

PRACTICES OF COLLATERAL GOODS AUCTION AT BANJARMASIN SHARIA PAWNSHOPS (Banjarmasin Ulama Perspective Analysis)

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Abstract: Auction is the sale of goods in public which is preceded by efforts to gather interested parties through announcements made by and in front of the auction official with the achievement of the optimal price through verbal bidding up and down or down and or in writing. The process of the role of the ulama in society, makes the ulama not only have theological validity but also social validity and its existence is firmly rooted in society. From this it can be understood that scholars are not only followed by their opinions in the religious field, but even in the social field, including the economic field. Many say that Banjarmasin is a religious city, it can be seen that the people of Banjarmasin are still strong in following the opinions/words of the scholars. The formulation of the problem in this paper is how is the practice of auctioning collateral at sharia pawnshops in Banjarmasin and how is the perspective of Ulama Banjarmasin the practice of auctioning collateral. This study uses qualitative research with the type of field research (field research), the nature of the research is a case study (case study). The results of this study are that there are two methods used in the auction system, namely open auctions and closed auctions. A closed auction is an auction in which the applicant submits the price of the property he is interested in in a sealed or confidential envelope. Meanwhile, in the opinion of the Banjarmasin scholars, the practice of auctioning collateral items is not prohibited by sharia and the law is permissible as long as it is in accordance with the provisions of the DSN-MUI Fatwa, Guarantees in sharia pawnshops function as proof of the customer's commitment to paying off the financing.

Keywords: Collateral Goods Auction; Sharia Pawnshop; Banjarmasin Scholars.

Abstrak: Lelang adalah penjualan barang di muka umum yang didahului dengan upaya menghimpun peminat melalui pengumuman yang dilakukan oleh dan di hadapan pejabat lelang dengan tercapainya harga yang optimal melalui penawaran lisan naik turun atau turun dan atau tertulis. Proses peran ulama dalam masyarakat, menjadikan ulama tidak hanya memiliki validitas teologis tetapi juga validitas sosial dan eksistensinya mengakar kuat di masyarakat. Dari sini dapat dipahami bahwa ulama tidak hanya diikuti oleh pendapatnya dalam bidang keagamaan, tetapi bahkan dalam bidang sosial, termasuk bidang ekonomi. Banyak mengatakan Banjarmasin merupakan kota religius, dapat dipandang bahwa masyarakat Banjarmasin masih kental dengan mengikuti pendapat/perkataan para ulama. Adapun rumusan masalah pada tulisan ini yaitu bagaimana praktik lelang barang jaminan pada pegadaian syariah banjarmasin dan bagaimana perspektif Ulama Banjarmasin praktik lelang barang jaminan. Penelitian ini menggunakan penelitian kualitatif dengan jenis penelitian lapangan (field research), Sifat penelitian berupa studi kasus (case study). Hasil dari penelitian ini yakni ada dua metode yang digunakan dalam sistem pelelangan, yaitu pelelangan terbuka dan pelelangan tertutup. Lelang tertutup adalah lelang di mana pemohon mengajukan harga properti yang diminatinya dalam amplop tertutup atau rahasia. Adapun menurut pendapat para ulama Banjarmasin praktik lelang barang jaminan ini tidak ada larangan secara syariah dan hukumnya mubah selama sesuai dengan ketentuan dari Fatwa DSN-MUI, Jaminan dalam pegadaian syariah berfungsi sebagai bukti komitmen nasabah untuk melunasi pembiayaannya.

Kata Kunci: Lelang Barang Jaminan; Pegadaian Syariah; Ulama Banjarmasin.

INTRODUCTION

The development of the practice of Islamic Financial Institutions both at the national and international levels illustrates that the Islamic economic system is able to adapt to the

conventional economy which has long dominated the life of the world community and in Indonesia.¹

In daily activities, money is always needed to buy or pay for various needs. And the problem is sometimes the needs you want to buy cannot be met with the money you have. If that's the case, we don't want to stop buying various needs that are considered unimportant, but for very important needs we must fulfill them in various ways, such as borrowing from various available sources of funds.²

If the need for large funds will be difficult to meet in the short term, let alone have to be met through banking institutions. However, if the funds needed are relatively small, this is not a problem, because there are many sources of cheap and fast funds, ranging from loans to neighbors, guarantors, to loans from various other financial institutions.³

In the socio-economic reality of society it is often found that people have assets other than cash and at the same time experience liquidity difficulties and need cash in the form of funds. The transaction option that is often used by people who face this problem is to pawn valuables.⁴ Along with the times and advances in technology, it is undeniable that there are new practices in Islamic financial institutions,⁵ one of them is Sharia Pawnshops.

