



# The Transaction of Damaged Cash Exchange in the Perspective of Islamic Economic Law (Case Study in Medan City)

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## **Abstract:**

*From the discussion of damaged cash exchange transactions carried out by corrupted money collectors in the city of Medan, the author can draw several conclusions, as follows: Currency transactions that are unfit for circulation that occur in the city of Medan are closely related to the concept of the sharp contract in the perspective of Islamic economic law. This is, if we look at it from the object being transacted, namely currency, even though the money is money which is not fit for circulation. In this transaction, the terms and conditions in the sharp contract concept must be fulfilled in it. The application of Law of the Republic of Indonesia Number 7 of 2011 concerning Money Changes in the community has been running, but is still not optimal. This is because there are still many people who do not know or do not understand how to exchange their damaged cash. Most people feel that the damaged cash they have is no longer sold to be spent. In fact, based on the Regulation of Members of the Board of Governors Number 19/13 / PDADG / 2017 concerning Rupiah Currency Exchange, it explains the procedure for exchanging money that is not fit for circulation. In the perspective of Islamic economic law, the practice of changing corrupted money by the corrupt money-seeking community is divided into three opinions. One opinion says, it is legally forbidden'. This opinion argues that the laws that apply to paper money also apply to gold and silver. There are two requirements in the sale and purchase of gold with gold or silver and silver, namely: the same weights and cash in one agreement. Meanwhile, the second opinion is allowed even though there is a difference in the nominal value. Another case is the third opinion which first sees the public's attitude towards money unfit for circulation.*

## **Keywords:**

*damage cash; Islam; law; Medan City*

## **I. Introduction**

Economy in Islam is not an economy oriented towards capitalists, socialists, communists and others, but the economic development expected by Islam is an economy that is based on the values of the faith that are derived from the Qur'an and the hadith of the Prophet Muhammad. This foundation has long been popular, namely since the time of the Prophet and his companions. The prohibitions imposed in the Islamic economy such as: usury, maisir, dzolim, gharar and forbidden buying and selling are prerequisites for running and upholding an Islamic economy.

However, the foundation of Islamic economics does not prevent Muslim communities from taking part in the Islamic economic system. Islamic economics is not only for profit, but further than that Islamic economy aims to prosper human life. This is because an economy based on Islamic law is an obligation that must be carried out and carried out by Muslims, as a form of obedience to Allah SWT. On this basis, an economy based on Islamic law exists in the midst of society for the prosperity of Muslims and other people.

In addition, economics in the view of Islam is not the goal of the end of life but only as a complement, but that does not mean that it should be abandoned or ignored. Therefore, there is no doubt that Islam is a universal religion that regulates all human life systems properly and perfectly, both individually, community groups, stamp duty and non-material.

As a universal religion, it is fitting that Islam sees the need for how to establish good relationships or bonds among humans. As stated by Mustafa Edwin Nasution in his book *The Exclusive Introduction to Islamic Economics* "Humans are social beings, namely beings who always need the existence of other people in fulfilling their needs, humans must help help and work together."<sup>1</sup>

It is also said that humans are economic beings.<sup>2</sup> This is because at one point someone has something that other people need, while other people need something that someone has, so there is mutual giving and receiving.<sup>3</sup> Of course, as economic beings, humans are obliged to use their minds, in order to create goods and services to meet their needs. In addition, humans must carry out economic activities, whether in the form of production, distribution or consumption. Because humans cannot live without the things above. Working and earning money are things that must be fulfilled by humans in order to fulfill their daily needs. By working, humans can make money, the money can be used to meet their own needs and their families and those around them.

One thing that distinguishes Islamic economics and conventional economics is the view of money function. Money, in conventional economics, not only serves as a means of exchange of goods but also as a means of temporary wealth storage. Contrary to that, Islam views money as a medium of exchange, not a store of wealth. As a means of exchange in the economy, the use of money must be in accordance with the goals of Islamic economics itself (*maqashid syariah*). Therefore, the type or form of money should be tailored to the purpose or the function itself (Zahara, 2020).

