

Reactualizing *Fiqh al-Bi'ah* as an Evaluative Framework for Strict Liability and Ecological Restoration in Indonesia

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ABSTRAK

Indonesia's environmental liability rules changed when Article 88 of Law Number 32 of 2009 was amended through the Job Creation Law, and Supreme Court Regulation Number 1 of 2023 later set new procedures for environmental cases. These changes raise doubts about whether the law adequately protects against ecological damage and ensures that damaged environments are actually restored. This study aims to develop an Islamic legal framework, based on *fiqh al-bi'ah* (Islamic environmental jurisprudence) and the higher objectives of Islamic law (*maqāṣid al-sharī'ah*), for evaluating environmental liability and restoration. It uses normative legal research with statutory, conceptual, and case approaches, analyzing the environmental protection law and its amendments, Government Regulation Number 22 of 2021, the Supreme Court Regulation, and Lamongan District Court Decision Number 39/Pdt.Sus-LH/2023/PN Lmg. The framework has four dimensions: the accuracy of the basis of liability, the enforceability of restoration, the prevention of ecological risk, and the protection of future generations. The analysis shows that the amendment does not abolish strict liability, but requires consistent interpretation of the basis of liability and proof. Restoration also depends on clear claims, funding, and supervision. The study concludes that *fiqh al-bi'ah* can serve as an evaluative tool without replacing positive law.

1. INTRODUCTION

Environmental damage is a legal problem that reaches beyond the use of natural resources to human safety, ecosystem sustainability, and the interests of future generations. Because compensation alone rarely settles its consequences, tangible restoration is also required. Indonesia protects the right to a good and healthy environment through Articles 28H(1) and 33(4) of the 1945 Constitution, which Law Number 32 of 2009 on Environmental Protection and Management (UUPPLH) elaborates through obligations to pay compensation and to restore the environment (Republik Indonesia, 1945, Article 28H(1) and Article 33(4); 2009, Article 87). This article asks whether these obligations remain adequate, both in determining who is liable and in ensuring that restoration is carried out, after the liability rules were amended and new procedural guidelines were issued. The question arose when the Job Creation Law amended Article 88 of the UUPPLH and removed the phrase stating that proof of fault is unnecessary under strict liability (*tanggung jawab mutlak*). Wibisana (2021) argues that the amendment does not eliminate strict liability but exposes a doctrinal problem over its basis and proof. Courts have used the doctrine to help victims enforce environmental law without proving fault (Al Fikri, 2022), yet its application remains constrained by difficulties in establishing causation and delimiting responsibility (Busroni & Putri, 2025). Supreme Court Regulation Number 1 of 2023 (PERMA No. 1 of 2023) then specified the elements to be proven, distinguished strict liability from a reversal of the burden of proving fault (Afinnas, 2024), and reinforced restoration through restoration plans (Mahkamah Agung Republik Indonesia, 2023, Article 38 and Articles 55–57). Even so, adequate norms do not guarantee restoration: the peatland restoration order in the PT Kalista Alam case remained unimplemented after it became final and

binding (Maskun et al., 2022). Islamic law offers a possible yardstick. The prohibition against corruption on earth (QS. al-A'rāf [7]: 56; QS. al-Rūm [30]: 41) underlies *fiqh al-bi'ah*, and through *maqāṣid al-sharī'ah* environmental protection is tied to the preservation of life, property, and progeny. MUI Fatwa Number 30 of 2016 affirms the prohibition of environmental destruction and the importance of its control and restoration (Majelis Ulama Indonesia, 2016); although not binding positive law, its normative value can inform the evaluation of policy and enforcement. Existing studies link Islamic environmental jurisprudence to positive law through legal philosophy (Munib et al., 2022), environmental crimes (Ridwansyah, 2017), the polluter pays principle (Triana & Izza, 2020), the precautionary principle in judicial reasoning (Triana et al., 2023), fatwas and environmental *da'wah* (Deanova et al., 2025; Mangunjaya & Praharawati, 2019), and *maqāṣid*-based ethics (Kurniawan & Fadlillah, 2025; Nasir et al., 2022; Nasrullah et al., 2025). The closest study integrates Islamic environmental ethics, *ḥimā*, *primum remedium*, and strict liability to protect communities affected by mining (Hakim et al., 2025).