One of the economic and financial institutions that play a role in the community's economic development is Pegadaian. Along with the issuance of a banking law that supports the existence of Islamic economic and financial institutions, a number of individuals who are sensitive to socio-economic problems in society respond positively by creatively developing the idea of establishing non-economic institutions, banking financial institutions and Islamic financial institutions such as sharia-based pawnshops.⁶

¹ Parman Komarudin et al., "Bibliometric Mapping of Research Developments Using Qardh Financing Topics On Google Scholar Using Vosviewer," *Islamic Banking: Jurnal Pemikiran Dan Pengembangan Perbankan Syariah* 8, no. 2 (February 4, 2023): 276, <https://doi.org/10.36908/isbank.v8i2.716>.

² Kasmir, *Bank Dan Lembaga Keuangan Lainnya* (Jakarta: PT Raja Grafindo Persada, 2011), hlm. 261.

³ Kasmir, hlm. 261-262.

⁴ Nur Rianto Al Arif, *Lembaga Keuangan Syariah* (Bandung: CV Pustaka Setia, 2012).

⁵ Hendra Hadi et al., "THE URGENCY OF MAQASHID SHARIA IN THE DEVELOPMENT OF SHARIA BANKING PRODUCTS," *Darussalam* 24, no. 01 (March 10, 2023): 4, <https://doi.org/10.58791/drs.v24i01.281>.

⁶ Muhammad, *Lembaga Ekonomi Syariah* (Yogyakarta: Graha Ilmu, 2007), hlm. 63.

Pledge is holding one of the belongings of a person (borrower) as collateral for the loan he receives. The confiscated goods have economic value. Thus the holder obtains a guarantee to be able to take back all or part of his receivables.⁷

Pegadaian actually operates in the field of pawnshop services. But in its development, there are always customers who are unable to redeem the pawned goods. Pawn goods are sold by pawnshops by way of auction. Therefore, at pawnshops, auctions are always held within a certain period of time. Perhaps the fastest growing sector of world trade is services trade. Unfortunately, statistics and data on trade in services are not as complete as trade in goods.⁸

The procedure for obtaining a sharia pawn loan is very simple, people only show proof of identity and movable property as collateral, loan money can be obtained in a relatively short time (about 15 minutes). Likewise, to pay off the loan, the customer only needs to submit a certain amount of money and proof of rahn with a short processing time.⁹

For the pawnshop, accurate and fast information is needed in determining the auction process, because the auction price also follows the central market price and regional market prices. Marketing is a dynamic field where out of date information can lead to bad decisions. Marketing information must be timely, that is, available at the right time.¹⁰

Pegadaian carries out business activities for channeling loan money based on pawn law. If the owner of the goods (rahin) still cannot pay off his debt or cannot redeem the goods until the specified time expires, then the pawnshop has the right to auction the collateral items according to sharia and follow the provisions of the law.¹¹

Auction is the sale of goods in public which is preceded by efforts to gather interested parties through announcements made by and in front of the auction official with the achievement of the optimal price through verbal bidding up and down or down and or in writing. The types of auctions are distinguished based on the reason for the item being sold and the seller in relation to the item to be auctioned. The nature of the auction in terms of the

⁷ Muhammad, hlm. 64.

⁸ Warren J. Keegen, *Global Marketing Management*, Terj. Alexander Sindoro, *Manajemen Pemasaran Global* (Jakarta: Prenhallindo, 1996), hlm. 91.

⁹ Abdul Ghofur Anshori, *Penerapan Prinsip Syariah* (Yogyakarta: Pustaka Pelajar, 2008), hlm. 57-58.

¹⁰ William G. Zikmund, *Exploring Marketing Research*, Terj. Hirson Kurnia, *Menjelajahi Riset Pemasaran* (Jakarta: Salemba, 2011), hlm. 48.

¹¹ Muhammad, *Audit Dan Pengawasan Syariah Pada Bank Syariah* (Yogyakarta: UII Press, 2011), hlm. 101-102.

items being auctioned is distinguished, among others, execution auctions, voluntary non-execution auctions, and mandatory non-execution auctions.¹²

There are two methods used in the auction system, namely open auction and closed auction. A closed auction is an auction in which the applicant submits the price of the property he is interested in in a sealed or confidential envelope. In a closed auction system, the highest bidder's price is unknown. Winners will only be known after the tender process is completed and the results are announced. An open auction is an auction held by an auction hall where property enthusiasts gather in one place to participate in the auction.¹³

In their role, the clergy occupy an important position in Islamic society. Ulama are not only scientific figures who master and understand religious teachings, but also act as movers, motivators and dynamists of society towards the development and development of the ummah. The behavior of the clergy has always been exemplary and role model. The words of the clergy have always been a guide and guide. Ulama are public figures and have charisma that is respectable in society. Public acceptance or rejection of an idea, concept or program is greatly influenced by scholars. The role of the ulema is not only in the aspect of worshiping mahdhah, giving fatwas or praying, but also covering various fields of politics, economics, social, culture, education, and so on, in accordance with the completeness of Islamic teachings themselves.

