

ABSTRACT

Abror, Ainun. 09220037,2013, Legal Protection For Customer In The Auction Of Collateral Items In Pegadaian Syariah, Landungsari Malang. Thesis, Department of Shariah Business Law, Shariah Faculty, The State Islamic University (UIN) Maulana Malik Ibrahim Malang, Supervising: Dr. M. Nur Yasin, M. Ag

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Development of the economy results in increasing funding and a variety of other needs, so the situation is exploited by people who want to seek a profit by building services of loaning money within period of time certain with repayment for high services refund loan. This certain kind condition will need legal protection, so that the consumer feels protected by the State. As a matter of fact, business/financial institutions has tendency to override the rights of consumers and exploit the weaknesses of consumers (clients) without having punishment because the lack of awareness and knowledge of the consumer.

This study, focus on these problems, namely: what are the forms of legal protection for customers in the auction items at the *Pegadaian Syariah Landungsari Malang* and what are Islamic law reviews about the legal protections for customer in *Pegadaian Syariah Landungsari Malang*. The purpose of this study is to know the form of legal protection and to review Islamic law regarding the auction items of collateral. This study is classified into empirical research. The study is called field studies. This research used descriptive qualitative approach. Data analysis method which is qualitative data analysis.

And the result of this study indicates that the customer got legal protection in the auction at the Pegadaian Syariah Landungsari Malang, the customer is given a time to extend SBR before certain time. Then, the customer subsequently is granted a delay auction if customer cannot repay or extend, as well as client assets in the form of AYD (assets transferred) and BLP (owned auction company) which will be distributed to the customer. So that customer has been given their rights. And For all the operational guidelines set out in sharia. The Object of Islamic law in the auction is concerning the legal protection of the collateral and protecting the rights of all parties involved in the transaction. this was accordance with one of maqasid al-shariah (Islamic objective) is hifzul al-Maal (to protect the property or property). And the result of residual auction is not provided to customer in because it is not told related to the residual of the auction, So, the result is not allowed because there is an element of riba.