

Text, Context and Natural Conservation: An Analysis of Muhammadiyah's and Nahdlatul Ulama's Islamic Legal Thought on *Fiqh* of Environment

Mohammed Saeed A. Alamri,¹ JM Muslimin,^{2*} K. Wsuwetsa Mukti,³

M. Rayhansyah Jasin⁴

Graduate School Syarif Hidayatullah State Islamic University, Indonesia^{1,2}

Fanshawe College, Canada³

Central European University, Austria⁴

Email: Jm.muslimin@uinjkt.ac.id

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Abstract: This study seeks to examine the dynamics of Islamic legal reasoning applied by Muhammadiyah and Nahdlatul Ulama (NU) in addressing environmental challenges, with particular attention to the paradox reflected in their acceptance of mining concessions granted by the state. In Indonesia, Muhammadiyah and NU have long played significant roles in environmental discourse through fatwas, congress resolutions, and official statements that emphasize ecological responsibility. However, their recent acceptance of mining concessions raises critical questions regarding moral consistency and the direction of Islamic legal reasoning. This research employs a socio-legal approach by examining official documents issued by both organizations using the combined framework of *uṣūl al-fiqh* and socio-legal theory. The analysis focuses on patterns of legal reasoning, sources of legitimacy, and the socio-political dynamics shaping institutional *ijtihād*. The findings indicate that Muhammadiyah predominantly applies a purificatory, normative textual, rational, and systematically organized approach, while Nahdlatul Ulama (NU) demonstrates a more flexible and contextual orientation that is deeply rooted in classical *fiqh* traditions. Nevertheless, in the context of mining concessions, both organizations exhibit a shift toward pragmatic-economic interpretations of religious texts and *maqāṣid al-sharī'ah*. This shift exposes a fundamental tension between normative ideals and political-economic realities, highlighting the susceptibility of Islamic legal reasoning to structural pressures. This article contributes to the advancement of *fiqh al-bi'ah* within Indonesian Islamic legal scholarship by providing a critical reflection on the future direction of Islamic jurisprudence that maintains a strong commitment to ecological justice while engaging the complexities of contemporary socio-political realities.

Introduction

The ongoing global ecological crisis constitutes one of the most critical threats to the continued sustainability of human life. The Intergovernmental Panel on Climate Change (IPCC) report affirms that the impacts of climate change ranging from rising global temperatures and polar ice melting to the increasing frequency of hydrometeorological disasters are becoming more evident and threatening the balance of ecosystems (Calvin et al., 2023). Indonesia, as a country rich in natural resources, faces serious pressures: massive deforestation, water and air pollution, land degradation, and marine ecosystem destruction (Kurniawan et al., 2025). This situation demands real contributions from various social actors, including religious organizations that hold moral legitimacy and broad social bases.

Examples of Indonesia Mining-Related Environmental Damage Data (Often Referenced Using KLHK/BPS Baselines), Some of the figures below are frequently cited in reports and studies that use KLHK/BPS environmental statistics (e.g., national forest cover baselines and environmental indicators) as reference points, although the original publication may come from collaborative datasets or external analytical platforms rather than a single stand-alone KLHK report.

Table 1. Selected Indicators of Mining-Related Environmental Damage in Indonesia

Environmental indicator (mining-related)	Figure / magnitude	Source / validation note
Forest loss linked to mining activities (2001–2023)	Approx. 721,000 ha of forest loss within or associated with mining areas and related infrastructure (including nickel, coal, and other minerals).	Satellite-based analysis referencing national forest cover baselines commonly used in KLHK/BPS frameworks.
Estimated environmental losses from illegal tin mining (Bangka Belitung)	Approx. IDR 271.06 trillion	Estimated ecological damages based on the affected area and environmental valuation methods; widely referenced in national discourse (not necessarily issued as a standalone KLHK statistic).
Number of illegal mining sites (PETI)	Approx. 2,700 locations	Frequently cited estimate in Indonesia; typically discussed in relation to land degradation and weak environmental control measures.

Source: KLHK and BPS in 2023

Table 1 presents indicators of mining-related environmental damage in Indonesia, which illustrate the magnitude and complexity of ecological degradation resulting from extractive activities. The figures summarized in the table are frequently cited in national policy discussions and academic studies that rely on environmental baselines provided by the Ministry of Environment and Forestry (KLHK) and Statistics Indonesia (BPS), as well as satellite-based forest cover analyses and environmental valuation methods. Although the data originate from multiple collaborative datasets rather than a single standalone report, they collectively demonstrate the structural environmental pressures generated by both legal and illegal mining activities. These indicators provide an empirical context for understanding the broader socio-ecological challenges within which Islamic legal responses to environmental issues must be situated.

In the Indonesian context, Muhammadiyah and Nahdlatul Ulama (NU) occupy strategic positions as the two largest Islamic organizations deeply rooted in society's history (Al-Ansi et al., 2023). They are not merely *da'wah*

and educational organizations, but also civil society actors with wide influence in shaping values, ethics, and social policies. With followers numbering in the tens of millions, Muhammadiyah and NU possess significant capacity to respond to environmental issues (Lubis et al., 2025). Since the early 2000s, both have issued dozens of fatwas, congress resolutions, *bahtsul masā'il* decisions, and official statements on environmental conservation. For example, Muhammadiyah, through the Majelis Tarjih and Tajdid, has issued a series of fatwas on waste management, renewable energy, and environmental conservation, underscoring that caring for the environment constitutes a religious obligation (Setiawan et al., 2022). Similarly, NU, through its *bahtsul masā'il* forums, stresses the importance of preserving nature as an implementation of *maqāṣid al-sharī'ah* (Dri Santos and Asnawan, 2023).

However, recent developments reveal a paradox within these organizations. In 2024, the Indonesian government officially granted mining concessions to several religious organizations, with Muhammadiyah and NU among the recipients (Wiryono & Ihsanuddin, 2024). Although both organizations expressed a commitment to managing the mining concessions responsibly and in accordance with the public interest, the decision nevertheless generated significant controversy and public criticism. Many argued that the move contradicts their long-standing ecological commitments. In other words, the normative idealism articulated in fatwas and organizational decisions collides with the pragmatic realities of political economy.

In the discourse justifying the acceptance of mining concessions, a distinct pattern of argumentation emerges. NU emphasizes wealth creation and tends to position itself as an organization capable of engaging in business functions. In contrast, Muhammadiyah links mining activities to social and *da'wah* work, presenting itself as a development-oriented organization. Despite employing different narratives, both reproduce an anthropocentric view of nature, wherein humans are placed as the primary managers of resources (Beery et al., 2023). This demonstrates that religion, instead of becoming a wholly transformative ecological force, can be trapped within pragmatic logics that weaken the "*greening of religion*" hypothesis (Taylor, 2016).

