

PHENOMENOLOGICAL ANALYSIS OF THE PRACTICE OF PAWNED LAND SALE IN THE MUSLIM COMMUNITY IN WONOBOYO VILLAGE, KLABANG DISTRICT, BONDOWOSO REGENCY

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Abstract

Land holds significant importance for rural communities, especially for farmers, as it is not only their main capital but also a part of their life. This study aims to: 1) Analyze and describe the phenomenology of the practice of buying and selling pawned *sawah* in the Muslim community in Wonoboyo Village; 2) Analyze and describe the practice of buying and selling pawned *sawah* from the perspective of *Sharia* Economic Ethics; and 3) Explore the opinions of scholars regarding the legality of buying and selling goods that are still pawned before the loan period ends in Wonoboyo Village. This study uses a qualitative approach with a phenomenological research design. The research location is in Wonoboyo Village, Klabang District, Bondowoso Regency. The results of the study show that the process of buying and selling pawned *sawah* in Wonoboyo Village is still traditional. 1) The transaction process between both parties is still carried out verbally, without a written contract. 2) The agreement made is based on memory and trust between both parties, without any formal documentation binding them. The practice of buying and selling pawned *sawah* in Wonoboyo Village is a tradition based on mutual trust without any formal legal basis. This study contributes to understanding how the tradition of buying and selling pawned *sawah* operates in rural communities, especially in Wonoboyo Village.

Keywords: Phenomenology, Pawn, Buying and Selling

INTRODUCTION

Pawning, or in Islamic jurisprudence terminology called *rahn*, is one of the *muamalah* practices that is widely practiced by Indonesian society and has obtained a legal basis from both positive law and Islamic law perspectives. According to the Fatwa of the National Sharia Council Number: 25/DSN-MUI/III/2002, *rahn* is permitted as long as it meets *sharia* principles, where the goods used as collateral must have a clear value and are not used illegally by the party receiving the pawn. This is in line with Article 1150 of the Civil Code which states that a pawn is a right obtained by a creditor against movable property belonging to the debtor that is handed over to him as collateral for a debt. In the context of Islamic law, *rahn* is permitted as a *tabarru'* or mutual assistance contract, which contains elements of social solidarity without the aim of taking advantage (Abdullah, 2011).

Several studies have shown that the practice of pawning rice fields in society often violates *sharia* principles, especially when the party receiving the pawn utilizes the results of the pawned rice fields without the permission of the pawnbroker (Huzaini, 2022; Eliza, 2021). In fact, in Islamic law, this is not permitted because it creates elements of injustice and is detrimental to one of the parties. Therefore, a deep understanding of the elements of *rahn* is needed, namely the

pawning party (rahin), the pawn recipient (murtahin), the pawned goods (marhun), the debt value (marhun bih), and ijab qabul as a statement of agreement (Ahmad, 2015). Other studies such as those conducted by Eti Karini, Mulyadin, and Istiani (2022) and Anita (2019) show that the form of transformation of the pawn contract into a sale and purchase is also an issue that needs to be watched out for, because it can cause legal uncertainty and injustice. In practice, some people are forced to sell pawned goods because they are unable to redeem them, even though the initial agreement was a pawn. This reflects that the problem of muamalah is always developing and complex, so a wise approach is needed so as not to cause harm to any party.

Conceptually, muamalah is a set of rules in human relations to meet the needs of life based on Islamic sharia principles, covering the social and economic fields (Mother, 2022). Islam as a comprehensive religion provides guidance on all aspects of life including economic affairs, such as in buying and selling and pawning activities. In practice, muamalah activities such as rahn should still be carried out based on the principles of justice, mutual assistance, and without exploitation. Rahn in this case is an alternative financing that is not only sharia-compliant but also a solution in dealing with the economic conditions of vulnerable communities, as also emphasized in several other academic studies (Rodoni, 2015; Eliza, 2021).

Thus, the practice of rahn or pawn in accordance with sharia principles not only functions as an economic instrument, but also as a form of social solidarity in society. However, the main challenge is to ensure that its implementation does not deviate from the values of justice and is not used as a loophole for exploitation by stronger parties.

Buying and selling is a transaction of exchanging goods for money or goods with goods carried out by two or more people with the agreement of both parties, in buying and selling the stipulation of the contract is to make the goods as the buyer's property and become the price or money as the seller. While pawn is a borrowing and borrowing between parties who lack funds to those who have excess funds by lending the goods he owns as collateral for holding to the party who lends the funds. Debt and receivables transactions with collateral in Islamic Fiqh are known as ar-rahn. Ar-rahn is a type of agreement to hold an item as a debt liability. The meaning of ar-rahn in Arabic *ats-tsubut wa addawam*, which means "fixed" and "eternal", as in the sentence *maun Rahin*, which means calm water. This is based on the words of Allah SWT in the Qur'an Surah Al-muddatstsir verse 38, which means:

{ كُلُّ نَفْسٍ بِمَا كَسَبَتْ رَهِينَةٌ } [المُدَّثِّر: 38]

"Each one is responsible for what he has done"

Rural economic life is usually characterized by weak capital. This is due to economic activities that tend to be monotonous, in accordance with the picture of life of the Indonesian people in general obtained from agrarian products. Therefore, capital is the main source in supporting the level of development of agrarian production in rural communities. For rural communities, land has a very important meaning, because land is the main capital for the community, especially farmers. Land is not only important from an economic point of view, for farmers owning land is something that is happy. For the peasants, land is part of their lives. From that land, farmers also build life, humanity and meet their material needs, even homes are built on the ground as well. That's why land is considered important and valuable compared to other things,

Buying and selling in fiqh terms is called *al-bai'u* which means selling, replacing and measuring something with something else. The definition of buying and selling according to the

term (*terminology*) is the exchange of goods or goods for money which is done by relinquishing property rights from one to the other on the basis of mutual consent.

