



## The Arisan of Qurban in Islamic Economic Perspective

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### ABSTRACT

**Purpose:** This research aims to answer the practice of qurban social gathering that has recently developed in society. There are two interesting things that need to be discussed; the first, in the arisan to conduct the lottery, Islam views the lottery as identical with gambling and the law is strictly forbidden. The second, social gathering is essentially a debt, while qurban worship is obligatory on people who can afford it. Obviously the debtor can't afford it. The conclusions, it was concluded that social gathering is generally classified as a mu'amalat activity that contains elements of mutual assistance. This activity has never been mentioned in the Qur'an or hadith directly, the law refers to the law of origin of mu'amalah, which is permissible. He turns into haram, if it contains elements of usury, fraud and causes losses to other parties. The essence of arisan is debt, while qurban worship is borne by capable servants as the characteristics of Islamic law are not burdensome. The leaving worship beyond one's ability is not a sin.

**Design/Method/Approach:** This research is a library research with a qualitative approach, and uses content analysis techniques with the ushul al-fiqh framework.

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## INTRODUCTION

There is an interesting phenomenon that is developing in the community, namely the 'arisan of qurban'. This practice takes two forms; the first, through the qurban committee formed by mosques, mushalla, langgar and offices. The congregation collects the money collected every month by the committee with a predetermined or indefinite amount until the month of *Dzulhijah* next year. If the money is not sufficient for the sacrifice, it will be asked for additional from the member or he will sacrifice the following year. The second, the members of the arisan collect a predetermined amount of money every month, then in the month of *Dzulhijah* draw lots to determine who will sacrifice that year.

The first form of the implementation of the qurban gathering, may not be too problematic, but the second form, if observed at least two interesting things that are important to discuss, first is, Allah SWT with His Rahman and Rahim nature, requires the command of qurban to those who have able, because Allah SWT will never burden humans in any form, but according to the ability of humans themselves, this is stated in His word, which reads in full:

... (البقرة: 286) وَسَعَهَا إِلَّا نَفْسًا اللَّهُ يُكَلِّفُ لَا

*Allah does not burden a person but according to his ability ... (QS.2:286)*

The provisions of this verse gave birth to the following ushul al-fiqh rules:

الخرج شرعا مرفوع<sup>1</sup>

*Difficulties in the Shari'ah (should) be raised.*

Leaving demands beyond one's ability is not a sin, as is the case with qurban worship. If one is not able to afford it, then there is no talked burden that must be borne. Because the characteristics of Islamic teachings do not burden its people, as the following words of Allah SWT say:

... (الحج: 78) حَرَجَ مِنَ الدِّينِ فِي عَلَيْكُمْ جَعَلَ وَمَا أَجْتَبَكُمْ هُوَ...

*...He has chosen you and he has never made for you in religion any difficulty... (QS.22:78)*

<sup>1</sup>Abd al-Wahab Khalaf, *‘Ilm Ushul al-Fiqh*, (Kuwait: Dar Qalam, 1978), Cet ke-12, h.109.

Now the question arises, is the person who performs the *qurban* by means of *arisan* already classified as capable or not? Because simply *arisan* looks like a debt that must be repaid and people who owe are classified as people who cannot afford it, and therefore there is no obligation. The second, doing the lottery in the *qurban* gathering, even though Allah SWT has explicitly stated the prohibition of the lottery in Surah al-Maidah of verse 90. So if the lottery is indeed forbidden, then how is it possible to do a lottery in matters of worship whose purpose is clearly to seek Allah's pleasure alone as the sound of verse 5 of Surah-Baiyinah:

5(البينة: حُنَفَاءَ الدِّينِ لَهُمْ مَخْلُصِينَ اللَّهُ لِيَعْبُدُوا إِلَهًا أَمْرًا وَمَا

*Though they are not ordered except to worship Allah by purifying obedience to Him in (carrying out) the straight religion... (QS.98:5)*

Worship that is purely seeking the pleasure of Allah SWT must not be damaged by disobedience. Like washing clothes with dirty water, instead of getting cleaner, it will get dirtier. Mixing worship with disobedience will not get reward but reap sin. Indeed, there is an explanation from the fiqh scholars who say that not all lotteries are forbidden, because the Messenger of Allah (SAW) once made a lottery for his wives when they were about to travel which of them would accompany him.

The study of this *qurban* has been carried out by Muslim intellectuals and contemporary scholars who are published in fiqh books from various schools of thought, books, articles and others. However, all of these writings only make descriptions of *qurban* without criticizing the existence of *qurban* gatherings. The presentation is a narrative about *qurban* worship. Meanwhile, the focal point of this research is to conduct an analytical study on the habits of the people who hold *qurban* gatherings, and to the author's knowledge no one has done this research, so this research is considered new, so that people are free from things that are doubtful, let alone haram. The analysis will be described using content analysis techniques with the ushul al-fiqh framework, and using thinking systems: inductive, deductive and comparative (comparative) methods.

## RESULTS AND DISCUSSION

### The Sacrifice and Its Problems

Allah SWT prescribes *qurban* worship for Muslims in the month of *Dzulhijjah*. The word '*qurban*', according to the language means, almost or near.<sup>2</sup> So all activities of approaching yourself to Allah SWT by giving something or

<sup>2</sup>Mahmud Yunus, *Kamus Arab Indonesia*, (Jakarta: Hidakarya Agung, 1989), h.335.

other worship activities are called *qurban*, such as *infaq*, *shadaqah*, *zakat*, *waqf* and so on.

