

Boarding House Rent Refunds During Covid 19 Based On Sharia Economic Law

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Abstract: This research discusses the issue of returning boarding fees for tenants who do not stay at their boarding houses during the Covid 19 pandemic. Apart from that, this research also discusses the review of Islamic Economic Law. This research is field research. Respondents to this study were village heads, boarding house owners and tenants. The collection techniques used were observation, documentation, and interviews. The findings of this study are that the boarding house owner provides compensation for the cost of renting a boarding house during the Covid-19 pandemic. According to Sharia Economic Law, the return of this rental fee is appropriate and fulfils several conditions and pillars of the rental contract. However, tenants were disappointed during the Covid 19 pandemic because the rent payments were the same as before the pandemic; the tenants' obligations continued to be carried out to pay the rent in full. The benefit rights obtained are not proportional to the payment in full. So, the practice of returning boarding house rent during a pandemic, according to Islamic economic law, is permissible as long as both parties are willing and do not harm both parties.

penelitian ini membahas persoalan pengembalian uang kos bagi penyewa yang tidak menepati kosannya pada masa pandemi covid 19, selain itu, penelitian ini juga membahas bagaimana Tinjauan Hukum Ekonomi Syariahnya. Penelitian ini adalah penelitian lapangan. Responden penelitian ini adalah kepala desa, pemilik Kosan dan Penyewa Kosan. Teknik pengumpulan yang digunakan adalah observasi, dokumentasi, dan interview. Temuan penelitian ini adalah pemilik kos memberikan despensasi terhadap biaya sewa kos selama masa pandemi covid 19. Menurut Hukum Ekonomi Syariah, pengembalian uang sewa ini sudah tepat dan memenuhi beberapa syarat dan rukun akad sewa menyewa. Namun, pada masa pandemi covid 19 di temukannya unsur kekecewaan oleh penyewa kerana pembayaran sewa sama dengan sebelum pandemi, kewajiban penyewa terus dijalankan untuk membayar uang sewa kos secara penuh. hak manfaat di peroleh tidak sebanding dengan

pembayaran secara penuh. Jadi, Praktik Pengembalian Uang Sewa Kos-kosa di Masa Pandemi Menurut Hukum Ekonomi Syariah di Perbolehkan selama kedua belah pihak rela dan tidak merugikan kedua belah pihak.

Keywords: Rent rent, Law Economy Sharia

Introduction

In essence, humans are social beings; namely, natural beings living in society can not meet the needs of their life. Man always relates with man others. Every association life man requires muamalah activities.¹ Muamalah, according to Islamic law, is something activity that regulates matters relating to the activities of fellow human beings. Leasing is a form of transaction between two contracted parties. Leasing is a contract for taking advantage of objects for services rendered conducted. Benefits objects must include goods allowed in religion Islam.²

There are two lease contracts: goods lease and labour or service lease (wages). Rental of goods is a lease of the benefits of the goods being leased.³ While renting services or labour is renting services or labour leased there. Both of them can be conducted when Fulfill conditions rent as should.⁴ Muamalah is 'Thing the vital rule of demands sharia Islam to avoid showing showdown and awkwardness in social life. All economic provisions and business transactions, according to Islamic teachings sourced from the Qur'an,' an is to pay attention to individual rights must be protected, as well as to explain the high sense of solidarity in Public. Because of that, sharia forbids robbery, theft, expropriation, infiltration, counterfeiting, betrayal, fraud, and consuming usury, because profit got in ways the on, in essence, obtained brings harm to one person another.⁵

It means: Hi people who believe, do not eat one another's wealth neighbour with a vanity way, except with a trade way that applies with like you are welcome in Among you. and don't you kill yourself; Indeed God is Maha Caring to you. (QS An-Nisa: 29).

