

OVERVIEW OF MASLAHAH MURSALAH (BENEFIT) IN CUTTING LIVING CRABS BODY PART IN BANJAR KEMUNING, SEDATI SIDOARJO

Sri Wigati W²

Faculty of Sharia and law State Islamic University Sunan Ampel Surabaya,
INDONESIA

Email: sriwigatiwiwik@gmail.com

ABSTRACT

The title of this article "Overview of Maslahah Mursalah (benefit) in Cutting Living Crabs Body Part in Banjar Kemuning, Sidoarjo Sedati". Research question: how is the soft-shelled crab process cultivation in Banjar Kemuning, Sedati Sidoarjo? and how to review Maslahah Mursalah the soft-shelled crab process cultivation in Banjar Kemuning, Sedati Sidoarjo ?

In this study the author uses a qualitative method of data collection by observation, interviews, and with a literature review and processed by means of editing, organizing and then analyzed using the principles and arguments relating to the study with descriptive analysis techniques.

The results of this study concluded that the cutting process of living crab body parts have qualified and based on maslahah mursalah. The process of cutting the crab body parts in terms of quality and interest, including maslahah h{a>jiyah. If viewed in terms of coverage (scope) including maslahah ghalibah. Mean while, if viewed from the existence of this problem include maslahah mursalah, because the process of soft-shelled crab cultivation viewed at a glance there is an element of torture in animals but if the process is very thorough in depth yielded many benefits and bring benefit for human.

In line with conclusions above, then the farmers soft-shelled crabs in Banjar Kemuning, Sedati Sidoarjo suggested: First, it is necessary to develop the cultivation of soft-shelled crabs in other regions, because many of the benefits derived by the public from the cultivation of soft-shelled crabs ranging from farmers to to consumers. Second, Increase production cultivate soft-shelled crabs, then markets and introduce to the public, because many people who do not know the benefits and the presence of soft-shelled crabs or soka crabs.

Key Word: Maslahah Mursalah, Cutting Living Crabs Body Part

INTRODUCTION

Indonesia is a country that has territorial waters greater than its land area, and has an overflow natural resources. Natural Resources are anything that comes from nature that can be used to meet human needs. Every human being has a need, contradictions often happens to maintain their respective purposes, the need for the rules governing human needs so that people do not violate the rights of others. Thus, there is the rights and obligations between fellow human beings. With their rights and obligations, the man is free to take advantage and have every God-given natural resources to meet human needs. As Dimyauddin Djuwaini opinion that property which is not included in the protected property (controlled by others) and there is no legal prohibition (*mani 'ash-shar'i*) to have it. For example, water that is still in its source, the fish in the ocean, animals trees in the forest and so on. Everyone is entitled to retain these possessions to have limited the ability of each. This free property master deed for ownership purposes. In this case, humans are making use of natural resources results both for consumption personally and the need to find sustenance in business or employment.

In the Islamic Shari'a, respect and protect the freedom of property ownership is an obligation for every Muslim. An owner of the property, freely use and develop his property is not contrary to the principles of Islamic syari'at. In theological Islam, the true owner of the property is Allah, whereas in human hands property is Allah's message so that the use of it was not allowed to violate the provisions of the Shari'ah of Allah. Basically Islamic law is only rooted in al-Qur'a> n and Hadith. However, after Islam is growing, then raised a wide range of terms in the excavations of Islamic law raised by the mujtahid, so the legal term known as primary and secondary law.

The primary law is the laws that have been agreed upon by scholarly (al-Qur'a> n, as-Sunnah, al-ijma, and al-Qiyas) and secondary legal sources are the sources of law that is still disputed its use in determining the law Islam by scholars (al Istih{sa>n, al-Mas{{ahlah al-mursalah, al-Istish{{{a>b). One of the sources of secondary law in Islam will be discussed in more detail, namely Maslahah mursalah. In general maslahah mursalah is a benefit that no nashjuz'i (detailed) which support it, and some are rejected and there is also consensus which support it, but the benefit is supported by a number of texts by means istiqlah' (induction of a number of texts).

