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ENTREPRENEURIAL PRACTICES OF FISHING PONDS EXAMINED FROM THE PERSPECTIVE OF MAQASID SHARIAH IN THE CITY OF PADANGSIDIMPUAN

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Abstract

This research is motivated by the Shariah fishing system in the city of Padangsidimpuan. The contracts used in these fishing ponds are either buying and selling fish objects, or using leasing contracts with a bonus of fish. This study aims to understand the Maqasid Shariah perspective on Shariah fishing contracts in Padangsidimpuan regarding the status of payment for entrance tickets to Shariah fishing ponds in the city. This research is descriptive qualitative research, and the primary data sources used are the owners of fishing ponds and the local community engaged in fishing. Data collection techniques include interviews, observations, and documentation. After conducting the research, it was found that in terms of fiqh muamalah, the implementation of leasing fishing ponds is in accordance with the principles because the conditions and requirements of the lease have been fulfilled, and there are no issues between the pond owners and the fishermen in terms of transactions as both parties engage willingly. From the perspective of Maqasid Shariah, which serves as a benchmark for determining the goodness or badness (benefits and harms) of something, it is based on what constitutes basic human needs. In terms

of Shariah economics, it is evident that someone entrusted as a lessor in this cooperation must act honestly towards the party leasing the fishing pond.

Keywords: Fishing Ponds, Maqasid Shariah, Shariah Economics

A. Introduction

Working and striving to achieve prosperity and a better life, as well as finding happiness in this world and the hereafter, is one of Allah's commands recommended in Islam. There are many types of endeavors or occupations that can be pursued by individuals or groups, as long as they do not violate any Islamic rules and principles in order to attain blessings in both worldly and afterlife affairs. Working and striving should be based on the principles of Shariah economics and also on professional conduct sanctioned by Allah SWT, in accordance with the Quran and Hadith (Adiwarman Azwar Karim, 2014).

Economics, in general, is defined as the knowledge of humans in their relationship with the utilization of scarce productive resources to produce goods or services and distribute them for consumption purposes (Panji Adam, 2017). Shariah-based economics grows and develops in tandem with the emergence and development of Islam in this world. As a way of life, Islam influences every dimension of human life, including the economic realm. This Islamic system seeks to dialectically integrate economic values with faith or ethics. This means that economic activities carried out by humans are built upon both materialistic and spiritual values. Economic activities are not only based on material values, but also have a transcendental foundation, making them valuable acts of worship. Moreover, the fundamental concept of Islam in economic activities (muamalah) also places great emphasis on humanistic values (Dimyauddin Djuwaini, 2008).

The Shariah objectives (Maqasid Shariah) are part of the belief that the fundamental principle cannot be erased by doubts that apply to all



transactions (muamalah). Muamalah, in a narrow sense, encompasses economic activities such as buying and selling, lending and borrowing, leasing, and other transactions. Adhering to the aforementioned jurisprudential principle, every Muslim is granted the freedom to engage in economic activities as long as they do not engage in prohibited activities or involve prohibited elements.

From the explanation above, it is now widely observed in the surrounding community that individuals have various activities or hobbies. One of the hobbies in the community is fishing. With fishing activities taking place in remote areas away from crowds, individuals can experience tranquility. The reasons for someone to go fishing vary, including buying fish, spending quality time with family, making new friends, pursuing a hobby, or enjoying the natural atmosphere as fishing spots are often located near rice fields. Among the several fishing ponds in Padangsidempuan, there are currently no regulations that prohibit or allow fishing practices, which aligns with the principles of *usul al-fiqh*.

Maqasid Shariah refers to the objectives of Islamic law used to measure the achievement of benefits. The five points of view of Maqasid Shariah include the preservation of religion, the preservation of the soul, the preservation of progeny, the preservation of wealth, and the preservation of intellect. Thus, Maqasid al-Shariah means human efforts to find perfect solutions and the right path based on the primary sources of Islamic teachings, the Quran, and the Hadith of the Prophet Muhammad SAW.

