

THE PRACTICE OF MONOPOLISING FISH PRICES ON TOKE BENCHES IN THE PERSPECTIVE OF FIQH MUAMALAH

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Abstract

The practice of monopoly is a type of violation in bermuamalah because it will cause the market mechanism to be disrupted, so that producers will get a large profit, while consumers due to the hoarding action will take suffering or loss. So, the result of monopoly is very unjust, selfish, and irresponsible. TPI Lampulo is one of the biggest fish trading transaction places in Banda Aceh. The determination of fish price dominated by Toke Bangku, the price has been going on for a long time. It is shown that the sale and purchase is not based on willingness and is reasonable, while Toke Bangku to set the selling price of fish depends on the weather and market conditions. This research uses a descriptive method, and the data is analysed qualitatively. Data were collected based on field research and literature review. The results showed that the price applied by Toke Bangku was not so according to the fishermen because of the law of price, while Toke Bangku determined the selling price following the weather conditions at sea and the market. In the review of Acehnese customs, Toke Bangku's pricing is in accordance with the laws and customs since the time of the sultanate of Aceh. Meanwhile, according to the Islamic economic perspective, Toke Bangku and fishermen receive rewards in this world and the next. This indicates that the value of tawhid is always embedded in life.

Keywords: Price Fixing, Shopkeeper, Monopoly, Buying and Selling

Abstrak

Praktik monopoli merupakan salah satu bentuk pelanggaran dalam bermuamalah karena akan menyebabkan mekanisme pasar terganggu, sehingga produsen akan mendapatkan keuntungan yang besar, sedangkan konsumen akibat tindakan penimbunan tersebut akan mengalami penderitaan atau kerugian. Jadi, akibat dari monopoli sangat tidak adil, egois, dan tidak bertanggung jawab. TPI Lampulo merupakan salah satu tempat transaksi jual beli ikan terbesar di Banda Aceh. Penentuan harga ikan yang didominasi oleh Toke Bangku sudah berlangsung sejak lama. Hal ini menunjukkan bahwa jual beli tersebut tidak berdasarkan kerelaan dan kewajaran, sedangkan Toke Bangku dalam menetapkan harga jual ikan tergantung pada cuaca dan kondisi pasar. Penelitian ini menggunakan metode deskriptif, dan data dianalisis secara kualitatif. Data dikumpulkan berdasarkan penelitian lapangan dan studi kepustakaan. Hasil penelitian menunjukkan bahwa harga yang diterapkan oleh Toke Bangku tidak begitu sesuai dengan nelayan karena adanya hukum harga, sedangkan Toke Bangku menentukan harga jual mengikuti kondisi cuaca di laut dan pasar. Dalam tinjauan adat istiadat Aceh, penetapan harga yang dilakukan Toke Bangku sudah sesuai dengan hukum dan adat istiadat sejak zaman kesultanan Aceh. Sementara itu, menurut perspektif ekonomi Islam, Toke Bangku dan nelayan mendapatkan pahala di dunia dan akhirat. Hal ini menandakan bahwa nilai tauhid selalu tertanam dalam kehidupan.

Kata kunci: Penetapan Harga, Toke Bangku, Monopoli, Jual Beli

INTRODUCTION

The fisheries sector is one of the hopes of the fishing community in order to increase income. This is in line with the policy direction that develops a food need based on the diversity of food resources, a development and local culture needed at an affordable price in paying attention to the income of fishermen. Price plays a very important role in every business conducted, because the price level set affects the quantity of goods sold, in other words, the price level set affects the turnover of goods sold. The quantity of goods sold affects the costs incurred in relation to the procurement of goods for trading companies and production efficiency for companies, manufacturing. So prices affect total revenue, so that in the end prices affect the operating profit and financial position of a business entity.

Pricing in the Big Indonesian Dictionary (KBBI) is the value of an object measured in money, a sum of money or other means of exchange worth what must be paid or issued to buy a product or service, and at a certain time in a

certain market. Pricing is a process to determine how much revenue the company will earn or receive from the products or services produced.¹

According to the concept of market mechanisms in Islam, fishermen and collectors must have and be able to fulfil the principles of mutual consent, honesty, openness and justice, while in a matter for the limit of belief according to Syafi'i who argues there is no certainty in terms of taking a profit, as well as explained by Ibn Tamiyyah explaining that a blessed profit will not exceed the price of capital.

