasabah yang melakukan pembiayaan murabahah. (Dea, Interviewer)

resulted in the smooth circulation of cash in the bank and also caused the amount of profit to decrease due to the increase in bad loans. The groups that are declared to be stuck or not are as listed in Table 2.

Table 2 Groups of Troubled Murabaha Financing

Group Type	Predicate	Status	Solusion			
			1	2	3	4
1	Fluent	Safe	-	-	-	-
2	Special	Safe	-	-	-	-
3	Kurang Lancar	Safe	-	-	-	-
4	Doubtful	Congested	Friendship	SP 1 to 3	Restructurisation	Asset sale
5	Doubtful	Congested	Friendship	SP 1 to 3	Restructurisation	Asset sale

Source of data: According to Zamrani Ahmad's opinion 2013

It can be stated that customers who experience congestion occur in groups 4 and 5, in this group the customers cannot pay the previously agreed installments, so the Bank is worried that the customer will not be able to pay off the financing. Therefore, the process used is banking mediation using Restructuring (rescheduling of installments that must be fulfilled by customers).

Effectiveness relates to the extent to which an activity achieves predetermined goals. Gie said that effectiveness is the achievement of business in accordance with the plans that have become provisions, because effectiveness is related to something that is planned and something that is achieved.<sup>39</sup> The context of effectiveness, namely an activity, is basically related to the achievement of policy goals or targets.<sup>40</sup>

Settlement of murabahah financing disputes with mediation is fairly effective, because Bank Syariah Indonesia carries out mediation as early as possible, before the arrears swell. If a cooperative customer is given a first SP (Warning Letter), the payment becomes smooth again.<sup>41</sup> So far, dispute

<sup>39</sup> Donni Juni Piansa, *Manajemen Sekretaris dan Perkantoran*, (Bandung: CV. Pustaka Setia, 2017), hlm. 102

<sup>40</sup> Dinda Rizki Saputri, *Skripsi: Analisis Efektivitas Penerapan Akad Murabahah Bil Wakalah Pada Produk Kepemilikan Rumah di PT. Bank Aceh Syariah Cabang Subulussalam*, (Sumatera Utara: UINSU, 2020), hlm. 75-76

<sup>41</sup> Seno. (2022, Juni 10). Wawancara dengan Bapak Seno Divisi ACR (*Area Collection Retail*). (Dea, Interviewer)

resolution using mediation can be achieved or can be said to be effective, because the procedures that have been previously established have been successful.

In Islamic law, the settlement of muamalah disputes (murabahah financing) carried out by mediation is also called the Shulh Agreement. Where the contract is a type of contract that resolves disputes peacefully and forgives each other.<sup>42</sup> Thus, this shulh contract relates to the settlement of the Murabahah financing dispute with mediation carried out by Bank Syariah Indonesia, because the implementation of mediation between the Bank and the customer is carried out peacefully and forgiving each other.

Settlement of murabahah financing disputes with mediation is an effective thing to do, apart from the costs paid, settlement by mediation is relatively shorter than settlement in court. According to the results of interviews with researchers, respondents think that dispute resolution by mediation is quite effective, does not take time and costs. When compared to settlement in court, mediation is shorter.<sup>43</sup> Effectiveness is also related to the degree of success of an operation in the public sector, an activity is said to be effective if the activity has a major influence on the ability to provide public services that have predetermined targets.<sup>44</sup> The level of effectiveness can be classified into several categories as follows:

Table 3 Groups of Effectiveness Levels

Effectiveness Ratio (100%)	Criteria
100%	Very effective
90% - 100%	Effective
80% - 90%	Effective enough
60% - 80%	Less effective
60%	Ineffective

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<sup>42</sup> Ma'rifah Yuliani, *Akad Shulh Dalam Sengketa Hukum Muamalah (Litigasi dan Non Litigasi)*, hlm. 140

<sup>43</sup> Dewi. (2022, Juni 15). Wawancara dengan nasabah yang melakukan pembiayaan murabahah. (Dea, Interviewer)

<sup>44</sup> Ahmad Arif Prabowo dan Rudy J. Pusung, *Efektivitas Dan Sistem Prosedur Penerimaan Pajak Parkir Pada Dinas Pendapatan Daerah Kota Manado*, Jurnal EMBA Vol. 3 No.2 (Juni, 2015), hlm. 421

