

FIQH MUAMALAH REVIEW OF AUCTION SALE AND PURCHASE OF COLLATERAL AT KANTOR KEKAYAAN NEGARA DAN LELANG (KPKNL) SIDOARJO

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Abstract

Auction is one of the buying and selling that has been implemented for a long time. This study aims to find out how the auction process took place, especially at the Sidoarjo KPKNL and Islamic views regarding auction implementation. Basically, an auction is a type of sale and purchase so that the legal terms and pillars of the auction have the same thing. Many scholars argue about auctions, with all the risks that occur. Research uses qualitative methods with data collection techniques using interview techniques, documentation and in-depth observation which are managed and studied by researchers. The auction at the Sidoarjo KPKNL has fulfilled the requirements and is legal in Islam, and complies with binding laws regarding the implementation of the auction. The Sidoarjo KPKNL also issued innovations so that auctions that occur can provide a sense of security and comfort to users of auction services.

Keywords: *auction, insurance, islam, economics sharia, fiqh muamalah.*

INTRODUCTION

In human life many fields are interrelated with other fields, especially the economic field which seems to never be far from the new life of people as beings who need each other. One of them is economics. The field of economics also affects many other areas of human life. Hidayat (2011) said auctions have been carried out since ancient Greece, where the first auction recorded in history was when wedding auctions were carried out for girls which in their time could not be sold other than by auction system. In Indonesia itself the use of the auction system was used since the VOC began to rule, where this system was used for the sale of spices that had a high value, one of which was the use of this system in the sale of tea leaves which at that time became one of the most sought-after crops in Europe. Auctions in Indonesia became increasingly popular in 1908 with the writing of the Vendu Reglement regarding the auction rules of the 1908 staatsblad Number 189 as amended by the 1940 staatsblad Number 56. Since that time, auctions began to develop so that several rules emerged that must use limit values, security deposits, and others over time.

Auctions in Indonesia already have a strong legal basis where the implementation of auctions has been regulated and explained in the Minister of Finance Regulation Number 27/PMK.06/2016 concerning Auction Implementation Guidelines. Along with the development of the era, the implementation of auctions has become more practical, where the implementation itself has used an online system (e-auction) and for depositing security deposits has also been supported to use mobile banking applications for all banks. So that anyone can participate in auction activities openly and very transparently. The government provides a facility so that the implementation of this auction can be accommodated and served properly. The government provides a forum that is directly sheltered by the Ministry

of Finance through KPKNL which is spread in almost all provinces in Indonesia. KPKNL itself manages related to state assets, state receivables, and auctions. Auctions have become quite routine things to do and become things that are always there and intensely carried out at the KPKNL itself. Auctions are also one of the state revenues where auctions are one of the products of PNBPN. In 2021, Non-Tax State Revenue (PNBP) increased by 31.5% from the previous year where PNBPN generated Rp. 452.0 trillion. (Kemenkeu 2022)

In KPKNL Sidoarjo itself, the auction requests that have been held in 2022 have also shown a significant increasing trend after the pandemic that took place in 2021. In its implementation, one of the things auctioned is collateral or collateral. This collateral or collateral is also an asset or valuables belonging to the debtor promised in the proposed credit agreement if the debtor cannot reduce the obligations that have been made into the agreement. In some cases, when this debtor is unable to fulfill its obligations, there will be a warning letter issued by the lender (creditor) up to a maximum limit of 3 (three) times this warning letter appears. When this exceeds the limit, the collateral that has been submitted in the credit agreement will be taken by the creditor and submitted for auction.

Table 1: Auction Request Data

Month	Auction Request 2021	Auction Request 2022
Januari	34	78
Februari	54	96
Maret	43	149
April	23	123
Mei	41	47
Juni	33	88
Juli	56	80
Agustus	73	74
September	81	73
Oktober	46	34
November	51	32
Desember	13	46

In the submission process, many things must be verified again so that the auctioned items have strong laws and are not disputes carried out by related parties. Therefore, KPKNL through the Regulation of the Minister of Finance of the Republic of Indonesia No. 213 / PMK.06 / 2020 concerning the Implementation of Auctions has a reference for files that must be completed. There are 27 files that must be completed which are divided into 3 types of documents, namely general requirements document totaling 10 files, special requirements for auction requests totaling 11 files, and special conditions for conducting auctions totaling 6 files.