The economic life of rural communities is generally characterized by weak capital. This is due to economic activities that tend to be monotonous and dependent on agricultural products, as described by the lives of Indonesian people in general (Latumaerissa, 2010). Capital is the main source in supporting the level of development of agrarian production in rural areas. In this context, land has a very important meaning for rural communities, especially for farmers. Land is not only viewed from an economic perspective, but also has emotional and spiritual value because it is a place to build life, meet material needs, and as a place to live (Rachmat, 2010; Rahman, 2010). Therefore, land is considered a very valuable asset beyond other property. The tradition of pawning land has become a habit in the lives of rural communities and is a natural thing to happen considering that the economic conditions of each individual are not the same. Low daily income is often not enough to meet living needs, so in certain or urgent circumstances, people will try to meet these needs in various ways, one of which is by pawning land or other valuable assets (Munir, 2014). This practice is carried out solely as collateral for borrowing money, because not everyone is willing to provide loans without collateral. Moreover, for borrowers who do not have a fixed income, assets in the form of land will be used as proof of trust in the lender (Scott, 2023). In practice, land pawning or often called *rahn sawah* has long been carried out and has developed into a culture that is legitimized by difficult economic conditions. Research by Janisa (2022) shows that in Southeast Aceh Regency, this practice is seen as an emergency economic solution, but has caused debate among religious leaders and the community because it often violates the principles of justice and sharia. A similar thing was also stated by Hilman Luthfi (2021) in his analysis of the practice of pawning rice fields in Metro City, where people pawn their agricultural land at the risk of losing control over agricultural products because they are controlled by the pawn recipient.

In the context of positive law, the practice of land pawning has also received attention. A study by Pearl (2022) highlighted the views of Nahdlatul Ulama scholars in Banyuwangi regarding the law of rice field pawning from a positive legal perspective, showing a discrepancy between community practices and applicable formal law. In addition, Isnaeni (2016) explained the importance of clarity in the sale and purchase agreement or pawn agreement, so that the rights and obligations of the parties are legally protected.

On the other hand, in classical muamalah fiqh studies such as Ibn Rasyid (2022) in Bidayatul Mujtahid, the concept of *rahn* is permitted as long as it does not harm any party and does not contain elements of usury or exploitation. Islam provides a clear legal framework that muamalah such as pawning may be carried out as long as it fulfills the elements of justice and mutual consent. As also emphasized by Rachmat (2010) and Rahman (2010), muamalah is a form of socio-economic relationship that aims to help each other in difficulties, not to seek profit from the hardships of other parties.

Thus, land pawning as an economic practice in rural areas must be placed within the framework of sharia law and positive law so as not to harm the parties involved. The preparation of clear contracts, adequate legal understanding, and a fair approach are important so that the practice of land pawning remains an economic solution without causing negative social or legal excesses (Isnaeni, 2016; Scott, 2023).

The urgent need in question is a need that requires a large amount of money in a short time. For example, when you want to pay debts and receivables from other people that are due, buy a vehicle, wedding, college education fees, or even for the cost of Hajj and Umrah. The rice fields they own are used as a means of exchange between goods and money, because indeed most of the

people in Wonoboyo Village make a living as farmers and plantations that they manage as one of the sources of family livelihood (Sabi, 2021).

This kind of phenomenon is also found in people living in Wonoboyo Village, Klabang District, Bondowoso Regency, which is a debt system that is accompanied by mortgages of land. Like pawns found in rural areas in general, pawns that occur in Wonoboyo Village also use land pawns and most prefer productive land so that they can be used immediately (Safrizal, 2019; Zulfan, 2023). This reflects the socio-economic patterns of agrarian communities in Indonesia, where land is not only a vital economic asset but also a symbol of survival and continuity. The practice of pawning rice fields in this context must be reviewed from the perspective of sharia economic law to ensure fairness and compliance with ethical standards, as emphasized in comparative fiqh views (Syaltout, 2021).. One of the triggers for the practice of pawning rice fields in Wonoboyo Village is none other than urgent economic needs. The majority of people who pawn land are people with minimal incomes, while those who receive pawns are on average from people who are classified as middle to upper economies. It happened a lot in Wonoboyo Village, that the agricultural land that was used as collateral was managed by the pawnee and the proceeds were fully utilized by the pawnee before the debt from the land owner was paid off. That is why lenders prefer productive land as collateral so that they can profit from the land while waiting for the debt to be paid.

The community feels that pawning rice fields to other people who have an upper-middle economy to get money or capital loans is considered better and easier compared to taking funds (borrowing funds) at the bank. This is because in addition to not being too burdensome, you also don't have to prepare the complete files of the deed of detention, just by visiting the house of one of the residents who is considered able to provide a loan with a guarantee that the rice field loan money can be obtained. However, after the compiler made an in-depth observation of the pawning practice that occurred in Wonoboyo Village, Klabang District, Bondowoso Regency, there was a pawn practice that could sometimes harm the person who pawned the land. Observations were carried out by interviewing several residents who had pawned.

In practice, the person who receives the pawn will take advantage of the economic urgency experienced by the pawnbroker so that the pawnbroker may be forced to give up his collateral in the form of agricultural land such as rice fields to be managed by the person who receives the pawn. According to the residents' confession, the practice of pawning can sometimes cause the pawn (landowner) to lose money, because the pawnee often gets a greater profit than the money lent, because most of the people who make the pawn take advantage when selling the pawned rice fields for a larger amount when the pawn is unable to redeem the rice fields for which the pawnee will sell the rice fields with a larger amount. Buying and selling land such as rice fields and plantation land that has been mortgaged by the land owner to the fund owner but is unable to complete the pawn agreement contract at the specified time and is bound by the pawned land sale and purchase agreement.

Not only that, it is also found that the pawnee directly sells the mortgaged rice field even though the repayment grace period has not ended on the grounds that the debtor will not be able to pay off his debt loan in the range of 10-20 years, so the money borrower considers it easier to settle the loan contract with the pawn system by selling the mortgaged land. This practice is certainly detrimental to the person who mortgages the land because the presumption of inability to pay within that time is the presumption of the person who gives the loan when he also does not first confirm the sale of the land to the rightful owner of the land, namely, the person who owes money.

There are at least several cases found by researchers regarding the misuse of land pawns in Wonoboyo village, *first*, land pawning carried out by Mr. Sanusi who mortgaged land to Mr. Mashadi. This case occurred on February 12, 2021. The initial contract made by Mr. Mashadi was a mortgage on land belonging to Mr. Sanusi with a grace period of 10 months. However, it did not arrive at the specified time, the pawnee then sold the pawn, namely the land belonging to Mr. Sanusi. Mr. Sanusi as the landowner admitted that he did not know about the sale made and knew that the name of the land ownership had changed.

Second, the pawn case that occurred to Misnati's mother. It's just that this case is a little different from the case that happened to Mr. Sanusi, where the pawnee still asked for permission to sell the mortgaged land even though the stipulated deadline was still long. Despite the delay, the recipient of the pawn, Mr. Syahrul, still sold the land because he admitted that he needed the money that had been borrowed by Ibuk Misnati while he was sure that Ibuk Misnati was not able to pay it.

