



ISLAMIC LAW PRINCIPLES AND SUSTAINABLE MINING GOVERNANCE IN INDONESIA : AN ANALYTICAL FRAMEWORK

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Abstract: Indonesia's considerable mineral resources including coal, nickel, copper, and bauxite are pivotal to economic development and the worldwide green energy supply chain. Nonetheless, expedited extraction has resulted in significant environmental degradation, socio-economic disruption, and legal-ethical issues, especially in areas facing deforestation, water contamination, habitat fragmentation, and community displacement. These effects underscore the urgent necessity for a governance framework that enforces regulatory compliance while incorporating ethical and environmental accountability. This study analyzes the potential of Islamic legal concepts to provide a normative and ethical framework for enhancing sustainable mining governance in Indonesia. This study aims to achieve three objectives: (1) to assess the environmental, social, and economic consequences of mineral extraction; (2) to investigate Islamic legal principles pertinent to resource governance, including *maqāṣid al-sharī'ah*, *khilāfah*, *milkiyyah*, *'āmmah*, *ḥifẓ al-bī'ah*, and *hisbah*; and (3) to develop a cohesive analytical framework that harmonizes Islamic jurisprudence with Indonesia's mining regulatory framework. This article utilizes a qualitative narrative-descriptive methodology, using statutory and regulatory texts, ancient and modern Islamic legal sources, MUI fatwas, environmental reports, and recent academic research. The data were systematically categorized by theme and examined using triangulation to confirm the coherence and validity of the arguments. The results indicate that

Islamic law provides a thorough ethical framework that can effectively address governance deficiencies in Indonesia's mining industry. Principles such as *lā ḍarar wa lā dirār* and *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ* offer robust ethical basis for more stringent environmental regulations, while *hisbah* legitimizes governmental involvement to avert ecological damage. Incorporating these concepts with national mining rules and ESG standards can improve environmental protection, guarantee equitable benefit sharing, fortify community rights, and advance intergenerational justice. This research finishes by presenting a normative-ethical framework for sustainable mining that aligns positive law with Islamic environmental jurisprudence.

Keywords: Environmental Justice; Maqāṣīd al-Sharī'ah; Mineral Resource; Sustainable Mining Governance

I. INTRODUCTION

Indonesia's natural resources consist of coal, gold, nickel, copper and bauxite. Over the years, these resources have become the country's main source of economic growth, foreign exchange earnings and industry. Indonesia has been at the center of the global green energy transition for the past 20 years due to high demand for mineral metals such as nickel and copper, which are required for electric motors and renewable energy. However, this opportunity for profit also raises a host of environmental, legal and moral issues associated with the country's exploitation. Uncontrolled mining, deforestation, river pollution and displacement of indigenous people continue to hinder the achievement of Indonesia's constitutional goals of sustainable development and social justice.

Sustainable mining prioritizes a balance between economic returns, environmental conservation, and socio-cultural obligations. This strategy is in line with international sustainable development goals that aim to conserve natural resources for future generations while promoting community well-being and national progress.^{1,2}

¹ Ali Said, et al., 2016. *Potret Awal Tujuan Pembangunan Berkelanjutan (Sustainable Development Goals) di Indonesia*. Jakarta: Badan Pusat Statistik Indonesia.

² Admintrib, 2024. *Pertambangan Berkelanjutan: Solusi Menciptakan Keseimbangan Produksi dan Konservasi Lingkungan*. tribhakti.com. <https://www.tribhakti.com/id/pertambangan-berkelanjutan-solusi-menciptakan-keseimbangan/#:~:text=Pertambangan%20berkelanjutan%20adalah%20praktik%20pertambangan%20yang%20bertujuan.peternakan%20sehat%20ramah%20lingkungan%2C%20perkebunan%2C%20dan%20lain-lain>.

Islamic law (Shariah) provides a significant ethical and legal framework that can guide sustainable resource management. The basic objectives of *maqāṣid al-sharī'ah* (the goals of Islamic law), including the preservation of life (*ḥifẓ al-nafs*), reason (*ḥifẓ al-'aql*), property (*ḥifẓ al-māl*), posterity, and religion, establish a comprehensive framework for evaluating mining practices beyond mere profit, integrating justice, stewardship (*khilāfah*), and environmental rights.