Price is the one element of the marketing mix that generates revenue, while the other elements generate costs. Price is an element of the marketing mix that is most easily adjusted. Price also communicates the intended value position of the company to the market about products and services, price also has a direct effect on business profits.

The price of fish in the Lampulo market in Banda Aceh has been monopolised by some stallholders, this happens for several reasons, namely:

a. Scientific Monopoly

The company is located in close proximity to the resources used, thus being the sole provider of the product or service.

b. Monopoly by Law

The government grants exclusive rights to companies to provide goods or services. For example, PT Pos Indonesia is given a monopoly right to sell postal items.

c. Monopoly due to patent rights

The company has patents on its intellectual property, so other companies cannot produce the same goods or services.

d. Company Merger

Several companies join forces to raise large amounts of capital to produce an item with advanced technology.

e. Economic resource companies

Economic resources are concentrated in one business or seller.

Monopoly can have both positive and negative impacts. The positive impact is to reduce waste, while the negative impact is that companies are reluctant to make creative innovations to increase product value. And several

¹ Dictionary Compilation Team, *Big Indonesian Dictionary*, (Jakarta: Balai Pustaka, 2005). p.388.

factors, such as: abundant fish stocks, weather factors, limited number of *cold storage*, disruption of fishery product distribution, fish exports abroad.

The fish traders admitted that when the price of fish fell, they who sell in the Lampulo market suffered losses, from the selling price of fish at the Toke Bangku level minus the selling price at the fisherman level. The decline in fish prices in Lampulo was caused by abundant fish stocks so that the price fell. Monopolistic practices can be proven by several elements, namely: elements of business actors, elements of collusion, elements of other parties, elements of regulating or determining the tender holder, elements of unfair business competition.

Fish price monopoly by Toke Bangku has attracted the interest of a number of researchers. These studies can be grouped into two categories: fish price monopoly and price monopoly practices. In a fish price monopoly, it can occur when there are people who control the purchase of fish, so that they can determine the price of fish. In a monopoly market, sellers can raise or lower prices by determining the amount of goods to be produced. In the practice of price monopoly, the behaviour of business actors is to set prices that are unhealthy and detrimental to the public interest.

Fiqh scholars have agreed to state that the provisions of price fixing are not found in the Qur'an. As for the Hadith of the Prophet Muhammad, several narrations are found according to the logic that can be induced that the price fixing is allowed under certain conditions, the dominant factor that becomes the basis of the price fixing is *at-tas'ir al-jabbari*, according to the agreement of the Ulama Fikih is *maslahah al- mursalah* (benefit). ²

In the instruction of the customary law of the sea, it has been regulated that Toke Bangku will get 10% of the gross proceeds, if the fishing capital using fish is sourced from Toke Bangku. However, if the fishermen use their own capital, and Toke Bangku is asked to sell the fishermen's catch, then Toke Bangku will get 3% of the gross proceeds from the sale of fish. Then 10% of the gross proceeds are managed by the captain for fishing improvements. Therefore, in the fish pricing system, Toke Bangku's power is very dominant in determining the price of fish, the distribution of new results is distributed after deductions. In Banda Aceh, the Toke Bangku percentage is 2.5% and

² Hendi Suhendi, *Fiqh Muamalah*, (Jakarta: Raja Graindo, 2002),67.

operational costs are around 30%, the remaining 57% is divided into 3 parts, then divided by the boat owner and handler, crew and boat guard.³

Toke Bangku's power is very dominant in determining the price of fish. This position often occurs because the fisheries profit sharing system in the social institution of laot customary law is considered unfair, fishermen are only tasked with finding fish thinking about capital to go to sea, even when fishermen do not have funds before going to sea, Toke Bangku is brave and ready to provide loans even though the funds will not be sufficient, but the provision has helped the economy of the fishermen.

In a monopoly there is a possibility that prices will be higher, production will be lower, and profits will be greater than in a perfectly competitive market, based on the possibility that most economists argue that monopolies have adverse effects on public welfare and income distribution becomes unequal.

The monopoly will earn more than normal profits, and this will be enjoyed by the monopolist and other shareholders, who comprise the high- or middle-income population, while the workers, who are relatively poor, will not gain anything from the monopoly's higher than normal profits.

