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Riba According to Sjafrudin Prawiranegara (1911-1989) and Muhammad Syafii Antonio (1967) (Critical Comparative Analysis of Islamic Legal Theory Perspective)

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Abstract: Sjafrudin Prawiranegara and Syafii Antonio are two influential figures of Islamic economists in Indonesia. Both are considered to represent two different poles of Islamic economics. Sjafrudin represented critical thinking, while Syafii Antonio represented mainstream thinking. This paper was made with a theory approach *istinbat* law. Based on an analysis with this approach, it was revealed that Sjafrudin Prawiranegara tended to interpret usury philosophically, while Syafii Antonio tended to emphasize more on the linguistic aspects (*bayani*) as the views of the main religious scholars. According to Syafrudin Riba is all the profits obtained based on transactions or agreements in which one party is abusing his strong economic position to take advantage that crosses the line from his weak counterpart. While Syafii Antonio equates usury with interest which means more than credit.

Keywords: *healthy lifestyle; living quran; living hadits*

A. INTRODUCTION

Sjafrudin Prawiranegara is a national figure who is quite reckoned with. In his political career, he was the shortest President of Indonesia, which was for 207 days. That is when he became the leader of the PDRI or the Emergency Government of the Republic of Indonesia which was formed due to the Second Dutch Military Aggression on December 19, 1948 (Ridho, 2014).

Although he never received a structured Islamic education, either at the boarding school, or in other Islamic institutions, but because he grew up in a *priyayi* family, he

was eventually counted as one of the thinkers of Islamic economics in Indonesia. He even belongs to the *assabiqu>nal awwalun* (early generation) group, in the study of Islamic economics in Indonesia.

One of his thoughts that is quite interesting, is his view on usury. His views are very much different from the views of mainstream scholars about usury. This view is based on the Qur'an QS. al-Baqoroh verse 275.

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي
يَتَخَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ذَلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ



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مِثْلُ الرِّبَا وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا فَمَنْ جَاءَهُ
مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَى فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ
وَمَنْ عَادَ فَأُولَئِكَ أَصْحَابُ النَّارِ هُمْ فِيهَا خَالِدُونَ

275. Those who consume interest cannot stand [on the Day of Resurrection] except as one stands who is being beaten by Satan into insanity. That is because they say, "Trade is [just] like interest." But Allah has permitted trade and has forbidden interest. So whoever has received an admonition from his Lord and desists may have what is past, and his affair rests with Allah. But whoever returns to [dealing in interest or usury] - those are the companions of the Fire; they will abide eternally therein.

This verse in the colonial era was often used by Moslem mindering to carry out manipulation as the following example. Tailor A sells a piece of cloth on credit for 3 months at a price of f 50 to B who really needs money for shopping. B gives a letter of acknowledgment of debt off 50 to A. Then B sells the cloth back to A in cash at a price of f 25. So, A receives f 25 and admits that he owes f 50. If A directly lends money to B off 25, and B promises to pay back within 3 months f 50, this is prohibited because it is usury (haram) but by buying and selling cloth, the above actions are permissible and fortunately according to the cetist, it is lawful. It's as if God is stupid and the cobbler is smart. According to Sjafrudin, the issue of usury is a complicated problem, because there are no formulations or examples from the Al-Quran and Hadith regarding forbidden usury. The reason is because the Prophet died before he could explain about the usury (Prawiranegara, 2011, pp. 30-31).

Most of the scholars are of the opinion that Riba is any addition to borrowing money. Meanwhile, the profit arising from

the sale of goods, however high and even though the profit is obtained from the sale on credit, is seen as halal, because basically it is the sale and purchase of goods.

Sjafrudin rejected the above assumption. According to him, it is irrational to call the profits obtained from providing credit in the form of money as forbidden usury. While the profits obtained from credit in the form of sales of goods, are lawful. Because both lending money and selling goods in the form of credit, debts recognized by the debtor in both cases are expressed in money and the profit earned in both cases is also received in the form of money, if there are no other deviating agreements (Prawiranegara, 2011, p. 32).

Meanwhile, one expert who shares the same view as mainstream scholars in terms of usury is Muhammad Syafii Antonio. He is known as the pioneer of Islamic banking in Indonesia with the concept of non-usury. His study of usury begins with the same Qur'anic verse as Sjafrudin's view, namely Al-Baqarah verse 275. But the conclusions from the two are very contradictory.

