

Literature Review on Cooperation Contract between Companies and Chicken Farmers in Islamic Law Perspective

Azhar Alam, Novia Pradina Putri, Fauzul Hanif Noor Athief
Universitas Muhammadiyah Surakarta
aa123@ums.ac.id

Abstract

The company fully determines cooperation between the company, and the price breeder in terms of the insurance of risk is only charged to the chicken farmer. There is some literature examining the practice of contract cooperation between companies and farmers to produce several different agreements. Therefore, this paper conducted a review of the research of cooperation contracts between companies and farmers to obtain a contract review, which is following the practice that has taken place. This paper used the library research method as a data collection with content analysis techniques based on some collected research papers that fit the research criteria and comparisons. This research applied data reduction, data presentation to summarize conclusions. This research concluded that the agreement is following the contract of cooperation between the company and the farmer, namely the contract of sale and delivery of goods and payment. This paper suggested different contract types instead of previous finding studies that showed discrepancies in the point of the contract of syirkah related to the share of results in the field of dead hens.

Keywords: *contracts; cooperation; the company; breeders; Islamic law*

Introduction

Indonesia is the majority of the population prioritizing the life of the agricultural sector. So the population is continually growing, but so the area of agricultural land in Java is getting narrower, and vice versa, some of our farmers are just farmers or farmworkers. Because of the narrow agricultural area in Java, few of our farmers are looking for additional jobs to supplement their income.¹

Indonesia is a country that can strive in the livestock and empowerment sector so that the objectives in improving food sources such as animal, egg, meat, and dairy needs to be

It was achieved and realized. With the realization of improving nutritious food resources, there is undoubtedly support with population growth. There is an increase in purchasing power that the community has and began to increase people's awareness to

¹ Aman Santoso et al., "Pemanfaatan Limbah Sapi Perah Untuk Biogas Sebagai Energi Terbarukan Pada Kelompok Peternak," *Jurnal Graha Pengabdian* 2, no. 2 (2020): 114–123.

live with nutritious food. Such conditions must be balanced with the development of the livestock and agriculture sectors not to occur a protein crisis.²

In terms of livestock, Indonesia can be very likely to be developed in broiler chicken farms because broiler chickens have advantages in terms of better products than other types. The advantage of broiler chickens is that the growth is high-speed, and the weight is fast growing in a not too long time. The pace of capital turnover is very fast because the interest of consumers to buy is very much. The capital issued by farmers in broiler chickens' maintenance will quickly return capital, then this business is often in demand by broiler chicken farmers.³

The definition of a partnership is cooperation in the field of chicken cultivation business conducted by farmers with entrepreneurs in the field of livestock, so that it will have the purpose to reduce the risk in the breeding business for small farmers which as plasma partners because there is a guarantee of production facilities such as quantity and quality and prices are maintained steadily in addition to the guarantee in the income production sector given by the livestock company to farmers or business partners. The company should be responsible for SAPRONAK. One of them from Day Old Chick (DOC), medicine, animal feed, construction, maintenance, and marketing is still the responsibility of SAPRONAK providers.⁴ The company must support the supply of SAPRONAK, including Day Old Chick (DOC), medicine, animal feed, construction, development, and marketing of SAPRONAK products. Meanwhile, the breeders think that they need to be given, namely, managing and working as workers.⁵

There is usually one party with the livestock business's capital, and there are parties who manage the business. The capital is usually responsible for providing ranging from chicken seedlings, food providers, vaccines and medicines and vitamins, to the seeding of livestock products. Meanwhile, the manager's responsibility is to start from maintenance and obliged to feed, drink, medicine, and vitamins and provide cages to bear the cost of electricity.⁶

The company will purchase livestock proceeds at a price specified at the beginning of the agreement, so the farmer earns a profit from the sale proceeds steadily if the livestock yield is good or following the company's wishes so as not to affect the market price because it has become a mutual agreement at the beginning of the contract between the owner of

² Mufid Dahlan and Nur Hudi, "Studi Manajemen Perkandangan Ayam Broiler Di Dusun Wangket Desa Kaliwates Kecamatan Kembangbahu Kabupaten Lamongan," *Jurnal Ternak* 02, no. 01 (2011): 24–29, https://www.academia.edu/download/52767879/Dahlan_dan_Hudi_2011.pdf.

³ Andi Kurnianto et al., "Analisis Usaha Peternakan Ayam Broiler Pola Kemitraan Inti-Plasma," *Jurnal Ilmu-pertanian* 15, no. 2 (2018): 47–57, <https://www.publikasiilmiah.unwahas.ac.id/index.php/Mediagro/article/download/2747/2704>.

⁴ R. I. Lestari, K. Budiharjo, and M. Handayani, *Analisis Profitabilitas Usaha Peternakan Pola Kemitraan Ayam Pedaging Di Kecamatan Ungaran Timur Kabupaten Semarang* 47, 2016, <http://jurnal.polbangtanyoma.ac.id/index.php/jp3/article/download/84/83>.

⁵ L. B. N Gultom, S. I. Santoso, and E. Suprijatna, "Analisis Profitabilitas Dan Break Even Point Usaha Peternakan Ayam Broiler Milik 'Damin Farm' Di Desa Perbalan Kecamatan Gunungpati Semarang," *Jurnal ilmu-ilmu pertanian* 2, no. 2 (2018): 38–46, <https://www.publikasiilmiah.unwahas.ac.id/index.php/Mediagro/article/download/2746/2703>.

⁶ Dudi Badruzaman, "Pengembangan Ekonomi Islam Berbasis Kependudukan Di Perdesaan Development of Islamic Economy Based on Population in Rural Areas," *Jurnal Ekonomi Syariah dan Bisnis* 3, no. 1 (2019): 1–10.

the capital with the farmer or the manager of the capital.⁷

A contract is an agreement or agreement made in writing to be used as evidence between the two parties interested. The purpose of the contract is to be a condition of going between the parties concerned.⁸ Sharia agreement is an agreement that does not contain any elements, among others, from the elements of *gharar* (uncertainty or fraud), *maysir* (gambling), *riba* (interest money), *dzulm* (persecution), *risywah* (bribes), illicit goods, and sin. Contracts in Islam must be detached from defects of will, according to az-Zuhaili and as-Sanhuri covering coercion, error, cheating, fraud.⁹

The scholars agreed that in doing business, according to Islam, the elements that should be avoided are *maysir* (gambling), *gharar* (obscurity) and *riba* (additional), and *bathil* (injustice).¹⁰ In cooperation between the company and the farmer, the company's price is entirely determined, approved by the farmer. Then at the time of pricing or pricing and risk management is charged to the farmer only.¹¹ There is some literature on research into the practice of cooperation contracts between companies and farmers.

