



**REVIEW OF FIQH MUAMALAH ON THE WAGES
OF READING THE QUR'AN IN THE GRAVE
(CASE STUDY IN PASEH LANCAT CUNGURU BATU
SUBDISTRICT NORTH PADANG LAWAS DISTRICT)**

THESIS

*Submitted to the State Institute for Islamic Studies Padang Sidempuan
as a Partial Fulfillment of the Requirement for Graduate Degree
of Law in Sharia Economic Law (SEI)*

Written By :

LANNASARI HASIBUAN

Reg. No. 17110200020

**SHARIA ECONOMIC LAW
SHARIA AND LAW FACULTY STATE INSTITUTE FOR
ISLAMIC STUDIES PADANGSIDEMPUAN**

2021

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Assalamualaikum Wr.Wb.

After reading, reviewing and providing suggestions for improvement as necessary to Lannasari Hasibuan's Thesis entitled: "**Review of Fiqh Muamalah on the Wages of Reading the Qur'an in the Grave (Case Study in Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District)**", then we declare that this thesis has been accepted to fulfill part of the requirements in obtaining a Bachelor of Law (SH) in the field of Sharia Economic Law at the Faculty of Sharia and Law at IAIN Padangsidimpuan.

For that, in the not too distant future, we hope that the brother can be called to account for his thesis in the Munaqosyah trial.

Thus we convey, for the attention and cooperation of the parents, we thank you.

Wassalamua 'laikum Wr.Wb.

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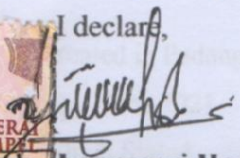
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ABSTRACT

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Title of Thesis: Review of Fiqh Muamalah on the Wages of Reading the Qur'an in the Grave (Case Study in Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District)

The problem of this research lies in the practice of setting wages for services to read the Al-Qur'an at the graves of people who have just died with a certain number and are determined by the party renting the service. In the study of fiqh, there is a prohibition on commercializing the reading of the Qur'an and based on the conditions of the object in *ijarah*, this practice has not been fulfilled as a whole, namely the points of benefit of the *ijarah* object and the ability of the object to be transacted in an *ijarah* agreement

Usually society carried out this guarding grave for their family or their parents which as long as their live in the world ignore their obligation to and they had worse morals, as their faith to the spirit of their family or their parent's spirit they looking for the people who has been prepare the services for reading the Qur'an at their graves and the recitation was as a prayer for the deceased to avoid the torture at the grave.

This thesis written using descriptive qualitative method with data collection techniques in the form of observation, interviews, documentation, and additional book literature as a reference. This type of research is a field study (field research) with the formulation of problems regarding the procedures for implementing the wage of reading the Al-Qur'an in the graves of people who have just died and a review of muamalah fiqh on its implementation. The discussion in this thesis is the definition of *ijarah*, legal basic of *ijarah*, terms and pillar, argument of school about worship works, types of *ijarah*, wages in worship, principle of *ujrah*, right and obligation and cancellation of *ijarah*.

Then it can be concluded that the practice of setting wage rates for reading the Qur'an in a grave is invalid due to the failure to fulfill several conditions of the object of the contract for the validity of an *ijarah* contract, namely not being fulfilled in terms of benefits, clarity of objects, and permissibility of objects for rent in Islamic law. Based on the argument of ulama according to the legal basic of hadits Maliki and Syafi'i allowed to take repayment from the Qur'an while Hanafi and Hanbali didn't allowed to take repayment from the Qur'an

Key words: Recitation, Al-Qur'an, *Ijarah*, Fiqh Muamalah.

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Praise Allah glory to Him who has given their time and health and to the author to conduct research and put it in this skripsi. Prayers and greetings to the Prophet Muhammad. who has led his people to the right path.

The thesis entitled "**Review of Fiqh Muamalah on the Wages of Reading Qur'an at the Grave Case Study in Pasir Lancat Ujung Batu Subdisrict North Padang Lawas District**" was prepared to complete assignments and meet the requirements to achieve a Law degree (SH, majoring in Sharia Economic Law, State Institute for Islamic Studies Padangsidimpuan (IAIN)

The author is well aware that the writing of this essay still has many shortcomings and is still far from perfect, as well as many obstacles faced by the writer due to limited knowledge. However, thanks to the guidance and advice of the supervisor finally this essay can be completed.

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Padangsidempuan, Juni 2021

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GUIDELINES FOR ARABIC-LATIN TRANSLITERATION

1. Consonants

Arabic consonants in the Arabic writing system are denoted by letters in this transliteration, some are denoted by letters, some are denoted by a sign and some others are denoted by letters and signs at the same time. The following is a list of Arabic letters and their transliterations with Latin letters.

Arabic	letters Latin letters	letters	Name
ا	Alif	Not denoted	Not denoted
ب	Ba	B	be
ت	Ta	T	te
ث	· a	·	es (with dots above)
ج	Jim	J	je
ح	ḥa	ḥ	ha (with dots below)
خ	Kha	Kh	kadan ha
د	Dal	de	
ذ	Zai	Zet	

ذ	Zai	z	Zet
ر	ra	r	er
ز	Sin	S	Ice
س	shin	Sy	ice and ye
ش	SAD	S	(with a dot below)
ص	Dad	D	de (with a dot below)
ض	ta	t	te (with dot below)
ط	ṣa ṣ	zet	(with dot below)
ظ	'ain	.'	Inverted comma above
ع	Gain	G	Ge
غ	Fa	F	Ef
ق	Qaf	Q	Ki
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em
ن	Nun	N	En

و	Wau	W	We
هـ	Ha	H	Ha
ء	Hamzah	.. '..	Apostrophe
ي	Yes	Y	Ye
ي			

2. Vowels

Arabic vowels such as Indonesian vowels, consist of a single vowel or monophthong and double vowels or diphthongs.

a. Vocal Solo is a single vowel Arabic emblem a sign or a vowel

transliteration as follows:

Signs	Name	LetterLatin	Name
	Fathah	A	A
	Kasrah	I	I
و	dommah	U	U

b. Duplicates are double vowel vowel Arabic emblem in the form of a combination of a vowel and letter, transliteration in the form of a combination of letters as follows:

Signs and letters	Name	Combined	Name
.....ي	fathah and yes	Ai	a and i
و.....	fathah and wau	Au	a and u

c. *Maddah* is a long vowel whose symbol is in the form of vowels and letters, the transliteration is in the form of letters and signs as follows:

Character and	Name	Letter and Signs	Name
.....ا.....ى	fathah and alif or yes	-	a and top line
...ي...ِ..	Kasrah and yes		i and the line under
و....	dommah and wau	-	u and the line above

3. *Ta Marbutah*

There are two transliterations for *Ta Marbutah*.

a. The living *Ta Marbutah* is the living *Ta Marbutah* or gets the *harakat fathah, kasrah and dommah*, the transliteration is / t /.

b. *Ta Marbutah* is dead *Ta Marbutah* which dies or gets breadfruit, the transliteration is / h /. If in a word that ends in *Ta Marbutah* followed by a word that uses the article al, and the reading of the two words is separate, then *Ta Marbutah* is transliterated as ha (h).

4. Syaddah (Tasydid)

Syaddah or *tasydid* which in the Arabic writing system is denoted by a sign, a sign of *syaddah* or a sign of *tasydid*. In this transliteration the *syaddah* sign is denoted by a letter, which is the same letter as the letter marked the *syaddah*.

5. Clothing

Words The article in the Arabic writing system is denoted by letters, namely: ة. However, in transliteration the article is distinguished between the article followed by the *syamsiah* letter and the article followed by the *qamariah* letter. a. An article followed by a *syamsiah* letter is an article followed by a *syamsiah* letter transliterated according to its sound, namely the letter / l / is replaced by the same letter as the letter immediately followed by the article. The article that is followed by the letter *qamariah* is the one that is followed by the letter *qamariah* which is transliterated according to the rules outlined in front and according to the sound.

6. Hamzah

It is stated in front of the Arabic-Latin Transliteration List that the *hamzah* is transliterated with an apostrophe. However, it lies only in the middle and at the end of the word. If the hamzah is put at the beginning of the word, it is not represented, because in Arabic it is alif.

7. Word Writing

Basically, every word, whether *fi'il*, *isim*, or letter is written separately. For certain words that are written in Arabic letters which are commonly coupled with other words because there are letters or vowels that are removed, in this transliteration the writing of these words can be done in two ways: words can be separated and can also be chained.

8. Capital Letters

Although in the article system the capital letters are followed in Arabic, they are not recognized, in this transliteration they are also used. The use of capital letters as what applies in EYD, including capital letters are used to write the first letter, the name itself and the beginning of the sentence. If that personal name is passed by the article, then what is written in capital letters remains the first letter of the self-name, not the initial letter of the article. The use of the initial capital letter for Allah only applies in Arabic script, it is complete, and if the writing is put together with other words so that there is a letter or vowel that is omitted, the capital letter is not used.

9. Tajwid

For those who want fluency in reading, this transliteration guide is an integral part of the science of recitation. Therefore, the formalization of this transliteration guideline needs to be accompanied by recitation guidelines.

Source: Religious Literature Research and Development Team. *Arabic-Latin Transliteration Guide*. Fifth Print. 2003. Jakarta: Project for the Study and Development of Religious Education Literature

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CHAPTER I INTRODUCTION

A. Background of Problem

In the reality of community life it is inseparable from many types of *muamalah* (relationships) that occur between one party and another, humans as individuals and also social beings have dependence on other people in various aspects both in the fields of sale and purchase agreements, leasing, cooperation, and similar agreements with the aim of achieving *falah* for the common good, by paying attention to the essence of *maqasid as syariah* which is synonymous with *maslahah* for the people aims to realize the true happiness and welfare for a believer from the worldly life to the *ukhrawi*.¹

In dependence between one individual and another, there is a need for clarity of rights and obligations that bind oneself to others. By paying attention to *maslahah* this one of the first method of approach that can be used to avoid problems in the relationship between individual in *muamalah* and one another, as it is known that Islamic teachings and sharia are good for all mindkind.²

Islam is a universal and dynamic religion, its teachings cover all issues, both those concerning matters of worship and those concerning *muamalah*. *Muamalah* are the rules of Allah SWT, to regulate humans in relation to worldly life in social interactions. *Muamalah* is a relationship between

¹ Fatahuddin Aziz, "Langkah-Langkah Mengetahui Maqaasid Al-Syariah," *Jurnal Al-Maqasid* Vol 4, No. 1 (2018): p. 4.