In the development of human history, *muamalah* will occur in any hemisphere. We can understand this, because it means that humans always want to make ends meet, especially in the material field. Humans are creatures that want to have and want, everything that other people see and have they want to have too. But in reality, not everything can be owned by doing it yourself. There are things that can be possessed after the bartering, or after being asked for, other people may also voluntarily give to them. The possession of objects is also carried out by forcing them to create unrest in human life. Therefore, here it is necessary to have rules in having whatever you want, because Islam regulates human social life (*muamalah*), so that harmony will occur with one another, including in the way of owning, namely the transaction contract. Such is the economic principle and human nature who always wants to try to fulfill his own needs and interests, these are all normal characteristics. Nature, which everyone has and desires to get a big profit.

At first, humans exchanged goods for goods, services for goods, or vice versa, directly called bartering. This exchange system does not have an exact and definite measure, the cause is the absence of a medium of exchange (money). In addition, transactions like this can only occur if the seller and the buyer need each other's goods that they do not own and they are

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<sup>1</sup>Supriadi. *Konsep Harga Dalam Islam*. (Guepedia Publisher), p. 7

<sup>2</sup>Waluyo, et al. *Ilmu Pengetahuan Sosial Kelas VII SMP/Mts*. (Pusat Perbukuan Departemen Pendidikan Nasional), p.74

<sup>3</sup>Ibid, p. 7

consensual to make an exchange. In its development, this kind of exchange results in injustice because the goods sold are not worth the goods purchased and the goods purchased are not worth the exchange given so that often there is misunderstanding between the seller and the buyer in terms of size.<sup>4</sup> As in any economy, the relationship between parties conducting economic activities will end in transactions.

## II. Research Methods

Bank Indonesia in the Medan area, makes it easy for anyone who owns the money to exchange money immediately, without any reduction in value. A hundred thousand torn or shabby will be compensated for one hundred thousand coins fit for circulation, and so on. This opportunity, it turns out, was lyrics by a group of Medan city people to make it their business field. They go around every market, shop, shop, and also houses looking for and offering unfit exchange for flimsy money. Of course there are benefits that they get from their work. For example, a hundred thousand torn, they replaced with eighty thousand coins fit for circulation. The people who know this, feel attracted to exchange the torn money to them. They reasoned that instead of the torn money they could not use, they better exchange it even though it had to be reduced in nominal. In this case, the researcher tries to conduct legal research with a sharia law approach. From the provisional results, the researchers saw that there were differences of opinion on transactions carried out by collectors of damaged cash.

## III. Results and Discussion

### 3.1 The Transactions of Damaged Cash Exchange in the Perspective of Islamic Economic Law

Law No. 7 of 2011, in chapter VI, article 22 point b states "Exchange of worn out and / or partially damaged Rupiah due to fire or other reasons shall be replaced with the same nominal value". Then the derivative of Law No. 7 of 2002 is the Regulation of Members of the Board of Governors Number 19/13 / PDAG / 2107 concerning the mechanism for exchanging money unfit for circulation. The currency exchange mechanism unfit for circulation which is implemented at every branch office of Bank Indonesia.

#### a. The First Opinion

It is legally forbidden '. This opinion argues that the laws that apply to paper money also apply to gold and silver. There are two requirements in the sale and purchase of gold with gold or silver and silver, namely: the same weights and cash in one agreement. If there is a difference in the nominal money, then the transaction has entered into fadhl usury.

It was narrated by Bukhari and Muslim from Abi Sa'id Al Khudri ra, that the Holy Prophet said "Do not sell gold with gold but with the same scales, and do not overdo part of it over part of it, and do not sell silver with silver but with the same scales and do not you buy and sell that are rushed (present) with those that are finalized (ghoib, suspended) whether pure gold or not."<sup>5</sup>

Uqbah bin Abdul Ghafir said "I have heard Abu Sa'id say" Once upon a time Bilal came with barni dates (a type of high quality date). Then the Messenger of Allah said to him "Where do these dates come from? Bilal answered "Our dates are of low quality, therefore I exchanged two sha 'with one sha' these dates are for the needs of the Prophet." Rasulullah SAW said "This is called usury, so do not ever do this action again, but if you want to buy

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<sup>4</sup> Supriadi. Konsep Harga Dalam Islam. (Guepedia Publisher), pp.7-8

