



## Toward Ecological Justice: A *Maqāṣid*-Based Socioeconomic Analysis of Coastal Reclamation in Tapakerbau, Indonesia

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### Abstract

This study investigates the academic challenge of reconciling economic development with ecological sustainability in the context of coastal reclamation in Tapakerbau, Sumenep, Indonesia—a process that has generated social conflict, environmental degradation, and distributive injustice. Utilizing the *maqāṣid* framework, the research employs a qualitative socio-legal methodology, incorporating in-depth interviews, field observations, and analysis of legal documents alongside a review of literature on Islamic environmental jurisprudence (*fiqh al-bī'ah*). The findings reveal that, despite the brief duration of the reclamation project, it resulted in initial ecological damage, restricted fishermen's access to coastal resources, and reinforced the dominance of local political and economic elites. This study emphasizes the significance of environmental preservation (*ḥifẓ al-bī'ah*) as a fundamental objective within the framework of *maqāṣid* discourse, particularly in the context of contemporary ecological challenges. It highlights the imperative for coastal development models that are inclusive, participatory, and ecologically equitable. Practically, the Tapakerbau case provides a crucial lesson for environmental conservation in Indonesia, emphasizing the importance of addressing sustainable development and environmental justice issues.

### Keywords

Ecological Justice;  
Coastal Reclamation;  
*Maqāṣid*;  
Socioeconomic;  
Tapakerbau

### Introduction

The exploitation of natural resources under the guise of economic development has become a defining characteristic of the modern era.<sup>1</sup> Despite assertions of growth and modernization, the underlying reality frequently manifests as social inequality and environmental degradation. A pertinent example is the coastal reclamation project in Tapakerbau Hamlet, Gresik Putih Village, which has been advanced as a strategy to enhance the competitiveness of coastal regions.<sup>2</sup> Nevertheless, this project has generated significant controversy due to its adverse effects on marine

<sup>1</sup> See Edward B. Barbier, *Natural Resources and Economic Development*, (Cambridge: Cambridge University Press, 2005); Yu Jie and Jing Lan, "Dynamic Linkages between Human Capital, Natural Resources, and Economic Growth Impact on Achieving Sustainable Development Goals," *Heliyon* 10, no. 14 (2024): 1–18, <https://doi.org/10.1016/j.heliyon.2024.e33536>

<sup>2</sup> "Cerita Miris Nelayan Gresik Putih Sumenep, Hasil Tangkapan Ikan Berkurang, Lahan Laut Hendak Direklamasi," 07/03/2025, <https://www.tvonenews.com/daerah/jatim/292619-cerita-miris-nelayan-gresik-putih-sumenep-hasil-tangkapan-ikan-berkurang-lahan-laut-hendak-direklamasi>.



ecosystems and the livelihoods of local communities, particularly traditional fishermen and indigenous groups.<sup>3</sup> This case exemplifies how development driven by short-term economic interests often results in ecological and social costs that substantially outweigh its benefits. This study's central argument is to underscore the importance of *maqāṣid al-sharī'ah* principles, especially *ḥifẓ al-bī'ah* (environmental preservation), in informing contemporary development policies.

Academic debates concerning reclamation and ecological justice also highlight critical discussions at the international level. David S. Schoeman et al. argue that coastal development projects that disregard environmental assessments frequently cause ecological damage that surpasses their economic benefits.<sup>4</sup> In contrast, certain development economists maintain that reclamation can function as a tool to stimulate regional growth and generate new economic value, provided it is managed responsibly.<sup>5</sup> In the local context, the issue of coastal reclamation in Tapakerbau is significant, as the area has historically functioned as a living space for traditional fishermen and constitutes an integral component of the community's socio-cultural identity. Coastal reclamation undertaken without comprehensive environmental assessments and meaningful community participation poses threats to ecosystems and engenders conflicts related to land ownership, social marginalization, and the erosion of intergenerational livelihoods. Consequently, Tapakerbau serves as a critical case study for examining the tensions between investment-driven development policies and the socio-ecological realities faced by local communities.

In the discourse of Islamic law, al-Shatibi underscores that *maqāṣid* not only govern formal legal domains but also encompass the preservation of life, including ecological balance.<sup>6</sup> Al-Qaradawi further contends that maintaining environmental equilibrium constitutes a divine mandate for humankind as *khalīfah fī al-ard'* (stewards of the earth).<sup>7</sup> Additionally, Seyyed Hossein Nasr offers a profound critique of modernization for its role in severing humanity's spiritual connection with nature.<sup>8</sup> Moreover, Ibn 'Ashur emphasized that the well-being pursued by the Sharia encompasses the protection of future generations.<sup>9</sup> These discussions illuminate the tension among the logic of economic growth, ecological critique, and the ethical-spiritual framework of

<sup>3</sup> Firdausi, "Kronologi Penolakan Warga Gersik Putih Sumenep terhadap Reklamasi Laut untuk Tambak Garam," NU Online, 07/03/2025, <https://www.nu.or.id/daerah/kronologi-penolakan-warga-gersik-putih-sumenep-terhadap-reklamasi-laut-untuk-tambak-garam-SuAsq>.

<sup>4</sup> David S. Schoeman et al., "Quantifying the Ecological Consequences of Climate Change in Coastal Ecosystems," Cambridge Prisms: Coastal Futures 1 e39,(2023): 1-18, <https://doi.org/10.1017/cft.2023.27>. Priyaji Agung Pambudi et al., "Reklamasi Tambang Berkeadilan dan Mensejahterakan," *Jurnal Mineral, Energi, dan Lingkungan* 7, no. 2 (2024): 8, <https://doi.org/10.31315/jmel.v7i2.9064>.