In the Big Indonesian Dictionary (KBBI), the word 'kurban' has two meanings, first, offerings to God (such as cows, camels and sheep) which are slaughtered on Eid al-Adha (Eid al-Adha) and second, praise/offerings to gods.<sup>3</sup>

In fiqh literature (law), *qurban* is referred to as *al-udhhiyyah* which means slaughter. Because indeed the *qurban* does slaughter, to get closer to Allah SWT, in full Sayid Sabiq in *Fiqh as-Sunah* defines of *qurban* as:

اسم لما يذبح من الأبل والبقر والغنم يوم النحر وأيام التشريق تقربا إلى الله تعالى<sup>4</sup>

*The name for something that is slaughtered from the types of camels, cows and goats on holidays and tasyriq days in order to get closer to Allah SWT.*

In line with this, Abu Malik Kamal bin Sayyid Salim in his book *Fiqh as-Sunnah Linnisa* 'the definition of *qurban* is: "Farm animals are slaughtered on the feast of *qurban* and *tasyriq* days to get closer to Allah SWT. The animal can only be a camel, cow, or goat."<sup>5</sup>

From the above definition, it can be understood that the *qurban* must be slaughtered, but not all animals are allowed to be slaughtered, but certain animals and with stipulations that have been determined, namely a 5 year old camel, a 2 year old cow and a 2 or 1 year old goat. years. All types of animals must be healthy and free from defects.<sup>6</sup> In a hadith the Prophet SAW said:

عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تَذْبَحُوا إِلَّا مَسِنَّةً إِلَّا أَنْ يَعْسَرَ عَلَيْكُمْ فَتَذْبَحُوا جَدْعَةً مِنَ الضَّأْنِ (رواه: مسلم)<sup>7</sup>

*Do not slaughter for qurban except those that are musinnah (have changed teeth). If it is difficult to obtain, then it is permissible to jadz'ah (who is only 1 year old or more) from sheep. (HR.Muslim)*

Furthermore, it is explained by Taqiyuddin Abu al-Husaini in *Kifayah al-Akhyar*, that there are 4 types of animals that are not suitable for *qurban*, namely:

<sup>3</sup>Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia* (KBBI), (Hidakarya Agung, 1996), h.367.

<sup>4</sup>Sayid Sabiq, *Fiqh as-Sunah*, (Bairut: Dar al-Fikr, [t.th.]), Juz III, h.274.

<sup>5</sup>Abu Malik Kamal bin Sayyid Salim, *Fiqh Sunah untuk Wanita*, penerjemah Asep Sobari, judul asli "Fiqh as-Sunnah Linnisa", (Jakarta: al-I'tishom, 2007), Cet ke-1, h.504.

<sup>6</sup>Wahbah az-Zuhaili, *al-Fiqh al-Islami*, (Damsiq, Dar-al-Fikr, 2010), Juz 3, h.611-616.

<sup>7</sup>CD-ROOM, *al-Maktabah asy-Syamilah*, Hadist No. 3631.

أربعة لا تجزئ في الأضاحي العوراً البين عورها والمريضة البين مرضها والعرجاء البين ضلعها  
والعجفاء التي لا تنقي<sup>8</sup>

*Four kinds of animals are not enough to sacrifice; 1) One-sided blindness which is clearly blind, 2) Pain that is clearly painful, 3) Lame which is clearly flaccid, 4) Skinny that does not contain or does not have fat.*

Elsewhere in the same book added by Taqiyuddin namely:

ولا تجزئ مقطوعة الأذن أو الذنب<sup>9</sup>

*Animals that have their ears or tail cut off are not sufficient for sacrifice.*

Based on the explanation above, it is understood that in essence the sacrifice is carried out with the best animals that humans have. Because Allah is Most Beautiful and accepts nothing but what is beautiful, as the hadith says:

الله جامل لا يقبل إلا جمال

*Allah is Beautiful and accepts nothing but the beautiful.*

Furthermore, if the sacrificial animal is slaughtered outside the 10th to the 13th of the month of *Dzulhijjah*, even with the aim of *taqarrub 'ilallah* (getting closer to Allah SWT), it cannot be called *qurban*. It is the same with slaughtering sacrificial animals, but it does not aim to get closer to Allah SWT. Even if the slaughter is done at the time (date) that has been determined.

The slaughter of sacrificial animals may be carried out after the Eid al-Adha prayer is completed and added to the end of the third day of *tasriq*. This means that the *qurban* is carried out for 4 days. Thus, if someone slaughters before the Eid prayer, they must replace it with another sacrificial animal. Because the *qurban* is considered invalid, this is based on the words of the Prophet SAW from Jundab ibn Sufyan al-Jaliyya:

رواه: البخاري<sup>10</sup> (مَنْ دَبَحَ قَبْلَ أَنْ يُصَلِّيَ فَلْيُعِدْ مَكَانَهَا أُخْرَى وَمَنْ لَمْ يَدْبَحْ فَلْيَدْبَحْ

*Whoever slaughters a qurban before the prayer (festival) should replace it with another sacrificial animal, while those who have not slaughtered it can slaughter it. (HR. al-Bukhari)*

It is recorded in history that the worship of *qurban* has been started since the time of the Prophet Adam. Allah SWT ordered the son of the Prophet Adam; Abel and Qabil paid the *qurban* to determine who was more worthy and

<sup>8</sup>Taqiyuddin Abu al-Husaini, *Kifayah al-Akhyar fi Halli Ghayab al-Ikhtishar*, ([t.t.]: [t.tp.], [t.th.]), h. 276.