² Ikhwanuddin Harahap "Pendekatan Al-Maslahah Ikhwanuddin Harahap," *Yurisprudentia; Jurnal Hukum Ekonomi* Vol. 3 (2017): p. 48.

humans that can change according to the times. One aspect of *muamalah* that is found in life in the midst of the general public is the problem of wages (*ijarah*). in this case, for example, regarding Renting.

As is the lease or *ujrah* according Hanafiyah that *ijarah* is the agreement to allow the ownership benefits that are known and deliberate of a substance that is hired in return and by Malikiyah name for contract-contract for usefull that is human and for most can be transferred while according to Al-Syarbaini Khatib that what is mean by *ijarah* is beneficial ownership with a reward with conditions and according to Sayyid Sabiq that *ijarah* is a type of contract to benefit by way of replacement. As for the Pillars of *ijarah* are:³

1. *Mu'jir* and *Musta'jir*, namely people who carry out a wage-wage contract. Required for *mu'jir* and *musta'jir* are *baligh* (adult), intelligent, capable and mutually pleasing.
2. *Shigat* consent *kabul* between *mu'jir* and *musta'jir*
3. *Ujrah*, it is required to know the amount by both parties both in leasing and wages.

The exam in the contract must be known, either directly seen or stated in full, such as “ I will hand over this wood to you to carve it into a table with a salary of IDR. 500,000” benefits must be *mutaqawwimah* (value in sharia), understandable, able to be submitted, the benefits can be delivered and can be felt by the tenant, and the benefits received by the tenant are not in the form

³ Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Rajawali Pers, 2014), p. 118.

of goods. The benefit of objects that are rented or agreed upon in religion is what is allowed in Islam.

What is not allowed in the provisions of Islam is invalid and obligatory to be abandoned. In the Compilation of Islamic Economic Law (KHES) that the benefits of the object of *ijarah* as contained in Article 274 Paragraph 2 say that objects that are directed must be used on things that are justified according to sharia.

Items that are rented out or something that is done in wages should be used for their use, can be handed over, the goods for rent are goods that are permissible according to the *syara'* and are not prohibited. The verses relating to *ijarah* this include in Al- Baqarah verse 233 namely:

... وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا
ءَاتَيْتُمْ بِالْمَعْرُوفِ ...

Meaning: ..If you dicide on a foster mother for your offspring there is no blame on you provided ye pay (the mother) what ye offered on equitable terms...⁴

And in At Thalaq: 6.

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا
عَلَيْهِنَّ وَإِنْ كُنَّ أُولِي حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ فَإِنْ

⁴ Al-Qur'an Terjemah Departemen Agama, (Jakarta: Halim Publishing & Distributing, 2013), p. 83.

أَرْضَعْنَ لَكُمْ فَكَاتُوهُنَّ أَجُورَهُنَّ^ط وَأَتَمِرُوا بَيْنَكُمْ بِمَعْرُوفٍ^ط وَإِنْ تَعَاسَرْتُمْ
فَسْتَزِعْ لَهُ أُخْرَى ﴿٦﴾

It means "put them (wives) where you live according to your ability and do not trouble them to constrict them (hearts). and if they (wives who have been talaqed) are pregnant, then give them a living until they give birth, then if they feed (your children) for you, then give them the reward, and deliberate between you (everything). well; and if you encounter difficulties Then another woman may breastfeed (the child) for him."⁵

The provisions related to *ijarah Mausufhah Bi Al Dzimmah* are an *ijarah* contract for the benefits of an item (benefit *ayn*) or service charity which at the time of the contract only states its characteristics and specifications (quantity and quality).

There is a belief towards guarding the grave by reading the Qur'an at lease as a helping media for *mayit* because they have believed it that if is useful to decessed the *mayit* in the grave so that they are given the convenience to answer all problems in the grave and keep the deceased away from the grave torture. Guarding grave by reading the Qur'an can a tradition in society life and they have believed it is protrude in Islamic law. Furthermore, in Pasir Lancat this belief works at people who have bad moral during their life in the world. This people one belief that they far from Allah. As for the other meaning of the people in Pasir Lancat the recitation of Qur'an it is necessary if people who died often commit immoral acts during

⁵ Al-Qur'an Terjemah Departemen Agama, *IBID*, p. 559.

their life in th world and far from being obedient to Allah SWT. In Islamic law should be the lease object allowed by Personality in this case regarding the wages obtained from reading the Al-Qur'an there are differences of opinion or *khilafiyah* by Fiqh scholars such as the gain from reading the Al-Qur'an expects wages from reading the Al-Qur'an or depends your life on obtaining the material from Al-Qur 'an as is the case with wages for reading the Al-Qur'an for people who have passed away.⁶

In implementing the wage, if it refers to the meaning of *ijarah* according to language comes from the words *al Ijarah* which comes from the word *al -ajru* which means *al 'iwad*, which is in the language of Indonesia is referred to as a change or wage. Meanwhile, according of *syara' ijarah* is a contract of transfer of use rights (benefits) of a good or service within a certain time with the payment of Wages, without being followed by transfer of ownership of the goods themselves.

Then it refers to one of the legal requirements in *ijarah*, namely the clarity of the object of *ijarah* and the benefits of the object is not fulfilled in the implementation of Wages that occur in the cases to be studied theoretically and practically by researchers at the research location, where in its implementation if someone died, then the heir those who were left behind would look for those who had been used to guarding the tomb by reading Al-Qur'an in the grave for 3 days and 3 nights or 7 days 7 nights according to

⁶ Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Rajawali Press, 2016), p. 120.

the agreement between the people need services and with people who provide services. In terms of the people who provide the service will determine the rate of pay should be at paid by the tenant if the tenant undertakes then there was agreement between the two parties.

In its implementation, if someone dies especially parents, the heirs left behind will find people who are willing to look after the graves as for the heirs according to Islamic Law are husband, wife, son, girl, grand father, grand mother, aunty and uncle too,⁷ of the deceased by reading the Qur'an without pause both during the day and at night days, usually the person who recites (guarding) the grave consists of 3 to 5 people so that they can take turns in reading the Al-Qur'an overcoming drowsiness because it was in the contract before it was formed the remuneration should not be missed even for a while at the grave it is silent from reading the Al-Qur'an.

As for the needs of the guards (Al-qur'an reviewers) during the agreed lease period will be borne by the party that is wage starting from logistical needs such as meals counted three times a day, guards of the grave cigarettes, drinks such as tea, coffee and the like, sleeping equipment such as pillows, mats, lamps, blankets, tarpaulins, etc.

Not yet known whether the object lease in the implementation whether the reading voice, the time of execution, or power from Al Qur'an reader such an. Because the implementation is not fulfilling the legal requirements of

⁷ Fatahuddin Aziz Siregar, "Dimensi Gender Dalam Kewarisan Islam," *Yurisprudencia: Jurnal Hukum Ekonomiurispruentionia*, Vol. 2020, p. 24.

ijarah makes researchers interested in researching and examine more deeply how the actual implementation wages can occur and what is the object of *ijarah* in its implementation by raising the research title "**Review Of Fiqh Muamalah On The Wages Of Reading The Qur'an In The Grave Case Study In Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District "**

B. Limitation of Terms

To avoid misunderstanding of the terms used in this thesis, the following terms are defined to avoid misunderstanding of the terms used in this thesis, the following terms are defined:

1. Overview is seeing something far from a height or looking, checking, observing and so on.
2. *Fiqh Muamalah* consists of two words, namely *Fiqh* and *Muamalah*. According to the etymology (language) of *fiqh* is *al fahmu* (understand) like the statement I understand that lesson this meaning, among others. *Muamalah* is Allah's rules (law) which are intended to regulate human life in human life in worldly affairs or secular and social affairs⁸
3. *Ijarah* is a contract or *Aqdun* to allow the known and deliberate

⁸ Rachmat Syafe'i, *Fiqh Muamalah*, (Bandung: Pustaka Setia, 2001), p. 13-14.

ownership of a substance that is rented for a fee⁹

4. Wages are recipients in the form of money and so on, which are paid to repay services or as payment for labor that has been spent doing something. Wages are the bonds between those who pay and those who receive wages for someone's goods or services¹⁰
5. Reading is seeing and understanding the content of what is written (by speaking or just in your heart)¹¹
6. Al-qur 'an means to collect and collect⁷. Al-Qur'an is the word of Allah that was revealed to the Prophet Muhammad Saw *lafadz* containing miracles and reading it is worship and sent down mut Worried¹²
7. Grave in Arabic is a verb that means to grow or bury something, usually the bodies or animal carcasses into the soil.

C. Formulation of Problem

The formulation of problems in this research are consist of:

1. How is the implementation of the Wage to Read Al-Qur'an at the Grave in Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District?
2. How is the Review of Fiqh Muamalah About the Wage Reading Al-Qur'an at the Grave in Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District?

⁹ Hendi Suhendi, *IBID* p. 114.

¹⁰ <https://Jagokata.com>. accessed on 23 October 2020 at 20.53 pm.

¹¹ Manna Khalil Al Qattan, *Studi Ilmu Ilmu Al-Qur'an*, (Jakarta: PT. Pustaka Litera Antar Nusa, 1994), p. 15.

¹² Rosihon Anwar, *Ulum Al-Qur'an*, (Bandung: Pustaka Setia, 2017), p. 11.

