



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

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Article History:

Submitted: September 8, 2024 | Revised: May 5, 2025 | Accepted: June 15, 2025 | Published: June 30, 2025

Citation (APA Style):

Hayeejehwee, K., & Rozikin, O. (2025). Reconstructing *usul fiqh* and Islamic family law for environmental justice in the Global South. *Justitia Nova: Indonesian Journal of Modern Law*, 1(1), 50–65.

Abstract

Climate change poses significant environmental and social challenges for countries in the Global South, which experience disproportionate impacts despite contributing relatively little to global greenhouse gas emissions. While environmental justice has become an important legal and policy concern, the role of Islamic jurisprudence and Islamic family law in addressing climate-related vulnerabilities remains underexplored. This study aims to reconstruct the principles of *uṣūl al-fiqh* and Islamic family law as normative foundations for promoting environmental justice and climate resilience in Muslim-majority societies. Using a doctrinal legal research method with a normative-analytical approach, the study examines classical and contemporary Islamic legal sources, focusing on *maqāṣid al-sharī'ah*, *maṣlaḥah*, *istiṣlāḥ*, and *sadd al-dharā'i'*. Data were analyzed through thematic review and normative reconstruction of literature on Islamic family law, environmental justice, and climate governance. The findings indicate that Islamic legal principles provide a flexible framework for integrating environmental protection into legal reasoning. Environmental justice can be interpreted as an extension of *maqāṣid al-sharī'ah*, particularly through the protection of life, property, lineage, and intergenerational welfare. Furthermore, Islamic family law can strengthen climate resilience by incorporating environmental responsibilities into family welfare, resource management, and intergenerational obligations. The study's novelty lies in integrating environmental justice with both *uṣūl al-fiqh* and Islamic family law, resulting in a reconstructive model that positions environmental justice as an internal objective of Islamic legal reasoning. This framework contributes to the development of Islamic environmental jurisprudence and climate justice initiatives in the Global South.

Keywords:

Environmental Justice; Usul Fiqh; Islamic Family Law; Maqasid al-Shariah; Climate Resilience; Global South.

1. Introduction

Climate change has become one of the most pressing challenges of the twenty-first century, generating far-reaching environmental, social, and economic consequences across the globe. However, its impacts are distributed unevenly. Countries in the Global South experience



disproportionately severe climate-related risks—including environmental degradation, food insecurity, forced displacement, and extreme weather events—despite contributing relatively little to global greenhouse gas emissions. These conditions have intensified scholarly and policy debates on environmental justice, particularly regarding the unequal distribution of environmental burdens and the protection of vulnerable communities (Anser et al., 2023; Triyanti et al., 2023). Existing environmental justice scholarship has primarily focused on environmental governance, climate policy, sustainable development, and judicial responses to climate change. Studies have examined the relationship between environmental justice and poverty alleviation (Anser et al., 2023), climate adaptation in vulnerable regions (Kolapo et al., 2023), carbon-emission governance (Liang et al., 2024), and climate litigation (Fitriah & Amarini, 2025). While these contributions have advanced understanding of climate governance, they generally approach environmental justice through secular legal and institutional frameworks. Consequently, limited attention has been devoted to the potential role of religious legal traditions, particularly Islamic jurisprudence, in addressing environmental vulnerability and climate resilience within Muslim-majority societies.

Within Islamic legal thought, environmental responsibility is embedded in foundational normative principles such as *khalifah* (stewardship), *maslahah* (public welfare), and the prohibition of harm (*la darar wa la dirar*). These principles are operationalized through *usul fiqh*, which provides the methodological basis for legal reasoning and interpretation. Likewise, *maqasid al-shariah* emphasizes the protection of essential human interests, including life, property, and social welfare. Recent scholarship has demonstrated the adaptability of *maqasid*-based reasoning in responding to issues of legal reform, gender justice, inheritance, and family resilience (Azhar, 2024; Fitriyati et al., 2025; Rozikin et al., 2025). Nevertheless, the environmental dimensions of Islamic legal reasoning remain insufficiently developed, and few studies have explored how *usul fiqh* can contribute to environmental justice discourse. A similar limitation can be observed within Islamic family law scholarship. Contemporary studies predominantly address marriage, inheritance, family resilience, legal pluralism, and gender relations (Abubakar et al., 2023; Nasohah, 2024; Sar'an et al., 2024; Ahyani et al., 2024). Although these studies increasingly adopt welfare-oriented and *maqasid*-based approaches, environmental concerns remain largely absent from family law discussions. This omission is significant because environmental degradation directly affects family welfare, livelihood security, resource distribution, social vulnerability, and intergenerational well-being. As climate-related risks increasingly shape everyday family life in the Global South, the separation between environmental justice and Islamic family law becomes increasingly difficult to sustain.

Furthermore, a review of recent literature reveals a persistent conceptual gap. Existing studies have examined environmental justice and climate governance on the one hand, and Islamic family law reform and *maqasid al-shariah* on the other. However, these strands of scholarship have rarely been integrated into a coherent analytical framework. To date, limited research has systematically explored how *usul fiqh* can be reconstructed to address environmental justice or how Islamic family law can contribute to climate resilience through an ecological understanding of family welfare and intergenerational responsibility. This gap is particularly



relevant in Muslim-majority societies of the Global South, where Islamic legal values continue to influence social norms, legal institutions, and public policy.

