

## LEGAL ANALYSIS OF ISLAMIC COMMERCIAL LAW ON THE PRACTICE OF EXPLOITING MARINE RESOURCES IN COASTAL AREAS

(A Study Of Ecological Ethics And Muamalah Jurisprudence)

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### ABSTRACT

*This research analyzes the practices of marine resource exploitation in the coastal area of East Aceh from the perspective of Islamic commercial law, focusing on a review of fiqh muamalah and ecological ethics. East Aceh, as a coastal area with significant marine potential, faces various problems of excessive exploitation such as the use of trawl nets, overfishing, and degradation of mangrove ecosystems. This study aims to assess the conformity of marine resource management practices with the principles of Islamic law, analyze the impact of excessive exploitation on maqashid sharia, and formulate a sustainable management framework based on Islamic values. The research method used is qualitative with a library research approach, analyzing Islamic legal literature, scientific journals, and related policy documents. The research findings indicate that the practice of exploiting marine resources in East Aceh contradicts the principles of fiqh muamalah such as la darar wa la dirar (not causing harm), the prohibition of israf (wastefulness), and the concept of amanah in resource management. From the perspective of Islamic ecological ethics, these practices violate the principle of mizan (balance), hifz al-bi'ah (environmental preservation) as part of maqashid sharia, as well as the responsibility of khalifah fi al-ardh. The conclusion of the research emphasizes the need for a transformation in the management of marine resources that integrates the principles of Islamic law with sustainable practices, through the application of a sharia economic system, the development of a halal value chain, and strengthening the role of Islamic institutions in education and supervision.*

**Keywords :** *Fiqh Muamalah, Ecological Ethics, Exploitation of Marine Resources, East Aceh.*

### INTRODUCTION

East Aceh, as one of the coastal districts in Aceh Province, has enormous marine resource potential, with a coastline stretching along the Strait of Malacca. This region is home to the Idi Archipelago Fisheries Port (PPN), a hub of fishing activity, with approximately 395 motorized vessels ranging from 5 to 100 GT serving approximately 6,400 fishermen. This potential makes the fisheries sector the backbone of the economy of East Aceh's coastal communities, with fish production reaching thousands of tons annually.<sup>1</sup>

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<sup>1</sup> "Ratusan-Kapal-Penangkap-Ikan-Di-Aceh-Timur-Tidak-Melaut @ Aceh.Antaraneews.Com," n.d. <https://aceh.antaraneews.com/berita/382061/ratusan-kapal-penangkap-ikan-di-aceh-timur-tidak-melaut>.

However, despite this enormous potential, the exploitation of marine resources in East Aceh faces several serious problems that threaten the sustainability of the maritime ecosystem. The use of trawls continues in East Aceh waters, a destructive fishing gear that damages the marine ecosystem and is against the law.<sup>2</sup> The Aceh Marine Commander acknowledged that the practice of trawling is still carried out by approximately 20 percent of all fishing vessels in Aceh, including in East Aceh, causing unrest among traditional fishermen.

The problem of overexploitation is also reflected in data showing a decline in fish production caught by East Aceh fishermen, which reached 9,408 tons in the January-December 2024 period, down from 11,280 tons the previous year. This decline was caused by various factors, including bad weather, but also indicates excessive pressure on fish resources in the Malacca Strait. This situation is exacerbated by the increasing number of cases of East Aceh fishermen being arrested by foreign authorities for fishing outside their territorial boundaries, such as the case of 18 fishermen arrested by Thai authorities in May 2025.<sup>3</sup>

Coastal ecosystem damage is also a serious concern, particularly the degradation of mangrove forests on the east coast of Aceh, which continues to suffer from encroachment for fish ponds and settlements. The 2021 National Mangrove Map shows that only 22,204 hectares of mangrove forests remain in East Aceh Regency, Aceh Tamiang, and Langsa City, compared to an area that should be much larger. Overexploitation by large companies such as PT Selat Malaka, PT Kalindi Langsa, and others has led to significant degradation of the mangrove ecosystem, which is a vital habitat for various marine life.<sup>4</sup>

