



REVIEW OF ISLAMIC LAW ON DAILY FISHING PRACTICES (Case Study of Fishing Source of Blessings in Sengon Bugel Jepara)

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Abstract

This study examines fishing practices using the Daily System at Sumber Berkah Fishing in Sengon Bugel Mayong Village, Jepara. The aim is to examine the practice of fishing with the Daily System, the contracts that are executed, as well as the review of Islamic Law. This type of research uses Field Research with a qualitative approach. The subjects are managers, anglers, and religious leaders. Data collection techniques through observation, interviews, and documentation. The results of the study concluded: 1) That the practice of fishing with the Daily System is carried out by paying first and then rationing 1 Kilogram of fish for bait for a day but has freedom regarding the results obtained without the need for further payments. For anglers who get jackpot fish, they get prizes by following the applicable provisions. 2) In terms of the perpetrators and their sighat, they made clear qabul consent, understood by both parties, and mutually agreed. Judging from the object, it is halal fish and its existence is clear because it was previously placed in its own shelter. In the context of muamalah, the implementation of the contract at Sumber Berkah fishing is in the category of conditional buying and selling, in which the terms and pillars of buying and selling have been fulfilled and are valid. 3) From the point of view of Islamic Law, it is still permissible because the conditions in it are carried out on a voluntary basis without coercion from one of the parties so that no one is harmed because the mechanism is understood and there is a form of khiyar rights. Then the prizes provided come from the manager so as to avoid the element of maysir.

Keywords: Islamic Law, Daily System, Fishing.

INTRODUCTION

Islamic law is a rule that comes from Allah, both containing prohibitions and recommendations regarding behavior or actions stated in the Al-Quran and Hadith, through the revelation of the Prophet Muhammad SAW to be conveyed to mankind as a guide to life for their safety in this world and the afterlife. Both related to faith and related to the form of muamalah.¹ All activities carried out by mankind are contained in the Al-Qur'an and Hadith. The aim of Islam in establishing its laws is to create mutual benefit, by looking at several aspects which are basic needs (*dharuri*), fulfillment of secondary needs (*hajiyat*), and moral demands for goodness (*tahsiniyat*). Because one of these three things is a human need.²

¹ Mohammad Daud Ali, *Islamic Law (Introduction to Islamic Law and Legal Order in Indonesia)*, (Depok: PT. Raja Grafindo Persada, 2017), 60.

² Juhaya S. Praja, *Philosophy of Islamic Law* (Bandung: LPPM Bandung Islamic University, 2019), 101.



In the science of jurisprudence, various forms of muamalah are basically inseparable from the existence of a contract, but the contract used is very diverse, it is adapted to the purpose, purpose, characteristics and specifications of both parties who are making a contract. The existence of contracts in community life has an important role, because contracts are considered as one of the initial steps to acquire property in accordance with the provisions of Islamic law, so it is seen as a determinant of the legality or otherwise of the transfer of ownership or a transfer of benefits from one party to another. Islamic law has paid attention to the elements of benefit in making a contract related to the muamalah principle regarding the pillars, conditions, and form of a contract. Islamic law has prohibited the existence of dishonesty, fraud, extortion, and all forms of activity that can harm other parties, the prohibition is aimed at the human race in carrying out legal activities in accordance with the Islamic law so as to create mutual benefit.³

One form of implementation of muamalah activities is at fishing spots. People generally consider fishing activities as a means of entertainment to relieve boredom and boredom. entertainment, Islam teaches that people who are patient and forgiving are among the qualities that must be prioritized. However, fishing activities at fishing spots cannot be separated from the existence of a contract, therefore basically Islam does not prohibit fishing activities, but it can become prohibited if in practice it is not in accordance with Islamic law.

From the results of the researcher's observations, in Sengon Bugel Village, Mayong District, Jepara Regency, there is a fishing pond called Sumber Berkah, the system used in fishing is different from the fishing pond system in general, local people usually call it the "Daily System" the mechanism is, every angler in The price tag is IDR 30,000 for per kilogram of fish that will be put into the fishing pond as fishing material. Then during the fishing process, there is a time limit which is divided into 2 sessions, namely the first session at 07:00-17:00 then the second session at 19:00-04:00. Anglers have the right to take their catch regardless of the results, without having to make any further payments, but if they don't get it, it's a risk.⁴

From the description of the practice of the fishing system above, the researcher saw that there was a difference between the initial agreement which was originally a sale and purchase agreement with the agreed price per kilogram of fish, while the results obtained were different from the initial contract, namely between profit or loss and the results obtained. Therefore, researchers are interested in seeing fishing practices in terms of Islamic law. At least looking at it from the perspective of mutual benefit.

³ Abdul Rahman Ghazali, et al, *Fiqh Muamalat* , print 1 (Jakarta: Kencana, 2010), 69.

