

RECONSTRUCTING THE INDONESIAN ENVIRONMENTAL LAW PARADIGM: FROM ANTHROPOCENTRIC-INSTRUMENTAL TO ECOCENTRIC-TELEOLOGICAL BASED ON MAQASID SHARIAH (A Theoretical Analysis of Legal Philosophy and the Methodology of Environmental Law Development)

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Abstract: *The dynamics of environmental governance in the perspective of theoretical contemporization indicate the need to reconstruct the paradigm of Indonesian environmental law from an anthropocentric-instrumental approach to an ecocentric-teleological one, integrated within the framework of maqashid sharia. The anthropocentric paradigm that dominates Indonesia's environmental regulations has proven incapable of preventing ecological degradation because it treats nature merely as an instrumental object for human interests. Through normative research methods with a juridical-normative and philosophical approach, this paper offers a paradigmatic reconstruction through three pathways: (1) the adoption of ecocentrism as the ethical-philosophical basis of environmental law; (2) the integration of hifz al-bi'ah (environmental preservation) as a component of dharuriyyat within the maqashid sharia framework; and (3) the development of a progressive environmental law discovery (rechtsvinding) methodology based on the principle of in dubio pro natura. This article concludes that the convergence between ecocentrism and the maqashid of Sharia can provide a solid ethical-teleological foundation for reconstructing Indonesian environmental law with ecological justice.*

Keywords: Anthropocentrism; Ecocentrism; Environment Law; Hifz al-bi'ah; Maqashid Sharia

1. Introduction

The environmental crisis in Indonesia has reached an alarming point. Data shows that the rate of forest destruction has reached 11 million hectares of primary forest, with about 11% of Indonesia's primary forest experiencing serious reduction series (Zintan Prihatini & Bambang P. Jatmiko, 2026). In addition, 23% of mangrove forests in Indonesia, totaling 3.44 million hectares out of the world's total 14.7 million hectares of mangroves, experience severe degradation every year due to illegal logging and land conversion (Aji Styawan, 2025). The protection of genetic resources from mangrove ecosystems is very important for maintaining ecosystem balance and environmental conservation (Suriadi et al., 2024). This crisis is not merely a matter of technical or juridical issues, but is rooted in a fundamental philosophical error in the human perspective regarding itself, nature, and humanity's place within the entire ecosystem (Santika & Sarjan, 2025).

There has been a significant surge in human activity since the 1950s that affects the biosphere, like increased greenhouse gas emissions, plastic production, use of artificial

nitrogen, and the loss of natural habitats (Coen Husain Pontoh, 2025). Since 1970, the number of vertebrates worldwide has declined by approximately 68% on average, while species extinction events are occurring at a faster rate than the natural background extinction rate. Researchers refer to this situation as the sixth mass extinction (Azzahra & Siti Maysithoh, 2024). In Indonesia, the problem of decreasing biodiversity is becoming increasingly severe, caused by deforestation, land use changes, illegal wildlife trade, and climate change, even though formally there are the Environmental Protection and Management Act and various environmental regulations from each environmental sector (Brigitta Raras, 2022).

According to the constitution, the right to have a clean and healthy environment is stipulated in the 1945 Constitution, and the official legal framework is established through environmental regulations, such as in Law Number 32 of 2009 concerning Environmental Protection and Management. Law Number 32 of 2009 concerning Environmental Protection and Management, which was amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856) (hereinafter referred to as the Environmental Protection and Management Law) is further supplemented with Implementing Regulations such as Government Regulation Number 22 of 2021 concerning the Implementation of Environmental Protection and Management (State Gazette of 2021 Number 32, Supplement to the State Gazette Number 6634) is a comprehensive legal instrument that regulates environmental protection in Indonesia.

Analysis of the norms indicates that the current licensing system and sanction mechanisms are more functional in nature and do not directly demand adequate ecological restoration. Observations regarding changes in licensing regulations suggest the loss of one crucial preventive control tool. This creates a need for operational restorative sanctions that can take long-term ecological impacts into account (Yulianingrum & Oktaviani, 2022). This condition reflects what Arne Naess categorized as shallow ecology, a superficial and instrumentalist environmental concern (Satmaidi, 2017).

Article 1 of the Environmental Protection and Management Law provides a definition of the environment as a unity that includes humans as well as other living beings, but in the explanation of the principles in Article 2, it emphasizes the principle of utility which highlights the use of resources for human welfare. A definition that formally includes other living beings has not been accompanied by fundamental principles that recognize the intrinsic value of nature or provide legal status for ecosystem components. The principle of utility prioritizes the utilization of resources for humans, thereby maintaining an anthropocentric framework. In the eco-centric teleological paradigm, fundamental norms should prioritize the integrity of ecosystems as the legal objective, not merely as a means for human interests. The orientation of environmental law in Indonesia has so far remained more aligned with human interests (anthropocentric) and there is no legal recognition of the intrinsic value of ecosystems, and there is no principle of ecocentrism that places the sustainability of ecosystem functions as a legal objective.

