

Dominance of Workers' Rights in the Profit Sharing System (*Mukhabarah*) Based on the Principle of Balance

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Abstract. This research is based on the requirement to do work that is not in line with the obligation to provide capital, the system of difficulties at the work level needs to be discussed in an obligation that will be fulfilled. In line with this, to increase understanding of workers' rights in agricultural cooperation with a profit sharing system based on the principle of balance when linked to the level of difficulty of the work. This study aims to analyse the forms of rights and obligations in the palm sap processing cooperation, and how the profit sharing of the *mukhabarah* system is based on the principle of balance. This research is empirical legal research based on a qualitative descriptive with phenomenology. In data collection, researchers conducted interviews with research informants based on interview guidelines. This research was conducted in Nagari Supayang, Tanah Datar Regency, West Sumatra. The results of the study indicate that there is a heavier burden and greater risk to the manager. The work of managing palm sap requires more days, both climbing days and days of processing palm sap. The conclusion is that there is a dominance of workers' rights in profit sharing agricultural cooperation based on the principle of balance where workers get their rights based on the magnitude of the work responsibilities they carry.

Keywords: Balance, *Mudharabah*, *Mukhabarah*, Profit Sharing, Workers' Rights.

Abstrak. Penelitian ini dilatarbelakangi oleh adanya kewajiban untuk melakukan pekerjaan yang tidak sejalan dengan kewajiban memberikan modal, maka sistem yang berkaitan dengan kesulitan pada pekerjaan perlu dibahas terutama terkait kewajiban tertentu yang akan dipenuhi. Sejalan dengan hal tersebut, penelitian ini ditujukan untuk meningkatkan pemahaman tentang hak-hak pekerja dalam koperasi pertanian dengan sistem bagi hasil berdasarkan asas keseimbangan apabila dikaitkan dengan tingkat kesulitan pekerjaan. Penelitian ini bertujuan untuk menganalisis bentuk-bentuk hak dan kewajiban dalam koperasi pengolahan nira aren, dan bagaimana pembagian hasil sistem mukhabarah berdasarkan asas keseimbangan. Penelitian ini adalah penelitian hukum empiris berbasis metode deskriptif kualitatif dengan fenomenologi. Dalam pengumpulan data, peneliti melakukan wawancara dengan informan penelitian berdasarkan pedoman wawancara. Penelitian ini dilaksanakan di Nagari Supayang, Kabupaten Tanah Datar, Sumatera Barat. Hasil penelitian menunjukkan bahwa terdapat beban yang lebih berat dan risiko yang lebih besar bagi pengelola. Pekerjaan pengelolaan nira aren membutuhkan hari yang lebih banyak untuk menyelesaikan pekerjaannya, baik hari untuk pendakian maupun hari untuk pengolahan nira aren. Kesimpulannya adalah terdapat dominasi hak pekerja dalam kerjasama pertanian bagi hasil berdasarkan asas keseimbangan dimana pekerja mendapatkan haknya berdasarkan besarnya tanggung jawab pekerjaan yang diembannya.

Kata kunci: Bagi Hasil, Hak Pekerja, Keseimbangan, *Mudharabah*, *Mukhabarah*.

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INTRODUCTION

The distribution of business results should pay attention to the principles of justice. The existence of equal rights between workers and sap tree owners is sometimes a phenomenon worth studying. In the midst of community life, it is often found that one of the parties working together obtains more dominant rights. A balance of profit sharing such as 50:50 can be understood as equality in receiving the results that will be received in cooperation. However, rights arise from the burden of responsibility carried. There are no demands because no responsibilities are carried out. By existing a portion between the rights obtained and the obligations that must be carried out, balance will be achieved.¹

A person has a palm tree trunk that grows in the bushes of his land. Palm water trees are kept by people from residential areas. The processing of palm tree requires competent workers, both in climbing and processing it. The processing of palm tree into palm sugar shows more results for workers compared to the person who owns the tree. The division is six parts for workers and one day for the owner. The prominence of profit sharing is very detrimental to the owner or can be workers. Profit sharing in cooperation must create justice.²

Generally, profit sharing is a form of justice. The results obtained from joint efforts are owned jointly and become rights according to the proportion of the agreed ratio. Islam regulates the distribution of income obtained based on justice. Likewise, the distribution of wealth and economic resources must be distributed to the community.³ Profit sharing is according to the proportion of capital so that justice is achieved.⁴ Fair profit sharing can improve economic welfare.⁵ The family economy is helped by a

¹ D.B. Madan and W.Schoutens, "Equilibrium Asset Returns in Financial Markets," *International Journal of Theoretical and Applied Finance* 22, no. 2 (2019), <https://doi.org/10.1142/S0219024918500632>; Dominik Bierecki, "Zasada Równości Praw i Obowiązków Członków Spółdzielni . Uwagi Na Tle Orzecznictwa Sądu Najwyższego," *Prawo i Więź* (39), no. 1 (2022): 264–81.

² Farida Arianti, *Harga dalam Ekonomi Islam Studi Perbandingan Harga* (Yogyakarta: deepublish, 2021).

