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# Implementation Of Bsi Griya Hasanah Financing With Academic Murabahah Fatwa Dsn MUI Perspective In Indonesian Sharia Bank Sumenep Trunojoyo Subsidiary Branch Office 1

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**Abstract**

*Bank Syariah Indonesia (BSI) Sumenep Trunojoyo 1 is one of the Islamic banks that adopt Murabahah financing with the principle of buying and selling provided by the bank for customers, such as the BSI Griya Hasanah financing product. Provisions related to Murabahah contracts in Islamic banks have been regulated in the DSN-MUI Fatwa so that they are by sharia principles, but in practice, there are still several banks that have not implemented Murabahah contracts perfectly. This research was raised from the problems described in 2 research focuses, namely: 1. How is the implementation of BSI griya hasanah financing with a Murabahah contract from the perspective of DSN-MUI Fatwa at BSI KCP Sumenep Trunojoyo 1. 2. What are the obstacles faced in BSI financing griya hasanah at BSI KCP Sumenep Trunojoyo 1. The method used in this research is using a descriptive qualitative approach with a case study type. The object studied was BSI Sumenep Trunojoyo 1. The data collection process was carried out through observation, interviews, and documentation. To analyze the data, researchers used data reduction, data presentation, and conclusion. Meanwhile, to check the validity of the data, researchers used technical triangulation. From the results of this study, it is known that the implementation of BSI griya hasanah financing with a Murabahah contract is by DSN MUI Fatwa No 04/DSN-MUI/IV/2000. This can be seen from the mechanism used by BSI KCP Sumenep Trunojoyo 1 for BSI griya hasanah financing products. In this financing, a Murabahah contract occurs after the bank has proof of house ownership in the form of a certificate. Where the purchase of the house is represented to the customer on behalf of*



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*the bank, after the house certificate is submitted to the bank, then the bank declares the principal price and margin to the customer, after the customer and the bank agree on a specified price, then proceeds to the implementation of the Murabahah contract. ah for financing BSI griya hasanah. As for the guarantee used in this financing, the bank sets a guarantee in the form of a certificate of the house that has been purchased.*

**Keywords: BSI Griya Hasanah Financing,*Murabahah*, Fatwa DSN-MUI**

## INTRODUCTION

Banks are the heart of the economic process because banks collect funds and channel funds from the public. Therefore, banks are here to help the community in running their economy so that they can improve the standard of living of humans for a better life. Humans as creatures have various kinds of needs, including the need for food, clothing, and shelter. The human need for a place to live is a basic need that does not discriminate between ethnicity, race, religion, and gender. Home is one of the basic or primary needs which is very meaningful in human life.

A home is a place of refuge from human sight, a place of rest, and a place to find peace. However, not everyone can buy it because people's purchasing power is low and house prices are expensive and even tend to increase prices continuously from year to year. The main factor for this increase is the price of the land where the house is located. Land is a limited natural resource, and the human need for land is increasing. So in these conditions, the economic law applies, the demand for land increases while the land is a limited resource so land prices are higher. The increasing human need for land, the higher the price offered, as in the economic law of supply and demand

Many ways are taken by the community to meet their basic needs in terms of fulfilling a place to live. So that the bank is here to bridge their needs in buying a house by offering BSI Griya Hasanah financing. Many Islamic Banks offer BSI Griya Hasanah financing to provide services to the community in terms of home ownership, and Indonesian Sharia banks are no exception. BSI Griya Hasanah is one of the Bank's products that is suitable for people who experience difficulties in terms of housing fulfillment. BSI Griya Hasanah is a solution for people who want to own a house without having to wait long. With this financing, transactions can be carried out in two ways, which can be in the form of cash after receiving the goods or deferred in installments after receiving the goods. The payment system for financing BSI Griya hasanah used by BSI,



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is using a contract *Murabahah*, where is the contract *Murabahah* is a sale and purchase contract that is often used by banks in purchasing goods through a bank.

Bank Syariah Indonesia (BSI) is one of the sharia banks that offers financing products with *Murabahah* contracts, one of which is BSI Griya Hasanah financing. Provisions related to Murabahah contracts for financing home ownership in Islamic banks have been regulated in the DSN-MUI Fatwa so that they are by sharia principles, but in practice, there are still several banks other than Bank Syariah Indonesia that have not implemented *Murabahah* contracts perfectly.

Based on the description above, provisions related to Murabahah contracts in Islamic banks have been regulated in the DSN-MUI Fatwa so that they are by sharia principles, but in practice, there are still several banks that have not implemented Murabahah contracts perfectly, from researchers Previously, the author felt interested in researching with the title" Implementation of BSI Griya Hasanah Financing With Contracts *Murabahah* DSN MUI Fatwa Perspective on Bank Syariah Indonesia Sumenep Trunojoyo Sub-Branch Office 1."

