



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

The Thematic-Holistic Combination as a Transformation of Islamic Law: A Study of Environmental *Naṣṣ*

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Abstract

*This paper analyzes the concept of environmental protection and management through the study of *maqāṣid al-syarī'ah* as a normative value framework as well as a dialogical mediator among environmental fiqh, positive environmental law, and customary practices of Indonesian society. The main problem lies in the methodological disintegration of these three systems, while the increasingly alarming ecological crisis demands comprehensive environmental protection instruments that can be institutionally enforced. This study aims to explain how the thematic-holistic combinatory analysis of the *naṣṣ* of the Qur'an and hadith can produce an applicable formulation of environmental fiqh, while simultaneously determining the most appropriate model of environmental management in accordance with the objectives of Islamic law. The method employed is normative legal research with a qualitative approach through thematic (*mawḍū'ī*) and holistic (*kullī*) analysis of the Qur'an and hadith, which subsequently serves as the basis for formulating *maqāṣid al-syarī'ah* as a normative analytical framework. The findings indicate that environmental protection is in accordance with the objectives of Islamic law, particularly in realizing *ḥifẓ al-bī'ah*, *ḥifẓ al-naḥs*, and *ḥifẓ al-māl*, and that the integration of environmental fiqh, positive environmental law, and customary practices constitutes the model most aligned with *maqāṣid*. Therefore, integrative environmental fiqh can be understood as a legitimate and relevant form of *maqāṣidī ijtihād* in contemporary Islamic law.*

Keywords: *Maqāṣid al-syarī'ah*, Environmental fiqh, positive environmental law, customary practices, ecosystem sustainability.

Abstrak

*Tulisan ini menganalisis konsep perlindungan dan pengelolaan lingkungan melalui kajian *maqāṣid al-syarī'ah* sebagai kerangka nilai normatif sekaligus mediator dialog antara fikih lingkungan, hukum positif lingkungan, dan praktik adat masyarakat di Indonesia. Permasalahan utama terletak pada belum terintegrasinya ketiga sistem tersebut secara metodologis, sementara krisis ekologis yang semakin mengkhawatirkan menuntut adanya instrumen perlindungan lingkungan yang komprehensif dan dapat ditegakkan secara institusional. Penelitian ini bertujuan untuk menjelaskan bagaimana kajian kombinasi tematik-holistik terhadap *naṣṣ* al-Qur'an dan hadis dapat menghasilkan formulasi fikih lingkungan yang aplikatif, sekaligus menentukan model pengelolaan lingkungan yang paling sesuai dengan tujuan syariat. Metode yang digunakan adalah penelitian hukum normatif dengan pendekatan kualitatif melalui kajian tematik (*mawḍū'ī*) dan holistik (*kullī*) terhadap *naṣṣ* al-Qur'an dan hadis, yang kemudian dijadikan dasar perumusan *maqāṣid al-syarī'ah* sebagai kerangka analisis normatif. Hasil penelitian menunjukkan bahwa perlindungan lingkungan sejalan dengan tujuan syariat, khususnya dalam mewujudkan *ḥifẓ al-bī'ah*, *ḥifẓ al-naḥs*, dan *ḥifẓ al-māl*, serta bahwa integrasi antara fikih lingkungan, hukum positif lingkungan, dan praktik adat merupakan model yang paling selaras dengan *maqāṣid*. Oleh karena itu, fikih*



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lingkungan yang integratif dapat dipahami sebagai bentuk ijtihad maqāsidī yang sah dan relevan dalam hukum Islam kontemporer.

Kata kunci: *maqāsid al-syarī'ah, fikih lingkungan, hukum positif lingkungan, praktik adat, kelestarian ekosistem.*

INTRODUCTION

This study was motivated by the increasing environmental degradation in Indonesia over the past two decades. According to data from the Ministry of Environment and Forestry in 2024, this degradation is marked by the loss of more than 9 million hectares of forest since 2000 due to land conversion and forest fires, which subsequently increased again to reach 175,400 hectares. This massive environmental exploitation has resulted in national forest cover being reduced to approximately 51.1%, equivalent to 95.5 million hectares. This situation is further exacerbated by the degradation of aquatic ecosystems, with over 60% of Indonesia's major rivers classified as moderately to severely polluted. The reality of environmental degradation occurring simultaneously in both terrestrial and aquatic sectors indicates a serious ecological crisis, making it urgent to conduct a critical evaluation and implement comprehensive legal interventions to strengthen environmental protection and management in Indonesia (Indonesia Environment & Energy Center, 2024).

The word for "environment" in Arabic is *bī'ah* (البيئة), derived from the word *bawwa'a* (بَوَّأَ), from which the word *tabawwa'a* (تَبَوَّأَ) is formed which means to occupy, stop by, and settle (Muḥammadain dan Al-Farrā', 2004). According to Suḥaybani, the environment is the setting or space in which humans live, encompassing the various manifestations of the natural world created by Allah Ta'ala, where humans are influenced by it and, in turn, influence it (As-Suḥaibānī, 2005). This concept indicates that the relationship between humans and the environment is reciprocal; thus, humans do not merely act as users of nature but also bear the responsibility to protect, nurture, and preserve it for the sake of human survival, particularly for future generations.

In classical fiqh tradition, one way to preserve the environment is by reviving uncultivated land *Iḥyā' al-Mawāt* (إحياء الموات). Every Muslim has the right to clear and take possession of uncultivated land that has no owner, provided that they carry out customary improvements such as erecting fences, leveling the ground, and planting crops (Al-Ghazzi, 1512). However, with the development of modern society and the escalating ecological crisis, a social reality has emerged in which land exploitation can no longer be left solely to individuals; thus, the authority and intervention of the state or governing bodies have become absolutely necessary to limit land clearing in order to ensure the balance of the ecosystem and the public good..

In Indonesia, concern for the environment is recognized in various national regulations, such as Law No. 32 of 2009 on Environmental Protection and Management (Environmental Protection and Management Law). Law No. 32 of 2009 regulates the protection and management of the environment in a structured manner to achieve ecosystem balance and ensure human well-being as an integral part of the environment. This regulation also emphasizes the importance of sustainable environmental conservation through various efforts



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

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to prevent environmental pollution and degradation (Arvin Asta Nugraha, I Gusti Ayu Ketut Rachmi Handayani, dan Fatma Ulfatun Najicha 2021).

One form of customary law relevant to environmental protection can be found in Nyarai Tourism Village. The local indigenous community still strictly adheres to the tradition of *bongka niaiak*, or the rule of communal fishing in an area known as the "no-fishing zone." Through this tradition, all residents abide by the customary agreement not to catch fish before the time designated by local community leaders (Desa Wisata Nyarai 2023). However, such local wisdom practices are not uniformly applied across Indonesia. The weakening or disappearance of customary legal norms which serve as instruments of ecological protection is one of the factors contributing to the rampant exploitation and degradation of the environment in various regions

Previous studies addressing environmental protection from the perspective of Islamic law can be grouped into four main themes. *First*, studies on environmental fiqh that affirm humanity's role as *khalifah* stewards of the earth with the responsibility to preserve nature through the concepts of *tawazun*, *islah*, and *fasad* as the foundation of ecological ethics (Amanda dkk. 2024). *Second*, an Islam-based ecological education approach that reinterprets the meaning of *khalifah* and views environmental destruction as a form of ecological disbelief in order to encourage active community participation (Mufid 2024). *Third*, the application of ecological jurisprudence based on *maslahah* and *maqāṣid al-syarī'ah* as a normative framework for achieving sustainable ecosystem balance (Ali Mutakin dan Waheeda Binti H. Abdul Rahman, 2023). *Fourth*, the integration of *hifẓ al-bī'ah* as the sixth component of *maqāṣid al-syarī'ah* in Ali Yafie's thought, which offers practical solutions to deforestation, pollution, and climate change based on Islamic values (Faizal, R, dan Abidin 2025).

