

## Law No. 32 of 2009 concerning PPLH as an Instrument for Limiting the Utilization of Natural Resources from the Perspective of Maqāṣid al-Syarī'ah

Upi Sopiah Ahmad

Takengon State Islamic Institute

E-mail: [opisopiahahmad@gmail.com](mailto:opisopiahahmad@gmail.com)

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<p><b>Article History</b>            Received : 2018-07-03            Revised: 2018-07-11            Published: 2018-07-30</p> <p><b>Keywords:</b>  <i>Law No. 32 Of 2009            Concerning            Environmental Protection            and Management,            Restrictions on the Use of            Natural Resources,            Maqāṣid Al-Syarī'ah</i></p>	<p>The use of natural resources in development practices often raises issues of pollution and environmental damage when legal restrictions are understood solely procedurally and administratively. Law Number 32 of 2009 concerning Environmental Protection and Management places environmental planning as the foundation of management, particularly through the provisions in Article 10. However, this provision is still often read in a formalistic manner so that its normative function as an instrument for limiting the use of natural resources has not been optimized. This article aims to analyze the position of Article 10 of Law No. 32 of 2009 from the perspective of maqāṣid al-syarī'ah, with an emphasis on the principle of preventing damage (dar' al-mafāsid), in order to emphasize the orientation of environmental protection and human safety. This study uses a normative legal research method with a statutory and conceptual approach. The primary legal material in the form of Law No. 32 of 2009, especially Article 10, is reviewed together with relevant Islamic legal sources, and supported by maqāṣid literature and contemporary environmental law studies as secondary legal materials. The research results show that Article 10 not only functions as an administrative planning norm, but also contains preventive content that aligns with the objectives of the maqāṣid al-syarī'ah, particularly the protection of life and the public welfare. Thus, Article 10 can be positioned as a normative meeting point between national environmental law and the basic principles of Islamic law in limiting the sustainable use of natural resources.</p>

### I. INTRODUCTION

The utilization of natural resources is a crucial element in the development agenda, but in practice it often gives rise to structural environmental problems. Pollution, ecosystem degradation, and even ecological disasters demonstrate that environmental problems cannot be understood solely as technical or administrative failures. Rather, these issues reflect a weak normative orientation in legal policies governing the utilization of natural resources, particularly when economic interests are placed above environmental protection and human safety. In this context, environmental law should function not merely as a procedural regulatory instrument, but as a mechanism for substantive restrictions on natural resource utilization activities.

Law Number 32 of 2009 concerning Environmental Protection and Management serves as the primary legal framework for controlling the use of natural resources in Indonesia. One of the strategic provisions in this law is Article 10, which places environmental planning as the basis for natural resource utilization, controlling pollution and environmental damage, and maintaining environmental quality. Normatively, this provision demonstrates that the state does not grant absolute freedom in the exploitation of natural resources, but rather requires planning as an instrument of control and prevention. However, in policy practice and academic studies, Article 10 is still often treated as an administrative norm that functions merely to complement licensing procedures, without in-

depth understanding of its normative and preventive content.

A formalistic reading of Article 10 has serious implications for the effectiveness of environmental protection. When environmental planning is reduced to procedural obligations, the potential for long-term and systemic environmental damage is often overlooked in policy considerations. This situation suggests that the primary problem lies not in the absence of regulation, but rather in the interpretation and operationalization of existing legal norms. Therefore, a normative approach is needed that positions Article 10 as an instrument for limiting the use of natural resources, rather than simply as an administrative step in environmental management.

In the context of Indonesia's predominantly Muslim society, an Islamic legal approach has normative and sociological relevance in enriching the reading of national environmental law. Islamic law views the utilization of natural resources as a trust that must be carried out within a framework of moral and social responsibility. The concept of *maqāṣid al-syarī'ah* emphasizes that all legal provisions are directed towards realizing the public interest and preventing harm, particularly in the context of protecting the soul (*ḥifẓ al-nafs*) and the public interest. Therefore, the utilization of natural resources that causes environmental damage and endangers human safety is not only contrary to positive law but also contradicts the fundamental objectives of sharia.

