

The Modern Group Rotating Savings (Arisan) as Microfinancing Product: Fine Imposition and Islamic Law Respond

Fauzul Hanif Noor Athief

Universitas Muhammadiyah Surakarta, Indonesia

Sundari

Universitas Muhammadiyah Surakarta, Indonesia

Imron Rosyadi

Universitas Muhammadiyah Surakarta, Indonesia

Abstract:

Rotating savings (arisan) has evolved according to current modern society. Arisan nowadays serves as microfinancing using digital platform. However, as a microfinancing unit, it imposes fine and late payment charge as the risk mitigation effort. The purpose of this study is to find out how Islamic law responds towards this phenomenon by firstly elaborating the detail of this online arisan mechanism and its fine imposition. This study uses qualitative research to understand phenomena in a social context by interviewing one arisan group and 37 participants. This study found that the fine imposition is applied well within the arisan group and serves as prevention for any late payment from its member. However, the usage of the late payment charge doesn't follow the guidance made by Indonesia Board of Fatwa (MUI) and the Islamic Economic Laws Compilation (KHES) where such fund must be channeled for social purpose whereas in this case, the owner of the arisan group used the fund for personal purpose only.

Keywords: Islamic Law; Microfinance; Fine; Late Payment Charge

Introduction

Humans as one of the creatures created by Allah SWT, are social creatures who cannot live alone and need the role of others in living life in this world. Humans are living beings who must always interact with others. There are various ways of interacting between people carried out by society in general, such as mutual cooperation activities and community service. Humans create social groups among themselves with the aim of maintaining life and developing life and meeting each other's needs.¹ The association of fellow human beings that aims to meet their needs is called muamalah.² The definition of muamalah itself is an activity that regulates

¹ Saputri, Elya. 2021. "Penetapan Honorarium Admin Arisan." *Skripsi IAIN Bengkulu*.

² Aprianoro, Muhamad Subhi, Fauzul Hanif Noor Athief, Imron Rosyadi, Lukmanul Hakim, Nur Rizqi Febriandika, S. Sy, M. B. A. M SEI et al. (2023) *Hukum Ekonomi Syariah: Sebuah Kajian*

matters related to human activities.³

Along with the development of the times in terms of muamalah in this era of globalization, there are various ways to meet the needs of each life. The more modern the era, the needs of human is also increasing. Economic development in Indonesia demands that people be more creative in improving their respective economies. For instance, in the surge of cryptocurrency, there are people who develop such currency in Indonesia called Inacoin.⁴ Another development can be found in Indonesia is the venture capital that said to have potential in boosting SMEs development.⁵ A cashless society even started to bloom in Indonesia.⁶ Another development of muamalah that caught people interest is the community activities to fulfill their daily needs called group rotating savings or locally known as arisan.

Arisan is an activity to collect money carried out by a group of people and then draw lots among them and hold periodic meetings until all members get the lottery. In arisan activities apart from having an element of mutual help, there are also activities to exchange ideas and help the economy of fellow arisan members so that this activity becomes the attraction of the community. Usually in this rotating savings, every time one of the members wins a lottery, the person has an obligation as the host of next social gathering that includes arisan activity.⁷

However, technological advances that are always developing from time to time gives significant change in human life.⁸ With this technological advancement, it is possible for arisan groups to be carried out online or often referred to as online arisan. Online arisan is the use of social media or other similar platform that is connected to the internet to hold social gatherings without physical meetings. One of the online applications that is often used for social gathering is WhatsApp. This application is very easy to operate, where people can get in contact with literally anybody in any part of the world. There are many features that can be used in the WhatsApp application, such as video calls, telephone calls, chat, sending pictures or videos and being able to share moments so that WhatsApp contact friends can see them. Because there are many complete and easy features, there are many people who use it. Online arisan using Whatsapp application is carried out by creating a group consisting of

Komprehensif. Muhammadiyah University Press.

³ Fitriani, Rina, Jalaludin Jalaludin, and Ahmad Damiri. "Praktek Jual Beli Barang Sistem Arisan di Desa Gardusayang Kecamatan Cisalak Kabupaten Subang Dalam Perspektif Ekonomi Syariah." *EKSISBANK (Ekonomi Syariah dan Bisnis Perbankan)* 5, no. 1 (2021): 1-16.

⁴ Windiastuti, Filka Catur, and Fauzul Hanif Noor Athief. "Inacoin cryptocurrency analysis: an Islamic law perspective." *Journal of Islamic Economic Laws* 2, no. 2 (2019): 152-177.

⁵ Athief, Fauzul Hanif Noor. "Embedding crowdfunding structure in Islamic venture capital for SMEs development." *Economica: Jurnal Ekonomi Islam* 10, no. 1 (2019): 1-28.

