

Application of Moderation Value on Legal Attitudes to Transact with Conventional Banks

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ABSTRACT

This article aims to analyse the legal attitude of the community towards conventional bank interest and the application of this legal attitude in society. Islam forbids all forms of transaction applications of buying and selling or lending with usury systems. However, the mechanisms and systems of modern banking transactions are not yet known comprehensively in Islam and give rise to differences of opinion among Muslims. This difference of opinion is inseparable from their paradigm of thinking, namely textual and contextual ways of thinking. This case can be categorised as a matter of *ijtihâdiyyah khilâfiyyah*. This difference of opinion is very likely to occur because the rules of *muamalah* matters are actually allowed in sharia and become haram (forbidden) until there is evidence that prohibits it. Problems arise when the understanding that is believed to be related to sharia economic law, so that it feels that its understanding is the absolutely correct understanding, and then considers it a mistake if there are other people's opinions differ from it. The emergence of intolerant polemics like this can spark the fire of discord and cause distorted perceptions in the community related to religious harmony. Using a sociological approach, this article analyses the legal attitude towards conventional banks and its application in social life. The results of the study show that moderation is needed in viewing differences in legal attitudes related to bank interest so as to present a tolerant dogmatism of society and be able to avoid divisions due to intolerant attitudes.

Keywords: Implementation, Moderation Value, Conventional Bank, Legal Attitude.

ABSTRAK

Artikel ini bertujuan untuk menganalisis sikap hukum masyarakat terhadap bunga Bank konvensional dan aplikasi sikap hukum tersebut dalam masyarakat. Islam mengharamkan segala bentuk transaksi aplikasi jual-beli ataupun pinjam meminjam dengan sistem riba. Namun mekanisme dan sistem transaksi perbankan modern belum dikenal secara komprehensif dalam Islam dan memunculkan perbedaan pendapat ditengah umat Islam. Perbedaan pendapat ini tidak terlepas dari paradigma berpikir mereka, yaitu cara berpikir tekstual dan kontekstual. Dengan demikian kasus ini dapat dikategorikan sebagai masalah *ijtihâdiyyah khilâfiyyah*. Perbedaan pendapat ini sangat mungkin terjadi dikarenakan secara kaidah perkara-perkara *muamalah* sejatinya diperbolehkan secara syariat dan menjadi haram (terlarang) sampai ada dalil yang melarangnya. Permasalahan muncul ketika pemahaman yang diyakini terkait hukum ekonomi syariah tersebut, sehingga merasa pemahamannya adalah pemahaman yang benar secara mutlak, dan kemudian menganggap suatu kesalahan jika ada pendapat orang lain berbeda pendapat dengannya. Timbulnya polemik intoleran seperti ini

dapat memercikkan api perselisihan dan menimbulkan distorsi persepsi ditengah masyarakat terkait kerukunan hidup seagama. Dengan menggunakan pendekatan sosiologis, artikel ini menganalisis sikap hukum terhadap bank konvensional dan penerepannya dalam kehidupan bermasyarakat. Hasil kajian menunjukkan bahwa diperlukannya sikap moderasi dalam memandang perbedaan terhadap sikap hukum terkait bunga bank sehingga menghadirkan dogmatisme masyarakat yang toleran dan mampu menghindari perpecahan akibat sikap yang intoleran.

Kata kunci: Penerapan Nilai Moderasi, Bank Konvensional, Sikap Hukum

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Introduction

The development of sharia economics in Indonesia, on the one hand, brings a positive religious pattern with increasing public understanding and enthusiasm about the importance of starting with Islamic concepts and is marked by the growth and development of business units based on Islamic sharia in various sectors, but on the other hand, there are understandings. which resulted in the emergence of a dogmatist attitude in viewing the development of sharia economic law itself.¹

The realm of muamalah which actually has the potential to give rise to several opinions related to sharia economic law, both those that absolutely forbid, those that are considered makruh, those that are permissible, and those that are considered halal related to economic activities in a banking institution.² These differences of opinion are very likely to occur because according to the rules, muamalah matters are actually permitted by sharia and become haram (forbidden) until there is evidence that prohibits them. Problems arise when the understanding that is believed to be related to sharia economic law, so that one feels that one's understanding is an absolute correct understanding, so one considers it a mistake if someone else's opinion differs from one's opinion.³

The emergence of intolerant polemics like this can spark a fire of discord and give rise to distorted perceptions in society regarding religious harmony. Meanwhile, in contemporary Islamic law studies, bank interest is often known and equated with the term usury. Islam does not recognize the modern banking system in a practical sense, so there are differences of

¹ Hendri Hermawan Adinugraha and Mila Sartika, *PERBANKAN SYARIAH: Fenomena Terkini Dan Praktiknya Di Indonesia* (Penerbit NEM, 2020).