The field of muamalah (transactions) in Islam encompasses a broad range, hence the majority of the Quran and the Sunnah discuss muamalah issues in a global context. This indicates that Islam provides opportunities for humans to innovate various forms of muamalah needed in their lives, provided that these innovative forms of muamalah comply with Islamic principles (Nasrun Haroen, 2007). The development of needs in life is highly diverse and continually innovative beyond shelter, food, and clothing. Humans also require transactions with others. In this era, transactions are crucial to supporting human needs, one of which is transactions in the form



of leasing (ijarah). Ijarah is one form of muamalah activity in fulfilling human life needs (Hendi Suhendi, 2009).

The lease utilized here is in the form of leasing goods for which benefit can be derived. In this arrangement, the lessee must provide compensation for the benefit derived from the goods leased by the lessor. In this case, what is leased by the owner of the pond is in the form of a place where there is ambiguity in the contract. In the lease of the pond, the benefit leased cannot be obtained, but the lease benefit can only be used temporarily.

The fishing system in Padangsidempuan City, based on observations conducted by researchers at the Saung Anggia fishing pond, utilizes a daily fishing system. Therefore, the focus of this research is on the fishing system. Every angler who visits pays an entrance fee of Rp 30,000 on weekdays and Rp 50,000 on Sundays. Anglers here cannot choose the size of the fish, as it is determined by the pond owner.

All fish caught by anglers can be taken home; however, it is required that these fish be weighed and paid for according to their weight in kilograms. In the fishing ponds of Padangsidempuan City, the initial transaction between the owner and the angler does not specify the agreement. It is unclear whether the contract used in these fishing ponds is for the sale of fish objects or for leasing the pond with a fish bonus.

B. Theoretical Review

1. Maqashid Shariah

The word "maqashid" is the plural form of "maqshad," which means purpose and objective, while "syari'ah" refers to the laws of Allah that are established for humanity to follow in order to achieve happiness in both this world and the hereafter. Therefore, "maqashid al-syari'ah" means the content of values that constitute the objectives of legal enactment. Thus, "maqashid al-syari'ah" are the goals intended to be achieved by a legal decree (Asafri Jaya Bakri, 1996).



Maqashid al-Shariah contains both a general and a specific understanding. The general understanding refers to what is meant by legal verses or legal hadiths, whether indicated by their linguistic meaning or the purpose contained within them. This general understanding is synonymous with the meaning of the term "maqasid al-shariah" (the intention of Allah in revealing legal verses, or the intention of the Prophet in issuing legal hadiths). Whereas the specific understanding refers to the substance or purpose intended to be achieved by a legal formulation (M. Zein & Satria Effendi, 2005).

Several scholars of the past have provided definitions of Maqasid al-Shariah in different wordings, yet they share the same essence of meaning. The basic needs of humans in realizing the welfare of the community consist of 5 fundamental needs known as Kulliyat al Khamsah (the five general principles) according to Imam al-Shatibi as quoted by al-Risuni (1416 H). Without the preservation of these five elements, human life cannot achieve complete nobility. Therefore, human dignity cannot be separated from these five preservations, namely:

- 1) Hifdz al-Din (protecting religion) is a necessity for humans, as the values brought by religion elevate human dignity above that of animals; being religious is a characteristic of humans. Embracing a religion should provide a sense of security and peace without intimidation. Islam, through its legal regulations, safeguards religious freedom.
- 2) Hifdz al-Nafs (protecting life) involves safeguarding the right to live with dignity and ensuring protection from harm, such as murder, bodily harm, or injurious acts, including preventing false accusations of adultery, defamation, or restriction of human movement. Islam protects freedoms such as the freedom to work (profession), think, express opinions, and reside, as long as they do not harm others.
- 3) Hifdz al-'Aql (protecting intellect) involves safeguarding the mind from harm or corruption that renders an individual useless in society, becoming a source of harm and disease for others. Therefore,



Islamic law punishes those who consume alcohol and those who use substances that impair cognitive faculties, akin to alcohol.

