

Fatwa and its Role in Addressing Environmental Issues: A Review of Malaysia and Indonesia

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Abstract: Environmental issues have become one of the major challenges faced by the global community today. The deterioration of environmental quality caused by human activities such as pollution, deforestation, excessive exploitation of natural resources, and unsustainable development has resulted in various implications for human life and ecosystems. In the Islamic perspective, environmental preservation constitutes part of humanity's responsibility as khalifah (vicegerent) on earth. Therefore, this article discusses the role of fatwa in addressing environmental issues by focusing on the approaches adopted in Malaysia and Indonesia. This study employs a document analysis method based on sources related to fiqh al-bi'ah, the Qur'an, the Sunnah, and environmental fatwas. The findings indicate that fatwa plays a significant role as an instrument of Islamic law in guiding society towards sustainable environmental management. In addition, fatwa also functions as a medium of education, social control, and policy reinforcement concerning environmental preservation. This article further emphasizes that the fiqh al-bi'ah approach based on maqasid al-shariah can serve as an important foundation in developing awareness and collective action towards environmental sustainability.

Keywords: fatwa, fiqh al-bi'ah, environment, maqasid al-shariah, Malaysia, Indonesia.

Introduction

Environmental degradation is no longer a peripheral scientific concern; it is a multidimensional crisis affecting public health, food and water security, economic stability, biodiversity, and intergenerational justice. Pollution, deforestation, forest and peatland fires, illegal wildlife trade, unmanaged waste, and climate change demonstrate that ecological harm is frequently produced by patterns of human conduct and institutional decision-making. Because such conduct is shaped not only by legislation and market incentives but also by moral worldviews, religious norms can complement environmental governance by translating ecological duties into categories of accountability, virtue, sin, public interest, and harm prevention (Gade, 2015; Mangunjaya & McKay, 2012).

Islamic sources provide a comprehensive vocabulary for this task. The earth is a divine creation marked by balance (*mīzān*); human beings are entrusted as khalifah and charged with 'imārat al-ard (constructive cultivation of the earth); natural resources are made serviceable through *taskhīr* but are not thereby rendered ownerless or open to unlimited exploitation; and *fasād*, *isrāf*, and infliction of harm are prohibited. The slides on which this article is based organise the Qur'anic treatment of nature around four themes—creation, environmental functions, human duties, and preservation—and identify seven principles of human–environment interaction: vicegerency, responsible benefit, cultivation, appreciation of cosmic balance, recognition of environmental rights, avoidance of harm, and quality management. These themes are developed here into a comparative analysis of fatwa practice.

Fatwa is particularly relevant because it connects the general sources and objectives of the Sharī'ah with concrete and changing circumstances. Unlike a purely descriptive ecological ethic, a fatwa classifies action through legal and moral norms and can address individuals, corporations, public authorities, and religious institutions. Yet the institutional setting matters. Malaysia administers Islamic law primarily through state institutions; the legal force of an official fatwa generally depends on the relevant state enactment and gazette. Indonesia's Majelis Ulama Indonesia (MUI), by contrast, issues nationally influential opinions that are generally non-statutory unless their substance is adopted through legislation, regulation, policy, or adjudication. The comparison therefore reveals two different pathways: Malaysia's state-centred, legally structured approach and Indonesia's more programmatic national eco-fatwa approach (Ramlan, 2019).

This article asks three questions. First, what normative foundations does fiqh al-bi'ah provide for environmental fatwas? Second, how have Malaysia and Indonesia used fatwa to address ecological problems? Third, what functions, limitations, and policy implications emerge from the comparison? The argument is that fatwa is most effective when it operates not as an isolated declaration but as part of an integrated governance cycle combining scientific evidence, maqāṣid-based legal reasoning, public education, administrative policy, enforcement, and measurable review.

Method

This study adopts a qualitative document-analysis design. The primary materials comprise relevant Qur'anic verses and Prophetic traditions, the conceptual content of the attached fiqh al-bi'ah slides, Malaysian fatwa and

official institutional materials relating to wildlife protection, and selected MUI fatwas concerning endangered species, waste, forest and land burning, and climate change. Secondary materials include academic studies on Islamic environmental law, maqāṣid al-sharī'ah, fatwa institutions, and faith-based conservation in Southeast Asia.

