

## Fiqh Muamalah Sharia Pawnshop

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### ABSTRACT

Pawn is a form of guarantee in a loan agreement. even this product can be said to be a superior product in every Islamic financial institution. Transactions in this pawnshop must be strictly monitored so that each transaction can provide benefits. Many studies have been conducted on the application of fiqh muamalah pawnshops, especially in pawnshops or Islamic banking financial institutions. The current research will group the research topics of fiqh muamalah pawnshops to find out the existing research map so that it can be seen what has been researched and further research opportunities for the expansion of research and development of muamalah fiqh. By using qualitative research with content analysis and focus discussion groups with economists, the articles used were 15 articles published in journals in Indonesia from 2018 to 2021, the topic of this muamalah fiqh research consisted of 5 topics, namely (1) provisions sharia law regarding pawnshops, (2) the suitability of the DSN MUI fatwa transaction for pawnshops (3) public interest in pawning, (4) products in sharia pawnshops, and (5) marketing strategies for sharia pawnshops.

**Keywords:** transaction, contract, sharia pawnshop.

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## INTRODUCTION

The problem of mu'amalah which continues to develop following the times, must be understood as one of the developments of science, so that Islam as a religion of Rahmatan Lil 'Alamin must be present as the best solution in every problem of the ummah, especially those related to Mu'amalah.

The issue of muamalah, of course, must be done properly and correctly in accordance with Islamic law, this is done with the aim of preventing damage to humans and bringing benefits to them, directing them to truth, justice and wisdom and explaining the path that must be traversed by humans. Muamalah problems always keep growing. However, care must be taken so that these developments do not cause life difficulties for certain parties caused by pressures or deception from other parties. The issue of muamalah is a problem that is always actual in the midst of society because muamalah develops in accordance with the development of human civilization itself.[1] because Islam teaches to do muamalah on a voluntary basis without containing elements of coercion and maintaining the values of justice, do not take opportunities in narrowness and avoid elements of persecution.

In bermu'lah there are many ways that a person does to help others, whether it is done by giving or giving debts. In the matter of debt and receivables, Islamic law regulates in such a way, such as the interests of the creditor (the lender) and the debtor (the recipient of the loan) so that they do not get a loss or harm each other. Therefore, in debt, Islamic law allows creditors to request goods from debtors as collateral for their debts. This is done in order to maintain the peace of mind of the creditor, so that if the debtor is unable to pay off his debt, then the collateral may be sold by the creditor. In Islamic law, this concept is known as rahn or pawn.

Islamic financial institutions have become familiar institutions in society, especially in Indonesia with a majority Muslim population, the presence of sharia financial institutions provides an answer to the transaction needs of today's society which can be said to not only want a solution but also the benefit and goodness of a transaction. which is conducted. One of the solutions is Pawning or Pawning which has become the main product in the core business of Islamic financial institutions.

Pawn is a right that is obtained by a person who has a debt on a movable object which is handed over to him by a person or by another person on his behalf and which gives the authority to the person who owes the debt to take precedence over the repayment of the item; with the exception of the cost of auctioning the item and the cost that has been incurred to save it after the item is pawned.

The pawn that is discussed in this research is not like a pawn that usually occurs in the community, but has become a discussion between Islamic financial institutions and direct creditors, so there has been a special discussion on how the legal basis and provisions apply in Islamic legal norms so that transactions is in accordance with Islamic law.

So all mu'malah fiqh products that involve an institution will definitely involve a sharia financial institution directly, so it must be studied how the provisions of transactions and contracts are in accordance with sharia.

By researching studies on sharia pawning or pawnshops in Indonesia, published in journals, and publishing their studies between 2018 and 2021, these studies can be grouped into 5 topics, namely (1) sharia law provisions regarding pawnshops, (2) conformity of the transaction (akad) to the DSN MUI fatwa regarding pawning, (3) public interest in sharia pawnshops, (4) sharia pawnshop products, and (5) marketing strategies for sharia pawnshops. The results of the analysis of this published article provide an illustration that there are still

many opportunities and opportunities to conduct other studies regarding the fiqh of muamalah pawning or sharia pawnshops.

