

## UTILIZATION OF PAWNED GOODS FROM AN ISLAMIC PERSPECTIVE IN AGAM REGENCY, WEST SUMATRA

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### Abstract

*This study aims to determine the utilization of pawned goods in Agam Regency, West Sumatra. With this study, the public can find out the utilization of pawned goods in accordance with the Islamic perspective. In addition, this study is an education for readers that the utilization of pawned goods is carried out in accordance with the Islamic perspective. In Agam Regency, West Sumatra, the utilization of pawned goods such as land and gold is used as collateral in the utilization of sharia pawn. Sharia pawn carried out by the community is intended for personal needs in urgent situations, namely for business capital and medical expenses. In the utilization of pawned goods from an Islamic perspective in Agam Regency, in its implementation, the community in the contract if the murtahin cannot pay off the rahn, then the rahin can use the rahn until the murtahin pays. In the implementation of the utilization of pawned goods from an Islamic perspective in Agam Regency, there are still many people who do not understand how to utilize sharia pawn properly. Due to the lack of public understanding, lack of socialization from the local government and sharia pawn institutions. Therefore, in order for the community in Agam Regency to be able to carry out rahn properly, cooperation with these parties is needed.*

**Keywords:** pawned goods, Islamic perspective, Agam Regency

### Introduction

Pawning generally refers to the practice of using collateral for loans provided by the murtahin party. It is a method of obtaining funds by submitting collateral to the rahin. In the context of Islam, pawning is known as ar rahn or ar rahnu, which is mentioned in the Qur'an, Surah Al-Baqarah (2): 283:

وَإِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهْنَ مَقْبُوضَةً

According to the view of Ulama Syafi'iyah, pawning means using something that can be sold as collateral to pay a debt if the debtor is unable to pay. Meanwhile, Article 1150 of the Civil Code defines pawning as the right owned by a creditor over a movable object handed over by the debtor, giving the creditor the right to obtain payment from the item first.

The legal basis for pawning is the verses of the Al-Quran and the hadith. In Islam, pawning contains elements of usury, so pawning must be in accordance with Islamic law. (Coirunnisak and Disfa Lidian Handayani, 2020) items that can be pawned are land, gold, electronic goods, vehicles, securities, certificates, BPKB motorbikes, watches and luxury bags. In Islamic pawnshops, the types of products are amanah, rahn, arrum BPKB, gold arrum, arrum haji, rahn hasan, rahn flexi and rahn business.

The obstacles faced by the community in carrying out pawnshops from an Islamic perspective are internal and external obstacles. Such as, the lack of public understanding of sharia principles in pawnshop practices, which causes misunderstanding or misuse in the pawnshop process, Lack of information about sharia pawnshop institutions, lack of socialization by government institutions or sharia institutions. Thus, the community tends to carry out pawnshops in accordance with conventional pawnshops. They do not know how to carry out pawnshop contracts in accordance with sharia principles, about the use of pawn goods and the provisions that must be carried out in sharia pawnshop practices. Strategy is a careful and long-term plan to achieve goals or resolve obstacles in sharia pawnshops, namely public awareness of the benefits of sharia pawnshops, conducting socialization about the benefits of sharia pawnshops, and the need for government roles in socializing sharia pawnshops

Formulation of the problem:

1. How is the utilization of pawned goods from an Islamic perspective in Agam Regency?
2. What are the implications of the utilization of pawned goods by pawnholders in Agam Regency?
3. What are the obstacles faced by the community and strategies in utilizing pawned goods in Agam Regency?

The purpose of this scientific paper:

1. To identify what form of pawned goods are from an Islamic perspective in Agam Regency
2. To identify the implications of the utilization of pawned goods by pawnholders in Agam Regency
3. To identify what are the obstacles faced by the community and strategies in utilizing pawned goods in Agam Regency

### Method

The analysis method used is a qualitative method with observation data collection techniques, interviews with 2 people and literature studies. The research was conducted in Agam Regency. The location was taken intentionally and planned on the basis of the consideration that Agam Regency is one of the residents who participate in the utilization of pawned goods from an Islamic perspective in Agam Regency and there has been no similar research on the utilization of pawned goods in that place.