In the field facts that occurred, the researcher interviewed some Toke Bangku in Lampulo market Banda Aceh, such as the results of the interview with Hasan as Toke Bangku in Lampulo market Banda Aceh that fishery is the first source of income in Lampulo TPI area, determining the price of fish carried out between Toke Bangku and fishermen, and the habit of fishermen to hand over their catches to Toke Bangku to be traded, and there are also fishermen who try to sell it themselves, but most fishermen prefer the services of Toke Bangku to trade their fish with various agreements that have been agreed upon, and have become a tradition from generation to generation. And the role of Toke Bangku in addition to being a financier for fishermen is also a seller of fish caught by fishermen at the prevailing market price at that time.⁴

When the fish is in the control of Toke Bangku, Toke Bangku opens the selling price of the fish according to the market price, then bargains with several buyers at an agreed price, finally the fish is sold to one of the buyers who is willing to buy at the price determined by Toke Bangku.

³ Elly Irhana Savitri, et al. "The Role of Panglima Laot in Improving the Social Resilience of Aceh Coastal Communities", *Journal of Education and Development*, Vol.10. No.2, (South Tapanuli Institute of Education, 2022), p.48.

⁴ Interview with Hasan, a Bencher at Lampulo Market in Banda Aceh, on 20 June 2024.

In this case, after the fish is sold, the Toke Bangku has not yet received the money from the sale of the fish, the buyer who has managed to buy the fish again opens a different price to be traded to other buyers, even though we all know that the first buyer has not paid the money for the purchase of the fish to Toke Bangku, so the fish owner does not immediately receive the money from the sale of the fish.

In the practice carried out by Toke Bangku, it greatly affects the income of fishermen, fishermen who should receive money from the sale after the fish is sold, but because there is a tradition like this, fishermen must surrender to accept it. In such transactions, the fishermen do not question it and consider such transactions to have been a habit for a long time because they have mutual trust among the fishermen and Toke Bangku.

This article seeks to show that the price of fish in the Lampulo market in Banda Aceh has been monopolised and has led to low selling prices for fishermen and producers, resulting in lower incomes. To overcome the monopoly of fish prices, the government can take over the owners of capital for fishermen. Based on the explanation above and the field facts that have been obtained, it is necessary to further research the Practice of Monopoly on Fish Prices at Bench Stools in the Perspective of Fiqh Muamalah in Lampulo Market, Banda Aceh.

RESEARCH METHODS

The research method that the author uses in this research is the descriptive method of analysis, namely by making systematic and accurate factual and accurate descriptions of the facts about the object that the author examines.⁵ This research uses a case study approach, with a type of qualitative research, The main data sources in qualitative research come from primary data and secondary data, using data collection techniques with the literature interview method. Data analysis is carried out by systematically searching and collecting data obtained from interviews, field notes and other materials, so that it can be easily understood and the findings can be informed to others.

RESULTS AND DISCUSSION

A. Fish Price Fixing by Benchers in Lampulo Market, Banda Aceh

⁵ Muhammad Siddiq-Armia, *Determining Legal Research Methods and Approaches*, ed. Chairul Fahmi (Indonesia: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022).

Fish price fixing or profit sharing practices were already practised during the Aceh Kingdom, to set the price, the Toke Bangku had considered and taken into account the fishermen's catch against the weather, so that the position and duty of Toke Bangku was to sell the fish that had been given by the fishermen at the time of landing at the TPI. Fish price determination in Lampulo Market, Banda Aceh, occurs through several stages and involves various parties, such as fishermen and Toke Bangku meet to determine the selling price of fish, fishermen offer fish prices based on quality, size, and availability, Toke Bangku determines the purchase price based on fishermen's offers and market demand, Toke Bangku determines the selling price to traders and consumers.

The practice of monopolising fish prices has become a serious problem in the Lampulo market in Banda Aceh. Monopoly (*ihtikar*⁶) is the deliberate *withholding* or *hoarding* of goods, especially when there is a shortage of goods with the aim of raising prices at a later date. The practice of *ihtikar* will cause the market mechanism to be disrupted, where producers will then sell at a higher price than the normal price. The seller will earn a large profit (monopolistic rent), while the consumer will suffer losses. So, as a result of *ihtikar*, the wider community will be harmed due to the actions of a small, irresponsible group.