- 4) Hifdz al-Mal (protecting wealth) is achieved by preventing actions that tarnish wealth, such as theft and usurpation, by regulating economic transactions based on justice and willingness, and by striving to enhance wealth and entrusting it to those capable of safeguarding it. Included in the category of wealth preservation are all matters enjoined by Allah SWT to regulate cooperation among people, such as buying and selling, leasing, and other forms of transactions involving wealth (economic field).
- 5) Hifdz al-Nasab (protecting lineage) involves preserving the continuity of the human species and fostering the mental attitude of future generations to cultivate a sense of friendship and unity among people. For example, every child is directly nurtured by both parents, and their behavior is continuously monitored and supervised. Thus, there is a demand for well-regulated marital institutions to prevent actions that damage one's reputation, such as false accusations or adultery. Such actions tarnish the trust entrusted by Allah SWT to each individual, male and female, to propagate offspring, thereby averting extinction and living in a peaceful and prosperous environment (Muhammad Abu Zahrah, 2018).

2. Shariah Economic Law

Shariah economic law is the law that governs all aspects related to economic system activities, which are grounded and based on Islamic values as stated in the Quran, Hadith, and the consensus of scholars (Zainuddin Ali, 2010).

3. Ijarah

Ijarah" etymologically originates from the word "ajara-ya'jiru," which means compensation given for a job. "Al-ajru" signifies wages or compensation for a task (Imam Mustofa, 2016). The ijarah transaction is based on the transfer of benefit (usufruct) rather than the transfer of ownership. So, basically, the principle of ijarah is similar to the principle of



buying and selling, but the difference lies in the transaction object. In a sale, the transaction object is goods, while in ijarah, the transaction object can be goods or services (Adiwarman Azwar Karim, 2010). Then, as stated in Fatwa DSN No. 9/DSN-MUI/VI/2000 regarding ijarah financing, it is an agreement of transferring the right to use (benefit) of an item for a certain period with a rental payment (ujrah), without the transfer of ownership of the item itself (Yeni Salma Barlinti, 2010).

4. Islamic Economic

Islamic Economics is the discipline that studies human efforts to allocate and manage resources to achieve *falah* (well-being) based on the principles and values of the Quran and Sunnah. The goal of Islamic economics itself is, as with the goals of Islamic law (*maqasid al-shariah*), to achieve happiness in both the worldly life and the hereafter (*falah*), through a good and honorable way of life. This is the true happiness desired by every human being, not the superficial happiness that often leads to suffering and misery in the end. In economics, the *falah* goal pursued by Islamic Economics covers both micro and macro aspects, encompassing the temporal horizon of both the worldly life and the hereafter (Pusat Pengkajian Dan Pengembangan Ekonomi Islam, 2008).

C. Research Method

This study is a field research, which involves collecting data and information directly from respondents and observing the research object firsthand. The research approach is qualitative, conducted to observe the phenomenon of community fishing pond businesses from the perspective of *Maqasid Shariah* economics in the city of Padangsidempuan. The primary sources in this research are taken from the Pond Owner, Local Community, and Anglers. The secondary sources in this research consist of documents or photos of the angling community in that location. The data collection techniques used are observation, interviews, and documentation.

The data analysis technique used in this research is through descriptive analysis method or data triangulation, which involves classifying



and interpreting the data to draw conclusions. The processing activities in this research include data reduction, data analysis, drawing conclusions, and verification.

D. Result and Discussion

1. Fishing Ponds in Padangsidempuan City

The fishing pond examined in this research is a fishing pond that has been established for a minimum of 3 (three) years in Padangsidempuan City.

1) Paya Goti Fishing Pond

The fishing pond operated by Mr. Solahuddin is located at Jl. Jend. Besar A Haris Nasution, Pudun Jae, Padangsidempuan Batunadua Subdistrict, Padang Sidempuan City, North Sumatra 22733. Mr. Solahuddin owns and built the fishing pond on his own land. He constructed this fishing pond to take advantage of the opportunity given the considerable number of people who enjoy fishing as a hobby. The type of fish found in this fishing pond is goldfish.

The fishing pond rental business in Pudun Jae Village, Kec. Padangsidempuan Batunadua, Padangsidempuan City, was established as a side business and to generate profit or income. The fishing pond in Pudun Jae Village, Kec. Padangsidempuan Batunadua, Padangsidempuan City, operates on a daily rental and competition system, where the fishing pond is open every Sunday and other holidays, from 08:00 to 17:00. The set price for all renters is Rp80,000.00 for regular days when there are no competitions. During competitions, the price for all renters is Rp100,000.00, depending on the timing.

