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Hermeneutic Method: Solutions to Fiqh Muamalah Contemporary Problems¹

Wawan Afriadi,¹ Surya Pati²

Faculty of Sharia and Law, State Islamic University Sunan Kalijaga Yogyakarta

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Abstract

The fiqh muamalah discourse is not immune from the demands of reform by not being controlled by the monotony that narrows the scope of Muslims thinking. This study examines the relevance of the use of Islamic hermeneutics to answer fiqh muamalah contemporary problems, especially the issue of the concept of riba and bank interest by using the Islamic hermeneutic method of Fazlur Rahman and Muhammad Syahrur. This research is library one of which research data sources come from primary and secondary sources. The primary data sources are the works of Rahman and Syahrur, while the secondary data sources are articles, journals, books. The data analysis method used is a qualitative descriptive method. The description of the research data is divided into several stages, namely; Islamic hermeneutics against the monotony of thought, fiqh muamalah in contemporary, riba and bank interest issues the thoughts of Fazlur Rahman's and Muhammad Syahrur's.

Keywords: Hermeneutics Method; Solutions; Fiqh Muamalah in Contemporary

Abstrak

Wacana fiqh muamalah tidak luput dari tuntutan reformasi dan tidak pula dikendalikan oleh sebuah kemiripan dengan mempersempit ruang lingkup pemikiran Muslim. Studi ini menganalisis tentang relevansi penggunaan hermeneutik Islam untuk menjawab masalah fiqh muamalah kontemporer, terutama masalah riba dan bunga bank dengan menggunakan metode hermeneutik Islam dari Fazlur Rahman dan Muhammad Syahrur. Penelitian ini adalah penelitian perpustakaan dengan sumber data penelitian berasal dari sumber primer dan sekunder. Sumber primer adalah karya-karya yang ditulis oleh Rahman dan Syahrur, sementara sumber- sekunder adalah artikel, jurnal, dan buku-buku. Metode analisis data yang digunakan adalah metode deskriptif. Deskripsi data penelitian dibagi menjadi beberapa tahap, yaitu; Islam Hermeneutika terhadap monotony dari pemikiran, fiqh muamalah dalam kontemporer, riba dan kepentingan bank isu pikiran Fazlur Rahman's dan Muhammad Syahrur.

Kata Kunci: Metode Hermeneutik; Solusi; Fiqh Muamalah dalam kontemporer

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¹ **Wawan Afriadi** is a lecturer in Faculty of Sharia and Law. State Islamic University Sunan Kalijaga Yogyakarta. Email: wawanafriadi342@gmail.com

² **Surya Pati** is a lecturer in Faculty of Sharia and Law. State Islamic University Sunan Kalijaga Yogyakarta. Email: suryapati745@gmail.com

A. INTRODUCTION

Al-Qur'an commands humans to study and then understand through its instructions, both expressed and implied.³ Interpretation and human awareness realize their understanding in concrete life that makes Al-Qur'an great and meaningful as a guide as well as a way of life that is contained through provisions in the form of aqidah, morals, law, philosophy, siyasa, and worship.

Fiqh muamalah is not immune from the demands of change. Several attempts have been made by Islamic thinkers to synthesize *fiqh muamalah* with modern scientific tools, especially hermeneutics. One of them is Kuntowijoyo who calls for the Islamization of knowledge, which means to Islamize science completely and abstractly without being controlled by the monotony that reduces the scope of thinking of Muslims.

In the classical view, hermeneutics reminds us of what Aristotle wrote in *Peri Hermeneias* or *De Interpretatione*. That every spoken word is a symbol of mental experience, and written words are a symbol of spoken words.⁴ However, the main point in the study of hermeneutics is related to the problem of interpretation in a text. In practice, hermeneutics is often used to understand the scriptures.⁵

The use of hermeneutics in the Islamic world is not new but has already begun when al-Ghazali attempted to combine Greek thought into *usul al-fiqh*.⁶ The use of hermeneutics by Islamic thinkers has become a distinctive phenomenon in the development of *fiqh muamalah* in contemporary. Among these thinkers, the author focuses this discussion on the thoughts of Fazlur Rahman (next to Rahman) and Muhammad Syahrur (next to Sahrur) who clearly show their appreciation of hermeneutics.