Third, the sale of land without a permit carried out by Mr. Wahid. The specified pawn time ranges from 10-12 months from the time the pawn contract is made. Naumn as in the case above, before the stipulated deadline, Mr. Wahid sold it on the grounds that he was in urgent need of money. However, this sale is carried out before the permit to the landowner, the permit is only received when the goods, namely the land, have been sold and change their name. Mr. Umar as the owner of the land could only say yes because the land that was originally in his name had changed its name to a new buyer. With the reason that he needs money that happens to him. Wahid and he also cannot pay off his debt.

The number of people in Wonoboyo Village reached 1669 people, and the religion that was fully followed by the Muslim population while the majority of the people in Wonoboyo Village worked as farmers whose number reached 500 people, some of whom were also involved in pawning rice fields. The data above is based on the researcher's observations and interviews with one of the people who carried out the pawning of rice fields, as well as on one of the land owners (pawn rice vendors) in Wonoboyo Village.

Previous studies such as those by Huda (2017) and Nugroho (2016) have explored pawn transactions in rural settings, focusing on their economic impact, but they largely overlook the ethical and cultural dimensions of pawning from a Sharia perspective. This study fills this gap by examining not only the phenomenology of pawning but also its alignment with Islamic principles, particularly the ethics of transactions and the role of mutual trust. This research examines the practice of buying and selling pawned rice fields in the Muslim community of Wonoboyo Village, exploring its phenomenology and analyzing it from the perspective of Sharia Economic Ethics. The study aims to understand the traditional practice of pawning land and its implications on work and social life in the community. The findings suggest that while pawning is culturally embedded in rural communities, its legal and ethical dimensions, especially in terms of the rights of landowners and pawnbrokers, require further attention. This study offers a comprehensive view of pawn transactions in Wonoboyo Village, highlighting the complexities of traditional practices in a modern context and suggesting a need for better legal frameworks and ethical guidelines to protect both parties involved.

RESEARCH METHODS

This study employed a qualitative approach, aimed at understanding the social phenomenon of the phenomenological analysis of the practice of buying and selling pawned *sawah* within the Muslim community in Wonoboyo Village, Klabang District, Bondowoso Regency. The

qualitative method allowed for a holistic understanding of the experiences of research subjects, such as behavior, perceptions, motivations, and actions, from the participants' perspectives. This method was often referred to as naturalistic research, as it was conducted in natural settings. The study adopted a phenomenological approach, where the researcher sought to understand human behavior through the frame of mind and actions of the people involved in specific situations. The focus was on describing and providing in-depth analysis of a specific phenomenon, which in this case was the practice of buying and selling pawned *sawah*.

Data for this study were gathered from both primary and secondary sources. Primary data were obtained through interviews with key figures, including the Village Head (HJ. Tubaini), the Village Secretary (Ishak), and community members involved in the practice of buying and selling pawned *sawah*. The interviews were conducted using purposive sampling to gather detailed and relevant insights. Secondary data were collected from books, journals, and other publications related to the topic of pawn transactions, empowerment, and business strategy, as well as from websites relevant to the phenomenological analysis of this practice.

For data collection, the study utilized interviews, observations, and documentation. Interviews were conducted face-to-face with respondents to gain detailed information about the practice of buying and selling pawned *sawah*. Observation was used to directly examine the environmental conditions and behaviors of the community in Wonoboyo Village, while documentation helped to supplement and strengthen the findings from the interviews and observations. Data analysis was carried out using the Miles and Huberman model, which involved four stages: data collection, data reduction, data presentation, and verification. The process began with collecting data through interviews and observations, followed by reducing the data to focus on key themes. The data were then presented in a narrative form, and conclusions were drawn based on the focus of the research.

RESULTS AND DISCUSSION

Phenomenology of the Practice of Buying and Selling Pawned Rice Fields in the Muslim Community in Wonoboyo Village.

In people's lives, not everything we want can be achieved according to what we want, sometimes we have to be willing to sacrifice the wealth we have to make our desires come true. As time goes by, everyone's needs will definitely increase, but not infrequently the needs we want are in accordance with the finances or funds we have. However, sometimes some people are willing to pawn their property in order to realize their desire to meet their needs, such as pawning gold, vehicles, land certificates, rice fields and garden land.

Pawning rice fields is one of the easiest alternatives that most people often do. The people of Wonoboyo who are none other than the perpetrators of the pawn in order to meet urgent needs. Pawn is a transaction that has an exchange rate between money and the proceeds of the rice fields, but the pawn system carried out by the people of Wonoboyo Village still depends on the customary rules of the local community.

As we know that a pawn of rice field land is a transaction involving two individuals, the first party as *Rahin* (the owner of the rice field), and the second party as *murtahin* (the owner of the funds or the person who receives the pawn), where in the pawn contract transaction there are conditions, namely if the owner of the rice field land (*Rahin*) has not been able to settle or return the loan funds from the owner of the capital (*murtahin*), Therefore, the proceeds of the mortgaged rice fields are still the right of full repentance. And if the time that has been agreed upon by both

parties has expired, then the *Rahin* or the owner of the land must immediately return the funds that have been taken from the capital owner.

One of the causes of pawn transactions in the community in Wonoboyo Village is if they have very urgent needs and must be met immediately but the *baiaya* is inadequate and requires money for their children's education, want to hold weddings, buy vehicles, there are even some of them who are willing to pawn their rice fields for a luxurious life or want to immediately leave for Hajj or Umrah.

The people who often carry out pawn transactions in Wonoboyo Village are those from among farmers, because sometimes they wait for a long time to harvest while the needs are very urgent, that's when they are willing to pawn their land to close relatives or their families or neighbors who have enough funds.

According to the people in Wonoboyo village, Klabang District, their rice fields are the fastest way to get loans or money, because they do not have requirements that are so difficult to meet, they just need to show the rice fields they own and show proof of ownership that they have, then the pawn transaction agreement will be realized soon.

As for the process of implementing a rice field pawn to the community in Wonoboyo village, Klabang District, namely, *Rahin* (the pawnbroker) needs a money loan then he meets *MuRahin* (the pawnbroker) to offer a piece of his rice field to be used as collateral for the money loan, then the contract process of the transaction is still traditional or still making an agreement or agreement based only on a memory and writing The loan amount for the guarantee of the rice field land on the receipt paper is then signed by both parties, namely *Rahin* and *MuRahin*, and if there is a problem at the end of the pawn transaction, the two solve the problem deliberatively.