## METHOD

This study uses qualitative research methods with content analysis from articles obtained in the Google Scholar and interviews using focus group discussion (FGD) techniques. Content analysis aims to obtain a mapping of the main themes discussed in the article obtained over a certain period of time. The FGD aims to gain perspectives from academics in the economic field regarding the themes discussed in this article.

This research was conducted by analyzing 15 articles published from 2018 to 2021 in national journals (Indonesia). Article retrieval is done with the Publish or Perish (PoP) application from Google Scholar. The keywords used are “fiqh” AND “gadai” or “pawning” or “pegadaian”. The year of data collection is from 2018 to 2021. Data collection is carried out on May 30, 2022 on. The results of this data collection resulted in 159 articles.

From the articles obtained (159 articles), the selection of articles was carried out. Only articles published in selected journals and their content are related to fiqh muamalah and pawning. After carrying out a qualitative descriptive approach and content analysis, 22 articles were selected for further analysis. This descriptive qualitative approach and content analysis is carried out by reading the title, abstract, keywords, and conclusions that are relevant to the purpose of writing this article. Of the 22 selected articles, the authors conducted interviews using the FGD method to gain understanding from economic academics regarding the themes discussed.

## RESULTS AND DISCUSSION

The results of the content analysis of the selected articles according to the criteria are in Table 1.

**Table 1.** Article Content Analysis Results According to Criteria

| No | Author and Year            | Title   |
|----|----------------------------|---|
| 1  | Ariny, (2018)              | Law Pegadaian Sharia  |
| 2  | (Hasibuan & Siregar, 2020) | The Sharia Pawn Concept According to Syafi'i Antonio  |
| 3  | (Oktaviani, 2020)          | Comparison of legal aspects and implementation of pawning gold in Sharia Pawnshops and Sharia Banking in Indonesia  |
| 4  | (Maemunah, 2021)           | <i>Analysis of the Application of Fatwa No.68/DSN-MUI/III/2008 AND NO.92/DSN-MUI/IV/2014 Regarding Rahn Tasjily and the Financing Accompanied by Rahn</i> |
| 5  | Ibrahim, (2021)            | Practice Conformity and Application of Mu'nah with Fatwa Number 68/DSN -MUI/III/2008 on Land Pawn Practices at Sharia Pawnshops Cinere                    |
| 6  | Azkiya, (nd)               | Branch Compatibility Of Rahn Contracts In Sharia Payment Services With  |

|    |                               |  |
|----|-------------------------------|--|
|    |                               | Dsnmui Fatwa/ NO:25/DSN-MUI /III/2002 And Legal Protection Provided By Perum Pegadaian Syariah   |
| 7  | Basri & Azani, (2019)         | Implementation of the Rahn Contract at Sharia Pawnshops Based on the Compilation of Sharia Economic Law in Pekanbaru   |
| 8  | Luthfina, (2019)              | <i>Analysis Of Sharia Compatibility On Arrum Haji Products In Pegadaian (Case Study Of Sharia Pownership Babakan Surabaya Branch).</i>                                   |
| 9  | Septi, (nd)                   | Analysis of sharia compliance in the implementation of Rahn Tasjily's contract based on Fatwa No. 68/DSN-MUI/III/2008 and No. 92/Dsn-MUI/IV/2014 in Sharia Pawnshops ... |
| 10 | Okataviani, (2020)            | <i>Community Interest In Using Sharia Pegadaan (Study on Anindiya Housing Rt. 29 Rw. 01 Betungan)</i>  |
| 11 | Arifkan, (2021)               | Application of Multi-Akad in Pawn Contracts at the Sharia Pawnshop Sampang Madura  |
| 12 | Wahyuni Sinar, (2019)         | Sales of Sharia Pawn Products at the Sharia Pawnshop   |
| 13 | Ainurrizqi, (2020)            | Operational Management Analysis of the Gold Pawn Product with the Fatwa Perspective of Dsn Mui (Case Study at the Babakan Pawnshop Market)                               |
| 14 | Purnamasari, (2018)           | Sharia Marketing Strategy In Increasing Sales Of Product Services (Case Study on Sharia Pawnshops Sultan Adam Banjarmasin)   |
| 15 | Ulfa, (2019)                  | Analysis of Sharia Pawn Authority According to Financial Services Authority Regulation Number 31/ Pojk.05/2016 Concerning Pawnshop                                       |
| 16 | Dewi et al., (2020)           | Marketing strategy of gold saving products in pt. Pegadaian (PERSERO) nganjuk branch   |
| 17 | Suharyono, 2020)              | Sharia Pegadaan Strategy To Increase The Number Of Customers   |
| 18 | Toha, (2021)                  | Marketing Strategy Of Sharia Paid Products In Attracting Customers Interest In The Covid-19 Pandemic   |
| 19 | Hidayat, (2021)               | Marketing Strategy for Services Products Sharia Pawning (Rahn) in Increasing the Number of Customers   |
| 20 | Rahmatillah & Hasanah, (2020) | Marketing Strategy for Sharia Pawn Products in Increasing the Number of Customers from an Islamic Perspective  |
| 21 | Syarifuddin et al., (2020)    | Marketing Strategy In Increasing Gold Saving Products In Pt Pegadaian Syariah Banda Aceh Branch  |
| 22 | Hasni et al., (2022)          | Marketing Strategy for Gold Savings Products in an Effort to Attract Customers' Interest in Sharia Pawnshops, New Bogor Branch   |