Data source: According to the opinion of Dinda Rizki Saputri 2020 The ways to measure the effectiveness of the settlement of murabahah financing problems with mediation are as follows:

$$\begin{aligned} \text{Effectiveness} &= \frac{\text{Customers Succeed with Mediation}}{\text{Total Customers}} \times 100 \% \\ &= \frac{13 \text{ Customers}}{15 \text{ Customers}} \times 100 \% = 86,7 \% \end{aligned}$$

Based on the measurement results, there are 13 customers out of 15 customers who have successfully resolved their problem financing through mediation, therefore the percentage is 86.7%. While the remaining 2 customers did not succeed in resolving their problematic financing by mediation and with a heavy heart had to auction off the collateral, so if the percentage of unsuccessful dispute resolution with mediation was 13.3%.

The level of effectiveness can also be measured by comparing the plans that have been set with the actual results that have been realized. The high level of compliance with the plans that have been set, then that is the measure that can be said to be effective or not. The benchmark for the effectiveness of efforts to resolve non-performing murabahah financing at BSI KC Asia Africa can also be seen from the number of customers who return to their current condition through the efforts provided by the Bank in a familial manner (mediation).

The handling and settlement of problematic murabahah financing disputes carried out by BSI KC Asia Afrika has been effective because it has been carried out in accordance with the procedures established by the bank itself. The level of effectiveness of problem financing settlement if the percentage is 80% because in its implementation the procedures carried out by the Bank are appropriate and very helpful in formulating solutions.<sup>45</sup>

This level of effectiveness shows the ability of a bank to achieve the targets (final results) that have been set correctly. The achievement of final results in accordance with the targets that have been set for the applicable size or standard reflects that a bank has paid attention to the effectiveness of its applicable operations.<sup>46</sup>

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<sup>45</sup> Elin, (2022, Juni 25). Wawancara dengan nasabah yang melakukan pembiayaan murabahah. (Dea, Interviewer)

<sup>46</sup> Amirulloh dan Haris Budiyan, *Pengantar Manajemen*, (Yogyakarta: Graha Ilmu, 2004), hlm.8

This procedure or mechanism implemented by Bank Syariah Indonesia will determine whether or not the settlement of a murabahah financing dispute is effective. But if the customer has no good faith and is no longer cooperative and unable to pay off the financing in arrears, then the last resort is to auction the collateral. However, there are times when the collateral sold is not enough to cover the bill, so the last resort that can be done by the bank is to write off (close the book), but this has never happened at Bank Syariah Indonesia. In reality, the procedures or mechanisms carried out by Bank Syariah Indonesia have been effective in handling non-performing financing. When researchers conducted interviews, respondents argued about this, the level of effectiveness in handling non-performing financing was in the range of 80% to 90%, but this was returned to the customer, because each customer is different from the circumstances and conditions.<sup>47</sup>

The conditions and circumstances of the customer also indeed affect the payment of non-performance or not, the condition of the customer such as the decline in the business being run or the customer being laid off as an employee and the awareness of the customer who delays the payment of obligations are factors in the occurrence of non-performing financing. But apart from that, the bank can also be a factor in the financing problem, it could be that the bank is not careful when analyzing financial statements or the ability to pay customers before financing.

#### D. CONCLUSIONS

The procedure implemented by Bank Syariah Indonesia KC Asia Afrika Bandung in resolving non-performing financing can be said to be easy and understandable for customers who have financing disputes. In addition to the procedures carried out, it is in accordance with the rules applied at Bank Syariah Indonesia.

The effectiveness of the settlement of murabahah financing with mediation is said to be effective, because effectiveness can be measured by the success of the Bank in completing its duties using mediation. For the level of effectiveness of this murabaha financing dispute resolution, if it is written in the form of a percentage between 80% to 90%, because from the research results only 2 out of 15 customers carry out dispute resolution by auctioning collateral.

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<sup>47</sup> Mohan, (2022, Juni 01). Wawancara dengan Bapak Mohan Divisi AO (*Account Officer*). (Dea, Interviewer)

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