

Islamic Environmental Ethics and Contemporary Environmental Law: Shari'ah Principles as Foundations for Climate Governance

Dr. Imran Hayat

Lecturer, Department of Islamic Studies, Division of Islamic and Oriental Learning,
University of Education, Lower Mall Campus, Lahore, Pakistan

imran.hayat@ue.edu.pk

<https://orcid.org/0000-0003-0647-0989>

Abstract

The climate crisis reveals that technical and regulatory measures alone are insufficient, directing to the essential role of Shari'ah-guided ethical frameworks in effective environmental governance. Islamic environmental ethics is based on Quran, example of the Prophet, and classical Shari'ah principles that provide a holistic moral vision based on stewardship, balance, responsibility, and accountability to nature. This essay discusses the way the Shari'ah can guide contemporary climate governance. It initially summarizes the core principles of environmental ethics in Islamic thought—*tawhīd* (توحيد), *khilāfah* (خلافت), *amānah* (امانت), and *mīzān* (میزان)—along with the prohibition of *fasād* (فساد). It then considers the modern environmental legislation and global climate regulation based on sustainability, intergenerational justice, and prevention of harm. The paper juxtaposes the Islamic jurisprudential instruments, including *maqashid al-sharia*, maxims of law, and the principle of the public interest (مصلحة) to contemporary environmental law, and suggests that they have a practical implication in addressing the problems of climate change, water shortage, biodiversity loss, and environmental injustice. By incorporating Islamic morality into the current legal frameworks, climate control can be enhanced with moral authority, civic participation and responsibility in the long term, particularly in Muslim dominated societies, and the international community as a whole.

Keywords: *Shari'ah, Climate Governance, Sustainable Systems, Sustainable Management, Environmental Justice, Islamic Environmental Ethics, and Maqasid al-Shari'ah*

INTRODUCTION

The world is experiencing a crisis like never before in terms of the environment and climate where the temperatures are rising, biodiversity is being lost and water shortages are being experienced and pollution is happening. Scientific data shows that the driving force of a climate change is anthropogenic emission of greenhouse gases and it indirectly poses a threat to the ecosystems, food systems and the livelihood of humans in the world. These predicaments have led to academic initiatives of considering the crisis as an ecological and ethical phenomenon to give way to normative systems in order to enact policy and conduct. Contemporary environmental regulation and law seek to offer solutions to these issues by adopting regulatory systems and conventions. However, opponents claim that laws are not enough and action and dedication towards norms need to be ethical.

The problem of environmental degradation cuts across the law and morality. Governments are legally involved in the environment by using national law and international agreements like the UN Framework Convention on Climate Change (UNFCCC) and the Paris Agreement that seek to cut down any global warming and harmonize mitigation and adaptation measures. The philosophical interpretation of the crisis poses the question of human responsibility towards nature, inter-generational justice and equitable distribution of environmental benefits and costs.¹ To illustrate, the concept of intergenerational equity highlights the moral responsibility of the present populations to conserve climate and natural resources on behalf of future generations - a concept that is synonymous with the law of precautionary principle and sustainable development. Therefore, legal instruments establish rules and legal enforcement, whereas ethical standards define the standard and approval of standards and priorities in policy.

This is the reason why Islamic environmental ethics should be included in the contemporary climate governance because it has been observed that most of the environmental issues are caused by value systems that encourage unregulated growth and human control of nature. Increasingly, academic literature indicates that Islamic teachings are a sound source of ethics to protect the environment using the Quran and the actions of the Prophet. The idea of human stewardship (الخليفة), trust (الأمانة), balance (الميزان), and the prohibition of wastefulness (الإسراف), among others, all demand moral responsibility on the environmental care, conservation and justice as many scholars emphasize. According to studies, Islamic environmental ethics have connected religious piety with material environmental care and ecological conservation is presented as a religious obligation and not a social option.

