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Implementation of Profit-Sharing System for Rice Fields Cultivation (Islamic law Perspective)

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Abstrak

Bagi hasil merupakan suatu bentuk kesepakatan antara pemilik lahan dengan pekerja, bentuk kesepakatan ini dilakukan karena tidak cukupnya kemampuan atau waktu pemilik lahan untuk bertani. Masyarakat saat ini masih melakukan bagi hasil, meskipun hanya dilakukan di pedesaan bagi hasil yang dianggap tradisi di tempat tertentu. Sistem bagi hasil sendiri menjadi perdebatan apakah sudah memenuhi syariat atau belum. Oleh karena itu, tulisan ini akan mengeksplorasi metode, pengaruh dan apakah sistem bagi hasil telah dilakukan dengan cara yang benar sesuai syariat. Makalah ini mengimplikasikan metode kualitatif berupa penelitian deskriptif yang bertujuan untuk menemukan metode, faktor pengaruh dan penerapan sistem bagi hasil. Pengumpulan data dilakukan dengan melakukan observasi dan wawancara terbuka terutama berfokus pada warga yang bekerja sebagai petani. Hasil tulisan ini menunjukkan bahwa penerapan sistem bagi hasil telah dilakukan sesuai dengan syariat, yang diimplementasikan dalam dua bentuk yaitu al-muzara'ah dan al-musaqah.

Kata Kunci: Bagi hasil, hukum Islam, Al-muzara'ah, Al-musaqah

Abstract

Profit-sharing is a form of agreement between landowner and worker, this form of agreement was made due to insufficient ability or time for the landowner to farm. People nowadays are still conducting profit-sharing, although only conducted in rural area profit-sharing considered to be a tradition in certain place. Profit-sharing system itself have been a debate about whether or not it has fulfilled the syariat (Islamic law). Therefore, this paper is going to explore the method, the influence and whether profit-sharing system has conducted the right way as the syariat. This paper implies qualitative method in the form of descriptive research aim to discover the method, factor of influence and the implementation of profit-sharing system. Data collections were carried out by performing an observation and open interview mainly focuses on the residents labored as a farmer. The result of this paper indicate that the implementation of profit-sharing system has been conducted in accordance with syariat, which implemented in two forms namely almuzara'ah and al-musaqah.

Kata Kunci: Profit-sharing, Islamic law, Al-muzara'ah, Al-musaqah

INTRODUCTION

Indonesia known to be agrarian nation, which agriculture sector plays important role in Indonesian economic. This condition creates a tendency among people to depend on agriculture sector, unfortunately agriculture sector often miscalculated in term of land quality causing differences in production quantity and income level. The income level itself determine the consumption pattern of an individual, the higher the income the closest someone to achieve financial and social welfare. The dominance of agriculture sector has made majority of population in Indonesia work as a farmer. The agriculture sector itself purposed in contributing in national economic, through employment and export activity, agriculture sector also specifically aims for improvement of quality product, thus competing with foreign goods both domestically and internationally.

Indonesia has numerous of agricultural land, including rice field own by diversity of individuals, some of these peoples are a very busy people with multiple profession, this condition makes them able to own agricultural land but have insufficient time to farm it. This presence profit-sharing system among the landowner, many owners has trusted their land to farmer to manage their agricultural land such as rice field. As the name implies, a profit-sharing system can be defined as the agreement between landowners and the farmers that manage the farm and as a compensation, they are given a certain percentage of the yields as per what they originally agreed on (Musdalifah dan Mansyur, 2021:03)

This paper explores two forms of profit-sharing which is Al-*muzara'ah* and Al-*musaqah*. Al*muzara'ah* is form of agreement between landowner and farmer, in which the landowner trusted the farmer to manage the farm, after harvesting the farm the yield will then be shared as what they've agreed to, in *muzara'ah* all the expenses were the responsibility of the landowner, and the agreement must be done by verbal agreement or written agreement (Sugeng dkk, 2021:212). Meanwhile the Al-*musaqah* embodied same but slightly different definition as *muzara'ah*, which in *musaqah* the amount of yield receive by the farmer or worker have already been determine from the beginning of the agreement (Musanna, 2022:78).

