

Research Article

# Implementation of the Paddy Field Pawn System in Karangdoro Village, Tegalsari District from the Perspective of Fiqh Muamalah

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## ABSTRACT

The purpose of this study is to find out the pawn system sold in Karangdoro Village, Tegalsari District, Banyuwangi Regency and the perspective of muamalah fiqh on the practice of the paddy field pawn system in the village. The formulation of the problem is how to implement the pawn system in Karangdoro village and whether the pawn system is in accordance with the perspective of fiqh muamalah. The research method used is qualitative in the form of a case study. The data was obtained through interviews with one of the people of Karangdoro Village as a pawn perpetrator (rahin and murtahin) and the Secretary of Karangdoro Village as well as documentation of the practice of pawning rice fields. The validity test of the data uses credibility, transferability, dependability, and confirmability. Data analysis techniques use data reduction, data display, and conclusion drawn. The results of the research revealed that the pawn system in Karangdoro Village was due to economic pressure, rahin and murtahin agreed with the terms written in the agreement. The pawn system in Karangdoro Village is in accordance with the perspective of muamalah fiqh because it has fulfilled the harmony and conditions of pawn, namely the existence of rahin and murtahin that are mukalaf and not prevented from tasaruf, marhun or goods pawned in the form of rice fields, marhun bih or debt in the form of money that must be returned rahin to murtahin, and clear shighot.

**Keywords:** Fiqh Muamalah; Akad; Pawn; Fiqh Muamalah Perspective

## 1. INTRODUCTION

According to an interview with the Secretary of Karangdoro Village, Karangdoro Village, Tegalsari District, Banyuwangi Regency, is a village where some of the residents are farmers, there are about 120 hectares of rice fields that are currently actively managed by farmers in Karangdoro Village. Around 76 farmers out of 538 farmers in Karangdoro Village practice pawning rice fields to get the money they need. They use their rice fields to pawn on the grounds that there are economic constraints such as when they need business capital and need to finance school children.

Based on the results of the research that has been carried out by the author, the practice of pawning rice fields applied in Karangdoro Village has an interesting problem to be studied. The practice they do, the pawnbroker (*murtahin*) makes full use of the paddy fields pawned by the pawnbroker (*rahin*) until the deadline that has been agreed in the initial agreement. However, when the pawnbroker (*rahin*) has not been able to pay the loan, then the pawnbroker (*murtahin*) continues to use the rice fields until the pawnbroker (*rahin*) can pay in full. In this practice, of course, there are parties who are disadvantaged because the rice fields are used as debt bonds, the pawnbroker gets double the profit from the debt agreement.

In other words, in addition to getting the money back from the party who mortgaged the rice fields, the pawnbroker also gets the results of rice field processing as long as the pawnbroker fails to pay his debt. This can cause *riba* and injustice so that it can cause damage to the pawn contract in accordance with *fiqh muamalah*. The pawnbrokers may not understand Islamic law regarding pawnbrokers or may have known and understood Islamic law but are reluctant to carry it out. These factors can lead to overuse of paddy paddy pawns.

*Fiqh muamalah* is a field that studies how to transact goods or services profitably in a way that is in accordance with sharia, one of which is rahn. Definition of Sharia Pawn (*ar-Rahn*) Etymologically, the word *ar-Rahn* means permanent, eternal, and guaranteed. Contract *ar-Rahn* In positive legal terms, it is called collateral, collateral and relief. In Islam *ar-*

*Rahn* It is a means of mutual help (ta'awun) for Muslims without any reward for services. Meanwhile, in terminology, *ar-Rahn* is to hold one of the borrower's properties as collateral for the loan he receives, and the goods have economic value. Thus, the withholding party obtains a guarantee to be able to recover all or part of its receivables. (Manahaar, 2019)

Islam teaches its people to coexist and help each other, the rich are obliged to help the poor, the able are obliged to help the underprivileged. The form of help can be in the form of giving or borrowing. In the form of loans, Islam protects the interests of the lender, so that he is not harmed. Therefore, he may request a guarantee of tangible goods from the borrower as collateral for his debt, if the borrower is unable to pay off his debt until the specified time, then the goods used as collateral may be sold by the lender on the condition of obtaining permission from the owner of the goods. If the proceeds of the sale of goods agreed upon by the rahin, if it exceeds the amount of the rahin's debt, then the surplus is returned to the rahin. This concept is included in the study of Fiqh Muamalah as Rahn or Pawn. (Ainulyaqin, Saiban, & ...,2023)

Islamic law allows borrowing, borrowing, and pawning as one of the categories of debt and receivables agreements. The main concept of pawn is borrowing and borrowing between one party who lacks funds to those who have excess funds by pledging goods that strengthen trust in the party who lends funds. (Eddy, 1983). The provisions of pawn are in sharia and have been regulated in the Quran, Hadith and Ijma' of the scholars. Among the evidences of the Qur'an, it is permissible to pawn is the statement of Allah swt in the Qur'an, Surah Al-Baqarah/2:283