From the selected articles in Table 1, the articles use qualitative research methods (100%). These articles are then further grouped based on the topics in each article and are related to the muamalah fiqh that is related to pawning. The results of this classification are

further analyzed to find out what are the most widely discussed topics, and what topics are still under discussion.

After sorting the articles by topic and year of publication, a description of the composition of the articles is shown in Table 2

**Table 2.** Description of Composition of Sorted Articles

| No    | Composition of Articles by Topic                                     |       |        | Number of Articles by Year of Publication |       |       |      |
|-------|--|-------|--------|---|-------|-------|------|
|       | Topics   | Total | %      | 2018                                      | 2019  | 2020  | 2021 |
| 1     | sharia law provisions regarding pawnshops                            | 3     | 13.6 % | 1   | -     | 1     | 1    |
| 2     | conformity of transaction (contract) to DSN MUI fatwa regarding pawn | 7     | 36.3%  | -   | 3     | 2     | 2    |
| 3     | Public interest in Sharia pawning                                    | 1     | 4.5%   | -   | -     | 1     | -    |
| 4     | Products in Sharia pawnshops   | 3     | 9%     | -   | 2     | -     | 1    |
| 5     | Marketing strategy at sharia pawnshops                               | 8     | 36.3%  | 1   | -     | 2     | 5    |
| Total |  | 22    | 100%   | 2   | 5     | 6     | 9    |
|       |  |       |        | 9 %                                       | 22.5% | 27.5% | 41%  |

Table 2 explains that, from the selected articles, the topics or subject areas discussed are grouped into 5, namely:

1. Sharia law provisions regarding pawning
2. transaction compliance (akad) with the DSN MUI fatwa regarding pawning
3. public interest in sharia pawning .
4. products in sharia pawnshops.
5. marketing strategy on sharia pawnshops.

The most discussed topic was the suitability of contract transactions against the DSN MUI fatwa regarding pawning. The topics that were least discussed were public interest in sharia pawnshops and marketing strategies for sharia pawnshops. The second most discussed topic is the provisions of sharia law regarding pawnshops and products in sharia pawnshops. Table 2 also explains that the most published articles in 2019,2020 and 2021.

### Sharia Law Provisions Regarding Pawnshop

Sharia law is a set of laws that are used to regulate the lives of Muslims comprehensively or universally. Islamic law comes from the Qur'an and Hadith, namely the words of the Prophet Muhammad SAW. So that all aspects of human life are very likely to be associated with Sharia Law and one aspect that really must be considered is in terms of muamalah, including regarding pawnshops..

