## TABLE OF CONTENT

ABSTF	RAK	iv
ABSTE	RACT	v
OFFIC	E NOTE	vi
LETTE	ER OF LEGITIMATION	vii
CERTI	FICATION	viii
DECL	ARATION	ix
MOTT	OES	x
DEDIC	CATION	xi
ACKN	IOWLEDGMENT	xii
TABLI	E OF CONTENT	xiv
TRAN	SLITERACY GUIDELINES	xvi
	OF TABLE	
	TER I	
INTRO	ODUCTION	1
	Background of Study	
B.	Scope of Research	14
	Problem Formulation	
	Research Purpose	
	Benefits of Research	
F.	Systematics of Writing	17
CHAP	PTER II	19
LITER	ATURE REVIEW AND THEORETICAL FRAMEWORK	19
Α.	Literature Review	19
В.	Theoretical Framework	29
1.	Cessie Theory	29
a)	Definition and Legal Foundations of Cessie	29

b)	Subject and Object in Cessie	34	
c)	Cessie Procedure	36	
d)	Cessie in Islamic Banking		
e)	Other Forms of Debt Transfer	48	
2.	Judicial Decisions in Sharia Economic Disputes	52	
a)	Decision-Making Mechanism	54	
b)	Type of Decision	57	
c)	The Authority of the Decision	59	
3.	Maqāṣid Sharī'ah Theory		
a)	Understanding of Maqāṣid Sharī'ah	60	
b)	Maqāṣid Sharī'ah in Sharia Economic Dispute Resolutions	68	
CHA	PTER III	88	
RESE	ARCH METHODS	88	
A.	Type of Research and Research Approach	88	
B.	Types and Sources of Data	89	
C.	Data Collection Techniques	91	
D.	Data Analysis Techniques		
	PTER IV		
RESU	LTS AND ANALYSIS	96	
Α.	Case and Decision Description	96	
1. N	Case Description in the Dispute of the Supreme Court Decision  Jumber 881 K/Ag/2020	96	
2.	Description of the Dispute Decision	97	
B. K/A	Analysis of the Supreme Court Judge's Decision Number 881	. 106	
CHAI	PTER V	. 137	
CON	CLUSIONCLUSION	. 137	
Α.	Research Results		
В.	Recommendation		
RIRI I	OGRAPHY	140	

#### TRANSLITERACY GUIDELINES

Latin Arabic Tranliterarion guidelines which are the result of a joint decision (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia Number: 158 of 1987 and Number: 0543b/U/1987.

### 1. Consonants

List of Arabic letters and their transliteration into letters Latin can be seen on the following page:

Arabic Font	Name	Latin Letters	Name
ĺ	Alif	Not Denoted	Not Denoted
ب	Ba	В	Be
ت	Та	T	Te
ث	Ša	Š	Es (with dot above)
7	Jim	J	Je
	Ḥа	Ĥ	Ha (with dot below)
خ	Kha	Kh	Ka and Ha
٤	Dal	D	De
ذ	Żal	Ż	Zet (with dot above)
UNIVERS	ITAS RaARUS	SALARI GON	(TOR Er
ز	Zai	Z	Zet
س	Sin	S	Es

ش	Syin	Sh	Es and Eɪtʃ
ص	Şad	Ş	Es (with dot below)
ض	Дad	Ď	De (with dot below)
Ь	Ţа	Ţ	Te (with dot below)
ظ	Żа	Ż	Zet (with dot below)
٤	'Ain	-	Inverted Apostrophe (above)
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qof	Q	Qi
5	Kaf	K	Ka
J	Lam	L	El
٢	Mim	M	Em
ن ت	Nun	N	En
و	Wau	W	We
٥	На	Н	На
2	Hamzah	-'	Apostrophe
ي	-Ya	Y	Ye

Hamzah (ɛ) which is located at the beginning of the word follows the vowel without marked with anything. If it is located in the middle or at the end, then written with a sign (').

### 2. Vocals

Arabic vowels, like Indonesian vowels, consist of single vowels or monophthongs and double vowels or diphthongs.

A single Arabic vowel whose symbol is a sign or *harakat*, the transliteration is as follows:

Arabic Font	Name	Latin Letter	Name
ĺ	Fatḥah	A	A
Ī	Kasrah	I	I
3		U	U

Arabic double vowels whose symbols are a combination of vowels and letters, the transliteration is in the form of a combination of letters, as follows:

Arabic Font	Name	Latin Letter	Name
<u>-ي</u>	Fatḥah and Ya	Ai	A and I
<del>ۦ</del> ؘۅ۠	Fatḥah and Wau	Au	A and U

Example:

Kaifa: گَیْفَ

ظَوْلَ :Haula

### 3. Maddah

*Maddah* or a long vowel whose symbol is *harakat* and letters, transliteration in the form of letters and signs, as follows:

Harakat and	Name	Letter and Sign	Name
Letter	HAS DARUS	SALAM GON	VIOR
آيَ	Fatḥah and alif or	ā	A and the line in
	ya		on

ي	Kasrah and ya	i	I and the line in
			on
ۇ	Dammah and wau	ū	U and the line in
			on

Example:

Māta : مَاتَ

: Ramā رَحَى

Qila : قِيْلَ

Yamūtu :يَمْوْتُ

## 4. Ta Marbūţah

Translation for *ta marbūṭah* there are two, as follows: *ta marbūṭah* which live or gain dignity of *fatḥah*, *kasrah*, *ḍammah*, transliteration is [t]. Whereas *ta marbūṭah* who died or received the *harakat* of *sukun* (°) the translation is [h].

