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THE CONCEPT ILLAT OF USURY ON MONEY FROM THE PERSPECTIVES OF THE FOUR MADZHAB AND CONTEMPORARY ULAMA

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Abstract: The concept of usury in money is still unclear without a study, apart from the differences in opinion of the four imams of the madzhab regarding usury. The limitations of our minds also cause this to capture the wisdom and lessons revealed by Allah SWT, as well as an increasingly modern era that demands new problems. This paper contains taboos that need to be explained more clearly. This study uses descriptive qualitative research using the literature study method based on primary material, namely the book of al-fiqh al-Islami which is motivated by problems that exist in society. The study results show that the law of usury applies to money today because there is a legal law similar to gold and silver (*Nuqud*), which states that money is a basic need and a transaction tool. With this research, it is hoped that it can add to the body of knowledge in Islamic economics.

Keywords: The Concept of Usury; Money; Four Madzhabs; Al-Fiqh Al-Islami.

A. Introduction

Usury has mostly been studied as an economic or legal phenomenon and has recently come under the spotlight of sociological research (Stefanizzi, S., Lysova, 2024). Departing from the practice of buying and selling transactions between rupiah bills of one hundred thousand and small denominations at the time before the holidays. This habit occurs on the side of the road and many new Money exchange places are found or can also be said to be a place to buy and sell new money and fractions with different nominal values, namely the nominal old money is greater than the new money. Some of them do not know how the law of the transaction they do is valid or not and halal or haram, because they are blind to the clarity of the law. Some know the dzohir law only, without knowing the cause of the Musabbab (legal illat) contained in the contract they transact. The discourse on usury is a very classic issue, both in the development of Islamic thought and in Islamic civilization. Usury is a very complicated problem and often occurs in society (Munir Munir, Ahmad Adil Manan, Shofa Robbani, 2023). Locating the most vulnerable social



groups according to their clusters can certainly help to develop relevant policy interventions against the spread of usury, especially in these times of economic downturn (Stefanizzi, S., Lysova, 2024).

Humans as social creatures need communication with other humans, just as they cannot live alone, and certainly also need transactions with other people. (M. Dzul Fadli S. et al., 2021). Therefore, this requires a reciprocal relationship with fellow social beings, so that a good and orderly social life is formed. Islam does not limit a servant in interacting or doing business with others. In the sense that the transaction law is *Mubah*, as long as it is carried out by Islamic principles (legal and halal) (M. Dzul Fadli S. et al., 2021), (Mustafa, 2022). Businesses in Islam must comply with Sharia rules in terms of haram or halal, how to obtain and utilize (Nyanyang, 2020). So that the objectives of financial transactions labeled sharia can be realized, namely: the creation of humanist, theological, and emancipatory business insights that contain religious values to Allah SWT (Nyanyang, 2020).

Research conducted by Ahmad Zaki Zamani which describes the comparison of the opinions of the four *Madzhabs* and the DSN-MUI fatwa No. 77/DSN-MUI/V/2010 from the perspective of contemporary ulama such as; Ibn Taimiyah, Ibn Qayyim, and Shaykh Ali Jum'ah with the conclusion that gold in the form of jewelry may be traded in cash, while gold that is not in the form of jewelry is forbidden to be transacted (Zamani, 2016). As well as research from Imron Hamzah which outlines Ibn Taimiyah *ijtihad* method in formulating the permissibility of non-cash gold transactions (Hamzah, 2018). While research from Istiqom Shinta Hardiyanti aims to analyze the MUI DSN Fatwa No. 116/DSN-MUI/IX/2017 on Islamic electronic money from the perspective of *qiyas* (Hardiyanti et al., 2024). Similarly, research from Gieni Devi Safitri analyzes online loans in the digital era from the perspective of Islamic economic law. (Gieni Devi Safitri, Nikamatul Masruroh, 2023). Feli Parsih and Asyari Hasan's research analyzes illegal business cases and Islamic investment options. (Feli Parsih, 2024).

The difference between this research and the previous research is the analysis of the *illat* of usury that applies to rupiah money which is equated with gold and silver which offers new *illat* findings attached to rupiah money, namely rupiah Money as a basic necessity as gold and silver in ancient times. Ahmad Zaki's research is on the permissibility of gold transactions in the form of jewelry, and Hamzah's research is related to the law of electronic money from the perspective of Ibn Tamiyyah. (Hamzah, 2018; Zamani, 2016). Likewise, Shinta's research discusses the MUI fatwa on the *qiyas* of Electronic Money, and Devi & Feli's research discusses online loans and illegal businesses. (Feli Parsih, 2024; Gieni Devi Safitri, Nikamatul Masruroh, 2023; Hardiyanti et al., 2024).

In the *Khazanah* of Fiqh, the concept of thinking about usury is endless with differences of opinion that have been ruled by scholars starting from classical times to the Middle Ages or even today. This difference of opinion of the scholars arises because it is caused by the lack of uniformity of views, thoughts, and methods used to study the issue of usury in bank interest initiated by traditionalist Muslim scholars with conservative thinking and modernist Muslim scholars with progressive thinking. (Ipandang & Askar, 2020).

