

ANALYSIS OF THE HALAL STATUS OF MARINE PRODUCTS FROM CORPORATE PRODUCTION PROCESSES AND ISLAMIC LEGAL PERSPECTIVES

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Abstract: Illegal fishing means all forms of fishing activities that violate Law Number 31 of 2004 article 1 and other laws and regulations that are still in force as well as in Islamic law as stated in the Al-Qur'an Surah Ar Rum verse 30 which says that It has been seen that damage on land and at sea is caused by the actions of human hands; Allah wants them to experience some of the (consequences of) their actions, so that they return (to the right path). Say (Muhammad), "travel the earth and see what happened to the people of old. Most of them are people who oppose (Allah)." (Q.S. Ar Rum (30): From this verse it is clear that Allah SWT forbids His servants from doing damage on earth and in the sea. The act of fishing continuously and using tools that damage the marine environment can be categorized as a criminal act (jinayah) if the act meets criminal elements. As in Islamic law, there are three elements that must be fulfilled if a person's actions can be categorized as criminal acts. The obstacles faced by corporations regarding the fish production process in accordance with Islamic law have not yet been met for the distribution/distribution of fishery products, namely the principle of balance and the principle of responsibility. This is shown by fisheries entrepreneurs when their fish is ready to be harvested and distributed/distributed, they have to wait first, because the distributors prioritize family property and even their own, for the losses experienced by fisheries entrepreneurs they are not responsible for what they have done. agreed. Another obstacle in fishing is still a lack of awareness, both from fishermen who work to entrepreneurs in the fisheries sector or fisheries entrepreneurs who do not care about good fishing methods that are not prohibited, such as in accordance with the teachings of Islamic law, in a halal way, starting from catching, management to fish production. Later the processed fish will be bought and sold and consumed by the community.

Keywords: Corporate, Halal, Fishing.

Introduction

Consideration of halal products and halal industries is very important in the daily lives of Muslims. In Indonesia, as a country with a majority Muslim population, this is the main focus in various industrial sectors. Several things that need to be considered in this context involve human resources, natural resources and industrial development in general. 1. Human Resources, Indonesia has a large Muslim population, and a diversity of cultures and traditions among its people. These diverse human resources provide a wealth of innovation, expertise and diversity of products that can be produced. 2. Natural Resources, Indonesia is blessed with abundant natural resources,

including agriculture, plantations, mining, and so on. The availability of natural resources is an important basis for industrial sectors such as food, clothing, shelter and medicine. 3. Halal Industry. The majority of Indonesia's Muslim population has special standards for the halal industry. This includes the production process, materials used, and supervision so that the products produced comply with Islamic principles. The increase in interest in the halal industry reflects public awareness of the halalness of the products consumed. 4. Health Value: Apart from the halal aspect, Muslim communities are also starting to pay attention to the health value of the products they consume. This is in line with Islamic teachings which teach maintaining health and body cleanliness. 5. Islamic Obligations: The halal industry in Indonesia is also seen as part of Islamic obligations, which include not only aspects of product halalness, but also business ethics and social responsibility.

In this context, the role of the government, halal certification institutions and industry players is crucial to ensure that the products produced meet halal standards and good values in accordance with Islamic teachings. By paying attention to these aspects, Indonesia can continue to optimize the potential of its human and natural resources to advance industry in line with Islamic principles.¹

World history proves that humans cannot be separated from relationships that regulate human relationships in all their needs or what is usually called mu'amalah. Islam as a perfect religion provides guidelines for doing charity such as obtaining wealth, developing and using assets without harming other parties. Apart from that, Islam does not allow property owners absolute freedom to obtain their property except through commerce, because through commerce a country's economy will develop and have an impact on the welfare of every member of society..²