³ Abdul Muttalib, "Analisis Sistem Bagi Hasil Muzara'ah dan Mukhabarah Pada Usaha Tani Padi dan Kecamatan Praya Timur," *Jime* 1, no. 2 (2015): 1–13.

⁴ Siti Nur Syahiirah Mohd Faizal, Alfian Zein, and Mohd Hanafi Idris, "Inequality of Profit Sharing System in Fishing Business in Kuala Marang, Marang, Terengganu," *Journal of Sustainability Science and Management* 16, no. 8 (2021): 193–204, <https://doi.org/10.46754/jssm.2021.12.013>.

⁵ Daniel A. Vignon et al., "Economic Analysis of Vehicle Infrastructure Cooperation for Driving Automation," *Transportation Research Part C: Emerging Technologies* 142 (September 2022): 103757, <https://doi.org/10.1016/j.trc.2022.103757>.

profit sharing system because it can increase its economic strength from the profit sharing percentage.⁶

Profit sharing according to Islamic Law/*Fiqh* is called a *mudharabah* contract/agreement. As the hadith about profit sharing from Shohih bin Shuhaib r.a. that the Messenger of Allah SAW said "Three things in which there are blessings: a deferred sale and purchase, *muqaradhah* (*mudharabah*) and mixing wheat with flour for household needs, not for sale. (HR. Ibn Majah). Also included in Law Number 2 of 1960 article 1 concerning profit sharing agreements is: "An agreement with any name whatsoever made between the owner on one party and a person or legal entity on the other party which in this law is called a "cultivator", based on which agreement the cultivator is permitted by the owner to carry out agricultural business on the owner's land, with the distribution of the results between the two parties".

Regarding *mudharabah* contract cooperation based on profit sharing system (profit sharing system cooperation between capital owners and workers), the majority of scholars define *mudharabah* as a contract between two parties who are mutually responsible, one party provides capital to another party (manager) to be traded, while the manager provides his labor in trading. The profit from the business becomes each party's share, such as half or one third with the conditions that have been determined".⁷ The Compilation of Sharia Economic Law (KHES) discusses *mudharabah* as cooperation between investors and managers to carry out business where the profit sharing is based on the ratio.

The characteristics of the *mudharabah* contract are identified with profit sharing cooperation. The results obtained in trade/business, whether large or small in volume, both have the results of the business, and both have investments in both capital and labor. All participants benefit from the results of the trade/business. The business philosophy of the *mudharabah* contract lies in sharing profits or losses.⁸ According to

⁶ Umrah and Miwan, "Implementasi Akad Muzaraah Pada Bagi Hasil Penggarap Dengan Pemilik Lahan Sawah (Studi Kasus Di Desa Tapua Kecamatan Matangnga)."

⁷ Popon Srisusilawati and Nanik Eprianti, "Penerapan Prinsip Keadilan dalam Akad Mudharabah di Lembaga Keuangan Syariah," *Law and Justice* 2, no. 1 (2017): 12–23, <https://doi.org/10.23917/laj.v2i1.4333>.

⁸ Khudari Ibrahim, "Mudharabah Principle of Banking Products," *IUSKajian Hukum dan Keadilan* 4, no. 2 (2014): 42–53.

the rules of “*al-jazā'u min jinsil al 'amāl*”, that wages depend on work. If there is a loss, then the loss is borne by the capital owner, unless the loss is caused by negligence in management, then the manager is responsible.⁹

Furthermore, *mukhabarah* is a cooperation in agricultural processing. This cooperation is between the land owner and the cultivator, while the seeds are from the cultivator, the land owner provides agricultural land to the cultivator to be planted with a certain reward (half, one third, or one quarter) of the harvest.¹⁰ *Muzaaraah* cooperation that contains elements of mutual assistance, reflected in the profit sharing realizing balance.¹¹

Based on the cooperation that exists through the *muzara'ah*, *mukhabarah*, and *musaqah* contracts/agreements, profit sharing themes can be classified, namely; Firstly, profit sharing is the result of a cooperative relationship. Secondly, profit sharing is contained in agricultural cooperation agreements in the form of *muzaraah*, *mukhabarah* and *musaqah* contracts.¹² ¹³ Meanwhile, agricultural cooperation with a *muzaraah* agreement is more profitable than a rental agreement because rentals are more exploitative of working farmers. ¹⁴ ¹⁵ These three divisions of the results of the sap water collaboration are interrelated between workers and sap water owners, but the results obtained from one party are more dominant. Therefore, this paper directs the study of forms of cooperation obligations and the rights of both parties.

⁹ Fadhilah Mursid, “Kajian Fatwa Dewan Syariah Nasional tentang Mudharabah,” *TAWAZUN: Journal of Sharia Economic Law* 3, no. 1 (2020): 107, <https://doi.org/10.21043/tawazun.v3i1.7847>.

¹⁰ Ai Pipit Pitriani, “Tinjauan Fikih Muamalah Akad Mukhabarah dan UU No 2 Tahun 1960 tentang Perjanjian Bagi Hasil Pertanian terhadap Pelaksanaan Maro Sawah Antara Petani Penggarap Dengan Pemilik Tanah,” *Hukum Ekonomi Syariah*, no. 2 (2020): 171–75, <https://doi.org/http://dx.doi.org/10.29313/syariah.v6i2.21999>.

