Reconstructing Islamic Legal Norms in Environmental Governance: A Maqasid-Based Legal Critique of Indonesia's Resource Policies

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Abstract

This study examines the integration of Islamic legal principles into Indonesia's natural resource governance, with a particular focus on sustainability and social justice. The research is motivated by the exploitative and anthropocentric orientation of current policies, which neglect intergenerational equity and ecological justice. To address this gap, the study employs a normative-juridical method with a critical approach, analyzing law as a system of norms rather than merely as social practice. Sources include statutory laws such as the Minerba Law and Job Creation Law, relevant fatwas issued by the Indonesian Council of Ulama, as well as Qur'anic and Hadith texts interpreted through the framework of *maqāṣid al-sharī'ah*. Case studies of deforestation in Kalimantan and mining conflicts in West Nusa Tenggara are presented to contextualize the neglect of Islamic values in environmental management. The findings reveal four structural problems: legal dualism between state law and Islamic ethics, weak institutionalization of sharia principles, sectoral fragmentation in governance, and centralization of authority that marginalizes indigenous communities. These issues contribute to the persistent neglect of *maslahah*, *'adl*, and environmental justice in public policy. The study proposes a *maqāṣid*-based reconstruction of legal norms through *ijtihād maqāṣidī* and *taḥqīq al-manāṭ* as methodological tools to realign governance with ethical and

ecological imperatives. Recommendations include revising extractive laws, integrating environmental fatwas into statutory frameworks, strengthening participatory governance, and establishing a Maqāṣid Commission for ecological oversight. In conclusion, the research demonstrates that reconstructing Islamic law through *maqāṣid* not only fills the ethical gap in Indonesia's regulatory system but also offers a transformative model for just, participatory, and sustainable environmental governance.

Keywords: Islamic Environmental Ethics, Maqasid al-Shariah, Resource Governance, Policy Reform

Introduction

Preventing the overexploitation of natural resources is essential to ensure their sustainability for future generations.[1] The continued drive for economic growth, often driven by the overexploitation of natural resources, has led to a variety of environmental problems that jeopardize the nation's long-term prosperity.[2] Indonesia, as the world's largest Muslim country[3] and owner of 10% of global biodiversity[4], is confronted with a paradox: an abundance of natural wealth (*ni'mah*)[5] coupled with persistent ecological crises. The prevailing governance of forests, oceans, minerals, and energy remains largely extractive,[6]

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[1] Muhsin Muhsin et al., "Adaptation of the Economic Order Quantity (EOQ) Model in the Perspective of Maqasid Shari'a," *Al-'Adalah* 21, no. 2 (2024), https://doi.org/10.24042/adalah.v21i2.26535.

[2] A Kastanya et al., "Green Economic Based on Low-Carbon Development on Small Islands," *IOP Conference Series: Earth and Environmental Science* 883, no. 1 (2021): 012004, https://doi.org/10.1088/1755-1315/883/1/012004.

[3] Benjamin Wormald, "The Future of World Religions: Population Growth Projections, 2010-2050," *Pew Research Center*, April 2, 2015, https://www.pewresearch.org/religion/2015/04/02/religious-projections-2010-2050/.

[4] Russell A. Mittermeier et al., "Global Biodiversity Conservation: The Critical Role of Hotspots," in *Biodiversity Hotspots* (Springer, Berlin, Heidelberg, 2011), https://doi.org/10.1007/978-3-642-20992-5_1.

[5] Navjot S. Sodhi et al., "Conserving Southeast Asian Forest Biodiversity in Human-Modified Landscapes," *Biological Conservation* 143, no. 10 (2010): 2375–84, https://doi.org/10.1016/j.biocon.2009.12.029.

[6] Sinan A. Abood et al., "Relative Contributions of the Logging, Fiber, Oil Palm, and Mining Industries to Forest Loss in Indonesia," *Conservation Letters* 8, no. 1 (2015): 58–67, https://doi.org/10.1111/conl.12103.

unsustainable,[7] and sectorally fragmented[8] contributing to deforestation,[9] pollution,[10] land degradation, [11]and and intensifying socio-ecological conflicts.[12] Current policy orientations remain anthropocentric [13] and oriented toward short-term economic objectives,[14] while systematically neglecting ecological balance, distributive justice, and intergenerational equity.[15] In contrast, Islamic environmental ethics, grounded in the Qur'an and Sunnah, offer a deep moral-spiritual framework to address ecological decline. These principles view humans as *khalifah fi al-ard* (vicegerents of the Earth).[16] mandated to uphold mizan (natural balance), prevent fasād (corruption and destruction), and realize *'adl* (justice) and maṣlaḥah (universal benefit).[17]

Moreover, the *maqāṣid al-sharī'ah* (higher objectives of Islamic law) emphasize the preservation of five foundational values: religion (dīn), life (nafs), intellect (*'aql*), lineage (*nasl*), and property (*māl*).[18] From this perspective, environmental protection is not only a moral concern but a religious imperative, since environmental damage directly threatens these essential values through health risks, livelihood losses, social conflicts, and erosion of spiritual

[7] Kemen G Austin et al., "What Causes Deforestation in Indonesia?," *Environmental Research Letters* 14, no. 2 (2019): 024007, https://doi.org/10.1088/1748-9326/aaf6db.

[8] Ahmad Maryudi et al., "Back to Basics: Considerations in Evaluating the Outcomes of Community Forestry," *Forest Policy and Economics* 14, no. 1 (2012): 1–5, https://doi.org/10.1016/j.forpol.2011.07.017.