Islam is one of the religions adopted by the world's population in which its teachings strongly encourage economic development.¹⁴ Islamic law as we know it can develop according to the times in the demands of societal problems, including in business matters.¹⁵ The conceptual formulation of the Islamic economic system, including the Islamic banking system, is the result of ijtihad and the intellectual hard work of the scholars, and of course with the blessing of Allah SWT. The process of the role of the ulema in society, makes the ulema not only have theological validity but also social validity and its existence is firmly rooted in society. From this it can be understood that scholars are not only followed by their

¹² Purnama Tioria Sianturi, *Perlindungan Hukum Terhadap Pembeli Barang Jaminan Tidak Bergerak Melalui Lelang* (Bandung: Mandar Maju, 2013), hlm. 54-56.

¹³ Blonto Interisti, "Lelang Terbuka dan Tertutup Rumah BTN," accessed January 15, 2015, <http://rumah-btn.blogspot.com>.

¹⁴ Imro Atut Toyiyah et al., "DISTRIBUTION AND SALE OF ALCOHOLIC DRINKS IN REGIONAL REGULATION OF KAPUAS REGENCY NUMBER: 3 OF 2011 (STUDY OF SHARIA ECONOMIC LAW ANALYSIS)," *Darussalam* 24, no. 01 (March 11, 2023): 2, <https://doi.org/10.58791/drs.v24i01.283>.

¹⁵ Muhammad Sodiki and Parman Komarudin, "Praktik Jual Beli Buah Sebelum Layak Panen Perspektif Hukum Ekonomi Syariah (Studi Kasus Masyarakat Banjar Kalimantan Selatan)," *Eprints UNISKA Banjarmasin*, November 10, 2022, 5, <http://eprints.uniska-bjm.ac.id/id/eprint/13022>.

opinions in the religious field, but even in the social field, including the economic field. Many say that Banjarmasin is a religious city, it can be seen that the people of Banjarmasin are still strong in following the opinions/words of the scholars.

As far as the research team's knowledge is based on searches on various research index sites and journals, research analyzing the practice of auctioning collateral, case studies at the Banjarmasin Syariah Pawnshop in South Kalimantan have existed before, but what distinguishes this research from other research is that the researcher focuses on the problems that arise in the practice is then analyzed with the perspective of Banjarmasin scholars. Research that discusses the practice of auctioning collateral items at Banjarmasin Sharia Pawnshops from other aspects, among others, namely:

Zainal Arifin, Sitti Zubaidah tried to examine the auction of collateral items in terms of the process and implementation of the auction in a research entitled "Analysis of Auctions for Collateral Goods at Pt Pegadaian (Persero) Syariahjember Tahun 2020". Zainal Arifin, Sitti Zubaidah found that the process of auctioning collateral items at the Jember branch of sharia pawnshops was carried out openly or publicly. And the implementation of auctions of collateral at sharia pawnshops, the schedule for holding auctions at sharia pawnshops on the 3rd, 13th and 23rd. During the auction there is also an offer of collateral to the auctioneer. If it is in the form of gold being auctioned, the price is determined by the center and follows market prices, if the items being auctioned are in the form of electronics and motorbikes, then the price is determined by the Jember sharia pawn shop.¹⁶

Arzalsyah Syarief examines the auction price of collateral items from the point of view of Islamic economic law in his research entitled "Views of Islamic Economic Law on Guaranteed Goods Auction Prices". Arzalsyah Syarief found that in the Islamic Economic Perspective, auctions of collateral are permissible provided that they use the pillars of sale and purchase, terms of sale and purchase and general terms of sale and purchase, starting from notifying the customer that the goods used as collateral have passed the due date, notification of the condition of the collateral. said, the preparation of the auction up to the results of the auction of collateral items.¹⁷

¹⁶ Zainal Arifin and Sitti Zubaidah, "Analisis Pelelangan Barang Jaminan Di PT Pegadaian (Persero) Syariah Jember Tahun 2020," *Lan Tabur: Jurnal Ekonomi Syari'ah* 2, no. 1 (2020), <https://doi.org/10.1234/lan%20tabur.v2i1.3925>.

¹⁷ Arzalsyah Syarief, "Pandangan Hukum Ekonomi Syariah Terhadap Harga Lelang Barang Jaminan," *Al-Amwal : Journal of Islamic Economic Law* 1, no. 1 (2016), <https://doi.org/doi.org/10.24256/alw.v1i1.629>.

Susanti found that the auction price concept at the Simpang Patal Palembang branch of Islamic pawnshops already uses sharia principles, where if the customer's collateral is due, the pawnshop notifies the customer that the collateral is due, but the customer does not extend it, then the sharia pawnshop does an auction. , and in this auction process the pawnshop also conducts a survey of the local market and central market and conducts a reassessment so as not to cause oppression so that it can harm one party and benefit the other party.¹⁸

This is the background of the author researching the problem of implementing collateral auctions, which the author describes in a scientific paper entitled "Practice of Auction of Guaranteed Goods at Banjarmasin Sharia Pawnshops (Study of Banjarmasin Ulama Perspective Analysis)".

