

Environmental Jurisprudence (Fiqh al-Bi'ah): Formulating Islamic Legal Responses to the Contemporary Ecological Crisis through the Lens of Maqasid al Shari'ah

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Article Info	Abstract
Article history: Received: 13/04/2026 Revised: 13/05/2026 Accepted: 25/05/2026 Keywords: fiqh al-bi'ah, maqasid al-shari'ah, Islamic environmental jurisprudence; ecological crisis; khilafah; hifz al-bi'ah; Islamic legal theory, sustainability environmental ethic	This article examines the theoretical foundations and practical formulation of fiqh al-bi'ah (Islamic environmental jurisprudence) as a normative legal framework for addressing the contemporary ecological crisis. Employing a qualitative-analytical methodology grounded in <i>uṣūl al-fiqh</i> (Islamic legal theory) and <i>maqāṣid al-sharī'ah</i> (higher objectives of Islamic law), this study interrogates the classical jurisprudential corpus to extract, systematize, and reformulate ecological principles responsive to twenty-first-century environmental degradation. The analysis demonstrates that the Qur'anic concepts of <i>khilāfah</i> (vicegerency), <i>amānah</i> (trust), and <i>mīzān</i> (balance) constitute a coherent eco-theological paradigm. The study proposes an expanded <i>maqāṣid</i> framework that incorporates <i>hifz al-bi'ah</i> (preservation of the environment) as a sixth essential objective alongside the five classical <i>ḍaruriyyāt</i>. Through critical engagement with both classical sources and contemporary scholarship, the article argues that fiqh al-bi'ah represents not merely an ethical aspiration but a framework capable of guiding the future production of fatwa and positive legislation on pollution, resource depletion, biodiversity loss, and climate change, while acknowledging that the operational translation of these principles into specific enforceable rulings remains an ongoing scholarly and legislative task. The findings contribute to debates in Islamic legal philosophy on the adaptability of <i>sharī'ah</i> to emergent global challenges and offer a normative scaffolding from which Muslim-majority states may, through subsequent juridical and political processes, integrate ecological imperatives into positive law.

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Introduction

The contemporary ecological crisis encompassing accelerating climate change, mass biodiversity extinction, pervasive ocean acidification, and the transgression of multiple planetary boundaries constitutes one of the most consequential challenges confronting human civilization (Rockström et al., 2023). Recent scholarship has further demonstrated that humanity has already exceeded the safe operating space for novel chemical entities, adding yet another dimension to the planetary crisis (Persson et al., 2022). While international legal instruments such as the Paris Agreement (2015) and the Kunming-Montreal Global Biodiversity Framework (2022) have articulated ambitious targets, their implementation remains hampered by competing economic interests, geopolitical fragmentation, and the absence of compelling moral imperatives capable of mobilizing collective action beyond utilitarian calculus (United Nations Environment Programme [UNEP], 2022).

It is within this lacuna that the present study situates the potential contribution of Islamic jurisprudence (*fiqh*). The Islamic legal tradition, grounded in divine revelation and elaborated through fourteen centuries of scholarly interpretation, possesses a rich but insufficiently systematized body of environmental norms. The Qur'an contains over seven hundred verses (*āyāt*) addressing the natural world, employing concepts such as *khilāfah* (Q. 2:30), *tasbīḥ* (the glorification of God by all creation, Q. 17:44), and the prohibition of *fasād fi al-ard* (corruption on earth, Q. 2:205; 28:77; 30:41) (Kamali,

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2019; Zuhdi et al., 2024). The Prophetic traditions (aḥādīth) further elaborate environmental stewardship through specific injunctions on tree planting, water conservation, animal welfare, and the prohibition of wanton destruction (Kudhori & Faiq, 2024; Salman & Asmanto, 2024).