According to Devianto (2021) the ethics of this auction implementation occur so that there is a buying and selling system that occurs. Where the bidders will bargain with each other by adding bids to get the auctioned item. In the Fiqh of Muamalah, auctions themselves have the term *muzayyadah* taken from the word *zayyadah* which means literally increasing. So, what is meant by auction in this case is the increase in bids between individuals on an item.

In its implementation, the auction conducted will always be based on the Regulation of the Minister of Finance of the Republic of Indonesia No. 213/PMK.06/2020 concerning Auction Implementation. In the end, in this case, the auction is based on applicable law in Indonesia. So, there is nothing to explain how the Islamic economy views the implementation of this auction. From the background that has been written above, the author himself decided to conduct in-depth research related to how Fiqh Muamalah views collateral traded with an auction system at KPKNL Sidoarjo.

METHOD

The qualitative descriptive research method of the field, where the research is conducted directly on the research topic, was used by the authors in this study. According to Sugiyono (2011) this research serves as the main instrument in qualitative research, which is carried out organically. However, the appearance of the researcher has nothing to do with the subject of the study. The place of research was conducted at KPKNL Sidoarjo with the address Jln. Erlangga No. 153 Sidokare Kec. Sidoarjo Kab. Sidoarjo. KPKNL Sidoarjo is one of the DGT vertical institutions directly under the Ministry of Finance which has the authority to facilitate auctions, asset valuation, and state wealth calculation. The research time was carried out during the author's research and came to a conclusion. In this case, the period taken by the author is for 6 months, starting from October 2022 to March 2023. This research is descriptive research using qualitative research methods.

According to Sugiyono (2011) qualitative research by defining or summarizing the current state of the topic or object of study (people, groups, society, etc.) based on events that appear or as they are, including data evaluation and data analysis, descriptive research is the study of problems. The qualitative data of the research came from events witnessed at the research site, especially the procedure for buying and selling collateral at KPKNL Sidoarjo. The data sources obtained are primary data and secondary data. Research subjects in this study were selected by purposive sampling method, namely the deliberate selection of research objects by researchers with certain criteria and considerations. According to Moleong (2018) in this qualitative research conducted, the selected sample was not taken randomly but with an existing purpose or by purposive sampling method. Data collection techniques are carried out by interviews, documentation, and observation. The validity test used in this study is Triangulation. According to Moleong (2018) this method involves cross-check references obtained with the source used. Triangulation of materials and methodology was used in this study. To compare the data received, which is then used as the standard of correctness of this study, the author will compare the data obtained from the subject with

data from external subjects. Data analysis techniques use data reduction, data display, and decision making.

RESULT AND DISCUSSION

The Procedure for Submitting A Collateral Auction Is Carried Out At The Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL) Sidoarjo

The initial preparation for submitting an auction is that the bidder must meet several administrative requirements in accordance with the type of auction. Auction submission is carried out to obtain auction application tickets. After the auction request ticket comes out, it will be forwarded by fulfilling the file that must be deposited with the organizer by the deadline stated in the Auction Request Ticket.

The auction application process is carried out through stages that have been written in the Minister of Finance Regulation Number 213 / PMK.06 / 2020 of 2020 concerning the implementation of auctions. The administrative files that have been deposited will be reviewed again by the Integrated Service Area (APT) and there will be File Completeness Research Results (HPKB) coming out. If the HPKB results are considered correct and complete, there is nothing suspected to be a non-running auction, then the files received at APT will be taken and transferred to functional officials for further processing. (Interview with Mr. Gunardi, January 25, 2023).

