

***Oil Palm Expansion and Deforestation in Indonesia:
Reconstructing Natural Resource Governance through Fiqh
Al-Bi'ah Perspective***

**Ekspansi Sawit dan Deforestasi di Indonesia:
Rekonstruksi Kebijakan Sumber Daya Alam Perspektif
Fiqh Al-Bi'ah**

Shafira Munawaroh Dahlan
PTIQ University Jakarta
shafiramunawarohdahlan@gmail.com

Nirmala Sari
PTIQ University Jakarta
nirmalaasari@gmail.com

Abstract

This study examines the critical issue of oil palm plantation expansion in Indonesia, which has driven massive deforestation and ecosystem degradation. Amid national economic pressures and the transition toward green energy, the expansion of oil palm cultivation is frequently entangled in a contradictory dialectic of public policy. By interrogating this dialectic between policy frameworks and empirical realities, this study aims to formulate a reconstruction of natural resource governance grounded in the principles of environmental justice. The research employs a qualitative methodology with a juridical-normative approach, drawing upon the *Maqasid al-Shariah* theoretical framework through Jasser Auda's systems approach. The analysis is conducted holistically by integrating six system features: cognitive nature, wholeness, openness, interconnected hierarchy, multidimensionality, and purposefulness. The findings reveal that existing natural resource policies remain predominantly anthropocentric and formalistic-legalistic, thereby failing to address the ecological crisis in a systemic manner. As a solution, this study proposes a policy reconstruction that positions *hifz al-bi'ah* (environmental preservation) as an integral component of public welfare (*maslahah*). The proposed policy model is not solely oriented toward economic growth but is also anchored in the principles of sustainable ecological justice. Through this systems approach, oil palm governance is repositioned from a mere instrument of profit into a mechanism for sustaining life across generations. Furthermore, it enables multidimensional policy evaluation, thereby bridging the tension between national economic interests and environmental protection.

Keywords: *Oil Palm Expansion, Deforestation, Maqasid al-Shariah, Jasser Auda, Fiqh al-Bi'ah.*

Abstrak

Penelitian ini mengkaji permasalahan krusial terkait ekspansi perkebunan kelapa sawit di Indonesia yang memicu deforestasi masif dan degradasi ekosistem, di tengah tekanan ekonomi nasional dan transisi energi hijau, ekspansi lahan sawit seringkali terjebak dalam dialektika kebijakan publik yang kontradiktif. Dengan membedah dialektika kebijakan publik dan realitas lapangan, penelitian ini bertujuan merumuskan rekonstruksi kebijakan pengelolaan sumber daya alam yang berbasis pada nilai-nilai keadilan lingkungan. Metodologi yang digunakan adalah kualitatif dengan pendekatan yuridis-normatif, menggunakan kerangka teori Maqasid Syariah melalui pendekatan sistem (systems approach) Jasser Auda. Analisis dilakukan secara holistik dengan mengintegrasikan enam fitur sistem, yaitu: sifat kognitif, keutuhan, keterbukaan, hierarki yang saling terhubung, multidimensionalitas, serta keberpusatan pada tujuan. Hasil penelitian menunjukkan bahwa kebijakan sumber daya alam saat ini masih bersifat antroposentris dan legalistik-formal, sehingga gagal merespons krisis ekologi secara sistemik. Sebagai solusi, penelitian ini menawarkan rekonstruksi kebijakan yang menempatkan *hifz al-bi'ah* (pelestarian lingkungan) sebagai bagian integral dari kemaslahatan publik. Model kebijakan yang diusulkan tidak hanya berorientasi pada pertumbuhan ekonomi, tetapi juga berpijak pada prinsip keadilan ekologis yang berkelanjutan. Melalui pendekatan sistem ini, tata kelola sawit direposisi dari sekadar instrumen profit menjadi instrumen pelestarian kehidupan yang lintas generasi, serta memungkinkan evaluasi kebijakan secara multidimensi guna menjembatani konflik antara kepentingan ekonomi nasional dan perlindungan alam.

Kata kunci: *Ekspansi Sawit, Deforestasi, Maqasid al-Shariah, Jasser Auda, Fiqh al-Bi'ah.*

Introduction

Humanity does not exist in isolation within the universe; rather, it is inextricably linked to the environment encompassing soil, water, air, flora, and fauna in a mutualistic relationship defined across numerous intellectual traditions as ecology.¹ Etymologically derived from the Greek *oikos* (house) and *logos* (study), ecology signifies the "science of the shared home," wherein this collective dwelling comprises all interconnected elements of creation. Within the context

¹ Richard C. Foltz, *Islam and Ecology: A Bestowed Trust* (Cambridge, MA: Harvard University Press, 2000), 25–40,

of Indonesia the world's largest tropical nation endowed with extraordinary biodiversity ecological issues transcend mere scientific inquiry; they intersect profoundly with moral, spiritual, and legal foundations.²

The ecological crisis has emerged as a preeminent global concern over recent decades, particularly in nations characterized by intensive natural resource exploitation, such as Indonesia. A primary catalyst for ecological transformation in the archipelago is the expansion of oil palm plantations.³ Indonesia currently stands as the world's leading producer of palm oil, with the highest concentrations located on the island of Sumatra specifically in Riau, North Sumatra, and South Sumatra each hosting millions of hectares of plantations.

