

## **ENVIRONMENTAL SUSTAINABILITY AND CONTEMPORARY ISLAMIC SOCIETY: A SHARIAH PERSPECTIVE**

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### **ABSTRACT**

*This paper examines the relevance of Islamic environmental theology in contemporary Islamic society. Islamic law or Shariah gives a significant prominence to environmental care. The responsibility to care for the environment is set at individual and societal levels, as outlined in the primary sources of Shariah. In line with the industrial and vast economic development, the modern jurists have extended the moral and religious obligations to firms. Environment is an important element that supports the objective of Shariah or maqasid al-Shariah, which is to safeguard the interests of all beings. However, the current devastating state of the global environment, including those of Islam-majority and Islam-dominated countries, poses major challenges to the maqasid al-Shariah. Environmental degradation is threatening the dharuriyyah level of maqasid al-Shariah, or the basic necessities of human. In view of this devastating phenomenon, this paper highlights the relevance of Islamic legal maxim of harm prevention, and how it can provide an impetus to the global environmental sustainability in modifying human attitudes and actions pertaining to the environment. We conclude that progressive interpretations of Shariah by way of incorporating vast economic development and social changes are important to address new necessities of maqasid al-Shariah. While holding on to the principles of*

*Shariah, religious rulings pertaining to environmental matters are to be aligned to the current changing needs and problems of the society.*

**Keywords:** environmental sustainability, contemporary Islamic society, *maqasid al-Shariah*

## INTRODUCTION

Environment is a vital element in humans' daily life as both are heavily interdependent on each other. Nevertheless, the environment now is severely affected by human activities, to the extent that it is getting closer to the collapse of the ecosystem. The world has changed its status from ecological creditor to ecological debtor (Ewing et al., 2009) which means that the earth has lost its ability to regenerate natural resources to absorb wastes produced by human activities. Industrial revolution and urbanisation appear to be the major contributing factors to the environmental problems. Mass production has led to numerous environmental hazards. In the name of development, natural resources were exploited to the extent that it caused permanent damage to the ecosystem. Three main types of pollution caused by industrial activities are water, air, and soil pollutions. Industrial processes resulted in climate change, pollution to air, water, and soil leading to various health issues and extinction of flora and fauna species, environmental degradation activities and many more. While some industrial activities cause immediate adverse effects and visibly detectable such as river pollution, some take years to track and hardly traceable without detailed and sophisticated techniques.

Environmental resources have been manipulated for human use since thousands of years ago. Worldwide environmental movements have emerged from ecological degradation as early as ancient civilisation up to the post industrialisation revolution era (Chew, 2001). Continuous degradation of the earth and natural resources has triggered warning alarms to the global society. Various efforts have been initiated to curb all kind of environmental injustice to everyone and everything that exists on earth. The United Nations for example, has come out with 17 sustainable development goals (SDGs) to achieve a sustainable development, with eight goals directly related to the care and protection of the environment, namely Goal 6 clean water and sanitation, Goal 7 affordable and clean energy, Goal 8 decent work and economic growth, Goal 11 sustainable cities and communities, Goal 12 responsible consumption and production, Goal 13 climate action, Goal 14 life below water, and Goal 15 life on land.

The fundamentals of all the environmental movement groups are congruent with Shariah perspective. For example, the Western-based Environmental Justice Paradigm (EJP) emerges from the issue of inequality of standard of living while the New Ecological Paradigm (NEP) recognises the interdependency of humans and the ecosystem. The former relates to the *maqasid al-Shariah* that emphasises environmental as the basic needs (*dharuriyah*) of individuals regardless of their social status, and the latter lies in the basic principle of environmental ethics in Islam. There is a vast literature on the environmental care and protection from the Shariah perspective (e.g., Dien, 2000; Rice, 2006; Mangunjaya, 2011; Islam, 2012; Mangunjaya & McKay, 2012; Chan & Islam, 2015; Hassan, 2016; Herdiansyah et al., 2016; Saged et al., 2017). Nevertheless, to our knowledge, there is a very limited reference that incorporates the environmental protection issues and businesses from the Islamic perspective. This current study adds to the literature by focussing on how the concept of harm prevention in Shariah is relevant in achieving environmental sustainability among business entities or firms in the contemporary Islamic society.

Islam, through the Islamic law or Shariah, places heavy emphasis on the importance of environmental care. Islam has clearly outlined in the Quran and Sunnah that environmental protection is a mandatory duty at an individual and societal levels. However, a devastating environmental condition in Islam dominated countries suggests that the Shariah call for environmental protection has been neglected. This paper discusses issues pertaining to the responsibility of firms as an artificial legal entity and different approaches in interpreting Shariah rulings. The paper continues to highlight the relevance of Islamic legal maxim of harm prevention and how it supports and provides a platform for environmental sustainability. This paper is presented in the following sections: Shariah call for environmental care and protection, current state of environmental challenges, Shariah and environmental sustainability, the way forward, and lastly the conclusion for the study.

## **SHARIAH AND ENVIRONMENTAL CARE AND PROTECTION**

Based on two primary sources, namely the Quran and Sunnah, Shariah addresses all aspects of life ranging from the individual to the state level. The interpretations of both sources are done by qualified people such as Islamic judges (*qadis*) and religious leaders (*imams*). As time went by and issues became complicated, some emerging matters were later found not specifically addressed in the primary sources. As such, *ijma* and *qias* are used in the process to deal with these issues. *ijma* refers to the consensus of the religious scholars, while *qias* is applied through the process of reasoning by analogy (Kamali, 1999). Thus, while maintaining basic

principles outlined by the primary sources, Islam allows for adaptations to suit the current needs.