So far, environmental studies from an Islamic legal perspective have generally focused on the ethical dimension of the environment, the prohibition of causing harm (*ifsād*), and the concept of humans as caliphs on earth. Meanwhile, research on Law No. 32 of 2009 has focused more on aspects of administrative law and law enforcement, such as licensing, environmental impact assessments (EIA), and

sanctions. These two approaches tend to operate separately and are rarely critically linked in analyzing specific provisions as a locus of integration between positive law and the *maqāṣid al-syarī'ah* (objectives of Islamic law). As a result, the potential for national legal norms to be read as part of the framework of public interest in Islamic law has not been optimally explored.

This article starts from the assumption that Article 10 of Law No. 32 of 2009 has normative content that is in line with the principles of *maqāṣid al-syarī'ah*, particularly the principle of preventing damage (*dar' al-mafāsid*). This article not only regulates environmental planning as a technical procedure, but also contains a preventive orientation that aims to limit the utilization of natural resources so that it does not exceed the environmental carrying capacity and threaten human safety. Thus, an integrative reading of Article 10 is important to reaffirm the function of environmental law as an instrument for protecting the public interest.

Based on this framework, this article aims to analyze Article 10 of Law Number 32 of 2009 from the perspective of *maqāṣid al-syarī'ah* to emphasize its position as a norm limiting the use of natural resources oriented towards environmental protection and ecological justice. This approach is expected to enrich the national environmental law discourse by offering a normative reading that positions positive law and *maqāṣid al-syarī'ah* as a mutually reinforcing framework in realizing sustainable development.

## II. RESEARCH METHODS

This research is a normative legal study oriented towards doctrinal studies of positive legal norms and Islamic legal principles. The choice of normative legal research is based on the research objective, which is not intended to test empirical facts in the field, but rather to examine and assess the normative content of Article 10 of Law Number 32 of 2009 concerning

Environmental Protection and Management from the perspective of *maqāṣid al-syarī'ah*. Thus, the focus of the research is directed towards the analysis of legal texts, concepts, and doctrines relevant to the limitation of natural resource utilization.

The approaches used in this study include a statutory approach and a conceptual approach. The statutory approach is used to examine the position and substance of Article 10 of Law No. 32 of 2009 as part of the national environmental law system, including its relationship to the principles of environmental planning, control, and protection. Meanwhile, the conceptual approach is used to build an analytical framework based on the concept of *maqāṣid al-syarī'ah*, especially the principles of life protection (*ḥifẓ al-nafs*), public welfare, and prevention of damage (*dar' al-mafāsid*), as a normative basis in assessing positive legal provisions.

The legal sources used in this study consist of primary and secondary legal sources. Primary legal sources include Law Number 32 of 2009 concerning Environmental Protection and Management, particularly Article 10, as well as sources of Islamic law relating to environmental management and the prohibition of damage. Secondary legal sources include literature on the *maqāṣid al-syarī'ah* (the principles of Islamic law), *fiqh* books, environmental law textbooks, and scientific journal articles discussing the integration of Islamic law and contemporary environmental law.

The legal materials were collected through a literature review, examining legislation, classical and contemporary literature, and scientific works relevant to the research focus. All collected legal materials were then classified based on their level of relevance and systematically analyzed to support the research arguments.

The analysis of legal materials was conducted qualitatively using a deductive

reasoning pattern. The analysis begins with the formulation of general principles of *maqāṣid al-syarī'ah* as a normative framework, which is then used to interpret and evaluate the provisions of Article 10 of Law No. 32 of 2009. Through this analysis pattern, the research is directed to explain the position of Article 10 as a norm limiting the use of natural resources that is oriented towards environmental protection, human safety, and public welfare.

### III. RESULTS AND DISCUSSION

This discussion chapter begins with the understanding that the management and utilization of natural resources cannot be separated from the function of law as an instrument for limiting power and economic activity. In the context of environmental law, these restrictions are intended not only to ensure procedural certainty, but primarily to prevent environmental damage that directly impacts human safety and ecosystem sustainability. Therefore, an understanding of environmental legal norms must be directed at the substance of protection and prevention, not merely the formal fulfillment of administrative obligations.

