

# **MAQĀṢID AL-SHARĪ'AH AND ENVIRONMENTAL PROTECTION IN INDONESIAN ISLAMIC LEGAL DISCOURSE**

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## **ABSTRACT**

Environmental degradation has emerged as a critical challenge affecting ecological sustainability, public welfare, and future generations. In response, Islamic legal scholars increasingly employ the framework of *Maqāṣid al-Sharī'ah* to address contemporary environmental concerns and develop normative foundations for ecological responsibility. This study explores the role of *Maqāṣid al-Sharī'ah* in shaping environmental protection discourse within Indonesian Islamic legal thought. Using a normative and conceptual methodology, the research examines scholarly writings, fatwas, and legal interpretations that connect environmental preservation with the objectives of Islamic law. The findings demonstrate that environmental protection is increasingly understood as an integral component of safeguarding life, property, human dignity, and public welfare. The study reveals that the *maqāṣid* framework provides a flexible and comprehensive approach for addressing modern environmental challenges that extend beyond traditional legal categories. Furthermore, Indonesian Islamic legal discourse increasingly recognizes environmental sustainability as a collective moral and legal responsibility grounded in Islamic ethical principles. The research argues that Islamic legal modernism enables the reinterpretation of classical legal concepts to respond effectively to contemporary ecological crises. By emphasizing public interest (*maṣlaḥah*) and intergenerational justice, *Maqāṣid al-Sharī'ah* offers a normative foundation for environmental governance and sustainable development. The study concludes that integrating environmental concerns into Islamic legal reasoning strengthens the relevance of Islamic jurisprudence in addressing global sustainability challenges. These findings contribute to the growing body of scholarship on Islamic environmental ethics and the modernization of Islamic legal thought in Indonesia.

**KEYWORDS** *Maqāṣid al-Sharī'ah, Environmental Protection, Islamic Legal Discourse, Sustainability, Islamic Legal Modernism*

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## I. INTRODUCTION

Environmental degradation has become one of the most consequential challenges facing contemporary societies. Climate change, deforestation, biodiversity loss, water pollution, waste accumulation, and unsustainable extraction of natural resources increasingly affect human health, economic security, food systems, and the conditions necessary for future generations. Although environmental protection has traditionally been approached through scientific, economic, and regulatory frameworks, the ecological crisis also raises fundamental questions concerning ethics, human responsibility, and the normative foundations of development. In Muslim societies, these questions have encouraged renewed engagement with Islamic legal and theological traditions, particularly through the concepts of *khalīfah*, *amānah*, *mīzān*, *fasād*, *maşlahah*, and *maqāṣid al-sharī'ah* (Foltz, Denny, and Baharuddin 2003; Gade 2019; Mangunjaya 2015).

The relevance of Islamic legal reasoning to environmental protection is particularly significant in Indonesia. As the world's largest Muslim-majority country, Indonesia possesses an extensive network of Islamic organizations, pesantren, universities, mosques, religious scholars, and civil-society institutions that participate in public discourse. Islamic organizations have increasingly incorporated ecological concerns into religious education, community activism, and legal interpretation. The Indonesian Ulema Council (*Majelis Ulama Indonesia*, MUI), for example, established the *Lembaga Pemuliaan Lingkungan Hidup dan Sumber Daya Alam* in 2010 to promote environmental protection and natural-resource management according to Islamic teachings. The institution explicitly connects environmental protection with *maqāṣid al-sharī'ah* and the preservation of the five essential human interests.

The development of environmental fatwas demonstrates that ecological concerns are no longer marginal within Indonesian Islamic legal discourse. MUI has issued fatwas addressing environmentally responsible mining, endangered species conservation, waste management, forest and land burning, and global climate change. Fatwa No. 86 of 2023 represents the most comprehensive recent development because it explicitly addresses climate change and frames environmental destruction as an Islamic legal and ethical problem. The fatwa

prohibits activities that cause environmental destruction and climate crisis, including deforestation and forest and land burning, while also requiring mitigation, adaptation, carbon-emission reduction, and a just energy transition.

The emergence of such legal discourse reflects a broader transformation in Islamic jurisprudence. Classical *fiqh* developed sophisticated rules concerning property, land, water, animals, public resources, and harm, but environmental degradation in its contemporary form presents problems that transcend the immediate transactional and individual categories through which classical jurists commonly reasoned. Climate change, for example, is produced through cumulative activities involving millions of individuals, corporations, states, and transnational economic systems. Its consequences are spatially and temporally distributed and may affect individuals who did not participate in creating the harm. This complexity requires a methodology capable of moving from individual legal rules toward broader objectives of law.

