

A Maqāṣid Al-Sharī'Ah Perspective on Illegal Mountain Mining: Environmental Destruction and the Violation of Public Property

Abdul Wasik¹, Saifullah²

¹Institut Agama Islam At-Ta'qwa Bondowoso, ²Sekolah Tinggi Ilmu Syari'ah Darul Falah Bondowoso

Corresponding Author: Abdul Wasik, e-mail: abdul_wasik80@yahoo.co.id

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ABSTRAK

Illegal mining has emerged as a deeply troubling phenomenon due to its adverse effects on environmental degradation, the usurpation of public rights, and the threat it poses to the sustainability of natural resources. From the perspective of *Maqāṣid al-Sharī'ah*, this practice is not only a violation of positive law but also contradicts the core principles of the five universal objectives of Islamic law, especially *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-māl* (protection of property), and *ḥifẓ al-bi'ah* (protection of the environment) as a derived objective. This paper aims to analyze illegal mining using the approaches of *uṣūl al-fiqh* and *maqāṣid al-sharī'ah* through a descriptive-analytical method grounded in both classical and contemporary literature. The findings indicate that illegal mining constitutes an act of *ta'addi* (transgression) and *ifsād* (corruption), fundamentally opposing the objectives of Islamic law and necessitating the application of *sadd al-dharā'i'* (blocking the means) to prevent further harm. This article affirms the urgency of Islamic environmental jurisprudence (*fiqh al-bi'ah*) as an academic response to the ecological crisis caused by unethical exploitation of natural resources.

Keywords: *maqāṣid al-sharī'ah*, illegal mining, *fiqh al-bi'ah*, *sadd al-dharā'i'*, public welfare

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PENDAHULUAN

Illegal mining has become a critical and systemic ecological issue in Indonesia. This phenomenon is not only occurring in open-pit mining areas but is increasingly prevalent in mountainous regions, including protected forests, nature reserves, and water catchment zones. In recent months, the public has been alarmed by the proliferation of illegal mining activities in strategic mountain ranges such as the Meratus Mountains (South Kalimantan), Bintan Mountains (Riau Islands), and several mountainous areas in East Java's Tapal Kuda region, including Bondowoso, Situbondo, and Lumajang (Huda, 2022). These mining operations are conducted without legal permits and are often met with a degree of tolerance from authorities, allegedly involving complex networks of vested interests (Yusuf, 2019).

These activities have led to massive ecological degradation, including landslides, clean water crises, and river pollution, threatening the livelihoods of surrounding communities. The damage is not only environmental but also touches on the sociological and ethical dimensions of Islam. Illegal mining undermines the foundations of social justice by depriving future generations of their right to a livable environment and exacerbating inequality due to exploitation by elite groups (Rahman, 2015; Azra, 2013).

Within the framework of Islamic law, this phenomenon goes beyond administrative violations; it constitutes *ifsād fī al-ardh* (corruption on earth), which fundamentally contradicts the primary mission of the *Shari'ah*: to realize public welfare (*maṣlahah*) and prevent harm (Nasr, 2013). From the *maqāṣid al-shari'ah* perspective, illegal mining is a direct threat to *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-māl* (protection of public property), and *ḥifẓ al-bi'ah* (protection of the environment)—an emerging yet vital component of contemporary Islamic jurisprudential discourse (Auda, 2010; Ali, 2020).

Although *ḥifẓ al-bi'ah* is not explicitly included in the classical *maqāṣid al-khamsah*, it has gained legitimacy among contemporary scholars as an integral aspect of public interest protection. As emphasized by Afifuddin Muhajir (2018), in the modern context, *maqāṣid* must be dynamically developed to respond to systemic environmental damage. This paves the way for employing the principle of *sadd al-dharā'i'* (blocking the means), which mandates the prohibition of any action with the potential to disrupt the ecological balance (Mujahidin, 2021).