¹¹ Umrah and Miwan, “Implementasi Akad Muzaraah Pada Bagi Hasil Penggarap Dengan Pemilik Lahan Sawah (Studi Kasus Di Desa Tapua Kecamatan Matangnga),” *J-Alif: Jurnal Penelitian Hukum Ekonomi Syariah Dan Budaya Islam* 6, no. 2 (2021): 167, <https://doi.org/10.35329/jalif.v6i2.2310>.

¹² Dyah Ochtorina Susanti, “The Profit-Sharing System Between Landowners and Cultivators of Tobacco : Islamic Economic Law Perspective” 43, no. 2 (2021): 110–22, <https://doi.org/10.30595/islamadina.v0i0.1528>.Jurnal.

¹³ Jeffrey Carpenter, Andrea Robbett, and Prottoy A. Akbar, “Profit Sharing and Peer Reporting,” *Management Science* 64, no. 9 (2018): 4261–76, <https://doi.org/10.1287/mnsc.2017.2831>.

¹⁴ Muhammad Maulana and Aulil Amri, “Polarization of Profit Sharing of Paddy Cultivation in the Acehese Community as an Attempt to Alleviate Poverty: A Study of Fiqh Muamalah” 5, no. 1 (2021): 297–316, <https://doi.org/10.22373/sjhc.v5i1.8774>.

¹⁵ Carpenter, Robbett, and Akbar, “Profit Sharing and Peer Reporting.”

Other research also classifies profit sharing into three, namely; First, the profit sharing system contains benefits and can increase productivity.^{16 17} Second, profit sharing is contained in agricultural cooperation agreements in the form of *muzaraah*, *mukhabarah* and *musaqah* contracts. Meanwhile, agricultural cooperation with a *muzaraah* agreement is more profitable than a rental agreement because rentals are more exploitative of working farmers.¹⁸ Third, the distribution of the results of this sap water collaboration alternates between the workers and the sap water owners. However, how the results obtained from which party are distributed, related to which party is more dominant in getting their rights and what their duties and responsibilities are, is interesting to research. The novelty of this article explains justice in a person's rights based on the magnitude of the obligations given.

Referring to research on cooperation on agricultural land,^{19 20} then research completed the void in the literature regarding aspects of balancing rights and obligations in working in traditional societies. For information, in Nagari Sungayang, Tanah Datar Regency, West Sumatra, there were people who produce palm sugar. This was important for further research to get an idea of the balance of profit sharing in palm sugar processing agricultural cooperation, such as: (a) what is the form of work in sap water processing; (b) what are the obligations of the interested parties; (c) how to share the results of cooperation obtained from sap water processing.

This research is based on the argument that the higher the frequency of work carried out and the risks borne in collaboration, the greater the rights received in distributing the results of processing pure water into palm sugar. Balance is not always seen in equality, but rather how there is a balance between the rights and obligations imposed in a collaboration. Knowledge regarding proportional distribution of profits is very urgent to improve the welfare of the parties. Whether the distribution is equal or not

¹⁶ Jaakko Pehkonen et al., "Profit Sharing and the Firm-Size Wage Premium," *Labour* 31, no. 2 (2017): 153–73, <https://doi.org/10.1111/labr.12092>.

¹⁷ Yuni Shafira Rahmah, Syihabudin Syihabudin, and Kheryadi Kheryadi, "The Influence of 'Maro' Profit-Sharing System through Farmers's Welfare," *Syi'ar Iqtisadi: Journal of Islamic Economics, Finance and Banking* 3, no. 2 (2019): 51, <https://doi.org/10.35448/jiec.v3i2.6586>.

¹⁸ Maulana and Amri, "Polarization of Profit Sharing of Paddy Cultivation in the Acehese Community as an Attempt to Alleviate Poverty: A Study of Fiqh Muamalah."

¹⁹ Pehkonen et al., "Profit Sharing and the Firm-Size Wage Premium."

²⁰ Rahmah, Syihabudin, and Kheryadi, "The Influence of 'Maro' Profit-Sharing System through Farmers's Welfare."

must be regulated proportionally. This research is intended to provide a sense of justice in *mudharabah* cooperation which is determined by determining the profit sharing ratio agreed between the sap tree owner and his workers. Determination of this ratio is based on the proportion of difficulty processing sap water, not based on the portion of capital spent by investors.

Many studies on profit sharing have discussed this issue. For example, both the article written by Rizal Darwis and the research conducted by Carpenter et.al., mention that profit sharing in agricultural land cooperation is more profitable than rental practices.^{21 22} Moreover, Rahmat et.al., and Krismon Tri Damayanti argued that the profit sharing system has fulfilled the requirements of Islamic law^{23 24} but has not seen and discussed when a person's work has exceeded and has spent several days to produce work and adequate skills from the difficulties and obstacles faced, thus emphasizing the significance of this research.

