Contemporary Fiqh Studies
Vol. 1, No. 1, 2026, pp. 105–111
https://doi.org/10.66277/cfs.v1i1.431

Elkuator Research & Publication
E-ISSN: 3163-9364
https://e-journal.elkuator.com

Constructing Maritime Fiqh: Maqasid Sharia and the Challenges of Marine Governance

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Book Review



Title: *Fikih Kelautan: Mengelola Potensi Laut Perspektif Maqāshid al-Syarī'ah*
Author: Moh. Mufid
Publisher: Kencana
Publication Year: 2025
Place of Publication: Jakarta, Indonesia
Extent: xii + 214 pages
ISBN: 978-623-384-920-3

Received: 21 January 2026 | Revised: 26 April 2026 | Accepted: 28 April 2026

Situating Maritime Fiqh

Climate change has transformed the way the world understands oceans and coastlines. Oceans are no longer viewed merely as economic spaces, food sources, transportation routes, or tourist destinations, but as fundamental components of the ecological systems that sustain human life. Ocean warming, acidification, deoxygenation, sea-level rise, pollution, and overfishing increasingly affect marine biodiversity, fisheries, and coastal livelihoods. The Intergovernmental Panel on Climate Change (IPCC) has emphasized that climate change is placing marine and coastal ecosystems under unprecedented pressure.[1] These pressures are particularly consequential for coastal communities whose livelihoods depend heavily on marine resources. Fishers, aquaculturists, tourism operators, and other coastal populations face interconnected ecological and socioeconomic risks, although their vulnerability varies according to their socioeconomic capacities.[2]

Addressing these challenges therefore requires more than technological interventions or regulatory measures. Coastal infrastructure, fisheries management, mangrove conservation, and climate adaptation policies must also be accompanied by

[1] Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022 – Impacts, Adaptation and Vulnerability: Working Group II Contribution to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, 1st ed. (Cambridge: Cambridge University Press, 2023).
[2] Joshua E. Cinner et al., "Potential Impacts of Climate Change on Agriculture and Fisheries Production in 72 Tropical Coastal Communities," *Nature Communications* 13, no. 1 (2022): 3530.

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forms of education, empowerment, and governance that enable communities to become active participants in environmental management.[3] Nature-based approaches, including mangrove conservation and coastal ecosystem restoration, similarly demonstrate that ecological protection cannot be separated from the socioeconomic interests of coastal communities.[4]

It is against this background that Moh. Mufid's *Fikih Kelautan: Mengelola Potensi Laut Perspektif Maqāshid al-Syarī'ah (Maritime Fiqh: Managing the Potential of the Sea from the Perspective of Maqasid Sharia)* makes its intervention. Whereas contemporary responses to marine and climate-related problems have largely been framed through scientific, economic, technological, and policy perspectives, Mufid approaches the ocean through fiqh and maqasid sharia. The book's central question is how Islamic law can guide the utilization of marine resources while simultaneously safeguarding their sustainability. The book's intervention is significant because it does more than introduce environmental concerns into Islamic discourse. It seeks to establish *fikih kelautan* (maritime fiqh) as a distinct field of Islamic legal inquiry. The book therefore raises a broader question concerning the capacity of contemporary fiqh to respond to ecological problems whose consequences extend across communities, generations, and institutional boundaries. This review argues that Mufid's principal contribution lies in opening maritime affairs as a substantive domain of contemporary Islamic jurisprudence, while its principal limitation concerns the methodological and conceptual architecture needed to transform this normative proposal into a systematic framework for marine governance.

Constructing Maritime Fiqh

The central intellectual proposition of the book is the construction of *fikih kelautan*. Mufid defines maritime fiqh as a discipline concerned with Sharia rulings pertaining to maritime affairs and derived from detailed textual evidence. This definition expands the conventional scope of fiqh by positioning the sea not simply as a physical setting for human activity but as a substantive domain in which legal, social, economic, and ecological questions intersect. This move has important legal implications. Activities such as overfishing, marine pollution, waste disposal, coastal reclamation, and intensive exploitation of marine resources cannot be evaluated solely according to economic or administrative considerations. They can also be examined through questions central to Islamic jurisprudence: whether an activity produces public benefit or harm, whether its benefits are sustainable, who receives those benefits, who bears its consequences, and whether present utilization compromises the interests of other communities or future generations.

