

ABSTRACT

Rakhmawati, Anindya Ika. 2013. **Transaction in Ownership of Precious Metal Product with *Ijarah* In Bank BRI Syariah Branch Malang**. Thesis. Majority Islamic Business Law. Syariah Faculty. Islamic State University of Maulana malik Ibrahim Malang.

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Keywords: *Of Ijarah Contract, The Agreement of Ijarah Contract The Ownership of Precious Metal*

In practice, the possession of precious metal products, which has two contract, the contract *qard* and *ijarah*. However, in practice, there is because in the *ijarah* contract had to pawn precious metal gold that have been obtained from previous Qard loans as collateral for outstanding customer installment obligations. Then, BRI Syariah takes salary to the customers as a service on care and maintenance during the mortgaged gold.

From the various criteria that emerged, researchers conducted this study in order to determine how the product ownership transactions in precious metals with the *ijarah* BRI Syariah Malang branch offices, as well as analysis of the agreement to determine the ownership of precious metals products with *ijarah* in BRI Syariah branches Malang.

The type of research is empirical research, and research is also a qualitative study, using a descriptive approach. While the data collected in the form of primary data and secondary data were conducted by interview, observation, and documentation then the data is edited, checked, and carefully compiled and arranged in such a way that subsequently analyzed by descriptive analysis.

The concept of *ijarah* in possession of precious metals products based on the benefits. *ijarah* in this transaction have not been in accordance with National Sharia Fatwa Council No: 09/DSN-MUI/IV/2000 that in possession of precious metals transactions BRI Syariah. With *tijarah* contract does not contain an element of gharar because in practice there is an agreement between two parties are the customer and the BRI Syariah. So this transaction is avoiding gharar. Analysis of *ijarah* agreement, the ownership of precious metals products are not the same and can not be categorized in the form of *ijarah muntahia bittamlik*. This is because the article 1-6 the action of contract made from BRI Syariah only is a form of rental services and not ended with the transfer of ownership when the contract ends.