

Settlement of Problematic Financing in Sharia Banks from the Perspective of Sharia Economic Law: A Case Study of Bank BTN Syariah in Surabaya

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Received: 20/10/2025

Revised: 31/11/2025

Accepted: 22/12/2025

Abstract

Islamic housing financing is one of the main products of Islamic banking, yet it involves relatively high risk, particularly in the property sector. Bank BTN Syariah, as a Sharia Business Unit (UUS), focuses heavily on housing financing through Sharia Home Ownership Loan (KPR Syariah) products, making it vulnerable to customer default. This study aims to analyze the mechanism for resolving problematic financing at Bank BTN Syariah Surabaya and to examine its conformity with the principles of sharia economic law. The research employs an empirical juridical method with a qualitative approach. Data were obtained through interviews with Bank BTN Syariah Surabaya and documentation studies, supported by primary and secondary legal materials, including statutory regulations and fatwas of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). Data analysis was conducted descriptively by linking practical settlement mechanisms with applicable Sharia economic law principles. The findings show that problematic financing is resolved through restructuring, customer deliberation, and, as a last resort, the sale of collateral. These mechanisms generally align with the values of Sharia economic law, particularly the principles of justice, benefit (maslahah), and protection of the parties. However, improving customers' legal literacy and understanding of Sharia contracts remains necessary to minimize problematic financing in the future.

Keywords

Non-Performing Financing; Islamic Banks; Islamic Mortgages; Islamic Economic Law; BTN Syariah

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1. INTRODUCTION

Islamic banking in Indonesia developed in response to the public's need for a financial system based on Islamic sharia principles, namely justice, balance, transparency, and the prohibition of usury, gharar, and maysir. (Antonio, 2001) The presence of Islamic banks is not only seen as an alternative to conventional financial institutions, but also as an important instrument for realizing Islamic economic goals (maqashid al-shariah), especially in maintaining property (hifz al-mal) and creating benefits for the community. In this context, financing is the main instrument of Islamic banks for mobilizing the real



sector and improving people's economic welfare. (Aisyah, 2019)

One of the most popular financing products is Sharia-compliant housing financing, also known as Sharia Home Ownership Loans (KPR). This product generally uses murabahah contracts, musyarakah mutanaqisah, or ijarah muntahiya bittamlik, which are designed to meet the needs of home ownership in a halal and fair manner. Bank BTN Syariah, as a Sharia Business Unit (UUS) of Bank BTN, focuses primarily on housing financing, in line with Bank BTN's historical role in supporting national housing programs. (Kennedy et al., 2020) The dominance of property financing makes Bank BTN Syariah one of the important actors in the development of sharia-based housing financing in Indonesia, especially in big cities such as Surabaya.

However, the high distribution of housing financing is also directly proportional to the increased risk of non-performing financing. Problematic financing occurs when the customer is unable to fulfill payment obligations under the agreed contract. (Yanto & Prabowo, 2020) In Islamic banking practice, non-performing financing not only affects the bank's financial performance but also has implications for legal matters and sharia compliance. This is because every financing settlement must remain within the framework of Sharia economic law and must not impose an element of tyranny on any of the parties. (Nurjaman & Witro, 2022)

The city of Surabaya, as the center of economic activity in East Java, has a fairly dynamic property sector. The growth of residential, apartment, and commercial property areas is driving demand for Sharia-compliant mortgage financing. (Khoerudin et al., 2025) On the other hand, fluctuations in economic conditions, changes in customers' financial capabilities, and external factors such as the economic crisis and pandemic also affect the smooth level of financing payments. This condition has led to various cases of customer default in Sharia housing financing at Bank BTN Syariah Surabaya.

From the perspective of Sharia economic law, the settlement of problematic financing must prioritize the principles of justice ('adl), benefit (maslahah), and deliberation (shulh). Banks are not allowed to take advantage of customers' difficulties, while customers are still obliged to fulfill the agreed contract. Therefore, the mechanism for resolving problematic financing is a crucial issue that needs to be studied in depth, both in terms of banking practices and from the normative aspects of Islamic economic law. (Karim, 2004)

Based on this description, this study is important for analyzing the mechanism for resolving problematic financing at Bank BTN Syariah (UUS) in Surabaya and the extent to which it is in accordance with the principles of sharia economic law and applicable regulations. (Hidayat & Abduh, 2012) This study is expected to make an academic and practical contribution to the development of Islamic banking that is more equitable, sustainable, and oriented towards the benefit of the people.

