



Islamic Law's Responsibility for Environmental Damage: The Perspective of Islamic Legal Philosophy

Khairuddin Hasibuan

Badan Amil Zakat Nasional Labura

E-mail: khairuddinhasibuan122@gmail.com

Info Articles

Article History

Received : 2024-11-01

Revised: 2024-11-15

Published: 2024-12-30

Keywords:

Philosophy, Islamic law, damage, environment, responsibility

Abstract

Environmental damage is one of the global problems that has a broad impact on human life. From an Islamic perspective, the environment has a sacred value that must be maintained, as stated in the Qur'an and Hadith. Responsibility for environmental sustainability is not only moral but also has legal implications. This study aims to analyze Islamic legal responsibility for environmental damage based on the perspective of Islamic legal philosophy, which emphasizes the principles of justice, benefit, and balance. This study uses a qualitative method with a descriptive analysis approach to explore the concept of Islamic legal responsibility in the context of environmental damage. Data were collected through a literature study of Islamic legal sources, including the Qur'an, Hadith, and the opinions of classical and contemporary scholars. The results of the study show that Islam provides a strong normative foundation in environmental protection, with basic principles such as the prohibition of destruction (*fasad*) and the obligation to maintain balance (*mizan*). Sanctions in Islamic law, both in the form of *hudud*, *ta'zir*, and *diyat*, can be applied in the context of environmental crimes. In conclusion, Islamic law has a comprehensive mechanism to overcome environmental damage with a holistic and just approach.

I. INTRODUCTION

Climate change is a global problem that is increasingly urgent to address. Global warming, environmental degradation, and loss of biodiversity are major challenges for humanity.(Nasution, 2024). This issue is also closely related to moral and legal responsibility in maintaining the balance of nature. Although many countries and international organizations have recognized the importance of environmental preservation, the implementation of laws governing environmental protection is still often neglected.

The many natural disasters that have befallen Indonesia in particular have given rise to many assumptions, including that the quality of Indonesia's environment is far from good. The deforestation of the buffer zones of urban areas, the many areas of debt that have been converted into plantations, are considered by many to be the root cause of natural disasters everywhere.(Ramadan, 2019).

The destruction of the natural ecosystem has given rise to the phenomenon of global climate destruction, such as the construction of impermeable houses, chaotic city planning, destruction of natural river channels, and

violation of laws that protect certain areas as immediate causes of massive flooding. Many parties accuse human indifference to nature of causing the emergence of natural disasters. Human greed in exploring natural resources without control has damaged the natural ecosystem that has been created by Allah SWT. In fact, for a long time, environmental problems have received serious attention, especially when environmental exploitation is carried out excessively which causes environmental damage and has an impact on the ecosystem.(Harahap, 2015). Actually, Indonesia already has many instruments to overcome environmental problems, for example the existence of the Minister of Environment.

In the context of Islamic law, the environment is part of God's creation that must be protected and preserved. The Qur'an and Hadith teach a lot about the need to protect nature, manage natural resources wisely, and prevent damage.(Naldi et al., 2023). Several verses of the Qur'an emphasize the importance of the balance of nature (*mizan*), and the duty of humans as *khalifah fil ardh* (leaders on earth) who have a moral responsibility to protect and care for the earth and all its contents. Islam teaches that protecting

nature and the environment is part of the obligation of humanity as Allah's caliphs on earth. This is in accordance with the objectives of Islamic law, one of which is to preserve the environment for the good of humanity as a whole. Preserving nature is part of maqasid al-shariah, namely the objectives of Islamic law which aim to protect human life through the maintenance of five main aspects, namely religion, soul, mind, descendants, and property. One form of protection of property is maintaining natural resources that can support human life in a sustainable manner.

However, in practice, the implementation of Islamic legal responsibility towards the environment still faces various challenges, especially in the face of the increasingly real phenomenon of climate change. The inability of several countries to reduce greenhouse gas emissions, deforestation, and air pollution adds a new dimension to the importance of integrating sharia values with more progressive environmental policies.

This issue is becoming increasingly relevant amidst global awareness of the importance of environmental sustainability and the broader contribution of Islamic law to addressing climate change. Therefore, a more in-depth study is needed on how Islamic legal philosophy can provide solutions to environmental and climate change issues.

The main problem in this study is how Islamic legal philosophy can address environmental and climate change issues, by considering maqasid al-shariah which includes protection of humanity and nature? What can Islamic law teach in addressing climate change issues more ethically? What are the basic principles in Islamic law related to environmental protection? How does Islamic legal philosophy view human responsibility in managing the environment amidst the threat of global climate change? What is the contribution of Islamic law in addressing climate change issues in the modern era? How can the sustainability of Islamic law in preserving the environment be implemented in current public policy?

II. RESEARCH METHODS

This study uses a qualitative approach with descriptive analysis which aims to explore and analyze Islamic legal philosophical thinking regarding responsibility for the environment and climate change. (Rukhmana et al., 2022). The data obtained from the literature study will be analyzed qualitatively, by identifying the main

themes related to human responsibility towards the environment according to Islamic law and Islamic legal philosophy. The data will then be compared with the real situation in dealing with global climate change.

