

RECONSTRUCTING INDONESIA'S ENVIRONMENTAL LAW PARADIGM: FROM INSTRUMENTAL ANTHROPOCENTRISM TO MAQASHID SHARIA-BASED TELEOLOGICAL ECOCENTRISM

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Abstract: Contemporary theoretical perspectives on environmental governance point to the need to reconstruct the paradigm of Indonesian environmental law, moving it away from instrumental anthropocentrism toward a teleological ecocentrism integrated within the framework of maqashid sharia. The anthropocentric paradigm that dominates Indonesia's environmental regulation has proven unable to prevent ecological degradation, precisely because it treats nature merely as an instrumental object serving human interests. Employing normative legal research with juridical-normative and philosophical approaches, this paper proposes a paradigmatic reconstruction along three pathways: (1) the adoption of ecocentrism as the ethical and philosophical foundation of environmental law; (2) the integration of hifz al-bi'ah (environmental preservation) as a component of the dharuriyyat within the maqashid sharia framework; and (3) the development of a progressive methodology of environmental legal discovery (rechtsvinding) grounded in the principle of in dubio pro natura. The paper concludes that the convergence of ecocentrism and maqashid sharia is capable of providing a robust ethical-teleological foundation for reconstructing Indonesian environmental law in a manner that secures ecological justice.

Keywords: Anthropocentrism; Ecocentrism; Environmental Law; Hifz al-Bi'ah; Maqashid Sharia

1. Introduction

The environmental crisis in Indonesia has reached an alarming point. Data show that forest destruction has reached 11 million hectares of primary forest, with approximately 11% of Indonesia's primary forest area undergoing serious shrinkage (Zintan Prihatini & Bambang P. Jatmiko, 2026). In addition, 23% of the mangrove forests in Indonesia, covering 3.44 million hectares out of a global total of 14.7 million hectares of mangroves, suffer severe degradation every year as a result of illegal logging and land conversion (Aji Styawan, 2025). The protection of genetic resources in mangrove ecosystems is essential for maintaining ecosystem balance and for environmental conservation (Suriadi et al., 2024). This crisis is not merely a technical or juridical problem; it is rooted, rather, in a fundamental philosophical error in the way human beings understand themselves, nature, and their place within the ecosystem as a whole (Santika & Sarjan, 2025).

A significant surge in human activity affecting the biosphere has been observed since 1950, including rising greenhouse gas emissions, growing plastic production, the use of synthetic nitrogen, and the loss of natural habitats (Coen Husain Pontoh, 2025). Since

1970, the number of vertebrates worldwide has fallen by an average of around 68%, while species extinctions have been occurring at a pace faster than the rate at which extinction ordinarily occurs in nature, a situation that researchers have described as the sixth mass extinction (Azzahra & Siti Maysithoh, 2024). In Indonesia, the loss of biodiversity has become increasingly severe owing to deforestation, shifts in land use, the illegal wildlife trade, and climate change, notwithstanding the formal existence of the Environmental Protection and Management Law and a range of environmental regulations in each environmental sector (Brigitta Raras, 2022).

Constitutionally, the right to a clean and healthy environment is enshrined in the 1945 Constitution of the Republic of Indonesia, and the formal legal framework has been established through environmental legislation such as Law Number 32 of 2009 on Environmental Protection and Management. Law Number 32 of 2009 on Environmental Protection and Management, as amended by Law Number 6 of 2023 on the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on 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 UU PPLH), and further supplemented by implementing regulations such as Government Regulation Number 22 of 2021 on the Implementation of Environmental Protection and Management (State Gazette of 2021 Number 32, Supplement to the State Gazette Number 6634), constitutes a comprehensive legal instrument governing environmental protection in Indonesia.

An analysis of the norms reveals that the existing licensing system and sanctioning mechanisms are largely functional in character and do not directly require adequate ecological restoration. Observations of changes in licensing regulation point to the loss of a crucial preventive control instrument, which in turn gives rise to the need for restoration sanctions that are operational and capable of taking long-term ecological impacts into account (Yulianingrum & Oktaviani, 2022). This condition reflects what Arne Naess categorized as *shallow ecology*, a superficial and instrumentalist form of environmental concern (Satmaidi, 2017).