Article 119 of the Environmental Protection and Management Law also provides a basis for the obligation to carry out repair or restoration, but it does not specify the technical parameters for implementation and how to monitor restoration outcomes, resulting in inconsistent application of restoration sanctions.

The problem becomes increasingly complex when natural resource management policies in Indonesia are mainly based on efforts to attract investment, resulting in natural resources being viewed more in an economic sense and not yet directed towards an ecological and sustainable sense (Mahardika & Bayu, 2022).

In practice, there is a discrepancy between constitutional/regulatory provisions and the management of natural resources, which still prioritizes rapid exploitation and short-term economic interests (Achmad Safiudin R, 2023). The deregulation policy and the removal of environmental monitoring tools observed in the post-omnibus law implementation demonstrate the risk of weak preventive control in managing the prevention of environmental damage. This phenomenon is cited as a factor causing a decrease in the effectiveness of environmental protection and contradicts the constitutional mandate regarding a proper and healthy environment (Bilal & Santoso, 2021). This difference requires a paradigmatic study, not merely a technical improvement that reconstructs the philosophical orientation of environmental law from anthropocentric-instrumental to a teleological-ecocentric framework, which can connect ethical, normative, and implementative aspects.

In theory, the anthropocentric paradigm places humans in the most important position, so the environment is assessed primarily based on its benefits for human welfare (Irianto et al., 2017). This approach is evident in many forms of permitting and cost-benefit analysis of development. As a result, there is a justification for sacrificing ecological functions for short-term economic goals. Modern literature criticizing this approach highlights a shift towards eco-centrism, which affirms the intrinsic value of nature and requires institutional reconstruction so that the law recognizes ecological rights and the existence of the environment as a subject of legal interest, not merely as a resource. (Fernando et al., 2025). Academic discussion on this value transition opens up space to consider new philosophical and methodological foundations for the discovery of environmental law.

In the context of Indonesia, where the majority of the population practices Islam, the integration of religious values into the environmental legal system becomes a relevant and strategic discourse (Afrizal Nur et al., 2025). Furthermore, environmental law policies in Indonesia, as stipulated in various sectoral regulations outside the Environmental Protection and Management Law (UU PPLH), generally do not take into account legal principles and the objectives that should serve as the basis for environmental protection from an Islamic perspective (Sunardi et al., 2023). In this situation, a fundamental paradigm reconstruction is highly needed, shifting from instrumental-anthropocentrism to teleological-ecocentrism enriched with the ethical-religious aspects of maqashid sharia.

In the context of religion, Islamic tradition has important sources of values for formulating environmental ethics that are not solely focused on anthropological

aspects. The concept of *maqashid al-sharia*, which emphasizes the protection of life, property, intellect, religion, and progeny, provides a teleological framework with potential for formulating an environmental law paradigm based on moral objectives and the welfare of future generations. The application of *maqashid* in environmental management gives rise to concepts such as *hifz al-bi'ah* (environmental protection) as an essential part of achieving ecological justice (Kurniawan & Fadlillah, 2025).

Although it has potential, the integration of the implementation of *maqashid sharia* in positive environmental law regulations in Indonesia encounters obstacles both in terms of norms and operations. On one hand, national religious institutions such as the Indonesian Ulema Council have issued fatwas stating that any actions that can damage the environment and nature, which may impact the climate crisis, are forbidden, and all parties are obliged to take preventive measures against such damage. (Fatwa Majelis Ulama Indonesia Nomor 86 Tahun 2023 Tentang Hukum Pengendalian Perubahan Iklim Global, 2023; Junaidi, 2024). However, on the other hand, fatwas do not always possess the same legal force as laws. This condition creates a gap between moral-religious imperatives and the effectiveness of compliance with positive law, particularly because the regulations are fragmented, implemented across various sectors, and weak in terms of enforcement..

A number of previous studies have linked Islamic law to the management of certain resources, such as water management, indicating that there are Islamic law propositions that are more focused on resource protection; however, those studies are generally prescriptive and locally based (Nopliardy et al., 2025). The study has not yet integrated *maqashid sharia* as a teleological basis for environmental law, making it important to develop an ecocentric approach that incorporates *maqashid sharia* in the enforcement of environmental law to achieve better ecological justice and sustainability. Another study highlights the right to a healthy environment as a human right and the legal politics of environmental rights from an Islamic perspective, with research results showing that Islamic legal politics based on *tawazun* and the principle of avoiding harm encourage an attitude of moderation in exploiting nature to maintain its balance (Nur Sulistiyaningsih & Bahar Elfudlatsani, 2024), however, it has not yet specifically identified research based on *maqashid sharia* related to Indonesia's natural resource policies and has not yet offered a reconstruction of an environmental law paradigm that connects teleological ecocentric values based on *maqashid*.