Literature is wide in showing the applicability of Islamic maxims to the contemporary systems of governance and policies. Research conducted on the Islamic legal approach towards climate change indicates that the principles of Shari'ah especially those that are based on justice (عدل), human responsibility as vicegerents (خلافة), and prevention of harm can supplement the international

environmental law and domestic policies. Focusing not only on the preservation of natural resources, Islamic jurisprudence with its rich tradition of ethical and legal concerns is concerned with the wider social justice question, equal distribution of resources, and vulnerable populations, who would experience the impact of environmental change. The purpose of this paper is to explain how the fundamental Islamic environmental principles can be incorporated in the modern environmental law and climate management in any significant manner. It will (1) describe the main ethical principles of Shariah in the area of human-environment interactions; (2) offer the overview of the existing legal and governance frameworks; (3) comment on the areas of intersectionality between Shariah and the modern legal norms; and (4) give the examples of how such intersectionalities can make climate action more legitimate, effective, and less unethical, even in the Muslim-majority societies.

The Conceptual Foundations of the Islamic Environmental Ethics

The Islamic environmental ethics is based on the worldview whereby the human being and the natural environment are linked in a moral order which was set by God. This moral philosophy is based on the main Shariah ideas توحيد, خلافة, أمانة, ميزان, and the taboo of فساد, which help to understand the role of a human in the natural world and provide the rules of normative behavior to the modern sustainability issues.

The Moral Order of Creation and A. Tawhid (Divine Unity)

In Islamic environmental ethics, the main belief is tawhid, which states that all things are existent out of a single Creator and therefore the entire creation is inherently holy. This principle does not consider the nature as a resource that can be exploited but views the universe as a system of harmony where there are order and relationships that demonstrate the wisdom and mercy of God (para. 3). The Quran encourages Muslims on several occasions to contemplate the signs of God in nature including the diversity and unity of creation mentioned in verses such as Surah Ar-Rahman 55:7-9. It says:

وَالسَّمَاءَ رَفَعَهَا وَوَضَعَ الْمِيزَانَ، أَلَّا تَطْغَوْا فِي الْمِيزَانِ وَأَقِيمُوا الْوَزْنَ بِالْقِسْطِ وَلَا تُخْسِرُوا الْمِيزَانَ.

As for the sky, He raised it "high", and set the balance "of justice"
so that you do not defraud the scales.

Weigh with justice, and do not give short measure.²

This highlights the moral and spiritual meaning of nature, which makes its creatures interdependent, and teaches a person to feel humble to the world. Being ethical in relation to creation is, thus, a worship which recognizes the oneness of God.

Khilafah (Human Stewardship)

The concept of tawhid is closely related to the concept of khilafah, which refers to humans as vice-gods or the stewards of the world. According to Quran, man was

entrusted with such position to ensure and safeguard, as opposed to conquer the environment. It says:

وَاذْ قَالَ رَبُّكَ لِلْمَلٰٓئِكَةِ اِنِّىْ جَاعِلٌ فِى الْاَرْضِ خَلِیْفَةً ۚ قَالُوْۤا اَتَجْعَلُ فِیْهَا مَنْ یُّفْسِدُ فِیْهَا وَیَسْفِكُ الدِّمَآءَ وَنَحْنُ نُسَبِّحُ بِحَمْدِكَ وَنُقَدِّسُ لَكَ ۗ قَالَ اِنِّىْۤ اَعْلَمُ مَا لَا تَعْلَمُوْنَ ۝ۚ

And, when your Lord said to the angels, "Indeed, I will make upon the earth a successive authority." They said, "Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?" Allah said, "Indeed, I know that which you do not know."³

According to Islamic scholars, the above responsibility does not deny human the free ownership but puts humans in charge of God. They have to utilize natural resources in a sustainable and spiritual way.⁴ Therefore, environmental stewardship is regarded as an ethical obligation, which combines spiritual, social, and ecological responsibilities, and it calls us to protect the rights of other animal species and future generations.

Accountability and C. Amanah (Trust)

Amanah is the divine trust provided to the humanity. It means that we have resources that are deposited in our care to conserve and use with great care. The Islamic law considers such a trust to be projected to the other generations hence intergenerational equity is a fundamental value. According to the scholars, امانة prohibits waste and abuse but demands equitable distribution in such a way that everyone can benefit.⁵ This reflects the modern environmental law, which talks about sustainability and intergenerational justice, which emphasizes that the present generations should take care of the future lives.

