

## Solving Problematic Financing Through the Execution of Murabaha Contracts: A Case Study of Agam Madani BMT

Alfin Dani Arwanto<sup>1</sup>, Farida Arianti<sup>2</sup>, Wina Antika Putri Z<sup>3</sup>, Suci Fitri Yani<sup>4</sup>, Maisarah Leli<sup>5</sup>, Deri Rizal<sup>6</sup>

<sup>12346</sup>Universitas Islam Negeri Mahmud Yunus Batusangkar

<sup>5</sup>STAI-YAPTIP Pasaman Barat

alfindani25@gmail.com<sup>1</sup>, faridaarianti@uinmybatusangkar.ac.id<sup>2</sup>, antikawina320@gmail.com<sup>3</sup>,  
sucifitriyani847@gmail.com<sup>4</sup>, maisarah.leli@yahoo.co.id<sup>5</sup>, deririzal@uinmybatusangkar.ac.id<sup>6</sup>

### Abstract

*Murabahah is one of the contracts and products at BMT Agam Madani. This product is financing that is in great demand and is liked by the public. Murabahah contracts cannot be avoided when problematic financing occurs which is favored by interested parties from the community indirectly and contains risks. This study aims to describe the use of the execution method to overcome problematic financing in Murabaha contracts. The method used is a qualitative method with a case study approach. The source of data is done by looking at the social situation regarding problematic financing to the point of saturation. Data collection techniques were carried out using in-depth interviews, namely interview guides aimed at customer informants and BMT employees, besides that they also made observations. The results found from the research that the settlement of problematic financing at BMT Agam Madani is classified into two forms, if there is good faith from the customer, then a rescheduling is carried out. If the customer is not good enough, a warning letter will be given up to three times and ends with execution in the form of submitting debt guarantees. This is done because the letter of guarantee signed by the parties is entered into as a deed of acknowledgment of debt which is classified as an authentic deed and execution as an execution of the payment of a sum of money*

**Keywords:** Murabahah, Problem Financing, Execution, BMT

### Abstrak

Murabahah adalah salah satu akad dan produk yang ada di BMT Agam Madani. Produk ini merupakan pembiayaan yang banyak diminati dan disukai oleh masyarakat. Akad murabahah tidak dapat dihindari ketika terjadi pembiayaan bermasalah yang digemari oleh para peminat dari kalangan masyarakat secara tidak langsung dan mengandung resiko. Penelitian ini bertujuan untuk mendeskripsikan tentang penggunaan metode eksekusi terhadap penanggulangan pembiayaan bermasalah pada akad murabahah. Metode yang dipakai adalah metode kualitatif dengan pendekatan studi kasus. Sumber data dilakukan dengan cara melihat situasi sosial tentang pembiayaan bermasalah sampai pada tingkah jenuh. Teknik pengambilan data dilakukan dengan wawancara mendalam yaitu panduan wawancara yang ditujukan kepada informan nasabah dan karyawan BMT, disamping itu juga melakukan observasi. Hasil temuan dari penelitian bahwa penyelesaian pembiayaan bermasalah di BMT Agam Madani diklasifikasikan atas dua bentuk, apabila ada iktikad baik dari nasabah, maka dilakukan penjadwalkan kembali. Apabila nasabah kurang baik, maka akan diberikan surat peringatan sampai tiga kali dan diakhiri dengan eksekusi dalam bentuk penyerahan jaminan utang. Hal ini dilakukan karena surat jaminan yang ditandatangani oleh para pihak masuk ketegori sebagai akta pengakuan utang yang diklasifikasikan sebagai akta autentik dan eksekusi sebagai eksekusi pembayaran sejumlah uang.

**Kata Kunci:** Murabahah, Pembiayaan Bermasalah, eksekusi, BMT

## INTRODUCTION

Problem Financing is one of the risks of financing in Syari'ah Financial Institutions including BMT. And it is impossible to be circumvented by any financial institution. Problem financing is a condition that befalls customers when they are unable to pay part or all of it (Elwardah, 2020). Its obligations follow the financing agreement. Non-performing financing is influenced by several conditions, namely conditions from within the company and conditions from outside the company. Factors originating from BMT environmental conditions such as employee incompetence, while external factors are factors originating from the customer's condition (Ramadhana, 2021).

