



RELIGIOUS NORMATIVITY AND ENVIRONMENTAL REGULATION: A CRITICAL STUDY FROM INDONESIA

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ABSTRACT

This article examines the limited integration of Islamic environmental norms into Indonesia's statutory environmental governance despite the country's acute ecological crises and its position as the world's largest Muslim-majority nation. Indonesia continues to face deforestation, biodiversity loss, watershed degradation, and recurring fires, revealing structural weaknesses in regulatory implementation under Law No. 32 of 2009. At the same time, Islamic institutions—particularly the Indonesian Council of Ulama, Nahdlatul Ulama, and Muhammadiyah—have developed a sophisticated body of ecological ethics through environmental fatwas, eco-pesantren programs, and community-based sustainability initiatives. These norms integrate revelation (*wahy*) and reason (*'aql*) to articulate ethical obligations of stewardship, harm prevention, and public welfare. However, their regulatory impact remains marginal. This study aims to identify and explain the epistemic, normative, and institutional gaps that prevent Islamic ecological principles from informing environmental law and policy. Using a normative legal research method, the study analyzes fatwas, statutory provisions, and doctrinal concepts through statute-based, conceptual, and comparative approaches. The findings reveal that fatwas operate as soft norms lacking formal enforceability, while state regulation relies on technocratic and administrative frameworks that do not formally accommodate religious perspectives. The study concludes that bridging this religious–normativity gap requires institutionalized dialogue, structured consultative mechanisms, and the alignment of ethical principles with regulatory processes. Strengthening these interfaces would enhance the legitimacy, cultural resonance, and effectiveness of Indonesia's environmental governance.

Keywords: *Islamic environmental ethics; fatwa; environmental regulation; legal pluralism; normative governance; Indonesia*

1. INTRODUCTION

Indonesia continues to confront a range of acute environmental crises, including rapid deforestation, biodiversity loss, watershed degradation, land and forest fires, and rising vulnerability to climate-related disasters. These conditions expose not only ecological decline but also structural deficiencies in the country's environmental governance architecture. Although the

state has established a comprehensive regulatory framework—particularly through Law No. 32 of 2009 on Environmental Protection and Management—implementation remains inconsistent and often subordinated to economic interests, bureaucratic fragmentation, and weak administrative enforcement. Consequently, the persistence of ecological degradation suggests a disjunction between normative commitments articulated in statutory instruments and the empirical realities of environmental management. From a legal studies perspective, this gap signals that Indonesia's environmental regulatory system lacks a sufficiently robust normative foundation capable of shaping behaviour, informing enforcement priorities, and legitimizing state action.

Within this context, Indonesia's status as the world's largest Muslim-majority nation positions religious institutions as potentially significant normative actors. Over the past decade, Islamic organizations have expanded their engagement with environmental issues through doctrinal reasoning, community mobilization, and institutional programs. The Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) has issued several environmental fatwas—among them Fatwa No. 22/2011 on responsible mining and Fatwa No. 4/2014 on wildlife conservation—which frame environmental protection as a religious obligation grounded in Islamic jurisprudence and moral theology. Nahdlatul Ulama (NU) and Muhammadiyah have likewise developed initiatives such as eco-pesantren, green mosques, and environmental education programs that embed ecological stewardship within religious pedagogy and communal practice. These developments illustrate the presence of alternative normative sources that possess moral authority, broad social reach, and the capacity to influence community behaviour.

Yet, despite the sophistication of Islamic ecological ethics and the institutional strength of religious organizations, their normative influence remains largely peripheral to state environmental regulation. Fatwas and similar pronouncements function as soft norms: morally persuasive but lacking formal legal force unless incorporated into regulatory instruments. State law, by contrast, operates through hard norms backed by administrative mandates and coercive authority. The absence of procedural mechanisms for translating religious norms into statutory frameworks or administrative guidelines has produced what this article terms the *religious-normativity gap*: a structural separation between religious moral authority and the technocratic, positivist orientation of Indonesian environmental law. This gap becomes evident when religious directives—such as prohibitions against land burning or destructive mining—do not shape permitting regimes, land-use planning, enforcement practices, or judicial reasoning in environmental cases.