² Abdurrahman Kasdi, 'Analisis Bunga Bank Dalam Pandangan Fiqih', *Iqtishadia*, 6.2 (2016), pp. 319–42.

³ Suradi Suradi, Rani Mariana, and Mohamad Anton Athoillah, 'Pandangan Hukum Islam Tentang Status Hukum Bunga Bank (RIBA)', *Al-Kharaj: Jurnal Ekonomi, Keuangan & Bisnis Syariah*, 6.3 (2024), pp. 1498–1513.

opinion among scholars about bank interest. Different views in assessing the issue of bank interest will give rise to different fiqh conclusions, in terms of whether it is halal or haram and whether it is permissible or not.

Islamic jurists and scholars from the time of the Prophet until now have agreed that usury is a form of muamalah which is forbidden until the end of time, moreover, this is also recognized by all other Islamic religious shari'ah.⁴ However, some argue that transactions that occur in banks are a form of modern (new) muamalah in the Islamic world, so its legal status needs to be explained. Among Islamic scholars, there have been different points of view since the 1930s until now. This difference cannot be separated from their thinking paradigm, namely the textual and contextual way of thinking.⁵ Thus, this case can be categorized as a problem of *ijtihâdiyyah khilâfiyyah*. Therefore, a wise attitude and a moderate attitude towards different points of view regarding the law of transacting with conventional banks are needed.

Method

In an effort to investigate the instillation of religious moderation values within the framework of legal attitudes towards transactions with conventional banks, a sociological research approach is needed.⁶ The sociological approach is used as one approach to understanding religion. This is understandable, because many fields of religious studies can only be understood proportionally and appropriately if they use the services of sociology. The Sociological Approach is an approach that studies living together in society and investigates the bonds between humans that control their lives. Sociology tries to understand the nature and purpose of living together, the way these living associations are formed, grow and change as well as the beliefs and beliefs that give their own characteristics to the way of living together in each human living association.⁷

Result and Discussion

Perception of Conventional Banks

Bank is an institution engaged in the service sector, it is natural that every bank wants a reward (profit) for the services they provide.⁸ Through these rewards, a bank will be able to develop itself and ensure its existence among its customers. However, this reward (which is then referred to as interest) in practice seems to exploit customers, especially in the credit system. Where every credit loan is definitely accompanied by a percentage of interest, both capital interest and maturity interest. Thus, the impression that arises from this practice is that the bank has become a forum that carries out usury practices.⁹

According to Law of the Republic of Indonesia Number 10 of 1998 dated November 10, 1998 concerning Banking, what is meant by a bank is "a business entity that collects funds from the public in the form of savings and distributes them to the public in the form of credit and/or other forms in order to improve the standard of living of the people. Many

⁴ Suradi, Mariana, and Athoillah.

⁵ Karimuddin Karimuddin and others, 'Bank Interest in the Contemporary Era: Problem of Ad'afan Muda'afah Interpretation in Determining Law of Usury', *MILRev: Metro Islamic Law Review*, 3.1 (2024), pp. 43–65.

⁶ Dedi Mahyudi, 'Pendekatan Antropologi Dan Sosiologi Dalam Studi Islam', *Ihya Al-Arabiyah: Jurnal Pendidikan Bahasa Dan Sastra Arab*, 9.2 (2023), pp. 114–40.

⁷ M Arif Khoiruddin, 'Pendekatan Sosiologi Dalam Studi Islam', *Tribakti: Jurnal Pemikiran Keislaman*, 25.2 (2014), pp. 348–61.

⁸ Ikatan Bankir Indonesia, *Mengelola Bank Komersial* (Gramedia Pustaka Utama, 2014).

