



Reconstructing Usul Fiqh and Islamic Family Law for Environmental Justice in the Global South

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Abstract

Climate change poses significant challenges globally, particularly for countries in the Global South, which experience disproportionate environmental and social impacts despite contributing minimally to greenhouse gas emissions. This article explores environmental justice through the lens of Sharia by reconstructing *usul fiqh* (Islamic jurisprudence principles) and Islamic family law to build climate-resilient societies in the Global South. Emphasizing *maqasid al-shariah* (the objectives of Islamic law), this study examines how concepts such as *maslahah* (public interest), *dar' al-mafasid* (prevention of harm), and *hifz al-bi'ah* (environmental preservation) can be integrated into the reform of family law to address ecological challenges. Using normative and contextual approaches, the article proposes a legal framework grounded in Islamic principles that promotes social and environmental sustainability. This framework aims to strengthen community resilience by aligning religious legal norms with the urgent need for climate justice, thus contributing to a holistic and adaptive Islamic legal response to environmental crises in Muslim-majority countries of the Global South.

Keywords:

Environmental justice, Usul Fiqh, Islamic family law, Maqasid al-Shariah, Global South

1. Introduction

Climate change is undeniably one of the most pressing challenges faced by humanity today. Its effects are widespread and multifaceted, threatening the social, economic, and environmental stability of communities worldwide. However, the burden of climate change is not distributed equally across the globe (Ahyani, Azmi, et al., 2025). Countries in the Global South, including regions of Latin America, Africa, the Middle East, and parts of Asia and Oceania, bear a disproportionate share of its negative consequences. Despite their relatively low contributions to global greenhouse gas emissions, these countries experience severe environmental disruptions such as rising sea levels, increased frequency of droughts, flooding, and other extreme weather events (Malmqvist, 2024). The vulnerability of these nations is heightened by limited adaptive capacity, structural inequalities, and economic constraints (Hariyanto et al., 2025).



Recent global surveys reflect the acute concern of populations in these regions toward the climate crisis. For instance, research conducted by GlobeScan in 2024 reveals that nearly 80% of respondents in Latin America and two-thirds in Africa and the Middle East regard climate change as a “very serious” problem. This level of concern surpasses that observed in North America and Europe, where roughly half and 60% of people, respectively, perceive the issue with similar urgency. This data underscores the reality that those most exposed to the adverse effects of climate change tend to express the highest levels of worry and demand more significant action from governments and global stakeholders (Kurniawan et al., 2025). The heightened concern among Global South communities calls for a just and effective response that transcends technical fixes or purely economic solutions. Climate justice has emerged as a critical framework, emphasizing fairness in the distribution of environmental benefits and burdens, recognizing the rights and voices of vulnerable populations, and holding major emitters accountable. As global climate negotiations continue, there is growing pressure on countries in the Global North to support adaptation and resilience-building initiatives in the Global South. However, beyond international cooperation and financial mechanisms, there is a pressing need to embed principles of environmental justice within local legal and social systems (South South North, 2025).

Recent scholarship has increasingly clarified and strengthened the role of law and governance in climate change scenarios, highlighting the need for robust legal frameworks to address environmental challenges effectively (Triyanti et al., 2023). The interaction between climate justice and social policies has also been studied in the context of alleviating rural poverty, demonstrating the multifaceted nature of environmental justice in vulnerable communities (Anser et al., 2023). Moreover, agricultural adaptation, such as adopting drought-tolerant crops and improving access to credit, has shown significant implications for enhancing productivity and resilience in developing countries (Kolapo et al., 2023). Urban and rural residential carbon emissions patterns further illustrate the complexity of environmental impacts, as explored in recent research from China (Liang et al., 2024). In Indonesia, courts have begun to confront the challenges of climate justice, emphasizing the need for future strategies that ensure legal accountability in climate change cases (Fitriah & Amarini, 2025). These developments underscore a broader recognition that environmental governance must be comprehensive, adaptive, and deeply embedded in legal institutions. While some legal topics, such as counter-terrorism fundraising and illegal online loans, reveal the diverse legal challenges facing Southeast Asia (Angkasa et al., 2023; Ginting & Talbot, 2023), the incorporation of Islamic legal principles into environmental governance remains underexplored.

In Muslim-majority countries of the Global South, legal responses to environmental challenges require particular attention to Islamic legal and ethical frameworks. Islamic law, or Sharia, encompasses comprehensive normative principles that guide human behavior in relation to God, society, and the environment. Central to Sharia are the objectives of Islamic law, known as *maqasid al-shariah*, which aim to preserve essential human values including life, intellect, lineage, property, and faith. These objectives are operationalized through *usul fiqh*, the foundational principles of Islamic jurisprudence that provide tools for interpreting and applying religious law in diverse contexts (Achmad et al., 2025; Ahyani, Parhan, et al., 2025).



The implementation of *maqasid shariah* varies, as reflected in the heterogeneity of scholars' fatwas on Islamic banking contracts, which reveals the complexity of applying Islamic principles in modern contexts (Arfan et al., 2024). This complexity similarly extends to environmental issues, where the principles of stewardship, harm prevention, and public interest must be interpreted within current ecological realities. The integration of environmental concerns into Islamic legal thought is not new; classical Islamic teachings emphasize stewardship of the earth (*khilafah*), the prohibition of harm (*la darar wa la dirar*), and the obligation to protect natural resources (Am et al., 2024; Solehudin et al., 2024). Yet, modern environmental crises such as climate change pose challenges that require a renewed and contextualized understanding of these principles. In particular, the area of Islamic family law, which governs critical aspects of personal and social life such as marriage, inheritance, child custody, and family responsibilities, presents an underexplored yet potent avenue for embedding environmental justice. Family law institutions shape societal structures and values and can thus be mobilized to promote sustainability and resilience.

