# **Review of Business Partnership Pattern in Garut West Java**

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This research deals with the exploration of the phenomenon of people's lives predominantly Islamic Garut, egalitarian in nature, often cooperation in Commerce, the capital has a very large and valuable, both on human capital, geography, natural resources, economic resources, as well as the legacy of history, have a high ability to conduct business, develop the arts and culture, science and technology as well as various other aspects of life. The purpose of this research is to explain how the business activity of the business community with regard to matters of cooperation and for the results or partnership d the nature of the business. Cooperation is one of the methods in a business venture that was developed jointly between individuals in terms of figh are called syirkah or mudharabah, where a business partners provide most of the capital for the joint venture. The method penelitian this using gualitative approach that aims to explore and explain how the patterns of activity for results developed masyàrakat Garut without patronizing and see what the existence of phenomena in the society. This research also aims to understand a social situation, event, interaction, roles and groups. Research result showed that not all Muslim societies Garut knowing patterns partnership with the name syirkah or mudharabah, however they have been out in the market environment or business places. Examples of such business cooperation practices syirkah and mudharabah looks at the community's farmers and tenants of land, entrepreneurs and workers involved in the business of processing lunkhead, processing leather and Akar wangi.

Penelitian ini berkenaan dengan eksplorasi fenomena kehidupan masyarakat Garut yang mayoritas beragama Islam, bersifat egaliter, sering melakukan kerjasama di dalam perdagangan, memiliki modal yang sangat besar dan berharga, baik pada modal insani, geografi, sumber daya alam, sumber daya ekonomi, maupun warisan sejarah, memiliki kemampuan tinggi untuk menjalankan bisnis, mengembangkan seni budaya, ilmu pengetahuan dan teknologi serta berbagai aspek kehidupan lainnya. Tujuan penelitian ini adalah untuk menjelaskan bagaimana kegiatan usaha bisnis yang dilakukan masyarakat berkenaan dengan hal kerja sama dan bagi hasil atau kemitrausahaan dalam bisnis. Kerjasama merupakan salah satu metode di dalam usaha bisnis yang dikembangkan bersama antar individu dalam istilah figh disebut syirkah atau mudharabah, dimana seorang mitra usaha menyediakan sebagian dari modal untuk usaha bersama. Metode penelitian ini menggunakan pendekatan kualitatif yang bertujuan untuk mengeksplorasi dan menjelaskan bagaimana pola kegiatan bagi hasil yang dikembangkan masyarakat Garut tanpa menggurui dan melihat apa adanya fenomena di masyarakat. Penelitian ini juga bertujuan memahami suatu situasi sosial, peristiwa, peran, interaksi dan kelompok. Hasil penelitian ini menunjukan bahwa tidak semua masyarakat muslim Garut mengetahui pola kemitrausahaan dengan nama syirkah atau mudharabah, walaupun demikian mereka telah mempraktekannya di lingkungan pasar atau tempat tempat tempat bisnis. Contoh praktek kerjasama bisnis seperti syirkah dan mudharabah terlihat pada

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masyarakat petani dan penggarap lahan, para pengusaha dan pekerja yang terlibat dalam bisnis pengolahan dodol, pengolahan kulit dan akar wangi.

### INTRODUCTION

Garut region has a predominantly Islamic society and sociological nature of cultural egalitarian, in the sense of honor and respect the religious, cultural and other tribes as well as the very popular sport, not the feudalistic, is a positive element for the development of quality people in Garut. With the above conditions then the community can work together with the Government of Garut in achieving progress in Garut. Community with characters such as this will not be difficult to work hard together to advance its territory and defend other groups to be more advanced.

Trade or business unit distribution is also expanding, from the nature of retail or retail to medium and large trade. Distribution network owned by the society include gas stations to convenience stores. They also often affect the cooperation in the trade, be it for results or partnership or sharing system or the unification of the capital.

Although the majority of Muslims, but how is the implementation of the concept of partnership and for the results of the already implemented and developed in the business, whether it is in compliance with the Islamic Sharia, does not, therefore we will make a further study on the environment of the local people of Garut to know how the implementation of *syirkah* and *mudharabah* concept known in Islam as muamalah fiqh activities of cooperation and sharing within the community of Garut.

*Syirkah* is the participation of two or more persons in a certain business with a certain amount of capital has been established on the basis of an agreement to jointly run a business and the Division of profits and losses in the specified section. *Mudharabah* means that one party provides the capital and the other party use it for business purposes based on agreement that the profits from the venture will be divided according to the specified section.

So syirkah is a work done together and can realize business mutual between fellow human beings, the society, and the nation. Syirkah and mudharabah inter-related because inside syirkah must be system mudharabah or for results. All liability of losses and profits in accordance with an agreement or contract between the parties.

Partnership and for the results in the Islamic law is one of the methods in creating partnerships and business ventures developed jointly between individual muslim, how to practice especially in community Garut, whether they have followed this pattern. Muslim Garut has a primary capital owned and found a very large and valuable, both on human capital, geography, natural resources, economic resources, as well as the heritage boasts a population of Garut currently revolves around 2 million more, keep acres more or less 306,500 Ha. Garut residents and people in Garut who were outside Garut is also known as the people who have the ability to run a business as well as developing the arts and culture, science and technology as well as other aspects of life.

A lot of Muslims and businessman a tough indeed identical with Garut. In addition to boarding schools, also known as Garut community business ventures such as lunkhead Garut, tangerine, sheep Garut, better known as *Domba Priangan*, batik garutan, batik tulis garutan, leather jackets Garut, oil akar wangi and others. Land area of 2,400 Ha scattered in Samarang, Bayongbong, Cilawu, and Leles now deliberately cultivated land into tree

planting akar wangi, so every year produced 72 tons of akar wangi oil to meet market demand for domestic and foreign markets. The abundance of potential areas in Garut provides bright for any society to be able to utilize the resources that exist for a business<sup>2</sup>.