<sup>5</sup> Imam Nawawi, Syarah Nawawi al Shahih Muslim, h. 4/195

dates (which are better), then sell your dates (which are of low quality) then with the money you sell them buy better quality dates”.<sup>6</sup>

Imam Nawawi said "The Prophet's words which read" Do not sell gold for gold but with the same scales ". The scholars say that it applies to good and bad gold, good and corrupt, jewelery and gold ore and besides, both pure and impure. They are all the same as law.<sup>7</sup> Al Hafiz Ibn Abdul Bar said, "In the Sunnah, it is not permissible to sell pure gold, gold ore, gold leaf or broken with something of gold but with the same balance again in cash. Likewise, what applies to pure silver, dyed silver, silver ore, white and black, good and bad are the same, so trading is not allowed, but the scales are the same again in cash. Whoever exaggerates or reduces it has eaten usury."<sup>8</sup>

Shaykh Ibn Qudamah said "Good and bad, gold ore and gold which are printed, good and damaged are all the same as the law, it is permissible to buy and sell on the same terms and it is forbidden to overdo it with one another. This is the opinion of the majority of scientists.<sup>9</sup> Based on the hadith above and some opinions of the scholars, money is part of ribawi property and in it applies the law of usury. So it may not be exchanged with the same type, gold for gold or silver for silver but with the same weights and cash in the contract assembly.

## b. The Second Opinion

Allowed, even if there is a difference in nominal value. This is for several reasons:

### 1. Al Qa'idah Ushuliyah

Things that can be taken advantage of before there is syari'at, then the law is changed.<sup>10</sup> From this rule, we can know that bad money still has functions and benefits for its owners and also for the bad money hunter community. Bad money that was deemed useless was still valid and sought after.

*"Everything that has come out of its state changes the law"*

إِنْقِلَابُ الْأَعْيَانِ هَلْ لَهُ تَأْتِيرٌ فِي الْأَحْكَامِ أَمْ لَا ؟

*Change of objects, whether it can affect the law or not?<sup>11</sup>*

Abdussalam As Salmi explains the meaning of the above rule, if something happens to an object, it is caused by the object itself, a change from one state that has a certain law to another that has a certain law. Is the law of the object based on its original law or based on its current condition?<sup>12</sup>

Furthermore, he gave an example of the unclean changes that animals eat into meat and milk. In general, this rule includes the change from holy to unclean or from unclean to holy, or from good to corrupt and vice versa.<sup>13</sup> If we relate it, we can conclude that the damaged money must have also changed its usefulness from the original. Another rule says,

<sup>6</sup> Shahih Bukhari, (Darru Tha'qun Najah 1422 H), h 3.101

<sup>7</sup> Imam Nawawi. Syarhu Nawawi ala syarhi shahih muslim. p. 4/195

<sup>8</sup> Abi Umar Yusuf. Al Kafi fi Fiqhi Ahli Madinah Al Maliki, (Maktabah Riyadh Al Hadits), p.2/302

<sup>9</sup> Ibnu Qudamah, Al Mughni. (Riyadh, Darul A'limu Kutub, 2010), p.8/4

<sup>10</sup> Ibnu Laham, Al Qa'id wa Fawa'id Ushuliah, (Maktabah al 'Ashriah), p. 1/481

<sup>11</sup> Abdussalam As Salmi, Qawa'id Ahkam fi Mashālihi Anām. (Bairut, Darul Ma'rif Bairut), p.1/207

<sup>12</sup> Abdussalam As Salmi, Qawa'id Ahkam fi Mashālihi Anām. (Bairut, Darul Ma'rif), p.1/211

<sup>13</sup> Ibid, pl. 1/211

By law of origin, everything is permissible, as long as there is no argument that explicitly and specifically states prohibiting it. Related to the problem of a damaged money exchange. Throughout the author's research, there has not been any argument from the Qur'an and Sunnah which explicitly prohibits the exchange of damaged money which is done in a different nominal manner. Therefore, legally the original, damaged money exchange transactions are allowed.