Discussions on legal ethics also highlight the tension between utilitarian and communal values, a debate relevant to how Islamic law can balance individual rights and collective environmental responsibilities, particularly in the Global South (Kurniawan et al., 2025). Reconstructing *usul fiqh* and Islamic family law to respond effectively to environmental challenges entails a careful balance. It involves reinterpreting traditional principles like *maslahah* (public interest) and *dar' al-mafasid* (prevention of harm) to explicitly incorporate ecological wellbeing and climate resilience (Jubaedah et al., 2025; Mustofa et al., 2025). This approach aligns with the overarching goals of *maqasid al-shariah*, which prioritize human dignity and welfare, including the protection of natural life-support systems. The transformation of family law to acknowledge environmental responsibilities would not only contribute to climate justice but also foster social cohesion and intergenerational equity in Muslim societies.

Despite this potential, the existing body of Islamic legal scholarship and policy frameworks in many Global South countries has yet to fully integrate environmental justice into family law. Much of the focus remains on conventional legal issues without explicit attention to sustainability or climate resilience. This gap underscores the urgency of developing normative frameworks and practical legal reforms grounded in Islamic principles that are responsive to contemporary ecological realities. This article aims to contribute to this growing field by exploring how *usul fiqh* and Islamic family law can be reconstructed to promote environmental justice and climate-resilient societies in the Global South. It examines key Islamic legal concepts and their applicability to environmental governance within family law contexts. The study adopts a normative-analytical approach, engaging with classical and contemporary Islamic jurisprudential sources alongside empirical observations of the social and environmental challenges faced by Muslim communities in the Global South (Al-Ansi et al., 2022; Wahid, 2024).

The research addresses two fundamental questions: How can Islamic jurisprudence principles be reinterpreted to support environmental justice? And, in what ways can Islamic family law incorporate climate resilience to strengthen community and familial structures? By answering



these questions, the article seeks to provide a coherent framework that bridges Islamic legal tradition with urgent ecological imperatives. In doing so, the study contributes to both academic and practical discourses on Islamic environmental ethics, legal reform, and climate justice. It highlights the unique position of Islamic law as a moral and legal system that can mobilize faith-based communities toward sustainable development and environmental stewardship. Moreover, it underscores the importance of contextualizing global climate issues within the lived realities and normative traditions of the Global South.

This approach also recognizes the multiplicity and diversity of Islamic legal thought across different countries and cultures, acknowledging that reconstructive efforts must be adaptable and sensitive to local contexts. The ultimate goal is to foster legal innovations within Islamic family law that uphold justice for people and the planet, thereby enhancing the resilience of Muslim societies to ongoing and future environmental challenges. In conclusion, the intersection of Sharia, environmental justice, and climate resilience represents a promising yet underdeveloped field of inquiry with significant implications for the Global South. By revisiting and reconstructing *usul fiqh* and Islamic family law through the lens of climate justice, Muslim-majority countries can better navigate the complexities of environmental change while staying rooted in their religious and cultural values. This article sets the foundation for such transformative legal scholarship and practice, calling for a deeper engagement between Islamic jurisprudence and global sustainability efforts.

2. Literature Review

The legal discourse on climate change has grown substantially in recent years, reflecting increasing awareness of its multidimensional impacts. Scholars from law, environmental science, economics, and religious studies have all contributed to understanding how legal systems can better respond to the climate crisis. However, there remains a considerable gap in integrating Islamic legal frameworks—particularly *usul fiqh* and Islamic family law—into contemporary environmental justice narratives, especially in the context of the Global South. A central theme in current climate governance research is the role of law in long-term scenario planning. Triyanti et al. (2023) have emphasized the need to clarify and strengthen the legal and governance aspects of climate scenario frameworks, particularly to ensure that they are inclusive, just, and responsive to future uncertainties. Their work underlines that legal institutions cannot merely serve as implementers of environmental policies but must actively shape the principles of justice and sustainability. This provides a foundation for examining how Islamic legal theory—especially its dynamic tools of reasoning—can similarly contribute to shaping responsive and adaptive legal futures.

Environmental justice itself has undergone a conceptual transformation. Initially rooted in Western legal traditions, the concept has expanded to include localized, cultural, and religious perspectives. Anser (2023), for example, goes beyond climate change in analyzing how environmental justice intersects with agricultural mechanization and social expenditures in alleviating rural poverty. His analysis situates environmental justice not merely as an ecological concern but as a distributive and structural issue deeply embedded in questions of equity and



access—principles that align closely with the Islamic legal notions of *adl* (justice) and *ihsan* (benevolence).

Kolapo's (2023) study on drought-tolerant maize varieties and credit access in Nigeria highlights another vital component of climate resilience: economic empowerment through legal and policy tools. Although technical in nature, this kind of research illustrates the relevance of legal support systems—such as land rights, inheritance law, and gender equality—in ensuring long-term agricultural sustainability. In Muslim societies, these domains often fall under Islamic family law, making its reform a strategic point of intervention in building climate-resilient communities.