Based on this, Article 10 of Law Number 32 of 2009 is placed as the main point of analysis because it contains normative content that determines the direction of natural resource utilization through environmental planning mechanisms. The discussion in this chapter is not intended to repeat the provisions of the law descriptively, but rather to critically assess the function of Article 10 as an instrument for limiting the utilization of natural resources from the perspective of *maqāṣid al-syarī'ah*, especially in relation to the principle of preventing damage and protecting public welfare. (Absori, 2020)

#### A. The meaning of the utilization of natural resources in Article 10 of Law Number 32 of 2009

The provisions regarding environmental planning in Article 10 of Law No. 32 of 2009 indicate that environmental protection and management are implemented based on planning that includes the utilization of natural resources, control of environmental pollution and damage, and maintenance of environmental quality. This provision shows that the utilization of natural resources is not interpreted as absolute freedom to exploit, but rather as an activity that must be planned and controlled normatively by the state to ensure environmental sustainability and human safety (Law No. 32 of 2009 concerning PPLH).

The meaning of natural resource utilization in Article 10 cannot be separated from the principle of sustainable development, namely utilization that balances economic interests, environmental protection, and intergenerational justice. In this context, environmental planning serves as an instrument for legal restrictions on natural resource utilization activities to ensure they do not exceed the environment's carrying capacity (Helmi, 2021). Thus, Article 10 positions natural resource utilization as an integral part of the environmental protection system, not simply an economic activity. (al-Shatibi, Abu Ishaq, 2018)

Furthermore, the placement of natural resource utilization within the planning framework as stipulated in Article 10 also reflects the state's responsibility to manage natural resources as a public trust. The state plays not only a regulatory role but also a control mechanism to ensure that natural resource utilization remains within the public interest and environmental sustainability. This view aligns with contemporary legal thinking, which emphasizes that natural resource management must be oriented toward the broader public good, not merely sectoral interests (Absori, 2020).

From the perspective of *maqāṣid al-syarī'ah*, the utilization of natural resources cannot be separated from the normative boundaries that bind the actions of the state and business actors. A reading that positions *maqāṣid* merely as post-policy ethical legitimacy has the potential to diminish its critical function. Therefore, *maqāṣid* must be understood as an evaluative framework that assesses whether a natural resource utilization policy substantively prevents or reproduces environmental damage. (al-Suyuti, Jalal al-Din, 2019)

In the context of Article 10 of Law No. 32 of 2009, the principle of *maqāṣid* does not stop at affirming the value of benefit, but rather serves as a normative basis for limiting the scope for exploitation of natural resources through preventive planning mechanisms. Thus, the exploitation of natural resources that exceeds the environmental carrying capacity not only contradicts positive law but also reflects a failure to fulfill the fundamental objectives of *sharia* in protecting human safety and the public interest. Fauziah emphasized that environmental protection is part of the objectives of *sharia*, particularly in the context of maintaining the continuity of human life (*ḥifẓ al-nafs*) and property (*ḥifẓ al-māl*) (Fauziah, 2021). Therefore, the exploitation of natural resources that causes environmental damage and endangers human life is contrary to the fundamental objectives of Islamic *sharia*. (Dewi, R. (2024)

A similar view was expressed by Pagaruddin, who stated that the management and utilization of natural resources from the perspective of *maqāṣid al-syarī'ah* must be directed at preventing damage (*dar' al-mafāsīd*) and realizing the public good (Pagaruddin, 2022). In this context, Article 10 of Law No. 32 of 2009 can be understood as a positive legal norm that aligns with the

maqāṣid principle, because it places the utilization of natural resources within a planning and limitation framework to maintain environmental balance and human safety.

Thus, the meaning of natural resource utilization in Article 10 of Law No. 32 of 2009 is not merely administrative or procedural, but contains strong normative values as an instrument for limiting the utilization of natural resources. This norm emphasizes that the utilization of natural resources is an authority limited by the principles of environmental protection and human welfare, in line with the objectives of national law and maqāṣid al-syarī'ah.

The normative strengthening of natural resource utilization from the perspective of maqāṣid al-syarī'ah is also evident in contemporary studies that link the objectives of sharia with the principle of environmental sustainability. Saiman asserts that maqāṣid al-syarī'ah provides a normative framework for balancing the needs of modern development with the obligation to preserve the environment, so that exploitation of natural resources is not justified if it ignores ecological carrying capacity. Within this framework, environmental protection is understood as part of the objectives of sharia that are oriented towards long-term welfare (Saiman, 2024).

In line with this, Arzam and Kusnadi developed the concept of eco-maqāṣid by placing environmental protection as a substantive ethical dimension of Islamic law. According to them, the integration of maqāṣid al-syarī'ah and Islamic ecotheology strengthens the legitimacy of limiting the use of natural resources, especially when economic activities have the potential to cause extensive and irreversible ecological damage (Arzam & Kusnadi, 2025). This approach

emphasizes that policies restricting the use of natural resources are not obstacles to development but rather instruments for protecting the public good.

