

WORKING IN A CONVENTIONAL BANK WITH A MAQĀSHID SYARĪAH PERSPECTIVE

Muhammad Irkham Firdaus¹, Risma Hafida Nuarisa², Puti Aqilla Asary Arief³, Putri Amimah Nurfaidah⁴, Restu Hilwani Azra⁵, Rohmatul Laily Al Faiqoh⁶

***Abstract.** Working in Islam is an effort to meet the needs of life; the main goal is to achieve mashlahah. However, if someone works in a conventional bank, is the law still permissible because bank interest is clearly forbidden in Islam? This study discusses the law of working in conventional banks from the perspective of Maqshid Syariah. This study uses qualitative methods with library research data collection techniques. The data used is secondary data in the form of data regarding the law of working in conventional banks from the perspective of Maqshid Syariah, obtained through journals, official documents, books, and articles related to the object of research. The study's findings concluded that, while working in a traditional bank is prohibited by law, when circumstances force people to fulfill their needs for the benefit of preserving life so that it is not threatened, the law is makruh on the condition that they continue to seek other jobs that are permitted by Islam.*

***Keywords:** Work, Conventional Banks, Maqāshid Syarīah*

Introduction

As a human being, to meet the needs of life, from clothes, food and board which are the main requirements of the law are mandatory. Because if these needs are not met, then the person's life will be unworthy. Therefore, work is strongly prescribed in Islam to achieve the fulfillment of physical and spiritual needs.

Allah SWT has promised sustenance for every creature living on earth. Man's task is to earn sustenance by working. But working or earning a living should be done by avoiding all types of activities prohibited by Allah SWT including those related to usury. In terms of Shariah law, riba means additional, either in the form of cash, goods or services that require the borrower to pay more than the amount borrowed to the lender at the time of loan repayment, this kind of riba is called riba. nasi'ah In addition, there is also riba fadl, the advantage found in the practice of exchanging similar things, such as gold for gold, silver for silver, and so on. These two types of usury have been agreed upon by Jumhur scholars. (Daipon, 2018, pp. 212–213)

^{1,2,3,4,5,6}, Fakultas Syariah, Prodi Hukum Ekonomi Syariah, Universitas Darussalam Gontor,
E-mail: irkham.firdaus@unida.gontor.ac.id

Riba is synonymous with bank interest. Where in human life there is no separation from economic activities, one of which is banking activities. Because the bank is an intermediary institution and channels funds between parties that have an advantage of funds and parties that need funds. This role is called a financial intermediary. As stated in Law no. 10 of 1998 regarding the amendment of Law No. 7 of 1992 on banking states that a bank is a business entity that collects funds from the community in the form of savings and distributes them to the community in the form of credit and or other forms in order to improve the standard of living of the community. in general. (Undang-Undang No. 10 Tahun 1998 Tentang Perubahan Undang-Undang No. 7 Tahun 1992 Tentang Perbankan, n.d.) In carrying out its most prominent task as a financial intermediary, the so-called interest appears.

In Islam the use of riba (interest) in banking is not allowed. Among the arguments that mention the prohibition of usury in Islam, among others, are listed in the Al-Qur'an, chapter Ar-Rum verse 39 as follows:

وَمَا آتَيْتُمْ مِّنْ رَبًّا لِّيَرْتَبُوهَا فِي أَمْوَالِ النَّاسِ فَلَا يَرْتَبُونَهَا عِنْدَ اللَّهِ وَمَا آتَيْتُمْ مِّنْ زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَٰئِكَ هُمُ الْمُضَعِفُونَ

"And any riba (additional) that you give so that people's wealth increases, it does not increase in the sight of God. And what you give in the form of zakat that you intend to gain God's pleasure, then they are the ones who multiply (the reward)." (QS. Ar-Rum: 39). (Ruslan, 2018, p. 33)

Banks that implement interest systems in their operations are called conventional banks. The problem of riba in conventional banks is actually not only related to bank employees, but this has infiltrated the economic system and all activities related to finance, so that it becomes a common disaster as warned by the Prophet SAW.