Balance and Ecological Equilibrium

According to the Quran it is reiterated that God made the world in balance, a concept referred to as میزان. The Islam doctrine argues that human beings should not overuse (اسراف) but rather attain ecological balance.⁶ Excess or damage to the environment is considered sin and it is a compromise to the creation of God. Therefore, میزان encourages restraint, caution and acknowledgement of the limits of nature, which is quite a close to the contemporary sustainability.

Corruption on Earth (فساد فى الارض)

Corruption-on-earth is greatly condemned in the Quran, pollution, deforestation and unbridled exploitation are all forms of فساد which distort ecological balance and destroy all life. Quran cautions against perverting creation, and environmental degradation is a crime against humanity whose impacts are spiritual. This principle

highlights the fact that environmental conservation is not only an individual and social responsibility that is not dependent on materialistic matters.⁷

A History of the Contemporary Environmental Law and Climate Governance

The contemporary environmental law developed in reaction to the increasing pollution and the understanding that environmental damage has no national boundaries. It is a move out of piecemeal conservation, towards mixed law that makes sustainability a balance between climate action and conservation. Nowadays, environmental law is being conducted at international, regional, and national levels with the capacity of integrating the regulatory instruments and moral values that are at the protection of the ecosystems, human health and future generations. International environmental law dates back to the middle of the twentieth century when national laws were proved ineffective due to industrialization and transboundary pollution. Some of the initial measures were treaties on the protection of wildlife and marine garbage. In 1972, a new phase was reached as the United Nations Conference on the Human Environment in Stockholm made environmental protection an international issue that is associated with the well-being of people.⁸ With time the focus of the field came away to be on defined conservation goals expanded to include the broader understanding of sustainability and climate response. The most significant factor behind this change was the Brundtland report released by the World Commission on Environment and Development in 1987 that defined sustainable development as the capacity to satisfy the current needs without interfering with the prospective generations in satisfying their own needs (World Commission on Environment and Development).⁹ This was succeeded by the climate change that soon became one of the major concerns. Scientists demonstrated that climate change has distant environmental, economical, and social consequences. Due to this, the mitigation, adaptation and resilience have become central goals of the environmental law and not peripheral benefits.

Major Principles of the Modern Environmental Law

When it comes to modern environmental law, there is a series of deeply-seated principles that influence the legislation, policy and judicial interpretation. One of the concepts is sustainable development, which has aimed at reconciling the environmental protection and economic and social development. Instead of pursuing growth at the cost of the ecological integrity, it encourages long-term management of the resources and equity.¹⁰ The precautionary principle is concerned with scientific uncertainty by requiring preventive action in the face of extreme or irreparable harm. The Rio declaration principle number 15 says that ignorance is no defense to avoid taking cost-effective steps to prevent the degradation of the environment (United Nations, 1992). This is a principle that has significantly impacted on climate governance where any delay can cause irreparable damage. The other principle is the polluter-pay rule according to which polluters are obliged to pay the expenses of the control of the pollution they

generate. It externalises the environmental costs, enhances accountability and harmonises economic interests and environmental stewardship.¹¹

Intergenerational equity emphasizes on fairness on the present and future. Researchers indicate that this principle provides the ethical and legal justification of action in climate change, since the issue of climate change is disproportionately harming to those who did not contribute most to the issue. International climate change architectures are created to oversee the implementation of policies aimed at mitigating climate change.¹² The main structure to international climate governance is the United Nations Framework Convention on Climate Change (UNFCCC) of 1992. The UNFCCC is a collective international issue that states climate change and it has put forward the principle of common but differentiated responsibilities to recognize historical and capacity differences among states.¹³

The 2015 Paris Agreement is a breakthrough in the international climate regulation. Its major aim is to ensure that the increase in global temperature is kept way below 2 o C above the pre-industrial level and to ensure that it is maintained at 1.5 o C only (United Nations, 2015). The system of Nationally Determined Contributions (NDCs) is also an important characteristic that motivates the states to take voluntary steps to cut down on emissions and take some climate actions. This is a transparent, reviewable and flexible model to enhance participation and ambition. The domestic environmental legislation is very important in implementing international commitments by supplementing global agreements. Climate and environmental impact assessment regimes and regulatory standards are the systems through which international climate regulations are translated into national ones. According to the scholars, effective climate governance relies on alignment of international systems, domestic law regimes, political will, and capacity.¹⁴

