

ZONING SYSTEM IN IRRIGATING RICE FIELDS IN KEULILING RESERVOIR ACCORDING TO THE CONCEPT OF *HAQ AL- MAJRA*: Study in Kuta Cot Glie Aceh Besar, Indonesia

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Abstract

Management and supervision of irrigation in Keuliling Reservoir play an important role in ensuring adequate water supply for rice farming in the region. By implementing a zoning system, air distribution can be carried out evenly to various areas in need so that each farmer has the right to the air used for their rice fields. However, in practice, injustice in the distribution of air often arises, such as unilateral control by several farmers, which can disrupt the distribution that should be fair. To overcome this, deliberation and coordination between farmers are needed, which can be facilitated through the Water User Farmers Association (P3K) to plan joint air needs before the planting season begins. In addition, the concept of *haq al-majra* is also relevant in the management of rice field irrigation, especially in Cot Glie District, where farmers are given the right to utilize water channels on other people's land for the benefit of irrigating their rice fields, as long as it does not cause harm to other parties. The application of *haq al-majra* aims to create justice and harmony between farmers in the use of water. However, practices in the field are often disrupted by acts of injustice, such as blocking or unilaterally controlling water channels. Therefore, the implementation of *haq al-majra* must be carried out with full responsibility and prioritize long-term principles to ensure fair air distribution and avoid losses for other farmers.

Keywords: Zoning System, Rice Field Irrigation, *Haq Al-Majra*

Abstrak

Pengelolaan dan pengawasan irigasi di Bendungan Keuliling memegang peranan penting dalam memastikan pasokan air yang memadai untuk pertanian padi di wilayah tersebut. Dengan penerapan sistem zonasi, distribusi air dapat dilakukan secara merata ke berbagai area yang membutuhkan, sehingga setiap petani mendapatkan haknya atas air yang digunakan untuk sawahnya. Namun, dalam praktiknya, ketidakadilan dalam distribusi air sering terjadi, seperti pengendalian air secara sepihak oleh sebagian petani yang dapat mengganggu distribusi yang seharusnya adil. Untuk mengatasi hal ini, diperlukan musyawarah dan koordinasi antar petani, yang dapat difasilitasi melalui Asosiasi Petani Pengguna Air (P3K) untuk merencanakan kebutuhan air bersama sebelum musim tanam dimulai. Selain itu, konsep *haq al-majra* juga relevan dalam pengelolaan irigasi sawah,

terutama di Kecamatan Cot Glie, di mana petani diberikan hak untuk memanfaatkan saluran air yang ada di tanah orang lain untuk kepentingan irigasi sawah mereka, asalkan tidak merugikan pihak lain. Penerapan *haq al-majra* bertujuan untuk menciptakan keadilan dan harmoni di antara petani dalam pemanfaatan air. Namun, praktik di lapangan sering terganggu oleh tindakan ketidakadilan, seperti penyumbatan atau pengendalian sepihak saluran air. Oleh karena itu, penerapan *haq al-majra* harus dilakukan dengan penuh tanggung jawab dan mengutamakan prinsip gotong royong, untuk memastikan distribusi air yang adil dan menghindari kerugian bagi petani lain.

Kata Kunci: Sistem Zonasi, Irigasi Sawah, *Haq Al-Majra*

INTRODUCTION

Agricultural success in the food sector is usually determined by good irrigation arrangements. To increase the productivity of rice fields, especially rice, irrigation arrangements are *conditio sine quanon* (a condition that must exist). One form of irrigation system is with zoning to facilitate water distribution, the zoning must be done sourced from reservoirs that are integrated with irrigation watering systems.¹ Thus effective irrigation management can help increase water availability and reduce water management costs. In the zoning system for irrigation of rice fields in reservoirs, it is the government's effort to increase the supply of raw water in order to meet water needs and support the increase in rain-fed rice fields into technically irrigated rice fields for the basic needs of rice plants starting from land preparation, planting period, growth, development, until harvest time arrives.²

The purpose of the Keuliling Reservoir and Keuliling irrigation is to supply water shortages in the Krueng Aceh and Krueng Jreue irrigation areas and support the availability of water needed by farmers for the adequacy of rice crop needs. *Irrigation* management is carried out by the government by appointing certain parties who usually work together with the community such as *keujrun blang*, which is a customary device in the community that has the duty and responsibility to regulate, assist, and foster rice farmers including

¹ Panji Adam, 'LEGISLASI HUKUM EKONOMI SYARIAH: STUDI TENTANG PRODUK REGULASI HUKUM EKONOMI SYARIAH DI INDONESIA', *Tahkim (Jurnal Peradaban Dan Hukum Islam)*, 1.2 (2018), doi:10.29313/tahkim.v1i2.4105.

² Andrew Shandy Utama, 'PERKEMBANGAN PERBANKAN SYARIAH DI INDONESIA', *UNES Law Review*, 2.3 (2020), doi:10.31933/unesrev.v2i3.121.

irrigation water user farmer associations which aim to optimise water usage and reduce water shortages in irrigation areas.³

The water distribution schedule from Keuliling Reservoir is carried out in accordance with the rice planting season, namely the rendeng planting season and the gadu season.⁴ The rendeng planting season is the planting season that is carried out during the rainy season while the gadu planting season is the planting season that has no irrigation and relies on rainwater or rainfed, this gadu season starts in April to July. During the gadu planting season, the reservoir will release water to support local agricultural needs, as this is the time when crops need sufficient water supply. The water irrigation schedule must follow the Annual Reservoir Operation Plan (RTOW), where supposedly the gampong community must form a Water User Farmer Association (P3A) and conduct deliberations before the planting season. But currently the procedure is no longer regular, now the community only reports water needs to the reservoir and does not provide reports when the water is sufficient, causing water wastage.⁵

Water management in Keuliling Reservoir is not only based on a seasonal schedule, but also on *real-time* monitoring using a *peilscale* (water level measuring device) installed at the aqueduct and dam. Monitoring water levels with a *peilscale* is a way to determine whether the water supply is sufficient or not. If the water level is still within an adequate range according to predetermined parameters, no water releases need to be made. However, if the water level decreases and reaches a certain limit indicating a water shortage, then releasing water from the reservoir becomes a considered option. This allows for efficient and timely use of water resources in accordance with agricultural needs and environmental sustainability.⁶

In practice, the process of transporting water from reservoirs to rice fields located far from water sources is often delayed. This is due to the control

³ Moh Said MH, Muhammad Tawwaf, and Syafiah Syafiah, 'KONSEP AL-IJARAH PADA SISTEM SEWA MENYEWA Studi Pada Rumah Kos Di Kota Pekanbaru-Riau', *Nusantara: Journal for Southeast Asian Islamic Studies*, 16.1 (2020), p. 40, doi:10.24014/nusantara.v16i1.10652.