Existing scholarship on Islamic environmental ethics, the role of fatwas, and Indonesian environmental governance has grown substantially, yet these bodies of literature rarely engage each other directly. Studies on Islamic ecology tend to remain within theological, ethical, or sociocultural domains, while legal analyses focus on regulatory design, administrative capacity, and political-economic drivers of environmental degradation. As a result, the juridical significance of religious ecological norms and their potential integration into regulatory processes remain underexplored. Moreover, limited attention has been given to how the doctrinal reasoning underlying environmental fatwas aligns—or fails to align—with statutory principles such as *precaution*, *sustainability*, and *public participation*. This lack of cross-disciplinary engagement constitutes a clear research gap in legal studies, particularly in understanding how plural normative orders interact within Indonesia's hybrid regulatory landscape.

Recent studies have indeed advanced the discussion of Islamic environmental ethics and fatwa-based governance in Indonesia. Mangunjaya and Praharawati (2019) demonstrate how environmental fatwas contribute to conservation awareness and moral mobilization, while Gade

(2015) explores the socio-legal dimensions of Islamic environmental discourse within Indonesian Muslim communities. More recently, Iskandar and Sofuoğlu (2025) analyze the doctrinal substance of MUI environmental fatwas and their theological foundations, and Koehrsen (2020) examines the role of Muslim organizations in advancing sustainability agendas. However, these studies primarily focus on ethical content, sociological influence, or religious mobilization, without systematically examining the structural interaction between Islamic ecological norms and statutory environmental regulation. The question of how and why these religious norms remain marginal within formal regulatory processes thus remains insufficiently addressed.

This article addresses that gap by examining the epistemic, normative, and institutional interfaces between Islamic environmental norms and Indonesia's environmental regulatory framework. Through the analysis of key fatwas, statutory provisions, and institutional practices, the study investigates how religious norms are produced, how they circulate within society, and why they fail to penetrate the domains of policy formulation and administrative decision-making. More importantly, the article argues that bridging the religious–normativity gap requires reconceptualizing environmental regulation not merely as a technocratic enterprise but as a normative project grounded in culturally resonant ethical principles. From a legal studies standpoint, integrating religiously informed ethical commitments into environmental regulation can strengthen regulatory legitimacy, enhance community compliance, and support more holistic forms of environmental governance.

The contribution of this study is threefold. Conceptually, it develops the religious–normativity gap as an analytical framework for understanding the disjunction between ethical–religious norms and technocratic regulation. Empirically, it provides a systematic assessment of environmental fatwas, legal provisions, and religious community initiatives within Indonesia's plural legal order. Theoretically, it situates the analysis within broader debates on legal pluralism, normative governance, and the role of non-state normative authorities in shaping regulatory outcomes. Ultimately, this article argues that a more integrated normative architecture—one that recognizes the complementary roles of religious norms and state regulation—can enhance the effectiveness and legitimacy of Indonesia's environmental governance.

2. METHODS

This study employs a normative legal research method to analyze the interaction between Islamic religious norms and Indonesia's environmental regulatory framework. Normative legal research—also known as doctrinal or library-based legal research—is appropriate because the questions addressed in this study focus on the interpretation, systematization, and evaluation of legal norms rather than empirical measurement or field-based inquiry. Scholars such as Hutchinson and Duncan (2012) emphasize that doctrinal legal research remains the core methodology of legal scholarship because it examines law as a normative system, identifies the coherence of its principles, and interprets legal rules within their broader conceptual framework. Meanwhile, Peter Mahmud Marzuki (2010) explains that normative legal research relies on textual analysis of legal materials, including legislation, doctrinal writings, court decisions, and authoritative commentaries, to understand what the law prescribes and how legal norms relate to broader theoretical and doctrinal developments. Guided by these methodological foundations, this study adopts a normative approach that brings together statutory analysis, conceptual analysis, and comparative normative evaluation to understand the epistemic and regulatory relationship between Islamic ecological ethics and environmental law.

