

# **THE DEVELOPMENT OF MAQASID AL SHARI'A ON THE ROLE OF WOMEN IN ENVIRONMENTAL CONSERVATION**

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## **Abstrak**

Artikel ini membahas tentang implementasi maqasid al syari'ah dalam isu ekofemenisme (sebuah gerakan sosial yang menghubungkan ekologi dengan persoalan perempuan). Berdasarkan data dari kementerian lingkungan hidup dan kehutanan (KLHK), peran perempuan menggerakkan sebuah komunitas sangat besar, oleh sebab itu antara lingkungan dan kesehatan perempuan memiliki hubungan yang erat, apalagi didukung oleh pengembangan proyek industri di Indonesia yang banyak mengorbankan petani dan perempuan akibat konversi lahan pertanian yang dirubah menjadi proyek industri. Kementerian Pemberdayaan Perempuan dan Perlindungan Anak telah menyuarakan bahwa perempuan di Indonesia mendukung pelestarian lingkungan hidup, karena konversi lahan pertanian ke proyek industri berpeluang besar merampas kesuburan tanah dan kesehatan perempuan, ditengah problem distorsi ekologi tersebut, perempuan harus berjuang untuk melindungi fungsi alat reproduksinya. Terkait perampasan hak perempuan tersebut, Islam mengajarkan umat manusia untuk merawat lingkungan (hifdz al-bi'ah) karena tanpa penjagaan dan perawatan lingkungan, sebuah oknum akan terus melanggengkan diskriminasi terhadap perempuan dari sisi biologis, historis dan kultural. Dalam artikel ini penulis berargumen bahwa gerakan ekofeminisme adalah titik jihad perempuan dalam melawan krisis ekologi ditengah maraknya industri dan berkembangnya ilmu pengetahuan yang patriarkhi, ekofeminisme hadir untuk menangkal aksi-aksi yang tidak manusiawi, dan dalam khazanah Islam, ekofeminisme sejalan dengan hifdz al bi'ah karena memiliki spirit dalam penjagaan dan pelestarian lingkungan untuk kemaslahatan perempuan dan mahluk hidup lainnya.

**Kata Kunci:** Ijtihad maqasidi, perempuan, ekofeminisme

## **Abstract**

*This article discusses the implementation of maqasid al syari'ah in the issue of eco-femenism (a social movement that links ecology with women's issues). Based on data from the ministry of environment and forestry (KLHK), the role of women in driving a community is very large; therefore, the environment and women's health have a very close relationship, mainly supported by the development of industrial projects in Indonesia which sacrificed many farmers and women due to converting agricultural land into industrial projects. The Ministry of Women Empowerment and Child Protection has voiced that women in Indonesia support environmental preservation because the conversion of agricultural land to industrial projects has a great opportunity to deprive soil fertility and women's health, amidst the problem of ecological distortion; women must fight to protect the function of their reproductive organs. Regarding the deprivation of women's rights, Islam teaches humankind to take care of the environment (hifdz al-bi'ah), without protecting and caring for the environment, a person will continue to perpetuate discrimination against women based on biological, historical, and cultural reasons. In this article the author concludes that the ecofeminism movement is the point of women's jihad against the ecological crisis amidst the rise of industry and the development of patriarchal science, this theory developed to counteract inhuman actions, and in Islamic literature, this theory is in line with hifdz al bi'ah because it has a spirit in protecting and preserving the environment for the benefit of women and other living things.*

**Keyword:** *Ijtihad maqasidi, women, ecofeminism*

## Introduction

Massive industrial development initiated by the Indonesian government calls for responsibility from various community groups. This fact is almost impossible to negate because ever since entering the 21<sup>st</sup> century, people have faced a series of environmental problems that significantly impact the resilience of the flora and fauna layer, commonly known as the biosphere.<sup>1</sup> This seriously threatens organisms because it could become an incurable disease. Sazkia Sassen, a professor at Columbia University, in her research notes that there is around 24% of land degradation happened from 1981 to late,<sup>2</sup> Coupled with global warming ravaging the earth and waste buildup due to massive industrial projects.