Usury is one of the prohibitions about which there is no disagreement among scholars about its sanctity. Imam Khomeini argues that there is no solid document proving the

permissibility of usury. Included in usury deception is a conditional sale, if there is a serious and rational intention in the sale, is considered a type of sharia deception that Imam Khomeini does not approve (Fakhri Damascus, M., Qayyumzadeh, M., & Heidary, 2024). Because the result of usury is always destruction and collapse. The severity of interest-based transactions can be gauged from the fact that its impact is not limited to the person receiving it, but others. (Rao Farhan Ali, 2024).

Loans with interest or excessive interest, have been practiced in various parts of the world for at least four thousand years. Visser argues that the significance of usury is greater than ever in the context of the modern interest-based global economy. (Visser, W. A. M., Macintosh, 1998). Although usury is universal, some socio-economic subcultures still manage to avoid taking or giving interest. (Lewison, 1999). We found that strategic partnerships between FinTech firms and specialist banks target marginal-risk, near-prime, and low-prime consumers, living in states with low interest rate caps for unsecured personal loans. (Gregory Elliehausen, 2024).

According to Schiffman, there is a stark contrast between the harsh moralistic condemnation of usury in medieval thought and the legal flexibility shown by medieval Prophets who allowed the circumvention of Jewish usury laws as a concession to the realities of commercial life. (Schiffman, 2024). So Sari's research results show there is a significant difference in increasing knowledge about usury between the treatment and control groups. (Sari, R. C., Sholihin, M., Putritama, A., Ratna Sari, A., & Hermawan, 2024). As the results of Haji Hashemi, research show that despite several prominent challenges, including the need to reform the banking structure and concepts such as usury and interest in Islamic banking, there is still no proper consensus among technical experts and professors on the concept of usury-free banking. (Haji Hashemi Varnoosafadarani M, 2024).

The prohibition of usury in Islam is established with definite proofs. However, the Qur'an and Prophetic traditions explicitly state usury is prohibited in limited specific situations. Therefore, the jurists tried to find the effective reasons behind the prohibition of usury to determine the Shariah law on these new and unclear issues. (Hasanudin et al., 2023). There is an absolute prohibition against usury (bank interest), in the basic sources of Islam, Muslim scholars have different opinions regarding the reasons why this type of exchange is prohibited. (Islahi, 2024). The prohibition of usury is agreed upon by scholarly consensus, but scholars differ in determining the *illat* that makes usury haram, resulting in differences in providing definitions, determining types of usury, and determining the elements of usury of each type. (Ahmad Sukron, 2024).

Since this science is *Khofiy* (vague) and rarely people who know the ins and outs and the process of legal *Istinbath*, it would be nice if the problem of buying and selling rupiah money that is usually rampant circulating before the holidays be studied more deeply about the concept of usury on money or the cause of these transactions categorized as taboo in Islamic economics.

B. Method

This research is descriptive qualitative research with a library research approach. (Miles, M.B, Huberman, A.M, dan Saldana, 2014; Sugiyono, 2008). *Qiyas Ushul Fiqh* is used to approach and analyze this research. *Qiyas Ushul al-Fiqh* equates case law that is in the Quran and Hadith with case law that is not in the Quran and Hadith because of the

similarity and uniformity of legal *illat* on both objects of study. The use of the *Ushul Fiqh* approach is used because this research is Normative Legal which analyzes the results of the *Istinbath* law of economic experts regarding usury law. (Mohammad Mufid, 2016). Descriptive analysis is an analytical technique used in this study, Descriptive analysis is a technique of analyzing data that has been obtained by describing data review or describing data that has been collected actually without any intention to make generalizations from the results of research that has been done. (Abdurrahman Misno B.P., 2018). And supported by Primary data, namely: *al-Fiqh al-Islami*, and Secondary books, namely: *al-Fiqh Madzahib al-Arba'ah*, as well as other sources.

There are four important elements in Qiyas, namely;

1. *Al-Ashlu or Maqis Alaih*: That is, what has been *Nash* (Alquran and Hadits) law which is the measure or place of Qiyas.
2. *Al-Far'u or Maqis*: That is something that is not stated in the law that will be quoted.
3. The original ruling: That is the *Shar'i* law that has been stated, which will also become the law for the branch of *Far'u*.
4. *Illat*: It is the cause that connects the principal with the branch or a characteristic that already exists in the *Ashal* and the characteristic that is sought in the *Far'u* (Hardiyanti et al., 2024; Mohammad Mufid, 2016).