METHODOLOGY

This research is empirical research that aims to observe and examine how the results are shared in cooperation between workers and palm sugar owners. Workers will receive results by looking at the balance side by the parties to the cooperation. How much of the results are received by each party in the distribution of palm sugar. This profit sharing will be explored in the field. For data collection, researchers conducted interviews with research informants based on interview guidelines. The informants for this research numbered six people. This research was conducted in Nagari Supayang, Tanah Datar Regency, West Sumatra. In addition, they also conducted observations in carrying out the cooperation process. The primary data sources were six palm tree owners and two managers. Data validity was carried out through source

²¹ Rizal Darwis, "Sistem Bagi Hasil Pertanian Pada Masyarakat Petani Penggarap Di Kabupaten Gorontalo Perspektif Hukum Ekonomi Islam," *Al-Mizan* 12, no. 1 (2016): 1–25, <https://doi.org/10.30603/am.v12i1.122>.

²² Carpenter, Robbett, and Akbar, "Profit Sharing and Peer Reporting."

²³ Rahmat, Saifuddin, and Abd Hamid, "Sistem Bagi Hasil Antara Pemilik Dan Penggarap Kebun Kakao Dalam Perspektif Hukum Ekonomi Islam," *J-ALIF Jurnal Penelitian Hukum Ekonomi Syariah Dan Sosial Budaya Islam* 7, no. 1 (2022): 1–9.

²⁴ Krismon Tri Damayanti, "Perjanjian Bagi Hasil Dalam Kerjasama Pengelolaan Sawah Di Desa Sungai Rasau Dalam Perspektif Hukum Ekonomi Syariah," *Jurnal Intelektualita: Keislaman, Sosial Dan Sains* 8, no. 1 (2019): 1–10, <https://doi.org/10.19109/intelektualita.v8i1.4222>.

triangulation. The technique of analyzing data in qualitative descriptive research through sequential stages. First, collect data in Nagari Sungayang to informants, then reduce which data is appropriate to be taken. then the data is displayed descriptively and the data is analyzed. For data validity by means of triangulation techniques. Interviews are validated with interviews, interviews with observations. (Creswell & Creswell, 2018)

RESULT AND DISCUSSION

Conditions of Rubber Water Management Workers

Agricultural areas require skilled land management and skilled labor. Agriculture can be valuable when it is produced to produce finished materials. Availability of raw materials creates jobs. Those who live in agricultural areas look for work in the agricultural sector. The agricultural sector can add eight jobs. The form of agricultural products can be seen in table 1.

Table 1. Forms of Agricultural Business

No	Plant Type	Production	Information
1	Sweet potato	Yam Crackers	Preparing Self
2	Roomie	Palm sugar	Collaborate
3	Sugarcane	Cane sugar	Independent or Collaborative process
4	Paddy	Rice	Preparing Self

Source: Data Processed by Researchers

From the research conducted, it can be seen that the economy of the Nagari Supayang community depends on agricultural resources such as rice, vegetables, plantations and livestock. Most people run businesses from natural products such as rice plants, sugar cane plants, tubers, rice and so on. One of the plants processed by the community was sap which was processed into palm sugar. There were several communities, in this case tree owners and workers who manage sap water together where the sap water was extracted until it was perfectly processed by the manager. What this means was that the sap tree owner hands over all the work to the manager.

Furthermore, the agreement on cooperation carried out by both parties in processing sap water was made verbally. Handing over management to managers has become their tradition.²⁵ It can be interpreted that cooperation is a process of giving each other capital or energy to earn income. The work is carried out jointly even though each party has a different role. One provides capital and the other provides services. However, sometimes it was found that a combination of several people provided capital to several workers in one business. There were times when one capital owner collaborates with several workers.

The cooperation that exists through the *muzara'ah*, *mukhabarah*, and *musaqah* contracts/agreements.²⁶ The *muzara'ah*, *mukhabarah* contracts hand over empty land to be planted by workers. The results of this cooperation are the results of the plants that will be divided, there is a 1/3 system, there is also a system or 1/4 depending on the operational costs borne (fertilizer and others). The results obtained from the plants are the rights of the workers and land owners. It is different if the agricultural work is by renting agricultural land for a year. Then the farmer submits the annual land rent which is quite clear how much will be given at the time the contract/agreement is made, behind that the results obtained by the farmer are not necessarily promising or not (crop failure). This work makes the farmer bear all the costs himself and pay the agricultural land rent.

Rights and Obligations in Collaboration

Human interaction in fulfilling their life needs, such as the need for goods, can be done through the buying and selling process, cooperation in producing goods, and other processes. These activities give rise to human rights and obligations. Rights and obligations are regulated in Islamic law, namely muamalah fiqh so as not to harm

²⁵ Abrar Saleng, "Hubungan Hukum Antara Pemerintah Dengan Badan Usaha Swasta dalam Berbagai Pola Kontrak Kerjasama Pengusahaan," *IUSTUM: Jurnal Hukum Ius Quia Iustum* 7, no. 13 (2000): 12–30, <https://doi.org/10.20885/iustum.vol7.iss13.art2>.