While this expansion significantly bolsters the national economy, it simultaneously precipitates diverse ecological repercussions, including deforestation, agrarian conflicts, and a precipitous decline in biodiversity.⁴ Contemporary research indicates that forest clearance for oil palm cultivation persists as a critical driver of land-cover change in Indonesia.⁵

Previous scholarly inquiries have highlighted the correlation between palm oil expansion and environmental degradation. Satellite imagery analysis reveals that in 2024, industrial oil palm plantations expanded by over 117,000 hectares, a portion of which originated from the conversion of forest estates.⁶ Furthermore, government data indicates that approximately 3.32 million hectares of oil palm plantations are situated within forest zones, including protected and conservation forests.⁷

These findings underscore that the palm oil dilemma is not merely an economic concern but is fundamentally tied to environmental sustainability and the governance of natural resources. In this light, emerging studies have begun to examine the necessity of

² Ibrahim Ozdemir, *The Ethical Dimension of Islamic Environmentalism* (Istanbul: Insan Publications, 2003), 112–125

³ N. Gatti et al., "Land-use change and the political economy of palm oil in Indonesia," *Global Environmental Change* 74 (2022): 102521.

⁴ K.G. Austin et al., "What causes deforestation in Indonesia?", *Environmental Research Letters* 14, no. 2 (2019): 024007.

⁵ K.G. Austin et al..

⁶ K.G. Austin et al...

⁷ Badan Pemeriksa Keuangan (BPK) Republik Indonesia, *Ikhtisar Hasil Pemeriksaan Semester (IHPS) II Tahun 2023* (Jakarta: BPK RI, 2024), 88.

ethical and legal frameworks including religious perspectives to fortify more sustainable environmental policies.⁸

Nonetheless, the prevailing body of research remains largely concentrated on the political economy of plantations or general normative studies concerning environmental ethics within Islam. Scholarly work specifically bridging environmental jurisprudence (*fiqh al-bi'ah*) with public policy remains relatively scarce. Consequently, this study is imperative to elucidate how the principles of environmental jurisprudence can serve as an ethical and conceptual framework for evaluating public policies related to natural resource management and food security.⁹

By interrogating the nexus between palm oil expansion, ecological sustainability, and national food policy, this research aims to provide a substantive academic contribution. It seeks to broaden the scope of environmental jurisprudence while offering a novel perspective within the discourse of public policy in Indonesia.

Method

This study adopts a qualitative research design with a juridical-normative approach to examine the reality of deforestation through the lens of Jasser Auda's *Maqasid al-Shariah*.¹⁰ The resulting analysis is expected to reconcile legal certainty with the principle of tangible benefit for ecosystems and affected communities. Data collection is conducted through a comprehensive literature review, encompassing agrarian and licensing regulations, forestry data reports, and authoritative works on *fiqh al-bi'ah*. This research employs Jasser Auda's *Maqasid al-Shariah* theory within a systems approach framework. Data analysis is carried out using a descriptive-prescriptive method through content analysis techniques, aiming to map the discrepancies between regulatory frameworks and their implementation by utilizing the openness of the legal system to contemporary ecological data. Ultimately, this methodological approach offers a proposed model of natural resource governance capable of aligning national economic ambitions with the theological mandate to preserve ecosystem integrity in Indonesia.

⁸ M.R. Akhtar, "Islamic Concept of Human Development," *Islamic Studies* 48, no. 4 (2009): 467–488.

⁹ M.R. Akhtar,...

¹⁰ Jasser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah, Pendekatan Sistem* (Bandung: Mizan Media Utama, 2015), 16

Result and Discussion

The Dialectics of Palm Oil Expansion: Economic Imperatives vs. Ecological Realities

On Monday, 30 December 2024, Indonesian President Prabowo Subianto delivered a strategic briefing during the Musyawarah Perencanaan Pembangunan Nasional (Musrenbangnas). He asserted that palm oil has evolved into a critical strategic commodity, noting that various nations harbor concerns regarding supply security. Consequently, he emphasized the necessity for Indonesia to expand its oil palm cultivation, further contending that the discourse linking palm oil plantations to deforestation is a fallacious accusation.¹¹

However, this narrative does not exist in a vacuum. Conversely, a plethora of research indicates that the expansion of oil palm plantations maintains a complex correlation with environmental degradation. The tension between state assertions and ecological realities raises critical questions regarding the extent to which palm oil expansion is truly devoid of ecological repercussions, and how public policy frames and navigates these complexities.

Indonesia currently stands as the preeminent producer and exporter of palm oil globally, accounting for 58% of total global exports, with production projected to reach 46.7 million tons in the 2025/2026 period.¹² This industry serves not only as the backbone of the national economy but also contributes approximately 4.5% to the Gross Domestic Product (GDP), while providing livelihoods directly and indirectly for over 16 million individuals.¹³

The proliferation of the palm oil sector is further propelled by the global demand for affordable vegetable oils and domestic requirements, particularly for the biodiesel program as a component of the energy transition. This underscores that palm oil expansion is not merely an agrarian phenomenon but rather an integral part of a global socio political economic configuration involving the state, market forces, and corporate entities.

