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The Role of Maqāṣid Al-Sharīʿa (Islamic Objectives) in Conserving and Sustaining the Marine Environment

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Abstract

Recent environmental studies indicate that pollution caused by human activity results in the deterioration of the marine environment and water. In this respect, achieving the sustainability of the marine environment requires taking urgent and effective measures to reduce this pollution. Therefore, this research aimed to explore the necessary role of the objectives of Islamic law in protecting and sustaining the marine environment and solving the water problem.

This research deals with the necessary objectives of Sharia objectives and its role in protecting and sustaining the marine environment. This is done by analyzing the Sharia texts (from Holy Quran and Hadiths) that support the preservation of the marine environment. It also addresses the challenges and obstacles facing the marine environment and the proposed solutions to overcome these challenges in order to achieve the protection and sustainability of the marine environment.

Keywords: *Objectives, Sharia, Islamic law, environment, marine, sustainability, necessity.*

1. Introduction

Sharia (Islamic law) is a set of religious rulings, foundations and principles derived from the teachings of Islam. It is based on legal sources such as the Holy Qur'an, the Sunnah (the Prophetic Tradition), the consensus of jurists, etc. The Holy Qur'an and Sunnah are the main and most trustworthy Islamic sources. In this respect, Islam is an integrated structure that includes all aspects of life, and is based on a solid and strong foundation whose source is divine revelation.

The comprehensiveness of Islam includes all aspects of human life from birth to death. Man is God's vicegerent on earth who has been entrusted with its reconstruction and the fulfillment of God's message therein to the fullest extent. The Almighty said: And [mention, O Muhammad], when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority." They said, "Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?" Allah said, "Indeed, I know that which you do not know" (Quran, 1:30). With this succession, God Almighty made everything in the universe subservient to man, succession for his life, and in agreement with his existence. The Almighty said: And He has subjected for you the night and day and the sun and moon, and the stars are subjected by His command. Indeed in that are signs for a people who reason (Quran, 16:12).

Preserving the marine environment is one of the tasks of harnessing, which represents a real pillar in the relationship between man and the universe, as man is the creature who lives in the environment and coexists with it. The Almighty said: Do you not see that

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Allah has subjected to you whatever is on the earth and the ships which run through the sea by His command? And He restrains the sky from falling upon the earth, unless by His permission. Indeed Allah, to the people, is Kind and Merciful (Quran, 22:65).

When God Almighty created the earth, He made the seas the largest share. It is not surprising that water covers three quarters of the globe, as the sea is a self-contained world, full of secrets and wonders. Moreover, it is an integrated life as many worlds live in water, in addition to the beauty on its surface. Its depths are full of life, valuable and diverse treasures and pearls, and it is a source of the bounties and blessings bestowed by God Almighty on all creatures. And the sea is one of God's powers which is subjected to man.

There is no doubt that the marine environment is an essential and vital component of life on Earth and is a vital part of the entire world. In this respect, it provides food, water, air and disease prevention, and plays an important role in regulating the climate and preserving biodiversity. Thus, it has a direct effect on human health and well-being.

Therefore, the importance of writing on this topic becomes clear due to the vital role of the marine environment, which is an important part of global biodiversity. It is also of great importance in the production of food, drugs, climate regulation, tourism and all economic activities. Despite this, the marine environment unfortunately faces many challenges and risks, which raise awareness of the necessity to preserve life in seas and oceans.

And since Islamic Sharia plays an important role in protecting and preserving the marine environment in a sustainable manner, and provides a set of controls and guidelines that regulate the human relationship with the marine environment, and protect it from pollution and destruction, there is a need to study "The Role of Maqāṣid Al-Sharīʿa (Islamic Objectives) in Conserving and Sustaining the Marine Environment"

Statement of the Problem:

The research problem is represented in answering these questions:

- What is meant by marine environment?
- Is there any reference to the importance of the marine environment in the Qur’an?
- What are the challenges facing the marine environment?
- What is the relationship between Sharia objectives and their role in preserving the marine environment?
- What are the mechanisms and methods that achieve marine sustainability in accordance with the necessary Sharia objectives?

