

ABSTRAK

Kajian ini mengkaji dari segi aspek perjanjian jual beli rumah berdasarkan perspektif undang-undang muamalah Islam. Rasional kajian ini dijalankan ialah untuk melihat perspektif Islam terhadap perjanjian ini. Dalam ulasan senario semasa, dinyatakan permasalahan terhadap kajian iaitu tiada pandangan yang komprehensif dari perspektif Islam tentang hukum prosedur skim *bay' bithaman âjil* (BBA) yang dijalankan oleh institusi-institusi kewangan. Walhal perkara tersebut sudah diperkenalkan hampir 20 tahun di negara ini. Bagi menjelaskan kefahaman, perbincangan fiqh tentang akad jual beli dan pelaksanaannya dalam bentuk perjanjian jual beli rumah terutamanya akad BBA perlu dijelaskan dan dikaji secara serius untuk melihat sejauh mana ianya menepati hukum muamalat. Andaian kajian ialah pelaksanaan skim BBA tidak menepati hukum muamalat dan dilaksanakan tanpa melihat kepada keperluan *ijtihad* yang sebenar-benarnya.

ABSTRACT

This research intends to examine the contract of house purchase from the view of the Islamic Law of Transaction. The rational of this research is to view this contract according to the Islamic perspective. The statement of the problem in the current review acknowledges that there are inertia of comprehensive legal view from the Islamic perspective on the procedure of the *bay' bithaman ājil* (BBA) under the business scheme operated by the financial institutions, even though this scheme has been offered since 20 years ago in this country. In order to understand the problem clearly, legal principles of the sale of contract and the application to the contract of house purchase especially BBA contract need to be studied seriously and rigorously to see how far the practice concurs with the principles of the Islamic Law of Transaction. The research hypothesis states that the implementation of the BBA scheme has not been accurately in line with the principles of the Islamic Law of Transaction. This is probably the result of not using rigorous juridical exercise known as *ijtihād* in producing the scheme of which this study attempts to demonstrate.