"Surely there will come to mankind a time when at that time there will be no one left but to eat usury; whoever does not eat it will be exposed to dust." (HR Abu Daud and Ibnu Majah)"

The existence of polemics in carrying out economic activities to avoid the practice of riba cannot necessarily be corrected simply by prohibiting a person from working in a bank or company that practices riba. But the damage to the economic system caused by the actions of capitalists can only be changed by the attitude of the entire country and the Muslim community. Of course, this change needs to be done gradually and in stages so as not to cause an economic shock that could bring disaster to the state and the country. (Azwar, 2019, p. 273)

In Islamic teachings, the benefit for humans, especially Muslims, is emphasized. Then, what about the fate of Muslim workers in conventional banks, where the usury contained therein is considered sinful. Because that means helping them in the prohibition of sin and or at least he is pleased with the evil he sees? This research will discuss how the law works in conventional banks in Islam from the perspective of Maqashid Syariah.

Method

This research is a qualitative study. The method used is the method of library research (library research), which is research that sources information and references from various library materials by reading and studying books and writings that have the object of this discussion. (Firdaus et al., 2022) Data yang digunakan adalah data sekunder berupa data mengenai hukum bekerja di bank konvensional dari segi pandangan Maqāshid Syariāh yang diperoleh melalui jurnal, dokumen resmi, buku yang berkaitan dengan objek penelitian, hasil penelitian berupa laporan, tesis, tesis, disertasi, artikel data yang diakses melalui internet dan maklumat lain yang boleh digunakan sebagai rujukan untuk menyokong penyelidikan ini.

Results and discussions

The concept of working in Islam

In Islam, work has two purposes, which is mundane to get material rewards in the form of money or salary to meet the needs of the family and ukhrawi as worship to Allah SWT. So the work done must be work that is in accordance with the concepts and principles of Sharia. Because not only the expected amount of salary but also the blessing of this income. So you should stay away from things that are prohibited by the Sharia such as shirk, riba, fraud and so on. (Putra, 2020, p. 26)

In looking for a job to meet the needs of life in Islam, the main goal is to achieve *maslahah*. The opposite of *maslahah* is *mafsadah* which means damage. *Maslahah* can be interpreted as benefits, benefits and benefits expected from something. The consideration of *maslahah* is very important in determining sharia, because actually *maslahah* is the purpose of sharia determination.

The importance of *maslahah* in the determination of sharia is illustrated by the scholar's statement "where there is *maslahah*, then there is Allah's sharia". It means that everything that contains benefits is where God's law is, so that in determining the law of a matter, *mashlahah* must be the main thing. (Azwar, 2019)

Conventional Bank

Conventional banks can be defined as commercial banks in article 1 paragraph 3 of Law No. 10 of 1998 on banking by removing the phrase "and or based on sharia principles", that is, banks that conduct conventional business activities that in their activities provide services in payment traffic. (Zakiah, 2020, p. 51)

The majority of developing banks in Indonesia are conventional principle-oriented banks. This is not separated from the history of the Indonesian nation itself, where the origin of banks in Indonesia was brought by the Dutch colonialists. In seeking profit and determining prices for its customers, banks based on conventional principles use two methods, namely: (Herianto, 2020, pp. 14–15)

1. Interest settings, for deposit products such as current accounts, savings, and time deposits. Likewise, loan products (loans) are also determined based on certain interest rates. This price is known as spread based. If the deposit interest rate is higher than the loan interest rate, then it is known as a negative spread.
2. For other bank services, the bank charges various administrative fees (services) in a certain nominal or percentage. This system of charging fees is known as fee-based.

Based on the description above, it can be understood that the mechanism used in conventional banks is to use a credit or loan interest calculation system, while what is meant by this interest is as a form of compensation given by the bank to customers for sales or purchases. their products, or by In other words, interest is the price the customer must pay for having a deposit and the price the customer must pay to the bank because the customer acts as a borrower or debtor.

Maqashid Shariah

Etymologically, Maqāshid Syarīah is a compound word consisting of two words, namely: Maqāshid and Syarīah. Maqashid comes from the Arabic language (مقاصد) which is the plural form of the word (مقصد) (maqshad), which means intention, goal, principle, purpose, purpose and final goal. While the word sharia means religion, teaching, and manhaj, way, sunnah. Basically the word Syarīah means the way to the source of water.(Sulistiani, 2018, p. 93)

The symbol of sharia (road, or road) is associated with water, because water is generally an important element in life, in the sense that the purpose of establishing legal rules (sharia) is none other than to regulate human life. . While Maqāshid Syariah in terms of terminology (ishthilahy) as stated by al-Syatibi, that is the legal rules established by God with the aim of realizing the welfare of His servants (humans) in this world and in the hereafter. (Humairah, 2020, p. 54)