Although previous studies have explored the discourse on environmental fiqh, most of these studies remain fragmented within the ethical-theoretical dimension and rarely integrate a methodological analysis of *naṣṣ* (both the Qur'an and hadith) to formulate an environmental fiqh that is applicable in the modern context. This gap creates a need for a method capable of bridging the particular values of Sharia with its universal principles through a thematic-holistic combined study. Therefore, this study aims to explain and apply a thematic-holistic combined approach to *naṣṣ* to reinterpret the concept of environmental fiqh, while formulating a normative argument that integrated environmental protection instruments are an absolute necessity aligned with *maqāṣid al-syarī'ah* and contemporary scientific findings. This paper adopts the *maqāṣid al-syarī'ah* approach as a core value framework, while also using it as a mediator for dialogue that synergizes classical Islamic legal tradition, state positive law codification, and the realities of social practice in society.

RESEARCH METHOD

This study is a normative legal study employing a qualitative approach that focuses on the analysis of Islamic legal texts and contexts using a combination of thematic (*mawḍū'ī*) and holistic (*kullī*) approaches to understand the texts of the Qur'an and hadith (Rahman, 1982). Thematic studies are conducted by compiling verses and hadiths related to the environment in order to avoid a narrow interpretation of religious texts, while holistic studies are conducted by examining the universal values in the Qur'an and hadith through an analysis of the historical contexts of *Asbāb al-nuzūl* and *Asbāb al-wurūd* so that thematic analysis does not stray from



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

the broader moral vision of Islamic law (Rahman 1982). *Maqāṣid al-syarī'ah*, as the result of a thematic-holistic study, is then used as a framework for normative analysis as well as a mediator for dialogue between environmental jurisprudence, positive law, and customary practices, so that the law is understood not only textually but also based on the objectives of Sharia, such as the protection of life (*ḥifẓ al-nafs*), protection of lineage (*ḥifẓ al-nasl*), protection of property (*ḥifẓ al-māl*), as well as justice and the public interest (Kamali 2008).

Data collection was conducted through a literature review by compiling primary sources consisting of verses from the Qur'an, hadiths, classical and contemporary fiqh texts on the environment (*fiqh al-bī'ah*), as well as laws and regulations related to environmental protection and management in Indonesia, while secondary sources were obtained from academic literature, scientific journals, and previous research findings. The data analysis technique was carried out in three stages, namely textual-contextual analysis taking into account *Asbāb al-nuzūl* and *Asbāb al-wurūd* (Al-Wahidi 1991). extracting universal normative values by identifying the fundamental principles of the nash, as well as formulating the maqāṣid by defining the objectives of Islamic law that serve as the basis for evaluation and synthesis between fiqh, codification, and customary practice. Through this method, the research aims to produce legal constructs that are not only normative but also contextual and oriented toward the public interest.

RESULT AND DISCUSSION

Reinterpreting *Naṣṣ* on the Environment: A Holistic Thematic Study

The thematic-holistic approach is an interpretive method that integrates both the thematic (*mawḍū'ī*) and holistic (*kullī*) approaches to understand the Qur'an as the primary source of Islamic teachings and law (Rahman 1982). The thematic study was conducted by compiling all verses and hadiths that address the environment. Meanwhile, the holistic study was conducted by examining the universal values of the Qur'an and hadiths related to the environment, such as ecosystem balance, the prohibition against causing destruction on Earth, humanity's responsibility as vicegerents, and the welfare of the universe. The purpose of the combined thematic-holistic study is to ensure that the thematic reading of verses and hadiths regarding the environment is not detached from the grand moral vision of revelation, particularly the values of balance, sustainability, and the welfare of the universe.

The technical implementation of the thematic approach is carried out through four systematic stages: first, identifying a specific theme as the subject of study (*al-mawḍū' al-wāḥid*) compiling all *naṣṣ* related to the theme, examining each *naṣṣ* to uncover its particular contextual value based on *asbāb al-nuzūl* and *asbāb al-wurūd* while exploring its universal value that remains relevant throughout the ages (Nasution 2024). The holistic approach views the Qur'an as a single, integral entity whose parts elucidate one another, as articulated in the principle "*Al-Qur'ān yufassiru ba'duhu ba'dan*". This concept has been deeply rooted since the generation of the Companions and was affirmed by classical scholars, including al-Shāṭibī (d. 790 AH/1388 CE), who emphasized that the entirety of Allah's revelation constitutes a cohesive unity that cannot be separated into distinct parts (Al-Shāṭibī 1977).

This combination of thematic and holistic studies forms a theory of transformation, relevance, and reconstruction of Islamic law, wherein a deep understanding of the *naṣṣ* can



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

yield legal formulations that are applicable and relevant to the modern context without neglecting the particular or universal values found in the Qur'an and hadith. In the context of environmental fiqh, this combined study helps formulate legal provisions for environmental management and protection that are not only grounded in sharia texts but also aligned with ecological developments, contemporary environmental policies, and the reality of ongoing environmental degradation, so that the resulting legal constructs can meet the demands of modern public interest while simultaneously preserving nature as part of the *maqāṣid al-syarī'ah*.

There are 22 verses in the Qur'an that address environmental issues (Yafie 2006). However, the researcher selected the five most relevant verses, namely QS. Al-Baqarah (2): 30, QS. An-Nahl (16): 11, QS. Al-A'raf (7): 85, QS. Ar-Rum (30): 41, and QS. Al-A'raf (7): 56. These five verses were chosen because each represents a major theme related to the environment: humanity as khalifah (stewards) on Earth; Allah granting natural resources for human survival; the command to protect and preserve the environment; a depiction of environmental destruction caused by human hands; and a strict prohibition against damaging the Earth after Allah has restored it. In addition to these verses, the researcher also found four hadiths of the Prophet that specifically discuss the importance of protecting the environment.

1. Particular Values in the *Naṣṣ* Regarding the Environment

a. Al-Qur'an

1) Al-Baqarah (2): 30

وَإِذْ قَالَ رَبُّكَ لِلْمَلٰٓئِكَةِ اِنِّىْ جَاعِلٌ فِى الْاَرْضِ خَلِیْفَةًۭ قَالُوْۤا اَتَجْعَلُ فِیْهَا مَنْ یُّفْسِدُ فِیْهَا وَیَسْفِكُ الدِّمَآءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَۙ قَالَ اِنِّىْۤ اَعْلَمُ مَا لَا تَعْلَمُوْنَ

Meaning: "(Remember) when your Lord said to the angels, 'I am going to place a vicegerent on earth.' They said, 'Will You place there one who will cause corruption and shed blood, while we glorify You and sanctify Your name?' He said, 'Indeed, I know what you do not know.'"

Asbāb al-nuzūl of this verse, as narrated by Al-Hasan and Qatadah, relates to Allah's announcement to the angels regarding His intention to establish a vicegerent on earth. This verse serves as the foundation for the understanding that the responsibility to protect the environment is a core component of humanity's vicegerency (Al-Māwardī 1992). Its particular values include: (1) the affirmation of humanity as vicegerents on earth, (2) the prohibition against causing destruction and bloodshed, and (3) the responsibility to maintain environmental balance and sustainability (At-Thabari 2007). Its universal values include: (1) human responsibility toward nature, (2) environmental conservation and balance, (3) prevention of ecological damage, (4) justice in the utilization of natural resources, and (5) the sustainability of life for future generations (Saputra, Susiani, dan Syam 2021). There are two *maqāṣid* derived from this verse. First, *ḥifẓ al-bī'ah*, which is preserving the environment. Second, *ḥifẓ al-naḥs*, which is ensuring the survival of humanity

2) An-Nahl (16): 11

THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

“Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability”

يُنْبِتُ لَكُمْ بِهِ الزَّرْعَ وَالزَّيْتُونَ وَالنَّخِيلَ وَالْأَعْنَابَ وَمِنْ كُلِّ الثَّمَرَاتِ إِنَّ فِي ذَلِكَ لَآيَةً لِّقَوْمٍ يَتَفَكَّرُونَ

