



Restructuring “Kupedes” Loans as Impact of Merapi Mountain Eruption

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Abstract

This research is a Descriptive research that provides data as accurately as possible about the conditions or symptoms in order to help in strengthening the theory which is also called field research or field research type evaluative research. The study was conducted to assess a program regarding the implementation of the BRI micro loan agreement. This research takes location in the work area of the working area units of PT. Bank Rakyat Indonesia (Persero) Tbk Yogyakarta Regional Office, which includes the Office of BRI Unit Kebon Arum, Kemalang, Karangnongko, Prambanan, Manis Renggo. Analysis used is qualitative analysis, meaning that the resources collected are arranged systematically and then interpreted, analyzed so that they can explain understanding and understanding of the symptoms under study. The results of the study show that there are several obstacles experienced by loan providers, this can be an input for banks to optimize their role.

Keywords: Restructuring; "Kupedes" Loans; Mount Merapi Eruption Disasters.

1. Introduction

The development of the economic sector in Indonesia has made financial institutions, particularly banks, have an important role, so that the banking institutions, functions and objectives are in accordance with Statute Law Number 7 of 1993; regarding Banking which has been changed with Statute Law Number 10 of 1998, article 4 which reads: "Indonesian Banking aims to support the implementation of national development in order to improve equity, economic development and national stability towards improving the welfare of the people".

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PT. Bank Rakyat Indonesia (Persero), Tbk. (BRI), established since 1895, is a bank that is full of experience in channeling funds to the public in order to develop the people's economic sector, BRI which is spread in almost all sub-districts in Indonesia. Experienced in channeling public funds in the form of loans ranging from farming business loans (KUT), fishing loans and people's business loans (KUR), which are currently one of the government's mainstay programs. KUR as a loan program run by the government has one function as a way of opening for productive businesses that have not yet been bankable / unable to meet the minimum requirements for lending by banks, one of the conditions that micro and small entrepreneurs cannot yet fulfill is the provision of collateral . For businesses that have fulfilled the requirements for bank loans, loan facilities can be provided with micro commercial loan facilities. BRI provides the name of its micro-commercial loan facility under the name Kupedes.

The eruption of Mount Merapi on the island of Java that occurred on October 26, 2010 made anxious people who were around the mountain. The eruption of Mount Merapi has consumed several victims of property and life, this natural disaster brought grief to the entire Indonesian people. Mount Merapi volcanic eruptions in the Yogyakarta region, most of the debtors who were affected by the eruption of Mount Merapi will experience obstacles in carrying out obligations to the loan. Therefore, in this case, Bank Indonesia has an interest so that the debtor can return the loan facility that will be returned.

One of the various forms of rescue of the Kupedes loan facility, one of which is through a restructuring facility that is given loans to debtors, the provision of restructuring facilities is expected to help businesses affected by disasters to survive and return to normal.

2. Literature Review

2.1. General Overview of Legal Theory

Legal theory has an important position in the learning process and in the application of law because with the existence of legal theory, it can help in the framework of solving various problems. Legal theory is a branch of legal science that discusses or analyzes not just explaining or answering questions or problems critically in law and positive law by using interdisciplinary methods. Legal theory can be more easily described as theories with various traits regarding objects, abstractions, levels of reflection and their functions.

2.2. Overview of the Agreement

Understanding of the Agreement. Article 1313 of the Civil Code provides a definition of an agreement. An agreement is an act in which one person or more ties to one person or more. Covenant Principles. In making agreements in accordance with Book III of the Civil Code the parties need to pay attention to the principles in the agreement, namely the principle of freedom of contract, principle of agreement, principle of binding power and principle of good faith.

Terms of validity of the agreement. Article 1320 of the Civil Code states that for the agreement an agreement requires four conditions, namely: agreement that ties them together, skills of parties to make agreements, there is a certain thing and there is a reason that is lawful. Default. Simple defaults are not performing achievements, or

making achievements, but those that are carried out are not on time and not as they should be.

