GreenSharia: Journal of Islamic and Business for Sustainability
E-ISSN: 3123-2175
https://journal.ekantara.com/greensharia

GREEN ECONOMY AND THE RECONSTRUCTION OF MASLAHAH IN INDONESIAN ISLAMIC ECONOMIC LAW

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Article Information
Submitted Month xx, 20xx
Revised Month xx, 20xx
Accepted Month xx, 20xx

Keywords
green economy, hifz al-bi'ah, Islamic economic law, maslahah, sustainable development.

How to cite **(APA 7th Style)**: Bela, Sinta. (2026). Article Title Green Economy and The Reconstruction of Maslahah in Indonesian Islamic Economic Law. GreenSharia: Journal of Islamic Economics and Business for Sustainability, 2 (1), 1-14. DOI Link.
E-ISSN: 3123-2175
Published by: CV. Eureka Artha Nusantara

Abstract

This study examines the position of green economy within the framework of Islamic economic law (Hukum Ekonomi Syariah) in Indonesia and proposes a reconstruction of the classical concept of maslahah (public benefit) to make it responsive to ecological sustainability. Using a normative-juridical (doctrinal) legal research method with conceptual, statutory, and comparative approaches, this study analyzes primary Islamic legal sources on maqasid al-shari'ah together with Indonesia's environmental and financial sustainability regulations. The findings show that the classical maslahah formulated by al-Ghazali and al-Shatibi, structured around five core objectives (hifz al-din, al-nafs, al-'aql, al-nasl, and al-mal), remains predominantly anthropocentric and structurally under-equipped to address the scale and irreversibility of the contemporary ecological crisis. This study proposes reconstructing maslahah by explicitly incorporating hifz al-bi'ah (preservation of the environment) as a cross-cutting sixth dimension of maqasid al-shari'ah rather than a derivative sub-value confined to hifz al-nafs. The reconstructed maslahah framework is found to be substantively convergent with the green economy principles embedded in Indonesia's environmental and financial regulatory architecture, thereby offering a value-based juridical foundation for sustainable development policy. This research contributes a maslahah-based analytical model capable of guiding the harmonization of Islamic economic law and green economy regulation in Indonesia.

INTRODUCTION

The escalation of the global ecological crisis, marked by accelerating climate change, biodiversity loss, and the depletion of natural resources, has compelled states and international institutions to reorient development paradigms away from purely growth-oriented economics toward models that integrate environmental carrying capacity into economic planning (Streimikis et al., 2024). The United Nations Environment Programme conceptualizes green economy as an economic model that results in improved human well-being and social equity while significantly reducing environmental risks and ecological scarcities, positioning environmental protection not as a constraint on growth but as a precondition for its sustainability. Indonesia, as an archipelagic state with extensive tropical forests, high biodiversity, and a large coastline, occupies a strategically important yet vulnerable position within this global transition. The country's Enhanced Nationally Determined Contribution and its Low Carbon Development Initiative, coordinated by the Ministry of National Development Planning, demonstrate a policy commitment to align economic growth with emission reduction and ecosystem preservation, yet the implementation of this commitment continues to face structural obstacles rooted in sectoral economic interests and weak regulatory enforcement.

Within this context, Islamic economic law occupies a distinctive position because it is not merely a technical-regulatory system but a value-based normative order derived from maqasid al-shari'ah, the higher objectives of Islamic law. Central to this normative order is the concept of maslahah, understood as the pursuit of benefit and the prevention of harm (jalb al-manafi' wa daf' al-mafasid) as the ultimate rationale of every Shari'ah ruling. Classical jurists, most notably al-Ghazali and al-Shatibi, systematized maslahah around five essential objectives: the preservation of religion (hifz al-din), life (hifz al-nafs), intellect (hifz al-'aql), lineage (hifz al-nasl), and property (hifz al-mal) (Kamali, 2008). This classical formulation has proven remarkably durable as a jurisprudential tool for evaluating the permissibility and priority of economic transactions, yet it was developed in a socio-historical context in which environmental degradation had not yet emerged as a civilizational threat of planetary scale. Consequently, ecological considerations in classical fiqh tend to be treated only indirectly, subsumed under the preservation of life or property rather than recognized as an autonomous object of legal protection (Kamali, 2008; Sargsyan et al., 2025).

