

Utilization of Agricultural Land on the Banks of the River from a Maslahah Perspective

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ABSTRACT

The utilization of agricultural land along the Pelus River has become an informal livelihood source for local residents, who cultivate government-owned land adjacent to the Darul Arqam boarding school without formal permission. This study aims to analyze this practice from the perspective of Islamic law, particularly the concepts of *ijarah* and *maslahah*. This qualitative field research employs an empirical juridical approach, with primary data collected through semi-structured interviews and documentation involving two farmers and two representatives of the Darul Arqam boarding school. The findings reveal that although land use provides significant social and economic benefits for farmers, the cooperation does not meet the legal requirements of a valid *ijarah* contract, rendering it *fasid* (invalid) in Islamic jurisprudence. However, from a *maslahah* perspective, the activity fulfills essential community needs and supports welfare. The study concludes that formalizing contractual agreements would ensure both legal compliance and sustained community benefits.

Keywords: Land Utilization, Education, Mathematics

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1. Introduction

The banks of the Pelus river stretch along 10 x 20 meters, which is government-owned land located in front of the land belonging to the Darul Arqam Sokaraja Boarding School. This area is abandoned because it is situated at the back of the mainland and on the edge of the river. Some local residents use it for agricultural purposes, such as growing vegetables, including chili, eggplant, spinach, and other palawija, as well as fruits like bananas, papayas, and cassava. The results of these agricultural activities are owned entirely by the farmers or local residents who plant them illegally. The manager of the Darul Arqam Boarding School and the village government do not object to the farming activities of the surrounding community. However, from an ethical standpoint, the Darul Arqam Boarding School has a special concern to ensure that these agricultural activities are conducted in accordance with Islamic principles of *halal muamalat*. Several times, the Darul Arqam Boarding School has offered to cooperate with the community so that they could carry out farming activities as a form of employment, with the Darul Arqam

Boarding School managers agreeing to give wages for the labor expended, but the agricultural products would remain the property of the landowner, i.e., the Darul Arqam Boarding School. Unfortunately, this proposal was not heeded by the community, which chose to continue planting according to its wishes (Abdelzaher et al., 2019; Ahmad & Berghout, 2025; Ali & Oseni, 2021; Fauzan & Azzaki, 2022; Harjoni, 2024; Khateeb et al., 2021).

The actions carried out by some community members are certainly not in line with the *ijarah* contract or any other justified contract, because they involve using land that is not their right for personal interests. However, these activities are beneficial to the economies of some communities, so they are seen as bringing benefits, whereas the Darul Arqam boarding school does not seem to need income in the form of material from the management of the land. So this needs to be considered, and the best solution sought so that the activities carried out by the illegal farmers become halal and a blessing, and the Darul Arqam boarding school is not affected by these activities. So this study provides an overview of the *ijarah* offered and the actions that need to be taken by illegal farmers to ensure the benefits obtained are not in conflict with others' rights. This principle covers all aspects of the economy, from simple transactions to a fair distribution of wealth. Therefore, understanding and applying *maslahah* is very important in economic empowerment, so that it is not only profit-oriented, but also creates justice and sustainable social welfare (Abdelzaher et al., 2019; Ahmad & Berghout, 2025; Ali & Oseni, 2021; Harjoni, 2024; Jaelani et al., 2024; Krishnan et al., 2024; Rahiem, 2024; Salisu et al., 2025).

2. Methods

This research is categorized as field research, a method that involves collecting primary data directly from the source in a specific location, using an empirical juridical approach, which is an approach that focuses on data that can be observed and measured directly. Data collection methods In this qualitative research, the researcher used several methods, namely semi-structured interviews and documentation. The data analysis method used is descriptive.