[9] Belinda Arunarwati Margono et al., "Primary Forest Cover Loss in Indonesia over 2000–2012," *Nature Climate Change* 4, no. 8 (2014): 8, https://doi.org/10.1038/nclimate2277.

[10] James R. Hein et al., "Critical Metals in Manganese Nodules from the Cook Islands EEZ, Abundances and Distributions," *Ore Geology Reviews* 68 (July 2015): 97–116, https://doi.org/10.1016/j.oregeorev.2014.12.011.

[11] Yves Laumonier et al., "Eco-Floristic Sectors and Deforestation Threats in Sumatra: Identifying New Conservation Area Network Priorities for Ecosystem-Based Land Use Planning," *Biodiversity and Conservation* 19, no. 4 (2010): 1153–74, https://doi.org/10.1007/s10531-010-9784-2.

[12] Julia and Ben White, "Gendered Experiences of Dispossession: Oil Palm Expansion in a Dayak Hibun Community in West Kalimantan," *The Journal of Peasant Studies* 39, nos. 3–4 (2012): 995–1016, https://doi.org/10.1080/03066150.2012.676544.

[13] W. Neil Adger et al., "Cultural Dimensions of Climate Change Impacts and Adaptation," *Nature Climate Change* 3, no. 2 (2013): 112–17, https://doi.org/10.1038/nclimate1666.

[14] Luca Tacconi, "Redefining Payments for Environmental Services," *Ecological Economics* 73 (January 2012): 29–36, https://doi.org/10.1016/j.ecolecon.2011.09.028.

[15] Carl Folke et al., "Social-Ecological Resilience and Biosphere-Based Sustainability Science," *Ecology and Society* 21, no. 3 (2016): art41, https://doi.org/10.5751/ES-08748-210341.

[16] David Schlosberg, "Theorising Environmental Justice: The Expanding Sphere of a Discourse," *Environmental Politics* 22, no. 1 (2013): 37–55, https://doi.org/10.1080/09644016.2013.755387.

[17] R. E. Munn, ed., *Encyclopedia of Global Environmental Change* (Wiley, 2002).

[18] Mawil Izzi Dien, "The Environmental Dimensions of Islam," *The Lutterworth Press*, n.d., accessed July 7, 2025, https://www.lutterworth.com/product/environmental-dimensions-of-islam-the/.

consciousness. Despite its philosophical richness, the operationalization of Islamic environmental ethics in legal and policy frameworks remains weak. Recently in leading journals and journals on Islamic-based environmental conservation ethics, Hasan in his book explains that Islamic principles are more in line with environmental conservation, emphasizing that sustainable development brings moral, social, and ethical obligations.[19] In his book, Gade explains how Islamic values (such as the caliphate and the mizan) shape environmental movements in Muslim societies. Muslim environmentalism is not only a theological discourse but also a social movement that addresses the ecological crisis in practical ways.

This work offers a unique perspective on the role of religion in sustainable solutions.[20] Not only that, the results of Benasid's research explain that Muslims' self-awareness and outward perspective on environmental management, thus fostering greater potential for sustainable development.[21] Ali et al. in their research examine the principles of Islamic ecology based on the Qur'an and Sunnah, emphasizing the responsibility of humans as protectors of nature through justice, moderation, and compassion. The findings of the study show that these Islamic values can be integrated into education and environmental policies to address global ecological challenges in a sustainable manner.[22] Meanwhile, Haris et al in their research explained that the maqasid sharia forms an Islamic ecological framework called *'eco-Maqāṣid'*, where *hifẓ al-nafs* promotes health protection from the impacts of climate change, hifz al-māl plays a role in protecting economic assets, *hifẓ al-nasl* ensures the preservation of Islamic traditions and rituals, *hifẓ al-dīn* obliges environmental care as a manifestation of faith, and *hifẓ al-'aql* strengthens environmental education through Islamic ethics, So that all of these principles integratively advocate for the protection of all natural elements and guide sustainable environmental management.[23]

Previous studies on Islamic environmental ethics have generally been descriptive-theological or normative-moral in nature. Research such as that

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[19] Abul Hassan, "Sustainable Development and Islamic Ethical Tasks for Business-Organisations," in Sustainable Organizations - Models, Applications, and New Perspectives, ed. Jose C. Sánchez-García and Brizeida Hernández-Sánchez (IntechOpen, 2021), https://doi.org/10.5772/intechopen.94992.

[20] "Muslim Environmentalisms: Religious and Social Foundations on JSTOR," accessed August 2, 2025, https://www.jstor.org/stable/10.7312/gade19104.

[21] Benaouda Bensaid, "Crossroads between Muslim Sprituality and Environmental Sustainability," *Journal of Al-Tamaddun* 13, no. 1 (2018): 65–81, https://doi.org/10.22452/JAT.vol13no1.7.

[22] Dr. Muhamed Ali and Dr. Muaz Agushi, "Eco-Islam: Integrating Islamic Ethics into Environmental Policy for Sustainable Living," *International Journal of Religion* 5, no. 9 (2024): 949–57, https://doi.org/10.61707/gq0we205.

[23] Arkin Haris et al., "Eco-Maqāṣid in Climate Change Campaigns: From an Ecolinguistics Study to the Philosophy of Islamic Law," Al-Manahij: Jurnal Kajian Hukum Islam, August 13, 2024, 219–36, https://doi.org/10.24090/mnh.v18i2.10652.

conducted by Mawil Izzi Dien and Ali et al. affirms the relationship between Islamic values and environmental conservation, but stops at philosophical explanations without developing policy or governance instruments.[24] Hasan and Bensaid link Islamic principles with sustainable development and spiritual awareness, yet remain focused on ethical persuasion rather than binding public legal mechanisms.[25] Studies in reputable journals such as the Journal of Islamic Ethics and Environmental Values have begun to connect maqāṣid with modern environmental law theory, but they remain limited to conceptual analysis and have not yet produced operational implementation models.[26] This research seeks to fill that gap by operationalizing maqāṣid al-sharīʻah as a framework for evaluating and designing public environmental policies. The values of maqāṣid are translated into legal parameters, governance structures, and measurable performance indicators, thereby bridging the gap between the normative principles of Islam and their application in sustainable environmental governance.

