



Integrating *Hifz Al-Bi'ah* from Abdul Majid An-Najjar into Fatwas and Plastic Waste Management Policies in Indonesia

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Abstract

This study examines the philosophical coherence and practical effectiveness of Indonesia's plastic waste management policies through Abdul Majid An-Najjar's concept of *hifz al-bi'ah* within the contemporary *Maqasid al-Shariah* framework. Despite the enactment of government regulations and religious edicts to address the growing plastic waste crisis, few studies have evaluated these policies using *hifz al-bi'ah* as an analytical framework. This study aims to assess the relevance and implementation of Indonesia's plastic waste policies based on An-Najjar's theory. Employing a normative-juridical and philosophical approach, this qualitative library research analyzes Law No. 18 of 2008, Minister of Environment and Forestry Regulation No. P.75/2019, and MUI Fatwa No. 41 of 2014 through qualitative content analysis. The findings indicate that these legal instruments reflect four principles of *hifz al-bi'ah*: protection from environmental damage, pollution, excessive consumption, and environmental revitalization. However, policy implementation remains ineffective due to the dominance of end-of-pipe waste management, weak enforcement of Extended Producer Responsibility obligations, and the non-binding legal status of religious fatwas. The study concludes that stronger regulatory enforcement and integrated environmental governance are necessary to realize the objectives of *hifz al-bi'ah* in Indonesia.

Keywords: Abdul Majid An-Najjar; *Hifz al-Bi'ah*; Plastic Waste Policy.

Introduction

The world is now facing the challenge of properly managing and recovering resources from the enormous amount of plastic waste (Kibria et al., 2023). According to data from the National Plastic Action Partnership (NPAP), Indonesia produces 6.8 million tons of plastic waste per year, of which 61% is not collected, and only 10% is recycled (Purnomo et al., 2024). It is projected that by 2024, plastic waste will account for around 13.98% of the total national waste pile, with an estimated 3.2 million tons of plastic

produced each year. By the year 2050, global waste production is predicted to increase by nearly 70%. This trend, if it continues, will result in a considerable accumulation of waste over time (Bénard & Malet-Damour, 2022).

Improper waste management and the inability to recycle will have a detrimental effect on living standards, marine life, welfare, and the quality of natural resources (Sen & Dey, 2025). Studies estimate that between 4.8 and 12.7 million tons of plastic were discharged into the ocean from land sources in 2010 alone (Kanojia & Basu, 2025). The negative impacts of plastic waste on various types of biological resources and human health have also been identified (Wang et al., 2021). This multidimensional crisis constitutes a threat not only at the national level but also to the achievement of several targets of the 2030 Sustainable Development Goals (SDGs) (Orhorhoro, 2025). The lack of specific policies exacerbates this issue. Traditional plastic waste management techniques, such as incineration and landfilling, negatively impact the environment (Jayasinghe et al., 2024). This crisis cannot be addressed through technical approaches alone; sustainable governance is required. Consequently, this research is significant for integrating ecological jurisprudence and Islamic environmental ethics in formulating an ethical and legal foundation that can encourage behavioral change among the public throughout the entire plastic production and consumption chain.

To address this issue, the government and other institutions have made considerable efforts (Samanta et al., 2025). At the level of local regulations, Bali Province has issued Bali Regional Regulation Number 97 of 2018 concerning Limitation of Single-Use Plastic Collection (Fahrudin & Triadi, 2024). Moreover, the Tulungagung Regency Regional Regulation No. 19/2010 on Waste Management was also issued for the same purpose. The legislative framework for waste management is enshrined in Law No. 18/2018 on Waste Management and Government Regulation No. 27/2020 on Specific Waste Management (Natmisatur Rohma et al., 2023), which includes the Extended Producer Responsibility (EPR) scheme. The fatwa institution, Majelis Ulama Indonesia (Indonesian Islamic Scholar Council/MUI), also issued fatwa No. 41/2014 on Waste Management to Prevent Environmental Damage (Nurdiansyah & Iskandar, 2022). However, on-the-ground evidence reveals legal loopholes and inconsistencies in implementation. The policy of charging for plastic bags in various regions has proven ineffective due to fines that are too small (Agripina & Santoso, 2024). Furthermore, weak enforcement, a lack of recycling infrastructure, and low awareness and participation among manufacturers have exacerbated this structural failure (Anggayasti et al., 2025).