<sup>9</sup>Taqiyuddin, *Kifayah*. h.277.

<sup>10</sup>CD-ROOM, *al-Maktabah*, Hadist No.5136.

had the right to marry Ikrimah. As narrated in Surah al-Maidah of verse 27, it reads in full:

قَتَلْنَاكَ قَالَ آلَ خَرٍ مِنْ يُتَقَبَّلُ وَلَمْ أَحَدِهِمَا مِنْ فَتَقَبَّلَ قَرَبَانًا قَرَبًا إِذِ بِالْحَقِّ آدَمَ ابْنِي نَبَأَ عَلَيْهِمُ وَأَتَلُ  
(المائدة:27) الْمُتَّقِينَ مِنَ اللَّهِ يُتَقَبَّلُ إِنَّمَا قَالَ لِأُط

*Tell them the story of the two sons of Adam (Abel and Cain) according to the truth, when both of them offered sacrifices, it was accepted from one of them (Abel) and not accepted from the other (Qabil). he said (Qabil): "I will surely kill you!". said Abel: "Verily Allah only accepts (sacrifice) from those who are pious". (QS:5:27)*

The issue of *qurban* continued until the time of Prophet Ibrahim and Prophet Ismail. The life of Prophet Ibrahim (as) belongs to those who are. Prophet Ibrahim has slaughtered 100 *qurban* animals, 300 camels, 300 oxen and 1000 goats. The angels and humans were dumbfounded in awe to see it. But Prophet Ibrahim (as) said: "All of this means nothing to me (nothing). By Allah, if I were blessed with a son, I would surely slaughter him in the way of Allah."<sup>11</sup>

Prophet Ibrahim (as) continued to pray for offspring, as narrated in the letter ash-Shaffat of verse 100:

100(الصفات): الصَّالِحِينَ مِنْ لِي هَبْ رَبِّ

*O my Lord, bestow upon me (a child) who is among the pious. (QS.37:100)*

His prayer was introduced by Allah SWT, Hajar who was the wife of Prophet Ibrahim was finally able to give birth to a son and was given the name Ismail. When Prophet Ismail (as) was 7 years old, Allah SWT ordered Prophet Ibrahim (as) to sacrifice his son in a dream, as Allah SWT explained in His word:

مَرُّمَا أَفْعَلِ يَتَأْتِ قَالَ تَرَى مَاذَا فَاَنْظُرْ أَذْخُكَ أَنِي الْمَتَامِ فِي أَرَى ابْنِي قَالَ السَّعَى مَعَهُ بَلَّغَ فَمَا  
102(الصفات): الصَّابِرِينَ مِنَ اللَّهِ شَاءَ إِنْ سَتَجِدُنِي تُوُط

*So when the child arrived (at the age of being able to) try with Ibrahim, Ibrahim said: "O my son, I saw in a dream that I was slaughtering you. So think about what you think!" He*

<sup>11</sup>Achmad Ma'ruf Asrori dkk, *Berkhitan Akikab Kurban*, (Surabaya: al-Miftah, 1998), Cet ke-2, h.2.

replied: "O my father, do what you are commanded; God willing, you will find me among the patient ones." (QS.37:102)

The implementation of the *qurban* command is imposed by Allah SWT for a servant who is able to slaughter a cow or a goat, but if he is not able to buy a cow, it can be done by sharing with seven people to slaughter a cow, as the hadith reads:

عَنْ جَابِرٍ قَالَ نَحَرْنَا مَعَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَامَ الْحَدَيْبِيَّةِ الْبُقْرَةَ عَنْ سَبْعَةٍ وَالْبَدْنَةَ عَنْ سَبْعَةٍ (رواه: الترمذي)<sup>12</sup>

From Jabir it has been said to him: "We celebrated with the Prophet SAW in the year Hudaibiyah, (so we slaughtered) a cow for seven people and a camel for seven." (HR. at-Turmuzy)

There is no provision for sharing with a goat, as explained in the above hadith, but it is permissible for a father and his dependent wife to sacrifice a goat in the name of his family's *qurban*. This is based on the hadith of the Prophet SAW which reads:

أن أبا أيوب قال: كان الرجل في عهد رسول الله ص.م. يضحي بالشاة عنه وعن أهل بيته فيأكلون ويطعمون حتى تباهى الناس فصار كما ترى (رواه: ابن ماجة و الترمذي)<sup>13</sup>

That Abu Ayub said: "It was a man at the time of the Messenger of Allah (SAW) butchered a goat for himself and his family, then they ate it and distributed it until the people were proud, so be he as you see". (HR. Ibn Majah dan at-Turmuzy)

The order to sacrifice is a type of *taklifi* law that is imposed on the *mukallaf* (people who have been burdened with the law), so there is no provision for sacrificing on behalf of institutions or legal entities such as cooperatives, foundations, schools and so on.

