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THE SYSTEM OF BUYING AND SELLING ARISAN MONEY IN ANTHROPOLOGY REVIEW OF ISLAMIC LAW (Case Study In Toteker Hamlet, West Banuaju Village, Batang-Batang, Sumenep)

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Abstract

Buying and selling arisan money in Toteker Hamlet, West Banuaju Village, Batang-Batang, Sumenep Regency is a practice that has been passed down from generation to generation, those who carry out the practice of buying and selling arisan money are not only farmers, and traders, but also a religious teacher. Each of them does it with different levels of background and needs, so it is important to reveal the reasons for each of them to practice buying and selling, the motives of the religious teachers involved, and the position of these practices in Islamic law. This study aims to analyze the system of buying and selling arisan money in an anthropological study of Islamic law, uncovering the identities of the parties involved, the underlying factors, and the reasons for the practice of buying and selling, then to find out its status in Islamic law. This research method uses field qualitative methods with data collection procedures through observation, interview, and documentation. The results of the study show that in the perspective of Islamic law anthropology, the practice of buying and selling arisan money is carried out by farmers, traders, and religious teachers. Buying and selling are done in a state of compulsion (forced) and require additional (purchase nominal) for similar goods which are included in usury, as well as the existence of hilah carried out by some religious teachers for personal gain.

Keywords: *Anthropology, Buying and Selling Arisan.*

A. introductionn

Islam is believed to be perfect by its adherents as a religion that not only regulates ritual matters but also regulates all aspects of life¹ such as the economy which is currently called business or buying and selling (*bai'*) in all its forms. Islam allows buying and selling and forbids everything that is classified as usury, as the word of Allah in QS: al-Baqarah verse 275. *"even though Allah has justified*

*buying and selling and forbidding usury."*² Basically buying and selling is included in the field of mu'amalah which is permissible as long as there are no provisions prohibiting it, in fiqh rules it is explained, *"the law of mu'amalah is permissible until there is evidence that forbids it"*.³

¹ M. Usman, *The Historical Contextualization of Islamic Law: The Relevance of Umar bin al-Khattab's Ijtihad to Munawir Sjadzali*, (Sukoharjo: CV. Diomedia, 2021), p. 1

² Ministry of Religion of the Republic of Indonesia, *Al-Quran and Its Translation*, (Kartasuro: Madina Qur'an Publisher, t.th), p. 47

³ A. Djazuli, *Fiqh Rules*, (Jakarta: Prenadamedia Group, 2007), p. 10. See also: Sa'duddin Muhammad al-Kibyi, *al-Mu'amalah al-Maliyyah*, (Beirut: t.p, 2002), p. 75.

From this concept it is understood that buying and selling activities are divided into two, first is what is permissible (*mubah*) and second is what is forbidden (*mamnu'*): to differentiate depending on the practice whether referring to Islamic law or vice versa. The provisions for buying and selling activities as regulated in Islam are based on willingness, benefit, justice, mutual help, and avoiding the practice of interest (usury), as well as tyranny, exploitation, or manipulation. Described in a hadith of the Prophet SAW., *"in fact the Prophet SAW., once asked by a friend about the best work (profession), he replied, is the work (business) of a person from the results of his own labor and every good trade (justified). (HR. al-Bazzar dan al-Hakim)."*⁴

This stipulation is a benchmark for buying and selling activities whether it is permissible or vice versa—because it does not rule out the possibility that there are still many buying and selling practices in society that still deviate from the provisions of Islamic law either due to ignorance ('awam), tradition (customs), or circumventing the law for the sake of fulfill the interests of lust—one of which is in Toteker Hamlet, West Banuaju Village, Batang-Batang Sumenep—found the practice of buying and selling arisan money among members. The arisan in question is an activity of collecting money or goods of the same value by several people then drawing lots among them to determine who gets it, the draw is held in a meeting periodically until all members get it.⁵ Deposit money Rp. 50,000 (fifty thousand rupiah) x 230 members = 11,500, 000 (eleven million five hundred thousand rupiah) once a week.⁶ The order of each member is uncertain depending on the luck of each, it could be that the first serial number gets the last and so on.