2. METHOD

This study uses an empirical juridical research method with a qualitative approach. The juridical approach is used to examine the legal provisions governing sharia financing, including Law Number 21 of 2008 concerning Sharia Banking, the Financial Services Authority (OJK) regulations, and the fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI) relevant to sharia housing financing. (Sunardi, 2020) Meanwhile, an empirical approach is carried out to understand the practice of resolving problematic financing implemented by Bank BTN Syariah in Surabaya.

The research data consists of primary data and secondary data. Primary data was obtained through interviews with internal parties of Bank BTN Syariah, especially the financing and risk management section, as well as from customers who experienced problematic financing. Secondary data were obtained from primary legal materials, including DSN-MUI laws and regulations, as well as secondary legal materials, such as books, scientific journals, and relevant prior research. (Zuhria & Anwar, 2018)

Data collection is conducted through interviews, documentation, and literature reviews. The collected data is analyzed descriptively by describing empirical facts and relating them to the applicable provisions of Sharia economic law.

3. FINDINGS AND DISCUSSION

3.1. The Concept of Non-Performing Financing in Sharia Banking

Problematic financing in Islamic banking occurs when the customer is unable to fulfill payment obligations under the financing contract mutually agreed upon between the bank and the customer. In banking terminology, this condition is known as *non-performing financing* (NPF), referring to financing whose quality deteriorates due to late payments or customers' failure to pay obligations. (Sakti & Adityarani, 2020) The Financial Services Authority classifies non-performing financing into several categories: less smooth, doubtful, and stuck-in. This classification is an important indicator for Islamic banks in assessing the level of financing health, as well as a basis for determining risk mitigation measures and appropriate settlement strategies. (Shahzad & Hassan, 2024)

In Islamic banking practice, non-performing financing not only affects the financial stability of banks but also undermines public trust in Islamic financial institutions. The high NPF level can hamper the bank's intermediation function, reduce profitability, and increase legal risks. (Junaedi, 2017) Therefore, the management and settlement of non-performing financing are crucial aspects of Islamic banking risk management, especially in long-term financing such as Islamic housing financing.

Unlike conventional banking, non-performing financing in Islamic banking must be handled in accordance with the principles of Islamic economic law. In this perspective, problematic financing cannot be seen solely as a customer's financial failure, but rather as a legal and moral issue related to

the implementation of contracts. A sharia financing agreement is a morally and legally binding agreement (*al-'uqd al-mulzim*), obligating each party to fulfill the contract's terms in good faith and with full responsibility. (Siyamto, 2025)

The principle of *al-'uqd al-shari'ah* emphasizes that every contract must be carried out in accordance with the agreement that has been established and must not contain elements of tyranny. In the event of a default, Sharia economic law requires a fair and proportionate settlement that takes into account the customer's objective conditions. Islamic banks are not allowed to take advantage of customers' difficulties, as affirmed by the principle of *la dharar wa la dhirr*, which prohibits actions that are detrimental to others. (Andiman & Widardjono, 2024)

In addition, the concept of problematic financing in Sharia economic law is also closely related to the principles of justice (*'adl*) and benefit (*maslahah*). The resolution of non-performing financing is not only aimed at protecting banks' interests, but also at safeguarding customers' rights from being trapped in an unfair burden. (Aulia et al., 2024) Therefore, the approach prioritized for resolving problematic financing is deliberation (*shulh*) and financing restructuring, as a means of implementing the values of justice and social concern in the Islamic banking system.

Thus, it can be concluded that non-performing financing in Islamic banking is a complex and multidimensional phenomenon, covering financial, legal, and moral aspects. A comprehensive understanding of the concept of non-performing financing is essential so that the solution is not only business-oriented but also in line with the legal goals of the Islamic economy, namely the realization of justice, benefits, and the sustainability of the Islamic financial system. (Indonesia, 2008)

3.2. Characteristics of Sharia Mortgage Financing at Bank BTN Syariah

Bank BTN Syariah has financing characteristics that differ from those of other Islamic banks, as its main focus is housing financing. As a Sharia Business Unit (UUS) of Bank BTN, Bank BTN Syariah has historically and structurally played a role as a financial institution that supports home ownership programs for the community through financing schemes that are in accordance with sharia principles. This focus makes Sharia Home Ownership Loans (KPR) products the largest financing portfolio distributed to the community, especially in urban areas such as Surabaya. (Rahmawati et al., 2023)