⁴Results of researcher observations at the Sumber Bekah fishing spot (16 October 2022).



LITERATURE REVIEW

Understanding Islamic Law

The word Islamic Law itself is not found at all in the Qur'an or in Islamic legal literature, there are only the words Sharia, Fiqh, Allah's Law, and similar roots, so that the term Islamic Law exists as a form of translation of Al-Fiqh Al- Islamy or Al- Shari'ah Al-Islami. Sharia means the entire book of Allah which regulates the life of every Muslim in all its aspects. ⁵In the opinion of Hasbi Ash-Shiddieqy in his book Islamic Legal Philosophy, he defines Islamic Law as "A collection of fuqaha's efforts in implementing Islamic law according to the needs of society." The meaning in this definition is close to the meaning of fiqh. Meanwhile, Amir Syarifudin defines Islamic law as a set of regulations based on the revelation of Allah and As-Sunnah regarding the behavior of human *mukhallaf* which are recognized and believed to be valid and binding for Muslims.⁶

Basics of Islamic Law

There are two basic types of Islamic Law, namely:

- a. *Formal (original)* source , namely from Allah's revelation, both from the Al-Qur'an and As-Sunnah.
- b. *Assessor* sources (additional), namely derived from the ijthad of the jurists such as *ijma* , *qiyas* , and others.⁷

Aims and Characteristics of Islamic Law

Basically, Islam in establishing its laws is to create mutual benefit between humans so that it can avoid things that are *evil in nature* , the consequences of which can be detrimental to humans in this world and in the afterlife. As for Islamic Law, in establishing its laws there are five objectives called *Al-Maqashidul Khamsah* , namely:⁸

- a) Maintaining the benefit of religion
- b) Nourishes the soul Nourishes the mind
- c) Caring for offspring
- d) Maintain property and honor

Islamic law was formed such as in the form of legislation with the aim of establishing legality in society to resolve a problem that occurs. The characteristics of Islamic Law are as follows:⁹

- a) Universal
- b) Humanity

⁵ Mardani, *Islamic Law: Collection of Regulations Concerning Islamic Law in Indonesia* , Cet.2 (Jakarta: Kencana, 2016), 9.

⁶ Abdul Karim Barkatuallah and Teguh Prasetyo, *Islamic Law: Responding to the Challenges of Current Development* (Yogyakarta: Student Library, 2018), 3.

⁷ Abdul Karim Barkatuallah and Teguh Prasetyo, Abdul Karim Barkatuallah and Teguh Prasetyo, *Islamic Law: Responding to the Challenges of Modern Development* , 6 .

⁸ Ismail Muhammad Syah, *Philosophy of Islamic Law* , 20.

⁹ Ismail Muhammad Syah, *Philosophy of Islamic Law*, 113 .



c) morals

Covenant In Islam

Etymologically, the contract originates from the Arabic word *al-aqd* which means engagement, covenant and agreement, namely the relationship between two utterances that form a single word, whereas according to the jurists a contract is the binding of two utterances or those that replace their positions which can give rise to syar'i consequences. . The meaning of " *two binding words that replace positions* " is *consent* and *qabul* . So it can be defined as an expression that binds *consent* that originates from two people who are transacting with *qabul* from another party, in a binding that determines the consequences of the thing being transacted (*ma'qud alaih*).¹⁰

In a muamalah transaction, a contract can be done by anyone in any way but it cannot be violated because the contract has a binding nature, a contract is considered a substantial tool that plays an important role in a muamalah transaction. The contract must be fulfilled and maintained as a joint commitment, because the contract is used as a basic reference to find a way out in the event of a dispute between the two parties.¹¹ A mistake in the understanding of the contract when performing muamalah can fall into an act that is prohibited in Islamic Law, therefore Umar bin Khatab RA is very harsh towards Muslims who muamalah but do not understand the jurisprudence of muamalah.¹²

Purpose of the Agreement

The purpose of the contract is the purpose to be achieved and realized by both parties through the process of contracting. The purpose of the contract in addition to clarifying the status in transacting, in addition to practicing Surat Al-Maidah Verse 1 and Surat Al-Baqarah Verse 275, because in both letters it is explained that God calls on mankind to complete the contract used, God legalizes the practice of buying and selling and prohibit usury. Thus, there is a purpose in the contract process, it is hoped that there is seriousness on both sides of the contract so that what is the purpose of the contract is achieved. In order to create benefits and keep away from harm, the jurists affirmed that all actions are permissible, but if they are contrary to Islamic law, then the law is prohibited.¹³

Buying and selling in Islam

¹⁰ Abdul Karim Zaidan, *Introduction to Sharia Studies: Getting to Know Sharia in Deeper* , Cet.1 (Jakarta: Robbani Press, 2008), 460.