The problem is whether the use of hermeneutics method is relevant to answer problems *fiqh muamalah* contemporary, especially the issue of riba and bank interest by using the Islamic hermeneutic method from Rahman and Syahrur. This topic is interesting to study, apart from the fact that no research compares the thoughts between Rahman and Syahrur, no one focuses on research related to hermeneutic method discourse to answer *fiqh muamalah* in contemporary problems.

Using the hermeneutic approach, the researcher assumes that this method can be a solution to answer *fiqh muamalah* contemporary problems which are increasingly complex, especially for the problem of riba and bank interest. Because with this method, Muslims are given the space to interpret the Shari'a critically, which was previously shackled to the monotony of thinking, to be able to present a more ideal Shari'a with the times and the principles of benefit. The results of this study are intended to be material

³ Muhammad Aji Nugroho, 2016. *Hermeneutika Al-Qur'an Hasan Hanafi; Merefleksikan Teks Pada Realitas Sosial Dalam Konteks Kekinian*. Millati: Journal of Islamic Studies and Humanities, h. 187-208.

⁴ E. Sumaryono, 1999. *Hermeneutik Sebuah Metode Filsafat*. Yogyakarta: Kanisius, h. 29.

⁵ Nur Ahmad, 2015. *Kajian Hermeneutika Al-Qur'an Kontemporer: Telaah Kritis Terhadap Model Hermeneutika Nasr Hamid Abu Zaid*, h. 115.

⁶ Robiah Adawiyah, 2016. *Implikasi Hermeneutika Al Qur'an FazlurRahman Dan Hassan Hanafi Terhadap Penetapan Hukum Islam*. Syariat, h 338.

for discussion regarding the importance of the relationship between hermeneutic discourse and fiqh muamalah in contemporary.

B. METHODS

This research is library research with research data sources coming from primary and secondary sources. The primary data sources are the works of Rahman and Syahrur, while the secondary data sources are articles, journals, books, and other reference sources relevant to this research. The data analysis method used is a qualitative descriptive method. The description of the research data is divided into several stages, namely; hermeneutics discourse against the monotony of thought, the dynamics of fiqh muamalah in contemporary, riba and bank interest: the thoughts of Fazlur Rahman and Muhammad Syahrur.

C. RESULT AND DISCUSSION

1. Hermeneutics Approach or Discourse Against Idleness of Thought

At the beginning of its development, hermeneutics was identified with the movement *exegesis* by the church, then it developed into a philosophy of interpretation. Then was born Schleiermacher who is considered the father of Modern Hermeneutics. Because it has evoked hermeneutics and made it a standard method of interpretation. Followed by Dithney, who initiated hermeneutics as the foundation of the human sciences. And then Gadamer, who developed hermeneutics as a philosophical method, which was later developed by later philosophers such as Habermas.⁷

In the subsequent development of hermeneutics, there were developments and changes in perceptions and usage models that emerged from the diversity in defining and understanding hermeneutics. By Richard E. Palmer, the development of the understanding and definition of hermeneutics is divided into six categories, namely hermeneutics as the interpretation of scriptures, hermeneutics as a philological method, hermeneutics as a linguistic method, hermeneutics as the foundation of the humanities sciences, hermeneutics as a phenomenology of dasein and hermeneutics as a system interpretation.