Sjafrudin discusses usury not fixated on the understanding of previous scholars. He prefers to see usury as an oppressive transaction, be it a sale or purchase transaction or another, as long as there is economic exploitation from one party. Sjafrudin saw usury by using a philosophical study of usury itself. In addition, when explaining usury Sjafrudin associated with the history of money used by humans to facilitate transactions. According to Sjafrudin, money is like something that can be loaned and rented. So, taking borrowing and leasing services is as permissible as taking services for borrowing goods. From here the author is interested in examining the legal istinbath of Sjafrudin and Syafii Antonio in studying the verses about usury.

B. MATERIALS AND METHOD

1. Short Biography of Sjafrudin Prawiranegara and Muhammad Syafii Antonio

Sjafruddin Prawiranegara (1911-1989) was born in Anyer Kidul, Serang Banten on February 28 1911 as the second child of Raden Arsjad Prawiraatmadja who was then sub-district head. His father was a Sundanese menak, while his mother was of Minangkabau blood. This Minangkabau lineage can at least explain Sjafruddin's closeness in the public sphere of politics with Sjahrir who has a secular socialist orientation and Mohammad Natsir who tends to have a religious-democratic view. This position can at least explain why in the future, the Indonesian Socialist Party (PSI), led by Sjahrir, has links with Masjumi, led by Natsir. Both of these parties at the beginning of independence both supported democracy and were anti-Communism (Rahardjo, 2011, p.65).

Sjafruddin Prawiranegara is the second child of Raden Arsyad Prawiraatmaja and Noer'aini. Sjafruddin's father was a descendant of the Sultan of Banten named Raden Haji Chatab Aria Prawiranegara, better known as Patih Haji. Likewise, Sjafruddin's mother who also has the same seeds and weight. Sjafruddin's mother's father was named Abidin Mangoendiwirja, a resident assistant, and Abidin Mangoendiwirja's older brother married a daughter of Patih Haji. So actually, the meeting of Sjafruddin's parents was not a foreign meeting, it could be said that there were also family ties in it. Sjafruddin was born on February 28, 1911 (Mansur, 2017, p.146). Raised in a priyayi family with strong Islamic values, this served

as a provision for Syafruddin in his scientific and political career.

Sjafruddin's first school was (Europa Lagere School, or lower school for Europeans, namely Dutch or other Europeans who were considered equal). The first school for Sjafruddin, is also the first step to set foot in the city of Ngawi. After graduating from ELS, Sjafruddin continued his studies at MULO in Madiun City. At first Sjafruddin was going to continue his studies at HBS, a high school level school that was considered of high quality, but due to several considerations he eventually went on to MULO. After graduating from MULO, he continued his studies at AMS (Algemeene Middelbare School, a public high school at the current high school level) in the field of literature. The last school mentioned above he attended in the city of Bandung. Sjafruddin's final academic education was graduating as a law degree (Meester in de Rechten) at RHS (Rechts Hoge School, Law College) (Mansur, 2017, pp.146-148).

None of his educational experiences were characterized by religion. So that formally he did not have a strong religious scientific basis. But the activities in his environment have forged him to become interested in studying Islam. In his religious activities, he served as Chairman of the Indonesian Mubalig Corps (KMI). His activities related to education, Islam, and da'wah, such as Member of the Board of Trustees of the Management Education & Development Foundation (PPM), now known as PPM Management (1958), Member of the Management of the Al Azhar Foundation/Islamic Islamic Boarding School Foundation (1978) and Chairman Indonesian Missionary Corps (1984).

In early 1958, the Revolutionary Government of the Republic of Indonesia PRRI was established in Central Sumatra due to dissatisfaction with the government because of the social inequality that occurred and the influence of the communists (especially the PKI) which was getting stronger. Syafruddin was appointed PRRI Prime Minister and then formed a counter Cabinet in response to the formation of Ir Juanda's cabinet in Java, but PRRI still recognized Soekarno as President of PRRI, because he was constitutionally appointed. The PRRI was soon annihilated by the central government until in August 1958, the PRRI's resistance was declared over and the central government in Jakarta managed to regain control of the territories that had previously joined the PRRI. Republic of Indonesia Presidential Decree No.449/1961 then stipulated the granting of amnesty and abolition to people involved in the rebellion, including the PRRI (Prawiranegara, t.t).

Sjafrudin Prawiranegara is one of the national figures who has a significant role in both the political and economic leadership of Indonesia. Political leadership is seen at several important moments such as times of stress, ready to face the consequences of bad decisions, demands for conflict and negative influence on political performance. In this case, Sjafrudin Prawiranegara has a strong personal character in the form of courage to make decisions at critical times. After languishing in the national social, political and economic commotion, this Masyumi figure died at the age of 77 years on 15 February 1989 in Jakarta (Saepudin, 2017, p.256).