⁹ Annisa Permatasari, 'Elasticity Of Islamic Law In Social Dynamics (Analysis Of E-Commerce A Fiqh Perspective)', *MILRev: Metro Islamic Law Review*, 1.1 (2022), pp. 34–53.

usury practices occur.¹⁰

This perception of how we deal with conventional banks is based on the increasing awareness of Muslims regarding the prohibition of usury and its sins. In various forums such as religious study groups, religious studies, mosques, and even on social media, many calls have emerged to abandon usury. One of the targets as the center of usury is conventional banks. There have been several fatwas that forbid us from doing anything with conventional banks, it is haram to save money, it is haram to make transfers, it is haram to receive transfers, in fact many conventional bank employees are busy quitting because there is a fatwa that is forbidding them. This is a phenomenon that is worth noting. But on the other hand, in fact there are still many of us who cannot separate ourselves from conventional banks. So many are in a dilemma, between prohibiting conventional banks on the one hand, but having difficulty breaking away from them. Like a song from the past, hate but miss.¹¹

Despite the prohibition of banks as stated by many groups, in reality, Muslims still cannot free themselves one hundred percent from transacting or interacting with conventional banks. Among the banking practices that cannot be abandoned with conventional banks include.

1. Receive Salary and Payment Some people cannot be free from transacting with conventional banks on the grounds that the salary they receive can only be obtained through transfers to conventional banks. As a result, they have no choice but to become customers at that conventional bank.

2. Pay or Transfer Likewise, in paying for a shopping transaction or bill, some parties can only receive it through certain conventional banks. Although we can deposit from a sharia bank, or even make cash deposits, the destination is still to a conventional bank. Still transacting with a conventional bank.

3. Electronic money today is no longer a lifestyle, but has become a necessity, because of its practicality and many other benefits. Taking public transportation such as Trans Jakarta buses, commuter lines, even crossing the Sunda Strait using a ferry, all must use electronic money aka e-money. Unfortunately, not all Islamic banks have e-money products that can be widely used. In the end, we have no choice but to still have to transact with conventional banks. And there are many more reasons why we still have to use conventional banking services

Basis for Differences of Opinion

There are at least two things that are points of debate in transactions with conventional banks and are then directly related to the issue of bank interest, namely (1) is bank interest now the same form as *riba* which was forbidden in pre-Islamic times?; and (2) does bank interest (especially loan interest) benefit both parties in the transaction (bank and customer) or does it actually exploit/harm one of them?¹²

In general, the polemic is motivated by three fundamental aspects, namely (1) because the basic principles of *muamalat* in Islam originate from passages which are general and not detailed, the opportunity for *ijtihad* in them is very wide open; (2) differences in scholars in determining what constitutes the justification for the prohibition of usury, between *ziyâdah* (addition), *ad'afan mudâ'afan* (doubling) or *zulm* (persecution); (3) differences in scholars from the time of the companions until now regarding the real forms of usury which are prohibited in the texts.

¹⁰ Herman Darmawi, *Manajemen Perbankan* (Bumi Aksara, 2011).

¹¹ Ahmad Sarwat, *Hukum Bermuamalah Dengan Bank Konvensional* (Lentera Islam, 2019),

¹² Miftahul Ulum, 'FIQH MUAMALAH TENTANG BUNGA BANK'.

Research conducted by Abdullah Saeed shows that in the 19th and 20th centuries, discourse regarding the bank interest polemic in the Islamic world was divided into two camps, namely Modernists and neo-Revivalists. The modernist camp that emerged around the second half of the 19th century AD, according to Mohammad Iqbal, has characteristics including (1) being selective in using the sunnah; (2) developing a systematic way of thinking by eliminating the assumption that the door of ijtihad has been closed; (3) making a difference between sharia and fiqh; (4) avoiding sectarianism; and (5) changing the characteristics of thinking methods. Modernists in understanding a particular phenomenon always pay attention to the situation and conditions that underlie the emergence of the phenomenon, both in terms of morals, religion, and socio-historical settings.¹³

In analyzing the problem of bank interest, the modernist group emphasized the importance of refreshing Islamic thought by reviving the wave of ijtihad as a means of obtaining relevant ideas from the Qur'an and Sunnah, and trying to formulate legal needs based on these two sources. Modernists tend to be more contextual in their discussions, meaning that in understanding a phenomenon, they always pay attention to the situation and conditions behind the emergence of the phenomenon. Therefore, they differentiate bank interest from usury, because according to them, the rational consideration for the prohibition of usury in the pre-Islamic era lay in the moral aspect, namely the existence of injustice (exploitation and abuse) towards the poor and not because of excess factors alone.

