

## A SYSTEM FOR PROTECTING THE SABANG MARINA AREA FROM DAMAGE TO MARINE BIOTA FROM THE Perspective Of *Ḥifz Al-Bi'ah* Within *The Maqāṣid Of Shariah*

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### Abstract

*This study aims to analyse the marine area protection system in Sabang City in accordance with the principle of ḥifz al-bi'ah within the maqāṣid of Sharia. This study employs a qualitative approach using descriptive analysis, as well as an empirical legal methodology, to evaluate the implementation of positive law and Sharia norms in the context of marine area protection. The research findings indicate that the marine area protection system in the City of Sabang is consistent with the practical application of ḥifz al-bi'ah within the maqāṣid of Sharia, whereby the government implements restoration efforts through the zoning of Regional Marine Conservation Areas (KKPD), the integration of national and local regulations (Qanun Aceh), as well as collaboration between the government, the community and relevant institutions in monitoring and protecting marine areas from damage. The integration of the principle of ḥifz al-bi'ah within the maqāṣid of Sharia strengthens the marine area protection system in the City of Sabang, this is realised through the principle of respect for nature by restricting the utilisation of natural resources within the zones, the principle of compassion by restoring and preventing damage to degraded ecosystems, the principle of responsibility by conducting routine monitoring by relevant authorities and the principles of simplicity and justice by enforcing fair sanctions for any violations.*

**Keywords:** Protection System, Marine Area, Marine Biodiversity, *Ḥifz Al-Bi'ah*

### INTRODUCTION

The Earth's surface is dominated by marine waters, which cover a far greater area than land. Around 70% of the Earth's surface is covered by oceans, with 97.5% of the Earth's total water content located in marine areas.<sup>1</sup> The vastness of these marine areas makes the oceans a key component of the Earth's life support system, playing a role in maintaining ecosystem balance, providing natural resources in the form of marine biodiversity, and acting as a regulator of the global climate.<sup>2</sup>

One region in Indonesia that boasts a marina area with exceptionally rich marine biodiversity is the city of Sabang, situated at the westernmost tip of Indonesia. The waters around Sabang harbour abundant biodiversity, such as coral reefs, ornamental fish and a variety

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<sup>1</sup> National Geographic, "Water Distribution on Earth," (Washington: 2023), accessed 20 June 2025, <https://education.nationalgeographic.org/resource/water-distribution-earth/>.

<sup>2</sup> Francisco de Melo and Elizabeth Robinson Viríssimo, "What Role Do the Oceans Play in Regulating the Climate and Supporting Life on Earth?", LSE Grantham Research Institute on Climate Change and the Environment, (London, 2023), accessed 16 June 2026, <https://www.lse.ac.uk/granthaminstitute/explainers/what-role-do-the-oceans-play-in-regulating-the-climate-and-supporting-life-on-earth/>.

of other marine life. This biodiversity serves as the primary source of livelihood for coastal communities, who are heavily reliant on the sustainability of marine resources. The Sabang City marina area is intended to be a managed zone to support marine tourism and marine conservation. According to the Sabang City Marine and Fisheries Department, the marina area is divided into three zones: the core zone, the sustainable fisheries zone and the utilisation zone.<sup>3</sup> The potential of the marina area is increasingly evident from its rich biodiversity.

However, these natural resources in the form of marine biodiversity can be damaged by natural factors and environmentally harmful human activities, such as *overfishing* and *destructive fishing* practices. The level of fisheries exploitation in Indonesia is relatively high, with 38% of fishing being overexploited, involving around 600,000 vessels operating without adequate monitoring and regulation, as well as illegal, unregulated and unreported fishing practices.<sup>4</sup> This has become a global issue requiring serious attention from all parties, including in the management of the marina area in the city of Sabang.

According to research by Anhar *et al.* (2024), the marina area in Sabang City shows signs of damage caused by *destructive fishing* practices, whereby individuals use explosives or fish bombs in their fishing activities.<sup>5</sup> This has resulted in damage to coral reefs at several locations due to destructive fishing practices, such as the use of fish bombs and poison.<sup>6</sup> Unregulated marine tourism activities also have a negative impact on the marine environment, such as the indiscriminate disposal of waste and damage to coral reefs caused by tourists. This continuous exploitation of marine resources threatens the sustainability of the ecosystem in the marina area and disrupts the ecological balance of various species that depend on its stability.

Furthermore, data from the Sabang City Marine and Fisheries Department also indicates that coral reef quality has declined from 2019 to 2023, with one significant cause being coral *bleaching* events resulting from natural factors. These events occur due to excessively intense sunlight, which disrupts the underwater ecosystem. Meanwhile, human activities causing damage have been recorded only on a small scale, such as fishing violations in the core zone, which are subject to penalties in the form of fines, confiscation of fishing gear and catches.<sup>7</sup> However, there are other challenges arising from parties outside the customary territory who

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<sup>3</sup> Results of an interview with Erry Wahyudi, Head of the Marine Affairs Division, Sabang City Marine Affairs and Fisheries Department, on 10 July 2025 at the Sabang City Marine Affairs and Fisheries Department office.