One article discusses the Sharia Pawnshop Law (Ariny, 2018) and explains that rahn has been properly regulated by the Indonesian Ulema Council with the provisions of sharia law based on regulations issued by the National Sharia Council of the Indonesian Ulema Council (DSN-MUI), including: Fatwa No. . 25/DSN-MUI/III/2002 concerning Rahn, Fatwa No. 26/DSNMUI/III/2002 concerning Rahn Emas, Fatwa No. 43/DSN-MUI/VIII/2004 concerning Compensation (Ta'widh), Fatwa No. 68/DSN-MUI/III/2008 concerning Rahn Tasjily, and the Financial Services Authority issued OJK Regulation No. 31/POJK.05/2016 concerning Pawnshops.

there is even a special article that explains the law and the concept of pawning based on sharia economic experts, namely Muhammad Syafi'i Antonio (Hasibuan and Siregar, 2020) who argues that pawning is something that is allowed in Islam as part of muamalah even Islam teaches its people to live please help Therefore, Allah swt. does not stipulate the law (pawning), except in the presence of collateral held. If this attribute does not exist, then the law must also not exist. The scholars of the Maliki School say that pawning is binding with the existence of a contract. The pawnbroker is required to submit the mortgage so that it is controlled by the pawnbroker. Of course, the practice of pawning cannot be separated from the terms and pillars of pawning that must be met.

The concept of sharia pawning according to Syafi'i Antonio is in the form of a rahn contract used in sharia banking in the following cases: 1. Pawn is used as a complementary product, namely as an additional contract (collateral) to other products, such as in bai' al-murabahah financing. The bank can hold the customer's goods as a consequence of the contract. 2. Is a separate product as applied in Malaysia, rahn contract is used as an alternative to conventional pawnshops. The basic difference in sharia pawnshops is that customers are not charged interest because what is collected from customers is the cost of care, maintenance, care and assessment. The main difference between the rahn fee and the mortgage interest lies in the nature of the interest that can be accumulated and multiplied. While rahn costs only occur once and are set at the beginning.

Basically all Islamic financial institutions are very easy to implement the concept of sharia pawning in all products offered to the public because it is in accordance with the demands and desires of the community. And based on sharia law based on the Koran and hadith.

The opportunity to study how sharia law in pawning is still very possible with being limited based on the opinions of scholars and contemporary sharia economic thinkers.

### **Conformity of Transactions with Fatwa or Sharia**

DSN-MUI has the task of setting fatwas in accordance with the needs of the ummah, so that all matters relating to muamalah can run according to the fatwa so that it has become mandatory for DSN-MUI to supervise every transaction in accordance with the DSN-MUI fatwa. MUI . From the articles obtained, it is known that many articles discuss pawn transactions and their relationship with fatwas or sharia. Among these articles, among others.

1. *Analysis of the Application of Fatwa No.68/DSN-MUI/III/2008 AND NO.92/DSN-MUI/IV/2014 Regarding Rahn Tasjily and the Financing Accompanied by Rahn (Maemunah, 2021)*
2. *Conformity of the Practice and Application of Mu'nah with Fatwa Number 68/DSN - MUI/III/2008 on Land Pawn Practices at the Sharia Pawnshops Cinere Branch (Ibrahim, 2021)*

3. Compatibility Of Rahn Contracts In Sharia Payment Services With Dsnmui/Fatwa NO:25/DSN-MUI/III/2002 And Legal Protection Provided By Sharia Perum Pegadaan (Azkia,ND)
4. Implementation of the Rahn Contract at the Sharia Pawnshop Based on the Compilation of Sharia Economic Law in Pekanbaru (Basri and Azani, 2019)
5. *Analysis of Sharia Conformity on Arrum Hajj Products In Sharia Pegadaians (Case Study of Sharia Pawnsip Branch Babakan Surabaya).*(Luthfina, 2019)
6. Analysis of sharia conformity in the implementation of Rahn Tasjily's contract based on Fatwa No. 68/DSN-MUI/III/2008 and No. 92/Dsn-MUI/IV/2014 in Sharia Pawnshops (septi,N,d)
7. Application of Multi Contracts in Pawn contracts at Sharia Pawnshops in Sampang Madura (arifkan, 2021)

From the results of the article, it was found that all pawn transaction contracts were in accordance with the provisions of the DSN-MUI fatwa, pawning which is a type of tabarru' contract is a contract that is not oriented to profit or profit, so that it can be input for further research on how to pawn this product. It can be investigated how pawns which are the main products of Islamic financial institutions can also generate profits by modifying the tabarru' contract with the tijari contract so that the public can also be educated and become an interesting topic.