Nevertheless, the majority of these studies remain at a descriptive-theological or normative-ethical level. They often present Islamic environmental ideals in abstract terms without offering implementable legal or institutional strategies. There is a marked absence of scholarship that systematically examines how Islamic values especially those grounded in maqasid can be integrated into public governance, codified into statutory law, or applied in environmental regulatory mechanisms. This gap becomes particularly urgent in Indonesia, where Islamic, positive, and customary laws coexist within a plural legal landscape. While initial efforts like those by Muhsin et al. adapt maqasid in quantitative models (e.g., EOQ), they fall short of addressing the normative-institutional transformation necessary for real-world policy reform.[27]

This study emerges in response to that gap. It critically examines the legal dualism, weak institutionalization of shariah principles, and structural fragmentation that hinder the integration of Islamic environmental values into Indonesia's natural resource governance. The study raises key questions: Why have Islamic ethics and maqasid not been systematically institutionalized in national policy? What legal and institutional barriers exist? And how can these ethical-spiritual values be translated into concrete governance mechanisms that are just, participatory, and ecologically sound? Despite the existence of relevant fatwas such as MUI Fatwa No. 47/2014 on wildlife conservation and Fatwa No.

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[24] Mawil Izzi Dien, *The Environmental Dimensions of Islam* (The Lutterworth Press, 2000).

[25] Zubair Hasan, "Sustainable Development from an Islamic Perspective: Meaning Implications and Policy Concerns," MPRA Paper, International Islamic University of Malaysia, 2006, 19:3–18, https://mpra.ub.uni-muenchen.de/2784/.

[26] Bensaid, "Crossroads between Muslim Sprituality and Environmental Sustainability."Hasan, "Sustainable Development from an Islamic Perspective," vol. 19.

[27] Muhsin et al., "Adaptation of the Economic Order Quantity (EOQ) Model in the Perspective of Maqasid Shari'a."

04/2016 on forest burning, these normative instruments have not been effectively implemented or synchronized with statutory law and regional regulations. Moreover, critical natural resource laws (e.g., Minerba Law, Forestry Law, Spatial Planning) continue to marginalize ethical-ecological considerations in favor of economic extraction. Thus, this study seeks to formulate a normative-legal model that bridges Islamic environmental ethics with national law and policy reform. It proposes maqasid-based public policy recommendations, including legal review mechanisms, integration into environmental impact assessments (e.g., AMDAL), and the creation of ethical oversight institutions such as a Maqaṣid Commission. Ultimately, the research aims to demonstrate how Islamic law can move beyond the ethical domain and contribute meaningfully to regulatory innovation and sustainable ecological governance in Indonesia.

This study employs a normative legal approach by combining doctrinal legal analysis with a hermeneutic-normative interpretation to examine the integration of Islamic legal principles into Indonesia's natural resource management, with a particular emphasis on sustainability and social justice. Law is viewed not merely as a set of binding rules, but as a system of values that reflects deeper ethical and theological commitments. The research applies qualitative content analysis to both positive legal materials such as Law No. 4/2009 on Mineral and Coal Mining (UU Minerba), Law No. 11/2020 on Job Creation (UU Cipta Kerja), and relevant fatwas issued by the Indonesian Council of Ulama (MUI), including Fatwa No. 47/2014 on endangered species conservation and Fatwa No. 04/2016 on forest and land burning as well as to revelational-normative sources, namely the Qur'an, Hadith, and the maqasid al-shariʿah framework, particularly the principles of *tawhid, khilafah, maslahah,* and ʿ*adl.* The methodological tools used include textual interpretation to uncover the normative content of both Islamic and statutory texts; systematic legal comparison to identify contradictions, gaps, and normative misalignments between Islamic values and existing legal frameworks; and normative-conceptual synthesis to formulate alternative policy recommendations. These methods are further contextualized through case studies such as deforestation in Kalimantan and mining conflicts in West Nusa Tenggara, which illustrate the neglect of maslahah and environmental justice in current policy practice. Overall, this methodological design enables a critical-interpretive evaluation of legal dualism, weak institutionalization of Islamic ethical values, and regulatory fragmentation, while offering maqaṣid-based policy innovations that are ethical, participatory, and sustainability-oriented.

Discussion

Theological Foundations of Islamic Environmental Ethics

Islamic environmental ethics is fundamentally grounded in the Qur'ān and Sunnah, offering a comprehensive worldview wherein nature is not merely

viewed as a utilitarian asset, but as an *amanah* (trust) granted by God to humanity. Central to this ethical framework is the concept of *khalīfah fī al-ard* (vicegerency on earth), as emphasized in (Qur'ān Sūrat al-Baqarah: 30).

The concept of caliph in the Qur'an (Q.S. Al-Baqarah: 30) which reads:

وَاِذْ قَالَ رَبُّكَ لِلْمَلٰۤىِٕكَةِ اِنِّيْ جَاعِلٌ فِى الْاَرْضِ خَلِيْفَةً ۗ قَالُوْٓا اَتَجْعَلُ فِيْهَا مَنْ يُّفْسِدُ فِيْهَا وَيَسْفِكُ الدِّمَاۤءَ ۚ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ ۗ قَالَ اِنِّيْٓ اَعْلَمُ مَا لَا تَعْلَمُوْنَ

Remember when your Lord said to the angels, "I am going to place a successive human authority on earth." They asked Allah, "Will You place in it someone who will spread corruption there and shed blood while we glorify Your praises and proclaim Your holiness?" Allah responded, "I know what you do not know.