The initial two chapters of the book establish the foundational framework for this project. The first establishes the definition, status, characteristics, epistemology, and

[3] Ina M. Sieber et al., "Fostering Sustainable and Resilient Coastal Communities through Combining Nature-Based Solutions and Empowerment Tools: A Review," *Environmental Science & Policy* 177 (2026): 104326.
[4] Rudianto Rudianto et al., "Restoration of Coastal Ecosystems as an Approach to the Integrated Mangrove Ecosystem Management and Mitigation and Adaptation to Climate Changes in North Coast of East Java," *Journal of Coastal Conservation* 26, no. 4 (2022): 37.

urgency of maritime fiqh, while the second develops its normative basis through discussions of the ocean in the Qur'an and Hadith. The relationship between these chapters is conceptually clear: the first establishes why the ocean should become an object of fiqh, while the second establishes the religious foundations for doing so. From this foundation, Mufid seeks to shift fiqh from an orientation concerned primarily with determining the legal status of individual acts toward a broader concern with the management of public interest under ecological constraints. The ocean is consequently presented not simply as a resource available for utilization but as an *amānah* whose use is constrained by balance, public interest, and the prohibition of harm. Concepts such as *khalīfah*, *amānah*, *mīzān*, *fasād*, and the protection of the common good become part of the normative vocabulary through which marine conservation can be understood as a form of religious responsibility.

The book thus proposes three closely connected propositions. First, the ocean constitutes an *amānah* entrusted to humanity and must therefore be used responsibly. Second, marine utilization must be guided by maqasid sharia, particularly public interest and the prevention of harm. Third, marine conservation constitutes a collective responsibility that the author conceptualizes through the idea of an active *farḍ kifāyah*, rather than a responsibility that can simply be delegated to governments or specialized institutions.

Maqasid, Ecotheology, and the Architecture of the Argument

Fikih Kelautan derives much of its conceptual force from the relationship it establishes between maritime fiqh and maqasid sharia. Environmental protection is connected with established objectives of Islamic law, particularly the protection of life (*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), and progeny (*ḥifẓ al-nasl*). At the same time, the book employs *ḥifẓ al-bī'ah* to articulate environmental protection as an important dimension of Islamic legal reasoning. This approach is significant because marine degradation rarely produces harm within a single legal category. Damage to fisheries, mangroves, or coastal ecosystems may simultaneously affect human life, livelihoods, property, food security, biodiversity, and the interests of future generations. Contemporary Islamic legal scholarship has accordingly explored more ecocentric approaches to environmental ethics and has increasingly incorporated sustainability and intergenerational justice into legal reasoning.[5] Mufid's project participates in this broader intellectual development while giving it a specifically maritime orientation.

Chapters 3 and 4 constitute the philosophical and theological core of this argument. Chapter 3 connects marine conservation with maqasid, *ḥifẓ al-bī'ah*, and the concept of active *farḍ kifāyah*. Chapter 4 extends the discussion through conservation ecotheology, including the relationship between faith and ecological

[5] Nur Wahida Md Taha, Betania Kartika Muflih, and Mohammad Aizat Jamaludin, "Environmental Preservation from Maqasid Shariah and Islamic Perspective: A Literature Review," *Amorti: Jurnal Studi Islam Interdisipliner* 4, no. 1 (2025): 1–8; Achmad Alfan Kurniawan and Istiqomah Fadlillah, "From Anthropocentric to Ecocentric Jurisprudence: A Maqasid-Based Reconstruction of Islamic Environmental Ethics toward Intergenerational Equity," *Al'Adalah* 28, no. 2 (2025): 143–162.

degradation and the idea of eco-Sufi conservation. Together, these chapters frame ecological degradation not merely as a problem of resource management but also as a problem concerning the moral paradigm governing the human relationship with nature. The idea of active *farḍ kifāyah* is particularly noteworthy. By framing conservation as a collective religious responsibility, the author seeks to move environmental protection beyond the domain of state policy and specialized institutions. Conservation becomes a responsibility shared by the Muslim community. This provides the book with an important normative dimension because it connects environmental practice with religious responsibility rather than treating conservation merely as an externally imposed policy agenda.