- The modernists based their views by referring to several Ulama views regarding forms of usury which were prohibited in pre-Islamic times, including:
 - Al-Râzî's (d. 1209 AD) view, namely when explaining the meaning of Q.S Âli-'Imrân [3]: 130, he said "Riba in pre-Islamic times can be described as someone who has a debt from another person within a certain period of time, if, when it is due and the person who owes it has not been able to pay it off, the debtor says add to the capital and I increase the term time", then perhaps he will be enough for 200. Then when he reaches the second time, he will do the same thing again and so on. So he took double the hundred.
 - Ibn Qayyîm al-Jauziyyah (d. 1356 AD), said that in pre-Islamic times the prohibition of usury was related to moral aspects. In many cases the debtors are poor people who have no choice but to postpone debt payments, especially those living isolated in the desert. And when payment is due, they come to him and say whether you pay in cash or increase your debt.
 - Ibn Taimiyyah (d. 1328 AD), said as quoted by Kahar Masyhur, "That is when the person who is in debt comes to the owner of the capital when the payment is due, then the owner of the capital says "do you want to pay it off or just add to it" if the debtor does not pay it off or not?" , or has not paid it off, then the debtor adds to the capital and the owner of the capital increases the grace period. Then the capital multiplies due to the postponement of payment.
 - Al-Tabarî (d. 923 AD), When interpreting Q.S Âli 'Imrân: (130), he explains the series of historical behavior of pre-Islamic Arabs. That is when someone gives his property to another person as a debt, when the payment period arrives, because the debtor has not been able to repay his debt, he then says "give me a time limit and I will add to it for you". This is multiplied usury -double interest which is forbidden by Allah. As the hadith narrated from Mujahid, that riba ad'afan

¹³ Atep Hendang Waluya, 'Pandangan Fukaha Kontemporer Tentang Hukum Bermuamalah Dengan Bank Syariah', *Misykat Al-Anwar Jurnal Kajian Islam Dan Masyarakat*, 6.2 (2023), pp. 191–208.

muda'âfah is riba jahiliyah. So based on the hadith he argued that the usury that is forbidden is only the same usury that was practiced in the time of ignorance, while other types of usury are not forbidden.

- Muhammad 'Abduh (d. 1905 AD), held the view, as quoted by , that: "it is not included in the law of usury is forbidden, if someone gives his wealth to another person to manage and then determines a certain portion for him from the results of his efforts later Because this kind of transaction benefits both parties (manager and owner of the wealth).
- Muhammad Rashîd Ridâ (d. 1935 AD), as quoted by Bani Syarif Maula, he said, "It is not included in the definition of usury if someone gives another person a certain amount of assets or money to be invested while setting a certain rate (percentage) for him from the results of the business, because the transaction is profitable for the manager and owner of the assets. Meanwhile, usury which is forbidden is that which harms one person for no reason except his compulsion, and benefits another party without effort, except through abuse and greed or doing injustice.¹⁴

The second school of thought, namely neo-Revivalist, which means new revival, is an extension and movement of Islamic Revivalism which emerged in the 19th century and the beginning of the 20th century AD. This movement, to be precise, grew from the first half of the 20th century AD with focuses its attention on various important problems affecting Muslims, especially the problem of westernization, namely efforts to spread and absorb Western lifestyles, culture or customs to Eastern countries brought by Westerners or Easterners who have lived in Western countries.¹⁵