Significance of the Research:

The importance of the research stems from the importance of its topic. That is, it examines the necessity of Sharia objectives and their relationship to the marine environment. Besides, it investigates the approach of the Holy Qur’an and Sunnah (Prophetic Tradition) in how to direct the necessary Sharia objectives in preserving religion, life, mind, money and mankind. It gains much significance from people’s need to know that the implementation of the Sharia objectives leads to bringing benefits and preventing harm to all humanity. There is also an urgent need to write on this topic because of the pollution and deterioration of the marine environment.

2. Previous studies:

The subject of Sharia objectives is a fundamentalist topic for jurists, and many books and volumes were written about it. Some of them included ten volumes, such as the Guide to the Authors of Sharia Objectives, supervised by Dr. Ahmed Al-Raysouni. The book covered all books, theses, and research papers on the Sharia objectives.

Below is a list of Islamic studies that dealt with the environment in general:

- Al-Anqari (2005): The study carried the title “Environment in Islamic Thought: A Reading in Texts and Reality”, Center for Islamic Research and Studies in Riyadh, Saudi Arabia.
- Al-Shaabani (1997): The study was entitled “Environment and Sustainable Development in Islamic Thought”, Al-Resala Foundation, Beirut, Lebanon.
- Al-Fayez (2004): The study carried the title “Environmental Legislation in Islamic Sharia: A Comparative Study", Center for Islamic Studies and Research in Riyadh, Saudi Arabia.

A number of studies were conducted on the marine environment. Some of them are listed below:

- Al-Nabulsi (2007): The study was titled “Protection of the Marine Environment in Public and Islamic International Law”, Dar Al-Nafais for Publishing and Distribution, Damascus, Syria.
- Al-Harbi’s book "Sustainable Development and the Marine Environment". It deals with various topics such as biodiversity, marine pollution, management of marine resources, and sustainable development of beaches and coastal areas. It also presents practical experiences and case studies in the Arab region.
- There are some studies that dealt with the impact of the objectives of Sharia on the marine environment, but all of them, as far as the researcher is aware, did not address the role of Maqāṣid Al-Sharīʿa (Islamic Objectives) in conserving and sustaining the marine environment.

3. Research Methodology:

The researcher followed the inductive approach to extrapolate what was written about the Islamic objectives by the fundamentalists and what was written about the marine environment and its preservation and sustainability by specialists in this field. Besides, the analytical approach was followed in analyzing the Qur’anic verses and highlighting the relevance of the legal objectives to the marine environment. It is also used to question their impact on preserving and sustaining the marine environment.

4. Sharia as a jurisprudential term:

The objectives of Sharia is one of the topics that old and contemporary jurists have dealt with in their research. However, old jurists, as far as the researcher is aware, did not formulate an accurate definition of it. Rather, they mentioned its general meaning in bringing interests and warding off evil. Perhaps this is due to the clarity of its meaning at that time and it did not need study and research.

Al-Ezz bin Abd al-Salam said: (Whoever follows the purposes of the Sharia in bringing interests and warding off evils will know that this benefit cannot be neglected, and that this evil cannot be sacrificed even if there is no text, consensus, or special analogy in it) (Al-Damashki, 1991).

4.1. Objectives of Sharia according to contemporary jurists:

The definitions provided by contemporary jurists for the objectives of Sharia have varied. The reason for this is that this field of research is still fresh. One of the oldest definitions of the term in the modern era is the definition given by Ibn Ashour: (the legitimate rule of the legislator in all cases of legislation) (Al-Tunisi). Al-Raysouni also defined it as: (the goals that the Sharia seeks to achieve for the benefit of mankind).

