


Implementation of Mudharabah Agreement Between Boat Owners and Fishermen in Teluk Meuku Village, Babalan District, Langkat Regency, Reviewed From the View of the Syafi'i School

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Article Info	ABSTRACT
Keywords: Mudharabah Contract, Shafi'i School, Fishermen Cooperation	The aim of this research is to understand how the mudharabah contract is applied between boat owners and fishermen in Meuku Bay Village, Babalan Subdistrict, Langkat Regency, and to examine the perspective of the Shafi'i school regarding its implementation. This study uses a descriptive qualitative approach. Data were obtained from both primary and secondary sources. Data collection techniques included observation, interviews, and documentation. The analysis was conducted through data reduction, data presentation, and conclusion drawing. The agreement between boat owners and fishermen in Meuku Bay Village uses a mudharabah contract that is made orally, without anything written agreement — based solely on mutual trust. This contract emphasizes key points such as the cooperation system, profit-sharing system, and others important elements. The practice of mudharabah in this village align with the Shafi'i school in several aspects : there are two parties involved (the boat owner and the fisherman), capital and profits are shared based on mutual agreement, and the boat owner give bonuses to the fishermen. However, there are also those aspects that contradict the Shafi'i perspective — specifically, when losses occur, the fishermen (as fund managers) bear the burden of compensation, even though according to the Shafi'i school, if the loss is not due to negligence, it should be borne solely by the capital provider without imposing liability on the manager.
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INTRODUCTION

Allah SWT regulates all related issues with development business and distribution profit, so that man can operate his efforts without trapped in usury and sin. Islam teaches economy that is spared from usury with its product is called musyarakah, where two or more people more Work The same with objective each other help One each other and get shared profits in accordance agreement together.

Faith, worship, morals, and muamalah man regulated by the Islamic religion as a perfect (comprehensive) religion. Based on principle of monotheism, system Islamic economics and all system his life built For ensure balance economy Good in life individual and also society.

Therefore that, system Islamic economics strives For keep away man from threat conflict, divisions caused by competition, anxiety, chaos, and peace, so that people can life in condition peace and quiet below protection of Allah SWT (Chuzaimah, 2024).

Society is systems and cycles life social between individual. This is characteristic experience human. For achieve and realize objective together, life together member its members stage pattern behavior organized behavior. Togetherness in a way as it happens No base life society. On the contrary, the goal is base togetherness. It is possible For say that No There is not a single person alive alone, far away, and distant from interaction social. People don't can stand Alone or without society. On the other hand, without human, society No Possible There is (Rahman, 2014).

Because Indonesia is a maritime country, its sea area is vast. can facilitate Lots activity economy for its population with utilise source Power sea, especially for people living on the coast. Indonesia's productive coastal and marine areas are very important For growth economy. Due to its strategic location between two continents and two oceans, Indonesia has source Power very productive and potential sea big fishery. Fishery is one of the subsector agriculture that encourages growth Indonesian (Lovely, 2016)economy.

This matter shown by the facts that role sector fishery in growth economy Keep going increase every years. Fishing communities, whose lives its economy depends on the source Power sea, depending on the sea as producer main they. Fishing community living on the coast of Indonesia. Source Power nature and water are very important For growth economy society. According to Constitution Number 32 of 2004 concerning Regional Government, a region that has a sea area given authority For manage source power located in the area (Mariam, 2018).

This country own Lots source Power nature that must utilized in a way sustainable without ignore welfare its people, such as communities that depend on the sea For alive. Island country the biggest consider development potential source Power natural as key For build welfare society, so that do work Of course need commitment that is considered as form devotion individual man in do work.

Because fishermen are also considered as one of the Indonesian citizens whose economy weak, this is very different with his role as protein hero for nation This. From time to time to time, people who work as fisherman wrestle with life that is not definitely, especially for those who do arrests in the waters. With Thus, the fishermen in a way No direct has experiencing a long waiting process For increase welfare life they through modernization fisheries, which are considered No only as obligation (Kusnadi, 2023).

