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Blue Economy Legal Codification of Malaysian Social Finance: Harmonizing Law and Fiqh in Maritime

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Abstract

The persistent disparity between Indonesia's abundant maritime resources and the economic precarity of coastal communities reveals a structural gap within the existing legal framework. This article examines the Blue Economy framework through the lens of *Maqāṣid al-Sharīʿah*, aiming to shift the discourse from general development ethics toward more precise Islamic legal reasoning (*istinbāṭ*). Employing normative legal research with statutory and comparative approaches, particularly through an examination of the legal codification of Islamic social finance in Malaysia, this study analyzes the harmonization between positive maritime law and fiqh principles. The research demonstrates a legal novelty by revealing that current regulatory models have failed to fulfill the imperative of *ḥifẓ al-māl* (the preservation of wealth) for small-scale fishers. It proposes a juridical reconstruction in which equity-based contracts (*muḍārabah* and *mushārakah*) and ZISWAF instruments are integrated not merely as voluntary alternatives but as binding statutory obligations. The findings indicate that the institutionalization of these fiqh-based mechanisms establishes a robust legal safety net capable of effectively addressing structural poverty. Accordingly, this study contributes to the development of *fiqh siyāsah* (Islamic political jurisprudence) and Islamic economic law by formulating a justiciable governance model. It concludes that the synthesis of *Maqāṣid* methodology and positive law provides a definitive legal pathway toward sustainable coastal welfare while aligning economic development with the principles of Sharīʿah.

Keywords: Islamic Economic Jurisprudence; Blue Economy Legal Framework; Fiqh Siyasah; Coastal Welfare.

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Abstract
Kesenjangan persisten antara kelimpahan sumber daya maritim Indonesia dan kerentanan ekonomi masyarakat pesisir menyoroti adanya kekosongan struktural pada arsitektur hukum yang berlaku. Artikel ini menginterogasi kerangka Ekonomi Biru melalui lensa Maqāṣid al-Sharīʿah, dengan tujuan mengalihkan diskursus dari etika pembangunan umum menuju penalaran hukum Islam (istinbāṭ) yang presisi. Penelitian hukum normatif itu memanfaatkan pendekatan perundang-undangan serta perbandingan, secara spesifik menelaah kodifikasi hukum keuangan sosial Islam di Malaysia, guna menganalisis harmonisasi antara hukum maritim positif dan prinsip-prinsip fiqh. Riset tersebut membangun kebaruan hukum dengan menunjukkan bahwa model regulasi saat ini gagal memenuhi imperatif ḥifẓ al-māl (pemeliharaan harta) bagi nelayan skala kecil. Tulisan itu mengusulkan rekonstruksi yuridis di mana kontrak berbasis ekuitas (mudhārabah dan mushārakah) serta instrumen ZISWAF tidak sekadar opsi sukarela, melainkan diintegrasikan sebagai kewajiban undang-undang yang mengikat. Temuan mengindikasikan bahwa pelembagaan mekanisme fiqh tersebut menciptakan jaring pengaman hukum yang kuat guna menanggulangi kemiskinan struktural secara efektif. Studi tersebut berkontribusi pada pemajuan fiqh siyāsah dan yurisprudensi ekonomi Islam dengan memformulasikan model tata kelola yang justiciable (dapat diadili). Disimpulkan bahwa sintesis metodologi Maqāṣid dengan hukum positif menawarkan jalur hukum definitif bagi kesejahteraan pesisir yang berkelanjutan, menyelaraskan pertumbuhan ekonomi dengan titah Sharīʿah.
Keywords: Hukum Ekonomi Islam; Kerangka Hukum Ekonomi Biru; Fiqh Siyasah; Kesejahteraan Pesisir.

Introduction

The Republic of Indonesia is defined as the world's largest archipelagic state, possessing maritime territories that cover nearly seventy percent of its total jurisdiction (Butcher & Elson, 2020). This natural wealth concentrates in strategic zones, including the Java and Sulawesi Seas, which function as vital maritime hubs (Pulungan, 2024; Raharja & Karim, 2024; Rochwulaningsih et al., 2019). However, a concerning paradox exists in the socio-economic reality where resource abundance coexists with acute poverty. Traditional fishermen remain trapped in a cycle of economic vulnerability that proves difficult to break. This situation is not merely a result of resource scarcity but rather a symptom of deep structural impediments and market failures hindering the fair distribution of welfare.

Legal scholarships suggest that such structural impediments require an intervention that goes beyond standard functions. (Pound, 2017) conceptualized law as a tool of social engineering, arguing that legal instruments must function dynamically to correct distribution imbalances. In the Indonesian context, however, existing maritime regulations often focus on macro-licensing and sovereignty, neglecting the micro-economic power relations that perpetuate poverty. Consequently, there is a theoretical and practical gap in applying transformative legal frameworks to protect vulnerable coastal groups.

To bridge this gap, contemporary Islamic jurisprudence offers *Maqāṣid al-Sharīʿah* as a holistic perspective. Auda expanded this concept from traditional preservation of religion and life to encompass universal values such as human rights and sustainable

development (Auda, 2008). Existing Islamic legal literature, however, has largely focused on the banking sector or general ethical abstractions, rarely touching upon the specific fiqh nuances of maritime resource extraction. Few studies have attempted to construct a specific fiqh framework that directly addresses the unique structural poverty found in archipelagic economies (Citaningati & Alfianto, 2024; Kasri & Ahmed, 2019). This oversight leaves the potential of Maqāṣid unexploited in the context of the Blue Economy.