As a country with 87 percent Muslim population, the importance of Islamic ethical views in integrating Islamic legal principles into mining governance so as to promote more responsible, equitable and sustainable use of mineral resources. This research explores the ways in which Islamic law can guide mining policy and practice to promote sustainability and social justice.³

Previous studies on mining governance and Islamic perspectives in Indonesia have highlighted the importance of sharia principles such as *tawhid*, *khilafah*, *maslahah*, and *hisbah* in guiding environmental policy. Parlan & Bahri's (2024)⁴ study demonstrated the role of religious organizations in the mining licensing process where the application of Islamic values in environmental governance can improve compliance with environmental regulations and strengthen commitment to nature conservation; Hidayah et al. (2023)⁵ highlighted the integration of environmental principles in Islamic law and national law where the study highlighted that mines, as products derived from the depths of the earth, deserve responsible management to ensure sustainable use; while Yusuf et al. (2025)⁶ asserted that the environmental fiqh approach is able to strengthen social legitimacy, especially through environmental fatwas and *maqāṣid*-based CSR. In addition, research by Hidayatulloh et al. (2024) confirmed the role of environmental theology in

³ Ghofar Shidiq, 2009. *Teori Maqashid Al – Syari'ah dalam Hukum Islam*. Majalah Ilmiah Sultan Agung 44, no. 118, p. 117 – 130.

⁴ Hening Purwati Parlan & Saiful Bahri, 2024. *Karakteristik Islam dalam Tata Kelola Lingkungan Hidup: Studi Kasus Pemberian IUP Pertambangan dan Mineral kepada Organisasi Masyarakat Keagamaan*. Jurnal Dirosah Islamiyah 6, no. 3, p. 1041 – 1052. <https://doi.org/10.47467/jdi.v6i3.4066>.

⁵ Ahdiyatul Hidayah, et al., 2023. *The Role of Environmental Principles in Mining Resources: A Discourse of Islamic and Indonesian National Law*. Jambe Law Journal 6, no. 1, p. 23 – 45. <https://doi.org/10.22437/jlj.6.1.23-45>.

⁶ Niken Yulian Yusuf, et al., 2025. *Community Rights Protection as a Pillar of Sustainable Mining in Indonesia: A review of Government and CSR roles from Environmental Law and Islamic Environmental Jurisprudence*. Jurnal Ilmiah Mizani Wacana Hukum Ekonomi dan Keagamaan 12, no. 2, p. 41. <https://doi.org/10.29300/mzn.v12i2.8359>.

encouraging sustainable mining practices through spiritual values and religious moderation.⁷ At the same time, positive law studies such as Asep Husni et al. (2025) and Junaidi (2019) show that the state has a constitutional responsibility as a resource manager, but its implementation is still weak due to the dominance of investor interests and weak protection of affected communities.^{8,9}

The integration of Islamic environmental fiqh with conventional legal frameworks and corporate social responsibility creates increased community agency and moral legitimacy for government policies. Regions that implement Islamic fatwas on “environmentally friendly mining” show stronger social license and improved local welfare. Environmental theology approaches offer a framework for shifting mining management from an anthropocentric to an eco-centric paradigm, with religious organizations promoting sustainable practices through the integration of spiritual values.^{10,11}

Mineral resource management in Indonesia faces significant challenges related to legal frameworks, environmental sustainability and social justice.¹² Research shows that both Islamic and positive law emphasize the role of the state as the primary manager of natural resources for maximum public prosperity. However, current mining practices often contradict constitutional principles, with foreign investors dominating resource extraction while local communities bear the negative impacts.¹³

The Indonesian Constitution forbids monopolistic control over natural resources; nonetheless, contemporary economic activities often contravene these ideals.¹⁴ The

⁷ Taufik Hidayatulloh, et al., 2024. *Eco-Theology in Islamic Thought: Religious moderation and organizational roles in mining management in Indonesia*. Progresiva Jurnal Pemikiran dan Pendidikan Islam 13, no. 03, p. 379 – 392. <https://doi.org/10.22219/progresiva.v13i03.37102>.

⁸ Asep Husni, et al., 2025. *Pengelolaan Barang Tambang dalam Hukum Islam dan Hukum Positif*. JIMU: Jurnal Ilmiah Multi Disiplin 3, no. 3, p. 2119 – 2128. <https://doi.org/10.70294/jimu.v3i03.995>.

⁹ Muhammad Junaidi, 2019. *Dilema Politik Hukum Pertambangan di Indonesia Suatu Telaah Atas Konsep Pembangunan Berkelanjutan*. Iqtisad Reconstruction of Justice and Welfare for Indonesia 4, no. 2, p. 1 – 25. <https://doi.org/10.31942/iq.v4i2.2623>.

¹⁰ Niken Yulian Yusuf, et al., 2025. *Ibid*.

¹¹ Taufik Hidayatulloh, et al., 2024. *Ibid*.

¹² Asep Husni, et al., 2025. *Ibid*.

¹³ Muhaimin, 2022. *Fatwa MUI Nomor 22 Tahun 2011 tentang Pertambangan Ramah Lingkungan Perspektif Maqashid Al-Syari'ah*. YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam 13, no. 1, p. 49. <https://doi.org/10.21043/yudisia.v13i1.14314>.