This statement reflects the understanding that the Islamic religion has comprehensive guidelines for managing human life, including in matters of muamalah or economic and social relations. Several points that can be clarified from this statement are: 1. Interaction in Muamalah. This statement shows that humans naturally cannot be separated from interaction and association in various aspects of life, including in muamalah. Muamalah includes all transactions and social interactions involving property, finances and world affairs. 2. Guidelines from the Islamic Religion, Islam is recognized as a religion that provides complete guidelines for daily life, including muamalah. The Al-Quran and Hadith provide detailed instructions on how humans should behave and transact in an economic and social context. 3. Commerce as a means of economic development. This statement implies that Islam encourages commerce as the main way of obtaining wealth, and this is believed to bring economic progress to a country. Commerce carried out using Islamic principles is expected to provide economic benefits and prosperity for society. This understanding reflects the economic and social aspects of Islam which teach the values of justice, responsibility and helping each other in achieving mutual prosperity. These principles provide a basis for regulating human relations in muamalah so that they are in accordance with the teachings of the Islamic religion.

Fishing activities are one of the activities of human life as an activity to fulfill life's needs in consuming fish. Islam does not justify all methods of catching fish, the packaging process and even the cooking process, but it also really requires ethics. Ethics is a set of moral principles that distinguish good from bad and are normative. He plays a role in determining what individuals or groups should do or not do. In the ethics of fishing or fish production, one of the most important things is honesty from several parties, which is the pinnacle of the morality of faith and the most

¹ <https://idm.or.id/JSCR/index.php/JSCR/article/view/233/202>, diakses tanggal 15 Desember 2023

² Muhammad Djakfar, *Etika Bisnis Islam Tataran Teoritis dan Praktis* (Malang: Penerbit UIN Malang Press, 2008), 282

prominent characteristic of believers. Without honesty, religious life will not stand upright and world life will not run well.

Based on Islamic teachings, fishing activities, fish management and fish packaging must avoid things that will harm either party. Islamic business ethics have regulated basic provisions that must be followed, namely the principles of monotheism, balance (justice), free will and responsibility. In reality, the activity of harvesting fish as the main ingredient for export makes entrepreneurs or corporations confused. These business actors sometimes buy without paying attention to the fish below, sometimes they also buy from fish catchers with many other conditions. Fisheries business actors, who in this case are fish catch managers, are confused. Fishery managers do not have their own criteria for fishing, for example in the fishing process whether fishing gear is used that is permitted or legal. Sometimes fish catchers or fishermen catch fish without first having a fishing permit from the fishermen. Regional government. Apart from that, the process Whether fish management is in accordance with halal standards in fish management or fish preservation and fish packaging in accordance with the standards set by the Indonesian MUI is also one of the problems that still frequently occurs among companies in the fisheries sector.

Even though the term fishing does not exist in Islam, the legal basis for fishing in Islam can refer to the law of environmental damage. Are as follows

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ قُلْ سِيرُوا فِي الْأَرْضِ فَانظُرُوا كَيْفَ كَانَ عَقِبَةُ الَّذِينَ مِنْ قَبْلَ كَانَ أَكْثَرُهُمْ مُشْرِكِينَ

It has been seen that damage on land and at sea is caused by the actions of human hands; Allah wants them to experience some of the (consequences of) their actions, so that they return (to the right path). Say (Muhammad), "travel the earth and see what happened to the people of old. Most of them are people who oppose (Allah)." (Q.S. Ar Rum (30): 41-42

From the verse above, it is clear that Allah SWT forbids His servants from doing damage on earth and in the sea. The act of fishing continuously and using tools that damage the marine environment can be categorized as a criminal act (jinayah) if the act meets the elements of a crime. As in Islamic law, there are three elements that must be fulfilled if a person's actions can be categorized as criminal acts.

The Word of Allah SWT in Surah Al-Baqarah [2]: 168:

يَا أَيُّهَا النَّاسُ كُلُوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

"O people! Eat of the halal and good (food) found on earth, and do not follow the steps of Satan. Indeed, Satan is a real enemy for you."