Article 1 of UU PPLH defines the environment as a unity encompassing human beings and other living creatures, yet the elucidation of the principles in Article 2 affirms the principle of benefit, which emphasizes the use of resources for the sake of human welfare. Although the definition formally includes other living creatures, it has not been accompanied by a basic principle that recognizes the intrinsic value of nature or confers legal status on the components of the ecosystem. The principle of benefit prioritizes the use of resources for human beings and thereby sustains an anthropocentric framework. Within the teleological ecocentric paradigm, fundamental norms ought to prioritize the integrity of the ecosystem as an end of law rather than merely as a means of serving human interests. The orientation of Indonesian environmental law has thus far continued to favor human interests (*anthropocentric*), with no legal recognition of the intrinsic value of ecosystems and no ecocentric principle that makes the sustainability of ecosystem functions an objective of law. Article 119 of UU PPLH likewise provides a basis for the obligation to carry out remediation or restoration, but it does not specify

the technical parameters of implementation or the means of monitoring restoration outcomes, with the result that restoration sanctions are applied inconsistently.

The problem becomes more complex when natural resource management policy in Indonesia is driven primarily by the effort to attract investment, so that natural resources are viewed in terms of an *economic sense* and have not yet been oriented toward an *ecological* and *sustainable sense* (Mahardika & Bayu, 2022). Conditions on the ground reveal a discrepancy between constitutional and regulatory rules and the actual practice of natural resource management, which continues to prioritize rapid exploitation and short-term economic interests (Achmad Safiudin R, 2023). Deregulation policies and the removal of environmental oversight instruments, as observed in the implementation of the omnibus law, expose the risk of weakened preventive control over environmental damage, and this phenomenon has been identified as a factor contributing to the declining effectiveness of environmental protection and as contrary to the constitutional mandate for a good and healthy environment (Bilal & Santoso, 2021). This discrepancy calls for a paradigmatic inquiry, rather than mere technical repair, one that reconstructs the philosophical orientation of environmental law from an instrumental anthropocentric framework toward an ecocentric-teleological framework capable of connecting its ethical, normative, and implementational dimensions.

Theoretically, the anthropocentric paradigm places human beings in the most important position, so that the environment is valued chiefly according to its usefulness for human welfare (Irianto et al., 2017). This approach is visible in many forms of licensing and in the cost-benefit analysis of development, with the consequence that sacrificing ecological functions for the sake of short-term economic objectives comes to be justified. Contemporary literature critical of this approach highlights a shift toward ecocentrism, which affirms the intrinsic value of nature and calls for institutional reconstruction so that the law recognizes ecological rights and treats the environment as a subject of legal interest rather than merely as a resource (Fernando et al., 2025). Scholarly discussion of this transition in values opens space for considering new philosophical and methodological foundations for environmental legal discovery.

In the Indonesian context, where the majority of the population is Muslim, the integration of religious values into the environmental legal system has become a relevant and strategic discourse (Afrizal Nur et al., 2025). Moreover, the environmental law policies set out in the various sectoral regulations outside UU PPLH generally fail to take into account the legal principles and objectives that, from an Islamic standpoint, ought to underpin the protection of the environment (Sunardi et al., 2023). In this situation, a fundamental paradigmatic reconstruction is urgently needed, one that shifts from instrumental anthropocentrism toward a teleological ecocentrism enriched by the ethical-religious dimension of *maqashid sharia*.

In religious terms, the Islamic tradition possesses an important source of values for constructing an environmental ethic that is not focused solely on the anthropological. The concept of *maqashid sharia*, with its emphasis on the protection of life, property, intellect, religion, and progeny, provides a potentially valuable teleological framework for formulating a paradigm of environmental law grounded in moral purposes and in the

welfare of future generations. The application of *maqashid* to environmental management has given rise to concepts such as *hifz al-bi'ah* (environmental protection) as an essential element in the pursuit of ecological justice (Kurniawan & Fadlillah, 2025).

Despite this potential, the integration of *maqashid sharia* into Indonesia's positive environmental law encounters obstacles at both the normative and the operational level. On the one hand, national religious institutions such as the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) have issued a fatwa declaring that any act capable of damaging the environment and nature in ways that may contribute to the climate crisis is *haram* (forbidden), and that 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). On the other hand, a fatwa does not necessarily carry the same legal force as a statute. This condition creates a gap between the moral-religious imperative and the effectiveness of compliance with positive law, particularly because the relevant legal regulation is fragmented, spread across various sectors, and weak in its enforcement.

