

ABSTRACT

Makruf, Solihan, Nim 10220078, **The Execution of Fiduciary Guarantee in Bank Syariah Mandiri Kota Malang from the Perspective of National Sharia Board of MUI No. 68 of 2008.** Thesis, Department of Islamic Business Law, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.

Advisor: Dra. Jundiani, S.H., M.Hum

Keywords : Islamic bank, Fiduciary guarantee, Execution.

In the modern era bankings are not only collecting funds from the society and distributing them as loans. It is important for us to observe whether the activities are halal or not from Islamic perspective. Therefore, it is important to build dependable islamic bankings with high Islamic law awareness.

The study has three research questions. They are: 1) How is the practice of fiduciary guarantee in Bank Syariah Mandiri Kota Malang? 2) What is the perspective of National Sharia Board of MUI on fiduciary guarantee in Bank Syariah Mandiri Kota Malang? 3) How is the execution of fiduciary guarantee as the consequence of debtor's failure in paying their debt in Bank Syariah Mandiri Malang?

The study employs sociological or empirical law method. It is an approach to analyze an effectively established legislation or law. It analyzes qualitatively the implementation of fiduciary guarantee in Bank Syariah Mandiri Kota Malang. The data consists of primary data from interviews and secondary data from the library study. The writer uses descriptive analytical data analysis.

The result of the research shows that the implementation of granting and executing fiduciary guarantee toward fiduciary guarantee object is not in accordance with existing laws – from the perspective of positive law that is Law on Fiduciary Guarantee and also from the perspective of islamic law based on Fatwa from National Sharia Board. As a result, islamic banks often make mistakes in their execution procedures.

From the analysis, it can be concluded that the procedure of fiduciary guarantee and its execution in Bank Syariah Mandiri Kota Malang are not in accordance with the existing laws. It should implement the procedure based on sharia principles and in accordance with the Fatwa of National Sharia Board of MUI, an institution which covers sharia bankings, and the Law concerning Fiduciary Guarantee to ensure the practice will do no harm to any parties.