In Law no. 33 of 2014 Article 6 and Article 23 Establish norms, standards, procedures, criteria for Halal Product Guarantees and business actors have the right to obtain information, education and socialization of the JPH System. Government Regulation no. 31 of 2019 Article 4 point 3 letter b Establishes norms, standards, procedures, criteria for Halal Product Guarantee, Article 48 letter a, Business Actors have the right to obtain information, education and socialization regarding the JPH system Article 52 letter b In carrying out the duties as intended in Article 51, Halal Supervisors are responsible for: implementing the JPH system Law no. 39 of 2021 Article 65 To maintain the continuity of PPH, Business Actors are required to implement the JPH system.

The development of the halal industry in Indonesia will focus on mapping the current obstacles by grouping 5 aspects, namely the first aspect of policy which consists of the implementation of the

Halal Product Guarantee (JPH) which is still not complete, the lack of certification and standardization of halal products, and the absence of a roadmap. development of the halal industry. Furthermore, the second aspect, namely human resources, consists of many producers who do not pay enough attention to halal products and there is still a lack of knowledge about halal products among small businesses. Then, the third aspect of infrastructure is the lack of adequate infrastructure, especially the lack of coordination of institutions that handle infrastructure. Then, the fourth aspect of socialization consists of a lack of promotion about halal and a lack of socialization, education and information about halal. The fifth aspect of production, namely several obstacles such as limited raw materials that meet halal criteria, there are still several sectors that depend on imports and finally there is no standard definition of halal products. From the statement above, the researcher draws problems, namely:

1. How is the process of fishing from fishing to packaging carried out by corporations in accordance with Islamic law?
2. What are the obstacles in the fish production process in accordance with Islamic law?

Literature Review

Fishery products are one of Indonesia's main weapons for improving export activities. Indonesia has a territory of which 70% is territory ocean. This is what Indonesia's potential in the fisheries sector can be making Indonesia one of the countries that has advantages comparative efforts to increase business existence and also the fishing industrydomestically as well as in terms of meeting world fish needs.

This statement underlines the great potential that Indonesia has in the fisheries sector and how this can be a comparative advantage to increase export activities. Some points that can be clarified from this statement are: Vast Ocean Potential, Indonesia has geographical advantages with 70% of its territory being sea. This provides great potential for the development of the fisheries sector, including fish farming, fishing and other marine-related activities. Business World Existence, By exploiting fisheries potential, Indonesia can increase the existence of the business world in the fisheries sector. Fishing companies can become major players in this industry, creating jobs and making a significant contribution to the national economy, Comparative Advantages, The huge potential in the fisheries sector creates a comparative advantage for Indonesia. This advantage can be utilized to produce and export fishery products to global markets, which further increases Indonesia's competitiveness in international markets, Domestic Fishing Industry, Apart from exports, abundant fisheries potential also provides domestic fish needs. By optimizing marine resources, Indonesia can ensure that the fishing industry can meet the animal protein needs of its population, Contribution to the Economy, As a sector that has great potential, fisheries can make a significant contribution to the national economy. Income from exports of fish and fishery products can be a source of foreign exchange for the country, as well as increasing the income of farmers and business actors in this sector, Utilizing Global Potential:

By exploiting fisheries potential, Indonesia can act as a major player in meeting the world's fish needs. Exports of Indonesian fishery products can reach the global market and make a positive contribution to maintaining world food security. In order to utilize this potential optimally, support from the government is needed in supportive and sustainable regulations, investment in research and development, and the desire to manage marine resources. With a sustainable and environmentally sound approach, Indonesia's fisheries sector can continue to develop and provide benefits both economically and socially.

Method

The type of research used in this research is legal library research, namely library research and can be called normative research. This research is research that seeks information and describes the causes of one or more symptoms or phenomena through searching library sources. The data analysis method used in this research is qualitative. The data obtained inductively is then generalized and analyzed using a juridical and normative approach based on the theoretical framework developed, then analyzed to obtain a conclusion. (Amiruddin, Asikin, 2006: 25).

Researchers also use library research. Library research is research carried out using literature (libraries), namely research that aims to obtain secondary data by reviewing several books related to Fisheries Law, Contemporary Islamic Law and Books about Halal, journal data and articles (Hasan, 2008: 5).