Research on plastic waste has sought to evaluate policies from various perspectives, including economic, political, and religious. First,

Bachtiar (2021) examined policies restricting the use of plastic bags through the lens of *Maqashid al-Shariah* (objectives of Islamic law) in general, but limited the scope of the study to the local context of the city of Bogor (Bachtiar, 2021). Secondly, Santosa (2024) evaluated plastic waste management using the Sustainable Development Goals (SDGs) framework in Semarang (Santosa, 2024). Meanwhile, Ssenoga et al. (2026) focus primarily on the technical aspects of polymer recycling technologies to mitigate global climate change and reduce industrial carbon emissions (Ssenoga et al., 2026). Existing studies reveal two fundamental gaps. First, contemporary Islamic legal analysis of environmental policies remains at the local level. Descriptive approaches dominate it, often reducing the *Maqashid al-Shariah* framework to a general moral appeal rather than a tool for evaluation. Second, there is a clear gap in research that bridges national-level environmental regulations and contemporary, multidimensional Islamic thought, particularly the framework of environmental ethics proposed by Abdul Majid An-Najjar.

This study offers theoretical and analytical novelty by applying An-Najjar's *hifz al-bi'ah* (protection of environment) framework as an evaluative indicator. The present study does not merely affirm ideological alignment; rather, it specifically maps plastic waste management policy instruments in Indonesia against four principles: *hifz al-bi'ah min at-talaf* (protection of damage), *min talawwus* (protection of pollution), *min farth al-istihlak* (protection of excessive use), and *bi at-tanmiyah* (revitalization). The objective of this study is to critically evaluate the philosophical relevance and structural alignment of fatwas and plastic waste regulations in Indonesia within the framework of An-Najjar's *hifz al-bi'ah*. This evaluation will provide a stronger, more practical foundation for environmental governance in Indonesia.

Research Method

This research adopts a normative juridical approach, underpinned by a philosophical and conceptual framework. It employs the concept of *hifz al bi'ah* (protection of environment) in *Maqashid al-Shariah* (objectives of Islamic law) to analyse an issue and policy. The *Maqashid al-Shariah* employed in this study constitutes a novel advancement, initiated by An Najjar, which complements the conventional *Maqashid al-Shariah* as pioneered by Imam Syatibi. The present study is a literature-based research project that draws upon two distinct categories of legal sources. The primary sources of legal material are drawn from the Qur'an, Hadith, and the seminal work of Abdul Majid An-Najjar, entitled "*Maqashid Al-Shari'ah Bi Ab'ad Jadidah*", along with extant waste management policies, including Law No. 18 of 2008 concerning Waste Management and Government Regulation Number 27 of 2020 concerning Specific Waste Management,

amongst others. To provide a more comprehensive overview of the subject, the secondary sources of legal materials include books and scientific journals on *Maqashid al-Shariah*, *hifz al-bi'ah*, Islamic legal philosophy, and environmental policy relevant to the theme.

The data were collected through a meticulous examination of the relevant documentation and literature, employing content analysis techniques across three stages. First, relevant provisions in several plastic waste management policies in Indonesia and related fatwas were reviewed. Sections not directly related to the plastic management cycle were excluded, leaving only data relevant to plastic waste management. Second, the selected data were then grouped based on the four elements of *hifz al-bi'ah* from An-Najjar's perspective. Next, the data was analyzed to assess its alignment with the principles of *hifz al-bi'ah*.

Result and Discussion

Conceptualization of *Hifz al-Bi'ah* within the Framework of Islamic Law

Concern for the environment is one of the aspects regulated in Islamic teachings. The concept of monotheism, which affirms Allah as the creator of the universe, provides a philosophical basis for concern for the environment by teaching humans their obligation to protect it. Man, as a caliph on Earth, is responsible for the maintenance and management of nature with justice and compassion (Ramadani & Ismail, 2023).

