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The Integration of Positive and Islamic Law in Contemporary Forest Conservation Policies Based on Sustainable Development: A Comparative Study of Indonesia and Malaysia

Abstract: This study examines the integration of positive law and Islamic law within contemporary sustainable development-based forest management conservation policies through a comparative analysis of Indonesia and Malaysia. The research aims to analyze the normative and regulatory frameworks governing forest conservation in both countries and explore the extent to which Islamic legal principles are incorporated into state-based environmental governance. Employing a qualitative doctrinal and comparative legal approach, this study analyzes statutory regulations, policy documents, judicial decisions, and relevant Islamic legal sources, complemented by secondary scholarly literature. The analytical framework combines sustainable development theory with *maqāṣid al-sharī'ah* to assess how environmental protection aligns with both constitutional mandates and Islamic normative objectives. The findings reveal that Indonesia and Malaysia demonstrate different models of legal integration. Indonesia tends to institutionalize environmental protection through constitutional and statutory mechanisms, while incorporating Islamic values in a more implicit, socio-cultural manner. In contrast, Malaysia exhibits a more formal recognition of Islamic legal principles within state-level religious and environmental governance structures. Despite these differences, both countries reflect a converging commitment to ecological sustainability grounded in legal pluralism. However, challenges remain in harmonizing regulatory enforcement, addressing the drivers of deforestation, and ensuring community-based participation. This study contributes to the development of contemporary Islamic environmental jurisprudence by offering a comparative legal model of integrative governance between positive and Islamic law in forest conservation policy. It advances scholarly discourse on legal pluralism, sustainable development, and the operationalization of *maqāṣid al-sharī'ah* within modern environmental regulatory frameworks in Muslim-majority countries.

Keywords: Forest Conservation; Islamic Law; Positive Law; Sustainable Development.

INTRODUCTION

Forests constitute one of the most vital ecological assets in Southeast Asia, functioning not only as carbon sinks and biodiversity reservoirs but also as socio-economic lifelines for millions of people.¹ In Indonesia and Malaysia, forests play a strategic role in sustaining national development, supporting indigenous communities, and maintaining global climate stability.² However, rapid economic expansion, extractive industries, land conversion, and weak regulatory enforcement have intensified deforestation and forest degradation over the past decades.³ These pressures raise fundamental legal and ethical questions about how forest management conservation policies should be structured to reconcile economic growth with environmental sustainability. Within this context, the integration of positive law and Islamic law emerges as a critical yet underexplored dimension of sustainable forest governance in Muslim-majority countries.⁴

Indonesia and Malaysia share similarities in ecological characteristics and socio-religious composition, yet differ in constitutional structures and legal traditions. Both countries adopt sustainable development as a guiding principle in environmental governance, incorporating it into statutory regulations, policy frameworks, and international commitments. At the same time, Islamic law functions either as a normative ethical foundation or as an institutionalized legal component within the broader legal system.⁵ The coexistence of state law and Islamic law reflects legal pluralism, in which environmental protection is shaped not only by statutory mandates but also by religious values and moral obligations. Nevertheless, the extent to which these two normative

¹ Hamka et al., 'Pandangan Hukum Islam Terhadap Kerusakan Hutan Atas Pembangunan Bumi Perkemahan Di Taman Hutan Raya Abd. Latief Kabupaten Sinjai', *Asy-Syari'ah : Jurnal Hukum Islam* 9, no. 2 (July 2023): 155-179, <https://doi.org/10.55210/assyariah.v9i2.1095>.

² Hamka et al., 'Pandangan Hukum Islam Terhadap Kerusakan Hutan Atas Pembangunan Bumi Perkemahan Di Taman Hutan Raya Abd. Latief Kabupaten Sinjai'.

³ Ansar Mangka, Amrah Husma, and Jahada Mangka, 'Pelestarian Lingkungan Hidup Dalam Pandangan Syariat Islam: Conservation of the Environment in Islamic Law View', *BUSTANUL FUQAHA: Jurnal Bidang Hukum Islam* 3, no. 2 (August 2022): 205-221, <https://doi.org/10.36701/bustanul.v3i2.613>.

⁴ Afrizal Nur et al., 'Qur'anic Ecotheology and the Ethics of Forest Protection in Indonesia', *Jurnal Studi Ilmu-Ilmu Al-Qur'an Dan Hadis* 26, no. 2 (July 2025): 351-382, <https://doi.org/10.14421/qh.v26i2.6312>.

⁵ Jawade Hafidz et al., 'Contemporary Legal Accountability Reform in Public Procurement: A Framework Integrating Ethical Norms and Anti-Corruption Mechanism', *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 517-538, <https://doi.org/10.32332/milrev.v4i1.10664>.

systems interact, overlap, or reinforce one another in forest conservation policies remains insufficiently examined.

The problem addressed in this study lies in the fragmentation between positive environmental law and Islamic normative principles in shaping sustainable forest management. In many cases, conservation policies are drafted and implemented primarily within the framework of administrative and statutory law, while Islamic legal values—such as the prohibition of environmental harm (*lā ḍarar wa lā ḍirār*), the concept of stewardship (*khilāfah*), and the objectives of Islamic law (*maqāṣid al-sharīʿah*)—remain rhetorically acknowledged but not systematically integrated into regulatory design and enforcement mechanisms.⁶ This disjunction may weaken the ethical legitimacy and societal acceptance of conservation policies, particularly in Muslim-majority contexts where religious norms significantly influence public behavior and institutional culture. Moreover, sustainable development is often operationalized through technocratic approaches, potentially overlooking the normative synergy that could arise from harmonizing state law with religious legal principles.

Several previous studies have addressed related themes, but leave important gaps. First, prior research on sustainable forest governance in Indonesia has largely focused on regulatory effectiveness, decentralization, and community-based forest management.⁷ These studies provide valuable empirical insights into institutional challenges but tend to treat environmental law as a self-contained positive legal system, without critically engaging with Islamic legal norms as a complementary framework.⁸ Second, scholarship on Islamic environmental jurisprudence has elaborated normative concepts such as *maqāṣid al-sharīʿah*, *amānah* (trust), and *iḥyāʾ al-mawāt* (revitalization of unused land) as theological foundations

⁶ Muhamad Nurholis, 'Islamic Law and Environmental Sustainability: Maqasid al-Sharia's Perspective', *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah* 8, no. 3 (August 2025): 541-548, <https://doi.org/10.58824/mediasas.v8i3.413>.

⁷ Ahmad Fitra Yuza, Halimah Abdul Manaf, and Zainal Zainal, 'Deforestation Policy Governance in Indonesia', *CosmoGov: Jurnal Ilmu Pemerintahan* 9, no. 1 (June 2023): 36-49, <https://doi.org/10.24198/cosmogov.v9i1.44778>.

⁸ Yolamalinda Yolamalinda, Laili Fuji Widyawati, and Asti Istiqomah, 'Implementation Of Good Forest Governance In Forest Management In Indonesia', *Jurnal Ilmiah Multidisiplin Indonesia (JIM-ID)* 2, no. 02 (July 2023): 77-88, <https://doi.org/10.58471/esaprom.v2i02.2248>.

for environmental protection.⁹ However, such works often remain doctrinal and abstract, lacking systematic comparative analysis of how these principles are concretely embedded within national conservation policies. Third, comparative studies between Indonesia and Malaysia have primarily focused on constitutional arrangements, Islamic family law, and the development of Shariah institutions, rather than examining environmental governance through the lens of legal integration.¹⁰ Consequently, there is limited scholarship that bridges sustainable development theory, positive environmental law, and Islamic legal principles in a comparative context of forest management.

