

GADUH SAPI COOPERATION SYSTEM IN FiqH MUA'MALAH AT TANJUNG KULON KAJEN PEKALONGAN VILLAGE

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Abstract

This study aims to describe the "gaduh sapi" collaboration in terms of practice and review of mu'amalah fiqh in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District. This research is descriptive qualitative research. The sources used in this study are data from interviews, observations, documentation and literature data. The subjects of this study were cattle managers and owners of capital. Data collection techniques used non-participant observation methods, structured interviews, and documentation. The data analysis used is qualitative by using the deductive method. The study results show that the practice of "gaduh sapi" in Tanjung Kulon Village follows the habits of the village community both in terms of how to manage, provide capital, and share profits. The model of rowdy practice is carried out with two events, namely fattening and breeding. The "gaduh sapi" collaboration is carried out by the community as a means of helping. The community's practice of "gaduh sapi" cooperation is by the rules of fiqh mu'amalah, namely using a mu'darabah contract. Because the financier gives the business manager the freedom to manage his business, develop it without limiting the type, time and place. The capital used in this rowdy cooperation practice is goods, namely cows. It is in line with one of the conditions for mu'darabah capital: money or goods valued (cows are included). So that at the end of time can distinguish the distribution of results. Where cattle capital remains the right of the owner of the capital, then the fattening and breeding results are shared. The provisions of the benefits carried out by the people of Tanjung Kulon Village are hand in hand with the rules of al-ghummu bi al-ghurmi (risks are balanced with benefits). This study also confirms that there are no contracts containing gharar in the "gaduh sapi" practice.

Keywords: Cooperation, Gaduh Sapi, Fiqh Mu'amalah

Abstrak

Penelitian ini bertujuan untuk mendeskripsikan "gaduh sapi" dari segi praktik dan tinjauan fiqh mu'amalah di Desa Tanjung Kulon, Kecamatan Kajen, Kabupaten Pekalongan. Penelitian ini termasuk penelitian kualitatif yang bersifat deskriptif. Sumber yang digunakan dalam penelitian ini yaitu data hasil wawancara, observasi, dokumentasi, dan data literatur. Subjek penelitian ini adalah pengelola sapi dan pemilik modal. Teknik pengumpulan data menggunakan metode observasi non-partisipan, wawancara terstruktur, dan dokumentasi. Analisis data yang digunakan adalah kualitatif dengan menggunakan metode deduktif. Hasil penelitian menunjukkan bahwa praktik "gaduh sapi" di Desa Tanjung Kulon mengikuti kebiasaan masyarakat desa baik dari segi cara pengelolaan, penyediaan modal, dan pembagian keuntungan. Model praktik gaduh yang dilakukan dengan dua acara yaitu penggemukan dan pengembangbiakan. Kerjasama "gaduh sapi" yang dilakukan oleh masyarakat sebagai sarana tolong menolong. Praktik kerjasama "gaduh

sapi” yang dilakukan masyarakat sudah sesuai dengan aturan fiqh mu’āmalah, yaitu menggunakan akad muḍārabah. Pengelola usaha diberi kebebasan oleh pemilik modal untuk mengelola usahanya, mengembangkan tanpa memberi batasan jenis, waktu serta tempat. Modal yang digunakan dalam praktik kerjasama gaduh ini adalah barang yaitu sapi. Hal ini sudah sesuai dengan salah satu syarat modal muḍārabah yaitu dapat berbentuk uang atau barang yang dinilai (sapi termasuk di dalamnya). Pada waktu akhir pembagian hasil dapat dibedakan dari keuntungan. Dimana modal sapi tetap menjadi hak pemilik modal, selanjutnya hasil penggemukan dan pengembangbiakan yang dibagikan. Ketentuan keuntungan yang dilakukan masyarakat Desa Tanjung Kulon telah sesuai dengan kaidah al-ghunmu bi al-ghurmi. Hasil penelitian ini juga menegaskan bahwa tidak ditemukan akad yang mengandung gharar dalam praktik “gaduh sapi” disana.

Kata Kunci: Kerjasama, Gaduh Sapi, Fiqh Mu’āmalah.

INTRODUCTION

Islam is a *rahmatan lil ā’lāmīn* religion. It manages worship and *mu’āmalah* aspects in detail and clearly.¹ The human being as a social being needs other people to fulfil their needs, corporation, and mutual assistance.