From an Islamic legal perspective, this uncontrolled exploitation of marine resources raises fundamental questions about its compliance with sharia principles, particularly in the areas of Islamic *jurisprudence* (*fiqh*) and ecological ethics. Islam, as a universal religion, regulates all aspects of human life, including how to interact with nature and manage the resources entrusted to us by Allah SWT. The concept of *khalifah fi al-ardh* (vicegerent on earth) positions humans as responsible stewards of nature's sustainability, not as destructive exploiters.<sup>5</sup>

In the context of *Islamic jurisprudence (fiqh muamalah)*, economic activities, including fishing and marine trade, must meet basic principles such as justice ( *'adl* ), honesty (*amanah*), and benefit (*maslahat*). Destructive fishing practices, *overfishing* , and the trade in marine products obtained through environmentally damaging methods have the potential to violate the

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<sup>2</sup> Muhammad Satria Hilmi et al., "Analisis Hukum Islam Tentang Perjanjian Bagi Hasil Tangkapan Ikan." *Journal Juridisch* 1, no. 1 (2023): 60–74. <https://doi.org/10.26623/jj.v1i1.6795>.

<sup>3</sup> 18 Nelayan Aceh Timur Ditangkap Otoritas Thailand Bupati Surati Kemlu Ri @ Wwww.Detik.Com," n.d. <https://www.detik.com/sumut/berita/d-7929303/18-nelayan-aceh-timur-ditangkap-otoritas-thailand-bupati-surati-kemlu-ri>.

<sup>4</sup> "Hutan Mangrove di Pesisir Timur Aceh Rusak Akibat Perambahan @ Mongabay.Co.Id," n.d. <https://mongabay.co.id/2024/11/04/hutan-mangrove-di-pesisir-timur-aceh-rusak-akibat-perambahan/>.

<sup>5</sup> Abd. Aziz. "Konservasi Alam Dalam Perspektif Etika Islam; Tantangan Dan Tuntutan Globalisasi." *Asy-Syari'ah : Jurnal Hukum Islam* 5, no. 2 (2019): 101–19. <https://doi.org/10.36835/assyariah.v5i2.116>.

principles of *la darar wa la dirar* (not to harm oneself or others) and the prohibition of *israf* (wastefulness), which are expressly prohibited in Islam.<sup>6</sup>

From the perspective of Islamic ecological ethics, the concept of *hifz al-bi'ah* (environmental preservation) has been recognized by contemporary scholars as an integral part of the maqashid sharia, even proposed as the sixth maqashid after the five classical maqashid. This is considering the importance of environmental preservation for the maintenance of the five basic goals of Islam: *hifz ad-din* (protecting religion), *hifz an-nafs* (protecting the soul), *hifz an-nasl* (protecting descendants), *hifz al-mal* (protecting wealth), and *hifz al-'aql* (protecting reason). Damage to the marine environment caused by excessive exploitation not only threatens the sustainability of resources, but also violates the obligation of environmental preservation from an Islamic perspective.<sup>7</sup>

The principle of balance ( *mizan* ) emphasized in the Quran teaches that Allah has created everything in a state of balance and that humans are not permitted to disrupt this balance. *Overfishing* and the use of destructive methods have disrupted the balance of marine ecosystems, leading to declining fish populations, damage to coral reefs, and the degradation of vital habitats such as mangrove forests.<sup>8</sup>

This situation also has socio-economic impacts that contradict the Islamic principle of justice. Data shows that overexploitation has led to a decline in the income of small-scale fishermen, which, from the perspective of the maqasid sharia, constitutes a violation of *hifz al-mal* (protection of wealth) and *hifz an-nafs* (protection of life). The poverty experienced by fishermen due to declining catches can threaten their livelihoods and those of their families.<sup>9</sup>

Based on the complexity of these issues, this research is crucial for in-depth analysis of marine resource exploitation practices in the coastal areas of East Aceh from the perspective of Islamic commercial law, particularly through a review of Islamic jurisprudence (*fiqh muamalah*) and ecological ethics. This research is expected to contribute to developing a marine resource management framework that is not only economically profitable but also ecologically sustainable and socially just, in accordance with Islamic values of *rahmatan lil 'alamin* (blessing for the universe ).