⁶ Zafani, Dita, and Moh Musfiq Arifqi. "Cashless Society on GoPay: An Islamic Economic Perspective." *Journal of Islamic Economic Laws* 3, no. 2 (2020): 141-158.

⁷ Dewi, Erlin Kusnia, Anak Agung Sagung Laksmi Dewi, and I. Made Minggu Widyantara. "Akibat Hukum Terhadap Pelaksanaan Arisan Online Berdasarkan Undang-Undang Nomor 19 Tahun 2016." *Jurnal Konstruksi Hukum* 2, no. 2 (2021): 296-302.

⁸ Purwantini, Anissa Hakim, Fauzul Hanif Noor Athief, and Faqiatul Mariya Waharini. "Indonesian consumers' intention of adopting islamic financial technology services." *Shirkah: Journal of Economics and Business* 5, no. 2 (2020): 171-196.

members of the gathering and admins who manage the gathering.⁹

It is important to note that arisan which was previously a type of social gathering associated with a rotating savings to help each other is different nowadays in the modern time. It can be seen that participants of modern arisan in its online form are mostly people who seeks for small short term financing with no collateral involved nor any central bank checking. This type of activity falls under the category of microfinancing. Microfinancing is a category of financial services that target individuals and small businesses who lack access to conventional banking and related services. The goal of microfinancing is to provide financial opportunities and support to low-income individuals and groups who would otherwise have no access to financial services.

In this online arisan, the owner will take benefit from the early payment and late payment fines. The initial payment here is an advance payment (administration) that must be paid to the admin with a predetermined amount. Meanwhile, the late payment fines in online arisan is imposed due to the inability of participant in fulfilling their savings duty on time. The admin will impose a fine on the participant for any late payment, whether on purpose or due to any external factors. Islam never acknowledge late charge payment in any financial contracts. This preposition still held until modern day where we can see fatwas introduced by any authority always state that any income from such charge is considered as not halal.

However, arisan is not a pure loan and savings product. Scholars express different opinion on how Islam should look this arisan. There are opinions that arisan is a local Indonesian wisdom on helping each other by conducting savings that is managed by a person to help a member of arisan group in need. However, others see it as an savings where people gives its money that can be obtained later based on lottery. Others opine that it is a loan for people who obtained the lottery in the early time. In addition, when it comes to the modern model of arisan, it requires another fatwas or opinions to judge its islamicity. Thus, there is a big need to see how Islamic law respond on this modern arisan and regarding the rule of fine imposition on late payment. Based on the background above this research specifically address these questiones. First, how are the modern arisan are generally conducted. Second, how is the rule of any fine imposed during the arisan. Third, how Islamic law respond to such phenomena. Specifically, this reserach takes Jaya Bersama Arisan (a fabricated name, since the true name of the arisan group is not allowed to be published) since this group has very strict rule regarding the late of making savings while in the same time has members who enroll to the group not only for one round, but for several rounds.

Theory on Group Rotating Savings

In the Indonesian dictionary, arisan is the collection of money or goods of the same value by several people, then a lottery is drawn between them. The lottery is

⁹ Pratiwi, Febriyora Surya, Novita Indah Pitaloka, Erizkika Mochammad Arsy Rofi, Izzatul Isma, Chamdana Taqie Samboro, and Nur Aini Rakhmawati. "Analisa Kegiatan Arisan Online yang Dilakukan di Grup Facebook." *JIEET (Journal of Information Engineering and Educational Technology)* 4, no. 2 (2020): 60-66.

carried out periodically until all members get the arisan with a predetermined nominal amount. Arisan in social life is very useful because it can be a means of saving and a source of loans for all those who need it. Because indirectly participating in arisan activities means forcing yourself to save and will later be used to make ends meet. In addition, arisan is also one of the activities that promotes mutual cooperation. Therefore, Indonesian people really like social gathering activities. The majority of scholars say that the law of social gathering is permissible. In the Al-Quran and in the arguments, there are no facts regarding the prohibition of holding social gatherings. So that the legal arisan is permissible or may as long as it does not harm other people. In this era of globalization and technological advances, there are many different types of arisan to suit your needs. Generally, arisan is an activity to collect money. However, in Indonesia there are various types of arisan other than money arisan. This is a special attraction for the community towards social gathering. The following are the types of arisan in Indonesian society.

