

SOCIOLOGY AND ANTHROPOLOGY OF SHARIA ECONOMIC LAW TOWARDS COOPERATIVES

Ahmad Ridwan¹, Tajul Arifin², Abdal³

^{1,2,3}UIN Sunan Gunung Djati, Bandung, Indonesia

E-mail: ¹Readonehagara@gmail.com, ²tajularifin64@uinsgd.ac.id, ³abdal@uinsgd.ac.id

Abstract

Currently, there are many fields of science that have correlations related to views that can be displayed as a reference. Like sociology, we often know that sociology is concerned with society as a whole. But we can see from the other side such as the sociology of law that the symptoms that occur in society by referring to the rules of law that apply in a region. Sociology is often juxtaposed with anthropology. This type of research uses literature research that takes data through information by obtaining library materials, data techniques that have been obtained by reviewing and analyzing both in the form of books, journals, research results. As well as by using descriptive analysis techniques. Cooperative is a step given by fellow cooperative members to other cooperative members in the context of the welfare of their members. In addition, it is clear that the function of cooperatives is to realize community welfare in order to improve the national economy in accordance with Pancasila and the 1945 constitution. Cooperatives can be seen as a tremendous benefit for their recipients, because cooperatives can touch the lowest layers of society, help, mutual assistance taken by cooperative members indicates that the community cares about each other. When the tremendous blow experienced by cooperatives during Covid-19 made the turnover rate stagnant What is often a problem is the perception that occurs in the community related to cooperatives, often the sociology of anthropology that occurs in the community that in the article Antaranews.com, states that there are still people who are misguided in looking at cooperatives Some people consider cooperatives to be the same as loan sharking businesses that smell of usury. The sociological view of anthropology sees that something that happens in society is caused by a lack of information related to contracts, if the rights and obligations of the parties are fully fulfilled and worked out then the negative related perspective of cooperatives can be eliminated.

Keywords: *Cooperatives, Islamic Economic Law, Sociology Anthropology*

1. INTRODUCTION

Currently, there are many fields of science that have correlations related to views that can be displayed as a reference. Like sociology, we often know that sociology is concerned with society as a whole. But we can see from the other side such as the sociology of law that the symptoms that occur in society by referring to the rules of law that apply in a region. Sociology is often juxtaposed with anthropology (Kamanto, 2004),

Anthropology is known as a science that is still new because its development only occurred in the nineteenth century, but in France and Germany science already existed in the seventeenth century. Anthropology is a discussion related to human existence, studying human existence biologically as well as studying cultural aspects with a broad scope. Which states that humans will always seek, try and implement culture by optimizing civilization and problems in their lives (Koenjtaraningrat, 2005).

Sociology of anthropology preserves an important science because its decisions can be enriching related to perspectives from economics, culture (Soekanto, 2005), because the sociology of law is a study that refers to legal phenomena based on social sciences. Seeing something that happens

in society, changes that occur on a particular event (Abd Ghafur, 2022). Anthropology is a science that focuses its discussion on humans and cultures that occur in society.

The economic sector has a great influence on social and cultural in society, with the economy there can be significant changes, as well as daily needs if there is instability this creates shocks in society, whether it can be small or large scale. In this case, financial institutions become the basic pioneers so that the economy becomes stable (Susminingsih, 2009).

Cooperatives are the leading financial institutions that often relate to small and medium communities, because the system built on mutual assistance, providing loans to the community obtained from members, is implemented continuously so that there is a mutually beneficial turnover. So researchers are interested in discussing related to the perspective of anthropological sociology on cooperatives in terms of phenomena that prevail in society.

2. IMPLEMENTATION METHODS

The type of research in this study uses the type of literature research (Zed. M, 2018) which retrieves data through information by obtaining library materials in the form of problems to be solved (Mamik, 2014). The author's research takes a qualitative research approach, which describes in general about a study Research methods carried out as a form of description of the object under study using data on existing phenomena The data collection technique that the author makes is using documentation, where the data has been obtained by reviewing and analyzing, both in the form of books, journals, research results. As well as using descriptive analysis techniques (Sugiyono, 2013).