The command to protect the environment has been enshrined in several verses of the Qur'an, including QS Al Ar Rum (30) verse 41:

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

"There has been damage on land and at sea caused by human hands. (Through that) Allah makes them feel some of the consequences of their deeds so that they return (to the right path) (QS. Ar Rum (30):41)"

This verse suggests that the contemporary destruction of the natural world is a consequence of human actions, which demonstrate a lack of respect for ecological equilibrium. It is asserted that Allah issues warnings to humankind by highlighting natural disasters as consequences of human negligence in protecting the environment (Marlia et al., 2024).

It is evident that the prohibition of encouraging environmental conservation is not only stipulated in the Qur'an; it is also enshrined in the hadith of the Prophet, narrated by Ahmad in Musnad Ahmad. As stated in the Hadith,

"He who fells a tree without a just cause shall be cast into Hellfire" (HR. Ahmad).

This proscription is applicable not only in the context of war, but also in everyday life. Environmental degradation, manifesting in illicit mining practices, improper waste management, and water contamination, among

other issues, including pollution from non-biodegradable plastic waste, can be conceptualised as a manifestation of *fi al-ard* (in the Earth), a concept strictly forbidden by Islamic law (Syauqi et al., 2025).

The textual basis outlined above is reflected in the three philosophical pillars of humanity's relationship with nature. Firstly, the concept of the caliphate, which necessitates the conscientious management of the natural world by human beings (Derysmono & Al-Kahfi, 2025). Secondly, the principle of "*mizan* (balance)", which signifies equilibrium, plays a pivotal role in regulating human interaction with nature. The balance of the ecosystem underscores the necessity of maintaining natural harmony to serve Allah (Wani & Azhar, 2024). Thirdly, the principle of trust holds that humans have an ethical and spiritual obligation to protect the environment for the benefit of future generations (Azzahra & Siti Maysithoh, 2024).

Over time, the philosophical principles of ecology have been incorporated into the *Maqashid al-Shariah* framework. It is acknowledged by scholars of Islamic law that environmental sustainability is consistent with the aspects in *kulliyat al-khams* (the five principles), namely *hifz al-din* (protection of religion), *hifz al-nafs* (protection of life), *hifz al-nasb* (protection of lineage), *hifz al-aql* (protection of intellect), and *hifz al-mal* (protection of property) (Khuluq & Asmuni, 2024). According to Yusuf Qardhawi, *hifz al-bi'ah* (protection of environment) constitutes a demand for the protection of the five purposes of Sharia. It has been demonstrated that acts which result in environmental damage are synonymous with acts which threaten religion, life, lineage, intellect, and property (Istiani & Muhammad Roy Purwanto, 2019). For example, water and soil pollution caused by plastic waste directly threaten human life (*hifz an-nafs* - protection of life) through the risk of chronic diseases such as cancer. It threatens the genetic sustainability of future generations (*hifz an-nasl* - protection of lineage) due to the accumulation of microplastics in the food chain (Segovia-Mendoza et al., 2020). In the event of inhalation or ingestion, microplastics can accumulate and exert localized particle toxicity by inducing or amplifying an immune response (Taurozzi et al., 2024).

Although scholars agree on the importance of ecological considerations, there is an academic debate regarding the place of *hifz al-bi'ah* within the structure of the *Maqashid al-Shariah*. Yusuf Al-Qardhawi states that *hifz al-bi'ah* serves as a conduit for the actualisation of *al-kulliyat al-khamsah*. The rule that governs this is expressed as "*ma la yatimmu al-wajib illa bihi fahuwa wajib* (that without which an obligation cannot be fulfilled is also obligatory)." Therefore, although *hifz al-bi'ah* is not included in *kulliyat al-khamsah*, *kulliyat al-khamsah* cannot be achieved properly if environmental maintenance is disregarded (Erianto et al., 2024).