The research gap, therefore, lies at the intersection of three domains: environmental statutory regulation, Islamic legal theory, and comparative legal analysis between Indonesia and Malaysia. Existing literature has not sufficiently explored how positive and Islamic law can be integrated into a coherent normative framework that strengthens sustainable forest management. Nor has it adequately assessed the similarities and differences between the two countries in institutionalizing such integration. This study addresses this gap by situating forest conservation policy within a broader legal pluralist paradigm, analyzing both statutory frameworks and Islamic normative principles as mutually reinforcing components of environmental governance.

The novelty of this research is threefold. First, it offers a systematic integrative model that aligns sustainable development objectives with *maqāṣid al-sharī'ah*, particularly the protection of life (*ḥifẓ al-nafs*), property (*ḥifẓ al-māl*), and the environment as part of public welfare (*maṣlahah 'āmmah*). Rather than treating Islamic law as merely ethical rhetoric, this study conceptualizes it as a normative source capable of shaping policy orientation and interpretive approaches within positive law. Second, it employs a structured comparative analysis of Indonesia and Malaysia to identify divergent and convergent patterns of legal integration, highlighting how distinct constitutional and institutional contexts shape environmental governance. Third, the study advances the

⁹ Lina Marlina Susana et al., 'Reconstructing Islamic Legal Norms in Environmental Governance: A Maqasid-Based Legal Critique of Indonesia's Resource Policies', *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (September 2025): 650-670, <https://doi.org/10.29240/jhi.v10i2.13038>.

¹⁰ Andreas Pingking and Rosazman Hussin, 'Cabaran Pemuliharaan Hutan Melalui Pendekatan Penglibatan Komuniti Dan Pihak Berkepentingan Di Malaysia Dan Indonesia: Tinjauan Literatur', *Journal of Borneo Social Transformation Studies* 9, no. 1 (December 2023): 1-17, <https://doi.org/10.51200/jobsts.v9i1.4754>.

discourse on legal pluralism by demonstrating that integrating religious and statutory norms can enhance regulatory legitimacy, community participation, and long-term sustainability outcomes in forest management.

Based on this background, the central research question guiding this study is: How are positive law and Islamic law integrated within contemporary sustainable development-based forest management conservation policies in Indonesia and Malaysia, and to what extent does this integration strengthen environmental governance? This question directs the analysis toward examining both normative frameworks and practical implementation, while also evaluating the broader implications for sustainable development. The significance of this research lies in both its theoretical and practical implications. Theoretically, it contributes to the development of contemporary Islamic environmental jurisprudence by contextualizing *maqāṣid al-sharī'ah* within modern regulatory systems. It enriches comparative legal scholarship by bridging environmental law and Islamic legal studies, two fields that are often examined separately.¹¹

Furthermore, it deepens the understanding of legal pluralism in Muslim-majority countries, particularly in relation to global sustainability agendas. Practically, the findings of this study may inform policymakers, legal practitioners, and religious institutions in designing more coherent and culturally resonant forest conservation policies. By demonstrating the potential synergy between positive and Islamic law, the study offers a normative foundation for strengthening public compliance, ethical accountability, and institutional coordination in environmental governance.

METHOD

This study employs a qualitative research design grounded in doctrinal and comparative legal analysis¹² to examine the integration of positive law and Islamic law in sustainable development-based forest management conservation policies in Indonesia and Malaysia. As a normative juridical study, it analyzes statutory regulations, constitutional

¹¹ A. Absori et al., 'Critical Analysis of River Basin Management Regulation in Bengawan Solo for Water Tourism: Local Legislation in 7 Regency', *WSEAS Transactions on Environment and Development* 19 (2023): 844-851, <https://doi.org/10.37394/232015.2023.19.80>.

¹² Andri Winjaya Laksana, Hendro Widodo and Dian Pramana, Critical Opinion Paradigm Regulation of Criminal Actions of Drug Abuse Through Religious Rehabilitation Based on the Legal System, *Media Iuris* 7, no. 3 (October 2024): 401-416, DOI: 10.20473/mi.v7i3.62984

provisions, policy documents, and judicial decisions related to forest governance in both countries. These primary legal materials are complemented by classical and contemporary Islamic legal sources, particularly those addressing environmental ethics and *maqāṣid al-sharī'ah*, as well as secondary materials such as academic journal articles, books, and policy reports. Data collection is conducted through systematic document analysis and library research, with sources selected based on relevance, authority, and contemporaneity. The comparative dimension of the study is structured to identify similarities, differences, and patterns of legal integration within the respective legal systems.

Data analysis is carried out using qualitative content analysis and comparative legal methods.¹³ The study first categorizes legal norms and policy frameworks according to themes of sustainable development, conservation principles, and Islamic legal values. It then interprets these norms through an analytical framework that combines sustainable development theory with *maqāṣid al-sharī'ah* to assess normative alignment and institutional coherence. The comparative analysis highlights convergences and divergences in regulatory design, institutional structures, and normative integration between Indonesia and Malaysia. To ensure validity and reliability, the study employs source triangulation by cross-examining statutory texts, scholarly interpretations, and policy documents, and conducts conceptual triangulation between legal theory and Islamic jurisprudence. Academic rigor is further maintained through critical evaluation of sources, consistent citation practices, and systematic documentation of analytical procedures.

RESULTS AND DISCUSSION

Regulatory Architecture of Sustainable Forest Management in Indonesia and Malaysia

The regulatory architecture of sustainable forest management in Indonesia and Malaysia reflects two distinct constitutional traditions, governance structures, and policy trajectories, even though both countries formally embrace the principle of sustainable development. At a normative level, each jurisdiction recognizes forests as strategic national assets that must be protected not only for economic benefit but also for ecological balance and intergenerational equity. However, the legal pathways through which these

¹³ Matthew B. Miles and A. Michael Huberman, *Analisis Data Kualitatif : Buku Sumber Tentang Metode-Metode Baru* (Jakarta: Universitas Indonesia Press, 2014).

commitments are translated into enforceable rules reveal important differences in emphasis, institutional configuration, and regulatory technique.¹⁴

The law functions as a protector of human interests.¹⁵ In Indonesia, the foundation of forest governance is firmly anchored in Article 33, paragraph (3), of the 1945 Constitution, which provides that land, water, and natural resources are controlled by the state and utilized for the greatest prosperity of the people. The Constitutional Court has repeatedly interpreted this constitutional clause as embodying a doctrine of state stewardship rather than absolute ownership. In several landmark judicial decisions concerning natural resource management, the Court has stressed that state control entails regulatory authority, management oversight, and supervision to ensure that exploitation does not undermine public welfare. This constitutional jurisprudence strengthens the normative position that forest governance is not merely an administrative matter but a constitutional obligation linked to social justice and environmental sustainability.¹⁶

The statutory elaboration of this mandate is most clearly reflected in Law No. 41 of 1999 on Forestry.¹⁷ The law establishes a comprehensive classification of forest areas into conservation forests, protection forests, and production forests, each with its own regulatory regime. Conservation forests are designated for biodiversity preservation and ecosystem integrity; protection forests aim to safeguard hydrological systems and prevent environmental degradation; and production forests are allocated for sustainable timber extraction and other economic uses.¹⁸ This tripartite classification illustrates Indonesia's

¹⁴ Arif Ihsan and M. Nazir Salim, 'Ulayat Land and Agrarian Reform Policy in West Sumatra', *Marcapada: Jurnal Kebijakan Pertanahan* 1, no. 2 (April 2022): 155-171, <https://doi.org/10.31292/mj.v1i2.17>.