C. Result and Discussion

Concept of *Illat* Usury, Money, and Qiyas

1. *Illat* Usury

According to *Ushul Fiqh* terminology, the *illat* of the law is a trait that motivates or is the background to the formation of the law. The majority of scholars of *Ushul Fiqh* state that what is used as a benchmark is "the measurable nature of the *Dzohir* contained in the law. Whether that trait is related to a matter of the heart, but can be reasoned with, can be captured directly by the five senses, or is determined by the customs of the local community. It is this kind of *illat* that, according to the *Jumhur Ulama'*, can be used as a benchmark in determining a ruling (Harun, 2015). *Illat* usury is the nature or criteria of something if the nature and criteria are found in an item, then the item is categorized with usury goods. The majority of Ulama' have agreed that there are six types of usury goods that have been explicitly mentioned and listed in the redaction of usury hadiths, namely; Gold, Silver, Red wheat, White wheat, Dates, and Salt. (Nyanyang, 2020), (Tim Laskar Pelangi, 2016).

Controversy and differences of opinion occur on goods other than the six above that are not explicit in the hadiths about usury, which raises questions and perceptions about the law of usury through the process of analogy on other goods (Nyanyang, 2020). The controversy begins with the differences between the scholars in formulating the *illat* of usury contained in the six types of usury goods that have been stated in the Hadits (Tim Laskar Pelangi, 2016). Certainly, each ulama' has a *Naqli* argument based on his thinking which is the handle for the differences in opinion expressed (Rahayu et al., 2021).

2. Money

Money when viewed legally is something that has been formulated and determined by law as money. So everything can be accepted and designated as money if there are already rules of law or law that indicate that it can be used as a medium of exchange. In general, money in Islam is a means of transaction or exchange and a means of measuring the value of goods and services that serve to launch economic transactions. (Andri Soemitra, 2012).

In Islamic fiqh Money is commonly used with the term *Nuqud* or *Tsaman*;

- a. *Nuqud* is Everything that can be used by the general public to conduct transactions, can be; Gold (Dinar), Silver (Dirham), or *Fulus* (Copper).
- b. *Nuqud* is Any currency that has been generally accepted by the community, and the material measuring the value of the money can be made of any type.
- c. *Nuqud* is a Price that is standardized by the community, even though it is made of metal or paper that is printed or made of other materials and has been decided and issued by financial institutions as the holder of authority (Kementrian Agama Republik Indonesia, 2013), (Rahman Shukor & Tamkin Borhan, 2017).

Meanwhile, Kasmir gives a broad definition of money as something that is accepted in general as a means of payment (buying and selling or debit and credit) for goods and services in a certain area. (Kasmir, 2008). So what is meant by money is something that is accepted in general by the community and has been determined by the government as a means of transaction.

3. Qiyas

According to Al-Ghazhali, Qiyas is the process of determining the law of the original case for a similar case based on the similarity of legal causes (*illat*) between the two. (Al-Gahazali, 1993). Qiyas in perspective Abdul Wahab Khallaf is equating a case for which there is no law in the text with a case for which there is a law in the text, due to the similarity of the *illat* in the two legal cases. (Khallaf, 1972). According to Fathurrahman Djamil, Qiyas is a trick to determine the law whose cases are not found in the text by equating them with cases found in the text due to similarities in *illat* (Djamil, 1997).

Qiyas is divided into three, as follows;

- a. Qiyas Al-Aulawi
Is a Qiyas whose ruling on the branch is stronger than the *Ashal*, because the *Illat* contained in the branch is much stronger than the *Illat* contained in the branch.
- b. Qiyas Al-Masawi
Namely, the *Far'u* ruling is of the same quality as the ruling on the *Ashal*, because the quality of the *Illat* in the *Far'u* and *Ashal* is of the same quality and equally strong.
- c. Qiyas Al-Adna
That is, the *Illat* that exists in the *Far'u* is weaker than the *Illat* that exists in the *Ashal*. The sense that the quality of the *Far'u Illat* is very weak compared to the quality of the *Illat* in the *Ashal* (Mohammad Mufid, 2016).

***Illat* of Usury on *Nuqud* (Gold and Silver) Perspective of the Four Madzhab**

Discussing usury will never end as well as discussing the issue of the scholars' disagreement about its *illat*. We can understand that the *illat* contained in gold and silver is the nature of *Naqdiyyah* and a single type in the balance. The book *Al-Fiqh Al-Islami* describes the views of the four imams of the madzhab regarding the issue of the *illat* of usury, as below;

1. Hanafi Madzhab

مذهب الحنفية:

قال الحنفية: علة ربا الفضل أو الضابط الذي تعرف به الأموال الربوية: هي الكيل أو الوزن مع اتحاد الجنس، فعند اجتماعهما: يحرم الفضل والنساء أي أن العلة في الأشياء الأربعة المنصوص عليها (البر والشعير والتمر والملح): هي الكيل مع الجنس. وفي الذهب والفضة: العلة هي الوزن مع اتحاد الجنس، فلا تتحقق علة ربا الفضل إلا باجتماع الوصفين معاً: وهما القدر والجنس أي القدر المعهود في الشرع بكيل أو وزن مع الجنس، أي أن الربا يكون في الأموال التي يجمعها جنس وقدر واحد، كبيع الذهب بالذهب إذا زاد أحد البديلين على الآخر، فإن الزيادة تكون حينئذ ربا؛ لأن كلاً من البديلين موزون، وهو المراد بالقدر. (Wahbah Az-Zuhaili, 2017).