Convergences between Shari and Environmental Law

The literature that is emerging indicates that there is a high overlap between Sharia principles and modern day environmental law. The two systems also strive to control human behavior in a way that would not cause harm to individuals, uphold justice, and be sustainable. In spite of the fact that modern environmental law is often secular, ethically, the law is echoed in the Islamic law, which puts moral responsibility and accountability at the center of their concern and the wellbeing of individuals. Sharia and environmental law have profound issues of responsibility, harm prevention and sustainability at the ethical level. The current environmental legislation acknowledges that the exploitative and polluting human actions have the potential to cause irreparable harm to the ecology as well as human lives, which is why the legal measures limiting the exploitation and pollution are necessary. Likewise, the Islamic law explains human behavior as a moral responsibility towards God and thus, it is morally wrong and criminally punishable to corrupt other people or the earth. This principle of where harm is prevented before it arises (حيث يمنع الضرر قبل أن ينشأ) resembles the precautionary principle of environmental law, which requires preventative measures even in the absence of scientific

certainty. Both models emphasize vision and caution rather than reactionary actions that respond to harm when it has been done.¹⁵

Maqasid al-Shariah and Environment Protection

The Maqasid al-Shariah theory, which has been used to explain the purpose of Islamic law, provides an interesting solution to the relationship between ethics and environmental legislations. Classical jurists established basic objectives safeguarding the underlying human interests, which include most of environmental protection objectives. The conservancy of life (حفظ النفس) is one of the main goals. The environment is a direct threat to human life through environmental degradation in terms of air pollution, water pollution, and climate-related disasters. The current academics guess that protection of the environment is not a fringe concern but mandated by Sharia as the damage of the ecological system eventually poses a threat to life itself.¹⁶ Another point that is closely connected is the preservation of posterity (حفظ النفس), a principle that is reminiscent of the present-day notion of the fairness between generations. The Islamic jurisprudence recognises duties to the contemporary communities and generations to come. According to one scholar, the Islamic law has a wider moral horizon that goes beyond the present time by arguing that it is obligatory to protect those who are yet to come into existence. This is in line with the environmental law that stipulates that development and climate policies should not be at the expense of the future generations. The concept of conservation of wealth and resources (حفظ المال) is also another principle that supports sustainable resource management. The Shari'ah views the natural resources as a common good and not the object of uncontrolled exploitation. This purpose is in conflict with waste, excessive consumption, and destruction of the environment, as well as with the current sustainability principles that strive to internalize the environmental costs and control the usage of resources.¹⁷ In this way, the Maqasid theory is an effective ethical theory that puts the protection of the environment in the center of the law.

Legal Maxims (Qawi Edda) The interim of Environmental Governance

Islamic maxims of law (قواعد فقهيّة) can offer practical means of introducing ethics in governance. The most common maxim is called لا ضرر ولا ضرار (there should be no harm and no retaliation). Being a common rule, it forbids any activity that can harm other people or benefit society.¹⁸ This maxim is thus contravened by pollution, destruction of the ecosystem and unsustainable industrial practices. The other tenet emphasizes on the fact that preclusion of harm should be prioritized over the benefit (در المفاسد مقدم على جلب المصالح). This is indicative of the fact that environmental law favors preventive regulation over remedial regulation. The Shari'ah protects extreme pollution of the environment even in times of economic profits. Lastly, the concept of the common good (مصالح عامة) allows jurists and policymakers to implement policies that defend the common good such as environmental laws that do not exist in classical writings. According to scholars, this principle is what supports the current environmental legislation including

emissions and conservation laws since they enhance the common good and do not hurt a large number of individuals¹⁹

Translation of Shari Principles into the Contemporary Environmental Problems

The environmental issues the Islamic ethical and legal system provides a comprehensive, powerful approach to the problems of the present day, such as climate change, water depletion, loss of biodiversity, and environmental justice. The Shariah concepts of فساد (corruption), أمانة (trust), and خلافة (stewardship) can be used to inform decision-making and policy to harmonize moral imperatives with pragmatic answers. Among the most pressing environmental issues of a 21st-century, climate change is included. Islamic ecological ethics discards the excessive consumption and destruction as فساد, a kind of corruption as laid out in the Quran (Qur'an 2:11 12; Kamali, 2008). Pollution of industries, deforestation and uncontrolled consumption of energy are interfering with ecological balance and violating the stewardship responsibility (خلافة). Amanah principle is an appeal that calls upon humans to take responsibility of the environment and cause less harm. Shari'ah encourages the use of renewable energy, sustainable industry and consumption, which focuses on conservation when climate management is considered as a moral responsibility.

