



Reconstruction of Environmentally Conscious Mining Regulations in Indonesia: Perspectives from Islamic Legal Philosophy

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Article	Abstract
Keywords: Environment; Hifdzul Bi'ah; Islamic Legal Philosophy; Mining	<p><i>Mining can be understood as the act of extracting non-renewable natural resources from within the earth. In Indonesia, mining is intended to achieve the greatest possible prosperity and well-being for the people. This research, focusing on the reconstruction of environmentally sound mining regulations in Indonesia from the perspective of Islamic legal philosophy, is a normative legal study based on doctrinal analysis with a philosophical approach as the primary method. The research findings emphasize that the urgency of environmentally sound mining regulations in Indonesia becomes highly significant when viewed from the perspective of Islamic legal philosophy, particularly the concept of hifdzul bi'ah within the maqashid syariah, which emphasizes human responsibility as a caliph to maintain ecological balance and protect the environment. Given the extractive nature of mining, which has a negative impact on ecosystems, strict regulations and comprehensive oversight are needed to ensure that mining practices do not conflict with Sharia principles regarding environmental preservation. Reconstruction of mining regulations based on the philosophy of hifdzul bi'ah (environmental protection), with a focus focusing on explicitly integrating the principles of sustainability, social justice, and ecological responsibility into the regulations. The concrete strategies put forward include improving reclamation and post-mining regulations, implementing environmental impact assessments that incorporate Islamic values, enforcing fair and firm sanctions, and providing incentives for eco-friendly mining innovations.</i></p>

INTRODUCTION

Mining is a strategic sector in national economic development that plays a vital role in providing natural resources for domestic needs and exports. Mining activities are not only related to economic aspects but also give rise to various complex legal, environmental, and social issues. (Luthfi Marfungah, Rachmad Safa'at, Istislam, 2023) The dynamics of mining regulations continue to evolve to accommodate the principles of sustainability, environmental protection, and legal certainty for business operators and the surrounding community. (Werner et al., 2024) Therefore, legal studies on

mining are becoming very important to ensure that practices in this sector operate according to the principles of justice, transparency, and accountability.

Mining in Indonesia plays a vital role as one of the main drivers of the economy and a source of national raw material supply.(Andriani & Kurdi, 2024) However, its management is not free from complex legal, social, and environmental challenges. The constitutional basis for the management of natural resources, particularly in the mining sector, is found in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that "the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." The principle of state control, as outlined in that article, mandates that the state, through legal instruments and policies, regulate, manage, and oversee the utilization of natural resources such as minerals and coal for the prosperity of the people in a fair, sustainable, and transparent manner. Thus, every mining practice in Indonesia must always adhere to the principles of social justice and common welfare, as mandated by the constitution.(Ferdiansyah Agustinus, 2022) This journal article will examine the relationship between mining law and Article 33 paragraph (3) of the 1945 Indonesian Constitution, highlighting the challenges and implementation of the state control principle in mining governance.(Aji, Wiyatno, Arifin, & Kamal, 2020)

The mining sector plays a vital role in national economic development, especially as a provider of industrial raw materials and a source of foreign exchange. However, behind this significant contribution, mining activities often negatively impact the environment, causing ecosystem damage, water, soil, and air pollution, and decreased biodiversity.(Rohmadanti, Rafiqi, Desta Saputra, & Akhilesh Kumar, 2023) Indonesia's major challenge today is ensuring that mineral and coal resources can be utilized alongside efforts to preserve environmental sustainability. The principle of sustainable development encourages mining practices to focus on economic aspects and pay attention to protecting and restoring the environment. In the legal context, various regulations have been formulated to govern the obligations of business actors to undertake efforts to prevent and mitigate environmental damage, implement reclamation and post-mining activities, and involve the community in supervision.(Marfungah, Safa'at, Istislam, & Qurbani, 2023)