*Maqāṣid al-sharī'ah* provides such a methodology. Rather than asking only whether a particular environmental action falls within a pre-existing legal category, a *maqāṣid*-oriented analysis asks whether the action promotes or undermines the fundamental purposes of Islamic law. Classical formulations commonly identify the protection of religion, life, intellect, lineage, and property as essential objectives (*al-darūriyyāt al-khams*). Contemporary scholars have expanded the methodological application of *maqāṣid* by emphasizing welfare, justice, human dignity, freedom, and systemic considerations (Kamali 2008; Auda 2008; Ibn Ashur 2006).

Environmental protection can be incorporated into this framework without necessarily creating a completely separate *maqṣad*. Environmental degradation directly threatens existing *maqāṣid*. Air pollution threatens life; water contamination threatens life and property; ecological destruction threatens livelihoods; climate change undermines food and economic security; and environmental injustice disproportionately affects vulnerable communities. Consequently, environmental protection can be understood both as an independent normative concern and as a condition necessary for realizing multiple established objectives of Islamic law (Ouis 1998; Bagader et al. 1994; Foltz, Denny, and Baharuddin 2003).

This conceptual shift is especially important for Islamic legal modernism. Legal modernism does not require the abandonment of classical jurisprudence. Rather, it seeks to preserve the ethical and normative purposes of Islamic law while developing interpretive methods capable of addressing new social conditions. Environmental problems provide a particularly clear example of this process. Classical concepts such as *maṣlaḥah*, *dar' al-mafāṣid* (preventing harm), *ḍarar* (harm), *ḥimā* (protected land), and *khalīfah* can be reconsidered within contemporary ecological circumstances.

Indonesian Islamic legal discourse is therefore an important case through which to examine how Islamic law responds to environmental modernity. The interaction between Islamic organizations, state environmental law, environmental movements, and religious communities creates a plural normative environment. Najemi and Rapik (2024), for example, argue that Indonesia's "green fatwas" possess significant potential to strengthen environmental protection but that the separation between religious norms and state environmental law can limit their

practical impact. They propose greater assimilation between Islamic environmental values and environmental legal policy.

This study argues that *maqāṣid al-sharī'ah* provides a significant methodological bridge between Islamic legal tradition and contemporary environmental governance in Indonesia. It allows ecological protection to be understood not as an external addition to Islamic law but as an expression of the law's fundamental objectives concerning life, welfare, justice, property, human dignity, and future generations.

Existing scholarship on Islam and environmental protection can broadly be divided into four interconnected strands. The first examines Islamic environmental ethics and theology. Scholars such as Nasr (1996), Foltz, Denny, and Baharuddin (2003), Ouis (1998), and Mangunjaya (2015) demonstrate that Islamic teachings contain substantial resources for constructing an environmental ethic. Concepts such as *tawhīd*, *khalīfah*, *amānah*, *mīzān*, and the prohibition of *fasād* provide theological and moral foundations for ecological responsibility. Gade (2019) further demonstrates that Muslim environmentalism is not a uniform movement but encompasses diverse forms of religious practice, legal interpretation, conservation, education, and social activism. Her analysis is particularly relevant to Indonesia because it shows how environmental discourse becomes embedded in local Islamic institutions and practices.

The second strand concerns Islamic environmental jurisprudence or *fiqh al-bi'ah*. Indonesian scholarship has particularly emphasized the work of Ali Yafie and Mujiyono Abdillah. Their approaches reinterpret Islamic legal categories to incorporate ecological concerns and challenge development models that prioritize economic growth without adequate consideration of environmental consequences. Studies comparing their approaches suggest that *maqāṣid* provides a more comprehensive basis for environmental jurisprudence because it emphasizes public welfare rather than restricting environmental questions to individual religious obligations.

The third strand focuses on Indonesian environmental fatwas. Research has examined MUI's fatwas concerning mining, wildlife, waste, forest destruction, and climate change. Harnowo and Habib (2024), for instance, demonstrate that MUI has progressively responded to climate change through religious-legal opinions that provide moral guidance concerning mitigation and adaptation. Iskandar and Sofuoğlu (2025) similarly identify a developing tradition of Indonesian Islamic environmentalism expressed through MUI's environmental fatwas.