<sup>5</sup> Xueyi Yu et al., "Assessment of Land Reclamation Benefits in Mining Areas Using Fuzzy Comprehensive Evaluation," *Sustainability* 12, no. 5 (2020): 1-20, <https://doi.org/10.3390/su12052015>. Wenting Wu et al., "Impacts of Coastal Reclamation on Wetlands: Loss, Resilience, and Sustainable Management," *Estuarine, Coastal and Shelf Science* 210 (October 2018): 153–61, <https://doi.org/10.1016/j.ecss.2018.06.013>.

<sup>6</sup> Abu Ishaq al-Shatibi, *Al-Muwāfaqāt Fī Uṣūl al-Syarī'ah*, Juz IV, (Beirut: Dār al-Kutub al-'Ilmiyyah, 1997), 233–234; Muh. Ilham Azis et al., "Teori *Maqāṣid Al-Syarī'ah* Oleh Imam Al-Syātibī," *Anaysa: Jurnal Studi Hukum* 2, no. 1 (8 Juli 2024): 17–34, <https://doi.org/10.61397/ays.v2i1.191>.

<sup>7</sup> Yusuf al-Qaradawi, *Ri'āyat al-Bī'ah Fī Sharī'at al-Islām*, (Kairo: Dār al-Shurūq, 2000), 45–47; Mashuri and Muhammad Ngizzul Muttaqin, "Pemikiran Fikih Lingkungan Yusuf Al-Qaradawi (Sebuah Upaya Mewujudkan Maṣlaḥah Al-'Ammah)," *Ahkam: Jurnal Hukum Islam* 7, no. 2 (2019): 355-374 <https://doi.org/10.21274/ahkam.2019.7.2.%25p>.

<sup>8</sup> See *Interview with Seyyed Hossein Nasr on Religion & the Environment*, (Georgetown University School of Foreign Service in Qatar, 2015).

<sup>9</sup> Muhammad Thahir Ibn 'Ashur, *Maqāṣid al-Sharī'ah al-Islāmiyyah*, (Amman: Dār an-Nafāis, 1999), 189–192.



Islam, which collectively provide the contextual foundation for this study. Based on these theoretical framework, the study addresses three central questions: (1) To what extent is the Tapakerbau reclamation project aligned with the principle of *ḥifẓ al-bī'ah* within the *maqāṣid al-sharī'ah*? (2) What are the ecological and socio-economic impacts of the reclamation efforts on local communities? and (3) Are there alternative development models that are more inclusive and sustainable, effectively balancing ecological preservation and community welfare? The purpose of this research is to analyze the Tapakerbau reclamation project through the lens of *maqāṣid al-sharī'ah*, with the aim of contributing to both academic and practical discussions on environmental policies that are inclusive, just, and sustainable.

## Literature Review

The integration of Islamic legal thought and environmental studies has garnered increasing scholarly attention in recent decades, particularly in response to ecological crises precipitated by rapid economic development. Early discussions on *maqāṣid al-sharī'ah* primarily focused on the five necessities (*al-darūriyyāt al-khams*): the protection of religion, life, intellect, progeny, and wealth.<sup>10</sup> However, contemporary scholars have contended that environmental protection (*ḥifẓ al-bī'ah*) ought to be incorporated into this framework as an extension of these classical categories.<sup>11</sup> This expansion reflects an acknowledgment that ecological sustainability is essential for the preservation of life, wealth, and progeny.

Numerous studies have underscored the ethical imperative of environmental stewardship within Islam. Yusuf al-Qaradawi asserts that humanity's role as *khalīfah fī al-arḍ* entails a moral responsibility to preserve ecological balance.<sup>12</sup> Similarly, Ibn 'Ashur expands the concept of *maqāṣid* to include collective welfare, encompassing the rights of future generations.<sup>13</sup> Contemporary scholarship in *fiqh al-bī'ah* further illustrates how Islamic law can offer normative guidance for the management of natural resources, the prevention of environmental degradation, and the mitigation of climate-related vulnerabilities.<sup>14</sup> These perspectives indicate that Islamic jurisprudence extends beyond ritualistic and individual ethics to incorporate socio-ecological considerations.

In the Indonesian context, research has examined the tensions between economic development initiatives—such as mining, deforestation, and coastal reclamation—and the *maqāṣid* framework. Scholars have observed that large-scale reclamation projects frequently prioritize short-term economic benefits for investors, often at the expense of ecological resilience and the marginalization of traditional communities.<sup>15</sup> This dynamic not only disrupts the livelihoods of small-scale fishermen but also contravenes the principles of distributive justice (*al-'adl*) and intergenerational equity, which are fundamental to *maqāṣid al-sharī'ah*. These findings align with

<sup>10</sup> Abu Ishaq al-Shatibi, *Al-Muwāfaqāt Fī Uṣūl al-Sharī'ah*, 8–12. Dale F. Eickelman, “Muhammad Khalid Masud's Shatibi's Philosophy of Islamic Law,” *Journal of Law and Religion* 15, no. 1/2 (2000): 389–392, <https://doi.org/10.2307/1051530>.

<sup>11</sup> M. Khusnul Khuluq and Asmuni Asmuni, “Hifz Al-Bī'ah as Part of Maqashid Al-Sharī'ah and Its Relevance in the Context of Global Climate Change,” *Indonesian Journal of Interdisciplinary Islamic Studies (IJIIS)* 7, no. 2 (2024): 161–178, <https://doi.org/10.20885/ijiis.vol7.iss2.art3>.

<sup>12</sup> Yusuf al-Qaradawi, *Ri 'Āyat al-Bī'Ah Fī Sharī'at al-Islām*, 46–55.

<sup>13</sup> Muhammad Tahir Ibn 'Ashur, *Maqāṣid*, 199–200.

<sup>14</sup> Ahyar Gayo et al., “Pengulu Uten's Forest Management in Central Aceh: A Perspective of Fiqh al-Bī'ah,” *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 17–36, <https://doi.org/10.15408/ajis.v24i1.34518>.