Due to uncertainty from one week to the next, whose lottery⁷ number will come out, there is a momentum where parties who do not have an urgent need for their lottery numbers come out first. while those who really need it don't get it: then, it is allocated to parties (members) who need it more with a buying and selling system [transaction]: with the condition that the money amounting to Rp. 11,500,000 (eleven million five hundred thousand rupiah) minus Rp. 500.00 (five hundred thousand rupiah) as the purchase price—which is then the remaining Rp. 11,000,000 (eleven million rupiah), and that is the nominal amount received by the buyer. As for the drawing order for the buyer, it automatically passes into the hands of the seller, with the condition that once the lottery is drawn out, the money belongs to the seller in its entirety [without any deduction].⁸

The amount of sales depends on the agreement of both parties and the standard is Rp. 500.00 (five hundred thousand rupiah),⁹ even under certain conditions whatever the price will be taken by the buyer because of the factor of need. This kind of practice may occur in other places, but specifically in Dusun Toteker, who are in their 30s, members of the arisan consist of religious teachers who incidentally are community leaders. Until now Islamic law has not questioned the practice of buying and selling, instead the involvement of religious teachers is increasingly problematic. negative perceptions arise whether the practice of buying and selling money for social gatherings is permissible, or what is the

⁴ Abu Bakar Ahmad Husein bin Ali al-Baihaqi, *al-Sunan al-Kubra*, Tahqiq: Muhammad Abdu al-Qadir Atha, Juz. V, Edition III, (Beirut-Lebanon: Dar al-Kutub al-Ilmiyyah, 2003), p. 43

⁵ Big Indonesian Dictionary, Edition IX, (Jakarta: PT. Gramedia Pustaka Utama, 2015), p. 86

⁶ Ibu Saudah, *interview*, 10, May 2023, 08.00 WIB

⁷ lottery terms, lottery is a term used to determine or choose (such as to determine who is entitled to something, who came first, etc.). see Indonesian Language Dictionary (KBBI): The author uses the term lottery because there are numbers that are written on paper and then folded and put together in one container.

⁸ Bapak Nikdaya, *interview*, 08 May 2023, 18.52 WIB

⁹ Bapak Masdar, *interview*, 12 April 2023, 12.32 WIB

reason for religion teacher to get involved in it ?

Based on this brief description, it is important to carry out further research on actual practice. Therefore, an anthropological approach to Islamic law is very helpful in tracing the parties involved, the underlying factors, and whether or not there is an element of usury, including its relation to the system of customs as an interconnection between the community and the local culture. Because the practice comes from various circles, the anthropological approach to Islamic law is very suitable to be used to see the identity of arisan members who intersect with Islamic law itself.

And this approach has never been used by previous researchers in cases of buying and selling social gatherings such as Lindawati's research (2009), *review of Islamic law on buying and selling arisan (a case study in Prenduan village, Pragaan subdistrict, Sumenep Madura district)*. Sintawati (2017), *Review of Sharia Economic Law on Arisan Trading in Sukamanah Village, Jatinunggal District, Sumedang Regency*. Fatahul Lathip (2019), *The Practice of Buying and Selling Arisan Uang in a Review of Muamalah Jurisprudence (Case Study in Tegalduwur Hamlet, Wadunggetas Village, Wonosari District, Klaten Regency)*. Nur Kartika Sari (2015), *Review of Islamic Law on Conditional Arisan (Case Study in Kranggan Soldiers Kulon Mojokerto)*—so this research approach is completely new. And the purpose of this study is to find out the anthropological review of Islamic law on the practice of buying and selling arisan money in Toteker Hamlet, West Banuaju Village, Batang-Batang subdistrict, Sumenep, so that it will provide benefits to the community about the provisions of Islamic law and the factors behind the parties to buy and sell.

B. Research Methodology

Based on the background of the problem above, This study uses a type of qualitative research, namely where a researcher usually looks for meaning, understanding, or understanding of an ongoing phenomenon of human life, and the task of a researcher is not one-time in collecting data to be managed, but through the stages of a long process from the beginning to the end of the activity so that the data obtained is more integrally accurate, and the presentation of the data is done in a narrative and holistic manner¹⁰

The data sources of this research consist of primary and secondary sources. The primary data was obtained from the daily arisan management, such as chairman, secretary, treasurer, and arisan members. Secondary data was obtained from the surrounding community who witnessed the practice of buying and selling arisan money and some literature that supports research data in the form of books, journals, and the like.

Data collection techniques were obtained through structured interviews orally (face to face) with the head of the arisan, arisan members, and the local community. Eleven samples were taken from farmers, two traders, two religious teachers, and all were given the same questions (researchers prepared beforehand).