⁴ Iwandi Iwandi, Rustam Efendi, and Chairul Fahmi, 'THE CONCEPT OF FRANCHISING IN THE INDONESIAN'S CIVIL LAW AND ISLAM', *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah*, 4.2 (2023), doi:10.22373/al-mudharabah.v5i2.3409.

⁵ Muhammad Achyar, Chairul Fahmi, and Riadhus Sholihin, 'ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS', *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah*, 5.2 (2024), pp. 288–308, doi:10.22373/AL-MUDHARABAH.V5I2.6545.

⁶ Simanjuntak, *Hukum Perdata Indonesia* (PT Fajar Interpratama Mandiri, 2017).

of water by farmers who clog and close the channels for personal interests. Water should first be channelled to rice fields that are far from irrigation so that they get water equally. Some farmers search for water from irrigation sources at night to be channelled to their paddy fields while other farmers who also need water do not participate in the search. When the water flows past their paddy fields, they block the channel, preventing the flow of water to farmers who are trying to get water. As a result, disputes arose among the farmers.⁷

Years ago, rice fields relied solely on rainwater as a source of water for agriculture. Cultivation of rice fields was done once a year, depending on the rainy season to provide the water needed. But with the advancement of technology and infrastructure development, especially the construction of reservoirs, the situation has changed. Now with reservoirs built around agricultural areas water can be collected and channelled in a planned manner to the rice fields in need. This has resulted in a major change in the pattern of rice farming as farmers are no longer dependent on the rainforest.⁸

Swamp irrigation system is a type of irrigation where water is taken directly from the swamp as its source. Both systems are very supportive of farmers in managing and distributing water to farmers' rice fields, because rice plants need an adequate supply of water to grow and produce good yields. If there is no water rice production will not run well and can even result in failure in rice production, so the management and distribution of water to farmers' fields must be done efficiently and evenly.⁹

Keuliling Reservoir, located in Cot Glie Subdistrict, Aceh Besar, has a majority of people who work as farmers in this Aceh Besar region. The Keuliling Reservoir is able to provide benefits as a water storage area, but also as a source of assistance in overcoming water shortages. When experiencing water shortages in irrigation channels, coordination with the responsible party at Keuliling Reservoir. The irrigation zoning around Keuliling Reservoir has only one entrance for water distribution, which then supports the surrounding

⁷ Chairul Fahmi, 'The Application of International Cultural Rights in Protecting Indigenous Peoples' Land Property in Indonesia', <https://doi.org/10.1177/11771801241235261>, 20.1 (2024), pp. 157-66, doi:10.1177/11771801241235261.

⁸ Bukhari Ali and others, 'The Preemptive Approach of Ulama in Aceh to Eradicating Corruption', *El-Mashlahah*, 14.2 (2024), pp. 361-80, doi:10.23971/EL-MASHLAHAH.V14I2.8885.

⁹ R. Zainul Musthofa and Siti Aminah, 'Tinjauan Hukum Islam Terhadap Sewa Menyewa (Ijarah) Tanah Kas Desa', *Al-Maqashid: Journal of Economics and Islamic Business*, 1.1 (2021), pp. 41-62, doi:10.55352/maqashid.v1i1.250.

irrigation system. When there is a shortage of water in the Krueng Jreu river, farms in the area can request assistance from Keuliling Reservoir to obtain additional water supply for irrigation purposes.¹⁰

Years ago, rice fields relied solely on rainwater as a source of water for agriculture. Cultivation of rice fields was done once a year, depending on the rainy season to provide the required water. But with the advancement of technology and infrastructure development, especially the construction of reservoirs, the situation has changed. Now with reservoirs built around agricultural areas water can be collected and channelled in a planned manner to the rice fields in need.¹¹ This has resulted in a major change in rice farming patterns as farmers are no longer dependent on rainwater. Yields can be increased as farmers can organise cropping patterns more efficiently, and with sufficient water supply farmers can even obtain crops every two years.

The zoning system in Keuliling Reservoir is an approach to managing and distributing irrigation water to different areas in need. In this case, the reservoir is divided into several zones including the Bak Sukon, Seuot, Lampanah, Sihoum, Riting, and Krueng Lam Kareung areas. The main task of the Keuliling Reservoir is to open the sluice gates to allow water to flow out of the reservoir into the irrigation channels in each zone. However, further water distribution arrangements are carried out by sluice gate officers (PPAs) who are responsible for supplying water to each paddy field. The sluice gate officer has an important role in ensuring that the water needs of each farm are well met. In this case, Syukri, as the manager of Keuliling Reservoir, mentioned that the area of the water distribution zone reaches around 600 hectares.¹²

According to Government Regulation No. 20/2006 on irrigation, irrigation management is one of the main supporting factors for the success of agricultural development and is one of the concrete ways to provide, regulate, and dispose of water to support agriculture which types include surface irrigation, swamp irrigation, underground water irrigation, pump irrigation, and pond irrigation.

¹⁰ Iwandi, Efendi, and Fahmi, 'THE CONCEPT OF FRANCHISING IN THE INDONESIAN'S CIVIL LAW AND ISLAM'.

¹¹ Nur Rizqi Febriandika, Dilla Gading Kusuma, and Yayuli, 'Zakat Compliance Behavior in Formal Zakat Institutions: An Integration Model of Religiosity, Trust, Credibility, and Accountability', *International Journal of Advanced and Applied Sciences*, 10.6 (2023), doi:10.21833/ijjaas.2023.06.022.

