

The Law Of Riba Money Is Used For The Hajj Worship

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Abstract.

The purpose of this community service activity is to find out about the Legal Study of Riba Money Used for Hajj Pilgrimage which was presented in the Naharul Ijtima NU (Nahdlatul Ulama) of South Labuhanbatu Regency. This study is also to understand the law of usury money used in pilgrimage so that it has an impact on the lawful or unlawful use of usury money. The assessment method uses participatory methods, lectures and discussions as well as interesting questions and answers. This activity was carried out on July 1 2022 with the number of participants who took part in the study consisting of 35 people located at the NU PC Secretariat Labuhanbatu Selatan. For this reason, through this activity it is possible to increase shared understanding regarding the use of usury money in pilgrimage with studies that say usury is like what the exact conceptual paradigm is. The types of law that are certain are halal and haram. Based on the study it was found that the law of usury money being used for pilgrimage is unlawful. Therefore, an in-depth study must be at the core of what is said to be what usury is like. Riba is additional taking, both in buying and selling transactions and lending and borrowing in vanity or contrary to the principles of muamalah in Islam. For this reason, we hope that this research activity can fortify us not to commit usury, in essence, we do not earn money that is contrary to Islamic law in terms of additional withdrawals, both in buying and selling transactions and lending and borrowing.

Keywords: Law; Riba Money and Hajj Pilgrimage.

I. INTRODUCTION

Hajj is one of the special ritual worship solely pure devotion to Allah SWT (mahdhah worship). Hajj is used as a symbol of obedience, adherence and perfection of one's Islam because it is included in the five pillars of Islam. Even though in the orderly order of the pillars of Islam the pilgrimage ranks last, it does not mean that the pilgrimage has a low level of significance. This is because the pilgrimage is not merely an external activity, but also contains ritual activities which are full of symbolic expressions, so that an external understanding of it becomes inappropriate and inadequate. If Hajj is understood as a symbolic ritual activity, then there will be many meanings and messages that can be expressed from every part of it, from leaving one's hometown to returning to the forbidden land. The meaning and message are not limited to matters that concern each individual who performs them, but also for Muslims and even humanity as a whole. People who perform the pilgrimage, at least are reminded of the brotherhood of fellow Muslims and their similarities before God as creatures, who carry out the mission of the caliphate on earth. Even though the pilgrimage has great meaning, it is only obligatory once in a lifetime, and even then it is intended for those who can afford it.

This is understandable, because the pilgrimage requires physical and material readiness. The pilgrimage is not only a bodily worship but also a maliyah worship. A new person is obliged to carry out the pilgrimage if he has fulfilled several conditions (al-wujub) namely Islam, intelligent, mature, independent and capable (istitha'ah) which includes physical abilities (badaniyah), security (amniyah) and material (maliyah) (Sabiq, 1983). In connection with this material ability (istitha'ah maliyah) then a question arises about what if the money or expenses used to carry out the pilgrimage are haram money. Is the pilgrimage valid or not? or is he sinful or not? This is the issue that the author will raise to try to discuss it using a cross-school comparative method. Riba is additional taking, both in buying and selling transactions and in vanity or

against the principles of muamalah in Islam (Antonio, 2003). Based on the hadith from al-Nawawi, the pilgrimage using illicit money, something that is not good, is automatically not accepted by Allah. Then, Rasulullah SAW stated that the pilgrimage with illicit money is not rewarded and even brings sin.

Based on the magnitude of the impact caused by the use of usury money for pilgrimage, this study was carried out at the NU PC Secretariat in South Labuhanbatu Regency. The office is located at Jalan Sosopan Lintas Sumatra, Kotapinang District, South Labuhanbatu Regency. The purpose of this study is so that people can understand the impact of using usury money for the pilgrimage. For this reason, it is hoped that through this activity we can increase knowledge and benefit from using our sustenance in worship, especially the pilgrimage. Based on the magnitude of the impact caused by the use of usury money for pilgrimage, this study was carried out at the NU PC Secretariat in South Labuhanbatu Regency. The office is located at Jalan Sosopan Lintas Sumatra, Kotapinang District, South Labuhanbatu Regency. The purpose of this study is so that people can understand the impact of using usury money for the pilgrimage. For this reason, it is hoped that through this activity we can increase knowledge and benefit from using our sustenance in worship, especially the pilgrimage.

II. METHODS

This study activity was carried out at the PC NU Secretariat of South Labuhanbatu Regency on Friday, 01 July 2022. This study activity was attended by 35 people from various parties, namely the community, Ministry of Religion of South Labuhanbatu Regency, Nahdlatul Ulama of South Labuhanbatu Regency, religious leaders, and others . The service method is a participatory method, lectures and discussions as well as interesting questions and answers. Data collection was carried out with the results in the form of questions and answers and well-conducted discussions. So that the analysis of the picture obtained can be explained using descriptive qualitative to obtain an explanation of the picture in accordance with the results of the discussion which was carried out wisely and well.