However, these studies largely stop at affirming values, identifying shared principles, or strengthening ethics; they have not converted jurisprudential principles into measures for testing whether norms and court decisions protect adequately. Andriansyah et al. (2026) similarly found that Islamic environmental norms in Indonesia remain largely moral and educational, lack coercive force, and are weakly connected to state governance. The research gap is thus the absence of a normative framework linking Islamic legal principles to measures of adequacy for liability and restoration after the amendment of the UUPPLH and the enactment of PERMA No. 1 of 2023. This study proposes such a framework, built on *fiqh al-bi'ah* and *maqāṣid al-sharī'ah* and organized into four dimensions: the accuracy of the basis of liability, the enforceability of restoration, ecological risk prevention, and the protection of intergenerational interests. Unlike Hakim et al. (2025), it concentrates on the basis of civil liability in procedural law and on the enforceability of restoration after PERMA No. 1 of 2023. The framework does not displace positive law; it supplies an evaluative yardstick. Three questions guide the study: (1) how *fiqh al-bi'ah* and *maqāṣid al-sharī'ah* can be constructed as such a framework; (2) how the basis of liability after the amendment of Article 88 and the enactment of the PERMA can be tested against it; and (3) how the enforceability of restoration can be assessed in norms and court decisions. The study aims to formulate the four-dimension framework and test both aspects against it, giving academics, judges, and policymakers a clearer yardstick for assessing ecological protection.

2. METHODS

This is a prescriptive-evaluative normative legal study using statutory, conceptual, and case approaches. It assesses the adequacy of legal norms and judicial reasoning, not how decisions are implemented in the field. The primary materials are the 1945 Constitution (Republik Indonesia, 1945), the UUPPLH (Republik Indonesia, 2009), Law Number 6 of 2023 (Republik Indonesia, 2023), Government Regulation Number 22 of 2021 (Republik Indonesia, 2021), PERMA No. 1 of 2023 (Mahkamah Agung Republik Indonesia, 2023), MUI Fatwa Number 30 of 2016 (Majelis Ulama Indonesia, 2016), and Lamongan District Court Decision Number 39/Pdt.Sus-LH/2023/PN Lmg (Pengadilan Negeri Lamongan, 2024). The Islamic materials are the Qur'an, *I'lām al-Muwaqqi'īn* (Ibn Qayyim al-Jawziyyah, 1991), *al-Ashbāh wa al-Nazā'ir* (Al-Suyūṭī, 1990), and *Majallat al-Ahkām al-Adliyyah*. The secondary literature was searched in 2025–2026 in Google Scholar, Garuda, DOAJ, and publisher platforms (MDPI, Cambridge Core, and university journal portals) using Indonesian and English keywords: “strict liability”, “tanggung jawab mutlak”, “Cipta Kerja”, “environmental restoration”, “pemulihan lingkungan”, “fiqh al-bi'ah”, “maqāṣid al-sharī'ah”, “ḥifẓ al-bi'ah”, “sadd al-dharā'i'”, “ḍamān”, “AMDAL”, and “intergenerational equity”. Records were screened by title and abstract, then in full text. Only peer-reviewed articles and proceedings published

in 2016–2026, in Indonesian or English, with full text and direct relevance to at least one framework dimension were retained; news, opinion pieces, and ethics studies without legal relevance were excluded. The retained sources comprise four on strict liability, one on restoration, five on prevention and public participation, eleven on Islamic environmental law and *maqāṣid*, and three on sustainability and intergenerational justice.

The Lamongan decision was purposively selected because it applies the restoration-plan requirement of Article 55 of PERMA No. 1 of 2023 after the regulation took effect. As the only decision analyzed directly, it serves as an analytical illustration, not a generalization of judicial practice. Other decisions are taken only from secondary literature, not from their original texts: Meulaboh District Court Decision Number 12/PDT.G/2012/PN.MBO, Jambi High Court Decision Number 65/PDT/2017/PT.JMB, and Palembang District Court Decision Number 234/pdt.G/LH/2016/PN.Plg (Afinnas, 2024); the PT Kalista Alam case (Maskun et al., 2022); and North Jakarta District Court Decision Number 735/PDT.G-LH/2018/PN.Jkt.Utr (Triana et al., 2023). The analysis follows Figure 1. Regulations are first related through systematic interpretation. Islamic legal principles are then translated into four dimensions with indicators of adequacy (Table 1). Liability and restoration are tested directly against primary materials and the Lamongan decision, while prevention and intergenerational protection are tested at the level of norms, supported by secondary literature and comparative decisions. The findings are summarized in a matrix stating the depth of testing for each dimension (Table 2), so that weakness in one dimension is not masked by strength in another.