The law of carrying out the *qurban* command is *sunnat mu'akadab* (a strengthened *sunnah*) according to most scholars, based on the sound of the verse in al-Kausar:

إِنَّا أَعْطَيْنَاكَ الْكَوْثَرَ. فَصَلِّ لِرَبِّكَ وَأَنْحَرْ. إِنَّ شَانِئَكَ هُوَ الْأَبْتَرُ (الكوثر: 1-3)

Indeed, we have given you many blessings. So establish prayer for your Lord and sacrifice. Verily, it is those who hate you who are cut off. (QS: 109 : 1-3)

Even if in the verse above the command to sacrifice is in the form of "fi'il amar", it does not indicate that it is obligatory because there are reasons

<sup>12</sup>CD-ROOM, *al-Maktabah*, Hadist No. 828.

<sup>13</sup>Sayid, *Fiqih*, h.277.

that turn it towards the *sunnat* commandment. More precisely, it says *sunnah mu'akad* (enhanced circumcision).

Meanwhile, according to Abu Hanifa, the law is obligatory. But the term obligatory here according to his position is slightly lower than *fardhu*, and higher than *sunnah*, but still punished by those who do not want to fulfill it if he is classified as a rich person.<sup>14</sup>

Meanwhile, Imam ash-Shafi'i said that it is *makruh* to leave the *qurban* if he is able to carry it out, based on the hadith of the Prophet SAW;

من كان له سعة ولم يضح فليمت أن شاء يهوديا وأن شاء نصرانيا<sup>15</sup>

*Whoever has space, does not sacrifice, then let him die a Jew or a Christian, if he wants.*

The existence of the words "if he wants", indicates that it is *makruh* to leave *qurban* for those who can afford it. This is reinforced by a hadith from Abu Hurairah which reads:

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ كَانَ لَهُ سَعَةٌ وَلَمْ يُضَحَّ فَلَا يَقْرَبَنَّ مُصَلَّاتَنَا (رواه: ابن ماجه)<sup>16</sup>

*Whoever has the ability but he does not sacrifice, then do not approach (to approach) our prayer place. (HR: Ibn Majah).*

This hadith confirms that *qurban* is a *sunnat* which is strengthened not obligatory as the Prophet SAW said:

عَنْ أُمِّ سَلَمَةَ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ إِذَا رَأَيْتُمْ هَلَالَ ذِي الْحِجَّةِ وَأَرَادَ أَحَدُكُمْ أَنْ يُضْحِيَ فَلْيُمْسِكْ عَنْ شَعْرِهِ وَأَظْفَارِهِ (رواه: مسلم)<sup>17</sup>

*From Umu Salamah that the Prophet SAW said: "When you see the new moon (crescent moon) in the month of Dhul-Hijjah and one of you intends to sacrifice, then let him refrain from cutting his hair and nails." (HR: Muslim).*

The existence of the expression 'one of you intends to sacrifice' indicates the law is *sunnah*, while the hadith that requires *qurban* is unknown. There is only another hadith that explains when the Messenger of Allah was asked about the law of sacrifice, then he replied:

عَنْ زَيْدِ بْنِ أَرْقَمٍ قَالَ قَالَ أَصْحَابُ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَا رَسُولَ اللَّهِ مَا هَذِهِ الْأَصَاحِيُّ قَالَ سُنَّةُ أَبِيكُمْ إِبْرَاهِيمَ (رواه: ابن ماجه)<sup>18</sup>

<sup>14</sup>Yusuf al-Qaradhwai, *Fatwa-fatwa Kontemporer*, penerjemah As'ad` Yasin, judul asli "Fatawy Mu'ashirah", (Jakarta: Gema Insan Press, 2005), Jilid 1, Cet ke-8, h.492.

<sup>15</sup>Achmad, *Berkhitan*, h.17.

<sup>16</sup>CD-ROOM, *al-Maktabah*, Hadist No. 3114.

<sup>17</sup>CD-ROOM, *al-Maktabah*, Hadist No. 3655.



From Zaid bin Arqam he said that he had asked the companions of the Messenger of Allah: "O Messenger of Allah, what is this (law) sacrifice? The Messenger of Allah replied that it was the sunnah of your father Ibrahim." (HR.Ibn Majah)

This is where the difference of opinion finally emerged regarding the law of sacrificing; there are those who think that it is *sunnah mu'adah* and there are also scholars who think that it is obligatory such as the Abu Hanifah school. Especially in the case of people who are able but do not want to make sacrifices, apart from the Hanafiyah school, this attitude is very bad.

In a narration narrated by Sayid Sabiq in his Fiqh as-Sunnah from Abu Suraihah Huzaifah bin Usaid al-Ghafari who said that Abu Bakr and Umar bin Khaththab were both people who were able to sacrifice but they did not do it.<sup>19</sup> They do this because they are afraid that someone will follow them and consider it mandatory.<sup>20</sup> This narration indicates that the person who leaves the *qurban* while he is capable is *makruh*. Because it is impossible for this main friend to leave something that is obligatory.

However, the law of sacrificing becomes obligatory if it has been made a vow, as confirmed in the hadith of the Prophet SAW which reads:

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعهُ وَمَنْ نَذَرَ أَنْ  
يَعْصِيَهُ فَلَا يُعصِيهِ (رواه: البخاري)<sup>21</sup>

From Aisyah r.a she said, the Messenger of Allah said: "Those who have a vow to obey Allah, then obey, and whoever vows to disobey Allah, then do not sin." (HR. al-Bukhari)

### The Arisan Law in Islamic

In some dictionaries it is stated that *arisan* is the collection of money or goods of the same value by several people, then drawn by lot among them. The lottery is held periodically until all members get it.<sup>22</sup> A lottery is held between them to determine who gets it.<sup>23</sup>

The practice of social gathering is generally classified as a *mu'amalat* activity whose law has never been mentioned in the Qur'an or hadith directly.