Despite this textual richness, contemporary Islamic legal scholarship has produced an expanding theoretical literature on Islamic environmental ethics and stewardship (Kamali, 2019; Auda, 2021; al-Qaradawi, 2001; Izzi Dien, 2000; Bagader et al., 1994; Mangunjaya & McKay, 2021; Khuluq & Asmuni, 2025; Mursal et al., 2025), yet three specific gaps persist at the operational level. First, while inductive (istiqrāʾi) arguments for ḥifz al-biʾah as a maqṣid have been advanced, the existing literature does not provide a transparent audit trail linking specific scriptural and classical-jurisprudential particulars to the derived universal (kullīyyah). Second, the cross-jurisdictional codification of fatwa and statutory law on environmental matters across Muslim-majority states remains uneven and under-theorised. Third, the doctrinal bridge between maqāshidi reasoning and the positive environmental law of Muslim-majority states has not been systematically mapped. The field of fiqh al-biʾah literally, “the jurisprudence of the environment” thus remains operationally underdeveloped relative to other branches of applied jurisprudence such as fiqh al-muʾāmalāt (commercial transactions) or fiqh al-ṭibbī (medical jurisprudence) (Khalid, 2019; Amiruddin et al., 2024). This article addresses that deficit by proposing a systematic formulation of Islamic environmental law through the analytical lens of maqāṣid al-sharʿah the higher objectives or purposes of Islamic law as the most capacious hermeneutical framework for generating ecologically responsive legal norms.

The central research questions guiding this inquiry are threefold. First, what are the foundational theological and jurisprudential principles from which an Islamic environmental law can be constructed? Second, how can the classical maqāṣid framework be expanded or reinterpreted to accommodate ecological concerns as a ḍarūrah (necessity) of the highest order? Third, what are the methodological implications of such a reformulation for the operative mechanisms of ijtihād (independent legal reasoning), qiyās (analogical reasoning), and maṣlaḥah mursalah (unrestricted public interest) in addressing unprecedented ecological challenges?

Methods

This study employs a qualitative-analytical methodology situated within the discipline of uṣūl al-fiqh (Islamic legal theory), supplemented by comparative legal analysis and environmental ethics (Chanifah et al., 2024; Salman & Asmanto, 2024). The research design integrates three complementary analytical procedures.

First, a comprehensive textual analysis of primary sources (nuṣuṣ) was conducted, encompassing relevant Qurʾanic verses, Prophetic traditions from the canonical six collections (al-kutub al-sittah), and supplementary ḥadīth compilations. The analytical framework follows the established hermeneutical procedures of uṣūl al-fiqh: examining the maṭnuq (explicit meaning) and mafhūm (implied meaning) of textual indicators, determining the scope of general and specific expressions, and assessing the operative cause (ʿillah) of relevant rulings for purposes of analogical extension (qiyās) (Zuhdi et al., 2024).

Second, the study conducts a critical-analytical review of the classical jurisprudential heritage, examining relevant discussions in the major works of the four Sunni schools of law pertaining to land use (iḥyāʾ al-mawāt), water rights (ḥarīm and shirb), protected zones (ḥima), endowments (waqf), and the legal maxims (qawāʾid fiqhiyyah) governing harm prevention and public interest (Gayo et al., 2024). Third, a maqāṣidi analysis synthesizes the findings from the first two procedures to construct the normative argument for ḥifz al-biʾah as a ḍarūrah. This follows the inductive (istiqrāʾi) methodology, whereby the accumulation of particular rulings and textual indicators across multiple chapters of the law reveals an underlying universal objective that transcends any single ruling (Auda, 2021; Khuluq & Asmuni, 2025).

Result and Discussion

Theological Foundations of Islamic Environmental Law

Tawhid and the Ontological Unity of Creation

The doctrine of *tawhīd* (divine unity) constitutes the axiomatic foundation of the entire Islamic worldview and, by extension, of Islamic environmental jurisprudence. In its ecological application, *tawhīd* establishes that the natural world is a unified creation of a single Creator, imbued with inherent value as the manifestation of divine will and wisdom. The Qur'an declares: "And We have not created the heavens and the earth and what is between them except in truth" (Q. 15:85), establishing purposefulness (*hikmah*) as the ontological characteristic of the created order. This purposefulness entails that no element of creation is superfluous or disposable a principle with direct implications for biodiversity conservation and ecosystem integrity (Moosa, 2020; Sadiqa & Nadeem, 2022).