Integrating Sharīʿah values into maritime governance serves as a novel alternative solution to this jurisprudential stagnation (S. H. Ali et al., 2024; Ayad, 2012). Unlike conventional approaches that prioritize aggregate growth, this framework posits *maṣlaḥah* (public interest) and distributive justice as the supreme objectives of legal enactment (Nurjannah et al., 2021). Comparative observations reveal that neighboring jurisdictions, such as Malaysia, demonstrate the efficacy of positivizing Sharīʿah-based economic policies to drive real sector growth (Nabila & Thamrin, 2022). Notes that the contribution of Islamic banking to Malaysia's GDP evinces a consistent upward trajectory, propelled by the mature integration of the financial system into manufacturing and services. Furthermore, the integration of Islamic social and commercial finance (IISCF) in Malaysia has been recognized as a key driver for addressing socio-economic challenges, particularly through waqf asset development and entrepreneurship (Maulina et al., 2023).

Conversely, the contribution of Islamic economic law to Indonesia's national ocean policy remains marginal, characterized by a significant disconnect between maritime potential and the Islamic legal ecosystem. Based on the identified gap between the successful legal codification in Malaysia and the underutilization in Indonesia, a pivotal research problem arises: how can the *Maqāṣid al-Sharīʿah* framework be operationally constructed to resolve structural poverty in Indonesia's maritime sector? This study hypothesizes that a normative governance model synergizing Islamic social and commercial finance provides a more ethical and sustainable pathway than existing conventional models.

Therefore, this research intends to explore the potential of a maritime governance framework grounded in the principles of *Maqāṣid al-Sharīʿah*. The objective is to formulate a specific normative legal model that not only stimulates blue economy growth but also guarantees distributive justice for coastal communities. Through this reconstruction, the study offers a blueprint for poverty alleviation that is theoretically sound in Islamic jurisprudence and practically applicable in national law.

Methods

This study employs normative legal research to systematically evaluate the coherence of maritime governance principles. A statutory approach is utilized to scrutinize

the hierarchy of Indonesian positive laws concerning the blue economy and coastal welfare. Concurrently, a comparative legal approach is applied to juxtapose the regulatory frameworks of Indonesia and Malaysia. The comparison focuses specifically on the legal codification of Islamic social finance, contrasting Malaysia's integrated statutory models with Indonesia's current sectoral regulations. This juxtaposition aims to identify specific legal transplants required to strengthen the enforceability of welfare policies in Indonesia's maritime sector.

Furthermore, *Maqāṣid al-Sharīʿah* functions in this research not merely as an ethical lens but as a methodological tool for legal reasoning (*istinbāṭ*). The analysis operates by testing the substantive validity of positive laws against the imperative of *ḥifẓ al-māl* (preservation of wealth). This jurisprudential assessment determines whether current maritime policies satisfy the Sharia prerequisites for distributive justice. Secondary data was obtained through a comprehensive review of primary legal materials, including acts and court decisions, as well as secondary literature relevant to the topic.

Qualitative descriptive analysis is subsequently used to synthesize data and construct comprehensive legal arguments. The theoretical framework of *Maqāṣid* serves as the primary analytical knife to dissect the gap between regulatory text and social reality. In-depth investigations into legal literature and public policy reports were conducted to support the validity of the findings. The entire analysis process is directed toward formulating applicable legal recommendations that transform *Maqāṣid* principles into binding norms for national maritime governance.

Result and Discussion

Maqāṣid al-Sharīʿah and Fiqh Siyāsah in the Blue Economy Framework

Etymologically, *maqāṣid* is the plural form of the word *maqṣud*, which means "purpose" or "object" (Umami & Nisa, 2024). Thus, *Maqāṣid al-Sharīʿah* can literally be interpreted as "the purposes of the *Shari'a*". *Maqāṣid al-Sharīʿah* operates fundamentally as the teleological framework of Islamic law, functioning to align legal rulings with the ultimate objective of human welfare (Kholil & Hersi, 2025; Syatar et al., 2023). Al-Shāṭibī, in his magnum opus Al-Muwāfaqāt, posits that the Sharīʿah was instituted specifically to preserve the essential interests of the community (Nurjannah, 2023; Wijaya et al., 2023). This classical formulation shifts the legal paradigm from rigid textualism toward a substantive approach rooted in *maṣlaḥah* (public interest) (Syatar et al., 2024). Consequently, the state bears a religious and legal obligation to formulate policies that actively realize these objectives rather than merely regulating administrative procedures (Auda, 2008).

Al-Shatibi's view marks a paradigmatic shift in Islamic jurisprudence, moving from a legal-formal approach that emphasizes the fulfillment of textual rules to a substantive approach that seeks to explore the wisdom and purpose behind each legal provision. In the contemporary context, modern thinkers such as Jasser Auda have expanded the relevance of the concept of *maqāṣid* by linking it to universal values, such as human rights, sustainable development, and the principles of good governance (Auda, 2008).

Thus, *Maqāṣid al-Sharīʿah* not only serves as a theoretical framework in Islamic law but also as an ethical and normative foundation for the formation of public policies oriented towards human well-being. The essence of *maqāṣid* is fundamentally a universal development ethic, placing welfare and social justice as the highest goal of any formulation of legal norms and government policies.

The Blue Economy, conventionally defined by the World Bank as the sustainable use of ocean resources, finds a profound theological and legal parallel in the concept of *Istikhlāf* (vicegerency) and *Imārah al-Arḍ* (cultivation of the earth) (Bank, 2025).From the perspective of Fiqh *Siyasah* (political jurisprudence), the state acts as a trustee (wakīl) responsible for managing natural resources for the benefit of the ummah . The legal maxim *taṣarruf al-imām ʿalā al-raʿiyyah manūṭun bi al-maṣlaḥah* (the leader's action over the subjects is contingent upon the public good) creates a binding legal obligation for the government to prioritize sustainability over extraction (Disantara, 2021).