Result and Discussion

A. The process of catching fish right down to packaging is carried out by the corporation in accordance with Islamic law

Fishing methods are methods used to catch fish which consist of hand catching, spears, nets, longlines and fish traps. This term is not only applied to fish, but also to the capture of other aquatic animals such as molluscs, cephalopods and other edible invertebrates. There is a relationship between the effectiveness of various fishing methods and knowledge about fish and their behavior, such as fish migration, how fish search for food, and their habitat, because methods are largely determined by the type of species and their habitat.

Various methods of fishing with nets include:

- a. Chinese fishing nets, used on banks with simple mechanics. Nets with a diameter of 20 meters or more are sunk into the water and then lifted.
- b. Lampuki netting, a simple fishing method in Malta. Fishermen cut palm branches and form wickerwork that can float on the water like a raft. The raft became bait for a school of *Coryphaena hippurus* fish (called Lampuki in Maltese). After the Lampuki fish gather, the net is thrown and the fish are caught. This fish migrates to the Maltese islands in autumn.
- c. Throwing nets are circular nets with weights spread over the sides of the net. The net is thrown into the water until it scatters and sinks in the water. Fish caught in the net are then pulled. This method has been developed and modified over thousands of years.
- d. A drift net is a net that does not sink to the bottom, but floats with the help of floats and sufficient weight. This net flutters vertically downwards in the water until the fish hits the net and gets caught between the gaps in the net. The size of the fish caught really depends on the size (mesh) of the net.
- e. Gill nets, similar to drift nets but specifically trap fish gills.
- f. Hand nets (hand nets, landing nets), small enough to be held in the hand or tied to the end of the rod where the other end of the rod is held in the hand. Usually these nets are used in recreational fishing activities to help anglers pull fish up. Commercially, this net is used to catch fish to sell as ornamental fish because this net tends not to injure the fish.
- g. Trawls are heavy nets that sink to the bottom of the sea. The trawler then pulls the trawler which has reached the seabed, using a dragging movement. Trawling damages seabed ecosystems such as coral reefs.
- h. Purse seiners are fishing nets that are wide with weights almost to the bottom and then the net is pulled to herd and confine the fish, then lifted. In contrast to seine nets where the entire net is on the seabed all the time, bag seine nets are partly on the surface when used due to the help of buoys or the tension of ropes pulled on both sides. Bag trawls tend not to damage the seabed ecosystem.

General, the aim of shar'ī in enacting its laws is to realize human benefit by guaranteeing basic needs (darūrī) for humans, fulfilling needs (ḥajīyyāt) and human goodness (taḥsiniyyāt). So that human benefit can be realized. Human welfare has been greatly disrupted due to the impact of illegal fishing crimes which have caused many losses to society and the country, both in terms of the economy and environmental sustainability of fisheries in Indonesian seas. However, with such huge losses, the Indonesian nation does not yet have a strict legal system in eradicating illegal fishing. This is indicated by the continued rise in cases of illegal fishing in Indonesian waters and there are no visible signs of deterrence and fear from the perpetrators. illegal fishing catchers in carrying out their crimes.

Law Number 31 of 2004 concerning Fisheries states that fishing is an activity to obtain fish in waters that are not in a state of cultivation using any equipment or method, including activities that use ships to load, transport, store, cool, handle, process, and/or preserve it. Illegal fishing means all forms of fishing activities that violate Law Number 31 of 2004 article 1 and other laws and regulations that are still in force.

The Halal Industry Integration Strategy includes two things. First, examine the factors that can increase the preference of companies or producers in the halal industry to obtain halal certification. This can be driven by demand in the market, especially in Indonesia, where the majority of Muslims tend to think that all products in circulation are halal products. Therefore, checking the halal label on a product to be consumed is not yet a priority. Second, analyze the role of each actor in the halal industry. The government as a regulator can maximize in formulating regulations, especially in halal certification, especially in making companies more likely to maintain halal certification. Then, consumers by maximizing the urgency of consuming products labeled halal will encourage producers to pay attention to halal guarantees for their products. Then, Sharia financial institutions as investors.