<sup>4</sup> Kevin Pramudya *et al.*, "Utilising Coastal Potential through the Blue Economy to Support Sustainable Development in the Coastal Areas of Sabang and Jayapura," *Journal of Innovative and Creativity (Joecy)* 5, no. 2 (2025), pp. 10095 <https://doi.org/10.31004/joecy.v5i2.1731>.

<sup>5</sup> T. Faizul Anhar *et al.*, "Raising Awareness of the Impact of *Destructive Fishing* on the Sustainability of the Marine Tourism Sector in Batee Shok, Sukamakmur, Sabang," *Jurnal Pengabdian Masyarakat Kauniah* 2, no. 2 (2024), pp. 15–16, <https://doi.org/10.33096/jamka.v2i2.395>.

<sup>6</sup> Rahmat Akbar, "From Fish Bombs to *Trawl*: Threats to Aceh's Seas - RRI.Co.Id," (2024), <https://rri.co.id/banda-aceh/hukum/549166/about.html>.

<sup>7</sup> Results of an interview with Erry Wahyudi, Head of the Marine Affairs Division, Sabang City Department of Marine Affairs and Fisheries, on 10 July 2025 at the Sabang City Department of Marine Affairs and Fisheries office.

frequently commit violations, including the dumping of rubbish at night and the use of prohibited fishing gear.<sup>8</sup>

The management and monitoring of the marine area involves not only the government but also the participation of the community and the local customary institution, namely the Panglima Laot Council. The Panglima Laot is a customary institution responsible for regulating the use of marine resources, as well as resolving customary disputes and conflicts arising amongst fishermen.<sup>9</sup> This institution is officially recognised by the Aceh Government as a strategic partner in the protection of the area, the resolution of conflicts between fishermen and the conservation of marine resources.

Within the context of customary law, the marina area is subject to regulations prohibiting the use of destructive fishing gear, such as certain types of nets, explosives and potassium.<sup>10</sup> These conservation efforts are in line with the principles of Islamic teachings, which emphasise the importance of preserving the environment. In Islamic teachings, environmental protection is known as *hifz al-bi'ah*, which forms part of the *maqāṣid syarī'ah*—the primary objectives of Islamic law, encompassing the protection of life, reason, lineage, property and religion. The concept of *hifz al-bi'ah* affirms that preserving the natural environment, including the oceans and all their contents, is of the utmost importance and is the responsibility of all dimensions of life, including the normative, moral and spiritual aspects of humanity as the part most responsible for the sustainability of human life.<sup>11</sup>

The implementation of the concept of *hifz al-bi'ah* in Islamic economics does not focus solely on material aspects, but also encompasses environmental and social aspects, which are integral to sustainable development. The concept of the *Green Economy*, an economic system aimed at enhancing human well-being and reducing environmental risks and ecological imbalances, demands a balance between meeting economic needs and preserving the environment, so that development does not deplete natural resources and continues to safeguard the sustainability of ecosystems.<sup>12</sup> In this regard, Sharia principles such as justice, environmental conservation and community empowerment form the primary foundation for the management of marine areas.<sup>13</sup> Any economic practice that damages the environment clearly contradicts the *maqāṣid* of *Sharia* and may result in legal consequences, both under *Sharia law* and under the positive law in force in Indonesia.

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<sup>8</sup> Interview with Saiful Bahri, Head of the Panglima Laot of Lhok Ie Meulee, on 10 July 2025 in Gampong Lhok Ie Meulee, Sabang City.

<sup>9</sup> Institution of Customary Maritime Law, Panglima Laot Aceh, Functions and Powers of the Panglima Laot, <https://www.panglimalaotaceh.org/>

<sup>10</sup> Results of an interview with Saiful Bahri, Head of the Panglima Laot of Lhok Ie Meulee, on 10 July 2025 in Gampong Lhok Ie Meulee, Sabang City.

<sup>11</sup> Andi Agung Mallongi, "The Concept of *Hifdz Al-Bi'ah* in the Management of Natural Water Sources for the Welfare of the People," *Jurnal Ruhul Islam* 3, no. 2 (Makassar: 2025), p. 6. <https://doi.org/10.33476/jri.v3i2.257>.

<sup>12</sup> Yayasan Indonesia CeraH, "The Potential and Examples of Green Economy Implementation in Indonesia," accessed 16 June 2026, <https://www.cerah.or.id/id/publications/article/detail/potensi-dan-contoh-penerapan-green-economy-di-indonesia>.