The term mining in this study is defined as mineral and coal mining, as well as oil and gas mining. This is because, although there are various types of mining regulated under different laws and regulations, the focus of this research is on the general aspect of mining, which is the activity of extracting and managing existing natural resources. This research analyzes the reconstruction of mining regulations in Indonesia from an environmental perspective, based on Islamic legal philosophy. The philosophical approach, particularly Islamic Legal Philosophy, is intended to comprehensively and reflectively analyze the reconstruction of mining regulations in Indonesia with an

environmental perspective. There are two legal issues that this research aims to address, namely: (i) the urgency of regulating environmentally conscious mining in Indonesia from the perspective of Islamic Legal Philosophy, and (ii) legal efforts to reconstruct environmentally conscious mining regulations in Indonesia from the perspective of Islamic Legal Philosophy.

METHOD

This research, focusing on the reconstruction of environmentally conscious mining regulations in Indonesia from the perspective of Islamic Legal Philosophy, is a normative legal study based on doctrinal analysis. The philosophical approach is the main approach, but other methods, such as conceptual and legislative approaches, are also used. (Taekema, Sanne, 2024) This research's primary legal materials are various general mining regulations, including mineral and coal mining, as well as oil and gas mining. The primary legal materials include: the 1945 Constitution of the Republic of Indonesia, Law No. 22 of 2001 on Oil and Natural Gas, Law No. 4 of 2009 on Mineral and Coal Mining along with its amendments, and Law No. 6 of 2023 on the Enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law. The secondary legal materials used are books and journal articles discussing Islamic Legal Philosophy and general mining regulations. Non-legal materials include language dictionaries. The analysis of legal materials is conducted prescriptively and reflectively, focusing not only on legal solutions but also on reflections on mining regulations in Indonesia and their relation to the concept of environmental insight viewed from the perspective of Islamic Legal Philosophy (Suteki & Taufani, 2020).

RESULTS AND DISCUSSION

The Urgency of Regulating Environmentally Conscious Mining in Indonesia from the Perspective of Islamic Legal Philosophy

According to the Great Indonesian Dictionary (KBBI), mining is defined as matters (work, etc.) related to mines. (KBBI, 2023) So, mining is everything related to activities or work in a mine, from the process to its management. Generally speaking, from a linguistic perspective, mining originates from the root word "tambang" and refers to all activities or matters related to extracting minerals from the earth, such as metals, coal, or other minerals. (KBBI, 2023) This definition of mining, derived from the root word "tambang," linguistically equates mining in its broad sense with the act of extracting various natural resources from the earth's interior.

This linguistic definition of mining differs from the definition formulated in the legal field. In the legal field, mining is defined according to its type, so mining in law is interpreted narrowly or restrictively. (Absori et al., 2021) In Indonesia, mining is narrowly defined as stipulated in Article 1, paragraph 1 of Law No. 4 of 2009 on Mineral and Coal Mining, which states that mining encompasses all stages related to the processing and management of minerals and coal. The provisions of Article 1,

paragraph 1 of Law No. 4 of 2009 are only narrowly interpreted, meaning they only relate to mineral and coal mining. This implies that mining outside of minerals and coal cannot be defined as mining activities as regulated in Article 1, paragraph 1 of Law No. 4 of 2009.

Regarding mining, Article 4, paragraph (1) of Law No. 22 of 2001 on Oil and Natural Gas generally states that oil and natural gas (migas) are non-renewable natural resources in Indonesia's mining jurisdiction. This provision in Article 4, paragraph (1) of Law No. 22 of 2001 generally affirms that mining also includes oil and natural gas (migas). (Danugroho & Yusfira, 2023) Based on the Indonesian legal framework, it can be concluded that mining is narrowly defined, referring only to what is regulated by Article 1 paragraph 1 of Law No. 4 of 2009, which relates to minerals and coal. Meanwhile, in the context of oil and natural gas, it must be formulated using the nomenclature of oil and natural gas mining. In this study, the term "mining" is broadly defined, not just dichotomized into mineral and coal mining or oil and natural gas mining, but encompassing all activities or actions involving the extraction, processing, and management of non-renewable natural resources. (Rendra & Putri Tamara, 2020)