The type of auction held at KPKNL has been regulated in the Minister of Finance Regulation No. 213/PMK.06/2020. The types are voluntary non-execution auctions, compulsory non-execution auctions, and execution auctions. At KPKNL Sidoarjo, the type of auction follows what has been stated in the Minister of Finance Regulation 213/PMK.06/2020, namely execution auction, non-voluntary execution, non-mandatory execution whose files are colored in accordance with what is written in the Minister of Finance Regulation Number 213/PMK.06/2020. (Interview with Mr. Gunardi, January 25, 2023)

Regarding auction officials, to preside over the implementation of auctions can only be carried out by those who have been officially appointed as auction officials. By following a series of trainings that are required to become auction officials. There must be a recommendation given by an Echelon III official, in this case who has authority means the Head of the Office concerned. And the person concerned has also become part of the auction section, can be a support team or assistant auction official. (Interview with Mr. Gunardi, January 25, 2023)

The auction will be conducted and led by auction officials. An auction official is a person who has the competence and authority to carry out the sale of goods by auction. All auction officials will get recommendations from the relevant Echelon III to be able to participate in the Auction Officer Training. At KPKNL Sidoarjo, the auction was led by a Class I Auction Officer.

According to Haprabu (2017) guarantees in Islamic law are called Al-rahm which have different interpretations according to 4 madhazab, Hanafi and Maliki madhazabs say that the object of guarantee can be in the form of goods that are useful, material, and do not have to

be presented actually so that what is meant is property such as rice fields and land can be used as collateral objects with only official certificates. Meanwhile, according to Hambali and Shafi'i, according to both goods that can be used as collateral are goods with material value without benefits.

According to Syarief (2019) although the term *bai' muzayadah* comes from the word *ziyadah*, which also means usury, the additional meaning in this context is different, auction buying and selling is not included in the sense of usury. Increased *muzayadah* refers to the seller's higher offer in the sale and purchase contract, or the buyer's lower offer if the seller conducts the auction. In Islam Sutedi (2011) said auctions have the same legal and harmonious conditions as buying and selling in general, namely there must be a seller and buyer with existing conditions, then the goods are used as transactions, and do not have to be a Muslim. The pillars of buying and selling consist of transaction actors, namely, sellers and buyers, *ijab* and *qabul* that occur and goods or objects. The legal requirements to be a seller and buyer in Islam have a classification that sellers and buyers must be reasonable, puberty, and not required to be a Muslim (Sarwat 2018).

In the rules, the auction official becomes the organizer to sell the collateral that has been submitted by the applicant. To become an auction official, you must have the specifications stated in the Minister of Finance Regulation number 174 / PMK.06 / 2010, namely, it is required that a person who is healthy spiritually and physically, has a minimum education of Bachelor (S1), has done training, and has never received a warning letter from Echelon III. From these regulations, the seller or auction official is a puberty and intelligent. Bidders must have the condition that they must have an identity in the form of an ID card / driver's license and a power of attorney and must be legally competent to become an auction buyer. So that in terms of seller or buyer is a puberty and reasonable and meets the legal requirements of sellers and buyers buying and selling in Islam.

Ijab qabul in auction buying and selling occurs on the delivery of goods that are successfully auctioned and it has been determined who is the legal buyer in its implementation. According to Khoerunisa (2015)(Khoerunisa 2015) if the buyer has given his obligations, the seller is obliged to deliver the goods that have been agreed by both parties. As the organizer, KPKNL is required to submit the original documents provided by the auction applicant. So that in the implementation of the auction, the goods at auction clearly already exist and can be reviewed as in the legal requirements and pillars of buying and selling in Islam that the goods to be bought and sold must exist and have clear ownership. In this case, KPKNL is trusted to be an intermediary between two parties, namely the applicant and the buyer so that aspects of fairness and honesty must be upheld.

Bidding System in Auctions and Payment Repayment at Auctions Sells.

Continues on the bidding system, in the results of an interview with the KPKNL Sidoarjo Auction Officer, regarding the bidding system carried out by buyers, there are 2 (two) systems carried out, namely, oral and written. This is also reinforced in the Minister of Finance Regulation Number 213/PMK.06/2020 in Part Eight related to auction bidding. The bidding in the auction is divided into 2, oral and written bidding. This oral offer is carried

out in front of buyers. Written bidding for now is made when its use is online which is done on the auction's official website. (Interview with Mr. Agus Priyadi, January 25, 2023)

This was also reinforced by Mr. Gunardi and Mr. Rizqon as auction officials, each of whom said that the auction had 2 bids, namely oral and written. Bids are also made if there are buyers who have registered to be auction participants. This buyer also has conditions that must be submitted to become an auction participant. To become a buyer must be a participant in the auction, must register through the official website of the existing auction, and there are requirements to become an auction participant. The requirements, among others, are an active KTP, NPWP, and Account Number. (Interview with Mr. Gunardi, January 25, 2023)