According to Pambudi, (2021), the first action needed to save troubled financing is to restructure the financing followed by execution. Execution is carried out if the financing restructuring cannot prospect for the customer's business does not exist and someone but according to the customer is not cooperative for his abilities. He gets the reward of completing financing (Hutami, 2016) Restructuring is an attempt to save and can help customers who have experienced a decrease in their ability to pay principal repayments and margins or profit sharing (Kasmir, 2002).

The type of restructuring, namely rescheduling, is making a schedule of activities that can be carried out by debtors who have commendable behavior but cannot repay the principal loan or profit interest following the agreement in the agreement. rescheduling carried out by a bank or financial institution in the hope that the debtor can pay off the entire debt (Adam et al., 2023). Reconditioning is an attempt made by a bank or financial institution as rescue financing by overhauling all or part of the agreement that has been agreed by the bank or financial institution with the customer. Restructuring is an action carried out by a bank or financial institution to save troubled financing

by overhauling the financing part which is based on the financing process (Ibrahim & Rahmati, 2017)

Execution is the last way that can be taken by banks or financial institutions as an effort to save troubled financing (Kara, 2013). Execution is selling by auctioning collateral held by a bank or financial institution. The price of the sale of collateral is intended as repayment of the debtor's debt in the form of the principal loan, as well as interest gains, and the difference on the sale of the building will be given to the debtor (Ramadhana, 2021). Based on the author's interview with BMT Agam Madani Nagari Pasia employees with the initials "F" as Managers, there are still some financing that is classified as substandard, this is due to unstable community economic factors so people have difficulty meeting their needs. So in billing it is still done using negotiations so as not to harm both parties, which is done by rescheduling, the latter can be executed against the guarantee stated in the financing contract. (interview with F, manager of BMT Agam Madani, 13 January 2023).

According to Beladiena et al., (2021), in carrying out its products, especially in terms of financing BMT Agam Madani Nagari Pasia is still experiencing problems with customers making financing, where there are still substandard financing and financing that are classified as bad (interview with F, manager of BMT Agam Madani, 13 January 2023). So the management and managers of BMT Agam Madani Nagari Pasia have tried to overcome the problems that have arisen in terms of financing. Previous studies have discussed the execution of guarantees on troubled financing categorized into four types, namely; first, legal protection for customers in implementing murabahah financing guarantees (Novi Rismawati, 2008). The two MUI fatwas regarding the execution of movable property guarantees. The third is the application of business ethics in solving problem

financing. The fourth is the execution of guarantee rights on troubled financing at PT Pawnshop (Sitohang et al., 2013). However, in this case, there is still little research that discusses the settlement of troubled financing in murabahah contracts at BMT Agam Madani. Therefore this study will discuss the process of resolving problematic financing in murabahah contracts at BMT Pasia.

The purpose of this study is to add literacy variables related to solving problem financing through execution. This study has the objective of clarifying the execution process of problem-solving financing at BMT. This paper is based on the argument that high credit rates require material guarantees to obtain the credit they fulfill. Collateral items provided by customers are collateral for assets or credit values. Problem financing or Non-Performing Finance (NPF) in the BMT institution referred to in this research is financing with a Murabaha contract. Murabaha financing has a level of risk that cannot be predicted 100% accurately. In this financing process, two possibilities can occur, namely the possibility of profit and the possibility of loss. BMT must organize and prepare all anticipatory steps to overcome every worst possibility that can occur. Many factors cause problematic financing, for example, customers who experience losses so they cannot fulfill their obligations. Efforts to save from potential problematic financing must be carried out by management so that business and operational activities of BMT are avoided from losses which can have a wider impact with sluggish economic growth at the micro level. In addition, as a manager of community funds and its members, BMT has a responsibility towards the community and its members to maintain the trust of the community and its members by continuing to maintain business continuity (Mushlish Candrakusuma, 2016).

Efforts by the BMT in overcoming problem financing can be carried out through various efforts such as implementing Allowance

for Earning Asset Losses (PPAP), financing restructuring, rescheduling reducing installments of financing receivables), or other policies of a technical nature such as a billing system for BMT partners who experience bottlenecks in payment of financing receivables and the imposition of fines (*ta'zir*) for financing partners who intentionally neglect the payment of financing receivable installments. However, these efforts must also be adapted to dynamic conditions in the field and sometimes not following BMT SOPs and applicable normative regulations such as restructuring or rescheduling. Therefore, the implementation of the strategy for handling problematic financing in BMT institutions does not have to be standard they are required to improvise so that the handling can run efficiently and remain following Islamic values or business ethics principles in Islam.

