Reconstruction of Maqāṣid al-Syarīʿah in Adaptive Environmental Governance: From Ḥifẓ al-Bīʾah Towards the Institutional Architecture of Climate Adaptation in Indonesia

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Abstract. Indonesia faces a paradox of environmental governance: as the world's largest Muslim nation and among the most climate-vulnerable regions, it holds abundant religious-normative capital yet suffers weak institutionalization. The Indonesian Ulama Council Fatwa Number 86 of 2023 on the Legal Ruling of Global Climate Change Control marks a breakthrough, but it remains mitigation-centric and neglects the adaptation dimension that is existential for vulnerable communities. This article aims to reconstruct Indonesia's environmental governance through maqāṣid al-syarīʿah by positioning ḥifẓ al-bīʾah not as a sixth addendum to the five essentials but as a systemic, cross-sectoral objective. It employs a juridical-normative method enriched by a socio-legal approach, analyzing classical fiqh texts, uṣūl maxims, national regulations, fatwas, and recent research. Through Jasser Auda's systems approach, sadd al-dharīʿah, and istiṣlāḥ, the article builds a maqāṣid-based adaptive governance architecture on three tiers: norm, instrument, and institution. Its novelty lies in reframing climate adaptation as an anticipatory objective an intergenerational ḥifẓ al-nafs that stitches together three previously disconnected strands: environmental theology, Islamic finance, and state governance. Classical instruments of ḥimā, ḥarīm, and iḥyā al-mawāt are reactivated as adaptive spatial tools, while green sukuk, green waqf, and zakat are positioned as adaptive financing instruments. The article concludes that without institutionalization that stitches fatwa into statutory frameworks and mobilizes community actors, environmental sharia remains a moral exhortation rather than a governance architecture.

Keywords: maqāṣid al-syarīʿah, ḥifẓ al-bīʾah, climate adaptation, environmental governance, sustainable development

1 Introduction

Climate change no longer stands as a distant scientific projection, but has become an urgent legal and policy reality. For Indonesia, an archipelagic country with thousands of small islands and a long coastline, that vulnerability is multiplied. In the Enhanced

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Nationally Determined Contribution submitted to the UNFCCC Secretariat on September 23, 2022, the government raised the emission reduction target to 31.89 percent through its own efforts and to 43.20 percent with international support by 2030 [1]. The forestry and other land use sectors are burdened the largest portion about sixty percent through the Forestry and Other Land Use Net Sink 2030 scheme, a condition when the forestry sector's carbon sequestration is projected to be balanced or exceed its emissions [2]. These figures show the scale of ambition as well as the weight of the burden that must be arranged.

The burden is not a statistical abstraction. Throughout 2021, there were 5,402 disaster events recorded in Indonesia, with the dominance of wet hydrometeorological disasters floods, tornadoes, landslides, as well as tidal waves and abrasion which continue to increase from year to year [3]. On the northern coast of Java, the threat is taking shape more slowly but more certainly. Geodesy research has recorded that the rate of land subsidence in the Demak area reaches six to sixty-five centimeters per year, a deadly combination of land subsidence, abrasion, and sea level rise [4]. A number of studies estimate that the coast of Demak has lost about fifty thousand hectares of submerged land, while most of Pekalongan Regency is projected to be below sea level by the middle of this decade with the cost of relocating residents estimated to reach tens of trillions of rupiah [5]. For people whose houses are flooded for dozens of hours every day, the question of climate is not about the 2060 emission target, but about survival today.

But that quantitative ambition rests on a fragile foundation of governance. Law No. 32 of 2009 concerning Environmental Protection and Management, which is the main umbrella, has been criticized by Islamic law scholars for its anthropocentric and extractive nature, especially after a number of its provisions were relaxed through the Job Creation Law for ease of investment [6]. This criticism is not just a moral objection. He points to four mutually reinforcing structural problems: the dualism between state law and Islamic ethics, the weak institutionalization of sharia principles, the sectoral fragmentation of governance, and the centralization of authority that marginalizes indigenous communities conditions that make maṣlaḥah, ecological justice, and intergenerational rights often neglected in public policy [6]. The problem, therefore, is not the absence of regulation, but the deficit of legitimacy and orientation.

It is into the vacuum of moral legitimacy that religious authority enters. The Indonesian Ulema Council has issued a series of environmental fatwas since more than a decade: Fatwa Number 22 of 2011 concerning Environmentally Friendly Mining, Fatwa Number 04 of 2014 concerning the Conservation of Endangered Animals, Fatwa Number 41 of 2014 concerning Waste Management, and Fatwa Number 30 of 2016 concerning the Law on Forest and Land Burning [7]. The culmination is Fatwa Number 86 of 2023 concerning the Law on Global Climate Change Control launched on February 23, 2024 and referred to as the first climate fatwa in Indonesia, even claimed to be the first in the world which prohibits all acts of destruction of nature that have an impact on the climate crisis and requires mitigation and adaptation efforts, reducing carbon footprints, and a just energy transition [8]. This normative breakthrough is real. However, a number of environmental organizations note its weaknesses: the fatwa relies on

mitigation and prohibition language, while adaptation dimensions and cross-border accountability mechanisms such as loss and damage are barely touched, plus interpretive gaps in the phrase uncontrolled deforestation [9].

This is where the core tension of this study lies. Indonesia has abundant religious normative capital, but that capital has not been sewn into an operational governance architecture; while the dominant climate discourse including the latest fatwas tends to be mitigation-centric, whereas for island communities whose homes are in danger of sinking, adaptation is existential. The question that leads this article is: can maqāṣid al-syarīʿah, if reconstructed systemically, shift Indonesia's environmental governance from a mitigative-extractive paradigm to an adaptive-sustainable paradigm, and through what institutional tools can this shift be realized?