Conversely, Thaha Jabir al-Alwani formulated the three goals of the *Maqashid al-Shariah* into the *Maqashid al-Sharia al Ulya* (ultimate objectives of Islamic law), which consists of *tauhid* (monotheism), *tazkiyah* (soul purification), and *'umran* (civilization). The dimension of *'umran* inherently compels humans to preserve nature as an integral component of *tazkiyah* and *tauhid*. Concurrently, Mustafa Abu Sway employed the concept of *Maqashid al-Shariah* to posit that the preservation and protection of nature constitutes the paramount objective of sharia. From his perspective, the five key components of *Maqashid al-Shariah* (*kulliyat al-khams*) are of paramount importance in achieving the overarching objective of sharia: fostering harmony among all living beings on Earth. Similarly, in “al-Tashri' al-Islamiy fi al-Hifz 'ala al-Bi'ah”, Muhammad Syalasy positions *hifz al bi'ah* as a guarantor of the realisation of *Maqashid al-Shariah* (Saputra et al., 2021).

Through his work, Abdul Majid An-Najjar has demonstrated a profound dedication to environmental concerns. An-Najjar's theoretical framework posits that the physical environment in which humans reside can be categorised into two primary components. Firstly, the term property refers to that which is the result of human utilisation of all that is on Earth, including, but not limited to, agriculture, plantations and mining products. An-Najjar asserts that the maintenance of property is a fundamental tenet of sharia law, as it serves as a guarantee for human survival, contingent upon its judicious management. Conversely, inadequate management of these resources can have detrimental consequences for the environment. To illustrate this point, consider the repercussions of human interference in the processing of agricultural products, such as the use of illicit chemicals. Such practices have the potential to adversely impact the quality of water resources and the surrounding soil, both of which are vital components of the environment. Secondly, the objective of environmental conservation. An-Najjar expounded on the concept of *hifz al-bi'ah*, elucidating its significance as a means of safeguarding the natural environment, the foundation of human existence. It is evident that all elements of the Earth, including plants, animals, and other inanimate objects, exert a substantial influence on human life. As stated in QS. As stated in Al Jatsiyah verse 13, all that is on Earth and its contents have been bestowed upon humanity by Allah to meet human needs (Syihab, 2021).

According to him, the concept of *hifz al-bi'ah* is divided into four principles that must be observed, including *hifz al-bi'ah min at-talaf* (protecting the environment from destructive actions), *hifz al-bi'ah min talawwus* (protecting the environment from all forms of pollution), *hifz al-bi'ah min farth al-istihlak* (protecting the environment from excessive consumption), and *hifz al-bi'ah bi at-tanmiyah* (protecting the environment through revitalization and development). These four dimensions are adopted in this study as evaluative indicators to assess the extent to which

policies and fatwas regarding plastic waste management in Indonesia function at both the normative and practical levels.

Fatwa and Policy on Plastic Waste Management and Its Implementation in Indonesia

The issue of global waste, particularly in Indonesia, has consistently been a subject of concern. The result of daily human activity is the production of thousands of tons of waste, most of which is plastic, a material that takes a very long time to decompose. The correlation between population growth and the amount of plastic waste produced is well-documented. Costas Velis of the University of Leeds predicts that 40% of urban plastic waste is currently not properly managed and that this figure will rise to 55% by 2040 if people do not change their lifestyles (Velis & Cook, 2021). Indonesia has been identified as the second-largest producer of plastic waste in the world, with an annual output of 1.15-2.41 million tons of plastic waste entering the ocean (Subu & Bala, 2024).

As a country with a Muslim population, Indonesia incorporates religious-based moral legal instruments to address personal spiritual matters through fatwas. Despite the absence of explicit regulations on the utilisation of plastic waste in MUI Fatwa Number 41 of 2014 concerning Waste Management to Prevent Environmental Damage, the fatwa does contain several legal provisions at its conclusion. Firstly, Muslims are obliged to ensure environmental cleanliness, utilise useful goods for the benefit of others, and refrain from various diseases and acts of *tabdzir* (wasteful spending) and *israf* (exceeding use of resources). Secondly, littering and/or disposing of items that are still suitable for personal or other use is considered haram. Thirdly, the government and entrepreneurs are obliged to manage waste to avoid harming living beings. Fourthly, it is imperative to transform waste into valuable commodities that enhance individual's well-being (Nazar et al., 2024).

