

Genealogy of *Hifz Al-Bi'ah* in *Maqasid Sharia*: From Classical Implicit Value to Contemporary *Maqsad Daruri*

Genealogi *Hifz Al-Bi'ah* dalam *Maqasid Syariah*: Dari Nilai Implisit Klasik hingga *Maqsad Daruri* Kontemporer

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ABSTRACT

The global environmental crisis has prompted various religious traditions, including Islam, to examine the role of spirituality in responding to ecological challenges. This research examines the genealogy and development of the concept of *hifz al-bi'ah* (environmental protection) in the *maqasid sharia* tradition, and analyzes its position in the *maqasid* hierarchy. Through discourse and bibliographic studies with an analytical-genealogical approach, this research traces the evolution of the concept from classical scholars such as Ibn Hazm, al-Ghazali, and al-Shatibi to contemporary thinkers such as Ibn Ashur, Yusuf al-Qaradawi, and Jasser Auda. This research also analyzes the contestation of *maqasid* discourse in the case of the nickel mining project involving PBNU and Greenpeace. The results show that although classical scholars did not explicitly mention the term "environment" the values of protecting nature have been embedded in their teachings. The concept of *hifz al bi'ah* was introduced systematically by Ibn Ashur and reinforced by contemporary scholars in response to the ecological crisis. Although it has not achieved a formal status equivalent to the five classical *maqasids*, *hifz al-bi'ah* has strong legitimacy to be developed as a contemporary *maqasid daruri* based on the principle of flexibility developed by Ibn Qayyim al-Jawziyyah. Mine case study shows that *maqasid* becomes an authoritative battleground between narratives of economic development and environmental preservation, indicating that *maqasid* interpretation is not neutral but influenced by the interests and ideologies of various actors.

Keywords: *hifz al-bi'ah*, *environmental protection*, *genealogy of concepts*, *maqasid hierarchy*

ABSTRAK

Krisis lingkungan global telah mendorong berbagai tradisi keagamaan, termasuk Islam, untuk menelaah peran spiritualitas dalam merespons tantangan ekologi. Penelitian ini mengkaji genealogi dan perkembangan konsep *hifz al-bi'ah* (perlindungan lingkungan) dalam tradisi *maqāṣid al-syarī'ah*, serta menganalisis posisinya dalam hierarki *maqāṣid*. Melalui kajian wacana dan studi bibliografis dengan pendekatan analitis-genealogis, penelitian ini menelusuri evolusi konsep tersebut dari ulama klasik seperti Ibn Ḥazm, al-Ghazālī, dan al-Syāṭibī hingga pemikir kontemporer seperti Ibn 'Āsyūr, Yūsuf al-Qaradāwī, dan Jasser Auda. Penelitian ini juga menganalisis kontestasi wacana *maqāṣid* dalam kasus proyek tambang nikel yang melibatkan PBNU dan Greenpeace. Hasil penelitian menunjukkan bahwa meskipun ulama klasik tidak secara eksplisit menyebut istilah "lingkungan," nilai-nilai perlindungan alam telah melekat dalam ajaran mereka. Konsep *hifz al-bi'ah* diperkenalkan secara sistematis oleh Ibn 'Āsyūr dan diperkuat oleh para ulama kontemporer sebagai respons terhadap krisis ekologi. Meskipun belum mencapai status formal yang setara dengan lima *maqāṣid* klasik,

hifz al-bi'ah memiliki legitimasi yang kuat untuk dikembangkan sebagai maqāṣid *darūrī* kontemporer, berdasarkan prinsip fleksibilitas yang dikembangkan oleh Ibn Qayyim al-Jawziyyah. Studi kasus tambang menunjukkan bahwa maqāṣid menjadi arena otoritatif pertarungan antara narasi pembangunan ekonomi dan pelestarian lingkungan, yang mengindikasikan bahwa interpretasi maqāṣid tidak bersifat netral, melainkan dipengaruhi oleh kepentingan dan ideologi berbagai aktor.

Kata Kunci: *hifz al-bi'ah*, perlindungan lingkungan, genealogi konsep, hierarki maqāṣid

PENDAHULUAN

The environmental crisis has become one of the most pressing issues on a global and local scale. Climate change, ecosystem damage, exploitation of natural resources, as well as water and air pollution have become evidence that the development paradigm that ignores ecological sustainability has a serious impact on the lives of mankind. In this context, various religious traditions have begun to examine the role of spirituality in responding to the environmental crisis, including Islam. One prominent approach in responding to this issue is the benefit-oriented maqasid al-shariah. Based on this discourse, the narrative of environmental protection (*hifz al-bi'ah*) emerged as part of contemporary maqasid.

Historically, classical sharia maqasid included five main core objectives known as *al daruriyyat al-khams*; protection of religion, soul, mind, offspring and property. However, as the social complexity and multidimensional crises of the modern era grew, contemporary Islamic thinkers such as al-Tahir Ibn Ashur and Jasser Auda proposed updating the Maqasid to include new values such as social justice, human rights, and environmental sustainability. It is in this context that *hifz al-bi'ah* has been introduced and its status in the maqasid structure debated: is it on par with the five classical maqasids or is it merely a complement in the category of necessity?

