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The Position of the Murabahah Contract in BSI Griya Hasanah Financing at BSI KC Palangkaraya Diponegoro

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Abstract: This study aims to determine the position of the murabahah contract in BSI Griya Hasanah Financing at Bank Syariah Indonesia Palangkaraya Diponegoro Branch Office. In addition, to find out how the implementation of BSI Griya Hasanah financing products with murabahah contracts. The method used is qualitative with a descriptive analytical method. Data collection techniques through interviews with Bank Syariah Indonesia KC Palangkaraya Diponegoro, as well as a documentation approach and also literature studies related to this study. The results of the study found that the BSI Griya Hasanah financing product is appropriate if paired with a murabahah contract because in principle the transaction, the Islamic bank will purchase the house or apartment desired by the customer (the bank acts as the homeowner) and then sell the house or apartment to the customer in installments. This murabahah contract also has a strong foundation from the three basic laws of Islam, the Qur'an, Hadith and Ijma. Based on Q.S Al-Baqarah:275, hadith from Suhaib Ar-Rumi r.a and Fatwa of the National Sharia Council No. 04/DSN-MUI/2000 concerning murabahah financing and multi-service financing No. 44/DSN-MUI/VIII/2004.

Keyword: Murabahah, BSI Griya Hasanah, Islamic Financing

INTRODUCTION

Providing various services in the Islamic financial institution system, especially in the field of Islamic banking in Indonesia, has developed through dual banking or a dual banking system under the Indonesian Banking Architecture (API), in order to be more comprehensive in serving the banking sector for the Indonesian people (Bank Indonesia). Islamic banks are banks whose operations are based on Islamic principles, namely agreements based on Islamic law between banks and other parties to provide funds or grants for businesses or other activities regulated in accordance with Islamic law (Yumanita, 2005). Currently, there are many Islamic financial institutions in Indonesia, competing with their products to provide the best service to the community or their customers. These products include financing products, fundraising or other service products offered by Islamic financial institutions to their customers (Ibid, 2019).

Every human being certainly wants a decent life, needs can be met, not only food and clothing that humans need but also a house. The house as a place of shelter for humans, a place to take shelter from the sun or rain, a place to gather with family and also a place to rest after activities outside the home. Therefore, humans really want a comfortable and beautiful home (Ramis, 2021). Currently, there are more and more construction projects and less and less empty land. So that the price of land is getting more expensive every year, besides that, building materials are also expensive, along with increasing needs and decreasing supplies (Setiawan, 2016).

The presence of KPR (Home Ownership Credit) financing is because housing is one of the basic needs of every human being besides food and clothing. Along with the increasing population which is increasing day by day, the number of people's needs for housing is also increasing (Chrisna, 2020). The existence of home ownership financing products in Islamic Banking has provided an alternative housing financing that is free from usury (interest). One of them is with the Murabahah contract which provides certainty about the amount of installments that must be paid by customers each month. Providing home ownership financing on credit as one of the financing products in the banking world can greatly help lower-middle class people (in general) in meeting their housing needs but do not have enough money to pay in cash (Andriani, 2019).

Financing with the murabahah concept has been regulated in the Sharia Council Fatwa No. 04 / DSN-MUI / IV / 2000 dated April 1, 2000 concerning the Murabahah Contract. The Murabahah contract is a sale and purchase contract for goods, in this case a house, where the seller states the purchase price and margin (Nasir, 2015). In this sale and purchase system, customers know the principal price and margin desired by the Islamic bank for the purchase of a house. This system is apparently in demand by the community, not only Muslims but also non-Muslims (Satria, 2018). Among the various products available at Bank Syariah Indonesia, products that use the murabahah contract still dominate compared to products using other contracts. However, on the other hand, the murabahah contract has drawn various criticisms, especially Bank Syariah Indonesia prioritizing the murabahah contract in its products. Murabahah in practice at Bank Syariah Indonesia has undergone various modifications to adjust to customer demand. Sometimes the modification is not in accordance with the practice of murabahah contracts in fiqh. So that not a few equate it with credit in conventional financial institutions. Almost all daily activities of humans in society are determined by contracts, because contracts are the basis of many human activities, because contracts are facilities in fulfilling needs. So that in any civilization, contracts must be considered, as well as Islam provides a number of principles and basic rules from the Qur'an and the Sunnah of the Prophet, which are then followed up by scholars who are formulated with sharia agreements (Bungin, 2008). Therefore, the purpose of this study is to determine the position of the murabahah contract in the financing of BSI Griya Membelian at BSI KC Palangkaraya Diponegoro and to determine the implementation of the BSI Griya Membelian product with the murabahah contract at BSI KC Palangkaraya Diponegoro..