## METHOD

This research employed a qualitative method with a *library research approach* . This method was chosen because the focus of the research is analyzing normative concepts in Islamic law related to economic practices and environmental management. A qualitative

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<sup>6</sup> Suryani. "Penegasan Hifdz Al-'Alam Sebagai Bagian Dari Maqāshid Al-Sharī' Ah." *Al-Tahrir* 17, no. 2 (2017): 353–70.

<sup>7</sup> Muhammad Ali Munji, Roni Hidayat, and Iqbal Fadli Muhammad, "Analisis Fikih Muamalah Terhadap Sistem Bagi Hasil Oleh Petani Udang." *Journal of Fiqh in Contemporary Financial Transactions* 1, no. 1 (2023): 58–70. <https://doi.org/10.61111/jfcft.v1i1.436>.

<sup>8</sup> Sri Ratna Wulan, "Konsep Keseimbangan (Mīzān) Dalam Islam Sebagai Dasar Berkelanjutan." *Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. January (2025): 526–32. <https://doi.org/10.5281/zenodo.15398043>.

<sup>9</sup> Suryani, "Penegasan Hifdz Al-'Alam Sebagai Bagian Dari Maqāshid Al-Sharī' Ah"

approach to Islamic legal research allows for in-depth analysis of normative texts and their interpretation within a contemporary context.

This research is a normative legal study that examines Islamic legal principles related to transactions and the environment. Primary data sources include the Quran, Hadith, and works by classical and contemporary scholars in the fields of *fiqh muamalah* and *fiqh al-bi'ah*. Secondary data sources include scientific journals, articles, and previous research relevant to the research topic, particularly those discussing the practice of exploiting marine resources from an Islamic legal perspective.<sup>10</sup>

Data collection techniques were conducted through a documentary study of literature relevant to the research theme. The collected data were analyzed using content analysis *with* a descriptive-analytical approach. The analysis was conducted by identifying Islamic legal principles related to natural resource management and then analyzing their suitability with marine resource exploitation practices in East Aceh.<sup>11</sup>

The *istinbath* (legal exploration) method was used to identify Islamic legal provisions related to the research problem through a *maqashidi* (sharia-oriented) approach. This approach allows researchers to not only analyze the textual aspects of Islamic law but also understand the purpose and wisdom behind the establishment of these laws in the context of marine resource management.<sup>12</sup>

## DISCUSSION

### The Relationship between Islamic Law and Marine Resource Management

From the perspective of national law, the analysis may focus on the legal framework governing the utilization of marine resources as regulated under the Indonesian legal system, including Law Number 32 of 2014 on Maritime Affairs, Law Number 31 of 2004 on Fisheries as amended by Law Number 45 of 2009, Law Number 27 of 2007 on the Management of Coastal Areas and Small Islands as amended by Law Number 1 of 2014, and Law Number 32 of 2009 on Environmental Protection and Management. Through this perspective, the study examines whether the exploitation of marine resources complies with the principles of legality, licensing requirements, environmental sustainability, protection of coastal communities, equitable utilization of natural resources, and the responsibilities of business actors as stipulated under Indonesian law. Furthermore, these findings can be compared with the principles of Islamic Commercial Law, including *maslahah* (public welfare), *'adl* (justice), the prohibition of *fasad* (environmental and social harm), and the management of natural resources for the common good. Such a comparison enables a comprehensive understanding of the

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<sup>10</sup> Sidi Ahyar Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia." *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 3, no. 3 (2024). <https://doi.org/10.59818/jps.v3i3.1390>.