Maslahah mursalah is something good in mind, with consideration to realize the goodness or called as maslahah and avoid evil. Thus, the general principle of maslahah mursalah gives benefit and avoid damage to life. In today's modern time human needs are very diverse. Hence not a few men who choose instant way to make ends meet. Many humans are vying to increase its business either by means cultivate creative and innovative ways to attract consumers. Corresponding word of God in the letter al-Baqarah verse 148 and paragraph 172, which reads

"for each (religious following) is a direction toward which it faces. So race to (all that is) good. Wherever you may be, Allah will bring you forth (for judgement) all together. Indeed, Allah is over all things competent " . " O you who have believed , eat from the good things which We have provided for you and be grateful to Allah if it is (indeed) him that you worship. "

As an example of the technological advances of food is to innovate mudcrab become soft-shelled crabs. Mud crabs is the one commodity that live in coastal waters,

especially in the mangrove forests. And so called soft shelled crabs because it comes from the stands for, namely "soft karapace" which means soft leather, after going through some process of cultivation of mangrove crab to become soft-shelled crabs.

This soft-shelled crabs are very popular in society, especially fans of sea food because crabs are easier to eat without having to bother to break the shell, because it has been through the process of softening. In terms of the physical form of the crab is the same with other species of crab. It's just different in the process of cultivation, while still aged 10-12 days, soft-shelled crab legs and claws clipped. Thus, what remains is only the swimming leg. After that, the crab will experience softer skin change or moulting. Soft shell is the excess of soka crabs.

Teguh, one of the farmers soft-shelled crabs from Sidoarjo, East Java said, the prospects for the cultivation of soft-shelled crabs now more tempting. Therefore, the demand continues to increase species of crab. In addition to households, the main consumers of this crab is a hotel and restaurant. Soft-shelled crab cultivation is still fairly new, so not many people are engaged in it. According to him, maintaining soft-shelled crabs harder than other crabs. Maintaining a soft-shelled crabs requires precision and patience. Nearly 5 months, Teguh have started the cultivation of soft crab. He admitted, is not easy to cultivate this species of crab. Because so requires precision in treatment. However, the principle of Soka Crab cultivation by Heri is very simple. Start from Mangrove Crab seed size 10 to 12 days, adapted to the pond environment for 1 day. Then cut two bites. Similarly, the six foot path. While both the swimming leg is still left intact. After cutting the legs, crab and then inserted back into the cage and maintain in the cage for 15 days, or until it undergoes the process of molting. When in this molting process, crabs will produce a new soft shell and ready to be harvested. Based on the process of soft-shelled crab cultivation considered important to examine the issues surrounding the process of cultivation of soft-shelled crabs. The process of soft-shelled crab cultivation harm to animals. The element of abuse of animals such as to make it into a soft crab shell must by cutting six feet of the animal's live, so for the cultivation process to the next stage does not have legs alive. In order to know whether the cultivation process is allowed in Islam, and whether it deviated from the teachings of Islam or not, the authors will conduct further research. The author will analyze the process of soft-shelled crab cultivation berdasarkan Islamic law.

In this paper the author will use qualitative methods to describe or illustrate the state of the subject or object at the present time based on facts that appear so it can be accepted by human reason. While the type of research is a field research is research in the cutting of a living crabs body parts in the Banjar village Kemuning, Sedati Sidoarjo. More authors will review this issue in this theme using Maslahah mursalah .

Maslahah mursalah concept

The word "maslahah" rooted in al-aslu, it is a masdar form from slaha and saluha verb, which etymologically means the benefits, avail, good, good, worthy, decent, appropriate. From the viewpoint saraf (morphology), the word "maslahah" and manfa'ah have the same pattern and meaning. Both of these words (maslahah and manfa'ah) has been converted into Indonesian as 'beneficiaries' and 'benefits'.

In terms of language, said al-maslahah is like al-manfa'at lafaz, either its meaning or wazan (scales word), the masdar sentence which has synonym with the phrase al-salah as well as al-manfa'at lafaz which is tant amount to al-naf'u. It could also be said that

al-maslahah was a singular form of the word al-masalih. While the meaning of the benefits which, as intended by the manufacturer Islamic Shari'ah (Allah the Almighty and most worthy of praise) is the watchfulness of religion, life, intellect, lineage and property to achieve real order between Creator and creatures. There are also scholars who define the word benefits which as pleasure or something that will lead to the enjoyment.

Prof. DR. Rachmat Syafe'i in his book entitled "Ilmu Usul Fiqh" explains the meaning maslahah al-mursalah more broadly, that is a benefit that does not have a basic proposition, but also no repealation. If there is an event that no provision of Shari'ah and no 'illat coming out from syara' which determines the legal clarity of the incident, was later found something in accordance with Islamic Shari'ah, which is a provision based impact maintenance or to declare a benefit then the event was called maslahah al-mursalah. The main purpose maslahah al-mursalah is a benefit, namely maintaining form the bad and prevent the benefit.