This study aims to conduct a review of the research of cooperation contracts between companies and farmers by collecting the results of partnership research on broiler chicken cattle businesses to obtain appropriate agreements on existing practices. This can provide an in-depth review of partnership practices.

Method

In this study, researchers use a qualitative approach with the library research method of some scientific articles as literature. Metode library studies are related relationships in collecting library data, recording, reading, and processing research materials.¹² Penelitian is selected for retrieval at the library source by comparing the information contained in the title, abstract, or term description to the inclusion criteria.¹³ Penelitian is selected for retrieval at the library source by comparing the information contained in the title, abstract, or term description to the inclusion criteria¹⁴.

⁷ Masluha, Abdul Hamid, and Aris, "Analisis Hukum Islam Terhadap Pola Kemitraan Usaha Peternakan Ayam Potong Di Panca Rijang Sidrap," *Jurnal Syariah dan Hukum* 17, no. 2 (2019): 245–263, <https://ejurnal.iainpare.ac.id/index.php/diktum/article/download/784/609>.

⁸ Burhanuddin S., *Hukum Kontrak Syariah* (Yogyakarta: Bpfe-Yogyakarta, 2009), B.

⁹ Kuat Ismanto, "Penerapan Prinsip-Prinsip Syariah Pada Perjanjian Asuransi Syariah Di RO Tafakul Keluarga Pekalongan," *Jurnal Hukum Islam* 12, no. 1 (2014): 103–116, <http://e-journal.iainpekalongan.ac.id/index.php/jhi/article/download/530/704>.

¹⁰ Wardah Yuspin, "Penerapan Prinsip Syariah Dalam Pelaksanaan Akad Murabahah," *Jurnal ilmu hukum* 10, no. 1 (2007): 55–67, [https://publikasiilmiah.ums.ac.id/bitstream/handle/11617/743/4.WARDAH YUSPIN.pdf?sequence=1](https://publikasiilmiah.ums.ac.id/bitstream/handle/11617/743/4.WARDAH%20YUSPIN.pdf?sequence=1). "plainTextFormattedCitation": "Wardah Yuspin, "Penerapan Prinsip Syariah Dalam Pelaksanaan Akad Murabahah," *Jurnal ilmu hukum* 10, no. 1 (2007

¹¹ Windah Yogo Siam Putri, "Tinjauan Fiqh Terhadap Praktik Kerjasama Antara CV Cahaya Unggas Putra Dan Peternak Ayam Potong Di Desa Pingkuk Kecamatan Bendo Kabupaten Magetan" (Sekolah Tinggi Agama Islam Ponorogo, 2016).

¹² Arina Salsabiela and Siti Mahmudah, "Modeling Skills Against Self-Development Skills Facing Social Problems Fights For Deaf Children," *Journal of Special Education* (2020): 1–9, <http://jurnal.akper-whs.ac.id/index.php/mak/article/download/51/45>.

¹³ Ibid.

¹⁴ Raimonda Amayu Ida Vitani, "Tinjauan Literatur : Alat Ukur Nyeri Untuk Pasien Dewasa," *Jurnal Mana-*

Research Procedures

This early stage is done by searching the data using electronic databases through google scholar. This search for literature fits the paper's theme and is limited to the year of publication starting in 2010. The results of this electronic database search obtained 30 scientific articles in the form of 4 scientific journals and 26 theses with the keywords "chicken cattle cooperation contract," "farmer cooperation," and "broiler chicken" as follows:

Table 1. List of Scientific Articles

No	Keywords	Types of Scientific Articles	Amount
1.	Chicken livestock cooperation contract	Thesis	18
2.	Farmer cooperation	Journal	4
3.	Ayam broiler	Thesis	8

A further 30 scientific articles were selected from the title, abstract, and content, which were then taken according to this study's criteria. Research data search criteria are national scientific articles in the Indonesian language and the full text. The result is obtained 13 scientific articles that fit the search criteria to be used in the review of analysis with a comparison of sharia agreements.

Data Analysis

Authors use data analysis methods with content analysis techniques. This technique helps to understand the overall theme that exists in qualitative data. This method uses specific themes to help reduce textual data in order to find data sets, which include several steps: (1) finding data availability in the form of thesis and journals with restrictions starting from 2010, (2) screening thesis data and journals according to the criteria of national scientific articles in the form of Indonesian language in the form of full text, (3) classifying and analyzing the results of the study found, (4) find the most suitable agreement results.

The author creates a diagram that corresponds to the above steps to decrypt the subjects and research objects with an active and inter-influencing relationship to the data presented, making it easier to conclude. It can be viewed as follows:

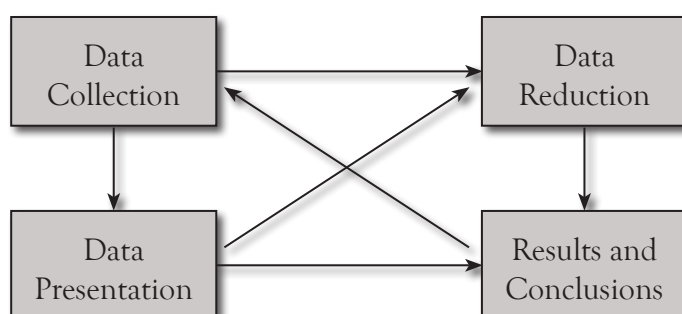


Figure 1. Techniques Analysis Accounts

The image above describes the interactive nature of the data availability search, then studies according to the criteria to obtain a specific category, a specific theme, and is well processed to get the appropriate results.