Syafruddin founded PDRI with other fighters, such as Teuku Hasan who later served as Deputy Chairman of the PDRI,

Lukman Hakim, Sulaiman Effendi, Mananti Sitompul, Indracahya, Colonel Hidayat and Muhamad Nasrun. Syafruddin Prawiranegara along with other figures, ran the PDRI for 207 days, in order to defend the independence that had been proclaimed by Soekarno-Hatta on August 17, 1945. In March 1950, as Minister of Finance in the Hatta Cabinet, he cut money from the value of Rp. 5 and above, so the value is half. The monetary policy that was widely criticized was known as the Syafruddin Scissors (Ridho, t.t).

Muhammad Syafi'i Antonio was born in Sukabumi, West Java, on May 12, 1967 (Antonio, 2001). His real name is Nio Cwan Chung, with Indonesian citizenship status of Chinese descent. He was born to Liem Soen Nio (Hj. Suniah Badrahalim) and Nio Sem Nyau. His mother is a woman who has expertise in Sinshe and has followed the Shafi'i faith, (he died around November 2010), while his father is a Shinse and Tridharma Buddhist monk who faithfully nurtures his people in several pagodas in Jakarta, Bogor, Tangerang, Bangka and Belitung (Adinugraha & Ghofur, 2017, p.183).

Since childhood, Syafii Antonio has known and adhered to Confucian teachings, which is quite devout, because his father was a Confucian priest. Apart from being familiar with Confucian teachings, Syafii is also familiar with Islamic teachings through association at home and school, where he communicates and interacts a lot. In this environment, he often pays attention to the ways of worship of Muslims. Because he often pays attention to the religious behavior of the people around him, Syafii secretly likes to pray. Worship activities like that he often do even though he has not pledged

himself to be a Muslim (Abidin, 2011, p.81).

Even though his father had a negative view, Syafii still insisted on studying Islam. He studied Islam comparatively with other religions. "In conducting this comparative study, I used three approaches, namely history, nature, and rational reasoning. I deliberately did not use the approach of the holy books in order to objectively know the results," he said. Based on these three approaches, he sees Islam as a religion that is easier to understand than other religions. In Islam he found all the apostles sent by God to the earth teaching one message, namely Tawhid. In addition, he is very interested in the holy book of Muslims, namely the Koran. In addition, compared to other religions, it is proven that there is no religion that has a system as complete as Islam. The results of this comparative study have solidified the heart to immediately decide that Islam is a religion that can answer life's problems. After contemplating to strengthen his heart, when he was 17 years old and still in high school, Syafii decided to embrace Islam. He was guided by KH Abdullah bin Nuh al-Ghazali to say two sentences of the creed in 1984. His name was later changed to Syafii Antonio (Tejomukti, 2018).

Muhammad Syafii Antonio's pattern of thought also cannot be separated from his educational background. Syafii studied at ITB and IKIP, then moved to IAIN Syarif Hidayatullah. Not yet finished, because he continued his education to the University of Jordan (Jordan). In 1986 - 1990 he obtained Bachelor of Arts in Islamic Studies (major) and Economics and Statistics (minor) University of Jordan. Then in 1990 - 1992 Obtained a Master of Economics Degree from the

International Islamic University Malaya (IIUM), Kuala Lumpur. His doctorate (Ph.D) was obtained at the University of Melbourne Australia with a concentration in Micro Finance in 2004. Syafii's monumental informal education includes Accounting Management and Financial Analysis, Bank Muamalat, Jakarta (1992). Islamic Banking Overview (1992). Domestic Banking Operation, Bank Muamalat Jakarta (1993). Treasury and Asset Liability Management, Raxindo, Puncak, West Java (1993) (Adinugraha & Ghofur, 2017, p. 184).

2. Various Methods of Legal Istinbath in Islam

In terms of the science of Usul Fiqh, the theory or method of legal discovery is used with the term istinbath / thuruq al-istinbath, namely the ways taken by a mujtahid in issuing the law from its arguments. Thus, istinbath is a way of obtaining the provisions of Islamic law from the arguments as discussed in the science of Usul Fiqh (Zaidah, 2017, p.146).