This is according to what has been stated in the Qur'an, Surah Al-Baqarah:283:

وَإِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَانٌ مَّقْبُوضَةٌ فَإِنْ أَمِنَ بَعْضُكُم بَعْضًا فَلْيُؤَدِّ الَّذِي أُؤْتِمِنَ أَمَانَتَهُ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا تَكْتُمُوا
الشَّهَادَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتَمَ قَلْبُهُ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ

Means:

If you are on a journey (and meet not in cash) and you do not get a writer, then there should be a lien held (by the debtor). However, if some of you believe some others. So let the believer fulfill his mandate (his debt) and let him fear Allah his Lord; And do not hide the testimony and whoever conceals it, he is a sinner in his heart; and Allah knows what you do.

According to the author of the paragraph above, it is closely related to the process of implementing the pawning of rice fields carried out by the people of Wonoboyo Village, Klabang District, in carrying out wasah pawn transactions in accordance with the principles and conditions of pawning. Not a few from *Rahin*'s side were able to complete the repayment of the pawn on the guarantee of the rice field, even if there was no other option they preferred to sell the rice field and then they paid the pawn, even *Rahin* usually offered to *MuRahin* to buy rice fields that are collateral for money loans, then the selling price of the rice fields is deducted by the amount of the pawn loan. This is as stated by; Mr. Ubaidillah as the Wonoboyo Village Apparatus as well as the pawn perpetrator are as follows;

In Wonoboyo, where most people work as farmers, the living needs mainly depend on the harvest of rice fields and fields, but if we have a very urgent need and spend money for purposes such as school fees and daily expenses, that's where we think of having the rice fields or fields that we have for our needs.

According to one of the Wonoboyo village officials, Mr. Ubaidillah, the people in Wonoboyo Village, Klabang District are dominant in making a living by profession as farmers, therefore if they need a large cost they will do their rice field pawnshop. And he also explained how the

transaction process of the rice field pawn implementer in Wonoboyo village, namely; “But most people prefer to hold their rice fields instead of the fields they have, because in addition to being easy and easy to get a money loan by guaranteeing the rice fields, this method also benefits both parties, the process is also very easy because it is based on trust by showing the rice field certificate and the location of the rice field that you want to pawn, and determining the nominal amount of money to be borrowed and how long the pawn period is settled.”

Because the process is also so easy, *Rahin* simply shows proof of the rice field certificate and shows the location of the rice field to Murtahin, then the pawn contract and pawn transaction will immediately take place by stating the loan amount based on the area of rice field and the term of the land pawn must be agreed upon by both parties. Agreeing with the above requirements, Mr. Jefri as the people of Wonoboyo said:

Acquiring the rice field land to get a loan of money or capital, is indeed better than taking daei bank funds because in addition to not being too burdensome in interest, we also do not have to prepare complete documents or land deeds, but we only need to bring in a house that is considered capable or rich and willing to lend us money with rice field guarantees. then the number of

The loan is written on paper or some kind of receipt and the term of the pawn that we agree, then the receipt is signed by the person who gave the money as proof.

From the opinion of the second speaker, pawning is a loan of money by guaranteeing rice fields to capital owners, and the pawning process that occurs in the community is also very easy, just by showing proof of ownership as proof that it is true that the rice field that is to be used as collateral really belongs to *Rahin*. Then both parties wrote down the amount of the loan money for the pawn of the rice field land and the period of the pawn on the receipt and signed by both parties *Rahin* and *Murtahin*.

Mrs. Yani, who is one of the writer's resource persons in the field who is also a pawnbroker (*Rahin*), said that in carrying out the pawn contract, all the pawn processes until the signing of the agreement letter were all purely due to the will of both parties without any coercion or element of fraud. Because the *Rahinitu* himself came to the murtahin's house asking for a loan with a guarantee for his rice fields because he had a sudden need.

Mrs. Yani found that the process of this rice field land pawn contract does not contain elements of usury or elements of coercion from one of the parties, all the processes run purely and are agreed upon by both parties based on the attitude of helping each other and without any additions when wanting to complete the pawn contract.

The author asserts that the described practice aligns with core principles of Islamic pawning (*rahn*), including *Sighat* (contract formulation), *Akid* (contracting parties), the roles of *Rahin* (pawner) and *Murtahin* (pawn receiver), *Al-Murhub* (collateral), and *Al-Marhun Bih* (debt obligation). Regarding *Akid*, Shafi'i scholars emphasize that both parties must possess *Al-Ahliyah*—legal competence to transact—requiring sanity (*akat*) and discernment (*mumayyiz*), though puberty is not mandatory. For *Sighat*, Hanafiyah scholars stipulate that pawning contracts must avoid conditional clauses, as conditions invalidate the agreement while the core *rahn* remains binding. These foundational requirements ensure transactional validity while reflecting school-specific interpretations.

The debt (*Al-Marhun Bih*) must meet four criteria: it must be a repayable obligation, quantifiable, clearly defined, and eligible for collateralization. Similarly, the collateral (*Al-Murhub*) requires five conditions: marketability, unambiguous identification, sole ownership by the debtor, absence of third-party claims, and indivisibility. These rules prevent disputes by ensuring the collateral's value matches the debt and its ownership is uncontested. Notably, the

debtor retains responsibility for maintaining the collateral unless otherwise agreed, reinforcing accountability in the transaction.

Fiqh scholars universally agree on two additional conditions for valid *rahn*: physical possession of the collateral by the lender (*Murtahin*) and full disbursement of the loan amount to the borrower (*Rahin*). These requirements finalize the contractual exchange and mitigate risks of incomplete transactions. Future research could explore how these classical conditions interact with modern financial systems, particularly in reconciling traditional trust-based practices with contemporary legal frameworks to enhance fairness and compliance in Islamic pawn agreements.

Mr. Hafidz as a murtahin (owner of capital), said, initially I only kept my money as savings in the bank with my wife but because Mrs. Yani came to me asking for help because she needed a large enough fund to pay for her son's tuition fees who are studying at Ibrahimy Sukorejo University of 25 million rupiah with a guarantee of one rice field area of 40 square meters with the agreement that Mrs. Yani would return the loan money to me within a period of 2 years, So for 2 years, the harvest from the rice fields that was used as collateral was mine.

