Postponement of Debt Payment in the Review of Islamic Fiqh

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Abstrak
Penelitian ini bertujuan untuk mengatasi masalah hutang dan penundaan pembayarannya serta akibat denda yang disebutkan oleh Alef. Pendekatan deduktif dan induktif diikuti, dan penelitian ini mencapai beberapa hasil, yang terpenting adalah bahwa utang adalah uang tetap yang terhutang dengan salah satu alasan pembuktian utang tersebut. Agama; Karena keseriusan utangnya, niat baik memfasilitasi pelunasan dan pembayaran utang, tidak seperti pilihan buruk. Menunda-nunda: Menunda pembayaran ketika hak telah jatuh tempo dengan kemampuannya membayar, dan para fuqaha sepakat bahwa menunda-nunda orang kaya adalah haram dan haram, namun sebagian dari mereka menganggapnya sebagai dosa besar, dan menunda-nunda bagi orang tidak kaya tidak termasuk. tidak adil dan dilarang. Apabila debitur mempunyai uang nyata, maka akan dijual untuk melunasi utang-utangnya, sekalipun ia terpaksa, dengan mempertimbangkan hak kreditur. Jika debitur tidak mempunyai uang semu, maka uang itu dijual kepadanya untuk melunasi hutangnya, dengan tidak dikenakan denda sampai uangnya muncul atau ia mencapainya walaupun dengan cara dipukul.
Kata Kunci : Hutang, Fiqih, Islam, Penundaan

Abstract
This research aims to deal with the issue of debt and procrastination in paying it and the consequent penalties mentioned by Alef. The deductive, inductive approach was followed, and this research reached several results, the most important of which is that the debt is the fixed money owed by any of the reasons for proving the debt. Religion; Because of the seriousness of the debt, good intentions facilitate debt repayment and payment, unlike bad choices. Procrastination: Delaying payment when the right is due with his ability to pay, and the jurists agreed that the procrastination of the rich is unjust and forbidden, but some of them considered it a major sin, and the procrastination of the non-rich is neither unfair nor forbidden. If the debtor has apparent money, it will be sold to pay off his debts, even if he is compelled to do so, considering the creditor's right. If the debtor does not have apparent money, it is sold to him to pay off his debts, withholding a penalty for him until his money appears or he reaches it even by beating.
Keywords: Debt, Fiqh, Islamic, Postponement

Introduction

Debt is an activity that is permissible in Islam. In this case, Anyone experiencing financial difficulties can borrow money or other people's property, which will then be returned according to a mutual agreement between the borrower and the person providing the loan. Even though it is permissible, Islam has explicit rules regarding debt and credit activities. According to the agreement, someone who borrows someone else's property must try his best to pay off the debt. But what happens when someone deliberately neglects a debt and doesn't even pay it? As an activity that often occurs daily, every Muslim must know the law of ignoring debts in Islam. Apart from that, you also need to understand what repercussions you will get if you deliberately neglect to pay debts. Knowing this lets you be more careful when carrying out debt and credit activities. Not only people who have debt but several ethics can be done by the debtor if there is a problem with payment. Reporting from NU Online, we summarize the law of neglecting debt in Islam and several other explanations you need to know.[1]

The literature study in this article is a data collection technique by reviewing books as primary sources, literature, notes, and others in the form of articles as secondary sources. Other secondary sources include various reports on problems to be solved in accounts payable and debt delay cases. The library method process will produce a comprehensive view using the fiqh analysis that applies to this paper. With a qualitative approach, the results obtained will be explained descriptively.