D. Aim of Research

The benefits of this research are aimed:

- a. To find out how wages are implemented in reading the Qur'an in the graves in Pasir Lancat Village, Ujung Batu District, North Padang Lawas Subdistrict
- b. To find out the review of *Fiqh Muamalah* about the wages of reading the Al-Qur'an at the grave at Pasir Lancat village Ujung Batu Subdistrict North Padang Lawas District

E. Research Benefits

The benefits of this research are aimed at:

1. Researchers, namely as a condition for completing studies to obtain an academic degree in the field of Sharia Economic Law, State Institute for Islamic Studies Padangsidempuan.
2. To Sharia and Law Faculty to add to the literature as reference material for further researchers.
3. Society, namely as reading material for the wider community to add insight into the wages in reading the Al-Qur'an in the grave.

F. Previous Research

There are three theses as previous research in this thesis, namely:

1. Ayu Siskareni (2017) in her thesis entitled "Review of Islamic Law Against The Wages of *Khatam* Al-Qur'an as a Gift (Case Study of Rukun Kematrian Pidada II environment II Panjang Utara Village, Bandar Lampung)" in this thesis discussing what is meant by practicing Al-Qur'an as a gift for the deceased, as well as the opinions of scholars on receiving wages from reading the Al-Qur'an, as for the type of this research is Field Research. With the results of the research that the

receipt of wages from the Bajaan Al-Qurfan is allowed by the Ulama by not accepting the money as a wage but as a gift or a token of gratitude from the unfortunate ahlul.

2. Sairi 2013 Department of akhwal as syakhsiyyah, title of thesis is *“Implementation of Al-Ujrah Ala At Tho'ah According to the Islamic Law View”* this research is in the type of field research while the discussion in this thesis is about taking wages from professions obeying Allah such as clarifying the cost of lectures, making pilgrimages , prayer, and fasting and the results of this study are that because of the wages in worship work, the religious teachers choose the mosque where they lecture and cancel the lecture at mosque A if the offer from Masjid B is greater so that it has a negative impact on the community environment. So that the mosque management was overwhelmed in holding recitation by inviting some lecturers from the mosque management saying that comparing higher salaries for one lecture to broadcast the religion of Islam is Bid'ah.
3. Arif Isnaini 2009 Department of Muamalat, Faculty of Sharia and Law Islamic University of Islamic Studies Sunan Kalijaga with the title Thesis of *“Religious Professions in the Perspective of Islamic Law*, this research is a field research type and the discussion is how the legal status of religious professional payrolls in Islamic law, and the results of this research are that may receive wages from teaching the Qur'an 2009 Department of Muamalat, Faculty of Sharia and Law University of Islamic Studies Sunan Kalijaga with the title of the Thesis of *Religious Professions in the Perspective of Islamic Law*, this research is a field research type and the discussion is how the legal status of religious profession salaries in Islamic law, and the results of this research that it is permissible to receive wages from teaching the Qur'an and giving these wages solely in hopes of the blessing of Allah.

CHAPTER II

RIVIEW OF RELATED LITERATURE

A. Defenition of *Ijarah*

Ijarah according to language is the sale and purchase of benefits, while in *syara'* has the same meaning as language. Therefore, Hanafiyah says that *ijarah* is a contract for benefits accompanied by rewards. Just as *ta'liq* (hanging) is not valid in trading, then *ta'liq* in *ijarah* is also not valid. But according to the majority of jurists, relying on pilgrimage in the future is legal. In contrast as mentioned in the previous issue. As for the *Syafi'iyah* scholars, it is forbidden to hang *ijarah* on goods in the future as prohibited in buying and selling, except to hang *ijarah* on dependents. For example, "I oblige you to bring my goods to this country or until the next month." This is because the goods under the liability can receive a delay, such as making a greeting to an item delivered at a certain time.¹³

There are two operational meanings of renting in Indonesian, rent is usually used for objects, for example students renting a room to live in during college and wages are usually used for labor, for example employees working in factories are paid their wages once a week.

In Arabic it is called *ijarah*, according to Sayyid Sabiq in *Fiqh sunah al-ijarah* comes from the word *al-ajru* (wages) which comes from *al 'iwadh* (change / compensation).

¹³ Wahbah AZ Zuhaili, *Fiqh Islam Wa Adillatuhu Jilid 5 Hukum Transaksi Keuangan, Transaksi Jual Beli, Asuransi, Khiyar, Macam-Macam Akad Jual Beli, dan Akad Ijarah*, (Jakarta: Darul Fiqr Gema Insani, 2011), p. 387.

According to the definition of *syara' ijarah*, it means the contract of transfer of use rights from goods or services followed by payment of wages or rental fees without being accompanied by the transfer of ownership rights.¹⁴ *Ijarah* according to language *al 'iwad* the meaning in Indonesia is replacement or wage, while to the scholar of *fiqh* have differences of arguement about it, such as:

1. According to Hanafiyah *Ijarah* is:

عقد يفيد تملك منفعة ملومة مقصودة من العين المستأجرة بعوض

Meaning: "The contract to buy the known and deliberate ownership of a substance that is rented in return."¹⁵

2. According to Malikiyah:

تسمية التعاقد علا منفعة الا دمي و بعض المقولان

Meaning: "The name for the covenants for the benefit of a human nature and for some that can be moved"¹⁶

3. According to As syafi'iyah¹⁷

مقصودة ملو حة قابلة للبدال ولا بعوض معلوم عقد علا منفعة

Meaning: "for a benefit that contains a specific purpose and

¹⁴ Sri Nurhayati dan Wasilah, *Akuntansi Syariah di Indonesia Edisi 3*, (Jakarta: Salemba Empat, 2013). p. 228.

¹⁵ Hendi Suhendi, *Op. Cit*, p. 114.

¹⁶ Hendi Suhendi, *IBID*, p. 114.

¹⁷ Hendi Suhendi, *IBID*, p. 114.

change and receives a substitute or skill with a certain substitute".

Fundamental differences about the definition of *ijarah*, can be understood that there are those that reinforce and clarify regarding the return of benefits to an object or service in accordance with the specified time period and the existence of compensation / wages without any transfer of ownership.¹⁸

Hanafiyah scholars argue that *ijarah* is a contract or a benefit with a substitute. Meanwhile, the Syafiiyah scholars argues that *ijarah* is a contract of benefit that contains a specific purpose and change, and accepts a substitute or ability with a certain substitute, while the Malikiyah and Hanabilah scholars state that *ijarah* is the property of a benefit that is changeable within a certain time with a substitute.¹⁹

From these definitions, it can be concluded that *ijarah* is an agreement or agreement that aims to take advantage of an object received from another person by paying wages in accordance with the agreement and the willingness of both parties in harmony and predetermined conditions. There are two types of *ijarah* in Islamic law, namely:

- a) *Ijarah* is related to service rental, namely hiring someone's services for a wage in return for the services rented.²⁰

¹⁸ Amir Syarifuddin, *Garis-Garis Besar Fiqih*, (Bogor: Prenada Media, 2003), p. 83.

¹⁹ Rahmat Syafi'i, *Fiqh Muamalah*, (Bandung : CV Pustaka Setia, 2001), p. 121.

²⁰ Ascara, *Akad dan Produk Bank Syariah*, (Jakarta : Raja Grafindo Persada, 2008), p.

- b) *Ijarah* is related to the lease of assets or property, namely transferring the right to use from a certain asset to another person in exchange for the rental fee.

B. Legal Basic of Ijarah (Rent to Rent)

The scholars of *Fiqh* say that this is the basis for the acquisition of the *Ijarah Al Qur'an, Sunnah, and Ijma'*.

1. Fondation of Qur'an

a. Verse At-Thalaq: 6

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تُضَارُّوهُنَّ لِتُضَيِّقُوا
عَلَيْهِنَّ وَإِنْ كُنَّ أُولَاتٍ حَمَلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ فَإِنْ
أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ ۖ وَتَمَرُوا بَيْنَكُمْ بِمَعْرُوفٍ وَإِنْ تَعَاَسَرْتُم
فَسَتَرْضِعْ لَهُنَّ أُخْرَىٰ ﴿٦﴾

Meaning: Put them (wives) where you live according to your ability and do not trouble them to constrict their (hearts). and if they (wives who have been talaqed) are pregnant, then give them a living until they give birth, then if they feed (your children) for you, then give them the reward, and deliberate between you (all things) well; and if you encounter difficulties Then another woman may breastfeed (the child) for him.²¹

In verse of Al-Baqarah 233, Allah SWT also said:

²¹ AL-Qur'an Terjemahan Departemen Agama, *IBID*, p. 37.

...وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا
ءَاتَيْتُمْ بِالْمَعْرُوفِ ...

Meaning: ...If you want your child to be fed by someone else, then there is no sin for you if you pay accordingly...²²

2. The Foundation of Sunnah

Haidts narrative of Ibn Majah from Ibn Umar, that the prophet said:²³

اعطوا الاجير اجره قبل ان يجف عرقه

Meaning: "Give workers wages before their sweat is dry

From the above hadith it can be understood that in order to maintain *maqaasid as syariah* in human relations with humans, one must fulfill one's rights before he claims his rights first, pay someone's wages before he really needs them and ask for them as agreed in the lease agreement or wages, for people withholding wages is a sin as narrated by Sahih Muslim no. 1662.²⁴

حَدَّثَنَا سَعِيدُ بْنُ مُحَمَّدٍ الْجَرْمِيُّ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي الْجَرِّ الْكِنَانِيُّ عَنْ أَبِيهِ عَنْ

طَلْحَةَ بْنِ مُصَرِّفٍ عَنْ خَيْثَمَةَ قَالَ كُنَّا جُلُوسًا مَعَ عَبْدِ اللَّهِ بْنِ عَمْرٍو إِذْ جَاءَهُ فَهَرَمَانٌ لَهُ

فَدَخَلَ فَقَالَ أَعْطَيْتَ الرَّقِيقَ قُوتَهُمْ قَالَ لَا قَالَ فَاَنْطَلِقْ فَأَعْطِهِمْ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ

عَلَيْهِ وَسَلَّمَ كَفَى بِالْمَرْءِ إِثْمًا أَنْ (رواه مسلم)

"It has told us Saeed bin Mohammed Al Jarmi Have told us Abdurrahman bin Abdul Malik bin Abjar Al Kinani from his father from Talhah bin Musharrif from Khaitsamah he said; When we

²²AL-Qur'an Terjemahan Departemen Agama Republik Indonesia, *IBID*, p.