<sup>13</sup> Yoga Permana and Fauzatul Laily Nisa, "The Concept of Justice from an Islamic Economic Perspective," *Darussalam Journal of Sharia Economics* 5, no. 2 (2024), pp. 8–3

Legally, environmental protection is governed by various regulations, including Law No. 32 of 2009 on the Protection and Management of the Environment, and Law No. 7 of 2016 on the Protection and Empowerment of Fishermen. Specifically in Aceh, there are other relevant legal provisions, namely the Aceh Qanun No. 16 of 2002 on the Management of Marine and Fisheries Resources, the Aceh Qanun No. 20 of 2002 on the Conservation of Natural Resources, and the Aceh Qanun No. 10 of 2008 on Customary Institutions, which provide a clear legal basis regarding the management, utilisation, and protection of fish stocks and other marine biota within the Aceh region.

To achieve sustainable protection of marine areas in the City of Sabang, the application of Islamic economic law through *the maqāṣid al-sharī'ah* is required, particularly through the principle of *ḥifz al-bi'ah*. This approach integrates education based on Islamic values, collaboration amongst stakeholders, strict law enforcement, and the strengthening of local wisdom through customary maritime law (*hukum adat laot*). Consequently, the marine protected area system is not only oriented towards ecological aspects but also towards Sharia values that promote a balance between coastal development and environmental conservation. Based on this explanation, the researcher aims to conduct a more in-depth study of the system for protecting Sabang's marine protected areas from damage to marine biota from *the perspective of ḥifz al-bi'ah* within *the maqāṣid syariah*.

## RESEARCH METHODOLOGY

This study employs an *empirical legal* research methodology, which examines applicable legal provisions whilst also assessing their implementation in practice. This research methodology is used to analyse the legal basis and implementation of measures to protect the marina area in Sabang City from damage to marine biota by the Sabang City Marine and Fisheries Department. The legal analysis focuses on the effectiveness of supervision and law enforcement in efforts to protect the marina area, as well as their compliance with applicable legal provisions.

The researcher employed a descriptive qualitative research approach to describe, depict and explain the facts relating to the research subject through data obtained from various sources concerning the marine protected area system in the City of Sabang, from the perspective of *ḥifz al-bi'ah* within the framework of *maqāṣid al-shari'ah*. The data obtained will be analysed descriptively to understand the practices of marine area protection and to examine them based on the concept of *ḥifz al-bi'ah* within the framework of *the maqāṣid of Sharia*.

Research data was obtained directly from the field (*field research*) through interviews with relevant parties, namely representatives from the Sabang City Marine and Fisheries Department and the Panglima Laot. This primary data was used to obtain information regarding the forms of supervision, protection efforts, and the enforcement of laws against potential damage to marine biota in the marina area of Sabang City. In addition to primary data, this study also utilised secondary data obtained from academic books, scholarly articles, and other written sources, both printed and digital relating to the marine protected area system in Sabang City from the perspective of *ḥifz al-bi'ah* within *the maqāṣid syariah*.

All of this data was then analysed qualitatively through the processes of data reduction, data presentation and drawing of conclusions to produce a systematic overview of the effectiveness of marine area protection in Sabang City from the perspective of *hifz al-bi'ah*.

## RESULTS AND DISCUSSION

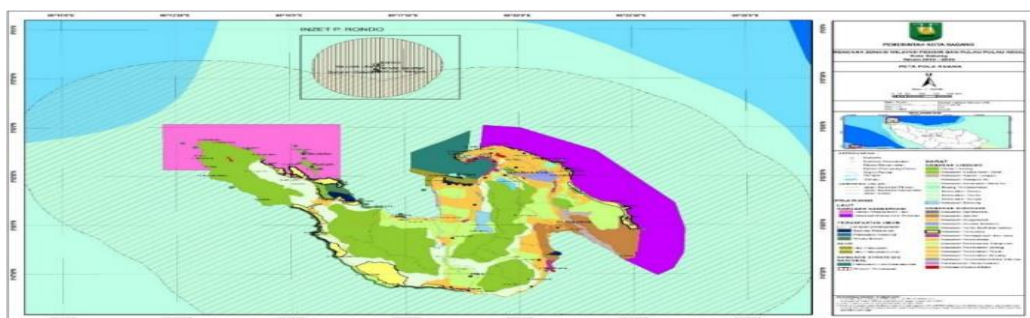
### Policies and Regulations for the Protection of the Marina Area in Sabang City

The research findings indicate that the marina area protection system in Sabang City is implemented through the Regional Marine Conservation Area (KKPD) approach, which consists of integrated coastal zoning that combines central and local government policies. According to the Sabang City Marine and Fisheries Department, the marina area forms part of coastal zone management designed to support the conservation of marine biota whilst enabling sustainable utilisation through fisheries and marine tourism activities, divided into three main zones: the core zone, the sustainable fisheries zone and the utilisation zone.

