

Environmental Fiqh Beyond Moral Authority: Translational Enforceability in Climate Governance

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ABSTRACT

Climate change has increasingly been governed through carbon measurement, emission targets, and administrative control. This article examines a less explored question, namely how environmental fiqh can acquire policy force within a national legal system that does not formally recognize fatwa as legislation. Focusing on Fatwa MUI No. 86 of 2023 on the law of controlling global climate change, the study uses normative legal research with statutory, conceptual, and maqāṣid-based analysis. The article argues that the fatwa gives climate change a juridical form by linking ecological harm to mafsadah, mitigation to responsibility, and climate restraint to the protection of public welfare. Yet this religious-normative force does not create direct legal enforceability under Indonesian national law. A fatwa cannot impose sanctions, alter licences, or create public duties without being reformulated by competent state institutions. The main contribution lies in the concept of translational enforceability. Environmental fiqh becomes legally meaningful when its principles are selected, translated into public reasons, and embedded into valid policy instruments such as administrative standards, climate education, procurement rules, reporting duties, or licensing requirements. This model avoids both symbolic adoption and direct incorporation. It preserves constitutional legality while allowing Islamic legal reasoning to enrich climate governance through harm prevention, just transition, and intergenerational responsibility.



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INTRODUCTION

Indonesia's climate governance is increasingly written in the language of carbon measurement, emission targets, and administrative control. That language matters, yet it does not fully explain how ecological duties become socially binding in a country where religious authority still shapes public reasoning. Fatwa MUI No. 86 of 2023 enters this terrain at an awkward but analytically important point. The state governs climate change through regulatory instruments, while the fatwa translates climate-related conduct into the vocabulary of Islamic legal responsibility. Destructive land use, excessive carbon footprints, and neglect of mitigation are framed as forms of harm that carry juristic and moral consequences. The tension begins here, because a fatwa may speak forcefully to Muslim communities while remaining outside the formal hierarchy of national legislation (Testriono & Billahi, 2025).

Climate law in Indonesia has developed through environmental statutes, Paris Agreement commitments, and recent carbon governance instruments. These instruments give the state an administrative grammar for climate action, but their reach depends on more than legal validity. A carbon policy may set reporting obligations and incentives for emission reduction, while still leaving a harder question about why ecological restraint should bind everyday conduct, corporate decisions, and public institutions. Fatwa MUI No. 86 of 2023 does not solve that problem by itself (Carr, 2023). Its relevance lies elsewhere. The fatwa brings climate change into Islamic legal reasoning by linking mitigation, carbon restraint, and just energy transition to the prevention of mafsadah and the pursuit of maslahah. That move gives environmental fiqh a policy direction that earlier ethical discussions of nature protection did not always make explicit (Sodiqin, 2021).

The formal limit remains unavoidable. MUI fatwas are not statutes, and Indonesian citizens cannot be subjected to public sanctions merely because a religious body has declared an act unlawful in Islamic terms. Public coercion requires constitutional authority, valid law-making procedures, and institutions legally empowered to regulate conduct. Ignoring this boundary would weaken the legal argument and risk turning religious guidance into an informal substitute for state law. Yet the opposite view is also too narrow. Fatwas can shape policy agendas, institutional standards, and corporate legitimacy where legal rules need moral uptake. Climate governance belongs to that category because emissions are produced through dispersed decisions that cannot be monitored through administrative commands (Shuhufi et al., 2022).

The unresolved issue is not whether fatwas are binding law. That question has a predictable answer. The more difficult question concerns the movement of a religious norm into public policy without bypassing legality. Existing scholarship has not dealt with this movement with enough doctrinal precision. Islamic environmental ethics has developed rich discussions of *khalifah*, *amānah*, *fasād*, *darar*, and *maqāṣid al-sharī'ah*, but much of that literature remains closer to moral theology than to institutional design (Melzatia, 2025; Munir, 2025). Climate governance scholarship, by contrast, usually works with statutes, carbon markets, emission inventories, and compliance mechanisms. The gap lies between these conversations, where fatwa has normative force but no immediate legal enforceability, while state law has coercive power but may lack a moral language of ecological duty (Klinkenborg & Fuchs, 2022).

