
**ISSUE OF THE APPLICATION MUZARA'AH CONTRACT IN INDONESIA: A
COMPREHENSIVE ANALYSIS AND PROPOSED SOLUTION**

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ABSTRACT

Indonesia is an archipelago country known for its richness of natural resources. Plants, animals, and a vital commodity in Indonesian soil. The Equator across the zone of Indonesia makes it prolific. Its fertile land along with a stable climate makes much Indonesian use it for farming. According to the Central Bureau of Statistics, the number of Indonesian populations within 34 provinces work as a farmer in 2016 is 35.088.823. That is to say, the prosperity of more than 35 million population of Indonesia is in the agricultural sector. This number is a great amount that has exclusive attention from the government. The agricultural sector is highly influential to food commodity and becomes the main resource of income in a developing country. Agriculture problem that is faced nowadays is various from field quantity reduction, limited access to business service especially in funding, improper harvest distribution, and unpredictable environment condition like weather nor climate. Muzara'ah becomes an alternative source of sharia-based financing and has an advantage in fund payment liberation, employment (cultivator), maximizing unmaintained field, incorporate potential within each side intended to prosper according to the deal. Muzara'ah in the agricultural sector is crucial to be applied considering Indonesian and the majority of the Asian community in Southeast Asia is land worker or cultivator.

Keywords: *Muzara'ah contract, farming, agricultural sector, muzara'ah issues, sharia-based financing*

Introduction

Agriculture is one of the main livelihoods besides that, the majority of the world's population directly or indirectly work in the agricultural sector. Based on World Bank statistics (2007), agriculture is the source of livelihood for around 2.5 billion people worldwide. Agriculture accounts for a quarter of the gross domestic product (GDP) in the most developed and developing countries.

In Indonesia, agriculture is also a source of livelihood for many people. Based on the source of the Statistics Agency (BPS), the total population of Indonesia in 34 provinces who work as farmers in 2016 was 35,088,823. This means that the welfare of more than 35 million Indonesians is in the agricultural sector. Indonesia as an agricultural country produces a lot of agricultural wealth, one of which is rice, based on data from the Central Agency for Statistics, rice production from 2013-2017 continues to increase. In 2017, rice production reached 80 million tons.

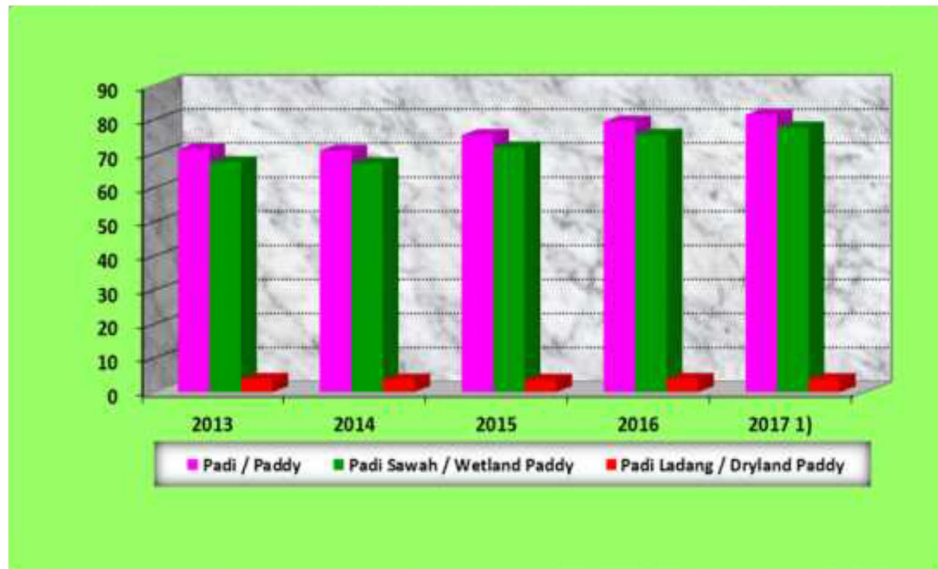


Figure 1. Indonesian Rice Production Results 2013-2016 in Million Tons (Source, Central Agency for Statistics)

Rice in Indonesia has a major impact on the Indonesian economy because the results of rice production will be used to meet the basic needs of the Indonesian people, as well as to reduce the number of rice imports. On the contrary, it can export rice so that it can reduce the inflation rate. In the long run, it can improve Indonesia's economy.

based on the explanation above, the agricultural sector is a vital sector and has a major contribution to the Indonesian economy. However, despite the contribution of the agricultural sector to the Indonesian economy, the agricultural sector has not been fully utilized. Studies show that the agricultural sector is not yet maximized is the availability of financing (Beik and Hafiduddin, 2008). One of the factors in the low allocation of credit (financing) in the agricultural sector is due to the persistence of most bankers who see a business in the agricultural sector as a high-risk business.

