

## **The Implementation Of Policy In The Restructuring Of Financing In Islamic Banks In The Province Of Aceh, Indonesia**

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### **ABSTRACT**

The objective of this study is to investigate the internal policies pertaining to the reconstruction funding of Bank Syariah Indonesia (BSI) in Aceh Province. An examination of qualitative research methodologies through the medium of an interview. The research findings indicate that the bank BSI has effectively executed its policies, which have been deemed favorable. This initiative has significantly alleviated the challenges faced by consumers, particularly Micro, Small, and Medium Enterprises (MSMEs) impacted by the Covid-19 pandemic. It has provided necessary financial support to enable their survival and sustainability beyond the crisis. There are no significant hurdles encountered subsequent to the reconstruction undertaken by the party bank, owing to the implementation of its policies. The implementation of Sharia law has significantly contributed to the improvement of customer financing in the province of Aceh.

**Kata Kunci:** Policy Implementation, Restructuring, Islamic Bank

### **ABSTRAK**

*Penelitian ini bertujuan untuk mengetahui kebijakan dalam restrukturisasi pembiayaan Bank Syariah Indonesia (BSI) di Provinsi Aceh. Pendekatan dalam penelitian kualitatif dengan data primer dalam bentuk wawancara. Hasil penelitian menunjukkan bahwa Implementasi kebijakan yang dilakukan oleh pihak bank BSI sudah dilakukan dengan baik, kebijakan-kebijakan yang dilakukan sudah sangat membantu meringankan beban nasabah pembiayaan baik UMKM yang terdampak Covid-19 ataupun pembiayaan lainnya agar terus survive setelah itu. Tidak ada kendala yang khusus setelah direstrukturisasi yang dilakukan pihak bank karena kebijakan-kebijakan yang dilakukan oleh pihak bank syariah tersebut sudah sangat membantu nasabah pembiayaan di provinsi Aceh.*

**Kata Kunci:** Implementasi Kebijakan, Restrukturisasi, Bank Syariah

### **A. INTRODUCTION**

The Covid-19 pandemic has exerted significant economic strain on various nations, including Indonesia. To mitigate the potential economic downturn caused by the Covid-19 pandemic, measures have been taken to introduce flexibility in the financial sector. Hence, on March 13, 2020, the Financial Services Authority (FSA) implemented Financial Services Authority Regulation Number 11/POJK.03/2020, which pertains to the National Economic Stimulus as a Countercyclical Policy in response to the repercussions of the Coronavirus Disease 2019 outbreak. This regulation will be referred to as POJK 11/2020

hereafter. On December 1, 2020, the Financial Services Authority (OJK) reprinted Regulation Number 48/POJK.03/2020, which pertains to the amendments made to Regulation Number 11/POJK.03/2020 by the aforementioned authority. The issuance of POJK no 48/2020 introduces additional restrictions that were not present in the preceding version, POJK no 11/2020. Furthermore, the validity duration of the provisions pertaining to the national economic stimulus, as stipulated in POJK 11/2020, has been extended by POJK 48/2020. The prior deadline of 31 March 2021 has now been prolonged until 31 March 2022.

Regulation 48/2020, known as the POJK, serves as the legal framework for banks and debtors, together referred to as parties, to address payment delays arising from the Covid-19 epidemic. According to Article 2, paragraph (1) of the POJK, banks are authorized to adopt measures aimed at promoting economic growth by providing support to debtors who have been adversely impacted by the Covid-19 pandemic. One policy that can be identified is the funding restructuring policy, which is governed by Article 2, paragraph (2), letter b of the POJK. According to Article 2, paragraph (4) of the POJK, banks are required to establish standards for identifying debtors who have been impacted by the Covid-19 pandemic, as part of their efforts to enact measures that promote economic growth stimulation.

Currently, there is a significant issue regarding the financial challenges arising from the repercussions of the Covid-19 pandemic. This crisis has been officially recognized as a national non-natural disaster, as stated in Presidential Decree Number 12 of 2020, which specifically addresses the classification of the Corona Virus Disease 2019 as a non-natural disaster. Consequently, this health crisis has resulted in widespread disruptions across various sectors of the economy.