Profit-sharing system open an opportunity for people who are currently unemployed due to the lack of qualification such as education, experience and any other aspect. Many of residents in rural area are farmer, some of oldest residents even doesn't have the luxury of education and have never work outside out agriculture sector. With very little education, these people have entirely depended on agriculture as source of income. With profit-sharing system many of wealthy people who own a farm such as rice field can recruit people to manage their farm, this utilize the function of the farm as the majority of agricultural sector in Indonesia is still dominant. This form of system also aligned as the *syariat* in term of cooperation which recommend people to help each other.

In term of sharing the harvest of the farm, it has to be what the agreement of both parties done in the beginning, the mechanism in sharing the yields is divide in two form which is *muzara'ah*, and *musaqah*, in term of rice field *muzara'ah* explained that the land and the seed were provided by the landowner which the yield will be share equally both receiving half of the yields. Meanwhile *musaqah* often used in managing garden, which the farmer/gardener will plant, and the yield will be shared equally half for the owner and half for the worker. Many events reflected the wasted of land, some of wealthy invested a lot toward farming land, but doesn't have the sufficient ability and time to manage, to plant and to farm, these circumstances leave the land abandoned and neglected. It is explained in Holy Qur'an that human should utilize the land to provide source of food for human main consumption but not to exploit the natural resources. This explained in holy Qur'an Qs.Al-An'am/6:141:

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۞ وَهُوَ الَّذِيِّ أَنْشَا جَنُتٍ مَّعْرُوْشَٰتٍ وَعَيْرَ مَعْرُوْشَٰتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أَكْلُهُ وَالزَّيْتُوْنَ وَالرُّمَّانَ مُتَشَابِهًا وَعَيْرَ مُتَشَابِهٍ كُلُوْا مِنْ ثَمَرِهِ لِذَا
آثْمَرَ وَاتُوْا حَقَّهُ يَوْمَ حَصَادِمٌ وَلَا تُسْرِفُوْا أَنَّهُ لَا يُحِبُّ الْمُسْرِفِيْنُ
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Which mean:

"And He is the (One) Who has brought into being gardens trellised and untrellised, and the palm-trees, and plantation of different crops, and the olives, and the pomegranates, cosimilar and not cosimilar (Literally: other than being cosimilar). Eat of their produce when they have produced, and bring the true (right) thereof on the day of its harvest, and do not be extravagant; surely, He does not love the extravagant"

This ayat reflected the order to share the natural resources such yield of a garden and given it to people who need and not exploiting of that particular resources as Allah hates such human who exploit especially from his fellow human being. Other reflection from this ayat is that Allah creates land, and every possible resource human can plant, and harvest and it is the job of a human to take care these resources. The reason for human to help each other and to take care of each is because they need each other. In term profit-sharing in managing a farm, this form of activity has been motivated by few reasons, which is the insufficient ability and time of landowner to manage their own land, or it has become a tradition for residents in that certain area.

Sometimes profit-sharing conducted only by tradition, therefore it hasn't clear whether or not people fully understand about this covenant according to *syariat*, they only conducted it by the principle of

tradition. In rural area many people work as a farmer, making this cultivation of land possible and for those who doesn't any farm can work for people who does. The reason behind this profession being the main profession is because the residents doesn't have any educational qualification and doesn't have any skill or experience to work at a different place. Many of the young people have drop out of school and indirectly make them a farmer, the lack of education to generate creativity has made majority of farmer in rural area depended their life entirely on farming.

Due to the lack of basic knowledge about Islamic covenants such as *muzara'ah* and *musaqah*, this paper examines how profit-sharing systems have been conducted by people, examining whether or not the method has fulfilled the *syariat* and what has become the main reason for profit sharing, in this paper specifically in one of the rural areas of Sidenreng Rappang, which is the village of Allakuang.

METHOD

This paper employs the qualitative method in the form of descriptive research, with the objective of uncovering the method, the influencing factors, and the implementation of a profit-sharing system. A study of profit-sharing was conducted in the village of Allakuang located in Sidenreng Rappang. In addition, this paper analyzes the existing facts about profit-sharing, based on observations and reflections of the past events that residents have experienced during the past year. Data in the research were obtained through open interviews conducted with residents who were to be farmers in this area. The data will then be reformatted, simplified, and interpreted using deductive reasoning to achieve the main purpose of this paper.

