

The Flexibility of Islamic Law in Responding to Climate Change Impacts on the Economy

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ABSTRACT

This study aims to examine the flexibility of Islamic law in addressing the economic impacts of climate change, focusing on applying relevant Sharia principles in mitigating and adapting to these global challenges. It also analyzes how religious fatwas, such as MUI Fatwa No. 86 of 2023, and approaches by religious organizations like Nahdlatul Ulama and Muhammadiyah contribute to sustainable, Sharia-based solutions. This research employs a qualitative methodology with a juridical-normative approach. The primary sources include literature reviews of books, academic journals, religious fatwas, and official documents related to the flexibility of Islamic law, climate change impacts, and their economic implications. Data were analyzed to evaluate the relevance of Islamic law in providing adaptive solutions to contemporary issues. The findings reveal that the flexibility of Islamic law enables Sharia regulations to adapt to modern social and environmental conditions, including climate change. Principles such as *maqasid al-shariah*, *maslahah mursalah*, and *usul al-fiqh* have proven effective in supporting climate change mitigation and adaptation. Religious fatwas, such as MUI Fatwa No. 86 of 2023, along with the approaches of NU and Muhammadiyah, have significantly contributed to raising collective awareness and formulating environmental policies grounded in religious values. This study underscores the critical role of Islamic law in offering sustainable solutions that are both relevant and adaptive to the economic impacts of climate change.

Keywords: Climate Change; Economic Impact; Islamic Law.

ABSTRAK

Penelitian ini bertujuan untuk mengkaji fleksibilitas hukum Islam dalam merespons dampak perubahan iklim terhadap ekonomi, dengan fokus pada penerapan prinsip-prinsip syariah yang relevan dalam mitigasi dan adaptasi terhadap tantangan global ini. Studi ini juga menganalisis bagaimana fatwa-fatwa keagamaan, seperti Fatwa MUI No. 86 Tahun 2023, serta pendekatan organisasi keagamaan seperti Nahdlatul Ulama dan Muhammadiyah, memberikan kontribusi dalam membangun solusi berkelanjutan berbasis syariah. Metode penelitian yang digunakan adalah metode kualitatif dengan pendekatan yuridis-normatif. Penelitian ini menggunakan kajian pustaka sebagai sumber utama, melibatkan analisis buku, jurnal ilmiah, fatwa keagamaan, dan dokumen resmi terkait fleksibilitas hukum Islam, dampak perubahan iklim, dan implikasi ekonominya. Data dianalisis untuk mengevaluasi relevansi hukum Islam dalam memberikan solusi adaptif terhadap isu-isu kontemporer. Hasil penelitian menunjukkan bahwa fleksibilitas hukum Islam memungkinkan penyesuaian hukum syariah terhadap kondisi sosial dan lingkungan modern, termasuk perubahan iklim. Prinsip-prinsip seperti maqashid syariah, masalah mursalah, dan kaidah ushul fikih terbukti dapat mendukung mitigasi dan adaptasi perubahan iklim. Fatwa keagamaan, seperti Fatwa MUI No. 86 Tahun 2023, serta pendekatan NU dan Muhammadiyah, memberikan kontribusi nyata dalam meningkatkan kesadaran kolektif dan membangun kebijakan lingkungan berbasis nilai-nilai agama. Penelitian ini menegaskan bahwa hukum Islam berperan signifikan dalam menawarkan solusi berkelanjutan yang relevan dan adaptif terhadap dampak ekonomi perubahan iklim.

Kata kunci: *Perubahan Iklim; Dampak Ekonomi; Hukum Islam.*

INTRODUCTION

The consistent application of Islamic jurisprudence (fiqh) across generations demonstrates its flexibility. This flexibility allows fiqh to adapt to ever-changing social conditions, including addressing contemporary issues. For example, fiqh can provide ethical and moral guidance on environmental stewardship in climate change (Williams, 2008), as emphasized by religious organizations like the Indonesian Ulema Council (MUI). MUI, as Indonesia's most prominent Islamic organization, plays a pivotal role in shaping policies related to environmental issues and climate justice (Bahri, 2024).

Climate justice is a critical issue encompassing climate change's ethical and moral aspects. It demands equitable treatment of all people and the environment in efforts to mitigate and adapt to climate change (Maniruzzaman & Al-Saleem, 2024). In this context, Islamic law provides fundamental principles and regulations that serve as a basis for legal applications aimed at the welfare of humanity. Islamic law emphasizes the importance of maintaining balance and justice, as enshrined in the Quran and the Sunnah of the Prophet Muhammad (Zaenurrosyid et al., 2024). As a way of life, Islamic law demonstrates its dynamism by addressing various life issues, including environmental and climate change problems. With this flexibility, Islamic law remains relevant in the past, present, and future, offering solutions that align with contemporary needs while preserving its divine essence (Subeitani et al., 2022; Masturi et al., 2021).