Data in this research consist primarily of legal and religious documents. Primary legal materials include the environmental fatwas issued by the Indonesian Council of Ulama (MUI)—particularly Fatwa No. 22/2011 and Fatwa No. 4/2014—because these texts articulate Islamic normative positions on environmental stewardship. These are analyzed alongside statutory and regulatory instruments such as Law No. 32 of 2009 on Environmental Protection and Management and its derivative regulations concerning environmental licensing, forestry governance, wildlife conservation, mining, and pollution control. In accordance with the guidance of Soerjono Soekanto (2006), primary legal materials form the most authoritative basis for doctrinal research because they represent legally binding norms or, in the case of fatwas, authoritative ethical guidance within Indonesia's religious legal structure. In addition to these sources, Qur'anic verses and classical Islamic legal texts relevant to ecological ethics are included to provide an epistemic foundation for the religious norms examined.

Secondary materials include peer-reviewed journal articles, scholarly books, doctrinal commentaries, and policy analyses on Islamic environmental jurisprudence, legal pluralism, normative governance, and environmental law. Works of contemporary scholars such as F.M. Mangunjaya, Anna Gade, and Jasser Auda are utilized to contextualize the development of Islamic ecological ethics and its jurisprudential methodologies. Secondary materials also include classical Islamic legal theory texts such as those of al-Ghazali and al-'Izz ibn 'Abd al-Salām, which provide the theoretical criteria for evaluating the validity of *maslahah* and the harmonization of scriptural principles with public welfare—concepts central to the normative analysis conducted in this study. Tertiary materials, including legal encyclopedias, dictionaries, and indexing tools, are used to clarify terminology and assist in locating authoritative sources.

Methodologically, the study integrates three analytical approaches commonly used in normative legal scholarship: the statute approach, the conceptual approach, and the comparative normative approach. The statute approach focuses on analyzing the legislative and regulatory framework governing Indonesia's environmental protection system. This includes examining the normative content of Law No. 32/2009 and related regulations to identify the legal principles, obligations, and enforcement mechanisms that shape the state's environmental governance regime. Drawing from the methodological guidelines of Marzuki (2010), the statute approach in doctrinal research requires not only textual interpretation but also the systematic arrangement of statutory norms to reveal their structure, internal logic, and practical implications.

The conceptual approach explores the fundamental ideas and principles underlying both Islamic ecological ethics and environmental law. Concepts such as *maqāṣid al-shaī'ah*, *maslahah*, stewardship (*khalīfah*), and the prevention of harm (*lā ḍarar wa lā ḍirār*) are analyzed to articulate the normative commitments that Islamic law brings to environmental governance. This aligns with Auda's (2008) systems-theory approach to Islamic jurisprudence, which argues that contemporary applications of Islamic law must be grounded in purposive, context-sensitive interpretation. The conceptual approach also includes theoretical frameworks from legal pluralism, which help explain the coexistence and interaction of multiple normative orders—religious, state-based, and customary—within Indonesia's legal landscape.

The comparative normative approach juxtaposes Islamic environmental norms with statutory environmental norms to identify points of convergence, divergence, and structural tension. Comparative legal analysis, as described by Zweigert and Kötz (1998), enables the researcher to examine how different normative systems conceptualize responsibility, harm, sustainability, and public welfare. In this study, the comparative approach highlights how the ethical imperatives of Islamic ecological jurisprudence align with—or diverge from—the legal rationality embedded in Indonesia's environmental regulations. This comparative evaluation is

crucial for identifying the religious–normativity gap and assessing the potential for normative integration.

Data analysis proceeds through four interpretive stages. First, legal and religious materials are organized into thematic categories such as environmental jurisprudence, Islamic ethics, state regulation, and legal pluralism. Second, textual interpretation is conducted using a contextual hermeneutic method, which prioritizes purposive and situational meaning rather than literal textuality, a method widely endorsed in both legal interpretation (Dworkin, 1986) and Islamic legal hermeneutics. Third, doctrinal and comparative analysis is applied to identify consistency, contrast, or tension between religious and statutory norms. Fourth, a normative evaluation is undertaken using criteria for valid *maslahah* derived from classical Islamic jurisprudence, providing a basis for assessing the ethical adequacy and coherence of environmental fatwas and public regulations.