III. RESULTS AND DISCUSSION

A. Islamic Legal Responsibility for the Environment: The Concept of Khalifah Fil Ardh in Islam

Khalifah fil ardh is one of the fundamental concepts in Islam which emphasizes the position of humans as representatives of Allah on earth. (Azmi, nd). As caliphs, humans have the responsibility to manage, maintain, and guard the earth according to Allah's instructions. This concept is not only theological, but also touches on social, ecological, and spiritual aspects.

The term caliph comes from the word kh-lf, which means successor, successor, or deputy. (Saputri, 2020). In the Qur'an, this concept is explained explicitly in several verses, one of which is: "Remember when your Lord said to the angels: Indeed, I will make a caliph on the face of the earth..." (QS. Al-Baqarah: 30).

This verse emphasizes that humans were created to be caliphs, namely managers of the earth who are responsible for utilizing resources and maintaining its balance. According to Al-Raghib al-Asfahani, caliph is a role given to humans to replace the role of Allah in maintaining the world according to His will.

Muslim scholar Nurcholis Madjid writes that when God announced the creation of man, this event occurred as a cosmic drama, a transaction of human creation as described by the Qur'an. (Mangunjaya, 2015), where Allah places humans as caliphs over the earth:

إِذْ قَالَ رَبُّكَ لِلْمَلٰئِكَةِ اِنِّيْ جَاعِلٌ فِى الْاَرْضِ خَلِيْفَةً ۗ قَالُوْۤا اَتَجْعَلُ فِيْهَا مَنْ يُفْسِدُ فِيْهَا وَيَسْفِكُ الدِّمَآءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ ۗ قَالَ اِنِّىْۤ اَعْلَمُ مَا لَا تَعْلَمُوْنَ

"Remember when your Lord said to the Angels: 'Indeed, I want to make a caliph on earth.' They said: 'Why do you want to make (caliph) on earth someone who will cause damage to it and shed blood, even though we always glorify you by praising you and purifying you?' God says: 'Surely I know what you do not know.' (QS. al-Baqarah [2]: 30).

Nurcholish Madjid explains that the "cosmic drama" involving Allah, Angels, Humans, and Satan takes place in a primordial locus called jannah (the garden of heaven) which begins with Allah "saying" that He will make mankind His caliphs on earth. (Mangunjaya, 2015). But the

angels were doubtful and skeptical about the ability of humans to carry out their duties, considering the tendency of humans to destroy and shed blood. However, the claims of these angels were rejected by God, because they did not know His secret to teach Adam "all the names".

Furthermore, Nurcholish Madjid stated that in his duties as khalifah fil ardh:(Mangunjaya, 2015)

- 1) Human dignity is related to the concept that nature as a whole provides for human needs, to be a land for cultivation and a place to carry out human duties.
- 2) This dignity is also related to universal human values.
- 3) To carry out their duties as Allah's caliphs on earth, humans are equipped with knowledge.
- 4) Human dignity is also equipped with freedom, with certain restrictions (all but the fruit of the forbidden tree can be eaten).
- 5) Any violation of these limits degrades humanity.
- 6) The urge to transgress these limits is called greed, which is an unquenchable feeling that all the gifts from God are inadequate.
- 7) Since knowledge alone does not guarantee that humans will not degrade, direction from God is needed as a spiritual safety net.

In the concept of developing a dignified life, spirituality is very important because it provides a means of control over negative human attitudes. The sense of humanity is eternal for those who carry out their duties as caliphs, complete with all its dimensions.(Mangunjaya, 2015). In essence, the status of caliph is given to humans so that they act responsibly in managing the earth.

In managing the earth, humans are expected to act based on knowledge and not just their own desires (QS al-Nisā [4]: 135, al-Mu'minūn [23]: 71) because greed will bring not only short-term consequences, namely losses due to extinction, but also various environmental disasters. The depletion of natural resource reserves from day to day is a challenge for humans and also a means to make them aware that exploitation must not violate the limits of balance, or damage will occur. In addition, humans are expected to keep their promises and carry out their mandates, because Allah has said: Indeed, We have given the mandate to the heavens and the earth and the mountains, but they all refused to carry it and feared that they would betray it, and it was carried by humans. Indeed, humans are very unjust and very ignorant. (QS. al-Aḥzāb [33]: 72).

In line with the explanation above, as caliphs, humans have several main responsibilities:(Salpina et al., 2024)

- 1) Managing the Earth Wisely. Humans are commanded to manage the earth without destroying it. Allah says: "And do not cause corruption on the earth after it has been set in order." (QS. Al-A'raf: 56). The use of natural resources must be carried out with the principles of sustainability and justice. Environmental damage, such as deforestation or pollution, is contrary to this mandate.
- 2) Maintaining Ecological Balance. Allah created everything on earth with balance (mizan). His Word: "And We have created everything with a measure." (QS. Al-Qamar: 49). The task of humans is to maintain this balance so that excessive exploitation does not occur.
- 3) Upholding Social Justice. As caliphs, humans are also responsible for creating social justice, including equitable distribution of resources. This includes fair environmental management for current and future generations.