According to the expert ushulfiqh, maslahah al-mursalah is the benefit that has been learned by shari'ah in the form of law, in order to create a benefit, in addition to the absence of arguments to justify or blame. Therefore, maslahah al-mursalah is called absolute because there is no proposition that states right and wrong.

Based on the explanation above, the establishment of a law based on this benefit is for the purpose of looking for human benefit. That is, in order to find something beneficial, and also avoid human badness which is very spacious. Maslahat is something that evolved based on environment development. Regarding the law establishment, sometimes it appear to be advantageous at a time, but at some other time it brings harm. Similarly, in an environment sometimes advantageous in certain environments, but it is harmful in any other environment.

As for the argument about hujjah-an maslahah al-mursalah are as follows:

1. Actual problems of human improvement always comes and never stopped. If it does not use maslahah al-mursalah so it cannot regulate problems of newly incurred to repair human.
2. Indeed, many people are using maslahah al-mursalah, namely from the Fellows, the Tabi'in and Mujtahids. They use maslahah al-mursalah for truth is needed, such as Friends of Abu Bakr collect mushaf-mushaf then recorded into the Qur'an.

Regarding the requirements to make the proposition maslahah al-mursalah to be applied to dig a law, is:

1. Should maslahah al-mursalah used on an object the real truth, not to object to the truth just a conjecture.
2. Should maslahah al-mursalah used on objects that are universal rather than the object of the individual / special.
3. It should not conflict with Islamic Shari'ah which has been set by Nash or Ijma'.

Another opinion, expressed by Imam Malik as stated in the book of Abu Zahrah essay entitled "Usul Fiqh" explaining that the terms maslahah al-mursalah can be used as a legal basis is:

1. Suitability or appropriateness of the goodness that is used exactly according to the situation and the objectives of the people who use maslahah al-mursalah. While maslahah al-mursalah it self does not negate the arguments of the principal that has been set nor contrary to the arguments of Qat'iyyah.

2. Should *maslahah al-mursalah* rationally acceptable in the circumstances the existing problems. This means that the problems that appropriate sense. Then when *maslahah al-mursalah* was offered to scholars, then they can take it.
3. Should use *maslahah al-mursalah* it does not eliminate the existing ones, and in case when not using it in a rational theory, then people will experience the narrowness of thinking. Allah SWT says in his word, which means "Allah does not make religion for you narrowly".

Related to some groups who do not want to use *maslahah al-mursalah* as a foundation and establish a foothold in the law, reason as follows:

1. Indeed, Islamic law is sufficient regulate every human problems with the instructions resulting from *Qiyas*.
2. Indeed, the laws of Personality 'can already establish the certainty of a truth.
3. Indeed *maslahah al-mursalah* can not bring you a special proposition, which in the circumstances *maslahah al-mursalah* it just kind of pleasure as you wish .
4. The use *maslahah al-mursalah* is an action that is not guided by Nash, so it will bring in injustice to people, which run by despotic rulers.
5. If *maslahah al-mursalah* taken for what reason, it would make a difference either differences in ethnicity, region or in the similiar case. This will certainly create a dualism opposing law solutions. One look at the case forbidden area while other areas may look for a benefit. This is clearly not in accordance with Islamic rules souls ' which is eternal and is for all mankind

Types of Maslahah Al-mursalah

According to the theory of *usulfiqh*, if the terms of the presence or absence of arguments support to a benefit, *maslahah* divided into three kinds, namely:

1. *Maslahah Al-Mu'tabaroh*, *Maslahah al-mu'tabaroh*, are kind of *al-maslahah* which was recognized explicitly by Personality 'and indicated by the argument of (Nash) specific. Agreed upon by the scholars, that *maslahah* is a valid and authentic *hujjah shar'iyah*. This organic manifestation of the *al-maslahah* is the one app *Qiyas*.
2. *Maslahah Al-Mulghah* *Maslahah al-mulghah* is *al-maslahah* was not recognized by *syara'*, even dismissed *batil by syara'*. As an illustration which states a legal opinion that said portion of inheritance rights of men should be equal and equivalent to the portion of inheritance rights of women, with reference to the basic mind the spirit of gender equality. Such rationale does contain *al-maslahah*, but not in accordance with regulations established by God, so *al-maslahah* like this is called *al-mashlahal mulghah*.
3. *Maslahah al-mursalah* was not recognized explicitly by *syara'* and nor rejected and considered *vanity by syara'*, but still consistent substantively with universal law principles. As an example, the policy of tax laws set by the government. The government policy on taxation is not recognized explicitly by *syara'* and nor rejected as false by *syara'*. But any such policy is precisely in line with the rules of substantive law that is universal, namely *tasarruful imam 'ala al-ra'iyyah manutunbil al-maslahah*. Thus, the policy has *shar'iyah* foundation, namely *maslahah al-mursalah*.