Meanwhile, the use of the hermeneutic method to understand Al-Qur'an cannot be said to be a new thing in the history of Islamic thought, although the use of the term hermeneutics has only been carried out since at least the 1960. Because hermeneutics is related to methodological problems and interpretation theory. This means that hermeneutics method can be applied to the methodology and theory of interpretation of Al-Qur'an which was formulated during the classical commentary period ⁸ As written on Islamic hermeneutics by Azim Nanji, who discusses the theory of *ta'wil* in the scientific tradition. Then also by Ismail, D.Mc Auliffe who discussed the methodology

⁷ Fakhrudin Faiz, 2002. *Hermeneutika Qur'ani*. Yogyakarta: Qalam, h.10.

⁸ Adang Kuswaja, 2013. *Metode Tafsir Kontemporer*. Ponorogo: STAIN Po Press, h. 48.

of interpretation of Al-Tabari and Ibn Katsir, and Peter Heath who also discussed the methodology of interpretation of Al-Tabari, Ibn Sina, and Ibn 'Arabi ⁹

It is undeniable that some hermeneutic method thinkers are inspired by contemporary Western hermeneutics. So that the use of the term hermeneutics has also become a term used by Islamic thinkers, no longer a term given by outside thinkers. This is not only the adoption of the term but also has consequences in the formulation of the hermeneutic methodology used. Contemporary Islamic hermeneutics pays great attention to the interrelationships between triadic structures. In contemporary Islamic thought, hermeneutics method is a solution to the stagnation of thought among Muslims. Some thinkers of hermeneutics method, namely Fazlur Rahman and Muhammad Syahrur ¹⁰

Based on the framework of hermeneutic theory, Rahman's thoughts are a combination of two traditions of thought, namely Islam and the West. With the tradition of Islamic thought, Rahman chose the epistemology of interpretation as seen in the classical scholarship he used, namely: *asbab an-nuzul*, *qiyas*, *'illat al-hukm*, *'amm*, and *Khash*. Meanwhile, with the tradition of Western thought, Rahman was influenced by Gadamer and Betti. Like Gadamer, Rahman tries to uncover the relationship between traditions in the Islamic world which he describes as the relationship between the truth of revelation and history. To understand this tradition, Rahman agrees with Gadamer, that it is necessary to reconstruct the meaning and universal truth value of an event or past text written by the author. The value of truth is used to build the world of life in the future. For this reason, Gadamer argues that history only has meaning if it is met with the concerns of the present to build hope for the future.¹¹

Rahman's thinking invites a lot of controversy among Islamic thinkers who are established and are reluctant to change. In understanding the meaning of Al-Qur'an, it must be understood based on what is meant by the author, namely Allah SWT. However, because God is *ahistorical*, the author's form is represented by Muhammad SAW. Because Muhammad SAW lived and interacted with Arab society at that time, so to understand Al-Qur'an must include a socio-historical dimension. Departing from this, Rahman proposed the method of Two Movements (*Double Movement*) to understand Al-Qur'an. The first movement is from general to specific, which aims to understand the general principles of Al-Qur'an and Sunnah. The second movement is general to specific, which aims to realize the moral purpose of Al-Qur'an in contemporary situations.¹²

Two steps must be taken to carry out the first movement, namely: First, understand the meaning of specific verses of Al-Qur'an and then examine the situation that the verse wants to answer. In addition, it is also important to study the macro situation within the boundaries of society, religion, customs, institutions, and other

⁹Andrew Rippin, 1988. *Approaches to the History of Interpretation of the Quran*. Oxford: Clarendon Press, h. 46.

¹⁰ M. Fauzinuddin Faiz, 2015. *Teori Hermeneutika Al-Qur'an Nashr Hamid Abu Zayd Dan Aplikasinya Terhadap Wacana Gender Dalam Studi Hukum Islam Kontemporer*, h. 50.

¹¹ *Ibid.* h. 50.