Meaning: “With that (rainwater) He causes to grow for you plants, olives, dates, grapes, and all kinds of fruits. Indeed, in that there are signs (of Allah’s greatness) for those who reflect”

Asbāb al-nuzūl of this verse explains that plants and fruits come from the same water and soil, yet produce different shapes, colors, tastes, and aromas. These differences are a sign of God’s power and proof that there is no god but Him (Ibnu Kašīr 1999). Its particular values include: (1) an affirmation of God’s power in creating the diversity of plants, (2) the creation of the earth’s bounty as a source of human life, and (3) an encouragement to reflect on the signs of God’s greatness in nature (Nasihin 2021). Its universal values include: (1) environmental conservation and biodiversity preservation, (2) the wise use of natural resources, (3) maintaining the balance of ecosystems, (4) gratitude for nature’s bounty, and (5) humanity’s responsibility to ensure the sustainability of life (Amanda dkk. 2025). There are two *maqāṣid* derived from this verse. First, *ḥifẓ al-bī’ah*, which means preserving the environment and natural resources. Second, *ḥifẓ al-naḥs*, which means ensuring human survival through food security and a healthy environment.

3) Al-A’raf (7): 85

وَالِى مَدْيَنَ أَخَاهُمْ شُعَيْبًا قَالَ يَاقَوْمِ اعْبُدُوا اللَّهَ مَا لَكُمْ مِنْ إِلَهٍ غَيْرُهُ قَدْ جَاءَتْكُمْ بَيِّنَةٌ مِنْ رَبِّكُمْ فَأَوْفُوا الْكَيْلَ وَالْمِيزَانَ وَلَا تَبْخَسُوا النَّاسَ أَشْيَاءَهُمْ وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا ذَلِكَ خَيْرٌ لَكُمْ إِنْ كُنْتُمْ مُؤْمِنِينَ

Meaning: “To the people of Madyan, We sent their brother, Shu‘ayb. He said, ‘O my people, worship Allah. You have no god other than Him. Indeed, clear proof has come to you from your Lord. So, give full measure and weight, and do not defraud others in the least. Nor cause corruption on earth after it has been set right. That is better for you, if you are believers.’”

Asbāb al-nuzūl of this verse, as narrated by Ibn Ishaq, relates to Prophet Shu‘ayb’s call to the people of Madyan, who were cheating in their measurements and weights and causing corruption on earth. This verse emphasizes that faith must be manifested through economic integrity and the preservation of social and environmental order. (At-Thabari 923). Its particular values include: (1) the command to ensure accurate measures and weights, (2) the prohibition against infringing upon others’ rights, and (3) the prohibition against causing corruption on earth after Allah has set it right (Al-Qurthubi 2008). Its universal values include: (1) honesty and fairness in economic activities, (2) the protection of people’s rights, (3) the maintenance of social and environmental balance, (4) the prevention of damage and exploitation, and (5) human responsibility for safeguarding the common good (Sandika dan Mahmud 2025). There are three *maqāṣid* derived from this verse. First, *ḥifẓ al-māl*, which is safeguarding the economic rights and justice of society.



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

Second, *hifẓ al-bī'ah*, which is protecting the earth from destruction and exploitation. Third, *hifẓ al-nafs*, which is safeguarding human survival through the creation of a just and balanced life

4) Ar-Rum (30): 41

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي
عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

Meaning: "Corruption has appeared on land and sea as a result of human actions. (Through this) Allah makes them taste some of the consequences of their deeds so that they may return (to the right path)

Asbāb al-nuzūl of this verse, as narrated by al-Ḥasan, pertains to the emergence of corruption on land and at sea caused by human actions (At-Thabari 2007). Its particular values include: (1) the affirmation that corruption on land and at sea occurs as a result of human actions, (2) the existence of worldly retribution for human sins and transgressions, and (3) an encouragement to repent and improve both outward and inward behavior in order to restore the balance of life (Al-Qari 2013). Universal values include: (1) human responsibility for environmental sustainability, (2) the prevention of social and ecological harm, (3) the awareness that every action has consequences, (4) the importance of maintaining a balance between physical and spiritual well-being, and (5) the urge to repent and improve one's behavior for the common good (Rifzikka 2024). There are two *maqāṣid* derived from this verse. First, *hifẓ al-bī'ah*, which means preserving the environment from damage caused by human activity. Second, *hifẓ al-nafs*, which means safeguarding human safety and survival from the effects of social and ecological damage.

5) Al-A'raf (7): 56

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ
قَرِيبٌ مِّنَ الْمُحْسِنِينَ

Meaning: "Do not cause corruption on earth after it has been set in order. Pray to Him with reverence and hope. Indeed, Allah's mercy is close to those who do good."

Asbāb al-nuzūl This verse relates to Allah's prohibition against humanity causing corruption on earth after He has set it right through the sending of messengers, the clarification of guidance, and the establishment of the teachings of truth. The corruption referred to includes acts of shirk, disobedience, and all actions that deviate from Allah's decrees, as these are the causes of the corruption of human life and the order of the earth (At-Thabari 923). Its particular values include: (1) the prohibition against causing corruption on earth, (2) the prohibition against shirk, oppression, and actions that harm others, (3) the command to preserve and sustain the earth, (4) the encouragement to worship with fear and hope in Allah, and (5) the affirmation that Allah's mercy is near to

those who do good (Al-Qurthubi 2008). Its universal values include: (1) the responsibility to safeguard nature as a trust, (2) environmental conservation through conservation efforts, (3) the protection of the public's right to a healthy environment, (4) the prevention of damage caused by the exploitation of nature, and (5) the maintenance of ecosystem balance for the common good (Yunus dkk. 2021). There are two *maqāṣid* derived from this verse. First, *ḥifẓ al-bī'ah*, which means preserving the environment and maintaining its balance by protecting it from various forms of damage. Second, *ḥifẓ al-naḥs*, which means safeguarding human life by creating a healthy and safe environment.

b. Al-Hadith

1) Prohibition Against Wasting Water (Hadith No. 425, Sunan Ibn Majah)

حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى ، ثنا قُتَيْبَةُ ، ثنا ابْنُ لَهْيَعَةَ عَنْ حُيَيِّ بْنِ عَبْدِ اللَّهِ
الْمَعَاظِرِيِّ ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْحُبُلِيِّ ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو ؛ أَنَّ
رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَرَّ بِسَعْدٍ وَهُوَ يَتَوَضَّأُ فَقَالَ: مَا هَذَا
السَّرَفُ. فَقَالَ: أَفِي الْوُضُوءِ إِسْرَافٌ؟ قَالَ: نَعَمْ وَإِنْ كُنْتَ عَلَى نَهْرٍ جَارٍ

Meaning: “Muhammad bin Yahya narrated to us; Qutaibah narrated to us, Ibn Lahi'ah narrated to us, from Huyay bin Abdillāh Al-Ma'afiri, from Abu Abdirrahman Al-Hubuli, from Abdullah bin Amr, that the Messenger of Allah ﷺ passed by Sa'ad while he was performing wudu', then said, “What is this wastefulness?” Sa'ad asked, “Is there such a thing as extravagance in wudu'?” The Prophet replied, “Yes, even if you are standing by a flowing river.”