So it can be taken from the definition of Maqāshid Syarīah is to understand the meaning, wisdom, purpose, secret and things that are behind the formation of the law or the purpose to be achieved from the establishment of the law. In addition, it can be concluded that maqasid is the culmination of goals formulated by Allah SWT in all aspects of legislation for the benefit of mankind. (Isyanto, 2022, p. 74)

The concept of Maqāshid Syariah is one of the important and fundamental concepts that become the subject of discussion in Islam which emphasizes that Islam exists to realize and preserve the welfare of mankind. This concept has been recognized by scholars and is a

basic reference in Islam. The spirit of the concept of Maqāshid Syarīah is to realize goodness while avoiding evil or giving benefit and rejecting harm (dar'u al-mafasid wa jalb al-masalih). (Paryadi, 2021, p. 206)

According to Imam Ash-Syatibi, the problems to be achieved in Islam are divided into three levels, namely: (Suganda, 2020, pp. 3–5)

1. Need for Dharuriyyah

Emergency Needs are the level of needs that must be present or called primary needs. If this level of need is not met, safety will be threatened both in this world and in the hereafter. According to as-Syatibi there are five things that are included in this category, namely preserving religion, preserving the soul, preserving reason, preserving honor and lineage, and preserving property. To maintain these five things, the Islamic Sharia was revealed.

2. Hajj requirements

The need for pilgrimage is a secondary need, which if not realized will not threaten their safety, rather they will experience difficulties. Islamic Sharia eliminates all these difficulties by establishing the law of rukhshah or leniency. For example, Islam allows not to fast when traveling a certain distance on the condition that it be replaced on another day and the same goes for sick people.

3. Requirements for Tahsīniyyah

The need for tahsiniyat is the level of need that if not met, does not threaten the existence of any of the five things above and does not cause difficulties. This level of need is in the form of complementary needs

Controversy of Islamic Views Regarding Bank Interest

Bank interest law is a matter of ijthad. Therefore, there are several different opinions about the law of bank interest. The differences of opinion among scholars are as follows: (Ahyani et al., 2020)

First, some scholars such as Yusuf Qaradawi, Mutawalli Sya'rawi, Abu Zahrah, and Muhammad al-Ghazali stated that bank interest is haram, because it includes usury. This opinion is also the opinion of Muslim scholars forums including: Majma'al Fiqh al-Islamy, Majma' Fiqh Rabithah al-Alam al-Islamy, and Majelis Ulama Indonesia (MUI). The evidence for the prohibition of riba is the word of Allah subhanahu wa ta'ala in Surat al-Baqarah verse 275:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

"Even though God has legalized buying and selling and prohibited usury."

Second, some other contemporary scholars, such as Shaikh Ali Jum'ah, Muhammad Abduh, Muhammad Sayyid Thanthawi, Abdul Wahab Khalaf, and Mahmud Syaltut, asserted that bank interest is permissible and does not include usury. This opinion is in accordance with the fatwa issued by Majma' al-Buhus al-Islamiyyah on 23 Ramadhan 1423 H, equivalent

to 28 November 2002 AD. They adhere to the words of Allah subhanahu wata'ala Surat an-Nisa' verse 29.:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالِكُمْ بِلِباطٍ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا
 أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

"O you who believe, do not consume each other's property in a false way, except in the way of business that happens with mutual consent between you".

In this verse, God forbids consuming other people's property in false ways, such as stealing, extortion, and usury. On the other hand, Allah makes it lawful if it is done with a mutually accepted business. Therefore, the willingness of both parties to transact to determine the amount of profit at the outset, as is the case in banks, is appropriate in Islam. In addition, they also reasoned that if bank interest is illegal then the addition of the loan principal is also illegal, even if the addition was not required at the time of the contract. But the increase referred to by law is allowed, so bank interest is also allowed, because there is no difference between bank interest and the increase of the loan principal.

