



## Protection of Rubber Plantation Managers Perspektif Mui Fatwa No.85 Dsn-Mui/Xii/2012 (Case Study of Gotting Julu Village, Huristak District, Padang Lawas Regency)

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**Abstract** -The purpose of this research was to find out how to protect rubber plantation managers in Gotting Julu village, Huristak District, North Padang Lawas Regency. This research is carried out using a type of field research, which is direct research and interaction with the research object. In analyzing the researches uses qualitative descriptive, namely a research procedure that explains the reality obtained from the field. Data collection was carried out by interview and observation methods to meet the results of this study. The results of this study found. 1) the land owner violates the agreement that has been mutually agreed upon and does not provide equipment at all to cultivate 2) the land owner cuts the percentage that is determined for the rubber plantation manager 3) the contract carried out between the owner and the rubber plantation cultivator in Gotting Julu village is only carried out verbally with the principle of kinship, the reason for the rubber plantation land owner in carrying out this cooperation is because of the manpower that is no longer able to process, the time is not there, and to help help Meanwhile, the reason for farmers is because they do not have land, lack of economy. The application of rubber farmer profit sharing that occurred in Gotting Julu Village, Huristak District, Padang Lawas Regency was reviewed from several aspects such as the method of agreement or contract was only carried out orally and was not attended by witnesses, the land owner did not provide tools for the manager.

**Keywords:** Management Protection, Rubber Plantations, MUI Fatwa

### I. INTRODUCTION

Humans are social creatures, that is, they need each other. In meeting the needs of daily life, humans understand each other in a variety of different ways, Islam is a religion that is full of *rahmatanlil lil alamiin*, meaning a religion that is a blessing for the universe. All aspects of life have been regulated according to the law of Allah, basically the scope of human life in this life relies on two kinds of relationships, namely, believing in Allah and horizontal, namely relationships with fellow humans and the surrounding nature. On the other hand, human beings are also always in contact with other human beings, they must not only be fixated on one party, they must be able to socialize with the other, because here we as fellow human beings must be able to have the nature of helping as well as their rights and obligations in the form of muamalah. Both in the field of wealth and in work and family relationships.

Islam teaches that one of the concepts to realize benefits, prosperity, reduce hostility, and disputes among fellow Muslims is by muamalah. Because by reaching a consensus, humans can interact with each other both in society and by interacting with each other. Allah SWT does not lower sharia, except with the aim of realizing the benefits of the lives of His servants, does not intend to impose a heavy burden or give any trials and narrow the space for human life, but the purpose is to create a comfortable life, which is not overshadowed by

hunger and worry, the realization of justice and security, to infiltrate the spirit of mutual cooperation, to form brotherhood, exchanging ideas, benefits, and can also provide job opportunities to people who do not have a job, and ways to make wealth rotate among the rich.

As a social being, human needs are very diverse, so personally he is unable to meet them himself and has to relate to others. Human relationships with each other must have rules that explain rights and obligations. Both are based on an agreement, the process of making an agreement in order to meet the needs of both is commonly called the contract process. In the study of Islamic law, many theories are studied, in the fields of economics, buying and selling, and profit sharing. In this case, the author will discuss the protection of rubber plantation managers, in Islamic law and fiqh muamalah there are several forms of contracts, including:

- a. Akad Muzara'ah
- b. Akad Mukhabarah
- c. Akad musaqah

Muzara'ah is a cooperation between agricultural management between the landowner and the cultivator, where the landowner gives agricultural land to the cultivator to be planted and maintained in exchange for a certain part (percentage) of the crop, and the seeds come from the garden owner. (Antoniah, 2001) Between Muzara'ah and Musāqah there are similarities and differences. The similarity is that both are contracts (agreements) for revenue. The difference is that in Musāqah the plants already exist but require labor to maintain them. In Muzara'ah, the plants on the soil do not yet exist, the soil still has to be cultivated first by the cultivator.

Mukhabarah is a form of cooperation between the owner of the rice field or land and the cultivator with an agreement that the proceeds will be shared between the landowner and the cultivator according to a mutual agreement, while the cost, and the seeds, from the cultivator. From the above understanding, it can be explained that the difference between the muzara'ah and mukhabarah contracts, only lies in the seeds of the plant. In muzara'ah, the seeds of the plants come from the landowners, while in mukhabarah, the seeds of the plants come from the grapes. In this case, the author assumes that the profit-sharing system in the field of maintaining plantations in muamalah fiqh is called the term akad al-musaqah.