The flexibility of Islamic law can be adapted to modern contexts. Saeed (2006) in his book *Interpreting the Qur'an: Towards a Contemporary Approach*, discusses the importance of contextual approaches to understanding Quranic texts to address contemporary issues such as environmental and social change. Al Qardawi (1999) in his work *Fiqh al-Awlawiyyat*, emphasizes that environmental preservation is an integral part of maqasid al-shariah (objectives of Sharia), highlighting the priority of Islamic law in tackling global challenges such as ecological crises (Abdullah, 2012). Similarly, Duderija (2010) in his paper *Constructing the Religious Self and the Other: Neo-Traditional Salafi and Progressive Muslim Methods of Interpretation*, explains how progressive Islamic legal approaches can address modern challenges like climate justice.

MUI's environmental fatwas, such as Fatwa No. 4 of 2014 on the Conservation of Endangered Wildlife for Ecosystem Balance, provide concrete examples of the application of Islamic law in environmental preservation (Wijaya, 2019). Moreover, studies by Kamali (1991) in *Principles of Islamic Jurisprudence* lay the foundation for how Islamic legal principles like istihsan and maslahah support the flexibility of Islamic law in addressing changing times.

Relevant research also appears in articles like Hadiat et al. (2024), highlighting how Islamic economic law contributes to sustainable economies while adhering to Sharia principles. Luthfi (2023) in his study, explores the relationship between economic growth and climate change in Indonesia, emphasizing solutions offered by Islamic economic perspectives. This research will focus on the

integrative aspect of the flexibility of Islamic law with the economic impacts of climate change, encompassing Sharia legal approaches to tackling global economic challenges related to environmental issues. This approach is expected to provide more specific guidance in addressing the economic impacts of climate change, a topic that has not been extensively discussed in previous studies.

METHODS

This study employs a qualitative research method with a juridical-normative approach. The research relies primarily on library research, delving into literature related to the flexibility of Islamic law, climate change impacts, and their economic implications. Data were gathered from books, academic journals, religious fatwas, and official documents, such as MUI's environmental fatwas. The collected data were analyzed to assess Islamic law's relevance in addressing climate change's economic impacts. This approach enables the identification of practical Sharia-based solutions that are adaptive to contemporary challenges.

RESULTS AND DISCUSSION

Principles of Flexibility in Islamic Law in Addressing Climate Change

Ibn Qasim al-Ghazy explains that fiqh understands Sharia's practical rulings derived from detailed evidence. According to Ibrahim al-Bajuri, fiqh can also be defined as insights into Sharia law obtained through *ijtihad*. Based on these definitions, the application of fiqh relies heavily on the practical implementation of legal theories (*amaliyah*), excluding aspects of *i'tiqadiyyah* (creed) and *khuluqiyyah* (ethics) from its scope. Consequently, Islamic fiqh serves as a flexible tool to respond to the dynamics of the times, including social and environmental changes (Elfia, 2020).

Islamic law (*fiqh*) is a barometer for social change, not merely following it. Guided by the principles of *al-asl al-matbu'* (the primary source to follow) and *al-far'u al-tabi'* (branches derived from Sharia), fiqh is a universal Divine guidance applicable across all eras. This flexibility enables Islamic law to remain relevant amidst various challenges, including the increasingly urgent issue of climate change.

The flexibility of Islamic law is evident in its capacity to address contemporary issues. Principles of Sharia, such as *maslahah mursalah*, provide a foundation for establishing laws prioritizing public welfare without conflicting with established evidence. In the context of climate change, the flexibility of fiqh allows the application of Sharia principles to support efforts in mitigating and adapting to environmental impacts. For example, MUI Fatwa No. 86 of 2023 on the Law of Global Climate Change Mitigation offers concrete evidence of how Islamic law responds to climate change challenges.

Moreover, the responses of major religious organizations in Indonesia, such as Nahdlatul Ulama (NU) and Muhammadiyah, underscore the significance of Islamic law's flexibility. NU, through its concept of *Fiqh Bi'ah* (Environmental Jurisprudence), provides a theoretical framework for addressing environmental issues holistically. NU's *Fiqh Kebencanaan* (Disaster Jurisprudence) guidebook serves as a practical reference for disaster management. Meanwhile, Muhammadiyah emphasizes the importance of scientific research and collective awareness in supporting environmental conservation as part of religious responsibility.