Basic Principles of PPH (Halal Product Process)

Treatment of halal ingredients contained in the list of ingredients to be processed into products, ensuring that facilities (location, place and equipment) are free from unclean and prohibited materials. Pay attention to other aspects that have the potential for contamination of unclean and prohibited materials in the product processing process and facilities (including potential contamination from animals and humans), Carry out halal product processes by implementing the PPH provisions contained in the SJPH manual (having previously established PPH procedures).

Implementation of PPH (Halal Product Process)

Business actors are required to separate processing facilities between halal and non-halal, including: storing materials, weighing materials, mixing materials, printing products, cooking products, and/or other processes that affect product processing.

PPH provisions

Keeping business locations, production places and tools used for production clean, hygienic and not contaminated with unclean or prohibited materials, Keeping all production facilities and equipment in a clean condition (free from uncleanness) before and after use as evidenced by loss of color, the smell and taste of impurities and free from pork, Maintaining the production space is not contaminated with unclean or forbidden materials, Carrying out purification or tanning of production facilities that are used simultaneously between products that are certified halal and products that are not submitted for halal certification in accordance with Islamic law, namely :

- a. If exposed to heavy uncleanness (mughallazah), the production facilities must not be used simultaneously (must be separate)

- b. If you are exposed to moderate impurity (mutawassithah), namely unclean animal and human waste, liquor, animal carcasses other than fish and grasshoppers, then the method is to use running water until the impurity is completely gone or by washing it or istijmar (using stones, wood and the like).) and in other ways.
- c. If you are exposed to mild impurity (mukhoffafah), namely the unclean urine of a baby boy who is not yet two years old and has not consumed anything other than breast milk, then the method is to be washed using water (washed out and soaked).
- d. If purifying it using water will damage the tool and/or the production process, then it can be purified with something other than water (other materials).

Storing and maintaining evidence: Implementation of the production process, Implementation of halal traceability, Handling of products that do not meet halal criteria, and, Launching/sales of products

Determining the duties of halal providers in PPH, namely: Ensuring the production process is clean and free from haram materials by only using materials listed in halal materials, Routinely checking the means of transportation of materials and products used to ensure they can maintain the halal integrity of the halal products they transport, Check and ensure halal traceability through, Product expiration date, proven by purchase records or, Product sales records, proven by material purchase records, or, Available material records, proven by usage records, stock of ingredients against product recipes, or Production code labels , proven by the date and time of production. Handling products that do not meet halal criteria, provided that if a product is found that does not meet halal criteria, the resulting product will not be sold to consumers. Next, withdrawal or destruction will be carried out;

- e. Ensure that the launch/sale of products with the halal logo is carried out after the halal certificate is issued

B. Obstacles imposed by corporations in the fish production process in accordance with Islamic law

Islam defines justice as not being unjust and not being wronged. This means that economic actors are not allowed to pursue personal gain if it harms other people or nature. Without justice, humans will be grouped into various groups. One group will oppress another group, resulting in human exploitation of humans. Each tries to get results that are greater than the effort he expends because of his greed.

Fisheries entrepreneurs or corporations in the fisheries sector carry out their business based on the principles of Islamic business ethics, namely the principle of unity, the principle of balance, the principle of free will and the principle of responsibility. The suitability of these principles is demonstrated by entrepreneurs in running a business with the intention of seeking sustenance and always worshipping Allah SWT. It is in accordance with the values of Islamic business ethics, this is proven, namely: being honest, fair, helping and not hiding product defects and being responsible.

What has not been fulfilled for the distribution/distribution of fishery products is the principle of balance and the principle of responsibility. This is shown by fisheries entrepreneurs when their fish is ready to be harvested and distributed/distributed, they have to wait first, because the distributors prioritize family property and even their own, for the losses experienced by fisheries entrepreneurs they are not responsible for what they have done. agreed. Another obstacle in fishing is still a lack of awareness, both from fishermen who work, to entrepreneurs in the fisheries sector or fisheries entrepreneurs who do not care about good and not prohibited fishing methods, such as in accordance with the teachings of Islamic law, in a halal way, starting from catching, management to fish production. Later the processed fish will be bought and sold and consumed by the community.