3. RESULTS AND DISCUSSION

Cooperative is a step given by fellow cooperative members to other cooperative members in the context of the welfare of their members. In addition, it is clear that the function of cooperatives is to realize community welfare in order to improve the national economy in accordance with Pancasila and the 1945 constitution. The purpose of cooperatives according to Hatta is to provide services as well as mutual needs by creating a forum for small economic actors. Referring to sharia-based cooperatives that sharia cooperatives are businesses engaged in financing, investment and savings that use a profit-sharing system. cooperatives have a vital role for the Indonesian state (Ningsih & Masruroh, 2018).

Sharia cooperatives uphold justice in every process in its implications based on Islamic law (Marlina & Primary, 2017). In the concept of profit, the margin given or obtained is in accordance with the principle of fair, transparent. Second, helping education related to sharia-based economics, providing education to the public, that in the economy in general there is a principle that we must hold, namely economic Islam, as well as in some sectors such as sharia cooperatives, by leaving things that are prohibited in practice. Third, improving the welfare of the country's economy, this sharia cooperative can make loans that can stimulate the circulation of money in the country (Hutagalung & Coal, n.d.).

3.1. Legal Basis of Cooperatives and Sharia Cooperatives

In general, the laws and regulations that discuss related to cooperatives are contained in Law number 25 of 1992, then Law of the Republic of Indonesia Number 17 of 2012, looking at the process that cooperatives can do business based on sharia economic principles. Looking at the picture related to the legal basis of sharia cooperatives in the law there is only one article regarding sharia cooperatives, emphasized by Government Regulations there are also several points regarding sharia cooperatives, sharia cooperatives are clearly implemented from the regulation of the Minister of cooperatives but looking at the hierarchy of laws and regulations,

the Ministerial regulation is not included in the hierarchical structure used. If you look at the MUI DSN Fatwa Number 141 of 2021, it clearly discusses the rules and regulations related to sharia cooperatives.

3.2. Sociology and anthropology related to cooperatives

Sociology anthropology becomes the basis for another perspective on the view of an object, indicating that the development of science that is increasingly broad, will open our thinking that norms can increase along with the symptoms that occur in society. To make the country stable, the government must carry out a cycle well in emergencies and ordinary situations, supporting the economy, one of which is cooperatives. Cooperatives are businesses whose members are individuals and legal entities carry out their activities based on people's economic principles, as well as family principles. The purpose of cooperatives is to make progress, welfare of members with steps to build a national economy with the realization of a just, prosperous society based on Pancasila and the 1945 Constitution.

Cooperatives can be seen as a tremendous benefit for their recipients, because cooperatives can touch the lowest layer in society, help, mutual assistance taken by cooperative members indicates that the community cares about each other (Arifin, 2001). When the tremendous blow experienced by cooperatives during Covid-19 made the turnover rate stagnant because, everyone was in need of funds to survive, in this case there was a contribution from the government to cooperatives, namely through the Ministry of Cooperatives and MSMEs which would help residents, starting from July 1, 2020 there were already 212 thousand beneficiaries both cooperatives and MSMEs.

The Ministry of Cooperatives and SMEs also carried out three phases in overcoming capital problems, the first of which is the disaster response phase, where all activities related to the economy become hampered so as to provide restructuring both in loans and financing to partners with a period of 12 months to partners whose situation is smooth or substandard (Fitri et al., 2022). The second phase is economic recovery, by preparing 1 trillion funds for lending and financing in the savings and loan sector with an interest rate of 3 percent decreased and 1.5 percent flat per year. The third phase of economic recovery is harmonization of regulations aimed at relaxing the criteria and conditions in lending and financing.

Similarly, sharia cooperatives, namely as financial institutions that provide financing for the surrounding community, they must be prepared for any risks that will arise, one of which is the risk of problematic financing. Problematic financing is a member who cannot return obligations on time or even has difficulty returning obligations due to several reasons. Problematic financing will usually be resolved through restructuring. This restructuring is divided into 3 (three) types, namely rescheduling, reconditioning and restructuring. These three methods can be done in combination according to the needs and circumstances of the members at that time.