Therefore, an alternative source of sharia-based financing is needed which is more suitable to be adapted to the agricultural sector. The rate of return determined is based on the yield obtained during one harvest

period, not based on the amount of the loan, so that the repayment of the loan will be in accordance with the amount of farmer's income during the harvest period.

one of the financing based on agricultural output or called muzara'ah. The practice of the muzara'ah contract is believed to be able to alleviate problems in the agricultural sector with proper application, among others, absorbing labor, increasing the productivity of untouched agricultural land, and helping to increase food commodities. However, despite all the advantages that exist in the muzara'ah agreement, it is undeniable that there are still weaknesses that need to be fixed. For this reason, this paper will explain the issues of implementing the muzara'ah contract that arises in society. So that then it can be analyzed what the advantages and disadvantages are, then it will provide the best solution regarding the application of the muzara'ah contract in society

Literature Review.

Muzara'ah Akad

In Islamic law, profit sharing in agriculture is called Muzara'ah and Mukhabarah. The two terms have almost the same meaning, distinguished only from seeds and plant seeds. Etymologically, the word muzara'ah comes from Arabic, namely al-zar'u, which means plant. Muzara'ah in the language is a form of the word that follows the wazan (pattern) mufa'alah from the root al-zar'u which means al-inbat (to grow)

The meaning of muzara'ah according to the madzhab priest is as follows::

1. Imam Hanafi defines the word muzara'ah as a contract for the results of land management for agriculture. Imam Malik argues that muzara'ah means cooperation in terms of farming.
2. Imam Syafi'i defines the word muzara'ah, which is a work on land from the owner of the land to the cultivator where the seeds of the plant come from the landowner.
3. Imam Hanbali said that muzara'ah means the transfer of land and plant seeds to be planted by the land manager and then the yield of the land (percentage) is calculated for the sharing of the results between the two parties.

From some of the above opinions, it can be concluded that muzara'ah is cooperation in agricultural processing between landowners and cultivators or managers, the landowner gives agricultural land to the cultivator to be planted and maintained in exchange for a certain share (percentage) of the harvest.

Pillars and Terms of Muzara'ah

The number of scholars who allow the Muzara'ah contract determines the pillars that must be fulfilled so that the contract becomes valid.

- a. Ijab qabul (contract)

- b. Cultivators and land owners (akid)
- c. The existence of an object (ma'qud ilaih)
- d. There must be a provision for the results.

Terms and conditions in the Muzara'ah Akad

There are conditions in the Muzara'ah contract according to Jumhur ulama 'which are related to the person who has the contract, the seeds to be planted, the land to be worked on, the results to be harvested, from the validity period of the contract.

- a. People who do the contract must be mature and sensible.
- b. The seeds to be planted must be clear and produce so that the cultivator knows and can do what the owner of the agricultural land wants.
- c. Cultivated agricultural land:
 - 1) According to customs among farmers, the land can be cultivated and produced. This is because there are plants that are not suitable for planting in certain areas.
 - 2) The land boundaries are clear.
 - 3) The land is fully handed over to the farmer for processing and the landowner may not interfere in processing it.
- d. The results to be harvested
 - 1) The distribution of crop yields must be clear (the percentage).
 - 2) The harvest yields really belong to the people who have contracted, without any specialization such as setting aside a certain percentage. This requirement should also be stated in the agreement so that no disputes arise later, especially the very large area of land being managed.
- e. The time frame must be clear in the contract, so that the manager is not harmed, such as canceling the contract at any time. To determine this time period, it is usually adjusted to local customs.
- f. The object of the contract must be clear about the use of its seeds, fertilizers, and medicines, as is the case in the local area.

Forms of Muzara'ah Akad.