The documents were analysed through four coding categories: (a) normative foundation, including khalīfah, amānah, mīzān, maṣlahah, and prevention of harm; (b) regulated ecological object, such as wildlife, forests, waste, water, and climate; (c) fatwa function, including guidance, education, social control, and policy reinforcement; and (d) institutional effect, especially legal status, dissemination, stakeholder duties, and implementation mechanisms. A comparative-functional method was then used to identify convergence and divergence between Malaysia and Indonesia. This approach does not treat every religious statement as a gazetted fatwa; it distinguishes formal fatwas, institutional religious opinions, sermons, and broader Islamic environmental advocacy.

Conceptual Foundations: Fatwa, Fiqh and Fiqh al-Bi'ah

1. Fatwa as applied Islamic legal guidance

Fiqh refers to human understanding of practical Sharī'ah rulings derived from detailed evidences, while fatwa is the communication of an applied legal opinion in response to an actual or anticipated question. Sharī'ah, as revelation and its authoritative principles, is distinguished from fiqh, which is a juristic product subject to interpretation, revision, and contextualisation. This distinction is crucial for environmental problems: revelation supplies stable ethical and legal anchors, whereas juristic reasoning investigates new causal chains, technologies, ecological risks, and institutional responsibilities (Kamali, 2008).

The subject matter of fiqh is not confined to ritual worship. It extends to every legally relevant act of the mukallaf, including production, consumption, land development, extraction, waste disposal, treatment of animals, corporate conduct, and public administration. Accordingly, environmental conduct may be obligatory, recommended, permissible, reprehensible, or prohibited; it may also be valid or invalid depending on its object, method, and consequences. Fatwa translates these categories into guidance suited to a particular ecological context.

2. Meaning and scope of fiqh al-bi'ah

Al-bi'ah denotes the surroundings or habitat within which life is sustained and interaction occurs. In contemporary usage, the environment includes physical factors—land, water, air, climate, sound, and biological systems—as well as the social conditions that shape human relationships with ecosystems. Fiqh al-bi'ah may therefore be defined as the body of practical Sharī'ah rulings governing direct and indirect human interaction with the environment.

This field is not wholly novel. Classical fiqh addressed water purity and access, removal of nuisance, animal welfare, revival of uncultivated land (ihyā' al-mawāt), protected reserves (ḥimā), land allocation (iqṭā'), public roads, neighbouring rights, and liability for damage. Contemporary fiqh al-bi'ah reorganises these resources around modern ecological knowledge and collective risks. Its methodological task is to connect textual evidence, legal maxims, maqāṣid, scientific expertise, and the anticipated consequences of policy choices (Izzi Dien, 2000).

Results and Discussion

1. Qur'anic and Prophetic Foundations

a) Creation, balance and divine ownership

The Qur'an portrays creation as ordered rather than random. Ecological balance is therefore a sign (āyah) and a normative limit. The following verse, highlighted in the slides, rejects disorder in divine creation:

الَّذِي خَلَقَ سَبْعَ سَمَاوَاتٍ طِبَاقًا ۚ مَا تَرَىٰ فِي خَلْقِ الرَّحْمَنِ مِن تَفَوتٍ ۚ فَارْجِعِ الْبَصَرَ هَلْ تَرَىٰ مِن فُتُورٍ

“[He] who created seven heavens in layers. You do not see in the creation of the Most Merciful any inconsistency. So return your vision: do you see any breaks?” (Qur'an 67:3).

The concept of mīzān further implies that use must remain within a just measure:

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ ۚ أَلَّا تَطْغَوْا فِي الْمِيزَانِ

“And the heaven He raised and imposed the balance, that you not transgress within the balance” (Qur'an 55:7–8).

Human benefit from nature is consequently held within divine ownership and moral trusteeship. The Qur'an states that all that is in the heavens and earth belongs to God (Qur'an 22:64), while what is on earth has been created for human benefit (Qur'an 2:29). Read together, these propositions reject both ecological absolutism, which excludes legitimate human use, and anthropocentric domination, which treats creation as unlimited private property.

b) Khalīfah, 'imārah and responsibility

وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً

"And [remember] when your Lord said to the angels, 'Indeed, I will make upon the earth a vicegerent'" (Qur'an 2:30).