Indonesian national planning documents, such as the Blue Economy Roadmap, technically align with these jurisprudential principles but often lack the binding ethical enforcement found in *Sharīʿah* governance (Yan et al., n.d.). While the concept aims for social inclusivity, the current regulatory framework treats it as a discretionary policy target rather than a mandatory legal right (Musdalifah et al., 2024). By viewing the Blue Economy through the lens of *Siyāsah Sharʿiyyah*, environmental degradation and economic exclusion are not just policy failures but violations of the state's fiduciary duty (*amānah*). This perspective elevates sustainable marine management from a strategic choice to a religious-legal imperative (Erianto et al., 2024).

Islamic law, in the framework of the formation of a legal system, can be reviewed through legal politics in Indonesia. Historically, Islamic law has been present in the legal system which became the beginning of the formation of the legal system in Indonesia, namely the Dutch East Indies legal system. The regulation of Islamic law can be found explicitly in the *Regeringsreglement* (Government Regulation) of 1815 (Hamid, 2007).

Furthermore, to understand current legitimacy, it is necessary to dissect the concept of recognized legal sources in Indonesia, which are generally divided into formal legal sources and material legal sources (A. Ali, 2002). Formal legal sources are those from which a regulation acquires legal force, such as laws, customs, treaties, and jurisprudence.

Meanwhile, sources of material law are the factors that affect or determine the content of a legal principle, which can come from religious values, morality, socio-economic conditions, or the philosophical views of the nation (Wijayanthi, 2021).

Within this framework, Islamic law has a dual position. First, Islamic law is recognized as one of the main sources of material law that forms the substance of national law. As a living law embraced by the majority of the Indonesian population, Islamic ethical values and law have sociologically and historically become a source for the development of national law (Najib, 2025). In its implementation, the Qur'an and Hadith, as the main sources in Islamic law, contain a set of values that can be used as guidelines in the administration of the state. These values can be poured into the form of laws and regulations to be effective. Thus, integrating the principles of *Maqāṣid al-Sharīʿah*, which is the essence and purpose of Islamic law, into maritime policy is a logical step to fill the legal substance in accordance with the legal beliefs and the sense of justice of society.

Islamic law has not only ceased to be a material source but has also undergone formalization into positive law in various sectors. The Sharia Banking Law, the Religious Courts Law, and various other laws provide authority in sharia economic disputes. The presence of these laws is concrete evidence that the state has explicitly adopted and applied sharia principles into the positive legal system of Indonesia. This adoption creates a strong juridical precedent that the integration of sharia values and principles into other sectors, including maritime governance, is not uncommon, but rather a consistent pattern in the development of national law.

Blue Economy, Coastal Poverty, and Sharia Economic Law in the Maritime Sector

The relevant development paradigm for the marine sector today is the Blue Economy, a concept that has been adopted globally and nationally. The World Bank defines the Blue Economy as "the sustainable use of marine resources for economic growth, improved livelihoods and jobs, and the maintenance of the health of marine ecosystems" (Bank, 2025). This definition emphasizes a balance between three main pillars: economic growth, social inclusivity, and environmental sustainability. This concept is very suitable for archipelagic countries such as Indonesia which have abundant marine biodiversity.

The Government of Indonesia has officially adopted this framework through the Ministry of National Development Planning/National Development Planning Agency (Pambudi & Kusumanto, 2023; Pribadi & Chan, 2022). In 2021, Bappenas launched the *Blue Economy Development Framework for Indonesia's Economic Transformation* document, which was then followed by the preparation of the *Indonesia Blue Economy Roadmap* (Widyasanti et al., 2023). These documents serve as strategic guidelines to direct the

development of the maritime sector towards Indonesia's Vision 2045, with the target of making the blue economy one of the pillars of sustainable new economic growth and able to contribute up to 15% of national GDP by 2045.

Conceptually, the goals of the Blue Economy are closely aligned with the global agenda of the Sustainable Development Goals (SDGs), especially SDG 14 which focuses on "Life Below Water" (Musdalifah et al., 2024). The principles of the Blue Economy, such as natural resource efficiency, zero waste, and social care, are also inherently in line with the values embodied in *Maqāṣid al-Sharīʿah*. The balance between economic utilization (*hifz al-mal*), environmental preservation (*hifz al-bi'ah*), and social justice (*hifz al-nafs*) is a fundamental meeting point between the two frameworks (Erianto et al., 2024). Based on this, the Blue Economy is not only a technocratic framework but can also be a forum for the implementation of the ethical values of *Maqāṣid al-Sharīʿah* in national maritime policy.

The stark difference between the wealth of maritime resources and the poverty of coastal communities is not a natural phenomenon, but rather a product of unequal social, economic, and policy structures (Hridoy et al., 2026). The poverty experienced by small-scale fishermen in Indonesia is generally structural, which means that the poverty is caused and perpetuated by the existing institutional order and pattern of power relations, not solely due to individual factors such as laziness or natural factors such as the famine season (Pinem et al., 2019). Juridical-sociological analysis of this phenomenon reveals several determinant factors.

First, there is an exploitative patron-client relationship between fishermen and middlemen or capital owners. This system often operates through debt bonds. Fishermen who do not have the capital to go to sea are forced to borrow from middlemen with an informal agreement that all catches must be sold to lenders (Royandi, 2019). In a very weak bargaining position, fishermen have no control over the selling price of fish, which is often determined unilaterally and well below the market price (Retnowati, 2011). This dependency creates a cycle of debt that is difficult to break, where new loans are constantly provided to cover the necessities of life, ultimately perpetuating conditions of poverty from generation to generation.