The fourth strand examines the relationship between Islamic environmental discourse and Indonesian positive law. Recent research has questioned whether religious environmental norms can influence legal compliance and public policy. Najemi and Rapik (2024) argue that green fatwas can potentially strengthen environmental law but that legal dualism may limit their effectiveness. Other studies concerning Indonesia's Green Constitution demonstrate that environmental protection already possesses a constitutional basis through Article 28H(1) and Article 33(4) of the 1945 Constitution (Pinilih 2017; Yusa and Hermanto 2018).

Despite these contributions, an important gap remains. Much of the existing literature either discusses Islamic environmental ethics, individual *fiqh al-bi'ah* concepts, environmental fatwas, or positive environmental law independently. Fewer studies systematically explain how *maqāṣid al-sharī'ah* functions as a

methodological bridge connecting these different normative domains within Indonesian Islamic legal discourse. This study addresses that gap by analyzing *maqāṣid* not simply as an ethical vocabulary but as a framework for legal reinterpretation, institutional engagement, and environmental governance.

This study employs a normative and conceptual legal methodology. The normative component examines Islamic legal texts, contemporary fatwas, Indonesian environmental legislation, and relevant scholarly interpretations. The conceptual component analyzes the relationship between *maqāṣid al-sharī'ah*, *maṣlaḥah*, *ḍarar*, *khalīfah*, *amānah*, *mīzān*, and contemporary concepts of sustainability and environmental justice. Primary Islamic legal materials include relevant MUI fatwas, particularly Fatwa No. 86 of 2023 on global climate change, as well as earlier environmental fatwas concerning mining, endangered species, waste, and forest and land burning. Secondary materials include classical and contemporary Islamic legal scholarship and interdisciplinary literature on Islamic environmental ethics. The study also adopts a legal-modernist perspective. It does not assume that classical legal categories provide ready-made answers to contemporary ecological problems. Instead, it examines how their underlying purposes can be reconstructed through *maqāṣid*-oriented reasoning. This methodology is consistent with contemporary systems approaches to Islamic law that emphasize interrelatedness, multidimensionality, openness, and the consequences of legal rules (Auda 2008).

This article makes three principal contributions. First, it conceptualizes environmental protection as an integral component of *maqāṣid*-oriented Islamic legal reasoning rather than as a peripheral ethical concern. Second, it demonstrates how Indonesian environmental fatwas represent a form of contemporary *ijtihād* that translates ecological science and public-interest concerns into Islamic legal norms. Third, it proposes a framework for connecting Islamic environmental discourse with Indonesia's existing environmental-law architecture without reducing Islamic law to state law or treating religious norms as merely symbolic.

## II. RECONSTRUCTING ENVIRONMENTAL PROTECTION THROUGH *MAQĀṢID AL-SHARĪ'AH*

The central methodological challenge in Islamic environmental jurisprudence concerns the status of nature within the objectives of Islamic law. Classical formulations of *maqāṣid al-sharī'ah* generally identify five essential interests: religion, life, intellect, lineage, and property. Environmental protection is not always explicitly listed as a separate objective in classical formulations. This has sometimes led to the assumption that environmental law is secondary to more established areas of *fiqh*.

Such an interpretation, however, is unnecessarily restrictive. The purpose of *maqāṣid* is not simply to reproduce a fixed list of protected interests but to identify the underlying purposes of Islamic law. Contemporary *maqāṣid* scholarship therefore permits the expansion and contextualization of legal objectives where new circumstances reveal forms of harm that directly affect the realization of existing objectives (Ibn Ashur 2006; Kamali 2008; Auda 2008). Environmental degradation demonstrates precisely why such methodological flexibility is necessary.

Consider the protection of life (*hifẓ al-nafs*). Air pollution, contaminated water, extreme heat, flooding, drought, and climate-related disasters directly threaten human survival. Environmental protection is therefore not external to the preservation of life; it is one of its practical preconditions. The same applies to property (*hifẓ al-māl*). Agricultural land, fisheries, forests, water resources, and livestock constitute sources of livelihood and economic security. Their destruction can deprive communities of property and income. Environmental degradation can therefore represent a violation of the broader objective of protecting wealth and economic security.