The relevance of this study is increasingly apparent in the controversy over the nickel mining project involving the Nahdlatul Ulama Executive Board (PBNU) and the international organization Greenpeace. This project has drawn sharp criticism because it is suspected of having a negative impact on the environment, despite the defense of religious authorities in the name of economic development and the welfare of the people¹. The tension between religious framing and ecological narratives in this case is an important meeting point to analyze how maqasid, especially *hifz al-bi'ah*, is used as

¹ Kompas Cyber Media, "Silang Pendapat Greenpeace dan PBNU soal Tambang Nikel," KOMPAS.com, June 13, 2025, <https://money.kompas.com/read/2025/06/13/144259926/silang-pendapat-greenpeace-dan-pbnu-soal-tambang-nikel>.

an instrument of justification or resistance in a public space filled with conflicts of interest. Based on these problems, this research asks three main questions, how is the genealogy and development of the concept of hifz al-biah in the maqasid sharia tradition, does hifz al-biah have an equal position with the main classical maqasid? And what is the role of religious authorities (such as PBNU) and environmental actors (Greenpeace) in framing environmental issues through the maqasid sharia perspective.

In recent decades, attention to environmental issues in Islamic studies has increased significantly. This is marked by the emergence of various writings and studies that raise the concept of hifz al-biah as part of Islam's normative response to the global ecological crisis. However, if traced further, almost all of the available literature is still applicative and thematic, and has not paid special attention to the genealogy and historical development of the concept of hifz al-biah within the framework of maqasid sharia. For example, the article by Muhammad Alwi Syahrial (2024) is an example of this² discussed hifz biah in relation to the phenomenon of illegal burning in Indonesia, but its main focus was on the incorporation of Islamic values in positive law, not on its history and conceptual evolution. Similarly, Mistah Arrasyid's thesis (2025) examines the relevance of Yusuf al-Qaradawi's hifz al biah theory in the green campus program, but his approach emphasizes case studies and practical application rather than historical-intellectual analysis.

Study by Mahmud et al. (2022)³ who tried to link fiqh al-biah with green economic financing also noted the configuration of fiqh in responding to environmental issues and suggested the importance of maqasid as a solution framework. However, they do not trace the roots of hifz biah thinking from classical scholars nor its discursive journey towards recognition as a separate maqasid. Even seemingly theological studies, such as Agus Firmansyah et al.'s article (2023)⁴ who interpreted Qs. Ar Rum: 41 in the context of ecological damage, but does not touch the conceptual debate regarding the status of the environment in maqasid theory. Meanwhile, the article by Nur Rofiq and Zidny Nafi'

² Muhamad Alwi Syahrial, "TRANSFORMASI KONSEP HIFDZUL BI'AH TERHADAP MARAKNYA PEMBAKARAN LIAR DI INDONESIA," *Jurnal Al-Jina'i Al-Islami* 1, no. 2 (June 29, 2024): 118–33, <https://doi.org/10.15575/jaa.v1i2.722>.

³ Mahmud Yusuf et al., "Green Economy Financing According to Fiqh Al-Biah as Part of Maqashid Sharia," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 21, no. 1 (January 8, 2023), <https://doi.org/10.31941/pj.v21i1.2725>.

⁴ Agus Firmansyah et al., "The Ecological Sustainability of The Earth System: Classical and Contemporary Interpretation of Surah Ar-Rum (Chapter 30), Verse 41," *Amorti: Jurnal Studi Islam Interdisipliner*, July 31, 2023, 160–66, <https://doi.org/10.59944/amorti.v2i3.108>.

Hasbi (2022)⁵ does discuss the reformulation of maqasid sharia from Ibn Ashur's perspective, but it does not contain an exploration of whether and how hifz al-biah can or has been included as part of the classical maqasid.

This lacuna shows that although the discourse of hifz al biah has become part of contemporary discussions and has even begun to gain a place in the modern version of maqasid as in the thoughts of Yusuf al-Qaradawi and Jasser Auda, there have not been many if not none studies that explicitly examine the historical transformation of this concept. From not being mentioned at all in classical formulations by al-Ghazali and al-Shatibi, to proposed additions by modern scholars, to being accepted as a stand-alone maqasid within the framework of modern maqasid. Therefore, a study that focuses on the genealogy and historical-conceptual development of hifz al biah in the Islamic legal tradition is not only important, but also urgent as an original contribution to the development of maqasid sharia discourse in the era of global environmental crisis. Therefore, this research aims to trace the development of hifz al-biah in Islamic discourse, assess its position in the maqasid hierarchy, and analyze the narrative tension between religious authority and environmental activism in concrete cases. In terms of benefits, this research is expected to make a broad contribution to the study of Islam and ecology, enrich contextual maqasid discourse, and offer critical reflections on the role of religious institutions in environmental conflicts and exploitation of natural resources.