In Islam, it is called *mu’āmalah*. One of the characteristics of *mu’āmalah* is profit-sharing practice with mutual assistance principle (*ta’āwun*).²

Based on society's reality, some businessmen have capital but do not have skill and time. Conversely, people have capital and skill but do not have much time because of their busyness. However, some people have time and skill but do not have capital. Therefore, humans do corporation to fulfil their needs.³ It is also conducted by the people of Tanjung Kulon village who have livelihoods as traders, farmers, and cattlemen.

Most of the people in this district go to Jakarta as a trader. They have the capital to make a new business in their hometown.

They also buy cows for breeding. Yet, most of them do not have time to take care of those cows because they have to go to Jakarta to trade again.

Therefore, they trust their neighbours, who have much time and skill to protect and develop their cows. Cooperation in this cattle field is called *gaduh* (sharing profit system in animal husbandry business) by people in Tanjung Kulon Village, Kajen Sub-District).

Gaduh is a profit-sharing system in the agriculture and animal husbandry business. Normally, a half or one-third of business results is used for *gaduh*.⁴ This *gaduh* cooperation is often used by Tanjung Kulon Village society with sharing profit system mechanism between cattlemen and the owner of cows. This sharing profit system can help poor cattlemen to fulfil their economic needs.⁵

Moreover, grass as cow feed is not difficult to gain because there are so many fertile acreages containing grass in Tanjung Kulon Village, Kajen Sub-District.

¹ Muhammad Makmun Rasyid, ‘Islam Rahmatan Lil Alamin Perspektif KH. Hasyim Muzadi’, *Epistemé: Jurnal Pengembangan Ilmu Keislaman*, 11.1 (2016): 93, <<https://doi.org/10.21274/epis.2016.11.1.93-116>>.

² Nurhadi, ‘Konsep Pelayanan Perspektif Ekonomi Syariah’, *EkBis: Jurnal Ekonomi Dan Bisnis*, 2.2 (2020): 137, <<https://doi.org/10.14421/ekbis.2018.2.2.1100>>.

³ Govi Tri Saputra, ‘Formulasi Klausula Force Majeure Dalam Kontrak Dagang Internasional’, *Jurist-Diction*, 3.3 (2020): 991, <<https://doi.org/10.20473/jd.v3i3.18634>>.

⁴ Berkah Subaiti, Istianah Istianah, and Wage Wage, ‘Pandangan Hukum Islam Terhadap Kerja Sama Gaduh Sapi Di Desa Lembupurwo Kecamatan Mirit Kabupaten Kebumen’, *Jurnal Hukum Ekonomi Syariah*, 2.1 (2019): 67, <<https://doi.org/10.30595/jhes.v2i1.4474>>.

⁵ Susi Tri Wahyuni and Kusni Hidayati, ‘Program Pengembangan Kandang Intensif Ternak Sapi Gaduh Di Trenggalek’, *Ekobis Abdimas: Jurnal Pengabdian Masyarakat*, 1.2 (2020): 144, <<https://doi.org/10.36456/ekobisabdimas.1.2.3035>>.

For the owner of the cows, this *gadub* cooperation is used for investment and business. Meanwhile, it is used for getting income for cattlemen based on that sharing profit. Thus, this *gadub* corporation system gives benefit to the cattleman and the owner of the cows.

In Islam, *gadub* cooperation is part of *mu'amalah* activity. Based on *mu'amalah* regulation, it has to be harmonic with *fiqh mu'amalah*.

fiqh mu'amalah is a law following human behave in world affairs, such as buy and sell matter,⁶Debt, trade cooperation, organization, cultivate cooperation, and tenancy.⁷

Gadub sapi cooperation conducted by people in Tanjung Kulon Village has become a tradition. It occurs because there is a willingness (*an tarāḍin*) between cattlemen and financier. The cattleman maintains cows for getting income throughout *gadub sapi* cooperation. Meanwhile, financiers try to do investments because they do not have enough time to maintain the cows. In Tanjung Kulon Village, *gadub sapi* cooperation is usually conducted based on a verbal agreement. There is no written agreement. The reason is they are in the same area and have known each other. Therefore, the researcher is interested in discussing this *gadub* practice. It is conducted to respond to the people who consider this practice is not under shari'ah and *fiqh mu'amalah*.