After examining the contemporary definitions of Sharia objectives, the researcher noted that the best and most comprehensive definition was given by Al-Raysouni, as it is a definition that includes public, private and partial objectives. The researcher believes that the Islamic objectives are all the interests that the Almighty wanted and that depend on the Sharia rulings, such as the interest of succession in the earth, the reconstruction of the universe, the preservation of all its parts and resources, and the work to sustain them. These interests are many and varied. In general, they are in the great interest and goal represented in achieving the worship of God, reforming people and making them happy in this world and the hereafter. Accordingly, the interest of protecting and sustaining the marine environment emerges.

5. The concept of the marine environment in Islamic law and its significance in the Qur'anic context and the challenges it faces:

5.1. The concept of the marine environment and its importance:

The word "environment", بيئة in the Arabic language is derived from the verb (بوأ), as mentioned in the Holy Qur'an, in Almighty's saying: And those who have believed and done righteous deeds - We will surely assign to them of Paradise [elevated] chambers beneath which rivers flow, wherein they abide eternally. Excellent is the reward of the [righteous] workers (Quran, 58:29). It is the home and the situation, and it is classified as the natural environment, the social environment and the political environment (Ibn Manzor, 1414AH).

Generally, the concept of the environment is used to denote the place in which a person or animal resides, whether they are wild or marine animals, including the components and elements that surround them, living or non-living.

5.2. Marine environment:

The term marine environment refers to all areas of water that represent a mass connected to each other, intertwined with parts, whether this connection is natural or artificial, with all aspects of marine life. In this respect, the legislator in the United Arab Emirates defined it as (marine water, natural resources, plants, fish and other marine organisms, in addition to the air above it and fixed or movable facilities or projects around it…) (UAE Environment Conservation Law, 2006).

5.3. Importance of the marine environment:

The importance of the marine environment is evident through the role it plays in human life. In this context, the seas are no longer just transportation routes, but rather play a major role in achieving climate balance in the human environment, a source of rain on land, a source of agriculture, and an important reserve for minerals and all types of food in the long run. Recent discoveries showed that there are huge quantities of minerals at the bottom of the seas, sufficient for humans for hundreds of thousands of years, after the minerals are depleted on land.

6. The Quranic verses that refer to the marine environment, and the way they are indicated:

The sea was mentioned in the Holy Quran in more than forty places. In most of these verses, there is a reminder of the blessing of the sea that God Almighty bestowed upon mankind and the benefits it brings to human, animal and plant life. For example, Almighty said: And it is He who subjected the sea for you to eat from it tender meat and to extract from it ornaments which you wear. And you see the ships plowing through it, and [He subjected it] that you may seek of His bounty; and perhaps you will be grateful (Quran, 16:14).

The significance of this verse lies in the fact that it refers to the greatness of God Almighty and His ability to create fresh meat in salty waters (Al-Alousi, 1415) and to provide man with means of adornment such as pearls and others that achieve human happiness and well-being, in addition to the grace of God Almighty in facilitating marine means of transportation for people such as ships. Allah says: And to Him belong the ships [with sails] elevated in the sea like mountains. That is, the Almighty subjected to His servants the ships that ply the sea and part it, God willing (Al-Saadi).

The distinction provided in the Holy Qur'an between the salty sea and the fresh sea is evident in the Almighty's saying: And not alike are the two bodies of water. One is fresh and sweet, palatable for drinking, and one is salty and bitter. And from each you eat tender meat and extract ornaments which you wear, and you see the ships plowing through [them] that you might seek of His bounty; and perhaps you will be grateful (Quran, 35:12). The significance of the verse is evident in the Almighty's telling of His power, wisdom, and mercy. He made the two types of sea for the interests of the earthly world as a whole, and He did not equate them both, because the interest requires that the rivers be sweet, fragrant, palatable in their drink, so that drinkers, planters, and farmers benefit from them, and that the sea be salty so that the air surrounding the earth does not become corrupted with the scents of the animals that die in the sea, and because it is static and does not runs. Its salinity prevents it from changing, and its animals are better and more delicious (Al-Saadi).

