OPEN ACCESS

E-ISSN:XXXX-XXXX P-ISSN: XXXX-XXXX
Sharia Economic Law Innovation (SELI), Vol 1, Issue 1, 2024, Page 01-05
https://doi.org/10.5281/zenodo.11522453

INOVASI ANALISIS DATA

Contens List Available at Inovasi Analisis Data

Sharia Economic Law Innovation

journal Homepage; https://analysisdata.co.id

Customs Paradigm in Islamic Concept

Rahmadi

Faculty of, Indonesia

ARTICLE INFORMATION

Article history;
Received 11, April 2024
Received in revised form 18 May 2024
Accepted 10, June 2024

Corresponding author;
Rahmadi

Keyword;
Islamic customs, usyur, trade regulation, welfare policy, customs duties

ABSTRACT

Objective: To analyze and compare the principles, objectives, and functions of conventional (capitalist) customs systems and the Islamic concept of customs (usyur), highlighting their conceptual and practical differences.
Methods: This study employs a qualitative literature review, examining academic sources, historical records, and regulatory frameworks to evaluate how customs duties operate in both conventional and Islamic systems.
Results: Findings indicate that while both systems share technical similarities in customs administration, their underlying purposes differ substantially. Conventional customs systems, such as in Indonesia, prioritize state revenue generation, which can lead to public dissatisfaction. In contrast, the Islamic concept positions customs duties primarily as a regulatory instrument aimed at justice, societal welfare, and equitable trade practices, rather than as a fiscal tool.
Novelty: This study integrates comparative analysis of contemporary customs systems with the Islamic legal-economic perspective, offering a distinctive framework for rethinking trade regulation based on welfare-oriented policies.
Implications: The insights can inform policymakers seeking to reform customs regulations by aligning them with welfare and justice principles, providing an alternative to purely revenue-driven models and fostering a more balanced relationship between the state, businesses, and society.

©2024 by Inovasi Analisis Data, All rights reserved

1. Introduction

Since ancient times, humans have always been involved in economic activities, especially trade. Trade activities, both on a small scale and on a large scale, such as export-import trade, are one of the main pillars that drive the progress of civilization. Trade enables the exchange of goods and services between regions, enriches cultures, and improves people's welfare. In the modern context, international trade is key to a country's economic development and prosperity. It is undeniable that the natural resources and technology developed in each part of the world are very different from one another. Some countries are very rich in natural resources but poor in technology, and vice versa. As a result, the production of goods and services in each country will be different. So, the exchange of goods and services (imports and exports) between countries today is inevitable. Every country needs each other (Abu Umam, 2019).

For trade activities to provide maximum benefits and contribute to the prosperity of society, good regulation by the state is required. The government has an important role in creating policies that can protect domestic industries, improve international competitiveness, and ensure a steady flow of revenue to support development programs. One of the main instruments in trade regulation is customs, which includes various types of taxes and tariffs imposed on imported and exported goods.

E-ISSN:XXXX-XXXX P-ISSN: XXXX-XXXX
Sharia Economic Law Innovation (SELI), Vol 1, Issue 1, 2024, Page 01-05
https://doi.org/10.5281/zenodo.11522453

Each country has its foundation and principles in formulating economic policies, including customs policies. In Indonesia, customs policy is regulated by the Directorate General of Customs and Excise (DGCE) under the Ministry of Finance. This policy aims to collect state revenue, protect the domestic market, and facilitate international trade (Nisak, 2021). However, this policy is often a source of controversy because it is considered burdensome and unfair to some people and businesses. Some of the main issues that often arise include the imposition of duty rates that are considered unfair and too high, policies that are considered inflexible, corrupt practices, and abuse of authority among customs officers. Cases such as the imposition of high import duties on personal items, such as gifts or luggage from abroad, often go viral on social media and trigger public discontent. On the other hand, Islamic economics also has rules and principles that govern economic activities, including customs policies. In its application, customs duties are known as usyur and have a different approach compared to the system implemented by the state today. Islam emphasizes the importance of justice and public welfare in every aspect of life, including trade. This study further discusses the differences between the paradigm of customs duties in the conventional (capitalist) economic system applied in Indonesia and the concept of customs duties in Islam, as well as the implications of the two approaches to trade and public welfare.