Second, there is very limited access to formal financial institutions. Small fishermen are often considered unbackable by conventional banking due to their erratic income, lack of collateral, and low financial literacy (Nadjib et al., 2023). This gap is filled by informal sources of financing such as middlemen who, while easily accessible, charge very high implicit interest rates through unfair pricing (Utami & Fatoni, 2025).

From a legal perspective, this structural poverty can be seen as a legal failure. The formal legal system, particularly the civil law governing freedom of contract, has *de facto* failed to provide substantive protection for vulnerable groups (Adom, 2026). The debt-

receivables relationship between fishermen and middlemen, although it may be seen as an "agreed" agreement, was born out of a condition of powerlessness and a very unequal bargaining position (Pangulu et al., 2025). Existing positive laws, including those in the marine and fisheries sectors, tend to focus on macro aspects such as licensing and sovereignty, but lack effective instruments to intervene and balance these unfair private power relations (Ayers et al., 2018; Galligan, 2021; Karavias, 2018; Senghor, 2025). As a result, the law indirectly allows the pseudo-"freedom of contract" to perpetuate injustice. It is this gap that demonstrates the urgency of applying ethical frameworks such as *Maqāṣid al-Sharīʿah*, which emphasizes the protection of property from exploitation (*hifz al-mal*) in order to provide solutions that are not offered by the current legal-formalistic approaches.

Table 1. Comparative Analysis of the Maritime Sector and Sharia Banking between Indonesia and Malaysia

Indicator	Indonesia	Malaysia
Contribution of the maritime sector to GDP (%)	7,9%	30%
Contribution of Islamic Banking Financing to GDP (%)	0,032%	0,43%

Processed from (Nabila & Thamrin, 2022)

The table above shows that Malaysia, as a neighboring country with geographical characteristics that are also maritime-oriented, has managed to capitalize its marine sector to contribute around 30% to its national Gross Domestic Product (GDP). This figure shows a much higher level of optimization compared to Indonesia, which has the largest marine potential in the world, yet the contribution of the maritime sector is still below 10%, at around 7.9%. This gap indicates a failure to implement effective governance of Indonesia's maritime potential, where the existing policy framework has not fully succeeded in transforming the wealth of marine resources into commensurate economic outputs.

Furthermore, when the analysis is deepened on sharia economic variables, a sharper disparity is seen. If we look specifically at the contribution of Islamic banking financing to GDP in 2019, Malaysia recorded a figure of 0.43%. In contrast, Indonesia's contribution from the same sub-sector was only 0.032% in the same year (Nabila & Thamrin, 2022). Although both figures seem small in absolute terms, Malaysia's contribution is proportionately more than thirteen times that of Indonesia, which indicates a more mature and integrated Islamic banking sector (Gomez-Gallego et al., 2022). This situation presents an argument that Indonesia's maritime sector has not been optimally worked on for the expansion and implementation of Islamic finance. The lack of contribution of Islamic finance to key productive sectors such as maritime is a policy gap that must be filled. Thus, the synergy between the two is no longer just an option, but a strategic step (Karakara et al., 2025).

Sharia Economic Policy in the Maritime Sector in Malaysia

Malaysia has succeeded in positioning the Islamic financial system as one of the main pillars of the national economy, with a significant contribution to the Gross Domestic Product (GDP), especially in the services and manufacturing sectors which in its financing components also use the Islamic economic financial system (Nabila & Thamrin, 2022). This success shows that with strong policy support and a mature regulatory framework, the sharia economy is able to become a driving force for inclusive economic growth (Islam, 2022).

Islamic financial instruments have the flexibility to be designed according to the unique characteristics of the fishing business. For example, profit-sharing schemes such as *mudharabah* or *musharakah* can be an alternative to replace the exploitative *ijon* system (a credit scheme given to farmers, fishermen, or small entrepreneurs, whose payment is made with crops or production based on low selling prices) (Simmou et al., 2023). In a *mudharabah* scheme, Islamic financial institutions can act as providers of capital (*shahib al-mal*), while fishermen act as business managers (*mudharib*), with profits divided based on the ratio agreed upon at the beginning (Fadila & Soumena, 2025). This model transforms the debt-receivables relationship into a partnership relationship, where risks and benefits are shared more equitably. This model transforms the debt-receivables relationship into a partnership relationship, where risks and benefits are shared more equitably (Fortnam et al., 2022). This aligns with the concept of risk-sharing in Islamic finance, which has been shown to be more resilient during economic crises compared to conventional debt-based systems (Caporale et al., 2020).

In addition, other instruments such as *ijarah* (lease) are used to finance assets such as boats or fishing machinery, where fishermen pay rental fees periodically without having to be burdened with expensive asset purchases upfront. For the development of larger maritime infrastructure such as ports, cold storage, or Fish Auction Sites (TPI), the financing model through the issuance of *sukuk* (sharia bonds) by the government or corporations can be an effective solution. Malaysia's success in developing the global *sukuk* market demonstrates the instrument's great potential to finance strategic development projects (Annisa, 2024). Moreover, Islamic banks in Malaysia have shown a distinct bank lending channel where their credit responds differently to monetary policy shocks compared to conventional banks, suggesting that Islamic financial instruments can provide a stabilizing effect on the economy (Caporale et al., 2020).

Macroprudential policies implemented by Bank Negara Malaysia proactively encourage the implementation of Value-Based Intermediation (VBI) for all Islamic financial institutions (Malaysia, 2019). VBI is essentially a framework that requires Islamic banking

institutions to not only operate according to sharia principles but also to produce a measurable positive impact on society and the environment. The juridical implication of this framework is that any financing channeled to the maritime sector for fisheries, logistics, and marine tourism must be inherently aligned with sustainable development goals. This policy is strengthened by specific regulations that support green financial instruments, such as the issuance of green *sukuk* and green financing incentives, of which Malaysia is one of the pioneers (Fauzi et al., 2024).