¹⁴ Muhammad Junaidi, 2019. *Ibid*.

Islamic legal perspective offers further guidance via the Indonesian Ulema Council (MUI) Fatwa No. 22 of 2011 on sustainable mining, which is consistent with the principles of *maqasid al-shari'ah*, emphasizing environmental preservation and the public good.¹⁵

This study seeks to thoroughly combine Islamic legal concepts with the national mining legal framework into a cohesive analytical model, an area inadequately explored by prior research. This research distinguishes itself from prior studies that have concentrated on particular instances, isolated normative elements (such as fatwas, permits, or CSR), or merely emphasized the disparity between economic advantages and environmental harm. It serves as a comprehensive conceptual analysis that delineates: (1) the current state of mining and its ecological repercussions, (2) the fundamental tenets of Islamic environmental jurisprudence (*maqāṣid*, *khilafah*, *milkiyyah 'āmmah*, *hisbah*), and (3) prospects for their incorporation into national mining governance. This research not only delineates phenomena or evaluates standards but also establishes an analytical framework that can serve as a basis for policymakers, law enforcement officials, and industry stakeholders.

Despite various research examining facets of Islamic law and mining, significant gaps persist. Initially, prior research is sometimes disjointed, with certain studies concentrating on environmental fatwas, others on positive law, and some exclusively on ecological consequences—thereby neglecting to provide a holistic synthesis of the sharia framework and national mining governance. Secondly, the majority of study solely analyzes Sharia principles in a normative context, failing to elucidate how these values might be operationalized into tangible policy mechanisms, including environmental impact assessments (EIA), licensing, reclamation, or corporate social responsibility (CSR). Third, current research has failed to connect *maqāṣid al-sharī'ah* (objectives of sharia) with modern challenges such as intergenerational fairness, the ethics of strategic mineral exploitation, or the effects of foreign investor dominance on local people.

This study addresses this deficiency by establishing a normative-ethical framework for sustainable mining grounded in Islamic law, which directly correlates with mining regulations and practices in Indonesia. This research integrates three

¹⁵ Muhaimin, 2022. *Ibid.*

previously isolated components: (1) the empirical reality of ecological degradation and socio-economic repercussions; (2) normative-ethical Sharia principles including *maqāṣid*, *hisbah*, *milkiyyah* ‘āmmah, and *i‘mār al-ardd*; and (3) prospects for incorporation into national legislation such as the Minerba Law, AMDAL, and ESG standards. This work presents a novel contribution in the form of an integrated analytical model designed to evaluate policy viability, establish ethical standards for the mining sector, and enhance community protection from an applicable sharia perspective.

Based on the description of the background and status quo, the author formulates two issues that will be examined further, which are:

- 1) How do mineral mining activities in Indonesia affect the environment, society, and the economy?
- 2) Which principles of Islamic law apply to resource management and environmental protection?
- 3) How might these ideas be applied to sustainable mining legislation and practices?

II. RESEARCH METHODS

This study involves a qualitative methodology utilizing a narrative-descriptive approach, concentrating on the examination of Indonesian positive legal literature, classical and contemporary Islamic legal sources, as well as empirical research pertaining to the effects of mining. The narrative-descriptive approach elucidates the dynamics of Indonesia's mining sector, interprets the principles of Islamic law within an environmental context, and integrates these elements into an analytical framework of sustainability.

The research data were gathered via a literature review encompassing laws and regulations, MUI fatwas, *fiqh* texts, reports from international agencies, and contemporary academic articles. The analysis involved organizing the literature according to themes (environmental impact, governance, *maqāṣid*, *fiqh al-bī'ah*) and synthesizing it into a narrative that addresses the research questions. The research's validity was upheld via source triangulation and consistent argumentation.

This approach enables the research to elucidate how Islamic legal principles can enhance mining governance by incorporating moral values, environmental ethics, and social justice considerations.

III. ANALYSIS AND DISCUSSION

a. Environmental, Social, and Economic Impacts of Mining Activities on Indonesia's Mineral Resources