1. Ordinary or Conventional Arisan. This arisan is carried out by meeting members of the arisan group at a predetermined time according to a mutual agreement. Members collect the same amount of money for each person according to the agreed nominal with the same amount. After the arisan money has been collected, the names of the members of the arisan group are drawn. the name of the member who comes out of the lottery will be the first participant who is entitled to get the social gathering money.
2. Arisan of Goods. In the gathering of goods, there are two types of transactions. Transactions can be made with goods or money in accordance with the mutual agreement and the same nominal if it is money and the same amount if it is goods. If the transaction is carried out using money, the participant is required to deposit a sum of money with the same nominal value for a certain period. If the money has been collected, an item will be purchased that has been agreed upon from the start. All participants will get the same item at the same price and no one can choose because it has been agreed from the beginning what item will be purchased. Then the drawing of the names of the members can be done after the purchase of goods or when the money has been collected, according to the agreement. However, if the transaction uses goods, the participants collect the items to be collected for social gathering with the same type and amount. Once collected, a draw will be carried out and the winner of the lottery will receive all the items collected that day. Other participants will also get the same amount during a certain period.
3. Family Arisan. This arisan is almost the same as an ordinary arisan, namely by collecting money with the same nominal value for each member of the arisan group. Then a draw is carried out in each period. In this arisan is usually done from house to house so that this arisan in addition to collecting money is also an activity that is useful for establishing friendship between family and neighbors.
4. Arisan of Gold. Gold arisan is now popular among Indonesian people. In this social gathering, the participants don't deposit gold, but deposit money every month. Participants must deposit money as a down payment (DP) to redeem

gold. The deposit amount is deposited according to the agreed price and weight of gold. This gathering is usually done by a pawnshop, so this gathering is safe from fraud. The participants will also get a certificate if later they get gold. However, this arisan is held with limited participants, so that the circulation of money does not take too long because it is only drawn every month.

5. Online Arisan. Online arisan is an activity to collect money or goods by several people who are connected and managed by the admin or owner of the arisan one using the internet as a place for transactions and determines periodic draws until all members get it.¹⁰ In online arisan there are various types of arisan. The following are various types of online arisan. First, decreasing arisan is an arisan whose payment amounts vary but get the same result, but each participant has the right to determine the deposit amount based on a predetermined amount of time. Second flat arisan is a system with the same deposit amount for each member. Third, arisan duos is an arisan conducted by three people where the first party becomes the responsible admin then the second party becomes the creditor, the third party becomes the debtor.

Previous Studies

Previous research related to fines in Islamic law as well as Islamic law regarding arisan has been carried out by several academics, this is due to differences in several opinions by scholars accompanied by explanations of the legal basis of both the Al-Quran and As-Sunnah. Among these studies is that conducted by Qamariah¹¹ who conducted a review of Islamic law on the practice of online arisan that took place in the city of Jayapura. This research focuses more on the practice of online arisan against Islamic economic law. The results of this study indicate that there are three types of online arisan that are carried out. Among them are declining online arisan, flat online arisan and duos online arisan. Besides that, there are also several irregularities that occur, especially in the online arisan system in the city of Jayapura, which contains wakalah elements. However, within the wakalah element there is a discrepancy between the practice of online arisan in the city of Jayapura and Islamic economic law due to practices (gharar) or uncertainty, bets (maysir), and additional debts and receivables that give rise to usury.

If Qamariah conducted research that only focuses on the practice of online arisan that occurs in the city of Jayapura, Rusmaidah and Nurul Huda¹² conducted research on a review of muamalah fiqh on online arisan with a descending system with a case study on the Arisanby.Ofi Instagram account. In this study there were several things that were appropriate and not in accordance with the principles of

¹⁰ Pratiwi, Febriyora Surya, Novita Indah Pitaloka, Erizkika Mochammad Arsy Rofi, Izzatul Isma, Chamdana Taqie Samboro, and Nur Aini Rakhmawati. "Analisa Kegiatan Arisan Online yang Dilakukan di Grup Facebook." *JIEET (Journal of Information Engineering and Educational Technology)* 4, no. 2 (2020): 60-66.

¹¹ Tiflen, Siti Qamariah. "Tinjauan Hukum Ekonomi Islam Terhadap Praktek Arisan Online Di Kota Jayapura." *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 6, no. 1 (2021): 11-23.

¹² Rusmaidah, Niken, and Huda, Nurul. "Tinjauan Fiqh Muamalah Terhadap Praktik Arisan Online Sistem Menurun (Studi Kasus Pada Akun Instagram Arisanby. Ofi)." *Skrripsi UIN Surakarta* (2020).

muamalah fiqh. Some things that are in accordance with the principles of fiqh muamalah are the fulfillment of the pillars and conditions of qardh and ijarah contracts. Whereas what is not appropriate is the implementation system because there is an element of usury due to admin fee costs that are not properly allocated even though it has been agreed by both parties.

Because there are many types of online arisan, Masithah¹³ conducted research on a review of Islamic law on the implementation of mobile online arisan on Instagram with a case study on the Tikashop_bdl Instagram account. In this study, the online arisan was not much different from other types of online arisan. It's just that in this social gathering the results obtained are in the form of goods. The results of research on mobile phone online arisan according to a review of Islamic law are that it contains usury because there is no clarity between members of the arisan and the arisan is not in accordance with the contract so that the arisan is unlawful.