Environmental protection also relates to lineage or future generations (*hifẓ al-nasl*). A degraded environment inherited by future generations limits their ability to secure food, water, health, and economic livelihoods. Intergenerational responsibility consequently becomes a logical extension of the *maqāṣid* framework. The protection of intellect (*hifẓ al-ʿaql*) can likewise be connected to environmental health. Toxic pollution and unsafe living environments can undermine human health and cognitive development. More broadly, environmental education strengthens the capacity of individuals and communities to understand and responsibly manage their surroundings. Finally, environmental responsibility can be related to the protection of religion (*hifẓ al-dīn*) because Islamic religious practice is grounded in a moral relationship between human beings and God's creation. The Qur'anic concept of stewardship positions humanity not as an absolute owner of nature but as a responsible participant within creation.

This does not necessarily mean that “environment” must simply be added as a sixth objective to the classical five. Such an approach can be useful in some contexts, but it may also obscure the systemic nature of *maqāṣid*. A stronger argument is that environmental sustainability constitutes a cross-cutting condition for realizing multiple *maqāṣid*. Auda's systems approach is especially useful here. Rather than understanding *maqāṣid* as a static hierarchy, a systems approach emphasizes the relationships among different objectives and the consequences of legal decisions (Auda 2008). Environmental degradation demonstrates these interconnections: destruction of forests affects water systems; water degradation affects health; health affects economic productivity; economic loss affects household welfare; and ecological instability affects future generations.

The ecological crisis is therefore inherently systemic. This perspective also changes the meaning of *maṣlaḥah*. Public interest cannot be defined only in terms of immediate economic benefit. A mining project may generate employment and revenue in the short term while producing long-term environmental damage that imposes greater social costs. A *maqāṣid*-oriented analysis must therefore consider the distribution, duration, and reversibility of benefits and harms.

This is particularly important in Indonesia, where natural-resource extraction has historically been central to economic development. The tension between economic growth and ecological sustainability raises a fundamental question concerning the meaning of *maṣlaḥah*. If economic benefits are achieved through irreversible ecological destruction, can they still be regarded as genuine public welfare?

From a *maqāṣid* perspective, the answer should be qualified. Public interest must account for both present and future consequences. This is consistent with the Islamic legal principle of preventing harm and with the broader ethical concept of

*amānah*. Ali Yafie's environmental jurisprudence is significant in this context. His approach emphasizes the relationship between *rabb al-‘ālamīn* and *rahmatan li-l-‘ālamīn*: God is the Lord of all creation, while humanity is entrusted with responsibility toward creation. Recent Indonesian research has connected this conceptual framework to contemporary instruments such as green sukuk, demonstrating how environmental *fiqh* can inform sustainable economic activity. Thus, the first proposition of this study is that environmental protection should be interpreted as a cross-cutting realization of *maqāṣid al-sharī‘ah*, because ecological integrity is a prerequisite for the protection of life, property, human dignity, social welfare, and future generations.

### III. FROM FIQH *AL-BI’AH* TO CONTEMPORARY IJTIHĀD

The development of *fiqh al-bi’ah* represents an important example of contemporary *ijtihād*. Traditional *fiqh* contains numerous environmental principles, but they were generally dispersed across different legal chapters rather than organized into a systematic environmental jurisprudence. Classical Islamic law includes rules concerning water, land use, agricultural property, animals, forests, public resources, and prevention of harm. The concept of *himā*, for example, allowed certain areas to be designated for protected use, while rules concerning water and public resources sought to prevent monopolization and harm to communities. These doctrines demonstrate that Islamic law historically recognized limitations on unrestricted resource exploitation (Bagader et al. 1994; Al-Damkhi 2008).

Contemporary ecological conditions, however, require these concepts to be reconsidered at a systemic scale. The concept of *ḍarar* is particularly important. The legal maxim *lā ḍarar wa lā ḍirār*—commonly understood as prohibiting harm and reciprocal harm—provides a broad normative principle against activities that produce significant environmental damage. Yet modern environmental harms are frequently indirect and cumulative. A single individual's carbon emissions may appear insignificant, but the aggregate consequences of billions of emissions contribute to climate change.

Contemporary *ijtihād* therefore requires a shift from an exclusively individual conception of harm toward collective and systemic harm. This is precisely what Fatwa MUI No. 86 of 2023 attempts to do. The fatwa does not limit responsibility to direct perpetrators of environmental destruction. It also addresses those who facilitate, support, or benefit from destructive activities. MUI's position on forest and land burning, for example, identifies not only direct burning but also facilitating, permitting, or benefiting from destructive practices as religiously prohibited under specified circumstances.