That God forbade his servant to be unjust to good himself or others and forbid eating people's property in a vanity or substitutionary way and includes all types, a broken contract is not permitted by syara ' both riba and jahalah (no is known).⁶ In districts wide, Lake God IX Rt 13 Rw 03 City Bengkulu is an area

¹Ahmad Azhar Bashir , Principles Law Muamalah (Law Civil Islam), (Yogyakarta :UII Press, 1993), p . 7

²Ash- Sadiq Abdulrahman Al- Gharyani , Fatwas Muamalah contemporary , (Surabaya : Horoscope Progressive , 2004), p. 149

³ Meta Riskia. 2022. "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia". *Nusantara Economy* 1 (1):10. <https://juna.nusantarajournal.com/index.php/numy/article/view/17>.

⁴ Chairuman Pasaribu , Suhawadi K. lubis , Law Agreement In Islam, (Jakarta : Ray Grafindo , 1996), p . 54

⁵A kadir , *Law Business Sharia In Al Koran* (Jakarta: Amzah , 2013), p.56

⁶Abdul Aziz Muhammad Azzam , *Fiqh Muamalat System transaction In Islam* (Jakarta : Amzah, 2010). h.27

where the majority of the population has a boarding house rental business; in that area, many students come from outside and within the city located close to one of the universities in Bengkulu. From a business standpoint, this boarding house rental business is in great demand by residents as a side business; business in this field is also sufficiently promising as a business venture, and not apart from it all is in a business must not be separated from the name of the collaboration that will be aim to the deal the best, that is tenant pays a number rent to the owner of the boarding house with the previous provisions, namely electricity, the water is borne by the owner of the boarding house and the amount of money per month or year must pay. ⁷In practice, the boarding houses are divided into several types, such as Muryati's boarding house, where the owner of the boarding house bears electricity, water, and boarding house Mrs Yanti, where The owner boarding house bears only water, and boarding house Sir Where is Slamet? the tenant cost covers water and electricity.⁸

As happened in several boarding houses in Telaga Dewa IX Subdistrict As wide as the City of Bengkulu regarding rental payments to all tenants; if the tenant no keeps she said in time, which is relatively long but permanently required to pay the rent in full at the boarding house. During a pandemic, all activities are limited, including in the field of education. Policy principles education during Century pandemic covid-19 has prioritized the health and safety of students, educators, education personnel, families and communities. Moreover, do online learning. So, many students choose to go home while the tenant cannot enjoy the facilities provided in the boarding house during go home village, like electricity and water.⁹

As for students who have paid for their boarding house for an entire year, someone got relief by returning the rent to the tenant, and there is no relief or the money not returned. For those who do not get relief, this is very clearly detrimental to students who do not live up to their vocabulary during a pandemic because tenants who return home do not use the electricity and water in the boarding house. Based on the background behind the problem, so really relevant for he studied in research, title' Practice Return Money Rent a boarding house for occupants of a boarding house who do not keep their boarding house on time Pandemic".

Method

This research is direct research conducted in the field of respondents. Field research is conducting research to obtain data or information directly by visiting the concerned subject. In the community, namely regarding renting a boarding house in Telaga Dewa, Selebar District, Bengkulu City, the author chose this area because it is close to the UIN Fatmawati Sukarno Bengkulu campus. Meanwhile, the method used in this study is an empirical and normative approach. The empirical approach is by having field data as the primary data source, such as the results of interviews and observations, while the normative approach refers to and is based on Islamic law, which consists of the Al-Quran and Hadith and also uses

⁷ Interview researcher with Veliza Come on Ulandari (occupants boarding house Muriyati) OnDate 8 August 2020.

⁸ Interview Researcher with Muriyati (Owner cost) On Date 10 August 2021

⁹ Interview researcher with Yazid (owner cost) on date 10 September 2021

the principles of fiqh to complement those relating to this research. Data collection techniques with interviews, observation and documentation. At the same time, the data analysis technique uses inductive theory.