A growing body of contemporary scholarship has sought to bridge this gap by linking maqasid al-shari'ah with green economy and the Sustainable Development Goals. Anwar et al. (2025) argue that the five classical maqasid can be mapped onto the SDGs to produce a value-based approach to economic planning, while Sadly (2026) demonstrates a statistically significant relationship between maqasid-aligned Islamic financing and the achievement of environmental SDG indicators across Indonesian provinces. Studies on green sukuk have similarly framed Islamic capital market instruments as operational vehicles of maqasid al-shari'ah in financing environmentally sound projects (Araminta et al., 2022), and analyses of the DSN-MUI waqf-sukuk fatwa show that Indonesia's National Sharia Board has begun to treat environmental sustainability as an implicit dimension of communal benefit (kemaslahatan) in its institutional ijtihad. Fahrurrozi (2026) further proposes an integrative framework linking hifz al-bi'ah to Islamic social finance instruments such as zakat and waqf, indicating that the environmental reading of maqasid is gaining traction beyond banking regulation alone. At the grassroots level, Annisa and Harahap (2023) show that the implementation of maqasid al-shari'ah in agriculture-based green economy development in North Sumatra strengthens community welfare while reducing ecological harm, and Sari and Isman (2025) similarly describe the implementation of green economy in Indonesia from a maqasid perspective.

Despite this expanding literature, most existing studies approach the maslahah-green economy relationship either empirically, through quantitative modelling of specific financial instruments such as green sukuk, or descriptively, by illustrating the compatibility between Islamic economic principles and sustainability discourse without interrogating the adequacy of maslahah's classical juridical structure itself. Few studies undertake a normative reconstruction of maslahah as a legal-theoretical category so that it can systematically accommodate the environment as an independent object of protection rather than a derivative concern. This constitutes the principal research gap addressed in this article. This study is also distinguished from previous doctrinal legal scholarship in this field, such as Rahman and Mutakin's (2023) work on ecological fiqh, by situating the reconstruction of maslahah in explicit dialogue with Indonesia's positive legal architecture of green economy, thereby producing a framework that is simultaneously theological-juridical and applicable within the national legal system.

Based on this gap, the present research is guided by three interrelated research questions: (1) how is the concept of green economy constructed within Indonesia's positive legal framework? (2) how does classical Islamic legal theory conceptualize maslahah, and to what extent is this conceptualization capable of accommodating ecological sustainability? and (3) how may maslahah be reconstructed to converge with, and provide a normative foundation for, green economy regulation in Indonesia? Accordingly, this study aims to analyze the legal architecture of green economy in Indonesia (RQ1), to critically evaluate the anthropocentric limits of classical maslahah theory (RQ2), and to propose a reconstructed formulation of maslahah that incorporates hifz al-bi'ah (preservation of the environment) as an autonomous and cross-cutting maqasid (RQ3). The findings are expected to contribute both theoretically, by enriching Islamic legal theory on maqasid al-shari'ah, and practically, by offering policymakers, the National Sharia Board, and Islamic financial institutions a value-based juridical reference for designing and evaluating green economy policy in Indonesia.

METHODS

This research employs a normative-juridical (doctrinal) legal research method, which is appropriate for studies that seek to analyze legal concepts, principles, and norms rather than to test empirical hypotheses through fieldwork (Hutchinson & Duncan, 2012). The study combines three complementary approaches. First, the conceptual approach (pendekatan konseptual) is used to trace the meaning, structure, and historical development of maslahah and maqasid al-shari'ah as articulated in classical fiqh literature, principally al-Ghazali's al-Mustasfa min 'Ilm al-Usul, al-Shatibi's al-Muwafaqat fi Usul al-Shari'ah, and Ibn Ashur's Maqasid al-Shari'ah al-Islamiyyah. Second, the statutory approach (pendekatan perundang-undangan) is applied to examine Indonesia's positive legal framework governing green economy and sustainable finance, including the 1945 Constitution of the Republic of Indonesia, Law No. 32 of 2009 on Environmental Protection and Management, Law No. 21 of 2008 on Islamic Banking, Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector, Presidential Regulation No. 112 of 2022 on the Acceleration of Renewable Energy Development, and Financial Services Authority Regulation No. 51/POJK.03/2017 on the Implementation of Sustainable Finance. Third, a comparative approach is used to juxtapose the classical formulation of maslahah with the normative content of these regulations in order to identify points of convergence and divergence.

