


Analysis of Illegal Sand Mining According to the Syāfi`l School of Fiqh (Case Study of Hamlet III, Pertumbukan Village, Wampu District, Langkat Regency)

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Article Info	ABSTRACT
Keywords: Mine Management, Quarry C, Environment, Fiqh Bi'ah	Sand mining activities in Dusun Tiga, Pertumbukan Village, Wampu District, Langkat Regency, are increasing day by day due to the high demand for materials to support both personal and regional development. However, this activity has led to significant environmental damage, primarily due to a lack of awareness and consideration in planning, operating, and managing post mining impacts. This study, which employs a field research method with both normative (sharia) and sociological approaches, aims to analyze the situation based on the perspective of the Shafi'i school of jurisprudence, emphasizing the importance of environmental preservation. Data were collected through observation, interviews, documentation, and literature review, and were processed through data reduction, presentation, and conclusion drawing. The findings show that illegal sand mining has caused various negative impacts, including damage to local agriculture, road infrastructure, and the overall ecosystem, while also affecting the social and economic well being of the community. To mitigate this environmental degradation, the application of Shafi'i jurisprudence is deemed crucial, as it provides guidance, boundaries, and ethical principles for Muslims in response to and prevent further environmental harm, ultimately aiming for the welfare of the people.
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INTRODUCTION

The environment is a part of the earth's surface, both living and non-living, and can be used as a source of life that is greatly needed by society and other living things to achieve prosperity (Abdul Rahim & Ramli, 2007) . Maintaining and preserving the environment is the obligation of every rational and mature society, it is a separate responsibility for each society to manage and organize natural resources properly and correctly and take advantage of them according to their respective needs, such things aim to prevent society and other living things from the impacts caused by improper environmental management. This obligation aims to realize the welfare and benefits for the public that are not specific to certain individuals (Yusrillivian et al., 2025) .

Islam pays great attention to the cleanliness and maintenance of water because water

is the source of life. Allah says: (QS. Al- Anbiyā ' : 30), (QS. Ibrāhīm : 32), (QS. Al-Baqarah: 164). Many hadiths of the Prophet SAW call for this water maintenance with good, including:

عن جابر رضي الله عنه عن النبي صلى الله عليه وسلم: أنه نهي أن يبال في الماء الراكد

"From Jabir RA, from the Prophet SAW that the Messenger of Allah SAW forbade urinating in stagnant water. "Not only does it pollute the water, it also becomes a breeding ground for disease. Prophet Muhammad SAW taught the etiquette of eating and drinking clean and healthy, such as covering food containers, not breathing or blowing into them, and drinking with three breaths. He forbade wasting water, even during ablution. This method shows the cleanliness, politeness, and difference of Muslims from the habits of ignorance (Anwar et al., 2023) . Once, he passed Sa'ad who was performing ablution, then he asked: " Why like this, this waste?" Sa'ad replied: 'Is there waste in ablution ?' He answered: " Yes, even if you are in a flowing river. "

فقد مرّ صلى الله عليه وسلم بسعد رضي الله عنه وهو يتوضأ فقال: ((ما هذا السرف)) فقال أبي الوضوء إسراف قال ((نعم وإن كنت على نحر جار)

The arguments on hinting in a way direct about the importance of water for life human beings. Islam considers action water pollution as action harassment and abuse to the rights of others. As Hadith of the Prophet SAW:

((المسلمون شركاء في ثلاث: في الكأ والماء والنار))

Those Muslims union in three things : water, fields grass (forage) and fire."

Mining is one of the Indonesia's mainstay after agriculture. However Still Lots society that abuses mining in Indonesia, for get more benefits and convenience without own permission. To do a business mining without have permission is a prohibited activities and can charged sanctions However difficult For eradicated, because method life a more society choose get Lots profit without notice environment surrounding area. Before do activity business mining sand, mining process must be own permission. This is like stated in Article 35 of Law No. 4 of 2009 concerning MINERBA it states that business mining implemented in form permission business mining (IUP). However the reality Lots business mining that is not own Mining license (Fahima et al., 2024) . Many violations were committed by the perpetrators. business in operate business activity excavations, including Hamlet II, Pertumbukan Village Subdistrict Wampu Regency The Land of the Rising Sun Still Lots activity mining done illegally (Furqan, 2022) .

