THE SYSTEM OF BUYING AND SELLING ARISAN MONEY IN
ANTHROPOLOGY REVIEW OF ISLAMIC LAW
(Case Study In Toteker Hamlet, West Banuaju Village, Batang-Batang, Sumenep)

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Abstract
Buying and selling arisan money in Toteker Hamlet, West Banuaju Village, Batang-Batang, Sumenep Regency is a practice that has been passed down from generation to generation, those who carry out the practice of buying and selling arisan money are not only farmers and traders, but also a religious teacher. Each of them does it with different levels of background and needs, so it is important to reveal the reasons for each of them to practice buying and selling, the motives of the religious teachers involved, and the position of these practices in Islamic law. This study aims to analyze the system of buying and selling arisan money in an anthropological study of Islamic law, uncovering the identities of the parties involved, the underlying factors, and the reasons for the practice of buying and selling, then to find out its status in Islamic law. This research method uses field qualitative methods with data collection procedures through observation, interview, and documentation. The results of the study show that in the perspective of Islamic law anthropology, the practice of buying and selling arisan money is carried out by farmers, traders, and religious teachers. Buying and selling are done in a state of compulsion (forced) and require additional (purchase nominal) for similar goods which are included in usury, as well as the existence of hilah carried out by some religious teachers for personal gain.

Keywords: Anthropology, Buying and Selling Arisan.

A. introduction
Islam is believed to be perfect by its adherents as a religion that not only regulates ritual matters but also regulates all aspects of life such as the economy which is currently called business or buying and selling (bai') in all its forms. Islam allows buying and selling and forbids everything that is classified as usury, as the word of Allah in QS: al-Baqarah verse 275. "even though Allah has justified buying and selling and forbidding usury."²

² Ministry of Religion of the Republic of Indonesia, Al-Quran and Its Translation, (Kartasuro: Madina Qur'an Publisher, t.th), p. 47


From this concept it is understood that buying and selling activities are divided into two, first is what is permissible (mubah) and second is what is forbidden (mamnu'). To differentiate depending on the practice whether referring to Islamic law or vice versa. The provisions for buying and selling activities as regulated in Islam are based on willingness, benefit, justice, mutual help, and avoiding the practice of interest (usury), as well as tyranny, exploitation, or manipulation. Described in a hadith of the Prophet SAW., "in fact the Prophet SAW., once asked by a friend about the best work (profession), he replied, is the work (business) of a person from the results of his own labor and every good trade (justified). (HR. al-Bazzar dan al-Hakim)." 

This stipulation is a benchmark for buying and selling activities whether it is permissible or vice versa—because it does not rule out the possibility that there are still many buying and selling practices in society that still deviate from the provisions of Islamic law either due to ignorance (‘awam), tradition (customs), or circumventing the law for the sake of fulfill the interests of lust—one of which is in Toteker Hamlet, West Banauju Village, Batang-Batang Sumenep—found the practice of buying and selling arisan money among members. The arisan in question is an activity of collecting money or goods of the same value by several people then drawing lots among them to determine who gets it, the draw is held in a meeting periodically until all members get it. Deposit money Rp. 50,000 (fifty thousand rupiah) x 230 members = 11,500,000 (eleven million five hundred thousand rupiah) once a week. The order of each member is uncertain depending on the luck of each, it could be that the first serial number gets the last and so on.

Due to uncertainty from one week to the next, whose lottery number will come out, there is a momentum where parties who do not have an urgent need for their lottery numbers come out first, while those who really need it don't get it; then, it is allocated to parties (members) who need it more with a buying and selling system [transaction]: with the condition that the money amounting to Rp. 11,500,000 (eleven million five hundred thousand rupiah) minus Rp. 500.00 (five hundred thousand rupiah) as the purchase price—which is then the remaining Rp. 11,000,000 (eleven million rupiah), and that is the nominal amount received by the buyer. As for the drawing order for the buyer, it automatically passes into the hands of the seller, with the condition that once the lottery is drawn out, the money belongs to the seller in its entirety [without any deduction].

