

ABSTRACT

Ita Dwi Lestari, Student ID Number 10220091, 2014, *the Fines Practice Forthe Pawned Parties of Field by Recipient Perspectives of 'Urf inBumiharjo Batanghari East Lampung*.Thesis, Sharia Business Law Department, Sharia Faculty, the State Islamic University of Maulana Malik Ibrahim of Malang, Supervisor: Dr.H.Mujaid Kumkelo, M.H.

Key Words: The fine, Pawning, 'Urf

During the time, in the Bumiharjo Village is happen the rice fields pawn transactions that have become customary and always done by the community. That is with the imposition of fines for the pawned by the recipient if the recipient pawned of field to pay off the debt before its maturity, or not the permissibility of parties to settle their debts pawned field until the designated time. This research is evaluated from the perspective of *urf* or custom that has been done among the village community whether is justified or not in accordance with the provisions of the '*urf*' in Islamic law.

In this research is focus of the problem are a fine practice to pawned rice fields in Bumiharjo Batanghari East Lampung and how is the review of '*urf*' for pawned fields fine spractice in Bumiharjo Batanghari East Lampung.

The aim of this research is to know how the pawn practices fields that had been conducted by Bumiharjo Batanghari East Lampung community. And alsoreview of '*urf*' to this practice. This research is included in empirical legal research. A qualitative approach is that by understanding the phenomenon of what is an experienced researcher. Data analysis method used is the qualitative approach.

The results of this study indicate that in fines practice to pawned rice fields by the recipient pawn can not be justified in Islamic law. Because in these practice contained requirements that must be fulfilled by the parties when the pawned contract is happen. Where as these requirements included into requirements falsehood, so with these requirements can invali date the contract, but the pawn transaction being conducted by the Bumiharjo community. However if the customary be reviewed with the theory of '*urf*' then the customviolated the terms of the theory of '*urf*' is justified in Islamic law because in addition to the existence of elements that violate Islamic law and the damaged in '*urf*' so that can not be absorbed byIslamic law.