Business as one source of human sustenance and effort means business is also an objective source for human achievement is based on the assessment in terms of eligibility. Therefore, Islam has determined the size and terms of eligibility and also the terms of activity to determine an employment or business so that it can be assessed the achievements of the work of the charity or business person. In this way, Islam can get rid of feelings of favoritism in assessing the achievements of one's work both in terms of social, economic and political. The assessment work is important because it will show the truth and the suitability of the teachings of Islam which enjoin men to faithful and pious and charitable work hard to live the life of the household in terms of micro and macro-economic.

Therefore to see how this form of cooperation that exists in muslim communities, particularly in the environmental area of Garut, needs an it study and research directly in the environment of our community so that it can be Garut explains more in how the business community in Garut, whether it is in compliance with the provisions about *syirkah* and *mudharabah* existed in Islamic fiqh which may have been applied so far by people in Garut, profit sharing and accountability for losses in the company alongside Community Garut business operations, limits in the company shared among them, financial accountability efforts, the partners contract period and in particular how the practice of partnership (*syirkah*) and for the results (*mudharabah*) in garut society that will become the contents of our overall research materials.

### **RESTRICTIONS AND THE FORMULATION OF THE PROBLEM**

From the description above, there are some basic problems causing the need for research, but we will limit this study and formulate how the pattern of partnership performed by most of the community by using the method usually in Islamic sharia is known by the term *syirkah* (cooperation) and *mudharabah* (for results) in this muslim society particularly in Garut in West Java.

#### A Review of the Literature

#### Definition Syirkah and Mudharabah

*Syirkah* is the participation of two or more persons in a certain business with a certain amount of capital has been established on the basis of an agreement to jointly run a business and the Division of profits and losses in the specified section (Siddiqi 1996: 8).

There are two kinds of the first *syirkah* within the meaning of the Union where the property is owned by two men in an Alliance of the inheritance or purchase. Second, syirkah divided into 4 kinds, i.e. legitimate syirkah is: two people to get together trades (manage) their possessions together anyway. While the other is invalid there are 3 kinds of <sup>3</sup>:

i. Syirkah (United) two people are both the result of their work for both with the same magnitude or at odds.

<sup>&</sup>lt;sup>2</sup>http://www.garutkab.go.id/,http://z47d.files.wordpress.com/2011/06/jeruk-41.jpg,

http://soundofmusic.web.id/wpcontent/uploads/2011/03/batik-tulis-garutan.jpg.

<sup>&</sup>lt;sup>3</sup> Drs. H. Imron Abu Amar. *Fat-hul Qarib*. Jil. 1, hlm. 269-270.

- ii. United to jointly bear the property purchases an item, either in the bearing (bon) and paid cash benefits that belong together.
- iii. United to work together and choose an advantage, either by the agency or their property and losses that occur is dependent upon both of them.

*Mudharabah* means that one party provides the capital and the other party use it for business purposes based on agreement that the profits from the venture will be divided according to the specified section (Siddiqi 1996: 8). So in mudharabah, there are parties who provide the capital and there are those who run a business with a capital of the first party. Suppose A provide capital to the B to establish which the bread business B the one who runs the business with a capital of party A and profits or losses from the venture would be accounted for by party A and party B. Various *Syirkah*:

## i. Syirkah amlaak (Property rights)

Mastery treasure collectively, in the form of buildings, chattels or valuables. The Union of two or more persons who owned through the transactions of buying and selling, gift, legacy or otherwise. In the form of syirkah like this neither party has the right to harass colleagues section partnership, he may not use it without the permission of his companion.

# ii. Syirkah Uquud (Transactional/contract)

A contract of cooperation between the two people who were allies in the capital and profits, for example, in the sale or other transaction. This form of syirkah shall we discuss in the writing this time. In syirkah like this, the parties were entitled to use the goods syirkah with power each. In this case, a person to act as the owner of the goods, if it is hers. And as the representative, if the goods are owned by his partner.

The foregoing jurisprudence against the legitimate propositions explained that in Islam there are five types of *syarikah*: (1) *syirkah al-inan* (2) *abdan al-syirkah*;(3) *syirkah al-mudharabah* (4) *syirkah al-wujuh* and (5) *syirkah al-mufawadhah*. As for the below described two syirkah:

## a. Syirkah al-Inan

That is a partnership between two or more people with each property to be managed by their own, and the profits were divided between them, or one as Manager and guaranteed profit more than his partner. This type of syirkah is often done by most people, because it is not required the existence of a similarity of capital, effort and responsibility.

Example syirkah inân: A and B craftsmen or carpenters. An A and B agree running a business by producing and sale and purchase furniture. Each providing capital contribution amounting to Rp. 50 million and both are equally working in the syirkah.

## b. Syirkah Mudharabah

That is, someone as financiers (investors) ceded a number of capital to the Manager (mudharib) to be traded, and he was a certain percentage of entitled to receive profits. So we think syirkah is a work done together and can realize business mutual help between fellow human beings, the society, and the nation. *Syirkah* and *mudharabah* inter-related because in *syirkah mudharabah* or system must be for the results.

The Division Made and Liability Losses the Company Together

The profits will be divided among the partners with parts that have been determined by them. so the advantage is not only given to the investor but running his business also benefit. Another case with the loss in a business. The parties are entitled to profit sharing business may request their part only if the initial capital raiser has gained back their investment. In the Division of profits, the parties in the venture could assign any part through joint agreements, as agreed in the Treaty of mudharabah. The losses are part of the capital is lost, because the losses will be divided into part of the invested capital and will be borne by the owners of capital. This shows that the owners of capital or capital raiser has to be responsible for the loss in all parts of the capital. And for those who do not infuse capital will not be responsible for any losses.

Losses that occur continuously will be covered with the advantages that would come of such a venture which will be back in balance. Then when determining value, the initial capital will be set aside. After that the remaining amount will be considered the advantages and disadvantages. According to al-Sarkashi Syamsuddin "*the harm that is the destruction of some capital*" (Siddiqi 1996: 16). In the mudharabah parties working with capital acquired through Treaty of mudharabah, cannot be legally charged with the responsibility because of the losses. In principle the mudharabah party infuse capital in the business then it is not responsible for the existence of losses because of the advantages and disadvantages of both will be divided based on the proportion of top of the invested capital.