Vicegerency is not a licence for domination but a fiduciary office. It is reinforced by the command of 'imārah:

هُوَ أَنشَأَكُم مِّنَ الْأَرْضِ وَاسْتَعْمَرَكُمْ فِيهَا

"He produced you from the earth and settled you in it [and required you to cultivate it]" (Qur'an 11:61).

The combined ideas of khalīfah and 'imārah demand active stewardship: restoration of degraded land, responsible production, conservation of life-support systems, and institutions capable of protecting common goods. They also support differentiated responsibility. A household, a corporation, and a government possess different capacities and therefore bear different operational duties.

c) Prohibition of fasād, waste and harm

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا لَعَلَّهُمْ يَرْجِعُونَ

"Corruption has appeared throughout the land and sea because of what the hands of people have earned, so He may let them taste part of [the consequence of] what they have done, that perhaps they will return" (Qur'an 30:41).

This verse establishes a direct moral relationship between human action, ecological disruption, harmful consequences, and reform. It is complemented by the prohibition of excess:

وَكُلُوا وَاشْرَبُوا وَلَا تُسْرِفُوا ۚ إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

"Eat and drink, but do not be excessive. Indeed, He does not love those who commit excess" (Qur'an 7:31).

In juristic terms, the maxim *lā ḍarar wa-lā ḍirār* provides a general rule against originating or reciprocating harm:

لَا ضَرَرَ وَلَا ضِرَارَ

"There should be neither harm nor reciprocating harm" (Ibn Mājah, 2007, Hadith 2340).

Environmental pollution, destructive burning, depletion of shared resources, and unlawful wildlife trade may thus be evaluated not only as ethical failures but also as legally relevant harms. Where reliable evidence shows serious or widespread injury, authorities may restrict an originally permissible activity under the principles of harm removal, public interest, prevention of means to harm, and governmental regulation for *maṣlaḥah*.

d) Planting, animal welfare and ecological mercy

The Sunnah converts stewardship into concrete conduct. Anas ibn Mālik reported:

إِنْ قَامَتِ السَّاعَةُ وَفِي يَدِ أَحَدِكُمْ فَسِيلَةٌ فَإِنْ اسْتَطَاعَ أَنْ لَا تَقُومَ حَتَّى يَغْرُسَهَا فَلْيَغْرُسْهَا

"If the Hour is about to be established and one of you has a palm shoot in his hand, if he can plant it before it is established, let him plant it" (Aḥmad ibn Ḥanbal, 2001, Hadith 12902).

Jābir reported that the Prophet (peace be upon him) said:

مَا مِنْ مُسْلِمٍ يَغْرُسُ غَرْسًا إِلَّا كَانَ مَا أَكَلَ مِنْهُ لَهُ صَدَقَةٌ وَمَا سُرِقَ مِنْهُ لَهُ صَدَقَةٌ وَمَا أَكَلَ السَّبُعُ مِنْهُ فَهُوَ لَهُ صَدَقَةٌ وَمَا أَكَلَتِ الطَّيْرُ مِنْهُ فَهُوَ لَهُ صَدَقَةٌ

"No Muslim plants a tree except that whatever is eaten from it is charity for him, whatever is stolen from it is charity for him, whatever a wild animal eats from it is charity for him, and whatever birds eat from it is charity for him" (Muslim ibn al-Ḥajjāj, 2007, Hadith 1552).

The Prophetic command of ihsān also extends to animals:

إِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ

“Indeed, Allah has prescribed excellence in all things” (Muslim ibn al-Hajjāj, 2007, Hadith 1955).

These traditions support afforestation, food production, habitat protection, humane treatment of animals, and an ethic of benefit that includes non-human creatures. The slides correctly derive four core lessons: cultivate the environment, benefit from it responsibly, practise compassion toward creation, and avoid cruelty and oppression.