2. There is no text that is clear and specifically stipulates that exchanging bad gold for good gold is prohibited. Meanwhile, Abu Said's hadith narrated by Imam Bukhari only mentions the buying and selling of bad quality dates with good quality dates. The usury of dates with gold is different. Where the illicit usury on dates is the staple food, while gold is different. According to the Shafii school, they argue that the ribawi assets mentioned in the hadith<sup>15</sup> are divided into two parts, namely: money (gold and silver) and food, which is food that is usually reserved for humans or in association with animals such as: nuts. So the illicit in each currency is *tsaman* (value / nominal) and *illat* on food is food. In this currency, it is not differentiated between printed currencies such as: riyal and pound or unprinted currency such as jewelry on gold.<sup>16</sup>
3. Dr Ali Jum'ah explained that according to the mazhab that the four laws of usury apply to gold and silver, *riba* does not apply to paper money. Therefore, it is permissible to exchange transactions with excess and less on banknotes and coins.<sup>17</sup>
4. Banknotes are not part of the nature of money. This was stated by a handful of contemporary scholars. They made gauze money like merchandise. This opinion is influenced by the opinion of the Shafii and Hambali schools of thought in interpreting *nuqud*. Therefore they do not require *zakat* and also do not apply the law of usury in it like other commercial items.<sup>18</sup>

### c. The Third Opinion

In a researcher interview with Prof. Asmuni via WhatsApp, he argued that "Money torn, shabby and bad means it's no longer good, but it is also seen in the traditions of a region. If in general on the market, the money is still acceptable to both sellers and buyers, then there is no problem. However, if a society doesn't want to accept it, then don't be tucked in the middle of good money."<sup>19</sup>

From Prof. Asmuni's opinion, the researcher tries to understand that damaged, torn and shabby money transactions that are still used by sellers and buyers can be done by means of a *sharf* contract. Where it must be done in cash and there is no difference in value. Then, if the damaged, torn and shabby money is no longer accepted by the seller and the buyer as a medium of exchange, then the damaged, bad and shabby money transaction can be done in any way, namely: it can be done without cash and with a different nominal value. This third opinion is based on combining the arguments of the first and second opinions.

If we look at the explanation above, it is clear that it is lawful and haram that *mu'amalah maliah* depends on the contract itself. Where if the contract is carried out in

<sup>14</sup>Sayuthi, *Asyabah wa Nazha'ir*, (Darul Kutub Lil Ilmiah, Bairut, 1983) p. 60

<sup>15</sup>Abu Said It is related that the Messenger of Allah said, "Gold with gold, silver with silver, wheat with wheat, barley with barley, dates with dates, and salt with salt, with the same weight and handed over directly. Whoever gives additional or asks for additional then he has made usury. Those who take and who give are the same in it.

<sup>16</sup> Abdurrahman Al Jaziri, *Fiqh Mazhab Ala Arba'ah*, (Bairut, Darul Kutub Alamiah), h.2/226

<sup>17</sup> [www.youtube/watch?v=OiGHEOhKALo](http://www.youtube/watch?v=OiGHEOhKALo)

<sup>18</sup>Wahbah Zuhaili, p. 11/154

<sup>19</sup> Interview with Prof. H. Asmuni, M.Ag, 12 November 2020 at 17.42 WIB.

accordance with the principles and conditions that apply therein, then the law is valid and lawful. In fact, what happened in the community of damaged money collectors, they used a contract to exchange damaged money for money fit for circulation. Where the law can we know from the explanations above. On the other hand, if the broken money collectors do not use the exchange contract, but do the akad *ji'alah* (service), then they can avoid haram laws on their business. Therefore, the author wants to explain a little about the meaning of *ji'alah* and its application to the business carried out by collectors of damaged money in the city of Medan.

### ***Ji'alah***

*Ji'alah* is a contract for a benefit that is believed to be achieved. For example, someone promises a certain reward to anyone who returns to him his lost property or runaway animal, builds a wall for him, digs a well for him to water, makes his child memorize the Koran, treats sick people until they recover, wins in certain competitions, and etc. The basis of the jurisprudence is the word of Allah Almighty, "... and whoever can return it will get (the food stuffs) the weight of a camel, and I guarantee it." (QS: Yusuf, 72) <sup>20</sup> *Ji'alah* is one type of contract where the law is *jaiẓ* (allowed) by some scholars, but there are some who do not allow this type of contract.<sup>21</sup> This is based on the fact that *ji'alah* is needed in everyday life. *Ji'alah* is a very human contract. Because a person in his life is unable to fulfill all his work and desires, unless he rewards others to help him. For example, a person who has lost his wallet is very difficult if he finds his lost wallet himself without help from others. So, he asked others to look for him with the lure of wages from his work.<sup>22</sup>

