

ABSTRAK

Kajian ini mengupas isu *talfiq* dan pengaplikasiannya di dalam bidang muamalat dengan menjadikan produk–produk berasaskan *bay' al-murābahah li al-āmir bi al-syirā'* di Bank Islam Malaysia Berhad (BIMB). Kajian ini mendapati pengamalan *talfiq* yang sering dipandang negatif , sebenarnya mempunyai versi yang pelbagai dan hukum yang berbeza menurut corak pengamalan terhadap perbuatan tersebut . Kajian juga mendapati kebanyakan ulama cenderung untuk membuka ruang untuk beramal dengan *talfiq* dalam bidang muamalat, kerana tabiat bidang itu sendiri yang lebih mengutamakan maslahat umum dan keperluan manusia selagimana ianya tidak melanggar batas–batas syarak yang disepakati oleh ulama Islam. Manakala kajian kes untuk produk–produk berasaskan *bay' murābahah* di BIMB pula, penulis mendapati wujudnya unsur–unsur *talfiq* yang tidak dibenarkan oleh para ulama di dalam perjalanan produk tersebut. Cadangan–cadangan juga ada diberikan kepada pihak BIMB melalui kajian ini untuk mengatasi masaalah itu.

ABSTRACT

The present research is meant to address the issue of “*Talfiq*” (Patching the views of *madhhabs*) in the Islamic Business Transactions (muamalat) field, by looking into the Bank Islam Malaysia Berhad (BIMB) products of “*bai’ al-murābahah li al-āmir bi al-syirā*”. The study showed that although *talfiq* is often perceived negatively by many quarters, it is in fact divided into various types and the legitimacy of each type is different from each other. The study also showed that most of the Muslim scholars are in favour of legitimizing the act of *talfiq* in the *mu’āmalāt* field as long as it does not contradict with certain conditions that had been agreed by the scholars. This is due to the nature of the field itself which prioritizes people’s interest and their needs. The study also found that in relation to the implementation of *Bai’ Murābahah* transactions in BIMB, a form of the prohibited type of *talfiq* did occur in the banking system. Hence, a proposal had been suggested in this dissertation for BIMB to overcome such problems.