¹¹ Muhammad Zainuddin Sunarto, et al., "Maqasid Al-Syariah Study of Islamic Values in a Transaction," *Hakam Journal of Islamic Legal Studies* 6 no 1 (2022): 86.

¹² Akhmad Mujahidin, "The Urgency of Contracts in Islamic Trade," *Al-Ihda (Education and thought)* 11 no.2 (2016): 16.

¹³ Mardani, *Sharia Economic Fiqh* (Jakarta: Prenada Media, 2019), 89.



Buying and selling according to language, which originates from the word *al-bai*, means mutually obtaining something for something else (*muqabalah al-sya'i bi syar'i*), replacing each other (*Mubindah*), and giving in return (*Muawadhat*). From the definition above, there are at least three things that indicate buying and selling, namely:¹⁴

- a) There are two parties to the contract, known as the seller and the buyer.
- b) There is an exchange of objects.
- c) In a sale and purchase contract there are two processes, namely the object being exchanged and the price offered.

In terms of terminology, fiqh scholars have differences in defining buying and selling, but the objective of the substance is the same. According to Ibnu Qadamah, one of the Malikiyah scholars defines buying and selling as "Exchanging property for property in the form of transferring property from the owner". The emphasis on the words "ownership and ownership" is because there is an exchange of goods which is not owned as in leasing. Then, according to Al-Hasani, buying and selling is the exchange of property for property through a system that uses certain methods. The system of exchanging assets for assets in the context of assets that have benefits and there is a human tendency to use them, which is meant in a certain way is using the expression *ijab qabul*.¹⁵

Terms and Conditions of Sale and Purchase

The conditions of sale and purchase are conditions that cannot be waived with the purchase and sale clause so that it can result in the validity or not in the sale and purchase, as for the conditions as follows:

- a) The conditions that have a relationship with a person who has a contract (*aqidain*) that is must be *mumayyis* (reasonable and mature) and have the ability to choose, then a contract made by a drunk, crazy person, and a small child is invalid unless it is made by his representative. Then on their own volition without any element of coercion from the other party.
- b) Conditions relating to (*sighat al-aqd*)

Fiqh scholars agree that the main key in buying and selling is the willingness of both parties, because the willingness of the person making the agreement can be seen in their words. The conditions are as follows:

- 1) *Consent* and *qabul* must be carried out by someone who is legally competent and knows their rights and obligations.
- 2) There is a compatibility between the greeting and *the consent*, both in terms of quality and quantity.

¹⁴ Jaih Mubarak and Hasanudin, *Fikih Muamalah Maliyah (sale and purchase contracts)*, Cet.3 (Bandung: Simbiosis Rekatama Media, 2018), 1-3.

¹⁵ Ismail Nawawi, *Classical and Contemporary Muamalah Fiqh*, Cet.1 (Bogor: Ghalia Indonesia, 2012), 76.



- 3) *Ijab* and *qabul* are carried out in one assembly, meaning that the people who agree are present and meet in the same place or in different places but know each other.¹⁶
- c) Conditions that are related to the object of sale and purchase (*maqud alaih*)
 - 1) Goods that are used as real objects are not valid.
 - 2) Goods that are used as objects have benefits, are halal, can be owned, and do not cause damage.
 - 3) Goods that are used as objects are legally owned (perfect ownership).
 - 4) Goods that are used as objects can be handed over after signing.¹⁷
- d) Conditions that have a relationship with the purpose of the contract (*maudhu al-aqd*)
 - 1) The statements of both parties that have a contract must be made freely, without any element of coercion from any party.
 - 2) Handing over the items used as objects does not cause damage.
 - 3) Free from things that are *gharar*
 - 4) Free from things that are nature usury.¹⁸

Types of Buying and Selling i

Viewed in terms of whether buying and selling activities are legal or not, Hanafi scholars divide them into three types, namely:

- a) Authentic Buying and Selling, is a buying and selling activity that has fulfilled the criteria of requirements and is harmonious in buying and selling in accordance with Islamic Law, the goods being bought and sold do not belong to other people so they no longer require the right of *khiyar*.
- b) Fasid buying and selling is a buying and selling activity which basically does not conflict with the pillars and conditions of buying and selling, but there are certain characteristics that can hinder it. The forms of buying and selling fasid are as follows:¹⁹
 - 1) Selling unknown goods, according to the Hanafi Madzhab, the price of goods being bought and sold is unknown and the object is not clear, this can result in disputes, because not knowing the price and goods makes it difficult to hand over the goods so that the purpose of the sale and purchase is not achieved, but if the purpose of the purchase is achieved then it is not easy. The opinions of Madhhab Maliki, Syafi'i, Hambali, and Zhairi say that selling goods is not yet clear.