²³ Mukhtarol Hadits Nabawiyah, Al Haramain Jaya Indonesia, 2005, p. 28.

²⁴Shahih Muslim Kitab Imam 9 Lidwa Pustaka I Software No. 1662.

were sitting (studying) with Abdullah bin Amr, suddenly came treasurer, then came in and Abdullah asked him, "What are you have fed my servants? "The treasurer replied, "Not yet, my lord." Abdullah said, "Go, and feed them immediately." Then Ibn Umar said; The Prophet sallallaahu 'alaihi wasallam said: "Suffice a person it is said to be a sinner of those who refrain from eating (wages and so on) people who are dependents."

3. Legal Basic of *Ijma'*

Regarding the promulgation of *ijarah*, all Ulama agree, not a single scholar disputes this *ijma'* agreement, even though there are some people among them who differ in their technical point of view. Regarding the permissibility of *ijarah*, the scholars agree that there is not a single scholar who denies this agreement (*Ijma'*), Allah has required *ijarah* which is intended for the benefit of the *ummah*, and there is no prohibition to carry out *ijarah* activities as long as it is not opposed to what is permitted by Islamic law.²⁵

C. Terms and Pillars of *Ijarah*

The conditions for valid *Ijarah* are as follows:

- a. The willingness of two parties who perform *ijarah*, for both people who act according to the Syafiiyah and Hanabilah scholars are required to have matured and also have good sense. Therefore, the contract made by

²⁵ Helmi Basri and Masrun Saridin, *Fiqh Muamalah*, (Pekanbaru, Suska Press, 2011), p. 3.

small children, adults but with no sense of reason to rent out their property and them as laborers is not valid.

- b. Knowing the perfect benefits that will be accrued so as to prevent disputes. If one of them is forced to do the contract, the contract is invalid.
- c. The goods that will be used as the object of the contract that are transacted can be utilized according to the criteria, reality, and syara. If the benefits of what is to be used as the object of *ijarah* are not clear then the contract is invalid. Clarity of benefits can be done by explaining the types of benefits in the hands of the tenants.
- d. That benefits are permissible, not what is forbidden in Islam. The object of *ijarah* can be handed over and can be used directly and without disability *fuqaha* argues that it is not permissible to rent something that cannot be handed over and used by the tenant, such as if a person rents a car, he must accept the car key so that it can be used, and if the car is still under the control of another person if the self service contract is null and void.
- e. The object that is rented out is not an obligation for the tenant, for example, to hire someone for obligatory prayers or to hire someone who has not yet performed *Hajj* to replace the tenant's *Hajj*.

- f. The object of *ijarah* is something that is provided in general, such as a house, vehicle, livestock, or work, it is not legal to rent a tree to take its logs or fruit.
- g. The reward or wages in the rental must be in the form of property which has a clear value which is known either by witnessing or by informing its characteristics.
- h. *Fuqaha* Hanafiyah added that rental wages are not the same as the benefits rented. For example, Fulan rents a house to Fulan and Fulanah rents a house to Fulan as payment or wages with the type and facilities of the house and the size is the same. It can be seen in terms of levels, types, and properties.²⁶

1. Pillars of *Ijarah*

In the Islamic Law Compilation both economic pillars of *Ijara* mentioned in Article 295, of which there are *mu'jir* (charterer), *musta'jir* (the lessor), *ma'jur 'alaih* (objects of *ijarah*), and the contract.²⁷ The pillars of *ijarah* are:

- a. *Mu'jir* and *Musta'jir*, namely people who make a lease or wage contract with their own will and both are not redundant. The perpetrator of *ijarah* contract who is already baligh and has a healthy mind, so that the contract made by the crazy people and children is

²⁶ Sulaiman Rasyid, *Fiqh Islam*, (Bandung: Sinar Baru Algensindo, 2017), p. 304.

²⁷ *Kompilasi Hukum Ekonomi Syariah Pusat Pengkajian Hukum Islam Dan Masyarakat Madani*, (Jakarta: Ed. Rev. 2009), p. 87.

not valid.²⁸

- b. *Shigat* consent *Kabul* between *mu'jir* and *musta'jir* consist of an abstract of the willing among two parties
- c. *Ujrah*, it is required that both parties know the amount in terms of renting and wages. There are two kinds of wages, first the wages are known and valuable assets, the second is wages in the form of benefits or services.

D. Types of Ijarah

Ijarah is divided into two, the first is *ijarah* towards work (wages) with the object of the contract namely work. *ijarah* has the character of employing someone, and *ijarah* this kind of is allowed either in groups such as construction workers, tailors, and others, or for individuals such as domestic helpers or gardeners. Meanwhile, people who do work are called *musta'jir*. Second leasing in the form of benefits such as renting our a building to live in or vehicle to rent.²⁹

Musta'jir (labor) is divided into two kinds of benefits and employment *ijarah*. The explanation is as follows *ijarah* for benefits (leasing), has a

²⁸ Wahbah AZ Zuhaili, *Fiqh Islam Wa Adillatuhu Jilid 5 Hukum Transaksi Keuangan, Transaksi Jual Beli, Asuransi, Khiyar, Macam-Macam Akad Jual Beli, dan Akad Ijarah*, (Jakarta: Darul Fiqr Gema Insani, 2011), p. 389.

²⁹ Abdul Rahman Ghazali, Dkk, *Fiqh Muamalah*, (Jakarta: Prenada Media, 2018), p.280.

contract object in the form of benefits from an object. The legal lease agreement is allowed.

For a changeable benefit, such as a house to live in, a car for a vehicle, and so on. Meanwhile, a benefit that is not allowed, for example, cannot take the benefit of a carcass and blood, because it is forbidden.

E. Argument of Mazhab About the Wages of Worship Work

It is not permissible for *ijarah* to perform obligations because a person performing his duties is not entitled to a wage from the job, such as the person who pays his debts. So it is not legal to perform *ijarah* to perform acts of worship and obedience such as prayer, fasting, pilgrimage, becoming an imam, adzan, teaching the Qur'an and knowledge that causes people to refuse to perform congregational prayers, study the Qur'an and seek knowledge.

This issue was agreed upon by the Hanafiyah and Hanabilah scholars in one of the rules of the Hanafiyah scholars mentioned "Not entitled to the wages of the hired person for obedience" and "renting something that is obligatory is not allowed". Therefore, a person who hires his wife for a period of one month to take care of a household is not allowed in Islamic law.

However, later scholars have issued a fatwa that allows a Qur'an teacher to take a salary that corresponds to the time in teaching the Qur'an, as the opinion of Imam Malik and Syafi'i is allowed to perform *ijarah* in teaching the Qur'an because the object of work is clear and the wages are also clear.³⁰

³⁰ Wahbah AZ Zuhaili, *IBID*, p. 398-399.

1. Hanafi school argues that *ijarah* is in obedient actions such as hiring other people for prayer, fasting, pilgrimage, or reading the Qur'an which is given to certain people, such as to the spirit of the father and mother of the one who hires, calls to prayer, *qamat*, and becomes an *imam*, the law is that it takes wages from that job.
 2. According to the Hanbali School, taking wages from the work of the call to prayer, *iqamat*, teaching the Qur'an, Fiqh, Hadith, Badal *Hajj*, and fasting *qadha* is prohibited, and it is forbidden for the perpetrator to take these wages. But may take the wages of the work if is mashalih such as teaching al-qur'an, fiqh, hadith, because they belong to *taqarrub*.³¹
 3. Maliki, Syafi'i and Ibn Hazm schools allow taking wages in exchange for teaching the Qur'an and the sciences because this is a type of reward for actions that are known and with known energy, Abu Hanifah and Ahmad forbid taking wages from recitations Qur'an and teaches it if it is related to reading and teaching it with obedience or worship.³²
- Based on khilafiyah above four of mazhab Hanafi and Hanbali scholer have a same argument which is to prohibited taking wages from the Qur'an, while Syafi'i and Maliki Scholer allowed to taking the wages from the Qur'an. Every prayer intended for the deceased has its reward up to the corpse, provided that the reader does not ask for a wage for the

³¹ Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: PT. Raja Grafindo Persada), p. 118.

³² Hendi Suhendi, *IBID*, p. 120.

reading. If it is accepted then it is illegal for both the giver and the receiver. While the reading did not reach the corpse and did not get a reward.³³

F. Wages in Worship

The scholars have different points of view in terms of wages or rewards for jobs that are worship in nature or a manifestation of obedience to Allah. The Hanbali school argues that *al ijarah* in acts of worship or obedience to Allah is like hiring other people for prayer, fasting, pilgrimage, or reading the Qur'an whose rewards are given to certain people such as the spirits of people elderly who rent, become *muadzin*, become priests, and other types of law are unclean (*haram*) to take wages from the work based on the words of the Prophet Muhammad :³⁴

اقرأ القرآن ولا تأكلوا به

Meaning: "Recite the Qur 'an and do not shall find eating roadwas"

In another hadith the Prophet said:

عَنْ أَبِي بِنِ كَعْبٍ قَالَ عَلَّمْتُ رَجُلًا الْقُرْآنَ فَأَهْدَى إِلَيَّ قَوْسًا فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ إِنَّ أَخَذْتَهَا أَخَذْتَ قَوْسًا مِنْ نَارٍ فَرَدَدْتُهَا

The meaning: I taught the Qur'an and wrote to a group of people from the shuffah experts, then a man among them gave me a bow. and I use it in

³³ Sayyid Sabiq, *Fiqh Sunnah*, 4, Cet.11 (Bandung: Al-Maarif, 1996), p. 190.