The amount of sales depends on the agreement of both parties and the standard is Rp. 500.00 (five hundred thousand rupiah), even under certain conditions whatever the price will be taken by the buyer because of the factor of need. This kind of practice may occur in other places, but specifically in Dusun Toteker, who are in their 30s, members of the arisan consist of religious teachers who incidentally are community leaders. Until now Islamic law has not questioned the practice of buying and selling, instead the involvement of religious teachers is increasingly problematic. Negative perceptions arise whether the practice of buying and selling money for social gatherings is permissible, or what is the

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6 Ibu Saudah, interview, 10, May 2023, 08.00 WIB
7 lottery terms, lottery is a term used to determine or choose (such as to determine who is entitled to something, who came first, etc.). see Indonesian Language Dictionary (KBBI): The author uses the term lottery because there are numbers that are written on paper and then folded and put together in one container.
8 Bapak Nikdaya, interview, 08 May 2023, 18.52 WIB
9 Bapak Masdar, interview, 12 April 2023, 12.32 WIB
reason for religion teacher to get involved in it?

Based on this brief description, it is important to carry out further research on actual practice. Therefore, an anthropological approach to Islamic law is very helpful in tracing the parties involved, the underlying factors, and whether or not there is an element of usury, including its relation to the system of customs as an interconnection between the community and the local culture. Because the practice comes from various circles, the anthropological approach to Islamic law is very suitable to be used to see the identity of arisan members who intersect with Islamic law itself.

And this approach has never been used by previous researchers in cases of buying and selling social gatherings such as Lindawati’s research (2009), review of Islamic law on buying and selling arisan (a case study in Prenduan village, Pragaan subdistrict, Sumenep Madura district). Sintawati (2017), Review of Sharia Economic Law on Arisan Trading in Sukamanah Village, Jatinunggal District, Sumedang Regency. Fatahul Lathip (2019), The Practice of Buying and Selling Arisan Uang in a Review of Muamalah Jurisprudence (Case Study in Tegalduwur Hamlet, Wadunggetas Village, Wonisari District, Klaten Regency). Nur Kartika Sari (2015), Review of Islamic Law on Conditional Arisan (Case Study in Kranggan Soldiers Kulon Mojokerto)—so this research approach is completely new. And the purpose of this study is to find out the anthropological review of Islamic law on the practice of buying and selling arisan money in Toteker Hamlet, West Banuaju Village, Batang-Batang subdistrict, Sumenep, so that it will provide benefits to the community about the provisions of Islamic law and the factors behind the parties to buy and sell.

B. Research Methodology

Based on the background of the problem above, this study uses a type of qualitative research, namely where a researcher usually looks for meaning, understanding, or understanding of an ongoing phenomenon of human life, and the task of a researcher is not one-time in collecting data to be managed, but through the stages of a long process from the beginning to the end of the activity so that the data obtained is more integrally accurate, and the presentation of the data is done in a narrative and holistic manner.

The data sources of this research consist of primary and secondary sources. The primary data was obtained from the daily arisan management, such as chairman, secretary, treasurer, and arisan members. Secondary data was obtained from the surrounding community who witnessed the practice of buying and selling arisan money and some literature that supports research data in the form of books, journals, and the like.

Data collection techniques were obtained through structured interviews orally (face to face) with the head of the arisan, arisan members, and the local community. Eleven samples were taken from farmers, two traders, two religious teachers, and all were given the same questions (researchers prepared beforehand).

The approach used is the anthropology of Islamic law: first, using the perspective of Islamic law (al-Quran, al-hadith, and books of fiqh), second, using anthropology (exploring the identities of the parties, the underlying factors, and the influence of local customs). After the data is obtained, it will be compiled, reduced, analyzed descriptively and concluded.

C. Results and Discussion

1. Buying and Selling

Buying and selling is synonymous with exchange, in the Arabic vocabulary the word “sell” is a translation of the lafadz “bai’” the plural form “bu’nu’” and the conjunction “ba’-yabi’u-bai’an” which means sell. The word “bai’” means selling and is used for the meaning of the antonym, namely "syira'/syara'a” means buying. Thus the word "bai’” (sell) and "syira’” (buy) mean buying and selling.