Furthermore, Md Taha et al. in their literature review showed that environmental preservation is an integral part of the objectives of maqāṣid al-syarī'ah, particularly in relation to the protection of life and the sustainability of natural resources (Md Taha, Muflih, & Jamaludin, 2025). The study emphasized that environmental damage left unchecked will give rise to multidimensional mafsadat, so the principle of preventing damage must be the main foundation in every natural resource utilization policy. (Asshiddiqie, J. 2024)

## **B. Utilization of Natural Resources in Perspective Maqāṣid al-Syarī'ah**

From an Islamic legal perspective, the utilization of natural resources (SDA) is not viewed as an absolute human right, but rather as a trust that must be exercised responsibly. The concept of maqāṣid al-syarī'ah emphasizes that all provisions of Islamic law aim to achieve public welfare and prevent harm. Therefore, every form of natural resource utilization must be directed towards achieving the fundamental goals of Shari'a, particularly the protection of life (ḥifẓ al-nafs) and property (ḥifẓ al-māl) (Auda, 2020).

Uncontrolled exploitation of natural resources and disregard for sustainability has the potential to cause environmental damage, ultimately threatening human safety. Within the framework of the maqāṣid al-syarī'ah (obligatory purposes of Islamic law), such actions contradict the principle of protecting life, as environmental pollution and damage can directly impact human health, safety, and survival. Therefore, the exploitation of natural resources in Islam must be limited by the principles of caution and prevention of harm (lā ḍarar wa lā ḍirār) . (Auda, J. 2021)

In addition to protecting lives, the maqāṣid al-syarī'ah also emphasizes the importance of protecting property (ḥifz al-māl) (al-Shatibi, 2018). Natural resources, as part of public wealth, should not be exploited by certain groups to the detriment of the wider community and future generations. Fauziah emphasized that environmental management, from the perspective of maqāṣid al-syarī'ah, must be directed towards distributive justice and sustainability, so that the use of natural resources truly benefits the public interest (Fauziah, 2021).

Furthermore, Pagaruddin stated that the maqāṣid al-syarī'ah provides a normative basis for limiting the use of natural resources through the principles of preventing damage (dar' al-mafāsid) and prioritizing the public good (jalb al-maṣāliḥ). In this context, policies and regulations that limit the use of natural resources are not a form of obstruction to development, but rather an effort to ensure that such development does not sacrifice environmental sustainability and human safety (El Fadl, K. A. 2023).

Thus, the utilization of natural resources from the perspective of maqāṣid al-syarī'ah must be understood as planned, limited, and welfare-oriented utilization. The principles of maqāṣid provide ethical and normative legitimacy to positive legal policies that regulate and limit the utilization of natural resources. In the context of national law, this approach strengthens the meaning of Article 10 of Law No. 32 of 2009 as an instrument for limiting the utilization of natural resources in line with the goals of environmental protection and human safety. (Fauziah. 2021)

### **C. The relevance of Article 10 of Law Number 32 of 2009 with the principle Dar' al-Mafāsid**

Article 10 of Law Number 32 of 2009 concerning Environmental Protection and Management affirms that environmental protection and management are implemented based on planning that includes the utilization of

natural resources, control of environmental pollution and damage, and maintenance of environmental quality. This provision shows that the legislators place the prevention aspect as the main foundation in environmental management. This prevention orientation has a strong relevance to the principle of dar' al-mafāsid in Islamic law, namely the principle of prioritizing the prevention of damage over the achievement of public welfare (Law No. 32 of 2009 concerning PPLH).

In the study of *usul fiqh*, dar' al-mafāsid is a fundamental principle that emphasizes that if there is potential for damage, preventative measures must be prioritized, even if the action has certain benefits (al-Suyuti, 2019). This principle stems from the understanding that damage left to develop will have broader and more difficult-to-recover impacts. In an environmental context, ecosystem damage due to uncontrolled natural resource utilization has the potential to cause multidimensional harm, including ecological, social, and economic harm (al-Zuhayli, 2020).

The relevance of the principle of dar' al-mafāsid to Article 10 of Law No. 32 of 2009 is evident in the placement of environmental planning as the primary instrument for controlling the use of natural resources. This planning is not merely an administrative procedure, but rather a preventive measure to prevent pollution and environmental damage from an early stage. Thus, Article 10 reflects a precautionary approach that aligns with the principle of preventing damage in Islamic law (Sands et al., 2020).