The approach used is the anthropology of Islamic law: first, using the perspective of Islamic law (al-Quran, al-hadith, and books of fiqh), second, using anthropology (exploring the identities of the parties, the underlying factors, and the influence of local customs). After the data is obtained, it will be compiled, reduced, analyzed descriptively and concluded.

¹⁰ A. Muri Yusuf, *Research Methods: Quantitative, Qualitative and Combined Research*, Edition I, (Jakarta: Kencana, 2017), p. 328

C. Results and Discussion

1. Buying and Selling

Buying and selling is synonymous with exchange,¹¹ in the Arabic vocabulary the word "sell" is a translation of the *lafadz* "bai'" the plural form "buyu'" and the conjunction "ba'a-yabi'u-bai'an" which means sell.¹² The word "bai'" means selling and is used for the meaning of the antonym, namely "syira'/syara'a" means buying. Thus the word "bai'" (sell) and "syira'" (buy) mean buying and selling.¹³ Taqiyuddin defines "giving something in exchange for something else".¹⁴ Dimyauddin Djuwaini quoted the opinion of Imam An-Nawawi, explains that buying and selling is "a way for humans to interact with each other and then exchange property for possessions".¹⁵ Or the form of a contract/transaction on the object of goods or services carried out between the seller and the buyer,¹⁶ to be utilized (managed) through the existence of agreements and ways that are prescribed.¹⁷

2. Anthropology of Islamic Law

The term anthropology is taken from the Greek "anthropos" meaning human and

"logos" meaning science,¹⁸ means the science that studies humans about skin color, physical form or the cultural system that encompasses them,¹⁹ or various cultural traditions, physical differences, personality traits, traits and institutions²⁰ that are produced in a variety of ways.²¹ This science is part of the discipline of social science—humans are the focus of the discussion.²² According to Kuncaraningrat, anthropology is divided into two parts; First, physical anthropology is the science that talks about human origins and evolution. second, cultural anthropology, namely the field of science that discusses archeology or ethnography²³ in a universal framework to reach problems in society related to religion, meaning that religion [socio-religious] can be seen through anthropology.²⁴

Anthropology focuses its attention on the space and time sessions in society as a single resident living in the same area, in contrast to sociology which focuses more on the general public as a whole and their social

¹¹ Hariman Surya Siregar and Koko Khoerudin, *Fiqh Mu'malah Theory and Implementation*, (Bandung: PT. Remaja Rosdakarya, 2019), p. 111

¹² Al-Munawwir, *Al-Munawwir Arabic Indonesian Dictionary*, (Yogyakarta: Prenada Group, 2008), p. 67

¹³ Abdul Rahman Ghazaly, et al., *Fiqh Mu'malah*, Edition IV, (Jakarta: Prenadamedia, Group, 2015), p. 67

¹⁴ Imam Taqiyuddin, *Kifayah al-Ahyar*, Juz. I, (Semarang: Toha Putra, t.th), p. 239

¹⁵ Damyauddin Djuwaini, *Introduction to Fiqh Mu'amalah*, (Yogyakarta: Student Library, 2008), p. 69

¹⁶ Ismail, *Islamic Banking*, Edition IV, (Jakarta: Prenadamdia Group, 2016), p. 135

¹⁷ Hendi Suhendi, *Fiqh Mu'amala*, (Jakarta: Raja Grafindo Persada, 2010), p. 2

¹⁸ Koko Abdul Kodir, *Methodology of Islamic Studies*, Edition I, (Bandung: Faithful Readers, 2014), p. 113

¹⁹ Koentjaraningrat, *Introduction to Anthropology: Fundamentals of Ethnography*, (Jakarta: Rineka Cipta, 2009), p. 12

²⁰ Roger M. Keesing, *Cultural Anthropology: A Contemporary Perspective*, trans. S Gunawan, *Cultural Anthropology: A Contemporary Perspective*, Volume I, (Jakarta: Erlangga. 1999), p. 1

²¹ Tajul Arifin, *Anthropology of Islamic Law*, (Bandung: UIN Sunan Gunung Djati, 2016), p. 2

²² Akbar S. Ahmad, *Towards Islamic Anthropology*, (Jakarta: Media Dawa, t.th), p. 129

²³ Kuncaningrat, *Introduction to Anthropology*, (Jakarta: New Script, 1980), p. 80. Quoted by M. Dimyati Huda, *Anthropological Approach in Islamic Studies*, Didaktika Journal, Vol. 4, No.2, (2016), p. 143

