

THE RELEVANCE OF THE LAW OF USURY AND BANK INTEREST IN THE PERSPECTIVE OF WAHBAH AZ-ZUHAILI

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Abstrak

Kata Kunci: Relevance, Usury, Bank Interest, Wahbah Az- Zuhaili.	This article discusses the relevance of riba and bank interest from the perspective of Wahbah Az-Zuhaili. The approach used in this study is a qualitative approach, and the type of research is literature research. This research combines data collection techniques with document studies, so that data in the form of journals and books related to the thought of Wahbah Az-Zuhaili is used as a primary source in this study and refers to the work of Ibn Khaldun. The data used are related to Wahbah Az-Zuhaili's thoughts on the law of riba and the relevance between bank interest and usury. This research shows that, Wahbah Az-Zuhaili argues that bank interest is included in riba nasiah, which is prohibited because it is an addition to financial transactions without clear rewards and is only based on a delay in payment time. Wahbah Az-Zuhaili emphasized that bank interest is the same as jahiliyah usury, both large and small, and has been declared haram based on the Qur'an, Sunnah, and ijma' of the Companions. This practice is considered to be detrimental to borrowers and creates economic injustice.
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INTRODUCTION

Among Muslims, the debate over bank interest has been a topic of interest since the 1960s. This arises because there is a view that bank interest that is commonly applied in the banking system is considered usury. The discussion of riba itself is at least divided into two main views. The first view is held by the majority of Muslims which refers to the understanding of the jurists regarding riba as explained in Islamic law (fiqh). They argue that any additional amount given in a loan, beyond the principal value lent, falls under the category of usury.

Since the beginning of his arrival, Islam has expressly forbidden the practice of usury. Since riba has become a habit that is difficult to eliminate, Allah SWT gradually lowers the prohibition against it and gives a stern warning to those who continue to practice it (Yustika, 2022). The essence of the prohibition of usury in

Islam is to avoid injustice and exploitation in economic activities. Riba or interest in the modern financial system is often a form of imposing additional burdens on borrowers who are actually in difficult conditions. In Islam, this concept is contrary to the teachings that emphasize the importance of social care, where those who have excess wealth should help others, not oppress them with a system that further worsens their economic situation. This aims to ensure that low-income groups are not increasingly squeezed by economic injustices committed by those who have large capital. In daily life, humans cannot be separated from economic activities to meet their needs. For Muslims, the Qur'an is the main guideline and source of guidance in living life, with absolute truth (Fajar, 2009).

Carrying out economic activities is a must so that humans can meet their needs. From this activity, a person obtains sustenance that is used for his survival. In the Qur'an and the hadith of the Prophet, there are many calls for people to work diligently and not be lazy, including in the economic field. However, not all economic activities are allowed, especially those that only benefit a few people but harm many parties. For example, the practice of gambling, brokerage, monopoly, and usury, which are expressly rejected in Islam (Khasanah, 2008). Islam prohibits any form of transaction that can harm or oppress others in an unfair way, such as usury. In simple terms, riba can be interpreted as "increasing from its origin" and is a form of transaction that is forbidden by Allah (Maulida, 2008). There are many verses in the Qur'an that discuss the prohibition of usury, including in Surah Al-Baqarah verses 278-280, Surah Ali Imran verse 130, Surah Ar-Rum verse 39, Surah An-Nisa verses 160-161, and Surah Al-Baqarah verse 276. The prohibition of usury in Surah Al-Baqarah is based on the elements of dzulm (exploitation, oppression, and extortion) (Chariro, 2018).

Basically, the prohibition of usury aims to remove injustice and uphold justice in the economic system. The elimination of usury in the practice of buying and selling and debts is part of the Islamic economic principle that rejects injustice. Therefore, all forms of transactions that are speculative in nature and contain gharar (ambiguity) must be prohibited. Likewise, bank interest is included in the category of riba nasi'ah, which must be absolutely eliminated in the Islamic economic system. The debate over riba and bank interest is still a controversial topic in Islamic economics. Wahbah Az-Zuhaili, as a scholar and jurisprudence, has his own views in understanding the relationship between the two. Most scholars equate bank interest with usury, which is forbidden in Islam, because it is considered a profit without effort that can cause injustice. However, there are also those who allow it with certain conditions, especially if it does not contain elements of exploitation. Therefore, the study of the thought of Wahbah az-Zuhaili is important in understanding the application of Islamic economic principles in the modern era.

METHODS

The method used in this paper is the Library Research method. Library Research is a method of collecting data by understanding and studying theories from various literatures related to the research (Adlini et al., 2022). The sources used as references in the Library Research method include books, journals, theses or dissertations, research reports, articles. Documents. Since this type of research is library research which is inseparable from the researcher's direct observation of the data collected, the research instrument is a list of literature, notebooks and so on. To obtain relevant data, the author uses data collection techniques with library research. Literature research, namely data collection from written literature, including books, articles, documents related to the research topic, namely: the law of usury, bank interest and Wahbah AZ-Zuhaili's thoughts on the relevance of both.