Asbāb al-wurūd This hadith occurred when Sa'ad bin Abi Waqqash performed wudu' using an excessive amount of water. Upon seeing this, the Prophet Muhammad admonished him and explained that excessive use of water constitutes wastefulness, even when done in a place with abundant water sources such as a flowing river (Sonhaji 1922). The particular values of this hadith include: (1) the prohibition against excess (*isrāf*) in the use of water during wudu, (2) the recommendation to be frugal and proportionate in utilizing natural resources, (3) the affirmation that wastefulness remains reprehensible even when resources are abundantly available, (4) the teaching of the ethics of simplicity in the performance of worship, and (5) the command to preserve the blessing of water as a gift from Allah that must be used wisely (Ibn Majah 2007). Its universal values include: (1) human responsibility in ensuring the sustainability of natural resources, (2) environmental conservation through the control of excessive consumption, (3) fostering ecological awareness in daily life, (4) preventing the exploitation of resources that could disrupt environmental balance (Yafie 2006). There are two *maqāṣid* derived from this hadith. First, *ḥifẓ al-bī'ah*, which means preserving natural resources, particularly water, by prohibiting waste and excessive use. Second, *ḥifẓ al-māl*, which means utilizing blessings and resources wisely so they are not wasted and can continue to be used sustainably for human life.

2) Irrigation Water Management (Hadith No. 2359, Sahih al-Bukhari)

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُسُفَ، حَدَّثَنَا اللَّيْثُ، قَالَ حَدَّثَنِي ابْنُ شِهَابٍ
عَنْ عُرْوَةَ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ رَجُلًا مِنَ الْأَنْصَارِ
خَاصَمَ الزُّبَيْرَ عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي شِرَاجِ الْحَرَّةِ الَّتِي
يَسْقُونَ بِهَا النَّخْلَ، فَقَالَ الْأَنْصَارِيُّ: سَرِّحِ الْمَاءَ يَمُرُّ، فَأَبَى عَلَيْهِ
فَاخْتَصَمَا عِنْدَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ
عَلَيْهِ وَسَلَّمَ لِلزُّبَيْرِ اسْقِ يَا زُبَيْرُ ثُمَّ أَرْسِلِ الْمَاءَ إِلَى جَارِكَ». فَغَضِبَ
الْأَنْصَارِيُّ فَقَالَ: أَنْ كَانَ ابْنُ عَمَّتِكَ؟ فَتَلَوْنَ وَجْهَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ
وَسَلَّمَ ثُمَّ قَالَ: اسْقِ يَا زُبَيْرُ ثُمَّ أَحْبِسِ الْمَاءَ حَتَّى يَرْجِعَ إِلَى الْجَدْرِ
فَقَالَ الزُّبَيْرُ: وَاللَّهِ إِنِّي لَأَحْسِبُ هَذِهِ الْآيَةَ نَزَلَتْ فِي ذَلِكَ: ﴿فَلَا وَرَبِّكَ
لَا يُؤْمِنُونَ حَتَّى يُحَكِّمُوكَ فِيمَا شَجَرَ بَيْنَهُمْ

Meaning: “It was narrated to us by ‘Abdullah bin Yusuf, who said: It was narrated to us by Al-Laits, who said: It was narrated to me by Ibn Shihab, from ‘Urwah, from ‘Abdullah bin Zubair, may Allah be pleased with him, that he related it to him: ‘Indeed, a man from the Ansar brought a dispute regarding Zubair to the Prophet, peace be upon him, concerning a water channel in Harrah used to irrigate date palms. The man from the Ansar said, “Let the water flow.” But Zubair refused. Both of them brought their dispute to the Prophet (peace be upon him), so the Messenger of Allah (peace be upon him) said to Zubair, ‘Water your plants, O Zubair, then let the water flow to your neighbor!’ The man from the Ansar became angry and said, ‘Because he is your aunt’s son.’ The Messenger of Allah’s (peace be upon him) face changed, and he said, ‘Water (your plants), O Zubair, then hold back the water until it returns to the embankment!’ Zubair said, ‘By Allah, I truly thought this verse was revealed regarding that incident; so by your Lord, they (in truth) do not believe until they make you the judge in matters they dispute.”

Asbāb al-wurūd: This hadith occurred when Zubair bin al-Awwam had a dispute with a man from the Ansar regarding the use of a water channel for a date palm orchard. The Prophet Muhammad then ruled that Zubair had the right to use the water first because his orchard was closer to the water source, and that the water must then be distributed to his neighbor fairly (Al- Asqalani 2007). The particular values of this hadith include: (1) recognition of the right to use water proportionally, (2) the obligation to distribute water fairly, (3) the prohibition against monopolizing water resources, (4) the resolution of environmental disputes through the law, and (5) the importance of neighborly ethics in the utilization of shared natural resources (Al- Asqalani 2007). Its universal values include:

(1) the responsibility to ensure the sustainability of water resources, (2) the management of the environment in a just and beneficial manner, (3) the protection of the community's right to access water, (4) the prevention of the exploitation of natural resources, and (5) the strengthening of equitable resource distribution for the sake of social and ecological harmony (Khaeron 2014). There are two *maqāṣid* derived from this hadith. First, *ḥifẓ al-bī'ah*, which is preserving the sustainability and distribution of water resources so they can be utilized fairly and do not cause environmental damage or conflict. Second, *ḥifẓ al-nafs*, which is ensuring the continuity of community life through the fulfillment of the right to adequate access to water as a basic human need.

3) The Hadith on Planting Trees (Hadith No. 6012, Sahih al-Bukhari)

حَدَّثَنَا أَبُو الْوَلِيدِ، حَدَّثَنَا أَبُو عَوَّانَةَ، عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ
عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «مَا مِنْ مُسْلِمٍ غَرَسَ غَرْسًا، فَأَكَلَ مِنْهُ
إِنْسَانٌ أَوْ دَابَّةٌ، إِلَّا كَانَ لَهُ بِهِ صَدَقَةٌ»

Meaning: “Abu al-Walīd narrated to us, Abu 'Awānah narrated to us, from Qatādah, from Anas ibn Malik, from the Prophet, peace be upon him, who said: ‘Whenever a Muslim plants a plant that is then eaten by a person or an animal, it counts as charity for him.’”

Asbāb al-wurūd of this hadith pertains to the Prophet Muhammad's exhortation to Muslims to plant and cultivate plants that are beneficial to humans and other living creatures. The Prophet explained that every benefit derived from such plants counts as charity for the one who planted them (Al-Bukhari 1422). The particular values of this hadith include: (1) the encouragement to plant and care for plants, (2) the utilization of natural resources for the common good, (3) the recognition of other living creatures' rights to natural resources, and (4) the encouragement to give charity through productive activities (Al-Bukhari 1422). Its universal values include (Al-Bukhari 1422). Its universal values include: (1) the responsibility to preserve the environment, (2) ecosystem conservation through reforestation, (3) a harmonious relationship between humans and other living beings, and (4) the sustainable use of natural resources (Latif dan Arifin 2025). here are two *maqāṣid* derived from this hadith: *ḥifẓ al-bī'ah* through environmental conservation and *ḥifẓ al-nafs* through the provision of food sources and a healthy environment.

4) Hadith on Reviving Barren Land (Hadith No. 3073, Sunan Abu Dawud)

حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى، حَدَّثَنَا عَبْدُ الْوَهَّابِ، حَدَّثَنَا أَيُّوبُ، عَنْ هِشَامِ بْنِ
عُرْوَةَ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ زَيْدٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ
مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ وَلَيْسَ لِعِرْقٍ ظَالِمٍ حَقٌّ

Meaning: “Muhammad bin Al-Mutsanna narrated to us, Abdul Wahhab narrated to us, Ayyub narrated to us, from Hisyam bin Urwah, from his father, from Sa'id bin Zaid, from the Prophet, peace and blessings be upon him, he



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ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

said: 'Whoever revives dead (abandoned) land, that land becomes his, and there is no right for the unjust root.'

Asbāb al-wurūd of this hadith relates to the Prophet Muhammad's encouragement to cultivate barren land so that it becomes productive and beneficial to the community. The Prophet emphasized that whoever brings barren land to life is entitled to own it, whereas unjust seizure of land is not recognized (Abu Dawud 1999). The particular values of this hadith include: (1) the recommendation to manage abandoned land, (2) the recognition of ownership rights through effort, (3) the prohibition of unjust land acquisition, and (4) the utilization of natural resources for the common good (Arumsari 2026). Its universal values include: (1) the responsibility to cultivate the earth, (2) sustainable environmental management, (3) the prevention of natural resource exploitation, and (4) the strengthening of social justice in land utilization (Thalhah dan Mufid 2008). There are two *maqāsid* derived from this hadith: *hifẓ al-bī'ah* through productive land management and *hifẓ al-māl* through the protection of the right to the fair use of natural resources.