The contract with another person is the need to interact, and interaction is a social being or reciprocal relationship between two or more people and each person seen in it plays his or her activities actively. In interaction, not only the relationship between the parties is visible, but there is a mutual influence on each other. (Widjajakusuma, 2002). Musāqah is a cooperation between the parties in plant maintenance with the distribution of the yield between the owner and the plant keeper with a ratio agreed upon by the parties involved. Thus, the Musāqah contract is a form of cooperation between the owner of the garden and the cultivator farmer with the aim that the garden is maintained and cared for so that it gives maximum results. Then, everything produced by the second party in the form of fruit is a joint right between the owner and the cultivator in accordance with the agreement they made. (H.D., 1992)

Cooperation in the form of Musāqah is different from hiring a gardener to take care of the plants, because the result he receives is a wages that are determined in size and not from the results that are not certain. Musāqah is also called giving a tree that has or has not been planted with a piece of land, to someone who plants and takes care of it on the land (such as watering and so on until it bears fruit). Then the worker gets the agreed share of the fruit produced, while the rest is for the owner. The owner of the garden or who gives his garden to the gardener for his care, and the income obtained from the garden is divided between the two parties, according to the agreement at the time of the contract. (Nurcholis, 2011)

Pillars and Conditions of Musāqah Jumhur The scholars consisting of Malikiyah, Shafi'iyah, and Hanabilah scholars established that Musāqah transactions must fulfill the five pillars, namely: a. Sighat (expressions) ijab and qabul. b. Two persons/parties who make transactions; c. Land that is used as the object of the sacrifice; d. The type of business that

will be carried out by the cultivators; e. Provisions regarding the distribution of the results of Musāqah;

If the rubber plantation produces a lot of rubber harvest, then of course it is not a problem for the rubber land owner, because it is easy to divide the business proceeds, meaning here there are business products that will be able to be distributed to workers and rubber owners. It will be marginal in the rubber plantation business, the results are uncertain because sometimes there is a trick season (unable to produce a lot of rubber), especially now the price of rubber is very cheap, unlike in 2009 as in the past where the price is still very expensive than in the current years which is very reduced, therefore how to distribute the yield between laborers/managers and land owners of the rubber plantation. (Asmar, 2014)

The agreement on sharing the profits of rubber plantations in Gotting Julu Village, Huristak District, Padang Lawas Regency has been carried out for generations by the community. The owner of the plantation who has a large enough plantation land can no longer manage his garden, so the plantation owner offers to others/managers to cultivate their plantation land by way of profit sharing. The process of cooperation agreement between the owner and manager of the rubber plantation is agreed orally where the forms of agreement that have been made and mutually agreed upon between the owner of the rubber plantation and the cultivator are as follows:

1. Every week, the yield of rubber plantations is divided in half, 50% for farmers and 50% for plantation owners, both in the context of rising and falling prices;
2. All rubber plantation maintenance costs are borne by the owner by not cutting the number of percentage of cultivators every week;
3. Management equipment is not provided by the garden owner.

The process of the profit-sharing agreement for rubber plantation managers with capital owners can be said to be only based on the habit of mutual trust and not in the form of written agreements, but not always the process of the pattern of relationships between human beings built on the basis of the principle of kinship runs smoothly, in profit-sharing with managers there are often disputes with rubber plantation land owners which result in one of them repudiating the agreement that has been It is mutually agreed that it is caused by the land owner by cutting the yield that is 50% of the part that has been determined for the plantation manager.

As the rubber plantation manager said:

*"Najolo agreement nami divided in half the harvest ni kareti, sahonoknaon inda adong problem cutting my part for 4 taonma au karejo rap ia, tai anggo sataon last on adongma tolu kali pamatongan gajikku sian harvest na hami agree i harana maralasan drops pature kobun while najolon parjanjian nai anggo maintenance ni kobun satiop taon iado (owner of kabun) mananggungna. ( the agreement that we agreed on in the past for 4 years I worked with him there was no deduction related to the percentage that had been set for me, in terms of maintaining the garden it was the responsibility (Garden Owner)" (Safri, 2024)*

Gotting Julu Village is one of the villages located in Huristak District, North Padang Lawas Regency which is known as a village that owns agricultural and plantation lands, therefore the rights and obligations between land owners and land cultivators need to be protected with the formulation of problems:

1. What is the form of the management agreement between the landowner and the cultivator farmer in Gotting Julu Village, Huristak District, Padang Lawas Regency?
2. How is the protection of rubber plantation managers in Gotting Julu Village from the perspective of MUI fatwa NO.85 DSN-MUI 2012?