METODE

This research uses discourse and bibliographic studies. The approach used is analytical-genealogical and critical discourse to trace how the concept of hifz al-biah is formed, developed, and used in contemporary Islamic legal discourse, as well as how it is positioned in the realm of environmental conflict, especially in the case of the nickel mining project involving PBNU and Greenpeace. The main data sources in this research consist of classical maqasid primary texts such as al-Mustafa by al-Ghazali, Ibn Hazm and al-Muwafaqat by al-Shatibi, as well as contemporary maqasid texts such as the works of Jasser Auda and Yusuf al-Qardawy. In addition, data was also obtained from PBNU and Greenpeace official statements from mass media, opinion articles, and documents directly related to the nickel mining project.

⁵ Nur Rofiq and M Zidny Nafi Hasbi, "A New Paradigm In Economy About Maqashid Al-Sharia Theory: Reformulation Of Ibn-Asyur," *PAMALI: Pattimura Magister Law Review* 2, no. 1 (March 19, 2022): 77, <https://doi.org/10.47268/pamali.v2i1.817>.

Data collection techniques are carried out through literature studies, namely by examining primary and secondary literature in depth, as well as text analysis of related public documents. The technical analysis used is critical hermeneutic, to understand the meaning behind the use of the *maqasid* concept in various ideological contexts and interests, as well as narrative analysis of how *maqasid*, especially *hifz al-biah*, is constructed and negotiated in religious narratives and environmental activism. This approach allows researchers to explore the relationship between text, authority, and social practice in the construction of Islamic discourse on the environment.

THE GENEALOGY AND DEVELOPMENT OF THE MAQASID *HIFZ AL-BI'AH*

In his monumental work *Al-Muhalla*, Ibn Hazm (d. 456 AH) paid significant attention to environmental issues, long before the concept of ecology became a modern global discourse. He emphasized that actions that damage natural elements, such as water and animals, are forms of injustice (*zalim*) and damage (*fasad*) that are prohibited in Islam. One of his emphatic quotes states "And it is not permissible to pollute the water used by other people or animals, because it is a form of injustice and damage,"⁶. This statement reflects the principle of ecological responsibility that already exists in classical *fiqh* scholarship, and shows how Ibn Hazm places environmental ethics as part of social justice and Islamic law. He also emphasizes the prohibition of slaughtering animals that are deformed, sick, or unhealthy, and prohibits slaughtering tame or wild animals without a valid reason. As a form of respect for animal rights and maintaining the balance of nature. Thus, Ibn Hazm teaches humans to maintain cleanliness and environmental sustainability and treat animals well, avoiding actions that can pollute or damage without a Sharia-justified cause.

Other classical scholars such as al-Ghazali (d. 505 AH) also emphasized the importance of *tazkiyat al-nafs* (purification of the soul), which is the foundation of Islamic morals and moral responsibility towards fellow creatures. Although he did not explicitly mention the term "environment" (*al-bi'ah*). His teachings substantially include values relevant to the protection of nature and God's creation. One important quote from al-Ghazali "Wa min 'alāmāti ḥusni al-khuluqī an lā yu' dhī aḥadan min khalqī Allāh, lā bi al-qawli wa lā bi al-fi'li, bal yaḥtamilu al-adha, wa yakuffu al-adha, wa yabdhulu al-ma'rūf, wa yakūnu wajhuhu munbasitan, wa lisānuhu layyinan, wa khuluquhu sahlān."⁷. This

⁶ "Ibn Ḥazm, *Al-Muḥallā*, Beirut: Dār al-Fikr, Volume 7," n.d., 432.

⁷ "Abū Ḥāmid Muḥammad Ibn Muḥammad Al-Ghazālī. *Iḥyā' 'Ulūm al-Dīn*, Vol. 4. Cairo: Maṭba'at al-Maḥmūdīyyah, 1937," n.d., Lajna 2959.

quote emphasizes that one of the signs of good morals is not harming Allah's creatures, either through speech or action, refraining from harming, being patient with harassment, and doing good with a gentle and friendly attitude.

These values if drawn into a contemporary context, become very relevant to the principles of maqasid sharia, in the context of hifz al-bi'ah the prohibition of harming creatures does not only apply to humans, but also animals and the surrounding nature. The ethics of refraining from harming (kafu al-adza') can be translated as a prohibition on polluting the environment or damaging the ecosystem. In addition, the teaching to "make a habit of doing good" shows the importance of positive action towards God's creation, including in terms of maintaining cleanliness, preserving nature, and using resources wisely. Thus, although not using the term environment directly, al-Ghazali's ethical and spiritual thinking has provided an initial foundation for the development of environmental awareness.