1.1 Previous Literature Review

The available literature can be sorted into three clusters that, unfortunately, run independently. The first group is theological-conceptual and places the environment within the framework of maqāṣid. Khuluq and his colleagues argue that ḥifẓ al-bīʾah, which originally grew out of environmental jurisprudence, deserves to be elevated to an essential variable in maqāṣid because it underpins the other five inevitability [10]. Nasir and his colleagues assert that environmental degradation has threatened the ḍarūriyyah level of maqāṣid and thus demands a progressive interpretation of sharia [11]. Bsoul and his colleagues point out that environmental protection was actually embedded in Islamic traditions long before the Sustainable Development Goals agenda was formulated [12]. Ramin traces its historical roots to the principles of mīzān, khalīfah, and iṣlā in classical treasures [13]. The strength of this clump lies in its normative depth; its weakness is that it stops at conceptual placement and offers hardly any testable governance mechanisms.

The second group is oriented towards financial instruments. Faizi and his colleagues mapped the landscape of Islamic climate finance in Indonesia and placed green sukuk as a key instrument [14]. Syukri and his colleagues read green sukuk as a manifestation of Islamic ecotheology that operationalizes ecological maqāṣid in state fiscal policy [15]. Liu and his colleagues, with a financial ecologies approach, instead remind that Malaysian green sukuk is vulnerable to greenwashing because it absorbs existing Green Bond Principles without substantive corrections [16]. Umam and his colleagues offer a model of productive forest waqf based on fiqh al-bīʾah with three variants ḥarīm, ḥimā, and iḥyā al-mawāt [17]. This clan is practically rich, but treats the maqāṣid as a frame of legitimacy, not as a working analytical rubric.

The third cluster highlights governance and regulation. Susana and her colleagues offer a reconstruction of maqāṣid-based legal norms on Indonesia's natural resource policy, complete with the proposed ijtihād maqāṣidī and taḥqīq al-manāṭ [6]. Makraja and his colleagues actualized environmental jurisprudence through the approach of maqāṣid Jasser Auda, although still at a descriptive level [18]. Alibašić, from a public administration perspective, evaluated climate resilience planning in eleven Muslim-majority countries and found that inclusive religious regimes were positively correlated with planning effectiveness [19]. Hamdi and his colleagues built a framework for water

governance based on maqāṣid and fiqh al-bīʾah, but limited to one sector [20]. This group is closest to the issue of institutionalization, but has not linked norms with financing instruments or with the dimension of adaptation.

From the mapping, a sharp gap appears. There has been no study that places maqāṣid al-syarīʿah as a governance rubric that explicitly distinguishes and links adaptation not just mitigation with Indonesian Islamic institutional instruments after the emergence of Fatwa Number 86 of 2023. This gap is not a coincidence. Koehrsen, in his comprehensive review, specifically notes that research on Muslim climate activism is still fragmented and that knowledge of adaptation at the local scale is still thin compared to mitigation [21]. The three clusters above, when read together, reveal a conversation that has not yet met: environmental theology talks about values, Islamic finance talks about instruments, and governance studies about institutions, with no axis that unites the three on the adaptation agenda.

Departing from these gaps, this article asks three research questions. First, how does maqāṣid al-syarīʿah through ḥifẓ al-bīʾah, sadd al-dharīʿah, and the Jasser Auda system approach reconstruct Indonesia's environmental governance from a mitigative-extractive orientation to an adaptive-sustainable paradigm? Second, how can classical instruments such as ḥimā, ḥarīm, and iḥyāʾ al-mawāt as well as contemporary instruments such as green sukuk, green waqf, and zakat be integrated into one operational sharia governance architecture? Third, what are the institutional and policy implications for the achievement of national climate targets and the Sustainable Development Goals? In line with that, the purpose of this research is to reconstruct the governance framework, compile the integration of instruments, and formulate the policy implications. The novelty offered is not just the merger of three literary groups, but the repositioning of climate adaptation as an anticipatory maqṣad of a cross-generational ḥifẓ al-nafs that shifts maqāṣid from a reactive to a precautionary nature, and makes ḥifẓ al-bīʾah a pivot, not a complement, in Indonesia's environmental governance.

1.2 Theoretical Framework

A theoretical framework is only meaningful when it is applicable, not simply mentioned. This subsection sets out three layers of framework that will be run consistently throughout the discussion: maqāṣid al-syarīʿah and the repositioning of ḥifẓ al-bīʾah, the Jasser Auda system approach, as well as two uṣūl instruments istiṣlāḥ and sadd al-dharīʿah that bridge norms with adaptations.

Maqāṣid al-Syarīʿah and the Repositioning of Ḥifẓ al-Bīʾah. The theory of maqāṣid al-shariʿah, systematized by Abū Isḥāq al-Shāṭibī in al-Muwāfaqāt, rests on the idea that the Shari'ah is revealed for the benefit of mankind which is summarized in five inevitabilities (al-ḍarūriyyāt al-khams): the protection of religion, soul, intellect, descent, and property [22]. Al-Shāṭibī arranges the benefits in three tiered levels: ḍarūriyyāt (primary needs that without being fulfilled by the collapsed order of life), ḥājiyyāt (secondary needs that alleviate difficulties), and taḥsīniyyāt (tertiary needs that consummate). This tiering is important to the argument of this article, as it provides a tool for weighing which environmental interventions are urgent and which are merely improving. Muḥammad al-Ṭāhir Ibn ʿĀshūr then broadened the horizons of maqāṣid

by emphasizing universal values such as justice, liberty, and the maintenance of order (niẓām), so that maqāṣid moved from a closed list to a framework open to a new reality [23]. The question that arises from this expansion is a direct one: is the environment an object protected by the maqāṣid, or is it merely an arena in which the fifth inevitability works?