<sup>15</sup> Wu et al., “Impacts of Coastal Reclamation on Wetlands.”

broader discourses on environmental justice, which contend that marginalized groups disproportionately bear the burdens of ecological exploitation.<sup>16</sup>

Building upon these debates, the present study situates the reclamation project in Tapakerbau within the framework of *maqāṣid al-sharī'ah* and socio-environmental critique. Although prior research has established the theoretical legitimacy of *ḥifẓ al-bī'ah* as a *maqāṣid*, empirical applications remain scarce, especially concerning local communities directly impacted by coastal reclamation. This study seeks to contribute to Islamic legal scholarship and contemporary discourses on sustainable development and environmental justice by integrating normative Islamic principles with lived socio-economic realities.

## Method

Tapakerbau Hamlet is situated on the northern coast of Gersik Putih Village, Gapura District, Sumenep Regency, Madura. This coastal area has historically functioned as the primary source of livelihood for local fishermen and as a social, cultural, and spiritual space deeply ingrained in the community's life for generations.<sup>17</sup> Data collection was conducted employing two principal methods. Initially, field observations were carried out over a five-month duration, spanning from December 2024 to April 2025. Subsequently, in-depth interviews were conducted with five informants, as outlined in Table 1 below.

**Table 1.** Summary of interview data

No.	Code	Interview Date	Interview Duration (min.)	Interview Location
1	MH	17/12/2024	45	Village office
2	AM	25/01/2025	120	Village hall
3	AS	27/02/2025	90	Home
4	ST	23/03/2025	60	Home
5	YF	29/04/2025	75	Coastal area

This study employed a qualitative socio-legal methodology to examine the coastal reclamation project in Tapakerbau, Gersik Putih Village, within the conceptual framework of *maqāṣid al-sharī'ah*. This approach was selected due to the multifaceted nature of reclamation, which encompasses legal regulations, socio-economic consequences, and the normative principles of Islamic law, particularly *ḥifẓ al-bī'ah* (environmental preservation).

The data were analyzed qualitatively through processes of reduction, presentation, and subsequently interpreted within the framework of *maqāṣid al-sharī'ah* as articulated by al-Shatibi, al-Qaradawi, and Ibn 'Ashur. This approach facilitated an evaluation of whether the reclamation efforts align with or contradict Islamic objectives, including the protection of life (*ḥifẓ al-nafs*), wealth (*ḥifẓ al-māl*), progeny (*ḥifẓ al-nasl*), and the environment (*ḥifẓ al-bī'ah*). The validity of the research was enhanced through triangulation of data sources alongside member-checking procedures to ensure the credibility of the findings.

<sup>16</sup> Víctor Cobs-Muñoz and René Westerholt, "Proposing Critical Realism and Second-Generation Environmental Justice for Advancing Sacrifice Zone Analysis," *Progress in Environmental Geography* 4, no. 1 (2025): 44–68, <https://doi.org/10.1177/27539687241307953>.

<sup>17</sup> Hamdani, "Polemik HGB di Perairan Sumenep: Reklamasi Laut Gersik Putih Picu Penolakan Warga," *Wartamu.id*, 26/01/2025, <https://www.wartamu.id/polemik-hgb-di-perairan-sumenep-reklamasi-laut-gersik-putih-picu-penolakan-warga/>.





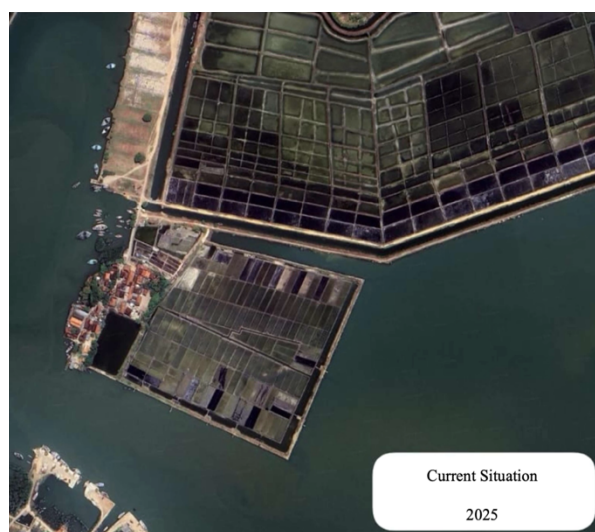
## Result

The sea in the region represents not only an economic ecosystem but also a collective identity transmitted across generations, illustrating the profound interconnection between the inhabitants and their coastal environment in everyday life.<sup>18</sup> Recently, Tapakerbau Hamlet has experienced significant changes following the issuance of a Land Ownership Certificate (Sertifikat Hak Milik, SHM) registered to a private party, encompassing approximately 21 hectares of coastal land. This certificate has generated controversy due to its overlap with the community's longstanding claims to their living space. The dispute has been further elucidated through satellite imagery, as illustrated in Figures 1 and 2.

**Figure 1.** Satellite imagery depicting the coastal region of Tapakerbau Hamlet in the year 1947



**Figure 2.** Satellite imagery depicting the coastal region of Tapakerbau Hamlet in the year 2025



*Source: The information was obtained from one of the informants*

The discovery of a Land Ownership Certificate registered under a private party's name, encompassing approximately 21 hectares of the Tapakerbau coastal area, has generated significant controversy, primarily due to its overlap with the local community's claims to their traditional living space (observation notes, 2025). This controversy extends beyond administrative concerns, impacting the social and ecological legitimacy of the coastal zone. As emphasized by AS, satellite imagery provides visual evidence that substantiates this transformation. A comparative analysis of images from 1947 and 2025 reveals substantial alterations in the coastal landscape, indicating shifts in land use and a potential reduction in community access to natural resources. Field interviews with local fishermen further substantiate this situation. One fisherman, YF (aged 50), stated,

In the past, we could fish right up to the shoreline, but now, not only is casting nets prohibited, even approaching the area is forbidden. If caught, we risk expulsion and accusations of trespassing.