¹⁵ Andri Winjaya Laksana et al., 'The Analysis of Criminal Sanctions Effectiveness in Drug Law: Between Prevention and Rehabilitation', *Jurnal Pembaharuan Hukum* 13, no 1 (March 2026): 52-70 <https://dx.doi.org/10.26532/jph.v13i1.50247>.

¹⁶ Islamul Haq, Sudirman L, and Muhammad Majdy Amiruddin, 'Eco-Theological Insights on The Sasi Tradition: Analyzing Environmental Ethics and Sanctions Through Fiqh al-Bi'ah and Islamic Criminal Law', *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (April 2025): 58-80, <https://doi.org/10.29240/jhi.v10i1.9412>.

¹⁷ Muhammad Ilham Samuda et al., 'Reconstruction of Regulation of Giving False Testimony at Pretrial Sessions in Corruption Cases in Indonesia Based on Pancasila Justice', *Scholars International Journal of Law, Crime and Justice*, 2023, 399-407, <https://doi.org/10.36348/sijlcj.2023.v06i08.004>.

¹⁸ A. Absori et al., 'Indonesia as an Ecocratic Country: The State's Responsibility and the People's Participation in Preserving and in Managing the Environment Quality', *Quality: Access to Success* 21, no. 179 (2020): 140-143.

attempt to balance ecological, social, and economic interests within a unified legal framework.¹⁹

Complementing the Forestry Law is Law No. 32 of 2009 on Environmental Protection and Management,²⁰ which integrates environmental impact assessment (AMDAL), strategic environmental assessment (KLHS), and strict liability principles into broader development planning. The incorporation of preventive instruments such as AMDAL has strengthened procedural safeguards in forest-related projects, requiring developers to assess environmental risks before permits are granted. In theory, this layered regulatory structure reflects a mature legal architecture capable of addressing both conservation and development imperatives.²¹

However,²² the Indonesian governance model is characterized by a complex interplay between central authority and regional autonomy.²³ Following the decentralization reforms after 1998, significant powers over land-use licensing and forest management were devolved to provincial and district governments. While decentralization aimed to improve responsiveness and local accountability, it also led to regulatory fragmentation and inconsistent enforcement. In certain regions, overlapping permits and weak supervision facilitated illegal logging and land conversion, particularly for oil palm plantations. The central government has since sought to recalibrate this balance by re-

¹⁹ Muhammad Yusuf, 'Eco-Fiqh: Pendekatan Maslahat Terhadap Amdal Dan Konservasi Lingkungan', *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 9, no. 2 (October 2019): 250-273, <https://doi.org/10.15642/ad.2019.9.2.250-273>.

²⁰ Anis Mashdurohatun et al., 'Rethinking Palm Oil Plastic Regulations for Sustainable and Ecological Justice, Journal of Human Rights', *Culture and Legal System* 5, no. 2 (2025): 500-530, <https://doi.org/10.53955/jhcls.v5i2.681>.

²¹ Sonia Yolanda et al., 'Konflik Lahan Dan HAM : Telaah Efektivitas Perlindungan Hukum Terhadap Hak Masyarakat Adat Di Indonesia Dari Praktik Land Grabbing Dan Green Grabbing', *Referendum : Jurnal Hukum Perdata Dan Pidana* 1, no. 4 (December 2024): 236-248, <https://doi.org/10.62383/referendum.v1i4.362>.

²² Jawade Hafidz et al., 'The Corruption Reduction with an Administrative Law Approach: Evidence from Australia', *Lembaga Contrarius Indonesia* 4, no. 3 (2024): 822-841, <https://doi.org/10.53955/jhcls.v4i3.396>.

²³ Imam Mahdi, Etry Mike, and Arini Azka Mutia, 'Contextualizing Islamic Law in Resolving Customary Land Conflicts: A Siyasa Syar'iyah Approach to the Semende Tribe's Dispute in Bukit Barisan Selatan National Park', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (November 2025): 696-710, <https://doi.org/10.29300/mzn.v12i2.8619>.

centralizing strategic licensing powers and introducing integrated spatial planning mechanisms.²⁴

One of the most notable policy innovations in Indonesia is the expansion of social forestry (*perhutanan sosial*). This scheme grants local communities, including customary (*adat*) groups, long-term access rights to manage designated forest areas under state oversight. The program represents a structural shift from purely state-centric control toward participatory governance.²⁵ By legally recognizing community-based management, Indonesia attempts to align environmental protection with poverty reduction and social empowerment. Empirical data from the Ministry of Environment and Forestry indicate that millions of hectares have been allocated under social forestry schemes, reflecting a tangible institutional commitment to inclusive sustainability. Nonetheless, implementation challenges persist, particularly in ensuring technical capacity, market access, and conflict resolution mechanisms for participating communities.²⁶

Malaysia, by contrast, operates within a federal constitutional framework in which land and forestry are matters under state jurisdiction. The National Forestry Act 1984 serves as a model law adopted by individual states, but enforcement authority remains decentralized. Each state enacts its own forestry legislation based on the federal template, resulting in variations in implementation standards and enforcement intensity. This federal-state arrangement creates a distinctive regulatory dynamic: while national policy sets strategic objectives, operational control lies with state forestry departments.²⁷

Sustainable forest management (SFM) in Malaysia is embedded within the National Forestry Policy and supported by measurable standards aligned with international

²⁴ Munib Munib et al., 'Conservation Environmental Sustainability in The Perspective of Islamic Legal Philosophy', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 2 (October 2022): 556-572, <https://doi.org/10.22373/sjhk.v6i2.12411>.

²⁵ A. Absori et al., 'Sustainable Forest-Based Law Enforcement against Corporate Illegal Logging', *Journal of Infrastructure, Policy, and Development* 8, no. 11 (2024), <https://doi.org/10.24294/jipd.v8i11.9067>.

²⁶ Sahrizal Pajeri, Hamdani Hamdani, and Muksalmina Muksalmina, 'Peran Lembaga Adat Dalam Mengelola Hutan Lindung Berdasarkan Peraturan Menteri Lingkungan Hidup Dan Kehutanan Nomor 9 Tahun 2021 Tentang Pengelolaan Perhutanan Sosial (Studi Penelitian Di Gampong Agusen Kecamatan Blangkejeren Kabupaten Gayo Lues)', *Jurnal Ilmiah Mahasiswa Fakultas Hukum Universitas Malikussaleh* 8, no. 2 (August 2025): 501-520, <https://doi.org/10.29103/jimfh.v8i2.21727>.