3. Literature Review

Definition of *Ijarah*

In general, most scholars agree that *ijarah* means selling benefits, so that what is rented is the benefit of the goods, not the object directly. *Ijarah* is a contract that involves the transfer of the right to use a good or service without changing ownership, which is carried out by paying rent. The basis of *ijarah* law, many scholars are of the opinion that this *ijarah* contract is permissible with the postulates of the Qur'an in Q. S. al-Thalaq: 6, a hadith of Ibn Abbas which reads "From Ibn Abbas r.a., it is narrated that the Prophet (peace and blessings of Allaah be upon him) cupped and gave wages to the cuppers" (HR. Al-Bukhari). As for *ijma*, it explains that during the time of the

Companions, Muslims agreed to allow the *ijarah* contract, even before the emergence of scholars such as Asham and Ibn Ulayyah. This agreement is based on the community's need for *ijarah* benefits that are comparable to their needs for tangible goods. Therefore, the *ijarah* contract related to benefits must also be allowed as long as the contract for the sale and purchase of goods is considered valid (Abdelzaher et al., 2019; Ahmad & Berghout, 2025; Ayub et al., 2024; Fauzan & Azzaki, 2022; Harjoni, 2024; Jameel, 2023; Khateeb et al., 2021).

Pillars and conditions of *Ijarah*

Rukun Ijara: According to the Hanafi School, *ijarah* has only two pillars: *ijab* and *qabul*. However, the majority of scholars have different opinions by stating that *ijarah* consists of four pillars, namely: first; *'Aqid* (the parties who enter into the contract) include the party who provides the rent (*mu'jir*) and the party who uses the rent (*musta'jir*), second; *Sighat akad* (contract formula). *Sighat akad* is an expression that reflects the agreement or consensus of both parties executing the agreement or transaction, third; *Ujrah* (compensation). *Ujrah* is the provision of rewards as payment to individuals who have been assigned to carry out a certain work, where the payment is given in accordance with a mutually determined agreement, fourth; Benefits, both in the form of the usefulness of a rented goods and the services and labor of the individual who works (Abdelzaher et al., 2019; Ahmad & Berghout, 2025; Ali & Oseni, 2021; Citaningati & Alfianto, 2024; Khateeb et al., 2021; Shafiq, 2022).

Ijarah Terms, requirements for both parties entering into the contract. According to the views of the scholars of Shafi'iyah and Hanabilah, both must have reached *puberty* and have common sense. However, Hanafiyah and Malikiyah scholars hold a different view, stating that the two contracting parties need not have reached puberty; children who are already *mumayyiz* are also allowed to enter into the *ijarah* contract. However, they emphasized that *an ijarah contract for the child's property or the child's person can be considered valid if it has the guardian's approval*. Both contracting parties must express their willingness to carry out the *ijarah* contract. If one of them is forced to enter into a contract, then the contract becomes invalid (Abdelzaher et al., 2019; Ahmad & Berghout, 2025).

Types of *Ijarah*; first, *Ijarah* for the benefit of physical objects, *Ijarah* for the benefit of physical objects is an agreement whose object is in the form of benefits of a physical object, such as property, vehicles, clothing, or animals. In this type of contract, ownership of the object remains in the hands of the lessee (*mu'jir*), while the tenant (*musta'jir*) is only entitled to use the object during the agreed contract period. Second; *Ijarah* for services or human labor, which is an *ijarah* contract whose object is the benefit of a person's skills or energy. In this case, the tenant (*musta'jir*) pays wages to the service provider (*ajir*) as compensation for the work or services provided (Ali & Oseni, 2021; Ayub et al., 2024).

Definition of *Maslahah*

Terminologically, the meaning of *maslahah* has been elaborated in more detail by

ushul fiqh experts. To illustrate, al-Ghazali defines *maslahah* as an effort to realize the benefit or avoid harm (*jalb manfa'ah* or *daf'madharrah*), a very operational and practical definition. In more detail, according to al-Ghazali, *maslahah* in the context of sharia means an effort to maintain and achieve the goals of sharia, namely maintaining religion, soul, intellect, descendants, and wealth (Edriyanti et al., 2021; Shafiq, 2022).

Various *Maslahahs*: the opinions of *ushul fiqh* experts address several divisions of *maslahah* from several perspectives. In terms of quality and benefits, namely: first; *Maslahah al-Dharuriyah*, *maslahah al-Dharuriyah*, which is the benefit related to the basic needs of mankind in this world and in the hereafter. There are five benefits of this, namely, maintaining religion, preserving the soul, preserving the intellect, preserving posterity, and preserving wealth. Second; *Maslahah al-Hajiyyah*, *maslahah al-Hajiyyah*, is the benefit needed to perfect the previous basic (basic) benefits that are formed to maintain basic human needs. Third; *Maslahah al-Tahsiniyyah*, this *Maslahah* is also known as *maslahah takmiliyah*, which is a virtue that is complementary to the benefits of *dharuriyyah* and *hajiyyah*. The purpose of *this maslahah* is to improve and perfect morals and ethics. If this *maslahah* is not realized in life, it will not disturb or damage the community's social order. Nevertheless, *maslahah al-tahsiniyyah* still has an important role and is needed by humans (Khateeb et al., 2021; Mansour & Bujosa Vadell, 2023).