Online arisan is no stranger to the existence of a fine system that requires participants to pay a certain amount of money for violating the rules of online arisan. Novia conducted research that discussed a review of sharia economic law against online arisan fines in Bengkulu.¹⁴ This study raises the same topic as the author. The results of this study are that fines for online gathering are prohibited because there is fraud and participants object to paying fines. However, there are differences of opinion among scholars who say that fines are permissible and some are not permissible based on the Al-Quran and As-Sunnah. So the authors are interested in conducting research again on the review of sharia economic law at online gathering Jaya Bersama.

In addition to research on fines on online gatherings by Novia, Anan conducted research on sharia economic law on fines for Gopay Paylater loans in the city of Purwokerto.¹⁵ The executor of the contract used in PayLater transactions with consumers is the al-Qardh contract. Even though there are eels helping each other, there are additional fines that apply, so there is riba so that the implementation of PayLater according to sharia economic law is unlawful. Different from previous studies, Muhajirin conducted more specific research on fines, namely al-gharamah al-maliyah in case studies of applying dena in cases of delayed payment of debts.¹⁶ Based on the opinions of the scholars as well as the Al-Quran and As-Sunnah, the results of this study concluded that property fines can be carried out if they comply with Islamic law. fines can also be used as an alternative to the loss of benefits and losses experienced by the debtor.

¹³ Masithah, Siti. "Tinjauan Hukum Islam Tentang Pelaksanaan Arisan Online Handphone Di Instagram (Studi Pada Pemilik Akun Instagram@ tikashop_bdl)." *Skripsi UIN Raden Intan Lampung*. (2018).

¹⁴ Ilhami, Novia. "Tinjauan Hukum Ekonomi Syari'ah Terhadap Penetapan Denda (Al-Gharamah) Dalam Arisan Online Amanah di Kota Bengkulu." *Skripsi IAIN Bengkulu* (2021).

¹⁵ Yaqien, Anan Aenul. "Tinjauan Hukum Ekonomi Syari'ah Terhadap Denda Pada Pinjaman Gopay Paylater Di Kota Purwokerto." (2021). *Skripsi UIN Purwokerto*.

¹⁶ Muhajirin, "Al-Gharamah Al-Maliyah: Studi Kasus Penerapan Denda Pada Kasus Penundaan Pembayaran Akad Utang Piutang." *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial* 7, no. 02 (2019): 235-256.

Another research conducted by Saputri on the determination of the honorarium for online arisan admins in the city of Bengkulu according to sharia economic law.¹⁷ The results of this study indicate that the online arisan admin honorarium is mubah because it fulfills the ujakad and ujah pillars. The entire research mentioned above uses qualitative research where each research uses a case study on an online social gathering activity. In each discussion there are several Islamic laws regarding online arisan activities and Islamic law regarding fines which differ in each result. Meanwhile, the research that the author wrote only focuses on Islamic law on fines in online arisan. Research on fines in arisan is very interesting to study.

Method

This type of research used is qualitative. Qualitative research is the collection of data obtained from interviews with informants conducted by researchers in depth in natural, online or social situations. This study emphasizes understanding of problems in social life based on reality conditions.¹⁸ Primary data in this study are members and admins at online arisan Jaya Bersama. The primary data collection technique used by the author is an in-depth interview with one of the members and the admin of the online arisan Jaya Bersama. Interview is seen as the most appropriate technique to dig the data from a field research.¹⁹ Next, the authros analys all the data that has been obtained. Data analysis techniques are data processing processes that go through a systematic search and compilation process. After all the necessary data is collected and sufficient, the data will be analyzed using descriptive analysis. The data is then summarized by pulling from general statements to specific statements. From this analysis, an interpretation of the data will be obtained according to its purpose by thoroughly but systematically describing the research findings, especially the facts related to the problems discussed in the research on the review of Islamic economic law on the fines imposed by Jaya Bersama online arisan.

Results and Discussion

Informants

There is only one admin for this online gathering, namely AL, a student from a private university domiciled in Klaten. Meanwhile, the participants of the online gathering Jaya Bersama came from various groups of people, such as students, university students, employees and housewives. The total arisan participants are 38 people with 5 active arisan periods where each arisan has a specific target and the arisan participants are free to join whichever arisan according to the needs of the participants. In this online arisan, the target of the first arisan participants is students because most students prefer to attend arisan because it is easier to save. In addition, students also have many necessities of life but are not balanced with income so that

¹⁷ Saputri, Elya. "Penetapan Honorarium Admin Arisan." (2021) *Skripsi IAIN Bengkulu*.

¹⁸ Irianto, Sulistyowati. "Metode Penelitian Kualitatif Dalam Metodologi Penelitian Ilmu Hukum." *Jurnal Hukum & Pembangunan* 32, no. 2 (2017): 155-172.