Another great scholar who provided an important foundation for the development of environmental awareness in Islam is al-Shatibi (d.790 AH) through his work al-Muwāfaqāt fī Uṣūl al-Sharī'ah. Although he did not mention the term environment (al-bi'ah) explicitly, the maqāṣid al-sharī'ah framework he formulated provides a strong normative basis for the protection and preservation of nature. Al-Shāṭibī explains that the objectives of the Shari'ah (maqāṣid) include the protection of five fundamental things: religion (ḥifẓ al-dīn), soul (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), offspring (ḥifẓ al-nasl), and property (ḥifẓ al-māl). In this context, efforts to protect the environment are closely related to the protection of the soul, offspring, and property, because damage to nature can have a direct impact on human life and other creatures. In al-Muwāfaqāt, al-Shāṭibī asserts that "If the benefit of man in the affairs of this world and the hereafter cannot be separated from the daruriyyāt, ḥājīyyāt, and taḥsīniyyāt, then the daruriyyāt is the matter on which the life of the world and religion depend: namely protecting religion, soul, offspring, property, and reason." (al-Shāṭibī, al-Shāṭibī)⁸. This statement opens up room for interpretation that protecting the environment is an integral part of the benefit of daruriyyah, because environmental damage can threaten the safety of life, the continuity of offspring, and the sustainability of people's economic resources. Thus, the maqāṣid framework formulated by al-Shāṭibī is not only theoretical, but also practically relevant in addressing contemporary ecological challenges.

⁸ "Al-Shāṭibī, Ibrāhīm Ibn Mūsā. Al-Muwāfaqāt Fī Uṣūl al-Sharī'ah. Ed. 'Abd Allāh Darrāz. Cairo: Dār al-Hadīth, 2004. p. 8," n.d., 8.

In the contemporary context, the role of modern Muslim scholars and thinkers is very important in emphasizing that environmental protection is an integral part of maqasid sharia. Mohammad Hashim Kamali in his article *Environmental Care in Islamic Teaching*, asserts that the concept of Khilafah over the earth contains a moral and spiritual mandate to prosper and maintain ecological balance. He writes that "Vicegerency confers on human beings... the mission and responsibility to build the earth and harness its resources with moderation and care for its ecological balance".⁹ The khilafah cannot be separated from the principles of amānah (trust) and 'adālah (justice), which in the maqasid framework aim to maintain the natural order as part of the divine mandate to humans. Kamali also relates the prosperity of the earth (i' mār al-arḍ) as a direct manifestation of the realization of Islamic maqasid, which includes moderation and ecosystem balance.

Furthermore, Jasser Auda in his work *Maqasid al-Shariah as Philosophy of Islamic Law* points out that the current maqāṣid approach is not only oriented to the protection aspect (ḥifẓ) but also to the development (tanmiyah) and fulfillment of basic rights, including in environmental issues. He emphasized that maqāṣid must be developed into a legal framework that is able to answer contemporary challenges such as the ecological crisis and the sustainability of human life. In this regard, Auda states that, "Contemporary conceptions of maqasid have shifted from mere protection and preservation (ḥifẓ) to development and rights, including human development as a maqasid in its own right"¹⁰. By making maqāṣid the main systemic and methodological approach in Islamic law, Auda opens a new ijtihad space to make environmental protection a separate maqṣad that has high relevance in contemporary Islamic legal discourse¹¹. From these two thoughts, it can be concluded that contemporary scholars have broadened and deepened the understanding of maqāṣid, especially in the context of the environment, as a form of actualization of human spiritual and social responsibility. Thus, the environment is no longer understood as a secular issue separated from religion, but rather as part of a religious mandate that must be safeguarded for the survival of all creation.

⁹ Mohammad Hashim Kamali, "ENVIRONMENTAL CARE IN ISLAMIC TEACHING," *ISLAM AND CIVILISATIONAL RENEWAL*, n.d., 266.

¹⁰ Jasser Auda, "Maqasid Al-Shariah as Philosophy of Islamic Law : A Systems Approach," *The Library*, n.d., 21.

¹¹ Jasser Auda, "Maqasid Al-Shariah as Philosophy of Islamic Law : A Systems Approach," *The Library*, n.d., 2.

The introduction of *hifz al-bi'ah* as a modern *maqasid* began with the systematic development of Ibn Ashur's thought in the early 20th century¹² This has been reinforced in the last decade by contemporary scholars who formulated *fiqh al-biah* as a direct derivative of *maqasid*. This is getting stronger along with the global demand for Islamic law that is responsive to environmental crises and sustainable development. In this case, Ibn Ashur's thought becomes an important point because he not only maintains the five classic objectives of *maqasid sharia* (*ḥifẓ al-dīn*, *al-naḥs*, *al-‘aql*, *al-nasl*, and *al-māl*), but also adds the element of *al-maslahah al-‘āmmah*, which includes the preservation of nature and ecological balance.