The data used in this study are entirely secondary and are drawn from two categories of legal materials. Primary legal materials consist of the Qur'an and Hadith as the ultimate sources of Shari'ah, classical and contemporary fiqh treatises on maqasid al-shari'ah, and the Indonesian statutes and regulations listed above. Secondary legal materials consist of peer-reviewed journal articles, books, and institutional reports relevant to green economy, maqasid al-shari'ah, and Islamic economic law, obtained through a systematic literature search of Scopus-indexed and Sinta-indexed journals published within the last five years, supplemented by seminal classical and contemporary reference works on Islamic legal theory (Auda, 2008; Chapra, 1992; Kamali, 2008). Documents were selected using purposive sampling based on thematic relevance to the maslahah-green economy nexus and methodological rigor. The analysis is grounded principally in the Ghazali-Shatibi lineage of maqasid theory, which underpins the great majority of contemporary Islamic economics scholarship on maslahah; the implications of this scope for the generalizability of the reconstruction proposed here are revisited in the limitation’s discussion below.

Data were analyzed using qualitative content analysis combined with a maqasid-based systems analysis framework, following the cognitive nature approach developed by Auda (2008), which treats maqasid al-shari'ah not as a closed list of five fixed objectives but as an open, hierarchical, and multidimensional system capable of generating new maqasid in response to contemporary human needs. This analytical framework allows the study to move beyond a purely descriptive account of existing literature toward a genuinely reconstructive legal argument: the classical maqasid are first deconstructed to expose their anthropocentric assumptions, after which hifz al-bi'ah is constructed and justified as an additional, cross-cutting maqasid using textual, rational (maqasid-based ijtihad), and comparative-legal reasoning drawn from Indonesia's environmental and financial regulatory framework.

RESULTS AND DISCUSSION

Research Result

Green Economy: Global Discourse and Indonesia's Legal-Policy Trajectory

Green economy emerged in international policy discourse principally through the 2011 United Nations Environment Programme report Towards a Green Economy, which defines the concept as a mode of economic organization that improves human well-being and social equity while substantially reducing environmental risk and resource depletion. This definition deliberately positions environmental protection and economic growth as mutually reinforcing rather than competing objectives, a framing later consolidated through the 2030 Agenda for Sustainable Development and its seventeen Sustainable Development Goals. In Indonesia, this global discourse has been translated into a sequence of national policy instruments. The Low Carbon Development Initiative, coordinated by the Ministry of National Development Planning (Bappenas) and integrated into the National Medium-Term Development Plan, seeks to decouple economic growth from carbon emissions and natural resource depletion by directing investment toward renewable energy, sustainable land use, and circular industrial practices. Indonesia's Enhanced Nationally

Determined Contribution submitted under the Paris Agreement further commits the country to a conditional emission reduction target that requires substantial reform of its energy and land-use sectors. These policy instruments demonstrate that green economy in Indonesia is not merely an environmental agenda but is increasingly understood as a macroeconomic development strategy with direct implications for fiscal policy, financial regulation, and industrial planning.

This global-to-national trajectory is not merely rhetorical. Indonesia's economy remains heavily dependent on land-based and extractive commodities, including palm oil, coal, and timber, sectors whose expansion has historically been associated with deforestation, peatland degradation, and elevated greenhouse gas emissions. The tension between the economic contribution of these sectors to national revenue and employment, on the one hand, and their environmental externalities, on the other, exemplifies precisely the kind of trade-off that a green economy framework is designed to resolve by internalizing ecological costs into economic decision-making rather than treating them as externalities to be addressed only after damage has occurred. It is within this specific national context, characterized by a persistent gap between sustainability commitments articulated in planning documents and the continued expansion of ecologically intensive industries, that the normative contribution of Islamic economic law becomes analytically significant, since a substantial share of Indonesia's economic actors, including cooperatives, Islamic financial institutions, and religiously observant business owners, are more directly responsive to Shari'ah-based normative reasoning than to administrative regulation alone.