¹¹ Humas, Sekretariat Kabinet Republik Indonesia, <https://setkab.go.id/musyawah-perencanaan-pembangunan-nasional-musrenbangnas-rpjmn>, di akses pada tanggal 28 Maret 2026.

¹² Foreign Agricultural Service USDA, <https://www-fas-usda-gov.translate.goog/data/production>, diakses pada tanggal 29 Maret 2026.

¹³ Benedict, J. dan Heilmayr, R. " Indonesian Palm Oil Exports and Deforestation" (artikel Trase, 2024), <https://doi.org/10.48650/0ZP9-GH11>

Nevertheless, palm oil based economic growth exhibits a profound paradox: while it bolsters foreign exchange reserves, it simultaneously exerts significant ecological and social pressures. From an ecological standpoint, oil palm plantations remain a primary driver of national deforestation. These environmental impacts extend beyond the loss of forest cover to include peatland degradation, atmospheric emissions, climate disruptions, and loss of biodiversity.¹⁴

Despite these factors, some arguments suggest that the nexus between palm oil and deforestation is not always linear. Certain datasets indicate that while palm oil's contribution to deforestation remains significant, it may be lower than public perception suggests, implying that deforestation is a multidimensional issue that cannot be reduced to a single sector.

Within the context of public policy, the Indonesian government has enacted various regulations to curtail unregulated expansion, including a moratorium on new permits and the implementation of sustainability certifications. Nonetheless, implementation remains fraught with challenges.

A notable example is the phenomenon of "legal deforestation" wherein forest clearing persists through official permit mechanisms. In 2024, legal deforestation reached 261,575 hectares, illustrating that administrative legality does not inherently align with ecological sustainability.¹⁵

The friction between palm oil expansion and environmental sustainability reflects a broader development dialectic. Palm oil is positioned as a panacea for economic and energy crises, yet it simultaneously serves as a catalyst for ecological crises. From a political ecology perspective, this condition reveals deep-seated conflicts of interest between the state, corporations, local communities, and the environment. Therefore, the claim that palm oil does not cause

¹⁴ Forest Watch Indonesia, "Mengapa Perkebunan Sawit Disebut Merusak Lingkungan?", <https://fwi.or.id/mengapa-perkebunan-sawit-disebut-merusak-lingkungan/>, diakses pada tanggal 31 maret 2026.

¹⁵ karsa buana lestari, " analisis komprehensif dinamika deforestasi sektor kelapa sawit indonesia: tinjauan regulasi, dampak ekologis, dan peran strategis jasa konsultasi lingkungan (2023-2024)", <https://karsabuanalestari.com/analisis-komprehensif-dinamika-deforestasi-sektor-kelapa-sawit-indonesia>, diakses pada tanggal 31 Maret 2026.

deforestation should be interpreted as a construct of policy discourse rather than an isolated empirical fact.

President Prabowo Subianto's rejection of the link between palm oil and deforestation can be understood through the lens of the political economy of development. Such claims serve to legitimize palm oil expansion as a paramount national agenda, counteract global pressure regarding environmental standards, and secure Indonesia's competitive advantage in the global market.

However, empirical data suggests that while the rate of palm-oil-driven deforestation has decelerated in recent years, expansion continues to pose a latent threat to remaining primary forests, particularly in regions such as Kalimantan and Papua. Ultimately, state assertions must be scrutinized as a simplification of a profoundly complex ecological crisis.

Fiqh al-Bi'ah and Maqasid al-Shari'ah

The dynamics of life within societal ecosystems exert a fundamental influence on the patterns of interaction between humans and the natural environment, particularly in responding to the increasingly massive expansion of oil palm plantations in Indonesia. Within the discourse of Islamic education, the manifestation of ecological consciousness toward the reality of deforestation is articulated through the concept of environmental education, specifically known as *Fiqh al-Bi'ah*.

Etymologically, the root word *al-bī'ah* refers to the notion of returning and inhabiting a space of life or habitat for human beings. This concept encompasses a broad semantic spectrum, ranging from *al-munazzal*, which denotes the territorial dimension of habitation, to *al-hālah*, which represents the moral function of humans in fulfilling their needs.

Furthermore, it embodies the principle of *al-rujū'* as a form of awareness to restore the function of nature through protection, *al-tahyī'ah wa al-iṣlāḥ* as an effort to rehabilitate and improve living spaces, and *tasāwī al-shay'ayn*, which emphasizes the urgency of balance and harmony among all created beings.¹⁶

As part of the corpus of contemporary Islamic jurisprudence, *Fiqh al-Bi'ah* is oriented toward addressing various environmental

¹⁶ Muhammad Mukarram Ibn Mandzur, *Lisan al-Arab*, Juz I, Cet. I (Beirut: Dār al-Kotob al-Ilmiyyah, 2013 M/1424 H), 44-47.

problems through a practical-normative approach. Its presence serves to provide clear legal standards governing the ways in which humans interact with, manage, and preserve natural resources.