²⁴ Jamali Sahrodi, *Methodology of Islamic Studies: Tracing the Traces of Islamic Studies in the Style of Orientalist Islamic Studies*, Edition I, (Bandung: CV. Pustaka Setia, 2008), p. 139

life.²⁵ Anthropology provides a special construction of thoughts about the way of life and human behavior in everyday life,²⁶ it also opens the horizons of human insight in the trajectory of space and time. With regard to the anthropology of Islamic law, it can be understood—humans as the focus of his study are living entities who struggle, interact in socio-societal stratifications that have both primitive and modern cultures,²⁷ emphasizing the interconnection (reciprocity) between law and socio-religious phenomena/symptoms factually in community life: how the law functions, works as social control or actively maintains social order (social order). Anthropology in this context is not a normative discipline, but a categorical discipline, meaning that it aims to explain empirical phenomena that occur, not to explain what should have happened.²⁸

Socio-cultural and socio-religious phenomena in society are always related to the Islamic legal system or customs. its relation to Islamic law in a narrow sense is the integration of shari'a and *fiqh*,²⁹ in the form of practical shari'ah law obtained through detailed argumentation, or Allah's provisions revealed to His Messenger and then disseminated as a human guide in achieving

the goal of a prosperous and safe life in the hereafter.³⁰

3. Anthropological Review of Islamic Law Against the Practice of Buying and Selling Arisan Money

The members of the arisan come from various backgrounds, including farmers, traders, and religious teachers. These differences in background are unique from an anthropological point of view, giving rise to diversity and the level of characteristics of different social conditions. From the classification of the three social statuses, only some practice the sale and purchase of arisan money, and the authors present it in chart form below.

a. The Parties

No	Members/Participants	Amount	Ever Did The Practice Of Buying And Selling Arisan Money	
01	Farmer	215	Yes	11
02	Merchant	11	Yes	2
03	Religion Teacher	4	Yes	2
				15

Source: interview with the head of the arisan (Mr. Tomo)

The chart above, anthropologically illustrates that arisan members consist of three elements, first, two hundred and fifteen farmers, who carried out the practice of buying and selling arisan money for eleven people. secondly, there are eleven merchants, and only two people who carry out the practice of buying and selling arisan money, and and third, there are four community leaders, while two people carry out the practice. From the table it can be understood that those who often practice buying and

²⁵ Mahmud and Ija Suntana, *Educational Anthropology*, Edition III, (Bandung: CV. Pustaka Setia, 2020), p. 13

²⁶ Hasan Baharun, et al, *Methodology of Islamic Studies: Sparks of Thought Figures in Grounding Religion*, Edition II, (Jogjakarta: Ar-Ruzz Media, 2020), p. 239

²⁷ Okta Hadi Nurcahyono, *Anthropology Student Book for Class XI SMA*, Edition I, (South Jakarta: Center for Books, 2021), p. 6-7

²⁸ Tajul Arifin, *Anthropology of Islamic Law*, Edition I, (Bandung: Center for Research and Publishing UIN Sunan Gunung Djati Bandung, 2016), p. 20-25

²⁹ M. Usman, *Historical and Philosophical Analysis of Munawir Sdadzali's Re-actualization of Islamic Law Thought*, Dissertation, (Sunan Kalijaga State Islamic University Yogyakarta, 2014), p. 73

³⁰ Achmad Irwan Hamzani, *Principles of Islamic Law Theory and Its Implementation in Legal Development in Indonesia*, (Yogyakarta: Thafa Media, 2018), p. 24.

selling arisan money are the majority of farmers.

b. Factors and Reasons for Buying and Selling Arisan Money

The factor behind the practice of buying and selling arisan money is due to an urgent (emergency) need from a member of the arisan from a lower middle class (read: poor) family.³¹ On the other hand, the social condition of the Toteker hamlet community is filled with a rent-seeking system which causes the community to feel difficult about where to borrow money when they need a loan, so they end up taking the path of buying arisan money which can at least meet their primary needs.³² That way is considered easier than borrowing using a rent system that continues to multiply. Mr. Surawi had to buy from Mr. Pusahe because he was hit by a death accident and coincided with Saturday (sunday night) the arisan draw, he informed the other members so that the money was sold to him.³³ These are some of the reasons why some arisan members buy and sell, and this condition is also often used by some people to make commercial gains, even though this kind of condition should be a place to help each other to ease the burden of life. Allah SWT., said QS: al-Maidah verse 2