To this question, the author agrees more with the view that positions ḥifẓ al-bīʾah not as a sixth maqṣad that stands parallel and separate, but as a condition that supports all other inevitability. His argument rests on the maṣlaḥah: without a livable environment, the care of the soul loses its biological footing, the care of the offspring loses its future, and the care of the property loses its resources. Khuluq and his colleagues placed ḥifẓ al-bīʾah as the foundation for the implementation of ḥifẓ al-dīn, ḥifẓ al-nafs, ḥifẓ al-nasl, ḥifẓ al-māl, and ḥifẓ al-ʿaql [10]. Yūsuf al-Qaraḍāwī, in Riʿāyat al-Bīʾah fī Sharīʿat al-Islām, has earlier affirmed that the preservation of the environment is an inseparable part of the preservation of religion, soul, and posterity, so that its destruction is equivalent to the violation of these imperiments [24]. Mawil Izzi Dien reinforces this reading by showing that the environmental dimension is inherent in the structure of Islamic law, not a modern paste [25]. This repositioning is the basis of the entire next argument: ḥifẓ al-bīʾah works horizontally, crossing the fifth inevitability, rather than vertically, as an additional item at the end of the list.

Approach to the Jasser Auda System. The horizontal repositioning requires a different thinking instrument from partial fiqh reasoning. This is where Jasser Auda's system approach becomes relevant. In Maqasid al-Shariah as Philosophy of Islamic Law, Auda offers six features of the system as a way of reading Islamic law not as a separate set of rules, but as a goal-oriented system of life [26]. These six features can be applied directly to environmental governance. The feature of cognition demands a distinction between revelation and human understanding of it, so that the interpretation of the environment is open to revision as scientific knowledge about the climate increases. The wholeness feature rejects a single cause-and-effect reason and demands a cross-sectoral reading. The openness feature allows the law to adapt to new realities such as the climate crisis. The interrelated hierarchy feature links a particular maqṣad with a universal maqṣad. The multidimensionality feature recognizes that a single issue can be read from several legitimate angles at once. And the feature of purposefulness makes the maqāṣid the center of the entire system.

The first two features of comprehensiveness and interrelated hierarchy are very important for Indonesia's environmental governance, precisely because they reject sectoral fragmentation which is actually one of the structural problems of national regulations. Makraja and his colleagues applied the Auda framework to read Indonesia's environmental problems and concluded that environmental conservation is integrated with the protection of religion, soul, intellect, heredity, and property at the same time [18]. It is through the lens of this system that ḥifẓ al-bīʾah can be read as a node that links the entire maqṣad, not a stand-alone branch. The methodological consequences are clear: forest policy should not be separated from water, energy, and coastal policy, because in an interconnected system, the failure of one node spills over to another.

Istiṣlāḥ, Sadd al-Dharīʿah, and the Logic of Adaptation. The third layer of this framework bridges the norm with action through two uṣūl instruments. Istiṣlā, or the

consideration of maṣlaah mursalah, provides space for authorities to formulate environmental policies that are not explicitly regulated by the text but are in line with the intent of the sharia a principle that underlies many MUI environmental fatwas. As for sadd al-dharīʿah, which is to close the path that leads to destruction, it provides a precautionary rationale that is structurally very compatible with climate governance. Wan Hassan and his colleagues show that sadd al-dharīʿah can be applied to prevent actions that seem beneficial in the short term such as uncontrolled deforestation and excess carbon emissions but have the potential to lead to major mafsadah in the future [27]. The principle of harm prevention (lā ḍarar wa lā ḍirār), which Nasir and his colleagues refer to as the main driver of Islamic environmental ethics, reinforces this reasoning [11].

The author is of the view that it is precisely at this point that adaptation gains its strongest theoretical foundation. Pay attention to the logic in stages. First, the rule of darʾ al-mafāsid muqaddam ʿalā jalb al-maṣāliḥ rejecting harm in the pursuit of benefit has placed the prevention of harm above the pursuit of profit. Second, if preventing new dangers that may occur is prioritized, then preparing protection for dangers that are almost certain to come is certainly more important, because the level of certainty of harm is directly proportional to the level of obligation to deal with it. Third, since some of the impacts of climate change have been locked even if global emissions are stopped today, keeping the souls and descendants of future generations from those impacts is not a taḥsīnī choice, but a ḍarūrī demand. From this series was born the construction that is the axis of this article: adaptation is not a complement to mitigation, but a maqṣad that stands alone a ḥifẓ al-nafs that is anticipatory, not reactive. Thus, this theoretical framework does not stop at naming concepts, but prepares tools to assess and reconstruct policies in the discussion section.

The grading of maṣlaḥah al-Shāṭibī provides a useful calculus for sorting out adaptation interventions. Not all adaptation measures are equal in value, and without a sorting tool, it is easy to get caught up in prioritizing the grand over the urgent. Measures that protect lives directly from the almost certain dangers of relocation of residents from submerged villages, the provision of clean water during long droughts, the protection of the livelihoods of farmers who fail to harvest are classified as ḍarūriyyāt and therefore demand the highest priority. A step that alleviates difficulties without concern the survival of plant diversification, the strengthening of the early warning system is classified as ḥājiyyāt. As for steps that improve the quality of the environment but do not urge aesthetic greening, the certification of high-end green buildings is classified as taḥsīniyyāt. This tiered calculus confirms the main thesis of the article because many climate impacts have fallen into the category of ḍarūrī threats to the soul, adaptation for the most vulnerable groups should not be treated as a luxury of taḥsīnī that can be postponed, but rather as a primary obligation that precedes other interests.

2 Method

Primary legal materials include the Qur'an and relevant hadiths, books of uṣūl and fiqh muʿtabar, MUI fatwas in the field of the environment, and laws and regulations. Secondary legal materials in the form of reputable journal articles are prioritized that are

indexed by Scopus and published in the last five to ten years, official reports of ministries and state agencies, as well as documents of international institutions. All materials are analyzed qualitatively through interpretation, synthesis, and reasoning of the maqāṣidī, with the maqāṣid al-syarīʿah serving as an assessment rubric that is applied consistently in each subsection of the discussion, rather than just an opening frame. Methodological limitations need to be stated from the outset: this study is normative-conceptual and has not tested the model submitted through primary field data, so its findings have the status of theoretical propositions that require further empirical verification.