Gadub sapi cooperation in Tanjung Kulon Village is allowed in Islam. It is classified into a business that obtains a blessing. The Prophet of Muhammad saw said:

"There are three things contain blessing: buy and sell by credit,

muqāraḍab (muḍārabah), and combining wheat with jawāwut for household matters, not to be sold" (Hadith narrated by Ibn Majah from Shuhaib).

Based on the type, this research is field research.⁸ The research aims to gather data from a location, namely Tanjung Kulon Village, Kajen Sub-District, Pekalongan District. It is also descriptive analysis because this research describes the situation and event of *gadub sapi* cooperation practice in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District.

This descriptive research specialized in observation and natural settings.⁹This research used several sources: a). Primary data such as interview results, observation, and documentation in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District, and b) Secondary data is obtained from the library by reading, reviewing, and taking some note from several kinds of literature related to the *fiqh mu'amalah* of *gadub sapi* cooperation practice in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District. This research is a cattleman who protects the cows and financiers as the cows' owner.

The data is collected using the un participant observation method. The researcher does not participate in conducting the activity that is analyzed directly, systematic interview where the questions are asked through an interview guide. Those questions are prepared before conducting the research. The last is documentation such as a private

⁶ M. Yusuf Azwar Anas, 'Perspektif Ulama Terhadap Akad Murabahah Untuk Modal Usaha Mikro', *DIALEKTIKA: Jurnal Ekonomi Dan Ilmu Sosial*, 1.1 (2017): 22, <<https://doi.org/10.36636/dialektika.v1i1.22>>.

⁷ Sulaiman Rasjid, *Fiqh Islam*, (Bandung: Sinar Baru Algensido, 2017), 51.

⁸ Mildred L. Patten and Mildred L. Patten, 'Qualitative Research Design', in *Understanding Research Methods*, 2018: 29, <<https://doi.org/10.4324/9781315213033-51>>.

⁹ Jeremy Jolley and Jeremy Jolley, 'Qualitative Research in Practice', in *Introducing Research and Evidence-Based Practice for Nursing and Healthcare Professionals*, 2020: 21, <<https://doi.org/10.4324/9780429329456-10>>.

note, private letter, diary, work report, meeting note, case note, cassette recording, video recording, photo, and other matters in *gaduh sapi* cooperation practice Tanjung Kulon Village, Kajen Sub-District, Pekalongan District. To the data analysis this research used qualitative research by applying the deductive method. This method is used to implement the agreement of *gaduh sapi* in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District. Field data is combined with the data from some kinds of literature, from a general view it takes a specific conclusion.

Based on the background above, the purpose of this research is not only to describe *gaduh sapi* cooperation practice in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District, but also to describe fiqh *mu'amalah* perspective towards it. This research aimed to respond to an issue in some communities in Tanjung Kulon Village, Kajen Sub-District, Pekalongan District. The issue is that *gaduh sapi* contains *gharār* agreement, trickery, and exploitation. Therefore, the researcher needs to discuss it directly.

COOPERATION IN FIQH MU'ĀMALAH PERSPECTIVE

In Islam, there are so many types of *mu'amalah*. One of them is a profit-sharing practice considered by the mutual assistance aspect.¹⁰ Islam views business activity

(economic) as one of the glorious purposes. Thus, people who practice this religion are given ease in conducting business activity as long as it is in line with Islamic law.¹¹

Moreover, cooperation is a relationship between two people or more in distributing benefit or loss in a business where both people or one of them will endure the loss.¹² Two people work together because they cannot conduct the business alone. It occurs because of minimum capital, minimum knowledge, etc.

In *mu'amalah*, profit sharing practice is called as *mudārabah*.¹³ The term of *Mudārabah* arises from the word *al-Darb*. It means to hit or walk. The meaning of the words hit and walk is one's process to use his foot to conduct a business.¹⁴ *Mudārabah* also has equal meaning with *qiraḍ*. *Qiraḍ* comes from the word *al-qard*. It means cutting. It is because financiers cut some of their wealth to be traded for gaining benefit.¹⁵

In fiqh *mu'amalah*, the definition of *mudārabah* agreement is a cooperation agreement that contains capital or equal matter in the specific quantity, type, and character of capital from financier to manager can be used as a valuable business.¹⁶ In other words, *mudārabah* is giving a certain wealth from one to the other people to be a venture capital by those people. Then, the profit is divided based on the regulations that have been agreed upon

¹⁰ Zarul Arifin, 'Praktik Bagi Hasil Pengelolaan Lahan Perkebunan Kelapa Sawit Pada Koperasi Cempaka Biru Kecamatan Sejangkung Kabupaten Sambas Perspektif Hukum Islam', *Al-Istinbath: Jurnal Hukum Islam*, 5.1 (2020): 141, <<https://doi.org/10.29240/jhi.v5i1.1332>>.