The trajectory of Indonesian green economy policy also reveals an important structural tension: while the normative commitment to sustainability is well established at the level of planning documents, its translation into binding, enforceable legal norms has occurred unevenly across sectors, with environmental and financial regulation advancing considerably further than, for instance, extractive-industry licensing regimes. This unevenness is precisely the terrain in which Islamic economic law, as a value-based normative system operating alongside positive law, can play a complementary and reinforcing role, provided that its foundational concept of maslahah can generate clear ecological imperatives rather than merely accommodating them as an afterthought.

The Legal Architecture of Green Economy in Indonesian Positive Law

The constitutional foundation of green economy in Indonesia is found in Article 28H paragraph (1) of the 1945 Constitution, which guarantees every citizen the right to a good and healthy environment, and in Article 33 paragraph (4), which mandates that the national economy be organized on the basis of economic democracy with attention to sustainability and environmental awareness. These constitutional mandates are operationalized principally through Law No. 32 of 2009 on Environmental Protection and Management, whose explanatory memorandum explicitly states that the utilization of natural resources must be harmonious, balanced, and proportionate to environmental function, and that every development policy, plan, and program must be imbued with the obligation to preserve the environment and to realize sustainable development. Article 3 of this Law enumerates the objectives of environmental protection and management, among which are guaranteeing intergenerational justice, controlling the wise utilization of natural resources, and realizing sustainable development, while Article 1 point 3 defines sustainable development as a conscious and planned effort that integrates environmental, social, and economic dimensions into a development strategy to guarantee the integrity of the environment and the welfare of both present and future generations.

Beyond the environmental sector, Indonesia's financial regulatory framework has increasingly embedded green economy principles into binding prudential norms. Financial Services Authority Regulation No. 51/POJK.03/2017 on the Implementation of Sustainable Finance requires financial services institutions, issuers, and public companies to apply sustainable finance principles, to submit sustainable finance action plans, and to publish sustainability reports, and it articulates eight guiding principles that include responsible investment, sustainable business strategy, and social and environmental risk management. This regulation was later reinforced by Law No. 4 of 2023 on the Development and Strengthening of the Financial Sector, which mandates the alignment of sustainability disclosure standards with international frameworks. In the energy sector, Presidential Regulation No. 112 of 2022 on the Acceleration of Renewable Energy Development for Electricity Supply sets a roadmap for phasing out new coal-fired power generation and accelerating renewable energy capacity. Taken together, these instruments constitute a multi-sectoral legal architecture in which green economy functions simultaneously as an environmental governance principle, a financial prudential standard, and an energy transition mandate.

Within this architecture, Islamic economic law occupies specific institutional footholds. Law No. 21 of 2008 on Islamic Banking requires Islamic banking activities to be conducted in accordance with Islamic principles, including the principles of justice and balance ('adl wa tawazun), which the accompanying elucidation associates with the avoidance of speculative and exploitative transactions and, by extension, with responsible use of resources. The National Sharia Board of the Indonesian Council of Ulama (DSN-MUI) has also issued fatwas that operationalize sustainability concerns, most notably the fatwa on waqf-based sukuk, which structures productive waqf assets as an income-generating instrument for socially and environmentally beneficial projects. Analyses of this fatwa using the maqasid frameworks of Abu Zahrah and Abdul Majid al-Najjar show that it reflects dimensions of individual development, justice, social cohesion, and environmental sustainability, and that DSN-MUI functions as an institutional ijtihad authority capable of synthesizing classical fiqh with contemporary financial needs. These regulatory and fatwa-based developments indicate that green economy and Islamic economic law in Indonesia are not parallel, disconnected systems but are already exhibiting points of institutional convergence, even though this convergence has rarely been grounded in an explicit reconstruction of maslahah as legal theory.

