

# The Practice of *Warung Jablay* in Hulu Sungai Utara Regency in The Perspective of Sociology of Islamic Law

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## Abstract

The *Warung Jablay* business in the North Hulu Sungai Regency area has disturbed many residents. Basically, this kind of night girl stall has the same function as other stalls, but often because of the presence of young girls with sexy and skimpy clothes and differences in the way of service provided and differences in customer segmentation which are mostly filled by young people. So, there are many things that violate morals and religion in the field, and this is not in line with the teachings of Islam. This study aims to map how the practice of *Warung Jablay* in Hulu Sungai Utara is associated with Perspectives in the Sociology of Islamic Law, because Hulu Sungai Utara Regency is famous for its high religious area and is known as Bertaqwa City. This research is field wise with a qualitative descriptive approach. The results of this study found that people believe that the behavior of some people who run a stall business like this is driven by economic factors and desires. In addition, the community also considered the behavior of *Warung Jablay* workers to be out of bounds and violated moral, social, and religious norms.

**Keywords:** *Warung Jablay, North Hulu Sungai Regency, Islamic Law.*

## Introduction

*Warung* is a place that carries out buying and selling activities with various human daily needs, ranging from food, clothing, housing and transportation, ready-to-use staple foods to various snacks or as a place to quench thirst and rest for people who feel cape or exhausted after doing various activities outside and feel

thirsty or hungry then often stop at roadside stalls.

Rules related to the operation of a stall already exist and are set by the authorities, so that violators will be subject to sanctions if they do not follow the procedure. Similarly, *Warung Jablay* has caused a lot of trouble for residents, but this is also seen from the reasons



for its workers who state that it is difficult to find work so there is no other choice except to work at *Warung Jablay*. Although there are still several *Warung Jablays* operating, the local government is trying to provide appropriate rules so that there is no conflict in the community.<sup>1</sup>

*Warung* also serves as a basic enhancement tool of the sustainability of people's lives in terms of the economy can be helped, and stalls are not only a place to sell various material needs such as food and drinks, but also a gathering place for people, be it men or women. *Warung* is used as a place to joke or chat between others, whether the person is a trader or a buyer. This can increase the sense of kinship between communities by interacting frequently.<sup>2</sup>

Each stall usually has a guard or helper as a stall guard worker who helps the stall owner to be able to serve the buyers. And it is hoped that with such a guard he can also attract buyers and meet the needs of buyers by providing the best service they can offer.<sup>3</sup> And

the goal is to increase the budget obtained, under the pretext of sufficient the desired needs. Because work can elevate one's dignity by using one's power and potential.

Furthermore, Islam also allows anyone to make buying and selling transactions or muamalah, and all of this is obtained in a good way and according to religious rules. And it is also on the basis of providing mutual benefits to each.<sup>4</sup>

In surah Al-Baqarah which reads:

وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا<sup>5</sup>

Means; "Allah has legalized buying and selling and forbade usury." (QS. Al-Bqarah: 275)

In accordance with the paragraph above, it is clear that buying and selling is allowed as long as it does not violate sharia law.<sup>6</sup>

Islam also does not place restrictions on a person if he wants to work with the intention of making ends meet.<sup>7</sup> And working women have also existed since the existence of Islam, such as Halimah As Sa'diyah who breastfed

<sup>1</sup> <https://kalsel.prokal.co/read/news/51108-warung-jablay-wajib-pasang-lampu-terang.html> diakses pada Jum'at tanggal 24 November 2023 Pukul 07:30.

<sup>2</sup> Dewi Kurnia Sari and Bagus Wahyu Setyawan. "The Existence Of The Use Of Indonesian In The "Hangout" Culture Of The Millennial Generation." *Journal of Composition*, Vol. 6, No. 2 Tahun 2023. 119-131, <http://dx.doi.org/10.53712/jk.v6i2.1790>

<sup>3</sup> Hadion Wijoyo, et al. *Digital Economy and Marketing in the New Normal Era*. (Sumatera: Insan Cendekia Mandiri, 2020), 97.

<sup>4</sup> Tira Nur Fitria, "Online shop business in Islamic Law and State Law." *Scientific Journal of Islamic Economics*, Vol. 3, No. 1 Tahun 2017. 52-62, <http://dx.doi.org/10.29040/jiei.v3i01.99>

<sup>5</sup> Departemen Agama RI, Al-Qur'an dan Terjemahannya, (Jakarta: CV Darus Sunnah, 2016), Cet. ke-20, 47.