*“Within the KKPD (Regional Marine Conservation Area) there is a core zone, a sustainable fisheries zone and a utilisation zone. There is a zone within this KKPD where we restrict fishing or focus more on safeguarding the marine ecosystem there (namely the core zone). The purpose of the core zone is to allow marine life, coral, fish and fish spawning grounds to thrive. That is why this core zone is subject to full protection; nothing may be harvested there.”<sup>14</sup>*

These three zones represent one of the government’s efforts to protect the marine area in the city of Sabang. The government implements policies to protect the marine area in accordance with Aceh Qanun No. 1 of 2020 concerning the Zoning Plan for the Coastal Areas and Small Islands of Aceh for 2020–2040, as well as the provisions of the Regional Marine Conservation Area (KKPD). The core zone is designated as a fully protected area where no form of exploitation is permitted, including fishing and tourism activities. The designation of this zone aims to safeguard the sustainability of marine ecosystems, particularly coral reefs and marine life. These regulations are reinforced by legal and administrative sanctions for any violations, enforced through both national legal mechanisms and customary law applicable in the coastal areas of Sabang City.

Figure 1. Map of the Regional Marine Conservation Area (KKPD)



<sup>14</sup> Results of an interview with Erry Wahyudi, Head of the Marine Affairs Division, Sabang City Department of Marine Affairs and Fisheries, on 10 July 2025 at the Sabang City Department of Marine Affairs and Fisheries office.

(Source: Sabang City Department of Marine Affairs and Fisheries)

The protection of marine areas in Sabang City is based on clear and structured regulations, at both national and regional levels. According to information from the Sabang City Department of Marine Affairs and Fisheries, the primary legal basis for the management of the Regional Marine Conservation Area (KKPD) is Ministerial Decree No. 59/KEPMEN-KP/2013 concerning the Coastal Marine Conservation Area on the eastern coast of Weh Island, Sabang City, in the Province of Aceh.

This regulatory framework is reinforced by several other pieces of legislation, namely:

1. Law No. 32 of 2009 on the Protection and Management of the Environment,
2. Law No. 7 of 2016 on the Protection and Empowerment of Fishermen,
3. Law No. 27 of 2007 on the Management of Coastal Areas and Small Islands.

At the regional level, particularly in Aceh, there are other relevant legal provisions, namely:

1. Aceh Qanun No. 16 of 2002 on the Management of Marine and Fisheries Resources,
2. Aceh Qanun No. 1 of 2020 on the Zoning Plan for the Coastal Areas and Small Islands of Aceh for the period 2020–2040.
3. Aceh Qanun No. 20 of 2002 on the Conservation of Natural Resources,
4. Aceh Qanun No. 10 of 2008 on Customary Institutions, and
5. Unwritten regulations in the form of customary law applicable in the City of Sabang, which provide the legal basis for the management, utilisation and protection of fish stocks and other marine life in the Aceh region.

With a view to protecting and conserving the waters of Sabang City, Sabang City Qanun No. 4 of 2015 on the Protection and Conservation of the Waters of Sabang City stipulates that no individual shall engage in fishing activities using toxic chemicals, explosives and other fishing gear categorised as damaging to the aquatic environment and hazardous to health; catching fish that are protected at national or international level; engaging in *destructive fishing* practices; catching ornamental fish within Marine Conservation Areas; and anchoring and fishing within the core zone of a Marine Conservation Area.

Furthermore, pursuant to Aceh Qanun No. 1 of 2020 concerning the Zoning Plan for the Coastal Areas and Small Islands of Aceh for the period 2020–2040, the protection of marine ecosystems is also ensured through a ban on fishing in tourist areas, namely the Adat Laot Iboih area and others. This Qanun forms the basis for the establishment of the zoning plan for coastal areas and small islands in Aceh, which prohibits fishing activities whilst marine tourism activities are taking place, whether in limited quantities using hand-held fishing tackle or fishing using explosives.

Taken together, these regulations form a marina area protection system that ensures the orderly use of the marine environment, strengthens conservation functions, and establishes a clear division of powers between the central government, local governments and relevant institutions.

## **The Role of the Government, the Community and Stakeholders in the Management of the Marina Area**

The protection of the marine area in the City of Sabang is not solely the responsibility of the government, but also involves the active participation of the community and customary institutions. The local government plays a role in policy formulation, zoning, and the implementation of monitoring and training through outreach activities and regular coordination with relevant institutions. Coastal communities, particularly fishermen, act as key actors in safeguarding the marine area through compliance with zoning regulations and the prohibition on the use of destructive fishing gear. This role is reinforced by the presence of the Panglima Laot institution as a strategic stakeholder that carries out the functions of monitoring, enforcing customary law, and resolving disputes amongst fishermen. The Panglima Laot also acts as a liaison between the community and the government in maintaining the security and sustainability of the marina area in Sabang City.

