

A Cooperation of Skipper-Labour Retainer on Fisherman in the Review of *Akad Qardhul Hasan*

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Abstract:

In general, this research aims to determine the application of *qardh* in the relationship between skipper-labour retainer in the social interaction of fishermen's life in Sampulungan Village. The specific purpose of this research is to find out the analysis of *qardh* in the interaction between the skipper- labour retainer in the life of fishermen in Sampulungan Village with the perspective of equitable distribution of Islamic economics. This research uses descriptive qualitative research methods. The research was conducted in Sampulungan Village, North Galesong District, Takalar Regency. The approach used is the normative theological approach, phenomenology, and the Islamic economic approach. The data collection methods include interviews, observation and documentation. The collected data were analyzed through several stages, namely data reduction, data presentation, and conclusion drawing. Samples The population of this research includes skippers as ship owners, retainer as capital owners, and mustard greens as courtier workers. This population was taken from 4 hamlets of Sampulungan Village, Galesong Utara District, Takalar Regency. The results of this research indicate that the *qardh* contract that applies between the collectors of labour in Sampulungan Village does not violate the provisions of *qardh* according to the Islamic economic review.

Keywords:

sampulungan; qardh; loans; skipper; retainer

JEL: O10, O14

INTRODUCTION

Pudjiastuti in (Soemarmi et al., 2019) revealed that Indonesia as the largest archipelagic country in the world has two-thirds of its territory with Indonesian seas, namely 6.32 (six point thirty-two) million square kilometers (km²), 17,504 (seventeen thousand five hundred four) islands and is one of the countries with the second longest coastline in the world after Canada, namely 99,093 (Ninety-nine thousand and ninety-three square kilometers (km²). In addition, geographically Indonesia is located between two continents, namely the Asian Continent. and the Australian Continent and the two oceans, namely the Indian Ocean and the Pacific Ocean, which are the most dynamic regions in the arena, both economically and politically. This strategic geographic location makes Indonesia both superior and highly dependent on the oceans.

According to Iqbal, the consequence of an archipelagic country filled with thousands of islands and bounded by various vast oceans and international waters is the presence of marine potentials that are rich in marine products. Koesrianti also said that the Indonesian fisheries sector is expected to be used as an economic foundation in the structure of the national economy, by creating a basis for sustainable development (renewable natural resources) (Rikzan, 2018).

Apart from comparative advantages based on geographic location, the potential of natural resources in the marine area contains biological or non-biological resources which are

very beneficial for the survival of the community. This potential can be obtained from the seabed and the land beneath it, the water column and sea level, including coastal areas and small islands. It is very logical if the marine economy is used as the foundation for national economic development. Therefore, the Indonesian sea must be managed, protected, utilized and preserved by the Indonesian people in accordance with what is mandated by Article 33 of the 1945 Constitution of the Republic of Indonesia.

Article 25A of the 1945 Constitution (the result of the second amendment to the 1945 Constitution) states that "NKRI is an archipelagic country characterized by an archipelago with an area whose boundaries and rights are determined by law". This further strengthens Indonesia's existence as a maritime country. Moreover, with the issuance of Law N0.27 of 2007 concerning Management of Coastal Areas and Small Islands, it is clearer to acknowledge the existence of the marine and fisheries sector as well as the management of coastal areas and small islands as one of the national development agendas. However, in fact, the development of the marine and fisheries sector has not been optimally utilized, even though there is a huge potential of natural resources and environmental services. So that to make the marine and fisheries sector the main stream of national development, an integrated and ecosystem-based development policy is needed (Lasabuda, 2013).

The fishing community is a part of Indonesian society that lives by managing the potential of fishery resources. As a community living in coastal areas, fishing communities have their own social characteristics that are different from those living in land areas. In some relatively fast developing coastal areas, the community structure is heterogeneous, has a high work ethic, strong social solidarity is open to change and has the characteristics of deep social interactions. Even so, the problem of poverty still afflicts some residents of coastal communities, so this social fact seems ironic in the midst of them having abundant coastal and marine resource wealth (Fargomeli, 2014).

