

ABSTRAK

*Penelitian ini dilatarbelakangi oleh praktik kemitraan usaha pangkas rambut Madura di Surabaya yang menerapkan sistem bagi hasil berbasis kepercayaan tanpa perjanjian tertulis, sehingga berpotensi menimbulkan moral hazard dan ketidakjelasan dalam pelaksanaan akad *mudhārabah*. Permasalahan penelitian ini berfokus pada implementasi akad *mudhārabah*, bentuk relasi kepercayaan yang terjalin antara pemilik modal dan pengelola usaha, serta tinjauannya dalam perspektif hukum bisnis syariah. Penelitian ini menggunakan metode penelitian kualitatif dengan jenis penelitian lapangan (field research) dan pendekatan empiris (sosiologis). Data primer diperoleh melalui observasi dan wawancara terhadap pemilik modal (*shahibul māl*) dan pengelola usaha (*mudhārib*), sedangkan data sekunder diperoleh dari studi kepustakaan. Hasil penelitian menunjukkan bahwa praktik kemitraan usaha pangkas rambut Madura telah mencerminkan prinsip dasar akad *mudhārabah*, khususnya dalam aspek kerja sama dan pembagian keuntungan berdasarkan kesepakatan. Namun, pelaksanaannya masih dilakukan secara nonformal dan hanya berlandaskan kepercayaan, sehingga membuka peluang terjadinya moral hazard, seperti kurangnya transparansi pendapatan dan penyalahgunaan amanah. Dalam perspektif hukum bisnis syariah, praktik tersebut pada dasarnya diperbolehkan selama memenuhi prinsip amanah, kejujuran, keadilan, dan transparansi. Oleh karena itu, diperlukan penguatan pencatatan akad dan mekanisme pengawasan agar kemitraan berjalan lebih adil, memberikan kemaslahatan, dan sesuai dengan prinsip syariah.*

Kata Kunci: *Akad Mudhārabah, Kemitraan Usaha, Relasi Kepercayaan, Moral Hazard, Hukum Bisnis Syariah.*

ABSTRACT

*This study is motivated by the partnership practice of Madurese barbershops in Surabaya, which applies a profit-sharing system based on mutual trust without a written agreement, potentially leading to moral hazard and ambiguity in the implementation of the *mudhārabah* contract. The research focuses on the implementation of the *mudhārabah* contract, the trust relationship established between capital owners and business managers, and its analysis from the perspective of Islamic business law. This study employs a qualitative research method with a field research design and an empirical (sociological) approach. Primary data were collected through observation and interviews with capital owners (*shahibul māl*) and business managers (*mudhārib*), while secondary data were obtained through library research. The findings reveal that the partnership practice generally reflects the fundamental principles of the *mudhārabah* contract, particularly in terms of cooperation and profit-sharing based on mutual agreement. However, its implementation remains informal and relies solely on trust, creating opportunities for moral hazard, such as a lack of income transparency and breaches of trust. From the perspective of Islamic business law, this practice is permissible as long as it upholds the principles of trustworthiness, honesty, justice, and transparency. Therefore, strengthening contract documentation and implementing effective monitoring mechanisms are necessary to ensure that the partnership operates fairly, promotes public welfare (*maslahah*), and remains in accordance with Islamic principles.*

Keywords: ***mudhārabah** Contract, Business Partnership, Trust Relationship, Moral Hazard, Islamic Business Law.*