



ANALYSIS OF RESCHEDULING PROBLEMATIC INSTALLMENTS ON SHARIA PROPERTY (MAQASHID SHARIA PERSPECTIVE)

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ABSTRACT

Sharia property is a property whose transactions are carried out based on Islamic rules. Sharia property was born out of Muslims' concern about the dangers of usury. In Islam, conventional funding based on debt and interest is punished as haram for violating Shari'a. Despite education about usury, the application of sharia-based products began to boom in 2020. There are obstacles experienced by Sharia property, namely late payment installments that violate the agreement. Therefore, rescheduling is held to prevent unilateral losses experienced by sharia property parties. This rescheduling is like resetting the payment term. This Rescheduling review is reviewed from the perspective of Maqashid Syariah to see the form or form of enforcing Islamic principles in business with elements of maqashid sharia. This writing aims to analyze the rescheduling of problematic installments on Sharia property in terms of the perspective of Maqashid Syariah. This qualitative research uses an interpretive paradigm with a phenomenological approach that takes the research location at PT. Wahana Persada Indonesia in Makassar. Data collection was carried out using the method of interviewing with informants. It was found that the result of this study was the implementation of Maqashid Syariah which was applied to rescheduling late payment installments based on a review of the four properties of maqashid sharia according to Ibn Ahur, namely, tolerance, glorifying sharia, realization of sharia goals, and special objectives of sharia in muamalah.

Keywords: Rescheduling; Islamic property; maqashid sharia

1. INTRODUCTION

Sharia property investment is increasingly in demand along with the development of the Sharia lifestyle. In line with research that states that the role of Islamic financial literacy gives more emphasis regarding aspects of halal haram, usury, maysir, gharar, bathil transactions (Fitriana, 2018). This encourages property business people to present various sharia-based offers to meet market needs and demands. One of them is by offering sharia housing. This offer makes the Muslim community in Indonesia feel more comfortable because they are avoided from usury. In addition, sharia housing also offers cheaper and unchanged installment nominals. Sharia property is property whose transactions are carried out based on Islamic rules. Sharia property was born out of muslims' concern about the dangers of usury. In Islam, conventional funding based on debt and interest is punished as haram for violating Shari'a. Despite education about usury, the application of sharia-based products began to *boom* in 2020. This can be seen from the increasing emergence of Islamic banks, Sharia property developers, and other halal-labeled products. The presence of Sharia property is a breath of fresh air for people who want to buy a house without the help of conventional bank funding.

The ease offered by sharia property certainly gives birth to its own interest in investment for Muslims, of course, sticking out along with sharia literacy which is increasingly trending because of the awareness of the importance of applying Islamic principles that must be upheld. These conveniences include an installment system that is absolutely flat or unchanged. As explained in the hadith of the Messenger of Allah, from Abu Hurairah ra, the Prophet SAW, said: *"Whoever releases one trouble of a believer, surely Allah will deliver from him one trouble on the day of judgment. Whoever makes the affairs of others easy, surely God will make it easier in the world and in the hereafter. Whoever covers the disgrace of a Muslim, surely Allah will cover his disgrace in the world and in the hereafter. God always helps His servant as long as His servant likes to help his brother"*. Providing convenience to Muslim brothers and sisters is also part of carrying out Islam's basic principles, which are implemented into business to bless the afterlife.

But in reality, what is happening on the ground is that there are several obstacles faced by sharia property managers and developers related to arrears installments that make the developer suffer losses. The installment system that does not work well violates the agreement at the beginning of the purchase but by the manager or sharia developer who bears this loss unilaterally. Therefore, rescheduling is held to prevent unilateral losses experienced by sharia property parties. This rescheduling is in the nature of resetting the payment term. As in the study (Salamah, A., & Hendry, A. (2018). Explaining that rescheduling is saving financing by rescheduling the payment period, which is generally done is an extension of the term with the aim of smaller customer installments adjusted to the customer's ability.