Based on the description of the problem above, the author took the title: Protection Of Rubber Plantation Managers From The Perspective Of Mui Fatwa No.85 Dsn-Mui/Xii/2012 (Case Study Of Gotting Julu Village, Huristak District, Padang Lawas Regency).

## **II. METHOD**

The type of research used in this study is a type of field research, because in this study the researcher has described a state or phenomenon of the research object being researched by developing concepts and gathering existing realities. In accordance with the title of the research and the focus of the problem, the nature of this research is descriptive. What is meant by descriptive is "describing the nature of something that takes place at the time the research is carried out and examining the causes of a particular symptom. (Nasution, 2008)

In this study, the researcher presented the data of the research results related to the protection of rubber plantation managers from the perspective of MUI fatwa No.85 DSN-MUI XII/2012 in Gotting Julu village, Huristak District, Padang Lawas Regency. The data sources used are primary and secondary data, where primary data is data obtained directly from the field by researchers through observation and direct interviews with parties directly involved in contracts/agreements between rubber plantation managers and rubber plantation owners in Gotting Julu Village, Huristak District, Padang Lawas Regency and secondary data is data obtained from books and articles related to the writing of this journal.

## **III. RESULT AND DISCUSSION**

### **1. Practice of Rubber Plantation Management Agreement in Gotting Julu Village, Huristak District, Padang Lawas Regency.**

Islamic law is a law that is open to new problems. Every legal issue that arises is responded to by positive Islamic law to be determined as a hundred laws. The formulation of the legal status aims to produce behavioral guidelines so that they can be used as a spiritual basis for behavior for Islamic society. The formulation of isalm law on new issues that arise refers to the process in established procedures. Departing from this, Islam throws on adherents to cultivate arid garden land so that it becomes fertile, so as to produce maximum and fertile yields, so as to produce goodness and blessings by managing the garden land. One of the things that can be done is ihya' al-mawat is to open up dead and rarely maintained garden land. The lands are not only located in villages. This garden land is already available in villages, in fact, by utilizing the garden land will generate rupiah and contribute to food security in Indonesia. (Rasjid, 1976)

If a Muslim owns agricultural land, then he must use the land by cultivating crops. Islam does not like the emptiness of agricultural land at all, because it means eliminating favors and wasting wealth, while the Prophet strictly forbids the waste of wealth. The landowner can use it in various ways. The first way is to take care of yourself by planting plants or sowing seeds then watering and maintaining. That's how the results came out. This kind of method is a commendable way, where the owner will get a reward from Allah because the plants can be used by humans, birds, and livestock. The second way is if he cannot take care of himself, then he tells others to cultivate the land. Namely other people who are able to take care of it with the help of tools, seeds, or animals to cultivate the soil. If a rich man has a garden in which there are trees such as dates and grapes, and that person is unable to irrigate or care for the date palms and grapes because of an obstacle, then the wise Shari'a (Allah) allows him to make a contract with a person who is willing to irrigate and care for the trees. And for each of them gets a share of the results. (WAHYUNI, 2019)

The agreement to share the profits of rubber plantations in Gotting Julu Village has been carried out for generations by the community. Garden owners who have large plantation land, usually cannot cultivate all their own plantation land, so the garden owner offers others to cultivate their plantation land by way of profit sharing. In addition, those in Gotting Julu Village are the parties who deliberately offered themselves to the plantation owners to give permission to cultivate their plantation land with a verbal agreement of 50%-50%. The process of cooperation in the management of rubber plantations in Gotting Julu village, Huristak District, Padang Lawas Regency is verbally in the form of agreements made and mutually agreed upon between rubber plantation owners and cultivating farmers as follows:

- a) Every week, the yield of rubber plantations is divided in half, 50% for farmers and 50% for plantation owners, both in the context of rising and falling prices;

- b) All rubber plantation maintenance costs are borne by the owner by not cutting the number of percentage of cultivators every week;
- c) Management equipment is not provided by the garden owner.

