



Qardh Contract in the Peccoten Tradition (Analytic Study of the *Peccoten* Tradition in the Madura Kubu Raya Circle)

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Abstract:

This study aims to determine the contract contained in the Peccoten tradition, which uses cigarettes, soap, cloth and others as tools to invite marriage. The Peccotan tradition, which is a Madurese tradition, is still carried out by those who live in Madusari Village, Sungai Raya District, Kubu Raya Regency. The object of this research is the symbolic meaning of cigarettes used as a medium for invitations to pickpockets found in Samatan Village. The collection technique in this study uses a descriptive qualitative research method to reveal the implied meaning of the symbolization of cigarettes in the peccotan tradition. This research data collection includes observation, documentation and direct interviews in Madusari Village. Collecting data from resource persons such as Madurese leaders and Islamic religious leaders who have long practised the Peccotan tradition in Madusari village. There were six resource persons used in this study consisting of people who had used the peccotan tradition and received an invitation to peccotan in Samatan Village. The results showed that in the peccotan tradition in Samatan Village, there was a symbolic interaction where cigarettes which were used as invitation media had different types of cigarettes used as invitation media; the difference was in the type of cigarettes and the number of envelopes given and the peccotan tradition has become a hereditary tradition that continues until today in Madusari Village, Kub Raya Regency.

Key Words: *Peccotan, Qardh Contract, Symbolic Interaction*

Abstrak :

Penelitian ini bertujuan untuk mengetahui tentang akad yang terdapat dalam tradisi Peccoten yang menggunakan rokok, sabun, kain dan lain-lain sebagai alat untuk mengajak nikah. Tradisi Peccotan yang merupakan tradisi suku Madura masih dilakukan oleh masyarakat Madura yang tinggal di Desa Madusari Kecamatan Sungai Raya Kabupaten Kubu Raya. Objek penelitian ini adalah makna simbolik rokok yang digunakan sebagai media undangan pencopet yang terdapat di Desa Samatan. Teknik pengumpulan dalam penelitian ini menggunakan metode penelitian deskriptif kualitatif, untuk mengungkap makna yang tersirat dalam simbolisasi rokok dalam tradisi peccotan. Pengumpulan data penelitian ini meliputi observasi, dokumentasi dan wawancara langsung di Desa Madusari. Pengumpulan data dari narasumber sebagai tokoh Madura dan tokoh agama Islam Madura yang telah lama mempraktekkan tradisi Peccotan di desa Madusari. Narasumber yang digunakan dalam penelitian ini ada 6 orang yang terdiri dari orang yang pernah menggunakan tradisi peccotan dan yang pernah mendapat undangan peccotan di Desa Samatan. Hasil penelitian menunjukkan bahwa dalam tradisi peccotan di Desa Samatan terjadi interaksi simbolik dimana rokok yang digunakan sebagai media undangan memiliki jenis rokok yang berbeda yang digunakan sebagai media undangan, perbedaannya pada jenis rokok dan jumlah amplop yang diberikan serta jumlah amplop yang diberikan. Tradisi peccotan sudah menjadi tradisi turun temurun yang masih berlanjut hingga saat ini di Desa Madusari Kabupaten Kub Raya.

Kata Kunci: *Peccotan, Akad Qardh, Interaksi Simbolik*

INTRODUCTION

Humans are individuals as well as social beings. Humans have taste, sensitivity, and senses (Li, 2019; Rohde, 2020). From that, various arts, traditions and cultures emerged in every human life. The existence of humans and their style of life cannot be separated from culture, traditions and customs, which also give rise to many forms of culture, customs, beliefs and beliefs (Bowie, 2021; Sholehuddin, 2021). Culture results from the activity and creation of the human mind (mind), such as belief, art and customs. A tradition is sometimes a custom passed down from generation to generation (from ancestors) that is still carried out in society today. Tradition means an eternal and hereditary code of conduct, from one generation to another, as inheritance so that it strongly integrates with people's behaviour patterns (Nettle, 2020).