Discussion

The Law of Delaying Debt Payments When You Can

Before knowing the law of neglecting debt in Islam, it is necessary to understand the law of delaying debt payments even though you can afford it. As previously mentioned, the ethics of being in debt is to do your best to pay or pay off debts according to the promised time. Moreover, he must pay off immediately when he has enough money to pay debts. On the other hand, a person who already has enough money but deliberately postpones debt to the person giving the loan is considered an unjust act. This was explained by the Messenger of Allah in a hadith, which reads, "Delaying paying debts for people who can (pay) is tyranny" (HR Bukhari). From this hadith, the scholars further explain that for people who are financially sufficient and able to pay debts, it is forbidden for them to delay, in contrast to people who do not have enough money. Therefore, the rules in accounts payable need to be complied with properly. When you get kindness from others through a loan, you should repay it with good ethics, namely, trying as much as possible to pay according to the agreement, not delaying.[2]

The Law of Default in Debt

[1] 'Hukum Melalaikan Utang Dalam Islam, Perlu Diketahui', accessed 6 August 2023, https://www.merdeka.com/jateng/hukum-melalaikan-utang-dalam-islam-perlu-diketahui-kln.html.

[2] Y J al-Marāghī, M A Khusravī, and Sāzmān-i Awqāf va Umūr-i Khayrīyah, موسوعة الوقف في الفقه الاسلامي: مجموعة آراء فقهاء الامامية والحنبلية والحنفية والشافعية والمالكية وغيرهم في الالف سنة الماضية في احكام الوقف والحبس, Mawsū'at Al-Waqf Fī Al-Fiqh Al-{Islāmī}: Majmū'at Ārā' Fuqahā' Al-{Imāmīyah} Wa-Al-Ḥanbalīyah Wa-Al-Ḥanafīyah Wa-Al-{Shāfi'īyah} Wa-Al-{Mālikīyah} Wa-Ghayrihim Fī Al-Alf Sanah Al-Māḍīyah Fī Aḥkām Al-Waqf Wa-Al-Ḥabs (منظمة الاوقاف والشؤون الخيرية، 2006), https://books.google.co.id/books?id=y9jakQEACAAJ.

The following will explain the law of neglecting debt in Islam. If the previous explanation discusses the intention of someone who delays paying debts, even though he is capable, it differs from someone who deliberately neglects obligation. People who neglect debt tend to forget the obligations that must be carried out, namely, paying debts. In a hadith in the history of Mrs. Majah, Rasulullah SAW said, "Anyone who takes other people's property (indebted) while intending to pay it, Allah will (make it easy) to pay it off for that person. And whoever takes it while intending to damage it (not paying it off), then Allah will damage that person "(Narrated by Ibn Majah).[3] From this hadith, the scholars explained further that a person who deliberately neglects the obligation to pay debts, Allah, will allow that person to experience difficulties in life. Worse returns can be obtained. When people neglect debt, even though they die in a martyr's state, the sin of debt remains unforgivable. In addition, the sins of people who owe and are deliberately negligent, then when they die, they will not get the pleasure of Allah. After being in the grave, the debtor will experience great regret. In this case, Rasulullah SAW said, "People who have debts, in their graves, their hands are shackled. No one can release him until the debt is repaid."

Ethics that Need Attention

After knowing the law of neglecting debts in Islam, some ethics that need to be considered in debt and credit activities will finally be explained. This ethic does not only apply to people who have debt, but also to people who provide debt loans.[4]

Here are some ethics that need to be considered in debt activities:

People who want to owe must intend to pay as much as possible on time when it is due. When carrying out debt transactions with quite a sizeable nominal value, it is advisable to involve witnesses or writing with the signatures of both parties so that if there is a problem, the witness or writing can mediate it. If it is due and you have enough assets beyond your daily essential food supply, the debt must be paid immediately. Delaying paying debts even though you can afford it is considered unjust. If it is due and has not been paid, and the creditor blocks it from going far, then the person who has the debt is obliged to comply. Because traveling can lead to fears of debt not being paid, if it is due, the owner of the debt is unable to pay; for example, if the debt is in the form of a motorbike, then his house has

[3] Muḥammad ibn Yazīd Ibn Mājah and Muhammad Tufail Ansari, *Sunan {Ibn} {Mājah} = {Sunan} {Ibn}-e-{Majah}: With {Arabic} Text* (New Delhi: Kitab Bhavan, 2013).