However, although these roles and regulations have been implemented well, the damage to marine life is not entirely caused by human activity. According to a statement from the Sabang City Marine and Fisheries Department, the deterioration in the quality of the marine ecosystem in the Sabang City marina area by 2025 is predominantly due to natural factors, particularly the phenomenon of *coral bleaching*. *Coral bleaching* refers to a condition in which coral reefs lose their color and turn pale due to global warming, which causes sea surface temperatures to rise.<sup>15</sup> From the perspective of human activity, the violations that occurred were on a small scale, such as fishing activities in the core zone recorded at the end of 2024 in the Anoi Itam area.

*“In 2025, research by external parties indicated a decline in quality. This decline was primarily due to natural factors (bleaching). From a human perspective, there were only minor infringements, such as fishing in the core zone, as occurred in late 2024 in Anoi Itam. Penalties took the form of fines, the confiscation of equipment and catches... whilst plastic waste from tourists did exist, this was addressed through programmes such as the provision of rubbish bins and village-based waste banks. Tourism Awareness Groups (Pokdarwis) were formed by the Department of Tourism, whilst Community Monitoring Groups (Pokmaswas) operated under the Department of Marine Affairs (as part of efforts to protect the marine area, particularly in tourist zones).”<sup>16</sup>*

To support the monitoring of the marina area, the government has established Tourism Awareness Groups (Pokdarwis) under the coordination of the Department of Tourism, as well as involving Community Monitoring Groups (Pokmaswas) under the Department of Marine Affairs and Fisheries and the Panglima Laot, who also serves as the chair of the Pokmaswas.

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<sup>15</sup> Mutmainnah Muchtar and Riska, “Detection of Damaged Areas in Coral Reef Images Caused by *Coral Bleaching* Using Digital Image Processing,” *Journal of Innovation and Future Technology (IFTech)* 5, No. 2 (Kolaka: 2023), pp. 1–2. <https://doi.org/10.47080/ifttech.V5i2.2701>.

<sup>16</sup> Results of an interview with Erry Wahyudi, Head of the Marine Affairs Division, Sabang City Department of Marine Affairs and Fisheries, on 10 July 2025 at the Sabang City Department of Marine Affairs and Fisheries office.

This demonstrates a collaborative effort in managing and protecting the marina area, particularly in mitigating the negative impacts of tourism activities and maintaining the cleanliness of the marine environment. This integration between the government, the community and stakeholders is a key factor in safeguarding the marina area in Sabang City from damage to marine life.

### **Implementation of the Principle of Ḥifz al-Bi'ah in Marina Area Management**

In Islamic teachings, environmental protection is known as *ḥifz al-bi'ah*, which forms part of *the maqāṣid syarī'ah*, the primary objectives of Islamic law, encompassing the protection of life, reason, lineage, property and religion. The concept of *ḥifz al-bi'ah* emphasises that preserving nature, including the sea and all its contents, is of the utmost importance and is the responsibility of all dimensions of life, be it in terms of human norms, morals or spirituality as humans bear the greatest responsibility for the sustainability of human life.<sup>17</sup>

'*Ḥifz al-bi'ah*' is derived from two root words: '*ḥifz*', meaning to preserve, and '*al-bi'ah*', meaning the environment. Thus, '*ḥifz al-bi'ah*' can be interpreted as the preservation of the environment. Furthermore, '*ḥifz al-bi'ah*' is also known as '*fiqh al-bi'ah*'. Buya Yunhendri Danhas explains that *fiqh al-bi'ah* is the science or understanding of the environment, which encompasses the Islamic rules and provisions governing human activities and interactions with their natural environment.<sup>18</sup>

Essentially, *the maqāṣid al-sharī'ah* encompass only five fundamental protections, namely the protection of life, property, lineage, reason and religion; however, Yūsuf al-Qaradāwī, a Muslim scholar, in his work *Ri'ayah al-Bi'ah fī Syari'ah al-Islam*, explains that preserving the environment (*ḥifz al-bi'ah*) is equivalent to safeguarding the five fundamental objectives of Islam (*maqāṣid syarī'ah*).<sup>19</sup> He emphasises that a good quality of the natural environment has a significant impact on the balance of nature. Humankind must apply religious principles in its treatment of nature so that its sustainability and availability are preserved. Environmental degradation runs counter to Allah's command to cultivate, care for, and protect the earth. Religious observance also cannot be completed if the environment as our habitat is damaged.<sup>20</sup>

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<sup>17</sup> Andi Agung Mallongi, "The Concept of Hifdz Al-Bi'ah in the Management of Natural Springs for the Welfare of the People," *Jurnal Ruhul Islam* 3, no. 2 (Makassar: 2025), p. 6. <https://doi.org/10.33476/jri.v3i2.257>.

<sup>18</sup> Buya Yunhendri Danhas, "The Master Text on Environmental Science) *Fiqh Al-Bi'ah*," Book, (Yogyakarta: Deepublish Digital, 2024), pp. 90–91, <https://bintangpusnas.perpusnas.go.id/konten/BK79226/kitab-induk-ilmu-lingkungan-environment-science-fiqh-al-biah/preview>.