The systematic construction of the methodology was first introduced by Imam Shafi'I (150-204H) so that the scholars during and after him tended to use and maintain it, and only in a few parts did they develop and change it. The construction of Islamic law can be broadly divided into three patterns, namely (a) bayani (semantic study); (b) ta'lili (illat-factorial determination); (c) istislahi (consideration of benefit). The first pattern focuses more on language studies (semantics) such as when a lafadz means intrinsic or majaz. How to choose one of the meanings of musytarak lafads, which verses are qath'i and which verses are dzaimi and so on are discussed in the science of Usul Fiqh in detail. The second pattern

is the ta'lili pattern, which is a pattern that focuses more on the study of determining illat (determination of factors that become legal anchors) which procedurally discusses ways to determine illat, conditions for illat, the use of illat in qiyas and changes in law if later found illat the new one. The third pattern is the istislahi pattern, a pattern that focuses more on the consideration of benefits, which means studies relating to new problems that usually arise due to advances in science and technology (Tono, 1992, p. 37).

Ali Yasa Abu Bakr argues that there must be a distinction between proposition and method. According to him, the arguments are only the Qur'an and the Sunnah (al-munsiy' argument) while the rest (al-muzhahir's argument) are considered as methods, which are grouped into:

- a. Lughawiyah method (reasoning based on linguistic rules)
- b. Ta'liliyyah method (considerations based on illat (legis ratio))
- c. The istishlahiyyah method (considerations that are based on the benefit or purpose of the sharia) (Abu Bakar, 2016 p. 18).

Wael B Hallaq made two categorizations related to the two camps in the understanding of Islamic law. He called it the terms religious utilitarianism and religious liberalism. Theologically these two tendencies take a broad framework from the religious doctrines proposed by Muhammad Abduh. Both share the same goal, namely the reformulation of legal theory in a way that leads to a successful synthesis of basic Islamic religious

values on the one hand and a substantive law suitable for the changing needs of modern society on the other. The methods they use to achieve this goal differ significantly. Religious utilitarians write their theory primarily in relation to the public interest (maslahah), which is traditionally a principle of rather limited application which they have however expanded to make it a leading component of legal theory and methodology. These utilitarians contributed to a particular set of principles laid down by the early and medieval Islamic jurists. Meanwhile, religious liberals on the one hand discard entirely the principles developed by the traditional jurists and their meanings. It seems that they have taken the rational aspect of Abduh's thesis along with the legacy left behind (Hallaq, 2001, pp. 317-318).

The main goal of the liberalist approach is to understand revelation in text and context. The relationship between the revealed texts in modern society does not depend on a literal interpretation but rather on the interpretation of the spirit and purpose behind the specific language of the revealed texts. The moderate side of liberalism allows progressive and pragmatic ideas to formulate the legal theory proposed by Muhammad Said 'Ashmawi (Hallaq, 2001, p. 345).

Ashmawi distinguishes between religion as a pure idea and as a thought to elaborate on that pure idea. 'Ashmawi explained this as the general principles of sharia. First, sharia is more than just a collection of laws and witnesses. Sharia is a way of life. Second, opening the way, what Ashmawi considers to be the correct interpretation of the revealed sharia for special reasons to be carried out with human reality. Third, sharia is

seen for the purpose of serving the public interest. Fourth, changes to verses in the Koran that are directly or indirectly related to the prophet, referring to the division of classical and medieval jurists, Ashmawi divides the discussion into verses that have universal meaning and verses that are specific to the prophet. Fifth, it aims to create a close relationship between the Koran and Sharia on the one hand and the state of par Islam on the other. Sixth, Ashmawi states that sharia perfection can be achieved by adjusting to social conditions and human interests that are constantly changing (Hallaq, 2001, pp. 345-350).

C. RESULT AND DISCUSSION

1. Views of Sjafrudin Prawiranegara and Muhammad Syafii Antonio on Riba

a. Sjafrudin Prawiranegara's views on interest and usury

Sjafruddin argues that the emergence of social chaos and the obvious disparity between the rich and the poor is due to the separation of religion from life. Whereas in Islam, efforts to find the necessities of life, do not forget the obligations towards fellow human beings, especially towards the poor and weak. Thus, in Islam, in seeking life, it is not the satisfaction of lust that takes precedence, but to do as much good as possible without forgetting oneself, and without exceeding one's limits. He then referred to the verses of the Al-Quran Surah Al-Qaşaş [28]: 77 (Mustapa, 2017, pp. 162-163).

In his views on socialist and liberal economics, Islam, according to Sjafrudin, is in the middle

position. Therefore, according to the communists, Islam is said to be bourgeois. But the Islamic system can also be called socialistic. Even though Islam recognizes the profit motive, it binds it to moral, social and temperament requirements (self-limitation). First, it should not exceed the limit, thereby endangering the health and well-being of us and others. Second, Allah forbids hoarding wealth. Third, we are commanded to empathize with the poor through orders, fasting, zakat fitrah and zakat maal. Fourth, Allah forbids us from taking other people's wealth in vain. Fifth, Allah justifies buying and selling and forbids usury. Clean buying and selling based on like and like (Prawiranegara, 2011, pp. 20-30).