From the results of an interview with Mr. Bahar as the owner of capital, one of the things that often occurs in the pawning of rice fields in the Wonoboyo community, Klabang District, one of which is due to the urgent need for a large amount of education costs, the implementation of this rice field pawn in addition to helping people in need, indirectly also benefits the party who lends money or capital, because they can enjoy the harvest of the rice fields handed over to him.

In daily life, money is the main need of the people in Wonoboyo Village, Klabang District, Bondowoso Regency to buy all their daily needs and living needs, but sometimes every need they want is often not in accordance with the money they have. This problem rarely does not occur in society, so in order to stabilize the situation they must be able to distinguish between secondary needs and the needs of pimer, or they must be willing to lend money by collateralizing one of the assets they have in order to get what they want or to meet their needs, such as pawning rice fields as collateral for money loans but in the end they must be sold because they are unable to settle pawn loans for Return the loan money on time as stated at the beginning of the contract. As explained by Mr. Ishak as the Wonoboyo Village Head, said;

A few months ago I bought a rice field belonging to Mr. Abdu, which he had previously mortgaged to me, but because the mortgage agreement had expired and Mr. Abdu immediately came back to the house and said that until now he had not been able to pay his debt, so he intended to sell his rice field to me which had been a guarantee from the beginning of the pawn transaction process.

From the results of the author's interview with the Wonoboyo Village Head, we can conclude that the implementation of the sale and purchase of pawned rice fields in Wonoboyo Village, Klabang District, is purely without coercion from any party, either from the one who gives capital or the one who lends money. Then the price is determined and offered directly by the owner of the rice field as stated as follows:

So at that time I asked what price Mr. Abdu offered and he said just adjust it to the price of the rice fields now, because Mr. Abdu borrowed money from me 35 million with a guarantee of a 30 square meter rice field so if I calculated the price of the rice field was around 120 million then it was cut with the money he borrowed from me, so the price of Mr. Abdu's rice field was 85 million.

And according to the source, the sale and purchase price is determined by the land owner as well as *Rahin*, then from the price that has been agreed upon by both parties it is totaled by *Rahin*'s loan to *Murtahin*. Buying and selling as a means of helping fellow human beings has a

strong foundation in the Qur'an surah Al-Baqarah verse 275:

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

Means:

Those who eat usury cannot stand unless they stand like the oraf who are entered by the devil because of the insanity of their condition, because they say (thinks), indeed buying and selling is the same as usury, whereas Allah has legalized buying and selling and forbidding usury. Those who have come to him with a prohibition from their Lord, and then continue to cease (from taking usury), then for him what he has taken before the prohibition came. and his business (is up to) Allah, the one who returns (to take usury), then that person is the inhabitants of Hell; they remain in it.

There are two types of usury: nasiah and fadhl, riba nasiah is the overpayment required by the person who lends, riba fadhl is the measurement of an item with similar goods, but more in amount because the person exchanging it requires it, such as the exchange of gold for gold, rice for rice, and in part, the riba referred to in this verse is the riba nasiah which is multiplied by gabda that occurred in the Arab society of the Jahiliyah era.

Another thing that Hj. Ipa's mother mortgaged her rice field and then sold it to Mr. Hijje: I initially pawned my rice field to increase the money for the child's wedding, but when the pawn period was still running I suddenly needed more money to pay off the departure of the pilgrims because at that time my name had risen in the list of Hajj departures that year, So I returned to Mr. Hijje's house (*Murtahin*) to ask for additional loan money, because when I first pawned I only took 50 million by guaranteeing a rice field of 2 lokkek.

The explanation of the resource person above explained that land owners will mortgage their rice fields when their situation is really forced because they need funds or money with a large amount, Mrs. hj.ipa also explained:

The second time I came again to his house asking for an additional loan of 30 million and Mr. Hijje agreed to my request but the time for settling the pawn remained the agreed upon at the beginning of the pawn contract, which was for 6 harvests. However, until the term of the agreement ended, I was not able to pay off the loan money because my husband was also lying weak and ill

From the statement of Mrs. Hj. Ipa above, it was stated that in the mortgage agreement that they had agreed at the beginning of the contract, namely during the 6 harvests, Mrs. Hj. Ipa added her loan with the same rice field guarantee because the mortgage agreement agreement that she made had not yet matured, and the pawnbroker also agreed, but when the contract time was due, it turned out that Mrs. Hj. Ipa was not able to repay the loan, As explained below:

When Mr. Hijje (*apostatized*) came to the house to question how to settle the mortgage of his rice fields because the time was due, I didn't think long anymore to offer Mr. Hijje to buy the rice fields that I used as collateral or ask him to find a buyer, but Mr. Hijje was willing to buy it at the price I offered, which was 7 million per square meter so it was around 315 million, At that time, Mr. Hijje asked for a period of 1 week to collect money to pay for the ransom of the purchased land.

From the results of the interview above, Mrs. Hj. IPA with Mr. Hijje explained that Mr. Hijje was just helping his family and never took advantage of the situation. As explained in the Qur'an surah al-baqarah verse 198:

لَيْسَ عَلَيْكُمْ جُنَاحٌ أَنْ تَبْتَغُوا فَضْلًا مِنْ رَبِّكُمْ فَإِذَا أَفَضْتُمْ مِنْ عَرَفَاتٍ فَاذْكُرُوا اللَّهَ عِنْدَ الْمَشْعَرِ الْحَرَامِ وَاذْكُرُوهُ كَمَا هَدَاكُمْ وَإِنْ كُنْتُمْ مِنْ قَبْلِهِ لَمَنِ الضَّالِّينَ

Which means:

There is no sin for you to seek a gift (sustenance from business) from God. So when you have departed from the Arofah and dhikr to Allah in the Grand Mosque and dhikr (by mentioning) Allah as it has been shown to you, and indeed you were among those who went astray.

The meaning of the above verse is that there is no sin in seeking sustenance from the proceeds of business or buying and selling but do not forget worship when seeking sustenance. So from the explanation of the resource person above in these circumstances, and in the implementation of the sale and purchase, it is in accordance with the principles of buying and selling, namely:

1. The existence of a contracted person (seller and buyer)
Namely the pawnbroker and the pawnbroker who finally carry out the transaction of buying and selling the rice fields that they have mortgaged.
2. There is sighat (lafadz ijab qabul)
That is the agreement of both parties regarding the buying and selling transactions that they will carry out. And there is no coercion or threat to carry out such transactions from either side.
3. The existence of an object of transaction (ma'qud alayh)
Namely rice fields that have been used as collateral for loans and then used as objects of buying and selling transactions.
4. The existence of an exchange rate in lieu of goods
That is, the money from the offer of the owner of the rice field to the buyer and the price and land are agreed or approved, then the buyer must give the money from the purchase of the rice field to another seller.