Auction buyers are also welcome to see and review the items to be auctioned, both movable and immovable goods. Related to the review of the goods, an address will be attached. So that buyers or bidders can assess and review first before implementation. Immovable goods such as land or buildings and factories or equipment that are difficult to move are usually included in the review address in the application along with a photo so that if anyone intends to buy please review. (Interview with Mr. Samsul Arifin, January 23, 2023)

In its implementation, the auction is carried out after the announcement that has been disseminated through the mass media carried out by the applicant. The implementation will be carried out according to the date stated in the announcement. A letter reminding the date the auction will also be forwarded to the institution concerned. (Interview with Mr. Gunardi, January 25, 2023)

The winner of the auction at KPKNL Sidoarjo is the buyer with the highest price. After the bidding is not there, and the buyer has already been declared legitimate by the auction official. So the auction official must mention the winner of the auction and how much auction duty must be issued. Then the auction official will close the auction session.

Payment settlement becomes the next stage after the implementation is complete and the winner of the auction has been determined. Repayment is subject to a fee for the established auction price and auction duty. Auction duty is divided into two, namely seller auction duty and buyer auction duty which will later be charged all to the buyer. Payment for the auction of collateral is made no later than five working days from the time the auction is carried out and this is regulated. Repayment of payments is sent through the office account and a receipt will be issued by the treasurer of receipts. This settlement includes auction duties and repayment of the price of goods, If the buyer does not pay off the payment repayment obligation from the auction then it must cancel its endorsement and the buyer is obliged to make a statement of cancellation of the purchase. Who cancel auction officials because they have authority. (Interview with Mrs. Gita Pandji, January 26, 2023)

The next stage is the minutes of the auction which is the end of the series of auction implementation. Aim for the preparation of our auction minutes as authentic evidence in writing of the results of auction buying and selling carried out so far. Inside there are records from the initial series of auctions written documents with their identities in the form of document numbers, notes during the auction, the identity of the buyer, and the price formed. So that this becomes authentic evidence that must be maintained according to its shelf life. (Interview with Mr. Rizqon Zidni, January 26, 2023)

This auction minutes have a shelf life and are valid for 30 years as authentic evidence of the sale of collateral at KPKNL. This exists because KPKNL is only a facility provided by the government to accommodate creditors in dealing with defaulting debtors. So that if in the future there are parties who sue, the minutes of the auction are expected to be strong evidence.

Mrs. Gita Pandji as the treasurer of revenue conveyed regarding the delivery of auction items. Our organizer will submit the original file used by the auction to the applicant after the buyer has paid off the payment. We will submit this original file a maximum of 1 day after the buyer makes repayment. Later, the money from the applicant's auction will be transferred directly to the applicant through the virtual account of the account holding their auction results and which will later get a receipt. (Interview with Mrs. Gita Pandji, January 26, 2023)

The delivery of auction items will be carried out when the buyer has paid off the payment. This submission is carried out no later than one day after payment which will then be submitted the original documents or files. For the next stage, the money from the auction proceeds will be transferred directly to the auction applicant's account. As for the auction duty, it will enter the state treasury. The internal compliance section monitors this which is done at the end of each month to see whether the transactions that occur are appropriate and there is no fraud. (Interview with Mrs. Gita Pandji, January 26, 2023)

In Islam, the increased bidding in this auction is not forbidden, because the offer formed is an offer made by a buyer who is really formed on the basis of a desire to buy, not as in the practice of najasy who bid high prices but with the intention of plunging others (Hakim 2019).

According to Sarwat (2018) *ijab qabul* is a legal condition for the implementation of an auction in which there must be no conflict between the seller and the buyer, there must be *sighat* even though this is not spoken but occurs indirectly. According to Shobirin (2016) there are many ways that can describe the contract in buying and selling, by writing, usually done when the seller and buyer have a distance for direct transactions. With gestures, it happens when it can't be done with speech and writing. In the way of *ta'hi*, give to each other without having to have a certain imagination. Using oral *al-halan*, some scholars state that if someone leaves something in front of another person, leaves, and the person left with the object is silent, then it is considered that both parties have entered into a contract of *entrustment*.