History records that the figure of Sjafrudin Prawiranegara is better known as an economist and founder of the Indonesian national economy rather than his role in politics. His prominence in the economic field was initiated in the early 1950s. He received appreciation as The Guardian of Monetary Stability, because of his successful financial management. He is one of the founders of various Bank Indonesia policies that are guided up to now; one of which is regarding the independence of Bank Indonesia which was only realized in the late 1990s. According to Dawam Rahardjo, his economic thinking includes neo-classical liberalism (Saepudin, 2017, p.257).

His views on economics and economic development were written in his position as homo-Islamicus. But his views on Islam are not

solely based on faith, but also on the basis of scientific rationality. This is done by interpreting the teachings of the Al-Quran and the Sunnah of the Prophet from a modern perspective. From this interpretation, he found that the core of the Islamic view of the economy is centered on three concepts, namely usury, zakat and trade. In contrast to other Muslim scholars and economists. Sjafrudin did not equate usury with bank interest. He interprets usury as a system of exploitation, both in the fields of production, distribution and consumption (Rahardjo, 2011, p.194).

Sjafrudin thinks that the scholars who equate bank interest with usury are due to their ignorance of economics. However, a scholar who knows economics, although he is not an economist, namely Yusuf Ali, a Pakistani scholar of interpretation, he stated that usury is usury in English. Yusuf Ali said, "My definition of usury or usury in English includes all forms of profiteering of all kinds, except for economic credit created by the modern banking system." Sjafrudin agrees with this opinion (Rahardjo, 2015, p.191).

This view tries to divert public opinion about usury which is always associated with loans. Sjafrudin, along with Yusuf Ali, tried to invite people to think that usury is not always related to credit matters. In broad terms, any form in economic terms where there is an unnatural dredging of wealth, whether in loans, buying and selling, is called usury.

According to Sjafruddin, to understand the meaning of usury, several factors must be considered as follows. First, the literal translation of the word usury does mean addition. Second, the opposite of usury is the profit from clean buying and selling, which is based on mutual preferences between those who buy and those who sell (Prawiranegara, 2011, p.31). In terms of terminology, Sjafruddin defines usury as all profits obtained based on transactions or agreements in which one party abuses its strong economic position to take advantage beyond the limits of its opponent whose economic position is weak (Prawiranegara, 2011, p.33).

Sjafrudin Prawiranegara disagrees with the majority of mainstream scholars who say that any excess from any loan is called usury. Therefore, the law becomes unlawful. This is different from buying and selling carried out by the community regardless of the profit, the law is legitimate.

He provides the following illustration. If I borrow money from B with an interest rate of 6% a year, the interest is the profit from the loan in the form of money. But I can also sell a book to B on credit the cash price is 100.00 in which there is already a profit of 30.00 with three months credit I sell the book for 120.00 so I get an additional profit of 20.00 in three months. In theory it doesn't make sense, why interest or rent which is 6% a year is prohibited, while an additional profit of 20.00 in three months on principal (cash price) of 100.00 which is an interest rate of 80% a

year is justified (Prawiranegara, 2011, p.31).

According to Syafruddin, it is not rational to call the profits obtained from the provision of credit in the form of money, as usury and haram. Meanwhile, profits obtained from credit in the form of selling goods are lawful. Because, both borrowing money and selling goods in the form of credit, the debt recognized by the debtor in both cases is expressed in money, and the profit earned in both cases is also received in the form of money. So the nature of the benefits obtained from borrowing money and goods is the same. If one is called usury, then the other must be called usury and is forbidden (Prawiranegara, 2011, p.32).

The criterion of usury, according to Syafruddin's view, is not profit derived from borrowing money or other credit, rather usury is any profit obtained based on a transaction or agreement in which one party abuses its strong economic position to take advantage that crosses the line from its weak opponent. There is no reason to forbid normal interest, according to the Koran or hadith, according to ordinary logic (Prawiranegara, 2011, p.34).

According to Syafrudin Prawiranegara, usury is interpreted as dredging high profits made through one form or another of exploitation. Based on this understanding, not every bank interest is usury. Bank interest can be categorized as usury if the amount is doubled (*ad'afan muda'afan*). Therefore, the meaning of Islamic economics as a non-

ribawi economy is not in the meaning of usury in the context of bank interest. The ribawi economy is an exploitative economy. He also argues, usury is not limited to money interest which is inhumane and excessive. It includes all inhumane and excessive profit taking, including trade profits, which at first glance can be said to be normal, but with deeper research it is proven to contain all signs of abuse of power (Saepudin, 2017, p.258).