## RESEARCH METHODOLOGY

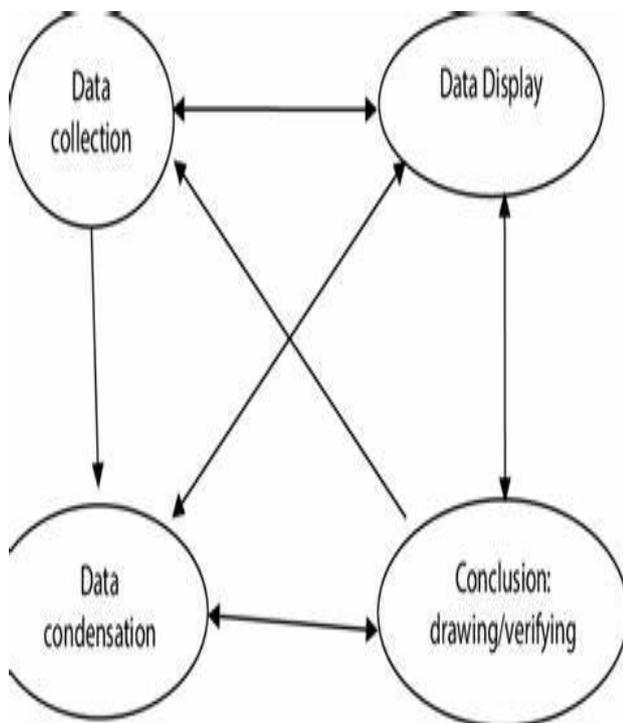
This type of research uses qualitative methods using a descriptive analysis approach. Descriptive analysis is a research method that utilizes qualitative data used to analyze phenomena or social situations descriptively (Kertajaya, Hermawan, 2006). The type of research used in this study is qualitative research. This qualitative research model is a research process that produces descriptive data in the form of written or spoken words from people and observed behavior. Data and information are presented in a deductive manner, namely trying to explain each variable in the problem formulation from general to specific, so that a generalization is taken as a conclusion.

The type of data in this study is primary data, namely the acquisition of data derived from sources. The primary data source of this research is the results of interviews. While the secondary data from this study were obtained through books, theses, and journals. The data collection techniques carried out are through observation, interviews, and documentation. While the data analysis technique used is through data

reduction, data presentation, and conclusion. Data collection techniques used are observation, interviews, documentation, and literature study. To ensure the accuracy and credibility of the results of this study, data triangulation, member checking, and auditing were carried out. Data analysis was also used in this study by way of reduction, presentation, and conclusion or verification (Lubis, 2018).

The following is the component flow in the data analysis of the Miles and Huberman model.

**Figure 1. Qualitative Research Flow Structure**



Source: Miles, 2013

The last step is concluding and verifying. Thus the conclusions in qualitative research may be able to answer the formulation of the problem that was formulated from the start. Conclusions in qualitative research are new findings that have never existed before. Findings can be in the form of a picture or description of an object that was previously dim or still dark so that after research it becomes clear that it can be a causal relationship or interaction, hypothesis, or theory.

## RESULTS AND DISCUSSION

### Murahabah Financing at BMT Agam Madani

In a narrow sense, financing is used to define funding made by financing institutions, such as BMTs, to members. Financing is a BMT activity in channeling funds to parties other than BMT based on sharia principles. Distribution of funds in the form of financing is based on the trust given by the owner of the funds to the user of the funds. The owner of the fund believes in the recipient of the funds, that the funds in the form of financing provided will be paid off. The recipient of the financing gets the trust of the financier and is obliged to return the financing he has received following the period agreed in the financing contract.

Where with transparency, the price of goods being traded must be known together, then with an agreement it will produce a selling price after adding the agreed margin. Unlike the case with ordinary buying and selling (musawwamah) where the buyer does not have to know the purchase price and the desired profit. Murahabah is included in the sale and purchase contract that is permissible in Islam (mubah). In Islam, buying and selling whose law is jaiz (permissible) is based on the arguments of the Koran, namely Q.S Annisa verse 29.

The operational activities of Islamic financial institutions, including BMTs, must be following Islamic law, and must avoid the use of the certain predetermined success of a business as outlined in Q.S. Luqman, paragraph 34, Avoiding the use of a presentation system for charging debt or rewarding deposits. which contains elements of automatic multiplication as stated in Q.S. Ali Imran verse 130. Avoid using the system of trading/leasing ribawi goods in return for other ribawi goods by obtaining advantages in both quality and quantity, Implementing a profit sharing and trading system, concerning the Qur'an Surah Al Baqarah verse 275 and Surah An Nisa verse 29.