<sup>11</sup> Hendri, Yanova Muhammad, Parman Komarudin, and Hendra Hadi, "'Metode Penelitian Hukum: Analisis Problematika Hukum Dengan Metode Penelitian Normatif Dan Empiris.'" *Badamai Law Journal* 3, no. 2 (2023): 160.

<sup>12</sup> Hela Di et al., "Istinbath" 21, no. 2 (2022): 288–310.

similarities and differences between national law and Islamic Commercial Law in regulating the exploitation of marine resources in coastal areas.

Studies on the relationship between Islamic law and marine resource management have flourished in recent decades, fueled by growing awareness of the environmental crisis and the need to find solutions based on spiritual and ethical values. In the context of Indonesia, a maritime nation with a Muslim majority, the *fiqh al-bi'ah* ( environmental *jurisprudence* ) approach has become increasingly relevant and crucial to address the challenges of marine resource exploitation.<sup>13</sup>

The concept of ecological *fiqh* has become a study that has attracted attention in the academic world and contemporary Islamic thought. Ecological *fiqh* is an innovation in answering sustainability issues and environmental law by placing the concept of benefit as its basis. Yusuf al-Qaradawi in his work " *Ri'ayat al-Bi'ah fi Syari'ah al-Islam*" emphasizes that Islam is an environmentally friendly religion with a *maqashid al-syariah approach* , where preserving the environment ( *hifz al-bi'ah* ) has the same important position as the five classical<sup>14</sup> *maqashid* .

From the perspective of *Islamic jurisprudence (fiqh muamalah)*, economic activity cannot be separated from moral and ethical responsibilities towards the environment. Basic principles of *muamalah*, such as justice ('adl), honesty (amanah), and benefit (maslahat), must be integrated with principles of environmental conservation. Research shows that *Islamic jurisprudence (fiqh muamalah)* plays a crucial role in regulating Muslim economic transactions in accordance with sharia principles, including in the context of natural resource management. However, technological transformation and the digitalization of the economy require adjustments to the concept of *muamalah* to remain relevant to current developments.<sup>15</sup>

The study of environmental ethics from an Islamic perspective has been developed with an emphasis on key concepts such as *tawhid*, *khalifah*, *amanah*, and *mizan* . Ibrahim Abdul Matin, in his concept of *green deen*, offers six ethical principles that can serve as guidelines: the oneness of God and His creation (*Tawhid*), balance and justice, responsibility and care, and living in harmony with nature ( *mizan* ). These principles provide a comprehensive framework for understanding the relationship between humans and the environment from an Islamic perspective.<sup>16</sup>

The concept of environmental preservation ( *hifz al-bi'ah* ) has been recognized by various contemporary scholars as an integral part of *the maqashid sharia*. KH Ali Yafie proposed *hifz al-bi'ah* as the sixth *maqashid* , considering that the implementation of *kulliyat al-khams* (five classical *maqashid* ) will not be carried out properly without attention to

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<sup>13</sup> Suryani, "Penegasan Hifdz Al-'Alam Sebagai Bagian Dari Maqāshid Al-Sharī' Ah"

<sup>14</sup> Dedi Susanto, Sabbar Dahham Sabbar, and Mukhtar Luthfi, "Relevansi Dan Implementasi Fiqh Muamalah Dalam Transaksi Ekonomi Modern." *Sebi : Studi Ekonomi Dan Bisnis Islam* 7, no. 1 (2025): 09–18. <https://doi.org/10.37567/sebi.v7i1.3390>.

<sup>15</sup> Munji, Hidayat, and Muhammad, "Analisis Fikih Muamalah Terhadap Sistem Bagi Hasil Oleh Petani Udang."