¹² Susanti Adi Nugroho, *Penyelesaian Sengketa Arbitrase Dan Penerapan Hukumnya*. (Kencana, 2017).

Haq al-majra is the right of a landowner located far from a water source to use the water in irrigating his land, either through a channel that crosses someone else's land or directly from the source. The general principle is that the owner of land close to the water source should not prevent the owner of land far from the water source from bringing water to the farmer's land, even if this requires constructing a channel through the land of the person close to the water source. The owner of the land through which the water flows has the right to utilise the water within reasonable limits. In other words, if water flows over his land he has the right to use the water for his personal use, but this right has limitations but it does not give him full ownership of the water. The landowner only has the right to utilise the water flowing through his land, while the management or control of the water source remains with the owner of the water source.¹³

According to the Hanafi school, what is categorised as property rights is everything that is worth owning, storing and utilising. Property rights based on the nature of ownership of property are divided into two, namely perfect property and imperfect property. Perfect ownership rights are absolute not limited by time and cannot be revoked by other parties. Imperfect ownership rights are when someone only controls the material assets, but the benefits are controlled by other parties.

According to Muhammad Abu Zahrah, perfect ownership gives the owner the right to do *tasharruf* in accordance with *shara'*, giving full rights to the benefits of goods without restrictions on their use, not bound by time, place, or certain conditions, and in the event of damage or loss of goods, the owner is not obliged to provide compensation. The right of ownership over an object is given fully to a person, so that others are not allowed to use or benefit from it. The owner has the freedom to take legal action against the object as long as there is no prohibition from Islamic law. One such prohibition is if the individual has not reached legal maturity.¹⁴

According to Wahbah Az-Zuhaili, one form of imperfect ownership is *milk al-manfaat al-'aini* or *irtifaq* rights. The right of *irtifaq* is the right to use and utilise an item for the benefit of other items. Especially in the context of agriculture or other necessities of life. However, this right is not absolute and

¹³ Iwandi, Efendi, and Fahmi, 'THE CONCEPT OF FRANCHISING IN THE INDONESIAN'S CIVIL LAW AND ISLAM'.

¹⁴ Siti Sarah, Ali Abubakar, and Fraz Ahmed, 'ANALYSIS OF THE ELEMENT OF USURY IN SHARIA ONLINE FINANCING', *JURISTA: Jurnal Hukum Dan Keadilan*, 7.2 (2023), pp. 165-82, doi:10.26811/peuradeun.v11i2.923.

must be used with the principles of justice and not harm others. Owners of land through which waterways pass do not have the right to monopolise or obstruct the flow of water needed by others, although they are entitled to utilise the water within reasonable limits.

Farmers who own rice fields that are far from water sources obtain the right of *haq al-majra* for the realisation of *haq al-syirbi*, which is the right to obtain irrigation by flowing water through rice fields adjacent to water sources. This right allows farmers to access water closer and easier to irrigate rice fields, thus increasing agricultural productivity. Meanwhile, owners of rice fields adjacent to water sources need to provide facilities for owners of rice fields far from water sources to be able to channel water to their land. This responsibility includes maintaining, repairing, widening waterways, and keeping water flowing to other places in accordance with their rights.¹⁵

Irrigation water resources are common property inherited to all mankind including farmers who have the right to use irrigation water to irrigate their rice fields. The use of public irrigation facilities must be adapted to local circumstances and conditions in order to be optimally utilised. This provides an opportunity for farmers to develop agricultural businesses that produce high financial returns and provide benefits and welfare for the community and managers that need to be cared for and maintained together.

Meeting crop water needs through simple irrigation activities is one way to increase agricultural yields. Circle reservoirs have many benefits it can be used to irrigate rice fields, provide raw water for drinking water, industrial water, prevent flooding, maintain freshwater fisheries, attract tourists, and water sports. During the dry season problems often arise because the need for water continues to increase while the availability of water decreases, so the management and regulation of water distribution must be carefully considered.¹⁶

In irrigating water to farmers' fields, the Keuliling Reservoir in Cot Glie District uses technical and swamp irrigation systems. Technical irrigation system refers to a series of irrigation infrastructure equipped with separate buildings. In this system there is a separation between water supply lines and

¹⁵ Hadi H. Jaafar and Eckart Woertz, 'Agriculture as a Funding Source of ISIS: A GIS and Remote Sensing Analysis', *Food Policy*, 64 (2016), doi:10.1016/j.foodpol.2016.09.002.

¹⁶ S Khamisyah, 'Analisis Teori Ijarah Terhadap Sewa Menyewa Tanah Milik Pemkot Surabaya Oleh Rukun Tetangga (Rt) 01 Kepada Para Pedagang Di Tandes Surabaya', *UIN Sunan Ampel Surabaya*, 2019.

water discharge lines, and allows controlled regulation and measurement of water distribution at various points.

Based on the background described above, the author is interested in researching these problems so that a helpful solution can be found. The title that the author raises for this proposal is about "Zoning System for Irrigation of Rice Fields in Keuliling Reservoir for Sufficiency of Rice Crop Needs of Farmers According to the Concept of *Haq Al-Majra*".

RESEARCH METHODS

This airtikel research method the author uses a *normative-empirical* research approach, namely a research that uses case studies in the form of legal behaviour products. *Normative-empirical* legal research starts from written positive legal provisions that are applied to real legal events in society. The normative-empirical aspect used by the author to examine the provisions of irrigation in the Keuliling Reservoir for the adequacy of rice crop needs. Through the *normative empirical* approach, the analysis conducted by the researcher will provide a comprehensive picture of the provisions of the zoning system on irrigation for the adequacy of rice crops of farmers located around the area.¹⁷ Thus, this research will contribute to rice yields and understanding the practice of Islamic law.

Data sources are information obtained in conducting research. In this study, the authors used two data sources, namely primary and secondary data. Primary data is data obtained directly from the source, namely data from informants consisting of the community and irrigation managers. Meanwhile, secondary data is data obtained through official documents, books, journals, articles, theses and other materials related to the author's research title.