RESULTS AND DISCUSSION

Brief Biography of Wahbah Az-Zuhaili

Wahbah Az-Zuhaili, whose full name is Wahbah bin al-Shaykh Musthafa az-Zuhaili, was born in Dair 'Athiyah, Damascus, Syria, in 1932 A.D. He came from a family of scholars of the Hambali school, with his father, uncle, and grandfather as religious figures. Wahbah is known as a 20th-century scholar who is on a par with Thahir Ibn 'Assyria, Said Hawwa, and Sayyid Qutb. In addition to being an expert in jurisprudence, Wahbah also studied interpretation and devoted his life to the development of science. Since childhood, Wahbah studied in his hometown, then continued his formal studies for six years until graduating in 1952 from a high school in Damascus. He continued his education at al-Azhar University, Egypt, and earned his highest degree in 1956. In the same year, he also obtained a degree in Arabic language teaching. He completed his doctoral education in 1963, which later led him to become a professor at the University of Damascus (Yustika, 2022).

Apart from being an academic, Wahbah was active in writing and became a reference for many generations after him. He disseminates his knowledge through lectures, lectures, taklim assemblies, and mass media. Many students learned from him, including Muhammad Abu Lail, Muhammad Na'im Yasin, Muhammad Faruq Hamdan, Abdul al-Satar Abu Ghadah, Abdul Latif Farfur, and his own son, Muhammad Zuhaili (Nyanyang, 2020). Although his work is mostly related to tafsir and fiqh, he is still relevant to the development of society and science. Wahbah died on August 8, 2015 AD, leaving behind a valuable intellectual legacy for the Islamic world.

Works Wahbah az-Zuhaili

Dr. Badi' as-Sayyid al-Lahham, in his biography of Shaykh Wahbah which he wrote in the book *Wahbah az-Zuhaili al-'Alim al-Faqih al-Mufasssir*, notes that Shaykh Wahbah has produced as many as 199 written works, in addition to scientific journals. In addition, he has written more than 500 scientific papers. His extraordinary productivity in writing made Dr. Badi' compare him to the figure of Imam as-Suyuthi in the past, who was known as a scholar with a very wide intellectual legacy (Yustika, 2022).

He wrote many masterpieces. Among his works:

1. *Atsar al-Harb fi al-Fiqh al-Islami: Dirasah Muqaranah* (1963),
2. *Al-Fiqh al-Isslami wa Adillatuh*.
3. *The use of al-Fiqh al-Islami*.
4. *Financial Transactions in Islamic Jurisprudence*.
5. *Al-Alaqat al-Dawliah fi al-Islam*.
6. *Al-Huquq al-Insan al-Fiqh al-Islami bi al-Ishtirak mu'a al-Akbirin*.
7. *Al-Islam Din Shura wa Dimuqratiyah*.
8. *Al-Wasit fi Usul al-Fiqh* (1967).
9. *Al-Fiqh al-Islami in Uslub al-Jadid* (1967).
10. *Al-Usul al-'Ammah li Wahdah al-Din al-Haq* (1972).
11. *Fiqh al-Mawarits fi al-Shari'ah al-Islamiah* (1987).
12. *Al-Tafsir al-Munir fi al-Aqidah wa al-Syari'ah wa al-Manhaj* (1991) (Yustika, 2022).

Riba Perspective of Wahbah Az-Zuhaili

Problems related to riba in Islamic society often cause differences of opinion, both regarding the law and its types. Wahbah Az-Zuhaili, a contemporary Muslim scholar, also gave his views on this issue. Quoting the opinion of Ibn Rifai, Wahbah explained that riba is an additional value in transactions involving gold, silver, and all types of foodstuffs (Shabah et al., 2021). In his book *Tafsir Al-Manar Volume 2*, Wahbah divides riba into two main categories, namely riba nasiah and riba fadhl.

A. Riba Nasiah

Riba nasiah is an overpayment that occurs due to a delay in the time in the transaction, where one party has to wait until a certain time limit without any additional benefits. The scholars of the Hanafi school define riba nasiah as an additional time in the transfer of goods or an increase in the number of goods in debt transactions, either in the exchange of two types of goods that are different in size or in the exchange of goods of the same but have differences in measure and scale (Shabah et al., 2021).

This concept applies, for example, when a person sells one sha' of wheat with an agreement to receive one and a half sha' of wheat after two months. Another

example is selling one apple in exchange for two apples to be received after one month. In both scenarios, usury occurs because there is an addition to the goods exchanged without equal compensation.

The prohibition of *riba nasiah* is based on the principle that one of the parties is often harmed due to the suspension of the delivery of goods. Usually, the party who gives the goods immediately expects more in return compared to the goods that will be received at a later date. In addition, there is a risk that the party who has the obligation will not be able to fulfill the agreement on time or under conditions that are in accordance with the agreement (Shabah et al., 2021).