Mining is primarily an activity that manages nonrenewable natural resources, which are limited and take a long time to regenerate naturally. Natural resources can be divided into two main categories: renewable and nonrenewable. (Etchart, 2022) Renewable resources' main characteristic is their ability to recover and regrow after utilization. If managed sustainably, these resources will not be depleted and will remain available for the needs of current and future generations. (Masnun, Muh. Ali, Noviyanti, Santoso, Irwan Bagyo, Wedhatami, Bayangsari, Abiyoga, 2024) Conversely, non-renewable natural resources, such as minerals, coal, petroleum, and natural gas, are formed from extremely long geological and biological processes, even millions of years. Once extracted or used, they cannot be replenished within the lifespan of an average human. (Indrastuti & Saputra, 2022)

Due to their finite nature and inability to be replenished quickly, using non-renewable resources requires prudent management strategies based on conservation principles to prevent their rapid depletion and ensure future generations can still enjoy them. Additionally, non-renewable resources generally have high economic value and are strategic commodities that can potentially cause significant social and environmental impacts if managed irresponsibly. (Listiyani, Said, & Khalid, 2023) Therefore, mining activities contribute to a decrease in the amount of natural resources available on Earth, so their management must be carried out very carefully and sustainably to minimize the negative impact on the availability of resources for future generations. (Khaskhelly et al., 2023)

The non-renewable nature also poses a high risk from an exploration and exploitation perspective due to reserve uncertainty and market price fluctuations, affecting mining operations' sustainability. Additionally, mining typically requires

significant investment and has a substantial environmental impact, so mining companies are expected to implement responsible mining practices, including environmental management and post-mining reclamation. Given the non-renewable nature of mining resources, the state's role becomes crucial in regulating and ensuring their management is carried out fairly and responsibly. The state must intervene in mining management to ensure social justice and the prosperity of the people. This is in line with Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which states that the land, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people. In this context, the government plays a vital role as a regulator to oversee exploitation in the mining sector to create a balance in its utilization and management.

Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia states, "The land, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people." The Constitutional Court's interpretation of this article affirms that the phrase "controlled by the state" has a broader meaning than mere formal ownership; state control encompasses the power to regulate, manage, administer, and supervise all natural resources with the primary goal of ensuring that their benefits are enjoyed to the fullest extent by the Indonesian people. (Suparto, 2020) In its various rulings, the Constitutional Court has affirmed that the state not only acts as the owner of natural resources but also as a manager that must ensure the availability, fair distribution, and affordability of these resources for the wider public, mainly because these resources are non-renewable and strategic for the well-being of many. (Madihong, Sobirin, & Karim, 2023)

Article 33 paragraph (3) of the 1945 Constitution, as interpreted by the Constitutional Court, places the state as the leading actor that must carry out the function of managing natural resources fairly and wisely, including in the field of mining, so that these resources are not depleted without making an optimal contribution to social welfare and sustainable national development. The state plays a crucial and central role in ensuring that mining activities are carried out wisely and with environmental awareness, especially because the exploited mineral and coal resources are largely non-renewable and have significant long-term impacts on the environment and society. (Rumadan et al., 2023) The state's role is not only as a controller and regulator, but also as the holder of a constitutional mandate to manage natural resources for the greatest possible prosperity of the people.

