

THESIS
THE MODEL OF PARTNERSHIP BUSINESS IN THE PERSPECTIVE OF
***MUDHARABAH* CONTRACT**
(STUDY AT AYAM GEPREK SA'I YOGYAKARTA)



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UNIVERSITAS DARUSSALAM GONTOR

**THE MODEL OF PARTNERSHIP BUSINESS IN THE PERSPECTIVE OF
MUDHARABAH CONTRACT
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THESIS

Presented to the University of Darussalam Gontor in Partial Fulfilment of
Requirement for Bachelor Degree (S1) In the Department of Islamic Economics
Law, Faculty of Sharia University of Darussalam Gontor

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ABSTRAK

MODEL USAHA KEMITRAAN DALAM PERSPEKTIF AKAD MUDHARABAH (STUDI DI AYAM GEPREK SA'I YOGYAKARTA)

Kholidiyah Salma

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Seiring dengan pertumbuhan sektor UMKM di Indonesia dan persaingan yang semakin ketat, orang-orang berusaha untuk mendirikan bisnis sambil meminimalkan potensi risiko. Salah satu pendekatan untuk mencapai hal ini adalah melalui usaha kemitraan. Islam telah membahas ini dalam prinsip-prinsip *muamalat* melalui sistem bagi hasil yang dikenal sebagai *Syirkah Mudharabah*. Banyak umat Muslim yang terlibat dalam usaha kemitraan dengan perjanjian bagi hasil yang pada awalnya sesuai dengan hukum Islam; namun seiring perkembangan bisnis, muncul kasus wanprestasi, termasuk pelanggaran terhadap rasio bagi hasil yang disepakati, yang mengakibatkan pembatalan perjanjian kemitraan.

Penelitian ini bertujuan untuk menggambarkan model usaha kemitraan di Ayam Geprek Sa'i Yogyakarta dan menganalisisnya menurut perspektif kontrak *mudharabah*. Studi ini menggunakan pendekatan kualitatif deskriptif dengan menggunakan observasi, wawancara, dan dokumentasi sebagai sumber data primer, bersama dengan buku, situs web, dan jurnal sebelumnya sebagai data sekunder.

Hasil penelitian ini menunjukkan bahwa praktik bagi hasil syariah di Ayam Geprek Sa'i belum sepenuhnya sesuai dengan prinsip-prinsip kontrak *mudharabah*. Di dalam akad ini terdapat dua pihak yang mampu secara hukum, perjanjian ditandai dengan penandatanganan kontrak, penyediaan modal tunai (bukan pinjaman bank) dari investor untuk digunakan dalam usaha bersama, penetapan rasio bagi hasil di awal kemitraan, laporan rutin dari pengelola modal kepada pemilik modal, dan kegiatan operasional yang dilakukan oleh pihak kedua sebagai pengelola modal. Ketentuan yang tidak terpenuhi adalah bahwa semua kerugian dari kemitraan ditanggung oleh pemilik modal meskipun kerugian tersebut disebabkan oleh kelalaian pengelola modal.

Berdasarkan temuan tersebut, peneliti merekomendasikan kepada institusi untuk menyadari pentingnya penerapan hukum Islam dalam kehidupan sehari-hari, khususnya dalam transaksi dan usaha bisnis, serta untuk memastikan bahwa bisnis-bisnis tersebut mematuhi syarat-syarat yang telah disepakati. Hal ini penting karena setiap tindakan di dunia ini akan memerlukan pertanggungjawaban di akhirat. Dan kepada peneliti di masa depan untuk menambah variabel penelitian guna memperluas pemahaman agama Islam mulai dari dunia pendidikan.

Kata Kunci: *Kemitraan, Mudharabah, Ayam Geprek Sa'i*

ABSTRACT

THE MODEL OF PARTNERSHIP BUSINESS IN THE PERSPECTIVE OF MUDHARABAH CONTRACT

(STUDY AT AYAM GEPREK SA'I YOGYAKARTA)

Kholidiyah Salma

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As the MSME sector grows in Indonesia and competition becomes increasingly tight, people strive to establish businesses while minimizing potential risks. One approach to achieving this is through partnership ventures. Islam have addressed this in the principles of *muamalat* through a profit and loss sharing system known as *Syirkah Mudharabah*. Many Muslims have engaged in partnership businesses with profit-sharing agreements that comply with Islamic law at the outset; however, as the business progresses, instances of default arise, including violations of the agreed profit-sharing ratios, leading to the invalidation of the partnership agreement.

This research aims to describe the model of partnership business in Ayam Geprek Sa'i Yogyakarta and analyze it according to the perspective of *mudharabah* contract. This study employs a descriptive qualitative approach using observation, interviews, and documentation as primary data sources, along with books, websites, and previous journals as secondary data.