The flexibility of Islamic law is rooted in the principles of *maqasid al-shariah*, the ultimate objectives of Sharia, which aim to preserve religion, life, intellect, lineage, and wealth (Haluza-DeLay, 2014). In the context of climate change, *maqasid al-shariah* serves as a foundation for formulating relevant and adaptive laws (Lengnick-Hall & Beck, 2005). For instance, the concept of *hifz al-bi'ah* (preservation of the environment) can be integrated into *maqasid al-shariah* to prioritize environmental conservation as a vital responsibility of Muslims (Muhajir, 2023).

This principle of flexibility is also reflected in foundational rules of Islamic jurisprudence, such as “*al-mashaqqah tajlibu al-taysir*” (hardship brings ease) and “*dar'ul mafasid muqaddam 'ala jalbil mashalih*” (preventing harm takes precedence over obtaining benefits). These principles enable Islamic law to offer practical solutions to climate change challenges, such as sustainable resource management and preventing environmentally harmful exploitation.

Historically, Islamic law has demonstrated its flexibility through *ijtihad*. *Ijtihad* serves to address new issues not explicitly found in the Quran and Hadith. In the context of climate change, *ijtihad* allows scholars to formulate laws suited to contemporary conditions, such as issuing fatwas on renewable energy, waste management, and biodiversity conservation (Salleh et al., 2016).

MUI Fatwa No. 86 of 2023 on the Law of Global Climate Change Mitigation is an example of Islamic law's flexibility application. This fatwa underscores the importance of climate change mitigation and adaptation as part of religious obligations. It highlights that Islamic law addresses spiritual, social, and ecological responsibilities (Wijaya, 2019).

Major religious organizations in Indonesia, such as Nahdlatul Ulama (NU) and Muhammadiyah, also play significant roles in implementing the principles of Islamic law's flexibility. NU, through its *Fiqh Bi'ah* concept, emphasizes environmental conservation as part of religious duty (Sugara, 2017). Muhammadiyah, on the other hand, promotes environmental awareness through scientific research and religion-based education. Both organizations demonstrate that Islamic law's flexibility accommodates modern society's needs while preserving Sharia principles.

MUI Fatwa No. 86 of 2023 on the Law of Global Climate Change Mitigation is based on an in-depth study of the increasingly evident negative impacts of global climate change in various countries, including Indonesia. In this context, as an authoritative organization, the Indonesian Ulema Council (MUI) plays a role in upholding Islamic law in Indonesia by providing guidance for the religious community in addressing environmental and climate change issues. The responses to climate change from major religious institutions are detailed below.

Nahdlatul Ulama's Response to Climate Change

Nahdlatul Ulama (NU) views the environment and religion as interconnected and mutually reinforcing. Through the concept of Fiqh Bi'ah (Environmental Jurisprudence), NU provides a theoretical framework for addressing environmental issues holistically. The Fiqh Kebencanaan (Disaster Jurisprudence) guidebook is a reference for NU members (Nahdliyin) to respond to disasters and take practical actions during such events. Additionally, NU has issued environmental fatwas addressing ecosystem and marine resource protection.

For instance, the Bahtsul Masail session at the Cipasung Congress in 1994 issued a fatwa regulating the legal stance on environmentally damaging industrial activities. This fatwa reflects NU's commitment to environmental protection through an Islamic legal approach. Similar recommendations have emerged in NU's National Deliberations (Munas) and Congresses (Muktamar), including the 34th Congress held at UIN Raden Intan Lampung in 2021, where NU's Bahtsul Masail Qonuniyah Commission provided policy recommendations to the government regarding environmental crisis solutions.

Muhammadiyah's Response to Climate Change

Muhammadiyah has also significantly contributed to climate change issues through a faith-based approach. One of Muhammadiyah's strategic agendas is increasing environmental awareness among elites and grassroots communities. While initially focused on poverty, Muhammadiyah has expanded its attention to global issues, including environmental degradation. These efforts include applying religious principles to support environmental conservation as part of the Muslim community's responsibility to preserve the earth.

The Emergence of Presidential Regulation No. 98/2021

Presidential Regulation (Perpres) No. 98/2021 also reflects Indonesia's commitment to addressing climate change. This regulation underscores Indonesia's commitment to significantly reducing greenhouse gas emissions by 2030 as part of the Paris Agreement. The regulation focuses on developing a Carbon Economic Value (NEK) framework to achieve agreed national contributions and support emissions reduction. This initiative involves various stakeholders, including the business sector, to enhance competitiveness in the carbon market.

Perpres 98/2021 emphasizes the importance of sustainable economic development while preserving the environment. Through this policy, Indonesia aims to strike a balance between mitigating the impacts of climate change and maintaining national economic growth.