This represents an important methodological development because it recognizes the distributed nature of environmental responsibility. The fatwa on climate change goes even further. It connects environmental destruction with climate change and establishes obligations concerning mitigation and adaptation. MUI describes the fatwa as requiring efforts to reduce carbon footprints, undertake adaptation and mitigation, and promote a just energy transition. Such provisions cannot be derived merely by mechanically reproducing a classical rule. They require contemporary scientific knowledge concerning climate change, causal



relationships, risk, and ecological consequences. This illustrates a central characteristic of modern *ijtihad*: legal reasoning interacts with empirical knowledge.

Environmental *fiqh* cannot function effectively if jurists do not understand how ecosystems operate, how pollution affects health, or how greenhouse-gas emissions contribute to climate change. Conversely, environmental science alone cannot determine the normative question of what ought to be prohibited, required, or encouraged. Islamic legal reasoning therefore operates in dialogue with scientific expertise.

Harnowo and Habib (2024) identify this development in their study of MUI's climate-related fatwas, noting that the fatwa provides a moral and religious response to a global scientific problem. This interaction is consistent with Islamic legal modernism. Legal modernism does not mean replacing revelation with science. Instead, empirical knowledge informs the identification of *manāṭ*—the factual circumstances upon which legal judgments depend. For example, if a particular industrial practice is scientifically demonstrated to produce serious and irreversible environmental harm, that evidence becomes relevant to determining whether the practice violates the Islamic prohibition of harm.

The methodological sequence can therefore be expressed as: *scientific evidence* → *identification of ecological harm* → *assessment of public interest* → *application of Islamic legal principles* → *formulation of contemporary legal guidance*. This approach differs from both extremes: it avoids reducing environmental law to secular regulation while also avoiding an interpretation of Islamic law disconnected from empirical reality. Recent scholarship on MUI's environmental discourse confirms this development. Iskandar and Sofuoğlu (2025) identify a broader pattern in which Indonesian Islamic environmentalism has been expressed through fatwas concerning mining, wildlife conservation, waste, forest burning, and climate change.

#### IV. MUI ENVIRONMENTAL FATWAS AND THE TRANSFORMATION OF ISLAMIC LEGAL AUTHORITY

The Indonesian experience is particularly important because environmental discourse has increasingly entered the domain of formal Islamic legal authority. MUI's environmental initiatives demonstrate that Islamic legal institutions can respond to ecological issues without waiting for environmental questions to become conventional topics of *fiqh*. The establishment of the LPLH & SDA MUI itself reflects an institutional recognition that environmental protection requires religious engagement. The institution explicitly identifies environmental protection as part of the pursuit of *maṣlaḥah* and connects ecological responsibility with the five essential objectives of Islamic law.

This institutionalization is important because fatwas can perform functions beyond their strictly legal status. In Indonesia, MUI fatwas are generally not equivalent to binding state legislation. Nevertheless, they can shape religious norms, public discourse, organizational behavior, and community attitudes. This distinction between legal bindingness and normative authority is crucial.

A fatwa may lack coercive state enforcement while still exerting considerable social influence. Its effectiveness depends on religious legitimacy, institutional



credibility, dissemination, and the willingness of communities and organizations to translate its recommendations into action. The 2025 study by Holifurrahman and Sulistyowati is particularly relevant here. Their analysis of Fatwa No. 86 of 2023 argues that the fatwa can function as an injunctive norm influencing environmental attitudes and behavior. They propose a “Green-Fatwa-to-Action” model connecting religious norms with structural facilitation, Islamic financing, and monitoring mechanisms.

This suggests that the principal challenge is not the absence of Islamic environmental norms but the implementation gap between normative instruction and ecological behavior. A fatwa stating that environmental destruction is *haram* may strengthen moral awareness, but it does not automatically prevent illegal logging, pollution, waste dumping, or carbon-intensive development. Behavioral change requires institutions, economic incentives, enforcement, education, and infrastructure.