2. Universal Values in the *Naṣṣ* Regarding the Environment

The micro-context of the text regarding the environment refers to the general social, cultural, and ecological conditions at the time the revelation was received. This micro-context encompasses at least three main aspects: (1) the structure of Arab society, which depended on natural resources as the basis of life; (2) pre-Islamic social traditions and practices of natural resource management that lacked a systematic normative foundation; and (3) the environmental situation within the context of the Medinan community, which faced the challenge of the shared use of land, water, and biological resources. In summary, the macro context of the text can be outlined as follows.

Table 1. Universal Values in the Text Regarding the Environment

Aspect	Macro Context
Social	Arab societies have long depended on nature; Islam has established environmental management principles that protect the balance of ecosystems and the common good.
Leader	As stewards of the earth, humans bear the responsibility of caring for nature; Islam affirms that environmental conservation is part of the stewardship mandate
LAW	Since there was no formal codification of environmental law, the Prophet Muhammad (peace be upon him) served as the direct arbiter in disputes over the management of natural resources such as irrigation water
Religion	Environmental damage is viewed as a violation of God's trust; Islam prioritizes the preservation of the earth to ensure a life of well-being
nature conservation	The best interests of the ecosystem and the survival of living beings (<i>maṣlaḥat al-makhlūqāt</i>) are the primary considerations, encompassing both physical and biological balance

More specifically, the broader context of the *naṣṣ* regarding the environment can be broken down into five dimensions. First, the social structure of Arab society and its dependence on natural resources. The people of Medina during the time of the Prophet (peace be upon him)



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"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

lived in direct dependence on agricultural land, water sources, and biodiversity as the foundation of their economy and daily lives. Land use, irrigation channel management, and crop maintenance were concrete issues encountered in the social life of the community. Islam arrived with clear rules that natural resources are a gift from Allah that must be utilized proportionally, not excessively, and without causing harm to others (Sandika dan Mahmud 2025).

Second, the status of nature and the protection of ecosystems. In pre-Islamic Arab tradition, the use of nature tended to be exploitative, without giving particular consideration to the sustainability of ecosystems. Islam brought about a renewal by asserting that the earth is a trust entrusted by Allah to humankind as His vicegerents (At-Thabari 2007), and that any damage caused by human hands will ultimately affect their own lives, as stated in Surah Ar-Rūm (30): 41 (Al-Qari 2013). This principle serves as the normative foundation that the unchecked exploitation of nature constitutes a betrayal of the trust of stewardship.

Third, Islamic social reform in environmental management. The Qur'an and the hadiths introduce innovations to existing practices regarding the use of nature, including: (1) affirming that environmental conservation is part of worship and a religious responsibility, not merely an economic concern (Al-Qurthubi 2008). (2) teaches that the prohibition against wastefulness (*isrāf*) applies even to the use of water for worship, let alone on a larger scale of exploitation; and (3) emphasizes the responsibility of individuals, communities, and rulers to ensure the fair distribution of natural resources in a manner that does not harm others or future generations (Ibn Majah 2007).

Fourth, the relationship between humans and nature within the framework of *tawhid*. The Qur'an explicitly states that everything on earth was created by Allah for the benefit of humanity, but this is accompanied by the responsibility not to cause corruption after Allah has set things right (Quran al-A'raf (7):56). In an environmental context, this principle translates to a prohibition against the unjust exploitation of nature, which has the potential to disrupt the balance of ecosystems, pollute the environment, and threaten the survival of other living beings (Yunus dkk. 2021).

Fifth, the absence of formal, religion-based environmental management standards. Arab society during the time of the Prophet Muhammad (peace be upon him) did not yet have a formal, religion-based environmental regulatory system as exists in the modern era. Indicators of public welfare, balanced resource use, and the prohibition against causing harm served as the primary parameters, established directly through the Prophet's rulings and example (Al-Asqalani 2007). For example, in various specific cases such as irrigation disputes, recommendations to plant trees, and warnings against water waste.

It is important to emphasize that this macro context cannot be used as direct justification for applying past natural resource management practices literally in contemporary conditions. This is due to two main factors: (1) fundamental changes in the socio-economic structure and modern environmental legal systems, and (2) the development of ecological crises, international environmental policies, and the complexity of environmental issues that far exceed the context of classical Arab society. Therefore, universal Sharia values such as the prohibition of harming the earth, justice in the utilization of natural resources, and the welfare



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ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

of ecosystems must serve as the primary foundation for formulating contemporary environmental jurisprudence. This approach aligns with the *maqāṣid al-syarī'ah*, particularly *ḥifẓ al-bī'ah*, *ḥifẓ al-naḥs*, and *ḥifẓ al-māl*.

3. A Comparison of Particular and Universal Values in *Naṣṣ* Regarding the Environment

A study of the *naṣṣ* pertaining to the environment reveals that the text does not provide a rigid, singular technical formula for environmental management. However, there are normative indicators that can be grouped into two dimensions of value: particular values applicable within the context of revelation and the early socio-ecological conditions of Islam, and universal values that can be applied across time and place. This understanding is derived through a combined thematic-holistic analysis by compiling all relevant texts, analyzing them in accordance with *Asbāb al-nuzūl* and *Asbāb al-wurūd*, and then aligning them with the principles of Islamic environmental jurisprudence. The following table presents a comparison between particular values and universal values in the *naṣṣ* regarding the environment.

Table 2. Comparison of Particular and Universal Values in *Naṣṣ* Regarding the Environment

Aspect	Particular Value	Universal Value
The Human Condition	Humans have been appointed as stewards of the earth, responsible for preserving it and not destroying it.	Human ecological responsibility is a permanent duty, serving as a cross-generational stewardship.
Natural Resources	God has provided various plants and fruits as a source of sustenance for humanity, for which we should be grateful.	Biodiversity must be preserved as a blessing from God and a right of future generations.
Prohibition on Damage	The prohibition against causing corruption on earth after Allah has set it right through the sending of His messengers and the establishment of justice.	Preventing the exploitation and destruction of the environment is a religious obligation that applies at all times.
Water Use	Avoid wasting water, even when performing wudu at the banks of a flowing river.	The conservation, equitable distribution, and sustainable management of water resources are the ecological responsibility of every Muslim.
Resource Allocation	The Prophet Muhammad (peace be upon him) settled an irrigation dispute by establishing proportional and rotational water usage rights.	The equitable distribution of natural resources and the prevention of monopolies are universal principles of environmental management.
Reforestation	Any plant that a Muslim grows and that is then eaten by a person or an animal counts as charity for him.	Ecosystem conservation through reforestation is a charitable act that promotes the common good.



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

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Land Management	Whoever brings barren land to life has the right to own it; unjust seizure of land is not recognized.	The productive and equitable use of land is essential to ensuring the Earth's prosperity.
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Based on the overall arguments, three main dimensions of the legitimacy of environmental management in Islam can be formulated. First, the responsibility of stewardship and the prohibition against causing harm. This refers to humanity's obligation to safeguard the earth as a trust from Allah, to refrain from overexploiting it, and to avoid actions that disrupt the balance of the ecosystem (Yunus dkk. 2021). Second, justice in the utilization of natural resources, referring to the obligation to distribute natural resources proportionally, prevent monopolies, and ensure fair access for the entire community (Khaeron 2014). Third, public welfare and environmental sustainability refer to the principle that all environmental management policies must be oriented toward achieving ecosystem balance and environmental sustainability for future generations (Latif dan Arifin 2025).