RESULT AND DISCUSSION

The differences between status of farmer which is farmer which own a land, and farmer who conduct a cultivation, in term of managing a farm the profit-sharing of a yield will be according to what originally agreed to and what have become the habits of that certain area. These habits explained the differences of profit-sharing value in each village, aspect such as tradition, soil fertility, and the supply and demand of that particular area. The interaction between people in certain have form culture and tradition which affect the decision of an individuals to consume and to produce (Herlina dkk, 2021:212). This include profit-sharing system, residents conducted profit-sharing system based on their tradition and habit that they've embodied, this then become a perspective that the tradition and the habits were the right way to perform profit-sharing toward rice-field cultivation and has aligned with the *syariat* or Islamic law.

1. Factors Influencing Profit-Sharing System

The main reason of profit-sharing has been explained in the beginning stating that some of the wealthy individual own a farm but doesn't have the sufficient ability and time to manage it themselves. This were major assumption and hypothesis, after performing this research the result indicates similar result but slightly different. It's a fact that some of the individual own a farm but the main reason that they don't manage it, is because they weren't full time resident in that village, meanwhile many of the residents have the sufficient ability and time to manage a farm but doesn't have any farm.

The process of profit-sharing in Allakuang begins with either of both parties offer to form an agreement, this are whether the landowner or the sharecroppers, the agreement were made by both parties willingly. To utilize the potential of the farm both parties need each other whether in its cultivation or its funding. This research also indicates another factor and aspect motivating the profit-sharing system which is:

- a. Verbal Agreement, the profit-sharing practice in Allakuang were conducted by trust, both parties form an agreement by verbally agree to the term of each party. This form of agreement considered to the tradition from past generation among residents in Allakuang. Recent studies have shown that people conduct profit-sharing covenant by verbal agreement due to its flexibility and it has become the habit form out tradition in majority of rural area (Hartono dkk, 2022:37)
- b. Age Requirement, people who conducted or engaged in profit-sharing practice must fully understand their role and responsibility, which is why people with very little sense of responsibility are not eligible to engage in this activity. Tradition of residents in Allakuang have considered those with minimum age of 20 able to hold responsibility. The differences of age are diverted in each area which the measurement of qualification

come from behavior especially social behavior of the following individuals. Empirical studies shown that people who conduct profit-sharing agreement were people with their full sense of mind agree to term of both him and the landowner. This indicate that the sharecroppers have to be old enough to understand his role and responsibility toward the covenant that form between sharecroppers and landowner (Zulianto dan Iswandi, 2022:621)

c. Legitimation of Agreement, legitimation in this term is condition of the agreement according to relevant aspect such as land ownership and the agreement toward the yield. Eligible land or farm to cultivate is a land with history of dispute and controversy of ownership. Meanwhile for the yields, the yields are share equal half and half or one out of three portions of the yields according to original agreement. Recent studies have found past studies conducted same way of sharing the yields as what both parties have agreed to in the beginning (Arrahmi dkk, 2022:270).

According to three aspects above, the profit-sharing in Allakuang indicate that its practice are more based on habits, trust and tradition, which most or majority of its practice were done by verbal agreement. Other aspect such age requirement of 20 also a part of tradition and residents' perspective to ensure that those who engage in this activity were mature enough to carry on responsibility. And lastly the legitimation of agreement, which in this must fulfil few requirements such as, the cultivation land or farm mustn't have any history of dispute of controversy of ownership, other being the share portion of the yield based on the original agreement of both parties.

2. Profit-Sharing System Of Allakuang Residents

According to the interview result, the covenant of profit-sharing and cooperation between landowner and sharecroppers are (1) resources and funding were the landowner responsibility. This form of agreement requires the landowner to provide all the farmer to cultivate the farm such as seed, pest poison, and anything else that farmer might need in the process of cultivation. This agreement doesn't require the landowner to engage in farming activities and only look after the farmer. The farmer entirely responsible for the land, including activity such as nourish, watering, and cultivate the farm. This form of agreement happens under one circumstance which is the farmer doesn't have own any land to cultivate; (2) resources provide by the farmer, the only thing the other party provide in here were the land. Resources such seed, pest poison and other were provided by the farmer. Farmer role were including cultivation until the farm can be harvested. The agreement of yields share in this covenant is 2 out 3 belong to the farmer while the other 1 out of 3 belong to the landowner; and (3) resources were the responsibility of both parties. This agreement was form due to the insufficient fund on cultivating a farm. The landowner will provide seed and other will be the responsibility of the farmer. This agreement requires both parties to put their trust on each other because the amount of cost were variate for each individual. As for the yields share it will as what both parties originally agreed on (Nita, 2020:245).

