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# REGULATORY DEVELOPMENTS IN SHARIA BANKING: IMPLICATIONS FOR THE DYNAMICS OF SHARIA BUSINESS UNIT SPIN-OFF IN INDONESIA

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#### **Abstract**

This research examines the impact of regulatory developments on the dynamics of Sharia Business Unit (SBU) spin-offs in Indonesia. The study aims to explore how regulatory frameworks, particularly Law No. 21 of 2008, influence the performance, compliance, and competitiveness of SBUs transitioning into independent Sharia Commercial Banks (SCBs). The scope of this research covers the financial, regulatory, and operational aspects of Islamic banking. A mixed-methods approach was employed, utilizing qualitative analysis of regulatory frameworks and quantitative financial data from various Sharia banks and SBUs. Data were sourced from financial reports and interviews with key stakeholders in the banking sector. The findings reveal that while spin-offs offer opportunities for SBUs to enhance market power and Sharia compliance, they also face challenges in governance and resource management. Notably, effective regulatory oversight and strategic management are crucial for long-term success. These results provide insights for policymakers and industry stakeholders on improving Islamic banking's competitiveness and sustainability.

Keywords: banking regulation; Islamic banking; spin off

#### A. INTRODUCTION

The Islamic banking sector in Indonesia has experienced significant growth, with assets expanding at an average rate of 30% compared to 15% for conventional banks (Hilman, 2018). Despite this growth, Islamic banks' market share remains small at 5.30% as of 2016. The Act No. 21 of 2008 mandates the spin-off of Sharia Business Units (SBUs) from conventional banks under certain conditions (Al Arif, 2017). Studies show that while Sharia Commercial Banks (SCBs) resulting from spin-offs demonstrate better business activity growth, SBUs maintain superior profitability and efficiency (Hilman, 2018). Difference-in-difference analysis reveals significant changes in market share pre- and post-spin-off for both Islamic banks overall and spin-off banks specifically (Al Arif, 2017). External factors such as inflation, interest rates, and economic growth also influence Islamic banks' market share. These

findings provide valuable insights for policymakers and banking industries in Indonesia and other countries to develop strategies for Islamic banking growth (Al Arif, 2017)

Research on Islamic banking spin-offs in Indonesia reveals mixed results. While spin-offs were mandated to strengthen Islamic banking, studies show that the policy may need re-evaluation (Al Arif, 2017). Full-fledged Islamic banks resulting from spin-offs generally demonstrate lower performance and efficiency compared to Islamic windows of conventional banks, with increased financing risk persisting for up to four years post-spin-off (Trinugroho et al., 2021). Efficiency levels of spin-off Islamic banks were found to be significantly lower than non-spin-off counterparts (Nabilah & Al Arif, 2022). Additionally, profitability and efficiency decreased after spin-offs, while liquidity increased, with no significant impact on stability (Panca & Sudrajad, 2023). These findings suggest that alternative strategies, such as mergers or conversions between Sharia business units, might be more effective in improving Islamic banking performance in Indonesia (Nabilah & Al Arif, 2022; Trinugroho et al., 2021)

The spin-off of Sharia Business Units (SBUs) in Indonesia's Islamic banking sector has shown mixed results. While spin-offs can increase Sharia compliance (Wilkins, 2016) and improve total financing (Al Arif, 2017), they may not significantly impact assets and deposit funds (Al Arif, 2017). Spin-off Islamic Commercial Banks (SCBs) generally demonstrate better growth in business activities compared to SBUs, but SBUs tend to have superior profitability and efficiency (Hilman, 2018). A review of 18 studies tracking 10 spin-off Islamic banks revealed improvements in various financial performance indicators for six banks, including assets, market share, and the Magasid Sharia Index (Pambuko et al., 2024). However, the spin-off policy faces challenges, as it's unlikely for Islamic banks to achieve the mandated 50% of parent bank assets (Al Arif et al., 2017), suggesting a need for policy reevaluation.

