

Riba and Interest in The View Of The Four Madzhab and Contemporary Ulama

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Abstract. *The discourse on usury is a classic issue, both in the development of Islamic thought and in Islamic civilization. Riba is a complicated problem that often occurs in society. The research focus that forms the basis for this research is (1) What are the opinions of the 4 madzhab scholars regarding usury? (2) What are the opinions of contemporary scholars about bank interest?, and the purpose of this research is (1) to find out what the opinions of 4 madzhab scholars about usury are, (2) to find out what contemporary scholars think about bank interest. This research is a type of library research. The results of this study are that the opinion of the Hanafi Madzhab regarding the sale and purchase of goods that are exchanged or weighed with usury goods if they are weighed for trading and there is an addition, it can be said that usury fadh. The opinion of the Maliki school of illat usury is when usury goods are used as a price. According to the opinion of the Shafi'i Madzhab, illat usury focuses on usury goods when they become the value of the price, if the two goods are valued or become the price of something. While illat on food is anything that can be eaten and fulfills several criteria such as food or staple food, according to the Hambali Madzhab what can be said is usury is every sale and purchase of a kind that is weighed with one date. Bank interest according to the opinion of contemporary scholars, namely KH. Sahal Madfudh explained about the exploitative, inhuman and consumptive nature of bank interest. Therefore, the concept of bank interest for productive behavior for people's business according to kyai sahal is permissible. Meanwhile, bank interest for consumptive and unproductive behavior is prohibited. According to M. Quraish Shihab, bank interest is not illegal, considering that the current interest does not contain elements of persecution and oppression among human beings. According to him, it does not prohibit bank interest because there are still scholars who allow it, because the interest has been agreed upon at the beginning of the transaction and does not contain elements of oppression and persecution, but if you want to be safe, you should make transactions at Islamic banks. Yusuf Al-Qardhawi said that bank interest taken by savers at the bank is usury which is forbidden, Yusuf Qardhawi firmly stated that bank interest is the same as usury which will always be punished as haram.*

Keywords: Interest, Riba, Four Madzab Ulama, Contemporary Ulama

Abstrak. Diskursus terkait riba merupakan sebagai isu klasik, baik dalam perkembangan pemikiran Islam maupun dalam peradaban Islam. Riba merupakan permasalahan yang pelik dan sering terjadi di masyarakat. Fokus penelitian yang menjadi dasar dalam penelitian ini adalah (1) Bagaimana pendapat ulama 4 madzhab tentang riba? (2) Bagaimana pendapat ulama kontemporer tentang bunga bank?, serta tujuan penelitian ini adalah (1) untuk mengetahui bagaimana pendapat ulama 4 madzhab tentang riba, (2) untuk mengetahui bagaimana pendapat ulama kontemporer tentang bunga bank. Penelitian ini merupakan jenis riset kepustakaan (*library research*). Hasil penelitian ini adalah bahwa pendapat Madzhab Hanafi mengenai jual beli barang yang ditukar atau ditimbang dengan barang riba apabila ditimbang untuk diperjual belikan dan terjadi penambahan maka dapat dikatakan riba. Pendapat Madzhab Malikiyah mengenai *illat* riba adalah ketika barang-barang Riba dijadikan suatu harga. Menurut pendapat Madzhab Syafi'i *illat* riba terfokus pada barang-barang riba ketika menjadi nilai dari harga, apabila kedua barang tersebut dihargakan atau menjadi harga dari sesuatu. Sementara *illat* pada makanan adalah segala sesuatu yang bisa dimakan dan memenuhi beberapa kriteria seperti makanan atau makanan pokok, Menurut Madzhab Hambali yang dapat dikatakan riba adalah setiap jual beli sejenis yang ditimbang dengan satu kurma. Bunga bank menurut pendapat ulama kontemporer yaitu KH. Sahal Madfudh melarang bunga bank wataknya yang eksploitatif, tidak manusiawi, dan konsumtif, akan tetapi bunga bank untuk perilaku yang produktif untuk usaha kerakyatan menurut kyai Sahal itu diperbolehkan. Sedangkan bunga bank untuk perilaku konsumtif dan tidak produktif itu dilarang, Bunga bank menurut M. Quraish Shihab bukanlah sesuatu yang haram, mengingat bunga yang berlaku saat ini tidak mengandung unsur penganiayaan dan penindasan antar umat manusia. Menurut beliau tidaklah melarang bunga bank karena masih ada ulama yang membolehkan, karena bunga telah disepakati pada awal transaksi dan tidak mengandung unsur penindasan dan penganiayaan, tetapi kalau ingin aman sebaiknya melakukan transaksi di bank syariah. Yusuf Al-Qaradhawi mengatakan bunga bank yang diambil oleh penabung di bank adalah riba yang diharamkan, Yusuf Qardhawi dengan tegas menyatakan bahwa bunga bank sama dengan riba yang sampai kapan pun akan dihukumi haram.