A number of earlier studies linking Islamic law with the management of particular resources, such as water, demonstrate the existence of Islamic legal propositions that focus more closely on resource protection, but these studies are generally prescriptive and locally based (Nopliardy et al., 2025). Such research has not yet integrated *maqashid sharia* as the teleological foundation of environmental law, which makes it important to develop an ecocentric approach based on *maqashid sharia* in environmental law enforcement in order to achieve greater ecological justice and sustainability. Another study highlights the right to the environment as a human right and the legal politics of environmental rights from an Islamic perspective, finding that an Islamic legal politics grounded in *tawazun* (balance) and in the avoidance of harm has fostered an attitude of restraint in the exploitation of nature so that its equilibrium may be preserved (Nur Sulistiyaningsih & Bahar Elfudlatsani, 2024); that study, however, has not identified in detail *maqashid sharia*-based research on Indonesian natural resource policy, nor has it offered a reconstruction of the environmental law paradigm that connects the values of teleological ecocentrism grounded in *maqashid*.

Another study examines environmental legal culture in the context of local-scale mining and highlights the dominance of anthropocentrism; its principal findings reveal a gap between regulatory norms and field practice, including the dominance of economic interests, a weak environmental legal culture, suboptimal supervision, and a need for public outreach, guidance, and the simplification of licensing, all of which call for policy intervention (Haryadi et al., 2020). That study, however, does not yet offer a theoretical and methodological construction that operationalizes *maqashid sharia* as the teleological basis for reconstructing the paradigm of Indonesian environmental law.

Building on the foregoing introduction, a fundamental paradigmatic reconstruction is required, moving from instrumental anthropocentrism toward a teleological ecocentrism enriched by the ethical-religious dimension of *maqashid sharia*. This study aims to bring together the philosophy of law, *maqashid sharia* (*hifz al-bi'ah*), and normative-institutional analysis in order to reconstruct the paradigm of Indonesian environmental law toward a *maqashid*-based ecocentric-teleological model.

Accordingly, this article formulates its research question as follows: how is the paradigm of Indonesian environmental law to be reconstructed from instrumental anthropocentrism toward a teleological ecocentrism integrated with the framework of *maqashid sharia*, particularly the concept of *hifz al-bi'ah*?

2. Method

This study employs a normative juridical method, drawing on law and examining legal norms and statutory regulations (Mahaly et al., 2024). It adopts a statute approach and focuses on the analysis of positive legal norms such as Law Number 32 of 2009 on Environmental Protection and Management (UU PPLH), together with MUI Fatwa Number 4 of 2014 on the Preservation of Endangered Species, which are juxtaposed with the principles of *fiqh al-bi'ah* within the biodiversity paradigm.

In addition, the study employs a conceptual approach in order to understand the concepts relating to the principles of biodiversity in environmental law and *fiqh al-bi'ah* in Islamic law, as well as a comparative approach, applied to compare the anthropocentric paradigm of UU PPLH with the theocentric-ecocentric perspective of the MUI fatwa and of environmental jurisprudence (*fiqh al-bi'ah*), thereby enabling the analysis and identification of convergences and divergences between positive law and sharia norms concerning environmental conservation.

The legal materials were collected through library research, comprising primary legal materials, which include UU PPLH, government regulations, and the MUI Fatwa on the Preservation of Endangered Species to Maintain Ecosystem Balance, and secondary legal materials derived from journals, books, and the opinions of scholars (Peter Mahmud Marzuki, 2017). As for the method of interpretation, the study uses grammatical interpretation, which construes the grammar and the wording of statutes (Muhamad Adystia Sunggara et al., 2023). It also employs systematic interpretation, which relates one provision to another and one statute to another (Serlika Aprita, 2024).

3. Analysis and Discussion

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

The anthropocentric paradigm regards human beings as the center of the universe, in which only humans possess value, while nature and everything it contains serve merely as instruments for satisfying human interests and needs. The philosophical roots of this paradigm can be traced back to Aristotle, who in *The Politics* asserted that plants exist for the sake of animals and animals for the sake of human beings. This argument legitimizes a cosmological hierarchy that places humanity at the summit of creation, entitled to use all other entities for its own benefit (Aristotle & Sinclair, 1986).

This tradition was reinforced by modern philosophers. Thomas Aquinas, René Descartes, and Immanuel Kant held that human beings are higher and nobler than other created beings because they alone are free and rational beings. Descartes explicitly maintained that animals are nothing more than machines moving automatically, without soul and

without the capacity for thought, mere mechanical bodies that God has “set” in motion. Kant further argued that because non-human beings lack reason, they are not entitled to moral treatment, so that human beings bear no moral duties or responsibilities toward nature (Immanuel Kant, 2017; Patrícia Frantz et al., 2025).