Legal Efforts in Default. If a person who is indeed negligent has defaulted not because of force majeure, as a result he can be sanctioned. End of Agreement. The removal of the agreement is different from the removal of the agreement, the removal of the agreement is regulated in article 1381 of the Civil Code.

2.3. Overview of Loans

In Statute Law Number 10 of 1998, the definition of loans is regulated in Article 1 point 11, "Loans are the provision of money or bills that can be equated with it, based on an agreement or agreement between banks and other parties, which requires other parties to repay their debts. after a certain period of time with flowers "[1].

Based on the Results of the Study of Micro, Small and Medium Consumption Loans for Productive Activities by Bank Indonesia in 2009, it provides an understanding of micro loans, namely micro loans are loans with a maximum ceiling of Rp. 50,000,000 (fifty million rupiah). Kupedes is a loan that is general, individual, selective and fair interest which aims to develop or improve eligible micro-businesses. So that it can be concluded that BRI micro loans are KUPEDES.

3. Methodology

Descriptive research is a study that provides data as thorough as possible about humans, circumstances or symptoms. The purpose of descriptive research is to reinforce hypotheses, in order to help in strengthening new theories.

This research cannot be separated from legal materials in the form of:

1. Primary legal material

- a. Civil Code, staatsblad Number 23 of 1847
- b. Law Number 10 of 1998 concerning Amendments to Law Number 7 of 1992 concerning Banking, Indonesian Reuplicated State Gazette Number 182 of 1998, Supplement to the State Gazette of the Republic of Indonesia Number 3790
- c. Bank Indonesia Regulation No. 8/5 / PBI / 2006 dated 30 January 2006

concerning Banking Mediation.

2. Secondary legal material. For example the draft law, the results of research, the work of the legal community

3. Tertiary legal material. Legal materials that provide instructions and explanations for primary and secondary legal materials, such as dictionaries, encyclopedias, cumulative indices and so on.

Data obtained in the form of Primary and secondary data. Primary data is data obtained directly from the sources through interviews and observations. Whereas Secondary data is data collected to support and complement

primary data related to research problems. Secondary data can be in the form of literature, archives, BRI micro loan agreements and documentation.

This research takes location in the work area of the working area units of PT. Bank Rakyat Indonesia (Persero) Tbk Yogyakarta Regional Office, which includes the BRI Unit of Kebon Arum, Kemalang, Karangnongko, Prambanan, Manis Renggo. The researcher took non probability sampling data collection techniques, because the researcher did not intend to generalize on the results obtained, but trace them in depth and carried out using purposive sampling.

The collect data and data collection tools are; Interviews are conversations with the intention of constructing about other people, events, activities, organizations, feelings, motivations, demands, concerns and others. Document Studies, it is a technique by collecting data by collecting photos, films, documents, books and other literature related to this research. As for what is used in this study include data from BRI, books from libraries, research journals, data from the internet and so on. And Focus Group Discussion (FGD) is a focused discussion from a group to discuss a particular problem, in an informal and relaxed atmosphere. The analysis used is qualitative analysis, meaning that the power gathered is arranged systematically and then interpreted, analyzed so that it can explain the understanding and understanding of the symptoms under study.

4. Result And Discussion

In line with the increasingly rapid development of the banking world, to date, Bank Rakyat Indonesia has a work unit of 4,447, consisting of 1 BRI Head Office, 12 Regional Offices, 12 Inspection / SPI Offices, 170 Branch Offices (domestic), 145 Sub-branch Offices, 1 Special Branch Office, 1 New York Agency, 1 Cayman Island Agency, 1 Hong Kong Representative Office, 40 Pay Cash Offices, 6 Bank Car Offices, 193 P.POINT, BRI 3,705 UNITS and 357 Village Service Posts. The ownership of Bank Rakyat Indonesia (Persero) is still 100% in the hands of the Government of the Republic of Indonesia.