In the modern context, the responsibilities of the caliph include environmental preservation as part of the mandate that must be carried out. Some of the ecological principles of Islam that relate to the role of the caliph are:(Mangunjaya, 2015)

- 1) Prohibition of Environmental Destruction. Islam forbids all forms of environmental destruction because it is contrary to the mandate of humans as caliphs. The Messenger of Allah SAW said: "Whoever plants a tree, then the tree bears fruit, then every fruit eaten by Allah's creatures will be alms for him." (HR. Ahmad).
- 2) The Principle of Balance and Moderation. Humans should not act wastefully or exceed the limits in the use of natural resources. The Word of God:

"And do not exaggerate. Indeed, Allah does not like those who exaggerate."(QS. Al-A'raf: 31).

In facing global challenges such as climate change and environmental degradation, the concept of khalifah fil ardh provides a moral and practical framework.(Salpina et al., 2024). Islam teaches that preserving the earth is a religious obligation that involves every individual and community. Thus, the concept of the caliph supports collective action to Mitigate the impacts of climate change, Sustainable management of

natural resources and Increasing the ecological awareness of humanity.

The concept of khalifah fil ardh places humans as managers of the earth who are responsible for balance, justice, and environmental preservation. With the maqasid al-shariah approach, this concept becomes more relevant in responding to today's global environmental challenges.(Busyro, 2019). Humans, as caliphs, are not only responsible to their fellow creatures but also to Allah as the owner of this earth.

The concept of Khalifah Fil Ardh in Islam and its Relation to the Management, Conservation, and Protection of the Earth In Islam is a fundamental principle that emphasizes the role of humans as representatives of Allah to manage and maintain the earth. This concept has a strong theological basis from the Qur'an and Hadith as well as practical relevance in the context of environmental management.

As caliphs, humans have a responsibility to manage natural resources wisely and sustainably. This is in accordance with the principle of *maslahah* in Islamic law, namely ensuring the welfare and goodness of humanity without damaging the environment. One of the goals of sharia is to protect life (*hifz al-nafs*) and property (*hifz al-mal*), which includes maintaining natural resources so that they remain sustainable and can be utilized by future generations.(Bahsoan, 2011).

In Islamic legal philosophy, the concept of khalifah fil ardh has profound theological, moral, and legal dimensions. This principle encompasses human responsibility to manage the earth in accordance with the objectives of Islamic law (*maqasid al-shariah*). The following is a broader description of the relationship between Islamic legal philosophy, *maqasid sharia*, and the concept of khalifah fil ardh.

B. Islamic Ethics on the Environment

The environment is part of the integrity of human life. So the environment must be viewed as one component of the ecosystem that has a value to be respected, appreciated, and not harmed, the environment has value to itself. This integrity causes every human behavior to have an effect on the surrounding environment. Positive behavior can cause the environment to remain sustainable and negative behavior can cause the environment to be damaged. This integrity also causes humans to have a responsibility to behave well with the life around them. Damage to nature is caused by the anthropocentric perspective of humans, viewing humans as the center of the universe(Aziz

et al., 2024). So nature is seen as an object that can be exploited only to satisfy human desires. This is described by Allah in surah al-Rum verse 41:

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

There has been visible damage on land and at sea caused by the actions of human hands, so that Allah will make them feel part of (the consequences of) their actions, so that they will return (to the right path)."

In the perspective of Islam, humans and the environment have a very close relationship because Allah SWT created this nature including humans and the environment in balance and harmony. This balance and harmony must be maintained so that it does not experience damage. The continuity of life in this nature is also interrelated, if one component experiences extraordinary disturbances, it will affect other components.

In the perspective of environmental ethics, the most important component of the relationship between humans and the environment is human guardianship. The purpose of religion is to protect, maintain and care for religion, life, reason and intellect, children and grandchildren and nature as well as care for equality and freedom.(Mustolikh et al., 2022). Protecting, maintaining and caring for the environment is the main goal of the relationship. If the environmental situation continues to worsen then eventually life will no longer exist and of course religion will no longer exist.

Humans as the dominant factor in environmental changes, both good and bad, and everything that happens in the environment and nature. The Qur'an explains that environmental damage, both on land and at sea, is caused by humans because the exploitation carried out by humans is not limited to meeting the need to survive and does not consider the sustainability of the environment and the balance of nature but is more based on economic factors, power and the fulfillment of endless desires.

Because of the dominant human factor in nature, especially the existing environmental damage, Allah reminds us in the letter Al-A'raf verse 56:

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

In Islamic teachings, the view of the universe, life and life are interrelated. Before there were humans and the contents of the earth, Allah created them first.(At-Thariq 5-7).

The relationship between humans and nature or the relationship between humans and their fellow humans is not a relationship between conquerors and conquered or between masters and servants but a relationship of togetherness in submission to Allah SWT. Because human ability to manage is not a result of the power they have but a result of the grace of Allah SWT.