Viewed in terms of its strength as evidence (tendency) in establishing legal, *maslahah* divided into three kinds:

1. Masalahah DaruRiyat is an occupying the benefit of primary needs. This benefit is closely related to the maintenance of religious elements and the world. The existence masalahah dharuriyat this is important and it is a must that requires every human being involved in it and is the most important element in human life. This can be understood as a means of contemplation that essentially the man cannot live peacefully if the benefit is not possession.
2. Masalahah Hajiyat is the welfare of the occupied at the level of secondary needs. That is a requirement needed by humans to escape from troubles that will befall them. Masalahah Hajiyat if the case is not met then not to interfere with the feasibility, the substance of human life as well as sound system, but it can cause trouble and misery for mankind to live a life. A simple example of masalahah hajiyat which Allah has provided relief-relief in worship is devoted to those who travel a lot so they have difficulty when the worshipers normally, in this case is doing jama' and qashar for five daily prayers ,

Maslahah Tahsiniyat is the benefit that occupies the position needs to fulfill tertiary can make human life spared and free of state that is not commendable. By fulfilling masalahah, one can occupy a superior position. Inability to meet masalahah does not cause damage to the life and the relationship between human beings and does not cause significant difficulties for human life.

Cutting Practice Body Part of a Living Crabs in Banjar Kemuning, Sedati Sidoarjo.

In Banjar Kemuning Sedati Sidoarjo middle-shelled crab cultivation began in 2009. Began by the mangrove reforestation program which is implemented by an NGO from Japan that OISCA so that when Japanese people visit the village Banjar Kemuning to review their mangrove reforestation activities keen to encourage farmers in Banjar Kemuning to produce soft-shelled crabs because he saw that many fish farmers in Banjar Kemuning are doing crab cultivation.

Soft shelled crab cultivation in Banjar Kemuning is one where the cultivation of a second after the first one in Sulawesi. There cultivation of soft-shelled crabs become a major commodity today. And now the farm is one of the program of work and effort from Sidoarjo Fisheries Academy. Because the shell is soft and edible, the consumers demand of soft-shelled crabs are now increasingly. Not surprisingly, these crabs began bustling cultivated. Its main customers are restaurants. With a selling price of Rp 55,000-Rp 75,000 per kilogram, soft-shelled crab cultivation turnover could reach Rp 2.6 million per day. Soka crabs or mud crabs have soft shells. These animals are popular because could provide a new way to eat crab. With a soft shell, we no longer need to work hard crack the shell and picking at the meat inside the shell.

In physical terms, the form of the crab is the same as other species of crab. Only in the cultivation process, while still the age of 10-12 days, soft-shelled crabs scissored his legs. Thus, all that remains is the swimming legs and claws alone. After that, the crab will experience softer skin change or molting. The soft shell is excess of soft-shelled crabs (soka crabs). Teguh, one of the farmer soft-shelled crabs from Sidoarjo, East Java, said prospects for the cultivation of soft-shelled crabs now more tempting. Therefore, the demand continues to increase species of crab. In addition to households, the main consumers of this crab is a hotel and restaurant.

According to Teguh, in a month he could sell more than 300 kilograms (kg) of soft-shelled crabs. The crab that he sold at a price of Rp 55,000 per kg. Each month, he can

reap a turnover of approximately USD 17 million to \$ 20 million. The net profit of more than 10% of the turnover. Besides Sidoarjo, Teguh customers during this coming from Jakarta, Malang, Bali, even Batam. "The popularity of soft-shelled crabs increasingly rising due to increasing public demand," said Teguh. In fact, he explains, soft-shelled crabs are old. We have only recently begun much ogled increasing demand of this crab.