This article develops the concept of translational enforceability to address that gap. The term refers to the condition in which a non-state religious norm does not bind through its own authority, but acquires policy force after being selected, reformulated, and embedded by competent public institutions into legal or administrative instruments. The concept differs from direct enforceability because the fatwa itself remains non-statutory. It also differs from a loose account of social influence because policy force depends on institutional uptake, not only on moral persuasion. Environmental fiqh can then contribute to climate governance without collapsing the distinction between religious authority and state authority. *Maqāṣid al-sharī'ah* becomes an evaluative tool for assessing whether climate policy prevents ecological harm, protects vulnerable groups, and distributes transition burdens fairly.

The inquiry follows three related problems. How does Fatwa MUI No. 86 of 2023 turn climate change into a matter of environmental fiqh. Where are the legal limits of fatwa-based normativity within Indonesian national law. Through which lawful institutional channels can environmental fiqh inform climate policy while preserving legality, public reason, and inclusive governance. These questions avoid two weak positions. A fatwa should not be reduced to a sermon with no public consequence, but it also cannot be elevated into binding law before passing through institutions authorized to create public obligations.

The argument advanced here is cautious. Environmental fiqh can strengthen climate policy by supplying a normative language of restraint, accountability, and intergenerational responsibility, but that contribution becomes legally meaningful only through translation. Without translation, Fatwa MUI No. 86 of 2023 may remain a moral document with limited policy effect. With careless translation, the same fatwa could be invoked in ways that blur constitutional authority or exclude citizens who do not share its religious basis. Religious normativity can enrich climate governance when its substantive principles are converted into publicly justifiable, workable, and legally valid policy instruments.

RESEARCH METHODS

The study uses normative legal research with a doctrinal and conceptual orientation. This design is suitable because the inquiry concerns the status of a fatwa, its possible policy force, and its relationship with national climate law, rather than the measurable social reception of religious rulings. The analysis does not examine how Muslim communities respond to Fatwa MUI No. 86 of 2023 in practice, nor does it assess behavioural compliance among corporations or public agencies. A field-based design would be useful for those questions, but a different problem is addressed here. The concern is whether environmental fiqh can enter climate governance through lawful institutional channels while remaining outside the formal hierarchy of statutory regulations (Disemadi & Sudirman, 2025).

The materials analysed are drawn from secondary legal and policy sources. Fatwa MUI No. 86 of 2023 serves as the primary religious-normative text for identifying how climate change is framed within Islamic legal reasoning. Indonesian environmental statutes, climate-related regulations, and

policy documents are used to examine the legal space in which fatwa-based norms may influence public policy. International climate commitments are treated as background norms that shape the direction of national climate governance, especially where domestic instruments deal with mitigation, adaptation, emission reduction, and energy transition. Scholarly literature on fatwa authority, environmental fiqh, maqāṣid al-sharī'ah, legal pluralism, and climate governance provides the conceptual base for testing the movement from religious normativity to policy relevance.

The selection of materials follows their relevance to the article's central problem rather than chronological completeness. Legal documents are included when they help clarify the formal status of public obligations, the authority of state institutions, or the regulatory pathways through which environmental norms may be made enforceable. Islamic legal materials are used when they explain the juristic basis of ecological responsibility and the limits of religious normativity in public law. Climate policy documents are read with attention to their institutional function, since a policy target has a different legal character from a statute, an administrative rule, or a religious opinion. This distinction matters because the argument depends on how norms move across institutional forms.

The research combines statutory analysis, conceptual analysis, and maqāṣid-based legal reasoning. Statutory analysis clarifies why a fatwa cannot be treated as binding legislation under Indonesian law and identifies the legal instruments that may transform non-state norms into public obligations. Conceptual analysis examines the distinction between moral authority, social influence, policy uptake, and legal enforceability. Maqāṣid-based reasoning is used more narrowly, as a normative lens for evaluating whether climate policy protects life, livelihood, future generations, and ecological conditions that sustain public welfare. The approach avoids using maqāṣid as a broad moral label by linking it to concrete questions of institutional authority and policy design.

The analysis proceeds through three interpretive movements. First, the fatwa is examined to identify its structure of obligation, prohibition, and recommendation in relation to climate change. Second, the position of the fatwa is assessed against the principles of legality, hierarchy of norms, and public authority in Indonesian law. Third, the concept of translational enforceability is developed to explain how a religious norm may acquire policy force after being selected and reformulated by competent institutions. The study therefore makes a limited claim. It does not prove that Fatwa MUI No. 86 of 2023 has changed climate behaviour. It argues that environmental fiqh can become legally meaningful only when its substantive principles are translated into publicly valid and administratively workable climate instruments.