Water shortage has become quite a pressing issue particularly in arid areas. Historically, the Islamic law developed subtle water use laws. Prophet Muhammad (peace be upon him)

أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَرَّ بِسَعْدٍ وَهُوَ يَتَوَضَّأُ فَقَالَ " مَا هَذَا السَّرْفُ " . فَقَالَ أَنِي
الْوُضُوءُ إِسْرَافٌ قَالَ " نَعَمْ وَإِنْ كُنْتَ عَلَى نَهْرٍ جَارٍ " .

The Messenger of Allah passed by Sa'd when he was performing ablution, and he said: 'What is this extravagance?' He said: 'Can there be any extravagance in ablution?' He said: 'Yes, even if you are on the bank of a flowing river.'²⁰

These principles are echoes of the contemporary objectives of water governance including efficiency, equitable distribution and conservation. Sharia regulations focus on ethical and pragmatic considerations of water management: maximum extraction, avoiding pollution and compliance with communities downstream.

The extinction of biodiversity threatens the stability of the ecosystem and livelihoods. The Islamic culture emphasizes the intrinsic value of animals and the responsibility of taking care of them. Moral provisions form the basis of legislation that safeguards both wildlife and habitat to compliment contemporary environmental instruments that safeguard endangered species and ecosystems.²¹ Shari-based ecological ethics can enhance people to support biodiversity conservation by placing it in the context of a moral and religious obligation.

Weak groups of people are usually the offenders of environmental ills, which casts doubts on distributive justice. Sharia promotes social justice (عدل) whereby the societies must protect the disadvantaged groups against environmental injustice. This principle is consistent with the new modern ideas of climate justice that require equitable distribution of environmental costs and benefits particularly on global emissions and adaptation policies. Through the integration of the Shariah-based morality to the climate control, the moral legitimacy is reinforced and policies are formulated to tackle the wide vulnerabilities of the environment and individuals. Here it promotes even-handed allocation of resources and works against climate related hazards. In general, the Shariah principles and their application to the contemporary environmental issues provide a moral code and practical methods to govern sustainably. Islamic ethics, including stewardship, trust, and the ban on corruption, have a positive impact on the proper utilization of resources, biodiversity protection, equal redistribution of environmental benefits, and reduction of industrial and carbon footprint, which proves the relevance of Islamic ethics to the current environmental problem.

Islamic Ethics and the modern-day legal systems cooperate

The implementation of the Islamic ethics within the modern laws can help to generate a greater contribution to the climate governance since the moral principles can be matched to the regulations. Incorporation of ethical concerns into the environmental statute can persuade obedience, involvement and environmental viability, especially in Muslim-majority societies where religion still defines social practices.

Behavioral change and compliance can be affected by spiritual values. Whenever religious procedures dictate day-in day-out behaviors, the creation of environmental laws with Shariah-oriented ethical provisions will increase compliance even in areas that lack enforcement of the law. Islamic injunctions e.g., no harm and no harming that harms the environment give a moral justification against environment damaging activities, like industrial pollution and unfriendly extraction of resources.

The states in which the Muslim majority is mostly considered are paying more attention to Shariah-informed environmental regulations as a tool of attaining the goals of sustainability. As an illustration, the Environmental Quality Act in Malaysia is full of environmental protection principles and moral requirements that adhere to Islamic teachings, advance sustainability in industrial operations and resource management.²² Similarly, one of the fatwas on climate change declared by the National Council of Ulema in Indonesia describes mitigation of climate change and adoption of renewable energy as a religious responsibility, thus making religion directly part of environmental policy. These illustrations demonstrate that incorporating Shariah concepts in formal laws may offer a legal legitimacy, cultural acceptability, and workable advice in governing.