Which mandates human beings including governing institutions to protect the earth and administer it responsibly. This divine mandate imposes moral and legal obligations upon both individuals and the state to maintain the *mizan* balance) of creation (QS Ar-Rahmān:7–9)

....وَالسَّمَاۤءَ رَفَعَهَا وَوَضَعَ الْمِيْزَانَ اَلَّا تَطْغَوْا فِى الْمِيْزَانِ وَاَقِيْمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا الْمِيْزَانَ

As for the sky, He raised it high, and set the balance of justice. so that you do not defraud the scales. Weigh with justice, and do not give short measure.

Prevent fasād (corruption and destruction) (QS al-A'rāf :56)

وَلَا تُفْسِدُوْا فِى الْاَرْضِ بَعْدَ اِصْلَاحِهَا وَادْعُوْهُ خَوْفًا وَّطَمَعًا ۗ اِنَّ رَحْمَتَ اللّٰهِ قَرِيْبٌ مِّنَ الْمُحْسِنِيْنَ

Do not spread corruption in the land after it has been set in order. And call upon Him with hope and fear. Indeed, Allah's mercy is always close to the good-doers.

ظَهَرَ الْفَسَادُ فِى الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ اَيْدِى النَّاسِ لِيُذِيْقَهُمْ بَعْضَ الَّذِيْ عَمِلُوْا لَعَلَّهُمْ يَرْجِعُوْنَ

Corruption has spread on land and sea as a result of what people's hands have done, so that Allah may cause them to taste ˹the consequences of˺ some of their deeds and perhaps they might return ˹to the Right Path. (QS al-Rūm :41)

In the context of modern nation-states, the role of *khalīfah* translates into the constitutional and ethical responsibility of the state to ensure that natural resource governance prioritizes sustainability, ecological integrity, and intergenerational justice. This entails the formulation of precautionary development policies, active public participation in environmental decision-making, strategic allocation of budgets for conservation and restoration, and the

establishment of robust oversight and enforcement mechanisms against environmental violations by both corporations and individuals. The Qur'anic principle of *mizan* commands the preservation of balance in all spheres of life, including environmental management. This principle demands that resource exploitation be aligned with the earth's regenerative capacity through evidence-based policy instruments such as ecologically just spatial planning, enforceable exploitation quotas, and ecosystem restoration programs. However, operationalizing *mizan* faces critical challenges in practice: political and economic conflicts of interest, institutional fragmentation, limited scientific data, and the absence of integrated sustainability assessment mechanisms. These systemic limitations necessitate a state apparatus capable of translating *mizan* into coherent ecological policies, supported by institutional integrity and scientific rigor. Because the management of natural resources must be carried out with caution, considering its impact on the ecosystem and future generations.[28]

Complementing the principle of balance is the Qur'ānic prohibition against *i'tidār* acts that exceed ecological boundaries stressing that post-restoration destruction constitutes a transgression against divine order. This is articulated in (QS al-A'rāf 7:56)

وَلَا تُفْسِدُوْا فِى الْاَرْضِ بَعْدَ اِصْلَاحِهَا وَادْعُوْهُ خَوْفًا وَّطَمَعًا ۗ اِنَّ رَحْمَتَ اللهِ قَرِيْبٌ مِّنَ الْمُحْسِنِيْنَ

Do not spread corruption in the land after it has been set in order. And call upon Him with hope and fear. Indeed, Allah's mercy is always close to the good-doers.

وَاِذَا تَوَلّٰى سَعٰى فِى الْاَرْضِ لِيُفْسِدَ فِيْهَا وَيُهْلِكَ الْحَرْثَ وَالنَّسْلَ ۗ وَ اللهُ لَا يُحِبُّ الْفَسَادَ

And when they leave you, they strive throughout the land to spread mischief in it and destroy crops and cattle. Allah does not like mischief. (QS al-Baqarah [2]:205)

Which condemn ecological mischief and situate such actions as spiritually and socially unjustifiable. Normatively, the prohibition of *fasād* and *i'tidār* provides a solid legal and moral foundation to hold states and corporations accountable for environmental harm. It supports the development of a stringent legal framework that incorporates administrative, civil, and criminal sanctions; systems for early detection and prevention; the enforcement of strict liability for major polluters; and restorative justice models to repair ecological damage and ensure social equity.

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[28] Islamul Haq et al., "Eco-Theological Insights on The Sasi Tradition: Analyzing Environmental Ethics and Sanctions Through Fiqh al-Bi'ah and Islamic Criminal Law," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 58–80, https://doi.org/10.29240/jhi.v10i1.9412.

These principles are inseparable from the broader objectives of Islamic law, or *maqāṣid al-sharī'ah*, which aim to preserve five essential values (*al-darūriyyāt al-khams*): religion (*dīn*), life (*nafs*), intellect ('*aql*), progeny (*nasl*), and property (*māl*). Environmental degradation poses direct threats to these values compromising health (hifz al-nafs), economic livelihoods (*hifẓ al-māl*), and the well-being of future generations (*hifẓ al-nasl*). Consequently, environmental stewardship becomes not only a moral and social obligation but a religious imperative embedded within Islamic jurisprudence. The application of *ijtihād maqāṣidī* a dynamic legal reasoning approach centered on realizing the purposes of the Sharī'ah enables the contextualization and reformulation of legal norms to address contemporary ecological crises.