Other studies have also examined environmental legal culture in the context of local-scale mining, highlighting the dominance of anthropocentrism, with the main findings of this research showing a gap between regulatory norms and field practices, such as the predominance of economic interests, weak environmental legal culture, suboptimal supervision, as well as the need for socialization, guidance, and simplification of licensing that requires policy intervention (Haryadi et al., 2020). However, the study has not yet presented a theoretical and methodological framework that operationalizes *maqashid sharia* as the teleological basis for reconstructing the paradigm of Indonesian environmental law.

Based on the introductory explanation presented above, a fundamental paradigmatic reconstruction is needed from instrumental anthropocentrism toward teleological

ecocentrism enriched with the ethical-religious dimension of *maqashid sharia*. This study aims to combine the study of legal philosophy, *maqashid sharia (hifz al-bi'ah)*, and normative-institutional analysis to reconstruct the Indonesian environmental law paradigm toward a *maqashid*-based teleological-ecocentric model. In writing this article, the problem formulation is how to reconstruct the Indonesian environmental law paradigm from instrumental anthropocentrism to teleological ecocentrism integrated with the framework of *maqashid sharia*, particularly the concept of *hifz al-bi'ah*?

2. Research Method

This research uses a normative juridical method by referring to the law and examining legal norms as well as legislation (Mahaly et al., 2024). This research uses a legislative approach (statute approach). This study focuses on the analysis of positive legal norms such as Law Number 32 of 2009 concerning Environmental Protection and Management (UU PPLH) along with the MUI Fatwa Number 4 of 2014 on the Conservation of Endangered Species, which is compared with the *fiqh al-biah* principles within the biodiversity paradigm.

In addition, this study employs a conceptual approach used to understand concepts regarding principles in biodiversity within environmental law and *fiqh al-bi'ah* in Islamic law. Moreover, this study also uses a comparative approach applied to compare the anthropocentric paradigm in the Environmental Protection and Management Law with the theocentric-ecocentric perspective in the MUI fatwa and environmental *fiqh (fiqh al-bi'ah)*, thereby enabling the analysis and identification of convergence and divergence between positive law and Sharia norms related to environmental conservation.

The legal materials in this study were collected through a library research from primary legal materials, which include the Environmental Protection and Management Law, government regulations, MUI Fatwas on the Conservation of Rare Animals to Maintain Ecosystem Balance, and secondary legal materials derived from journals, books, and scholars' opinions (Peter Mahmud Marzuki, 2017). Meanwhile, the method of interpretation used in this study employs grammatical interpretation by interpreting the grammar as well as the words in the law (Muhamad Adystia Sunggara et al., 2023). In addition, this study also uses systematic interpretation by connecting one article with another between one law and another law (Serlika Aprita, 2024).

3. Results and Discussion

3.1. Instrumental Anthropocentrism as the Philosophical Root of the Environmental Law Crisis

The anthropocentric paradigm views humans as the center of the universe, where only humans have value, while nature and all its contents are merely tools to satisfy human interests and needs. The philosophical roots of this paradigm can be traced back to Aristotle's thought in *The Politics*, which states that plants are prepared for the benefit

of animals, and animals are provided for the benefit of humans. This argument legitimizes a cosmological hierarchy that places humans at the pinnacle of creation, entitled to use all other entities for their own purposes (Aristotle & Sinclair, 1986).

This tradition is reinforced by modern philosophers. Thomas Aquinas, René Descartes, and Immanuel Kant stated that humans are higher and more honorable compared to other created beings because humans are the only free and rational creatures. Descartes explicitly asserted that animals are merely machines that move automatically, without a soul, without the ability to think, only mechanistic bodies that have been 'set' by God. Kant continued that because beings other than humans do not possess reason, they are not entitled to be treated morally, and therefore humans have no moral duty or responsibility toward nature (Immanuel Kant, 2017; Patrícia Frantz et al., 2025).