Indonesia consists of various ethnicities, races and religions (Lundeto, 2021). Wherever and whenever ethnicity exists, it will always be inherent in their customs and ancestral culture. One of the tribes that is permanently attached to its traditions and culture is the Madurese. Wherever they are, they always try to maintain the traditions and culture of their ancestors. Because in their belief, what is passed down by their ancestors is nothing but something that must be preserved. Moreover, these traditions and cultures do not conflict with the beliefs and teachings of Islamic Sharia. The Peccoten tradition is part of the Nusantara Islamic tradition, which is part of the tradition in Indonesia and contains multicultural values that can be used as the basis for multicultural education for Indonesian people (Nashihin & Dewi, 2020).

Because sometimes, many traditions and cultures are in harmony with Islamic teachings and do not even conflict, both with the principles of their teachings and social-religious principles (mu'amalah). Sometimes the name needs to be written and sound Islamic, but the implementation is essentially very Islamic. Alternatively, tradition and culture implied Islamic ways that cannot be understood just by looking at the writings (Louisgrand, 2021). However, you have to look at the practice and implementation in the field, which is very Islamic.

In this study, researchers tried to examine the Madurese tradition in the form of Peccoten culture, which is still being preserved today. It is a tradition for invitees to use the term Peccoten for all event invitations. For example, wedding receptions, circumcision, khatam, and others. However, over time, in this digital industrial age, Peccoten is more often used for weddings. The Madusari Madurese still use the Peccoten invitation, as with other events, they no longer exist because, according to the Madurese, only weddings are still considered significant events. While kata man, circumcision, and Butuan are considered everyday events. This is due to social influences and changes that change the mindset and lifestyle of the Madurese to be more modern and keep up with the times.

Peccoten invitations come in several forms, some large and some small. The cigarettes that are distributed contain messages and intentions that must be thought of by themselves; at this time, many people do not understand the intent and purpose of Peccoten's invitation because, at this time, the next generation is just joining in without knowing the true meaning, from the size, Peccoten's invitation, Peccoten is an invitation that consistently distributes cigarettes because Peccoten's invitation has a significant value and message for the recipient of the invitation.

For some Madurese people, the invitation to use Peccoten is considered normal, but it implies that the invitee must attend. Because in the Peccoten tradition, there is a

Qardh (debit and credit) contract, the more expensive the price of the cigarette used as an invitation, it is expected that the owner of the event will return the envelope with a more significant amount than the price of the cigarette.

This is interesting for researchers to examine the Peccoten tradition more, which in fact, implies a Qardh contract, so the title of this article is entitled "Qardh Agreement in the Peccoten Tradition (Study of Analysis of Peccoten Tradition among the Madurese Kubu Raya).

RESEARCH METHODS

This study uses a descriptive qualitative approach to make it easier for researchers to explain the meaning implied in the Peccoten tradition of the Madurese people, which is still preserved every time a son or daughter gets married. Primary data sources are data obtained directly from articles, journals, and people who become informants who know the Peccoten tradition, which is the problem or object of research. Data on the Peccoten tradition were obtained using observations and in-depth interviews with each religious leader who has helped preserve the Peccoten tradition in Kab. Kingdom Fortress. At the same time, the library in question is to record any information related to the Peccoten tradition in Islamic teachings, especially the Qardh contract from various journals. Writings from books and opinions from academics who have conducted research in each country. After that, make conclusions about people's behaviour. From the results of the study and literature, an analysis was then carried out, and a conclusion was made that the Peccoten tradition. However, it does not smell of a particular religion, in its implementation, implies a Qardh contract which must always be preserved.

RESULTS AND DISCUSSION

Peccoten

Peccoten comes from the word Peccot which means whip/whip (Masud et al., 2021). Got the addition of 'an' to Peccoten, which means to be whipped. Thus, Peccoten means a person who was whipped. This word symbolises a necessity or obligation for someone to attend an invitational event by giving money or angpao after he is given a written invitation that includes goods. Usually, the item is a bar of soap or a pack of cigarettes. Soap is usually given to women, while cigarettes are given to men (Alwi, 2020).

