

ABSTRACT

Dewi Wulan Fasya, Student ID Number 11220109, 2015. *Sale and Purchase With Purchase Right Back Overview Code of Civil Law and Bai 'al-Wafa Shafi'i Fiqh Book Review*. Thesis, Sharia Business Law Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang, Supervisor: Dr. H. Abbas Arfan, Lc, M.H.

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Humans are social beings who can not escape from the interaction with other human beings, in the daily life of man as a social creature will not escape from subsistence. Then from here the process of economic (muamalah) appears, when people can not meet their own needs so that the necessary economic transactions (muamalah) to make ends meet. Further economic needs (muamalah) is manifested in the form of buying and selling by using media money as a medium of exchange. Sale with right of repurchase, which is one of the developments of transactions that occur in the community in the form of the agreement forms the seller (the original owner) has granted rights or with an agreement to repurchase the goods that have been sold. The issues addressed in this thesis is about the concept of buying and selling the right to buy back a review of the Civil Code and *bai' al-wafâ* review Shafi'i jurisprudence, as well as a comparison of sale with repurchase review of the Civil Code and *bai' al-wafâ* review fiqh Shafi 'i.

The purpose of this study was to determine how the concept of buying and selling the right to buy back a review of the Civil Code and *bai' al-wafâ* review Shafi'i jurisprudence, as well as a comparison of sale with repurchase review of the Civil Code and *bai' al-wafâ* review fiqh Shafi'i.

In this study the authors used the method of normative legal research or research literature and also uses a conceptual approach. As the primary legal materials in this study is the Civil Code and the book *Kanz al-Râghibin Fi Sharh Minhaj al-Thalibin*. While secondary legal materials using books, the Qur'an, and the Hadith. The tertiary legal materials that I use is a dictionary, which is the legal dictionary.

The conclusion of this study is the concept of sale with repurchase and *bai' al-wafâ* is the same as the pawn (Rahn) is payable relationship with assurance, while the law of sale with right of repurchase is not allowed because it is contrary to customary law and law *bai' al-wafâ* in the book *Kanz al-Râghibin Fi Sharh Minhaj al-Thalibin* is imperfect.