2. Critical review

Customs policies in Indonesia and other capitalist countries often place customs duties as one of the main sources of state revenue. Referring to Law No. 28 Years 2022. That customs duties are indeed one of the instruments of state revenue is stated in Article 1 point 4. The beacukai.go.id page releases that the contribution of customs duties encourages the state budget surplus. In 2022, the realization reached IDR293.08 trillion or met 98.01 percent of the target in the 2022 State Budget. In 2023, Customs collected IDR286.2 trillion or around 95.4 percent of the target set in Presidential Regulation Number 75 of 2023. In 2024, state budget revenue from customs and excise is targeted at IDR321.0 trillion. April 2024 increased by 1.3 percent from 2023 (Bea Cukai, 2024). This means that it is true that customs is an instrument of state revenue. On the other hand, news about customs has been highlighted by the media, for example, regarding shipments of goods from abroad that are subject to high fees and goods held in customs warehouses (Akbar, 2024). One of the triggers was when the Ministry of Trade issued regulation number 36 of 2023 concerning Import Policy and Regulation. The regulation regulates such as:

Rules of Trade Ministry 36/2023 have now been replaced by rules of trade ministry 7/2024, which were issued and promulgated and came into effect on May 17, 2024. Three main points from the previous regulation are changed in this revision. The first is goods sent by Indonesian migrant workers (PMI), rules on prohibitions and restrictions on the import of goods, and passenger luggage from abroad. In addition, premix fortificants or wheat flour auxiliaries, industrial raw materials, lubricants, and others are excluded from the import-restricted ban according to the rules of Trade Ministry 8/2024. However, items such as computers, cell phones, and other electronic devices are still prohibited from being imported, especially those carried by passengers from abroad. Regarding PMI consignment goods, rules of Trade Ministry 8/2024 no longer regulate the list of types and quantities of consignment goods, as long as they comply with the stipulated value of goods, which is US$1,500 per year per PMI (Kementerian Perdagangan RI, 2024).

A different approach can be seen in the literature on Islamic economics. A study (Setiawan & Athoillah, 2023) argues that fiscal policy must follow the Shari'ah, the goal is to improve welfare while maintaining faith, life, intellect, wealth, and ownership. So Islamic fiscal policy and budgeting is to realize rahmatan lil alamin. If wealth is distributed fairly, society will have moral and material balance. The conclusion of this critical review suggests that there is a need for further research that combines empirical and theoretical approaches, to evaluate the impact of customs duties from a more comprehensive perspective. Understanding the differences between customs policies in capitalist (conventional) and Islamic economies can provide insights to formulate more equitable and effective policies.

Sharia Economic Law Innovation (SELI) © 2024 by Inovasi Analisis Data
is licensed under CC BY-SA 4.0

E-ISSN:XXXX-XXXX P-ISSN: XXXX-XXXX
Sharia Economic Law Innovation (SELI), Vol 1, Issue 1, 2024, Page 01-05
https://doi.org/10.5281/zenodo.11522453

3. Method Innovation

This article uses a qualitative approach by reviewing literature related to customs policies in Indonesia and Islamic views on customs. The main data sources come from government reports, journal articles, and relevant Islamic literature. This approach allows for an in-depth understanding of the differences in customs paradigms in the capitalist and Islamic systems. Qualitative research is a type of research that aims to understand the phenomena experienced by research subjects, such as behavior, perceptions, motivations, and actions, as a whole and explicitly by using various natural methods in a natural environment (Moleong, 2018).

4. Result

In general, the Directorate of Customs and Excise (DGCE) has four main functions, namely: revenue collector (collecting revenue from tax or import duty), trade facilitator (facilitating trade), industrial assistance (supporting domestic industry), and community protector. More details about DGCE's function.

1. Revenue Collector; As a revenue collector, customs duties are one of the main sources of state revenue. Tariffs and taxes are imposed on imported and exported goods to raise funds that are used to finance various government programs, such as infrastructure, education, and health.
2. Trade Facilitator; The trade facilitator function aims to facilitate and smoothen the flow of international trade. DGCE plays a role in simplifying procedures and reducing non-tariff barriers that may impede trade. This includes the use of technology to speed up customs processes, as well as cooperation with other countries to improve efficiency and transparency in international trade.
3. Industrial Assistance; This function aims to protect and support domestic industries. DGCE sets higher import duty rates for certain imported goods to protect local producers from unfair competition with cheaper imported products. In addition, this policy may include incentivizing or exempting import duties for raw materials and capital goods used by domestic industries.
4. Community Protector; As a protector of society, customs play a role in maintaining public safety and health by controlling the entry of dangerous or illegal goods, such as narcotics, weapons, and products that do not meet safety standards. DGCE works closely with various law enforcement agencies to prevent smuggling and illegal trade. This function also includes the control of goods that can damage the environment and public health.