In line with this perspective, Yahya Kirom Muhammad Ali, within the Moroccan legal framework (*Qanun Morocco*), defines *bi'ah* as an integration of natural elements, human habitats, and the products of human activity encompassing both economic and social dimensions. Through the utilization of these elements, humans are able to sustain their existence, provided that the reciprocal relationship with nature remains intact.¹⁷ The synergy within this chain of elements ultimately generates a state of equilibrium, wherein each component fulfills the needs of others to ensure the sustainability of collective life.

Moreover, *Fiqh al-Bi'ah* functions as an intermediary for the realization of *Maqāṣid al-Sharī'ah*. The *maqāṣid al-sharī'ah* framework, in turn, operates as a strategic bridge that connects transcendental spiritual vision with social praxis through a structured system of legal values, including the imperative to preserve environmental sustainability in order to ensure the proper functioning of human life.

The term *maqṣid* (plural: *maqāṣid*) denotes meaning, objective, principle, intention, ultimate end, *telos* (Greek), *finalité* (French), and *Zweck* (German). Within the discourse of Islamic law, *Maqāṣid al-Sharī'ah* refers to the substantive objectives underlying every legal determination (*tashrī'*). For the majority of Islamic legal theorists (*uṣūliyyūn*), this term is also regarded as an alternative expression for “public interest” or the welfare of the community (*maṣāliḥ*).

Essentially, *maqāṣid* encompasses the dimension of wisdom (*ḥikmah*) that underlies every legal enactment. From an etymological perspective, *Maqāṣid al-Sharī'ah* consists of two terms: *maqāṣid* and *al-sharī'ah*. The term *maqāṣid* itself is the plural form of *maqṣad*, derived from the verb *qaṣada–yaqṣudu*, which conveys a range of meanings, including objective, purpose, moderation, justice, consistency, restraint from excess, and adherence to a straight path.¹⁸ Meanwhile, the term *sharī'ah*, etymologically, signifies a path leading to a water source. Fazlur Rahman defines *sharī'ah* as a concrete form of outward behavior,

¹⁷ Tim Forum Kajian Ilmiah Mata Pena, *Bi'ah Progresif* (Kediri: Lirboyo Press, 2021), 6.

¹⁸ Muhammad Amin Suhayli, *Qaidah Dar'u al-Mafasid Awla Min Jalb al-Masalih Dirasah Tahliliyah* (Mesir: Dar As-Salam, 2010), 64.

a dimension that encompasses not only the formal procedures of conduct but also embodies the substance of moral imperatives.¹⁹ Accordingly, *Maqāṣid al-Sharī'ah* is understood as the divine objectives and moral framework underpinning the formulation of legal norms within Islamic law, encompassing principles such as justice, freedom, and facilitation. Its further development has given rise to a discourse in legal philosophy that explicates the moral foundations of law, particularly the ultimate purposes underlying the establishment of *sharī'ah*-based obligations.²⁰

Reconstructing Oil Palm Governance in Indonesia: A Jasser Auda Perspective

Contemporary Muslim scholars have advanced a reinterpretation of *maqāṣid* theory derived from foundational textual sources (*naṣṣ*). This approach enables the formulation of legal norms that transcend classical *fiqh* products, thereby representing the universal values and principles embedded within these sources. Within this discourse, Jasser Auda emerges as a prominent scholar who has devoted significant attention to the study of *uṣūl al-fiqh* by reconstructing the concept of *maqāṣid* as a philosophy of Islamic law. His multidisciplinary contributions seek to renew the foundational theory of Islamic jurisprudence through the integration of various systems-based approaches.

The systems paradigm constitutes a methodological breakthrough in the discourse of Islamic law, offering a novel perspective that has not been extensively explored. According to Jasser Auda, a system is understood as a constellation of interactions among integrated components designed to perform specific functions.²¹ Accordingly, each entity is viewed as an organic whole composed of multiple subsystems. To operationalize this approach, Auda formulates six fundamental features: cognitive nature, wholeness, openness, interrelated hierarchy, multidimensionality, and purposefulness.

1. Cognitive Nature of the System of Islamic Law

¹⁹ Fazlur Rahman, *Islam* (Bandung : Penerbit Pustaka, 2003), 165.

²⁰ Jasser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah, Pendekatan Sistem* (Bandung: Mizan Media Utama, 2015), 16-19.

²¹ Jasser Auda, *Membumikan Hukum Islam Melalui Maqasid Syariah*, terj. oleh Rosidin dan Ali Abd el-Mun'im (Bandung: Mizan Pustaka, 2015), 33.

According to Jasser Auda, the application of a systems approach in Islamic law necessitates an analytical framework that positions law as a systemic entity within an ontological definition. Through the implementation of the model of the “cognitive nature of systems,” legal conclusions are expected to align with the epistemological stance of *al-muṣawwibah*, which holds that the *ijtihād* of jurists (*mujtahidūn*) yields contextually valid truths. Accordingly, a clear distinction must be established between the *ilāhiyyah* dimension, namely, revelation as absolute and *fiqh* as a product of human cognition, which is inherently relative. Jasser Auda emphasizes that the discourse of *fiqh* must be reoriented from being perceived as part of sacred divine knowledge toward being understood as a domain of human cognition engaging with that divine knowledge.