In summary, the form of muzara'ah is divided into several parts:

1. If the land and seeds come from one party, then the work and tools come from the other party. So this contract is permissible. Where the landowner becomes the tenant for the benefits of the work of the land cultivator, while the tools used for plowing are part of the cultivator.
2. If the land belongs to one party (the owner of the land), while the tools, seeds, and work are owned by another party (the cultivator). Then this contract is also allowed. Where the cultivator becomes the tenant of the landowner, by sharing the results of the farm.
3. If the land, agricultural tools, plant seeds come from one party. As for the work of other parties, this contract is also allowed. It is assumed that the landowner hires the worker to work the land by sharing the results of the farm.
4. If the land, the agricultural tools belong to one of the parties. Then the work and plant seeds come from other parties, so this contract is not allowed. This is because, if this contract is related to the ijarah contract on the land, there is a reservation tool for the landowner to damage the contract.
5. If the land belongs to one party (the owner of the land), while the tools, seeds, and work are owned by another party (the cultivator). Then this contract is also allowed. Where the cultivator becomes the tenant of the landowner, by sharing the results of the farm.
6. If the land, agricultural tools, plant seeds come from one party. As for the work of other parties, this contract is also allowed. It is assumed that the landowner hires the worker to work the land by sharing the results of the farm.
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Potential Muzara'ah Akad

The Indonesian archipelago is famous for being fertile and has empty land ready to work on. The potential that exists in Indonesia is very large in this case, the implementation of the muzâra'ah and musâqâh agreements can open up jobs and can also help our country meet national food needs. Islam pays close attention to the agricultural sector and the like so that jurisprudence provides space for discussion of agricultural and plantation zakat. The existence of maqasid syari'ah is in line with the muzara'ah contract because it can help people to meet their needs.

Indonesian agriculture is currently undergoing an extraordinary and unprecedented degradation in its history. The development of the uzara'ah and mukhabarah pattern in the Indonesian style to develop alternative agricultural industries should be a concern, of course, there is no fraud, obscurity,

and exploitation. Rasulullah with the concept of muzara'ah seems to show that to build a sharia economy it must always be balanced "retail-intermediation production" Trading must be balanced with productive activities, such as farming, raising livestock, mining, industry, and also retail activities.

Agriculture

Agriculture is an activity that has been commonly carried out by Indonesian society at large, considering that Indonesia is a country with a tropical climate with stable and falling rainfall throughout the year, making Indonesia fertile land and very suitable for agriculture. The geographical condition of Indonesia which is in the form of an archipelago makes the distribution of soil types in each region different. Different types of soil make the agricultural commodities produced will also be different. Agricultural activities constitute the largest source of income for the Indonesian population. Agricultural activities also have a very big influence on reducing the number of unemployed.

"Agriculture is an effort to create an ecosystem that is responsible for providing food for humans. In a narrow sense, agriculture is "farming". Agriculture in a broad sense includes crop agriculture, plantations, fisheries, livestock, and forestry. " (Edi, 2014). Agriculture is defined as an artificial ecosystem because agriculture is like an ecosystem on earth, namely there is water, soil, plants, plants, animals, humans and their activities. So far, the agricultural sector has tended to be seen as a farming activity only, but agriculture includes a wider range of sub-sectors so that the commodities produced are not only limited to plant or plant commodities, but also animal commodities (from livestock and aquaculture). According to Benyamin (2015), it is explained that agriculture is an activity of managing land or other facilities that replace the function of land and efforts to modify microclimate in the cultivation of plants (and/or livestock) and other activities that are directly related to the cultivation process and post-harvest management. According to Bukhori (2014) all agricultural business is basically an economic activity so that it requires the same basic knowledge of business place management, seed or seed selection, cultivation methods, product collection, product distribution, product management and packaging, and marketing.

It can be concluded that agriculture is the activity of managing productive land or other facilities that have the benefit of being used as a source of fulfillment of human needs which not only includes farming activities, but also plantation, fishery, livestock, and forestry activities and every activity is not only limited to cultivation process, but also in terms of postharvest. Agriculture is a manifestation of human culture or civilization whose current existence is inseparable from the history of cultural development of human civilization since the pre-literal era, where agriculture began with very simple activities and used agricultural tools as necessary Along with the times, the need for technology for agricultural activities is increasing so that advanced technologies were born whose aim was to facilitate human activities. According to Edi (2014), agricultural activities have certain characteristics or characteristics, namely:

1. In the production process, organic materials must be formed from inorganic substances and the help of plants or animals.
2. There is the human effort to renew the production process which is "reproductive" and "cultivation".