³⁴ Kitab Musnad Ahmad Kitab Hadis Imam 9 Lidwa Pustaka I Software No. 14981.p.

the way of Allah, then I asked the apostle and he answered if you like being strapped with a necklace from hell then accept it.³⁵

وان اتخذت مؤذنا فلا تا خدمن الا اذا ن اجرا

It means "If you lift someone be Muadzin then don't take (you give) from the call to prayer a reward".³⁶

Actions such as the call to prayer, prayer, pilgrimage, fasting, reading the Qur'an and *dzhikr* are classified as *taqarrub* deeds to Allah, therefore you cannot take wages for that work apart from God. As an illustration, we often encounter in several regions in Indonesia when someone dies, the deceased's family will ask the students or neighbors to read the Qur'an at home or at the grave for 3 nights, seven nights, or even up to forty nights. then after finishing reading the Al-Qur'an and certain *dzikir* at a predetermined time they are rewarded for their services. As buying and selling which prohibits the provisions of the object of sale and purchase in line with the wages prohibited in Islam.³⁷

Hendi Suhendi in his book *Fiqih Muamalah* explains that the scholars report the ability to take wages from activities that are considered good deeds. Teachers of the Qur'an, religious teachers at school or elsewhere, are allowed to take or receive wages for the services they provide because they

³⁵ Terjemahan Abdullah Shonhaji, Sunan Ibnu Majah Jilid 3, Semarang: As Syifa, 1993, p. 19.

³⁶ Kitab Abu Dawud Kitab Hadis Imam 9 Lidwa Pustaka I Software No. 447. P. 221.

³⁷ Hendra Gunawan, "Jual Beli Jabatan Perspektif Fiqh Jinayah" *Yurisprudencia: Jurnal Hukum Ekonomi* Vol 5, No. 2 (2019): P. 111.

need support for themselves and their families because their time to teach the Qur'an has been spent to make a living. The Hanbali school is of the opinion that it is permissible to take wages from the work of teaching the Qur'an and the like if the goal is including to realize benefit, however, the law is unclean (*haram*) to take a reward if the goal includes *Taqarrub* to Allah.³⁸

Sayyid Sabiq says that job like this is null and void according to Islamic law, because those who read the Al-Qur'an if the aim is to earn wages (money), then for him there isn't reward even the slightest from Allah.³⁹ If the *ijarah* is a job, then the obligation to pay the wages is when the work has been completed.

According to Abu Hanifah, if there is no other work, while the contract is already in progress and there is requirement for payment and deferral provisions, the wages must be paid installments according to the benefits received. Meanwhile, according to Imam Syafi'i and Ahmad, that if a *mu'jir* hands over a rented object to the lessee (*musta'jir*), then the *mu'jir* has the right to receive payment because *musta'jir* has received a benefit, a worker has the right to ask for wages for the job. which is carried out whether the object of rent is in the form of goods or services in several circumstances, namely as follows:⁴⁰

³⁸ Hendi Suhendi, *IBID*, p. 120.

³⁹ Hendi Suhendi, *IBID*, p. 281.

⁴⁰ Syaikh Sulaiman Ahmad Yahya Al-Faifi, *Ringkasan Fiqh Sunah Sayyid Sabiq: Pengantar Syaikh Aidh Al-Qarni*, Cet. 1, (Jakarta: Pustaka AlKautsar, 2013), p. 806.

G. The Principle of Ujrah

In the principle of wages there are similarities to the principle of *mu'amalah*, namely:

1. Basically, all forms of *mu'amalah* are permissible, unless there are other provisions in the Qur'an and sunnah.
2. *Mu'amalah* is done on a voluntary basis, doesn't contain elements of coercion.
3. *Mu'amalah* is done on the basis on consideration of bringing benefits and avoiding harm in people's lives.
4. *Mu'amalah* is carried out by maintaining the essence of justice, avoiding the elements of persecution, and the elements of taking opportunities in a narrow manner.⁴¹
5. In islamic law there is work protection, such as if an accident occurs when a workers working he is entitled to receive coverage for the accident that happened to him.⁴²

H. Right and Obligation in *Ijarah*

1. *Special Musta'jir*

Adjunct Specialists as described above are people who work alone and receive their own wages, such as domestic helpers. If an item is damaged it is not responsible for replacing it.

2. *Musta'jir Musytarik*

Musta'jir musytarik interested are workers in factories, the most valid opinion is that they are not responsible for the damage because the damage was not caused by them. As for the change from mandate to responsibility, for example cloth on a tailor is considered a mandate,

⁴¹ Ahmad Azhar Basyir, *Asas-asas Hukum Muamalat*, (Jakarta: Bumi Aksara, 2002), p. 10.

⁴² Muhammad Arsad Nasution, "Perlindungan Pekerja Menurut Hukum Islam," *Yurisprudencia; Jurnal Hukum Ekonomi* Vol. 5, No. 9 (2019): P. 121.

but the mandate will turn into responsibility if in the following circumstances:

- a. Not keeping it
- b. deliberately tampered with in a *marker musytarak* if pupils *stakes* helped, the teacher will be responsible for the damage
- c. Violating tenant orders.⁴³

I. Cancellation and Termination of *Ijarah*

Ijarah is a common type of contract, which is a contract that does not allow *fasakh* on one of the parties because *ijarah* is an exchange contract, unless things are found that oblige *fasakh ijarah* will become *fasakh* (canceled) if:

1. There is a defect in the rental goods that occurs in the hands of the lessee.
2. Damaged goods that are rented out such as house collapsed and so on.
3. Damage to wages (*ma'jur 'alaih*) such as clothes for sewing.
4. Fulfillment of the accrued benefits, expiration of the specified period and completion of work.
5. According to Hanafiyah, may *fasakh ijarah* one party, such as renting a shop for trading, then someone steals the merchandise so he is allowed to abrogate the contract. If the *ijarah* has ended, the tenant is obliged to return the rented goods, if the goods can be moved, he is obliged to hand over to the owner, and if the rented object is a permanent object (*Iqar*) he is obliged to return it to the owner empty, if the object is in the form of land then he is obliged to return the land empty from the plant unless there is difficulty removing it⁴⁴

⁴³ Syafe'i Rachmat, *Fiqh Muamalah*, (Bandung: CV Pustaka Setia, 2001), p. 135.

⁴⁴ Oni Sahroni and M. Hasanuddin, *Fikih Muamalah: Teori Akad dan Implementasinya dalam Ekonomi Syariah*, (Jakarta: Raja Grafindo Persada, 2017) p. 122-123.

CHAPTER III

METHOD OF RESEARCH

A. Location and Time of Research

1. Research Location

This research was conducted in Pasir Lancat Village, Ujung Batu District, Padang Lawas Utara Regency, North Sumatra Province as the research object, the researchers themselves are including the people who live in the village. The reason the researcher chose this location as the object of research is because the people in this place do a practice of daily wages to certain people who read Al- Qur'an at the grave of someone who just died.

2. Time of Research

This research has been conducted since November 2020 and expected to be completed in April 2021.

B. Types of Research

Research based on field studies (*Field research*) by containing information from the public in the form of interviews and books from other sources. Then in this research, the researcher contains primary, secondary, and tertiary data.

C. Approach of the Methods

Method used in this research is qualitative descriptive method, where the data collected is in the form of words, pictures and data. obtained through

interviews with the people or the person who was practiced the *ijarah* in this research.

D. Source of Data

There are two sources of data in this thesis namely:

1. Primary Data

Primary data is data obtained directly from the first source.⁴⁵ In this primary data, the researcher will conduct direct interviews with the perpetrators of the wage practice in the village of Pasir Lancat. The primary data source is the results of interviews with information from the public who carry out wages for the Al-Qur'an in the graves of Secondary data sources in the form of documentation tertiary data sources in the form of references from the fiqh study books *Muamalah*.

Society in that village who was practiced *ijarah* on the wages of reading the Qur'an specially the people who give the wages and receive the wages namely *mu'jir* and *musta'jir*. This primary data related to the secondary data because in secondary data obtained of explanation the theory of islamic law or fiqh muamalah which forbid the type of *ijarah*.

2. Secondary Data

Secondary data is data which taken to support primary data without having to go into the field, including related scientific books. So I can compare the information that I get from theory of expert in every

⁴⁵ Aminuddin and Zainal Asikin, *Pengantar Metodologi Penelitian Hukum*, (Jakarta: PT. Raja Grafindo Persada, 2010), p. 30.

books as the references in this research and information from the society as the informan of interview to get the data in this research.

E. Data Collecting Methods

In this study, researcher will use the following data collection methods:

1. Observation

Observation is in the village of Pasir Lancat regarding the implementation of wages for reading the Qur'an were carried out directly on the object. So the target of observation is the community involved in this implementation namely tenants and rents and also village governments officials, this observation has been carried out since 11 th of December 2020 until 1 st January of 2021

2. Interview

Interview is a data collection method that is carried out by conducting interviews to find information directly by asking questions to the sources or respondents.⁴⁶ To collected research of data has conducted interviews with parties involved in implementing of wages on reading Qur'an namely with the tenants Torang Hasibuan, Basri Efendi Harahap, Suryani Hasibuan, Hatta, and Herman. And the renting party namely Muhammad Abidin Harahap, Raja Hasibuan, Bahrin Harahap, Bahori Harahap, and Masrud Dalimunthe. Oldest in this village is Sinar

⁴⁶ Andi Prastowo, *Memahami Metode-Metode Penelitian*, (Jakarta: Ar Ruzz Media, 2014). p. 31.

Harahap, and head of village Sonang Hasibuan with structured interviews.

3. Documentation

Documentation is one of collecting data method using written materials. In carrying out this method of documentation, documentation of research activities was presented in three forms namely list of interview, photos of parties who reciting the *Qur'an*, and scientific support reference (books) in this study.

F. Data Analysis

Data analysis in this study a qualitative analysis to processing and analysis of data adjusted to the data nature obtained from the field qualitatively. Techniques for analyzing a qualitative data are as follow:

1. Data editing, which is to organize the data redaction into a systematic sentence arrangement.
2. Data reduction, is a checking to completeness of the data to look for the still lacking and putting aside irrelevant.
3. Describe the data systematically associated with the processing data qualitatively according to the topics of discussion. Deduction, that is summarizing all data descriptions in several sentences which understanding is brief, dense and clear.