B. Riba Fadhl

Riba fadhl in buying and selling transactions occurs when two goods of the same type are exchanged in different amounts. For example, exchanging two kilograms of rice, dates, or honey for three kilograms of similar items, or exchanging two dinars for three dinars (Rafiuddin, 2023). The Hanafi school, as quoted by Wahbah Az-Zuhaili, defines *riba fadhl* as buying and selling that is not in accordance with the measure set by the sharia, namely the exchange of similar goods without equality in quantity or weight (Shabah et al., 2021). In Islamic law, there are six types of goods that are categorized as *ribawi* goods, namely:

1. Gold
2. Silver
3. Wheat
4. Corn
5. Date
6. Salt

Therefore, in the exchange of usury goods, Islam requires equality in quantity and size. In Abu Yusuf's opinion, this equality is measured based on the standards commonly used in each type of goods (Shabah et al., 2021). For example, items that are commonly measured on a scale, such as cooking oil and *samin* (animal oil), must be measured by the same unit of weight. Likewise, goods that are commonly measured by measurement, the similarity must be determined based on the volume that is commonly used.

The Relevance of Riba and Bank Interest According to Wahbah Az-Zuhaili

In the perspective of Islamic jurists, the practice of interest in borrowing money has met the criteria of usury, especially usury, which is legally forbidden in Islam. This is due to the negative impact of the interest system, which not only involves elements that are prohibited in religious teachings, but also has the potential to cause economic hardship for borrowers. Mechanically, interest serves as

the rental price for the money borrowed by the debtor, where the bank determines a certain profit based on the principal amount of the loan. The application of interest aims to ensure the return on the capital that has been invested along with the profits obtained (Yustika, 2022).

Wahbah Az-Zuhaili discusses the law of bank interest through the perspective of classical fiqh. According to him, bank interest is classified as *riba nasiah* because it is an additional charge without any clear reward, but only based on the delay in payment time. Furthermore, Wahbah Az-Zuhaili emphasized that bank interest or bank *riba* is included in the category of *riba nasiah*, which is also referred to as *riba jahiliyah*, both in small and large amounts. This is because the main activity of conventional banking is to provide loans and receive loans with additional interest. He emphasized that the negative impact of the interest system is very real, so the law is haram without a doubt. He also equates *flowers* with usury and states that the sins caused by the two are similar. In current practice, transactions that contain elements of usury are often found in the exchange-exchange and borrowing-borrowing system. Examples include the purchase of dollars with dirhams without direct handover, or borrowing money with a return condition accompanied by an additional 10% or a certain nominal, such as one hundred or one thousand dinars. Wahbah Az-Zuhaili emphasized that the haram of bank usury has been determined through the postulates of the Qur'an, Sunnah, and *ijma'* of the companions (Shabah et al., 2021).

In the discussion conducted by the Da'wah Service of the Indonesian Ulema Council, there are two views on the law of bank interest. The first view prohibits bank interest because it is considered part of *riba*, while the second view allows bank interest on the grounds that bank interest is not included in *riba*.

Reasons that support the opinion that bank interest is usury include (Yustika, 2022):

1. There is an additional payment on the loaned capital.
2. The additional is not accompanied by compensation (*'iwad*), but only because of the delay in the payment time.
3. This supplement has been conditioned in the contract from the beginning.
4. Has the potential to cause elements of extortion or injustice (*dzalim*).

On the other hand, the party that allows bank interest gives the following reasons:

1. There is a voluntary agreement between the two parties in the contract, where this agreement is one of the conditions for the validity of the agreement.
2. There is no element of extortion that harms the borrower, because the interest rate set is still within reasonable limits and does not ensnare.

3. Bank interest has social benefits because funds returned through interest can be reused to provide credit to other parties in need.

However, based on the fatwa of the Indonesian Ulema Council (MUI) issued on December 16, 2003, bank interest is officially categorized as a form of *riba*, which is haram in Islam.

CONCLUSION

The debate about *riba* in Islam continues, especially regarding bank interest. Wahbah Az-Zuhaili and contemporary scholars argue that bank interest is included in *riba nasiah*, which is forbidden because it is an addition to financial transactions without clear rewards and is only based on a delay in payment time. Wahbah Az-Zuhaili emphasized that bank interest is the same as *jahiliyah* usury, both large and small, and has been declared haram based on the Qur'an, Sunnah, and *ijma'* of the Companions. This practice is considered to be detrimental to borrowers and creates economic injustice. However, there are other views that allow bank interest on the grounds of voluntary agreement between the parties involved, the absence of an element of extortion, as well as broader economic benefits. However, the MUI fatwa on December 16, 2003 officially categorized bank interest as *riba* which is haram in Islam. Surprisingly, if bank interest is really equivalent to usury, then Muslims who keep money in conventional banks or take interest-bearing loans are indirectly involved in a forbidden system and this poses a huge dilemma.

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