However, research by Faisal Eriza (2024) reveals that the implementation of the MUI fatwa on waste management has had little impact on waste reduction in Indonesia. The fatwa, on the other hand, applies only to acts of *israf* and *tabdzir*. This is supported by 2023 data suggesting that the MUI fatwa on waste management, which has been in place for nine years, has not, in fact, influenced Muslim behavior regarding waste reduction. This finding also indicates that the MUI (Indonesian Islamic Scholar Council) cannot directly encourage Muslims to comply with Islamic law despite the Muslim-majority population (Eriza et al., 2024).

The second approach focuses on direct government intervention in retail-level market governance to limit consumers' ability to use plastic. The process was initiated with a trial-and-error approach through Circular Letter of the Directorate General of Waste, Waste, and Hazardous and Toxic Materials Management of the Ministry of Environment and Forestry. This

text concerns the SE-06/PSLB#-PS/2015 document, titled 'Anticipatory Actions in the Implementation of the Policy on the Use of Paid Plastic Bags in Modern Stores'. This circular elucidates that one of the government's strategic initiatives to address the surge in plastic waste is the implementation of a paid plastic bag system in all modern stores in Indonesia. The objective of this initiative is to curtail the volume of plastic waste that has persistently caused environmental degradation. This policy was further elaborated in a Circular Letter from the Directorate General of Waste, Waste, and Hazardous and Toxic Materials Management, Ministry of Environment (KLHK). The subject of this text is S.1230/PSLB3-PS/2016, which pertains to the matter of Prices and Mechanisms for the Implementation of Paid Plastic Bags. Customers who wish to procure plastic bags from the Wajin store are required to pay IDR 200.00. The proceeds from the sale of these bags are then utilised as public funds (Paramita & Firmansyah, 2024).

Several local governments subsequently reinforced this downstream restriction strategy through local regulations, as in Jayapura. The Jayapura City Government issued Jayapura Mayor's Instruction Number 1 of 2019 concerning the implementation of the use of alternative shopping bags to replace plastic bags in Jayapura City. This directive applies in contemporary marketplaces, including commercial entities such as malls, retail outlets, supermarkets, and shopping centres within the Jayapura City area. Following the enactment of the relevant legislation on 1 February 2019, modern markets are no longer permitted to provide plastic bags to customers. Instead, customers are expected to bring their own reusable bags or to purchase them from the store (Tanan et al., 2021).

The modification of behaviors within a community accustomed to using plastic bags constitutes a substantial challenge. However, following the implementation of public awareness campaigns and outreach efforts, individuals have begun to utilize their own containers during shopping trips (Lelan & Dalle, 2021). However, field observations conducted by Ramandei and Rorrong (2023) indicate that approximately 50% of retail business owners are disregarding the mayor's instructions, perceiving the use of plastic bags as an integral component of daily life (Ramandei & Rorrong, 2023).

The third approach diverts consumer restrictions to the downstream level by emphasizing government intervention at the upstream level of the industry, as embodied in the EPR concept. The OECD (Organization for Economic Cooperation and Development) defines EPR as a programme in which manufacturers assume responsibility for the environmental impact of the products they manufacture, from the design stage through to the post-consumer stage. The programme is expected to result in a reduction of waste disposed of in landfills and an increase in recycling rates. The

implementation of EPR necessitates the use of green packaging materials, and the recall of packaging that has become an end product. EPR represents a significant endeavour to facilitate the implementation of Law Number 18 of 2018 on Waste Management, particularly With the respect to the 3R (reduce, reuse, recycle) approach set out in Article 15. This article stipulates the producers' obligation to manage packaging and/or goods that are inherently biodegradable through natural processes. This standpoint is reinforced by Article 20, which calls upon business actors to undertake activities that result in the generation of minimal waste, facilitate reuse, recycling, and rapid decomposition through natural processes (Rahayuningtyas et al., 2023).