Taqiyuddin defines "giving something in exchange for something else". Damyaudin Djuwaini quoted the opinion of Imam An-Nawawi, explains that buying and selling is "a way for humans to interact with each other and then exchange property for possessions". Or the form of a contract/transaction on the object of goods or services carried out between the seller and the buyer, to be utilized (managed) through the existence of agreements and ways that are prescribed.

2. Anthropology of Islamic Law

The term anthropology is taken from the Greek "anthropos" meaning human and "logos" meaning science, means the science that studies humans about skin color, physical form or the cultural system that encompasses them, or various cultural traditions, physical differences, personality traits, traits and institutions that are produced in a variety of ways. This science is part of the discipline of social science—humans are the focus of the discussion. According to Kuncaraningrat, anthropology is divided into two parts; First, physical anthropology is the science that talks about human origins and evolution. second, cultural anthropology, namely the field of science that discusses archeology or ethnography in a universal framework to reach problems in society related to religion, meaning that religion [socio-religious] can be seen through anthropology.

Anthropology focuses its attention on the space and time sessions in society as a single resident living in the same area, in contrast to sociology which focuses more on the general public as a whole and their social
life. Anthropology provides a special construction of thoughts about the way of life and human behavior in everyday life, it also opens the horizons of human insight in the trajectory of space and time. With regard to the anthropology of Islamic law, it can be understood—humans as the focus of his study are living entities who struggle, interact in socio-societal stratifications that have both primitive and modern cultures, emphasizing the interconnection (reciprocity) between law and socio-religious phenomena/symptoms factually in community life: how the law functions, works as social control or actively maintains social order (social order). Anthropology in this context is not a normative discipline, but a categorical discipline, meaning that it aims to explain empirical phenomena that occur, not to explain what should have happened.

Socio-cultural and socio-religious phenomena in society are always related to the Islamic legal system or customs. Its relation to Islamic law in a narrow sense is the integration of shari’ah and fiqh, in the form of practical shari’ah law obtained through detailed argumentation, or Allah’s provisions revealed to His Messenger and then disseminated as a human guide in achieving the goal of a prosperous and safe life in the hereafter.

3. Anthropological Review of Islamic Law Against the Practice of Buying and Selling Arisan Money

The members of the arisan come from various backgrounds, including farmers, traders, and religious teachers. These differences in background are unique from an anthropological point of view, giving rise to diversity and the level of characteristics of different social conditions. From the classification of the three social statuses, only some practice the sale and purchase of arisan money, and the authors present it in chart form below.

<table>
<thead>
<tr>
<th>No</th>
<th>Members/Participants</th>
<th>Amount</th>
<th>Ever Did The Practice Of Buying And Selling Arisan Money</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Farmer</td>
<td>215</td>
<td>Yes</td>
</tr>
<tr>
<td>02</td>
<td>Merchant</td>
<td>11</td>
<td>Yes</td>
</tr>
<tr>
<td>03</td>
<td>Religion Teacher</td>
<td>4</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: interview with the head of the arisan (Mr. Tomo)

The chart above, anthropologically illustrates that arisan members consist of three elements, first, two hundred and fifteen farmers, who carried out the practice of buying and selling arisan money for eleven people. Secondly, there are eleven merchants, and only two people who carry out the practice of buying and selling arisan money, and and third, there are four community leaders, while two people carry out the practice. From the table it can be understood that those who often practice buying and

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b. Factors and Reasons for Buying and Selling Arisan Money

The factor behind the practice of buying and selling arisan money is due to an urgent (emergency) need from a member of the arisan from a lower middle class (read: poor) family. On the other hand, the social condition of the Toteker hamlet community is filled with a rent-seeking system which causes the community to feel difficult about where to borrow money when they need a loan, so they end up taking the path of buying arisan money which can at least meet their primary needs. That way is considered easier than borrowing using a rent system that continues to multiply. Mr. Surawi had to buy from Mr. Pusahe because he was hit by a death accident and coincided with Saturday (sunday night) the arisan draw, he informed the other members so that the money was sold to him.

