PERSPEKTIF ALQURAN
TENTANG DEMOKRASI DAN EKONOMI
(SERI II M2IQ)

SUPLEMEM:
PEDOMAN MUSABAQAH
MAKALAH ILMIAH ALQURAN (M2IQ)
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Perspektif Alquran tentang Demokrasi dan Ekonomi
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LAMPIRAN:
Pedoman Musabaqah dan Perhakiman
Cabang Musabaqah Makalah Ilmiah al-Qur'an (M2IQ)
Some Influence of the Formation for Islamic Banking Law

Djawahir Hejazziey

The emergence of Islamic banking law was heavily influenced by various aspects of the charges. There are at least five demands which led to the birth of Islamic banking among other demands of the state ideology, the demands of religion as the majority of the biggest religious, political demands of power/conflict of interest, the demands of the political economy, and social and cultural demands. From the various causes of the birth of the Islamic banking law will be explored from the perspective of Islam.

As known that laws are made or designed by man (man-made) is only intended to regulate the life of human beings as members of society, not as individuals, to such so-called secular law. The worldly law established to submit to serve the needs of society, and therefore the law is subservient to society\textsuperscript{45}. In the law of regulations, rules relating to private law but norms are not called “moral”, “morality” or “decency”. In this case, the law is the law worldly as a result of the process of human life in society, as expressed by Cicero that “where there is a community there is law” (\textit{Ubi societ\ae\ i\ ius})\textsuperscript{46}.

In the course of the establishment of Islamic banking laws as will be the national law, many collisions occur politics surrounding. National law is a form of Islamic banking products by the government policy towards the establishment of Islamic banking law in Indonesia.

\textsuperscript{45} MuhammadMuslehhuddin, \textit{Philosophy of Islam and The Orientalists}, (Kuala Lumpur: 1995).

To establish and foster national law treated certain legal politics. Indonesian national law politic, subjects set in the Outlines of State Policy, elaborated further by the minister of justice of the Republic of Indonesia to implement, have established an institution (now) named National Law Development agency (BPHN) or Babinkumnas. Through coordination undertaken by these bodies, is expected in the future will come true one national law in our country.\textsuperscript{47}

Once approved and enacted, Act No. 21 of 2008 on the Law of Islamic Banking, Islamic law has now become part of the positive law applicable to all citizens regardless of religion in Indonesia with what he holds. This law is based on the ideas explored and interpretations of the scholars of that contained in the Quran and Hadith and that serve as guidelines with respect to the elements of Islamic culture alive in Indonesian society.

The Demands of Ideology

Indonesia with the philosophical basis of Pancasila and the precepts of the first mentioned, "Belief in God Almighty", indicates that the country is the country that is based on religion. This factor indicates a particular relationship with religion is Islam. For that Islam teaches his people to always serve and worship the Almighty God who created man.

Factor this ideology demands that demand should be established a law that regulates the life of the banking law in accordance with Islamic values. As described in the Quran, "And I (Allah) created not the jinns and humans except they should worship Me (Alone)." (Q.s. al-Dzâriyât [51]: 56).

This verse indicates that all activities are carried out by humans and jinn should be based on the command of Allah, and solely to serve him, including pure worship mahdlah and ghairu mahdlah or deal with. These activities should be governed by the

rules set forth in a statute or law. This is so that people do not get out of their moorings or bond has been set Allah.

Then another verse which invites people so all we worship a God who has created the human interests and not the interests of God so that they become people enjoy life in peace and happiness. In The Quran described, “O mankind! Worship your Lord (Allah), Who created you and those who were before you so that you may become Al-Muttaqoon (the pious).” (Q.s. al-Baqarah [2]: 21).

The Demands Religion

Muslims absolute obligation to enforce the laws that Allah sent down on the the Quran through the Prophet Muhammad. Obligation to enforce the law is none other than Allah aims to make people’s lives a happy, good life in this world and in the hereafter.

