

Potential Implementation Of Sharia Business Contract In The World Of Islamic Boarding Schools

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Abstract: *The purpose of this study is to look at the implementation of the application of the empowerment of Islamic banking business contracts in Islamic boarding schools. The study was conducted at several pesantren in the North Sumatra region. This study uses a qualitative phenomenological approach that is descriptive analytical and inductive. Data collection methods in the study used observations and interviews with various related parties. The type of data used in this study is primary and secondary data. Analysis of the data used is descriptive by using literature studies in the form of muamalah fiqh books. The results showed that the application of business contracts in boarding schools is still rarely applied. Some of the potential for this application can be realized both in the field of education and business sectors carried out by the pesantren.*

Keywords: Potential, Business Contract, Islamic Boarding School

Introduction

Pesantren as the frontline guarding the morality and morality of the Islamic generation has a very important role to continue to develop its wings towards the various spreads of Islamic teachings. For it is not very feasible if various teachings of Islam are always maintained and their education is well implemented.

There is an idiom that spreads in pesantren that says, "What you hear, see and feel in Pesantren is education." This means that education taught in esantren is not limited to theories, but the application of various sharia sciences should also continue to be taught and spread it.

Islamic business contracts or contracts are part of Islamic teachings. Where, in the past, Rasulullah Saw during his life had carried out muamalah interaction which at the same time taught his people about various transactions, including in the business field because he was a businessman in his day.

The reality is that there are many pesantren in Indonesia, especially in North Sumatra, which have not fully implemented contracts or business contracts in carrying out intra-pesantren business interactions. Indeed, pesantren are not business-oriented institutions, but because there are so many activities to meet the needs of students / influences and influence in them, there is still a business side to them.

Unfortunately, many pesantren have not promoted education that leads to exploring the potential of Islamic economics, even though Islamic economics is built by economics and Islamic law. In this first scientific field pesantren has practical strength in carrying out activities (business) intra pesantren. Pesantren is a miniature of various forms of business that exist in various aspects. In the second field (read: Islamic law), of course, pesantren are equipped with the mastery of various yellow (*al-kutub al-Turats al-Islamiyah*) books whose key language (Arabic) is taught in the pesantren.

Various sharia business agreements that have been legalized by scholars including DSN-MUI in Indonesia are still rarely known in Islamic boarding schools. In addition, teaching about these contracts is still rarely found in Islamic boarding schools. In fact, the majority of business contract experts in Indonesia who are now under the auspices of the MUI are pesantren alumni.

This paper seeks to explore the potential implementation of Islamic business contracts that can be implemented in the world of pesantren.

Method

This study uses a qualitative phenomenological approach that is descriptive analytical and inductive. This study tries to dig up data to find basic things from phenomena, reality and experience. This study uses documentary studies and reviews the theories used to explain and infer the issues raised in this study.

According to Mahamit (2006) in Suryana (2007: 5) there are several stages of qualitative research, which include: 1. Determine the problem. 2. Conduct a literature study. 3. Determination of location. 4. Preliminary studies. 5. Determination of data collection methods, observations, interviews, documents, directed discussions. 6. Analysis of data during the study. 7. Analysis of data after validation and reliability, and 8. Results; story, personal, description, bold, narrative, can be assisted by frequency table.

Data collection techniques used in this research are field surveys by observing and interviewing. Interviews were conducted with various parties related to the research. To obtain the required data, researchers used several methods in collecting research data, including:

a. Observation Method

In this method, researchers look at and observe all aspects contained in the object of research regarding business management that can be applied in Islamic business contracts in it.

b. Interview Method (interview)

Researchers interviewed several pesantren leaders, caregivers, employees, and others deemed necessary to obtain this data.

c. Documentation Study

In this method that will be carried out, it will be sought, noted and identified various data or documents which can later be used to help and support and even serve as authentic evidence of research on the implementation of intra-pesantren business management.

The primary data used in this study were obtained from the collection and first recorded by the researcher, while the secondary data which is also used in this study is the data of other parties that have been available or collected by other parties. (Sanusi, 2017: 104) Primary data in this study are observational data instruments from observations and interviews. While secondary data used in the form of: 1. Alquran and Hadith, 2. KHES, 3. DSN-MUI Fatwa, 4. Books of Muamalah Jurisprudence as well as, books, research results, research results and seminar papers.

