

ABSTRACT

Nadhiif, Mohammad Lubis. 2013. *VILLAGE CASH LANDS RENTAL IN FIQH MUAMALAH PERSPECTIVE (Case Study in Jatirejo Village, Diwek Sub-District of Jombang Regency)*, Thesis. Sharia Business Law Department. Sharia Faculty. Maulana Malik Ibrahim State Islamic University of Malang. Supervisor: Dr. Hj. Tutik Hamidah, M.Ag.

Key Words: **Kewenangan, Penyewaan, Tanah Kas Desa, dan Sistem Undian.**

The implementation of government system has been running dynamically time to time. This matter is influenced by the authority which is applied by their respective government, including authority and the government system of village. One of the systems or autonomies organize land of village cash by lottery system. It will cause a problem is when village rents the land of village cash by lottery systems. Whereas, in Islam mentions that there are things which are forbidden muamalah. One of them is lottery which causes harm.

Empirical with descriptive qualitative approach is types of research used in this research. In addition, the descriptive approach research applies approach to *fiqh mumalah* metode. This research aims at providing explicit understanding of renting practices by lottery systems or *qur'ah* and it is expected to bring welfare Jatirejo people to by this system

In the discussion of the law, the researcher uses the *maslahah mursalah* approach. *Maslahah* legal determination in renting village cash lands using lottery systems is taken from *ushuliyah* rules that the great purposes of sharia in prescribing any laws is to realize human benefits in life and give benefits to them as well as avoid the dangers. This case also uses in village cash land rental by lottery systems in order to beneficial for all, that is result the rents of village cash lands and will full fill the village prosperity.

Based on the result, it can be concluded that village chief or sulthânul irâdah applies lottery systems to determine the lessee of village cash land has been in accordance with the *qur'ah* principt which has *maslahah mursalah* concept.