Results

The scientific literature that fits the criteria of this research can be found as follows:

Table 2. Akad Syariah Comparison

No	Research	Sharia Agreement	Results
1.	Gandasari (2019)	Syirkah	Conduct cooperation by equally providing capital. Get along nicely, and the conditions are under the syirkah agreement. The company determines Profit-sharing before the contract is approved. If the condition of chickens deteriorates, causing many deaths, then the breeder will bear the risk. ¹⁵
2.	As'ad (2019)	Syirkah' Inan	The capital of farmers and companies is not the same, so the distribution of business proceeds and work volume on each side is not the same. If chicken farmers suffer a loss, they do not bear the losses, and the farmer will bear the risk. ¹⁶
3.	Masluha et al. (2019)	Syirkah	That the parties participate in the project, and profit is delivered at the beginning. At the risk of loss that occurs between the two parties will bear the losses together. ¹⁷
4.	Amelia, (2019)	Syirkah	It is appropriate to see from the harmony and the condition of greed. The profits will be divided according to the agreement of the parties. The company's risk of loss is borne if the losses faced are not due to the farmer's negligence. Nevertheless, if it happens because of the farmer's negligence, then the farmer bears the loss. ¹⁸

¹⁵ Meidy Fauziana Gandasari, "Tinjauan Hukum Islam Terhadap Kerjasama Pemeliharaan Ayam Broiler Di Kecamatan Plantungan Kabupaten Kendal" (Universitas Muhammadiyah Surakarta, 2019), http://eprints.ums.ac.id/82428/1/Meidy_NASKAH_PUBLIKASI.pdf.

¹⁶ Rizal Fachri As'ad, "Analisis Konsep Dan Implementasi Usaha Peternakan Ayam Pedaging (Broiler) Dengan Sistem Kemitraan" (Fakultas Ekonomi dan Bisnis Islam Semarang, 2019), <http://eprints.walisongo.ac.id/10117/1/SKRISPSI LENGKAP.pdf>.

¹⁷ Masluha, Hamid, and Aris, "Analisis Hukum Islam Terhadap Pola Kemitraan Usaha Peternakan Ayam Potong Di Panca Rijang Sidrap."

¹⁸ Ruth Amelia, "Analisis Hukum Islam Terhadap Pertanggungans Risiko Pada" (Universitas Islam Negeri Ar-Raniry, 2019), <http://repository.ar-raniry.ac.id/id/eprint/9178/1/GABUNGAN PDF.pdf>.

No	Research	Sharia Agreement	Results
5.	Fauzan & Erika, (2019)	Syirkah	Several contracts follow the syirkah concept because both parties contribute capital despite the imbalance and fulfilment of harmony in the cooperation agreement between the parties. In risk coverage, the parties must split the profit and the losses that both parties have agreed. ¹⁹
6.	Badruzaman, (2019)	Musyarakah	Based on the contract, musyarakah is not by the practice because the results are given before the farmer knows the profit. Simultaneously, the losses are not divided according to the portion on the capital of both parties. ²⁰
7.	Ahmad, (2018)	Syirkah Mudharabah Mutlaqah	Farmers give capital and work to companies, and companies only give capital. Furthermore, the owner of the capital will give full flexibility to the manager. The profit is divided by the agreement between the two parties. Farmers are required to bear losses resulting from the death of chicken cattle in the division of losses. ²¹
8.	Arizki, (2018)	Syirkah Mudharabah	The form of cooperation is a charity in which the parties contribute capital, and the distribution of mudharabah proceeds then profit following the mutual agreement. Risk coverage if there is a loss, then the model owner will bear it with a note that the resulting loss is not from the management's cause. Whereas when the manager commits a fraud so that the data harms the entrepreneur, the manager must answer the losses experienced. ²²
9.	Ningsih, (2018)	Syirkah 'Inan	Several companies cooperate with farmers that are included in the agreement syirkah 'Inan. Companies and farmers alike contribute to capital and labour. The profits are divided according to the mutual agreement. Risk management between farmers and PT Malindo that dead chickens become the farmer's responsibility, the farmer should be charged a cut fee for dead chickens by the time the harvest arrives. Unlike

¹⁹ M. Fauzan and Erika, "Analisis Kontrak Kerjasama Antara PT. Ciomas Adisatwa Dengan Usaha Peternakan Broiler Di Desa Sederhana Kecamatan Bandar Kabupaten Simalungun Menurut Konsep Syirkah," *Jurnal Ekonomi dan Perbankan Syariah* 4, no. 2 (2019): 86–106, <http://103.114.35.30/index.php/Mas/article/viewFile/2885/2463>.

²⁰ Dudi Badruzaman, "Praktik Kerja Sama Bisnis Ayam Potong Perspektif Ekonomi Syari'ah Di Kecamatan Rajadesa," *Jurnal Ekonomi Syariah dan Filantopi Islam* 3, no. 1 (2019): 42–54.

²¹ Alhasani Syahir Ahmad, "Tinjauan Hukum Islam Terhadap Kerjasama Pengelolaan Ternak Ayam (Studi Kasus Di PT. Mustika Jaya Lestari Cabang Semarang Dengan Peternak Plasma)" (Universitas Islam Negeri Walisongo Semarang, 2018), <http://eprints.walisongo.ac.id/8117/1/122311019.pdf>.

²² Aranti Diaz Arizki, "Tinjauan Hukum Islam Terhadap Sistem Kemitraan Usaha Ternak Ayam Broiler" (Universitas Islam Negeri Raden Intan Lampung, 2018), http://repository.radenintan.ac.id/3432/1/SKRIPSI_FULL_ARANTI.pdf.