For *ijab qabul* occurs when the auction official has authorized a buyer. This happens because the buyer becomes the highest bidder in the ongoing auction trial. In *Kitab At-Thahawi*, the narration of Mujahid says in his hadith,

"If the market is still open (the sale is not over), it makes no difference if someone makes a bid on an object that has been submitted by someone else. In addition, if the winner of the auction submits the object, further bidding is not allowed." (Sharh Ma'ani, No. 3936)

After the buyer's endorsement, it will be stated the fees to be paid such as the auction price and duties borne by the buyer and what date the maximum buyer must make payment

so that there is no conflict between the organizer and the buyer. So that a sense of justice and comfort can be obtained between the two transacting parties.

KPKNL is an official institution of the government that facilitates related to auctions. KPKNL becomes an intermediary for auction applicants to sell collateral from defaulting debtors as stated in the Minister of Finance Regulation Number 135/PMK.01/2006 regarding organizations which in Islam are called samsaroh. In its implementation, there is an auction duty which will later be charged to the buyer. This auction duty becomes a remuneration for the facilities provided. The auction duty has also been regulated in the Minister of Finance Regulation Number 213/PMK.06/2020 concerning the implementation of auctions. In Islam, the wages given are known as ujroh and the KPKNL Sidoarjo is the representative of the applicant.

Akad Samsaroh in Auction Implementation at KPKNL Sidoarjo

According to Syahbudin (2020) samsaroh is allowed in Islam because the Prophet himself was involved in it. However, there are some taboos that must be observed when performing samsaroh. First, the work agreed for the purpose of buying and selling must be known to both actors. Secondly, no actor can profit from the trade because the profit belongs to the sender, unless the sender gives his consent. According to experts, samsaroh is also acceptable, and the Prophet advised it and did not object. Samsaroh is a law that is changed according to the ijma ulama. The practice of samsaroh is also mentioned in the Qur'an in Surah Yusuf verse 72,

قَالُوا نَفَقْدُ صَوَاعَ الْمَلِكِ وَلِمَنْ جَاءَ بِهِ حِمْلُ بَعِيرٍ وَأَنَا بِهِ زَعِيمٌ (٧٢)

Means:

"We lost the king's cup, and I guarantee against it. Whoever can return it will receive food equal to the camel's cargo," said the callers" (Q.S. Yusuf: 72)

The interpretation of Surah Yusuf verse 72 from Al-Mukhtashar from Shaykh Dr. Salih bin Abdullah bin Humaid is, we lost the king's measuring stick, which was used to measure food, said the shouting man and his friends to Yusuf's brothers. Before we conduct the inspection, whoever returns the king's measuring instrument will be rewarded with provisions equivalent to one load of camels. And I can assure you that it will happen.

Akad Wakalah bil ujroh in Auction Implementation at KPKNL Sidoarjo

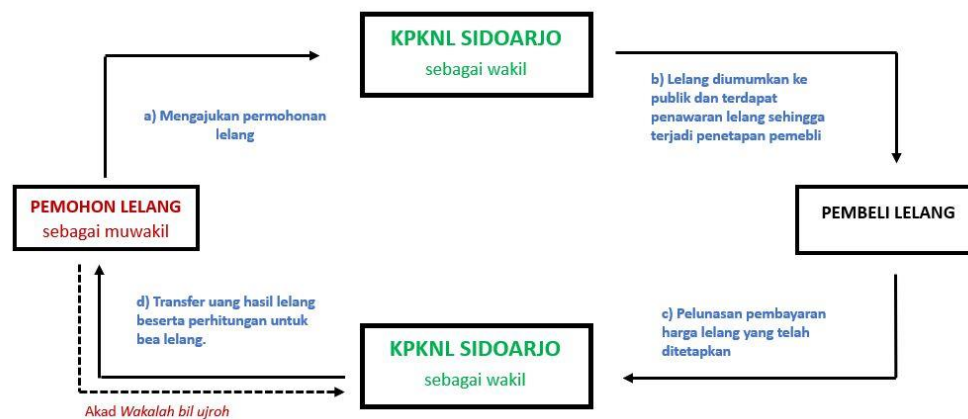
In the payment made, the auction duty becomes payment for the services that have been provided by the organizer, this is included in the wakalah bil ujah. Because this auction duty is also included in ujah. The ujah given depends on the amount of the auction price formed. The auction duty is also known by both parties, both the amount of the duty fee and the deadline date. The amount of auction duty is also regulated in the Minister of Finance Regulation Number 213/PMK.06/2020 concerning the implementation of auctions.