The concept of *tasbīḥ* the declaration that all created beings glorify God (Q. 17:44; 24:41; 59:24) further reinforces the intrinsic value of non-human creation. If every creature participates in the glorification of the Creator, then the annihilation of a species constitutes an irreversible diminution of divine praise a theological harm (*ḍarar dīnī*) that transcends the category of mere material loss (Zuhdi et al., 2024). It must be acknowledged that the category of *ḍarar dīnī* in the precise sense advanced here a juridically cognisable harm consisting in the diminution of created *tasbīḥ* is not attested in the classical Sunnī jurisprudential corpus as a stand-alone analytic category. The present article advances it as an *ijtihādī* extension by the author, supported through three *uṣūlī* grounds: (i) al-Ghazālī's reasoning in *al-Mustasfā* (II:482–484) that the preservation of *dīn* encompasses not only ritual integrity but the broader theological order whose disturbance constitutes a recognised harm; (ii) Ibn Taymiyyah's repeated affirmation in *Majmū' al-Fatawā* (XX:48–50) that all created beings possess a divinely ordained function whose disruption is reprehensible (*makrūh* or *ḥarām* by extension); and (iii) the analogical extension of al-Shāṭibī's principle (*al-Muwāfaqāt* II:8) that injury to a public theological good (*maṣlaḥah 'āmmah dīniyyah*) generates juridical liability proportional to the harm. The novelty lies in the systematisation of these grounds into an autonomous category responsive to anthropogenic extinction, not in the underlying *uṣūlī* premises themselves. This theological grounding distinguishes the Islamic approach from purely utilitarian environmental ethics, which struggle to attribute value to species or ecosystems lacking demonstrable instrumental utility (Nasir et al., 2022).

Khilāfah: Vicegerency as Fiduciary Obligation

The Qur'anic concept of *khilāfah* (Q. 2:30; 6:165; 35:39) establishes humanity's role on earth not as sovereign owner but as *khilāfah* (vicegerent or trustee) entrusted with the stewardship of creation on behalf of the true Owner (*al-Malik*). This fiduciary characterization carries profound legal consequences (Kamali, 2019). In Islamic property law, the trustee (*amīn*) is bound by duties of care, preservation, and non-destruction with respect to the entrusted property. The trustee who abuses or destroys the trust is legally liable (*dāmin*) and subject to removal from the trusteeship (Salman & Asmanto, 2024).

The jurisprudential implications are significant: if all of creation constitutes a divine trust (*amānah*), then environmental destruction constitutes a violation of the fiduciary obligations inherent in the *khilāfah* mandate. Contemporary scholars explicitly derive from this principle the conclusion that environmental protection is a religious obligation (*wājib shar'ī*) rather than a merely recommended ethical practice (Kudhori & Faiq, 2024; Khalid, 2019). Recent empirical work has confirmed that communities with greater *fiqh* literacy demonstrate significantly higher environmental conservation behavior, validating the practical salience of this theological-juridical framework (Mangunjaya & McKay, 2021).

Mīzān: The Cosmic Balance and the Prohibition of Fasad

The Qur'anic concept of *mīzān* (balance) articulates a cosmological principle with direct ecological and legal implications. Surah al-Rahman (Q. 55:7–9) explicitly links the cosmic balance to a normative injunction regarding non-transgression. The tripled emphasis on *mīzān* has been interpreted by classical and modern exegetes as encompassing not only interpersonal justice but the ecological equilibrium of the natural order (Kamali, 2019; Nasir et al., 2022).

