Abstract

Borrowing money through Mobile Bank in people's lives is still common. This is because the needs are getting more urgent but the producers are not directly proportional to the income. For some people who are in a race between needs and income, borrowing money from a mobile bank is one solution, because the mobile bank offers an easy disbursement system. Therefore, this study reveals the Islamic view of the practice of lending money through mobile banks through a qualitative approach.

Keywords: Mobile Bank, Borrowed, Islamic Law.
INTRODUCTION

In this life, not all humans can fulfill their needs alone. Surely between one and another will need each other because humans are social creatures. As a social creature, people need to interact with other humans. This relationship will also continue in terms of fulfilling necessary that relied on budget. Everyone's way is different in fulfilling their life's needs, it is because everyone has different condition on budget. Those who are stable on the financial could fulfill their necessary without considering to borrow into personal or company. Therefore, borrowing for those who are in low financial would be solution in order to survive life. As now borrowed to personal is found difficult, borrowed into mobile bank called Bank Keliling offered an ease, regardless of the good or bad impact it causes.

Borrowing is an activity in which a person gives the benefit of an object or property to another person on the condition that the borrower must return the borrowed goods or property at a later time, borrowing or debts are already familiar among the community and often occur with different models. Borrowing or debts are already common place among the community and become a basic need in muamalah. Regarding with that, it is found that some persons are often borrowed money into cooperation in Ciherang Village, Karangtengah, Cianjur Regency.

Debts in Islamic jurisprudence are called qardlu. Etymologically (language), qardlu means a debt loan (muqradl) or it can also mean giving a debt loan (iqradl). In terminology (term) qardlu is giving ownership (tamlik) of a property (mal) with a system of returning its replacement without any additional elements. The issue of debts regulated in fiqh gave rise to various thoughts, especially when the debts were related to additional issues of the principal debt, the concept came to be known as "interest".

The phenomenon (symptoms) of being in debt to mobile banks in Ciherang Village, Karangtengah District, Cianjur Regency is considered very worrying and must immediately get education or enlightenment about the existence of Islamic financial institutions that provide interest-free financing known as qardul hasan.

Qardul Hasan is a loan agreement from a bank (muqridl) to a certain party (muqtaridl) which must be returned with the same amount according to the loan. Muqridl can ask for collateral for loans from muqtaridl. Loan repayments can be made in installments or all at once. In classical fiqh literature, qardlu is categorized in tathawwui aqd or mutual assistance contracts and not commercial transactions.
A. Islamic Law

1. Understanding Islamic Law

The term Islamic law is a translation of Islamic law in Western literature. The word Islamic law is often used by Western writers (especially orientalists) in their works. An example of their famous books is Islamic Law in Modern World (1959) by J.N.D. Anderson, An Introduction to Islamic Law (1964) by Joseph Schacht, and A History of Islamic Law (1964) by N.J. Coulson. Islamic jurists who wrote in English also used the term in their writings. The word Islamic law is often used to designate the Arabic term Islamic jurisprudence. Ahmad Hasan uses the term Islamic law for fiqh in his works such as in the books The Early Development of Islamic Jurisprudence (1970) and The Principles of Islam.

This term later became popular. To provide clarity on the meaning of Islamic law, it is necessary to first know the meaning of each word. The term Islamic law is formed from two basic words, namely law and Islam. In the Big Indonesian Dictionary the word law is defined by 1) regulations or customs that are officially considered binding, which are confirmed by the authorities or the government; 2) laws, regulations and so on to regulate the social life of the community; 3) standards, (rules, provisions) regarding certain events (nature and so on); 4) decisions (considerations) made by judges (in court); verdict. In simple terms, law can be interpreted as an ideal and a value, challenging norms and rules to organize and answer community problems so that it represents justice. In its form, there are written laws such as laws and there are unwritten laws such as customary law and Islamic law. The second word is Islam. Etymologically, the word Islam comes from the word salima which means safe. From that word formed aslama which means surrender or submit and obey. As the word of Allah SWT in Surah Al-Baqarah verse 112 which reads:

بِلِيْنِ مِنْ أَسْلَمٍ وَجَهَةٍ لِلَّهِ وَهُوَ مُخْسِسٌ فَلَهُ أَجْزَاءٌ عَلَّدٌ رَبِّهِ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَخْزَنُونَ

From the word aslama, the word Islam was formed. Its adherents are called Muslims. People who ēmbracė Islaṁ means surrendering themselves to Allah SWT and ready for His teachings. In terminology (terms, meaning) it can be said that Islam is a religion of revelation with the core of monotheism or the oneness of God revealed by Allah SWT to the Prophet Muhammad SAW as His last messenger and applies to all mankind, wherever and whenever, whose teachings cover all aspects of human life. Revelation revealed by
It was found in the field that both parties, namely the borrower (the Mobile Bank) and the borrower (some of the people of Ciherang Village) had fulfilled the loan pillars which included three cases. First, ‘aqidl (muqridl and muqtaridl). Muqridl (the person who gives the loan) in this case the Mobile Bank is a person who works in a cooperative engaged in money lending services whose job is to provide loans to the community by traveling around, while the muqtaridl (people who borrow) are part of the Ciherang Village community who borrow money to the Mobile Bank. Second, qardlu (loaned goods) in this case is in the form of money, because money is a useful item and can be directly controlled by the borrower. Third, sighah (ijab and qabul) between the people of Ciherang Village who borrow money and the borrower (mobile bank). The people of Ciherang Village who borrow money from the Mobile Bank have done sighah according to the loan pillars. As did Ibu Imas (not real name) who borrowed money from the Mobile Bank. He said, “I borrowed Rp. 500,000 to meet the needs of daily life”, (qabul). Then the Mobile Bank said, “I lent you Rp. 500,000 to Imas mother (not real name)”, (ijab). So, what some people in Ciherang Village do who lend money to the Mobile Bank is considered valid, because it fulfills the loan pillars.

In addition, according to a review of Islamic law, the practice of lending money to a mobile bank requires borrowing conditions. First, the mu'ir (the person who lends) in this case the Mobile Bank is a healthy and reasonable person. Second, musta'ir (borrowers) are part of the Ciherang Village community who borrow money from the Mobile Bank. Third, musta'ar (loaned goods) in the form of money which can be directly controlled and utilized by the borrower. Thus, the practice of borrowing money through a mobile bank carried out by some people in Ciherang Village according to Islamic law is legal. Because it has fulfilled the pillars and conditions.

However, even though according to a review of Islamic law in harmony and the conditions are met, the Mobile Bank requires the borrower to overpay the amount of debt according to the nominal amount. For example, if someone borrows Rp. 500,000, then he is subject to an administration of Rp. 100,000. This means that it becomes mandatory for the borrower to pay it.

The next discovery, it was found that the payment system for debt to the Mobile Bank must be carried out every day. The amount of time is based on the nominal amount of money borrowed. For example, a borrower borrows money from a mobile bank of Rp. 200,000, the borrower is required to pay Rp. 5000 for 40 days. That is, if it is calculated when someone borrows Rp. 200,000 to pay it off it took him 40 days, because the burden he charged per day was Rp. 5000. However, if the borrower is unable to pay within one...
the laws of the ancient people are also recognized by the Qur'an as laws that must also be used as guidelines by mankind today.

The Qur'an always exists and is preserved in the heart of Muhammad SAW, until it is transformed into the hearts of Muslims from one generation to the next. The Qur'an is also preserved in the heart of every Muslim. The preservation of the Qur'an in the form of manuscripts is spread throughout the world. Allah describes how the Qur'an as a holy book should be used as a guide. Allah says in Surah Hud verse 1 which reads:

الرَّحْمَانُ كُتَبَ أَنْ إِخْرَاجَهُ مِنْ دُونِ دَيْنٍ حَكِيمٌ خَبَيرٌ 1

Al-Quran which consists of 6,666 verses, 114 letters, and is divided into 30 chapters. There are several features of the Qur'an which are detailed by Yusuf Qaradlawi, including the following:

a. Miracles and Evidence of Truth

The Qur'an is different from other heavenly books. The Qur'an is used as a miracle and proof of the greatest prophethood for the Prophet Muhammad SAW. Muhammad's treatise is a prophetic closing treatise. After Muhammad's message there will be no more prophetic treaties, because Muhammad's message has the advantage of being rahmatan lil-'alamiin (grace to all nature) until the Day of Resurrection. Muhammad's message is a universal message for all mankind. Even Muhammad's message is a treatise that touches the mind, heart, and is material and spiritual.

b. Eternal and Stay Preserved

The Qur'an has an eternal nature. The Qur'an will continue to emit light as long as there is life. The word of God that promises the preservation of the Qur'an in terms of deviations, changes and additions. As stated in the letter al-Hijr verse 9 which reads:

أَيُّهَا النَّاسُ مَا ذُكِّرَ لَكُمْ فِي الْكِتَابِ يَأْتِينَا مَا لَنْ نَعْلَمُهُ وَأَنَا لَحَفِظُونَ

