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Review of Islamic Law on The Musaqah System of Rubber Gardens in Betung Village, Lubuk Keliat Ogan Ilir District*

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Abstract

Musaqah is a form of cooperation between garden owners and farmers. The goal is that the garden is maintained and cared for, so as to provide maximum results. Everything produced by the second party in the form of fruits is a joint right between the owner and the tenant in accordance with the agreement made. The profit-sharing system carried out in Betung village, Lubuk Keliat sub-district is by agreement that adheres to a musaqah contract. This kind of cooperation agreement has long been practiced by the Betung village community, namely the owner of the handover garden of a rubber plantation to be cultivated and managed by local farmers with the provisions that the garden produce in the form of rubber latex is sold and the money is divided between the two parties according to the agreement, which is divided into three parts, one part for rubber tappers, two parts for rubber garden owners. The review of Islamic law regarding the profit-sharing system in Betung Village, Lubuk Keliat District is in accordance with the pillars and conditions of musaqah in Islam, where the garden owner and rubber tappers make an agreement at the beginning.

Keywords: Islamic Law, Akad, Musaqah.

Abstrak

Musaqah merupakan bentuk kerjasama antara pemilik kebun dan petani. Tujuannya agar kebun dipelihara dan dirawat, sehingga memberikan hasil yang maksimal. Segala sesuatu yang dihasilkan oleh pihak kedua berupa buah-buahan merupakan hak bersama antara pemilik dan penyewa sesuai dengan kesepakatan yang dibuat. Sistem bagi hasil yang dilakukan di desa Betung kecamatan Lubuk Keliat adalah dengan kesepakatan yang menganut akad musaqah. Akad kerjasama semacam ini sudah lama dipraktikkan oleh masyarakat desa Betung yaitu pemilik kebun serah terima sebidang kebun karet untuk diusahakan dan dikelola oleh petani setempat dengan ketentuan hasil kebun berupa getah karet dijual dan uangnya dibagi antara kedua belah pihak sesuai kesepakatan, yaitu dibagi menjadi tiga bagian, satu bagian untuk penyadap karet, dua bagian untuk pemilik kebun karet. Tinjauan syariat Islam tentang sistem bagi hasil di Desa Betung Kecamatan Lubuk Keliat sudah sesuai dengan rukun dan syarat musaqah dalam Islam, dimana pemilik kebun dan penyadap Karet membuat kesepakatan di awal.

Kata Kunci: Hukum Islam, Akad, Musaqah.

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A. INTRODUCTION

Al-Qur'an and Hadith are sources of life guidance for Muslims, guiding them to live a mortal life in this world that will lead to eternal life in the hereafter. As a guide, the Qur'an and hadith have universal reach and control. That is, it encompasses all aspects of human life and is always ideal for the past, present, and future. One proof that the Qur'an and Hadith have power universal reach and manageability can be seen from the text which is always right to read implicate in actual life. For example, its reach and manageability in the economy of the people. In this case the economy, as well as the fields of science others that do not escape the study of Islam, aims to guide humans on the path straight. Economic activity in the view of Islam is a demand of life. In addition, it is a suggestion that has a worship dimension. This can be proven by QS expression. Al-A'raf : 10 which reads:

وَلَقَدْ مَكَّنَّاكُمْ فِي الْأَرْضِ وَجَعَلْنَا لَكُمْ فِيهَا مَعْيِشًا قَلِيلًا مَّا تَشْكُرُونَ ١٠

Meaning: Indeed, we have placed you all on earth and we have created for you on earth (source) of livelihood. you are very little grateful.

QS. Al-Mulk: 15 which reads:

هُوَ الَّذِي جَعَلَ لَكُمُ الْأَرْضَ ذُلُولًا فَامْشُوا فِي مَنَاكِبِهَا وَكُلُوا مِن رِّزْقِهِ ۗ وَإِلَيْهِ النُّشُورُ ١٥

Meaning: It is He who made the earth easy for you, so walk in everything corners and eat of His sustenance. and to Him you (return) after) is resurrected.