Fisherman as a group society whose life depends straight to the results sea, good with method do arrest or cultivation. They are generally live in the area Coast beach, a environment nearby settlement with location his activities. Seen from aspect ownership tool catch fisherman differentiated become group, namely fisherman individual, fisherman boss, and fisherman laborer. fisherman skipper is fishermen who have tool catch operated by others, on the other hand fisherman laborer is fishermen working with tool catch owned by others. Fishermen laborer is dependent community with nature (seasons, waves and weather) which

is dynamic, depends on the boss capital owners and factors production (ships and technology) arrest), as well as big his income depends on how much big mark income clean after reduced cost operational Then shared with the well- known tycoon as system for results (Eka, 2020).

In Islam cooperation is one of form attitude each other mutual help with One individual with others during cooperation That No contain elements of sin and hostility. Islam has also to command and teach to all over people humans to each other cooperate and help in life society that has mark positive for the sake of good life in the future (Amir, 2010). So from that, is very necessary attitude each other mutual help so that the work being undertaken reach success. In Islam cooperation for results known with term *mudharabah*.

Mudharabah, also known as as *qiradh*, is agreement between people who manage property, or owner property, and the person who owns it treasure said. Trading happen when party First prepare capital for trading, while party other prepare power or skills. It was decided that profit from collaboration the will shared with the method agreed upon by both parties split parties. The capital owner is responsible answer on losses. In other words, workers No responsible answer on damage caused by them. Entrepreneurs only experience loss Because his sincerity and work, which is not will paid If matter That happen (Andi, 2013).

Benefits of *mudharabah* is For help those who have limited capital and skills, because some people have treasure but No know method manage and develop it. Therefore, the sharia allow they Work The same For each other profitable. Capital owners and mudharib utilise skill One each other, and mudharib utilise property. and as the result, cooperation treasure happened. Allah SWT only to order things good and bad. However, Islam does not want his followers become machine economy that produces culture materialism (Helmi, 1993).

Because of work The same This involving practice each other Help helping and supporting each other profitable, Islam prescribes type Work The same this. In this situation this, the capital owner can help fisherman as capital manager because they No have capital or facility For produce income. Society, especially public coastal village beach, still use system for results like This between fishermen and capital owners. Where the majority its population is fisherman with economy low.

Bay Village Meuku, which is located in the District Babalan, Regency Langkat, selected as location study For implementation results Work The same *mudharabah*. The majority residents of Teluk Village My name is Meuku. is a Muslim and works as fishermen. Some fisherman own skill but No have capital, while financier No own ability For manage the capital, so they Work The same with use their capital For catch fish with tools that have been provided by the capital owner. Then results or profit shared between both of them.

However, researchers see mismatch in the results show No in accordance with provision sharia moment do Work The same For results Due to the discrepancy this, the fishermen feel oppressed with method distribution profit from results business they. They feel distribution results the No fair Because results business they No increase temporary economic capital owner they increased. They believe that Because distribution results that are not evenly distributed, economy fisherman No develop.

Researcher do field observation with a number of fishermen and found that distribution profit between capital owners and fishermen No fair. For example, they earn 15,000,000 in One month business, and after reduced cost operational, they earn 10,000,000. Business results as big as This No shared only between fishermen and capital owners as agreed at the beginning, but There is distribution costs that are not known. Therefore that, go from the differences that exist between fishermen and capital owners regarding implementation Work The same mudharabah, researcher interested For to study more carry on about its implementation.

Research purposes This For know How implementation contract *mudharabah* between boat owner with fishermen in Teluk Village My name is Meuku. Subdistrict The Babalan Langkat Regency. For know How view School of thought Shafi'i related with implementation contract *mudharabah* between boat owner with fishermen in Teluk Village My name is Meuku. Subdistrict The Babalan Langkat Regency.

RESEARCH METHODS

Types of research used is study field. Research field is study with characteristic features related issues with background behind condition latest the subject of research and its interactions with environment. The nature of the research This is descriptive analysis. Analysis descriptive is a system investigation a purposeful object For produce a methodical, factual and accurate picture about description of data, characteristics and relationships between the phenomenon being studied. Primary data sources in research This consists of from observation and interviews. The primary data sources in this research This is owner ships and fishermen in Teluk Village My name is Meuku. Subdistrict The Babalan Regency Langkat. Secondary data in the form of the reviewer to document personal, official institutions, references or regulations (literature) reports, writings, etc.) that have relevance with object research. Data collection techniques with method observation, interviews and documentation.