No	Research	Sharia Agreement	Results
			PT. Tabassam and PT. Mustika Jaya Lestari, if chickens die due to farmers' negligence, then farmers must bear the losses. Furthermore, if due to natural factors, then the company will bear it. ²³
10.	Kusumawati, (2018)	Syirkah, bai' and qard	The practice of cooperation does not meet the elements of syirkah, bai' I, and qard agreements. Because it is not following Islamic law in the Greedy Agreement, which is accompanied by guarantees and benefits and losses not covered together, in the sale and purchase if at the end of the harvest period does not buy the means of production and qard has not been fulfilled that is the property owned in the form of sapornak is not entirely replaced. ²⁴
11.	Maghfirah, (2017)	Syirkah 'Inan	The practice is similar to the <i>concept of syirkah' inan</i> because both parties contribute to unequal capital. The advantages are divided according to the shared ness. It is unclear whether the risk of causing farmers to suffer several losses. ²⁵
12.	Putri, (2016)	Syirkah, musyarakah and trade	This cooperation on the contract of syirkah or musyarakah in the distribution of risk is not suitable, but it is appropriate in practice if viewed from trade law. ²⁶
13.	Notapia (2012)	Syirkah' Inan	The principle of this cooperation is to use the syirkah agreement in the form of sharia' inan. In the event of losses caused by the farmer's negligence, it depends on the farmer. Nevertheless, when caused by an outbreak of disease, dependents are divided in two. ²⁷

From the above literature, there are several agreements used in the practice of cooperation contracts between companies and farmers, namely:

Akad musyarakah and syirkah

Syirkah is a mixture that causes difficulty in distinguishing it. Cooperation between partners is due to an agreement between the company and the farmer. There are several elements between the company and the farmer, among which there is a capital in the

²³ Tri Ayu Wahyu Ningsih, "Review of Islamic Law On The Practice of Butcher chicken Maintenance Cooperation in Dolopo District of Madiun Regency" (Ponorogo Institute of Islamic Religion, 2018), http://etheses.iainponorogo.ac.id/4192/1/tri_ayu_wahyu_ningsih.pdf.

²⁴ Erly Nurdi Kusumawati, "Tinjauan Hukum Islam Terhadap Perjanjian Kerja Antara Peternak Ayam Potong Dengan PT. Mustika Jaya Lestari Madiun," 2018.

²⁵ Fitri Maghfirah, "Analisis Kontrak Kerjasama Pada Usaha Peternakan Ayam Pedaging Di Desa Keude Blang Kabupaten Aceh Utara Ditinjau Menurut Konsep Syirkah 'Inan" (Universitas Islam Negeri Ar-Raniry, 2017), <http://repository.uin-suska.ac.id/23624/7/7.BAB%20II%20%28%29.pdf>.

²⁶ Putri, "Fiqh Review of Cooperation Practices Between CV Cahaya Unggas Putra And Ayam Potong Farmers in Pingkuk Village, Bendo District, Magetan Regency."

²⁷ Depi Notapia, "Sistem Bagi Hasil Usaha Peternakan Ayam Pedaging Di Kecamatan Kampar Kiri Hilir Kabupaten Kampar Ditinjau Menurut Ekonomi Islam," 2012, http://repository.uin-suska.ac.id/9440/1/2012_2012279EI.pdf.

implementation of cooperation. The company is responsible for providing capital, such as providing chicken seedlings (DOC), feed, medicines, and other farmers' needs as materials in production. Meanwhile, farmers are responsible for providing shelter, labour, electricity costs, and feed and care for them, from the agreement made in writing by both parties, which has been agreed between the company and the farmer.²⁸

The company as the party I (core) and farmer as party II (plasma), it provides livestock production facilities including DOC (Day Old Chick) or chicken seedlings, feed, OVK (Chemical Medicines and Vitamins), marketing, and Field Extension Officer (PPL) in charge of monitoring livestock directly into the field. The means of livestock production will be distributed to plasma according to the initial sensitivity of the contract. Meanwhile, farmers are obliged to provide cages, feed sheds, power managers, electricity, water, and cage equipment as needed. In the insurance of risk or loss, if the condition of chickens deteriorates and causes the death of so many chickens due to weather factors, feed, or negligence of the farmer, then the insurer will be borne by the farmer.²⁹

There is an agreement under the greed that is the possessions (capital and work) in carrying out its cooperation with farmers in their business can be seen from the system of coverage provided by the company, they have given an agreement at the beginning of the agreement on the risk coverage that will occur in the future. Therefore, the risk coverage provided by the company to farmers already meets the element of clarity. If there is a profit, divided according to the agreement between the financier and the capital manager, and in the event of a loss, the risk faced will be borne based on the agreement or how small the loss occurs. However, if there is a loss due to the management's concerns, or the manager violates the company's terms. The manager entirely bears the risk, and the resolution depends on how the problem is.³⁰

The portion of capital contribution applied in cooperation between broiler chicken entrepreneurs and the company is under the concept of syirkah because both parties both contribute in the capital despite the imbalance and authority and profit, thus can one of them spends more capital than the other. Kedua parties both participate in the work, although it is not balanced in managing broiler chicken farms. In the union of accountability and work issues, one party may be fully responsible for the union. In contrast, the other party is not responsible. All of it depends on the agreement of both parties. Both parties must also have the same power in the management of property or objects of charity. In charity, the allies may require that the work be done together or carried out by one of the allies.³¹

musyarakah contract is a profit-share agreement when two or more entrepreneurs who own funds or capital cooperate as business partners, finance new or existing business investments. Business partners of capital owners have the right to participate in the company's management, but that is not necessary. The parties can split the work of

²⁸ Masluha, Hamid, and Aris, "Analisis Hukum Islam Terhadap Pola Kemitraan Usaha Peternakan Ayam Potong Di Panca Rijang Sidrap."

²⁹ Gandasari, "Tinjauan Hukum Islam Terhadap Kerjasama Pemeliharaan Ayam Broiler Di Kecamatan Plantungan Kabupaten Kendal."

³⁰ Amelia, "Analisis Hukum Islam Terhadap Pertanggungans Risiko Pada."