This is where the relationship between Islamic law and state environmental law becomes particularly important. Najemi and Rapik (2024) argue that the dualism between green fatwas and positive environmental law can reduce compliance because religious norms and state regulations operate in parallel rather than as integrated systems. They therefore propose greater assimilation between Islamic environmental principles and environmental legal policy. The proposition is important but should be approached carefully. Integration does not mean transforming every fatwa into state law. Such an approach could undermine the distinction between religious authority and state authority in Indonesia's plural legal system. A more appropriate model is normative complementarity. Under this model:

1. state environmental law establishes enforceable minimum standards;
2. Islamic legal institutions provide ethical and religious legitimacy;
3. religious organizations mobilize communities;
4. educational institutions cultivate ecological consciousness;
5. civil society monitors environmental practices; and
6. economic institutions create incentives for sustainable behavior.

This approach preserves legal pluralism while encouraging institutional cooperation. The experience of MUI also demonstrates that Islamic legal authority is becoming more responsive to issues that were not traditionally regarded as central subjects of religious jurisprudence. Climate change is a paradigmatic example. It requires jurists to address questions involving energy, carbon emissions, industrial production, transportation, consumption, and international environmental governance. Thus, environmental *ijtihad* expands the scope of Islamic legal discourse. The third proposition is that MUI's environmental fatwas represent an important transformation of Islamic legal authority from reactive jurisprudential adjudication toward proactive normative engagement with systemic public problems.

## V. ENVIRONMENTAL JUSTICE, INTERGENERATIONAL RESPONSIBILITY, AND *MAŞLAHAH*

One of the most important contributions of *maqāṣid* to environmental discourse is its capacity to broaden the concept of public interest. Environmental degradation

rarely affects all members of society equally. Poor communities, farmers, coastal populations, indigenous communities, and people living near extractive industries may experience environmental harm more severely than economically privileged groups. Climate change similarly produces unequal vulnerability.

This raises the question of environmental justice. A purely utilitarian conception of *maṣlahah* could justify environmental destruction if aggregate economic benefits appear greater than immediate costs. A *maqāṣid*-oriented approach, however, requires a more sophisticated assessment because Islamic law places importance on protecting vulnerable interests and preventing serious harm. The principle of *dar' al-mafāṣid* is particularly significant. Where an economic activity generates substantial environmental damage, its legality cannot be determined solely by its contribution to economic growth. The type, magnitude, distribution, and reversibility of harm must also be assessed.

The concept of *amānah* reinforces this point. Humans are not absolute owners of nature but trustees responsible for its responsible use. The Qur'anic concept of *khalīfah* likewise establishes a relationship of responsibility rather than unlimited domination. Gade's analysis of Muslim environmentalism is useful here because it demonstrates that Islamic environmental responsibility often emerges through practical religious practices rather than abstract theological statements alone. Environmentalism can become embodied through conservation projects, education, religious rituals, community organizations, and legal advocacy.

Indonesian pesantren provide an important example. Research by Mangunjaya and colleagues examining environmental awareness among students in Islamic boarding schools demonstrates that Islamic environmentalism can be connected to environmental education and sustainable-development awareness. This suggests that *maqāṣid* should not be confined to courts, fatwa institutions, or academic discussions. It can become a framework for ecological education and community action. Intergenerational justice is particularly important. Classical *fiqh* often focuses on the relationship between present parties, but environmental degradation creates obligations toward people who do not yet exist. Future generations cannot negotiate contracts or participate directly in contemporary political decisions, yet present generations make decisions that substantially determine their future conditions. A *maqāṣid*-based approach can incorporate future generations through the concept of preserving essential interests over time.

If the destruction of a forest today makes it impossible for future communities to obtain clean water, food, or economic resources, then the present generation has effectively compromised the *maṣlahah* of those future communities. This expands the temporal dimension of Islamic legal reasoning. It also provides a strong normative basis for sustainable development. Sustainability should not merely be understood as an economic-development strategy but as an ethical requirement to avoid transferring today's environmental costs to tomorrow's population.

This principle is compatible with Indonesia's constitutional environmental framework. Article 28H(1) of the 1945 Constitution recognizes the right to a good and healthy environment, while Article 33(4) incorporates sustainable development principles into the national economic system. Scholars have consequently characterized Indonesia as possessing a "Green Constitution" framework. (Pinilih 2017; Yusa and Hermanto 2018). The convergence between constitutional environmental law and *maqāṣid* is therefore significant. Both

recognize that economic development cannot be separated from the protection of human welfare and ecological conditions. This convergence does not mean that Islamic law and constitutional law are identical. Rather, it creates a potential normative dialogue between two distinct legal traditions.

## VI. FROM GREEN FATWA TO ENVIRONMENTAL GOVERNANCE

The final question is how Islamic environmental reasoning can move beyond discourse and contribute to actual environmental governance.