In addition to being based on Law Number 18 of 2018 concerning Waste Management, EPR was adopted from several regulations, including Government Regulation Number 81 of 2012 concerning the Management of Household Waste and Household Similar Waste which regulates the obligations of producers in waste management, Presidential Regulation Number 97 of 2017 concerning National Policies and Strategies for the Management of Household Waste and Household Similar Waste which targets a 30% reduction in waste and 70% waste management by 2025, and Regulation of the Minister of Environment and Forestry (Permen LHK) No. P.75 of 2019 concerning Waste Reduction Roadmap by Producers, which requires producers to prepare and implement waste reduction plans until 2029 (Nathanael et al., 2025).

This EPR policy was initially developed in Germany to address the problem of declining landfill availability due to uncontrolled landfill rates. Although EPR has the potential to be implemented in other countries, it will face various challenges. In Indonesia, the inhibiting factors that will be encountered in the implementation of EPR include: the pipeline end paradigm (end of pipe) that does not change, limited funding from the government, poor social and cultural conditions, lack of commitment of policy makers and various other inhibiting factors (Nathanael, Xaviera, John, Kwu, & Putra Nugraha, 2025). In addition, Johannes et al. (2021) found that the effectiveness of EPR in developing countries is still hampered by infrastructure limitations, high management costs, weak oversight, and the lack of full engagement by all business actors in assuming responsibility for plastic waste management (Johannes et al., 2021).

Analysis of the Relevance of *Hifz al-Bi'ah* from Abdul Majid An-Najjar to Plastic Waste Management Policy in Indonesia

Environmental conservation is an important issue among contemporary Muslim thinkers. Al-Najjar claimed that environmental protection has become a crucial discourse in the midst of an increasingly

complex ecological crisis. According to him, the concept of *hifz al bi'ah* (protection of environment) is divided into four values that must be considered (Mufid, 2023).

First, *hifz al-bi'ah min at-talaf* (protecting the environment from destructive actions). Protection in this concept is an effort to avoid destructive actions that waste nature, as well as to preserve ecosystems, as referred to in QS. Al Baqarah verse 205 and QS. Hud verse 40. Second, *hifz al-bi'ah min at-talawwus* (protecting the environment from all forms of pollution). An-Najjar provides a benchmark for assessing whether an ecosystem is polluted. For example, if water has been excessively contaminated with dust, it can be considered pollution because it can interfere with survival. Therefore, An Najjar holds that Islamic law pays close attention to even the slightest act of pollution (Najjar, 2008). Third, *hifz al-bi'ah min farth al-istihlak* (protecting the environment from excessive consumption). In this point, it is explained that protecting the environment by imitating the balance of nature means keeping consumption within reasonable limits to sustain life, while avoiding *israf* (excessive human behavior) and *tabdzir* (waste). Fourth, *hifz al-bi'ah bi at-tanmiyah* (protecting the environment through revitalization and development). According to An-Najjar, ecosystem preservation in this point is related to natural elements that have the potential for development. For example, Sharia for *ihya' al-mawat* (reviving dead lands) for farmers who manage the land and take care of the rice. Meanwhile, those who do not have private land are encouraged to enter into *muzara'ah* (Islamic agricultural contract) transactions, allowing farm workers to manage certain parts of vacant land under agreed-upon terms, with seeds provided by landowners and workers having the right to enjoy the results (Fatkhurrozi & Fageh, 2024; Salim, 2021).

The author's analysis indicates that MUI Fatwa Number 41 of 2014 concerning Waste Management to Prevent Environmental Damage, in conjunction with several government policies that have been discussed previously, has fulfilled the aspects of *hifz al-bi'ah* within the *Maqashid al-Shariah* framework. The initial legal provision, namely the obligation for every Muslim to maintain environmental cleanliness and utilise goods that are still in use to realise benefits and avoid *tabdzir* (wasteful spending) and *israf* (exceeding use of resources), is in accordance with aspects of *hifz al-bi'ah*, namely *hifz al-bi'ah min farth al-istihlak* (protecting the environment from excessive consumptive behaviour). Secondly, the prohibition of littering and the disposal of goods that are still in a usable condition is an implementation of *hifz al bi'ah min talawwus* (protecting the environment from all forms of pollution). Thirdly, the responsibility incumbent upon the government and businessmen to manage waste to prevent harm is part of *hifz al-bi'ah min at-talaf* (protecting the environment from destructive