To obtain the data needed in this study, the authors used *interviews*, observation, and documentation as data collection techniques. In this research, the author conducted interviews and took information from two keujruen blang, one reservoir manager, and two farmers who use water. The type of observation used in this research is *non-participant observation*, where the observer is not involved in the activities or events carried out by the object of observation. Researchers only made observations of the truth of the data obtained from interviews with farmers, irrigation officers, and Keuliling Reservoir managers. Documentation was conducted by visiting the author's

¹⁷ Muhammad Siddiq Armia, *PENENTUAN METODE & PENDEKATAN PENELITIAN HUKUM*, ed. by Chairul Fahmi (Lembaga Kajian Konstitusi Indonesia, 2022).

research site and interacting directly with the manager to obtain data and information in the form of photographs of the observations made.¹⁸

The data analysis step is one of the steps of processing data from the process stage that uses efforts to obtain data into information in accordance with the facts. At this stage the data that has been collected completely in the form of interview data, observation and documentation will be processed to get the truth used to answer the questions raised in the problem formulation, then a descriptive description will be made so that it is easy to understand the results of the review that the author obtained and proved its validity and objectivity

HAQ AL-MAJRA IN ISLAM

A. Definition and Legal Basis of Haq Al-Majra

Haq al-majra according to the term is the right to use an item of land to irrigate water to another land. *Haq al-majra* is the right of the owner of a field located far from the source of irrigation channels to drain water by passing through the fields of others adjacent to his field. If there is a prohibition from the owner of the adjoining field, the owner of the field that is far from the source of the water channel is allowed to drain the water forcibly in order to reject the harm.¹⁹

Haq al-Majra is part of *haq al-irtifaq*. *Haq al-irtifaq* is the right to use immovable objects, whether they are privately owned or publicly owned. *Haq al-irtifaq* is divided into two types: general rights and special rights. The general rulings of *haq al-irtifaq* are that the right of *al-irtifaq*, once established, will continue to exist and apply as long as its existence does not have the consequence of causing harm to other parties. If its existence is found to cause harm to others, it must be removed. Therefore, for example, if there is dirty water or sewage flowing through a public road, it must be removed. If the right to irrigation water is found to cause harm to those who use it, then it is prohibited. Riding a vehicle on a public road, if it is likely to cause harm, such as riding at a speed above the normal speed limit or against the flow, is not permissible. This is based on the hadith, "no harm should be done and no harm should be caused." This is also because using public roads is subject to the rules

¹⁸ M.A Dr. Drs. H. Rifa'i Abubakar, *Pengantar Metodologi Penelitian*, Antasari Press, 2021.

¹⁹ Yusuf Karbhari, Md Kausar Alam, and Md Mizanur Rahman, 'Relevance of the Application of Institutional Theory in Shariah Governance of Islamic Banks', *PSU Research Review*, 2020, doi:10.1108/PRR-05-2020-0015.

and regulations of safe driving. Also because it is based on the principle of "Adh-Dharar laa yakuunu qadiiman" (الضرر لا يكون قد سما), which means that something that causes harm should not be tolerated just because it already exists or prevails.²⁰

Haq al-majra is one of the forms of social interaction between fellow human beings to facilitate others in irrigating their land that is far from water sources. In carrying out this *haq al-majra*, there must be mutual help between each other so that the rights of people in need can be fulfilled, as Allah says in the Qur'an surah Al-Maidah verse 2:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ.

Meaning: And help each other in doing good and piety, and do not help each other in sin and transgression, and believe in Allah. Verily, Allah is very severe in His punishment.

In addition to the legal basis contained in the Qur'an, there are also several hadiths that explain about *haq al-majra*. Among them is the hadith narrated by Imam Malik bin Anas in his muwaththa" as follows:

حَدَّثَنِي مَالِكٌ عَنْ عُمَرَ بْنِ يَحْيَى الْمَازِنِيِّ عَنْ أَبِيهِ أَنَّ الصَّحَّاحَ بْنَ خَلِيفَةَ سَاقَ خَلِيفَةَ سَاقَ خَلِيفَةَ مِنْ الْعَرِيضِ فَأَرَادَ أَنْ يَمْرُؤَهُ فِي أَرْضِ مُحَمَّدِ بْنِ مَسْلَمَةَ فَأَبَى مُحَمَّدٌ فَقَالَ لَهُ الصَّحَّاحُ لِمَ تَمْنَعُنِي وَهُوَ لَكَ مَنْفَعَةٌ تَشْرَبُ بِهِ أَوْلَادًا وَأَخْرَاجُوا لَكَ مَاءً فَكَلَّمَ فِيهِ الصَّحَّاحُ عُمَرَ بْنَ الْخَطَّابِ فَدَعَا عُمَرَ بْنَ الْخَطَّابِ مُحَمَّدُ بْنُ مَسْلَمَةَ فَأَمَرَهُ أَنْ يَحْلِيَ سَبِيلَهُ فَقَالَ مُحَمَّدٌ لَا فَقَالَ عُمَرُ لِمَ تَمْنَعُ أَخَاكَ مَا يَنْفَعُهُ وَهُوَ لَكَ نَافِعٌ تَسْقَى بِهِ أَوْلَادًا وَأَخْرَاجُوا وَهُوَ لَا يَضُرُّكَ فَقَالَ مُحَمَّدٌ لَا وَاللَّهِ فَقَالَ عُمَرُ وَاللَّهِ لَيَمْرُنَّ بِهِ وَلَوْ عَلَى بَطْنِكَ فَأَمَرَهُ عُمَرُ أَنْ يَمْرُؤَهُ بِهِ فَفَعَلَ

Meaning: Malik narrated to me from 'Amru bin Yahya Al-Mazini from his father that Adh Dhahhak bin Khalifah once made a place for a stream, then when he wanted to pass through the land of Muhammad bin Maslamah, Muhammad refused to give permission. Adh Dhahhak said, "Why do you prevent me, when you can always use it for drinking and it will never harm you?" But Muhammad still refused. So Adh Dhahhak complained about this matter to Umar bin Khattab ra. So Umar called Muhammad bin Maslamah and ordered him to give way. Muhammad replied, "No." Umar then said, "Why do you prevent your brother from getting something that benefits him and you can also benefit from it. You can use it for irrigation from beginning to end. Besides, it does not harm you?" Muhammad replied, "No, by Allah." Umar went on to say, "By Allah, he will indeed pass over it even on your belly." So Umar ordered it to pass and Adh Dhahhak did so.