A similar viewpoint was expressed by ST (aged 47), a crab catcher, who noted: "Our crabbing grounds have drastically diminished, despite previously sustaining our daily needs." These accounts illustrate that unilateral control over the coastal area has displaced communities from their

<sup>18</sup> "Walhi Jatim Desak SHM 21 Hektare di Pesisir Sumenep Dicabut," 07/03/2025, <https://www.cnnindonesia.com/nasional/20250125190253-20-1191517/walhi-jatim-desak-shm-21-hektare-di-pesisir-sumenep-dicabut>.



traditional living spaces and eradicated livelihoods that have been passed down through generations. When compared with satellite imagery, it becomes evident that areas once accessible as public spaces for traditional fishing activities have been converted into restricted zones. The challenges faced by fishermen are closely linked to the dynamics of local governance, particularly the evolving position of the village government regarding coastal reclamation. This significant transformation is intrinsically connected to the politics of village leadership, which plays a crucial role in shaping reclamation policies. Consequently, satellite imagery functions as a critical tool for identifying ownership disputes while highlighting the urgent need to safeguard the rights of coastal communities. Nevertheless, these images represent only one dimension of the issue; the lived experiences of the fishing community illustrate far more complex social impacts.

The leadership history of Gersik Putih Village exemplifies these contradictions. During his initial term in office (2018), MH, the Village Head of Gersik Putih, was documented as one of the figures opposing the coastal reclamation project, with evidence of his opposition still accessible through online news reports. However, following his re-election for a second term, his stance shifted, and the village government assumed the role of facilitator for coastal and sea reclamation in Gersik Putih. Furthermore, he was subsequently identified as a holder of land ownership certificates (SHM) in the coastal/sea area and possessed several tax assessment letters (SPPT) issued in his name for lands that previously lacked SHM status. He acknowledged these facts in an official forum, facilitated by the relevant government agency, in response to a protest letter submitted by Gema Aksi to the Regent of Sumenep (interview notes, 2025). This information is substantiated by the testimony of AS, who stated,

We still remember when MH initially rejected the reclamation; he even expressed opposition alongside the villagers. However, he has since changed his position and now holds land certificates along the coast. The villagers are increasingly confused—because we once felt supported, but now we feel abandoned.

This testimony highlights the inconsistency between the village head's initial stance and his subsequent actions, which has ultimately intensified community distrust regarding the management of coastal areas. When considered alongside satellite imagery depicting the transformation of the coastline from 1947 to 2025, it becomes apparent that areas formerly accessible for communal use have been converted into zones of private ownership. Therefore, the reclamation issue in Gersik Putih extends beyond administrative and legal disputes, encompassing moral and political dimensions that exacerbate the socio-economic vulnerability of coastal communities (observation notes, 2025).

In a separate interview, the Chairman of Gema Aksi, AM, recounted the escalation of the reclamation conflict in Tapakerbau beginning in April 2023. He explained that residents had granted him a Special Power of Attorney following an official community meeting held on April 12, 2023, which subsequently led to the establishment of Gema Aksi. According to his account, the conflict reached its peak on April 14, 2023, when a private party deployed heavy machinery, installed *pancong* (sea fences), and prepared reclamation materials. He stated, "At that time, they claimed to possess SHM and SPPT over the sea, but the residents did not remain silent. Together, we thwarted their efforts." This testimony highlights that, despite the community's uncertainty caused by the shifting positions of local elites, they nonetheless fostered solidarity through Gema Aksi as a collective endeavor to defend their living environment.

The resolve of local elites to advance the reclamation project appeared to strengthen progressively. In an interview, the Village Head of Gersik Putih remarked, "Regarding the



handling of this issue, I have already aligned with the directives of the Regional Police Chief, as it falls under his jurisdiction.” Supporting this perspective, NV, the Inspector General and East Java Regional Police Chief, stated, “The police are still managing the case. It remains under investigation, and I will consult with the investigators.” These statements demonstrate that, despite residents’ efforts to protect their living environment, the reclamation process continues to receive political legitimacy and institutional backing from local elites. Concurrently, the legal resolution at the police level is progressing at a slow pace.

The statements made by the Village Head and the East Java Regional Police Chief in these interviews exemplify the asymmetrical power dynamics inherent in the governance of Tapakerbau’s coastal area. On one side, residents, through the organization Gema Aksi, endeavor to assert their collective rights to their living environment and to protect the marine ecosystem, which constitutes the foundation of their local economy (interview notes, 2025). Conversely, the continuation of the reclamation project is legitimized through bureaucratic discourse and appeals to security authority. The Village Head’s remark regarding “adjustment to the Regional Police Chief” highlights a shift in village policy from representing the aspirations of residents to functioning as an instrument of elite interests. This is further corroborated by the Police Chief’s assertion that the case remains “under investigation,” a phrase that effectively postpones legal resolution. This pattern demonstrates how local ecological conflicts are frequently subsumed within formal state mechanisms, which, rather than addressing issues of ecological justice, serve to prolong uncertainty for the affected communities (observation notes, 2025). The socio-economic conditions of the local community must be the foremost consideration when evaluating the impacts of coastal reclamation in Tapakerbau Hamlet. As YF emphasized,

I strongly oppose the fact that residents, whose primary livelihood depends on fish, crabs, and other marine resources, are now prohibited from fishing and even threatened by local elites. If they enter the area or, worse, extract anything from the site designated for reclamation, they face intervention by the police or local legal authorities. This situation is deeply distressing—how can such a circumstance occur?

This statement illustrates that reclamation activities reduce the fishing grounds available to local fishers and impose social pressures and legal threats that further marginalize the community. Consequently, the fishers’ reliance on the sea as their main source of livelihood is jeopardized. Simultaneously, social inequality is exacerbated as access to resources becomes monopolized by powerful actors (observation notes, 2025). The reclamation controversy in Tapakerbau exemplifies a pronounced conflict of interests between local communities and the political-economic elite who leverage formal legal frameworks to their advantage. On one side, proponents of reclamation include holders of land titles (SHM), certain village elites, and private stakeholders who perceive reclamation as a novel investment opportunity in aquaculture enterprises and productive coastal land, anticipating increased land value and financial returns (interview notes, 2025).