This paradox is a crucial focal point of the present study. The primary concern is not merely to evaluate the political decisions of Muhammadiyah and NU but to analyze how their Islamic legal thought operates in environmental matters and how their methods of legal reasoning shift when confronted with mining interests. Muhammadiyah is widely recognized for its purificatory orientation, which relies on normative textual interpretation combined with rational and systematic reasoning in the formulation of Islamic law (Yudistia Teguh Ali Fikri et al., 2022). NU, conversely, relies on the flexibility of *bahtsul masā'il* tradition, collective authority of scholars, and contextual approaches with an emphasis on *maqāṣid al-sharī'ah* (Asa'ari, 2017). Historically, both methodological traditions have arrived at normative consensus that environmental stewardship is obligatory. However, in the context of mining concessions, both approaches seem to experience a transformation in meaning and interpretation, gradually shifting toward pragmatic and economic considerations.

Here lies the significance of this research. Employing a socio-legal approach, this study analyzes Muhammadiyah and NU's official documents, both concerning environmental fatwas and decisions as well as their latest mining-related policies. The analysis is conducted using the framework of *uṣūl al-fiqh* and socio-legal theory to identify patterns of legal reasoning, sources of legitimacy, and the socio-political dynamics influencing organizational *ijtihād*. This approach enables the study to move beyond the textual level, uncovering how texts are interpreted within social and political contexts.

Academically, this study contributes to two interrelated fields. First, it advances Islamic legal scholarship by critically examining the interaction between normative ideals and pragmatic realities within the *ijtihād* practices of contemporary Islamic organizations. *Second*, within the literature on religious environmentalism, it offers empirical evidence of the limitations of religion in sustaining ecological commitments when confronted with political-economic pressures. Ultimately, this study seeks to deepen scholarly understanding of how Muhammadiyah and NU interpret and practice Islamic law in relation to environmental issues, while also providing critical reflections on the future trajectory of *fiqh* of environment in Indonesia.

Method

This research adopts a socio-legal framework. Such an approach is appropriate because the issues under investigation extend beyond the normative dimensions of Islamic law and encompass the broader social, political, and economic contexts in which it operates. The analysis of Islamic law employs the framework of *uṣūl al-fiqh* to examine how Muhammadiyah and Nahdlatul Ulama (NU) articulate their perspectives on the *fiqh* of environment, particularly through fatwas, congress resolutions, and *bahtsul masā'il* forums. At the same time, socio-legal theory is utilized to explore how these modes of legal reasoning are shaped by external factors, including state policies such as the granting of mining concessions to religious organizations.

The primary data are drawn from official documents issued by Muhammadiyah and Nahdlatul Ulama (NU) concerning *fiqh al-bi'ah*, along with their formal statements regarding the acceptance of mining concessions in 2024. These are supplemented by secondary materials, including academic literature, government regulations, and relevant media reports. The analysis proceeds in three stages: *first*, the classification of documents relating to environmental and mining issues; *second*, an examination of patterns of legal reasoning through the lens of *uṣūl al-fiqh*; and *third*, a comparative analysis of both organizations within the socio-legal framework. Through this methodological design, the study seeks to uncover the dialectic between normative idealism and pragmatic realities in the Islamic legal thought of Muhammadiyah and NU.

Results and Discussion

The Landscape of *Fiqh* of Environment Studies

Research on the relationship between religion and the environment has expanded considerably over the past two decades. Within the Islamic tradition, this issue is articulated in the concept of *fiqh al-bi'ah* (environmental

jurisprudence), which views the preservation of nature as part of the objectives of Islamic law (*maqāṣid al-sharī'ah*). These objectives not only encompass the protection of life (*ḥifẓ al-nafs*), intellect, and property, but also the safeguarding of nature (*ḥifẓ al-bi'ah*). This perspective affirms that environmental preservation is not merely a social agenda but is grounded in a normative-religious foundation. Global scholarship, as highlighted by Anna M. Gade, reinforces this position by demonstrating how mainstream Islamic organizations, including NU and Muhammadiyah in Indonesia, have used their religious authority to legitimize environmental activism. In contrast to Salafi groups, which tend to be skeptical of climate change issues, NU and Muhammadiyah place religion as a moral foundation in responding to the modern ecological crisis (Gade, 2023).

Research conducted by David Efendi, Nanang Indra Kurniawan, and Purwo Santoso shows that Muhammadiyah's ecological movement has transformed from the realm of *fiqh* into political advocacy. Their article in *Studia Islamika* underscores that Muhammadiyah's environmental fatwas are not solely normative legal rulings but also operate as moral and political instruments that shape state policy (Efendi et al., 2021). Through its Environmental Council (*Majelis Lingkungan Hidup*), Muhammadiyah actively engages in issues such as waste management, renewable energy, and conservation. Muhammadiyah's methodological characteristic of purification renders its approach rational, systematic, and text-based. Yet this orientation does not confine it to formalism; instead, it provides a foundation for the organization's involvement in social engagement and public advocacy. Thus, Muhammadiyah can be understood as a modernist organization that integrates normative-textual reasoning with practical orientation in environmental issues.

NU, meanwhile, approaches environmental issues through a different methodological lens. It relies on the *bahtsul masā'il* tradition, a collective forum of scholars interpreting classical *fiqh* texts (*kutub al-turāth*) to address contemporary problems. Iskandar and Hadi Sofuoğlu, in the *Bulletin of Islamic Research*, demonstrate that the environmental fatwas issued by the Indonesian Ulema Council (MUI), where NU scholars play a dominant role, reflect this *bahtsul masā'il* methodology (Iskandar & Sofuoğlu, 2025). For instance, fatwas prohibiting forest burning and the hunting of endangered species illustrate how classical texts can be mobilized to address modern ecological challenges. This approach underscores NU's flexibility: it does not adhere strictly to textualism but combines texts with social context. Such a methodology aligns with NU's identity as a tradition-based organization that remains contextual in practice.

External studies on Islamic organizations in Indonesia also underline their strategic importance. Jonathan D. Smith notes how NU and Muhammadiyah actively mobilize their constituencies in engaging with global climate change discourses (Smith, 2018). He emphasizes that both organizations possess a unique capacity as civil society actors to bridge theological teachings and socio-political practices. For Jonathan, NU and Muhammadiyah (Local Indonesian Religious Environmental Movements) not only engage in internal Islamic discourses but also articulate ecological

concerns within the public sphere and national politics, making them key players in Indonesia's environmental politics.

Further, Aninda Dewayanti & Norshahril Saat, in *ISEAS Yusof Ishak Institute*, expand this argument by underscoring the potential of religious organizations in environmental protection in Indonesia (Dewayanti & Saat, 2020). They argue that the moral authority and social reach of NU, Muhammadiyah, and MUI render religious organizations more effective than government institutions in engaging grassroots communities. Fatwas and environmental programs driven by these organizations are often more readily accepted by society due to their spiritual legitimacy. Thus, the role of religious organizations in ecological issues is not merely normative but also highly practical in nature.

Nevertheless, significant challenges remain. Fachruddin M. Mangunjaya and Gugah Praharawati, highlight the dilemmas faced by Muslim environmental activists in Indonesia (Mangunjaya & Praharawati, 2019). They note that institutions such as MUI's Institute for Environmental Preservation and Natural Resources (*LPLH-SDA*), NU's Disaster Management and Climate Change Agency (*LPBD*), and Muhammadiyah's Environmental Council (*MLH*) actively translate Islamic teachings into practical actions and policy advocacy. However, these efforts often clash with political interests, funding limitations, and the dominance of the state's extractive development paradigm. As a result, the normative idealism of *fiqh* of environment frequently encounters barriers in socio-economic realities.