¹² Fazlur Rahman, 1982. *Islam and Modernity*. Chicago dan London: Chicago Press, h. 8-9.

matters related to the situation of Arab society when Islam came. Second, generalize the specific response to the revelation of Al-Qur'an and state it as an expression of general moral and social purpose.¹³

The *interesting* thing about Syahrur, although his academic background in civil engineering, Syahrur has a high interest in Islamic studies. The fundamental problem that gave rise to Syahrur's anxiety to conduct a comprehensive study of Islam is divided into two interrelated dimensions, namely: the reality of contemporary Muslims and the reality of the traditional doctrine (*turas*). According to Syahrur, both groups have failed to fulfill their promise to provide modernization ideas for Muslims.¹⁴ This failure presented the third group with Syahrur who claimed to be the founder of this group. This group calls for a return to the *At-Tanzil* (Original Text) which was revealed by Allah SWT to Muhammad SAW. In understanding Al-Qur'an, Muslims should behave like the early generations of Islam. Syahrur with his editorial "Treat Al-Qur'an as if it had just been revealed and the Prophet SAW just died".¹⁵

In his thinking, Syahrur combines literary analysis and grammatical analysis to understand Al-Qur'an. According to Syahrur, Al-Qur'an as a revelation for humans was sent down so that it can be understood as a whole. Allah SWT has given instructions for understanding Al-Qur'an. The clue is *manhaj al-tartil*, which can be identified with the intertextuality method. This method is the main principle in the hermeneutics of Al-Qur'an, by Syahrur termed *al-ta'wil*.¹⁶

The theoretical framework of Syahrur's boundary is built on: (1) Al-Qur'an is the main reference source (Qs. Al-Nisa [4]:13-14). (2) the theory of mathematical analysis (*at-tahlili al-'ariyah*) explains the relationship between *al-hanafiyah* and *al-istiqamah*, such as curves and straight lines in a matrix. The x-axis is the era of history, the y-axis is the provision of Allah SWT. and the curve (*al-hanafiyah*) as the dynamics of *ijtihad*, moves in line with the x-axis, but is *limited* by the provisions of Allah SWT. The relationship is dialectical, namely dialectical to Islamic law which is permanent (*tsabit*) and universal (*al-istiqamah*) and dynamic towards those that tend to change (*al-hanafiyah*).¹⁷

There are two main characteristics possessed by Al-Qur'an and must be understood to understand the provisions of Allah SWT. namely *al-hanafiyah* and *al-istiqamah*. The two contradict each other but complement each other. Syahrur concluded that *al-hanafiyah* means deviation from a straight line, while *al-istiqamah* means the quality of the straight line itself. In the laws of physics, no objects are moving always in a straight line, because all the smallest electrons to the largest galaxies move in an *al-*

¹³ Fazlur Rahman, 1980. *Major Themes of The Qur'an*. Chicago: Chicago Press, h. xi.

¹⁴ *Ibid.* h. 47.

¹⁵ Sahiron Syamsudin, 2003. *Hermenutika Al-Qur'an Mazhab Yogya*. Yogyakarta: Islamika, h. 148.

¹⁶ Abdul Mustaqim, 2010. *Epistemologi Tafsir Kontemporer*. Yogyakarta: LKis Yogyakarta, h. 97.

¹⁷ Ahmad Hasan Ridwan, 2017. *Implikasi Hermeneutika Dalam Reinterpretasi Teks-Teks Hukum Islam*. Al-Adalah. h. 93.

hanafiyyah or not straight line. So that when humans can instill these traits, then humans and the universe will live in harmony.¹⁸

Syahrur describes straight lines as the forerunner of the boundary theory (*al-nazariyyah al-hudud*), which is contained in QS. An-Nisa [4]:13, as a provision of Allah SWT revealed through Al-Qur'an and Hadith. Both set a lower limit and an upper limit for humans. The lower limit is the minimum limit that is required by law on certain issues, while the upper limit is the maximum limit. Acts that are less than the minimum limit are declared invalid, as are acts that exceed the maximum limit. When the limit is exceeded, a penalty must be given according to the level. So that humans can move dynamically along with predetermined limits.