²⁷ A. Hariri, B. Babussalam, and Muhammad Aunurrochim Mas'ad Saleh, 'Between Legality and Justice: A Critical Study of the Supreme Court's Judicial Reasoning in Dispute of the Awyu Customary Forest', *Jurnal Jurisprudence* 15, no. 2 (2025): 146-176, <https://doi.org/10.23917/jurisprudence.v15i2.11442>.

certification schemes. The Malaysian Timber Certification Scheme (MTCS), endorsed by the Programme for the Endorsement of Forest Certification (PEFC), plays a central role in ensuring that timber production meets sustainability criteria. Certification mechanisms serve not only as environmental safeguards but also as market instruments, enhancing the competitiveness of Malaysian timber in global markets that are increasingly sensitive to sustainability standards. This market-oriented regulatory strategy differs from Indonesia's more constitutional and rights-based approach.²⁸

In addition to forestry-specific legislation, Malaysia relies on the Environmental Quality Act 1974 to regulate pollution and environmental harm. Environmental impact assessments are required for prescribed activities, including large-scale land conversion. However, because land matters fall under state authority, coordination between federal environmental agencies and state forestry departments becomes essential. In practice, this arrangement offers administrative flexibility but also creates disparities among states, particularly between Peninsular Malaysia and Sabah and Sarawak, which possess unique constitutional privileges and extensive forest resources.

Both Indonesia and Malaysia face comparable structural challenges despite their differing legal architectures. Illegal logging, encroachment, and conversion of forest land for plantations remain pressing concerns. In Indonesia, deforestation rates have fluctuated over the past decade, influenced by commodity prices, enforcement campaigns, and moratorium policies on primary forest and peatland conversion. Malaysia, while often reporting lower deforestation rates per unit of land, continues to face scrutiny over logging practices in certain states. These challenges reveal that the existence of comprehensive legal frameworks does not automatically translate into effective conservation outcomes.

From a comparative standpoint, Indonesia's regulatory architecture appears more explicitly anchored in constitutional environmentalism, with sustainability articulated as a normative constitutional principle tied to social justice.²⁹ Malaysia's framework, meanwhile, emphasizes administrative coordination and certification-based accountability,

²⁸ Nurulnabila Anis Mat Seman and Maizatun Mustafa, 'Jerebu Rentas Sempadan: Isu Dan Cabaran Undang-Undang Di Malaysia Dalam Mengekalkan Kualiti Udara Yang Baik: Transboundary Haze Pollution: Issues and Challenges of the Law in Malaysia in Maintaining Good Air Quality', *The Sultan Alauddin Sulaiman Shah Journal (JSASS)* 6, no. 1 (June 2019): 1-15.

²⁹ D. Ramadhan and R. Subekti, 'Legal Examination of Military Court Decisions on the Criminal Actions of Indonesian Navy Members in Selling Illegal Timber', *Jurnal Jurisprudence* 15, no. 1 (2025): 67-82.

leveraging federal-state cooperation and international market mechanisms. Indonesia prioritizes participatory inclusion through social forestry, whereas Malaysia emphasizes structured compliance through standards and certification.

The following table summarizes key structural features in a comparative perspective:

Aspect	Indonesia	Malaysia
Constitutional Basis	Explicit natural resource mandate (Art. 33, 1945 Constitution)	Federal constitutional structure; forestry under state jurisdiction
Main Forestry Law	Law No. 41/1999 on Forestry	National Forestry Act 1984 (state adoption)
Sustainability Principle	Explicitly embedded in the statutory framework and linked to social justice.	Embedded in the National Forestry Policy and certification standards
Governance Model	Centralized–decentralized hybrid with re-centralization trends	Federal–state coordination with state-level implementation
Community Involvement	Social forestry recognizing adat and local rights	State-managed participation; certification-driven compliance
Market Instruments	Limited certification expansion; emphasis on legality verification (SVLK)	Strong reliance on MTCS and international certification schemes

Source: Author’s Interpretation

The table above demonstrates that although Indonesia and Malaysia both formally commit to sustainable forest management, their normative foundations and institutional designs differ significantly. Indonesia explicitly anchors natural resource governance within its constitutional framework through Article 33 of the 1945 Constitution, thereby linking sustainability directly to social welfare and ecological justice. Its governance model is hybrid—combining centralization and decentralization—with a strong emphasis on social forestry schemes and the recognition of indigenous community rights. In contrast, Malaysia operates under a federal structure in which the forestry authority lies primarily at the state level, making administrative coordination central to policy effectiveness. The sustainability principle is largely operationalized through national policy frameworks and market-oriented certification mechanisms such as the MTCS. Consequently, Indonesia tends to emphasize a constitution-based and community-participatory approach, whereas Malaysia prioritizes administrative consistency and standards-driven compliance aligned with international market expectations.

Normative Foundations of Islamic Law in Environmental Governance

The normative foundations of Islamic law in environmental governance reveal an important yet often understated dimension of forest conservation in Indonesia and Malaysia. While statutory instruments and administrative regulations formally govern forest management, Islamic legal principles function as an ethical substratum that shapes public consciousness, political rhetoric, and institutional culture. In both countries, Islam is not merely a private belief system but a living normative tradition that informs social behavior and collective responsibility. However, the degree to which Islamic legal norms are structurally embedded within environmental governance differs significantly, reflecting distinct constitutional arrangements and legal histories.³⁰

In Indonesia, Islamic law does not operate as a general source of binding public environmental legislation.³¹ The national legal system is formally based on statutory law, constitutional interpretation, and administrative regulation. Islamic law is recognized in specific domains such as family law, Islamic banking, and certain aspects of religious adjudication, but forestry and environmental regulation remain within the sphere of civil and administrative law.³² Nevertheless, this formal separation does not imply normative isolation. Islamic environmental ethics have become increasingly visible in public discourse, particularly as ecological crises—forest fires, haze pollution, biodiversity loss, and land degradation—have intensified.³³

Religious narratives frequently frame environmental protection as a moral and spiritual obligation. The concept of *khilāfah* (human stewardship of the earth) is regularly invoked to emphasize that humans are trustees rather than absolute owners of natural resources. This theological idea reinforces constitutional doctrines of state control over

³⁰ Muhammad Wahdini et al., 'Harmonization of Customary Law, Green Constitution and Green Fatwa: Case Forest Burning and Land for Agriculture in Central Kalimantan', *Mazahibuna: Jurnal Perbandingan Mazhab*, 6 August 2025, 138–156, <https://doi.org/10.24252/mazahibuna.vi.55190>.

³¹ Widayati Widayati et al., 'The Challenges of Using the Omnibus Law Method in Indonesia's Legal System', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 8, no. 2 (2025): 459–477, <https://doi.org/10.24090/volksgeist.v8i2.13382>.

³² Nur Wahida Md Taha, Betania Kartika Muflih, and Mohammad Aizat Jamaludin, 'Environmental Preservation from Maqasid Shariah and Islamic Perspective: A Literature Review', *Amorti: Jurnal Studi Islam Interdisipliner*, 15 January 2025, 1–8, <https://doi.org/10.59944/amorti.v4i1.404>.

³³ Harjoni Desky and Windatria, 'Theological and Ethical Dimensions of Global Warming in MUI Fatwa No. 86 of 2023', *Jurnal Pemuliaan Lingkungan Hidup Dan Sumber Daya Alam* 1, no. 01 (October 2025), <https://jurnal.mui.or.id/index.php/lplhsda/article/view/15>.

natural resources by providing a moral dimension: if the state acts as a guardian of public welfare, individuals act as guardians under a divine trust. Likewise, the principle of *amānah* (trust) underscores accountability, suggesting that environmental destruction constitutes not only a legal violation but also a breach of moral responsibility before God.³⁴

The Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) has issued several fatwas addressing environmental harm, including rulings condemning forest burning and environmentally destructive business practices. Although these fatwas do not carry the coercive force of statutory law, they have symbolic and persuasive authority, particularly in rural and religious communities. In regions frequently affected by forest fires, religious leaders have incorporated environmental themes into Friday sermons, framing conservation as part of faith-based ethics. Empirical observations from environmental NGOs indicate that such religious engagement has, in certain contexts, enhanced community compliance with conservation measures, especially where state enforcement capacity is limited.