Profit is the result of joint investing in business ventures, while the losses are not the result of any effort. Profit is a consequence of the success of a business venture. In this case the loss cannot be considered to be derived from a business venture. In other words, a loss is a reality that cannot possibly provide additional capital even in a business venture. Sharia gives a decent size against a fundamental difference in the form of profits and losses. The Working Party has part in any profit but not responsible for the existence of a loss. Examples A work in a company formed or belonged to the B and C. Well the A will get the proceeds from the benefit in the form of a salary from the company but if the company is experiencing a loss A loss the company will not responsible because the losses will only be borne by the investor.

Limit Business Operations in Joint Company

Those transactions without the usual business activity that cannot be described, it does not need to be debated. Among these transactions, the only thing most real is a cash transaction for business gains important transport, for example, land rental building, employment, etc., all these are the rights of every entrepreneur does he act as an implementing or business partners with a capital of *mudharabah* on behalf of the owners of capital. However, the right to buy or sell depending on whether based *syirkah* for a business partner or by *mudharabah* for implementing business partners.

Based on *mudharabah syirkah* or, in company with, a partner of business allowed obtaining additional capital with the permission of other business partners. He can also provide most of the capital is shared based on different party's *syirkah* for use in an agreement *syirkah* or a different *mudharabah*. Provided that this principle is related to the company upon syirkah only.

When a business partners gain additional capital from a new party, based on *mudharabah* and *syirkah*, to invest into the company together, he may add a new business partners into the company. But if a business partners have entered into an

agreement separate from company syirkah together, then there he is using its capital, this is what sets it apart. When capital mudharabah obtained from business partners that have the capability of its own, the new company is the company personally, so if there is an advantage that accumulated under the mudharabah agreement which recently was his own, business partners in it in the joint company does not acquire part of the profits.

We do not need to cite the provisions of law that support rights if it entered into an agreement *mudharabah syirkah* and advanced on behalf of all business partners in a joint enterprise. An expert followers of Maliki *fiqh*, specify which that picture of the rights of business a business partner; "*He has the right to participate in syirkah an agreement with a new business partner to one particular business, thereby mean that the parties do not have rights based on the contribution of capital shirkah*".

In the Hanbali and tried not to give rise to a difference in *mudharabah syirkah inan* and about the rules of a business transaction, then it can be inferred with certainty that this is their opinion in the matter of syirkah. According to the opinion of the majority of the followers of imam hambali that each party has the right to establish cooperation in a new venture that is personal. In contrast, the minority opinion in the sect, when dependencies in new business proved to be detrimental to the company before, he should not do so without seizing other business partners.

According to the Hanafi school of thought, the right to conduct any business partners in a business deal personally with capital obtained from others based on the principle of *mudharabah*, and not in the compulsory first obtaining the permission of his fellow business partners. He was given the right to raise capital based on the principle of *mudharabah*. The advantage of this capital would be his alone. Because the people who lend capital based on *mudharabah* profit due to business ventures, this advantage becomes hers, just as in the case when he was working for someone else for wages.

The basis of the difference between *syirkah* and *mudharabah* is that an agreement directly legitimized an agreement which is smaller than the Treaty itself. One thing can cover a smaller thing and not others it is larger than the other. *Mudharabah* status lower than *syirkah*.

According to experts followers of Maliki, the permission of fellow business partners to use borrowed capital based mudharabah it was only necessary in certain specific situations. Anyone of the two partners were allowed to do business with a capital of mudharabah, for example, to borrow money from others with the condition that he would use the money in a business based on the *mudharabah*, and will be accountable to the capital in exchange for the advantages given to him under the ownership of capital itself though he has taken it with the permission of business partners (*shirkah*) others. Business partners are authorized to use part of the capital (together) to enter into an agreement with a third party based on the principle *syirkah inan* or *syirkah mufawadah*, along a third party that is authorized only do the work assigned to him by the business partners. If a third party is using all the wealth of the capital without permission of the business partners, such agreement is not valid.

About merging-merging of one's personal capital in the business of *mudharabah* and surrender part of the capital on the basis of *mudharabah syirkah* or to third parties, opinion experts agreed with Hambali fiqh followers of Hanafi followers, that such measures may be taken only after obtaining permission from the owner of the capital.

Of freedom labor agreements with other parties, they should be obtained prior to entering business partner's *mudharabah* contract workers. If the terms of the contract

specifically limit such freedoms, business partner's workers are not allowed to start their new business after the contract without the permission of the owner of capital. With the inclusion of no specific requirements about it, is not a reason why workers should be prevented venture partner freedom. The main threat for the first agreement with their new business seems to be recognized depending on various circumstances, such as the amount of capital in the business first. Business acumen of the business partners of workers and so on. Usually we can expect business partner's worker to work vigorously for the sake of the company's first since its profits depend on the profits of the company. If in fact the first company heavily influenced by the new business, or if the owner of capital predicted that the new business will harm its interests, even though he has not started yet given the right to prohibit worker's business partners to start new business.

#### Financial Accountability the Business Partner

In the simplest form of syirkah and mudharabah when there is a business partner who commit such transactions to inject the capital in the company which may not exceed the total capital of the company. So it is not possible at the business end of the sum is to be paid which cannot be met from the company's capital stock. In these circumstances, there is no problem arising in financial accountability problems will arise only if the company together with the take out loans or make purchases with credit, or contract services with an agreement that the payment will be paid later, and followed with a loss or bankruptcy, at the end of the business is the amount that the need cannot be met from the company's capital.

In *syirkah* no responsible business partners (*kafil*) against the financial liability of the other party if the responsibility is run on behalf of the company along with it not upon permission from the other business partners. In the *mudharabah* liability owners of capital or financial investors will be limited to the capital invested in the extension unless he had allowed the partners to borrow or purchase with credit, because in this way her responsibilities grow.

In the simplest form of *syirkah* and *mudharabah*, if the company is not developed with loan capital or the purchase of goods loan, the financial liability of the investor is limited to the amount of their investment in the business. The maximum harm done one party will be adjusted to the capital in the earnings. However, if the company developed with loan capital or the purchase of goods with credit, financial accountability of its business partners who invest in the business will exceed the amount of capital they invest and the excess amount will be determined by the decision of the investors who have been trying to develop the business of planting funds through loans or the purchase of goods on credit.

