

ABSTRACT

Lahmudinur: Mistake in Sharia Contract (Review of Contract Validity in KHES and Fiqh Al-Muamalat) Supervised by I: Dr. Syaugi Mubarak Seff, MA and II: Dr. Abdul Halim Barkatullah. Graduate Program UIN Antasari Banjarmasin 2018

Mistake was a form of transaction which the unbalanced of contract agreement can be found. Contract was one of the most importance course of law which creates agreement. The agreement is essential for the contract because it was needed for both sides to achieve a contract. Agreement was a law of relation which engaging both sides in one business contract. This study reviewed about the mistakes in sharia contract related to the validity of the contract in KHES and Fiqh Al-Muamalat, how the concept of mistake and validity of the law were appeared because of mistake in the contract.

This study aimed to find out how the concept of mistake in sharia contract according to KHES and Fiqh Al-Muamalat and the law consequences of mistakes in sharia contract according to KHES and Fiqh AL-Muamalat. This study is a law research based on normative law, which was a library research. As a normative study, the data that were used was a primer law material which is compilation of sharia economic law and Fiqh Al-Muamalat which related to mistake in sharia contract. After the legal material were collected and processed normative steps which used subject of sharia contract law. After that, in getting the final conclusion, the data were analysed qualitatively based on theories related to mistake in sharia contract.

The findings of the study obtained a conclusion that the light imbalanced did not result any lawsuit or law consequences because it happens everyday's transaction. People did not object and it is considered as a customs in a transaction. While, heavy imbalanced could create the lose of sincerity element accompanied by deceptions, the contract or the agreement would be ruined. The injured party could apply for cancellation of contract. So, heavy mistake or imbalanced in a contract may be void by law.

Keyword: Mistake, Contract, Sharia