Syafrudin considers that money is originally goods that can directly meet human needs such as rice, wheat, livestock. In its development people exchanged money in the form of these goods with other goods such as copper, gold, silver. Furthermore, most of the metal goods were exchanged again for paper money. It is driven by economic principles, namely saving time, reducing burden and costs, minimizing risk. This principle as a form that humans as a tool making animal. Only fellow human beings we should not use as a tool or object of our desire to achieve the maximum benefit at the lowest possible cost. Exploitation *de l'home par l'home* is what is strictly prohibited in Islam, and this is the key to understanding the problem of usury (Prawiranegara, 2011, pp.53-54).

Money is no different from tools such as knives, plows, tractors, trucks, and other types of auxiliary tools. Like other auxiliary tools, money of one type can be sold (by buying other goods including other types of money) and can be bought or rented or we ourselves can rent (borrow) money by paying certain

rent, service fees or interest. , the normal service money in the trade in goods and money (Prawiranegara, 2011, p.54).

Sjafrudin said that many of our ulama did not agree with the development and refinement of the money. They expressed their disapproval, not by saying that the money could not change its form, but by saying that one could not receive extra money for borrowing money. Because the addition is usury and is prohibited according to the Al-Quran and Hadith. Sjafrudin considers this opinion to be erroneous, the opinion of the ulama was born because of the ignorance of the ulama about the function of money as a means of increasing people's production, therefore they misinterpreted verses in the Koran and hadith related to usury. Their interpretation is contrary to common sense, because according to common sense it is impossible for God to prohibit us from collecting service fees for leasing and lending money to people who need that money for their trade or production business (Prawiranegara, 2011, p.72).

Sjafrudin criticized the large number of people who use money as a tool to manipulate fellow human beings. Money is used to blackmail other people. In Dutch it is called *woeker*, in English usury, and in the Al-Quran and hadith it is called usury. Sjafrudin distinguishes between usury and fees. Furthermore, he also believes that usury is not only limited to outrageous profits as a result of borrowing money, but also all kinds of benefits such as trade in goods

and services that exceed human boundaries. What Allah has forbidden is not extorting money, because money cannot be extorted. But what is prohibited is exploiting and extorting fellow human beings by using money or other goods and services. Like selling medicine to those who really need it at high prices. Rent houses to those in need at outrageous prices. And they are forced to buy medicine and rent a house because there is no other alternative (Prawiranegara, 2011, pp.73-74).

This, according to Sjafrudin, includes taking other people's wealth in vain (QS. An-Nisa: 29 and QS Al-Baqarah: 188). False ways to gain profit include fraud, not keeping promises, theft and other actions, all of which aim to take other people's rights without the permission, knowledge or will of the person entitled to it. There are some Muslims who say that profit from trading is lawful, but profit from borrowing money is usury. So there are those who make camouflage lend money with services but wrapped in buying and selling. Sjafrudin thinks that not all buying and selling is halal. What is permissible is clean buying and selling. So credit transactions are carried out in the form of buying and selling goods, but if the profit exceeds reasonable limits and constitutes extortion, that profit also includes usury (Prawiranegara, 2011, pp.74-75).

According to Sjafrudin, another form of *riba* transaction is buying and selling marriages. Marriage buying and selling is the sale of one primary item that is really needed by the community coupled with

goods that are not needed. Because in buying and selling like this there is an element of compulsion from the buyer to buy goods that are actually not needed. The same goes for buying and selling debt bondage, because there is an element of coercion from those with a strong economy against those with weak economies. According to Sjafrudin, profits from speculative sales also include usury. Because it disrupts the market, namely the game between supply and demand. These are all usury, although not profit from borrowing money (Prawiranegara, 2011, p.77).

b. Syafii Antonio's View on Interest and Riba

Muhammad Syafii Antonio when explaining about usury, started with the definition as the mainstream scholars define it. Riba literally means ziyadah or addition. In technical terms, usury means taking additional assets or capital vanity. Some notions of usury from the scholars are essentially additional taking, both in buying and selling transactions and lending and borrowing in vanity or contrary to the principles of muamalah in Islam. Syafii Antonio explains usury as said by Allah in Surah An-Nisa verse 29 with the term vanity. He quoted the meaning of bat'jil from kitāb ahkāmul quran:

وَالرِّبَا فِي اللُّغَةِ هُوَ الزِّيَادَةُ، وَالْمُرَادُ بِهِ فِي الْآيَةِ
كُلُّ زِيَادَةٍ لَمْ يُقَابَلْهَا عَوَضٌ