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<sup>18</sup>CD-ROOM, *al-Maktabah*, Hadist No. 3118.

<sup>19</sup>Sayid, *Fiqh*, h.275.

<sup>20</sup>Muhammad Rawwas Qal'ahji, *Ensiklopedi Fiqih Umar bin Khathab ra*, penerjemah M. Abdul Mujieb AS. dkk, judul asli "Mausu'atu Fiqih Umar bin Khathab radhiyal-lahu 'anh", (Jakarta: Raja Grafindo Persada, 1999), h.629.

<sup>21</sup>CD-ROOM, *al-Maktabah*, Hadist No. 6206.

<sup>22</sup>Wjs. Poerwadarminta, *Kamus Umum Bahasa Indonesia*, (Jakarta: PN Balai Pustaka, 1976), h.57.

<sup>23</sup><http://www.kamusbesar.com/2308/arisan>. (diakses tanggal 17 Juli 2019).

Some scholars argue that the law refers to the original law of *mu'amalah*, namely *mubah* (permissible). The scholars stated this by stating the following fiqh rules:

الأصل في العقود والمعاملات الحل و الجواز<sup>24</sup>

*Basically the law of transactions and muamalah is lawful and permissible.*

In Majmu' al-Fatawa Ibn Taimiyah said: "It is not permissible to forbid mu'amalah which is needed by humans today, unless there is evidence from the Qur'an and *sunnah* regarding its prohibition."<sup>25</sup>

The scholars who allow the practice of social gathering have postulated on the Qur'an and the hadith of the Prophet SAW, including the letter al-Baqarah as follows:

لِهُوَ سَمَوَاتٍ سَبْعَ فَسَوَّاهُنَّ السَّمَاءَ إِلَى آسْتَوَىٰ ثُمَّ جَمِعَهُنَّ الْأَرْضَ فِي مَالِكُمْ خَلَقَ الَّذِي هُوَ  
(البقرة: 29) عَلِيمٌ شَيْءٍ بِكَ

*It is Allah, Who created all that is on earth for you and He willed (created) the heavens, then He made the seven heavens, and He is All-knowing of all things.*(QS.2:29)

Then they also stated the word of Allah SWT in Surah Luqman verse 20 which reads:

...وَبَاطِنَةً ظَهَرَ نِعْمَهُ عَلَيْكُمْ وَأَسْبَغَ الْأَرْضَ فِي وَمَا السَّمَوَاتِ فِي مَالِكُمْ سَخَّرَ اللَّهُ أَنْ تَرَوْا أَلَمَ  
(لقمان: 20)

*Have you not seen that Allah has subjected to you what is in the heavens and what is in the earth and has perfected for you His favors outwardly and inwardly...*(QS.31:20)

From the two verses mentioned above, it can be understood that Allah SWT has bestowed all that is on the surface of this earth for human needs, this is called by the scholars of al-*imtinan* (gift). Therefore, everything related to mu'amalat activities is basically punished as permissible unless there is an argument that explains the status of the prohibition. As the rule says:

الأصل في الأشياء الأباحة حتى يدل الدليل على التحريم<sup>26</sup>

<sup>24</sup>Sa'dudin Muhammad al-Kibyi, *al-Muamalah al-Maliyah al-Mua'shirah fi Dhawi al-Islam*, (Bairut: [t.tp.], 2002), h.75.

<sup>25</sup>Ibn Taimiyah, *Majmu' al-Fatawa*, ([t.t.]: [t.tp.],[t.th.]), Jilid 29, h.18.

<sup>26</sup>Muclis Usman, *Kaidah Ushuliyah dan Fiqhiyah; Pedoman Dasar dalam Istibath Hukum Islam*, (Jakarta: Raja Grafindo Persada, 1999), Cet ke-3, h.119.

*The original law of everything is permissible, so there are arguments against it.*

The practice of "arisan" does not find any explicit evidence, either in the form of verses from the Qur'an or from the hadith of the Prophet SAW regarding its prohibition, so some scholars think that the law is permissible or permissible.

Furthermore, they are also based on the word of Allah SWT in Surah-Maidah of verse 2 which reads:

(المائدة: 2)... وَالْعُدْوَانَ إِلَّا نَجْمًا عَلَى تَعَاوُنٍ أَوْلَىٰ وَالْتَقَوَىٰ الْبِرِّ عَلَىٰ تَعَاوُنٍ أَوْلَىٰ...

*...and help you in (doing) righteousness and piety, and do not help in sin and transgression...*  
(QS.5:2)

The verse above explicitly tells people to want to help each other in the affairs of goodness. It is generally understood that the purpose of the *arisan* itself is to help people in need with regular contributions and take turns to get it. Thus, *arisan* is categorized as an act of mutual assistance as ordered by Allah SWT.