The agricultural sector includes all exploitation obtained from nature and constituting biological or living goods where the results will be used to meet their own needs or be sold to other parties. According to the BPS Catalog (2013: 15), it is stated that the agricultural sub-sectors include:

1. Food crop subsector

Commodities included in the food crops sub-sector are the rice and secondary crops, vegetables, and fruits group. Palawija rice includes rice, corn, cassava, sweet potato, peanuts, soybeans, green beans, and others. Vegetables include shallots, spring onions, spinach, kale, chayote, eggplant, tomatoes, and roasted krai. The fruits consist of mango, orange, guava, sapodilla, papaya, banana, star fruit, kedondong, watermelon, jackfruit, cantaloupe, and golden cucumber.

2. Plantation crop subsector

The plantation sub-sector consists of smallholder plantation crops that produce cloves, cashews, ginger, cocoa, cotton, kapok, palm fruit or palm fruit, coconut, cananga, coffee, turmeric, sugar cane, and tobacco.

3. Animal husbandry subsector

This subsector consists of livestock and their products, which include cows, buffaloes, goats or sheep, ducks, wild duck, native chickens, broilers, eggs, skins, milk, and meat.

4. Fishery subsector

The fisheries subsector consists of marine fishing activities by producing sea catfish, cucut, stingray, pomfret, laying, mullet, anchovies, tembang, mackerel, layur, tuna, shrimp, squid, grouper, curisi snapper, bambangan, and crab. Pond cultivation produces goldfish, tombro, milkfish, tiger prawns, mujahir, catfish, and others. Brackish pond culture produces tiger prawns, white shrimp, fire shrimp, milkfish, mullet, mujahir, and crab. Aquaculture produces tawes, gold or tombro, catfish, mujahir, and milkfish. Public waters (reservoirs and rivers) produce mujahir fish, tawes, shrimp, milkfish, cork, goldfish, tombro, and catfish.

The Potential of Agriculture in the Indonesian Economy

As one of the countries included in the tropics, Indonesia has excellent agricultural potential, especially for tropical agriculture. One of Indonesia's tropical agricultural products that have the potential to become a mainstay is fresh agricultural products in the form of fruits and vegetables. Other

products that are also the mainstay are spices and biofuels (BBN). Indonesia is an agricultural country that has great potential and abundant natural resources for agricultural products. In the agricultural sector, Indonesia has various types of crops, this is supported by different tropical climatic conditions, in the field of food crops in Indonesia it has superior crops such as rice, soybeans, peanuts, cassava, and various other types of phytase.

Agriculture is a sector that has a significant role in the Indonesian economy. The agricultural sector absorbs 35.9% of the total workforce in Indonesia and contributes 14.7% to Indonesia's GNP (BPS, 2012). These facts strengthen agriculture as a very vital sector for the Indonesian economy. The agricultural sector in Indonesia is the backbone of the economy and national development, this can be seen in the formation of GDP, foreign exchange earnings, employment, provision of food, and provision of raw materials. industry. The agricultural sector also plays a role in equitable development through efforts to alleviate poverty and improve community income. In addition, the agricultural sector has also become one of the formers of the nation's culture and balancing the ecosystem.

There are 95.81% of agricultural land considered potential for farming in Indonesia, 70.59% dry land, 191.09 ha of land, 5.23 ha of non-swampy wetlands, 19.99 million ha of swamps. Data from the Central Bureau of Statistics show that Indonesia is rich in biodiversity and has the potential to develop food crops, horticulture, plantations, forestry, and livestock. In 2014, agricultural business contributed 13.38%, which ranks third after the processing and trade industries. The challenge faced is that agricultural development, which is identical to the rural economy, is now experiencing a decline due to the impact of the implementation of an urban-biased development model.

Data and Methodology

The research technique used in this research is descriptive qualitative. David William (1995, in Moleong, 2007: 5) describes qualitative research as data collection in a scientific setting, using scientific methods, and is carried out by people or researchers who have a scientific interest. This approach was chosen because the writer wanted to understand comprehensively the potential for the application of the muzaraah contract in Indonesia. The analysis used is a qualitative analysis to optimize the potential of the muzaraah contract to solve Indonesia's agriculture problems.

Researchers try to describe the various stages used in source search, source processing, analysis, and research methods. Types and Sources of Data The data used in writing this scientific paper is secondary data, namely data obtained indirectly. through intermediary media. Secondary data is generally in the form of e-papers, e-journals, evidence, notes, or historical reports that have been compiled in archives (documentary data), both published and unpublished. Analysis in the form of a recommended description.