<sup>6</sup> Panggabean, Sriayu Aritha, and Azriadi Tanjung. "Online Buying and Selling in the Perspective of Islamic Law and State Law." *Jesya: Journal of Economics and Sharia Economics*, Vol. 5, No. 2 Tahun 2022, 1504-1511, [10.36778/jesya.v5i2.758](https://doi.org/10.36778/jesya.v5i2.758)

<sup>7</sup> Afif Muamar, "Women careers in the psychological and sociological perspective of the family as well as Islamic law." *Equalita: Journal of Gender and Child Studies*, Vol. 1, No. 1 Tahun 2019, 21-37, [10.24235/equalita.v1i1.5153](https://doi.org/10.24235/equalita.v1i1.5153)

the Prophet and his wife Siti Khadija bint Khuwailid, she was known as a successful businessman who played a very important role in helping the Prophet of Allah. From this example it can be concluded that Islam does not prohibit anyone from working independently and fulfilling daily needs.<sup>8</sup>

But in fact, there are also some business actors and industries that do not obey the provisions of Islamic sharia and even deviate from the guidance of Islamic teachings, for example, the *Warung Jablay* business which has become popular in South Kalimantan in recent years. And the services sold by these stalls are not just to meet the needs of eating and drinking, these stalls also provide a kind of additional service and entertainment for buyers in particular Male buyers, so these stalls often provide services by young women. The workers or sellers not only provide food and drink to buyers, but also accompany them late into the night. This phenomenon is known as "*Warung Jablay*".<sup>9</sup>

Basically, the princess stall or *Warung Jablay* has the same function as other stalls, but the additional services provided by this *Warung Jablay* bring its own thoughts to prospective

buyers or the surrounding community. In terms of morals and religion, this is often considered not in line with Islamic teachings and moral and social norms of Indonesian society which are known to highly uphold Eastern customs and Islamic teachings. The population is Muslim so this can underestimate the dignity and dignity of women as noble beings. Because women are expected to become religious schools for their children in the future.<sup>10</sup>

South Kalimantan is a province known for its population thick in religious matters and has a Banjar culture full of Islamic values, known for the high religious faith of its people, this can be seen from many Islamic boarding schools in South Kalimantan. Schools and clerics play a major role in upholding Islamic teachings. Likewise with North Hulu Sungai Regency, known for its religious community and high end of Islamic culture.<sup>11</sup>

*Warung Jablay* is a simple stall that serves coffee and snacks served by sexy young women commonly known as Jablay. This roadside stall is usually open from afternoon to midnight or dawn. Snacks are quite

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<sup>8</sup> Ismiyati Muhammad, "Career women in the Islamic view." *Al-Wardab: Journal of Women, Gender and Religious Studies*, Vol. 13, No. 1 Tahun 2019, 99-108,

<sup>9</sup> Kartini Kartono, *Patologi Sosial*, (Jakarta: PT Raja Grafindo Persada), 207-266.

<sup>10</sup> Ryko Adiansyah, "The intersection between religion and culture (The process of acculturation of

Islam with slametan in Javanese culture)." *Journal of Intellectuality: Islamic, Social and Science*, Vol. 6, No. 2 Tahun 2017, 295-310, <https://doi.org/10.19109/intelektualita.v6i2.1612>.

<sup>11</sup> Syakhrani, Abdul Wahab, and Ahmad Rangga Islami. "Islam Di Tanah Banjar." *Jurnal Cross-border*, Vol. 5, No. 1 Tahun 2022, 792-802.

expensive and the price tends to be relative, because the longer and often the buyer sits and chats with the girl selling goods at the stall, the more expensive the price. The architectural form of this *Warung Jablay* is relatively simple and does not have special room facilities.<sup>12</sup>

Basically, they target buyers who want to take a break on a long trip or young people who just want to relax while chatting, they sell social communication. Although there are many prejudices about the careers of women who work at these stalls, basically their role is SPG (Promotional Girls), their job is to attract buyers and retain them for as long as possible in order to buy more sales.<sup>13</sup>

This study aims to map how the *Warung Jablay* runs in North Hulu Sungai Regency and how the views of the scholars of the *Warung Jablay* when associated with the sociological perspective of Islamic law.

The rise of activities related to *Warung Jablays* everywhere, so there needs to be further action from the government related to stalls that operate at night and are not in accordance with the actual trade levels. Clarity and legal protection are needed for stall

waiters who are operated at night beyond the specified time limit. So it is expected that every stall has self-awareness regarding the waiters who are in the stall with good clothes and are given a time limit in selling.<sup>14</sup>

Most of these stall workers have motives of low economy condition, so they take the road of becoming waiters at night stalls. The benefits they get are so much because some of them are not only selling coffee and food but also offer to accompany the guests of the stall to have sexual intercourse.<sup>15</sup>

The application of sanctions against night stall owners is still ineffective. This can be seen from the discovery of stalls that are still operating. Factors that become obstacles related to the application of sanctions against stall owners are due to lack of firmness and lack of legal apparatus, and related to community factors related to legal awareness faced with their low education and lack of labor needs. And this is what can create a negative culture, namely a culture to break the law.<sup>16</sup>

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<sup>12</sup>Sulistyo Budiarto and Koentjoro Koentjoro. "The tradition of luru duit in Indramayu." *Journal of Behavioral Science*, Vol. 1, No. 2 Tahun 2018, hlm. 125-152.

<sup>13</sup> Unsa Faizati Safrina and Achmad Mujab Masykur. "Working In Stigma" (Phenomenological Study of the Experience of Working in Sales Promotion Gearl)." *Jurnal Empati*, Vol. 7, No. 2 Tahun 2020, 604-613, <https://doi.org/10.14710/empati.2018.21685>.

