

Analysis Of Ta'zir Fund Management For Default Customers In Improving Customer Discipline At PT. BPRS Puduarta Insani

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Article Information	Abstract
Article History: Received : 8-08-2023 Accepted : 20-08-2023 Published: 20 -09-2023	The purpose of this study is to find out how PT. BPRS Puduarta Insani in managing Ta'zir funds to Default customers in improving customer discipline. The method used in this study is a qualitative approach. PT. BPRS Puduarta Insani offers several products both in raising funds, distributing funds and other services. PT. BPRS Puduarta Insani often experiences arrears problems caused by negligence and unwanted circumstances occur. So PT. BPRS Puduarta Insani applies Ta'zir to customers who make delays whose purpose is to anticipate that there will be no delays for customers in carrying out their obligations. In Fatwa DSN-MUI No. 17/DSN-MUI/IX/2000 states that Ta'zir applies to customers who can afford but deliberately delay payments. Based on the results of the company's decree PT. BPRS Puduarta Insani large Ta'zir applied at the bank is 0.00069 per day, and 2% for 1 month, the size of the percentage of Ta'zir depends on the length of time the customer is in arrears in payment installments. There is a way done by PT. BPRS Puduarta Insani to default customers who deliberately delay payments, namely by giving special attention or approaches such as conducting regular monitoring and providing advice, the aim of which is that customers are on time in paying financing installments, if customers continue to delay payments, PT. BPRS Puduarta Insani will issue warning letters I, II, III to customers and if there is no change, confiscation of collateral will be carried out.
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INTRODUCTION

A. Background of the problem

The population of Indonesia as we know the majority is a Muslim. So because of the large Muslim population in Indonesia. There is a great opportunity for the

Indonesian state to develop sharia-based institutions. Banking financial institutions provide financing services as a result of the growing sophistication of the economy. Therefore, economic activities will not run smoothly in this modern era without financial institutions that can help people meet their needs. (Maryati et al., 2022).

What distinguishes it from convertible banks is that Islamic banks have a banking system using Islamic law. Where there is an Islamic prohibition to take interest (usury) and a prohibition on investing in businesses that are haram. In carrying out its operations, Islamic banks must comply with sharia principles and the Fatwa of the National Sharia Council (DSN). That is the council authorized to issue fatwas on the types of activities of Islamic finance products and directly and supervise the implementation of these fatwas². (Online et al., 2023)

Banking functions as a mediator of the financial industry or acts as a bridge between parties who are overfunded and other parties who do not have enough money (deficit funds). There are three types of patterns of money distribution obtained by sharia law, namely the concept of profit-sharing financing, such as mudharabah financing and musharakah financing, and other financing principles such as hawalah, rahn and qardh. The principles of buying and selling financing are murabahah, salam, istishna and ijarah. According to article 1 of Law Number 21 of 2008, Islamic banking includes all institutional business activities, methodologies and processes used in carrying out the activities of Islamic banks and sharia business units. Islamic banking or simply Islamic banking is different from Banking provided by traditional institutions. (Indria, 2016)

Convertible banks operate on an interest basis. It is based on the assumption that interest is one form of riba that is contrary to Islamic law. In Islamic banking money is used as a medium of exchange for transactions and is not allowed for speculative or traded activities. In order for cash to enter and exit the bank as planned, it must be directed to the real economy. Because if the funds that come out are not proportional to the profits obtained, Islamic banks can cause bank performance to fall. Customers play an important role in the operation and income of the bank, and those who violate the terms of the financing contract may be subject to fines (Ta'zir).

This is what determines the strong or weak financial performance of a bank. The goal is to discipline customers and to fulfill their financial responsibilities. The implementation of Ta'zir and the amount are determined at the beginning of the contract when signed and are fixed so that all provisions in the written contract are known by both parties transparently without anything being hidden or kept secret. According to DSN-MUI fatwa No.17/DSN-MUI/IX/2000, this only applies to customers who are able to fulfill their obligations, but choose not to do. However if the customer cannot provide evidence of circumstances that meet the Shari'a as force majeure, it is still considered negligence and any negligence can be punished with a fine (Ta'zir). PT. BPRS Puduarta Insani is a business entity engaged in finance and banking in the form of a legal entity in the form of a limited liability company. PT. BPRS Puduarta Insani in daily activities both in raising funds and in distributing community funds applies sharia principles, namely profit sharing, profit margin and buying and selling. In PT. BPRS Puduarta Insani, there are still many customers who delay financing payments, so at PT. BPRS Puduarta Insani applies Ta'zir Fund for customers who have made an agreement or contract at the beginning when financing, which aims to discipline their customers.