actions). Fourthly, the *kifayah* obligation, which is incumbent upon every Muslim to recycle their waste into useful goods that can generate economic value, forms part of the concept of *hifz al bi'ah bi at-tanmiyah* (protecting the environment by revitalisation and development) (Haqiqi et al., 2025).

While it meets the elements of *hifz al-bi'ah* according to An-Najjar, a fundamental weakness lies in its enforceability under the law. The MUI fatwa, in its capacity as a moral-religious edict, is not subject to formal legal enforceability. A significant discrepancy emerges when the values stipulated in this fatwa conflict with the pragmatic attitudes prevalent in society. The operational impotence of the fatwa is predicated on the absence of any codified criminal or administrative sanctions that would give effect to the legal ruling that environmental destruction is haram. The religious dimension should not merely support secular policies; rather, it should also serve as an active driver in sustainable governance. Cross-national research indicates that religious legitimacy is effective only when combined with scientific instruments and robust regulations. Consequently, integrating fatwas into public policy requires establishing institutional bridges that link moral narratives to implementation mechanisms (Zulliandi, 2026).

Concurrently, the policies of several Regional Regulations about the prohibition of the provision of single-use plastics in the contemporary market, as applicable in various regions in Indonesia, have been in accordance with the principle of *hifz al-bi'ah* in the points of *hifz al-bi'ah min talawwus and min at-talaf*. Recycling single-use plastics is challenging, and they are often non-biodegradable. The repercussions for the environment are manifold, encompassing water and soil contamination, which in turn jeopardise the integrity of the marine ecosystem and its constituent organisms (Musleh & Rahman, 2024). Nevertheless, this policy remains incomplete, as it has not addressed the fundamental issue underlying the problem. The efficacy of the paid plastic bag program is also called into question by its relatively low fee. This amount is inadequate to prompt a shift in consumer behavior, leading many individuals to continue preferring to pay rather than bring their own shopping bags. This assertion is corroborated by the findings of Jumiarsih et al. (2026), who conducted a study on the Palembang Farmers Market. A significant proportion of consumers (73%) continue to request plastic bags due to their perceived efficiency and cost-effectiveness. Furthermore, consumers have expressed a preference for the continued availability of paid plastic bags, citing their unwillingness to utilize reusable shopping bags or cardboard boxes as alternatives, which they believe would disrupt their shopping experience (Jumiarsih et al., 2026).

Concurrently, restrictions on single-use plastics in various regions are regarded as more efficacious in ensuring administrative compliance in contemporary retail settings. The implementation of this policy is called

into question in the context of traditional markets and other informal sectors, which are, in fact, the primary sources of plastic waste (Angriani et al., 2021). According to the research conducted by Enggok et al. (2022), the policy is confronted with challenges, including a limited public response stemming from a deficiency in comprehension regarding the government program (Sayuti Enggok et al., 2022). The failure to reach the informal sector indicates that this regulation remains normative and limited, and thus has not yet become a comprehensive environmental protection strategy.

In the context of the EPR programme among entrepreneurs or producers, the implementation of four concepts of *hifz al-bi'ah* is paramount. These are *hifz al bi'ah min talawwus*, *hifz al-bi'ah min at-talaf*, and *hifz al bi'ah bi at-tanmiyah*, as outlined by An Najjar. The obligation of producers to manage packaging and/or goods produced by them that cannot or are difficult to decompose by natural processes, as stated in Law Number 18 of 2008 concerning Waste Management, is in line with the *hifz al-bi'ah min at-talaf*. Consequently, in accordance with the stipulations outlined in Minister of Environment and Forestry Regulation Number P.75 of 2019, manufacturers are obligated to employ products, product packaging, and/or containers that are readily biodegradable and minimise waste generation through natural processes. This can prevent environmental damage, for example, to soil. Waste that is not treated or cannot be decomposed will produce toxic compounds and reduce soil fertility and productivity. This is because microorganisms in the soil will be disturbed and may even die, resulting in reduced nutrient availability in the soil (Rahmah et al., 2022).