¹⁶ Abdul Rahman Ghazali, *Fiqh Muamalat* , 72-73 .

¹⁷ Imam Mustofa, *Contemporary Muamalah Fiqh* , 26-27 .

¹⁸ Imam Mustofa , *Contemporary Muamalah Fiqh* , 28 .

¹⁹ Wabah Az-Zuhaili, *Fiqh Islam Wa Adilatuhu (volume 5)* , trans. Abdul Hayyie Al-Kattani, et al . (Jakarta: Gema Insani, 2011), 123-128.



- 2) Buying and selling that is dependent on conditions, the meaning of hanging is buying and selling that is dependent on the occurrence of something else by using words that are contingent such as "if", "when", and "when". Then the buying and selling which is relied upon is the meaning of the word "sankankan" is a sale and purchase where the statement of consent is relied upon at a future date. All madhhabs agree that buying and selling like this is considered invalid.
- 3) Buying and selling that is not in the transaction or is not visible. According to the Hanafi and Maliki Madzhab, selling like this is permissible as long as it still has Khiyar rights, whereas according to the Syafi'i and Hanbali Madzhab it is absolutely not valid because it contains elements of *gharar*.
- 4) Buying and selling carried out by blind people.

There are differences of opinion regarding buying and selling carried out by blind people, according to a number of scholars, buying and selling is considered valid if the blind person still has the right to khiyar, whereas in the view of Syafi'iyah scholars, buying and selling is invalid because they are considered not to know the goods being bought and sold except the goods bought and sold had been seen before he experienced blindness.²⁰

Understanding Fishing

In the Big Indonesian Dictionary fishing is an activity of catching fish with a fishing rod, the word fishing rod is defined as a tool used to catch fish, made from bamboo, aluminum and so on which is in the form of a piece of wire with a curved and hooked end, then the person who does it is called an angler or hooker. , while the meaning of the word fishing is a place used for fishing or the act of catching fish. Usually the places used for fishing are in ponds, rivers or the sea.²¹

The broad definition of fishing is the activity of catching fish or aquatic animals, either as a job, a hobby, which takes place on the edge or in the middle of a lake, river, sea, or other form of water - with the target of getting . It can also be interpreted as the activity of catching fish or aquatic animals using fishing gear or not using fishing gear carried out by one angler or several anglers.²²

²⁰ Wabah Az-Zuhaili, *Islamic Fiqh Wa Adilatuhu (volume 5)*, 129-131 .

²¹ "Kamus Besar Bahasa Daring Indonesian," Kemendikbud, accessed on December 1, 2022. <https://kbbi.kemdikbud.go.id/>.

²² Wikipedia The Free Encyclopedia, "Fishing," accessed December 30, 2022, <https://id.wikipedia.org/wiki/Memancing>.



Fishing Laws in Islam

Basically, the activity of fishing is the same act as hunting. The ability to hunt in Islam is explained by the word of Allah in Surah Al-Maidah:

أَجَلٌ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَكُمْ وَلِلسَّيَّارَةِ وَحُرْمَ عَلَيَّكُمْ صَيْدُ الْبَرِّ مَا دُمْتُمْ حُرُمًا وَاتَّقُوا اللَّهَ الَّذِي إِلَيْهِ تُحْشَرُونَ

Meaning: "Permitted for you are sea game and food (which comes from the sea) as a pleasure for you, and for those who travel and it is forbidden for you to catch land game while you are in the state of ihram. Fear Allah, to Him alone you will be gathered " (QS. Al-Maidah: 96).²³

As for the ijma of the ulama as quoted by Ibnu Qadamah in the book Al-Mughni, there is an explanation of the law regarding hunting, namely:

- a) Basically hunting is *mubah* (can)
- b) Hunting becomes a legal sunnah when it aims to meet the needs of the family which is not obligatory, or to avoid begging, or to give charity.
- c) Hunting becomes mandatory by law when it aims to meet the needs that are mandatory for the family.
- d) Hunting becomes a legal makruh when it is limited to having fun or just playing around.
- e) Hunting becomes illegal when done while in ihram, or in the land of ihram, or deliberately neglecting one's obligations.²⁴

Intention in carrying out an action plays an important role in the quality of the action carried out by a person, if the action is good but has bad intentions, then the quality of the action will be bad, as well as if the action is good but the aim is only to seek satisfaction from his hobby then he will get satisfaction without obtaining blessings.

Prohibition of Maysir in Islam

In *Maysir language*, it means gambling which is termed *siham*, *juzur*, and *nard*. In the Jahiliyah era, *Maysir* was interpreted as *al-qadh liqtisamil juzur* as having the substance of betting, drawing lots of fate, or other terms but had the same meaning, and there was a party who was the winner or the loser.

