

Riba Free Financing Based On Rental Business

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Abstract: *Leasing is a financing activity in the form of providing capital goods either on a lease basis with an option rights (financial lease) or a lease without an option right (operati lease) to be used by the lessee (lease) for a Certain period based on payment in a manner Periodically. Leasing financing techniques are divided into two types of leasing transactions items, namely finance lease and operating lease. Indonesia that is commonly done and applied to finance companies is financial lease.*

Keywords: *Leasing, lesse, lessors.*

PRELIMINARY

The role of the finance company is now urgently needed, along with the development of business and fierce competition, the financial institution can be an alternative for the development of business sectors. Indonesian financial industry began to grow and grow again in the last few years, after collapsing due to the financial crisis that hit Indonesia in 1997-1999. It can be seen from the number of companies in Indonesia in the procurement of operational vehicles that use the services of a finance company. This increase is caused by some other factor between interest rates and the strategy set by the finance companies, especially in the case of advance payments low. With a low down payment, Companies that want to gain operational vehicles do not need to spend a great advance so there is no permanent activity in services and manufacturing companies are basically the same, namely operational vehicles have a very important role as a supporting company in running the company's operations. Vehicle purchases on credit transactions in leasing finance company or leasing is the choice of people today,

ولأنها عين يمكن استيفاء المنفعة المباحة منها مع بقائها , فجازت إجارتا

Meaning: "Since the actual items that can be taken by the permanent benefit of the goods, then the lease can be taken at a certain price, and the like." (See: Ibn Qudaamah, *Ibni Al Mughny li al-Qudamah*, Daru Ihya al-Turath al-Araby, 1985, the Section: 5/248). However, people's understanding of the lease generally still limited. Until now, the majority of Islamic financing products are still focused on products murabaha (sale and purchase principle). Murabaha financing actually has.

similarity with Ijara financing, both of which are included in the category of Natural certainty contracts. And basically it is a contract of sale is the object of transactions are goods, such as houses, cars and so on, whereas in Ijara financing transaction object is the service, whether the benefits of goods and benefits of workers. With Ijara scheme, Islamic banks can also serve customers who only need the service.

The concept of Riba in Islam

Definition of usury Riba is exaggerating, adding pertaining to enhance, exaggerate, multiplying, taking more than they should.

Prohibition of interest not only to Islam alone but has a long history. Prohibition of interest not only economic theory but an outright ban by the word of Allah in the Koran. In the Koran confirms the man to make a living through trade and commerce of the income usury word of God:

"But Allah has permitted trading and forbidden usury" (QS.Al-Baqarah: 275).

The concept of usury is not limited to borrowing money, but the exchange of goods. In sharia are two forms of riba is riba al-nasiah and usury alfal:

1. Riba Al-nasiah, Is usury exchange of money for money, in case of delays and additional burdens associated exchange premises such delays this kind of basis for prohibiting usury interest how it has been practiced financial transactions today.
2. riba Alfal, A direct exchange or barter. Alfal usury concept is very similar to the prohibition of the increase that is written in the Old Testament (Leviticus) 25 (37) saw today, this time through the medium of exchange of money, usury relevancy Alfal have disappeared, but the concept is still the same can be applied disituasi.

There is evidence and quite a lot at the time of the prohibition of usury lending and borrowing activities intended for commercial purposes or productive as it is indicated for the prohibition of all forms of borrowing.

Logical basic prohibition of Riba

The Qur'an and Sunnah do not provide a clear rationale for the ban usury as part of the unfairness. Muslim scholars have provided a rationale indirect consequences of the existence of usury in modern society.

Islam And Riba

In the verses of the Quran menejelaskan and prohibits usury one of the earliest verses (QS.AR-RUM: 39), revenue from usury than charitable alms blessed and blessed by Allah SWT. Prohibition of Riba in Islam "And something usury (Supplementary you give him to grow on human property, then usury does not add up on the side of God. And what you give in the form of zakat you intended to achieve.

The pleasure of Allah, (who did so) are the ones that involve duplicate reward (QS.Ar-rum: 39). The prohibition of usury or interest is very eksprisif and clear so that the meaning is rarely changed. With the introduction of debt securities and commercial banking institutions further strengthen usury, the questions become more frequent in modern times. Example of a successful merchant in the early 20th century, denounced interest on the grounds that the sales gains have more to hear the price of money that is interest rather than on the needs of consumers or product quality. The idea that rejects interest is not approved by the banks and therefore not popular.¹

The principle of Ijarah Rental

Ijara transaction was based on the displacement benefits (Right to), not a transfer of ownership (property rights). So basically the same principle with the principle of Ijarah transactions, tap the difference lies in the transaction object. When the object of the sale and purchase of purchasing goods, the object Ijara transactions are goods or services.