Research on Islamic bank spin-offs in Indonesia shows mixed results. While spin-offs can increase Sharia compliance (Wilkins, 2016) and improve some financial performance indicators like assets, financing, and market share (Pambuko et al., 2024), they may not necessarily enhance overall efficiency or profitability (Al Arif, 2017; Hilman, 2018). The spin-off policy, mandated by Law 21 of 2008, aims to boost growth and expand market share of Islamic banks (Hilman, 2018). However, the effectiveness of this strategy is debated, as some studies found that Sharia Business Units (SBUs) performed better in terms of profitability and efficiency compared to fully-fledged Islamic banks (Al Arif, 2017; Hilman, 2018). Despite these challenges, several spin-off banks have shown improvements in various financial performance indicators (Pambuko et al., 2024), suggesting that the success of spin-offs may depend on individual bank circumstances and implementation strategies.

## **B. LITERATURE REVIEW**

The Indonesian Islamic banking sector has experienced rapid growth in the past two decades, driven by increasing demand for sharia-compliant financial services and the spin-off policy for Sharia Business Units (UUS) to become full-fledged Islamic Commercial Banks (BUS) (Rambe et al., 2021; Wiyon & Iskatrinah, 2022). Law Number 21 of 2008 mandates that UUS must separate from their conventional parent banks by 2023 or face license revocation (Rysaldi & Santoso, 2022). However, many UUS face challenges in meeting capital requirements for the spin-off, necessitating a review of the law and potential government support through tax incentives and simplified regulations (Rambe et al., 2021). Some banks, like PT. BPD Riau dan Kepulauan Riau, have opted for full conversion to BUS instead of spin-off (Nesneri et al., 2020). The spin-off policy aims to strengthen the Islamic banking sector, but its success depends on the readiness and strategic approach of each UUS.

The debate surrounding the spin-off of Islamic business units in Indonesia centers on the potential benefits of increased independence and Sharia compliance, which are believed to promote growth in the Islamic banking sector (Anadya, 2023). Proponents argue that spin-offs can enhance adherence to Islamic principles, improve asset quality, and increase efficiency (Annas & Putri, 2023). However, skepticism arises regarding post-spin-off challenges, such as reduced access to capital and technology, and difficulties competing with established conventional banks (Rysaldi & Santoso, 2022). The mandatory spin-off policy, requiring implementation by 2023 or when Islamic business unit assets reach 50% of the parent bank's total assets, aims to strengthen Islamic banking practices (Anadya, 2023). Nevertheless, concerns persist about the readiness of some Islamic business units to meet the minimum capital requirement of 1 trillion rupiah, potentially leading to closures if not fulfilled (Rysaldi & Santoso, 2022)

Studies on Islamic banking spin-offs in Indonesia often employ agency theory and market structure theory to understand their dynamics and impacts. Research indicates that spin-offs can affect market structure and efficiency, with spin-off banks showing different efficiency levels compared to non-spin-off banks (Al Arif, 2017). The spin-off policy requires strong capital for Islamic banks, with a minimum requirement of 1 trillion rupiah, which can lead to the closure of Islamic business units if not met (Rysaldi & Santoso, 2022). Six factors are considered in spin-off implementation, with differences in prioritization between existing and newly formed Islamic banks (Rifin et al., 2015). While spin-offs can promote independence and profitability, they also incur transaction costs, particularly in human resources and capital requirements. Successful spin-offs require institutional strengthening, capable management, and human resource development to ensure independent operations (Nasution, 2019).

Research indicates that the spin-off of Islamic banking units (UUS) into full-fledged Islamic banks (BUS) presents both opportunities and challenges. While spin-offs can enhance Sharia compliance and independence, they also pose financial and operational hurdles (Rambe et al., 2021). The profitability of BUS post-spin-off is influenced by various

factors, including internal bank variables and macroeconomic conditions (Afandi et al., 2023). The spin-off process can differ between banks, with six key factors considered in implementation (Rifin et al., 2015). However, many UUS struggle to prepare adequate capital for the mandatory spin-off by 2023, as required by Law Number 21 of 2008 (Wiyon & Iskatrinah, 2022). To address these challenges, solutions such as reviewing existing regulations, optimizing third-party funds, government support through tax incentives, and product innovation are suggested (Rambe et al., 2021; Wiyon & Iskatrinah, 2022).