The existence of environmental fatwas is an important development, but fatwas alone cannot resolve Indonesia's ecological problems. Environmental governance requires coordination among legal institutions, religious organizations, local governments, corporations, communities, educational institutions, and civil society. A useful model can be developed through four interconnected levels.

### 1. First: normative transformation

Islamic legal discourse should continue developing *fiqh al-bi'ah* through *maqāṣid*-based reasoning. Environmental questions should be integrated into contemporary discussions of *mu'āmalāt*, public policy, economic law, and social ethics rather than treated as a specialized topic disconnected from mainstream jurisprudence.

### 2. Second: institutional translation

Islamic organizations should translate environmental fatwas into educational curricula, mosque programs, pesantren activities, sermons, community initiatives, and organizational policies. The recent literature on Fatwa No. 86 of 2023 indicates that religious dissemination can influence environmental attitudes when supported by appropriate institutional structures.

### 3. Third: legal-policy integration

Environmental authorities can engage Islamic organizations in public education, conservation programs, waste management, climate adaptation, and community-based environmental governance. This does not require transforming fatwas into legislation. Instead, Islamic norms can operate as complementary sources of social legitimacy and behavioral motivation. Najemi and Rapih's analysis is particularly relevant here: they identify the potential of Islamic environmental norms to support environmental law but also warn of the consequences of maintaining a strict separation between the two systems.

### 4. Fourth: economic transformation

Islamic finance provides another mechanism. Green sukuk, zakat, waqf, and other Islamic financial instruments can potentially mobilize resources for renewable energy, clean water, conservation, waste management, and climate adaptation. The connection between Ali Yafie's environmental jurisprudence and green sukuk illustrates how environmental *fiqh* can move into economic institutions. This is especially important because ecological problems are often rooted in economic structures. Religious exhortation alone cannot overcome economic incentives that reward destructive resource extraction.

A *maqāṣid*-oriented approach therefore requires institutional mechanisms that align economic incentives with environmental welfare. Recent Indonesian scholarship has increasingly moved in this direction. Studies of green investment

have connected *fiqh al-bi'ah* with Indonesia's Green Constitution and the transition toward net-zero emissions. (Lutfi et al. 2025). Similarly, research on sustainable waste management has proposed integrating environmental law, Islamic jurisprudence, and Islamic green finance into a unified framework. (Maskun et al. 2025).

These developments suggest that the future of Islamic environmental law should not be limited to prohibiting environmentally destructive activities. It should also establish positive obligations and institutional mechanisms for sustainable development. This represents a significant shift from reactive environmental ethics to proactive environmental governance. The distinction is important. A reactive approach asks whether pollution is prohibited. A proactive *maqāṣid* approach asks what institutional arrangements are necessary to ensure clean water, healthy ecosystems, sustainable livelihoods, climate resilience, and intergenerational welfare.

## VII. CONCLUSION

This study has demonstrated that *maqāṣid al-sharī'ah* provides a substantial methodological foundation for incorporating environmental protection into contemporary Indonesian Islamic legal discourse. Environmental sustainability should not be regarded as an external concern added to Islamic law from modern environmentalism; rather, it can be understood as a condition for realizing established objectives of Islamic law, particularly the protection of life, property, human welfare, dignity, and future generations. Through concepts such as *maṣlaḥah*, *ḍarar*, *khalīfah*, *amānah*, and *mīzān*, Islamic legal reasoning possesses sufficient normative resources to respond to climate change, deforestation, pollution, biodiversity loss, and unsustainable resource exploitation.

The Indonesian experience further demonstrates that contemporary *ijtihād* can transform these principles into concrete legal and social discourse. MUI's environmental fatwas, particularly Fatwa No. 86 of 2023, illustrate how Islamic legal authority has begun addressing climate change as a systemic moral and legal problem rather than merely as an environmental policy issue. Nevertheless, the effectiveness of such norms depends on their translation into institutional practice. The most promising model is therefore one of normative complementarity, in which Islamic environmental jurisprudence, state environmental law, scientific knowledge, Islamic organizations, education, and sustainable finance reinforce one another. In this framework, *maqāṣid al-sharī'ah* functions not merely as a theological justification for environmental protection but as a methodology for constructing a more socially just, ecologically sustainable, and future-oriented Islamic legal response to environmental crisis.

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