

ABSTRACT

Ahadian, AchmadShofi, 08220064. 2014. **Musharakah Agreement between the BoatOwner and Fishermen (A Case Study inSumberanyar, Paiton ofProbolinggo)**. Thesis.Islamic Business Law, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang.Advisor: Dr. NoerYasin, M.HI.

Keywords: Musyarakah, BoatOwner, Fishermen

Fishermen community in the village of Sumberanyar has inadequate education on interaction and financial matters. They certainly need equipments and some money to set sail. Therefore, they need capital loan from other party. Even though having above average economy level, some of the fishermen cooperate with other fishermen in fishing. The fishermen who own boat is called as boat owner. They give their contribution by lending their boat and the needed equipment. Other fishermen give their contribution by using their physics or working. In classic fiqh the cooperation is called musharakah. The fishermen of Sumberanyar have uncertain capture depends on the season. When the fishing season comes, the fishermen will get plenty of fish and large amount of share. On the other hand, when famine comes, the fishermen hardly get any fish. The condition may affect the share and cause a financial loss.

The research has some problem questions: 1) How the musharakah agreement between the boat owner and fishermen in the village of Sumberanyar, Paiton, Probolinggo? 2) How is the review of fiqh muamalah on the implementation of profit sharing between the boat owner and fishermen in the village Sumberanyar, Paiton, Probolinggo? This study is an empirical research and it requires field research. It employs a qualitative approach and uses literatures study as its reference in the discussion. The study requires a direct observation on the object, that is the fishing community in the village of Sumberanyar. The research uses primary, secondary, and tertiary data. From these data, the researcher collects the required data by conducting interview, observation and documentation. Then the obtained data is analyzed using a qualitative analysis for the discussion. The results of the discussion will enable the researcher to draw a conclusion to respond the problems.

The findings of the research are *First, musharakah* or working system agreement between the boat owner and the workers tend to be capitalistic and take sides of rich people. The workers will be the party which suffer from loss. *Second*, profit sharing system between the boat owner and the workers has not met the principles of the Islamic law. The system is against the justice. The boat owner tend to take advantages and dominate the fishermen. The tendency becomes stronger due to helpless state of the workers caused by the lack of education, the low economic level, the binding loan, the lack of legal knowledge (the Islamic and positive law). The condition leads to the power loss, especially in acquiring their rights as workers.