<sup>16</sup> Sri Ratna Wulan, "Konsep Keseimbangan (Mīzān) Dalam Islam Sebagai Dasar Berkelanjutan."

environmental preservation. Three important principles in overcoming the environmental crisis from an Islamic perspective are: the principle of monotheism, the principle of trust in carrying out duties as a caliph on earth, and the principle of the afterlife as a place of accountability.<sup>17</sup>

Previous studies have shown that the exploitation of marine resources in Indonesia, including in East Aceh, has had various negative ecological and socio-economic impacts. Research in various coastal areas in Indonesia has shown a decline in fishermen's catches, damage to coral reef ecosystems, and increased poverty among small-scale fishers. This phenomenon is not only due to technical and economic factors, but also to a lack of awareness of the principles of sustainable natural resource management according to Islamic teachings.<sup>18</sup>

In the context of Islamic commercial law, several studies have examined the economic practices of fishing communities from the perspective of Islamic *jurisprudence* (*fiqh muamalah*), such as the profit-sharing system (*mudharabah*) between capital owners and fishermen. However, studies specifically analyzing marine resource exploitation practices from the perspective of Islamic commercial law and ecological ethics are still limited. Existing research focuses more on economic transactions without integrating environmental conservation as an integral part of the Islamic muamalah system.<sup>19</sup>

The concept of natural resource management from an Islamic economic perspective has been developed with an emphasis on the principles of sustainability and justice. Research shows that, from an Islamic perspective, the government must implement prohibitions on exploitative and environmentally damaging practices in managing fisheries resources, and manage the environment to ensure it is renewable and sustainable. The concept of the blue economy *is also* beginning to be developed using a sharia-compliant approach that prioritizes efficiency over exploitation, balanced economic and social values, and environmental friendliness.<sup>20</sup>

Studies on maritime *jurisprudence* and the ethics of marine management from a Quranic perspective demonstrate that the sea is a gift from God that must be managed wisely. Ethical marine management includes avoiding violations of religious norms, namely exploration that aligns with the command of *ishlah* (repair) and the prohibition of *ifsad* (damage) to the environment. The principle of moderation in the exploitation of marine natural resources is also an important part of Islamic ecological ethics.<sup>21</sup>

Previous research also indicates various challenges in implementing environmental *fiqh* in Indonesia, including a lack of public understanding, rapid technological developments, and

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<sup>17</sup> Suryani, "Penegasan Hifdz Al-'Alam Sebagai Bagian Dari Maqāshid Al-Sharī' Ah."

<sup>18</sup> Ali Mutakin and Waheeda binti H. Abdul Rahman, "Fiqh Ekologi; Upaya Merawat Lingkungan Hidup Berbasis Konsep Maqashid Syariah." *Syariah: Journal of Fiqh Studies* 1, no. 2 (2023): 107–26. <https://doi.org/10.61570/syariah.v1i2.31>.

<sup>19</sup> Ahmad Asroni, "Etika Lingkungan Dalam Perspektif Islam." *Konferensi Integrasi Interkoneksi Islam Dan Sains* 4, no. 1 (2022): 54–59. <https://ejournal.uin-suka.ac.id/saintek/kiiis/article/view/3266>.

<sup>20</sup> Israh Maudya Makmur and Marilang Marilang, "Tinjauan Hukum Islam Terhadap Sistem Bagi Hasil Masyarakat Nelayan." *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari'ah* 3 (2021): 48–53. <https://doi.org/10.24252/iqtishaduna.v2i2.16430>.

<sup>21</sup> Abd. Aziz, "Konservasi Alam Dalam Perspektif Etika Islam; Tantangan Dan Tuntutan Globalisasi."

the need for ongoing fatwas. However, significant potential remains for developing a marine resource management system that integrates Islamic legal principles with modern, sustainable management practices.