F. Zahro, in her work *Religion and Mining: A Discursive Study on PBNu and PP Muhammadiyah*, argues that a critical discourse analysis of Muhammadiyah and NU's official texts concerning mining concessions reveals divergent patterns of justification. NU tends to emphasize wealth creation and position itself as a business-oriented organization, while Muhammadiyah connects mining with social and *da'wah* activities, portraying itself as a development organization (Zahro & CRCS, 2024). Despite the different narratives, both reproduce an anthropocentric perspective of nature, viewing humans as the primary managers of natural resources. This demonstrates that religion does not always provide an ecological critique but may instead adapt to the pragmatic logic of political economy. This paradox complicates the "greening of religion" hypothesis, which generally assumes that religion possesses a transformative capacity to promote ecological awareness.

Taken together, these studies demonstrate that previous research has extensively examined Muhammadiyah and NU's contributions to environmental issues, whether through fatwas, advocacy, or social programs. However, there remains a paucity of studies that specifically dissect the patterns of Islamic legal reasoning in these organizations, particularly in the paradoxical case of mining concessions. Much of the existing literature highlights the positive contributions of religion to ecological concerns. However, it has not yet critically examined how the normative idealism of environmental *fiqh* engages with the political-economic realities that shape institutional decision-making.

It is in this gap that the present research finds its relevance. By examining the patterns of Islamic legal reasoning within Muhammadiyah and

NU, both in their environmental engagements and in the mining concession case, this study aims to offer a concrete portrayal of the dialectics of Islamic law in Indonesia. The analysis of shifting interpretations of texts and *maqāṣid* within pragmatic-economic frames will highlight the fundamental tension between idealism and reality, while opening critical reflections on the future of *fiqh* of environment in Indonesia.

Table 2. Previous Studies on Fiqh of Environment and Islamic Organizations in Indonesia

No.	Author(s) & Year	Research Focus	Object & Method	Key Findings	Limitations
1	Gade (2023)	Religion and environmental activism in the global Islamic context	NU & Muhammadiyah; comparative study	Religion functions as a moral and normative foundation for environmental activism; NU and Muhammadiyah adopt more progressive ecological stances than Salafi groups	Does not examine patterns of Islamic legal reasoning in detail
2	Efendi et al. (2021)	Transformation of environmental fatwas into political advocacy	Muhammadiyah; policy and institutional analysis	Environmental fiqh operates as a moral–political instrument influencing state environmental policies	Limited discussion on normative–economic tensions within fiqh
3	Iskandar & Sofuoğlu (2025)	Bahtsul masā'il methodology in environmental fatwas	MUI/NU; fiqh textual analysis	Classical fiqh texts are recontextualized through collective reasoning to address contemporary environmental issues	Lacks comparison with Muhammadiyah's legal methodology

Text, Context and Natural Conservation: An Analysis of Muhammadiyah's and Nahdlatul Ulama's Islamic Legal Thought on Fiqh of Environment

Mohammed Saeed A. Alamri et al.

4	Smith (2018)	Islamic organization as environmental civil society actors	NU & Muhammadiyah; political sociology approach	NU and Muhammadiyah bridge theological teachings with socio-political environmental practices	Underexplores Islamic jurisprudential (fiqh) dimensions
5	Dewayanti & Saat (2020)	Role of religious authority in environmental governance	NU, Muhammadiyah, MUI; institutional analysis	Religious organizations possess stronger grassroots legitimacy than state institutions in environmental protection	Does not address conflicts with economic or extractive development interests
6	Mangunjaya & Praharawati (2019)	Challenges of Islamic environmental activism	Muhammadiyah MLH, NU LPBI, MUI LPLH-SDA; field-based study	Normative ideals of environmental fiqh frequently clash with political and economic constraints	Lacks analysis of internal Islamic legal reasoning structures
7	Zahro (2024)	Religious discourse on mining concessions	NU & Muhammadiyah; critical discourse analysis	Both organizations reproduce anthropocentric narratives and adapt religious discourse to political-economic pragmatism	Does not examine maqāṣid al-sharī'ah and juristic reasoning dynamics

Source: Compiled by the author(s)

In the table 2 above summarizes key scholarly contributions on fiqh of environment and the role of Islamic organizations in environmental governance in Indonesia. The reviewed studies consistently demonstrate that Muhammadiyah and Nahdlatul Ulama (NU) have played significant normative and practical roles in promoting ecological awareness through fatwas, advocacy, and institutional programs. Most existing studies concentrate on environmental activism, institutional involvement, or religious discourse, while giving relatively limited attention to the internal patterns of Islamic legal reasoning (ijtihād) that underpin these positions. Moreover, few studies critically examine how Islamic legal methodologies respond when ecological commitments confront political-economic interests, particularly in

the context of mining concessions. This gap underscores the originality of the present study, which specifically analyzes shifts in Islamic legal reasoning within Muhammadiyah and NU by situating fiqh al-bi'ah within a socio-legal framework.

This study presents a novelty by examining the patterns of Islamic legal reasoning (fiqh) in the environmental responses of Nahdlatul Ulama (NU) and Muhammadiyah, particularly in the controversial case of mining concessions, which has so far escaped the attention of previous studies. Unlike previous research that emphasized the normative contribution of religion to ecological issues, this study highlights the tension between maqāṣid al-sharī'ah (objectives of Islamic law), religious texts, and political-economic interests, thus demonstrating environmental fiqh as a dialectical arena between normative idealism and institutional pragmatism.

Muhammadiyah's Legal Thought on *Fiqh* of Environment

Since its establishment, Muhammadiyah has exhibited a distinctive feature in Islamic legal thought, namely purification (*tajdīd*), which prioritizes a return to the Qur'an and Sunnah as the primary sources of law. In the practice of *istinbāt*, Muhammadiyah, through the Majelis Tarjih and Tajdid (MTT), uses an *ijtihād* method that combines the *bayānī* (textual), *burhānī* (rational-empirical), and *irfānī* (moral-spiritual) approaches. This *tarjih* process is not only oriented toward scriptural evidence (*dalīl naṣṣī*), but also toward consideration of public good (*maṣlaḥah*) and social context. This method makes Muhammadiyah's legal thought normative-textual, rational, and systematic, while still leaving room for renewal according to the demands of the times (Hidayat, 2023).

