

ABSTRACT

Ahmad Ainurrofiq, 2015, *Legal Action to Debtors Who Default in Musharaka financing at Bank Syariah Mandiri Branch of Malang*. Thesis, Department of Shariah Business Law, Sharia Faculty, State Islamic University Mulana Malik Ibrahim Malang, Supervisor Khoirul Hidayah S.H, M.H.

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Islamic bank became one of the alternative societies to conduct banking transactions and business dealings entrepreneurs; it can be seen with the rapid growth of Islamic Banking in Indonesia. One of them is Bank Syariah Mandiri Branch of Malang. One of the products financing productive business owned by Bank Syariah Mandiri Branch of Malang is Musharaka. Musharaka financing is based on its partnership agreement between two or more parties to carry out certain businesses, in which each party contributes funds with the stipulation that the benefits and risks will be shared accordance with the agreement. However, in practice Musharaka financing at Bank Syariah Mandiri Branch of Malang has many obstacles that the debtor is not able to contribute in accordance with the agreement at the beginning, or commonly called with bad credit or default.

This study has two formulation of the problem to be studied, the factors that cause the debtor in default against Musharaka financing and legal efforts conducted by Bank Syariah Mandiri Branch of Malang if the debtor in default in the Musharaka financing. This study is juridical empirical research using qualitative descriptive approach. While the data collected in the form of primary data and secondary data conducted by interview and documentation then the data is edited, checked and carefully arranged and organized in such a way that then analyzed descriptively that aims to identify factors debtor in default and legal action that conducted the creditor to the debtor in default on musharaka financing at Bank Syariah Mandiri Branch of Malang.

In this study showed two conclusions. The first factor because of the character of clients or the debtor itself, so the dishonest character and not seriously in the Musharaka financing transactions. Then the debtor's business that suffered losses or bankrupt as a result of the debtor late paying bills to the bank. Further deviations attempt by the debtor, does not match with the agreement at the beginning of the contract. Then the legal action conducted by PT. Bank Syariah Mandiri Branch of Malang in dealing with debtors in default that is that first agent bank or creditor gives a warning letter to the debtor. After that if during the warning letter the debtor still can not pay the bills, the bank will auction off the guarantee. If the value of the guarantee is not enough to cover the debt or the creditor then the agent of bank will continue to charge to the debtor but by discussion or agreement to creditors.