

## Maintaining the Social Environment: Urgency and Principles in Maqasid Al-Shariah

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### Abstract

The persistent challenges within the social environment remain a critical area of inquiry, particularly given the intertwined relationship between humanity and the environment that necessitates protection. The integration of Maqasid Al-Shariah with social environmental issues is essential for developing a comprehensive framework for safeguarding this environment (hifz al-bi'ah al-ijtima'iyah). This study attempts to delineate the scope of maintaining the social environment and to identify actionable steps that can be synergized between society, government, and the guiding principles of Maqasid Al-Shariah. Utilizing a literature-based research methodology, this study employs analytical techniques in data reduction, data display, and conclusion drawing from primary references on Maqasid Al-Shariah and selective studies on the social environment. The findings reveal the critical importance of contextualizing Qur'anic and Hadith arguments related to the social environment, emphasizing care, protection, and the development of both natural and human resources. This approach leverages the inherent qualities of human beings as God's creations, including their intellect and spirit, to promote collective benefit. Novel contributions of this research include the application of Islamic values to control social and environmental degradation, an understanding of human nature's interaction with the social environment, and the implementation of amar ma'ruf nahi munkar within this context, supported by government intervention. The implications of this study underscore the need for a comprehensive and mutually agreed-upon concept of environmental protection, aligned with Islamic values, between government and society.

**Keywords:** *Social Environment, Hifz al-Bi'ah al-Ijtima'iyah, Maqashid al-Shariah.*

### Introduction

The discourse on environmental sustainability has increasingly drawn attention within the framework of *Maqasid Al-Shariah*, the higher objectives of Islamic law, particularly in the context of maintaining the social environment.<sup>1</sup> Traditionally, *Maqasid Al-Shariah* has been interpreted through the lens of protecting faith, life, intellect, lineage, and property, but its application to

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<sup>1</sup> Norita Nasir, Mahendhiran Sanggaran Nair, dan Pervaiz Khalid Ahmed, "Environmental Sustainability and Contemporary Islamic Society: A Shariah Perspective," *Asian Academy of Management Journal* 27, no. 2 (7 Desember 2022): 211–31, <https://doi.org/10.21315/aamj2022.27.2.10>.

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environmental and social issues is a relatively recent development in scholarly discussions.<sup>2</sup> While earlier research has focused primarily on the physical environment, addressing issues such as pollution, climate change, and resource management, there is a growing recognition of the need to extend these principles to the social environment—an aspect that remains underexplored in contemporary Islamic legal theory.<sup>3</sup>

Academic debate surrounding this topic centers on the interpretation and scope of *Maqasid Al-Shariah*. Some scholars argue that the traditional objectives should be expanded to include environmental and social dimensions explicitly, while others maintain a more conservative approach, focusing strictly on the original five objectives. This study contributes to this debate by proposing that the preservation of the social environment is not only aligned with but is also a necessary component of the broader goals of *Maqasid Al-Shariah*, thereby offering a more comprehensive approach to Islamic legal theory in the context of contemporary social challenges.

As social creatures, humans constantly interact and are in direct contact with the surrounding environment. Even the level of social interaction is the main thing that can determine human judgment in the eyes of other humans. Therefore, maintaining the social environment for humans is more important because it directly affects them, both bad and good. According to Atho Mudzhar, the urgency in discussing the environment is: first, the objectively real conditions of the environment, which are getting worse day by day both in Muslim countries and globally, including the social environment, as is well known and reported in national and international media. It requires the participation of Islamic teaching values *rahmatan lil'alamin* in creating an excellent social environment, formal institutionalization in studying, and making local wisdom and environmental values conceptualized to strengthen each other, thus fostering an excellent social environment.

Second, Muslims need a comprehensive framework or guiding concept regarding views and ways of participating in environmental conservation issues. This provision requires a study of maqashid al-shariah to contextualize understanding in handling environmental problems broadly. It can be integrated with existing public policies because fiqh cannot overcome environmental problems. Third, environmental jurisprudence is considered not to be an Islamic scientific discipline, therefore, contextualization of Islamic teachings through *maqashid al-shariah* is needed to create concepts and operational levels to protect the social environment. Fourth, environmental jurisprudence, especially *maqashid al-shariah* regarding the environment, can become a parent regarding environmental conservation according to Islamic teachings and can be included in educational programs.<sup>4</sup>

Islamic Sharia also teaches its adherents to care for the environment in general and maintain a social environment where humans live with others. However, the social environment can change according to the situation and conditions and influence others, both humans, geography, economics, culture, etc.<sup>5</sup> The social environment, with its various dimensions, has abnormal symptoms related to social and moral values that occur in society and must be improved following

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<sup>2</sup> Hanā' Fahmi Ahmad Isa, Himāyat al- Syaḥ'ah al-Islāmiyah Li al-Bī'ah al-Ṭabī'iyah, (*Research Summari, Faculty of Islamic and Arabic Studies For girls in Mansoura, Edisi 33, Bagian 1*). 154

<sup>3</sup> Muhamad Zuhaili Saiman, "Keseimbangan Antara Kelestarian Alam Sekitar Dengan Pembangunan Negara Moden Menurut Perspektif Maqasid Al-Shariah: The Balance Between Environmental Sustainability and Modern National Development According to The Perspective of Maqasid Al-Shariah," *Jurnal Pengajian Islam* 17, no. 1 (28 Mei 2024): 69–87, <https://doi.org/10.53840/jpi.v17i1.280>.

<sup>4</sup> Waheeda binti H. Abdu Rahman @ Ali Mutakin, Fiqh Ekologi: Upaa Merawat Lingkungan Hidup Berbasis Konsep Maqashid Syariah, *Syariah Journal of Fiqh Studies*, Vol. 1, No. 2, 2023, 107-125.

<sup>5</sup> Indraddin dan Irwan, *Strategi dan Perubahan Sosial*, (Sleman: Deepublish, 2016). 36.

the objectives of each dimension.<sup>6</sup> Therefore, all situations, conditions, and problems in the social environment must receive attention in Islamic Sharia because it is very important in creating stability, security and comfort in the social environment.

