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## **A Critique of Contemporary Economic Justice and Sharia Economic Law on The *Tompangan* Tradition**

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### **Abstract**

The tradition of *tompangan*, which was originally a form of social solidarity between residents, has shifted into an informal debt system, with returns exceeding the initial amount given, thus causing injustice and economic inequality. This study discusses the critique of contemporary economic justice and the relevance of Sharia Economic Law to the shift in the tradition of *Topangan* in Madura. This study uses a qualitative approach with data obtained through interviews and observations. The results of the study indicate that social change and modernization have shifted the traditional value of *tompangan*, which was originally a grant, into a *qardh* (debt) contract that tends to be capitalistic. Based on the perspective of Sharia economic law, returns that exceed the amount of the



loan can be categorized as usury which is prohibited in Islamic law. This study also found that the community still considers this practice socially legitimate despite the uncertainty and injustice in the return of *tompangan* goods. Therefore, combining insights from the *tompangan* tradition with contemporary economic justice theory can open up new perspectives for economic policies that are fairer and more responsive to the needs of local communities and in line with the principles of Sharia economic law.

**KEYWORDS** Contemporary; Debt; Economic Justice; Sharia Economic Law; *Tompangan*;

### **Abstrak**

*Tradisi tompangan yang awalnya merupakan bentuk solidaritas sosial antar warga, telah bergeser menjadi sistem hutang piutang informal, dengan pengembalian melebihi jumlah pemberian awal, sehingga menimbulkan ketidakadilan dan ketimpangan ekonomi. Penelitian ini membahas tentang kritik keadilan ekonomi kontemporer dan relevansi Hukum Ekonomi Syariah terhadap pergeseran tradisi tompangan di Madura. Penelitian ini menggunakan pendekatan kualitatif dengan data yang diperoleh melalui wawancara dan observasi. Hasil penelitian menunjukkan bahwa perubahan sosial dan modernisasi telah menggeser nilai tradisional tompangan yang semula bersifat hibah menjadi akad qardh (hutang piutang) yang bertendensi kapitalistik. Berdasarkan perspektif hukum ekonomi syariah, pengembalian yang melebihi jumlah pinjaman dapat dikategorikan sebagai riba yang dilarang dalam hukum Islam. Studi ini juga menemukan bahwa masyarakat masih menganggap praktik ini sah secara sosial meskipun terdapat ketidakpastian dan ketidakadilan dalam pengembalian barang tompangan. Oleh karena itu, mengintegrasikan wawasan dari tradisi tompangan dengan teori keadilan ekonomi kontemporer dapat membuka perspektif baru untuk kebijakan ekonomi yang lebih adil dan responsif terhadap kebutuhan masyarakat lokal dan sejalan dengan prinsip-prinsip hukum ekonomi syariah*

**KATA KUNCI** *Hukum Ekonomi Syariah; Hutang Piutang; Keadilan Ekonomi; Kontemporer; Tompangan*

### **Introduction**

In Indonesia, helping each other through money and other materials

on special occasions, such as *walimatul' urs*, has become an integral part of social culture in Java and outside Java.<sup>1</sup> Each region has different terms to describe this tradition. In South Sulawesi, it is known as "uang panai,"<sup>2</sup> while in Java, it is known as "buwuh"<sup>3</sup> or "*tompangan*," as is common in Madura.<sup>4</sup> This tradition is a social mechanism to support the party in organizing the event through material donations, money, or goods. However, behind the goodness and the underlying spirit of gotong royong, some issues of fairness deserve attention, especially in the context of contemporary economics and Sharia economic law.

This research focuses on the practice of *tompangan* in Sumenep Madura. Ilham Maulana wrote the previous study. He revealed that in some areas, such as Bragung, Sumenep, inflation in the *tompangan* return process often leads to uncertainty and injustice. This academic study uses sociological, Islamic law, and cultural perspectives to analyze the *tompangan* phenomenon. Maulana highlights that this practice, originally a grant, has transformed into a qardh (debit and credit) contract, influenced by social change and modernization. The study asserts that without clear guidelines, *tompangan* repayment tends to burden the recipient, even though the community still considers it socially and religiously valid. Internal factors, such as changes in mindset, and external factors, such as the influence of outside cultures, accelerated

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<sup>1</sup> Jony Eko Yulianto et al., "Money, Memory Objects and Material Practices in the Everyday Conduct of Inter-Ethnic Marriages in Indonesia," *Journal of Material Culture* 28, no. 1 (March 2023): 131–54, <https://doi.org/10.1177/13591835221086862>.

<sup>2</sup> Helmalia Darwis, "Tradisi Uang Panai Dalam Adat Pernikahan Suku Bugis: (Studi Kasus Di Kabupaten Takalar Provinsi Sulawesi Selatan)," *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora* 1, no. 3 (2022): 222-27.

<sup>3</sup> Helmalia Darwis, "Tradisi Uang Panai Dalam Adat Pernikahan Suku Bugis: (Studi Kasus Di Kabupaten Takalar Provinsi Sulawesi Selatan)," *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora* 1, no. 3 (2022): 222-27.

<sup>4</sup> Izzatul Kamaliyah, "Implikasi Akad Nyabe'Nyerra (Tradisi Hutang Piutang Dalam Hajatan) Dalam Tinjauan Qardh Di Desa Karduluk, Kecamatan Pragaan, Kabupaten Sumenep" (INSTITUT AGAMA ISLAM NEGERI MADURA, 2022), 82.

this shift.<sup>5</sup>

A similar study conducted by Aqil Husein Almanuri and Khalilullah Khalilullah in the context of the *ghabay* tradition on Poteran Island shows that modernization has impacted economic and religious aspects. They highlighted that the substance of fiqh values in the tradition has been eroded, and the originally sacred ceremony has now become a mere ceremonial activity. The maqashid Sharia perspective highlights that more pragmatic social and economic motivations have replaced the original goal of maintaining the sanctity of marriage.<sup>6</sup>

The approach offered by Raihan Akbar is also relevant in this context. In his study of the Minister of Finance Regulation No. 227/PMK.09/2021, which limits the giving of wedding envelopes, he examines the policy through *sadd al-dzari'ah* and living law theories.<sup>7</sup> Akbar argues that the government's policy is ineffective because envelope giving has become part of a living tradition in the community. In the context of *tompangan*, a similar policy would face similar difficulties, as this practice is ingrained in the culture of the community.<sup>8</sup>

In practice, *tompangan* in Sumenep is a manifestation of social cohesion, where the party organizing the event receives donations in the form of money or goods from relatives and the surrounding community.<sup>9</sup> However, problems arise when this system turns into a debt and credit

<sup>5</sup> Ilham Maulana, "TINJAUAN SOSIOLOGI HUKUM ISLAM TERHADAP PRAKTIK KONVERSI 'TOMPANGAN' DENGAN NILAI MATA UANG MENJADI NILAI BARANG STUDI KASUS DI DESA BRAGUNG," 2023.