The Ministry of Women Empowerment and Child Protection (*Kemen PPPA*) has voiced that gender equality has become one of the goals in sustainable development that must be realized by 2030. The access to education and women's empowerment is being important elements in achieving the fifth target on Sustainable Development Goals (SDGs), namely Achieving Gender Equality and Empowering Women. In evaluating development results with a gender-based perspective, several indicators are used, including the Gender Development Index (GDI) and the Gender Empowerment Index (GEI). In 2019, there were still 19 provinces with GDI achievements below the national average. Whereas for GEI indicator, there were only 5 provinces whose achievements were above the national average. This indicates that there are still disparities in access, participation, control and benefits between men and women in development in many areas or regions.<sup>3</sup>

However, in Indonesia, the patriarchal culture still exists and develops in community's life. This is shown by the percentage of male head

of household is higher than female. The disparity in education aspect between men and women can also be seen from the average length of schooling (*RLS*) for the population aged 15 and over. The average length of schooling of the male population is higher than the female population. In 2019, the average length of schooling for men has reached 9.08 years, while women are lagging behind at 8.42 years. In the field of manpower, women are still lagging behind men. For every three working men, there are two working women.<sup>4</sup>

In many environmental cases, women's track record is undeniable and shown to have higher sensitivity towards environmental protection. Puji Retno Hadiningtyas, in her research, highlights women's resistance in fighting environmental injustice and ecological problems in Papua where they have a significant role in maintaining the stability of the survival of the Papuan people. The struggle of Papuan women to liberate themselves from violence, especially those originating from the structure and culture of the community, natural conditions, and customs, has given birth to women's resistance. In Papua, patriarchal systems are predominant, where women are positioned as workers, food processors, and crop sellers and act as producers as well as consumers.<sup>5</sup>

Women's predisposition toward environmental conservation above represents a form of implementation of *hifz al bi'ah*, namely maintaining the environment for the sake of following the commandment in The Quran to be a caliphate on the earth and care for and maintain nature and its contents. In addition, the purpose of creating the earth and everything in it is to worship God so that humans can quickly realize their servant roles. The argument is in line with the cosmology of the Qur'an, Surah Taha verses 53-54, that the relationship between humans and nature cannot be separated. There will be a mutually perfecting attitude. The word caliph itself in this phrase is general, there is no takhsis that is directed to men or women, Muslims or non-

<sup>1</sup> Thalhah and Achmad Mufid A.R, *Fiqh Ekologi: Menjaga Bumi Memahami Makna Kitab Suci* (Total Media, 2008).

<sup>2</sup> Saskia Sassen, *Expulsions: Brutality and Complexity in the Global Economy* (Harvard University Press, 2014), <https://doi.org/10.2307/j.ctt6wpqz2>.

<sup>3</sup> Iklilah Muzayyanah Dini et al., "Pembangunan Manusia Berbasis Gender 2020" (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA), 2020).

<sup>4</sup> Sylvianti Angraini et al., "Profil Perempuan Indonesia 2021" (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA), 2020).

<sup>5</sup> Puji Retno Hardiningtyas, "Resistensi Perempuan Papua Di Lingkungannya Dalam Roman Isinga Karya Dorothea Rosa Herliany," *Aksara* 28, no. 2 (2017), <https://doi.org/10.29255/aksara.v28i2.127.143-153>.

Muslims. In other words, it applies to all creatures. Furthermore, the purpose of the creation of the earth and everything in it is nothing but a means of worshiping God so that humans can quickly realize their servitude roles. This argument is in line with the cosmology of the Quran, Surah Taha verses 53-54, That humans and nature are inseparable because both are mutually complementing each other. The word caliph in this phrase is general, there is no *takhsis* directed explicitly to men or women, Muslims or non-Muslims, or in other words, it applies to all creatures.

However, in reality, protecting the environment (*hifz al-bi'ah*) has a distorted meaning; women from the patriarchal culture in the end have to accept the labeling as creatures who should care more about environmental conservation.<sup>6</sup> Why is that? Because women have more responsibilities to maintain their reproductive organs and the health of the body's organs as a whole. The case mining and the construction of a cement factory in Kendeng, Java, illustrates women who refuse the project from going forward must occupy the front lines and women in the Dani tribe who stood at the forefront to prevent the potential impact of the Freeport company.

Based on this reality, the author was intrigued to capture the responsibility of women toward environmental preservation, where the exhibit reciprocity to realize perfection as outlined by sharia. The paper will use the *ijtihad maqasidi* approach as an intermediary for achieving balance and benefit from God not only for the user but also for the rules and humans as the implementer. The benefit as intended by Jasser Auda is the construction of the old *maqasid* model that uses protection and preservation elements to develop and fulfillment of rights behaviors so that humans as law enforcers are not wrong in capturing the message of sharia.