The problem formulation contains article questions that must be explained in the discussion and answered in the conclusion.

METHOD

Type and Nature of This research is field research. To complete the data needed in compiling this research, the researcher conducted data collection methods through 3 (three) methods, namely interviews, observations and literature. By interviewing one of the KPR marketing at Bank Syariah Indonesia KC Palangkaraya Diponegoro, namely Mr. A. In addition to using data collection methods with methods, researchers also use literature study methods. Literature study methods, which are methods to strengthen and support data from observations made by the author by using references to books and previous research articles. Such as in the

book entitled Mechanism of Using Murabahah Contracts in Home Ownership Financing and the article entitled Review of Islamic Law on BSI Griya Hasanah Financing Mechanisms.

RESULTS AND DISCUSSION

Position of Murabahah Contract in BSI Griya Hasanah Financing

In BSI Griya Hasanah financing at Bank Syariah Indonesia KC Palangkaraya Diponegoro, the position of the murabahah contract is that in practice the law is permissible because it is basically the same as the procedure or mechanism in submitting BSI Griya Hasanah financing in general and if it is carried out in accordance with the concept of fiqh where the bank acts as a seller of goods whose prices are clear such as buying a house from a developer, then to make it easier for customers to choose the characteristics of the goods to be purchased, the bank represents the purchase to the customer. So in practice the bank and the customer may not enter into a murabahah contract first but should enter into a wakalah contract first so that the goods purchased become the property of the bank and do not immediately transfer ownership to the customer (Afrida, 2016). Fatwa of the National Sharia Council No. 04/DSNMUI/IV/2000 on murabahah in point 9 states "if the bank wishes to represent the customer to purchase goods from a third party, the murabahah sale and purchase agreement must be made after the goods, in principle, become the property of the bank" (National Sharia Council).

The position of a valid murabahah agreement is that the bank represents the purchase of goods to the customer with the permission and power of attorney of the bank, and the agreement is made separately. And the position of the murabahah agreement in BSI Griya Hasanah financing at BSI KC Palangkaraya Diponegoro is in accordance with the provisions in the murabahah agreement in fiqh and is considered valid.

Implementation of BSI Griya Hasanah Financing Products with Murabahah Agreements at BSI KC Palangkaraya Diponegoro

General Terms and Conditions for BSI Griya Hasanah Financing at BSI KC Palangkaraya Diponegoro

Have an e-KTP and
NPWP

Submitting the Annual Personal Income Tax Return
(SPT) and a statement that the relevant person's basic
income does not exceed the required basic income
limit.

Applicants must be registered in SIKASEP (Housing Subsidized Mortgage
Information System) PPDP; AND SIKUMBANG (Developer Collection
Information System) regarding details of the availability of housing units from
developers.

KPR Sejahtera Syariah: MBR with a maximum family income
limit of IDR 8,000,000 per month

Financing Mechanism for BSI Griya Hasanah Financing Products with murabahah contract:

Customer Submitting KPR: At this stage, the customer submits an application for BSI KPR product financing, in submitting subsidized financing, prospective customers come to BSI and meet with the AO (Accounting Officer) to ask for direct information related to subsidized KPR products, balanced with the AO providing brochure references and a list of subsidized housing along with developers who build houses and collaborate with BSI. Or prospective financing customers can directly bring the financing file requirements needed for submission after finding out information from the developer's marketing who will usually recommend BSI which has previously collaborated with the developer, or the developer who provides all the prospective buyer's files to the bank to make it easier for prospective buyers. After that, the first thing that prospective financing customers do when submitting is to fill out the subsidized KPR financing form that has been provided and start preparing any files and documents that have been required by the bank that the customer did not know before.

AO Receives Files; The next stage is that the AO receives the files and documents provided by the customer as BSI application files. The required files to be collected are as stated in the previous terms and conditions.

AO Checks the Completeness of the Files: Furthermore, if the AO has received the KPR financing application files in the form of an application form and supporting forms provided, the AO officer is required to re-check the completeness of the files and documents that have been provided by the customer based on the requirements in the document checklist which is usually attached to the front of the financing application folder. If one of the requested requirements has not been met, the customer must complete the required documents first, then the financing application can be processed immediately.

Files Processed in the SLIK/BI Checking System; Next, the files that have been completed by the prospective financing customer will be processed and the customer's performance will be checked by knowing the history of financing and payments that have been made by the prospective customer, both new financing and financing in the past and to ensure in advance the credibility of the prospective customer whether they are trusted to pay each installment without any problems or not, to get this, it can usually be seen in BI Checking to get Debtor information that can be accessed through Bnak Indonesia but a new regulation has been submitted stating that in early January 2018 it could no longer be accessed through Bank Indonesia but could be accessed through the Financial Services Authority (OJK) in the Financial Information Services System (SLIK). SLIK is a financing information system that will record all data that is useful for financial institutions such as banks with the information generated and decide whether this financing can be financed or rejected.