The opposition arises from traditional fishers, crab gatherers, coastal women’s groups, and residents organized under the Movement of Communities Against Reclamation. These groups contend that reclamation obstructs access to their habitats, undermines intergenerational livelihoods, and damages the marine ecosystem essential for sustaining the local economy (observation notes, 2025). The debate is further complicated by the ambiguous role of village officials and bureaucratic authorities, who, despite their equivocal stance, tend to support the reclamation agenda in practice. This dynamic exacerbates the tension between the imperatives of capital accumulation and the principles of social-ecological justice advocated by coastal

communities. Consequently, the Tapakerbau reclamation case transcends a mere land dispute; it reflects the unequal relationship between political-economic power and the rights of coastal communities, while simultaneously underscoring the imperative for a more equitable, participatory, and ecologically informed legal framework.

## Discussion

### *Navigating the Intersection of Ecological Crises: A Maqāṣid Perspective*

The situation in Tapakerbau exemplifies a development paradigm that prioritizes investment over community welfare. From the perspective of *maqāṣid al-sharīʿah*, development initiatives should ensure the equitable distribution of benefits, safeguard ecosystem sustainability, and facilitate the meaningful participation of affected residents. Reclamation projects must adopt an inclusive approach that centers the voices of coastal communities within the planning process, rather than treating them merely as subjects of policy. It is incumbent upon the government and relevant stakeholders to create spaces for equitable dialogue, thereby ensuring that development decisions do not marginalize the rights of local populations. Failure to uphold principles of sustainability and justice risks exacerbating the vulnerability of coastal communities and intensifying environmental crises. The concept of *ḥifẓ al-bīʿah* (environmental protection) within the framework of *maqāṣid al-sharīʿah* represents a significant advancement in contemporary Islamic legal discourse. While the classical formulation of *maqāṣid* focused on the five essentials (*al-ḍarūriyyāt al-khams*: religion, life, intellect, lineage, and wealth), modern scholars have expanded this framework to include the environment as a fundamental necessity that sustains the very existence of these five elements.<sup>19</sup>

Substantively, *ḥifẓ al-bīʿah* is intrinsically linked to the classical *maqāṣid al-sharīʿah*. For instance, damage to marine ecosystems threatens *ḥifẓ al-naḥs* (protection of life) by exacerbating food insecurity and health crises due to the decline of fish as a protein source. The depletion of fishing grounds undermines *ḥifẓ al-māl* (protection of wealth) by eroding the economic foundation of coastal communities. Furthermore, the intergenerational ecological consequences disrupt *ḥifẓ al-nasl* (protection of progeny), as future generations inherit socio-economic and environmental burdens resulting from unsustainable development practices. Consequently, the environment serves as a fundamental basis that sustains the continuity of the other *maqāṣid*.<sup>20</sup> Scholars have articulated several normative criteria to assess whether environmental harm constitutes a violation of the *maqāṣid*. First, the principle of *darʾ al-mafāṣid muqaddam ʿalā jalb al-maṣāliḥ* (the prevention of harm takes precedence over the pursuit of benefits) functions as the primary standard; thus, reclamation efforts that yield short-term economic gains but cause greater ecosystem degradation contravene the *maqāṣid*.<sup>21</sup> Second, the principle *lā ḍarar wa lā ḍirār* (there should be neither harm nor reciprocating harm) establishes that any development project resulting in ecological and social

<sup>19</sup> Khuluq and Asmuni, “Hifz Al-Bīʿah as Part of Maqashid Al-Sharīʿah and Its Relevance in the Context of Global Climate Change.”

<sup>20</sup> Abdulloh Munir and Kusnadi Kusnadi, “Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah,” *Tribakti: Jurnal Pemikiran Keislaman* 35, no. 2 (2024): 303–20, <https://doi.org/10.33367/tribakti.v35i2.5417>.

<sup>21</sup> Mohamad Subli et al., “Green Investment in Contemporary Islamic Perspective: A Maqasid al-Syariʿah Analysis of the Mining Industry in Morowali,” *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 156–83, <https://doi.org/10.32332/milrev.v4i1.10269>.





detriment constitutes *ḍarar* (harm) prohibited by the *sharīʿah*.<sup>22</sup>

Islam, through its Sharia teachings, mandates proactive environmental stewardship by promoting responsible development and adherence to sustainability principles. This mandate underscores that ecological balance is not solely a technical matter but also a moral and spiritual responsibility. The unequal distribution of development benefits—for instance, when investors and economic elites profit while traditional fishers lose access to resources—constitutes a violation of the principle of justice (*al-ʿadl*), which is central to the *maqāṣid* framework.<sup>23</sup> Furthermore, *maqāṣid* emphasizes intergenerational sustainability, as articulated by scholars such as Ibn ʿAshur and al-Qaradawī, who assert that the welfare sought by the Sharia encompasses the protection of future generations.<sup>24</sup> Consequently, any development that imposes an “ecological debt” through ecosystem degradation on descendants contravenes the objectives of Islamic law. It is important to recognize that the concept of *ḥifẓ al-bīʿah* is an integral aspect of *ḥifẓ al-māl*, one of the fundamental components of *maqāṣid al-sharīʿah*.<sup>25</sup> Within this conceptual framework, *ḥifẓ al-bīʿah* has gained increasing significance in addressing ecological crises resulting from unregulated resource exploitation.<sup>26</sup>