²⁶ Susanti, "The Profit-Sharing System Between Landowners and Cultivators of Tobacco : Islamic Economic Law Perspective."

either party.²⁷ The cooperation agreement gives rise to the rights and obligations of the parties.²⁸

Human rights and obligations are equal before Allah in monotheism. Human rights and obligations are also recognized by law.²⁹ The book *Al-Mawardi al-Ahkām as-Sultāniyyah* explains that the measurement for determining work wages is a sufficient standard. This means that workers' wages must meet minimum needs.³⁰ Rights go hand in hand with obligations. This means that greater obligations have greater rights.³¹

An understanding of rights and obligations, especially in terms of work, must be emphasized for each individual to be responsive to human rights.³² In aspects of the company, especially regarding workers' rights, they have adopted a corporate social responsibility system since the 1990s.³³ In addition, trade unions also function to protect workers' rights and interests.³⁴ In developing countries, protection of workers' rights is still minimal.³⁵ This is proven by attacks on workers' rights carried out by state governments through the labor reform agenda.³⁶

Regarding the implementation of rights and obligations according to local customs. It can be understood that work in collaboration concerns rights and obligations that

²⁷ Zainil Ghulam, "Relasi Fiqh Muamalat Dengan Ekonomi Islam," *IQTISHODUNA: Jurnal Ekonomi Islam* 8, no. 2 (2016): 128–48.

²⁸ Reinhard Politon, "Pemenuhan Hak Dan Kewajiban Sesuai Kesepakatan Para Pihak Dalam Kontrak Ditinjau Dari Kitab Undang Undang Hukum Perdata," *Lex Crimen* 4, no. 3 (2017): 9–15.

²⁹ Ridwan Khairandy, "Karakter Hukum Perusahaan Perseroan Dan Status Hukum Kekayaan Yang Dimilikinya," *Jurnal Hukum Ins Quia Iustum* 20, no. 1 (2013): 81–97, <https://doi.org/10.20885/iustum.vol20.iss1.art5>.

³⁰ Imam Al-Mawardi, *Al-Ahkām Sultāniyah* (Libanon: Dār al-Awrāq lil-Nashr wa-al-Tawzī', 2019); Ika Novi Nur Hidayati, "Pengupahan Dalam Perspektif Hukum Islam dan Hukum Positif," *Az Zarga* 9, no. 2 (2017): 184–208.

³¹ Achmad Badarus Syamsi and Galuh Widitya Qomaro, "Perlindungan Hukum Perjanjian Bagi Hasil Petani Garam Di Kabupaten Pamekasan Dalam Perspektif Hukum Islam dan Hukum Perdata," *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 1 (2020): 35–50, <https://doi.org/https://doi.org/10.24090/mnh.v14i1.3580> Jurnal.

³² Mehmet Fatih Yigit, "Citizenship and Human Rights within the Scope of Values Education," *Journal of Ethnic and Cultural Studies* 8, no. 3 (2021): 282–91, <https://doi.org/10.29333/ejecs/809>.

³³ Lijun Tang and Victor Gekara, "The Importance of Customer Expectations: An Analysis of CSR in Container Shipping," *Journal of Business Ethics* 165, no. 3 (2020): 383–93, <https://doi.org/10.1007/s10551-018-4062-4>.

³⁴ Gadi Nissim and Tomer Simon, "The Future of Labor Unions in the Age of Automation and at the Dawn of AI," *Technology in Society* 67, no. August 2020 (2021): 101732, <https://doi.org/10.1016/j.techsoc.2021.101732>; Mansoor Ahmad Matthew Allen, "Employee Relations : The International Journal Article Information ;," *Employee Relations* 37, no. 5 (2015): 1–37.

³⁵ Sijeong Lim and Aseem Prakash, "Do Economic Problems at Home Undermine Worker Safety Abroad?: A Panel Study, 1980–2009," *World Development* 96 (2017): 562–77, <https://doi.org/10.1016/j.worlddev.2017.03.038>.

³⁶ Nivedita Jayaram and Divya Varma, "Examining the 'Labour' in Labour Migration: Migrant Workers' Informal Work Arrangements and Access to Labour Rights in Urban Sectors," *Indian Journal of Labour Economics* 63, no. 4 (2020): 999–1019, <https://doi.org/10.1007/s41027-020-00288-5>.

already exist in societ.³⁷ Regarding rights and obligations, law and economics have different perceptions regarding rights and obligations. From a legal perspective, everyone has the same rights and obligations.³⁸ Law is a doctrine that unites rights and obligations.³⁹ Meanwhile, from an economic perspective, a fair distribution of rights and obligations constitutes distributive justice with the aim of increasing a sense of justice.⁴⁰ In terms of employment, there must be dialogue and agreement between workers and employers regarding their rights and obligations.⁴¹ Therefore, the balance between rights and obligations needs to be dissolved in order to create just, peaceful and peaceful social relations.

The rights of the palm tree owner are in the form of sap water processing results, namely palm sugar. Likewise, the management rights are in the form of palm sugar. This right arises because of the manager's obligations and the availability of raw materials by the sap owner. Among the rights and obligations in cooperation in palm water management can be seen in the following table and figure.

³⁷ Bierecki, "Zasada Równości Praw i Obowiązków Członków Spółdzielni. Uwagi Na Tle Orzecznictwa Sądu Najwyższego."

