

## ABSTRACT

Syaiful Bahri, NIM. 10220087, 2014. **The Traditional Knowledge Against Legal Protection as an Asset Society Perspective *Maslahah Mursalah***. Thesis, Business Law Shariah Department, Faculty of Shariah, The Islamic State University (UIN) Maulana Malik Ibrahim Malang. Lecturer: Dr. M. Nur Yasin, M.Ag.

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Indonesian society in the life there is a so-called social wealth of traditional knowledge. The traditional knowledge is defined as the result of intellectual work in the field of knowledge and technology that contains elements of traditional heritage characteristics generated, developed, and maintained by local communities or indigenous peoples. In Islamic law associated with the term Traditional Knowledge protection of the wealth of a community / society requires the Specific and thorough discussion. In this study, researchers tried to do the dialectic of traditional knowledge with the Islamic concept of property and its protection. There are two main points at issue in the protection of knowledge traditionally in the perspective of Islamic law, the concept of property, property ownership restrictions and the protection of property ownership.

Therefore this research, there is a formulation of the problem, namely: 1) How do the characteristics of traditional knowledge so called as community assets. 2) How is the protection of Islamic law on traditional knowledge. This research belongs to normative legal research. Research approaches in regulatory approach and the conceptual approach, using methods of data analysis are some of the materials used as a guide in the analysis of process data thesis material.

The study results are the traditional knowledge is referred to as an asset to the community because some of the characteristics contained in it. ie: taught and practiced from generation to generation, is holistic, and have potential economic value.

Furthermore, the protection of traditional knowledge together with the protection of property in Islam, because traditional knowledge is an intangible object (immaterial) and apparently had a lot of benefits contained therein, in civil law called intangible rights. While understanding is a precious treasure and have value in the eyes of man, both tangible (material) and intangible (immaterial). This is in line with the views of scholars *jumhur* (besides Hanafiyyah) which could be concluded that traditional knowledge is also part of the property.