### Discussion

#### A. Form of pawned goods in Islamic perspective

Pawned goods (rahn) are valuable goods that are given to the pawn recipient (murtahin) from the pawnbroker (rahin) as collateral to obtain a loan from the murtahin. The pawned goods in question are in the form of movable objects (vehicles), as well as immovable objects in general (land, gold, electronic goods, valuables, certificates, BPKB motorbikes, watches and luxury bags). While goods that can be pawned according to Islam (trust, rahn, BPKB arrum, gold arrum, hajj arrum, hasan rahn, flexi rahn and business rahn). (Coirunnisak and Disfa Lidian Handayani, 2020).

(Anita Lestari, Muhammad Suhaili Sufyan and Muhammad Ikhwan bin Mauluddin, 2020) Rahn in language is لَتَبُوتُ وَالذَّوَام (ats tsubut wa ad dawam) which means permanent and eternal, as in the sentence maun rahin which means calm water. Rahn means making something that has material value as a binder for a debt.

Rahn is holding the property of the rahin as collateral for the loan received. The loan has economic value, so that the murtahin obtains a guarantee to be able to take back all or part of his debt. In order for rahn to be in accordance with the Islamic perspective, a clear contract is required in rahn (Muhammad Syafi'i Antoni.).

Pawn law is generally divided into 2, namely: (Aniqotul Millah, 2022)

#### A. Law of valid rahn

That is, rahn in which there are requirements that do not match the needs, in other words, it is diverted with something that is forbidden. Such as, requiring that the collateral must be under the responsibility of the pawnbroker, even though the collateral is under the control of the pawn recipient.

#### B. Law of invalid rahn

Fasid rahn is rahn whose requirements are not met. The Hanafiyah scholars are of the opinion that valid rahn ghair is divided into two, including

- 1) Void, the original requirements of the contract are not met, such as the aqid is not an expert.
- 2) Fasid, namely the nature of the contract is not met, for example the collateral is still related to other goods.

Legal basis for pawning in an Islamic perspective

#### 1. Al-Quran

As stated in QS. Al-Baqarah (2):283

وَإِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَيْن مَّقْبُوضَةً فَإِنْ أَتَى بَعْضُكُمْ بَعْضًا فَلْيُؤَدِّ الَّذِي أُؤْتِمِنَ أَمْنَتَهُ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا تَكُنُوا الشَّاهِدَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ فِي النَّارِ وَأَلَمْ يَكُنْ عَلَيْهِمْ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ

Translation: "If you are on a journey and do not have a writer, then the collateral must be held by the lender. If there is trust between you, then the trusted party must fulfill his trust and fear Allah. Do not hide testimony, for the one who does so will be sinful. Allah knows all your deeds."

From this verse, it can be understood that in a transaction, it is important for the parties involved to trust each other and carry out their mandate.

#### 2) Hadith

In a hadith narrated by Aisha r.a. and approved by Imam Muslim, Aisha said that the Messenger of Allah made a purchase of food from a Jew in installments, and as collateral, the Messenger of Allah handed over his armor. (Abdul Wasik and Imam Fawald, 2016) According to the Fatwa of the National Sharia Council of the Indonesian Ulema Council No. 25 / DSN-MUI / III / 2002 concerning pawning (rahn), the decision taken is: The law that regulates that loans by making goods as collateral for debt with the rahn system are permitted, with certain conditions, such as the role of the murtahin (recipient of the goods), the condition of the marhun, maintenance and storage of the marhun, and costs related to the maintenance, storage, and sale of the marhun. (Fatma, 2018). In the Islamic view of pawned goods, there are several pillars and conditions that must be met. (Iman Nur Hidayat and Wulansari, 2015).

#### Rukun Pawn:

1. Aqid (People Involved in the Contract):  
There are two parties, namely:
  - a. Rahin: The party who pawns the goods.
  - b. Murtahin: The party who gives a loan and receives the pawned item as collateral.
2. Ma'qud alaih (Product Goods):  
There are two components, namely:
  - a. Marhun: Pawned items.
  - b. Dain marhun bin: Debt that makes a pledge agreement necessary.
3. Shigat (Aqad Gadai):  
Agreement between rahin and murtahin in the pawn transaction process.
4. Valid Conditions:
  - a. The parties involved must be reasonable.
  - b. The parties must be mature (old enough).
  - c. The goods used as collateral must be present at the time of the contract, even if they are not the same.
  - d. The item must be held by the murtahin or his representative.