<sup>14</sup> Ahmad Riduan, "Aspects Related to the Implementation of Anti-Immoral Acts Policy in a Number of Night Stalls in Kelua District, Tabalong

Regency". *PubBis: Journal of Thought and Research in Public Administration and Business Administration*, Vol. 2, No. 1 Tahun 2018. 1-22, <https://doi.org/10.35722/pubbis.v2i1.34>.

<sup>15</sup>Muhammad Syaifudin Zuhri, "Self-Concept in Commercial Sex Workers in Dimly Lit Stalls in Kedung Banteng Village, Kebonsari District, Ponorogo Regency" *Rosyada: Islamic Guidance and Counseling*, Vol. 3, No. 2 Tahun 2022. 114-126, <https://doi.org/10.21154/rosyada.v3i2.4409>.

<sup>16</sup> Irsandi, Apri, dan Sudi Fahmi. "The application of sanctions against dimly lit stall owners in

## Method

The approach method that the author uses is; Normative approach (adapted to existing texts in the Qur'an and Hadith); and Sociological juridical approach (a legal perspective based on reality and social reality that exists in the community, namely regarding the practice of *Warung Jablay* in North Hulu Sungai Regency is associated with the sociological view of Islamic law).<sup>17</sup>

The method used by the author is qualitative which is a field type, so that appropriate data results are obtained either words or spoken from people who have been observed. So, this study is based on the object of research, namely through observations and interviews conducted to actors in the field, Jablay stall guards, consumers who come to the stall and religious leaders in the north river upstream district to get good and correct data.<sup>18</sup>

In applying data collection techniques, namely problems that need to be considered in every scientific research implementation to obtain complete, correct and accountable data. Data collection techniques in this study are Observation, that is, the author goes

directly to the field to observe directly about the problem under study. And Interview technique, which is a technique by interviewing informants by giving several questions systematically and pre-prepared in the form of interview guidelines related to the problem to be discussed.<sup>19</sup>

In data processing, the author uses several methods, namely:<sup>20</sup>

1. Data Reduction, in this case the author selects and concentrates attention on simplification so that it is easy to classify similar data by carrying out several activity steps such as selecting data based on the level of relevance and relation to data groups, grouping similar data and coding data in accordance with the research work grid.
2. Display data, in this case the author develops and describes data that has been classified according to the subject matter and compiles relevant data so that it becomes information that can be concluded and has a certain meaning.
3. Data verification. After the data processing is complete, it is then analyzed

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Rokan Hulu Regency." *Niara Journal*, Vol. 16, No. 1 Tahun 2023, 67-79, <https://doi.org/10.31849/niara.v16i1.13865>.

<sup>17</sup> Ruslan, *Public Relations and Communication Research Methods*, (Jakarta: Raja Grafindo Persada, 2004), 31.

<sup>18</sup> Wiratna Sujarweni, *Research Methodology* (Yogyakarta: Pustaka Baru Perss, 2014), 2.

<sup>19</sup> Burhan Bungin, *Qualitative Research Data Analysis "Philosophical and Methodological Understanding towards Mastery of Application Models* (Jakarta: Raja Grafindo Persada, 2003), 148.

<sup>20</sup> Rosady Ruslan, *Public Relations and Communication Research Methods*, (Jakarta: PT. Raja Grafindo Persada, 2003), 21

using qualitative analysis, and discussed according to the review of Islamic law.<sup>21</sup>

## **Discussion**

### **Warung Jablay in North Hulu Sungai District**

*Warung* is a small bids place that is used as an effort to meet the needs of the family which is commonly called a shop or a small food restaurant. And this stall has become a daily friend and has become an important part of people's lives.<sup>22</sup> The term *Warung* has evolved over time. In the past, stalls only sold coffee drinks and light snacks, but nowadays stalls have many functions by selling food, goods, and even services.<sup>23</sup>

In general, the stall is a place to interact between sellers and buyers, but over time the term has changed to be viewed by many as an incorrect occupation and deviates from religious teachings. And this is what happened with dimly lit stalls also known as *Warung Jablays*.<sup>24</sup>

*Warung Jablay* is a five-foot-shaped building in which there are snacks and coffee

tea drinks etc., for public consumption, this *Warung Jablay* is also a gathering place for people who want to find wind or just relax like interacting to chat, in the stall there are also women who are good at attracting attention, this place also has an owner, employees and customers.<sup>25</sup>

*Warung Jablay* is not far from the term *Warung* prostitute, this is widely said by the community because it is known that the place is often carried out many illicit relations at a certain rate. This is done by women and men who have no legal relationship but are merely sellers and buyers. And it is all done on the basis of wanting to make more profit or let go of lust. And stalls like this are often even easy to find in quiet areas and close to the roadside, and usually can be traversed by carriers of large trucks and other public transportation.<sup>26</sup>

In the past, stalls were known as a place to socialize between communities and were used as a place to hang out together. But over time, the function of the stall has changed. Many stalls that are used as a place to date, or a place to vent lust. For various reasons,

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<sup>21</sup> U Maman, *Religious Research Methodology Theory and Practice*, (Jakarta: PT Raja Grafindo Persada, 2006), 127-128.