From the expression of the Hanafi Madzhab above, it can be understood that the *illat* of usury in *Nuqud* (gold and silver) is the scale and type similarity. (Ipandang & Askar, 2020). Therefore, Usury *Fadhl* has not been *Tahaqquq* (realized) before there are two criteria simultaneously. So it can be understood that usury only occurs on goods that have the same type and size. Like buying and selling gold for gold, if one of the two has an additional element, such a thing is what usury means (Mubarak, 2015).

2. Maliki Madzhab

مذهب المالكية:

قال المالكية في ظاهر المذهب: علة تحريم الزيادة في الذهب والفضة هي النقدية (أي الثمنية)، أما في الطعام: فإن العلة عندهم تختلف بين ربا النسبة و ربا الفضل. (Wahbah Az-Zuhaili, 2017).

Meanwhile, according to the Maliki Madzhab, the *illat* forbidden addition to gold and silver is the Value or Price (*Nuqud* or *Tsaman*) contained in the gold and silver itself. (Ipandang & Askar, 2020).

3. Syafi'i Madzhab

مذهب الشافعية:

قال الشافعية: العلة في الذهب والفضة: هي النقدية أو الثمنية، أي كونها أثماناً للأشياء، سواء أكانا مضروبين، أم غير مضروبين (مسكوكين)، ولا أثر لقيمة الصنعة في الذهب والفضة، فلو اشترى رجل بدنانير ذهباً مصوغاً قيمته أضعاف الدنانير، اعتبرت المماثلة في الكمية، ولا نظر إلى القيمة. والمقصود بعله الربا في الذهب والفضة على المعتمد هو جنسية الأثمان غالباً، وهي منتفبة عن الفلوس (وهي القروش وغيرها المصنوعة من معادن غير الذهب والفضة كالنيكل والبرونز والنحاس) وغيرها من سائر عروض التجارة، لا أنها قيم الأشياء؛ لأن الأواني والتبر والحلي يجري فيها الربا وليس مما يقوم

بها، واحتترز بغالباً: عن الفلوس إذا راجت فإنه لا ربا فيها. ولا أثر لقيمة الصنعة في ذلك. حتى لو اشترى بدنانير ذهباً مصوغاً، قيمته أضعاف الدنانير، اعتبرت المماثلة، ولا نظر إلى القيمة. (Wahbah Az-Zuhaili, 2017)

In the Syafi'i Madzhab, the *illat* of usury found in gold and silver is Value or Price (*Nuqud* or *Tsaman*) by the Maliki Madzhab. (Ipandang & Askar, 2020). Because the two items are a means of valuation for something, both printed and unprinted. According to *Qaul Mu'tamad* what is meant by the *illat* of usury in gold and silver is *Al-Jinsiyyah Al-Atsman Gholiban*, namely; The value or price is generally attached to an item. Because gold and silver are units of calculation for other goods (Mubarok, 2015).

4. Hambali Madzhab

مذهب الحنابلة:

في هذا المذهب ثلاث روايات بالنسبة لعلة الربا:

أشهرها مثل مذهب الحنفية: وهي أن الكيل أو الوزن مع اتحاد الجنس هو علة الربا، فيجري الربا في كل مكيل أو موزون بجنسه، مطعوماً كان أو غير مطعوم، كالحبوب والأشنان والتُّورة والقطن والكتان والصوف والحناء والعصفر والحديد والنحاس ونحوها.

والرواية الثانية: كمذهب الشافعية.

والرواية الثالثة: العلة فيما عدا الذهب والفضة: كونه مطعوماً إذا كان مكياً أو موزوناً، فلا يجري الربا في مطعوم لا يكال ولا يوزن، كالتفاح والرمان والخوخ والبطيخ والكمثرى والسفرجل والإجاص والخيار والجوز والبيض، ولا فيما ليس بمطعوم كالزعفران والأشنان والحديد والرصاص ونحوه. (Wahbah Az-Zuhaili, 2017)

As for the opinion of the Hambali Madzhab, there are three narrations about the *illat* of usury; first, the opinion is like the opinion of the Hanafi madzhab, namely; the *illat* of usury is the measure or scale along with the similarity of the type of goods. Second, the opinion of the Shafi'i madzhab. And third, the *illat* of usury other than gold and silver is measured or weighed. (Ipandang & Askar, 2020). So there is no usury law for something that does not meet these two criteria.

Illat of Usury on Money Perspective of Four Madzhab

Nuqud or Money is something that is generally accepted by humans (society) as an intermediary (tool) for transactions and to pay debts. Meanwhile, according to Ali As-Salusi, money is anything whose existence is generally accepted as an intermediary for transactions and as a unit of price (standard of calculation) (Ahmad bin Shalih bin Ali Bafadhal, 2007), (Rahman Shukor & Tamkin Borhan, 2017). When such money is also the same as gold and silver because money also has *Illat Riba* as gold and silver (*Nuqud*). As explained in the book *Al-Fiqh Al-Manhaji*;

المراد بعلة الربا الوصف الذي إذا وجد في المال كان مالياً ربوياً، وإذا وجد نفسه في العوضين كانت المعاملة ربوية.