Kata Kunci : Bunga, Riba, Ulama Empat Madzab, Ulama Kontemporer

INTRODUCTION

Islam as a religion of rahmatan lil-ālamīn, a complete, comprehensive and universal religion, the rules in it touch and comprehensively all aspects of human life. Islam does not only talk about the relationship between the creator and His creatures (Worship), but also talks about economics (mu'amalah), politics (Siyasah), history (Taarikh), and so on. Islam has two sources of law whose truth is absolute, namely the Qur'an and hadith which are believed to be able to answer all problems in every era that is always evolving. Since ancient times people's attention to the issue of interest is very large, scholars such as Aristotle (350 years BC), Thomas Aquinas (1250) forbade the collection of interest. Aristotle forbade the drawing of interest on the grounds that capital (money) does not make money. The Scholastics in western Europe (13th-16th centuries) argued that charging interest on loans used to purchase manufactured goods was justified. Meanwhile, scholars generally consider interest as something additional. The church's ban on collecting flowers could last for centuries. According to economic historians, business activities with the interest system have existed since 2500 BC, both ancient Greece, ancient Rome, and ancient Egypt. In conventional bank activities, there are two kinds

of interest, namely: first, interest interest, is the interest given by the bank as a stimulus or remuneration for customers who keep their money in the bank, such as demand deposit services, savings interest, or deposit interest. Interest is a dependent on a loan of money, which is usually expressed as a percentage of the money lent. For the bank, deposit interest is the purchase price. The second is usury interest, namely the interest in taking interest on money loans in excess, so that it tends to lead to exploitation or extortion. If we refer to the opinions of previous scholars, ranging from jurists, commentators, hadith experts, it can be seen that their interpretation of usury which was popular in the Jahiliyah era did not have a more severe threat than Allah's threat regarding it. However, in the current context, usury is often associated with banking transactions, even though historical evidence states that modern banking functions have been practiced by Muslims, even since the time of the Prophet Muhammad. The research objective to be achieved by the researchers in this study is to find out how the opinion of the 4 madhhab scholars about usury. And to find out what contemporary scholars think about bank interest.

The author will examine the literature that has relevance to these problems, including: Research conducted by (Sudanto, 2019) regarding "The Prohibition of Riba and Interest in the Sharia Contract Law System".

The results of the study explain that the principle of *ibahah* is the main basis that is the source of sharia contract law while the other principles are supporting and complementary.

Research conducted by Agus Saron (2020), regarding "Exploration of the Law of Riba from various views and the application of legal science in its application".

The results of this study explain that in general, usury is something that is haram so it must be prohibited. Abdul Salam, in *Interest Bank in Islamic Perspective*. In this study, Abdul Salam focuses more on the study of bank interest, but the perspective in his study is *Nahdlatul Ulama 'and Muhammadiyah*. In this study, it is more focused on tracing the results and decisions of the *Nahdlatul Ulama' (NU)* and *Muhammadiyah* congresses on bank interest. Rukman Abdul Rahman Said, in *the Qur'anic Concept of Riba*. This journal, according to the author, refers more directly to the primary source (in this case the Qur'an) as the object of study to examine and examine the concept of usury itself.