Interview; After the AO receives the complete files that have been checked through SLIK, the AO must immediately conduct an interview. In the customer interview process, it can be done in 2 ways, the first is an interview before the SLIK process is carried out, namely when the customer initially comes directly to the bank to collect the application files, the bank can immediately conduct an interview or if through a developer, a mass interview can be conducted, the second is after the SLIK data is obtained, the AO can conduct an interview based on the data in the debtor information system that has been carried out. After the interview, the results obtained must be transferred to the interview result form.

Files Inputted into the Appel System (Electronic Financing Support Application) After the AO conducts an interview, the files will be immediately inputted into the appel system. The apple system itself is an application of a financing system and database that is very useful for recording all financing data.

Data Validation: After the data files are inputted into the apple system, the AO will then validate the data check whether the available data about the prospective debtor is correct.

Financing Analysis by AO: Then the financing file will be analyzed by AO, the activities carried out are to assess the quantitative and qualitative aspects of whether or not the financing application is feasible to be financed. There are two ways of financing analysis in

assessing prospective customers applying for financing, the first is if the prospective customer is an employee, AO will verify by contacting the customer's place whether the customer is an employee of the company that has been contacted by the financing analysis. If the prospective customer will analyze through the financial report in the prospective customer's business, and the ability to pay the prospective financing customer. The financing analysis process is also inseparable from the 5C measuring tool used for financing applications which consist of (Astuti, 2023):

- a) Character; In this assessment, the financing analyst assesses the nature, nature and personality of the prospective financing customer, the aim is so that the financing analysis can find out whether the prospective customer really has the desire to apply for financing and can fulfill his obligations to pay the loan until it is paid off. The reputation of the customer here is also included in the assessment of whether he always keeps his promises, is honest and has a commitment not to create problems, for example by not paying the obligations that should be paid. This can be assessed through the background of one's work and daily lifestyle (Astuti, 2023).
- b) Capacity; Knowing the ability to pay the prospective customer's obligations that should be paid according to the specified time period. This is important to do to repay the financing that has been provided or not (Astuti, 2023).
- c) Capital; In this assessment, the bank is intended to find out the wealth owned by prospective financing customers, the bank must examine more deeply the capital owned by prospective financing customers, the higher the capital owned by prospective financing customers, the more convincing the bank is to provide financing to prospective financing customers, the more convincing the bank is to provide financing to prospective customers and the higher the seriousness of the customer in submitting financing (Astuti, 2023).
- d) Collateral; Collateral provided by prospective customers, both non-physical and physical, for the financing submitted. This collateral is used as a second payment, meaning that if prospective customers cannot fulfill their installment obligations and are classified as bad financing, the bank can immediately execute the customer's guarantee (Astuti, 2023).

9. AO Sends Appraisal
After the files have been analyzed by the AO, the files are sent to be appraised, usually to send a memo in the form of a photocopy of the certificate, IMB, and PBB for self-employed customers who are slightly doubted by the AO, it will be carried out on the spot at the prospective financing customer's business by bringing the files that have been analyzed by the AO so that an oral interview can be carried out directly with the actual conditions carried out by the AO (A, 2023).

10. BSI Marketing Assesses the Collateral to be Purchased by the Customer

After that, the AO has finished appraising the collateral from the house, what is being assessed is the market price of the house, what is being assessed is the market price of the house, what is being assessed is the market price of the house, what is being assessed is the market price of the collateral house, comparing and measuring the collateral house, usually the bank will assess the house with the market price in the area. For subsidized housing, the customer is not charged an appraisal fee (A, 2023).

Overall Analysis of AO; After the AO has completed the Appraisal needed to assess the customer's collateral. The files are reanalyzed as a whole from the results of the on the spot AO getting the customer's capital and capacity carried out by the AO to be more certain whether or not it is feasible to be given financing. After that, the analyst recommends that the financing be approved or not by UH (A, 2023).

AO Makes a Financing Approval Letter (SP3) After obtaining approval from the superior, the AO will immediately make a Financing Approval Letter (SP3) to the customer that their financing application has been approved and meets all the provisions that have been

set. This SP3 is issued by attaching a savings book, but when the terms and conditions have not been met by the customer, this SP3 is declared automatically canceled no later than the specified time limit of 3 months. In addition to the customer who signed this SP3, there is the Pincapem/m3 Decision, the Pinca decision (A, 2023).