The foregoing should make coastal communities able to meet their needs due to the abundant natural resources around them. However, this does not guarantee the fishermen's welfare. This is due to the cooperative ties that exist between the owners of capital and fishermen. Not only in terms of cooperation but from the relationship built by the owners of capital and fishermen. In some cases, the owner of capital is the lifeblood of the fishermen to meet their needs. Capital owners not only provide capital in the form of boats and others to fishermen but become a solution when fishermen do not have the ability to meet their needs or their emergency needs.

According to Kusnadi in (Alpiani, 2019) fishing communities are people who live, grow and develop in coastal areas, namely a transitional area between land and sea areas. Fishing communities are known to be close to poverty. In fishermen's business, it is divided between *punggawa* and *sawi*, where a *punggawa* is the employer and *sawi* is employed. The reciprocal relationship between the *punggawa* and *sawi* which in the process will lead to social exchanges as is termed by Marx or exploitation of the employed. So that the *sawi* (labor) cannot be separated from poverty.

Then a *qardh* contract was formed between the owners of the capital and the fishermen, but on the condition that a working relationship was established between them. Not all of these ties bring benefits to fishermen, in some cases the *qardh* contract that is established brings losses to fishermen. For example, what happened to fishermen in Sape-Bima, the catch of red snapper in the market for Rp. 22,000 / kg must be sold to investors at a price of Rp. 15,000 / kg. This is because previously fishermen, who did not have the money to meet their needs, made loans to the owners of capital and finally the owners of the capital provided loans on the condition that there was a work bond or the catch was sold to the owners of the capital at a

lower price. In the end, this can be a suggestion for capital owners to control the fishermen.

Among the areas in South Sulawesi Province that have sea potential is Takalar District, which is located south of the capital city of South Sulawesi, Makassar City, to be precise about 45 km from Makassar city. In addition, Takalar Regency is also a regency which is geographically known as a coastal area. This is reflected in it that there are a number of residents who work as fishermen and have their main livelihoods as catchers of fish and marine biota, namely precisely in the Galesong coastal area, the majority of residents who live in the coastal area of Galesong are fishermen. In general, these types of business are carried out traditionally according to a fairly simple system of knowledge and equipment. This knowledge and technology are inherited from previous generations, which are then transformed to younger generations through a socialization process. There are still many traditional systems of knowledge and technology in the field of fishing (Irfan, 2019).

Sampulungan Village is one of the coastal areas in Takalar Regency which is more precisely located in the northern Galesong District. The majority of Sampulungan Village people have ties between skipper-labour retainer. These labour retainer consist of capital owners, skippers and fishermen. One of the relationships that is built in an economic perspective is profit sharing in which the skipper for the catch gets 25% of the net profit, while the rest is given to the *punggawa sawi* in a 2: 1 division. For the mustard retainer itself, it is divided into 2 categories, namely: retainer or skipper and labour or fishermen, 2 parts for retainer while 1 is for fishermen where 1 is not only for 1 fisherman but applies to all fishermen who participate in fishing.

The cooperation that exists between the skipper-labour retainer is a binding bond, the skipper invests in a fishing tool called *jolloro*. As for the dependents of the labour retainer to provide capital starting from food and other supplies that will be used while fishing. It should be emphasized that the capital used by the labour retainer during a fishing trip is a loan from the skipper. So, the skipper has the most capital in the fishing trip, it has a high risk that will be borne by the skipper. Especially if the fishing trip does not bring fish catch, then the capital issued by the skipper has not been paid. Labour retainer as the debtor will pay the loan with a suspension system if he has money or after a subsequent arrest.

LITERATURE REVIEW

Cooperation

According to Muin in (Astuti et al., 2016) cooperation is "a joint effort between people or between groups to achieve common goals". According to Herabudin, cooperation is "a form of social process, in which there are certain activities to achieve common goals by helping each other and how to understand each other's activities." So, it can be concluded that cooperation is a joint effort between people or between groups to achieve goals. by helping each other and doing activities together.