Indeed, the mercy of Allah is close to the doers of good. The verse indicates that God Almighty forbade corruption in the land and obligated that it must be preserved and not destroyed, and the marine environment is an integral part of the land. It was stated in the Holy Qur'an: Have those who disbelieved not considered that the heavens and the earth were a joined entity, and We separated them and made from water every living thing? Then will they not believe (Quran, 21:30).

This indicates that the water; the marine environment, is the source of life and that God Almighty made the land and seas a blessing for us, and made us responsible for preserving them.

Preserving the environment was also mentioned in the Sunnah (Prophet Tradition). An example of this is the saying of the Prophet, peace and blessings be upon him: "There should be neither harm nor reciprocity" (Ibn Majah). This hadith was characterized by generalization, as it included the prohibition of all types of harm, including harming the marine environment.

And he, peace be upon him, said: "Allah is gentle and He loves gentleness in all matters, so if you kill, kill well, and if you slaughter, slaughter well." And let each one of you sharpen his blade and let him spare suffering to the animal he slaughters".

This hadith refers to benevolence to and preservation of creatures, including preserving sea creatures while using it. We can benefit from the concept of "trust in Islam", in the Almighty's saying: Those who faithfully observe their trusts and their covenants (Quran, 23:8).

Therefore, we must faithfully observe our behavior on the land and our use of what it contains, including the marine environment, and not damage or encroach on it by all means. These methods will be explained later in this research.

7. Challenges facing the marine environment:

There are many challenges facing the world in protecting and sustaining the marine environment. These challenges have two main causes:

Natural causes: Volcanic eruptions cause direct pollution of sea water due to the many gases and solid chemical elements that affect the health of organisms, in addition to the leakage of molten materials from them into the water. Add to this the waste of marine organisms, although this does not constitute a very dangerous matter (Yaqub, 2010; Emirate Today, 2021).

Human causes: These causes result from the practice of wrong activities that harm the marine environment. They can be listed in the following points:

- Dumping the wastes of factories, laboratories and petroleum wastes into the sea water.
- Pollution due to Oil exploration in the seas.
- Dumping waste and residuals from giant planes and ships into the seas.
- Throwing materials that contain radioactivity or thermal materials into the seas.
- Throwing materials that are difficult to decompose, such as plastics and solids, into the seas.
- Oil spilled from marine vessels.
- Abandoned ships, as large categories of marine species have been negatively affected by marine debris (Salamah; Alhakam).

These are the most important reasons that pose a great threat to the marine environment. Based on these data, the researcher recommends the necessity of strengthening and coordinating efforts on a global level, in order to protect and manage these marine resources of great environmental and economic importance, and to reduce the risks that threaten them.

8. The role of Sharia Objectives in conserving and protecting the marine environment:

In this part, the relationship between the necessary objectives of the Sharia and the marine environment is examined along with the methods that achieve marine sustainability in accordance with those objectives.

8.1. The relationship of Sharia objectives with the marine environment:

The role played by Sharia objectives in protecting and sustaining the marine environment can be seen in the following.

The objective of soul-preservation indicates that Islamic law forbids everything that leads to the destruction of the soul or damage to it. It is certain that everything that harms the marine environment and causes water pollution is a major cause of deterioration in public health, which endangers people's lives. Thus, the protection of the marine environment and healthy waters is part of soul-preservation. In this context, the Prophet, may God’s prayers and peace be upon him, said: “None of you should urinate in stagnant water that

does not flow, and then take a bath in it" (Al-Bukhari, 1422AH). This is because this behavior causes water pollution and rottenness, and thus leads to self-harm and death.

Sharia also protects wealth. In this respect, Sharia rules warn against wasteful use of water and natural resources and encourage their use in a sustainable manner according to need. Therefore, the protecting wealth is closely related to the protection of the marine environment and water, as the aim is to preserve natural resources and invest them in a sustainable manner. The Holy Qur'an made the description of extravagance inherent to the unbelievers and the immoral. Almighty said: Indeed, the wasteful are brothers of the devils, and ever has Satan been to his Lord ungrateful (Quran, 17:27).