Result and Discussion

Profile Of Pagar Dewa (Fence God)

Pagar Dewa Sub-District is one of 6 (six) sub-districts in Selebar District, Bengkulu City. Ward God's Fence was formed before the discharge regulation area (Perda) City Bengkulu Number 28 in 2003 for expansion ward. On beginning its formation, Pagar Dewa Village, there were 18 community units (RW) and 18 neighborhood associations (RT). However, along with the development of society in 2010, the pillars of the community (RW) Pagar Dewa Village has become eight pillars citizen (RW), which covers 50 neighborhoods (RT).¹⁰

Geographically, Pagar Dewa Village is located at the city's gate that connects Fatmawati Airport and Bai Island Harbor. Based on the direction eye wind, Ward Fence God City Bengkulu is located at 26 north latitude, 1.4 south latitude, with territorial boundaries as next: next North abut with Ward Well God, next door East abut with Ward Sukarami, next door South abut with Ward estuary Two, Sebalah West abut with Ward Ivory chrysolite. Pagar Dewa Village, Bengkulu City, has an area of 14.76 km². The Pagar Dewa Village consists of a residential area of 11.12 KM grave area of 1.44 Km, a field area of 2.10, an office area of 0.5KM, and an area of public facilities are 0.5 KM, so a total area is 14.76 km.¹¹

Boarding House Rent Refunds During Covid 19

Based on observations made by researchers, there are 285 boarding houses in Telaga Dewa, including 5 boarding houses that will be examined by researchers, including: Sukijo boarding house located on Jln, Telaga Dewa IX, Pagar Dewa Village Selebar District, Bengkulu City. There are five boarding houses in Sukijo and only three were occupied during the pandemic. At the time of the occurrence of the lease agreement between the owner of the boarding house and the tenant of the boarding house therein lies the agreement between the two parties.¹² If you have occupied the boarding house, the tenant is not allowed to damage its facilities and must comply with existing regulations inside it. for example, scribble wall boarding house, nailing wall boarding house, no allowed bring man enter the boarding house. at that time the tenant agreed to this, so rent occurs rent antra second side defense.

However, in the practice moment tenant stay in the boarding house, many tenants who do not follow the agreed rules, for example, scribble on the walls and nails wall for pasting tools kitchen. However, not all the tenant damages the existing facilities in the boarding house, and in the boarding house the Sukijo boarding house also has a regulation that prohibits tenants from bringing visitor more from two person and prohibits bringing visitor man until late at night. However, some tenants violate it peraturan and bring many friends, thus creating a

¹⁰ *Monograph Ward Fence Gods, 2021*

¹¹ *Monograph Ward Fence Gods, 2018*

¹² Wahyu Abdul Jafar. 2022. "Political Buzzer In Islamic Law And Its Impact On Muslim Society". *Hamdard Islamicus* 45 (3). <https://doi.org/10.57144/hi.v45i3.491>.

commotion and disturbing the comfort of tenants and boarding house owners.¹³

Kosan cak menor, Kosan this located in Jl. Lake God IX Ward Fence God Selebar District, Bengkulu City. There are four Kosan Cek Mur boarding houses that were filled with only three at the time of the pandemic. Moreover, deal Among the second defend party occurs on a momentous lease Anatra owner boarding house with a tenant boarding house. That tenant cannot bring tool electricity except which allowed and obeyed the rules listed in the boarding house by the owner boarding house. However, after the tenants occupy the boarding house, many tenants secretly bring electric tools without the knowledge of the boarding house owner, and many do not comply with the rules such as clogging the drains so that it causes water not flowing and flooding.¹⁴

boarding house Sir Slameto, Kosan this located in Jl. Lake God IX Ward Fence God Selebar District, Bengkulu City. Mr. Sukijo's boarding house has five and at the time of the pandemic, only three were occupied At the time of the lease between the landlord and the tenant boarding house there already occur deal between both sides. That tenants are prohibited from damaging and must comply with the regulations given by owner boarding house. However, on in fact still there are some tenant which violate regulation that like bringing friends to the boarding house in large numbers and playing the guitar until late night so that make commotion and annoying tenant convenience and residents.¹⁵

boarding house Sir Yazid, Kosan this located in Jl. Lake God IX Ward Fence God Subdistrict wide City Bengkulu. boarding house father Yazid there is the four boarding houses that were filled during the pandemic were only three and at the time happening lease agreement between the two parties happened agreement between landlord and tenant. Which is the tenant must obey regulation which has given by owner cost towards tenants. That is not allowed to damage boarding facilities, no can make a fuss on evening.¹⁶