In response to this gap, this article addresses two research questions: (1) How can the principles of *usul fiqh* be reconstructed to support environmental justice in the context of climate change? and (2) How can Islamic family law be reinterpreted to strengthen climate resilience and environmental responsibility in Muslim-majority societies of the Global South? By answering these questions, the study develops a normative framework that integrates environmental justice, *maqasid al-shariah*, *usul fiqh*, and Islamic family law. The novelty of this article lies in three interrelated contributions. First, it reconceptualizes *usul fiqh* as a dynamic methodological framework capable of responding to contemporary ecological challenges. Second, it extends the scope of Islamic family law by incorporating environmental stewardship, ecological welfare, and intergenerational responsibility into family law discourse. Third, it proposes an integrated framework linking environmental justice and Islamic legal reasoning, thereby contributing to both climate justice scholarship and the contemporary development of Islamic jurisprudence in the Global South.

2. Literature Review

Islamic family law has undergone significant transformation in response to changing social, economic, and cultural realities across Muslim societies. Bibliometric and review studies indicate that contemporary scholarship has gradually moved beyond traditional discussions of marriage, divorce, and inheritance toward broader concerns related to legal reform, social justice, gender equality, and community welfare (Agha et al., 2024; Nasohah, 2024). This shift reflects a broader intellectual trend in which Islamic family law is increasingly understood as a dynamic normative system capable of responding to contemporary societal challenges rather than merely regulating personal status matters. Studies on marriage registration, minority Muslim communities, and family law reform further demonstrate the adaptability of Islamic legal institutions in addressing emerging socio-legal issues (Arifuddin, 2024; Hasanah et al., 2025; Mustofa et al., 2024). A major development within this literature is the growing reliance on *maqāṣid al-sharī'ah* as a framework for legal renewal and contextual interpretation. Recent studies consistently show that *maqāṣid*-based reasoning has been employed to address legal reform, family welfare, indigenous legal practices, and social justice concerns (Azhar, 2024; Rozikin et al., 2025; Solehudin et al., 2024). Rather than treating Islamic law as a fixed body of rules, these studies emphasize its purposive and adaptive character, highlighting the capacity of *usul fiqh* to respond to social transformations that were not explicitly contemplated within classical legal discourse. This development suggests that Islamic legal methodology possesses substantial interpretive flexibility for engaging with contemporary challenges.

Beyond family law reform, a growing body of scholarship has explored the relationship between Islamic legal thought and environmental ethics. Contemporary studies on Islamic environmental jurisprudence argue that ecological responsibility is deeply rooted in foundational Islamic concepts such as *khalifah* (stewardship), *amanah* (trust), *mizan* (balance), and the prohibition of *fasad* (environmental destruction). These concepts have increasingly been interpreted as normative principles supporting environmental sustainability, conservation,



and responsible resource management. Scholars of Islamic environmental ethics further contend that environmental protection should not be viewed merely as a policy preference but as a religious and moral obligation derived from the objectives of the Sharī'ah. Such perspectives have contributed to the emergence of discussions on environmental maqāsid, ecological justice, and sustainability-oriented interpretations of Islamic law.

At the same time, environmental justice literature has evolved beyond concerns of pollution and resource distribution to include questions of climate adaptation, vulnerability, resilience, and intergenerational equity. Research within climate governance and sustainability studies emphasizes that environmental harms are distributed unevenly across societies, often placing disproportionate burdens on economically disadvantaged communities, indigenous populations, women, and future generations. These developments are particularly relevant for countries in the Global South, where climate-related risks frequently intersect with poverty, legal inequality, and limited institutional capacity. Despite these advances, meaningful engagement between Islamic environmental ethics and contemporary environmental justice scholarship remains relatively limited. Existing studies tend to discuss ecological sustainability either from a religious perspective or through secular governance frameworks, leaving insufficient theoretical dialogue between the two traditions. This gap creates an important opportunity for reconstructing Islamic legal reasoning in ways that address contemporary environmental challenges while remaining grounded in established jurisprudential principles.

Another prominent theme concerns the relationship between Islamic family law and justice-oriented legal reform. Existing studies have explored gender equality, inheritance justice, legal pluralism, and family resilience as key dimensions of contemporary Islamic legal development (Qadri & Siregar, 2023; Fitriyati et al., 2025; Idrus et al., 2024; Sulaeman et al., 2025). In addition, scholarship on family resilience demonstrates that Islamic legal values contribute to strengthening social cohesion, household stability, and post-disaster adaptation (Saleh et al., 2022; Fadil et al., 2024; Rosyadi et al., 2024). Collectively, these studies indicate a gradual transition from rule-oriented approaches toward welfare-oriented and justice-oriented interpretations of Islamic family law. Despite these advances, environmental justice remains largely absent from mainstream Islamic family law scholarship. While contemporary research has expanded the scope of family law to include gender justice, social welfare, and resilience, ecological vulnerability has rarely been recognized as a legal concern affecting family well-being. In contrast, environmental justice scholarship has developed extensively within the fields of climate governance, environmental law, and sustainable development. Studies have examined climate vulnerability, environmental inequality, poverty alleviation, governance mechanisms, and judicial responses to climate-related harms (Anser et al., 2023; Triyanti et al., 2023; Malmqvist, 2024). However, these discussions are generally situated within secular legal and policy frameworks and seldom engage with Islamic jurisprudence as a potential normative resource.