An agreement on the rental price For example, say "I rented this car for one month with the rental price Rp.x. sipenyewa when it wants to extend the lease period, the rent may be changed. Even the rent can only ask the rental price doubled from the previous. Sebaliknya yes, sipenyewa can only offer half the price of the rental before, everything depends on the agreement between the two sides sipenyewa and rents.

Ijarah and Leasing

Ijarah is a contract that governs the use of tenure without the transfer of ownership, many people equate this with the Ijarah leasing. Ijara leasing equate with not entirely wrong, but not entirely true anyway. Because in essence, even though there are similarities between Ijara and leasing, but there are some characteristics that distinguish it as ijara: ²

Object: the benefits of goods and services.

Leasing: Object benefit of goods only.

The concept of Ijarah

Ijara word itself comes from the word al-Ajru which means to have the dressing sense. Menurut Syaikh Sabiq, Ijara, was one type of contract to benefit by way of replacement or sales benefits. Where this is transasi Ijara lease ownership of goods without expert end of the period.

Financing Products Based on the Sale and Purchase Agreement

¹ According to one of the words of the prophet Muhammad; "a person's wealth is as sacred as the blood of a person."

Birnie, A. (1952), the history and ethnicity of interest

²Antonio, Muhammad Syafii. 2001. Bank Syariah from Theory to Practice. Jakarta: Tazkia Cindikia.

Implementation sale and purchase agreement is one way to be taken in order to channel funds to the community. The products are based on the sale and purchase agreement consists of murabahah, greetings, and istisna.³⁴⁵

Legal Basis for the Sale and Purchase Agreement

This Jualbeli as a consequence of legal acts that have occurred on a barang transfer of rights from the seller to the buyer have a legal basis that can be encountered in the Qur'an, hadith, and the consensus is as follows:⁶

- Al quran legal basis of buying and selling can be encountered in Surah An-Nisa 4:29, which means: "O people of faith do not eat up the property mu fellow with the vanity, except by way of buying and selling commercial suksa applicable to consensual among you ".
Surah Al-Baqarah 2: 257, which means "God justifies the purchase and forbids usury".
- Hadiths trading activities are activities that are highly recommended by the prophet Muhammad.
- Ijmma the scholars have agreed on the sale and purchase of halal as estate transactions are highly recommended and is the Sunnah of the Prophet.

⁷Ijara financing process

1. Customers filed Ijara financing to Islamic banks.
2. The Islamic bank purchase / lease of goods desired by the customer as an object Ijara,

understanding Rent

The lease financing activities in the form of capital goods, whether under lease with an option to lease (lease financing) or without an option lease (operating lease), for use by lesse (tenant) for a certain period with

regular payments (Minister of Finance Decree No. 1169 / LMK.01 / 1999 on leasing activities). Through financial lease, then at the end of the contract period, lesse (tenants) will be contracted. As for leasing operating leases, lesse (tenants) have only the right to use until the end of the contract and leased capital goods be returned to the lessor.

of the supplier / seller / owner.⁸⁹

³ Sfinyah Guhufon, Concepts and Iflementasi Islamic Bank (Jakarta: Renaisya, 2005), p 52.

⁴ Wardi Ahmad Muslich, Fiqh Muamalat (Jakarta: Amjah 2010), hal.316.

⁵ Ibid, hal.316-317.

⁶Syafi'l Antonio M., op.cit., P. 100.

⁷ Suhrawadi K.Lubis, 2000, the economic law of Islam, the beam graphics, Jakarta, hlm.62.

Revelation wiriono 2006, murabaha financing agreement, submitted to the national training contract manufacturing in Islamic banking practices date 20 May 2006, BASYARNAS, Yogyakarta, p 3.

Rizal yaya, aji, Islamic banking accounting Ahim 2nd edition, 2013. Pg.

⁸Lativa M. Algoud and Mervyn K.lewis 2004, Islamic banking: principles, practices and prospects, porch, Jakarta, p. 48.

, The main benefit of leasing is lesse method can have sufficient working capital because he did not have to use the funds to provide capital goods. Use of the method of financing leasing is an alternative to buying an investment, especially for high-value goods, such as heavy equipment such as staractors, bulldozers and others.

Examples of capital lease is a contract in which a tenant is given the right to use assets owned by another party.

Various lease.

Lease means that can be used as the object which goods or objects, in addition to the lease object are allowed in the Personality for being the object of lease. Here are a variety of lease:¹⁰

1. ijarah`ala al manafi

Ijarah which objects akadnya a benefit such as renting shop for ditempatin, train to ride, shoes to wear and so on.

Alal al-manafi contract is divided into two, namely:

- a. Ijara al-ard or land lease contract is to be planted or established buildings. The new lease contract described as valid if its usefulness if the contract had to be explained to cultivated plant species, unless the landowner gives permission for any ditanamin.
- b. lease contract on animals should be obvious usefulness, for transportation or vehicle and future usefulness.

