



ANALYSIS OF HOUSE TAKE OVER FINANCING AND ITS IMPACT ON MURABAHAH AGREEMENT (STUDY AT BSI BONE BRANCH)

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ABSTRACT. This study aims to determine how the takeover mechanism (debt transfer) in an effort to overcome problematic credit and to determine the impact of Customers taking over (debt transfer) at BSI KC Bone. Based on the objectives of the study, this study uses a qualitative research method using observation, documentation and interview techniques as data collection techniques. Based on the results of the study, the takeover mechanism (debt transfer) is that customers submit an application, complete the completeness of the documents, the bank verifies the data, there is approval for takeover financing (debt transfer), then binding, finally disbursement. The impact for BSI is to increase the BSI bank margin, while for customers it is to get additional funds, can extend the installment period, a solution when finances are unhealthy, can transact according to sharia.

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Introduction

Islamic banks are banks whose banking system adheres to Islamic principles whose activities refer to Islamic law and in their activities do not charge interest or are paid to customers depending on the agreements and contracts made by the customer and the bank. Islamic banks are state financial institutions that provide financing and other services in payment transactions and money circulation that operate using Islamic or Islamic principles based on the provisions of the Qur'an and Hadith.¹The banking industry in Indonesia recorded a new history with the presence of PT Bank Syariah Indonesia Tbk (BSI) which was officially born in February 2021 or 19 Jumaidil Akhir 1442 H.²

One of the Islamic financial institutions is BSI. BSI is one of the banks that is present to meet the needs of customers and as an alternative for customers who do not agree with interest or usury. In

¹ Andrianto and M. Anang Firmansyah, "Manajemen Bank Syariah (Implementasi Teori Dan Praktek)," 2019, h. 24-25

² Bank Syariah Indonesia – Bank Syariah dalam <https://ir.bankbsi.co.id/> , 19 juni 2023.

expanding its market reach, BSI expanded its office network by opening a branch office in the city of Watampone.

The progress of an economy or business activity in Indonesia. Credit risk is the risk of loss that can be associated with the possibility of failure or default of the debtor to pay his obligations. In simple terms, credit is the distribution of funds from the owner of the funds to the party that needs the funds. The amount of credit interest is greatly influenced by the amount of deposit interest. the greater or more expensive the deposit interest. the greater the loan interest and vice versa.³

Making credit payments, not always customers pay their installments smoothly. However, customers can also experience obstacles that hinder their installment payments. Even though customers experience bad credit problems, customers do not want ownership of their goods to be taken away by the bank concerned. One way that customers do to maintain ownership is by taking over.⁴

In the concept of banking financing, banks can provide financing to customers in the form of consumer financing, working capital, or financing cooperation implemented in working capital cooperation. There is also financing provided by Islamic banks where previously the customer still had loan facilities at other banks, especially those from conventional banks and this financing is called takeover financing, the term takeover in economics means takeover.

Take over is one form of Islamic bank financial services in helping the community to shift non-sharia transactions that have been running into transactions that are in accordance with sharia. Financing based on take over is financing that arises as a result of the take over of non-sharia transactions that have been running which are carried out by Islamic banks at the request of customers.⁵

Takeover financing at BSI KC Bone shows an increase in public access to sharia banking services. People who previously may have only used conventional banks now have the option to take over debt with a system that is more in accordance with sharia principles that avoids elements of usury (interest) and gharar (uncertainty), this reflects a change in the mindset of people who are starting to choose a fairer financial system and in accordance with religious teachings. The takeover process at BSI KC Bone is often accompanied by efforts to educate the public about the differences between sharia banks and conventional banks, as well as the benefits of using sharia financing products.

