



Research Paper

Ngowan Sapeh's Practice of Cooperation in The Perspective of Islamic Law

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ABSTRACT

This study aims to find out how the concept of cooperation in the Sumenep area, Madura and the practice of cooperation are analyzed with Islamic law.

This study uses qualitative research, and this type of research uses analysis with a sociological normative approach. Where the approach used in this study is to use secondary data and primary data from books, interviews and other materials. This normative approach is about the implementation of normative legal provisions in its actions to every specific event that occurs in a society. The approach used in this writing is the sociological normative method where this normative approach examines the practice of ngowan sapeh cooperation in the perspective of Islamic law. This data analysis technique also uses data collection methods, namely by conducting observations, interviews and also recommendations in the practice of ngowan sapeh cooperation in the perspective of Islamic law. The results of this study found that the practice of ngowan sapeh cooperation in the perspective of Islamic law is a form of cooperation that occurs in the community in Aeng Tong-tong Village, in general, the Aeng Tong-tong community is more cooperative in raising cows (ngowan sapeh) because raising cows has become a common phenomenon in the community in satisfying their own lives and their families.

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Introduction

Islam has taught in human life to help each other, guarantee and cooperate with a sense of responsibility (Nudin et al., 2016). Humans are social creatures who live in a reciprocal manner between fellow living beings in meeting the needs of life. This means that humans will not be able to survive without interaction with other creatures. Living life as a human being, of course, it is not always possible to be alone, there are times when you live socially or with interaction. In the concept of a person's life, there will be such a thing as interacting with each other. Humans have social needs so that humans live by needing each other, therefore humans are commonly called Social Beings (Aryani Ramli, 2005).

In practice, human interaction always cooperates with other humans to create the fulfillment of the needs of both parties. So that every human being will optimize the choices he has to benefit from the cooperative effort, where the diversity of capital ownership will create different cooperation contracts. This form of cooperation between capital owners often causes problems in the community, because the contract and its form are not in accordance with sharia principles, including in the form of cooperation in raising cattle, most people use customary contracts.

The practice of cattle cooperation has been widely applied in the community with various characteristics of forms of cooperation, such as the form of cattle cooperation in research (Andayani et al., 2020) about cattle farming cooperation in Sinjai Regency. The results of his research revealed that the form of cooperation in cattle farming in the community is a custom that has developed for a long time. The practice is reviewed from an Islamic perspective, in accordance with the mudharabah contract so that the practice is allowed. So is the research (Fajrina Rizka et al., 2022) who researched cattle cooperation in Situbondo. The cattle cooperation in the area is called "Maro bhete". The results of his research revealed that the cooperation formed in cattle farming is a custom that is in accordance with Islamic law but needs to be strengthened by financial records with clear and binding contracts. Likewise in other areas such as the "paroan" cattle cooperation in Kediri (Puspita et al., 2021), "mawah" in Aceh (Mukhtasar & Syahputra, 2020) and the cooperation of "Gaduh Sapi" in Kebumen (Kurniawati & Dardiri, 2022; Subaiti et al., 2019).

From some of the studies above, there are also studies that analyze the existence of "gharar" in cattle cooperation. The Gharar can cause losses and injustices, so it needs to be reviewed by strengthening the form of cooperation, such as research conducted (Katman et al., 2022) who found that there was gharar in the initial capital, the duration of cooperation and costs. Likewise, the research carried out (Jannah & Jafar, 2018), Cooperation that is not recorded in the form of written cooperation often

causes disputes, so that one of the perpetrators feels disadvantaged. Thus, even though the practice that occurs in the community is a custom in accordance with Islamic law, the practice needs to be reviewed. The results of his research recommend strengthening the contract in writing, so that the rights and obligations of the cooperating actors are clear.

Raising cows in rural areas is a form of cooperation that has developed in the community from generation to generation. In general, village communities are more cooperative in raising cows. Because raising cows has become a common phenomenon in the countryside. Raising cows has become the mainstay of the community as one of the ways to meet the needs of life. However, not all communities have cows so that people cooperate with cow owners who cannot afford to raise themselves. One of the practices of cooperative cattle raising is also found in Sumenep, Madura. The term of the collaboration is called "*Ngowan Sapeh*". The owner of the cattle gives full rights to the person who raises the cow. If in time, the cow is sold and the proceeds of the sale are divided in half between the two parties. However, at any time the cows raised by the keeper die or disappear. So all these losses are borne in their whole by the cow owner.