Ibn ʿAshur underscored that the *maqāṣid al-sharīʿah* encompass not only individual legal rulings but also the collective welfare, which includes the protection of the environment as a right owed to future generations. Consequently, development projects that excessively exploit natural resources and thereby jeopardize ecosystem sustainability cannot be justified from an Islamic perspective.<sup>27</sup> The concept of *ḥifẓ al-bīʿah* is thus integral to *ḥifẓ al-māl*, a fundamental component of the *maqāṣid al-sharīʿah*. Within this framework, *ḥifẓ al-bīʿah* assumes increasing significance in addressing ecological crises resulting from uncontrolled resource exploitation. As a comprehensive value system, Islam mandates proactive environmental stewardship through responsible development and adherence to principles of sustainability. This principle highlights that maintaining ecological balance is not merely a technical issue but also a moral and spiritual obligation.<sup>28</sup> Ibn ʿAshur elucidated that the *maqāṣid al-sharīʿah* encompass not only individual legal rulings but also the collective welfare, which includes environmental protection as a right owed to future generations.<sup>29</sup> Consequently, development projects that excessively exploit natural resources, thereby endangering the preservation of ecosystems, are deemed unjustifiable within Islamic thought.

<sup>22</sup> Ahmad Masyhadi, “Tinjauan Maqashid Syariah Terhadap Reklamasi Pesisir Pantai Jakarta,” *Madinah: Jurnal Studi Islam* 7, no. 1 (2020): 108–17, <https://doi.org/10.58518/madinah.v7i1.1315>.

<sup>23</sup> Mifti Ibdalia and Muhammad Albahi, “Ekonomi Dan Politik Pendekatan Maqasid Syariah,” *Economic Reviews Journal* 4, no. 1 (2025): 355–64, <https://doi.org/10.56709/mrj.v4i1.637>.

<sup>24</sup> Ibn ʿAshur, *Maqāṣid al-Sharīʿah al-Islāmiyyah*; al-Qaradāwī, *Riʿāyat al-Bīʿah fī Sharīʿah al-Islām*.

<sup>25</sup> Moh. Mufid, “Fikih Ekowisata Berbasis Maqasid Al-Syariʿah (Studi Pengelolaan Wisata Alam Hutan Mangrove Di Wonorejo Kota Surabaya),” *Al-Manahij: Jurnal Kajian Hukum Islam* 13, no. 1 (2019): 83–98, <https://doi.org/10.24090/mnh.v0i1.2213>.

<sup>26</sup> Ahmad Lailatus Sibyan and Muhammad Wafi Abdillah, “Actualization Of Ali Yafie’s Ecological Fiqh In The Dynamics of Indonesian Muslim Thought,” *Al-Adalah* 26, no. 1 (2023): 89–100, <https://doi.org/10.35719/aladalah.v26i1.351>.

<sup>27</sup> Fitriana Annisa, Eko Priyoadmiko, and Muhammad Arif Kurniawan, “Analysis Of Maqashid Sharia And Fiqih Al-Bīʿah On Waste Banks In Realizing Green Economy In Bantul District,” *Jurnal Tinjauan Bisnis dan Manajemen Global* 5, no. 2 (24 Desember 2023): 108–17, <https://doi.org/10.37253/jgbmr.v5i2.8898>.

<sup>28</sup> Nader Ghotbi, “Intrinsic Value of the Natural Environment: An Ethical Roadmap to Protect the Environment,” *Philosophy Study* 4, no. 4 (2014): 315–20, <https://doi.org/10.17265/2159-5313/2014.04.007>.

<sup>29</sup> Nur Rofiq and M Zidny Nafi Hasbi, “A New Paradigm in Economy about Maqashid al-Sharia Theory: Reformulation of Ibn ʿAshur,” *Pamali: Tinjauan Hukum Pattimura Magister* 2, no. 1 (19 Maret 2022): 77–85, <https://doi.org/10.47268/pamali.v2i1.817>.

In Islamic teachings, ecological balance is a fundamental aspect of justice (*al-‘adh*).<sup>30</sup> Al-Mawardi, in *al-Aḥkām al-Sulṭāniyyah*, underscores the government's responsibility to ensure environmental preservation through its public policies.<sup>31</sup> This principle asserts that economic development should not occur at the expense of ecological equilibrium. When a development project causes harm to the ecosystem, it constitutes a *mafsadah* (harm) that outweighs the *maṣlahah* (benefit) it purports to deliver.<sup>32</sup> Consequently, development that is ecologically unjust must be revised to conform with the *maqāṣid al-sharī‘ah*. In this context, Joseph Stiglitz critiques contemporary economics for its excessive emphasis on economic growth without adequate consideration of environmental sustainability.<sup>33</sup> His critique aligns with Islamic teachings, which reject the exploitation of natural resources without regard for ecological stability. Islam does not oppose development; rather, it mandates a balance between human interests and environmental preservation.<sup>34</sup> The *maqāṣid al-sharī‘ah* framework affirms that the environment is not merely an economic resource but a vital component of the life system that must be preserved to ensure sustainability.<sup>35</sup>

### **Hifẓ al-Bī‘ah and the Pursuit of Ecological Justice: An Alternative Framework**

The reclamation project in Tapakerbau illustrates how ambitions for economic development often clash with environmental sustainability challenges.<sup>36</sup> In many reclamation projects, coastal ecosystems—which have long sustained local livelihoods—undergo significant transformations that do not necessarily benefit all stakeholders.<sup>37</sup> The incorporation of *hifẓ al-bī‘ah* within the *maqāṣid al-sharī‘ah* transcends a mere theoretical construct and should function as a foundational principle guiding development policies. Unregulated exploitation of natural resources precipitates environmental degradation and intensifies social inequalities. Consequently, development policies must prioritize long-term welfare over short-term economic gains prior to their implementation. By integrating *hifẓ al-bī‘ah* into the *maqāṣid al-sharī‘ah* framework, development can be oriented toward a more sustainable, inclusive, and equitable model that benefits all societal segments.