The legal basis for transferring debts is in surah al-baqarah verse 280:

وَأِنْ كَانَ ذُو عُسْرَةٍ فَنَظِرَةٌ إِلَىٰ مَيْسَرَةٍ ۗ وَأَنْ تَصَدَّقُوا خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ

“And if (the person in debt) is in trouble, then give him a grace period until he finds relief. If you give alms (forgiving the debt) it is better for you, if you know (it).” (QS. Al-Baqarah, 280).⁶

Islamic banking and financial institutions must be able to meet the needs of modern businesses by presenting innovative and more varied products and satisfactory services in accordance with the demands of modern businesses. BSI KC Bone has a take over housing financing for KPR (Home Ownership Credit) products which is one of the strategic businesses because it concerns human needs for a place to live. Houses have become a basic need for society, so they have a market share, therefore there needs to be a strategy for handling take over financing. Some previous studies that can be used as references in examining this are the first by Riska Mulyana Sidin in 2019 with the title "Implementation of Take Over Pension Financing with the Qardh Wal Ijarah Contract at PT. Bank Syariah Mandiri (BSM) Palu Branch". The results of the study showed that the implementation carried out by customers in the implementation of Take Over pension financing with the qardh wal ijarah contract was to first carry out qardh for the remaining amount of the obligation. Then, for the financing, all collateral submitted to the third party, in this case the pension decree or other collateral, is taken back by the customer, followed by an ijarah agreement by including the pension decree again as an asset to be sold/collateral to the Sharia Bank.

The second study, namely this study was conducted by Herli Kurniawan Putra in 2020 with the title "Analysis of the Implementation of Take Over Financing at Bank BNI Sharia Pagar Dewa Branch Office" with the results of the study showing that the take over financing system applied to PT. BNI

³ Kasmir, *bank dan lembaga keuangan lainnya*, (Jakarta: PT RajaGrafindo,2005), h. 24-25

⁴ Ktut Silvanita Mangani, *Bank Dan Lembaga Keuangan Lain*, (PT Gelora Pratama, 2009), h. 39

⁵A. Karim, Adiwarmar. *Bank Islam: Analisis Fiqih dan Keuangan*, Edisi 3. Jakarta: PT. Raja Grafindo Persada.

Kementerian Agama RI, “Al-Qur’an dan Terjemahannya” dalam <https://quran.kemenag.go.id/>, 11 juli 2023

Sharia Pagar Dewa Branch is guided by the National Sharia Council fatwa No. 31 / DSNMUI / IV / 2002 concerning debt transfer and fatwa No. 04 / DSNMUI / IV / 2000 concerning murabahah.

Furthermore, research conducted by Kardilla in 2020 entitled "Implementation of Pension Fund Financing at PT. Bank Syariah Mandiri Palopo City Branch". with the results of the study showing that: 1. Implementation of pension fund financing (BSM) Palopo City has 5 objectives in sharia pension funds, including; protecting religion, protecting souls, protecting minds, protecting property, and protecting descendants. 2. In this case, Bank Syariah Mandiri Palopo City has an obstacle where customers do not want to be complicated for the administrative process because the age factor is that the pension ages do not want to be bothered with administrative matters, especially if they have to Take Over financing from the previous bank to Bank Syariah Mandiri.

The research was conducted by, This research was conducted by, Nadia Permatasari in 2020 with the title "implementation of multi-debt transfer agreements (Take Over) from the perspective of DSN MUI fatwa NO. 31 / DSN-MUI / VI2002 (study at Bank Shariah Mandiri Metro branch office) with the results of the study it can be concluded that the implementation of multi-agreements in financing takeover of gold pawn at Bank Syariah Mandiri KC Metro is not in accordance with the sharia principles that have been stated in the DSN MUI fatwa NO. 31 / DSN-MUI / VI / 2002 concerning debt transfer. Because in the signing of the agreements that have not been separated and in determining the cost of ujah it is still based on the amount of the loan, not based on the estimated value.

The research was conducted by Faulia Hanif Trisetoyo Yibri in 2021 with the title Hybrid contract analysis on pension financing takeover from Conventional Banks to Bank Syariah Mandiri Jember Branch Office. The results of the study indicate that the pension financing mechanism at BSM KC Jember is well structured, a mechanism that begins with the application of financing by customers to the bank, Customers collect application documents, sign the application form, BI checking/checklist/flogging check files, Contract, Contract verification, Disbursement. The factors causing the takeover of financing are starting to worry about transactions containing usury or switching to financing that is in accordance with religious law, no penalties, cheap installments, implementation of a profit-sharing system and other factors.

research conducted by, This research was conducted by, Ani Tamara Julia in 2021 with the title "Implementation of Take Over Financing for Pensioners by Bank Syariah Mandiri KC Tulungagung" based on the research that has been conducted, in the implementation of take over pension financing by Bank Syariah Mandiri KC Tulungagung was motivated by several factors of funding needs, lighter margin factors, higher ceiling factors, fast and friendly service factors, and simplified process factors. In the implementation procedure of the agreement, it is in accordance with the DSNMUI/VI/2020 fatwa concerning debt transfer. However, there are things that must be considered again, especially the obstacles that are often experienced by pensioners during the take over process, namely the process is complicated by giving many reasons to customers such as officers are difficult to find.