³⁸ Svetislav V. Kostić, "The Constitutional Obligation of an Identical Tax Treatment of Marriage, Common Law Partnerships and Same-Sex Partnerships in the Republic of Serbia," *Pravni Zapisi* 13, no. 1 (2022): 212–39, <https://doi.org/10.5937/pravzap0-37467>.

³⁹ Claudio Novelli, Giorgio Bongiovanni, and Giovanni Sartor, "A Conceptual Framework for Legal Personality and Its Application to AI," *Jurisprudence* 13, no. 2 (2022): 194–219, <https://doi.org/10.1080/20403313.2021.2010936>.

⁴⁰ Muhammad Syukri and Albani Nasution, "Perspektif Filsafat Hukum Islam Istri Dalam Perkawinan," *Jurnal Studi Keislaman* 15, no. 1 (2015): 63–80; Wang Xixin, "The Bundle of Personal Information Rights from the Perspective of State Protection," *Social Science In China* Volume 43, no. Issue 2 (2022), <https://doi.org/https://doi.org/10.1080/02529203.2022.2093062>.

⁴¹ Imam Subchi et al., "Negotiating Religiosity in a Secular Society: A Study of Indonesian Muslim Female Migrant Workers in Hong Kong," *Journal of Population and Social Studies* 30 (2022): 147–69, <https://doi.org/10.25133/JPSSv302022.010>.

Table 2. Roomie Processing Obligations and Rights

Work/Obligations of Land Owners	Manager's Work/Obligations	Right
<ol style="list-style-type: none"> 1. Planting sap trees and let them grow until they grow big without the cost of fertilizer and maintenance 2. Looking for someone to manage roomie 	<ol style="list-style-type: none"> 1. Looking for sap tree owners to work with 2. Hitting the sap tree bunches and swing them for 1 month so that the sap juice comes out more optimally 3. Hitting the sap tree bunches and swing them for 1 month so that sap juice can be released more optimally 4. Climbing sap trees and hang bamboo to collect sap water from palm trees bunches twice a day for 4 months 5. Cooking sap water every day by preparing firewood 6. Preparing firewood to cook palm juice into palm sugar 7. Cooking the sap trees for four hours until it thickens like a dough that is ready to be molded 	<ol style="list-style-type: none"> 1. Workers' rights are the result of six days 2. The land owner's right is one day

Source: Researcher, July 2021



Figure 1. Types of Work

Figure 1 shows the severity of the work and the magnitude of the risks that will occur if you do not have climbing skills. The risks involved in this work include falling from a height and being injured by sharp objects. Not everyone could do it if they don't have climbing skills and were also used to processing sap water (Interview, 7 July 2021). A sharp cutting tool was carried to the top of the sap tree to extract the sap juice. The work of collecting sap water was carried out every day. Then the sap water was cooked in a large pan and required sufficient firewood. The palm juice was cooked continuously until it thickened and was ready to be stirred in the mold. The process of cooking sap water took about four hours. After the sap water was cooked, the sap water was stirred and poured into molds shaped like coconut shells or pieces of bamboo. Then, this was allowed to cool and harden, then separated from the mold (Interview, 7 July 2021). The manager's job is heavy and challenging, such as climbing with sharp weapons will be risky if not skilled. Eligibility for expertise that is difficult for others, and this has a high value price. Therefore, expertise can be measured as capital in cooperation.

Proportional Profit Sharing from Agricultural Cooperation

Profit sharing is part of the rights of everyone who collaborates. In profit sharing, workers bear part of the operational costs of the business.^{42 43} Regarding profit sharing, the distribution of rights between the two parties can be seen in table 3 below.

Table 3. Profit Sharing Proportion

No	Management Section	Palm Tree Owner Section	Explanation
1	6 days of preparation	1 day processing	Length of days to take sap water (7 days)

Sumber: Peneliti, Juli 2021

The distribution of palm sugar yields between sap owners and managers was influenced by the quantity of palm sugar. If the amount of water obtained was large

⁴² Kris Aerts, Kornelius Kraft, and Julia Lang, "Profit Sharing and Innovation," *Industrial and Corporate Change* 24, no. 6 (2015): 1377–92, <https://doi.org/10.1093/icc/dtv009>.

⁴³ D. Gong dkk, 'Bagi Hasil atau Bagi Hasil? Perspektif Produksi Internet', *Kemajuan dalam Teknik dan Manajemen Produksi*, 13.1 (2018), 81–92 <<https://doi.org/10.14743/apem2018.1.275>>.

enough, the owner was entitled to receive three kilograms or more of palm sugar. Meanwhile, if the amount of sap water was small, then the sap water manager was only entitled to get one or two kilograms of palm sugar (NS and NR Manager Interview, Nagari Supayang 19 July 2021). This means that the more sap water they got, the more palm sugar the manager got.