Rescheduling is one of the conveniences also offered by sharia property for the convenience of special users of Muslims who want to have a residence free from usury. As usury is forbidden in the Qur'an which one of the verses explains "*And, something usury (additional) that you give so that he adds to man's property, then usury does not add to the side of Allah. And what you give in the form of zakat that you mean to achieve the pleasure of Allah, then (who do so) are the ones who multiply (the reward)*". (QS Al-Rum: 39). The prohibition of usury should certainly be understood and carried out in principle as a Muslim ummah.

This Rescheduling review is reviewed from the perspective of Maqashid Syariah to see the form or form of enforcing Islamic principles in business with elements of maqashid sharia. In line with the study (Mawardi, 2010:179) which explains Maqasid is a plural form of maqsud, qasd, maqsid or qusud which is a derivation of the verb qasada yaqsudu, with various meanings such as towards a direction, goal, middle, just and not going beyond the limit, the straight path, the middle between excess and lack. As Maqashid Al-Shari'ah aims to achieve benefits and prevent mudharatan in economic activities, Maqashid Al-Shari'ah is useful in economic development that discusses economic problems, economic phenomena, and formulates a policy. For this reason, the purpose of this writing is to analyze the rescheduling of problematic installments on Sharia property which is viewed from the perspective of Maqashid Syariah.

Maqashid Sharia

Etymologically, *maqasid al Syariah* is a combined term of *maqasid* and *al Sharia*. Maqasid Sharia, substantially containing the benefit, according to as-Syathibi can be seen from two points of view. First, maqasid as-Shari'a' (God's purpose). Both maqasid al-mukallaf (servant purposes). Viewed from the point of view of God's purpose, maqasid sharia contains four aspects, namely: first, The original goal of Shari'a establishes sharia, namely the benefit of man in the world and the Hereafter. Second, the establishment of sharia as something that must be understood. Third is establishing sharia as a taklifi law that must be implemented. Fourth is establishing sharia to bring humans under the protection of the law (Jalili, A. 2021). Maqashid sharia means the goal to be achieved by sharia to realize human benefit. In general, sharia maqashid has a purpose for the good or benefit of mankind. This goal aligns with the purpose of God's law of goodness.

Toriquddin, M. (2013) explains the understanding underlying maqashid Ibn Ashur's theory defines fitrah as the first state in man reflected in the prophet Adam AS. It is a state that can accept goodness and consistency which is the meaning of the word of Allah Almighty is that man is (formerly) one people. Tawhid, instruction, and goodness are the fitrah created by Allah Almighty when creating man (al Hasani, 1995: 266). 1. Maqashid al khasah: the most important goal based on fitrah is determining rights through creation.

The origin of the incident has given rise to the right along with the creation of the right owner. This right is the highest right in the world. Ibn Ashur describes these rights as: the right of man in the exercise of the body, the right to what he has been born with, the right to something that is born of the goods to which he is entitled, 2. Maqashid al 'ammah: the general objectives built on the fitrah are: general nature, equality, freedom, tolerance, loss of coercion (nikayah) from Sharia and general purpose of Sharia (al Hasani, 1995: 273). In (Toriquddin, M. 2013) explains, The properties of sharia maqasid according to Ibnu Ashur go back to four traits, namely (al Hasani, 1995: 242):

1. Fitrah direction for Maqashid Sharia The basic nature of fitrah is the existence of an attitude of tolerance, absence of coercion, provisions and changes in sharia, equality, freedom. Concerning fitrah, a law that puts the public interest first will be moderate and tolerant, meaning that the general public easily accepts it and meets a sense of justice (al Hasani, 1995: 242).
2. Realizing and glorifying Sharia The ways to realize sharia are twofold: first by frightening (with the threat of painful torture) and advising, secondly by means of ease and compassion. The first method is limited in several ways: it is forbidden to get around the law, close the path of damage, open the way of goodness, and give authority to the ruler. While the second method is limited by making it easier in sharia law, transferring the law from difficult to easy, considering the reasons for mukallaf in abandoning an act (Ibnu Ashur, 2001: 132).
3. Strong Rules and Tranquility of Soul Are Sharia Goals This trait can be realized in two ways, firstly through ijthihad and secondly by the existence of rukhshah. a. Ijthihad is to consider the postulates of shara' and devote all ability to uncovering the intent of shari' (maker of sharia) b. Rukhshah is given to one who gets into trouble, resulting in the law changing from 'azimah to rukhshah. (al Hasani, 1995: 249). In short Ibn Ashur established maqashid 'ammah by limiting the four qualities of fixed (al thubut), clear (al duhur), measured (indhibat), and authentic (ittirad)
4. Maqashid al Khasah (Special Purpose of Sharia) in Muamalah. The purpose of sharia specifically in muamalah is the way Shari (sharia makers) desired to realize useful human purposes or preserve their benefit in general in their deeds in particular. If this law has a specific purpose, it will differ according to the degree of legal implications whether it is a purpose (maqshud) or infrastructure (wasilah) (al Hasani, 1995: 250).