#### Forms of Pawned Goods in Islam:

1. Rahn can be applied to movable assets such as gold, jewelry, and vehicles.
2. Rahn on immovable assets such as land and buildings
3. Rahn on financial aspects such as deposits and securities

After conducting field observations in Agam Regency, West Sumatra, it was found that the form of pawned goods used from 2 informants in Agam Regency, West Sumatra used gold pawned goods. Because the gold owned is not really handed over to another party and is only used as collateral, the disbursement process is also fast, the pawn value is still quite high, avoiding debt entanglement.

#### B. Implications of utilizing pawned goods

Utilization of pawned goods can be seen from 2 aspects, namely: (Fatma, 2018)

- 1) Utilization of pawned goods by rahin  
Utilization of pawned goods by rahin is not permitted unless it has been obtained by the murtahin.
- 2) Utilization of pawned goods by the murtahin  
The murtahin is permitted to use pawned goods if permitted by the rahin or required when the contract and the pawned goods are goods that can be traded and the specified time is clear.

Utilization of pawned goods can provide benefits, especially to avoid usury transactions. It can be seen from the following aspects:

1. Financial aspect  
By handing over valuables as collateral, funds can be obtained quickly.
2. Economic aspect  
Increase individual value without having to sell valuables
3. Emotional aspect  
Provide a sense of security for people who need funds without having to ask for help from others.
4. Environmental aspect  
Valuables can be utilized well without being sold in a hurry.

Time in a pawn agreement from an Islamic perspective If the debt is due, the rahin is obliged to pay it off and the murtahin is obliged to hand over the goods. If unable to pay it off, then the goods are sold to cover the debt. The excess proceeds from the sale of the goods are handed over to the owner, if there is still a remaining debt, then it is still the responsibility of the person who owes it.

Procedures are interrelated methods to achieve the same goal. While the procedures for utilizing pawned goods are the methods used to pawn an item and utilize it between the rahin and the murtahin accompanied by a rahn contract. Here are the procedures for rahn.

- a. Intention  
The intention carried out by the rahin and murtahin is pure
- b. The presence of a pawnbroker (rahin)
- c. The presence of a pawnbroker (murtahin)
- d. Goods pledged  
The goods pledged must be halal and have a value that can be assessed objectively
- e. Rahn agreement  
Is an agreement between the rahin and murtahin
- f. Determination of value  
Where the value of the goods pledged must be determined fairly and transparently
- g. No usury  
Murtahin may not take advantage of the pawned goods other than reasonable administration fees.

In the field observation method by interviewing 2 people in the community regarding rahn in Agam Regency, West Sumatra, the following information was obtained:

Informant 1. Rahin (Harun) and murtahin (Hana)

Harun and Hana pawned gold because Hana needed money for her mother's medical expenses. Here is the implementation of the rahn agreement:

Hana: "I want to pawn 20 grams of gold for my mother's medical needs for 60 million rupiah for 5 years, are you willing to accept the pawn of goods from me?"

Harun: "I accept the pawn on the condition that if after 5 years you cannot pay it off in 5 years, then I can sell the gold as a replacement. On the other hand, if you are able to pay it off, then I will return the gold to you. Are you willing to do that agreement?"

Hana: "Okay, I accept the agreement. I thank you"

Source: 2 Rahin (Aisyah) Murtahin (Ismail)

Ismail and Aisyah pawned the land because Aisyah wanted to open a laundry business. Here is the implementation of the rahn agreement:

Ismail: "I want to pawn 40m2 of land to open a laundry business for 100 million rupiah for 10 years, are you willing to accept the land pawn from me?" Aisyah: "I accept the land mortgage on the condition that I can use the land for gardening so that the results of the plantation can be shared with the provisions of 70:30 or the results of the plantation can be used for your debt installments, do you agree with this agreement?"