At the operational level, the supportive policy framework allows for the implementation of a variety of Islamic financial instruments to address specific needs in the maritime sector. Although not explicitly regulated in sectoral legislation, these practices are driven by the flexibility of products allowed by financial regulators. For example, for large-scale infrastructure projects such as port modernization, financing schemes through *sukuk* issuance are the main choice. For small-scale fishing communities, profit-sharing-based partnership models such as *mudharabah* and *musyarakah* are encouraged as an alternative to replace the exploitative *ijon* system. In addition, instruments such as *ijarah* (lease) for the financing of ships and equipment, as well as *salam* for working capital for fisheries aquaculture, are part of the available ecosystem. This governance is also complemented by the integration of Islamic social finance (ZISWAF) allocated to empowerment, education, and health programs in coastal areas, creating a comprehensive social safety net (Newaz & Aslam, 2025). Thus, the Malaysian government's strategy is to create an enabling environment through regulation in the financial sector, which allows the principles of Islamic economics to permeate and be implemented organically in the maritime sector, without the need for rigid and fragmented legislative intervention (A. Ali, 2002).

Maritime Sector Policy and Governance in Indonesia

An analysis of the maritime sector governance policy framework in Indonesia shows that there is a discrepancy between the goals written in the law and the reality faced by fishermen. Normatively, Indonesia has a strong foundation through Law Number 32 of 2014 concerning Marine Affairs and Law Number 45 of 2009 concerning Fisheries. These two regulations have a noble purpose, namely to manage marine resources for the "greatest prosperity of the people" and specifically to improve the living standards of small-scale fishermen. Philosophically, this goal is in line with the principles of *Maqāṣid al-Sharīʿah*, especially the protection of the soul (*hifz al-nafs*) through the fulfillment of welfare and the protection of property (*hifz al-mal*) through the fair use of resources (Mahyudin & Rosman, 2022).

However, at the implementation level, the legal framework has not succeeded in addressing the root of structural poverty experienced by fishermen. Existing policies regulate macro aspects such as licensing and sovereignty, but do not touch economic relations at the fishermen's level, which is often detrimental (Akyildirim et al., 2025). This creates a legal loophole, where practices such as the *ijon* system by middlemen are allowed to continue because there are no institutional alternatives provided by the state. Existing laws, while well-intentioned, do not expressly provide or encourage alternative economic models that can free fishermen from unfair dependence on capital and markets.

This gap should be filled by the implementation of sharia economic policies. However, until now, there has not been a governance policy that fully integrates the national maritime development agenda with the sharia economic development strategy. The contribution of the Islamic finance sector to key productive sectors such as maritime is still very limited. Although Indonesia has great sharia economic potential and already has institutions such as the National Committee for Sharia Economics and Finance (KNEKS) tasked with accelerating its development, the focus of the program has not been specifically and massively directed to answer problems in the maritime sector (Fadila & Soumena, 2025).

As a result, there was a disconnect between two major national programs. On the one hand, the government promotes the vision of the World Maritime Axis and the Blue Economy, but its financial apparatus still relies on conventional models that are proving difficult for smallholder fishermen to reach (Najib, 2025). On the other hand, the government also has the ambition to make Indonesia the center of the world's Islamic economy, but its implementation has not touched the real sectors that need solutions the most, such as poor fishing communities. Therefore, a policy step is needed that consciously directs Islamic financial instruments, both commercial (such as *mudharabah* and *musyarakah*) and social (ZISWAF) as the foundation of the fishermen's protection and empowerment strategy, so that a prosperous and just maritime vision can be realized concretely.

Synergizing Islamic Social and Commercial Finance for Coastal Empowerment: Lessons from Malaysia

A novel contribution of this study is the integration of Islamic social finance (zakat, waqf, infaq, sadaqah) with Islamic commercial finance (mudharabah, musharakah, ijarah) to create a comprehensive empowerment ecosystem for coastal communities. This integration, known as IISCF (Integration of Islamic Social and Commercial Finance), has been extensively developed in Malaysia and has shown significant positive impacts on poverty alleviation and socio-economic development (Maulina et al., 2023). The integrated

model operates through a four-stage approach: Economic Rescue, Economic Recovery, Economic Reinforcement, and Economic Resilience (Widiastuti et al., 2022).

In the context of maritime poverty, the Economic Rescue stage involves the distribution of zakat and sadaqah to meet the basic needs of fishing families during the lean season or when they cannot go to sea. This prevents them from falling into debt with middlemen. The Economic Recovery stage provides productive zakat and qard al-hasan (interest-free loans) for purchasing fishing equipment, boat repairs, or working capital. The Economic Reinforcement stage utilizes waqf funds and Islamic microfinance to provide larger capital for business diversification, such as fish processing or small-scale cold storage. Finally, the Economic Resilience stage ensures that former mustahiq (beneficiaries) become muzakki (zakat payers) who contribute back to the system, creating a sustainable cycle of empowerment.

Empirical evidence from Indonesia shows that integrated Islamic social finance is 12% more effective in enriching the poor compared to non-integrated programs (Widiastuti et al., 2022). This finding strongly supports the adoption of an integrated approach in the maritime sector (Schutter et al., 2024). Moreover, Islamic microfinance institutions (IMFIs) in Malaysia and Indonesia have demonstrated superior performance in terms of outreach and sustainability when they integrate social funds into their financing models (Maulina et al., 2023). The success of programs such as the Cash Waqf Linked Sukuk (CWLS) in Indonesia, which mobilizes cash waqf for productive investments, offers a replicable model for financing maritime infrastructure projects such as fishing ports, cold storage facilities, and fish auction sites.

