

## ABSTRAK

**Tegar Mohamad Harun:** Pelaksanaan Penjualan Rumah Melalui Sistem *Booking Fee* di Perumahan Bayti Residence Limbangan-Garut.

Bisnis properti menjadi salah satu bisnis yang memiliki prospek baik kedepannya, apabila dalam proses mekanismenya dijalankan dengan sesuai norma hukum, dan prinsip keadilan, serta gaya pemasaran yang baik. Perumahan Bayti Residence telah menjadi subjek yang sudah melangkah dalam menjalankan bisnis properti tersebut dengan menerapkan prinsip syariah sekaligus menyebarkan nilai-nilai Islami melalui kegiatan bisnisnya. Layaknya pemberlakuan sistem *booking fee* atau uang panjar pada tahapan pembelian rumah di Perumahan Bayti Residence.

*Booking fee* sedikit memiliki kesamaan fungsi dengan down payment, namun *booking fee* sendiri termasuk kedalam down payment, dan memiliki makna yang lebih jelas spesifikasinya, yaitu uang yang dibayarkan sebagai tanda jadi, serta menghentikan proses pemasaran oleh penjual. Maka demikian itu perlu adanya proses analisis melalui prespektif hukum ekonomi syariah.

Dalam hukum ekonomi syariah *booking fee* dikenal dengan *bai' al-urbūn*. *Bai' al-urbūn* memiliki dua perbedaan pendapat hukum dikalangan para Imam Mazhab, yakni kalangan Imam Hanafiyah, Malikiyah, serta Syafi'iyah yang tidak membolehkan, namun menurut Imam Ahmad bin Hambal perkara ini diperbolehkan dengan ketentuan syarat yang tidak bertentangan dengan syariat, serta tidak menghilangkan prinsip keadilan didalamnya. Begitupun DSN-MUI dengan fatwanya no 04 dan no 13 menerangkan kebolehan melakukan transaksi *bai' al-urbūn*.

Penelitian ini dilakukan dengan metode pendekatan yuridis empiris. Subyek penelitian ini adalah Direktur Perumahan Bayti Residence, dengan informan bagian marketing serta masyarakat di sekitar Perumahan. Teknik pengumpulan data dalam penelitian ini melalui studi dokumentasi secara observasi, wawancara, dan studi pustaka. Tahap analisis data di dalamnya, melalui proses pengkajian data, pengkalsifikasian data, serta penyesuaian dengan kerangka pemikiran dengan melihat tinjauan teoritis.

Setelah penelitian dilakukan penyusun tidak menemukan unsur-unsur yang bertentangan dengan prinsip hukum ekonomi syariah pada praktik *booking fee* di Perumahan Bayti Residence, layaknya unsur gharar dan juga maysir. Namun pada hasil penelitian penyusun menemukan pemberlakuan prinsip keadilan serta tujuan dan manfaat pada pelaksanaan *booking fee* di Perumahan Bayti Residence.

**Kata Kunci:** *Booking fee*, *Bai' al-Urbūn*, Prinsip Keadilan, Perumahan Bayti Residence

## ABSTRACT

**Tegar Mohamad Harun Arrasid:** The Implementation of Selling Houses Through Fee Booking System in *Syariah's* Housing Bayti Residence, Limbangan-Garut.

The Property business was the one of businesses which has good prospects going forward, if it's mechanism process carried out in accordance with the legal norms, and the justice principles, as well as a good marketing style. Bayti Residence Housing has been subject of stepping in to run the property business by applying sharia principles while spreading Islamic values through its business activities. Such as the implementation of a booking fee system in the stage of purchasing a house in their own project.

Booking fee has a slightly similar function with down payment, but the booking fee itself is included in the down payment, and has a clearer meaning in its specifications ie, the money paid as a sign, and stop the marketing process by the seller. So it needed for analyzing process through the perspective of sharia economic law.

In sharia economic law, booking fees are known as *bai 'al-urbūn*. And it has two legal differences of opinion among the scholars, such as Hanafiyah sectes, Malikiyah, and Syafi'iyah whom forbide (*Bai 'al-urbūn*), but according to Imam Ahmad bin Hambal this case is permissible with provisions that, do not conflicted with the Shari'a, and do not eliminate the justice principles in it. Likewise DSN-MUI with its norm Number 04 and Number 13 explains, Allowed for conducting transactions of *bai 'al-urbūn*.

This research was conducted to used a normative juridical approach. The subject of this study was The Director of Housing Bayti Residence, with his marketing informants and the public around Housing. Accordance on Data collection techniques in this study is, through the documentation studies by an observation, interviews, and literature. The phases of data analysis in it, is through the data assessment processing, data clasifications, as well as adjustments to the framework of thinking by looking at the theoretical review.

After the research was conducted, the compiler didn't find any elements that were contrary to the principles of sharia economic law in booking fees practic at Bayti Residence Housing, such the elements of *gharar* and *maysir*. However, the studies results conducted by the Author was denote to the application of the justice principles and the benefit purposing on booking fees implementation in Bayti Residence Housing.

Keywords : Booking Fee, *Bai 'al-'Urbūn*, Justice Principles , The Housing of Bayti Residence