Al-Bayḍāwī similarly asserts that *fiqh* constitutes a form of *ẓann* (probabilistic reasoning) rather than *‘ilm* (absolute knowledge). This is grounded in the recognition that claims asserting a legal ruling as a direct representation of the will of God are inherently difficult to verify. Consequently, practical *fiqh* should no longer be positioned as an unquestionable “absolute truth” or immutable divine law, but rather as a product of human *ijtihād* that remains open to critique and renewal.²² From Auda’s perspective, Islamic law (*fiqh*) is the result of human cognition in interpreting the divine will. Therefore, the reconstruction of policy must begin with the awareness that existing agrarian regulations and licensing frameworks, particularly “*right to cultivate*”, constitute a form of “political *ijtihād*” that is contingent and relative. If environmental audits demonstrate deforestation exceeding the ecological carrying capacity, such permits ought to be deemed legally invalid, as they contradict the imperative of environmental protection.

In the context of positive law in Indonesia, the implementation of this legal cognition is manifested in the reform of the risk-based Business Licensing (PB) scheme through Government Regulation Number 28 of 2025 concerning the Implementation of Risk-Based Business Licensing and the Regulation of the Central Bureau of Statistics Number 7 of 2025, which overhauls the Indonesian Standard Industrial Classification (KBLI) codes [PP 28/2025; Peraturan BPS

²² Jasser Auda, *Maqasid al-Shariah As Philosophy Of Islamic Law : A Systems Approach* (London: The International Institute of Islamic Thought, 2008), 46.

7/2025]. The legal classification for the palm oil commodity under KBLI 01262 has now transformed into the legal umbrella of "Oil Palm Cultivation", which encompasses an interconnected series of activities from land preparation, planting, maintenance, and harvesting, to post-harvest activities [Peraturan BPS 7/2025]. This technical codification proves that the legality of Land Cultivation Rights (HGU) and plantation business permits are not absolute entities, but rather human-made cognitive-administrative instruments bound to the validity of fulfilling basic requirements and environmental risk evaluations [PP 28/2025].

Based on a legal review of the Job Creation Perpu which amends Article 42 paragraph (1) of the Plantation Law, oil palm plantation companies can only legally conduct cultivation operations if they have obtained land rights (HGU) and simultaneously fulfilled the business licensing from the Central Government [Perpu Cipta Kerja; UU Perkebunan]. The cognitive nature of law requires corrective flexibility; if an environmental audit empirically proves that an HGU holder ignores fire prevention instruments or conducts planting outside the agreed working boundary, the permit becomes null and void by law because it fails to fulfill its socio-ecological function [PP 28/2025]. This cognitive character invalidates the absolutism of large-scale land ownership (maximum 100 thousand hectares) and asserts that HGU permits can be annulled at any time if the agrarian policy *ijtihad* is proven to harm the welfare of the ecosystem [PP 28/2025; UU Perkebunan].

2. Wholeness of the System of Islamic Law

Systems theory positions causal relationships as an integrated whole, wherein interactions among components generate diverse collective characteristics that shape observable phenomena. This approach offers a paradigmatic shift from a linear cause–effect logic confined to textual and linguistic dimensions toward a systemic mode of thinking capable of integrating and encompassing complex variables that are often overlooked.²³

Contemporary policy exhibits a form of reductionism, wherein oil palm is narrowly construed as a mere export variable. In contrast, the principle of wholeness within a systems approach requires that

²³ Jasser Auda, *Maqasid al-Shariah As Philosophy Of Islamic Law : A Systems Approach* .47.

policy be understood as an integral component of the Earth system. This reductionist condition becomes evident when public policy accounts solely for gains derived from crude palm oil (CPO) exports measured in terms of GDP while neglecting the costs associated with forest loss and restoration, which constitute negative externalities. Accordingly, a necessary strategic intervention is to shift the metric of success in the oil palm industry from “production tonnage” to an “ecological justice index.” In this sense, oil palm expansion must be deemed a failure if a 4.5% increase in GDP is accompanied by the degradation of primary forests, as such a trajectory undermines the integrity of the life-supporting system.

This condition of reductionism is visible when public policy only calculates the profits from Crude Palm Oil (CPO) exports toward the Gross Domestic Product (GDP) but ignores the restoration costs of lost forests (negative externalities). Empirical facts on the ground show a very wide gap between the reality of existing palm oil land productivity, which only ranges from 12–14 tons/ha/year, and the ideal productivity target set by the Ministry of Agriculture at 36 tons/ha/year with an oil yield of 25% [Kementan, 2025; SPKS, 2025]. Using the perspective of wholeness, the corporate desire to expand new land by 3 thousand to 5 thousand hectares per year under the pretext of avoiding production voids during the replanting period is a form of systemic thinking failure [SPKS, 2025]. This passion for expansion precisely reduces the essence of sustainability for the sake of short-term financial stability of business entities.