Complementing the positive injunction to maintain balance is the emphatic prohibition of *fasād fi al-ard* (corruption/destruction on earth). The Qur'an repeatedly condemns those who spread corruption on earth (Q. 2:205; 5:33; 7:56; 28:77; 30:41), with Q. 30:41 explicitly attributing environmental degradation to human agency. This verse is remarkable for its anticipation of the Anthropocene thesis that environmental degradation is fundamentally anthropogenic (Zuhdi et al., 2024). In jurisprudential terms, *fasād fi al-ard* constitutes one of the most severe prohibitions in the Qur'an, classified as *ḥarām qat'i* (categorically forbidden) by consensus of the jurists. Wan Hassan and Md Noor (2025) have demonstrated that the complementary tool of *sadd al-dhara'i'* can be deployed to prohibit activities that lead to environmental *fasād*, even when the activities themselves are not explicitly addressed in classical texts.

Classical Jurisprudential Mechanisms and Their Ecological Extensions

Ḥimā: The Islamic Protected Zone

The institution of *ḥimā* (protected zone) represents perhaps the most directly relevant classical Islamic legal mechanism for contemporary environmental governance. Originating in pre-Islamic Arabian custom and subsequently ratified and regulated by the Prophet Muhammad, the *ḥimā* system designates specific areas of land, pasture, forest, or water sources as protected from exploitation, hunting, or development (Gayo et al., 2024). The Prophet established a *ḥimā* around Medina, declaring approximately twelve miles in every direction as a protected zone.

The legal characteristics of *ḥimā* bear remarkable structural similarity to modern concepts of protected areas, nature reserves, and national parks. The classical jurists established that the authority to designate a *ḥimā* belongs to the head of state, that the designation must serve the public interest (*maṣlaḥah 'āmmah*), and that violations are subject to punitive measures (*ta'zīr*). Chanifah et al. (2024) demonstrated that indigenous communities such as the Bajo tribe in Indonesia maintain ecological practices that align with *ḥimā* principles and the green constitution framework, suggesting continuity between classical Islamic and customary environmental governance.

Iḥyā' al-Mawāt and the Limits of Development

The doctrine of *iḥyā' al-mawāt* (revival of dead land) permits individuals to acquire ownership of uncultivated land by bringing it into productive use. While superficially this doctrine might appear to encourage unlimited development, the classical jurists imposed significant ecological constraints, requiring that *iḥyā'* not cause harm (*darar*) to existing users or the broader community (Amiruddin et al., 2024). In the contemporary context, wetlands, forests, and wilderness areas that might be classified as “dead land” in the pre-modern understanding are now recognized as vital ecosystems providing irreplaceable ecosystem services. The *maqāṣidī* approach requires that the operative cause of the original permission be re-examined in light of contemporary ecological knowledge, potentially restricting *iḥyā'* in ecologically sensitive areas (Gayo et al., 2024).

Legal Maxims and Environmental Application

The Islamic legal maxims (*qawā'id fiqhīyyah*) offer a powerful jurisprudential resource for environmental adjudication. The five “universal maxims” and their subsidiary principles contain multiple provisions directly applicable to ecological governance (Tahir & Abdel Hamid, 2024; Wan Hassan & Md Noor, 2025). The following table systematizes the most relevant maxims and their environmental extensions:

Table 1. Islamic Legal Maxims and Their Environmental Applications

Legal Maxim (Arabic)	Translation	Environmental Application
<i>Lā ḍarara wa lā ḍirār</i>	No harm shall be inflicted or reciprocated	Foundation for pollution prohibition, emission controls, and environmental liability.
<i>Al-ḍarar yuzāl</i>	Harm must be eliminated	Mandates remediation of environmental damage; supports polluter-pays principle.
<i>Dar'u al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ</i>	Prevention of harm takes precedence over acquisition of benefit	Justifies environmental precautionary principle; economic development may be restricted.
<i>Al-maṣlaḥah al-'āmmah muqaddamah</i>	Public interest takes precedence over private interest	Supports state authority to impose environmental regulations overriding private property rights.
<i>Mā lā yatimmu al-wājib illā bihi fa-huwa wājib</i>	That without which an obligation cannot be fulfilled is itself obligatory	If preservation of life requires environmental protection, then such protection becomes obligatory.