While monopoly (from Greek: *monos* which means one and *polein* which means selling) in the perspective of Fiqh Muamalah is a situation where in the market there is only one seller of an item so that no other party competes. The above provisions include provisions of pure monopoly or pure monopoly. In reality it is difficult to get a company classified as a pure monopoly, where there is no element of competition from other companies, because if there is only one seller in the market, there is still the possibility of indirect companies, for example products from other companies that can be used as substitutes (although not perfect substitutes) for products produced by monopolists.

The conditions under which *ihtikar* or monopoly can be said, there are 3 conditions for the goods or the market to be said to be a monopoly market, namely: The goods that are stored are the result of what has been bought and if a consumer bargains at a low price or at the standard price in general then stores it with the intention of selling it when a scarcity of goods is found using a price that is soaring high from the initial price he bought it this is called a

⁶ Buhuti, Al- Manshur Ibn Yusuf Ibn Idris Kasysyaf al- Qina 'an Matan all- Iqna, juz III, Bayrut: Alam al-kitab, t.th.

monopoly. However, if a person does not resell it and intends to make a high profit then he is not considered a hoarder.

Types of Monopoly markets. There are several types of monopoly markets, namely:

- a. Scientific monopolies are monopolies that are made by themselves or by nature.
- b. Statutory monopoly is a monopoly caused by state regulations that apply to private or state-owned companies.
- c. Monopolies caused by licences and systematics are also mechanical powers.
- d. Monopolies are the result of bad human behaviour that is greedy and avaricious. Human nature with all the desire to dominate the earth and take advantage is part of the bad nature and harm many people including nature. Monopoly markets formed by nature have rarely been found by humans or because of the laws of the State in which they are included in Indonesia which are then misused and become detrimental to consumers due to the bad behaviour of producers, also found in Law No. 5 of 1999.⁷

Ihtikar

Ihtikar is derived from the word *hakaza*, which means to spoil company; ihtikar is hoarding goods until their prices soar. The following proofs of ihtikar are proofs of monopoly (ihtikar):

- a. "From Sa'id bin Muayyab from Ma'mar bin Abdullah from the Messenger of Allah said: No one does hoarding except the wrong person" (HR Muslim).
- b. Abu Hurairah said: The Messenger of Allah (SAW) said: "Whoever does hoarding with the intention that the price will increase, then he is the wrong person". (HR. Hakim).
- c. Ibn Umar reported that the Prophet said: "Whoever hoards food for forty nights is detached from the shade of Allah and Allah removes the shade from him" (HR Ahmad).
- d. "Abu Umamah al-Bahili narrated that the Prophet had forbidden the hoarding of food" (HR Hakim).

Prohibition of Monopoly

⁷ Lubis, S.N. (2006). Market theory: *Monopoly Market*

Many fiqh scholars differ on this issue, which can be seen from two perspectives:

a. In terms of goods

The scholars are of the opinion that the goods that are forbidden in this monopoly are basic foodstuffs. And according to Imam AL-Ghazali, goods other than supporting human life such as clothing, medicine or other goods are not prohibited or allowed. If human life-supporting foods such as rice, meat, corn, fruits are still in the period of the Ijma of the Ulama or still allowed and still in the period of consideration of the scholars. Some scholars prohibit that staple foods are not allowed to be hoarded and some scholars are also of the opinion that it is allowed. Ulama prohibit this not because there is no reason but it will cause social conflict between communities because it is the basis of life and also human needs not only in food but also other business such as education, transportation, drinks, clothing. If there is conflict due to monopoly, it will be more difficult to socialise on the grounds that humans are social creatures. The scholar Yusuf Qardhawi said "every object that is hoarded or the problem is delayed or held back and causes conflict or problems with others is called a monopoly. And every monopoly is forbidden by Allah, it is clearly stated in the Qur'an.

b. Time allowed for monopolistic practices

With the goods that are prohibited from being used as monopoly materials, there are also times that allow monopoly practices, all Ulama prohibit monopoly, there are also some Ulama who say that monopoly can be done regardless of time or reason. Al-Ghazali also said that monopoly can be done for certain reasons, for example if someone hoards to be used as a benchmark and if people need it so that they are not harmed and the sale is not delayed. But, if it is done when justice is difficult and many people need it then that person releases the goods and sells them at a standard price or normal price then it is not said to be a monopoly, but if it is sold at a high price it is said to be a monopoly because it takes a large profit and harms the buyer, if there is no element of monopoly such as prices being raised during times of scarcity or prices being raised very high and released during times of famine then it is said to be a monopoly.