Khusnul Marom, soft-shelled crabs manager says crab is the result of engineering culture so as to produce soft shell. "Cutting the legs affecting softening of the skin changes, so that the shell does not return again. Talking about the type, it is one kind of mud crab." Within a day, Marom could accept orders as much as 40 kg to 50 kg. He is soft-shelled crabs sell at a higher price of Rp 65,000-Rp 75,000 per kg. With the selling price, the daily turnover could reach Rp 2.6 million. "Most of our customers from the restaurant Surabaya and Jakarta," he said. Besides the delicious taste, this crab lot of interest because of the high nutritional content. "The content of calcium and iron is high," said Marom

The process of soft-shelled crab cultivation

To cultivate mangrove crabs into soft-shelled crabs or soft shell crabs go through several stages, namely:

- a. Choosing the mud crabs are eligible to be soft-shelled crabs, in terms of physical conditions: Condition complete body (not disabled), intact shell (not cracked/broken), Aggressive (lots of motion/sound), In the mouth mud crab not remove foam, not overgrown with small spots on the crab, crab Size eligible to be used as soft-shelled crabs are 70-150 grams each crab
- b. After selecting a livable crabs soft-shelled crabs, the next step is mutilation or cutting the crab legs. Foot cut is all the claw feet and legs except swimming. The purpose of this mutilation is: To relieve stress on the crab, order is not out of the basket, order the crab focus on healing foot, Easing the process of feeding, Simplify the process of harvesting, Stimulates growth and accelerate the process of molting or replacement shells, stimulate the growth of new organs, In order to be a soft-shelled crabs, mutilation or cutting process crab legs.
- c. Entering crabs in a basket or box, each box contains a single crab. The purpose of this process is: For the crab did not run go-anywhere, Easing the process of feeding, food for crabs, Simplify the process of harvesting, order the crab did not fight, because the crabs are cannibal or eat each other to each other, Entering crabs in a basket or box Harvest and Post Harvest

Harvesting is done gradually at the age of maintenance crab has reached 15-20 days already experiencing molting crabs one by one. Harvesting is done after the crab molting harvesting process begins with the final weight measurements and measurements of the width and length of the carapace. Harvesting can be done very easily by controlling the basket one by one box for each 3 times a day if the basket in the box, there are two shells it means showing that the crabs have undergone a process of molting. After the process of molting (shell replacement) after molting crabs should be taken out and soaked in fresh water for 25 minutes this is done to avoid the crab will be hard again and after that crabs must be immediately frozen or packed into a plastic wrapper to be marketed.

Wrapping and freezing Crab Soka

Mechanical harvesting is done in a selective way in which the crab that has unleased the skin should be immediately taken and put into a bucket filled with water. The time control of the harvesting is done every 06.00 - 11.00, - 16:00, 22.00. The crab will immediately replace the skin when the temperature, high salinity changes from modesty or vice versa and also influenced by adequate food. This is in accordance with the opinion of Teguh which states that when the crabs do molting is influenced by external factors such as temperature, salinity and food. In addition, inner factors also affects the skin on the crab. Harvest during the process of molting the crab should not be touched or removed first because at that time the crab requires power and movement that is strong enough so that the condition of the crab is still in a weak condition. control must be improved because the crab that has unleased shells must be removed because if belated lifting within 4-6 hours on the crab will be hard or whole again, and if that happens then the crab will easily come out of the bulkhead for organ morphology is already intact or back to normal. After harvesting, crabs kept in the freezer for frozen.

Benefits and Purpose Crab Soka

Of the process of cultivation on the benefits and purpose must be stated in an interview to farmers , that :

" I am as farmers have benefited from the cultivation of soft-shelled crabs , namely : bigger profits , easy and fast way of cultivation , Risk smaller than crab cultivation usual , Many prefer to consume soft-shelled crabs from the crab usual , seemed more savory and delicious , more useful because many calcium from the shell to eat, easy eating for the whole body soft-shelled crabs can be eaten , not mubadzir because their shells are edible , if the crab usual hard shell and the shell can not be eaten eventually shell is removed, for farmers , the shell results moulting or old shell can be processed into flour calcium , job opportunities, because in the process of soft-shelled crab cultivation requires co-workers. "

Besides the restaurant owner CakHalak named Machsun also said in the interview, that:

"Lately my restaurant so many visitors, nearly 85% of the visitors ordered menu crispy soft-shelled crabs. Compared to earlier in the restaurant I just provide the usual crab menu. In my day shopping soft-shelled crabs cultivation to about 20 kg and my turnover could reach almost 10 million per day. In addition to delicious and savory are also many health benefits one containing calcium in the shells. So is the opinion NoerChayati as soft-shelled crabs consumers who said: "This soft-shelled crab is very tasty and easy to eat because it does not need to be difficult to separate the meat and shell. My family and I really like, especially my son who used to not like to eat crabs as hard cherries, and now really like because there are soft-shelled crabs. "In addition to NoerChayati there are also consumer soft-shelled crabs are Khoiron, he also argued about the soft shelled crabs that:" I am very Like with this menu (soft shelled crabs), almost every other week my family and I came here (the restaurant crab) to buy soft-shelled crabs, besides it tastes good, soft-shelled crabs is easy to eat because the whole body instantly eaten without their shells and meat.