In the ecological context, this methodological orientation is manifested in a series of thematic fiqh formulations produced through the National Tarjih Conferences (Munas Tarjih) over the past decade. The first of these is the Fiqh of Governance (*Munas Tarjih* 27, Malang 2010)(Majelis Tarjih Muhammadiyah, 2010), which, although its focus is on organizational governance, also affirms the importance of accountability and sustainability principles, including in the management of natural resources. *Second*, the *Fiqh of Water* (*Munas Tarjih* 28, Palembang 2014)(M. T. Muhammadiyah, 2014), which explains Islamic views on the management, utilization, and conservation of water as the source of life. This document emerged as a response to the water crisis in Indonesia, affirming that maintaining the quality and sustainability of water is a religious obligation (*wājib shar'ī*). *Third*, the *Fiqh of Disaster* (*Munas Tarjih* 29, Yogyakarta 2015; Muhammadiyah Central Board Decree No. 102/KEP/I.O/B/2015) (M. T. Muhammadiyah, 2015), which was later also published in English as *Coping With Disaster* (2016). This document combines worship ethics, the principle of *maṣlaḥah*, and practical guidance for disaster management based on Islamic values. The entire series illustrates Muhammadiyah's efforts to position fiqh as both a normative framework and a practical instrument for addressing contemporary ecological challenges.

Apart from the MTT products, the role of the Environmental Council (*Majelis Lingkungan Hidup*, MLH) is very strategic in developing

Muhammadiyah's *fiqh al-bī'ah*. MLH affirms Islamic ecotheology as the basis for real action, placing *tawhīd* as the ethical foundation, humans as *khalīfah*, and *maṣlaḥah* as the practical orientation. Through its programs, MLH has succeeded in transforming *fiqh* of environment into concrete social movements. For example, the "1000 Lights" program launched after the 2022 Congress, which emphasizes the transition to renewable energy in Muhammadiyah institutions, mosques, and Islamic boarding schools (Persyerikatan & Muhammadiyah). In addition, MLH conducted energy audit training for Muhammadiyah educational and health institutions as part of its efforts to translate the ethical principles of environmental fiqh into practical energy efficiency initiatives. The Eco-Mosque movement and the Waste Charity (*Shadaqah Sampah*) further demonstrate Muhammadiyah's innovation in integrating religious values, economic empowerment, and environmental awareness (Mohamed, 2014).

Thus, Muhammadiyah's Islamic legal thought on environmental issues displays a three-layered architecture. *First*, the normative-textual layer, in the form of thematic *fiqh* of Tarjih which affirms the religious obligation to preserve the environment through water management, disaster mitigation, and organizational governance. *Second*, the institutional-governance layer, which places accountability and *maṣlaḥah* principles in managing both the organization and resources. *Third*, the praxis-ecothological layer, carried out by MLH through climate mitigation, energy transition, conservation, and waste management programs.

With these characteristics, Muhammadiyah demonstrates a shift from purely normative fiqh toward a more practical and action-oriented ecological movement. The fatwas and decisions of MTT do not stop at the level of texts, but become the basis for public policy advocacy as well as social innovation at the grassroots level. This is in line with the study of David Efendi, Nanang Indra Kurniawan, and Purwo Santoso, which affirms the shift of Muhammadiyah's ecological movement from *fiqh* to political advocacy. External perspectives such as Robert Hefner and Anna Gade also emphasize that Muhammadiyah has a unique capacity to bridge theological teachings with social movements, making it a key actor in religious environmentalism in Indonesia (Qodir et al., 2023a).

Therefore, Muhammadiyah's pattern of Islamic legal reasoning in environmental issues can be understood as institutional *ijtihād* that combines the method of *tarjih* (textual purification), rationalization of *maṣlaḥah*, and praxis-ecothology. This combination enables Muhammadiyah not only to reaffirm the normative ideals of Islam in environmental preservation but also to translate these principles into social practices that are relevant to contemporary ecological challenges.

Nahdlatul Ulama's Legal Thought on *Fiqh* of Environment

In contrast to Muhammadiyah, which emphasizes purification and textual rationalization, Nahdlatul Ulama (NU) determines Islamic legal rulings through the *Bahtsul Masā'il* forum (LBM), a tradition of scholarly deliberation deeply rooted in the corpus of *kutub al-turāth* (classical texts)(Muzawwir, 2021). NU's method of *istinbāt al-ḥukm* relies on three

principal approaches. The first is the *qauli* method, which refers directly to the opinions of authoritative jurists as found in canonical *fiqh* works. The second is the *ilhaqi* method, which analogizes new cases to similar precedents discussed in the classical literature. The third is the *manhaji* method, which applies the principles of *uṣūl al-fiqh* to derive rulings when no explicit textual or juristic reference can be found. Taken together, these approaches indicate that NU's legal reasoning is contextual, collective in character, and firmly rooted in the authority of the classical *fiqh* tradition (Muhammad, 2016).

With regard to environmental issues, NU has issued a series of significant rulings through *Bahtsul Masā'il* in various congresses and national deliberations. At the 32nd NU Congress in Makassar (Nahdlatul Ulama, 2010), for instance, the issue of climate change was discussed, emphasizing the importance of ecological balance as part of humankind's responsibility as *khalīfah* on earth. At the National Conference of Ulama and the NU National Conference in Cirebon LTN PBNU, "Musyawarah Nasional Alim Ulama Dan Konferensi Besar Nahdlatul Ulama" 17 (2012): 302., NU adopted a decision prohibiting deforestation, grounding its reasoning in the legal maxim *lā ḍarar wa lā ḍirār* (neither inflicting harm nor reciprocating harm). Similarly, *Bahtsul Masā'il* forums later declared the practice of forest and land burning (in bahasa Indonesia: *karhutla*) unlawful (*ḥarām*) on the grounds that it causes ecological destruction, endangers public health, and violates the *shar'ī* imperatives of *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-bi'ah* (protection of the environment) (MUI, 2016). At the regional level, NU's rulings have also addressed the protection of endangered species, waste management, and the promotion of sustainable energy.

Beyond the outcomes of *Bahtsul Masā'il*, NU has institutionalized its environmental commitment through the establishment of the Disaster Management and Climate Change Agency (*Lembaga Penanggulangan Bencana dan Perubahan Iklim*, LPBI NU). Created in response to the increasing frequency of ecological disasters in Indonesia, LPBI NU extends NU's role from disaster relief to broader efforts in mitigation, public education, and environmental policy advocacy (Mardhiah et al., 2014). Through LPBI NU, NU's *fiqh* of environment is operationalized in social practices such as mosque-based disaster preparedness training, campaigns against forest burning, and community-based renewable energy initiatives (Kasanah et al., 2023).

This pattern indicates that NU's approach to environmental jurisprudence is flexible, responsive to context, and firmly rooted in the classical Islamic legal tradition. While LBM NU ensures that rulings remain anchored in the authority of the *kitab kuning* (classical texts) and also *kitab putih* (contemporary text), the use of *ilhaqi* and *manhaji* methodologies allows adaptation to contemporary ecological challenges such as climate change, forest fires, and energy transitions (Permana, 2023). Importantly, LPBI NU translates these normative decisions into concrete grassroots action, ensuring that doctrinal commitments are not confined to textual rulings but are embodied in social praxis (LPBI NU, 2017).