In the context of Indonesian environmental law, the anthropocentric paradigm is manifested in several forms. First, regulatory orientation still positions the environment as an object of management for the sake of economic development interests. Although the Environmental Protection and Management Law (UUPPLH) has incorporated progressive principles, its implementation still demonstrates the dominance of economic interests over ecological interests (Setyawan, 2025). Second, the concept of environmental permits is administrative-formal in nature, where environmental permits function more as a legitimization of exploitation rather than as an instrument of substantive protection. Many development policies for dam construction, mining exploitation, forest conversion, or reclamation projects often only consider administrative permitting aspects without substantively integrating ecological sustainability principles (Setyawan, 2025). Thirdly, the weak enforcement of environmental law, as reflected in the failure to execute court rulings in major environmental cases (Saifullah Fakhreza Shah et al., 2025a). The anthropocentric paradigm, which is instrumental and selfish in nature, encourages humans to exploit and deplete nature for their own interests, without giving serious attention to environmental sustainability. Human interests here are often interpreted as short-term interests, thus becoming the root of various environmental crises. Therefore, this paradigm is categorized as a shallow and narrow environmental ethic (Keraf, 2010).

A. Sonny Keraf, in his work "Environmental Ethics", identifies three fundamental errors in the anthropocentric worldview. First, humans are understood solely as social beings (social animals) whose existence and identity are determined solely by their social community; humans are not viewed as ecological beings whose identity is also shaped by nature. Second, ethics applies only to human social communities; moral norms and values are restricted in their applicability to humans, while nature is treated as a tool. Third, this error is reinforced by the paradigm of modern science and technology, which is Cartesian in nature with a primary mechanistic-reductionist characteristic, sharply separating nature as an object and humans as a subject.

This fundamental error produces a human-nature relationship pattern that is instrumentalistic: nature is regarded merely as a tool for human interests, and concern for nature is carried out solely to ensure human needs. A policy is considered good only if it has beneficial effects for human interests, not for the sake of nature itself (Keraf, 2010).

3.2. Teleological-Ecocentrism: The Philosophical Foundation of Reconstruction

Arne Naess, a Norwegian philosopher and the founder of the deep ecology movement, offered an alternative paradigm that radically opposes the anthropocentric worldview. The term deep ecology was first coined by Naess in his seminal 1973 publication entitled "*The Shallow and the Deep, Long-Range Ecology Movement: A Summary*" in the journal *Inquiry*, which distinguishes it from shallow ecology which he criticized for its utilitarian and anthropocentric attitude towards nature (Naess, 1973). *Deep ecology* representing a "fundamental shift from anthropocentrism to ecocentrism".

Two fundamental things in deep ecology, it needs to be noted. First, humans and their interests are no longer the measure of everything; humans are not the center of the moral world, but attention is focused on the entire biosphere, namely the interests of the entire ecological community with a long-term orientation. Second, the environmental ethics being developed is designed as practical ethics in the form of real and concrete actions, not merely theoretical discourse (Arne Naess, 1989).

The main philosophy of deep ecology is ecosophy, derived from the words eco (household) and sophy (wisdom), which is interpreted as the wisdom of organizing life in harmony with nature as a household in a broad sense. In *Ecology, Community, and Lifestyle* (1989), Naess developed a relational concept in which "reality is essentially relational, with each unique form of life having its own identity." The biocentric egalitarianism concept embraced by Naess asserts that "all organisms and entities in the ecosphere are equal in their intrinsic value." (Sharma, 2025).

The ecocentric paradigm conveys its view that ecologically, living beings and other abiotic objects are interconnected with one another. Obligations and moral responsibilities are not limited to living beings, but also apply to all ecological realities (Pranoto et al., 2025). As stated by Frantz, Rego, and Barbas in *Linacre Quarterly* (2025), ecocentrism expands moral consideration to the ecosystem as a whole, emphasizing the intrinsic value of all natural components, both living and non-living. Aldo Leopold in *A Sand County Almanac* (1949) formulated the principle that "something is right if it tends to preserve the integrity, stability, and beauty of the biotic community" (Patrícia Frantz et al., 2025).

In the context of environmental law, the ecocentric approach demands a shift in orientation from anthropocentric law towards a legal system that provides protection for the rights of nature and recognizes the intrinsic value of every element of the ecosystem. The study "Ecocentric Paradigm in Indonesian Environmental Law" (2025) examining the disharmony of legal norms that occurs as a result of the dominance of the anthropocentric paradigm, and emphasizing that the ecocentric paradigm requires three main things: the application of the precautionary principle, ecological accountability, and meaningful public participation in environmental decision-making (Patrícia Frantz et al., 2025).

What distinguishes teleological ecocentrism from merely descriptive ecocentrism is the dimension of telos (purpose) attributed to nature. While anthropocentrism views nature instrumentally, valuing it only insofar as it is useful to humans, teleological ecocentrism

acknowledges that every organism and ecosystem has a purpose in and of itself. Paul Taylor in *Respect for Nature: A Theory of Environmental Ethics* (1986) emphasizing that all organisms are centers of life with their own purposes; each organism is unique in pursuing its interests in its own way, and humans in themselves are not superior to other living beings (Paul Taylor, 1986). Frantz, et al. reinforce this argument by stating that for Taylor, the telos of every organism's existence is its vitality, its drive to live, and it is this that confers inherent dignity on all living beings.