Overview Masalah Mursalah Against Cuts Body Part of Living Crabs In Banjar Kemuning, Sedati Sidoarjo.

As with other methods of Ijtihad, mas {ah mursalah was also a method of determination of the law that the case is not explicitly regulated in al-Qur'a> n and Hadith. Only this method more emphasis on the gold {ah lahmursalah directly. Berhujjah dowry {lah ah mursalah is something rajih in following human needs are always dynamic in accordance with the times. object of mas {ah mursalah besides the one grounded in Islamic Shari'ah in general, should also be considered indigenous and the relationship between one human being with another.

The object is the main option for achieving the benefit. Thus, in terms of worship is not included in the object. The process of soft-shelled crab cultivation is a cultivation which is performed in Banjar Desa Kemuning sub district of Sidoarjo regency Sedati which is currently favored by lovers of soft shell crab as easy to be consumed without having to bother opening cangkanya to eat meat. However, when seen by naked eye shelled crab cultivation process is the cultivation of which can be said is terrible because in the cultivation process there are elements of the torture of animals by cutting the crab legs are alive and in a few weeks to live without the crab legs. In this case there is an element of hurt animals and not berprikehewanan but when viewed in the depth of processing there are many benefits resulting from the shearing of the feet until consumption,. In the shearing of the foot, all the crab legs scissored only left foot pool and pincers, but also has a shearing process objectives are: To relieve stress on the crab, order is not out of the basket, order crab legs focus on healing, Easing the process of feeding,

Simplify the process of harvesting, Stimulates growth and accelerate the process of molting or replacement shells, stimulate the growth of new organs, Agar can be used as soft-shelled crabs, crab After shearing then put in a basket or box, each box contains a single crab. The purpose of this process are: a. so that the crab did not run go-anywhere, b. To ease the process of feeding, food for crabs, c. To ease the harvesting process, d. So that the crab did not fight, because the crabs are Canibal or eat each other to one another.

The soft-shelled crab cultivation process if viewed in terms of the quality and importance of this issue include Maslahah h {a>jiyah. The mas {lah {ah h {a>jiyah is something that is needed by someone to make it easier to live and eliminate the difficulties in keeping the five elements maqa>sid ash-shari'ah> 'ah, because the process of cultivation of soft-shelled crabs aims to soften the shell crab to be easy to eat and eliminate the difficulties without having to take pains to separate between the shell and crab meat

If viewed in terms of coverage (reaching) these problems include Maslahah ghalibah, because this issue relates to the majority (most) people, some of them: farmers, clerks working in the cultivation of soft-shelled crabs, restaurant owners and consumers. And if the views of its existence this problem include Maslahah mursalah. Mas {lah ah mursalah {is} ah mas} was not recognized explicitly by Personality 'and nor rejected and considered vanity by Personality', but still substantially in line with the rules of law. The combination of two words, namely mas} lahamursalah according to the term means goodness (mas} lahah) which is not mentioned in the Personality ', in order to do it or leave it, but if done will bring benefits. In the process of soft-shelled crab cultivation viewed at a glance if there is an element of torture in animals but if the process is very thorough in depth yielded many benefits and bring benefit to mankind. The benefits of the process of soft-shelled crab cultivation for farmers, namely:

- a. Bigger profits
- b. Easy and fast way of cultivation
- c. The risk is smaller than usual crab cultivation
- d. Many prefer to consume soft-shelled crabs from the crab usual
- e. It feels more tasty and delicious
- f. More useful because many calcium content of the edible shell
- g. Easy to eat for the whole body soft-shelled crabs are edible
- h. Not mubadzir because their shells are edible, if the usual hard shell crabs and shells can not be eaten eventually discarded shells
- i. For farmers, the results shell or shell long moulting can be processed into flour calcium
- j. Job opportunities, because in the process of soft-shelled crab cultivation requires a co-worker.

Besides the restaurant owner Cak Bald located in the district of Pandaan also get benefited with this soft-shelled crab cultivation. Restaurants that initially only serve the usual crab, not so crowded compared to the current situation which already provides a menu of soft-shelled crabs, the visitors more ordered crispy soft-shelled crab menu. The turnover obtained in one day could reach 10 million.