Apart from the verses of the Qur'an, they also mention the hadith of the Prophet SAW, including the hadith from Abi Darda' which reads:

ما أحل الله في كتابه فهو حلال وما حرم فهو حرام وما سكت عنه فهو عفو فاقبلوا من الله عافيته فإن الله لم يكن لينسى شيئاً وتلا قوله تعالى وَمَا كَانَ رَبُّكَ نَسِيًّا (رواه: الحاكم)<sup>27</sup>

*What Allah has made lawful in His book is lawful, and what Allah has forbidden is unlawful. As for something that he does not talk about, it is considered a gift, so accept His gift, because Allah does not forget anything. Then he read the word of Allah SWT (And your Lord will not forget). (HR:al-Hakim)*

The hadith of the Prophet SAW above expressly states that something (in mu'amalah) which has never been mentioned at all by the Qur'an or the *sunnah* of the Prophet SAW, the law is *afwun* (gift) from Allah SWT. This means that it is something that is allowed.

There is also a hadith from Aisha, she said:

كَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا خَرَجَ أَقْرَعَ بَيْنَ نِسَائِهِ فَطَارَتْ الْقُرْعَةُ عَلَى عَائِشَةَ وَحَفْصَةَ فَخَرَجَتَا مَعَهُ جَمِيعًا (رواه: مسلم)<sup>28</sup>

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<sup>27</sup>CD-ROOM, *al-Maktabah*, Hadits No. 1648. Ayat 6 surat *Maryam* tersebut berbunyi. ...dan tidaklah Kami (Jibril) turun, kecuali dengan perintah Tuhanmu. kepunyaan-Nya-lah apa-apa yang ada di hadapan kita, apa-apa yang ada di belakang kita dan apa-apa yang ada di antara keduanya, dan tidaklah Tuhanmu lupa.(QS.19:6)

"The Messenger of Allah (PBUH) when he left, he drew lots between his wives, then the lottery fell on Ayesha and Hafsa, so we were with him."(HR: Muslim)

The hadith from Aisyah above indicates the permissibility of making a lottery. It is certain that the lottery is safe from elements of gambling and usury. In the practice of social gathering there is also a lottery, so of course the law is allowed as long as it does not contain elements of gambling and usury.

The scholars have argued about the law of *arisan*, including Shaykh Ibn Utsaimin and Shaykh Ibn Jibrin as well as the majority of senior Saudi Arabian scholars.<sup>29</sup> Shaykh Ibn Utsaimin said: "The legal gathering is permissible, not forbidden. Whoever thinks that the *arisan* belongs to the category of providing loans by taking benefits, then that assumption is wrong, because all members of the *arisan* will get their share according to their respective turns?"<sup>30</sup> This is the general *arisan* law. However, this law will turn out to be forbidden and forbidden to do in Islam, if it contains elements of usury, fraud and future losses for other parties.

However, there are some scholars who argue that the law of social gathering is haram, because in the gathering there is a lottery. This is similar to the practice of gambling which is expressly forbidden by Allah SWT in the Qur'an verse 90 of al-Maidah. (Qur'an 5:90)

The word 'al-Azlaam' in the verse means an arrow that has not used a feather. Jahiliyah Arabs often use these arrows to determine their choice in doing or not doing an action. The trick is: they take three arrows, then the two arrows are written the words; do it, don't do it, while the third arrow is not written anything. The three arrows are inserted in a place and then stored in the Kaaba. When the time comes they want to do something, then the person who put the arrow, asked the caretaker of the Kaaba to take one of the arrows that were hidden. Then they will determine their attitude based on the writing written on the arrow. They will do it if the arrow taken is written with the word do, and vice versa, according to the written word. If it is an arrow that is not inscribed, then they repeat the lottery one more time to determine their attitude.<sup>31</sup>

Although the majority of scholars allow social gathering, sometimes the law can be haram because its implementation violates the provisions of the

<sup>28</sup>CD-ROOM, *al-Maktabah*, Hadits. No. 4477.

<sup>29</sup>Khalid bin Ali al-Musyaiqih, *al-Mu'amalah al-Maliyah al-Mu'ashirah*, ([t.t.]: [t.tp.], [t.th.]), h.69.

<sup>30</sup>Ibn Utsaimin, *Syarh Riyadhus Shalihin*, ([t.t.]: [t.tp.], [t.th.]), Juz I, h.838.

<sup>31</sup>Abi 'Abdullah Muhammad ibn Ahmad al-Anshari al-Qurthubi, *Tafsir al-Qurthubi*, (Bairut: Dar al-Fikr, 2010), Juz VI, Cet ke-3, h.185.

Shari'ah. This means, as long as the practice does not deviate from the provisions of the Qur'an and the hadith of the Prophet SAW, then the law is permissible.

There are many types of social gatherings that develop in the community, such as rice gatherings, motorcycle gatherings, money gatherings, hajj gatherings, cement gatherings, chain gatherings and so on. As an example of the implementation of social gathering, below will explain two types of social gathering, namely motorcycle social gathering and chain social gathering as follows:<sup>32</sup>

1. Motorcycle Gathering with Auction System, namely the winner of the social gathering is the person who submits the highest price. The difference in the excess price of the auction from the original or standard price of the motorbike is kept by the organizing committee to be given back to the *arisan* participants by buying another motorbike. As a consequence, the social gathering which originally could be completed 20 times in payments can be completed faster than that. This is due to the presence of excess funds or money. A concrete example of a motorcycle social gathering organized by one institution with a standard price that refers to the 'New Shogun' is, Rp.13.635.000,-. Participants are required to deposit IDR250.000 per month for 48 times. From such a large deposit, the *arisan* committee is still luring with some prizes. So that in total each participant will deposit Rp.250.000, - x 48 = Rp.12.000.000,-. To get the motorbike, participants are required to pay a minimum auction of Rp.3.500.000,- in the end the total amount that must be deposited by participants is Rp.15.500.000,-. This means that the difference between the auction price and the standard or original price is Rp.1.865.000,-. Participants who have the desire to get a motorbike quickly, then the auction price must be higher.
2. *Arisan Berantai* (Joint Investment Program), where each participant must send a certain amount of money, for example, Rp.20.000,- to 4 other *arisan* members who have been determined. The description of how it works is as follows:
  - a. Participants send money to 4 members.
  - b. Changing the contents of the letter by entering his/her name at the bottom of the order and raising the order of the previous participant one level so that the participant in the first order to whom money is sent is out of the list of potential recipients of money

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<sup>32</sup><http://www.fimadani.com/hukum-arisan-menurut-islam/> (diakses tanggal 20 Juli 2019).