The maximum loss is done one party will be able to match with the capital in his planting. However, if a company developed with capital loan or purchase items with credit, the financial liability of the partners that infuse capital in business will exceed the amount of capital they invested and an excess of this amount will be determined by decisions of the investors who have tried developing the business through the planting of loan funds or by purchasing goods on credit.

#### The Period of the Contract

Any business partners are always free to terminate this freedom and limited extent to avoid so as not to harm the interests of the other party. The business partners are always free to terminate the contract upon their own volition, regardless of whether the capital of

the company in the form of money or some other form. However, if there are business partners who feel that terminating the contract without liquidation can be very influential on interests, he is entitled to assert the company's capital in order to divert money into shape before the debts in the lunation. If there are several business partners involved, then a right like this from any business partners used wisely, with respect to the part it played in the capital, the number of business partners, and the fundamental nature of certain companies.

*Syirkah* or *mudharabah* contract can be done for a specific period. This means that by the end of this period, direct contracts were changed without a new decision is taken. According to experts followers of Hanafi and Hanbali *fiqh* and one version that suggests that, according to the Shafi'i jurist followers as well, something like this is legitimate: but according to experts followers of Maliki jurisprudence, the specifications for a period of time may cancel the agreement. If the owners of capital have submitted capital to business partners on the basis of mudharabah to build a factory in the production and selling of the goods of the plant and thereby accumulated profits, to the business partners of the need assurance that the contract will not be terminated prior to the completion of the production process the. If such a need cannot be considered in the preparation's regulations-'s regulations about mudharabah-'s regulations, it will be difficult for industrial companies to gain capital on the basis of mudharabah. No doubt that terminate the contract prior to the completion of the production process are definitely far the opportunity to do what is right for our business partners and step like this is likely to be detrimental to the interests - the interests of capital investment as well.

A syirkah on mudharabah contract expires due to the death of someone who was once a part of the contract. If there are more than two business partners such contracts are followed by the consent of those who are still there. Although in the case of death, if the interests of business or repayment debts require such steps, a time will be given to the other party prior to the close of business and the final settlement, something like this is collected. And if someone dies leaving property in part of such goods obtained by mudharabah, then if there are items not found in whole, the majority of assets of equal value or the value of goods supplied will be taken from his legacy.

# THE PURPOSE AND BENEFITS OF RESEARCH

The purpose of this research was to be known and explained how the activities of a business venture undertaken by the muslim community in particular that Garut with regard to cooperation and partnership for results, whether carried out by the community of West Java specifically Garut is in compliance with Sharia or are still using the concept of the customs, the aspects of partnership anything in living in a business that matches the message in syariah Islamiah applied in that Garut is good Community cooperation Division of labor as well as the result of the work that own, so it can be illustrated clearly the behavior of existing business in the life of society, how can the Division of Garut traders risk and return that is commonly present in their business ventures as well as the extent to which the application of Islam has been known and practiced.

The benefits of this research can be described well to academics, researchers or the public at large. For academic research can then be used as reference for the teaching of science and in particular about the Islamic economy and its application in Muslim societies. For researchers, this study could be the subject of further study to look at the study and deepening of the study of other more phenomenal or Ethnography that can give you an idea of the muslim community in the country of Indonesia, while for wide community, this research could be able to provide insight and introduction about the

environment around Indonesia community and see how the application of Islamic teachings regarding partnerships and for results in an environment of Muslims community, so it can also be an ingredient to deepen scientific and Islamic society of Indonesia and on the environment as well as improving particular devotion Garut in doing business.

### **RESEARCH METHODS**

#### The Methods Used

According to P. Joko Subagyo, SH in a book entitled "*Research Methods In Theory And Practice*" describes the meaning of the research methods are: "*The method is derived from the Greek methodos which means the way or path*". Meanwhile, according to Deddy Mulyana methodology is a process, principles and procedures that we use to approach the problem and looking for answers. In other words, the methodology is a common approach to assessing research topics. The methodology is influenced above is based on theoretical perspectives that we use to do research (Mulyana 2008: 145).

According to Sugiyono qualitative research methods are named as new methods, due to its popularity not long ago, this method is also known as the artistic method, because the process of research more art (less patterned), and also known as the method of interpretive data because more research results with regard to interpretation the data found in the field. Qualitative research method is a method of research based on the philosophy of positivism, is used to examine the conditions of natural objects (Sugiyono 2009: 12-14).

This research used the qualitative approach that aims to explore and explain how the patterns of activity for results developed people in Garut without patronizing and see what the existence of phenomena in the society, therefore, researchers found the presence of six assumptions in the qualitative approach which should be noted by researchers, namely:

- i. Qualitative Researcher emphasizes attention to the process, rather than on the outcome or product.
- ii. Qualitative Researchers interested in meaning, how people make life, experience, and structure their life makes sense.
- iii. Qualitative Researchers is the principal instrument for the collection and analysis of data. The data was approached through human instruments, not through the inventory, a list of questions or other tools.
- iv. Qualitative Researchers involve field work. Researchers are physically associated with people, background, location or institution to observe or record the behavior in its natural setting.
- v. Qualitative Researchers are descriptive in the sense of researchers interested in the process, meaning, and understanding gained through words or images.
- vi. Qualitative research Process inductive in nature, researchers build abstract concepts, propositions and theoriesc (Patilima 2007: 57).

Researchers choosing qualitative method because the research problem is very suitable with qualitative design, qualitative research is indeed more exploratory in nature and researchers using the approach. The reason for using a qualitative approach is to concentrate research on the General principles underlying the existence of a symptom that there is in human social life, hence I use a qualitative approach to see how the economic life of the community.

# The Object of Research

The author will do research in the West Javanese particularly Garut known religious, Hindu religious texts and good at doing business with partnership and for the results that are already developed in the environmental community Garut in undergoing his profession as a business venture as the processing of leather, akar wangi, agriculture, animal husbandry and sheep.

# Types and Sources Research

This research is a cross between a research library and field research. From the data collected, processed and analyzed, and explored by relying on library books, e-books, internet, blog and archives related to the problem. Source of research data that are classified or analyzed for ease in troubleshooting, confronts on his acquisition can be derived from primary data and secondary data.

