

Tinjauan yuridis penerapan pembiayaan usaha mikro dengan akad murabahah oleh Baitul Maal Wat Tamwil ditinjau dari perspektif hukum perikatan Islam studi kasus BMT Wasilah Kota Bogor = Islamic contract law review on the application of microfinancing used aqd al murabaha by Baitul Maal Wat Tamwil case study BMT Wasilah Bogor city

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Abstrak

ABSTRAK

Penelitian skripsi ini bertujuan untuk melihat secara jelas mengenai pelaksanaan kegiatan pembiayaan usaha mikro dengan menggunakan akad murabahah yang dilakukan oleh BMT Wasilah dan meneliti sejauh mana kesesuaian akad murabahah yang digunakan dengan ketentuan-ketentuan dalam hukum perikatan Islam. Selain itu, skripsi ini juga menguraikan mengenai kendala-kendala yang dihadapi oleh BMT Wasilah dalam pelaksanaan pembiayaan murabahah tersebut berikut solusi-solusinya. Penelitian ini menggunakan metode penelitian yuridis empiris dengan tipologi penelitian evaluatif-preskriptif dan menggunakan pendekatan kualitatif. Hasil penelitian menunjukkan bahwa pembiayaan murabahah untuk usaha mikro merupakan kegiatan usaha yang paling banyak diselenggarakan oleh BMT Wasilah. Dalam pelaksanaannya, akad murabahah yang digunakan ternyata masih belum sesuai dengan ketentuan dalam hukum perikatan Islam. Khususnya berkenaan dengan implementasi akad wakalah yang tidak dapat dilaksanakan oleh nasabah sebelum akad murabahah dibuat dan disepakati. Akibatnya, akad menjadi fasid (rusak) karena syarat mengenai obyek akad tidak terpenuhi. Disamping itu, dalam dokumen akad murabahah masih ditemukan banyak kekurangan yang perlu dibenahi agar akad menjadi sempurna. Sementara itu, kendala-kendala yang dihadapi BMT Wasilah dalam penerapan pembiayaan murabahah ini masih berkisar pada masalah-masalah internal seperti ketiadaan komitmen anggota dan pengelola dalam menegakkan prinsip syariah dalam aktivitas pembiayaan yang dilakukan, kekurangan Sumber Daya Insani yang menguasai pelaksanaan akad-akad yang digunakan, dan ketiadaan Dewan pengawas Syariah yang secara aktif melakukan pengawasan terhadap aspek syariah dalam pelaksanaan akad pembiayaan. Solusi atas kendala dalam penerapan akad murabahah itu adalah dengan melaksanakan pembenahan terhadap hal-hal tersebut.

ABSTRACT

This thesis research aims to see clearly on the implementation of microfinancing activity by using the murabaha contract carried out by BMT Wasilah and examine the extent to which conformity of murabaha contract used in it with the provisions of Islamic contract law. In addition this thesis also describes the problems faced by BMT Wasilah in the implementation of it and its solutions. The research is an empirical juridical research with evaluative prescriptive typology research and using a qualitative approach. The results showed that the murabaha financing for micro-enterprises is the most business activity organized by BMT Wasilah. However, the implementation of murabahah contract (aqd) in it was still not perfect and yet in accordance with the legal provisions of Islamic contract law. In particular with regard to application of wakalah that can not be implemented by the customer before the murabaha contract was made and agreed.

As a result, the contract becomes imperfect (damaged) due to the terms of the objects in this contract are not met. Besides the murabaha contract documents still found many shortcomings that need to be addressed in order that the contract be perfect. Meanwhile constraint faced by BMT Wasilah in case of murabaha financing for micro-enterprises are still revolves around internal problems such as the lack of commitment of the members and managers in upholding the principles of sharia in microfinancing activities, shortage of human resources who control the implementation of the contract agreements used, and the absence of sharia supervisory board who actively oversee the sharia's aspects of the implementation of them. Solution of them is to make improvements to the issues mentioned above.

Islamic contract law In addition this thesis also describes the problems faced by BMT Wasilah in the implementation of it and its solutions The research is an empirical juridical research with evaluative prescriptive typology research and using a qualitative approach The results showed that the murabaha financing for micro enterprises is the most business activity organized by BMT Wasilah However the implementation of murabahah contract aqd in it was still not perfect and yet in accordance with the legal provisions of Islamic contract law In particular with regard to application of wakalah that can not be implemented by the customer before the murabaha contract was made and agreed As a result the contract becomes imperfect damaged due to the terms of the objects in this contract are not met Besides the murabaha contract documents still found many shortcomings that need to be addressed in order that the contract be perfect Meanwhile constraint faced by BMT Wasilah in case of murabaha financing for micro enterprises are still revolves around internal problems such as the lack of commitment of the members and managers in upholding the principles of sharia in microfinancing activities shortage of human resources who control the implementation of the contract agreements used and the absence of sharia supervisory board who actively oversee the sharia's aspects of the implementation of them Solution of them is to make improvements to the issues mentioned above