The word is God's promise that cannot be denied to preserve the Qur'an, so there can be no doubt that the Qur'an is preserved and eternal for a long time. It is proven that since it was revealed to the Prophet Muhammad through the intermediary of the angel Gabriel, there has not been the slightest change in him, except for the rules of writing or imlak only.

c. Universal

The universalism of the Qur'an can be seen from the content or substance that is arranged in it. It contains monotheism, creed, worship, morals, muamalah, family problems, nation, and even in the international scope it is also regulated in the Qur'an. The Qur'an is not intended for only one particular group. The Qur'an is here as a guide and good news for all levels of society in the world.
3. Scope of Islamic Law
The scope of Islamic law is the object of study or areas of law that are part of Islamic law. The division of fields of study of Islamic law is more focused on the form of human activity in conducting relationships. By looking at the form of this relationship, it can be seen that the scope of Islamic law is twofold, namely the human relationship with God (hablun minallah) and the human relationship with each other (hablun minannas). The first form of relationship is called worship and the second form of relationship is called muamalah.

The essence of worship according to experts is the submission of the soul that arises because the heart feels love for the worshiped (God) and feels His majesty, because they believe that in this world there is a power whose essence is not known by reason. Because worship is God's command and at the same time His right, worship performed by humans must follow the rules made by God.

In contrast to the issue of worship, Allah's decrees in the matter of muamalah are limited to the main points. Therefore, the field of muamalah is open to be developed through ijtihad. Because of its open nature, in the field of muamalah, a general principle applies, namely basically all contracts and muamalah are allowed to be carried out, unless there is evidence that cancels and prohibits them. From this basic principle, it can be understood that all acts that fall into the category of muamalah are permissible as long as there are no texts prohibiting them. Therefore, the rules in the field of muamalah may change along with the changing times, as long as they do not conflict with the spirit of Islam.

4. The Purpose of Islamic Law
Islamic law was made by Allah with a definite purpose, namely to realize human benefit by guaranteeing basic needs (dharuriyyah), secondary needs (hajiyyah), and complementary needs (tahsiniyyat). In general discourse, dharuriyyah needs are called primary, hajiyyah needs are called secondary, and tahsiniyyat needs are called tertiary.

Islamic jurists clarify the broad objectives of Islamic law as follows:

1. Dharuriyyah
In human life, needs are important so that they cannot be ignored. If these needs are not guaranteed, there will be chaos and disorder everywhere. These five primary necessities of life in the Islamic legal literature are referred to as al-maqashid al-khamsah (five main things), namely: hifdz ad-din (maintaining religion), hifdz an-nafs (maintaining the soul), hifdz al-'aql (maintaining reason), hifdz an-nasl (maintaining offspring), and hifdz al-mal (maintaining property).
2. Hajiyyah
Hajiyyah needs are secondary needs or needs after dharuriyyah needs. If the needs of the hajiyyah are not met, it will not threaten the safety of human life, but the human will have difficulty in carrying out an activity. This need is a reinforcement of dharuriyyah needs.
3. Tahsiniyyat
The next goal of Islamic law is to make various improvements, namely to make things that can decorate social life and make humans able to do and manage the affairs of life better. This need is called tertiary or tahsiniyyat. Behavior that shows tahsiniyyat is being friendly to all God's creatures on earth. Therefore, it is not surprising that there are people who enter heaven just because they drink thirsty dogs, women who go to hell for not giving a cat, there is a prohibition on urinating under a tree, and a prohibition on burning trees even in a state of war.

RESEARCH METHOD
This study applies a qualitative approach to review the practice of lending money through mobile banks in Islamic law. The research method used in this study is described as follows:

a. Types of research
In this study, researchers used a qualitative approach. A qualitative approach is a research and understanding process based on a methodology that investigates a social phenomenon and human problem. Therefore, to get a complete picture of the practice of borrowing money through Mobile Banks, observation, interview and documentation methods were applied as data collection instruments.

b. Research Approach
The approach applied in this research is a case study, with a focus on the direct realization of the social life of the community. A case study is an exploration of a bounded system or a case over time through in-depth data collection and involving multiple sources of rich information in a context. In case study research, the study is open, unstructured and flexible because the researcher has the opportunity to determine the focus of the study.
In this approach, the research procedure produces descriptive data in the form of written or spoken words from the observed people and the observed behavior. This is in line with the focus of research that reveals the practice of borrowing money through mobile banks. Through this approach, events in the field are directly observed to be studied, analyzed, and explained in order to be able to draw conclusions from the problems that occurred.