At the National Conference of NU Scholars in Bandar Lampung in 1992, there were three opinions regarding the law of bank interest: First, the opinion that absolutely equates bank interest with usury, so that the law is illegal. Second, the opinion that does not equate bank interest with usury, then the law is fine. Third, the opinion that says bank interest is legitimate is doubtful. Even so, the National Conference thinks it is necessary to find a way out to determine a banking system that complies with Islamic Shari'a. (Azwar, 2019)

From the above description it can be understood that the law of the bank is a caliphate. There are scholars who ban it because they include usury, and some scholars legalize it, because they do not consider it. But they all agreed that the usury was banned. On the issue of such caliphate, it is basically tolerant and respectful and respectful of opinions. This is because each group of scholars has devised their energy in the law to seek the law on the matter, and in the end their opinions are still different. Therefore, a Muslim is given the freedom to choose his opinion according to his heart. If his heart is determined to say that the flower of the bank can then he can follow the opinion of the scholars who allow it. Whereas if his heart is skeptical, he can follow the opinion of the scholars who forbid it.

Maqāshid Syarīah Study on Laws Working in Conventional Banks

Islam forbids its followers to work to make money according to their will. However, Islam provides a dividing line between those who are possible and forbidden to seek wealth by focusing on general benefits. As a source of Islamic teachings, al -Qur'an does not contain detailed arrangements of worship and mu'amalah. The things that are still universal (general) are explained by the Prophet in his hadith. Then the legal aspect, especially in the field of mu'amalah, was developed by scholars, including al-Syatibi, who has tried to develop the

principles or principles contained in two sources of Islamic teaching by connecting it with the *maqāshid syarīah*. (Herianto, 2020)

If all Muslims are prohibited from working in conventional banks, the banking world and so on will be controlled by non-Muslims such as Jews and so on. In the end, the Muslim countries will be controlled by them. In addition, it should also be noted that not all work related to the banking world is classified as usury, so it is not a problem for a Muslim to accept the job, even though his heart is not ready, hoping that economic orders will change in the situation blessed by religion and his heart. Only, in this case should perform his duties well, must fulfill their obligations to him and his Lord and his people while waiting for his reward for the good of his intentions.

Economic conditions that allow one to enter the economic system that is still unable to free from interest instruments so that it works for conventional banks in an effort to meet the needs of life for the benefit. In this case, this need is included in the problem of *ad-dharūriyyah*, which is *Mashlahah* whose existence is very much needed by humans, both in religious and world matters. If this does not exist, it will damage the life of the world and have a negative impact on the afterlife. The types of *mashlahah* are made up of religious guards, souls, excuses, lineage, honor and property. (Azwar, 2019)

For a number of factors that cause Muslim workers to work in conventional banks, including: (Herianto, 2020)

1. Don't get alternative jobs elsewhere.
2. Develop yourself for a better life in the future.
3. Avoid yourself from unemployment

The main factors that cause Muslim workers to work in conventional banks is not to get alternative jobs elsewhere. When associated with working in conventional banks that are synonymous with laptops and laws are illegal. The prohibition of legal work occurs in normal (normal) circumstances where a Muslim has other options or solutions to meet his or her needs. However, when in the state of *darūriyyat*, and no other choice or solution is found, the work can be done and the law is *makruh*. However, a Muslim is required to continue looking for another *halal* job. (Hamid, 2019, p. 20)

Responding to this issue, this includes the necessary requirements, if the unlawful work is done in a state of ignorance even though it has been carried out in various ways, while the situation has entered the position of *Daruriyat*, therefore, meets their needs, therefore, a person It is allowed to take illegal jobs, provided that in his heart he is not happy with his work and only to meet his needs, if not done, it will cause a person to suffer, or in other words he will be threatened by the existence of his life and his family. Meeting his life needs is no longer allowed to exceed justice (*suitability*), especially entering the level of luxury, as it is no longer a solution to resolving the state of the *Darūriyyat* according to the Islamic *Shariah*. (Hamid, 2019)

Basically it is prohibited by a Muslim to work in a conventional bank. However, due to the existence of several reasons expected to bring mafsadat to Muslims, so a Muslim can work in conventional banks. The laws were forced (darūriyyat) because he did not get another job to meet their needs. The limitations of the forced condition (darūriyyat) are when they threaten the existence of humanity in relation to the purpose of maqashid al-Shari'ah, he (al-'aql, retains descent (al-nasl), and protects the wealth (al-māl). Skills in doing or leaving something because the state of the Darūriyyat is only intended to reject the mafsadat not otherwise. (Hamid, 2019)

Conclusion

Work is one of the things that religion holds to meet one's life needs. But as time goes on, work is diverse, a conventional bank is present that uses a laptop system in the mechanism. Conventional Bank is a place for the interest of the bank that is an additional (surplus) without the reward of loans that the amount is determined by using a tough period and it is a obvious prohibition in Islamic law, therefore, a person working in conventional banks -Bank is abolished, Because this can be said to be helpful in illegal actions, or at least a person is a pleasure with the illegal acts he sees.