Social environment problems are related to several factors that have become problems and have not stopped over time, such as economic, biological, psychological, and cultural issues.<sup>7</sup> All these problems in Islamic law, through its *Maqasid Al-Shariah*, are covered in rules that can be used as barometers in dealing with the current social environment: (Resisting damage takes priority over attracting benefits).<sup>8</sup> Humans tend to be towards nature/goodness, but the surrounding environment can make them flawed individuals. Moreover, the social environment is the primary basis or source of education after the family environment, which requires attention to form a positive social environment because the benefits of the social environment must be upheld by the community and local government in carrying out daily activities.<sup>9</sup> That is as shown by the results of Ramadhan's research that protecting the environment is one of the efforts to bring about benefits for the environment and preserve natural resources, especially the practice of exploiting gold mining in Silo is an act that destroys nature and threatens agriculture and the ecosystem so that it is haram.<sup>10</sup>

Islamic Sharia recognizes *al-kulliyat al-khams* as the basis for protecting and maintaining all aspects of life, namely protecting religion, soul, offspring, intellect, and property. However, protecting and maintaining the environment, especially social issues, is no less important than these five things. It is even an urgency now with the various problems being faced. The results of Maulana and Rosmayati's research show that the implementation of *maqashid al-shariah* has been carried out by the UPT DAS Citarik, Cicalengka District through a strategy involving elements of the UPT, community, and government so that it can reduce environmental waste pollution and can maintain the social environment well.<sup>11</sup> It means that the implementation of *maqashid al-shariah* has been carried out a lot in our environment. Still, the urgency of establishing the concept thoroughly has not been realized. Even the implementation and programs based on *maqashid al-shariah* have not been exposed and implemented systematically and well. Hence, it requires a concept and strategies to protect the social environment adequately.

Waheeda and Ali, in their research, show that the concept of maintaining and protecting the mind related to the environment can be seen in the role of the mind in protecting the environment and preventing physical and mental damage through concrete steps, the role of maintaining the soul shows that the environment is healthy. Both contribute to the safety and health of human souls. Maintaining offspring proves that protecting the environment, mainly social, can protect the continuity of life for generations and save the environment so that children can enjoy and utilize existing resources. Efforts to protect property are by managing the resources they have amid social

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<sup>6</sup> Elly M. Setiadi, *Pengantar Ringkas Sosiologi: Pemahaman Fakta dan Gejala Permasalahan Sosial*, (Jakarta: Kencana, 2020). 405.

<sup>7</sup> Ziauddin Sardar, "Beyond Development: An Islamic Perspective," *The European Journal of Development Research* 8, no. 2 (1 Desember 1996): 36–55, <https://doi.org/10.1080/09578819608426664>.

<sup>8</sup> Bican Üahin dkk., *American Journal Of Islamic Social Sciences* (International Institute of Islamic Thought (IIIT), 2007).

<sup>9</sup> Muhammad Abdul 'Athi Muhammad Ali, *Al-Maqāṣid As-Syar'īyah wa Atharubā fi al-Fiqh al-Islāmī*, (Kairo: Darul Hadits, 2007). 96.

<sup>10</sup> Muhammad Ramadhan, Maqashid Syari'ah dan Lingkungan Hidup (Bahtsul Masa'il Sebagai Perlawanan Kaum Santri Terhadap Eksploitasi Pertambangan Emas di Silo Jember, *Analytica Islamivaa*, Vol. 21, No. 2 Juli-Desember 2019, 126-136.

<sup>11</sup> Arman Maulana & Siti Rosmayati, Strategi dan Dampak Maqashid Syariah dalam Pemeliharaan Lingkungan, *Geo-Iqtisbodi, Jurnal Ilmiah Ekonomi dan Keuangan Syariah*, Vol. 1, No. 2 Januari, 2020, 63-71.

society wisely and responsibly, and the role of maintaining religion in the social environment shows a good understanding of Islam, especially humans as social creatures.<sup>12</sup>

Based on these problems, it is necessary to reveal how to analyze the urgency of maintaining the environment from a *maqashid al-shariah* perspective and its scope. Of course, the aim is to reveal how important it is to maintain the social environment in religious matters, especially *maqashid al-shariah*. Therefore, This study seeks to address the gap by emphasizing the urgency of maintaining the social environment within the framework of *Maqasid Al-Shariah*, offering a novel perspective that integrates social well-being into the core objectives of Islamic law. By doing so, it challenges the conventional understanding that often separates environmental concerns from social issues. This research argues that the principles of *Maqasid Al-Shariah* inherently encompass the social environment, and thus, protecting it is essential to achieving the holistic well-being that Islamic law seeks to promote.

## Method

This research is library research. Therefore, this research refers to the method used to obtain the desired data, namely by digging and exploring references in the form of books, journals, and others that are closely related to the problem being researched and matters related to the Qur'an, hadith, and fiqh/ushul fiqh books and references related to the social environment to analyze research problems so that they run well and obtain results that meet expectations. These are some steps for selecting the best references as follows:

- a. Collecting references to *maqashid al-shariah*, in general, to study in depth, especially theories that can be connected to the problem, such as the maqashid of Ibn Taimiyah, Al-Raisuni, and Ibn Asyur.
- b. Collecting references related to the social environment and other people's research results, then connect them with selected theories in the first step to explore and deepen.
- c. Contextualizing this relationship to become a concept of *maqashid al-shariah* in protecting the social environment and discuss it based on findings in references and other research.
- d. All findings and discussions are then systematically written to be easily understood.

Even though it is classified as qualitative research, the focus of this research is an analysis of social and environmental phenomena to be used as a discussion and argument about how important it is to protect the social environment so that it can solve the practical problem of *maqashid al-shariah* in the form of maintaining the social environment so that people can know about it well and in detail. Based on this, data collection techniques in the form of literature studies and documentation were carried out to answer the research phenomenon. Meanwhile, the analysis techniques include data reduction, data display, and conclusion to make the research results systematic and appropriate to the problem. In detail, it can be implemented as follows:

- a. The researcher's position is the main instrument for searching, collecting, interpreting, systematizing, and presenting all selected data according to the research discussion.
- b. Collect all references related to the social environment and *maqashid al-shariah* in books, journals, reports, and other research results.

