

THE IMPLEMENTATION OF MAQASHID AL-SYARI'AH IN ECONOMIC ACTIVITIES AMONG COMMUNITIES IN LEMBATA, EAST NUSA TENGGARA INDONESIA

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ABSTRACT

Lembata is an island in East Nusa Tenggara province enriched with cultures, customs, and local wisdoms. In general, the island is inhabited by societies with three major religions, Roman Catholics, Protestant, and Islam. Nevertheless, Islam has the most believers in Lembata. One of the local wisdoms in the island is economic transaction with bartering and leasing. This study aims to analyze the bartering and leasing models in Lembata, whether the systems have been in-line with *maqashid al-syari'ah* principles. *Maqashid al-syari'ah* points out mutual benefits for both seller and buyer. The study was a field research with sociological-normative approach. The researchers collected data from in-depth interviews, observations, and document collections. The results indicate; first, societies in Lembata are consistent in using these transaction principles as they are in-line with their local wisdoms. Secondly, leasing in Lembata societies has used *maqashid al-syari'ah* principles which indicates fairness and mutual benefits for both parties.

Key words: *Maqashid al-syari'ah*, Lembata societies, Leasing system

A. Introduction

Lembata is an island in the Republic of Indonesia located in East Nusa Tenggara Province (Indonesia.go.id, 2020), astronomically lies between 8.04 – 8.40 degrees of South latitude and between 123.57 – 122.38 degrees of East Longitude (KonsulatJenderalRepublik Indonesia, 2020). Most of East Nusa Tenggara's areas, including Lembata, are dry (for about eight months), with rainy season which only lasts for 4 months (Kastanya et.al., n.d.) Several tourism attractions in Lembata are the phenomenal Lamalera's whale hunting, local arts, and preserved traditional houses (Lembata, 2020). People in East Nusa Tenggara has a unique economic system namely *Gelu Gore (Lamolahot) – KelungLodong (Kedang)* or also known as a local barter system (Yuniver. 2002). In general, there are main religions—Roman Catholic, Protestant, and Islam—which develop well in Lembata. Most people in Lembata are Muslims. They earn living as farmers, fishermen, and civil servants (Rongan, 2018).

Lembata is basically rich in ethnicity, race, culture and customs. One of the richness is in its economic activity. Local economy has been significantly contributed to people's lives, especially with its distinctive characteristics passed down from a generation to the next ones. This local tradition is worth discussing since it is rare and stands the test of globalization. Wahyuni (2013) asserts that well-developed local wisdoms will enhance a particular region's economic condition. The economic structure of regions in Indonesia is highly influenced by their natural resources, for instance, land, climate, mines, and sea produces. It also includes human resources with adequate education and skills to manage the natural resources (Rachman Firdaus, Ery Try Djatmika, n.d.-b). Later, local wisdoms are expected to contribute positively to all life aspects, such as, education, community welfare, and social quality.

Bartering is an economic practice among societies in East Nusa Tenggara, especially in Lembata. In the mid-1970s, as cash penetration came in with massive development projects, bartering gradually lost its roles. However, people in Lamalera—located in the southern shore line of Lembata—still practice bartering (Blikololong, 2010). A study by Uran (2008) entitled *Sistem Barter Masyarakat Lembata* states that:

Societies in Lembata acknowledge that Gelu Gore or KelungLodong is beneficial and practically has no impact to the changing rate of Rupiah to US Dollar. As Indonesia experienced economic crisis due to decreasing rate of Rupiah, it has no impact to any activities in this region. Bartering maintains the flow of agricultural products needed by the people in Lembata. It becomes a basis of market sustenance for agricultural products and

preserves local consumptions. Additionally, bartering provides a better bargaining position to farmers and their commodities. Bartering in Wule creates essential decisions in local level and makes it free from other's intervention (Rachman Firdaus, Ery Try Djatmika, n.d.-b).

Therefore, this study aims to analyze the bartering and leasing models in Lembata, whether the systems have been in-line with *maqashid al-syari'ah* principles. The main purpose of *Maqashid al-syari'ah* points out on mutual benefits for both parties involved.