The existing literature therefore reveals a dual fragmentation. On the one hand, Islamic family law scholarship has successfully developed sophisticated discussions on justice, welfare, and resilience but has paid limited attention to environmental vulnerability. On the other hand,



environmental justice scholarship has generated important insights into climate governance and ecological inequality while largely overlooking the normative and methodological resources available within Islamic legal traditions. Consequently, the intersection between environmental justice, *usul fiqh*, *maqāsid al-sharī'ah*, and Islamic family law remains insufficiently theorized. More importantly, no study identified in the reviewed literature has systematically integrated these four dimensions into a single analytical framework capable of addressing the environmental challenges confronting Muslim families and communities in the Global South. This unresolved gap provides the intellectual basis for the present study. By reconstructing the methodological foundations of *usul fiqh* and reinterpreting the objectives of Islamic family law through the lens of environmental justice, this article seeks to develop a normative framework that connects ecological sustainability, family welfare, and intergenerational responsibility within contemporary Islamic legal thought.

3. Methodology

This study employs a qualitative doctrinal legal research design combined with a conceptual and socio-legal approach to examine the relationship between *uṣūl al-fiqh*, Islamic family law, and environmental justice within the context of the Global South. The doctrinal approach is used to analyze Islamic legal principles, jurisprudential methodologies, and family law norms, while the socio-legal perspective facilitates an understanding of how environmental challenges affect family welfare and legal responsibilities in contemporary Muslim societies. This combination enables the study to bridge classical Islamic legal reasoning with emerging environmental justice concerns.

The primary legal materials consist of classical and contemporary works on *uṣūl al-fiqh*, *maqāsid al-sharī'ah*, and Islamic family law. These include discussions on *maṣlahah*, *istiṣlāh*, *sadd al-dharā'i'*, *qiyās*, and other interpretive principles that have historically guided Islamic legal development. Secondary materials comprise peer-reviewed journal articles, books, policy reports, and scholarly publications addressing Islamic family law reform, environmental justice, climate governance, family resilience, gender justice, legal pluralism, and sustainability. To ensure relevance and contemporary significance, the literature selection focused primarily on publications issued between 2022 and 2025, supplemented by seminal works that provide important theoretical foundations for environmental justice and Islamic legal theory. Data collection was conducted through a systematic literature review (SLR) procedure. The review followed four stages: identification, screening, eligibility assessment, and thematic classification. Publications were identified through major academic databases and reference tracking from relevant studies. The inclusion criteria required that sources discuss at least one of the following themes: Islamic family law, *uṣūl al-fiqh*, *maqāsid al-sharī'ah*, environmental justice, climate vulnerability, family resilience, legal reform, or socio-legal transformation in Muslim societies. Sources that lacked direct relevance to the research objectives were excluded. Following the screening process, the selected literature was organized into thematic categories, including family resilience, gender equality, inheritance justice, legal pluralism, environmental governance, climate vulnerability, and *maqāsid*-based legal reform.



To improve methodological transparency, Table 1 presents the thematic classification of the literature reviewed in this study, indicating the number of publications and their analytical contribution to the research framework. The table functions as an evidence map that demonstrates how the reviewed scholarship informs the reconstruction of Islamic legal reasoning toward environmental justice.

Table 1. Thematic Classification of Reviewed Literature

Theme	Number of Studies	Main Contribution
Islamic Family Law Reform	8	Legal adaptation and contemporary reform
<i>Maqāṣid al-Sharī'ah</i> and <i>Uṣūl al-Fiqh</i>	7	Normative foundations for legal reconstruction
Gender Justice and Inheritance	5	Equality and social justice perspectives
Family Resilience	5	Family welfare and adaptation mechanisms
Legal Pluralism and Indigenous Practices	4	Contextual legal implementation
Environmental Justice and Climate Governance	5	Ecological vulnerability and sustainability
Total	34	Analytical basis of the study

Source: Compiled by the authors from selected literature (2022–2025).

The data were analyzed using qualitative content analysis and normative reconstruction. First, the study identified dominant legal concepts, interpretive methods, and normative assumptions within contemporary Islamic family law scholarship. Second, it examined the extent to which environmental concerns have been incorporated into—or omitted from—existing Islamic legal discussions. Third, the study reconstructed selected principles of *uṣūl al-fiqh*, particularly *maqāṣid al-sharī'ah*, *maṣlaḥah*, *istiṣlāḥ*, and *sadd al-dharā'i'*, by interpreting them through the lens of environmental justice, ecological sustainability, and intergenerational responsibility. The outcome of this analytical process is a conceptual reconstruction model that integrates environmental justice into Islamic family law reasoning. Rather than replacing classical Islamic legal methodology, the model extends its contemporary applicability by demonstrating how ecological sustainability can be understood as an essential dimension of family welfare, social justice, and public benefit (*maṣlaḥah*) in the Global South.

4. Results and Discussion

4.1 Environmental Justice and the Limitations of Classical Islamic Family Law

The analysis of the selected literature demonstrates that contemporary Islamic family law scholarship has undergone significant thematic expansion beyond its traditional focus on marriage, divorce, and inheritance. Recent studies increasingly address issues of legal reform, gender equality, family resilience, legal pluralism, and social welfare. Nevertheless, the thematic mapping conducted in this study reveals that environmental justice remains largely absent from mainstream Islamic family law discourse despite the growing impact of ecological crises on family well-being and social stability. Table 2 summarizes the dominant themes identified in the reviewed literature and highlights the limited attention given to environmental concerns.