This research finds that the Shariah profit-sharing practices at Ayam Geprek Sa'i are not fully aligned with the principles of the *mudharabah* contract. In the Ayam Geprek Sa'i partnership, there was the presence of two legally competent parties, an agreement marked by the signing of a contract, the provision of cash capital (not bank loans) from the investor to be used in the joint business, the establishment of profit-sharing ratios at the beginning of the partnership, routine reports from the capital manager to the capital owner, and the operational efforts undertaken by the second party as the capital manager. The unfulfilled term is that all of the loss of the partnership is covered by the capital owner even if the loss is caused by the negligence of the capital manager.

Based on the findings, the researcher recommends to the institution to be aware of the importance of implementing Islamic law in daily life, particularly in transactions and business endeavors, and to ensure that these businesses adhere to the agreed-upon terms. This is crucial because every action in this world will require accountability in the hereafter, and to future researchers to add the research variable to broaden the Islamic religion begin from the world of education.

Keywords: *Partnership, Mudharabah, Ayam Geprek Sa'i*

DECLARATION

I, hereby,

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Faculty : Sharia
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Title : The Model of Partnership Business in the Perspective of
Mudharabah Contract (Study at Ayam Geprek Sa'i
Yogyakarta)

I sincerely declare that this thesis belongs to my work and not to other researchers for a different degree. Furthermore, this thesis is never published before, except for some parts with their original references.

Otherwise, if it is found that this thesis is plagiarism, I am ready to be ceased academically.

UNIDA, Rabi'ul Akhir 21st, 1445 H

October 24th, 2024 M

Researcher,



Kholidiyah Salma

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SUPERVISOR DECISION LETTER

Honourable to
Dean of Sharia Faculty
University of Darussalam Gontor

Bismillahirramanirrahim
Assalamua'alaikum Warahmatullah Wabaraktuh

I present this thesis written by

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Title : The Model of Partnership Business in the Perspective of
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It has been processed and corrected to meet the practical requirement to obtain the Bachelor's Degree (S1) in the Islamic Economics Law Department, Sharia Faculty University of Darussalam Gontor. Therefore, we hope this thesis could be examined.

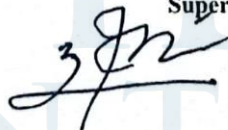
Hopefully, this thesis will be useful for religion, nation, and the development of an educational institution

Wassalamu'alaikum Warahmatullahi Wabarakatuh

UNIDA, Rabiul Akhir 21st, 1445 H

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Supervisor,



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DECISION OF THE TEAM

The committee of the thesis examination in partial fulfilment of the requirements for the degree of Licentiate in Islamic Economics Law in the Faculty of Sharia, University of Darussalam Gontor, Indonesia, declared that the thesis written by:

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Has been examined by the board of examiners of the Bachelor's Degree (S1) on Department of Islamic Economics Law Faculty of Sharia University of Darussalam Gontor on (October 23rd, 2024)

The board of examiners has decided to grant him/her pass in the thesis examination. Hence, he/she is eligible to be awarded the degree of Licentiate in Islamic Economics Law in the Faculty of Sharia.

Board Examiner
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THESIS ACCEPTANCE LETTER

Bismillahirrahmanirrahim
Assalamu'alaikum wr. wb.

The Faculty of Sharia, University of Darussalam Gontor, Ponorogo Indonesia has received a thesis written by:

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In partial fulfillment of the requirement for the degree of Licentiate in Islamic Economics Law in the Faculty of Sharia, academic year 1445-1446/2024-2025.

Wassalamu'alaikum wr. wb

UNIDA, Rabi'ul Akhir 21st, 1445 H
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Dean of Sharia Faculty



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MOTTO

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَن تَرَاضٍ مِّنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

O you who have believed, do not consume one another's wealth unjustly but only [in lawful] business by mutual consent. And do not kill yourselves [or one another]. Indeed, Allah is to you ever Merciful.

حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ حَدَّثَنَا ابْنُ وَهْبٍ قَالَ أَخْبَرَنِي عَمْرُو عَنْ بُكَيْرٍ عَنْ كُرَيْبٍ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "قَالَ اللَّهُ تَعَالَى: أَنَا ثَالِثُ الشَّرِيكَيْنِ مَا لَمْ يَخُنْ أَحَدُهُمَا صَاحِبَهُ ۖ فَإِذَا خَانَ خَرَجْتُ مِنْ بَيْنِهِمَا". (رواه أبو داود)

The Prophet Muhammad (ﷺ) said, "Allah says: I am the third of the two partners as long as they do not betray each other. If one of them betrays the other, I leave them." (Sunan Abi Dawood 3383)

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DEDICATION

I dedicate this undescribable thesis to those who support me the most: Allah SWT, Prophet Muhammad SAW, my beloved father Khoirudin, my beautiful mother Sri Romawati, and my supporting siblings Putri, Melly, Faiz, and Busyro.



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Ponorogo, 21 Rabiul Akhir 1446

24 October 2024

Researcher,

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