Akad wakalah bil ujroh is carried out for the implementation of auctions with collateral. So that KPKNL becomes the owner in the state property to be auctioned. Giving wages to wakalah is called wakalah bil ujah. Al-Wakalah can be understood as the transfer

of responsibility from one person to another for tasks that can be completed by oneself and then taken over by others for use as long as he or she is alive (Munawir 2021).

In Islam, scholars argue that it allows the practice of wakalah bil ujroh contract. Imam Taqiy Al-Din Abu Bakr Ibn Muhammad Al-Husaini argues that wakalah is the transfer of a power delegated to another person to be managed trustfully and Islam allows this on legal and harmonious terms (Ghazaly Rachaman, Ihsan, and Shidiq 2018).

In the auction KPKNL became the facilitating party for the auction. This wakalah bil ujroh agreement is used because KPKNL becomes a wakalah from the applicant or owner of the goods. The object to be purchased is also clear and known to a muwakkil and deputy. The object to be auctioned will be displayed on the auction web along with valid ownership documents or files. The following is the scheme of implementation of the wakalah bi ujroh contract that occurred at the KPKNL Sidoarjo.



Information:

- The bidder submits an administrative file for the collateral that wants to be auctioned at KPKNL Sidoarjo.
- After the file is verified, the auction will be announced through the mass media which, if there is a bid, the highest bidder will be taken and determined as the winner of the auction.
- The winner of the auction becomes a legal buyer who has been determined by the auction official. The buyer is required to make payment at a price that has been determined and notified to the buyer.
- KPKNL Sidoarjo will provide obligations in the form of auction proceeds paid and the calculation of seller auction duty of 1% charged to the auction applicant and has been regulated in the Minister of Finance Regulation Number 95/PMK.06/2022 concerning the Amount, Terms and Procedures for Imposing Tariffs of up to 0% on types of non-tax state revenues applicable to the Ministry of Finance.
- Akad wakalah bil ujroh occurs when the KPKNL Sidoarjo provides auction proceeds that have been deducted from the calculation of auction duty in accordance with the provisions.

Inclusion of Limit Value and Security Deposit in Collateral Auction.

This assessment report becomes a reference in determining the limit value to be auctioned. This limited value will be the initial benchmark for redeeming items at auction. The limit value will be the lower limit or starting price in the auction so that the buyer understands the minimum price that must be carried. In the Minister of Finance Regulation Number 213/PMK.06/2020, the article states that the limit value document is an auction requirement that must be included. (Interview with Mr. Rizqon Zidni, January 26, 2023). The internal compliance section monitors this which is done at the end of each month to see whether the transactions that occur are appropriate and there is no fraud. (Interview with Mrs. Gita Pandji, January 26, 2023)

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The implementation of the auction requires an auction limit value in each collateral item to be auctioned. The limit value is determined based on the item appraisal report made by the auction applicant. In practice, the limit value becomes the minimum price of the item to be auctioned.

According to Misno (2018) in an Islamic perspective, when there is no written offer value, using this maximum value will provide peace of mind and security for the holder or product owner against loss or fraud by consumers who unite to buy goods at low prices. has interacted. The limit number that will be followed by an open offer can be used by customers as a price reference. Kamal (2020) said that appraisers who determine prices have power and have made impartial assessments based on their expertise. An appraisal that includes evaluating the security and setting a price below market value. The limit value is formed from the results of the assessment that has been carried out and contains open elements. Both from the applicant, seller, buyer, and owner of the collateral can see in detail the report of the estimated collateral. Assessment highly upholds the value of justice because this concerns a person's life regarding the continuation of a debtor regarding the repayment of his obligations. So, it is hoped that the limit value can be formed with the reality of the existing situation.