Table 2. Thematic Distribution of Contemporary Islamic Family Law Scholarship

Theme	Main Focus	Environmental Dimension
Family law reform	Legal modernization and adaptation	Absent
Gender justice	Equality and rights protection	Absent



Theme	Main Focus	Environmental Dimension
Inheritance justice	Fair distribution of wealth	Absent
Family resilience	Social and economic adaptation	Indirect
Legal pluralism	Harmonization of legal systems	Absent
Maqāṣid al-Sharī‘ah	Public welfare and legal objectives	Limited
Environmental justice	Ecological vulnerability and sustainability	Marginal

Source: Compiled by the author from reviewed literature (2022–2025).

The findings indicate that environmental issues appear only indirectly in discussions concerning family resilience and post-disaster adaptation. Studies on family resilience in Aceh (Saleh et al., 2022), post-disaster recovery among Semeru eruption survivors (Rosyadi et al., 2024), and indigenous community resilience in Kasepuhan Ciptagelar and Kampung Naga (Rozikin et al., 2025) demonstrate that environmental conditions significantly influence family welfare. However, these studies generally treat environmental factors as external socio-economic variables rather than as independent legal concerns requiring normative responses within Islamic family law. The analysis further shows that *maqāṣid al-sharī‘ah* has become the dominant framework for contemporary Islamic legal reform. Research on inheritance equality, legal reform, gender justice, and indigenous legal practices consistently employs *maqāṣid*-based reasoning to respond to changing social realities. However, the operationalization of *maqāṣid* remains largely anthropocentric, focusing on social welfare, legal equality, and institutional reform without systematically addressing ecological sustainability as a prerequisite for the protection of life (*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), and lineage (*ḥifẓ al-nasl*).

A similar limitation appears in studies concerning legal pluralism and local wisdom. Research conducted in Aceh and Jambi demonstrates the flexibility of Islamic legal reasoning in accommodating local socio-cultural contexts. Nevertheless, environmental degradation, climate vulnerability, and ecological inequality rarely appear as variables influencing legal interpretation despite their growing impact on migration, livelihood security, resource allocation, and family sustainability across the Global South. From an environmental justice perspective, this omission reveals a significant conceptual gap. Contemporary Islamic family law generally continues to treat environmental issues as matters belonging exclusively to environmental law and public policy. The findings of this study suggest that such separation is increasingly untenable because ecological harms often generate direct consequences for family welfare, social protection, inheritance arrangements, and intergenerational justice. In vulnerable societies, environmental degradation is not merely an ecological problem but also a family law concern.

The principal finding of this section is therefore not the absence of relevant normative resources within Islamic law, but the absence of a systematic interpretive framework connecting environmental justice with Islamic family law. Existing scholarship provides important foundations through *maqāṣid al-sharī‘ah*, family resilience, legal pluralism, and social justice approaches; however, these elements remain fragmented and have not yet been integrated into a coherent framework capable of addressing ecological vulnerability. This analytical gap forms the basis for the reconstruction of *uṣūl al-fiqh* proposed in the following section.



4.2 Reconstructing Usul Fiqh through Maqāṣid al-Sharī‘ah and Ecological Justice

The findings presented in the previous section reveal that the principal limitation of contemporary Islamic family law does not stem from the absence of relevant normative resources but from the lack of a systematic interpretive framework capable of integrating environmental justice into legal reasoning. Although *maqāṣid al-sharī‘ah*, *maṣlahah*, legal pluralism, and family resilience have been widely employed in contemporary Islamic legal reform, these concepts have rarely been connected to ecological sustainability and climate vulnerability. Accordingly, this study proposes a reconstruction of *uṣūl al-fiqh* that reinterprets key jurisprudential principles through the lens of environmental justice.

The reconstruction is based on the finding that environmental degradation directly threatens several protected objectives of Islamic law, particularly the protection of life (*ḥifẓ al-nafs*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Climate-related disasters, environmental displacement, declining natural resources, and ecological degradation create legal and social consequences that affect family welfare, social stability, and intergenerational continuity. Consequently, ecological sustainability should be recognized not merely as a policy objective but as an integral component of contemporary Islamic legal reasoning. To clarify the proposed reconstruction, Table 3 compares the conventional understanding of selected *uṣūl al-fiqh* principles with their environmental justice-oriented reinterpretation.

Table 3. Reconstruction of *Uṣūl al-Fiqh* for Environmental Justice

Principle	Conventional Orientation	Reconstructed Environmental Orientation
<i>Maqāṣid al-Sharī‘ah</i>	Protection of religion, life, intellect, lineage, and property	Protection of these objectives through ecological sustainability
<i>Maṣlahah</i>	Human welfare and public benefit	Human and ecological welfare, including future generations
<i>Sadd al-Dharā‘i‘</i>	Prevention of harmful actions	Prevention of activities causing long-term environmental harm
<i>Istiṣlāḥ</i>	Legal solutions for emerging public interests	Legal responses to climate risks and environmental vulnerability
<i>Family Welfare</i>	Social and economic well-being	Social, economic, and ecological resilience

Source: Developed by the authors through normative reconstruction and synthesis of Islamic legal and environmental justice literature (2022–2025).