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<sup>12</sup> Waheeda binti H. Abdu Rahman Ali Mutakin, Fiqh Ekologi: Upaa Merawat Lingkungan Hidup Berbasis Konsep Maqashid Syariah, *Syariah Journal of Fiqh Studies*, Vol. 1, No. 2, 2023, 107-125.

- c. All data collected was selected selectively, especially inventorying *maqashid al-shariah* theories and social environmental cases were studied and contextualized in discussions using inductive analysis.
- d. The results of data selection are sorted according to needs with a priority scale from primary to data presentation. Primary data in this case are the maqashid al-shariah theories of Al-Riasuni, Ibn Asyur, and Ibn Taimiyah.
- e. All the data and the study's results and processing are written down systematically so that the research results are known.
- f. Summarizing all the results of discussion or research into conclusions that are easy to understand.

## Result and Discussion

### *The Scope of Hifz al-Bi'ah al-Ijtima'iyah*

The social environment includes interactive components in natural, social, and built aspects. These three things focus on how important it is to maintain and protect the social environment. So far, it seems to have received little attention on how *maqashid al-shariah* is implemented. These three components refer to behavioral control, so people's behavior can be well controlled if they are realized in the social environment. Based on these behavioral control components, as most scholars believe, the primary objectives of Shari'a, especially the 5 types, are closely related to the rules of nature, and humans continue to pay attention to them in all situations and conditions.<sup>13</sup> The understanding of the majority of these scholars contextually indicates a connection between the environment and how to realize *Maqasid Al-Shariah*. That shows that the social environment cannot be separated from the attention of Islamic law, so it is well maintained. *The Maqasid Al-Shariah* analysis is based on maintaining and protecting the social environment according to behavior control, which is based on these three things, as well as the following field facts:

First is the natural component. The meaning of nature, in this case, is everything that concerns the social environment. However, the application of protecting the environment can be understood through the generality of the postulates of Islamic Sharia. The application of maqasid values in this component is contained in Surah al-Rum verse 41 regarding damage caused by human hands or power to nature. This verse is not only understood regarding the damage that has occurred, but there is an interpretation that shows how this damage can be overcome, namely practicing the meaning of faith, acting reasonably or in balance to apply the limits of Allah SWT, and seeking the wisdom of the creation of nature and destruction events of previous people.<sup>14</sup>

The urgency of protecting nature in the social environment can also create material benefits for humans, local customs, and the fulfillment of matters relating to their lives.<sup>15</sup> It can be done with an attitude of responsibility and care for nature, not doing detrimental things like justice and moral integrity.<sup>16</sup> Maintaining the environment or nature where humans live in it can provide benefits. As is known, the development of social welfare is determined by natural factors and their

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<sup>13</sup> Muhammad Abdul Athi Muhammad Ali, *Al-Maqāṣid al-Syarī'ah wa Atharuhā fī al-Fiqh al-Islāmī*, (Kairo: Darul Hadis, 2007). 166.

<sup>14</sup> Abdul Qadir Al-Jilany, *Tafsīr Al-Jilāny*, (Beirut: Syirkah Al-Tamam, 2009). 246.

<sup>15</sup> Ahmad Al-Raisuni, *Mubāẓarat fī Maqāṣid al-Syarī'ah*, (Mansurah: Darul Kalimat, 2010). 131.

<sup>16</sup> Bambang Yuniarto, *Warga Negara Dalam Pelestarian Lingkungan*, (Sleman: Deepublish, 2013). 10.

management and protection.<sup>17</sup> Unbalanced natural components cause environmental damage, while environmental damage affects society's social environment so that it impacts their daily lives.

The results of Joni's research regarding the problem of iron sand mining at Cipatujah Tasikmalaya beach in a *maqashid al-shariah* analysis prove that there is natural damage that should be addressed and that results in the social environment in the form of environmental damage such as damaged roads and polluted beaches, air pollution due to passing mining trucks, decreased fishermen's income because marine biota is polluted. Rivers are shallow, so residents' security and safety are threatened.<sup>18</sup>

Several values that can be used as guidelines regarding the relationship between *maqashid al-shariah* and natural components as the results of Maghfur's research are: a) the creation of the universe, including its components, namely the human cosmos cannot be separated from the measurement levels of Allah SWT, so it must be maintained for the needs of life; b) all actions that have the potential to damage the balance of the ecosystem and natural preservation, including violations and denials, both according to sharia and state regulations; and c) state authorities are obliged to safeguard and protect the rights of their citizens and natural resources which can be implemented through regulations and policies. Of course, this aligns with Islamic law as it implements its teaching values to protect the environment.<sup>19</sup>

Nafis explained that the orderliness of natural components and their contents were subordinated to humans by Allah for their survival, have beneficial value, create interactions between humans and humans with nature, and have the responsibility or obligation to protect the environment and its components by society to live well.<sup>20</sup> Second is the social component. This component includes humans, society, and organizations.<sup>21</sup> Humans are an important component because they can shape their environment based on their desires to protect the social environment, so if their desires are aimed at realizing benefits, then benefits will be created. Conversely, if they are only based on certain groups' interests, they can negatively impact other humans in the social environment.

Humans can think and reason and have cultural and social institutions and knowledge that can support them to process and manage the environment in which they live. Therefore, in terms of maintaining the social environment through this social component, humans have two roles, negative and positive, because every loss or benefit cannot be separated from the role of humans. The role of humans in making their social environment can be done directly or indirectly in meeting their life needs. In contrast, the positive role of humans creates benefits for themselves and the environment because they can protect and preserve their social environment.<sup>22</sup> This role can change due to the demands of human life.