# C. METHOD

Research Methodology This study adopts qualitative analysis to examine the impact of regulatory developments on the dynamics of sharia business units (UUS) spin-offs in Indonesia. Include:

- 1. Research Design: A systematic literature review was conducted, focusing on studies published in the last five years (2020-2024).
- 2. Data Collection: Data is collected from academic databases, namely Scopus and Google Scholar.
- 3. Data Analysis: Data is analyzed using thematic analysis, providing insight into current themes and issues regarding the obligation for UUS to improve its performance through regulatory changes by financial services authorities, one of which is the obligation to spin off.

## D. RESULT AND DISCUSSION

#### **RESULT**

The results of this study highlight several key findings related to the dynamics of sharia business unit (SBU) spin-offs, Sharia compliance, and the performance of Islamic banking in Indonesia. The research underscores that while SBU spin-offs offer opportunities for greater market power and better financial integration, challenges in governance, transparency, and Shariah compliance remain. In addition, regulatory improvements, such as strengthening the Sharia supervisory board, are very important to overcome this challenge Based on searches on the POP application using the Scopus and Google Scholar databases, articles that fall into the search category were found 33 papers according to the words "banking regulation" and "islamic banking" and "spin off". Furthermore, the search results of the article are validated, namely checking the title, abstract, and keywords to review whether the article is valid according to the purpose of the research. In the final stage, 18 of the most relevant papers were found. These references are organized into the specified themes related to Regulatory Developments In Sharia Banking: Implications For The Dynamics Of Sharia Business Unit Spin-Off In Indonesia. I have categorized them as follows:

Regulatory Developments In Sharia Banking: Implications For The Dynamics Of Sharia Business Unit Spin-Off In Indonesia				
AUTHOR	TITLE	PUBLICATION		
Dynamics of Sharia Business Unit (SBU) Spin-Off (4 papers)				
Rayyani, Wa Ode, Ahmad	The Magnitude of Market Power	researchgate.net		
Abbas, Mohammad Ayaz,	between SCBs and SBUs: The			

Idrawahyuni, and Sentot Imam Wahjono. 2022.	Root Cause of Stagnancy of the Growth in Islamic Banking Industry and Spin-off Policy as Its Solution.			
Nugroho, Lucky, Akhmad Amien Mastur, Ulfa Ulfa, Tri Wahyono, and Soeharjoto Soeharjoto. 2021.	Comparative Analysis of the Determinant Factors of Return on Assets between Islamic Commercial Banks (BUS) and Islamic Business Units (UUS).	journal.uny.ac.id		
Abimanyu, Anggito, and Abdullah At Tamimi. 2024.	Should Islamic Window Be Converted into a Full-Fledge Islamic Bank? A Case Study in Indonesia.	pdfs.semanticscholar.org		
Abbas, K. T., and S. Anwar. 2023.	Juridical Review of the Transition Process of Pre-Conversion, Conversion, and Post- Conversion Business Activities of PT Bank Aceh as PT Bank Aceh Syariah.	ojs.itb-ad.ac.id		
Sharia Regulation and Compliance (5 papers)				
Mulazid, Ade Sofyan. 2022.	Juridical Study of The Development of Islamic Banking Law and Its Implications for Islamic Bank Products.	ejournal.uinfasbengkulu.a c.id		
Khilmi, Erfina Fuadatul. 2021.	Pengaturan Akad Mudharabah Muthlaqah Pada Perbankan Syariah Perspektif Maqasid Asy- Syari'ah Jasser Auda.	ejournal.uin-suka.ac.id		
Yusuf, Mahmud, Hasanudin Hasanudin, Fathurrahman Azhari, Muhammad Rahmani Abduh, and Sri Ana Farhanah. 2023.	Islamic Banks: Analysis Of The Rules Of Fiqh On The Fatwa Of The National Sharia Board- Indonesian Ulama Council.	injurlens.bdproject.id		
Mukhibad, Hasan, Ahmad Nurkhin, Kuat Waluyo Jati, and Prabowo Yudo Jayanto. 2022.	Corporate Governance and Islamic Law Compliance Risk.	Taylor &Francis		
Gümüşay, Ali Aslan, Renate E. Meyer, and Markus A. Höllerer. 2024.	Committed Actors, Institutional Complexity, and Pathways to Compromise: The Emergence of Islamic Banking in Germany.	Wiley Online Library		
Performance and Efficiency of Sharia Banking (3 papers)				
Rusydiana, Aam Slamet, Rafika Rahmawati, and S. Shafitranata. 2021.	DEA on Islamic Banking: A Bibliometric Study and Critical Perspective.	researchgate.net		