The reconstruction proposed in this study therefore requires a shift from a predominantly anthropocentric understanding of legal benefit toward a more ecologically embedded conception of *maṣlahah*. Classical jurists formulated *maṣlahah* primarily to safeguard human interests. However, contemporary environmental challenges demonstrate that human welfare cannot be separated from ecological conditions. Food security, public health, housing stability, economic productivity, and family continuity increasingly depend upon sustainable environmental systems. The findings suggest that ecological sustainability should be understood as a prerequisite for realizing the higher objectives of Islamic law rather than as an external consideration beyond the scope of jurisprudential analysis. The analysis also indicates that contemporary *maqāṣid*-based reforms already provide a methodological foundation for such expansion. Studies on inheritance justice, legal reform, gender equality, and indigenous legal practices demonstrate that *maqāṣid al-sharī‘ah* has successfully facilitated legal



adaptation in response to changing social realities. Building on this trajectory, the present study extends *maqāṣid*-oriented reasoning into the environmental domain by recognizing ecological sustainability as a substantive dimension of public welfare (*maṣlaḥah ‘āmmah*).

Another important aspect of the reconstruction concerns vulnerability and justice. Environmental degradation rarely affects all social groups equally. The reviewed literature on climate vulnerability consistently shows that women, children, indigenous communities, rural populations, and economically marginalized households face disproportionate environmental burdens. From an Islamic legal perspective, this reality requires a broader understanding of justice that considers ecological conditions as factors influencing the ability of individuals and families to enjoy their rights and fulfill their obligations. The principal contribution of this reconstruction is the development of an integrated jurisprudential model that links environmental sustainability, family welfare, and social justice within a single interpretive framework. Rather than treating environmental protection as an external ethical commitment, the model incorporates ecological considerations into the process of legal interpretation itself. This approach strengthens the contemporary relevance of *uṣūl al-fīqh* while preserving its methodological integrity and normative foundations.

Accordingly, the reconstruction proposed in this study demonstrates that environmental justice is not conceptually foreign to Islamic legal thought. Instead, it emerges as a logical extension of *maqāṣid al-sharī‘ah* when legal objectives are interpreted in light of contemporary ecological realities. Through this reconstruction, Islamic family law acquires a stronger normative basis for addressing climate vulnerability, environmental inequality, and sustainability challenges affecting communities throughout the Global South.

4.3 Integrating Environmental Justice into Islamic Family Law in the Global South

The reconstruction of *uṣul fiqh* proposed in this study demonstrates that environmental justice can be integrated into Islamic family law through a broader understanding of family welfare (*maṣlaḥah al-usrah*), family resilience, and intergenerational responsibility. The literature reviewed indicates that environmental degradation is no longer merely an ecological issue but has become a socio-legal challenge affecting family stability, livelihood security, access to resources, and the realization of basic rights in many countries of the Global South. Consequently, environmental justice should be positioned as an integral dimension of Islamic family law rather than as an external concern addressed solely through environmental governance mechanisms. Studies on family resilience (Saleh et al., 2022; Fadil et al., 2024; Rosyadi et al., 2024) consistently show that family well-being is closely linked to social and economic conditions. The present study extends this argument by emphasizing that ecological conditions are equally important. Environmental disasters, water scarcity, declining agricultural productivity, and climate-induced displacement can undermine household stability and increase vulnerability among family members. Therefore, the protection of family welfare requires legal reasoning that takes environmental sustainability into account.

To operationalize this integration, the reconstructed framework links environmental justice with three key dimensions of Islamic family law: family resilience, ecological sustainability, and



intergenerational justice. Family resilience focuses on protecting households from environmental risks; ecological sustainability emphasizes responsible resource management and environmental stewardship; while intergenerational justice highlights obligations toward future generations whose welfare depends on present environmental decisions.

Table 4. Proposed Integration of Environmental Justice into Islamic Family Law

Islamic Family Law Dimension	Environmental Justice Concern	Proposed Jurisprudential Basis
Family welfare (<i>maslahah al-usrah</i>)	Environmental risks affecting livelihoods, health, and housing	<i>Maslahah</i> and <i>maqasid al-shari'ah</i>
Family resilience	Climate disasters, displacement, food insecurity	<i>Hifz al-nafs</i> and <i>hifz al-mal</i>
Intergenerational responsibility	Long-term environmental degradation and resource depletion	<i>Hifz al-nasl</i>
Legal protection of vulnerable groups	Unequal environmental burdens on women, children, and indigenous communities	Justice (<i>'adl</i>) and public welfare (<i>maslahah 'ammah</i>)
Environmental stewardship	Sustainable use of natural resources	<i>Sadd al-dhara'i'</i> and <i>istikhlahf</i> (stewardship)

Source: Developed by the authors based on the synthesis of reviewed literature (2022–2025).

The reviewed literature also demonstrates that local wisdom and legal pluralism can support the implementation of environmentally responsive family law. Indigenous communities such as Kasepuhan Ciptagelar and Kampung Naga maintain social practices that simultaneously strengthen family resilience and environmental stewardship (Rozikin et al., 2025). These experiences illustrate that environmental justice can be advanced through the interaction between Islamic legal principles and local ecological knowledge. Accordingly, the integration of environmental justice into Islamic family law should remain context-sensitive and responsive to local socio-cultural realities. From a policy perspective, the proposed framework offers several implications. First, environmental vulnerability should be incorporated into family welfare and social protection programs. Second, family law policies may promote environmental responsibility through educational, community, and intergenerational initiatives. Third, judges, policymakers, and religious authorities may employ *maqasid al-shari'ah* and *maslahah* as interpretive tools when addressing family-related issues influenced by environmental conditions. These measures do not transform Islamic family law into environmental law; rather, they acknowledge that environmental sustainability is increasingly necessary for the realization of family welfare and social justice.

