



## THE PRACTICE OF TALAQQI RUKBAN AMONG FISHERMEN IN TANJUNG BALAI FROM THE PERSPECTIVE OF WAHBAH AZ-ZUHAILI

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### ABSTRACT

*This research examines the practice of talaqqi ruqban in buying and selling transactions of fishermen's catches in Tanjung Balai, North Sumatra, using the muamalah jurisprudence perspective of Wahbah Az-Zuhaili. This practice occurs when wholesalers buy fishermen's catch directly in the middle of the sea before fishermen enter the market, at prices that tend to be lower than market prices. This research aims to analyze the characteristics of this practice empirically and assess its conformity with the principles of justice, transparency and protection of the weak in Islamic law. The method used is empirical legal research with a qualitative approach through in-depth interviews, field observations, and studies of classical and contemporary jurisprudence literature. The research results show that although fishermen subjectively feel helped and are willing to carry out transactions, this practice has the potential to weaken fishermen's bargaining position and cause market distortions due to information asymmetry and economic dependence on contractors. In Wahbah Az-Zuhaili's perspective, the practice of talaqqi ruqban is considered invalid if it contains elements of fraud and false consent, but can be permitted if it is accompanied by openness of price information and true consent. This research contributes to the development of contemporary muamalah fiqh studies by emphasizing the importance of a contextual approach based on maqāṣid al-syarī'ah in assessing the economic practices of coastal communities.*

**Keywords:** Talaqqi Ruqban, Fishermen of Tanjung Balai, Fikih Muamalah, Wahbah Az-Zuhaili, Market Justice

## 1. INTRODUCTION

Indonesia, as a maritime nation, relies heavily on the capture fisheries sector to support the economy of coastal communities. In various coastal areas, including Tanjung Balai, North Sumatra, the buying and selling of fishermen's catches is a crucial part of the food distribution chain and the local economy. However, seafood distribution practices do not always operate within ideal market mechanisms, often involving unequal power relations between fishermen as producers and wholesalers as distributors (Lubis, 2021). This

situation raises issues regarding price fairness, information transparency, and protection for vulnerable economic actors.

One practice still found in fisheries transactions is the sale of fishermen's catches before they reach the market, including transactions conducted directly at sea. In the jurisprudence of muamalah (Islamic jurisprudence), this practice is known as talaqqi ruqban, which involves meeting sellers before they reach the market, exploiting their ignorance of prevailing prices (Ibn Rushd, 1992). This practice is normatively prohibited in Islam due to its potential for information exploitation, price inequity, and distortion of market mechanisms (An-Nawawi, 1996).

The prohibition on talaqqi ruqban has a strong normative basis in the hadith of the Prophet Muhammad SAW which strictly prohibits the practice of welcoming a trade caravan before entering the market (HR. Bukhari No. 2165; Muslim No. 1517). Fiqh scholars from four schools of thought agree that this practice is prohibited if it contains elements of fraud (tadlīs), unequal price information, and losses for sellers (ghabn fāḥisy) (As-Sarakhsi, 2001; Asy-Syafi'i, 1983; Ibnu Qudamah, 1994). Thus, the prohibition on talaqqi ruqban is not only normative, but also aims to maintain market justice and balance.

In the contemporary context, the practice of talaqqi ruqban does not always appear in the classical form as described in the fiqh books. In coastal areas such as Tanjung Balai, transactions are carried out in a complex socio-economic situation, characterized by limited market facilities, urgent economic needs, and debt-receivable relationships between fishermen and contractors. This condition often gives rise to a form of pseudo-consent, where fishermen formally agree to transactions, but are structurally in a weak bargaining position (Al-Qaradawi, 1997; Hidayat, 2022).

Wahbah Az-Zuhaili as a contemporary fiqh scholar provides a more contextual approach to the practice of talaqqi ruqban. In *Al-Fiqh al-Islami wa Adillatuhu*, Az-Zuhaili emphasized that the prohibition on talaqqi ruqban applies if the transaction contains elements of fraud and price injustice. However, if price information is conveyed transparently and the seller's willingness is genuine, then the contract can be considered legally valid according to Sharia (Az-Zuhaili, 1989). This approach demonstrates a shift from formalistic assessments to substantive assessments based on the *maqāṣid al-syarī'ah* (objectives of sharia), particularly the protection of property (*ḥifẓ al-māl*) and social justice.