Rescheduling Installments

According to Thomas Suyatno (2007, p. 108), rescheduling is to extend the financing period, extend the distance of installment time and decrease the amount for each installment, which results in an extension of the financing time. In the theory of banking law, according to Thamrin Abdullah (2012, p. 181) rescheduling is carried out in the good

faith of the creditor to the debtor whose functions are as follows: 1. Through rescheduling, it is hoped that creditors can help alleviate the economic downturn of partners. 2. Through rescheduling creditors can realize the welfare of their partners. 3. By rescheduling it is hoped that the economic burden borne by partners will be reduced. 4. Through rescheduling as a real effort to avoid losses for debtors.

Sharia Home Ownership Financing (PPR) Installments

Sharia mortgages without banks are loans offered by Islamic property development companies where banks are not involved in practice. This bank less concept is a new concept promoted by Islamic property development companies in fulfilling capital and funding needs to finance project development they do not use funds from banks or Islamic financial institutions but through personal capital, investors, and shareholders. (Sari, Y. P. L., & Suprayogi, N. 2020). In addition, although the concept of mortgages is carried the same in Islamic banks and in sharia developers, namely the sharia concept, several things distinguish between the system offered by sharia mortgages in Islamic banks and sharia mortgages without banks in sharia developers, namely: Sharia property companies in their sales payment schemes use cash and credit payments, where credit sales generate receivables for the company. In addition, in the sale of credit there is a potential risk of uncollectible receivables thereby reducing the amount of cash receipts. In addition, the bank less mortgage innovation model run by sharia property developers makes sharia developers limited in fulfilling funds and capital.

Table 1. Difference between Sharia Bank PPR and Bank less PPR in Sharia Property Developers

	Sharia PPR at Banks	Non-Bank Sharia PPR
Transacting parties	Three parties (buyers, developers, and banks)	Two parties (buyer and developer)
Guarantee	The house transacted becomes collateral	Rum ah yang made into goods
Late payment	There are fines	No fines
Checking procedure	There is a BI Checking Process	No BI Checking

Source: (Sari et al, 2020)

Non-bank Sharia PPR is believed to make it easier for customers because customers do not have to deal with administrative matters that are often burdensome (Firmansyah, E. A., et al 2017). Non-bank Sharia PPR is flexible because it has a variety of services, namely no BI checking, no salary slips or decrees so it is suitable for non-formal entrepreneurs (such as traders), without confiscation, without fines, and without usury. Some of these services are an added value for developers who are marketed through promotional media such as websites or social media. The non-bank Islamic PPR scheme is certainly simpler and more flexible in terms of financing mechanisms because it does not involve the intermediation of banks or other financial institutions. The third party involved in the transaction is a notary whose role is to legalize the transaction legally.

The scheme shows the flow of financing mechanisms that occur in Sharia Property Developers in general, starting from the transaction agreement used to recording it on the notary as collateral for a legal entity after submitting a sale and purchase contract. Meanwhile, the financing contract scheme practiced in sharia PPR either in Islamic Financial Institutions or non-bank institutions in general is to apply the bai' al-taqshir contract, which is a person who buys certain goods to be used, then agrees with the seller in repayment of payments in installments/credit within a certain period of time (Anita, K., et al, 2020)

Problematic Installments

Problematic financing is financing whose quality is in the category of not being current, doubtful, under special attention and stuck. Financing that has been approved by Islamic banks and enjoyed by customers; the role of Islamic banks is heavier than when the funds have not been disbursed in the hands of customers. To avoid financing failures, Islamic banks must carry out guidance and regular monitoring, namely by means of active monitoring and passive monitoring. Financial difficulties experienced by a person are not only caused by low income but can also be caused by errors in financial management (Yushita, 2017).