Neo-Revivalists consider bank interest as a tool of Western domination, and accuse it of causing moral decline, as well as the emergence of a materialistic lifestyle among Muslims, especially since the West is the source of atheist-communist ideology. So according to them, this must be contained so that Muslims are not fooled by their lobbying and tricks. This group tries to fortify itself by placing Islam as a way of life (ideological values and life systems) and refusing to interpret the text. Their principles are that the Koran and Sunnah have truly regulated the course of human life with all its holiness and purity so that there is no need to interfere with or modify the existing laws therein by including new interpretations that take into account time, place, conditions and social strata. Muslims only need to accept it as something permanent that must be applied in the realities of life. Meanwhile, ijtihad is only carried out on issues that are not explicitly mentioned in the text. That is, understanding bank interest from a legal-formal aspect and inductively, based on the prohibition against usury which is taken from the text of the text and does not need to be linked to the moral aspect of the prohibition. This paradigm adheres to the concept that every debt that requires additional or benefit from capital is usury, even if it is not doubled.¹⁶ Therefore, no matter how small the bank interest rate is, it is still haram. Because based on the theory of qiyâs, the case to be qiyased (*fara'*) and the case to be qiyased must both be based on clear illat. And

¹⁴ Abdullah Saeed, 'Bank Islam Dan Bunga, Studi Kritis Dan Interpretasi Kontemporer Tentang Riba Dan Bunga, Terj', *Muhammad Ufuqul Mubin, et. Al, Cet. 1, Yogyakarta: Pustaka Pelajar*, 2003.

¹⁵ Abdul Haris Romdhoni, Muhammad Tho'in, and Agung Wahyudi, 'Sistem Ekonomi Perbankan Berlandaskan Bunga (Analisis Perdebatan Bunga Bank Termasuk Riba Atau Tidak)', *Jurnal Akuntansi Dan Pajak*, 13.01 (2012).

¹⁶ Saifullah Abdusshamad, 'Pandangan Islam Terhadap Riba', *Al-Iqtishadiyah: Ekonomi Syariah Dan Hukum Ekonomi Syariah*, 1.1 (2014), pp. 70–86.

both cases of bank interest and usury are united by the same illat, namely the addition or interest without compensation. Thus, bank interest is the same as usury.

Application of Moderation Values to Legal Attitudes in Conventional Transactions

As an effort to create harmony between religious communities, a moderate attitude is needed as an effort to maintain unity and maintain the integrity of diversity in society. Therefore, society needs to understand the meaning of religion universally and comprehensively. Awareness of the truth can be obtained through the disciplines of philosophy and religion. In philosophy, for example, the benchmark for truth is seen from whether it is logical or not. While religion in assessing truth does not have to be measured by reason, but rather emphasizes beliefs, dogmas or doctrines even though they are sometimes considered illogical by some people. Therefore, it is not surprising that many religious figures are antipathetic to philosophy and consider it as worship of the limited human mind.¹⁷

Thus, in understanding religion, one can feel comfortable if the approach is through the heart, while if only with reason, it may reach the level of truth analysis alone, and the author tends to argue that it is necessary to synergize the two, namely that it can be accepted rationally and at the same time be able to calm the heart. Because the issue of religion is not only a matter of reason but also a dish for spiritual food or the human heart. Religious moderation emerges from the realization that the reality of human life cannot be separated from diversity, including religious diversity. Meanwhile, the philosophy of religion can be a means to understand that there is one reality that is understood in many ways. This is based on the spirit carried by one of the goals of religious moderation in order to achieve peace and togetherness in a pluralistic society. Based on this background, the author feels it is very important to share an understanding of the values of religious moderation in the realm of religious philosophy. Apart from that, it is also hoped that this article can become a reference for realizing peace between religious believers.

Religion has shown its ambivalence, one side is constructive and the other side is destructive. This destructive nature is caused by several factors. Kimball explains that there are at least five things that can cause religion to become damaged or corrupt. First, when a religion makes a single claim to the truth (as the only one). Second, there is blind obedience to the leader of a religion. Third, when religion begins to do "nostalgia" by longing for the ideal era, and is determined to realize that era again in the present (which of course the situation is different). Fourth, when a religion justifies the "permission" of various means to achieve its goals. Fifth, when religion does not hesitate to cry out holy war to defend its truth and goals.

In the context of the life of Muslims, this effort can be understood as a pattern of Islamic brotherhood, which in Nurcholish Madjid's view, is that the instructions for maintaining Islamic brotherhood (Islamic brotherhood) are first, an open attitude with no matter how big the secondary differences in understanding and behavior are. Second, do not have too much prejudice because it results in sin (crime). Third, do not be a spy for each other. Fourth, do not curse each other by talking about other people's bad things.¹⁸

Moderation in the Great Dictionary of the Indonesian Language edition V, is defined as reducing violence; avoiding extremes. Thus, a moderate person can be defined as someone who reduces and avoids harsh and extreme attitudes and behavior. The person always acts and behaves in the middle, fair, standard, and ordinary.

