

ABSTRACT

Sa'adah, Kholishotus. 09220008, 2013. *The Gold Auction In Islamic Banking (Studies of Gold in the Auction Procedures BRI Sharia Branch Malang)*. Sharia Business Law Department, Sharia Faculty, State Islamic University Maulana Malik Ibrahim Malang. Supervisor: Erfaniah Zuhriah, M.H.

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The rapid development of the economy of today's society can be seen from various businesses by humans to meet their needs. However, sometimes the economic needs of the people are not in accordance with the financial condition owned. Someone who has valuable goods such as gold, jewelry or gold plate can pawn those goods to pawn shops or pawn Bank Syariah law. However, there are times when customers are not able to repay the loan on the due date, so that the Bank is authorized to mortgage or sell the gold by way of auction.

In this study, there are two statements of the problem: 1) How to auction gold as collateral lien on BRI Sharia Branch Malang in the perspective of fiqh? 2) How to auction gold as collateral lien on BRI Sharia Branch Malang in the perspective of Finance Minister Regulation No.93/PMK.06/2010 on Implementation Guidelines Auction?

This study belong includes juridical-empirical research, which take the location of the study in BRI Sharia Branch Malang. This study uses descriptive analysis which describes the data verification obtained is about the product pawn of BRI Sharia with the auction practice, which is then analyzed by using a review of fiqh muamalah and Finance Minister Regulation No.93/PMK.06/2010 on the Implementation of Guidelines Auction. Data collection uses interviews and documentation.

Based on the research, it is revealed that the gold auction procedures at BRI Sharia Branch Malang has met the pillars (rukun), terms and conditions of Islamic sale and purchase. However, in the implementation, the Bank does not completely follow Islamic principles, there are still elements of the conventional form of monopoly by not taking representative with the auction process to those who have bigger authority, the auction official. the Bank conducts the auction by itself. It is not justified right by Islamic law because it can make the customer suffers. On the other hand, the Bank still uses rules made by PT. BRI Sharia Bank and do not use PMK in 2010 on the instructions of the auction. The reality also is not implementing the provisions of the Bank Standard Operational Procedure (SOP) of PT. Bank BRI Sharia. In the latest rule, if the customer can not pay off the loan on the due date then the goods will be sold by Sharia auction compliance. So, sales collateral objects directly without auction conducted by BRI Sharia is not in accordance with the procedures in general sales collateral object which is conducted openly or auctioned.