Forms of enforcing Islamic sharia as the Prophet Ibrahim demonstrated his son (Ishmael) in the Quran with no favoritism, see to whom, when it is the command of Allah, then should be implemented. As explained in the book of God’s holy the Quran, And, when he (his son) was old enough to walk with him, he said: “O my son! I have seen in a dream that I am slaughtering you (offer you in sacrifice to Allah), so look what you think!” He said: “O my father! Do that which you are commanded, Insha Allah (if Allah will), you shall find me of As-Sabirin (the patient ones, etc.).” (Q.s. al-Shâffât [37]: 102).

From the verse above can be understood that sharia law is a product of the Indonesian people, especially Muslims, and extracted based on the values of the Quran should be enforced. And enforce Shari’ā as a liability that never looked rank, family ties or whoever he is. If it is an order from Allah, then it should be implemented or enforced according to the provisions and rules.

As it is known that the Islamic countries, with different backgrounds are running the reform measures on the banking and financial system to fit the teachings of Islam. Challenges faced by
Similarly, the Hadith of the Messenger of charity, that hands on is better than the hand below. From Abi Hurayrah, he said, said the Prophet. "At best alms is what is left of the rich. The hand over was better than hand over. Begin (giving alms) from the yoke. 'One woman said: "If you feed me, and if you divorce me". The servant said, "give me a meal and bid me to work". And the child said, "Give me to eat up (no) one sad (because) I do" 57.

As described above, the system is not able to eradicate poverty rate. Finally, the Indonesian people will always depend on the state. While the state does not have the ability to maintain and nurture its people out of poverty, because the management of the bank or the economic system by using the system of interest, not a profit-sharing system. Islam guarantees for the efforts and needs of a living human being. It is described in the The Quran, "And no (moving) living creature is there on earth but its provision is due from Allah. And He knows its dwelling place and its deposit 58 (in the uterus, grave, etc.). all is in a Clear Book (al-Lawh al-Mahfooz - the Book of Decrees with Allah)". (Q.s. Hûd [11]: 6)

Demands Political Power

General Suharto was a good Muslim, but he did not agree with the politics based on religion as it was championed by politicians NU students 59. However, due to various considerations, one of which is because the majority of Indonesia’s population is Muslim, it would not be easy for him to reject not just against NU.

livelelihoods and the state of deficiency; (3) Board of zakat: people who were given the task to collect and distribute zakat; (4) Convert: no hope infidels to Islam and those who are new to the faith of Islam is still weak; (5) freeing slaves: covers also to release the captive Muslims by infidels; (6) people in debt: who owes due to interests that are not immoral and can not afford it. As for those who owe to maintain the unity of Muslims paid the debt to the charity, even though he can afford it; (7) in the way of Allah (sabilillah): That for the purposes of the defense of Islam and Muslims. among interpreters have argued that it fisabilillah includes common interests such as establishing schools, hospitals and others; (8) people who are on the way which is not immoral experiencing tribulations along the way.

57 H.r. al-Bukhari, Muslim, Ahmad, dan Ibn Mâjâh from Aisha.
58 According to some commentators is the abiding place here is the world and the hereafter is storage. and according to some commentators the other purpose is abiding place, and where the coccyx is intended uterus. The meaning Yang reptiles here are all God’s creatures are animate.
59 Mochter Mas’oed, Ekonomi dan Struktur Politik, p. 130.
In addition, because the interest is considered to be the interests of the Muslims, then any reason to keep the integrity of the nation and state unity, the brotherhood should prevail, as the Quran explain that fellow Muslims are brothers. “The believers are nothing else than brothers (in Islamic religion). So make reconciliation between your brothers, and fear Allah, that you may receive mercy.” (Q.s. al-Hujurāt [49]: 10)

Demands of power politics or conflict of interest, the commodity used as a booster to reach Muslims with the approval of the bank’s operations are based on the guidance of the Quran and Sunna, let alone unity as adhesive brotherhood in Islam should prevail.