And finally Andi Putri Indah Sari Abdullah in 2021 with the title "Analysis of Debt Transfer Transactions (Take Over) With Murabahah Contracts at PT. Bank Muamalat Bone Branch Office". with research results showing that the practice of debt transfer transactions (take over) with murabahah contracts at Bank Muamalat Bone Branch Office must meet the steps and requirements that have been determined, sharia compliance with the practice of debt transfer transactions (take over) with murabahah contracts at Bank Muamalat Branch Office has been in accordance with the Fatwa of the National Sharia Council No. 31 / DSN-MUI / VI / 2002 concerning Debt Transfer.

KPR is long-term financing provided by financial institutions to their debtors to buy a house or build a house on their own land with a guarantee of a certificate of ownership of the land (house).⁷

Based on several previous studies, what distinguishes it from the research that will be conducted is the time and location of the research, therefore this research is feasible.

Literature Review

1. Previous research review

⁷ Cahayana.E Jaka dan Sudaryatmo, *Rumahku Istanaku Panduan Membeli Rumah Hunian* (Jakarta : PT Elex Media Kumputindo,2002,), h. 22

Previous research is an effort by researchers to find research comparisons and then find new motivation for further research. Likewise, previous research is one of the requirements that must be met by a researcher to show the authenticity of the research conducted, namely by emphasizing the differences in previous research that is similar to the research conducted. Some previous studies related to this research include:

1. This research was conducted by Riska Mulyana Sidin in 2019 with the title "Implementation of Take Over Pension Financing with Qardh Wal Ijarah Contract at PT. Bank Syariah Mandiri (BSM) Palu Branch". This research uses a descriptive research type with a qualitative approach with the results of the study showing that the implementation carried out by customers in the implementation of Take Over pension financing with the qardh wal ijarah contract is to first carry out qardh for the remaining amount of the obligation. Then for the financing, all collateral submitted to third parties in this case the pension SK or other collateral is taken back by the customer, continued with the ijarah contract by including the pension SK as an asset to be sold/collateral to the Sharia Bank. The difference between the above research and the research conducted by the author is in the object of research, the previous research the object of research was at PT. Bank Syariah Mandiri (BSM) Palu Branch while the author's research object was at BSI KC Bone. The similarities in this study are that it uses a qualitative approach and discusses Take Over.⁸
2. This research was conducted by Nadia Permatasari in 2020 with the title "implementation of multiple debt transfer agreements (Take Over) from the perspective of DSN MUI fatwa NO. 31/DSN-MUI/VI2002 (study at Bank Syariah Mandiri Metro Branch Office) This research uses a field research type with a qualitative descriptive approach with the results of the study can be concluded, that the implementation of multiple agreements in financing take over gold pawn at Bank Syariah Mandiri KC Metro is not in accordance with the sharia principles that have been stated in the DSN MUI fatwa NO. 31/DSN-MUI/VI/2002 concerning debt transfer. Because in the signing of the agreements that have not been separated and in determining the cost of ujah it is still based on the amount of the loan, not based on the estimated value. The difference between the above research and the research conducted by the author is in the object of research, the previous research was the object of research at Bank Syariah Mandiri Metro Branch Office while the author's research object was at BSI KC Bone. Then, the previous research focused more on the implementation of multiple debt transfer agreements (take over) in the perspective of DSN MUI fatwa NO. 31/DSN-MUI/VI/2002 at Bank Syariah Mandiri Metro Branch Office while in the author's research focused more on the financing of take over houses and its impact on the murabahah agreement at BSI KC Bone. The similarities in this study are that both use qualitative research methods and both discuss debt transfer (take over).⁹
3. This research was conducted by Kardilla in 2020 with the title "Implementation of Pension Fund Financing at PT. Bank Syariah Mandiri Palopo City Branch". This research is a type of qualitative research with a qualitative descriptive approach, with the results of the study showing that: 1. The implementation of pension fund financing (BSM) in Palopo City has 5 objectives in sharia pension funds, including; protecting religion, protecting souls, protecting minds, protecting property, and protecting descendants. 2. In this case, Bank syariah Mandiri Palopo City has an obstacle where customers do not want to be complicated for the administrative process because the age factor is that the pension ages do not want to be bothered with administrative matters, especially if they have to Take Over financing from the previous bank to Bank Syariah Mandiri. The difference between the above research and the research conducted by the author is in the