Islam puts a very strong emphasis on the care and protection of the environment. The associations among the elements of the environment are referred to as the '*ilm al-tabyw or ecology*' (al-Majid, 1999), which focuses on the interconnectedness among all elements of the environment (living things and non-living things). The one and only god, Allah, created the universe with a purpose and all elements are put in a perfect balance. Among all elements of the environment, Islam regards humans as the superior creation who are blessed with the ability to influence the ecological balance. This leads to the conception of the superiority of humans as the caliph in this world. Nevertheless, such advantage comes together with the task to care and protect the environment. As an appointed caliph on earth, humans are obliged to care for the environment at both collective (*fard kifaya*), as well as individual level (*fard ain*). As a *fard kifaya*, the obligation to care for the environment is considered sufficient when it is carried out by some members of the society. However, if nobody takes up the duty on behalf of the community, all members of the society are considered guilty and will be punished in the life hereafter.

Calls for environmental protection in Islam predates all environmental degradation and crisis. From the Islamic perspective, the demand of all elements of the environment (resources) must be matched against the existing balances. Therefore, Islam looks at the environment from the supply side, as referred to as *adl* and *qadar* (Akhtar, 1996). The term *adl* (عدل) literally means justice. As a superior creation who are blessed with *aql* (عقل) or the ability to think, humans are the only creation who is able to utilise and manipulate other elements of the environment. However, each and every human is responsible for all of their own doings and will be judged in the life hereafter. In the context of the environment, the concept of justice refers to acting justly or correctly to other elements of the environment to ensure the supply side is matched against the demand or usage of the environmental elements. Justice to other elements of the environment emphasises the relationship between humans and other elements of the environment including living things (e.g., animals, plants) and non-living things (e.g., water, air, and soil).

*Qadar* (قدر), on the other hand, explains the supply side of the environment from the quantitative aspect. Based on the principle of supply side of the environmental elements, Islam puts a heavy emphasis on keeping the original balance of elements of the environment. Each and every element of the environment, regardless of size, physical substance or their living nature, has an equal right to exist. The following verse of Quran in verse al-An'am (the Cattle) reminds human of the equal rights of all creatures.

And there is no creature on [or within] the earth or bird that flies with its wings except [that they are] communities like you. We have not neglected in the Register a thing. Then unto their Lord they will be gathered (Quran 6:38) (Pickthall, 2001).

Any mistreatment to any kind of creatures or elements of the environment will result in an ecological imbalance. The current environmental problems faced by the global community is due the mistreatment of environmental elements that subsequently affect the ecological system. The verse from the Quran stated below provides a simple but a very important message to humans. This verse reminds human that the ecosystem has been created in a perfect measure thus it is crucial to keep and maintain the balance at all times to avoid the collapse of the ecosystem: “Lo! We have created everything by measure” (Quran 54:49) (Pickthall, 2001).

Environmental protection from an Islamic perspective lies in the core value system of Islam. Specifically, it is integrated into the submission to Allah’s principle based on the oneness of Allah as the sole creator and absolute owner of the whole universe. Environmental care and protection are set as a mandatory religious duty for each individual that emanates from the responsibility to submit to Allah. Accordingly, Shariah provides a guideline for humans to carry out the task to protect the environment. Humans are allowed to utilise all available resources without causing irreversible damage based on its basic principles of unity or *tawhid*, trusteeship or *khalifah*, and accountability or *akhirah* (Naseef, 1998). These principles form the basis of environmental ethics from the Islamic perspective. The following verse refers humans as caliph, who are the superior creations above others and gifted with the ability to affect the ecosystem balance. Nevertheless, humans are accountable for all their actions and will be judged in the life thereafter for any injustice or misconducts done to other elements of the environment.

And it is He (God) who has made you successors (*khala'ifa*) upon the earth and has raised some of you above others in degrees [of rank] that He may try you through what He has given you. Indeed, your Lord is swift in penalty; but indeed, He is Forgiving and Merciful (Quran 6:165) (Pickthall, 2001).

On the same note, the call for environmental care and protection is explicitly referred to in the Sunnah. The following hadith narrated by Bukhari calls for humans to contribute to greening the environment and associates such act with a charity.

There is none amongst the Muslims who plants a tree or sows seeds, and then a bird, or a person or an animal eats from it, but is regarded as a charitable gift for him (Vol. 3, Book 39, Hadith 513) (Khan, n.d.).

Environmental conservation under the Shariah is carried out according to the *hima* and *harim* systems. *Hima* literally means protected or forbidden place. The *hima* institution in relation to environmental protection existed in the pre-Islamic Arabia and continued in the early Islam and Middle Ages. The protection of green areas and wildlife under *hima* is still applicable in the modern time. There are six types of *hima* which are categorised based on rules pertaining to the time of grazing and land reservations (Gari, 2006). On the other hand, *harim* refers to the institution of the protected zone which prohibit the development of certain areas for the purpose of protecting the nature throughout the year. The *harim* system is strictly applied in the holy land of Mecca until today. Pilgrims are prohibited from cutting trees or plants or kill animals at any time of the year. Failure to abide to this ruling will result in cash penalty (*dam*). Both systems are created to avoid exploitation of the nature. To ensure the effectiveness of the systems, an agency known as *hisba* is formed. The role of *hisba* is similar to the environmental agency, led by a learned jurist (*muhtasib*) who oversees the operational aspects of both systems (Khalid, 2002).

Over the centuries, major changes have occurred in the political, economic, and social aspects of life. Environment is not only affected by individuals, but also a group of individuals who work together and form a collective effort in achieving shared goals. Known as the business entities or firm, this concept emerges as the result of the economic development. Firm refers to an association of persons created by statute as a legal entity to carry out business. Although firms' existence as a separate legal entity is not explicitly stated under the Shariah (Bilal, 1999), their presence needs to be reassessed and responsibilities are to be attached as they have become an important social actor that significantly contribute to the environmental degradation. Thus, in line with this economic change, the responsibility to care for the environment should be extended to entities other than individuals.