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ
وَالْعُدْوَانِ ۚ

*"And help you in (doing) virtue and piety, and do not help each other in sin and enmity."*³⁴—This verse is an advice to believers to help each other in good and to leave evil in the form of forbidding evil, sin,

or unlawful things.³⁵ The recommendation to help each other applies to fellow Muslims who are experiencing difficulties as the Prophet SAW reminded him in his hadith:

والله في عون العبد ما كان العبد في عون أخيه

*"Allah always helps a servant as long as the servant wants to help his own brother."*³⁶—this hadith reminds Muslims to help each other in everything except matters of disobedience which are prohibited by religion. As long as someone still pays attention to his brother who is a believer, then Allah will repay the kindness, including having to strengthen one another in the hadith of the Prophet SAW, saying:

إن المؤمن للمؤمن كالبنيان يشد بعضه بعضا

*"A believer to another believer is like a building that strengthens one another."*³⁷—true believers strengthen each other in all fields including the economy. Even a believer who is apathetic towards the condition of his brother has consequences for faith, the Prophet said.

لا يؤمن أحدكم حتى يحب لأخيه ما يحب لنفسه

*"Rasulullah SAW., said that none of you has faith until he instills love (attention) for his own brother as love for himself."*³⁸—As for the process of buying and selling money for the first arisan, the buyer informs well before the draw, secondly, coordinates with

³⁵ Al-Hafidz 'Imaduddin Abil-Fada' Ismail bin 'Umar Ibn Katsir al-dimasyqi, *Tafsir al-Qur'an al-Karim*, Volume I, Edition III, (Beirut-Lebanon: Dar al-Kutb al-Ilmiyah, 2008), p. 5

³⁶ Abi 'Isa Muhammad bin 'Isa bin Surah al-Tirmidzi, Tahqiq: Mahmud Muhammad Mahmud Hasan Nasshar, *al-Jami' al-Shahiha Sunan al-Turmudzi*, Volume III, (Beirut-Lebanon: Dar al-Kutb al-Ilmiyah, 2007), p. 78

³⁷ Abi 'Abdillah Muhammad bin Isma'il ibn Ibrahim bin al-Mughirah al-Bukhari, *Shahih al-Bukhari*, Volume I, Edition VIII, (Beirut-Lebanon: Dar al-Kutb Ilmiyyah, 2009), p. 122

³⁸ Ibid. 11

³¹ Bapak Sukam, *interview*, 28 April 2023, 15.45 WIB

³² Bapak Sama'on (religion teacher), *interview*, 18 April 2023, 20.32 WIB

³³ Bapak Surawi (buyer), *interview*, 28 April 2023, 21.11 WIB

³⁴ Ministry of Religion of the Republic of Indonesia, *Al-Quran and Translation*, (Kartasuro: Madina Qur'an Publisher, t.th), p. 106

the chairman of the arisan, thirdly, offers it to members who want it, and fourthly, buyers from outside members must go through one of the arisan members.³⁹ of the four reasons for the sale and purchase of the arisan money above are motivated by the conditions above, including contracts that occur not on the basis of willingness but because of coercion, and any sale and purchase is not legal without a voluntary basis, Allah in the Qur'an surah an-Nisa' verse 29:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ⁴⁰

"O you who believe, do not eat each other's wealth in a way that is vanity (not right) except in trade that applies on the basis of mutual consent between you."⁴⁰—Imam al-Qurtubi interprets the pronunciation of عَنْ تَرَاضٍ to mean الرَّضَى "rejoice each other".⁴¹ And Ibnu Katsir interprets "mutual disapproval between sellers and buyers, then do it and make it a cause in obtaining property".⁴² Voluntarily in buying and selling is a principle that must be fulfilled, because buying and selling in forced circumstances results in invalidity, because the religious expert have distinguished *bai'u al-shahihah* with *bai'u ghair al-shahihah*.⁴³ And whether the sale and purchase is valid or not depends on the fulfillment of the pillars and conditions.

c. Contract Type and Sighat

Religious expert of the four madzhab agree that there are three pillars of buying and selling: first 'aqid (both parties), second, *ma'qud 'alai* (object of buying and selling), and thirdly *sighat* (consent and qabul). As for the first requirement of 'aqid (both parties), a), have the potential/skill to do (*muthlaqut-tasharruf*).⁴⁴ b), *baligh*, reasonable, trustworthy or has the potential to carry out religious affairs), this also applies to buying and selling activities,⁴⁵ then young children, crazy person people, and senseless people are excluded, c), honest (*sidiq*) versus lying or treason,⁴⁶ not under compulsion.⁴⁷ and e), Muslim religion.⁴⁸