Moreover, Islamic organizations such as Nahdlatul Ulama and Muhammadiyah have launched environmental initiatives rooted in Islamic teachings. These include reforestation programs, environmental education in Islamic schools, and advocacy for sustainable land use.³⁵ Such movements illustrate how Islamic law operates as a social norm generator, influencing environmental governance indirectly through civil society mobilization.³⁶ The normative vocabulary of *maṣlahah* (public interest) is particularly influential, as it resonates with constitutional ideals of social welfare and intergenerational equity. Through this lens, forest conservation is not only an ecological necessity but also a collective obligation to preserve public benefit.³⁷

³⁴ Adzidah Yaakob and Intan Nadia Ghulam Khan, 'Forest Offences in Protected Areas: An Appraisal to Maqasid Shariah in Federal and State Government Relationship', *Ulum Islamiyyah* 34, no. 3 (November 2022): 50–59, <https://doi.org/10.33102/uij.vol34no3.489>.

³⁵ Anna Katarrzyna Nowaak, 'Facilitating Academic Mobility and Knowledge Exchange to Promote Continuous Learning and Collaboration', *Nusantara Education* 5, no. 1 (March 2026): 1–12, <https://doi.org/10.66325/nusantaraeducation.v5i1.254>.

³⁶ Ethan Michael Clarkee, 'Designing Gender-Responsive, Inclusive, and Transformative Learning Approaches for Modern Education', *Nusantara Education* 5, no. 1 (March 2026): 62–72, <https://doi.org/10.66325/nusantaraeducation.v5i1.258>.

³⁷ Muhammad Wahdini et al., 'Negotiating Shari'a and Sustainability: The Changing Roles of Islamic Organisations in Indonesia's Environmental Legal Reform', *Indonesia Law Reform Journal* 5, no. 3 (November 2025): 377–391, <https://doi.org/10.22219/ilrej.v5i3.42010>.

Malaysia presents a more structurally integrated model, owing to its constitutional recognition of Islam as the religion of the Federation and the existence of Shariah courts at the state level. While forestry law remains within the civil legal framework, Islamic institutions play a more visible role in shaping environmental narratives. State religious departments and Islamic councils frequently collaborate with environmental agencies in awareness campaigns, educational programs, and policy dialogues. In some states, khutbah (Friday sermon) texts prepared by religious authorities explicitly address environmental stewardship, linking Quranic teachings to contemporary sustainability challenges.

The institutional embedding of Islamic values in Malaysia is further reflected in the integration of environmental themes into Islamic education curricula and public policy documents. Islamic ethical language—such as moderation (*wasatiyyah*), prohibition of excess (*isrāf*), and preservation of balance (*mīzān*)—appears in governmental sustainability strategies. This approach does not necessarily codify Islamic law within forestry statutes, but it strengthens normative coherence between religious and administrative spheres. Because religious authorities hold recognized constitutional status at the state level, their endorsement of environmental initiatives can enhance legitimacy and public trust.

Despite these differences, in both Indonesia and Malaysia, Islamic law primarily operates at the normative and ethical level rather than as a direct legislative foundation for forest conservation. Core principles of Islamic jurisprudence closely align with contemporary sustainable development goals. The prohibition of waste (*isrāf*) discourages overexploitation of natural resources; the protection of life and property within the framework of *maqāṣid al-sharīʿah* supports ecological preservation; and the emphasis on intergenerational justice resonates with sustainability's future-oriented dimension. Classical juristic discussions on public welfare (*maṣlaḥah ʿāmmah*) and prevention of harm (*darʿ al-mafāṣid*) provide conceptual tools that can be applied to environmental governance.

However, translating these principles into enforceable legal norms remains limited. Neither country has enacted forestry statutes explicitly grounded in Islamic jurisprudential doctrines.³⁸ Environmental impact assessments, licensing systems, and enforcement mechanisms are formulated within secular administrative law. Islamic norms supplement

³⁸ Dian A. H. Shah, 'The Law and Politics of Religion and Constitutional Practices in Asia', *Asian Journal of Comparative Law* 13, no. 2 (December 2018): 207-218, <https://doi.org/10.1017/asjcl.2019.3>.

rather than supplant these frameworks. This reflects a pragmatic form of legal pluralism, in which religious and positive law coexist without structural conflict but also without full doctrinal integration. A key implication of this arrangement is that Islamic law strengthens environmental governance primarily through moral reinforcement and social mobilization. Where statutory enforcement is weak or contested, religious legitimacy can encourage voluntary compliance. Conversely, where economic incentives favor deforestation or land conversion, moral exhortation alone may prove insufficient. The interaction between positive and Islamic law thus depends heavily on institutional cooperation and policy design.³⁹

In both Indonesia and Malaysia, recent environmental crises—particularly transboundary haze caused by forest fires—have prompted renewed calls for ethical responsibility grounded in religious teachings. Religious leaders have publicly condemned environmentally destructive practices, framing them as violations of divine trust. Such interventions illustrate the potential of Islamic normative frameworks to support environmental accountability, especially in contexts where legal enforcement encounters political or economic resistance.⁴⁰

Ultimately, the normative foundations of Islamic law in environmental governance demonstrate that sustainability in Muslim-majority societies cannot be understood solely through statutory analysis. Forest conservation policies operate within broader moral landscapes shaped by religious values, community expectations, and ethical discourses. While Islamic law may not serve as a codified source of forestry regulation, its ethical principles significantly shape public attitudes, legitimize policy interventions, and reinforce the moral imperatives of sustainable development.

Hybrid Participatory Integration (Emerging Trend)

One of the most interesting developments in recent years is the gradual emergence of what may be described as a hybrid participatory integration model—an approach in which statutory forest governance mechanisms intersect with Islamic ethical narratives at the

³⁹ Salbiah Ahmad, 'Islam in Malaysia: Constitutional and Human Rights Perspectives', *Muslim World Journal of Human Rights* 2 (January 2005), <https://doi.org/10.2202/1554-4419.1033>.

⁴⁰ Deris Arista Saputra, 'Religious Transition from Islam to Non-Islam: Legality, Sanctions, and Procedures in Indonesia and Malaysia', *Integration: Journal of Social Sciences And Culture* 3, no. 2 (April 2025): 437-442, No, <https://doi.org/10.38142/ijssc.v3i2.281>.

community level. This model does not replace formal environmental regulation, nor does it transform Islamic law into binding forestry legislation. Rather, it operates in the space between law and lived practice, where local participation, religious values, and state policy interact dynamically.⁴¹

In both Indonesia and Malaysia, forest governance has increasingly shifted toward participatory approaches. This shift is driven partly by global sustainability discourses that emphasize community-based natural resource management and partly by domestic recognition that centralized enforcement alone cannot effectively prevent illegal logging, encroachment, and land degradation.⁴² Forest-dependent communities often possess detailed ecological knowledge and long-standing cultural ties to forest ecosystems. When excluded from decision-making, they may resist conservation policies; when included, they often become active custodians of forest sustainability.