³¹ M. Fauzan and Erika, "Analisis Kontrak Kerjasama Antara PT. Ciomas Adisatwa Dengan Usaha Peternakan Broiler Di Desa Sederhana Kecamatan Bandar Kabupaten Simalungun Menurut Konsep Syirkah" 4, no. 2 (2019): 86–106.

managing the business according to the agreement. They can also ask for salaries or wages for the energy and expertise they devote to the business. This cooperation is beginning with an agreement between the two parties, the supplier provides capital, and the businessman provides capital and skills (work). The proportion of profit may differ from the proportion of capital under normal conditions. Nevertheless, the partner who decides to become a sleeping partner, the proportion of his profit should not exceed his capital proportion. Meanwhile, losses, if they occur, will be borne together following the proportion of their respective capital investments.³²

Akad syirkah I'nan

This cooperation is a cooperation of 2 parties, namely the company as the core party and the people's breeder as a plasma party with the concept of syirkah' inan agreement. A cooperation contract between two or more people with each party provides a portion of the entire fund and participates in the work. The basket will provide a means of production then plasma provides the land and the necessary cages and equipment. Both profit and loss will be divided according to their agreement. However, the portion of the parties in the distribution of the proceeds does not have to be the same as the result of the agreement that has been made.³³

The concept of cooperation between broilers and partner companies is that farmers spend the capital or are responsible for providing cages, coop facilities, and operational costs of chicken production. Moderately, the partner company itself issues capital financing in chicken seedling (DOC) costs, feed costs during maintenance, and OVK, which are the costs of entering into the farmer's debt. Then, farmers and partner companies combine the capital by running a broiler farm business. The capital of farmers and partner companies is not the same. The distribution of business proceeds (profit and loss) and the volume of work on each party are not the same.³⁴

In the practice of cooperation conducted by the company with farmers, the company is a provider of chicken seedlings, feed, vaccines, and medicines and has a survey team that will be tasked in the field to provide guidance and assistance to chicken farmers so that the crops are right from the farmer's side only as a provider of cages and management of broilers every day. Besides, each company also imposes a system of guarantees in this cooperation. The amount of guarantee depends on the number of chickens raised, the number of medicines, vaccines, and feed. This warranty is used as a binder or sign of trust between the breeder and the company. The guarantee can be bpkb or land certificate. This cooperation contains elements of profit, partner, capital, loss, and risk. More specifically, it is included in the category of shirkah' inan due to the capital coming from both parties and management personnel who also come from both parties. Only the magnitude does not have to be the same.³⁵

³² Badruzaman, "Praktik Kerja Sama Bisnis Ayam Potong Perspektif Ekonomi Syari'ah Di Kecamatan Rajadesa."

³³ Notapia, "Sistem Bagi Hasil Usaha Peternakan Ayam Pedaging Di Kecamatan Kampar Kiri Hilir Kabupaten Kampar Ditinjau Menurut Ekonomi Islam."

³⁴ As'ad, "Analisis Konsep Dan Implementasi Usaha Peternakan Ayam Pedaging (Broiler) Dengan Sistem Kemitraan."

³⁵ Ningsih, "Review of Islamic Law against The Practice of Broiler Maintenance Cooperation in Dolopo

The capital contribution applied in cooperation between broilers and companies is under the concept of *syirkah* 'inan because the two sides both contribute to the capital even though it is not balanced. Because in the union *al*'inan the issue of accountability and employment, it may be that one party is fully responsible for the union. In contrast, the other party is not responsible, all of it depends on the agreement of both parties, and both parties must also have the same power in the management of property or objects of greed.³⁶

Akad syirkah mudharabah and syirkah mudharabah mutlaqah

There is a *syirkah mudharabah* agreement in this cooperation. The association of *syirkah* agreement with partnerships carried out by companies and broiler chicken farmers has similarities in that the parties contribute capital in doing joint ventures. The business's profit is divided by the agreement in the contract. The loss is borne by the owner of the capital as long as the negligence of the manager does not cause the loss. If the manager's fraud or negligence causes the loss, the manager must be responsible for the loss. Calculations in the yield-share ratio are strongly influenced by the level of risk that may occur. The higher the level of risk, the greater the ratio of yield share and vice versa.³⁷

This chicken-sealing cooperation is included in the *syirkah mudharabah* agreement. A contract between the owner of the capital and a worker aimed at managing money from the owner of the capital in a particular trade and then the profit is divided according to the Mutual Agreement. If there is a loss, then it becomes the responsibility of the owner of the capital. *Akad syirkah mudharabah*, in this practice, depicts the one-party that will contribute in the form of capital and work at once. Meanwhile, the second party only provides capital without the contribution of work. Farmers give capital in the form of the chicken coop and contribute work in the form of the maintenance of livestock chickens until the harvest period.

In contrast, the company gives capital in the form of *SAPRONAK*. This cooperation agreement is in the form of *syirkah mudharabah mutlaqah*, where the capital owner gives full flexibility to the livestock manager of the profit must be divided according to the financier's agreement and the capital manager.³⁸

Akad syirkah, ba'I and qard

Di in the practice of this cooperation, both the company and the farmer are acting as sellers and as buyers. The company sells seedlings, medicines required by farmers, and breeders will buy them. When the harvest arrives, the farmer will sell healthy chickens to the company, as mentioned in the contract, that the company will accept or buy only healthy chickens. In contrast, unhealthy chickens will be priced lower than healthy chickens. In the event of a loss in the practice of this cooperation, the farmer will bear the risk of such loss.³⁹

District of Madiun Regency."

³⁶ Maghfirah, "Analisis Kontrak Kerjasama Pada Usaha Peternakan Ayam Pedaging Di Desa Keude Blang Kabupaten Aceh Utara Ditinjau Menurut Konsep *Syirkah* 'Inan."

³⁷ Arizki, "Tinjauan Hukum Islam Terhadap Sistem Kemitraan Usaha Ternak Ayam Broiler."

³⁸ Ahmad, "Tinjauan Hukum Islam Terhadap Kerjasama Pengelolaan Ternak Ayam (Studi Kasus Di PT. Mustika Jaya Lestari Cabang Semarang Dengan Peternak Plasma)."