To ensure scholarly rigor, validity is maintained through textual triangulation—cross-checking interpretations with authoritative commentaries and multiple legal sources—and through methodological consistency grounded in established doctrinal research principles. Ethical considerations include maintaining scholarly neutrality, accurately representing both Islamic and statutory sources, and avoiding preferential treatment of either normative system. Through this methodological framework, the study aims to produce a robust normative analysis capable of illuminating how Islamic ethical principles and state law may be integrated to enhance Indonesia’s environmental governance.

3. RESULTS AND DISCUSSION

Indonesia’s environmental governance landscape presents a complex and multilayered interaction between religious ethical frameworks and statutory regulatory structures, revealing both conceptual synergies and deep structural gaps that complicate the translation of Islamic ecological principles into enforceable environmental policy. The findings of this study indicate that Islamic ecological normativity—expressed through fatwas, institutional programs, and theological discourse—constitutes a highly developed ethical corpus grounded in the integration of revelation (*wahy*) and reason (*‘aql*). However, despite its intellectual sophistication and moral resonance within society, this normative system remains only partially reflected in Indonesia’s state-led environmental governance. A comprehensive analysis of environmental fatwas, regulatory instruments, and institutional practices demonstrates that the regulatory influence of Islamic norms is limited by epistemic divergences, normative distinctions between soft and hard law, and institutional fragmentation. These constraints result in what this study conceptualizes as a religious–normativity gap: a persistent structural separation between religious moral authority and the technocratic logic that dominates state environmental regulation.

The environmental fatwas issued by the Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI), particularly Fatwa No. 22/2011 on environmentally responsible mining and Fatwa No. 4/2014 on environmental preservation, exemplify the epistemological depth of Islamic environmental reasoning. These fatwas employ scriptural foundations—drawing from Qur’anic injunctions such as al-A’raf:56, which warns against spreading corruption (*fāsād*) on earth, and al-Rūm:41, which links ecological disorder to human wrongdoing—while integrating empirical evidence concerning deforestation, pollution, biodiversity decline, and the socio-economic impacts of extractive industries. MUI’s fatwa-making process is not merely a textual exercise but an interdisciplinary deliberation that incorporates scientific assessments, environmental impact data, legal analyses, and community perspectives. This reflects a methodological orientation

consistent with the broader tradition of Islamic legal reasoning, wherein revelation and reason are not conceived as opposing forces but as complementary sources of knowledge that jointly inform normative judgments. Contemporary scholars within the Islamic legal tradition have argued that ecological stewardship requires a contextual approach grounded in empirical realities and guided by the broader objectives of *maqāṣid al-sharī'ah*, particularly the protection of life, property, lineage, and the environment. MUI's environmental fatwas demonstrate this orientation by articulating ethical obligations that extend beyond ritualistic prescriptions toward socio-ecological responsibilities.

Complementing MUI's contributions, major Islamic organizations such as Nahdlatul Ulama (NU) and Muhammadiyah have developed wide-ranging initiatives that embed ecological awareness into religious education, community engagement, and institutional development. NU's eco-pesantren programs cultivate environmental consciousness within Islamic boarding schools, combining religious teachings on stewardship (*khalīfah*), trust (*amanah*), and balance (*mīzān*) with practical activities such as waste management, tree planting, and organic agriculture. These programs reflect NU's traditionalist orientation, which emphasizes localized wisdom, gradual ethical transformation, and the embodiment of Islamic principles through lived community practices. Muhammadiyah, drawing on its modernist intellectual heritage, promotes environmental sustainability through scientifically informed programs, educational curricula, disaster risk reduction initiatives, and the development of green mosques and community centers. Muhammadiyah's approach integrates rational-theological reasoning with empirical evidence, illustrating a distinct yet complementary strand of Islamic ecological ethics in Indonesia.