The majority of scholars are of the opinion that monopoly is prohibited, as stated by the Hanbalis, Malikis, Hanafis and the majority of Shafi'is. The arguments that they build are naqli and 'aqli arguments. Among the naqli arguments that they use as a legal basis are the Al-Qu'ran and sunnah. Allah SWT, says in surah Al- Hajj (22) verse 25:

إِنَّ الَّذِينَ كَفَرُوا وَيَصُدُّونَ عَنْ سَبِيلِ اللَّهِ وَالْمَسْجِدِ الْحَرَامِ الَّذِي جَعَلْنَاهُ لِلنَّاسِ سَوَاءً الْعَاكِفُ فِيهِ وَالْبَادِ
وَمَنْ يُرِدْ فِيهِ بِإِلْحَادٍ بِظُلْمٍ نُذِقْهُ مِنْ عَذَابٍ أَلِيمٍ

Meaning: Indeed, those who disbelieve and those who obstruct (people) from the way of Allah and from the Sacred Mosque which we have made open to all people, whether they live there or come from outside and whoever intends to do evil unjustly therein, we will surely inflict on him a painful punishment (QS. Al-Hajj (22): 25).

Tafsir Ibn Katsir, states that what is meant by *Al-Hada* in the verse is monopolistic behaviour where the perpetrator is threatened with a very painful torment. This is that a monopoly that can lead to the scarcity of an item that is urgently needed by the community is a crime and a crime.⁸ This is reinforced by the Hadith narrated by Abu Daud from Ya'la Ibn Umayyah: Ya'la Ibn Umayyah said, the Messenger of Allah. Said, "Monopolising a food around the al-Haram mosque is a crime". (HR. Abu Dawud).

B. Analysis of fish pricing in the perspective of Fiqh Muamalah

Price fixing in Fiqh Muamalah is called *Ta'sir* which means setting the price of goods traded without tyrannising the owner and without burdening the buyer. According to Islamic economics in setting prices is determined by the balance of demand (*supply*) and supply (*demand*).

Price fixing is a process that runs on the basis of the forces of attraction between consumers and producers in both output (goods) and input (factors of production) markets.⁹ In Islam, there is nothing that prohibits price fixing or buying an item below the market price. The Ulama state that the price prevailing in the market has been allowed to apply in harmony with market dynamics, directly proportional to supply and demand, it is not appropriate for anyone to manipulate the prevailing price, if there are many goods while the demand is small, the price of fish will automatically fall and vice versa. In

⁸ Ibn Katsir, *Tafsir Ibn Katsir Juz III*, (Mishr: Dar ihya al- kutub al'- Arabiyyah, t.t) pp. 215.

⁹ Euis Amalia, *History of Islamic Economic Thought from Classical to Contemporary Periods*, (Depok: Gramata Pbulishing, 2010), pp. 209.

setting prices there are various methods that can be used, pricing is usually done to add value or the amount of production costs that are calculated on the costs incurred and the sacrifice of labour and time in processing goods or services.

According to the Big Indonesian Dictionary, Price is the value of goods determined by money. In another sense, price is the amount of money or other means of exchange worth, which must be paid for a product or service, at a certain time and in a certain market.¹⁰ Price is also intended to be the high and low value of a good or service that can be measured in money¹¹. Price is one of the variables marketing or sales. Islam provides freedom in pricing, which means that all forms of price concepts that occur in buying and selling transactions are permitted in Islamic teachings as long as there is no evidence that prohibits it, and as long as the price occurs on the basis of justice and mutual consent between the seller and the buyer. Islamic teachings pay great attention to the perfection of the market mechanism.

According to Rachmat Shafi'i, the price only occurs in the contract, which is something that is agreed upon in the contract, whether it is less, more, or equal to the value of the goods. Usually, the price is used as an exchange for goods that are agreed upon by both parties to the contract¹². From the above understanding, it can be explained that price is an agreement regarding the sale and purchase of goods or services where the agreement is agreed upon by both parties.