The function of customs in Islam is similar to the function of customs according to the current conventional economic system. Namely as a facilitator of trade, supporting domestic industry, and protecting society, but not as a collector of funds. In the Islamic economic system, the paradigm of customs duties is called usyur, another name for max, which is the property taken from commodities that pass through the country's borders, both out and in (Zallum, 2009). Trade duties in Islam are set based on who the business person is, not the type of goods being traded. This means that duties differ between citizens and non-citizens. Whether Muslim or kafir zimi, their commodities are not subject to any levies. This condition applies whether the commodity enters the country or exits to the dar kufr, provided that the commodity is not to help them fight the Muslims. The status of dar kufr means legally fighting the Muslims, not such physical war, so it is forbidden to trade with them. In addition, if the business is a non-Muslim muwahid, they will be subject to excise taxes following the contents of their country's agreement with the Muslim leader. In the case of companies from kafir harbi countries, Islam will collect excise tax from them according to the amount they have taken from Muslim companies entering their country as well.

This method is intended to create fairness and balance in trading activities by ensuring that the tax burden is tailored to the ability and socio-economic status of the businessperson rather than just the value or type of goods

Sharia Economic Law Innovation (SELI) © 2024 by Inovasi Analisis Data
is licensed under CC BY-SA 4.0

E-ISSN:XXXX-XXXX P-ISSN: XXXX-XXXX
Sharia Economic Law Innovation (SELI), Vol 1, Issue 1, 2024, Page 01-05
https://doi.org/10.5281/zenodo.11522453

traded. According to Islamic law, several requirements or scenarios can be carried out (Citra Salsabila, 2023) among others:

1. Customs duties on any goods if the culprit is a fellow citizen then the excise is forbidden. Likewise, for non-Muslims (ahlul dzimmah) there is also no customs duty.
2. For countries that are in a treaty (muahid), customs duties are allowed, but following what is stated in the text of the treaty.
3. It is also permissible to collect customs duties from the kafir harbi businessmen. However, the amount is adjusted to the amount of levies that they impose on Muslim businesses.

For example, during the time of the Khulafaur rasyidin. Caliph Umar established a special section and hired special officials to apply customs duties to traders from other countries. The officers collecting zakat, jizyah and kharajiyah used to join these officers. Umar ibn Khatab appointed officials to collect the ten percent excise tax as well as collecting zakat from merchants if they reached the nishab (amount) and haul (time). Anas bin Malik said, "Umar bin al-Khaththab sent me to collect taxes from the Iraqis. If a Muslim's wealth reaches 200 Dirhams, take from him five Dirhams. If it is more than 200 Dirhams, then every multiple of 40 the tax is one Dirham." It was narrated by Az-Zuhri, from Salim, from his father that Caliph Umar imposed a tax of 10 percent on cotton clothes and five percent on wheat and oil. The purpose of this policy was to encourage the entry of more of these goods into the country so that the people's needs for cotton clothes, wheat, and oil could be better met. Usyur is not levied on clothing or equipment used by a person for his activities, or daily needs, including food, and Usyur is levied on all types of merchandise. Whether it was jewelry, animals, agricultural produce, or fruits. These regulations made by Caliph Umar were very helpful in facilitating the transaction of goods between Islamic citizens and people/businessmen from other countries (Abu Umam, 2019).

Examining the conventional (capitalist) system, the main objective of fiscal policy, including customs, is to optimize state revenue. Customs duties are imposed not only to regulate trade and protect domestic industries but also as a tool to augment the state treasury. As a result, customs policies are often very rigid and burdensome. Islam has a different approach compared to the conventional (capitalist) system. Customs duties in Islam are not treated as the main source of state revenue, but rather as an instrument to regulate trade and ensure fairness in economic transactions. A Dien that comes from the Creator, Islam, has provided complete rules and guidelines to solve human problems. This includes how to deal with customs duties. It cannot be denied that the natural resources and technology developed in each part of the world are very different from one another. Some countries are very rich in natural resources but poor in technology, and vice versa. As a result, the production of goods and services in each country will be different. So, the exchange of goods and services (imports and exports) between countries today is inevitable. Every country needs each other (Abu Umam, 2019). In the Islamic economic system, there is a significant difference from the conventional system between the position of customs duties in relation to the position of state revenue. Thus, in Islam, customs duties are not the main source of the state treasury because there are still other avenues (Aryudhani, 2024) For example;

1. Zakat: Zakat is an obligation for Muslims that aims to alleviate poverty and distribute wealth more equitably.
2. Anfal and Ghanimah: The spoils of war that are distributed according to the provisions of Shari'ah.
3. Fai: Treasure acquired from an enemy without war.
4. Khums: A portion of the spoils of war earmarked for public use.
5. Kharaj on land conquered and administered by non-Muslims.
6. Usyr: A light customs duty imposed on cross-border trade.
7. Jizyah: imposed on non-Muslims living in an Islamic country as a form of protection.
8. Rikaz and Mines: Treasure or natural resources that are discovered and exploited.
9. The property of those who have no heirs; the property of those who have left Islam.
10. Common property: Property that the Shari'ah stipulates to be owned by the Muslims, making it common property.