If it's a word that ends with *ta marbūṭah* followed by words that use articles *al*- as well as reading the two word separate, then *ta marbūṭah* is translated as ha [h]. Example:

Raudah al-atfal : رَوْضَةُ الأَطْفَالِ

Al-madinah al-fāḍilah : ٱلْمَدِيْنَةُ ٱلْفَضِلَةُ

: Al-hikmah

## 5. Syaddah (Tasydid)

Syaddah or tasydid which in the Arabic writing system is denoted with a sign tasydid (), in this transliteration is denoted with repetition of letters (double consonants marked as syaddah). Example:

رَبَّنَا : Rabbanā

انَجَّيْنَا: Najjainā

Al-ḥaqq : ٱلْحُقُّ

Al-ḥajj: آلحُبُّ

Nu"ima : نُعِّمَ

aduwwun: عَدُوُّ

If the letter (ي) tasydid at the end of the word and preceded by letter kasrah (قي), then it is transliterated like a letter maddah (i). Example:

alii (not 'aliyy or 'aly) عَلِيُّ

غَرَيُّ: 'arabii (not 'arabiyy or 'araby)

## 6. Articles (Kata Sandang)

Articles in the Arabic writing system are denoted by letter  $\mathcal{J}$  (alif lam ma'rifah). In this transliteration guide, the article transliterated as usual, al- both when it is followed by the letter syamsiah as well as qamariah letters. Articles do not follow the sound of the letters immediately following it. The article is written separately from the word which follow it and connect it with a horizontal line (-). For example:

al-syamsu (not asy-syamsu) : ٱلْشَمْسُ

al-zalzalah (not az-zalzalah) الْزَلْزَلَةُ

al-falsafah : ٱلْفَلْسَفَةُ

al-bilādu : الْبِلَادُ

#### 7. Hamzah

The rules for transliteration the letter hamzah into an apostrophe (') only

applies to *hamzah* which is located in the middle and end of the word. However, if *hamzah* is located at the beginning of the word, it is not symbolized, because in writing Arabic is in the form of alif. For example:

ta'murūna : تَأْمُرُوْنَ

al-nau' : الْنَوْءُ

syai'un : شَيْءً

umirtu : أُمِرْتُ

## 8. Writing Arabic Words Commonly used in Indonesian

Transliterated Arabic words, term or sentences are words, terms or sentences that have not been standardized in Indonesian. Say, terms or sentences that are familiar ad become part of Indonesian vocabulary, or has often been written down in writing Indonesia, no longer written according to the transliteration method above. For example, the word *Al-Qur'an* (from *Al-Qur'an*), *Sunnah*, *Khusus*, and *Umum*. However, if these words are part of a series of text Arabic, then they must be transliterated in their entirety. Example:

Fi Zilāl al-Qur'ān

Al-Sunnah qabl al-tadwin

Al-'Ibārāt bi 'umūm al-lafz lā bi khuṣūṣ al-sabab

## 9. Lafz al-Jalālah (الله)

The word "Allah" is preceded by a particle like a letter *jarr* and letters others or domiciled as *muḍāf ilaih* (nominal phrase), translated shrimp paste without *hamzah* letters. Example:

dīnullāh : دِیْنُ اللهِ

billāhi : بِاللَّهِ

As for *ta marbutah* at the end of the word referred to *lafẓ al-jalālah*, transliterated with the letter [t]. Example:

hum fi raḥmatillāhi : هُمْ فِيْ رَحْمَةِ اللهِ

## 10. Capital Letters

Although the Arabic writing system does not recognize capital letters (*All Caps*), in the transliteration these letters are subject to conditions regarding the use of capital letters based on the language spelling guidelines applicable Indonesia (EYD). Capital letters, for example are used for write the first letter of name (person, place, month, etc.) and letter first at the beginning of the sentence. When a proper name is preceded by word clothing (*al-*), then what is written with capital letter remains the initial letter the proper name, not the initial letter of the article. If located on at the beginning of sentence, then the letter A of the article is used capital letter (*Al-*). The same conditions also apply to initial letters from the reference tittle preceded by the article *al-*, either when the written in the text or in the reference notes (CK, DP, CDK, and DR). Example:

Wa mā Muḥammadun illā Rasūl

Inna awwala baitin wudi'a linnāsi lallazī bi Bakkata mubārakan

Syahru Ramaḍān al-lazī unzila fīh al-Qur'ān

Nașīr al-Din al-Țūsi

Abū Nasr al-Farābī

Al-Gazāli

Al-Munqiz min al-Ḍalāl

# LIST OF TABLE

Table 1	 
Table 2	118