This study shows that particular values are more closely tied to the reality of early Islamic Arab society and legal precedents directly established by the Prophet Muhammad (peace be upon him) in specific cases (Al-Asqalani 2007). Meanwhile, universal values require a reinterpretation of the law to align with the *maqāṣid al-syarī'ah*, particularly the protection of the environment, life, and property. This alignment implies that the formulation of ideal environmental policies, whether in Islamic law or positive law, must be grounded in the principles of ecosystem sustainability, equitable resource distribution, and the prevention of harm rather than solely in short-term economic interests or control over land.

A comparison of particular and universal values in environmental *naṣṣ* reveals a shift in focus from the application of contextual technical provisions toward multidimensional protection of nature's sustainability and human well-being. Particular values recorded in the early history of Islam placed the prohibition of damaging the earth and the command to conserve water as a response to the socio-ecological conditions of Arab society, while universal values emphasize that ecological responsibility encompasses spiritual, social, economic, and legal dimensions in an integrated manner. In the aspect of water resource management, the *naṣṣ* demonstrates that the Prophet Muhammad (peace be upon him) issued proportional and just rulings; however, universal values demand that these principles be applied on a broader scale, encompassing national and global water policies. In terms of environmental management authority, particular values indicate that the Prophet Muhammad (peace be upon him) acted directly as a dispute resolver, whereas universal values affirm that state institutions and the judiciary inherit this function and are obligated to adjudicate based on the welfare of the ecosystem (Khaeron 2014).

From the entirety of the *naṣṣ*, including both the Qur'an and the hadith, there is no single technical formulation regarding environmental law; however, there are normative indicators that can be grouped into three main dimensions. First, the responsibility of stewardship and the prohibition against causing harm, as affirmed in Surah Al-Baqarah (2):30 regarding humanity as stewards on Earth, and reinforced by Surah Al-A'raf (7):56, which prohibits all forms of harm after Allah has restored the Earth. Second, the protection of natural resources and biodiversity, as stated in Surah An-Nahl (16):11, which affirms the diversity of plants as a sign of Allah's power, and reinforced by the hadith on planting trees, which positions biodiversity



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ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

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conservation as an act of charity with ongoing rewards. Third, distributive justice and the prevention of exploitation as unifying principles, as reflected in QS. Al-A'raf (7): 85, which prohibits fraud and corruption on earth, as well as the hadith on irrigation, which establishes the proportional and just distribution of water (Al- Asqalani 2007).

The particular values that can be identified include five points. First, humans are designated as stewards responsible for the preservation of the earth (At-Thabari 2007). Second, God created plant diversity as a source of life that must be preserved (Nasihin 2021). Third, the ban on water waste applies even along the banks of flowing rivers (Ibn Majah 2007). Fourth, the Prophet (peace be upon him) settled an irrigation dispute by giving priority to those with rights closer to the water source and then distributing the water fairly (Al- Asqalani 2007). Fifth, reviving barren land is an act recognized and encouraged by Islamic law (Arumsari 2026). Meanwhile, universal values encompass five points. First, environmental protection (*hifẓ al-bī'ah*) is the top priority of environmental jurisprudence. Second, the appropriateness of natural resource management is assessed based on the dimensions of justice, sustainability, and the prevention of damage. Third, the well-being of ecosystems serves as the universal standard for environmental policy. Fourth, state institutions and the judiciary have the authority to resolve environmental disputes by considering all aspects of the public interest. Fifth, natural resource management is dynamic and must adapt to the evolution of ecological crises and the needs of future generations.

Aligning these values with the universal principles of Islamic environmental jurisprudence as a manifestation of a thematic-holistic approach reinforces seven foundational principles: justice, sustainability, responsibility, ecosystem protection, consultation, protection of the vulnerable, and the prevention of harm. Each of these principles is rooted in the Qur'an and hadith. For example, justice in Surah Al-A'raf (7):85 requires that the management of natural resources must not harm any party or exploit nature unjustly. (Al-Qurthubi 2008). The sustainability of the hadith on planting trees requires recognition of its long-term ecological value (Al-Bukhari 1422). The responsibility outlined in Surah Al-Baqarah (2:30) emphasizes humanity's duty to maintain the balance of the earth as Allah's vicegerents. The protection of ecosystems mentioned in Surah Ar-Rūm (30:41) warns that environmental degradation is a direct consequence of human actions that must be rectified (Al-Qari 2013). Consultation in the management of shared resources ensures fair distribution, as illustrated in the hadith on irrigation (Sonhaji 1922). The protection of the vulnerable implies that communities dependent on natural resources must be protected from monopolies and exploitation by more powerful parties; furthermore, the principle of *lā ḍarar wa lā ḍirār* which prohibits causing harm requires that environmental management not result in ecological or social damage.

The universal values in Islamic environmental jurisprudence are rooted in the *maqāṣid al-syarī'ah*, which uphold five fundamental objectives: the protection of religion, life, intellect, lineage, and property. From this perspective, ideal environmental management is achieved when all these aspects are safeguarded through the preservation of nature, particularly the protection of ecosystems as a prerequisite for the sustainability of all dimensions of human life. More broadly, the Qur'an establishes universal values applicable across all eras as the result of a holistic study: justice, humanity, ecological responsibility, equitable access to resources, consultation, the protection of life and rights, and mercy for the entire universe. When applied to contemporary environmental issues, these values guide us to ensure that environmental management and protection policies are only justified if they can guarantee ecosystem balance,



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ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

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equitable distribution of resources, and the sustainability of nature for future generations, so that the goal of human stewardship the realization of a prosperous, balanced, and sustainable earth can be achieved without causing harm to humans or other living beings.

The Normative Nature of Islamic Jurisprudence Regarding the Environment

The issue of the environmental crisis caused by human greed and the reckless use of technology is one of the crucial issues in contemporary Islamic legal studies. On the one hand, human utilization of nature is viewed as the fulfillment of basic needs facilitated by the creation of the universe itself. On the other hand, uncontrolled exploitation demands a reconstruction of the religious paradigm through the development of environmental fiqh as a normative instrument. The application of Islamic law must no longer be confined solely to vertical and personal social relationships; rather, it must address human ecological behavior in order to maintain the harmony of nature, prevent global harm, and ensure the sustainability of ecosystems, which serve as the primary life support for all of God's creatures.

1. Definition of Environmental Fiqh

Pengelolaan The management and protection of nature in Islamic legal terminology is known as Environmental Fiqh *Fiqh al-bi'ah*. Etymologically, this term is a compound phrase consisting of the word *fiqh*, which derives from the root *faqiha-yafqahu-fiqhan*, meaning "deep understanding" (Yafie 2006). The term *al-bi'ah* refers to the environment, that is, a unified space comprising all objects, forces, conditions, and living beings including humans and their behavior (Ghazali 1996). Terminologically, Environmental Fiqh is a set of rules governing human ecological behavior established by competent scholars based on detailed evidence, with the aim of achieving the well-being of human life and the natural environment from an ecological perspective (Sukarni 2011).

2. Legal Basis and Pillars of Environmental Fiqh

The legal basis for protecting the environment is found in Allah's words in Surah al-A'raf (7):56, which explicitly forbids humans from causing corruption on earth after Allah has set it right (Al-Qurthubi 2008). In principle, the main pillars of Environmental Fiqh are based on the fundamental doctrines of Islam, which include the concept of *Tawhid* as the framework for human action, *Khalifah* as the steward entrusted with the responsibility of preserving the earth, and the embodiment of *Gratitude* and *Ihsan* as manifestations of *Rahmatan lil 'Alamin* (Mujiono 2005). The practical implementation of these pillars is integrated into the four main fields of fiqh in order to achieve happiness in this world and the hereafter, namely: First, *Rub'u al-Ibadat*, which governs the relationship between human beings and God. Second, *Rub'u al-Muamalat*, which governs interpersonal relationships. Third, *Rub'u al-Munakahat*, which governs family life. Fourth, *Rub'u al-Jinayat*, to ensure the safety and peace of the social environment from destructive acts (Shihab 1996).