<sup>6</sup> Aqil Husein Almanuri and Khalilullah Khalilullah, "DEKADENSI NILAI GHABAY DALAM BAYANGAN HEDONISME: Menilik Tradisi Ghabay Di Pulau Poteran," *Wasatiyah: Jurnal Hukum* 2, no. 1 (2021): 1-12.

<sup>7</sup> This research is in accordance with the definition of living law, that a good law is a law that is in accordance with the living law in society. Ahmad Yani Anshori, "The Contestation of Legal Foundations in the Resolution of Islamic Economic Disputes in Religious Courts," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2024, 271–88.

<sup>8</sup> Nur Elya Anggraini and Dkk. Ach. Taufiqil Aziz, "Tengka, Taneyan Lanjheng, Dan Dinamika Politik Elektoral Di Sumenep Tahun 2019," *MEREKA YANG RENTAN & BUTUH PENGAKUAN*, n.d., 52.

<sup>9</sup> Dian Altika Sari, "Tradisi Tompangan Dalam Perspektif Akuntansi," *RISTANSI: Riset Akuntansi* 1, no. 1 (2020): 54–64.

mechanism that tends to be oriented towards material gain. In Islamic law, this is problematic because the basic principle of *qardh* is to help, not take advantage.<sup>10</sup> When the return of the donation exceeds the initial value, this practice can be categorized as usury, which is against Sharia principles.

The transformation of *tompangan* from a form of voluntary help to a debt obligation that must be repaid in larger amounts raises serious questions of economic justice. In some cases, the larger *tompangan* returns are based on the conversion of the value of goods or inflation, which forces the recipients to pay more than they received.<sup>11</sup> This gives rise to capitalistic practices in social relations that were originally based on solidarity. Over time, this practice encourages unhealthy competition among communities to provide larger pledges in the hope of receiving greater rewards in the future.

This research focuses on a critique of contemporary economic justice and the relevance of Sharia economic law in the context of the *tompangan* tradition in Madura. Based on theoretical analysis, the author will examine how the practice of *tompangan* can be harmonized with Amartya Sen's theory of justice and Sharia economic law. Using a comparative analysis method, this research is expected to significantly contribute to understanding the interaction between traditional economics and contemporary justice.

## Methods

This research uses a qualitative approach with a descriptive-analytical method to explore the critique of contemporary

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<sup>10</sup> Mohammad Abdullah, "Analysing the Moral Aspect of Qard: A Shariah Perspective," *International Journal of Islamic and Middle Eastern Finance and Management* 8, no. 2 (June 15, 2015): 171–84, <https://doi.org/10.1108/IMEFM-11-2013-0116>.

<sup>11</sup> Amartya Sen, "Development as Freedom (1999)," *The Globalization and Development Reader: Perspectives on Development and Global Change* 525 (2014): 112–17.

economic justice and the relevance of Sharia economic law in the *tompangan* tradition in Madura. Data were collected through in-depth interviews with key informants, such as community leaders and *tompangan* recipients, and participant observation at various social events to understand the dynamics of change from a tradition of helping to a debt system. In addition, a document study was conducted on local records related to *tompangan* practices. Data were analysed using the thematic analysis method, linking the findings to Amartya Sen's theory of economic justice and the principles of Sharia economic law, such as the prohibition of usury and the principle of *qardh*. Data validity was strengthened through data triangulation and member checking with key informants to ensure the accuracy of interpretations and increase the reliability of the research results. This method is designed to produce comprehensive findings relevant to standardised research methods.

## Discussion

### Contemporary Economic Justice and the Relevance of Sharia Economic Law

Contemporary economic justice focuses on the fair distribution of wealth, opportunities,<sup>12</sup> and resources.<sup>13</sup> In a world increasingly fragmented by economic inequality, economic justice is an issue that continues to be

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<sup>12</sup> Equality of opportunity actually challenged utilitarianism in the 20th century, and economists formulated models to model and measure the degree to which income-earning opportunities in a country have been equalized. John E. Roemer and Alain Trannoy, "Equality of Opportunity: Theory and Measurement," *Journal of Economic Literature* 54, no. 4 (December 1, 2016): 1288–1332, <https://doi.org/10.1257/jel.20151206>.

<sup>13</sup> As the Apostles believed that large disparities lead to injustice and inefficiency, and regarded justice as a means to the Good. Daniela Donnini Macciò, "The Apostles' Justice: Cambridge Reflections on Economic Inequality from Moore's *Principia Ethica* to Keynes's *General Theory* (1903–36)," *Cambridge Journal of Economics* 40, no. 3 (May 2016): 701–26, <https://doi.org/10.1093/cje/bev058>.

discussed by various experts,<sup>14</sup> one of whom is Amartya Sen.<sup>15</sup> Sen's concept of economic justice, known as the *Capability Approach*, offers a different approach from conventional theories that focus solely on wealth distribution. In Sen's view, it advocates a "capability approach" to economic growth, ensuring substantive freedom for each individual to lead a meaningful life.<sup>16</sup> This means that welfare is not only measured by income or consumption but also by an individual's ability to achieve real freedom and opportunity.<sup>17</sup>

Sen emphasizes that basic capabilities, such as access to education, health, and social participation, are the foundation for achieving economic justice.<sup>18</sup> In this framework, wealth distribution will only be meaningful if the empowerment of individual capabilities accompanies it.<sup>19</sup> Without access to these basic capabilities, individuals cannot lead meaningful lives, even though they may have sufficient income. Sen's approach differs from those relying solely on wealth redistribution, focusing on improving quality of life through tangible capabilities.<sup>20</sup>

The application of the *Capability Approach* is challenged when it comes to objectively measuring capabilities. In utilitarianism or income theory, welfare is measured through economic indicators such as income

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<sup>14</sup> Nathan J. Bennett, "Mainstreaming Equity and Justice in the Ocean," *Frontiers in Marine Science* 9 (April 20, 2022): 873572, <https://doi.org/10.3389/fmars.2022.873572>.

<sup>15</sup> Deen Chatterjee reveals in Amartya Sen's memoir *Home in the World* that Sen highlights the importance of identity and shared humanity, guiding us towards a more just world through knowledge, education and diversity. Deen Chatterjee, "Identity and Shared Humanity: Reflections on Amartya Sen's Memoir," *Ethics & International Affairs* 36, no. 1 (2022): 91–108, <https://doi.org/10.1017/S0892679422000107>.

<sup>16</sup> Jerome Braun, "Neoliberalism Versus Liberalism," *Critical Sociology* 47, no. 4–5 (July 2021): 823–31, <https://doi.org/10.1177/0896920520969772>.

<sup>17</sup> Sen, "Development as Freedom (1999)," 2014, 87–92.

<sup>18</sup> Peter J. Robertson, "Identifying and Measuring Capabilities for Career Development in NEET Young People," *Recherches Sociologiques et Anthropologiques* 47, no. 2 (December 31, 2016): 83–99, <https://doi.org/10.4000/rsa.1738>.