The discussion on the legal existence of a firm from the Shariah perspective revolves around the concept of an artificial person or fictitious personality (*shakhsiyah i'ithbariyah*). The Muslim jurists have conflicting views in assessing this issue. According to the traditionalist, a group of Muslims who strictly follow the belief and practices of earlier generations (Parvez, 2000), a firm does not constitute a separate legal entity due to the absence of any provisions from the Shariah primary sources. The traditionalist jurists (*fuqaha* or experts in *fiqh* or Islamic jurisprudence) do not accept the concept of *al-dhimmah* as the basis to recognise firms as a legal entity,

similar to a real person. *Al-dhimmah* is a theory of *fiqh* that supports the idea of an entity other than human as a legal person. From the traditionalist perspective, a firm does not resemble a real person and since Shariah is only applicable to a real person, firms' status falls beyond the Shariah jurisdiction. Therefore, the concept of *al-dhimmah* is not applicable to firm and has no relevance in relation to the interpretation of its liability and obligation (Tahanawi, 1996).

However, the idea of firms as a corporate personality is accepted by majority of the modern jurists. From this perspective, the existence of an entity other than human being as an artificial, legal person is recognised. Firms as legal entities have the capacity (*al-ahliyyah*), similar to individuals (real, non-artificial person), thus shall bear the same obligations (*iltizamat*). Using the concept of *al-dhimmah*, an analogy was made between firms and the institutions and practices which have existed in earlier time such as mosques, *waqf* and *bayt-a-mal*.

Similar to Shariah's ruling on individuals, the concept of firms' responsibility is based on the premise that firms operate in a way that they do not do harm to the well-being of other creations. The concept originates from the notions of *falah* (human well-being) and *hayat tayyibah* (good life) which emphasises the socialities and socioeconomic justice, in addition to a balanced material and spiritual requirements of humans that is necessary to preserve and enrich faith, life, intellect, posterity, and wealth (Mohammed, 2007). In other words, firms or corporate responsibility from an Islamic perspective, integrates spiritual view for humans' interaction with various parties including Allah, nature, and other humans. Contrary to the materialism worldview which regards that only material or physical universe constitutes reality, Islam recognises both spiritual and material dimensions of reality based on the responsibility of humans beyond the self (Parvez & Ahmed, 2004). As such, humans need to get to a perfect blend of the material aspect and spiritual values in order to be just to all creations.

The modern jurists are in the opinion that firms should bear the same responsibility as other elements of a greater society to ensure that their existence does not pose inequality or be unjust to not only to their stakeholders but to other Allah's creations such as flora, fauna, and other natural resources. The act of being just to all stakeholders and other elements of the environment contributes to the building of trust between various stakeholders and the firms. Corporate responsibility is therefore, a moral and religious obligation of a firm as a social actor in the society. This stance resembles the Muslim scholars' revivalist approach to problem solving. The revivalist aims to "shape individuals and systems of life according to Islamic values, principles, traditions, and ideals to achieve a better moral and just social

life” (Parvez, 2000). Although strongly holding on to the principles and guidance from the primary sources of Shariah, namely the Quran and Sunnah, the revivalists are open to accept new concepts and rulings in coping with changes arising from contemporary challenges.

In summary, the preceding discussion shows that Islam emphasises environmental care as a mandatory obligation at an individual, as well as societal levels. Such provisions are explicitly stated in the two main sources of Shariah, namely the Quran and Sunnah (Hadith). The obligation to care for the environment is also imposed on firms, as agreed by modern jurists through the application of *ijma* and *qias*. As a party that has the ability to influence the ecological balances, firms are assigned the mandatory status to care for the environment, consistent with the main principle of Islam to have a perfect and balanced environment.

### ***MAQASID AL-SHARIAH AND ENVIRONMENTAL CHALLENGES***

The industrial revolution from the 1900s have caused serious environmental problems to the global community, including countries where Islam is the major religion. Forty five out of 56 countries or 80% of the Organisation of Islamic Cooperation (OIC) countries are categorised as biocapacity deficit. Biocapacity deficit refers to the percentage that ecological footprint exceeds biocapacity. Such situation implies that the country is importing biocapacity through trade or liquidating regional ecological assets or emitting wastes into the global commons such as the atmosphere. The consumption of resources in biocapacity deficit countries exceeds the ability to reproductive natural resources. The preceding statistics show that environmental conditions in Islamic dominated countries are at an alarming stage. For instance, 4 out of top 10 countries in the world with the highest ecological footprints per capita are dominated by countries with large Muslim populations, namely Qatar (14.3 gha), Bahrain (8.2 gha), United Arab Emirates (8.1 gha), and Kuwait (7.9 gha) (Global Footprint Network, n.d). Islamic countries in which Shariah is incorporated into their legal systems, are also categorised as biocapacity deficit countries. Saudi Arabia, for instance, is categorised as amongst the countries with highest biocapacity deficit with a record of 1110%. With the current rate of natural resources consumption, biocapacity deficit countries chart an unsustainable development path. This development trajectory will lead to a further degradation of the environment and endanger the life of all species on earth.



The environmental condition in countries in which Islam is very influential in the social, economy, and political settings do not reflect the strong Shariah call for environmental care and protection. Despite the commitment of the Muslim world to set a framework for an ethical code of conduct to build a low-emission climate resilient future (United Nations, 2015), environmental state in Islam majority and Islam-dominated countries are still in a devastating state. In view of the current condition and its threat to humans' well-being, it is important to reassess the need of environmental care and protection from the Shariah perspective.