These limits by Syahrur are divided into six limits (*hududullah*), namely: (1) *halah al-had al-adna* (minimum limit position), (2) *halah al-had al-'ala* (maximum limit position), (3) *halah al-haddyn al-'ala wa al-adna ma'an* (position of the maximum limit along with the minimum limit), (4) *halah al-mustaqim* (straight position without alternatives), (5) *halah al-had al-'ala li hadd al-muqarrib duna al-mamas* (the position of the maximum limit tends to approach without touching), and (6) *halah al-hadd al-'ala mujaban wa al-hadd al-adna crucian* (the position of the maximum limit is positive and the maximum limit is negative).

2. Dynamics of Fiqh Muamalah Contemporary

The development of forms of *fiqh muamalah* from ancient times to the present continues to develop, adapting to human needs and knowledge. Between one tribe and another nation has its form of *fiqh muamalah* which has the same essence, which is to interact with each other to meet the needs of life. This makes *fiqh muamalah* the main and important goal of Islam. The scope of *fiqh muamalah* is classified based on its legal purpose is divided into two, namely *fiqh muamalah* whose legal provisions are directly from Al-Qur'an and Hadith and *fiqh muamalah* whose legal provisions are not directly from Al-Qur'an and Hadis, but obtained from the *ijtihad* of the jurists.¹⁹

First, *fiqh muamalah* whose legal provisions are directly from Al-Qur'an and Hadith are related to marriage (*talaq*, *iddah*, *rujuk*, and inheritance), the prohibition of alcohol, *riba*, theft, adultery and so on. Against the above matters, Allah SWT has set a strict law. Because the issue will be difficult for humans to find the real truth because it is easily influenced by lust and the devil (Qs. Al-Isra [17]: 53). Therefore, Allah SWT has set some direct legal provisions, such as doing good to both parents even if they have different beliefs/beliefs.

Second, *fiqh muamalah* whose legal provisions are not directly from Al-Quran or Hadith, but obtained from the results of the *ijtihad* of the jurists. In the process of finding the law on issues for which there is no explanation in Al-Quran or Hadith, the jurists refer to the general rules and principles following the *Shari'ah*. These issues are

¹⁸ Muhammad Syahrur, 1992. *Al-Kitâb Wa Al-Qur'an*. Damaskus: Ahali Li An-Nasyr Wa At-Tawzi', h. 464.

¹⁹ Sri Sudiarti, 2018. *Fiqh Muamalah Kontemporer*. Sumatera Utara: FEBI UIN-SU Press, h. 10.

contemporary problems, which require legal study, such as *riba* on bank interest. The bank interest system is generally used in conventional financial institutions, while the profit-sharing system that is believed to be interest-free is generally used in Islamic financial institutions.

Based on that, bank interest is a lexical translation of the word *interest*, which can then be understood that bank interest is dependent on money loans which are generally expressed as a percentage of the money lent.²⁰ Bank interest is divided into two, namely deposit interest and loan interest. Deposit interest is interest given by banks to customers as a form of remuneration to customers who have deposited their money in the bank, such as interest on savings, demand deposits, and interest on deposits. While loan interest is the interest charged to customers who borrow money from banks, such as credit interest. Concerning deposit interest and loan interest, both are the main components of the bank's cost and income factor, because the difference between loan interest minus deposit interest becomes the bank's profit or profit.²¹

Islamic thinkers have different opinions on the law of bank interest, some of which forbid bank interest absolutely because they consider it the same as *riba*, and some do not forbid bank interest because it is a necessity of the times. Many scholars who forbid bank interest come from traditional circles because they understand the verse of *riba* to be textual, on the contrary, many scholars who allow bank interest come from modernists because they understand the verse of *riba* from a contextual perspective and consider the presence of banking as a benefit for Muslims at the time. Today. Among them, some understand the verse of *riba* by using the Islamic hermeneutic method.