Criticism and Evaluation

MUI Fatwa No. 86 of 2023 emerged from concerns over the severe impacts of climate change experienced worldwide, particularly in Indonesia. This fatwa provides religious guidance and highlights the importance of climate change mitigation and adaptation from an Islamic legal perspective. Drafting the fatwa involved scholarly deliberations alongside major religious organizations such as Muhammadiyah and NU.

NU has issued fatwas focused on environmental conservation through its Bahtsul Masail sessions and Congress recommendations. For example, the fatwa from the Cipasung Congress 1994 guided environmentally friendly industrial practices. NU also established the Indonesian Disaster Management Institute (LPBI) to support disaster mitigation efforts.

On the other hand, Muhammadiyah has demonstrated its evolving commitment by addressing environmental degradation issues. The organization continues to promote environmental awareness through faith-based education and practical actions involving the broader community.

The emergence of Perpres 98/2021 also creates opportunities for the implementation of MUI fatwas and the perspectives of religious organizations to support government policies. This regulation illustrates that religious values can synergize with state policies to tackle global challenges such as climate change (Sobirin & Khasanah, 2023). In this context, Islamic law serves as a moral and ethical guide to ensure environmental sustainability.

The Impact of Climate Change on the Economy and Islamic Legal Responses

Climate change significantly impacts various sectors, particularly the economy (Kusuma et al., 2024). These effects include financial losses due to natural disasters, disruptions in the agricultural industry, and increased costs of infrastructure adaptation (McDonald, 2011). In this context, the flexibility of Islamic law offers solutions based on maqasid al-shariah and principles of *usul al-fiqh* to address emerging economic challenges.

The flexibility of Islamic law is evident in scholars' ability to apply principles such as “*al-hukmu yaduuru ma’a ‘illatihi wujuudan wa ‘adaman*” (a ruling is determined by the presence or absence of its underlying cause). In the context of climate change, the underlying cause (*‘illat*) is environmental damage and its impact on societal welfare. Accordingly, Islamic law can be adapted to support mitigation and adaptation efforts to prevent further harm and preserve the public interest (*maslahah*).

For example, the principle “*laa yunkaru taghayyurul ahkaam bitaghayyuril azmaan*” (it cannot be denied that rulings change with changing times) illustrates the dynamic nature of Islamic law. This adaptability allows Islamic law to respond to contemporary needs, such as implementing sustainable economic policies and equitable resource management. One application of this is the MUI Fatwa No. 86 of 2023 on the Law of Global Climate Change Mitigation, which guides Muslims to support environmental policies without neglecting Sharia principles.

Climate change also affects economic justice, such as the unequal distribution of resources and the vulnerability of poor communities to disasters. In this regard, Islamic law emphasizes the importance of social justice and environmental preservation as part of *maqasid al-shariah*. Efforts to involve religious organizations such as Nahdlatul Ulama and Muhammadiyah demonstrate the necessity of collective responsibility in addressing climate change challenges holistically.

For instance, Nahdlatul Ulama, through its *Fiqh Kebencanaan* (Disaster Jurisprudence), prioritizes practical solutions to assist disaster-affected communities. On the other hand, Muhammadiyah promotes environmental awareness through religion-based education and scientific research. These organizations practice the flexibility of Islamic law by providing adaptive responses to the economic impacts of climate change.

Historically, the flexibility of Islamic law is also evident in the policies of caliphs, such as the adjustments in the punishment for alcohol consumption during the time of Abu Bakr and Umar ibn Khattab, which considered the social and economic conditions of the time. Such policies demonstrate that Islamic law can evolve according to the era's needs without abandoning its foundational values. This approach ensures the relevance of Islamic law in addressing the economic impacts of climate change, offering Sharia-based solutions that are adaptive and sustainable.

CONCLUSION

The flexibility of Islamic law has proven to be relevant in addressing contemporary challenges such as climate change and its economic impacts. With Sharia principles such as *maqasid al-shariah* and *usul al-fiqh*, Islamic law provides adaptive guidance aligned with the needs of the times. Fatwas such as MUI Fatwa No. 86 of 2023 show that Islamic law encompasses spiritual aspects and solutions to social and environmental issues. Major religious organizations like Nahdlatul Ulama and Muhammadiyah strengthen the role of Islamic legal flexibility through practical and holistic approaches. NU, with its *Fiqh Bi'ah* (Environmental Jurisprudence) and Muhammadiyah, through education-based environmental awareness, demonstrates that collaboration rooted in religious values can support climate change mitigation and adaptation. Climate change, with its significant economic impacts—including the vulnerability of poor communities and disruptions in the agricultural sector—demands solutions based on social justice and sustainability. The flexible approach of Islamic law offers Sharia-based

solutions that emphasize individual responsibility and collective accountability in preserving the environment and supporting sustainable economic development.

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