Therefore, in the social environment, the community establishes social-community organizations. There are specific associations in the community and counseling or guidance from the local government to provide knowledge and experience and even develop them to have the

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<sup>17</sup> Ahmad Ra'fat Abdul Jawwad, *Mabādi' Ilmu al-Ijtima'*, (Kairo: Maktabah Nahdhah Al-Syarq, 1982). 61-62.

<sup>18</sup> Trisna Wijaya Joni, Analisis Maqasid Syariah pada Penambangan Pasir Besi Pantai Cipatujah Tasikmalaya, *Al-Mashlahah: Jurnal Hukum dan Pranata Sosial Islam*, Vol. 7, No. 1 Agustus, 2019. 31-44.

<sup>19</sup> Ifdlolul Maghfur, Fiqh Industri Lingkungan (Studi: Maqashid Al-Syari'ah Barokah), *Malia*, Vol. 8, No. 1 Desember 2016. 61-84.

<sup>20</sup> Mamluatun Nafsah, Alquran dan Konservasi Lingkungan (Suatu Pendekatan Maqasid al-Syariah), *Al Quds Jurnal Studi Alquran dan Hadis*, Vol. 2, No. 1, 2018. 1-28.

<sup>21</sup> Wisnu Arya Wardhana, *Teknik Analisis Radioaktivitas Lingkungan*, (Yogyakarta: Andi Offset, 1994). 6.

<sup>22</sup> Sarinah, *Ilmu Sosial Budaya Dasar*, (Sleman: Deepublish, 2016). 122.

desired knowledge and skills. That is because Islam does not deny that humans use all the potential and strength they have to achieve their life goals, so they must be able to experience changes in their lives and social environment in a positive direction. Social development carried out by the community as long as it does not aim for damage or lead to it and seeks to improve society, as well as providing solutions to social problems or realizing the public benefit, is justified by Islamic Sharia. Because the origin of all forms of actions or actions of society is legal or correct, whether in words or actions, several forms of coaching in the social environment can be adapted to the required aspects, such as economic, educational, social, and other aspects.

For example, in Lubis's research, Sudiarti and Irham explain that the social component through community welfare can be identified by analyzing maqashid Sharia, namely the maintenance of religion in a social community is carried out through work and economic fulfillment as well as attention to the rights and responsibilities of each individual; maintenance of the soul, the existence of interaction and communication efforts between communities in order to fulfill their needs for food, clothing, shelter and health for their survival; maintenance of reason which is proven by the community to prioritize education and be able to filter what is good and bad for themselves, society and the environment through their common sense; maintenance of offspring through the establishment of norms in social community life, legal marriage regulations, both based on applicable norms, religious provisions and others to realize the best purity of offspring; and maintaining assets by carrying out socio-economic relations to fulfill each other's living needs and helping each other from other economic aspects.<sup>23</sup>

The social component of humans and the environment in the *maqashid al-shariah* concept is implemented through mutual respect in carrying out worship, good communication between religious followers and promoting peace and benefit in religion. The implementation of protecting the soul in the environment and society can be seen from coexistence, mutual harmony, and mutual maintenance of peace between members of the social community so that things that threaten human life do not arise. Then, at the level of maintaining common sense, this is implemented by not insulting each other, not inciting conflict and not being easily consumed by negative news or things because you must prioritize common sense in receiving information. Therefore, the role will have to be developed and improved to obtain good knowledge and actualize it in society in a good manner. Furthermore, protecting descendants is implemented by imparting beliefs, culture, and noble heritage to the next generation to not harm the spirit of the predecessor community.<sup>24</sup>

Meanwhile, the understanding of protecting property in the social component is implemented by not committing acts that violate social and community norms, even legal, customary, and religious values, such as stealing, gambling, and others. Therefore, social welfare is an important aspect that must be maintained, developed, and improved to create socio-economic stability in society and anticipate social jealousy and wealth inequality between individuals.<sup>25</sup> Several rules or propositions that can be used as guidelines in maintaining the social environment include:

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<sup>23</sup> Nurul Hasanah Lubis, Sri Sudiarti, dan Mawaddah Irham, Analisis Kesejahteraan Masyarakat dalam perspektif Lingkungan XVI, Kelurahan Bantan Timur Kecamatan Medan Tembung, *Jurnal Masharif al-Syariah: Jurnal Ekonomi dan Perbankan Syariah*, Vol. 8, No. 2, 2023, 807-821.

<sup>24</sup> Iffatin Nur dan Muhammad Ngizzul Muttaqin, Bermedia Sosial dalam Perspektif Maqashid Syari'ah (Membangun Komunikasi di Media Sosial Berdasarkan Etika), *Palita: Journal of Social Religion Research*, Vol. 5, No. 1 April 2020, 1-14.

<sup>25</sup> Nurul Hasanah Lubis, Sri Sudiarti, dan Mawaddah Irham, Analisis Kesejahteraan Masyarakat dalam perspektif Lingkungan XVI, Kelurahan Bantan Timur Kecamatan Medan Tembung, *Jurnal Masharif al-Syariah: Jurnal Ekonomi dan Perbankan Syariah*, Vol. 8, No. 2, 2023, 807-821.

لَا ضَرَرَ وَلَا ضِرَارَ

"There must be no danger (dharar) and (mutual) harm (HR. Bukhari dan Muslim)."<sup>26</sup>

The hadith above shows that in the social environment, this principle is prioritized so that it does not harm other people or their social environment. This provision is because what is prescribed by the Islamic religion is not based on one-sided interests, nor does it make it difficult for people to carry it out, including in the social environment, as reflected in the rules: لَا حَرَجَ فِي الدِّينِ (there should be no difficulties in religion) or الْحَرْجُ الشَّدِيدُ مَنفِيٌّ عَنِ الْأُمَّةِ (Severe distress must be eliminated from society).