According to b. Sandjaja and Heriyanto in his book research guide describes the source of the data obtained are:

- i. Primary Data (The raw data that have not though of interview, observation and questionnaire). Is data obtained directly from the source that experience, see or do (the results of field research). For obtaining primary data this writer directly doing interviews with relevant parties in this case is the Chief syariah insurance company Investments and the parties related to the problems discussed.
- Secondary Data (Data is already processed from books, journals, (*library research*).
  I.e. data obtained through the research of others that are presented in the form of comments or reviews by people who indirectly observe or participate get involved. In this study the author did a study library by doing various visits to the library to get the data from a variety of literature (Sandjaja & Heriyanto 2006: 70).

# Methods Data Collection

According to P. Joko Subagyo, S.H., in his book entitled the method of research in the theory and practice of either method describes how data collection is among them with the methods of observation and study of the library:

i. Observation methods

Form Tools data collection done by the other observation/observation. The observation is carried out in accordance with the needs of the research considering not every research using data collection tools. Observations or observations done take longer if would like to see a process of change, and observations done can be without a specific notification or may otherwise. Observations are observations made deliberately systematic about social phenomena with psychic symptoms to then conducted the recording. Observation as a means of data collection can be done spontaneously can also with a list of fields which had been prepared in advance.

ii. The study of librarianship

By reading the literature relevant to the subject matter in this research, data collection comes from the books, articles, magazines, papers, internet sites, and the material of the lectures which became reference. As well as the information -information other written related to the discussion of this research (Subagyo 2006: 62-63).

#### iii. Documentation

The documentation is a technique of collecting data that are not directly addressed on the subject of research, but through the document. The document that was used can be either a data field, photos of the activities of the citizens, etc. where the data collected with this documentation tends to be secondary data.

### **RESULTS AND DISCUSSION**

### Statistical Data the Population of Garut

#### Gender/Sex population Garut

The term used to explain the gender difference in the roles of women and men who are innately as a creation of God. Gender is a distinction of roles, positions, responsibilities, and the Division of labor between men and women laid down by the community based on the nature of women and men who are considered improper according to the norms, customs, beliefs or habits of the public. Gender is not the same with nature. Nature is something set by the Almighty God, so that man is unable to amend or reject. Meanwhile, universal nature, such as menstruation and childbirth, breastfeeding is natures for women, while having sperm is nature for men. As for the projection of the total population of Garut, according to age group and gender more or less around, 723 2,548 people according to Central Bureau of statistics based on Garut result population census in 2010 with details of women more or less numbered ,906 people and 1,263 men's men numbered 1,284,817 people.

### Education of residents of Garut

As for the number of residents of Garut who attended between the level of primary level (SD) more or less around 97,550 people, the first level of secondary school level (JUNIOR HIGH SCHOOL) amounted to approximately 73,720 people, while at the level of senior high school (SMU) around 48,320 people and at a high level of college more or less around 17,550 people.

#### Poverty residents Garut

To measure poverty, BPS uses the concept of the ability to meet the needs of basic (basic needs approach). With this approach, poverty is seen as the inability of the economy to meet the basic needs of food and food that is not measured in terms of expenditure. So the poor population is the population who have an average per capita monthly expenditure below the poverty line. The principal data source used is the National social economic survey data (SUSENAS) Panel Module consumption and Kor.

Based on the development of indicators of poverty Garut to see that the poverty line (Rp/Hood/month) by 2015 on a number of 241,068 then looks poor population there were 325,700 people, the percentage of the poor population 12.81%, Poverty Depth Index (P1) around 2.07%, and Poverty Severity Index (P2) of approximately 0.54%.

#### Labor population of Garut

The main sources of employment data the National Labor Force Survey is (SAKERNAS). This survey is designed to collect information/employment data. In some earlier surveys, data collection activities in a combined employment, such as the national socio-economic

Survey (SUSENAS), population census (SP), and the survey of the population Between Censuses (SUPAS). SAKERNAS first held in 1976, and then resumed in 1977 and 1978. The description of the subject matter related to employment collected through SAKERNAS is individual description of each Member of the household aged 10 years and over. However, the information presented only the information of the population aged 15 years and over. Such information includes:

- i. A description of the identity of household members such as: name, relationship with the head of the household, gender, age, marital status and education of the highest education attained. Activities during a week ago as: working (at least 1 hour a week), had a job but were not working, looking for work/school of business, preparing, taking care of the household and other (physical disability retirement, and others).
- ii. For those who work/have a job but temporarily not working asked, among others, the number of working days, working hours, employment, type of work, employment status, and net wages for a month.
- iii. For those looking for a job/business asked to prepare; the main reason job search/preparing efforts, efforts are being made, long time looking for a job and the type of employment sought (full-time or work part time).

Based on data obtained that the number of job seekers in 2012 in Garut as new job seekers amounted to 18,695 people with the details of the boy amounted to woman persons totaled 11,074 7,621 people. As for the Garut residents aged 15 years and over who worked during the week in informal activities according to the main jobs in August 2014 numbered 612,281 people with the details of the data that is in the field of agriculture, forestry, hunting, and fishing amounted to 277,090 persons in urban areas and rural areas people 85,753 191,337 people, male and female people 178,983 totaled 98,107 people, on the processing industry are numbered 35,386 people with details of urban areas and rural areas people 24,687 10,699 people men and women are people 16,321 19,065 people, on a large trading business, retail, restaurants, and hotels totaled 140,146 people with details on urban areas and rural areas people 76,520 63.0626 people, male and female 62,236 people amounted to 77,910 people. Viable businesses amounted to 73,985 people, with details on the urban areas rural areas people 43,832 30,153 people, male and female people totaled 55,193 18,792 people, in other businesses such as mining and excavation, electricity, Gas & water, buildings, transport, warehousing, and communications, finance, insurance, Business Buildings, land and Rentals Services Companies amounted to 85,674 people with details on 26,656 urban areas and rural areas 59.018 people. , male and female people totaled 83,393 2,281 people (Labor Force Situation in Jawa Barat August 2014).