Humans were created as connected creatures which also means that humans are forever meant to create everything around them always in a connected state. So that way there will be a spirit or movement to communicate, team up and think critically. Islam dictates that humans believe, do good deeds, and give advice to each other - both about truth and about patience (Harahap, 2015). In this way, humans will inherit paradise - a neat, tidy, beautiful and prosperous world - and then an eternal afterlife. All Islamic teachings regulate ethics with God, with the environment, not only humans but nature as a whole. For example or example, it has been completely found in the authentic hadiths, for example Buhari and Muslim.

The emergence of environmental problems, according to Passmore as quoted by Sudarminta, cannot be separated from certain cosmological views which in reality have given rise to an exploitative attitude towards nature (Rambe et al., 2021). Therefore, the development of environmental ethics requires a fundamental change from a cosmological view that fosters an exploitative attitude towards nature to a view that fosters a more friendly and appreciative attitude towards nature.

The understanding that humans are only caliphs implies that humans are not the rulers of nature, but only have a position as His vicegerents on earth (Salpina et al., 2024). This certainly does not position humans as the center of orientation as a radical anthropocentric view, but also positions humans as the holders of God's mandate in terms of maintenance.

There are two basic teachings that Muslims must pay attention to in relation to environmental ethics. First, rabbul `alamin. Islam teaches that Allah SWT is the Lord of the universe. So it is not the God of humans or a group of humans only. But the God of the entire universe. Before God, everyone is the same. Everyone is served by Allah the same as humans. Second, rahmatal lil`alamin. This means that humans are given the mandate to realize all their behavior in the context of compassion for the entire universe. Humans act in all their actions based on compassion for the

entire universe. If the meaning of rabbul `alamin and rahmatal lil`alamin is understood properly, then it will not damage the natural environment (Karyanto, 2017).

According to Muhammad Idris, there are three stages in religion that can completely become a foundation for environmental ethics from an Islamic perspective (Idris, 2022).

First ta`abbud. That protecting the environment is an implementation of obedience to Allah (Idris, 2022). Because protecting the environment is part of the mandate of humans as caliphs. Even in Islamic jurisprudence, maintaining environmental sustainability and balance has a mandatory legal status because the command is clear both in the Qur'an and the words of the Prophet Muhammad SAW. According to Ali Yafie, environmental issues in Islamic jurisprudence are included in the chapter on jinayat (criminal) so that if someone damages the environment, they can be subject to sanctions or punishment.

Second, ta`aqquli. The command to protect the environment logically and rationally has a very understandable purpose (Idris, 2022). The environment is a place where living things live and live. The natural environment has been designed in such a way by God with its balance and harmony and interconnectedness with each other. If there is an imbalance or damage done by humans. It will cause a disaster that will not only befall humans themselves but all creatures that live and live in that place will perish.

Third, takhalluq. Protecting the environment must become the morality, nature and habit of every person (Idris, 2022). Because maintaining the environment becomes very easy and very beautiful when it comes from the habits or daily life of every human being so that the balance and sustainability of nature will occur by itself without the need for threats of punishment and other causes with certain enticements.

The following are principles that can serve as a guide and guide for human behavior (ethics) in dealing with nature, both behavior towards nature directly and behavior towards fellow humans that has certain consequences for nature:

1. Respect for Nature

In the Qur'an, Surah Al-Anbiya 107. Respect for nature is a basic principle for humans as part of the entire universe. Just as, every member of a social community has an obligation to respect life together (social cohesiveness), so too every member of an ecological community must respect and honor every life and species in that ecological

community, and has a moral obligation to maintain the cohesiveness and integrity of the ecological community, the nature where humans live. Just as every member of a family has an obligation to maintain the existence, welfare, and cleanliness of the family, every member of an ecological community also has an obligation to respect and maintain this nature as a household.

2. Principle of Responsibility (Moral Responsibility For Nature)

Related to the principle of respect for nature above is moral responsibility towards nature, because humans were created as caliphs (those responsible) on earth and ontologically humans are an integral part of nature. (Salpina et al., 2024). This fact alone gives rise to a moral principle that humans have a responsibility both to the entire universe and its integrity, as well as to its existence and sustainability. Every part and object in this universe was created by God with its own purpose, regardless of whether that purpose is for the benefit of humans or not. Therefore, humans as part of the universe, are also responsible for maintaining it.

3. Cosmic Solidarity

Related to these two moral principles is the principle of solidarity. As with these two principles, the principle of solidarity arises from the fact that humans are an integral part of the universe. Moreover, in the perspective of ecofeminism, humans have an equal and equal position with nature and all other creatures in this world. (Azmi, nd). This reality awakens in humans a feeling of solidarity, a feeling of shared responsibility with nature and with other living creatures.

4. Principle of Caring for Nature

As fellow members of an equal ecological community, humans are inspired to love, care for, and preserve the universe and all its contents, without discrimination and without domination. This love and concern also arise from the fact that as fellow members of an ecological community, all living beings have the right to be protected, cared for, not harmed, and cared for.