Likewise consumers soft-shelled crabs also get benefited with the cultivation of soft-shelled crabs, originally a lot of people who do not like crab because of the difficulty of opening their shells but with the soft-shelled crabs was very helpful because the shell is soft and easily eaten by not only the flesh are eat shell could also for consumption. So if analyzed all this soft-shelled crabs breeding process yielded almost no kemubadziran benefits in the process even can bring benefits to every process.

In using *maslahah mursalah* it as *hujjah*, the scholars' be very careful. So as to avoid the formation of *shari'ah* by certain passions and desires. Based on this, then the scholars 'draw up the terms of *carp maslahah mursalah* was used as the basis for the establishment of law, among others: 1. The benefit is in line with the will of Personality' and included in the kind of benefit that was supported by the texts in general. 2. The benefit of it is rational and certainly, not just estimates. So that the law specified by *maslahah mursalah* it actually produces benefits and avoid downsides. 3. The benefit of it concerns the interests of the people, not self-interest, if the beneficiaries are individualized according to Al-Ghazali then other requirements must be fulfilled, which the beneficiaries must comply with *Maqāsid al-shari'ah*. 4. The establishment of the law by taking benefit of it does not conflict with the basic provisions of the Koran, the Hadith, and *ijma'*. 5. rated commonsense as *maslahah essential* and has been consistent with the goals of Personality 'in determining the law does not conflict with arguments of Personality 'that already exist, either in the form of Al-Qur'an and Sunnah, and *ijma'* ulama 'earlier. 6. *Maslahah mursalah* practiced under conditions that require that problem was not resolved in this way, then the people are in the narrowness of life and the face of adversity.

The process of soft-shelled crab cultivation is done by the village residents Banjar Kemuning, Sedati Sidoarjo already qualified among which:

1. The benefit is in line with the will of Personality 'and included in the kind of benefit that was supported by the texts in general. The process of soft-shelled crab cultivation carried out by citizens

Banjar Kemuning, Sedati Sidoarjo as a form of meeting their basic needs namely property (*Hifz al-Mal*) in the levels of *d {emotion riyah*. They do *muamalah*

activities through the process of soft-shelled crab cultivation to meet the needs of their economies. And it is in conformity with the concept *maqashshari'ahsid'ah*.

2. The benefit of it is rational and certainly, not just estimates. So that the law specified by *maslahah mursalah* it actually produce benefits and avoid losses. The process of cultivation of soft-shelled crabs made by village residents Banjar Kemuning, Sedati Sidoarjo regency is very rational or un acceptable to think, because a lot of people who benefit from the cultivation of this such as: farmers, clerks working in the cultivation of soft-shelled crabs, a restaurant owner and consumers.
3. The benefit of it concerns the interests of the people, not personal interests. The results of the process of soft-shelled crab cultivation involves the interests of many people, because many who benefit from the results of the cultivation process.
4. The establishment of the law by taking benefit of it does not conflict with the basic provisions of the Koran, the Hadith, and *ijma'*. In this case there is no proof that prohibit the cultivation of soft-shelled crabs.
5. The rated commonsense as *maslahah* essential and has been consistent with the goals of Personality '. The soft-shelled crab cultivation process as a form of property that meets the basic needs (*Hifz al-Mal*) in the levels of demotion *riyyah*. They do *muamalah* activities through the process of soft-shelled crab cultivation to meet the needs of their economies. And it is in conformity with the concept *maqashshid shari'ah*.
6. *Maslahah mursalah* practiced under conditions that require if only the problem was not resolved in this way, then the people are in the narrowness of life and the face of adversity. In the process of cultivation of soft-shelled crabs, there are objectives that one of them is to soften for easier eating crab shell crab, because all members of the crab's body can be eaten without any effort to separate between the shell and the flesh. It also eliminating all *mubadzir* late, because their shells are edible and do not dispose of crab shell in vain.

It is also in accordance with the legal basis *maslahah mursalah* contained in God's word letter Baqarah 2: 185 namely:

شهر رمضان الذي أنزل فيه القرآن هدى للناس وبينت من الهدى والفرقان فمن شهد منكم الشهر فليصمه ومن كان مريضا أو على سفر فعدة من أيام أخر يريد الله بكم اليسر ولا يريد بكم العسر ولتكملوا العدة ولتكبروا الله على ما هديكم ولعلكم تشكرون
185

185. The month of Ramadhan (is that)in which was revealed the Qur'an, a guidance for the people and clear proofs of guidance and criterion. So whoever sights (the new moon of) the month, let him fast it; and whoever is ill or on a journey then an aqual number of other days. Allah intends for you ease and does not intends for your hardship and (wants) for you to complete the period and to glorify Allah for that (to) which He has guided you; and perhaps you will be grateful

The verses are great rules, in the duties imposed on the whole Islamic faith, which is "to provide convenience and do not complicate". This gives the impression of us who feel the ease in carrying out this life as a whole and scored the souls of the Muslims in the form of the spaciousness of the soul, but not onerous, and not embarrass.

