

## ABSTRACT

Marlina, Tuti, 2014, *Arisan Sale and Purchase Practice Based on Syafi'i Fiqh Perspective (Case Study in Pandean Village, Bangil Subdistrict, Pasuruan Regency)*, Thesis, Sharia Business Law Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor: Ali Hamdan, M.A., Ph.D.

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*Key words: Sale and Purchase, Arisan (Social gathering), Syafi'i Fiqh Perspective*

In the beginning of social gathering aims to strengthen the brotherhood between the people and the savings are able to control the use of public money in Pandean village, Bangil subdistrict, Pasuruan regency. However, the increasing number of needs of the economy, the social gathering turned into a different land, which is able to provide solutions to the urgent requirement. One way people meet those needs is a way to sell the results of their social gathering. Usually participants of social gathering sell to a third party, social gathering participants offered to buyers for half or less of the social gathering. Trading activities not only bring financial benefits alone, but must also be based on harmony and requirements that have been determined to avoid a loss in one or both parties in *akad*.

The problems in this research are: 1) how is social gathering sale and purchase practice in Pandean village, Bangil subdistrict, Pasuruan regency? 2) How is the law of social gathering sale and purchase based on Syafi'i fiqh perspective in Pandean village, Bangil subdistrict, Pasuruan regency? This research is sociological or empirical research, because researcher observed firsthand how social gathering sale and purchase practices in Pandean village, Bangil subdistrict, Pasuruan regency. The data taken in this research is directly from the scene of all investigated cases relating to sale and purchase of social gathering. Data collection techniques in this research are observation, interviews and documentation to answer the problems that exist in this research.

The results of this research indicate that the legal of social gathering sale and purchase based on *Syafi'i* fiqh perspective is not valid. Because the purchase does not qualify, the goods cannot be handed over in the course of the transaction. Furthermore, in these transactions contain elements of usury because the buyers get greater profits. Allah clearly and expressly forbids any additional types are taken from the sale and reject the notion that buying and selling is *riba* that seems to help those who need help as an act of approaching or *taqarrub* to God, which refers to the Qs. Ar-Rum: 39.