The POJK explicitly stipulates that banks are authorized to implement policies that offer relaxation in financing arrangements. Financing relaxation refers to the provision of relaxed financing options by banks to debtors, specifically targeting micro, small, and medium companies (MSMEs). The proposal suggests offering debt restructuring options to all debtors, including those categorized as micro, small, and medium enterprises (MSMEs), who have been adversely impacted by the Covid-19 pandemic. This assistance would be extended irrespective of the maximum limit set for the financing amount. The execution or restructuring scheme may differ and is mostly influenced by the policies of individual banks, which are based on the evaluation of the profile and ability to repay debts of their borrowers.

The practical application of POJK in the field may encounter challenges due to the inherent ambiguity in its regulations, leading to varying interpretations regarding its role in financing restructuring policies. Consequently, this lack of clarity can create confusion and uncertainty among debtors, potentially resulting in conflicts between involved parties. The occurrence of this event would impede the primary objective of implementing the POJK, which is to facilitate economic recovery post the Covid-19 crisis. One of the strategies employed to achieve this goal is the implementation of a policy aimed at restructuring financial arrangements.

Moreover, the expansion of financial distribution by Aceh banking was regrettably not supported by a corresponding increase in profitability. Based on the available data

from June 2020, the banking profits in Aceh were documented at IDR 260 billion, indicating a significant decline of 69% in comparison to the corresponding period in June 2019, where the profits amounted to IDR 850 billion. The primary determinant of the decrease in profits is believed to be the consequence of the financial restructuring initiative, which was implemented in response to the Covid-19 pandemic (Aceh Banking Performance in the Midst of the Pandemic, 2021).

According to Santy (2020), PT. Mitsui Leasing Capital Indonesia Palembang City Branch has successfully executed 268 financing contracts by means of both regular financing restructuring, with a duration of 6 months, and special financing restructuring, with a duration of 12 months. The process of financing restructuring involves the extension of the contract term, deferral of a portion of motor vehicle installment payments, and reduction of both principal and interest arrears during the duration of the restructuring period.

The primary objective of this study is to examine the execution of policy in the context of finance restructuring, with a specific emphasis on Bank Syariah Indonesia (BSI). The bank in question is a sharia-compliant institution located in Aceh, which is currently confronted with several issues and policies in the context of the Covid-19 pandemic.

## **B. THE LITERATURE REVIEW**

### **The policy on restructuring of the Otoritas Jasa Keuangan (OJK)**

According to the Financial Services Authority Regulation (POJK) No.48/POJK.03/2020 and POJK No.14/POJK.05/2020, which pertain to the economic stimulus as a countercyclical policy in response to the impact of the spread of Coronavirus Disease 2019 in the banking industry and non-bank financial institutions, respectively. The purpose of this paper is to analyze the impact of the global spread of Coronavirus Disease 2019 (Covid-19) on the banking industry, specifically in relation to the performance and capacity of debtors to fulfill their financing payment obligations. The development of the Covid-19 pandemic has had both direct and indirect effects on debtor performance and capacity, leading to increased financing risks. These risks have the potential to disrupt the performance of banks and the overall financial system, thereby impacting economic growth. This study aims to examine the implications of these factors and propose potential solutions in the form of economic stimulus measures as countercyclical policies.

According to the stipulations outlined in POJK No.48/POJK.03/2020, article 1 provides a definition for the term "bank" as encompassing conventional commercial banks, which includes sharia business units, sharia commercial banks, people's credit banks, and sharia people's financing banks. These banks engage in business operations either conventionally or in accordance with established principles. Sharia, also known as Islamic law, refers to the legal framework derived from the religious Financial institutions have the ability to adopt measures that facilitate economic growth stimulation for borrowers who have been impacted by the proliferation of the Covid-19 virus. This includes debtors belonging to the micro, small, and medium firm sectors.

According to Article 5 of POJK No.48/POJK.03/2020, the smoothness of restructured financing is determined by the implementation of the restructuring process.

Additionally, financing restructuring can be applied to financing provided both before and after debtors are impacted by the Covid-19 pandemic. However, it is important to note that micro business debtors, small and medium-sized businesses, and financing for Rural Credit Banks (BPR) or restructured Sharia Rural Banks (BPRS) are not subject to the accounting treatment for financing restructuring. The OJK has implemented several key policies amidst the ongoing pandemic. These policies aim to mitigate volatility in financial markets, thereby preserving investor confidence and ensuring market stability. Additionally, they seek to provide support to both the formal and informal sectors, enabling their survival during the COVID-19 crisis. This support is facilitated through the relaxation of financing restructuring measures. In addition, the OJK also offers regulatory relief to the financial services sector, thereby exempting it from the obligation to establish supplementary provisions for losses incurred on financing that has become immobilized as a result of the Covid-19 pandemic. In addition to this, the OJK also offers sufficient liquidity provisions to meet the liquidity requirements of the banking sector.