3 Results and Discussion

3.1 The Governance Paradox: Abundant Regulation, Unequal Legitimacy

Indonesia's environmental governance holds a paradox that is rarely explicitly named. On the one hand, the regulatory framework appears to be complete; on the other hand, his orientation actually erodes the goals to be achieved. Susana and her colleagues identified the exploitative and anthropocentric nature of natural resource policy, which ignores intergenerational and ecological justice, and pointed to easing through the Job Creation Law as a marker of this direction [6]. The problem is increasing because Islamic financial instruments that are supposed to support the green transition are actually hit by institutional fragmentation; Septyanun and his colleagues found that the integration between sharia principles and environmental governance in the net-zero agenda is still weak, characterized by reliance on collateral, regulatory fragmentation, and the absence of a coherent framework linking maqāṣid with forest governance and carbon economic value [28]. At this point, Indonesia's environmental governance lives a contradiction: ambitious in targets, but fragile in coherence.

The case of forest and land fires shows this paradox nakedly. Islam and his colleagues, through an extensive systematic literature review, assert that climate change is driven primarily by human actions of excessive consumption of fossil fuels, deforestation for industrialization, and land clearing and that Islamic law provides a moral as well as legal foundation through fiqh al-bīʾah, khilāfah, and mas'ūliyyah to contain it [29]. However, on the ground, peatland clearing by burning continues to be repeated despite the existence of the Forestry Law, forest and land fire control regulations, and even fatwas that prohibit it. This gap between layered norms and repetitive practices is at the heart of the paradox: what is lacking is not rules, but mechanisms that translate rules into compliance.

The fatwa is there to fill the legitimacy deficit, but it strikes a structural boundary. In the Indonesian legal system, fatwas are not generally binding positive laws; its binding force is moral-persuasive and depends on the internalization of the ummah and the willingness of the apparatus to adopt it in policy socialization. A number of MUI environmental fatwas, such as fatwa on waste management and forest burning, are often used by the government as a means of socialization because they are in line with state programs. But it is this reliance on willingness to adopt that is the weakest link: without

an institutional bridge, the normative power of fatwas evaporates before it becomes action. The paradox of Indonesian governance, therefore, is not a lack of norms, but the absence of a mechanism that translates moral legitimacy into policy coercion a question that will be answered in the subdivision of institutional architecture.

The root of the paradox is an unreconciled dualism. On the one hand, there is a positivistic and growth-oriented state law; on the other hand, stands Islamic ethics that emphasize trust and balance. As long as the two run on separate rails, fatwas will continue to be a moral voice that resonates in a different space than the one where investment decisions are made. This problem cannot be solved simply by increasing fatwas or tightening regulations separately, because what is lacking is not the quantity of norms on each rail, but the common ground that links the two. This is why the reconstruction offered by this article does not stop at the level of values, but rather moves towards the mechanism of a shift from asking what is right to asking through what is right that can bind.

3.2 Fatwa Number 86 of 2023: Mitigation-centric Breakthrough

Fatwa Number 86 of 2023 concerning the Law on Global Climate Change Control should be considered a leap. Its legal provisions prohibit all actions that cause natural damage and impact the climate crisis, prohibit uncontrolled deforestation and forest burning that release massive greenhouse gases, and require contributions to mitigation and adaptation, reduction of carbon footprints that are not basic needs, and support for a just energy transition [8]. Methodologically interesting, this fatwa was drafted after the fatwa commission conducted a field visit to burned peatlands in Kalimantan to gather empirical evidence a practice that juxtaposes normative reasoning with field data, and therefore deserves to be appreciated as a model for formulating fatwas based on reality, rather than just textual reasoning from behind the desk.

However, the appreciation should not cover the limitations. Critical reading shows that the focus of the fatwa lies in the language of prohibition and mitigation, prohibition of destruction, emission reduction, energy transition, while adaptation is mentioned almost as a word, without elaboration on how vulnerable communities should be taken care of when danger has arrived. The National Executive of WALHI sharpened this criticism by questioning the relevance of the adaptation framework for coastal communities whose islands have been submerged, questioning the interpretation gap in the phrase uncontrolled deforestation whether it is not illegal to control deforestation and the absence of consideration of the loss and damage mechanism that has become an international consensus [9]. At the policy discourse level, Al-Jayyousi and his colleagues show that Islamic values can indeed interact positively with the environmental responsibility of policymakers, but the Global South narrative of equity and responsibility is historically unaccommodated [30]. Koehrsen's finding that the local adaptation dimension still lags behind mitigation finds confirmation here [21].

The author is of the view that this mitigation bias is not just editorial negligence, but a reflection of the way maqāṣid is read reactively. When the environment is protected primarily through the prohibition of destructive acts, what works is the logic of preventing ongoing harm. Even though the climate crisis demands more protection of lives

and descendants from dangers that are partly inevitable. As for the gap in the interpretation of controlled deforestation that WALHI questioned, from the point of view of sadd al-dharīʿah, can and should be closed if any scale of deforestation paves the way to carbon emissions that exacerbate the crisis, then labeling it as controlled does not change its status as dharīʿah towards mafsadah. Fatwa 86/2023 opens the door by mentioning adaptation, but has not yet stepped through it. It is precisely on this doorstep that the reconstruction of the maqāṣid is needed.

What should an adaptive climate fatwa look like? From the framework built, the author imagines three sharpenings. First, such a fatwa would stipulate that protecting vulnerable communities from the impacts of climate change is undoubtedly a farḍ kifāyah that burdens the state and the ummah collectively, not just a moral imperative. Second, he will link the obligation with an instrument that clearly directs zakat, waqf, and sharia financing to the protection of affected groups so that it does not stop at calls without devices. Third, he will close the gap in interpretation through sadd al-dharīʿah, asserting that any form of destruction that opens the way to a crisis, however restrained, remainsforbidden. These three sharpenings do not replace Fatwa 86/2023, but improve the direction it has pioneered. Thus, the criticism submitted here is constructive, he appreciates the breakthrough as well as shows the next steps that have not been taken.