Second, *ma'qud 'alai* (object of buying and selling) the conditions are a), have value or size, b), are holy (not unclean items) and useful, c), have full rights over property/objects, d), can be handed over, and e), goods/objects, both the degree and nature of which are known to both parties. And third, *sighat* (consent and consent) the conditions are a), the buyer says "I am selling this beaver" then the buyer answers "I accept/take it". b), no separation or long silence. c), compatibility between consent and qabul (at-

⁴⁴ Muhammad al-Khatib Asy-Syarbini, *al-Iqna' fi Halli al-Fazhi Abi Syuja'*, (Beirut: Dar al-Fikr, 1995), p. 276

⁴⁵ Ahmad Umairah Ahmad Salama al-Qulyubi, *Hasyiyatani 'ala Kanz al-Raghibin*, Volume II, (Beirut: Dar al-Kutub, 1426), p. 195

⁴⁶ Zakariyya al-Anshari, *Hasyiyah Ibnu Abidin*, (Beirut: Dar al-Fikr, t.th), p. 2-4

⁴⁷ Abi Zakariyyah al-Anshari, *Fath al-Wahhab*, (Surabaya: al-Hidayah, t.th), p. 158

⁴⁸ Ibnu Masud and Zainal Abidin, *Fiqh Madzhab Syafi'i*, (Bandung: Pustaka Setia, 2007), p. 28. With regard to goods or objects of sale and purchase in the form of manuscripts of the Qur'an, in the Syafi'i madzhab requires that the buyer must be a variety of Islam. see Zainuddin al-Malibari, *Fath al-Mu'in fi Syarh Qarat al-'Ain*, (Semarang: Toha Putra, t.th), p. 67

³⁹ Bapak Umar, *interview*, 28 April 2023, 22.00 WIB

⁴⁰ Ministry of Religion of the Republic of Indonesia, *Al-Quran and Translation*,.....p. 82

⁴¹ Abi Bakr al-Qurtubi, *Al-Jami' al-Ahkam al-Qur'an*, Volume I, (Beirut: Mu'assasat al-Risalah, 2006), p. 252

⁴² Abdurrahman bin Ishaq, *Tafsir Ibn Kathir*, Trans, Volume. II, (Bogor: Pustaka Imam Syafi'i, 2004), p. 281

⁴³ Dumairi Nor, et al., *Islamic Economics Salaf Version*, Edition I, (Pasuruan: Sidogiri Library, 2007), p. 32

taufiq).⁴⁹ d), there is no dependency, for example "I will sell this beaver when I finish my doctoral studies". and e), not limited by time, for example "I sell this motorbike to you for a month".

Relating to the type of contract used in the practice of buying and selling arisan money in Dusun Toteke, namely pure sale and purchase contracts (*bai'*) and rental contracts (*ijarah*): buying and selling applies to members of the arisan from among farmers and merchants, because they do not understand terms other than buying and selling. Mr. Pusahe said that a contract that is familiar is only buying and selling if it is replaced with another term, the more people don't understand.⁵⁰ Unlike the case with the practice of buying and selling in the hands of the religion teacher with the initials AZ, the *lafadz* uses buying and selling but the intention is an *ijarah* contract.⁵¹ he said to make it easier to pronounce the buying and selling *lafadz* it is not questioned as long as the intention is not *ijarah*. This is increasingly ambiguous even though there is a fiqh qaidah stating:

العبرة في العقود للمقاصد والمعاني لا للألفاظ والمباني

*"An expression (lafadz) in a transaction (contract) depends on the intent (objective) and its essence, not depending on the lafadz-lafadz and editorial composition."*⁵²—This

⁴⁹ A fiqhiyyah rule reads *إن العقد تتعقد بكل ما دل على مقصودها من قول أو فعل* "Actually, a contract can be said to be a (legitimate) contract if it uses every device that indicates an intention in the form of speech or action." Lihat: Taqiyyuddin Ibnu Taimiyah, *Majmu' al-Fatawa*, (Madinah: Mujaamat al-Malik Fahd, 1425), p. 29