<sup>22</sup> Masimbangan S Harlina, Erike Putri Agnesasmitha, and Masimbangan S. Herawati. "Layanan Delivery Warung Makan Bardja Berbasis Website Menggunakan Php Dan Mysql Dengan Framework Codeigniter." *UG Journal* Vol. 15, No. 11 Tahun 2022, 18-35.

<sup>23</sup> Titus Nursiwan dan Budi Iswanto. "Business Competition Between Modern Coffee Shops and Traditional Coffee Shops in Sambas City Sharia Business Ethics Perspective." *Southeast Asia Journal Of*

*Graduate Of Islamic Business And Economics*, Vol. 1, No. 1 Tahun 2022, 28-40.

<sup>24</sup> Suyito. "Factors Causing Deviant Behavior in Tanjungpinang City Study at Pujasera Bintan Plaza Coffee Shop. Tanjungpinang City." *Asian People Journal (APJ)*, Vol. 1, No. 1 Tahun 2018, 148-163.

<sup>25</sup> Yusmanidar, *The phenomenon of Warung Jablay (Warung Remang-Remang)* (Lambung Mangkurat University, 2019), 67.

<sup>26</sup> Siti Dewi Aulia Amir, Deviant Behavior of Teenagers in Dim Stalls, Riau, *Ensiklopedia of Journal*, Vol. 3, No. 1 Tahun 2020, 14, <https://doi.org/10.33559/eoj.v3i1.869>.

humans will definitely continue to strive to follow the new trend of life development so that such deviations occur. The thing that drives such stalls to continue to run today is due to their lack of knowledge in terms of religious science, the low level of education they have, lack of development of their skills, lack of economy and lack of social control in society.<sup>27</sup>

This *Warung Jablay* building is ordinary, unlike large café buildings in the city area, sometimes it does not use cement floors, the walls are only zinc or coconut leaves, inside the stall there are booths where customers enjoy the facilities available at the stall.<sup>28</sup>

The impact of the existence of this *Warung Jablay* is undeniable that it will have a good and bad impact on the stall actors. According to the author's view that occurs in the field, there is a positive impact in the form of profits achieved by stall owners from the snacks of the guests who come to their stalls.<sup>29</sup> But the bad impact for those who work at the stall, because they will be labeled as bad and immoral women because they want to work at the stall, in addition to being stall waiters,

some also like to change partners and do sex work.<sup>30</sup>

The existence of *Warung Jablays* in Hulu Sungai Utara, especially around Amuntai City, is troubling, based on reports from residents and village heads and has the potential to lead to crime so it needs to be published. As a city that bears the motto of the city 'bertqwa', the Amuntai community is known to be religious so it must be kept from being polluted by the behavior of a small number of its citizens who carry out negative activities. Moreover, Kabupaten Hulu Sungai Utara also received the Adipura award, so it is necessary to maintain environmental comfort from community diseases and cleanliness. In order to create a safe and comfortable *kamtibmas*, a joint operation was carried out between Satpol PP as the leading sector assisted by police personnel and soldiers of the 1001 Amuntai military command.<sup>31</sup>

At the *Warung Jablay* in North Hulu Sungai Regency, most of the servants are underage girls, as met in one of the *Warung Jablay* keepers, let's call it M (disguised identity). He said that,<sup>32</sup>

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<sup>27</sup> Haris Padillah, "Community Response to the Existence of Dimly Lit Warung, Pontianak, *Sociodev: Journal of Social Science Study Program Students*, Vol. 2, No. 1 Tahun 2013, 20.

<sup>28</sup> Fandy Tjiptono, *Strategic Marketing* (Yogyakarta; Andi, 2008), 33.

<sup>29</sup> Tanagar, Dony, Dian Suluh Kusuma Dewi, and Robby Darwis Nasution. "Village Land Use Policy (Crooked) for the Establishment of Dim Stalls." *Journal*

*of Village Government Administration*, Vol. 1, No. 1 Tahun 2020, 1-11.

<sup>30</sup> Silvester Hengki Sanan, "Handling the problem of prostitution in East Kalimantan." *Journal of Law* Vol. 5, No. 2 Tahun 2020, 726-736.

<sup>31</sup> Eddy Abdilah, *Wanita Penjaga Warung Dilarang Berpakaian Minim*, Anatar Kalsel, Kalimantan Selatan, 27 Januari 2019.

<sup>32</sup> Interview with M, Sabtu 14 Oktober 2023, Pukul 13:45.

“Kada sabarataan pelayan kaya kami di Warung Jablay ni pang bakun melawani lalakijan nang kaya buaya nafsunya, kami tahu haja bahwa rancak Warung Jablay ni dipantau oleh bubuhan patroli. Maka kami juga harus melibat kondisi lawan keadaannya diluar kaya apa. Amun handak mendapatkan penghasilan ya biasa ai kami menawarkan kopi lawan yang duduk diWarung ni, sebagian mungkin dari kami ada jua mun handak dapat lebih menawarkan lebih jua. Bisa ai mengawani duduk atau bapandir diWarung. Ada jua yang menawarkan untuk mengawani berkencan diluar atau dikamar tapi ada tarif khususnya jua karena istilahnya itu pelayanannya lebih dan itu tergantung lawan orangnya jua. Tapi kalo ulun pribadi rancak menolak pang amun gawiyen kaya itu, ulun mun duduk diWarung haja mengawani bakun haja, tapi bayarnya balabih jua. Mun melakukan hubungan lebih ulun kurang berani.”