Serious environmental crisis poses a huge challenge to the objective of Islamic law or *maqasid al-Shariah*. Environmental imbalance affects the basic needs of human (*dharuriyah* level), which is the most crucial aspect in safeguarding the interests of all beings. In coping with the social changes due to the vast economic development, it is essential to identify new necessities of *maqasid al-Shariah*. Progressive interpretations of the Shariah are needed to address the severity of environmental issues on *maqasid al-Shariah*. A heavy reliance on the practice of earlier generations without considering the current needs causes the Islamic society to lose ability to cope with modern challenges (Parvez, 2000). This situation causes incompatibility between Shariah sources of Islamic jurisprudence and the social and economic changes. In view of the current devastating global environmental condition that records world's ecological overshoot status since 1970s, there is a pressing need to care for the environment. Thus, it is a timely call for the environment to be classified as one of the basic needs of human. The inclusion of the environment as an item of the essential basic needs of *maqasid al-Shariah* fits into the contemporary theorist's focus on general and collective societal issues. In this respect, progressive interpretations of Shariah are crucial to align Shariah rulings with the current changing needs of the society such as global warming and other environmental issues. Shariah should not be viewed as a rule-based system that have detailed and rigid rules to be followed regardless of any situation. Instead, it should be viewed as a principle-based set of guidance that can be flexibly applied in time of need. This stance resembles the Muslim scholars and leaders' revivalist approach to problem solving. Although the main principles of Shariah based on the Quran and Sunnah remain as the main reference, secondary source of Shariah are considered more relevant in dealing with new challenging situations.

New rulings in the form of fatwa on matters arising from the economic and social changes are derived by reference to the primary sources of Quran and Sunnah, as well as the application of *ijma* or consensus of religious scholars, and *qiyas* or process of reasoning by analogy. Fatwa is a non-binding but authoritative legal opinion or learned interpretation issued by religious authorities. An example of the

application of *ijma* and *qiyas* to suit the current emerging need of the society is the classification of smoking as a haram (forbidden) act by Saudi Arabia in two holy mosques in Mecca and Medina. A fatwa to classify smoking as haram is premised on the fact that smoking causes extensive health and financial damage to smokers (Husain, 2014). The same approach can be applied to the environmental care and protection. Following the same basic reasoning, any act that damages or causes harm to humans or other elements of the environment should be considered as haram. In line with this argument, Indonesia has issued a fatwa that classifies an open burning act as a sin (BBC News, 2016). Open burning in Indonesia is a major environmental issue that causes air pollution problems in countries in the Southeast Asia region. Malaysia was badly affected by the haze from the open burning to the extent that the Air Pollution Index (API) reading reached a hazardous level of above 300 in 2015 (Malay Mail, 2015).

The issuance of fatwa by Indonesia in relation to the environmental degradation act as sinful and haram can be considered as the first move to uphold the environment as an item of essential basic needs of *maqasid al-Shariah*. When the environment is considered as a basic necessity to ensure justice and preservation of the well-being of all mankind, all parties ought to work together to preserve and conserve the environment. Such effort is needed to ensure that the earth become a safe place to dwell in, as what it was originally created. The basic necessities of *maqasid al-Shariah* are based on the concept of *maslahah* or public interest, which is to protect public goods and prevent damages or harm. As an item of basic necessities, environmental factor has a strong chain-effect with other elements of the environment and is crucial in ensuring the proper functioning of an individual's religious and daily ordinary affairs. In other words, any disruption to the basic rights of humans will cause the collapse of the social order. For example, an environmental imbalance that causes natural disasters such as heavy rain can lead to a massive damage to homes and other properties. The loss severely affects the basic right of an individual to protect the faith (*deen*) to the extent that the duty to perform religious obligations can no longer be carried out. Similarly, environmental destruction jeopardises the right to live as those affected will lose the opportunity or right to enjoy life like others.

In addition to the primary and secondary sources of Shariah in fulfilling *maqasid al-Shariah*, Islamic legal maxims provide guidance for jurists to handle emerging issues and reviving the exercise of *ijtihad* (independent legal reasoning) (Muhsin et al., 2019). Legal maxims are general rules of *fiqh* that serve as the basis of rulings for various issues under the same principle. As such, they are not restricted to certain matters, but they are applicable to all issues especially those arising from the changing economic and social landscapes. Major maxims are based on

a clear reference to the main sources of Shariah or *ijma* (Shaham, 2020). Harm prevention is one of the five major Islamic legal maxims that provides principles related to a wide range of issues pertaining to harms. The Hadith stated below calls for harm prevention of any kind ranging from emotional stress, health, wealth, etc. In view of the environment, the provision of the Hadith includes the protection of all elements of the environment such as humans, plants, animals, and natural resources. As a superior creation who is able to affect the ecological balance, humans are strictly prohibited to cause any types of harms to other elements of the environment:

“Whoever harms [others], Allah will harm him, and whoever causes hardship [to others] Allah will cause hardship to him” (Abu Dawood, Book 19, Hadith 3635) (al-Munajjid, 2020).

Harm prevention maxim is widely discussed in matters pertaining to medical or health (e.g., Kamarulzaman & Salleh, 2010; Bin Shaikh Mohd Salleh & Kamarulzaman, 2016; Ali et al., 2017; Ismail, 2018; Shahrar, 2020) and other emerging issues such as Islamic finance (e.g., Mohamed Sanusi, 2008; Dusuki & Boeheraoua, 2011; Ismaeel & Blaim, 2012), technology (e.g., Abdallah, 2010), and the environment (e.g., Shettima, 2011).

The harm prevention maxim is relevant and applicable to any kind of environmental degradation activities, supporting the proposed inclusion of environmental protection as part of the *dharuriyyah* level of necessities. However, although there is an extensive literature on the Islamic legal maxims, many of them discuss the “importance of the legal maxims and their authenticity based on textual evidence” (Muhsin et al., 2019, p. 235) without detailing out their applicability in dealing with specific cases. In view of this limitation, this paper highlights the applications of the legal maxim in harm prevention in forming the basis for environmental care and protection. The illustrations are mainly made in reference to corporate level or firms due to the significant contribution of the industrial sectors to the environmental degradation compared to household activities (Shrivastava, 1995). Furthermore, firms ought to bear the same responsibility to care for the environment, similar to individuals as they are capable of affecting the ecological balance.