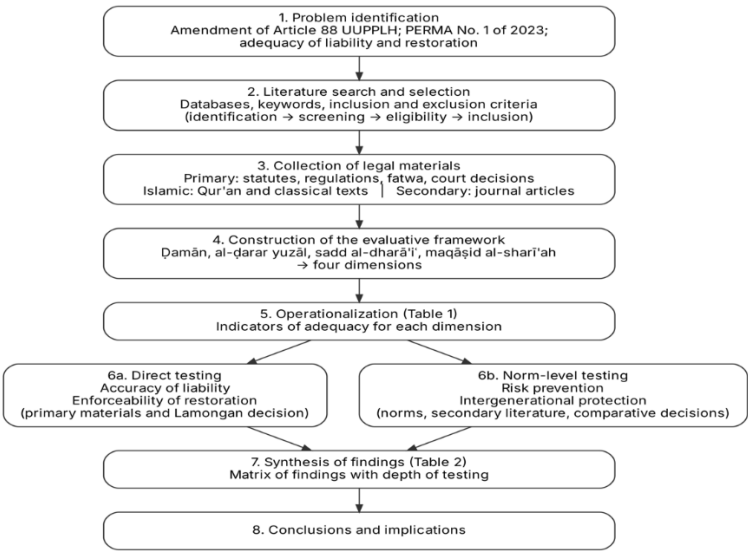


Figure 1. Research Flow

Table 1. Operationalization of the *Fiqh al-Bi'ah* Evaluative Framework

Dimension	Jurisprudential and maqāṣid basis	Indicators of adequacy
Accuracy of the basis of liability	<i>Damān</i> (Majallat al-Aḥkām al-'Adliyyah, n.d.); <i>al-ḍarar yuzāl</i> (Al-Suyūfī, 1990)	(a) Suitability of the basis of liability (Article 87 and Article 88 UUPPLH); (b) proof of loss and causation; (c) protection of the defendant's right of defense
Enforceability of restoration	<i>Al-ḍarar yuzāl</i> ; <i>ḥifẓ al-māl</i>	(a) Clarity of the object and standard of restoration; (b) precision of the operative order; (c) funding and supervision; (d) measurability of outcomes

Ecological risk prevention	<i>Sadd al-dharā'i'</i> (Ibn Qayyim al-Jawziyyah, 1991); <i>dar' al-mafāsīd</i> ; <i>ḥifẓ al-nafs</i>	(a) Adequate risk identification; (b) information disclosure and participation; (c) effective supervision
Protection of intergenerational interests	<i>Maqāṣid al-sharī'ah</i> (<i>ḥifẓ al-nasl</i>); principle of sustainability	(a) Recognition as a principle and objective; (b) translation into long-term indicators of success; (c) consideration of time horizon and restoration of ecosystem function

Source: Summarized by authors (2026)

3. RESULTS AND DISCUSSION

Results

Construction of an Evaluative Framework Based on *Fiqh al-Bi'ah* and *Maqāṣid al-Sharī'ah*