In scholarly discussions, NU's approach is often characterized as *living fiqh*, a dynamic and socially embedded form of Islamic law that develops in accordance with societal contexts. Aninda Dewayanti & Norshahril Saat

highlights how NU's *Bahtsul Masā'il* methodology demonstrates the capacity of classical tradition to engage contemporary ecological issues also underscore NU's moral authority and extensive social networks, which enhance its effectiveness in mobilizing grassroots communities for environmental action. By combining the methodologies of classical *fiqh* with modern institutional initiatives, NU offers a model of Islamic jurisprudence that is both adaptive to contemporary realities and faithful to the authority of tradition.

In this regard, NU illustrates that Islamic legal thought on the environment is not merely a normative doctrine but also a lived social praxis deeply connected to Indonesia's ecological realities. This dual character positions NU as a distinctive religious actor in addressing the global ecological crisis, while at the same time offering a methodological paradigm for the development of *fiqh al-bī'ah* that remains grounded in tradition and responsive to contemporary contexts.

An Analysis of Islamic Legal Thought of Muhammadiyah and NU

The analysis of Islamic legal thought within Muhammadiyah and Nahdlatul Ulama (NU) on environmental issues reveals both normative convergence and significant methodological divergence. At the normative level, both organizations affirm that environmental protection constitutes a *shar'ī* obligation rooted in the concept of humankind as *khalīfah fī al-arḍ* and the legal maxim *lā ḍarar wa lā ḍirār* (no harm and no reciprocating harm). This shared commitment is evident in fatwas, *tarjih* decisions, and *bahtsul masā'il* outcomes that prohibit environmental destruction, prioritize the protection of water resources, and underscore the necessity of disaster mitigation.

Nevertheless, their respective methods of legal formulation underscore epistemological differences. Muhammadiyah tends to emphasize purification and textual rationalization through the method of *tarjih*, while NU adopts a more flexible stance by upholding the authority of classical texts via the *qaulī*, *ilhaqī*, and *manhajī* methods employed in the *Bahtsul Masā'il* forum.

Table 3. Comparative Framework of Islamic Legal Reasoning in Muhammadiyah and Nahdlatul Ulama

No	Aspect	Muhammadiyah	Nahdlatul Ulama
1.	Method of Legal Reasoning	<i>Tarjih</i> (purification; <i>bayānī–burhānī–'irfānī</i> ; textual rationalization)	Bahtsul Masā'il (qaulī, ilhaqī, manhajī)
2.	<i>Fiqh</i> Products/Decisions	<i>Fiqh of Governance</i> (2010), <i>Fiqh of Water</i> (2014), <i>Fiqh of Disaster</i> (2015)	Makassar Congress (2010), Cirebon National Conference (2012), Fatwa on Forest and Land Burning (2015)

Text, Context and Natural Conservation: An Analysis of Muhammadiyah's and Nahdlatul Ulama's Islamic Legal Thought on Fiqh of Environment

Mohammed Saeed A. Alamri et al.

3. Sources of Legitimacy	Al-Qur'an, Sunnah, <i>maqāṣid al-sharī'ah</i> , rationalization of <i>maṣlaḥah</i>	Classical <i>fiqh</i> texts (<i>kutub al-turāth</i>), principles of <i>uṣūl al-fiqh</i> , collective decisions of scholars
4. Epistemological Orientation	Normative-textual, systematic, rational, purificatory	Contextual, flexible, rooted in the classical <i>fiqh</i> tradition
5. Character of Legal Products	Thematic, systematic, applicative	Case-based (<i>kasuistic</i>), responsive to concrete contemporary issues

Source: Author's analysis

In the table 3 above summarizes the fundamental differences and convergences in the Islamic legal reasoning of Muhammadiyah and Nahdlatul Ulama. The comparison reveals not only different methodological orientations, namely *tarjih*-based purification in Muhammadiyah and *bahtsul masā'il*-based traditionalism in NU, but also distinct epistemological foundations, sources of legitimacy, and forms of legal output. While Muhammadiyah tends to produce systematic and thematic *fiqh* formulations grounded in normative-textual rationalization, NU emphasizes contextual and case-based rulings rooted in classical *fiqh* authority. This comparative framework provides an analytical basis for understanding how both organizations arrive at similar normative commitments to environmental protection, yet display different interpretive trajectories when confronted with contemporary political–economic challenges, such as mining concessions.

These methodological differences are reflected in the respective legal products of the two organizations. Muhammadiyah has produced systematic thematic *fiqh*, such as the *Fiqh of Water* (2014), the *Fiqh of Disaster* (2015), and the *Fiqh of Governance* (2010). These products contain not only normative fatwas but also practical guidelines that are applicable and can serve as frameworks for social action. NU, on the other hand, emphasizes *bahtsul masā'il* rulings that respond directly to contextual issues, such as the prohibition of forest and land burning (*karhutla*), responsibilities regarding climate change, and fatwas on deforestation. NU's legal products are often case-based (*kasuistic*), yet they retain normative authority by virtue of their grounding in scholarly consensus and the classical *fiqh* tradition.

At the institutional level, Muhammadiyah—through its Environmental Council (*Majelis Lingkungan Hidup*, MLH)—has successfully transformed fatwas into systematic socio-ecological movements, such as the “1000 Lights” program for renewable energy, the Eco-Mosque movement, and the Waste Charity (*Shadaqah Sampah*). NU, by contrast, through its Disaster Management and Climate Change Agency (*LPBI NU*), has focused more on disaster mitigation, community education, and environmental advocacy at the grassroots level. These two bodies demonstrate how religious legal products are translated into tangible social programs, albeit through different approaches: Muhammadiyah employs a structured modern institutional model, whereas NU adopts a cultural model rooted in traditional boarding

school communities (in bahasa Indonesia: *pesantren*) and the traditions of religious scholarship.

This comparative analysis indicates that Muhammadiyah represents a normative-textual, rational, and systematic orientation characterized by purification, while NU reflects a more contextual, flexible orientation rooted in the classical tradition. Both make significant contributions to the development of *fiqh al-bī'ah* in Indonesia, though through different epistemological styles. Such differences highlight the richness of Indonesia's Islamic legal heritage, which is not monolithic but plural, shaped by the diverse socio-cultural dynamics of Muslim society. At the same time, however, this analysis also opens space to observe how these legal orientations may undergo shifts when confronted with political and economic interests.

Mining Concessions: A Legal and Moral Paradox

The granting of mining concessions by the state to Indonesia's two largest Islamic organizations, Muhammadiyah and Nahdlatul Ulama (NU), in 2024 sparked widespread debate (Perdana, 2024). For decades, these organizations have been recognized as engines of moral, social, and educational movements, including in the realm of environmental advocacy. They have issued fatwas, *fiqh* guidelines, and institutional rulings affirming that the protection of nature is a *sharīf* obligation. Muhammadiyah, through its *Fiqh of Water*, emphasized the stewardship of water resources, while its *Fiqh of Disaster* highlighted disaster mitigation grounded in religious values. NU, through its *Bahtsul Masā'il* forums, produced rulings rejecting deforestation and reaffirming humankind's responsibility as *khalifah* in addressing climate change. Yet the ecological reputation built through legal texts and social practice was placed at risk when both organizations accepted the opportunity to manage mining concessions.