The OJK has recently introduced a more efficient and expeditious method of overseeing the financial services sector by means of a Cease and Desist Order (CDO). This order, issued by the competent monetary authority, serves as a directive for banks to undertake corrective measures in their operational activities. It is issued after due consideration of input from multiple stakeholders and mandates the fulfillment of obligations pertaining to corrective actions by the concerned bank.

### **The existing literature**

The subsequent text presents prior academic research pertaining to the execution of policies, financial services authorities, and the restructuring of sharia banking funding, with a specific focus on the profitability of sharia banks operating within the Indonesian context. This study can serve as a valuable source of reference for the present investigation.

Santy (2020) conducted a study titled "The Implementation of Motor Vehicle Financing Restructuring at PT Mitsui Leasing Capital Indonesia Palembang City Branch amidst the Covid-19 Pandemic." The present study employs a qualitative descriptive research methodology. The findings of the study indicate that PT. Mitsui Leasing Capital Indonesia Palembang City Branch has successfully executed 268 financing contracts by means of regular financing restructuring lasting for a period of 6 months, as well as special financing restructuring with a duration of 12 months. The process of financing restructuring involves several measures, including the extension of the contract term, the deferral of a portion of motor vehicle installment payments, and the reduction of both principal and interest arrears during the duration of the restructuring period.

The study conducted by Mahasari (2021) investigates the effectiveness of implementing credit restructuring as a strategic approach to mitigate problematic credit in micro, small, and medium enterprises (MSMEs) that have been adversely affected by the Covid-19 pandemic. The research focuses on a case study conducted at PT. BPR Bank Daerah Bangli. This particular study employs descriptive qualitative research methodologies. The research findings indicate that the adoption of credit restructuring at PT. BPR Bank Daerah Bangli has proven to be an effective approach in mitigating non-

performing loans. This is evident from the observed decrease in the bank's NPL level in 2020 compared to the preceding year. In the year 2020, PT. BPR Bank Daerah Bangli exhibited a non-performing loan (NPL) level of 1.86%. This figure indicates that the NPL level was below 5%, hence indicating the bank's sound financial state. In addition, as per the testimonies of MSME borrowers, the adoption of this loan restructuring initiative has proven to be highly beneficial for them during the challenging circumstances posed by the Covid-19 pandemic.

Novayanti (2020) conducted a study titled "Implementation of Financial Services Authority Regulation Number: 3/POJK.03/2016 concerning Sharia People's Financing Banks on the Implementation of Sharia Compliance at BPRS Mitra Mentari Sejahtera Ponorogo". This particular study employs descriptive qualitative research methodologies. The research findings indicate that BPRS Mitra Mentari Sejahtera's implementation of sharia principles and prudential principles aligns with the Financial Services Authority Regulation Number: 3/POJK.03/2016, specifically Article 45. This article stipulates that BPRS entities are required to adhere to sharia principles and exercise prudence in their operations, even if they have not yet achieved optimal performance. BPRS Mitra Mentari Sejahtera has incorporated sharia principles into its financing operations, beginning with the marketing process. This entails conducting marketing activities with ethical considerations, such as presenting itself in a manner consistent with good morals. Subsequently, customer information is gathered and analyzed, and the financing committee evaluates whether the proposed financing aligns with the appropriate criteria.

Harahap (2020) conducted a study titled "Implementation of the Financial Services Authority (OJK) Policy Regarding Covid-19 Stimulus at PT. BPR Artha Margahayu Pekanbaru According to a Sharia Economic Perspective." The present study employs descriptive qualitative research methods. The findings of this study suggest that PT BPR Artha Margahayu has not fully adhered to the policy set forth by the Financial Services Authority in relation to the Covid-19 Stimulus, as evidenced by the presence of persistent barriers. Islam offers a viable resolution to challenges encountered in meeting financial obligations, specifically by allowing for the extension of payback periods and the potential waiver of a portion or the all of the funding.

