
GOLD SAVINGS AT PAWNSHOPS IN THE PERSPECTIVE OF ISLAMIC LAW

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Abstract: *Saving assets in the form of gold is a form of safeguarding the value of the property from inflation. Pawnshops has service products in the form of gold savings in the form of gold balance deposit services that make it easier for people to invest in gold. Pawnshops's gold savings product allows customers to invest in gold easily, cheaply, safely, and reliably. Gold transactions use an ijarah contract with buyback, add balance (top up), transfer, and print facilities. The purpose of the research conducted by the authors in this journal is to find out how the scholars view Pawnshops Gold Savings. The research method used is normative juridical which is a literature study based on law and is carried out by examining library materials or secondary data. Based on the discussion in this study, it can be concluded that Pawnshops makes gold savings products with buying and selling (Murabahahh) and leasing (ijarah) services. Trading or investing in non-cash gold at a pawn shop is legally permissible as long as gold is not used as the official medium of exchange (money). However, there are some limitations and conditions that must be met.*

Keywords: *pawnshops, gold savings, Islamic economic law, trading, ijarah and murabahahh.*

INTRODUCTION

The concept of Islamic economics makes Islamic values its foundation. Islamic values are not only related to economic processes but also related to the objectives of economic activity. Islam believes that the goal of the economy is not only worldly welfare but also for the more important interests, the welfare of the hereafter. Then among the most important aspects of Islamic economics is the theory of savings and or investment [1], [2].

Saving is an action recommended by Islam because saving means a Muslim has prepared himself for the implementation of future planning as well as for dealing with things that are not desirable [3], [4].

Gold is a kind of metal that has a very high value. Gold is also commonly referred to as a precious metal because gold is the best metal used to make jewellery and unique works of art, thus making its value very high [5]. Gold also has unique characteristics with high value, so it is not uncommon for gold to be referred to as a symbol of wealth and power [6]. Gold also has emotional benefits because of its beauty that can be enjoyed. So, it is stated that gold is a precious metal with high aesthetic value. Forms of gold include gold jewellery, gold bars, gold coins or chips, and gold granules [7]–[9].

According to Hidayat, gold is an investment instrument that has always been safe against inflation. The price of gold that continues to increase is enough to conclude that investing in gold consistently over time will be very profitable [10].

Pawnshops Gold Savings is a gold buying and selling service with a deposit facility at an affordable price, where the gold that has been purchased by the customer using money is not immediately received when the contract takes place on the spot, but the gold is deposited and converted directly in the form of a balance [11], [12].

Islamic gold savings products provide a special attraction due to product principles in operations where the mechanism is adjusted to Sharia principles. Sharia-based products have characteristics such as not collecting interest in various forms because of usury, setting money as a medium of exchange not as a traded commodity, and doing business to obtain rewards for services or profit sharing [13]. Pawnshops innovates its products, where at the beginning of its establishment the pawn shop only provided credit services using the pawn system, but at this time the pawn shop has added services including Fast Secured Loans (KCA), Monthly Installment Loans (KRASIDA), KREASI, MULIA, Gold Savings, Consignment Gold, Pawnshop Remittance, Multi Payment Online, Rentals. Buildings, Precious Stone Certification Services, Appraisal Services, Custody Services. Besides that PT. Pawnshops (persero) now also has several Sharia services [14]–[16].

In pawnshops, the absolute quality of service is an important concern for the company because of increasingly fierce competition between each financial institution. Service quality determines customer satisfaction and makes these consumers stick with the agency's services [17]. The company's reputation is reflected in the quality of service provided by the company to its customers. Islam teaches that in providing services from businesses that are run, either in the form of goods or services, they must always provide good and quality service. One way to create customer satisfaction is through quality improvement because customers are the main focus when exposing customer satisfaction and quality [18]–[20].

Gold savings at pawnshops, particularly when viewed through the lens of Islamic law, present a significant point of discussion. Islamic law, or Shariah, emphasizes ethical practices in financial transactions, ensuring they align with the principles of fairness, justice, and avoidance of *riba* (usury). However, the gold savings system at pawnshops often raises questions about compliance with these principles. A major concern is whether the process involves elements of *riba*, especially when interest or additional fees are charged overtime for storing or safeguarding the gold. Since gold is classified as a *ribawi* item in Islam, strict rules apply regarding its exchange and usage [14]–[16].

Another gap arises in the application of transparency and fairness. Some Islamic scholars argue that pawnshops may impose excessive charges, potentially exploiting customers in need of quick cash. This raises concerns about *gharar* (excessive uncertainty) and the possibility of *maysir* (gambling-like risk), both of which are prohibited in Islamic law. Additionally, there is a lack of clear differentiation in the structure of contracts used in these transactions. In Islamic jurisprudence, contracts

should be transparent, and there should be a clear separation between a loan (qard) and the fee for services provided, such as safekeeping (wadiah) [18]–[20].