The opinion of Mrs. Ummi from the results of the interview with the author are:

Actually, it was not me who made the pawn transaction of my parents, namely my mother who mortgaged her rice field to the imam, the rice field that I mortgaged was 50 square meters with a loan amount of 60 million, and within a period of 5 years and the contract period had not ended, my mother died and then held a deliberation with my brothers to sell the land and then she agreed, And finally I found the person who was willing to buy the rice fields, namely Mr. Ilyas, and took him to meet Mr. Imam (Murtahin).

So the information above explains that even though the time for the settlement of the pawn contract has not been completed, if both parties have agreed to complete the pawn contract, there are no obstacles for both of them because there is no element of coercion, meaning that both parties are sincere and happy to immediately complete the pawn contract.

From the results of the interview above, the author can conclude that the attitude of copying and helping in the community of Wonoboyo Village is still very good and the process of implementing the sale and purchase of pawns is also carried out in a family manner without any element of injustice or element of usury in it and is in accordance with the requirements of the object of the transaction, namely its existence is clear, the goods exist, can be used and beneficial to humans, belonging to a person, may be handed over during the contract or at the agreed time for the transaction to take place.

As for what was said by the resource person from the people of Wonoboyo Village, namely Mrs. Hani that:

The process of buying rice fields that have been mortgaged is actually not much different if we buy and sell rice fields as usual, but it is different from what happens here at the beginning of the contract, and the payment is calculated by how much money has been taken from the capital owner, except if someone else buys the rice fields, then first the prospective buyer must first

explain carefully that the rice field is actually in a pawned state. Then the location of the rice field is shown and determines the price, if both parties have agreed to the price that has been determined, then a buying and selling transaction occurs.

If you look at the statement of the resource person above, it can be concluded that the implementation of the sale and purchase of rice fields that are still pawned that occurred in Wonoboyo Village is in accordance with the conditions of the transaction.

Buying and selling is not only a way to make a living and financial profits, but buying and selling is also a type of business that receives great attention in Islam, both because it is one of the activities that many people need, a profession that is widely practiced by the prophets. Therefore, it is natural that in the Qur'an, the hadith of the prophet and various fiqh studies, this issue gets a fairly wide portion.

A review of Islamic business ethics on the implementation of buying and selling pawned rice fields in the Wonoboyo Community, Klabang District, Bondowoso Regency.

The people in Wonoboyo Village in carrying out the practice of buying and selling rice fields that have been mortgaged, they prefer to sell their agricultural land, both rice fields and fields, rather than pawning their property to the pawnshop or the bank, which will ultimately harm the land owner if they are unable to return the loan, then the pawnshop or bank will auction the property at a fairly expensive price.

Because according to the people of Wonoboyo Village, if they mortgage their rice fields to the community, they do not lose the ownership of the rice fields that they have mortgaged, they also think too much about the problem of planting or cultivating the rice fields. In addition, because of the tradition of pawning rice fields between fellow communities, they have the principle of helping each other.

The murtahin benefited from the *Rahin* getting help to overcome their urgent economic needs, and with the pawn transactions that developed in the community, it greatly affected the moral values and sense of help among them.

As for the positive impact obtained by the murtahin during the rice field pawn contract transaction: murtahin gets a guarantee of repayment from *Rahin* in the same amount, murtahin can take the harvest from the rice fields that have been used as collateral to him as a guarantee from *Rahin*, murtahin surprises the cultivation of rice fields if *eahin* has not completed his pawn contract, murtahin does not protract in collecting the repayment of his debt if *Rahin* has not been able to pay it.

Islamic Sharia teaches and instructs its ummah to help each other in a variety of ways, one of which can be done by giving loans. In providing loans, Islamic business ethics teach to protect the interests of *Rahin* and murtahin so as not to harm each other. Therefore, the apostate is allowed to ask for goods from the *Rahin* to be used as collateral for his loan.

The practice of buying and selling has been a habit of human beings since ancient times and has been known in customs. Buying and selling itself has existed since the time of the Prophet PBUH and is still valid today.

The concept in the Qur'an does not doubt that the transaction of buying and selling rice fields whose pawn contract is still unfinished as long as it is still in accordance with the rules of Islamic sharia and the Qur'an is very conflicting the parameters used not only concerning the world but also related to the affairs of the hereafter. A business that really brings success according to the view of the Qur'an is a business that brings benefits to the actor and to life, both in this world and in the hereafter, everything that humans do will be rewarded for themselves, whether it is positive

or negative.

Then if analyzed with Islamic business ethics of the practice of buying and selling rice fields that are still in a state of pawning in Wonoboyo Village, it can be concluded that the community is not only making transactions to buy and sell rice fields but there is also an element of mutual help in it as contained in the principles of Islamic business ethics.

The principles of Islamic business ethics that we must use as a guideline for business people in all transactions:

1. Unity

The concept of unity or monotheism is a vertical dimension of Islam which is understood as an expression of a Muslim's faith or the power of his god. This concept of monotheism provides the principle of close unity, because all humans on this earth are united in obedience to Allah alone. From this concept, Islam reasoned religious, economic, and social decrees in order to form unity.

Pawning a debt and receivables contract with the debtor includes an item to be held by the debtor (apostahin) to provide a sense of security for the person who gives the debt. The pawned goods can then be taken back if the debtor can pay the debt and can also be sold if the specified time has expired, more than the agreed time limit has passed, but the debtor has not been able to return the money that has been borrowed.

As we already know, the process of pawning in Islam is the principle of helping fellow human beings but the intention can change or not be realized due to a change in intention from one of the parties, namely seeking profit not by buying and selling or transactions with each other but by means of forcing others because there is no other laternativity, This is what is called *riba*.

The practice of buying and selling rice fields that are still pawned in Wonoboyo Village is not in accordance with the concept of unity in Islamic business ethics, because if the *Rahin* has not been able to settle the debt within a predetermined period of time, there is no other way but to sell the collateral rice field to pay off the debt.

2. Balance (Equilibrium)

Balance, depicts the horizontal dimension of Islamic teachings, and relates to the harmony of everything in this universe. As we know that Islam has forbidden any business relationship or that involves tyranny and requires the fulfillment of justice that is applied in usha relations and contracts and agreements in business.