2) Sihar Fishing Pond

The fishing pond operated by Mr. Borkat is located in Batunadua Julu, Padangsidempuan Batunadua Subdistrict, Padang Sidempuan City, North Sumatra 22733. Mr. Borkat is the owner of this fishing pond, which was built by his father while he was still alive on their owned land. The type of fish found in this fishing pond is goldfish. This fishing pond operates on a daily basis, where it is open every day from 08:00 to 20:00. The set price for



all renters is Rp 80,000.00. Based on interviews conducted by the researcher with Mr. Borkat, many anglers come to fish at Sihar Fishing Pond, located in Batunadua Julu, Padangsidimpuan Batunadua Subdistrict, Padangsidimpuan City.

3) Sirappak Fishing Pond

The fishing pond operated by Mr. Alpin Lubis is located at Simpang Sirappak, Padangsidimpuan, Losung Batu, Padangsidimpuan City, North Sumatra 22733. Mr. Alpin Lubis owns and built the fishing pond on his own land. He established this fishing pond to capitalize on the opportunity given the considerable number of people who enjoy fishing as a hobby. The types of fish found in this fishing pond are goldfish and tilapia. The fishing pond rental business at Simpang Sirappak, Padangsidimpuan, Losung Batu, Padangsidimpuan City, was established as a business venture and to generate profit or income.

The fishing pond in Simpang Sirappak, Padangsidimpuan, Losung Batu, Padangsidimpuan City operates on a daily rental and competition system, where the fishing pond is open every day from 08:00 to 17:00. The set price for all renters is Rp75,000.00 for regular days when there are no competitions. During competitions, the set price for all renters ranges from Rp100,000.00 to Rp150,000.00, depending on the timing.

Fishing competitions in Simpang Sirappak, Padangsidimpuan, Losung Batu, Padangsidimpuan City are held four times a month, every Sunday. The competition typically lasts for about 2-3 hours until the fish for the competition have been caught in the pond. After that, participants are free to continue fishing as usual. Based on interviews conducted by the researcher with Mr. Alpin Lubis, many anglers come to fish at the Simpang Sirappak Fishing Pond in Padangsidimpuan, Losung Batu, Padangsidimpuan City.

4) Saung Anggia Fishing Pond

The fishing pond operated by Mr. Andi is located at Desa Partihaman Saroha, Padangsidimpuan Hutaimbaru Subdistrict, Padang Sidempuan City, North Sumatra 22733. Mr. Andi, the owner of the fishing pond,



constructed it on his own land. Initially intended for fish breeding, due to high demand for a fishing pond, Mr. Andi eventually constructed a fishing pond alongside the breeding pond. The types of fish found in this fishing pond are goldfish.

The fishing pond in Desa Partihaman Saroha, Padangsidimpuan Hutaimbaru Subdistrict, Padang Sidempuan City operates on a daily basis, open every day from 08:00 to 18:00. The fixed price for all renters is Rp75,000.00 for fishing. Based on the interview conducted by the researcher with Mr. Andi, it is stated that many anglers come to fish in the fishing pond in Desa Partihaman Saroha, Padangsidimpuan Hutaimbaru Subdistrict, Padang Sidempuan City.

5) Sopo Tobat Fishing Pond

The fishing pond operated by Mr. Sopyan Harahap is located in Desa Goti, Padangsidimpuan Tenggara Subdistrict, Padangsidimpuan City, North Sumatra 22733. Mr. Sopyan Harahap is the owner of this fishing pond, which was built on his own land. He constructed the fishing pond to capitalize on the opportunity, considering the large number of people who enjoy fishing as a hobby, and Mr. Sopyan Harahap himself is also passionate about fishing. The type of fish found in this fishing pond is goldfish.

