

ABSTRACT

Rizky Fauziah, Danar. 2012. **Application of Rahn and Ijarah Agreement on the Service Pledge Islamic in Sharia Pawnshop Branch Unit Kauman Malang**. Thesis. Department of Business Law of Sharia. Faculty Sharia. State Islamic University of Malang Maulana Malik Ibrahim. Supervisor Dr. KH. Dahlan Tamrin M.Ag.

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This research aims to find out the application rahn and ijarah service in islamic mortgage services in Islamic Pawnshop Branch Unit Kauman Malang and Units to determine the form of legal protection of rights in Sharia rahin pawn shops. This is empirical research focusing on the juridical research field to search for primary data and supported by research libraries to get secondary data. Primary Data obtained by means of interviews with informants and observation, and secondary data obtained by means of documentation material law, primary, secondary and tertiary. Data that has been collected and analyzed qualitatively arranged in descriptive analytical.

The result showed that first, both calneh is applied in any service pledge syariah in pawnshop syariah units kauman the branch of poor rahn, packed in the product arrum and also amanah. But of three of these products only in the product rahn and arrum effective while product amanah special in pawnshop syariah units kauman the branch of unfortunate not marketable. Rahn and ijarah applied in one transaction. Rahn applied to hold property belonging to the borrower as security for the loan they have. Then ijarah applied to obtain payment of wages rent over pemerliharaan and storing goods in a guarantee in the mortgage Sharia.

Second, the form of legal protection of the rights of the mortgage Sharia rahin there are two kinds, namely (1) the legal protection of the rights of clients / rahin done at the time before the transaction (*no conflict / pre purchase*) by way of legislation, which provides protection to consumers through legislation that has been made. (2) the legal protection of the rights of clients / rahin at the time after the transaction (*conflict / post purchase*). Aspects that come in the form of legal protection is the protection of client / rahin compensation, damages and / or replacement guarantee if the goods (marhun) damaged, including a settlement can be done through the Sharia Arbitration Board after no agreement is reached by consensus. Letter of Guarantee are set out in Exhibit Rahn (SBR) that binds to rahin and murtahin.

Based on the above research results, there are two recommendations that the authors ask, first to market products that our customers have a lot of Amanahnya options. Second, it needs to be intensified discussion of operational system, both in Islamic pawnshops seminars, symposia and workshops.