Maslahah in Classical Islamic Legal Theory

Maslahah, derived from the root s-l-h meaning benefit or soundness, occupies a central place in Islamic legal theory as the rationale underlying the entirety of Shari'ah rulings. Al-Ghazali, in al-Mustasfa min 'Ilm al-Usul, defines maslahah in its technical juridical sense as the preservation of the objective (maqsud) of the Shari'ah, and identifies that objective as consisting of five essentials: religion, life, intellect, lineage, and property. For al-Ghazali, any ruling that secures one of these five essentials constitutes maslahah, while any ruling that negates one of them constitutes mafsadah (harm), and the prevention of harm takes precedence over the mere acquisition of benefit. Al-Shatibi, writing later in al-Muwafaqat fi Usul al-Shari'ah, systematized this framework further by classifying maslahah into three hierarchical levels of necessity: al-daruriyyat (essentials, whose loss threatens the very survival of individual and communal life), al-hajiyyat (needs, whose absence causes hardship though not existential threat), and al-tahsiniyyat (embellishments, which refine and beautify human life without being strictly necessary). Al-Shatibi's hierarchy provides a mechanism for prioritizing competing interests: preservation of an essential (daruri) interest takes precedence over a need (haji), which in turn takes precedence over an embellishment (tahsini).

This classical architecture has proven exceptionally durable and continues to underpin contemporary Islamic legal reasoning, including in the field of Islamic economics, where maslahah functions as the primary criterion for evaluating the permissibility of new financial contracts and instruments not explicitly addressed in classical fiqh (Chapra, 1992). Kamali (2008) observes that the five essentials identified by al-Ghazali and al-Shatibi should not be regarded as an exhaustive and immutable list but rather as a historically contingent articulation of the maqasid that reflected the most pressing concerns of the societies in which these jurists lived, an observation that opens conceptual space for the addition of new maqasid responsive to contemporary conditions. Auda (2008) develops this insight further by proposing that maqasid al-shari'ah be understood as a dynamic system rather than a static taxonomy, characterized by cognitive nature, wholeness, openness, and multidimensionality, which allows the system to evolve through ongoing ijtihad in response to new categories of harm and benefit that classical jurists could not have anticipated.

Discussion

The Anthropocentric Limits of Classical Maslahah in Addressing the Ecological Crisis

Notwithstanding its theoretical sophistication, the classical five-fold formulation of maslahah exhibits a structurally anthropocentric orientation that limits its capacity to independently address the contemporary ecological crisis. Each of the five essentials, religion, life, intellect, lineage, and property, is defined with direct reference to the interests of the human individual or the human community, and environmental considerations enter this framework only derivatively, typically subsumed under hifz al-nafs (preservation of life) when pollution or resource depletion directly threatens human health, or under hifz al-mal (preservation of property) when environmental degradation causes measurable economic loss. This derivative status has two significant consequences. First, environmental harms that are diffuse, cumulative, or intergenerational in nature, such as climate change, biodiversity loss, or the depletion of non-renewable resources, do not fit comfortably within a framework calibrated to identify direct and proximate harm to an identifiable human interest; the causal chain between, for instance, deforestation in one region and flooding or crop failure in another is temporally and spatially attenuated in a manner that classical daruriyyat analysis was not designed to accommodate. Second, because environmental protection is treated as instrumental to human welfare rather than as an object of protection in its own right, juridical reasoning grounded in the classical five essentials tends to permit environmentally destructive activity so long as it can be shown to serve a recognized human interest, such as economic development or employment generation, without requiring an independent assessment of ecological carrying capacity.

Contemporary scholarship on ecological fiqh has increasingly identified this gap. Rahman and Mutakin (2023) argue that recurring environmental crises reflect the failure of global development models and call for a reformulation of fiqh that treats environmental protection as a substantive rather than incidental legal concern. Sargsyan et al. (2025) go further, arguing from a comparative Islamic-legal-ethics perspective that anthropocentric readings of Shari'ah systematically under-protect non-human life and ecological systems, and proposing an ecological jurisprudence that treats environmental integrity as a right-bearing concern rather than a derivative of human interest. Similarly, comparative analyses of maqasid al-shari'ah and the Sustainable Development Goals note that while the SDGs' environmental targets can be mapped loosely onto hifz al-nafs and hifz al-mal, this mapping produces an incomplete correspondence precisely because the classical maqasid were never designed to treat ecosystems, non-human species, or planetary systems as maqasid in themselves (Anwar et al., 2025; Wulandari et al., 2025). The result is a persistent conceptual asymmetry: Islamic economic law possesses a rich juridical apparatus for evaluating harm to human beings and their property, but a comparatively underdeveloped apparatus for evaluating harm to the environment as such. This asymmetry is what necessitates the reconstruction proposed in the following subsection, rather than a mere reinterpretation of the existing five essentials.