Environmental Impacts

Mining operations in Indonesia provide substantial economic benefits, including enhanced revenue and employment opportunities. Nonetheless, the adverse effects are substantial and intricate. Mining adversely impacts the environment by altering landscapes, causing erosion, leading to deforestation, and resulting in contamination of water, air, and soil from mining waste and blasting operations. This diminishes the quality of flora and fauna habitats and may upset the broader ecological balance. This encompasses the deforestation of main and secondary forests (canopy reduction, alterations in landscape), significant erosion and sedimentation resulting from exposed soil in humid-tropical climates, and diminished water quality due to waste / tailings and pH fluctuations.¹⁶ Downstream, sediments obscure rivers, estuaries, mangroves, seagrass beds, and coral reefs—turbidifying the water column and diminishing marine biodiversity. In high conservation value locations (Key Biodiversity locations) like Sulawesi and North Maluku, nickel mining is associated with the reduction of endemic species habitats and "ecosystem simplification" (diminished habitat structure and impaired ecological services). Landscape fragmentation, caused by mining roads, pits, and infrastructure, amplifies edge effects, diminishes gene flow, and renders tiny populations susceptible to extinction.¹⁷ The cumulative effects seldom resolve swiftly: post-mining sites frequently remain compromised, soils become unstable, vegetation struggles to regenerate, and ecosystem services (such as water regulation, slope stabilization, and carbon sequestration) are diminished; additionally, coastal natural defenses against erosion and wave action also deteriorate. Case studies in regions like Morowali indicate deteriorating water quality and the depletion of indigenous aquatic livelihoods. This illustrates the geographical (upstream-downstream), cross-ecosystem (land-coast-sea), and temporal nature of impacts. From a sociocultural standpoint, mining alters

¹⁶ Saptono Hadi, et al., 2025. *Upaya Peningkatan Kualitas Lingkungan dan Perilaku Hidup Sehat pada Warga Dusun Jatirejo, Kelurahan Mojosongo, Kecamatan Jebres, Kota Surakarta*. Jurnal Pengabdian Masyarakat Bangsa 3, no. 5, p. 2634 – 2645. <https://doi.org/10.59837/jpmmba.v3i5.2790>.

¹⁷ Ilyas Lampe, et al., 2025. *Nelayan di Tengah Pusaran Industri Nikel, Livelihood dan Corporate Social Responsibility*. Jurnal Ilmu Sosial dan Humaniora 14, no. 1, p. 101 – 116. <https://doi.org/10.23887/jish.v14i1.87806>.

communal lifestyles, as several individuals transition from agriculture and fisheries to the more economically lucrative mining industry.¹⁸ This may result in overreliance and societal discord stemming from the inequitable allocation of advantages, in addition to health issues arising from environmental contamination. From an economic standpoint, despite heightened wages, there exists a risk of unemployment and poverty following the cessation of mining activities, attributable to the insufficient diversification of community capabilities. Increasing pricing of products and services in mining regions exert economic strain on people reliant on conventional sectors. Stringent regulation and community involvement are essential for alleviating these adverse effects and promoting sustainability.¹⁹

Notwithstanding the availability of extensive ecological and social data, Indonesian mining practices reveal a significant disparity between the favorable legislative framework and its actual execution. The government has established rather thorough regulations; however, corruption, insufficient oversight, redundant permissions, and feeble institutional ability hinder their implementation. This pattern of destruction is not merely due to technical ineptitude, but rather indicative of a governing system that fundamentally neglects to value the environment and communities as entities deserving protection. Consequently, the mining dilemma in Indonesia transcends environmental concerns, encompassing governance and public ethics as well.

Social Impact

At the community level, mining transforms the household economic framework from agriculture and fisheries to the higher-paying yet unstable extractive sector; economic dependency escalates alongside the risk of a boom-bust scenario. The disproportionate allocation of advantages (profits to investors / mining regions vs detriments to adjacent populations) incites social discord, land conflicts, and the erosion of policy legitimacy when public engagement is insufficient. Exposure to air and water pollution elevates the likelihood of health issues (dermatological and respiratory diseases), diminishes the productive working hours of at-risk

¹⁸ Mohamad Nasir, et al., 2023. *Environmental Management of Coal Mining Areas in Indonesia: The Complexity of Supervision*. Society & Natural Resources 36, no. 5, p. 534 – 553. <https://doi.org/10.1080/08941920.2023.2180818>.

¹⁹ Mawardi Heru Prasetyo, et al., 2025. *Dampak Kerusakan Lingkungan Akibat Eksploitasi Sumber Daya Mineral dari Kegiatan Pertambangan*. Hidroponik: Jurnal Ilmu Pertanian dan Teknologi dalam Ilmu Tanaman 2, no. 2, p. 1 – 11. <https://doi.org/10.62951/hidroponik.v2i2.328>.

populations, and amplifies the financial burden of household health expenditures. The degradation of environmental quality (clean water, fishing grounds, arable land) diminishes subjective well-being and social cohesion. When reclamation fails to restore ecosystem services, communities forfeit natural safety nets, such as agricultural output, coastal fisheries, and ecotourism services that once facilitated economic diversification.²⁰