## **2. Protection of Rubber Plantation Management in Gotting Julu Village Perspektif Fatwa DSN-MUI NO.85/2012.**

Islam is sharia and allows to give leniency to humans. Sometimes some people have wealth but are not able to produce it. And sometimes there are people who do not have wealth, but have the ability to produce it. Therefore, the shari'a allows muamalah, this is so that both parties can take advantage of it. The owner of the property benefits with the experience of mudharib (the person who is given capital), while the mudharib can benefit with the property (as capital), thus creating a relationship between capital and work. And Allah does not prescribe all forms of contracts, but for the sake of creating benefits and stemming difficulties.

The wisdom of the ability to cooperate in this form is to help and facilitate life, mutual benefit and no party is harmed. Plantation profit sharing cooperation contains great wisdom for the community, because it fosters individuals so that they always have the nature of helping each other. As Allah SWT said as follows: Meaning: "...and help you in virtue and piety, and do not help in sins and transgressions...". (Q.S. Al-Maidah: 2) In the hadith of the Prophet, the Prophet said: Anas ra. It is said that the Prophet PBUH, said "a Muslim who plants a tree or a plant, and part of the fruit is eaten by birds, humans, or animals, then the person who plants it gets a reward". These verses and hadiths show concrete evidence that Islamic shari'a always wants the disappearance of difficulties from its people. That in the laws of shari'a there will never be a guidance that goes beyond the limits of the ability of the servant. These evidences also indicate that Allah enacted His laws (contained in Islamic law), in essence with the aim of providing convenience and leniency to his servants.

Islam encourages its adherents to strive to obtain material/treasure in various ways, as long as they follow the rules that have been determined, these rules include, look for what is halal and good; not using the Bhatil method; not excessive/overreaching; not to be disqualified and to be dismissed; Stay away from the elements of riba, maisir (gambling) and gharar (obscurity and manipulative), and do not forget social responsibility in the form of zakat, infak and alms. Islam also encourages its people/adherents to work, this is accompanied by a guarantee from Allah SWT to determine the sustenance of every creature He creates. Islam also does not teach its people to beg or beg.

As an Islamic economy, by accessing the Divine rules, every human action has moral and worship values. Every human action cannot be separated from the value that vertically reflects good morals and horizontally provides benefits to humans and other creatures. Islam views that economic activities do not only meet material needs but also include the needs of scythians. So this is where the role of religion in economic activities will be found because it is supervised or controlled by signs that have been regulated by religion. (Sujarweni, 2015). The Indonesia Ulema Council is a leading Islamic organization that plays an important role in shaping Islamic discourse and practice in Indonesia. Established in 1975, the Indonesia Ulema Council is an independent body of Islamic scholars that provides guidance and advice on religious issues to the Indonesia government, Muslim organizations, and the general public.

In addition, the Indonesia Ulema Council is a forum for communication and coordination between various Islamic organizations and institutions in Indonesia. It has played an important role in promoting Islamic solidarity and unity in Indonesia, and its contribution to the development of Islamic thought and practice in the country is highly appreciated. Overall, the role of the MUI is a religious authority and its influence in Indonesia makes it an important institution. (Babakanjati, 2024). The Indonesia Ulema Council has become a forum for scholars across Islamic mass organizations such as NU, Muhammadiyah, Perti, and other Islamic organizations. The various characters that are the hallmarks of each of these organizations meet in the MUI forum which then jointly formulates solutions to various problems faced by Muslims in Indonesia. MUI service is contained in seven MUI duties, namely:

- 1) as a guardian for Muslims;
- 2) as an educator and guide for adherents of Islam
- 3) as a better cadre netter;
- 4) as a solution to religious problems in the international world;
- 5) as the formulation of the concept of Islamic education;
- 6) as a content guard in the mass media;
- 7) as an organization that carries out cooperation with religious organizations.