Kholiq (2020) examines the effects of financing restructuring implementation on the liquidity of Sharia banks during the Covid-19 pandemic. The present study employs a qualitative descriptive research methodology. The findings of the study indicate that from March to September 2020, the average Financing to Deposit Ratio (FDR) at Sharia Commercial Banks was recorded at 79.31%. The highest FDR ratio was observed in July, reaching 81.03%, while the lowest ratio was observed in September, with a ratio of 77.06%. Under the aforementioned circumstances, it is often observed that the liquidity status of sharia commercial banks can be classified as robust or solvent. During the period of March-September 2020, the Sharia Business Units exhibited an average FDR ratio of 103.54%. Notably, the maximum FDR ratio of 107.20% was seen in May, while the lowest FDR ratio of 95.87% happened in September. Under the above circumstances, it can be generally observed that the liquidity level of the Sharia Business Unit is classified as suboptimal.

### **C. RESEARCH METHODOLOGY**

The present study can be classified as a form of descriptive field research. In addition to collecting data, researchers also engaged in library-based research. The researcher employs a qualitative approach with a descriptive design in order to address the research problem at hand. This approach allows for direct involvement and active engagement with customers, facilitating direct interaction with informants. Consequently, the researcher can observe and gather firsthand opinions, enabling a comprehensive description of the implementation of policies in the restructuring of Indonesian Sharia Bank financing in Aceh Province.

The present study was carried out at Bank Syariah Indonesia, one of the sharia banks located in Aceh province, namely in the Aceh region. The research spanned a duration of ten months, commencing on September 1, 2022, and concluding on May 30, 2023. The focus of this study is PT. Bank Syariah Indonesia (BSI) and its policies on financing restructuring. The individuals who will serve as research subjects are comprised of a Branch Manager and two staff from BSI. The researchers employed interviews as a data collection approach to acquire objective data in this study. The present study employs a semi-structured interview protocol. The primary approach employed by the author is utilizing this strategy to gather data from study sites, particularly those pertaining to the implementation of policies in the financial restructuring of Indonesian Sharia Banks in Aceh Province.

### **D. RESULT AND DISCUSSION**

#### **Implementation of Policy in the Restructuring of Indonesian Sharia Bank Financing in Aceh Province**

The research findings highlight that Bank Syariah Indonesia has the capacity to offer financial restructuring options to customers encountering challenges in meeting their obligations to sharia banks due to the adverse impact of the Covid-19 pandemic on their enterprises. The determination of the policy's structure is solely at the discretion of Bank Syariah Indonesia, contingent upon the outcomes of the evaluation of customers' financial performance, business prospects, and the ability to make payments by MSME clients impacted by the Covid-19 pandemic. The occurrence of this phenomenon can be attributed to the unique challenges and operational procedures faced by individual Sharia Banks. Consequently, the responsibility for executing these measures is delegated to the respective banks, provided that their actions remain in compliance with the laws set forth by the Financial Services Authority (OJK).

The provisions pertaining to installment adjustments for debtors impacted by the Covid-19 epidemic at BSI Cut Meutia encompass the following: (a) Monthly installment amounts are modified to align with the customer's post-Covid-19 financial capacity. The determination of the customer's payment capacity is contingent upon an analysis conducted by the bank and subject to approval from bank management. Additionally, while there is no specified minimum installment amount, the bank stipulates that the customer must consistently make monthly payments that are tailored to their individual financial capabilities.

BSI Bank is currently implementing a countercyclical financing restructuring policy,

which involves adhering to the risk management guidelines outlined in OJK regulation number 48/POJK.03.2020. These guidelines encompass various aspects, such as identifying debtors who have been impacted by the Covid-19 pandemic, determining the sectors that have been affected by the pandemic, and considering the collectability status of customers (specifically those categorized as 1 - current and 2 - special attention) across all financing business segments. (2) Evaluation of debtors who demonstrate resilience amidst the Covid-19 epidemic and exhibit favorable business prospects. The allocation of finance restructuring policies at BSI bank is contingent upon the bank's evaluation of customers who possess the capacity to endure and exhibit favorable business prospects. This implies that the client's business remains operational, hence ensuring a continued source of income for the customer. The purpose of this assessment was to ascertain the ability of customers impacted by the Covid-19 epidemic to sustain their financial stability or prevent default following the implementation of restructuring measures until the conclusion of OJK regulation Number 48/POJK.03/2020. The implementation of the Post-Patent Approval Process (PPAP) serves as a precautionary measure to allocate reserves for potential expenses incurred due to a decline in the recoverability of productive assets, hence mitigating potential losses for the bank.