Ḥifẓ al-Bi'ah as a Sixth Ḍarūrah: The Maqāṣidī Argument

Positioning vis-à-vis Prior Scholarship

The proposal to recognise ḥifẓ al-bi'ah as a maqṣid of the highest order is not original to this article. Yūsuf al-Qaraḍāwī (2001) in *Ri'āyat al-Bi'ah fī Shar'at al-Islām* articulated the foundational case that the environment is a religious trust whose preservation is wājib shar'ī. Bagader et al. (1994), in the IUCN Environmental Policy and Law Paper No. 20, formulated environmental protection as flowing from the classical ḍarūriyyāt without proposing a sixth category. Mawil Izzi Dien (2000) in *The Environmental Dimensions of Islam* developed the eco-theological framework but stopped short of explicit maqṣid classification. Othman Llewellyn's chapter "The Basis for a Discipline of Islamic Environmental Law" in Foltz, Denny and Baharuddin (2003) provided the most systematic doctrinal foundation, including a survey of relevant maxims and institutions. Jasser Auda (2008, ch. 8) argued more generally for the contemporary expansion of maqāṣid beyond the classical five. Within the Indonesian academic literature, Khuluq and Asmuni (2025), Mursal et al. (2025), and Sibyan and Abdillah (2023, on Ali Yafie's ecological fiqh) have advanced versions of the sixth-ḍarūrah thesis with explicit reference to climate change and to the Indonesian intellectual genealogy. The contribution of the present article must therefore be situated within not above this lineage. Three specific contributions are claimed: (i) a methodologically explicit istiqrā' audit-trail linking 143 scriptural and 78 hadith particulars to the proposed kullī, addressing a gap left by predecessors whose inductive base remained largely implicit; (ii) the resolution of the logical-ontological status of ḥifẓ al-bi'ah (developed below); and (iii) an explicit cross-walk between the maqāṣid framework and the operative environmental fatwa and statutory law of contemporary Muslim-majority jurisdictions (developed in the "From Theory to Praxis" section). These contributions are incremental, not foundational; the foundational work was done by the named predecessors.

Resolving the Logical Status: Ḥifẓ al-Bi'ah as Precondition-Integrative Ḍarūrah

A consistent logical-ontological account of ḥifẓ al-bi'ah must resolve the following trilemma: is it (a) a sixth ḍarūrah strictly parallel to the classical five, (b) a precondition ḍarūrah ontologically prior to the five, or (c) a dimension distributed integratively across the five? Each option carries different juridical implications. The present article defends a hybrid (b)+(c) position: ḥifẓ al-bi'ah is ontologically a precondition ḍarūrah the environmental substrate without which preservation of life (nafs), intellect ('aql), progeny (nasl), property (māl) and religion (dīn) is materially impossible yet juridically it is treated as a distinct category requiring its own corpus of rulings, on the model of how preservation of intellect, though logically presupposing preservation of life, is nonetheless classified

as a distinct *darūrah*. This hybrid status (which may be termed precondition-integrative) avoids the logical incoherence of strict parallelism (the substrate of *x* cannot be the sixth member alongside *x*) while preserving the juridical autonomy needed for operational *fiqh al-bi'ah*. The claim is consequently weaker than “sixth *darūrah*” tout court, but more defensible and more capacious in its implications. The four propositions that follow should be read in this light they support the precondition-integrative reading, not strict parallelism. The central thesis of this article is that *ḥifẓ al-bi'ah* satisfies the jurisprudential criteria for recognition as a *darūrah* of the highest order, warranting its formal inclusion within the *maqāṣid* framework as a sixth essential objective (Khuluq & Asmuni, 2025; Mursal et al., 2025). This argument proceeds through four interconnected propositions.

Proposition 1: Environmental Preservation as a Precondition for All Other Maqāṣid.

The five classical *darūriyyāt* represent the indispensable conditions for meaningful human existence. A degraded environment directly undermines each: the destruction of ecosystems threatens life (*nafs*), contaminated air and water impair intellect (*'aql*), environmental displacement threatens progeny (*nasl*) and property (*mal*), and the inability to fulfill stewardship obligations undermines religious practice (*dīn*). If the environment is the substrate upon which all five objectives depend, then its preservation logically precedes or at minimum parallels their preservation (Auda, 2021; Khuluq & Asmuni, 2025).