RESULTS AND DISCUSSION

General Overview of the Contract *Mudharabah*

Understanding Contract *Mudharabah*.

In general etymology of "*mudharabah*" has the meaning of walking on the ordinary earth named traveling ". While in a way terminology "*mudharabah* is form contract (agreement) between capital owner (*shahibul maal*) and the user of funds (*mudharib*) for used productive activity where profit is shared second split party between capital owners and fund managers ". If happen loss borne by the capital owner, if loss That happen in normal conditions, investors (*shahibul maal*) no may intervention to fund manager (*mudharib*) in operate his efforts (Mardani, 2019). In Islamic law, *Mudharabah* or qirad including as one of the form contract syirkah (partnership). With so can interpreted that mudharabah " is common term used resident Iraq, meanwhile circles Hijaz to mean with term *qirad* ". With thus *mudharabah* or *qirad* are two terms For Meaning the same one. The term *mudharabah* originate from the

word *darb*, which means hit or walking, understanding hit or the intended walk more specifically is a person's process move his legs in operate business.

According to Language *qirad* taken from the word *al- qadaru* which means (piece), because owner give piece from his wealth For given to entrepreneurs to be able to operate treasure and the capital owner provides piece from profit earned. Not only That only, but also can taken from the word *al- muqarabah* which means (similarity), because capital owners have equal rights to profit In this case. these fuqaha have method diverse views about definition meaning from *mudharabah* this, as for a number of the views expressed related contract *mudharabah* among sectarian scholars. According to Hanafiyah scholars *mudharabah* is contract on a company in profit with capital assets from a party with work (business) from other parties.

Whereas according to Islamic law *Mudharabah* is one of the form agreement finance in Islamic law which involves cooperation between two parties, namely capital owner (*shahibul mal*) and capital manager (*mudharib*). In *Mudharabah*, the capital owner provides the initial capital, while capital manager is responsible answer manage and invest the capital For get profit. The profit generated Then shared between second split party based on percentage that has been agreed previously, while loss borne by the capital (Hasbi, 2020)owner.

So, based on a number of the above explanation can concluded contract *mudharabah* is contract cooperation between the two sides party or more For something certain because each party give contribution with agreement that profit and risk will covered together in accordance with agreement.

Legal Basis of the Contract *Mudharabah*

Basically *mudharabah* is contract in the form of agreement cooperation between capital owner with capital manager, contract *mudharabah* No Far different with contracts transactions other like *musyarakah*, *musaqah*, sale buy, and others who have law the origin (may), except There is the argument that prohibits matter said. The agreement *mudharabah* also includes " obligatory contracts. " fulfil need second related parties work such as as if contract *musaqah* and *musyarakah*. This matter looks in verses and hadiths as following :

...وَأَخْرُوزَ يَضْرِبُونَ فِي الْأَرْضِ يَبْتَغُونَ مِنْ فَضْلِ اللَّهِ ...

Meaning: " *And those who walk in front of earth look for part the gift of Allah* (Qs. Al-Muzzammil: 20) (Kemenag, 2019).

In the verse above base he did contract *mudharabah* is the word " *yadhribun* " ((يَضْرِبُونَ) he did the same thing with the root word *mudharabh* which has meaning do a journey business.

...فَإِذَا قُضِيَتِ الصَّلَاةُ فَانْتَشِرُوا فِي الْأَرْضِ وَابْتَغُوا مِنْ فَضْلِ اللَّهِ...

Meaning : " *If has fulfilled prayer, then spread out you in front earth : and seek God's gift.* (Qs. Al- jumu'ah : 10) (Kemenag, 2019).