The *hifz al-bi'ah min talawwus* aspect stipulates that producers are obliged to recall product waste or product packaging. This obligation can be fulfilled by providing shelter facilities and collaborating with registered waste banks, waste processing sites, and recycling centres. This is an initiative designed to prevent environmental pollution from product waste. As demonstrated in the research conducted by Yura Witsqa Firmansya et al., the production of plastic in micrometre form has the potential to pollute water sources in Indonesia. This phenomenon can affect the fauna inhabiting these environments, including fish, shrimp, and crabs, among others. Consequently, plastic has been detected in the bodies of these animals, which, if consumed by humans, could trigger dangerous diseases such as cancer (Witsqa Firmansyah et al., 2021). Not only are microplastics potentially toxic, but they can also adsorb persistent organic contaminants and heavy metals, thereby causing harmful effects on animals, plants, and human health (Naying et al., 2025).

Although EPR could conceptually serve as a sustainable solution, its implementation still faces challenges, including low industry compliance, weak oversight, a lack of incentives, and inconsistent enforcement of

penalties (Rathore, 2026). Therefore, strengthening regulations, ensuring more effective oversight, and providing incentives to producers are urgent priorities for the success of the EPR program in Indonesia (Jerry Shalmont et al., 2025).

Normatively, as stated in Law Number 18 of 2018, Article 4, waste management is defined as a public health and environmental quality improvement initiative aimed at transforming waste into a resource. This initiative reflects the *hifz al-bi'ah bi at-tanmiyah* concept. This approach entails transforming potentially detrimental outcomes into beneficial ones, a prime example of which is the utilisation of plastic waste. The utilisation of plastic waste in the production of recycled products and creative services can be regarded as a manifestation of the circular economy concept. The economic advantages for the community are evident in the additional revenue generated by the waste recycling. This process effectively transforms waste, which can adversely affect the environment, into a valuable commodity. The movement has also been shown to empower a variety of stakeholders, including coffee shops, scavengers, tailors, and others, and to generate employment opportunities within the community (Nurmalasari, Milda, Andrian, Priyanto, & Taryana, 2024).

Although this legislation embodies a progressive ecological vision, its efficacy in curbing plastic waste remains constrained by its emphasis on waste management at the end of the process. This is evidenced by the fact that 35% of waste is not sorted, indicating that the waste management objectives mandated by law have not been fully achieved in practice (BRIN, 2024).

Conclusion

This study demonstrates that the relationship between Indonesia's plastic waste management instruments and Islamic law cannot be understood as either fully aligned or entirely disconnected. At the normative level, national legal instruments including MUI Fatwa No. 41/2014, Law No. 18/2008, and Ministry of Environment and Forestry Regulation No. 75/2019 substantially reflect the four dimensions of *hifz al-bi'ah* proposed by Abdul Majid An-Najjar, namely environmental protection from damage, pollution, excessive consumption, and ecological revitalization. However, the study also reveals a significant implementation gap, indicating that normative coherence has not translated into effective environmental governance. Weak enforcement of Extended Producer Responsibility (EPR), the limited deterrent effect of low-priced paid plastic bag policies, and the non-binding nature of religious fatwas have constrained the realization of sustainable plastic waste management. These findings contribute to the development of Islamic environmental jurisprudence by demonstrating that the effectiveness of *hifz al-bi'ah* depends not only on normative

compatibility but also on institutional capacity and regulatory enforcement. Practically, the study recommends strengthening transparent legal mechanisms to monitor EPR compliance, integrating the substantive values of environmental fatwas into enforceable regulations, and expanding environmental education and public participation. Future research should investigate the implementation of these regulatory instruments through empirical and comparative studies across different regions to evaluate their long-term effectiveness in promoting environmental sustainability.

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