Qardhawi states that if price-fixing is done by forcing sellers to accept a price that they do not agree with, then this action is not justified by religion. However, if price-fixing brings about justice for the whole community, such as making it a law not to sell above the official price, then this is permissible and must be implemented.¹³

In pricing Islam gives the market freedom, and leaves it to the law of instinct which presumably can carry out its function in harmony with supply and demand, but it is not allowed to do *ihthikar*, which is taking profits above normal profits by selling fewer goods for higher prices. In the event of such

¹⁰ Kamus Besar Bahasa Indonesia, *Department of National Education Indonesia Language Centre*

¹¹ Ahmad Muhammad Al-Assal, *System of Principles and Objectives of Islamic Economics*, Alihah Imam Saifuddin, (CV. Pustaka Setia, Bandung, 1999), p. 26. 26

¹² Rachmat Sya'fi, *Fiqh Muamalah* (Bandung: Pustaka Setia, 2001), pp. 87.

¹³ Yusuf Qardhawi, *Norms and Ethics of Islamic Economics* (Jakarta: Gema Insani, 1997), p. 257. 257

unacceptable practices, Islam, which is rahmatan lil alamin, teaches official authority intervention and authorises the government to carry out price-fixing policies. If there is an increase in the price of goods above the limit of society's ability, then the government regulates it with market operations. Meanwhile, if prices fall too much to the detriment of producers, the government increases purchases of these products from the market.¹⁴

Ibn Qudamah analysed that price fixing is also indicative of unprofitable prices, arguing that fish price fixing encourages prices to become more expensive. This is because if outsiders hear about price controls, they will not want to bring their goods. Consumers in need will ask for their goods outside and make it impossible to satisfy their demand, as the price increases and both parties suffer. The sellers will suffer from being restricted from selling their goods and the buyers suffer from not being able to fulfil their wishes. This is why it is prohibited.

The legal basis of the Qur'an regarding pricing is the word of Allah SWT contained in QS. An-Nisa verse 29, namely:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا

Meaning: O you who believe! Do not eat of your neighbour's wealth by means of false means, except in a mutual trade between you. (QS. An-Nisa: 29).

This verse contains several conclusions that :

- a. The basis of a halal price in buying and selling is mutual consent between the seller and the buyer. Fraud or injustice is forbidden.
- b. Everything in this world including commerce and the things that are in it are impermanent, so his will makes reasonable people to prepare for a better and eternal hereafter.
- c. Most types of commerce involve consuming wealth unlawfully, which is why it is impossible to limit the value of an item and make it worth its price based on its price. Therefore, tolerance and mutual respect must prevail.¹⁵

The basis of Hadith is from Anas Bin Malik said that during the time of the Prophet SAW there was a high increase in prices, the companions then said

¹⁴ Adiwarman Karim, *Islamic Economics A Contemporary Study*, (Jakarta: Gema Insani Press), 2003, pp. 146.

¹⁵ A. A Islahi, *Ibn Taymiyyah's Economic Concept* (Surabaya: PT Bina Ilmu, 1997), pp. 120.

to the Apostle: "Yes, Rasulullah SAW set the price for us!" Rasulullah SAW replied: Meaning: Verily, Allah is the one who fixes prices, who restrains, who distributes and who is the Giver of sustenance. Indeed, I hope to meet Allah without anyone suing me for the injustice I did in the matter of blood and not also in the matter of property."¹⁶

In the laot customary law institution, it has been regulated that Toke Bangku will get 10% of the gross proceeds, if the fishing capital is sourced from Toke Bangku. However, if the fishermen use their own capital, and Toke Bangku is asked to sell the fishermen's catch, then Toke Bangku will get 3% of the gross proceeds from the sale of fish. Then 10% of the gross proceeds are managed by the captain for the repair of the fishing fleet. Therefore, in setting the price of fish, Toke Bangku's power is very dominant in setting the price of fish.

The distribution of new results is distributed after deductions according to the percentage. Therefore, the share obtained from the net results after deductions is not uniform throughout Aceh. In Banda Aceh, the percentage for Toke Bangku is around 10% for donations to places of worship 2.5% and operational costs around 30%, the remaining 57.5% is divided into 3 parts then divided by the boat owner and the crew handler and boat guard.

Toke Bangku's power is very dominant in determining the price of fish, this position often occurs because the fisheries profit sharing system in the social institution of laot customary law is considered unfair. Researchers see that fishermen are only tasked with finding fish without thinking about capital for fishing, even when fishermen do not have funds before going to sea, Toke Bangku is brave and ready to provide financial loans even though these funds will not be sufficient. However, the loan has helped the fishermen's economy.