In the context of Indonesian environmental law, the anthropocentric paradigm manifests itself in several forms. The first is a regulatory orientation that continues to treat the environment as an object of management in the service of economic development: although UU PPLH incorporates progressive principles, its implementation still reveals the dominance of economic over ecological interests (Setyawan, 2025). The second is an administrative-formal conception of environmental licensing, in which environmental permits function more as a legitimation of exploitation than as an instrument of substantive protection. Many development policies, such as dam construction, mining exploitation, forest conversion, or reclamation projects, frequently consider only the administrative aspects of licensing without substantively integrating the principle of ecological sustainability (Setyawan, 2025). The third is weak environmental law enforcement, reflected in the failure to execute court judgments in major environmental cases (Saifullah Fakhreza Shah et al., 2025a).

This instrumentalist and egoistic anthropocentric paradigm drives human beings to exploit and deplete nature for their own interests without paying serious attention to its preservation. Human interest is here frequently understood as short-term interest, and this has become the root of various environmental crises. For this reason, the paradigm is categorized as a shallow and narrow form of environmental ethics (*shallow environmental ethics*) (Keraf, 2010).

In his work *Etika Lingkungan Hidup* (Environmental Ethics), A. Sonny Keraf identifies three fundamental errors in the anthropocentric worldview. First, human beings are understood solely as social animals whose existence and identity are determined exclusively by their social community; they are not seen as ecological beings whose identity is also shaped by nature. Second, ethics is held to apply only within the human social community, so that the validity of moral norms and values is confined to human beings, while nature is treated as a mere instrument. Third, these errors are reinforced by the Cartesian paradigm of modern science and technology, whose principal feature is its mechanistic-reductionist character and which draws a sharp separation between nature as object and humanity as subject.

This fundamental error produces an instrumentalist pattern of relations between humanity and nature: nature is valued only as an instrument for human interests, and concern for nature is exercised solely to secure human needs. A policy is deemed good only if it yields 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, the Norwegian philosopher and founder of the *deep ecology* movement, offered an alternative paradigm that radically challenges the anthropocentric worldview. Naess first coined the term *deep ecology* in his seminal 1973 publication,

"The Shallow and the Deep, Long-Range Ecology Movement: A Summary", in the journal *Inquiry*, distinguishing it from *shallow ecology*, which he criticized for its utilitarian and anthropocentric attitude toward nature (Naess, 1973). *Deep ecology* represents "a fundamental shift from anthropocentrism to ecocentrism."

Two fundamental features of *deep ecology* deserve attention. First, human beings and their interests are no longer the measure of all things; humanity is not the center of the moral world, and attention is directed instead to the *biosphere* as a whole, that is, to the interests of the entire ecological community with a long-term orientation. Second, the environmental ethic it develops is designed as a practical ethic, taking the form of a real and concrete movement rather than mere theoretical discourse (Arne Naess, 1989).

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

The ecocentric paradigm holds that, ecologically, living beings and other abiotic entities are interconnected with one another. Moral obligation and responsibility are not confined to living beings but extend to the whole of ecological reality (Pranoto et al., 2025). As Frantz, Rego, and Barbas argue in *The Linacre Quarterly* (2025), ecocentrism extends moral consideration to ecosystems as a whole, emphasizing the intrinsic value of all components of nature, both living and non-living. In *A Sand County Almanac* (1949), Aldo Leopold formulated the principle that "a thing is right when 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 reorientation from anthropocentric law toward a legal system that protects the rights of nature and recognizes the intrinsic value of every element of the ecosystem. The study "Paradigma Ekosentris dalam Hukum Lingkungan Indonesia" [The Ecocentric Paradigm in Indonesian Environmental Law] (2025) examines the disharmony of legal norms arising from the dominance of the anthropocentric paradigm and affirms that the ecocentric paradigm requires three essential elements: 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. Whereas anthropocentrism views nature instrumentally, so that nature has value only insofar as it is useful to human beings, teleological ecocentrism recognizes that every organism and every ecosystem has a purpose in itself (*intrinsic purpose*). In *Respect for Nature: A Theory of Environmental Ethics* (1986), Paul Taylor asserts that all organisms are centers of life with purposes of their own, that each organism is unique in pursuing its own interests in its own way, and that human beings are not, in themselves, superior to other living

beings (Paul Taylor, 1986). Frantz et al. reinforce this argument by noting that, for Taylor, the *telos* of every organism's existence is its vitality, the drive to live, and that it is this which confers inherent dignity upon all living beings.