<sup>19</sup> Boyka Bratanova et al., "The Rich Get Richer, the Poor Get Even: Perceived Socioeconomic Position Influences Micro-social Distributions of Wealth," *Scandinavian Journal of Psychology* 57, no. 3 (June 2016): 243–49, <https://doi.org/10.1111/sjop.12281>.

<sup>20</sup> Sen, "Development as Freedom (1999)," 2014, 120–25.

or consumption.<sup>21</sup> On the other hand, capabilities are more qualitative, making them difficult to measure consistently. This criticism points to the complexity of applying this approach in public policies that rely on quantitative metrics to assess social welfare.<sup>22</sup> Despite this criticism, many countries use Sen's theory to design social policies focusing on improving capabilities, such as universal education, healthcare, and social security.

In addition to measurement challenges, Sen's approach faces criticism from liberal economists who emphasize economic freedom as a key pillar of economic justice. Friedrich Hayek, for example, argued that individual freedom to manage their wealth without state intervention is the foundation of a just economy.<sup>23</sup> In Hayek's view, redistribution by the state can reduce individuals' incentives to innovate and work hard.<sup>24</sup> This has led to a debate on how to create a balance between economic freedom and social responsibility in developing a fair distribution.

The economic justice applied by Sen is in line with the perspective of Sharia economic law, which states that economic justice is based on the principles of equality, balance, giving rights to owners, divine justice,<sup>25</sup> and mutual need, which are highly upheld in Islam.<sup>26</sup> These principles are designed to prevent excessive wealth accumulation in a few and ensure that economic resources are distributed fairly to those in need. One of the main pillars in Islamic economic law is the prohibition of *riba*,<sup>27</sup> which is

<sup>21</sup> Roemer and Trannoy, "Equality of Opportunity."

<sup>22</sup> Martha Nussbaum and Amartya Sen, *The Quality of Life* (Clarendon press, 1993), 234–39.

<sup>23</sup> Merijn Oudenampsen, "A Dialectic of Freedom: The Dutch Post-War Clash Between Socialism and Neoliberalism," *Socialism and Democracy* 30, no. 1 (January 2, 2016): 128–48, <https://doi.org/10.1080/08854300.2015.1132648>.

<sup>24</sup> Frederich A von Hayek, "The Constitution of Liberty University of Chicago Press," *Chicago Ill*, 1960, 157–60.

<sup>25</sup> Zainul Mun'im et al., "Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law," *AHKAM: Jurnal Ilmu Syariah* 24, no. 1 (2024).

<sup>26</sup> Siti Sururin Nasihin Robiati, "Implementasi Keadilan Prespektif Islam," *Moderasi: Journal of Islamic Studies* 1, no. 1 (June 10, 2021): 59–74, <https://doi.org/10.54471/moderasi.v1i1.6>.

<sup>27</sup> Abdul Ghafar Ismail, Bayu Taufiq Possumah, and Mohd Akil Muhamed Ali,

considered a form of injustice in economic transactions because it allows a person to gain profit without making any real contribution.<sup>28</sup> In this regard, Islamic economic law seeks to balance the interests of individuals and society.

In addition to the prohibition of usury, another basic principle in Islamic economic law that is very important is *tabarru'*, which is the act of helping each other without expecting anything in return.<sup>29</sup> The *tabarru concept* includes various forms of assistance, such as gifts,<sup>30</sup> alms (shadaqah), grants, and other forms of social solidarity.<sup>31</sup> In this context, gifts and alms are voluntary charities that help others without expecting a return. This concept is very important in Islamic society, as it reinforces the value of togetherness and a sense of social responsibility.<sup>32</sup>

Gifts in Islam are a good way to strengthen social relationships and show kindness.<sup>33</sup> In practice, gifts are often given as goods or money to people in need or as a sign of appreciation for good social relations. Although gifts are not religiously obligatory, they play an important role in creating harmonious social relationships<sup>34</sup> and supporting social

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“What You Sell Is What You Lend? Revealing Complexity of Riba in Loan Contract,” *European Journal of Law and Economics* 45, no. 3 (June 2018): 591–609, <https://doi.org/10.1007/s10657-013-9404-1>.

<sup>28</sup> Muhammad Nejatullah Siddiqi, *Riba, Bank Interest and the Rationale of Its Prohibition* (Islamic Research and Training Institute Jeddah, 2004), 23–30.

<sup>29</sup> Nanang Naisabur and Haris Maiza Putra, “Tabarru Contracts in the Form of Self Guarantee and Providing Something,” *International Journal of Nusantara Islam* 9, no. 2 (2021): 262–93.

<sup>30</sup> Suaidi, “Settlement of Grant Disputes in the Perspective of Islamic Law (Analysis of Decision Number: 48/Pdt.Sus/2011 About Cancellation of Grant)” 2, No 3. 2024 (n.d.): 330–50, <https://doi.org/10.59698/quru.v2i3.235>.

<sup>31</sup> Naisabur and Putra, “Tabarru Contracts in the Form of Self Guarantee and Providing Something.”

<sup>32</sup> Monzer Khaf, “The Performance of the Institution of Zakat in Theory and Practice,” 1999, 58–65.

<sup>33</sup> Irstraj Khan, “URDU-RITUAL SACRIFICES AND OFFERINGS IN THE NAME OF GOD IN THE PRE-ISLAMIC ERA-A CRITICAL ANALYSIS,” *The Scholar Islamic Academic Research Journal* 2, no. 1 (2016): 46–58.

<sup>34</sup> Suaidi Suaidi, “RESOLUSI KONFLIK DALAM ISLAMIC STUDIES: PERSPEKTIF HARMONISASI ANTAR UMAT BERAGAMA RICHARD C. MARTIN,” *Living Islam: Journal of Islamic Discourses* 7, no. 2 (n.d.).

welfare.<sup>35</sup>

Almsgiving, on the other hand, focuses more on assisting those in need.<sup>36</sup> Charity can be money, food, clothing, or other forms of material aid.<sup>37</sup> In Islamic law, almsgiving is encouraged to improve the social and economic conditions of the community and is considered a very noble deed.<sup>38</sup> The charity helps the recipient financially and strengthens community members' social ties.<sup>39</sup> In other words, charity helps create shared prosperity without expecting personal gain.

### **Tompangan Tradition: Contemporary Economic Justice and Sharia Economic Law**

The *tompangan* tradition is a common practice of economic cooperation in rural communities in Indonesia, especially in Sumenep, Madura.<sup>40</sup> In this system, community members help each other in various financial activities, such as agriculture, house construction, or organizing celebrations. Assistance can be in the form of labour, materials, or expertise.<sup>41</sup>

<sup>35</sup> Khaf, "The Performance of the Institution of Zakat in Theory and Practice," 67–70.