# The Pattern of Partnership Business Community in Garut West Java

# Agricultural and Plantation Activities

Our observations on the Community cooperation pattern on Garut is done in terms of the economy, business or joint venture the fact not all know the patterns partnership with the name *syirkah* or *mudharabah*. There is a part that is not yet known and the other part is there are already familiar with the concept of *syirkah mudharabah* and especially those who came from boarding school or religious leaders included in Garut who certainly did indeed know the Shari'a laws, one of which US. law-*syirkah* or *mudharabah*. Among the already know the concept of *fiqh* as *syirkah* and *mudharabah* in Garut at generally landless or have some capital and store business venture, and usually they will share

profits through the deal or *al-ittifaq*, where they will be consulted to find the word consensus by seeking consensus and mutual ridho bless over decisions along with it.

Advantage business cooperation contracts, and often they are doing with the concept for the results and cooperation that provide an explanation to the researchers that the muslim community the students and the Garut "Aceng" has had the knowledge and practice of both the concept of *fiqh* is in line with Community State of Garut. For example, in a business venture or activity then the owners of capital will share a percentage of shares or the amount of money the rupiah and to the executor or some presentations such as rupiah reward cooperation.

Among the other part of practice concept and *mudharabah syirkah* in everyday life today with how habits and behavior patterns that develop without getting to know the name and form of mudharabah musyarakah and concepts that exist in the science of *fiqh muamalah*. But what they practice is not contrary to the method of *mudharabah musyarakah* and so allowed by the Islamic jurisprudence. This is because the lack of understanding of the theory and the concept of fiqh muamalah existing in the book the book of Islamic *fiqh* and Shari'a sciences especially widespread less fiqh muamalah lay among the public. But this does not diminish the sense that they have been carrying out the laws of Allah and do not carry out what is forbidden in the law of sale or muamalah.

Even in a society there is a part of Garut yet understand right about what and how to *musyarakah* and *mudaharabah*, but they can still carry out the law of Allah SWT in market environment or place of business. Such as cooperation in the market system, partnership systems between traders, a system of partnership where both parties remain profitable. As for how much, in terms of quality and quantity, as well as their size that determines the ratio as agreed between them, either from a size 40 to owners of capital, and 60 for entrepreneur or Division 30 for financiers and 70 to entrepreneur, this is done according to agreement with them.

Another fact that we find among the people in Garut is that indeed there is still a part of society that do not conform with the system the concept of Islamic fiqh Islamic terms and in terms of business good business cooperation or for the results and others, but not all the people doing that only part of it. Examples of practice in society Garut is what is called the "*Tebas*", i.e. purchasing system results of agricultural land or plantations by way of direct payments before the beginning of land cultivated or tilled or given capital to farms, plantations, fisheries etc., or buy the results of land that is still raw and immature by paying in advance then after maturely recently taken, without judging in terms of quality as well as quantity of commodities.

In practice in the community e.g. Garut, one who have the capital and the other part has a plot of rice field or garden, they directly Transact purchases than their garden crops without seeing how the quality, yield, size or weight of the goods commodityies they agreed to do the buy sell transaction. They are the owners of capital or the same land owners do not see how the quality of the goods, how many in number, but from one of the gardens immediately appreciated the rupiah, the amount of money that must be paid to harvest now and they agreed.

There is also the owner of a rice field or garden and the buyer who did the same in the same measure and calculate how the transaction value rather than the results of gardens or fields, but the garden harvest goods or rice as the object that they buy will not be traded in the same way because still too young and raw, meaning they buy in the State give green and will then be harvested later when ripe Thus, the size of the quality or quantity of the goods only be guessed or predicted according to agreement along with the price they set. It is their named the "*ijon*".

In accordance with the existing cultures and contours in Garut i.e. more farmland, then more motivating citizens to do business and economy activities in agriculture and animal husbandry. Including for livestock farms here there is the custom of the local community culture that is different from other people, if the custom culture of cooperation between them in Garut is no term "*Nengah*" i.e. where the cooperation system that have the capital or livestock handed over maintenance of the cattle to the second party that will supervise from a nifty little until ready to sell those cattle though owned by capitalist however in dealing left to others.

Later when the cattle are large and sold, the results are divided into two, which are generally 50 percent: 50 percent of the joint venture between them, because the term "nengah" then in the middle of comparison. For example, the Capital to buy a kid of 10 million, when the sale of the goat sells for 20 million, the profit for the owner is 5 million and for the maintenance or the term tenants is 5 million, this is divided is the profit while the capital still belongs Financiers. In the system "*nengah*" is also not subject to operational costs, meaning that all things related to food and others borne by the tiller. Similarly, if the number of livestock value is increased, for example, from the cattle that shared together are born 4 tail then the goat will be divided by 2 that is the owner 2 tail and cultivator 2 tail. That is the system of cooperation used in the community of Garut, can be said the same as the system of profit sharing or mudharabah and musyarakah.

Other system in Garut society is 'Daily Salary' system, that is cooperation agreement between owner of capital or owner of field of rice field or field with society ready to work, for example livestock and garden have the owner of capital then happened contract agreement between owner with society Garut who live only work will be paid per day, from what time until what time. It also depends on local customs or culture, some start work from 7 to 12 noon and some start from 12 o'clock in the afternoon. The way of financing is different it depends on the agreement and usually per day how to calculate wages. A grant or wage system may also be at harvest, in accordance with the agreement, but usually every week is paid wages

There is another system of cooperation agreements in the same Garut community as debt or debt agreement or financing, where the financiers give money to landowners for agricultural purposes but later agricultural products are obligatory or must be sold to the capital even though the price is very cheap, giving money This is as if the form of a loan is not a joint venture or cooperation. For example someone has money, then someone else has a rice field, and then this field is given the capital by who have money and the results of rice fields will be sold to those who have the money. So a kind of debts and receivables and no harvest can be sold everywhere to another trader. The problem occurs with the existence of this system, that is where the price is pegged by the owner of the money before and then in the market there is an increase in price, then when the price rises the owner of the money does not want to raise the price of the goods because it had agreed at the beginning of the price. When prices fall there are some inconsistencies, where prices are then adjusted to market prices, this is what happens where there is an element of gharar practice in it.