Problematic financing is one form of risk that must exist and be faced by every bank because every member has shortcomings when making a return of financing to the bank. Every bank providing financing must pay attention to several main principles whether customers are worthy of financing. The assessment of a bank to approve a financing application is carried out based on the 5C formula (character, capacity, capital, collateral, condition) (Hermansyah, 2011, p. 63). Researchers assume that the factors causing problematic installments are usually caused by accidents, for example due to things that cannot be predicted by users such as natural disasters, or government policies that have an impact on the economy to the pandemic disaster that just occurred in 2020.

2. METHODS

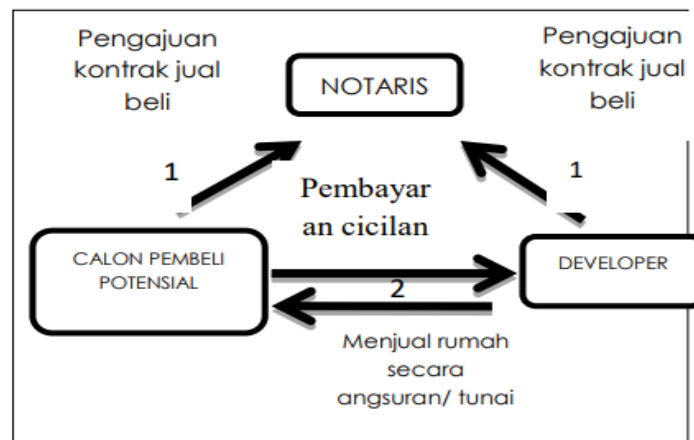
This qualitative research uses an interpretive paradigm with a phenomenological approach that takes the research location at PT. Wahana Persada Indonesia in Makassar. Data collection was carried out using the method of interviews with informants and some other supporting secondary data obtained from the official website of the entity. The data management and analysis techniques are carried out through three stages: data reduction, data presentation and conclusion drawing (verification).

3. RESULTS AND DISCUSSION

Sharia Property Installment Payment Mechanism

Procedurally, generally every property that is of interest to potential consumers will be stated in a Home Purchase Order Letter (SPPR) which explains the rules and agreements, signed by the consumer and approved by the developer. Because it eliminates the role of banking, the process of checking the ability to pay potential consumers at Bank Indonesia (BI Checking) is not needed. Consumers only deal with the developer and notaries who are appointed as legal parties. The mechanism of the non-bank approach also includes the role of Notaries in preparing transaction documents such as sale and purchase certificates which become legal documents for buyers and sellers and to ensure fair and legal transactions. After preparing this document, the seller or developer sells the house in installments. The seller then makes an installment and can immediately stay at home. The buyer's payment receipt becomes valid proof of ownership along with a certificate of sale and purchase from a notary. This unbanked mortgage scheme is illustrated as follows

Table 2. Unbanked mortgage scheme



The results of the interview with Nur Aman, Owner of PT. Wahana Persada Indonesia explained, Res if in the course of installments, when there is a delay in payment, the developer will conduct friendships and observations to find out the condition of the user and ensure the continuity of the financing if there is still good faith on the part of the user. The goal is to reinvigorate financing and salvage housing units that have been phased in. This stage facilitates and eases the burden of user installments because the nominal money that has been paid in installments during the current period will be counted as DP, so that the DP value increases and the remaining user pays a lighter installment shortage with a fixed installment schedule (tenor) as at the beginning of the contract/*akad*. If it enters the collectibility stage, what is done is to offer a transfer of financing by finding a replacement user and carrying out the refund process that the first user has deposited in stages according to its proportion after a replacement user is found by deliberation together with a family approach, which the developer tries to provide understanding to the user in finding the best solution, so that each party gets its rights and no one feeling disgraced.