[4] Bijan Bidabad, "Non-{Usury} {Bank} {Corporation} ({NUBankCo}): {The} {Solution} to {Islamic} {Banking}," *Ijscgr* 2, no. 1 (March 2019): 53–66, https://doi.org/10.46281/ijscgr.v2i1.276.

similar assets, then the motorbike can be withdrawn through a court decision. If the debt is in money or other objects, but there are no assets in the house, then the judge may forcibly sell the assets owned by the debtor. People with debts need to know the punishments and rewards in Islamic teachings for people reluctant to pay off debts until they die. Knowing this can make someone more careful in debt.[5]

Some scientific committees in the third blessing symposium held in Turkey issued a fatwa that the punitive penalty is permissible for the debtor who is procrastinating in paying the debt with his ability to do so, provided that this money is spent in public banks for the poor and the needy, and in the same symposium others went to the impermissibility of the punitive condition; There is no consensus on the issue of scholars. And the opinion is that it is permissible to take or pay a financial fine as a penalty condition for the debtor who is procrastinating in paying the debt with his ability and solvency. This matter is estimated by the amount of damage resulting from procrastination. According to the hadith of the Prophet, peace and blessings be upon him: "The demand of the rich is injustice," and the injustice must be lifted, and if the financial fine is one of the ways to remove the injustice, then it is legally permissible, provided that it is to the extent of the injustice resulting from the delay in paying the debt.[6]

One of the criticisms leveled at the Islamic economic system is that it is an ideal system that assumes goodwill and integrity from citizens and that the penalties and punishments it offers against manipulators are insufficient and ineffective, especially in light of the complexities the world is going through in its systems that did not exist before. Sharia's position on the procrastinating debtor Among what is presented in this context is Sharia's position towards the procrastinating debtor. The capitalist system, on which banks and financial institutions have built, and have become a stable culture in the commercial and financial field, is to find the procrastinating debtor for the time of his procrastination by imposing a financial penalty in favor of the lender.[7] Defenders of this procedure say: It is the only practical solution that guarantees financial institutions their rights. On the other hand, Muslim jurists as a whole reject this procedure and consider it forbidden usury. Rather, they

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[5] Hendra Wijaya, “Takyīf {Fiqh} {Pembayaran} {Jasa} {Transportasi} {Online} {Menggunakan} {Uang} {Elektronik} ({Go}-{Pay} Dan {OVO}),” *Nukhbah* 4, no. 2 (December 2018): 125–48, https://doi.org/10.36701/nukhbah.v4i2.46.

[6] قسم العلوم المالية والمصرفية الاسلامية and اسماء عبد الجبار عودة, “خصم الاوراق التجارية في ميزان المصارف الإسلامية,” *Jcois* 69 (March 2022): 609–46, https://doi.org/10.51930/jcois.21.69.0609.

[7] Abdurzaq Abd Rahman Sa’di, منهج الإفتاء عند الإمام أبي حنيفة وأصحابه, 2016, https://nbn-resolving.org/urn:nbn:de:101:1-201701163150.