According to Koeshendrajana, working relations in fishing communities cannot be separated from the condition of fish resources in the sea which are open access. This condition does not only occur in marine fishing communities but also occurs in fishing communities in mainland public waters (rivers, flooded swamps, reservoirs and lakes), for example, such as in Jatiluhur Reservoir (West Java) known as *bandar-fishermen* (Firdaus & Shafitri, 2013). According to Sarwono, cooperation is a form of group consisting of more than someone who performs tasks with a number of rules and procedures. Meanwhile, according to Bowo and Andy explained that in the implementation of cooperation, mutual benefits must be achieved. Implementation of cooperation can only be achieved if mutual benefits are obtained for all parties involved (win-win). If one party is disadvantaged in the cooperation process, the

cooperation is no longer fulfilled. In an effort to achieve mutual benefits or benefits from cooperation, good communication between all parties and mutual understanding of common goals is needed (Lakoy, 2015).

Skipper-Labour Retainer

In doing a job as a fisherman, a skill in catching fish is needed and the knowledge needed to see where the fish gather so that they can optimize the catch of a lot of fish. In addition, there is sufficient capital to support fishermen in carrying out their profession. In the coastal community in Tarupa Village, someone who has a lot of capital and owns several ships is known as a *punggawa*. Meanwhile, people who are ordered to be known as *sawi*. *Punggawa* or commonly known as skipper has the status of a leader in shipping and various production equipment activities, recruiting *sawi* that will help him during production. Labour or it is called *sawi* is the component with the lowest position in a work organization of the "labour retainer" institution. *Sawi* is a boat crew from a fishing group, *sawi* is in charge of carrying out fishing activities based on instructions from the retainer (Wahyuni, 2013).

In fishermen's business, it is divided between *punggawa* and labour, where a retainer which we call *punggawa* is the employer and labour is employed. The reciprocal relationship between the *punggawa* and *sawi* which in the process will lead to social exchanges as is termed by Marx or exploitation of the employed. So that *sawi* (workers) cannot be separated from poverty (Alpiani, 2019).

Akad

There are two terms related to the contract in the Al-Qur'an, namely the word *akad* (*al-'aqadu*) and the word *'ahd* (*al-'ahdu*). The word *al-'aqadu* in the letter Al-Maidah verse 1 means an agreement or agreement. Whereas the word *al-'ahdu* in Surah An-Nahl verse 91 and Al-Isra 'verse 34 means time, message, completion and promise or agreement. According to KHES, a contract is an agreement between two or more parties in carrying out certain legal actions (Ash-shiddiqy, 2019).

The foundation of the contract refers to the word of Allah SWT. in the Al-Qur'an, Q.S. al-Mâidah [5]: 1 "O you who believe, fulfill these covenants" and Q.S. al-Nisâ [4]: 29: O you who believe, do not eat one another's wealth in an evil way, except by way of commerce which applies with mutual consent among you.

From the two verses mentioned above, it is emphasized that every believer is obliged to fulfill what has been promised and confirmed in the form of words and deeds. The implementation of the contract in a trade transaction requires the willingness of both parties, or what is termed 'between' *minkum*'. Even though this willingness is something that is hidden in the heart, the indicators and signs can be seen. *Ijâb* and *qabûl* or whatever is known in the customs of the community as handover are forms used by law to show willingness (Rachmawati & Mumin, 2015).

Qardh

Qardh according to the language is الإقراض - قرض which means loan, borrowing, or *Qiradh* which means *Al Qith'u* (branch) or deductions are assets that a person giving *qiradh* gives to a person who is *qiradhkan* to give it after being able, transfer of property rights over finished assets *al-Qardh* is the gift of assets to other people that can be collected or requested back or in other words, lending without expecting anything in return. In the classical fiqhi literature, *qardh* is categorized as *aqd tathawwui* or a contract of mutual assistance and not a commercial transaction. In *syar'i*, according to Hanafi, is an asset that has the equivalent that you give to collect it back, or in other words: a transaction that is meant to give assets that have an equivalent to someone else to be returned which is commensurate with it (Fasiha, 2018).