³⁹ Putri, "Tinjauan Fiqh Terhadap Praktik Kerjasama Antara CV Cahaya Unggas Putra Dan Peternak Ayam

However, there is a receivable debt agreement that occurs where party I play a role in providing debt, and the second part acts as a debt collector. Party II took chicken seedlings, feed, medicines, and vitamins to the I party whose payment was not paid directly by party II, then here comes the contract of receivables that will be paid later when the harvest arrives by deducting from the proceeds of the sale of chicken cut sold by the second party to the I party to pay the debt of the i. the number of receivables that are owed by chicken seedlings, fertilizers, and medicines.⁴⁰

Discussion

Implementation of appropriate Sharia agreements in cooperation contracts between companies and farmers

Sharia law is a contract that does not contain elements, namely *gharar* (uncertainty or fraud), *maysir* (gambling), usury (interest money), *dzulm* (persecution), *risywah* (bribes), illicit goods, and sin. Akad in Islam must be detached from the defects of will, according to az-Zuhaili and as-Sanhuri, covering coercion, guilt, cheating, fraud. The jurist of fiqh also agreed that in business activities (muamalah), Islam should avoid elements that are forbidden by sharia namely maisir (gambling), gharar (obscurity), usury (additional), and bathil (injustice) *riba*.⁴¹

With the implementation of the practice of partnership cooperation between the company and the farmer, the company becomes the first party and the farmer as the second party. In this case, the first party as a provider of seeds, medicines, feed, and necessities, while the second party as a land provider to build cages and livestock managers. In the partnership cooperation transaction between the company and the farmer using the mechanism by which the second party must provide the land to be given chicken seeds, after which there is an agreement between the first party and the second party containing agreements between farmers and companies, namely the price of seeds, medicines, feed as well as the pricing of sales and guarantees.⁴²

From several scientific articles, the most common results found in this study are syirkah agreements. Syirkah is an alliance agreement between two or more people in carrying out efforts to profit. Each allied party will give each other capital to run the business. The capital between each other can differ according to ability and differences in responsibility when managing the business. The profit distribution of the business proceeds is distributed based on the specified when starting the agreement.⁴³ In the fatwa DSN MUI, the risk of loss on the business of syirkah will be borne (into expenses) with the portion of capital included.

Potong Di Desa Pingkuk Kecamatan Bendo Kabupaten Magetan.”

⁴⁰ Kusumawati, “Tinjauan Hukum Islam Terhadap Perjanjian Kerja Antara Peternak Ayam Potong Dengan PT. Mustika Jaya Lestari Madiun.”

⁴¹ Yuspin, “Penerapan Prinsip Syariah Dalam Pelaksanaan Akad Murabahah.”

⁴² Putri, “Tinjauan Fiqh Terhadap Praktik Kerjasama Antara CV Cahaya Unggas Putra Dan Peternak Ayam Potong Di Desa Pingkuk Kecamatan Bendo Kabupaten Magetan.”

⁴³ Muhamad Turmudi, “Implementasi Akad Percampuran Dalam Hukum Ekonomi Syariah,” *Jurnal Al’Adl* 10, no. 2 (2017): 33–53.

However, in cooperation, farmers and companies alike contribute to capital as well as work. This agreement is found in *syirkah*. This *syirkah I'nan* is an alliance between the position and composition of the parties involved in not being equal in terms of capital, employment, or profit, as well as the risk of loss.⁴⁴

It can be concluded that this cooperation practice is not following the *syirkah* or *syirkah I'nan*, wherein the capital is not mixed so that it can still be distinguished between the farmer's capital and the company. The farmer's initial agreement provides a guarantee in the form of a certificate or BPKB vehicle to the company. Besides, the distribution of profit is not appropriate in the form of profit-sharing percentage, and when there is a risk of loss, the farmer will bear the risk. This kind of contract is confident that it will be detrimental to either party.

In addition to the *syirkah* agreement, there is also a *mudharabah* agreement. *Mudharabah* is a cooperation agreement between the two parties where the first party (*sahibul mal*) provides the whole (100%) capital, while the other party becomes the manager. The owner of the capital gives full flexibility to the manager. This cooperation of farmers and companies provides capital and work and the absence of freedom in agreements where farmers are not given freedom in determining the content of the agreement, so either party makes contracts. So it can be concluded that this cooperation contract's practice is not following the agreement of *mudharabah* or *mudharabah mutlaqah*.⁴⁵

In other literature also owed by *qard*, the party I played a role in providing debt, and the second party acted as a debt collector. Party II took chicken seedlings, feed, medicines, and vitamins from the party I whose payment was not paid directly by party II, then here comes the contract of receivables debt, which will be made later when the harvest arrives by deducting from the proceeds of the sale of chicken *Scutt* sold by the second party to the I party to pay the debt of the I. This practice is not following the receivables debt agreement due to the initial agreement in which there is a breakdown of *sapronak* price, and also, there is a trade agreement.⁴⁶

In the practice of cooperation, there is an element of buying and selling. *Ba'i* is a trade agreement between objects and objects with money.⁴⁷ *Ba'i* must meet the pillars of buying and selling: the person who is capable of being seller and buyer, *sighat* (*lafaz ijab* and *qabul*), and there are goods traded.⁴⁸ In this study, according to the authors, according to the contract of sale, the company serves as the seller and the farmer as the buyer with the object of cooperation in the form of DOC (chicken seedlings), OVK (medicine and vitamins), and chicken feed.

⁴⁴ Udin Saripudin, "Syirkah Dan Aplikasinya Dalam Lembaga Keuangan Syariah," *Jurnal Ekonomi dan Bisnis* 4, no. 1 (2016): 63-79.

⁴⁵ Ahmad, "Tinjauan Hukum Islam Terhadap Kerjasama Pengelolaan Ternak Ayam (Studi Kasus Di PT. Mustika Jaya Lestari Cabang Semarang Dengan Peternak Plasma)."

⁴⁶ Arizki, "Tinjauan Hukum Islam Terhadap Sistem Kemitraan Usaha Ternak Ayam Broiler."

⁴⁷ Siti Hajar, "Analisis Penerapan Akad *Ba'i Al-Isrishna'* Dan Akad *Qardh* Dalam Kepemilikan Rumah Pada Developer D'ahsana Property Syariah Mojokerto" (Universitas Al Islam Negeri Senan Ampel Fakultas Ekonomi dan Bisnis Islam Program Studi Ekonomi Syariah Surabaya, 2019).