This development is then reinforced by the thoughts of contemporary scholars who formulate *fiqh al-bi'ah* as a new *fiqh* discipline that comes directly from the *maqasid* framework. In the article "Green Economy Financing According to *Fiqh al-Bi'ah* as Part of *Maqashid Sharia*", Mahmud Yusuf and friends emphasize that protecting the environment is essentially part of protecting the five basic objectives of Islam¹³. Furthermore, it is stated that in order to develop a systematic *fiqh al-bi'ah* framework, the study of *maqasid* is a fundamental need because it touches the main principle of *sharia*, namely *jalb al-maṣāliḥ wa dar' al-mafāsīd* (bringing benefit and preventing damage)¹⁴. Thus, it can be concluded that *hifz al-bi'ah* has been raised as part of a new *maqasid* that can complement the formulation of contemporary Islamic law that is more responsive to environmental and sustainable issues.

The Position of *Ḥifẓ al-Bi'ah* in the *Maqāṣid* Hierarchy

The hierarchy of *maqasid sharia* consisting of *ḍarūriyyāt*, *ḥājiyyāt*, and *taḥsīniyyāt* is a fundamental contribution of al-Shatibi in his work *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah*, he discussed *maqasid sharia* in detail that the purpose of Allah establishing *sharia* on earth is nothing but to bring benefits to human life both in this world and in the hereafter¹⁵. As the father of *maqasid al-Shariah* in a systematic and detailed manner. The first level in this hierarchy is *ḍarūriyyāt* (primary needs), which is defined as essential needs that are an absolute necessity for the survival and spiritual well-being of

¹² Nur Rofiq and M Zidny Nafi Hasbi, "A New Paradigm In Economy About *Maqashid Al-Sharia* Theory: Reformulation Of Ibn-Asyur," *PAMALI: Pattimura Magister Law Review* 2, no. 1 (March 19, 2022): 81, <https://doi.org/10.47268/pamali.v2i1.817>.

¹³ Yusuf et al., "Green Economy Financing According to *Fiqh Al-Biah* as Part of *Maqashid Sharia*," 211.

¹⁴ Yusuf et al., 203.

¹⁵ Muhammad Mawardi Djalaluddin, "PEMIKIRAN ABU ISHAQ AL-SYATIBI DALAM KITAB AL-MUWAFAQAT," n.d.

individuals. If the daruriyyat is not fulfilled, it will lead to chaos and the collapse of the normal order in Society.

The second level is ḥājīyyāt (secondary needs), which, although it does not reach the level of basic needs that can lead to human destruction, is necessary to avoid the hardships of life in society. In the context of worship, ḥājīyyāt is manifested in the various concessions provided by the Shariah¹⁶. The third level is taḥsīniyyāt (tertiary needs), which are things that make human life in a state of high manners and good morals. Taḥsīniyyāt is achieved by taking the good things from life and leaving the bad things that are not accepted by sound reason. Thus, the maslahah taḥsīniyyāt can be defined as the maslahah needed by humans to add improvement, convenience, and pleasure to life, which is in line with the purpose of determining Islamic law¹⁷. al-Shatibi's methodology in compiling this hierarchy is based on the principle that ushul fiqh is qaṭ'i (certain), not ḥaqqī (conjecture), because it is built on the general principle of shari'at which is qaṭ'i, namely the three levels of maqasid¹⁸. Shatibi divides the higher objectives of the law into two categories: the objectives of the lawmaker (Allah) and the objectives of human beings as legal actors. These human goals are then defined in three hierarchical scales from essential (ḍarūriyyāt), necessary (ḥājīyyāt), to supplementary (taḥsīniyyāt)¹⁹.

Yusuf al-Qardawi is one of the contemporary thinkers who explicitly promotes the concept of ḥifẓ al-bī'ah (environmental preservation) as part of the ḍarūriyyāt jadīdah within the framework of maqāṣid al-sharī'ah. In his work "Ri'āyat al-Bī'ah fī Sharī'ah al-Islām", al-Qardawi develops the argument that the global environmental crisis has reached a level that threatens human survival, so that environmental preservation can no longer be categorized as hajīyyat or tahsiniyyat, but must be placed at the level of daruriyyat²⁰. Al-Qardawi argues that hifz al-bi'ah has an intrinsic link to the five classical maqasid sharia established by Shatibi. The preservation of the environment is directly

¹⁶ Kurau King, "Interactive Dakwah Training Centre: Maqasid Syariah - Daruriyyat, Hajīyyat and Tahsiniyyat," *Interactive Dakwah Training Centre* (blog), March 11, 2017, <https://idtcentre.blogspot.com/2017/03/maqasid-syariah-daruriyyat-hajīyyat-and.html>.

¹⁷ King.

¹⁸ Mukhlis Abidin, "METODOLOGI PEMAHAMAN SYARI'AH (Analisis Muqaddimah Kitab al-Muwafaqat Karya Asy-Syatibi)," *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam* 8, no. 2 (April 8, 2018): 301–5, <https://doi.org/10.21043/yudisia.v8i2.3241>.

¹⁹ "Jasser Auda, Maqasid Al-Shariah an Introductory Guide. (2024). Academia.Edu.," n.d.