²⁰ Saprida Saprida, Zuul Fitriani Umari, and Zuul Fitriana Umari, 'Sosialisasi Ijarah Dalam Hukum Islam', *AKM: Aksi Kepada Masyarakat*, 3.2 (2023), doi:10.36908/akm.v3i2.647.

In another tradition also narrated by Imam Anas bin Malik explains that:

حَدَّثَنِي مَالِكٌ عَنْ عَمْرِو بْنِ يَحْيَى الْمَازِنِيِّ عَنْ أَبِيهِ أَنَّهُ قَالَ : كَانَ فِي حَاءِ طَجْدِهِ رِبْعٌ لِعَبْدِ الرَّحْمَنِ عَوْفٍ فَأَرَادَ عَبْدُ الرَّحْمَنِ عَوْفٌ أَنْ يُحْوِلَهُ إِلَى نَاحِيَةٍ مِنَ الْحَاءِ طِ هِيَ أَقْرَبُ إِلَيَّ . أَرْضَهُ صَاحِبُ الْحَاءِ طِ فَكَلَّمَ عَبْدُ الرَّحْمَنِ بْنِ عَوْفٍ عُمَرَ بْنَ الْخَطَّابِ فِي ذَلِكَ فَقَضَى لِعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ

Meaning: Malik narrated to me from 'Amru bin Yahya Al-Mazini from his father that he said, "There used to be a small stream in the garden of his grandfather that belonged to Abdurrahman bin 'Auf. Then Abdurrahman bin 'Auf wanted to divert it to one corner of the garden that was closer to his land. But the owner of the garden forbade him. So Abdurrahman bin 'Auf complained to Umar bin Khattab (may Allah be pleased with him). Umar appointed Abdurrahman ibn 'Auf to transfer it."

If a person forbids his land to be drained to another person's land that is adjacent to his land, then the owner of the adjoining land may forcibly drain the water in order to prevent harm to himself. The Hadith narrated by Ibn Majah in his Sahih Sunan Ibn Majah is as follows:

عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ : رَسُوْلُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : لَا يَجُوزُ لَكَ الْقِيَامُ بِأَيِّ شَيْءٍ يَعْزُضُ نَفْسَكَ أَوْ الْآخَرِينَ لِلْخَطَرِ .

Meaning: Ibn Abbas r.a. reported that the Messenger of Allah, peace be upon him. said, "It is not permissible to do anything that harms oneself and harms others".

Based on the above hadith, it can be concluded that the rule stating that harm must be eliminated. As explained by Izzuddin Abd as-Salam, the purpose of sharia is to achieve benefit and avoid harm. This rule aims to realise maqasid shari'ah by tackling damage (mafsadah), namely by eliminating the harm or, if that is not possible, at least reducing it. In the context of agriculture, especially in terms of irrigation, every farmer has the right to obtain sufficient water for his agricultural needs.²¹

B. Scholars' Opinions on the Haq Al-Majra in Irrigation

Islam recognises the existence of private property rights and allows effort and initiative in using and managing private property. Islam has also

²¹ Chairul Fahmi, 'THE DUTCH COLONIAL ECONOMIC'S POLICY ON NATIVES LAND PROPERTY OF INDONESIA', *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH*, 5.2 (2020), doi:10.22373/petita.v5i2.99.

provided certain restrictions in accordance with the Shari'ah so that a person can use his private property without harming the public interest. According to Ali al-Khafifi, a contemporary expert from Egypt stated that property rights are something specific that allows a person to use and benefit, unless there is a legal obstacle (*shara'*) that prevents it.²²

According to the Hanafi school, what is categorised as property rights is everything that is worth owning, storing and utilising. Property rights based on the nature of ownership of property are divided into two, namely perfect property and imperfect property. Perfect ownership rights are absolute, not limited by time and cannot be revoked by other parties. Imperfect ownership rights are when someone only controls the material property, but the benefits are controlled by other parties.²³

As according to al-Syatibi, an important figure among the Maliki school of thought, that which includes property rights is against something that can be categorised as property and is understood according to the customs that apply in society and justified by religion. The right of ownership of property is divided into two, namely that the property will remain the property of the rightful one, unless it changes hands because of a cause justified by law (*shara'*). Another opinion that the right of ownership is something that is beneficial to the owner, either in the form of material or taking its benefits.²⁴

Meanwhile, according to the Hanbali school of thought, the concept of property rights is something that has value (*qimah*) which requires someone who damages it to be responsible and bear it. This ownership right has two criteria, namely something that has economic value and against someone who ruins it, including misusing it and harming the owner can be held accountable.²⁵

According to Muhammad Abu Zahrah, perfect ownership gives the owner the right to do *tasharruf* in accordance with *shara'*, giving full rights to the benefits of goods without restrictions on their use, not bound by time, place, or certain conditions, and in the event of damage or loss of goods, the

²² Syifa Un Nafsi, Chairul Fahmi, and Riadhush sholihin, 'THE VALIDITY OF USED GOODS AUCTION PRACTICES ON FACEBOOK PLATFORM', *JURISTA: Jurnal Hukum Dan Keadilan*, 8.2 (2024), pp. 622-43, doi:10.22373/JURISTA.V8I2.195.

²³ Nathan Isaacs, 'The Law of Business (Book)', *Accounting Review*, 13.2 (1938).

²⁴ Delfi Suganda, Retno Saraswati, and Nabitatus Sa'adah, 'The Role of Wali Nanggroe Institution to Realize Peace in the Asymmetric Decentralization: The Case of Indonesia', *Yustisia Jurnal Hukum*, 10.3 (2021), doi:10.20961/yustisia.v10i3.54705.

²⁵ Chairul Fahmi and Syarifah Riyani, 'ISLAMIC ECONOMIC ANALYSIS OF THE ACEH SPECIAL AUTONOMY FUND MANAGEMENT', *Wahana Akademika: Jurnal Studi Islam Dan Sosial*, 11.1 (2024), pp. 89-104, doi:10.21580/WA.V11I1.20007.

owner is not obliged to provide compensation. The right of ownership over an object is given fully to a person, so that others are not allowed to use or benefit from it. The owner has the freedom to take legal action against the object as long as there is no prohibition from Islamic law. One such prohibition is if the individual has not reached legal maturity.