### ***Ijtihad Maqasidi* an Approach**

*Maqasid al sharia* is an approach that emphasizes humanity and benefit. It is formed

from the word *maqasid*, which means purpose, and *al sharia* which means God's commands and prohibitions regarding human behavior.<sup>7</sup> In the field of Islamic law, al-Syatibi is referred to as the first cleric who pioneered this theory through his classification, where in order for the human benefit to be realized, the following five basic elements of human life must be realized and maintained, namely religion or belief, soul, mind, lineage and property.<sup>89</sup> This classification is then summarized in a priority scale of benefits including *daruriyat*, *hajiyyat*, and *tahsiniyat*.<sup>10</sup> After al-Syatibi's times, *maqasid al sharia* as an instrument for analyzing laws (*ijtihad maqasidi*) grew rapidly and exponentially. Increasingly complex issues compel researchers of Islamic law to reinterpret and develop methodologies. The name al-Raysuni emerged who saw that every *amaliyah* law in human life is always related to faith, thus, *maqasid al sharia* becomes a tool to lead to the wisdom behind God's words, intentions, goals, and benefits.<sup>11</sup>

Slightly in contrast with al-Raysuni, Ibn Ashur defines *maqasid al sharia* as the wisdom maintained by the sharia in every behavior, which generally applies to all types of legal purposes, as well as the meaning of the law which is generally not considered as a whole but is maintained in other forms of protection.<sup>12</sup> This is what Jaser Auda referred to as development and right, namely the development and fulfillment of rights which then realizes a form of protection to maintain environmental balance and ward off ecological crises in human life, also called *hifz al-bi'ah* or protection of the environment. The word *bi'ah* is explicitly not listed directly in the

<sup>7</sup> Abdul Majid al-Najjar, *Maqashid Syari'ah Bi Ab'ad Jadidah* (Tunis: Dar al-Gharb al-Islamy, 2012).

<sup>8</sup> Abu Ishaq al-Syathibi, *Al-Muwāfaqāt Fi Ushūl Al-Syari'ah* (Beirut: Dar Al-Kutub Al-Ilmiyah, 2004).

<sup>9</sup> Abu Ishaq Al-Shatibi, *Al-Muwafaqot Fi Ushul al-Syari'ah* (Beirut: Dar al-Kutub al-Ilmiyah, 2004).

<sup>10</sup> Yusuf Al-Qardhawi, *Al-Siyāsah Al-Shar'iyah Fi Dhaw' Nusus Al-Shariah Wa Maqasidiha* (Kairo: Maktabah Wahbah, 1998).

<sup>11</sup> Ahmad Imam Mawardi, *Fiqh Minoritas (Fiqh al-Aqalliyat Dan Evolusi Maqoshid al-Syari'ah Dari Konsep Ke Pendekatan* (Yogyakarta: LKiS, 2010).

<sup>12</sup> Muhammad Thahir Ibn 'Asyur, *Maqasid Al-Syari'ah Al-Islamiyyah* (Tunisia: Dar Sukhun Li Al Nashr Wa Al Tawzi', 2007).

<sup>6</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008), <https://doi.org/10.2307/j.ctvkc67tg>.

Quran and al-Sunnah,<sup>13</sup> but implicitly contains components such as animals, plants, metals, the universe and geographical areas.<sup>14</sup>

During the reformation of contemporary methodologies, Jasser Auda is often mentioned when addressing millennial problems. Auda’s main reasoning behind the development of this methodology is the realization of a humanitarian attitude, benefit, and fulfillment of rights, both for humans and animals, plants and objects created in the universe, thereby, positioning *maqasid al sharia* as an approach is the right choice. However, according to him, in order to provide an answer to increasingly complex today’s problems, methodological development should be undertaken. Therefore, Auda built the *maqasid al sharia* concept upon old ones, from individualistic methods to more comprehensive ones.<sup>15</sup>

Auda shows his appreciation towards the development of Islamic law methodology with the implementation of *maqasid al sharia* through several steps. *First*, Auda classifies the degrees of fiqh as legal products with fixed sharia, therefore, fiqh cannot and should not be stationary as problems keep evolving and, in every law, there is hidden wisdom. *Second*, the comprehensiveness of the law makes the law should not be understood partially but to the roots of the philosophy of law. Third, the open nature of Islamic law contains divine and moral dimensions so that the *maqasid* (goal) of Allah is achieved as sharia and humans as *mukallaf* (actors of law). *Fourth*, the nature of humanity and the interrelationships between all elements of Islamic law cannot sufficiently be classified into *dzaruriyat*, *hajiyat*, and *tahsiniyat*, since this will reduce the urgency of each.<sup>16</sup>

<sup>13</sup> Usamah Kamil Abu Shaqra, *Dalil Al-Mawdu‘at Fi Al-‘Ayat Al-Qur’an Al-Karim* (Beirut: Mu’assasah al-Rayyan, 2001).