This study aims to find out how the concept of cooperation in the Sumenep area, Madura and the practice of cooperation are analyzed with Islamic law. This research also explores more deeply, related to the rights and obligations of cooperation actors, such as the cost and duration of cooperation.

Method

The type of research used in this study is qualitative research in the form of field research. This research is carried out in a systematic way by visiting directly the object to be researched and the researcher must go directly into the field (Moleong, 2017). The researcher chose the research location in Aeng Tong-tong village, Saronggi District, Sumenep Regency. The researcher chose this location because most people in the area have a livelihood that is *ngowan sapeh*.

This research is descriptive analysis, which is a study that describes the data that is studied in terms of facts that occur in the field as it is without any review or guidance from the researcher (Suwendra, 2018). This aims to describe and describe the practice of *ngowan sapeh* cooperation in the perspective of Islamic law. In the researcher, this research report contains citations of data (facts) that are revealed to provide support for what is presented in the research report. The data comes from interviews, field notes, personal documents, defects and other official documents.

This research uses a sociological normative approach. Normative is a literature approach where the approach is carried out based on legal materials by studying

Islamic theories about religion, concepts and principles by studying books or journals and other documents related to research. Meanwhile, sociology is a research approach that describes an object of discussion based on what happens to society.

In collecting data, this study uses two types of data sources obtained from primary data sources and secondary data. The primary data obtained in this study is by direct interviews with people who cooperate in ngowan sapeh (raising cows), namely cow owners and cattle keepers in Aeng Tong-tong village, Saronggi District, Sumenep Regency. The secondary data of this research that supports the author is obtained from literature studies such as journal books related to research and previous research.

The data analysis method used by researchers using data reduction is to summarize the data that has been obtained, select the main things, and focus on things that are considered important. Furthermore, the presentation of data is categorizing the data obtained according to the subject matter. In qualitative research, data presentation can be carried out in the form of brief descriptions, charts, relationships between similar categories. Furthermore, the conclusion is to answer the formulation of the problems that have been formulated from the beginning.

Results

Practice of "Ngowan Sape" Cooperation

Most of the people of Aeng Tong-tong Village, Saronggi District, Sumenep Regency in meeting their living needs are raising cows. There are many types of cattle maintenance in this village, as for one of the types of cattle maintenance, namely collaborating with people who have cows but cannot raise them themselves. The kind of practice found where there are cow owners who make agreements with people who keep cows to take care of and take good care of them. This method is also widely carried out by the community in Aeng Tong-tong Village by using the services of people who raise cattle by getting profits to meet the daily needs of their families.

The Ngowan Sapeh collaboration occurs because there are people who have cows but do not have the ability to raise cows and there are also those who do have expertise in raising cows, but they have limitations because they do not have their own cows. From these problems, there is a cooperation in raising cows called the ngowan sapeh system so that other humans can complement each other and need each other. This method is also widely done in the people of Aeng Tong-tong Village with the aim of meeting the needs of their families because it has become a common phenomenon in the community and is a custom.

The implementation of cattle maintenance cooperation here, of course, the cow owner gives full rights to the cow keeper to be properly cared for. If all have agreed, then both parties are bound by an agreement with a mutually determined outcome. In

carrying out a contract or cooperation, of course, it is done with mutual pleasure or sincerity and mutual benefit with the principle of mutual consent so that no one feels disadvantaged. The cooperation system implemented in Aeng Tong-tong Village uses a familial basis where this cooperation contract is based on mutual trust. The form of agreement that is carried out is verbally rather than in writing, because the person who raises the cow is chosen from the surrounding community or still from the family or relatives and has become a habit that the community does.

The cooperation agreement in raising cattle here explains the time limit for cooperation and some do not explain the time limit for cooperation. The cooperation will end when the cow is ready to be sold, such as when the keeper has an urgent need, he will ask to be sold according to the agreement between the cow owner and the cow keeper. This condition can provide benefits and benefits for both parties.

Based on the results of what the researcher did, it can be concluded that the agreement used in the cooperation in raising cattle in Aeng Tong-tong, Sumenep, carries out *ngowan sapeh* cooperation, namely, to meet the needs of daily life because it has become a common phenomenon in the community. In the agreement, only verbal agreements are used without any agreement stated in the written agreement, because it is easy to do and not too complicated. Likewise with the time limit in cooperation where in this agreement or cooperation there are those who use time limits but there are also those who do not use time limits depending on mutual agreements. This has become a custom that applies in the Aeng Tong-tong community. In addition, what is interesting here is that the results of the cow maintenance cooperation can only be divided when the cow is ready to be sold and when the cow has been born. This is done to avoid things that can be detrimental to one of the parties.