These two rules show that religion does not want its adherents to experience difficulties, including in their lives in the social environment, so they require an understanding of religious values and teachings as well as a good environment to realize all forms of efforts to maintain and protect the environment. Moreover, following its maqasid, Islamic law is not stagnant in dwelling on understanding religion alone by ignoring the social environment and its problems. On the contrary, it gives members of society the freedom to think about the best in each social environment. This provision is emanated in the rules:

الشَّرْعُ نَزَلَ بِلِسَانِ الْجُمْهُورِ

"Islamic Sharia is derived according to what the majority of society understands."<sup>27</sup>

Evidence of the need to adapt the rules and understanding of Islamic law to various sciences, including the social environment, is what Imam Al-Syathibi said that most Ulama added the limitations of the Qur'an to what their predecessors and contemporaries mentioned with the natural sciences, education, logic, and others.<sup>28</sup> The third is building. Development is needed to maintain and protect the social environment. This assistance can come from community members or others such as the local government or social-community organizations. Islamic Sharia shows the need for development in the social environment, at least through Surah Al-Baqarah verse 30 regarding the excellent task of humans as Khalifah on earth and Surah At-Tin verses 4-6, which shows the need for humans to process to obtain salvation in this world and the hereafter by having faith and doing good deeds.<sup>29</sup>

Social development carried out by the community as long as it does not aim for damage or lead to it and seeks to improve society, as well as providing solutions to social problems or realizing the public benefit, is justified by Islamic law. Because the origin of all forms of actions or actions of society is legal or correct, whether in words or action,<sup>30</sup> several forms of coaching in the social environment can be adapted to the required aspects, such as economic, educational, social, and other aspects.

<sup>26</sup> Endah Kartikasari, *Membangun Indonesia Tanpa Pajak dan Hutang*, (Bogor: Al Azhar Press, 2010). 104.

<sup>27</sup> Majma' Al-Fiqh Al-Islami Al-Duwali, *Ma'lamat Zaid Lil Qawa'id Al-Fiqhiyyah wal Ushuliyah*, Juz 5, (Abu Dhabi: Muassasah Zaid ibn Sulthan Al Nahyan lil A'mal Al-Khairiyyah wal Insaniyyah, 2013). 39-40.

<sup>28</sup> Majma' Al-Fiqh Al-Islami Al-Duwali, *Ma'lamat Zaid Lil Qawa'id Al-Fiqhiyyah wal Ushuliyah*, Juz 5. 44.

<sup>29</sup> Ibrahim ibn Mubarak Al-Juwair, *Atsar Al-Syari'ah Al-Islamiyyah fi Halli Al-Musykilat Al-Ijtima'iyyah*,. 21.

<sup>30</sup> Majma' Al-Fiqh Al-Islami Al-Duwali, *Ma'lamat Zaid Lil Qawa'id Al-Fiqhiyyah wal Ushuliyah*, Juz 8. 350-351.

### ***Maqasidi Analysis: The Urgency of Maintaining and Protecting the Social Environment***

Human activities cannot be separated from the hustle and bustle of life and the environment, especially the social environment which concerns humans with other people and the natural surroundings. Therefore, maintaining and protecting the social environment covers almost all aspects of life, including religion, soul, mind, heredity, and property. That is why maintaining and protecting the social environment is very important. This assertion also emanated in the Qur'an's warning against the damage caused by the cruel hands of humans, which also proves that what humans have done does not only concern their living environment but also the social environment of how humans treat themselves, other people, and the surrounding environment. so that the provisions on damaging aspects, causing problems and the like do not occur. Of course, this understanding is in line with Imam Al Ghazali's words that every benefit is returned to the purpose of the Shari'a, which can be known by means of the Qur'an, hadith, and ijma'.<sup>31</sup>

Karim explained that protecting the environment requires efforts to develop people's awareness of their environment and increase humanistic attitudes through the synergy of government, society, and religious education so that good social attitudes and social feelings are gradually formed in individuals in society who are responsible, have awareness and intellectual as well as self-actualization. in realizing protecting the social and community environment.<sup>32</sup> Not only the application of religious values in the form of maqashid al-shariah, Therik and Lino explained the need to build public awareness of their social environment and provide environmental counseling and education so that people gain knowledge, understanding, and responsible attitudes.<sup>33</sup> Some basics of the urgency of maintaining and protecting the social environment can be implemented by handling social and environmental damage, understanding human nature towards the social environment, implementing *amar ma'ruf nabi munkar* in the social environment, and government intervention necessary.

### ***Handling Social Environmental Damage***

The general understanding of *Maqasid Al-Shariah* in maintaining and protecting the social environment is in the content of the following verse:

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

"There has been visible damage on land and at sea caused by the actions of human hands so that Allah will make them feel part of (the consequences of) their actions so that they will return (to the right path)." (QS. al-Rum: 41).

The verse above does not only interpret environmental damage but also all forms of violations or immorality towards the system or provisions Allah SWT has made, including matters relating to the social environment, namely the spread of immorality, the many violations or abuses that cause blessings, and goodness reduction.<sup>34</sup> Some damage to the social environment, both regarding individuals, morals, and the environment in general, actually occurs, such as the moral degradation of the younger generation, the rise

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<sup>31</sup> Muhammad Sa'd bin Ahmad bin Mas'ud Al-Yubi, *Maqāṣid al-Syarī'ah al-Islāmiyyah wa Alāqatibā bi al-Adillāh al-Syarī'ah*, (Saudi Arabia: Darul Hijrah, 1998). 52.

<sup>32</sup> Abdul Karim, Mengembangkan Kesadaran Melestarikan Lingkungan Hidup Berbasis Humanisme Pendidikan Agama, *Edukasia: Jurnal Penelitian Pendidikan Islam*, Vol. 12, No. 2 Agustus, 2017, 309-330.

<sup>33</sup> Jeny J. Therik dan Maria M. Lino, Membangun Kesadaran Masyarakat Sebagai Upaya Pelestarian Lingkungan, *Jurnal Administrasi Publik*, Vol. 17, No. 1, Oktober, 2021, 89-95.

<sup>34</sup> Muhammad Ali Al-Shabuni, *Shafwah Al-Tafsir*, (Kairo: Darul Shabuni, 1997). 480.

of prostitution, promiscuity, low education, and so on. This fact makes maintaining and protecting the social environment urgently paid special attention to by Islamic Sharia. The five *maqashid al-shariah* that experts have determined seem to focus on a small scope, namely humans, even though the environment needs more attention because it includes these five *maqashid*.

