

Analysis of Islamic Economic Law on Fishing Pool Business in Indonesia

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Abstract: *The fishing pool business opportunity is very wide open to get big and fast profits. This study aims to reveal analytically related to Islamic law contracts in the fishing business. The research methodology uses a qualitative descriptive analysis method with a historical juridical approach. The sequence of the research process starts with collecting data on several fishing businesses. The fishing business that has been collected is then recorded and economic activities are carried out in the fishing business. Furthermore, the results of existing economic activity data are analyzed by Islamic economic law. From this study, there are economic activities in the fishing business that is by Islamic economic law contracts such as buying and selling and leasing (al-ijarah). In the fishing business, all buying and selling contracts are carried out by the pillars of Islamic Shari'ah related to buying and selling as long as it does not resemble gambling where ma'kud 'alaih comes from other people. Likewise, with the al-ijarah contract in the fishing business, the al-ijarah system in the fishing business has fulfilled the pillars of Islamic sharia related to al-ijarah, namely some people have a contract (subject), consent qobul, and ujah. The activities of al-ijarah in the fishing business also have ma'jur which is ijarah In the al-ijarah fishing effort, everything is carried out by the pillars of Shari'ah law as long as it does not resemble gambling where the ma'jur comes from other people. ma'kud 'alaih comes from other people. Likewise, with the al-ijarah contract in the fishing business, the al-ijarah system in the fishing business has fulfilled the pillars of Islamic sharia related to al-ijarah, namely some people have a contract (subject), consent qobul, and ujah. The activities of al-ijarah in the fishing business also have ma'jur which is ijarah In the al-ijarah fishing effort, everything is carried out by the pillars of Shari'ah law as long as it does not resemble gambling where the ma'jur comes from other people. ma'kud 'alaih comes from other people. Likewise, with the al-ijarah contract in the fishing business, the al-ijarah system in the fishing business has fulfilled the pillars of Islamic sharia related to al-ijarah, namely some people have a contract (subject), consent qobul, and ujah. The activities of al-ijarah in the fishing business also have ma'jur which is ijarah In the al-ijarah fishing effort, everything is carried out by the pillars of Shari'ah law as long as it does not resemble gambling where the ma'jur comes from other people.*

Keywords: *fishing business, buying, selling, leasing (al-ijarah), Islamic economic law.*

INTRODUCTION

Currently, in the competition for consumers, in other words, competition for business actors or companies is not only limited to functional attributes. Functional attributes in question such as product usability. Thus, in competition, companies to compete for consumer buying interest have been associated with brands that can provide a special image for the wearer, in other words, the role of the brand has shifted [1].

Fishing is a place that is usually used as a place for distributing hobbies and sports, especially for men. Fishing also has positive values, namely practising patience for anglers where according to the teachings of that patience is very important. In addition to practising patience, fishing can cure the boredom of everyone who has worked all day. Therefore, fishing can be used as a place of entertainment for anyone who visits the place.[2][3]

In the fishing business, economic activities carried out include renting pools, renting fishing rods, buying and selling fish, restaurants, and fishing competitions. In addition, the developed economic activities include children's playgrounds, outbound arenas, swimming pools, and meeting places.[4]

The economic activity of buying and selling and renting has been regulated in Islam. In the Qur'an and Hadith, which are sources of Islamic law, many provide examples or regulate the right business according to Islam. Not only for sellers but also for buyers. The legal basis for buying and selling is the Qur'an and hadith, as stated in the letter al-Baqarah verse 275 which can be seen in Figure 1 with the following meaning.[5][6]

Those who eat (take) usury cannot stand except like the establishment of people who are possessed by Satan because of (pressure) madness, their condition is like that, it is because they say (opinion), Verily buying and selling is the same as usury, even though Allah has justified buying and selling and forbids usury. Those who have reached the prohibition of their Lord, then continue to stop (from taking usury), then for him is what he had taken first (before the prohibition came); and affairs (up to) to Allah. People who return (take usury), then that person is the inhabitants of hell; they stay in it (Sura al-Baqarah: 275).