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Esaputra, A. B. 2024.	Challenges And Opportunities in	journal.cattleyadf.org		
	Sharia Bank Development in			
	Indonesia, A Literature Review.			
Iddough Korim Khalid El	Droductivity Profiles of Islami-	igi global aam		
Iddouch, Karim, Khalid El	Productivity Profiles of Islamic	igi-global.com		
Badraoui, and Jamal	Banks Using Data Envelopment			
Ouenniche. 2024.	Analysis-Based Malmquist			
	Productivity Indices (MPIs).			
Financial Governance and Risk (3 papers)				
Harini, Ayunseh Retno,	Do Macroeconomic Variables	ejournal.unida.gontor.ac.id		
Mahrus Kurniawan, and Budi	Affect Deposits in Shariah	, ,		
Jaya Putra. 2024.	Banks?			
-				
Kristanto, Ari Budi, and June	The Landscape of Accounting-	emerald.com		
Cao. 2024.	Related Research in Indonesia:			
	Mapping Distinctive Settings and			
	Future Research Agenda.			
	_			
Katili, Chitra Yuliashri, and	Long Term Impact Profitability of	Al-Amwal: Jurnal Ekonomi		
Rifadli D. Kadir. 2023.	Market Share Islamic Bank in	dan Perbankan Syariah		
	Indonesia.			
Economic and Global Environmental Changes (2 papers)				
Afzal, Ayesha, Jamila Abaidi	Climate Change and the	emerald.com		
Hasnaoui, Saba Firdousi, and	European Banking Sector: The	emeraid.com		
Ramsha Noor. 2024.				
Ramsna Noor. 2024.	Effect of Green Technology			
	Adaptation and Human Capital.			
Yuspin, W., A. Fauzie, A. K.	Green Banking for	iopscience.iop.org		
Putra, S. Liang, and M. Z.	Environmental Management: A			
Nor. 2024.	Sustainable Paradigm Shift.			
	_			
Sharia Capital Market Development (1 paper)				
Mukhlisin, Murniati, Abdulaziz	The Indonesian Islamic Capital	World Scientific		
Abdulmohsen al-Falih, Toseef	Market and Achievement of			
Azid, and Nasim Shah	Maqasad Al-SHari'ah: Success			
Shirazi. 2023.	or Failure.			

## **DISCUSSION**

# **Dynamics of Sharia Business Unit (SBU) Spin-Off**

The discussion around the dynamics of Sharia Business Unit (SBU) spin-offs in Indonesia reveals several critical insights into the market power disparity between Sharia Commercial Banks (SCBs) and SBUs, which has implications for the overall performance and growth of the Islamic banking sector. Research by (Rayyani et al., 2022) highlights that SBUs, despite their integration with conventional banks, demonstrate higher market power compared to SCBs. This difference stems from the fact that the market power of SBUs is absorbed by their conventional parent banks, stifling the growth of Islamic banking overall. The study's findings suggest that the

spin-off of SBUs into independent entities would allow Islamic banks to capture greater power in the national banking industry, thus enhancing their competitive position and growth trajectory.

In terms of financial performance, studies comparing the performance of Islamic Commercial Banks (BUS) and Islamic Business Units (UUS) provide further evidence for the strategic importance of spin-offs. (Nugroho et al., 2021) find that both BUS and UUS face distinct challenges in terms of asset returns, influenced by variables such as Non-Performing Financing (NPF) and Financing to Deposit Ratio (FDR). However, UUS exhibits better performance in some areas due to its flexibility and connection with conventional banking systems. Furthermore, the empirical analysis by (Abimanyu & At Tamimi, 2024) underscores that while UUS generally outperforms BUS, the conversion of UUS into a full-fledged BUS could lead to better financial integration and compliance with Sharia principles, albeit with potential risks if not managed properly.