Based on the expression of the Qur'an and the hadith above, it clearly shows that property is a very important part of the life of the Muslims. Therefore, it can be said that Islam does not want its people to live behind and economic backwardness. However, Islam does not want its adherents to be economic engine that gave birth to a culture of materialism. Economic activity in Islam is not purely material, but more than that. Greedy for wealth and attitude concerned with mere material reproach. Islam as the perfected religion of Allah, provide guidelines for human life, both spiritual-materialism, individual-social, physical-spiritual, mundane-ukhrawi, the estuary of which is to live in balance and provide proportionality. In the field of economic activity, Islam provides legal generally in outline form. It was intended to provide opportunities for development of economic activities in the future (because Islamic sharia is not limited to space and time).⁴

Humans as individual beings are provided with various needs life; God has provided various objects that can meet their needs. In order to fulfill these diverse needs, it is impossible to produce it alone by the individual concerned. In other words, he had to cooperate with other people. Thing If this is done, of course, it must be supported by a peaceful atmosphere. Peace will get achieved if the balance of life in society is achieved (no inequality occurs). which will lead to social jealousy). To achieve balance in life In

⁴ Suhrawardi K. Lubis; dan Farid Wadji, (2014). Hukum Ekonomi Islam. Sinar Grafika

society, rules are needed that can bring together both interests and interests individual and community interests.⁵

In Islamic law or fiqh muamalah, there are several systems of cooperation as described above known as muzara'ah, muthabarah, musaqah. The forms of cooperation many people do. One form of human activity in muamalah field is musaqah. Musaqah which means cooperation between the garden owners and smallholders with the aim that the garden is maintained and cared for so as to provide maximum result. Then, everything that the second party produces is that result is a joint right between the owner and the cultivator in accordance with the agreement they made for. Cooperation in the form of musaqah according to most fiqh scholars is permissible (permissible) if it is done in accordance with the provisions stipulated by Islam. Source of legal argument Sharia law or the use of arguments in producing sharia law, must be sourced from sources which has been determined by the Apostle who explains that the first source of sharia law is Al-Quran, Hadith and Ijtihad.⁶

Islam calls on all Muslims to help those who weak, giving to the needy, forbidden to oppress others, because oppressing weak people and belittling people who need help are acts that are not commendable, not religious, inhuman and violate moral norms. Islam came to give a sense of justice and prosperity together in life in this world. Islam teaches a servant Muslims, do not eat each other's wealth by vanity, except by way of commerce which is done consensual among you. Not except for farming communities, especially sharecroppers through a profit-sharing system that generally occurs in rural areas. As additional work to cover needs the family of some people busy themselves with activities as farmers cultivator.⁷

Literature Review

There have been many discussions about musaqah, including journals entitled: "Implementation of the Musaqah contract in the cocoa farming sector in Lembah Subur Village, Sub-District" Dangia, East Kolaka Regency, Southeast Sulawesi". Talking about sharing time The results are carried out at harvest and have been sold. Profit sharing between the cultivator and the owner of the garden, that there are those who use the sharing of the proceeds at the time of one harvest and there are also those who use it every 2 harvests. Most The distribution of results is carried out at one time of harvest so that there is no default between the owner's gardens and cultivators. As for the reasons

⁵ Suhrawardi K. Lubis; dan Farid Wadji, (2014). Hukum Ekonomi Islam. Sinar Grafika

⁶ Herawati, E. (2017). Tinjauan hukum Islam terhadap sistem musaqah antara pemilik kebun dengan penyadap karet di desa Tanjung Bulan Kecamatan Rambang Kuang Kabupaten Ogan ilir (Vol. 87, Issue 1,2).