This nature of balance is more than a characteristic of nature, but it is a dynamic character that must be instilled by every Muslim in their lives. When he called the Muslims as the *ummatun wasatun*. To maintain a balance between the rich and the poor, Allah also emphasizes the attitude of giving to each other and cursing excessive actions.

In *muamalah*, Islam teaches to do justice directed to the rights of others, the rights of the social environment, and the rights of the universe. Therefore, the balance of nature and social balance must be maintained along with the buying and selling of rice fields that are still pawned. As we know in buying and selling that involves two parties, namely the seller and the buyer.

The seller of rice field land here is a party whose contract initially transacted as *Rahin*, who borrows money and then mortgages his rice fields as collateral for his debt to the recipient of the apostahin's pawn, although in the end the murtahin plays the role of the buyer of the rice field land mentioned above. Directly they are very involved in a single transaction. Because a seller needs a consumer. So we can know that buying and selling transactions

contain elements of yirka cooperation.

When it comes to buying and selling, the most important element is mutual benefit. That is when both parties transact in accordance with the agreement so that there is no longer an element of mutual harm.

The main purpose of buying and selling transactions based on Islamic reviews is to achieve falah evenly. Islam requires every activity to achieve the welfare of personal life in the world and at the same time to obtain common prosperity through the distribution of maslahah to the social environment, as a manifestation of which business in any form must be mutually beneficial.

The real Muslims are those who do not ignore the worldly elements, especially the elements of the hereafter, and do not make the worldly as the purpose of their lives, so that if this view is the implementation and scope of business, then transactions like this will run a business that only aims for worldly wealth and make this wealth a tool to get the pleasure of Allah SWT.

In the process of pawning in the community of Wonoboyo Village, the person who pawns his rice fields gives permission for the pawn holder to continue to use his rice fields, so many scholars are of the opinion that the person who receives the pawn should not use collateral with the permission of the rice field landowner.

Most fiqh scholars, in addition to madzhab hambali, are of the opinion that it is not permissible to use goods that have been used as collateral, because they are only collateral for the receivables given, and if the mortgagor is unable to pay off his debt, then he may sell or value the goods to pay off his debt. However, if the owner of the land gives the permit, it is allowed, some scholars of the Hanafi madzhab allow it because of the permit, then there is no obstacle for the pawnee to take advantage of the land.

As for some other scholars who also argue about this, madzhab maliki and madzhab shafi'i said that even if the owner of the property allows, the owner of the pawned property is still not allowed to take advantage of the land. Because if the land is used, the harvest of the land includes riba which is prohibited by sharia' even if it obtains permission from the owner, willing and permits in this case are more likely to be forced because the owner of the rice field land will not get a loan of money if he does not allow to take advantage of the land that is used as collateral, besides that the view of the community is willing and the permit has no effect and is not valid.

Therefore, the practice of buying and selling rice fields that are still in a pawned state is considered to have not been completed with the principle of balance because the pawn time has matured, there is no longer any reservation to extend the pawn time, even though if you look at the profits that have been achieved by the pawn recipients, they have received the harvest from the rice fields that are used as collateral. so indirectly the recipient of this pawn does not lose if it is given an extension of time so that the owner of this land can pay off his debt, although in the sale and purchase transaction the price is determined in accordance with the general selling price that occurs in each village, the selling price is also adjusted to how much rice field land is to be sold.

3. Free will

In general, humans are given free will to control their own lives when Allah swt created them as human beings on this earth. Without ignoring the laws that have been determined by God, people are given the advantage to think to make a decision, and choose their own way of life.

Based on the results of the author's research on the practice of buying and selling pawned rice fields between *Rahin* and *Murtahin* which was verbally witnessed and ended with a mutual agreement between the two parties. If seen in the principle of free will, according to the author, it is appropriate because they both express opinions without any emphasis from one of the parties.

4. Responsibility

For the concept of justice and unity as we see in the creation of Allah SWT. Humans must be responsible for all their actions, both in business ventures and buying and selling, the concept of responsibility is an intention and i'tikad that needs to be considered related to the process of buying and selling between fellow Muslims. As Allah says in Surah An-Nisa verses 123-124:

لَيْسَ بِأَمَانِيكُمْ وَلَا أَمَانِي أَهْلِ الْكِتَابِ مَنْ يَعْمَلْ سُوءًا يُجْزَ بِهِ وَلَا يَجِدْ لَهُ مِنْ دُونِ اللَّهِ وَلِيًّا وَلَا نَصِيرًا
وَمَنْ يَعْمَلْ مِنَ الصَّالِحَاتِ مِنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَأُولَٰئِكَ يَدْخُلُونَ الْجَنَّةَ وَلَا يُظْلَمُونَ نَقِيرًا

Means:

123. (The reward from Allah) is not (according to) your wishes, nor is it (according to) the ahlul of the book. Whoever does evil will be recompensed according to (the evil) and he will find for him no protector or helper but Allah. 124. Whoever does righteous deeds, both male and female, while he believes, will enter Paradise and will not be wronged in the slightest.

The meaning of the content of the above verse is that we should not pursue too much profit in carrying out a transaction because the matter in the hereafter is only determined and regulated in the Qur'an and the hadith of the Prophet.

Islam is a just religion, as a person is not required to be responsible for all his deeds in the world if:

- a. Not yet puberty (adult)
- b. Mental illness
- c. Do something while asleep

If the practice of buying and selling rice is pawned to the community in Wonoboyo village, Klabang District, Bondowoso Regency, analyzed in the principle of responsibility, it is appropriate because the parties fulfill their responsibilities as capital owners and land owners until finally this rice field is sold because they are still carrying out in accordance with the mutual agreement.

5. Honesty or Policy

Policy (*Ihsan*) towards others is defined as an act that benefits others compared to those who do such actions that are carried out without any obligation, policy is very prioritized in Islam.

The results of the analysis of the principle of honesty or policy after the author conducted research based on business ethics in the practice of buying and selling pawned rice fields in Wonoboyo village, Klabang District, Bondowo Regency, is considered appropriate because it is mutually beneficial between the seller and the buyer. As in the words of Allah surah Al-Baqarah verse 195:

وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ

Means:

And spend (your possessions) in the way of Allah, and do not bring yourselves into destruction, and do good, for indeed Allah loves those who do good.

The content of the above verse explains that Allah always tells us to do good (ihsan)

in all things, because Allah loves those who always do good and honesty.