Moreover, while some Islamic pawnshops claim to follow Shariah principles, their operations might still fall short of true Islamic banking standards. There is a pressing need for more scholarly consensus on how gold savings at pawnshops can be structured to fully comply with Islamic principles. This gap in understanding and application creates a challenge for Muslim consumers who seek Shariah-compliant financial solutions. The absence of standardized practices and legal frameworks across regions also adds to the ambiguity, leaving room for potential exploitation and ethical dilemmas. Therefore, further research and regulatory oversight are crucial to address these issues and ensure that gold savings at pawnshops can truly adhere to the principles of Islamic law [18]–[20].

LITERATURE REVIEW

Table 1. Literature Review: Gold Savings at Pawnshops in the Perspective of Islamic Law

Author(s)	Year	Title/Source	Key Concepts	Findings	Gaps Identified
Iqbal, M.	2018	"Islamic Law and Gold Transactions: Analyzing the Shariah Compliance in Pawnshop Practices"	Analysis of riba (interest) in gold savings; Shariah compliance of pawnshop contracts	Found that some pawnshop practices involve elements of riba due to interest charges over time. Suggests that better transparency and Shariah-based contracts are needed.	Lack of standardization in gold savings contracts and unclear separation of fees vs loans.
Abdullah, A.	2020	"Shariah Perspective on Gold Savings in Islamic Pawnshops"	Shariah guidelines on gold as a ribawi item; Islamic finance principles in pawnshops	Explores the compliance of gold savings in pawnshops with Islamic finance principles. Concludes that most Islamic pawnshops still lack complete adherence to Shariah law, especially concerning	Ambiguity in the application of qard (loan) and wadiah (safekeeping) contracts, leading to potential ethical conflicts.

				excessive fees.	
Al-Mutairi, H.	2021	"Gold as a Ribawi Good: Ethical Implications in Islamic Pawnshop Operations"	Ribawi goods and Islamic pawnshop ethics; gharar (uncertainty) and maysir (gambling) risks in gold savings	Highlights the risk of gharar and maysir in pawnshop transactions involving gold. Urges that Islamic pawnshops ensure ethical operations and avoid unfair pricing.	Insufficient clarity in contract structure leads to uncertainty in transactions.
Wahid, M., & Hassan, R.	2019	"Gold Savings and Islamic Law: A Comparative Study Between Conventional and Islamic Pawnshops"	Comparative analysis between conventional and Islamic pawnshop practices in terms of gold savings compliance with Islamic law	Found significant differences between conventional and Islamic pawnshops. Islamic pawnshops follow basic Shariah principles, but many still charge hidden fees that could be considered exploitative.	Need for clearer regulatory frameworks for Islamic pawnshops to prevent exploitation and enhance compliance with Shariah standards.
Ali, Z., & Haron, S.	2022	"Ethical Dilemmas in Gold Savings at Islamic Pawnshops: A Study of Compliance with Maqasid al-Shariah"	Maqasid al-Shariah (objectives of Islamic law) in financial transactions; ethical concerns in Islamic pawnshops	Found that while some Islamic pawnshops claim Shariah compliance, their fee structures do not always align with the objectives of Maqasid al-Shariah, particularly regarding justice and equity for the consumer.	Further scholarly consensus and legal guidelines are needed to align gold savings practices with the ethical goals of Maqasid al-Shariah.
Yusuf, M.	2023	"Regulation of Islamic Pawnshops in	Regulatory challenges in Islamic	Points to inconsistent regulation	Lack of regulatory consistency

		Gold Savings: Challenges in Implementation and Compliance"	pawnshops; compliance with Islamic financial law and ethical considerations in gold savings	across regions, which leads to variations in Shariah compliance. Suggests that a unified regulatory body could help improve adherence to Islamic principles in gold savings.	across different regions, confusing compliance standards.
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METHODOLOGY

The research method is a way or effort to do something by using the mind carefully to achieve a goal by researching, writing, organizing, compiling, and analyzing to produce a report [21].

Following the title and issues to be discussed, this research was conducted based on normative legal research. Normative legal research is legal research that examines law as a system of constructive norms. Normative legal research is concerned with the application of pure legal theory within the legal system. Normative research methods are also known as legal research research methods, positive legal research research methods, and pure legal research methods [22].

Normative legal research is also called doctrinal legal research, and in this type of legal research, the law is conceptualized as what is written in laws and regulations (law in books) or law as rules or norms that are appropriate as norms of human behaviour. Normative research can also be called literature review research which is based on law and is carried out through examining library materials or secondary data [23].