Discussion Section

Alternative to Access Capital Agricultural Sector

Islamic bank financing with the muzaraah scheme in the agricultural sector is very potential to be applied considering that the majority of Indonesia's population is farmers and natural resources in Indonesia are very potential for agribusiness development (Ridlwan, 2016). In addition, the Indonesian people are familiar with the profit-sharing system in economic activities, especially in the agricultural sector, for example, the maro, mertelu, marapat system with various proportions of profit sharing according to the agreement, the system is fairer considering the unpredictable yields. Even though the opportunity is very large, financing the agricultural sector also faces challenges both internally and externally. The internal obstacles include the low level of farmer human resources, the inability to access the market, and the unfamiliarity of using agricultural technology. Meanwhile, external constraints include natural factors and weather that cause crop failure, an unfavorable business climate, and inadequate infrastructure (agricultural technology). The obstacle from the Islamic banking side is the amount of risk faced by banks because payments for the financing provided are not as fast as financing in the trade sector.

The advantages of the government credit program include, among other things, a more organized implementation detail, from the start of the program to the end (Nugraha, 2016). Of course, this is reasonable given that the capital assistance program launched by the government has been in place for decades. The drawback is that this financing scheme program is still difficult for some parties to access. In addition, the scheme provided is still interest-based on loans, so that sometimes it is still difficult for small farmers to pay off these loans. Sharia-based financing, on the other hand, has several credit schemes (financing) that are more suitable to be adapted to the agricultural sector. One of the schemes is financing based on agricultural output or known as muzara'ah. The findings in this study after examining the sources that the researchers succeeded in obtaining were two alternative schemes of muzara'ah-based agricultural sector financing schemes. The first model is a scheme that places the government as a capital supporter and coach for farmers who receive aid programs. The second model is a scheme by making the government a party that participates directly inland processing (agriculture) businesses carried out by beneficiary farmers.

Muzara'ah According to The Study of Islamic Law

Muzara'ah agricultural land carried out by the people of Alur Nyamuk Village, Birem Bayeun Subdistrict, is to work on other people's land through production sharing agreements, only based on the verbal agreement between the landowner and the cultivator based on trust (Rafly, Natsir, & Sahara, 2016). And the balance distribution of agricultural products is also carried out in accordance with the agreement of both parties. To enter into a profit-sharing agreement is based on the initiative of both parties (landowner and tenant). Usually, the landowner offers to cultivate his land to his neighbors who

are previously known to the landowner, because usually the implementation of the production sharing agreement is based on trust and the basis of an agreement between the two parties. The implementation of muzara'ah in Alur Nyamuk Village, Birem Bayeun Subdistrict is not in accordance with the agreement that if the harvest fails, the sharing of rice fields by means of the harvest is deducted by the costs incurred by the landowner, then the remainder is only divided by the rice cultivators. Meanwhile, if the harvest fails completely, the landowner gives all the money he has harvested to the rice cultivators because the money they make is too little. In this case, it violates the rules of the agreement, when there is a loss or risk that is shared.

The system or method of cooperation in cultivating agricultural land carried out by farmers in Temu Village, Kanor District, Bojonegoro is a system or method of maron and a small number of nelon (Primada & Zaki, 2015). In the suitability of the system or method of cooperating cultivating agricultural land carried out by farmers in Temu Village with the Islamic fiqh muamalah principles, the system or method of cooperating cultivating agricultural land carried out by farmers in Temu Village is not contradictory and in accordance with the muamalah fiqh principles that govern cooperation in cultivation agricultural land. The cooperative process of cultivating the land carried out by the farmers in Temu Village can be categorized as a legitimate collaboration, because it has met the prevailing principles and conditions and both parties contain mutually exclusive principles, namely, there is an element of mutual willingness and mutual benefits, as well as customary customs. ('urf) which does not contradict the texts of the Al-Qur'an and Hadith and does not contain madharat. And it is done on the basis of an agreement and the willingness of the landowner and cultivator while they themselves ('aqid) accept it gracefully, then muamalah is valid and permissible.