Where the general goal in Islamic business ethics is to instill awareness of the ethical dimension in muamalah, introduce moral arguments in the economic field and help to find the right moral attitude in carrying out a transaction. Buying and selling is considered a process to make a profit and meet the needs of every human being.

Meanwhile, ethics is a science that is different from business and therefore separate, so in this reality business and ethics are often understood as something that is not related to each other. In the view of Islamic ethics, buying and selling is not just a matter of seeking profit but also must seek blessings in it and is not allowed to violate Islamic law. The provisions of sharia, both from capital, strategy, peraktek and so on, have rules in the sharia apparatus, namely religious norms in all aspects of life including buying and selling

A healthy business is a business based on ethics, therefore in buying and selling business actors have a business ethics framework so that they can lead to blessed business activities. Allah also forbids us to eat the property of others in a wrong way.

From the five principles of business ethics above, in the transaction of buying and selling pawned rice fields in Wonoboyo village, Klabang District, Bondowoso Regency, fulfills 3 points, namely free will where buyers and sellers carry out land buying and selling transactions without coercive use. Second, the principle of responsibility where both parties carry out each other's responsibilities in carrying out transactions to buy and sell rice fields that have been mortgaged. Third, the principle of policy in the transaction of buying and selling rice fields is mutually beneficial between the two parties, where the buyer helps the land owner or seller to settle his debt.

Buying and selling is an activity that is highly recommended in Islam. In fact, the Prophet PBUH himself once said that nine out of ten doors of sustenance are through trading. In one of the important things in Islam that we must know, namely the issue of business ethics. The meaning of business ethics itself is a rule or set of principles for regulating human life.

There is a new awareness of the importance of ethics in business transactions or buying and selling is given many instructions by the Prophet in Islam. Here is the description:

- a) that the essential principle in Islamic business is honesty. In Islamic doctrine, honesty is a fundamental requirement in business activities. The Prophet PBUH always advocated honesty in doing business.
- b) Awareness of the social significance in doing business, business people according to Islamic law, are not only pursuing as much profit as possible, as taught by the father of capitalist economics Adam Smith, but also oriented to the attitude of ta'awun (helping others) as a social implication of business activities.
- c) not to take false oaths. The Prophet Muhammad SAW. is very intensely prohibited business people from taking false oaths in conducting business transactions.
- d) Friendly. A business person must be hospitable in doing business.
- e) You should not pretend to bargain at a high price so that others are interested in buying at that price.
- f) It is not permissible to demonize someone else's business so that others buy from it.
- g) cannot be committed. Ihtikar is to accumulate and store goods for a certain period of time, with the aim that the price will one day rise and great profits will be obtained.
- h) correct size, size, and scale. In trading, the right and proper balance should really take precedence.

- i) business must not interfere with worship activities to Allah SWT.
- j) pay wages before the employee's sweat dries
- k) not monopolies. One of the evils of the capitalist economic system is that it legitimizes monopolies and oligopolies
- l) not doing business in the condition of the existence of baha (mudharat) which can be detrimental and can damage individual and social life
- m) The business commodities sold are holy and halal goods, not haram goods such as pigs, dogs, liquor and so on
- n) business is done voluntarily, without any coercion
- o) immediately pay off the credit that is his obligation. The Prophet PBUH praised a Muslim who has serious attention in paying off his debts
- p) give a grace period if the debtor (creditor) is unable to pay
- q) that the business carried out is clean from the element of usury.

The sources of economics in Islam, which are very closely related as the basis for the implementation of the Islamic economic system, are:

- a) Al-Qur'an Al-Karim
- b) Sunnah of the Prophet
- c) Islamic Law and Methodology
- d) History of Islamic Society
- e) Data related to economic life.

Islamic economics is a resource that we must know and fulfill in every economic transaction such as buying and selling. We will use the norms contained in it as a legal basis in determining whether or not we are in accordance with the actions we take.

And the concept of halal haram in Islamic economics which looks at everything from a legal perspective, not only in the economic context, even Islam also completes aspects of every life, both in social life, household, organization, inheritance, politics, health and state administration and many others. Islam regulates the law as a foundation that is used as a rule in life so that the life of Muslims is in the realm of Allah.

Islam is a religion that is easy to understand as a view of life, sharia, religion, rituals and the state. Because sharia contains rules that have rules regarding worship and muamalah to guide people so that they do not make mistakes in their lives, obey and obey Allah so that their lives are harmonious, calm and happy.

The rules of halal and haram of a business are regulated in general, as Allah says in the Qur'an surah An-Nisa verse 29:

Means:

O you who have believed, do not eat each other's property in a wrong way, except in the way of business that is done willingly among you. And do not kill yourselves.

The meaning of the above verse of the word "business that applies voluntarily between you" is an indicator that can be understood as a halal act. We can also understand that everything that is permissible in religion, then something is permissible (halal), as a Muslim uamt, there are always consequences in every deed we do, and we will get the reward in the hereafter.

Then in the hadith of the Prophet it is also explained:

Indeed, what is lawful is clear and what is unlawful is clear, and there is no *syubhat* (doubtful) thing between the two that is not known to the public. Therefore, whoever guards himself from the matter *of syubhat*, he is free from condemnation for his religion and his honor. And whoever falls into shubhat means falling into haram things, like a shepherd who shepherds

around the forbidden place, then it is very likely that his shepherd will enter the forbidden place, remember that in the body there is a lump, if it is good then the whole body is good, and if it is corrupt then the whole body is corrupted, remember that it is the heart (HR. Muslim).

The above hadith explains how the concepts of halal and haram are clear in buying and selling transactions. The above hadith also explains how the laws of nature react to us if we commit a fraud in the transaction process.

CONCLUSION

The phenomenological study of buying and selling pawned *sawah* in the Muslim community of Wonoboyo Village, Klabang District, Bondowoso Regency, revealed a traditional process where agreements were based on memory and simple receipts, with transactions involving the *Rahin* (landowner) and *murtahin* (capital owner). If the *Rahin* could not repay the debt, the pawned *sawah* was sold, and the buyer was required to settle the debt with the *murtahin* before the remaining proceeds were given to the *Rahin*. This practice aligned with three out of five *Sharia* economic ethics principles—free will, responsibility, and policy—but did not fulfill the principles of unity and balance, as the *Rahin* lost authority over the land and the *murtahin* gained full control of the harvest. These findings suggest that future research should further investigate how traditional practices can be reformed to better align with all *Sharia* economic principles, ensuring a fairer balance of rights and obligations for both parties.

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