Humans generally depend on the condition of the surrounding environment (nature) in the form of natural resources to support daily life, such as the use of water, air, and land which are the main natural resources. A healthy environment can be realized if humans and the environment are in good condition.

The current environmental crisis is an effect that occurs as a result of human environmental management or utilization without regard to

ethics. It can be said that the ecological crisis faced by humans is rooted in an ethical crisis or a moral crisis.

Humans are less concerned about the norms of life or replace the norms that should be with norms of creation and their own interests. Modern humans face nature almost without using "conscience". Nature is exploited and polluted without feeling guilty. As a result, there is a decline in the quality of natural resources such as the disappearance of some species from the face of the earth, which is also followed by a decline in the quality of nature. Pollution and environmental damage finally emerge as problems that affect human daily life. Islamic ethics do not prohibit humans from exploiting nature, but this must be done in a balanced and not excessive manner.

C. Philosophy of Islamic Law and Environmental Damage

1. Environmental Philosophy Critique of Religious Beliefs

The interest in the stable condition of the planet earth is the need of all creatures, including humans. Climate change brings environmental crises and massive instability due to weather anomalies and unpredictable seasons. It is strongly suspected that the frequent occurrence of storms and tornadoes in several places lately is also triggered by climate change. It is noted that the frequency of sea waves and waves is getting higher and so are the long dry season (el nino) and the wet monsoon season (la nina), which are happening more often. (Mangunjaya, 2015).

Several flood events are increasingly common, exceeding the frequency of flood disasters in previous years. This is due to climate anomalies and the destruction of the balance and the reduction of the earth's carrying capacity. The important question that must be answered is, are there any steps forward that can be taken in an effort to overcome this environmental crisis? Why do environmental crises and damage occur and the depletion of and does not stop undermining and apparently, according to Lynn White Jr., the perception of human understanding, is very dependent on what they believe in what is taught by Religion (Mangunjaya, 2015).

"mentality of the Industrial Revolution, that the earth was a resource for human consumption, was much older than the actuality of machinery, and has its roots in medieval Christianity and attitudes towards nature...what people do about their ecology depends on what they think about

themselves in relation to things in their environment.

What Lynn White says is that the root of the environmental crisis is that the Industrial Revolution mentality, which bridged the understanding that the earth is a resource for human consumption, is much older than the actuality of the machine, and has its roots in medieval Christianity and then determined the attitude of those industrialists towards nature, and what people did about their ecology depended on what they thought about themselves in relation to the things in their environment.

A similar point was expressed by Seyyed Hossein Nasr, who has more extreme thoughts about human relationships and their responsibility towards nature: (Mangunjaya, 2015)

"Nature has become desacralized for modern man Nature has come to be regarded as something to be used and enjoyed to the fullest extent possible..for modern man nature has become like a prostitute to be benefited from without any sense of obligation and responsibility toward her"

So nature has become unclean for modern humans, and what is a gift of nature and is considered as something that must be used and enjoyed as much as possible. For modern humans, nature is just like a prostitute where humans benefit without any obligation to take responsibility, to care for it. Think about it for future generations and think about better descendants. This really happens, when concessions are given, then investors and entrepreneurs only feel responsible and have fulfilled their obligations, after paying rent (contributions) for forest products or permits required by the government, without having any burden then they can easily take advantage of the earth that they left behind: holes, landslides, loss of resources and so on.

Moreover, for many economic people, there is no presence of God in their work. Exploitation is a necessity, the profits obtained are indeed intended for human welfare. Unfortunately, it turns out to be only short-term. So, in the disintegration between religious messages and human will (which is greedy) and the gap occurs in an arena like this, as Nasr said: (Mangunjaya, 2015)

"The harmony between man and nature has been destroyed...but not everyone realizes that this disequilibrium is due to the destruction of the harmony between man and God."

The conclusion may be that humans have gone astray and damaged the earth, because they have abandoned religious messages and moved away from religious beliefs.

2. Philosophy of Islamic Law in Environmental Perspective

In a modern context, maqasid al-shariah can be used as a basis for formulating policies and laws that support environmental conservation and climate change mitigation.

Several studies have been put forward regarding the urgency of designing the epistemology of Islamic legal philosophy. Among others, Thohari, A departed from the phenomenon of environmental crisis which has the potential to cause various natural disasters that threaten human life, so he wrote the epistemology of environmental fiqh (Saharuddin, nd). This study states that there is a public view that understands that fiqh is only related to the issue of human relations with humans, so that the relationship between fiqh and the environment is neglected which in turn fiqh is not involved in dealing with the ecological crisis. In fact, the Islamic world can contribute to building a human civilization that builds harmony with nature by developing environmental fiqh. According to Thohari, environmental fiqh in a philosophical review can be built its epistemology through the concept of mashlahah. A concept that was initially the basis for al-Syatibi in formulating maqashid al-syari'ah which will be used as the basis for determining Islamic law. For al-Syatibi, the essence of the purpose of implementing Islamic law (syari'ah) is to realize and maintain five main elements, namely religion (ad-din), soul (al-nafs), family (al-nasl), reason (al-aql), and property (al-mal), where this is often called al-kulliyat al-khamsah (Thohari, 2013). Indeed, al-Syatibi did not mention hifdz al-'alam (environmental maintenance) as part of maqashid al-syari'ah, but various explanations can be found in the Holy text of the Qur'an and the hadith of the Prophet SAW. which explain the importance of environmental maintenance or ecological environment. emphasizes that hifdz al-'alam can be used as the main mediator for the implementation of al-kulliyat al-khamsah.