G. Systematic of Discussion

Chapter one consists of Introduction of the research to describe a little of problem which be the object in this research, covering the background and in the background of this thesis was describe the practice or implementation of *ijarah* or wages of reading the Qur'an in Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District the implementation that has done in that research location of this thesis was be in contradiction with *syara'*, problem formulation to get the ideal result of this thesis and to get the conclusion about that implementation, so I made two problem formulations in this thesis, research objectives, research benefits that also really important for the researcher and society and for the next researcher as the literature, and the last in this chapter is previous research was consist in 3 previous research with the different title, problem and result.

Chapter two theoretical Framework discusses the Meaning of *Ijarah* because the research in this thesis is oriented towards hiring in the practice of renting services in terms of reading the Qur'an in the graves. From some theories put forward by the scholars of fiqh that have been summarized in the writing of this thesis then linked back to some legal basis allowed *ijarah*, be it the basic legal basis based on the Qur'an, hadith, and also. In order not to make mistakes in the implementation of *ijarah* in accordance with the *syara'* which the author is allowed to also write the conditions and pillars that must

be met in the implementation of *ijarah* both in terms of *mu'jir*, *musta'jir*, *ujrah*, and also the benefits of *ijarah*.

So that the author contains the opinion of scholars on the wages of reading the Qur'an as the object to be examined in this thesis, then the discussion on the types of *ijarah*, wages in the work of worship as well as rights and obligations that must be fulfilled between the tenant and the rented party to avoiding disputes later in the day and the last in this chapter is the cancellation of *ijarah*.

Chapter three the author describes the research methods used in completing this thesis. The research is location in the village of Pasir Lancat Ujung Batu District, Padang Lawas Utara Regency. This study started from November 2020 to April 2021 with a period of approximately 5 months.

This research is a field study or library research on the implementation of the recitation of the Qur'an in the cemetery with a descriptive qualitative approach method with the acquisition of primary data from the results of live interviews with parties who have carried out the recitation of the Qur'an and data secondary obtained from written sources or literature related to the discussion in this thesis. To support the validity of the data collected by the author, the author also includes documentation in the form of writing, as well as photos of research activities during research.

Chapter four will be described the description of the research location and the results of the research conducted by the researcher on the

Implementation of Wages to Read the Qur'an in the Graveyard in the Review of *Fiqh Muamalah*.

Chapter Five contains of the Conclusion of this research in the form of answers to the formulation of problems in chapter one and also Suggestions that the author will convey to the community and also the sincere reader on how the implementation of hiring in reading the Qur'an in a good and true grave so as not to contradict Islamic law.

CHAPTER IV

RESEARCH RESULTS

A. Geographical Location of the Research

Sites location of this research is located in Pasir Lancat Village, Ujung Batu District, North Padang Lawas Regency. This village is a village located at the end of the border between North Padang Lawas and Labuhan Batu south, while the geographical location of the village of Pasir Lancat is as follows:

1. In the north it is bordered by PT Barumun Agro Sentosa
2. In the east it is bordered by Dusun Harmania
3. South is bordered by with agricultural land in the village of Rasau
4. West side is bordered by the Barumun River

B. Demografi

1. Total Population

As for the number of residents who live in the village of Pasir Lancat, there are 80 families (heads of families) with the majority of Islam. And in the village of Pasir Lancat, there are 3 (three) tribes who live side by side, namely the Batak Mandailing, Javanese and Sundanese tribes, while the majority of the tribes of the people in the village of Pasir Lancat are Batak Mandailing because the village was founded or built by previous parents who have the Hasibuan and his wife Busu Rambe, was the first to open a

settlement in the village of Pasir Lancat.⁴⁷ Because the village of Pasir Lancat is one of the villages that was once a camp for the Dutch Colonial when they colonized Indonesia leaving their prisoner girls in the village even when the prisoner girls were pregnant so that after the prisoners gave birth and because they were prisoners who came from the Javanese tribe, since then the Javanese people began to regenerate in the village of Pasir Lancat.

In ancient times after the independence of Indonesia, the Javanese people had their settlements exiled from the Batak Mandailing people because of the strong Batak Mandailing culture at that time. Then, over time, the thinking of the people in the village of Pasir Lancat began to open up to live side by side with the Javanese people. This is due to the abundant natural wealth in the customary land area of the village of Pasir Lancat ranging from rubber, oil palm, coffee, forest areas with large tree species such as merbau, meranti, teak and other quality woods and various fruit trees such as mango, duku, langsung, areca and so on.

So that at that time many people from outside the region and even outside the province of North Sumatra visited the village of Pasir Lancat to process and buy crops from the village. There were those who lived temporarily and settled in the village, so that there was a marriage between

⁴⁷ Interview with the Head of Pasir Lancat Village Mr. Sonang Hasibuan at the informant's house on December 28, 2020 at. 14.22 pm - 14.44 pm.

the Batak Mandailing people and the Javanese tribe and so on gave birth to offspring.⁴⁸

At that time, the village of Pasir Lancat was the center of the economy because it was a port for timber businessmen and others who used water vehicles anchored on the Barumun river.

Tabel I. Total Population in Pasir Lancat Village

No	Religion	Houshold Data	Amount	Percentage
1	Islam	74	298	100 %
2	Christian	0	0	0 %
3	Hindu	0	0	0 %
4	Buddha	0	0	0 %
5	Konghucu	0	0	0 %
Total Population 298 = 100 %				

Source: Village Office of Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District.

Table II. Amount of Population by Gender

No	Gender	Quantity	Percentage
1	Male	168	56,37 %
3	Female	130	43,630 %
Total Population 298 = 100 %			

⁴⁸ Interview with One of Elders of Pasir Lancat Village Mrs. Siti Sinar Harahap at the informant's house on December 28, 2020 at. 20.22 pm - 22.44 pm.

Source: Village Office of Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District.

Tabel III. Based on Tribe

No	Tribe	Quantity	Percentage
1	Mandailing Bataknese	242	81,20 %
2	Javanese	50	16,78 %
3	Sundanese	6	2,02 %
Total 298 = 100 %			

Source: Village Office of Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District.

2. Educational Conditions

In the village of Pasir Lancat there is 1 State Elementary School that was established in 2018, before the SD was built the community took the children to study to another village with a considerable distance and the terrain was not easy to pass, some took the water route. by crossing the river by boat for school to Jambu Tonang village, which is located across the Barumon river, then some choose to take the land route to Rasau village with a distance of approximately 8 KM from Pasir Lancat village with muddy road conditions when the rainy season comes.

So that most primitive minded parents choose not to send their children to school and choose to work to open agricultural land such as rubber and oil palm, therefore the level of education in the village of

Pasir Lancat is still low because since the village was founded until now there are only 15 of them were undergraduate graduates and most of them chose to live in other areas. However, since the early 2000s the mindset of the community has begun to change regarding education, most children have started to continue their junior and high school education senior even though they are quite far away because the community is economically established so that they are able to send their children to school by facilitating vehicles to other villages.

Tabel IV. Education Data

No	Degree	Quantity	Percentage
1	Bachelor Degree/S1	16	15,43 %
2	Senior High School	28	9,39 %
3	Junior High School	31	10,40 %
4	Elementary School	46	5,05 %
5	Not Studying	178	59,73 %
Total 298 = 100 %			

Source: Village Office of Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District.

3. Community Livelihoods

Majority of people's livelihoods in Pasir Lancat Village are rubber and oil palm farmers, then there are 4 families as traders, 5 people work

as school teachers, 2 people as civil servants, 4 businessmen and 4 people as health workers.

Tabel IV. Based on Livelihoods

No	Jobs	Quantity	Percentage
1	Farmer	59	19,79 %
2	Traders/Seller	8	2,64 %
3	Collector	6	2,04 %
4	Labor	5	1,67 %
5	Employe	5	1,67 %
6	Teacher	3	1,06 %
7	State Civil Apparatus	2	0,67 %
8	Does not work	210	70,46 %
Total 298 = 100 %			

Source: Village Office of Pasir Lancat Ujung Batu Subdistrict North Padang Lawas District.

E. The Implementation of Wages Reading the Qur'an at the Grave in Pasir Lancat

1. Ijarah Contract

The form of *ijarah* contract among *mu'jir* and *musta'jir* is an oral form and describe the willing of two parties as long as the periode of lease, namely:

- a. Delivery of wages

Based on an interview with Mr. Torang Hasibuan as a lessee he said “*Biasana upah mambaca qur’an on diserahkan setelah salose membacana tolu ari tori borngin, tapi on harus adong kesepakatan awal na bisa jadi upah on dilehen pada hari pertama membaca qur’an dengan alasan halak na diupah on memerluhon biaya kebutuhan keluarga nia selama ia membaca Qur’an dengan alasan selama periode mereka inda bisa bekerja songon hari biasana*” the wages will be submitted on the last day of the period of lease to be precise at night of closing namely *khatmul Qur’an* at *musta’jir’s* house.⁴⁹

b. Amount of *Khatam*

Each member of the Qur’an will start their respective studies starting from the first juz in the Qur’an and each member of the guardianship of the grave will complete the recitation of the Qur’an until the last Juz, namely the 30th juz in the Qur’an.

However, there are also members of the grave who divide the 30 *juz* of the Qur’an according to the number of Qur’an members guarding the grave, for example 10 *juz* each person. This is in accordance with the request of the *musta’jir* and the agreement of the two parties regarding the number of *khatam* that must be

⁴⁹ Based on an interview with Mr. Torang Hasibuan and Mr. Hatta as a lessee

completed by the *mu'jir*. This description have founded after conducting interviews with both of the parties of ijararah contract.