Aisyah: "Okay, I agree"

So, from the results of the interview above, the use of pawned goods in Agam Regency, West Sumatra in its implications is quite good because some people use pawned goods with an Islamic perspective to avoid usury. And accompanied by a fair and clear contract. And in the 2 sources, the use of pawned goods is in the economic aspect, namely the need for medical treatment for parents and starting a business.

### C. Obstacles in the use of pawned goods

Obstacles are obstacles that concern conditions that limit, hinder or prevent the achievement of a goal. Obstacles in the use of pawned goods are obstacles faced by institutions and the community in utilizing pawned goods properly.

Obstacles can be divided into 2, namely: (Maria Yeni Eskawati, 2024)

- a. Internal Obstacles  
Such as attitudes, knowledge and family support and individual income.
- b. External obstacles  
These external obstacles can come from the environment, for example such as the community, local government, and Islamic pawnshops which are still minimal, incomplete facilities and communication and service models that make individuals uncomfortable in them. Arises from the assumptions or beliefs of the community or the socio-cultural conditions of the community and the beliefs that exist in the community.

The obstacles experienced by the community are:

■ Lack of public understanding of sharia principles in pawn practices, which causes misunderstanding or misuse in the pawn process. and many use pawns conventionally. Lack of information about sharia pawn institutions, lack of socialization by government agencies or sharia institutions.

■ Prohibition of usury which is an element of additional profit obtained from loans of money or goods. Strategy is a careful and long-term plan to achieve goals or resolve obstacles in sharia pawn. The use of strategies in sharia pawn must be effective and efficient so that the community and related institutions understand about sharia pawn. The following are strategies in utilizing sharia pawn: (Dayu Nirwan, Muhammad Noval and Panji Adam Agus Putra, 2022).

1. There is public awareness (individuals) in understanding the use of sharia pawn. Such as reading sharia pawn books, studying through social media and participating in socialization held in the local area.
2. The role of the government in socializing the importance of utilizing sharia pawn. Such as training, holding religious studies (majelis taklim) in mosques and cooperation between government institutions and related parties.
3. The role of sharia pawnshops in socializing the utilization of pawned goods by distributing brochures to the community.

So, from field observations in Agam Regency, West Sumatra, there are obstacles in the utilization of pawned goods:

1. In the community, many still do not understand how to pawn goods in accordance with an Islamic perspective, so that pawned goods are often misused to make one-sided profits. In addition, in the Agam Regency community, many use pawns conventionally.
2. Lack of sharia institutions in Agam Regency, West Sumatra to provide information about sharia pawn
3. Some people still take advantage (riba) in pawning goods.

Therefore, the strategy used in the Agam Regency community in utilizing Islamic pawnshops is self-awareness from the Agam Regency community to learn about the utilization of Islamic pawnshops through social media, the role of the government in facilitating religious study events (majelis taklim) held twice a week on Thursdays and Sundays about the benefits of Islamic pawnshops and the role of Islamic pawnshops in promoting the utilization of Islamic pawnshops.

### **Conclusion**

- 1) Form of utilization of pawned goods in Agam Regency, West Sumatra, the community uses pawned goods such as movable objects (gold) and immovable objects (land) which are used for urgent needs.
- 2) Utilization of pawned goods in Agam Regency, West Sumatra from the 2 communities above is used for economic needs in the form of maternal medical treatment and business capital which is carried out with a clear and fair contract (without usury).
- 3) Obstacles faced by the community in Agam Regency, West Sumatra in utilizing pawned goods such as the community who do not know information about pawning according to sharia so that the community uses pawning conventionally, and the role of sharia institutions is still lacking in informing the community due to the high occurrence of usury.
- 4) Strategies carried out by the community in Agam Regency, West Sumatra in knowing the utilization of pawned goods such as self-awareness from the community in understanding sharia pawning, the role of the government in socializing sharia pawning through religious studies (majelis taklim) and socialization from sharia pawnshops.

### **Suggestions**

1. Sharia institutions should be able to coordinate with the community to provide information on the use of pawned goods according to sharia.
  2. The community should not use pawned goods to make a profit from the Islamic perspective and use them according to the agreement.
- Obstacles in pawning goods can be overcome if institutions and the community work together to provide information on the use of pawned goods from an Islamic perspective.

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