The state must regulate mining management so that it does not solely pursue economic profit but also considers sustainable social and environmental aspects. Uncontrolled exploitation can potentially cause ecosystem damage, environmental pollution, and social conflict in communities near mines. (Rusli, Jainah, Erlina, Karjoko, & ..., 2021) The government must establish strict technical and procedural

standards through laws and regulations, from business permits and implementation supervision to reclamation and post-mining management obligations, to minimize negative impacts and preserve the environment.(Mehta, Ashish, Solanki, & Seth, 2024)

Environmentally sound mining plays a crucial role in achieving the sustainable development goals outlined in the 2030 Sustainable Development Goals (SDGs), as this sector significantly impacts the sustainability of natural resources, the environment, and social well-being. The 2030 Sustainable Development Goals (SDGs) are a global sustainable development agenda agreed upon by 193 United Nations (UN) member states in 2015 as a blueprint for a better and more sustainable future for all of humanity and planet Earth. This agenda consists of 17 main goals covering various vital aspects such as poverty eradication, improving the quality of education and healthcare, reducing inequality, sustainable urban development, climate action, and protecting terrestrial and marine ecosystems.(Dharma, Prasetio, Masnun, & Lestari, 2025) There are 169 specific targets to be achieved globally by 2030, with the main principle of "No one left behind," which emphasizes that development must be inclusive and reach all segments of society.(Irawati, Suwaryo, Sulaeman, & Yuningsih, 2024)

The SDGs simultaneously integrate social, economic, and environmental aspects to comprehensively address various global challenges, ranging from poverty, hunger, health, and education to equality, environmental preservation, and climate action.(Truccone-Borgogno, 2022) This agenda continues to develop the efforts of the Millennium Development Goals (MDGs), which ended in 2015, and will serve as a guideline for national and international development policies and funding for the next 15 years from its adoption.(Pomaza-Ponomarenko, Leonenko, Cherniahivska, Lehan, & Puzanova, 2023) With a universal and global approach, the 2030 SDGs demand cooperation between countries, the private sector, civil society, and all individuals to achieve these goals through concrete actions that positively impact human well-being and the sustainability of our planet.(Mohd Fadhil Md Din, Wahid Omar, Shazwin Taib, Shamsul Sarip, 2021) Poorly managed mining has the potential to cause significant adverse impacts, such as water pollution, land degradation, global warming due to carbon emissions, and social conflict around mining areas. Therefore, integrating sustainability and environmental management principles into mining practices has become necessary to ensure that the sector's contribution is not limited to economic growth alone, but also includes environmental conservation and the empowerment of local communities.

Specifically, the mining sector is recognized as having a significant impact on achieving various SDGs such as affordable and clean energy (SDG 7), decent work and economic growth (SDG 8), climate action (SDG 13), and life below water and on land (SDG 14 and 15). Mining organizations and companies must have in-depth knowledge to manage adverse impacts and maximize positive contributions to the

SDGs, including energy efficiency, carbon emission reduction, water conservation, and community development around mines. Thus, environmentally sound mining is essential for preserving natural resources and habitats and is an integral part of national and global strategies to achieve inclusive and responsible sustainable development by 2030.

From the perspective of Islamic legal philosophy, environmentally sound mining is highly relevant and a necessity because the main principle in Islam is to maintain a balance between the utilization of natural resources and environmental preservation, which is a trust from Allah SWT to humans as *khalifah fi al-ardl* (leaders on earth). (Arba & Israfil, 2021) Islam teaches the concept of *mashlahah* (public good), which must be realized in every human activity, including mining management. (Al Farisi, Fakhurrazi, Sadari, Nurhadi, & Risdianto, 2023) Therefore, this activity must provide significant benefits to society without causing damage or *mafsadah* that violates the principles of justice and natural balance. (Izhar Ariff Mohd Kashim, Abdul Haris, Abd. Mutalib, Anuar, & Shahimi, 2023) The Indonesian Council of Ulama (MUI) fatwa affirms that mining can be carried out as long as it meets environmentally friendly provisions and does not damage the ecosystem, and must be based on fair planning and involve community participation as stakeholders, thus creating a sustainable social, economic, and ecological balance. (Iskandar & Sofuoğlu, 2025) From an Islamic ethical perspective, actions that damage the environment and threaten human and other living beings fall into the category of forbidden acts because they contradict the principle of *daf'u al-mafsadah* (preventing harm), which requires all forms of activity, especially mining, to be carried out with caution and strict supervision. (Hikmah, Faisol, & Che Noh, 2024)