Research result

The word "Pondok" comes from the word funduq which means hotel or hostel. While in the Indonesian language has many meanings, among which are madrassas where Islam is studied. Pesantren comes from the word santri which can be interpreted as santri place. The word santri comes from Cantrik (Sanskrit, or perhaps Javanese) meaning people who always follow the teacher, which is then developed by the Taman Siswa Education in the boarding system called Pawiyatan. The term santri also exists in Tamil which means the teacher recites the Koran. (Fatah et al, 2005: 13). The C.C. Berg argues that the term comes from the term shastri which in Indian means a person who knows Hindu holy books or a scholar of Hindu scriptures. The word shastri comes from shastra which means holy book, religious books or books about Science. (Daulay, 2014: 61). Sometimes considered a combination of the word saint (good human) with the syllable tra (like helping) so that this word means a place of good human education. (Fatah et al, 2005: 13).

Dawam Rahardjo (1985), pesantren is an educational and broadcasting institution of Islam. That is the identity of the pesantren at the beginning of its development. Now, after many changes in society, as a result of their influence, this definition is no longer sufficient, although in essence the pesantren remains in its original function, which is always maintained in the midst of the rapid change.

Islamic boarding schools have been recognized as having succeeded in carrying out the task of developing HR (Human Resources) in themselves students. Various activities in it can form a strong and good character that is spiced in a period that is not short. In developing human resources there are 6 (six) forces that can be built as well as being the responsibility of pesantren as an educational institution. The six strengths are: 1. Strength of Faith, 2. Strength of Science, 3. Economic Strength, 4. Strength of Fighting Spirit, and 5. Strength of Solidarity. (Hasan, 2004: 55). According to the author, from the six forces that can be built, economic strength has not been able to show tangible results, especially in the development and economic empowerment of various parties including parties outside the pesantren.

The potential for self-sufficiency and independence of pesantren which is quite good (not merely waiting for government assistance) will be even better if it has a definite source of funds that is extracted from within the pesantren. As we know pesantren have santri, santri guardians and religious teachers as well as local residents, each of the components each has a high purchasing power, for that pesantren can take advantage of this atmosphere by making stalls that can be used as input for pesantren. Besides stalls, pesantren can also organize santri meals, if there is any remaining, it can be used as infaq for pesantren purposes. This is commonly done in pesantren, and there are also pesantren that develop agriculture as a source of input for pesantren, all of which are adapted to the situation and conditions of the pesantren. (Fatah, 2005: 220)

Some pesantren have started to flap their wings to collaborate with various Islamic Financial Institutions including Sharia Banking. But ironically, there are still those who are still ignorant and remain in "cooperation" with conventional banking.

Based on observations and observations it was found that in pesantren there are several potential interactions that can be drawn and applied to business contacts in them. In this papara the writer tries to classify it into several parts:

First. Field of education

Pesantren or Islamic Boarding School as stated earlier is not an institution that leads to profit oriented. However, various activities can be applied to various existing sharia business contact agreements.

In the field of education, for example, pesantren are required to continue doing regeneration in various fields. For this reason, they must attend various training courses outside the pesantren campus. Every teacher who is assigned to outside the pesantren campus to attend training or the like is often without an assignment contract related to the time or day needed to complete the assignment. In this case, if the teacher or caregiver is assigned three days, then he must not reduce the training period and continue to take honorariums for 3 days. But this is if you use a contract that is commonly known as *ijarah*. Sometimes the 3-day activity can be completed by the teacher and understood the essence of the activity in less than three days. Well, it is possible to use a 'juvenile contract' here, so that only the core or understanding of the teacher's activities is the benchmark.

Throughout the author's observations, as for the many found is the *qardh* contract, where lending and borrowing is carried out between fields within the pesantren as well as between caregivers and fields in the pesantren.

Second. Business fields

This field is the field that can be implemented the most sharia business agreements. Considering that this field certainly exists in every pesantren, because to meet the various needs of the santri / wati and pesantren caregivers often ask for assistance in the distribution of goods from outside parties. Of course, in this distribution pesantren must not get anything, bearing in mind that pesantren also need funds for the development of pesantren, including the welfare of teachers.