Reconstructing Maslahah: Hifz al-Bi'ah as an Autonomous and Cross-Cutting Maqasid

Building on Auda (2008) systems approach to maqasid al-shari'ah and on Ibn Ashur's earlier insistence that maqasid must be responsive to the actual conditions (waqi') of the age in which Shari'ah is applied, this study proposes reconstructing maslahah by recognizing hifz al-bi'ah, the preservation of the environment, as a sixth maqasid that operates not as a subset of hifz al-nafs or hifz al-mal but as an autonomous and cross-cutting objective informing the interpretation of all five classical essentials. Three interlocking arguments support this reconstruction. First, a textual argument: numerous Qur'anic verses and hadith establish the human being's role as khalifah (steward) of the earth and prohibit israf (wasteful excess) and corruption (fasad) on earth, establishing an independent normative basis for environmental protection that does not require derivation from human welfare alone. Second, a rational (maqasid-based) argument: the scale, irreversibility, and intergenerational reach of contemporary ecological harm, such as species extinction and climate destabilization, mean that environmental degradation now threatens the preconditions for the continued realization of all five classical essentials simultaneously; an environment incapable of sustaining human life makes the preservation of nafs, nasl, and mal impossible in principle, which suggests that hifz al-bi'ah functions logically prior to, rather than merely alongside, the classical five. Third, a comparative-institutional argument drawn from Indonesian practice: DSN-MUI's institutional ijtihad in fatwas such as the waqf-sukuk fatwa already treats environmental sustainability as a legitimate dimension of communal benefit, indicating that Indonesian Islamic legal institutions have begun, in practice if not yet in explicit theory, to accord the environment an independent normative status.

Under this reconstructed framework, hifz al-bi'ah is defined as the juridical obligation to protect the integrity, productive capacity, and biodiversity of ecosystems from pollution, degradation, and unsustainable exploitation, both as a good in itself and as the ecological precondition for the sustained realization of hifz al-din, al-nafs, al-'aql, al-nasl, and al-mal. This reconstruction does not discard al-Shatibi's hierarchy of daruriyyat, hajiyyat, and tahsiniyyat but reinterprets it: because environmental integrity is now understood as a precondition for all daruriyyat rather than a derivative concern, actions that cause severe, irreversible, or large-scale ecological harm should themselves be classified as violations at the daruri level, regardless of whether they can be shown to serve a competing human economic interest. Applied to economic activity, this reconstructed maslahah generates a clear juridical presumption against economic practices that generate disproportionate or irreversible ecological harm, even where such practices produce short-term benefits captured under hifz al-mal, because those short-term benefits are juridically outweighed by long-term daruri-level harm to the ecological preconditions of human flourishing.

Table 1 summarizes the principal differences between the classical five-fold maslahah framework and the reconstructed six-fold framework proposed in this study, illustrating how the status of environmental protection shifts from a derivative concern to an autonomous and cross-cutting maqasid. The final row contrasts the general Shari'ah compliance review that currently exists in Indonesian Islamic financial institutions with the environmental risk assessment mechanism that this study proposes; the latter is not yet institutionalized in current practice and is presented here as a proposal for Shari'ah supervisory board procedure, aligned with, but going beyond, the disclosure requirements of POJK 51/2017.

Table 1. Comparison between the Classical and the Reconstructed Maslahah Framework

Dimension	Classical Maslahah (al-Ghazali/al-Shatibi)	Reconstructed Maslahah (this study)
Scope of maqasid	Five essentials: din, nafs, 'aql, nasl, mal	Six dimensions: din, nafs, 'aql, nasl, mal, and bi'ah (environment)
Status of environment	Derivative; protected only via hifz al-nafs or hifz al-mal	Autonomous and cross-cutting; a precondition for the other five
Type of harm addressed	Direct, proximate, individually attributable harm	Diffuse, cumulative, and intergenerational ecological harm
Priority rule	Daruriyyat > hajiyyat > tahsiniyyat, evaluated per essential	Severe or irreversible ecological harm is classified as daruri regardless of competing economic benefit
Institutional practice in Indonesia	Current practice: general Shari'ah compliance review	Proposed practice: environmental risk assessment integrated into Shari'ah supervisory board review, going beyond POJK 51/2017 disclosure requirements