Furthermore, the concept of *fiqh al-bi'ah* (Islamic environmental law) requires that humans not merely exploit natural resources for immediate gain. Still, it must protect them to ensure their sustainability for future generations as part of social and religious obligations. (Khuluq & Asmuni, 2025) Therefore, the state, as the entity responsible for exercising the right of control over natural resources, must ensure that mining practices operate according to Sharia principles that protect the environment and guarantee social justice, so that mining output supports the welfare of the people by the objectives of Sharia *maqasid*, which include the preservation of religion, life, intellect, offspring, and wealth. (Rusydiana, 2024) Thus, the relevance of environmentally conscious mining in Islamic legal philosophy is not only about preserving nature, but also reflects the harmonious relationship between humans, God, and nature. Therefore, mining activities must prioritize justice, sustainability, and moral responsibility for the benefit of humanity and the preservation of the earth as a divine trust.

Environmentally sound mining from the perspective of Islamic legal philosophy, particularly from the aspect of *hifdzul bi'ah* as part of the *maqashid syariah*, is a concrete

manifestation of practicing the principle of maintaining balance and universal benefit entrusted to humanity by Islam.(Uyuni, 2021) In the science of *maqashid al-syariah*, *hifdzul bi'ah*—or environmental protection—has become an essential part as an elaboration of the core objectives of Islamic law, which not only protects religion, life, intellect, offspring, and property, but also broadens its scope to preserve the natural environment as a fundamental source of life for the sustainability of humans and other creatures.(Haq, L, & Amiruddin, 2025) Islamic legal philosophy regards humans as *khalifah fil ardh*, meaning leaders and guardians of the earth who are obligated to use natural resources responsibly, without causing damage, and always considering the long-term impact on the environment. This is a trust from Allah SWT.(Dodik Setiawan Nur Heriyanto, 2024)

The concept of *hifdzul bi'ah* reflects the principle of *maslahah* and the principle of *dar'ul mafasid muqaddamun 'ala jalbil mashalih* in Islamic law, which is a fundamental rule stating that preventing damage (*mafsadah*) is more critical than seeking benefit (*mashalah*). (Chairunnisa & Supriyanto, 2020) Therefore, environmentally sound mining must be carried out by applying the principles of caution, sustainable management, and social justice to avoid causing ecosystem damage that endangers the lives and well-being of surrounding communities. In addition, *fiqh al-bi'ah*, as a branch of contemporary *fiqh*, integrates the technical regulations of mining with Islam's ethical and moral aspects, emphasizing collective responsibility and intergenerational solidarity. This is in line with the teachings of *maqashid syariah*, which demand the sustainability of benefits for the present and future.(Shahrul & Ishak, 2024) Therefore, environmentally sound mining is not only a positive legal obligation of the state, but also a moral and spiritual obligation for every mining operator to conduct extractive activities that are not arbitrary, but relatively harmonious with Sharia values, particularly *hifdzul bi'ah*, which contains the essence of preserving the earth for sustainability.

The urgency of regulating environmentally sound mining in Indonesia is very pressing when viewed from the perspective of Islamic legal philosophy, particularly through the concept of *hifdzul bi'ah* as one of the essential aspects of *maqashid syariah*. In Islam, *hifdzul bi'ah*—protecting and preserving the environment—is a divine trust given to humanity as God's vicegerents on earth to maintain the balance of nature and prevent damage that could threaten the continuation of life and the community's well-being. The extractive nature of mining and its potential negative impacts, such as pollution, land degradation, and ecosystem damage, necessitate strict regulations and comprehensive monitoring to ensure mining activities do not conflict with the principle of environmental protection outlined in the *Maqashid Syariah*.