Central Jakarta District Court Decision Number 374/Pdt.G/LH/2019/PN.Jkt.Pst, first handed down on 16 September 2021 and upheld by the High Court on 17 October 2022, is an instance of jurisprudence demonstrating the urgency of government and state action to improve air quality in order to protect public health and the environment. The operative part of the judgment ordered the establishment and strengthening of ambient air quality standards, the regulation of inter-regional emissions to control air pollution, and other administrative measures that significantly position ecosystem functions and health as reference points for government policy, together with the imposition of sanctions on persons who violate laws and regulations concerning air pollution control and environmental documents (Putusan Nomor 374/Pdt.G/LH/2019/PN.Jkt.Pst., 2021). The defendants were found negligent in fulfilling their obligation to secure the right to a good and healthy environment, thereby causing harm to the plaintiffs and to the people of DKI Jakarta, including illnesses resulting from air pollution (*Gugatan polusi udara*, 2022). This judgment is relevant to the argument for reconstruction because it shows that judges can articulate the purposes of environmental law in a more teleological manner oriented toward environmental protection, rather than treating the law merely as an instrument for legitimizing economic development.

Another example is Decision Number 52/G/LH/2022/PTUN.Bdg, an environmental administrative dispute between the Indonesian Forum for the Environment Foundation (Yayasan Wahana Lingkungan Hidup Indonesia, WALHI), as plaintiff, and the Head of the Investment and One-Stop Integrated Services Office of West Java Province, concerning the permit for the construction of the Tanjung Jati A coal-fired power plant (PLTU) with a capacity of 2 x 660 MW, together with its facilities in Pengarengan Village, Pangenan District, Cirebon Regency, by PT Tanjung Jati Power Company, a project with the potential to cause significant adverse environmental impacts in the form of declining air quality, harm to public health, deteriorating seawater quality, and the aggravation of climate change. This judgment demonstrates the strategic role of the administrative judiciary in upholding the objectives of environmental law. In this case, the judges examined the legality of the administrative decision not merely on the basis of compliance with formal procedures but by assessing its long-term ecological consequences for the resilience of community life. The operative part of the judgment, which points toward an order for restoration, affirms the teleological dimension of legal discovery, in which ecosystem functions and public safety are given priority. Normatively, this judgment strengthens the argument for a paradigmatic reconstruction from an instrumental orientation, which values nature as a resource for human interests, toward a teleological ecocentric orientation that makes the preservation of ecosystem functions an objective of law.

On the basis of the findings from these judgments, environmental statutes and implementing regulations need to include provisions that give judges guidance on teleological criteria for evaluating and assessing environmental and ecological impacts, and that provide a legal basis for orders of remediation and restoration as well as the

authority to protect ecosystem functions. This teleological dimension carries profound legal implications: environmental law no longer merely regulates the use of nature for human beings (*instrumental regulation*) but must instead be directed toward the protection of nature itself, namely the sustainability of ecological functions, the integrity of ecosystems, and the balance of the universe. It is here that the convergence with *maqashid sharia* becomes significant.

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

Formally, the idea of *maqashid al-shariah* began to be developed in the time of Imam al-Juwaini and Imam al-Ghazali, before being systematically formulated by Abu Ishaq al-Syatibi (790 AH/1388 CE) in his monumental work *al-Muwafaqat fi Ushul al-Syariah* (Abu Ishaq al-Syatibi, 1996; Mukti Tabrani, 2018). Al-Syatibi classified human needs into three levels: *dharuriyyat* (primary needs), *hajiyyat* (secondary needs), and *tahsiniyyat* (tertiary needs). He affirmed that “the entire purpose of the sharia is to secure benefits and to avert harms, both in this world and in the hereafter” (*inna al-sharī'ata waḍi'at li iḥrāz al-maṣāliḥ wa dar' al-mafāsīd fi al-dunyā wa al-ākhirah*) (Abu Ishaq al-Syatibi, 1996).

Within the *dharuriyyat*, al-Syatibi identified five essential principles (*al-kulliyyat al-khamsah*): *hifz al-din* (protection of religion), *hifz al-nafs* (protection of life), *hifz al-'aql* (protection of intellect), *hifz al-nasl* (protection of progeny), and *hifz al-mal* (protection of property). These five principles became the foundation of Islamic legal thought, serving as a benchmark for addressing the problems of the *ummah* (Khuluq & Asmuni, 2025). In its time, al-Syatibi's formulation was highly progressive and well established as a representation of *maqashid al-shariah*. The contemporary challenge of a global ecological crisis that threatens both ecosystems and humanity, however, demands a re-evaluation and an expansion of the concept of *dharuriyyat*.