4.1. Procedure for Rescuing Kupedes Loans with Restructuring

The target of granting a restructuring facility can be given to Kupedes debtors who experience a disaster that is a force majeure that is categorized as force majeure, among others are natural disasters that result in the destruction / destruction of business assets, loss/reduction of value or destruction of customer's business assets by other people and personal emergencies.

The disaster of the eruption of Mount Merapi in Yogyakarta that occurred in 2010 is one of the events that can be categorized into force majeure. The restructuring procedure of kupedes must stick to the pattern of the kupedes approach, which has been applied to individuals and cases of cases. In principle, the kupedes restructuring procedure is the same as the process and procedure of the service as generally applicable, but considering the restructuring has special conditions, there are a number of additional steps.

1. The restructuring initiative of Kupedes. In accordance with PBI No 14/15 / PBI / 2012 dated October 24, 2012 regarding the assessment of the quality of assets of commercial banks and Indonesian bank letters No

7/190 / DPNP / IDPnP dated April 26, 2005 concerning loan restructuring policies regulating that special restructuring of micro loans at BRI units, loan restructuring initiatives can be carried out by the original lending account officer and the loan decision must be made by a higher level breaker official. The restructuring initiative must be based on:

- a) Application for restructuring from the debtor
- b) Especially for debtors affected by force majeure added by a letter from the competent authority.

2. Evaluation and analysis of restructuring requests. Requests for restructuring by the debtor will be followed up by taking into account several requirements, this is done to minimize the risks to the Kupedes loan facility, namely:

- a) Cash flow for customers / debtors is adequate
- b) Not to improve the quality of productive assets
- c) Minimal loss risk for BRI
- d) Good and honest attitude for debtors and openness of line loan officers (PKL)
- e) Maximum restructuring 2 times during the period
- f) Submit an application by the debtor to BRI

Furthermore, an evaluation process and analysis of restructuring requests will be carried out through the LAS application. In the event that the LAS application has not been able to accommodate the restructuring loan process, the implementation of restructuring such as the usual Kupedes process by using the form model 70 Kupedes / other forms is determined, according to the outstanding debtor position at the time of the submission of the restructuring. Mantri must conduct on the spot to the location of the residence and or place of business of the debtor in order to collect information about the condition of the debtor's business (complete with photos). Some information that needs to be explored to obtain more accurate data about the condition of the debtor's business, as a proposal for the decision of the Kupedes, includes:

- a. What is the prospect of the debtor's business in the aftermath of the disaster or the decline in current business capacity.
- b. What is the business location, or temporary place of business of the debtor, is it still possible to reach consumers.
- c. How much capital is needed to re-establish the business.
- d. What is the ability to repay the actual debtor at this time.
- e. Is the guarantee still held by the debtor enough to cover the Kupedes that will be restructured.

3. Restructuring proposals and decisions. In order for the objectives of the restructuring to be achieved properly, and to minimize business risk, the attention of Lini loan officers was asked to make restructuring proposals and decisions to pay close attention to the following matters:

- a. Determination appropriately in providing a choice of type of restructuring
- b. Determination of the amount of the restructured Kupedes ceiling in accordance with the business

conditions of the debtor. In addition to the above, it should be noted that the determination of the Kupedes restructuring ceiling must pay attention to the provisions of III.2 above.

- c. Whether or not the debtor is burdened with administrative and / or provisioning fees related to the debtor's ability and profit / loss for the BRI unit to the Kupedes interest income margin that will be accepted.
- d. Determination of the time period, installment pattern and the amount of installments that are in accordance with the conditions of the debtor's business turnover.