2. Time of Reading Al-Qur'an

For the implementation of reading the Qur'an in the grave of a recently deceased person, it is usually called guarding the grave in the village of Pasir Lancat, the implementation of guarding the grave starts from the first night after a person dies is buried until the third night after the funeral. Based on interview with Mr. Muhammad Abidin Harahap he said "*selama tolu ari tolu borngin sejak malam pertama mayit dikebumikan sampai malam ke tolu atau ke pitu*". In practice, since the first night guarding the grave begins, each member of the Qur'an will start their respective studies starting from the first *juz* in the Qur'an and each member of the guardianship of the grave will complete the recitation of the Qur'an until the last Juz, namely the 30th *juz* in the Qur'an.⁵⁰

As long as the periode of lease the graves cant be empty of reading the Qur'an in unit of time three days over night which is approximately 72 hours. If one the members has urgent interest they will divide their turn to read the Qur'an, sometimes which one of member will cheat by lying if his action found out by his friends he will not be invited to the next lease.

⁵⁰ This is based on an interview on 27 th December 2020 with Mr. Muhammad Abidin Harahap as a person who read the Qur'an

3. Executing Personal Wages for Reading the Qur'an

In the implementation of wages for reading the Al-Qur'an at the grave requires the Qur'an in a quantity as much as the person who is paid for reading the Qur'an.⁵¹ In the village of Pasir Lancat, there has often been a wage for reciting the Qur'an in a cemetery. Not every person who dies reads the Qur'an in the grave, this is based on the material needed to pay for the services of reading the Qur'an which is categorized as big expense, the party who makes wages in the village of Pasir Lancat is generally a family level middle and upper economy. There are two groups that are usually asked to guard the grave by reading the Qur'an namely a group from Pasir Lancat Village and from another village.⁵²

- a. Those who usually provide Al-Qur'an reading services in the village of Pasir Lancat consist of five people, namely Muhammad Abidin Hrp, Bahori Hrp, Dalimunthe, Bahrin Hrp, and Raja Hsb. People who read Al-Qur'an are those people who have basic religion such as religious leaders, personal executing of reading Qur'an is not their main profession in general, they work as a rubber and oil palm farmers as well as company workers.

⁵¹ Interview with Muhammad Abidin Harahap, at the informant's house on December 27, 2020, 19.45 pm-21.15 pm.

⁵² This statement conducting interviews with both parties.

- b. Those who provide Al-Qur'an reading from another village are khalifah Panusunan Harahap and Sawaluddin Harahap

In its implementation, reading the Qur'an in a cemetery which is carried out by a group of 3-5 people according to the policy of the person in charge of the group, generally in Pasir Lancat Village, people who read the Qur'an in the grave consist of three people. because the fewer the number of people who read the Qur'an, the greater the wages that will be received by each person who reads the Qur'an.

Based on the results of interviews with the head of Pasir Lancat village, the names that have been listed by the author above are that the parties often read the Qur'an in the graves, especially in the village of Pasir Lancat.⁵³

4. Place of Wages Executing

Based on an interview with on of the cemetery guards executors in Pasir Lancat that place of execution namely in the grave of people who have just died, so the guards of the grave will take their position in the right and left of the graves that will be guarded.

⁵³ Interview with Mr. Torang Hasibuan at the informant's house on December 29, 2020 at 08.23 am-09.30 am.

And for the last day they have read the Qur'an in the funeral home namely general *khatam* Qur'an with villagers.⁵⁴

5. Wages in Reading the Qur'an

Generally, if someone dies, the family or heirs of the deceased person will find someone who is physically and psychologically capable. to carry out recitation of the Qur'an in the graves of people who have recently died. Especially if the deceased are old parents and leaves a good and stable economic level heir. Those who will pay will find someone who is able to read the Qur'an with a wage that he can afford.⁵⁵

In guarding the grave for three days and three nights as much as IDR. 2.500.000'- if the party being offered agrees with this amount of wages, that is the amount they receive for three days and three nights. However, sometimes the party who will be paid will make an offer with a nominal wage of IDR. 1.000.000 over night some even ask for IDR. 1.500.000 over night for the implementation of the Qur'an at the cemetery for three days and three nights, the wages earn will be divided equally by each member.

⁵⁴ Interview with Mr. Muhammad Abidin Harahap as Mu'jir December 29 at 15.00 pm-16.30 pm.

⁵⁵ Interview with Mrs. Siti Asah Harahap at the informant's house on December 29, 10.01 am-10.45 am.

If there is an agreement among two parties, the contract will be effective from then on, but most of the mu'jir and also musta'jir follow the custom with a minimum wage of IDR. 1,000,000'- over night so that this nominal seems to be the keyword for the nominal wage that musta'jir must pay with all sincerity and if there is a musta'jir who asks for help that his wages are reduced from the usual amount by submitting one of the members who will participate.

The recitation of the Qur'an comes from the family or close relatives of musta'jir, so it is okay on the condition that the person will not get a share of the wages that have been previously agreed. In line with the custom that occurs in the village of Pasir Lancat, Ujung Batu Subdistrict, Padang Lawas Regency, people who recite the Qur'an consist of three people so that in reading the Qur'an they can take turns so that they have time to rest even if only briefly, based on There are *musta'jir* orders that ask to be done three times khatam for three days and three nights and some do not specify the amount of *khatam* that must be done by the *mu'jir* party, that is, it may be less or more than three times during the lease

period provided that it is the lease of *mu'jir* must not stop the recitation of the Qur'an under any circumstances.⁵⁶

As for the obligation of the wage party is to provide three meals a day during the rental period, then coffee as a drink so that the pilgrims in the cemetery are not sleepy providing lodging equipment during the rental period at the cemetery, including tents, lights, and other things needed by *mu'jir*.

If the burial place is far from clean water sources, the *musta'jir* must provide clean water for the purposes of ablution for the readers of the Qur'an. Between *musta'jir* and *mu'jir* there is a mutual agreement regarding the amount of wages, lease period, rights and obligations, as well as cancellation of the lease if one of the parties violates something agreed upon.⁵⁷

1. The rights and obligations of *Musta'jir* as agreed upon with *mu'jir*, namely:⁵⁸
 - a. Provide wages before or after the lease ends according to the agreement
 - b. Provide food and drink needs as well as equipment needed by *mu'jir* during the rental period.

⁵⁶ Interview with Mr. Raja Hasibuan at the informant's house on December 30, 09.00 am-09.55 am.

⁵⁷ Interview with Mr. Basri Efendi Harahap as a lessee at the informant's house on December 30 at 15.09 pm-16.12 pm.

⁵⁸ Interview with Mrs. Sawiyah Dalimunthe at the informant's house on January 1, 2021, 10.23 am-11.00 am.

2. Rights and Obligations of *Mu'jir*

a. Do everything that is promised to be done during the lease.

For example, completing the reading of the Koran properly and correctly and knowing what *musta'jir* want.

b. Maintain the secret and good name of the temple expert as well as the burial expert who is being recited by the Qur'an if during the lease, mystical or strange things happen around the cemetery. If one person experiences a strange incident during the lease period and tells the incident to someone other than the Qur'an member, the *musta'jir* has the right to deduct their wages or not even pay it at all. In carrying out the reading of the Qur'an, there are several general requirements that must be met by *mu'jir* (service providers), namely:⁵⁹

- 1) Two Parties are Moeslem
- 2) *Mu'jir* is a man, because it's feared that woman will be hindered by menstruation and courage to read the Qur'an at the grave.
- 3) Baligh and common sense

⁵⁹ Interview with Muhammad Abidin Harahap, as a at the informant's house on December 27, 2020, 19.45 pm-21.15 pm.

The recitation of the Qur'an by children is not allowed in the practice of this wage, as well as adults who have mental disorders or are not healthy in their minds.

3. Responsible

Each member of the Qur'an must have a great responsibility for his / her duties during the lease period, the members of the Qur'an should not laugh in the funeral area and make the object they read as a joke, not carelessly in opening the kaji means reading Al- The Qur'an must really be read without summarizing the reading, fully carry out its duties and keep it a secret if there are strange events concerning the person who just died. In Pasir Lancat village have been an incident occurred where the graves guards weren't paid their wages, because they have told disgrace during the periode of lease at the graves and the truth of disgrace wasn't known so that *musta'jir* feel aggrieved and the reputation of his family is damaged.

4. Recitation of Qur'an is *Fasih*.

Reading the Qur'an is not reading the Qur'an carelessly, it means that every member of the Qur'an who is assigned to read the Qur'an must be fluent and correct. The fluency of reading can be seen from recitation of *makhraj* and legal accuracy of recitation (*tajwid*) Therefore, people who have basic religious schools and

religious scholars in the village of Pasir Lancat, Ujung Batu District, North Padang Lawas Regency are the ones who usually do the reading of the Qur'an in the Grave.

F. The Understanding of Society Towards Guarding Graves by Reading the Qur'an

In the interviews the author conducts with the people involved in the implementation of wages in reading the Qur'an in the graves, there are several findings that the authors get, namely:

1. As a Helping Media for *Mayit*

With the guarding of the graves of people who have just died by reading the Qur'an For three days and three nights, it is believed by the community, especially in the village of Pasir Lancat, that it can be a helper for the deceased in the grave so that they are given the convenience to answer all problems in the grave and keep the deceased away from the torture of the grave.⁶⁰

As for the other meaning of the people of the village of Pasir Lancat for the recitation of the Qur'an in the grave, it is necessary if people who die often commit immoral acts during their life in the world and are far from being obedient to worshiping Allah and they will guard the grave of the deceased was adult and usually only for the deceased of their parents not for children, so that the community thinks by calling a group of

⁶⁰ Interview with Muhammad Abidin Harahap, Aa recitator of Qur'an on December 27, 2020.

people to recite the Qur'an. 'an in the person's grave can help the deceased in the grave. While Ibnu Taimiyah argues that wasilah prayer to people who are still alive or have passed away is shirk.⁶¹

2. Self approach to Allah

Implementation of guarding the graves by reciting the Qur'an in the grave is an inner therapy that is felt by those who participate in its implementation. The parties who recite the Qur'an are encouraged to humbly remember death and are motivated to repent and increase their devotion to Allah SWT. Reading the Qur'an also includes worship to Allah SWT, especially if the recitation of the Qur'an is carried out in a quiet place from the crowd and community activities so that the solemnity of the grave keeper is imprinted to continue to be serious. so as to create a solemn atmosphere at the guard location of the grave.