Table 1 shows the list of maxims that explain the Islamic legal maxim of “Harm must be eliminated” (*al-darar yuzal*), by reference to Part II of the *Al-Majalla* (2005). These maxims are secondary maxims that do not have direct provisions

from the main sources of the Shariah but provide limitations or exceptions to the legal maxim's general applications. Para 5 of the maxims of Islamic jurisprudence specifically states that it is a fundamental principle that a thing shall remain as it was originally (created). This statement implies that the eco-system has been created in an ideal proportion and thus, it should be maintained in its original condition. Any changes to the ecosystem will definitely affect the ability of the earth to regenerate and supply resources for humans' consumptions. The current state of the global environment reflects the challenge to the fundamental principle. Excessive and destructive human's activities have long contributed to global environmental problems. Based on the report by the World Wildlife Fund (WWF), 1.5 earth is required to regenerate sufficient resources (biocapacity) to match humans' consumptions (footprint) and it is expected the demand will increase to two earths in 2030 (WWF, 2012, p. 6). If this trend continues, the earth will soon collapse as it will not be able to absorb humans' wastes. Thus, as shown in Table 1, Para 5 of the maxim refers to the need to have a balanced ecosystem. In achieving this aim, no party should be allowed to carry out any kind of environmental destructive activity at individual or corporate level.

As discussed in the preceding section, Shariah law provides guidelines that can be flexibly applied in different situations and needs. Although Para 5 of the maxim calls for a balanced ecosystem, Shariah does not deny the need for developments to accommodate the needs of the current society. In case of inevitable developments, adverse impacts to the environment need to be carefully considered. This is the area in which the concept of harm prevention from Shariah perspective plays an important role in balancing the conflict of development and environmental protection. In this respect, the idea of moderation is crucial in ensuring no excessive consumption or manipulation of natural resources occur. Progressive interpretations of Shariah rules, together with the application of the revivalist approach to problem solving which is receptive to new concepts and rulings in coping with current emerging issues, provide a perfect blend in addressing environmental problems.

Table 1  
*Maxims supporting the Islamic legal maxim of 'Harm must be eliminated' and their applications to environmental sustainability*

Secondary maxims	Application of maxims in environmental sustainability	Examples of application of maxims in environmental sustainability
Para 5: It is a fundamental principle that a thing shall remain as it was originally.	The ecosystem shall be kept and maintained in its original form and balance.	No party is allowed to carry out activities that adversely affect any items of the environment or change the components of the ecosystem.
Para 6: Things which have been in existence from time immemorial shall be left as they were.	Natural resources and other elements of the environment should not be consumed or used in an excessive manner.	Parties that cause destruction to the environment should not be allowed to operate.
Para 20: Injury is removed.	Any type of activity that leads to the environmental destruction or degradation must be immediately stopped.	Any party whose operations (potentially) cause pollution should be heavily penalized and/or licenses revoked.
Para 31: Injury is removed as far as possible.	Any (potential) environmental destruction act has to be prevented and avoided as much as possible.	Environmental-offenders must be charged with hefty fines and penalties to avoid recurrence.
Para 19: Injury may not be met by injury.	No environmental destruction activity should be undertaken to substitute others.	Any kind of environmental destruction activity should not be replaced by other activities that have similar or more severe adverse impacts to the environment.
Para 27: Severe injury is removed by lesser injury.	Any activity that has the least adverse impact to the environment takes priority over a more disastrous impact.	In the event that environmental degradation activities need to be undertaken for the benefits of the greater society, activity that has the least adverse impact to the environment should be chosen.

*(continued on next page)*

Table 1: (continued)

Secondary maxims	Application of maxims in environmental sustainability	Examples of application of maxims in environmental sustainability
Para 26: A private injury is tolerated in order to ward off a public injury.	If conflict arises between individual and the public in matters pertaining to the environment, priority should be given to the societal benefits rather than individual.	Despite a negative impact to the environment, an activity should be allowed to continue in order for the greater community to enjoy the bigger benefits of such activity.
Para 30: Repelling an evil is preferable to securing a benefit.	In any circumstance, an activity that degrades the environment should be avoided even if it secures the benefit.	If deforestation to convert the forestland for development purpose results in a permanent destruction of habitat for millions of flora and fauna species, avoidance of environmental degradation takes precedence over the benefits of development.

Source: Adapted from Al-Majalla (2005)

Para 20, 31, 19, 27, 26, and 30 of the maxims of harm prevention lay out provisions or exceptions to balance the conflicting need for development and environmental protection. For instance, Para 20 of the maxim states that injury should be immediately removed once it is uncovered. In its strictest condition, any kind of environmental degradation activities should not be allowed. Heavy monetary penalty should be imposed and licenses to operate should also be revoked. Similarly, Para 27 states that a severe injury should be replaced by a lesser injury. In some cases, environmental degradation activities are unavoidable to allow for new projects that serve the current social and economic activities. Detailed analysis should be undertaken to assess types of impacts, as well as the degree of severity to the society and the environment. As such, only activities with the most beneficial returns to wider societal members and have least adverse impacts to the environment should be allowed to continue.

In summary, the Islamic legal maxim of harm prevention forms a very significant basis in deriving at rulings for environmental care and protection. The basic and important rule to environmental protection is that environmental balance should be kept as what it has been originally created. Any destruction to an item of the environment will definitely cause significant adverse chain-effects not only to humans, but to animals and plants, and other natural resources such as air, water, and soil. In the event of conflicting interest between environmental protection and

the need for development, the supporting maxims provide guidelines in dealing with the pressing issues.

### **SHARIAH AND ENVIRONMENTAL SUSTAINABILITY: THE WAY FORWARD**

Islam has cautioned the believers that human, who is a superior creation above others, has a great tendency to destroy the environment due to the influence of the evil spirit (*nafs*). Thus, even before the environmental issues emerged as a problem, humans have been warned and reminded to maintain the environmental balance (ecosystem). However, details of the prohibition were not available because environmental issue has not reached to an alarming level that granted specific reference during the earlier time. Punishment for environmental offence was also not explicitly made at that point of time due to the nature and duration of the impact on the society. For example, when trees are uprooted, the impact on the ecological system may occur years later when the land structure becomes unstable. The lag effect between the environmental-damaging act and its impact made it difficult to quantify the severity of such offence.