وهذا الوصف غير منصوص عليه فيما ورد من نصوص في الباب، وإنما استنتجه الفقهاء من تلك النصوص فقالوا: إن الأشياء المنصوص عليها في الأحاديث إما أثمان كالذهب والفضة، وإما مطعومات للآدميين كالبر والشعير والتمر والملح. وعليه: فالعلة المعترية في كون المال ربوياً هي الثمنية أو الطعم، دون النظر إلى الكيل أو الوزن. فكأن الشارح قال: ما كان ثمناً أو مطعوماً فلا يُباع بجنسه إلا بشروط.

وإذا ثبت هذا: فكل ما يجري التعامل به من الأثمان، ويقوم مقام الذهب والفضة، كالعملات الرائجة الآن، يُعتبر مالاً ربوياً ويجري فيه الربا إلحاقاً بالذهب والفضة. (Mustafa Al-Jin, 1992)

From the *Ibroh* or expression above, it can be understood that anything that has a price or value (*atsman*), and that something occupies the place of gold and silver, such as banknotes that apply today, then the item is categorized as a ribawi item, and the law of usury is also realized on the item. Like the opinion of Wahbah Az-Zuhaili in (Nyanyang, 2020) Which states that currency is punishable by usury because it has similarities with characteristics and as a substitute transaction tool for gold and silver (M. Dzul Fadli S. et al., 2021).

وكما يجري الربا في تلك الأموال الستة يجري في غيرها، وذلك أن الحكم فيها معلل، فيُقاس عليها كل مالٍ توجد فيه العلة المعترية في تحقق وصف الربا. (Mustafa Al-Jin, 1992)

As the quote of the *Ibroh* or expression says, usury also applies to other than the six types of ribawi goods that have been listed in the hadith. Because the law that applies to the six types is based on legal *illat*. So Qiyas or analogy is also realized to other than the six types when a *Mu'tabar illat* is found (a trait that matches the six types of goods) that exists in goods other than the six types. (Rahayu et al., 2021). The *illat* that exists in money is by the *illat* that exists in gold and silver.

This is also in line with the opinion of Abdurrahman al-Jaziri in the book *Al-Fiqh Ala Madzahib Al-Arba'ah* who quoted the opinion of the four madzhab, that usury also applies to goods other than those mentioned in the hadith.

فكل ما تحققت فيه هذه العلة فإنه يدخله الربا، سواء كان مطعوماً أو غير مطعوم، فيُقاس على القمح والشعير المذكورين في الحديث كل ما يباع بالكيل كالذرة والأرز والدخن والسمسم والحلبة والجص إذا كان لا يباع بالكيل، ويقاس على الذهب والفضة كل ما يباع بالوزن كالرصاص والنحاس. (Abdurrahman Al-Jaziri, 2015)

It is clear from the expression that everything in which there is *Tahaqquq* (clear) *illat* of usury, then the goods are subject to usury law as with the goods that have been Nash in the Hadith of the prophet. In this expression, tin and copper are also analogous to gold and silver.

وقال محمد: يصبح أن تكون الفلوس الرائجة رأس مال الشركة؛ لأنها بحسب الأصل عنده تعتبر من الأثمان المطلقة، لأن الثمنية لازمة لها.

In line with the opinion of Sheikh Muhammad stated in the book *Al-Fiqh Al-Islami*, he believes that *Fulus* or money in the market (today's money) can be used as *Ra'sul Maal* (capital) in a *Syirkah* contract or cooperation. This is because, according to him, money or *Fulus* is considered to be a valuable item in principle, because money or *Fulus* has the characteristic of *Tsamaniyah* (valuable item) which is common (permanent) in it.

فكل ما وجد فيه النقدية (أي كونه ثمنا)، الى ان قال..، فانه يدخل الربا ولا فرق في الثمن بين ان يكون مضروبا كالجنية والريال او غير مضروب كالحلي والتبرز. ومن هذا تعلم ان الشفعية قاسوا كل ما فيه طعم وما يصلح نقدا على الأشياء الستة المذكورة في الحديث، فعلة القياس هي الطعمية والنقدية. (Abdurrahman Al-Jaziri, 2015)

As well as the above statement says that anything in which there is the nature of *Naqdiyyah* or *Tsaman* (price or value), then the item is subject to the law of usury. There is no difference in the form of the Price, whether it has been printed like Reyal money or not like jewelry. From this, it can be seen that the Syafi'i Madzhab analogizes everything in which the nature of food is contained and deserves to be used as *Nuqud* or price and value, with the ribawi goods listed in the hadith. Meanwhile, what is used as the *illat* of Qiyas is the *illat* of food and *Nuqud*.

