

ABSTRAK

Penerapan praktik *Down Payment* yang diterapkan pada salon Mila *Make Up* dalam kegiatan usaha jasanya, yaitu dengan cara membayar *Down Payment* diawal sebesar 30% dari harga sewa jasa sebagai tanda keseriusan atau pengikat antara calon pengguna jasa dan pihak Mila *Make Up*. Ketika calon pengguna jasa telah menyetujui pembayaran *Down Payment* secara otomatis sudah menyetujui menggunakan jasa dari Mila *Make Up*. Demikian terjadiya sebuah akad sewa menyewa jasa antara kedua belah pihak atau dalam istilah Bahasa Arab disebut dengan *Ijarah*. Namun apabila pihak calon pengguna jasa dalam waktu tunggu membatalkan akad. Maka *Down Payment* yang telah terbayarkan tidak dapat diminta kembali dan menjadi hak milik pihak Mila *Make Up* sesuai dengan kesepakatan diawal. Penelitian ini bertujuan untuk mengetahui: 1) Bagaimana penerapan praktik down payment (DP) dalam transaksi sewa jasa di salon Mila *Make Up Artist* Jombang. 2) Bagaimana analisis akad *Ijarah* dan Pasal 1464 KUHPerdata terhadap penerapan praktik *down payment* (DP) atas transaksi jasa make up pada salon Mila *Make Up Artist* Jombang

Penelitian ini merupakan jenis penelitian lapangan (*field research*), lokasi penelitian bertempat di salon Mila *Make Up Artist* Jombang, bersifat deskriptif analisis, metode yang digunakan adalah observasi, wawancara dan dokumentasi, dan sumber data yang digunakan yaitu data primer dan data sekunder. Pendekatan penelitian yang digunakan dalam skripsi ini menggunakan pendekatan kualitatif dengan subyek utama yaitu penerapan praktik *down payment* pada transaksi sewa jasa dengan menggunakan alat analisis akad *Ijarah* dan Pasal 1464 KUHPerdata.

Hasil penelitian yaitu mengenai praktik *down payment* para ulama ada yang membolehkan ada juga yang melarang sistem *down payment*/panjar. Ulama yang melarang sistem *down payment* yaitu Imam Syafi’I, Imam Maliki, dan Imam Hanafi karena dinilai memakan harta orang lain dengan cara *bathil*. Adapun yang membolehkan yaitu Ibn Umar, Imam Ahmad, Sa’id bin Musayyib, dan Muhammad bin Sirin. Wahbah Az-Zuhaili berpendapat hukumnya mubah atau boleh karena ‘urf atau tradisi yang berkembang di masyarakat. Sedangkan, dalam tinjauan hukum positif mengenai sistem *down payment* dalam transaksi sewa jasa Mila *Make Up* sudah sesuai dengan KUH Perdata pasal 1464 yang menyatakan: “Jika pembelian dilakukan dengan memberi uang panjar, maka salah satu pihak tak dapat membatalkan pembelian itu dengan menyuruh memiliki atau mengembalikan uang panjarnya.”

Kata Kunci: Hukum Islam, Hukum Positif, *Down Payment* dan *Ijarah*.

ABSTRACT

The practice of Down Payment applied to the Mila Make Up salon in its service business activities is by paying a Down Payment at the beginning of 30% of the service rental price as a sign of seriousness or binding between prospective service users and Mila Make Up. When a prospective service user has agreed to the Down Payment payment, he automatically agrees to use the services of Mila Make Up. This is how a contract for renting services between the two parties occurs or in Arabic terms it is called Ijarah. However, if the prospective service user cancels the contract during the waiting period. So the Down Payment that has been paid cannot be requested back and becomes the property of Mila Make Up in accordance with the initial agreement. This research aims to find out: 1) How down payment (DP) practices are implemented in service rental transactions at the Mila Make Up Artist Jombang salon. 2) What is the analysis of the Ijarah contract and Article 1464 of the Civil Code regarding the application of down payment (DP) practices for make up service transactions at the Mila Make Up Artist Jombang salon.

This research is a type of field research, the research location is at the Mila Make Up Artist Jombang salon, it is descriptive analysis, the methods used are observation, interviews and documentation, and the data sources used are primary data and secondary data. The research approach used in this thesis uses a qualitative approach with the main subject being the application of down payment practices in service rental transactions using the Ijarah contract analysis tool and Article 1464 of the Civil Code.

The results of the research are regarding the down payment practices of the ulama, some of them allow, some of them prohibit the down payment/panjar system. The scholars who prohibited the down payment system were Imam Syafi'i, Imam Maliki, and Imam Hanafi because they were considered to be consuming other people's property in a false way. Those who allowed it were Ibn Umar, Imam Ahmad, Sa'id bin Musayyib, and Muhammad bin Sirin. Wahbah Az-Zuhaili believes that the law is permissible or permissible because of 'urf or traditions that have developed in society. Meanwhile, in a positive legal review regarding the down payment system in Mila Make Up service rental transactions, it is in accordance with the Civil Code article 1464 which states: "If the purchase is made by giving a down payment, then either party cannot cancel the purchase by ordering it to have or return it. the down payment."

Keywords: Islamic Law, Positive Law, Down Payment and Ijarah.