These are some of the reasons why some arisan members buy and sell, and this condition is also often used by some people to make commercial gains, even though this kind of condition should be a place to help each other to ease the burden of life. Allah SWT., said QS: al-Maidah verse 2

وَتَعَاوَنُوْا عَلَى الْبِر ِ وَالتَّقْوٰىۖ وَلََ تَعَاوَنُوْا عَلَى الَِْثْمِ وَالْعُدْوَانِ َۖ

"And help you in (doing) virtue and piety, and do not help each other in sin and enmity." This verse is an advice to believers to help each other in good and to leave evil in the form of forbidding evil, sin, or unlawful things. The recommendation to help each other applies to fellow Muslims who are experiencing difficulties as the Prophet SAW reminded him in his hadith:

وَاللّ  فى عون العبد ما كان العبد فى عون أخيه

"Allah always helps a servant as long as the servant wants to help his own brother."—this hadith reminds Muslims to help each other in everything except matters of disobedience which are prohibited by religion. As long as someone still pays attention to his brother who is a believer, then Allah will repay the kindness, including having to strengthen one another in the hadith of the Prophet SAW, saying:

أَن المؤمن للمؤمن كالبنيان يشد بعضه بعضا

"A believer to another believer is like a building that strengthens one another."—true believers strengthen each other in all fields including the economy. Even a believer who is apathetic towards the condition of his brother has consequences for faith, the Prophet said.

لا يؤمن أحدكم حتى يحب لأَخيه ما يحب لنفسه

"Rasulullah SAW., said that none of you has faith until he instills love (attention) for his own brother as love for himself."—As for the process of buying and selling money for the first arisan, the buyer informs well before the draw, secondly, coordinates with

31 Bapak Sukam, interview, 28 April 2023, 15.45 WIB
32 Bapak Sama’an (religion teacher), interview, 18 April 2023, 20.32 WIB
33 Bapak Surawi (buyer), interview, 28 April 2023, 21.11 WIB
34 Ministry of Religion of the Republic of Indonesia, *Al-Quran and Translation*, (Kartasuro: Madina Qur’an Publisher, t.th), p. 106
38 Ibid. 11
the chairman of the arisan, thirdly, offers it to members who want it, and fourthly, buyers from outside members must go through one of the arisan members. The four reasons for the sale and purchase of the arisan money above are motivated by the conditions above, including contracts that occur not on the basis of willingness but because of coercion, and any sale and purchase is not legal without a voluntary basis. Allah in the Qur’an surah an-Nisa’ verse 29:

"O you who believe, do not eat each other's wealth in a way that is vanity (not right) except in trade that applies on the basis of mutual consent between you."—Imam al-Qurtubi interprets the pronunciation of ان تكون تجارة عن تراض من لكم. And Ibn Katsir interprets "mutual disapproval between sellers and buyers, then do it and make it a cause in obtaining property". Voluntarily in buying and selling is a principle that must be fulfilled, because buying and selling in forced circumstances results in invalidity, because the religious expert have distinguished bai’u al-shahihah with bai’u ghair al-shahihah. And whether the sale and purchase is valid or not depends on the fulfillment of the pillars and conditions.

c. Contract Type and Sighat

Religious expert of the four madzhabs agree that there are three pillars of buying and selling: first 'aqid (both parties), second, ma’qud ‘alai (object of buying and selling), and thirdly sighat (consent and qabul). As for the first requirement of 'aqid (both parties), a), have the potential/skill to do (muthlaquat-tasharruf). b), baligh, reasonable, trustworthy or has the potential to carry out religious affairs), this also applies to buying and selling activities, then young children, crazy person people, and senseless people are excluded, c), honest (sidiq) versus lying or treason, not under compulsion, and e), Muslim religion.