B. Methodology

The study was a field research with sociological-normative approach. Population of the study was respected figures, religious leaders, and some local people chosen with purposive sampling technique. In collecting primary data, the researchers worked with indigenous people in Lembata by conducting interview with respected figures, religious leaders, and some local people. The researchers conducted semi-structured and documented interview. Additionally, secondary data collected from related references, such as, journals, books, research reports, etc., which discussed leasing system in economic transaction among local communities in Lembata. The data analyzed with descriptive-analytic method. The detail on population and sample shown in Table 1.

No	Population		Sample	
1.	Local people	140,370 people/2018	10males	5females
2.	Respected figures	5	2males	
3.	Religious leaders	15	2males	
	TOTAL	140,390	19	

C. Result and Discussion

1. Indigenous people in Lembata, East Nusa Tenggara

Lembata is named for islands in East Flores regency existed since 1965. During Dutch East Indies government, Lembata is known as “Lomblen Island” and it is still recognized in the same name in current Indonesia map. On 24 June 1967, an extraordinary assembly in Lewoleba conducted by Lembata regency's formation team agreed to use the name Lembata to denote the origin of the indigenous communities from “Lepanbata” island. Starting 1 Juli 1967, the term *Orang Lomblen* changed into *Orang Lembata* (Rongan, 2018). Ismail (2018) mentions in his study *Konstruksi Sosial Mahar Gading* that:

The origin of Lembata island can be traced around 1400 when the Glatzer period occurred. It was the time when poles' ice melted and caused numerous islands to sink. It then made the inhabitants migrated to various regions to find new places to live. In a historical narrative by late Leo BoliLadjar, the Lembata people actually migrated from two islands, namely Lampang Island and Batang Island located in the western part of AlorLapang and Batang. Both islands were empty and uninhabited. These islands are located in the western part of Alor Island and eastern to northern parts of Lembata Island. Lepanbata (or Lapang and Batang), according to Alor people, are two uninhabited islands. Lelang means flat like a field. Batang means high. These two islands have endless natural resources, known as seaweed.

Koentjaraningrat (1990) mentions that the word *budaya* (culture) comes from a Sanskrit word, *buddhayah*, which is a plural form of *budior* reason, intelligence. Thus, culture can also be defined as anything related reason or intelligence. Bakker (1984) mentions that culture is a whole procedure of creating, ordering, and processing human values. From anthropological-cultural viewpoint, Subagyo and Sudartomo (2009, in Nay, 2018) explain that culture is *way of life or attitude*.

Societies in East Nusa Tenggara are indeed plural as the province has 45 ethnic and sub-ethnic groups. Therefore, they are similar to a miniature of Indonesia. With the waves of modernization, people in Lembata, in particular, still live and breathe their distinctive culture, such as, traditions, customs, or norms (Payong, 2000).

In its demographic history, each ethnic community in East Nusa Tenggara lives exclusively, along with its distinct background and cultural features. The ethnic has its own socio-cultural setting and traditional paradigm embedded wholly in its members (Kastanya et al., n.d.). As an example, a phenomenal tradition among communities in Lembata is whale hunting (*kotoklemma*) in Lamalera village of Lembata Island and Lamalera village of Solor Island. In both villages, weapons used during whale hunting is still traditional (Ahmad Hamado, Ramli Umar, n.d.).

Lembata is also known for its gold deposit. Communities in Lembata realize that the deposit is a gift from ancestors; hence, it needs to be continuously maintained and preserved. However, in 2005, the balance of Lembata's ecosystem was intervened by new regulation from the government of Lembata Regency which allowed gold exploration. The exploration requires vast resources, such as, land and water. Therefore, the

activity perceived negatively by the affected communities. Since Lembata is naturally barren and dry, water is essential for communities' welfare (Kurniasari, 2011).

Communities in Lembata still practices economic and social wisdoms of their ancestors. For instance, Wulandani bartering market is an economic practice that the communities still carry on (Elannor, 2019). In addition, the leasing system also still goes hand-in-hand with the bartering practice. When tradition and local wisdoms develop well, they will trigger a comprehensive economic improvement. Success in each Indonesian territory is highly influenced by its local potentials, such as, natural resources (i.e. water, land, sea produces, weather, etc.) and human resources (i.e. level of education, competencies, etc.) Those two resources are beneficial assets for the territory itself (Firdaus and Djatmika, n.d.-a). Hence, local wisdom will provide positive contribution in all aspects of communities' life, especially in their economic sector. Economic sector is basically a benchmark in deciding the prosperity of a territory; thus, it can also be seen from the condition of economic condition of the territory itself.

