

**Penyelesaian sengketa wanprestasi pada pelaksanaan akad mudharabah menurut hukum Islam : analisis putusan pengadilan agama nomor 63/Pdt/G/ 2011/Pta.Yk = The implementation of mudharabah agreement and the settlement of dispute in wanprestasi case analyzed using Islamic perspective : the analyses of putusan pengadilan agama nomor 63/Pdt/G/2011/Pta.Yk**

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#### Abstrak

Salah satu konsep ekonomi Syari'ah yang berkembang di indonesia adalah akad mudharabah, yakni akad kerjasama usaha antara pihak pemilik dana (shahibul maal) dengan pihak pengelola dana (mudharib) dimana keuntungan dibagi sesuai nisbah yang disepakati, sedang kerugian ditanggung pemilik dana (modal).Konsep Ekonomi syariah mulai berkembang di Indonesia sejak Indonesia mengalami krisis Ekonomi pada akhir tahun 1990-an. Perkembangan ini diikuti dengan timbulnya ide-ide pembaharuan dalam berbagai ekonomi. Konsep yang ditawarkan dalam konsep ekonomi Syariah antara lain adalah konsep bagi hasil dalam bentuk Mudharabah.Hal yang menjadi Pokok permasalahan penelitian ini adalah:1) bagaimana pelaksanaan akad mudharabah antara pihak X dan pihak BMT Y?; 2) bagaimana pandangan hukum Islam terhadap putusan hakim mengenai perkara wanprestasi dalam putusan No. 0463/Pdt.G/2011/PA.Btl?Penelitian ini mengangkat kompensasi kesesuaian Putusan Pengadilan Agama Nomor 0463/Pdt. G/2011/PA. Btl. dan Putusan Nomor 63/Pdt. G/2011/PTA. Yk. dengan peraturan terkait yaitu antara KUH Perdata dengan Hukum Islam. Penelitian dilakukan secara deskriptif dengan menggunakan teknik analisis data melalui pendekatan kualitatif. Dalam penelitian ini, penulis menganalisa praktik akad Mudharabah antara X dan BMT Y. Penulis menyimpulkan bahwa Putusan Pengadilan Agama Nomor 0463/PDT. G/2011/PA. Btl dan Putusan Pengadilan Tinggi Agama Nomor 63/Pdt. G/2011/PTA. Yk. sudah tepat.

.....One of the concept of sharia economic which begins to develop in Indonesia is Mudharabah agreement. It is a kind of business which has high risk (risky business), an agreement between investor (shahibul maal) and management (mudharib) which has profit sharing concept, reconciled with nisbah agreed, but profit loss will be the investor responsible. In nowadays era, the concept of sharia economics has developed since Indonesia underwent economic crisis at the end of the 1990 the development was then followed by the emergence of innovative ideas in various economic activities. One of concepts offered by sharia economic principles is profit loss sharing concept from Mudharabah Payment. What becomes the main concern of this research is the implementation of mudharabah agreement in relation to wanprestasi case happening between X and BMT Y. Other than that, this research also discusses the interrelation among Putusan Pengadilan Agama No.0463/Pdt.G/2011/PA.Btl, No.63/Pdt. G/2011/PTA.Yk., and other related laws such as KUH Perdata and Islamic Law. This research is carrying out by descriptive through analysis technique using qualitative approach. In this research, the researcher analyses mudharabah practice between X and BMT Y. The researcher concludes that Putusan Pengadilan Agama No.63/Pdt. G/2011/PTA.Yk. issued on appeal level in solving wanprestasi case already conform with the regulation or precisely implemented