The mining sector in Indonesia has resulted in numerous substantial environmental consequences, including habitat destruction, soil erosion, sedimentation, deterioration of water quality, chemical contamination, fragmentation, isolation, and disruption of ecosystem services. In areas like as Sulawesi and North Maluku, extensive mining operations, especially for nickel, have devastated forests that provide habitats for endemic species, resulting in population decreases or local extinctions. Deforestation undermines ecosystem services, including water management, soil stabilization, and carbon sequestration, increasing soil vulnerability to erosion and diminishing trees' capacity to function as biodiversity sanctuaries.²¹

Economic Impact

The mining sector is vital to the Indonesian economy. In East Kalimantan, mining constitutes the predominant segment of the Gross Regional Domestic Product (GRDP). Tin mining in Bangka Belitung Province substantially enhances GRDP and stimulates growth in the local construction and manufacturing industries.²² Nonetheless, these economic advantages are intricate. Although mining enhances economic output, it does not invariably influence local wellbeing directly. In certain areas, mining operations predominantly advantage capital proprietors over laborers. Moreover, areas like Singkep Island had swift economic decline after the termination of mining operations, underscoring the precarious economic consequences of this industry. The enduring sustainability of this sector is a

²⁰ Daniel Francis Richard & Lyndon DeVantier, 2019. *Indonesia: Threats to the Country's Biodiversity*. Encyclopedia of Environmental Health (Second Edition), p. 622 - 632. <https://doi.org/10.1016/b978-0-12-409548-9.11762-2>

²¹ IUCN, 2025. *Nickel Mining on Sulawesi Overlaps with Globally Important Biodiversity Areas, New Research Shows*. <https://www.iucn.nl/en/publication/nickel-mining-on-sulawesi-overlaps-with-globally-important-biodiversity-areas-new-research-shows/>.

²² Ridwan Sutriadi, et al., 2024. *The Multiple Effects of Mining Activities on the Ecology and Economic Development in East Kalimantan Province, Indonesia*. Evergreen 11, no. 2, p. 1016 - 1027. <https://doi.org/10.5109/7183384>.

significant challenge, as environmental and social costs may counterbalance economic advantages.^{23,24,25}

Mining contributes to the Gross the Domestic Product (GRDP), facilitates exports, and generates both direct and indirect employment opportunities.²⁶ Nonetheless, unaccounted socio-environmental costs (such as contaminated water, coastal sedimentation, degradation of ecosystem services, and public health issues) generate negative externalities that frequently surpass short-term advantages, especially when environmental impact assessment (EIA) standards are inadequate and law enforcement is erratic.²⁷

The ecological impact of mining activities in Indonesia demonstrates a pattern of structural degradation rather than incidental harm. Empirical evidence indicates that ecosystem degradation arises not merely from technological faults, but is fundamentally linked to governance failings, including inadequate supervision, conflicts of interest in licensing, and regulatory biases that favor investment growth over ecological preservation. The persistent damage observed in areas such as Central Sulawesi, North Maluku, and East Kalimantan signifies a legislative framework that significantly neglects the imperative of environmental protection. This pattern establishes a condition of pathological regulatory behavior, wherein environmental objectives are normatively acknowledged yet practically subordinated to immediate economic interests. Consequently, ecological consequences such as deforestation, coastal sedimentation, and biodiversity loss manifest as both symptoms and signs of a governance failure that cannot curtail the tendency towards over exploitation.

The mining business in Indonesia exhibits an imbalanced power dynamic between capital proprietors and local communities, both socially and economically. Rises in

²³ Sulista & Fadhila Achmadi Rosyid, 2022. *The Economic Impact of Tin Mining in Indonesia During an Era of Decentralisation, 2001–2015: A Case Study of Kepulauan Bangka Belitung Province*. *The Extractive Industries and Society* 10, 101069. <https://doi.org/10.1016/j.exis.2022.101069>.

²⁴ Rian Hilmawan, et al., 2016. *Coal Mining Operations and Its Impact on Sectoral and Regional Area: Evidence of East Kalimantan, Indonesia*. *Journal of Indonesian Applied Economics* 6, no. 1, p. 22 – 43. <https://doi.org/10.21776/ub.jiae.2016.006.01.2>.

²⁵ Musyfikah Ilyas, 2017. *Profesional Nazhir Wakaf dalam Pemberdayaan Ekonomi*. *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam* 4, no. 1, p. 71 - 94. <https://doi.org/10.24252/al-qadau.v4i1.5719>.

²⁶ Rezki Syahrir, et al., 2020. *Socio-Economic Impacts and Sustainability of Mining, A Case Study of the Historical Tin Mining in Singkep Island-Indonesia*. *The Extractive Industries and Society* 7, no. 4, p. 1525 – 1533. <https://doi.org/10.1016/j.exis.2020.07.023>.

²⁷ Andi Moh. Rezki Darma, et al., 2023. *Konsep Hukum Islam Dalam Mewujudkan Stabilitas dan Perubahan Dalam Masyarakat*. *Jurnal Pengabdian Mandiri* 2, no. 1, p. 115 – 124.