The discourse on *hifz al-bi'ah* did not emerge suddenly; it represents a gradual evolution from the concept of *fiqh al-bi'ah* (environmental jurisprudence) toward *hifz al-bi'ah* as an integral part of *maqashid al-shariah*. In their study in the *Indonesian Journal of Interdisciplinary Islamic Studies* (IJIIS) of Universitas Islam Indonesia (2025), Khuluq and Asmuni explain that the concept of *hifz al-bi'ah* was initially developed through *fiqh al-bi'ah* and subsequently evolved into an integral part of *maqashid al-shariah* (Khuluq & Asmuni, 2025).

Ali Yafie, the Indonesian Islamic scholar who pioneered environmental *fiqh*, explained that one of the crucial principles among the five basic components of life is *hifz al-bi'ah* (protection of the environment). This was the fruit of Yafie's *ijtihad* on ecological preservation, namely on how to maintain a balanced relationship between human beings and their natural surroundings. Yafie concluded that protecting and preserving the environment is *fardhu al-kifayah* (a collective obligation), for which accountability will be demanded both in this world and in the hereafter (Ahmad Lailatus Sibyan & Muhammad Wafi Abdillah, 2023).

Ridwan emphasizes that the formulation of *fiqh al-bi'ah* must attend to several principles: (1) a reconstruction of the meaning of vicegerency, namely that humanity's role as *khalifah* (vicegerent) on earth is not to destroy but to build a life of peace, prosperity, and justice; (2) the placement of ecology as a central doctrine (*ushul*) of Islamic teaching rather than a mere branch (*furu'*); (3) the relationship between environmental care and faith; and (4) the reminder that the Prophet Muhammad (peace be upon him) was sent to perfect human morality, including conduct toward the environment (Ridwan Ridwan, 2013).

Recent research shows that the concept of *hifz al-bi'ah* has developed into an integral part of *maqashid al-shariah*, occupying the position of the *dharuriyyat*. Khuluq and Asmuni explain that *hifz al-bi'ah* serves as the foundation for implementing all five classical aspects of the *dharuriyyat*, since without a guarantee of a sound environment, *maqashid al-shariah* can never be preserved in its entirety (Khuluq & Asmuni, 2025; Saby, 2015). Yusuf al-Qardhawi likewise affirms that environmental preservation is the principal path to achieving *al-kulliyat al-khamsah*, while KH. Ali Yafie made a more radical breakthrough by expanding these into *al-dharuriyyat al-sittah* (the six basic needs), adding *hifz al-bi'ah* as a sixth pillar of equal standing (MariNews, 2025).

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

Dharuriyyat Component	Relevance of Hifz al-Bi'ah
<i>Hifz al-Din</i> (protection of religion)	The practice of religion is always bound up with the environmental space; commitment to the environment is commitment to religion
<i>Hifz al-Nafs</i> (protection of life)	Climate change and environmental degradation directly affect human physical and mental health
<i>Hifz al-'Aql</i> (protection of intellect)	A healthy environment supports mental well-being and the human capacity for rational thought
<i>Hifz al-Nasl</i> (protection of progeny)	Environmental preservation is an investment in the survival of future generations
<i>Hifz al-Mal</i> (protection of property)	Natural resources are the common wealth of humankind, and their sustainability must be safeguarded

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

Suryani asserts that if the preservation of life is regarded as a fundamental principle in *fiqh*, then protecting the environment (*hifz al-'alam*) is likewise an essential aspect, since environmental sustainability and its bearing on the continuity of human life must be regarded as an integral part of *maqashid al-shariah* (Khuluq & Asmuni, 2024).

The convergence of ecocentrism and *maqashid sharia* yields a distinctive and robust ethical-normative framework. Ontologically, ecocentrism recognizes that there is no hierarchy of intrinsic value between human beings and non-human nature, human

existence being merely one component within a larger ecological web. This perspective accords with the theocentric view in Islam, which places God as the supreme source of value, with humanity and nature alike situated within a *sacred hierarchy* (Arzam & Kusnadi, 2025).

Citing QS. Ar-Rahman verses 6–9, Quraish Shihab stresses the need for balance between human beings and other living creatures, observing that “the plants and the trees both submit to Him.” This view firmly rejects anthropocentrism while strengthening the ecocentric argument that nature has a right to be protected *not* because it is useful to human beings but because it is God’s creation and possesses value in itself (Mubarok, 2022).