From the various opinions of the fuqaha about property rights that *al-milk* does not have to be material, but can also include immaterial as long as it has value (*al-qimah al-maliyah*), and is recognised by the applicable law and protected by law.

Forms of Utilisation of Haq Al-Majra

Haq al-Majra is the right of a person to pass water through another person's land to his own land or property, whether for irrigation purposes, household needs, livestock, or any other purpose that is permissible under Shari'ah.²⁶ This right arises because of the need to use the flow of water that passes through or originates from a certain place that is not fully under the control of the landowner. In the context of its utilisation, the forms of utilisation of haq al-majra refer to the ways in which a person or group can exercise this right, whether by agreement, custom, or legal provision. The forms of utilisation can be:

1. Flow of water for irrigation of agricultural land, for example farmers who utilise water from rivers or irrigation channels that pass through other people's land, on the basis of an agreement or hereditary rights.
2. Using the water flow path for domestic needs, such as household use (drinking, cooking, washing, etc.).
3. Delivering water for fish ponds or livestock if the water is needed for halal business purposes.
4. Communal use of water by village communities or groups through mutual agreement, usually governed by traditional leaders or local institutions.

This utilisation must still observe the principles of Shariah, such as:

1. Not harming the other party (*lā ḍarara wa lā ḍirār*).
2. Obtain permission if other people's land is involved.
3. Not arbitrarily changing the flow of water.

²⁶ Sri Wahyuni and others, 'THE ROLE OF COURTS IN RESOLVING CASES OF BANKRUPTCY OF ISLAMIC BANK CUSTOMERS', *JURISTA: Jurnal Hukum Dan Keadilan*, 7.1 (2023), pp. 1-23, doi:10.1234/JURISTA.V7I1.42.

4. Be fair and proportional.

The rulings relating to *haq al-irtifāq* that are specific to the conditions of *haq al-majra* are:

- a. If the *haq al-irtifāq* is related to a common right, such as a bridge, river, then everyone has the right to it. And if the property is privately owned, then the utilisation of *haq irtifāq* or *haq al majra* must be with the permission of the owner of the property.
- b. In its utilisation must not bring harm to others, if a person passes through someone else's land then that person must not do something that can cause harm to the landowner and others.

The right to irrigation is the amount of water that one is entitled to for the purpose of irrigating fields and crops. There are four types of water in relation to this right, namely:

1. The water of public rivers, such as the Nile, Tigris, Euphrates and other major rivers. It is permissible for anyone to utilise and use them for himself, his livestock or his fields. But on condition that it does not harm others.
2. Ditch water and river water belong to individuals. Everyone has the right to use them to fulfil his drinking water needs and those of his animals (*haqqusy shafah*). However, other than the owner, it is not permissible to use it for irrigating fields (*haqqusy syurbi*) except with the owner's permission.
3. Spring water, well water and individual-owned reservoir water. The right that applies here is the same as the right that applies to water type two, which is *haqqusy shafah*, not *haqqusy shirbi*. If the owner of the right forbids and prevents people from using the water for drinking for themselves and their animals, then they may resist and fight him until they can get their water needs, if they cannot find any other water nearby.
4. Water that is stored in special places such as jars and tanks. Here, one has the right to use it in any way except with the owner's permission. This is because the Prophet (peace and blessings of Allah be upon him) forbade selling water except for water that has been collected and stored in a special place. However, if a person is in a state of emergency and is forced to use the water to quench his thirst and threaten his life, then he may take the water as he needs it, even if he has to use force and coercion to save his life, but he must compensate it according to its

value. This is because an emergency cannot cancel or waive the rights of others.

1. Zoning System and Form of Supervision of Irrigation of Rice Fields in Keuliling Reservoir for Sufficiency of Rice Crop Needs of Farmers

Disputes are very common in social life. This dispute is a situation where one party feels aggrieved by the other party due to a violation of the agreement made by the parties, which must be resolved immediately so as not to cause unwanted consequences in the future. When viewed from a customary perspective, the deliberation route is the main route used by customary law communities in resolving disputes with the aim of realising peace in society, because through deliberation a peaceful agreement that benefits both parties will be reached.²⁷

Keujrun blang is a figure who has a central role in the agricultural irrigation management system, with the main task of leading and regulating the flow of water through irrigation channels, both primary, secondary and tertiary, so that they can function optimally. This responsibility includes ensuring that water distribution runs smoothly and evenly to all rice plots within the management area. Based on an interview with Abdul Haris, as the former keujrun blang in Gampong Seuot, it is known that one of the main problems that often occurs in the local agricultural area is the lack of water supply in rice fields. This problem arises due to non-optimal water flow, which is caused by water control upstream. Some farmers in the upper area often block water flow paths for personal interests, resulting in delayed water distribution to rice plots downstream, especially during the dry season.²⁸

One of the main factors leading to the non-optimal flow of irrigation water in the rice fields of Gampong Seuot Tunong is the absence of the active role of keujrun blang as the party responsible for regulating the irrigation system. The absence of this figure has resulted in farmers having to manage water needs independently, which in turn often leads to conflicts between

²⁷ Saifullah Ali, Zalva Amalia, and Yusriaina Yusuf, 'THE APPLICATION OF MURABAHAH CONTRACTS IN THE INSTALMENT SERVICES OF DHUAFa PARTNER COOPERATIVES IN INDONESIA', *JURISTA: Jurnal Hukum Dan Keadilan*, 7.2 (2023), pp. 119-43, doi:10.1234/JURISTA.V7I2.70.