Convergence between Reconstructed Maslahah and Indonesia's Green Economy Regulatory Framework

When measured against the reconstructed maslahah framework proposed above, Indonesia's green economy regulatory architecture displays a substantial degree of normative convergence, notwithstanding its formally secular character. The explanatory memorandum of Law No. 32 of 2009 explicitly requires that natural resource utilization be harmonious and balanced with environmental function and that development policy be imbued with the obligation to preserve the environment, a formulation that closely mirrors the reconstructed maqasid's insistence that ecological integrity functions as a precondition for, rather than a mere byproduct of, legitimate economic activity. Likewise, Article 3 of this Law's objective of guaranteeing intergenerational justice resonates directly with the reconstructed maslahah's emphasis on the intergenerational reach of ecological harm, extending the classical concern for hifz al-nasl (preservation of lineage, traditionally read as physical progeny and moral upbringing) toward a broader intergenerational ecological justice.

In the financial sector, the eight principles articulated in Financial Services Authority Regulation No. 51/POJK.03/2017, particularly responsible investment and social and environmental risk management, operationalize precisely the kind of ex ante ecological due diligence that the reconstructed maslahah demands before an economic activity may be regarded as maslahah rather than mafsadah. This convergence is not merely coincidental but is already partially institutionalized through Islamic financial practice: green sukuk issuance in Indonesia, which by 2023 had reached a cumulative value of approximately USD 6.9 billion across five global issuances since the country's inaugural 2018 sovereign green sukuk (Republic of Indonesia, Ministry of Finance, 2023), channels

Islamic capital market financing specifically toward renewable energy, sustainable transport, and waste management projects, and has been analyzed as an operational vehicle through which maqasid al-shari'ah is translated into measurable environmental outcomes aligned with the Sustainable Development Goals (Araminta et al., 2022; Sadly, 2026). Similarly, the DSN-MUI waqf-sukuk fatwa demonstrates that Indonesia's highest Islamic legal authority is already willing to treat environmental sustainability as a component of the communal benefit that legitimizes an Islamic financial instrument, providing an institutional precedent on which the more explicit theoretical reconstruction proposed in this study can build.

This convergence should not, however, be overstated as complete. Indonesia's positive law, being formally secular, grounds its environmental obligations in constitutional rights and intergenerational welfare rather than in a theological conception of stewardship (khilafah) or divine trust (amanah), and its enforcement mechanisms operate through administrative and criminal sanctions rather than through the moral-theological accountability that motivates compliance within Islamic legal reasoning. The reconstructed maslahah framework therefore does not merely mirror positive law but supplies it with an additional layer of normative legitimacy and motivational force, particularly for the substantial proportion of Indonesian economic actors, both individual and institutional, for whom religious obligation constitutes a more binding source of compliance than administrative regulation alone.

Institutional Implications: Toward a Maslahah-Based Green Economy Governance Model

The reconstruction of maslahah proposed in this study carries several institutional implications for the governance of green economy in Indonesia. First, at the level of fatwa-issuing institutions, DSN-MUI could formalize hifz al-bi'ah as an explicit criterion in its standard methodology for evaluating new Islamic financial products, rather than allowing environmental considerations to enter its reasoning only implicitly through the concept of communal benefit, as observed in the waqf-sukuk fatwa. A formalized hifz al-bi'ah criterion would provide greater consistency and predictability for the Islamic finance industry seeking to develop green Islamic instruments such as green sukuk, green waqf, and Islamic environmental, social, and governance funds. Second, at the level of Islamic banking regulation, Law No. 21 of 2008's requirement that Islamic banking operate on the principles of justice and balance ('adl wa tawazun) could be interpreted, in light of the reconstructed maslahah, to require Islamic banks to incorporate environmental risk assessment into their financing decisions as a matter of Shari'ah compliance rather than merely as a matter of prudential regulation under Financial Services Authority Regulation No. 51/POJK.03/2017, thereby aligning Shari'ah supervisory board oversight with sustainable finance principles.