In the settlement of rescheduling problematic financing, it is seen to apply the value of *maslahah*. First, its relevance to the value of *maslahat*. There is good intention on the developer's part in the process of completing financing in each cluster to find solutions and problems together so that no party feels disgraced, and this is a manifestation of the value of *maslahat*.

Review of Maqashid Syariah in Rescheduling Problematic Installments

Rescheduling is a financing restructuring, which is an effort made by banks in resolving problematic financing through rescheduling, requirement, and realignment. According to (Ismail, 2010) the meaning of rescheduling is an effort to overcome problematic financing by rescheduling to debtors who have good faith to pay their obligations. In the operation of sharia property payment installments, there are several interrelated elements, first, namely trust where the developer believes that the installments given will actually be able to be paid within a predetermined period of time. Second, the payment installment agreement set forth in the agreement and signed by both parties. Third, the agreed period of installment collection. Fourth, risks are losses due to payment installments such as when there is congestion, negligence and deliberate mistakes, as well as concealment of customer profits (Muh. Syafi'i, 2001:49).

In essence, the financing provided by the bank must be returned by the customer following the predetermined period of time. However, the risks that occur during the financing still arise. Financing risk can be said to be the risk of default or the risk of loss. This risk refers to the potential losses that the bank will face if the financing provided to the customer is bad or unable to fulfill the obligation to return the capital provided by the

bank and the customer is unable to hand over the portion of the profit that the bank should have obtained at the time agreed upon at the beginning (Veithzal Rivai, 2008:633).

The stage of delay in installments is problematic from the results of an interview with the President Director of PT. Wahana Persada Indonesia is if arrears have not exceeded 180 days. Then the user experiences financial problems so that there are arrears, the frequency of user account mutations and violations of the agreement are relatively low. After that stage, the developer moved to offer rescheduling, namely looking for the best solution to realize the benefit of both parties. The results are not only felt by the user, but also felt by the developer during the muamalah transaction based on sharia values, namely in the form of satisfaction and smoothness in management and business. Anita, K., et al (2020). From the interview results, the researcher obtained information on the rescheduling scheme. PT. Wahana Persada Indonesia, namely if the house price is 250 million, then pay a Down Payment of 10 million with 50 million installments that have been deposited, then after the restructuring the DP is accumulated with installments that have been deposited so that the total DP becomes 75 million. Furthermore, this 75 million is considered as a new DP so that the remaining financing amount is 175 million, which will then be paid in installments later for 96 months minus 2 years (current installments) so that the installments become lighter.

It is recognized by the management that while handling financing users do not find many significant obstacles or obstacles. the researcher assumed that the incident was the result of the application of Maqashid Syariah by the property company because it was given ease of passage because of the sincerity built for mutual benefit. The developer intends to make transactions without usury and facilitate the Muslim community, especially to have housing in a halal and thoyyib way. Departing from this good intention, it is then implemented in the form of muamalah of sharia value in the frame of fiqh rules.

(Nst, M., & Nurhayati, N. 2022) explained, Maqashid Al-Shari'ah's theory itself is meaningful as the core in analyzing economics that discusses poverty, wealth distribution, and building an economy. In this case, what Maqashid Al-Shari'ah wants to achieve is the elimination of all economic problems to achieve a prosperous life In its application to the Islamic financial system Maqashid Al-Shari'ah as the core in the sustainability of economic activities because without Maqashid Al-Shari'ah Islamic finance loses its sharia substance.

1. Fitrah direction for Maqashid Sharia The basic nature of fitrah is the existence of an attitude of tolerance. The attitude of tolerance shown by PT. Wahana Persada Indonesia in rescheduling installment payments is by not taking confiscated actions like conventional banks. It is explained in the Qur'an which reads "*Allah does not forbid you to do good and do justice to those who do not fight you because of*

religion and do not (nor) expel you from your land. Indeed, God likes those who do justice." (QS Al-Mumtahanah: 8).

