

## ABSTRAK

Tesis dengan judul “Jual Beli Ikan Berbasis Kearifan Lokal Di Kecamatan Badas Kabupaten Kediri Dan Kecamatan Karangbinangun Kabupaten Lamongan Perspektif ‘Urf’ yang di susun oleh Muhammad Haris Abdul Hakim NIM. 1880502240002, Prodi Hukum Ekonomi Syariah Pascasarjana Universitas Islam Negeri Sayyid Ali Rahmatullah Tulungagung Pembimbing Prof. Dr. Iffatin Nur, M.Ag dan Dr. Zulfatun Ni'mah, M. Hum.

Kata Kunci: Jual Beli Ikan, Kearifan Lokal, ‘Urf.

Praktik jual beli ikan di Kecamatan Badas Kabupaten Kediri dan Kecamatan Karangbinangun Kabupaten Lamongan merupakan aktivitas ekonomi masyarakat perikanan yang tumbuh dari kebiasaan lokal dan diwariskan secara turun-temurun. Mekanisme *rean*, *jedul*, *rajut*, dan *serit/ayak* tidak hanya menjadi cara teknis dalam menghitung, memilah, dan menentukan harga ikan, tetapi juga mencerminkan sistem sosial-ekonomi masyarakat setempat. Praktik ini penting dikaji karena berbeda dari jual beli ikan pada umumnya, sebab bertumpu pada ukuran lokal, estimasi, sampel, dan kesepahaman antarpelaku transaksi yang berpotensi menimbulkan persoalan ketidak jelasan akad, ketidak pastian jumlah, ketidak pastian ukuran, serta unsur *gharar* dalam fikih muamalah.

Pertanyaan dalam penelitian ini adalah: 1) bagaimana jual beli ikan berbasis kearifan lokal di Kecamatan Badas Kabupaten Kediri dan Kecamatan Karangbinangun Kabupaten Lamongan; dan 2) bagaimana jual beli ikan berbasis kearifan lokal tersebut dalam perspektif ‘urf.

Penelitian ini menggunakan metode kualitatif, *filde reserch* dengan pendekatan yuridis empiris dan analisis normatif hukum Islam. Kedua lokasi dipilih karena sama-sama memiliki aktivitas jual beli ikan yang intensif, melibatkan rantai ekonomi perikanan dari pembudidaya hingga pelaku distribusi, serta memiliki mekanisme transaksi lokal yang khas, konsisten, dan relevan untuk dikaji secara komparatif dalam perspektif kearifan lokal dan ‘urf. Data diperoleh melalui observasi, wawancara mendalam, dan dokumentasi, terhadap pembudidaya, pengepul, pedagang, konsumen, serta tokoh masyarakat. Data dianalisis secara deskriptif-kualitatif dengan teori kearifan lokal dan konsep ‘urf dalam fikih muamalah. Keabsahan data diuji melalui triangulasi, perpanjangan keikutsertaan, ketekunan pengamatan, dan *member check* untuk memastikan data yang diperoleh valid, kredibel, serta merepresentasikan praktik sosial masyarakat perikanan di kedua lokasi penelitian.

Hasil penelitian menunjukkan bahwa 1) jual beli ikan berbasis kearifan lokal di Kecamatan Badas dilakukan melalui mekanisme *rean*, *jedul*, dan *serit*, sedangkan di Kecamatan Karangbinangun melalui mekanisme *rean*, *rajut*, dan *serit/ayak*. Praktik tersebut merepresentasikan kearifan lokal masyarakat perikanan dalam: a) sistem nilai, berupa kepercayaan, kerelaan, tanggung jawab, kesepahaman, serta adanya garansi dan penyelesaian sengketa secara musyawarah antarpelaku transaksi; b) pengetahuan lokal, berupa kemampuan memperkirakan jumlah, membedakan ukuran, menilai kualitas, dan menentukan harga ikan

berdasarkan pengalaman kolektif; c) praktik sosial, karena dilakukan berulang, diterima, dan dipahami bersama; d) daya tahan dan daya tumbuh masyarakat, karena tetap dipertahankan sekaligus menyesuaikan diri dengan kebutuhan ekonomi; dan e) fungsi ekonomi lokal, karena mempercepat transaksi, menghemat tenaga, mengurangi risiko kematian ikan, serta menjaga kelancaran distribusi. 2) Dalam perspektif *'urf*, praktik tersebut termasuk *'urf qawli* karena istilah lokalnya memiliki makna teknis, *'urfi 'li* karena menjadi kebiasaan transaksi, dan *'urf khass* karena berlaku khusus pada komunitas perikanan tertentu. Secara hukum, praktik ini termasuk *'urf sahih* selama dilakukan secara transparan, berdasarkan kerelaan, tidak manipulatif, disertai tanggung jawab melalui garansi, penyelesaian sengketa, melalui musyawarah dan tidak menimbulkan *gharar*, dan tidak merugikan. Namun, praktik tersebut dapat berubah menjadi *'urf fasid* apabila digunakan untuk menyembunyikan ketidaksesuaian jumlah, memanipulasi ukuran atau kualitas ikan, meniadakan hak keberatan pembeli, menghilangkan tanggung jawab penjual atau pengepul, atau menimbulkan *gharar* yang dominan dan merugikan salah satu pihak