Invitation mediation in the Peccoten tradition takes various forms: premium, medium and standard. The larger the Peccoten media, the higher the return is expected to be greater than the price of the invited media (Ismail, 2021). Premium invitations usually only apply to wealthy people. This is because the higher the price of Peccoten media, the greater the contents of the envelope that must be returned. The cigarettes that are distributed contain messages and intentions that must be thought of by themselves; at this time, many people do not understand the intent and purpose of Peccoten's invitation because, at this time, the younger generation of Madurese only follow the traditions of their elders without knowing the meaning implied in these traditions (Khoir, 2021). Even though an invitation using the term Peccoten is an invitation that must be

attended because Peccoten's invitation has a significant value and message for the recipient of the invitation, namely returning the price of the value of a cigarette and soap (Masud et al.,2021).

Various types of invitation media in the Peccoten tradition; First, Cigarette Media. Cigarettes as a medium for invitations in the Peccoten tradition are caused because those who are invited are men. In the Madurese tradition, women do not smoke. So that the invitation to use cigarettes is certain that the invitees are men. However, in attending the event he was invited to, remain in pairs with his partner. This is in accordance with what was explained by Ustadz Ismail that the medium for inviting Peccoten for men is cigarettes, because the majority of Madurese men smoke (Ismail, 2021). Second, Soap Media. Soap is stated as a representation of women. Because of the fragrant smell, likened to women. So that the use of soap media in invitations is addressed to women. Third, Cloth. Fabric as a media invitation. Peccoten uses segregated fabrics when delivering invitations, if it is a woman who is invited, then the cloth is of a female type and motif. Conversely, if the person invited is a man, then the type and pattern of the cloth must be a boy too (Dahlan, 2021).

For the organizers, to avoid many invitees not attending, Peccoten's invitation is always recorded. This is done so that those who receive Peccoten's invitation are recorded. Even when the event started, the note was adjusted to the recipient's book at the time of the invitation. Even in several areas of Madura, names that have received Peccoten media invitations are broadcast or announced using a microphone (Ustadz Turmudzi, 2021).

In the implementation of giving Peccoten media can be grouped into two kinds of ways: First, the Written Peccoten. This type of Peccoten requires that those who receive an invitation must attend. Usually, there is an event taking place, the names written will be called or announced. So, those who are not present will be embarrassed. Because he had taken Peccoten's media but was not present at the event. Second, the Unwritten Peccoten. This type of bidding does not place too much emphasis on those who get the invitation to return the price of the invitation media. However, attending the invitation is still mandatory. But shahibul hajat didn't really expect a return from the invitation media.

Qardh (debt)

The word Qardh is etymologically the masdar form of qaradha-yaqridhu-Qardhan asy-syai'-yaqridhuhu, which means he decides it.

الْقَرْضُ يَفْتَحُ الْقَافِ وَقَدْ تَكَسَّرَ، وَأَصْلُهُ فِي اللُّغَةِ: الْقَطْعُ

Qardh, sometimes also called Qirdh, is a form of masdar which means breaking (Ulul, 2019).

It is said *maracatu asy-shari'a bil-migrate*, I cut something with scissors. Al-Qardh is given by the owner to be paid back without anything extra and expects more returns (Zara, 2015).

This contract is classified into the scope of *muamalah*. Wahbah al-Zuhaili stated in his book *al-Fikih al-Islami wa Adillatuhu*: In fact, Qardh in its general meaning resembles buying and selling; because he (Qardh) has assets with assets and also Qardh is a kind of *salaf* agreement. According to scholars, Qardh is the soul or part of buying and selling (Sholihin, 2013).