Epistemologically, the contemporary reconstruction of *ushul fiqh* requires that *hifz al-bi’ah* be elevated to the status of a primary need (*dharuriyyah*). Axiologically, destructive exploitation of the environment is an act that is *haram li ghairih*, because it directly undermines *maqashid sharia*. It is here that the teleological dimension operates: environmental law grounded in *maqashid sharia* is not only instrumental in purpose (protecting human interests in the environment) but also teleological (realizing the objectives of the sharia, which include ecological balance as a precondition for universal welfare) (MariNews, 2025).

In light of the foregoing, the paradigmatic reconstruction of environmental law from anthropocentrism toward a *maqashid sharia*-based teleological ecocentrism requires a transformation in the methodology of legal discovery. The concept of *rechtsvinding* (legal discovery) is accommodated in Indonesia by Law Number 48 of 2009 on Judicial Power, particularly Article 5(1), which obliges judges to explore, follow, and understand the legal values and the sense of justice living in 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 offers a relevant conceptual framework. In *Membedah Hukum Progresif* [Dissecting Progressive Law] (2006) and *Hukum Progresif: Sebuah Sintesa Hukum Indonesia* [Progressive Law: A Synthesis of Indonesian Law] (2009), Rahardjo builds progressive law on the ontological premise that “law is for human beings, not human beings for law” (Satjipto Rahardjo, 2006). Epistemologically, law must continually change on the basis of empirical experience, and axiologically, law must be applied in accordance with conscience in order to achieve substantive justice. In the context of environmental law, this principle needs to be extended: law exists not only for human beings but also for life and for ecosystems as a whole, in line with the paradigmatic shift toward ecocentrism (Kennedy, 2021).

One of the most relevant instruments of legal discovery in the context of this paradigmatic reconstruction is the principle of *in dubio pro natura*, according to which, in cases of doubt, judges must side with the interest of environmental protection. The study by Wahyu Risaldi et al. (2018) found that the application of the principles of *in dubio pro natura* and *in dubio pro reo* is consistent with the objectives of UU PPLH, and

that the principle of *in dubio pro natura* may 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 arising from *scientific uncertainty*, and (2) judicial doubt arising from *legal uncertainty*. In both situations, the principle requires judges to decide in favor of the environment (*pro natura*). The study by Saifullah Fakhreza Shah et al. (2025) likewise affirms that although the principle of *in dubio pro natura* has not been explicitly regulated in Indonesian positive law, its substance and spirit are already reflected in the precautionary principle and in the principle of state responsibility for environmental preservation as set out in UU PPLH (Saifullah Fakhreza Shah et al., 2025b). Kartikasari's study also traces the intellectual roots of the *in dubio pro natura* principle and concludes that it shares an intertextuality with the principle of *in dubio pro reo*, biocentrism, ecocentrism, evolving law, and deep ecology, while at the same time standing in opposition to *shallow ecology* (Kartikasari, 2020). Within the framework of Islamic law, the principle of *in dubio pro natura* corresponds to the concept of *ihtiyath* (prudence) and to *sadd al-dzari'ah*, namely the utmost effort to suppress anything that may become a means toward prohibited ends, in accordance with the legal maxim that "averting harm takes precedence over securing benefit" (*dar'u al-mafasid muqaddamun 'ala jalbi al-mashalih*) (Azzarqa & Thohari, 2013).

The integration of ecocentrism and *maqashid sharia* into the methodology of environmental legal discovery yields a framework of legal discovery with several characteristics. First, judges do not merely derive law from the text of statutory regulations but also draw on principles of ecological justice, local wisdom, and religious values that recognize the rights of nature. Second, the interpretation of environmental law is directed toward the protection of ecological functions as its principal aim (*teleological interpretation*), rather than solely toward the protection of human economic interests. Third, the burden of proof in environmental cases is placed on business actors (*strict liability*), in line with the *precautionary principle* and *in dubio pro natura*.

Through the concept of the *Green Constitution* in his book *Green Constitution: Nuansa Hijau Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* [Green Constitution: The Green Nuance of the 1945 Constitution of the Republic of Indonesia] (2009), Jimly Asshiddiqie argues that the constitutionalization of environmental legal norms is an important step toward environmentally sound sustainable development. Article 28H(1) and Article 33(4) of the 1945 Constitution are evidence that the Indonesian Constitution already carries the nuance of a *Green Constitution*. This concept provides a constitutional foundation for the paradigmatic reconstruction proposed in this essay (Asshiddiqie, 2009).