Religion and academicians are in the center stage of bringing environmental awareness and action. Fatwas discuss the issues of the environment and explain the obligation to preserve the ecosystems, achieve the minimization of waste, and protect water. One is the fatwa of the Indonesian Council of Ulema on climate change that proposes individual and organizational measures aimed at reducing carbon emissions and saving resources. Religious institutions have also emerged as a force of sustainable action like planting trees, clean-up campaigns and energy-saving measures showing how religious institutions can mobilize the community and even supplement governmental programs.²³

The inclusion of the Islamic ethics in the law enforcements will reinforce the legitimacy and efficacy of global climate governance. The international agreements such as the Paris Agreement can effectively engage and empower the local populations by upholding the religious and moral values of the community. Internal motivation is developed through ethical alignment which makes communities engage in sustainability due to belief and not out of complacency. Moreover, the implementation of the Shariah principles within the climate governance can help to ensure that the global goals are implemented as locally culturally appealing policies that do not violate the religious and social backgrounds. In general, Islamic morality and contemporary legislation provide complementary avenues of environmental regulation. The role of moral authority, institutional involvement, and legislative instruments can be used to enhance the legitimacy, performance, and sustainability of climate action in the Muslim-majority states and communities that can serve as an example of ethical, legislative, and spiritual modes of protection.

Challenges and Limitations

Although the Islamic ethics offer a comprehensive approach towards the environmental stewardship, a number of challenges tend to act as barriers to its complete adoption as part of the existing climate management. Blistering industrialism, urban sprawl and resource exploitation usually takes precedence over the ecological balance, emphasizing the short-term economic interests over the long-term conservation. The stewardship injunction can be undermined by the fact that the environment can be degraded politically by the economic imperatives; hence, the policies ought to adopt a compromise between growth and environmental responsibility.²⁴ The other problem is the diversity of Islamic jurisprudence. Schools of law have different interpretations of Shariah thus generating diverse interpretations of environmental obligations. Juristic pluralism may enhance intellectual discussion and baffle consistent, practical regulation, particularly of the state level. Lastly, the policy may be hindered in its translation of ethical norms by institutional and political factors—including ineffective regulatory mechanisms, lack of enforcement ability, and conflicting political demands. Such challenges can only be overcome by reinforcing Shariah ethics through good governance, stakeholder involvement and policy formulation that is based on situational contexts that can lead to quantifiable effects on the environment.

Conclusion

This paper explored the intersection of the Islamic environmental ethics and modern environmental law. It shows how the principles of Shari'ah can support and enrich climate governance. The paper demonstrates that the basic Islamic ideas, tawhid (Divine Unity), khilafah (stewardship), amanah (trust), ميزان (balance), and the forbidding of فساد (corruption) provide an extensive moral system. This framework focuses on the responsibility, intergenerational equity and natural resource preservation. These principles are very similar to the contemporary environmental law, which puts sustainable development, the precautionary principle, the polluter-pays principle, and international climate governance arrangements like the UNFCCC and the Paris Agreement in the center. Islamic ethics is useful in the governance of climate in modern world because it has the capacity to enhance moral legitimacy and social adherence.

Religious values encourage the communities to engage in sustainable practices. Such normative directions as legal maxims such as لا ضرر ولا ضرار (no harm and no reciprocating harm), مصالح عامة (public interest), have been applied to policy-makers and regulators. Examples of Muslim-majority states indicate that Shari'ah-inspired legislation, religious fatwas and programs run by mosques can be added to regular legal systems. They ensure equal resources, safeguard biodiversity, and climate justice. Interdisciplinary, faith based environmental policy has good prospects in the future. Introducing Islamic moral principles and laws into scientific, legal, and economic methods may enhance development and execution of culturally appealing, ethically based, and socially viable climate policies. Researchers propose that the collaboration between religious organizations, policy-makers, and international governing organizations would help in reconciling local norms and global climate goals. This will make sure that all communities will embrace sustainable practices without interfering with ethical and spiritual standards. To sum up, Islamic environmental ethics do not only supplement the current environmental law, but also reinforce its ethics and social basis. Through the application of Shari'ah concepts to the modern climate governance, the societies can be able to promote the sustainability, justice, and environmental responsibility in a manner that is culturally relevant as well as globally influential.

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