According to As-sa'adi, the term is "All things related "by winning or losing, it is implied that there is betting property from both parties," then according to Al-Qaradawi, "all games where the players will win or lose (make a loss)".²⁵

Masyir Elements

A game or form of transaction can be said to be *maysir* if there are elements behind it, the elements are as follows:

²³ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an And Its Translation*, 166 .

²⁴ Muslim Era Islamic Media Reference, "Law on the Hobby of Fishing," accessed December 30 2012, <https://www.erasmuslim.com/ustadz-menanggaran/Hukum-mancing-ikan.htm>.

²⁵ Ahmad Sarwat, *Muamalat Life Fiqh Series (Volume 7)*, 110-111 .



- 1) There is betting and drawing of fate between players, resulting in winners and losers.
- 2) The existence of risking assets without any reward is different from business risks because there has been a plan beforehand.
- 3) The winning party takes the loser's rights and does not give benefits to his opponent, and the loser does not take his rewards.
- 4) The perpetrator intends to seek profit in a game and has no other targets by drawing lots of luck with other players.

Maysir Law

Maysir is a haram act, and if it is done it will be a sin, the haram of *maysir* is emphasized in Surah Al-Baqarah:

يَسْأَلُونَكَ عَنِ الْخَمْرِ وَالْمَيْسِرِ قُلْ فِيهِمَا إِثْمٌ وَفَعِيلٌ

Meaning: "They ask you about drinking and gambling. Say: in both of them there is a great sin and some benefit for man, but the sin of both is greater than the benefit" (QS. Al-Baqarah: 219).²⁶

The wisdom of banning gambling is as follows:

- a) Can cause hostility between each other.
- b) It can cause addiction when you win and curiosity when you lose.
- c) Staying away from God, by abandoning his obligations in worship.²⁷

RESEARCH METHODS

Research Types and Approaches

In this research, the researcher used a type of field research, where this type of research refers to the method of participant *observation*, direct observation and case *studies*.²⁸ In this research, researchers went directly into the field with the aim of exploring sources of information or data directly, by observing people in the environment around the research object and interacting directly with fishing managers and anglers, with the aim of obtaining useful information. concrete and relevant so that it can answer the problem formulation in the research. The approach used is a qualitative approach, according to Moleong, this method is a method for understanding phenomena that occur and are being experienced by research subjects such as perceptions, actions and behavior.²⁹ So this qualitative approach places greater emphasis on definition, meaning and reasoning regarding a particular condition, with a greater emphasis on

²⁶ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an and its Translation*, 46.

²⁷ Ahmad Sarwat, *Muamalat Life Fiqh Series (Volume 7)* 115-116.

²⁸ Deddy Mulyadi, *Qualitative Research Methodology: New Paradigm in Other Social Communication Sciences* (Bandung: PT. Teen Rosda Karya, 2020), 160.

²⁹ Feny Rita Fiantika, *Qualitative Research Methodology* (West Sumatra: PT. Global Executive Technology, 2022), 4.



matters related to everyday life. Thus, the process is more important than the final result, therefore the sequence of activities can change depending on the conditions and the number of symptoms found, so it is often called the *naturalistic method* because it describes what is happening in the field.³⁰

Data source

The data source in a study is the subject where the data was obtained or the place where the required data was obtained. The data sources in this research consist of two sources, namely:

Primary data is data sources obtained directly from information sources in the field obtained through interview techniques, observations, or reports or forms of informal documents so that they can provide data to data collectors.³¹ In this research, primary data was obtained through direct interviews with religious leaders, anglers, and fishing managers at Sumber Berkah, Sengelug Village, Mayong District, Jepara Regency.

Apart from using primary data, secondary data is also needed to increase the completeness of the data. Secondary data is a source of data obtained through literature that is related to the studies in this research, so that it can indirectly provide data to data collectors.³² The secondary data sources in this research are in the form of books, journals, theses, which are related to the study in this research.

Data collection technique

In this research, researchers used the following data collection techniques:

Interviews are a method of collecting data through meetings between two people interacting with each other who are directed at a particular problem through questions asked to respondents to explore the information needed in research so that they can interpret the meaning of a problem that cannot be found in observation.³³ Broadly speaking, interview methods can be divided into two, namely direct interviews and indirect interviews. Direct interviews, in research, interview techniques are divided into three types, namely, structured interviews, semi-structured interviews and unstructured interviews.³⁴ The technique used by researchers in this research is using a type of direct interview with unstructured interview techniques or in-depth interviews where the researcher and informant are directly involved in social life, because the researcher does not yet know

³⁰ Afifuddin and Beni Ahmad Sabeni, *Qualitative Research Methodology* (Bandung: CV. Pustaka Setia, 2012), 94.

³¹ Sugiyono, *Quantitative, Qualitative and R&D Research Methods* (Bandung: Alfabeta, 2016), 225.