Fiqh al-bi'ah frames environmental protection as part of humanity's responsibility in using natural resources (QS. al-Baqarah [2]: 205; QS. al-Raḥmān [55]: 7–9), so ecological responsibility is a legal matter that calls for regulation of liability, restoration, and prevention. Each function rests on a distinct jurisprudential principle, complemented by the objectives of the *sharī'ah*. Liability and restoration rest on the maxim *al-darar yuzāl* (الضرر يُزال) and on *ḍamān*. Al-Suyūṭī (1990, p. 84) places the maxim among the principal rules of jurisprudence and links it to the obligation to bear losses caused by destruction (*ḍamān al-mutlaf*). Article 92 of *Majallat al-Aḥkām al-'Adliyyah* obliges a direct perpetrator (*mubāshir*) to bear the loss even when the act was unintentional, whereas Article 93 distinguishes an indirect cause (*mutasabbib*) (Majallat al-Aḥkām al-'Adliyyah, n.d.). This suggests that jurisprudence recognizes a burden of liability independent of proof of intent, much like strict liability, yet different in requirements and limits. This study therefore advances only a limited analogical reading and uses both principles as evaluative measures, not as substitutes for the statutory elements of liability. Prevention rests on *sadd al-dharā'i'* and *dar' al-mafāsīd*. Ibn Qayyim al-Jawziyyah (1991, vol. 3, pp. 109–110) explains that means carry the legal relationship of their ends and are assessed by probable consequences and the balance of benefit and harm. Triana et al. (2023) show that the precautionary principle accords with *iḥtiyāt* and *sadd al-dharā'i'*. In *maqāṣid* terms, *ḥifẓ al-māl* informs restoration, *ḥifẓ al-nafs* prevention, and *ḥifẓ al-nasl* intergenerational protection (Table 1). Andriansyah et al. (2026, p. 77) propose *ḥifẓ al-bī'ah* as a contemporary objective, whereas Kurniawan and Fadlillah (2025) and Nasrullah et al. (2025) read it as a precondition for the existing objectives, and Mohidem and Hashim (2023) link environmental balance, health, and responsibility toward future generations. This study adopts an integrative view, treating *ḥifẓ al-bī'ah* as an orientation of protection without presuming that it is universally accepted as an independent objective. Shared objectives between Islamic law and positive law are not enough; a measure is needed. Four dimensions are therefore formulated (Table 1): the accuracy of the basis of liability, the enforceability of restoration, ecological risk prevention, and the protection of intergenerational interests. Each serves a different testing function, so weakness in one is not offset by strength in another. This answers the first research question.

Testing Liability and Ecological Restoration

These two dimensions are tested directly against primary materials and court decisions, indicator by indicator (Table 1). For the accuracy of the basis of liability, the first indicator is the suitability of the basis of liability. The amendment of Article 88 UUPPLH deleted the phrase stating that proof of fault is unnecessary, yet the term strict liability (*tanggung jawab mutlak*) remains, and the Elucidation of Article 501(1) of Government Regulation Number 22 of 2021 affirms that the plaintiff need not prove fault. The question is thus whether strict liability is applied consistently as a basis distinct from fault-based liability under Article 87 (Republik Indonesia, 2009, Article 87 and

Article 88; 2021, Elucidation of Article 501(1); 2023, amending Article 88). Consistency is not assured: some courts still require proof of an unlawful act (Meulaboh District Court Decision Number 12/PDT.G/2012/PN.MBO) or treat strict liability as a reversal of the burden of proving fault (Jambi High Court Decision Number 65/PDT/2017/PT.JMB) (Afinnas, 2024). The second indicator, proof of loss and causation, is addressed by Article 38(3) of PERMA No. 1 of 2023, which according to Afinnas (2024) specifies the hazardous activity, the loss, and a causal link as the elements to be proven, while Article 40(1) directs the defense toward causation rather than fault. The third indicator, protection of the defendant's right of defense, is tested by a divergence. Article 501(2) of the Government Regulation requires that strict liability be requested by the plaintiff and stated in the claim, whereas Articles 38(2) and 39(2) of the PERMA empower the judge to apply it according to the character of the activity even when it is not sought in the petitum (Republik Indonesia, 2021, Article 501(2); Mahkamah Agung Republik Indonesia, 2023, Article 38(2) and Article 39(2)). The divergence should not be resolved by holding that the PERMA overrides the Government Regulation: Article 501 governs the use of strict liability as a basis in civil enforcement, whereas the PERMA guides judges in examining cases. Under *ius curia novit*, judges may characterize facts legally but not alter the events alleged or deprive the defendant of the opportunity to rebut the elements. This study therefore interprets that strict liability may be applied without an explicit request in the petitum only where the alleged facts already allow assessing the character of the activity under Article 88, while loss and causation remain subject to proof under Article 38(3).