Many pesantren have not empowered *murabaha* contracts in the management of intra-pesantren businesses. Even though this contract is very familiar and can be applied in pesantren. Besides that, in various pesantren activities, the supply of goods from outside is needed for various needs of students, such as cabinets, piles, mats, etc. where various contracts such as greetings or *ishtishna* can be implemented.

Islamic boarding schools should have cooperative institutions that aim to meet the various needs of students and caretakers of teachers who live in them. Covenants such as *Mudharabah*, *Murabahah* and others can be applied. For example, for caregiver teachers who have additional capital for their business, they can do business contracts with the pesantren cooperative institutions. Because it is undeniable that there are also many teachers who have sufficient ability to conduct business both inside and outside the pesantren. Teachers who need funds to continue their studies can also meet these needs through pesantren cooperatives using sharia-based business agreements such as *qardh* and others.

The students who live in the pesantren for 24 hours sometimes have pocket money given by their parents who come regularly, either once a week or once a month because of the origin of the area far from the location of the pesantren. Of course, these funds can be stored in a safe place to avoid things that are not desirable. Islamic boarding schools can take advantage of this by building a mini bank to maintain these funds which, if accumulated, amount very much through Islamic contracts.

For example, establishing a BMT (*Baitul Mal Wa al-Tamwil*) in a pesantren is a solution for saving these funds. This BMT can be placed as a subsidiary of the

Islamic Boarding School Cooperative which besides aiming to protect the personal savings funds of the santri can also be used to store boarding fund. In carrying out its operational activities, BMT certainly implements various sharia-based business agreements. Along with the development of pesantren, this BMT will also be large by applying various sharia contracts in it such as Mudharabah, Murabahah, Wadi'ah and others. By cooperating with Islamic Banking, BMT can also expand its wings towards independent BMTs within the Pesantren, to help the needs of the pesantren community as well as the outside community. Pesantren funds can also be deposited in Islamic banking through BMT so that it can become additional capital for Islamic Banking in carrying out its operational activities. This BMT has not been found in many pesantren, whereas the potential to establish and develop it is huge within the pesantren.

In this BMT operation, various business agreements that can be used in BMT activities can also be introduced to the students. Because it is very ironic if the millennial generation of pesantren alumni does not know or understand various sharia business contracts that are extracted from the content of Islamic sharia.

Not many pesantren have been able to invest with outsiders by using various contracts such as mudharabah contracts, for example as part of business development efforts, where profit sharing within the contract can be used by pesantren. Even though this potential is very wide open if it is carried out cooperatively and collaborates with several other pesantren.

The students who tasted religious education in pesantren certainly possessed highly qualified religious knowledge. The students who have completed their education plus the final class students who are more qualified in the field of religious scholarship can create an economic central institution that discusses the various applications and development of Islamic economics, which can then be recorded and published in the world outside the pesantren. It would be better, pesantren which have a large level of independence could add higher levels of education such as universities that open Islamic economic, financial or banking study programs to support the program to ground Islamic economics in Indonesia. With the existence of this tertiary institution, it can be used as an Islamic Economic Center that serves various forms of implementation and development of the Islamic economy both inside and outside the pesantren by collaborating with relevant institutions. This Islamic economic center institution can work together with other similar universities along with the world of Islamic banking and other related institutions to expand the Islamic economic wing both in the field of research and community service.

Conclusion

Pesantren has an important role to educate the nation's generation to understand religious teachings well. Not only understanding, pesantren are also required to be at the front door to implement religious teachings while continuing to spread religious teachings.

One of the religious teachings that can be applied by Islamic boarding schools is a contract or sharia business contract. Various potentials both in education and business sectors related to the implementation of the contract can be done in the pesantren. Of course, with the excavation and a good understanding of the contracts, the implementation can be done well too. Unfortunately not many pesantren have

empowered the economic potential of sharia in managing the pesantren, including the application of sharia business contracts. Even so, slowly some pesantren began to pay attention to this angle, and to apply the core teachings of Islam related to Islamic economics including the business contract.

For this reason, further in-depth research on business agreements that can be applied in pesantren needs to be done, so that various pesantren parties can carry out wider and deeper implementations.

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