In sum, Islamic theological ethics offers a coherent and deeply rooted framework for reforming natural resource governance through a combination of spiritual values, legal mandates, and institutional obligations. Integrating the principles of khalīfah, mīzān, the prohibition of *fasād* and *i'tidār*, and the overarching structure of maqāṣid al-sharī'ah into statutory legal systems not only strengthens the ethical foundation of environmental governance but also positions Islamic norms as a transformative force for achieving sustainability and justice. This alignment provides a normative blueprint for states especially those with Muslim-majority populations such as Indonesia to construct more just, participatory, and future-oriented policies that transcend the narrow confines of extractive growth and ecological negligence.

Legal Barriers in Indonesian Resource Law

Indonesia, a country richly endowed with natural resources, faces deeply entrenched legal and institutional barriers in its environmental governance. But existing policies often prove to be economically costly and lack consideration of environmental justice aspects.[29] Although Article 33 of the 1945 Constitution mandates that natural resources be managed for the greatest benefit of the people, in practice, this principle is frequently undermined by sectoral laws such as Law No. 4/2009 on Mineral and Coal Mining (UU Minerba) and Law No. 11/2020 on Job Creation (Omnibus Law). These laws reflect a predominantly extractive and investment-driven development paradigm, favoring short-term economic growth over long-term ecological sustainability and community well-being. From the standpoint of maqāṣid al-sharī'ah, this regulatory orientation contradicts the higher objectives of Islamic law, particularly *hifẓ al-bi'ah* (protection of the environment) and *hifẓ al-nafs* (protection of life). When environmental destruction

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[29] Rishikesh Ram Bhandary et al., "Climate Finance Policy in Practice: A Review of the Evidence," *Climate Policy*, Taylor & Francis, April 21, 2021, world, https://www.tandfonline.com/doi/abs/10.1080/14693062.2020.1871313.

leads to health hazards, ecosystem collapse, and marginalization of local populations, it directly violates these maqāṣid principles.

Systemic diagnosis of Indonesia's legal architecture reveals four critical structural impediments. First, there is a persistent normative dualism between the national legal system and Islamic ethical-legal values. Although Indonesia is normatively pluralistic, Islamic environmental ethics manifested in MUI fatwas such as Fatwa No. 47/2014 on Endangered Species and Fatwa No. 04/2016 on Forest Burning remain non-binding and symbolically positioned, lacking formal integration into enforceable state regulations. This disconnect marginalizes the moral power of Islamic law in shaping environmental outcomes.

Second, institutional fragmentation and overlapping sectoral regulations hinder coherent environmental governance. Discrepancies between the mandates of the Ministry of Environment and Forestry (KLHK), the Ministry of Energy and Mineral Resources (ESDM), and regional governments generate legal ambiguities and open avenues for regulatory capture. From a maqāṣid perspective, this disintegration violates the principle of *taʿāwun* (cooperation for the common good) and weakens the role of *al-ʿuqūbāt* (deterrent legal sanctions), as ecological offenders often receive merely administrative penalties. Third, centralized resource control significantly limits the participation of local communities and regional governments, particularly in resource-rich regions like Papua and Kalimantan. Large-scale extractive operations displace indigenous populations, devastate local ecosystems, and concentrate economic benefits at the national level. This systemic inequality constitutes a violation of *hifẓ al-ʿird* (protection of dignity), *hifẓ al-māl* (protection of property), and *hifẓ al-nafs*, undermining the state's constitutional and moral obligation to act as khalīfah (custodian of creation). Fourth, opaque and unaccountable licensing procedures exacerbate corruption and rent-seeking behavior. Permits are often issued without proper environmental impact assessments or meaningful public consultation, leading to a crisis of legal legitimacy. This lack of transparency contravenes Islamic values of *shūrā* (deliberation), *amānah* (trust), and *ʿadl* (justice), all of which are essential for participatory and ethical governance.

To respond to these normative and structural challenges, the paper proposes a maqāṣid-based legal reconstruction through the lens of ijtihād maqsidi a dynamic, purpose-oriented method of Islamic legal reasoning. Unlike textualist approaches that rely solely on literal interpretations of sacred texts (nass), ijtihād maqāṣidī prioritizes the realization of the underlying purposes of Sharīʿah and aligns legal norms with contemporary ecological and social realities. It empowers scholars and policymakers to enact legal reforms grounded in values like *hifẓ al-nafs*, *hifẓ al-māl*, and *hifẓ al-nasl,* transforming environmental stewardship into a moral-religious obligation embedded within state law. In operationalizing this paradigm, the method of tahqiq al-manāṭ (empirical contextualization) becomes

essential. Before formulating legal norms, policymakers must assess the real-life ecological, social, and cultural conditions of impacted regions, ensuring that regulatory outcomes are both context-sensitive and ethically grounded. For example, if an area is ecologically vulnerable and culturally significant, it may be designated as ḥimā (protected zone), restricting commercial exploitation on the basis of public interest and intergenerational justice. The urgency of maqasid-based reform is further reinforced by empirical disparities between Islamic principles and national law. As shown in Table 1 below, the ontological, teleological, and procedural gaps between Islamic legal norms and positive law reveal significant normative misalignments:

Comparison of Islamic Principles and Positive Law in Resource Governance

Aspect	Maqāṣid al-Sharīʿah Principles	Indonesian Positive Law
Ontology of Nature	Nature as *amānah* from God	Nature as economic resource
Development Goals	*Maslahah*, preservation of life, property, lineage, and the environment	GDP growth, industrial expansion
Justice	Substantive: protect vulnerable communities	Procedural: legality and compliance
Public Participation	Inclusive: based on *shūrā*	Formal: often symbolic consultation
Sustainability	Intergenerational equity (ḥifẓ al-nasl)	Limited: sustainability often subordinated to economic goals
State–Community Relation	State as custodian of creation and justice	State as facilitator of investor interests