¹⁹ Rosyadi, Imron, Fauzul Hanif Noor Athief, and Darlin Rizki. "Islamic Solution on the Agricultural Land Leasing Problem: Case of Excessive Time Dispute." *Jurnal Ilmiah Al-Syir'ah* 20, no. 2 (2022): 139-156.

students find it difficult to manage finances. This has made many students interested in participating in online arisan. In this online arisan, only a few people work as employees, housewives and students who take part in this online arisan Jaya Bersama.

Table 1. Informant details

No	Initial	Occupation	Domicile
1	TN	University student	Sukoharjo
2	RA	Employee	Wonogiri
3	QR	University student	Klaten
4	NA	University student	Klaten
5	SH	Employee	Sukoharjo
6	EG	Housewife	Sukoharjo
7	EX	Employee	Klaten
8	IN	University student	Sukoharjo
9	SE	University student	Sukoharjo
10	ME	University student	Wonogiri
11	DI	University student	Woonogiri
12	NA	University student	Klaten
13	GA	University student	Semarang
14	NA	University student	Sukoharjo
15	UL	Employee	Klaten
16	WI	Employee	Klaten
17	BE	Housewife	Klaten
18	DI	University student	Klaten
19	AY	University student	Yogyakarta
20	PI	Student	Klaten
21	EL	Employee	Purwekerto
22	LY	University student	Wonogiri
23	FI	Housewife	Sukoharjo
24	AR	Housewife	Wonogiri
25	CA	Employee	Yogyakarta
26	UM	Student	Klaten
27	CI	University student	Sukoharjo
28	AT	University student	Klaten
29	DH	University student	Klaten
30	EN	University student	Klaten
31	SH	University student	Klaten
32	AG	Student	Sukoharjo
33	RI	Student	Sukoharjo
34	KU	Student	Sukoharjo
35	AC	University student	Klaten

36	NE	University student	Wonogiri
37	AL	University student	Wonogiri
38	RE	University student	Klaten

The Mechanism of Online Arisan

This online arisan Jaya Bersama has five arisan periods that are still running today with different types of arisan and targets for each period. If the arisan is over, the admin will make a new arisan again and will carry out promotions on Facebook, Whatsapp and Instagram. However, in Jaya Bersama's online gathering, many people know about it by word of mouth. For example, one of the participants in the online arisan Jaya Bersama has a friend and the participant invites his friend to join the online arisan as well. This online gathering Jaya Bersama has several terms and regulations in it. Participants are required to pay an admin fee of IDR 15,000 to IDR. 50,000 to the admin on each arisan slot that is followed. This admin fee depends on how big the target of the arisan is attended by the arisan participants, the greater the nominal amount obtained, the greater the admin costs. Admin fees are used as one of the registration requirements by the admin. Arisan participants can only choose two types of arisan because there are only a limited number of participants who can take part. In this online arisan Jaya Bersama there are three types of arisan, namely flat arisan, declining arisan and duos arisan. the three arisan have almost the same rules and regulations, it's just that they differ in the form of their implementation.

1. Flat Arisan. Flat arisan is an arisan in which each participant receives and deposits the same money, except that the participants have to fight over the serial number. In this online arisan Jaya Bersama there are 2 flat arisan periods which are attended by 20 arisan participants where in each period there are 10 participants with different gain targets in each arisan period. In the first period of this flat arisan, the target obtained is Rp. 2,000,000 per ten days with ten members participating in the arisan where each participant is required to deposit Rp. 200,000 every ten days with an admin fee of Rp. 50,000 for participants who get social gathering. Whereas in the second period of this flat arisan the total arisan obtained is IDR 400,000 per five days and participants are required to deposit money to the admin in the amount of IDR. 50,000 seven days. The admin fee in this second period is Rp. 20,000.

Table 2. Simulation of Flat Arisan Get Rp. 2.000.000/10 days (first period)

No	Initial	Savings/10 days
1	LY	Rp. 200.000
2	FI	Rp. 200.000
3	AR	Rp. 200.000
4	CA	Rp. 200.000
5	UM	Rp. 200.000
6	CI	Rp. 200.000

7	AT	Rp. 200.000
8	DH	Rp. 200.000
9	EN	Rp. 200.000
10	SH	Rp. 200.000
Total		Rp. 2.000.000
Admin Fee		Rp. 50.000
Total Amount received		Rp. 1.950.000
<i>*Any late payment is not included</i>		

Table 3. Simulation of Flat Arisan Get Rp. 400.000/10 days (second period)

No	Initial	Savings/10 days
1	DI	Rp. 50.000
2	AY	Rp. 50.000
3	PI	Rp. 50.000
4	EL	Rp. 50.000
5	LY	Rp. 50.000
6	FI	Rp. 50.000
7	AR	Rp. 50.000
8	CA	Rp. 50.000
9	UM	Rp. 50.000
10	FG	Rp. 50.000
Total		Rp. 400.000
Admin Fee		Rp. 20.000
Total Amount received		Rp. 380.000
<i>*Any late payment is not included</i>		