This study also uses a qualitative approach method. Qualitative research is carried out using data collection tools, including a literature review or document study (documentary study) to collect secondary data on the topic under study by studying books, journals, previous research results, and documents [24].

Table 2. Research Method

Aspect	Details
Research Method	Normative Legal Research
Definition of Normative Legal Research	Legal research examines law as a system of constructive norms and applies pure legal theory within the legal system.
Other Names for Normative Research	- Legal research methods - Positive legal research methods - Pure legal research methods
Nature of Normative Research	Doctrinal legal research is where the law is conceptualized as written in laws and regulations (law in books), or as rules/norms of human behaviour.
Data Source	Secondary data was obtained from library materials, laws, and regulations.

Alternative Name	Literature review research based on legal documents and secondary data.
Qualitative Approach	Utilized alongside normative legal research to analyze data.
Data Collection Tools	Literature review and document study (documentary study), which involves collecting secondary data from books, journals, previous research, and other documents related to the topic.

RESULTS AND DISCUSSION

The Islamic economic concept is based on Islamic values. Islamic values are not only related to economic processes but also to the goals of economic activity. Islam believes that the purpose of doing business is not only the welfare of the world, but more important benefit, and prosperity in the hereafter. One of the most important aspects of Islamic economics is the theory of savings and or investment [25], [26].

One of the products offered by Pawnshops is Gold Savings. The Gold Savings product has its charm because the product principles are in line with Sharia principles both in terms of function and mechanism. At Pawnshops, service quality is very important because competition between financial institutions is getting tougher. Service quality determines customer satisfaction and ensures that these consumers remain loyal. The company's reputation can be seen from the quality of service provided by the company to its customers [27], [28].

Gold Savings at Pawnshops is a gold buying and selling service at an affordable price where the gold purchased by the customer is not immediately received at the place when the contract is completed, but the gold is deposited and converted directly in the form of a balance [29].

In recording the gold savings book, the balance will be informed in the form of rupiah and grams of gold. If the customer wants to print gold in physical form (bars), this can be done by selecting pieces of 1 gram, 2 grams, 5 grams, 10 grams, 25 grams, 50 grams, and 100 grams. At that time, the money that was saved was directly deposited until the customer wanted to take it. If the gold wants to be taken, the customer informs the pawnshop to take the gold he has according to the gold balance listed in the savings account book [30]. The transaction model is as if giving the buyer gold in stock and then depositing it into a gold savings account. Because Pawnshops is considered to already have gold in stock, it can be assumed that customers who buy gold will be able to take it from stock without worrying about losing it. If the account owner wants to take his gold physically, they can do so by selecting the grammatical type from 1 gram to 100 grams and paying a printing fee based on the grammatical chosen [31], [32].

In today's economic progress, there are various kinds of buying and selling, whether they are sharia or conventional. Islam views buying and selling as a means of mutual help between fellow human beings. People who are doing buying and selling transactions are not seen as people who are looking for profit alone but are also seen as people who are fulfilling the needs of goods needed by buyers [33], [34].

In fiqh, buying and selling is referred to as al-bai' which means selling, replacing, and exchanging something for something else. Meanwhile, according to the terms, buying, and selling is defined as an agreement to exchange objects or goods with a voluntary value between the two parties by the terms agreed upon and justified by syara' law. The five pillars that must be fulfilled in the implementation of buying and selling are [35];

- 1). There is a seller. Sellers must be reasonable. Items to be sold must also be owned or at least allowed to sell them.
- 2). There are buyers. The buyer is not a person who is insane or a child who is not allowed to carry out trading.
- 3). There are items to be sold. The conditions are that it is permissible to sell it, it is clean, it can hand it over to the buyer, and the buyer can find out even if only from its characteristics.
- 4). There is a contract. In the form of consent (submission) and qabul (acceptance) either from words or deeds. For example, "I sell this item to you", then the seller hands it over.
- 5). There is an agreement between the seller and the buyer.

The process of the ijarah contract (lease of safekeeping) occurs after the sale and purchase agreement that occurs between the pawnshop and the customer where the gold that has been owned by the customer will be kept by the pawnshop. The process of withdrawing (disbursing) the customer's gold can be done in two methods, namely resale (buyback) to the Pawnshops by getting cash at a price set by the Pawnshop or if the customer wants it in the form of gold bars, then the new customer can submit a print order after reaching a minimum weight of 1 gram [36].