A table comparing the principles of maqasid al-sharīʿah and the Indonesian positive law system shows significant differences in paradigm in viewing and managing natural resources. Indonesian positive law has so far emphasized procedural aspects, economic growth, and legal certainty for investment. Nature is viewed as a legal object that can be exploited for economic development. Conversely, in the Islamic perspective, nature is positioned as amānah (a trust from God) that must be preserved and prospered within the framework of the responsibility of *khilafah*. The goal of resource management in Islam is not merely economic, but to maintain maslahah (public interest) as a whole, including the protection of life (*hifẓ al-nafs*), property (*hifẓ al-māl),* the environment (*hifẓ al-bi'ah*), and future generations (*hifẓ al-nasl*). This difference reflects the gap between state law and the ethical and theological values that exist

within Indonesian Muslim society. Therefore, it is important to build a bridge of harmony between these two systems, not only normatively through religious symbolism in regulations, but also in practice through substantial institutional and legal reforms. This harmonization can be achieved, among other things, by making environmental fatwas a normative reference in regional policies, involving Islamic scholars and communities in the formulation of regulations, and integrating the principles of maqāṣid into legal training and public administration.

In addition, public participation must also be expanded from what was originally formal and administrative in nature to become inclusive and deliberative, in line with the Islamic value of *shūrā*. In this case, the state does not only play a role as a facilitator of economic policy, but must also carry out its function as the protector of maslahat and guardian of ecological justice for all citizens. This maqāṣid-oriented governance approach offers a more holistic, just, and sustainable direction for legal and policy transformation in line with the needs of the current ecological crisis and the spiritual demands of a society that longs for civilized development. Thus, the integration of maqāṣid into the legal system is not merely a conceptual option, but a moral and strategic imperative for Indonesia's future.

Compares the role of MUI fatwas with state environmental policies:

Aspect	Fatwa MUI on Environment	State Environmental Law
Legal Sources	Based on Qur'an, Sunnah, and maqāṣid	Based on legal formalism and technocracy
Legal Force	Non-binding, normative and ethical influence	Binding, enforceable with sanctions
Environmental Focus	Preventive and moral: e.g., forest burning, species protection	Procedural and reactive: permits, AMDAL
Implementation	Rarely adopted into official regulations	Codified in administrative procedures
Social Legitimacy	High within Muslim communities	Limited cultural-spiritual legitimacy

The comparison between MUI fatwas and state policies shows a gap between Islamic ethical values and the positive legal system. MUI fatwas, despite their high social legitimacy and being based on maqāṣid al-sharī'ah, are not legally binding and therefore have not been integrated into formal policies. Conversely, state policies are juridical and technocratic in nature, but often ignore moral and

spiritual dimensions. Therefore, harmonization between the two is needed, such as formal recognition of environmental fatwas in regional regulations, as well as the involvement of religious actors in the legislative process. This step will strengthen fair, participatory, and sustainable environmental governance in accordance with Islamic values and the constitutional mandate.

The two comparative tables above namely between Islamic principles vs. positive law and MUI fatwas vs. state policy illustrate the fundamental paradigm differences in the way natural resources are viewed, designed, and managed in Indonesia. The Islamic legal system, through the maqāṣid al-sharī'ah approach, emphasizes aspects of transcendental ethics, substantive justice, inclusive public participation, and intergenerational sustainability. In this paradigm, nature is seen as a divine trust, not merely an economic commodity. Conversely, positive law and state policy tend to be technocratic, procedural, and oriented toward economic efficiency and legal certainty for investors, albeit with low social legitimacy at the community level. This imbalance is evidence that positive law has not been fully able to respond to complex ecological and social challenges in Indonesia. Therefore, the integration of holistic Islamic principles and legally binding national laws is an urgent need. Such harmonization will enable the emergence of environmental governance that is more just, inclusive, and sustainable, both normatively and operationally.

Case Analysis: Deforestation and Mining Conflicts

Environmental governance in Indonesia is increasingly marked by massive ecological degradation, particularly in resource-rich regions such as Papua, Kalimantan, and Sulawesi. Large-scale deforestation and open-pit mining, legally sanctioned through national policies, have caused ecosystem disruption, displacement of indigenous communities, and exacerbated socio-economic inequality. This reality exposes a serious gap between the normative claims in environmental regulations and the substantive conditions on the ground. From the perspective of maqasid al-sharī'ah, such practices constitute direct violations of the objectives of sharia, such as the protection of life (*hifẓ al-nafs*), lineage (*hifẓ al-nasl),* property (*hifẓ al-māl*), and environmental integrity (*hifẓ al-bi'ah*), which are now increasingly recognized as integral parts of the contemporary Islamic legal framework.