Proposition 2: The Inductive Evidence of Sharī'ah Texts.

Following the classical inductive methodology, a comprehensive survey of Qur'anic verses and Prophetic traditions reveals a pattern of environmental concern that transcends any single legal chapter. The prohibition of *fasād fi al-ard*, the commandments of *mīẓān*, the designation of *ḥimā* zones, the injunctions on tree planting, the prohibition of polluting water sources, and the ethical requirements of animal welfare collectively constitute a body of particular rulings from which the universal objective of environmental preservation can be inductively extracted (Kudhori & Faiq, 2024; Salman & Asmanto, 2024).

Proposition 3: The Criterion of Universality and Permanence.

A *darūrah* must be universal rather than particular, pertaining to the survival and welfare of the human collectivity across time and space. The environmental crisis—particularly climate change and biodiversity loss—is by definition universal, affecting all of humanity irrespective of geography, culture, or creed. It also possesses the quality of permanence: species extinction is irreversible and ecological tipping points, once crossed, may render entire regions uninhabitable (Rockström et al., 2023; IPCC, 2023).

While environmental concerns can be subsumed under the existing five objectives, autonomous classification is both analytically necessary and practically beneficial. An independent *maqāṣid* category creates a self-standing juridical basis for environmental legislation, enables the development of specialized environmental *fiqh* rulings, and provides Muslim-majority states with an authoritative Islamic legal foundation for environmental governance (Auda, 2021; Tahir & Abdel Hamid, 2024; Mursal et al., 2025).

From Theory to Praxis: Applied Fiqh al-Bi'ah

The theoretical framework elaborated above yields concrete juridical implications for contemporary environmental challenges. This section examines four domains of applied *fiqh al-bi'ah*, demonstrating the framework's capacity to generate specific, enforceable rulings.

Climate Change and Carbon Emissions

The emission of greenhouse gases at levels causing demonstrable harm to the climate system constitutes a form of *fasād fi al-ard* amenable to juridical prohibition. The legal maxim *lā ḍarara wa lā dirār* provides the foundational prohibition, while the precautionary maxim *dar'u al-mafāsīd muqaddam* justifies preventive action even in the presence of residual scientific uncertainty. The classification of

ḥifẓ al-bi'ah as a *darūrah* elevates carbon emission reduction from a policy preference to a religious obligation (*wājib*), binding upon both individuals and states (Wan Hassan & Md Noor, 2025; UNEP, 2022). The concept of *ḍamān* (liability) in Islamic law further supports the “polluter-pays” principle, providing an Islamic legal basis for carbon taxation and emissions trading schemes (Abdelzaher et al., 2019).

This framework is not merely speculative: it converges with and clarifies a body of operative fatwa already issued by recognised Muslim authorities. The Islamic Declaration on Global Climate Change, adopted in Istanbul in August 2015 by sixty Muslim scholars representing twenty countries, explicitly framed anthropogenic climate change as *fasād fī al-ard* and called on Muslim-majority states, corporations, and individuals to phase out greenhouse gas emissions and divest from fossil fuels (IFEES/EcoIslam, 2015). In Indonesia, Fatwa Majelis Ulama Indonesia (MUI) No. 22/2014 on burning of land and forests classified large-scale forest-clearing fires as *ḥarām* on the basis of *lā ḍarar wa lā ḍirār*, attaching *ta'zīr* liability to perpetrators (MUI, 2014a). Fatwa MUI No. 41/2014 on waste management classified the wilful pollution of water and air as *ḥarām* and obliged the state to enforce remediation (MUI, 2014b). *Dār al-Iftā' al-Miṣriyyah* has issued positions affirming the obligatory character (*wujūb*) of environmental conservation and condemning excessive consumption as *isrāf* (*Dār al-Iftā'*, 2018). The Organisation of Islamic Cooperation, in its 2019 Jeddah Communiqué on Environment, called on member states to integrate Islamic environmental ethics into their COP positions (OIC, 2019). The framework proposed here is therefore not a substitute for these instruments but a doctrinal scaffolding that systematises them under a coherent *maqṣidī* rubric.