In this case, a fishery entrepreneur is a business chosen by a fishery business owner based on the principles of Islamic business ethics. Where humans have the right to determine their own business, including producing fish, as long as it is within Islamic rules and does not prohibit the limits taught by the Islamic religion. Processing must be done in an honest manner and there is no element of fraud in it.

In the fish production industry or fisheries sector that is in accordance with Islamic law, several obstacles or challenges that may be faced by corporations include: 1. Raw Materials and Resources, Obstacles: Obtaining raw materials that comply with halal principles can be a challenge. In addition, management of fisheries resources must be carried out in a sustainable manner to ensure that exploitation does not occur which is detrimental to the environment. 2. Processing and Production, Constraints: The fish processing process must comply with Islamic rules, such as ensuring that the equipment used is clean and not contaminated with haram substances. 3. Halal Certification, Barriers: Obtaining valid halal certification can be a complex and time-consuming process. This process involves a thorough inspection of the entire supply and production chain. 4. Sharia Compliant Financing, Barriers: Corporations wishing to run fisheries businesses in accordance with sharia principles may face difficulties in obtaining financing that is fully compliant with Islamic financial rules. 5. Transparency and Business Ethics, Obstacles: Implementing the principles of Islamic business ethics, including transparency in transactions and avoiding riba (interest), can require changes in culture and business practices within the company. In 6. International Markets, Barriers: Adapting halal fish products to international standards and getting them into the global market can be a challenge. However, this is also an opportunity to market Indonesian halal fish products more widely. 7. Employee Training and Awareness, Barriers: Educating and involving employees in understanding and applying sharia principles in every stage of production is an important part but can also become an obstacle if not implemented properly. 8. Legal Uncertainty, Obstacles: Regulatory changes or legal uncertainty can be an obstacle, and companies need to ensure that they always comply with applicable regulations.

To overcome these obstacles, corporations can collaborate with halal certification bodies, optimize halal supply chains, and continue to increase employee awareness and training. By facing and resolving these challenges, companies can build and maintain a reputation as a fish producer that complies with the sharia principles of Islamic law.

Conclusion

From the discussion above, it can be concluded that illegal fishing means all forms of fishing activities that violate Law Number 31 of 2004 article 1 and other legal regulations that are still in force as well as in Islamic law as stated in the Al-Qur'an Surah Ar Rum verse 30 says that there has been visible damage on land and in the sea caused by the actions of human hands; Allah wants them to experience some of (the consequences of) their actions, so that they return (to the right path). Say (Muhammad), "travel the earth and see what happened to the people of old. Most of them are people who oppose (Allah)." (Q.S. Ar Rum (30): From this verse it is clear that Allah SWT forbids His servants from doing damage on earth and in the sea. The act of continuous fishing and using tools that damage the marine environment can be categorized as a criminal act (jinayah) if the act meets criminal elements. As in Islamic law, there are three elements that must be fulfilled if a person's actions can be categorized as criminal acts.

The obstacles faced by corporations regarding the fish production process in accordance with Islamic law have not yet been met for the distribution/distribution of fishery products, namely the principle of balance and the principle of responsibility. This is shown by fisheries entrepreneurs when their fish is ready to be harvested and distributed/distributed, they have to wait first, because the distributors prioritize family property and even their own, for the losses experienced by

fisheries entrepreneurs they are not responsible for what they have done. agreed. Another obstacle in fishing is still a lack of awareness, both from fishermen who work to entrepreneurs in the fisheries sector or fisheries entrepreneurs who do not care about good fishing methods that are not prohibited, such as in accordance with the teachings of Islamic law, in a halal way, starting from catching, management to fish production. Later the processed fish will be bought and sold and consumed by the community.

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