RESULTS AND DISCUSSION

1. Environmental Fiqh and the Normative Structure of Climate Responsibility in Fatwa MUI No. 86 of 2023

Fatwa MUI No. 86 of 2023 produces a juridical reframing of climate change without creating institutional enforceability. That finding is important because the fatwa does more than repeat the general Islamic duty to protect nature. It turns climate-related conduct into a matter of juristic evaluation by linking ecological damage with mafsadah, mitigation with responsibility, and climate restraint with public welfare. National climate instruments usually speak through carbon measurement, reporting duties, and administrative coordination. The fatwa works through a different legal vocabulary. Climate change becomes relevant to Islamic law because human conduct can intensify harm across land, health, livelihoods, and future vulnerability. The result is not a binding regulatory scheme, but a religious-normative structure that pushes climate responsibility beyond technical compliance (Mufid, 2024).

The structure of the fatwa can be read through the relation between ruling, legal reasoning, and institutional recommendation. The ruling gives climate-related conduct a normative status by identifying destructive environmental acts and excessive carbon-producing behaviour as matters that fall under Islamic legal assessment. The reasoning connects those acts to the prevention of harm and the protection of collective benefit. The recommendations then address state institutions, business actors, educational bodies, religious leaders, and the wider community as parties whose conduct matters for climate control. These layers should not be flattened into one legal category. The ruling may bind conscience and religious obedience, while the recommendations require institutional mediation before they can shape public policy.

This layered structure explains why the fatwa should be read as environmental fiqh rather than general environmental ethics. Climate harm is not treated as a vague failure of care, but as a legally

relevant mafsadah that emerges from patterns of production, land use, consumption, and institutional omission. The fatwa extends the idea of harm beyond direct injury between identifiable persons. Ecological damage travels through air quality, food systems, water availability, and disaster exposure, while its effects are often borne by communities that did not produce the risk. Classical categories of responsibility can address this problem only when they are interpreted through a more public account of harm, since climate injury rarely follows a simple bilateral structure (Acim & Suharti, 2023).

Maqāṣid al-sharī'ah gives this extension a firmer juristic basis, provided that it is used with discipline. This article does not treat the environment as an additional maqṣad simply to make the argument appear contemporary. Ecological stability is better understood as an enabling condition for the protection of life, wealth, progeny, reason, and public welfare. Climate disruption threatens life through disaster exposure and public health risks, while unstable seasons and damaged ecosystems weaken the material base of livelihood. Future generations inherit costs that were produced before they had legal or political agency. This maqāṣid-based reading matters because it shifts climate policy from a narrow concern with emission reduction to a broader inquiry into how harm is distributed and carried over time (Haris et al., 2024).

The fatwa also moves the discussion away from personal piety alone. Many religious discussions on environmental care remain close to individual restraint, usually framed through waste avoidance, cleanliness, or modest consumption. Fatwa MUI No. 86 of 2023 has a wider public orientation because it directs responsibility toward institutions that shape land governance, energy transition, education, business conduct, and public communication. A household may reduce unnecessary consumption, but climate mitigation cannot depend mainly on personal discipline while land conversion, energy dependence, and industrial emissions remain structured by policy choices. This public orientation is where the fatwa begins to matter for climate governance, even though its own form cannot generate enforceable administrative duties (Shaleh & Islam, 2024).

The same public orientation also reveals a weakness that should not be ignored. The fatwa gives a strong normative direction, but it does not define emission thresholds, licensing consequences, inspection mechanisms, or budgetary duties. More importantly, it does not explain how moral responsibility should be distributed among actors with unequal capacity. A poor household using cheap transport, a coal-dependent local economy, and a corporation expanding carbon-intensive production cannot be evaluated through the same moral pressure. Without institutional translation, environmental fiqh may slide into moral overgeneralization, where responsibility is announced broadly but the burden is not allocated according to power, benefit, and capacity to prevent harm.

