

ABSTRACT

Sayyidah Nuzulul Mabruroh, 11220043, *Praktek Pembiayaan Hunian Syariah Antara Akad Murâbahah dan Musyârahah Mutanâqishah di Bank Muamalat cabang Malang*. Skripsi, Departement of Shariah Business Law, Shariah Faculty, The State Islamic University (UIN) Maulana Malik Ibrahim Malang, Supervising: Iffaty Nasyi'ah, M.H.

Keywords: Murabahah contract, Musharaka Mutanâqishah contract, Residential Financing Sharia.

In the Residential Financing Sharia (PHS) system, only Bank Muamalat have a different contract, that is Murabahah and Musharaka Mutanâqishah contract. The formulation of this research are (a) Comparison of PHS between Murabahah and Musharaka Mutanâqishah contract in Bank Muamalat Malang Branch. (b) Superiority and waekness of PHS between Murabahah and Musharaka Mutanâqishah contract in Bank Muamalat Malang Branch.

The method used in this research is descriptive-comparative method of qualitative approach. This research includes empirical legal research. This study used a banking company, Bank Muamalat Malang Branch. The data in this study using primary and secondary data obtained from Bank Muamalat Malang Branch. This data was obtained through interviews or method of documentation documentation (literature of Murabahah and Musharaka Mutanâqishah contract in Residential Financing Sharia in Malang branch office of Bank Muamalat).

The results of this study in Murabahah financing, the bank bought a house that needed customers and then sell it to the customer for the purchase price plus a profit margin agreed by the bank and the customer. While musyarakah Mutanâqishah or commonly abbreviated to contract with Bank Muamalat MMQ is a product of the system of financing the reduction of ownership from one partner to the other partner as a result of the purchase syarik portion gradually. in which there are elements of cooperation (Syirkah) and a lease (Ijara). The advantages of Murabahah, respectively, namely: (a) The Bank may establish definite profit margin at the beginning of the agreement, (b) the Customer obtain the desired goods by way of sale gradually. While the benefits Musharaka contract Mutanâqishah respectively: (a) Strengthen the relationship between the Bank and the Customer due to both maintain joint assets, (b) There is an additional profit sharing (ratio) for the Bank and the Customer, the payment of rent for use of the house . The weakness of Murabahah is: (a) Risk resale by the Customer on a bigger house because the goods belonged to the customer, (b) the Bank is not able to get more profits or even losses if the price of the rental market has increased beyond. While the weakness Mutanâqishah Musharaka contract is: (a) For the Bank, he joined together to bear the tax burden and the cost of maintenance of the house, (b) For Clients, installment in the early years was aggravating, but in subsequent years feels lighter.