

## ABSTRACT

Afifah Nuriastuti. 11220105, *Akad Shirkah In Law Compilation of Islamic Economics (Elements Of Hanafi and Maliki)*. Thesis, Department of Business Law Sharia, Faculty of Sharia, Islamic University (UIN) Maulana Malik Ibrahim Malang, Advisor: Dr. H. Abbas Arfan, Lc.M.H.

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The establishment of Act No. 3 year 2006 regarding the amendment of Act No. 9 1989 Religious Courts have brought significant changes to the status and the existence of the Religious Courts in Indonesia. Besides the authority that has been given in the field of Islamic Family Law, Religion Court also authorized settlement to the case in the field of Islamic economics. Position Compilation Economic Law Court of Sharia applies to PERMA No. 2 year 2008 on the Law Compilation of Islamic Economics. Judging from the discussion KHES, one contract growing and widely used in the community one of them is an shirkah agreement. Shirkah can be done in the form of shirkah milk and shirkah Uqud. In shirkah 'Uqud differences of opinion in the Maliki and Hanafi scholars.

Based on the background of research above, there are some problems that require intensive discussion. First, What are the comparative element in the shirkah contract between Hanafi and Maliki? Secondly, How shirkah contract comparison between Hanafi and Maliki in the Economist Sharia Law Compilation (KHES)?

To answer the above formulation of the problem, the chosen method is precise and accurate method. This study is a normative law or the literature research that examines the legal materials both in legislation and books and journals. The approach used is a law approach and the conceptual approach. Studies conducted in the dominant document data mining. The analysis is done by performing a variety of interpretations as contained in the science of law.

Based on the research method used above, obtained two findings of this study. First, the comparison element shirkah contract in Hanafi and Maliki that where there are differences in harmonious, the contract terms and a wide shirkah. While there are similarities in the sense, partly in harmony and partly shirkah contract. Second, in comparison elements syirkah contract between Hanafi and Maliki in the Economist Sharia Law Compilation (KHES), more inclined to the Hanafi because the Hanafi in syirkah provisions are not too tight arrangement so much that allowed the Hanafi is allowed also on the Economist Sharia Law Compilation (KHES).