boarding house Three Daughter, Kosan this located in Jl. Lake God IX Ward Fence God Subdistrict wide City Bengkulu. There are five boarding houses three Princess, and only three were occupied during the pandemic. Moreover, on moment happening contract rent rent Among owner cost and the tenant has an agreement between the two parties viz tenants must comply regulation made by the owner of the boarding house such as, may not bring male guests over 9 pm, if there is friend or family which must stay brief report to the owner boarding house, and tenant also prohibited for damage facility which there is the boarding house.¹⁷

For more details, see the table below,

¹³ Interview researcher with Sukijo (owner cost) on date 20 August 2021

¹⁴ Interview researcher with Muryati (owner cost) on date 20 August 2021

¹⁵ Interview researcher with Slameto (owner cost) on date August 22 2021

¹⁶ Interview researcher with yazid (owner cost) on date 01 September 2021

¹⁷ Interview researcher with Yenti (owner cost) on date 02 September 2021

NO	Owner cost	occupants cost	Amount occupants
1	Sukijo	<ol style="list-style-type: none"> 1. Emilia Prasista 2. Tiara Novita Sari 3. Rulita Hasana 4. Retha Dinata 	4 people
2	Muriyati	<ol style="list-style-type: none"> 1. Courtesy 2. Iqbal Mahendra 3. Veliza Ayu Wulandari 4. Princess Wahyuni 	4 people
3	Slameto	<ol style="list-style-type: none"> 1. Joko great Bi 2. Khoir Mustopa 3. Diamond 4. Perstiana 5. Irsad Burhanuddin 6. Vallan Good 	6 people
4	Yazid	<ol style="list-style-type: none"> 1. Ridho Rezki 2. Bagas Primary 3. Fizin 4. Rama Ramadan 	4 people
5	Mom Yenti	<ol style="list-style-type: none"> 1. Nita Anggraini 2. Faras Handayani 3. Ririen Mardalena 4. Ice Come on Anggita 	4 Person

Determination Price Rent Room cost

Price Rent cost is wrong one factor significant which determine success a business cost. Because price rent determines prospective tenants' decision in renting a boarding house. Price rent which too tall will make cost no interested by candidate tenants, whereas if the rent is too low, then the profits are obtained by owner cost Becomes a little even owner cost can experience loss.¹⁸

Monthly fees are generally located around campuses and urban areas, but not infrequently there are boarding houses that provide discounts for residents boarding house pays per six month or year. So, the longer time rent, the cheaper the rental price of the boarding house. it aims totie tenant boarding house, to save cost promotion boarding house.¹⁹

¹⁸ Wahyu Abdul Jafar. 2022. Legality Of Halal Food Certification On Masalah Mursalah Perspective. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, Dan Keagamaan*, 9(1), 95–108. <https://doi.org/10.29300/MZN.V9I1.7055>

¹⁹ Interview Researcher with Muriyati (Owner cost) On Date 10 August 2021

Boarding room rental system in Telaga Dewa, Selebar Kota District Bengkulu in system time rent room cost on generally per month, six months and there is also a yearly system of rent. In interviews conducted by researchers, most students who choose a monthly boarding house and are generally in Telaga God Subdistrict wide City Bengkulu system rent per month because it relieves tenants more than six months or year.

In the rental system, it has been done in the previous contract in Interview this researcher also To do Interview to tenant room cost that is Tiara Novita Sari student UINFAS Bengkulu, which rented Mr. Sukijo's boarding house that interview conducted with Tiara Novita Sari say that in system the rent of the boarding house that was in the previous agreement, the monthly system and that has been in effect for a long time, and some carry out a rental system per year. in Thing this researcher also To do Interview on the owner of the boarding house which Mrs. Muryati carried out results the interview in do with mother Muryati more choose system per year because according to mother Muryati more relieve in compare per month or six months. Results Interview data obtained by researcher amount whole tenant room cost in Lake God Rt 15 Subdistrict wide City Bengkulu amount not enough more 150 person whereas owner boarding house amounted to 20 people.