Therefore, the strategic action demanded by the principle of wholeness in Islamic law is to change the success parameters of the palm oil industry from raw “Production Tonnage” to an “Ecological Justice Index” [Auda, 2011]. This means that the expansion of oil palm plantations must be declared “failed” and fundamentally flawed if macroeconomic growth is accompanied by massive destruction of primary forests and the draining of peatlands [SPKS, 2025]. Conducting exploitation and forest conversion for CPO to pursue national production figures (which had stagnated at 31.5 million tons out of a potential 50 million tons) without optimizing the productivity of existing land is considered to destroy the structural integrity of the life ecosystem mandated by the *sharia* [GAPKI, 2025; SPKS, 2025].

3. Openness of the System of Islamic Law

Jasser Auda conceptualizes philosophical openness as a fundamental mechanism for self-renewal within the Islamic legal system. This paradigm enables *uṣūl al-fiqh* to construct adaptive instruments in responding to contemporary phenomena; in other words, it facilitates dynamic engagement with the surrounding environment through methodological tools such as analogical reasoning (*qiyās*), considerations of public interest (*maṣlaḥah*), and the accommodation of custom and social practice (*ʿurf*).

The mechanism and degree of such “openness” thus constitute a critical approach in the development and analysis of Islamic legal systems and their respective subsystems.²⁴ In this context, the principle of openness requires agrarian law to engage with empirical data derived from ecological science and the sociology of law. Moreover, such systemic openness necessitates strategic measures that reposition indigenous communities not as mere administrative complements, but as legitimate “system informants.” Accordingly, the recognition of customary territories must be institutionalized as a legal safeguard for ecological integrity, endowed with binding normative force.

In national agrarian governance, the principle of openness requires the legal framework of plantations to radically open itself to empirical data from ecological science, legal sociology, and the historical landscape of the people's living space. So far, structural conflicts have occurred due to self-contained sectoral egos, where the Forestry Law unilaterally and administratively determines forest area boundaries without considering social, historical realities, and customary rights on the ground [UU Kehutanan; SPKS, 2025]. As a result, national agrarian law is trapped in a black-and-white narrative that triggers clashes between the formal legality of corporate HGU permits and the living space of local indigenous communities.

Through the lens of openness, the transparency of the licensing system necessitates strategic action in positioning indigenous communities no longer as administrative complements in EIA (AMDAL) documents, but as valid “system informants” with full authority. This openness is concretely accommodated in Appendix I.B of Government Regulation Number 28 of 2025, which obligates medium and large-scale palm oil business actors to attach a “letter of

²⁴ Jasser Auda, *Maqasid al-Shariah As Philosophy Of Islamic Law : A Systems Approach* .48.

agreement from the customary law community" if the proposed HGU land sits on customary rights land. Furthermore, there must be a written agreement that establishes working boundaries in a participatory manner [PP 28/2025]. The recognition of customary territories through integrative harmonization between palm oil licensing and the Forestry Law must be positioned as an environmental ecosystem safety valve that possesses binding legal force to halt the pace of uncontrolled deforestation.

4. Interrelated Hierarchy of the System of Islamic Law

A system is characterized by a hierarchical structure that integrates distinct entities into a unified set of interrelated characteristics. In the domain of cognitive science, human categorization is constructed based on similarities in features and underlying mental concepts.²⁵ This principle is subsequently adopted by Jasser Auda in his reconstruction of *uṣūl al-fiqh*, wherein categorization based on mental concepts is employed to transcend the limitations of binary "true-false" logic. This method advances multidimensional criteria capable of encompassing diverse entities in a comprehensive manner. A fundamental implication of this systemic hierarchy is the reconceptualization of *ḍarūriyyāt* (primary), *ḥājīyyāt* (secondary), and *taḥsīniyyāt* (tertiary) as elements possessing equal theological and sociological urgency in safeguarding public welfare (*maṣlahah*).

On this basis, *ḥifẓ al-bī'ah* (environmental protection) must be elevated to an integral component of *ḍarūriyyāt*. This elevation is necessitated by the fact that, without ecological integrity, efforts to protect life (*ḥifẓ al-naḥs*) and ensure the continuity of progeny (*ḥifẓ al-nasl*) become untenable amid the threats of climate crisis, massive deforestation, peatland depletion, and soil degradation.

This interconnected hierarchical relationship is reflected in the legal stratification of PP 28/2025, which stipulates that for the scope of medium and large-scale oil palm agriculture, the risk level is categorized as a High-Risk Level. The consequence of this high-risk hierarchy determination is an absolute requirement for companies not only to possess a Business Identification Number (NIB) but also to pass strict verification to obtain an official Permit from state authorities.

²⁵ Jasser Auda, *Maqasid al-Shariah As Philosophy Of Islamic Law : A Systems Approach* .48.

This hierarchical linkage demands the fulfillment of strict operational prerequisites to maintain the ecological and social balance of the communities around the plantation. Based on the latest agricultural sector regulations, large-scale corporations are required to submit a digital map of the plantation business permit location at a scale of 1:100,000 or 1:50,000, attach a statement of capability to possess facilities, infrastructure, and a control system for Plant Disrupting Organisms (OPT), as well as a zero-burning land clearing system [PP 28/2025]. Furthermore, there is a sociological hierarchical obligation that forces companies to facilitate the development of community plantations (plasma) of at least 20% of the utilized land area, which must be implemented no later than 3 years since the HGU is granted [PP 28/2025; UU Perkebunan].