<sup>14</sup> Muhammad Khalil ‘Aytani, *Al-Mu‘jam Al-Mufasssal Li Mawadi’ Al-Qur’an Al-Munazzal* (Bayrut: Dar al-Ma‘rifah, 2000).

<sup>15</sup> Muhammad Faisol, “Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke Arah Fiqh Post-Postmodernisme,” *Kalam: Jurnal Studi Agama Dan Pemikiran Islam* 6, no. 1 (2012): 39, <https://doi.org/10.24042/klm.v6i1.393>.

<sup>16</sup> Jasser Auda, *Fiqh Al-Maqasid, Inatat Al-Ahkam Al Shar’iyyah Bi Maqasidiha* (Herndon, VA: International Institute of Islamic Thought (IIIT), 2012).

Fifth, contemporary fiqh, whose products do not stand alone but exhibit interconnectivity and multidimensionality.<sup>17</sup>

Auda also develops a *maqasid al sharia* mechanism toward a broader understanding, not limited to environmental protection or conservation efforts. Examples of the development of *maqasid* are presented in the following table:

No	Types of <i>Maqasid</i>	Development	Description
1	<i>Hifz al-din</i>	<i>hazriyah al-Uqud</i> (religious liberty)	The meaning of maintaining religion is not limited to carrying out religious orders, because a merely textual understanding of religion will only lead to a radical and exclusive attitude
2	<i>Hifz al-Nasl</i>	<i>hifz al-Urah</i> (protecting the family)	Maintaining lineage is not only in the context of guarding against adultery but more broadly to the meaning of taking care of the family, starting from the control of education, association, and even food consumed daily.
3	<i>Hifz al-Nafs</i>	<i>hifz al-karamah al-insaniyah</i> or <i>hifz al-Huqqa al-insaniyah</i> (protecting human rights)	Protecting lives is not only limited to saving lives, but more broadly refers to protecting the rights of every citizen society
4	<i>hifz al-Aql</i>	Development of Science, Technology and Knowledge.	Preserving the mind is not limited to avoiding alcohol so as not to impair the mind/brain, but to use the mind to think in a broader sense toward understanding science.
5	<i>Hifz al-mal</i>	Financial and economic management	The understanding of protecting assets does not stop at giving charity but extends to maintaining financial management and economic stability.
6	<i>Hifz al-Bi'ah</i>	<i>Tadbir al-Alam</i>	Protecting the environment does not merely mean having concerns toward the surrounding environment, but also preserving all elements in the universe such as the sea, forests, plants, mountains, springs, rivers, air, animals, metals, and the atmosphere to achieve a healthy body, and protect the reproductive organs, especially for women.
7		<i>Hifz al-mu'tama'</i>	Maintaining social stability
8		<i>Hifz al-dawlah</i>	Maintain national stability

Some of the responsibilities of humans are to keep the environment, and nature clean, maintain beauty, maintain health, and guard against damage. Ultimately, these human natures gave birth to creative ideas that led to art and a variety of works.<sup>18</sup> In Islamic teachings, the Holy Quran is one of the proofs of God’s extraordinary masterpiece, full of the meaning and beauty of language. Of course, Allah addressed this fact to the Arabs, who, at the time of the revelation of the holy book, loved poetry and prose, although, in general, the Quran was intended for all Muslims in the world. Another reason is Allah’s love toward beauty because beauty and tasteful arts shall give birth to prudence and wisdom.<sup>19</sup>

<sup>17</sup> Muhammad Lutfi Hakim, “Pergeseran Paradigma Maqasid Al-Syari’ah: Dari Klasik Sampai Kontemporer,” *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 1 (February 22, 2017): 1–16, <https://doi.org/10.24090/mnh.v10i1.913>.

<sup>18</sup> Siti Aesijah, “Latar Belakang Penciptaan Seni: Background of Creative Art,” *Jurnal Al Manahij* 1, no. 2 (2000): 17, <https://doi.org/10.15294/harmonia.v1i2.845>.