"The linguistic meaning of usury is additional, but what is meant by usury in the Qur'anic verse is any addition that is taken without a substitute or balancing

transaction that is justified by sharia." (Antonio, 2001, pp.37-38)

Substitute or counterbalancing transactions mean business or commercial transactions that legitimize the addition in a fair manner, such as buying and selling transactions, mortgages, leases, or project profit sharing. In a rental transaction, the lessee pays the rental fee because of the rental benefits enjoyed, including the decrease in the economic value of an item due to the use of the lessee. In buying and selling, the buyer pays the price for the goods he receives. Whereas in lending and borrowing transactions, conventionally the lender takes the addition in the form of interest without any counterweight received by the borrower except for the opportunity and time factor that goes during the borrowing process. What is unfair here is that the borrower is obligated to always, may or may not absolutely and definitely make a profit in every use of this opportunity. Funds will not grow simply because of the time factor, without someone working on it. Even if someone tries, it's not always profitable (Antonio, 2001, p.38).

According to Syafii Antonio, the prohibition of usury in the Qur'an was gradually reduced. There are four stages in the prohibition, ranging from mild to prohibition which means haram (Antonio, 2001, pp.48-50). *The first stage* is Surat Ar-Rum verse 39, which reads:

وَمَا أَتَيْتُمْ مِنْ زَيْبًا لِيَرْبُوهَا فِي أَمْوَالِ النَّاسِ فَلَا يَرْبُوهَا
عِنْدَ اللَّهِ وَمَا أَتَيْتُمْ مِنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ
فَأُولَئِكَ هُمُ الْمُضَعِفُونَ

And whatever you give for interest to increase within the wealth of people will not increase with Allah. But what you give in zakah, desiring the countenance of Allah - those are the multipliers.

This verse rejects the notion that riba loans that exist in essence seem to help those in need as an act of approaching or taqarrub to Allah SWT. *The second stage*, usury is described as something bad. Allah SWT threatens to give harsh recompense to the Jews who eat usury. This is stated in Surah An-Nisa verses 160-161.

فَبِظُلْمٍ مِّنَ الَّذِينَ هَادُوا حَرَّمْنَا عَلَيْهِمْ طَيِّبَاتٍ
أُحِلَّتْ لَهُمْ وَبِصَدِّهِمْ عَنِ سَبِيلِ اللَّهِ كَثِيرًا
وَآخَذِهِمُ الرِّبَا وَقَدْ نُهُوا عَنْهُ وَأَكْلِهِمْ أَمْوَالَ
النَّاسِ بِالْبَاطِلِ وَأَعْتَدْنَا لِلْكَافِرِينَ مِنْهُمْ عَذَابًا
أَلِيمًا

160 - So because of the oppression of the Jews, We forbade (eating) the good things (which were previously) lawful for them, and because they hindered (humans) a lot from the path of Allah. 161- And because they eat usury, whereas in fact they have been forbidden from it, and because they eat people's property in a false way. We have prepared for those who disbelieve among them a painful torment.

The third stage is the letter Ali Imran verse 130. In this verse, usury is forbidden by being associated with a doubled addition. The commentators argue that taking interest at a fairly high rate was a phenomenon that was widely practiced at that time.

يَوْمَ تَجِدُ كُلُّ نَفْسٍ مَّا عَمِلَتْ مِنْ خَيْرٍ مُّحْضَرًا وَمَا
عَمِلَتْ مِنْ سُوءٍ تَوَدُّ لَوْ أَنَّ بَيْنَهَا وَيَنبِتَهُ أَمَدًا
بَعِيدًا وَيُحَذِّرُكُمُ اللَّهُ نَفْسَهُ وَاللَّهُ رَءُوفٌ بِالْعِبَادِ

130 - O you who believe, do not eat Riba multiplied and fear Allah so that you may be successful.

In *the fourth stage*, Allah SWT clearly and unequivocally forbids any type of addition taken from a loan. This is the last verse that was revealed concerning usury, namely Surah Al-Baqarah: 278-279.

يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَذَرُوا مَا بَقِيَ مِنَ
الرِّبَا إِن كُنْتُمْ مُؤْمِنِينَ فَإِن لَّمْ تَفْعَلُوا فَأْذَنُوا
بِحَرْبٍ مِّنَ اللَّهِ وَرَسُولِهِ وَإِن تُبْتُمْ فَلَكُمْ رُءُوسُ
أَمْوَالِكُمْ لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

278 - O you who believe, fear Allah and leave the rest of usury (which has not been collected) if you are believers. 279 - So if you do not do (leaving the rest of usury), then know that Allah and His Messenger will fight you. and if you repent (from taking usury), then for you the principal of your property; you are not persecuted and not (also) persecuted.