From the explanation above, we can draw a conclusion that the exchange of damaged money can be categorized as a form of work that contains services. Although the nominal wage provisions are made from the service owner, not from the service user. However, the nominal wage provisions are still carried out voluntarily and after an agreement has been reached between the two parties. So that there is no harm between them. Furthermore, collectors of damaged money can offer their services to the general public. This they can do by creating running advertisements or placing banners with offers to exchange any corrupted money that anyone has for them.

### **3.2 The Transactions of Damaged Cash Exchange in the Perspective of the DSN MUI Fatwa N0 28 / DSN-MUI / III / 2002**

Although it does not specifically mention about Currency Exchange Unfit for Circulation, DSN MUI No. 28 mentions important points that can be used as a reference to assess the law that occurs in currency exchange unfit for circulation. In DSN MUI No. 28 of 2002 outlines the basis of sharia for buying and selling currencies (*sharf*). According to DSN MUI No. 28, a *sharf* is a currency buying and selling transaction, both between similar currencies and currencies of different types. This is based on the following sharia arguments:

1. The Word of Allah, QS Al Baqarah verse 275,

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

"... And Allah has made buying and selling legal and forbidden usury ..."

2. Hadith of the Prophet, narrated by Baihaqi and Ibn Majah from Abu Sa'id Al Khudri Rasulullah saw said "In fact, buying and selling can only be done on the basis of willingness (between the two parties) (HR: Baihaqi and Ibn Majah, and judged as shihih by Ibn Hiban)

<sup>20</sup> Muhammad Sayyid Qutub, *Fiqh Sunnah* terjemahan, (Republik, 2018), p.5/217

<sup>21</sup> Andri Soemitra, *Hukum Ekonomi Syariah dan Fiqh Muamalah Lembaga Keuangan dan Bisnis Kontemporer*, (Kencana, 2019) p.159

<sup>22</sup> Abdul Rahman Khazaly, *dkk*, *Fiqh Muamalat* (Kencana, Jakarta, 2010) p. 141

3. Hadith narrated by Muslims, Abu Daud, Tirmidhi, Nasa'i and Ibn Majah, with the Muslim text of 'Ubadah bin Shamid, the Prophet said "Sell gold for gold, silver for silver, wheat for wheat, sya'ir with sya' ir, dates with dates, and salt with salt (with the conditions must be) the same and the same kind and in cash. If it's a different kind, sell what you want if it's done in cash."
4. Hadith of the Prophet (s) from Muslim history, Tirmidhi, Nasa'i, Abu Daud, Ibn Majah, and Ahmad from Umar bin Khattab, the Prophet said "(Buying and selling) gold for silver is usury unless (done) in cash".
5. The hadith of the Prophet narrated by Muslim from Abu Sa'id Al Khudri, the Prophet said "do not sell gold for gold unless it is equal (value) and do not add a part to the other part; do not sell silver for silver unless it is equal (value) and do not add one part to another part; and do not sell the gold and silver which is not cash for cash. "
6. The hadith of the Prophet narrated by Muslims from Bara 'bin' Azib and Zaid bin Arqam "The Messenger of Allah forbade selling silver and gold in accounts receivable (not cash)
7. The hadith of the Prophet, narrated by Tirmidhi from 'Amr bin' Auf Al Muzani, the Prophet said, "Agreements may be made between you Muslims, except those that prohibit what is lawful and allow what is haram; and the Muslims are bound by their terms, except for the conditions that forbid what is halal or justify what is haram. "
8. *Ijma*  
The scholars agree that the *sharf* contract is mandated with certain conditions:
  - a. Not for speculation (chance)
  - b. There is a need for a transaction or just in case (savings)
  - c. If the transaction is made against similar currencies, the value must be the same and in cash
  - d. If different types, it must be done at the exchange rate (exchange rate) in effect at the time the transaction was made and in cash.