This article aims to analyze illegal mining in mountainous regions through a normative-contextual lens grounded in *maqāṣid al-shari'ah*. By examining field data, policy documents, and the views of both classical and contemporary *uṣūlī* scholars, this study argues that illegal mining constitutes a violation of Islamic legal objectives and demands proactive, rather than reactive, prevention strategies. In this context, Islamic boarding schools (*pesantren*) and *Ma'had Aly* institutions play a strategic role in fostering the development of environmental jurisprudence rooted in social realities and Islamic legal responsiveness (BAZNAS, 2023). As moral and educational institutions in Muslim society, *pesantren* have great potential to mainstream eco-Islamic jurisprudence grounded in *maqāṣid*, as a true realization (*taḥqīq al-maṣlahah*) of collective benefit. As Wasik (2023) notes, *pesantren* and zakat institutions occupy a pivotal position in articulating sustainability values based on a just and holistic Islamic governance framework.

LITERATURE REVIEW

Illegal Mining in Indonesia: Problems and Impacts

Illegal mining represents a significant threat to Indonesia's ecosystems, particularly in mountainous regions rich in natural resources. These illicit operations often disregard environmental

regulations and neglect the Environmental Impact Assessment (AMDAL) procedures that are legally required. In regions such as South Kalimantan and Sumatra, illegal mining has led to severe land degradation, water pollution, and forest ecosystem destruction. According to WALHI (2023), nearly 80% of mining activities in Indonesia's protected forest areas are unauthorized, contributing to widespread and escalating environmental damage.

The environmental impacts of illegal mining are extensive. Activities frequently result in landslides, river damage, and pollution that endanger human life and threaten the sustainability of local ecosystems. Illegal mining degrades water quality, jeopardizing the health of communities that depend on these resources for their daily needs (WWF Indonesia, 2022). Mercury and other heavy metals commonly used in illegal gold mining are highly toxic, posing serious health risks to both humans and wildlife.

Contemporary Perspectives on Maqāṣid al-Sharī'ah

Maqāṣid al-sharī'ah centers on the essential objectives of Islamic law, which aim to ensure a just and harmonious life. The five core objectives include the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), property (*ḥifẓ al-māl*), and dignity (*ḥifẓ al-'irdh*). From this perspective, illegal mining violates the foundational principles of *maqāṣid*, especially as it pertains to *ḥifẓ al-naḥs* and *ḥifẓ al-māl*, while also undermining the rights of future generations to a dignified life and healthy environment—a concern increasingly recognized as *ḥifẓ al-bi'ah*.

Prominent contemporary scholars such as Dr. Yusuf al-Qaradawi emphasize the expansion of derivative *maqāṣid* to include environmental protection. Within this context, the development of environmental jurisprudence (*fiqh al-bi'ah*) has gained traction as an Islamic response to the ecological crisis (Al-Qaradawi, 2007). These principles are increasingly relevant in addressing the environmental and human threats posed by illegal mining practices.

Islamic Environmental Jurisprudence (Fiqh al-Bi'ah)

Fiqh al-bi'ah is a sub-discipline of Islamic jurisprudence that focuses on environmental issues. Foundational concepts such as *istislah* (public interest) and *sadd al-dharā'i'* (blocking the means to harm) serve as critical tools for guiding ethical and sustainable interaction with nature. Illegal mining, in this framework, represents a form of ecological harm that must be prevented to preserve the integrity of natural life systems (Assyaukan, 2011). *Fiqh al-bi'ah* advocates for the wise stewardship of the environment, rooted in the values of *al-'adl* (justice) and *al-iḥsān* (benevolence), which are central to a sustainable resource management ethic.

Islamic boarding schools (*pesantren*) are uniquely positioned to assume a transformative role in environmental education. By integrating environmental *fiqh* into their curriculum, *pesantren* can instill

the understanding that environmental stewardship is a form of worship. As Kiai Afifuddin Muhajir frequently asserts, Islamic teachings on the relationship between humanity and nature must be grounded in educational and preaching practices that prevent narrow religious interpretations (Muhajir, 2023).

The role of *fiqh al-bi'ah* has also been reinforced by the Indonesian Council of Ulama (MUI), whose fatwas underscore the imperative of just and sustainable environmental management. For instance, the MUI's 2004 Fatwa on Environmental Protection stresses that environmental degradation caused by illegal mining contravenes Islamic principles that obligate humanity to protect the earth and avoid harm. This is increasingly critical in light of the rampant ecological damage caused by unregulated mining activities.