³² Sugiyono, *Quantitative, Qualitative, and R&D Research Methods*, 225

³³ Imam Gunawan, *Qualitative Research Methods Theory and Practice* (Jakarta: Bumi Aksara, 2015), 160.

³⁴ Sugiyono, *Quantitative, Qualitative, and R&D Research Methods*, 233 .



what information will be obtained, so the researcher is more focused on listening to what is conveyed by the researcher. informant. In this research, researchers conducted interviews with religious figures, anglers, and the Sumber Berkah fishing management located in Sengon Bugel Village, Mayong District, Jepara Regency.



According to Nawawi and Martini, observation is the systematic observation and recording of elements that appear in a symptom or phenomena regarding the object of research. According to Patton, the purpose of observation is to describe the activities taking place, the people involved in the activities, and the meaning of events as seen from the observation process.³⁵In general, Sania Faisal divides types of observation into several forms, namely: Participant Observation , Unstructured Observation, Group Observation, an observation process carried out by a group of research teams on issues that are used as objects of research study³⁶. In this research, the form of observation used was participatory observation carried out at the Sumber Berkah fishing ground in Sengon Bugel Village, Mayong District, Jepara Regency with the aim of obtaining an overview of the general problems to be studied .

Documentation is a data collection technique through records of past events in the form of writing, drawings or someone's monumental work. Thus, documentation is a complement to the use of observation and interview data collection techniques. With documentation, research results are more reliable.³⁷In this case, the researcher obtained data from written notes from observations and interviews, as well as photos during the research process.

Data Validation Techniques

In qualitative research, to test the validity of data, researchers use several techniques, namely: Triangulation is the process of checking the validity of data from the same source using different techniques. In general , according to Sugiyono, triangulation can be divided into three types, namely source triangulation, technical triangulation and time triangulation.³⁸ In this research , of the three techniques, the researcher only used time triangulation and source triangulation techniques.

Data analysis technique

According to Bogdan, the data analysis technique is the process of systematically searching, collecting and compiling data from observations, interviews and documentation by dividing it into several categories, breaking it down into units, choosing which ones are needed in the research to make it easier to understand and draw conclusions . This research uses a type of descriptive analysis, namely describing a phenomenon being

³⁵ Afifuddin and Beni Ahmad Sabeni, *Qualitative Research Methodology*, 134 .

³⁶ Juliansyah Noor, *Research Methodology* (Jakarta: Kencana Prenada Media Group, 2018), 140.

³⁷ Imam Gunawan, *Qualitative Research Methods Theory and Practice*, 176 .

³⁸ Sugiyono, *Understanding Qualitative Research*, 124-126 .



studied. ³⁹The techniques used are Data Reduction, Data Presentation, and Drawing Conclusions.

RESULTS AND DISCUSSION

1. Analysis of Fishing Practices with a Daily System at Sumber Berkah Fishing, Sengon Bugel Mayong Village, Jepara.

that the practice of "Daily System" fishing is carried out on the basis of an agreement between both parties between the angler and the fishing pond management, from the results of that agreement they make payment first, according to the price determined by the manager, then the fish used as the object of fishing are released into the pond and in the fishing process the fishing manager sets a time limit throughout the day. In this case, every angler has the potential to experience profits and bear risks related to the uncertainty of getting fish. Meanwhile, the management does not suffer a loss because the payment is made at the beginning of the contract and it is calculated how many fish are taken out to be put into the pond as fishing material, and for anglers who don't get anything, it is a risk they bear, but if they get a lot of fish it becomes a profit. for him because there is no need to make additional payments anymore. However, even though it has the potential to be detrimental, for them there is no problem because it is considered a form of normalcy. Regarding the prize offered by the management as a reward to anglers who succeed in getting the jackpot fish, it is from the fishing management's profit from the sale of fish which is set aside as much as two percent, which means it is not included in bets between anglers.

2. Contract carried out in the practice of fishing with a daily system at the Sumber Berkah Fishing Village, Sengon Bugel Mayong Village, Jepara.

The practice of fishing with the "Daily System" that occurs in the Sumber Berkah fishing area, Sengon Bugel Village, Mayong District, Jepara Regency, is to use a sale and purchase contract, researchers will analyze which in practice there is uncertainty about the fish obtained by each angler. In the view of Islamic law, to determine whether a sale and purchase agreement is valid or not, you can see whether the terms and conditions have been fulfilled or not, these terms and conditions include the perpetrator, *sighat*, and object. ⁴⁰In detail, the terms and conditions that the researchers analyzed are as follows:

- a. View of Islamic Law from the contract actor (*Aqidain*)

³⁹ Sugiyono, *Understanding Qualitative Research* , 89 .