AO Order Akad to Notary Clearance Certificate; After the SP3 is issued by the AO and the customer agrees to the SP3 to be signed, after that the next thing to do is the AO sends the customer's akad file to the notary, the attached files are a photocopy of the SP3, the seller's and buyer's ID cards, the seller's and buyer's Family Cards, certificates and land and building tax, seller's and buyer's NPWP, certificates and land and building tax. After that the notary clears the certificate given by directly bringing the certificate to the National Land Agency (BPN) here the authenticity of the certificate will be checked based on the registration map, measurement letter, land list, and land book. This check does not take long, and if according to the BPN this certificate is guaranteed to be authentic, the BPN will provide a stamp but if the BPN feels that there is something odd in the certificate, it will submit a floating, which is an application effort made by the BPN to the notary which aims to re-check the truth of the certificate using the Global Positioning System (GPS) which is included in the registration map. If at the time of floating the location seen is large in ownership according to the certificate, then the data file is declared valid, but conversely if it is not true then it is fictitious. This floating process makes it very easy for notaries to clear certificates. When floating, usually notaries, developers, and BPN will be present. In checking the certificate, you must also fill out the certificate checking form that is available at the BPN. After that, the customer must pay the buyer's tax first and the seller or developer pays the seller's tax first after which the notary will validate. After the validation and clearance process is complete, the contract can be carried out (A, 2023).

Next is the contract process in this process the parties related to the contract are the bank, represented by the financing service, the customer who is applying for financing, the developer or developer of subsidized housing, a notary and two male witnesses or 1 man and 2 women as stated in the Quran. At the time of the contract, the things that need to be prepared by the customer are bringing the original KTP, original KK, original Marriage Certificate, original NPWP, account book and depositing the pre-realization cost of financing. The bank that represents the contract must also prepare several things, namely an order letter from the notary, a previously signed SP3, a statement and power of attorney, an installment schedule, a subsidy form that has been filled out by the customer, a contract resume, an assessment form and costs before the contract. The contract used for financing BSI KPR products is a murabahah contract. Next are the terms and conditions for the realization of the KPR subsidy with the margin difference stated in the murabahah agreement, namely (A, 2023):

- a) The bank will provide the realization of KPR financing to the customer if the customer meets the requirements given, namely submitting all required documents, collateral ownership documents and listed in the SP3 letter that has been given by the bank. Customers are also required to maintain and open checking and savings accounts while having financing at BRI Syariah Bank and must sign this agreement by depositing a down payment and fees, which are required by the bank in the SP3.
- b) The realization of the disbursement of BSI KPR is carried out by the bank to the developer.
- c) After this agreement has been signed, the subsidized landed house desired by the customer has also been received, so the risk of the house, infrastructure and facilities, proof of ownership documents are entirely the responsibility of the customer and releases the bank from all compensation for the risk and if the bank has disbursed the financing to the developer, the customer may not cancel this agreement unilaterally.

After making the agreement, the funds will be disbursed directly to the developer because in principle in sharia financing, BSI KPR uses a murabahah agreement because it uses the principle of buying and selling and does not recognize interest, so when applying for a

subsidized KPR at a sharia bank, the sharia bank will buy the house that the customer wants first, after that the bank will sell the house that has been purchased by the developer to the customer by adding a profit margin that will be obtained by the bank and this must be known by the customer when the agreement takes place after that the customer starts paying off the house at the distributing sharia bank (A, 2023).

After the funds are disbursed, the customer only has to pay the installments that have been agreed to BSI until they are paid off, after which the customer gets the IMB and other letters related to the subsidized house (A, 2023).

CONCLUSION

In this murabahah contract, the bank provides financing based on a sale and purchase agreement between the bank and the customer. The bank buys the goods needed and sells them to the customer at the cost price plus the agreed profit margin. So the position of the Murabahah Contract for BSI Griya Hasanah financing is in accordance with the DSN-MUI Fatwa Number 04/DSN-MUI/IV/2000 Concerning Murabahah with practices at PT. Bank Syariah Indonesia Tbk. The Palangkaraya Diponegoro Branch Office concluded that the practice of the murabahah contract at the bank is in accordance with point 9 (nine) of the provisions in the application of the murabahah contract from the DSN MUI fatwa.

The mechanism for using the murabahah contract in financing Griya Hasanah KPR at BSI KC Palangkaraya Diponegoro is that the customer applies for KPR, AO receives the files, AO completes the files, Files are processed in SLIK/BI Checking, interviews, Files are inputted into the apple system, Validation of financing data, financing analysis by AO, AO sends an appraisal, AO assesses the collateral, AO reanalyzes, AO makes a letter of approval for the provision of financing (SP3), AO orders the contract to the notary for clearance and validation, Contract, Disbursement, Customer pays installments until paid off.

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