- c. Send a letter whose contents have been changed to as many people as possible.
- d. After the participant arrives at the first order, he will receive money sent from the new participant whose amount depends on the number of letters he sent first. It is estimated that in one week each person promotes 20 new members, then each person previously sponsored 20 people, and so on (4 times duplication), then each participant who only deposited Rp.80.000,- will get a profit of Rp.400.000,-, up to Rp.3.200.000.000,- in the span of one to four months.

The above form of motorcycle social gathering is unlawful, because there are some members who pay more than others, even though the social gathering is identical to debt, so overpayment is categorized as usury which is forbidden. In addition, there is an element of taking other people's property without rights, if the committee takes advantage of the discount on the purchase of every motorbike it buys, even though that is the right of the participants.

The practice of chain social gathering as described above is haram, because it is a form of hidden gambling. In this activity, each member gives a certain amount of money, but does not know exactly and clearly how much money he will receive. For participants who are unable to get new members, they will experience losses because no one will send money to their account number. The chain gathering by popularizing the term Joint Investment is a form of fraud. This is because, in the investment made, there must be an object in the form of goods that are traded or developed. Furthermore, the results (*jalab*) or profits obtained are divided among all participants based on the percentage of large and small shares invested. The practice of this chain social gathering does not have goods, and only revolves in the form of money. This kind of activity is called gambling and the law is haram.

### **The Law of Sacrifice *Arisan***

The *qurban* gathering practice that exists in this community exists in two forms; first, through the *qurban* committee formed by the mosques or *langgar* or *mushalla*. The congregation collects the money collected every month by the committee with a predetermined or indefinite amount until the month of *Dzulhijah* next year. If the money is not sufficient for the sacrifice, then additional members will be asked or it will be sacrificed next year. Second, the members of the *arisan* collect a predetermined amount of money every month, then in the month of *Dzulhijah* a draw is drawn on who comes out so he will sacrifice that year.

The first form of the implementation of the *qurban arisan*, may not be too problematic, but the *qurban arisan* in the second form, if observed carefully there are at least two interesting things that must be discussed, first is, Allah SWT with His Rahman and Rahim nature, requires the command of *qurban* to be given to people. -people who are able, because Allah will never command humans in any form, but according to the abilities they have, this is stated in His word (al-Baqarah:2:286). Burdening humans beyond the limits of their capabilities gave birth to the rules of ushul al-fiqh which reads:

الخرج شرعا مرفوع<sup>33</sup>

*Difficulties in the Shari'ah (should) be raised.*

That is one of the principles of applying Islamic law, eliminating all forms of difficulties and difficulties for humans, as emphasized by al-Maidah of verse 6:

لَعَلَّكُمْ عَلَيْكُمْ نِعْمَتَهُ، وَلِيُطَهِّرَكُمْ يُرِيدُ وَلَئِنْ حَرَجَ مِنْ عَلَيْكُمْ لِيَجْعَلَ اللَّهُ يُرِيدُ مَا...  
(المائدة:6) تَشْكُرُونَ

...God does not want to make it difficult for you, but He wants to cleanse you and complete His favor for you, so that you will be grateful.

(QS.5:6)

This is also in line with the words of Allah SWT in al-Baqarah of verse 185:

(البقرة: 185)... أَلَيْسَ يُرِيدُ وَلَا أَلَيْسَ يُرِيدُ... اللَّهُ يُرِيدُ...

...Allah wants ease for you, and does not want difficulty for you ... (QS.2:185)

Leaving demands beyond one's ability is not a sin, nor is *qurban* worship. If you are unable to do so, then there is no *taklif* burden to be carried. As the principle of Islamic teaching does not burden its people, as emphasized by the following verse: (QS: 22:78)

Thus, people who do *qurban* by means of social gathering are classified as people who can't afford it. Because the essence of *arisan* is debt. Doing *arisan* in order to be able to sacrifice is included in the issue of debt to sacrifice.

<sup>33</sup>Abd al-Wahab, 'Ilm, h.109.

Meanwhile, *qurban* worship is only required of people who are able and God does not burden someone beyond his ability.