GRDP and exports do not correspond with community welfare, as the allocation of benefits is centralized while the repercussions of damage are localized. The boom-and-bust phenomenon observed in the Singkep instance and the Bangka Belitung tin region underscores the assertion that the mining economy is volatile and engenders a dependency trap. This illustrates that Indonesian policies do not establish an inclusive growth model, since they neglect to absorb ecological externalities; the community bears the expenses of healthcare, land degradation, and loss of livelihoods. Consequently, there is a shift of advantages from the state and corporations to citizens, a trend that contravenes the tenets of distributive fairness in Islamic legal theory and contemporary social justice theory.

Principles of Islamic Law in Resource Management and Environmental Protection

Islamic law provides a thorough ethical foundation for sustainable mining, highlighting environmental conservation, community welfare, and responsible resource management. Fundamental concepts encompass Khalifah (environmental stewardship),²⁸ Maqasid al-Shari'ah (emphasizing environmental protection, safeguarding life, and preserving wealth), with justice and equal distribution. Research conducted by Niken Yulian Yusuf constantly illustrates how Islamic values can convert mining from a solely exploitative endeavor to a sustainable and socially responsible industry.²⁹

The amalgamation of Maqasid al-Shari'ah and sustainability principles provides a comprehensive framework for reconciling economic efficiency with environmental conservation. From an Islamic legal standpoint, the management of mining resources is regarded not merely as an economic endeavor, but as a fiduciary responsibility intrinsic to the human position as khalifah fī al-ardh.³⁰ This trust necessitates a moral obligation to uphold ecosystem sustainability, avert environmental degradation (ifsād), and guarantee communal welfare. This fundamental principle is grounded in the maqāṣid al-sharī'ah, which underscores that the aims of Islamic law encompass the safeguarding of life (ḥifẓ al-nafs), property (ḥifẓ al-māl), progeny (ḥifẓ al-nasl), and the environment, which are now recognized as contemporary objectives in the evolution of modern maqāṣid.³¹ The

²⁸ Ahdiyatul Hidayah, et al., 2023. *Ibid.*

²⁹ Niken Yulian Yusuf, et al., 2025. *Ibid.*

³⁰ Jasser Auda, 2008. *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: IIIT.

³¹ Jasser Auda, 2008. *Ibid.*

principle of ḥifẓ al-bī'ah is regarded as a modern maqṣad integral to the five classical maqāṣid, as environmental degradation directly affects the safeguarding of life, progeny, property, and intellect.³² Consequently, the extraction of natural resources via mining operations should be contextualized within a paradigm of sustainable welfare rather than simply short-term economic gain. The exploitation of natural resources that harms ecosystems is inconsistent with the principle of i'mār al-ardh, as sharia regards the earth as a trust rather than a commodity for unrestricted exploitation.^{33,34}

Islam acknowledges the presence of mining resources as economic potential (al-māl), however imposes stringent constraints via the principle of lā ḍarar wa lā ḍirār and the principle of dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ.³⁵ These two principles provide ethical norms that necessitate the rejection of mining policies or practices that jeopardize human safety, harm water and land, or disrupt natural functions essential for societal life. This approach corresponds with the principle of milkiyyah 'āmmah, which asserts that mining resources are classified as public property and must not be managed or used in a way that infringes against the rights of future generations.³⁶ (intergenerational justice).

Moreover, Islamic jurisprudence (fiqh) literature acknowledges the role of hisbah, which pertains to the state's power to avert exploitative behaviors detrimental to society and the environment. In contemporary mining, hisbah can be understood as sharia justification for the state to enforce stringent environmental impact analysis³⁷ (EIA) regulations, require ecological reclamation, close illegal mines, and impose penalties on corporations that contaminate rivers or harm water catchment areas. The principle of lā ḍarar wa lā ḍirār provides an ethical foundation that necessitates the prohibition of commercial activities, such as mining,³⁸ if they inflict ecological and social damage. This instrument illustrates that Islamic law extends beyond moral values, offering a normative framework for natural resource control focused on damage prevention and ecological preservation.

³² Jasser Auda, 2008. *Ibid*.

³³ Richard Foltz, 2006. *Animals in Islamic Tradition and Muslim Cultures*. Oxford: Oneworld.

³⁴ Seyyed Hossein Nasr, 1968. *Man and Nature: The Spiritual Crisis of Modern Man*. London: George Allen and Unwin.

³⁵ J. Al-Suyūṭī, 1998. *Al-Ashbāh wa al-Nazā'ir*. Cairo: Dār al-Kutub al-'Ilmiyyah.

³⁶ Jasser Auda, 2008. *Ibid*.