⁷ Darwis, R. (2016). *Sistem Bagi Hasil Pertanian Pada Masyarakat Petani Penggarap di Kabupaten Gorontalo Perspektif Hukum Ekonomi Islam*. Al-Mizan, 12(1), 1–25. <https://doi.org/10.30603/am.v12i1.122>

for carrying out profit sharing at the time of two harvest times that collect the first harvest to the second harvest so that the division the results will be visible later.⁸

The journal entitled "The study of muzara'ah and musaqah (law for agricultural products in Islam)". This study contains the factors behind the cooperation in cultivation land, the income of the land owner and the sharecropper, as well as the legal suitability of muzara'ah and musaqah in the study of Islamic law. From the results of this study it was found that the factors that behind the existence of cooperation and help between the two parties who committed. The difference between cooperation in the form of muzara'ah and musaqah lies in: responsibility for costs during cultivation whether borne by the land owner or sharecroppers, the time period for cultivating the land and the portion of the profit sharing. The results of this study shows the suitability of the system or method of cooperation for this agricultural product with the the rules of Islamic jurisprudence, because the applicable conditions have been fulfilled in syar'i law. This profit sharing activity contains the principle that there is an element of willingness between the two parties, mutual benefit, as well as activities that are in accordance with the content of the Qur'an and Hadith in muamalah.⁹

Furthermore, the research entitled "Implementation of the Musaqoh contract in the Maro system reviewed in Islamic economics (study on rubber farmers in Raja Wali village, Bandar Surabaya district) Regency. Central Lampung)" which discusses the problem of the contract applied in the village are carried out orally without witnesses and written evidence and the contract deadline is not determined. Regarding the fulfillment of the rights and obligations carried out by both parties not in accordance with the agreement/contract because the cultivator has no obligation to tapping, but the obligation is imposed on the cultivators, this is very detrimental to the cultivator, both in time and material. As for the implementation profit sharing in the practice of musaqoh contracts in Raja Wali Village in terms of Sharia Economics, not in accordance with the principles of Islamic economics, because profit sharing is felt to exist injustice between the two. Where there is one party who spends more Lots. Thus the purpose of holding cooperation for the results of musaqoh in realizing justice has not been fulfilled.¹⁰

The research entitled "Implementation of the musaqah contract between the owner of the rubber plantation and the tapping in the perspective of muamalah fiqh (case study of Pangkalan Kapas village, District of Kampar Kiri Hulu Kampar Regency)" which discusses the contract implementation system Musaqah between rubber plantation owners and tappers carried out by the village community The Cotton Base, Kampar Kiri Hulu Sub-district, Kampar Regency is divided by distribution from the results of the rubber sap is divided according to the agreement between the garden owner and the

⁸ Kumalasari, F. (2020). Implementasi Akad Musaqah Pada Sektor Pertanian Kakao Di Desa Lembah Subur Kecamatan Dangia Kabupaten Kolaka Timur Sulawesi Tenggara. 3, 130-144. <https://doi.org/10.5281/zenodo.4393704>

⁹ Nita, S. V. (2020). Kajian Muzara'Ah Dan Musaqah (Hukum Bagi Hasil Pertanian Dalam Islam). Jurnal Qawanin, 04(02), 236-249.

¹⁰ Hidayati, Y. (2017). Kajian muzara'ah dan musaqah (hukum bagi hasil pertanian dalam islam) 236 jurnal qawanin vol. 4 no. 2 juli - desember 2020 p-issn: 2598-3156 e-issn: 2622-8661 kajian muzara'ah dan musaqah (hukum bagi hasil pertanian dalam islam) the muzara'ah dan musaqah.

tappers by clearly stating the result part, that is, 1/3. This cooperation agreement done orally according to them it is easier and not long than the system from written agreement. So regarding the distribution of the results of the rubber sap, it is reviewed from: law does not conflict with Islamic law. Meanwhile, according to the Fiqh Muamalah review, does not conflict with Islamic law because it meets the requirements and pillars, only in the agreement system is carried out orally without being witnessed by witnesses and supporting legal procedures. Then the Musaqah contract agreement is valid and permissible according to Islamic Shari'a.¹¹