⁵⁰ Bapak Pusahe (seller), *interview*, 28 April 2023, 22.12 WIB

⁵¹ AZ (pseudonym), *interview*, 20 Mei 2023, 21.00 WIB

⁵² Ahmad Musadad, *Qawaid Fiqhiyyah Iqtishadiyah*, Edition I, (Malang: Literasi Nusantara, 2019), p. 49

rule can be applied to the practice of buying and selling, for example, "I will give you my clothes forever, but I ask for 100.00 (one hundred thousand rupiah). Even though the *lafadz* uses a grant (voluntary gift), the *lafadz* "I ask for money" is not a grant contract but a sale and purchase contract.⁵³

Religious experts have different opinions about this *lafadz*, whether every form of transaction must rely on the spoken *lafadz* or not? among the madhhab priests themselves there is a difference. It's just that as far as the human ability to determine the meaning of someone's expression, it is sufficient to see the compatibility of the pronunciation between the consent [from the seller] and the qabul [from the buyer/recipient], meaning that something is required that leads to the connection of the two pronunciations or compatibility of meaning.⁵⁴ The compatibility of the pronunciation between religion teacher AZ and the seller is buying and selling, but in his heart (read: meaning) the religion teacher uses the *ijarah* contract even though it is not said openly, so that in terms of pronunciation there is a match but the meaning of each is different.

According to the writer's opinion, this is *hilah*, namely turning away or moving from one situation to another,⁵⁵ with the aim that the desired goal is achieved. *Hilah* does not always have a negative connotation such as buying and selling animal manure, it can be replaced with an *ijarah* (service) contract. However, in practice buying and selling arisan conducted by religious teachers is *hilah* because it clearly still uses the term buying

⁵³ Ibid. 82

⁵⁴ Abu Bakr bin Muhammad Syatha al-Bakri, *Hasyiyah l'anath ath-Thalibin*, p. 55

⁵⁵ Ahmad Amin, *Dhuha al-Islam*, Editionx, (Kairo: Maktabah Nahdha al-Mishriyyah, 2000), p. 174

and selling because hilah is turning, changing, or transferring something to another. Abu Baqa' Ayyub bin Musa al-Husaini al-Kafumi defines it as a person's effort to move from a certain situation to another through subtle techniques by turning outwardly.⁵⁶ The practice of hilah in buying and selling is inflated by people who understand the law to achieve their lustful desires so that they can outsmart something that is prohibited for personal gain, although according to al-Raghibu al-Ashfahani hilah does not always have a negative connotation it can be understood as something positive but tends to have negative nuances.⁵⁷

d. Nominal Purchase: is there usury?

The accumulated money that has been collected is 11,000,000 (eleven million rupiah) with each member depositing 50,000 (fifty thousand rupiah) every week. The amount of the purchase of arisan money depends on the situation and conditions: if there are many buyers, the price is set at above 500.00 (five hundred thousand rupiahs), whereas if one person buys the price follows the standard price, which is 500.00 (five hundred thousand rupiah). It is clear that the (additional) profit is usury because it includes conditional buying and selling of money (or requires additional) that is not in accordance with sharia provisions.

Trading that is prohibited is buying and selling conditional, for example "I will buy your cell phone with the condition that your daughter becomes my wife" instead the seller said "I sell this handphone to you on condition that your daughter becomes my wife. This

provision was obtained from the description of the contents of the hadith agreed upon by Imam Bukhari and Muslim quoted by Abdur Rahman and his colleagues.⁵⁸ Therefore, in the presence of additional conditions in the practice of buying and selling arisan money, it is clear that it is usury and violates the provisions of the hadith of the Prophet SAW.,

عن ابي هريرة رضي الله عنه قال قال رسول الله صلى الله عليه وسلم الذهب بالذهب وزنا بوزن مثلاً بمثل والفضة بالفضة وزنا بوزن مثلاً بمثل فمن زاد او استزاد فهو ربا (رواه مسلم)⁵⁹

Buying and selling gold for gold, silver for silver of the same scale and type may not take additional profits

لا تتبعوا الذهب بالذهب إلا مثلاً بمثل ولا تشقوا بعضها على بعض ولا تتبعوا الورق بالورق إلا مثلاً بمثل ولا تشقوا بعضها على بعض ولا تتبعوا منها غائباً بناجز

In the understanding of the two hadiths, it is clear that it does not allow buying and selling of the same kind or gold and silver, which requires additional profits, including usury. The nominal size is as long as it is classified as an addition to buying and selling money with money, including usury which is unlawful, both on a consensual basis and as required. This is a provision in buying and selling money which is explained in the hadith and the consensus of religious expert.