²⁸ Jarmanisa and others, 'ANALYSIS OF RISK COVERAGE AGREEMENT BETWEEN PT. J&T AND AN INSURANCE COMPANY FOR DELIVERY OF CONSUMER GOODS IN THE CONTEXT OF KAFALAH CONTRACT', *JURISTA: Jurnal Hukum Dan Keadilan*, 5.2 (2021), pp. 126-46, doi:10.1234/JURISTA.V5I2.11.

fellow farmers, especially when water availability is limited. According to Abdul Haris, who once served as *keujrun blang* in the area, this position used to exist and function, but now no one is willing to serve due to pressure and attacks from farmers fighting over water. In the absence of coordinated management, disputes among farmers are common. Indeed, the irrigation system should run from upstream to downstream in a sustainable manner, without any party prioritising personal interests. Irrigation water should flow fairly and evenly to fulfil the needs of all farmers, creating harmony and efficiency in agricultural activities.²⁹

The zoning system in Keuliling Reservoir is a strategy for irrigation water management and distribution to ensure an even flow of water to the various areas in need. The reservoir is divided into several main zones, namely Bak Sukon, Lampanah, Sihoum, Riting, and Krueng Lam Kareung. The main task of the Keuliling Reservoir is to open the sluice gates to release water into the irrigation channels leading to each of these zones. After the water has been released further arrangements are made by the sluice gate officers (PPA), who are responsible for distributing water to each rice field according to need. The sluice gate attendants have a crucial role in ensuring that each farmland gets sufficient water supply to support agricultural productivity. This zoning system covers a large area of about 600 hectares. This system is important to avoid water wastage or water scarcity in one zone that could compromise agricultural yields.³⁰

Irrigation management at Keuliling Reservoir is meticulously done through the implementation of an Annual Reservoir Operational Plan (RTOW). This plan details the various operational activities aimed at meeting irrigation water requirements. In its preparation a number of important factors are considered including the growing season that takes place each year. The growing season has a direct effect on the pattern and amount of water required for agriculture, as crops require an adequate supply of water in order to grow optimally. One of the periods considered in RTOW is May, during which farmers generally require more water supply to support the beginning of the growing season. Therefore, the arrangement of water distribution from Keuliling Reservoir is done carefully by considering various factors such as

²⁹ Adam, 'LEGISLASI HUKUM EKONOMI SYARIAH: STUDI TENTANG PRODUK REGULASI HUKUM EKONOMI SYARIAH DI INDONESIA'.

³⁰ Adminjurnal Adminjurnal and Titi Martini Harahap, 'ELEMEN-ELEMEN HUKUM ISLAM DALAM HUKUM AGRARIA DI INDONESIA', *Maqasiduna: Journal of Education, Humanities, and Social Sciences*, 2.01 (2022), doi:10.59174/mqs.v2i01.31.

climate, annual agricultural cycle. The existence of communities that depend on irrigation water is also an important aspect in determining irrigation policies, so that water needs can be met throughout the growing season.³¹

After the water arrives at the gates of each area, the management of water distribution then becomes the responsibility of Keujrun Blang. Their job is to channel the water to the rice fields in need and ensure each zone gets enough water supply according to their respective agricultural needs. If there are farmers who feel their water needs have not been met, they can contact Keujrun Blang to find a solution. However, problems sometimes arise regarding unfairness in water distribution which is often caused by limited supply. Some farmers try to cheat, such as blocking waterways or modifying rice fields to fulfil their personal needs first. These actions certainly disrupt the water distribution that should be fair to all. If these disputes or injustices cannot be resolved by the Keujrun Blang the matter will be referred to the *keucik gampong* or to the *menasah* to seek a fair resolution and in accordance with applicable regulations.³²

Supposedly, before entering the planting season, the *gampong* communities around the Keuliling Reservoir formed an association called the Water User Farmers Association (P3K). The formation of P3K is very important because through this group, farmers can conduct deliberations to plan and discuss their water needs together. With the deliberation, it is easier for the reservoir management to know how many farmers need water, as well as how much area should be irrigated. This allows the reservoir management to plan and manage water distribution more effectively, thus avoiding water shortages or surpluses that can be detrimental to farmers. However, what currently happens is that communities only report their water needs to the reservoir when it is urgent, without any prior coordination or planning. This practice hinders optimal water management, as the reservoir management does not have enough information on the number and size of areas that require irrigation, which can lead to imbalances in water distribution. Therefore, it is important for the community to re-establish P3K and conduct deliberations

³¹ Khamsiyah, 'Analisis Teori Ijarah Terhadap Sewa Menyewa Tanah Milik Pemkot Surabaya Oleh Rukun Tetangga (Rt) 01 Kepada Para Pedagang Di Tandes Surabaya'.

³² Luis Felipe Viera Valencia and Dubian Garcia Giraldo, 'PENGUNAAN RUANG SEMPADAN BADAN JALAN DI WILAYAH GUNUNG GERUTEE SEBAGAI LOKASI USAHA DALAM PERSPEKTIF MILK AL-DAULAH (Studi Tentang Penggunaan Tanah Milik Negara Oleh Masyarakat)', *Angewandte Chemie International Edition*, 6(11), 951-952., 2 (2019).

before the planting season so that water management is better planned and farmers' needs can be better met.³³

The Public Works Office plays a crucial role in monitoring the irrigation channels that carry water from the Keuliling Reservoir to farmers' fields. This oversight involves regularly checking the physical condition of the irrigation canals, to ensure that there are no damages, blockages or leaks that could disrupt the flow of water. Any damage to the canal, such as cracks in the canal walls or accumulation of rubbish, can cause the flow of water to be uneven. This will certainly have an impact on the unbalanced distribution of water, where some agricultural areas lack water, while other areas are overwatered. Such conditions can be detrimental to farmers, as agricultural yields in water-deficient areas can be compromised, while overwatered areas can lead to wastage and other losses.

For this reason, regular and proper maintenance of irrigation channels is necessary to ensure that the water flow remains smooth and even. Good supervision and regular maintenance will help maintain the smooth distribution of water, so that every farmer gets sufficient water supply for their rice field irrigation needs. With an efficient irrigation system in place, imbalances in water supply can be avoided, and losses that can occur due to irrigation problems can be minimised. This also ensures that water needs during the growing season are optimally met, supporting agricultural success and increasing overall production yields.