For Muhammadiyah, the dominant justification was that the mining concessions could be utilized as instruments for social da'wah and community empowerment. By managing these resources, Muhammadiyah aspired to expand its charitable enterprises, finance education, and strengthen healthcare services (S. Muhammadiyah, 2024). This perspective marked a shift from the logic of purification and normative Islamic legal commitments toward an economic rationalization. What had previously been articulated in the language of environmental ethics was reframed in terms of organizational sustainability. A paradox emerged as Muhammadiyah's normative commitment to environmental stewardship was put into tension with its entry into a sector widely associated with ecological degradation.

NU followed a different line of argument, though ultimately arrived at a similar outcome. Relying on the flexibility of *Bahtsul Masā'il*, NU interpreted the mining concessions as an opportunity for wealth creation to enhance organizational independence (MKRI, 2024). This reasoning was grounded in the framework of *maṣlaḥah mursalah*, open to new interpretations. If the anticipated economic benefits outweighed potential harms and could be channeled toward the welfare of the Muslim community, then mining management was deemed permissible under *sharī'a*. Yet such flexibility risked producing ambivalence: NU had previously prohibited deforestation and forest

burning, but simultaneously accepted an instrument that is almost inevitably implicated in environmental harm.

This paradox extends beyond a mere inconsistency between words and deeds; it touches the epistemological foundations of Islamic law itself. Both Muhammadiyah and NU had cultivated reputations as organizations that positioned environmental protection within the framework of *sharī'a*. Yet when confronted with state political-economic offers, their epistemologies negotiated with pragmatic realities. Muhammadiyah, usually normative-textual, began rationalizing texts to justify organizational needs, while NU, typically contextual-traditional, drew on its flexibility to construct new legitimations. In other words, both purification-oriented and tradition-based approaches proved vulnerable to shifts when confronted with material interests.

The implications of this shift are substantial. First, it challenges the assumption that religion invariably acts as a moral counterforce to ecological crises. The Muhammadiyah and NU cases show that religious institutions may align themselves with the extractive logic of the state, even at the cost of ecological commitments. *Second*, it undermines their moral authority. Fatwas and rulings that once served as references for environmental activism are now questioned for their consistency. How can an organization issue prohibitions on deforestation while simultaneously accepting mining concessions that almost certainly lead to new deforestation?

Third, the case reveals that institutional Islamic law is never insulated from power relations. Fatwas and religious rulings are not merely the product of texts and scholars but also the outcome of negotiations with political and economic structures. From a socio-legal perspective, this demonstrates that *fiqh* often functions as a dual instrument: on the one hand, reinforcing normative ethics; on the other, serving as a means of legitimizing pragmatic policies. This does not negate the value of Islamic law but demands a critical awareness that religious law too can operate as a vehicle of accommodation to interests.

This paradox provides an opportunity for reflection, highlighting the limitations of both modernist and traditionalist epistemologies of Islamic law in confronting ecological challenges. Muhammadiyah's normative-textual orientation, often regarded as systematic, proved capable of shifting when faced with organizational economic needs. Likewise, NU's contextual and flexible orientation enabled justifications that conflicted with its own prior ecological commitments. From this tension arises the urgency to articulate new paradigms, such as a "green *maqāṣid al-sharī'a*," that explicitly position environmental sustainability as a fundamental and non-negotiable objective of Islamic law.

Public scrutiny of the moral consistency of religious organizations is intensifying. The legitimacy that Muhammadiyah and NU have built through their charitable work and social movements risks erosion if this paradox is not addressed with transparency. Their international credibility is also at stake. For years, Muhammadiyah and NU have been praised as models of moderate Islam contributing to global issues such as environmental stewardship (Koehrsen, 2021). Acceptance of mining concessions may weaken that reputation and even foster perceptions that Indonesian Islamic organizations

are no different from other political actors subject to the extractive logic of the state.

Ultimately, the mining concession paradox exposes the dual character of contemporary Islamic law. On one side, it continues to function as a moral compass affirming the duty to protect nature. On the other, it can be transformed into a pragmatic instrument legitimizing economic interests. This tension is not solely the failure of the organizations but also reflects the broader political-economic reality of Indonesia, which remains heavily dependent on extractive industries. Muhammadiyah and NU therefore face a dilemma: whether to maintain normative consistency or adapt to state-sponsored opportunities in order to ensure institutional survival and growth.

In this light, the acceptance of mining concessions is not a trivial matter but an extraordinary critical juncture that highlights the limitations of Islamic legal frameworks in addressing ecological challenges. This paradox reminds us that fatwas and legal rulings are insufficient if confined to the level of text; they must be safeguarded in institutional praxis. Otherwise, Islamic law risks losing its transformative potential and becoming merely an instrument of justification. For Muhammadiyah and NU, mining concessions may well constitute a crucial test: whether they will reaffirm the ecological commitments they have long proclaimed, or allow this paradox to erode the moral authority they have built over more than a century.

The Politics of Islamic Law in the Acceptance of Mining Concessions

Questions concerning how Islamic law operates within the modern political-economic sphere have long been debated. Since the earliest periods of Islam, law has never functioned in a neutral space but has always been closely intertwined with power. Ibn Taymiyyah's concept of *siyāsah shar'īyyah* underscores that law is not merely a religious norm but also an instrument regulating public life through political authority (Maryuni, 2022). During the Abbasid and Mamluk periods, juristic opinions (*fatāwā*) frequently served to legitimize state policies, illustrating that the practice of Islamic law has historically unfolded through a dynamic interaction between scriptural texts, scholarly authority, and political power.

Similar ideas have also developed within Western legal theory. Michel Foucault, with his notion of *power/knowledge*, argued that law is not simply a set of normative rules but a mechanism of power that shapes discourses and subjects (Poorghorban, 2023). Lawrence Friedman emphasized that law must be understood through three dimensions: the political-economic structures that sustain it, the normative substance it contains, and the legal culture that influences its reception (Ab. Halim & Amni, 2023). Jürgen Habermas, in turn, highlighted the importance of a deliberative public sphere to ensure that law does not become merely an instrument of power but emerges from rational communication among citizens (Habermas, 1981).

These theoretical frameworks are useful for analyzing Islamic law in contemporary Indonesia, particularly in the case of Muhammadiyah and NU's acceptance of mining concessions. Normatively, both organizations' *fiqh* of environment prohibits ecological destruction. Yet in practice, these norms can be reinterpreted to legitimize participation in extractive industries. From a

Foucauldian perspective, the fatwas and decisions of Muhammadiyah and NU are not only interpretations of texts but also discursive products shaped within the state's political-economic networks of power.

From the perspective of classical Islamic theory, al-Māwardī in *al-Aḥkām al-Suṭāniyyah* asserted that the state holds authority to interpret and implement law for the sake of public welfare (Patahuddin et al., 2022). This illustrates that law has often functioned instrumentally, aligned with political needs and authority. Such a tradition persists in modern collective *ijtihād*. Muhammadiyah, with its rational-textual *tarjih* approach, and NU, with its *turāth*-based *baḥsul masā'il*, both produce fatwas that are never entirely insulated from political context. Hence, the mining concessions can be understood as expressions of the instrumentalization of Islamic law, where *fiqh* is employed to justify organizational strategies shaped by relations with the state.