Sharia mortgage products distributed by Bank BTN Syariah generally use *murabahah* and *mutanaqisah musyarakah* contracts. The *murabahah* contract is applied by buying and selling a house at a price that includes the cost of goods and a profit margin agreed at the beginning of the contract. Meanwhile, the *musyarakah mutanaqisah* contract is used as a form of ownership cooperation between the bank and the customer, in which the bank's ownership gradually decreases as the customer pays installments. The use of these two contracts requires clarity on the financing object, price, profit margin, and financing period to avoid elements of *gharar* and ensure compliance with the principle of legal

certainty.

Another important characteristic of Sharia mortgage financing is its relatively long financing period, typically 10 to 20 years. This long period is intended to ease the burden of customer payments, but it also poses a fairly high financing risk for banks. During the financing period, the customer's economic and financial conditions are very likely to change, due to decreases in income, changes in employment status, and external factors such as economic crises and certain emergency conditions.

The vulnerability of Sharia mortgage financing to changes in customer economic conditions makes the housing sector one of the sectors with a high risk of non-performing financing. This risk increases if financing is not balanced with comprehensive feasibility analysis and optimal post-disbursement supervision. In the context of Bank BTN Syariah, the high exposure to property-sector financing requires strict risk management to minimize the risk of non-performing financing. (Ariyanti, 2025)

From the perspective of Sharia economic law, the characteristics of Sharia mortgage financing at Bank BTN Syariah contain important legal consequences. A long-term financing contract requires good faith and strong commitment from both parties. Banks are obliged to provide financing transparently and fairly, while customers are obliged to fulfill their payment obligations in accordance with the contract. In the event of default, the settlement of financing must be carried out while still prioritizing the principles of justice, benefit, and deliberation as stipulated in Sharia economic law.

Thus, it can be concluded that the characteristics of Sharia mortgage financing at Bank BTN Syariah are determined not only by the type of contract used, but also by the financing focus on the housing sector and the long financing period. This characteristic is the main factor affecting the risk of non-performing financing. It determines the pattern and mechanism for resolving non-performing financing implemented by Bank BTN Syariah in practice. (Nurlatifah, 2015)

3.3. Factors Causing Problematic Financing at Bank BTN Syariah Surabaya

Non-performing financing at Bank BTN Syariah Surabaya is influenced by various interrelated factors, both within the bank and from external banks and customers. The complexity of these causative factors suggests that non-performing financing cannot be understood in isolation; it must be analyzed comprehensively, taking into account the managerial, economic, and legal aspects of sharia economics. (Maryani, 2022)

Internal factors that affect the occurrence of non-performing financing at Bank BTN Syariah include those related to the financing feasibility analysis process. In some cases, the analysis of customers' ability to pay has not fully accounted for long-term risks, especially in Sharia housing financing with a relatively long tenor. Limitations in assessing customers' character, capacity, and economic condition can lead to financing being granted to parties with high risk. In addition, the limitation of supervision after financing disbursement also contributes to an increase in non-performing financing, as changes in

customer financial conditions are not detected early. (Damanik et al., 2024)

In addition to the financing analysis, another internal factor is the suboptimal implementation of risk management. Risk management that is not yet fully effective can hinder efforts to mitigate the risk of problematic financing, especially amid the dynamics of the property sector. The heavy reliance on housing financing demands a more adaptive risk management strategy, including periodic monitoring of the quality of financing and customers' ability to pay.

On the other hand, external factors also significantly influence the occurrence of non-performing financing at Bank BTN Syariah Surabaya. A decline in customers' ability to pay is a common factor, especially due to changes in households' economic and financial conditions. Economic instability, such as slowing economic growth, inflation, or rising costs of living, can directly affect customers' incomes and their ability to meet their financing installment obligations. In addition, force majeure events, such as pandemics, natural disasters, or employment terminations, have exacerbated problematic financing in the housing sector.