All damage to the social environment is a fact. Still, it can be a meaningful lesson or wisdom for humans because they have reason and religious guidelines as guidance given by God. It means that individual awareness of the social environment is necessary so that damage does not occur or avoids the dangers of the social environment. It emanates from the verse.

لِيَذِيقَهُمْ بَعْضَ الَّذِي عَمِلُوا

The need for individual self-awareness as a caliph on earth who lives amid a social environment and has high roles, functions, and responsibilities can be understood from several meanings of 'al-fasad', namely blessings are reduced due to human actions to repent, price stagnation and at least obtaining the necessities of life, disobedience, cutting off roads and injustice.<sup>35</sup> All of these interpretations require special attention in efforts to realize religious values and goals, so religious dogmas not only seem to touch on matters related to religion, but the social environment and its problems require attention as well.

Environmental problems, the economy, and social welfare make most young people urge the government to pay attention to the problems of the community's environment, welfare, and employment opportunities. That is based on the results of a survey from 9 January to 1 February 2024 of 600 respondents, 49% of Generation Z aged 18-26 years and 39% of the millennial generation aged 27-42 years urging handling of household waste management, climate crisis, industrial waste management, and environmental damage which also has an impact on social society, economic inequality, unequal access to health and education.<sup>36</sup>

On a global scale, in the Environmental Performance Index 2022 (EPI) report, Indonesia's environmental conservation is considered poor, which includes assessments of environmental health, climate and ecosystem vitality.<sup>37</sup> In fact, natural ecosystems have a huge impact and support human life in various aspects of their lives.<sup>38</sup> This demonstrates that environmental and social control are non-negotiable and require special attention from humanity to achieve collective well-being.

At least, efforts to realize benefits to avoid damage or harm in the social environment can be done by caring for the environment, which includes the benefits of humans and other species, developing and increasing natural resources in the social sphere without excessive exploitation,<sup>39</sup> development, and improvement of human resources with various kinds of activities or specific education so that they have good social knowledge and are alert to their environment.

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<sup>35</sup> Abu Abdillah Muhammad bin Ahmad Al-Anshari Al-Qurthubi, *Al-Jāmi' li Ahkām al-Qur'an*, (Kairo: Darul Hadits, 2002). 364.

<sup>36</sup> <https://www.greenpeace.org/indonesia/siaran-pers/57908/isu-kesejahteraan-dan-lingkungan-jadi-perhatian-anak-muda-desak-pemerintah-segera-transisi-ke-ekonomi-hijau/> (Diakses: 28 Juli 2024).

<sup>37</sup> <https://databoks.katadata.co.id/datapublish/2022/07/25/pelestarian-lingkungan-indonesia-tergolong-buruk-di-asia-pasifik> (Diakses: 28 Juli 2024).

<sup>38</sup> Zairin, Kerusakan Lingkungan dan Jasa Ekosistem, *Jurnal georaflesia*, Vol. 1, No. 2, 2016, 1-13.

<sup>39</sup> Fachruddin, *Konservasi Alam Dalam Islam*, (Jakarta: Yayasan Obor Indonesia, 2005). 28.

### ***Human Nature Towards the Social Environment***

Human nature is not only concerned with its potential in living this life but is more directed towards virtue so that it is beneficial for itself and others, even the surrounding environment because it tends to use the mind and soul.<sup>40</sup> These two natures show the need for education or training to develop a better understanding of human roles and responsibilities. The human process of realizing social benefits based on reason and spirit cannot be separated from the understanding and implementation of the concept of *al-mashlahah al-mursalah*, *al-istislahah*, or *al-istihsan*, which shows that what is agreed to protect oneself, the group and the environment is nothing but an embodiment *Maqasid Al-Shariah*.

Human nature in the form of reason cannot be separated from their nature as homo divinan or religious humans who have the Al-Qur'an and hadith as a way of life. However, both can be understood through reason in applying the values of Islamic law to maintain and protect the social environment. The values in each social environment differ from one another so that at least there is a barometer that needs to be considered to realize *Maqasid Al-Shariah* in maintaining and protecting the social environment, namely:<sup>41</sup>

1. Looking at the value of social, and environmental benefits in terms of its substance or essence and its hierarchy or priority scale.
2. Looking at the benefit value in terms of its comprehensiveness.
3. Looking at the benefit value regarding the certainty of the results or their uncertainty.

First, the value of benefits in terms of its essence and hierarchy cannot be separated from how to apply it in the social environment, which cannot be separated from the five levels of *Maqasid Al-Shariah* in the form of *hifz al-din*, *al-nafs*, *al-aql*, *al-nasl*, and *al-mal*. All of these aspects are applied based on a priority scale or sequence, so maintaining religion is more important than anything else. However, the implementation process must consider the means to achieve this through three levels: *daruriyat*, *hajiyat*, and *tahsiniyat*. Suppose the social environment concerns matters that are urgent regarding religion and a necessity. In that case, it must be implemented, such as certain customs in social groups that must not conflict with religion. Religious education is more important as a basis for the moral development of the younger generation.

Likewise, all norms, rules and social interactions become a means of protecting people's souls or selves amid the social environment to create security and comfort. Meanwhile, reason can be used to measure all forms of activities carried out in the social environment to encourage the creation of mutual benefits and prevent disadvantages. Furthermore, *hajiyat* is needed to realize benefits, in this case, in the social environment. Still, it does not reach the level of *dharuri*, such as the need for *muamalah*, carrying out transactions or buying and selling, creating social groups for particular needs, etc. Then, *tahsiniyat*, in this case, is considered good by custom to maintain benefits in the social environment, such as traditional activities, traditional ceremonies, and others, as long as it does not conflict with the values of Islamic teachings.