### **The Practice of Marine Resource Exploitation in East Aceh from the Perspective of *Fiqh Muamalah***

An analysis of marine resource exploitation practices in the coastal areas of East Aceh reveals significant inconsistencies with the principles of Islamic *jurisprudence (fiqh)* in several fundamental aspects. These practices not only violate Islamic commercial law in the technical aspects of transactions but also contradict *the maqasid of sharia (Islamic principles)* regarding environmental preservation and social justice.

From a *jurisprudence perspective*, the practice of fishing using trawls, which continues to occur in East Aceh waters, can be categorized as a violation of the principle of "*la darar wa la dirar*" (not to endanger oneself or others). The use of this destructive fishing gear not only damages the marine ecosystem and eliminates the habitat of various fish species, but also harms other fishermen, especially traditional fishermen who use environmentally friendly fishing gear. The resulting damage is long-term and threatens the sustainability of resources that should be utilized by future generations.<sup>22</sup>

The practice of *overfishing* in East Aceh, as reflected in the decline in fish production from 11,280,000 tons to 9,408 tons, violates the principle of justice in the utilization of shared resources. In the context of *Islamic jurisprudence (fiqh muamalah)*, the sea and its contents are included in the category of public property (*al-milk al-'am*) which may not be monopolized by any particular party. Overfishing by large vessels or large-scale fishing industries can eliminate the rights of traditional and small-scale fishermen to obtain a fair share of these resources, contrary to the principle of distributive justice in Islam.<sup>23</sup>

The phenomenon of East Acehnese fishermen fishing in the waters of other countries, such as Thailand, indicates economic pressures resulting from dwindling fish resources in local waters. This suggests that overexploitation has forced fishermen to take significant legal and safety risks, which, from a *muamalah jurisprudence perspective*, can be categorized as a *dharurah* (emergency) arising from injustice in resource management.<sup>24</sup>

Exploitation practices carried out without regard for sustainability *violate* the Islamic principle of trust. As caliphs on earth, humans have a responsibility to manage natural resources wisely and not waste them for short-term gain. The concept of trust in this context requires that every economic activity consider its impact on future generations and the sustainability of the ecosystem as a whole.

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<sup>22</sup> Pratiwi Nur Anisa, Nuzur Muhammad H, and Muin Rahma, "Sistem Bagi Hasil Nelayan Dalam Perspektif Hukum Islam (Studi Kasus Di Lingkungan Ujung Baru, Kelurahan Polewali, Kecamatan Polewali)." *J-ALIF Jurnal Penelitian Hukum Ekonomi Syariah Dan Sosial Budaya Islam* 6, no. 2 (2021): 1–12.

<sup>23</sup> Suryani, "Penegasan Hifdz Al-'Alam Sebagai Bagian Dari Maqāshid Al-Sharī' Ah."

<sup>24</sup> Susanto, Sabbar, and Luthfi, "Relevansi Dan Implementasi Fiqh Muamalah Dalam Transaksi Ekonomi Modern.

In the aspect of seafood trading, the practices occurring in East Aceh also raise issues regarding the halal status of the transaction. According to the principles of Islamic *jurisprudence* (*fiqh muamalah*), the object of the transaction must be halal in *essence* and halal in the method of acquisition. Fish obtained through destructive methods or in violation of conservation regulations can raise doubts (*syubhat*) about its halal status, considering that the process violates Islamic ethical principles regarding natural resource management.<sup>25</sup>

The offshore trading system, which occurs in various coastal areas of Indonesia, including possibly in East Aceh, also has the potential to violate the provisions of Islamic *jurisprudence* (*fiqh*) on transparency and fairness in pricing. This practice can undermine healthy market mechanisms and disadvantage fishermen who lack access to accurate market price information.

