

ABSTRAK

Salah satu bentuk kegiatan manusia di dalam bermuamalah adalah *Ijarah*. Sewa menyewa (*Ijarah*) adalah transaksi yang memperjual belikan antara manfaat barang atau jasa dengan sejumlah uang sewa (upah). Sewa menyewa yang dilakukan masyarakat Tlagah Galis Bangkalan adalah transaksi pemanfaatan jasa kerja tukang bangunan. Dalam menyewa tukang bangunan diperlukan adanya akad yang jelas agar tidak ada perselisihan dalam masa penyewaan. Penelitian ini bertujuan untuk mengetahui bagaimana tinjauan fiqh muamalah terhadap praktik sewa tukang bangunan di Desa Tlagah Galis Bangkalan.

Jenis penelitian yang digunakan peneliti adalah penelitian lapangan (*field research*) yaitu penelitian kualitatif dan sifat penelitian deskriptif analitis dengan pendekatan normatif dan sosiologis. Dan untuk sumber data primer didapatkan langsung melalui wawancara kepada pihak yang terlibat yakni tukang bangunan dan penyewa tukang bangunan. Sedangkan data sekundernya didapatkan melalui dokumentasi resmi, buku dan jurnal yang selanjutnya di analisis menggunakan teknik analisis data yang induktif yang merupakan proses logika yang berangkat dari data empiris lewat observasi menuju kepada suatu teori kemudian diakhiri dengan kesimpulan.

Hasil penelitian ini adalah praktik sewa menyewa tukang bangunan di Desa Tlagah Galis Bangkalan dalam proses transaksinya menggunakan akad atau perjanjian secara lisan bukan tulisan hanya dengan lafal yang sederhana dan di beri upah setelah pekerjaan selesai atau sesuai permintaan tukang bangunan. Praktik Sewa Tukang Bangunan di Desa Tlagah Galis Bangkalan sudah memenuhi rukun akad *Ijarah* amal yang meliputi: '*Aqid* (Orang yang melakukan akad), *Ma'qud alaih* (Upah dan Manfaatnya) dan *Sighat* akad. Namun diantara lima syarat yang telah disebutkan diatas terdapat satu syarat yang tidak terpenuhi yaitu syarat kedua belah pihak harus saling rela. Dalam Praktiknya pihak penyewa tukang bangunan merasa dirugikan dengan kelalaian tukang bangunan dalam melaksanakan tugasnya. Hal tersebut yang menyebabkan pihak penyewa (*Mu'jir*) merasa tidak rela.

Kata kunci: Sewa menyewa, Tukang bangunan, Fiqh muamalah.

ABSTRACT

One form of human activity in muamalah is Ijarah. Leasing (Ijarah) is a transaction that trades the benefits of goods or services with a certain amount of rent (wages). The rent made by the people of Tlagah Galis Bangkalan is a transaction for the use of construction workers' work services. In hiring construction workers, it is necessary to have a clear contract so that there are no disputes during the rental period. This study aims to find out how fiqh muamalah reviews the practice of Ijarah charity construction workers in Tlagah Galis Village Bangkalan.

The type of research used by the researcher is field research, namely qualitative research and descriptive analytical research with a normative and sociological approach. And the primary data source is obtained directly through interviews with the parties involved, namely construction workers and building labor tenants. While the secondary data is obtained through official documentation, books and journals which are then analyzed using an inductive data analysis technique which is a logical process that departs from empirical data through observation to a theory and ends with a conclusion.

The results of this study are the practice of renting construction workers in the village of Tlagah Galis Bangkalan in the transaction process using a contract or agreement orally not in writing only with simple pronunciation and being paid after the work is completed or according to the construction worker's request. The practice of Hiring a Builder in Tlagah Galis Village Bangkalan has fulfilled the pillars of the Ijarah charity contract which includes: 'Aqid (the person who performs the contract), Ma'qud alaih (Wages and Benefits) and Sighat contract. However, among the five conditions mentioned above, there is one condition that is not fulfilled, namely the condition that both parties must be mutually willing. In practice, the builder's tenants feel aggrieved by the builder's negligence in carrying out their duties. This causes the tenant (Mu'jir) to feel unwilling.

Keywords: Rent, construction workers, Fiqh muamalah.

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