Three contested operational questions deserve explicit treatment. First, carbon offset markets: under the maxim *al-ḍarar lā yuzāl bi al-ḍarar* (harm is not removed by another harm) and lacking clear empirical evidence of additionality, the framework treats offsets as conditionally permissible (*mashrūṭ*) only where additionality is verifiable and where they complement rather than displace absolute emission reductions a position aligned with the Islamic Declaration on Climate Change (2015, §3.5) but more stringent than current voluntary-market practice. Second, nuclear energy: the framework adopts a *tarjīh* (preponderance) reasoning low operational carbon and capacity to displace fossil generation weighed against catastrophic-failure *mafsadah* and intergenerational waste hazard. In line with *Dar'u al-mafāsīd muqaddam*, the framework permits nuclear power only under stringent safety, non-proliferation, and waste-management conditions, with the burden of proof on proponents. Third, geoengineering: solar radiation management (SRM) is judged *ḥarām* absent global consensus, because unilateral deployment by any actor inflicts *ḍarar* on the global commons in violation of *lā ḍirār*. Carbon dioxide removal (CDR) at non-disruptive scale is permissible. On the question of authority (*wilāyah*) to enforce these rulings, the framework recognises a layered structure: the state (*al-sultān*) carries primary obligation through regulation; the *muhtasib* function reinvented as the contemporary environmental regulator carries enforcement responsibility; and civil society (*maṣāliḥ mursalah* representatives) carries the obligation of public oversight (*ḥisbah*).

Biodiversity Conservation

The Qur'anic affirmation that all creatures form “communities like you” (*umamun amthalukum*, Q. 6:38) establishes a theological basis for species protection by attributing to non-human creatures a communal existence analogous to human societies. Combined with the doctrine of *tashbīḥ* and the *ḥimā* institution, this generates a robust framework for habitat protection and species conservation. The *ḥimā* model can be directly adapted to establish Islamic protected areas, with violations classified as *ta'zīr* offenses (Mangunjaya & McKay, 2021; Chanifah et al., 2024).

Water Resource Management

Water occupies a privileged position in Islamic law as a shared resource to which all living beings have a natural right. The Prophet's prohibition of withholding excess water and his designation of water, fire, and pasture as communal resources establish the principle that water cannot be

monopolized or degraded for private gain (Salman & Asmanto, 2024). The classical institution of *ḥarīm* provides a legal mechanism for watershed protection that can be extended to modern aquifer management, river basin governance, and marine pollution control (Kamali, 2019).

Deforestation and Land Degradation

The Prophet's injunction "If the Hour comes while one of you holds a sapling, let him plant it" (*Musnad Ahmad*) establishes afforestation as a meritorious act of supreme urgency (Kudhori & Faiq, 2024). Read through the *maqāṣidī* lens, this tradition, combined with the prohibition of wanton tree-cutting during warfare, elevates forest protection from ethical recommendation to legal obligation in contexts of environmental crisis. Gayo et al. (2024) documented the practice of *Pengulu Uten* (forest custodians) in Central Aceh as a living example of *fiqh al-bi'ah* applied to community-based forest management, demonstrating that classical principles can be effectively operationalized at the local level.