2. Mechanism of Application of the Concept of *Haq Al-Majra* on the Role of Keujrun Blang in Regulating Water Flow for Adequate Needs of Rice Plants

Irrigation of rice fields in Cot Glie Sub-district is done by channeling water through irrigation channels. For farmers who do not have direct access to irrigation channels, they have the right to channel water through other people's land.³⁴ *Haq Al-Majra* is part of *haq irtifad* which allows a person to utilise an object for the benefit of another object. In the context of this research, the interest of the other object is land that needs water but does not have a

³³ Viera Valencia and Garcia Giraldo, 'PENGUNAAN RUANG SEMPADAN BADAN JALAN DI WILAYAH GUNUNG GERUTEE SEBAGAI LOKASI USAHA DALAM PERSPEKTIF MILK AL-DAULAH (Studi Tentang Penggunaan Tanah Milik Negara Oleh Masyarakat)'.
³⁴ Ridwan Nurdin and Anggie Wulandari, 'Keabsahan Pendapatan Pada Tanah Milik Negara Dalam Perspektif Milk Al-Daulah', *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah*, 2.1 (2020), pp. 1-20, doi:10.22373/al-mudharabah.v2i1.813.

channel close to the water source. Thus, farmers can utilise other people's land that is close to the water source to drain water for their land in need. The existence of Haq Al-Majra arises because the irrigation process uses irrigation channels which are immovable objects and become public facilities. Every public facility such as roads, rivers, and irrigation canals, has rights in it, such as the right to pass, the right to drain water, and the right to discharge water. Because public facilities are shared rights, people are allowed to use them on the condition that they do not cause harm to others. *Haq al-majra* is a form of muamalah between fellow humans, as explained in the ushul fiqh rules regarding the law of muamalah:

أَلَصُّنُ بِالْمُعَامَلَةِ إِلَّا أَنْ يَدُلَّ دَلِيلٌ

Meaning: Basically, all forms of muamalah are permissible, unless there is evidence that forbids it.

Keujrun Blang not only functions to manage irrigation, but also has a very important role in resolving disputes over irrigation of rice fields between farmers, especially those caused by cheating in water control. Disputes related to irrigation of rice fields generally arise when there are farmers who feel disadvantaged by the use of water that is unfair or not in accordance with the rules agreed upon in the customary system. There are farmers who commit acts of fraud or injustice by withholding paddy fields or streams to fulfil the needs of their fields. Whereas the water should flow from upstream to downstream, where each farmer has the right to obtain a share of water according to his needs. This action violates the principle of justice in the distribution of natural resources, especially water that should flow without any party holding back.³⁵

Problems with irrigation among farmers often arise due to non-compliance by some farmers with the rules set by irrigation officials. Some farmers take unilateral action by controlling or blocking water channels that should be distributed fairly to all farmers. This action results in unfairness in access to water, leaving other farmers without sufficient supply for their agricultural needs. As a result, there is a sense of dissatisfaction and anger among aggrieved farmers, which sometimes leads to fights or even violence between them. Such conflicts further complicate irrigation management issues and affect harmony among farmers.³⁶

³⁵ C. Fahmi and others, 'THE ROLE OF LOCAL GOVERNMENT IN MAINTAINING COFFEE PRICES VOLATILITY IN GAYO HIGHLAND OF INDONESIA', *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 8.1 (2023), doi:10.22373/petita.v8i1.168.

³⁶ Chairul Fahmi, 'The Snouck Hurgronje's Doctrine in Conquering the Holy Revolts of Acehese Natives', *Heritage of Nusantara: International Journal of Religious Literature and Heritage*, 10.2 (2021), pp. 248-73, doi:10.31291/HN.V10I2.628.

Based on an interview with one of the farmers, blockage of waterways is a problem that is often experienced by farmers. Some of them sometimes block waterways for personal gain, without considering the impact on other farmers. This action only benefits the blocking party, while other farmers who are supposed to get water supply are harmed. One of the reasons why some farmers control or block waterways is that rice needs an adequate supply of water during its growth process. When the rice starts to fill up, the lack of water can inhibit growth, which can be seen from yellowing leaves, reduced number of tillers, to stunted rice growth and even risk crop failure.

From the results of this study, the author argues that every effort made to achieve good both for oneself and for many people. As well as avoiding harm and mudharat, should be applied by the farmers. This effort needs to be supported by the spirit of help and good intentions, because this approach will create a harmonious environment and mutual support among farmers. In this context, the application of haq al-majra or the right to water flow must be carried out responsibly and in accordance with applicable regulations. This is important so that problems do not arise among farmers if haq al majra is applied properly then irrigation of rice fields can run smoothly according to the provisions without harming any party. But if the application of haq al-majra actually causes mudharat, such as injustice in the distribution of water or other losses then it is not allowed. In accordance with the principles of ethics and regulation, any action that causes harm or loss to oneself or others should be avoided because the sustainability and welfare of the community must always be the top priority.

CONCLUSIONS

Based on the description above, the management and supervision of irrigation in Keuliling Reservoir is very important to ensure adequate water supply for rice farming in the region. With the zoning system implemented, water distribution can be carried out evenly to various areas in need, so that every farmer gets his right to water supply for their rice fields. However, in practice, the problem of injustice in water distribution, such as unilateral water control by some farmers, is still an obstacle that can disrupt water distribution that should be fair and equitable. For this reason, deliberation and coordination between farmers, which can be facilitated by the Water User Farmers Association (P3K), is needed to plan water needs together before the planting season begins.

On the other hand, if associated with the concept of haq al-majra, its application in the management of irrigation of rice fields in Cot Glie Sub-district is very important to ensure equitable water distribution for farmers.

Haq Al-Majra gives farmers the right to utilise existing waterways on other people's land for the benefit of irrigating their rice fields, as long as it does not cause harm to other parties. This system aims to create harmony and justice among farmers in the utilisation of water. However, in practice, there are often acts of injustice such as blockage or unilateral control of waterways by some farmers that harm other farmers. Discrepancies in the application of *Haq Al-Majra* occur when this principle is misused, such as blocking the flow of water for personal interests. This action causes *harm* to other farmers, such as crop failure and social conflict in the field. This contradicts the purpose of *Haq Al-Majra*, which is to prioritise the common good, so if it is done without responsibility and violates the rules, it is not valid in sharia or social terms. The suitability of *Haq Al-Majra* can be seen when farmers use this right in good faith and full of responsibility, the use of water flow is carried out in accordance with customary agreements and does not harm farmers.

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