The problem was further exacerbated because it is also difficult to assess the broader impact and cost of pollution to the society. For instance, due to the interdependency of elements of the environment, a polluted river does not only affect the marine ecosystem but also the wildlife and human beings. Lack of empirical evidence on the impact of environmental pollution during earlier times has caused difficulty for Shariah regulators to prescribe measures to prevent environmental pollution and degradation activities. The technology to detect environmental pollution in those time was also not well developed to ascertain the source of pollution and its impact on society. Without being able to accurately identify polluters and difficulty in assessing their impacts, there is no specific and detailed measures and regulations to prevent environmental pollution.

Although Shariah provides very clear rules on how the environment should be taken care of in its primary and secondary sources of Shariah, and Islamic legal maxims, the environmental condition in most Islam-dominated countries suggests that the Shariah call has not been adhered to by the economic agents and other key stakeholders in these countries. For instance, Bangladesh, Pakistan, and Afghanistan are reported as amongst the world's five top polluted countries in 2018 (World Population Review, n.d) . Despite having environmental regulations and are signatories of global environmental treaties, these countries are categorised as ecologically deficit countries. Environmental practices in majority of Islam-

dominated countries are not seriously taken due to rigid and static stance in matters pertaining to the environment. This causes an inertia in the development of rules of engagement, incentives, and enforcement of breach in environmental standards from an Islamic perspective. Environmental issues are treated the same way as they historically, although the types and modes of economic activities have changed over time. Islamic institutions of governance have not adapted to the changes that have undertaken to the economic and industrial structures of their economies. As such, consumers, industry, and key stakeholders in Islam-dominated countries take a parochial attitude towards the environment, resulting in these countries contributing to major environment degradation across the globe.

In view of the current environmental state of the Islam-dominated countries, the revivalist approach to problem solving in matters pertaining to environmental problems provides a more feasible option to the environmental issues. This approach brings together issues in contemporary setting and the Shariah rulings. In other words, the social life and Islam are blended together, thus increasing the ability to meet current challenges. A progressive interpretation of the Shariah is important in dealing with matters arising from current needs of the society. In deriving at the halal (permissible), *mubah* (neither sinful nor meritorious) or haram rules, the context of such act or behaviour needs to be considered and reviewed on a regular basis to ensure that the rules are able to meet the needs of society at all times. An act may be halal at one point of time but becomes haram at another. The same goes for the environmental offences. Such offences were not considered a major concern during the earlier time to be classified as a haram activity. However, when the act becomes destructive to the nature and human, the impact should be assessed from new perspective and dimension. This is to ensure that societal health and wellbeing are not adversely impacted. In line with the *maqasid al-Shariah*, any act of environmental destruction should be categorised as haram and therefore severe financial and non-financial penalty should be imposed on the wrongdoers.

Shariah has a strong influence in the daily life of people in countries where Islam is the main religion. In some countries, Shariah rituals are accepted as daily norms and blended into the culture. As such, Shariah can play an important role in instilling Islamic environmental value among all stakeholders in the Islam majority society. In addition, Shariah's perspective on environmental care is aligned with global initiatives to protect the environment, such as the United Nations's SDG Goals. For instance, the concept of *hima* that emphasises the protection of green areas is congruent to the SDG Goal 15 which calls for the protection of life on land through the reduction of forest loss and continuous degradation of drylands (United Nations, n.d.-a). On the same note, the concept of corporate environmental responsibility forwarded by the modern Islamic jurists supports SDG Goal 12 ensure sustainable



consumption and production. SDG Goal 12 focuses on the need for companies to adopt sustainable business practices in order to minimise their adverse impacts on human health and the environment (United Nations, n.d.-b). Such call is congruent with the concept of legal existence of a firm which is held responsible to the environment similar to individuals.

Religious institutions and regulatory bodies should play an important role in developing a complete set of rules for environmental care and protection. They should educate and instil environmental-friendly behaviour among consumers and industry players in the economy. Clear incentives and penalties should be prescribed to modify behaviour of consumers, industry and other stakeholders, so as to ensure best environmental standards are adhered to. For instance, incentives in the form of tax relief and green loans should be offered to firms initiating environmental protection activities to encourage them to contribute more to the environmental care and protection. Similarly, firms with outstanding environmental activities should be given recognition and acknowledgement in the form of environmental certifications and awards. Another form of incentive to encourage firms to adhere to good environmental practices is to incorporate environmental standards as part of the halal certification process (Nasir et al., 2021). Such move requires significant investments to develop appropriate regulations, monitoring, enforcement, capability development programs, and support for firms to change their processes to one that is environmentally friendly.

Detailed prescriptions on types of offences and penalties should also be set and enforced by law to ensure compliance. Firms which are found guilty of environmental offences should be penalised with hefty financial fines, as well as imprisonment. These penalties serve as a lesson for the environmental defaulters to better care for the environment as part of the *maqasid al-Shariah*. With the new advancement in the technology and modern assessment methods, environmental degradation activities are much easier to be identified and measured, thus provide objective assessment as the basis of punishment for the defaulters. With a complete set of rules for environmental care and protection and relevant enforcement in place, it is hoped that, over time, the Shariah environmental value will be adapted as a new norm in the Islamic majority and Islamic countries.