Furthermore, the utilization of natural resources as regulated in Article 10 must be understood as utilization that is subject to the limitations of environmental carrying capacity and capacity. This limitation is a concrete form of the implementation of dar' al-mafāsid, because it aims to prevent irreversible environmental

damage. From the perspective of *maqāṣid al-syarī'ah*, environmental damage that threatens human safety and survival contradicts the goal of protecting life (*ḥifẓ al-nafs*). Therefore, limiting the utilization of natural resources through planning mechanisms as regulated in Article 10 has strong normative legitimacy (Auda, 2020).

The principle of *dar' al-mafāsid* also demands that public interests be prioritized over the interests of specific individuals or groups. In the context of natural resource management, exploitation that is economically profitable for businesses but causes ecological and social harm to the wider community cannot be justified. Article 10 of Law No. 32 of 2009 places the state as the responsible party for ensuring that the exploitation of natural resources does not exceed the limits of public welfare. This approach aligns with the concept of public trust in Islamic law, where natural resources are viewed as shared assets that must be managed for the public good (Absori, 2023).

Fauziah emphasized that the principle of preventing damage within the *maqāṣid al-syarī'ah* requires the state to be proactive in protecting the environment. According to her, legal policies that limit the use of natural resources are not arbitrary restrictions on rights, but rather efforts to prevent greater harm in the future. In this regard, Article 10 of Law No. 32 of 2009 can be understood as a manifestation of the principle of *dar' al-mafāsid* in Indonesian positive law (Fauziah, 2021).

A similar view was expressed by Pagaruddin, who stated that the principle of *dar' al-mafāsid* is highly relevant in the formulation of modern environmental policies. He emphasized that preventing environmental damage must be placed as a top priority, even when such policies have the potential to restrict certain economic activities. In this context, Article 10 serves as a preventive norm that directs the use of natural resources to avoid detrimental environmental

impacts on the wider community (Pagaruddin, 2022).

Furthermore, Article 10's relevance to the principle of *dar' al-mafāsid* is also reflected in efforts to control environmental pollution and damage. This provision demonstrates that the state does not wait for damage to occur before acting, but rather takes anticipatory measures through planning and control. This approach aligns with the Islamic jurisprudence principle of *al-ḍarar yuzāl*, which emphasizes that every form of danger must be eliminated. Thus, Article 10 has a strong preventive dimension in preventing environmental harm (al-Suyuti, 2020).

This finding aligns with contemporary studies of *maqāṣid al-syarī'ah*, which prioritizes the principle of preventing damage as a normative priority in public policy. Arzam and Kusnadi emphasized that the principle of *dar' al-mafāsid* should be the primary reference in environmental management, especially when there is a potential conflict between economic interests and ecological sustainability (Arzam & Kusnadi, 2025). Therefore, the regulation of natural resource utilization through planning as stipulated in Article 10 of Law No. 32 of 2009 reflects the substantive application of the *maqāṣid* principle in Indonesian positive law.

From an integrative perspective between Islamic law and national law, Article 10 of Law No. 32 of 2009 can be understood as a meeting point between the principle of *dar' al-mafāsid* and environmental protection policies. This norm not only regulates the technical aspects of environmental management, but also reflects ethical and philosophical values regarding the importance of preventing damage for the benefit of humans and nature. Therefore, Article 10 has substantial relevance to the principle of *dar' al-mafāsid* as part of efforts to realize sustainable and equitable development.

From a normative perspective, a reading of Article 10 that places it solely as an administrative

planning obligation constitutes a form of legal reductionism with serious implications for environmental protection. When planning is treated as a procedural formality, the principle of dar' al-mafāsīd loses its efficacy, and the state fails to substantively carry out its function of preventing damage.

Therefore, Article 10 must be interpreted normatively as a binding, restrictive norm, not merely a facilitative norm. The state does not have absolute discretion to permit the use of natural resources if there is a potential for significant ecological damage, even if the activity promises economic benefits. Within the framework of the maqāṣid al-syarī'ah, allowing such potential damage constitutes a denial of the obligation to protect life and the public interest.

This approach strengthens the normative legitimacy of Article 10 as a legal instrument that not only functions administratively, but is also in line with the aim of protecting human and environmental benefits as emphasized in maqāṣid al-syarī'ah.