This interpretation results from the present analysis, not from an explicit statement in the cited provisions (Mahkamah Agung Republik Indonesia, 2023, Article 38(3) and Article 40). From the standpoint of *fiqh al-bi'ah*, *ḍamān* and *al-ḍarar yuzāl* measure whether liability secures redress and fits the risk character of the activity without placing the burden of proving fault on the plaintiff, while procedural fairness is maintained; neither removes the evidentiary requirements of positive law. For the enforceability of restoration, Articles 54 and 87 UUPPLH supply the basis for the duty of restoration, and PERMA No. 1 of 2023 regulates the relationship among the restoration plan, the operative order, and execution (Republik Indonesia, 2009, Article 54 and Article 87; Mahkamah Agung Republik Indonesia, 2023, Articles 53–57). Before the PERMA, Maskun et al. (2022) identified obstacles to execution: legal resistance, difficulty in tracing assets, weak claims, operative orders mismatched with field conditions, and the absence of a supervisory body, coercive mechanisms, and execution guidelines. Palembang District Court Decision Number 234/pdt.G/LH/2016/PN.Plg held the defendant strictly liable for restoring approximately 400 hectares of burned peatland, although such a ruling is not necessarily followed later (Afinnas, 2024). The first indicator, clarity of the object and standard of restoration, is tested through Lamongan District Court Decision Number 39/Pdt.Sus-LH/2023/PN Lmg of 30 July 2024. An environmental organization sued a livestock operator and several officials. The panel recognized its standing and rejected the non-joinder objection, but declared the claim inadmissible (*niet ontvankelijk verklaard*) because the restoration demand lacked restoration measures, the quality standard, and the boundaries of the object, citing Article 55 of the PERMA (Pengadilan Negeri Lamongan, 2024). Standing therefore does not suffice to reach the substance of a dispute when the restoration demand is unclear.

The second indicator, precision of the operative order, shows that this reasoning is procedurally grounded, since a judgment must be executable. Yet the PERMA also allows deficiencies to be remedied: the judge may order the plaintiff to add a restoration plan before the defendant's answer (Article 53(4)–(5)), order a plan based on facts established at trial (Article 56(b)), and provide for a technical plan at execution (Article 57) (Mahkamah Agung Republik Indonesia, 2023, Article 53(4)–(5), Article 55(4)–(5), Article 56(b), and Article 57(1)). What must be distinguished is a fundamental deficiency in the object or basis of the claim from an incomplete technical description that can still be elaborated. An order to amend cannot disregard the stage of

examination or the defendant's rights, so the Lamongan decision does not show that the judges neglected a duty to order amendment; it underscores the need for clarity on when the mechanism may be used. The third and fourth indicators, funding and supervision and measurability of outcomes, concern the period after finality. Article 66 distinguishes execution of an obligation to act from payment of money, and Article 67 provides for a supervisory team, monthly reports to the chairperson of the district court, and documentation in the court information system (Mahkamah Agung Republik Indonesia, 2023, Article 66(1)–(4) and Article 67(1)–(3)). These provisions respond normatively to the obstacles recorded by Maskun et al. (2022), so the issue shifts toward continuity among the operative order, implementation plan, use of restoration funds, and monitoring results. *Al-ḍarar yuzāl* makes the removal of harm the substantive objective, but achieving it depends on positive-law mechanisms, so enforceability must be tested from the drafting of the claim to execution, without assuming that compensation restores ecosystem function.

Testing Risk Prevention and Intergenerational Protection

The next two dimensions are tested at the level of norms, because they concern the design of preventive and long-term protective instruments rather than the outcome of one dispute. Each indicator in Table 1 is applied in turn, using the relevant provisions, the secondary literature, and comparative decisions reported in it. The findings therefore establish the adequacy of the norms, not their effectiveness in practice. For ecological risk prevention, the first indicator is adequate risk identification. Environmental impact assessment (AMDAL) is the main instrument and is important for balancing development against ecological protection, but its evaluation is only weakly connected to supervision (Rois et al., 2024). The second indicator, information disclosure and participation, shows weakened norms. Zulkarnaina (2020) assesses that the removal of the principles of transparency, completeness, and prior notification from Article 26(2) UUPPLH leaves the right to AMDAL information protected only implicitly through the duty of announcement. Safitri et al. (2024) show that participation has been narrowed to directly affected communities, and Muchsin (2024) emphasizes that participation forms part of the constitutional right to a good and healthy environment. The third indicator, effective supervision, is partly supplied by courts after harm occurs, as when North Jakarta District Court Decision Number 735/PDT.G-LH/2018/PN.Jkt.Utr applied the precautionary principle to a dispute (Triana et al., 2023), but such application cannot replace supervision before harm. Satisfying administrative requirements therefore does not by itself prove that ecological risk has been controlled. For intergenerational protection, the first indicator, recognition as a principle and objective, is met: positive law recognizes sustainability as a principle and intergenerational justice as an objective (Republik Indonesia, 2009, Article 2(b) and Article 3(f)). The second indicator, translation into long-term indicators of success, is not met in the provisions examined. Monthly reporting under Article 67 of the PERMA measures the process of implementation, not the recovery of ecosystem function, and the PT Kalista Alam case illustrates that intergenerational loss arises when a restoration order is never carried out (Maskun et al., 2022).