So, moderation (*al-wasatiyyah*) is a commendable state of a person who maintains a

¹⁷ Imam Hanafi, 'Eksklusivisme, Inklusivisme, Dan Pluralisme: Membaca Pola Keberagaman Umat Beriman', *Al-Fikra: Jurnal Ilmiah Keislaman*, 10.2 (2017), pp. 388–409.

¹⁸ Muhammedi Muhammedi, 'Pemikiran Sosial Dan Keislaman Nurcholish Madjid (Cak Nur)', *Jurnal Tarbiyah*, 24.2 (2017).

moderate attitude and behavior and avoids two extreme attitudes; the attitude of *ifrāt* (excessive) and the attitude of *muqāṣṣir* (reducing). Thus, religious moderation can be interpreted as a person's attitude and awareness to be able to accept the diversity and religious freedom of a person or group of people by mutually respecting, honoring, allowing, and permitting their religious beliefs and stances. Afrizal Nur and Mukhlis (2015), in their research, mention several characteristics of a moderate Muslim as follows: (1) *tawassuṭ* (taking the middle path); (2) *tawāzun* (balanced); (3) *i'tidāl* (straight and firm); (4) *tasāmuḥ* (tolerance); (5) *musāwah* (egalitarian); (6) *syūrā* (deliberation); (7) *iṣlāḥ* (peace/reform); (8) *aulawiyah* (prioritizing what is prioritized); (9) *taṭawwur wa ibtikār* (dynamic and innovative); and (10) *tahaḍḍur* (civilized). On the other hand, someone who does not have some of these characteristics or even has the opposite attitude and behavior, can be said to be a person who is not moderate. Based on the understanding and explanation above, it can be concluded that the values of religious moderation include: mutual respect and respect, compassion, cooperation and mutual assistance, fairness, peace, tolerance, living in harmony, caring and being sympathetic towards others.

In religious moderation, there are 5 (five) basic principles that must be adhered to by every religious adherent, namely human dignity, the welfare of the people (*bonum commune*), justice, balance, and obedience to the constitution. In addition to the five principles, there are also 4 (four) indicators of Religious Moderation, namely national commitment, tolerance, anti-violence, and respect for tradition. These five principles and four indicators of Religious Moderation are known as the nine keywords in understanding the concept of Religious Moderation which contains universal values. In every socialization and training, this is always taught. For this reason, each participant, who is generally a representative of each religion, is directed to find in their religious teachings the basis and source that can further strengthen this Religious Moderation.¹⁹

The explanation regarding legal information about transacting with conventional banks presents two legal opinions. The first opinion is that some scholars forbid all forms of transactions with conventional banking institutions. Those who argue that it is haram by likening the forms of activities carried out by conventional banking to usury and understand the implied evidence in the Qur'an and the Prophet's hadith textually. While the second opinion is a group of scholars who allow transactions with conventional banks. This group states that the interest from savings in a bank is not usury which is haram, but is a profit sharing from a joint effort. Although the profit sharing itself has been determined in value at the beginning, according to him, it is permissible because it has gone through a process of mutual consent between the two parties. The method of understanding the evidence from these scholars is an implicit understanding, studying the verses of the Qur'an and hadith historically, contextually.²⁰

Information related to the law of transacting with conventional banks then also produces differences in the legal attitude of a Muslim who transacts with a conventional bank. This is where the research gap in this article is. The author found in daily life that these two legal attitudes (haram and halal) at the highest level can spark the fire of disputes between Muslims.²¹ The legal attitude that makes it unlawful to view other Muslim brothers who are still transacting with conventional banks are people who carry out something that is included

¹⁹ Eko Priyono, 'PERAN AGEN MODERASI BERAGAMA DALAM UPAYA PENINGKATAN KERUKUNAN UMAT BERAGAMA', *JURNAL ILMIAH GEMA PERENCANA*, 2.2 (2023).