The majority of scholars recommend that repayment of debts take precedence over *qurban*. Among them were Shaykh Ibn Utsaimin and the ulema Tim Fatwa Islam web.net who was under the supervision of Dr. Abdullah al-Faqih.<sup>34</sup> Shaykh Ibn Utsaimin said: "If people have debts, then they should prioritize paying off debts rather than making sacrifices."<sup>35</sup> He was even asked about the law of the person who cancels the *qurban* because he gave the money to his friend who was in debt, then the Shaykh replied: "If two problems are faced between making *qurban* or paying off the debt of a poor person, it is better to pay off the debt, especially if the person who is being in debt are close relatives."<sup>36</sup>

But there are also some scholars who still suggest sacrificing even if it has to be in debt. Among them is Imam Abu Hatim as quoted by Ibn Kathir from Sufyan ats-Tsauri. Sufyan ats-Tsauri rahimahullah once said: Abu Hatim used to go into debt to buy a sacrificial camel. He was asked: "You owe to buy a sacrificial camel?" he replied: "I heard Allah say: *لَكُمْ فِيهَا خَيْرٌ* (you get a lot of goodness in the sacrificial camels).<sup>37</sup> In full the verse reads:

نُوبِهَا وَجَبَتْ فَاذْأَصْوَأَفَّعَلَيْهَا اللَّهُ اسْمَ فَاذْكَرُوا خَيْرٌ فِيهَا لَكُمْ اللَّهُ شَعِيرٍ مِّنْ لَّكُمْ جَعَلْنَاهَا وَالْبَدَنَ  
(الحج: 36) تَشْكُرُونَ لَعَلَّكُمْ لَكُمْ سَخَّرْنَاهَا كَذَلِكَ وَالْمُعْتَرِّ الْقَانِعِ وَأَطِعْمُوا مِنْهَا فَكُلُوا ج

*And We have made for you the camels as part of the signs of Allah, you get a lot of good in them, so mention by you the name of Allah when you slaughter them standing (and already tied). Then when they fall (dead), then eat some of it and feed those who are content with what they have (who do not beg) and those who ask. Thus We have subjected the camels to you, I hope you will be grateful.*(QS.22:36)

<sup>34</sup>Abdullah al-Faqih, *Fatwa Fatwa Syabakah Islamiyah*, ([t.t.]: [t.tp.], [t.th.]), no. 7198 & 28826

<sup>35</sup>*Syarbul Mumti'*, ([t.t.]: [t.tp.], [t.th.]), Jilid 7, h.455.

<sup>36</sup>Abdullah al-Faqih, *Fatwa Fatwa Syabakah Islamiyah*, ([t.t.]: [t.tp.], [t.th.]), no. 7198 & 28826

<sup>37</sup>Ibnal-Katsir al-Quraisyi ad-Damsyqy, *Tafsir Ibn Katsir*, (Bairut: Dar al-Fikr, 1992), Juz III, h.271.



Likewise Imam Ahmad in matters of *aqiqah*. He suggested that people who do not have *aqiqah* fees to take debt in order to revive the *sunnah* of *aqiqah* on the seventh day after birth.<sup>38</sup>

However, the scholars' statements above do not contradict each other. Because this difference is based on differences in viewing the condition of the debtor. The attitude of the scholars who suggest going into debt when *qurban* is understood for the case of people whose condition is easy to pay off debts or cases of debts whose maturity is still long. Meanwhile, the recommendation of some scholars to give priority to paying off debts over *qurban* is understood for the case of people who have difficulty paying off debts or debts that demand. Thus, if the *qurban* gathering is classified as a long-maturity debt or a debt that is easy to pay off, then making *qurban* with the *arisan* is a good thing.

But it must be understood that the *arisan* that is carried out must not contain elements that violate religious teachings, such as the lottery which is forbidden. So if the lottery is indeed forbidden, then how is it possible to conduct a lottery in matters of worship whose clear purpose is to seek the pleasure of Allah SWT alone, as stated in verse 5 Suratal-Baiyinah (QS. 89:5. In another verse Allah SWT also confirms:

42.(البقرة تَعَامُونَ وَأَنْتُمْ الْحَقُّ وَتَكْتُمُوا بِالْبَطْلِ الْحَقَّ تَلْبِسُوا وَلَا

*And do not confuse what is right with what is false, and do not hide what is right, while you know.*(QS.2:42)

So pure worship seeking the pleasure of Allah SWT should not be damaged by disobedience. Like washing clothes with dirty water, instead of getting cleaner, it will get dirtier. Mixing worship with disobedience will not get reward but reap sin.

It should be understood that *qurban* is one of the worships in Islam that has certain rules as outlined by the Shari'ah. Out of this rule, it cannot be considered as sacrificial worship. Strictly speaking, the *qurban* is invalid. Among these regulations is the issue of financing. As previously understood the cost of procuring a goat or a cow, whether for individual sacrifices or in association, must be taken from lawful assets in a lawful manner. *Wallahu a'lam*.

## CONCLUSIONS

This study concludes that social gathering is generally classified as a *mu'amalat* activity that contains elements of mutual assistance (*ta'awun*) as

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<sup>38</sup>*Ibid.*

ordered by Allah SWT. The social gathering activity has never been mentioned in the Qur'an or hadith directly, so the law refers to the law of origin of *mu'amalah*, which is permissible. However, the *arisan* law can turn out to be unlawful and forbidden to do, if it contains elements of usury, fraud and causes harm to other parties. *Arisan* is essentially a debt owed that must be fulfilled, as well as the gathering to perform *qurban* worship. Allah SWT with His al-Rahman and al-Rahim nature only imposes worship demands on His servants according to their abilities. Leaving demands beyond one's ability is not a sin, nor is *qurban* worship. Debt to fulfill the *qurban* is not seen as a person who can afford it. If you can't afford it, then you don't have to carry the burden of *taklif*. The characteristics of Islamic teachings do not burden the people. Wallahu a'lam. ■

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