As stated in the book *Al-Fiqh Al-Islami* about the opinion of the scholars on the issue of analogizing the *illat* of usury;

نوع العلة: وهكذا كل ما تحققت فيه هذه العلة (القدر المتفق مع الجنس المتحد) فإنه يشتمل على الربا، سواء أكان مطعوماً أم غير مطعوم، فيقاس على القمح والشعير المذكورين في حديث ربا الفضل: كل ما يباع بالكيل كالذرة والأرز والبتيمس والحلبة والجص، إذا كان يباع بالكيل. ويقاس على الذهب والفضة: كل ما يباع بالوزن كالرصاص والنحاس والحديد. (Wahbah Az-Zuhaili, 2017)

Likewise, when the *illat* of usury is in an item (similarity in size and type), then the transaction contains usury. Whether the transaction is in the form of food or not (*Nuqud*). Thus, goods that are calculated by scales such as; tin, copper, and iron are analogous to gold and silver. (Wahbah Az-Zuhaili, 2011).

1. Hanafi Madzhab

أدلة الحنفية: استدلال الحنفية على أن علة الربا هي الكيل أو الوزن: بأن التساوي أو المماثلة في العوضين شرط في صحة البيع، وحرمة الربا لوجود فضل مال خال عن العوض، وهذا يوجد في غير المنصوص عليه في الحديث السابق، مثل الجص والحديد ونحوهما. والتساوي أو المماثلة بين الشيعيين يكون باعتبار الصورة والمعنى. والقدر المتفق (وهو الكيل أو الوزن) يحقق المماثلة صورة، والجنس يحقق المماثلة معنى؛ لأن المجانسة في الأموال عبارة عن تقارب المالبية، فالقفيز يماثل القفيز، والدينار يماثل الدينار، فيكون القفيز الزائد فضل مال خال عن العوض يمكن التحرز عنه في عقد المعاوضة، فكان ربا، وهذا المعنى لا يخص المطعومات والأثمان، بل يوجد في كل مكيل يباع بجنسه، وموزون يبادل بمثله. (Wahbah Az-Zuhaili, 2017)

Hanafi Madzhab argues that the *illat* in usury is weights and measures, with the argument stating that the similarity in the two types of goods transacted is a condition of the validity of the contract in buying and selling. (Mubarok, 2015). The indication of the prohibition of usury is due to the addition of one of the two commodities transacted without commensurate returns. This also applies to other commodities that are not listed in the usury hadith text. Such as; plaster, iron, and others (Wahbah Az-Zuhaili, 2011).

The essence and meaning of the expression is that *illat* usury does not only apply to commodities that have been mentioned in the hadith (types of food and valuables) but is realized on any measured and weighed goods that are transacted with similar goods. (Wahbah Az-Zuhaili, 2011). This expression shows that there is a gap and a great possibility of applying Qiyas to other than goods in the *Nash*. As with contemporary money which is analogous to gold and silver because of the single type and the same balance.

2. Maliki Madzhab

ودليلهم على أن هذه هي علة تحريم الربا : هو أنه لما كان حكم التحريم معقول المعنى في الربا وهو ألا يغبن بعض الناس بعضاً ، وأن تحفظ أموالهم ، فواجب أن يكون ذلك في أصول المعاش : وهي الأقوات، كالحنطة والشعير والأرز والذرة والكرسنة والتمر والزبيب ، والبيض، والزيت، والبقول السبعة : وهي (العدس ، واللوبيا ، والحمص ، والترمس ، والفول ، والجلبان ، والبسلة). (Wahbah Az-Zuhaili, 2017)

Maliki Madzhab argues that the reason for the *illat* in usury is that the prohibition of usury must make sense in the sense that people should not cheat each other and that their money must be safeguarded, so the money must be in the form of property that can provide for the living. (Wahbah Az-Zuhaili, 2011). This is reflected in the existence of money which is a basic need at this time to meet the needs of everyday life.

3. Syafi'i Madzhab

ودليلهم: أن الحكم إذا علق باسم مشتق دلّ على أن المعنى الذي اشتق منه الاسم هو علة الحكم، مثل قوله سبحانه: ﴿والسارق والسارقة فاقطعوا أيديهما﴾ [المائدة: ٣٨/٥] ففهم أن السرقة هي علة قطع اليد، وإذا كان هذا هو المقرر، فقد جاء من حديث معمر بن عبد الله أنه قال: كنت أسمع رسول الله صلى الله عليه وسلم يقول: «الطعام بالطعام مثلاً بمثل» فتبين أن الطَّعم هو علة الحكم، لأن الطعام مشتق من الطعم، فهو يعم المطعومات، وهذا وصف مناسب، لأنه ينبئ عن زيادة الخطر (أي الأهمية) في الأشياء الأربعة التي نص عليها الحديث؛ لأن حياة النفوس بالطعام. وكذلك الثمنية معنى مناسب، لأنه ينبئ عن زيادة خطر، وهو شدة الحاجة إلى النقدين (الذهب والفضة) أو ما يقوم مقامهما من النقود الورقية، بحسب التخريج والتصحيح الذي رأيته، خلافاً للمعتمد في المذهب الشافعي في العرف الماضي. (Wahbah Az-Zuhaili, 2017)