Buying and selling arisan as explained earlier, different from the examples of cases in the following accounts payable: someone gave a debt (loan) of Rp. 1,000,000 (one million rupiah) to other people within a month, then the lender said, "If the payment is

⁵⁶ Abu Baqa' Ayyub bin Musa al-Husaini al-Kafumi, *Kitab al-Kulliyah Mu'jam fi al-Mushthalahat wa al-Furuq al-Lughawiyah*, (Beirut: Mu'assasat al-Risalah, 1419), p. 1553

⁵⁷ Al-Raghibu al-Ashfahani, *Gharibu al-Qur'an*, (Mesir: Dar al-Syuruq, t.th.), p. 203

⁵⁸ Abdur Rahman Ghazaly, et al., *Fiqh Mu'amalah*, Edition. IV, (Jakarta: Prenadamedia Group, 2015), p. 83

⁵⁹ Al-Hafidz Ibn al-Hajar al-'Asqalani, *Bulughu al-Maram Min Adillat al-Ahkam*, Trans: Achmad Sunarto, *Bulughu al-Maram Translation*, (Jakarta: Pustaka Amani, 1996), p. 326

accelerated (less than a month) Rp. 200,000 (two hundred thousand rupiah), so just pay Rp. 800,000 (eight hundred thousand rupiah). Cases like this are described in the hadith book of Imam al-Baihaqi:

وأخبرنا أبو عبد الله الحافظ، أخبرني أبو نصر أحمد بن سهل الفقيه، ثنا صالح بن محمد الحافظ جزرة، ثنا الحكم بن موسى أبو صالح وهذا لفظه قالاً ثنا مسلم بن خالد الزنجي المكي، عن محمد بن علي بن يزيد بن ركانة عن داود بن الحصين، عن عكرمة، عن ابن عباس قال لما أمر النبي بإخراج بني النضير من المدينة جاءه ناس منهم، فقالوا يا رسول الله إنك أمرت بإخراجهم ولهم على الناس ديون لم تحل، فقال النبي؛ وضعوا وتعجلوا أو قال وتعجلوا

The meaning of this first hadith, Hadith of Ibn Abbas Ra, when the Prophet SAW ordered a group of Bani Nadhir Jews to leave the city of Madina, then some of them came and said: "O Messenger of Allah, thou hast ordered their expulsion, while they have receivables from people who are not yet due (time to pay)", The Prophet SAW, answered about their debt and hurry up to pay.⁶⁰

أخبرنا علي بن أحمد بن عبدان، أنبأ أحمد بن عبيد، ثنا محمد بن يونس، ثنا غانم بن الحسن بن صالح السعدي، ثنا يحيى بن يعلى الأسلمي، عن عبد الله بن عباس، عن أبي النضر عن بسر بن سعيد عن المقداد بن الأسود، قال أسلفت رجلاً مائة دينار ثم خرج سهمي في بعث بعثه رسول الله ﷺ، فقلت له عجل لي تسعين ديناراً وأحط عشرة دنائير فقال نعم فنذكر ذلك لرسول الله فقال أكلت رباً يا مقداد وأطعمته.

The meaning of the second hadith, in the hadith Miqdad bin al-Aswad, said "I lent 100 dinars to a man, then I gave my treasure to the army of the Prophet Muhammad, then i said to her, I will deduct 10 dinars, just pay 90 dinars if accelerated payment to me ". Answered the man, "yes". The incident was then conveyed to the Prophet while saying "You have eaten usury, O Miqdad, and fed us with usury."

D. Conclusion

The practice of buying and selling arisan money in Toteker Hamlet, West Banuaju Village, Batang-Batang Sumenep Regency, in terms of Islamic law anthropology, occurs because there is urgent need and the social conditions of the community are full of moneylenders so that some members are forced to buy arisan money. The practice is carried out by farmers, traders, and religious teachers. The contract used is buying and selling (*bai'*) but in the hands of religious teachers it was changed to a service contract (*ijarah*) but never explained to the interlocutor (other party) about the contract, even prefer to use a sale and purchase contract, including doing *hilah* in order to be considered legal. And buying and selling is carried out in forced circumstances which are not allowed, also requires additional contracts that are classified as usury, also requires an addition in the contract on similar goods (money for money) which are classified as usury, clearly violates the provisions of Islamic law (al-Qur'an and hadith) and the basic concept of arisan is mutual help (*ta'awun*).

⁶⁰ Abu Bakar Ahmad Husein bin Ali al-Baihaqi, *al-Sunan al-Kubra*.....p. 46

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