2. Maqāṣid al-Sharī‘ah as an Environmental Framework

Maqāṣid al-sharī‘ah supplies a framework for moving from scattered evidences to coherent environmental policy. Ecological integrity protects life (ḥifẓ al-nafs) by securing clean air, water, food, and protection from disasters; it protects progeny (ḥifẓ al-nasl) through intergenerational justice; it protects property (ḥifẓ al-māl) by preventing losses caused by fires, floods, pollution, and resource collapse; it protects intellect (ḥifẓ al-‘aql) by safeguarding health and education from toxic exposure and haze; and it supports religion (ḥifẓ al-dīn) by enabling humans to fulfil trusteeship and worship through responsible conduct. Contemporary maqāṣid reasoning also permits explicit recognition of environmental preservation (ḥifẓ al-bī‘ah) as a comprehensive objective or as an indispensable means to the established necessities (Auda, 2008).

A maqāṣid-based environmental fatwa should apply at least five tests. First, the ecological problem and causal chain must be established through credible expertise. Second, the scale, probability, duration, and reversibility of harm must be assessed. Third, affected rights must include vulnerable communities, future generations, animals, and ecosystems. Fourth, proposed obligations must be proportionate, feasible, and attentive to lawful human needs. Fifth, implementation should allocate duties among actors capable of prevention, mitigation, restoration, financing, and enforcement. This transforms maqāṣid from general rhetoric into an evaluative method.

3. Environmental Fatwa Practice in Malaysia

a) Institutional and legal setting

Malaysia’s federal structure assigns Islamic law and Malay custom principally to the states. Each state has its own Islamic religious administration enactment, mufti, fatwa committee, and procedures. A distinction must therefore be made between: (a) a scholarly answer or irsyād issued for guidance; (b) a decision of a state fatwa committee; (c) a national-level resolution intended for coordination; and (d) a fatwa formally gazetted under state law. Gazettement generally gives an official fatwa binding effect on Muslims within the relevant jurisdiction, subject to the wording of the state enactment. This structure offers a pathway from moral guidance to formal norm, but it can also produce uneven coverage and terminology across states.

Environmental governance itself is distributed across federal and state agencies responsible for environmental quality, forests, wildlife, local government, water, land, planning, and disaster management. Environmental fatwa therefore operates alongside, rather than in place of, statutory law. Its comparative advantage lies in explaining why compliance is a religious obligation, strengthening social legitimacy, and supporting preventive conduct that cannot be achieved by enforcement alone.

b) The Terengganu fatwa against illegal wildlife hunting

A prominent Malaysian example is the decision announced by the Terengganu Fatwa Council in November 2015 declaring illegal hunting of wildlife to be prohibited. The initiative involved engagement between religious authorities, wildlife experts, and conservation researchers and was directed at preventing species extinction and protecting ecological balance. Contemporary reports described it as the first state-level Malaysian fatwa specifically directed against wildlife poaching (David, 2015; Schaefer et al., 2020).

The significance of this fatwa is threefold. Substantively, it reframes poaching from a regulatory offence into a sin against divine trust, animal welfare, and ecosystem balance. Procedurally, it demonstrates the value of expert input in establishing ecological facts and consequences. Communicatively, it provides mosques, religious teachers, enforcement bodies, and conservation organisations with a shared moral language. Its limitation is one of scale and implementation: a state-specific pronouncement requires sustained dissemination, clarity about its formal legal status, and coordination with wildlife enforcement and livelihood alternatives.

c) Broader Malaysian approach

Malaysia’s environmental Islamic discourse is broader than the number of formally labelled green fatwas might suggest. State mufti offices, national religious agencies, mosque sermons, educational programmes, and

scholarly institutions frequently address cleanliness, water conservation, waste, haze, animals, sustainable consumption, and avoidance of public harm. Ramlan (2019) observes that fatwas and khutbahs function as non-penal religious instruments capable of disseminating Islamic environmental law, although religion alone may not automatically produce behavioural change.

The Malaysian approach therefore has considerable institutional depth but remains relatively issue-specific and decentralised. A useful next stage would be a coordinated model environmental-fatwa framework that states could adapt while preserving their constitutional competence. Such a framework could cover climate responsibility, waste and single-use materials, river pollution, forest and peatland protection, illegal wildlife trade, restoration duties, and environmentally responsible finance and procurement.