Abdullahi An-Na'im emphasizes that Islamic law in the modern context must be understood through the lens of sociological jurisprudence, viewing law as a product shaped by social, cultural, and political interactions (An-Na'im, 1990). Wael Hallaq takes this critique further, contending that under the modern nation-state and capitalist order, Islamic law has been subordinated and stripped of its epistemological autonomy (Hallaq, 2009). In the mining case, *maqāsid*, which ought to safeguard the environment, were reinterpreted as instruments of economic legitimacy in alignment with state development agendas.

Political-economic theory sharpens this analysis. David Harvey's concept of *accumulation by dispossession* illustrates how modern states deploy various instruments, including law, to justify the appropriation of natural resources (Roberts, 2020). Antonio Gramsci's notion of *hegemony* highlights how power is sustained not only through coercion but also through social consent, secured via cultural and religious institutions (Dal Maso, 2021). By involving Muhammadiyah and NU in the mining sector, the state is in fact constructing a hegemonic consensus in which extractivism is no longer perceived solely as a state project but is reframed as part of a communal religious agenda. Talal Asad's concept of the *Islamic discursive tradition* reminds us that Islamic practices are always produced and reproduced within specific relations of power. Muhammadiyah and NU's acceptance of mining concessions can be read through this lens: *fiqh* of environment functions not only as a religious ruling but also as an articulation of the Islamic tradition situated within contemporary political-economic contexts.

Yet Islamic legal politics cannot be read solely as an instrument of power; it also opens the possibility of normative critique. Fazlur Rahman's *double movement* approach emphasizes that interpretation of Islamic law must return to the universal principles of the Qur'an before being applied to contemporary contexts (Usman et al., 2022). If the universal principle is a prohibition against *fasād fī al-arḍ* (corruption on earth), then any justification of environmental harm in the name of economic benefit must be critically questioned. Jasser Auda further argues that contemporary *maqāsid* must be expanded to include environmental protection as a primary objective of the *sharī'a* (Usman et al., 2022). Within this framework, the acceptance of mining

concessions can no longer be treated as a technical matter; it constitutes a deviation from *maqāṣid* if it cannot ensure ecological sustainability.

This normative critique is particularly relevant in the Indonesian context, where despite Muhammadiyah and NU's justifications, the public demands ecological consistency. Critical voices from academics, activists, and civil society indicate that the legitimacy of Islamic law is determined not only by juristic authority but also by social reception. Habermas would describe this as a deliberative deficit: decisions made without engaging rational public discourse risk losing their communicative legitimacy.

Placed within a broader framework, the politics of Islamic law in the mining concession case reveals three important dimensions. *First*, a historical dimension, demonstrating continuity in the entanglement of Islamic law with state power since the classical era. *Second*, a modern dimension, revealing the subordination of Islamic law to the logic of the nation-state and global capitalism, as criticized by Hallaq and An-Na'im. *Third*, a theoretical dimension, underscoring law as both an instrument of power and a hegemonic arena, as articulated by Foucault, Gramsci, and Habermas.

Taken together, these dimensions indicate that the mining concession issue is not an isolated irregularity, but rather a structural outcome of the position of Islamic law within contemporary power networks. The politics of Islamic law in this case exhibits ambivalence: it may function as a source of moral legitimacy while simultaneously serving as an instrument of political-economic hegemony. Yet this ambivalence also opens the door for epistemological reorientation. By elevating environmental sustainability as a primary *maqṣad*, integrating environmental science into the process of *ijtihād*, and expanding deliberative public engagement, Islamic law can reclaim its transformative ethical role in advancing ecological justice.

In conclusion, the politics of Islamic law in the mining concession case reveals the complex character of Islamic law as text, discourse, and practice. It embodies the dialectic between the normativity of the *sharī'a*, political instrumentalization, and ethical critique. At this juncture, mining concessions appear not only as an economic issue but as a mirror of the dynamics of Islamic law in the modern era. The key challenge for Muhammadiyah and NU is to transcend this ambivalence and develop an Islamic legal politics that is not only adaptive to power dynamics but also remains ecologically coherent. If achieved, Islamic law can once again serve as a moral and transformative force, offering meaningful contributions to global environmental governance.

Critics and Prospects of *Fiqh* of Environment in Contemporary Indonesian Islamic Law

The acceptance of mining concessions by Muhammadiyah and Nahdlatul Ulama (NU) has indeed opened sharp criticism regarding the consistency of Indonesia's largest Islamic organizations. Yet such criticism should not remain at the level of moral reproach alone; rather, it must serve as a reflective momentum for recalibrating the direction of *fiqh* of environment. Critique and prospect must be articulated simultaneously so that Islamic law does not function merely as a pragmatic instrument of justification, but continues to serve as a source of transformative ethics relevant to the global

ecological crisis. Within this framework, criticism targets existing epistemological limitations, while prospects are envisioned through the formulation of new paradigms, including the idea of a *green maqāṣid al-sharī'ah*, the integration of environmental science with Islamic law, and the strengthening of religious institutions with greater transparency and accountability.

The primary critique of Muhammadiyah and NU's *fiqh* of environment lies in the inconsistency between normative ideals and pragmatic realities. Muhammadiyah, with its emphasis on purification and textual rationalization, has been drawn into economic justifications. NU, emphasizing flexibility of tradition, has also displayed ambivalence in employing *maṣlaḥah mursalah* to legitimize mining concessions. Both demonstrate that neither the *tarjih* methodology nor the *bahtsul masā'il* approach has yet proven capable of ensuring ecological consistency in the face of the state's political-economic pressures.

From a socio-legal perspective, these limitations reflect the dynamic interaction between law, society, and power (Thilly, 1923). Islamic law never emerges in a vacuum but always negotiates with material structures. This is where the critique lies: epistemologies of *fiqh* that should be oriented toward *maqāṣid* can be subordinated to extractive logics. Anna M. Gade in *Muslim Environmentalisms*, notes that religious authority is often trapped in a "performative paradox": on the one hand advocating ecological values, while on the other compromising with forces that undermine them (Gade, 2019). The cases of Muhammadiyah and NU illustrate this paradox vividly in Indonesia.

A second critique concerns the weak integration of *fiqh* of environment with modern environmental science. Muhammadiyah's *Fiqh of Disaster* attempted to link theology with disaster management protocols, yet it did not fully incorporate scientific findings on climate change or biodiversity loss. Similarly, NU's fatwas on forest burning emphasized normative prohibitions rather than ecological analysis. Global literature underscores the importance of science-religion partnerships in confronting the climate crisis (World Economic Forum, 2025). Without such integration, *fiqh* of environment risks falling into normative symbolism devoid of practical force.

A third critique points to institutional deficits in transparency. The decision to accept mining concessions was taken without broad consultation with the faithful, fostering the impression that fatwas and legal decisions function more as instruments of organizational elites than as representations of communal aspirations. Hefner has shown that the legitimacy of NU and Muhammadiyah lies precisely in their capacity to mobilize believers democratically (Qodir et al., 2023b). Should this transparency deficit persist, their *fiqh* of environment will lose its social legitimacy.