2. Realizing and glorifying Sharia. The way to realize sharia is twofold: firstly, by frightening (with the threat of painful torment) and advising, secondly by means of ease and compassion. The results showed that the rescheduling approach when there is a delay in payment is through several stages. Even at the final stage, where delays to exceed 180 days are still being carried out deliberations so that joint problems can be resolved, although in fact this is a loss for the developer because it can hinder the development of other properties, but because of the principle of godliness by glorifying sharia built by the owner of PT. Wahana Persada chose an approach with advice and education to problem users. As stated in the Qur'an as a guideline for us Muslims, namely in surah Al Isra verse 7 which means: "If you do good (*means*) you do good for yourself. And if you do evil, then (the harm of evil) is for yourself" (QS Al Isra: 7)
3. Strong Rules and Tranquility of Soul. From the results of an interview with sharia property owner Nur Aman Hammado, it was explained that they did not encounter any significant difficulties during the handling of rescheduling problems due to late payments. Researchers assume this is the form or embodiment of perceived value or feel more value than the benefits of prioritizing and implying God's sharia in business. *The perceived value* received is the tranquility of the soul felt directly by God who does not provide obstacles in the implementation of his billing. God will provide ease in his steps. "And whoever is devoted to Allah undoubtedly Allah makes for him ease in his affairs". (Ath-Thalaq: 4).
4. Maqasid al Khasah (Special Purpose of Sharia) in Muamalah. The results showed that the intention of establishing sharia property PT. Wahana Persada Indonesia is solely because it provides convenience for fellow Muslims, especially in Makassar as a facilitator in having a residence that is free from usury elements. In addition, for personal interests, of course, is to have a sharia-based business in order to obtain peace of mind in the world and the Hereafter. Maqashid al Khasah in muamalah is believed to provide the benefits of mental and mental peace. Ibnul Qayyim said : "Allah is the one who suffices to him and who rests on Him, that is, He *who gives peace from the fear of the fearful, He is the best protector and the best helper and whoever takes refuge in Him and asks for help from Him and prays to Him, then Allah will protect him, take care of him, and whoever fears Allah, then Allah will make him comfortable and calm from something that feared and feared, and Allah will give him all manner of useful needs.*" [Taisirul Azizil Hamidh hal. 503].

The Qur'an also explains, "*And whoever gives thanks to Allah will undoubtedly provide for his (needs)*". (Ath-Thalaq: 3). And this is the greatest reward, that is, Allah Subhanahu wa Ta'ala will make Himself the one who meets all the needs of those who are devoted to Him, and indeed Allah has mentioned many good and virtues that are rewards for those who are devoted to Allah, among other things. Says God, "*Whoever is devoted to God will undoubtedly make for him a way out*". (Ath-Thalaq: 2)

CONCLUSION

(Nst, M., & Nurhayati, N. 2022) in their research, they explain that Maqashid Al-Shari'ah's theory is meaningful as a core in analyzing an economy that discusses poverty, wealth distribution, and building an economy. In this case, what Maqashid Al-Shari'ah wants to achieve is the elimination of all economic problems to achieve a prosperous life in its application to the Islamic financial system Maqashid Al-Shari'ah as the core in the sustainability of economic activities because without Maqashid Al-Shari'ah Islamic finance loses its sharia substance.

As in this research that the rescheduling mechanism by PT. Wahana Persada Indonesia as seen from the review of Maqashid Syariah is late to be implemented properly. Prioritizing the basic principles of Islamic law for the benefit of maslahat and doing good to fellow Muslims for the good of the afterlife and the purpose of benefiting from peace of mind. From Abu Hurairah ra, the Prophet SAW, said: "Whoever releases one trouble of a believer, surely Allah will deliver from him one trouble on the day of judgment. Whoever makes the affairs of others easy, surely God will make it easier in the world and in the hereafter. Whoever covers the disgrace of a Muslim, surely Allah will cover his disgrace in the world and in the hereafter. God always helps His servant as long as His servant likes to help his brother". (HR. Muslim, see also Collection of Hadith Arba'in An Nawawi hadith to 36).

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