## RESEARCH PURPOSES

The objectives of this research are:

1. To know the implementation of the contract*Murabahah* on BSI Griya Hasanah financing at Bank Syariah Indonesia Sumenep Trunojoyo 01
2. To find out the obstacles faced in financing BSI Griya Hasanah at the Indonesian Sharia Bank Sumenep Trunojoyo.

## THEORETICAL STUDY

### Financing

The word financing comes from the word "cost" which means spending funds for something. Meanwhile, financing is the provision of money or bills equivalent to that, based on an agreement or agreement between the bank and other parties, and to return the money or bills after a certain period with profit sharing.

According to Law No. 10 of 1998 that financing is the provision of money or claims that can be equated with that, based on an agreement between the bank and another party that requires the party that is given the loan to return the money or claim after a certain period in return or profit sharing.

**a. Funding Principles**

The principle of financing according to the point of view is as follows:



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a) Profit Sharing Principles

There are two types of financing with a profit-sharing system, namely, the mudhrabah principle and the musyarakah principle.

b) Principles of Buying and Selling

The principle of buying and selling is carried out because there is a transfer of ownership of objects or goods, namely*Bai' Al-Murabahah, Bai' Al-Muqayyadah, Bai' Al-Mutlaqah, Bai' As-Salam, Bai' Al-Istihsna'.*

c) Rent to Rent Principle

This principle is a contract of transferring usufructuary rights or utilization of goods or services through payment of rent to the owner. The principle of leasing consists of two types, namely, *ijarah* and *ijarah Muntahiyah bit-tamlik* with option rights or lease purchase.

**BSI Griya Hasanah**

BSI Griya Hasanah is a home ownership financing service for various needs, such as buying houses, shop houses, apartments, construction, home renovations, and taking over financing from other banks (*take over*) for customer needs.

The BSI Griya Hasanah type is divided into two, namely:

a. Subsidized BSI Griya Hasanah

Subsidized BSI Griya Hasanah is a loan intended for people who have middle to lower income. This is used to meet the needs of owning a house or repairing a house that has been previously owned. The form of this subsidy has been regulated by the government itself so that not all people who apply for this credit can receive this facility.

b. BSI Griya Hasanah Non-Subsidized

The purpose of BSI Griya Hasanah Non-Subsidized here is that housing loans are intended for the whole community and mortgage provisions are regulated by the bank, so the determinant of the amount of credit is also determined by the bank concerned.

***Murabahah***

*Murabahah* is a contract of sale and purchase of goods at the original price added with profit (*margin*) agreed upon, the sale and purchase price may not change during the term of the agreement and payment for the purchase of the goods can be made in stages or installments.[8] In fiqh, the meaning of *Murabahah* certain forms of buying and selling


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when the seller tells the cost of acquiring the goods, such as the price of the goods and other costs incurred to obtain the goods and the desired profit.

The previous scholars defined *Murabahah* as buying and selling with capital plus a known profit. *Murabahah* is an agreement between the bank and the customer, in which the Islamic bank buys the goods needed by the customer and then sells them to the customer with an agreed profit between the bank and the customer.

**Pillars and Conditions *Murabahah***

In the contract *Murabahah* there are the same principles and conditions as the principles and conditions in jurisprudence. Pillar from *Murabahah* that is:

1. Aqidain (contract), seller, and buyer are required to be reasonable.
2. The existence of a buying and selling object, the goods being traded must exist and be owned by the seller.
3. Shighat (pronunciation or words used in certain contracts), consent, and qabul must be pronounced clearly so that fraud does not occur between the two parties.
4. The agreed price, price must be known by the seller and the buyer.

While the terms of *Murabahah* are as follows:

1. The initial price must be understood or known by both parties (seller and buyer).
2. The amount of profit or profit must be known and agreed upon by both parties.
3. The cost of goods can be known with certainty as the unit.
4. *Murabahah* cannot be mixed with ribawi transactions.
5. First contract in*Murabahah* must be correct or authentic.

**The Legal Basis of *Murabahah***

Transaction *Murabahah* permissible as the word of Allah SWT as follows: That the Prophet, may God's prayers and peace be upon him and his family, said: Three in them is the blessing: the sale is for the sake) It means: *The Prophet said, three things contain blessings, namely buying and selling not in cash, muqaradhah (mudharabah), and mixing wheat with barley for household needs, not for sale. (Narrated by Ibn Majah from Shuhaib).*

**RESEARCH METHODS**

This study uses a qualitative approach, namely research procedures that produce descriptive data in the form of written or spoken words from people and observed behavior. Qualitative research is one of the research methods used in a study by obtaining


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data through writing and words as well as supporting documents if needed from reliable and researched sources or informants.