<sup>36</sup> Salwa Amirah Awang et al., "The Concept of Charity in Islam: An Analysis on the Verses of Quran and Hadith," *Journal of Usuluddin* 45, no. 1 (June 30, 2017): 141–72, <https://doi.org/10.22452/usuluddin.vol45no1.6>.

<sup>37</sup> Muhammad Irsad, "RESEPSI EKSEGESIS UMAT ISLAM TERHADAP BUDAYA SEDEKAH (Studi Living Hadits Di Masjid Sulthoni Wotgaleh, Sleman, Yogyakarta)," *Sosial Budaya* 16, no. 1 (June 30, 2019): 74, <https://doi.org/10.24014/sb.v16i1.6918>.

<sup>38</sup> Saadallah Hamadameen Abdulkarim and Abdullah Mohammed Qader, "Economic and Social Well-Being from the Perspective of Islamic Economics – a Conducted Study on Erbil Governorate for the Year 1443 AH / 2022 AD," *Journal of University of Raparin* 10, no. 3 (September 29, 2023): 471–97, [https://doi.org/10.26750/Vol\(10\).No\(3\).Paper22](https://doi.org/10.26750/Vol(10).No(3).Paper22).

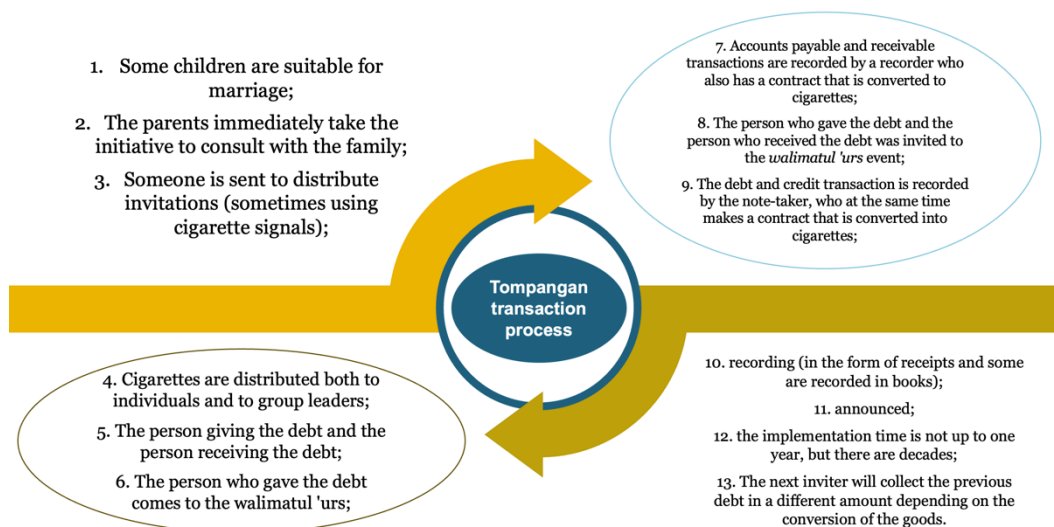
<sup>39</sup> M Umer Chapra, *The Future of Economics: An Islamic Perspective*, vol. 21 (Kube Publishing Ltd, 2016), 89–92.

<sup>40</sup> Abdul Ghafar Ismail, Bayu Taufiq Possumah, and Mohd Akil Muhamed Ali, "What You Sell Is What You Lend? Revealing Complexity of Riba in Loan Contract," *European Journal of Law and Economics* 45, no. 3 (June 2018): 591–609, <https://doi.org/10.1007/s10657-013-9404-1>.

<sup>41</sup> Koentjara Ningrat, "Kebudayaan Mentalitas Dan Pembangunan. Jakarta: Gramedia," 1983.

Assistance in *tompangan* falls into the category of helping each other. The principles of helping, such as gifts and alms, have similarities with the practice of *tompangan* in Sumenep, Madura. *Tompangan* is a form of gotong royong, where community members assist in the form of money or goods to those holding events such as weddings or celebrations.<sup>42</sup> Traditionally, this practice reflects social solidarity and a collective responsibility to help others.<sup>43</sup> In this context, *tompangan* can be considered a form of alms<sup>44</sup> or gifts,<sup>45</sup> where donations are given to support someone's needs without expecting a direct return.<sup>46</sup>

In practical terms, to more easily understand the practice of *tompangan*, starting from the initiative, the debt process to returning it, can be understood through the following chart illustration:



Hajatan) Dalam Tinjauan Qardh Di Desa Karduluk, Kecamatan Pragaan, Kabupaten Sumenep," 2022.

<sup>43</sup> Soerjono Soekanto, "Sosiologi: Suatu Pengantar," 1982.

<sup>44</sup> Almanuri and Khalilullah, "DEKADENSI NILAI GHABAY DALAM BAYANGAN HEDONISME: Menilik Tradisi Ghabay Di Pulau Poteran," 6.

<sup>45</sup> Kamaliyah, "Implikasi Akad Nyabe'Nyerra (Tradisi Hutang Piutang Dalam Hajatan) Dalam Tinjauan Qardh Di Desa Karduluk, Kecamatan Pragaan, Kabupaten Sumenep," 2022, 88, 98, 102, 104.

<sup>46</sup> SS Eka and Ridwan Qomar Sonjaya, "TINJAUAN HUKUM ISLAM TERHADAP AKAD PEMBERIAN UANG KONDANGAN KEPADA PENGANTIN BARU (STUDI DI DESA CARACAS KECAMATAN CILIMUS KABUPATEN KUNINGAN)," *Jurnal Hukum Keluarga (Ahwal Syakhshiyah)* Vol.1 No.1 (n.d.): 57-71.

*Source:* Compiled by Researchers and Informants, 2022-2023<sup>47</sup>

As in the chart above, when a child is deemed fit for marriage, the parents immediately take the initiative to consult with the extended family. Next, someone is sent to spread the invitation, which is sometimes conveyed through the gesture of cigarettes. Cigarettes are distributed to individuals and group leaders as a symbol of invitation. The debtor comes to the *walimatul' urs*, and a recorder records the transaction. The contract process is sometimes converted using cigarettes, and the recording is done through receipts or a special book. The results of the recording are then announced. Although the timing of the contract or the repayment of the debt can vary, from less than a year to decades, all of these processes take place with the tradition being maintained until it continues to the next invitee.

Historically, the tradition of helping those with a wish, such as *walimatul' urs* in Indonesia, has had strong roots in the community since pre-colonial times.<sup>48</sup> This tradition reflects social solidarity and emphasizes a subsistence economy that coexists with the market economy. According to Boeke's theory of economic dualism, practices such as *tompangan* illustrate the interaction between the subsistence economy, which focuses on basic needs, and the market economy, which is more profit-oriented.<sup>49</sup> Traditional communities in Madura managed to maintain this practice despite dealing with the modern monetary system,

<sup>47</sup> The sources of these interviews were obtained from several sources representing several points in Sumenep Madura, both practitioners and experts in understanding this tradition. For example, Mr Emang from the Rubaru sub-district of Sumenep (Pantura), October 9, 2023; Mr Irwan from Talango (the eastern end of the Sumenep archipelago), March 23, 2022; Mr Miftah (Karduluk sub-district of Sumenep from the southern end of Sumenep), January 03, 2023; Muhammad Awwab, (the western end of Sumenep, precisely Guluk-guluk sub-district of Sumenep), March 23, 2023; Mr Rusydi Zam-zami from the middle lane, namely Lenteng sub-district of Sumenep, September 14, 2023.