The case of PT Bank Aceh Syariah's conversion from a conventional to a full-fledged Islamic bank also exemplifies the challenges and opportunities within the spin-off process. (Abbas & Anwar, 2023) highlight that despite legal and operational hurdles, such conversions can solidify the position of Islamic banking in regions like Aceh, where Sharia principles are mandated. The findings suggest that effective governance and adherence to Sharia compliance are critical for successful transitions, reinforcing the idea that spin-offs, when managed strategically, can enhance the long-term stability and growth of Islamic banks in Indonesia.

# **Sharia Regulation and Compliance**

The discussion on Sharia regulation and compliance highlights the significant impact of evolving legal frameworks on the development and performance of Islamic banking in Indonesia. (Mulazid, 2022) emphasizes that the implementation of Law No. 21 of 2008 on Sharia Banking has provided a crucial foundation for addressing ambiguities in Islamic banking regulations, contributing to the enhancement of both institutional and product development. This legal advancement, along with the consolidation of fatwas by the National Sharia Council (DSN-MUI), has played a pivotal role in ensuring Sharia compliance and expanding market share. (Yusuf et al., 2023) further illustrate the influence of fiqh principles embedded within DSN-MUI fatwas, showing how these principles have shaped the operational integrity of Islamic banking by providing a robust legal basis that adheres to Islamic jurisprudence.

However, challenges persist in ensuring full compliance with Sharia principles, as evidenced by (Khilmi, 2021), who highlights gaps in transparency within the arrangement of Muthlaqah mudharabah agreements, resulting in a misalignment with the broader objectives of Maqashid Asy-Syari'ah. These discrepancies underscore the need for continuous regulatory improvements to align Islamic banking practices with ethical and religious values. Additionally, (Mukhibad et al., 2022) point to corporate governance as a critical factor in mitigating Islamic Law Compliance Risk (ILCR), recommending enhanced oversight by Sharia Supervisory Boards (SSBs) and the Board of Directors (BOD) to ensure rigorous compliance across the banking

sector. Together, these studies reflect the evolving landscape of Sharia regulation, stressing the importance of legal, ethical, and governance frameworks in promoting sustainable growth in Islamic banking.

# Performance and Efficiency of Sharia Banking

The discussion on the performance and efficiency of Sharia banking, as explored through Data Envelopment Analysis (DEA), reveals a growing body of research focusing on productivity and operational efficiency. (Rusydiana et al., 2021) demonstrate that the use of DEA in Islamic banking studies has increased significantly from 2004 to 2019, emphasizing its application in evaluating efficiency across multiple dimensions. The results of these studies, which are often published in high-impact journals such as the International Journal of Islamic and Middle Eastern Finance and Management, show that efficiency measurement remains a critical area of inquiry, with different clusters of research addressing distinct topics in the field. This highlights the expanding role of DEA as a tool for identifying performance gaps and guiding strategic improvements in Islamic banking.

Furthermore, (Iddouch et al., 2024) provide a more focused examination of the productivity profiles of Islamic banks using Malmquist Productivity Indices (MPIs) within the DEA framework. Their analysis identifies the key drivers of productivity, offering insights into how Islamic banks can enhance their operational efficiency over time. In contrast, (Esaputra, 2024) outlines broader challenges, including compliance, profitability, and market competition, as factors influencing the performance of Islamic banks in Indonesia. Collectively, these studies suggest that while DEA provides a robust methodology for evaluating efficiency, there remains a need to address external challenges and operational inefficiencies to fully capitalize on the growth potential of Sharia banking.

# **Financial Governance and Risk**

The discussion on financial governance and risk in Sharia banking, as illustrated by various studies, highlights the interplay between macroeconomic variables, governance mechanisms, and risk management practices(Harini et al., 2024) focus on the impact of macroeconomic variables such as GDP and exchange rates on third-party funds (TPF) in Sharia banks, revealing that while GDP and exchange rate stability influence deposits in both the short and long term, other factors like inflation and interest rates only affect deposits in the short term. This underscores the importance of stable economic conditions and currency value in maintaining and growing deposit bases in Sharia banking, which directly impacts the banks' ability to perform their intermediation role effectively.