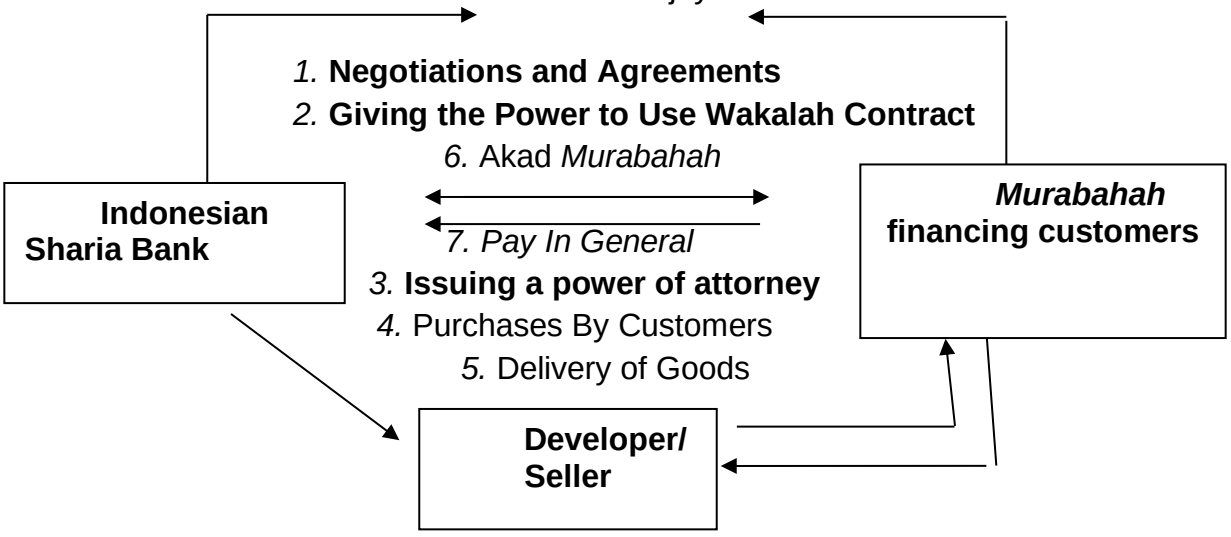
The reason researchers used research with a qualitative approach because the research that is currently being carried out includes field research, where researchers go directly to the field, by observing directly and conducting interviews to obtain information about the implementation of the contract*Murabahah* at BSI KCP Sumenep Trunojoyo1.

The object under study is BSI Sumenep Trunojoyo 1. The data collection process is carried out through observation, interviews, and documentation. To analyze the data, researchers used data reduction, data presentation, and conclusion. Meanwhile, to check the validity of the data, researchers used technical triangulation.

## DISCUSSION AND RESEARCH RESULTS

Object *Murabahah* must be clear and belong to the bank as an object*Murabahah* in this case, namely the house, in the implementation of the purchase of the house it is carried out between the two parties, namely the bank and the customer, at the Indonesian Islamic bank Sumenep Trunojoyo 1 using a contract *Murabahah* where the bank buys the object directly to the developer, then the bank sells it back to the customer. But also using the contract*wakalah* as a companion to the Murabahah contract, we can see the scheme *Murabahah bil wakalah* as follows.

Scheme 1 Financing Mechanism *Murabahah* Through*Come on* at BSI Sumenep Trunojoyo 1





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Information:

1) In the early stages of submitting a home purchase financing for BSI Griya Hasanah financing products, the customer comes to the bank to apply for home financing by meeting the usual requirements, then the bank and the customer conduct negotiations and an initial agreement, if the customer is eligible to receive the financing, then BSI Sumenep Trunojoyo 1 to authorize using the contract *wakalah*.
2) After the customer is deemed eligible to receive financing on BSI Griya Hasanah financing products, BSI Sumenep Trunojoyo 1 then authorizes using the contract*wakalah* to the customer to buy a house as a representative of the bank, after a transaction occurs, the seller of the house sends the house documents to the customer. After that, the customer submits the document to the bank. This is by Islamic sharia because the fatwa of the National Sharia Council, No.04/DSN-MUI/IV/2000 concerning *Murabahah* the basis of sharia in *Murabahah* transactions namely in article 1 paragraph 9 it states that "*If the bank wants to represent the customer to buy goods from a third party, a Murabahah sale and purchase agreement must be made after the goods in principle belong to the bank."* Here the bank emphasizes that if the bank uses a *Murabahah bil wakalah* contract, then *Murabahah* must be carried out after the goods in principle become the property of the bank. At BSI Sumenep Trunojoyo 1, 95% of BSI Griya Hasanah's financing uses a contract*Murabahah bil wakalah* and 5% use contracts *Murabahah* just.
3) There is a form of power of attorney given by the bank to the customer to purchase a house in the form of issuing a power of attorney by the bank, from which the customer has a responsibility to buy a house from the bank. *developer* as desired on behalf of the bank.
4) Customers who already have a power of attorney from the bank to purchase goods, namely in this case a house, then the customer looks for and visits-developer to be able to choose and determine the house as expected. After the customer finds a suitable house, the customer purchases the developer, The developer submits a certificate of the house to the customer as proof of purchase of the house.
5) After the customer gets a house certificate from a developer, then the customer submits the certificate to the bank, as proof that he has bought a house. Then the customer negotiates the price of the house that has been purchased with the bank, in this case, the bank states the principal and margin to the customer.
6) If the customer and the bank have agreed to finance the purchase of a house on BSI Griya Hasanah products, then a contract occurs*Murabahah* between the bank and the