<sup>48</sup> Mahmud Tang, "TOLONG-MENOLONG DALAM PENYELENGARAAN PESTA PERNIKAHAN PADA MASYARAKAT BUGIS DI DESA MADELLO KABUPATEN BARRU SULAWESI SELATAN," *Al-Qalam* 15, no. 2 (November 11, 2018): 297, <https://doi.org/10.31969/alq.v15i2.548>.

<sup>49</sup> Julius Herman Boeke, "Economics and Economic Policy of Dual Societies, as Exemplified by Indonesia," (*No Title*), 1953, 47–52.

showing how local wisdom can survive the pressure of economic globalization.

The practice of *tompangan* involves an unwritten but very binding social obligation. When someone needs help, such as building a house or holding a wedding, neighbours and relatives assist in the form of labour or materials.<sup>50</sup> This help will be reciprocated when the giver also needs similar support.<sup>51</sup> In this context, *tompangan* represents an economic aspect and strengthens social networks that provide security and stability within the community. Receipts recording donations are often evidence of social debts to be repaid in the future, revealing a more complex structure of social relations than just voluntary assistance.

However, over time, the practice of *tompangan* has been transformed. What started as voluntary assistance has now evolved into a moral and social obligation to return a larger amount.<sup>52</sup> When you have to return a larger amount, this phenomenon has shifted from social solidarity to a capitalistic debt system, where returning more than what is received becomes a common expectation. According to Ari Wibowo's research, the practice of *tompangan*, originally intended to fulfil basic needs, has become a means to gain profit, creating an economic burden for the underprivileged.<sup>53</sup>

Therefore, there is no need to be surprised when recently, the

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<sup>50</sup> Sari, "Tompangan in Accounting Perspective."

<sup>51</sup> Izzatul Kamaliyah, "Implikasi Akad Nyabe'Nyerra (Tradisi Hutang Piutang Dalam Hajatan) Dalam Tinjauan Qardh Di Desa Karduluk, Kecamatan Pragaan, Kabupaten Sumenep" (INSTITUT AGAMA ISLAM NEGERI MADURA, 2022).

<sup>52</sup> The author obtains this idea after interviewing several sources, namely people who practice *tompangan*, including Mr. Emang from Rubaru Sumenep sub-district (Pantura), October 9, 2023; Mr. Irwan from Talango (east end of the Sumenep archipelago), March 23, 2022; Mr Miftah (Karduluk sub-district, south end of Sumenep), 03 January 2023; Muhammad Awwab, (west end of Sumenep, Guluk-guluk sub-district), 23 March 2023; Mr Rusydi Zam-zami from the middle lane, Lenteng sub-district, 14 September 2023. All of them said it was commonplace and had rooted a tradition when returning debts in multiples because when putting the first time it was converted to cigarettes and when it would return it adjusted the price of the latest cigarettes.

<sup>53</sup> Ja'far Wibowo, "Tradisi Tompangan Dalam Walimat Al-'urs Perspektif 'urf: Studi Di Desa Tambuko, Kecamatan Guluk-Guluk, Kabupaten Sumenep," 2019, 88–90.

practice of *tompangan* in the *walimatul 'urs* event in Sumenep District, Madura, received a response from PCNU Sumenep, which is based on the results of *bahtsul masail* in Sumenep, that the practice of *tompangan* is considered not in line with sharia principles because it tends to cause new problems because initially, it was pure hell. However, the current *tompangan* transaction has changed to a system of debt (*qardh*). Then it returns with an increased amount because it adjusts the conversion of goods so that it has an impact on the new law because what was originally a voluntary system shifted to the obligation to return for the host (*muqridh*) because the factor at the beginning of the transaction was recorded and then given when the debtor would hold a walimah event in the following years.<sup>54</sup> This is supported by the fact that the practice of *tompangan*, which originally aimed to support needs, rang a capitalistic and profit-oriented attitude when returned.<sup>55</sup> Therefore, it is not strange that in recent times, people have tended to compete to increase the amount of *tompangan* donations, aiming to achieve greater profits in the future.

Amartya Sen's thinking through the *Capability Approach* offers a new perspective on assessing justice in the practice of *tompangan*. Sen argues that economic justice is not only related to the distribution of wealth but also to the capability of individuals to live a life that they consider valuable.<sup>56</sup> In the context of *tompangan*, this practice aims to strengthen individual and community capabilities in meeting basic needs. The support provided by neighbours and relatives enables a person to build a house or hold social events, maintaining their social and economic capabilities.

A shift in the practice of *tompangan*, where donations made must be

<sup>54</sup> PCNU Sumenep, "Donasi Walimah, Trend Yang Laris Manis," in *Bahtsul Masail Dan Konsolidasi Perkumpulan* (Pengurus Cabang Nahdlatul Ulama, MWC NU Giliraja Pondok Pesantren Nurul Huda Banbaru Giliraja Giligenting Sumenep, 2023).

<sup>55</sup> Ja'far Wibowo, "Tradisi Tompangan Dalam Walimat Al-'urs Perspektif 'urf: Studi Di Desa Tambuko, Kecamatan Guluk-Guluk, Kabupaten Sumenep" (Universitas Islam Negeri Maulana Malik Ibrahim, 2019), 61–62.

<sup>56</sup> Amartya Sen, "Development as Freedom (1999)," *The Globalization and Development Reader: Perspectives on Development and Global Change* 525 (2014): 87–92.

returned in larger amounts, can reduce the capabilities of the individuals involved. Sen says that economic justice can only be achieved when individuals have substantive freedom of choice and action without being pressured by heavy financial obligations.<sup>57</sup> When handouts turn into a system of oppressive debt, the capabilities of recipients are eroded, and they lose the freedom to decide how they use their resources. This creates a dilemma between the principles of social solidarity and economic justice.

According to Sen, a person can lead a meaningful life and access social and economic opportunities when the assistance provided aims to support the recipient's capabilities; this practice is consistent with the principle of justice.<sup>58</sup> However, when, in practice, *the* expectation of greater profits creates economic pressure, the ability of individuals to choose and act on their needs freely is compromised. This is contrary to the principle of substantive freedom emphasized by Sen in his theory.