This presentation confirms that the epistemological construction of Islamic legal philosophy needs to be operationalized in urgent cases such as environmental damage/global warming. (Darmalaksana, 2023). In responding to environmental damage from an Islamic perspective, several factions have tried to develop

the theory of maqashid sharia. For example, Jasser Audah through maqashid sharia with a systemic approach has developed maqashid sharia which in Jasser Audah's language is called hifz al-Bi'ah. The concept of hifz al-bi'ah is not explicitly formulated by classical scholars but is the result of reinterpretation and expansion of the maqasid theory by contemporary scholars.

As one of the contemporary scholars, Jasser Auda modernizes the theory of maqasid with a systemic approach. He stated that environmental preservation must be the goal of sharia because the environment is the main prerequisite for the survival of humans and other creatures. For Auda Hifz al-bi'ah as an additional maqasid among the five maqshid. According to him, the environment is an integral part of human welfare, so its protection is the collective responsibility of Muslims.

The idea of environmental preservation and human responsibility was also put forward by Yusuf al-Qaradawi in his book *Fiqh al-Biah fi al-Islam*, Yusuf al-Qaradawi emphasized that Islam has strong ecological principles, and protecting the environment is part of religious obligations. He included environmental protection as an important dimension of maqasid al-shariah. According to al-Qaradawi, Environmental management must be based on the principles of justice and sustainability, so that damaging the environment is a violation of the human mandate as caliph on earth.

The next figure is Muhammad Al-Tahir Ibn Ashur. As one of the modern thinkers who developed maqasid al-shariah, Ibn Ashur stated the importance of incorporating new elements into maqasid, including nature protection. According to him, there is a need for dynamic maqasid that respond to the challenges of the times so that Hifz al-bi'ah becomes part of the public benefit. The addition of hifz al-bi'ah by Ibn Ashur shows awareness of the importance of protecting the environment as an integral part of sharia goals. He emphasized that environmental maintenance is a means of realizing human welfare and natural balance, which is in line with the basic principles of sharia.

Hifz al-Bi'ah (environmental preservation) is a modern development of the Maqasid al-Shariah theory, which originally focused on five main aspects: preserving religion (hifz al-din), life (hifz al-nafs), reason (hifz al-aql), lineage (hifz al-nasl), and property (hifz al-mal). The concept of hifz al-bi'ah emerged in response to global challenges related to the environmental crisis and climate

change, making it an important part of the objectives of sharia in the contemporary era.

In the context of Islam, preserving the environment (hifz al-bi'ah) is an integral part of human responsibility as caliph on earth. This concept emphasizes that preserving the environment is not only a practical need but also a spiritual and moral obligation.

Environmental damage is a serious threat that has a wide impact on human life and ecosystems. In the view of maqasid al-shariah, global warming mitigation efforts can be seen as an implementation of hifz al-bi'ah. Here is the connection:(Darmalaksana, 2023)

- a. Mitigating environmental damage as part of Maqasid. Global warming mitigation efforts, such as reducing carbon emissions, reforestation, and using renewable energy, are a form of protecting the environment.
- b. The Principle of Non-Harm (La Dharar wa La Dhirar). The Islamic principle of "not harming oneself and others" is an important basis in dealing with global warming. Human activities that damage the environment, such as forest burning and the use of fossil fuels, are contrary to this principle.
- c. Ecological Justice and Global Solidarity. Islam teaches ecological justice, which is the fair distribution of resources and environmental impacts. In the context of global warming, rich countries that produce large emissions must take greater responsibility in mitigation efforts. This reflects the value of global solidarity that is in accordance with maqasid al-shariah.

The concept of hifz al-bi'ah in maqasid al-shariah is an innovative response to modern environmental challenges. Its originators, such as Yusuf al-Qaradawi and Jasser Auda, expanded the objectives of the shari'a to include environmental preservation as part of human responsibility. In relation to global warming, hifz al-bi'ah provides a theological and moral basis for collective action to protect the earth. This is not only a religious responsibility but also a human obligation as khalifah in ensuring environmental sustainability for future generations.

The link between maqasid al-shariah and environmental preservation lies in the main principle of sharia which aims to maintain human benefit in all aspects of life, both individual and collective. Maqasid al-shariah has the main goal of maintaining the five main aspects of life, namely

religion (hifz al-din), soul (hifz al-nafs), reason (hifz al-'aql), offspring (hifz al-nasl), and property (hifz al-mal). However, contemporary scholars, including Muhammad Al-Tahir Ibn Ashur, expanded the scope of this maqasid by including the aspect of hifz al-bi'ah (environmental care) as an element that supports sustainable human welfare.