Furthermore, the application of Environmental, Social, and Governance (ESG) criteria in Islamic finance, as practiced in Malaysia, can ensure that maritime financing is not only Sharia-compliant but also environmentally sustainable and socially responsible. Qoyum et al, (2022) found that Islamic firms in Indonesia and Malaysia have better environmental and social performance compared to conventional firms, indicating that Sharia compliance inherently aligns with sustainability goals (Qoyum et al., 2022). Thus, integrating ESG principles into maritime financing can enhance both environmental conservation and coastal welfare.

The Blue Legal Framework: Codifying Islamic Social Finance for Maritime Governance

The concept of "Blue Legal" in this study refers to a specialized legal framework that integrates Islamic social finance principles with maritime governance to achieve sustainable and equitable coastal development. Unlike conventional "blue economy" policies that focus primarily on economic growth and environmental sustainability, the

Blue Legal framework adds a third critical dimension: *distributive justice* grounded in *Maqāṣid al-Sharīʿah* (Menne et al., 2022).

The term "Blue Legal" signifies the harmonization of two normative systems: *Blue* represents the maritime and environmental dimension of ocean-based economic activities, while *Legal* refers to the positivization of Islamic legal principles (*fiqh*) into binding statutory norms (Caporale et al., 2020). In the context of Malaysia, the Blue Legal framework is operationalized through the legal codification of Islamic social finance instruments—such as *zakat*, *waqf*, *ṣukūk*, and *takaful*—into the national maritime policy architecture (Adam & Bakar, 2014).

Malaysia's experience demonstrates that the Blue Legal approach is not merely theoretical but has been implemented through several regulatory innovations. First, the *Islamic Financial Services Act 2013* (Act 759) provides a comprehensive legal framework for Islamic financial institutions, including those financing maritime sectors, to operate in compliance with Sharia principles while being subject to central bank oversight (Fischer & Nisa, 2025). Second, the *Securities Commission Malaysia* has issued guidelines for *Sustainable and Responsible Investment (SRI) Sukuk*, which have been used to finance green maritime projects such as port electrification and coastal conservation. Third, the *Value-Based Intermediation (VBI)* framework, mandated by Bank Negara Malaysia, requires Islamic banks to measure and report the social and environmental impact of their financing, including in the fisheries and maritime logistics sectors (Ramlan & Adnan, 2016).

The Blue Legal framework also addresses the structural poverty of coastal communities by legally mandating the integration of Islamic social finance into maritime development programs. For instance, the *zakat* institutions in Malaysia (*PPZ-MAIWP* and *Lembaga Zakat Selangor*) have established specific programs for fishermen, providing *qarḍ al-ḥasan* (benevolent loans) and productive *zakat* for boat repairs, engine replacements, and fishing gear (Rehan et al., 2025). These programs are not merely charitable initiatives but are codified under state *zakat* enactments, creating legal obligations for *zakat* collectors to allocate a portion of funds for the *sabīlillāh* (fi sabilillah) and *ghārimīn* (debt-ridden) categories specifically for fishermen (Asmawi et al., 2012).

Moreover, the Blue Legal framework in Malaysia has pioneered the use of *Cash Waqf Linked Sukuk (CWLS)* for maritime infrastructure. The *Waqf Sukuk* model, first implemented in Indonesia and adapted in Malaysia, allows cash waqf to be pooled and invested in government *ṣukūk*, with the returns used to finance public infrastructure projects, including fishing ports and cold storage facilities (Arshad et al., 2015). This model transforms *waqf* from a passive charitable endowment into an active investment vehicle that generates perpetual benefits (*ṣadaqah jāriyah*) for coastal communities while preserving the principal *waqf* assets (Manan & Shafiai, 2015).

From a *Fiqh Siyāsah* perspective, the Blue Legal framework redefines the state's role as not merely a regulator but as a *wālī al-amr* (guardian of public welfare) with a fiduciary duty to ensure that maritime resources are managed for the *maṣlaḥah* (public interest) of all citizens, especially the most vulnerable. The legal maxim *al-imām yataṣarrafu ʿalā al-raʿiyyah bi al-maṣlaḥah* (the ruler administers the people based on public interest) provides the constitutional basis for the state to intervene in market relations to correct exploitative practices such as the *ijon* system (Kayani et al., 2025).

Furthermore, the Blue Legal framework incorporates the principle of *al-ghunmu bi al-ghurmi* (gain accompanies liability) to ensure that profit-sharing in fisheries partnerships is legally enforceable. Under this principle, Islamic financial institutions that provide capital for fishing ventures must share in the risks, including the risk of poor catch due to weather or seasonal changes. This legal protection prevents fishermen from bearing disproportionate risk and ensures that financing relationships are equitable (Arshad et al., 2015).

The comparative advantage of the Blue Legal framework over conventional blue economy policies lies in its justiciability. By codifying Islamic social finance principles into positive law, the framework creates enforceable legal rights for fishermen. For example, a fisherman who receives *qarḍ al-ḥasan* from a *zakat* institution can seek legal remedy if the institution demands interest (*riba*) or unfair terms. Similarly, a fishing cooperative financed through *mushārakah* can invoke the principle of *al-ghunmu bi al-ghurmi* in court if the financing institution attempts to shift losses disproportionately (Daly & Jarboui, 2025).

In Indonesia, the adoption of the Blue Legal framework would require several legislative reforms. First, the *Fisheries Law* (Law No. 45 of 2009) and the *Marine Law* (Law No. 32 of 2014) should be amended to explicitly recognize Islamic social finance instruments as legitimate financing mechanisms for the maritime sector. Second, the *Zakat Law* (Law No. 23 of 2011) and *Waqf Law* (Law No. 41 of 2004) should be revised to allow for the integration of *zakat* and *waqf* funds into productive maritime programs, including the CWLS model. Third, the *National Committee for Sharia Economics and Finance (KNEKS)* should establish a dedicated maritime desk to coordinate the implementation of Blue Legal policies across ministries and regions (Qoyum et al., 2022).