Sen also emphasizes that substantive freedom must be protected from unfair economic pressures.<sup>59</sup> In this case, *tompangan*, which involves the expectation of returning a larger amount, creates injustice by reducing individuals' access to their capabilities. If this practice continues to evolve into a system of indebtedness, the *tompangan* tradition will create more burdens than support a life of value for the beneficiary. This goes against Sen's idea that justice should strengthen capabilities, not weaken them.

Sen also emphasizes the importance of equal access to resources and opportunities. Suppose the practice of *tompangan* is understood within the framework of the *Capability Approach*. In that case, access to donations and social assistance should be based on the principle of equity, where all individuals in the community have equal access to this support.<sup>60</sup> As such, *tompangan* should be designed not to become a burden to recipients but rather a form of support that strengthens their capabilities.

Awareness of the principles of justice proposed by Sen should be

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<sup>57</sup> Sen, "Development as Freedom (1999)," 2014, 120–25.

<sup>58</sup> Nussbaum and Sen, *The Quality of Life*, 234–39.

<sup>59</sup> Amartya Sen, "The Idea of Justice," *Journal of Human Development* 9, no. 3 (2008): 205–12.

<sup>60</sup> Sen, "Development as Freedom (1999)," 2014, 87–90.

disseminated within communities that still practice *tompangan*. Education about the importance of fairness in the form of capability can help change people's perceptions of donations and returns. Thus, this tradition can again become a means to strengthen individual capabilities and freedoms within the community.<sup>61</sup>

From a contemporary economic justice perspective, the practice of *tompangan* can be seen as a social capability distribution mechanism that helps individuals participate in important social events.<sup>62</sup> However, suppose this practice creates an unfair economic burden. In that case, it goes against the basic capability principle proposed by Sen, which is to ensure that every individual has real freedom to live a life they value.<sup>63</sup> This calls for reform in the practice of *tompangan*. These reforms are needed to balance social solidarity and economic justice.

The practice of *tompangan* in Sumenep, Madura, is, therefore, a manifestation of strong social solidarity, but it also faces challenges in terms of economic justice. Amartya Sen's *Capability Approach* offers a useful framework to assess this practice, emphasizing the importance of strengthening individual capabilities without creating disproportionate burdens. If reforms are carried out properly, *tompangan* can continue to serve as a mechanism for fair and sustainable redistribution of resources following Sen's principles of economic justice.<sup>64</sup>

Sen's point of view is also in line with the interpretation of justice from the perspective of Islamic economic law that debt and credit in the practice of *tompangan* with greater returns can be considered a form of

<sup>61</sup> Sen, "The Idea of Justice," 232–35.

<sup>62</sup> Francesco Laruffa, "What Is a Capability-Enhancing Social Policy? Individual Autonomy, Democratic Citizenship and the Insufficiency of the Employment-Focused Paradigm," *Journal of Human Development and Capabilities* 21, no. 1 (January 2, 2020): 1–16, <https://doi.org/10.1080/19452829.2019.1661983>.

<sup>63</sup> Sen, "Development as Freedom (1999)," 2014, 112–17.

<sup>64</sup> Amartya Sen, *Inequality Reexamined* (Harvard university press, 1995), 151–54.

usury prohibited in Islam.<sup>65</sup> According to Sharia economic law, *qardh* (debit and credit) transactions must be carried out without usury or interest<sup>66</sup> because usury is considered a system of oppression and is full of exploitation.<sup>67</sup> Therefore, when returning a debt (*qardh*), it should not exceed the amount lent, except based on the willingness of the giver.<sup>68</sup> If the practice of *tompangan* in Sumenep involves the expectation of returning more than what is received, this is contrary to the principles of justice in Islam.<sup>69</sup> Thus, there is a need for reform in this practice to conform to Sharia values and not create injustice for the recipients of donations.

Distributive justice in Islamic economic law emphasizes that wealth should be distributed fairly according to each individual's contribution.<sup>70</sup> In the context of *tompangan*, unfair distribution occurs when the expected return exceeds the initial donation, especially for those with economic limitations. This suggests that the practice of *tompangan* can create an unsustainable cycle of debt, which ultimately harms society.

To reform the practice of *tompangan* to be more in line with the principles of justice in Sharia, there need to be clear guidelines on how donations and returns should be made. These guidelines should

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<sup>65</sup> Muhammad Ibn Muhammad Ibn Syarafu al-Din al-Khalili al-Syafiie al-Qadiri Asyraf, *Al-Fatawal al-Khalili Ala al-Madzhab al-Syafiie*, 2010. Bisa dibaca juga di, Ahmad bin Muhammad bin Hambal, *Al-Musnad* (Dar al-Hadits al-Qahirah, 1995).

<sup>66</sup> Maman Sudirman dkk., "Konsep Klausul Aqad Qardh dan Accessoir pada Perbankan Syariah yang Mengakomodasi Prinsip Ekonomi Bebas Riba," *JL Pol'y & Globalisasi* 65 (2017): 8.

<sup>67</sup> Ayman Reda, "Charity and Usury: Introduction," in *Prophecy, Piety, and Profits*, by Ayman Reda (New York: Palgrave Macmillan US, 2018), 189–90, [https://doi.org/10.1057/978-1-137-56825-0\\_14](https://doi.org/10.1057/978-1-137-56825-0_14).

<sup>68</sup> Even the reformers condemned usury, but did not allow payment in excess of the amount borrowed, as this was considered "sterile" in contemporary thought. R. H Helmholtz, "Usury, Interest and the Reformation (Review)," *The Catholic Historical Review* 90, no. 2 (April 2004): 316–17, <https://doi.org/10.1353/cat.2004.0075>.

<sup>69</sup> Alias Mat Derus, "Islamic Economic Institutions and The Elimination of Poverty," *International Journal of Economics, Management and Accounting* 11, no. 1 (2003): 45–48.

<sup>70</sup> Yusup Hidayat, "Regulations Related to the Establishment and Development of Sharia Financial Institutions in Indonesia," *J. Legal Ethical & Regul. Issues* 21 (2018): 1.

emphasize fairness,<sup>71</sup> where the return does not exceed the donation amount given, except voluntarily. The principle of *qardh* in Islamic economic law should be applied to ensure that these transactions are conducted fairly.

Using receipts when conducting *tompangan* economic transactions can help create accountability and transparency,<sup>72</sup> such as avoiding fraud between parties. As Pavlos Nikolopoulos points out, a transparency system using receipts can help create transparency in the network by allowing independent monitors to make decisions about performance and neutrality.<sup>73</sup> Receipt recording systems can record donations and returns more accurately and transparently.<sup>74</sup> By doing so, unrealistic expectations regarding the return of *donations* can be minimized, and the practice can operate more fairly. Transparency will also help create a sense of trust among community members.<sup>75</sup>

In addition to presenting receipts during *tompangan* transactions, there is also the need to strengthen social awareness about the importance of justice in *tompangan* practices.<sup>76</sup> The community needs to be educated on the principles of justice in Islam and how these principles

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<sup>71</sup> Rodrigo Reboucas De Almeida, "Business-Driven Technical Debt Prioritization," in *2019 IEEE International Conference on Software Maintenance and Evolution (ICSME)* (2019 IEEE International Conference on Software Maintenance and Evolution (ICSME), Cleveland, OH, USA: IEEE, 2019), 605–9, <https://doi.org/10.1109/ICSME.2019.00096>.

