

ABSTRACT

Irwanto.2012. Application of principle of freedom of contract in the Mudaraba in Baitul Mal Wat Tamwil (BMT) Enterprises (UGT) Sidogiri Klampis Bangkalan district. Thesis, Department of Business Law Sharia, Sharia Faculty, State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Dr Suwandi, M.H.

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Contract or agreement is an important instrument in the life of every human being to oversee its business activities in the financing is no exception. Along with the growing business that demands the Islamic financial institution uses a simple model of contracts, efficient, and is able to accommodate the interests of businesses through the standard contract (standard contract). The existence of this standard contract as if contrary to the principle of freedom of contract because the contract is made by one side.

This study aimed at determining the views of BMT UGT Sidogiri district. Klampis Bangkalan and customers on the principle of freedom of contract in the conduct of financing agreements and to determine the application of the principle of freedom of contract in the conduct of financing agreements in BMT UGT Sidogiri Klampis Bangkalan district. With the hope of this research can expand the repertoire of knowledge and materials or references can be in addressing the problems of the application of the principle of freedom of contract.

This study, Using a qualitative descriptive approach which can be classified on the type of research field research (field research). While the data are collected by observation, documentation and interviews guided free. Research conducted in the location where the BMT UGT Sidogiri Klampis Kab. Bangkalan. The source of the data in this study are primary data and secondary data as well as data tertiary. Then to determine the interpretation of the data obtained by using the researcher editing, classifying, data analysis and concluding (conclusion).

Result of this study are, firstly in terms of knowledge in understanding the intricacies of the agreement between the customer and the BMT there are significant differences. However, the UGT Sidogiri Klampis BMT has provided an explanation on the customer contract or agreement of financing. Both of financing contracts or agreements that have been determined unilaterally by the UGT Sidogiri Klampis BMT can not be categorized as a standard contract but called commercial contracts. That is because the BMT still giving the customer the freedom to negotiate the options offered. So that the agreement is still contain the principle of freedom of contract which both reached an agreement have bargaining or negotiation.