Rivers are a source of life for humans, especially animals that live and breed around rivers. Many developments in various fields have been carried out in the North Sumatra region, especially Langkat Regency. Sand mining in the hamlet of Usun III Village development as one of the activities needed in development. In order to provide economic sustainability for the community, mining actually does not have a negative impact on the surrounding environment. But the exploitation carried out in a way Excessiveness is what causes it impact negative. As happened in the hamlet of Usun III village Growth, based on observation researcher found Lots very illegal sand mining which is direct result in impact on the environment, especially residents and the surrounding ecosystem. Environmental problems are global problems that must be increasingly recognized as complex and serious problems faced by humanity, especially residents of Wampu District, Langkat Regency, because they

themselves often experience flooding.

The scope of work affects the pattern of arrangement and utilization of the surrounding environment. The lack of employment opportunities in remote areas requires people to create their own businesses. The jobs created are in the form of crafts, mining, home industries, and others (Kholiq Syafa'at & Afnan Afandi, 2020) . Mining is a business related to all stages or processes of mining from investigation to post-mining activities carried out either mechanically or manually on the earth's surface, below the earth's surface, or below the water surface. Sand mining is an effort to excavate sand as a potential that is on earth, especially sand mining carried out in hamlet III of Pertumbukan village, Wampu District, Langkat Regency, where the sand in the river is excavated until it damages the riverbank with soil and then the excavated sand is traded according to its type.

Activities and uses source Power nature to fulfill need his life. Exploitation source Power excessive nature will impact on the decline sustainability source Power nature and function environment. As a result can threaten sustainability source Power natural so that cause damage and pollution environment. The number of interest as well as need humans are increasingly day No efficient and only think about about himself alone, the result cause damage to the environment. This is due to generally businessman mining sand use tools heavy For dredge excavation so that leave holes big and use trucks large used For distribution the result will damage environment and will result in erosion in the area around da drops oil from tool the weight used and the process of dredging the material in the water so that the water mixes oil (Halim et al., 2019) . Mining result in quality life public start decrease Because impacts caused by mining business in relatively short time can change form topography land so that can change ecological system balance, pollution in a way excess. Miners only see and think from what is produced from activities carried out.

The implementation of environmental management in the context of sustainable development with insight must be based on written and unwritten legal norms by taking into account the level of public awareness and international legal instruments as well as global developments related to the environment. Environmental management is an integrated effort to preserve environmental functions which include policies for the arrangement, utilization, development, maintenance, restoration, supervision, and control of the environment (Ibnu Qodri & Alfauza Marpaung, 2024) .

Mining excavation is a process or mineral mining carried out above water or below surface land among them mining the sand used as material base For development infrastructure, because the amount needs and demands, starting many people do Mining. Principles the basis which is objective Sharia is fruit goodness and avoidance formulaic evil in five virtues the basis on which upright life people man namely : guarding religion (*hifz al-din*), guarding soul (*hifz al-nafs*), guarding descendants (*hifz nasl*), guard reason (*hifz al-aql*), guarding property (*hifz al-māl*). Fifth matter the is must For to uphold welfare in the world, if abandoned so welfare No will Once realized. Conservation must be based on the five basic benefits (Umam, 2017) .