²⁰ Ahmad Sarip Saputra, Ida Rohmah Susiani, and Nur Syam, "Hifdh Al-Bī'Ah as Part of Maqāṣid Al-Sharī'Ah: Yūsuf Al-Qarḍāwī's Perspective on the Environment in Ri'āyat al-Bī'Ah Fi Sharī'Ah al-Islām Book" (INTERNATIONAL CONFERENCE ON LIFE SCIENCES AND TECHNOLOGY (ICoLiST 2020), Malang, Indonesia, 2021), 030106, <https://doi.org/10.1063/5.0052768>.

linked to *hifz al-nafs* (preservation of the soul) because a degraded environment threatens human survival through pollution and ecosystem degradation. In addition, environmental quality also affects *hifz al-'aql* (maintenance of reason) because pollution can damage cognitive abilities, *hifz al-nasl* (maintenance of offspring) through its impact on reproductive health and future generations. As well as *hifz al-māl* (maintenance of property) considering that natural resources are an integral part of wealth that must be maintained²¹.

Qardawi's justification for placing *hifz al-bi'ah* as *darūriyyāt jadīdah* is based on three main arguments. First, contemporary urgency which shows that the current environmental conditions have reached a critical point that threatens the sustainability of life. Second, systemic interdependence, which proves that environmental damage affects all aspects of human life and cannot be separated from the other four classical *maqasid*. Third, the responsibility of *khilafah* which emphasizes that humans as caliphs on earth have a divine mandate to protect the environment. In addition, Jasser Auda emphasizes that the multidimensional and systemic approach he offers opens up opportunities for reinterpretation of the *maqasid* hierarchy itself. In this framework, *maqasid* is not rigidly limited to the five classical objectives, but is open to be developed following the needs of the times and human social complexity. Auda also mentions how contemporary figures such as al-Ghazali and Ibn Ashur began to incorporate values such as justice and freedom into the *daruriyyat* level of *maqasid*, in response to the challenges of modern life that directly touch the basic aspects of human survival²². Therefore, the protection of the environment, which is closely related to the preservation of the mind, soul, and offspring, can be argued as *darūriyyāt jādidah*.

Traditional resistance to the development of contemporary *maqasid* does not have a strong foundation when examined from the historical perspective of classical Islamic legal thought. Ibn Qayyim al-Jawziyyah (691-751 AH), as one of the most influential Islamic legal thinkers, has provided a solid theoretical foundation for the flexibility and expansion of the *maqasid* concept long before the emergence of contemporary *maqasid* discourse. Ibn Qayyim explicitly states that "Islamic Shari'ah is built on the principles of wisdom and human benefit in this world and the hereafter. It is absolute justice, compassion, benefit and wisdom. Therefore, any issue that goes from

²¹ Saputra, Susiani, and Syam.

²² Auda, "Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach," n.d., 6–7.

justice to injustice, compassion to violence, benefit to harm, and wisdom to futility is not part of the Shari'ah, even if it is interpreted as Shari'ah"²³.

Ibn Qayyim's view indicates that *maslahat* is not just an additional consideration in determining the law, but the essence of the Shari'ah itself. Furthermore, he emphasized that "fatwas will change along with changes in the factors behind them, such as time, place, conditions, intentions, and certain other situations, including changes in the accompanying benefits"²⁴. This principle provides strong legitimacy for the development of new *maqasids* that are responsive to contemporary challenges. Not only that, Ibn Qayyim also showed flexibility in understanding the concept of *kulliyāt al-khams* (five main *maqāṣids*), where he proposed the addition of seven additional principles covering broader aspects such as knowing Allah with all His names and attributes, upholding justice, rejecting the devil's tricks, being righteous and patient, protecting the environment, and strengthening unity²⁵.

Yusuf al-Qadarawi in his commentary on Ibn Qayyim's thought emphasizes that "maslahat is one of the important factors in the concept of changes in fatwas because it is caused by changes in space and time that surround it"²⁶. This shows that the development of contemporary *maqasid* is not an innovation that contradicts classical tradition, but rather a logical continuation of the principles laid down by previous scholars. Thus, traditional resistance to the new *maqasid* can actually be considered a deviation from the spirit of renewal that has been exemplified by Ibn Qayyim, who views sharia as a dynamic system that is responsive to human interests in the context of different times and spaces.

Based on the perspective of historical legitimacy, Ibn Qayyim's thoughts provide a strong basis for the recognition of *hifz al-bi'ah* as an equal *maqṣad*. As previously analyzed, Ibn Qayyim explicitly proposed the addition of seven additional principles within the *maqasid* framework, including "protecting the environment and calling others to increase attention to environmental-based education". This shows that since the 8th century Hijri, the concept of environmental protection has been recognized as an internal part of the objectives of the Shari'a, not just an addition or complement.

²³ "Ibn Qayyim Al-Jawziyyah, I' lām al-Muwaqqi' in, Vol. 3, Riyadh: Dār Ibn al-Jawzī, 2002.," n.d.