Individuals may benefit from these assets but are prohibited from owning them individually. In the Islamic concept, the results of this public ownership are the mainstay of the state budget income post. From the above revenue items, the public sectors in the Islamic system are managed based on the mandate of the power that handles the affairs of the ummah (people), so as to facilitate and prosper the people. This shows that the relationship between the ruler and the

Sharia Economic Law Innovation (SELI) © 2024 by Inovasi Analisis Data
is licensed under CC BY-SA 4.0

people in Islam is not based on a business paradigm. In Islam, it is not that there are no taxes known as dharibah. However, this source of revenue established by the Shari'ah for the baitulmal, or state treasury, is sufficient to manage the affairs of the people and serve their interests without relying on taxes. Moreover, taxes are not treasures that are obligated by Allah on Muslims to fulfill their needs. So taxes in Islam are not always obligatory. In the Islamic system, taxation is strictly conditional, meaning that it is only imposed on the rich and there is no money in the state (the state treasury is empty).

5. Conclusion

The primary distinction between customs in the capitalist system and the Islamic concept lies in their purpose and approach. In the capitalist system, customs duties are primarily used as a tool for state revenue collection, often imposing a heavy burden on the public and businesses due to high tariffs and inflexible application. This can impede economic growth and lead to public dissatisfaction. Conversely, in the Islamic concept, customs duties are used to regulate trade and maintain economic balance, offering more flexibility based on the socioeconomic status and identity of the businessperson. This comparison highlights that the Islamic customs paradigm provides a fairer and more balanced alternative to the capitalist system, viewing customs not as a means for state wealth accumulation but as a political policy in muamalah for the welfare of citizens. This study concludes that adopting an Islamic approach to customs could potentially enhance economic fairness and societal well-being.

References

Abu Umam. (2019, June 3). *Bea Cukai di Negara Khilafah*. Al-Wa'ie. https://alwaie.net/tarikh/bea-cukai-di-negara-khilafah/

Akbar, R. (2024, May 1). Tiga Kasus Viral tentang Barang Tertahan Bea Cukai. *Tempo.Com*. https://grafis.tempo.co/read/3581/tiga-kasus-viral-tentang-barang-tertahan-bea-cukai

Aryudhani, N. (2024, May 3). *Polemik Bea Cukai, Fenomena "Pemalakan Legal" oleh Negara?* Muslimah News. https://muslimahnews.net/2024/05/03/29244/

Badan Pusat Statistik. (2024, January 24). *Realisasi Pendapatan Negara (Milyar Rupiah), 2022-2024*. Badan Pusat Statistik (BPS- Statistics Indonesia). https://www.bps.go.id/id/statistics-table/2/MTA3MCMy/realisasi-pendapatan-negara.html

Bea Cukai. (2024, June 1). *APBN April 2024 Surplus, Terjadi Pertumbuhan Penerimaan Kepabeanan dan Cukai*. Beacukai.Go.Id. https://www.beacukai.go.id/berita/apbn-april-2024-surplus-terjadi-pertumbuhan-penerimaan-kepabeanan-dan-cukai.html

Citra Salsabila. (2023, March 3). *Pandangan Cukai dalam Islam*. Kuningan Mass. https://kuninganmass.com/pandangan-cukai-dalam-islam/

Kementerian Perdagangan RI. (2024, May 2). Mendag: Revisi Permendag Kebijakan dan Pengaturan Impor Telah Selesai. *Kemendag.Go.Id*. https://www.kemendag.go.id/berita/pojok-media/mendag-revisi-permendag-kebijakan-dan-pengaturan-impor-telah-selesai

Kementerian Keuangan. (2024). *Informasi APBN 2024*. https://media.kemenkeu.go.id/getmedia/a760f574-2f6a-4d7a-b811-5fe4e92ee38a/Informasi-APBN-Tahun-Anggaran-2024.pdf?ext=.pdf

Moleong, L. J. (2018). *Metodologi penelitian kualitatif* (38th ed.). PT Remaja Rosdakarya.

Nisak, K. (2021). Usyur (Bea Cukai) dalam Sistem Perdagangan Internasional Islam Menurut Abu Ubaid dalam Kitab Al-Amwal. *Journal of Islamic Economics (JoIE)*, *1*(1). https://doi.org/10.21154/joie.v1i1.3079

Setiawan, D., & Athoillah, M. A. (2023). Sumber Pendapatan Negara Dalam Islam Perspektif Fiqih Kontemporer. *Journal Of Economic & Business*, *12*(1).

Undang-Undang Nomor 28 Tahun 2022 Tentang Anggaran Pendapatan Dan Belanja Negara Tahun Anggaran 2023, Sekretariat Negara (2022).

Sharia Economic Law Innovation (SELI) © 2024 by Inovasi Analisis Data is licensed under CC BY-SA 4.0