As for the hadith related about *mudharabah* narrated by Al- Nasa'i, which means :

" *Has reported to us ' Amru bin Zurarah has to report to us Isma'il has tell to us Ibn 'Aun, he said ; Muhammad once said ; " My land like treasure Mudharabah (cooperation) trade with give share treasure or services), what is worthy For treasure mudharabah so worthy For my land and what not worthy For treasure mudharabah so not also worthy*

of my land. He looked at No Why If he deliver the land to hijacker land to be worked by a plowman land himself, his children and the people who help him as well as the cow, the plowman No give cost even a little bit, and the financing all from owner land". (HR. Al-Nasa'i No.3867).

From the verses of the Koran and Hadith it's clear that mudharabah or qiradh is permitted contracts. In the first hadith it is explained that the first or qiradh or mudharabah is one of the agreement in which there is blessings, because open field Work. In the second and third hadith it is explained about practice mudharabah by Usman as capital owner with other party as manager. In the third hadith, Umar as caliph represents the state as capital owners with Abdullah and Ubaidillah as manager. Both the hadith mentioned final of course No sourced from prophet but only is action friend, but No reduce strength law it is permissible contract mudharabah.

Implementation Contract *Mudharabah* Between Boat Owners and Fisherman In Teluk Village My name is Meuku. Subdistrict The Babalan Langkat Regency.

In Islamic finance, the contract *mudharabah* is agreement between two or more party For do business and share profit from business In the context of contract *mudharabah* between boat owners (*mudharib*) and fishermen (*shahibul maal*), refers to an agreement in which the boat owner (providing capital) provides power work and supervise activity fishing. For know How practice contract mudharabah in Teluk Village Meuku, District Babalan, Regency Langkat, researcher interview source person main and owner of the boat. There is an explanation about system distribution wages fisherman Bay Meuku. Boat owners and fishermen do agreement in a way oral without agreement written. Agreement written made based on tradition down hereditary and use easy language understood both of them.

In Teluk Village Meuku, especially in the area Coast beach, part big people alive as Fishermen. System for results between boat owners and fishermen involving two parties, namely fishermen and boat owners. Fishermen shared into two groups, namely fisherman workers and fishermen boss, or punggawa, as explained by Mr. Ansar, the owner of the canoe, he explain that :

" Agreement oral with fisherman started with they go to House For submit application For become fishermen. Usually, if There is A little fisherman or weather No ok, i am only accept some people. No need explained How distribution his wages, because I only give know the person i am believe that the rest will split 50:50, but This can changed depending on the weather."

As well as results interview researcher with Mr. Abdul Mukhsin as the owner of his boat explain that :

" The agreement I made with fisherman I only made in a way oral and non-verbal written. In the agreement that, we agree with the rules we have created together ".

same thing was also conveyed by Mr. Rudi, who gave statement that :

" Here, almost everyone makes agreement in a way verbally, rarely written ; we only each other believe One each other and hold on stick to the agreement we have agreed to. "

Based on results the interview above, can concluded that agreement made between boat owners and fishermen in Teluk Village My name is Meuku. carried out in a way oral, namely mutual capital trust. Growing a sense of trust naturally difficult, especially when second split party No know One each other. Therefore that, for maintain trust One each other, the owners boat usually recruiting fishermen who are still own connection family with him. Members also need trust to owner ship. If the fishermen always get help owner the ship outside connection work, they will the more loyal to him.

Related with system for results between boat owner with fisherman, researcher has do interview with a number of fishermen and also owners ship, as results interview researcher with Mr. Hamdan as fisherman, he explain :

" System for results between fishermen and community capital owners This usually done with emit cost For second split parties. However, there are also higher costs. large charged to fishermen, such as cost all operational travel, such as diesel, basic necessities, and ABK (children's) wages fruit ship). Because all cost operational charged to fishermen, while the result equally divided, system This Certain will harm second split party "

So are the results interview researcher with Mr. Aris as fisherman related with system for the result, he explain :

"Because there is dishonesty between capital owners and fishermen, system for results often profitable capital owners but also profitable fishermen. Sometimes, capital owners take more Lots for results or fisherman take more Lots from for results. functioning system For reach results Work The same like This is. This is clear contradictory with Islamic law because comparison This done in a way No fair and just profitable One party "

In line with results interview researcher with Mr. Nurdin as fisherman related with system for the result, he explain :