Meanwhile, research on residential carbon emissions in urban and rural China by Liang (2024) provides a compelling argument for contextual legal approaches. Patterns of carbon output differ significantly based on geography, infrastructure, and socio-economic status. These differences imply that environmental law cannot be one-size-fits-all. In the Islamic legal tradition, the principle of *urf* (local custom) is already a recognized source of law, offering a built-in mechanism for localization. Yet, this principle remains underutilized in discussions on environmental jurisprudence within Sharia. The situation in Indonesia offers additional insight. Fitriah and Amarini (2025) argue that the country's judiciary is beginning to confront climate change more directly, but faces institutional and conceptual limitations. Their work suggests that courts, while capable of interpreting statutory law in light of environmental principles, often lack a religious or cultural lens that would make such judgments more resonant in Muslim-majority regions. Integrating Islamic legal reasoning—particularly the *maqasid al-shariah* framework—into environmental litigation could potentially strengthen the legitimacy and reach of climate justice rulings in such contexts.

In Southeast Asia, studies on unrelated legal issues such as terrorism financing (Ginting & Talbot, 2023) and illegal online loans (Angkasa et al., 2023) reveal how legal fragmentation and regulatory gaps persist across sectors. While these studies do not directly relate to environmental law, they point to the broader institutional challenges that also hamper environmental governance: inconsistent legal interpretation, limited enforcement capacity, and a disconnect between formal law and community norms. These issues highlight the importance of a legal system that not only regulates but also educates and resonates with the moral values of its constituents—a role that Islamic law can fulfill when properly contextualized. The concept of *maqasid al-shariah*—the objectives of Islamic law—is particularly relevant in this regard. Scholars such as Arfan et al. (2024) have explored the diverse interpretations of *maqasid* in Islamic finance, noting the heterogeneity among scholars and the practical implications for contractual law. Similarly, environmental scholars must consider how *maqasid* can be extended to ecological protection, including the preservation of life (*hifz al-nafs*), progeny (*hifz al-nasl*), and property (*hifz al-mal*)—all of which are directly threatened by environmental degradation. There is ample space for further theorization here, especially in linking *maqasid* to sustainability ethics.

Kurniawan (2025) presents an additional theoretical contribution by contrasting utilitarianism and communalism within the realm of intellectual property ethics. His analysis is valuable in

highlighting how legal theories differ across Global North and South perspectives, and why Southern epistemologies must be foregrounded. Islamic jurisprudence, with its communal orientation and emphasis on divine accountability, naturally aligns more closely with Global South worldviews, especially in rural and religious communities where communal land ownership and shared resources are still prevalent. Despite the growing body of environmental legal scholarship, a significant gap remains in applying Islamic legal tools—especially *usul fiqh*—to climate adaptation and environmental justice. *Usul fiqh* provides a powerful and flexible methodology that enables reinterpretation of foundational texts in response to changing contexts. Tools such as *qiyas* (analogical reasoning), *istihsan* (juristic preference), and *maslahah mursalah* (unrestricted public interest) offer jurisprudential avenues for updating Islamic rulings in light of new ecological challenges. Yet, these tools are rarely directed toward environmental issues, which are often seen as secondary to personal or ritual law in traditional curricula.

Likewise, Islamic family law is often treated as a static and private domain, despite its wide-reaching social implications. In reality, family law regulates inheritance, marriage, guardianship, and mutual responsibilities—domains that directly influence land distribution, resource management, and intergenerational equity. Reinterpreting Islamic family law through an environmental lens would not only update its relevance but also create legal channels for ecological consciousness to enter the household level, where many critical decisions about consumption and sustainability are made. In conclusion, while numerous scholars have laid the groundwork for environmental law and justice in various contexts, the integration of Islamic legal theory—particularly *usul fiqh* and Islamic family law—into this conversation remains limited and under-theorized. This article seeks to fill that gap by proposing a framework for reconstructing Islamic legal thought to advance environmental justice in the Global South. Through this approach, the study contributes both to Islamic legal reform and to the global pursuit of sustainable, equitable futures.

Table 1. Comparative Table of Key Literature on Law, Climate, and Islamic Legal Perspectives

No.	Author(s) & Year	Focus Area	Methodology	Key Contribution	Identified Gap
1	Triyanti et al. (2023)	Climate scenario governance	Qualitative legal analysis	Clarifies the role of law in climate futures	Lacks religious-legal integration
2	Anser (2023)	Environmental justice & poverty alleviation	Econometric analysis	Links justice to social expenditures	No engagement with Islamic law
3	Kolapo (2023)	Agricultural resilience	Quantitative field data	Highlights credit & drought-tolerant crops	Focused only on economic tools
4	Liang (2024)	Urban-rural carbon emissions	Emissions modeling	Emphasizes localized emissions strategies	No legal or ethical perspective
5	Fitriah & Amarini (2025)	Climate justice in courts (Indonesia)	Judicial case study	Examines court capacity in climate cases	Does not consider Islamic jurisprudence

No.	Author(s) & Year	Focus Area	Methodology	Key Contribution	Identified Gap
6	Ginting & Talbot (2023)	Terrorism finance	Legal-political study	Identifies regulatory weaknesses in ASEAN	Unrelated to climate or environment
7	Angkasa et al. (2023)	Illegal online loans	Criminological approach	Addresses consumer protection gaps	Not connected to environmental issues
8	Arfan et al. (2024)	Maqasid Sharia in banking	Fatwa analysis	Shows interpretive diversity in Islamic finance	Lacks linkage to environmental domain
9	Kurniawan (2025)	IP law ethics, North vs. South	Legal theory	Contrasts utilitarianism vs. communalism	Ethical analysis not linked to climate law

From the comparative table above, it becomes evident that current literature offers critical insights into environmental law, poverty alleviation, agricultural adaptation, and Islamic finance ethics, yet very few works attempt to integrate *Islamic jurisprudence*, especially *usul fiqh* and Islamic family law, into the discourse on climate justice. Most studies are either grounded in Western legal norms or emphasize economic and technological interventions. The religious-legal dimensions, particularly those rooted in Islamic thought, remain underexplored—creating a significant intellectual and practical gap, especially for Muslim-majority countries in the Global South.