FORMULATION OF THE PROBLEM

Based on the background of the problems above, the research team determined the focus of this research, namely:

1. How is the practice of auctioning collateral at the Banjarmasin Syariah Pawnshop?
2. How is the practice of auctioning collateral items at Banjarmasin Islamic Pawnshops Study of Banjarmasin Ulama Perspective Analysis?

RESEARCH METHODS

The research that was carried out was field research, namely the method carried out in the place or location of the field.¹⁹ The nature of the research is in the form of a case study. Namely research on Banjarmasin Ulama scholars who are located in the city of Banjarmasin.

In terms of methodology, this research is a type of qualitative research. As for what is meant by qualitative research according to Bodgan and Taylor in Andi Prastowo, qualitative research is a research procedure that produces qualitative descriptive data in the form of written or spoken words from people and observed behavior.²⁰

In this study the data collection technique used by the author is:

- a. Observation

¹⁸ Susanti, "Konsep Harga Lelang Barang Jaminan Gadai Dalam Ekonomi Islam Di Pegadaian Syariah Cabang Simpang Patal Palembang," *Jurnal Intelektualita* 5, no. 1 (2016), <http://jurnal.radenfatah.ac.id/index.php/intelektualita>.

¹⁹ Andi Prastowo, *Metode Penelitian Kualitatif Dalam Prespektif Rancangan Penelitian* (Jakarta: Ar-Russ Media, 2016), hlm. 183.

²⁰ Prastowo, hlm. 22.

Observation is observation or careful review,²¹ Matthews and Ross define that observation is the collection of data through the human senses.²² In relation to data collection, this method will be carried out by direct observation of the activities that occur in the object of research such as observing the practice of collateral auctions at Banjarmasin Sharia Pawnshops.

b. *Interview*

According to Sugiyono, an interview according to Andi Prastowo is a meeting of two people to exchange information and ideas through question and answer so that meaning can be constructed in a particular topic.²³ Namely, communicating directly with respondents to seek explanations and information regarding the perspectives of the scholars on the practice of auctioning collateral and the basic foundations used in arguing against this practice.

c. *Documentary*

The documentary method is one of the data collection methods used in social research methodology. In essence, the documentary method is a method used to trace historical data.²⁴ In this case the author is looking for information about the beginning of the practice of auctioning collateral items and paying attention to the process of developing this practice.

Pohan revealed that data are facts, information, or descriptions,²⁵ In qualitative research the data collected is in the form of descriptive data, for example personal documents, field notes, respondents' actions, documents and others.²⁶ The type of data that the writer collects is in the form of primary data and secondary data.

1. Primary data, namely, the main data related to the subject matter of the research in which the data is taken from the main data source.²⁷ The primary data in this study are:
 - a. An overview of the practice of auctioning collateral at Pegadaian Syariah Banjarmasin.
 - b. Respondent's identity includes name, age, address, education and position
2. Secondary data is data that supports the main data and is not taken from the main

²¹ Pusat Pembinaan Dan Pengembangan Bahasa, n.d., hlm. 699.

²² Haris Herdiansyah, *Wawancara Observasi Dan Focus Groups* (Jakarta: Raja Grafindo Persada, 2013).

²³ Prastowo, *Metode Penelitian Kualitatif Dalam Prespektif Rancangan Penelitian*, hlm. 213.

²⁴ Burhan Bungin, *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik Dan Ilmu Sosial Lainnya* (Jakarta: Kencana, 2007), hlm. 124.

²⁵ Bungin, hlm. 204.

²⁶ Bungin, hlm. 43.

²⁷ Saifudin Azwar, *Metodologi Penelitian* (Yogyakarta: Pustaka Pelajar, 1998), hlm. 91.

source.²⁸ Secondary data in this study is in the form of library data, books, documents and so on that relate to the growth and development of collateral auction practices.

While the data source is from where the research data can be obtained. Sources of data in this study include:

1. The informant is the person being interviewed, asked by the interviewer. Informants are people who are thought to master and understand data, information or facts from an object of research.²⁹ Namely the parties who are directly involved in the problem under study, namely Sharia Pawnshop employees and Banjarmasin Ulama scholars who will provide opinions regarding the practice of auctioning collateral items.
2. Book literature as well as sources of other theoretical studies which include a discussion of the theory of pawn contracts.