Second, the comprehensiveness of benefits in the social environment must prioritize the general benefit rather than the individual. It means that all forms of actions, deeds, and written and unwritten rules are based on the common benefit, so if there is a conflict of benefits, reason can consider a more comprehensive benefit. This provision is in line with the rules:

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<sup>40</sup> Muhammad at-Tāhir Ibnu 'Ashūr, *Maqāsid al-Syarī'ah al-Islāmiyyah*, (Jordan: Darul Nafā'is: 2001). 275.

<sup>41</sup> Muhammad Said Ramadhan Al-Buthi, *Ḍawābiḥ al-Maslahah fī al-Syarī'ah al-Islāmiyyah*, (Beirut: Muassasah Al-Risalah, 1973). 249.

الْمَصْلَحَةُ الْعَامَّةُ تُقَدَّمُ عَلَى الْمَصْلَحَةِ الْخَاصَّةِ

"General benefits take precedence over specific benefits."<sup>42</sup>

The need to look at the comprehensiveness of benefits is because the social environment continues to change along with the times. This change covers all aspects of social life, such as economics, culture, education, etc.<sup>43</sup> Third, every benefit aimed at must have truly realistic results, so it is not just a concept. The role of reason as human nature is to process steps to realize benefits in the social environment, such as policies related to the social environment, which must be accompanied by strategies to realize them. The existence of social changes in the environment does not just change quickly but instead experiences processes that can be identified as formulations and considerations in *maqashid al-sharia* related to maintaining and protecting the social environment as follows:<sup>44</sup>

- a. Society will not continue to develop along with the times and the process of meeting needs. It means that social society experiences dynamics according to the times and its needs, so it requires better regulation so that it does not clash with Islamic law; of course, in reviewing the *maqashid al-sharia*, maintaining the social environment and protecting it.
- b. This social change can be seen in the general physical model of buildings for residences, offices, and others. This change must consider the level of needs, whether primary, secondary or tertiary for the social environment, as well as the benefits that can be created to avoid harm.
- c. Changing social situations and conditions occur. This change must be in line with the benefit of the world, even for the afterlife, by applying the concept of *لَا ضَرَرَ وَلَا ضِرَارَ*. (there must be no danger to oneself or others) or public benefit takes priority over personal benefit.

There are changes in segmentation and social structure and groups. It can be seen from at least two social segments or groups: millennial and non-millennial. Both require unique control to form a social environment that aligns with Islamic rules. The community must be able to create a safe environment, support and care for those around them, dare to report acts of violence or similar as an effort to social order, and organize socio-religious programs.<sup>45</sup>

### ***Implementation of Amar Ma'ruf Nahi Munkar in the Social Environment***

All forms of social environment problems can be overcome by involving several experts in their respective fields so that they can formulate all social environment needs well based on the Islamic values that have been adopted. Therefore, as a form of applicable norms, applicable customs, and other positive behaviors can be seen from social groups that will process directly or respond to all forms of activities that are detrimental or damage the environment, whether implemented and processed according to custom or law as a form of implementation of *amar ma'ruf nahi munkar*.

The action of *amar ma'ruf nahi munkar* is the main basis for protecting the social environment. It is an obligation for every human being - not just the government or public authority - who lives to prevent all forms of damage or harm and harm to their environment. Of course, this concept is

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<sup>42</sup> Ahmad Al-Raisuni, *Nazariyat al-Maqāsid inda al-Imām al-Syāḥibī*, (USA: Al-Ma'had al-Alami li al-Fikri Al-Islami, 1995). 290.

<sup>43</sup> Mahmud Audah, *Usūs Ilmi Al-Ijtima'*, (Beirut: Dar Al-Nahdah Al-Arabiyyah, t.th). 119.

<sup>44</sup> Ali Alamsyah Kusumadinata, *Pengantar Komunikasi Perubahan Sosial*, (Yogyakarta: Deepublish, 2018). 10.

<sup>45</sup> Muhammad Fajar Sidiq widodo, et.al., *Hukum Keluarga Islam*, (Banten: PT Sada Kurnia Pustakan, 2023). 80.

a strategic step and practical attitude in implementing all forms of provisions and rules that have been set, as well as the level of knowledge of each individual regarding what is good and evil, what is beneficial, what is mafsadat, and so on. It benefits the social environment by creating justice, prosperity, peace, order, and social security.<sup>46</sup>

There are at least several things that need to be considered to protect the environment through *amar ma'ruf nahi munkar*.<sup>47</sup> *First*, every individual must know sharia law regarding what is prohibited and commanded, especially in terms of how to maintain the social environment, such as maintaining interaction and communication between individuals and groups so that there are no misunderstandings, maintaining customs that do not conflict with Islamic law and actions. *Second*, you must know whether the object of *amar ma'ruf nahi munkar* is *mukallaf*. It means that practices in the social environment to maintain order, security, and comfort to avoid danger and the like must be oriented toward those who are adults. Hence, they can remind each other and have a sense of responsibility as social beings.

*Third*, you must know the situation and conditions of society in the social environment as best as possible. However, societal interactions encourage what is seen and felt to be associated with knowledge of Islamic values. However, people's actions are sometimes carried out simply because of their beliefs without knowing the concrete and logical reasons, and sometimes because they are aware and know it. *Fourth*, implementing *amar ma'ruf nahi munkar* must not cause evil or more significant damage. It means that preventing evil in the social environment must consider whether the impact will be more significant if the concept of *amar ma'ruf nahi munkar* is implemented. It is in line with the rules:

إِذَا تَعَارَضَ مَفْسَدَتَانِ زُوْعِيَّ أَعْظَمُهُمَا ضَرَرًا بِأَرْكَابِ أَحَقِّهِمَا

"If two damages conflict, then pay attention to the damage with the greatest danger by selecting the damage with the least danger."<sup>48</sup>

The rules encourage how evil that occurs, such as in the social and community environment, can be prevented, but if there is an *amar ma'ruf nahi*, evil done. It causes greater evil, then it should be undone so as not to worsen the situation and conditions. *Fifth*, carrying out *amar ma'ruf nahi munkar* in the midst of a social environment must not have a bad impact on the perpetrator or be truly capable of being done. After all, social life prioritizes protecting the soul to avoid harm or negative social impacts for each individual. *Sixth*, warning *ma'ruf nahi* evil starts from oneself, then to others. This implementation concept encourages every individual in the social environment to improve themselves in society. This small thing, at least, encourages and forms security and peace of mind, which can impact the environment.