The description above shows three opinions about Qardh; first, Qardh resembles buying and selling, meaning it is not buying and selling; second, Qardh is one of the types of *salaf*, meaning it is part of the method of buying and selling without cash, third, Qardh is the *nafs* (self/soul) of buying and selling, meaning Qardh is part of selling buy. Below is explained the opinion of scholars about the meaning of earth and its relationship to the *Mubadala* contract (exchange) (Rahmat, 2015).

Debt is something that must be borne by the cause of the contract or because of damage (*tilak*), and also something that is borne as debt by asking for debt (*istiqradh*). That thing or debt is more common than Qardh. This description states that Qardh is part of the debt; debt can occur because there is a contract as well as Qardh; as debt, Qardh also occurs because there is a request to obtain property, but it is said that every Qardh is a debt but not vice versa. Some argue that Qardh and *'aliyah* have the same meaning between essence and *majaz*, as disclosed below (Maulana, 2011).

Meanwhile, the meaning of cards or girth in terminology is to give wealth to people who will use it and return it in the future without anything more. According to Firdaus, Qardh is giving assets to other people that can be billed or reclaimed. In classical and modern *fiqh* literature, cards are categorized as a *tathawwu'i* contract or mutual assistance contract and not a commercial transaction. Qardh also means borrowing by handing over property to the person who uses it to be returned in exchange one day (ZARA, 2015).

According to Rohmaniyah, Qardh is one of the contracts contained in the Islamic banking system, which is nothing but providing loans in the form of money or otherwise without expecting reward or interest (*usury*). Indirectly intend to help non-commercially (Rohmaniyah, 2019).

Al-Qardh, according to the terms of the *fuhaha*, is giving property to another person to be returned without any additions. According to the *Shari'a*, al-Qardh (borrowing and borrowing) is permissible and justified. There is no difference of opinion among the scholars in this matter. People who need it may say they want to borrow. This is not something bad; even people who will be loaned are encouraged (*mandu*). The evidence for this is found in the *Qur'an*: *surah Al-Baqarah* verse 245.

According to Sayyid Sabiq in his *Fiqh Sunnah*, the definition of Qardh is as follows:

الْقَرْضُ هُوَ الْمَالُ الَّذِي يُعْطِيهِ الْمُقْرِضُ لِلْمُقْتَرِضِ لِيُرَدَّ مِثْلَهُ إِلَيْهِ عِنْدَ قُدْرَتِهِ عَلَيْهِ

“Al-Qardh is property given by the creditor (muqrid) to the debtor (muqtaridh) to be returned to him (muqridh) as he received it when he is able to pay it.

In the view of Islamic economists, Antonio Syafi'i al-Qardh is the giving of property to other people that can be collected or asked for back or, in other words, lent without expecting anything in return. In classical fiqh literature, Qardh is categorized as a tathawwu'i contract or contract of mutual assistance and is not a commercial transaction (Pratama, 2021).

According to Heri Sudarsono in his book Qardh is the giving of property to other people that can be billed or asked for back or, in other words, lent without expecting anything in return (Sudarsono, 2018).

From some of the definitions above, it can be concluded that Akad Al-Qardh is an agreement or agreement between the two parties in which the first party provides assets or gives assets in the sense of lending to the second party as a borrower of money or a person who receives property that can be billed or reclaimed property. in other words, lending assets to other people who need fast funds without expecting anything in return except to hope for the blessing of Allah and rewards in the hereafter (Abdussakur, 2018).

In Qardh contracts, it is permissible for agreements to be made to reinforce property rights, such as requirements for collateral, loan guarantor (kafil), witnesses, written evidence, or confessions before a judge. Regarding the time limit, the jury of scholars stated that the condition was invalid, and Malikiyah stated that it was valid. Invalid conditions that are not by the contract (Rohmaniyah, 2019). Qardh, such as additional conditions for returning, returning good assets in exchange for defects or conditions for selling the house (Rahman, 2021).