¹¹ Shobirin, 'Jual Beli Dalam Pandangan Islam', *BISNIS: Jurnal Bisnis Dan Manajemen Islam*, 3.2 (2016): 239, <<https://doi.org/10.21043/bisnis.v3i2.1494>>.

¹² Maryani, 'Kerjasama/Syirkah Dalam Bisnis Islam', *Iqtishodiyah: Jurnal Ekonomi Dan Bisnis Islam*, 4.1 (2018): 5, <<https://doi.org/10.36835/iqtishodiyah.v4i1.78>>.

¹³ Jalaluddin and Ambok Pangiuk, 'Bagi Hasil (Studi Tentang Implikasi Konsep Maqasid Al-Syariah Al-Syatiby)', *Indonesian Journal of Islamic Economics and Business*, 1.1 (2016): 133.

¹⁴ Firdaweri, 'Perikatan Syari'ah Berbasis Mudharabah (Teori Dan Praktik)', *Asas*, 6.2 (2014): 54.

¹⁵ Nining Sri Wahyuni, 'Analisis Fikih Sistem Pembiayaan Mudharabah Dalam Praktik Dan Peraturan Perundang-Undangan Perbankan Syari'ah', *Fitrah: Jurnal Kajian Ilmu-Ilmu Keislaman*, 2.1 (2016): 105, <<https://doi.org/10.24952/fitrah.v2i1.458>>.

¹⁶ Amir Syarifuddin, 'Garis-Garis Besar Fiqh', *Katalog Perpustakaan Badan PPSDMK Kemenkes RI*, 2010, 33.

by financiers and people who utilize the capital.

GADUH SAPI COOPERATION PRACTICE IN TANJUNG KULON VILLAGE KAJEN SUB-DISTRICT PEKALONGAN DISTRICT

Gaduh sapi cooperation occurs in Tanjung Kulon Village because of the willingness of cattlemen and the owner of cows. Cattleman want to gain additional income by cooperating with the owner of cows. Meanwhile, the cows' owner wants to make an investment but does not have time to protect his cows.

Gaduh sapi cooperation is often used based on a verbal agreement. There is no written agreement. The cattleman and the owner of the cows know each other, and they also live in the same village.

There are three parts in *gaduh sapi* cooperation practice conducted by people in Tanjung Kulon. They are as follows:

1) Provision of Capital and Instrument

The owner of the cows provides the provision of capital and instrument. The first capital is a cow breeder bought by financier cash.

Cattleman give some price ranges of the cows or just request good cows without mentioning the price of the cows to the owner of the cows.

The cows' owner also helps to provide a cowshed if the cattleman does not have it yet. In Tanjung Kulon Village, cattleman usually have cowshed.

Table 1. *Gaduh sapi* business estimated cost (The owner of the cows)

Cost	Total	Amount of Cost (Rp)
Fixed Cost		
Cow breeder	1	Rp 15.000.000
Unfixed Cost		
Cowshed		Rp 1.000.000
Total cost		Rp 16.000.000

Source: Observation result, 2021.

Meanwhile, cattleman spend money to buy an instrument, feed, and cowshed. The instrument used was scythe for cutting, a sack for grass, and a pail for cow drink.

Table 2. *Gaduh sapi* Business Cost (cattleman)

Cost	Total	Amount of Cost (Rp)
Scythe	1	Rp 150.000
Sack	1	Rp 10.000
Pail	1	Rp 30.000
Total Cost		Rp 190.000

Source: Observation result, 2021.

2) Breeding and Fattening

Gaduh sapi cooperation practice is usually conducted in two ways, such as breeding and fattening. Thus, the cattleman and the cows' owner agree on whether the cows will get breeding or get fattening. This agreement is conducted in the first cooperation agreement.