#### **D. Maqā meeting pointṣid al-syarī'ah and ecological justice**

In the development of contemporary Islamic legal thought, the maqāṣid al-syarī'ah (the principles of Islamic law) is increasingly positioned as an ethical framework guiding normative assessments of public policy, including in natural resource management. This approach positions maqāṣid not merely as a method of legal interpretation, but as an ethical framework that aligns the law with the goals of protecting the public interest and preventing environmental damage. Environmental protection (ḥifẓ al-bī'ah), understood in recent literature as an extension of the classical maqāṣid, serves as a normative basis for assessing the legitimacy of natural resource exploitation, allowing formally legal practices to be deemed ethically illegitimate if they cause ecological damage and social injustice. Thus, maqāṣid al-syarī'ah serves as an instrument of

normative criticism of natural resource exploitation policies and practices that ignore public responsibility and environmental sustainability (Auda, 2021; Haq, 2024; Abou El Fadl, 2023).

The relationship between the maqāṣid al-syarī'ah and the principles of sustainable development finds normative common ground in the orientation of preventing damage and intergenerational justice. Sustainable development demands a balance between meeting the needs of the present generation and protecting the interests of future generations, with the environment as the foundation of social and economic sustainability. Within the maqāṣid framework, this principle aligns with the obligation to safeguard the public good and prevent long-term ecological harm. Therefore, the integration of maqāṣid al-syarī'ah and sustainable development reinforces the normative basis that the exploitation of natural resources must be limited by environmental carrying capacity and ecological justice, so that development that sacrifices the environment cannot be justified either ethically or legally (WCED, 2022; Sands & Peel, 2023).

The implications of public policy based on maqāṣid and ecological justice require a repositioning of the role of the state and corporations. The state cannot remain neutral in the unequal relationship between corporate economic interests and the ecological rights of communities. Public policy must firmly prioritize the social function of natural resources and limit the dominance of private interests through monitoring instruments, proportional sanctions, and effective accountability mechanisms. From this perspective, maqāṣid serves as an ethical framework that guides the state in upholding ecological justice in every policy decision. (Kamali, 2022)

Thus, the public policy implications of integrating the maqāṣid al-syarī'ah and ecological

justice emphasize that natural resource management must be positioned as a public mandate. Policies that ignore environmental protection and ecological justice are not only problematic from a positive legal perspective but also lose ethical and normative legitimacy from both Islamic and modern environmental law perspectives. Therefore, maqāṣid and ecological justice must be internalized as fundamental principles in the formulation of public policies oriented toward sustainability and long-term well-being.

The policy implications of the public mandate concept require a shift in the approach to natural resource management from a procedural orientation to substantive protection of the environment and public interests. Within this framework, reformulating licensing policies is a strategic step to ensure that exploitation permits are not understood solely as economic rights, but rather as limited mandates attached to environmental protection obligations. The state needs to prioritize the precautionary principle and environmental carrying capacity as key parameters in every licensing process, so that exploitation policies that have the potential to cause ecological damage can be prevented from the initial decision-making stage (Sands & Peel, 2023; SMI, 2022).

In addition to licensing, strengthening public trust-based oversight instruments is a crucial element in preventing the exploitation of natural resources that harms the public interest. Oversight can no longer be merely reactive or administrative, but must be directed toward a sustainable oversight mechanism that integrates environmental audits, information transparency, and meaningful public participation. Public participation in the oversight of natural resource management is a manifestation of the public trust, as it creates space for social control over the use of state authority and corporate activities. Thus, public trust-based oversight serves as a

preventive instrument that strengthens accountability and prevents environmental damage from being tolerated (UNEP, 2023; World Bank, 2021).

Furthermore, the implications of public mandate-based policies require a restructuring of the sanctions regime in environmental law. The dominance of administrative sanctions needs to be balanced with the proportional application of civil and criminal sanctions when natural resource exploitation causes significant environmental damage. Strict law enforcement serves not only as a repressive tool but also as a mechanism for affirming the value that environmental protection is an uncompromising public interest. From a public mandate perspective, the state's failure to impose effective sanctions on perpetrators of exploitation is a violation of its mandate for environmental protection and ecological justice (Hasanuddin, 2025; Faure, 2023).