Qardh (Ash-shiddiqy, 2019) according to the explanation of Article 19 Letter e Law No. 2 of 2008 is a loan agreement to a customer with the condition that the customer is required to return the funds received at the agreed time. Meanwhile, according to the MUI fatwa, *qardh* is a loan given to customers (*muqridh*) who need it. The *qardh* customer is obliged to return the principal amount received at the mutually agreed time. *Qardh* is lending something to someone else, where the party being lent actually has no obligation to return it. Through *qardh*, it can help people who are in debt in the way of Allah to return their debts to others without any obligation for them to return the debt to the lender.

The *Qardh* contract (Sukma et al., 2019) is essentially a form of help and affection for borrowers, not a means of seeking profit for those who borrow, in which there is no reward and excess returns. However, this *Qardh* contains human and social values where in this contract the borrower may not require a profit in the loan and he can receive more if the borrower gives it in an extra amount as long as it is not required at the beginning and is not agreed upon.

The basis for disyari'asikan *Qardh* according to the Al-Quran and hadith:

In Surah Al-Baqarah (2) verse 245 Allah SWT says "Whoever wants to give a loan to Allah, a good loan (spend wealth in the way of Allah), then Allah multiplies him by multiplying the banya".

Allah SWT said in QS. At-Thagaabun (64) verse 17 "" If you lend to Allah a good loan, surely Allah will multiply your vengeance on you and forgive you. And Allah is the most rewarding, the most supportive ".

Ibn Majah narrated a hadith that comes from ibn mas'ud r.a from the Prophet SAW, he said: "It is not that a Muslim gives a loan to another Muslim twice but that loan (is) like one-time alms." (Narrated by Ibn Majah).

Qardhul Hasan

Qardhul Hasan is an interest free financing. The word "hasan" comes from Arabic, namely "Ihsan" which means kindness to others. *Qardhul Hasan* is a type of loan given to parties who really need it for a certain period of time without having to pay interest or profit. The recipient of *Qardhul Hasan* is only obliged to pay off the principal amount without being required to provide any additional. However, the loan recipient may, in its sole discretion, pay more than the money borrowed as a token of gratitude to the lender. But this must not be agreed in advance. *Qardhul Hasan* is a loan agreement from a bank (*Muqridh*) to a certain party (*Muqtaridh*) which must be returned with the same amount as the loan. *Muqridh* can ask for collateral for a loan from *Muqtaridh*. Loan repayments can be made in installments or all at once. *Qardhul Hasan* is the gift of assets to other people that can be collected or asked to return or in other words, lending without expecting anything in return. In classical fiqh literature, *qardh* is categorized as *aqd tathawwui* or a contract of mutual assistance and not a commercial transaction (Yulianto, 2018).

Qardhul hasan (Utomo et al., 2016) is a *qardh* contract in which there is an element of sincerity seeking merits from Allah, does not contain elements of usury (non-interest), the subject of *qardh* and how to obtain it is lawful and legal, does not become a requirement or is tied to other covenants, provide leeway for borrowers who experience payment difficulties and there are no penalties for late due to financial difficulties.

Qardhul Hasan (Machfudz & Kamila, 2019) concept is more relevant in the public sector to support the economic empowerment of small communities. The source of *Qardhul Hasan's* financing in the public sector can come from government or banking budgets through trusted mechanisms. *Qardhul Hasan* loan can be used by people who are socially oriented and charitable. Sources of funding come from *infaq*, *shadaqah* and donations. Utilization of

Qardhul Hasan for charity or social purposes is also very flexible, including to help household interests, such as school fees, helping with the costs of marriage or childbirth.

The fiqh scholars (Purwadi, 2014) agree that *al-qardh* can be done, on the basis that human nature cannot live without the help and assistance of relatives. No one has everything he needs for life. Therefore, lending and borrowing have become a part of life in the world, and Islam is a religion that pays great attention to all the needs of its people.

RESEARCH METHOD

This research was conducted on labour retainer (*punggawa sawi*) in Sampulungan Village, Galesong Utara District, Takalar Regency. The population of this research includes skippers, *punggawa* and *sawi* (labour) from Sampulungan Village, Galesong Utara District, Takalar Regency, totaling 534 people with a total population of 2358 people. Where the population is divided into Sampulungan caddi 74 people, Sampulungan lombo 327 people, Sampulungan Beru 33 people, and Sampulungan 100 people.