Environmental maintenance within the maqasid al-shariah framework includes human responsibility as caliphs on earth to maintain the balance of the ecosystem. This concept is in line with the words of Allah in the Qur'an:

"And do not make mischief on the earth after it has been set in order..." (QS. Al-A'raf: 56).

A well-maintained environment is a prerequisite for the creation of a prosperous, safe, and sustainable life. Environmental damage, such as pollution and excessive exploitation, can threaten the sustainability of human life, thus contradicting maqasid al-shariah. Therefore, preserving the environment is an integral part of efforts to maintain the welfare of humanity.

3. Epistemology of Islamic Legal Philosophy related to Environmental Damage

Basically, the problem of environmental damage has demanded that everyone be moved to provide solutions. Given the enormous impact it has caused, everyone's heart must be called to provide solutions to the problem of environmental damage. Moreover, if using a religious basis, then this calling is a religious command. Any religion must have all the foundations that order its adherents to protect the environment. Islam is no exception with the guidelines of holy texts whose verses, both literal and meaningful, have ordered environmental protection. It's just that these verses as raw materials for Islamic law need to be actualized into the form of fiqh which is a practical demand for Islamic provisions.

Environmental damage is a reality that has attracted the world's attention. It is no longer time to corner who is most responsible for environmental damage. All parties from various circles and fields of science are working together to overcome environmental damage, including from the perspective of Islamic law.

At this level, Islamic legal experts need to apply qiyas, which is one of the methods of legal discovery in Islamic legal epistemology that can be applied in describing contemporary cases with analogical reasoning. This includes the induction process (al-qiyas al-sumuli) and the deduction process (al-qiyas al-tamtili). First, Islamic ulama

experts need to carry out the induction process (al-qiyas al-sumuli) on phenomena, symptoms, and empirical facts related to environmental damage. Such as extreme climate change concerning changes in air and weather accompanied by various disasters such as landslides, floods, and the spread of disease. This process means that Islamic legal experts' efforts to discuss the practical object of Islamic legal philosophy or the object of sharia philosophy or asrar al-sharia. This discussion will involve answers to questions such as why humans must maintain the environment, why humans must be regulated by Islamic law regarding environmental maintenance, why humans must prevent climate change, and what secrets or wisdom are contained in environmental maintenance.

In addition to the induction process, Islamic legal experts also need to carry out, secondly, the deduction process (al-qiyas al-tamtili) on the Holy texts related to handling the impacts of environmental damage. This process means the efforts of Islamic legal experts to discuss the theoretical object of Islamic legal philosophy which is often also called the object of tasyri' philosophy.

Based on this deduction process, Islamic legal theories will be produced that relate to the problem of environmental damage, which include principles, bases and various sources, objectives of law, principles and rules of Islamic law.

Thus, it is clear that the methodological operation of Islamic legal philosophy in discussing the problem of environmental damage is a work process in two areas, namely deduction and induction, to produce what is called legal raw material on handling Environmental Damage which on the one hand is dogmatic-doctrinal (normative-spiritual) and on the other hand is practical-empirical (positive-pragmatic). This is what is called the epistemological framework of Islamic legal philosophy (al-tashri' philosophy) related to handling environmental damage and the impacts it causes, such as extreme global climate change.

There are several important reasons for the preparation of the epistemological framework of Islamic legal philosophy related to the problem of environmental damage. Among other things, so that the movement in handling environmental damage is not only limited to Islamic doctrine, but the result of a deep formulation based on Islamic legal methodology and even Islamic legal philosophy. Epistemologically, the legal basis for handling environmental damage must be

excavated from the deepest sources of Islamic Holy texts. So that from this excavation, wisdom, secrets, and wisdom can be obtained. Then, this wisdom is managed based on legal methodology combined with qiyas to produce raw materials for law on handling environmental damage. This raw material is not only processed deductively but also inductively. In turn, legal provisions related to handling environmental damage are produced based on the epistemological framework of Islamic legal philosophy. Thus, the provisions for handling environmental damage and the impacts it causes are not only doctrinal, but also realistic, logical, and empirical.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Islam has comprehensively established ethics that regulate the relationship between humans and nature through teachings that emphasize balance, justice, and responsibility. As khalifah fil ardhi, humans have the primary duty to protect and preserve the environment as a form of devotion to Allah and a manifestation of maqasid al-shariah. These principles include the maintenance of life (hifz al-nafs), the sustainability of resources (hifz al-mal), and environmental protection (hifz al-bi'ah), all of which aim to realize the common good.

Environmental philosophy's critique of religious teachings, which considers religion to be anthropocentric, is a challenge that needs to be responded to by reconstructing environmental understanding based on maqasid al-shariah. Islam, with its maqasid, not only places humans as the center of attention, but also pays attention to the sustainability of the ecosystem. Therefore, maqasid al-shariah can be a philosophical foundation for responding to the environmental crisis and climate change in a holistic manner. holistic, encompassing spirituality, ethics, and real action.