This article fills this gap by constructing a theoretical and normative bridge between *usul fiqh*, *maqasid al-shariah*, and environmental justice. It goes further by situating Islamic family law—not traditionally associated with environmental issues—as a strategic entry point for embedding ecological consciousness within the core social and legal institutions of Muslim societies. By drawing from both classical legal sources and contemporary socio-environmental data, this research presents an original synthesis of environmental ethics and Islamic legal thought that addresses the socio-cultural realities of the Global South.

The novelty of this study lies in three main areas: First, it proposes a reinterpretation of *usul fiqh* tools (such as *maslahah*, *qiyas*, and *urf*) to accommodate environmental concerns as part of the legal reasoning process. Second, it expands the scope of Islamic family law to include climate responsibilities, arguing that ecological resilience begins at the family level. Third, it offers a localized, culturally resonant framework for climate justice that departs from Global North-centric legal paradigms and aligns instead with faith-based, communal, and normative structures in Muslim societies. These innovations are timely and crucial as legal systems in the Global South seek contextually grounded, ethically robust responses to accelerating climate crises.

3. Methodology

This study employs a doctrinal legal research methodology combined with a normative and analytical approach to explore the integration of Islamic legal principles (*usul fiqh* and Islamic family law) with environmental justice frameworks relevant to the Global South. Doctrinal research is widely used in legal scholarship to systematically analyze and interpret primary and



secondary legal sources, such as statutes, case law, scholarly opinions, and religious texts, with the aim of clarifying legal principles and proposing normative frameworks (Abubakar et al., 2023; Ahyani et al., 2024). Given the interdisciplinary nature of this study, the methodology also involves contextual and comparative analysis, drawing from contemporary socio-environmental research to enrich the legal argumentation. The primary focus of this research is on Islamic legal sources, especially *usul fiqh*—the foundational methodology of Islamic jurisprudence—and its capacity to address emerging issues like climate change and environmental justice. This involves a detailed examination of classical and modern juristic texts, including Qur’anic verses, Prophetic traditions (*hadith*), and scholarly treatises on *usul fiqh*. The study analyzes key jurisprudential tools such as *maslahah* (public interest), *qiyas* (analogical reasoning), *istihsan* (juristic preference), and *urf* (local custom), to assess their potential application in contemporary environmental legal contexts. This textual analysis is conducted critically, paying attention to varying interpretations across different Islamic legal schools (*madhahib*), while emphasizing the flexibility and adaptability inherent in *usul fiqh*.

In addition to *usul fiqh*, the research examines Islamic family law (*Ahkam al-Usrah*), focusing on laws governing inheritance, marriage, and guardianship, which have significant implications for resource management and intergenerational equity—central elements in environmental justice discourse. By analyzing classical jurisprudence and recent fatwas, the study identifies opportunities for reinterpreting family law principles in light of ecological responsibilities and sustainable development goals. To ground the Islamic legal analysis within real-world socio-environmental challenges, the study incorporates secondary data from contemporary empirical research on climate vulnerability, environmental governance, and social justice in the Global South. This interdisciplinary integration ensures that legal propositions are not only theoretically sound but also pragmatically relevant to the communities most affected by climate change, particularly Muslim-majority societies in Asia, Africa, and the Middle East. By doing so, the research bridges the gap between abstract legal theory and concrete policy needs (Fitriyah & Adnan, 2025).

The normative dimension of the methodology involves evaluating the ethical and moral foundations of Islamic law—especially the concept of *maqasid al-shariah* (objectives of Islamic law)—and articulating a framework that positions environmental protection as a core objective alongside traditional aims such as the preservation of religion, life, intellect, lineage, and property. This evaluative process aims to reconstruct legal priorities in a manner that aligns Islamic jurisprudence with contemporary environmental imperatives. Comparative analysis is employed to contrast Islamic legal principles with dominant environmental justice theories rooted in Western legal traditions, highlighting differences and complementarities. This comparative perspective not only illuminates unique contributions that Islamic law can make to global climate justice but also addresses criticisms that Islamic legal frameworks may be rigid or irrelevant to modern issues.

Data collection for this doctrinal research relies on an extensive review of Islamic legal texts available in classical sources and contemporary scholarship, accessed through university libraries, digital repositories, and academic publications. Contemporary environmental data and



policy documents are sourced from international organizations, peer-reviewed journals, and institutional reports focusing on the Global South's climate challenges (Iavicoli et al., 2018). The limitations of the methodology are acknowledged, particularly the challenge of interpreting religious texts for modern environmental concerns without oversimplification or selective reading. To mitigate this, the study adopts a holistic hermeneutic approach that respects the historical context of the texts while emphasizing their ethical and purposive dimensions, as advocated by contemporary Islamic legal theorists. In summary, this study's methodology combines doctrinal legal research, normative ethical analysis, and interdisciplinary integration to construct a robust framework for environmental justice through the lens of *usul fiqh* and Islamic family law. This approach ensures that the study's findings contribute both to Islamic legal scholarship and to practical policy-making for climate resilience in the Global South.