Mining laws and policies that integrate sustainable and environmentally conscious principles are a tangible manifestation of the application of *hifdzul bi'ah*, which demands that resource exploitation be carried out with full responsibility, the use of

environmentally friendly technology, and the obligation of post-mining reclamation and rehabilitation by Islamic law. From the perspective of Islamic legal philosophy, this regulation is not merely an economic or technical policy, but also a moral, ethical, and spiritual obligation to support the public good and prevent corruption that could lead to environmental destruction and social loss. As the executor of natural resource management, the state must regulate all mining processes to ensure they run harmoniously and preserve the earth as part of worship and a trust. Thus, the urgency of regulating environmentally sound mining in Indonesia underscores the importance of applying the values of *maqashid syariah*, particularly *hifdzul bi'ah*, in every aspect of mining licensing, implementation, and supervision to ensure the sustainability of natural resources while fulfilling religious obligations and social responsibility to present and future generations.

Legal Efforts to Reconstruct Mining Regulations in Indonesia with an Environmental Perspective from the Viewpoint of Islamic Legal Philosophy

The role of law in ensuring environmentally sound mining in Indonesia is crucial for maintaining a balance between the utilization of natural resources and environmental preservation. Through various regulations, law serves as a normative instrument that requires all mineral and coal mining activities to consider the principles of justice and sustainability and benefit both economically, ecologically, and socially. (Yudiartono, Windarta, & Adiarso, 2023) Developing laws in mineral and coal mining and oil and natural gas mining in Indonesia demonstrates significant dynamism in achieving environmentally sound mining. Law Number 22 of 2001 on Oil and Natural Gas was enacted in response to the need to manage strategic, non-renewable natural resources so that they are controlled by the state and utilized to the fullest extent for the welfare of the people, while also being based on the principle of environmental sustainability. In this law, the government acts as the mining authority, regulating the entire process from upstream to downstream, emphasizing efficiency, transparency, and the sustainable utilization of energy resources to avoid compromising the interests of future generations. (Asori et al., 2022)

Law Number 4 of 2009 on Mineral and Coal Mining and its amendments, particularly through Law No. 3 of 2020, strengthen the environmental dimension by more detailed regulation of management principles, mining area planning, reclamation obligations, and post-mining activities. This revision of the Mineral and Coal Mining Law emphasizes the importance of environmental monitoring, reporting, and law enforcement, including companies' obligation to conduct environmental impact assessments (EIAs) and provide reclamation and post-mining guarantees as concrete efforts to prevent and mitigate environmental damage. (Hidayah, Fahrozi, & Rifani, 2023) Adding rules regarding waste management, community empowerment, and strengthening the government's and state-owned enterprises' roles is also aimed at

improving governance and ensuring that mining activities remain environmentally friendly and provide fair socio-economic benefits to local communities.(Etchart, 2022)

Regulatory development is accelerating with the enactment of Law Number 6 of 2023 and the Ratification of Government Regulation in Lieu of Law Number 2 of 2022 regarding Job Creation into Law. This provision simplifies and harmonizes various regulations, including those in the mining sector, introduces a risk-based business licensing mechanism, and strengthens aspects of environmental supervision. The unification and simplification of the licensing process aim to promote responsible and sustainable investment, while prioritizing environmental protection and management as the main prerequisite for mining business permits.(Fadil, Septyanun, Erwin, & Harun, 2024) The arrangement of mining laws through this series of regulations demonstrates the state's commitment to balancing economic interests, environmental sustainability, and social justice in the strategically important national extractive sector.