<sup>19</sup> Kamali Nader and Javdan Moosa, “The Relationship

## The Implementation of Ijtihad *Maqasidi* in the Ecofeminism

The beauty manifested in the universe should be sustained by caring for the environment. There is a tight relationship between humans and the environment. God as an essence who loves beauty, directs humankind to monitor the environment to complete human life and at the same time, perfect servitude to Him. Therefore, the creation of the entire heavens, the earth, and its contents is a means of worship and a tool for *tadabbur* and *muhasabah*. In line with this argument, Allah explains in Q.S. Thaha verses 53-56 on perfectly of word under equality and equity.

The above verses imply that God wants the universe and its contents to be used by humans for survival or life sustainability. Therefore, it needs to be balanced with the preservation, care, and maintenance of the environment appropriately to achieve the expected benefits. *Maslahah* in the terminology of Ushul Fiqh is understood as everything that may generate virtues and avert *madarrah* and *mafsadah* in human life.<sup>20</sup> In other words, all the provisions that have been enacted have goals (*maqasid*), containing not only the main idea, but also the moral idea hidden in it so that the true meaning that God aspires to can be understood.

In understanding *maslahat*, the author was intrigued with the classification using the terminology *qath'iy* and *zany* or in other words *tsawabith* and *mutaghayyirat*. Indeed, in understanding the meaning of the two, there is *khilafiyah* among scholars (ulama). Conflicting with a Masdar Farid Mas'udi that uses *qath'iy* as a matter of principle, fundamental and clear, and *zanny* for elaborating these principles, Husein Muhammad interprets Masdar's in terms of *kulliyat* and *juz'iyat*, namely the content of universal and particular meanings.<sup>21</sup>

In contrast with the two arguments, the author implements *qath'iy* and *zanny* in

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Between Art and Psychology," *Journal of Life Science and Biomedicine* 2, no. 4 (2012): 5.

<sup>20</sup> Mohammad Al-Ghazali, *Mustasfā Min Ilm Ushūl*, trans. Ahmad Zaki Hammad (Mesir: Maktabah al-Jumdiyah, 2010).

<sup>21</sup> Faqihuddin Abdul Kodir, *Qirā'ah Mubādalāh (Tafsir Progresif untuk Keadilan Gender dalam Islam)*, Cetakan IV (Banguntapan, Yogyakarta: IRCiSoD, 2021).

understanding *maslahah*, in this context, he interprets the idea of *hifz al-bi'ah* which is one of the main ideas of *maqasidi ijthad*, leading to the terminology *maslahah qath'iy*, *maslahah zanny*, and vice versa, the term *mafsadah qath'iy* and *mafsadah zanny* are formed. *Maslahah qath'iy* is a positive value that absolutely does not change for any legal reasons, while *maslahah zanny* is a dilemmatic benefit between positive and negative impacts. For their negations, *mafsadah qath'iy* means damage, whose harmful effects are non-negotiable, while *mafsadah zanny* is damage whose harmful effects are due to inequality or injustice. In actuality, *mafsadah zanny* is not that different from *maslahah zanny*, it is just that *maslahah zanny* puts greater emphasis on the *maslahah* value, while *mafsadah zanny* highlights the *mafsadah* value.

In this paper, women's sensitivity to protecting the environment due to the ecological crisis is an example of the implementation of *maslahah*. This view, by Vandhana Shiva, a sociologist from India, is called ecofeminism.<sup>22</sup> Ecofeminism represents an effort to build science that bridges women. Ecofeminism emerges as a theory that deals with women's relationship with the ecological crisis due to industrial development and waste that disrupt human life ranging from productivity, growth, and life necessities. Development projects are one of the main reasons for the deterioration of women's health and productivity because projects in the name of development have taken the management and control of land, water, and forests from the hands of women.<sup>23</sup>

There is an interconnectivity between *maslahah* and ecofeminism; ecofeminism supports women's activities to fight patriarchy, capitalist attitudes and ideas that undermine women's freedom. According to Shiva, women must be saved from developments that generate *mafsadah* because the impact of the ecological crisis is fatal. Women with nature are like parents and children. Women take care of nature because they want to care for their children and families, so women treat the natural surroundings very

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<sup>22</sup> Vandhana Shiva and M. Mies, *Ecofeminisme: Perspektif Gerakan Perempuan Dan Lingkungan. Terjemahan Kelik Ismunanti Dan Lilik* (Yogyakarta: IRE Press, 2010).

<sup>23</sup> Puji Retno Hardiningtyas, "Resistensi Perempuan Papua Di Lingkungannya," 4 dan 145.

femininely. Women would carefully weigh up the impact of littering that pays no regard to the important distinction between organic and non-organic waste. Women avoid contaminating the land or the sea because they don't want it to poison their children and family. Women do not smoke because they are very worried about their children's and their family's respiratory health.