This limitation is not a reason to dismiss the fatwa. Fatwas are not designed to function as ministerial regulations or technical climate standards. Their work is different. They establish a normative orientation and create a language through which climate-damaging conduct can be criticised as religiously and socially wrongful. Public law must then perform the institutional labour that a fatwa cannot perform by itself. That labour includes converting broad obligations into standards that can be measured, reviewed, and applied without relying on religious authority as the direct source of coercion. The fatwa's policy relevance therefore begins precisely at the point where its legal form reaches its limit (Usman et al., 2022).

A critical reading also shows how the fatwa can pressure climate policy that becomes too narrowly technocratic. Carbon governance may produce measurable reductions and formal reporting compliance, yet still leave questions of vulnerability, transition burden, and ecological justice underdeveloped. A maqāṣid-based reading does not reject carbon instruments. It asks whether such instruments prevent mafsadah in a socially defensible way. Emission reduction becomes normatively incomplete if the cost of transition falls heavily on workers, rural communities, or poor households while high-benefit actors retain the largest share of economic advantage. The fatwa contributes to climate governance by making that distributive question harder to avoid (Susana et al., 2025).

The main result of this first analysis is therefore precise. Fatwa MUI No. 86 of 2023 constructs climate change as a matter of environmental fiqh by turning ecological risk into juristic responsibility, but the construction remains incomplete without legal form. Its strength lies in the juridical reframing of climate responsibility through mafsadah, maslahah, public duty, and disciplined maqāṣid reasoning. Its weakness lies in the absence of institutional tools for allocating burdens, measuring compliance, and enforcing obligations. The next issue is no longer whether the fatwa contains a compelling

environmental norm. The harder doctrinal issue concerns how far such a norm can move within Indonesian national law before it must be reformulated by institutions that possess public authority.

2. The Limits of Fatwa Enforceability in Indonesian National Law

The first analysis shows that Fatwa MUI No. 86 of 2023 gives climate change a juristic form, but that result raises a harder doctrinal problem. A norm may carry religious authority and still lack the legal form required to create public duties. Indonesian national law recognizes public obligations through instruments issued by competent institutions under valid procedures. Legal form determines whether a rule can alter the position of citizens, restrict business activity, support administrative sanctions, or justify public power. A fatwa may speak to a public problem, but it does not become public law simply because the problem itself is public.

The statutory structure of Indonesian law reinforces that limit. Under the logic of statutory formation, a binding public norm must arise from an authorized legal source, take a recognized legal form, and pass through a procedure that allows institutional accountability. Fatwa MUI No. 86 of 2023 does not originate from a legislative or delegated administrative body. It is not enacted as a statute, government regulation, presidential regulation, ministerial rule, or regional regulation. Its authority rests on juristic reasoning and religious recognition, not on delegation from public law. For that reason, the fatwa cannot by itself impose fines, suspend licences, invalidate permits, or set mandatory emission thresholds. Any such action would require a legal basis that can be reviewed through administrative or judicial control (Mustafid et al., 2024).

This formal boundary does not empty the fatwa of legal relevance. The more difficult task is to separate enforceability from influence. A fatwa may bind the conscience of believers, guide institutional conduct, and shape public expectations among communities that accept MUI's authority. Public agencies and business actors may also treat it as a source of legitimacy, especially where environmental policy intersects with Muslim constituencies. These effects matter, but they are not the same as enforceability. Moral authority can move behaviour without state sanctions, and social influence may alter institutional choices before a rule becomes binding. Legal enforceability begins only after competent public institutions reformulate the relevant norm into a valid legal or administrative instrument.

Legal pluralism helps explain this intermediate zone, although its use must remain disciplined. Indonesia is neither a secular order that removes religion from public life nor a religious state that allows fatwa to substitute legislation. Religious norms can influence public reasoning, social legitimacy, and institutional behaviour, while public coercion remains tied to constitutional and statutory authority. Climate governance depends on this broader normative field because emissions are produced through dispersed decisions that cannot be controlled by inspection and sanction alone. Still, legal pluralism is an explanatory lens, not permission to bypass legality. A religious norm may participate in the formation of public meaning, but coercive obligations must be justified through reasons and instruments that all citizens can challenge before public institutions.