Previous studies generally discussed talaqqi ruqban from a normative-doctrinal perspective of classical Islamic jurisprudence, without deeply connecting it to the socio-economic realities of modern coastal communities. However, contemporary economic practices often take place within an unbalanced relational structure and require a more contextual legal reading (Zulham & Rokan, 2022). Therefore, there is a research gap in examining talaqqi ruqban as an empirical phenomenon that impacts market distortions and the bargaining position of fishermen.

Based on this background, this study aims to: (1) analyze the buying and selling practices of fishermen's catches in Tanjung Balai, which contain elements of talaqqi ruqban in their empirical reality; (2) examine the implications of these practices for market distortions and the weakening of fishermen's bargaining position; and (3) assessing the practice of talaqqi ruqban from the perspective of Wahbah Az-Zuhaili with the *maqāṣid al-syarī'ah* approach. Thus, it is hoped that this research can provide a theoretical contribution to the development of contemporary muamalah fiqh as well as a

practical contribution to the formulation of fairer trade policies and practices for fishing communities.

## 2. RESEARCH METHOD

This study uses an empirical legal research method with a qualitative approach, aiming to examine law as it is practiced in social life, not merely as written norms (law in action) (Soekanto, 2006). This approach was chosen because the practice of *talaqqi ruqban* among Tanjung Balai fishermen is a socio-economic phenomenon that can only be fully understood through direct observation of the behavior, relationships, and experiences of the transaction participants.

The research design is descriptive-analytical, systematically describing the buying and selling practices of fishermen's catch before entering the market, then analyzing them based on the principles of Islamic jurisprudence (*fiqh*) and the perspective of Wahbah Az-Zuhaili. This approach is relevant to answering the research problem, which requires a contextual understanding of economic relations, transaction mechanisms, and the legal implications of these practices (Creswell, 2014).

The data sources in this study consist of primary and secondary data. Primary data were obtained through in-depth interviews with floating trawlers and fish wholesalers directly involved in the buying and selling transactions at sea. Informants were selected using purposive sampling, with the criteria being that informants had direct experience in the practice of transacting fishermen's catches in the Tanjung Balai area. This technique was chosen to ensure the data obtained was relevant and representative of the phenomenon being studied (Moleong, 2018).

In addition to interviews, this study also utilized field observations to directly observe transaction patterns, price bargaining processes, and socio-economic relations between fishermen and contractors. Observations were conducted at fishing ports and transaction locations to obtain a factual picture of the practice of *talaqqi ruqban* in the daily context of fishing communities. This observation technique was crucial for strengthening interview data and minimizing informants' subjective bias (Sugiyono, 2017).

Secondary data was obtained through literature review, including classical and contemporary Islamic jurisprudence books, particularly Wahbah Az-Zuhaili's *Al-Fiqh al-Islami wa Adillatuhu* (*Fiqh al-Islami wa Adillatuhu*), literature on Islamic jurisprudence (*fiqh muamalah*), books on Islamic economic law, scientific journals, and relevant previous research. This literature review serves as a normative-theoretical basis for analyzing the conformity of empirical practices with Islamic legal principles (Az-Zuhaili, 1989; Al-Qaradawi, 1997).

Data analysis was conducted qualitatively, with stages of data reduction, data presentation, and analytical conclusions. Data from interviews and observations were first classified based on key themes, such as transaction mechanisms, pricing, power relations, and perceptions of consent. Next, the data were analyzed using two approaches: a normative-theological approach and a sociological approach. The normative-theological approach was used to assess the practice of *talaqqi ruqban* based on Qur'anic evidence, hadith, and the views of Islamic scholars, particularly Wahbah Az-Zuhaili. The sociological

approach was used to understand the structural and economic conditions underlying the practice (Hidayat, 2022).

To ensure the validity and credibility of the data, this study employed source and technique triangulation, comparing interview data with field observations and literature. This triangulation aims to ensure the consistency of findings and increase the reliability of the research results (Creswell, 2014). With this method, this research is expected to produce a comprehensive, contextual, and scientifically accountable analysis in assessing the practice of talaqqi ruqban among Tanjung Balai fishermen.