Testing the validity of the data in research, often only emphasizes the validity and reliability tests.³⁰ Data validity tests in qualitative research include tests of credibility (internal validity), transferability (external validity), dependability (reliability) and confirmability (objectivity).³¹

Data analysis is a qualitative research method carried out continuously from the beginning to the end of the study, by inductively and looking for patterns, models, themes and theories.³² Data analysis is an effort to systematically find and organize the results of interviews, observations and documentation to increase the author's understanding of the findings of the problems studied. After all data has been collected from the results of research on respondents/informants. The author uses the qualitative data analysis model of Miles and Huberman. Reviews of this model are put forward in Miles and Huberman's book, (Qualitative Data Analysis, 1986), and there is already a translation in Indonesian.³³ Then the authors proceed with data processing by using several stages, among others:

1. *Editing*, namely at this stage checking the answers of informants, observations, documents, selecting photos, notes and so on. The aim is to refine data, improve sentences and words, provide additional information, remove repetitive or unimportant

²⁸ Sutrisno Hadi, *Metodologi Research*, cet. XXIV, vol. Jilid I (Yogyakarta: Andi Offset, 1993), hlm. 11.

²⁹ Bungin, *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik Dan Ilmu Sosial Lainnya*, hlm. 111.

³⁰ Sugiyono, *Metode Penelitian Bisnis* (Bandung: Alfabeta, 2008), hlm. 455.

³¹ Sugiyono, hlm. 458.

³² Prastowo, *Metode Penelitian Kualitatif Dalam Prespektif Rancangan Penelitian*, hlm. 45.

³³ Lexy Moleong J., *Metodologi Penelitian Kualitatif*, cet. 34 (Bandung: PT. Remaja Rosdakarya, 2015), hlm. 307.

information, translate local expressions into Indonesian, including transcribing interview recordings.³⁴

- 2 Descriptive, according to Nazier is a method used to examine the status of human groups, an object, a set of conditions, a system of thought, or an event in the present.³⁵ It can be interpreted that the author presents and describes the data that has been researched in the field by making sentences from the research results and interviews with informants/respondents.

DISCUSSION

Overview of Sharia Pawnshops

The history of sharia pawnshops in Indonesia cannot be separated from the willingness of the Islamic community to carry out pawn contract transactions based on sharia principles and government policies in developing economic practices and financial institutions that are in accordance with the values and principles of Islamic law.

In this case the government issued laws and regulations legally legitimizing the implementation of positive business practices in accordance with sharia which includes sharia pawnshops. Sharia pawnshops were first established in Jakarta under the name Sharia Pawn Service Unit (ULGS) Dewi Sartika Branch in January 2003. Following this, the establishment of ULGS in Surabaya, Makasar, Semarang, Surakarta and Yogyakarta in the same year until September 2003. Still in the same year Likewise, four pawnshop branch offices in Aceh have become sharia pawnshops.³⁶

Vision and Mission of Sharia Pawnshop

The vision of Islamic pawnshops is that in 2013 pawnshops will become the “Champion” in fiduciary pawn-based micro and small financing for the lower middle class society. Sharia pawnshops have the logo "Solving Problems Without Problems".

The mission of sharia pawnshops in general is to help improve the welfare of society (customers) from illegal pawn practices, usury and unreasonable loans and aims to fulfill or answer the needs of some Muslim communities in Indonesia who want lending and borrowing transactions in accordance with Islamic law.

Sharia Pawnshop Products and Services

³⁴ Prastowo, *Metode Penelitian Kualitatif Dalam Prespektif Rancangan Penelitian*, hlm. 238.

³⁵ Prastowo, hlm. 168.

³⁶ Ahmad Rodoni and Abdul Hamid, *Lembaga Keuangan Syariah* (Jakarta: Zikrul Hakim, 2008), hlm. 188.

In carrying out its operational activities, sharia pawnshops have a variety of products and services offered to the wider community. The products and services of sharia pawnshops are as follows:

- a. Providing loans (pawn sharia) to the public, requiring the provision of collateral by handing over movable property as collateral and the provision of collateral is determined by the value and amount of the goods pawned.
- b. Appraisal of the value of goods, this goods appraisal service is in the form of an appraisal of a moving object either in the form of jewelry, electronic goods such as mobile phones, laptops and motorized vehicles.
- c. Custody of goods (Ijarah), Islamic pawnshops also accept deposit of goods from the public in the form of gold jewelry, securities such as land certificates, and other valuables. For this deposit service, sharia pawnshops will receive fees or deposit fees for customers who use this service.
- d. ARRUM, is a sharia principled lending scheme based on pawn law (rahn) for micro and small entrepreneurs to provide working capital or additional business capital with an installment system and using a motorbike/car BPKB guarantee.
- e. MULIA (Murabahah Precious Metals for Perpetual Investment), is a type of financing that facilitates the ownership of gold bullion through the sale of precious metals in cash and or installments with a fast process and a flexible period.