According to Ali Jum` ah, the peace and comfort of the environment (*as-salām al-bī'i*)

begins with respecting humans and doing good to them as part of the environment, as well as protecting and developing them as part of the duties of the caliph (manager) entrusted by Allah to humans. Every form of attack on humans, whether by destroying buildings or abusing their dignity and freedom, is a form of major damage to the environment because it removes the hand that can protect and respect the environment. According to Ali Jum`ah, there are several attitudes that must be maintained as a solution in order to maintain pollution of rivers and the surrounding environment, including : First, the attitude *tawaḍu`* (humble), respecting others starts from respecting someone's humanity and not feeling superior to others for some reason. Humble heart No means to humble self Alone or remove his rights on dignity and freedom, but means respect others. Second, no hurting others (*`adam al- ṭīza`*), respecting neighbor or society around means No bother they with smell No delicious or voice loud and noisy. For example Among them, Rasulullah SAW forbade people from eating onion white For present at the mosque because the smell can bother congregation others. Third, *al-hub* (loving) the environment. Attitude This contain teachings honor health, taste and feelings man (Ariyanti et al., 2020) .

Based on the research results of Eka Shaputra Jaya (2020) in Mandiri Sejati Village, Pesisir Barat Regency, the Regional Government has weaknesses in overcoming sea sand mining policies, namely the lack of enforcement of regulations by the Regional Government and village government, and the absence of sanctions for illegal mining, so that miners are free to carry out mining activities, so that the community as miners, considers

Through Ecological Jurisprudence, it is necessary to instill in the community a belief that sand mining activities do not violate the law and produce more economic opportunities to meet daily needs without thinking about the impacts that will occur in the future. According to him, through *Jurisprudence siyāsah*, the role of regional government can be seen as not fulfilling the characteristics of rights and obligations as *Ulil Amri*, in addition, the regional government experiences obstacles in providing policies, supervision and enforcement as well as regulating sand mining regulations, both internally from the regional government itself and externally from the regional government (Muhibin et al., 2024) .

According to Kamilia (2022), environmental damage and pollution are increasingly concerning from year to year, even the level of environmental damage and pollution is increasingly widespread. Environmental fiqh discusses environmental norms in Islamic law that can influence human thinking (Hidayat, 2022) . Meanwhile, according to Syamsul Falah (2019) damage naturalist natural can caused by two factors that is consequence incident nature and effects act human. Even though in context crisis environment moment this, fiqh Ecology become very urgentpolluting river, sea, cutting forest reckless and killing animal protected is a major sin that must be borne. God- human - nature relationship This furthermore will become an ontological-theological basis for development paradigm *fiqh al- bī`ah*, and so on jurisprudence *bī`ah* built on base connection complementary between humans and nature where not There is mutual parties dominate One over the others. Through *maqā ṣ id sharia* idea from these scholars' expected become base endeavor preservation environment. Concern to environment must started from the smallest level,

Need existence sincere participation from all society and political will of Government area, manifestation land conservation (*h̄i imā*) and development lands No productive (*i h̄i yā`al-mawāt*) No will can come true (Maulana Ramadhani, 2015) .

According to Al- Buṭī, the purpose of Allah establishing the law is summarized in the maintenance of five things: protecting religion, soul, mind, descendants, and property. As with the majority of scholars, al- Buṭī agrees that all priorities in implementing the laws prescribed in Islam are in line with the order of maintaining the five main elements (religion, soul, mind, descendants and property). Everything that contains the maintenance of these five things is called *maslahat*, and conversely, everything that aims to eliminate the maintenance of these five things is called *mafsadat* (Kurniawijaya, 2021) .

Sudirman (2022), offers solution in Handling exploitation environment is with jurisprudence environment. So that formulated discussion environment is urgent in supremacy Islamic law in particular in jurisprudence environment, and justice environment is mandate the sharia that must be realized in reach welfare human beings. According to him, justice environment achieved If licensing utilization use accompanied by distribution / division results environment in a way proportional and mapping industry accompanied by development orientation environment (*development*).

According to Abdul Rohim (2025), illegal sand mining activities cause negative impacts such as changes in the landscape, soil damage, noise, landslides, and dust, which can reduce the quality of the physical, chemical, and biological environment. This has an impact on the socio-economic community due to decreased land use. Although there are positive impacts such as the availability of construction materials, employment, and increased regional income, environmental damage remains a major concern. The Shafi'i school of jurisprudence emphasizes that humans as caliphs on earth have the responsibility to maintain the sustainability of nature. Resources such as rivers should not be owned entirely by individuals, and their use must continue to maintain the common good without causing damage.