A profit sharing system with unequal proportions causes income inequality between capital owners and workers. This inequality is caused by differences in the portion of profits obtained by each actor. The pattern of profits obtained by each party is classified into two forms. The first pattern is that capital owners earn a profit of 66.67% while workers earn a profit of 33.33%. The second pattern is that capital owners get a profit of 75% and workers 25%.⁴⁴ The positive impact obtained from the profit sharing system is because it has a positive impact on the company's work and performance.⁴⁵ This is because employees participate in every profit and efficiency of the company, because they optimize production results.⁴⁶ Apart from that, profit sharing also aims to reduce conflict between company owners and employees⁴⁷ and reduce wage costs.⁴⁸

Processing rice fields with the provision of profit sharing, all costs are borne by the owner of the rice fields so that in profit sharing the owner gets 2 shares and the cultivator gets 1 share. On the other hand, if all the capital comes from the cultivator, the cultivator gets 2 shares from the owner of 1 share. However, if the costs are shared, the profits are shared equally.⁴⁹ The profit sharing system between managers and capital owners is based on a system of half or one-third, one-fifth and two-fifth. The above systems have different rights and obligations. This is because the obligation is dominated by the party who receives half.⁵⁰ This profit sharing looks at how much

⁴⁴ Faizal, Zein, and Idris, "Inequality of Profit Sharing System in Fishing Business in Kuala Marang, Marang, Terengganu."

⁴⁵ Tukang Kayu, Robbett, dan Akbar.

⁴⁶ Aerts, Kraft, dan Lang.

⁴⁷ Fathi Fakhfakh, Andrew Robinson, dan Aguibou Tall, 'Financial Participation and Collective Conflicts: Evidence from French Firms', *Industrial Relations* , 58.4 (2019), 674–703 <<https://doi.org/10.1111/irel.12244>>.

⁴⁸ Pehkonen dan lainnya.

⁴⁹ Anita Mauliyanti, 'Sistem Bagi Hasil Penggarapan Sawah Di Desa Bedegung Kecamatan Semidang Aji (Studi Kasus Desa Bedegung Kecamatan Semidang Aji Kabupaten OKU)', *Baabu Al-Ilmi* , 5.1 (2020), 76–89 <<https://doi.org/10.293000/ba.v4i2>>.

⁵⁰ Syamsi dan Qomaro.

capital is provided in relation to the size of the results that will be received. Therefore, the results distributed depend on the size of the capital.

The distribution of the results is equal between the two parties, both the landowner and the manager. Implementation of cooperative profit sharing *mukhabarah* agreements between cultivating partners and landowners with a profit-sharing portion of 50% for the owner and 50% for the cultivator.⁵¹ The same result is obtained by alternating the results that each will receive. Diana explained that the owner gets a profit share for the first seven days, while the profit sharing for the next seven days goes to the sap water manager. The agreement to divide the rice fields was made verbally with the provision that the profit sharing was 1/2 for the manager and 1/2 for the owner. Production costs are the responsibility of the manager. The risk of crop failure is borne by the manager.⁵² This means that the manager gets half of the results, and the other half goes to the owner.

Rubber profit sharing can be done with several conditions: divide by two, divide by three (the owner's share is 1/3 and the cutter's share is 2/3); divide by four (1/4 for the owner and 3/4 for the manager) and divide by five (2/5 for the owner and 3/5 for the manager). Rubber profit sharing is a unique profit sharing where the largest portion is obtained by the cutter. Most of the results obtained by workers only explained their work as rubber cutters.⁵³

The system for dividing two lands in the coffee plantation processing cooperation agreement is included in the *mugharash* agreement. The mechanism is by handing over dead land by the land owner to cultivating farmers to be used as productive land, then within a certain period of time it is estimated that the profit will be distributed in two parts intended for the land owner and sharecroppers (Jamhuri, et. al., 2020). It is

⁵¹ Ai Pipit Pitriani, 'Tinjauan Fikih Muamalah Akad Mukhabarah Dan UU No 2 Tahun 1960 Tentang Perjanjian Bagi Hasil Pertanian Terhadap Pelaksanaan Maro Sawah Antara Petani Penggarap Dengan Pemilik Tanah', *Hukum Ekonomi Syariah*, 2, 2020, 171–75 <<https://doi.org/http://dx.doi.org/10.29313/syariah.v6i2.21999>>.

⁵² Jannahar Saddam Ash Shidiqie, 'Bagi Hasil Pertanian Ditinjau Dari Undang-Undang Dan Hukum Islam', *Jurnal Ekonomi Syariah Indonesia*, 7.1 (2017), 22–31.

⁵³ Henni Indrayani and Harkanerii Harkaneri, 'Implementasi Sistem Bagi Hasil Pada Perkebunan Karet Rakyat Masyarakat Kabupaten Kampar Riau', *Jurnal Al-Iqtishad*, 14.2 (2018), 41–62 <<https://doi.org/10.24014/jiq.v14i2.6810>>.

clear that the profit sharing for the first seven days is for the sap tree owner, while the next seven days are for the manager.

Based on the explanation above, this research discussed professionalism in sharing the results of collaboration between two parties. The rights and obligations of contract actors in cooperation will balance the rights that will be obtained by each party implementing the sap water management agreement. Proportional profit sharing could be determined from the size of the work/skills or capital/services offered. The skill of collecting sap water was a special skill that not everyone had and this skill became capital for its management.