- Descending Arisan. Descending arisan is an arisan system in which the deposit is different for each participant but gets the same arisan gain. The participant who receives the arisan earlier, the participant will pay a deposit that is more than the money received and the last participant who gets the arisan pays a deposit that is smaller than the amount of the arisan received so that the last participant will get a profit. In this online arisan Jaya Bersama there are two active arisan slots. The first descending arisan is the gain of Rp. 2,000,000 and the second slot declining arisan is Rp. 1,500,000. in accordance with the provisions of the decreasing arisan, participants will deposit money in a different amount but the income is the same. Participants will be charged an admin fee of Rp. 70,000 in the first arisan slot and Rp.40,000 in the second arisan slot.

Table 4. Simulation of Descending Arisan Get Rp. 2.000.000/10 days (first slot)

No	Initial	Savings/10 hari	Total	Difference
1.	EN	Rp. 300.000	Rp. 3.000.000	-Rp.

				1.000.000
2.	SH	Rp. 280.000	Rp. 2.800.000	-Rp. 800.000
3..	AG	Rp. 270.000	Rp. 2.700.000	-Rp. 700.000
4.	RI	Rp. 260.000	Rp. 2.600.000	-Rp. 600.000
5.	KU	Rp. 250.000	Rp. 2.500.000	-Rp. 500.000
6.	AC	Rp. 240.000	Rp. 2.400.000	-Rp. 400.000
7.	NE	Rp. 220.000	Rp. 2.200.000	-Rp. 200.000
8.	AL	Rp. 200.000	Rp. 2.000.000	Rp. 0
9.	RE	Rp. 180.000	Rp. 1.800.000	Rp. 200.000
10.	EN	Rp. 150.000	Rp. 1.500.000	Rp. 500.000
Total			: Rp. 2.350.000	
<i>“ it doesn’t include admin fee and any late charge”</i>				

Table 5. Simulation of Descending Arisan Get Rp. 1.500.000/10 days (second slot)

No	Initial	Savings/10 hari	Total	Difference
1.	SH	Rp. 230.000	Rp. 2.300.000	-Rp. 800.000
2.	EG	Rp. 220.000	Rp. 2.200.000	-Rp. 700.000
3..	EX	Rp. 210.000	Rp. 2.100.000	-Rp. 600.000
4.	IN	Rp. 200.000	Rp. 2.000.000	-Rp. 500.000
5.	SE	Rp. 180.000	Rp. 1.800.000	-Rp. 300.000
6.	ME	Rp. 180.000	Rp. 1.800.000	-Rp. 300.000
7.	DI	Rp. 170.000	Rp. 1.700.000	-Rp. 200.000
8.	NA	Rp. 160.000	Rp.1.600.000	-Rp. 100.000
9.	GA	Rp. 150.000	Rp. 1.500.000	Rp. 0
10.	NA	Rp. 140.000	Rp. 1.400.000	Rp. 100.000
Total			: Rp. 1.840.000	
“ it doesn't include admin fee and any late charge”				

3. Duos Arisan. Arisan duos is an arisan in which only two people participate, namely borrowers and investors, but in practice there is an admin who becomes a third party between the two people. Here the role of the investor is the party that lends money to the borrower through a third party, namely the social gathering admin. The implementation of this social gathering also has an admin fee of Rp. 50,000 for investors and borrowers. The borrower will return the money to the investor in accordance with the agreement where the investor will benefit. In this online arisan Jaya Bersama there is only one arisan duos slot, namely arisan duos get Rp. 600,000 within one month and the borrower will return Rp. 1,000,000 to the investor through a third party, namely the online arisan admin Jaya Bersama. In carrying out this online gathering there are fines. Fines apply if online participants are late in making deposit payments to the admin. The fine is IDR 50,000 per hour on the first day and will increase to IDR 100,000 per hour on the second day. Then if there is no confirmation on the third day, participants will be

fined the amount of the target gathering and will be blacklisted in the gathering. However, if the participant does not do this, the admin will disseminate the participant's biodata and make it viral on all social media.

Table 6. Simulation of Duos Arisan Get Rp. 600.000/30 days

No	Name	Payment date 1	Payment date 30	Difference	Total paid amount
1	NV (borrower)	-	Rp. 1.000.000	Loss Rp. 400.000	Rp. 1.000.000
2.	TN (lender)	Rp. 600.000		Profit Rp. 400.000	Rp. 600.000
Total					Rp. 1.600.000

The Fine and Charge Regulation

This online gathering Jaya Bersama is an arisan whose activities are aimed at helping the community's economy, but in reality the implementation of this arisan includes fines that have been determined by the admin to prevent participants from making late payments and to provide a deterrent effect. However, this is one of the advantages for the admin of this online gathering Jaya Bersama. However, in terms of payment of late fines, the admin is very firm in responding. Not only in terms of the benefits, but also so that participants don't go around paying the arisan deposits. The arisan admin does not give the slightest tolerance for participants who are late paying deposits and do not receive any reason because the payment rules have been set from the start and have also been approved by the participants who will take part in this arisan.