All of this is because women are individuals who often come into contact with nature, every day in contact with water to be boiled, to bathe themselves and their families, with cooking spices, all of which must be clean and free from drugs so that the family is free from exploitation of the universe. Therefore, ecofeminism is a form of benefit that must be upheld.<sup>24</sup>

The relationship between women and the environment is not merely materialistic but represents an intimate interconnection between the earth and its people.<sup>25</sup> This is another reason corroborating the notion that women are more sensitive when protecting the environment than men.<sup>26</sup>

Men smoke but women also reap the sow. Yu Patmi, a Kendeng woman and her fellow female farm laborer friends are deemed irresponsible for leaving their families due to their action of cementing their feet, albeit in the name of supporting the family's needs. From this fact, the

<sup>24</sup> Komnas Perempuan in 2004 explained that when coal mining entered, Parsiyem, a woman from Makroman village, had to accept the loss of three jobs at once, as a browser, becoming a farm laborer, and a vegetable farmer, when a coal mine was built in the surrounding environment. In addition, health problems that continuously threaten his health, from air, water, and soil mixed with metal, cause health problems that can lead to death. In another area, specifically, Buyat Bay, where gold mining waste is dumped from foreign countries, 90% of Buyat residents experience health problems. In women, it affects reproductive health; lumps appear in the breast, armpits, neck area, and many are attacked by itching, many of the female fishermen who experience disturbances in the menstrual cycle become irregular. Sylvana Maria Apituley, *Peran Representasi Dalam Fungsi Legislasi : Studi Pembentukan Undang-Undang No. 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara* Perpustakaan Komnas Perempuan (Jakarta: Demos (Lembaga Kajian Demokrasi dan Hak Asasi), 2011).

<sup>25</sup> Vandhana Shiva and M. Mies, *Ecofeminisme: Perspektif Gerakan Perempuan Dan Lingkungan*.

<sup>26</sup> Vandhana Shiva and M. Mies, 54.

relationship between *maslahah* and ecofeminism lies in the massive women's movement, which simultaneously preserves nature in order to avoid *mafsadah* in the form of extractive exploitation of nature. Women no longer think about individual interests, but think about the fate of the people around them affected by the ecological crisis which is not a trivial problem. Therefore, women no longer pay attention to *al maslahah al khasah* but to *al maslahah al'amah*. In other words, women prioritize public interest over private interests.

From the fundamental reasons above, the obligation of women to protect the environment and nature is *maslahah qath'iy*, absolute and non-negotiable. For women, nature destruction equals the destruction of their children and families, and natural contamination is the same as killing children and their families; ironically, women will not live safe lives if the environment is reduced by waste. Meanwhile, massive industrial development represents *maslahah zanny*, because on the one hand, some parties need and receive benefits. However, on the other hand, some parties receive *mafsadah*. This dilemmatic condition does not necessarily mean that state-initiated or privately-initiated developments are without benefits; it's just that a strategy is needed so that industrial development does not occur in a radical and patriarchal manner so that justice can be realized. Furthermore, waste pollution, deforestation of trees, neglected garbage, use of substances on plants represents *mafsadah qath'iy*, that is damage that cannot be justified and harms many parties. All parts of society will suffer the adverse impact without discrimination based on gender, age, and even social status.

### **Principle of Human Interaction with *Hifdz al-Bi'ah***

The principle of environmental protection is a moral idea that correlates with physical or material needs and, more than that, represents proof of the servant's loyalty to their God. In surah Adh-Dhariyat verse 56, God sent the word *wama khalaqtu al jinn wa al ins illa liya'budun*, the first thing that became the main goal of God for the creation of creatures is to observe the level of loyalty of creatures to their God. In the same language, God explains in Surah al-An'am verse 165 with equality gender position.

Ibn Kathir interprets the phrase *khalifah fi al-ardh* in the verse as a person who takes steps for prosperity and success for future generations, not making damage that harms the next generation. Because in principle, Islam does not allow leaving behind a weak generation. That is, efforts to prosper do not just stop at one time, but are sustained from generation to generation.<sup>27</sup> Therefore, humans are urged to be important in caring for the environment. Nature needs attention for the future prosperity of the next generation because the balance between creatures on earth will be realized by conserving nature. Protecting the environment is also an expression of gratitude to God for His creation, bearing a meaning that humans are given the mandate to do justice to nature. Indeed, humans need plants, the natural surroundings, and everything in them to sustain life, and vice versa, humans as caliphs must be willing to take care of the natural surroundings so that mutual care and benefit to each other is formed, and the title of *khalifah al ard* is the most important principle for humans in conserving the environment.