Third, at the level of national development planning, the reconstructed maslahah framework offers Bappenas and other planning institutions a value-based complementary rationale for the Low Carbon Development Initiative that can strengthen public legitimacy and compliance in a Muslim-majority society, particularly at the subnational level where religious authority often carries greater practical weight than technocratic planning discourse. Fourth, the reconstructed framework suggests a research and educational agenda for Islamic higher education institutions, namely the integration of ecological fiqh and reconstructed maqasid theory into the curriculum of Islamic economic law programs, so that future generations of Shari'ah scholars, judges, and financial practitioners are equipped to apply hifz al-bi'ah as a matter of course rather than as a marginal or emerging concern. Collectively, these implications indicate that the reconstruction of maslahah proposed in this study is not merely a theoretical exercise but a framework with direct applicability to fatwa methodology, financial regulation, development planning, and legal education in Indonesia.

It is also important to acknowledge the limitations of the reconstruction proposed here. As a doctrinal legal study, this research does not empirically measure the extent to which the hifz al-bi'ah criterion, once formalized, would actually alter the outcomes of Shari'ah supervisory board deliberations or fatwa issuance; such measurement would require follow-up empirical research involving interviews with Shari'ah scholars, financial regulators, and Islamic financial institutions. Furthermore, because the analysis is grounded principally in the Ghazali-Shatibi lineage of maqasid theory and focuses specifically on the Indonesian legal and institutional context, the generalizability of the reconstructed maslahah framework to other Muslim-majority jurisdictions with different legal traditions, such as those following predominantly Maliki or Hanafi schools of jurisprudence, or operating under different constitutional arrangements between religious and positive law, remains an open question that future comparative research should address. Notwithstanding these limitations, the conceptual reconstruction advanced in this study provides a coherent and textually grounded starting point from which such empirical and comparative extensions can proceed.

CONCLUSION

This study concludes that Indonesia's positive legal architecture of green economy, spanning constitutional guarantees, environmental legislation, and sustainable finance regulation, has developed considerably further than the classical formulation of maslahah in Islamic legal theory in accommodating ecological sustainability as an autonomous legal concern. The classical five-fold maslahah developed by al-Ghazali and al-Shatibi remains structurally anthropocentric, treating environmental protection only as a derivative of hifz al-nafs or hifz al-mal, a structure ill-suited to the diffuse, cumulative, and intergenerational character of the contemporary ecological crisis. This study proposes reconstructing maslahah through the explicit recognition of hifz al-bi'ah as a sixth, autonomous, and cross-cutting maqasid, grounded in textual, rational, and comparative-institutional arguments, and functioning as a precondition for the sustained realization of the five classical essentials rather than as a subset of any one of them. This reconstructed maslahah is found to be substantively convergent with Indonesia's green economy regulatory framework, particularly Law No. 32 of 2009, Law No. 21 of 2008, and Financial Services Authority Regulation No. 51/POJK.03/2017, and it is already partially anticipated in DSN-MUI's institutional ijtihad on green and waqf-based sukuk. The reconstructed framework offers concrete institutional implications for fatwa methodology, Islamic banking supervision, national development planning, and Islamic legal education. Future research should empirically test the practical application of the hifz al-bi'ah criterion in Shari'ah supervisory board decision-making and in the structuring of green Islamic financial instruments, and should extend the comparative-institutional analysis undertaken here to other Muslim-majority jurisdictions in order to assess the generalizability of the reconstructed maslahah framework proposed in this study.

ACKNOWLEDGMENTS

The authors would like to express their sincere gratitude to the academic community of Sekolah Tinggi Ekonomi dan Bisnis Islam Lampung for the intellectual environment that supported the completion of this research, and to the anonymous reviewers for their constructive comments

and suggestions that improved the quality of this manuscript.

AUTHOR CONTRIBUTION STATEMENT

This article is the result of a single authorship. SB, as the corresponding author, designed the research, conducted the analysis of the legal doctrines of maslahah and maqasid al-shari'ah, drafted the initial manuscript, and managed the project. In addition, the author also conducted the research process, validated the comparative legal analysis between Islamic legal theory and Indonesian positive law, contributed to the review and editing of the manuscript, and provided the necessary resources for the completion of this study.

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