⁸ Riska Mulyani Sidin, "Penerapan Take Over Pembiayaan Pensiun Dengan Akad *Qardh Wal Ijarah* Di PT. Bank Syariah Mandiri (BSM) Cabang Palu" (Skripsi, Jurusan Perbankan Syariah, Institut Agama Islam Negeri IAIN Palu, 2019): h. 62

⁹ Nadia Permatasari, "Fakultas Ekonomi Dan Bisnis Islam Jurusan S1 Perbankan Syariah Institut Agama Islam Negeri (Iain) Metro Implementasi Multi Akad Pengalihan Hutang (Take Over) Perspektif Fatwa Dsn Mui No . 31 / Dsn- Mui / Vi / 2002 (Study Pada Bank Syariah Mandiri Kan" 2002, no. 31 (2020). h. 77.

object of research, the previous research the object of research was PT. Bank Syariah Mandiri Palopo City Branch. The similarities in this study are that both use qualitative research types.¹⁰

2. Theoretical Study

a. Take Over

The term Take Over (transfer) of credit used in banking is not in the Bank Indonesia regulation which explains that the transfer of credit using the term Take Over. However, the term take over is commonly used by banks and credit customers and entrepreneurs also use the term Take Over to describe the condition of credit transfer from one bank to another.¹¹

According to the DSN-MUI fatwa, debt transfer (take over) means the transfer of customer debt from a conventional bank/financial institution to a sharia financial institution.¹²

b. Financing

Financing broadly means financing or spending, which is funding issued to support planned investments, either done by oneself or run by others. In a narrow sense, financing is used to define funding carried out by financing institutions, such as Islamic banks to customers. financing is one of the main tasks of the bank, namely providing funding facilities and meeting the needs of parties that are deficit units.¹³

c. Murabahah Contract

Financing with a murabahah contract is financing in the form of a sale and purchase transaction of goods at the acquisition price of the goods plus a profit margin agreed upon by the parties (seller and buyer). The amount of the profit margin is stated in the form of nominal rupiah or a percentage of the purchase price. The murabahah contract can be used to finance purchases such as home ownership, car financing, working capital financing, investment financing, and multipurpose financing.

Because in its definition it is mentioned that there is an agreed profit, the characteristic of murabahah is that the seller must first inform the buyer about the cost of purchasing the goods and include the amount of profit added to the cost. In the existing technicalities in Islamic banking, murabahah is a sale and purchase agreement that occurs between the Islamic bank as the provider of goods that sells to customers who order in order to purchase the goods. The profit obtained by the Islamic bank in this transaction is the profit from the sale and purchase that is mutually agreed upon.¹⁴

Research methods

This study uses a qualitative research method with a descriptive approach, which is a type of research that produces descriptive data in the form of writing or oral and author's statements that can be traced. This research work is a type of field research, which is a research work that is directly related to the object being studied in such a way that the material is obtained from the field. The purpose of this method is to provide a complete and comprehensive picture of the subject matter being studied.