## ABSTRACT

This thesis, entitled "Fish Trading Based on Local Wisdom in Badas District, Kediri Regency, and Karangbinangun District, Lamongan Regency: An 'Urf Perspective," was written by Muhammad Haris Abdul Hakim (Student ID: 1880502240002) in the Master's Program of Islamic Economic Law, Graduate School, Sayyid Ali Rahmatullah State Islamic University of Tulungagung, under the supervision of Prof. Dr. Iffatin Nur, M.Ag. and Dr. Zulfatun Ni'mah, M.Hum.

Keywords: Fish Trading, Local Wisdom, 'Urf.

Fish trading practices in Badas District, Kediri Regency, and Karangbinangun District, Lamongan Regency, represent economic activities deeply rooted in local customs and passed down through generations within fishing communities. The transaction mechanisms known as *rean*, *jedul*, *rajut*, and *serit/ayak* serve not only as technical methods for counting, sorting, and determining fish prices but also as reflections of the communities' socio-economic system. These practices warrant scholarly examination because they differ from conventional fish trading by relying on locally developed units of measurement, estimation, sampling techniques, and mutual understanding among trading parties. Consequently, they raise important issues concerning contractual certainty, uncertainty regarding quantity and measurement, and the potential presence of *gharar* (excessive uncertainty) within the framework of Islamic commercial jurisprudence (*fiqh al-mu'āmalāt*).

This study addresses two principal research questions: (1) How are local wisdom-based fish trading practices implemented in Badas District, Kediri Regency, and Karangbinangun District, Lamongan Regency? and (2) How can these practices be analyzed from the perspective of 'urf in Islamic law?

This research employs a qualitative field research design using an empirical juridical approach complemented by a normative analysis of Islamic law. The two research sites were purposively selected because both possess intensive fish trading activities involving the entire fisheries supply chain from fish farmers to distributors and maintain distinctive, consistent, and well-established local transaction mechanisms suitable for comparative analysis within the frameworks of local wisdom and 'urf. Data were collected through participant observation, in-depth interviews, and documentation involving fish farmers, collectors, traders, consumers, and community leaders. The data were analyzed using descriptive qualitative methods supported by the theoretical perspectives of local wisdom and the concept of 'urf in *fiqh al-mu'āmalāt*. Data validity was ensured through source and method triangulation, prolonged engagement, persistent observation, and member checking to ensure that the findings accurately, credibly, and comprehensively represented the social practices of the fishing communities in both research locations.

The findings reveal that: (1) Fish trading based on local wisdom in Badas District is conducted through the *rean*, *jedul*, and *serit* mechanisms, whereas in Karangbinangun District it is carried out through the *rean*, *rajut*, and *serit/ayak*

mechanisms. These practices embody the local wisdom of fishing communities in several dimensions: (a) a value system characterized by trust, mutual consent, responsibility, shared understanding, transaction guarantees, and dispute resolution through deliberation; (b) local knowledge reflected in the ability to estimate quantities, distinguish fish sizes, assess product quality, and determine prices based on accumulated collective experience; (c) social practices that have been repeatedly performed, collectively accepted, and continuously maintained within the community; (d) community resilience and adaptability, demonstrated by the preservation of traditional transaction mechanisms while simultaneously adjusting to contemporary economic demands; and (e) local economic functions, as these mechanisms facilitate more efficient transactions, reduce labor requirements, minimize the risk of fish mortality, and ensure the continuity of fish distribution. (2) From the perspective of *'urf*, these practices constitute *'urf qawlī* because their local terminology carries specific technical meanings, *'urf fi'lī* because they have become established transactional customs, and *'urf khāṣṣ* because they apply exclusively to particular fishing communities. From a legal standpoint, these practices qualify as *'urf ṣahīḥ* (valid custom) provided that they are conducted transparently, based on mutual consent, free from fraudulent manipulation, accompanied by accountability through transaction guarantees and dispute resolution by mutual consultation (*musyāwarah*), do not involve substantial *gharar*, and do not cause harm to any party. Conversely, these practices may be classified as *'urf fāsid* (invalid custom) if they are employed to conceal discrepancies in quantity, manipulate the size or quality of fish, deny buyers the right to raise objections, eliminate the responsibility of sellers or collectors, or generate dominant forms of *gharar* that result in injustice or financial loss to one of the contracting parties.