الَّذِينَ يَأْكُلُونَ الرِّبَا لَا يَقُومُونَ إِلَّا كَمَا يَقُومُ الَّذِي يَتَحَبَّطُهُ الشَّيْطَانُ مِنَ الْمَسِّ ۚ ذَٰلِكَ بِأَنَّهُمْ قَالُوا إِنَّمَا الْبَيْعُ مِثْلُ الرِّبَا ۚ وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا ۚ فَمَنْ جَاءَهُ مَوْعِظَةٌ مِنْ رَبِّهِ فَانْتَهَىٰ فَلَهُ مَا سَلَفَ وَأَمْرُهُ إِلَى اللَّهِ ۚ وَمَنْ عَادَ فَأُولَٰئِكَ أَصْحَابُ النَّارِ ۖ هُمْ فِيهَا خَالِدُونَ

Based on this verse, it can be understood that Allah has justified buying and selling to His servants properly and forbade the practice of buying and selling that contains usury. Buying and selling in fiqh terms is called al-bai' which means selling, Replacing, and exchanging something for something else. Albai' in Arabic is sometimes used to mean the opposite, namely the word ash-syira (buy). Thus, the word al-bai' means to sell, but at the same time, it also means to buy. Rent, in Islam, is regulated in a lease contract (ijarah). Ijarah is a contract that only sells its benefits by providing compensation or wages (ujrah) which is carried out between the lessor and the lessee without being followed by the transfer of ownership of the goods themselves.[7][8]

Another thing is the fishing business is not made by 1 (one) person alone but can be more than 1 (one) so all must cooperate. Cooperation in the Sharia economic system can be broadly classified into two groups, namely Mudaraba and Musharaka. Mudharabah is a Sharia economic product where the shahibul mal (investor) only submits capital to the capital manager (mudharib) to be managed. So the cooperation in the mudharabah model, investors do not participate in managing, capital management is fully carried out by the mudharib. The consequence of the mudharabah model is that investors and mudarib share losses and receive joint profits. It is different from the musharakah model. In the musharakah model, all owners of the unionized capital participate in managing the capital.[9][10]

The risk that must be borne by the manager, as well as the owner of the property, is based on the amount of capital issued. If A only spends 10% and B spends 20% of capital, then the profit that can be received by A is 10% and B is 20%. Likewise, with losses that must be borne, A will bear the risk of 10% and B 20%. In the concept of Islamic economics, this is a form of justice, as well as the principle of balance.[11]

This study will discuss what contracts are contained in the fishing business. Existing economic activities such as buying and selling, leasing, and cooperation will be analyzed according to Islamic law. The results of the study can be used as a reference in carrying out economic activities in the fishing business permitted by Islamic law.[12][4]

RESEARCH METHODS

This research uses the descriptive analysis method. The descriptive analysis method is a research method that analyzes, describes, and summarizes various conditions and situations from various data collected from observations regarding the problems studied during the research.[13][14]

The problem in this research is what types of Islamic Sharia contracts are contained in the fishing business. In addition, this research uses a historical juridical approach, which is an approach method that emphasizes legal theories and legal rules related to the problem under study, or an approach that examines the juridical side.[15]

The juridical aspect of this study is viewed from the contract law (Islamic Association) regarding economic activities in the fishing business.[16]

The data analysis used is a qualitative descriptive method with inductive thinking. The inductive method is a method of discussing problems that depart from specific facts, and concrete events, then from specific and concrete facts or events that are generalized and have a general nature. [16][17]

RESULT AND DISCUSSIONS

Types of Economic Activities in Fishing

Economic activities in the fishing business are not only limited to fishing, there are other businesses, including restaurants (culinary), outbound, and therapy. The data used as a reference for this research consists of 11 journals and theses. The results of the journals and theses were analyzed using Islamic law contracts.[17] Economic activity from the data obtained can be seen in Table 1.

Table1. Type of economic activity in the fishing business

No	Type of business	Activity	Results
1	Sigi Fishing Tour	Rent, buy, and sell fish, culinary	Fish from fishing, fish from buying and selling, food and drinks
2	Artha Moro Fishing	Rent, Culinary	Fishing Fish, food, and drink
3	Fishing KNM Firs Farm	Rent, buy, and sell fish, culinary	Fish from fishing, fish from buying and selling, food and drinks
4	Ricky's Fishing	Rent, buy, and sell fish, culinary	Fish from fishing, fish from buying and selling, food and drinks
5	Kumitir Fishing	Rent, buy, and sell fish, culinary	Fish from fishing, fish from buying and selling, food and drinks
6	Mr BG's Fishing	Rent, rent, buy and sell fish	Fish from fishing, fish from buying and selling
7	Limo Nagari Fishing	Lease	Fishing Fish
8	Galatama Fishing	Lease	Fishing Fish
9	Lumintu Fishing	Rent, Culinary	Fishing Fish, food, and drink
10	Banyumas Fishing	Lease	Fishing Fish

Table 1 shows that the economic activities that occur in the fishing business are mostly fishing, buying and selling fish, and culinary activities. Most people go fishing not only for fishing but also for recreation with the family. This is shown in table 1 numbers 1, 2, and 5. Fishing is used as a tourist spot for families doing recreation. In addition to fishing, the family enjoys the atmosphere of fishing while eating food and drinks.[18][19]