It is obvious that the above Holy verse forbids extravagance and waste in general. This forbidding is also evident in the Sunnah of the Prophet, as it was narrated on the authority of Abdullah bin Amr, may God be pleased with him, (that the Prophet, may God's prayers and peace be upon him, passed by Sa'd while he was performing ablution, and he said: What is this extravagance, Sa'd? Sa'd replied: Is there extravagance in ablution? He said: Yes, even if you are on a running river) (Ibn Majah) . This is evidence of using water as much as needed without excess. In the short term, the evidence indicates adherence to the orders of God Almighty and our noble Prophet, while in the long term, it aims to preserve and sustain natural resources, and thus achieves the objective of wealth protection.

Another objective is related to preserving religion, and this is achieved by applying the concepts of justice and fairness in dealing with marine resources and promoting the concept of shared responsibility in preserving the oceans and the marine environment. This leads to a commitment to obeying God and obeying His Messenger and those in authority, protecting the marine environment, solving the water problem, and preserving natural resources for future generations, Almighty said: Say, [O Muhammad], "My Lord has ordered justice and that you maintain yourselves [in worship of Him] at every place [or time] of prostration, and invoke Him, sincere to Him in religion." Just as He originated you, you will return [to life] (Quran, 7:29).

The meaning of the above Holy verse is that God Almighty commanded humans to be moderate, so there is neither excess nor negligence in Islam. This is the business of the Muslim that he must always be a moderate. If one disposes of the environmental resources, he must not exploit or deplete the environmental resources, but rather preserves them, in accordance with the words of God Almighty: And [they are] those who, when they spend, do so not excessively or sparingly but are ever, between that, [justly] moderate (Quran, 25:67).

Islam also aims at preserving the mind, as the Holy Qur'an urged man to use his mind, and called on him to renounce stagnation. As the Holy Qur'an clarified that whoever ignores the blessing of the mind and does not use it, he will be relegated to the rank of animals. Almighty said: Indeed, the worst of living creatures in the sight of Allah are the deaf and dumb who do not use reason (Quran, 8:22).

Here appears the necessity of the mind, which has an impact on the revival and reconstruction. These effects include all parts of the earth, including the marine environment, which leads to dealing with and exploiting marine resources, in accordance with Islamic law and in a manner that achieves the objective of reason.

Another Sharia objective emphasizes the protection of mankind. This objective plays an important role in protecting the marine environment, as raising awareness of the importance of preserving the oceans and the marine environment, and establishing controls and rules upon which effective practices are based, leads to preserving future generations and securing sources of livelihood and sustainable life for them, thus achieving sustainable development in coastal and marine communities. God Almighty has established general and specific controls and obligated people to adhere to them. He says:

And those who harm believing men and believing women for [something] other than what they have earned have certainly born upon themselves a slander and manifest sin.

Al-Tantawi says, explaining the meaning of the verse: And those who commit against believing men and women what harms them in their honor, in their souls, or in anything else that is related to them, without the believing men or women having done what necessitates harming them, they bear the burden of slander and a clear sin. That is, they committed a heinous sin, a shameful act, and an obvious sin, because of their harm to believing men and women (Al-Tantawi). The marine environment is the right of all mankind. In this respect, protecting the marine environment is part of preserving the human race and securing natural resources.

8.2. Mechanisms and methods that achieve marine sustainability in accordance with Sharia objectives:

Societal and individual activities have witnessed a significant increase in marine environments in our time, which has resulted in serious negative consequences on the state of our marine environment. There are many threats facing the oceans, which include illegal fishing practices, pollution from land-based sources, ballast water drainage, habitat destruction, and chemical spills, as well as other threats to the sustainability of the marine environment. Therefore, it is urging to use necessary means to reduce these risks, and to comply with the Islamic objectives. This is done by applying the Islamic objectives on aspects of sustainable development in the marine environment.