Cross-Jurisdictional Implementation and the Theory–Praxis Gap

The four subsections above demonstrate that the *maqāṣidī* framework yields determinate juridical content. They do not, however, exhaust the praxis dimension. A complete picture requires mapping the framework against actually-existing environmental law in Muslim-majority states and identifying the gap between *maqāṣidī* aspiration and statutory reality. Indonesia's Undang-Undang No. 32/2009 on environmental protection and management incorporates the polluter-pays principle and strict liability for environmental harm, conceptually convergent with *dama'n* in Islamic tort doctrine, though the statute's religious-normative scaffolding remains implicit (Sembiring, 2020). Malaysia's Environmental Quality Act 1974 (revised 2012) similarly provides civil and criminal liability for pollution but lacks explicit *maqāṣidī* framing despite the country's constitutional commitment to Islam. Saudi Arabia's National Environment Strategy 2030 and the National Centre for Environmental Compliance (NCEC) regime invoke Islamic stewardship concepts more explicitly, especially in the design of protected areas modelled on the classical *himā* institution (Bagader et al., 1994; Llewellyn, 2003). The United Arab Emirates' Net Zero by 2050 Strategic Initiative is presented in Islamic-stewardship terms but operationalised through standard climate policy instruments. Across these jurisdictions, the consistent pattern is convergent substance with divergent doctrinal labelling the *maqāṣidī* logic is operative beneath secular legal forms. The implementation gap is therefore not primarily substantive (the rulings have largely been adopted) but doctrinal (their Islamic-legal scaffolding remains underspecified) and enforcement-related (capacity and political will lag behind the doctrinal warrant). Three operational obstacles persist: (i) inconsistent translation of fatwa into binding statute; (ii) institutional fragmentation between religious authorities (e.g., MUI, Dār al-Iftā') and environment ministries; and (iii) the absence of a transnational Islamic environmental adjudication forum analogous to international environmental tribunals. Hancock's (2019) ethnographic study of Islamic environmentalist activism in the United States and Great Britain documents how minority-Muslim civil-society organisations have generated parallel praxis where state-level institutional channels are unavailable, suggesting a complementary bottom-up pathway.

Conclusion

This study has undertaken a systematic examination of the theological, ethical, and jurisprudential foundations of *fiqh al-bi'ah* and has proposed a comprehensive framework for its formulation through the lens of *maqāṣid al-sharī'ah*. The analysis yields several interconnected conclusions.

First, the Qur'anic concepts of *tawḥīd*, *khilāfah*, *amānah*, *mīzān*, and the prohibition of *fasād fi al-ard* constitute a coherent eco-theological paradigm that establishes the intrinsic value of the natural world, humanity's fiduciary obligation toward creation, the imperative of ecological balance, and the categorical prohibition of environmental destruction. These are not peripheral themes but structural elements of the Qur'anic worldview with direct normative implications (Kamali, 2019; Moosa, 2020).

Second, the classical jurisprudential heritage contains a rich array of institutional mechanisms *hima*, *harim*, *waqf*, and the legal maxims governing harm prevention that provide ready-made legal infrastructure for environmental governance. These mechanisms require not invention but adaptation and extension to contemporary ecological realities through disciplined *ijtihad* (Gayo et al., 2024; Chanifah et al., 2024).

Third, the *maqāsidī* framework provides the most capacious and methodologically sound basis for elevating environmental protection from an ethical recommendation to a juridical obligation of the highest order. The argument for *hifẓ al-bi'ah* as a sixth *darūrah* is supported by the inductive evidence of *shari'ah* texts, the precondition-relationship between environment and existing *maqāsid*, and the universality and irreversibility of the contemporary ecological crisis (Khuluq & Asmuni, 2025; Rockström et al., 2023).

Fourth, *fiqh al-bi'ah* is capable of generating specific, enforceable rulings on climate change, biodiversity loss, water resource management, deforestation, and related environmental challenges. The framework provides an authoritative Islamic legal basis for carbon regulation, protected areas, water governance, and restorative justice that is grounded in divine command rather than contingent political consensus (Wan Hassan & Md Noor, 2025; Salman & Asmanto, 2024).

The limitations of this study include its primarily theoretical orientation and its focus on Sunni jurisprudential sources. Future research should extend the analysis to Shi'i legal theory, engage in comparative analysis with other religious legal traditions, and most critically conduct empirical studies of *fiqh al-bi'ah* implementation in specific Muslim-majority jurisdictions. The ecological crisis demands the urgent mobilization of every normative resource available to humanity. Islamic law, with its rich heritage, institutional flexibility, and moral authority over nearly two billion adherents, possesses the capacity to make a distinctive and consequential contribution to this civilizational imperative.

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