Because if we understand a verse only from a textual point of view, then Muslims will be stuck with stagnation in understanding Al-Qur'an. Rahman criticized the classical method of interpretation related to the rules and understanding of Al-Qur'an, according to him it was not yet complex enough to solve contemporary problems.²² So that the teachings of Islam become inflexible to be used in every era, even though Islam is *fii kulli Zamanin wa makaanin*. The benefit is a necessity in every legal determination because the benefit is the goal of establishing Islamic law itself.

The majority of conventional banking practitioners argue that interest is not part of *riba*, but *riba*, the interest that doubles or the amount are too large. While *riba* refers to the interest on money that is too high on a consumptive loan.²³ However, the majority of Muslims in the world today sided with the interpretation of bank interest as *riba*. The Organization of the Islamic Conference (OIC) decided that bank interest was against Islamic law. This requires financial institutions (banks) that operate by sharia principles. This decision then prompted the formation of the *Islamic Development Bank* (IDB). And

²⁰ *Ibid.* h. 54.

²¹ Muslich, 2013. *Fiqh Muamalat*. Jakarta: Amzah, h. 503.

²² Fazlur Rahman, 1982. *Islam and Modernity*. Chicago dan London: Chicago Press, h. 2-3.

²³ Untung Hendy Widodo Edy Wibowo, 2005. *Mengapa Memilih Bank Syariah*. Bogor Selatan: Ghalia Indonesia, h. 64.

the Grand Mufti of Egypt also decided that bank interest is included in the form of *riba* which is forbidden.²⁴

Indonesia as a country with the largest Muslim population in the world with a total of 266.91 million people who are Muslims.²⁵ Should be fertile ground for the growth of Islamic banking, but what happens is that Indonesian Muslims are more interested in using conventional banking services.²⁶ Based on data *Marketplace*, Islamic banks in Indonesia in June 2019 showed a low number compared to conventional banks, namely 6.01% versus 93.99%, and conventional bank customers in Indonesia in April 2018 reached 80 million people while Islamic bank customers were only 15 million people.

The low interest in using sharia banking services in Indonesia is caused by several factors, namely: the sharia banking system that is not widely known by the public, inadequate human resources, and the weakness of special services applied to customers. First, the Islamic banking system is less well known to the wider community, among Islamic bank products there is a profit-sharing system, but since the first, the Indonesian people are far more familiar with the bank interest system in conventional banks. Second, human resources are not adequate, Indonesian academics tend to prefer to study conventional economics compared to Islamic economics. Third, the lack of special services that are applied to customers, compared to conventional banks which have a variety of innovations so that customers feel satisfied with their services, such as a lottery with a fantastic value.

3. Riba and Bank Interest: Thoughts of Fazlur Rahman and Muhammad Syahrur.

The application of the Hermeneutics method used by Rahman and Syahrur can be applied to answer problems *fiqh muamalah* in contemporary such as *riba* and bank interest. Against the two opinions of these thinkers, there are similarities and differences in understanding *riba* and bank interest. The similarity between the two is that Muslims do not need to reject the presence of banking institutions today, including the bank interest system, because fundamentally bank interest does not double (*riba*). Moreover, the presence of banking brings more benefits than harm to Muslims.

While the difference in thinking between the two thinkers, for Rahman the most important thing in debt and receivables is that no party is harmed and exploited. However, Rahman did not standardize the maximum interest rate that banks could collect. In contrast to Syahrur who determined that the minimum limit for bank interest is 0% (zero percent) and the maximum limit is 100% (one hundred percent). Syahrur also categorizes the principles of Islamic banking and proposes who may and should not be burdened with paying interest.

²⁴ Sumar'in, 2012. *Konsep Kelembagaan Bank Syariah*. Yogyakarta: Graha Ilmu, h. 31.