From the interview with M, it is said that they work at stalls like stalls in general, but related to more service it depends on the stall guard, because not everyone needs the same. And this *Warung Jablay* is also often monitored by law enforcement, so the stall keepers are also always careful.

L (pseudonym) is also a *Warung Jablay* keeper who says that,<sup>33</sup>

“Mun jadi pelayan Warung disini to kada harus pank bungas, Cuma bisalah marawat diri. Karena pelanggan to pasti malibat jua siapa dan kayapa tukang jaga Warungnya. Karena itu berpengaruh jua lawan minat orang handak keWarung. Dan Warung seperti ini memang sering disebut dengan Warung Jablay, karena itu tergantung dari pandangan masyarakat jua. Padahal kada sabarataan yang diWarung Jablay itu gawiyannya melewati batas. Ada ja sebagian diWarung itu yang melayani meolahakan

makanan atau minuman ja duduk kaya orang bajaga Warung pank, tapi ada ai pang jua nang meolahakan kopi atau makan bisa sambil minta kawani. Dan inipum tergantung orangnya jua nang bakun, mun gajih tersendiri dari pihak pemilik Warung memang sudah ada, tapi kalo handak dapat lebih ya inisiatif sendiri mencari. Mungkin banyak padangan orang bahwa Warung Jablay itu adalah Warung yang memberikan layanan seksual karena dilibat Warungnya rami misalnya, padahal tidak semua penjaga Warung seperti itu. Tapi sebagian mungkin ada, dan memang diWarung itu kita disuruh untuk bisa beinteraksi dengan pembeli sehingga pembeli betah untuk ada diWarung dan kada jera. Sebagai penjaga Warung pun kami pastinya kalo bejaga pasti menyesuaikan pakaian dan pada dasarnya bujur kalo penjaga Warung itu bungas pasti orang katuju baparak ke Warung karena nang rancak dilibat orang jua ya penjaga Warungnya. Cara pelayanannya itu jua dapat menarik perhatian pelanggan. Karena bagawi kaya ini kebendak kami surang karena dizaman sekarang mencari pekerjaan untuk dapat duit banyak to susah. Urusan yang lain itu gampang asal Warung to laris ja tarus itu pank prinsipnya.”

From an interview with L, he said that the term *Warung Jablay* is often considered wrong by the surrounding community, because not all stall keepers are in accordance with what the community thinks, such as changing partners or having sex. And indeed not all stall keepers want to work like that, sometimes there are many economic demands plus the difficulty of outside jobs, so this is sometimes used as a reason they want to be waiters at *Warung Jablays*. Not only do they get a free place, but they also get more money to

<sup>33</sup> Interview with L, Kamis 12 Oktober 2023, Pukul 16:25.



meet their living and style needs. And the most important thing about them is that they are happy, customers also like it until finally the stall can hemp and sell well. And the main goal is that the stall is always popular, and get a lot of customers and profits.

One of the consumers who works as a transport truck driver admitted that he often went to the *Warung Jablay* in North Hulu Sungai Regency, and even made transactions to have sex with the stall waiter. The driver also stated that there was no special place at the stall, but the waiter could be invited to do it outside like a hotel.<sup>34</sup>

Some people whose homes are close to *Warung Jablay* also said that they do not want to interfere with such things, as long as they do not disturb the order of the surrounding residents, because it is known that there are always motorbikes patrolling guarding.<sup>35</sup>

The problem of the existence of this *Warung Jablay* has sparked new problems that are difficult to deal with, because on the other hand this *Warung Jablay* has provided life opportunities in the form of work for those in need, and on the other hand this stall has also violated the rules of sharia and local

government regulations in North Hulu Sungai Regency in particular. And this is a difficult fact to handle, because of the many benefits obtained, there are many beginner enthusiasts who also want to open a *Warung Jablay*. And this has become a growing social fact in society.<sup>36</sup>

### **The driving factor of being a waiter at *Warung Jablay***

The main reason for their behavior to work as waiters in these stalls is due to situational and personality factors, because when viewed from economic conditions, education level and skills, it is natural for them to think that in order to feel satisfied and to be sufficient for the necessities of life, and can They can still survive, they want to do various kinds of business, but if they see opportunities to do other businesses, they change their activities and behavior, but they do not do it, for example trying to get another job or get married, then this behavior can also be based on aspects of personality, namely their own desire to pursue the job, precisely their desire to become a waiter at *Warung Jablay*.<sup>37</sup>

As L said that;

*"Kami ingin menjadi pelayan Warung atas kehendak sendiri dan karena tidak ada*

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<sup>34</sup>Interview with N (pseudonym), Minggu 8 Oktober 2023, Pukul 15:30.

<sup>35</sup> Ahdiyatul Hidayah and Ahmad Bunyan Wahib. "Defending Women's Legal Rights through Organizations in Turkey." *An-Nisa': Journal of Gender Studies*, Vol. 15, No. 2 of 2022, 185-200.