The potential impact of the Blue Legal framework is significant. Empirical studies from Indonesia show that integrated Islamic social finance is 12% more effective in enriching the poor than non-integrated programs (Widiastuti et al., 2022). By applying this framework to the maritime sector, Indonesia could lift hundreds of thousands of fishing families out of structural poverty while simultaneously achieving the environmental goals of the Blue Economy.

Commercial and Sharia Finance Synergy to Break the Chain of Structural Poverty

Based on the analysis of the root causes of structural poverty and the potential offered by the framework of *Maqāṣid al-Sharīʿah*, a policy model that integrates the two main pillars of sharia finance is recommended: social finance (ZISWAF) and commercial finance. This model is designed not as a single solution, but as a comprehensive financial ecosystem that works gradually to break the chain of dependency and promote the economic independence of fishermen.

In the early stages, interventions should be focused on addressing the most pressing issues ensnaring fishermen: debt and economic vulnerability. This is where the role of Islamic social financial instruments (ZISWAF) becomes crucial, serving as the foundation of the empowerment ecosystem (Agustina et al., 2025).

1. Social Safety Net: Zakat, Infaq, and Alms (ZIS) funds can be distributed as consumptive assistance to meet basic needs (food, health, education) during the famine season or when fishermen are unable to go to sea. This assistance serves as a social safety net that prevents fishermen from having to take loans from middlemen to survive.
2. Debt Relief Program: Zakat has a specific allocation for the *gharimin* group (people who are entangled in debt). The Amil Zakat Institute (LAZ) or the National Amil Zakat Agency (BAZNAS) can design a structured program to pay off fishermen's debts to middlemen. This step is crucial to free them from exploitative buying and selling ties and restore their independence in marketing their catch.
3. Initial Productive Capital: After being free from debt, fishermen need initial capital to restart their business independently. ZIS funds can be channeled in the form of interest-free loans (*qardh al-hasan*) for the purchase of simple fishing gear, boat repairs, or other short-term working capital needs.

Once fishermen are stable and free from debt bondage, they become more prepared to enter into larger, growth-oriented financing schemes. This is where the role of Islamic commercial financial institutions (such as Sharia People's Financing Banks/BPRS or commercial banks' Islamic business units) becomes important as an accelerator (Fauzi et al., 2024).

1. Profit-sharing scheme (Mudharabah and Musyarakah): This is the core of the transformation of economic relations. Sharia Financial Institutions (LKS) can establish partnerships with fishermen's groups. In the *musyarakah* scheme, LKS and fishermen both include capital (LKS in the form of money, fishermen in the form of boats, manpower, and expertise) to finance one cycle of going to sea. Profits are divided based on the agreed ratio, and losses are borne proportionally according to the portion of capital. This scheme transforms fishermen from a weak

borrower position into an equal business partner and encourages LKS to participate in business assistance to ensure mutual success.

2. Lease and Purchase Scheme (Ijarah and Murabahah): For the needs of larger assets such as modern ships or refrigeration machines, LKS can use *ijarah* (lease) or *ijarah muntahiyah bittamlik* (hire and purchase). For the procurement of fishing gear, a *murabahah* scheme (buying and selling with a transparent profit margin) can be used, which provides certainty of installments for fishermen.

The empowerment of fishermen requires a robust legal foundation rooted in *Siyāsah Māliyah* (Islamic public financial policy). The state holds a juristic obligation to establish collective infrastructure, viewed not merely as physical development but as the fulfillment of *al-marāfiq al-ʿāmah* (essential public utilities). Failure to provide facilities that prevent the decay of maritime commodities constitutes a negligence of *ḥifẓ al-māl*, as it allows the destruction of value that legally belongs to the community.

To address this, the mobilization of Productive Waqf Funds (*Waqf Istithmārī*) and Regional *Sukuk* must be legally codified as the primary fiscal instruments for maritime development. These instruments function to capitalize vital assets, such as cold storage facilities and modernization of Fish Auction Sites (TPI). Juristically, this transforms the status of public funds from consumptive expenditures into productive assets that generate perpetual benefits (*ṣadaqah jāriyah*) for the coastal economy.

Furthermore, the management of TPI requires a reconstruction of market governance based on the principles of *Ḥisbah* (market supervision). The integration of digital platforms serves as a modern *Ḥisbah* mechanism to ensure pricing transparency and eliminate *tadlis* (fraud/information asymmetry). This legal intervention cuts the *iḥtikār* (monopolistic) chain of middlemen, ensuring that the profit margin distribution aligns with the principle of *al-ghunmu bi al-ghurmi* (gain accompanies liability/risk).

Harmonization of the Principles of Maqāṣid al-Sharīʿah and Sustainable Development

In order to build a robust and globally relevant policy framework, it is important to demonstrate that *Maqāṣid al-Sharīʿah* is not an exclusive value system, but is functionally aligned with universal development commitments, the Sustainable Development Goals (SDGs) (Sutopo et al., 2014). This harmonization provides dual legitimacy: cultural-religious relevance for Indonesian society and conformity to the international development agenda (Fanshurna & Pujiastuti, 2025). The five basic principles of *maqāṣid* (*al-ḍarūriyyāt al-khamsah*), coupled with the contemporary principles of environmental conservation (*hifz al-bi'ah*), can be systematically mapped with relevant SDGs targets in the maritime context (MZ et al., 2023)

Table 2. Mapping the Principles of Maqāṣid al-Sharīʿah with the SDGs and Maritime Policy Implications