consider it to be the form of pre-Islamic usury that the Qur'an forbade, as the commentators convey in their books that the form of usury that the Arabs used to deal with at the time of the revelation of the verses prohibiting usury is that a man has one debt with another. When the time for repayment comes, the creditor says to the debtor: Do you repay or raise? Or the debtor tells the creditor: Delay me and give you more. No to fining the procrastinator, which is the trend represented by most contemporary jurists, and with it, the fatwas of the Fiqh Councils came out. It was stated in the Islamic Fiqh Academy Decision No. 133 (7/14) in its fourteenth session in Doha, which reads: "If the debtor purchaser is late in paying the installments beyond the deadline Defamation of the procrastinator and the alternative procedure that this approach offers is the distinction between the debtor who is insolvent and the debtor who is procrastinating. So look at Maysara} [Al-Baqara: 280] And in the second came his saying, may God's prayers and peace be upon him: "For me is the benefactor, his honor and his punishment are lawful." That is, the procrastination of the rich makes it permissible to expose and defame him, and this is what is meant by his saying, may God's prayers and peace be upon him, "exposing him" just as it is permissible to imprison him and sell his possessions to fulfill them, and this is what is meant by his saying, may God's prayers and peace be upon him: (and his punishment) Criticizing capitalism for not being fined, and here comes the criticism of capitalism: and what May the creditor benefit from defamation, scandal, and imprisonment? Can a solid financial system be based on this meager punishment? Although the emergence of procrastination of the rich debtor or the inability of the insolvent to pay although it is a problem resulting from the weakness of the credit authority in the first place; Because it did not verify the richness and trustworthiness of the client and if its intelligence apparatus was strong, it would avoid falling into this problem. However, it becomes clear to us the effectiveness and efficiency of the Islamic solution in front of the capitalist solution. What if the penalty for the procrastinating debtor is limited to imprisonment or defamation, or a combination of both? Reducing dependence on debt financing, Financial institutions will begin to think about producing new types of financing other than those products based on debt, such as Murabaha and Tawarruq for Islamic banks and loans for interest-based banks, or at least they will reduce the volume of dealing with these financial products, for fear One of the damages of procrastination that you will not be able to compensate for financially. Suppose the financial institution guarantees that it can find the procrastinating debtor. In that case, procrastination will not be a problem, as it can repair the damages resulting from procrastination with the fine it imposes. But if she knows this option is not available, she will be careful to avoid those she knows will procrastinate. She will also avoid dealing with those whom she thinks strongly or likely, for fear of locking her money with procrastinators without interest. This, in turn, will make financial institutions, such as Islamic banks, tend to expand in financial products based on financing with capital, such as speculation and participation. Reducing the volume of debt financing is a matter that has benefits on the economy and its stability, as the greater the volume of debt, the higher the chances of bankruptcy, and the bankruptcy of a facility may lead to the bankruptcy of several enterprises dealing with it in light of the complexity of contemporary financing methods, and the dependence of some of them on each other, which is what It threatens the stability of the entire economy, prompting an increasing number of economists to consider debt as one of the most important causes of the fragility of the capitalist economy. This is what prompted Hyman Minsky, one of the major contemporary American economists, to say: "If we aspire for the best, it is necessary to reform the structure of our economy so that it can reduce the turbulence and instability that results from a financing structure burdened with indebtedness. Credit history Financial institutions will show more care than before to track the reputation of those who want to borrow, carefully search for their credit record, and search for whether he has been penalized for procrastination before. Customers' credit history will become of high value and significantly impact lending institutions' decisions to approve or reject loan applications. This, in turn, will make customers more keen to keep their credit records clean, free from any black points, so that they can re-borrow when needed, and this, in turn, will make customers fewer requests for loans than before, except after taking sufficient measures that prevent them from defaulting on repayment, and the subsequent consequences. discredit them.[8]

Punishment for Debt Arrears

We live today in an era in which many aspects of transactions result in debt, whether in production or internal and external trade. It was common for this to conclude deals through various means of communication. Hence, the trader concluded commercial agreements for large sums with his customers in different countries in a few minutes. And the speed of transactions in the present era has made paying the debt on time a great importance that it was not before. And the arrival of the creditor to his right through the judiciary, when the debtor is

[8] 'عدم تغريم المماطل بموازين الكفاءة الاقتصادية - إسلام أون لاين', accessed 6 August 2023, https://islamonline.net/لمماطل-بموازين-الكفاءة-الاقتصادية/.