In addition to explaining the prohibition of usury from the perspective of the Koran, Syafii Antonio also explains this prohibition through several hadiths. Some of the hadiths put forward are Bukhari's hadith no 2084, Bukhari's hadith no. 2145, Muslim Hadith No 2971, Bukhari Hadith No. 6525, and Muslim Hadith No. 2995.

Syafii Antonio also disagrees with some scholars who try to justify taking interest on money. There are three reasons that scholars deny, namely the reason for emergency, the reason for compounding interest which is haraam while reasonable interest rates are not haraam, furthermore banks as institutions are not included in the Mukallaf category. Thus, it is not exposed to the book of verses and usurious hadiths (Antonio, 2001, pp.54-58).

According to Syafii, emergency situations are often the reason, there must be restrictions on emergency dispensations in accordance with the rules of ushul fiqh, especially the application of the rules of al-qawa'id al-fiqhiyyah around emergency rules. The scholars formulate:

الضرورات تقدر بقدرها

The emergency must be limited according to its level.

As for the reason for multiplying, as in the letter of Ali Imran verse 130, it does not show that when usury is not multiplied it becomes halal. But more to the understanding that the condition of

usury is often multiplied. Not as a condition.

Meanwhile, the reason that the bank is not included in the Mukallaf category, so that it is not subject to the arguments from the Al-Quran and Hadith, according to Syafii, is clearly wrong. According to Syafii, looking at Roman, Persian and Greek history shows that in ancient times thousands of financial institutions had received approval from the authorities. In the legal tradition, companies or legal entities are often referred to as juridical personality or shakhsyiyah hukmiyah. Juridical Personality is legally valid and can represent individuals as a whole. In terms of harm and benefits, companies can bring greater harm than individuals. Indeed, he is not a mulatto, but he does a fiil-mukallaf which is much bigger and more dangerous.

2. Comparative Analysis

Sjafrudin's view of usury is very different from that of Syafii Antonio. In looking at the text of usury, Sjafrudin tried to get out of the original meaning. He did not want to be stuck with the thoughts of the previous scholars about the meaning of usury. Sjafrudin in understanding usury begins with understanding. First, the literal translation of the word usury does mean additional. Second, the opposite of usury is the profit from buying and selling clean. From this, according to Sjafrudin, every addition can mean usury. It's just that he diverts the meaning of eating usury by eating other people's property in vain. So that the addition that is understood is an addition whose criteria are invalid. Because not all additions contain

falsehood. The conclusion is that any addition in which there is an element of falsehood whether in terms of savings and loans, buying and selling, or in terms of production, distribution and consumption which contains elements of consuming other people's property with vanity is haram.

This is in stark contrast to what Syafii Antonio did. Syafii draws the law of usury to its original meaning, namely usury al-qard} or usury an-nasi>ah, which is an addition to loans according to size and period, this is called loan interest. Syafii interprets eating usury as an act of bat}il. In order not to be included in the vanity category, it is necessary to have a substitute or balancing transaction, such as buying and selling, pawning, renting or sharing project results.

Sjafrudin's study of usury is more of a religious liberalism. According to him, usury is a form of consuming other people's property with vanity. Riba for him is extortion by people who have to people in need. His view is rooted in his view of the function of money. He interpreted the verse about usury with reasoning without referring to the previous scholars' fiqh studies. Meanwhile, Syafii Antonio's view of usury is textual in nature (religious utilitarianism). His views refer to old texts from the interpretations of previous scholars.

D. CONCLUSION

Sjafrudin Prawiranegara is known as a national economist. Even in the study of Islamic economics, the name Sjafrudin Prawiranegara is quite taken into account. His view of usury is very different from the fiqh scholars in general. With a religious socialist background, he is of the view that

usury is not always synonymous with credit. Riba according to him is an exploitative transaction in production, distribution and consumption. All transactions that contain elements of the exploitation of others in economic terms are usury. Sjafrudin is a religious liberalism.

While Muhammad Syafii Antonio he is a convert who later studied Islam in depth, especially in the study of Islamic Economics. From his educational experience, he became one of the scientists, especially in the field of Islamic banking. In the study of usury, Syafii Antonio reflects the views of mainstream scholars, who are still struggling with the linguistic aspect. According to him, usury is an addition to credit. Everything that includes usury has an element of consuming other people's property with falsehood. His study of usury is very textual (religious utilitarianism).

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