Furthermore, after finishing, some families buy fish both raw and cooked to take home. Another thing, in fishing, because it is used as a tourist spot, it is also used for other activities such as outbound. All of this is a transaction with a sale and purchase contract and a lease. Meanwhile, table 1 number 3 shows that the fishery business is used for various activities such as fishing, fish therapy, and buying and selling. In number 3 the contract that occurs is a sale and purchase contract and a lease. Table 1 numbers 4, 6, 7, 8, 9, and 10 show that the fishing business is only used for fishing, buying and selling fish, and renting a pool. In numbers 4, 6, 7, 8, 9, and 10 the contracts that occur are buying and selling contracts and leasing in fishing.[20]

Islamic law contract on fishing business

Human relations in this life have been made legal rules in Islam. All Islamic religious rules that regulate the relationship between fellow human beings, both religious and non-religious, between humans and their lives, and between humans and their natural surroundings/universe are called muamalah.[21]

Table2. Islamic law contract in the fishing business

No	Type of business	Activity	Islamic Law Contract
1	Sigi Fishing Tour	Rent, buy, and sell fish, culinary	Ijarah, Buy and sell
2	Artha Moro Fishing	Rent, Culinary	Ijarah, Buy and sell
3	Fishing KNM Firs Farm	Rent, buy, and sell fish, culinary	Ijarah, Buy and sell
4	Ricky's Fishing	Rent, buy, and sell fish, culinary	Ijarah, Buy and sell
5	Kumitir Fishing	Rent, buy, and sell fish, culinary	Ijarah, Buy and sell
6	Mr BG's Fishing	Rent, rent, buy and sell fish	Ijarah, Buy and sell

7	Limo Nagari Fishing	Lease	Ijarah
8	Galatama Fishing	Lease	Ijarah
9	Lumintu Fishing	Rent, Culinary	Ijarah, Buy and sell
10	Banyumas Fishing	Lease	Buy and sell

In the life of muamalah, Islam has provided a clear line of policy. Business transactions both in terms of buying and selling and renting are things that are very concerned and glorified by Islam. Honest business transactions are highly favoured by Allah SWT and give grace and guidance to those who do so.[22][21]

Table 2 shows Islamic law contracts in muamalah life that occur in fishing businesses from the data that has been obtained. In Table 2 it can be seen that there are only 2 contracts that occur in the fishing business, namely the sale and purchase contract and the lease contract (al-ijarah). However, in Islamic law, several rules, pillars, and conditions must be met as valid conditions for buying and selling or leasing activities.[2][23]

No. 1, 2, 3, 4, 5, 6, 9, and 10 in Table 2 show that the Islamic law contract that occurs in fishing is a sale and purchase contract. Shatibi, the law of buying and selling can be mandatory and can be unlawful, such as when there is ihtikar, namely the hoarding of goods so that supplies and prices soar. The legal terms of the sale and purchase contract include the following:

1. Akad (qabul consent). The contract is a word bond between the seller and the buyer. Buying and selling have not been said to be valid before the ijab and qabul are made because the ijab qabul shows willingness (pleasure). Ijab qabul can be done verbally or in writing. Ijab qabul is in the form of words or the form of actions, namely giving each other (delivering goods and receiving money).[24]

2. People who are committed (subject). Two parties consist of bai' (seller) and mustari (buyer). Also called aqid, namely people who make contracts in buying and selling, buying and selling it is impossible to happen without the person who does it.

3. Ma'kud 'alaih (object) to make a sale and purchase valid, there must be a ma'kud alaih, ie the goods become the object of sale and purchase or are the cause of the sale and purchase agreement.

4. There is an exchange rate for substitute goods, an exchange value for substitute goods, which is something that meets three conditions; can store value (store of value), can assess or value an item (unit of account), and can be used as a medium of exchange (medium of exchange).[25]

The sale and purchase contract in the fishing business has fulfilled the four conditions or pillars of Islamic law. The ijab qabul activity has been carried out even though it is orally and it is allowed in Islam. Some sellers and buyers are the subjects of these buying and selling activities. There are objects in the form of fish, food, drinks, fish bait, processed fish food, and necessities. Objects on fishing also meet the legal requirements of goods being traded in terms of objects that are used as objects of sale and purchase, namely buying and selling different things that appear to be by the opinion of Imam Taqiyuddin.[26]

There is also a replacement exchange rate for purchased goods in the form of money which has a value according to the value and price of the bar being exchanged. However, in number 10, the trading system for fishing uses a quota system. Musta'jir

weighs the fish and puts it in the fishing spot according to the contract made by mu'jir for the second time and so on with a minimum request for an allotment of 1/2 kg of weight for Rp. 9,000,- per person and the quota is not limited. In the buying and selling activities in number 10, it appears that there is an element of uncertainty/speculation of the results purchased previously and also the lottery for the fate of getting a lot of fish catches.[22]

This is the same as in Galatama fishing rentals and the master prize given is obtained from participant contributions which are considered a gamble because the results obtained come from other people, not from each one of the competition participants.