late and procrastinating in performance, has become complex and slow in most countries of the world and bears additional costs due to the difference in the land of the creditor from the government of the debtor. And the creditors are divided into two categories: some who eat usury and others who do not. Debtors prefer to pay the debt of those who eat usury for fear of increasing it, and they delay others with their rights. Thus, those who do not consume usury face disturbing difficulties in countries where people do not deal with the provisions of Islam. The debtor's procrastination is a big problem that must be resolved.[9]

Scientists have done a lot of research to solve this problem in our time, and they held multiple seminars and issued different fatwas. Some obligate the procrastinating debtor who can pay a financial fine, some prevent that and consider it usury, and some solve the problem in another way. The related fatwas reached four directions: the first of them obligates the procrastinating debtor with a financial fine that is equivalent to his work, the second obliges him with a monetary penalty that does not match his work, and the third creates a new formula for sale Deferred to solve this problem, and the fourth prevents obligating the procrastinating debtor with a financial fine and considers it usury, and we will mention all these fatwas with their evidence and reject what we see as contrary to the Book and the Sunnah.[10]

The first section: His punishment is similar to what he was punished with

It imposes a penalty on the debtor by returning the debt and a similar amount with him so that the creditor may dispose of it identically to the period of his procrastination. The debtor recovers it from him at the end of the period so that it is as bad as it is and a punishment similar to what he was punished with. And this is our saying. Because the Messenger of God, may God's prayers and peace be upon him, said about the debtor who is procrastinating: I have the one who finds his offer and his punishment. Narrated by Al-Bukhari, Abu Dawud, Al-Nasa'i, Ibn Majah and Ahmad.[11]

Al-Laly: With the stress of the ya, the source of twisting, twisting, meaning procrastinating in fulfilling what one owes. And the finder: whoever can fulfill his debt. And the allowance of his offer is the permissibility of disparaging him because the request is the

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[9] A Khafīf, الضمان في الفقه الاسلامي, Al-Ḍamān Fī Al-Fiqh Al-{Islāmi} (1971 ,معهد البحوث والدراسات العربية،), https://books.google.co.id/books?id=VaCWAQAACAAJ.

[10] Christie S Warren, "Constitutions and {Islamic} {Law}," in *Oxford {Research} {Encyclopedia} of {Religion}* (Oxford University Press, 2017), https://doi.org/10.1093/acrefore/9780199340378.013.96.

[11] عمدة القاري شرح صحيح البخاري ,عمدة القاري شرح صحيح البخاري 1-25 ج1 ,محمود بن أحمد العينتابي/بدر الدين العيني and عبد الله محمود محمد عمر (2018 ,دار الكتب العلمية،) 25-1, https://books.google.co.id/books?id=vzM3vQEACAAJ.

subject of praise and disparagement from a person, whether in himself or in his predecessors or those whose matter is obligatory. Wakee' said: "His presentation: his complaint. And his punishment: his imprisonment." (Musnad Ahmad, 19456)

Punishment is a name of punishment and punishment that rewards a man for what he did.

God Almighty said in punishing: And if you punish, punish with the same as you were punished. And if you are patient, it is better for the patient. (Surah An-Nahl, 16/126) And the Almighty said: The reward for an evil deed is like it. So whoever pardons and reforms is rewarded with Allah, for He does not love the wrongdoers. (Surat Al-Shura, 42/40)

The principle of the Qur'an in punishment is similar. The bad thing about the debtor who can procrastinate is his delay in fulfilling the creditor's right and withholding his money for a period without a legal justification. The penalty for his evil deeds is similar to his work, which is to return the debt and the same with him for some time, so it will be bad for him with the same badness and punishment similar to the sentence he did against the creditor. And the creditor takes this extra amount identical to the debt and disposes of it like a period of procrastination because the similarity is not done without it.[12]