In the Judgment of the Central Jakarta District Court Number 374/Pdt.G/LH/2019/PN.Jkt.Pst, The initial ruling on September 16, 2021, and reinforced by the High Court on October 17, 2022, serves as a jurisprudential example demonstrating the urgency of government and state action in improving the quality of clean air to protect public health and the environment. The verdict mandated the establishment and strengthening of ambient air quality standards, the regulation of emissions between regions to control air pollution, as well as other administrative measures that significantly place ecosystem functions and health as a reference in government policies. It also imposed sanctions on individuals who violate laws and regulations in the field of air pollution control and environmental documents (Putusan Nomor 374/Pdt.G/LH/2019/PN.Jkt.Pst., 2021). The defendants are declared negligent in fulfilling the obligation to uphold the right to a good and healthy environment, thereby causing harm to the plaintiffs and the community of Jakarta, such as the emergence of illnesses due to air pollution (*Gugatan polusi udara*, 2022). This decision is relevant to the reconstruction argument because it demonstrates that judges can articulate environmental law objectives in a more teleological manner and oriented towards environmental protection, rather than merely serving as a tool for legitimizing economic development.

In addition, there is Decision Number 52/G/LH/2022/PTUN.Bdg, which in this case concerns an environmental administrative dispute between the Indonesian Forum for the Environment (WALHI) as the plaintiff, who sued the Head of the Investment and One-Stop Integrated Service Office of West Java Province regarding the permit for the construction of the Tanjung Jati A coal-fired power plant with a capacity of 2 x 660 MW and its facilities in Pengarengan Village, Pangenan Subdistrict, Cirebon Regency, by PT. Tanjung Jati Power Company, which has the potential to cause significant negative impacts on the environment in the form of declining air quality, public health deterioration, reduced seawater quality, as well as exacerbating climate change. This decision demonstrates the strategic role of the administrative court in upholding the objectives of environmental law. In this case, the judge examined the legality of the administrative decision not merely based on the fulfillment of formal procedures but by assessing the long-term ecological consequences for the resilience of community life. The ruling, which directs a restoration order, reinforces the teleological dimension of legal discovery where the function of ecosystems and public safety are prioritized. Normatively, this decision strengthens the argument for a paradigm reconstruction from an instrumental orientation that views nature as a resource for human interests toward a teleological ecocentric orientation that places the preservation of ecosystem functions as a legal objective.

Based on the findings of several jurisprudence, it is necessary in the laws and implementing regulations related to the environment to include provisions that provide judges with guidance on teleological criteria aimed at evaluating and assessing environmental and ecological impacts, as well as providing a legal basis for orders of repair and restoration and authority to protect ecosystem functions. This teleological dimension carries profound legal implications: environmental law no longer merely regulates the utilization of nature for humans (instrumental regulation), but must be directed toward the protection of nature itself, namely the sustainability of ecological functions, ecosystem integrity, and the balance of the universe. This is where the convergence with *maqashid sharia* have become significant.

3.3. *Maqashid Sharia* and the Concept of *Hifz al-Bi'ah*: An Ethical-Normative Framework for Reconstruction

Formally, the concept of *maqashid al-shariah* began to be developed during the time of Imam al-Juwaini and Imam al-Ghazali, before eventually being systematically formulated by Abu Ishaq al-Shatibi (790 AH/1388 AD) through his monumental work *al-Muwafaqat fi Ushul al-Syariah* (Abu Ishaq al-Syatibi, 1996; Mukti Tabrani, 2018). Al-Syatibi maps the levels of human needs into three tiers: *dharuriyyat* (primary needs), *hajiyyat* (secondary needs), and *tahsiniyyat* (tertiary needs). Al-Syatibi emphasizes that "the entire purpose of sharia is to achieve benefit and avoid harm, both in this world and the hereafter" (*inna al-sharī'ata waḍī'at li iḥrāz al-maṣāliḥ wa dar' al-mafāsid fi al-dunyā wa al-ākhirah*) (Abu Ishaq al-Syatibi, 1996).

In the context of *dharuriyyat*, al-Syatibi divides it into five essential principles (*al-kulliyat al-khamsah*): *hifz al-din* (protecting religion), *hifz al-nafs* (protecting life), *hifz al-'aql* (protecting intellect), *hifz al-nasl* (protecting lineage), and *hifz al-mal* (protecting property). These five principles serve as the foundation of Islamic legal thought, functioning as benchmarks in addressing the issues of the community (Khuluq & Asmuni, 2025). In its time, al-Shatibi's formulation was very progressive and well-established in representing the *maqashid al-shariah*. However, contemporary challenges in the form of a global ecological crisis threatening ecosystems and humanity demand a reevaluation and expansion of the concept of *dharuriyyat*.

