

ABSTRACT

Anugerah, Rostiana Indah. 2013. **The Implementation of Qardl Agreement in Hajj Bailout Financing in BTN Syariah Malang**. Thesis. Departement of Islamic Business Law. Faculty of Sharia. State Islamic University Maulana Malik Ibrahim Malang. Advisor: Dr. Noer Yasin, M.H.I.

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The development of Islamic economics in Indonesia has been adopted into the economic policy framework. The existence of Islamic banking in Indonesia is a reflection of the needs of banking system that can give a stability contribution to the national financial system. As the largest muslim majority country in the world, Indonesia has the prospect for the future development of Islamic banking. Fund distribution or financing products are the very popular Islamic banking products which also have big demands. Furthermore, Islamic banks compete to make many kinds of financial products including hajj bailout financing product. This product uses *qardl* principle. This financing product is a good prospect product because there are a lot of muslims in Indonesia.

The purpose of this research is to determine the implementation of the *qardl* agreement in hajj bailout financing product offered by BTN Syariah Malang and to know the DSN-MUI (National Sharia Council – Indonesia Ulema Council) decision review and the law enforcement of *qardl* agreement in hajj bailout financing product.

The research method used in this thesis is the empirical legal research which uses socio-juridical approach. The sources of data used are primary and secondary data, while the data collection techniques used are interviews, observation, and documentation. The data analysis techniques used are editing, classification, inspection, analysis, and conclusions.

Based on the research that has been conducted, it is obtained that the implementation process of *qardl* agreement in hajj bailout financing product offered by BTN Syariah Malang experiences 4 procedures or workflow, that is: if the customers do not have BTN hajj account, they are required to open it, collect all requirements of BTN iB hajj bailout financing, hajj bailout agreement that used *qardl* agreement, and finally they have to wait for the recommendation to be processed. Related to the legal review, *qardl* agreement used in hajj bailout financing in BTN Syariah is permitted in accordance with the provisions of the DSN-MUI decision No. 29/DSN-MUI/VI/2002 about the financing of hajj management in Islamic financial institutions. According to Hanafiyah, every loan that provides benefits for *muqridl* is haraam as long as it is required in the agreement, if it is not required, then it is allowed. Therefore, banks may charge an administration fee to customers as specified in the DSN-MUI decision No. 19/DSN-MUI/IV/2001 about *qardl* agreement. However, fee (*ujrah*) which is charged to customers must not be based on the bailout amount.