4. Results and Discussion

4.1. Result

This study uncovers several critical findings at the intersection of Islamic jurisprudence—especially *usul fiqh* and Islamic family law—and environmental justice, specifically within the context of the Global South. The doctrinal analysis, combined with an examination of contemporary environmental challenges and legal frameworks, highlights how Islamic legal principles can significantly contribute to addressing climate vulnerability in Muslim-majority countries. First, the principles of *usul fiqh* offer a flexible and dynamic foundation for environmental legal reasoning. The core maxims such as *maslahah* (public interest) and *darar* (prevention of harm) provide a strong basis for justifying ecological protection within Islamic law. Classical jurists' recognition of preventing harm logically extends to environmental degradation, which threatens human health and livelihoods. Similarly, *istihsan* (juristic preference) empowers scholars to adopt rulings that better serve collective welfare, facilitating adaptive responses to emerging climate issues. Analogical reasoning (*qiyas*) and local custom (*urf*) further enable the extension of Islamic legal rulings to novel environmental challenges, ensuring that religious norms remain relevant and community-accepted.

Second, the study finds a strong alignment between environmental justice and the *maqasid al-shariah*, the higher objectives of Islamic law. The preservation of life (*hifz al-nafs*), intellect (*hifz al-aql*), and property (*hifz al-mal*) directly correspond to environmental protection efforts. This convergence offers a compelling theological and legal foundation for integrating environmental stewardship into Muslim-majority countries' policies, strengthening both moral and legal imperatives for climate resilience. Third, a novel insight arises from exploring the role of Islamic family law in environmental governance. Traditionally governing interpersonal and familial relationships, family law contains untapped potential to promote environmental responsibility through intergenerational justice and stewardship principles. For example, inheritance regulations could encourage sustainable resource management by heirs, while guardianship roles might include obligations for environmental education and conservation within families. This broadens the scope of environmental law beyond state and public realms into everyday social structures. Fourth, the empirical review underscores the acute vulnerability of Global South populations to climate change despite their limited contributions to global emissions. Surveys reveal heightened climate concerns across Latin America, Africa, and the

Middle East, intensifying demands for climate justice. This socio-environmental context mandates legal frameworks that are culturally grounded and sensitive to local realities—precisely where Islamic legal principles can play a pivotal role in Muslim contexts.

Fifth, the research identifies a substantial gap in current environmental law frameworks—the underutilization of Islamic jurisprudence as a legitimate and motivating source for climate governance. Most environmental regulations in Muslim-majority countries remain secular and disconnected from religious values, thereby losing resonance with local communities. This gap represents a missed opportunity to harness faith-based ethics for more effective climate justice and environmental sustainability. Finally, comparative insights show that Islamic legal approaches emphasize collective responsibility, ethical stewardship, and spiritual connections to nature, enriching the global environmental justice discourse with perspectives distinct from Western secular models. These elements can foster deeper community engagement and moral commitment in Muslim-majority regions, thus strengthening climate resilience efforts.

Table 2. Summary of Key Findings and Implications on Islamic Legal Frameworks for Environmental Justice in the Global South

Aspect	Findings	Implications
Usul Fiqh Principles	<i>Maslahah</i> , <i>darar</i> , <i>istihsan</i> , <i>qiyas</i> , <i>urf</i> enable adaptive environmental legal reasoning.	Flexible legal tools to address emerging climate issues.
Maqasid Al-Shariah	Preservation of life, intellect, property linked to ecological stewardship.	Provides moral-legal foundation for climate resilience policies.
Islamic Family Law	Potential for embedding environmental ethics in inheritance, guardianship, family obligations.	Extends environmental responsibility to familial/social spheres.
Global South Climate Vulnerability	High climate concern despite low emissions; socio-environmental risks concentrated in these regions.	Necessitates culturally rooted legal frameworks for climate justice.
Legal Gaps	Secular environmental laws dominate; Islamic law underutilized in climate governance.	Missed opportunity to leverage faith-based ethics for sustainability.
Comparative Perspective	Emphasis on communal responsibility and spirituality enriches environmental justice discourse.	Offers alternative normative frameworks suited for Muslim societies.

This study addresses a critical gap in the scholarship and policy-making at the intersection of Islamic law and environmental justice. While global climate governance increasingly recognizes the need for inclusive, culturally sensitive approaches, Muslim-majority countries often lack frameworks that effectively integrate Islamic legal principles with environmental law. Existing legal structures tend to be secular and top-down, neglecting the rich resources within *usul fiqh* and Islamic family law that can empower communities to engage actively in sustainability.

The novelty of this research lies in explicitly articulating how classical Islamic legal maxims and the *maqasid al-shariah* can be revitalized to confront 21st-century environmental challenges. Furthermore, the expansion of Islamic family law as a vehicle for ecological responsibility represents an innovative dimension rarely explored in environmental



jurisprudence. This offers a culturally grounded and socially embedded mechanism to enhance environmental justice through intergenerational ethics and familial governance. By bridging doctrinal Islamic jurisprudence with contemporary environmental realities in the Global South, the study contributes a fresh, interdisciplinary framework. It underscores the potential of Islamic law not merely as a source of normative guidance but as a practical foundation for policy reform, community mobilization, and climate justice advocacy. This paves the way for more contextually resonant and ethically compelling climate governance in Muslim-majority countries facing disproportionate environmental risks.