The development of the discourse on *hifz al-bi'ah* did not occur suddenly, but rather represents a gradual evolution from the concept of *fiqh al-bi'ah* (environmental jurisprudence) towards *hifz al-bi'ah* as an integral part of *maqashid al-sharia*. Khuluq and Asmuni, in their study published in the *Indonesian Journal of Interdisciplinary Islamic Studies* (IJIS) at the Islamic University of Indonesia (2025), explained that the concept of *hifz al-bi'ah* was initially developed through *fiqh al-bi'ah*, and later evolved into an integral part of *maqashid al-sharia* (Khuluq & Asmuni, 2025).

Ali Yafie, as an Indonesian scholar who pioneered environmental fiqh thought, explained that one of the crucial principles in the five basic components of life is *hifz al-bi'ah* (protecting the environment). This is the result of Yafie's *ijtihad* in preserving ecology, namely how to maintain a balanced relationship between humans and their surrounding environment. Yafie concludes that the law to protect and preserve the environment is

fardhu al-kifayah which will be accountable in this world and the hereafter (Ahmad Lailatus Sibyan & Muhammad Wafi Abdillah, 2023).

Ridwan emphasized that in formulating *fiqh al-bi'ah*, several principles need to be considered: (1) the reconstruction of the meaning of caliphate, that the role of humans as caliphs on earth is not to destroy but to build a peaceful, prosperous, and just life, (2) positioning ecology as a central doctrine (*ushul*) of Islamic teachings, not merely a branch (*furu'*), (3) the relationship between environmental stewardship and faith; and (4) the reminder that Prophet Muhammad SAW was sent to perfect human morality, including toward the environment (Ridwan Ridwan, 2013).

Recent research shows that the concept of *hifz al-bi'ah* has developed into an integral part of the *maqashid al-shariah*, occupying a position of *dharuriyyat*. Khuluq and Asmuni explain that *hifz al-bi'ah* serves as a foundation for the implementation of the five aspects of classical *dharuriyyat* without a guaranteed good environment, the *maqashid al-shariah* can never be fully preserved (Khuluq & Asmuni, 2025; Saby, 2015). Yusuf al-Qardhawi also emphasizes that environmental preservation is the primary way to achieve *al-kulliyat al-khamsah*, while KH. Ali Yafie made a more radical breakthrough by expanding it to *al-dharuriyyat al-sittah* (six basic necessities), adding *hifz al-bi'ah* as the sixth pillar of equal standing (MariNews, 2025).

The relevance of *hifz al-bi'ah* to each component of *dharuriyyat* can be outlined in the following table :

<i>Dharuriyyat</i> Components	<i>Hifz al-Bi'ah</i> Relevance
<i>Hifz al-Din</i> (preserving the religion)	The practice of religion is always bound to the environmental space; commitment to the environment is a commitment to religion.
<i>Hifz al-Nafs</i> (preserving the soul)	Climate change and environmental degradation have a direct impact on human physical and mental health.
<i>Hifz al-'Aql</i> (preserving the mind)	A healthy environmental condition supports mental well-being and the human capacity for rational thinking.
<i>Hifz al-Nasl</i> (preserving lineage)	Environmental conservation is an investment for the sustainability of future generations' lives.
<i>Hifz al-Mal</i> (preservation of wealth)	Natural resources are the collective wealth of humanity that must be preserved for sustainability.

Source: Processed from Khuluq & Asmuni (2025) and Saby (2018).

Suryani emphasized that if preserving the soul is considered a fundamental principle in *fiqh*, then protecting the environment (*hifz al-'alam*) is also an essential aspect, because environmental sustainability and its relationship to the continuity of human life must be regarded as an integral part of *maqashid al-sharia* (Khuluq & Asmuni, 2024). The convergence between ecocentrism and the *maqasid al-shariah* produces a unique and

robust ethical-normative framework. From an ontological perspective, ecocentrism acknowledges that there is no hierarchy of intrinsic value between humans and the non-human environment, with human existence being merely one component in a larger ecological web. This perspective aligns with the theocentric view in Islam, which places God as the ultimate source of value, wherein both humans and nature occupy a position within a sacred hierarchy (Arzam & Kusnadi, 2025). Quraish Shihab, by citing QS. Ar-Rahman verses 6-9, emphasizes the need for balance between humans and other living creatures, stating that 'both trees and plants are subject to Him.' This view firmly rejects anthropocentrism while reinforcing the ecocentric argument that nature has the right to be protected not because it is useful to humans, but because it is a creation of God that possesses value in itself (Mubarok, 2022).