3. Environmental Ethics and the Legal Status of Those Who Destroy Nature

Muslim intellectuals have formulated environmental ethics based on three comprehensive stages of religious practice, *Ta'abbud*, in which protecting the environment is viewed as a form of normative obedience and worship of Allah SWT, *Ta'aqquli*, in which the command to preserve nature is understood through reason, as ecosystem destruction will bring disaster to all living beings, *Takhalluq* is the awareness that protecting nature has been



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ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

internalized into one's character, nature, and daily habits (Syadali 1992). According to the *shahiih* view in the study of ecological fiqh, exploitative behavior and the destruction of nature are categorized as acts of ecological kufr, as they represent a denial of the blessings and majesty of Allah SWT's creation. In the context of law enforcement, jurists such as Ali Yafie classify environmental destruction under the chapter on *Jinayat* (criminal law), thereby granting the government the legal authority to impose *At-Ta'zir* custodial sentences on those responsible for environmental destruction (Yafie 2006).

Although the concept of environmental fiqh has developed conceptually within contemporary Islamic legal discourse, to date there is no official institution specifically tasked with accommodating and implementing this concept through binding regulations. Environmental fiqh remains confined to academic discourse and normative recommendations; it has not yet been codified into formal legal instruments that include clear sanction mechanisms for those who cause environmental damage. This situation makes environmental fiqh a concept that is rich in theory but still weak institutionally; therefore, concrete steps are needed in the form of codification, institutionalization, and the integration of environmental fiqh values into the existing positive legal system so that its normative power can be realized in the protection of ecosystems.

Provisions on Environmental Law in Indonesia

Legal provisions regarding environmental protection and management have been comprehensively integrated into various levels of regulation, ranging from the Constitution to technical implementing regulations. The constitutional foundation for environmental protection in Indonesia is rooted in Article 28H (1) of the 1945 Constitution, which guarantees every person's right to a good and healthy environment as an inalienable human right under any circumstances. This constitutional basis is then operationalized through Law No. 32 of 2009 on Environmental Protection and Management as an umbrella law that combines administrative, civil, and criminal sanctions within a single legal framework. (Widodo 2023). In addition to Law No. 32 of 2009, Indonesia also has a number of sectoral laws that regulate the management and protection of specific environmental elements in greater detail. Waste management is regulated by Law No. 18 of 2008, soil and water conservation by Law No. 37 of 2014, water resource management by Law No. 17 of 2019, and the forestry sector by Law No. 41 of 1999

To ensure that the formal regulatory framework does not merely remain as legal text, but is instead realized in concrete social and institutional practice, operational mechanisms are required. As a bridge connecting regulation and its implementation in the field, one of the most strategic preventive instruments in Indonesia's environmental legal system is the Environmental Impact Assessment (*Analisis Mengenai Dampak Lingkungan/AMDAL*), which requires every large-scale business activity to first assess its potential environmental impact before obtaining an operational permit (Rizal 2016). This instrument reflects the precautionary principle adopted from international environmental law standards, particularly the principles set forth in the Declaration of the United Nations Conference on the Human Environment and the Rio Declaration on Environment and Development (1992), which explicitly state that preventing environmental damage is far more important than restoring the environment after damage has occurred (Pramudianto 2017).

Traditional Environmental Practices in Indonesia



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

“Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability”

Traditional law consists of unwritten rules that serve as a guide for most Indonesians and are upheld in daily life, both in cities and in villages (Yulia 2016). Even before the government formulated environmental regulations in the form of formal laws, indigenous communities across Indonesia had already developed systems of knowledge and ecological practices that, passed down through generations, have proven effective in maintaining the balance of nature and the sustainability of natural resources (Kusuma dan Pitrianingsih 2025). The foundation of traditional environmental practices in Indonesia rests on the collective awareness that nature is not merely an object of exploitation, but an entity that must be protected, respected, and cared for collectively as part of a shared responsibility.

Researchers have identified at least four traditional practices in Indonesia that effectively serve as instruments for environmental protection, although in reality there are far more similar forms of local wisdom scattered throughout Indonesia that have not yet been fully documented academically. First, the *bongka niaiak* tradition in Nyarai Tourism Village, a form of local wisdom, serves as an instrument for protecting aquatic ecosystems. This tradition regulates collective fish harvesting in the “ikan larangan” (forbidden fish) area, a customary conservation zone where all residents are prohibited from catching fish before a time determined by local community leaders. This agreement binds all community members socially, allowing fish populations to reproduce naturally and ensuring the sustainability of aquatic resources is maintained from generation to generation (Desa Wisata Nyarai 2023)

Second, the traditions of *Bersih Desa*, *Sedekah Bumi*, *Sedekah Laut*, and *Sadranan* among the Javanese people. These traditions are tangible manifestations of efforts to preserve the environment as well as expressions of gratitude to the Creator. Through the practice of mutual cooperation and a moral commitment to preserving natural resources, Javanese society harmonizes the relationship between the macrocosm (*jagat agung*) and the microcosm (*jagat alit*), ensuring that nature is not viewed as an object to be exploited at will, but rather as a partner in life whose balance must be maintained collectively (Thohari 2022).

Third, the traditions of the *Dawuhan Ceremony*, the *Padusan Ritual*, and the *Kungkum Ritual* around the Senjoyo Spring in Semarang. The *Dawuhan Ceremony* is an expression of gratitude to God for the abundance of water, held regularly during the month of Suro, in which residents work together to clean the spring, followed by prayers and a communal meal as a symbol of togetherness and collective responsibility for natural resources. *The Padusan Ritual* is a tradition of physical and spiritual cleansing performed communally at the spring the day before the holy month of Ramadan begins, while *the Kungkum Ritual* involves bathing in the spring at night, particularly during the month of Suro, with the aim of spiritual purification as well as seeking blessings and protection from the One True God (Prabandani dan Astuti 2025).

Fourth, the *Pamali* value system in Kampung Naga, Neglasari Village, Salawu Subdistrict, Tasikmalaya Regency, West Java. This value system is a set of guidelines passed down through generations from the *karuhun* that governs behavioral norms and land-use planning to maintain ecological balance and sustainability. Through a firm rejection of modern technological interventions such as electricity, gas, and tractors, the people of Kampung Naga have made *Pamali* an effective and sustainable instrument of environmental protection (Entin dkk. 2023).

Analysis of Maqāṣid al-syarī'ah



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

"Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability"

1. *Maqāṣid al-syarī'ah* as a Normative Standard or Value Framework

Maqāṣid al-syarī'ah is used as a normative evaluation tool to assess and determine which environmental management model is most aligned with the objectives of Islamic law, among environmental fiqh, codified positive law, and customary practices regarding the environment in Indonesia. In other words, *maqāṣid* serves not merely to explain environmental law, but to select and justify the most just, beneficial, and sustainable model of environmental management.

Environmental fiqh has two main advantages: it provides a strong normative foundation based on *naṣṣ* and theologically affirms humanity's stewardship over nature (Mujiono 2005). There are also two weaknesses, first, the legal provisions are partial and have not yet been systematically coordinated into a comprehensive environmental policy framework, and second, there is no adequate mechanism for enforcing sanctions in the context of the modern ecological crisis (Yafie 2006). Evaluation of *its maqāṣid* indicates that it is normatively positive for *ḥifẓ al-bī'ah*, but has not yet been fully effective in institutionally realizing *al-'adl* and *maṣlahah* for the environment

Positive environmental law, particularly Law No. 32 of 2009 on Environmental Protection and Management and its sectoral regulations, has three key strengths. First, it recognizes the responsibility of the state and corporations in environmental protection. Second, it protects the public's right to a healthy environment. Third, it provides clear mechanisms for administrative, civil, and criminal sanctions against those who cause environmental damage (Widodo 2023). Evaluation of *maqāṣid* indicates that this model has the potential to fulfill the three primary objectives of Islamic law, namely *ḥifẓ al-bī'ah*, *ḥifẓ al-naḥs*, and *ḥifẓ al-māl*. Thus, this model aligns more closely with *maqāṣid* when integrated with the values of Islamic law.