The argument that becomes the reason for the Shafi'i Madzhab is that if a legal provision is stated in derived word form (*Al-Musytaq*) then it shows the meaning contained in the basic word (*Al-Musytaq Minhu*) is the *illat* of the law. Thus, *Illat Tsamaniyah* is a legal *illat* that is very suitable for the prohibition of usury law for

gold and silver, because it shows and raises additional attention (valuable) and urgency (*Hajah*), namely the urgent need for *Nuqud* (gold and silver). Likewise, the legal *illat* is realized on other objects that occupy its position, such as; Banknotes. (Wahbah Az-Zuhaili, 2011). So paper money is also subject to legal *illat*, as the law applies to gold and silver.

4. Hambali Madzhab

في هذا المذهب ثلاث روايات بالنسبة لعلة الربا: أشهرها مثل مذهب الحنفية: وهي أن الكيل أو الوزن مع اتحاد الجنس هو علة الربا، فيجري الربا في كل مكيل أو موزون بجنسه، مطعوماً كان أو غير مطعوم، كالحبوب والأشنان والتُّورة والقطن والكتان والصوف والحناء والعصفر والحديد والنحاس ونحوها (Wahbah Az-Zuhaili, 2017).

The most popular opinion among the Hambali Madzhab is like the opinion of the Hanafi Madzhab, which is the *illat* of usury law is the measure or scale with the same type of goods. So the consequence is that usury only applies to similar goods that are measured or weighed, whether the goods are food or not, such as grains; lime, cotton, lena cloth, wool, henna leaves (*Inai*), *Usfur* plants, iron, copper and so on. (Wahbah Az-Zuhaili, 2011).

Contemporary Ulama Perspective on Usury

In MISYKAT magazine, there is a *fatwa* that says that money is a buyer's tool that is used as a substitute for gold stored in the state treasury. (Azizi Hasbulloh, 2009). In the book *Al-Auraq An-Naqdiyyah*, it is explained that the paper money that applies today is also subject to usury law. Because it has the nature of *Tsamaniyah* which is *Kamilah* (perfect). When so, then it determines the validity of the law of usury, zakat, and others. (Ahmad bin Shalih bin Ali Bafadhal, 2007). In line with Wahbah Az-Zuhaili's opinion, he argues that contemporary means of payment are also subject to usury law as stated in the book *al-Fiqh al-Islami*;

وبما أن الفلوس ومنها النقود الورقية الحالية أصبحت هي أثمان الأشياء غالباً، فإنني أرى جريان الربا فيها.

According to Wahbah Az-Zuhaili's opinion, the meaning of *Fulus* is money that has been recognized and become a unit of value in commodity goods and services in general. So argue that *Fulus* or money today is subject to the consequences of usury law as well. (Wahbah Az-Zuhaili, 2017).

According to Imam An-Nawawi as the opinion that he quoted (*Nuqil*) from some scholars the prohibition of usury does not apply to the six types of usury that have been *Nash*, but also applies to something that is the same with it. The thing is an item in which there is an *illat* of usury, which *illat* is the cause of the prohibition of usury on the six types of goods mentioned in the hadith of the prophet (Ahmad bin Shalih bin Ali Bafadhal, 2007).

مقياس الأموال الربوية : ويلاحظ أن ما نص الشارع على كونه كيلياً كبير وشعير وتمر وملح ، أو وزنياً كذهب وفضة ، فإنه يظل كذلك لا يتغير أبداً ، وإن ترك الناس التعامل فيه كما كان في الماضي . وهذا رأي جمهور الحنفية ، والشافعية والحنابلة ،

لقول النبي : { المكيال مكيال أهل المدينة ، والوزن وزن أهل مكة } ، فلا يصح بيع الخنطة بالخنطة بوزن متساو ، ولا بيع الذهب بالذهب أو الفضة بالفضة بكيل متساو ؛ لأن النص أقوى من العرف ، والأقوى لا يترك بالأدنى .

(Wahbah Az-Zuhaili, 2017).

Indeed, the *illat Tsamaniyah*, the price or value of something, and as a means of transaction is in the banknotes that are valid today, when viewed from the point of view of being a medium of exchange and as a type of payment that is valid. This is the basic *illat* that is found in the *Nuqud* (gold and silver). Therefore, the banknotes are *Mulhaq* (equated) with gold and silver. When this is the case, the ruling that applies to gold also applies to it. (Ahmad bin Shalih bin Ali Bafadhal, 2007).