One concrete example can be seen in the case of deforestation in Kalimantan caused by the expansion of oil palm plantations and coal mining. The conversion of primary forests into industrial land has led to the loss of vital ecological functions such as carbon sequestration, groundwater protection, flood prevention, and habitat for biodiversity. Smoke from land fires causes acute and chronic respiratory disorders, violating the principle of *hifẓ al-nafs.* The economic losses caused by floods, landslides, and agricultural damage are far greater than the income from the industrial sector, undermining the principle of *hifẓ al-māl.*

Protecting the environment is also in line with protecting property (hifdz al-mal). Because wealth is not only money, gold and jewels. But all the objects that humans can own and all kinds of efforts to obtain them. So the earth, trees, animals, water, air and everything on and in the bowels of the earth are treasures.[30] Meanwhile, the destruction of tropical rainforest heritage and the loss of endemic species pose a serious threat to *hifẓ al-nasl* as a form of preserving the right to life for future generations. Another notable case is the gold mining conflict in protected forests and customary lands in Sumbawa, West Nusa Tenggara (NTB). In this case, indigenous communities have lost access to land, clean water sources, and spiritual values passed down through generations. Mercury pollution from mining activities has caused neurological damage and developmental disorders in children, violating the principle of *hifẓ al-'aql*. Additionally, the destruction of sacred sites with cultural significance constitutes a violation of *hifẓ al-dīn*, as it undermines the spiritual expressions cherished by local communities.

This situation is exacerbated by the power imbalance between corporations and indigenous communities. Although the rights of indigenous communities are guaranteed in the constitution and legislation, in practice there is a strong bias towards corporations through the issuance of permits that ignore indigenous land rights. This reflects a form of structural injustice (*ẓulm*) that directly contradicts the principle of *'adl* (justice). The Free, Prior and Informed Consent (FPIC) mechanism, which should guarantee the authentic participation of indigenous communities, is often reduced to an empty administrative formality. The forced displacement of indigenous peoples without adequate compensation constitutes a serious violation of 'adl al-ijrā'ī (procedural justice).

In this context, the tahqiq al-manāt method in Islamic jurisprudence can be used as an applicable framework that allows for a contextual reading of socio-ecological realities before applying legal provisions. tahqiq al-manāt requires a thorough examination of: who are the most affected parties? What are the direct and indirect losses from extractive projects? How is the ecosystem function disrupted? And what are the intergenerational impacts in the long term? This approach emphasizes that fatwas or policies cannot be formulated based solely on normative assumptions but must be grounded in data and real-world contexts. Through tahqiq al-manāt, scholars and policymakers are required to identify vulnerable areas (*himà*) as zones that must be protected, either because of their ecological value or because of the local community's dependence on them. The identification of irreversible damage (*mafàsid*) or damage that affects vulnerable groups becomes the basis for prohibiting or redesigning development projects. In this sense, t*ahqiq al-manāt* functions not only as a diagnostic tool but also as a moral and legal threshold for preventive and corrective action within the

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[30] Choirur Rois et al., "Islamic Law Paradigm Responding Conflicts of Interest of Economic Development and Ecological Conservation Hifdz Al-Bi'ah Perspective," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (2024): 193–210, https://doi.org/10.29240/jhi.v9i1.8660.

framework of Sharia. The application of this methodology within a maqāsid-oriented environmental governance framework leads to concrete recommendations, including:

1. The obligation to conduct a socio-ecological baseline study prior to the issuance of resource exploitation permits, emphasizing communal ownership and ecosystem carrying capacity limits;
2. The integration of indigenous ecological knowledge into land-use planning and policy assessment;
3. Priority protection of vulnerable zones as an emergency need (daruri) under the principles of *hifz al-nafs* and *hifz al-bi'ah*;
4. A legal moratorium on development in disputed areas until a comprehensive evaluation based on *tahqiq al-manat* is completed;
5. Restorative obligations by companies, not only financially but also ecologically and culturally.

Thus, taḥqīq al-manāṭ ensures that Islamic legal norms are not applied abstractly, but are truly integrated into the realities of life, thereby strengthening the mandate of maqasid al-sharī'ah in achieving justice, sustainability, and raḥmah (compassion) in public policy.

Proposed Framework: Maqāṣid-Based Environmental Governance

The reconstruction of Islamic legal norms in environmental governance requires a framework that is not only normative-theological, but also systemic, contextual, and operational. In facing environmental crises and resource conflicts in Indonesia characterized by the legalization of exploitation, marginalization of local communities, and inequality of access to nature an alternative governance model is needed that can balance ecological benefits and social justice. To this end, the maqasid al-sharī'ah (noble objectives of Sharia) approach serves as a conceptual and strategic foundation for building a value-oriented and sustainable environmental governance framework. This framework is reinforced by Jasser Auda's (2008) system theory approach, which reconstructs Islamic law as a dynamic, open, and multidimensional system. Auda proposes six dimensions of legal renewal: purposiveness (goal-oriented), openness (open to modern contexts), interrelatedness (connected across social aspects), cognitive nature (knowledge-based), multidimensionality (non-linear), and value hierarchy (grounded in values). In this context, Islamic law is not positioned as a closed system based on static texts, but as an adaptive system capable of responding to contemporary ecological challenges through the integration of values, context, and social functions.

Structurally, maqāṣid-oriented environmental governance is built on three key components. First, maqasid principles such as *hifz al-nafs* (protection of life), *hifz al-māl* (property), *hifz al-nasl* (progeny), and *hifz al-bi'ah* (environment) are used as normative benchmarks in every resource regulation. Second, the *tahqiq al-manat*

method is presented as an applicative instrument to ensure that every policy is contextual and based on local realities, not merely formal legal assumptions. Third, this approach leads to institutional transformation and a change in the role of the state namely, by mainstreaming the participation of indigenous peoples, recognizing local knowledge, and imposing restorative justice-based legal sanctions for ecological violations. In this context, it is important to highlight the fundamental differences between conventional governance and maqasid-based governance. Conventional governance in Indonesia tends to be oriented towards formal procedures and macroeconomic interests. Regulations are made from the top down, with little room for community participation. As a result, the law often legitimizes the exploitation of resources without considering the overall social and ecological impacts. Justice in this system is administrative, not substantive.