Amanah is sharia-compliant financing for civil servants and private employees to own motorbikes or cars by means of installments.³⁷

LOAN PROVIDING MECHANISM, INSTALLMENT SYSTEM, DEBT EXTENSION, AND THE AUTHENTIC PROCESS OF PAWN GOODS

Lending Mechanism

The loan disbursement mechanism in the implementation of the sharia pawn system has the principle that customers are only burdened by administrative costs and services for storing assets as collateral. This means that rahin keeps goods as collateral for having services or fees and administration costs are charged to sharia pawn customers. Therefore, customers who borrow money from sharia branch offices are only required to pay the rent

³⁷ "Brosur Pegadaian Syariah," November 2011.

for storing goods. The lease for storing goods in question, in sharia pawnshops, is IDR 90 for each item with a 10-day rental period plus administrative costs. If after two months the customer is unable to redeem the goods, the pawn period can be extended for two periods and a maximum of six months. There is no additional fee for the extension. extension of time. Items used as collateral, namely, gold jewelry. Especially for jewelry collateral in the form of gold at sharia pawnshops, namely, a minimum of 16 carat gold.

To obtain a money loan at a sharia pawnshop office, a customer must agree to the conditions specified as follows:

- a. Show KTP or other valid identity card.
- b. Bring pawn items that meet the requirements or movable items, such as gold or diamonds, cars or motorcycles, electronic goods (cellphones and laptops).
- c. Ownership of goods is private property.
- d. There is a power of attorney from the owner of the goods if authorized accompanied by a stamp and the original KTP of the owner of the goods.
- e. Sign the rahn and ijarah contract in the Rahn Proof (SBR).

The procedure for carrying out loan disbursement at the sharia pawnshop office is as follows:

- a. Prospective customers fill out a Loan Request Form (FPP) and sign it.
- b. Prospective customers come to the appraiser's counter and hand over the pawned goods to have their value assessed.

The prospective customer signs the Rahn Proof (SBR) by agreeing to the rahn contract and ijarah contract, then the prospective customer goes to the cashier's counter to receive loan disbursement.

Fee Setting Mechanism

Fees to be paid by the pawnbroker to the pawnbroker in connection with the execution of the pawn transaction, namely administrative costs and the cost of renting a place to store goods.

The qualification of the amount of loan disbursed is greatly influenced by the class of pawn goods that have been determined based on the provisions in the Appraisal Guidebook (BPM) and Circular Letter (SE) of the Directors of Perum Pegadaian. Loans granted are classified based on the deposit rate level by taking a percentage of the estimated value of the pawn goods, not from the capital lease (interest) or the loan term.

Deposit service rates include the cost of space usage and maintenance of mortgaged goods guaranteed by the customer. Deposit service rates are differentiated between types of pawn goods with conditions, namely:

- a. The *ijarah* rate is calculated from the estimated value of the mortgaged goods used as collateral.
- b. The loan term is set at 120 days, which is the deposit service rate in multiples of 10 days (1 day counts as 10 days).

Basically, people who pawn their assets at a pawnshop to get a loan can pay off their loan at any time, without having to wait for it to mature. However, the pawnbroker can choose the method of repayment at once or in installments. Therefore, if the 4 (four) month period has arrived, but the customer has not paid off the loan, he can apply for an extension of the loan period for 4 (four) months, but if within the stipulated time period the customer does not take the property as collateral, then *Pegadaian Syariah* will conduct an auction or sale of pawn goods.

Pawn Goods Auction Process

An auction is an attempt to sell in public against collateral that is past due until the auction date which is not redeemed or extended by the customer for a new loan period of 120 days in the future. The maturity date is calculated as 120 days/4 months from the credit date. So, when the customer is unable to redeem within that time period, the collateral item will be auctioned off. However, so that the collateral is not auctioned off, the customer can extend the time by only paying the rental capital for 4 months and after the due date the customer is also given a grace period before the auction is held. The auction is carried out by the pawnshop as an effort to repay the loan and the lease. capital that is not repaid by the specified time limit. *Pegadaian* really avoids what is called an auction. So before the auction is held, the pawnshop will first notify the customer concerned by letter or telephone. So if the customer does not redeem or does not extend, the pawnshop is forced to auction off the collateral.

The definition and implementation of the auction at the *Sharia Pegadaian Branch* office refers to a separate Circular Letter (SE) regarding the Auction of Collateral Items. The implementation of the auction as referred to in the circular letter must be adjusted to the policies that apply to the *Sharia Pawnshop Branch*, as follows:

- a. Sharia auction is the process of selling *marhun* auctions as explained in the Circular Letter where the implementation is in addition to going through an auction process as is done in Branch operations
- b. Ordinary Pawnshops must also be accountable according to Islamic law, namely free from elements of *gharar*, *maisir*, usury and vanity.
- c. The terms used are terms in POGS (Sharia Pawn Operational Guidelines), for example collateral is *marhun*, customer is *rahin*, and other terms.
- d. The date of the auction is adjusted to the minimum *ijarah* period.
- e. The form used is the form that applies to the Sharia Pawn Operational Guidelines (POGS).