³⁷ J. Al-Suyūṭī, 1998. *Ibid*

³⁸ Muhammad Abdul Mannan, 1986. *Islamic Economics: Theory and Practice*. Cambridge: Hodder & Stoughton.

In the context of Islamic jurisprudence (fiqh al-bi'ah), the principle of i'mār al-ardh (prospering the earth) necessitates that all economic endeavors, including mining, prioritize ecological sustainability through the conservation, rehabilitation, and restoration of environmental functions following mining activities. From an Islamic economic standpoint, natural resources are classified as public property and should not be exploited exploitatively by individuals or corporate oligopolies. Consequently, reclamation transcends symbolic planting; it must reinstate the ecological carrying capacity of the region, including soil quality, water management, biodiversity, and the safety of local residents. This underscores that Sharia disapproves of mining activities that result in "dead land," which constitutes a detrimental legacy for society.

Consequently, from an Islamic legal standpoint, environmental sustainability is not a marginal concern but a fundamental value embedded in the maqāṣid (objectives of law), the tenets of Islamic jurisprudence, and the notion of resource ownership. The institution of hisbah formally legitimizes the state's capacity to oversee markets, avert exploitative behaviors, and safeguard environmental interests.³⁹

The concept of Islamic environmental jurisprudence offers a robust normative foundation for evaluating mining operations in Indonesia. The idea of maqasid al-shariah, which necessitates the safeguarding of life, property, progeny, and the environment, is fundamentally.

Integrasi Prinsip Fikih Lingkungan Islam dengan Regulasi dan Praktik Pertambangan Berkelanjutan

The incorporation of Islamic legal concepts into mining regulations might commence by prioritizing maqāṣid al-sharī'ah, particularly ḥifẓ al-nafs, ḥifẓ al-māl, ḥifẓ al-nasl, and ḥifẓ al-bī'ah as ethical benchmarks in the formulation of environmental policies, including licensing, AMDAL, and post-mining assessments. The literature underscores that the tenets of khilāfah and maslahah necessitate the state to guarantee that mining operations do not lead to ifṣād or environmental degradation that jeopardizes human safety, water resources, and the sustainability of future generations.⁴⁰ Consequently, the fundamental integration involves "Islamizing" the AMDAL parameters by incorporating maqāṣid indicators: water

³⁹ Mohammad Hashim Kamali, 2010. *The Objectives of Islamic Law*. London: Islamic Texts Society.

⁴⁰ Jasser Auda, 2008. *Ibid*.

quality, ecosystem viability, health risks, and long-term sustainability as essential licensing criteria, rather than merely administrative ones. The principles of "lā ḍarar wa lā ḍirār" and "dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ" necessitate the rejection of mining permits when the prospective ecological detriment surpasses the economic advantages—a perspective aligned with empirical evidence indicating that environmental degradation in numerous mining regions (Sulawesi, North Maluku, Morowali) incurs greater ecological-social costs than transient profits.^{41,42}

Moreover, the incorporation of sharia into sustainable mining practices can be achieved by enhancing supervision mechanisms grounded in the principle of hisbah.⁴³ In this context, the state actively prevents exploitative practices detrimental to communities and ecosystems by enhancing water quality monitoring, tailings oversight, and ecological reclamation requirements that restore soil functionality, vegetation cover, and water quality. Research conducted by Hidayah et al. (2023)⁴⁴ and Husni et al. (2025)⁴⁵ indicates that Indonesian positive law has established the state as the entity possessing the ability to regulate natural resources for the benefit of the public. Nevertheless, its execution is frequently undermined by investor hegemony and inadequate supervision. The idea of milkiyyah 'āmmah in Islamic law reinforces the state's authority by asserting that mining resources are not subject to private ownership, but rather constitute a public trust that must be handled equitably between economic advantages and ecological sustainability. The Indonesian Ulema Council (MUI) Fatwa No. 22/2011 on sustainable mining can be incorporated as an ethical framework within national ESG requirements, namely concerning obligatory total reclamation, upstream-downstream safeguarding, and the prohibition of water contamination.

At the levels of community and social legitimacy, the principle of maslahah and environmental⁴⁶ theological values can be integrated with CSR and community development mechanisms to ensure equitable distribution of mining benefits and mitigate the risk of conflict and economic dependency. Consequently, the integration of sharia not only addresses the ethical deficiencies in technocratic