4. Realization Process. The process of realization of restructuring kupes in principle is the same as the process of realization of kupedes in general, but technically it can be done with the following activities:

- a. Every realization of the Kupedes restructuring is only made an addendum of the loan, this is based on consideration of the ease and costs that will be borne by the debtor.
- b. Given the technical application of restructuring kupedes on the LAS system has not been implemented, the technical restructuring of Kupedes is done

4.2. Guidance and supervision

To facilitate the guidance and supervision of restructuring in the BRI Unit, all loan files before restructuring so that they are combined with restructuring coupe files in one Kupedes file folder by giving notes on the cover of the "Kupedes Restructuring" map. For the purpose of supervising the verdict, the PDWK granting official must conduct a sampling / assessment of the restructuring decision of the official given the PDWK, to ensure that the restructuring has been carried out correctly and in accordance with applicable regulations. Lini Loan Officers must supervise the restructured Kupedes, by conducting visits to assist the debtor's business capacity / development [2].

After the loan facility / restructuring rescue procedure is carried out then based on PBI Number 7/2 / PBI / 2005 concerning Asset Quality Rating for Commercial Banks Article 1 number 25, there are 6 (six) kinds of conclusions, namely: 1) rescheduling; 2) decrease in interest rates; 3) addition of kupedes facilities; 4) interest rate relief; 5) sale of collateral; and 6) a combination of the alternatives above. In the case of this study there were 4 (four) units that restructured the prambanan unit with a total of 4 debtors / debtors, kebon arum units with 3 debtors, sweet renggo units with 5 debtors, and coral units nongko with a total of 5 debtors / debtors with a rescheduling model rescheduling.

The type of restructuring is the extension of the Kupedes / rescheduling period, which is a change in Kupedes terms that only concerns the payment schedule, and / or extension of the period, including the terms of the grace period, whether or not covering changes in installments. The maximum limit for the extension of the Kupedes period is a maximum of 60 months and specifically for seasonal Kupedes (one full, 3, 4, 6 monthly) according to the Kupedes period before being restructured. The pattern of approaches used is case-based and personal so that the determination of the type of restructuring for the extended period of Kupedes / rescheduling results in different values.

4.3. Completion of the Debt Kupedes Debt Facility Affected by the Mount Merapi Eruption Disaster

Kupedes is a general, individual, selective loan with reasonable interest aimed at developing / enhancing viable micro-enterprises. Based on the loan amount given to each BRI unit, it can be labeled as Table 1,

Table 1: Comparison of Loan Amount and BRI Unit Debtor Amount

BRI Units	Amount of Loan	Number of Debtors
Prambanan	28.583.000.000	1200
Karang Nongko	42.273.000.000	1400
Kebon Arum	21.539.000.000	1102
Manis Renggo	30.335.000.000	1100
Kemalang	12.655.000.000	1002

Sources: Official of BRI Yogyakarta, 2016

In the BRI unit, the total loan disbursed was as much as Rp. 28,583,000,000.- with a total loan of 1,200 customers, at BRI Karang Nongko unit the total loan disbursed was Rp. 42,273,000,000, with a total loan of 1400 customers. Arum total loans disbursed as much as Rp. 21,539,000,000'- with 1102 customers, at BRI Manis Renggo unit the total loans disbursed were 30,335,000,000.- with the loan amounting to 1100 customers, and at BRI units Kemalang the total loans disbursed were Rp. 12,655,000,000, - with a total loan of 1002 customers. So that it can be observed that the largest loan disbursement is at Karang Nongko BRI Unit, but this is also followed by the highest number of customers. This indicates that the loan disbursement provided by BRI is also comparable to the number of customers [3].

The average loan disbursement is calculated against the number of customers, it can be classified that the highest average is at BRI Nongko unit of Rp 30,195,000'-, the second average for BRI Manis Renggo unit is Rp. 27,577,273'-, the third average of BRI Prambanan units was Rp. 23,819,167'-, the third average in the Kebon Arum BRI unit was Rp. 19,545,372, and the smallest average in the BRI unit was Rp. 12,629,741'-. Based on the intended use, kupedes can be divided into three types; Kupedes Working Capital, Kupedes Investment and Consumptive Kupedes

Kupedes limit is kupedes flapond, the maximum amount of flapond kupedes that can be issued by the BRI Unit is Rp.100,000,000, the source of repayment of the loan comes from business cashflow or from the permanent income of the borrower (Debtor). As for the Basic Principles of Giving Kupedes As a micro-scale loan, the distribution of kupedes requires proper understanding of policies, the nature and basic principles of Kupedes, namely:

1. General. Kupedes can be given to anyone, in the sense that it is not limited to certain economic sectors, certain memberships, certain groups of people, as long as the prospective customer in question has fulfilled all the stipulated conditions and conditions.
2. Individual. Giving coupes is done through an individual approach to prospective customers to attract the

attention of these customers.