Meanwhile, when viewed in terms of the existence of benefits and the existence or absence of postulates that directly regulate them, they are divided into three types, namely: First; *Maslahah al-Mu'tabarah*, *Maslahah al-Mu'tabarah* is a benefit that is directly recognized and affirmed by the sharia evidence. As an effort to maintain and realize goodness in human life, Islam stipulates *the punishment of qishash* for the perpetrators of murder who deliberately commit their deeds. Second; *Maslahah al-Mulghah*, *Maslahah al-Mulghah* is a type of benefit that is contrary to the provisions of nash (revelation) so that all forms of this kind of benefit are rejected by the Shari'a. Third: *Maslahah al-Mursalah*. There are several definitions of *al-maslahah al-mursalah* put forward by scholars. Said Ramdhana al-Buthi defines *al-maslahah al-mursalah* as follows: 1) Every form of benefit that is included in the purposes of the Shari'ah (*maqāṣid al-syarī*'), whether there is a nash that supports it or rejects it, 2) A benefit that is in accordance with the intention of the Shari'a, but there is no special nash that commands or prohibits it. Based on this definition, it can be seen that *maslahah al-mursalah* is a benefit that is in line with the provisions of the nash, although there is no specific nash that explicitly commands or prohibits its implementation (Harjoni, 2024; Jaelani et al., 2024).

4. Results and Discussion

One form of land asset controlled by the state is State Property (BMN) in including land along riverbanks. This asset has a strategic role in the use of agricultural land, especially for people who do not own it. The use of State Property (BMN) is an effort to optimize the use of government assets that are not currently being used for their primary purposes. This utilization aims to provide added value,

both economically and socially, without changing the status of asset ownership that remains in the hands of the state. The practice can be in the form of renting, borrowing, or cooperation with third parties. The regulations regarding this are listed in the rules for the use of BMN regulated in Law Number 5 of 1960 concerning the Basic Regulations of Agrarian (Abdelzaher et al., 2019; Ahmad & Berghout, 2025).

The land owned by the village government that is now being used for illegal agriculture was previously unmaintained vacant land. The initial condition of the land shows a lack of maintenance, characterized by wild vegetation that makes the place less functional and unsightly. Along with the increasing activity around the riverbanks, the need to take advantage of and the urgent economic demands of the local residents, and by the management of the Darul Arqam boarding school are also allowed to be utilized. Before being used, a series of efforts were carried out to clean and eradicate weeds to make the land physically suitable for planting (interview with Lentur, 2025)

Agriculture on the banks of the Pelus river has been carried out for a long time, about five years ago, without the permission of the manager of the Darul Arqam boarding school as an institution whose land is connected to the riverbank, as a form of commercial utilization around the area on the banks of the Pelus river. At first, these illegal farmers only gardened modestly, but over time the farming activity became routine following the harvest season, such as planting rice, palawija, and beans (interview with Hafidzin, 2025). Over time, these illegal agricultural activities became muamalah activities or became the livelihood of several local farmers. In fact, the Darul Arqam boarding school has greater rights to manage the riverbank land because the land it owns is connected. The discourse on the management of riverbank land will be taken over by the manager of the Darul Arqam boarding school, causing disturbances to the comfort and leading to illegal agricultural activities (Ali & Oseni, 2021; Fauzan & Azzaki, 2022).

The regulation of land management along the Pelus riverbank is urgent in response to the emergence of illegal cultivation on riverbank land. This management is not only a form of optimizing assets owned by the village government and Darul Arqam boarding schools, whose land is connected and was previously not used productively, but also a solution to the problem of irregular land cultivation that has the potential to disturb disharmony. The procurement of land use permits belonging to the Darul Arqam boarding school around the banks of the Pelus river, aims to In addition, with a clear contract, the income of illegal farmers becomes halal and a blessing, on the one hand it can be a source of income for farmers and on the other hand there is a clear permit from the manager of the Darul Arqam boarding school and the village government (interview with Eko, 2025).