The Principles of Maqāṣid	Main Objectives of the Principle	Related SDGs	Implications for Maritime Policy	Potentials/Weaknesses in National Regulations
Hifz al-Nafs (Protection of Life)	Guaranteeing the right to life and the fulfillment of basic human needs.	SDG 1, SDG 2	Policies should prioritize food security and absolute poverty alleviation in coastal communities.	The Fisheries Law aims at welfare, but it has not been effective in overcoming poverty.
Hifz al-Mal (Property Protection)	Guarantee property rights, economic justice, and protection from exploitation.	SDG 8, SDG 10	Creating fair access to capital, eradicating ijon practices, ensuring a decent selling price, and equitable distribution of income.	The Marine & Fisheries Act encourages economic growth, but is weak in protecting smallholder fishers from unequal economic relations.
Hifz al-'Aql (Protection of Reason)	Maintain and develop intellectual capacity and knowledge.	SDG 4	Empowerment programs should include improving financial literacy, technical training, and education for fisher children.	Empowerment programs exist, but they are often partial and not integrated with the formal education system.
Hifz al-Nasl (Protection of Lineage)	Protect family institutions, dignity, and generational sustainability.	SDG 5	Recognize and empower the economic role of women fishermen in development policies and programs.	Law No. 7/2016 on Fishermen Protection has been criticized for not explicitly recognizing the role of women fishermen.
Hifz al-Bi'ah (Environmental Protection)	Preserving natural ecosystems and resource sustainability.	SDG 13, SDG 14	Strict implementation of Blue Economy principles, law enforcement against destructive fishing, and marine conservation.	The Marine Law explicitly adopts the principles of the blue economy, but law enforcement is still a challenge.

Source by (MZ et al., 2023)

1. *Hifz al-Nafs* (Protection of the Soul): This principle demands the protection of human life, which includes the fulfillment of the basic needs for a decent life. This directly intersects with SDG 1 (No Poverty) and SDG 2 (No Hunger). Maritime policies based on *hifz al-nafs* must ensure that fishermen and coastal communities are free from absolute poverty and have guaranteed food security, where marine products are not only an export commodity but also a major source of nutrition for their families.

2. *Hifz al-Mal* (Protection of Property): This is not just about protecting property but also includes the right to acquire, manage, and develop property in a fair and productive manner. This principle is particularly relevant to SDG 8 (Decent Work and Economic Growth) and SDG 10 (Reducing Inequalities). Its implementation demands policies that not only encourage the growth of the maritime sector's GDP but also ensure a fair distribution of benefits, protect fishers from exploitative economic practices (such as the *ijon* system), provide equal access to resources and capital, and create decent jobs in the marine sector.
3. *Hifz al-'Aql* (Protection of the Mind): This principle emphasizes the importance of maintaining and developing the intellectual capacity of the human being. In the modern context, this is connected to SDG 4 (Quality Education). Fisher empowerment policies should not stop at material assistance but should include capacity-building programs, skills training, financial literacy, and counseling on sustainable and environmentally friendly fishing practices. Education for fisher children is also a priority to break the cycle of intergenerational poverty.
4. *Hifz al-Nasl* (Protection of Lineage): This principle includes the protection of family institutions and the sustainability of generations. This is in line with SDG 5 (Gender Equality). Maritime policy must recognize and empower the vital role of women in the fisheries value chain, from post-harvest processing to family financial management. Often, women fishermen are the most neglected group in formal laws and empowerment programs, even though they are the pillars of the economic resilience of fishing families.
5. *Hifz al-Dīn* (Protection of Religion): In the context of public policy, this translates as a guarantee of freedom to practice religious values in economic and social life. This provides the basis for the implementation of Islamic economic and financial instruments as a legitimate and state-supported option for the Muslim community.
6. *Hifz al-Bi'ah* (Environmental Protection): As a contemporary development of *maqāṣid*, this principle has become very crucial in the midst of the climate crisis. *Hifz al-bi'ah* intersects directly with SDG 14 (Ocean Ecosystems) and SDG 13 (Handling Climate Change). This principle provides a strong ethical and theological foundation for the implementation of the Blue Economy paradigm, the prohibition of *destructive fishing* practices, the conservation of marine areas, and the sustainable management of marine resources for future generations.

Conclusion

This study concludes that addressing structural poverty in the maritime sector necessitates a fundamental legal reconstruction of the Blue Economy framework through

Maqāṣid al-Sharīʿah. The analysis demonstrates that mere developmental policies are insufficient without the integration of binding *fiqh* mechanisms. By positioning *ḥifẓ al-māl* as a statutory obligation, the state transforms ethical guidelines into enforceable legal duties. The harmonization of *Sharīʿah* principles with national development agendas creates a governance model where economic growth and distributive justice are legally inseparable.

Theoretically, this research contributes to the advancement of *Fiqh Siyasah* (political jurisprudence) by formulating a justiciable framework for maritime governance. It moves the discourse of *Maqāṣid* from abstract philosophical values to operational legal instruments, specifically through the codification of *Waqf* and *Sukuk* as mandatory fiscal tools. This legal construction bridges the gap between the normativity of Islamic law and the positivism of state regulations, offering a blueprint for a *Sharīʿah*-compliant welfare state in archipelagic jurisdictions. Nevertheless, limitations exist within this study as it primarily relies on normative-doctrinal analysis and statutory comparison between Indonesia and Malaysia. The research has not yet empirically tested the efficacy of the proposed digital *Ḥisbah* mechanisms in diverse field conditions. Future scholarship should therefore focus on socio-legal investigations to validate these models empirically. Additionally, further studies are required to explore granular comparative *madhhab* perspectives—particularly between Shāfiʿī and Ḥanafī madhhabs—regarding state intervention in market pricing (*tasʿīr*) and communal rights over marine resources to enrich the jurisprudential discourse.

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