The majority of people in Nagari Pasia, Ampek Angkek District, Agam Regency work as

convections in running their business. The community needs funding, and the majority of tailors in Nagari Pasia do the financing at BMT Agam Madani Pasia (Interview with Y, convection worker, January 10, 2023). As for overcoming the lack of capital, BMT Agam Madani provides special financing to the Nagari Pasia community providing special financing to Nagari Pasia community (Interview with Z, BMT Agam Madani employee January 10, 2023). The requirements for applying for financing at BMT Agam Madani are as follows: first, savers at BMT Agam Madani Nagari Pasia have the desire to change business factors so that they work not only in the form of achieving profits but also to raise the level of family welfare and worship Allah SWT (Juried, 2016). Second, having the desire to improve discipline in various aspects in the form of discipline in producing business according to promises and disciplined intentions in the attitude of keeping promises and discipline in worshipping Allah SWT. Third, having the desire to establish brotherhood among small entrepreneurs and develop mutual business. Fourth, they wish to work and work creatively in business development, and wish to attend regular meetings; fifth, willing to comply with existing and applicable rules at BMT Agam Madani Nagari Pasia (Interview with R, BMT Agam Madani employee 10 January 2023).

In general, financing products at BMT Madani Pasia are classified into five forms, namely total financing for results (*mudharabah*). Joint financing for results (*Musarakah*). Purchase of goods due (*Murabaha*). Purchase of goods, pay installments (*Ba'I Bitsaman 'Ajil*), and Financing benevolent loans (*Al Qardhul Hasan*). In the form of implementation at BMT Agam Madani Nagari Pasia, the financing that is commonly carried out is *murabahah* financing, this is due to the high level of customer demand for this financing and in line with the level of customer needs. where they are engaged in SMEs and need raw materials. (Interview with F,

manager of BMT Agam Madani, 13 January 2023).

*Murabahah* financing is financing using the principle of a sale and purchase contract using the principal capital system and adding the proceeds following the agreement of the parties (Amalna & Ardyansyah, 2023). In this transaction, BMT Agam Madani is positioned as the seller, and customers or members of micro, small and medium enterprises (MSMEs) are positioned as buyers. (Interview with F, manager of BMT Agam Madani, 13 January 2023). In providing *murabahah* financing for Members of Micro, Small, and Medium Enterprises (MSMEs) or customers, they must follow the procedures and rules set by BMT Agam Madani.

For members or customers who request financing, they must go through the applicable rules, namely:

1. The first stage is the application or prospective members come to the BMT to apply for financing by bringing and completing the administrative requirements provided by the BMT. The customer will be welcomed by the financing department which will explain and describe the procedures that must be followed by the customer and will check the completeness of the administrative requirements brought by the customer
2. The financing application letter will be forwarded to the BMT manager and the financing administration section will view and check the completeness of the document requirements for the debtor submitting a financing application.
3. Then the BMT Management will close the proposal for *murabahah* financing, if it has been approved, it can go directly to the stage of disbursing funds. (Interview with F, manager of BMT Agam Madani, 13 January 2023).

In its development, the financing of *murabahah* contracts at BMT Agam Madani has fluctuated, depending on the community's need for convection raw materials. (Interview with K,

convection worker, January 10, 2023). In general, the need for convection increases in certain months and times such as the end of semester holidays for classes, university graduations, or approaching Eid, and apart from

these periods, the community's need for convection tends to be relative. (Interview with A, convection worker, 10 January 2023 in general, convection entrepreneurs apply for financing when their needs soar

**Table 1. Purpose of Financing for a Murabaha Contract**

Contract	Objective	Vol. Installments
Murabahah	Paying children's tuition	Monthly for 6 months
	Buying a cellphone for an online business	2 times in 1 year
	Buying a cellphone for an online business	Monthly for 2 years
	Motorcycle purchase	Monthly for 3 years