While for owner of farmland in the community there are two categories of Garut. First there was the owner of land referred to as the powerful landholders in Garut where its existence is limited and only a few people, and they only pay farmers to manage the system with a 'mercenary' means cooperation *musyaqoh* in Islamic fiqh. If the owner of

the farmland capital standards is usually the system "*nengah*" used in the cooperation means cooperation musyarakah or mudharbah. Due to the strong capital drought or if any problems then they can still handle it while in the owner of the farmland is not strong then the capital in case of drought or issue cannot be resolved.

As for the akar wangi plantations while about this new business cooperation between entrepreneurs with the middleman which product sales akar wangi is done around the garut through the middleman, then the middleman is what will carry refined oil akar wangi to Jakarta. As for the prices which have been on the set by a wholesaler towards entrepreneurs akar wangi this is around Rp. 3,000,000/kg when the businessman borrowed capital previously from the middleman, but if it does not borrow capital in advance of the middleman then price akar wangi could reach Rp 3,200,000/kg to Rp 3.300.000/kg.

The time it takes to harvest the vetiver's yield is approximately one year to get good and maximum results. For example if the planting is done on the twentieth or December 2015 then the harvest period occurs in December 2016. While if the crop is harvested in advance or less than 12 months then the results obtained are not maximal or less good.

Community farmers and entrepreneurs akar wangi is nothing already know the term *mudharabah musyarakah* or however not many apply the principle in an environment of the Muslims. Partnership business or for results conducted among them is generally done by the middleman who received the harvest in the form of oil and as a giver of capital for this result is then adjusted to the price of crops, such as when the capital directly from the middleman then the akar wangi in the form of clean oil as much as 2 to 5 kilograms valued at Rp. 3,000,000/kg for a one-time harvest.

So the pattern of business partnership is done not determine how the capital and the results obtained then divided together based on the presentation, but for the people of Garut who obtain capital from middlemen can sell crops at a cheaper price than they get their own capital

While the pattern of business partners with the banks existing in the territory of Garut as capital gain to make the factory itself haven't much done by the muslim businessmen who sell akar wangi Garut, be it with the cooperation with the Bank in the area of West Java Center or banks in the vicinity of garut. The desire to cooperate with the bank the bank did indeed arise in their hearts and minds, but in a sense of responsibility because this effort is already gaining capital from the middleman.

But when the bank is willing to offer capital to entrepreneurs they would be greatly received mainly capital that later was used to make the factory itself because businesses are still hiring, meaning fragrant root processing plant in Garut there already have private some are still hiring. Some of them still expect there is capital that could be helpful to them to have their own processing plant akar wangi and manipulate the result is then given to the middleman.

For the territory of Garut, community doing more credit or financing in the Bank compared with the conventional Islamic banks. Entrepreneur society or akar wangi in Garut in general have not known Sharia financing system that existed in Islamic banks such as mudharabah or musyarokah because in General has been hampered by problems associated with the socialization of Syariah bank itself in Garut, yet many officers of the Islamic banks which conduct socialization about Sharia financing system for entrepreneurs in the region. So that business partners program through mudharabah or musyarokah not bias felt by the community particularly farmers Garut Akar wangi. As for the businessmen who want to propose financing to conventional or Bank Syariah Bank in Garut is often constrained by the complicated terms. Ever want to try filing a financing to other banks but the barriers are is the filing requirements of financing that impressed complicated because employers need to know clearly how the net cash inflow, revenue and expenditure, but the new barriers are mere desire is the unfamiliarity of entrepreneurs with an excess of Islamic banks, as well as yet of the existence of information in Bank-party to give entrepreneurs.

### Leather Processing Activities

Another part of the business activities of the economy of the community is in the management of Garut animal skins, such as cattle sheep goats, to be processed into industrial and consumption goods. The activities of the economy and the business community in Garut is already approaching the concept of mudharabah and musyarakah, although they have not yet come to know very well what the name and shape both the concept of fiqh. Business cooperation relationship they do and naturally a day today is not prohibited and contrary to Islamic Sharia. For example, sometimes a part of the community's cooperation with Garut Fund owners to find the materials processed and processed goods to select either a cow or a goat/sheep for given to factory domestic and abroad to be processed into consumer goods and sold various regions in Indonesia. They are told by the owners of capital to looking skin preparations and shopping skin from various sources where they can come and they will receive a reward for their work it

Sometimes they are also told to select the processed goods in the form of leather and inspect the goods or skins to be able to produce the producers of factory manufacturers both overseas and domestic factories. They become officers who select goods obtained from various sources and regions and from the manufacturers they earn money as wages from the results of their work.

Garut people who plunge into this kind of cooperation effort. They do the activity of buying and selling leather, if there is a sale then they will buy and later thrown again in the environment of Garut region or to the people who work in the field of animal tanning. They buy from the region in Indonesia such as Medan, Aceh, Padang, Java and from anywhere from outside Java which will still are brought to Garut or to factory in Garut or later sold after selection to factory outside of Garut. If in the Garut area then it will go to the home industry, if entered into the factory it will be processed into goods ready for sale and consumed by the community in accordance with factory production.

The concept of good cooperation both syirkah mudharabah is evident in this has been done by people in Garut. For example of cooperation between business owners factory with a confidant, owner of funds or a businessman that is in that Garut is doing contract in cooperation with someone that does its job just to select the skin obtained from a shared resource, the people became the confidant of business owners and entrepreneurs a plant in Garut. Their main task is sorting the goods or skin which can be processed in their factory and can be marketed locally or for the purposes of export.

Good skin will be given to factory 'A' which is inside and outside the country that will produce goods with very good quality, while the skin with low quality will be given to local manufacturers who will produce goods in Garut is factory 'B' or 'C'. Create a factory abroad and make local factory arrowroot with low quality. Because this difference is an unreachable profit those in economic terms is a BEP (Break Even Point) if the goods with quality A included in the local factory in Garut. The players of leather from outside the country of Indonesia, for example is from neighboring countries Malaysia and Thailand,

there is a term name grade and *samsam*. Grade 1, grade 2, sam 1, for example, if the malaysia it belongs to the 1st grade category or create a factory in Malaysia, and the item is sam 2 for the factory in Garut. This kind of activity is done by Garut society in leather business and its processing by cooperation between with the owner of fund or from the owner of factory

#### **Financial and Banking Activities**

Cooperation in the form of mudharabah and syirkah also carried out by the Government with Garut developers in building facilities infra-structure in Garut. It is known from the information of the citizens that the existence of government programs along with the community in the fields of construction, where this cooperation as carried out by the Government together with the developer and for the results between the two. Should be noted that a system exists for the results and profits for both parties even though sometimes anyone feels aggrieved.