Yet this conceptual move also creates a central theoretical question for the book: what precisely is the status of *ḥifẓ al-bī'ah* within the architecture of maqasid sharia? If environmental protection is to be regarded as an independent objective, the argument requires a more explicit explanation of its position in relation to established maqasid. If, alternatively, environmental protection is derived from the protection of life, property, progeny, religion, and reason, then the analytical purpose of treating *ḥifẓ al-bī'ah* as a distinct category requires further clarification. This is not merely a terminological question. It concerns the theoretical basis upon which new legal objectives may be formulated and subsequently employed in ijtihad.

From Juristic Principles to Marine Governance

The conceptual framework developed in the earlier chapters is applied to a series of concrete maritime problems. Chapters 5 and 6 address mangrove conservation and fisheries, respectively. Chapter 5 discusses the fiqh of mangrove conservation through eco-sharia, the formulation of coastal fiqh, mangrove rehabilitation, and the relationship between conservation and the "green constitution." Chapter 6 develops fiqh ijtihad concerning fisheries, eco-fishing, and fisheries conservation through *ḥifẓ al-bī'ah*. The selection of these two issues is appropriate because mangroves and fisheries constitute important components of coastal socio-ecological systems.

Chapters 7 and 8 subsequently address coastal land reclamation and ecotourism, two areas in which economic development may conflict with ecological interests. The discussion of reclamation is particularly significant because economic benefits do not necessarily correspond to public interest. A reclamation project may stimulate investment or tourism while simultaneously destroying mangroves, altering marine currents, damaging habitats, or restricting community access to coastal areas. The book's attempt to formulate a fiqh framework for such questions therefore represents an important effort to place development decisions within a normative framework of ecological responsibility. The discussion of ecotourism similarly seeks to reconcile tourism with ecological sustainability by placing tourism activities within a framework of environmental protection and public interest. Chapter 9 then broadens the scope of the book from sector-specific issues to global warming and climate change. The treatment of global warming demonstrates that maritime fiqh cannot be isolated from wider transformations in marine ecosystems, including ocean warming, acidification, changing ecosystem patterns, and sea-level rise.

These applications constitute one of the book's principal strengths. Mufid does not leave marine conservation at the level of abstract environmental ethics but attempts to demonstrate how fiqh can engage with specific problems such as mangroves, fisheries, reclamation, ecotourism, and global warming. The breadth of these applications also supports the author's larger claim that maritime fiqh can serve as a normative framework for contemporary marine issues. At the same time, the applications reveal an important gap between normative principles and operational governance. Establishing that ecological harm should be prevented and public interest should be pursued is an important starting point, but complex marine policies require criteria for determining how competing interests are to be weighed. The question is therefore not only whether an activity produces *maṣlaḥah* or *mafsadah*, but how those interests are established, compared, distributed, and assessed over time.

Critical Assessment: Method, Scope, and Conceptual Tensions

The book's conceptual ambition is also the source of its principal methodological challenge. Once maritime fiqh is established as a distinct field of legal inquiry, the procedures through which its legal conclusions are derived become particularly important. The book would be methodologically stronger if it specified more systematically how the various instruments of *istinbāṭ* interact in producing rulings concerning reclamation, fisheries, mangroves, and ecotourism. In particular, the roles of *maṣlaḥah mursalah*, *sadd al-dharāi'*, *qiyās*, *'urf*, and maqasid in the formulation of maritime rulings warrant greater clarification. This is more than a technical issue. Marine governance involves competing interests, uncertain consequences, and changing ecological conditions. A ruling concerning fisheries or reclamation cannot be separated entirely from evidence concerning ecological impact, community livelihoods, and long-term consequences. A more explicit methodological account would therefore help clarify how textual evidence, juristic principles, maqasid, and empirical ecological knowledge are brought together in the production of maritime legal judgments.

A second issue concerns the theoretical position of *ḥifẓ al-bī'ah*. The concept is potentially one of the book's most important contributions, but its theoretical status requires greater elaboration. The reviewer is left with a fundamental question: is environmental protection being proposed as a new independent *maqṣad*, or is it being reconstructed through existing objectives of Islamic law? The answer matters because the two approaches have different implications for usul fiqh and the scope of contemporary ijtihad. The book's argument would become more theoretically persuasive if it explicitly situated its formulation within existing debates on Islamic environmental ethics and the reconstruction of maqasid.