The Toke Bangku as a price setter at the Lampulo Banda Aceh fish auction site, is a powerful agent in determining prices because it has provided loan facilities and needs when fishermen go to sea, shortages and damage to fishing equipment are all borne by Toke Bangku. Thus, fishermen are indebted and continue to be fishermen without thinking about switching to other independent businesses, due to the limited knowledge and skills they have.

The results of an interview with Aris, a stool shop in the Lampulo market in Banda Aceh, stated that in the Lampulo market in Banda Aceh there was a practice of monopolising fish prices, due to economic concentration in a

¹⁶ Abu Dawud, *Sunan Abi Daud*, (Riyadh: Bayt al- Al-Afkar al- Duwaliyah. t.th), pp. 311

particular business. This concentration leads to control of production and marketing of these goods or services. And these monopolistic practices affect the income of small traders, and also have an impact on the quality of fish. And to set the price, the Toke Bnagku has considered and taken into account the fishermen's catch against the weather, so that their position and the buyers suffer because their wishes cannot be fulfilled. This is why it is prohibited¹⁷

The results of an interview with Farel, a fisherman at Lampulo Market in Banda Aceh, stated that a fisherman who owns a boat gives his boat to Toke Bangku to be used for fishing, then the boat owner will get his share of the ration of 5%, if he does not go to sea with other fishermen. However, if he joins the other fishermen, then he will get a share of 8%, as well as Toke Bangku will get a share of 10% due to the owner of the capital. In this case, if the boat owner hands over the boat to Toke Bangku, it is included in the wakalah contract both in the form of words and actions and also the delegation of power to Toke Bangku to find or determine who will board the boat in fishing.¹⁸

The results of an interview with Arman, a fish seller at Lampulo Market in Banda Aceh, stated that Toke Bangku dominates fish pricing, making prices unstable and detrimental to fishermen and consumers, fishermen and fish sellers are very dependent on Toke Bangku. The price setting process is not transparent, making it difficult for fishermen and consumers to understand the price mechanism. And the price monopoly causes fishermen to receive unfair prices, reducing their income. The price monopoly also causes fish prices to rise, affecting consumers' purchasing power. Price monopolies reduce competition in the market, hindering the development of the fishing industry.¹⁹

The results of an interview with Siti, a buyer at the Lampulo Market in Banda Aceh, who stated that she was aware of the monopolistic practice of fish prices in the Lampulo Market in Banda Aceh, the price of fish was unstable, the quality of fish was not good, and there was a lack of choice, buyers felt disadvantaged by monopolistic practices.²⁰

¹⁷ Interview with Aris, Toke Bangku in Lampulo Market Banda Aceh, on 15 December 2024.

¹⁸ Interview with Farel, Fisherman at Lampulo Market Banda Aceh, on 15 December 2024.

¹⁹ Interview with Arman, Seller at Lampulo Market Banda Aceh, on 15 December 2024.

²⁰ Interview with Siti, Buyer at Lampulo Market Banda Aceh, on 15 December 2024

CONCLUSIONS

From the study of the discussion of the practice of monopoly on fish prices at Toke Bangku in the perspective of Fiqh Muamalah in Lampulo Market Banda Aceh, as the author describes that monopoly is prohibited in Islam because it harms many parties both from consumers and producers so that this monopoly is prohibited by Allah and written in the Qur'an, besides that monopoly also has the principle of taking the highest profit and removing the lowest.

And in the previous chapters it can also be concluded that the determination of the price of fish between Toke Bangku and fishermen in the Lampulo Market in Banda Aceh has become a mutual agreement before Toke Bangku follows the situation of Toke Bangku auctioning prices. The price fixing carried out by Toke Bangku follows the circumstances and price opportunities. In the review of Acehese customs, the determination of fish prices between Toke Bangku and fishermen in the Lampulo Banda Aceh market has been in effect since the kingdom of Aceh and has been running for generations, so there is no interference from the customary authorities in determining and deciding prices to fishermen or Toke Bangku. In the view of Fiqh Muamalah, the price fixing carried out by Toke Bangku both want to achieve fahlah world and hereafter and benefit in every job.

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