If we pay close attention, there is no mention of the MUI DSN No. 28/2002 on the law of the practice of money transactions not fit for circulation. However, if it is interpreted generally, in point c of the terms of the *sharf* contract, this includes currency transactions not fit for circulation. Therefore, money transactions that are not fit for circulation may still be carried out, but must comply with the requirements stipulated by the MUI DSN No. 28/2002.

However, on the other hand, in a society, money which is not fit for circulation cannot be used as a means of transaction. This is because, it has been pictured in their minds, that the money is unsold and cannot be used as a transactional tool. So there was a change, namely money that was originally used as a tool for transactions, but now cannot be used anymore.

### **3.3 The Mechanism of Damaged Cash Exchange Transactions in the Perspective of Law No.7 of 2011**

In Chapter VI, article 22 is mentioned;

- (1) To meet the needs of Rupiah in the community in a sufficient nominal amount, the appropriate type of denomination, and in a condition fit for circulation, the Rupiah circulating in the public may be exchanged under the following conditions:
  - a. Rupiah exchange can be made in the same denomination or other denominations; and
  - b. Exchange of shabby and/or partially damaged Rupiah due to fire or other reasons shall be replaced with the same nominal value.
- (2) The exchange of partially damaged Rupiah due to fire or other causes as referred to in paragraph (1) letter b shall be conducted if the Rupiah authenticity can still be known or recognized.
- (3) The criteria for worn and/or damaged Rupiah that can be replaced as referred to in paragraph (1) letter b and paragraph (2) shall be regulated by Bank Indonesia regulations.

- (4) Rupiah exchange as referred to in paragraph (1) shall be conducted by Bank Indonesia, a bank operating in Indonesia, or other parties appointed by Bank Indonesia.

Then the derivative of Law No. 7 of 2002 is the Regulation of Members of the Board of Governors Number 19/13/PDAG/2107 which states that money unfit for circulation is rupiah currency consisting of worn rupiah, defective rupiah, and damaged rupiah currency.

Rupiah notes are worn, defective and damaged, all of which can be exchanged at the nearest Bank Indonesia or at designated banks. This is stated in Article 4, regarding the procedures for the Implementation of Rupiah Currency Exchange, namely:

- In offices and/or outside Bank Indonesia offices and/or
- At offices and/or outside the offices of other parties appointed by Bank Indonesia

In Medan City itself, for now, the money exchange can be done at Bank Indonesia, on Thursdays every week. The exchange starts at 08.00 WIB until 11.00 WIB.

Not all money which is not fit for circulation can be exchanged at Bank Indonesia. However, there are several terms and conditions, money unfit for circulation can be exchanged for proper money, including:

1. Physical Banknotes > 2/3 (greater than two thirds) of original size and authenticity of banknotes can be recognized.



2. Damaged money is still an entity with or without a complete serial number and > 2/3 (greater than two thirds) the original size and authenticity of the currency.



3. Damaged money does not constitute a single unit, but is divided into at most 2 (two) separate parts and the two serial numbers on the damaged money are complete and the same and > 2/3 (greater than two thirds) the original size and the characteristics of the money can be recognized authenticity.



There are several procedures that must be followed by every member of the community who wants to exchange the damaged money, including:

1. Bring damaged money that still meets the above requirements
2. Visit the BI office or commercial bank that serves broken money changers.
3. Hand over the money you want to exchange to the officer
4. The officer will scan the money
5. If the damaged money still meets the requirements stipulated by BI, our money will be replaced with the same nominal.
6. If the money does not meet the requirements, then we are asked to fill out a research application form.
7. If you do not wish to continue the research process further, the money will be returned to the owner.<sup>23</sup>

Changing money that is not feasible can be done at Bank Indonesia, by getting the replacement according to the nominal. If you exchange IDR 100,000 currency, you will get IDR 100,000 in return. In the view of Islamic law, if it is done according to certain conditions, then the transaction is lawful.

- Made in cash
- And the face value must be the same.