²⁴ Dainori Dainori, "MASLAHAH SEBAGAI TEORI PENETAPAN HUKUM: TELAHAH ATAS KONSEP MASLAHAH IBNU QAYYIM AL-JAUZIYAH," *Nizham Journal of Islamic Studies* 8, no. 01 (May 18, 2020): 6, <https://doi.org/10.32332/nizham.v8i01.2092>.

²⁵ Dainori, 5.

²⁶ "Yusūf Al-Qarāḍowī, Madkhal Li Dirāsah al-Sharī'ah al-Islāmiyah (Beyrūt: Muassasah al-Risālah, 1993), Vol 1," n.d.

The principle of flexibility developed by Ibn Qayyim through the principle of "taghayyur al-aḥkām bi taghayyur al-azmān wa al-amkinah wa al-aḥwāl" (changes in law according to changes in time, place, and circumstances) provides a methodological justification for the elevation of ḥifẓ al-bī'ah to a maqṣad equivalent to the five classical maqāṣid. As Ibn Qayyim asserts that "sharia is entirely about welfare" and that every aspect of sharia must be responsive to human welfare in different contexts of space and time, the recognition of ḥifẓ al-bī'ah as a maqṣad ḍarūrī in the era of global environmental crisis is a logical application of this principle. Furthermore, ḥifẓ al-bī'ah has a deep organic connection with the five classical maqāṣid: environmental degradation directly threatens ḥifẓ al-nafs (protection of the soul) through pollution and ecosystem degradation, endangers ḥifẓ al-nasl (protection of progeny) due to its impact on future generations, and damages ḥifẓ al-māl (protection of property) through the destruction of economic resources.

However, several methodological challenges need to be considered in establishing the formal equivalence of ḥifẓ al-bī'ah with the five classical maqāṣid. First, the five classical maqāṣid were established through a comprehensive process of istiqrā' (inductive research) on the texts of the Qur'an and Hadith over centuries, while the urgency of ḥifẓ al-bī'ah is more a response to contemporary challenges that have not undergone the same process of historical validation. Second, there is no ijmā' of contemporary scholars that explicitly places ḥifẓ al-bī'ah on the level of ḍarūriyyāt equal to the five classical maqāṣid, although there is a growing consensus on its urgency. Third, while the five classical maqāṣid have a universal character that transcends temporal and geographical boundaries, ḥifẓ al-bī'ah—despite its increasing universality—is still seen by some as a response to the specific conditions of the modern era.

Based on this analysis, it can be concluded that ḥifẓ al-bī'ah, although it cannot yet be formally stated as equivalent to the five classical maqāṣid in the traditional sense, has strong legitimacy to be developed into an equivalent maqṣad in the contemporary context. Following the spirit of Ibn Qayyim's thought that emphasizes the responsiveness of the sharia to human welfare and the principle of jalb al-maṣāliḥ wa dar' al-mafāsid (achieving welfare and rejecting harm), ḥifẓ al-bī'ah can be categorized as a contemporary maqṣad ḍarūrī whose urgency is equivalent to the five classical maqāṣid in facing the global environmental crisis. Formal recognition of this equality requires a more mature process of collective ijtihād from contemporary scholars, but its theoretical foundation and practical urgency have proven solid, as exemplified in the evolution of

maqāṣid thinking from Ibn Qayyim to contemporary thinkers who advocate flexibility and expansion of the traditional maqāṣid framework.

Case Study: PBNU Nickel Mine Project vs Greenpeace

The controversy surrounding the nickel mining project in Raja Ampat and several other regions in Indonesia is an important case study in seeing how the discourse of maqasid al-Syariah, especially *hifz al bi'ah*, is contested between religious institutions and environmental movements. This debate displays two main narrative poles: on the one hand, the Development narrative promoted by the Nahdlatul Ulama Executive Board (PBNU) and on the other hand, the sustainability narrative defended by Greenpeace. PBNU, through its figure Ulil Abshar Abdalla, emphasized that mining activities cannot be directly categorized as crimes. In the Rosi program on Kompas TV, he stated: "Mining is good, what is not good is bad mining"²⁷. Gus Ulil also criticized environmental activists who absolutely reject mining, calling them "environmental Wahhabis" namely those who are puritanical and uncompromising on ecological issues²⁸. On the other hand, Greenpeace through Iqbal Damanik emphasized that large-scale nickel mining is an "ecological crime" because it results in poverty, ecological damage and social suffering in communities around the mine²⁹. Greenpeace voices the narrative of "ecological repentance" and rejects the framing of extractive development as sacrificing future generations³⁰. In their narrative, *hifz al-bi'ah* is not only a complement to maqasid, but also an emergency need of sharia that is directly related to the survival of humanity.