Review of Sharia Economic Law on the Practice of Returning Rent Money boarding house For occupants boarding house Which Not occupy the boarding house On Period Pandemic

Based on problem about practice money refund boarding house for boarding house residents who did not occupy their boarding house during the pandemic at Telaga Dewa IX Rt 15 Rw 03 Selebar District Bengkulu City in sharia economic law, the meaning of leasing is taking advantage of other people's labor by way of reward under certain conditions. Renting is wrong one form muamalah in Fulfill needs life man form taking benefits in return treasure.²⁰

In renting there must be harmony and condition between the second split party. It has explained that every agreement no can harmful self alone and person other. Muamalah conducted with on essential consideration bring benefit avoid happening *gharar*, often referred to as uncertain things. Therefore all forms of muamalah are damage or harm community life not allowed. On basically, Islam allow lease which conducted with Islamic law. Renting is a type of contract to take benefits by road replacement. In To do lease which Correct no prioritize objects to be leased, but also from the contract and its implementation so that all transactions go well. Both leasing contracts are allowed and should not contain elements of coercion, because in the contract both parties must each other give up (sincere) in in contract lease also must based on trust. Trust is the most crucial element in leasing ie trust from the owner cost to tenant boarding house, so is on the contrary.²¹

In leasing there must be pillars and conditions between the second split party.

²⁰Ahmad Wardi Muslich, *jurisprudence muamalah*, (Jakarta: Amzah, 2007) p.316

²¹ Siti Afifah Nurullah. 2022. "Practice Services Between Sale and Purchase of Coffee Syari'ah Economic Perspective". *Nusantara Economy* 1 (1):14-28. <https://juna.nusantarajournal.com/index.php/numy/article/view/22>.

It has explained that every agreement no can harmful self alone and person other. Muamalah conducted with on base consideration bring benefit avoid happening *gharar* or often also known as uncertainty. Therefore all forms of muamalah are damage or harm community life not allowed.

Ijarah carried out by the tenant with the owner of the boarding house in room rent boarding at Telaga Dewa IX Selebar City District Bengkulu is based on *ijarah* for benefits. Most boarding house owners in Telaga Dewa IX rents out his boarding house with a monthly payment system and per year. The tenant carries out the lease agreement and the boarding house owner, with simple pronunciation and both sides understand each other. The language used when executing the contract is Indonesian tenants and boarding house owners understand each other what is communicated. This follows the pillars and conditions of *ijarah*, but during a pandemic there are new policies given to boarding house tenants, namely there are those who get change (*cashback*) for not staying at the boarding house and there is also which no get change (*cash back*). However, during the COVID-19 pandemic, tenant was disappointed because payment rent was the same as before liability pandemic tenant Keep going run to pay money rent cost fully. However, the right to benefit is not proportional to the payment fully. Because there is an emergency causing occupants the boarding house does not live up to its boarding house and the situation is difficult due to economic factors decrease. Thing the no until cancel contract antra both of them, a boarding house that was not occupied during the pandemic made a person no could enjoy boarding house the in a manner full. So owner boarding house make policy new that is form return money rent boarding house (*cash back*), besides that there is also several boarding house which no give relief in the form of *cashback* to tenants deemed detrimental to the parties tenant.²²

For giver rent should give leniency form discount or *cashback* because of the difficulties they are experiencing boarding house tenants, considering the ongoing Covid 19 pandemic at the time it is a boarding house not fully occupied. Moreover, the benefits taken are also not full like utilization water, electricity and other which okay used in life daily. Because that our must Each other help help in kind because in difficulty no cause somebody make a loss, especially again Islam allow for each other help help because the purpose of human creation itself is to be able to cross help help.