In contrast, maqāṣid-based governance places law as a means of *maslahah 'āmmah* (public interest), which not only protects the environment as an object but also the community as the main subject. The principles of *shūrā* (consultation), *'adl* (justice), and *amānah* (responsibility) are the pillars of governance that guarantee authentic community involvement in decision-making processes, especially those directly affected by extractive projects. Furthermore, ecological sustainability is not seen merely as an environmental agenda, but as a sharia mandate that guarantees the survival of future generations. This difference can be summarized as follows: while conventional governance focuses on investment and administrative efficiency, maqasid governance focuses on distributive justice, long-term sustainability, and respect for community rights. Regulation is not only seen in terms of legal compliance, but also in terms of the extent to which it brings *rahmah* (compassion), *hikmah* (wisdom), and *maslahah* (benefit) to all beings. This framework consciously positions itself as an alternative/correction to the fundamental weaknesses in conventional resource governance in Indonesia:

Conventional Governance vs. Maqāṣid-Oriented Governance: A Critical Comparison

Aspect	Conventional Governance (Dominant in Indonesia)	Maqāṣid-Oriented Governance (Proposed Framework)
Philosophical Basis	Anthropocentric (Humans as the center), Utilitarian (Short-term benefits), Legal Positivism (Formal compliance)	Theocentric-Ecocentric (Khalifah/Responsibility to Allah & Nature), Holistic (Maqāṣid as a unity), Value-based (Sharia Ethics)
Main Objectives	Economic growth, exploitation of natural resources for state/regional	Achievement of Maqāṣid al-Sharī'ah (especially Hifz al-Bi'ah as a prerequisite),

	revenue, regulatory compliance	ecological-social-economic balance, inter- and intra-generational justice
Environmental Approach	Often fragmented (sectoral), reactive (addressing issues *after they* arise), extreme anthropocentric (nature is only a resource)	Holistic Systemic (Auda), proactive-preventive (principle of caution/Ihtiyāṭ), guided ecocentric (nature as a verse & trust)
Assessment Dimensions	Mainly economic (cost-benefit) & technical-ecological (limited)	Multidimensional (ecological, social, economic, spiritual, institutional) based on Maqāṣid
Decision-Making Process	Top-down, bureaucratic, limited participation (often formal)	Participatory-Deliberative (Consultation), Involving Multi-Stakeholders (including Ulama, Indigenous Peoples, Experts), Transparent
Sources of Authority & Legitimacy	Positive Law (Laws, Government Regulations, Local Regulations), Bureaucratic/Political Power	Positive Law **in harmony with** Maqāṣid al-Sharī'ah, Islamic Values, Local Wisdom (Adiluhung), Knowledge
Flexibility & Adaptation	Rigid, slow to adapt, prone to policy "lock-in"	Contextual (Auda), Adaptive, Based on continuous Maqāṣidi Ijtihad in response to new realities and knowledge
Accountability	Primarily Vertical Accountability (to superiors/government) & Procedural	Multi-Directional Accountability: Vertical, Horizontal (to the public), and Transcendental (Accountability to Allah/Khalīq)
Role of Ulama & Fiqh	Often marginal, symbolic, or only in aspects of ritual/special worship	Central in Maqāṣid interpretation, ethics, environmental fatwas, public education, policy oversight

Thus, maqasid-based environmental governance offers a transformative approach that integrates Islamic spiritual ethics, public policy rationality, and socio-ecological sensitivity into an adaptive and inclusive legal system. In an era where climate crises and resource inequality are global challenges, the reconstruction of Islamic law through maqasid is not merely a normative alternative but a strategic contribution toward more just and sustainable environmental governance.

Conclusion

This study confirms that natural resource management in Indonesia faces serious structural and normative challenges due to an exploitative, anthropocentric legal paradigm that fails to take into account ecological justice and intergenerational equity. Although Islamic environmental ethics such as *khalīfah, mīzān,* and *hifẓ al-bi'ah* offer a strong moral framework, these values have not been systematically integrated into positive law or state policy practices. Through the dynamic and goal-oriented approach of *ijtihād maqāṣidī* and the applicative method of *tahqiq al-manat*, this study offers a contextual and solution-oriented model for the reconstruction of Islamic law. This approach allows for the integration of Islamic norms and the legal reality of the state in resource management, as well as filling the ethical void in regulations that are currently too technocratic. Four main findings stand out in this study:

1. Legal dualism and the marginalization of environmental ethics fatwas render Islamic law inoperable in the state legal system;
2. Institutional fragmentation weakens cross-sectoral policy coordination and opens up opportunities for exploitation;
3. Centralization of authority marginalizes indigenous and local communities, contrary to the principles of *hifẓ al-nafs, al-'ird*, and *al-māl*;
4. The absence of accountability and authentic public participation, which ignores the principles of *shūrā, 'adl,* and *amānah* in sharia.

To that end, this study recommends maqāṣid-based legal reforms, which include:

1. Revision of the Minerba Law, the Job Creation Law, and related regulations,
2. Integrating MUI environmental fatwas as secondary legal references,
3. Involving scholars and maqasid experts in AMDAL and legislative forums,
4. Establishing a National Maqasid Commission to oversee and guide ethical and inclusive ecological policies.

By uniting contemporary Islamic legal theory (such as Jasser Auda's System Theory), maqāṣid principles, and a contextual reading of socio-ecological realities, this study offers a new paradigm of resource governance that is not only legal and administrative, but also ethical, participatory, and sustainable. This demonstrates

that Islamic law, when strategically reconstructed, can significantly contribute to shaping fair and environmentally friendly public policies in Indonesia.

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