8.2.1. Biological and ecological diversity:

Islamic objectives can be used to preserve biological and environmental diversity in marine waters by preventing excessive fishing, especially at the time of reproduction. This is done by applying the principle of moderation and balance that helps in benefiting from marine resources and preserving biological and environmental diversity at the same time. Allah says: And thus we have made you a just community that you will be witnesses over the people and the Messenger will be a witness over you. And We did not make the qiblah which you used to face except that We might make evident who would follow the Messenger from who would turn back on his heels. And indeed, it is difficult except for those whom Allah has guided. And never would Allah have caused you to lose your faith. Indeed Allah is, to the people, Kind and Merciful (Quran, 1:143).

A just community means a just choice (Tantawi, 1998), and moderation means moderation in all aspects of life, and moderation in matters can only be achieved by moderation and not inclining to excess, negligence and decadence. This is according to the principle of Islam that every Muslim must abide by in religious and worldly affairs, including the marine environment.

8.2.2. Marine pollution:

Sharia objectives can be applied to reduce marine pollution by maintaining clean beaches and marine waters, and minimizing pollution from Oil and exploration. This is done by imposing appropriate rules and regulations to prevent pollution and mitigate its effects. This is implied in the words of the Prophet, peace be upon him: “Beware of the three curses: excrement in resources, shade, and roadsides” (Ibn Majah).

8.2.3. Raising the community's awareness:

God Almighty has mentioned the principle of awareness and warning to people in the Holy Qur’an in His saying: O you who have believed, fear Allah . And let every soul look to what it has put forth for tomorrow - and fear Allah . Indeed, Allah is Acquainted with what you do (Quran, 59:18).

Here, God Almighty commands His faithful servants to do what faith necessitates and obliges, and to observe what God has commanded them to do. They have to follow His

commands, laws, and limits, and they look at what they have and what they owe, and what they got from the works that benefit or harm them on the Day of Resurrection (Al-Saadi). This awareness is general and its approach can be applied using the objectives of Sharia in promoting awareness and education of marine environmental issues and Islamic ethics related to them. It is also applied through showing the impact of human activities on them, in addition to promoting environmental values and ethics that enhance the protection and sustainability of the marine environment.

8.2.4. Work and cooperation:

This is done through the provision of educational curricula specialized in this field, guidance for joint action between the concerned parties, and activating the role of specialized Islamic bodies and institutions in this field. This aspect is referred to in the Almighty's saying: And say, "Do [as you will], for Allah will see your deeds, and [so, will] His Messenger and the believers. And you will be returned to the Knower of the unseen and the witnessed, and He will inform you of what you used to do (Quran, 9:105). The verse commands action in all respects. This confirms that people must work and take responsibility for preserving the environment, including the marine environment.

9. Conclusion:

The objectives of the Sharia are the goals that were set in order to achieve the interest of the people. It is based, in all aspects of life, on obtaining benefits and warding off corruption for the sake of righteousness of life and the sustainability of its interests. Besides, Sharia objectives are those that achieve benefits and ward off harm. Therefore, one of the important objectives of Sharia is represented in protecting the marine environment with legal evidence from the Qur'an and Sunnah.

Furthermore, preserving the marine environment and its sustainable development is a necessity to meet the needs of the present age and the future generation. In this respect, understanding the preservation and sustainability of the marine environment on the basis of Sharia objectives must be restricted by the controls established by Islamic law to preserve religion, life, mind, money and humankind. The role of Sharia objectives in preserving the marine environment is achieved through the proper application of the five general benefits, as stated in the Qur'an and Sunnah.

One of the effects of applying Sharia objectives on the aspects of development is that they achieve preservation and sustainability of the marine environment.

Marine pollution leads to a change in the physical, chemical and biological properties of sea water. It also affects the marine economic and tourism activity. Furthermore, it leads to the loss of a large amount of fish which is an essential element in human food.

Recommendation:

- Issuing a quarterly magazine that highlights the dangers of the marine environment pollution and emphasizes the protection of the marine environment from an Islamic perspective.

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