What is often a problem is the perception that occurs in the community related to cooperatives, often sociology, anthropology that occurs in the community that cooperatives, administrative costs of borrowing money are many, there are fines that must be paid. An article in *AntaraneWS.com*, mentions that there are still people who are misguided in looking at cooperatives Some people consider cooperatives to be the same as loan sharking businesses that smell of usury. An article in *DetikFinance* states that the community's view of cooperatives is still synonymous with violations, fraud, old-fashioned or old-school, problematic, and others.

Even though when performing a contract there is an agreement that must be read carefully the provisions, rights and obligations for the parties are their respective responsibilities, as for what happens unexpectedly there is a force majeure that can be included in the contract. In addition, it is also clear that in addition to the attitude of helping there are benefits to be

obtained so that the cooperative must continue to run. The sociological view of anthropology sees that something that happens in society is caused by a lack of information related to contracts, if the rights and obligations of the parties are fully fulfilled and worked out then the negative related perspective of cooperatives can be eliminated.

4. CONCLUSION

Currently, there are many fields of science that have correlations related to views that can be displayed as a reference. Like sociology, we often know that sociology is concerned with society as a whole. But we can see from the other side such as the sociology of law that the symptoms that occur in society by referring to the rules of law that apply in a region. Sociology is often juxtaposed with anthropology. Cooperative is a step given by fellow cooperative members to other cooperative members in the context of the welfare of their members. In addition, it is clear that the function of cooperatives is to realize community welfare in order to improve the national economy in accordance with Pancasila and the 1945 constitution.

Cooperatives can be seen as a tremendous benefit for their recipients, because cooperatives can touch the lowest layers of society, help, mutual assistance taken by cooperative members indicates that the community cares about each other. Some communities consider cooperatives to be the same as usury-related loan sharking businesses. The sociological view of anthropology sees that something that happens in society is caused by a lack of information related to contracts, if the rights and obligations of the parties are fully fulfilled and worked out then the negative related perspective of cooperatives can be eliminated.

REFERENCES

- Abd Ghafur. (2022). Antropologi Ekonomi. *Iqtishodiyah: Jurnal Ekonomi dan Bisnis Islam*, 8(1), 1–17. <https://doi.org/10.55210/iqtishodiyah.v8i1.768>
- Arifin, S. (2001). *Koperasi Teori Dan Praktik*. Erlangga.
- Fitri, N. F. R. S., Muin, R., & Malik, A. (2022). Peran Koperasi Terhadap Umkm Selama Pandemi Covid-19: Analisis Hukum Ekonomi Syariah: The Role Of Cooperatives On Msmes During Covid-19 Pandemic: Analysis Of Sharia Economic Law. *Milkiyah: Jurnal Hukum Ekonomi Syariah*, 1(2), 75–80. <https://doi.org/10.46870/milkiyah.v1i2.239>
- Hutagalung, M. W. R., & Batubara, S. (n.d.). *Peran Koperasi Syariah Dalam Meningkatkan Perekonomian dan Kesejahteraan Masyarakat Di Indonesia*.
- Kamanto, S. (2004). *Pengantar Sosiologi*. LPFE UI.
- Koenjtaraningrat. (2005). *Pengantar Antropologi I*. Rineka Cipta.
- Mamik. (2014). *Metodologi Kualitatif*. Zifatama Publisher.
- Marlina, R., & Pratama, Y. Y. (2017). Koperasi Syariah Sebagai Solusi Penerapan Akad Syrikah Yang Sah. *Amwaluna: Jurnal Ekonomi dan Keuangan Syariah*, 1(2), 263–275. <https://doi.org/10.29313/amwaluna.v1i2.2582>
- Ningsih, D. A., & Masrurroh, A. H. (2018). *Analisis Perbandingan Sistem Pemberian Kredit Pada Koperasi Syariah Dan Koperasi Konvensional*. 3(1).
- Soekanto, S. (2005). *Sosiologi Suatu Pengantar*. RajaGrafindo Persada.
- Sugiyono. (2013). *Metode Penelitian Kualitatif Kuantitatif Dan R&D*. Alfabeta.
- Susminingsih, S. (2009). Ekonomi Islam Dalam Perspektif Antropologi: Sketsa Awal. *Jurnal Hukum Islam*, 7(2), 222–137. <https://doi.org/10.28918/jhi.v7i2.323>
- Zed. M. (2018). *Metode Penelitian Kepustakaan*. Yayasan Pustaka Obor.