Practice and Profit Sharing of “Ngowan Sapeh” in the Perspective of Islamic Law

In human life, humans are basically social creatures who cannot live alone and must need the help of others, therefore Islamic law cooperation is needed (Hafidz Abdurahman, 2011). Cooperation in Islam is a legal change. This was shown by the prophet Muhammad PBUH who was carried out by the Islamic community at that time. Cooperation in Islam is cooperation between two or more people in terms of capital or business with division based on mutual agreement. The principle of cooperation is an important thing in the Islamic economy. Islamic principles state that everything that is used by others with the aim of wanting to have a common whole. Including in the cooperation policy in Islam, one of them is the *mudhârabah* contract system.

Mudhârabah comes from the word *dharaba* which means to carry or walk. This means that the process of a person in carrying the burden of running the business that will be carried out (Hermawan, 2014). Meanwhile, according to the term, it is part of

the cooperation between two parties, the first party provides capital (*shahibul mâal*) and the other party becomes the manager (*mudhârib*). The owner of the capital agreed to hand over his capital to the manager to be managed properly. Business profits will be divided according to the agreement of the parties agreed. As for if there is a loss, it will be borne by the capital owner if it does not occur due to the negligence of the manager. Profit sharing cooperation in Islam is declared valid if the capital is handed over to the management with each party giving mutual trust. The capital provided must be clear and certain. The financier should not interfere in carrying out the management because in the principle of *mudhârabah*, the owner only hands over his capital in full to the management (Fauzi, 2009).

One of the collaborations carried out in Aeng Tong-tong Village is a form of cooperation in raising cows. The collaboration involves two parties who cooperate with one of the parties as a cow owner or financier. While the other party is a cattle keeper who takes care of the entrusted cow to make a profit. Cooperation contracts in Islam have certain rules so that no party is in doubt. Sharia also provides provisions regarding the validity or not of a cooperation if it has fulfilled the pillars of *mudhârabah*, namely:

The financier (*shahibul mâal*) is the owner of the cow and the capital manager (*mudhârib*) is the cow keeper. Both should be sensible people, puberty is not a minor or a crazy person (Islam, 2020). Where in this case, the cattle keepers in Aeng Tong-tong Village who play the role of *shahibul maal* are the owners of the cows who entrust their cows to the keepers as *mudhârib*. The actors of conservation cooperation in Aeng Tong-tong Village, Saronggi District, Sumenep Regency must pay attention to who they work with. The actors of cooperation ensure that their cooperation is a trustworthy party.

The object of *shirkah* or *ma'qud 'alaih* is all contracts that can be in the form of money, goods or services. Without an impossible transaction object will be created (Mustofa, 2010). The cooperation carried out by cattle maintenance in Aeng Tong-tong Village, Saronggi District, has a *shirkah* object in the form of cows not in the form of money which is handed over to the keeper directly after the approval of the cow owner's request to the keeper (*ijab-qabul*). In terms of capital, it is also in accordance with Islamic law where the owner of the cow and the cow keeper both know the price of the cow purchased even though the capital is in the form of a cow. The practice of this cooperation is allowed and is in accordance with the *mudhârabah* contract.

Shighat consists of *ijab* and *qabul*. *Ijab* is an expression of capital handover from the owner of capital. While *qabul* is an expression of receiving capital and approval to manage capital from the owner of capital (Adam, 2017). The form of the contract in the practice of cattle rearing cooperation in Aeng Tong-tong Village is carried out orally with a handover of capital in the form of cows to be raised which are then given to the

keeper to be properly maintained. This kind of way has been done by many people in carrying out cooperation, because they are both willing and no one is represented by others.

Ratio of profit yield

In the distribution of profits in the mudhârabah contract, it is necessary for the parties at the beginning of the contract period, the parties are given freedom in accordance with the mutual agreement. The profits that belong to workers and capital owners must be clear. Judging from the percentage, the distribution of profits in cooperation in raising cattle is in accordance with mudhârabah and does not harm one of the two parties who cooperate. The distribution of profits that occurs in Aeng Tong-tong Village is generally one cow to one 1:1 as it is known that the distribution of profits that is allowed is in accordance with the percentage desired by both parties so that they do not get losses together.