### **An Analysis of Islamic Ecological Ethics on the Exploitation of Marine Resources**

The concept of *balance* teaches that God created everything in balance, and humans are not permitted to disrupt that balance. Overfishing, the use of destructive methods such as trawling, and the conversion of mangrove forests for short-term economic gain have disrupted the balance of marine ecosystems, leading to declining fish populations, habitat destruction, and disruption of the natural food chain.

Uncontrolled exploitation practices also violate the prohibitions on *israf* (waste) and *ghuluw* (excess), which are strictly prohibited in Islam. This principle applies not only to food consumption but also to the use of all natural resources. *Overfishing* and excessive exploitation of marine resources clearly contradict these teachings, especially when they cause long-term damage to the ecosystem.<sup>26</sup>

Marine environmental damage caused by overexploitation violates the principle of *hifz al-bi'ah* (environmental preservation), which has been recognized as part of the *maqasid sharia* (Islamic principles). *Hifz al-bi'ah* is not merely a recommendation, but a religious obligation that holds equal standing with the other five main *maqasid* (*Islamic principles*). Coral reef damage, marine pollution, and mangrove forest degradation are all violations of this obligation to preserve the environment.<sup>27</sup>

concept of *khalifah fi al-ardh* (vicegerent on earth) emphasizes that humans are entrusted with wise management of the earth, not overexploitation. In the context of marine resource management, this concept demands the principles of fair, sustainable, and ethical management of natural resources. The excessive exploitation practices occurring in East Aceh demonstrate a failure to fulfill this mandate.

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<sup>25</sup> Rabiah Z Harahap, "Tata Kota Yang Amburadul, Perusakan Alur Sungai Alamiah, Dan Pelanggaran Undang-Undang Yang Mengamankan Kawasan-Kawasan Tertentu Menjadi." *Jurnal EduTech* 1, no. 1 (2015): 4. <https://media.neliti.com/media/publications/42689-ID-etika-islam-dalam-mengelola-lingkungan-hidup.pdf>.

<sup>26</sup> Hesty Widiastuty and Khairil Anwar, "Ekoteologi Islam : Prinsip Konservasi Lingkungan Dalam Al-Qur ' an Dan Hadits Serta Implikasi Kebijakannya." *Risalah, Jurnal Pendidikan Dan Studi Islam* 11, no. 1 (2025): 465–80.

<sup>27</sup> Makmur and Marilang, "Tinjauan Hukum Islam Terhadap Sistem Bagi Hasil Masyarakat Nelayan."

### Socio-Economic Impact and the Perspective of Islamic Justice

From the perspective of *the maqashid sharia*, exploitative practices that harm small-scale fishermen and coastal communities violate the principles of *hifz al-mal* (protection of wealth) and *hifz an-nafs* (protection of life). The poverty experienced by fishermen due to declining catches can threaten their livelihoods and those of their families, which, in the context of *the maqashid sharia*, violates the fundamental objectives of sharia.<sup>28</sup>

The case of fishermen in East Aceh who were forced to fish in foreign waters and ultimately arrested by foreign authorities demonstrates the economic pressures that force them to take high risks. This situation reflects the system's failure to provide adequate protection and economic security for small-scale fishermen, contradicting the principles of social justice in Islam.<sup>29</sup>

### Islamic Law-Based Solution Framework

To address the problem of marine resource exploitation in East Aceh, a solution framework based on Islamic legal principles is needed. First, a marine resource management system based on the concepts of *stewardship* (khilafah) and *amanah* (trust). In this concept, humans, as caliphs, are responsible for wisely managing marine resources, not only for the benefit of the current generation but also for future generations.<sup>30</sup>

Second, implementing a sharia economic system in the fisheries sector can help create a more equitable distribution of income. A profit-sharing system (*mudharabah*) that complies with sharia principles can provide proportional benefits to all parties involved. However, this system must be integrated with environmental conservation principles to ensure business sustainability.<sup>31</sup>

Third, developing the halal *value chain concept* in the fisheries industry can provide economic incentives for environmentally friendly fishing practices. Halal certification, which considers not only *sharia-compliant* production processes but also environmental sustainability, can create a *premium price* for sustainably produced fishery products.<sup>32</sup>

Fourth, the role of Islamic institutions in educating and monitoring fishing practices needs to be strengthened. Islamic scholars, Islamic organizations, and educational institutions can play a role in promoting the concept of *fiqh al-bi'ah* and promoting fishing practices that

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<sup>28</sup> Suryani, "Penegasan Hifdz Al-'Alam Sebagai Bagian Dari Maqāshid Al-Sharī' Ah."