METHOD

This study employs a qualitative, normative-contextual approach to examine illegal mining practices as legal and social issues within the framework of *maqāṣid al-sharī'ah*. It falls under the category of normative Islamic legal research, contextualized through a sociological lens to better understand environmental degradation as part of the ethical and legal challenges faced in contemporary Islamic discourse.

Primary data sources include classical and contemporary texts on *uṣūl al-fiqh*, while secondary data are derived from investigative media reports, governmental and zakat institutional policies, as well as previous relevant studies on the ecological impacts of illegal mining. Data collection was conducted through library research and discourse analysis. The analysis was carried out using the *maqāṣid al-sharī'ah* framework, focusing on the protection of life (*ḥifẓ al-nafs*), wealth (*ḥifẓ al-māl*), and the environment (*ḥifẓ al-bi'ah*), and was further reinforced by the principle of *sadd al-dharā'i'* (blocking the means to harm) to formulate preventive strategies against further environmental destruction. This approach is intended to bridge the normative values of Islamic law with the realities of the current ecological crisis.

RESULT AND DISCUSSION

The Impact of Illegal Mining on Ḥifẓ al-Nafs (Protection of Life and Health)

Illegal mining activities are often conducted without consideration for occupational safety or environmental health. From the perspective of *maqāṣid al-sharī'ah*, any activity that endangers life and fails to uphold health standards constitutes a direct violation of *ḥifẓ al-nafs*, the imperative to protect human life. In regions such as Kalimantan and Sulawesi, illegal mining frequently results in fatal accidents due to the lack of protective equipment and proper working conditions.

These operations pose a significant threat to life. In East Kalimantan, especially in Samarinda, reports indicate that dozens of children have drowned in abandoned mining pits left unreclaimed. Since 2011, at least 40 children have lost their lives in such incidents (Greenpeace, 2021). This reflects a grave violation of the Islamic legal objective to safeguard human life.

Beyond direct physical dangers, illegal mining contributes to severe environmental pollution. For example, at the PT Berau Coal site, mining waste has altered river pH levels, negatively affecting public health and limiting access to clean water (Academia.edu, 2018). According to Yusuf al-Qaradawi, preserving public health falls under the broader mandate to protect life, thereby rendering any practice that endangers communal health inconsistent with the aims of Islamic law (Al-Qaradawi, 2007).

Moreover, illegal miners are routinely exposed to hazardous substances such as mercury and cyanide, commonly used in gold extraction. Prolonged exposure to these substances can cause neurological damage, respiratory issues, and even cancer. Consequently, these practices pose a clear and present danger to the lives of workers and surrounding communities, reinforcing the conclusion that illegal mining is incompatible with *maqāṣid al-sharī'ah*, particularly *ḥifẓ al-naḥs*.

Impacts on *Ḥifẓ al-Māl* and *Ḥifẓ al-Bi'ah*

Illegal mining also undermines *ḥifẓ al-māl* (protection of wealth/property) and *ḥifẓ al-bi'ah* (environmental stewardship). From the economic perspective, illicit mining causes substantial losses for both the state and local communities. Governments are deprived of tax revenue and legitimate royalties from licensed mining enterprises, while local populations face economic setbacks due to damaged farmland, polluted water sources, and reduced land productivity.

In the long term, the economic burden on surrounding communities becomes more evident. Once fertile land is rendered unusable for agriculture or habitation, many residents lose their primary means of livelihood. A study from Mulawarman University noted that soil erosion and landslides from open-pit mines significantly degrade land quality (Unmul, 2021).

Environmental protection (*ḥifẓ al-bi'ah*)—an emerging *maqṣad* within contemporary Islamic scholarship—is also violated by unregulated mining. Deforestation, water pollution, and ecosystem destruction result in irreversible ecological damage. In East Java's Bondowoso and Situbondo regions, illegal mining has degraded rivers and water quality, compromising basic needs for local residents.