The research entitled "Application of musaqah in rubber plantations from an economic law perspective" sharia (a case study in Tangkit village, Sungai Gelam district, Muaro Jambi district)". That discussed that the rubber plantation profit-sharing system between the rubber plantation owner and the tappers who carried out by the people of Tangkit Village, Sungai Gelam District, Muaro Jambi Regency does not conflict with Islamic law because it meets the requirements and pillars, only in the agreement system is carried out verbally and based on customs and habits, while the distribution of the results is done after the rubber sap is sold to the toke, and the proceeds from the sale are divided according to the initial agreement by stating that, for superior rubber, 1/3 for the type of ceiling rubber and 1/5 for old and hard to tap gardens from the selling price to the cost of fertilization etc. So about the distribution of the rubber sap in terms of law does not conflict with Islamic law.¹²

B. METHODS

The method used in this study uses a qualitative approach descriptive. Qualitative research is research that intends to understand the phenomenon what is experienced by the research subject, for example behavior, how to describe it in the form of words and language. In a special context that is natural and with using various natural methods. Data were collected from two sources, namely primary sources and secondary sources. Complete systematic and consistent data collection procedures, objective, and accountable through observation, interviews, and documentation. Data analysis in This research was conducted by organizing the information obtained from interviews, field notes, and documentation.

C. RESULTS AND DISCUSSION

1. Definition of Musaqah

Musaqah etymologically, transactions in irrigation that the people of Medina di call it al-mu'amalah. In terminology, musaqah is defined by fiqh scholars as follows:

¹¹ Alvian, D. (2020). Pelaksanaan akad musaqah antara pemilik kebun karet dengan penyadap dalam perspektif fiqh muamalah (studi kasus desa pangkalan kapas kecamatan kampar kiri hulu kabupaten kampar) skripsi. Uin suska riau.

¹² Wibowo, M. R. A. (2020). Aplikasi Musaqah Kebun Karet Perspektif Hukum Ekonomi Syariah (Studi Kasus di Desa Tangkit Kecamatan Sungai Gelam Kabupaten Muaro Jambi) SKRIPSI.

- a) According to Abrurrahman al-Jaziri musaqah is a contract for the maintenance of date palms, crops (agriculture), and others with certain conditions.
- b) According to Ibn 'Abidin quoted by Nasrun Haroen, musaqah is: Submission of a plot of land gardens to farmers to be cultivated and cared for on the condition that farmers get a share of the garden.
- c) According to the Syafi'iyah scholars, musaqah is employing smallholders to only work on dates or vines by irrigating and caring for them, and the results of the dates or grapes are shared between the owner and the farmer who cultivates it.

Thus the musaqah contract is a form of cooperation between the garden owner and smallholders with the aim that the garden is maintained and cared for so as to provide maximum result. Then, everything that the second party produces is fruit. Is a joint right between the owner and the cultivator in accordance with the agreement they for? Cooperation in the form of musaqah is different from hiring gardeners to take care of plants, because the results they receive are fixed wages and not an uncertain result.¹³

2. Basic Law of Musaqah

The legal basis for musaqah is a hadith narrated by Imam Muslim from Ibn Amr r.a., that the Messenger of Allah. Said: "Giving the land of Khaibar with a share" half of the income, both fruits and agriculture (crops). On another history stated that the Apostle handed over the land of Khaibar to the Jews, to be cultivated and capital of his wealth, half of the income for the Prophet ".

"From Abdullah bin Umar Radiyallahu Anha, that the Prophet SAW employed people Khaibar, and they get half of the fruits and crops that it produces". (Narrated by Bukhari-Muslim).¹⁴

3. Pillars and Conditions of Musaqah

According to the Shafi'iyah scholars, there are five pillars of musaqah as follows:

- a) Shigat, which is done sometimes clearly (sharih) and in disguise (kinayah). Required shigat with lafaz and not enough actions alone.
- b) Two people or parties who have a contract (al-Aqidani), are required for people who contract with an expert (able) to manage the contract, such as baligh, intelligent, and not are under custody.
- c) The garden and all the trees that bear fruit, all the trees that bear fruit may be parted (for yields), both those that bear annual fruit and those that bear fruit only once and then die such as rice, corn, and others.