<sup>36</sup>Sentral Post, <http://sentralpost.co/warung-remang-remang-diduga-jadi-tempat-prostitusi-dan-peredaran-miras/> Di akses pada Minggu, 22 Oktober 2023 Pukul 23:35.

<sup>37</sup> Effendi, Mukhlison. "Human resource development in improving the image of institutions in Islamic educational institutions." *Southeast Asian Journal of Islamic Education Management*, Vol. 2, No. 1 Tahun 2021. hlm. 39-51.

*pilihan lain lagi. Ekonomi orang tua juga sangat sulit, mencari pekerjaan sekarang susah. Yang penting disini kami bisa makan, dapat banyak uang, bisa bersenang-senang secara gratis dan ini jalan kami.”<sup>38</sup>*

The desire to live a luxurious life and awash in wealth is one of the reasons why they are willing to do things that are haram. In fact, women have many desires and there are many ways to fulfill them in a halal way. Therefore, many women are willing to do any work to meet their lifestyle needs and maintain their existence in the community by trying to improve the economy by one of the ways taken, namely becoming waiters at *Warung Jablays*.<sup>39</sup>

The author concludes that the waiters motives to work in *Warung Jablay* not only to meet their living needs but also just for fun, which has now become a necessity that can improve the economy better.

### **Ulama's View on the Practice of *Warung Jablay* in North Hulu Sungai Regency**

If only the stall waiters can trade properly and prioritize the element of goodness, then the owner can create a stall with shari'ah nuances. That is not having the waiters at the stall to dress scantily with the intention of attracting the attention of customers and it was used as a benchmark for

someone to be able to become a waiter at the *Warung Jablay*. Islam does not allow and forbid this kind of treatment, because it is taught to trade in a halal way and of course it is clear about the way it is traded.<sup>40</sup>

In Hulu Sungai Utara district, there are several *Warung Jablays* that have been disbanded and forcibly destroyed by the authorities, because the existence of *Warung Jablays* makes residents very restless and uneasy. And this operation was carried out on the reports of various parties who also included the reason that the stall had violated the rules of law and religion. This dissolution was carried out by a team of police officers, police officers and also koramil officers in Hulu Sungai Utara. As for stalls that do not want to be forcibly destroyed, they are willing to close their stalls independently directly by the owner.<sup>41</sup>

Although there has been another explanation from the local party stating that such stalls do not exist, create problems and also look normal, the situation is the same as other stalls. And this was also denied by several other residents who stated that if left unchecked, the stall would be even more rampant and had received several reprimands

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<sup>38</sup> Wawancara dengan Lela, Kamis 12 Oktober 2023, Pukul 16:25.

<sup>39</sup> Kurniawan, Puji. "Marengge-Rengge; Efforts to Help Family Needs (Study of Women in Sangkumpul Bonang Market, Padangsidempuan)." *Jurisprudencia: Journal of Economic Law*, Vol. 6, No. 1 Tahun 2020, 112-126.

<sup>40</sup> Takhesita Mastaka, *Insane Kamil Pandangan Ibnu 'Arabi* (Surabaya: Risalah Gusti), hlm. 57.

<sup>41</sup> Eddy Abdillah, *Women Guarding Stalls Banned from Dressing Scantily, South Kalimantan, Antara News*, 2019, 12.

from the community and religious leaders around.

KH. Said Masrawan, Lc, MA is a prominent Ulama, namely as Chairman of MUI North River Hulu Regency said that;

“The stall is a person who sells food and drink needs, which contains food and drinks, the name of buying and selling is legal, there are people selling and some buying, as long as the seller buys it meets the requirements, *ijab* and *qabulnya*. The price is certain and the goods are clear, so it is legal to buy and sell. But what is interesting is that the dominant *Warung Jablays* that sell are women whose fault lies in the behavior of opening the *aurat*, in terms of the association of men and women who are not *muhrim*, what else is up to more than that, about the problem of the price which is somewhat more expensive in Islam there is no price limit as long as it is not deceiving, it doesn't matter as long as you don't lie. We can distinguish the practice of buying and selling the conditions for getting along, where the mistakes of *Warung Jablays*, some are open to the *aurat*, the mixing of men and women who are not *muhrim* who are sometimes free, the circulation of illegal drugs, and the price must be right. The positive impact of *Warung Jablay* is to facilitate stopovers for car and vehicle users because of its location on the side of the road. The negative impact of *Warung Jablays* because of their scantily clad women until men are tempted, there is a mixture of men and women and drug radar. The solution to the practice of *Warung Jablay* is for all parties in this region to think about it, for example there is a minister of economy and providing jobs, ulama

also guide in terms of religion, fostered by the ministry of social affairs, fostered by the job training center, fostered by the ministry of religion (MUI), so how to overcome it must be cooperation among parties.”<sup>42</sup>

According to the Chairman of MUI, the stall is not wrong because it is a place where people sell, but what makes it wrong is because of the behavior of the people in it. So that this can damage the morals of the *ummah*, then to keep away from such things, it would be better for the community to think clearly to find the best way so that there are no stalls that violate religious law.