²⁵ Indonesia.go.id, "Agama," n.d.

²⁶ Mukti & Titania, 2021. *Nasabah Bank Syariah Tetap Menggunakan Bank Konvensional (Dualisme Akun)*, h. 71.

a. Riba and Bank Interest According to Fazlur Rahman

Rahman's thoughts regarding the concept of riba and bank interest, socio-politically cannot be separated from the influence of traditionalist and fundamentalist Pakistani scholars. In general, bank interest is treated as part of riba. In 1962, the Pakistani government submitted a draft budget to the National Assembly. At that time the budget draft was rejected, on the grounds that it was unconstitutional and un-Islamic. However, the chairman of the session then asked the assembly to continue to ratify it in the interest of the state.²⁷

So, the Pakistani government asked Rahman, who is considered an expert in riba and bank interest. Then Rahman began his research related to the nature of riba which is prohibited in Al-Qur'an. Rahman concluded that an economic system could actually be structured without using bank interest. But at that time, the construction of Pakistani society did not allow the application of this idealistic concept. According to Rahman, as long as Pakistani society has not been reconstructed based on an Islamic pattern, banning bank interest is an act of "suicide" towards efforts to achieve economic prosperity. However, if bank interest is abolished, this is contrary to the spirit of Al-Qur'an.²⁸

Rahman with his thematic method, collects verses that talk about riba.²⁹ Then by using a socio-historical approach, Rahman traced the condition of Arab society at that time. And with a double movement hermeneutic approach, Rahman understands the verses of Al-Qur'an according to their context, then applies them to the current situation. Historically, Arab society in the VI century H was busy with the world of trade. This facilitates the occurrence of unethical and exploitative economic practices, such as reducing the scales and doses (QS. Al-Muthaffifin [83]:1-3). In addition, the practice of riba also became part of the life of Arab society at that time and created economic disparities among the people (QS. Ali 'Imran [3]: 130).

Based on the chronology of the time of the revelation of the Qur'anic verses about riba, the first verse to come down is QS. Ar-Rum [30]: 39: "And any riba (additional) that you give so that it increases in human wealth, then the riba does not increase in the sight of Allah SWT. And what you give in the form of zakat that you intend to gain the pleasure of Allah, then (those who do so) are those who double (reward)". The verse is a group of early Makkiyah verses because it was revealed around the fourth or fifth year after the prophetic treatise of Muhammad SAW. Strictly speaking, the verse contrasts between riba and zakat. In addition, the implied meaning is that riba is something that is multiplied or *mudha'afah*, this word comes from the word *mudh'ifun* in the concept of zakat.

The practice of riba is a practice that refers to the system of receivables debt, which is to provide more added to the owner of receivables if there is a delay in payment. However, despite Allah SWT. has revealed verses related to the prohibition of riba (QS. Ar-Rum [30]: 39), the practice of riba is still practiced among the companions until the

²⁷ Taufik Adnan Amal, 1989. *Islam Dan Tantangan Modernitas; Studi Atas Pemikiran Hukum Fazlur Rahman*. Bandung: Mizan, h. 95-96.

²⁸ Fazlur Rahman, 1964. *Riba and Interest*. Islamic Studies, h. 40.

²⁹ *Ibid.* h. 41

period of Medina. Until there is another verse that is more strictly related to the prohibition of riba QS. Ali-Imran [3]: 130: "O you who believe, do not consume riba doubled and fear Allah that you may prosper".