If you are a traveler and you are a traveler, then you are a believer in God's Word. The Messenger of Allah (peace and blessings of Allaah be upon him) said: "O Allah, the Messenger of Allaah (peace and blessings of Allaah be upon him) said :

وَأَنْ كُنْتُمْ عَلَىٰ سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهْنَ مَقْبُوضَةً فَإِنْ آمَنَ بَعْضُكُمْ عَضًا فَلْيُؤَدِّ الَّذِي أُؤْتِنَ أَمَانَتَهُ ۖ وَلْيَتَّقِ اللَّهَ رَبَّهُ ۗ وَلَا تَكْتُمُوا الشَّهَادَةَ ۗ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتَمَّ قَلْبُهُ ۗ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ

**Meaning:** "If you are on your way you do not obtain a researcher, then there should be collateral held. But if some of you believe in others, then let the trustee fulfill his mandate and let him be devoted to Allah his Lord. And do not hide your testimony. For whoever hides it is indeed filthy in heart and Allah knows what you are doing." (Ministry of Religious Affairs of the Republic of Indonesia, 2008)

Based on the verse quote, it can be seen that Allah commands the pawnbroker that when the agreement is not able to provide someone who can record the agreement, to strengthen the loan, therefore, the debtor must hand over the pawn to the debtor. This is done so that he can maintain his peace of mind, so that he does not worry about the money handed over. The results of research from Videa Dinda et al. (2023) show that the system of pawning rice paddies in Durian Village in general is that pawnbrokers (rahin) go to the pawnbroker (murtahin) to borrow a certain amount of money to meet their needs with the rice fields used as collateral. With the time for repayment of the loan (debt) is not determined until rahin is able to pay the debt. The repayment deadline is usually determined in the form of an annual and without a certain time limit. The right to control or use the rice fields is in the hands of murtahin until the debt is paid off. Based on this background description, the author is interested in conducting research on the implementation of the paddy pawn system in Karangdoro Village, from the perspective of fiqh muamalah. The goal is to find out whether the application of the paddy field pawn system in Karangdoro Village is in accordance with the concept of fiqh muamalah.

## 2. RESEARCH METHOD

In this study, qualitative research is carried out using a qualitative method or approach in the form of a case study. Primary data was obtained directly from the people of Karangdoro Village. Meanwhile, secondary data is in the form of books, literature, documents, and readings related to research. Data collection techniques are carried out through interviews, documentation and observation (Sugiyono, 2013). The analysis tool used is data reduction. Data reduction is a form of analysis that sharpens, classifies, directs, discards unnecessary data and organizes the data in such a way that the final conclusion can be drawn and verified (Triana, Vitriana, & Suriyanti, 2020).

The validity test of the data in this study uses 4 validity tests, including:

1. *Credibility* is data checked through the completeness of observation data and interviews as well as documentation obtained from various sources
2. *Transferability* , namely the researcher makes a research report by providing a detailed and clear description so that others can understand this research

3. *Dependability*, i.e. the researcher will test the data with an informant as the source, because there should not be data but it cannot be traced how to get it from the person who disclosed it
4. *Confirmability*, namely the researcher in this case examines the results of research related to the research process carried out.

The data analysis technique uses 3 analysis techniques, including:

1. Data reduction, namely collecting data and then selecting which one is in accordance with the theme to make it clearer for researchers
2. Data display, namely data presentation is carried out to make it easier to understand what is happening and then determine the next work plan based on what has been understood previously
3. Drawing conclusions, namely the researcher concludes the answer to the initial problem formulation until the answer is obtained from the problem formulation

The researcher took the research location in Karangdoro Village, Tegalsari District, Banyuwangi Regency with the consideration that it is possible to carry out so that the research process can run as planned and the location provides opportunities.

### 3. RESULTS AND DISCUSSION

#### 3.1 The Implementation of the Paddy Pawn System is Carried Out in Karangdoro Village, Tegalsari District, Banyuwangi Regency

The research on the implementation of the paddy field pawn system carried out in Karangdoro Village, Tegalsari District, Banyuwangi Regency, was carried out due to the economic pressure of the Karangdoro Village Community in the form of working capital and financing for school children. They pawned this rice field because indeed one of the treasures that can be pawned is only rice fields. But on the other hand, many people who are still unfamiliar do not know the concept of pawn contracts that are in accordance with the concept of sharia. They pawn with the principle of helping and helping, with the pawnbroker (*murtahin*) lending some of his money to meet the needs of the pawnbroker (*rahin*) and *rahin* giving his rice fields to the pawnbroker (*murtahin*) as collateral for him to return the money to him.

According to Mr. Sugeng, as the Secretary of Karangdoro Village, " *The community pawns this rice field with the aim of helping you, without looking at how sharia, the village does not play a role because it is usually directly an individual affair, the language is door to door, not reporting to the village.*" The process of pawning in Karangdoro Village is by the arrival of the pawnbroker (*rahin*) to the house of the pawnbroker (*murtahin*) by offering his rice fields to be used as collateral for his debt. According to him, the people in Karangdoro Village carried out this rice field pawn contract purely as an element of help, without any basis in sharia law.