The fishing pond rental business in Desa Goti, Kecamatan Padangsidimpuan Tenggara, Kota Padangsidimpuan, was established as a hobby and as a supplementary source of income, aiming to generate profit. The fishing pond operates using a daily rental system and a competitive fishing event system, where the pond is open every Sunday and on other holidays, from 08:00 to 17:00. The set price for all renters is Rp70,000.00 for regular fishing days without competitions. During competitions, the rental fee is Rp100,000.00 to Rp150,000.00, depending on the duration of the event.

Fishing competitions in Desa Pudun Jae, Kecamatan Padangsidimpuan Batunadua, Kota Padangsidimpuan are held based on the demand from the renters of the fishing pond. The duration of the



competitive fishing event is approximately 2-3 hours or until the fish designated for the competition are caught, after which regular fishing may continue freely. Based on interviews conducted by the researcher with Mr. Sopyan Harahap, many anglers visit the fishing pond in Desa Goti, Kecamatan Padangsidempuan Tenggara, Kota Padangsidempuan.

2. Analysis of the Implementation of Fishing Pond Rental in Padangsidempuan City from the Perspective of Fiqh Muamalah

Analysis of fishing pond rental related to fiqh muamalah with the theory of ijarah. Ijarah is a contract of transferring the right to use goods or services within a certain period of time, through payment of rent. One form of fishing pond rental is like a place rented out for anglers using the daily and competition-based fishing systems. In the daily system, anglers can fish first, and payment is made at the end, while some may opt for upfront payment depending on mutual agreement. In the competition-based fishing system, anglers pay a registration fee upfront to obtain a draw number.

3. Analysis of Lease Agreements in Fishing Ponds in Kota Padangsidempuan Reviewed from the Perspective of Maqashid al-Shariah

The three essential elements of protection from the Daruriyat level are: Hifdz Ad Din, Hifdz Al-Maal, and Hifdz An Nafs. In the practice of leasing fishing ponds using lease agreements implemented by pond owners, there are two different aspects, where the first aspect already meets several criteria of Maqasid al-Shariah and the second does not meet several criteria for achieving Maqasid al-Shariah. Therefore, in the practice of leasing fishing ponds, Maqasid al-Shariah serves as a benchmark for safeguarding the welfare among social beings to achieve well-being both in this world and in the hereafter. Simple practices already contain elements of Maqasid al-Shariah, as follows:

- 1) Hifdz Ad Din (Preservation of Religion). Owner of the Fishing Pond: Renting out his pond due to necessity, to meet the needs of his livelihood and his children. Fisherman: Renting the Fishing Pond for



entertainment and to pursue hobbies, thereby avoiding forbidden activities such as drugs, gambling, and others.

- 2) Hifdz Al Maal (Protecting Wealth). Owner of the Fishing Pond: Renting out their pond for land utilization by converting it into a fishing pond.
- 3) Hidz An Nafs (Preserving the Soul). Owner of the Fishing Pond: Renting out their pond as a means of employment. Angler: Renting the Fishing Pond to assist the owner in earning a living.

The researcher's observation after conducting field observations and interviews indicates that the practice of renting fishing ponds implemented by pond owners and anglers has preserved these three fundamental elements. Thus, most pond owners and anglers demonstrate efforts to realize benefits, leading to improved well-being and quality of life. The indirect fulfillment of the essential purposes has indirectly preserved these five elements (religion, life or soul, family or lineage, wealth, and intellect), making the practice of renting fishing ponds in Padangsidempuan an endeavor to alleviate difficulties or as a means of preservation.

4. Analysis of the Implementation of Renting Fishing Ponds in the City of Padangsidempuan from the Perspective of Islamic Economic

The practice of renting fishing ponds in the perspective of Islamic Economics. As discussed earlier, the practice of renting fishing ponds is also explained in terms of what underlies the occurrence of such practices in the city of Padangsidempuan. This is because it serves as their daily source of income, and the renters of the fishing ponds are individuals from the community who have a hobby of fishing and also fish for their household needs. Because the practice of renting fishing ponds is one of the ways in which renters and owners of fishing ponds collaborate to achieve progress and life goals. In this regard, Islam indeed teaches its followers to help and alleviate the burdens of others, which is manifested by pond owners in handing over their ponds to fishermen.