III. RESULT AND DISCUSSION

The results of the study discussion regarding the law of usury money used for pilgrimage which was carried out at the NU Secretariat of South Labuhanbatu Regency began with preparations and coordination with Nahdlatul Ulama management of South Labuhanbatu Regency with the aim that these activities could run well and gain support from various parties who involved in the research activity. Coordination with the NU chairperson regarding the time and place of the activity and requests for participants who will take part in the activity have been invited from various parties, such as the NU board, the Ministry of Religion, and the local community in the South Labuhanbatu Regency. The time for the implementation of the study was held on Friday, 01 July 2022 at the NU Secretariat of South Labuhanbatu Regency.

The opening ceremony was delivered by Mr. H. Makmur Ismail Harahap S.Pd.I., as Chairman of the Nahdlatul Ulama PC, South Labuhanbatu Regency. The remarks by the Chairperson of the Nahdlatul Ulama PC said that all elements of society can take a role in making efforts to convey knowledge to the public to reminding the use of wealth for pilgrimage in good ways. Teachings of the Prophet Muhammad SAW which is in accordance with Islamic law so that the pilgrimage that we do will get a reward from Allah SWT. The opening ceremony was attended by activity participants and several invited guests from local community leaders. After the opening ceremony was over, the activity continued with the main activity, namely the presentation of material on the law of usury money used for the pilgrimage. The resource person in this study activity is the author of this community service journal as a permanent lecturer at Labuhanbatu University. The description of the delivery of material by the speakers can be seen in the following figure.



Fig 1. Submission of Material by Resource Persons

B In delivering the material, the speaker explained in advance about the term Hajj. Hajj is one of the special ritual worship solely pure devotion to Allah SWT (mahdhah worship). Hajj is used as a symbol of obedience, adherence and perfection of one's Islam because it is included in the five pillars of Islam. Even though the pilgrimage has great meaning, it is only obligatory once in a lifetime, and even then it is intended for those who can afford it. This is understandable, because the pilgrimage requires physical and material readiness. After the presentation of the material by the resource persons, the participants were given the opportunity to ask questions and hold discussions in the question and answer session. The participants were very enthusiastic in asking the speakers about the material regarding the law of usury money being used for pilgrimage. In this review activity, the presentation of material by resource persons used the association method, namely conveying material based on facts and events in the field as well as the experience of the presenters in understanding the law of usury money for worship.pilgrimage. The association method used in providing this material is considered effective in increasing participants' insights and knowledge about the law. Sharing knowledge based on the experience of the resource person seeing the phenomenon of using usury money for the pilgrimage among the people. The speaker invited the public to always be able to use their personal money by obtaining and using it in accordance with Islamic law. The description of the study activities with participants can be seen in the following figure.



Fig 2. Study Participants Listen to the Material Presented by the Resource Person

The word Hajj literally means to go to something exalted. Meanwhile, in terminology, Hajj is going to Baitullah (Mecca) to carry out certain actions such as tawaf, sa'i, standing at Arafah and others at certain times to fulfill Allah's commands and gain His pleasure (Sabiq, 1983). . As for what is meant by usury is additional taking, both in buying and selling transactions as well as lending and borrowing in vanity or contrary to the principles of muamalah in Islam. According to A. Rafiq, "Riba is a habit in the economic tradition of the ignorant society. Because of that, the ban was carried out in stages, because it became an ingrained habit (Rofiq, 2004). From the discussion, one of the participants asked that why the practice of usury was strongly criticized and then banned? This can be answered based on verse 276 giving an answer which is the key sentence of the wisdom of prohibiting usury, that is, Allah intends to abolish the usury tradition and foster the sadaqah tradition. While the illat for the prohibition of usury seems to be stated in verse 279, La Tazlimuna Wala Tuzlamun. That is, by stopping usury you do not do Zulm (abuse) to other parties so that none of you are wronged. So it appears that the prohibition illat in Surah al-Baqarah is zulm (exploitation, oppression, extortion and persecution). Thus, in essence what is haram is not the money, but the source or method of obtaining it. This is because money is an object, and objects cannot be subject to halal or haram laws except for what has been clearly stated in the Qur'an and al-Hadith. The jurists differ in opinion regarding the ruling on making pilgrimage with illicit money. In this case, their opinions are divided into two groups:

First, Imam Ahmad ibn Hanbal and his followers (hereinafter referred to as Hanabilah) argue that making pilgrimage with illicit money is invalid. Thus, the person who performs it does not receive a reward, even a sin, and his obligation to perform the pilgrimage has not been dropped. Second, Imam Muhammad ibn Idris al-Shafi'i, Malik ibn Anas, and Abu Hanifah as well as most of the previous scholars (hereinafter referred to as Jumhur fuqaha) stated that pilgrimage with illicit money is legal, but unlawful, or according to Abu Hanifah's term makruh tahrim . The obligation of the person who carries it out becomes aborted, but he is a sinner (Sabiq, 1983). What is unlawful is not the hajj, but the use of the money earned by means or methods that are unlawful. Because something that is obligatory may not be characterized by haram law. The person who makes the pilgrimage is considered to have (legally) performed the pilgrimage even though his pilgrimage is not accepted and is not rewarded. This is because the failure of an obligation is based on the legitimacy of the act, namely the fulfillment of conditions and pillars. While the acceptance of an act is based on other things such as lawful money and sincerity (Abidin, 1966). According to the author's analysis, it turns out that it is based on the concept of orders and prohibitions that the concept of lawfulness and voidness is applied. One worship is canceled because it is not in accordance with the provisions of the Shari'ah, both because of the lack of conditions and pillars. If the discrepancy is related to the worship itself (nafs al-worship), then the fuqaha agree about its cancellation. But if the discrepancy is related to external factors, then according to Hanabilah, the worship is canceled because of the discrepancy, whereas according to jumhur fuqaha, the worship is still valid, because it is in accordance with the provisions of the Shari'ah, only external factors are not suitable. There are two groups that have their own arguments, which are basically a logical consequence of their concepts and perceptions of orders and prohibitions as well as validity and cancellation. The Hanabilah group put forward arguments that strengthen their opinion based on the hadith of the Prophet narrated by Muslim from Aisha ra.:

It was narrated from 'Aisyah that the Messenger of Allah said: "Whoever does a deed that is not in accordance with our (Allah's and Messenger's) provisions, then his charity will be rejected."
(HR. Bukhari, Muslim, and Ahmad)

The hadith above confirms that worship that is not in accordance with the provisions of the Shari'ah, then his worship is not accepted. In connection with the pilgrimage with illicit money that is not in accordance with the provisions of the Shari'a, the pilgrimage is not accepted. In addition, the salaf scholars also agree that in beristidlal (arguing) with nahy (prohibition) means showing the damage (fasad) of an action. The validity of an action indicates a reward, and a prohibition indicates a sin. It is impossible for a person to be rewarded and sinned at the same time for one deed. A ban is certainly aimed at something that is destructive. Therefore, a prohibition nullifies an action and makes it non-existent in the sight of the Shari'ah. Meanwhile regarding external factors, Hanabilah considers that there is no fundamental difference between

the main action and its outer side, the most important thing is that if there is a prohibition, then the action is cancelled. The Jumhur fuqaha group also put forward arguments to support their opinion.

According to them, there is a difference between the main action and the side which is the external factor, because the object of the command is different from the object of the prohibition. Thus, there is no relationship (talazum) between the two. The prohibition on the external side only causes sin and does not cancel the main action (Khallaf, 1978). This group gives an example of someone asking someone else to write a book but forbade him to write in the mosque, so if the person who is ordered to write it in the mosque, it means that he has been deemed to have carried out the orders from the messenger from the side where he wrote it, only that he is disobedient from the side where he wrote it in the mosque (Muhammad, 1991). From the various opinions and arguments put forward by the two groups above, one by one one by one can be criticized to take which opinion is more beneficial and relevant to be applied at this time. After the question and answer session was over, the activity ended with a group photo session between the participants, invited guests and resource persons. An overview of joint photo activities between participants and resource persons can be seen in the following figure.



Fig 3. Group Photo in Assessment Activities

Thus, from the explanation and discussion of the presentation of the material mentioned above, it can be agreed that legal issues are not sufficient only with a formal legal approach, but also must pay attention to the moral aspect. Even though legally and formally the arguments put forward by jumhur jurists are stronger, to anticipate the harm and slander that will arise, namely the habit of doing something that is forbidden for something that is lawful, which will certainly have a negative impact on himself, his family and society at large, it is Hanabi's opinion that is deeming the pilgrimage invalid for people who make pilgrimage with illicit money is very appropriate to be applied in today's society. This is useful so that people don't get motivated to do evil/perform unlawful acts in order to perform the holy pilgrimage. Which in essence is that get wealth or money in a good way according to Islamic law in order to get a reward from Allah SWT.

IV. CONCLUSION

The conclusion of this study is that using usury money to go on pilgrimage falls into the category of haraam law. Therefore, with this study, hopefully it can increase shared understanding and knowledge to obtain the goodness of Allah SWT. Facing legal issues is not enough only with a formal legal approach, but also must pay attention to the moral aspect. Even though legally and formally the arguments put forward by the jumhur fuqaha are stronger, to anticipate harm (harm) and slander that will arise, namely the habit of doing something that is unlawful for something that is lawful, which will certainly have a negative impact on himself, his family and society at large, then Hanabi's opinion, which considers that the pilgrimage of a person who makes pilgrimage with illicit money invalid, is very appropriate and suitable to be applied in today's society. This is useful so that people don't get motivated to do evil/perform unlawful acts in order to perform the holy pilgrimage. Because in mahdhah worship, whether or not a worship is valid is also determined by other factors such as whether the property used is halal or not. This is presumably also in line with the word of Allah in the letter al-Baqarah verse 42 which reads: "do not mix up what is right with what is wrong". Hopefully this conclusion can illustrate for all of us to perform Hajj in a good way, especially for the people of South Labuhanbatu and in general for all of us.

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