From an epistemological perspective, the reconstruction of contemporary ushul fiqh requires elevating the status of *hifz al-bi'ah* to a primary necessity (*dharuriyyah*). From an axiological standpoint, environmentally destructive exploitation is considered *haram li ghairih*, as it directly undermines the *maqashid sharia*. This is where the teleological dimension operates: environmental law based on *maqashid sharia* is not only instrumental (protecting human interests regarding the environment) but also teleological (realizing the objectives of sharia, which include ecological balance as a prerequisite for universal welfare) (MariNews, 2025).

Through the explanation above, a paradigmatic reconstruction of environmental law from anthropocentrism towards teleological-ecocentrism based on *maqashid sharia* is required, necessitating a transformation in the methodology of legal discovery. The concept of *rechtsvinding* (legal discovery) in Indonesia is accommodated in Law Number 48 of 2009 concerning Judicial Power, particularly Article 5 paragraph (1), which obliges judges to explore, follow, and understand the legal values and sense of justice that live within society (Undang-Undang Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman (Lembaran Negara Republik Indonesia Tahun 2009 Nomor 157- Tambahan Lembaran Negara Republik Indonesia Nomor 5076), 2009).

Satjipto Rahardjo's progressive legal thought provides a relevant conceptual framework. In "*Dissecting Progressive Law*" (2006) and "*Progressive Law: A Synthesis of Indonesian Law*" (2009), Rahardjo builds progressive law on the ontological basis that "law is for humans, not humans for the law" (Satjipto Rahardjo, 2006)." Epistemologically, the law must continuously change based on empirical experience; and axiology-wise, the law must be applied according to conscience to achieve substantive justice. In the context of environmental law, this principle needs to be extended: the law is not only for humans, but also for life and ecosystems as a whole in line with the paradigmatic shift towards ecocentrism (Kennedy, 2021).

One of the most relevant instruments for legal discovery in the context of this paradigmatic reconstruction is the principle of *in dubio pro natura*, which states that in cases of doubt, judges must side with the interests of environmental protection. Research by Wahyu Risaldi et al. (2018) found that the application of the principles of *in dubio pro natura* and *in dubio pro reo* aligns with the objectives of the Environmental

Protection and Management Law (UUPPLH), and that the principle of *in dubio pro natura* can also be applied in environmental criminal cases (Risaldi et al., 2018).

The principle of *in dubio pro natura* operates in two forms: (1) judicial doubt in the event of scientific uncertainty, and (2) judicial doubt in the event of legal uncertainty. In both conditions, this principle requires judges to make decisions in favor of environmental interests (*pro natura*). The research conducted by Saifullah Fakhreza Shah et al. (2025) also emphasizes that, although the principle of *in dubio pro natura* has not been explicitly regulated in Indonesian positive law, its substance and spirit are reflected in the precautionary principle and the principle of state responsibility in maintaining environmental sustainability as stipulated in the Environmental Protection and Management Act (UU PPLH) (Saifullah Fakhreza Shah et al., 2025b). Kartikasari's research also examines the philosophical roots of the principle *in dubio pro natura*, and concludes that this principle has intertextuality with the principle *in dubio pro reo*, biocentrism, ecocentrism, evolving law, and deep ecology, while simultaneously serving as an opposition to shallow ecology (Kartikasari, 2020). Within the framework of Islamic law, the principle of *in dubio pro natura* correlates with the concepts of *ihtiyath* (caution) and *sadd al-dzari'ah*, which is the maximal effort to prevent anything that may serve as a means for prohibited acts, in accordance with the fiqh maxim that "avoiding harm takes precedence over obtaining benefits" (*dar'u al-mafasid muqaddamun 'ala jalbi al-mashalih*) (Azzarqa & Thohari, 2013).

The integration of ecocentrism and *maqashid sharia* in the methodology of environmental law discovery results in a legal discovery framework that has several characteristics. First, judges do not merely seek law from statutory texts, but also from principles of ecological justice, local wisdom, and religious values that recognize the rights of nature. Second, the interpretation of environmental law is directed at the protection of ecological functions as the primary objective (*teleological interpretation*), rather than merely protecting human economic interests. Third, the burden of proof in environmental cases is placed on business actors (*strict liability*), in accordance with the precautionary principle and *in dubio pro natura*.

Jimly Asshiddiqie, through the concept of the *Green Constitution* in his book *Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (2009), emphasizes that the constitutionalization of environmental law norms is an important step for environmentally conscious sustainable development. Article 28H paragraph (1) and Article 33 paragraph (4) of the 1945 Constitution are evidence that the Indonesian constitution indeed already contains elements of a Green Constitution. This concept provides a constitutional basis for the paradigmatic reconstruction proposed in this essay (Asshiddiqie, 2009).