The owner of the cow conducts the process of cow breeding and gives a female calf of a cow. It is also known as *pedet*. The age of *pedet* is three months. It needs 14 months for breeding until the cow getting birth. If cow calves have two calves, it is divided into 2 (each cattleman and the cows' owner get one calf without selling the cow breeder). If a cow breeder calves one calf, then each cattleman and the cows' owner get half of the calf. It is called *paroban sapi*.

The process of cow fattening is usually used to bullock. It needs six months to obtain the fat bullock. After the fattening process gets successful, the cattleman will sell the bullock. The selling result will be divided into 2. Each cattleman and owner of the cows know the price of cows before conducting *gaduh* practice. For example, in the previous purchase, the price of the bullock was Rp 7.000.000. Then, after the fattening process, it is sold for Rp 15.000.000. Thus, there is a

benefit as much as Rp 8.000.000. Therefore each cattleman and the owner of the cows get a profit of Rp 4.000.000.

3) The portion of Profit Sharing

In *gaduh* cooperation practice, people of Tanjung Kulon Village use 50:50 profit-sharing type.

Where the cattleman gets 50%, and the owner of the cows gets 50% as well. The result of profit-sharing from that *gaduh sapi* cooperation practice is divided into equal distribution based on the agreement that has been agreed. Thus, the concept of profit-sharing of breeding and fattening can be described as bellow:

Table 3. Profit-Sharing Distribution in Breeding and Fattening

<i>Gaduh</i> Type	Calculation	Percentage of sharing profit
Breeding		
e.g., Cow calves, one calf	The selling price of 1 calf/2	$7.000.000/2=3.500.000$ Des: cattleman and owner get profit-sharing Rp 3.500.000 without selling cow breeders.
e.g., Cow calves, two calfs	Two calfs x selling price/2	$2 \times 7.000.000 = 14.000.000/2 = 7.000.000$ Des: cattleman and owner get profit-sharing Rp. 7.000.000 without selling cow breeders.
Fattening		

The prize of cow-	15.000.000-
capital/2	$7.000.000/2=4.000.000$
Description: cattleman and the owner get profit-sharing Rp 4.000.000. Meanwhile, the first capital used to buy a calf (<i>pedet</i>) becomes the owner's right.	

Source: Observation result, 2021.

FIQH MU'ĀMALAH PERSPECTIVE TOWARDS *GADUH SAPI* CORPORATION SYSTEM IN TANJUNG KULON VILLAGE

Gaduh cooperation practice in Tanjung Kulon Village uses a profit-sharing system by mutual assistance. In Islam, cooperation agreement of profit-sharing is mostly called as *muḍārabah* agreement. The term of *muḍārabah* or *qirāḍ* is one of the *syirkah* agreements or partnership.¹⁷

The term of *muḍārabah* or *qirāḍ* is giving a certain wealth from one to the other people to be a venture capital by those people. Then, the profit is divided based on the regulations that have been agreed upon by financiers and people who utilize the capital.¹⁸

In this context, one who has a skill called as *muḍārib*, while one who has a capital called as *ṣāhib al-māl*. In Islam, it is allowed if one wants to use his money for a cooperation business, such as *qirāḍ* or *muḍārabah*. Sometimes, some people have wealth but are not able to manage and produce that wealth. Some people do not have wealth but have the skill to productize it. Therefore, *syari'*at allows

¹⁷ Zainil Ghulam, 'Relasi Fiqh Muamalat Dengan Ekonomi Islam', *Iqtishoduna*, 8.2 (2016): 128.

¹⁸ Desi Asmaret, 'Ontologi Hukum Islam', *Jurnal Al-Himayah*, 2.1 (2018): 59.

this *mu'āmalah* so that cattlemen and financiers can get a benefit.¹⁹

1) Position of *Muḍārabah* Agreement in Fiqh Mu'āmalah

Muḍārabah law is diverse. It depends on the situation and condition of the *mu'āmalah*. Likewise, the position of wealth used for capital in *muḍārabah/qirāḍ* also depends on the condition.²⁰ In this case, the capital manager (cattlemen) has to get permission from the cows' owner to manage his cows. Thus, the cattlemen represents the owner of the cow in the management. The position of capital (cow) is as *wikālah a'laib* (*wakālah* object).²¹ When a cow gives to the cattlemen, the cow is under cattlemen authority. Yet, it has to be remembered that the cow is not his. Thus, the position of the cow is only a trusteeship.