This inquiry pertains to the implementation of Bank Syariah Indonesia's risk management in the execution of the financing restructuring policy. Additionally, it seeks guidance on the implementation of Financial Services Authority Regulation Number 48/POJK.03/2020 in the restructuring of Bank Syariah Indonesia's financing activities within Aceh Province.

According to the finance section, it is a requirement for customers seeking financing to provide collateral or establish linkages, such as document certification or BPKB, as a means of securing the loan. The implementation of these regulatory policies is proceeding smoothly and yielding positive outcomes. The use of this solution has the potential to enhance the operational efficiency and overall performance of customers' organizations.

The execution of Financial Services Authority Regulation Number 48/POJK.03/2020 involves the synchronization of financing restructuring alongside the analysis of documentation output. The loan application procedure entails the payment of approved loan applications by the PAN branch management, while the submission of SKP and other relevant documents will be made to the Agency. I am the Financial Manager responsible for overseeing the SP3/Additional Financing Agreement. As part of my role, I will be involved in the execution of the Financing Agreement, which entails allocating Bank funds and capital towards investments in assets that carry a certain level of risk. The performance of Bank Syariah Indonesia Banda Aceh in restructuring is substantiated by empirical observations. The provision of exceptional accommodations for those who owe debts and have been impacted by the proliferation of the Covid-19 virus, as well as for those seeking bank financing (including debtors from micro, small, and medium enterprises), serves the purpose of facilitating intermediation, ensuring the integrity of the financial system, and fostering economic expansion.

In the event that the unfavorable financial situation persists, the bank may opt to implement various measures such as rescheduling, debt write-offs, liquidation of

collateral, imposition of penalties, among others. A comparable approach is also provided by rescue operations in the form of financial reorganization, which aids clients in meeting their responsibilities through methods such as rearrangement, request for return (repair), and rearrangement (reorganization).

Sharia banks typically facilitate financing settlements for customers in accordance with the standards imposed by the OJK. These banks are permitted to handle applications in a manner that takes into account the individual circumstances of customers impacted by the Covid-19 outbreak. The implementation of addressing diverse problem conditions for each customer is delegated to the respective bank, in accordance with the regulations prescribed by the OJK.

### **Challenges Encountered in the Implementation of Policies for the Restructuring of Sharia Bank Financing in Aceh Province, Indonesia.**

Based on the findings of the research, it can be inferred that individuals who have been impacted by the Covid-19 pandemic and are in debt should initiate the process of submitting a formal request for debt restructuring to their respective financial institution. Once the application has been granted approval, the restructuring process is conducted by evaluating the debtor's capacities and reaching a consensus between the involved parties. The constraints pertaining to the eligibility criteria for debtors seeking restructuring have been elucidated in POJK No.48/POJK.03/2020.

The findings of the data exposure research suggest that in response to the Covid-19 pandemic, banks in Aceh have undertaken measures to restructure problematic financing products, particularly those related to micro, small, and medium enterprise (MSME) financing. These measures include extending the term of financing, offering discounts on financing, and providing additional financing facilities. The process of restructuring can be categorized into three distinct categories: rescheduling, reconditioning, and restructuring. Among the three options, reconditioning is frequently employed as a means to salvage troubled funding by modifying certain terms and circumstances that were initially agreed upon. In dynamic circumstances, it is imperative for financing needs to address the challenges encountered by consumers in managing their business operations. Based on the outcomes of the reconditioning process, modifications will be made to client financing prerequisites. These modifications include adjustments to the payment schedule, alterations to the amount of installments, and amendments to the term, or alternatively, offering payment discounts, all within the constraint of not augmenting the customer's outstanding responsibilities.