However, legal prohibitions occur in normal (normal) circumstances where a Muslim has other options or solutions to meet his needs. However, when in the state of darūriyyat, and no other choice or solution is found, and this threatens the existence of his life and his family, so the work can be done and the law is makruh. However, a Muslim is required to continue to find another halal job.

Reference

- Ahyani, H., Permana, D., & Abduloh, A. Y. (2020). *DIALOG PEMIKIRAN TENTANG NORMA RIBA, BUNGA BANK, DAN BAGI HASIL DI KALANGAN ULAMA. XIX(2)*, 247–263.
- Azwar, Y. (2019). Bekerja di Bank Konvensional Menurut Fikih Ekonomi. *EQUILIBRIUM: Jurnal Ekonomi Syariah*, 7(2), 272–294.
- Daipon, F. S. dan D. (2018). Konsep Riba Dalam Kompilasi Hukum Ekonomi Syaria'ah (Studi Analisis Teks KHES Indonesia). *ALHURRIYAH: Jurnal Hukum Islam*, 3(2), 203–218. <https://doi.org/http://dx.doi.org/10.30983/alhurriyah.v3i2.718>
- Firdaus, M. I., Ahmad, S. N., & Putro, Y. A. S. (2022). Kajian Filsafat Hukum Islam (Tafsir dan Ijtihad Sebagai Alat Metodologi Pengalian Hukum Islam). *Al-Thiqah*, 5(2), 42–50.
- Hamid, A. (2019). Pemenuhan Nafkah Keluarga dengan Bekerja di Bank Konvensional: Suatu Pendekatan Maqashid Syariah. *El-Usrah: Jurnal Hukum Keluarga*, 2(1), 11–23.
- Herianto, I. (2020). *Tinjauan Hukum Ekonomi Syariah Terhadap Bekerja di Bank Konvensional*. Institut Agama Islam Negeri Metro.
- Humairah, S. (2020). Pelestarian Tradisi Uang Asap Dalam Adat Pernikahan Melayu Perspektif Maqasid Syariah. *SHAKHSIYAH BURHANIYAH: Jurnal Penelitian Hukum Islam*, 5(1), 51–74. <https://doi.org/https://doi.org/10.33752/sbjphi.v5i1.1624>
- Undang-Undang No. 10 Tahun 1998 tentang perubahan Undang-Undang No. 7 Tahun 1992

tentang perbankan.

- Isyanto, S. S. dan N. (2022). Maqashid Al-Syari'ah Dalam Kajian Teoritik Dan Praktek. *Tasyri' : Journal of Islamic Law*, 1(1), 69–104. <https://doi.org/https://doi.org/10.53038/tsyr.v1i1.6>
- Paryadi. (2021). Maqashid Syariah : Definisi Dan Pendapat Para Ulama. *Cross-Border: Journal of International Border Studies*, 4(4), 201–2016.
- Putra, S. P. (2020). *Kedudukan Gaji Karyawan Bank Konvensional Menurut Fiqih Muamalah*. Institut Agama Islam Negeri Bukittinggi.
- Ruslan. (2018). Ayat-Ayat Riba Dalam Al-Qur'an: Pendekatan Historis. *At-Taradhi: Jurnal Studi Ekonomi*, 7(1), 31–40.
- Suganda, A. (2020). Urgensi dan Tingkatan Maqashid Syari'ah dalam Kemaslahatan Masyarakat. *Jurnal At-Tadbir: Media Hukum Dan Pendidikan*, 30(1), 1–16. <https://doi.org/https://doi.org/10.52030/attadbir.v30i01.28>
- Zakiah, N. (2020). Analisa Perbandingan Pelayanan Perbankan Syariah Dan Perbankan Konvensional. *Jurnal Masharif Al-Syariah: Jurnal Ekonomi Dan Perbankan Syariah*, 5(2), 48–57. <https://doi.org/http://dx.doi.org/10.30651/jms.v5i2.5295>