RESEARCH METHODS

This research is a type of library research. What is called library research or often also called library research, is a series of activities related to the methods of collecting library data, reading and taking notes and processing research materials. The approach and type of research used in this research is a qualitative research approach. Qualitative research approach/method is essentially a method of meaning or interpretation of a phenomenon or symptom, both on the perpetrator and the product of his actions.

RESULTS AND DISCUSSION

a. Opinion of 4 Madzhab Scholars About Riba

The basis of the prohibition of usury is to avoid injustice and injustice in all economic practices. Meanwhile, the existence of usury is essentially an addition to the needy debtor, which should be helped, not exploited and forcing business results to always be positive.

1. Madzhab Hanafi

According to the Hanafi Madhhab Illat riba fadhl is the sale and purchase of goods that are exchanged or weighed with similar goods, gold, silver, wheat, poetry, dates, salt and dry wine. In these items, the addition of the same kind of exchange is prohibited. According to the Hanafi Madhhab, if these items are weighed and traded and there is also an addition from one of them, then it can be said to be usury fadhl. In other words, the Hanafi School focuses on goods such as gold, silver, wheat, poetry, dates, salt and dry wine, if there is an addition, that is where usury fadhl occurs. The Hanafi school of thought and one of the narrations of Imam Ahmad bin Hambal stipulate that what is the illat of the prohibition of usury fadhl is the excess of goods or prices from similar objects that are traded through al-wazn and al-kail measuring instruments.

2. Madzhab Malikiyah

The Maliki school is of the opinion that what is the Illat of usury is on gold and silver is the price, while regarding the Illat of usury in food, they have different opinions in relation to usury nasi'ah and usury fadhl. 'Illat the prohibition of usury nasi'ah in food is just food (food other than for treating), either because the food contains a reinforcing element (staple food) and is strong for long storage or there are no both elements. 'Illat prohibition of usury fadl on food is that food is seen as staple food and strong stored for a long time. The Malikiyah Madhhab stipulates this in usury because it is so that there is no intentional deception among humans. Food that is a staple food is food that fulfills human life, such as wheat, rice, corn and others.

3. Madzhab Syafi'i

The illat usury on gold and silver is the price, that is, the two goods are valued or become the price of something. While illat in food is anything that can be eaten and meets the following three criteria:

- a. Something that can be designated as food or staple food
- b. Foods that are delicious or intended to make food delicious, as specified in the texts are dates, diqiyas on them, such as figs and dry wine.
- c. Food intended to nourish the body and improve food, namely medicine. Shafi'iyah scholars, among others, reasoned that food meant to give up the body, including medicine to nourish the body.

Thus, usury can occur in the sale and purchase of food that meets the above criteria. In the opinion of the Shafi'i school of law, usury applies to gold, silver and food.

4. Madzhab Hambali

Hanabilah scholars forbid in every sale and purchase of the same type which is weighed with one date. The second narration is the same as the 'illat put forward by the Shafi'iyah scholars. The third history, apart from gold and silver, is that each food is weighed, while the food that is not weighed is not categorized as usury even though there is an addition. The same goes for things that humans don't eat. The basic reason for establishing usury in Islam is to avoid injustice and injustice in all economic practices.

b. Bank Interest According to Contemporary Scholars

Contemporary scholars differ on the law in setting bank interest.

1. Bank Interest according to KH Sahal Mahfudh

Bank interest based on Sahal's thinking has three laws, namely halal, haram and subhat (not clear halal and haram) different from the definition of bank interest in general which states bank interest is haram, KH Sahal Madfudh has several methods or legal istinbath used in determining the law of interest bank, namely the Manhaji madhhab in a way that is not dependent on illat. According to KH Sahal Mahfudh, bank interest is an exploitative, inhuman and consumptive character. Therefore, the concept of bank interest for productive behavior for people's business according to kyai sahal is permissible. Meanwhile, bank interest for consumptive and unproductive behavior is prohibited, because there is no attempt to set a profit. And according to the kyai, the practice of borrowing for business financing is permissible. because productive business is used not consumptive things. But in contrast to the current bank is more productive by financing productive businesses. So the description above has explained the method used by Kyai Sahal which has three products in it.