" According to opinion I, the system used by boat owners in the village I really don't fair : result catch sea usually shared to 70 percent For owner boat and 30 percent For fishermen working hard go to sea. According to I, the fishermen face risk big and working directly at sea, while boat owner only provide boat without follow go to sea, but still get the biggest part. Besides that, I emphasize that sale results catch No transparent Because owner boat arrange sales and only give know the amount to be divided, without give details actual market price "

Furthermore researcher interviewing Mr. Ansar as related boat owners with system for the result, he explain :

" System for results in Teluk Village My name is Meuku. share results fishermen and capital owners fair or balanced. This is done For ensure that fishermen and capital owners alike emit costs, such as solar costs, wages child fruit ships, and costs operation other "

So also with Mr. Abdul Mukhsin as the owner of his boat explain that :

"In the Teluk Village community Meuku, system for results customized with condition from results fishermen 's fishing, including nets, engines, and crew. Agreement together made, but results fisherman can changed Because wind fast, so that distribution results fisherman sometimes more Lots For capital owners and sometimes more A little For fisherman ".

Researcher take conclusion from the interview above that the parties Still own different opinions about justice moment apply system the result. Therefore that, it is necessary done assessment Again with use theory jurisprudence transactions and systems contract mandated mudharabah.

The fishermen believe that system for results This more profitable capital owner than fishermen, so that No There is balance or injustice. They have an opinion that fisherman should get two parts and the financier One part. As a result, fishermen must pay cost accommodation travel, crew payments, and financing material burn diesel.

Research conducted in Teluk Village Meuku, District Babalan, Regency Langkat, shows that system for results between fishermen and capital owners in the Teluk Village community My name is Meuku. more profitable capital owners. This is because, even though fisherman has Work The same previously, the system cooperation This require capital owner for share the result in a way No balanced. As a result, the system This more profitable capital owner.

Two reasons Why contract mudharabah applied cause problem about fair whether or not system distribution the results received. The first factor found researcher from interview with fishermen who take contract mudharabah is lack of ability financial fisherman For fulfil need his family, which makes fisherman feel need take chance musyarakah, even though the result Still burdensome fisherman.

View School of thought Shafi'I Related With Implementation Contract *Mudharabah* Between Boat Owners and Fisherman In Teluk Village My name is Meuku. Subdistrict The Babalan Langkat Regency

According to sect Shafi'iah that *mudharabah* is a agreement containing a handing over capital to others for work on it and the benefits shared between they both of them. Even though he has confirm categorization mudharabah as a contract, but He No mention What should filled from condition second party do agreement, as he has also explain method distribution profit.

Based on results research that the author do that which becomes financier or *the best bad luck* that is the owner of the boat while capital manager or *mudharib* that is fishermen. Therefore That Already in accordance with the view of Imam Shafi'i who said that moment happen loss manager no bear obligation change make a loss except If manager do action that goes beyond his authority and if transaction produce profit and some produce loss so existing losses covered with the benefits obtained, if that happens just loss so loss charged to investor capital, while manager no get burden whatever (Samsul, 2020).

Contract *mudharabah* between boat owners and fishermen in Teluk Village My name is Meuku. is business between capital owners and fishermen ; capital owners provide all funds, and fishermen operate business. Business results together This shared in accordance with

agreement beginning before party fisherman down go to sea, which is poured in form ratio. If it happens losses and losses the is consequence business, not violation or go out from agreement, the fund provider will bear loss Responsible for answer on losses caused by negligence manager is manager yourself. Based on practice mudharabah between *capital* owners and fishermen above, mudharabah *balance sheet* (investment) bound) including in category This.

Distribution benefits applied by the parties boat owner with fisherman shared in form presentation, no with a certain nominal value Because Can So benefits gained only of that nominal amount. As a result only One the party enjoying overall benefits. In the implementation distribution results contract Mudharabah said, the system for the result is 50% for boat owner and 50% for manager (fisherman) (Mardani, 2020).

Capital used namely capital in the form of money and capital that is issued every the day clear, and recorded in book temporary boat owner goods taken by the owner of the canoe to seller For cost operational every the day is allowed according to Abu Hanafi because price temporary is legitimate For used as Mudharaba capital, meanwhile according to Imam Syafi'i contract That No may Because capital owners do Mudharabah with price goods sold and things That No known so as if will he do Mudharabah with no capital known (Zuhaili, 2019).