4.2. Discussion

The findings of this study highlight the critical and multifaceted role Islamic jurisprudence can play in shaping effective and culturally resonant legal frameworks for environmental justice in the Global South. By focusing on *usul fiqh*, *maqasid al-shariah*, and Islamic family law, the research reveals significant potential for these traditional Islamic legal concepts to be reinterpreted and expanded to address urgent climate challenges and socio-environmental vulnerabilities in Muslim-majority countries. Firstly, the adaptability of *usul fiqh* principles—such as *maslahah* (public interest), *darar* (prevention of harm), *istihsan* (juristic preference), *qiyas* (analogical reasoning), and *urf* (custom)—provides a robust theoretical basis for integrating environmental concerns within Islamic law. The flexible nature of *usul fiqh* allows scholars and policymakers to construct legal rulings that are both faithful to Islamic tradition and responsive to the contemporary context of climate change. This adaptability is essential, as environmental issues such as pollution, resource depletion, and climate resilience are modern phenomena that require innovative jurisprudential approaches. The use of *maslahah* emphasizes the protection and promotion of public welfare, which directly aligns with environmental sustainability goals. Preventing harm (*darar*) not only applies to human health but logically extends to the ecosystems upon which human survival depends. Moreover, *istihsan* facilitates prioritizing greater benefits, enabling the legal system to favor ecological preservation even if it requires departing from rigid classical interpretations.

The application of *qiyas* and *urf* further strengthens the case for environmental integration. Analogical reasoning allows Islamic jurists to draw parallels between established legal rulings and new environmental challenges, providing continuity and coherence within the legal tradition. Meanwhile, *urf* legitimizes incorporating local environmental customs into Islamic law, ensuring the legal framework resonates with community values and practices. This is especially crucial in the Global South, where diverse environmental conditions and social contexts demand localized approaches. By embracing *urf*, Islamic law can support community-driven conservation initiatives and sustainable practices rooted in indigenous knowledge. Secondly, the alignment between environmental justice and the higher objectives of *maqasid al-shariah* enriches the normative foundation for climate law reforms in Muslim-majority countries. The preservation of life (*hifz al-nafs*), intellect (*hifz al-‘aql*), and property (*hifz al-mal*) are core objectives that inherently demand environmental stewardship. Damage to natural resources threatens life and livelihoods, undermines intellectual development through reduced access to clean environments, and depletes wealth through the loss of productive assets. Recognizing ecological preservation as integral to *maqasid al-shariah* provides a powerful



ethical imperative for Islamic legal systems to actively engage in climate justice efforts. This moral foundation is invaluable in mobilizing public support and fostering political will within societies where religious values remain deeply influential.

Thirdly, the study's exploration of Islamic family law as a vehicle for embedding environmental ethics is particularly innovative. Traditionally, family law focuses on regulating marriage, divorce, inheritance, and guardianship, but it also carries significant social and moral authority. This research shows that Islamic family law can extend environmental responsibility within the familial and social sphere. For example, inheritance laws (*faraid*) can be interpreted to promote sustainable management of land and natural resources, encouraging heirs to preserve rather than exploit ecological assets. Guardianship (*wilayah*) and familial duties can encompass environmental education, instilling stewardship values across generations. Such interpretations contribute to a more holistic Islamic legal framework that weaves environmental consciousness into everyday social relations and obligations. Fourthly, the socio-environmental vulnerability of populations in the Global South, despite their minimal contribution to greenhouse gas emissions, underscores the ethical urgency for climate justice grounded in local cultural and religious frameworks. Empirical data confirms that communities in regions like Latin America, Africa, and the Middle East exhibit high levels of climate concern and are disproportionately impacted by extreme weather, droughts, flooding, and food insecurity. The prevalence of climate anxiety in these populations reinforces the demand for legal responses that are both effective and culturally legitimate. Islamic jurisprudence, with its deep roots and widespread influence in many of these regions, offers a promising pathway for climate governance that resonates with the lived realities and belief systems of vulnerable communities.

However, despite this potential, there is a pronounced gap in the integration of Islamic legal principles into current environmental governance frameworks. Most existing climate laws and policies are secular and do not sufficiently engage with religious legal traditions or community values. This disconnect risks undermining the legitimacy and effectiveness of climate interventions. Faith-based legal frameworks can play a unique role in enhancing compliance and mobilizing grassroots action by aligning environmental goals with spiritual and moral values. Leveraging Islamic law's ethical imperatives could strengthen climate governance by fostering a sense of communal duty and long-term responsibility, often missing in secular approaches. Comparative analysis with Western environmental justice paradigms reveals distinctive features of the Islamic approach, particularly its emphasis on communal responsibility and spiritual dimensions of nature. While Western frameworks often prioritize individual rights and market-based mechanisms, Islamic legal thought foregrounds collective stewardship and a sacred trust (*amanah*) over the environment. This alternative normative basis enriches the global discourse on climate justice and provides Muslim-majority societies with culturally coherent tools to address ecological challenges. By integrating these perspectives, climate policies can become more inclusive and effective across diverse socio-cultural landscapes.

Moreover, the study's findings suggest important practical implications for policymakers and legal reformers. Incorporating Islamic legal principles into climate law can improve policy



acceptance and compliance in Muslim communities. Governments and international agencies working in the Global South should engage Islamic scholars and community leaders to co-develop climate regulations rooted in *usul fiqh* and *maqasid al-shariah*. Environmental education programs can also benefit from framing stewardship as a religious obligation, thus deepening community commitment. Furthermore, the re-interpretation of Islamic family law offers innovative pathways to mainstream environmental ethics within social institutions. Legal reforms encouraging sustainable inheritance practices and environmental education in families can nurture ecological responsibility from the grassroots level. Such measures promote intergenerational justice, ensuring future generations inherit not only material wealth but a healthy environment.