Resident of Allakuang form the covenant by taking legal law into account, therefore both party must fully agree on the term before finalizing the deal. The agreement were include few aspect which is (1) the responsibility of the landowner covers, the permission to cultivate land, provide capital, receive same share as agreement, provide seed, poison, pesticide, and others need of a farmer; (2) the responsibility of the farmer covers, provide lesson for the residents, cultivate the land or farm, supply same share as agreement, and turn over the land ownership as the contract done; (3) the risk of failed harvest were the responsibility of both party, except when it happens due to the carelessness of the farmer it might the tendency to form another contract in the future; (4) duration of the agreement were during the harvest season, when the ends the agreement will be renew for upcoming season or fully terminate; (5) deal conclusion will be over once the harvest ended, if the deal were terminate before the end of harvest it could occurs for few reason such as the farmer were consider disserve by not performing well, on the other side the deal could end due to the landowner asking for excessive share; (6) the yield profit-sharing system about the share should be agreed upon the beginning of the harvest season, and should not be alter by both sides to continue partnership in the future.

This were the condition based on the observation during the research, similar findings on this paper were also explained in empirical studies which stated that the agreement of yield share have to be agreed upon starting season, which the agreement especially on the land share should not be altered or one of both party asking for excessive share neglecting the agreement (Darwis, 2016:24). The agriculture sector in

the village of Allakuang were able to support the families financially, as we know some of the families were heavily dependent on the land cultivation as main profession. Due to the lack of capital, some of the residents doesn't own a land or farm which make it even worse, which make them can only hope that there is landowner who will recruit them to cultivate the land or farm. But generally, the agriculture sector and the profit-sharing system has been able to help the resident with their financial condition (Nugraha dkk, 2019:28). Some other empirical research also reflects that this form of working, and partnership weren't always profitable, in this research the result indicates that during the process of cultivation, there are unexpected cost which cause by pest and some other unpredictable element (Malik dkk, 2018:31).

3. Profit-Sharing System Compatibility of Allakuang Residents

The profit-sharing system implement by the Allakuang residents were mostly based on their habits and tradition, however its need to be explore whether or not this covenant has fulfilled the recommendation of the *syariat*, which in this paper refers to *muzara'ah* and *musaqah*.

Muzara'ah, this form of agreement for landowner and the farmer to partner in term of cultivating the land or farm, which the landowner will trust the farmer to manage the land and in return will be rewarded half of its yields. *Muzara'ah* is explained in holy Qur'an Qs. Az-Zukhruf/ 43:32:

ٱهُمْ يَقْسِمُوْنَ رَحْمَتَ رَبِّكٌ نَحْنُ قَسَمْنَا بَيْنَهُمْ مَعِيْشَتَهُمْ فِي الْحَلُوةِ الدُّنْيَأْ وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجْتٍ لِّيَتَّخِذَ بَعْضُهُمْ بَعْضًا سُخْرِيًّا وَرَحْمَتُ رَبِّكَ خَيْرٌ مِّمَّا يَجْمعُوْنَ

Which means:

"Is it they who divide the mercy of your Lord? We have divided among them their subsistence in the present life (Literally: the lowly life, i.e., the life of this world) and raised some of them above (some) others in degrees, that some of them may take to themselves (some) others in subjection; and the mercy of your Lord is more charitable (i.e., better) than whatever they heap (Literally: gather) together"

According to observation, the result indicates the pattern of habit toward Allakuang residents in determine profit-sharing, the covenant between both parties were form in verbal agreement under two conditions with different outcome. First condition is the condition where the farmer was only needed to cultivate only, all the cost include items needed in the process were the responsibility of the landowner. Second condition where the condition was landowner only turn over the land and all the items will be imposed by the farmer. Under the first agreement, the share of the yield will mostly go to the landowner as he provides land and tools. While the second agreement will provide equal share for both parties as the two were equally contribute toward the land.