Another principle underpinning the importance of humans conserving the environment is to what extent humans take advantage of the universe that Allah has created. In Surah Al-Jathiya verse 56, Allah explained that the purpose of creating the universe was to create benefit, not to cause harm. All of God's creations on earth have purposes without anything being wasted. Another fundamental principle is an individual responsibility to others, all have rights and obligations that have been in place orderly as sunnah of Allah. Nature deserves to be respected by humans because humans need nature.<sup>28</sup> The capabilities given to humans that make humans as beings who are more important than other creatures is a principle that God affirms to humans to have a good and human personality.

In the microscope, methodologically, Islam has explained issues regarding the principle of environmental protection, for example, in the case of industrial development, water infiltration from reservoirs. When the cause of the above case

is used procedurally (*muwafiq al-'adah*) and is still within reasonable limits, then this condition can still be tolerated. However, if it results in sustainable harm and industrial use accompanied by unreasonable and unprocedural use (*mukhalif al-'adah*), then this must be acted upon.<sup>29</sup> This kind of law applies if no legal and binding regulations are involved. However, the government has set a prohibition on environmental destruction, such as the unprocedural way of waste disposal, where the government is authorized to take action or impose penalties for any environmental damage caused. This principle is in line with the government's main obligation, namely to do good for the people and anticipate any negative excesses that are likely to arise (*fi'lu al-ashlah wa raf'u al-dlarar*).

## Conclusions

*Maqasid sharia* in the contemporary era should be implemented as a form of development, not simply protect or preserve, but, in Jasser Auda's language, *protection prevention to development and right*. Thus, *hifz al bi'ah* is no longer understood as protecting the environment and evolves into *tadbir al 'alam*. In this paper, the interconnectivity notion of *maqasid al sharia* with the ecofeminism theory interprets the idea of *hifz al bi'ah* using certainty (*qath'iy*) and presumption (*zanny*) terminologies.

As a result of the association between the two theories, *maslahah qath'iy* and *maslahah zanny* emerge. Women's responsibility to protect the environment and nature is *maslahah qath'iy*, because it is absolute and non-negotiable; women must maintain environmental sustainability and environmental cleanliness to causally maintain reproductive health, while industrial development carried out massively is *maslahah zanny*, because on the one hand, there are parties who need and receive benefits. However, on the other hand, some parties endure *mafsadah* or negative impacts from industrial projects.

## BIBLIOGRAPHY

- Abdul Majid al-Najjar. *Maqashid Syari'ah Bi Ab'ad Jadidah*. Tunis: Dar al-Gharb al-Islamy, 2012.
- Ahsin Sakho Muhammad, ed., *Fiqh Al-Bi'ah*, Cet. 2 (Jakarta: Conservation International Indonesia, 2006).

<sup>27</sup> Ibn Kathir, *Tafsir Al-Qur'an al-'Azim* (Beirut: Al-Maktabah Al-'Ashriyyah, 1996).

<sup>28</sup> Qahtān 'Abd al-Rahmān Dūrī, *Şafwat Al-Ahkām Min Nayl Al-Awṭār Wa Subul Al-Salām* (Amman: Dar al-Furqan, 1999).