According to Mr. Bagus as a pawn (*Rahin*) said "yes, usually go straight to the house, just talk about making a letter like that, my rice field is half a hectare and the money is 100,000,000, it really takes my son's work and I don't have the planned business capital." Based on Mr. Bagus as a pawnbroker, there is a written agreement on the stamp duty which is a written statement of the agreement between the two parties. In the written agreement, it is stated that the amount of money borrowed is 100,000,000 and the area of rice fields that are used as collateral is half a hectare and the agreed period of 2 years. After both parties sign on the stamp, the pawnbroker (*rahin*) hands over the certificate of ownership of the rice fields he owns to the pawnbroker (*murtahin*).

Mr. Bagus as *rahin* added, "yo for 2 years it was all the time to be held by the *ws mbak*, the base was worked on *kono*, *ngko until I paid for it I wanted*". Based on the explanation from Mr. Bagus as the pawnbroker, it can be concluded that during the period of pawning the paddy fields, *murtahin* is allowed or allowed by *rahin* to use the pawned paddy fields until the pawnbroker can pay his debt to the pawnbroker at the mutually agreed period.

#### 3.2 The Suitability of the Rice Field Pawn Practice that Occurred in Karangdoro Village, Tegalsari District, Banyuwangi Regency With The Perspective Of Fiqh Muamalah

*Fiqh muamalah* is one of the divisions of the field of discussion of fiqh other than those related to worship, meaning that the field of discussion of fiqh law of muamalah is an interpersonal relationship between fellow humans, not a vertical relationship between humans and their gods (mahdloh worship). (Hani, 2021) In fiqh muamalah, pawn (*rahn*) is an allowable contract when the pillars and conditions in *Rahn* have been fulfilled and the handover has been considered valid in the view

of the Shari'a'. As revealed by Mr. Hanif as Ustadz Madrasah Diniyah Al-Amiriyyah when interviewed on October 21, 2024, he said, "*Rahn in Syara' is to make commercial goods as debt collateral, where when the debtor is hampered in paying off the debt that has matured, the commercial goods can be used as a repayment. When the pillars and conditions in Rahn have been fulfilled and the handover has been considered valid in the view of Sharia', then the Rahn Contract becomes valid. That's in short*".

Then he added information about the use of marhun against murtahin, "the use of marhun has always been an exciting conversation, many say that it is not permissible to use marhun by murtahin, but yesterday I cob looked around again related to this matter who said it was allowed, and it turned out that there was a mbak, therefore here I answer, mbak, it is actually okay to use marhun by murtahin on the condition that When the aqad takes place there are no requirements for the use of the marhun for murtahin and of course with permission from the rahin for the use of marhun for murtahin. Now when you meet these conditions, it's okay to use it", that's an additional explanation about the use of marhun by Mr. Hanif.

#### 4. CONCLUSION

Based on the concepts that has been explained by the author, it is concluded that:

1. The application of the paddy field pawn system in Karangdoro Village, Tegalsari District, Banyuwangi Regency is that the pawn system is carried out to help each other, be pleased with each other and trust each other. The conditions for pawning the rice fields that are carried out are the existence of a pawnbroker and a pawnbroker, there is land that is used as collateral for the goods that are pawned. Do not forget that both parties agree on how much price should be given to the pawnbroker and communicate with each other about what conditions are carried out so that they are balanced. The length of time people pawn their rice fields is around 2 years. During the period of pawning of the paddy fields, the murtahin is allowed or allowed by rahin to use the pawned paddy fields until the pawnbroker can pay its debt to the pawnbroker within a mutually agreed period. And this has become a hereditary custom that occurs in Karangdoro Village.
2. The suitability of the conditions for pawning paddy fields carried out in the view of fiqh muamalah is seen in terms of aqid (people who have contracts) have fulfilled, judging from shigat there is also clarity, and the side of marhun bih (debt) is clear how much is needed and in terms of marhun (pawn) it is clear that the paddy field is a dependent property between the pawnbroker and the pawnbroker, the process of disbursing the pawn is in accordance with sharia principles, Because from both parties there is no unclear or detrimental element between one of the parties, namely the pawnbroker or the pawnbroker. Regarding the use of goods in Murtahin, this is considered to have met the 2 conditions above, namely, Mr. Bagus as Rahin has given permission to Murtahin to manage marhun in the form of rice fields and at the time of the contract even when the contract occurs, Mrs. Poniem as Murtahin does not require the permissibility of managing pawn goods in the form of rice fields. From this, it can be concluded that the pawn system in the community is in accordance with the perspective of fiqh muamalah. However, it is better for the village to bridge the community to be able to better understand the pawn system in accordance with sharia, it can be done through socialization by religious leaders in Karangdoro Village. The hope is that the people of Karangdoro Village can apply sharia concepts when the pawn contract takes place.

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