In this study, researchers want to try to explore how PT. BPRS Puduarta Insani determines which customers deserve to be fined (Ta'zir) or customers who default will definitely be fined (Ta'zir) and how Ta'zir funds are managed.

B. Problem Statement

Based on the background described above, the formulation of the problem in this study is:

1. How is the implementation of Ta'zir for Default customers in terms of improving payment discipline at PT. BPRS Puduarta Insani ?
2. How much Ta'zir is applied to PT. BPRS Puduarta Insani ?
3. How is the distribution of Ta'zir funds at PT. BPRS Puduarta Insani?
4. How is the process carried out by PT. BPRS Puduarta Insani, so that the bank knows which customers are delaying payments deliberately matching the able and incapable?

C. Research Objectives

The author's purpose for making this study, which is as follows:

1. To find out how the implementation of Ta'zir in improving discipline at PT. BPRS Puduarta Insani
2. To find out how much Ta'zir funds are applied at PT. BPRS Puduarta Insani.
3. To find out how the distribution and Ta'zir at PT. BPRS Puduarta Insani.
4. To find out how the process carried out by PT. BPRS Puduarta Insani, if the customer delays payment.

D. Research Benefits

1. Theoretical Benefits This research is expected to provide additional knowledge and information which can provide or find solutions to existing problems, especially regarding Islamic banking, especially in Ta'zir funds regarding the issue of fines to be paid and what fine funds are used for.
2. Practical Benefits, For the author the results of the research can be used as research experience that aims to find out how the management of Ta'zir funds for customers in improving discipline at PT. BPRS Puduarta Insani.

RESEARCH METHODS

The type of research used is a type of qualitative research whose research is descriptive. Descriptive Research is research intended to investigate circumstances, conditions or other things that have been mentioned whose results are presented in the form of research reports. The data source in this study uses primary data and secondary data, which are explained as follows:

- a. Primary Data is data obtained directly from the field or place of research by researchers, as the object of writing. This data was obtained by conducting an interview with one of the staff at PT. BPRS Puduarta Insani.
- b. Secondary Data is data in the form of information collected from books, theses, articles, journals, and internet sites related to the title of the study.

Data collection techniques in this study used the following data:

- a. Observation or observation is looking for information directly or careful review and going directly to the field or at the research location.
- b. Interview is one method of collecting information with a communication line between researchers and respondents, namely through contact and individual ties / communication is tried directly with the face to face method, meaning between researchers face to face directly (via telephone) to ask for information orally.
- c. Documentation is one method of collecting data through existing information, generally in the form of messages, daily notes, reports and images. Or documentation is a collection of facts and information stored in the form of writing, photos, or monumental works from someone

Data analysis is a process to compile information that can be obtained from interviews, in the form of field notes and documentation. Then the results are summarized in order to get important points in the study. As for some data analysis, namely,

- a. Data collection is obtained in the field through data collection that has been determined by research.
- b. Data Reduction activities that focus on simplifying and assembling important things from data obtained in the field.
- c. Data presentation activities that compile data either in the form of narratives or tables.

Next, check the validity of the data using techniques:

- a. Triangulation techniques, which are power techniques that combine various existing techniques and existing data sources.
- b. Membercheck is checking the data provided from the data provider to find out how far the data obtained.

RESULTS AND DISCUSSION

1. Application of Ta'zir to Default Customers in Improving Customer Discipline at PT. BPRS Puduarta Insani

Based on the results of interviews in the field in the distribution of financing PT. BPRS Puduarta Insani often experiences arrears problems caused by negligence or unwanted circumstances. The purpose is imposed on PT. BPRS Puduarta Insani whose purpose is to anticipate that there will be no delay for customers in carrying out their obligations. Basically, the imposition of Ta'zir is mutually beneficial to both parties. In Fatwa DSN-MUI No.17 / DSN-MUI / IX / 2000 states that Ta'zir applies to customers who are able but deliberately delay payments, then in that case PT. BPRS Puduarta Insani to find out which customers are eligible to be charged Ta'zir and which are not. This can be seen from the initial agreement by PT. BPRS Puduarta Insani that the negligent customer is a customer who is late in paying, but the customer cannot show that the customer is indeed laid off, or for example the customer has a bankrupt business (gone out of business) or his goods are damaged. If the customer provides evidence and the bank will assess its truth or not. Because PT. BPRS Puduarta Insani, which has provided financing for customer businesses, for example, the customer's business is burned, it is seen that it is directly true or not the business is burned. Therefore, an abysmal survey will be carried out by the

marketing team and if it is proven that the customer's business is burned and what is burned is not covered by insurance, or covered by insurance but insurance also has restrictions in covering it.