Based on field observations, illegal sand mining in Hamlet III of Pertumbukan Village has caused river landslides, damaged village roads, disrupted agricultural activities, and even potential conflicts between residents. This activity, although it helps the economy of some people, has a negative impact on the environment and society. This study aims to analyze this practice based on the Shafi'i school of jurisprudence and assess its implications for the surrounding community. With a case study approach and fiqh analysis, this study is expected to provide an understanding and solutions for sustainable and fair natural resource management, as well as become a reference for policies based on Islamic values.

Based on the study that the researcher has conducted on the literature, this research can be compared with previous research. In this research previously, not yet there is someone discussing about mining sand illegally studying special based on sect Syafī'i, then hope researcher through study This add treasury knowledge and answer a phenomenon that is still ongoing. This article explains in detail about the negative impacts of the activity sand development on the ecosystem of the community around the river as a sand mining location in Hamlet III, Pertumbukan Village, Wampu District, Langkat Regency.

METHOD

This study is an empirical qualitative study that aims to deeply understand the phenomenon of illegal sand mining that occurs in Hamlet 3, Pertumbukan Village, Wampu District, Langkat Regency. This study was conducted by examining the differences and similarities that arise in the mining practices, both in terms of social, economic, and environmental impacts. Data collection was carried out directly in the field through observation techniques, interviews with local communities, religious leaders, and business actors, as well as documentation of the physical conditions of the affected environment. This step aims to obtain a concrete picture of the reality that occurs at the research location (Utsman, 2014) . In addition, the study is also directed at the normative aspects of Islam by examining the references of the Syafi'i School of Islamic jurisprudence relating to the principles of environmental protection and ethics in utilizing natural resources.

This research method combines a case study approach with in-depth observation of the research object at two different locations to gain a complete understanding. In this context, the literature study method is used to review relevant literature in order to find scientific theories and concepts that can be used as a basis for thinking in analyzing problems. (Muhammad, 2004) . The research is descriptive-analytical, namely by describing the facts found in the field systematically, then analyzed to find patterns, relationships, and meanings of the data obtained. The empirical character of this study is reflected in the direct involvement of researchers in collecting primary data, as well as observations of the social dynamics of communities affected by illegal mining activities. The results of this process are expected to provide a comprehensive understanding and offer solutions that are in accordance with Islamic values, especially within the framework of the Syafi'i School of thought.

RESULTS AND DISCUSSION

Langkat Regency, North Sumatra, has great natural resource potential, including sand which is one of the main building materials. However, illegal sand exploitation has become a serious problem in this area, especially in hamlet III of Pertumbukan village, Wampu District. Uncontrolled illegal sand mining activities have caused significant environmental damage, such as soil erosion, changes in river flow, and decreased water quality. In addition, illegal sand mining also has an impact on the social and economic life of the surrounding community, including land conflicts, health problems, and economic losses.

In the context of Islamic law, illegal sand mining can be analyzed through the perspective of the Syāfi'i School of jurisprudence, which has clear views and principles regarding the management of natural resources and community rights. The Syāfi'i School emphasizes the importance of maintaining a balance between individual rights and community rights, as well as preserving the environment. The concepts of " *hima* " (environmental protection) and " *mafsadah* " (damage) in Shāfi'i jurisprudence can be a basis for analyzing illegal sand mining.

Community Rights and Obligations in Natural Resources Management According to the Syafi'i School of Jurisprudence.

Towards river water big, like Nile, Tigris, Euphrates, Sihun, Jihun and so on everyone has river water usage rights the For needs drink (right) *asy-syafah*) in absolute, also for irrigate the fields. Because the river that is basically is permissible For everyone, good use it For needs drink (*asy - syafah*) and irrigation (*ash-Syirb*), during That No cause harm and loss for a group. Because it protects they from things that are detrimental and dangerous the law is mandatory. fugue Because utilise something permissible allowed with condition during matter That No endanger and harm others, such as damage condition river, or to split the edge until cause villages and lands around submerged in water (Alexander et al., 2023) .