²⁰ Qory Fasdatul Jannah, 'IMPLEMENTASI NILAI MODERASI BERAGAMA DALAM AL-QUR'AN TERHADAP KEGIATAN MUAMALAH', *Jurnal Pendidikan, Kebudayaan Dan Keislaman*, 1.1 (2022), pp. 39–46.

²¹ Muhammad Syarif Hasyim, 'Bunga Bank: Antara Paradigma Tekstual Dan Kontekstual', *HUNafa: Jurnal Studia Islamika*, 5.1 (2008), pp. 45–58.

in one of the major sins by considering banks to be the same as usurious institutions. On the other hand, the author also found that our brothers and sisters who think banking is something that is permissible and at the same time think there is no fundamental difference between conventional banks and Islamic banks are actually trapped in a deep debt hole, resulting in confiscation of collateral from banks and causing serious problems in internal family due to debt bondage in banking. Therefore, the application of moderate values should be intensified in society regarding this legal attitude.²²

The application of religious moderation values related to transactions with conventional banks should be implemented in community life. This is considered very necessary because in Indonesia itself the legal attitude towards transactions with conventional banks is divided into two, some choose to prohibit conventional banking and some choose to continue transacting with conventional banks for their own reasons and interests. It will be very dangerous when this legal attitude is reflected in intolerant and less commendable attitudes such as saying that our brothers and sisters who still transact with conventional banks have committed a major sin, namely dealing with usurious institutions. Arguing that the chosen legal attitude is the most correct and absolute. So anyone who differs from their legal attitude is wrong. This opinion usually then suggests leaving conventional banks to switch to using Islamic banks. Likewise, for our brothers and sisters who still use conventional banking services, they should apply the values of moderation by not pawning their entire lives by not being able to let go of their need to borrow and go into debt to conventional banks. To be more moderate in choosing primary, secondary and tertiary needs so that the shackles of debt do not ensnare one's life.

Conclusion;

The development of sharia economics in Indonesia, on the one hand, brings a positive religious pattern with increasing public understanding and enthusiasm about the importance of transacting with an Islamic concept and is marked by the growth of business units based on Islamic law in various sectors, but on the other hand, there are understandings that result in the emergence of a dogmatic attitude in viewing the development of sharia economic law itself. The perception of how we transact with conventional banks is based on the increasing awareness of Muslims about the prohibition of usury and its sins. In various forums such as religious study groups, religious studies, mosques, and even on social media, many calls have emerged to abandon usury. One of the targets as the center of usury is conventional banks. There have been several fatwas that forbid us from doing anything with conventional banks, it is haram to save money, it is haram to make transfers, it is haram to receive transfers, in fact many conventional bank employees are busy quitting because there is a fatwa that is forbidding them. This is a phenomenon that is worth noting. But on the other hand, in fact, there are still many of us who cannot get away from conventional banks. So many are in a dilemma, between forbidding conventional banks on the one hand, but finding it difficult to get away from them. Like a song from the past, hate but miss. Regardless of the prohibition of banks as fatwa issued by many groups, in reality, Muslims still cannot free themselves one hundred percent from transacting or interacting with conventional banks.

The application of religious moderation values related to transactions with conventional banks must be implemented in community life. This is considered very necessary because in

²² Athoillah Islamy, 'Moderasi Beragama Dalam Ideologi Pancasila', *POROS ONIM: Jurnal Sosial Keagamaan*, 3.1 (2022), pp. 18–30.

Indonesia itself the legal attitude towards transactions with conventional banks is divided into two, some choose to forbid conventional banking and some choose to continue transacting with conventional banks for their own reasons and interests. It will be very dangerous when this legal attitude is reflected in intolerant and less commendable attitudes such as saying that our brothers and sisters who still transact with conventional banks have committed a major sin, namely dealing with usurious institutions. Arguing that the legal attitude chosen is the most correct and absolute. So anyone who differs from the legal stance is wrong. This opinion usually then suggests leaving conventional banks to switch to using Islamic banks. Likewise, for our brothers and sisters who still use conventional banking services, they should apply the values of moderation by not pawning their entire lives by not being able to let go of their need to borrow and owe to conventional banks. To be more moderate in choosing their primary, secondary and tertiary needs so that the shackles of debt do not entangle themselves in their lives.

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