In other respects, government programs like the KUR (business credit the people) more cooperation is carried out through conventional banks have been much more extensive in the public Sharia banks rather than Garut. Islamic banks are typically used for personal use only or cooperation between certain bank personally with a specific community. So the cooperation carried out by the Government with the community as developers and KUR in Garut more done with conventional bank than Islamic bank, is certainly not an appropriate system of Sharia.

Bank Syariah in Garut is only Bank Muamalat, of course the cooperation undertaken by the government with the people who will perform cooperation in accordance with the Shari'a more appropriate use of Islamic banks. But in fact in Garut community if the relationship with government and community cooperation is only through conventional banks, directly or not it will use the credit of interest, interest loans, etc. Business affairs are also many that do not refer to the rules written or Shari'a but also many of those who already understand this need not be discussed further. Things that are administrative do not need to be discussed, which is important already know each other understand and carry on and be practiced. Because the law already know. Like the parking problem that people come directly parked, no need to have things in the administration again. If the mall comes in at what time, there are data, calculated hourly. If the wild park directly set parking rates and direct pay.

Banking cooperation is graduated relatively more to conventional banks in this case BNI BRI and BCA. That is generally in the society of arrowroot. Large and small stores, both indigenous and non-indigenous in Garut city, they are more cooperative with BCA bank or with other conventional bank rather than sharia bank.

There is a small part of them there is also a cooperation for the results syirkah pattern and mudharabah with sharia banks such as Bank Muamalah the largest or Bank Syariah Mandiri, as long as that has been studied about the cooperation of businessmen in Garut there are two groups and more are the ones Oriented to conventional. Except for certain people who remain strong or strong with sharia who avoid any business relationship with conventional banks because they are waro '(keep themselves).

#### Trading Activity

The famous trading business in Garut, namely trading of dodol. It used to be the famous tangerine and sheep Garut. For Citrus is not too popular, it used to be after a lot of

populated areas is already reduced. If anything, it did not reach the popularity of the range like it used to be since the Galunggung erupted. Tangerine already living name, sold in department stores and in the way an Garut is indeed orange called 'tangerine' but not a citrus fruit comes from the original Garut. For the Citrus business is already relatively rare and only the name of the course.

For the dodol is equal to the skin there is no factory and got a souvenir, while cooperation with the public just as workers only. There are also taking the goods from the factory later lived the remittance money. Many business activities that are in accordance with the Sharia, because there is no mutually detrimental. They are green as well as profitable. From the factory to the dealer and so on mutual advantage. Already have an agreement.

If in the leather business, usually if someone has a leather factory then in general there is a capital of a few tens of millions to look for skin to be processed in his factory. If already get the skin, then the price of the skin will be determined by the skin seeker and when it can be skin desired by the owner of the factory then sold it to the owner of the factory that has given the skin seeker's capital in accordance with the price determined by the owner of the factory. Usually in this kind of cooperation, the seller of the goods presses the price as low as possible to get cheap goods. This collaboration benefits the skin seeker and factory owner. Therefore the factory has a standard price and usually the factory in Garut is private property means private property entrepreneurs. There is a factory in Garut that produces various kinds of processed leather such as jackets and so for export or sold out of town. In addition to having a factory the entrepreneurs also have shop processed from the factory that he has. In the shop the entrepreneur sells itself with the market price range in the same Garut in accordance with the quality of the traded goods. This activity of sharing profit and partnership has been done by Garut people in leather goods business such as bags, shoes, jacket, wallet, belt, etc.

The business like the fragrant root called by the people of Garut with the name of usar much run by the middlemen who generally take from the usar entrepreneurs who have plantation usar and how many farmers workers, they these middlemen sometimes give capital entrepreneurs to cultivate the root then Taken from plantation oil and sold to Jakarta or other cities and some even exported.

Business vetiver oil business has long been done by the wholesalers where the majority take advantage of cooperation with entrepreneurs who have vetiver plantation, while the entrepreneurs who have this vetiver plantation in general indigenous and Garut people only able to give the results of his garden to the middlemen without Want to sell and process it further into finished goods that have high economic value.

Besides the above a lot of the trading business also conducted community Garut to suit the concept of results and partnership that supports the economy and improve the livelihood of the public, due to the known in Indonesia about the dodol Garut is processing, the processing of leather and akar wangi is then more research looking at the activities of the business.

## **CONCLUSIONS AND SUGGESTIONS**

## Conclusion

i. Patterns of business partnership Garut West Java business people look at the business of agriculture, plantation, animal husbandry, skin processing and so forth is

mostly done with the pattern of profit sharing or cooperation where in doing so they do in business economic activities and daily economy, Customs and local cultural habits, as well as in the modern way they have practiced much resemblance to the concept of business partnership in Islam called *syirkah* and *mudharabah* which is in the book of fiqh muamalah.

- ii. Business collaboration Patterns that do this already Garut society in accordance with Islamic teachings so as not to violate and does not conflict with the teachings of Islam in terms of contract for the results and the benefits obtained.
- iii. Cooperation between the community and the government is still a little done, it needs to be a concern for the government to better build the economy of people, especially the business people who want to have capital and sell their business to improve the living standards and business activities of Garut community.
- iv. The cooperation undertaken between society and the Islamic financial institutions are still constrained because it is still the lack of number of Islamic banks in the region still lack socialization as well as Garut committed Islamic banks to the Muslim businessmen in territory of Garut.

### Advice

- i. The Government should help the community participate in Garut who want to increase business and economy by working closely with business owners, farmers and traders as well as all the components of the Muslim communities who want to increase their business ventures.
- ii. Islamic finance institutions like Islamic banks should also be involved in providing capital for ventures that will provide greater opportunities for the muslim businessman in Garut in improving his business.

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