This result was indicated in the empirical studies, as the result have indicated the similarity of the profit-sharing system of Allakuang resident and *muzara'ah*. Empirical research provide explanation that, the agreement must fulfil some aspect such as both party full consent toward the covenant, the land or farm were truly own by the landowner, the duration of agreement should be determine, the yield share should include both party agreement, and all the agreement should be fulfilled and not neglected by any means necessary (Arif, 2018:131). The truthful behavior such as honest, fair, trustworthy, and *halal* were also fulfilled in term of *muzara'ah*, which show that the profit-sharing system agreement even if still done by tradition and habits were able to be align with the *syariat* as recommended (Puspitasari dkk, 2020:80)

Meanwhile *musaqah* is similar to *muzara'ah* with a bit difference toward the role of each party which in *musaqah* the only role of the farmer will only contain managing, and cultivating the land or farm, everything that doesn't concern this will be entirely the responsibility of the landowner. So, activity that include a tools and items will be provided by the landowner. *Musaqah* have also explained in the holy Qur'an Qs. Al-Maidah/ 5:2:

يَّاتَّهَا الَّذِيْنَ اٰمَنُوْا لَا تُجِلُّوْا شَعَابِرَ اللهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَابِدَ وَلَا الْمَيْنَ الْبَيْتَ الْحَرَامَ يَبْتَغُوْنَ فَضْلًا مِّنْ رَّبِّهِمْ وَرِضْوَانَا وَّالَا حَلَلْتُمْ فَاصْطَادُوْا وَلَا يَجْرِمَنَّكُمْ شَنَانُ قَوْمٍ اَنْ صَدُوْكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ اَنْ تَعْتَدُوْاُ وَتَعَاوَنُوْا عَلَى الْلِاشْ وَالْعُدُوَانِ وَاتَقُوا اللهِ آنَ الله شَدِيْدُ الْعِقَابِ

Which means:

"O you who have believed, do not violate the way marks of Allah, nor the Inviolable Month, nor the offering, nor the garlands, nor the ones repairing to the Inviolable Home seeking from their Lord Grace and all-

blessed Satisfaction; and when you are not on pilgrimage, (Literally: when you have become legally permissible, i.e., no longer in the sanctified state of a pilgrim) then (go game) hunting. And do not let antagonism of a people who barred you from the Inviolable Mosque provoke you to transgress. And help one another to benignancy and piety, and do not help one another to vice and hostility, and be pious to Allah; surely Allah is strict in punishment".

The practice of *musagah* have not been so different from *muzara'ah*, according to the observation on this research, the practice of *musaqah* have actually more dominant than *muzara'ah*, due to the lack of operating capital of most farmer, make them can only offer labor and the rest were entirely provided by the landowner. In term residents of Allakuang, landowner will first offer this agreement to known family member, cousins' and other family member, the agreement will then offer to someone else when the family weren't able to take the responsibility. As for the yield share, the landowner will be committed to their word and only take the portion that he had contribute to which is the 2 out 3 halves of the yields. This finding was mostly relevant with recent studies stating that most farmer were forming agreement with the landowner under the term resembling *musaqah*, this happens due to the lack of capital, which still allow farmer to receive income without own a land (Imbar dkk, 2020:142). Other research explained that the form of agreement also could happen occur due to the disadvantage cause by past farmer which exploited the yields without permission from the owner which neglected the term of agreement. Action such as not conduct a trade of yields before owner permission, truthful, trustworthy, and honest, avoiding "riba", implement tolerance and equity. Is the behavior to be consider from both farmer and the landowner before forming a covenant (Pasrizal dkk, 2021:33). Musaqah were also as said able to provide income for those who suffer lack of capital and doesn't own land. Even so many have felt grateful and stated that they have been helped a lot by people who are recruiting them to form agreement to cultivate their farm or land (Saidy dan Ilman, 2019:34).

CONCLUSION

After performing this research. There have a few findings which explain the purpose of this research, as the research purpose were to explore the method, aspect of influences, and the conformity of the profit-sharing system with *syariat* which in this research refers to *muzara'ah* and *musaqah*. The finding of this research indicate that the profit-sharing system were based on resident's habits and tradition, as for the agreement people were only agree verbally. The influence of profit-sharing were motivated by few aspects such the agreement itself, the age requirement of 20 and the main part of agreement which make it legal. Based on the view of the research the profit-sharing have fulfilled the term of both *muzara'ah* and *musaqah*. This research then stated that residents of Allakuang have been conducted the profit-sharing system toward farm cultivation by the accordance of *syariat*.

As for the recommendation after performing this research, researcher recommend that for the sake of knowledge, the *muzara'ah* and *musaqah* must and needed to be explain in detail for the residents of Allakuang. As for the next research, this paper were only explored the surface of influence which as a recommendation for the next paper to explore more toward influence of profit-sharing system by viewing multiple perspective such as economic aspect, social aspect, religious aspect and many more

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