Fiqh Ulama has different opinions on the Riba law of bank interest. Those who forbid it argue that bank interest is similar to usury, so it must be prohibited. While those who legalize bank interest argue that bank interest is not the same as usury, so the law is halal. As for those who consider it a *Syubhat*, because in their view bank interest in addition to having similarities with usury, also has several differences, then the law is *Syubhat* (Hardiyanti et al., 2024). The law of bank interest when viewed from the perspective of Ushul Fiqh, both those who forbid, those who legalize, and those who hold a *Syubhat* view, all are not sourced from *Qath'î* arguments, but *Zhannî* because they are sourced from the results of *ijtihad* with the *Qiyâs* method. Due to the absence of *Qath'î* arguments, the author argues that the new direction to determine the halal-haram law of banking transactions with the interest system, should be assessed from the large or small level of benefit (*Maslahah*) and (*Mudharat*) arising from the sale and purchase. (Tohari, 2019).

Therefore, according to the results of Tohari's research, in punishing usury in banking transactions, consideration is needed regarding the benefits and harms caused by the transaction. This is certainly a new face in determining the legal status of halal and haram in banking transactions through the interest system. (Tohari, 2019). While research from Ahmad Sukron also supports this opinion, because according to him not all transactions in the conventional banking system can be punished with usury because there are still many transactions that are not against Islam and are not categorized as usury concepts. The reason underlying the opinion of Ahmad Sukron is that although conventional banks are institutions that are identical to usury, usury itself is a sale and purchase transaction or debt and credit that contains elements of usury in it both profit and loss for one of the two parties. (Ahmad Sukron, 2024).

ودليلهم على أن هذه هي علة تحريم الربا : هو أنه لما كان حكم التحريم معقول المعنى في الربا وهو ألا يغبن بعض الناس بعضاً ، وأن تحفظ أموالهم ، فواجب أن يكون ذلك في أصول المعاش : وهي الأقوات، كالخنطة والشعير والأرز والذرة والكرسنة والتمر والزبيب ، والبيض، والزيت. (Wahbah Az-Zuhaili, 2017).

According to the opinion of contemporary ulama such as KH. Sahal Madfudz explains the concept of interest in banks that are exploitative, inhumane, and consumptive. Therefore, according to KH. Sahal Mahfudz, bank interest consumed or obtained from and for productive behavior is punished as permissible, while bank interest consumed or obtained from and for consumptive behavior is punished as haram. (Munir Munir, Ahmad Adil Manan, Shofa Robbani, 2023). In contrast to the opinion of M. Quraish Shihab who does not punish Haram on bank interest. According to M. Quraish Shihab the bank interest transaction is based on the agreement of both parties and does not contain elements of

persecution, oppression, and injustice. (Munir Munir, Ahmad Adil Manan, Shofa Robbani, 2023; Rahayu et al., 2021; Sehabudin et al., 2024; Wartoyo, 2010).

Besides that, according to M. Quraish Shihab, not all legal experts prohibit bank interest and there are even scholars who allow it. However, when you want a safer transaction, it is advisable to transact in Islamic banks only. (Gieni Devi Safitri, Nikamatul Masruroh, 2023; Munir Munir, Ahmad Adil Manan, Shofa Robbani, 2023). Extrinsic rights identify cases where a person can legitimately receive compensation, above the amount of money loaned, and which is said not to contain usury. (Walsh, 2024). While Yusuf Qardhawi, states unequivocally that the proceeds from bank interest sourced from banks and consumed by customers are haram because they have similarities with usury, and bank interest will always be haram as well as usury. (Munir Munir, Ahmad Adil Manan, Shofa Robbani, 2023; Rahayu et al., 2021; Sehabudin et al., 2024; Wartoyo, 2010).

The results of Karimuddin's research, show that the differences in the determination of legal *illat* used to determine the law (*Istinbath*) of bank interest vary greatly. Therefore, although there have been efforts to forbid the bank interest system, Muslims have not yet obtained a definite solution and innovation to minimize or even avoid the problem of bank interest. As a result, the solution offered is that bank interest is temporarily allowed under certain conditions such as no interest, and low interest, and does not contain elements of intentionality. To overcome these problems, of course, Muslims should always take part in supporting and supporting the existence of Islamic Banks that give birth to Islamic products by the provisions of Islam. (Karimuddin Karimuddin, Muhammad Haeqal, Rahmad Efendi, Marhadi Marhadi, 2024). Rao Farhan Ali's research concluded that interest is haram in all its forms and causes many economic problems for society. Therefore, it is imperative to eliminate interest from the economy as much as possible. (Rao Farhan Ali, 2024).

D. Conclusion

From the many information, expressions, and opinions of scholars about the *illat* of usury listed in contemporary and classical books, both listed in the book *Al-Fiqh Al-Islami* and the book *Al-Fiqh Ala Madzahib Al-Arba'ah* or other books. So according to researchers can be concluded, that the Rupiah in circulation today and used as a transaction tool also includes *Ribawi* goods, because it has a legal *illat* as the legal *illat* contained in gold and silver, namely; value or price, which is contained in gold and silver itself. In the same way, the Rupiah is a means of transaction, because money has a price, and besides that, money is a basic human need, especially as a means of transaction to meet the needs of life. Thus, every law that applies to Gold and Silver also applies to Rupiah. Because in the concept of *Qiyas Ushul Fiqh* or analogy, all laws that fall on *Ashal*, then the law will also fall on *Furu'*.

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