

## ABSTRAK

Dalam menjalankan roda perekonomian modern, bank mempunyai peran sentral dalam mengelola dana masyarakat. Baik bank konvensional maupun bank syariah, mempunyai dua fungsi intermediasi yaitu menghimpun dana dari masyarakat dalam bentuk simpanan dan menyalurkan dana tersebut kepada masyarakat dalam bentuk kredit atau bentuk lainnya. Pemberian kredit atau pembiayaan kepada masyarakat diberikan dengan beberapa ketentuan yang tercantum pada perjanjian kredit. Sama halnya dengan bank konvensional, perjanjian kredit atau pembiayaan yang disusun disesuaikan dengan jenis kredit atau pembiayaan yang diberikan. Pada umumnya perjanjian atau akad ini dibentuk secara baku sehingga memudahkan bank dalam memberikan pelayanan kepada masyarakat. Dari beberapa jenis pembiayaan yang diberikan bank syariah, tesis ini menganalisa klausula akad *Ijarah* pada salah satu bank syariah di Indonesia.

**Kata Kunci : Analisa, Klausula, Ijarah.**

# ABSTRACT

Islamic banks have grown recently in the Muslim world. Islamic banking (or participant banking) is banking or banking activity that is consistent with the principles of Islamic law (*Sharia*) and its practical application through the development of Islamic economics. A number of economic concepts and techniques were applied in early Islamic banking. Islamic Banking is growing at a rate of 10-15% per year and with signs of consistent future growth. Islamic banking has the same purpose as conventional banking : to make money for the banking institute by lending out capital. Because Islam forbids simply lending out money at interest (see riba), Islamic rules on transactions (known as *Fiqh al-Muamalat*) have been created to avoid this problem. The basic technique to avoid the prohibition is the sharing of profit and loss, via terms such as profit sharing (*Mudharabah*), safekeeping (*Wadiah*), joint venture (*Musharakah*), cost plus (*Murabahah*), and leasing (*Ijarah*). *Ijarah* means lease, rent or wage. Generally, the *Ijarah* concept refers to selling the benefit of use or service for a fixed price or wage. Under this concept, the Bank makes available to the customer the use of service of assets / equipments such as plant, office automation, motor vehicle for a fixed period and price. Parties enter into contracts that come into effect serially, to form a complete lease/ buyback transaction. The first contract is an *Ijarah* that outlines the terms for leasing or renting over a fixed period, and the second contract is a *Bai* that triggers a sale or purchase once the term of the *Ijarah* is complete.

Keywords : Islamic Banking, *Ijarah*.