Overall, the findings suggest that environmental justice should be understood as an internal component of contemporary Islamic family law. Through the integration of *maqasid al-shari'ah*, *maslahah*, family resilience, and intergenerational responsibility, Islamic legal thought can provide a normative framework that responds more effectively to the environmental challenges faced by societies in the Global South while remaining consistent with its jurisprudential foundations.

4.4 Theoretical and Practical Contributions of the Reconstruction Model

The findings of this study indicate that environmental justice remains underexplored within contemporary Islamic family law scholarship despite growing evidence that environmental



degradation, climate vulnerability, and resource insecurity directly affect family welfare and social resilience. The literature reviewed reveals that Islamic family law studies have predominantly focused on family resilience, gender justice, inheritance reform, legal pluralism, and maqāṣid-based legal development (Saleh et al., 2022; Abubakar et al., 2023; Azhar, 2024; Rosyadi et al., 2024; Fitriyati et al., 2025). At the same time, environmental justice and climate governance scholarship has increasingly emphasized the unequal social consequences of environmental change and the need for adaptive governance mechanisms to protect vulnerable communities (Anser et al., 2023; Triyanti et al., 2023). The analysis presented in this article demonstrates that these two bodies of scholarship address related concerns regarding welfare, justice, and social protection, yet they rarely interact within a common analytical framework. The first contribution of the proposed reconstruction model is theoretical. Existing studies have successfully utilized *maqāṣid al-sharī'ah* to support legal reform, gender equity, economic justice, and family welfare (Azhar, 2024; Solehudin et al., 2024; Fitriyati et al., 2025; Zulfan et al., 2025). However, environmental degradation has generally not been conceptualized as a direct challenge to the realization of maqāṣid. Drawing upon the thematic findings of the reviewed literature, this study argues that ecological disruption threatens several protected interests recognized in Islamic legal theory, including the protection of life (*ḥifẓ al-naḥs*), property (*ḥifẓ al-māl*), lineage (*ḥifẓ al-nasl*), and human dignity. Consequently, environmental justice should not be treated merely as an ethical concern external to Islamic law but as a substantive component of contemporary maqāṣid-oriented legal reasoning.

The second contribution is conceptual. While previous studies have examined family resilience in the context of social change, disaster recovery, and community adaptation (Saleh et al., 2022; Rosyadi et al., 2024; Rozikin et al., 2025), environmental governance scholarship has generally focused on institutional responses to climate risks and sustainability challenges (Anser et al., 2023; Triyanti et al., 2023). The reconstruction proposed in this study connects these discussions by positioning environmental sustainability, family resilience, and intergenerational justice within a single analytical framework. This integration demonstrates that family welfare is shaped not only by legal and socio-economic factors but also by ecological conditions that influence livelihoods, health, housing security, food availability, and long-term social stability. A further conceptual contribution concerns the reinterpretation of *maṣlaḥah*. Contemporary environmental challenges reveal that ecological degradation produces collective harms extending across generations and affecting both individual and communal welfare. Climate-related disasters, environmental pollution, resource depletion, and forced displacement generate vulnerabilities that undermine social protection and family well-being. In this context, the study proposes that ecological sustainability should be incorporated into contemporary understandings of *maṣlaḥah*, thereby broadening the scope of public welfare within Islamic legal thought to include environmental well-being and long-term ecological security.

The methodological contribution of this study lies in its reconstructive approach to *usul fiqh*. Rather than simply applying established legal doctrines to environmental problems, the proposed framework reinterprets *maqāṣid al-sharī'ah*, *maṣlaḥah*, *istiṣlāḥ*, and *sadd al-dharā'ī* through insights generated from the literature on Islamic family law, environmental justice, and



climate governance. Importantly, this reconstruction emerges from the identification of a recurring gap across the reviewed studies: although family welfare and social resilience are frequently discussed, environmental vulnerability is rarely incorporated into Islamic family law analysis. The proposed model therefore represents a systematic response to an identified scholarly omission rather than an abstract normative proposition. The practical significance of the reconstruction model extends beyond theoretical discourse. For policymakers, the framework provides a normative basis for integrating environmental vulnerability into family welfare programs, social protection policies, and climate adaptation initiatives. For judicial institutions, particularly family courts, the model offers a broader interpretive perspective for understanding how environmental displacement, livelihood loss, or ecological harm may affect family rights and obligations. For religious authorities and fatwa institutions, the framework supports the development of legal guidance that links environmental responsibility with family welfare, social justice, and intergenerational obligations. These applications illustrate how environmental justice may be operationalized within existing legal and institutional structures across Muslim societies in the Global South.

The originality of the proposed framework becomes clearer when compared with previous scholarship. Studies on Islamic family law reform have primarily concentrated on issues such as gender justice, inheritance, family resilience, and legal pluralism (Abubakar et al., 2023; Nasohah, 2024; Fitriyati et al., 2025; Sulaeman et al., 2025), while research on environmental governance has focused on sustainability, climate resilience, and environmental justice from policy and development perspectives (Anser et al., 2023; Triyanti et al., 2023). The present study differs from both strands of scholarship by systematically integrating environmental justice into the interpretive structure of Islamic family law through the reconstruction of *usul fiqh*. In doing so, it establishes a conceptual bridge between Islamic legal reasoning, ecological sustainability, family resilience, and intergenerational justice.