3.3 Repositioning Ḥifẓ al-Bīʾah as an Adaptive Axis: A Reconstruction

How to shift maqāṣid from a reactive to an anticipatory disposition? The answer to this article rests on three interconnected steps of repositioning. First, ḥifẓ al-bīʾah should be read horizontally as a knot that underpins all inevitability, as affirmed in the theoretical framework, so that every environmental policy automatically becomes a policy of safeguarding life, posterity, and property at the same time [10]. Second, through the Auda system approach, the sectoral fragmentation that is a disease of Indonesia's governance is methodologically rejected: the feature of comprehensiveness demands that forest, water, energy, and coastal policies be read as a single interconnected system, not as a separate ministerial affair [26]. Third, adaptation is repositioned as a separate maqṣad that is equivalent to mitigation.

This third step is the essence of the novelty proposed. In the classical framework, ḥifẓ al-nafs generally work reactively protecting the soul from actual and concrete threats. But the climate crisis presents a cumulative, cross-generational, and partially locked-in threat even if emissions are halted today. Consequently, soul care is no longer adequate if it is only reactive; it must be anticipatory. The author calls this construction as ḥifẓ al-nafs prospective the obligation to protect the souls and offspring of future generations from the dangers that come slowly but surely. Different from simply expanding the scope, this construction shifts the temporal orientation of the maqāṣid from protecting the present to anticipating the future and thus linking the maqāṣid with the principle of intergenerational justice that has been more familiar in secular environmental legal discourse than in jurisprudence. This is where the original contribution of this repositioning lies.

This repositioning expands the scope of the environment from the physical dimension to the social dimension. Munir and his colleagues put forward the idea of ḥifẓ al-

bīʾah al-ijtimāʿiyyah, the protection of the social environment, which demands synergy between society, government, and the principles of maqāṣid [31]. Climate adaptation, in this reading, is not only about dikes and drought-resistant plant varieties, but also about community resilience, livelihood protection, health, and social cohesion of vulnerable communities. Hayat and his colleagues affirm that Islamic environmental ethics is based on human responsibility for the living and non-living things around them, a responsibility that naturally extends to the most affected fellow humans [32]. To the objection that this repositioning is too much of a fiqh with a contemporary agenda, the author replies that what is done is not to add a foreign purpose to the shari'a, but to draw the logical consequence of the maṣlaḥah that is already at the heart of maqāṣid: protecting man from destruction. Thus, the repositioning of ḥifẓ al-bīʾah as an adaptive axis simultaneously links ecological justice with social justice, and puts the most vulnerable at the center of the calculation.

This repositioning also requires a rereading of the principle of khilāfah. In the conventional understanding, khilāfah is often read as a mandate of human power over nature a reading that, ironically, can be a door to exploitation. The author is of the view that the khilāfah is more accurately understood as a guardianship (amānah) that demands accountability across time: human beings are not owners who are free to drain, but trustees who are obliged to hand over the earth to the next generation in no worse circumstances. From this reading, intergenerational justice that has been more familiar in the discourse of secular environmental law finds its theological equivalent which is actually more binding because it relies on accountability before God. Adaptation, thus, is not just a technical survival strategy, but the fulfillment of the mandate of the guardian to keep the earth habitable for those who have not yet been born. This is where maqāṣid goes beyond secular environmental laws, not just imitating them.

3.4 Classical Instruments as Spatial Adaptation Devices: Ḥimā, Ḥarīm, and Iḥyāʾ al-Mawāt

Normative repositioning would float without instruments. Interestingly, the treasures of classical fiqh have provided spatial governance tools that, when reactualized, are highly relevant for adaptation. Purwanto and his colleagues show that Islam's concern for the environment is recorded in the discussion of classical jurisprudence ranging from ṭahārah, iḥyāʾ al-mawāt, al-musāqāt, and al-muzāraʿah, to the law of water and fire ownership [33]. The three most prominent instruments are ḥimā (protected areas whose use is restricted for the common good), ḥarīm (buffer zones around water sources, rivers, or settlements), and iḥyāʾ al-mawāt (turning dead land into productive life). These three are not frozen concepts; it is a spatial technology born from a society that depends on ecological balance for survival.

All three can be translated directly into adaptation strategies. Umam and his colleagues, through a network analysis of the productive forest waqf model, found that ḥimā was the most preferred model for stakeholders because it combined sustainable use with the maintenance of ecological components, followed by iḥyā al-mawāt, while arīm was considered to have lower economic potential despite being ecologically supe-

rior [17]. Faiz emphasized that the ḥimā and ḥarīm models in the Sunnah provide concrete strategies for flood management and urban spatial planning are two of the most pressing adaptation issues for Indonesia's coastal cities [34]. Amin, in the context of Pakistan prone to floods and glacier melting, places ḥimā alongside amānah and maṣlaḥah as the foundation of sharia-compatible climate governance, while offering a Sharīʿah-compatible climate governance model that is a valuable benchmark for Indonesia [35].

Against the finding that ḥarīm is less in demand because of its low economic potential, the author instead proposes a correction of the maqāṣidī. In the framework of prospective ḥifẓ al-nafs, the value of an instrument is not measured by its economic results, but by its protective power over the soul. The buffer zone of the river and coastal borders, namely ḥarīm in its contemporary form, is the most direct adaptation tool to floods and abrasions that threaten areas such as Demak and Pekalongan. To judge ḥarīm solely by economic calculus is to repeat the anthropocentric fallacy that was criticized in the old paradigm of governance. Therefore, judgments in favor of the salvation of the soul require that ḥarīm be elevated, not lowered, in priority. This is where classical instruments ceased to be historical artifacts and became blueprints of maqāṣid-guided spatial adaptations.

The dimension of water strengthens this argument. Hamdi and his colleagues, in building a framework for water governance based on maqāṣid and fiqh al-bīʾah, noted that water pollution is still widespread in thousands of villages and sub-districts, with a slow-moving water quality index [20]. Mohamad and his colleagues assert that Islamic law expressly prohibits any act that pollutes and damages water sources, and places water conservation as an urgent obligation [36]. Ḥarīm, in this context, serves a dual purpose to protect water sources from pollution while also mitigating the risk of flooding. When classical instruments are read through the lens of the Auda system, ḥimā, ḥarīm, and iḥyāʾ al-mawāt do not stand alone, but rather form an adaptive spatial arrangement that links forests, waters, and coasts in a single logic of soul protection.