Collectively, these religious initiatives form an increasingly sophisticated body of Islamic environmental thought that resonates strongly with Muslim communities. The principles articulated—among them stewardship, responsibility, public welfare (*maslahah*), and the avoidance of harm—constitute ethical imperatives capable of grounding a robust ecological governance framework. Yet despite this normative richness and widespread societal legitimacy, the study identifies that the integration of Islamic ecological norms into Indonesia's formal environmental regulatory system remains limited. This disconnect is not due to the absence of shared values; indeed, many statutory principles in Law No. 32 of 2009 on Environmental Protection and Management, such as sustainability, prevention, accountability, and public participation, align closely with Islamic ethical commitments. Rather, the separation stems from structural, epistemological, and institutional factors that inhibit effective normative translation.

A central finding of the study is that Indonesia's environmental regulatory framework is characterized by fragmentation and inconsistency across sectoral regulations governing forestry, mining, energy, waste management, and land use. While the UUPPLH provides an overarching legal foundation, sectoral regulations frequently conflict with one another or prioritize economic growth over environmental sustainability. This fragmentation is exacerbated by bureaucratic overlap, weak enforcement, and political-economic pressures dominated by extractive industries. In practice, environmental governance is shaped less by coherent regulatory principles and more by administrative pragmatism and economic interests. This technocratic approach diverges from the ethical-theological reasoning that underpins Islamic ecological norms, resulting in an epistemic gap. While religious authorities frame ecological obligations in terms of divine mandate and moral responsibility, state institutions approach environmental issues primarily through administrative procedures, technical assessments, and cost-benefit calculations. These epistemic differences limit opportunities for meaningful engagement between religious and state actors.

The normative gap further constrains integration. Fatwas operate as soft law instruments—morally persuasive but lacking legal enforceability—while statutory regulations function as hard

law with codified sanctions and institutionalized enforcement mechanisms. In Indonesia's legal system, fatwas do not possess formal legislative authority unless explicitly incorporated into regulatory frameworks or judicial decisions. Consequently, even fatwas with strong ethical content and significant public influence remain structurally external to the state's regulatory machinery. This normative distinction reinforces the peripheral position of Islamic ecological norms in environmental governance. Despite the fact that fatwa principles could theoretically complement or reinforce statutory mandates, the absence of formal channels for incorporation renders them advisory rather than regulatory.

Institutional fragmentation further compounds the gap. Indonesia's system of legal pluralism formally acknowledges the coexistence of religious, customary, and state legal systems, yet in practice, there are no procedural mechanisms that link religious institutions with environmental regulatory agencies. Engagement between these institutions tends to be informal, episodic, and initiative-driven rather than structured, mandatory, or institutionalized. Moreover, the diversity of Islamic institutions—MUI, NU, Muhammadiyah, and numerous local religious councils—produces variations in interpretive emphasis and policy priorities, which can hinder the development of a unified religious stance capable of influencing national regulatory processes. While these variations reflect the richness of Indonesia's religious landscape, they also limit the capacity of Islamic ecological ethics to shape national policy in a sustained and coordinated manner.

The findings also demonstrate the presence of promising yet localized examples where Islamic environmental norms have influenced community behavior and ecological outcomes. Eco-pesantren programs, Muhammadiyah's environmental cadres, local ulama-led conservation efforts, and emerging green waqf initiatives illustrate that Islamic ethics can mobilize communities toward sustainable practices when embedded within culturally resonant structures. These initiatives succeed because they operate at the intersection of religious authority, community trust, and practical engagement. However, their impact remains localized, and their potential to influence national policy is constrained by the absence of formal integration mechanisms. Without institutional scaffolding that connects these religious initiatives to national regulatory frameworks, their ability to scale remains limited.

Comparative insights from other Muslim-majority countries illustrate that more integrated models are possible. Malaysia provides an example where religious councils collaborate with government ministries to develop environmental guidelines rooted in Islamic principles. In countries such as Turkey, Morocco, and the United Arab Emirates, Islamic finance mechanisms—such as green sukuk, eco-waqf, and sharia-compliant environmental funds—are integrated into national sustainability strategies. These comparative cases demonstrate that religious norms can be incorporated into state regulation when formal channels, institutional partnerships, and regulatory frameworks are designed to facilitate such integration. Indonesia's decentralized and plural religious environment presents both opportunities and challenges: while religious institutions command significant moral authority and social capital, the absence of institutionalized collaboration with regulatory bodies limits their capacity to influence policy development.