4. Environmental Fatwa Practice in Indonesia

a) MUI and the development of eco-fatwas

Indonesia presents a more visible sequence of national eco-fatwas. Although MUI fatwas are generally not statutes, they possess substantial moral authority and can influence public policy, institutional programmes, preaching, and community mobilisation. Indonesian environmental fiqh has developed through cooperation among ulama, government agencies, universities, Islamic organisations, and conservation bodies (Gade, 2015; Mangunjaya, 2019). This networked model has enabled fatwa documents to combine scriptural sources, classical fiqh, scientific evidence, legal context, and recommendations addressed to multiple stakeholders.

b) Fatwa No. 4/2014 on endangered species and ecosystem balance

MUI Fatwa No. 4 of 2014, *Pelestarian Satwa Langka untuk Menjaga Keseimbangan Ekosistem*, establishes conservation as a religious obligation. It prohibits killing, harming, hunting, or trading endangered species illegally where such conduct threatens their survival. It also articulates positive duties: maintaining habitat, preventing illegal trade, avoiding human–wildlife conflict, and observing animal welfare. Recommendations are directed not only to individuals but also to government, businesses, religious leaders, and the wider community (Majelis Ulama Indonesia [MUI], 2014a).

This fatwa is notable because it moves beyond a simple prohibition. It treats the ecosystem as the legal-moral object of protection and distributes responsibility across governance levels. Mangunjaya (2019) reports that the fatwa also supported conservation outreach and partnerships, illustrating how an opinion becomes operational through manuals, training, mosque communication, and collaboration with conservation organisations.

c) Fatwa No. 47/2014 on waste management

MUI Fatwa No. 41 of 2014 addresses waste management as a national ecological, social, economic, and public-health problem. It rules that discarding waste indiscriminately or handling it in a manner that harms people and the environment is prohibited. Conversely, reducing, reusing, recycling, and managing waste to prevent harm are framed as collective responsibilities. The fatwa directs government to regulate and facilitate sound management, businesses to minimise and process their waste, religious figures to educate communities, and citizens to participate actively (MUI, 2014b).

The fatwa demonstrates how Islamic legal reasoning can address everyday behaviour and the political economy of waste. Its application is not limited to personal cleanliness; it reaches production systems, municipal capacity, public infrastructure, and extended responsibility. This makes it a strong example of fatwa as education and policy reinforcement, though empirical implementation remains dependent on facilities, incentives, local administration, and sustained community participation.

d) Fatwa No. 30/2016 on forest and land burning

MUI Fatwa No. 30 of 2016 responds to forest and peatland fires and their transboundary haze effects. It declares forest and land burning that causes damage, pollution, harm to others, adverse health effects, or other destructive consequences to be prohibited. It further states that controlling forest and land fires is obligatory. The fatwa recognises impacts on health, transport, education, the economy, biodiversity, and the environment, and therefore treats fire control as a matter of public necessity rather than optional environmental virtue (MUI, 2016).

This fatwa illustrates the preventive maxim that means leading to serious harm may be restricted and the restorative principle that those responsible for damage should bear accountability. It also strengthens state enforcement by placing compliance within the believer's moral horizon. Nevertheless, Rahmi (2016) warns that fatwa and positive law require stronger integration if they are to overcome weak enforcement and the economic incentives behind burning.

e) Fatwa No. 86/2023 on global climate change control

MUI Fatwa No. 86 of 2023 expands environmental jurisprudence from discrete harms to systemic climate responsibility. It addresses mitigation, adaptation, environmentally responsible behaviour, reduction of greenhouse-gas emissions, renewable energy, forest protection, and the duties of government, businesses, religious leaders, and society. Actions that cause environmental damage and worsen climate change are treated as contrary to Islamic obligations, while climate-control efforts are connected to protection of life, property, future generations, and public welfare (MUI, 2023).

The move from wildlife, waste, and fires to climate governance shows maturation in Indonesian eco-fatwa practice. The normative focus is no longer only local prohibition; it includes transition policy, institutional planning, financing, education, and collective action. The challenge is to convert broad duties into sector-specific standards with indicators, timelines, and accountable institutions.

5. Comparative Analysis

Table 1. Comparative features of environmental fatwa practice in Malaysia and Indonesia.