Cross-country experience clarifies the conditions for the successful reactualization. Whether in the context of Malaysia relying on damage control on sadd al-dharīʿah or Pakistan which has adopted ḥimā as the foundation of sharia-compatible climate governance, classical instruments have proven to be powerful only when supported by a binding state legal framework, not just moral recommendations. This lesson is important for Indonesia: reviving ḥimā and ḥarīm is not enough through preaching and awareness, but rather demands institutionalization in local regulations, certification of protected waqf lands, and legal recognition of community-managed areas. Without such institutionalization, the classical instrument would have fared the same as the fatwa normatively correct, but helpless in the face of the pressures of land conversion. With institutionalization, it becomes a legitimate and enforceable adaptive spatial device, linking the wisdom of classical jurisprudence with the certainty of modern law.

When the three instruments are read as a whole, a complete adaptive land use logic is formed. Ḥimā designates areas protected from overexploitation in order to maintain long-term ecological carrying capacity; ḥarīm establishes buffer zones that dampen disasters at the most vulnerable points such as river borders and coastlines; and iḥyāʾ al-mawāt encourages the restoration of degraded land to be productive again, for example

through mangrove restoration that resists abrasion and absorbs carbon. All three, when institutionalized together, provide a spatial grammar that is naturally oriented towards the protection of life and sustainability. Interestingly, this grammar grew out of a centuries-old tradition, long before the term climate adaptation was known a reminder that the treasures of fiqh hold conceptual resources that have not yet been fully unearthed to address contemporary challenges. The task of today's Islamic law scholars is not to create a new out of nothing, but to translate the classics into an enforceable institutional language.

3.5 Contemporary Instruments as Financial Adaptation Tools: Green Sukuk, Waqf, and Zakat

Adaptation requires financing, and it is in this realm that Indonesia has become a global pioneer. Since the issuance of the world's first sovereign green sukuk in March 2018 worth US$1.25 billion, its cumulative issuance has reached around US$9.59 billion through 2023 according to a Ministry of Finance report, with the largest allocation on sustainable transportation, food security and climate, and water and waste management [37]. Faizi and his colleagues emphasized that green sukuk is a key instrument that finances clean energy, mass transportation, water conservation, and forestry [14]. Importantly, most of the allocations food-climate security and water management are actually in touch with adaptation, although they are often framed as mitigation. The repositioning of the maqāṣidī allows for a reframing: those resilience projects deserve to be read as embodiments of prospective ḥifẓ al-nafs, and therefore worthy of being reported as achievements of adaptation, not mere mitigation.

But the country's fiscal instruments are insufficient, and not entirely secure. The distinctive strength of Islam lies precisely in social finance. Septyanun and colleagues show that cash-waqf-linked sukuk as well as muḍārabah, mushārakah, and istiṣnā contracts provide long-term risk-sharing and asset-based financing that is suitable for green projects, especially in vulnerable areas such as West Nusa Tenggara [28]. Ahmed and his colleagues map out how Islamic social finance of zakat, waqf, and qarḍ can support the green transition while balancing poverty alleviation with sustainability, a balance that is at the heart of just adaptation [38]. Khairunnisa and his colleagues found a strong conceptual alignment between environmental, social, and governance principles and maqāṣid, particularly on environmental conservation and social justice [39].

Zakat, in this framework, deserves to be raised as an instrument of direct adaptation for the most vulnerable groups. Farmers who fail to harvest due to prolonged drought and fishermen who lose their catch due to changes in sea patterns are classified as legitimate and urgent recipients of zakat; distributing zakat to them is not just charity, but the fulfillment of ḥifẓ al-nafs at the level of ḍarūrī. Muklis and his colleagues show that productive waqf schemes have channeled public capital into sustainable agriculture and education, while corporate zakat programs encourage micro-enterprises evidence that Islamic social finance can be the backbone of community resilience [40].

However, caution is still needed. Liu and his colleagues cautioned that green sukuk that simply absorbs the existing green bond standard is vulnerable to greenwashing [16]. Manap, in a comparative study of Southeast Asia, emphasized the importance of

a robust regulatory framework and standardized reporting mechanisms for these instruments to be truly impactful [41]. Supriatno and his colleagues found that while green sukuk contributes to sustainable infrastructure financing and climate resilience, governance fragmentation and limitations in sustainability reporting remain key challenges [42]. The authors conclude that the effectiveness of adaptation financial instruments depends on one condition of maqāṣidī: the conformity between the form (ṣūrah) of the contract and the intention (maqṣad) of its benefits, so that the sukuk or green waqf does not stop as a label, but actually flows resources to those most in need of protection. Without this condition, even the most advanced instrument would only be a ṣūrah without maqṣad.

There is one instrument that is absent from most conversations but is the most relevant for adaptation, and that is the takāful-based risk-sharing mechanism. Adaptation is essentially risk management how vulnerable communities are to bear the shock of crop failure, flooding, or homelessness. The principle of takāful mutual coverage based on taʿāwun and tabarruʿ offers the sharia equivalent of climate insurance that has been dominated by conventional schemes. Zakat and waqf funds can be designed as a buffer that ensures the rapid recovery of affected communities, while micro takāful schemes protect farmers and fishermen from bankruptcy due to climate shocks. The author views the integration of takāful into the architecture of adaptation as a missing link: he translates the solidarity that is at the heart of Islamic social finance into a concrete and measurable protection mechanism, and thus closes the gap between values and devices.

The requirement of conformity between ṣūrah and maqṣad demands concrete audit criteria, not just appeals. The author proposes four maqāṣidī criteria for assessing each green financial instrument. First, the target criteria whether the flow of funds really reaches the groups with the highest vulnerability, or whether it is absorbed by prestige projects with minimal adaptive impact. Second, traceability criteria whether the impact can be independently verified, or whether it is only claimed in untested reports. Third, the burden fairness criterion whether the instrument eases or actually increases the burden of vulnerable groups through, for example, regressive tariff increases. Fourth, the criteria for contract integrity whether the transaction structure really shares risks according to sharia principles, or whether it is simply to borrow a label. These four criteria translate the maqāṣid principle into an operational test tool, and thus close the greenwashing loophole that has been a weakness of green financing in many jurisdictions.

