

ABSTRACT

Wulansari, Eny, NIM 11220015, 2015, The View of Islamic Religious Figures to The Sale And Purchase Gathering Transaction (Case Study in the Jaticalen Village Jaticalen Subdistrict Nganjuk Regency), Thesis, Department of Sharia Business Law, Faculty of Sharia, The State Islamic University of Maulana Malik Ibrahim Malang, Supervisor : Khoirul Anam, Lc. Mh

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At first, the gathering was an activity that had a purpose to strengthen the friendship between villagers Jaticalen, Jaticalen sub-district, Nganjuk regency and also as a tool to share inspiration and other creative ideas. However, the increasing economic necessary, the gathering becomes a solution to meet the urgent necessary of the community. One of the ways in which the society to meet these needs is to sell its gathering. Seller will sell her gathering to others who buy her gathering. Usually the buyer will pay the sale of the gathering half of the nominal amount that should have been received by the buyer. The sale and purchase should not only be financial profitable, but also must be based on the pillars and the terms of sale and purchase which has been determined to avoid a loss in one or both parties in the transaction.

In this study there are two formulations of the problem, they are: 1) How does the implementation of the sale and purchase gathering transaction in the Jaticalen village Jaticalen subdistrict Nganjuk regency? 2) How is the view of Islamic religious figures to the sale and purchase gathering transaction transaction in the Jaticalen village Jaticalen subdistrict Nganjuk regency? The type of this study is empirical juridical because in this study the data obtained directly from the field where everything related to the sale and purchase gathering transaction case. Data collection technique in this study uses several step including: observation, interviews and documentation to solve the problem in this study.

From this study, based on the view of Islamic religious figures, the sale and purchase gathering transaction is not allowed, because it is not eligible the sale and purchase. The item can not be handed over when the contract. In the sale and purchase gathering transaction contains element of usury which is like a debt with more payment because the buyers of the gathering obtain greater profits. God prohibits any form of additional sale and purchase clearly and firmly, and also does not justify the sale and purchase of usury that seems to help people who need help, because we are encouraged to help each other in goodness refers to the word of God in Surah Al-Maidah verse 2.