From the perspective of *maqashid*, environmental legal discovery must be directed toward the realization of public welfare (*maslahah*), which encompasses an ecological dimension. Writing in *Istinbath: Jurnal Hukum Islam* of IAIN Mataram (2015), Zuhdi argues that *maslahah* can serve as a methodological framework for the *fiqh al-bi'ah*

paradigm, in which the preservation of nature (*hifz al-bi'ah*) acts as the principal intermediary in realizing *al-kulliyat al-khamsah* (Zuhdi, 2015).

On the basis of the foregoing analysis as a whole, a model for reconstructing the paradigm of Indonesian environmental law that integrates ecocentrism and *maqashid sharia* can be formulated along three dimensions.

The first dimension is ontological: a reconceptualization of the human-nature relationship from a subject-object (*instrumental*) relation to a subject-subject (*relational*) one. Nature is no longer regarded as an object to be exploited, but as an entity possessing intrinsic value and ecological rights that must be protected. Research published in *Jurnal Hukum Mimbar Justitia* (JHMJ) of Universitas Suryakencana (2025) affirms that granting legal personhood to ecological entities can strengthen environmental protection through the expansion of *legal standing*, the redefinition of legal responsibility, and the reinforcement of sustainability-oriented norms (Setyawan, 2025). From an Islamic perspective, nature is an *amanah* (trust) from God that human beings must safeguard as *khalifah fil ardh* (vicegerents on earth), not as absolute rulers.

The second dimension is epistemological: the development of a holistic-integrative methodology of environmental law that combines the juridical-normative approach with ecological ethics and the principles of *maqashid*. This encompasses the adoption of the *precautionary principle* and *in dubio pro natura* as fundamental legal principles, the recognition of ecological *scientific evidence* as a basis of proof, and the integration of *ecological accountability* into the system of legal liability.

The third dimension is axiological: a reorientation of the purpose of environmental law from merely serving human interests (*anthropocentric justice*) toward *ecological justice*, which encompasses justice for the entire ecological community. Such ecological justice accords with the spirit of *rahmatan lil 'alamin* (mercy to all the worlds) and with *hifz al-bi'ah* as part of the *dharuriyyat* within *maqashid sharia* (Nurholis, 2025).

Nahdlatul Ulama (NU) has developed a Community-Based Ecological Fiqh through conservation action and grassroots advocacy, while the Indonesian Ulema Council (MUI) has taken the path of a Formal Ecological Fiqh by issuing environmental fatwas, such as those on the preservation of endangered species and on waste management. These fatwas function as *ijtihadi* breakthroughs and as religious legitimation for collective action in environmental preservation (MariNews, 2025).

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

Dimension	Old Paradigm (Anthropocentrism)	New Paradigm (Ecocentrism- <i>Maqashid</i>)
Ontological	Humans as subjects, nature as an instrumental object	Humans and nature as relational subjects; nature possesses intrinsic value
Epistemological	Formal-textual legal positivism	Holistic-integrative: juridical, ecological, and <i>maqashid</i> -based

Axiological	Anthropocentric (<i>human-centered</i>) justice	Ecological justice, <i>rahmatan lil 'alamin</i>
Method of Legal Discovery	Legalistic-formal, <i>in dubio pro reo</i>	Progressive-ecological, <i>in dubio pro natura</i>
Ethical Foundation	Utilitarian-instrumentalist	Ecocentrism and <i>hifz al-bi'ah</i> as <i>dharuriyyat</i>

4. Conclusion

The reconstruction of the paradigm of Indonesian environmental law from instrumental anthropocentrism toward a teleological ecocentrism grounded in *maqashid sharia* is not merely an academic discourse but an urgent existential necessity. The steadily worsening environmental crisis demonstrates the failure of the old paradigm, which regards nature solely as an instrument for satisfying human interests. The convergence between Arne Naess's *deep ecology*, which recognizes the intrinsic value of the entire ecological community, and *maqashid sharia*, which positions *hifz al-bi'ah* as a non-negotiable precondition for the realization of the welfare of the *ummah*, produces a robust ethical-teleological foundation for the renewal of environmental law. Within this framework, environmental law is no longer instrumentalist and reactive but teleological and transformative, directed toward the noble aim of realizing ecological justice, balance, and the sustainability of life. Implementing this paradigmatic reconstruction requires transformation at three levels. At the regulatory level, explicit recognition of the principles of ecocentrism and *hifz al-bi'ah* in statutory regulations is needed. At the judicial level, the principle of *in dubio pro natura* must be expressly accommodated as a guideline for judges. And at the level of legal culture, there is a need to reawaken an ecological consciousness that acknowledges the unity, interconnectedness, and interdependence of human beings, plants, animals, and the entire universe.

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