### **Public Interest in Sharia Pawning Islamic**

Financial institutions, both banks and non-banks at this time have also introduced many pawn products in their respective institutions, and it cannot be separated from the interest of the community who make pawning as a solution to help solve the financial problems they face. so that pawning becomes a fast and appropriate solution

The results of the article found that there was a discussion about public interest in sharia pawning and it was found that in fact the public's interest was quite high in sharia pawning, it was just that there were still many who discouraged their interest due to ignorance about sharia pawning, so it is hoped that in the future researchers can make the topic of sharia pawn education a topic of education. increasing public interest in sharia pawning so that sharia pawning is truly the right solution to the economic problems of the people

### **Syariah Pegadaian Products**

There are 2 articles that discuss this topic, namely discussing why people pawn gold. One of the reasons is that the pawn products currently available in pawn companies can be said to be in accordance with what is needed by the community in overcoming every economic problem. pawn this gold for consumptive needs in a relatively short period of time. The article that focuses on discussing products in sharia pawnshops is "Analysis of the Authority of Sharia Pawning According to Financial Services Authority Regulation Number 31/Pojk.05/2016 concerning Pawnshops" (Ulfa,2019)

### **These products include**

1. Arrum Haji This Sharia pawnshop product is engaged in the field of Hajj funds, which if a Muslim wants to plan to go to the holy land and lack funds. Arrum hajj can provide loans to customers of around 25 million. With fairly easy requirements, customers only guarantee gold worth IDR 7 million or precious metal weighing 15 grams, and submit a

- photocopy of their ID card, and fulfill the requirements as a Hajj registrar. This product has the advantage that customers can get Hajj savings which can be used directly to obtain Hajj portion numbers
2. Arrum BPKB For people who need funds for the development of micro-enterprises, Sharia pawnshops offer arrumBPKB products. This product makes it easy for customers to get loans with vehicle bpkb guarantees. Requirements to be able to get this loan, customers must have a business that has been running for about a year and attach a photocopy of their ID card, family card (KK), and the original BPKB (motor vehicle owner's book). The advantage of this product is that if you borrow business capital at a Sharia pawnshop, you can choose a loan period from 12, 18, to 26 months.
  3. Amanah This product offers services in the purchase of a vehicle, either a motorcycle or a car. For a down payment for a motorbike, the customer must pay 20% of the price and 25% for a car from the price. The installment period starts from 12, 18, 24, 36, 48 to 60 months.
  4. Rahn (Sharia Gadai) This product provides loans in about 15 days. Loans can be obtained from IDR 50,000 to IDR 200 million with a loan term of four months. Requirements to apply for a loan of money by bringing collateral in the form of gold jewelry, Bpkb, and other valuables
  5. Multi Payment Online
  6. Paying electricity, water, telephone bills, to buying train tickets can now be done through the Online Multi Payment (MPO) product.
  7. Gold Consignment This product provides a gold bullion sale and deposit service. Customers can buy gold as well as deposit it for consignment at the Sharia Pawnshop. The customer will receive a share of the sales proceeds if the consigned gold is sold. Thus, the gold that we deposit will be more productive and can provide profits than just being stored
  8. Gold Savings By buying gold starting from IDR 6,000 or 0.01 gram equivalent, we can already invest in gold. By opening a gold savings account at the nearest outlet. As well as filling out an account opening form and paying an administration fee of IDR 10,000 and a 12-month deposit facility fee of IDR 30,000. attach identification such as ID card, driver's license or passport.
  9. Mulia Products Mulia Pegadaian Syariah serves the sale of gold bars to the public. This product can be used as an alternative investment option for the future. We can use the results of this investment to buy a house, vehicle, or pilgrimage. The gold bars in Mulia's products can be purchased from 5 grams to 1 kilogram. Besides being able to be purchased in cash, gold bars can also be purchased in installments. For purchases by installments, Pegadaian provides a choice of down payment for purchases ranging from 10 percent to 90 percent of the gold value. Meanwhile, the installment period starts from 3 months to 36 months.

From the exposure of the products above, it can be concluded that the opportunity to research sharia pawnshop products is still quite a lot and is open, this can be seen from the many products offered by sharia pawnshops. From the results of journal literacy that researchers have done, it can be said that currently the dominant object of research is the product of arrum haji and noble.