As for the method done by PT. BPRS Puduarta Insani for customers affected by Ta'zir are as follows:

a. Fines for Customers Who Can Afford It

If customers who have the ability to pay are prohibited from delaying payment. It is often occurs during financial operations at PT. BPRS Puduarta Insani. Customers who are careless in making installment payments can be made by PT. BPRS Puduarta Insani to take family action, but if the customer cannot pay within the specified period but is still able to pay, then the bank will issue a warning letter I, if there is no change then the bank will take legal action to recover the debt and file a claim for financial losses caused by delay.

b. Fines for Customers Who Cannot Afford It

Customers who have debts in difficult conditions and fail to settle their debts because they are really economically unable to get stuck and not because they are negligent. Customers must be kind by reporting or notifying economic conditions. PT. BPRS Puduarta Insani will provide relief or additional due date to customers so that customers are able to pay their obligations. At PT. BPRS Puduarta Insani has a name Rescheduling. Rescheduling is a change in the amount of initial installments and an increase in payment due. The goal is that there is time allowance and the number of installments is reduced so that it can make installment payments again and the bank will get back installments from the financing that has been issued. And if the concession expires, the customer is still unable to pay, then PT. BPRS Puduarta Insani may confiscate collateral.

The criteria for customers who deserve Ta'zir are as follows:

- 1) Delay in payment
- 2) There is money but lazy to pay/able
- 3) Bad character/Faith. For example, if the customer has been given a due date to pay and it turns out that the customer does not pay, then the bank will call after there is no response, the bank will come to the customer's house and when the bank comes to the customer's house always avoids or is not at home.

Based on the decision letter of the company PT. BPRS Puduarta Insani then the amount of Ta'zir (fine) is 2% per month, for a day of 0.00069. The size of the percentage of Ta'zir depends on the length of time the customer is in arrears with the financing installments. The purpose of Ta'zir is imposed by PT. BPRS Puduarta Insani is intended so that there is no delay for customers in paying installments.

Example:

Customers pay IDR 335,000 in installments every month on December 5, 2022. Then the customer installs in installments on December 15, 2022. That way customers experience delays in installments for 5 days. So the bank gives a fine (Ta'zir) with the following calculation

Daily Calculation = Monthly installments X 0.00069 X 5 Days
= IDR 335,000 X 0.00069 X 5 Days
Ta'zir = **Rp 1.155 (5 days)**

So Ta'zir that must be paid for 5 days by the customer is IDR 1,155 and plus monthly installments of IDR 335,000

Monthly Calculation = Monthly installment X 2% X 1 month
= IDR 335,000 X 2% X 1 Month
Ta'zir = **Rp 201.000 (1 Month)**

So Ta'zir that must be paid by customers for 1 month is IDR 201,000 and added monthly installments of IDR 335,000.

The ta'zir does not include bank income, but the fund includes non-halal funds. Actually, the Ta'zir funds are used by PT. BPRS Puduarta Insani for Virtue fund

2. Factors to Consider PT. BPRS Puduarta Insani in Financing Distribution

In distributing financing to customers. So PT. BPRS Puduarta Insani must be more selective or see which customers are eligible for financing and which customers are not given financing. Customers must have supporting factors that will be considered by PT. BPRS Puduarta Insani in the distribution of financing. The factors that become the basic reference by PT. BPRS Puduarta Insani in assessing whether customers are worthy or not to be given financing, namely:

a. Character

Character is the belief that the nature or quality of the people to be given financing is truly trustworthy. This can be seen from the customer's history, field of work, and personal characteristics, such as his way of life, family situation, and social life.

b. Capacity

Capacity is knowing the customer's ability to pay credit, the bank must conduct surveys to the customer's business regularly, the bank will be able to clearly determine and convince the capacity of prospective debtors. Capacity is defined as the customer's ability to pay credit.

c. Capital

Capital is an asset owned by a company controlled by a debtor. In addition to the size and structure of debtors, banks must also look at their capital potential.

d. Collateral

Collateral is a customer offered guarantees in both physical and non-physical forms. The collateral amount must be greater than the credit limit.