⁴⁸ Kusumawati, "Review of Islamic Law On Employment Agreement Between Chicken Farmers Cut With PT. Mustika Jaya Lestari Madiun."

In the initial agreement, contracts are covering sapronak prices, namely DOC (chicken seedlings), OVK (medicines and vitamins), and chicken feed made by the company as the seller. Once the contract is agreed by both parties, the company will provide SAPRONAK resiliently according to farmers' needs, and farmers will pay at the end of the harvest period. This practice is found in *istishna*. If the delivery of goods is carried out in a resilient manner, means called *istishna*, but the payment is not made in cash, but by means, payment is deferred at the end (*muajjal*).⁴⁹

Besides, in the contract, there is a condition that farmers must sell chickens that are ready to be harvested to the company at a price that has been determined by the company. This contract can benefit farmers because chickens will be purchased at a price already determined by the company. Also, the price does not adjust to the market price. If the market price falls, the farmer will get the price according to the contract not to suffer any losses.

However, if the market price increases, the farmer will get a bonus from the core company. The farmer must also provide a certificate or BPKB of the vehicle to the core company. This guarantee is used as a tool of trust in the company in the event of losses that cause the death of many chickens in its maintenance so that the farmer decides the contract unilaterally and cannot pay it. Actual buy on condition is not permissible, but the scholars differ on which *hanafiyah* circles allow when the condition is beneficial to either party.⁵⁰

Conclusion

The corresponding agreement in the contract of cooperation between the company and the farmer is a contract of sale and the handover of goods and payment per *istishna*. As a seller, the company, the objects in the form of DOC (chicken seedlings), OVK (medicines and vitamins), and feed to be given to farmers are resilient according to farmers' needs. In contrast, farmers will pay SAPRONAK resiliently at the end of the harvest period. However, there is also a condition in the contract that farmers must sell chickens that are ready to be harvested to the company at a price that has been determined by the company. This condition is beneficial for farmers because it is determined by the company and does not match the market price. If the market price rises, the farmer will get a bonus from the sale of chickens from the company, and if the market price decreases, then the farmer will not suffer any losses. Besides, there is a condition that farmers must assure the company as a means of trust if the farmer suffers losses that cause the death of many chickens so that the farmer decides to contract with the company unilaterally. This consideration can be an in-depth review of partnership practices.

⁴⁹ S., *Hukum Kontrak Syariah*.

⁵⁰ Abdullah Al-Mushlih and Salah Ash-Shawi, *Islamic Financial Economics Jurisp*; (Jakarta: Darul Haq, 2011).

Bibliography

- Ahmad, Alhasani Syahir. "Tinjauan Hukum Islam Terhadap Kerjasama Pengelolaan Ternak Ayam (Studi Kasus Di PT. Mustika Jaya Lestari Cabang Semarang Dengan Peternak Plasma)." Universitas Islam Negeri Walisongo Semarang, 2018. <http://eprints.walisongo.ac.id/8117/1/122311019.pdf>.
- Al-Mushlih, Abdullah, and Salah Ash-Shawi. *Fikih Ekonomi Keuangan Islam*. Jakarta: Darul Haq, 2011.
- Amelia, Ruth. "Analisis Hukum Islam Terhadap Pertanggungans Risiko Pada." Universitas Islam Negeri Ar-Raniry, 2019. <http://repository.ar-raniry.ac.id/id/eprint/9178/1/GABUNGAN PDF.pdf>.
- Arizki, Aranti Diaz. "Tinjauan Hukum Islam Terhadap Sistem Kemitraan Usaha Ternak Ayam Broiler." Universitas Islam Negeri Raden Intan Lampung, 2018. http://repository.radenintan.ac.id/3432/1/SKRIPSI_FULL ARANTI.pdf.
- As'ad, Rizal Fachri. "Analisis Konsep Dan Implementasi Usaha Peternakan Ayam Pedaging (Broiler) Dengan Sistem Kemitraan." Fakultas Ekonomi dan Bisnis Islam Semarang, 2019. <http://eprints.walisongo.ac.id/10117/1/SKRISPSI LENGKAP.pdf>.
- Badruzaman, Dudi. "Pengembangan Ekonomi Islam Berbasis Kependudukan Di Perdesaan Development of Islamic Economy Based on Population in Rural Areas." *Jurnal Ekonomi Syariah dan Bisnis* 3, no. 1 (2019): 1-10.
- . "Praktik Kerja Sama Bisnis Ayam Potong Perspektif Ekonomi Syari'ah Di Kecamatan Rajadesa." *Jurnal Ekonomi Syariah dan Filantopi Islam* 3, no. 1 (2019): 42-54.
- Dahlan, Mufid, and Nur Hudi. "Studi Manajemen Perkandangan Ayam Broiler Di Dusun Wangket Desa Kaliwates Kecamatan Kembangbahu Kabupaten Lamongan." *Jurnal Ternak* 02, no. 01 (2011): 24-29. https://www.academia.edu/download/52767879/Dahlan_dan_Hudi_2011.pdf.
- Fauzan, M., and Erika. "Analisis Kontrak Kerjasama Antara PT. Ciomas Adisatwa Dengan Usaha Peternakan Broiler Di Desa Sederhana Kecamatan Bandar Kabupaten Simalungun Menurut Konsep Syirkah" 4, no. 2 (2019): 86-106.
- . "Analisis Kontrak Kerjasama Antara PT. Ciomas Adisatwa Dengan Usaha Peternakan Broiler Di Desa Sederhana Kecamatan Bandar Kabupaten Simalungun Menurut Konsep Syirkah." *Jurnal Ekonomi dan Perbankan Syariah* 4, no. 2 (2019): 86-106. <http://103.114.35.30/index.php/Mas/article/viewFile/2885/2463>.
- Gandasari, Meidy Fauziana. "Tinjauan Hukum Islam Terhadap Kerjasama Pemeliharaan Ayam Broiler Di Kecamatan Plantungan Kabupaten Kendal." Universitas Muhammadiyah Surakarta, 2019. http://eprints.ums.ac.id/82428/11/Meidy_NASKAH PUBLIKASI.pdf.
- Gultom, L. B. N, S. I. Santoso, and E. Suprijatna. "Analisis Profitabilitas Dan Break Even Point Usaha Peternakan Ayam Broiler Milik 'Damin Farm' Di Desa Perbalan Kecamatan Gunungpati Semarang." *Jurnal ilmu-ilmu pertanian* 2, no. 2 (2018): 38-46. <https://www.publikasiilmiah.unwahas.ac.id/index.php/Mediagro/article/download/2746/2703>.