In Indonesia, participatory forest governance has expanded significantly through social forestry programs. These initiatives grant local and indigenous communities access rights to manage designated forest areas under long-term permits. While the legal framework is grounded in statutory law, implementation frequently draws upon religious and cultural values to strengthen collective commitment. In predominantly Muslim regions, local leaders and community facilitators sometimes frame forest stewardship as part of religious responsibility. Friday sermons, village meetings, and religious study groups incorporate references to *khilāfah* (stewardship) and *amānah* (trust), underscoring that sustainable forest management is not merely a legal requirement but a moral obligation.⁴³

This blending of legal and religious discourse has practical implications. In several community-managed forest areas, environmental compliance is monitored not only through administrative reporting but also through social norms shaped by religious authority. Violations such as illegal logging or unauthorized burning may be condemned

⁴¹ Salmina Wati Ginting et al., 'Forest Governance and Rural-Architecture Practices: A Comparative Study of Baduy (Indonesia) and Temiar (Malaysia)', *Global Forest Journal*. 4, no. 1 (January 2026): 44-51, <https://doi.org/10.32734/gfj.v4i1.23757>.

⁴² Cahyoko Edi Tando, Sudarmo, and Rina Herlina Haryanti, 'Collaborative Governance Effort to Manage Forest in Kalimantan Island: Literature Review', *Jurnal Manajemen Hutan Tropika* 28, no. 1 (April 2022): 15-21, <https://doi.org/10.7226/jtfn.28.1.15>.

⁴³ Rohani Abdul Rahim et al., 'Foreign Migrants Trespassing in Sabah Forest Reserves: A Legal Discourse', *Sriwijaya Law Review*, 31 January 2021, 101-114, <https://doi.org/10.28946/slrev.Vol5.Iss1.977.pp101-115>.

both as regulatory breaches and as ethical transgressions. Such dual framing can increase social pressure to comply, particularly in rural communities where religious leaders wield significant influence. Malaysia presents a parallel yet structurally distinct trajectory. Because Islam enjoys constitutional recognition and state religious departments play formal roles in public life, environmental campaigns often benefit from institutional collaboration between forestry authorities and religious institutions. In some states, environmental awareness programs are conducted in mosques, Islamic schools, and community centers. Religious authorities have endorsed tree-planting campaigns, river clean-up programs, and biodiversity protection initiatives, explicitly linking them to Islamic teachings about moderation, balance, and responsibility toward creation.⁴⁴

In this emerging hybrid model, participatory forest management is strengthened by ethical narratives that resonate with local belief systems. Rather than perceiving environmental regulation as an external imposition by the state, communities may internalize conservation objectives as aligned with religious identity. This normative internalization is particularly important in contexts where enforcement capacity is limited or where economic pressures tempt communities toward short-term exploitation.⁴⁵

The comparative findings indicate convergence in normative objectives between Indonesia and Malaysia. Both legal systems articulate forest protection as a means of safeguarding present and future generations. Intergenerational equity—a cornerstone of sustainable development—finds a parallel in Islamic ethical teachings that emphasize accountability before God and responsibility to descendants. Whether expressed in constitutional language (as in Indonesia) or policy discourse (as in Malaysia), the overarching goal remains the preservation of ecological balance and public welfare. At the same time, divergence is evident in the degree of formalization. Malaysia demonstrates more visible institutional embedding of Islamic values within state structures. Religious departments are formally integrated into governance processes, and official sermons often incorporate environmental themes. Indonesia, while rich in Islamic civil society

⁴⁴ Choon Keat Chan et al., 'Sustainable Forest Management and Effective Land Use Policies for Mitigating Forest Loss: The Case of Malaysia', *Chemical Engineering Transactions* 106 (December 2023): 799–804, <https://doi.org/10.3303/CET23106134>.

⁴⁵ Fakih Abdul Azis, 'Konstruksi Eco-Fiqh Indonesia : Analisis Fatwa MUI No. 86 Tahun 2023 Tentang Perubahan Iklim Perspektif Maqāṣid al-Syarī'ah', *Jurnal Pemuliaan Lingkungan Hidup Dan Sumber Daya Alam* 1, no. 01 (October 2025), <https://jurnal.mui.or.id/index.php/lplhsda/article/view/9>.

engagement, tends to maintain a clearer distinction between statutory law and religious authority. Islamic values influence public discourse and grassroots mobilization, but are less systematically integrated into administrative frameworks.⁴⁶

The effectiveness of hybrid participatory integration depends on three interrelated variables: regulatory coherence, institutional collaboration, and community engagement. First, regulatory coherence ensures that participatory initiatives align with broader legal frameworks. Where forest boundaries, permit systems, and environmental standards are clearly defined, community-based management can operate within predictable parameters. In Indonesia, inconsistencies between spatial planning documents and forest designation maps have at times created uncertainty, undermining community confidence. In Malaysia, variations in enforcement standards across states occasionally lead to uneven outcomes. Without coherent regulation, ethical appeals alone cannot secure sustainable management.⁴⁷

Second, institutional collaboration enhances policy legitimacy and operational capacity. Effective integration requires coordination between forestry agencies, local governments, and religious institutions. In Malaysia, joint programs between state forestry departments and Islamic authorities have demonstrated how such collaboration can amplify public outreach. In Indonesia, partnerships between environmental NGOs and Islamic organizations have played a similar role, although coordination with formal state agencies varies across regions. When institutions operate in isolation, opportunities for synergy are lost. Third, community engagement remains the decisive factor. Participatory forest management succeeds when communities perceive tangible benefits—economic security, clarity in land tenure, and social recognition. Religious narratives can strengthen motivation, but practical incentives must accompany them. Where communities derive sustainable livelihoods from forest products or ecotourism, stewardship becomes

⁴⁶ Elvan Robiyana and Tati Sarihati, 'Collaborative Governance and Management in Forest and Critical Land Rehabilitation: A West Java Case Study', *Journal of Educational Management Research* 4, no. 6 (December 2025): 2896–2908, <https://doi.org/10.61987/jemr.v4i6.1507>.

⁴⁷ Bas Arts et al., 'The Performance of Global Forest Governance: Three Contrasting Perspectives', *Forest Policy and Economics* 161 (April 2024): 103165, <https://doi.org/10.1016/j.forpol.2024.103165>.

economically rational as well as morally compelling. Conversely, when poverty and land insecurity persist, short-term exploitation may override ethical considerations.⁴⁸

Empirical observations suggest that where Islamic ethical narratives reinforce statutory compliance, conservation outcomes tend to improve.⁴⁹ Community monitoring becomes more vigilant, collective sanctions gain legitimacy, and environmental awareness deepens. In some Indonesian villages participating in social forestry schemes, reforestation initiatives have been accompanied by religious study sessions emphasizing stewardship values. In parts of Malaysia, mosque-based environmental programs have mobilized youth participation in conservation activities.⁵⁰ However, the hybrid model is not without limitations. Legal fragmentation, overlapping authority, and political-economic pressures can weaken integration efforts. Plantation expansion, infrastructure development, and extractive industries often generate conflicts between economic priorities and conservation goals. In such contexts, participatory integration requires strong political will and consistent enforcement to prevent ethical discourse from becoming merely symbolic.

