

## ABSTRACT

Habibah, Umrotul. 2013. *The Application of DSN Fatwa about Parallel Transaction of Istishnâ' by CT Aneka Tunggals and PT Merakindo Mix (Study of Development Project of Asphalt Road Maintenance and Services and Administration Building Conblocking at Dr. Radjiman Wediodiningrat Lunatic Asylum)*, Syariah Law Business Department, Syariah Faculty, The State Islamic University Maulana Malik Ibrahim Of Malang. Supervisor: Musleh Herry, S.H., M.Hum.

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**Key Words:** *Application, DSN Fatwa, Parallel Transaction of Istishnâ'*

Agreement is an act by which one or more attaches himself to one or more other people. Agreement in contract law implies legal actions based on an agreement for legal consequences. The legal consequences are due to an agreement made legitimately that will apply as a law for those who made it. For instance, a purchase agreement by *istishnâ'* contract may allow the buyer to make goods using subcontractors to perform the contract, with a condition that the provider must obtain prior authorization from the PPK, when using subcontractors with the terms that the first *istishnâ'* does not depend on the second *istishnâ'*, and *musthasni'* is not allowed to collect MDC (Margin During Construction) from *shâni'* because this is not in accordance with *syarî'ah* principles.

From the problems above, the writer tries to study the management of the Parallel Transaction of *istishnâ'* in a development project done by the parties (CV Aneka Tunggals, PT Merakindo Mix and Dr. Radjiman Wediodiningrat Lunatic Asylum) and the application of DSN Fatwa Number 22/DSN-MUI/III/2002 about Parallel *Istishnâ'* on the development project of asphalt road maintenance and services and administration building conblocking at Dr. Radjiman Wediodiningrat Lunatic Asylum.

This research uses an empirical study with a qualitative approach. Data collection technique is done by way of interviews and documentation. The technique of testing the validity of the data used by the writer is based on a technique of triangulation. Meanwhile, the data analysis techniques are Editing, Classifying, verifying, Analyzing and concluding.

From the study, it is concluded that the contract between CV Aneka Tunggals (provider) with PT merakindo Mix (subprovider) has been approved by Dr. Radjiman Wediodiningrat Lunatic Asylum (PPK) which has been addressed in the contract documents. The contract used is the lump sum agreement. Responsibilities among the parties are not interdependent. The pricing has been agreed in the contract in the tender process so that *musthasni'* can not MDC (Margin During Construction) from *shâni'*.