⁴¹ Seyyed Hossein Nasr, 1968. *Ibid.*

⁴² Richard Foltz, 2006. *Ibid.*

⁴³ Al-Suyuti, 1998. *Ibid.*

⁴⁴ Ahdiyatul Hidayah, et al., 2023. *Ibid.*

⁴⁵ Asep Husni, et al., 2025. *Ibid.*

⁴⁶ Muhaimin, 2022. *Ibid.*

environmental regulations but also enhances ecological sustainability, social equity, and economic responsibility—establishing a mining framework that complies with the Mineral and Coal Mining Law while upholding the principle of *i'mār al-ardh* (the right to be protected) in Islamic jurisprudence. Incorporating sharia principles into national mining legislation necessitates a significant paradigm shift rather than superficial normative alterations. Indonesia's favorable legal framework, including the Mineral and Coal Mining Law and the Environmental Impact Assessment (EIA), facilitates the incorporation of Islamic environmental ethics; however, its execution is frequently swayed by economic and political interests. *Maqasid al shariah* can function as an evaluative framework in a critical study to assess whether mining permits, reclamation governance, and governmental control fulfill the criteria for safeguarding life, the environment, and equitable benefit distribution. If a mining permit infringes against the rights of self-determination or the rights pertaining to natural necessities, it should be refused in accordance with Islamic jurisprudence. This notion can transform into a significant criterion for the EIA, rendering it not merely administrative but also ethical and ecological.

IV. CONCLUSION

Mining in Indonesia's richest resource areas, such as nickel, coal, and tin, often results in several adverse effects on biodiversity and ecological integrity. The repercussions encompass deforestation, soil disruption, water contamination, harm to aquatic and coastal ecosystems, landscape fragmentation, and the neglect of degraded and non-viable land. The enduring repercussions result in ecological systems that are diminished in species diversity, less functional, less resilient, and less capable of sustaining both natural and human societies.

This study demonstrates that mineral extraction activities in Indonesia generate persistent and systemic environmental, social, and economic repercussions across many locations. Ecological harm, shown as forest degradation, water pollution, coastal sedimentation, and biodiversity loss, should not be perceived merely as technical failures, but rather as indicators of governance that has neglected environmental and public safety priorities. The disproportionate allocation of advantages and disadvantages from damage illustrates the state's inability to ensure equitable protection for local populations. Economic reliance on the mining sector engenders the risk of prolonged volatility and undermines regional economic resilience. The initial research question is that the principal issue with mining in Indonesia is not solely the physical degradation of the environment, but rather a

crisis of public governance and ethics that affects the entire extractive business cycle.

This study revealed that Islamic law offers a thorough normative framework that can effectively remedy the ethical deficiencies in mining rules. The principle of *maqasid al shariah*, which necessitates the safeguarding of life, property, progeny, and the environment, offers a definitive evaluation framework for public policies concerning natural resources. Principles of Islamic jurisprudence, such as *la darar wa la dirar* (the prohibition of harm) and *dar al mafasid muqaddam ala jalb al masalih* (the precedence of preventing harm over acquiring benefits), underscore that environmental degradation transcends a technical concern and constitutes a moral transgression. The principle of *milkiyyah ammahh* (the right to legal guidance) illustrates that mining resources constitute public assets that must not be used for private gain to the detriment of society or future generations. The state possesses not only the authority but also a sharia-mandated duty through *hisbah* to avert economic activities that harm ecosystems and compromise social justice. Consequently, Islamic law principles offer a robust ethical framework for evaluating and enhancing national mining governance.

Consequently, it can be asserted that the incorporation of sharia principles into national mining governance is both feasible and significantly pertinent to Indonesia's ecological catastrophe and social disparity. This integration can be achieved by converting *maqasid al sharia* into regulatory instruments, including environmental impact assessments (EIA), mining permits, reclamation systems, and risk assessments. The principle of *la darar wa la dirar* can function as a substantial criterion for the state to deny permits that may result in considerable ecological harm. The function of *hisbah* necessitates supervisory reform via stringent law enforcement against environmental infractions and the restoration of ecosystems as a component of moral and legal accountability. This integration enhances the social legitimacy of development via *maslahah*-based Corporate Social Responsibility (CSR) and the involvement of local communities as stakeholders in their living environment. This study presents an ethical-legal framework that integrates sharia principles with national rules, guiding the transition towards a more equitable, ecological, and sustainable mining model.

Environmental management within the mining sector illustrates that economic advancement devoid of ecological safeguarding finally results in *mafsadah*

(detriments) that significantly outweigh the accrued benefits. The Morowali case study illustrates environmental degradation, deteriorating water quality, the erosion of traditional livelihoods, and heightened public health hazards. From the standpoint of *maqāṣid al-sharī'ah* (the objectives of Islamic law), these conditions are antithetical to the core aims of sharia, especially the principles of self-determination, which necessitate the safeguarding of life, the sustainability of economic resources, the well-being of future generations, and environmental sustainability.

Sharia principles, include the right to self-determination and ... Sharia, within the *maqāṣid* framework, unequivocally mandates that the exploitation of natural resources be conducted in a just, sustainable, and equitable way.

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