The prohibition of riba must be understood based on the socio-historical conditions of Arab society when the verses of riba were revealed. At that time, there were groups of people who were economically depressed, so they became victims of debt exploitation. The moral ideal of these verses is the prohibition of the economic exploitation of weak groups. Therefore, as long as the bank does not attract double interest, then it is justified.

b. Riba and Interest of Banks by Muhammad Syahrur

To understand the signs of riba, Muhammad Syahrur understands the theory that limits the sixth form *ought to al-hadd al-'ala mujaban wa al-hadd al-Adna* cross (position limit on the maximum positive and negative limits). That is, when the maximum limit is positive, then it cannot be exceeded. Meanwhile, if the minimum limit is negative, then it can be exceeded. The minimum limit can be exceeded using various forms of charity. In this case, zakat is positioned as the minimum limit of alms that must be issued, so it is permissible to issue zakat in excess of the minimum limit. While the middle position is the position between the positive maximum limit and the negative minimum limit. In this position, it is in the form of a goodwill loan (*qardh al-hasan*) or it can also be in the form of an interest-free loan (zero percent interest).³⁰

In reading the verse of riba, Syahrur uses a pattern of relations between the term riba and another term, which turns out to be binary with the term alms (QS. Al-Baqarah [2]: 276). "Allah destroys riba and enriches alms. And Allah does not like anyone who remains in disbelief, and always commits sins." In addition, the term riba also has a binary position with the term zakat (QS. Ar-Rum [30]:39). And something riba (additional) that you give so that it increases in human wealth, then riba does not add to the sight of Allah. And what you give in the form of zakat that you intend to achieve the pleasure of Allah than (who do so) it is the people who multiply (the reward)".

According to Syahrur, in studying the verses riba cannot be separated from the term's zakat and alms. Using the theory of limits and *tartil* (collecting all related verses), Syahrur concludes that the maximum limit of riba (bank interest) is double interest (QS. Al-Imran [3]: 130). While the minimum limit for riba is a soft loan without interest or zero percent interest (QS. Al-Baqarah [2]: 279).

Regarding the application of the verse of riba, Syahrur made it into three categories, namely: First, the needy and the poor. They should be a group that is given wealth and not loaned wealth. So, the bank is not allowed to withdraw interest from them, because they are a group that should receive zakat and alms (QS. At-Taubah [9]:60). Because people who take flowers from them will be criticized and even threatened by Allah SWT. (QS. Al-Baqarah [2]: 278-279). Second, people who are in debt but are only able to repay the principal debt. To them, the loans given must be in the

³⁰ Muhammad Syahrur, 1992. *Al-Kitâb Wa Al-Qur'an*. Damaskus: Ahali Li An-Nasyr Wa At-Tawzi', h. 468.

form of soft loans or loans with zero percent interest (*qardh al-hasan*). And if the debtor is willing to make debt relief, it is more commendable (QS. Al-Baqarah [2]: 278). And third, rich people who are not entitled to alms and zakat. Against them, the bank is allowed to withdraw interest, as long as it does not double (QS. Ali Imran [3]: 130).

Based on this study, Syahrur offers an Islamic banking system (*al asas as-nizham al-ashrif al-islami*), namely: First, *mustahiq az-zakah* or those who are entitled to receive zakat. To them, it is not permissible to give loans but to be given zakat and alms. Second, in certain situations, the bank can provide interest-free loans to those who are entitled to receive alms. This is the application of the minimum limit of zero percent interest. Third, it is not permissible to practice loans with unlimited repayment terms, so that interest can reach the maximum limit.

D. CONCLUSION

Hermeneutics approach today is a method for understanding Allah's decrees and a new direction for the renewal of Islamic thought as a critical response to the dullness of Muslim thought. Especially in the scope of *fiqh muamalah* which demands changes and renewal of its legal interpretation.

To understand the text of Al-Qur'an, one cannot only see it using a textual lens but must also adapt it to the development needs of Muslims. Moreover, basically Allah SWT dictates that Islam is for the benefit of all nature, especially Muslims. Especially for Indonesian Muslims, who today use more conventional banking services even though they apply the interest system. Based on the above, the suggestions in this study for Islamic thinkers or Muslims in general, are expected to be able to think critically to update the Shari'a, to suit the times and also the benefit of the people.

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