Fulfilling macroeconomic needs must not negate or destroy the foundational basis of life existence, namely environmental ecosystems and local social rights. Palm oil exploitation practices that ignore environmental carrying capacity not only violate *sharia* principles but also breach the demands of practical rationality because they prioritize the capital preferences of specific groups over the collective welfare of the wider community.

5. Multi-Dimensionality of the System of Islamic Law

The multidimensional approach in systems theory seeks to analyze a phenomenon without being confined to a single determining factor. By way of analogy, religion and science are often portrayed as contradictory within formal discourse; however, they can, in fact, complement one another in advancing the public good (*maṣlaḥah*). On this basis, Jasser Auda constructs a multidimensional framework of Islamic law by reorienting the treatment of conflicting legal evidences (*ta'āruḍ al-adillah*), which are managed through the method of reconciling evidences (*al-jam' bayn al-adillah*) as an expression of a multidimensional approach.²⁶ Conversely, dichotomous modes of assessment such as *wājib/ḥarām* (obligatory/prohibited) or *nāsikh/mansūkh* (abrogating/abrogated) often constrain the scope of Islamic law when addressing phenomena that lie between these two extremes.

²⁶ Jasser Auda, *Maqasid al-Shariah As Philosophy Of Islamic Law : A Systems Approach* ..51.

Within a unidimensional approach, the resolution of a problem is grounded solely in a single determining factor. This tendency is evident in the dominance of legal opinions (*fatāwā*) that rely exclusively on specific textual evidence (*dalīl al-mas'alah*), despite the existence of numerous other evidentiary sources (*adilla*) that may be applied to similar cases and potentially yield alternative legal conclusions.

In terms of reorienting legal certainty (*al-qaṭ'*), particularly in the context of land clearing, it is imperative to incorporate an accumulation of multidisciplinary data—ranging from deforestation rates and carbon emission indices from peatlands to the social impacts on indigenous communities. Meanwhile, with regard to *al-ta'ārud* (conflict), this approach seeks to unpack the complexity of competing interests. On the one hand, there exists the principle of *ḥifẓ al-māl* (protection of property) through economic development and poverty alleviation; on the other, it conflicts with the imperative of environmental protection and social justice for local communities.

Instead of performing *tarjīh* namely winning one aspect and discarding the other, such as sacrificing total forest sustainability for palm oil exploitation or conversely shutting down the palm oil industry completely for nature conservation the multidimensional approach puts forward integrative solutions through the instrument of the Palm Oil Moratorium Policy. The oil palm moratorium acts as a bridge of legal harmonization (*al-jam'u bayn al-adillah*). This policy of delaying new permits provides space for the state to clean up disorganized governance, resolve overlapping HGU permits in protected forest areas, and clarify cross-ministerial coordination that has been overlapping so far [UU Kehutanan; SPKS, 2025]. This policy does not kill the economy, but rather forces the private sector and smallholders to conduct intensification and boost the productivity of existing land (from 12 tons to the target of 36 tons/ha/year) without the need for new expansion that converts natural forests and peatlands.

6. Purposefulness of the System of Islamic Law

Purposefulness constitutes the most fundamental element within systems theory, functioning as the integrative nexus that connects its various features. Given that the effectiveness of a system is measured by the extent to which its objectives are achieved, the effectiveness of Islamic law may, by analogy, be assessed based on the degree to which its intended purposes are fulfilled.

Gharajedaghi, drawing upon the thought of Ackoff, distinguishes between goals (*ahdāf*) and purposes (*maqāṣid*). A system is considered “purposeful” if it is capable of achieving the same outcome through multiple pathways within a given environment, or of producing different outcomes in response to changing conditions. In contrast, a goal-seeking system operates mechanistically, relying on a fixed method to attain a specific result within a stable environment. Conversely, a purpose-seeking system exhibits greater flexibility, as it can pursue diverse means to reach the same ultimate end.²⁷ Accordingly, every act of *ijtihād* ought to be evaluated based on its effectiveness in realizing this dimension of purposefulness.

Within this discourse, *maṣlaḥah* has often been narrowly interpreted as the protection of *al-uṣūl al-khamsah*, primarily oriented toward individual interests. However, in contemporary contexts, the concept of *Maqāṣid* has undergone a fundamental transformation across multiple dimensions. Jasser Auda advances a paradigmatic deconstruction by shifting the orientation of *Maqāṣid* from a framework centered merely on preservation and protection toward a more progressive paradigm emphasizing the development and promotion of human rights.

This reconstruction distinguishes between a palm oil governance system that merely pursues mechanical target figures (goal-seeking, such as pursuing a maximum area target of 100 thousand hectares or an export quantity target of millions of tons of CPO) and a system that pursues essential goals (purpose-seeking) [PP 28/2025; Gharajedaghi, 2011]. The feature of purposefulness shifts the orientation of commodity management policy in Indonesia: policy effectiveness is no longer measured quantitatively by how many million hectares of forest are successfully converted, but by the extent to which the policy can guarantee the life sustainability of all biotic and abiotic components (Ecological Justice). The implementation of the Palm Oil Moratorium and the tightening of high-risk-based HGU requirements in PP 28/2025 prove a shift toward purpose-seeking; regulations are directed to stop deforestation, strengthen the sustainability bargaining position of Indonesian palm oil on the international stage, and protect the rights of customary law

²⁷ Jasser Auda, *Maqasid al-Shariah As Philosophy Of Islamic Law : A Systems Approach* ..52.

communities [PP 28/2025; SPKS, 2025]. The ultimate goal (*ghāyah*) of Natural Resource (SDA) management is the achievement of public welfare that is genuine, just, and intergenerational (*intergenerational justice*).

