

## ABSTRACT

Fidhayanti, Dwi. 2012. **Implementation of the *Tabarru'* Agreement in Islamic Insurance (Studies in Takaful Indonesia Malang branch)**. Skripsi. Department of Sharia Business Law. Maulana Malik Ibrahim The State Islamic University of Malang. Supervising H. M. Toriquddin, Lc., M.HI.

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Islamic Insurance is a mutual effort to protect and mutual help among a number of the person / party through investment in assets and / or *tabarru'* which gives pattern of return to a particular risk through the contract (engagement) in accordance with Islamic principles. In Islamic insurance, there are two covenant is the basis of Islamic insurance, the *tijarah* agreement and the *tabarru'* agreement. *Tabarru'* agreement are every forms of agreement that carried out with the aim of kindness and mutual help with expect Allah SWT. *Tabarru'* fund which has been restored should not be taken back, while the practice of the participants is a party entitled to receive *tabarru'* funds. The research was conducted on Takaful Indonesia Malang branch to find out the implementation of the agreement *tabarru'* by using the Sharia National Council of Fatwa No.53/DSN-MUI/III/2006 about *Tabarru'* In Islamic Insurance and Islamic Reinsurance as a tool to analyze.

The method used in this study is qualitative research. The data collected are the primary data and secondary data collection using interviews and documentation. Data analysis methods used in this research is descriptive method of data analysis that this study aims to describe the execution of the contract *tabarru'* contained in the Takaful Indonesia Malang branch.

From the results of the study, obtained the result that the execution of the *tabarru'* agreement in Takaful Indonesia accordance with the Sharia National Council of Fatwa about *tabarru'* agreement on Insurance and Reinsurance Islamic Sharia. However, there is a gap of *tabarru'* contract 'between theory and reality contained in the Takaful Indonesia, namely the existence of a refund system contributions (funds *tabarru'* and *ujrah*) that have been given when it unilaterally terminated the agreement by the participants before the period of the agreement runs out. Should not be any refund due to funding contributions made by participants contained *tabarru'* funds' grant equivalent. The grant was awarded forbidden to be taken back because it is a mutual help to expect the pleasure of Allah SWT.