Community-based traditional practices have two main advantages: they are grounded in local socio-ecological realities that have been empirically proven to be effective, and they are more flexible and context-specific in maintaining ecosystem balance (Kusuma dan Pitrianingsih 2025). However, there are two weaknesses: they are not always consistent across regions and are sometimes limited to specific local communities, making it difficult to implement them as a comprehensive national policy. An evaluation of *maqāṣid* indicates that it is positive if the customary practice is based on justice and ecological benefit, thereby being accepted as a valid legal instrument; it is negative if it contains elements that conflict with the principles of sharia, in accordance with the rule of *al-'ādah muḥakkamah*, which is conditional upon public interest (Hermanto 2021).

Based on the *maqāṣid* framework, the most appropriate model is an integration of Islamic environmental jurisprudence, the codification of positive law, and equitable local wisdom, for four reasons. First, it recognizes humanity's ecological responsibility both theologically as vicegerents and legally as legal subjects subject to sanctions (At-Thabari 2007; Rizal 2016) Second, ensuring the equitable distribution of natural resources (*al-'adl*) for all segments of society across generations (Latif dan Arifin 2025). Third, protecting those most vulnerable to the impacts of environmental damage namely, indigenous communities and future generations (Tahamata, Noya, dan Apituley 2023). Fourth, in line with the objectives of Islamic law (*maqāṣid*), which prioritize the substantive well-being of the ecosystem rather than merely fulfilling formal legal requirements



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

“Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability”

Thus, the concept of environmental fiqh which integrates the textual sources of Islamic law, positive law regulations, and local wisdom can be understood as a valid and relevant form of *ijtihad maqāsidī* in contemporary Islamic law, particularly in efforts to achieve environmental management that is just, sustainable, and in harmony with the fundamental objectives of Islamic law.

2. *Maqāsid al-syarī'ah* as a Mediator in Dialogue

Maqāsid al-syarī'ah, as a mediator of dialogue, can serve as a mediator between three systems of norms: fiqh texts, indigenous practices, and positive law. This means that *maqāsid* operates in a relational-external manner (Shihab 1996; Widodo 2023; Yulia 2016). Thus, *maqāsid* serves to connect the text with its ecological context, bridge conflicts between environmental management norms, and integrate ecological customs with positive environmental law. *Maqāsid* does not merely evaluate or assess, but reconciles and synthesizes these three systems within a single framework of ecosystem welfare

In the context of environmental management and protection, there are three systems that have the potential to conflict: environmental fiqh, traditional community practices, and positive law. Classical environmental fiqh generally views human ecological responsibility as stemming from the mission of the caliphate and as being of a normative-theological nature (Mujiono 2005). However, these have not yet been codified into operational legal instruments that can be institutionally enforced. Meanwhile, local wisdom in various regions of Indonesia recognizes a variety of ecological management systems such as *bongka niaiak*, *sasi*, *subak*, *lubuk larangan*, and *Pamali*, which view nature as an entity that must be protected through communal agreements based on spiritual values (Desa Wisata Nyarai 2023; Entin dkk. 2023; Prabandani dan Astuti 2025; Thohari 2022). National law, as set forth in Law No. 32 of 2009 on Environmental Protection and Management and its sectoral regulations, stipulates that environmental protection is the responsibility of the state, corporations, and the public, and that violations may result in legal sanctions (Widodo 2023).

If one were to choose one system exclusively, serious normative problems would arise. Strictly following environmental fiqh could potentially result in environmental regulations that are inoperable in the context of the modern ecological crisis, which requires concrete and enforceable legal instruments. Fully adhering to customary practices could lead to inconsistent environmental protection standards across regions and may fail to hold accountable large-scale environmental destroyers such as extractive industry corporations. Meanwhile, rigidly adhering to state law without integrating Sharia values and local wisdom could be seen as disregarding the legitimacy of fiqh as a primary normative source while sacrificing the effectiveness of community-based environmental protection that has proven successful for centuries.

Maqāsid, as a mediator, does not merely state whether something is “in accordance with or not in accordance with *hifẓ al-bī'ah*,” but seeks to identify the shared objectives of each system. Classical environmental jurisprudence aims to preserve the earth as a trust of the caliphate *hifẓ al-bī'ah* (Sukarni 2011). Traditional practices aim to maintain the balance of the ecosystem and the sustainability of natural resources for communities from generation to generation (Kusuma dan Pitrianingsih 2025). State law aims to protect the public’s right to a healthy environment and prevent exploitation that (Widodo 2023).



THE 5th SAIZU INTERNATIONAL CONFERENCE

ON TRANSDISCIPLINARY RELIGIOUS STUDIES (ICONTREES)

“Beyond the Cosmos : Transdisciplinary Perspectives on Ecotheology and Global Sustainability”

Based on this, it is evident that all three systems share the same objectives, ecosystem protection, equitable access to natural resources, and the common good. Through an examination of the *maqāṣid*, it has been found that environmental conservation and the prevention of ecosystem damage constitute *darūriyyāt* essential public interests, because they pertain to the survival of humanity and all living beings (Syarifuddin 2008). Thus, *maqāṣid* can formulate an integrative solution, rather than simply choosing between “right” or “wrong” among the three systems

This integrated solution is achieved by combining spiritual values, the rule of law, and local wisdom in environmental management. Humans are positioned as stewards tasked with protecting the earth, as well as citizens who are obligated to obey the law and face penalties if they damage the environment (Mujiono 2005; Widodo 2023). In addition, the *maqāṣid al-syarī'ah* serve as the basis for environmental policy-making, while the local wisdom of indigenous communities is recognized as an important part of the national environmental management legal system because it makes a tangible contribution to the sustainable conservation of nature (Kusuma dan Pitrianingsih 2025).

Thus, in this environmental context, *maqāṣid* does not conflict with local wisdom, does not supersede Islamic jurisprudence, and does not submit absolutely to state law; rather, it serves as a space for normative negotiation that brings all three together within the framework of ecosystem well-being and environmental sustainability as prerequisites for the realization of a just, healthy, and sustainable life for all creatures.

CONCLUSION

Based on the analysis conducted, it can be concluded that the *maqāṣid al-syarī'ah* play a strategic role as both a normative value framework and a mediator of dialogue between environmental fiqh, positive law, and community customary practices regarding environmental protection and management in Indonesia. Environmental fiqh emphasizes humanity's theological ecological responsibility through the mission of khilafah and the prohibition against damaging the earth, while customary practices recognize nature as an entity that must be safeguarded through communal agreements rooted in spiritual values, and positive law establishes environmental protection as a responsibility of the state, corporations, and society one that is subject to legal sanctions. The differing orientations of these three systems have the potential to create normative tensions if not managed methodologically; therefore, an integrative framework is needed that can bring all three together under a common goal: ecosystem protection, equitable access to natural resources, and the common good of society.

Through the study of *maqāṣid*, these three systems can be reconciled because environmental conservation and the prevention of ecosystem damage constitute public interests of a *darūriyyāt* nature that concern the survival of humanity and all living beings; thus, the integration of environmental fiqh, positive law, and local wisdom does not contradict the principles of Sharia, but rather constitutes a form of legal development in harmony with *hifẓ al-bī'ah*, *hifẓ al-nafs*, and *hifẓ al-māl*. Therefore, the concept of environmental fiqh that integrates *naṣṣ* of Sharia, positive law regulations, and customary practices can be understood as a valid and relevant form of *maqāṣidī* *ijtihād*, which not only reflects the reality of the contemporary ecological crisis but also embodies universal Islamic values such as justice, sustainability, ecological responsibility, and the protection of future generations as part of the fundamental objectives of Islamic Sharia.



THE 5th SAIZU INTERNATIONAL CONFERENCE

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