A third limitation concerns the empirical dimension of maritime fiqh. The book's normative framework would become more responsive to coastal realities if it were developed through closer engagement with the experiences of fishers, coastal women, ecotourism practitioners, and communities affected by reclamation. Coastal vulnerability to climate change is not evenly distributed, and socioeconomic

differences influence how communities experience ecological degradation and adaptation policies. A jurisprudence concerned with public interest should therefore consider not only the aggregate benefits and harms of marine activities but also their distribution among differently situated communities. This issue is particularly important for the concept of *maṣlaḥah*. Public interest cannot simply be equated with aggregate economic gain. A reclamation project may create investment and employment while simultaneously reducing fishing grounds or restricting access to coastal resources. Likewise, a conservation policy may protect an ecosystem while imposing immediate economic costs on communities whose livelihoods depend upon that ecosystem. Maritime fiqh therefore requires a more differentiated conception of *maṣlaḥah*: benefit for whom, harm to whom, over what period, and at whose expense?

A fourth issue concerns the translation of moral responsibility into institutional governance. The author's conception of conservation as an active *farḍ kifāyah* provides a compelling normative basis for collective responsibility. Yet the institutional consequences of this proposition require further development. If marine conservation is a collective religious obligation, how should responsibility be distributed among individuals, communities, businesses, religious institutions, and the state? How should this religious obligation interact with existing environmental laws and regulatory institutions? Addressing these questions would allow the concept of active *farḍ kifāyah* to move beyond moral exhortation toward an institutional framework for collective environmental action. Finally, maritime fiqh would benefit from a more intensive dialogue with marine science, environmental law, and public policy. Such interdisciplinary engagement would not weaken the Islamic legal character of the project. On the contrary, it could strengthen the jurisprudential framework by clarifying how ecological evidence should inform legal judgments and how Islamic normative principles might contribute to existing systems of marine governance. The book already gestures toward such a dialogue through its discussions of conservation and the "green constitution"; a more systematic interdisciplinary methodology would make this aspect of the project considerably stronger.

These limitations should not, however, be understood simply as shortcomings that undermine the book's contribution. They are also evidence of the theoretical work that becomes necessary once the ocean is taken seriously as an object of Islamic jurisprudence. By opening this field, Mufid raises questions about how fiqh should respond to ecological uncertainty, how maqasid should incorporate intergenerational interests, how religious responsibility can be institutionalized, and how normative Islamic law can engage with empirical environmental knowledge.

Scholarly Contribution to the Development of Contemporary Fiqh

The principal contribution of *Fikih Kelautan* lies in its effort to establish the ocean as a legitimate and significant subject of contemporary fiqh. Rather than treating marine environmental problems as peripheral concerns within Islamic environmental ethics, Mufid places them within the substantive domain of Islamic

legal reasoning. In doing so, the book expands the thematic scope of contemporary fiqh and demonstrates its capacity to engage with emerging ecological challenges. The book's second major contribution is its integration of fiqh, maqasid sharia, ecotheology, and environmental governance. Its discussions of mangrove conservation, fisheries, reclamation, ecotourism, and global warming illustrate how Islamic normative principles might be brought into conversation with concrete ecological problems. The book is therefore particularly valuable as a conceptual bridge between Islamic legal traditions and contemporary sustainability concerns.

Its most significant achievement, however, may be that it establishes a research agenda rather than a fully completed jurisprudential system. The concept of *fikih kelautan* creates space for further research on the methodology of maritime fiqh, the theoretical status of *ḥifẓ al-bī'ah*, intergenerational justice, coastal community rights, environmental maqasid, and the relationship between Islamic law and marine regulation. The limitations identified above therefore point toward the next stage of scholarship rather than negating the value of the book's intervention. Ultimately, *Fikih Kelautan* is a timely and ambitious contribution to contemporary environmental fiqh in Indonesia. Its importance lies in its attempt to move the relationship between Islam and the ocean beyond a purely utilitarian paradigm toward one grounded in stewardship, public interest, ecological balance, and sustainability. The book's strongest legacy may consequently be its insistence that the ocean is not merely a resource to be exploited but an *amānah* whose protection implicates legal, moral, social, and religious responsibilities.

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