

ABSTRAK

Skripsi dengan judul “Praktek Sewa Sungai dengan Sistem Lelang Menurut Perspektif Fiqh Muamalah (Studi Kasus di Dusun Rowoglagah Desa Sidomulyo Kecamatan Deket Kabupaten Lamongan)” ini dilatar belakangi oleh adanya kebijakan pemerintahan desa untuk menyewakan sungai dengan sistem lelang kepada masyarakat, penelitian ini bertujuan untuk mengetahui praktek dari sewa menyewa sungai dengan sistem lelang di Dusun Rowoglagah yang ditinjau dari perspektif fiqh muamalah.

Metode penelitian yang digunakan adalah penelitian kualitatif, penelitian ini menggunakan jenis penelitian lapangan (*field research*) yang bersifat deskriptif analisis, yang menggunakan pendekatan yuridis sosiologis. Sumber data yang digunakan dalam penelitian ini adalah data primer dan data sekunder yang diperoleh dari wawancara dan dokumentasi.

Berdasarkan hasil dari penelitian praktek sewa sungai dengan sistem lelang di Dusun Rowoglagah adalah terdapat ketidaksesuaian dengan teori *ijārah* mengenai penentuan harga sewa, dalam *ijārah* penentuan harga sewa harus pasti sedangkan pada prakteknya di Dusun Rowoglagah penetapan harga berdasarkan harga tertinggi, yaitu menggunakan sistem lelang. Selanjutnya mengenai syarat yang terdapat dalam rukun *ijārah* mengenai *ma'qud 'alaīh*. Bahwasanya *ma'qud 'alaīh* harus dimiliki secara sempurna, melainkan bukan barang milik umum.

Kata kunci: sewa, sungai, lelang, fiqh muamalah

ABSTRACT

This thesis entitled “The Practice of River Leasing with the Auction System According to Fiqh Muamalah Perspective (A Case Study in Rowoglagah, Sidomulyo Village, Deket Sub-district, Lamongan Regency)” is conducted for the existence of the local policy of the village government in leasing the local river with the auction system to villagers, this study attempts to identify the practices which is seen from Fiqh Muamalah (Islamic Commercial Jurisprudence) perspective.

The research method which is used in this study is qualitative research method, this study is a field research study, it is descriptive and analytic, and it used sociological juridical approach. The sources of the data in this study are primary and secondary data which are collected from interviews and documentations.

According to the findings of this study, it is suggested that there is incompatibility between the practice of river leasing in Rowoglagah village with the theory of *ijārah* (the practice of renting, hiring, or leasing) in terms of determining the leasing cost, in *ijārah*, the determination of the leasing cost should be fixed. However, in its practices in Rowoglagah village, the establishment of the leasing cost is determined by the higher cost i.e. by using auction system. Furthermore, in terms of requirements which are included in the principles of *ijārah* about the *ma’qud ‘alāih* (the things/stuffs being leased), it is stated that *ma’qud ‘alāih* should be absolutely owned by the lessor, and it should not be things/stuffs which belonged to the public.

Keywords: Leasing, River, Auction, Fiqh Muamalah.