In the context of mining in Indonesia, legal efforts to reconstruct regulations are crucial to ensure that mining activities align with the principles of environmental sustainability. The term "reconstruction" means an effort to rebuild, rearrange, or improve something that existed previously to make it better, more relevant, and more effective according to current needs or challenges.(Diana Fitriana, Mella Ismelina Farma Rahayu, 2025) In the context of environmentally sound mining regulations in Indonesia, reconstruction means reorganizing the entire system of regulations, policies, and oversight mechanisms governing mining to address shortcomings, adapt to the times and global environmental standards, and ensure that environmental protection and community interests are the top priorities. Thus, reconstruction means formal renewal of regulations and substantial changes to make mining governance more just, transparent, sustainable, and responsible.

As mining's negative impacts increase—such as ecosystem damage, water pollution, deforestation, and social conflict—existing regulations are often incapable of providing absolute environmental protection and the interests of communities surrounding mines.(Sri Sulasminingsih, Tatik Juwariyah, Yehuda Siahaan, Bunga Hardiyana Putri, & Noval Aulia Putra, 2024) Reconstructing the legal framework is an urgent need because many regulations are still overlapping, weak in enforcement, and not adaptable enough to technological developments and global environmental standards. Legal efforts through the revision of mining-related legislation are oriented towards: first, strengthening supervision and law enforcement against mining business actors to ensure they adhere to good mining practices, including reclamation, waste management, and community protection.

Second, environmental aspects should be ensured in all mining licensing and operations, for example, by tightening environmental impact assessment requirements and post-mining supervision. Third, central and regional regulations should be

harmonized to avoid legal loopholes or weak government control over mining activities, including ensuring community involvement and transparency in the licensing process. Fourth, national regulations should be aligned with international standards, such as the principles of sustainability, environmental social responsibility, and environmental action reporting, so that Indonesia does not fall behind global trends in environmentally friendly mining governance. Fifth, without clear and decisive legal efforts to reconstruct mining regulations, the threat to environmental sustainability will continue to increase, and greater ecological and social losses could compromise the sector's economic benefits. Therefore, reconstructing regulations through legal efforts is a key foundation for building a productive, responsible, and environmentally conscious Indonesian mining industry for current and future generations.

Legal efforts to reconstruct environmentally sound mining regulations in Indonesia become critical from the perspective of Islamic legal philosophy. In Islam, there is a fundamental principle that the earth and everything in it are a trust from Allah SWT and must be managed with full responsibility for the benefit of humanity and the preservation of nature. The Islamic normative framework places the management of natural resources, including mining, as part of the public property (*al-milkiyah al-ammah*) that must be protected, cannot be arbitrarily controlled, and its results must be returned for the benefit of all the people. (Ulfanora & Almaududi, 2024)

From the perspective of Islamic legal philosophy, the reconstruction of mining regulations must be based on the principles of justice, public interest, and environmental protection. This demands regulatory changes to prioritize not only economic aspects but also consider ecosystem sustainability and the rights of local communities. Islamic law strongly emphasizes the prohibition of causing corruption (*fasad*) on earth, as stated in the verse of Allah in Surah Al-A'raf, verse 56, which explicitly prohibits environmental destruction after improvement. (Ulfanora & Almaududi, 2024) Therefore, mining regulations that are weak in oversight, prone to collusion, or neglect post-mining reclamation and rehabilitation are contrary to the spirit of Sharia, which demands the protection of *hifẓ al-bi'ah* (environmental preservation). Islamic legal philosophy requires that the state, as the controller of resources, fulfill its role reasonably, transparently, and responsibly, rejecting all forms of tyranny and excessive exploitation. In this view, the reconstruction of environmentally sound mining regulations is not merely a formal improvement of regulations, but a profound moral, ethical, and structural transformation aimed at maintaining a balance between economic benefits, social justice, and environmental sustainability as part of the *kehalifan's* worship and responsibility on earth.