The climate field makes the distinction more urgent. Indonesia already governs environmental protection and carbon policy through state instruments dealing with planning, monitoring, reporting, incentives, sanctions, and institutional coordination. Fatwa MUI No. 86 of 2023 cannot replace that apparatus. Its contribution is more modest but still important. The fatwa supplies a normative vocabulary for asking whether carbon governance protects vulnerable communities, whether transition costs are distributed fairly, and whether ecological harm is treated as a public wrong rather than a negotiable externality. These questions can shape policy reasoning, but they must pass through legal translation before they can affect rights, duties, permits, budgets, or sanctions (Siregar et al., 2025).

Policy uptake is the first point at which that translation becomes visible. A public institution may use the fatwa's substantive principles to support climate education, religious outreach on environmental restraint, or corporate environmental standards (Kadir, 2026b). A regional program may draw on the language of ecological responsibility when building local participation in mitigation, while a national agency may rely on similar reasoning to strengthen public communication about energy transition. These examples do not make the fatwa binding. They show how a non-state norm can enter administrative practice only after being reframed in institutional language and connected to a pre-existing mandate. Legal enforceability arrives later, if the norm is embedded in an instrument capable of creating obligations that can be implemented, reviewed, and contested .

A further complication is the risk of selective incorporation. The state or corporate actors may adopt the moral language of the fatwa for symbolic legitimacy while leaving the harder structure of climate policy untouched. Religious vocabulary can support a campaign on ecological responsibility, yet deforestation control, industrial permitting, and energy transition may remain weak if the adopted norm is never tied to measurable standards or institutional consequences. This risk matters because translation is not automatically progressive. A fatwa can be absorbed in a way that strengthens climate governance, but it can also become a public relations device that shifts responsibility toward individual morality while avoiding difficult regulatory choices.

If Fatwa MUI No. 86 of 2023 were treated as direct law, every unresolved policy question would be pushed back onto a text not designed for regulatory detail. Disputes over carbon thresholds, energy affordability, regional dependence on extractive industries, and corporate liability cannot be settled by a general religious ruling alone. Legal institutions must allocate responsibility through rules that can be examined, implemented, and challenged. The fatwa may identify the moral seriousness of climate harm, but it cannot determine the administrative architecture of climate control. That task belongs to public law.

The doctrinal limit of fatwa enforceability therefore leads to a constructive result. The absence of direct legal force is not a defect that can be repaired by pretending that fatwa is legislation. It is the condition that makes institutional translation necessary. Fatwa MUI No. 86 of 2023 matters because it offers substantive environmental reasoning while remaining outside the formal sources of public coercion. Once this boundary is accepted, the analytical task changes. The question is no longer whether environmental fiqh can simply bind the state or citizens, but how its principles can be selected, reformulated, and embedded into climate policy through institutions that possess public authority.

3. Translating Environmental Fiqh into Climate Policy through Lawful Institutional Channels

The previous analysis leaves a constructive question. Fatwa MUI No. 86 of 2023 cannot create public obligations by its own authority, yet its normative content should not remain outside climate policy merely because it lacks statutory form. Translational enforceability names the legal movement that occurs when a non-state religious norm gains public force only after being selected, reformulated, and embedded by institutions that already possess public authority. The concept is not ordinary social influence, since moral persuasion alone cannot alter legal duties. Nor is it direct incorporation, because the fatwa is not enforced as fatwa. Its force emerges through legal form, administrative mandate, and institutional accountability (Milhorance et al., 2022).

Selection is the first discipline imposed by public law (Kadir, 2024). State institutions cannot adopt every religious expression in the fatwa, since climate policy must address citizens who do not share the same source of religious authority. The relevant principles are those that can be restated as public reasons already recognized by environmental law and climate commitments. Prevention of mafsadah can be translated into prevention of ecological harm, while maslahah can support protection of health, livelihood, and long-term environmental stability. This selection does not erase the Islamic origin of the norm. Rather, it prevents religious authority from becoming the direct basis of coercion and allows environmental fiqh to enter policy through reasons that remain open to legal scrutiny.

Reformulation gives the selected norm an administrative shape. A broad juristic condemnation of destructive conduct cannot guide officials unless it is converted into terms that can be implemented. The fatwa's concern with unnecessary carbon-intensive behaviour may inform public education, but stronger administrative force appears only when the same concern is tied to procurement standards, energy-saving obligations in public institutions, environmental reporting duties, or licensing conditions within an agency's mandate. This distinction matters (Kadir, 2026a). A campaign changes vocabulary, while a permit condition changes the legal position of a regulated actor. Translational enforceability grows as the norm moves from soft administrative adoption toward instruments that can be monitored, reviewed, and challenged.

