

ABSTRACT

Putri Ajeng Hidayah, *Arrangement and Execution of License by Right of Intellectual Properties (Perspective Fiqh Madzhab Syafi'i)*, Thesis, Department of Sharia Business Law, Sharia Faculty, The State Islamic University of Maulana Malik Ibrahim Malang. Advisor: Dr.H. Abbas Arfan Lc, M. H.

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Intellectual properties as a talking object in national regulation, regional even international expect from associated World Trade Organization (WTO). WTO as one of international corporation which peculiarly arrange the problem of commerce of inter-states. To extend and quicken commerce process, hence done many way of immeasurable one of them that is with existence of license. License is a permit to utilize for multiplying creativity of person. Whereby license is one of ways corporation development that used by person or corporation as way in regulation they can employing Intellectual properties that adhere in the owner self direct a commodity or service. In Islam there is no rule that explicit arrange license, so as researcher to analyze in perspective of Islamic law.

In this thesis, there are a formulation of the problem: 1. How arrangement and execution license of Intellectual Properties according to the law? 2. How Islamic law opinion (fiqh Madzhab Syafi'i) to arrangement and execution license of Intellectual Properties according to the Law?

This research included category of normative research. This research also called library research. The type of approach is using statute approach and conceptual approach. method analysis that used in this research is Content Analysis.

The results of this research indicate that arrangement of license according to the law that less complete and adequate, because license include exploiting and agreement, so that require other alternative in its application, that is regulation in civil code, Regulation of Government and other regulation which can be made as reference. Concerning proportional license meaning almost with I'arah that is both of the same in the form of exploiting permit, but application of the permit that is exploiting of essence goods accompanied with return of price, and in the case of that way can be referred as *Ijarah* and *syirkah*. License use The murakkabah contract among *Ijarah* and *Syirkah*. so that expected there is regulation including contract in license.