¹³ Abdul Rahman Ghazaly, M., Ghufrani Ihsan, M., & Sapiudin Shidiq, M.. (2012). *Fiqh Muamalah*. Kencana.

¹⁴ Mardani, D. (2014). *Ayat-ayat dan Hadis Ekonomi Syariah*. Rajawali Pers.

- d) The period of work, it should be determined the length of time that will be done, such as one year or at least according to custom. During that time the plant or tree what has been taken care of has been bearing fruit, also what must be determined is the work that must be done what gardeners do, such as watering, cutting tree branches will inhibit the fertility of the fruit, or marry it.
- e) The fruit should be assigned to each part (who has a garden and works in the field). garden), such as one-half, third, quarter, or some other measure.¹⁵

4. Allowed Musaqah

Scholars differ on what is permissible in musaqah. Priest Abu Dawud is of the opinion that only dates are allowed to be destroyed. According to Syafiiyah what can be destroyed is only grape dates, while according to Hanafiyah all trees which has roots to the bottom of the earth can be destroyed, like sugar cane. When the time Musaqah is not determined at the time of the contract, then the valid time falls until the tree produces the first one after the contract, it is also valid for a tree that bears fruit gradually little by little, like eggplant. According to Imam Malik, musaqah is permissible for all trees with strong roots, such as pomegranates, figs, olives, and trees similar to and it is also permissible for trees with weak roots, such as deep watermelons the state the owner no longer has the ability to work on it. According to the Hanbali school Musaqah is permissible for all trees whose fruit is edible. In al-Mughni, Imam Malik said, musaqah is permissible for rain-fed trees and It is also permissible for trees that need to be watered.¹⁶

5. The end of the Musaqah contract

According to fiqh scholars, the musaqah contract ends when:

- a) The time limit agreed in the contract has expired.
- b) One of the parties dies. There is an age that makes one party not allowed continue the contract.

The age that they mean in this case is the cultivator famous as a crop thief and the farmer who is sick is not allow him to work. If a farmer dies, his heirs can continue the contract if the plant has not been harvested. As for the plantation owner who dies, then Farmer's work must be continued. If both parties to the contract die, both parties heirs may choose between continuing or discontinuing. However, scholars Malikiyah states that the musaqah contract is a contract that can be inherited, if one of the the party dies and may not be canceled just because there is old age on the part of the farmer. Syafi'iyah scholars also stated that the musaqah contract should not be canceled because of the existence of old. If the sharecropper has an age, then one must be appointed responsible

¹⁵ Suhendi, H. (2016). *Fiqh Muamalah*. Rajawali Pers.

¹⁶ Suhendi, H. (2016). *Fiqh Muamalah*. Rajawali Pers.

for continuing the work. According to Hanabilah scholars, the musaqah contract the same as the muzara'ah contract, which is a contract that is not binding on both parties. By Therefore, each party may cancel the contract. If the cancellation of the contract done after the tree bears fruit, then the fruit is divided between the garden owner and the farmer cultivators, in accordance with existing agreements.¹⁷

6. Musaqah's Wisdom

There are rich people who own land planted with date palms and trees that are but he is not able to water (maintain) this tree because there is a obstacles that stand in the way. So Allah, Most Wise, allowed that person to make an agreement with those who can water it, each of whom gets a share of the fruit it produces. In this case there are two lessons:

- a) Remove poverty from the shoulders of the poor so that they can be sufficient his needs.
- b) Mutual benefit between people.