Administrative uptake is therefore uneven rather than linear. Some principles may enter local climate education, religious outreach, or public communication with limited coercive effect. Other principles may support technical guidance on land burning, institutional energy efficiency, or corporate environmental reporting where agencies already hold authority. A smaller number may become part of binding administrative instruments if they are connected to permits, sanctions, budget allocation, or procurement rules. This unevenness should be acknowledged because policy translation rarely follows

a clean sequence. Norms may be adopted symbolically, partially, or strategically, and some may disappear when they conflict with political economy, sectoral interests, or institutional capacity.

That risk is not marginal. Fatwa language can be used to produce ecological legitimacy without changing the structure of climate governance. A government program may invoke religious responsibility while leaving weak enforcement against destructive land use intact. A corporation may support environmental campaigns while preserving production patterns that generate high ecological costs. A policy may translate climate responsibility into individual restraint, while the largest sources of harm remain protected by permits, subsidies, or delayed transition plans. Such symbolic translation would weaken the fatwa by turning environmental fiqh into moral messaging rather than a pressure on institutions that control the material conditions of climate harm.

Maqāṣid-based evaluation is needed at this point because legal form alone does not guarantee substantive justice. A translated norm should be assessed by whether it reduces mafsadah in material terms and whether the burdens of transition are allocated according to capacity, benefit, and contribution to harm. Carbon instruments may record emission reduction, yet remain normatively fragile if their costs are passed to poor households, forest-edge communities, or workers whose livelihoods depend on carbon-intensive sectors. Maqāṣid reasoning gives climate policy a legal-ethical test that is more demanding than procedural adoption. The question is whether policy protects life, livelihood, future welfare, and ecological conditions that make those interests possible (Prasad, 2022).

Translational enforceability should therefore be understood as a spectrum of force. At one end, the fatwa generates moral pressure within communities that accept its authority. In the middle, its principles may shape administrative programs, institutional standards, and public communication. At the stronger end, translated principles may acquire legal effect through instruments that alter rights, duties, permits, reporting obligations, budgets, or sanctions. The movement across this spectrum is never automatic. Each shift requires lawful authority, public justification, workable standards, and mechanisms for review. Environmental fiqh becomes legally meaningful not by claiming superiority over national law, but by entering climate governance through forms that can survive constitutional and administrative scrutiny.

The model therefore closes the gap identified earlier. Fatwa MUI No. 86 of 2023 supplies a juristic account of ecological responsibility, national law supplies the form through which public obligations are created, and climate policy becomes the field where both are negotiated. Direct enforceability would blur the boundary between religious and public authority. Purely symbolic uptake would leave the fatwa morally visible but institutionally weak. Translational enforceability offers a narrower and more defensible route. The force of environmental fiqh depends on whether its principles can be converted into public instruments that are valid, measurable, contestable, and capable of changing the institutional practices that produce climate harm.

CONCLUSION

Fatwa MUI No. 86 of 2023 constructs climate change as a matter of environmental fiqh by linking ecological harm to mafsadah, mitigation to responsibility, and climate restraint to the protection of public welfare. The fatwa's significance lies in this juridical reframing. Climate change is no longer treated only as an administrative object of carbon governance, but as a field of conduct that can carry Islamic legal accountability. Yet this normative force does not amount to formal enforceability in Indonesian national law. A fatwa cannot create public duties, alter licences, impose sanctions, or bind citizens through religious authority alone. Its legal relevance begins from the tension between strong religious reasoning and weak institutional form.

Translational enforceability offers a defensible way to work through that tension. Environmental fiqh becomes legally meaningful only when its principles are selected, reformulated, and embedded into instruments issued by competent public institutions. This movement protects constitutional legality while preserving the fatwa's capacity to enrich climate policy with a stronger account of harm prevention, just transition, and intergenerational responsibility. The model also guards against symbolic adoption, where religious language is used to legitimise climate concern without changing rules, budgets, permits, or institutional practice. The force of the fatwa, in the end, depends less on whether the state declares it binding than on whether its substantive concerns can reshape climate governance through valid, measurable, and contestable public instruments.

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