The security deposit is formed at 20% - 50% of the limit money. This security deposit is useful to minimize the practice of najasy. According to Karim (2011) najasy is an engineering in forming demand in the market so that the selling price of products in the market will tend to be high. In practice, in auctions, there are bidders who bid at a high price but do not have the intention to buy with the intention that the bid price formed becomes high and will benefit the seller. If there is a practice like this and the perpetrator becomes the legal buyer in the auction and the perpetrator then does not make repayment, then this security deposit will be taken in full and his name will be prohibited from participating in the auction for 6 months in any auction institution.

According to the Hanabilah circles that the hadith used by scholars to justify the prohibition of trade in certain regions is a weak and unreliable hadith to prohibit this type of trade, that prepayment transactions are justified for several reasons (Susetyo 2022). In addition, according to Sulistiana (2021) according to a hadith, Nafi bin Harith once offered to buy Shafwan bin Umayyah's prison from him if Umar agreed. Otherwise, Shafwan will receive some money. Secondly, the down payment is the seller's reward for waiting and storing the product deal in the warehouse. He will definitely miss some sales opportunities. Many say that this has been forced to accept an advance without receiving any compensation is wrong.

Third, the comparison between buying and selling real estate in urban areas and khiyar al majhul is flawed because the legal down payment requirement is a limited amount of down payment. Limiting payment periods makes comparisons useless.

According to Wahbah Al-Zuhaili (2006) there are 3 differences of opinion regarding Al-urbun or advances. Jumhur ulama said that advances there is a practice of buying and selling that is not allowed and absolutely haram. According to Hanafi scholars, the sale and purchase of urbun can be done but has a defect in the contract. The last opinion, in addition to the Hanafi madhhab, other madhhab says that this urbun practice is permissible. One of the scholars who allowed buying and selling with advances was Ibn Umar and Ibn Sirin. They argue that buying and selling is permissible because the buyer cancels his purchase for reasons such as dislike. But the seller has the right to get the money because in exchange for the waiting money for certainty.

Al-Zuhaili also said buying and selling with advances was allowed in accordance with urf (existing tradition). The difference of opinion above can be concluded that this advance can be unlawful if there are things that are not clear or not jelas in its implementation, but if the application is clear then its application can be carried out in accordance with applicable tradition.

Security deposits and limit values are formed to minimize practices that harm others. This is done to fulfill the aspects of justice and honesty that are upheld in Islam when buying and selling. So that the inclusion of the limit value and security deposit is allowed on the basis that this is used to facilitate and provide convenience in transactions.

CONCLUSION

Based on the research that the author conducted at KPKNL Sidoarjo with the title "Review of Muamalah Fiqh on Buying and Selling Collateral Auctions at Kantor Pelayanan Kekayaan Negara dan Lelang (KPKNL) Sidoarjo" it was concluded that all efforts have been made to eliminate from things of fraud that occur and make a contract when auction buying and selling is carried out and in the implementation of buying and selling collateral auctions at KPKNL Sidoarjo has carried out in accordance with adhering to applicable laws and legal requirements and The pillars of buying and selling auctions in Islam. In its implementation, KPKNL Sidoarjo becomes an intermediary that facilitates between the auction applicant and the buyer or what is called in Islam samsaroh and this is allowed in Islam. Then there is a

wakalah bil ujah contract that occurs in the process of auctioning collateral where ujah or wages in the process are called auction duties that must be paid by the applicant.