<sup>72</sup> Suaidi Suaidi and Akhmad Farid Mawardi Sufyan, "CONTEMPORARY FIQH CONSTRUCTION FOR PROGRESSIVE ISLAMIC BUSINESS ETHICS IN THE SOCIETY 5.0 ERA:: Methods, Challenges, and Opportunities," *ALFIQH Islamic Law Review Journal* 2, no. 3 (2023): 135–52.

<sup>73</sup> Pavlos Nikolopoulos, "Traffic Receipts for Network Transparency" (Lausanne, EPFL, 2018), <https://doi.org/10.5075/EPFL-THESIS-8904>.

<sup>74</sup> Vitor Jesus and Harshvardhan J. Pandit, "Consent Receipts for a Usable and Auditable Web of Personal Data," *IEEE Access* 10 (2022): 28545–63, <https://doi.org/10.1109/ACCESS.2022.3157850>.

<sup>75</sup> Hyosun Kim and Tae Ho Lee, "Strategic CSR Communication: A Moderating Role of Transparency in Trust Building," *International Journal of Strategic Communication* 12, no. 2 (March 15, 2018): 107–24, <https://doi.org/10.1080/1553118X.2018.1425692>.

<sup>76</sup> Fei Wang, "Conceptualizing Social Justice: Interviews with Principals," *Journal of Educational Administration* 53, no. 5 (August 3, 2015): 667–81, <https://doi.org/10.1108/JEA-07-2014-0080>.

should be applied in everyday life. This education will encourage people to treat *tompangan* practices more and avoid unrealistic profit expectations.<sup>77</sup>

The practice of *tompangan* in Sumenep reflects the spirit of social solidarity, but its transformation into an unfair debt system challenges economic justice. From the perspective of contemporary economic justice and sharia economic law, reforms are needed to ensure this practice remains in line with the principles of justice. Technology can help create the transparency and awareness necessary to realise *suralisele* practices.<sup>78</sup> This is done to resolve issues where alternative evidence cannot be lost easily due to negligence on both the creditor and the debtor.

At its core, the practice of *tompangan* should reflect the principle of social solidarity that characterizes Madurese society. This solidarity is about helping others and ensuring that assistance is provided in a way that is fairly burdensome to the recipient. This principle should be the main foundation in any future reform of *tompangan* practices. This reform will benefit the individuals involved and strengthen the social and economic fabric of the community as a whole.

## **Critique of Contemporary Economic Justice and Sharia Economic Law in the Context of Tompangan**

Amartya Sen's *Capability Approach* theory provides an in-depth look at economic justice, focusing on developing individual capabilities and substantive freedoms. Developing argues that economic justice is not just about the distribution of wealth but rather the ability of individuals to live a life that find meaningful.<sup>79</sup> Sen emphasizes the importance of

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<sup>77</sup> Derus, "Islamic Economic Institutions and The Elimination of Poverty," 67–70.

<sup>78</sup> Jesus and Pandit, "Consent Receipts for a Usable and Auditable Web of Personal Data."

<sup>79</sup> Barbara Muraca, "Towards a Fair Degrowth-Society: Justice and the Right to a 'Good Life' beyond Growth," *Futures* 44, no. 6 (2012): 535–45.

substantive freedom, which is the real ability of a person to act according to their preferences, not just the mere possession of economic resources. However, in more traditional social contexts, such as the practice of *tompangan* in Sumenep, Madura, this theory faces challenges in its application, mainly due to strong social norms that limit individual freedom.<sup>80</sup>

In the context of *tompangan*, the obligation to return aid of greater value creates considerable social pressure. In his theory, Sen emphasizes that substantive freedom should be protected, meaning that individuals should be able to choose how they utilize their resources without being bound by burdensome social or economic pressures.<sup>81</sup> However, in the practice of *tompangan*, the pressure to return the favour with a larger amount is often a significant financial burden, especially for individuals with limited resources. This directly contradicts the substantive freedom at the core of Sen's theory.<sup>82</sup>

In addition, the practice of *tompangan* also represents a form of injustice in redistributing resources. On the one hand, the assistance provided in *tompangan* can strengthen individuals' capabilities to lead better lives. Still, on the other hand, the expectation of greater returns creates a heavier economic burden for the less well-off. The *Capability Approach* theory does not fully explain this inequality, as Sen focuses more on individual capabilities than concrete wealth redistribution mechanisms.<sup>83</sup>

Criticism of the *Capability Approach* theory can be seen in the absence of explicit solutions regarding a fairer redistribution of wealth. Sen does emphasize that it is important for every individual to have substantive freedom. Still, this theory does not provide a clear framework on how inequality in wealth distribution can be addressed in a more

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<sup>80</sup> Sen, "Development as Freedom (1999)," 2014, 86.

<sup>81</sup> Sen, 78.

<sup>82</sup> Sen, 80.

<sup>83</sup> Sen, "The Idea of Justice."

complex social structure.<sup>84</sup> In the practice of *tompangan*, the redistribution of resources occurs through social assistance and more informal mechanisms, where the received aid must be repaid with greater value later. This creates inequity that worsens the situation for those already economically weak.<sup>85</sup>

However, the *Capability Approach* theory still provides a relevant perspective in assessing the potential of *tompangan* practices as a capability-enhancing mechanism. If managed well, the community's assistance through *tompangan* can strengthen individuals' capabilities to achieve social and economic welfare.<sup>86</sup> For example, community support in building a house or organizing a wedding can provide space for individuals to participate in social life without relying on limited personal financial capital. In this sense, *tompangan* practices can function as an effective tool of social solidarity.<sup>87</sup>

A key challenge in *handouts* is when social norms that require the return of larger amounts of assistance take away an individual's substantive freedom.<sup>88</sup> Sen argues that substantive freedom includes the ability of individuals to choose how they use their resources without being burdened by social or economic pressures.<sup>89</sup> If the practice of *tompangan* forces individuals to return a larger amount of aid, it reduces their freedom to determine their financial and social priorities. In this context, *tompangan*, originally intended to help, can become a stressful burden.

At a more structural level, *tompangan* practices also indicate unequal access to social assistance.<sup>90</sup> Access to *tompangan* assistance

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<sup>84</sup> Sen, 215–18.

<sup>85</sup> Wibowo, "Tradisi Tompangan Dalam Walimat Al-'urs Perspektif 'urf: Studi Di Desa Tambuko, Kecamatan Guluk-Guluk, Kabupaten Sumenep," 2019, 90.

<sup>86</sup> Sen, "Development as Freedom (1999)," 2014, 125.