Dimension	Malaysia	Indonesia	Comparative implication
Institutional locus	State mufti and fatwa committees; national coordination exists but state competence is decisive.	MUI issues nationally influential opinions within a civil-society/religious-authority model.	The same term “fatwa” carries different institutional and legal effects.
Legal effect	An official fatwa may become binding on Muslims in a state through the prescribed gazettement process.	Generally non-statutory unless incorporated into law, regulation, policy, or institutional practice.	Implementation design must match each legal system.
Issue coverage	Highly visible example: Terengganu prohibition of illegal wildlife hunting; wider guidance through khutbah and religious education.	Programmatic sequence covering endangered species, waste, forest and land fires, and climate change.	Malaysia offers formal state pathways; Indonesia offers broader thematic continuity.
Stakeholder model	Religious authorities can cooperate with wildlife, environmental, local-government, and research bodies.	Fatwas routinely address government, corporations, ulama, educational institutions, and citizens.	Multi-actor allocation of duties should be made explicit.
Primary strength	Potential transition from religious guidance to a formally recognised state norm.	National moral reach, detailed recommendations, and conservation partnerships.	Legal authority and social mobilisation are complementary.
Primary limitation	Fragmentation across states, variable gazettement, and limited catalogue of explicit eco-fatwas.	Non-binding status, uneven local implementation, and reliance on policy uptake.	Fatwa should be linked to enforcement, infrastructure, incentives, and evaluation.

Both countries share the same core jurisprudential grammar: divine ownership, vicegerency, balance, public interest, prevention of harm, and responsibility for restoration. They also show that ecological fatwas are strongest when formulated through expert consultation and addressed to more than individual consumers. The major difference lies in institutional form. Malaysia’s state-based route can confer binding legal status within a jurisdiction, while Indonesia’s MUI model produces national thematic guidance with broad recommendations but depends heavily on persuasion and policy adoption.

The comparison also cautions against measuring effectiveness solely by formal binding force. A gazetted norm with little dissemination or enforcement may have limited effect, while a non-binding fatwa embedded in education, government partnerships, and community programmes may change behaviour. Effectiveness should instead be assessed across four dimensions: normative clarity, institutional uptake, behavioural reach, and ecological outcome.

6. The Roles of Fatwa in Environmental Governance

a) Instrument of Islamic legal guidance

Fatwa identifies the legal-moral character of conduct that modern environmental statutes often describe only in technical language. It can explain why illegal hunting, destructive burning, waste dumping, excessive consumption, or corporate pollution constitutes *ḥarām* conduct when it violates rights and causes established harm. Equally, it can declare restoration, prevention, and participation obligatory where collective welfare

requires them.

b) Medium of education and ecological consciousness

Fatwa converts abstract concepts such as *khalīfah* and *maqāsid* into practical guidance. Its content can be disseminated through *khutbahs*, mosque classes, schools, universities, social media, certification programmes, and professional training. This educational function is especially important because environmental harm is often normalised through routine habits or hidden within supply chains. Religious language can make distant ecological consequences morally immediate.

c) Mechanism of social control

Social control is broader than criminal punishment. A fatwa can shape community expectations, professional ethics, corporate reputation, and the perceived legitimacy of environmentally harmful conduct. By identifying sin and duty, it mobilises conscience and communal accountability. However, social control should not become mere moralisation of individual behaviour while ignoring structural causes. Producers, financiers, landholders, regulators, and political decision-makers must also fall within the fatwa's scope.

d) Reinforcement of policy and law

Fatwa can strengthen environmental policy in at least four ways: it supplies religious justification for regulation; encourages voluntary compliance beyond minimum legal standards; supports inter-agency campaigns; and identifies public interest when legislation is ambiguous or enforcement is weak. It should complement scientific standards and statutory sanctions, not displace them. Effective reinforcement requires that religious and technical institutions share definitions, evidence, and implementation plans.

e) Catalyst for collective action

The Indonesian fatwas demonstrate the value of recommendations addressed to government, business, *ulama*, and the public. The same multi-stakeholder logic can support Malaysian coordination across state religious councils, environmental agencies, local authorities, universities, and civil society. Collective action becomes more likely when a fatwa specifies who must do what, by when, using which resources, and how progress will be evaluated.

7. Challenges and Limitations

First, the legal status of fatwa is frequently misunderstood. Treating every religious opinion as legally binding creates doctrinal and constitutional confusion; treating all fatwas as merely symbolic understates their possible legal and social effects. Researchers and institutions should state whether a document is an individual response, committee decision, national resolution, or gazetted state fatwa.