The wisdom in the practice of renting fishing ponds is the exchange of benefits between the two parties involved, fostering love and compassion



among fellow human beings. Additionally, it serves to adorn with the virtues of deeds and is a benefit for the outcome because cooperation in the field of renting fishing ponds is a way carried out through mutual assistance. Humans, as social beings, need to forge cooperation with others to achieve common goals.

5. Research Finding

After conducting the research, several findings were discovered, namely:

- 1) The community in Padangsidempuan city, in conducting the contract process in the practice of renting fishing ponds, simply uses a rental agreement. For the people of Padangsidempuan city, the practice of renting fishing ponds has become a common thing in terms of renting fishing ponds. For a fishing pond tenant, the potential profit that may be obtained is not significant, but the possibility of loss is also not significant because fish are stocked in the fishing pond every morning.
- 2) The practice of renting fishing ponds in Padangsidempuan city is a form of collaboration in the leasing of fishing ponds that has become a difficult activity to change. In this practice, the payment for renting the fishing pond in the tradition of renting fishing ponds is done at the beginning of the transaction and paid in cash without any other fees. In the practice of renting fishing ponds, the payment made is intended to start fishing immediately. Seeing this reality shows that tenants do not care whether this practice of renting fishing ponds is legitimate or not according to the perspective of Fiqh, Sharia Economics, and Sharia Maqasid. What matters to them is that these tenants already understand and are willing between the owner and the tenant of the fishing pond.
- 3) In the process of renting fishing ponds, there are underlying factors and definite impacts, such as pond owners and renters currently competing to create fishing entertainment that can generate profits. Implementing the practice of renting fishing ponds is very helpful for



pond owners. Renters will also find it easier to pursue their fishing hobby because they no longer need to search far and wide for fishing spots.

6. Research Implication

The implication is a consequence or result arising from the findings of a scientific study. The findings of this research regarding the practice of fish pond business, viewed from the perspective of maqasid syariah in Padangsidempuan city. Based on the research findings, the implications are as follows:

- 1) Viewed from the perspective of Islamic commercial law (fiqh muamalah), the implementation of the fish pond rental has been appropriate, as the conditions and requirements of ijarah have been fulfilled, and both the owner of the fish pond and the anglers involved in the transaction have no issues since both parties agree willingly, thus achieving mutual benefit.
- 2) Viewed from the perspective of Shariah objectives (maqasid al-shariah), which are used as a benchmark to determine the goodness or badness (benefit and harm) of something done, it is what constitutes the basic needs for human life. The demands for human life are hierarchical, namely primary, secondary, and tertiary needs, and throughout the research process, it turns out that in the practice of fish pond rental, besides the community having good backgrounds and good intentions or benefits because our goal is to achieve the pleasure of Allah SWT.
- 3) Viewed from the perspective of Shariah economics, it is clear that someone who is entrusted as the lessor in this cooperation must certainly act honestly towards the person renting the fishing pond. The cooperation between the owner of the fishing pond and the tenant is not prohibited in Islam as long as it is within the framework of Islamic law, does not diminish the sense of justice, honesty, and piety towards Allah SWT, and must also be regarded as a sense of responsibility and trustworthiness for the lessor.



E. Conclusion

- 1) From the perspective of fiqh muamalah, the implementation of renting fishing ponds is considered appropriate because the conditions and requirements of ijarah have been fulfilled, and there are no issues between the pond owner and the fishermen regarding the transaction as both parties consented willingly.
- 2) Based on the perspective of maqasid al-Shariah, which serves as a criterion to determine the goodness or badness (benefit and harm) of something, it is evaluated based on what constitutes the basic needs of human life. The demands of human life needs are hierarchical, including primary, secondary, and tertiary needs. Throughout the research process, it was found that in the practice of renting fishing ponds, besides having a good background and noble intentions, the community also benefits from it.
- 3) From the perspective of Islamic economics, it is evident that someone who is entrusted, like the lessor in this cooperation, must act honestly towards the person renting the fishing pond. The collaboration between the pond owner and the tenant is not prohibited in Islam as long as it remains within the framework of Islamic law, maintaining justice, honesty, and piety towards Allah SWT. Moreover, it should also be regarded as a sense of responsibility and trust for the lessor.

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