Another factor that is no less important is the low understanding of customers of Sharia financing contracts. Some customers still view sharia financing as not substantively different from conventional financing, so they do not understand the legal consequences and obligations inherent in sharia contracts. This lack of legal literacy and understanding of Sharia principles leads customers to fail to appreciate the importance of consistently and responsibly implementing contracts in full. From the perspective of Sharia economic law, this condition indicates a gap between the normative principles of Sharia contracts and the practice of customer understanding in the field. (Ningsih et al., 2024)

Thus, the factors that cause problematic financing at Bank BTN Syariah Surabaya result from complex interactions between internal and external factors. Therefore, efforts to prevent and resolve problematic financing cannot focus on a single aspect but require a holistic approach, including strengthening bank risk management, improving the quality of financing analysis, and enhancing customers' legal literacy and understanding of sharia contracts. This approach is in line with the goals of Islamic economic law, namely the realization of justice, benefit, and the sustainability of the Islamic banking system.

3.4. Problematic Financing Settlement Mechanism

Bank BTN Syariah implements a mechanism for resolving problematic financing in stages by prioritizing the principles of *prudence* (*prudential principle*), deliberation, and compliance with sharia principles. This approach is intended to maintain a balance between protecting banks' interests as financial institutions and protecting customers' rights as parties experiencing payment difficulties. In practice, the resolution of problematic financing is not carried out repressively, but through a persuasive approach that emphasizes fairness and mutual benefit for both parties.

The initial stage of resolving problematic financing is carried out through financing restructuring. Restructuring is an effort to adjust financing terms to help customers continue fulfilling their obligations under the agreed contract. The form of restructuring implemented by Bank BTN Syariah includes *rescheduling*, which is the rescheduling of payment terms or financing installments; *Reconditioning*, which is a partial change in financing terms without changing the principal of the contract; and *restructuring*, which is a rearrangement of the financing structure that can include changes in the contract or payment scheme. These three mechanisms aim to provide relief to customers without eliminating the bank's right to refinance funds. (Abdawiyah & Mukarromah, 2024)

From the perspective of Sharia economic law, financing restructuring is a means of implementing the principles of *ta'awun* (help-help) and *maslahah* (benefit). Islamic banks are not allowed to take advantage of customers' difficulties, so restructuring is carried out proportionately and on a mutual basis. The restructuring process must also be based on the customer's good faith to continue meeting payment obligations in accordance with their capabilities. Thus, restructuring becomes the main instrument in resolving non-performing financing before banks take more decisive steps.

If the restructuring efforts do not yield results and the customer is still unable to fulfill his obligations, Bank BTN Syariah can pursue a settlement through the sale of collateral. The sale of collateral is carried out through deliberation involving customers, so that the proceeds can be used to pay off the remaining financing obligations. This mechanism is intended to avoid the appearance of tyranny and ensure that customers continue to have the right to excess collateral sales, if any. Settlement by the sale of collateral, after deliberation, reflects the principles of justice and transparency in Sharia economic law. (Suwondo, 2023)

The litigation step is taken as a last resort if all non-litigation mechanisms are not successfully implemented. Settlement through legal channels is carried out in accordance with the principles of Sharia compliance and applicable laws and regulations. In this context, banks remain obliged to ensure that the dispute resolution process does not conflict with Sharia values, in particular the prohibition of practices that unfairly harm one party.

Thus, the mechanism for resolving problematic financing at Bank BTN Syariah reflects a comprehensive, multi-tiered approach, starting with restructuring and settlement through deliberation, and ending with litigation as a last resort. This approach aligns with the objectives of Sharia economic law, which place justice, benefit, and balance as the main principles in resolving financing disputes.

3.5. Analysis of Problematic Financing Settlement from the Perspective of Sharia Economic Law

From the perspective of Sharia economic law, the mechanism for resolving problematic financing at Bank BTN Syariah has been designed to reflect the principles of justice (*'adl*) and benefit (*maslahah*) for all parties involved. Settlement is carried out in stages, starting with financing restructuring and customer deliberations, and proceeding to settlement through collateral sales or, as a last resort, litigation. This phased approach allows banks and customers to adjust their respective rights and obligations proportionately, so that neither party suffers an unfair loss. (Nasir & Khomariyah, 2021)

In practice, one instrument used to regulate late payments is the imposition of fines or administrative fees. However, unlike the conventional system, in Sharia economic law, late fines are not intended as bank profits. However, they are directed to social purposes or charitable funds (*tabarru'*), as stipulated in the fatwa of the National Sharia Council of the Indonesian Ulema Council (DSN-MUI). This shows the suitability of settling problematic financing issues through sharia principles that prohibit usury and practices that burden customers unfairly. (Jayanto, 2020) Thus, this mechanism not only aims to maintain the bank's continuity but also to ensure substantial fairness for customers.