3. Forms of Mutual Help in Economic Condition

Between communities will create a cooperative relationship by providing an advantage for both parties. Whether it is a material gain or an inner satisfaction over the form of cooperation between the wages and those who are paid. In its implementation there was a big value about money that needed in this *ijarah* transacted. Amount of value can be in Million for 3 days such IDR 3. 000.000 otomatically this amount really in look for the people to fulfill their daily life earn. They can compare their

⁶¹ Sawaluddin Siregar, "Wasilah Ibadah Agung Yang Banyak Terselewengkan," *Yurisprudencia; Jurnal Hukum Ekonomiurispruentia* 3 (2017), p. 127.

earning from guarding grave is bigger than their earning from rubber, farm, and other and in guarding grave they dont need a long time for doing their obligation, if they work at the field they for a week at lease to have money.

G. Fiqh Muamalah Review of Wages for Reading Al-Qur'an in the Graves

Based on the practice that occurred in the village of Pasir Lancat, Ujung Batu District, Padang Lawas Utara Regency regarding wages in reading the Qur'an and the information that the author has obtained based on interviews with parties the party who has carried out the remuneration and a statement from the village head that the wages in reciting the Qur'an or commonly known as guardianship of the grave have a certain value.

Based on Fiqh Muamalah the pillar requirements of *ijarah* in implementing the lease for reading the services of the Qur'an in Pasir Lancat village have been fulfilled, namely: *mu'jir* and *musta'jir*, *shigat* (contract), and *ujrah*. But in terms of the object of *ijarah* are not fulfilled so that the benefits of the lease cant be handed over or felt by the tenant, to perform acts of worship and obedience such as prayer, fasting, pilgrimage, becoming an imam, *adzan*, teaching the Qur'an and knowledge that causes people to refuse to perform congregational prayers, study the Qur'an and seek knowledge.

There are differences of opinion of *mazhab* priests this issue was agreed upon by the Hanafiyah and Hanabilah scholars in one of the rules of the Hanafiyah scholars mentioned "Not entitled to the wages of the hired person

for obedience" and "renting something that is obligatory is not allowed". Therefore, a person who hires his wife for a period of one month to take care of a household is not allowed in Islamic law.⁶² As for the arguments supporting on the impossibility of obtaining wages from woeship work as said by prophet:

اقراوالقران ولا تا كلوابه

The meaning: Read the Qur'an and don't eat anything from Qur'an.

Maliki and Syafi'i schols allow taking wages in exchange for teaching the Qur'an and the sciences because this is type of reward for actions that known but if the recitation of the qur'an will be commercialize to get big income and big umbission is unclean. As for supporting on impossibility as prophet said:

ان احق ما اخذتم عليه اجرا كتاب هلال

The meaning: In fact the one who has the most right for you to take the reward is to read the book of Allah.

Based on the information from the *musta'jir* that the wages they give to the *mu'jir* are the requests of the *mu'jir*, regardless of any negotiations between the two parties. In the context of *muamalah fiqh* there is a theory that says "read the Al-Qur'an and don't eat anything from the Qur'an", in the book Al

⁶² Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: PT. Raja Grafindo persada), p. 118.

Fiqh Islam Wa Adillatuhu written by Wahbah Az Zuhaili also explains that the direction of doing one's obligations is not valid. doing his obligation is not entitled to get wages from that work, like a person who pays his debt.⁶³

So, it is not legal to do *ijarah* for the practice of worship and obedience, such as praying, fasting, pilgrimage, becoming an imam, calling to prayer, and teaching the Koran, because it is renting as an obligatory practice. In addition, because hiring someone to perform the call to prayer and *iqamat*, become an imam and teach the Qur'an and knowledge, people are reluctant to pray in congregation, study the Qur'an, and study.

Then if it is related to the legal requirements of the object of *ijarah*, one of which is that the object of *ijarah* must be clear and not prohibited in Islamic law, the practice of wages for reading the Qur'an in the grave that occurs in the village of Pasir Lancat as a research location is contrary to Islamic law. This is due to several reasons, namely:

1. The people in the village of Pasir Lancat, especially the mu'jir, have commercialized reading the Qur'an. This is when it is related to the theory written by scholars "read the Qur'an and do not you eating from it something "means that if someone reads the Qur'an to enrich himself with the material from the reading it is contrary to Islamic law. Based on the information of Musta'jir, the tariff for guarding the

⁶³ Wahbah Az Zuhaili, *fiqh islam wa adillatuhu jilid 5 Hukum Transaksi Keuangan, Transaksi Jual Beli, Asuransi, Khiyar, Macam-Macam Akad Jual Beli, an Akad Ijarah*, (Jakarta; Darul Fiqr Gema Insani, 2011), p. 389.

grave is determined by the mu'jir based on the mu'jir's ability to carry it out.

2. The benefits of the object for rent cannot be felt or enjoyed by the musta'jir as it should be justified in the *ijarah*.

Based on the practice that occurs regarding wages to read the Qur'an that occurred in the village of Pasir Lancat with the rate of payment setting mechanism for reading the Qur'an in the graves of people who have just died generally gives the impression of compulsion for people who need services. To protect the grave, because the lessee will determine the amount of payment to be paid by the tenant.

Based on the observations of the author of this lease agreement is invalid based on the terms and harmonious *ijarah* contained in *fiqh mua'malah* books, among other things, the object that is paid for is an object that can be used while reading the Qur'an in this grave is not clearly known for its benefits because the main purpose of guarding the graves of the people who just died is to help the people who just died face all the difficult conditions in the grave. A job like this is null and void according to Islamic law, because those who read the Qur'an if the aim is to earn wages then for him there isn't reward even the slightest from Allah.

Between the tenant and the lessee will make an agreement regarding the length of the lease, the amount of wages to be paid, the rights and obligations of the tenant and the lessee during the rental period. I analyzed that the practice that occurs like this is no longer rewarding for readers of the Qur'an or the tenants because the reading of the Qur'an as an object for rent becomes a big ambition for those who rent it to commercialize the reading according to their wishes.

CHAPTER V

CONCLUSIONS AND SUGGESTIONS

A. Conclusions

Based on the research the writer can conclude the results of the research as follows:

1. Implementation of reading the Qur'an in the grave of a recently deceased person, it is usually called guarding the grave in the village of Pasir Lancat, the implementation of guarding the grave starts from the first night after a person dies is buried until the third night after the funeral. In practice, since the first night guarding the grave begins. In the implementation of wages for reading the Al-Qur'an at the grave requires the Qur'an in a quantity as much as the person who is paid for reading the Qur'an. In the village of Pasir Lancat, there has often been a wage for reciting the Qur'an in a cemetery. Not every person who dies reads the Qur'an in the grave, this is based on the money needed to pay for the services of reading the Qur'an which is categorized as high value, the party who makes wages in the village of Pasir Lancat is generally a family level middle and upper economy. To guarding the grave for three days and three nights as much as IDR. 2.500.000'- if the party being offered agrees with this amount of wages, that is the amount they receive for three days and three nights. However, sometimes the party who will be paid will make an offer with a nominal wage of IDR. 1.000.000 over night some even ask for

IDR. 1.500.000 over night for the implementation of the Qur'an at the cemetery for three days and three nights.

2. Based on the information from the *mustajir* that the wages they give to the *mu'jir* are the requests of the *mu'jir*, regardless of any negotiations between the two parties. In the context of *muamalah fiqh* there is a theory that says "read the Al-Qur'an and don't eat anything from the Qur'an", in the book *Al Fiqh Islam Wa Adillatuhu* written by Wahbah Az Zuhaili also explains that the direction of doing one's obligations is not valid doing his obligation is not entitled to get wages from that work, like a person who pays his debt with regard to the practice of wages that occur for reading the Al-Qur'an at the graves of people who have recently died in terms of *Fiqh Muamalah*, it is against Islamic law and the conditions for the rental object and also the rental benefits made by the community in the village of Pasir Lancat do not meet the requirements as explained in fiqh books. Because the terms of the validity of the lease according to Wahbah Az Zuhaili's book, that the object for lease is not the obligation of the tenant, then the benefits of the rental object must be clear and can be utilized, and in other statements in fiqh books it is stated that it is prohibited to take wages from reading the Qur'an.

H. Suggestions

As for the message that the author wants to convey through this thesis, namely:

1. To all the people of Pasir Lancat village, Ujung Batu Subdistrict, Padang Lawas Utara Regency to change the habit of setting rates for guarding graves or reading the Koran in the grave.
2. It is better for *musta'jir* to give rewards to mu'jir based on voluntary gifts in the form of gifts or gratitude for the services of reading the Qur'an.
3. To those who have been trusted to be the executors of the recitation of the Qur'an, so that the main purpose of reciting the Qur'an is simply to hope for the blessing of Allah, not only because of the wages.
4. For the *'alim 'ulama* who are clever in providing education to the public about what is better given to someone who has just passed away other than guarding their grave by reading the Qur'an.
5. To researchers who contribute in providing education and socialization to the public regarding the implementation of wages to read the Qur'an in the grave in the view of Islamic law. And because this thesis is far from perfect, so with all humility the writer accepts criticism and input from readers that are constructive for this thesis to be even better.

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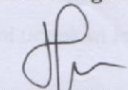
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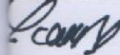
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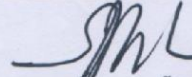
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Sehubungan dengan itu, kami mohon bantuan Bapak untuk memberikan data dan
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Demikian kami sampaikan, atas bantuan Bapak kami ucapkan terimakasih



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JUDUL : REVIEW OF FIQH MUAMALAH ON THE
 WAGES OF READING THE QUR'AN IN THE
 GRAVE (CASE STUDY IN PASIR LANCAT UJUNG
 BATU SUBDISTRICT NORTH PADANG LAWAS
 DISTRICT)

NO.	HARI/TANGGAL	CATATAN HASIL BIMBINGAN	T. TANGAN PEMBIMBING
	03/04-2021	Acc BAB I	
	23/05-2021	Acc BAB II, III	
	03/06-2021	Acc BAB IV, V	