<sup>19</sup> M Agussalim Nur, Muhammad Sabir, and Subehan Khalik, 'Ecological Hadiths from the Perspective of Yusuf Al-Qaradawi and Their Implementation in the Campalagian Coastal Community', *Pappasang Journal* 7, no. 2 (Makassar: UIN Alauddin, 2025): pp. 254, 252–67, <https://doi.org/10.46870/JIAT.V7I2.2112>.

<sup>20</sup> Ahmad Sarip Saputra, "*Hifdh Al-Bi'ah* as Part of *Maqāṣid Al-Sharī'ah* (Yusuf Al-Qardhawi's Perspective in the Book *Ri'āyat Al-Bi'ah Fi Sharī'ah Al- Islām*)", *Journal of UIN Sunan Ampel* 8, no. 75 (2020), pp. 101.

In order to realise the key aspects of *the maqāṣid al-sharī'ah*, *ḥifz al-bi'ah* plays a vital role in establishing environmental conservation as the foundation for the sustainability of human life and nature. Yūsuf al-Qaraḍāwy has formulated the fundamental principles that every human being should adhere to in fulfilling their stewardship of the earth, namely the principle of respect for nature, the principle of responsibility, the principle of compassion, the principle of simplicity, and the principle of justice and goodness.<sup>21</sup>

The urgency of protecting the environment through the principle of *ḥifz al-bi'ah* is increasingly relevant in the modern context, particularly in the face of various ecological challenges that threaten the balance of nature and the sustainability of marine resources. This understanding has spurred the development of environmental fiqh (*fiqh al-bi'ah*) as a response to the need to safeguard the earth as a trust from Allah SWT, whilst simultaneously fulfilling the objectives of Sharia in social, economic and ecological contexts.

The implementation of the concept of *ḥifz al-bi'ah* in Sharia economic law does not focus solely on material aspects, but also encompasses environmental and social aspects, which are integral to sustainable development. The concept of *the Green Economy*, an economic system aimed at enhancing human well-being and reducing environmental risks and ecological imbalances, demands a balance between meeting economic needs and preserving the environment, so that development does not damage natural resources and continues to safeguard the sustainability of ecosystems.<sup>22</sup> In this regard, Sharia principles such as justice, environmental conservation, and community empowerment form the primary foundation for the management of marine areas.<sup>23</sup> Any economic practice that damages the environment clearly contradicts *the maqāṣid* of Sharia and may result in legal consequences, both under *Sharia law* and under the positive law in force in Indonesia.

The management of the marina area in the city of Sabang has, in substance, reflected the implementation of the principle of *ḥifz al-bi'ah* within *the maqāṣid of Sharia*. *Ḥifz al-bi'ah* is an additional principle to the five main objectives of *the maqāṣid of Sharia*, meaning the preservation or protection of the environment. Preserving the environment can be understood as an effort to maintain the balance and sustainability of the environment and ecosystems so that they remain in good condition, free from damage or pollution.<sup>24</sup>

Although the principle of *ḥifz al-bi'ah* is not explicitly mentioned in formal policy, this principle of environmental protection has been realised through restoration efforts carried out by establishing the Regional Marine Conservation Area (KKPD), comprising three main conservation zones, as well as a ban on the use of fishing gear that damages marine ecosystems. These conservation efforts are in line with the Islamic principle that positions humanity as

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<sup>21</sup> *Ibid.*, pp. 97–100.

<sup>22</sup> Yayasan Indonesia CeraH, "Potential and Examples of Green Economy Implementation in Indonesia," accessed 16 June 2026, <https://www.cerah.or.id/id/publications/article/detail/potensi-dan-contoh-penerapan-green-economy-di-indonesia>.

<sup>23</sup> Yoga Permana and Fauzatul Laily Nisa, "The Concept of Justice from an Islamic Economic Perspective," *Darussalam Journal of Sharia Economics* 5, no. 2 (2024), p. 83, <https://doi.org/10.30739/jesdar.v5i2.3072>.

<sup>24</sup> Ach. Nabilul Hikam, "The Concept of *Ḥifz Al-Biah* in the Qur'an (An Analytical Study of Maqasidi Exegesis)," Undergraduate Thesis, (2025), p. 15.

khalifah on earth, meaning that humans bear a moral responsibility to protect nature from destruction.<sup>25</sup>

This is in accordance with Surah Ar-Rum, verse 41, which reads: “Corruption has appeared on land and sea because of what people’s hands have wrought. Allah intends that they should taste some of the consequences of their deeds, so that they may return (to the right path).”<sup>26</sup> This verse explains humanity’s responsibility for the destruction occurring on Earth, both on land and at sea. In the context of *hifz al-bi’ah*, this verse can be interpreted as a call to take action to safeguard the environment in a sustainable manner.<sup>27</sup> As stewards of the Earth, humans are obliged to implement the principles of *hifz al-bi’ah* into their daily lives, namely the principles of respect for nature, responsibility, compassion, simplicity, and justice and goodness.<sup>28</sup> These principles are applied to prevent environmental damage through a sustainable Sharia-based approach, particularly in marine areas.