2. Ala al-amaal Ijarah Ijarah

This contract related to the issue of wages menyupah Therefore, the discussion is more related to the job or teacher. ¹¹

Leasing contract Sharia

Islamic leasing agreement is based on the principle of leasing and financing the purchase of the object holder IMBT (Legal Basis for lease

Ijarah is a contract that allowed because it was based on the proposition contained in the Quran, hadith and ijma scholars but there are scholars who do not allow that fuels al-ashamm ash, ismail bin aliyah, hasan basri and others. The reason is if we use the analogy of Ijarah contract is identical to the bai al-madum prohibited, benefits can not be presented as the object of the contract but this opinion disangah Averroes by saying that the benefits can not be presented when the contract, but can be met when the contract is already running.

Ijarah legal basis in the Quran is:

"O ye who believe, fulfill-contract agreement it" (QS. Al-Maidah: 5)

⁹Nawawi Ismail, classical and kontenporer Tenets Jurisprudence (Law treaty, Business Economics, and Social Affairs), (Bogor: Publisher Ghalia Indonesia, 2012), p. 185.

¹⁰Huda Qomarul Fiqh Muamalah, (Yogyakarta: Terrace, 2011), p. 85.

¹¹ Dwi Suwiknyo, Compilation of verses of Islamic Economics, (Yogyakarta: Learning Library, 2010), p.107.

bank or lessor) to terminate the transfer of ownership of the object IMBT of kenasabah banks through purchase agreements or grants.

Various contracts that can be used to develop the concept of Islamic leasing is as follows:

1. Agreement for the results, such as mudaraba agreement between the parties in the form of capital to fully fund a project or business with mutually agreed revenue share.

2. murabaha contracts, the purchase agreement between the owner of the goods and the prospective buyer. The concept of leasing is usually incorporated into this contract on the purchase of goods and then sell them to prospective buyers with additional benefits under the agreement that had been predetermined.

3. Stock, ie buying and selling goods orders (muslam fih) between the buyer (muslam) and sellers (muslam ilaih). In the transaction, the goods are not yet available, so that goods be delivered with a robust transaction object. Lease can act as muslam and then booked into another party to provide goods (muslam fih), this so-called parallel greeting.

Getting to know the system of financing leasing

The term leasing has a long history although it is not known for certain, but it is believed this leasing transaction activity has taken place in 2000 BC conducted by the Sumerian. In accordance with the document, initially leasing transactions carried out by the Sumerian ranging from agricultural equipment, land use rights of water when cattle.¹²

All matters related to the Ijarah

a. Ijarah-related services is hiring services of someone with wages as compensation for services hired.

b. The lease-related Ijarah ased or froperti is moving right to move ased or certain froperti to others for a fee. While the cost of rent is called Ijara.¹³¹⁴

This form is much changed designated as a form of investment or financing:

a. Al -ijarah Islamic jurists mendepinisikan to sell the benefits, uses, services with bayaraan set.

b. Ijarah waiqtina is another form of Ijarah rental followed by possession of the goods the customer.

¹² Ainur Financial Naim.1992.Akuntansi 2 Yogyakarta: BPFH.hlm.150.

¹³ Ibit.hal.30

¹⁴Arcarya, Akad and Islamic Banking Products (Jakarta: Rajawali Press, 2011), p. 99.

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Besides operate using a conventional system, it also can be used based on Islamic principles. Islamic principles are based on the teaching principles. Al-Quran and Sunnah. In the context of Indonesia, Islamic principles are the principles of Islamic law in banking and financial activities based on the fatwa issued by an institution that has the authority to determine the fatwa in the field of sharia. The Islamic financial system is based on two main principles shar'i principle and the principle of tab'i. Shar'i principles include freedom of the transaction, the load maghrib (masysir, gharar, usury) of manipulating the price, everyone is entitled to accurate information so that they are free from the ignorance of the transaction, the parties to a transaction have to consider the interests of third parties who may be impaired ,

Conclusion

Based on the above, it can be concluded that the financing of usury based leasing is financing activities in the form of supply of capital goods both leases (financial lease) or lease without an option (operati leasing) be used by tenants

(Lease) for a certain period based on periodic payments. Leasing financing techniques are divided into two types of leasing transactions, namely finance leases and operating leases. Riba riba-based financing using Ijara agreement through the payment of wages lease without being followed by the transfer of ownership. Financing using Ijara agreement is based on the period and Ijara muhtahiyyaj Bit. Islamic leasing agreement is based on the principle of leasing and financing the purchase of the owner of the object IMBT (bank or lessor), ending with the transfer of ownership of the object IMBT of kenasabah banks through purchase agreements or grants.

Different types of leasing agreement is an agreement for the results, murabaha contracts and futures contracts. , The Islamic financial system is based on two main principles shar'i principle and the principle of tab'i. Islamic principles, including freedom of the transaction, the load Maghrib (masysir, gharar, usury).

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