## **CONCLUSION**

Shariah outlines comprehensive rulings on environmental sustainability issues, and that the theological underpinnings provide valuable insights on the types of institutional reforms that should take place within the Islamic world to ensure

sustainability of the nature's most precious commodity – the environment we live in. As rapid industrial development takes place unabated to meet the needs of increasing global population, the environmental problems as a result of these economic activities, pose a serious threat to the basic necessities of humans or the *dharuriyyah* level of *maqasid al-Shariah*. Despite a strong Shariah call for environmental care and protection, environmental conditions in Islam-majority and Islam-dominated countries are in a poor state. Such condition relates to the rigid stance in the way Shariah rulings are interpreted in matters pertaining to the environment. Incorporating vast economic developments that lead to various social changes and needs, progressive interpretations of Shariah are needed to be able to provide a feasible option to address environmental issues. This paper also highlights the maxims of Islamic jurisprudence in harm prevention and their relevance to environmental sustainability issues at both individual and corporate levels. We also propose practical ways to instil Islamic environmental values among individuals and other market players.

In conclusion, environmental protection from Shariah perspective is applicable not only within Islamic perspective of *maqasid al-Shariah* but also support global community's effort to achieve a sustainable development.

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## REFERENCES

- Abdallah, S. (2010). Islamic ethics: An exposition for resolving ICT ethical dilemmas. *Journal of Information, Communication & Ethics in Society*, 8(3), 289–301. <https://doi.org/10.1108/14779961011071088>
- Akhtar, M. R. (1996). Towards an Islamic approach for environmental balance. *Islamic Economic Studies*, 3(2), 57–76.
- Al-Majalla. (2005). Al-Majalla al Ahkam Al Adaliyah: The Ottoman Courts Manual (Hanafi). Retrieved December 5, 2021 from [http://legal.pipa.ps/files/server/ENG%20Ottoman%20Majalle%20\(Civil%20Law\).pdf](http://legal.pipa.ps/files/server/ENG%20Ottoman%20Majalle%20(Civil%20Law).pdf)
- Al-Majid, O. N. A. (1999). *Environmental issues: From Islamic point of view*. Ministry of Awqaf and Islamic Affairs Doha.

- Al-Munajjid, S. M. S. (2020, 22 March). The hadith “Whoever harms [others], Allah will harm him, and whoever causes hardship [to others] Allah will cause hardship to him”. *Islam question & answer*. <https://islamqa.info/en/answers/285915/the-hadith-whoever-harms-others-allah-will-harm-him-and-whoever-causes-hardship-to-others-allah-will-cause-hardship-to-him>
- Ali, E. M. T. A., Mohd, Z., & Al-Shafi'i, M. M. O. (2017). Vaccination from the perspective of Islamic legal maxim. *International Journal of Academic Research in Business and Social Sciences*, 7(12), 607–614. <https://doi.org/10.6007/IJARBS/v7-i12/3642>
- BBC News (2016, 14 September). Forest-burning is a sin, says Indonesian fatwa. *BBC News*. <https://www.bbc.com/news/world-asia-37358253>
- Bilal, G. (1999). Business organizations under Islamic law: A brief overview. *Proceedings of the Third Harvard University Forum on Islamic Finance: Local Challenges, Global Opportunities, Massachusetts*, pp 83–89.
- Bin Shaikh Mohd Salleh, S. M. S., & Kamarulzaman, A. (2016). Implementation of an Islamic approach to harm reduction among illicit drug users in Malaysia. In: M. Kamali, O. Bakar, D. F. Batchelor, & R. Hashim. (Eds.), *Islamic Perspectives on Science and Technology* (pp269–274). Springer. [https://doi.org/10.1007/978-981-287-778-9\\_18](https://doi.org/10.1007/978-981-287-778-9_18)
- Chan, A., & Islam, M. S. (2015). State, religion, and environmentalism: Fostering social cohesion and environmental protection in Singapore. *Environmental Sociology*, 1(3), 177–189. <https://doi.org/10.1080/23251042.2015.1045263>
- Chew, S. C. (2001). *World ecological degradation: Accumulation, urbanization, and deforestation 3000 B.C.–A.D. 2000*. Altamira Press.
- Dien, M. I. (2000). *The environmental dimensions of Islam*. The Lutterworth Press.
- Dusuki, A. W., & Bouheraoua, S. (2011). The framework of maqasid al-Shariah and its implication for Islamic finance. *Islam and Civilizational Renewal*, 2(2), 316–336. <https://doi.org/10.52282/icr.v2i2.651>
- Ewing, B., Goldfinger, S., Oursler, A., Moore, A. R. D., & Wackernagel, M. (2009). *Ecological footprint atlas 2009*. Global Footprint Network.
- Gari, L. (2006). A history of the Hima conservation system. *Environment and History*, 12(2), 213–228. <https://doi.org/10.3197/096734006776680236>
- Global Footprint Network. (n.d). Ecological footprint per person. <https://data.footprintnetwork.org/#/>
- Hassan, A. (2016). Islamic ethical responsibilities for business and sustainable development. *Humanomics*, 32(1), 80–94. <https://doi.org/10.1108/H-07-2015-0047>
- Herdiansyah, H., Jokopitoyo, R., & Munir, A. (2016). Environmental awareness to realizing green Islamic boarding school (Eco-Pesantren) in Indonesia. *IOP Conference Series: Earth and Environmental Science*, 30, 012017. <https://doi.org/10.1088/1755-1315/30/1/012017>
- Husain, R. (2014, 14 October). Saudis ban smoking, hookahs, tobacco in Islam’s holiest cities. *The Washington Times*.
- Islam, M. S. (2012). Old philosophy, new movement: The rise of the Islamic ecological paradigm in the discourse of the environmentalism. *Nature and Culture*, 7(1). <https://doi.org/10.3167/nc.2012.070105>