From the *maqashid* perspective, environmental law discovery must be directed toward the realization of public interest (*maslahah*), which includes ecological dimensions. Zuhdi, in *Istinbath: Jurnal Hukum Islam* IAIN Mataram (2015), emphasizes that *maslahah* can function as a methodological framework for the *fiqh al-bi'ah* paradigm, where environmental preservation (*hifz al-bi'ah*) acts as the primary intermediary in achieving the realization of *al-kulliyat al-khamsah* (Zuhdi, 2015).

Based on the overall analysis above, a model for reconstructing Indonesia's environmental law paradigm can be formulated, integrating ecocentrism and the *maqashid* of sharia in three dimensions. First Ontological Dimension: Reconceptualizing the human-nature relationship from subject-object (instrumental) to subject-subject (relational). Nature is no longer viewed as an object to be exploited but as an entity that possesses intrinsic value and ecological rights that must be protected. Research in the *Mimbar Justitia Law Journal* (JHMJ) at Suryakancana University (2025) emphasizes that granting legal personality to ecological entities can strengthen environmental protection through the expansion of legal standing, redefinition of legal responsibility, and the reinforcement of sustainability-oriented norms (Setyawan, 2025). From an Islamic perspective, nature is a *amanah* (safekeeping) from God that must be protected by humans as *khalifah fil ardh* (stewards on earth), not as absolute rulers.

Second Epistemological Dimension: The development of environmental law methodology that is holistic-integrative, combining a juridical-normative approach with ecological ethics and the principles of *maqashid*. This includes: the adoption of the precautionary principle and *in dubio pro natura* as fundamental legal principles; the recognition of ecological scientific evidence as a basis for proof; as well as the integration of ecological accountability into the legal accountability system. The third Axiological dimension: Reorienting the goals of environmental law from merely serving human interests (anthropocentric justice) towards ecological justice, which encompasses justice for the entire ecological community. This ecological justice aligns with the spirit of *rahmatan lil 'alamin* (mercy for all creation) and *hifz al-bi'ah* as necessities in the *maqashid sharia* (Nurholis, 2025).

Nahdlatul Ulama (NU) has developed Community-Based Ecological Jurisprudence through grassroots conservation and advocacy actions, while the Indonesian Ulema Council (MUI) has taken the Formal Ecological Jurisprudence route by issuing environmental fatwas such as the preservation of endangered species and waste management. These fatwas serve as *ijtihadi* breakthroughs and religious legitimacy for collective environmental preservation actions (MariNews, 2025).

Comparatively, the three dimensions of paradigmatic reconstruction can be synthesized as follows :

Dimension	Old Paradigm (Anthropocentrism)	New Paradigm (Ecocentrism-Maqashid)
Ontological	Humans as subjects, nature as an instrumental object	Humans and nature as relational subjects, nature has intrinsic value
Epistemological	Formal-textual legal positivism	Holistic-integrative: juridical, ecological, and <i>maqashid</i> -based
Axiological	Anthropocentric justice (<i>human-centered</i>)	Ecological justice, <i>rahmatan lil 'alamin</i>
Methods of Legal Discovery	Legalistic-formal, <i>in dubio pro reo</i>	Progressive-ecological, <i>in dubio pro natura</i>
Ethical Foundation	Utilitarian-instrumental	Ecocentrism and <i>hifz al-bi'ah</i> as <i>dharuriyyat</i>

4. Conclusion

The reconstruction of Indonesia's environmental law paradigm from anthropocentric-instrumental to teleological-ecocentric based on *maqashid sharia* is not merely an academic discourse, but an urgent existential necessity. The worsening environmental crisis demonstrates the failure of the old paradigm, which regards nature merely as a tool to satisfy human interests. The convergence between Arne Naess's deep ecology, which acknowledges the intrinsic value of all ecological communities, and *maqashid sharia*, which places *hifz al-bi'ah* (environmental preservation) as a non-negotiable prerequisite for achieving the welfare of humanity, produces a robust ethical-teleological foundation for the renewal of environmental law. Within this framework, environmental law is no longer instrumental-reactive, but teleological-transformative, aimed at the noble goal of realizing ecological justice, balance, and the sustainability of life. The implementation of this paradigmatic reconstruction requires transformation on three levels. At the regulatory level, explicit recognition of the principles of ecocentrism and *hifz al-bi'ah* is required in legislation. At the judicial level, the principle of *in dubio pro natura* needs to be firmly accommodated as a guideline for judges. And at the level of legal culture, a renewed awareness of ecological consciousness is necessary, recognizing the unity, interconnectedness, and interdependence between humans, plants, animals, and the entire universe.

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