3. Selective. Granting of coupes is carried out selectively to customers whose business is deemed feasible. A viable business here is that the business really has good prospects to be developed and its activities do not conflict with legislation, morals, religion, local people's customs and do not damage the environment.
4. Business. The provision of kupedes is based on sound business calculations and considerations to ensure the continuous operation and growth of the BRI Unit. The causes of problem loans can be grouped into 3, namely: because of a bank error, due to customer error and external factors

Table 2: Rekapitulasi Data Pinjaman dan Restrukturisasi BRI Unit

BRI Units	Name of Debitur	Loan	Outset		Restructurisation	
			Amount	Tenor	Amount	Tenor
Prambanan	A	31.000.000	1.416.700	24	566.520	60
	B	50.000.000	2.284.400	24	1.142.166	48
	C	20.000.000	913.733	24	609.155	36
	D	60.000.000	2.741.200	24	1.096.480	60
Kebon Arum	E	25.000.000	1.142.167	24	571.083	48
	F	16.500.000	582.100	36	436.600	48
	G	13.000.000	639.200	24	426.200	36
Manis Renggo	H	21.000.000	1.907.500	12	953.750	24
	I	26.000.000	1.278.333	24	852.222	36
	J	15.000.000	1.435.166	12	717.583	24
	K	62.000.000	2.187.222	36	1.640.416	48
Karang Nongko	L	20.000.000	983.333	24	393.333	60
	M	56.000.000	1.975.555	36	1.481.666	48
Nongko	O	67.000.000	2.363.611	36	1.418.166	60
	P	50.000.000	1.763.888	36	1.322.916	48
	Q	65.000.000	1.813.333	48	1.450.666	60
	R	39.000.000	1.375.833	36	1.031.875	48

Sources: Official of BRI Yogyakarta, 2016

All loan officials must have the same assessment in the settlement of problematic coupes, so that appropriate and appropriate approaches can be taken, namely as follows:

1. Approach in writing.
 - a. Collection of Bill in the form of Customer Visit Report (LKN).

- b. Letter of Warning.
2. Oral Approach.
 3. The approach to the perception of bank loan officials to save Kupedes is problematic.
 4. In an effort to create the same perceptions and views in determining the steps to resolve the problematic kupedes accurately, quickly and consistently from all officials related to the management of Kupedes, both officials at the BRI Kanca and BRI Units level, the following approaches are needed:
 - a. Every loan official who is related to the management of Kupedes may not allow or even try to cover up the existence or occurrence of problematic kupedes in the respective BRI unit area.
 - b. Every loan official who is related to the management of kupedes must be able to detect early the possibility of kupedes being a problem.
 - c. Taking steps to treat troubled kupedes should be done as soon as possible, to avoid the worsening of the kupedes.
 - d. Retrieval of policy in determining the steps to resolve kupedes is problematic, may not deviate from the stipulated provisions.
 - e. Handling of problematic kupedes must be objective, not discriminating with certain debtors and or certain loan sizes, but still taking into account the priority scale.

Because loan officers approach by giving a bill in the form of a Customer Visit Report (LKN), giving a warning letter 1-3, approaching verbally by visiting the business place of the debtor and loan officers creating the same perceptions and views.