A closer comparative analysis indicates that the key difference between Indonesia and several Muslim-majority countries lies not merely in the presence of Islamic environmental norms, but in the institutional mechanisms that translate these norms into regulatory frameworks. In Malaysia, for example, collaboration between state religious councils and governmental agencies allows Islamic legal opinions to inform policy guidelines and public programs in a structured

manner. Similarly, in countries such as the United Arab Emirates and Morocco, Islamic financial instruments—particularly green sukuk and environmentally oriented waqf—are integrated into national sustainability agendas through formal regulatory and financial systems. By contrast, Indonesia’s engagement between religious institutions and environmental authorities remains largely informal and project-based, lacking procedural frameworks that ensure continuity and policy influence. This comparison suggests that the effectiveness of Islamic ecological ethics in shaping environmental governance depends less on the strength of religious discourse and more on the institutional channels that enable normative integration.

The study’s findings suggest that bridging the religious–normativity gap requires a governance model that institutionalizes dialogue between religious and state actors, integrates ethical principles into regulatory processes, and aligns environmental policies with broader cultural and moral frameworks. Legal pluralism provides a useful theoretical foundation for this integration by recognizing the coexistence of multiple normative systems and encouraging the development

4. CONCLUSION

The findings of this study demonstrate that Indonesian environmental fatwas present a sophisticated ethical framework in which revelation (*wahy*) and reason (*‘aql*) operate in complementary ways to articulate moral obligations toward environmental stewardship. This synthesis underscores the potential of Islamic ecological ethics to contribute meaningfully to Indonesia’s environmental governance. The study confirms that environmental fatwas issued by Islamic authorities, including the Indonesian Council of Ulama, Nahdlatul Ulama, and Muhammadiyah, contain substantive principles aligned with sustainability, prevention of harm, and the protection of public welfare. These principles directly address the ethical dimensions of ecological degradation and reflect a moral vision that resonates deeply within Indonesian society.

Despite this strong ethical foundation, the research identifies that the regulatory impact of Islamic environmental norms remains limited. The primary reason for this limitation is the persistent gap between religious ethical systems and the technocratic structures of state environmental regulation. The epistemic gap arises from the differing knowledge paradigms through which religious scholars and state regulators understand environmental problems. The normative gap emerges from the status of fatwas as non-binding guidance, contrasting with the binding authority of statutory law. The institutional gap, perhaps the most influential, reflects the absence of formal mechanisms linking religious authorities with environmental regulatory bodies. Collectively, these gaps explain why Islamic ecological ethics, despite their sophistication and public legitimacy, have yet to be translated into robust regulatory outcomes.

This study concludes that bridging these gaps requires intentional institutional design and sustained dialogue between religious and state actors. Strengthening channels of coordination, integrating ethical considerations into regulatory processes, and developing consultative frameworks that formalize the role of religious perspectives in environmental policymaking would significantly enhance the alignment between moral norms and administrative action. Such integration would not only support the moral legitimacy of environmental governance but also enrich its conceptual and cultural grounding.

From a policy perspective, several operational steps can be considered to facilitate the integration of Islamic ecological ethics into environmental governance. First, environmental

regulatory agencies may establish formal consultative mechanisms with recognized religious institutions, particularly in the formulation of environmental policies and guidelines. Second, capacity-building programs and joint training initiatives involving environmental regulators, religious scholars, and community organizations could help bridge epistemic differences and promote shared understanding of ecological governance. Third, pilot programs that incorporate ethical-religious perspectives into environmental education, public awareness campaigns, and community-based conservation projects could provide practical models for broader policy adoption. Finally, the development of regulatory instruments that acknowledge culturally embedded ethical norms—without compromising the neutrality of state law—could strengthen both regulatory legitimacy and community compliance in environmental protection efforts.

Future research should examine how concrete institutional models—such as joint environmental ethics committees, inclusion of religious perspectives in environmental impact assessments, or the development of regulatory frameworks that incorporate *maqāṣid al-sharīʿah*—could operationalize these insights. Further empirical studies are also needed to evaluate how community-based religious initiatives can complement state-led environmental policies and contribute to broader national sustainability agendas.

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