Shafi'i school of thought as conveyed by *asy -Syirazi*, the community has the same rights in utilizing the river, but it is adjusted to the needs and should not be more because it will cause harm. Because excessive utilization will endanger the community and the environment. According to him, maintaining the honor of the river environment (*harim an - hari*) is the same obligation for the community. So it is not allowed for anyone to carry out *al-hafr* activities (holes/mining). According to *Asy-Syirazi* in *Al- Muhadzdzab* that the government may provide land that is not owned by anyone to the community who owns it with the concept of opening land (*iq t ā`*). People who take something from the land without government permission are illegal, Mining goods are goods that are included in the earth such as sand in river water and may not be owned without government permission except to meet small needs such as their own needs in making buildings.

According to Imam Syafi'i, Islam strictly forbids monopolizing public facilities, based on the hadith of the Prophet SAW:

أخبارنا مالك عن أبي الزناد عن الأعرج عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال من منع فضول الماء ليمنع به الكأل منعه الله فضل رحمة يوم القيامة
"Malik informed us from Abu Zina from Al A'raj from Abu Hurairah that Rasulullah shallallahu alaihi wasallam said that whoever does not provide excess water so that he can prevent the growth of grass, Allah will prevent him from obtaining excess grace on the Day of Resurrection." This hadith contains evidence that a person should not prevent others from taking advantage of their aim. In fact, he only hinders himself from the excess of Allah's grace. because he committed disobedience to Allah. Since holding back excess water is considered immoral, no one should anything that can block excess water. This hadith too contains the argument that the owner of the water has more right to drink and irrigates the crops with its water, and that he only provide the remaining water that is not needed. So that every water that is in the village and abundant in springs, wells, surface water, or rivers, when its owner has sufficient needs for himself, his livestock and his plants if he has, then he is not allowed to prevent the excess water beyond his needs from someone to drink it, or to give it to living creatures - not for plants. But other people are not allowed to irrigate plants and trees from the water unless the owner of the water is willing. When the Messenger of Allah SAW said, " Whoever prevents excess water from being taken by others, so that he can prevent (the growth of) grass, then Allah will prevent him from obtaining His excess mercy on the Day of Resurrection, his statement contains evidence that because grass is part of Allah's mercy,

that in fact Allah's mercy is a provision⁴ that He created for all Muslims. No one among them should prevent others except according to the meaning of the Sunnah that we convey, and the *atsar* that is the same as the Sunnah (Kholiq Syafa'at & Afnan Afandi, 2020) .

In Al- Qalyubi wa `Umairah stated the following:

فرع) لو ركب الأرض ماء أو رمل أو طين فهي على ما كانت عليه من ملك ووقف فإن كان ذلك الرمل مثلاً مملوكاً فلملكه أخذه وإن لم ينحسر عنها ولو انحسر ماء النهر عن جانب منه لم يخرج عن كونه من حقوق المسلمين العامة وليس للسلطان إقطاعه لأحد كالنهر وحرمة ولو زرعه أحد لزمه أجرته لمصالح المسلمين ويسقط عنه قدر حصته إن كان له حصة في مال المصالح نعم للإمام دفعه لمن لم يقصد إحياءه ولا يجوز فيه البناء ولا الغراس ولا ما يضر المسلمين هذا ما اعتمده شيخنا تبعاً لشيخنا م ر وبالغ في الإنكار على من ذكر شيئاً مما يخالفه والله أعلم اهـ

If the land covered by water, sand, or mud was previously privately owned or a *waqf*, then its ownership status remains valid. The river and its surrounding areas remain public property, and may not be owned privately or given by the ruler as *iqta* '. The use of the land is only permitted with the permission of the imam and must not harm Muslims.