4.4. Determination of Strategies for Handling Troubled Kupedes

The strategy made by loan officials to determine the right steps to find out whether problem loans will be restructured, loan settlement or through submission to the relevant agencies. The steps or restructuring efforts of Kupedes can be considered especially if the condition of the debtor can still be improved [4]. Before deciding on a strategy in the context of restructuring or settling kupedes, it must first go through a process and evaluation involving the following aspects:

1. Documentation. Mastery, completeness and validity of documents is a very important part of loan risk management. Loan officers and loan administration must evaluate and verify all loan documents to determine the position of Bank Rakyat Indonesia against debtors, especially from legal aspects.
2. Relations with debtors. Analysis and evaluation of the relationship between the BRI Unit and the debtor, especially regarding the history of the related coupe.
3. Information and Investigation. To find out the last condition / condition in question obtained from the supplier, the company's business and internal relations customers. The inspection is carried out by making visits to the business premises and to the location of the collateral while collecting information about the actual sale value of the collateral. Included in this activity is to determine the ability of the debtor to pay its obligations.

The steps to save kupedes are follow-up plan and rescue of problematic Kupedes Rescue of troubled loans is

generally carried out using 3R, namely rescuing, reconditioning and restructuring. But at the BRI Unit, efforts to save kupedes were problematic, coupled with the sale of collateral. The way to rescue the coupes made by BRI is as follows: extended Kupedes / rescheduling, kupedes (reconditioning) requirements, restructuring and guaranteed items for sale [5].

This agreement is carried out by the bank and the debtor that the settlement of the coupe is taken by way of cash sales of the kupedes collateral. Banks can ask debtors to make their own sales guarantees kupedes. Rescue of loans (restructuring) [6]. The policy of rescuing Kupedes loan facilities with restructuring is one of the options in settling loans that hit the BRI regional office of Yogyakarta due to the disaster of the Merapi volcano eruption in 2010 with the following conditions:

1. Kupedes restructuring can only be done on debtors who still have adequate business prospects / cash flow (adequate RPC), and show good faith. Kupedes restructuring is not approved for the purpose of improving the quality of productive assets.
2. Kupedes Restructuring must be the best alternative for the BRI Unit in terms of various factors while still having to take into account the minimum loss risk for the BRI Unit.
3. The process of granting Kupedes restructuring must be based on good will, honesty, objectivity and full openness of the Line Loan Officer (PKL) and the debtor, regarding the actual conditions and problems faced by the debtor.
4. In order for the Kupedes restructuring to be effective and there is certainty about the repair of problem loans, the Kupedes restructuring can only be done a maximum of 2 (two) times. If the restructuring has been carried out 2 (two) times and it has failed, then it must be sought immediately through the settlement of Kupedes [7].

Obstacles to redemptive loans in the settlement of the debtor coupe loan facilities affected by the volcanic eruption will some condition happend, there are;

1. If given the opportunity to make a second restructuring, it will not be as expected by the BRI institution. The provision of restructuring facilities to debtors affected by natural disasters is generally carried out only once, but if it is not possible due to the ability of the debtor who is unable to pay, the restructuring can be carried out both times. This is done to improve performance loans [8].
2. If it is settled by selling collateral the value of the collateral is not appropriate or cannot cover the value of the loan [9].
3. The concerned person has not resided / moved place / died and does not have an heir as the recipient of debt responsibility.

5. Conclusion

Based on the description above, it can be concluded that the rescue procedure for kupedes loans can be done by restructuring. The restructuring procedure is carried out in four stages, starting from the kupedes restructuring initiative, evaluating and analyzing the restructuring request, the restructuring proposal and decision, the realization process, followed by guidance and supervision.

In addition, the method of rescue can also be done with a legal settlement of the debtor couple loan facility affected by the volcanic eruption disaster. The obstacles to the Kupedes loan in the legal settlement of the debtors affected by the mountain eruption disaster include:

1. If given the opportunity to make a second restructuring, it will not be in accordance with what is expected by BRI institutions;
2. If it is settled by selling collateral the value of the collateral is not appropriate or cannot cover the value of the loan; 3) the person concerned has not resided / moved / died and does not have an heir as the recipient of debt responsibility.

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