### 3. RESULT AND ANALYSIS

#### **Overview of Fishermen's Catch Trading Practices in Tanjung Balai**

Fishermen and wholesalers are the two main actors in the fishing trade in Tanjung Balai. The fishermen involved are generally traditional fishermen with simple fishing gear and limited production capacity. Meanwhile, wholesalers act as distribution intermediaries with access to capital, transportation, and onshore marketing networks. The relationship between the two parties is not solely transactional, but also involves relatively recurring and ongoing social relationships, thus forming certain patterns of dependency in coastal economic activities (Lubis, 2021). This situation indicates a difference in bargaining power between fishermen as producers and wholesalers as distributors.

The pattern of fishing catch trading transactions in Tanjung Balai generally occurs immediately after fishermen finish fishing. Transactions can take place at sea or around the harbor before fishermen enter the auction market. The transaction mechanism is carried out directly without written contracts, with verbal agreements regarding fish type, quantity, and price. This pattern reflects informal economic practices common in traditional fishing communities, where trust and social customs are the primary basis for transactions (Soekanto, 2006). Fast transaction times are considered efficient by fishermen because they allow them to immediately obtain cash and return to the sea.

One key characteristic of trading practices in Tanjung Balai is the purchase of fishermen's catch before it reaches the formal market. In this practice, wholesalers meet fishermen and purchase fish directly at sea or at transit points before the market. The prices offered are generally lower than market prices, but transactions still proceed because fishermen consider the price difference worth the savings in time, energy, and transportation costs. Bargaining still occurs, although fishermen's negotiating space is relatively limited due to economic dependence and limited sales alternatives (results of interviews with fishermen, personal communication, 2025).

Fishermen's reasons for choosing transactions outside the formal market mechanism are not only driven by price factors, but also by pressing economic needs, limited fish storage facilities, and the risk of damage to their catch while waiting for the auction process. Furthermore, the debt-receivable relationship with the wholesaler also influences fishermen's decisions regarding distribution channels for their catch. This situation demonstrates that fishermen's choice of transaction mechanisms is more influenced by practical and structural considerations than purely economic calculations (Moleong, 2018; Lubis, 2021).

### **Implications of Talaqqi Ruqban on Market Distortion from an Islamic Legal Perspective**

The practice of talaqqi ruqban has direct implications for the price-formation mechanism in the market, as transactions take place before sellers enter the market space, which should be an open meeting place for supply and demand. From an Islamic economic perspective, markets are viewed as social institutions that must operate fairly, transparently, and free from information manipulation. When buyers meet sellers before they reach the market, prices are not formed naturally but are instead determined by unequal power relations. This situation has the potential to create market distortions that contradict the principle of justice (al-'adl) in Islamic transactions (Al-Qaradawi, 1997).

Market distortions resulting from divorce (talaqqi ruqban) primarily manifest in the form of price information asymmetry. Sellers, in this case fishermen, lack equal access to actual market price information, while wholesalers are in a more advantageous position due to their broader market networks and knowledge. In Islamic jurisprudence (fiqh muamalah), this information imbalance is viewed as a form of gharar (unlawful) that can undermine the validity of contracts if exploited to gain one-sided profits (Ibn Rushd, 1992). Therefore, the practice of divorce (talaqqi ruqban) is questioned not only from a procedural perspective but also from its impact on the fairness of market structures.

Within the framework of Islamic law, the prohibition of divorce (talaqqi ruqban) aims to maintain market stability and fairness to prevent exploitation of the vulnerable. Islamic jurists assert that the practice of meeting sellers before the market is a form of intervention that undermines the fair price mechanism and deprives sellers of the opportunity to obtain a fair exchange rate (An-Nawawi, 1996). Thus, this prohibition is preventive in nature, preventing market distortions that could lead to unequal income distribution and economic injustice.

From the perspective of the maqāṣid al-syarī'ah (laws of the law), market distortions resulting from divorce (talaqqi ruqban) contradict the goal of protecting property (ḥifẓ al-māl). When prices are set unfairly due to structural pressures and information imbalances, the seller's wealth has the potential to be unfairly reduced. Wahbah Az-Zuhaili asserted that transactions that appear outwardly legitimate due to an agreement, but substantively give rise to economic injustice, are inconsistent with the objectives of sharia (Az-Zuhaili, 1989). Therefore, Islamic legal analysis of the market does not stop at the formalities of the contract but rather assesses its systemic impact.

In the context of fishing communities, market distortions resulting from divorce (talaqqi ruqban) also have long-term impacts on sellers' bargaining power and economic independence. Fishermen's dependence on contractors not only weakens their ability to access markets directly but also strengthens the contractors' dominance in the distribution chain. This situation has the potential to lead to hidden monopolistic practices, which in Islam are considered contrary to the principles of fair competition and the prohibition of hoarding or market domination (iḥtikār) (Ibn Qudamah, 1994). Thus, talaqqi ruqban cannot be understood as a purely individual issue, but rather as a structural problem within the market system.