Then it was said again by Mr. KH. Husaini as a Member of the Fatwa Commission and Law & Human Rights Commission of MUI HSU Regency who said that;<sup>43</sup>

“Stalls on the roadsides, which contain various kinds of food such as snacks and drinks such as coffee if there are no elements of immorality and violence and invite danger then it is legal, but if in it are elements prohibited by religion such as the intermingling of men and women who are not *mahram*, selling alcohol, drugs and so on then it is not allowed in religion. The positive impact of *Warung Jablay* is that it makes it easier for road users / travelers who travel to distant places. While the negative is that the dominant *Warung Jablay* in it is men who are married sometimes neglect the family because of the women who guard the stall, and not infrequently also sell

<sup>42</sup> Interview with Mr. Said Masrawan, Senin 4 Juli 2023 Pukul 09:50.

<sup>43</sup> Interview with Mr. Husaini Pada hari Senin 10 Juli 2023 Pukul 14:35.

alcohol. The solution is for the officials and clerics to work together to solve this problem and immediately provide decent employment for women who do not have jobs and choose to open a *Warung Jablay* business.”

From the presentation of the interview with Mr. Husaini, he hoped that there would be good and decent employment opportunities to manipulate or evict deviant stalls.

So the author can conclude, if viewed from the perspective of scholars and society, this *Warung Jablay* is very illegal because the way it trades is not appropriate. And this can also set a bad example for later generations. And things like this are also very troubling for many people because there are so many negative impacts caused by *Warung Jablays*.

### **The Practice of *Warung Jablay* in North Hulu Sungai District in the Perspective of the Sociology of Islamic Law**

Basically, *Warung Jablay* also have the same function as other stalls. However, in this *Warung Jablay* there are additional services other than just as a provider of coffee or food. So this is what makes diverse opinions in the community related to *Warung Jablay*.<sup>44</sup> And not

infrequently labeled as a night stall. In addition to the wrong operation, the service also sometimes employs minors and is required to provide extra service to customers under the pretext that the stall is always crowded with visitors.<sup>45</sup> North Hulu Sungai Regency is very famous for its high religious social, therefore it is very concerned about every behavior of people in this region. And this *Warung Jablay* is a stall that violates the rules because it violates religious requirements, not only causing a bad impact on the morning community but also to the stall waiters themselves.<sup>46</sup>

Islam does not forbid a woman to work much less with regard to the necessities of her life, but the work is in a good way again halal. In accordance with the following hadith;

*Al-Miqdam* (may Allah be pleased with him) states that the Prophet (peace be upon him) said:

مَا أَكَلَ أَحَدٌ طَعَامًا قَطُّ خَيْرًا مِنْ أَنْ يَأْكُلَ مِنْ عَمَلٍ يَدِهِ وَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ عَلَيْهِ السَّلَامُ كَانَ يَأْكُلُ مِنْ عَمَلِ يَدِهِ

“No man eats a better food than the food he has produced by his own efforts. And indeed the prophet David 'alaihissalam used to eat the fruits of his own labors.” (HR. Bukhari).<sup>47</sup>

<sup>44</sup> Ahmad Syaifuddin Al Rosyid and Ahdiyatul Hidayah. "Muhammad Abu Zahrah's Istinbat Method on the Law of Isbat Nasab Son of Zina Based on the Ilhaq Method." *An-Nisa': Journal of Gender Studies* Vol. 16, No. 1 of 2023, 93-108.

<sup>45</sup> Muhammad Nur Fathoni and Ahdiyatul Hidayah, "The Concept Of Ta'aruf And Its Impact After Marriage: Case Study At The Taklim Council Of Kasypul Anwar, Indonesia", *Alfiqh Islamic Law Review Journal*, Vol. 2, No. 1 of 2023, 37-51.

<sup>46</sup> Dewahyudi, <https://www.kanalkalimantan.com/ini-aksi-yang-dilakukan-satpol-pp-bsu-terkait-adanya-warung-jablay> Di akses pada pada Minggu, 22 Oktober 2023 Pukul 23:38.

<sup>47</sup> Dedy Yusuf, Saifuddin, Azka Amalia Jihad. Sell And Buy Transfer Of Motorcycle With Advantages Of A Muamalah Fiqh Perspective (Case Study In Ingin Jaya Districts Aceh Besar District). *Dusturiah: Journal of Islamic Law, Legislation and Social Institutions*, Vol. 11, No. 1 Tahun 2021, 01-11.