⁴⁰ Hendi Suhendi, *Fiqih Muamalah (Discussing Islamic Economics)* , Cet.1 (Jakarta: Raja Grafindo Persada, 2018), 48.



On average, the anglers who come are men and teenagers, so that both parties to the agreement, both the fishing pond manager and the anglers, can generally be said to be adults, sensible and mature, then have the ability to be responsible and the ability to choose which one to choose. good and true for him.

This is in accordance with the words of Allah in Surah An-Nisa:

وَلَا تُؤْتُوا السُّفَهَاءَ أَمْوَالَكُمُ الَّتِي جَعَلَ اللَّهُ لَكُمْ قِيَمًا وَارزُقُوهُمْ فِيهَا
وَأكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَعْرُوفًا

It means: "And do not hand over to people who are not perfect in understanding your property (those in power) that God has made the mainstay of your life, give them shopping and clothing from the proceeds of that property and speak to them good words" (QS An-Nisa: 5).⁴¹

b. View of Islamic Law from *Sighat al-aqd*

Then the thing that needs to be paid attention to when making a contract is *sighat al-aqd*, namely words or actions that indicate an agreement and qabul between the two parties, whether verbally, in writing or with a gesture. As for *sighat al-aqd*, it can be said to be valid if both parties express their wishes so that their understanding is clear.⁴² As for the implementation of the contract carried out at Sumber Berkah fishing, it can be seen from the *sighat* when forming *the agreement* and *qabul* between the fishing manager and the angler who meet directly in one place and then perform *the qabul* orally in the form of direct speech, such as saying "one kilo gold", or by means of a signal, namely by raising your hand showing the number one, which has the same meaning, namely asking for a share of one kilogram of fish to be put into the pond, so that in this method it is considered that you have used clear sentences, have the same pronunciation, and can be understood by both parties so that produce an agreement and create an element of willingness on both parties.

As it is in jurisprudence:

الأصلُ في العُقْدِ رِضَى المتعاقدين وَنتيجتهُ هي مَا التزمَاهُ بالعَاقِدِ

⁴¹ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an And Its Translation*, 105 .

⁴² Hendi Suhendi, *Fiqh Muamalah (Discussing Islamic Economics)*, 48 .



Meaning: "Basically, the contract is the consent of both parties who enter into the contract, the result of which is mutually binding by the contract"⁴³

c. The view of Islamic Law from the object of the contract

The object of the sale and purchase agreement is the object that is used as an object in the agreement, and can have legal consequences for the perpetrator. This means that the thing that is used as the object of the contract is an item that is permitted by Islamic Law and not something that is prohibited in Islamic Law.

In the practice of fishing with the Daily System, the object used is fish. In Islamic law, fish is considered not unclean, is halal for consumption, and can be used as food. Then the goods used as the object of the contract must actually exist and be real, the sale and purchase agreement for goods whose existence is uncertain is invalid, the goods used as the object are legally owned and can be handed over at the time of the contract. Judging from the results of the agreement between the fishing manager and the angler before the fish were put into the pond, the previous condition of the fish really existed and was real because they were separated and placed in their own reservoir, then the weight and quantity could be determined through the weighing process, and this was already known. When each angler enters into a contract, the fish previously legally belonged to the fishing manager and ownership changes to the rights of the anglers if they have made payment, then the nature and form of the fish can be handed over to the angler before being put into the pond, meaning that the fishing manager and the anglers have mutually agreed and indeed the fish were purchased with the intention of being put into the pond as fishing material as a form of channeling each angler's hobby. Regarding the problem of unclear results of the fish obtained, this is outside the sale and purchase agreement but is part of the implementation of the angler's hobby. This does not cause the angler to feel disadvantaged at all. So the implementation of the sale and purchase agreement in the Sumber Berkah fishing pond, Sengon Bugel Village, Mayong District, Jepara Regency has fulfilled the terms and conditions of the sale and purchase agreement in terms of its object. As in the rules of fiqh:

Meaning: "Pleased with something is pleased with the consequences that occur from it."⁴⁴

⁴³ Fathurrahman Azhari, *Qawaid Fiqhiyyah Muamalah* (Banjarmasin: Community Empowerment Board (LKPU) Banjarmasin, 2015), 177.

⁴⁴ Fathurrahman Azhari, *Qawaid Fiqhiyyah Muamalah*, 186.