The third indicator, consideration of time horizon and restoration of ecosystem function, draws on Putro and Bedner (2023), who develop sustainability as a guiding value (*meta-value*), Sulyok (2024), who shows that protecting future generations restrains arbitrary state authority favoring short-term benefit, and Taufiq et al. (2025), Kurniawan and Fadlillah (2025), and Nasrullah et al. (2025), who treat intergenerational justice within *maqāṣid*. These standards are not found in the operative provisions examined. Positive law thus recognizes the intergenerational principle but has not translated it into indicators of restoration success that preserve ecosystem function over the long term. Both findings are limited in the same way: they show that the norms are incomplete or weakened on specific indicators, not how those norms perform in practice. Table 2 summarizes the results for the four dimensions and states the depth of testing for each.

Table 2. Matrix of Findings from Testing Environmental Law Based on *Fiqh al-Bi'ah*

Dimension	Jurisprudential principle	Legal finding	Object tested	Depth of testing
Accuracy of liability	<i>Ḍamān; al-ḍarar yuzāl</i>	Strict liability applied by judges must respect the limits of the alleged facts and safeguard the defendant's right of defense; loss and causation must still be proven	Article 88 UUPPLH; Article 501 of Government Regulation No. 22 of 2021; Articles 38–40 of PERMA No. 1 of 2023	Direct, on primary materials
Enforceability of restoration	<i>Al-ḍarar yuzāl</i>	The clarity of the restoration demand and the opportunity to complete a restoration plan must be applied proportionately according to the stage of examination; continuity among the operative order, implementation, and monitoring is the principal measure	Articles 53–57 and 66–67 of PERMA No. 1 of 2023; Lamongan District Court Decision	Direct, on primary materials and one decision
Ecological risk prevention	<i>Sadd al-dharā'i'; dar' al-mafāsīd</i>	Administrative compliance does not necessarily secure substantive prevention of harm; the narrowing of participation and information weakens preventive capacity	Risk-control instruments, AMDAL, and public participation	Norms and secondary literature (preliminary)
Intergenerational protection	<i>Maqāṣid (ḥifẓ al-nasl); sustainability</i>	Sustainability and intergenerational justice are recognized as principle and objective but not translated into long-term restoration indicators	Article 2(b) and Article 3(f) UUPPLH; Articles 66–67 of PERMA No. 1 of 2023	Norms and secondary literature (preliminary)

Discussion

The findings support two propositions of the conceptual framework. First, *ḍamān* and strict liability are not interchangeable, so *fiqh al-bi'ah* serves better as an evaluative yardstick than as a substitute source of norms: it tests whether the basis of liability and its consequences are adequate, rather than prescribing the elements of a claim. Second, the maxim *al-ḍarar yuzāl* implies that protection cannot end with a judgment imposing liability but must extend to plans, funding, supervision, and restoration outcomes. The gaps among the claim, the operative order, and execution in the Lamongan decision (Pengadilan Negeri Lamongan, 2024) suggest that substantive objectives are attained only through precise procedural mechanisms. On positive law, the findings on the basis of liability are consistent with Wibisana (2021), who holds that the amendment of Article 88 does not abolish strict liability, and with Afinnas (2024), who observes that PERMA No. 1 of 2023 distinguishes strict liability from a reversal of the burden of proving fault. This study adds an analysis of Article 501(2) of Government Regulation Number 22 of 2021 against Articles 38–39 of the PERMA and the limits of judicial authority under *ius curia novit*, which those studies did not address. The difficulty of proving causation accords with Busroni and Putri (2025), and the obstacles to executing restoration with Maskun et al. (2022). Unlike studies conducted before the PERMA, however, positive law now provides supervisory mechanisms, so the problem has shifted from absent norms toward continuity among the operative order, implementation, and monitoring. On the Islamic law side, the finding that shared values do not guarantee adequate protection is in line with Andriansyah et al. (2026), who found Islamic environmental norms largely moral and hard to enforce legally. This study instead positions jurisprudential principles as evaluative measures, with indicators applicable to norms and decisions, which earlier studies did not make their focus (Hakim et al., 2025;