The sample of this study amounted to 5 people; the technique used was snowball sampling. Where in this reserach started from one sample, namely Dg. Limpo, which is the boss with the largest capital in Sampulungan Village. The approach used is a normative theological approach, sociology and an Islamic economic approach. Data collection methods include interviews, observation and documentation. The collected data were analyzed through several stages, namely data reduction, data presentation and conclusion drawing stages.

RESULT AND DISCUSSION

Working relationship between Skipper and Labour Retainer

The cooperative relationship that exists between skipper and labour retainer in the Sampulungan village is a partnership. This can be seen from the results of the analysis that occurred in the cooperation between the two parties, namely the skipper-*punggawa sawi*. The skipper provides an investment in the form of a boat or called a *jolloro*, while the *punggawa* will provide supplies in the form of food and goods needed during the fishing trip. Between skipper and labour retainer have their respective duties, where the skipper has the task of selling fish catches, while the labour has the task of catching fish. The distribution of capital and work can be seen in the following table:

Skipper	Labour Retainer
Ship	Power
Tool	Cost

The costs that must be spent on a fishing trip are very large, there are costs that must be incurred by the *sawi punggawa*, namely variable costs. The source of non-permanent financing that is borne by the labour is a loan originating from the skipper. The labour who has a debt to the skipper will have the obligation to pay off the loan at a time determined by the skipper and *sawi punggawa*. The labours' loan will be repaid when returning from fishing after completing fishing. From the sale of the fish catch will be deducted directly by the skipper to pay off the debt.

As said by Daeng Tompo, as one of the *sawi* masters, "We took this capital from Daeng Limpo. Later when we go to sea we pay. But if there is no result, it is considered to be a loan first, then we will pay when we have money. Or we usually cut it later when we go down to catch fish again and get the results "

The phenomenon of debt and receivables that occurs between the skipper and labour retainer can be seen in the village of Sampulungan. The labour before catching the fish will take some of the items needed when catching at a shop owned by the skipper, the loan will

calculate the amount and record it as a loan, usually ranging from Rp.6,000,000-7,000,000 for fishing and Rp.70,000,000-100,000,000 for catching eggs. The result of the next fishing catch which is around Rp. 30,000,000, will be cut by the skipper. The remainder of the deduction is then distributed to the retainer of sawi.

The role of skipper is very big for the labour. Because the collectors who do not have the capital will be financed by the skipper. The skipper has a role as an investor of all fishing activities carried out by the sawi *punggawa*. Not only funding the labour travel capital in catching fish but also financing the mustard retainer family who were left behind while at sea. Apart from this, the skipper also serves as a place to fulfill the needs of the mustard retainer by providing loans to the mustard retainer or to the family of the mustard retainer to meet the daily needs of the mustard retainer and his family.

As stated by Daeng Bau that "If we don't have money and the father (fisherman) is still at sea and we need to buy our food from Daeng Limpo to borrow money. If what you need is there, like rice or onions, then we usually grab the goods right away. If there's no we just borrow money. Later on, our loan will be recorded as your (fisherman's) loan. Later it will be calculated as well as the capital loan taken so that it will be deducted from your income. If not, what do we want to eat?"

So, the role of skipper is very big for the labour and his family. Loans taken by labour also have no conditions for the loan taken, even *punggawa-sawi* can take loans even though the previous loan has not been repaid. Loan payments are also interest-free, which means that the amount on the loan will be returned according to the amount taken.

It is not limited to capital loans, other than that other loan policies from the skippers also allow the collectors to take fish caught just to meet the fish consumption needs of the *punggawa-sawi* while they are not fishing. The estimated rest time for the labour retainer from fishing activities is 2-3 days and 1 month for catching fish eggs. So, the mustard retainer and his family have a huge debt of gratitude to the skippers.

The expression of Daeng Limpo as a skipper that "When we finish fishing, we usually distribute the fish to all fishermen and labour for him to eat with his family as long as he does not go to sea to rest 2-3 days. Sometimes they also come to borrow money or things that are here to use, we will give them and record them later. The pay is if they already have money. No need to be forced to pay. They are mostly my family, so there is no need to be afraid that they will not pay. Alhamdulillah, so far, they have never accumulated long loans, as long as they pay money."