Conclusion

The expansion of oil palm plantations in Indonesia constitutes a multidimensional phenomenon that cannot be understood in binary terms. On the one hand, oil palm plays a significant role in both national and global economic systems; on the other, its expansion entails substantial ecological consequences. The dialectic between economic development and environmental sustainability indicates that public policy remains situated within an ambiguous position. Therefore, a more integrative and sustainable approach is required, one that is not solely grounded in economic growth, but also anchored in the principles of ecological justice and long-term sustainability. The policy narrative that negates the relationship between oil palm expansion and deforestation represents a form of oversimplification that disregards ecological complexity. Through the framework of *Maqāṣid al-Sharī'ah* as developed by Jasser Auda, the systems approach offers a fundamental deconstruction of public policy by integrating six interrelated features.

First, the cognitive nature, which positions law as a product of human *ijtihād* relative and open to critique. Second, wholeness, which rejects economic reductionism by situating policy within the broader unity of the global ecosystem. Third, openness, which requires legal frameworks to remain adaptive to scientific data and sociological realities. Fourth, interrelated hierarchy, which elevates environmental protection (*hifz al-bī'ah*) to the level of primary necessity (*ḍarūriyyāt*). Fifth, a multidimensional orientation that prioritizes integrative solutions harmonizing economic needs with ecological sustainability. Sixth, purposefulness, which shifts policy orientation from the mechanical pursuit of quantitative targets (goal-seeking) toward the realization of essential and sustainable public welfare (purpose-seeking). Accordingly, the integration of Jasser Auda's perspective offers a policy model capable of aligning national economic ambitions with the theological mandate to preserve the integrity of Indonesia's ecosystems.

References

- Auda, Jasser. 2008. *Maqasid al-Shariah As Philosophy Of Islamic Law: A Systems Approach*. London: The International Institute of Islamic Thought.
- , 2015. *Membumikan Hukum Islam Melalui Maqasid Syariah: Pendekatan Sistem*. Bandung: Mizan Media Utama.
- , 2015. *Membumikan Hukum Islam Melalui Maqasid Syariah*. Diterjemahkan oleh Rosidin dan Ali Abd el-Mun'im. Bandung: Mizan Pustaka.
- Benedict, J., dan R. Heilmayr. 2024. "Indonesian Palm Oil Exports and Deforestation." Artikel Trase. <https://doi.org/10.48650/0ZP9-GH11>.
- Foreign Agricultural Service USDA. 2026. "Production Data." Diakses 29 Maret 2026. <https://www.fas.usda.gov/data/production/4243000>.
- Forest Watch Indonesia. 2026. "Mengapa Perkebunan Sawit Disebut Merusak Lingkungan?" Diakses 31 Maret 2026. <https://fwi.or.id/mengapa-perkebunan-sawit-disebut-merusak-lingkungan/>.
- Humas Sekretariat Kabinet Republik Indonesia. 2024. "Musyawarah Perencanaan Pembangunan Nasional (Musrenbangnas) RPJMN Tahun 2025-2029 di Kantor Kementerian PPN/Bappenas, Jakarta, 30 Desember 2024." Diakses 28 Maret 2026. <https://setkab.go.id/musyawarah-perencanaan-pembangunan-nasional-musrenbangnas-rpjmn>.
- Ibn Mandzur, Muhammad Mukarram. 2013. *Lisan al-Arab*. Juz I. Beirut: Dār al-Kotob al-Ilmiyyah.
- Karsa Buana Lestari. 2023. "Analisis Komprehensif Dinamika Deforestasi Sektor Kelapa Sawit Indonesia: Tinjauan Regulasi, Dampak Ekologis, dan Peran Strategis Jasa Konsultasi Lingkungan (2023-2024)." Diakses 31 Maret 2026. <https://karsabuanalestari.com/analisis-komprehensif-dinamika-deforestasi-sektor-kelapa-sawit-indonesia/>.
- Rahman, Fazlur. 2003. *Islam*. Bandung: Penerbit Pustaka.
- Suhayli, Muhammad Amin. 2010. *Qaidah Dar'u al-Mafasid Aula Min Jalb al-Mashalih Dirasah Tahliliyah*. Mesir: Dar as-Salam.
- Tim Forum Kajian Ilmiah Mata Pena. 2021. *Bi'ah Progresif*. Kediri: Lirboyo Press.

Wisudawati, Sary. 2024. "Benarkah Sawit Penyebab Utama Deforestasi Global? Ini Faktanya!" *Radio Republik Indonesia*. Diakses 30 Maret 2026.

<https://gayahidup.rri.co.id/mataram/ipitek/2040981/benarkan-sawit-penyebab-utama-deforestasi-global>.