Let us give an example of this: A man sold a commodity for a thousand lira on credit, and the term came to an end, and the buyer did not pay his debt while he was able to pay it, so he became a debtor who is competent and procrastinating. Then he came after two months and paid his debt, so his punishment is to deliver the creditor one thousand for his debt and add another thousand pounds to it so that the creditor can dispose of it for two months. Thus, the debtor is punished in the same way as the creditor was punished. It is permissible for the creditor and the debtor to agree on a decrease in the amount of money and an increase in the term the creditor disposes of. For example, if the creditor takes two hundred pounds from the debtor with his right in the previous matter to dispose of it for ten months, because the two hundred is five thousand, the period increases five times as much, and it is ten whole months. This is to facilitate the implementation of this matter and kindness to the debtor. This may be mentioned in the contract as a penalty for the debtor because obligating the able debtor who is procrastinating to pay what is equal to his debt with its origin to the creditor to dispose of it similar to the period of his procrastination is an appropriate condition for the requirements of

[12] Meirison Meirison and Zerly Nazar, "Intellectual {Property} {Rights} and {Monopoly} in the {Perspective} of {Islamic} {Jurisprudence}," *Al-Ahkam; Volume 31, Nomor 1, April 2021DO - 10.21580/Ahkam.2021.31.1.6656,* May 2021, https://doi.org/10.21580/ahkam.2021.31.1.6656.

the contract because this compels the debtor to pay his debt at the specified time without entering it into any forbidden matter. This is nothing but to pay for his injustice. The two mentioned verses require this condition.[13]

This is a punishment, not usury, and nothing like it because of usury in the language increase. There must be more in the increase than it shows the increase in it. Ibn al-Arabi said: In the pre-Islamic era, people used to trade and raise interest. And usury was known to them, and the man pledged allegiance to the man for a term. If the period comes, he says, do you spend or raise? Do you increase my money on me, and I will be patient for another term? God Almighty forbade usury, which is the increase.

The Prophet, may God's prayers and peace be upon him, said in his farewell sermon: Except that all usury in the Jahiliyyah is abolished. The first usury I cancel is the usury of Abbas bin Abdul Muttalib, which is all abolished. In our saying this, the creditor does not demand anything from the debtor to include it in his possession. Instead, he asks for punishment against him in the same way that the debtor punished him, and similarity in discipline is a condition, and it is only achieved by what we have said. We find such sentences in the Book and the Sunnah.[14]

As for the book, the Almighty said: O you who have believed, do not kill the game while you are forbidden, and whoever of you kills it deliberately, then compensation is like what was killed of the blessings that two just men of you judge by it as a gift that reaches the Kaaba (5/95). His sin is that he killed a game that he was forbidden to benefit from, and this is clear from the Almighty's saying: And it is forbidden for you to hunt wild animals as long as you are prohibited (Al-Ma'idah, 5/96). As for the compensation for his misdeed that is similar to his deed, it is to return him to the place where he was killed, which is not in his power and ability. He can only return the like of what he died as a gift to the Kaaba because God does not burden a soul beyond its capacity.[15] So this will be evil for him with the same evil and punishment as the sentence he did for the forbidden hunting. And the analogy is only made

[13] محمد بن محمود ، أكمل الدين البابرتي, العناية شرح الهداية, Al-‘{Ināyah} Sharḥ Al-Hidāyah: Wa-Huwa Sharḥ ‘alá Al-Hidāyah Sharḥ Bidāyat Al-Mubtadī Fī Furū‘ Al-Fiqh Al-Ḥanafī Li-‘{Alī} Ibn {Abī} {Bakr} Al-{Marghīnānī} (دار الكتب العلمية، 2007), https://books.google.co.id/books?id=DyYkAQAAIAAJ.

[14] Shamsul Falaah et al., اصول الفقه, ed. Anita H Fábos and Riina Isotalo, trans. Nancy Roberts et al., *Journal of Muslim Minority Affairs*, al-Ṭab‘ah, vol. 1, Islamic History and Civilization. {Studies} and Texts (Jakarta: Oxford University Press, 2019), https://doi.org/10.4000/assr.50397.