Working Relationship between Skipper-Labor Retainer in the Review of Akad Qardhul Hasan

The relationship between the labour in fulfilling the needs of the labour is very close. Skipper gives *qardhul hasan* loans to the labour retainer to fulfill their daily needs when they are unable to fulfill their daily needs. The provision of this loan is only as assistance and there is no element of coercion for repayment because the skipper does not set a period for repayment of the loan and also does not determine interest even though the repayment of the loan has a long period of time and is paid in installments according to the ability of the labour.

Skipper as the person most relied on by the labour retainer, still gave loans even though the previous debt was paid. This is because sometimes the mustard *punggawa* does not have money to meet their needs when they do not go down to catch fish or fish eggs. The life of the labour retainer who depends on marine income forces them to go into debt if the fish catch is lacking, even if they do not get the catch at sea.

Many scholars have argued that giving loans is more important than giving alms. Ibn Mas'ud reported that the Prophet SAW said, it is not a Muslim who lends a Muslim (other)

twice unless the other one is (worth) alms. "(Narrated by Ibn Majjah).

Rasulullah salallahu alaihi wasallam once asked Jibril "O Jibril, why is a loan more important than alms?" Then Jibril replied "because sometimes beggars, (sometimes) he still has (property), while people who ask for loans, he will not ask for loans except because of need." (Narrated by Ibn Majah and Baihaqi)

There is also in Qs al-Baqarah verse 245: "Whoever wants to give a loan to Allah, a good debt (spend his wealth in the way of Allah), then Allah will multiply the payment to him by a large number. and Allah narrows and enlarges (sustenance) and it is to Him that you are returned "

The verses and hadiths that have been mentioned strengthen the permissibility of a Muslim to provide assistance in the form of loans (*qardhul hasan*) not only through alms, but even better loans. This is because the person borrowing will not only receive the loan and enjoy it but must try to repay the loan he has taken. Meanwhile, if someone is given alms, there will be no motivation to work, in fact there is a tendency for someone to feel relaxed, especially if the alms occur repeatedly.

Loans given to people who are in need are more rewarding than almsgiving. This is because people who borrow are usually in a state of need so that the loans, we provide are more efficient, meanwhile, related to alms, it could be that the people begging for alms are not poor or in need. It can be seen that loans increase production activities more than charity in the case of Sampulungan Village. This is because with a labour retainer loan can determine the amount, while the *punggawa-sawi* alms can only receive what is given by the skipper of course sincerely.

The pillars of *al-qardh* in lending and borrowing that are tied to labour in accordance with the pillars of *al-qardh* itself, namely (Muhamad Bisri Mustofa & Mifta Khatul Khoir, 2019):

a) Shighat Qardh

Shighat consists of consent and kabul. This can be seen when the *punggawa sawi* take goods or make cash loans to the skipper. In this *Ijab* and *Kabul*, the *sawi* *punggawa* met at the skipper's house. And clarify the goods or the amount of money that will be borrowed but does not specify when the payment will be. This is in accordance with the opinion of the *Malikiyah* ulama who argues that the return of replacement assets is at any time according to the lender's wishes after the viewer receives the loan, because *qardh* is a contract that knows no time limit. This loan will be recorded in accordance with what was loaned.

b) The parties involved in Qardh

The parties involved in the *qardh*, namely the skipper and labour retainer, sometimes returned home from the family of the top labour. Or it can be biased when the skipper is not at home, it will be represented by the skipper's family.

c) Goods lent

The goods that are lent out are clear, namely the needs of labour retainer both at sea and on land. Sometimes also in cash. The size of the item being lent is clear, because the payment will be paid in cash, so each item that is borrowed will also be recorded for the price to make it easier to pay.