Results and Discussion

1. Home Take Over Financing System and Its Impact on Murabahah Contract at BSI KC Bone

a. Take Over Submission Procedure at BSI KC Bone

¹⁰ Kardilla. "Implementasi Pembiayaan Dana Pensiun Pada PT Bank Syariah Mandiri Cabang Kota Palu". (Skripsi, Program Studi Perbankan Syariah, Institut Agama Islam Negeri Palopo, 2020): h.65

¹¹ Daeng Naja, *Pembiayaan Take Over Oleh Bank Syariah*, ed. Funky (Uwais Inspirasi Indonesia, Anggota IKAPI Jawa Timur Nomor: 217/JTI/2019 Tanggal 1 Maret 2019, 2019). h. 1

¹² Faisal Fajar, *Faktor-Faktor Yang Mempengaruhi Nasabah Melakukan Take Over KPR Bank Konvensional Ke Bank BRI Syariah Banjarmasin*, (Banjarmasin: IAIN Antasari 2016). Dalam <https://idr.uin-antasari.ac.id/> 19 juni 2023

¹³ Andrianto and. M. Anang Firmansyah, *Manajemen Bank Syariah (Implementasi Teori Dan Praktik*, ed. Qiara Media (CV. Penerbit Qiara Media, 2019). h. 305

¹⁴ Huda, Nurul dan Mohammad Heykal, *Lembaga Keuangan Islam*, Jakarta: Kencana, 2010

Debt transfer or take over is a significant transaction in the banking system, especially in Islamic banking such as Bank Syariah Indonesia (BSI) KC Bone. The take over application procedure at BSI KC Bone begins with the initial step of the customer submitting a debt transfer application to the bank. At this stage, the customer needs to fulfill various administrative requirements and verify data including the customer's identity, legal documents, and financial feasibility. After these requirements are met, the bank will conduct a feasibility analysis based on the data provided, such as the amount of the loan to be transferred and the customer's financial capacity.

This verification is important to ensure that the customer is truly able to pay off the financing and to avoid problems in paying installments. The bank also ensures that there are no legal problems related to the collateral used as collateral, such as a house certificate that will be taken over. Therefore, this debt transfer involves not only financial aspects, but also legal aspects that must be ensured to comply with applicable laws.

b. Take Over Financing Requirements at BSI KC Bone

After the takeover application is approved, the customer is required to fulfill several administrative requirements. Several main requirements that must be met by the customer include Indonesian citizenship, minimum age of 21 years, and complete documents that include photocopies of KTP, KK, marriage certificate, and documents related to the property to be taken over such as house certificate, IMB, and PBB. In addition, the bank also requires that the financing of the house to be taken over has been running for at least one year. This requirement aims to ensure that the customer is a party that is worthy and able to carry out installment payment obligations to BSI, and so that financing transactions can run in accordance with sharia provisions. Thus, BSI KC Bone can further assess whether the customer meets the creditworthiness requirements.

c. Verification of Take Over Financing Data at BSI KC Bone

The data verification process carried out by BSI KC Bone includes several key steps, starting from verifying customer identity to biometric verification and data validation via SMS or email. The main purpose of this verification process is to ensure that the data provided by the customer is in accordance with valid and accurate documents, and to avoid potential fraud or inaccuracies that can harm the bank. In addition, data verification is also important to ensure that customers do not have other debt burdens that can affect their ability to pay installments. Therefore, BSI KC Bone needs to ensure that customers who apply for financing are truly eligible for the takeover facility and that this debt transfer can run smoothly.

d. Committee (Approval) for Take Over Financing at BSI KC Bone

Once the data has been verified and deemed complete, the next stage is the approval process by the financing committee. This process involves a thorough evaluation of the collateral pledged by the customer, both in terms of market value and the physical condition of the property used as collateral. If the collateral is deemed feasible, the committee will approve the financing. This process ensures that the bank continues to observe the principle of prudence and avoids the risk of loss in the financing provided. The customer and the bank will then make an agreement regarding the financing contract, which in this case uses the murabahah contract, where the bank buys the property and resells it to the customer with a profit margin.

e. Binding Agreement on Take Over Financing at BSI KC Bone

After the financing is approved, the customer will enter into a binding agreement (contract) with BSI. In this case, BSI KC Bone will buy property from a conventional bank, then resell it to the customer at an agreed price. This process reflects the implementation of the murabahah contract, where the bank's profit comes from the margin of selling goods (houses) to customers. The murabahah contract here does not involve usury, which is the main principle in sharia transactions. Thus, even though the customer receives financing to pay off debts to a conventional bank, he or she is still free from interest (riba) which generally applies in the conventional banking system. This murabahah contract provides certainty for both parties, namely the bank and the customer, because the price paid and the installment period have been clearly agreed upon at the beginning.