2. The Implementation of Maqashid-al-Syari'ah on Leasing System in Lembata

Economy is essential in human life. In addition, human needs cannot be fulfilled without any contribution from the surrounding environment. In terms of life fulfillment, it is not only individual needs that must be addressed, but also other life necessities, such as, community, state, as well as international demands. The efforts to fulfill, produce, and distribute them are summed up in various economic activities.

Economy has a social function that plays an essential role in managing social life. Economic problems are vital, because they are related to money and objects that closed in human lives. Economy is the source of all activities and the center of natural order. Thus, economic improvement can help human beings attain higher level of progress and prosperity. Leasing is an example of economic activities and it develops into a distinctive economic activity in Lembata, East Nusa Tenggara (Purwanto, 2020). According to Article 1584 in Indonesian Civil Code (*KUHPerdata*), leasing is defined as an agreement with which one party binds itself to provide the other party comfort of an item, in a specific time, and with an agreeable entitled payment.

One party needs to provide an item or service and the other one settles it with payment for the leased item/service. In the end, the item/service is not intended to be owned as in buying and selling, since the item/service can only be used for its benefits. Therefore, handover process only transfers the leased item to a tenant to use its benefits (Sani, 2009). Dheka and Sukarmi (in Gustiani, 2016) mention that leasing, similar to buying and selling or other agreements, applies a consensual principle, where the agreement is valid and obligatory for both parties, covering several elements, such as, the item/service and the entitled price (Dzulhijjah, 2019).

There are two principles in leasing according to *fiqhmū' amalah*, namely *mu'jir* as the tenant and *musta'jir* as the lessee. Both *mu'jir* and *musta'jir* should be adult, sensible individuals, and capable in handling capitals. In addition, they should also be able to reach a mutual agreement (Hidayah, 2017).

In its practice, leasing system may vary from one custom to another; nevertheless, in Muslim societies, it is expected that the system can always refer to *mu' amalah* principles that avoid ill-treatment and vagueness. The economic and *mu' amalah* instruments used are parts of *Hablun Minannas* (human relationship) which reflects social interactions in a community and *Hablun Min Allah* (human relationship to his/her Creator) which can be maintained by ones' observance (Purwanto, 2019).

According to customary law, leasing is a legal act whereby a lessee renting out a property to a tenant in predetermined time. For instance, in a farmland's leasing agreement, the right to cultivate the land has shifted from the lessee to his/her tenant. Additionally, leasing agreement needs to be given in cash and it is tangible (Supriadi, 2019).

A problem may occur in the implementation of farmland's leasing agreement in Lembata. From an interview with local figures, a tenant does not carry out what has been mutually agreed in the agreement (Purwanto, 2019). The interviewee mentions an example of problem occurred in his neighborhood, late rent payment from the tenant. For instance, in the written agreement, the tenant agrees to pay off the payment by the first month after the agreement is signed. However, he/she does not pay it on time; nonetheless, this kind of problem is usually settled down peacefully (Mukharrom, 2020).

Thus, it indicates that leasing agreement implemented in Lembata is in accordance with Law No. 2/1960 on Profit Sharing. The law mentions that land utilization under profit sharing agreement aims at the profit distribution on the land used between the owner and the tenant which is carried out fairly (Purwanto, 2019). Thus, the implementation of land lease agreements based on customary law in Lembata is mainly based on mutual trust between lessee and tenant. In terms of cultivating the land, the custom of Lembata communities is a mutual cooperation among farmers, in about the same period of time (Purwanto, 2019). Furthermore, in land cultivation using *maro* system, the lessee and the tenant mutually agree on procedures and conditions. Additionally, profit sharing has been agreed in the *maro* system. Thus, the harvest distribution is considered fair.

It illustrates that the leasing system has been in accordance with *maqashid al-syari'ah* values (Said and Sukaimi, 2019).

D. Conclusion

Lembata is an island in East Nusa Tenggara province enriched with cultures, customs, and local wisdoms. In general, the island is inhabited by societies with three major religions, Roman Catholics, Protestant, and Islam. Nevertheless, Islam has the most believers in Lembata. One of the local wisdoms in the island is economic transaction with bartering and leasing system. The leasing system among communities in Lembata carried out over generations has applied the principle of *maqashid al-syari'ah*. It means that the system has met fair and mutually beneficial principles in which involving parties receive shared benefit from this customary transaction system.

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