The discourse of maqasid in this case then became an authoritative battleground between two camps that both claimed to speak in the name of Islamic interests. PBNU framed its support for mining as part of the maqasid of development and economic empowerment of the people. However, criticism also emerged from within NU itself. Activists such as Roy Murtadho and the Nahdliyin Front for Natural Resource Sovereignty (FNKSDA) network emphasized that PBNU had officially prohibited the exploitation of destructive natural resources, through the *baḥsul masā'il* forum. And now it is

²⁷ Media, "Silang Pendapat Greenpeace dan PBNU soal Tambang Nikel."

²⁸ [FULL] *Debat PBNU Dan Aktivis Soal Tambang Nikel Raja Ampat, Ini Dampaknya / ROSI*, 2025, <https://www.youtube.com/watch?v=Mdnt29MOemc>.

²⁹ "Greenpeace Beda Pandangan Dengan PBNU Soal Tambang: Evil vs Not Evil," accessed June 29, 2025, <https://nasional.kompas.com/read/2025/06/13/15552201/greenpeace-beda-pandangan-dengan-pbnu-soal-tambang-evil-vs-not-evil>.

³⁰ "Greenpeace Beda Pandangan Dengan PBNU Soal Tambang: Evil vs Not Evil."

experiencing a crisis of epistemic legitimacy in environmental issues³¹. This critique implies that maqasid should side with ecological justice and not just be an instrument of justification for economic power. This study shows that maqasid is not neutral and value-free, but rather becomes a framing tool contested by various actors with different interests and ideologies. The nickel mining project is a reflection of the conflict between the political-economic approach that uses maqasid as a justification for development, and the ecological ethical approach that makes maqasid the basis for protecting the earth. This case shows that the statement about who has the right to speak on behalf of maqasid sharia is a question of authority, legitimacy and interpretation of truth in the contemporary public space.

KESIMPULAN

Although classical scholars such as Ibn Hazm, al-Ghazali and al-Shatibi did not explicitly use the terminology "hifz al-bi'ah" the values of environmental protection have been embedded in their thinking through the concept of prohibiting harming Allah's creatures, the ethics of refraining from harm (kafu al-adza'), and the principle of maslahah which includes protection of life, descendants, and property. This shows that ecological awareness in Islam is not a new phenomenon, but rather has deep historical roots in the classical Islamic legal tradition.

The transformation of the concept of hifz al-bi'ah from an implicit value to an explicit maqasid began with the thinking of Ibn Ashur who expanded the scope of maslahah, and was strengthened by contemporary scholars such as Yusuf al-Qardawi and Jasser Auda who formulated fiqh al-bi'ah as a new discipline that originates from the maqasid framework. This development shows the dynamics and responsiveness of the Islamic legal tradition to contemporary challenges, especially the global environmental crisis.

In the context of the hierarchy of maqasid, hifz al bi'ah has strong legitimacy to be categorized as a contemporary maqasid daruri equivalent to the five classical maqasid. This legitimacy is based on the principle of flexibility developed by Ibn Qayyim al-Jawziyyah through the principle of "taghayyur al-ahkam bi taghayyur al-azman wa al-amkinah wa al-ahwal" and the organic interest of hifz al-bi'ah with the five classical maqasid, where environmental damage directly threatens the protection of life, descendants, and property.

³¹ "Ramai-Ramai Tokoh Agama Kritik Tambang Di Pulau Kecil," accessed June 29, 2025, <https://mongabay.co.id/2025/06/23/ramai-ramai-tokoh-agama-kritik-tambang-di-pulau-kecil/>.

Despite its strong theoretical legitimacy, the formal recognition of *hifz al-bi'ah* as a *maqсад* equivalent to the five classical *maqasid* still faces several methodological challenges, including the need for more comprehensive historical validation, contemporary *ulama ijma'*, and a more mature collective *ijtihad* process. However, its practical urgency and theoretical foundation have proven solid in facing the global environmental crisis.

The case study of the nickel mining controversy between PBNU and Greenpeace shows that *maqasid* is not neutral and value-free, but rather becomes an authoritative battleground between various narratives and interests. This case shows the complexity of the application of *maqasid* in the context of the conflict between economic development and environmental preservation, and questions who has the authority to speak on behalf of *maqasid sharia* in the contemporary public sphere. This study confirms that *hifz al-bi'ah* has undergone a transformation from an implicit value in the classical tradition to an explicit *maqсад* in contemporary discourse, and has the potential to be recognized as an equal *maqсад* in facing global ecological challenges. This development does not contradict the classical tradition, but is a logical actualization of the principles that have been laid down by previous scholars.

However, the realization of this formal recognition requires a more systematic collective *ijtihad* effort from contemporary scholars to ensure that *maqasid sharia* remains relevant and responsive to the challenges of the times while maintaining its methodological integrity. This research contributes to the development of the discourse of *maqasid sharia* in the era of global environmental crisis and opens up space for further research on the practical implementation of *hifz al-bi'ah* in various aspects of Muslim life, as well as the role of religious institutions in promoting ecological awareness based on *maqasid sharia*.

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