

## ABSTRACT

Prastica, Sisca Mega. 10220013. **A Practical Land Rent by Tumpakrejo Kalipare Malang According to *al-Fiqh al-Syâfi'i***. Thesis. Law Bussiness Syari'ah Programme. *Syari'ah* Faculty. State Islam University of Maulana Malik Ibrahim Malang. Supervisor: H. Abbas Arfan, Lc, M.H.I

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As usually, a country live exists by laws and commons, such as behavioral or transactional. One of a commons transaction within it is a rent land. As usually, the rented land is empty, but it's happening that the rented land is planted a sugar cane's sheed in it as happened in Tumpakrejo's village.

The goal of this research is to know how does the practice of rent land that's planted a sugar cane's sheed in Tumpakrejo Kalipare Malang area by this time and how does the rent-contract occure according to *Syâfi'i's*.

So, to achieve it's goal then the researcher uses an empiric-law methode with juridical-social approach. Otherwise, the obtained goals are consist of primary and secondary datas by interview and documental reviewing. To get the valid and credible data, this research uses triangulation technique. So in this case, the researcher reviews the datas with *Syâfi'i's* books.

At last, this research may shows us that in it's practice, the main object is a rent-land that planted a sugar cane's sheed in it with the sugar cane as it's benefit after harvest time. The tenant must visit it's owner to go to a contract with agreeing the cost and time limits. It's time is limited in a year, and it isn't about 12 (twelve) months but each fells when harvest time. According to *Syâfi'i's* perspective, that case is legal by the first tenant's willing to the sheed that still planted in the land is defeating a damage on his self and other's. Otherwise, the rent-contract between the owner and next tenant is no matter because all the standards and essential principles are fullfilled and don't endanger for both of them.