Checking the validity of the guarantee must be thorough so that if something goes wrong it can be utilized as soon as possible.

e. Condition

Condition is financing provided to consider economic conditions associated with prospective customers' business prospects. Evaluation of the condition and business field of the borrower must have excellent potential. So there is less chance of credit problems.

3. Ta'zir Fund Management at PT. BPRS Puduarta Insani

PT. BPRS Puduarta Insani began to implement Ta'zir since its operation because it was stated in the Fatwa DSN-MUI regulation No. 17/IX/2000 in the Fatwa it was explained that Ta'zir was imposed on customers who were able to but deliberately delayed payments. PT. BPRS Puduarta Insani in 2017 obtained a Ta'zir Fund of Rp 10,657,000, in 2018 obtained a Ta'zir Fund of Rp 9,875,000, and in 2019 obtained a Ta'zir Fund of Rp 11,468,000. The funds will be used for some religious activities that require assistance. Such as, Mawlid Nabi and Isra miraj. Ta'zir Fund Distribution at PT. BPRS Puduarta Insani is carried out every year or can be used at any time depending on the proposal submitted to PT. BPRS Puduarta Insani

4. Special Services to Default Customers

services performed by PT. BPRS Puduarta Insani to defaulting customers who deliberately delay payments, namely by giving special attention or approaches such as conducting regular monitoring and providing advice so that customers are on time in paying installments, because if customers continue to delay payments, PT. BPRS Puduarta Insani will issue warning letters I, II, III, to customers. When given a Warning Letter, the customer responded positively because the customer was aware of his mistake and the customer tried to pay the amount of arrears, the number of days of delay along with the amount of fines given by the bank, but there were also customers who avoided when PT. BPRS Puduarta visits the customer's house, so if the customer continues to avoid confiscation of collateral.

5. Bad Credit Settlement Action at PT. BPRS Puduarta Insani

Tenforcement carried out by PT. BPRS Puduarta Insani against bad loans are:

a. Financing restructuring

is an effort made by PT. BPRS

Puduarta Insani in helping customers in order to complete their obligations include:

- 1) *Rescheduling*, which is a change in the payment schedule of customer obligations or the period is added.
- 2) *Reconditioning*, namely changes as or all financing requirements, including changes in payment schedules, installment amounts, periods and deductions as long as they do not increase the remaining customer obligations that must be paid to the bank.

b. Auction

After the bank restructuring, the bank will identify customers who have not fulfilled their responsibilities in terms of repayment or payment of debt installments within a predetermined period after the customer restructures. Therefore, the bank recommends that the customer sell the collateral asset first according to his wishes. However, customers cannot sell their own collateral assets until the specified time has passed. At that time, the bank will make a subpoena with the customer in accordance with the terms of the contract, and the customer's collateral will be included in the purchased goods. The customer's right to the collateral has been forfeited and will be sold at auction. During auctions, collateral is used to pay off the customer's remaining debt, including principal and margin. If in the auction the collateral is of a high enough value exceeding the remaining debt of the customer, then the auction proceeds in the form of money that has been deducted from the debt will be returned to the customer.

CONCLUSION

A. Conclusion

From the results of the research that has been stated above, it can be concluded as follows:

1. PT. BPRS Puduarta Insani applies Ta'zir Fund to its customers of 0.00069 per day, and 2% for 1 month. The bank only applies to customers who are able to pay or customers who delay payments, for the criteria of customers who are able to fulfill principal installments and profit sharing, while for customers who cannot afford it, profits are reduced and installments experience delays or additional months. Even clients who do not have good intentions. PT. BPRS Puduarta Insani always takes positive actions to its customers or family-wide, such as giving directions, calling customers to remind and ask what is the reason for customers to be late in installment payments.
2. Ta'zir funds obtained by PT. BPRS Puduarta Insani is not included in bank income but is included in non-halal funds. The Ta'zir fund will be used or distributed in the form of benevolent funds. For example, to support the activities of Isra Miraj and Mawlid Nabi.

B. Suggestion

1. Conduct tighter monitoring of customers who are indicated to forget or have bad intentions, which aims to reduce the occurrence of negligence, by taking a more persuasive approach or silaturahmi such as giving advice on trust and trust
2. In managing Ta'zir funds PT. BPRS Puduarta Insani must be based on the principles of honesty and transparency. So that the Ta'zir Fund can be distributed to people who are entitled to receive it.

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