By strengthening public mandate-based policy instruments, the state not only carries out its regulatory function but also affirms its role as the constitutional mandate holder responsible for the sustainability of natural resources. This policy approach demonstrates that environmental protection and natural resource utilization are not conflicting goals, but rather part of the state's obligation to ensure public welfare and intergenerational justice. Therefore, natural resource management policies oriented toward public mandates are a normative prerequisite for the realization of sustainable and ecologically just development (Asshiddiqie, 2024).

Thus, ecological justice cannot be positioned as a secondary goal in natural resource management, but rather as a primary normative parameter in assessing the legitimacy of natural resource utilization policies. From the perspective of maqāṣid al-syarī'ah, policies that are formally legitimate but create ecological inequality and harm to the wider community must be deemed

normatively illegitimate. Therefore, Article 10 of Law No. 32 of 2009 acquires strategic significance as a corrective instrument against exploitative tendencies in natural resource management.

#### IV. CONCLUSION AND SUGGESTIONS

##### A. Conclusion

The analysis shows that Article 10 of Law Number 32 of 2009 is inappropriate if it is understood solely as an administrative provision governing the stages of environmental planning. Such a narrow interpretation has the potential to weaken the function of environmental law in preventing ecological damage, because it shifts the orientation of substantive protection to merely fulfilling formal procedures. Therefore, Article 10 must be positioned as a restrictive norm that has binding power over the use of natural resources, particularly in the context of preventing pollution and environmental damage that impact human safety.

From the perspective of *maqāṣid al-syarī'ah*, the utilization of natural resources is part of a public trust limited by the objectives of protecting life and the public good. The principle of preventing harm (*dar' al-mafāsid*) requires that every natural resource utilization policy be tested not only based on short-term economic benefits but also on the potential ecological and social risks it poses. Thus, the utilization of natural resources that is procedurally legitimate but exceeds the environmental carrying capacity loses normative legitimacy because it contradicts the basic objectives of *sharia*.

The integration of Article 10 of Law No. 32 of 2009 and the principles of *maqāṣid al-syarī'ah* demonstrates that national environmental law and Islamic law have a strong convergence in emphasizing the importance of limiting the use of natural resources. Article 10 can be understood as a positive legal instrument that

adopts a preventive logic in line with the principles of *maqāṣid*, thus functioning as a normative safeguard against exploitative tendencies in development practices. Within this framework, environmental protection and human safety cannot be positioned as secondary interests compromised by economic considerations.

The normative implications of these findings underscore the need for a shift in perspective regarding the application of Article 10. The state is no longer simply a procedural manager, but must act as a public trustee responsible for ensuring that the use of natural resources does not cause ecological harm and social injustice. Therefore, Article 10 needs to be interpreted and implemented as a substantive limiting norm in every natural resource utilization policy, so that the principles of preventing damage and protecting the public interest are truly internalized in sustainable environmental governance.

##### B. Suggestions

Based on the findings of this study, it is recommended that the implementation of Article 10 of Law Number 32 of 2009 should no longer be understood solely as an administrative provision governing environmental planning procedures. Instead, Article 10 needs to be interpreted and applied as a substantive limiting norm that possesses binding force in controlling the utilization of natural resources. Such an interpretation is necessary to strengthen preventive efforts against environmental pollution and ecological damage, while ensuring that development activities remain within environmental carrying capacity and prioritize public safety.

Furthermore, the government and environmental regulatory institutions are expected to reinforce preventive approaches

in formulating and implementing policies related to natural resource management. Environmental governance should not merely emphasize procedural compliance but should focus on substantive environmental protection and the prevention of social and ecological harm resulting from excessive exploitation. In this regard, the state must strengthen its role as a public trustee responsible for safeguarding environmental sustainability and ensuring justice for present and future generations.

This study also recommends strengthening the integration between national environmental law and the principles of *maqāṣid al-syarī'ah*, particularly regarding the prevention of harm (*dar' al-mafāṣid*) and the protection of public welfare (*maṣlahah*). Such integration may provide a more comprehensive normative framework for sustainable environmental governance by aligning legal regulation with ethical and moral considerations concerning ecological preservation and human safety.

Finally, future researchers are encouraged to conduct further studies examining the practical implementation of Article 10 of Law Number 32 of 2009 in environmental policymaking and natural resource utilization. Empirical studies on the application of *maqāṣid al-syarī'ah* principles in environmental protection are also necessary to broaden understanding regarding their contribution to sustainable development and environmentally just governance systems.

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