

ABSTRACT

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Study of muamalah refers to some agreement that the Prophet practiced, but community also held some innovation of those covenant, that existed at the time of Prophet Muhammad. One of them by combining some of the contract then give it another name, or by using the name of the original contract agreement in which a mixed couple. Basically the Prophet forbade the two covenants in a single transaction because it may cause uncertainty in practice or gharar as well as confusion about the pillars and conditions which must be met.

Musharaka, ijarah and sale contract were combined into a single contract which later is named musharaka mutanâqishah. This contract is an innovation of the musharaka which ended with ownership. At this Agreement, as well as the conditions remain in harmony refers to several covenants contained therein. the Prophet forbade the presence of two covenant in one transaction and then how if more than two covenants.

The answer can be found by using one of the extracting Islamic law methods (istinbath) in Usul Fiqh to dig fundamental legal texts or laws. Some of the methods offered by the scholars of usul as the basic law of the excavation, but istihsan is a method considered appropriate method of extracting the musharaka mutanâqishah law, because it is highly relevant for this development year and knowledge. Istihsan, itself means mujtahid switches to using a qiyas than another qiyas because it is considered more beneficial for community. Mujtahid does not equate musharaka mutanâqishah to the hadits which prohibits two transactions in a single contract because it is considered containing elements of benefit for survival of the community . So that two or more of the covenants contained in the musharaka mutanâqishah are permissible as long as compliance with certain provisions laid down by Islam

Musharaka mutanâqishah of the benefits for the people of this community with a contract to meet the housing needs and the equipment which is currently more expensive and choking down the middle. Musharaka mutanâqishah contract is an innovative economists for giving out easy for people to meet their needs without losing sight of Islamic law.