- Ismaeel, M., & Blaim, K. (2012). Toward applied Islamic business ethics: Responsible halal business. *Journal of Management Development*, 31(10), 1090–1100. <https://doi.org/10.1108/02621711211281889>
- Ismail, M. F. M. (2018). Development of Islamic ethical framework on harm prevention in nursing practices. Doctoral dissertation, International Islamic University Malaysia. International Islamic University Malaysia Repository, [https://studentrepo.iium.edu.my/bitstream/123456789/5866/1/t11100401582MohdFirdaus%20MohdIsmail\\_SEC\\_24.pdf](https://studentrepo.iium.edu.my/bitstream/123456789/5866/1/t11100401582MohdFirdaus%20MohdIsmail_SEC_24.pdf)
- Kamali, M. H. (1999). *Principles of Islamic Jurisprudence*. Ilmiah Publishers.
- Kamarulzaman, A., & Salleh, S. M. S. (2010). Islam and harm reduction. *International Journal of Drug Policy*, 21(2), 115–122. <https://doi.org/10.1016/j.drugpo.2009.11.003>
- Khalid, F. M. (2002). Islam and the environment. In P. Timmerman (Ed.), *Encyclopedia of global environmental change*. John Wiley & Sons.
- Khan, M. M. (n.d). Translation of Sahih Bukhari. Retrieved 13 January 2021 from <https://www.iium.edu.my/deed/hadith/bukhari/>
- Malay Mail. (2015, 4 October). Haze worsens nationwide, API in Shah Alam hits 'hazardous' level. *MalayMail*. <https://www.malaymail.com/news/malaysia/2015/10/04/haze-worsens-nationwide-api-in-shah-alam-hits-hazardous-level/981321>
- Mangunjaya, F. M. (2011). Developing environmental awareness and conservation through Islamic teaching. *Journal of Islamic Studies*, 22(1), 36–49. <https://doi.org/10.1093/jis/etq067>
- Mangunjaya, F. M., & McKay, J. E. (2012). Reviving an Islamic Approach for Environmental Conservation in Indonesia. *Worldviews*, 16(3), 286–305. <https://doi.org/10.1163/15685357-01603006>
- Mohammed, J. A. (2007). Corporate social responsibility in Islam. Doctoral dissertation, Auckland University of Technology. Auckland University of Technology Repository. <https://openrepository.aut.ac.nz/handle/10292/354>
- Mohamed Sanusi, M. (2008). Money laundering with particular reference to the banking deposit transactions: An Islamic perspective. *Journal of Money Laundering Control*, 11(3), 251–260.
- Muhsin, S. M., Amanullah, M., & Zakariyah, L. (2019). Framework for harm elimination in light of the Islamic legal maxims. *The Islamic Quarterly*, 63(2), 233–272.
- Naseef, D. A. O. (1998). The Muslim declaration on nature. In H. A. Haleem (Ed.), *Islam and the environment*. Ta-Ha Publishers Ltd.
- Nasir, N. M., Nair, M. S., & Ahmed, P. K. (2021). Institutional isomorphism and environmental sustainability: A new framework from the *Shariah* perspective. *Environment Development and Sustainability*, 23, 13555–13568. <https://doi.org/10.1007/s10668-021-01227-0>
- Parvez, Z. (2000). *Building a new society: An Islamic approach to social change*. Revival Publication.

- Parvez, Z., & Ahmed, P. (2004). An Islamic perspective on the lack of social responsibility in business organizations. University of Wolverhampton. Telford. Retrieved 4 August 2020 from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.564.3377&rep=rep1&type=pdf>
- Pickthall, M. M. (2001). *The meaning of the glorious Quran*. Islamic Book Trust.
- Rice, G. (2006). Pro-environmental behavior in Egypt: Is there a role for Islamic environmental ethics? *Journal of Business Ethics*, 65(4), 373–390.
- Saged, A. A. G., Alhaj, T. A. A., & Bi, M. Y. Z. (2017). The role of the maqāsid al-Sharī‘ah in preserving the environment. *Humanomics*, 33(2), 125–132. <https://doi.org/10.1108/H-12-2016-0105>
- Shaham, R. (2020). Legal maxims (qawā‘id fiqhiyya) in Yūsuf al-Qaradāwī’s jurisprudence and fatwas. *Journal of the American Oriental Society*, 140(2), 435–453. <https://doi.org/10.7817/jameroriesoci.140.2.0435>
- Shahran, M. F. M. (2020). The priority of preventing harm in the society. *New Straits Times*. <https://www.nst.com.my/opinion/columnists/2020/10/631030/priority-preventing-harm-society>.
- Shettima, M. (2011). Effects of the legal maxim ‘No harming and no counter-harming’ on the enforcement of environmental protection, *International Islamic University Malaysia Law Journal*, 19(2), 291–308. <https://doi.org/10.31436/iiumlj.v19i2.12>
- Shrivastava, P. (1995). The role of corporations in achieving ecological sustainability. *The Academy of Management Review*, 20(4), 936–960. <https://doi.org/10.2307/258961>
- Tahanawi, M. A. i. A. a. (1996). *Al-kaššāf: mawsū‘ā‘i iṣṭilāhāt al-funūn wa-l-‘ulūm* (A. A. a.-. Khalidi & G. a. Zinati, Trans.). Maktaba Lubnān.
- United Nations. (2015). Islamic declaration on climate change. External Statement. *UNFCCC*. <https://unfccc.int/news/islamic-declaration-on-climate-change>
- United Nations. (n.d.-a). Department of Economics and Social Affairs. Sustainable Development (n.d.) Goals 15 Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss. Retrieved 5 August 2020 from <https://sdgs.un.org/goals/goal15>
- United Nations. (n.d.-b). Department of Economics and Social Affairs. Disability (n.d.) #Envision2030 Goal 12: Responsible Consumption and Production. Retrieved 5 August 2020 from <https://www.un.org/development/desa/disabilities/envision2030-goal12.html>
- World Population Review. (n.d). Most polluted countries 2020. Retrieved 4 December 2021 from <https://worldpopulationreview.com/country-rankings/most-polluted-countries>
- WWF. (2012). Living Planet Report 2012. [https://wwf.panda.org/discover/knowledge\\_hub/all\\_publications/living\\_planet\\_report\\_timeline/lpr\\_2012/](https://wwf.panda.org/discover/knowledge_hub/all_publications/living_planet_report_timeline/lpr_2012/)