

ABSTRACT

Nurul Fadhillah, NIM 11220025, 2015. *Sale and Purchase of Gold Jewelry by Way of Trade-in at Enggal Gold Shop Pakisaji Market Malang Regency (Comparative Study of Four Madzhab)*. Thesis. Department of Sharia Business Law, Faculty of Sharia, The State Islamic University of Maulana Malik Ibrahim Malang. Supervisor: Dr. H. Nasrulloh, M. Th. I.

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In Islam there is called as *al-ashnaf ar-ribawiyah*. There is usury in it if someone is wrong in using it or exchanging it. The objects have been set by *ijma'* on its prohibition because there are six kinds of usury, namely: gold, silver, wheat, poetry, dates and salt. One of the sale and purchase form in the community is the sale and purchase of gold jewelry by way of trade-in. Gold is one among the forms that includes usurious goods and sometimes someone without feeling he falls to the unlawful case.

The purpose of this study is to determine of sale and purchase of gold jewelry by way of trade-in at Enggal gold shop Pakisaji Market Malang Regency (comparative study of four madzhab). This study uses a qualitative approach. While the data collected in the form of primary data and secondary data is done by using observation, interviews and documentation. Then the data is edited, checked and structured carefully and arranged such that, then analyzed.

In this study, there are two conclusions. First, sale and purchase gold jewelry in a way to trade-in at Enggal gold shop Pakisaji market Malang Regency, in the practice, someone comes with their gold jewelery ever made with the intention to buy a new jewelry based on what they want by way of payment based on the difference of the two prices of the gold. Secondly, sale and purchase gold jewelery by way of trade-in at Enggal Gold Shop Pakisaji Market Malang Regency is not allowed because it includes *Fadl* usury. It is an exchange of goods with similar goods with different amount / value. Sale and purchase gold jewelry that has been agreed by the scholars that gold is the usurious goods where there are requirements in the exchange so it should not make an exchange if one of the conditions is not met and this is the majority opinion of the scholars of Hanafi, Maliki, Shafi'i and Hanbali.