In sharia pawnshops, the date for the auction is determined by the Regional Head based on the proposal of the Branch Manager. At least two months before the end of the fiscal year, the Branch Manager must propose a planned auction date for the date of the loan agreement for the following fiscal year. The auction is carried out three periods in one month with the following conditions:

- a. Period 1 for Akad dates 1 to 10, the auction is held between the 15th to the 20th of the 5th month.
- b. Period II for Akad dates 11 to 20, the auction is held between the 25th and the end of the 5th month.
- c. Period III for Akad dates 21 to 31, the auction is held between the 5th to the 10th of the 6th month.

Determination of the date of the auction must also pay attention to matters related to the auction process, namely:

- a. Branch offices close to each other do not conduct auctions simultaneously as far as possible.
- b. As far as possible, the auction is held for one day. If more than one day, the Branch Manager must inform the Regional Leader of the reason.
- c. Auctions are not held on holidays.
- d. If it coincides with the arrival of a holiday, the auction should be held before the holiday.

Auction Implementation Procedures *Marhun* According to Shariah as follows:

- a. Auction Committee
 1. Prepare Minutes of Submission *marhun* which will be auctioned with a list attached *marhun* to be auctioned, SBR doubled *Marhun* to be auctioned, estimation requirements (stone test, water test, scales, diamond test kits, and loupe), calculator, Auction Details List *Marhun*.
 2. Match the physical state *marhun* which will be auctioned with the bookkeeping.
 3. Set the price and auction value.

4. After the implementation of the auction, Minutes of the Auction are made *Marhun* and hand it over to the cashier along with the auction proceeds.
- b. Branch Cashier
 1. Receiving Minutes of Auction *Marhun* (BALM) and money from the auction committee.
 2. Based on Minutes of Auction *Marhun* (BALM), cash received is recorded in the Cash Daily Report (LHK) and the money is kept in a safe. Auction Minutes *Marhun* submitted to the branch administration officer.
 3. Receive cash from sales *Marhun* Corporate Auction (MLP).
- c. Branch Administration Section
 1. Receiving Certificates of Auction Events *Marhun* (BALM) from the Branch Cashier and SBR (Proof *Rahn*) auction from the committee and *Marhun* Corporate Auctions.
 2. Write down the numbers *Marhun* auctioned from the Loan book.
 3. Based on the Minutes of Auction *Marhun* (BALM), Cash Debit is recorded in the cash book.
 4. Based on SBR (Certificate of Evidence *Rahn*), Bifold auctions received from the auction committee are made into an Auction Book *Marhun*.
 5. Write down numbers *Marhun*, which do not sell well at auction, and make a Register Book *Marhun* Corporate Auctions.
 6. Perform purchasing administration *Marhun* Corporate Auctions.
 7. Do sales administration *Marhun* Corporate Auctions.

As for the mortgage conditions, it is mature, reasonable, easy, the debt can be paid off with a guarantee, the debt is clear and specific, and the collateral can be sold, and the value is equal to the debt.

In matters of pawning, paying attention to the status is necessary. In this regard, the status remains in lien because:

- a. The goods have been received by the pledgee and the money by the pledger.
- b. The pledged goods are with the person who accepts the pledge as a trust. If the item is lost, it must be replaced.
- c. The person who receives the pledge has the right to reprimand the pledger when the time is up or sell the pledged item.
- d. The cost of maintaining the pawned goods is the obligation to pawn. The auction of collateral items at Perum Pegadaian Syariah Banjarmasin Flower Garden Branch applies to matured customer collateral. However, the customer did not pay off and did not want to extend the time.

Buying and selling by auction is an attempt by the pawnshop to cover losses from customer loans that are not paid in monthly instalments. Before the auction is carried out, the pawnshop has previously notified the customer concerned by telephone or letter, if the customer does not respond to the notification, the pawnshop will conduct an auction. The

auction items are separated and re-estimated in the auction process, and the auction limit is determined. The process for auctioning collateral items is as follows:

- a. One week before the auction, the customer is notified that the item will be auctioned.
- b. The price of gold is set by Pegadaian at the time of the auction, with a 2% margin for the buyer.
- c. Many people do not allow the bid price to increase, thus allowing customers to lose money because they fear the buyer will agree to lower the auction price. Therefore, the Pegadaian held a limited auction, only selecting a few buyers (3-4).
- d. The auction results will be used for a selling fee of 1% of the selling price, a 4-month loan fee, and the rest will be returned to the customer.
- e. The rest of the advantage that is not taken for 1 year is returned *tobaitul maal* accredited.

If the pawned item does not sell well at auction, the item will be auctioned in the following period, or it can be purchased by the pawnshop itself and the losses incurred are borne by the Pawnshop Company.

In case one, the collateral auctioned by the pawnshop suffered a loss due to low gold quality test results where the gold changed colour to reddish. So that also affects the selling price of gold. Pegadaian continued to sell because they thought that the results of the auction sale were still able to cover losses from unpaid customer loans.