The following are the terms and conditions contained in the online gathering Jaya Bersama:

- 1) Participants must provide complete biodata by filling in the form link provided by the admin.
- 2) Payments are only made via Bank BCA and Bank BRI transfers on behalf of Anti Lestari.
- 3) Payment time is only limited to 19:00 on the day of deposit payment.
- 4) At the time of payment, the admin provides re-notification of the terms of the social gathering so as to avoid participants being late in making deposit payments.
- 5) Late payments will incur a fine of Rp. 50,000/hour on the first day and will increase to Rp. 100,000/hour, but if the participant does not receive confirmation within three days, the participant will be blacklisted in this social gathering and pay a fine of the target amount of the social gathering followed.
- 6) If the participant does not have the ethics to pay a fine, the participant will be viral via social media by distributing the participant's biodata.
- 7) Participants who cancel their participation in the arisan must find a replacement or pay the amount of the arisan target.

In the terms and regulations above, participants must know and agree to it before participating in the online gathering *Jaya Bersama*. Participants are also required to comply if not participants will get a penalty or warning in the form of a fine that must be paid to the admin. Fines paid if they violate regulations such as late payment of deposits, participants will be fined Rp. 50,000/hour on the first day and on the second day of Rp. 100,000 but if the participant does not receive confirmation on the third day, the participant will be blacklisted and subject to fines according to with the number of arisan followed.

As in the following example, participants made late payments for five hours at a flat get gathering of Rp. 2,000,000, participants must pay a fine of $5 \times \text{Rp. } 50,000 = \text{Rp. } 250,000$. then the arisan earned before the fine is Rp. 2,000,000 minus an admin fee of Rp. 50,000. The gain is Rp. 1,950,000 reduced again by a fine of Rp. 250,000. So the total obtained is Rp. 1,700,000. So the payment of this fine is done by deducting the arisan income. This can happen due to negligence of participants.

However, payment of fines can also be made by making payments simultaneously with the payment of the arisan principal. Example: Arisan Get Rp. 1,500,000/10 days, the participant pays the principal deposit plus the amount of the penalty added. If the participant receives a fine of $\text{IDR } 5,000 \times 2 = \text{IDR. } 100,000$ + deposit of Rp. 100,000 = Rp. 200,000. So the total deposit paid by the participant is Rp. 200,000. However, if the arisan participant who commits a violation does not pay a fine or has no intention of paying a fine, the arisan admin will make the participant viral through social media by distributing the biodata of the arisan participant. This is done to deter participants who commit violations and orderly arisan members to make deposit payments in a timely manner.

This was also known and agreed upon by the arisan participants before participating in the online arisan *Jaya Bersama*. This agreement has also been made on the basis of a mutual agreement and no party is burdened. Because according to the arisan participants this is reasonable to do because to anticipate late payments by participants or participants who pay arbitrarily and make participants orderly in making payment deposits.

Islamic Law Respond

Regarding the imposition of fines for online arisan *Jaya Bersama*, this was due to the negligence of the arisan participants themselves. The imposition of fines also aims to discipline participants in carrying out their obligations because the participants have agreed to these provisions before starting the arisan activities. This practice is actually common in the financial industry as a tool to help mitigating the risks.²⁰ In the Compilation of Sharia Economic Law, sanctions can be given to parties who break their promises. Provisions for breaking a promise are explained in the Compilation of Sharia Economic Law in the fourth part regarding breaking a promise and its sanctions.

²⁰ Rizki, Darlin, Fauzul Hanif Noor Athief, and Dewi Puspitaningrum. "Penerapan Manajemen Risiko Terhadap Pembiayaan Bermasalah Pada Masa Pandemi Covid-19." *Al Iqtishod: Jurnal Pemikiran Dan Penelitian Ekonomi Islam* 10, no. 2 (2022): 16-36.

Article 36 which reads: *"a. Not doing what promised to do. b. Carry out what he promised but not as promised. c. Did what he promised but too late. d. Do something that according to the agreement is not allowed to do."* Article 37 which states: *"A party to a contract breaks a promise, if by means of a warrant or by a similar deed it has been declared a breach of promise or for the sake of its own agreement it stipulates that the party to the contract must be deemed to have broken a promise after the allotted time has passed."* Article 38 which reads: *"Parties to a contract who break a promise may be subject to sanctions in the form of: a. Pay damages. b. Contract Cancellation. c. Risk Transfer. d. Fines, and/or. e. Paying Case Fees."*