In *muḍārabah* agreement, when a business gets a loss, then that loss is endured by financier / *ṣāhib al-māl* as long as that loss does not happen because of cattlemen's neglect/*muḍārib*. Meanwhile, cattlemen/*muḍārib* has spent his effort and time. If the capital manager neglect/*muḍārib* causes that loss, he is responsible for the loss.²² If the cow is dead or lost is not because of

manager neglect, there is no obligation to replace it. It is also vice versa. The manager has to replace it if he is careless in his responsibility.

There is a case where a cow gets lost because someone steals it in Tanjung Kulon Village. Meanwhile, the cattlemen has kept the cowshed. Usually, the cowshed is around a cattlemen house. As a result, because it is a calamity, not the carelessness of cattlemen, the loss is only endured by the cows' owner. The owner of the cows endures the stolen cow. Yet, this phenomenon is very rare because Tanjung Kulon Village is a safe area. There are still people who maintain cows and goats in this area, whether for increasing income or *gaduh* business.

Muḍārabah consists of two parts based on its agreement. They are capital managers and financiers. If there is a profit in business management, then the profit is divided into two, regarding the accumulation that has been agreed.²³ *Muḍārabah* is treated as *syirkah* because it looks for profit, whether for a financier or capital manager.²⁴ Regarding the profit, the business manager gets a commission as a payment for his effort. Meanwhile, the financier obtains benefits from the capital that has been given to a business manager.²⁵ In this

¹⁹ Ai Siti, Ifa Hanifia Senjiat, and Amrullah Hayatudin, 'Tinjauan Fiqh Muamalah Tentang Upah Pemeliharaan Hewan Ternak Pada Akad Ijarah (Praktik *Gaduh Sapi*)', *Prosiding Hukum Ekonomi Syariah*, 2020: 31. <<https://doi.org/10.29313/syariah.v0i0.19340>>.

²⁰ Muhammad Syarif Hidayatullah, 'Implementasi Akad Berpolasama Kerja Sama Dalam Produk Keuangan Di Bank Syariah (Kajian *Muḍārabah* Dan Musyarakah Dalam Hukum Ekonomi Syariah)', *Jurnal Hadratul Madaniyah*, 7.1 (2020): 34, <<https://doi.org/10.33084/jhm.v7i1.1613>>.

²¹ Siti Hasnaa Madinah, Putri Karunia Sari, and Isnaini Rofiqoh, 'Analisis Akad Wakalah Bil Ujrah Pada Jasa Titip Beli Online Dalam Prespektif Kaidah Fikih Ekonomi (Studi Kasus Pada Akun Instagram @jastiperopa777)', *El-Qist: Journal of Islamic Economics and Business (JIEB)*, 9.2 (2019): 196, <<https://doi.org/10.15642/elqist.2019.9.2.196-214>>.

²² Syamsul Sanjaya, 'Modal Sosial Sistem Bagi Hasil Dalam Beternak Sapi Pada Masyarakat Desa Purwosari Atas, Kecamatan Dolok Batu Nanggar Kabupaten Simalungun', *Perspektif Sosiologi*, 3.1 (2015): 18.

²³ Vendra Irawan, 'Kajian Tentang Kedudukan Agunan Dalam Akad Pembiayaan *Muḍārabah* Pada Bank Syariah', *Al Hurriyah: Jurnal Hukum Islam*, 4.2 (2019): 129, <<https://doi.org/10.30983/alhurriyah.v4i2.965>>.

²⁴ Hendri Hermawan Adinugraha, 'Penerapan Kaidah Al-Ghunm Bi Al-Ghurm Dalam Pembiayaan *Mushārah* Pada Perbankan Syariah', *Economica*, 8 (2017): 81.

²⁵ Khairan, 'Strategi Membangun Jaringan Kerjasama Bisnis Berbasis Syariah', *Jurnal Pemikiran Keislaman*, 29.2 (2018): 265, <<https://doi.org/10.33367/tribakti.v29i2.597>>.

case, the financier gets calves from the breeding or fattening process of cows.

2) *Muḍārabah* Pillar and Requirement

In *gaduh sapi* cooperation practice, Tanjung Kulon Village has fulfilled the pillar and requirement of sharing profit cooperation of *Muḍārabah*.