In case two, the sale from the auction results of the Pegadaian experienced a profit, even though the profit was not too large. The collateral items that are being auctioned do not change colour, this indicates that the quality of the gold being sold is good, so buyers are willing to bid at a higher price.

Thus, it can be concluded that the sale and purchase law is valid in all cases because the principles and conditions have been met. The pillars of buying and selling are the people who make the contract, the goods made, and the contract. The contract conditions: reasonable, with their own will, both are not wasteful, and puberty. The condition of the promised item is that it is clean, can be used, belongs to the person who made the contract, can hand it over, item is known by the seller, and the buyer with a clear substance, form, rate (measurement) and nature, and the item that is promised is in hand. Sight conditions are that the conditions of consent and acceptance are related, that there is an agreement between the two even if the pronouncement of the two is different, that both conditions are not linked to other matters, and that the time is not limited because buying and selling for a period of like a month or a year is not valid.

Presentation of Data and Identity of Respondents

The title raised by the author is to examine the analysis of the Practice of Auctioning Guaranteed Goods at Banjarmasin Sharia Pawnshops Study of Banjarmasin Ulama Perspective Analysis South Kalimantan. Following are the results of interviews with the scholars who were taken as research respondents:

1. AHA (initials)

The results of the interview with him said that Islamic pawnshops are non-bank financial institutions that focus on financing with the principle of pawning (*rahn*). Collateral in Sharia pawnshops proves the customer's commitment to paying off the financing. And to protect the interests of the pawnshop itself as the financier. If the customer does not have good faith in paying, even though efforts have been made in direct billing, letters of reprimand, etc., according to the pawn shop's soup, then the pawnshop has the right to auction off collateral to cover the debt. If it is less, the deficiency will be billed again to the customer, if it is more, it will be returned to the customer.

2. M (initials)

He said that the pawnshop is an institution that focuses on financing, he added that related to the auction of collateral will not be carried out immediately, but if the customer cannot carry out his obligations according to the agreement that has been signed. And the collateral that will be auctioned is adjusted to the amount the borrower owes.

3. MY (initials)

He said that Sharia pawnshops are institutions that provide money lending facilities to their customers by accepting goods as collateral for the debt. Then the Sharia pawnshop benefits from the cost of safekeeping maintenance of the guaranteed goods. He added that the concept of collateral auctions at Sharia pawnshops openly sells collateral to the bidder with the highest price.

4. M (initials)

He said people now get convenience with Sharia pawnshops for people who need funds (*entanglement*) by obtaining loan funds using a contract. Then the customer is asked to provide collateral in gold, BPKB, etc. He added regarding the concept of

auctioning collateral at Sharia pawnshops, if it is by the DSN Fatwa and carried out according to the Fatwa, then the law is *Mubah*.

5. NKA (initials)

He said that Sharia pawnshops are one of the systems in which the pawnshop is by Islamic law. He added regarding the concept of collateral auctions at Sharia pawnshops, guarantees within the agreed time limit between the customer and the pawnshop. So if the customer cannot redeem within the agreed time limit, the collateral will be sold or auctioned. The process and mechanism for auctioning collateral items are by the SOPs and agreements that have been agreed upon.

CLOSING

In the Islamic economic review, the practice of auctioning collateral is not prohibited by Sharia, but in terms of Mursalah it will be less profitable for the pawnbroker because the purchase price may be less than optimal for the buyer of the pawned item being sold due to the limitations of the buyer and sometimes causing losses when the collateral it is not sold so the pawnbroker buys it himself. Sharia pawnshops should conduct auctions with an open system so that the law of demand and supply occurs appropriately, allowing the pawnshop to obtain the optimal market price.

AHA respondents said that Islamic pawnshops are non-bank financial institutions that focus on financing on the principle of pawning (*rahn*). Collateral in Sharia pawnshops proves the customer's commitment to paying off the financing. In line with the opinion of Respondent M, he stated that pawnshops are institutions that focus on financing, he added that related to the auction of collateral, it will not be carried out immediately, but if the customer cannot carry out his obligations according to the agreement that has been signed. And the collateral that will be auctioned is adjusted to the amount the borrower owes. Regarding the concept of the collateral auction, Respondent MY believes that Islamic pawn shops sell collateral openly to the bidder with the highest price. Then Respondent M added regarding the concept of auctioning collateral items at sharia pawnshops, if it is by the DSN Fatwa and carried out according to the Fatwa, then the law is *Mubah* (permissible). Meanwhile, Respondent KA He added regarding the concept of collateral auctions at Sharia pawnshops, guarantees that are within the agreed time limit between the customer and the pawnshop. So if the customer cannot redeem within the agreed time limit, the collateral will be sold or auctioned. The process and mechanism for auctioning collateral items are by the SOPs and also the agreements that have been agreed upon.

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