The profit sharing collaboration carried out between the sap tree owners and the palm sap management farmers resulted in an agreement. The agreement was that the profit sharing was carried out once a week by dividing the results of the sap water processing to be converted into palm sugar with a provision of six days for the manager and one day for the owner. Production sharing agreements had been in place for a long time so they did not use written contracts, but rather verbal contracts. Likewise, in a production sharing agreement, the owner and manager already knew each other's profit sharing system.

The profit sharing received by managers was more dominant than owners because they had more responsibilities. The manager's responsibilities started from climbing the sap tree, hanging bamboo to hold the sap water for 4 months, cooking, and even the printing process on the container. Comparison of research conducted with previous research was research,⁵⁴ discussing balance in profit sharing where in profit sharing it is agreed that the results obtained during the first week belong to the manager and the results in the following week belong to the palm tree owner. This research stated that there was a practice of rotating profit sharing, so that each owner and manager did not have differences in profit sharing. It could be interpreted that each party got the same results, unlike what the author encountered.

⁵⁴ Elvianita Martanti, Diana Elvianita Martanti, dan Hery Suprayitno, 'Model Bagi Hasil "Nderes" pada Petani Gula Merah di Kecamatan Nglegok Kabupaten Blitar', 4.2 (2019), 39–50.

Principle of Balancing Rights and Obligations in *Mudharabah*

The balance of rights and obligations reflects justice. Justice is putting things in their place and giving to those who are entitled to them, and treating things in their position. Placing someone according to their rights and obligations is justice. The sap water manager who works many days both preparing it for cooking and also taking the sap water from the stems, should get a bigger share of the profits. According to the rule of wages according to his actions.. Balance is giving rights to other people according to their services.⁵⁵ By having a balance, conflicts between rubber owners and workers will be avoided.⁵⁶ ⁵⁷ The command to harmonize justice, balance so as not to wrong anyone can be seen in the word of Allah in the surah (QS. Al-Hadid verse 25):

“To believers, let you be people who always uphold (the truth) for the sake of Allah, be fair witnesses. And never once did your hatred of a people encourage you not to do that. Be fair, because justice is closer to piety. And fear Allah, indeed Allah is All-Knowing of what you do.”

Form justice by considering two things, namely hard work and the needs of life. Hard work is the basis for determination.⁵⁸ All forms of oppression in *muamalah* deny the concept of justice.⁵⁹

CONCLUSION

Collaboration in processing sap water in making palm sugar showed that the work carried out by workers was very large and requires a lot of time and work preparation. Workers' rights to profit sharing were quite large compared to the share that palm tree owners would receive. With the large amount of work and responsibilities that workers were burdened with, it was appropriate that their rights received a larger share compared to people whose obligations were small. This means that the greater

⁵⁵ Muhammadiyah Alfarabi dan Rumainur, 'Peran Filsafat Hukum Dalam Membangun Rasa Keadilan', Rampai Jurnal Hukum (RJH), 2.1 (2023), 35–46 <<https://doi.org/10.35473/rjh.v2i1.2257>>.

⁵⁶ DE Budiastanti, 'Perlindungan Hukum Terhadap Korban Tindak Pidana Penipuan Melalui Internet', Jurnal Cakrawala Hukum, 2017 <<https://www.jurnal.unmer.ac.id/index.php/jch/article/view/1727>>.

⁵⁷ Tim Kerja BPHN Mudzakir, 'Perencanaan Pembangunan Hukum Nasional Bidang Hukum Pidana Dan Sistem Pemidanaan (Politik Hukum Dan Pemidanaan)', Badan Pembinaan Hukum Nasional Departemen Hukum Dan Hak Asasi Manusia, 2008, 1–117 <https://www.bphn.go.id/data/documents/pphn_bid_polhuk&pemidanaan.pdf>.

⁵⁸ Rachmad FirmanSyah, “Sistem Upah Minimum Kabupaten Dalam Perspektif Islam (Studi Kasus Pada Upah Minimum Kabupaten Sidoarjo),” *Jurnal Ekonomi Syariah Teori Dan Terapan* 4, no. 6 (2017): 434–48.

⁵⁹ Ghassen Bouslama, 'Ketidakpastian dan Manajemen Risiko dari Perspektif Islam', *Penelitian Bisnis dan Keuangan Internasional*, 2017, 1–15 <<https://doi.org/10.1016/j.ribaf.2015.11.018>>.

the rights, the greater the burden of obligations that must be fulfilled, conversely, the smaller the rights because the person's responsibilities at work are small.

This study solves the problem of the principle of justice in cooperation between capital owners (who own palm trees) and workers with a high level of professionalism. The balance of rights and obligations creates an equal distribution of wealth according to the proportion of work experienced, reflected in the rule that every sacrifice is entitled to wages. This research contributes to providing a model of rights and obligations between cooperating parties, especially paying special attention to the greater obligations of workers and the rights they receive as a basic reference for placing rights over workers. Daily workers can be given wages in accordance with their responsibilities and their lives are very dependent on the company. Therefore, they should have a big responsibility in giving their time to the company in order to get prosperity with decent wages from the company.

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