### Marketing Strategy at Sharia Pawnshops

Marketing is important in developing and sustaining business, so that marketing strategies are things that must really be considered, including the marketing strategy carried out by sharia pawnshops in attracting customers who need sharia pawnshop services.

Marketing of goods or services is an activity of offering or selling but is broader than that, a company is said to be successful, judging from how the company is able to overcome the constraints of the company's internal and external factors. One of the marketing strategies carried out by Islamic pawnshops in marketing their products is marketing strategies during the pandemic, which include:

1. Sharia Marketing Strategy In Increasing Product Service Sales (A Case Study on the Sultan Adam Banjarmasin Sharia Pawnshop Service Unit) (Purnamasari, 2018)
2. Marketing Strategy Of Gold Saving Products In PT. Pegadaian (PERSERO) Nganjuk Branch (Dewi.et.al,2020)
3. Strategy Of Sharia Pawnshop In Increasing The Number Of Customers (Suharyono, 2020)
4. Marketing Strategy Of Sharia Pawn Products In Attracting Customers Interest In The Covid-19 Pandemic (Toha, 2021)
5. Marketing Strategy for Sharia Pawn Service Products (Rahn) in Increasing the Number of Customers (Hidayat, 2021)
6. Marketing Strategy for Sharia Pawn Products in Increasing the Number of Customers From an Islamic Perspective (Rahmatilah and Hasnah, 2020)
7. Marketing Strategy In Improving Gold Saving Products At Pt Pegadaian Syariah Banda Aceh Branch (syarifudin et al 2020)
8. Marketing Strategy for Gold Savings Products in an Effort to Attract Customer Interest in the New Bogor Branch Sharia Pawnshop (Hasni, Et.al 2022)

From the eight articles, it was found that there are two articles that discuss almost the same about marketing strategy, which can be seen from the results of the SWOT analysis consisting of the IFAS matrix (internal factor analysis strategy), EFAS (external factor analysis strategy) namely strengths and weaknesses and the EFAS matrix namely opportunities and threats so that it will show the results of the SWOT analysis and the IFE (Internal Factor Evaluation) matrix, the EFE (External Factor Evaluation) matrix, the SWOT (Strength, Weakness, Opportunities, Threats) matrix, and the Company's IE (Internal-External) matrix.

There is one article related to marketing strategies during the COVID-19 pandemic, namely with 4 strategies : 1. Social media marketing, here the pawnbroker uses the internet, because the features provided by this social network are very helpful in marketing products and services to the public. 2. Door to door, this is also done by the pawnshop to visit residents' homes to introduce their products and services. 3. Making banners or brochures, to share this, the pawnbrokers also do marketing their products, seen on the road we will find large banners that are clearly visible about sharia pawnshops, or employees also go to the field to distribute brochures with cheap promotions with there is a big discount at the end of the year. 4. Expanding the network of relations with the mass media, this is also important in building relations with the mass media. So that it can help reach the national market and the pawnshop also has branch offices spread across several cities in Indonesia.

In the other five articles, it can be said that all of the marketing strategies offered are almost the same, namely with product and service innovation strategies so that they can provide more

varied offers to customers. There are still few articles that discuss marketing strategies with SWOT analysis techniques so that it is possible to do further research on this marketing strategy.

## CONCLUSION

Published in journals published in Indonesia between 2018 and 2021, and relating to sharia pawnshops or sharia pawnshops or pawnshops can be grouped into 5 discussion topics, namely (1) sharia legal provisions regarding pawnshops, (2) transaction suitability (contract) on the DSN MUI fatwa regarding pawning, (3) public interest in sharia pawnshops, (4) sharia pawnshop products, and (5) marketing strategies for sharia pawnshops. The most discussed topics in the articles reviewed are the suitability of transactions (akad) against the DSN MUI fatwa and marketing strategies for sharia pawnshops. The least discussed topic is public interest in sharia pawning.

There are still many opportunities to conduct further research on Islamic pawnshops or pawnshops, especially those in Indonesia. Several alternatives for further research include how public interest is in sharia pawning and product innovations that make it easier for people to invest and marketing strategies that can be a bridge for public education about pawning.

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