

## ABSTRACT

Billah, Nur Izza, 2012, Thesis, Title: “*The Giving According to Mudharabah Hanafi Madzhab (Study Mudharabah in Muamalat Indonesia Branch Malang City)*”. Thesis. Department of Business Law of Sharia. Faculty of Sharia. State Islamic University of Maulana Malik Ibrahim Malang.

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One of the Branch Muamalat Indonesia Bank in Malang is the function of providing funds *mudharabah*. Mudharabah is the provision of financing total (100%) with profit-sharing system. The principle used is Profit and Loss Sharing. And Bank Muamalat provide funds to meet the needs of customers who need and deserve to get it.

Issues raised in this paper is how to finance the provision of Malang mudharabah in BMI, as well as how to review according to Hanafi fiqh mu'amalah mudharabah against granting it.

The focus in this study was to describe the provision *mudharabah* according to the Hanafi madhhab of Bank Muamalat Indonesia branch Malang. This study is an empirical legal research with a qualitative approach. The method used is the interview, documentation, and literature. While the analysis phase is to describe the provision of financing provided by Bank mudharabah Muamalat Indonesia branch Malang if the review of the Hanafi opinion.

The results showed that administration *mudharabah* conducted by Bank Muamalat Indonesia branch Malang is working capital financing, but more inclined to things that are consumptive, there are 3 (three) business group that is financed, namely cooperatives, individuals and corporations. While the analysis of the provision of financing, in branch Malang BMI using analysis of 5C +1 (Character, Capital, Capacity, Collateral, Capable, Condition of Economic), as a basic principle in the provision of financial analysis. *Mudharabah* kind used in the distribution of funds is *mudharabah muqayyadah*, according to the Hanafi opinion this is permitted. Because the funds are channeled funds belonging to the *ummah*, so the bank as *shahibul maal* is also entitled to determine when capital can be returned and can also determine who will get the financing. In connection with the guarantee, in practice, the guarantee remains in mudharabah. Although it is not allowed in *mudharabah*, but the Branch Bank Muamalat Indonesia Malang as *shahibul maal* have strong reasons of security is applied.