Data source: Created by the author

In applying for financing, the nominal debt given is IDR 1,000,000 and a maximum of IDR 10,000,000. For new customers, only Rp. 1,000,000- Rp. 3,000,000 whereas customers who have already implemented the financing and have paid it off, may apply for another financing with a maximum amount of Rp.10,000,000. (Interview with F, manager of BMT Agam Madani, 13 January 2023). In the financing process, the BMT submits a guarantee and generally, the guarantee provided by the customer is in the form of BPKB, sewing machine certificate, and house and land certificates. Regardless of how to implement and run these products, especially in terms of financing BMT Agam Madani Nagari Pasia, there are still problems with customers making financing, where there are still substandard financing and loans that are classified as bad. Financing is classified as substandard due to difficult economic factors due to the co-19 pandemic. As for the obstacles that cause problematic or non-performing financing, namely some customers have not been able to manage their business properly. Second, vulnerable economic conditions. Low customer honesty in reporting the net profit earned. Lack

of adequate human resources. Seasonal businesses occupied by customers. The low level of customer understanding and knowledge regarding the principle of profit sharing. Unprofessional Human Resources (HR) among BMT's. (Interview with F, manager of BMT Agam Madani, 13 January 2023)

The management and managers of BMT Agam Madani Nagari Pasia have tried to overcome the problems that have arisen in terms of financing. In this case, the BMT will give a warning letter (SP) to the customer's house and wait no later than 1 month for the customer to repay the loan (interview with F, manager of BMT Agam Madani, 13 January 2023). Execution is an action taken by a court against a party that loses in a case. (Suadi, 2018). It is a continuation of the follow-up action of the case examination. Execution is taken from the word executive which means carrying out the judge's decision. In principle, execution can only be carried out if the judge's decision has permanent legal force (Hasbi & Widayanti, 2021).

The execution only applies to the party that was defeated and has no desire to carry out the decision voluntarily (Muhdali, 2014).

According to Harap, (2014) that execution does not only apply to deeds that contain the essence of execution because it contains a person's right to be executed. In court decisions, there are irah-irah which contain justice based on the one and only God and are not only found in judicial decisions but also found in authentic facts with executorial titles, namely of acknowledgment of debt and mortgage deeds.

In general, legal experts divide execution into two forms namely; real execution and execution of surrender of money, but complied Situmorang, (1992), adds the execution of carrying out the deed. Execution of payment of an amount of money can only be carried out based on a court decision. As for the execution of delivery of an item; immovable emptying; implementation of an act; cessation of an act; or payment of a sum of money. Delivery of goods is a punishment for the defendant to hand over the goods in real terms to the plaintiff when the defendant does not want to surrender the goods voluntarily, the goods will be taken by force and handed over to the plaintiff without confiscation or auction and without changing the form of the goods (Vactor M Situmorang, 1992).

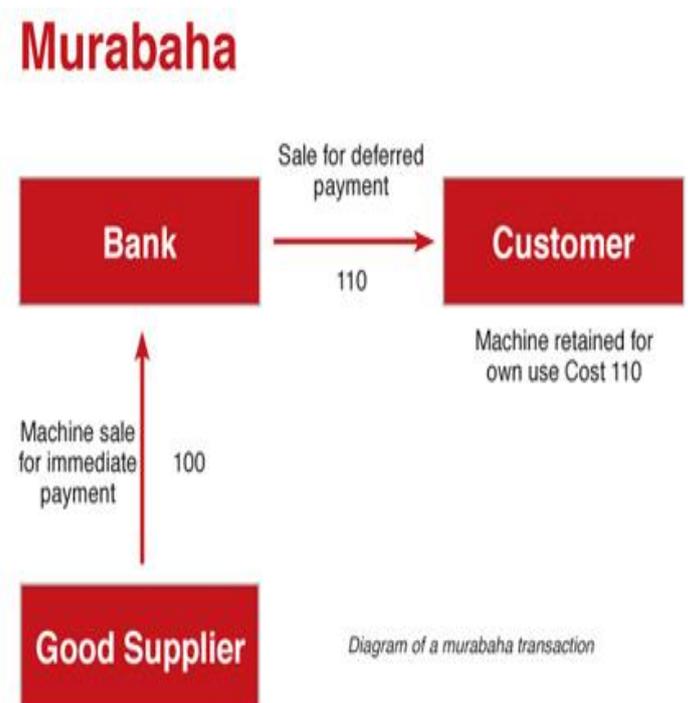
The power of attorney to sell collateral is wholly owned by BMT. The selling price of the collateral is intended to pay off the debtor's principal loan, and profit sharing. If there are residual proceeds from the sale of the collateralized goods, the costs will be returned to the debtor. Execution of Collateral at BMT Agam Madani Nagari Pasia is Mr. Z and Mrs. S, a husband, and wife who apply for financing to BMT Agam Madani Nagari Pasia for IDR 6,000,000.00 for the capital of his restaurant with collateral in the form of a Shapp brand television, with a guarantee statement signed and stamped.