B. Suggestion

1. Improving Islamic Environmental Education. Education based on Islamic values that emphasize responsibility towards the environment needs to be strengthened at various levels, both formal and informal, in order to instill early awareness of the importance of preserving nature.
2. Multidisciplinary Approach. The Islamic legal philosophy approach to the environment must be expanded to include

other disciplines such as ecology, economics, and sociology so that the resulting solutions are comprehensive and applicable.

3. The Role of Religious Institutions. Religious institutions are expected to be more active in campaigning for environmental issues through sermons, seminars, and community-based social movements to strengthen the implementation of maqasid al-shariah values related to the environment.
4. Strengthening Sharia-Based Environmental Policy. The government and policy makers can formulate regulations based on the principles of maqasid al-shariah to support environmental sustainability, such as the prohibition of excessive exploitation and equitable management of natural resources.
5. Research and Innovation. Further research is needed to enrich the Islamic perspective on environmental issues and find innovations that are in accordance with maqasid al-shariah in facing the challenges of climate change.

REFERENCE LISTAN

- Aziz, AGP, Dermawan, T., & Sulistyorini, D. (2024). Environmental Ethics Paradigm in the Novel Kekal by Jalu Kencana. *Onoma Journal: Education, Language, and Literature*, 10(1), 416–425.
- Azmi, S. (nd). ECOTEOLGY IN HINDU AND ISLAMIC PERSPECTIVES (REVIEW OF SEYYED HOSSEIN NASR AND VANDANA SHIVA'S THOUGHTS). FU.
- Bahsoan, A. (2011). Mashlahah as maqashid al syariah (review from the perspective of Islamic economics). *Innovation Journal*, 8(01).
- Busyro, MA (2019). Maqashid al-syariah: basic knowledge to understand masalah. Prenada Media.
- Darmalaksana, W. (2023). Construction of the Epistemology of Islamic Legal Philosophy for Islamic Legal Provisions on Preventing Global Warming. *Khazanah Multidisiplin*, 4(1), 205–222.
- Harahap, RZ (2015). Islamic ethics in managing the environment. *EDUTECH: Journal of Educational Sciences and Social Sciences*, 1(01).
- Idris, M. (2022). Islamic Education and the Era of Society 5.0; Opportunities and Challenges for

- Islamic Education Students to Become Character Teachers. *Belajea: Journal of Islamic Education*, 7(1), 61–86.
- Karyanto, UB (2017). Character education: An Islamic vision of rahmatan lil alamin. *Edukasia Islamika*, 2(2), 191–207.
- Mangunjaya, F. (2015). Environmental Damage: Epistemology of Islamic Science and Human Responsibility. *Jurnal Theologia*, 26(1).
- Mustolikh, M., Budimansyah, D., Darsiharjo, D., & Nurdin, ES (2022). Natural disasters and environmental ethics in the Qur'an. *Proceedings Series on Social Sciences & Humanities*, 6, 170–176.
- Naldi, A., Mursyid, FH, Adami, FF, Alawiah, Z., Dinda, R., & Harahap, PY (2023). Contribution of Islamic Religious Education in Maintaining Environmental Sustainability in the Era of Modern Society Challenges. *At-Tazakki: Journal of Islamic Education and Humanities Studies*, 7(2), 283–300.
- Nasution, UJ (2024). The role of Islamic religious education in dealing with the environmental crisis. *Pedagogik: Journal of Education and Research*, 2(3), 385–392.
- Ramadhan, G. (2019). Ecological crisis from Islamic and Christian perspectives in Indonesia.
- Rambe, T., Sari, SM, & Rambe, N. (2021). Islam and the Environment: Measuring the Relationship Between the Two. *Abrahamic Religions*, 1(1), 1–14.
- Rukhmana, T., Darwis, D., IP, S., Alatas, AR, SE, MM, Tarigan, WJ, Mufidah, ZR, Muhamad Arifin, MHI, Cahyadi, N., & S ST, MM (2022). *Qualitative Research Methods*. CV Rey Media Grafika.
- Saharuddin, D. (nd). *Interpretation of Disaster; Essay on Religion, Environment, Socio-Politics, and Covid-19*. Suara Muhammadiyah in collaboration with Gramasurya.
- Salpina, S., Maisura, M., & Aminah, A. (2024). Parents' responsibility for children's education and its relation to human duties as caliphs. *Community Development Journal: Jurnal Pengabdian Masyarakat*, 5(1), 148–155.
- Saputri, CA (2020). *The Concept of the Caliphate in the Views of Taqiyuddin An-Nabhani and Abdurrahman Wahid*. UIN Raden Intan Lampung.
- Thohari, A. (2013). Epistemology of Environmental Jurisprudence: Revitalization of the Concept of Problems. *Az-Zarqa': Journal of Islamic Business Law*, 5(2).