<sup>87</sup> Sen, 120.

<sup>88</sup> Sen, 87.

<sup>89</sup> Sen, 102.

<sup>90</sup> Sen, "The Idea of Justice," 209.

often depends on social networks and relationships between community members.<sup>91</sup> Those with strong social connections are more likely to receive greater assistance, while individuals more marginalized within the community may not receive the same support. This creates inequality in access to social resources, which directly contradicts the principle of justice proposed by Sen.

To restore the original function of *tompangan* as a mechanism of social solidarity, it is important to reform it. These reforms should focus on creating clear guidelines for the return of donations, where the return should be voluntary and not pose a disproportionate burden.<sup>92</sup> Thus, *tompangan* can return to being a practice that strengthens the capabilities of individuals within the community rather than a source of economic pressure.<sup>93</sup> This aligns with Amartya Sen's justice approach, which emphasizes the importance of substantive freedom in achieving well-being.

In addition, technology can help create transparency in cash *transfer* practices. Digital record-keeping systems can minimize unrealistic expectations of returns and ensure that social assistance is delivered more fairly.<sup>94</sup> Creating a transparent environment allows people to understand and practice *tompangan* without being trapped in harmful expectations.

In this context, technology can play a role in creating transparency

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<sup>91</sup> Wibowo, "Tradisi Tompangan Dalam Walimat Al-'urs Perspektif 'urf: Studi Di Desa Tambuko, Kecamatan Guluk-Guluk, Kabupaten Sumenep," 2019, 93.

<sup>92</sup> John Gathergood et al., "How Do Individuals Repay Their Debt? The Balance-Matching Heuristic," *SSRN Electronic Journal*, 2017, <https://doi.org/10.2139/ssrn.3000526>.

<sup>93</sup> Maulana, "TINJAUAN SOSIOLOGI HUKUM ISLAM TERHADAP PRAKTIK KONVERSI 'TOMPANGAN' DENGAN NILAI MATA UANG MENJADI NILAI BARANG STUDI KASUS DI DESA BRAGUNG," 57–60.

<sup>94</sup> Mahmoud A El-Gamal, *Islamic Finance: Law, Economics, and Practice* (Cambridge University Press, 2006), 125–30.

and fairness in *tompangan* practices. A digital record-keeping system,<sup>95</sup> for example, can help ensure that donations made in *tompangan* practices are recorded and reported more fairly and transparently. With this transparency, unrealistic social expectations can be minimized so recipients no longer feel burdened by the obligation to reciprocate with greater value.<sup>96</sup> Technology, therefore, can be a tool that supports the principles of justice and substantive freedom in *tompangan* practices.<sup>97</sup>

Meanwhile, when viewed from a different lens, namely the perspective of Islamic economic law, the practice of *tompangan* also raises various dilemmas related to distribution justice.<sup>98</sup> Sharia emphasizes the principle of fairness in all forms of transactions, including debt and social assistance.<sup>99</sup> In Sharia law, the principle of *qardh* emphasizes that debts or aid must be returned in the same amount without any additional profit.<sup>100</sup> However, in the practice of *tompangan*, there is a tendency that the return of aid is expected to be greater than its initial value. The return of a debt that is greater than the previous loan can be considered a form of usury, while usury loans, according to Zhen Shao can be viewed as a crime of illegal business operations and can be investigated by using existing successful cases as a reference that are explicitly prohibited in sharia law.<sup>101</sup>

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<sup>95</sup> Rudy Haryanto, "Branding the Role of the District Baznas in Madura Through Online-Based Digitalization in Efforts of Community Economic Empowerment," *IQTISHADIA Jurnal Ekonomi & Perbankan Syariah* 10, no. 1 (2023): 84–99.

<sup>96</sup> El-Gamal, *Islamic Finance: Law, Economics, and Practice*, 125.

<sup>97</sup> El-Gamal, 130.

<sup>98</sup> Khaf, "The Performance of the Institution of Zakat in Theory and Practice."

<sup>99</sup> Paolo Pietro Biancone and Maha Radwan, "Sharia-Compliant Financing for Public Utility Infrastructure," *Utilities Policy* 52 (June 2018): 88–94, <https://doi.org/10.1016/j.jup.2018.03.006>.

<sup>100</sup> Abdulmajeed Muhammad Raji Aderemi and Muhammad Shahrul Ifwat Ishak, "Crowdfunding as an Alternative Mode of Financing for Micro and Small Enterprises: A Proposed Qard-Al-Hasan Contract," *International Journal of Islamic Economics and Finance (IJIEF)* 3, no. SI (2020): 95–118, doi:10.18196/ijief.3235.

<sup>101</sup> Zhen Shao, "Study on the Application of Criminal Law to Usury," in *Proceedings of the 1st International Conference on Business, Economics, Management Science (BEMS 2019)* (Proceedings of the 1st International Conference on Business, Economics, Management Science (BEMS 2019), Hangzhou City, China: Atlantis Press, 2019),

Criticism of *tompangan* practice relates to its lack of flexibility in adjusting to the social norms that develop in the community. The Sumenep community has traditional norms that are fluid and based on social relationships. At the same time, the more formal principles of Sharia economic law are sometimes not fully relevant to the social practices that develop on the ground. This incompatibility poses challenges when applying Sharia principles in the context of *tompangan*.

Nonetheless, Islamic economic law makes an important contribution to ensuring that the practice of *tompangan* does not become a source of economic injustice. If applied correctly, the principle of fair *qardh* can help regulate the repayment of social assistance without expecting an additional profit. Therefore, the principles of open, fair, and true respect should be applied to ensure that the practice of *tompangan* does not burden the recipients.

## Conclusion

The practice of *tompangan* in Sumenep, Madura, which was originally a form of social solidarity based on *gotong royong*, has shifted into an informal debt and credit mechanism that creates an economic burden for the recipient. This change, driven by social influences and modernization, poses serious challenges to the principles of economic justice and sharia law. From an economic justice perspective, the practice of *tompangan* that demands greater returns creates injustice, reduces the substantive freedom of individuals, and undermines their capability to lead meaningful lives. From the perspective of Sharia Economic Law, returns that exceed the initial value contradict the principle of *qardh* and can be categorized as *riba*, which is prohibited in Islam. Therefore, reforms are needed in the form of clearer and more transparent

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<https://doi.org/10.2991/bems-19.2019.96>; Md. Faruk Abdullah et al., "Shariah Solutions to Minimising Personal Bankruptcy Cases in Malaysia: A Juristic Analysis," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 1 (October 16, 2023), <https://doi.org/10.22515/alakhkam.v8i1.6305>.

guidelines to ensure that *donations* still reflect the principle of helping without creating additional burdens. Technology in recording donations and raising public awareness of the principles of justice in Islam is also important to restore *tompangan* as a fair and sustainable social practice. These reforms will strengthen social solidarity and ensure that *tompangan* complies with contemporary values of economic justice and Islamic financial law.

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