From an Islamic legal perspective, the implications of talaqqi ruqban on market distortions emphasize the importance of ethical and institutional regulation in trade activities. Islam does not reject profit or transaction efficiency, but emphasizes that profits

must be obtained through fair and transparent mechanisms. Therefore, the practice of talaqqi ruqban needs to be critically evaluated to ensure that market mechanisms continue to function in accordance with Sharia principles, namely ensuring fair prices, transparency of information, and protection for vulnerable economic actors (Al-Qaradawi, 1997; Hidayat, 2022).

### **An Analysis of the Practice of Talaqqi Ruqban from Wahbah Az-Zuhaili's Perspective**

An analysis of the practice of talaqqi ruqban among Tanjung Balai fishermen requires consideration of two major aspects: the empirical dimension that occurs in the field and the normative dimension regulated by Islamic law. Empirically, this practice emerged as a form of adaptation for fishermen to economic, time, and facility constraints. They found it more convenient to sell fish directly at sea because they could immediately obtain cash and reduce additional costs to the market (Fisherman Interview Results, August 31, 2025). However, normatively, Islamic law stipulates that trade transactions be conducted fairly, transparently, and without harm to either party (Quran, An-Nisa: 29). This discrepancy creates a dilemma between social reality and the principles of Sharia justice. Therefore, analysis must be able to find common ground between the two.

Wahbah Az-Zuhaili made an important contribution to understanding the practice of talaqqi ruqban using a moderate approach. He explained that divorce (talaqqi ruqban) is prohibited if it contains elements of deception (tadlis) and price differences that are detrimental to the seller (ghaban faahisy). However, if the market price has been honestly communicated and the seller is willing, the sale and purchase agreement is valid and permissible (Az-Zuhaili, *Al-Fiqh al-Islami wa Adillatuhu*, 1989: 334). This opinion differs from some classical scholars who absolutely forbid it, as Wahbah emphasized substantial justice, not mere legal formality. Thus, contemporary analysis opens up a new, more contextual space for *ijtihad*.

From the perspective of *maqasid al-shari'ah*, the practice of divorce (talaqqi ruqban) can be analyzed through the principle of property protection (*hifz al-mal*). Sharia aims to safeguard the wealth of the people from being unjustly lost through exploitation in trade. In this case, the Islamic jurisprudence principle of "no harm and no mutual harm" (Ibn Qudamah, *Al-Mughni*, 1994: 167) serves as the basis for assessing the validity of the transaction (Ibn Qudamah, *Al-Mughni*, 1994: 167). If the practice in Tanjung Balai truly harms fishermen, it is considered a *fasid sale*. However, if the practice brings mutual benefit and does not cause any real harm, it is permissible under certain conditions.

Based on interviews, fishermen admitted they did not feel disadvantaged because they had information about market prices, although it was not always accurate. This situation is interesting, as price information is a crucial variable in determining the validity of the practice of talaqqi ruqban. According to Yusuf al-Qaradawi, the main problem in talaqqi ruqban is the imbalance of information exploited to gain one-sided advantage (Al-Qaradawi, *Fiqh al-Mu'amalat al-Maliyah*, 1997: 143). Thus, if fishermen already know the market price and bargaining is conducted openly, the element of deception can be eliminated. However, doubts remain because willingness often arises from economic necessity.

Another important aspect of the analysis is the debt-receivable relationship between fishermen and contractors. When contractors provide initial capital, fishermen feel

psychologically bound to sell their catch to them. In Islamic jurisprudence, such a situation can undermine the principle of *taradhi* because the willingness arises not from complete freedom, but from compulsion (An-Nawawi, Al-Majmu', 1997: 122). Therefore, even though the transaction takes place through bargaining, the element of true justice remains questionable. This demonstrates that the practice of *talaqqi ruqban* involves more than just price, but also complex socio-economic relations.

Sharia economic analysis also indicates that the practice of *talaqqi ruqban* can strengthen the monopoly of wholesalers. If left unregulated, wholesalers will control fish distribution and reduce fishermen's access to the more profitable auction market. In Islam, monopolies or hoarding of goods (*ihtikar*) are prohibited because they harm the wider community (Ibn Hajar, Fath al-Bari, 1997: 521). Therefore, this practice must be monitored to prevent it from developing into a form of structural exploitation that contradicts the *maqasid* of sharia.