Based on the opinion of the Sharia Supervisory Board No.05/DPS-DSN/V/2018 and by the mandate of the Financial Services Authority Regulation No.31/POJK.05/2016 that buying and selling gold is not part of the Pawnshops scope of business, Pawnshops plans to separate buying and selling activities from the safekeeping scheme, buying and selling activities are carried out by Subsidiaries while safekeeping activities are carried out by Pawnshops. In addition, the Pawnshops has changed the safekeeping scheme to become a daycare rental so that the Pawnshops has the right to receive a fee/ujrah/rent [37].

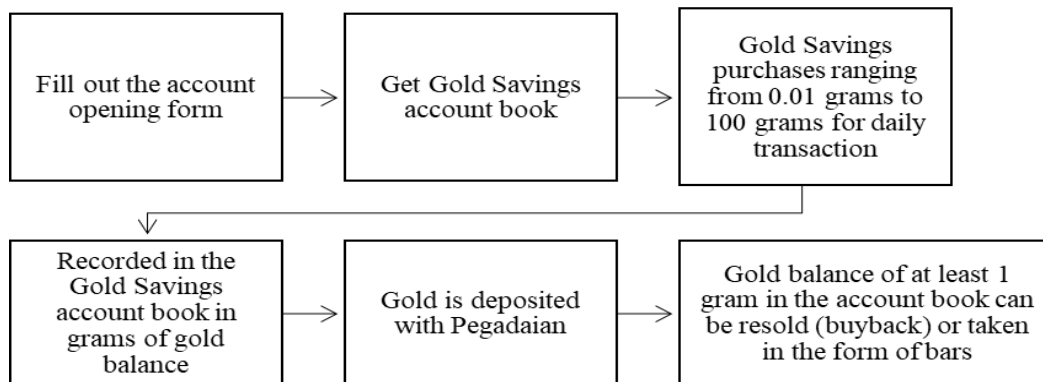


Figure 1. Gold Savings Scheme

Based on the Fatwa of the National Syaria'h Council No. 77/DSN-MUI/V/2010 concerning Murabahah or Gold Sales and Purchases Without Cash states that gold buying and selling transactions carried out by the public have recently used non-cash payment methods, either in instalments (taqsith) or deferred (ta' vol). Gold buying and selling transactions using non-cash payment methods have led to differences of opinion among Muslims between opinions that allow and those that do not [38].

From the gold transaction mechanism above, it can be assumed that every time a customer buys gold, the gold that has been purchased is not immediately received, because the gold is automatically stored by the Pawnshops. Regarding the gold status, the transaction is punished according to its illat (the nature that is used as the

basis for the equality between the main law and the branch law). First, gold is punished without a cause (illat). Second, gold is punished using the cause illat al-waznu (scales). Third, gold is punished using the cause illat al-waznu with qiyas. Fourth, gold is punished using illat al-tsamaniyah (price) bi al-al-quwwah, which means that gold is always positioned as a usurious treasure because its material is gold. Fifth, gold is punished as a commodity because gold is not used as legal tender. Based on the fifth criterion, if the official currency of a country is gold, payment using gold is prohibited. The DSN MUI is based on Fatwa Number 77/V/2010 concerning the sale and purchase of gold without cash, which contains the fatwa that allows buying and selling gold in cash if the official currency used is not gold [39].

Based on the considerations as stated in letters A and b, the DSN-MUI considers it necessary to decide on a fatwa to serve as a guide regarding this non-cash sale and purchase of gold. Letter from Bank Mega Syari'ah No.001/BMS/DPS/1/10 dated 5 January 2010 regarding Application for Fatwa Murabahhhh Gold containing: mubah, ja'iz) as long as gold does not become the official medium of exchange (money), with several limitations and conditions that must be met, namely:

- a. The selling price (tsaman) may not increase within the term of the agreement even if there is an extension of time after maturity.
- b. Also, gold purchased using a non-cash payment method is allowed to be used as collateral (rahn).
- c. Gold that is used as collateral may not be traded or used as the object of other transaction contracts that result in a transfer of ownership [40].

CONCLUSION

Buying and selling gold in cash is a process of transferring property rights in the form of gold which is considered property or commodity goods to another party using money as a medium of exchange which is paid in instalments at a price level or in instalments by the agreement and willingness of both parties parties at the time of the contract. Based on the discussion in this study, it can be concluded that Pawnshops makes gold savings products with buying and selling (Murabahhhh) and leasing (ijarah) services. Trading or investing in non-cash gold at a pawn shop is legally permissible as long as gold is not used as the official medium of exchange (money). However, there are some limitations and conditions that must be met.

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Author Contribution

The author contributed equally to the main contributor to this paper, some are as chairman, member, financier, article translator, and final editor. The author read and approved the final paper.

Conflicts of Interest

All authors of this journal have no conflict of interest other than for the development of science itself.

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