Overall, the reconstruction model contributes to ongoing debates concerning Islamic legal reform, environmental governance, and sustainable development by demonstrating that environmental justice can be incorporated into Islamic family law without departing from the methodological foundations of Islamic jurisprudence. The model thus expands the contemporary relevance of Islamic legal thought while providing a framework for addressing the interconnected challenges of environmental change, social inequality, and climate vulnerability in the Global South.

5. Conclusion

This study examined how *usul fiqh* and Islamic family law can be reconstructed to address environmental justice challenges in the Global South. The analysis reveals that the principles of *usul fiqh* possess sufficient normative flexibility to accommodate contemporary ecological concerns through the reinterpretation of *maqāṣid al-sharī'ah*, *maṣlahah*, *istiṣlāḥ*, and *sadd al-dharā'ī*. Rather than treating environmental protection as an external policy issue, the study demonstrates that environmental justice can be incorporated into Islamic legal reasoning as an integral objective of the *Sharī'ah*. Environmental degradation directly threatens the protection of life (*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), lineage (*ḥifẓ al-nasl*), and human welfare, thereby



JUSTITIA NOVA

Indonesian Journal of Modern Law

e-ISSN: 3109-3469

Vol. 1, No. 1, June 2025

<https://doi.org/10.5281/zenodo.20464527>

justifying the inclusion of ecological sustainability within contemporary maqāṣid-based legal interpretation. In this regard, the reconstruction of *usul fiqh* provides a jurisprudential foundation for responding to climate-related risks while remaining consistent with the methodological principles of Islamic law.

The study further finds that Islamic family law can be reinterpreted as an instrument for strengthening climate resilience and environmental responsibility. The reviewed literature indicates that family institutions play a central role in resource management, social adaptation, caregiving, and intergenerational welfare. However, environmental vulnerability has rarely been incorporated into family law discourse despite its significant impact on household welfare, livelihood security, migration, inheritance, and social stability. By integrating ecological responsibilities into family rights and obligations, Islamic family law may contribute to climate adaptation, sustainable resource use, disaster preparedness, and intergenerational justice. This finding demonstrates that environmental resilience should be understood not only as a matter of governance and public policy but also as a family-centered legal and ethical responsibility.

The principal contribution of this study lies in the development of an integrated framework linking *usul fiqh*, *maqāṣid al-sharī'ah*, environmental justice, family resilience, and intergenerational justice. While previous scholarship has examined Islamic legal reform, family resilience, environmental governance, and climate justice as largely separate fields, this study systematically connects these dimensions within a single analytical model. The proposed reconstruction therefore advances existing maqāṣid-based legal reform literature by positioning environmental justice as an internal objective of Islamic legal reasoning and by extending the scope of Islamic family law beyond conventional domestic concerns toward ecological sustainability and long-term social welfare. Practically, the framework provides guidance for policymakers, family courts, and religious authorities seeking to incorporate environmental considerations into legal interpretation, social protection programs, and community-based climate adaptation initiatives.

Nevertheless, this study is limited by its doctrinal and conceptual nature. The analysis is based primarily on normative legal sources and contemporary scholarship and does not evaluate how environmentally responsive Islamic family law is implemented in specific institutional or judicial settings. Future research should therefore employ empirical and comparative approaches to examine the application of environmental justice principles within family courts, fatwa institutions, legislative reforms, and community adaptation programs across Muslim-majority societies. Such investigations would help assess the practical effectiveness of the proposed framework and contribute to the development of a more adaptive, socially responsive, and environmentally conscious Islamic legal system capable of addressing the challenges of climate change in the twenty-first century.

Acknowledgments

The authors would like to express their sincere appreciation to colleagues and reviewers whose constructive comments and suggestions contributed significantly to the improvement of this manuscript. Gratitude is also extended to the academic institutions and scholarly communities



that provided access to relevant literature and research resources. Any remaining errors or interpretations are solely the responsibility of the authors. No specific external funding was received for this research.

References

- Abubakar, A., Achyar, G., Khatimah, H., & Samad, S. A. A. (2023). *The Postponement of the Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh In The Lens Of 'Urf Theory and Legal Pluralism*. *El-Usrah: Jurnal Hukum Keluarga*, 6(2), 411–429. <https://doi.org/10.22373/ujhk.v6i2.10207>
- 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>
- Agha, K. D. M., Nafad, M. I. E., & Hadi, S. (2024). *Unravelling the Threads: Bibliometric Exploration of Islamic Family Law Research in Southeast Asia (2004–2024)*. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 24(2), 345–359. <https://doi.org/10.19109/nurani.v24i2.24755>
- 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>
- 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>
- Arifuddin, Q. (2024). *Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles*. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 24(2), 317–328. <https://doi.org/10.19109/nurani.v24i2.24529>
- Azhar, A. (2024). *Islamic Law Reform in Indonesia from the Perspective of Maqāsid Al-Sharī'ah: Kerinci's Intellectual Views*. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(2), 750–769. <https://doi.org/10.22373/sjkh.v8i2.15051>
- Fadil, F., Marwinata, P., Jannah, S., & Siroj, A. M. (2024). *Religious Moderation and Family Resilience in the City of Malang, Indonesia: The Historical Perspectives of the Islamic Law*. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(1), 236–256. <https://doi.org/10.22373/sjkh.v8i1.19821>
- 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>
- Fitriyati, Y., Ibrahim, D., Muntaqo, F., & Hasan, K. S. (2025). *Reconsidering Inheritance Equality: Gender Justice in Religious Court Decisions through the Lens of Maqashid Al-Shariah*. *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 25(1), 122–140. <https://doi.org/10.19109/nurani.v25i1.27133>
- Hasanah, S. M., Inayati, I. N., Ismail, A. B., Ulum, M. S., Kawakip, A. N., Marno, M., Hidayatullah, A. D., & Fauziyah, U. (2025). *The Integration of Islamic Family Law into*