At the theoretical level, this study contributes to expanding the field of Islamic environmental jurisprudence, a relatively nascent area of scholarship. By linking *usul fiqh*, *maqasid al-shariah*, and family law with climate justice, the research advances an integrated legal framework capable of addressing complex environmental challenges in culturally diverse contexts. This interdisciplinary approach bridges law, theology, and environmental science, opening avenues for further research and policy innovation. In conclusion, the intersection of Islamic jurisprudence and environmental justice presents promising opportunities to strengthen climate resilience in the Global South. By harnessing the ethical depth and legal flexibility of Islamic law, Muslim-majority societies can craft culturally grounded, morally compelling, and practically effective legal responses to the climate crisis. Addressing the current gaps in legal integration and fostering collaborations between scholars, policymakers, and communities are critical next steps. Ultimately, embedding environmental justice within Islamic legal frameworks not only serves ecological sustainability but also advances social equity and spiritual well-being, contributing to a holistic vision of climate resilience for vulnerable populations.

5. Conclusion

This study underscores the critical role that Islamic jurisprudence, particularly *usul fiqh*, *maqasid al-shariah*, and Islamic family law, can play in advancing environmental justice and climate resilience in the Global South. The flexibility and adaptability of *usul fiqh* principles such as *maslahah*, *darar*, *istihsan*, *qiyas*, and *urf* provide a robust legal foundation for addressing emerging environmental challenges within a framework deeply rooted in Islamic ethical and legal tradition. Furthermore, the alignment of environmental stewardship with the higher objectives of *maqasid al-shariah*—particularly the preservation of life, intellect, and property—reinforces the moral imperative for Muslim-majority societies to integrate ecological concerns into their legal systems. The innovative proposal to extend the scope of Islamic family law to incorporate environmental ethics highlights the potential for embedding sustainability into the fabric of social and familial relations. This approach not only fosters intergenerational justice but also mobilizes social institutions as agents of environmental stewardship.

Given the disproportionate vulnerability of Global South communities to climate change impacts, despite their relatively low emissions, this study calls for urgent reforms in climate governance that are culturally grounded and faith-informed. The current gap between secular



environmental laws and Islamic legal traditions represents a missed opportunity to harness faith-based motivation for sustainable development. Therefore, this study recommends that policymakers, Islamic scholars, and civil society collaborate to develop climate laws and policies that reflect Islamic jurisprudence and local customs. Environmental education should be framed as a religious duty, while legal reforms should encourage sustainable practices within family law frameworks. Such efforts will enhance legal legitimacy, public acceptance, and effectiveness in combating climate change. In conclusion, integrating Islamic legal principles into climate justice initiatives offers a culturally resonant, morally compelling, and practically effective pathway for Muslim-majority countries in the Global South to strengthen their resilience to environmental challenges. Future research should continue to explore interdisciplinary approaches to enrich this emerging field of Islamic environmental jurisprudence.

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References

- Abubakar, F., Saadah, M., & Na'mah, U. (2023). The Transformation of the Dilemma of Role Exchange in the Household: Analyzed Gender in Family Resilience Discourse in National Law and Islamic Law. *Jurnal Ilmiah Al-Syir'ah*, 21(1), Article 1. <https://doi.org/10.30984/jis.v21i1.1864>
- Achmad, T., Huang, C.-Y., Putra, M. A., & Pamungkas, I. D. (2025). Strategy Model for Detecting Potential Fraudulent Financial Statements of State-Owned Enterprises in Indonesia: Fraud Heptagon Theory Analysis with Big Data Analytics, Risk Management, and Sustainable Development Goals (SDGS). *Journal of Lifestyle and SDGs Review*, 5(2), e03659–e03659. <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03659>
- Ahyani, H., Azmi, N., Lousada, S. A. N., Huda, M., & Abduloh, A. Y. (2025). Legal Protection and Welfare for Private Lecturers: Addressing Sub-Minimum Wage Challenges in West Java. *Jurnal Media Hukum*, 32(1), Article 1. <https://doi.org/10.18196/jmh.v%vi%i.23436>
- Ahyani, H., Parhan, P., Muhtolib, M., Berizi, A., Nurhasana, N., & Ahmad, M. Y. (2025). Fraud in the Digital Space: A Comparative Study of Jinayah Fiqh and Indonesian Criminal Law. *Jurnal Hukum Islam*, 23(1), Article 1. <https://doi.org/10.28918/jhi.v23i1.02>
- Ahyani, H., Putra, H. M., & Sofanudin, A. (2024). Birrul Walidain in Political Preferences: Harmonizing Family Values and Employment Law in Indonesia. *El-Usrah*, 7(2), Article 1. <https://doi.org/10.22373/ujhk.v7i2.22982>
- Al-Ansi, A., Chua, B.-L., Kim, C.-S., Yoon, H., & Han, H. (2022). Islamophobia: Differences across Western and Eastern community residents toward welcoming Muslim tourists. *Journal of Hospitality and Tourism Management*, 51, 439–450. <https://doi.org/10.1016/j.jhtm.2022.04.018>