In addition to the technical aspect, the principle of deliberation (*shulh*) plays an important role in resolving problematic financing. Bank BTN Syariah always strives to communicate transparently with customers, offer opportunities for negotiation, and find joint solutions before resorting to litigation. This deliberation process aligns with sharia principles that encourage peaceful dispute resolution, prioritize good faith, and reduce potential losses for both parties. In this case, the bank's role is not only as a creditor but also as a facilitator, helping customers continue to fulfill their obligations according to their ability. (Ohoirenan et al., 2023)

Although the settlement mechanism has been in accordance with Sharia principles, the main challenge still faced is the consistency of their implementation as a whole. One of the biggest challenges is the limited understanding among customers of Sharia contracts and the legal consequences of the financing obligations they take on. Many customers still view sharia financing as the same as conventional financing, so when they face payment difficulties, they lack an understanding of their rights and obligations. (Zulkifli et al., 2025) This condition can affect the effectiveness of the deliberation and restructuring mechanisms implemented by banks. Therefore, educating customers about the principles of sharia contracts, their rights, and the mechanism for resolving problematic financing is very crucial.

In addition to customer education, strengthening the role of the Sharia Supervisory Board (DPS) is also an important factor in ensuring that the settlement of problematic financing remains in accordance with Sharia. DPS has a supervisory and advisory role in the bank's operational practices to ensure that all financing activities, including the settlement of defaults, do not violate Sharia principles. (Ichsan et

al., 2025) Strengthening the role of DPS includes increasing members' knowledge and capacity, active involvement in the restructuring process, and monitoring bank compliance with the DSN-MUI fatwa and the Financial Services Authority (OJK) regulations. With an effective DPS, banks can minimize the risk of non-compliance with Islamic economic law, while increasing customer confidence in the fairness and blessing of the financing system. (Indonesia, 2008)

Furthermore, the aspect of substantive justice is the focal point in the analysis of Sharia economic law on the settlement of problematic financing. Substantive fairness requires banks not only to carry out administrative procedures but also to ensure that financing settlements do not result in excessive losses for customers who experience difficulties. (Novianti, 2016) For example, in the case of *mutakah mutanaqisah*, the bank must consider the proportions of the customer's and the bank's ownership of the house being financed, so that the results of restructuring or the sale of collateral remain fair to both parties. This approach differs from conventional settlements, which tend to focus solely on recovering bank funds. (Syamlan & Jannah, 2019)

In addition, applying *the maslahah* principle encourages banks to develop creative solutions that remain compliant with sharia principles. For example, banks may offer customers affected by certain economic conditions the option to reduce temporary installments, reschedule, or convert temporary contracts. This strategy not only eases customers, but also maintains the stability of the bank's financing portfolio. Thus, a settlement mechanism based on the principles of Sharia economic law can balance the interests of banks and customers while delivering real justice and benefits. (Cahyani et al., 2022)

Overall, the analysis of the settlement of non-performing financing at Bank BTN Syariah from the perspective of sharia economic law shows that although the mechanism has implemented the principles of justice, benefit, and deliberation, the success of its implementation still depends on customer education, the active role of the Sharia Supervisory Board, and the bank's commitment to ensuring that sharia principles are consistently implemented. This challenge confirms that the settlement of problematic financing in Islamic banking is not just an administrative matter, but a process that requires legal, moral, and social integrity to achieve the goals of Islamic banking as a fair and sustainable financial system.

4. CONCLUSION

The settlement of problematic financing at Bank BTN Syariah (Sharia Business Unit) in Surabaya is a complex process and requires a comprehensive approach to Sharia economic law. Problematic financing in the Sharia mortgage sector is generally caused by internal and external factors that affect customers' ability to pay.

The settlement mechanism implemented by Bank BTN Syariah, such as financing restructuring and settlement through deliberation, is, in principle, in accordance with the provisions of Islamic economic law and Islamic banking regulations. The principles of justice, benefit, and legal protection for customers form the basis of every settlement policy.

In the future, it is necessary to strengthen preventive measures by improving the quality of financing analysis, supervision, and customer legal and Sharia education. Thus, the settlement of non-performing financing not only serves as a risk management effort but also helps realize the goals of fair and sustainable Islamic banking.

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