The implementation of this restructure has the potential to mitigate funding challenges, namely those arising from consumer congestion. In addition to this, the bank refrained from seeking compensation. Customers whose firms have delays resulting from insufficient company turnover, competition with other businesses, disloyal clients, and similar factors. This implies that the business of the customer would encounter constraints, prompting their intention to pursue a restructuring process. From the perspective of the financial institution, in the event that the traffic congestion persists for a duration of up to two months, it becomes imperative to conduct a comprehensive survey in order to ascertain the extent to which the business operations align with the concerns



raised by the customers. If the given entity satisfies the established requirements, it is deemed qualified for the process of restructuring.

Hence, the proposed restructuring initiative is expected to address challenges arising from the ongoing pandemic, particularly pertaining to consumers encountering obstacles in fulfilling their commitments related to business finance products. The proposed restructuring plan aims to provide customers with financial relief and facilitate the execution of financing arrangements in alignment with mutually agreed terms. Additionally, this measure ensures the bank's safety in relation to the quality of its assets and overall financial well-being.

In the context of Islamic principles, while encountering financial difficulties, it is incumbent upon one party to provide assistance or relief to the other party, with the ultimate aim of benefiting the community at large. Bank Indonesia Regulation No.10/18/PBI/2008, which pertains to the restructuring of Sharia banks and UUS financing, and its subsequent amendment by Bank Indonesia Regulation No.13/9/PBI/2011, stipulates the regulatory framework for financing restructuring. This framework outlines the measures undertaken by banks to assist customers in meeting their financial obligations.

In light of the Covid-19 pandemic, numerous economic sectors have encountered a downturn, particularly micro, small, and medium firms. Numerous entities have experienced a decline in their financial turnover as a result of governmental regulations. Consequently, the outcome is a disruption or lack of continuity in the previously seamless financial operations. Restructuring proves to be a valuable strategy in addressing challenges posed by unfavorable financing products, while individuals significantly impacted by the Covid-19 pandemic are eligible to seek restructuring options. The issuance of Financial Services Authority Regulation Number 11/POJK.03/2020 by the Financial Services Authority (OJK) pertains to the national economic stimulus. The objective is to alleviate the societal impact of the Covid-19 pandemic, with a particular focus on mitigating the challenges faced by Micro, Small, and Medium Enterprises (MSMEs). The OJK strongly advises banks to offer debt restructuring options to borrowers in the micro, small, and medium enterprise (MSME) sector who have been adversely affected by the economic consequences of the Covid-19 outbreak. It is recommended that there be no restrictions on the maximum loan amount for such restructuring.

The link between Bank Indonesia Regulation No.13/9/PBI/2011 and Financial Services Authority Regulation Number 48/POJK.03/2020 is evident, as the latter policy introduces a new framework for the execution of restructuring for KUR iB, aligning with the provisions set forth in the former regulation. According to Bank Indonesia Regulation No.13/9/PBI/2011, clients who have substandard, dubious, or non-performing financing are eligible to request for restructuring in accordance with the established provisions. However, it should be noted that not all clients are granted restructuring options, since the bank assesses the extent to which the company's turnover has declined. If the drop takes place within a period of two months, the validity of the restructuring remains intact. In accordance with POJK Policy Number.48/POJK.03/2020, customers whose businesses have had repercussions as a result of the Covid-19 epidemic are eligible to

submit applications for restructuring.

## **E. CONCLUSION**

The effective execution of policies by Bank Syariah Indonesia has been successfully implemented in accordance with the government's regulations outlined in PJOK No. 48/POJK.03/2020. This policy pertains to the national economic stimulus and serves as a countercyclical approach to bank financing. The regulations enacted by Sharia-compliant institutions have proven instrumental in alleviating the financial strain faced by consumers impacted by the Covid-19 pandemic, enabling them to sustain their livelihoods. One of the conveniences offered by Islamic banks is the prompt provision of information regarding the restructuring of government-issued funding through the OJK. This service is particularly beneficial for clients who encounter challenges in meeting their installment payments. The process of applying for restructuring to the bank is straightforward and likely to receive approval. This involves reducing installment payments by extending the maturity period. (3) Ensuring fair and impartial restructuring measures for all customers seeking financial assistance.

There are two primary hurdles that hinder the financing of sharia bank restructuring. Firstly, the inability to make payments poses a significant challenge. Secondly, non-compliance with the standard operating procedures (SOP) of the previous arrangement also presents a barrier. It is worth noting that debtors sometimes have a misconception that financing restructuring entails a suspension of payments, which is not the case.

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