

ABSTRACT

M. Herbiansyah Muttaqin, 10220014, 2014. **Practice of Sale and Purchase of land using Taon System In Kedungbetik village, Kesamben District, Jombang (Perspective of Sharia Economic Law Compilation)**, Thesis, Department of Sharia Business Law, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang. Supervisor: H. Khoirul Anam, Lc, M.H.

Key words: Practice, sale and purchase, land.

Basically people need the others to fulfill their need. One way to fulfill the needs of human life is sale and purchase. Sale and purchase is an activity of exchange of goods with goods or goods with money, by way of release of property from one party to the other party over the willingness of both parties. Later in the sale and purchase must noticed the terms and get on "rukun". In practice, researchers find the sale and purchase of land activity using the "Taon" system. Sale and purchase is done by the villagers of kedungbetik, the Kesamben District, Jombang that that someone sells the land to another person with a certain time limit without an accompanying displacement of land titles from the seller to the buyer.

From these problems, the writer wants to find out how the sale and purchase of land practice using the "Taon" system that occurred in Kedungbetik village, the Kesamben District, Jombang and how to review KHES (Compilation of Sharia Economic Law) on the implementation of the Sale and purchase of land using "Taon" system. This research is an empirical study using a qualitative approach. Data collection techniques in this study are the observation, interviews, and documentation. Then there are five phases in analyzing the data: Editing, Classifying, Verifying, Analyzing, and Concluding.

The results of this research that when the contract of sale takes place attended by the seller and the buyer, then the conduct agreements only done with oral and partly just asking the help of the local villagers as witnesses to the execution of the sale and purchase of the land. Sale and purchase of land using the system "taon" at least every two years, but in practice, the buyer must wait for one year, which was purchased new land could be used after a waiting period of one year. Later in the sale of rights to land can not be moved from the seller to the buyer. In terms of transfer of property rights to land, sale and purchase activities were contrary to Compilation of Islamic Economics Law article 91, because there are no elements to transfer ownership from the seller to the buyer. Then the sale and purchase of land by Kedungbetik communities void as contrary to the provisions of sale contained in the Compilation of Islamic Economic Law.