Role Government and Society in Overcoming Illegal Sand Mining According to Islamic Jurisprudence

According to Imam Syafi'i, the words of the Prophet regarding prohibited areas:

أخبرنا ابن عيينه عن ابن شهاب عن عبيد الله بن عبد الله عن ابن عباس عن الصعب بن جثامه عن النبي صلى الله عليه وسلم قال لا حمى الا لله ورسوله

The Prophet SAW said that there is no forbidden area except that which belongs to Allah and His Messenger, meaning that no one is allowed to control public areas for personal gain. The whole land belongs to Allah and Muslims have the right to use it together. Leaders may designate restricted areas for the benefit of the people, not for personal gain.

أخبرنا عبد العزيز بن محمد عن زيد بن أسلم وعن أبيه أن عمر بن الخطاب رضي الله عنه يستعمل مولا له يقال له هني على الحمى

Umar bin Khattab RA employed his former slave, Hunai, to manage the forbidden area designated for *zakat* and *fai* ' livestock. Although some people consider the policy to be oppressive, Umar actually made the forbidden area for the benefit of those in need, not for the rich. He established the policy following the example of the Prophet SAW and gave permissible land to individuals to cultivate without involving other people.

Umar bin Khattab RA appointed Hunai to manage the forbidden area for *zakat* and *fai* 'livestock. Some people considered the policy to be cruel, even though Umar prioritized the interests of those in need. The forbidden area was not made for the rich, but for those who were weak and unable to graze outside. Umar followed the example of the Prophet Muhammad SAW in establishing this policy. He also gave permissible land to individuals to cultivate themselves without involving others.

According to Wahbah az-Zuhaili, the water of large rivers such as the Nile, Euphrates, and Tigris is public property, not individual property, and everyone has the right to use it as long as it does not cause harm. The government may not prohibit use that does not cause harm, because rivers are public facilities like roads. If use causes harm, then Muslims have the right to prohibit it based on the principle of " *la evil wow la dhirar* " (must not harm or cause danger). Mining the river bed (*al-karyu*) such as mud or sand is part of the maintenance, and the costs are borne by the Baitul Mal, not from *zakat*. If the Baitul Mal is empty, the community is obliged to repair it independently and the judge may force them for the sake of the public

benefit.

Umar bin Khattab stated that river repairs must be done through mutual cooperation, where the rich contribute material if they cannot come directly, and those who are physically able to help repair them. All parties are obliged according to their abilities so that the river remains useful. For rivers owned by certain communities, the cost of repairs is borne by the users of the river water because the benefits return to them. If anyone is reluctant to participate, they can be forced for the sake of the public interest. Meanwhile, rivers owned by limited groups are their own responsibility, and if some are reluctant to repair them, there are two opinions: whether they can be forced or not, depending on considerations of harm and justice.

Regarding al-Karyu, Imam Abu Hanifah is of the opinion that the costs should only be borne by those who utilize the part of the river that is being repaired, especially if that part is not upstream. On the other hand, Abu Yusuf and Muhammad are of the opinion that the costs should be borne together according to the utilization portion, from upstream to downstream, because upstream users also need the downstream part so that the water can flow smoothly. Wahbah considers this opinion more reasonable because it guarantees the smooth flow of water. Hanafiyah scholars agree that if damage occurs upstream, all river users are responsible for the costs. This is because good flow upstream is a condition for other parts of the river to be utilized optimally.

CONCLUSIONS

Based on the data and results of interviews with researchers in the field, researchers can conclude that illegal mining can damage the environment, damage ecosystems and damage riverbanks. Every day, the sand that is taken is increasingly eroded by the surrounding riverbanks. In this case, the researcher also saw the misery of the community in the connecting road system which is increasingly damaged due to illegal mining in Dusun Tiga, Pertumbukan Village, Wampu District, Langkat Regency, and the researcher saw many obstacles that occurred between what was taught in the field and what was taught by the Syafii School of Fiqh, which should have been humans as Caliphs on earth, but in this case the researcher saw humans as destroyers of the earth. Based on the conclusions above, researchers can provide suggestions and invitations for all of us to take care of the earth created by God, continue to care for this earth and maintain this earth so that our children and grandchildren can enjoy it.

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