Conclusion

Based on the explanation above that the author describes can take in a manner line big practice return money rent cost boarding house on Jalan Telaga Dewa already fulfilled several conditions leasing agreement. However, during the COVID-19 pandemic an element of disappointment was found by the tenant because of the payment rent same with before pandemic obligation tenant Keep going run for pay money rent cost in a manner complete. proper benefit in get no comparable with payment in a manner full. Due to an emergency condition that

²² Wahyu Ziaulhaq. 2022. "Buying and Selling Used Clothing: An Islamic Economy Law Perspective". *Nusantara Economy* 1 (1):29-37. <https://juna.nusantarajournal.com/index.php/numy/article/view/23>.

caused occupants not to keep his boarding house and circumstances difficult because factor economy which decrease. So owner boarding house make policy new that is form return money rent boarding house (*cash back*), besides that there is also several boarding house which no give relief form *cashback* to tenant which felt harmful party tenant. With so writer could take conclusion that For giver rent should give leniency form piece price or *cashback* because of the difficulties being experienced by the boarding house tenants, remember currently happening pandemic covid 19 which on moment that boarding house not completely occupied. By because that our must Each other help help in kind because in difficulty does not cause someone to lose, especially Islam allow for each other help help because destination from creation humans themselves is to be able to help each other. So, Practice Return Money Rent boarding houses in Period Pandemic According to Sharia Economic Law, it is permissible for two split willing party and no harm both split party.

Reference

- Al- Gharyani, Ash- Sadiq Abdulrahman. *Fatwas Muamalah contemporary*, (Surabaya : Horoscope Progressive, 2004)
- Azzam, Abdul Aziz Muhammad. *Fiqh Muamalat System transaction In Islam* (Jakarta : Amzah, 2010)
- Bashir, Ahmad Azhar. *Principles Law Muamalah (Law Civil Islam)*, (Yogyakarta : UII Press, 1993)
- Interview Researcher with Muriyati (Owner cost) On Date 10 August 2021
- Interview Researcher with Muriyati (Owner cost) On Date 10 August 2021
- Interview researcher with Muryati (owner cost) on date 20 August 2021
- Interview researcher with Slameto (owner cost) on date August 22 2021
- Interview researcher with Sukijo (owner cost) on date 20 August 2021
- Interview researcher with Veliza Come on Ulandari (occupants boarding house Muriyati) OnDate 8 August 2020.
- Interview researcher with yazid (owner cost) on date 01 September 2021
- Interview researcher with Yazid (owner cost) on date 10 September 2021
- Interview researcher with Yenti (owner cost) on date 02 September 2021
- Jafar, Wahyu Abdul. 2022. Legality Of Halal Food Certification On Masalah Mursalah Perspective. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, Dan Keagamaan*, 9(1), 95–108. <https://doi.org/10.29300/MZN.V9I1.7055>
- Jafar. Wahyu Abdul. 2022. "Political Buzzer In Islamic Law And Its Impact On Muslim Society". *Hamdard Islamicus* 45 (3). <https://doi.org/10.57144/hi.v45i3.491>.
- Kadir, Abdul. *Law Business Sharia In Al Koran* (Jakarta: Amzah , 2013)
- Monograph Ward Fence Gods, 2018
- Monograph Ward Fence Gods, 2021
- Muslich, Ahmad Wardi. *jurisprudence muamalah*, (Jakarta: Amzah , 2007)
- Nurullah, Siti Afifah. 2022. "Practice Services Between Sale and Purchase of Coffee Syari'ah Economic Perspective". *Nusantara Economy* 1 (1):14-28. <https://juna.nusantarajournal.com/index.php/numy/article/view/22>.
- Pasaribu. Chairuman, Suharwadi K. lubis , *Law Agreement In Islam*, (Jakarta : Ray Grafindo , 1996)

- Riskia, Meta. 2022. "Implementation Of Mudharabah Financing On Baitul Maal According Majelis Ulama Indonesia". *Nusantara Economy* 1 (1):1-13.
<https://juna.nusantarajournal.com/index.php/numy/article/view/17>.
- Ziaulhaq, Wahyu. 2022. "Buying and Selling Used Clothing: An Islamic Economy Law Perspective". *Nusantara Economy* 1 (1):29-37.
<https://juna.nusantarajournal.com/index.php/numy/article/view/23>.