However, in practice, there are some cooperative actors who have not determined the ratio of profits at the beginning of the contract but have only determined the distribution of cow profits after giving birth to the first cow. From the results of the research that occurred in Aeng Tong-tong Village, if neither parties have not determined the distribution of the results, both the number and the type and only determined when the cow gave birth. This cooperation contains an element of gharar or is not clear in muamalah elements that contain gharar like this is haram, because the Prophet (saw) has forbidden muamalah that contains gharar based on the hadith:

وَعَنْ أَبِي هُرَيْرَةَ قَالَ: نَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْحَصَاةِ وَعَنْ بَيْعِ الْغَرَرِ

From Abu Hurairah he said: "The Prophet (saw) forbids the buying and selling of al hasah and the buying and selling of gharar." (Lubis, 1994)

Regarding risk liability in mudhârabah, losses that occur are not the result of the fault and negligence of the maintainer, then they will be fully borne by the owner of the capital. Meanwhile, in the loss of maintainers is the time spent during the cooperation. As for if the loss is based on negligence and mistakes made by the manager or maintainer, the one who must bear the loss is the manager, because the owner of the capital already feels disadvantaged if he must bear the loss that occurs due to the manager's mistake (Aswanto et al., 2022). As happened in Aeng Tong-tong Village, Saronggi District, Sumenep Regency, if there is a loss or negligence due to the death of the cow, the loss is borne by the owner of the cow. Meanwhile, the keeper will be given a reward for taking good care of the cow.

Based on the results of research that occurred in the field, that the researcher has conducted interviews with five cow owners and people who raise five cows, it can be concluded that the profit-sharing system for cattle rearing carried out in Aeng Tong-tong, Sumenep, Indonesia uses a mudhârabah contract. From the pillars of mudhârabah, the cooperation can be said to be valid and in accordance with the mudhârabah contract in the rules of Islamic law. However, something must be

straightened out, namely if there is a loss, the risk burden will be borne by the owner of the capital fully if the loss is not from the negligence of the maintainer. This is not justified in *mudhârabah* because of the occurrence of elements that contain uncertainty (*gharar*) because it depends on conditions that cannot be ascertained, namely the death of the cow being raised. The practice of *ngowan sapeh* cooperation in the perspective of Islamic law in Aeng Tong-tong Village should be in accordance with the *mudhârabah* contract in the rules of Islamic law, only there are things that must be improved as explained above.

Discussion

The results of the study show that the "*ngowan sapeh*" cooperation implemented in Sumenep, Madura, uses a *mudhârabah* contract. The collaboration using the *mudhârabah* contract is in accordance with the results of the research conducted (Kurniawati & Dardiri, 2022) tentang kerjasama "Gaduh Sapi" in Kebumen, "paroon" cattle cooperation in Kediri (Puspita et al., 2021), "mawah" in Aceh (Mukhtasar & Syahputra, 2020). Although the percentage of profit sharing applied is different in each region, the conditions and harmony in the *mudhârabah* contract have been met. However, it is worth noting that this cooperation is carried out orally rather than in writing, so this increases the risk of *gharar* which can cause disputes and bring damage to cooperation. However, in practice, according to the cooperation actors, the element of *masalah* of this cooperation is greater than the risk of *gharar* that occurs. So that cattle cooperation in various regions is still practiced by the community to this day.

Conclusion

Based on the discussion and analysis that has been carried out by the researcher through the data collection process and the results of data analysis in the form of a problem formulation related to the title Practice of Cooperation of *Ngowan Sapeh* in the Perspective of Islamic Law, it can be concluded as follows:

The practice of *Ngowan Sapeh* Cooperation in Aeng Tong-tong Village, which occurs because there is someone who has a cow but does not have the ability to raise a cow and there are also those who do have the expertise to raise a cow but have limitations because they do not have their own cow. The people of Aeng Tong-tong carry out the cooperation to help each other to meet their living needs because it has become a common phenomenon in the community and is a custom of the people in Aeng Tong-tong Village. The cooperation is carried out orally and unwritten, namely on the basis of mutual trust or familial. The cooperation contract carried out in raising the cow explained the time limit for cooperation, but there were also those who did not explain the time limit for cooperation in accordance with the mutual agreement.

The Practice and Profit Sharing of *Ngowan Sapeh* in Aeng Tong-tong Village in the Perspective of Islamic Law is in accordance with the applicable rules regulated in Islamic law. However, something must be improved, namely in the *mudharabah* system, because if a loss occurs, the owner of the cow will be fully responsible as long as the loss is not from the negligence of the keeper. This is not justified in *mudhârabah*

because there is an element that contains uncertainty (gharar) because it depends on uncertain conditions in cattle rearing. As discussed earlier, the ngowan sapeh collaboration in Aeng Tong-tong Village was carried out orally, not in writing. So the people of Aeng Tong-tong only use it on the basis of family or mutual trust.

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