

ABSTRACT

Chelsy Ayunanda, 10220101, **The Buying and Selling of Animal Trap which has been not Caught The Perspektive Shafi'i School of Fiqh. Case Study of Benjor Village, Tumpang Subdistrict Malang District.** Thesis "Department of Syariah Business Law, Sharia Faculty, The State Islamic University (UIN) Maulana Malik Ibrahim Malang.

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The buying and selling of animal trap which has been paired in the jungle is one of the activity which is being delighted by villagers especially society in the mount area. This case is caused by an economic factor and the location where they live surrounded by the jungle. Beside becoming farmer, hunter or catch the animal is becoming a daily activity. The society often do buying and selling of animal trap which has been repaired in a strategic area in the jungle, but the society often ignores the right buying and selling pillar in Islam.

In this research, there are some problems, they are: 1) How has the implementation of buying and selling of animal trap been paired in the jungle at Benjor Village, Tumpang District, Malang District? 2) How has the consideration of fiqh Syafi'iyah about the implementation of buying and selling of animal trap been paired in the jungle of Benjor Village, Tumpang District, Malang District? This research is a kind of empirical research. It is called field research as a main data source called as a field research. It is called empirical research used to analyze the law which always interact and as societies' attitude in their life pattern which always interact and has relationship in their aspect. The approach usage is qualitative research. Nondoctrinal or socio legal is used in this approach. Analysis data which is used is qualitative analysis data.

The result of this research shows that according to the perspektive of fiqh Syafi'iyah, the habit of buying and selling animal trap which has been paired in the jungle at Benjor Village, Tumpang District, Malang District, can be seen in pillar and buying and selling requirement which done by the society at Benjor is classified into fulfill buying and selling pillar, it is al maqdud'alaih. But based on the fiqh Syafi'iyah it can be said legal because it is classified into gharar buying and selling. It means that the things which bought and sold are unclear. It is a kind of invisibility and uncertainty thing which can be given.