In addition, there are other benefits for tree owners, namely because the caretaker has contributed take care until the tree becomes big. If only the tree was left alone without watered, of course can die in a short time. Not to mention the benefits of the bond of love, love dear, between fellow human beings, then be this people who unite and work for benefit, so that what is obtained contains great benefits.¹⁸

7. Musaqah Implementation System in Betung Village, Lubuk Keliat Ogan ilir.

The agricultural sector is one of the sources of life for the Betung village community Lubuk Keliat District, because generally they have a fairly large agricultural land, there are some people who have 5 hectares of rubber plantations, some have 8 hectares of rubber plantations per family (KK) so that the people who have a lot of agricultural gardens need the help of others to cultivate plantations to be more productive. The distribution of profit sharing in Betung village is carried out according to the customs of the village.

Production sharing of rubber plantations is due to the fact that the owners of the rubber plantations are unable to work on them (Nampas) their gardens or take care of their gardens because other than nampas or tapping their rubber also planted pineapples on the newly cleared land, so initially they planted pineapples after that they plant rubber trees, while in other lands they also tap rubber who are 6 to 7 years old in another garden. Selection of others for Tapping rubber is done carefully, apart from being honest in working the garden owner usually looking for rubber tappers who are diligent and

¹⁷ Abdul Rahman Ghazaly, M., Ghufrani Ihsan, M., & Sapiudin Shidiq, M. (2012). *Fiqh Muamalah*. Kencana.

¹⁸ Abdul Rahman Ghazaly, M., Ghufrani Ihsan, M., & Sapiudin Shidiq, M. . (2012). *Fiqh Muamalah*. Kencana.

experts in rubber tapping. This is done so that Rubber trees do not die quickly and can produce good and abundant sap.

The implementation of the rubber plantation profit sharing in Betung village has rules, which are: Tappers with rubber plantations have rules and agreements with the tappers who have agreed by both parties are as follows:

- a) Rubber tapping tools such as chisels, rubber spoons for the flow of rubber sap into the bowl plastic is provided by the owner of the rubber plantation. Likewise, rubber tree fertilizer, alum, vinegar and a rectangular tub for the rubber sap storage container so that it freezes too provided by the rubber owner.
- b) The rubber tapping process is carried out 6 days a week, one day off for Rest and maintenance of rubber trees. Sales are made every Wednesday coincides with the day of the circle (weekly market) in the village of Betung.
- c) Rubber tapping time (nampas) starts from 05.00 in the morning until 11.00 in the afternoon depending on the area of the rubber plantation being tapped, while for the removal of sap in a rubber bowl after 3 days of tapping.
- d) The time for tapping is prohibited is every rainy day, because if wiretapping is done, when it rains or when the rubber tree is still wet it will cause balam or the rubber tree is damaged even if tapping is often done when the rubber tree is still wet, then the sap flows a little.
- e) The sale of rubber is carried out by a rubber shop, witnessed jointly by the garden owner and rubber tap. The money from the sale of rubber is divided into three parts, one part for tappers and two parts for rubber plantation owners according to mutual agreement.

With the agreement above, the basis of mutual need applies between plantation owners and rubber tappers with an agreement that has been agreed by both parties party. The implementation of profit sharing is based on consensual consent without any coercion from the parties anywhere.

8. Overview of Islamic Law on the Musaqah Implementation System in Betung Village, Lubuk Keliat Ogan ilir.

The results of interviews and observations of the author, there are several big points that become material to be analyzed based on the point of view of Islamic law on the system of practice for the results of rubber tapping by residents of Betung village, Lubuk Keliat sub-district. The author shares several important things that need to be studied in analyzing the practice of profit sharing contracts by farmers in Betung village, Lubuk Keliat district. From the point of view of Islamic law, profit sharing is very broad description, the practice of profit sharing is not only the contract but also has an economic aspect sourced from agriculture and plantations. In Islamic law there are several things that examines agricultural and plantation systems, including muzara'ah contracts, contracts mukhabarah, musaqah contract.