Munib et al., 2022; Ridwansyah, 2017; Triana & Izza, 2020; Triana et al., 2023). On the status of *hifz al-bi'ah*, it takes no position between the view that proposes it as an additional objective (Andriansyah et al., 2026) and the view that reads it as a precondition for existing objectives (Kurniawan & Fadlillah, 2025; Nasrullah et al., 2025); the framework operates under either.

The scope of these findings should be stated carefully. The framework itself, with its four dimensions and indicators, is transferable: it poses the same questions to any liability or restoration provision or decision, so other researchers can apply it to other cases and regulations. What cannot yet be confirmed is how widely the specific findings hold. The findings on liability and restoration rest on primary materials and one directly analyzed decision, supplemented by comparative decisions known only through secondary literature (Afinnas, 2024; Maskun et al., 2022; Triana et al., 2023), while those on prevention and intergenerational protection rest on norms and secondary studies and concern the adequacy of norms, not their effectiveness. Application to judicial practice more broadly therefore remains a hypothesis to be tested, not an established pattern. Theoretically, this study shifts *fiqh al-bi'ah* from reinforcing environmental ethics to serving as an instrument of legal evaluation. *Maqāṣid al-sharī'ah* is not treated as a new source of authority for judges but supplies evaluative reasoning on whether regulation and its implementation tend toward preventing harm and securing benefit on a sustained basis. The reactualization of *fiqh al-bi'ah* thus gains practical relevance without blurring the boundary between Islamic legal doctrine and binding positive law. Practically, to the extent the Lamongan pattern recurs, judges applying PERMA No. 1 of 2023 need to distinguish the evidentiary requirements for establishing liability from the technical provisions on restoration. Restoration orders should state performable obligations, indicators of success, time frames, funding, and supervision, while allowing the parties to complete the technical basis at the appropriate procedural stage. Plaintiffs, including environmental organizations, should specify the object, standard, and boundaries of restoration from the outset. Government agencies need coordination that ensures follow-through, including transparent management of funds and measurable reporting of outcomes, consistent with Maskun et al. (2022), who stress that government must ensure restoration is carried out and note the treatment of judgment funds as non-tax state revenue. At the prevention stage, the narrowing of participation in AMDAL preparation (Safitri et al., 2024) should not weaken the openness of information that prevention presupposes. The limitations follow from the scope above: direct analysis covers one decision, so its results are illustrative; the comparative decisions were taken from secondary literature, not original texts; and the effectiveness of restoration was not tested empirically. Further research should apply the same indicators to a larger set of decisions issued after PERMA No. 1 of 2023, analyzed from their original texts; examine the implementation of restoration judgments empirically, particularly compliance, the use of restoration funds, and ecological change; and attend to public participation, because restoration entails social and ecological responsibility, not merely formal compliance.

4. CONCLUSION

This study concludes that *fiqh al-bi'ah*, together with *maqāṣid al-sharī'ah*, can serve as a normative framework for evaluating environmental protection through four dimensions: the accuracy of the basis of liability, the enforceability of restoration, ecological risk prevention, and intergenerational protection. Applied to Indonesian law, the framework shows that liability after the Job Creation Law turns not only on the revised Article 88 UUPPLH but on how Article 501(2) of Government Regulation Number 22 of 2021 relates to Articles 38–39 of PERMA No. 1 of 2023, and that restoration fails where claims are unclear or where implementation and supervision are not continuous. The prevention and intergenerational dimensions reveal gaps at the level of norms, notably weakened participation and the absence of long-term indicators of restoration success. The study contributes a framework that evaluates law by the protection it delivers while leaving binding

positive law intact. Because it rests on norms and one directly analyzed decision, its findings concern the adequacy of norms rather than their effectiveness, and they need to be tested on a wider set of decisions.

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