3. Review of Islamic Law on Fishing Practices with a Daily System in Fishing Sources of Blessings , Sengon Bugel Mayong Village , Jepara

Viewed from the perspective of Islamic Law, in this case as material for consideration by researchers in analyzing fishing practices using the Daily System, researchers refer to several principles in muamalah, including the following:

Firstly, the principle of willingness from all parties regarding the fishing mechanism using the Daily System, as stated in the letter An-Nisa Paragraph 29 which reads:

It means: " O you who believe! Do not consume each other's wealth in a false way, except in trade that is based on mutual consent between you. And don't kill yourself. Indeed, Allah is Most Merciful to you " (QS. Al-Nisa: 29).⁴⁵

Second, the principle of prohibiting deception, fraud and ambiguity, namely conveying information that is not in accordance with the facts or intending to deceive anglers, such as providing information that does not correspond to actual conditions. As in the Hadith of Rasulluallah SAW which reads:

Meaning : "Narrated from Abu Hurairah RA: Rasulullah SAW, forbade buying and selling by throwing pebbles at the goods he bought and forbade selling goods whose appearance and nature were not clear" (HR Muslim).⁴⁶

Third, the principle of prohibiting *maysir* is that muamalah activities contain elements of speculation and forms of betting. As the meaning of the letter Al-Maidah which reads :

Meaning: "O you who believe , indeed drinking alcohol, gambling, sacrificing to idols, and drawing lots of fortunes with arrows are abominable acts and are among the acts of Satan. So stay away from those actions so that you will be lucky." (QS. Al-Maidah: 90).⁴⁷

can incur material losses, but the angler does not feel disadvantaged because in return he gets financial satisfaction . The inner spirit as a result of their hobby has been channeled and felt the benefits of the fishing place , in this case every angler has given up and does not feel disadvantaged if they don't get any fish at all, this can be seen from the willingness from the beginning of the agreement between the two parties. Then the fishing management also does not feel disadvantaged because the payment is made at the beginning of the contract, so that in practice the contract carried out

⁴⁵ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an And Its Translation*, 112 .

⁴⁶ Abdul Ghani, *Pillars of Islamic Law* , trans. Abu Ubaidullah Muhaimin . (Semarang: Al-Huda Media Islami, 2011), 509.

⁴⁷ Lajnah Pentashihan Mushaf Al-Qur'an, *Al-Qur'an And Its Translation* , 165.



can be categorized as a conditional sale and purchase, the terms of which are still in accordance with Islamic law, which is carried out based on the willingness of both parties without any element of coercion from one of the parties. According to Madhazab Syafi'i, if in a sale and purchase a condition is stated and that condition fulfills the purpose of the contract, such as the condition that the goods must be delivered, or the goods be returned if there are defects, and the like, then the sale and purchase is considered valid, because conditions like this are no more than as an explanation of the nature of a contract. Likewise, a contract is considered valid if the conditions do not realize the purpose of the contract but contain benefits that benefit one of the parties, such as *khiyar conditions*, delay in delivery of goods, the existence of pledged goods, the existence of a guarantee, or the existence of a person in charge. Because the Shari'a legalizes it and is a human need.⁴⁸ As in the Hadith narrated by Ibn Majjah from Abi Said Al-Khudry RA: Meaning: "From Abi Said Al-Khudry that Rasulluallah SAW said: In fact, buying and selling must be done with like and like." (HR. Ibn Majjah).⁴⁹

CONCLUSION

The results of the author's analysis discussed can be drawn as follows:

That the practice of fishing with the Daily System carried out on the basis of agreement and willingness between Anglers and fishing managers make payment first and then receive a quota of 1 kilogram of fish to be released into the pond as fishing material for a whole day, but there is no limit to the results that can be obtained, whatever the results can be taken with just one payment and during the fishing process there are prizes in the form of cash for anglers if they get a jackpot fish by complying with the applicable terms and rules, namely using 3 fishing hooks and the jackpot fish obtained must not be lifted by means of a fishery and taken home but rather released again.

That the contract used in the practice of fishing with the Daily System is a buying and selling contract . In terms of contract actors, both parties, namely the angler and the fishing pond manager, meet directly. In terms of *sighat* , they did *consent qabul* that is clear, understood by both parties, and mutually pleased. In terms of the object being fish, it is considered to be not unclean, useful, and its existence is clear before being put into the pond, seen from the terms and conditions of sale and purchase have been fulfilled and the contract is valid.

That the practice of fishing with the Daily System in the Sumber Berkah fishing area, Sengon Bugel Village, Mayong District, Jepara Regency, in terms of Islamic Law regarding the contract carried out, can be

⁴⁸ Wabah Az-Zuhaili, *Fiqh Islam Wa Adilatuhu* (volume 5), 148.

⁴⁹ Fathurrahman Azhari, *Qawaid Fiqhiyyah Muamalah* , 178 .



concluded as a conditional sale and purchase which is still in accordance with Islamic Law and there are no problems that affect the validity of the contract because it is carried out in accordance with Islamic law. the basis of the willingness of both parties, mutual understanding, without any element of coercion and mutual acceptance so that it does not conflict with Islamic law. Then the prizes The promise of cash for anglers is the result of profits from the management, not a form of betting from anglers, thus avoiding the element of *maysir* .



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