[15] Meirison Alizar and Qasim Muhammadi, “Islamic {Sharia} and {Non}-{Muslim} {Citizens} in {Kanunname} {During} {Sultan} {Abdul} {Hamid} {II} of the {Ottoman} {Empire},” *WS* 27, no. 1 (July 2019): 37–68, https://doi.org/10.21580/ws.27.1.3543.

with this.[16] And as for the Sunnah, what Abdullah bin Amr bin Al-Aas narrated on the authority of the Prophet, may God's prayers and peace be upon him, that he said to someone who was asked about the hanging fruit: Whoever hits his mouth with a needy person who does not take a stash, then there is nothing on him, and whoever takes something out of it, he must pay a fine twice as much and the punishment [17] So the Prophet, may God's prayers and peace be upon him, judged him with two bad deeds, Lesbian fine and sentence.[18] As for the fine of the first example, it is like what he took from the hanging fruit to give the owner the right to the fruit. As for the second example, it is the punishment for his evil deeds. Because he brought out the fruit to include it in his possession, so he gives the same as what he took so that the owner of the fruit may consist of it in his possession. And this is fine.

As for the punishment (Ta'zir), he commits a punishable forbidden act: taking someone else's money without a legitimate justification. And there is another hadith, which is what Abu Hurairah narrated on the authority of the Prophet, may God's prayers and peace be upon him, that he said: "The lost camel that is hidden is it fine and the same with it." [7] So the Prophet, may God's prayers and peace be upon him, punished the one who kept the lost camel with a financial fine only. Because he concealed it to include it in his possession, the compensation for his misdeed is to return what he covered and with him something like it so that the owner of the stray enters it into his possession because it is as bad as his misdeed. As for Ta'zir, it is not proven. Because taking a lost camel is not forbidden for him; instead, it is permissible for him to take it to deliver it to its owner. His bad one is bad. The punishment of imprisonment was explained in the saying of the Prophet, may God bless him and grant him peace:

The finder, his honor, and his punishment are lawful to me. Sufyan and Waki said it` [19] and Ali Al-Tanafisi[20] and Ibn Al-Mubarak.[21] Imprisonment is not suitable as a punishment for the debtor who is able and procrastinating because his act is to seize the creditor's money without a legitimate justification, not to seize the creditor's soul, so there is no similarity between

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[16] 'عقوبة المدين المماطل في أداء الدين - حبل الله', accessed 6 August 2023, https://www.hablullah.com/?p=1159.

[17] Hasan, *Sunan Abu Dawud* (Place of publication not identified: Kazi Publications, 1984).

[18] Khafīf, الضمان في الفقه الاسلامي.

[19] A M I Ḥanbal, N Khattab, and H Khattab, *English {Translation} of {Musnad} {Imam} {Ahmad} {Bin} {Hanbal}*, English {Translation} of {Musnad} {Imam} {Ahmad} {Bin} {Hanbal} (Darussalam, 2012), https://books.google.co.id/books?id=CHuBMwEACAAJ.

[20] كمال بو غديري et al., المستدرك على الصحيحين, ed. Antoine Borrut et al., trans. Masturi Irham et al., *Journal of Muslim Minority Affairs*, al-Ṭab'ah, vol. 1, Fī Al-Fikr Al-Nahḍawī Al-{Islāmī} (Jakarta: Oxford University Press, 2020), https://doi.org/10.1080/01416200.2015.1128390.