Islam regards the environment as a divine trust (*amānah*), and its destruction constitutes a breach of humanity's role as *khalīfah fī al-ard* (stewards on Earth). Illegal mining disrupts natural vegetation, damages hydrological systems, and threatens endemic species. According to Kiai Afifuddin Muhajir, "environmental degradation is a form of structural injustice toward other creations

of God” (Muhajir, 2022). The principles of *fiqh al-bi'ah* affirm that ecological preservation is a collective religious responsibility.

Illegal Mining as a Violation of Maqāṣid al-Sharī'ah and the Public Good (Maṣlaḥah 'Āmmah)

Illegal mining should be viewed not only as a legal or administrative offense but as a direct violation of the Islamic legal objectives (*maqāṣid al-sharī'ah*) and public welfare (*maṣlaḥah 'āmmah*). Islamic law teaches that all actions must aim to secure the common good and prevent harm. While illegal mining may offer short-term benefits for individuals or groups, its long-term consequences are detrimental to society as a whole. Environmental degradation, loss of valuable natural resources, and rising social conflicts clearly oppose the broader goals of the Sharī'ah.

In *fiqh al-maqāṣid*, any action that harms the collective well-being and fails to provide lasting benefit to humanity is considered impermissible (*ḥarām*). Illegal mining, which exploits natural resources without regard for environmental, economic, or social impacts, violates this principle and must be addressed accordingly.

CASE STUDIES

Case Study: Illegal Mining in Kalimantan

An article published on *Kompasiana* (December 8, 2024) reported that Samarinda is facing an ecological crisis due to widespread illegal mining activities that threaten local communities and the environment. The Mining Advocacy Network identified 160 illegal mining sites operating without formal permits. A study by Nurul and Rahmat (2016), published in the *Al-Adl* Journal, outlines the consequences of mining in South Kalimantan, including land degradation, soil, water, and air pollution, and societal disruption around mining zones.

Illegal mining in Kalimantan offers a clear illustration of how this practice severely harms both ecosystems and human livelihoods. Local residents, lacking alternative economic opportunities, often turn to unauthorized gold mining in forests and riverbeds. This has led to massive deforestation, loss of biodiversity, and the destruction of critical freshwater ecosystems, which are essential for local survival.

The environmental devastation in Kalimantan also results in economic losses. Mercury contamination, soil erosion, and the destruction of flora and fauna reduce the long-term potential of sustainable industries such as agriculture and ecotourism. Illegal mining here directly contradicts *maqāṣid al-sharī'ah*, especially in terms of environmental sustainability and communal welfare.

Case Study: Illegal Mining in Sulawesi

Similar patterns can be observed in Sulawesi, where illegal mining has disrupted *ḥifẓ al-māl* and *ḥifẓ al-bi'ah*. In regions like Mamuju and Poso, unauthorized gold extraction has caused substantial environmental degradation, damaging vital resources needed by local communities. These activities not only harm nature but also generate conflict between local populations and legal mining firms, escalating tensions between economic interest groups and environmental advocates.

Heavy metal pollution from these sites has poisoned rivers and reduced the viability of agricultural lands, thereby threatening the primary livelihoods of rural communities. This creates long-term social harm and economic instability. The disregard for sustainability principles inherent in such operations clearly contradicts the teachings of *fiqh al-maqāṣid*, which emphasize community well-being and the conservation of creation.

CONCLUSION

The phenomenon of illegal mining across various regions of Indonesia is not merely a matter of legal and economic concern; it also constitutes a moral and ethical crisis that reflects humanity's failure to fulfill its responsibility toward the natural environment entrusted by God. Viewed through the lens of *maqāṣid al-shari'ah*, illegal mining is a direct violation of at least three core objectives of Islamic law: *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-māl* (protection of property), and *ḥifẓ al-bi'ah* (protection of the environment). These violations lead not only to physical ecological damage but also to broader social harm, including conflict, injustice, and threats to long-term sustainability.

The insights of Kiai Afifuddin Muhajir remind us that Islam is not limited to ritual practices but extends to the social and ecological dimensions of human life. As a comprehensive mercy (*rahmatan lil-'ālamīn*), Islam carries the ethical mandate to preserve the earth as a sacred trust. Therefore, the roles of *pesantren*, universities, and religious scholars are strategic in mainstreaming eco-theological consciousness within education and public policy.

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