To assess the effectiveness of applying the principles of *hifz al-bi’ah* as a means of protecting marina areas from damage, the researcher has classified several practical indicators as follows:

1. Respecting nature by imposing restrictions on the utilisation of natural resources within specific zones and to a specific extent.

Respecting nature by imposing restrictions on the utilisation of natural resources within specific zones and areas falls under the principle of respect for nature. This principle emphasises the recognition of nature as Allah’s creation, intended as a habitat for humans and other living beings, the balance of which must be maintained.<sup>29</sup> The implementation of the principle of respect for nature can be achieved through the division of marine conservation zones and regulations on fishing gear.

In the city of Sabang, the government and relevant agencies have undertaken efforts to divide conservation zones into Regional Marine Conservation Areas (KKPD), namely the core zone (full protection), the sustainable fisheries zone (for local fishermen to carry out fishing activities) and the utilisation zone (conservation areas designated specifically for fisheries-related activities, such as port development). This division is part of the government’s efforts to maintain the balance of the marine ecosystem in the city of Sabang.

The restrictions on the utilisation zone for marine resources help the community to meet their economic needs without disturbing or damaging the natural environment. From the perspective of Islamic economic law, economic activity is not viewed solely in terms of

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<sup>25</sup> Abd Khair Wattimena, “Forest Protection through the Timber Legality Verification System (SVLK) from an Islamic Perspective,” *Ahkam: Journal of Islamic Law* 6, No. 1, (State Islamic Institute (IAIN) Tulungagung: 2018), p. 170, <https://doi.org/10.21274/ahkam.2018.6.1.156-178>.

<sup>26</sup> Ministry of Religious Affairs of the Republic of Indonesia, *The Qur’an and Its Translation*, (Jakarta: Lajnah Pentashihan Mushaf Al-Qur’an, 2022).

<sup>27</sup> Hikam, “The Concept of Hifz Al-Biah in the Qur’an (An Analytical Study of Maqasidi Exegesis),” p. 73.

<sup>28</sup> Mallongi et al., “The Concept of Hifdz Al-Bi’ah in the Management of Natural Water Sources for the Welfare of the Ummah,” pp. 9–12.

<sup>29</sup> Mistah Arrasyid, “The Relevance of Yusuf Al-Qardhawi’s *Hifdzul Bi’ah a Green Campus* at UIN Raden Intan Lampung,” *Undergraduate Thesis*, (UIN Raden Intan Lampung: 2025), p. 12.

the profit generated, but rather whether such benefits can be obtained without causing harm or loss to others. One of the fundamental principles underpinning Islamic economic thought is *mashlahah*, which serves as a guideline to ensure that every economic action not only provides profit for individuals but also benefits society.<sup>30</sup>

2. Restoring and protecting damaged marine ecosystems.

Islam embodies the principle of compassion as a religion of love that strictly prohibits all forms of violence and environmental destruction.<sup>31</sup> The principle of compassion can be put into practice through the restoration or rehabilitation of ecosystems by humankind, as part of our duty as stewards of the earth not to cause harm to it. Restoration can be achieved by avoiding exploitative practices that have a detrimental impact on the environment, such as deforestation, land degradation and environmental pollution, in order to preserve the diversity of flora and fauna.<sup>32</sup>

In the city of Sabang, the government, together with relevant agencies and the community, is carrying out restoration efforts by providing education and guidance to the community to prevent fishing violations in the core zone. Any violations that occur will be subject to appropriate sanctions. These efforts are undertaken as part of a commitment to the sustainable restoration of the marine ecosystem.

3. Routine monitoring by the relevant authorities.

The principle of responsibility obliges humankind, as stewards of the earth, to take responsibility for the sustainability of the environment by monitoring and protecting it. Humankind must not neglect the protection and conservation of the environment, as this will have an impact on human life from generation to generation.<sup>33</sup>

To put this principle of accountability into practice, the government, through the Sabang City Marine and Fisheries Department, has established Community Monitoring Groups (*Pokmaswas*), which form part of the *Panglima Laot* Institution and are tasked with monitoring all activities of coastal communities, particularly fishermen.

4. Simple and fair enforcement of sanctions

Nature was created by Allah SWT for all creatures on earth; thus, all of His creations may utilise natural resources fairly without discriminating against other creatures. As stewards of the earth, humans ought to apply the principle of justice in managing the earth's bounty without damaging or harming other living beings. Allah SWT obliges humankind to safeguard and preserve this earth through prosperity encompassing all spheres, to establish a healthy society and foster a comprehensive human civilisation covering all

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<sup>30</sup> Miftahul Jann Ritonga and Mawardi, "The Philosophical Foundations of Islamic Economic Thought: The Principle of *Maslahah* as the Main Pillar in Achieving Economic Well-being," *\*Masharif Al-Syariah Journal: Journal of Islamic Economics and Banking\** 10, No. 1 (2022), p. 190.