Numbers 1–9 in Table 2 show that the Islamic legal contract that occurs in fishing is a rental contract (al-ijarah). According to MA Tihami, al-ijarah is a contract (agreement) relating to certain benefits (taking benefits), so that something is legal to take advantage of by providing certain payments (rent).[12] The legal terms of the lease contract (al-ijarah) are as follows:

1. People who are committed (subject). Two parties consisting of musta'jir are people who receive wages for doing something and those who rent something out and mu'jir are people who provide wages and those who rent. In addition to the subject, there must be ma'jur/objects that are liberated. Ma'jur is a good service in the form of energy or objects used.

2. Signature contract (ijab qabul). Shighat ijarah contract must use clear sentences that do not have much meaning. The signed contract can be in the form of oral, written, and/or gestures.

3. Ujrah (Wages). Ujrah (wages) is something that is given to musta'jir for services that have been given or taken advantage of by mu'jir. Ujrah can be in the form of money, securities, and or other objects based on an agreement.[27][5]

In the rental contract (al-ijarah) in the fishing business, some people make a contract where the owner of the fishing is the musta'jir and the person who rents the fishing is the mu'jir. Signhat rental contracts in fishing businesses are also carried out. In numbers 1, 2, 3, 4, 5, and 9 tables 2, shighat rental contracts are usually only verbal because they are only ordinary pool rentals, but in numbers 6, 7, 8, and 10 shighat rental contracts can usually be verbal and written through the first registration process. For ujrah on rent at fishing grounds usually in the form of money given by the mu'jir to the musta'jir. Based on the object aspect, al-ijarah is divided into 2 (two) namely:

1. Al-ijarah which is beneficial. The object that becomes the object must be halal and used for things that are justified according to the Shari'ah.[28][29]

2. Al-ijarah which is work. Al-ijarah is an activity that employs someone to do a job.

In the rental contract (al-ijarah) in the fishing business, the object of fishing is al-ijarah which is beneficial. In fishing, the object of al-ijarah is the use of fish ponds and fish from fishing. In numbers 1 – 5 and 9 of Table 2, the benefits of al-ijarah can be directly felt by the mu'jir in the form of renting fishing rods and ponds, while the fish obtained will still be subject to a sale and purchase agreement. Therefore, al-ijarah in numbers 1 – 5 in Table 2 has met the legal requirements of al-ijarah. At points 6 -10, the benefits of al-ijarah still need to be re-examined.[1][30]

The daily pool rental system allows mu'jir to experience the benefits provided by the object in the form of fishing pond rental, the same as no. 1– 5. However, this cannot be

felt directly when al-ijarah is carried out on competition pool rental activities and allotted fishing for fish. In fishing system no. 8, musta'jir uses the Galatama system where this system rents a pond for Competitions and fish as the main object for Rp. 15,000 for 1.5 hours.

Besides the Galatama system, another fishing system is the master system where the mu'jir have to pay Rp. 21,000 for 1 hour. In this system, fish are not traded, only used for fishing. However, in this case, there is a lack of clarity or similarity in obtaining benefits from fish, where each mu'jir gets a lot of fish but some don't get any fish at all. musta'jir uses the galatama system where this system rents a pond for Competitions and fish as the main object for Rp. 15,000 for 1.5 hours.[31]

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Fish are not traded, only used for fishing. However, in this case, there is a lack of clarity or similarity in obtaining benefits from fish, where each mu'jir gets a lot of fish but some don't get any fish at all. Competition in Islam is allowed as long as it fulfils all the conditions for a valid competition, namely, it does not resemble gambling where the prizes come from other people, not from each one of the contestants. Meanwhile, for fishing galatama rentals and masters, the prizes given are obtained from participant fees and this can be considered speculation.[33][34]

CONCLUSION

Islamic law contracts that occur in fishing businesses are sale and purchase contracts and leases (al-ijarah). The sale and purchase contract is considered valid if it has fulfilled the office and the terms of sale and purchase consisting of consent qobul, subject, ma'kud 'alaih and there is an exchange rate for the goods purchased. In the fishing business, all buying and selling contracts are carried out by the pillars of Islamic Shari'ah related to buying and selling as long as it does not resemble gambling where ma'kud 'alaih comes from other people. Likewise with the al-ijarah contract in the fishing business. In the al-ijarah system, the fishing business has fulfilled the pillars of Islamic shari'a related to al-ijarah, namely some people have a contract (subject), ijab qobul, and ujah. in addition.

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