[21] محمد شمس الحق عظيم آبادي, عون المعبود شرح سنن أبي داود:, '{Awn} Al-Ma'būd Sharḥ {Sunan} {Abī} {Dāwūd} (مكتبة المعارف للنشر و التوزيع، , 2009), https://books.google.co.id/books?id=DoJuAQAACAAJ.

them. The similarity in the penalty for procrastinating, the debtor who can pay is not achieved except by what we have said. And Abu Hanifa permitted the imprisonment of the procrastinating debtor, not to punish him, but rather to fulfill the right of the creditor from him and repel his injustice on his behalf, as stated by the owner of Al-Hidaya Al-Marghinani in his commentary on the beginning of Al-Mubtadi by saying: Abu Hanifa said (If he - that is, the debtor - had money, the ruler did not dispose of it, but he kept it forever until he sold it on his debt) to fulfill the creditors' right and ward off his injustice is over.[22] This is clear in that this imprisonment is not a punishment for the debtor but rather to ward off his wrongdoing by delaying the payment of his debt. Because the debtor who is imprisoned for his debt, if he pays it, he is released. [23]

Conclusion

The most important results that I reached through this research are in the following points:

The debt is the money fixed in the responsibility for any reason for proving the debt. Because of the seriousness of the debt, good intentions facilitate debt repayment and payment, unlike bad choices.

Procrastination: Delaying payment when the right is due with his ability to pay, and the jurists agreed that the procrastination of the rich is unjust and forbidden, but some of them considered it a major sin, and the procrastination of the non-rich is neither unfair nor forbidden. If the debtor has apparent money, it will be sold to pay off his debts, even if he is compelled to do so, considering the creditor's right.If the debtor does not have apparent money, it is sold to him to pay off his debts, withholding a penalty for him until his money appears or he reaches it even by beating. The most correct is the permissibility of interdicting the procrastinator, considering the creditors' rights, because its purpose is to pay off the debt.

The creditor has the right to prevent the debtor from traveling if the debt is due while he is on his journey and was well off before the trip. He did not appoint someone to pay it, and no one was responsible for paying it on his behalf to prevent harm to the

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[22] ‘Alī ibn Abī Bakr Marghīnānī, *Al-{Hidāyah}: Sharḥ {Bidāyat} Al-Mubtadī* (Bayrūt: Dār al-Kutub al-‘Ilmiyah, 2000).

[23] al-Marāghī, Khusravī, and Khayrīyah, موسوعة الوقف في الفقه الاسلامي: مجموعة آراء فقهاء الامامية والحنبلية والحنفية والشافعية والمالكية وغيرهم في الالف سنة الماضية في احكام الوقف والحبس.

creditor because of the debtor's travel. The creditor has the right to stay with the procrastinator, defame him, and fine him the costs of the lawsuits.

The correct view is that it is permissible to cancel the transaction for the creditor due to procrastination, significantly when prices change to ward off damage and to punish the forbidden procrastination, and if some jurists stipulated that this is permissible, especially in their time, then how about our time, it is more appropriate; Where many slanders were corrupted, and the religious scruples decreased in the hearts of many, and lawsuits became difficult. It is not permissible to compensate for the damage caused by procrastination in repaying debts to prevent the pretext of falling into forbidden usury. However, there is no legal objection to applying the proposal of some contemporary jurists, including imposing a financial penalty on the procrastinating debtor, which should be spent on charitable causes.

It is not permissible for the rich person who can pay to delay in repaying the debt that he owes to people because this is an injustice, and in the hadith: the delay of the rich is injustice—narrated by Muslims. And procrastination is the prevention of spending what it deserves to be paid. The scholars stipulated that if the rich man procrastinates repeatedly, he commits immorality, and his testimony is rejected. As for the debt owner, he may complain to someone who does justice to him and demand that the procrastinating rich man be imprisoned until he pays him his right. Narrated by Abu Dawood and others, it is a sound hadith. The scholars said: It is permissible to offer him by saying: He wronged me, divorced me, and his punishment is imprisonment and discretion. As for your speaking to your adversary: God suffices you, and He is the best disposer of affairs, and I delegated my command to God with you, so your right does not fall on him, and what you uttered is not a discharge of him, and therefore you have the right to demand your right from him, and even refer the matter to the judiciary. God knows.

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