Implications for Sustainable Development and Legal Pluralism

The findings of this study carry important implications for both sustainable development theory and the practice of legal pluralism in Muslim-majority countries. At a conceptual level, the research demonstrates that integrating positive law and Islamic law is not inherently contradictory. On the contrary, when approached systematically, the two normative systems exhibit significant compatibility. Sustainable development emphasizes intergenerational equity, ecological balance, and social welfare—principles that resonate strongly with the objectives of *maqāṣid al-sharī'ah*. The protection of life, property, and collective well-being within Islamic jurisprudence aligns with contemporary environmental concerns about biodiversity loss, climate change, and the long-term sustainability of natural resources. This convergence suggests that environmental governance in Indonesia and

⁴⁸ Suparto Suparto et al., 'The Concept of State Control over Forests and Forest Areas in Indonesia', *Journal of Law, Environmental and Justice* 3, no. 2 (July 2025): 201–228, <https://doi.org/10.62264/jlej.v3i2.136>.

⁴⁹ Syamsuri et al., 'Connecting ISF to ISEs for Decent Work (SDG 8): A Conceptual Framework', *Al-Muamalat* 13, no. 1 (March 2026): 1–26, <https://doi.org/10.15575/am.v13i1.49387>.

⁵⁰ Suparto Suparto et al., 'The Concept of State Control over Forests and Forest Areas in Indonesia', *Journal of Law, Environmental and Justice* 3, no. 2 (July 2025): 201–228, <https://doi.org/10.62264/jlej.v3i2.136>.

Malaysia does not require a choice between secular regulatory frameworks and religious values; instead, it can benefit from their deliberate alignment.⁵¹

From a policy perspective, integrating Islamic ethical principles into environmental governance can strengthen legitimacy and public acceptance. In societies where religion plays a central role in shaping social norms, environmental regulations that resonate with religious teachings may encounter less resistance and elicit stronger compliance. For example, when forest conservation is framed not only as a statutory obligation but also as a moral duty rooted in stewardship and trust, communities may internalize conservation norms more deeply.⁵² Empirical observations from both Indonesia and Malaysia indicate that religious leaders often influence community attitudes toward land use, forest burning, and resource extraction. Their endorsement of conservation initiatives can enhance the moral authority of environmental policies, particularly in rural areas where state presence may be limited.

At the same time, the study reveals structural constraints that limit the transformative potential of such integration. One of the most persistent challenges is institutional compartmentalization. Environmental governance agencies and religious institutions frequently operate within separate bureaucratic spheres, with limited coordination mechanisms. Forestry departments focus on licensing, monitoring, and enforcement, while religious authorities concentrate on moral guidance and community outreach. Without structured collaboration, opportunities for synergy remain underutilized. In Malaysia, although state religious departments participate in environmental campaigns, coordination with forestry authorities varies across states. In Indonesia, Islamic civil society organizations often undertake environmental initiatives independently of formal state programs.⁵³ This institutional separation reduces the

⁵¹ Kismartini Kismartini et al., 'Deliberative Governance Principles in Forest Areas Management with Special Purposes', *Policy & Governance Review* 8, no. 2 (May 2024): 154-168, <https://doi.org/10.30589/pgr.v8i2.864>.

⁵² Fadhila Nursafitri, Joko Santoso, and Ahmad Bagaskara, 'Governance Dynamics and Stakeholder Interactions in Sustainable Forest Management Initiatives', *Qriset Indonesia Journal of Forestry* 1, no. 1 (January 2026): 06-11.

⁵³ Catherine May Tucker, 'Learning on Governance in Forest Ecosystems: Lessons from Recent Research', *International Journal of the Commons* 4, no. 2 (September 2010), <https://doi.org/10.18352/ijc.224>.

possibility of developing integrated policy frameworks that combine regulatory precision with ethical mobilization.

Enforcement gaps constitute a second major challenge. Comprehensive legislation and persuasive religious narratives are insufficient if enforcement remains inconsistent.⁵⁴ Both Indonesia and Malaysia have experienced periods in which illegal logging, land encroachment, and forest fires undermined sustainability commitments. Economic incentives associated with plantation expansion, particularly oil palm cultivation, frequently conflict with conservation objectives. In such contexts, the moral reinforcement provided by Islamic teachings may encourage voluntary compliance but cannot substitute for effective monitoring and sanctions. Sustainable development requires credible enforcement mechanisms that deter violations while maintaining procedural fairness.⁵⁵

A third complicating factor is the political economy of natural resource exploitation. Forests represent significant sources of revenue and employment. National development agendas often prioritize economic growth, infrastructure expansion, and export-oriented industries. Balancing these objectives with ecological sustainability remains a delicate task. Legal pluralism alone cannot resolve structural economic pressures; however, it can reshape the normative discourse surrounding development.⁵⁶ By emphasizing that environmental degradation contradicts both constitutional mandates and religious ethics, policymakers can recalibrate public debate toward long-term welfare rather than short-term gains.

Despite these challenges, the comparative analysis demonstrates that legal pluralism offers distinct strategic advantages.⁵⁷ Rather than viewing the coexistence of positive and

⁵⁴ Tuan Muhammad Faris Hamzi Tuan Ibrahim, Nasrul Hisyam Nor Muhamad, and Ahmad Syukran Baharuddin, 'Maqāsid Al-Sharī'ah and Digital Forensics: Towards a Fiqh-Based Evidentiary Model in Sharī'ah Criminal Justice', *Al'Adalah* 22, no. 2 (December 2025): 565-598, <https://doi.org/10.24042/adalah.v22.27886>.

⁵⁵ Rahmad Satria, 'Legal and Institutional Frameworks for Managing Forest Resources: A Comparative Study of ASEAN Countries', *Jurnal Konseling Dan Pendidikan* 13, no. 1 (April 2025): 409-419, <https://doi.org/10.29210/1143900>.

⁵⁶ Wan Izatul Asma Wan Talaat, Norhayati Mohd Tahir, and Mohd Lokman Husain, 'Sustainable Management of Forest Biodiversity and the Present Malaysian Policy and Legal Framework', *Journal of Sustainable Development* 5, no. 3 (February 2012): 76, <https://doi.org/10.5539/jsd.v5n3p76>.

⁵⁷ Nina Nurani, Apriwandi Apriwandi, and Hafied Noor Bagja, 'Intellectual Property Rights Law Reform Based on Maqāsid Al-Sharī'ah as a Model for Green Business-Based Creative Industry Protection to Support Sustainable Development', *De Jure: Jurnal Hukum Dan Syar'iah* 18, no. 1 (February 2026): 1-32, <https://doi.org/10.18860/j-fsh.v18i1.40840>.

Islamic law as a source of fragmentation, it can be understood as a layered normative system.⁵⁸ Positive law provides institutional clarity, procedural safeguards, and enforceable sanctions.⁵⁹ Islamic law contributes ethical depth, social legitimacy, and cultural resonance. When aligned coherently, these layers reinforce one another. For instance, environmental impact assessments mandated by statute gain broader acceptance when framed as fulfilling the Islamic duty to prevent harm. Similarly, conservation zoning policies may be perceived as expressions of public interest (*maṣlahah ‘āmmah*) rather than purely bureaucratic controls.