REFERENCES

- Ahmad, Listian, and Tri Sulistiana. 2021. "Analisis Uang Muka Pada Akad Murabahah Pada Kredit Rumah (Studi Pada BNI Syariah KCP JABABEKA Cikarang Bekasi)." *Jurnal Ekonomi Syariah Pelita Bangsa* 6(01):55–64. doi: 10.37366/jespb.v6i01.177.
- Al-Zuhaili, Wahbah. 2006. "Fiqh Islam." Pp. 118–20 in *Fiiqh Islam*.
- Devianto, Irfan rachmat. 2021. "Tinjauan Pelaksanaan Lelang Dari Perspektif Hukum Syariah (Fiqh Muamalah)." *DJKN Kemenkeu*.
- Ghazaly Rachaman, Abdul, Ghufuron Ihsan, and Sapiudin Shidiq. 2018. *Fiqh Muamalah*. Cetakan Ke. Jakarta: Prenadamedia Group.
- Hakim, Saifudin. 2019. "Larangan Jual Beli Najasy Dan Bolehnya Jual Beli Lelang." *Muslim.or.Id*.
- Haprabu, Satya. 2017. "Penjualan Lelang Barang Jaminan Hak Tanggungan Menurut Perspektif Hukum Islam." *Jurnal Repertorium* 4(1):52–60.
- Hidayat. 2011. "SEJARAH LELANG." Retrieved October 12, 2022 (<https://www.djkn.kemenkeu.go.id/artikel/baca/2286/SEJARAH-LELANG.html>).
- Kamal, Husni. 2020. "Lelang Eksekusi Hak Tanggungan Pada Perbankan Syariah Menurut Hukum Positif Dan Fiqh Muamalah." *Al Mashaadir : Jurnal Ilmu Syariah* 1(2):57–67. doi: 10.52029/jis.v1i2.20.
- Karim, Adiwirman A. 2011. *Bank Islam: Analisis Fiqh Dan Keuangan*. Keempat. Jakarta: Rajawali Pers.
- Kemenkeu. 2022. "Kinerja Pendapatan Negara Lanjutkan Tren Positif, Menkeu Sampaikan Realisasi Sampai Dengan 31 Agustus Mencapai Rp1.764,4 Triliun."
- Khoerunisa. 2015. "Jual Beli Lelang Perspektif Hukum Islam." *Jurnal Syekh Nurjati* 1:32.
- Misno, Abdurahman, and Ahmad Fajrin Shadiq. 2018. "Analisa Hukum Islam Mengenai Pelaksanaan Lelang Di Kantor Pelayanan Kekayaan Negara Dan Lelang Bogor." *Syariat* IV No. 02(Analisa Hukum):236–46.
- Moleong, J. Lexy. 2018. *Metodologi Penelitian Kualitatif*. Edisi Revi. Bandung: PT Remaja Rosdakarya.
- Munawir, Jaka Anggara; Mahbub Mahbub; Munawir. 2021. "Implementasi Akad Wakalah Bil Ujah Pada Produk Rencana Sejahtera Syariah plus Asuransi Jiwa Pt Axa Mandiri Dalam Perspektif Hukum Islam." *Jurnal Istiqro* 7(Vol 7 No 2 (2021): Juli 2021):220–35. doi: 10.30739/istiqro.v7i2.941.
- Sarwat, Ahmad. 2018. *Fiqh Jual Beli*. Cetakan II. edited by Fatih. Jakarta: Rumah Fiqih Publisher.
- Shobirin, Shobirin. 2016. "Jual Beli Dalam Pandangan Islam." *BISNIS : Jurnal Bisnis Dan Manajemen Islam* 3(2):239. doi: 10.21043/bisnis.v3i2.1494.
- Sugiyono. 2011. "Metode Penelitian Kuantitatif, Kualitatif Dan r & D." *Bandung Alf* 143.
- Susetyo, Dwinanto Proyo. 2022. "Pandangan Madzhab Syafi'i Tentang Uang Muka Pada Pembiayaan Murabahah." 1(1):55–62.

- Sutedi, Adrian. 2011. *Hukum Gadai Syariah*. Vol. 1. 1st ed. Bandung: Alfabeta.
- Syarief, Arzalsyah. 2019. “Pandangan Hukum Ekonomi Islam Terhadap Harga Lelang Barang Jaminan.” *Al-Amwal : Journal of Islamic Economic Law* 1(1):90–113. doi: 10.24256/alw.v1i1.629.
- Syukur, Patah Abdul, and Fahmi Syahbudin. 2020. “Konsep Marketing Mix Syariah.” *Jurnal Ekonomi Dan Perbankan Syariah* 5(1):71–94. doi: 10.46899/jeps.v5i1.167.

**FIQH MUAMALAH REVIEW OF AUCTION SALE AND
PURCHASE OF COLLATERAL AT KANTOR KEKAYAAN
NEGARA DAN LELANG (KPKNL) SIDOARJO**

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