3.6 Institutional Architecture: Sewing Norms, Instruments, and Actors

The norms that have been repositioned and the instruments that have been identified will still be scattered without an architecture that stitches them together. This article proposes a model of adaptive governance based on maqāṣid that works on three levels and involves clear actors. At the norm level, ḥifẓ al-bīʾah serves as a rubric that must be a reference in the preparation and testing of every environmental policy, while sadd al-dharīʿah closes the gap of interpretation including the gap in deforestation that is controlled in Fatwa 86/2023 by affirming that all paths to climate damage must be closed regardless of the label of control. Susana and her colleagues have proposed the integration of environmental fatwas into the framework of the statute as well as the

establishment of a maqāṣid supervisory function; the author supports this proposal by sharpening that the integration must change the fatwa from a persuasive source to a normative reference in the analysis of environmental impacts [6].

At the instrument level, ḥimā, ḥarīm, and iḥyā al-mawāt are institutionalized through waqf-based spatial planning and regional regulations, while green sukuk, cash-waqf-linked sukuk, and zakat are explicitly directed at adaptation projects with vulnerability indicators as allocation criteria. At the actors' level, the religious community is the spearhead. Ferdinan and his colleagues show that pesantren can be a vehicle for mainstreaming sustainability through the institutionalization of the values of tawāzun, amānah, and khalīfah in the curriculum and school culture, with a tangible contribution to the Sustainable Development Goals in the fields of education, climate action, and partnerships [43]. Hajar documented the Eco-Pesantren movement as a pioneer of ecological education in Indonesia.[44] Sadali emphasized that organizations such as Muhammadiyah, Nahdlatul Ulama, and Islamic Relief have translated the principles of khalīfah and amānah into community-based programs, although they are still constrained by fragmentation of policy support [45]. Mosques, through the eco-mosque movement, can function as a node for community-based adaptation from rainwater harvesting to disaster preparedness education. Alibašić reinforces this direction with the finding that inclusive religious regimes underpin the effectiveness of resilience planning [19].

In order not to stop as an idea, this architecture can be read as a roadmap that links actors, stages, and outputs in a concise manner. At the regulatory stage, the Ministry of Environment together with the MUI and the Indonesian Waqf Board translated the maqāṣid rubric into a policy testing guideline, with outputs in the form of integrating environmental fatwas into environmental impact analysis procedures and success indicators in the form of the number of policies that passed the maqāṣid test. At the financing stage, the Ministry of Finance, the Financial Services Authority, and amil zakat institutions allocate Islamic financial instruments to adaptation projects based on vulnerability indicators, with outputs in the form of adaptation funds that are tracked and reported and indicators in the form of financing proportions that truly reach vulnerable groups. At the community level, Islamic boarding schools, mosques, and local governments run resilience programs based on ḥimā and ḥarīm, with outputs in the form of protected areas and buffer zones managed by the community and indicators in the form of a reduction in the vulnerability index of the region.

This model is not immune from risk, and academic honesty demands that risk be named. First, the risk of elite capture, when waqf or zakat instruments are controlled by a few parties so that they deviate from the maqṣad of their benefits. Second, the risk of tokenism, when sharia labels are affixed without substantial changes to the flow of resources. Third, the risk of refragmentation, when the three levels of architecture run independently without coordination. These three risks actually affirm the importance of the maqāṣid-based supervision function as a coordination node, not a new bureaucracy, but a mechanism that keeps the institutional form faithful to the intention of the sharia. With the three-level sewing supervised by maqāṣid, environmental sharia ceased to be an appeal and became true governance.

An architecture, however neat it may be on paper, will fail if it ignores the order and economics of its implementation. The author proposes a realistic staging. In the short term, the most likely and politically cost-effective step is to make the maqāṣid rubric a voluntary instrument in policy testing and direct a portion of the allocation of existing Islamic financial instruments to adaptation projects to take advantage of the momentum that the green sukuk has built. In the medium term, the integration of fatwas into environmental impact analysis procedures and the strengthening of community management areas demands deeper regulatory changes and therefore faces resistance from extractive interests. In the long run, the establishment of a maqāṣid-based supervisory function as a coordination node requires broad political consensus. This staging recognizes that governance reform is not a one-off event, but a gradual process that must win legitimacy at every step and it is precisely here that religious moral capital becomes a strategic asset, not just a complement.

This architecture also demands success indicators that are faithful to its adaptive orientation. The commonly used measure in climate governance of the number of tons of emissions lowered is important, but is insufficient to assess adaptation. Therefore, the authors propose a set of indicators centered on the vulnerability: declining populations living in high-risk areas, increased coverage of takāful protection for farmers and fishermen, the extent of the successfully institutionalized and community-managed ḥarīm buffer zones, and the proportion of sharia financing that actually flows to the most vulnerable groups. These indicators are not just technical; it is a statement of value. By using reduced vulnerability as a benchmark, the state states that environmental governance success is measured by the weakest safety, not by the most visible splendor of the project. This is the most concrete translation of maqāṣid into the practice of government: placing ḥifẓ al-nafs as a measure, not just an ideal.

3.7 Implications for National Climate Targets and Sustainable Development Goals

This reconstruction has direct implications for two major agendas. Towards the national climate contribution, the sharpening of adaptive orientation helps to balance the burden that has been heavily focused on mitigating the forestry sector; food, water, and coastal security financed by Islamic instruments can be read and reported as adaptation achievements that have been undercounted. This shift in reporting is not just administrative, it changes the way the state assesses its own success, from a mere reduction in emissions to a measure of declining vulnerability of citizens. With regard to the Sustainable Development Goals, the alignment between maqāṣid and the global agenda is not new. Bsoul and his colleagues point out that environmental protection, which is at the heart of these goals, has been embedded in Islam since its inception [12]. Al-Jayyousi and his colleagues assert that Islamic values can reshape climate policy discourse among policymakers and the public alike [30].