Plantation profit sharing agreements generally occur because the owner cannot work on his plantation land. The owner does not have time, therefore the owner offers to others who want to work on his garden by means of cooperation and profit sharing. This is in accordance with what the garden owner expressed, which is as follows:

*"Yes, instead of later my garden is abandoned because there is not enough time to take care of and process it, son, so I deliberately offer others to do it well in this way of profit sharing. (Asmar, 2014)*

As a rubber plantation land manager who has agreed on a verbal profit-sharing agreement, there needs to be an action that can be held accountable for unwanted things happening or a form of written rules that have legal force to solve problems that if there is a breach of promise between the rubber plantation land owner and the rubber plantation land manager. The profit-sharing agreement that occurred in Gotting Julu Village is an agreement that is really carried out by the cultivators with sincerity in verbal form, but there is a problem of breaking the promise by questioning the losses that occur in the management of the rubber land so that the land owner cuts the yield allotment that has been previously agreed in the agreement for the reason *"additional funds are needed to buy rubber plantation treatments such as fertilizers and lawn mowers"*

As the highest Islamic religious authority in Indonesia, the Indonesia Ulema Council issues fatwas and provides guidelines on various matters related to Islam, including Islamic finance, halal certification, religious education and so on. His decisions and fatwas are highly respected and influential among the Muslim population of Indonesia, as members of the Indonesia Ulema Council are recognized for their knowledge and expertise in Islamic theology, law, and jurisprudence. Fatwa DSN-MUI NO. 85 of 2012 concerning agreements in sharia financial and business transactions in its legal provisions is that the promise is *muzlim* binding and must be fulfilled or fulfilled, If one of the parties does not fulfill its obligations or if there is a dispute between the parties, then the settlement is carried out through a dispute resolution institution based on sharia after no agreement is reached through deliberation.

#### **IV. CONCLUSION**

Agricultural cooperation carried out by the community of Gotting Julu village, Huristak District, Padang Lawas Regency is an application of musaqah practices. The sharing of the proceeds of this musaqah is carried out by two people between the owner of the rubber plantation land and the rubber plantation cultivator. Then in the distribution of the crop, it is divided equally between the owner of the rubber plantation land and the rubber plantation cultivator, which is 50%: 50%. In accordance with the agreement that has been determined at the time of performing the contract. If viewed from the perspective of Fatwa DSN-MUI NO. 85, the profit-sharing practice carried out by the community of Gotting Julu village, Huristak District, has not met the provisions, because for the following reasons: (a) the land owner violates the agreement that has been mutually agreed upon and does not provide equipment at all to cultivate (b) the land owner cuts the percentage that is determined for the rubber plantation manager (c) the contract carried out between the owners with the rubber plantation cultivators in Gotting Julu village, it is only done verbally with the principle of kinship, then in the process of agreement (akad) it is carried out without any witnesses and the cooperation is not determined in time (time).

The writer suggests that when carrying out the agreement, it is better to follow the indicators that have been set in Islam, such as determining the time of profit-sharing cooperation activities so that it can be used as a target guideline in carrying out the duties of each person concerned. Actually, according to the author, a good agreement is a written agreement, so that it can be held accountable later, both legally and familially. With this written agreement, if there is one of the parties who is in default, it can be legally processed regarding the losses and losses it will bear in the future, but if this agreement is only verbal, it is possible that it is difficult to find who should be responsible for the losses suffered among the plantation owners, especially rubber plantation managers.

## **REFERENCES**

- Antoniah, M. S. (2001). *Sharia Bank From Theory To Practice*. Jakarta: Gema Insani.
- Babakanjati, D. (2024, Juli 29). Retrieved From <https://Desa-Babakanjati.Kuningankab.Go.Id/Lembaga/Majelis-Ulama-Indonesia-Mui>
- H.D., K. (1992). *Islam And Social Aspects*. Jakarta: Bumi Aksara.
- Nasution, B. J. (2008). *Legal Research Methods*. Bandung: Cv Mandar Maju.
- Nurcholis, H. (2011). *Growth And Implementation Of Village Government*. Jakarta: Erlangga.
- Rasjid, S. (1976). *Islamic Fiqh*. Jakarta: Attariyah.
- Sujarweni, V. W. (2015). *Village Accounting Guide To Village Financial Management*. Yogyakarta: Pustaka Baru Press.
- Wahyuni, Y. W. (2019). *Review Of Islamic Law Regarding Rubber Land Management In The Musabqah Agreement*. Repository Iain Purwokerto, 5.
- Widjajakusuma, M. I. (2002). *Islamic Business*. Jakarta: Gema Insani Press.
- Asmar. (2014, May 12). *Owner Of The Garden*, Interview: Gotting Julu.
- Safri, A. (2024, May 12). *Plantation Manager*, Interview: Gotting Julu.