The study’s findings indicate that integration occurs primarily at the normative and institutional levels rather than through explicit codification of Islamic jurisprudential doctrines into forestry statutes.⁶⁰ Malaysia exhibits more structured collaboration between religious institutions and environmental agencies, reflecting its constitutional recognition of Islam at the state level. Indonesia, in contrast, demonstrates stronger constitutional grounding of environmental stewardship, with Islamic values influencing discourse and community engagement rather than formal legislative drafting. Both models contribute meaningfully to sustainable development, yet neither has fully optimized the potential of integrative governance.

Greater harmonization between legal systems could enhance regulatory effectiveness.⁶¹ This does not imply transforming forestry law into religious law. Instead, it involves developing formal platforms for dialogue between environmental policymakers and religious authorities, incorporating ethical education into sustainability strategies, and designing participatory programs that acknowledge religious motivations alongside

⁵⁸ Iwan Setiajie Anugrah et al., ‘Legal Pluralism and Rural Welfare: Harmonizing Customary Law and Islamic Principles in Indonesia’s Village Fund Allocation’, *El-Mashlahah* 15, no. 2 (December 2025): 303–324, <https://doi.org/10.23971/el-mashlahah.v15i2.10429>.

⁵⁹ Illy Yanti et al., ‘Negotiating Sharī’ah and Customary Law: Legal Pluralism in Familial Relationships among the Suku Anak Dalam in Jambi’, *Journal of Islamic Law* 6, no. 2 (June 2025): 177–205, <https://doi.org/10.24260/jil.v6i2.3311>.

⁶⁰ Lalu Noval Banu Harly, ‘Sustainable Forest Management from the Perspective of Customary Law in Indonesia: A Case Study in the Bayan Community’, *International Journal of Social Sciences and Humanities* 1, no. 1 (January 2023): 32–42, <https://doi.org/10.55681/ijssh.v1i1.324>.

⁶¹ Vincentius Setyawan and Bariah Safrut, ‘Rethinking Law and Justice: The Core Principles of Critical Legal Studies against Legal Formalism’, *NUSANTARA: Journal of Law Studies* 4, no. 2 (October 2025): 74–85, <https://doi.org/10.5281/zenodo.17332128>.

statutory obligations.⁶² Clearer coordination mechanisms, joint capacity-building initiatives, and shared monitoring frameworks could reduce institutional fragmentation.⁶³

Ultimately, the integration of positive and Islamic law should not be viewed as a symbolic gesture designed to accommodate cultural identity. It represents a practical pathway toward more resilient and socially embedded environmental governance.⁶⁴ By embedding sustainable development objectives within both constitutional mandates and Islamic ethical commitments, Indonesia and Malaysia can cultivate a governance model that is legally robust, culturally resonant, and normatively coherent.⁶⁵ Such an approach strengthens public trust, enhances accountability, and reinforces the legitimacy of conservation policies.

In the broader context of global sustainability debates, the experience of these two countries illustrates that environmental governance in Muslim-majority societies cannot be divorced from religious normative frameworks.⁶⁶ Legal pluralism, when managed thoughtfully, can enrich rather than dilute environmental regulation. The challenge lies not in choosing between positive law and Islamic law, but in designing institutional arrangements that allow them to operate synergistically. If pursued consistently, this integrative model offers a promising contribution to the evolution of sustainable forest governance in plural legal contexts.

CONCLUSION

This study concludes that the integration of positive law and Islamic law in sustainable development-based forest management in Indonesia and Malaysia reflects a dynamic form of legal pluralism that operates primarily at the normative and institutional

⁶² Maskun et al., 'Legal Framework Model for Sustainable Solid Waste Management in Indonesia: A Contemporary Environmental Fiqh Perspective', *MILRev: Metro Islamic Law Review* 4, no. 2 (September 2025): 1097-1122, <https://doi.org/10.32332/milrev.v4i2.11104>.

⁶³ Azis, 'Konstruksi Eco-Fiqh Indonesia'.

⁶⁴ Elvi Nilda et al., 'Ecological Awareness in Buying and Selling: Fiqh al-Bi'ah Analysis on Plastic Bag Use at Tanjung Bajure Market, Indonesia', *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (July 2025): 462-478, <https://doi.org/10.29300/mzn.v12i2.7822>.

⁶⁵ Ida Afidah, 'Integrating Local Wisdom for Sustainable Forest Community Empowerment: Lessons From Indonesia and Malaysia', *Journal of Information Systems Engineering and Management* 10, no. 48s (May 2025): 437-451, <https://doi.org/10.52783/jisem.v10i48s.9553>.

⁶⁶ Imam Syafi'i et al., 'Harmonization of Islamic Law and Local Wisdom: A Methodological Reconstruction of Ijtihad in Family Law Based on Yusuf al-Qaradawi's *Istinbāt* Approach', *Nusantara: Journal of Law Studies* 5, no. 1 (January 2026): 25-43, <https://doi.org/10.5281/zenodo.18359276>.

levels. Both countries demonstrate a clear conceptual alignment between sustainable development principles and *maqāṣid al-sharī'ah*, particularly in their shared emphasis on intergenerational justice, public welfare, and the prevention of environmental harm. Indonesia shows stronger constitutional grounding and participatory expansion through social forestry schemes, while Malaysia exhibits more structured institutional collaboration between environmental authorities and religious institutions. Although Islamic law is not directly codified within forestry statutes, its ethical principles reinforce statutory frameworks by strengthening moral legitimacy, encouraging community engagement, and supporting regulatory compliance. The findings confirm that integration, when systematically coordinated, can enhance environmental governance without undermining the integrity of positive law.

However, the research also highlights ongoing challenges, including institutional fragmentation, uneven enforcement, and economic pressures from plantation and extractive industries that complicate efforts to achieve sustainability objectives. These structural constraints indicate that normative compatibility alone is insufficient; effective integration requires coherent policy design, inter-agency collaboration, and stronger community-based implementation mechanisms. Future research should compare the expansion to other Muslim-majority jurisdictions to further enrich the understanding of how Islamic legal principles can be operationalized within diverse constitutional and political contexts. By deepening both theoretical refinement and empirical validation, subsequent scholarship can contribute to the development of more effective, culturally grounded, and legally sound models of sustainable forest governance.

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AUTHOR CONTRIBUTIONS

Absori served as the principal idea, conceptualising and designing the research framework, supervising the overall research process, and providing critical revisions to the manuscript. Arief Budiono contributed to the development of the theoretical framework, legal analysis, and interpretation of the research findings. Moh Indra Bangsawan was responsible for data collection, literature review, and the initial drafting of several sections of the manuscript. Rizka contributed to data analysis, methodological refinement, and the organisation of the research results. Aminuddin Mustaffa assisted in compiling references, editing the manuscript, and ensuring the consistency and accuracy of the final version of the article. All authors discussed the results and approved the final manuscript.

CONFLICT OF INTEREST

The authors declare that there is no conflict of interest regarding the publication of this paper. This research was conducted independently, without any financial, commercial, or personal relationships that could be construed as a potential conflict of interest. All interpretations, analyses, and conclusions presented in this article are solely those of the authors and were carried out in accordance with academic and ethical research standards.

AI USAGE STATEMENT

AI tools were used solely for language editing and formatting. All ideas, analyses, interpretations, and conclusions are entirely the authors' own, and all AI-assisted outputs were reviewed to ensure academic integrity.

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