To strengthen brotherhood among Muslims must be accompanied by a gentle, in accordance with the guidance and hope the Quran that matters of war and other worldly matters, such as politics, economics, society and others. “And by the Mercy of Allah, you dealt with them gently. And had you been severe and harsh hearted, they would have broken away from about you; so pass over (their faults), and ask (Allah) Forgiveness for them; and consult them in the affairs. Then when you have taken a decision, put your trust in Allah, certainly, Allah loves those who put their trust (in Him60)”. (Q.s. Áli ‘Imrân [3]: 159).

This Prudence, which is later by President Soeharto used to embrace Muslims as well as encouraging the establishment of Sharia bank.

Demands Political Economy

The Quran explain that, was originally a counsel against the capitalist-materialist Qarun prophet who lived in the time of Moses. whereas in the previous paragraph we are told that Qarun hoard wealth that had warehouses, so that to carry the key required warehouse only the strong force. Repeatedly his people posing a threat not to brag. However, Qarun replied haughtily, saying that

60 That is: the affairs of war and other worldly matters, such as politics, economics, society and others.
wealth is derived from science. He forgot that Allah punish those who hoard their wealth.

Then we are told that Qarun wearing a seductive splendor of faith who are easily influenced by worldly luxuries. In the next paragraph, it is mentioned that the person who is knowledgeable is more honoring character of the malignancy and the material and prefer the divinity of the worldly deception. As described in the Quran, which means the following:

But seek, with that (wealth) which Allah has bestowed on you, the home of the Hereafter, and forget not your portion of legal enjoyment in this world, and do good as Allah has been good to you, and seek not mischief in the land. Verily, Allah likes not the Muhsidoon (those who commit great crimes and sins, oppressors, tyrants, mischief-makers, corrupts).
(Q.s. al-Qashash [28]: 77).

Indonesia's economic circumstances at the time was uncertain, then the presence of Islamic banking to bring fresh, at least give hope for the future of the national economy.

Social and Cultural Demands

In accordance with national development objectives Indonesia to achieve the creation of a just and prosperous society based on economic democracy, the need to develop an economic system which is based on values of justice, solidarity, equity and utilization in accordance with Islamic principles. The Quran has taught that Islamic economic system must be based on the values of justice and solidarity. "O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honorable of you with Allah is that (believer) who has al-Taqwâ (i.e. one of the Muttaqoon (pious-see V.2:2). Verily, Allah is All Knowing, All-Aware." (Q.s. al-Hujurat [49]: 13).

Then The Quran also provide the basis of the importance of living with helping each other, helping each other help do not
follow the desires and deviate from the truth, and distort the facts and words or decline to do justice. "O you who believe! Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor. 61, Allah is a Better Protector to both (than you). So follow not the lusts (of your hearts), lest you may avoid justice, and if you distort your witness or refuse to give it, verily, Allah is Ever Well Acquainted with what you do." (Q.s. al-Nisâ' [4]: 135).

Then in the next verse of The Quran explained that we will not be able to live alone. Therefore, it must help each other to help in the good but not the bad. "Help you one another in AlBirr and al-Taqwâ (virtue, righteousness and piety); but do not help one another in sin and transgression. And fear Allah. Verily, Allah is Severe in punishment." (Q.s. al-Mâ' idah [5]: 2).

Conclusion

Islamic banking law dug by Islamic values contained in the Quran and Hadith. To that end, the law of Islamic banking is part of the religion of Islam that applies to Muslims wherever he is, whatever the nationality. While the national law is the law applicable to a particular nation, in a particular national state. In the case of Indonesia, national law also means law established by Indonesia after Indonesia's independence and apply for Indonesian people, especially the citizens of the republic of Indonesia, instead of colonial law. Thus, Islamic law is used now instead of colonial law.

The establishment of Islamic banking laws influenced by several factors. The dominant factor of course, the religious factor. This is due to the majority of Indonesia's population is Muslim. With the factor demands of society, both national and international community, thus born Islamic banking in Indonesia. []

61 The point: the defendant or the defendant.
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