<sup>29</sup> Munsil Lampe, Sjafrī Sairin, and Heddy Shri Ahimsa Putra, "Perilaku Eksploitasi Sumberdaya Lingkungan Dalam Konteks Internal Dan Eksternal : Studi Kasus Pada." *Humaniora* 17, no. 3 (2005): 312–25.

<sup>30</sup> Ridlo Andini, "Rekonstruksi Makna Khalifatullāh Fī Al-Ardh Dalam AlQur'an Sebuah Tawaran Dari Teori Ekoteologi Islam Studi Tafsir Tematik." *Mau'izhah*, 2021. <https://doi.org/10.55936/mauizhah.v1i12.71>.

<sup>31</sup> Susanto, Sabbar, and Luthfi, "Relevansi Dan Implementasi Fiqh Muamalah Dalam Transaksi Ekonomi Modern."

<sup>32</sup> Dwi Runjani Juwita, "Fiqh Lingkungan Hidup Dalam Perspektif Islam." *El-Wasathiya: Jurnal Studi Agama* 5, no. 1 (2017): 27–42. <https://doi.org/10.35888/el-wasathiya.v5i1.3025>.

align with Islamic teachings. Fatwas (religious edicts) related to marine resource management should be issued by authoritative institutions to provide clear guidance to the public.<sup>33</sup>

## CONCLUSION

Based on the analysis conducted, it can be concluded that the practice of exploiting marine resources in the coastal areas of East Aceh significantly contradicts the principles of Islamic trade law and the ecological ethics of Islamic teachings. From the perspective of Islamic jurisprudence (fiqh muamalah), the practice of overexploitation violates fundamental principles such as *la darar wa la dirar* (justice in the use of shared resources), and *amanah* (trustworthiness) in environmental management. The use of destructive fishing methods such as trawling and *overfishing* raises doubts about the halal nature of transactions in the marine product trade.

From an Islamic ecological ethics perspective, the current practice of exploiting marine resources violates the principles of balance (*mizan*), the prohibition of waste (*israf*), and the obligation of environmental preservation (*hifz al-bi'ah*), which are integral components of the *maqasid sharia*. Damage to marine ecosystems, degradation of mangrove forests, and the decline in fish populations not only threaten the sustainability of resources but also violate humanity's responsibility as vicegerents on earth.

The socio-economic impact of exploitation practices, especially the decline in income of small fishermen due to reduced catches and fishermen being forced to fish in other countries' waters, is contrary to the principle of distributive justice in Islam and threatens the achievement of *maqashid sharia*, especially *hifz al-mal* and *hifz an-nafs*.

Therefore, a fundamental transformation is needed in marine resource management in East Aceh that integrates Islamic legal principles with modern, sustainable management practices. The recommended solution framework includes implementing a *stewardship*- and trust-based management system, implementing a sharia-compliant economic system in the fisheries sector, developing a halal *value chain* that considers sustainability, and strengthening the role of Islamic institutions in education and oversight.

This holistic approach is expected to create a marine resource management system that is not only economically profitable but also ecologically sustainable and socially just, in accordance with the teachings of Islam, which is *rahmatan lil 'alamin* (*blessing for all the worlds*). Implementing this framework requires commitment from all parties, including the government, fishing communities, religious scholars, and related institutions, to create truly Islamic and sustainable marine resource management.

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