Apart from the pillars of *al-Qardh*, the requirements of *al-qardh* have also been fulfilled, namely:

- 1) Akad, there is an agreement between the labour retainer when taking goods or cash as a loan
- 2) There is capability in performing the contract, which must be sensible and mature. The contract is declared null and void if the one tied to the loan is a madman

- 3) The assets that are lent, the whereabouts of the assets or goods to be lent must be clear
- 4) The size of the loaned property is clear, in terms of measurement, scale, number and length so that it is easy to return.

Qardhul hasan which is intertwined in the skipper-labour retainer also does not mention things that are haram in Islam. One of them is usury. In the contract between the *punggawa sawi*, there was no indication of additional loans. The loan will be paid according to what has been taken even though it is taking a long time or is done in stages.

Qardhul hasan carried out by the labour also through recording. The skipper who provides the loan will record all loans taken by the *punggawa-sawi* as evidence and as a reminder of the loan.

Apart from that the *qardhul hasan* carried out by the labour retainer does not use any collateral. *Qardhul hasan*, no matter how big the loan, the skipper does not ask for collateral to guarantee the loan from the *punggawa-sawi*. This is certainly justified in Islamic economics.

Allah said in Q.S Al-Hadid verse 11: "Whoever wants to lend to Allah a good loan, Allah will multiply (reward) the loan for him and he will get a lot of reward".

As in Qs. al-Baqarah: 283: "If you are on the way (and you are not in cash) and you do not get a writer, then let there be a dependent item (by the borrower). But if some of you believe some of the others, then let the one who is trusted to fulfill his mandate (loan) and let him fear Allah his Lord; and you (witnesses) do not hide your testimony. and Whoever hides it, Behold, he is a sinner in heart; and Allah knows what you are doing".

Jabir said that Rasulullah Sallallahu 'alaihi wa sallam cursed the person who received usury, the person who paid it, and the person who wrote it down, and the two witnesses, then he said, "They are all the same." (Saheeh Muslim no. 2995, the book of Al-Masaqqah).

In the hadith, the prohibition of usury has also been stated. Abdullah bin Masud RA from the Prophet SAW said, "Riba consists of 73 doors. The lightest door is like a man marrying his own mother. (Narrated by Ibn Majah and Al-Hakim).

These verses and hadiths explain that it is permissible to make a loan without the existence of a deposit or collateral. Collateral items may be forfeited if both the debtor and creditor have mutual trust. This is what goes on in Sampulungan where the skipper does not ask for collateral from the labour retainer every time he makes a loan.

Comparison of Loans in Sampulungan Village in the Review of Islamic Economics

a. Akad

In the village of Sampulungan the contract is carried out when the goods or money to be lent are taken at the skipper's house, while according to sharia economics, the contract is carried out when the loaned property is transferred from the creditor to the debtor.

b. Loaned assets

In Sampulungan village, the assets lent are in the form of goods, basic food needs or in cash. Meanwhile, according to Islamic economics, the size of the loaned goods is clear, because the payment will be paid in cash

c. Recording

In Sampulungan village, the loan taken will be recorded the date of collection and the name of the *punggawa-sawi* who took it. Meanwhile, according to sharia economics, loan arrangements are made in terms of the number of items, date and name of the debtor. If the goods taken will be paid in cash, it is necessary to record the price of the goods so that their value is known.

d. Payments and loans

In Sampulungan village, payment will be made when the punggawa-sawi benefits from fishing. Meanwhile, according to sharia economics, the debtor has the right to determine the time of payment in accordance with the agreement with the creditor. It is permissible and even highly recommended if the debtor is unable to pay, the time will be extended or considered as alms by the debtor.

CONCLUSION

The obligation of the skipper is not only as the owner of the ship, but the skipper is obliged to meet the needs of the labour retainer and his family when he needs financial assistance in fulfilling the daily needs of life by providing loans, both money and staple food, the return of which can be deferred at a specified time and when the labour retainer already have the money according to the qardhul hasan contract. Qardhul hasan carried out by the sawi punggawa also through recording. The skipper who provides the loan will record all loans taken by the labour as evidence and as a reminder of the loan. Apart from this the qardhul hasan carried out by the sawi retainer does not use collateral. Qardhul hasan that occurs because of the absence of collateral or additional items from the debt and credit, but only based on kindness.

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