According to the Sharia Economic Law Compilation, fines may be imposed because they are a sanction for breaking someone's promise. In the online arisan Jaya Bersama-fines, it has been carried out in accordance with the provisions of the Compilation of Sharia Economic Law. Where the participant does not carry out the agreement properly, the participant violates the provisions made by the admin. So that the admin has the right to give sanctions in the form of fines. Fines in online arisan Jaya Bersama do not include usury but are included in Uqubah Maliyah (Financial Punishment). Financial punishment is included in one type of punishment from ta'zir. This is still being disputed by scholars because of differences of opinion Muhajirin.²¹ In the Fatwa of the National Sharia Board of the MUI, it provides lawful law for fines as long as they are in accordance with the provisions. In this case the Fatwa of the National Sharia Council relating to finance in transactions from Islamic Financial Institutions (IFIs), even though it is only from IFIs but due to similarities between financial activities and non-IFIs institutions related to financial transactions such as fines. So that the fatwa can be used in online arisan activities Jaya Bersama.

The following are rules relating to late fines in fatwa NO 17/DSN-MUI/2000, including:

1. The sanctions referred to in this fatwa are sanctions imposed by LKS on customers who are able to pay, but deliberately delay payments.
2. Customers who are unable/unable to pay due to force majeure may not be subject to sanctions.
3. An able customer who delays payment and/or does not have the will and good faith to pay off a debt may be subject to sanctions.
4. Sanctions are based on the ta/zir principle, which aims to make customers more disciplined in carrying out their obligations.
5. Sanctions can be in the form of a fine of an amount of money, the amount of which is determined on the basis of an agreement and is made when the contract is signed.
6. Funds originating from fines are designated as and social.

The fatwa above explains how fines can be said to be lawful if the party is able to pay but the party delays payment so that it is entitled to be subject to sanctions in the form of fines in the agreement of the two parties concerned and the fine funds must be used for social funds. In the online gathering Jaya Bersama, there are still

²¹ Muhajirin, *op. cit.*

many that do not comply with the MUI Council's Fatwa. For example, a participant who has not been able to pay a deposit or there is an obstacle in payment may not be subject to sanctions unless the participant deliberately delays payment. Where in this online gathering *Jaya Bersama* there is not the slightest tolerance for late payments, this is very contrary to the provisions of the MUI Council Fatwa. Sanctions can be in the form of fines, but the fines obtained must be used for good things such as *infaq*, *zakat* and *almsgiving*. Meanwhile, in online *arisan Jaya Bersama*, funds are used for personal gain.

Differences in the provisions for determining fines in the Compilation of Sharia Economic Law and the provisions of the MUI Council Fatwa are considered as unlawful and *halal* fines in carrying out this online *arisan Jaya Bersama*. In the Compilation of Sharia Economic Law, fines may only be imposed on parties who break their promises. In the MUI Council Fatwa, the implementation of this social gathering is not in accordance with the provisions of the fatwa, so fines for online gathering *Jaya Bersama* are unlawful according to the MUI Council Fatwa.²² In online *arisan Jaya Bersama*, fines imposed by the *arisan* admin is illegal because fine funds in this *arisan* cannot be used for personal gain by the admin, because fine funds can only be used for good things such as *infaq*, *alms* and *zakat*. So if the contract is not valid, it means that the fine cannot be carried out either. In addition, while such practice can be considered as general tradition, it cannot be legalized under the umbrella of '*urf*' since it violates the very basic requirement of Islamic law.²³

Conclusion

Based on the description of the determination of fines that occur in online *arisan Jaya Bersama*, it can be concluded that in *Jaya Bersama's* online *arisan*, there are three types of online *arisan*, namely flat *arisan*, declining *arisan* and *duos arisan*. in the implementation of the social gathering there are provisions for fines that apply to participants who are late in paying deposits. In terms of determining the fine, it has been conveyed at the beginning of registration before carrying out the gathering so that this has been agreed upon by the participants of the gathering. The amount of fine payment is Rp. 50,000/hour, the opinion of the participants regarding the fine provisions was that the participants did not feel disadvantaged because it was an obligation and if they did not want to be fined, they had to pay dues on time. The purpose of holding fines is so that participants are disciplined in deposit payments. Islamic laws respond regarding the general stipulation of fines in the Compilation of Sharia Economic Laws is generally appropriate. Meanwhile, the law in the general provisions of the MUI fatwa is unlawful because fines are only used for the admin's personal interests. Fine funds may only be used for good things such as *infaq*, *alms* and *zakat*.

²² Sufyati, H. S., Sappeami Sappeami, Eny Latifah, Eko Raharto, Eti Jumiati, Dini Selasi, Muhammad Abrar Kasmin Hutagalung et al. "Mengenal Lebih Dekat Ekonomi Syariah." (2022).

²³ Athief, Fauzul Hanif Noor. "Konsep '*Urf* Sebagai Variabel Produk Hukum." *Suhuf* 31, no. 1 (2019): 40-57.

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