<sup>31</sup> Mallongi, "The Concept of *Hifdz Al-Bi'ah* in the Management of Natural Water Sources for the Welfare of the Ummah," p. 11.

<sup>32</sup> Hikam, "The Concept of *Hifz Al-Biah* in the Qur'an (An Analytical Study of *Maqasidi Exegesis*)," p. 74.

<sup>33</sup> *Ibid*, p. 60.

aspects of life, so as to realise divine justice on earth without coercion or violence, but through self-education and awareness.<sup>34</sup>

In the city of Sabang, the government has designated zones for sustainable utilisation and sustainable fisheries to be utilised to the fullest by humankind, whilst the core zone is fully protected to ensure the conservation of the marine ecosystem, so that the available natural resources can be utilised by humankind and other living creatures without causing harm to any of them. Should any individual breach these utilisation limits, the government, through the Panglima Laot institution, imposes sanctions following a consultative process regarding the offence committed. This reflects the principles of justice and simplicity, which are in line with Sharia values within the principle of *hifz al-bi'ah*.

The principle of *hifz al-bi'ah* in the Sabang City marina area is also realised through customary rules prohibiting the use of equipment that could damage the marine ecosystem, particularly coral reefs and marine life, such as the use of potassium, explosives and compressors.

*“Sanctions under customary law begin with a verbal reprimand. If the offence is repeated, a warning is issued and an agreement is made not to repeat it. Subsequent offences may be subject to customary legal proceedings in accordance with the outcome of customary deliberations. There are no written provisions regarding the severity of sanctions; everything is decided through deliberation.”*<sup>35</sup>

Customary sanctions based on deliberation reflect the principles of justice, responsibility and the common good, which are in line with Sharia values under the principle of *hifz al-bi'ah*. This approach fosters a sense of moral responsibility amongst the community in preserving the marine environment.

However, although efforts to protect the marine area in the city of Sabang have been implemented very effectively through collaboration between the government, the community and customary institutions, damage to marine life cannot be avoided due to natural factors such as *coral bleaching*. This does not automatically imply that the principle of *hifz al-bi'ah* has not been properly applied. Within *the maqāṣid al-sharī'ah*, *hifz al-bi'ah* emphasises humanity's responsibility to safeguard the environment, prevent controllable damage, mitigate impacts, and undertake environmental restoration. Thus, in the case of *coral bleaching* in Sabang, the assessment does not focus on whether natural damage can be eliminated, but rather on whether the government and the community have undertaken efforts to protect, monitor, prevent further damage, and carry out restoration work.

Based on the above explanation, the marine protected area system in Sabang City is consistent with the practical application of *hifz al-bi'ah* within *the maqāṣid of Sharia*, whereby the government, together with the community and relevant institutions, has implemented these provisions to prevent damage in the marine protected area. The protection of the marine

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<sup>34</sup> Muhtarom Ilyas, “The Environment from an Islamic Perspective,” *Jurnal Sosial Humaniora* 1, no. 2 (2008), p. 156, <https://doi.org/10.12962/j24433527.v1i2.672>.

<sup>35</sup> Excerpts from an interview with Saiful Bahri, Head of the Panglima Laot of Lhok Ie Meulee, on 10 July 2025 in the village of Lhok Ie Meulee, Sabang City.

environment is not only a legal obligation but also a moral responsibility of all members of society. This approach demonstrates that the integration of government policy, customary law and Islamic values holds great potential for safeguarding the marina area in Sabang City from damage to marine biodiversity.

## CONCLUSION

The marine protected area system in the city of Sabang is consistent with the practical application of *hifz al-bi'ah* within *the maqāṣid of Sharia*, whereby the government implements restoration efforts through the zoning of the Regional Marine Conservation Area (KKPD), the establishment of national and local regulations (Qanun Aceh), and collaboration between the government, the community and relevant institutions in monitoring and protecting the marine area from damage such as fishing in the core zone and tourism waste. This approach helps to address violations and restore ecosystem balance, although challenges posed by natural factors still require continuous adaptation.

The integration of the principle of *hifz al-bi'ah* into *the maqāṣid of Sharia* strengthens the marine area protection system in the City of Sabang, which is realised through the principle of respect for nature by imposing restrictions on the utilisation of natural resources within specific zones and to a certain extent, the principle of compassion by carrying out restoration and prevention measures for damaged marine ecosystems, the principle of responsibility through routine monitoring by relevant authorities, and the principles of simplicity and justice, which are realised through the enforcement of fair sanctions.

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