- Abu Ishaq al-Syathibi. *Al-Muwāfaqāt Fi Ushūl Al-Syari'ah*. Beirut: Dar Al-Kutub Al-Ilmiyah, 2004.
- Ahsin Sakho Muhammad, ed. *Fiqh Al-Bi'ah*. Cet. 2. Jakarta: Conservation International Indonesia, 2006.
- Al-Shatibi, Abu Ishaq. *Al-Muwafaqot Fi Ushul al-Syari'ah*. Beirut: Dar al-Kutub al-Ilmiyah, 2004.
- Faqihuddin Abdul Kodir. *Qirā'ah Mubādalāh (Tafsir Progresif untuk Keadilan Gender dalam Islam)*. Cetakan IV. Banguntapan, Yogyakarta: IRCiSoD, 2021.
- Ibn Kathir. *Tafsīr Al-Qur'ān al-'Azīm*. Beirut: Al-Maktabah Al-'Ashriyyah, 1996.
- Iklilah Muzayyanah Dini, Fajriyah, Yuliana Mahdiah, and Indah Lukitasari. "Pembangunan Manusia Berbasis Gender 2020." Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA), 2020.
- Jasser Auda. *Fiqh Al-Maqasid, Inatat Al-Ahkam Al Shar'iyyah Bi Maqasidiha*. Herndon, VA: International Institute of Islamic Thought (IIIT), 2012.
- . *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008. <https://doi.org/10.2307/j.ctvkc67tg>.
- Kamali Nader and Javdan Moosa. "The Relationship Between Art and Psychology." *Journal of Life Science and Biomedicine* 2, no. 4 (2012).
- Mawardi, Ahmad Imam. *Fiqh Minoritas (Fiqh al-Aqalliyat Dan Evolusi Maqoshid al-Syari'ah Dari Konsep Ke Pendekatan)*. Yogyakarta: LKiS, 2010.
- Mohammad Al-Ghazali. *Mustasfā Min Ilm Ushūl*. Translated by Ahmad Zaki Hammad. Mesir: Maktabah al-Jumdiyah, 2010.
- Muhammad Faisol. "Pendekatan Sistem Jasser Auda Terhadap Hukum Islam: Ke Arah Fiqh Post-Postmodernisme." *Kalam: Jurnal Studi Agama Dan Pemikiran Islam* 6, no. 1 (2012): 39. <https://doi.org/10.24042/klm.v6i1.393>.
- Muhammad Khalil 'Aytani. *Al-Mu'jam Al-Mufasssal Li Mawadi' Al-Qur'an Al-Munazzal*. Bayrut: Dar al-Ma'rifah, 2000.
- Muhammad Lutfi Hakim. "Pergeseran Paradigma Maqasid Al-Syari'ah: Dari Klasik Sampai Kontemporer." *Al-Manahij: Jurnal Kajian Hukum Islam* 10, no. 1 (February 22, 2017): 1–16. <https://doi.org/10.24090/mnh.v10i1.913>.
- Muhammad Thahir Ibn 'Asyur. *Maqasid Al-Syari'ah Al-Islamiyyah*. Tunisia: Dar Sukhun Li Al Nashr Wa Al Tawzi', 2007.
- Puji Retno Hardiningtyas. "Resistensi Perempuan Papua Di Lingkungannya Dalam Roman Isinga Karya Dorothea Rosa Herliany." *Aksara* 28, no. 2 (2017). <https://doi.org/10.29255/aksara.v28i2.127.143-153>.
- Qaḥṭān 'Abd al-Raḥmān Dūrī. *Ṣafwat Al-Aḥkām Min Nayl Al-Awtār Wa Subul Al-Salām*. Amman: Dar al-Furqan, 1999.
- Saskia Sassen. *Expulsions: Brutality and Complexity in the Global Economy*. Harvard University Press, 2014. <https://doi.org/10.2307/j.ctt6wpqz2>.
- Siti Aesijah. "Latar Belakang Penciptaan Seni: Background of Creative Art." *Jurnal Al Manahij* 1, no. 2 (2000). <https://doi.org/10.15294/harmonia.v1i2.845>.
- Sylvana Maria Apituley. *Peran Representasi Dalam Fungsi Legislasi: Studi Pembentukan Undang-Undang No. 4 Tahun 2009 Tentang Pertambangan Mineral Dan Batubara Perpustakaan Komnas Perempuan*. Jakarta: Demos (Lembaga Kajian Demokrasi dan Hak Asasi), 2011.
- Sylvianti Angraini, Nurhayati, Indah Lukitasari, Wahyu Bodromurti, and Dian Surida. "Profil Perempuan Indonesia 2021." Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Kemen PPPA), 2020.
- Thalhah and Achmad Mufid A.R. *Fiqh Ekologi*:



*Menjaga Bumi Memahami Makna Kitab Suci*. Total Media, 2008.

Usamah Kamil Abu Shaqra. *Dalil Al-Mawdu'at Fi Al-'Ayat Al-Qur'an Al-Karim*. Beirut: Mu'assasah al-Rayyan, 2001.

Vandhana Shiva and M. Mies. *Ecofeminisme: Perspektif Gerakan Perempuan Dan Lingkungan*. Terjemahan Kelik Ismunanti Dan Lilik. Yogyakarta: IRE Press, 2010.

Yusuf Al-Qardhawi. *Al-Siyāsah Al-Shar'iyah Fi Dhaw' Nusus Al-Shariah Wa Maqasidiha*. Kairo: Maktabah Wahbah, 1998.