- Muslim Community Education in Japan: Socio-Cultural Dynamics in a Minority Context.* Nurani: Jurnal Kajian Syari'ah Dan Masyarakat, 25(2), 578–598. <https://doi.org/10.19109/nurani.v25i2.31145>
- Idrus, R. H. A., Ramlah, R., Yanti, I., Mubarrak, H., & Mukhlisa, D. (2024). *Flexibility of Women's Inheritance Distribution in Jambi Malay Society: Compromising Islamic and Customary Law.* El-Usrah: Jurnal Hukum Keluarga, 7(1), 42–61. <https://doi.org/10.22373/ujhk.v7i1.22038>
- 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>
- 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.sftr.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, K. N., Fakhria, S., Quintana, M. K., Tauziri, Y., & Nainin, D. M. (2024). *Religious Authority and Family Law Reform in Indonesia: The Response and Influence of the Indonesian Ulema Council on Interfaith Marriage.* JURIS (Jurnal Ilmiah Syariah), 23(2), 383–393. <https://doi.org/10.31958/juris.v23i2.11849>
- Nasohah, Z. (2024). *Dynamics of Islamic Family Law in Facing Current Challenges in Southeast Asia.* Samarah: Jurnal Hukum Keluarga Dan Hukum Islam, 8(1), 1–19. <https://doi.org/10.22373/sjkh.v8i1.16553>
- Qadri, B., & Siregar, I. M. (2023). *Islamic Renewal in the Field of Family Law: A Historical Analysis of Gender Equality.* El-Usrah: Jurnal Hukum Keluarga, 6(2), 444–455. <https://doi.org/10.22373/ujhk.v6i2.17128>
- Rosyadi, I., Shofi, M. A., Ningsih, E. I., & Sabri, F. A. (2024). *Realizing Post-Disaster Sakinah Families: Analysis of the Resilience of Semeru Eruption Survivors' Families at the Relocation Site from the Maqāsid al-Sharī'ah Perspective.* El-Usrah: Jurnal Hukum Keluarga, 7(2), 878–902. <https://doi.org/10.22373/ujhk.v7i2.22560>
- Rozikin, O., Mukhlas, O. S., Rosadi, A., Fauzia, I., Muharir, M., Ahyani, H., & Adnan, N. I. M. (2025). *Contextualizing Maqāsid al-Sharī'ah in Indigenous Legal Practices: A Comparative Study of Family Resilience in Kasepuhan Ciptagelar and Kampung Naga.* Nurani: Jurnal Kajian Syari'ah Dan Masyarakat, 25(2), 344–362. <https://doi.org/10.19109/nurani.v25i2.27760>
- Saleh, J., Amri, N., Kamal, M., Abdullah, A., & Mukhtar, M. (2022). *Marriage Guidance Towards Family Resilience in Aceh: A Study of Islamic Law Philosophy.* Samarah: Jurnal Hukum Keluarga Dan Hukum Islam, 6(2), 594–613. <https://doi.org/10.22373/sjkh.v6i2.12448>
- Sar'an, M., Hidayatulloh, Y., Gussevi, S., Indrawan, R., & Zuhri, N. A. U. (2024). *Implementation of Harmonious Family in the Concept of Proportionality of Obligations and Rights of Husband and Wife Relations: A Perspective on the Compilation of Islamic*



JUSTITIA NOVA

Indonesian Journal of Modern Law

e-ISSN: 3109-3469

Vol. 1, No. 1, June 2025

<https://doi.org/10.5281/zenodo.20464527>

- Law. El-Usrah: Jurnal Hukum Keluarga*, 7(2), 695–712.
<https://doi.org/10.22373/ujhk.v7i2.24662>
- 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>
- Sulaeman, O., Alfiander, D., Kanus, O., Rahmi, S. N., & Utomo, B. (2025). *Negotiating Gender Justice in Minangkabau Marital Disputes: Between Adat, Islamic, and State Law*. *JURIS (Jurnal Ilmiah Syariah)*, 24(1), 39–49. <https://doi.org/10.31958/juris.v24i1.11848>
- 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>
- Zulfan, Z., Yolanda, M. I., Firdaus, F., Azwar, Z., & Ajim, Z. A. H. (2025). *Reframing Maṣlaḥah for Interfaith Family Conflict Resolution: The Case of Chinese-Muslim Households in Indonesia*. *JURIS (Jurnal Ilmiah Syariah)*, 24(1), 153–164.
<https://doi.org/10.31958/juris.v24i1.13059>