Within the framework of *maqāṣid al-sharī‘ah*, the concept of *hifẓ al-bī‘ah* is not merely ethical but carries normative standards that determine when environmental degradation constitutes a violation of Islamic legal objectives. First, the primary measure is the extent to which ecological exploitation threatens fundamental human needs (*al-ḍarūriyyāt*), such as *hifẓ al-nafs* (protection of life), *hifẓ al-māl* (sustainability of resource-based livelihoods), and *hifẓ al-nasl* (continuity of future generations). Development projects that eliminate fishermen's means of livelihood, for example, endanger these principles. Second, environmental damage is assessed by the loss of *maṣlahah*

<sup>30</sup> Erina Pane and Adam Yanis, “Environmental Ethics in Islam: Balancing Rights and Ecological Justice in Forest Management,” *KnE Social Sciences* 11 (2024): 12–25, <https://doi.org/10.18502/kss.v9i2.14963>.

<sup>31</sup> Muhammad Ali Imran Caniago et al., “The Politics of Public Finance Al-Mawardi’s Perspective: Al-Ahkam As Sulthaniyah,” *El-Jizya: Jurnal Ekonomi Islam* 12, no. 1 (2024): 101–14, <https://doi.org/10.24090/ej.v12i1.9711>.

<sup>32</sup> Putri Vidya Adhania, “Penerapan Hifdzul Bi’ah Dalam Fatwa KUPI Tentang Haramnya Kerusakan Lingkungan,” *An-Nawa: Jurnal Studi Islam* 5, no. 2 (31 Desember 2023): 195–209, <https://doi.org/10.37758/annawa.v5i2.643>.

<sup>33</sup> Joseph E. Stiglitz, “Government Failure vs. Market Failure: Principles of Regulation,” in *Government and Markets*, 1st ed., ed. Edward J. Balleisen and David A. Moss (Cambridge: Cambridge University Press, 2009), 13–51, <https://doi.org/10.1017/CBO9780511657504.002>.

<sup>34</sup> Labeeb Bsoul et al., “Islam’s Perspective on Environmental Sustainability: A Conceptual Analysis,” *Social Sciences* 11, no. 6 (2022): 1–11, <https://doi.org/10.3390/socsci11060228>.

<sup>35</sup> Mahmud Yusuf et al., “Green Economy Financing According to Fiqh Al-Biah as Part of Maqashid Sharia,” *Pena Justisia: Media Komunikasi dan Kajian Hukum* 21, no. 1 (2023): 201–12, <https://doi.org/10.31941/pj.v21i1.2725>.

<sup>36</sup> “Kronologi Penolakan Warga Gersik Putih Sumenep terhadap Reklamasi Laut untuk Tambak Garam.”

<sup>37</sup> Hamdani, “Polemik HGB di Perairan Sumenep.”



*‘āmmah* (public benefit). In Islamic jurisprudence, the sea, air, and land are classified as *al-mushtarakāt al-‘āmmah* (common resources), so privatization that restricts collective access is deemed contrary to the *maqāṣid*.<sup>38</sup> Third, intergenerational impacts serve as an important benchmark, as emphasized by Ibn ‘Ashur, who argued that the *maqāṣid* must ensure continuous welfare, and by al-Qaradawi, who stressed the obligation to safeguard ecological balance for the rights of future generations.<sup>39</sup> Thus, from the perspective of *maqāṣid*, environmental damage is considered a violation when it threatens fundamental human needs, reduces collective rights, and leaves behind ecological burdens for future generations. This standard provides an objective framework to assess whether development aligns with Islamic ecological justice principles.<sup>40</sup> If reclamation policies focus only on short-term economic growth while neglecting ecological and social impacts, such policies contradict Islam’s fundamental principles of environmental protection.

Reclamation in Tapakerbau has demonstrably caused degradation of marine ecosystems, loss of biodiversity, and restrictions on fishermen’s access to fishing grounds. Field testimonies reveal a decline in catches—for example, small pelagic fish that were once easily obtained near the coast are now increasingly scarce. This aligns with visual evidence from satellite imagery showing a shift in the shoreline between 1947 and 2025, indicating a significant reduction in productive marine areas. Beyond visual evidence, short-term research conducted with the local community revealed that reclamation has destroyed seagrass beds and mangroves—critical habitats for fish, crabs, and other marine life. The loss of these key ecosystems directly threatens the sustainability of traditional fisheries, which serve as residents’ primary livelihood source. Thus, field evidence confirms that reclamation damages ecosystems and directly displaces communities from their living spaces. This fact demonstrates that the reclamation policy in Tapakerbau has failed to balance resource utilization with sustainability principles, thereby violating both ecological and social justice dimensions.<sup>41</sup> Inequality in the distribution of benefits is also a significant issue in reclamation projects. Justice can only be achieved if public policies favor the most vulnerable groups.<sup>42</sup> In this case, local fishermen—who depend on coastal ecosystems—are the most disadvantaged, while the economic gains from reclamation projects primarily benefit investors and capital owners. The power imbalance in decision-making exacerbates inequality, as seen in Tapakerbau, where the community was only informed after the decision had been made, without their involvement in the planning stages.

The principle of *ḥifẓ al-bī‘ah*, as articulated within the framework of *maqāṣid al-sharī‘ah*, underscores that environmental degradation should not be regarded solely as a technical issue but also as an ethical transgression necessitating accountability.<sup>43</sup> Within the *fiqh* tradition, the obligation of ecological compensation is emphasized through the principle of *ḍamān*

<sup>38</sup> La Ode Angga et al., “The Main Purpose of Islamic Sharia in Environmental Conservation,” *IJoBES* 2, no. 1 (2020): 34-38, <https://doi.org/10.31848/ijobes.v2i1.576>

<sup>39</sup> Ibn ‘Ashur, *Maqasid Al-Syariah al-Islamiyyah*; al-Qaradawi, *Ri ‘Āyat al-Bī‘ah Fī Sharī‘at al-Islām*.

<sup>40</sup> Abdul Basir Mohamad and Nurbazla Ismail, “Environmental Preservation and Water Pollution from the Islamic Perspective,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (2023): 997-1015, <https://doi.org/10.22373/sjhk.v7i2.16019>.