Moreover, governance aspects, including accounting practices and Sharia compliance, also play a crucial role in the stability and reputation of Sharia banks. (Kristanto & Cao, 2024) identify governance mechanisms as key research areas within the broader landscape of accounting-related research in Indonesia, noting that strong institutional governance, including transparency and accountability, is

essential for sustainable banking practices. Similarly, (Katili & Kadir, 2023) emphasize the importance of Sharia-compliant financial reporting, particularly regarding the disclosure of charity and zakat funds, which significantly influence the reputation of Islamic banks. The integration of financial governance and risk management practices, therefore, remains a cornerstone for the long-term viability and trustworthiness of Sharia financial institutions.

# **Economic and Global Environmental Changes**

The discussion surrounding economic and global environmental changes, particularly in the context of Sharia banking, highlights the growing integration of green technologies and sustainable practices into the financial sector. As climate change increasingly influences economic activities, banks are adapting through green banking initiatives and broader environmental innovations. (Katili & Kadir, 2023) emphasize the role of green banking in enhancing profitability while reducing credit risks, though it does lead to increased liquidity risks. The incorporation of green human resources and entrepreneurial innovation, while beneficial in terms of profitability, introduces complexities in risk management, particularly in credit and liquidity risks. This indicates that while green technology adaptation is crucial for sustainability, it requires nuanced strategies to balance profitability and risk within the banking sector.

In Indonesia, (Yuspin et al., 2024) note that although regulations like the Financial Services Authority Regulation (FSAR) No. 51/POJK.03 of 2017 encourage green banking and sustainability efforts, the actual implementation remains suboptimal. Banks comply with regulations by producing sustainability reports, but these reports are not fully integrated into financial disclosures, limiting their impact on real environmental improvements. The lack of stringent enforcement mechanisms, such as penalties for non-compliance, further diminishes the efficacy of green banking initiatives. Together, these studies demonstrate the global and local challenges that Sharia and conventional banks face in transitioning to more sustainable practices amid economic and environmental changes.

## **Sharia Capital Market Development**

The development of the Sharia capital market in Indonesia has been significantly influenced by both governmental efforts and market demand, particularly during challenging times like the COVID-19 pandemic. (Mukhlisin et al., 2023) highlight that the Indonesian government and central bank have actively promoted the Islamic capital market through various incentives aimed at achieving "maqasad al-shari'ah"—the overarching objectives of Islamic law. These efforts have resulted in increased participation from both Muslim and non-Muslim investors, drawn by the appeal of shari'ah-compliant products such as sukuk and cash waqf. The integration of these products with the broader Islamic financial ecosystem, including halal value chains and support for micro, small, and medium enterprises (MSMEs), has further bolstered the market. This strategic alignment demonstrates a clear intent to foster a resilient and inclusive capital market while staying aligned with Islamic ethical

principles.

# **Research Implication**

To address the challenges highlighted in the discussions on Sharia banking, several policy actions and future research directions are necessary. Policymakers should prioritize the implementation of more stringent Sharia compliance measures, particularly focusing on improving governance, transparency, and oversight by Sharia Supervisory Boards (SSBs) and the Board of Directors (BOD). The legal framework supporting Islamic banking, such as Law No. 21 of 2008, should be regularly updated to ensure alignment with evolving market dynamics and ethical principles. Moreover, future research should investigate the long-term impact of SBU spin-offs on market competition and financial performance while exploring how green banking initiatives can balance profitability with risk management. The results of these discussions imply that with proper regulatory adjustments and strategic governance improvements, the Islamic banking sector in Indonesia can achieve greater stability, growth, and alignment with Sharia principles, ultimately contributing to broader economic sustainability and financial inclusion.

# E. CONCLUSION

In conclusion, this study highlights several key findings related to the dynamics of Sharia Business Unit (SBU) spin-offs, Sharia compliance, and the performance of Islamic banking in Indonesia. The research underscores that while SBU spin-offs offer opportunities for greater market power and improved financial integration, in governance, transparency, and Sharia compliance persist. Furthermore, regulatory improvements, such as the reinforcement of Sharia supervisory boards, are critical for addressing these challenges. However, the study is limited by the lack of longitudinal data to fully assess the long-term impacts of spinoffs and green banking initiatives on operational efficiency. Future research should focus on these areas to better understand the implications for Sharia banking's sustainability. Importantly, the research confirms that regulatory enhancements and strategic governance are essential to ensuring the sector's growth and alignment with Sharia principles, which will have far-reaching implications for the broader financial landscape in Indonesia.

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