On the other hand, this practice can also be viewed from the perspective of *maslahah mursalah*. If transactions at sea help fishermen save time, maintain fish freshness, and accelerate economic turnover, then there is a *maslahah* value that can be considered legally (Asy-Syatibi, Al-Muwafaqat, 1997: 254). However, this *maslahah* is only acceptable if no party is significantly harmed. This means that the requirements of fair pricing, transparency of information, and genuine consent must be maintained. In this way, Islamic law remains consistent in maintaining a balance between *maslahah* and justice.

In a modern context, the issue of *talaqqi ruqban* in Tanjung Balai can also be linked to the issue of distributive justice in Islamic economics. Islam emphasizes that trade must be transparent and beneficial to both parties. The Prophet Muhammad (peace be upon him) said:

إنما البيع عن تراض

*("Indeed, buying and selling must be done on the basis of willingness") (HR. Ibnu Majah No. 2185).*

This hadith emphasizes the importance of willingness in transactions, but the willingness in question is willingness that is free from exploitation. Therefore, the practice of *talaqqi ruqban* must be reviewed to see whether it meets these principles.

From Wahbah Az-Zuhaili's perspective, the practice of *talaqqi ruqban* in Tanjung Balai can be justified if the price information is clear, bargaining is done fairly, and the seller is willing without coercion. However, if there are indications of information manipulation or price coercion due to debt dependence, then this practice includes *fasid* buying and selling (Az-Zuhaili, 1989: 336). This view shows a balance between maintaining legal texts and considering socio-economic realities. Therefore, Wahbah Az-Zuhaili's analysis is relevant to become a legal basis for modern fishing practices.

Based on the analysis above, it can be seen that the practice of *talaqqi ruqban* among Tanjung Balai fishermen is a complex issue that cannot be viewed from just one side. From an empirical perspective, this practice helps fishermen quickly meet their economic needs. However, from an Islamic legal perspective, this practice is potentially problematic if it contains elements of deception or apparent consent. Wahbah Az-Zuhaili's moderate and contextual approach offers a compromise by emphasizing the principles of fair

pricing, information transparency, and protection of the vulnerable. Therefore, this analysis demonstrates the importance of integrating muamalah jurisprudence (fiqh muamalah) and socioeconomic conditions in assessing coastal community trade practices.

#### 4. CONCLUSION

This study concludes that the practice of buying and selling fishermen's catch in Tanjung Balai exhibits characteristics empirically consistent with the practice of talaqqi ruqban, a transaction conducted before fishermen enter the formal market. Although this practice is viewed by fishermen as a practical solution to meet economic needs and save time, structurally, it places fishermen in a weak bargaining position due to limited access to price information and dependence on wholesalers.

From an Islamic legal perspective, the existence of a formal agreement and willingness in a transaction cannot be the sole justification for a contract if that willingness arises from economic pressure and limited options. The practice of talaqqi ruqban in this context has implications for market distortion, as prices are not determined through fair and transparent market mechanisms, but rather are influenced by unequal power relations between transaction participants.

Analysis based on the Islamic jurisprudence approach to muamalah (Islamic jurisprudence) indicates that the primary objective of the prohibition of talaqqi ruqban is not merely a procedural aspect of the transaction, but rather to protect price fairness, information transparency, and the sustainability of a healthy market. When transaction practices create information asymmetry and undermine the seller's economic independence, the substance of the contract contradicts the principles of justice and the objectives of sharia in maintaining wealth and social balance.

The contextual approach used in this study emphasizes that legal assessments of coastal community economic practices must take into account the surrounding socio-economic realities. Practices that appear outwardly beneficial and voluntarily agreed upon can remain substantially problematic if they create long-term structural injustice. Therefore, the integration of Islamic jurisprudence (fiqh) norms and empirical analysis is crucial in assessing contemporary muamalah practices.

Theoretically, this study enriches the study of contemporary muamalah fiqh by demonstrating that talaqqi ruqban is relevant not only in the context of classical trade but also in modern economic practices involving power relations and unequal distribution of information. Practically, the findings of this study indicate the need to strengthen fair market mechanisms and increase Islamic economic legal literacy among fishing communities so that trade transactions can be more transparent, equitable, and oriented towards the common good.

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