Second, ma’qud ‘alai (object of buying and selling) the conditions are a), have value or size, b), are holy (not unclean items) and useful, c), have full rights over property/objects, d), can be handed over, and e), goods/objects, both the degree and nature of which are known to both parties. And third, sighat (consent and qabul) the conditions are a), the buyer says "I am selling this beaver" then the buyer answers "I accept/take it". b), no separation or long silence. c), compatibility between consent and qabul (at-
Relating to the type of contract used in the practice of buying and selling arisan money in Dusun Totoker, namely pure sale and purchase contracts (bai') and rental contracts (ijarah): buying and selling applies to members of the arisan from among farmers and merchants, because they do not understand terms other than buying and selling. Mr. Pusahe said that a contract that is familiar is only buying and selling if it is replaced with another term, the more people don't understand. Unlike the case with the practice of buying and selling in the hands of the religion teacher with the initials AZ, the lafadz uses buying and selling but the intention is an ijarah contract. He said to make it easier to pronounce the buying and selling lafadz it is not questioned as long as the intention is not ijarah. This is increasingly ambiguous even though there is a fiqh qaidah stating:

An expression (lafadz) in a transaction (contract) depends on the intent (objective) and its essence, not depending on the lafadz-lafadz and editorial composition. — This rule can be applied to the practice of buying and selling, for example, "I will give you my clothes forever, but I ask for 100.00 (one hundred thousand rupiah). Even though the lafadz uses a grant (voluntary gift), the lafadz "I ask for money" is not a grant contract but a sale and purchase contract.

Religious experts have different opinions about this lafadz, whether every form of transaction must rely on the spoken lafadz or not? among the madhhab priests themselves there is a difference. It's just that as far as the human ability to determine the meaning of someone's expression, it is sufficient to see the compatibility of the pronunciation between the consent [from the seller] and the qabul [from the buyer/recipient], meaning that something is required that leads to the connection of the two pronunciations or compatibility of meaning. The compatibility of the pronunciation between religion teacher AZ and the seller is buying and selling, but in his heart (read: meaning) the religion teacher uses the ijarah contract even though it is not said openly, so that in terms of pronunciation there is a match but the meaning of each is different.

According to the writer's opinion, this is hilah, namely turning away or moving from one situation to another, with the aim that the desired goal is achieved. Hilah does not always have a negative connotation such as buying and selling animal manure, it can be replaced with an ijarah (service) contract. However, in practice buying and selling arisan conducted by religious teachers is hilah because it clearly still uses the term buying

49 A fiqhiyyah rule reads إن العقد تتعلق بكل ما دل على مقصوده من قول أو فعل "Actually, a contract can be said to be a (legitimate) contract if it uses every device that indicates an intention in the form of speech or action." Lihat: Taqiyyuddin Ibnu Taimiyah, Majmu' al-Fatawa, (Madinah: Mujammat al-Malik Fahd, 1425), p. 29
50 Bapak Pusahe (seller), interview, 28 April 2023, 22.12 WIB
51 AZ (pseudonym), interview, 20 Mei 2023, 21.00 WIB
52 Ahmad Musadad, Qawaid Fiqhiyyah Iqtishadiyah, Edition I, (Malang: Literasi Nusantara, 2019), p. 49
53 Ibid. 82
54 Abu Bakr bin Muhammad Syatha al-Bakri, Hasyiayah Fanath ash-Thalibin, …………….. p. 55
and selling because hilah is turning, changing, or transferring something to another. Abu Baqa’ Ayyub bin Musa al-Husaini al-Kafumi defines it as a person’s effort to move from a certain situation to another through subtle techniques by turning outwardly.\(^{56}\) The practice of hilah in buying and selling is inflated by people who understand the law to achieve their lustful desires so that they can outsmart something that is prohibited for personal gain, although according to al-Raghibu al-Ashfahani hilah does not always have a negative connotation it can be understood as something positive but tends to have negative nuances.\(^{57}\)

d. Nominal Purchase: is there usury?

The accumulated money that has been collected is 11,000,000 (eleven million rupiah) with each member depositing 50,000 (fifty thousand rupiah) every week. The amount of the purchase of arisan money depends on the situation and conditions: if there are many buyers, the price is set at above 500.00 (five hundred thousand rupiahs), whereas if one person buys the price follows the standard price, which is 500.00 (five hundred thousand rupiah). It is clear that the (additional) profit is usury because it includes conditional buying and selling of money (or requires additional) that is not in accordance with sharia provisions.