This is based on the words of the Prophet,

قَالَ أَبُو بَكْرَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَا تَبِيعُوا الذَّهَبَ بِالذَّهَبِ إِلَّا سَوَاءً بِسَوَاءٍ وَالْفِضَّةَ بِالْفِضَّةِ إِلَّا سَوَاءً بِسَوَاءٍ وَبِيعُوا الذَّهَبَ بِالْفِضَّةِ وَالْفِضَّةَ بِالذَّهَبِ كَيْفَ شِئْتُمْ

Abu Bakrah ra said; The Messenger of Allah (saw) said: "Do not buy and sell gold with gold except for the same amount, silver for silver except for the same amount and buy and sell gold with silver or silver with gold as you wish."<sup>24</sup> This Hadith emphasizes that the exchange of similar money must be carried out with the same value, there is no justification for the nominal difference. The above hadith is general in nature, so it refers to money that is damaged or not. In another hadith, it is also mentioned

عَنْ مَالِكِ بْنِ أَوْسِ بْنِ الْحَدَثَانَ أَنَّهُ قَالَ أَقْبَلْتُ أَقُولُ مَنْ يَصْطَرِفُ الدِّرَاهِمَ فَقَالَ طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ وَهُوَ عِنْدَ عُمَرَ بْنِ الْخَطَّابِ أَرْنَا ذَهَبَكَ ثُمَّ أَتَيْنَا إِذَا جَاءَ خَادِمُنَا نُعْطِكَ وَرَقَكَ فَقَالَ عُمَرُ بْنُ الْخَطَّابِ كَلَّا وَاللَّهِ لَنُعْطِيَنَّهُ وَرَقَهُ أَوْ لَنُرَدَّنَّ إِلَيْهِ ذَهَبَهُ  
فَإِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ الْوَرِقُ بِالذَّهَبِ رَبًّا إِلَّا هَاءَ وَهَاءَ وَالْبُرُّ بِالْبُرِّ رَبًّا إِلَّا هَاءَ وَهَاءَ وَالشَّعِيرُ بِالشَّعِيرِ رَبًّا إِلَّا هَاءَ وَهَاءَ وَالتَّمْرُ بِالتَّمْرِ رَبًّا إِلَّا هَاءَ وَهَاءَ

From Malik bin Aus bin Hadatsan that he said, "Once I came and said, 'Is there any of you who want to exchange dirhams?' Thalhaf bin Ubaidullah - who at that time was beside Umar bin Khattab - said, 'Show me your gold and give it to me, when my servant comes I will give you a coin. 'So Umar bin Khattab said, "By Allah, don't you buy and sell like this, you better give this dirham now or you return the gold. Didn't the Prophet *sallallaahu 'alaihi wasallam* say: "Dirhams with gold are usury unless in cash, wheat with wheat is usury unless in cash, and dates with dates are usury unless in cash." This hadith suggests that if a similar money exchange transaction is made, it must be done in cash or immediately.

<sup>23</sup><https://money.kompas.com/read/2020/05/24/113750726/prosedur-cara-menukarkan-uang-rusak-ke-bank-indonesia?page=all>. Seen on August 16, 2020 at 10:27 a.m.

<sup>24</sup>Shahih Bukhari 4/379

## IV. Conclusion

From the discussion of damaged money exchange transactions carried out by corrupted money collectors in the city of Medan, the author can draw several conclusions, as follows:

Currency transactions that are unfit for circulation that occur in the city of Medan are closely related to the concept of the *sharf* contract in the perspective of Islamic economic law. This is, if we look at it from the object being transacted, namely currency, even though the money is money which is not fit for circulation. In this transaction, the terms and conditions in the *sharf* contract concept must be fulfilled in it.

The implementation of Law of the Republic of Indonesia Number 7 of 2011 concerning Money Changes in the community has been running, but is still not optimal. This is because there are still many people who do not know or do not understand how to exchange their damaged money. Most people feel that the damaged money they have is no longer sold to be spent. In fact, based on the Regulation of Members of the Board of Governors Number 19/13/ PDADG/2017 concerning Rupiah Currency Exchange, it explains the procedure for exchanging money that is not fit for circulation.

In the perspective of Islamic economic law, the practice of changing corrupted money by the corrupt money-seeking community is divided into three opinions. One opinion says, it is legally forbidden. This opinion argues that the laws that apply to paper money also apply to gold and silver. There are two requirements in the sale and purchase of gold with gold or silver and silver, namely: the same weights and cash in one agreement. Meanwhile, the second opinion is allowed even though there is a difference in the nominal value. Another case is the third opinion which first sees the public's attitude towards money not fit for circulation.

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