Farmer Income with The Akad Muzara'ah

Farmers in Cimaranten Village are still dependent on middlemen for financing and selling their crops because of the difficulty of obtaining loans from banks (Lubis & Indrawati, 2017). This is because the lack of information makes farmers rely solely on market information from buyers, resulting in unequal information and difficulty negotiating. As a result, farmers get a lower price because the price is determined by the middlemen (price maker), while farmers are only the price taker. Then the factors that have a significant influence on the results of muzara'ah are the length of education, the length of experience in farming, the amount of working capital credit, and the area of land. Therefore, it requires the participation of community leaders through socialization and counseling activities in the agricultural sector, to provide information about the concept of muzara'ah to farmers, so that justice and the mandate taught in Islam can be further improved.

Regarding the application of the profit-sharing system tesang (akad muzara'ah) in an Islamic economic perspective, it is already based on the principles and philosophies contained in Islamic economics, namely: the principle of tauhid and brotherhood, the principle of work and productivity,

and the principle of fair distribution of wealth (Darmawita & Muin). In addition, it must also be based on Islamic economic principles, namely: the principle of consensual, the principle of justice, the principle of mutual benefit, and no party is harmed and the principle of mutual help and mutual assistance. Then regarding the distribution of harvests with the tesang system (akad muzara'ah) carried out by the people of Datara village, Tompobulu District, Gowa Regency, it has not been fully carried out based on the existing rules in Islam but they use local customary habits, namely by not determining the validity period of the tesang system (akad muzara'ah) and the distribution of the results is carried out by reducing the yield of the crop before it is divided by the two parties. The muzara'ah transaction process carried out in Datara Village, Tompobulu Subdistrict, Gowa Regency can be categorized as a legitimate collaboration because it contains mutually muamalah principles, namely the existence of an element of mutual willingness and is a custom or habit ('urf) that does not conflict with the texts of the Qur'an and hadith as well as contains no harm. And it is done on the basis of the agreement and the willingness of the landowners and smallholders. Viewed from an Islamic economic perspective, the muzara'ah contracts carried out in Datara village, Tompobulu District, Gowa Regency are mostly in accordance with existing Islamic economic principles, namely: the principle of volunteerism, the principle of justice, the principle of mutual benefit, and the principle of mutual help. And also in accordance with the principles of Islamic economics (the principle of monotheism and the principle of brotherhood, the principle of work and productivity, the principle of fair distribution of wealth).

Proposed Solution

After explaining the problems associated with the existing muzaraah contract, we are now in a position to propose solutions to existing problems, where the solutions we propose involve 4 different main parties, namely the Government, Islamic banks, landowners, and smallholders.

- Support from central and village government policies in agriculture, among others: Improve appropriate and sustainable technology to achieve high productivity and efficiency in rice cultivation, and increase productive human resources through education and counseling.
- Synergy between academics, Islamic banking associations, farmer associations/associations, the ministry of agriculture, NGOs, sharia cooperatives, and sharia insurance are pleased to consider the creation of new products in Islamic banks specifically for the agricultural sector given the low agricultural financing and the majority of farmers are in villages with a level of knowledge The low one.
- Making a muzara'ah agreement orally must be converted into a written agreement and there are witnesses so that it can be used as evidence and legal certainty. And if there is a loss that is not caused by the cultivator, then the person in charge is the landowner, but in reality, it is the cultivator who bears the risk with the aim of the landowner in

order to get multiple benefits. Even so, cultivators are forced to accept risks because they are driven by need, not because they want to.

The participation of community leaders and academics is urgently needed through socialization and extension activities in the agricultural sector, to provide information about the concept of muzara'ah to farmers, so that justice and mandate taught in Islam can be further improved.

Conclusion

The application of the muzara'ah contract in the agricultural sector in Indonesia is very potential considering that the majority of Indonesia's population is farmers and its natural resources are very abundant and suitable for agribusiness development. Efforts to optimize agricultural land are by using advanced technology, utilization of superior seeds or varieties, socialization, and counseling to farmers, planting properly and with environmental insight, as well as an independent community economic orientation. This was done in order to achieve an increase in agricultural output through the application of the muzara'ah agreement and as an effort to prove the existence of agriculture in Indonesia. The implementation of this muzara'ah contract must be accompanied by various parties such as the government through the ministry of agriculture to make the right policies, Islamic banks in this case as supporting capital and financing breakthroughs offered, then landowners and cultivators. Apart from the four parties, other supporting parties are academics and also community leaders who are expected to help socialize the understanding of the muzara'ah contract itself, both in terms of harmony, conditions, profit sharing, and others so that in its application it is not wrong and remains based on principles sharia.

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