Yet despite these sharp critiques, *fiqh* of environment retains significant prospects for transformation. *First*, through the formulation of a *green maqāṣid al-sharī'ah*. Traditionally, *maqāṣid* have focused on the protection of religion, life, intellect, lineage, and property. Contemporary scholars such as Jasser Auda and Umar. Chapra has advocated for an expansion of the *maqāṣid* framework to incorporate environmental sustainability as a principal objective of the *sharī'a* (Umar, 2009). By

embedding ecological preservation within *maqāṣid*, *fiqh* of environment could gain a robust normative foundation less vulnerable to political–economic bargaining.

Second, through integration with environmental science. Muhammadiyah and NU could develop their research institutions into centers of eco-theology grounded in scientific evidence. The Muhammadiyah Environmental Council (*Majelis Lingkungan Hidup*, MLH), for instance, could collaborate with the Meteorology, Climatology and Geophysics Agency (BMKG) or international research institutions to enrich fatwas with empirical data. Similarly, NU's Disaster Management and Climate Change Agency (LPBI NU) could integrate findings from the IPCC or FAO into *bahtsul masā'il* deliberations. In this way, *fiqh* of environment would transcend normative declarations to become an instrument of public education rooted in scientific knowledge.

Third, by strengthening transparency and public participation. NU and Muhammadiyah need to develop broader mechanisms of public deliberation in making strategic decisions. Inspiration may be drawn from traditional *musyawarah* practices revived in modern form, such as open consultation forums with environmental activists, academics, and communities affected by mining. Decisions would therefore emerge as collective outcomes rather than directives imposed by organizational elites.

Despite the mining paradox, Muhammadiyah and NU possess immense social capital to drive ecological transformation. Both have extensive networks of schools, hospitals, and pesantren that could serve as social laboratories for *fiqh* of environment. Muhammadiyah's Eco-Mosque programs and NU's green pesantren initiatives already provide concrete examples of how religious values can be translated into ecological praxis. With greater consistency and transparency, these programs could become global models.

On the international stage, Muhammadiyah and NU enjoy credibility as representatives of moderate Islam. Should they succeed in reformulating a consistent and progressive *fiqh* of environment, they could become key actors in global climate diplomacy. Western literature has long emphasized that religion is among the most powerful moral resources for addressing ecological crises (Zemo & Nigus, 2021). Indonesia, with the world's two largest Islamic mass organizations, is uniquely positioned to pioneer an Islamic ecological jurisprudence recognized at the global level.

Thus, the prospects of *fiqh* of environment in Indonesia are inherently dialectical: they emerge from sharp critique of epistemological limitations and practical ambivalence, yet they also open avenues of hope through innovations in *maqāṣid*, integration with science, and strengthened participation. Critique must be sustained so that *fiqh* of environment does not descend into mere pragmatism, while optimism must be cultivated so that Islamic law remains relevant to contemporary challenges. In this light, the mining concession controversy should not be seen merely as a failure, but as a wake-up call to reinforce the foundations of an Islamic legal framework oriented toward ecological justice.

Conclusion

The acceptance of mining concessions by Muhammadiyah and Nahdlatul Ulama (NU) in 2024 represents more than a practical controversy; it exposes the structural tension between the normative ideals of *fiqh* of environment and the political-economic realities of the Indonesian state. For over a decade, both organizations articulated ecological commitments through fatwas, thematic *fiqh*, and institutional programs that framed environmental stewardship as a *sharī* obligation. Yet their participation in extractive industries unsettled this moral authority, revealing how religious texts and *maqāsid* can be reinterpreted within pragmatic frameworks of organizational survival and economic rationalization.

This paradox demonstrates that Islamic law cannot be understood solely at the normative level, but must be analyzed within the framework of legal politics. Historically, Islamic law has always operated in dialectic with political authority, from Ibn Taymiyyah's *siyāsah shar'īyyah* to al-Māwardī's *al-Ahkām al-Sultāniyyah*. In the modern era, scholars such as An-Na'im and Hallaq underscore its socio-political embeddedness and subordination within the nation-state. Western theorists, including Foucault with his understanding of law as power and knowledge, Gramsci with his notion of hegemony, Habermas with his emphasis on deliberative legitimacy, and Harvey with his critique of extractivism, further clarify how law can function both normatively and instrumentally. Within this frame, Muhammadiyah and NU's concessions are not anomalies but manifestations of the ambivalence of Islamic law in contemporary political economy.

Three critical challenges emerge. First, inconsistency between normative ideals and pragmatic realities: Muhammadiyah's rational-textual approach and NU's contextual-traditional approach both proved vulnerable to political-economic interests. Second, weak integration with environmental science: fatwas on disasters, climate, or deforestation rarely incorporated empirical data, limiting their authority in ecological governance. Third, deficits in institutional transparency: decisions on mining were made without broad consultation, undermining the democratic legitimacy of religious rulings. These critiques reveal that both *tarjih* and *bahtsul masā'il* methodologies remain insufficient for ensuring ecological consistency under conditions of extractive capitalism.

Yet the mining paradox is also an opportunity for reformulation. The first step is articulating a *green maqāsid al-sharī'ah* that explicitly elevates ecological preservation as a non-negotiable objective of the *sharī'a*. This move would transform environmental destruction from a technical issue into a direct violation of divine purposes. Second, integration with environmental science is essential. Muhammadiyah's MLH and NU's LPBI could collaborate with scientific institutions, incorporating climate data, biodiversity research, and socio-economic analyses into *fiqh* rulings. Such integration would strengthen their credibility as instruments of both moral guidance and public advocacy. Third, transparency and participatory deliberation must be institutionalized. By engaging academics, environmental activists, and affected communities, fatwas and rulings would move beyond elite decision-making and recover communicative legitimacy in the Habermasian sense.

Both Muhammadiyah and NU hold immense social capital for this task. Their networks of schools, pesantren, mosques, and charitable enterprises offer platforms for ecological praxis. Initiatives such as Muhammadiyah's Eco-Mosque and NU's green pesantren demonstrate the possibility of embedding environmental ethics in daily religious life. If pursued consistently, these programs could become global models of Islamic ecological jurisprudence.

In summary, the mining concession controversy illustrates the ambivalent nature of Islamic law as text, discourse, and practice: at once normative, instrumental, and contested. It highlights both the vulnerability of Islamic law to political-economic power and its potential for ethical transformation. The challenge for Muhammadiyah and NU is to move beyond ambivalence, reformulate *maqāṣid* around ecological justice, and integrate scientific knowledge with Islamic jurisprudence. If achieved, Islamic law in Indonesia could reclaim its role as a transformative moral force, positioning itself not as legitimizer of exploitation but as a pioneering framework for ecological justice in the global arena.

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Text, Context and Natural Conservation: An Analysis of Muhammadiyah's and Nahdlatul Ulama's Islamic Legal Thought on Fiqh of Environment

Mohammed Saeed A. Alamri et al.

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