<sup>41</sup> Zainul Mun’im et al., “Revisioning Official Islam in Indonesia: The Role of Women Ulama Congress in Reproducing Female Authority in Islamic Law,” *Ahkam: Jurnal Ilmu Syariah* 24, no. 1 (2024): 135–52, <https://doi.org/10.15408/ajis.v24i1.34744>.

<sup>42</sup> John Rawls, *A Theory of Justice*, (London: Routledge, 2017), 21–29.

<sup>43</sup> Elijah Baker, “Ethical Implications of Environmental Policies and Practices,” *International Journal of Philosophy* 3, no. 1 (2024): 37–40, <https://doi.org/10.47941/ijp.1868>.

(responsibility/compensation),<sup>44</sup> which asserts that any individual or group benefiting from the exploitation of natural resources is concurrently obligated to assume the ecological risks incurred (*al-ghurm bi al-ghunm*). Consequently, ecological compensation, from the perspective of maqāṣid, functions not merely as a formal legal instrument but also as a moral and spiritual mechanism that promotes intergenerational sustainability. Under this framework, economic policies that neglect the principle of sustainability ultimately exacerbate the environmental crisis.<sup>45</sup> Therefore, reclamation projects must prioritize not only profitability but also the integration of ecosystem rehabilitation measures, such as mangrove restoration and the protection of marine habitats, to preserve ecological balance.

The principle of ecological compensation necessitates policy reforms that emphasize community participation in decision-making processes to prevent the marginalization of local inhabitants by elite interests.<sup>46</sup> If such an approach were implemented in the context of Tapakerbau, the local community would possess equitable rights in shaping the developmental trajectory of their region. Consequently, reclamation policies could reflect the principles of ecological and social justice, thereby averting unilateral dominance by economic actors that might engender new vulnerabilities for coastal populations. Beyond community involvement, transparency and public oversight constitute essential components for ensuring the sustainability of reclamation efforts.<sup>47</sup> Drawing on Michel Foucault's theory of governmentality, contemporary governance is continuously shaped and refined through critique, which operates as a mechanism for regulating power.<sup>48</sup> Critique facilitates societal exposure of policy layers frequently controlled by elite groups, including access to information concerning permits, implementation, and the ecological consequences of reclamation.<sup>49</sup> In the case of Tapakerbau, enhanced public oversight is vital for rebalancing power relations between capital-owning elites and the coastal communities directly impacted.

## Conclusion

This study confirms that the reclamation project in Tapakerbau, although short-lived, resulted in significant ecological and socioeconomic consequences. The reclamation activities initially caused damage to coastal ecosystems, diminished fishing grounds, and generated social uncertainty due to conflicts over land ownership and the dominance of local elites. Nevertheless, robust community resistance, exemplified by the Gema Aksi movement, successfully halted the project, thereby preventing further reclamation. This outcome illustrates the collective agency of coastal

<sup>44</sup> Akhmad Riduwan, "Pemenuhan Tanggungjawab Ekonomik-Sosio-Ekologi: Benarkah Memicu Keberlanjutan Kinerja Keuangan?," *Ekuitas (Jurnal Ekonomi Dan Keuangan)* 6, no. 2 (2022): 157–80, <https://doi.org/10.24034/j25485024.y2022.v6.i2.5274>.

<sup>45</sup> Peterson K. Ozili, "Economic Policy for Sustainable Development: Role of Monetary Policy, Fiscal Policy and Regulatory Policy," *Circular Economy and Sustainability* 4, no. 4 (2024): 2625–56, <https://doi.org/10.1007/s43615-024-00406-1>.

<sup>46</sup> Yuling Zhang et al., "How Important Is Community Participation to Eco-Environmental Conservation in Protected Areas? From the Perspective of Predicting Locals' pro-Environmental Behaviours," *Science of The Total Environment* 739 (October 2020): 1–13, <https://doi.org/10.1016/j.scitotenv.2020.139889>.

<sup>47</sup> Yu Diao et al., "Enhancing Livelihood Resilience through Hybrid Ecological Compensation: Evidence from Potatso National Park, China," *Environmental Research Letters* 20, no. 1 (2025): 1–13, <https://doi.org/10.1088/1748-9326/ad961e>.

<sup>48</sup> Arpad Szakolczai et al., "The Foucault Effect: Studies in Governmentality, with Two Lectures by and an Interview with Michel Foucault," *Contemporary Sociology* 22, no. 2 (1993): 279–81, <https://doi.org/10.2307/2075812>.

<sup>49</sup> Pratiwi et al., "Managing and Reforesting Degraded Post-Mining Landscape in Indonesia: A Review," *Land* 10, no. 658 (2021): 1–29, <https://doi.org/10.3390/land10060658>.





communities in defending their livelihoods and underscores that development initiatives lacking sustainability and community participation are unlikely to endure. From the perspective of *maqāṣid al-sharīʿah*, the Tapakerbau reclamation contravened the principle of *ḥifẓ al-bīʿah* (environmental preservation) and adversely affected *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-māl* (protection of property), and *ḥifẓ al-nasl* (protection of progeny), thereby demonstrating its inconsistency with the objectives of Islamic law.

The primary limitation of this study lies in its narrow scope, focusing exclusively on a single case study employing a qualitative approach, without incorporating quantitative ecological data or a comprehensive analysis of relevant positive legal frameworks. Consequently, future research should broaden the scope to include multiple coastal areas for comparative analysis, integrate quantitative ecological methodologies to reinforce the findings, and deepen the critical engagement between *maqāṣid al-sharīʿah*, national environmental legislation, and international legal instruments. Such efforts are anticipated to enhance both the theoretical and practical foundations for formulating coastal development policies that are equitable, inclusive, and sustainable, thereby enabling the Tapakerbau experience to serve as a valuable precedent for other regions in Indonesia.

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