Qardh in the Peccoten Tradition

Each tradition certainly has a philosophical and implicit content in it. An invitation media is included in the Peccoten tradition, where the invitation already has a certain price. If the media is expensive, the size is worth the rice eaten and the invitation media. Semiorigin, the price of cigarettes is 25,000 and rice is 25,000; thus, the envelope's contents are at least 50,000. The implied meaning in the Peccoten media invitation requires those invited to attend. So that those invited must come, or, at least, he will leave an envelope if he cannot attend the invitation.

In the Peccoten tradition, there is an element of giving debt to those invited and demanding it be returned when the event occurs. It is not stated that the media given must be returned, but in the Peccoten tradition, which has been going on for a long time, there is an implicit meaning in it that the shrimp must

return the price of the Peccoten media. If it is not returned, it becomes a personal sanction, discussed or discussed in society.

The Peccoten tradition in the Madurese community in Kubu Raya is a tradition carried out to invite to a wedding reception held by one of the local community members. The form of mediation besides being in the form of cigarettes, soap, cloth and others. The value varies, ranging from 10 thousand to infinity depending on the level of ability of each individual, but in mediation the invitation is made into accounts payable to those invited (Qardh). The opinion of some people regarding the reality of mediation of invitations that can be considered as debts and receivables are goods given by invitees to people who have an intention and in general, a wedding reception with the intention of money or goods (nine staples) that can be given back when he holds an event.

If, in this tradition, it is a commonplace that Peccoten media is giving debt (Qardh), then those who receive it are subject to the following law; First, Mandatory. Those who are invited must come and return the value of the invitation media. It even has to be more than the price of the mediation tool for the bill. This is if, when inviting, the names of those invited are recorded.

Second, Sunnah. If the invitee happens to be unable to return (attend) the invitation, then it is okay not to attend. Because those who were given Peccoten did not have anything. As in the case of Qardh, if there really is nothing to pay the debt, then there is no problem in terms of payment. However, it is still Sunnah to try to return the price according to the Peccoten media he received.

Third, Change. May return and may not return. If it isn't and it has become part of the tradition, if you can't afford it, you don't have to return it. His inability was indeed unintentional, so he does not need/obliged to return it. However, it is still obligatory to attend the invitation (Ustadz Ismail, 2021).

Thus, the Peccoten tradition is part of a custom that is included in the category of 'urf or al-'Adah (custom), which has been going on for a long time, and neither side rejects and denies it. Whereas in the concepts of 'air and al-Adah, if indeed a tradition does not contradict the principles of Islamic teachings, then the tradition is considered not to conflict with Islamic teachings. However, if al-'adah and al-urf bring damage and there is no benefit at all, then it is not included in al-'adah with al-'urf; all habits that are beneficial and do not conflict with syara' in muamalah are the legal basis. so that if there is no dispute between the two parties between the giver and the recipient of Peccoten, then it is actually in conformity with Islamic sharia. Therefore the settlement must be returned to the customs or 'urf that apply in the Kubu Raya area (Ludfi, 2020).

Because al-'adah or 'urf can be used as a legal basis. As explained in the following Hadith;

مَا رَأَهُ الْمُسْلِمُونَ حَسَنًا؛ فَهُوَ عِنْدَ اللَّهِ حَسَنٌ، وَمَا رَأَهُ الْمُسْلِمُونَ سَيِّئًا؛ فَهُوَ عِنْدَ اللَّهِ سَيِّئٌ

Something that is seen as good by most Muslims is a good thing, so it is also good in the sight of Allah. And whatever the Muslims view as bad, then it is also bad in the sight of Allah" (HR Ahmad)

CONCLUSION

From the discussion above, it can be concluded that the Peccoten Tradition is a tradition in which, if examined, it is part of the giving of debt, which is given as mediation for marriage invitations. Invitation media in the Peccoten tradition are varied and stale in the form of cigarettes, cloth, and others. At this time, invitations like this are more used for weddings. Attendance/attendance is mandatory for those who receive invitations through the Peccoten media. Moreover, sometimes it is mandatory to return even more than the price of the invitation media (cigarettes) depending on the situation and conditions. The implied contract from the Peccoten tradition is the Qardh (debt) contract.

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