What distinguishes the maqāṣidī approach from mere symbolic alignment is its link with justice. Shabanov and his colleagues place khalīfah, mīzān, ʿadl, and maṣlaḥah as ethical foundations for climate justice that link environmental sustainability with socio-

economic equity [46]. Klongrua and his colleagues assert that maqāṣid inherently underpins environmental stewardship as a path to balance (mīzān) [47]. Hamouda and his colleagues point out that green sukuk has strengthened Indonesia's commitment to the Sustainable Development Goals while attracting investment, despite the weak environmental risk awareness among financial institutions [48]. To the objection that effective secular governance is sufficient without the need for a religious framework, the author replies that in a society with high religiosity such as Indonesia, religious moral legitimacy is not a complement, but a condition of obedience; norms that are not rooted in citizens' beliefs will cease to be texts. It is precisely in this dimension of justice and legitimacy that the original contribution of maqāṣid-based governance lies: it does not simply add religious legitimacy to the existing agenda, but shifts its center of gravity to the most vulnerable, making the measure of sustainable development success not in greened growth, but in the reduction of the vulnerability of those most threatened.

That alignment can be mapped specifically so that it doesn't stop as a common claim. The maqāṣid-based adaptation repositioning underpins the thirteenth Sustainable Development Goal on addressing climate change directly, because it places resilience and adaptive capacity as core, not complementary. It underpins the sixth goal of clean water and sanitation through the reactualization of ḥarīm as a protector of water sources. He supports the second goal of zero hunger through the direction of zakat and takāful for farmers affected by drought. He underpins the first goal of being poverty-free through Islamic social finance that favors vulnerable groups. And it underpins the eleventh goal of sustainable cities and settlements through ḥimā-based adaptive spatial planning in threatened coastal areas. What unites all those links is one thread the protection of the most endangered life. With this mapping, maqāṣid-based governance is not only aligned with the global agenda, but rather gives it a moral axis that sharpens partiality a contribution that goes beyond symbolic alignment.

3.8 Weighing Objections: Model Limits and Tensions

Academic honesty demands that this model be tested against the most serious objections. The first objection comes from a secular direction: isn't effective environmental governance simply grounded in positive laws and scientific evidence, without the need for a potentially divisive religious framework? The author replies that in a society with high religiosity, religious moral legitimacy is not an alternative to positive law, but a condition for its effectiveness; norms that are not rooted in citizens' beliefs tend to stop as texts that are not followed. It is precisely this neglect of the religious dimension that has weakened the enforcement of environmental laws in Indonesia. The second objection comes from the internal direction of Islam: doesn't including maqāṣid with a climate adaptation agenda risk subjecting the sharia to global trends? Against this, the author asserts that what is done is not importing foreign purposes, but drawing the consequences of the maṣlaḥah that has been the heart of maqāṣid since al-Shāṭibī; protecting the soul from destruction is the most authentic maqṣad, not the strangest one.

The third objection is practical and the most pressing: aren't the instruments of waqf and zakat vulnerable to abuse, and doesn't the institutionalization of fatwas risk politicizing religious authority? These objections are valid and should not be underestimated.

It is precisely for this reason that the function of maqāṣid-based supervision is designed not as an increase in the power of a particular institution, but as an accountability mechanism that tests whether each instrument remains faithful to its maqṣad benefits. This model also has its limits to acknowledge: it rests on the assumption of political will and institutional integrity that, in reality, is not always available. The tension between normative ideals and economic-political realities cannot be erased by theoretical arguments; it can only be managed through careful staging, independent oversight, and meaningful community participation. By openly acknowledging these limitations, the maqāṣid-based model of adaptive governance presents itself not as a panacea, but as an honest framework for the complexity it seeks to arrange.

4 Conclusion

This article departs from the paradox of Indonesia's environmental governance: abundant regulations but unequal legitimacy, and large but weak institutional religious normative capital. Regarding the first question, this study shows that maqāṣid al-syarīʿah, when reconstructed through the repositioning of ḥifẓ al-bīʾah as a horizontal axis, Jasser Auda-style systemic reading, and the activation of sadd al-dharīʿah and istiṣlā, is able to shift governance from a mitigative-extractive paradigm to an adaptive-sustainable paradigm. The novelty of this shift lies in the construction of adaptation as an anticipatory maqṣad ḥifẓ al-nafs prospective which changes the temporal orientation of the maqāṣid from reactive to precautionary and links it with intergenerational justice.

To the second question, this article proves that classical and contemporary instruments can be sewn into one architecture. Ḥimā, ḥarīm, and iḥyāʾ al-mawāt are reactualized as a tool of spatial adaptation with ḥarīm that deserves to be given priority for the sake of life safety, correcting purely economic judgments while green sukuk, green waqf, and zakat are directed as instruments of adaptation financing that favor vulnerable groups, as long as they are in the form of a commitment to their benefit. To the third question, the implications are clear: sharpening the adaptive orientation balances the national climate burden, transforming the way countries assess their success, and linking sustainable development with justice for the most threatened. The common thread of the three is a single thesis: without institutionalization that stitches fatwas into the framework of the statute and moves community actors such as Islamic boarding schools and mosques under the supervision of maqāṣid, environmental sharia will remain as a moral appeal, not a governance architecture.

This research is limited to normative reconstruction and literature synthesis; it has not tested the proposed model through field data. Therefore, the most promising direction of further research is the empirical study of the effectiveness of sharia-based adaptation instruments at concrete locus, for example, the management of river border chains on the northern coast of Java that are threatened by flooding, or the allocation of adaptation zakat for farmers and fishermen affected by climate change so that the architecture that is still in the form of a blueprint can be tested for its effectiveness in the real world. With such testing, sharia-based environmental governance can move from

theoretical propositions to tested practices, and ḥifẓ al-bīʾah really becomes a pivot, not just an appeal.

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