This hadith explains that there is much good if a person works with the intention to provide for his family. Moreover, if he has sought a good halal sustenance that is in accordance with his ability, then that person will be spared from despicable deeds. Doing things that are lawful and despised by man is better than having to sit on the street and raise his hands to beg and this will make him a burden to others. The more developed this era, the more modern styles will be displayed. Therefore, many people are willing to do any job to fulfill their needs and survive in order to improve their economy, and one way there are some people who want to become stall waiters called "*Warung Jablay*".<sup>48</sup>

Islam does not prohibit anyone, be it men or women, from doing activities outside the home, but the religion has provided guidelines and rules regarding one's association. This is done in order to maintain the muru'ah of each person. And this is all done for good.<sup>49</sup>

The Prophet Rasulullah SAW said, "Indeed, the seller must be resurrected at the end as a fajir (evil) except the seller whom they obey Allah, do good and have done".<sup>50</sup>

Due to the existence of the *Warung Jablay*, many households are also divided due to the frequent husbands who always stop by the *Warung Jablay*, due to the affair between the husband and the woman in the *Warung Jablay*, making the household no longer harmonious.<sup>51</sup>

If viewed in terms of Sufism theory, the author can understand if what is done by the community has a certain reason. Like the right exercised by the stall waiter Jablay and indeed most of this has been wrong and distorted because it can damage one's morals and this is also against religion. The damage that occurs is also illustrated by the operation of *Warung Jablays*, such as the easy mixing of men and women in the stall place and late at night, this can also trigger other things such as drunkenness, gambling games can even cause fatal things, namely fights. All of them are strictly forbidden by religion and damage human reason and this can also lead to the destruction of the ummah.

In the word of Allah SWT surah Al-Maidah verse 90 which reads;

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<sup>48</sup> Rusdaya Basri, Ibnu Qayyim Al-Jauziyah On the Influence of Social Change, Al-Manahij, Vol. 9, No. 2 Tahun 2015, 11.

<sup>49</sup>Ministry of Religious Affairs of the Republic of Indonesia, *Translated Qur'an*, (Bandung: Syagma Creative Media Corp, 2014), 54.

<sup>50</sup> Tahesita Mastaka, *Insan Kamil Ibn Al Arabi's View* (Surabaya: Risalah Gusti, 2005), 55.

<sup>51</sup> Eddy Abdilah, *Women Guarding Stalls Are Prohibited from Dressing Scantily, Anatar South Kalimantan, South Kalimantan*, 27 Januari 2019.

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ  
وَالْأَزْلَامُ رِجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ  
تُفْلِحُونَ<sup>52</sup>

It means: "O believers, verily drinking intoxicating drinks, gambling (sacrificing for) idols, drawing lots with arrows are the deeds of Satan. Then stay away from the deed so that you may be lucky."

In this verse it is clear that Allah Almighty commands his believers to stay away from prohibited acts, because they are all characteristic of the deeds of Satan because they have the aim of making a bad way of heresy for humans.

And another Allah SWT commanded him to abstain from adultery in his Word;

قُلْ لِلْمُؤْمِنِينَ يَعْضُوا مِنْ أَبْصُرِهِمْ وَيَحْفَظُوا  
فُرُوجَهُمْ ۚ ذَلِكَ أَرْكَىٰ لَهُمْ ۗ إِنَّ اللَّهَ خَبِيرٌ بِمَا  
يَصْنَعُونَ<sup>53</sup>

It means: "Say to the men of faith, 'Let them keep their eyes up, and keep their genitals; such is holier to them, Verily God knows what they do.'" (QS. An-Nur: 30)

And this is also associated with the Hadith of the Prophet which tells us to do good and prevent bad from happening according to the ability we have.

مَنْ رَأَىٰ مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ فَإِن لَّمْ يَسْتَطِعْ  
فَبِلِسَانِهِ فَإِن لَّمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ  
الْإِيمَانِ<sup>54</sup>

"Whosoever of you witnesses a crime, he immediately breaks it with the hand he has, if you are not able, then do it verbally, and if you still cannot, then use your heart, and indeed it is the weakest of the faith." (HR. Muslim).

From the explanation above, it is clear that Islam does not prohibit a person from opening a business to meet the needs of his life, as long as it is in the right way and does not break the rules set by the religion. Like *Warung Jablays*, this is a culpability that must be taken action immediately so that it is not easy to rampant the formation of other *Warung Jablays* because there are many negative impacts that will be caused. The need to find a good job and halal in accordance with the commands of Allah SWT.

## Conclusion

Based on the explanation above, the author concludes that scholars differ in opinion about the running of the *Warung Jablay* business, some allow it as long as it does not contradict the shari'a and there are also those who view that the practice of *Warung Jablays*

<sup>52</sup> Departemen Agama RI, Al-Qur'an dan Terjemahannya, (Jakarta: CV Darus Sunnah, 2016), Cet. ke-20. 124.

<sup>53</sup> Departemen Agama RI, Al-Qur'an dan Terjemahannya, (Jakarta: CV Darus Sunnah, 2016), Cet. Ke-20. 354.

<sup>54</sup> Ahmad Majid Falidfal "Legal regulation of the crime of bribery. *The islamic college university journal*, tahun 2015. 36.

should not be allowed (haram) because of the way of its service and operation of the stall.

Any work as long as it does not contradict the religion is lawful and legal. It is acceptable if a stall opens until midnight but when in practice, they (women) open the aurat, it is haram. In general, the practice of this *Warung Jablay* has indeed been viewed negatively because it is synonymous with women who open their aurat, look at those who are not muhrim, and not infrequently also sell liquors and illegal drugs.

The solution to the existence of *Warung Jablays* is to participate in the community, village heads, to local governments in providing jobs for women who do not have permanent jobs. Conducting talent extraction coaching to find hidden talents and channel positive hobbies

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