### Conditions for Troubled Murabahah Financing Agreements

Problematic financing is a vital problem that is often faced by Islamic financial

institutions such as BMT. This also hit the dynamics of BMT Agam Madani business activities. The problematic financing generally begins with delays in installments of customer payment debts which are not addressed intensely by the customer, increasingly not paying installments of financing receivables because the nominal amount of installments has increased. If the BMT Agam Madani Bandung has taken all that it can collect, but the customer still does not pay the debt, then there are at least 4 (four) ways to collect a debt that is known and can be taken if there are debts in arrears, namely lawsuits civil proceedings in the Religious Courts, arbitration proceedings, to bankruptcy proceedings in the Commercial Courts. However, often these four methods do not bring satisfactory results to the BMT Agam Madani. Not only did BMT Agam Madani not get paid for bills billed to customers, but BMT Agam Madani was also at a disadvantage because they had to pay extra to go through the process. In addition, these processes often do not run effectively (Suadi, 2019).

**Figure 1. Murabahah Contract Scheme Flow**



Data source: DSN MUI

The handling of problematic financing at BMT Agam Madani is carried out normatively following the rules or provisions in the rules of Bank Indonesia, the Financial Services Authority, and the DSN MUI Fatwa. In this case, the management of BMT Tumang uses the provisions of the DSN MUI Fatwa regarding the handling of problematic financing from murabahah contracts, especially with the use of the *de nada* or *ta'zir* system. To solve these problems, BMT BMT Agam Madani management applies sanctions to customers who are able but delay payments in the form of a fine of Rp. 1,500, -/day starting from the due date of installments for payment of financing receivables each month. This is in line with the concept of a fine put forward by experts, namely a form of punishment that involves money to be paid in a certain amount (Mertokusumo, 1998)

In addition to imposing fines, BMT Agam Madani implements a policy of Cabarrus funds originating from the willingness of financing partners to assist BMTs that are intended or allocated for social activities. Fines imposed on customers who are capable but delay payments or are past due are included in the form of *ta'zir*. Then the management of fine funds at the BMT BMT Agam Madani is included in the income of the policy fund which does not include bank income. The cost of financing is 6,000,000.00 with a payment term of 1 year (12 months). The margin level requested by BMT Agam Madani Nagari Pasia in rupiah is IDR 800,000. (Interview with F, manager of BMT Agam Madani, 13 January 2023). However, after 7 payments the husband and wife were hit by bad installments in the middle of Covid-19, and were unable to make payments, based on a financing review, the customer's business was closed due to the impact of the Covid-19 outbreak and the customer was also uncooperative in completing the financing of rescue efforts utilizing rescheduling did not work.

So the final step to resolve problematic

financing is by executing the guarantee which will be carried out by BMT Agam Madani Nagari Pasia. (Interview with F, manager of BMT Agam Madani, 13 January 2023). Stages of execution of collateral items; The BMT attends to the customer. Collateral items are then disbursed/auctioned/sold online at a second price. interview with F, manager of BMT Agam Madani, January 13, 2023) The collateral was sold for Rp. 3,200,000 and the remaining Rp. 102,000 from the installments of 3,098,000, and the remainder was returned to Mr. Z and Mrs. S, and if the customer is affected by bad installments and applies for refinancing, the financing must be under the previous financing, and if the customer is stuck for more than 1 year and submits for refinancing, then the financing will not be approved by the BMT. interview with F, manager of BMT Agam Madani, 13 January 2023.

## CONCLUSION

The results found from the study that the settlement of problematic financing at BMT Agam Madani is classified into two forms, if there is good faith from the customer, then a rescheduling is carried out. If the customer is not good enough, a warning letter will be given up to three times and ends with execution in the form of submitting debt guarantees. This is done because the letter of guarantee signed by the parties is entered into as a deed of acknowledgment of debt which is classified as an authentic deed and execution as an execution of the payment of a sum of money. Execution of the last steps taken by BMT in overcoming problem financing. Execution is also used in the form of all agreement deeds which are classified as authentic deeds. And among the deeds that contain executorial power is the debt acknowledgment deed.

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