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customer, in which the bank and the customer know or agree on the principal amount and the specified margin. This is by the DSN-MUI fatwa NO.04/DSN-MUI/IV/2000 concerning Murabahah that banks must declare margin money and principal money to customers as the basis of sharia in transactions*Murabahah* namely in article 1 paragraph 6 stated that "*The bank then sells the item to the customer (subscriber) at a selling price equal to the purchase price plus the profit. In this regard, the Bank must honestly notify the price of goods to customers along with the costs involved*."

7) After the bank and the customer agree, a contract occurs*Mura>bah}ah,* then the customer makes a predetermined down payment, in which subsidized BSI griya hasanah customers must pay a down payment of 20%, this is only for PNS who do not have a home, while BSI griya non-subsidized customers pay a down payment of 10%, and this is for non PNS. For the rest of these payments, the customer can make payments in cash or installments according to the initial agreement between the customer and the bank. The down payment in this financing is by the DSN-MUI fatwa regarding *Murabahah* as the basis of sharia in transactions*Murabahah* namely in the DSN MUI Fatwa article 2 paragraph 4, it is stated that namely "*In this sale and purchase, the bank is allowed to ask the customer to pay a down payment when signing the initial order agreement.* This can provide relief to customers in paying or repaying installments every month.

In the implementation of BSI griya hasanah financing, there are several obstacles faced by Indonesian Islamic Banks, namely, the constraints that occur are more dominant from external factors, which constraints are certificates that are still parent or still not broken, the IMB is not split, the certificate is problematic. With these constraints, the BSI Griya Hasanah financing disbursement process takes a long time, sometimes it takes a week, two weeks, or even six months.

BSI griya hasanah financing not only experiences these obstacles, but bad credit often occurs in this financing, as well as cancellation of the contract (contract addendum), in resolving bad loans the bank uses alternative ways to resolve bad loans, namely: dependents or installment financing. Second, the bank auctions off the deferred item, which is the same as canceling a contract, in which the bank sells the collateral (object) and reduces the installments.

In BSI griya hasanah financing at BSI Sumenep Trunojoyo 1, the bank conducts an analysis to determine the feasibility of the customer in applying for financing, in which the bank analyzes the customer using the 5C principle, namely, *Character, Capital, Capacity, Collateral*, *Condition of Economy,* which is the same as other Islamic banks.


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To minimize the risks that occur, BSI Sumenep Trunojoyo 1 conducts an analysis using the 5C principle, but the bank emphasizes the ability to pay.

## CONCLUSION

The implementation of BSI griya hasanah financing uses Murabahah and Murabahah bil wakalah contracts. Of the BSI griya hasanah financing, 95% uses a Murabahah bil wakalah contract and 5% uses a Murabahah contract. In BSI Griya Hasanah Financing, a Murabahah contract occurs after the bank has proof of home ownership, for the purchase of the house is represented by the customer on behalf of the bank. Before the Murabahah contract occurs, the bank states the principal price and margin to the customer, the collateral that is used, namely, the certificate of the house that has been purchased. So it was concluded that the implementation of BSI griya hasanah financing with a Murabahah contract was by the Fatwa of the National Sharia Council NO.04/DSN-MUI/IV/2000. And there are several obstacles faced by BSI griya hasanah financing at Bank Sumenep Trunojoyo1, namely, first, the legality of the house certificate is incomplete and the IMB is still not the parent or has not been split. The second obstacle is bad credit, for the settlement of which the bank has two ways, namely, rescheduling, and auctioning the suspended goods. For the prevention carried out by the bank in minimizing the existence of bad loans in BSI griya hasanah financing at BSI Sumenep Trunojoyo 1, the bank conducted a financing feasibility analysis using the 5C principle.

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