Trading that is prohibited is buying and selling conditional, for example "I will buy your cell phone with the condition that your daughter becomes my wife" instead the seller said "I sell this handpone to you on condition that your daughter becomes my wife. This provision was obtained from the description of the contents of the hadith agreed upon by Imam Bukhari and Muslim quoted by Abdur Rahman and his colleagues.\(^{58}\) Therefore, in the presence of additional conditions in the practice of buying and selling arisan money, it is clear that it is usury and violates the provisions of the hadith of the Prophet SAW.,

Buying and selling gold for gold, silver for silver of the same scale and type may not take additional profits

In the understanding of the two hadiths, it is clear that it does not allow buying and selling of the same kind or gold and silver, which requires additional profits, including usury. The nominal size is as long as it is classified as an addition to buying and selling money with money, including usury which is unlawful, both on a consensual basis and as required. This is a provision in buying and selling money which is explained in the hadith and the consensus of religious expert.

Buying and selling arisan as explained earlier, different from the examples of cases in the following accounts payable: someone gave a debt (loan) of Rp. 1,000,000 (one million rupiah) to other people within a month, then the lender said, “If the payment is

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accelerated (less than a month) Rp. 200,000 (two hundred thousand rupiah), so just pay Rp. 800,000 (eight hundred thousand rupiah). Cases like this are described in the hadith book of Imam al-Baihaqi:

وأخبرنا أبو عبد الله الحافظ،أخيرني أبو نصر أحمد بن سهل الثقفي،ثنا صالح بن محمد الحافظ زجرا،ثنا الحكيم بن موسي أبو صالح وهذا أحفظ قالا،ثنا مسلم بن خالد الزنجي المكي،عن محمد بن علي بن يزيد بن ركاثة،عن داود بن الحصين،عن عكرمة،عن ابن عباس قال لما أمر النبي بإخراج بني النضير من المدينة جاءه ناس منهم فقالوا يا رسول الله إنك أمرت بإخراجهم ولههم على الناس دينهم لم تحل،فقال النبي؛ وضعوا وتعجلوا أو قال وتعجلوا.

The meaning of this first hadith, Hadith of Ibn Abbas Ra, when the Prophet SAW ordered a group of Bani Nadhir Jews to leave the city of Madina, then some of them came and said: "O Messenger of Allah, thou hast ordered their expulsion, while they have receivables from people who are not yet due (time to pay)"; The Prophet SAW, answered abort their debt and hurry up to pay.60

The meaning of the second hadith, in the hadith Miqdad bin al-Aswad, said "I lent 100 dinars to a man, then I gave my treasure to the army of the Prophet Muhammad, then i said to her, I will deduct 10 dinars, just pay 90 dinars if accelerated payment to me ". Answered the man, "yes". The incident was then conveyed to the Prophet while saying "You have eaten usury, O Miqdad, and fed us with usury."

D. Conclusion

The practice of buying and selling arisan money in Toteker Hamlet, West Banauju Village, Batang-Batang Sumenep Regency, in terms of Islamic law anthropology, occurs because there is urgent need and the social conditions of the community are full of moneylenders so that some members are forced to buy arisan money. The practice is carried out by farmers, traders, and religious teachers. The contract used is buying and selling (bai’) but in the hands of religious teachers it was changed to a service contract (ijarah) but never explained to the interlocutor (other party) about the contract, even prefer to use a sale and purchase contract, including doing hilah in order to be considered legal. And buying and selling is carried out in forced circumstances which are not allowed, also requires additional contracts that are classified as usury, also requires an addition in the contract on similar goods (money for money) which are classified as usury, clearly violates the provisions of Islamic law (al-Qur’an and hadith) and the basic concept of arisan is mutual help (ta’awun).

60 Abu Bakar Ahmad Husein bin Ali al-Baihaqi, al-Sunan al-Kubra……………..p. 46
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