This is supported by previous research from Fitri Amelia's thesis entitled "Take Over Mechanism in KPR financing using murabahah agreement (study at Bank Syariah Indonesia KCP Serang Ahmad Yani 1)". The results of this study can show how the take over implementation mechanism works and the efforts that can be made by the bank to overcome these obstacles such as

asking the customer for the repayment schedule in advance and providing partial disbursement if the guarantee has not been received by the bank.

2. Impact of Carrying Out Take Over (Debt Transfer) at BSI KC Bone

a. Positive impact

1) Better Profit Margin Rates

Takeover financing provides an opportunity for BSI to obtain a larger profit margin, especially if the number of customers who take over increases. With more transactions, the bank obtains a larger profit from the sale of property to customers. This advantage is long-term because the bank can offer a longer installment period, which in turn will increase the total margin obtained by the bank.

2) Get Additional Funds

Takeover financing also provides benefits for customers, especially if the bank provides additional funds in addition to the funds needed to pay off debts to conventional banks. These additional funds can be used for various purposes, such as home renovations or even for business capital. This provides flexibility for customers to develop their business or meet other needs.

3) Transacting in accordance with Sharia

One of the main advantages for customers who take over at BSI KC Bone is that they can make transactions according to sharia, which are free from elements of usury, gharar (uncertainty), and maisir (gambling). In this transaction, the contract used is a sale and purchase contract (murabahah), which is in accordance with sharia principles, providing a sense of security for customers who want to avoid transactions that are not in accordance with religious values.

b. Negative impact

1) Complex Administration Fees and Financing Processes

One of the challenges in takeover financing is the often high administrative costs, such as consultation fees, transaction fees, and other costs. This can increase the total costs that must be borne by the customer, which in the end can affect the expected profit.

2) Time-consuming Take Over Process

The debt transfer or takeover process often takes a long time, considering that there are several stages that must be passed, such as property assessment, negotiation, and processing permits or approvals from the bank. Delays in this process can disrupt the smooth running of the customer's plans, especially if the customer has urgent needs.

3) Rigorous Credit Worthiness Assessment

BSI KC Bone conducts a very careful assessment of the property used as collateral and the creditworthiness of the customer. This process is important to ensure that the value of the property and the customer's ability to pay installments remain in accordance with bank standards. This strict assessment can cause some customers to fail to get financing, even though they have met the initial requirements.

Conclusion

Based on the research results in the previous chapter conducted by researchers at Bank BSI KC Bone, the following conclusions can be drawn:

1. The implementation system for taking over at BSI KC Bone is: first, the customer comes to BSI and submits a take over financing application (debt transfer), if approved by the bank, the customer then fills out the form and completes the specified requirements. Then, BSI bank checks the completeness and validity of the documents and verifies the customer's data. Then, the bank conducts a direct analysis to the location. Furthermore, approval from the branch manager/representative to carry out financing. Furthermore, binding the guarantee. Finally, the bank makes a disbursement according to the transferred funds, then the customer's debt transfer is transferred to BSI.
2. The impact of taking over at BSI KC Bone
 - a. For BSI Bank, it can increase BSI's margin, the more BSI customers there are and the higher the level of customers who carry out debt transfer financing, the greater the profit obtained by BSI.

- b. The impact for customers who carry out a takeover is that customers can get additional funds, additional funds from the takeover (debt transfer), namely customers can get additional funds, additional funds from the debt transfer can extend the monthly installment period to be lower, can transact according to sharia.

Suggestion

The following are some suggestions from researchers that can be considered regarding Take Over financing at Bank BSI KC Bone:

1. For Banks: It is better to increase socialization in promoting to the public about the take over system (debt transfer) at BSI, both the contracts used, the advantages and benefits, so as to make it easier for customers who want to carry out financing according to sharia.
2. For Customers: It is advisable for the bank to take over (transfer of debt) to be careful and pay attention to the implementation of the agreement or contract and transaction. This is intended if there is an error or mistake, then the parties concerned have the right to correct what is right.

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