Reconstructing mining regulations in Indonesia with an environmental perspective requires concrete strategies and steps based on the philosophy of *hifẓ al-bi'ah* (environmental preservation) in Islamic law. (Khuluq & Asmuni, 2025) This principle mandates that all activities utilizing natural resources must always maintain

ecosystem balance and reject any form of damage (*fasad*) to the earth, which is considered a trust from Allah SWT. The primary strategy for reconstructing environmentally sound mining regulations in Indonesia from the perspective of Islamic legal philosophy is to ensure that all mining legal provisions explicitly incorporate the principles of sustainability, social justice, and ecological responsibility by the principle of *hifdzul bi'ah*. Regulations must require companies to pursue profit, protect the environment, and provide benefits back to the broader community. As the trustee of natural resource management, the state must exercise complete control over large-scale mining (public property in Islamic jurisprudence), ensuring that the results benefit the welfare of the people, not just a select few. Strengthening supervisory authority must be accompanied by transparency and accountability.

The reconstruction of environmentally sound mining regulations in Indonesia from the perspective of Islamic legal philosophy needs to accommodate several aspects, such as improving the technical rules for reclamation and post-mining activities. Mining regulations need to explicitly require companies to prepare and implement reclamation and post-mining environmental restoration plans that are measurable and publicly monitored. Additionally, every mining business permit must undergo an Environmental Impact Assessment (EIA) enriched with Islamic values, including an absolute prohibition on practices that could cause irreparable damage or harm. Administrative, criminal, and civil sanctions for environmental violations must be applied transparently, ensuring restorative justice: the party causing the damage must repair it, per the principle of *mas'uliyah* (responsibility). Another critical point is that the state needs to reward or incentivize business actors who successfully implement sustainable mining innovations and meet environmental protection standards. Integrating the above steps into the reconstruction of mining regulations not only complies with national positive law but also reflects the principle of environmental protection in Islamic law. Thus, sustainability and justice in managing Indonesia's natural resources can be ensured for future generations, in line with Islam's moral, ethical, and spiritual values.

CONCLUSION

The urgency of environmental mining regulation in Indonesia. Based on a review of Islamic legal philosophy, particularly the concept of *hifdzul bi'ah* within the *maqashid syariah*, it becomes highly urgent and necessary to implement. Environmental preservation emphasizes humanity's responsibility as a steward to maintain the balance of nature and protect the environment from damage that endangers life and the well-being of humanity. Given the extractive nature of mining and its negative impact on ecosystems, strict regulations and comprehensive oversight are needed to ensure that this activity does not conflict with Sharia principles in maintaining environmental sustainability. Implementing policies that integrate sustainable principles and

environmentally friendly technology, as well as the obligation for reclamation, is a concrete manifestation of the application of the value of *hifdzul bi'ah* (environmental protection). From the perspective of Islamic legal philosophy, this regulation transcends economic and technical dimensions, becoming a moral, ethical, and spiritual obligation to support the public good and prevent harm. Thus, the urgency of regulating environmentally sound mining in Indonesia underscores the significance of integrating the values of *maqashid syariah*, particularly *hifdzul bi'ah*, into all aspects of mining management for the well-being of current and future generations.

Legal efforts to reconstruct environmentally sound mining regulations in Indonesia must be based on the philosophy of *hifdzul bi'ah* in Islamic legal philosophy, which is preserving the environment as a trust from Allah SWT. This reconstruction requires the explicit integration of the principles of sustainability, social justice, and ecological responsibility into every mining regulation, so that utilizing natural resources is not solely profit-oriented, but also maintains ecosystem balance and benefits society. As the trustee of natural resource management, the state is obliged to strengthen control, supervision, and transparency, and ensure that mining results benefit the welfare of most people. The concrete strategies put forward include improving regulations for reclamation and environmental restoration after mining, implementing environmental impact analysis based on Islamic values, strictly and fairly enforcing sanctions, and providing incentives for eco-friendly mining innovations. With these steps, the reconstruction of mining arrangements not only meets national legal requirements but also reflects Islam's ethics and spiritual values, aiming for fair, sustainable, and responsible natural resource management for future generations.

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