- Hajar, Siti. "Analisis Penerapan Akad Ba'i Al-Isrithna' Dan Akad Qardh Dalam Kepemilikan Rumah Pada Developer D'ahsana Property Syariah Mojokerto." Universitas Al Islam Negeri Senan Ampel Fakultas Ekonomi dan Bisnis Islam Program Studi Ekonomi Syariah Surabaya, 2019.
- Ismanto, Kwat. "Penerapan Prinsip-Prinsip Syariah Pada Perjanjian Asuransi Syariah Di RO Tafakul Keluarga Pekalongan." *Jurnal Hukum Islam* 12, no. 1 (2014): 103-116. <http://e-journal.iainpekalongan.ac.id/index.php/jhi/article/download/530/704>.
- Kurnianto, Andi, Endah Subekti, Eka Dewi Nurjayanti, and Program. "Analisis Usaha Peternakan Ayam Broiler Pola Kemitraan Inti-Plasma." *Jurnal Ilmu-ilmu pertanian* 15, no. 2 (2018): 47-57. <https://www.publikasiilmiah.unwas.ac.id/index.php/Mediagro/article/download/2747/2704>.
- Kusumawati, Erly Nurdi. "Tinjauan Hukum Islam Terhadap Perjanjian Kerja Antara Peternak Ayam Potong Dengan PT. Mustika Jaya Lestari Madiun," 2018.
- Lestari, R. I., K. Budiharjo, and M. Handayani. *Analisis Profitabilitas Usaha Peternakan Pola Kemitraan Ayam Pedaging Di Kecamatan Ungaran Timur Kabupaten Semarang* 47, 2016. <http://jurnal.polbangtanyoma.ac.id/index.php/jp3/article/download/84/83>.
- Maghfirah, Fitri. "Analisis Kontrak Kerjasama Pada Usaha Peternakan Ayam Pedaging Di Desa Keude Blang Kabupaten Aceh Utara Ditinjau Menurut Konsep Syirkah 'Inan." Universitas Islam Negeri Ar-Raniry, 2017. <http://repository.uin-suska.ac.id/23624/7/7. BAB II %281%29.pdf>.
- Masluha, Abdul Hamid, and Aris. "Analisis Hukum Islam Terhadap Pola Kemitraan Usaha Peternakan Ayam Potong Di Panca Rijang Sidrap." *Jurnal Syariah dan Hukum* 17, no. 2 (2019): 245-263. <https://ejurnal.iainpare.ac.id/index.php/diktum/article/download/784/609>.
- Ningsih, Tri Ayu Wahyu. "Tinjauan Hukum Islam Terhadap Praktik Kerjasama Pemeliharaan Ayam Pedaging Di Kecamatan Dolopo Kabupaten Madiun." Institut Agama Islam Ponorogo, 2018. [http://etheses.iainponorogo.ac.id/4192/1/tri ayu wahyu ningsih.pdf](http://etheses.iainponorogo.ac.id/4192/1/tri%20ayu%20wahyu%20ningsih.pdf).
- Notapia, Depi. "Sistem Bagi Hasil Usaha Peternakan Ayam Pedaging Di Kecamatan Kampar Kiri Hilir Kabupaten Kampar Ditinjau Menurut Ekonomi Islam," 2012. http://repository.uin-suska.ac.id/9440/1/2012_2012279EI.pdf.
- Putri, Windah Yogo Siam. "Tinjauan Fiqh Terhadap Praktik Kerjasama Antara CV Cahaya Unggas Putra Dan Peternak Ayam Potong Di Desa Pingkuk Kecamatan Bendo Kabupaten Magetan." Sekolah Tinggi Agama Islam Ponorogo, 2016.
- S., Burhanuddin. *Hukum Kontrak Syariah*. Yogyakarta: Bpfe-Yogyakarta, 2009. B.
- Salsabiela, Arina, and Siti Mahmudah. "Vidio Modeling Terhadap Kemampuan Bina Diri Menghadapi Masalah Sosial Perkelahian Bagi Anak Tunagrahita." *Jurnal Pendidikan Khusus* (2020): 1-9. <http://jurnal.akper-whs.ac.id/index.php/mak/article/download/51/45>.
- Santoso, Aman, Sumari, Siti Marfuah, Muntholib, and Rini Retnosari. "Pemanfaatan Limbah Sapi Perah Untuk Biogas Sebagai Energi Terbarukan Pada Kelompok Peternak." *Jurnal Graha Pengabdian* 2, no. 2 (2020): 114-123.
- Saripudin, Udin. "Syirkah Dan Aplikasinya Dalam Lembaga Keuangan Syariah." *Jurnal Ekonomi dan Bisnis* 4, no. 1 (2016): 63-79.

- Turmudi, Muhamad. "Implementasi Akad Percampuran Dalam Hukum Ekonomi Syariah." *Jurnal Al'Adl* 10, no. 2 (2017): 33–53.
- Vitani, Raimonda Amayu Ida. "Tinjauan Literatur : Alat Ukur Nyeri Untuk Pasien Dewasa." *Jurnal Manajemen Asuhan Keperawatan* 3, no. 1 (2019): 1–7. <http://jurnal.akper-whs.ac.id/index.php/mak/article/download/51/45>.
- Yuspin, Wardah. "Penerapan Prinsip Syariah Dalam Pelaksanaan Akad Murabahah." *Jurnal ilmu hukum* 10, no. 1 (2007): 55–67. https://publikasiilmiah.ums.ac.id/bitstream/handle/11617/743/4.WARDAH_YUSPIN.pdf?sequence=1.