- Am, S., Fitra, T. R., Kasdi, A., Istiqomah, K., Abdurrahman, A., & Ahmad, H. (2024). The Collective Ijtihad Practice in Indonesia: The Role of Isbat Sessions in Addressing Legal Paradigm Differences Between Hisab-Rukyat. *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan*, 24(2), Article 2. <https://doi.org/10.30631/alrisalah.v24i2.1537>
- Angkasa, Wamafma, F., Juanda, O., & Nunna, B. P. (2023). Illegal Online Loans in Indonesia: Between the Law Enforcement and Protection of Victim. *Lex Scientia Law Review*, 7(1). <https://doi.org/10.15294/lesrev.v7i1.67558>
- Anser, M. K., Yousaf, S. U., Usman, B., Azam, K., Bandar, N. F. A., Jambari, H., Sriyanto, S., & Zaman, K. (2023). Beyond climate change: Examining the role of environmental justice, agricultural mechanization, and social expenditures in alleviating rural poverty. *Sustainable Futures*, 6, 100130. <https://doi.org/10.1016/j.sftr.2023.100130>
- Arfan, A., Arfan, I. A., Alkoli, A., & Ramadhita, R. (2024). The implementation of Maqashid Sharia: Heterogeneity of scholars' fatwas towards Islamic banking contracts. *Legality : Jurnal Ilmiah Hukum*, 32(1), Article 1. <https://doi.org/10.22219/ljih.v32i1.32170>
- Fitriah, N., & Amarini, I. (2025). Climate Justice: Challenges and Future Strategies for Courts on Climate Change in Indonesia. *Kosmik Hukum*, 25(1), 37–47. <https://doi.org/10.30595/kosmikhukum.v25i1.24776>
- Fitriyah, S. Z. Z., & Adnan, N. I. M. (2025). Integrating Rukyatul Hilal Practices and Islamic Family Law: Case Study in Banjar City, Indonesia. *Munakahat*, 1(2), Article 2. <https://doi.org/10.59427/mnk.v1i2.47>
- Ginting, J., & Talbot, P. (2023). Fundraising Aspect of International Terrorism Organization in ASEAN: Legal and Political Aspects. *ResearchGate*, 7(1). <https://doi.org/10.15294/lesrev.v7i1.60074>
- Hariyanto, H., Yeyeng, A. T., Kapugu, B. A., Arowosaiye, Y. I., & Tajuddin, M. S. (2025). Democratization of Village Autonomy in the Construction of Indonesian Administrative Law: Is It Possible? *Jurnal Media Hukum*, 32(2), Article 2. <https://doi.org/10.18196/jmh.v32i2.25216>
- Iavicoli, S., Valenti, A., Gagliardi, D., & Rantanen, J. (2018). Ethics and Occupational Health in the Contemporary World of Work. *International Journal of Environmental Research and Public Health*, 15(8), 1713. <https://doi.org/10.3390/ijerph15081713>
- Jubaedah, D., Solehudin, E., Berizi, A., Mutakin, A., Nurhasana, N., Parhan, P., & Gómez, J. M. N. (2025). Strengthening Sharia Economics in Jayapura's Muslim Minority Communities through Fiqh al-Aqalliyat. *Jurnal Ilmiah Al-Syir'ah*, 23(1), Article 1. <https://doi.org/10.30984/jis.v%vi%i.3265>
- Kolapo, A., Muhammed, O. A., Kolapo, A. J., Olowolafe, D. E., Eludire, A. I., Didunyemi, A. J., Falana, K., & Osungbure, I. D. (2023). Adoption of drought tolerant maize varieties and farmers' access to credit in Nigeria: Implications on productivity. *Sustainable Futures*, 6, 100142. <https://doi.org/10.1016/j.sftr.2023.100142>
- Kurniawan, I. G. A., Samsithawrati, P. A., Disantara, F. P., Budiana, I. N., & Nutakor, B. S. M. (2025). Utilitarianism Versus Communalism: A Legal Theory Analysis of Intellectual Property Rights Ethics in Global North and South. *Jambe Law Journal*, 8(1), Article 1. <https://doi.org/10.22437/home.v8i1.450>



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- Liang, A., Tian, Z., & Xiang, C. (2024). Research and analysis of urban-rural residential carbon emissions in China. *Sustainable Futures*, 8, 100287. <https://doi.org/10.1016/j.sfr.2024.100287>
- Malmqvist, T. (2024, September 12). People in Global South are most worried about climate change, survey finds. *Trellis*. <https://globescan.com/2024/09/11/insight-of-the-week-public-concern-for-climate-change-by-region/>
- Mustofa, M., Ahyani, H., Firdaus, D. A., Putra, H. M., Kirin, A. bin, & Muhammad, Z. (2025). Strengthening Zakat Regulation through the Siyāsah Māliyah Approach: A Constitutional and Legal Analysis of Indonesia and Malaysia. *JURIS (Jurnal Ilmiah Syariah)*, 24(1), 111–126. <https://doi.org/10.31958/juris.v24i1.14637>
- Solehudin, E., Huda, M., & Ahyani, H. (2024). Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the framework of Maqashid Shariah. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 24(1), Article 1. <https://doi.org/10.30631/alrisalah.v24i1.1467>
- South South North. (2025). *Towards climate resilience*. <https://southsouthnorth.org/>
- Triyanti, A., Du, H., Hegger, D. L. T., Driessen, P. P. J., van Rijswijk, H. F. M. W., Scown, M., & Gilissen, H. K. (2023). Clarifying and strengthening the role of law and governance in climate scenario frameworks. *Earth System Governance*, 18, 100199. <https://doi.org/10.1016/j.esg.2023.100199>
- Wahid, S. H. (2024). Exploring the intersection of Islam and digital technology: A bibliometric analysis. *Social Sciences & Humanities Open*, 10, 101085. <https://doi.org/10.1016/j.ssaho.2024.101085>