According to the authors, based on the above explanation if it is associated with the concept of *maslahah mursalah*, the authors conclude that the process of cultivation of

soft-shelled crabs in the village of Banjar Kemuning sub district Sedati Sidoarjo regency is very beneficial to the community, because many people who could benefit from the process of cultivation the. In addition, the cultivation process is already meeting the requirements of masalah mursalah that is in line with the will of Personality is rational and certainly, concerns the interests of many people, is unacceptable to think, eliminating the trouble, is not contrary to the basic provisions of the Koran ,hadith and ijma 'and within their concept of maqashidu shari'ah.

Conclusion

After conducting research and a thorough examination of the "Overview Masalah mursalah against Cuts Body Part crab Yang Living in Banjar Kemuning sub district of Sidoarjo regency Sedati", the authors conclude as follows:

1. The process of cutting body parts crabs still living in the village of Banjar Kemuning subdistrict of Sidoarjo regency Sedati implemented through stages, namely:
 - a. Choosing the mud crabs are eligible to be used as soft-shelled crabs
 - b. After selecting a livable crabs soft-shelled crabs, the next step is to cut the crab leg mutilation. Foot cut is all legs except the claws and legs pool
 - c. Entering crabs in a basket or box, each box contains a single crab
 - d. The process of moulting (shell replacement)
 - e. Harvest and post-harvest
2. Results of process cutting body parts soft-shelled crabs in Banjar Kemuning,Sedati Sidoarjo very beneficial for the community, because many people who could benefit from the results of the cultivation process, among others, namely: farmers, clerks working in the cultivation of soft-shelled crabs , restaurant owners and consumers. In addition, the cultivation process is already meeting the requirements of masalah mursalah that is in line with the will of Personality ', is rational and certainly, concerns the interests of many people, is unacceptable to think, eliminating the trouble, is not contrary to the basic provisions of the Koran , hadith and ijma 'and in accordance with the concept of maqaash-shari'ah.

REFERENCES

- Arikunto, Suharsimi. (2006) *Research On An Approach Procedure Practice, Revised Edition*.
- Choiroh, Miftachul, (2013). " *Analysis of Masalah Mursalah Against Room Deodorizers made from cow dung (case study in SMA Muhammadiyah 1 Babat, Lamongan) "*
- Dahlan, Abd. Rahman. (2011) *Ushul Fiqh*.
- Religious Depertemen RI, (2010) *the Quran and its translation*.
- Djamil, Fathurrahman. (1997) *the philosophy of Islamic law*.
- Djuwaini, Dimyauddin. (2010) *Preface Muamalah Fiqh*.
- Haq, A. Faisal. (2007) *Ushul Fiqh*.
- Haroen, Nasrun.(1996) *Suggestion of Fiqh*

- Idrus, Muhammad.(2009) *Social Science Research methods: Qualitative Approach and Quantitative*.
- Karim, (2006) *Al-Shaafa'i. Of Fiqh*.
- Khallaf, Abdul Wahab.(1993) *Qa'idah-qa'idah Islamic law*.
- Masruhan. (2013) *Legal research methodologies*.
- Noer Chayati,(2015) *kepiting soka, consumer Interviews*.
- Prastowo, Andi (2011.) *Under standing Research Methods*.
- Romli.(1999) *Inquiries for Muqaranah Mazāhib fil*.
- Rosidah, Siti Jamilatur, (2015) *"analysis of Islamic law against Selling Chickens Dying Complaint Results Lost Cockfight in Sidoarjo Regency"*.
- Sugiyono.(2010) *Quantitative Research methods, qualitative and R&D*.
- Suhendi, Hendi.(2007) *Fiqh Muamalat*.
- Syarifuddin, Amir.(2014) *Suggestion of Fiqh vol. 2*.
- Wati,Sulistyo,(2015) *"review of Islamic law in the system of buying and selling Feathers Duck in the village of Modopuro District. Mojosari Kab. Mojokerto "*
- Abu Zahrah, (1985) Moh. *Usul Fiqih*.