2. Bank Interest according to M. Quraish Shihab

According to M. Quraish Shihab, bank interest is not something that is haram, considering that the current interest rate does not contain elements of persecution and oppression among human beings. According to him, it does not prohibit bank interest because there are still scholars who allow it, because the interest has been agreed upon at the beginning of the transaction and does not contain elements of oppression and persecution, but if you want to be safe, you should make transactions at Islamic banks. According to Quraish Shihab, those who judge bank interest as haram, then he should not have deposited his money in a conventional bank from the start, but if he thinks that the bank and the interest is subhah or thinks that he is allowed to because of an urgent need, then he should take the interest to be used for the public benefit. It seems that M. Quraish Shihab's opinion is somewhat inclined to the last opinion, namely the permissibility of taking interest with the aim of benefiting, here M. Quraish Shihab in the legal istimbath used in answering questions is *almashlahat al-musrsalah*.

3. Bank Interest according to Yusuf Qardhawi

According to Yusuf Qardhawi's interpretation, the discussion of usury is basically a problem that has been discussed since a quarter of a century ago. Islam has forbidden usury and strictly forbids this activity. Yusuf al-Qardhawi in defining bank interest or what is known as Riba as follows "Interest is an addition, whether it is excess in the form of goods or money", Yusuf al-Qardhawi's view of bank interest shows a distinctive character considering the thick nuances of fiqh as a result of the influence of scientific knowledge. the fiqh. However, what is interesting is that his views are on the basic principles of fiqh, so that ordinary people can follow what is happening in every development of Islamic law.

CONCLUSION

According to the Hanafi Madhhab, usury is focused on usury goods and if there is an addition it can be said that usury is *fadhli*. The *illat* that makes usury *nasi'ah* haram is the excess of the price of the goods whose payment has been delayed. One of the followers of the Hanafi School is Al-Syaibani, explaining that to avoid usury in a transaction is to find a lawful job. Meanwhile, according to Abu Yusuf's opinion, to avoid usury is to create prosperity and not extort people. The opinion of the Maliki Madhhab regarding the *illat* of usury focuses on goods that cause usury when it is valued and there is an addition, 'Illat is the prohibition of usury

nasi'ah in food is just food (food other than to treat), either because the food has a reinforcing element (staple food) and is strong in storage for a long time or there is no both of these elements. The follower of the Maliki Madhhab is Ibn Rushd, in the book *Bidayatul Mujtahid* explains that providing loans with increased returns if you delay payment is included in usury. In the opinion of the Shafi'i Madhhab, what usury applies is that it applies to goods that are not according to size, value and also do not match the weight of the scales. While illat in food is anything that can be eaten and meets several criteria such as food or staple food and food to be healthy. Riba can occur in the sale and purchase of food that meets these criteria. One of the followers of the Shafi'i Madhhab is Yahya Bin Syarof An Nawawi, the prohibition of usury nasi'ah, which is haram in one type and two types, if the two goods exchanged are all of usury goods. According to the Hambali school of thought, what can be said of usury is that every sale and purchase of the same type is weighed against one date. While the second illat is the same as the illat put forward by the Shafi'iyah scholars, and the third illat is gold and silver as well as on every food that is weighed, while on food that is not weighed it is not categorized as usury. One of the followers of the Hambali School is Ibn Qudamah, in the book *al-Mughni* explains that usury in terms is an increase in (exchange) of special assets, namely assets that are measured by scales and measurements, whether the addition occurs among the assets being measured or weighed or due to a postponement of payment. on the exchange of similar property.

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This research focuses on studying usury and bank interest based on the opinions of 4 schools of thought and also contemporary scholars, therefore this research is limited to only

studying usury and bank interest, suggestions for further research can examine the concept of buying and selling and buying and selling law based on the opinions of 4 schools of thought and contemporary scholarly thought. The researcher also evaluates the results of research that show that in order to avoid the practice of usury in the current era, especially with the banking payment system, so that it can be more useful, always use bank storage as a cost for the production of a business and also other useful things. In order to avoid usury if you have dependents in terms of payment, do not delay payments because in the study of scholars it is also forbidden to delay payments for Muslims

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