Based on Syafi'iyah scholars, there are six pillars of *muḍārabah* agreement such as:²⁶ The owner who gives the product: in *gaduh sapi* practice, the owner is the owner of cows/financier; worker; it is called cattleman/business manager in *gaduh sapi* practice; *muḍārabah* agreement. An *ijab* said by the cows' owner and *qobul* answered by the cattleman; *Māl* is commonly called capital. The cow is the capital of *gaduh* practice; '*Amal*, '*amal* is a *gaduh* process that produces a profit; and profit ratio in profit sharing.

Requirement of *muḍārabah* agreement in *gaduh sapi* cooperation practice in Tanjung Kulon Village can be classified into four parts:

a. Agreement

Gaduh sapi cooperation practice in Tanjung Kulon Village is already in line with Islam law because whether cattlemen or cows' owners say *ijab* and *qobul* verbally without being forced by other people. Thus, the cooperation agreement of both people becomes a willing and sincere agreement.

Financier agrees to contribute his capital to the business manager of cows. In this case, the capital is cows. Cattleman also agrees to give a contribution to this business.

b. People who do agreement

At least two people do the agreement. They are financiers (owners of the cows) and workers. The financier has the responsibility to give his cows to the worker. Meanwhile, the worker has to keep the animal of the

owner. The financier does not have an obligation to keep the animal. Yet, he is allowed to do a controlling process. People who do an agreement have to be able to conduct *taṣarruf*. It is one's ability to do transactions, and *mu'āmalah* to the other people considered proper people based on the requirement. Thus, this agreement is cancelled if it is conducted with children. It means people who do the agreement are adults.

c. Capital

The requirement of *gaduh sapi* conducted by Tanjung Kulon village society has been fulfilled. Where the prize of cows is known by financiers and business managers clearly and transparently, in this case, capital (cows) is given through *tamajjub* to the business manager. Thus, in this *gaduh* practice, capital (*māl*) is cows. It is not always about money. It is because cows are considered as an asset that given by *ṣābiḥ al-māl* to the manager (*muḍārib*) for business purposes with requirements: 1). Total and type of capital have to be known, 2). Capital can be money or animal (cows) that have value, 3). Modal cannot be a credit modal and must be paid to *muḍārib*, whether in instalment or not, based on the agreement. This matter is already in line with *muḍārabah* requirement because financiers and cattlemen can know the product's type and value from the beginning. Therefore, they also can distinguish profit-sharing at the end of time. The capital of cows is still right of financier, and only breeding and fattening become profit sharing.

d. Profit-sharing

Profit-sharing is determined from the beginning of the agreement. It also has to be

²⁶ M. Yusuf Azwar Anas, 'Perspektif Ulama Terhadap Akad Murabahah Untuk Modal Usaha Mikro',

Dialektika : Jurnal Ekonomi Dan Ilmu Sosial, 1.1 (2017): 22, <<https://doi.org/10.36636/dialektika.v1i1.22>>.

agreed upon by the financier and capital manager.

Profit-sharing of *gadub sapi* is conducted by the Tanjung Kulon Village community proportionally. The mechanism is a 50:50 profit-sharing mechanism. On the other hand, if this business gets the loss, then the financier is the one who endures the loss, as long as the business manager does not cause that loss. The form of loss is like the death of a cow. A profit-sharing of breeding and fattening can be seen in table 3 above.

The regulation of profit-sharing conducted by Tanjung Kulon Village is hand in hand with the *al-ghunmu bi al-ghurmi* aspect (risk is equal with benefit). It is also in line with the hadith of the Prophet that: “benefit (is gained by one) caused he endures the risk” ((Hadith narrated by Tirmidhi).

CONCLUSION

In Tanjung Kulon Village, *gadub sapi* practice follows the tradition of its society whether in managing aspects, capital provision, and profit-sharing. *Gadub* practice is conducted in two ways: breeding and fattening. *Gadub sapi cooperation* is conducted not only for a business but also as a mutual assistance matter by giving capital to people who do not fulfil their needs.

Gadub sapi cooperation practice conducted by Tanjung Kulon Village society is already in line with fiqh *mu'amalah*, using *mu'amalah* agreement, which is *mudharabah*. The financier gives a business manager the freedom to manage and develop his business without limiting type, time, and condition. The requirement of sharing profit conducted by Tanjung Kulon Village is hand in hand with fiqh law using 50:50 profit-sharing mechanism from the *gadub* process where financiers and business managers have equality of willing and sincere condition.

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