### **Government Intervention is Very Necessary.**

While maintaining and protecting the social environment is an urgent imperative, as understood through the lens of *Maqasid Al-Shariah*, its practical implementation necessitates the involvement of key stakeholders. These include public authorities, local governments, leaders of social groups, and other influential figures within the community. Their intervention is crucial in ensuring that the social environment is effectively managed and preserved, thereby fostering order,

<sup>46</sup> Syamsul Anwar, *Studi Hukum Islam Kontemporer*, (Yogyakarta: UAD Press, 2019). 59.

<sup>47</sup> Ibnu Mas'ud, *The Miracle of Amar Ma'ruf Nabi Mungkar*, (Jakarta: Laksana, 2018). 34.

<sup>48</sup> Muhammad Musthofa Zuhaily, *Al-Qawā'id al-Fiqhiyyah wa Tatbiqātihā fī al-Maḥātib al-Arba'ah*, (Damaskus: Darul Fikr, 2006) Juz 1. 230.

security, and well-being. The significance of this effort lies in the fact that the social environment is governed by various norms, including legal regulations, government policies, and provisions related to muamalah, all of which must be adhered to in order to maintain societal harmony. All of this aims to achieve mutual benefit in the social environment, as the rules:

تَصَرَّفُ الْإِمَامُ عَلَى الرَّعِيَّةِ مَنْوُوطٌ بِالْمَصْلَحَةِ

" All government policies towards its people are based on the benefit (interests) of the people."<sup>49</sup>

This rule indicates that several policies issued and implemented by the government or leaders, both central and city or in the social environment, have tried to create benefits. At least the established policies, norms, and rules can serve as guidelines for living in a social environment. The need for synergy between the understanding and application of Islamic sharia values in a maqasid and the intervention of leaders strengthens that what is determined tends to be pro-society and in the context of providing benefits and benefits. Apart from that, policies and other provisions can become real legal references if various problems occur in the social environment.

Fauzie's research on environmental policy shows that the government plays an important role in controlling the environment through established rules and policies, establishing cooperation with other governments or other institutions in creating environmental security and benefits, monitoring and managing the environment and other areas for society.<sup>50</sup> Arcaropoboka expressed the same in his research on environmental law, explaining the need for environmental, social, and economic protection, security, and development carried out in an integrated manner between government agencies, government, and society and taking synchronized steps to make it happen.<sup>51</sup>

Based on these facts, Islam encourages synergy between government and society, and implementing beneficial values is the main need that can protect the socio-community and environmental environment.<sup>52</sup> In other words, the role of government, which is in line with realizing environmental benefits, cannot be separated from efforts to regulate laws as a guide in realizing environmental benefits, organizing what has been determined or become a policy, and regulating relations between government and the people as well as their each respective matters and obligations.<sup>53</sup>

## Conclusion

The urgency of maintaining and protecting the social environment not only covers the five *Maqasid Al-Shariah* but is broader because it includes people's actions and attitudes towards their social environment. This urgency needs to be included as a goal of Islamic law because damage to the social environment continues to be a problem today and requires real solutions to handle it. Therefore, protecting and maintaining the social environment cannot be separated from the rules. There must be no danger and mutual harm, there must be no hardship in religion, severe distress must be removed from society, and Islamic law is determined according to what the majority of

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<sup>49</sup>Jalaluddin As-Suyuthi, *Al-Ashbah wa al-Nadair fi Qawa'id wa Furu' Fiqh al-Syafi'iyyah*, (Beirut, Dar Ibn Hazm, 2005). 150

<sup>50</sup> Hannif Rachmad Fauzie, Peran Pemerintah dalam Implementasi Kebijakan Lingkungan di Kabupaten Sidoarjo, *IR Perpustakaan Universitas Airlangga*, 2019. 1-14.

<sup>51</sup> Rj. Agung Kusuma Arcaropoboka, Peran Pemerintah dalam Penegakkan Hukum Lingkungan, *Justicia Sains Jurnal Ilmu Hukum*, Vol. 3, No. 2, 2018.

<sup>52</sup> Abdul Wahhab Khallaf, *Ilm Ushul al-Fiqh*, (Mesir: Dâr al-Qalam, Mesir, 1978). 86

<sup>53</sup> Al-Mawardi, *Al-Ahkâm Al-Sulthâniyah*, (Beirut: Dâr Al-Fikr, tt.). 28.

society understands. Of course, the rules are an effort to create benefits implemented in the natural and social components.

Safeguarding the social environment, as can be contextualized from the Sharia propositions, takes caring for or protecting the environment, developing and increasing natural resources in the social environment, and developing and improving human resources. Of course, this is based on the attitudes and behavior of community members who always try to improve themselves and protect their social environment. One of the environmental problems can be seen from the 2022 Environmental Performance Index report that Indonesia is considered to have a bad environment and has an impact on society. Therefore, the values of maqashid al-shariah can be realized if there is synergy between the government, society, and the environment in realizing mutual benefit. That can be implemented by implementing the main steps to realize social environment protection through handling social environment damage, understanding human nature towards the social environment, implementation *amar ma'ruf nahi munkar* in the social environment, and government intervention to realize the Islamic values, especially maslahat into policy or regulation.

Thus, suggestions for further research should focus on specific social environment problems so that they can be used as prototypes regarding the discussion and scope so that they can be expanded. That is because the discussion of the social environment is extensive and can cover various aspects, including specific scientific disciplines. Furthermore, it is necessary to explore the arguments of the Qur'an and hadith, which can be used as a basis for *Maqasid Al-Shariah* to safeguard and protect the social environment. Furthermore, related discussions in fiqh and ushul fiqh also need to be discussed in depth to synergize with holistic discussions of the social environment.

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