According to Imam Syafi'i, the contract That No may done Because Because capital owners do mudharabah with price goods sold and things That No known, then as if he do mudharabah with no capital known. With Thus, the capital used by some the owner of the boat is items for sale with clear and recorded prices in book notes the boat owner, so that can concluded that the capital used in system For results power Work is results power Work.

Rules canceled contract mudharabah according to Imam Syafi'i is relatedness with condition *mudharabah*. If in contract there is conditions that cause No fulfillment of one of the condition legitimate *mudharabah* so condition the can make cancelled contract, for example ambiguity profit or No There is capital transfer perfect to mudharib, as for If condition the No obstruct realization condition legitimate mudharabah implementation condition imperfect the No cancel contract but only cancel condition the like requires loss to *mudharib*.

Implementation Contract *mudharabah* in Teluk Village My name is Meuku. Reviewed from Imam Syafi'i's Perspective every efforts made naturally For get profit besides it's also for give benefit as well as prosper the perpetrators business like as it is in system for results fishermen and boat owners in Teluk Village My name is Meuku. naturally For prosper fisherman and also boat owner. Profit contract *mudharabah* only intended for to second split working party The same that is capital owners and capital managers, if someone made it condition part profit For party third, for example with state mudharabah with $\frac{1}{3}$ advantage for you, $\frac{1}{3}$ benefits for me and a third profit For my wife or someone else then This No legitimate except party third mentioned follow share in manage business, division profit For all parties involved No only For One party just in case said " *I Work The same mudharabah with you with profit completely for you* " then This in sect Shafi'i No legal, profit must known in a way clear.

In transaction the confirmed percentage certain for capital owners, and managers, so that the benefits shared with percentage nature evenly, like half, one third or a quarter. If determined its value, example it is said We Work The same *mudharabah* with distribution profit for you One million and for me the rest, then the contract No legitimate according to Imam Shafi'i. Based on opinion on then the capital used namely capital in the form of money and capital that is issued every the day clear, and recorded in book temporary boat owner goods taken by the owner of the canoe to seller For cost operational every the day is allowed according to Abu Hanafi because price temporary is legitimate For used as *mudharabah* capital, meanwhile according to Imam Syafi'i contract That No may Because capital owners do *mudharabah* with price goods sold and things That No known so as if will he do *mudharabah* with no capital known (Zuhaili, 2019).

Imam Shafi'i disclose contract That No may Because capital owners do *mudharabah* with price goods sold and things That No known so as if will he do *mudharabah* with no capital known. While the capital used by some the owner of the boat is items for sale but with clear and recorded prices in book notes the boat owner so can concluded that the capital used in system for results has in accordance with draft *mudharabah*.

CONCLUSION

Agreement between boat owner with fishermen in Teluk Village My name is Meuku. use contract *mudharabah* and carried out in a way oral and non-verbal There is agreement in a way written only capitalize trust from second split parties. In the agreement This will determined with emphasize on the points important like system cooperation, system for results and things important others. System for applied results part big boat owners and fishermen in Teluk Village My name is Meuku. Subdistrict The Babalan Langkat Regency Already You're welcome each other profitable Good for party owner boat and also for party fishermen. From the ratio for results applied by the owner ship in Teluk Village Meuku, ratio for the fairest result is ratio for 50 % : 50% result, even There are those who apply 30 % : 70% because the results that will be got more profitable between owner ships and fishermen. Although that, still There is the boat owner who determines system for very detrimental results fishermen, but That just part small just. Practice contract *mudharabah* between fishermen and boat owners in Teluk Village The right Meuku with Imam Syafi'i's opinion namely there are two parties involved that is fishermen and boat owners, there is capital and profit, shared according to agreement, and the boat owner gave a bonus to fishermen. who don't in accordance with Imam Syafi'i's opinion namely moment happen loss manager bear obligation change loss, if that happens just loss so loss charged to manager, while capital owner no get burden whatever.

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