Second, environmental causation is scientifically complex. Fatwa committees require access to ecologists, climate scientists, epidemiologists, economists, indigenous and local knowledge holders, regulators, and affected communities. Scientific uncertainty should not justify inaction where the potential harm is grave, but precaution must be applied proportionately and transparently.

Third, implementation gaps remain. Religious prohibition cannot substitute for waste facilities, fire-prevention capacity, livelihood options, land-tenure reform, transparent licensing, corporate accountability, or enforcement against organised wildlife crime. Fatwa effectiveness is therefore conditional upon institutions and resources.

Fourth, dissemination is often episodic. Launch events and sermons may raise short-term awareness without producing durable practice. Messages should be repeated, localised, incorporated into curricula and professional standards, and accompanied by feasible behavioural alternatives.

Fifth, environmental justice must be foregrounded. Restrictions can unfairly burden low-income or indigenous communities if responsibility is not allocated according to power, benefit, and capacity. A *maqāsid* approach requires attention to distribution: those who profit most from harmful activities should bear proportionate prevention, mitigation, and restoration costs, while vulnerable communities should receive support during ecological transitions.

8. Proposed Maqāsid-Based Eco-Fatwa Governance Model

Based on the comparison, this article proposes an eight-stage governance model for future environmental fatwas:

- 1) Problem identification: define the ecological issue, affected locations, populations, ecosystems, and time

horizon.

- 2) Evidence assessment: convene relevant scientific, legal, economic, and community experts; disclose the level of certainty and contested evidence.
- 3) Shari'ah characterisation (taṣwīr and takyīf): identify the acts, actors, rights, benefits, harms, and causal relationships before assigning a ruling.
- 4) Maqāṣid and legal-maxim analysis: examine protection of life, progeny, property, intellect, religion, and environment; apply balance, harm removal, public interest, precaution, and accountability.
- 5) Proportionate ruling: distinguish prohibition, obligation, recommendation, policy discretion, emergency exception, and restoration duty.
- 6) Stakeholder allocation: specify duties of government, corporations, financiers, religious institutions, educators, communities, and individuals.
- 7) Implementation package: accompany the fatwa with sermons, teaching modules, sector guidelines, agency protocols, incentives, enforcement links, and accessible public communication.
- 8) Monitoring and review: establish measurable indicators, publish progress, assess ecological and behavioural outcomes, and revise guidance when evidence or circumstances change.

This model preserves the juristic character of fatwa while recognising that contemporary environmental problems are systems problems. It also creates a bridge between Malaysia's legally structured state-fatwa process and Indonesia's multi-stakeholder programme of national eco-fatwas

Conclusion

Fatwa has a significant but context-dependent role in addressing environmental issues. Its normative foundation is rooted in the Qur'anic vision of ordered creation, divine ownership, mīzān, khalīfah, 'imārah, and the prohibition of fasād and isrāf, together with Prophetic teachings on planting, compassion, animal welfare, and prevention of harm. Fiqh al-bi'ah gathers these principles into a practical jurisprudence capable of evaluating modern ecological conduct.

Malaysia and Indonesia illustrate complementary institutional pathways. Malaysia's state-centred structure offers a route by which an official fatwa may obtain binding legal effect, exemplified by Terengganu's prohibition of illegal wildlife hunting, but the field remains decentralised and would benefit from stronger coordination and a wider catalogue of explicit environmental fatwas. Indonesia has developed a more systematic sequence through MUI Fatwas No. 4/2014, No. 41/2014, No. 30/2016, and No. 86/2023, covering wildlife, waste, fires, and climate change. Their strength lies in national moral reach and multi-stakeholder recommendations; their limitation lies in dependence on policy adoption, infrastructure, and enforcement.

Ultimately, fatwa should be understood as a component of environmental governance rather than a substitute for it. Its roles as legal guidance, education, social control, policy reinforcement, and catalyst for collective action are maximised when religious authority is integrated with scientific expertise, public administration, corporate accountability, community participation, and measurable ecological outcomes. A maqāṣid-based eco-fatwa model can therefore help transform environmental preservation from a general moral aspiration into coordinated and reviewable public responsibility.

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