The procurement of land-use permits for the Darul Arqam boarding school along the banks of the Pelus River aims to clarify cooperation between farmers and the managers of the Darul Arqam popes, removing any suspicion about the results

or income obtained by the farmers. This is part of the mission of the Darul Arqam Sokaraja boarding school, which is to provide a useful understanding related to worship and muamalah as well as an effort to amar ma'ruf nahi munkar in the sharia economy, namely the application of Sharia economic principles in muamalah activities (Harjoni, 2024; Rahiem, 2024).

Practice of Land Use on the Banks of the Pelus River

The use of land on the banks of the Pelus river belonging to the Darul Arqam boarding school for agriculture by several illegal farmers, aims to increase the use of land that was abandoned initially into land that is beneficial to the surrounding community, increase the income of the surrounding community, without ignoring the contract and the ideal form of cooperation with the owner of the land on the banks of the Pelus river. The agreement between the illegal farmers and the Darul Arqam boarding school manager is to maintain cooperation, make the best use of the land, and obtain halal income and blessings. As long as there is land use, there are no obstacles. In terms of benefits, the existence of facilities is very good, especially for residents without a fixed income. Riverbank land utilization activities also benefit farmers by increasing their daily living costs (interview with farmers, 2025).

Two illegal farmers work on the riverbank, then they receive directions from the manager of the Darul Arqam boarding school, including an agreement made verbally between the farmer and the manager of the Darul Arqam boarding school, sharing the profits from the wages given by the manager of the Darul Arqam boarding school (Abdelzaher et al., 2019; Ahmad & Berghout, 2025).

Analysis of *Maslahah's* View on Agricultural Land Utilization Practices on the Banks of the Pelus River

Analysis of the *Ijarah* Agreement on the Practice of Agricultural Land Utilization on the banks of the Pelus River. The practice of using agricultural land on the banks of the Kober Village River is considered illegal as *an ijarah* contract in Islam. Based on practice, the use of land by illegal farmers is contrary to Islamic law and does not conform in the postulates of Q. S al-Thalaq: 6, the hadith of Ibn Abbas, and *ijma'* regarding the abilities of *the ijarah contract*. The *ijarah* contract in the use of riverbank land is also in accordance with the harmony and conditions are also not met (Ayub et al., 2024; Fauzan & Azzaki, 2022).

Maslahah Analysis of Agricultural Land Utilization Practices on the Banks of the Pelus River. Viewed in terms of quality and benefits, the use of land from farmers can be called *maslahah al-dharuriyah*, which is the benefits needed to eliminate difficulties and is urgent, because farming activities carried out by farmers are to meet their living needs in the form of food (Harjoni, 2024)(Jaelani et al., 2024).

Meanwhile, the use of agricultural land on the banks of the Pelus river, for the manager of the Darul Arqam boarding school is categorized as *maslahah al-hajiyyah* because: a) This practice helps to get additional and additional income to meet the needs of students, b) Regulating order and security, namely with a cooperation contract, c) Preventing illegal practices in the use of public agricultural land by

providing a work system structured despite the lack of formal legality, d) Providing jobs to local residents as farmers so as to support the economy of the surrounding community. Therefore, when viewed in terms of quality and benefits, this practice is categorized as masalah al-hajiyah because of its important function (Khateeb et al., 2021; Rahiem, 2024).

5. Conclusion

The findings of this study demonstrate that the informal use of agricultural land along the Pelus River reflects a complex intersection between community economic needs and the legal principles of Islamic jurisprudence. Although the practice does not meet the formal requirements for a valid ijarah contract, its significant contribution to meeting essential livelihood needs indicates its socio-economic significance for local residents. This research matters because it highlights the need for legal frameworks that are not only normatively compliant but also sensitive to community realities, ensuring that religious principles support rather than hinder social welfare. By formalizing cooperation agreements between landowners and farmers, future land use can achieve both legal legitimacy and moral integrity, offering a constructive model for balancing sharia economic principles with grassroots community sustainability.

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