In the profit-sharing system by rubber farmers in Betung village, Lubuk Keliat sub-district, by means of an agreement that adheres to a musaqah contract, a cooperation agreement like this has been practiced for a long time by the Betung village community, namely the garden owner handed over a piece of rubber plantation to be cultivated and managed by local farmers with the provisions of the results. The plantation is in the form of rubber latex which is sold and the money is divided between the two parties according to the agreement. Thus the musaqah contract or rubber sap profit sharing Betung village community according to the view of Islamic law is allowed because it has been fulfilled the pillars and requirements of musaqah, which includes several aspects:

- a) The object of the contract is a rubber plantation that produces sap.
- b) Aqidain are two people who are committed (the owner of the garden and the cultivator).
- c) Sighat, (expression) of consent and qabul between the garden owner and the cultivator stated at the beginning before the rubber tree produces rubber sap.

From the author's analysis of the practice of musaqah or rubber sap profit sharing between the garden owner and the rubber tappers in Betung village include several elements, namely:

- a) The object of the contract, here the object in the musaqah contract is a ready-made rubber plantation tapped and has produced sap.
- b) Aqidain, both parties, namely the owner of the garden and the cultivator or rubber tapper.
- c) Sighat, (the expression of) consent and qabul, is a contract of both parties between the owner plantations and rubber tappers which were declared from the beginning before the rubber trees were cultivated, with a profit-sharing agreement in accordance with the provisions that do not harm both parties.

From the author's description above, it can be concluded that the activities of rubber tappers and the garden has fulfilled the pillars of musaqah including the contract of the two parties, the object of the plant and the gardens, as well as consent and qabul. In addition, the production sharing system for rubber farmers in Betung village is also Lubuk Keliat sub-district has met the requirements of the musaqah contract that must be owned between both are:

- a) The object of the contract, which must be a fruitful tree, but in this case there is a difference the opinion of the scholars as described above. In addition to the object of work in the form of a tree must be clear and known.
- b) Expert in contract, which is meant by expert in this contract, namely Aqidain must be reasonable and mumayyiz, here some scholars have different opinions, according to Hanafiah baligh not become a valid condition for musaqah, on the other hand the scholars argue that puberty is a condition valid musaqah.

- c) Joint ownership of tree produce, here whatever harvest you get will be divided between garden owners and cultivators assuming a clear and unambiguous level of division detrimental to both parties.
- d) Freeing the cultivator from the tree, it is necessary to clearly know that the garden owner must surrender and fully trust the cultivation and management of land to farmers, but if it is required that the work be done by both parties then thus the musaqah contract becomes void and fasid.

From the conditions above, it can be concluded that the musaqah contract is in the form of profit sharing from tapped and treated rubber plantations, which the plantation owners hand over completely managing rubber plantations for rubber tappers, such as fertilizing rubber, maintenance of rubber trees so that when tapping they do not scratch the trunk (not trunked) and for the rubber results are divided according to the agreement between the two. Based on the description above then, it is stated that the profit sharing in the village of Betung does not violate the pillars and conditions of the contract musaqah, so that the contract is valid or can be carried out.

D. CONCLUSION

Based on the description and analysis above, it can be concluded as following:

1. The profit-sharing system implemented in Betung village, Lubuk Keliat district is: by means of an agreement that adheres to a musaqah contract, a cooperation agreement like this It has been practiced for a long time by the Betung village community, namely the garden owners hand over a piece of rubber plantation to be cultivated and managed by local farmers with the provisions that the garden results are in the form of rubber sap which is sold and the money is divided between the two parties in accordance with the agreement that is divided into three parts, one part for a two-part rubber tap for rubber garden owners.
2. An overview of Islamic law on the profit-sharing system in Betung Village, Lubuk Keliat is in accordance with the pillars and conditions of musaqah in Islam, where the owner of the garden and rubber tappers made an agreement at the beginning starting from the rules of tapping until the terms of profit sharing that have been mutually agreed upon, so that it can be profitable for both sides. The contract carried out in the village of Betung is allowed because there are no elements of coercion, do not harm each other and fulfill the pillars and conditions of musaqah.

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