

## Islamic Ethics in Managing Forest Fires at Palm Oil and HTI Concessions in Riau

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### Abstract

*Forest and land fires in Riau Province are a recurring multidimensional crisis, rooted in the corporate practices of Industrial Plantation Forests (HTI) and oil palm in vulnerable peatlands. This disaster not only caused ecological damage and a public health crisis, but also represented profound ethical and legal challenges. This research aims to analyze the Riau forest and land fire crisis through a synthesis of three frameworks: empirical data on corporate operations, the state legal framework (PPLH Law No. 32/2009 and Job Creation Law No. 11/2020), as well as the framework of Islamic ethics represented by Maqasid al-Shari'ah and MUI Fatwa No. 86 of 2023. Using qualitative methods with juridical-normative and socio-legal approaches, this study examines primary data (laws and regulations, fatwas) and secondary data (NGO investigation reports, journal articles, satellite data). The results of the study show that forest and land fires are systematically driven by corporate business models that result in peat degradation, and are a gross violation of the five main principles of Maqasid al-Shari'ah: the protection of life (hifz al-nafs), property (hifz al-mal), religion (hifz al-din), reason (hifz al-'aql), and heredity (hifz al-nasl). It was also found that there is a weakening of the accountability framework in the Job Creation Law and ambiguity in the MUI Fatwa which has the potential to hinder the enforcement of justice. In conclusion, this study proposes an integrated environmental governance model based on Maqasid al-Shari'ah that includes the pillars of prevention, enforcement, and equitable restoration as a more holistic solution.*

**Keywords:** Maqasid Syariah, MUI Fatwa, Forest Fire, Islamic Environmental Ethics, Oil Palm Corporation, Riau

### 1. Introduction

Forest and land fires in Riau Province have become an annual ecological disaster that triggers a multidimensional crisis. The impact extends beyond environmental degradation to encompass public health, corporate governance, and socio-religious ethics in Muslim-majority areas. Smog from burning peatlands causes spikes in acute respiratory illnesses and disrupts the lives of millions of people each year [1].

The root causes of this crisis can be traced to corporate practices within Industrial Plantation Forest (HTI) concessions and large-scale oil palm plantations. The systematic draining of peatlands creates conditions

highly susceptible to fire. This indicates that the primary issue is not technological deficiency, but rather governance failure and a lack of ethical integrity where economic interests frequently override legal obligations, social justice, and environmental protection [2].

A review of the literature reveals that numerous studies have linked forest and land fires to corporate activities and peatland degradation in Riau [3], while also exploring legal and enforcement dimensions in Indonesia, including corporate liability and environmental regulation [4], [5]. Concurrently, Islamic environmental ethics such as the concept of *Fiqh al-Bi'ah* and the framework of *Maqasid al-Shari'ah* have undergone notable development [6], [7].

However, a significant gap remains in the form of a critical synthesis that integrates three key dimensions: (1) empirical data on corporate roles in forest and land fires; (2) analysis of national legal instruments, including the Environmental Protection and Management Law (PPLH Law) and the Job Creation Law; and (3) an Islamic legal approach grounded in *Maqasid al-Shari'ah* and MUI Fatwa No. 86 of 2023 [8]. This research offers novelty in two main areas. First, it provides a critical analysis of MUI Fatwa No. 86/2023, not merely as a religious norm but as an ethical instrument, highlighting its potential conceptual weaknesses for instance, the ambiguity in the term "uncontrolled deforestation" as critiqued by WALHI [9]. Second, this study develops a new conceptual framework that integrates Islamic ethical principles into environmental governance and corporate accountability, transcending the confines of formal legal compliance [10].

Based on the aforementioned background and identified gaps, this study aims to: (1) analyze the root causes of forest and land fires in Riau in relation to HTI and palm oil corporate activities on peatlands; (2) examine violations of *Maqasid al-Shari'ah* principles caused by these fires; (3) evaluate the effectiveness and limitations of state regulations (PPLH Law, Job Creation Law) and MUI Fatwa No. 86/2023 in responding to the crisis; and (4) formulate an integrated environmental governance model based on *Maqasid al-Shari'ah* as an alternative solution.

## 2. Research Methods

This research employs a qualitative approach with a case study design, focusing on forest and land fires occurring within and around Industrial Plantation Forest (HTI) concessions and oil palm plantations in Riau Province. This strategy was selected due to its strength in enabling in-depth exploration of phenomena within complex local contexts [11].

The analytical method combines juridical-normative and socio-legal approaches. The juridical-normative approach is applied to systematically analyze the content, structure, and normative implications of formal legal texts, including statutory laws, religious rulings, and fatwas [12]. In contrast, the socio-legal approach is employed to examine how these legal norms are interpreted, implemented, and negotiated within the socio-political and economic realities on the ground [13].

### 2.1. Data Sources

Primary data in this study include:

- Law No. 32 of 2009 concerning Environmental Protection and Management (PPLH Law);
- Law No. 11 of 2020 concerning Job Creation and its derivative regulations;

- Law No. 16 of 2016 concerning the Ratification of the Paris Agreement;
- Fatwa of the Indonesian Ulema Council No. 86 of 2023.

Secondary data includes:

- National/international scholarly books and articles on *Fiqh al-Bi'ah*, *Maqasid al-Shari'ah*, and Islamic environmental ethics [14], [15];
- Reports from NGOs such as WALHI, Jikalahari, and Greenpeace containing empirical data on fires and corporate activities [16];
- spatial data from Global Forest Watch (GFW);
- A scientific journal article in the field of health and environment regarding the impact of forest and land fires on human health and ecosystems [17].

### 2.2. Data Analysis Techniques

The data is analyzed using the following methods:

- **Content analysis** of legal texts to identify key provisions, definitions, legal sanctions, and normative gaps within relevant laws and fatwas, particularly the Environmental Protection and Management Law (PPLH Law), the Job Creation Law, and MUI Fatwa No. 86/2023;
- **Thematic analysis** of NGO reports, academic literature, and investigative journalism to identify recurring narratives, patterns of corporate behavior, socio-environmental impacts, and causal links between corporate practices and ecological degradation in peatland ecosystems [18];
- **Comparative analysis** to examine changes in the legal framework before and after the enactment of the Job Creation Law, including its effect on environmental protections and law enforcement. This method also assesses the synergy and friction between the paradigms of state law (positive law)

and religious law (Islamic legal ethics), particularly in addressing ecological harm and corporate accountability [19].

## 3. Results and discussion

### 3.1 The Anatomy of Riau's Ecological Disaster: Corporate Actors and Peatland Degradation

Analysis of empirical data from various sources shows that forest and land fires in Riau are not natural disasters, but anthropogenic disasters that are causally linked to large-scale plantation business models. The

epicenter of this disaster is the peat ecosystem. To grow commodities such as acacia (used for pulp and paper) and oil palm, corporations drain peatlands by constructing extensive drainage canal networks. This drastically lowers the groundwater level, transforming once waterlogged, carbon-rich peat into dry, combustible material. Once ignited, the fire spreads beneath the surface, making it extremely difficult to detect and extinguish using conventional firefighting methods.

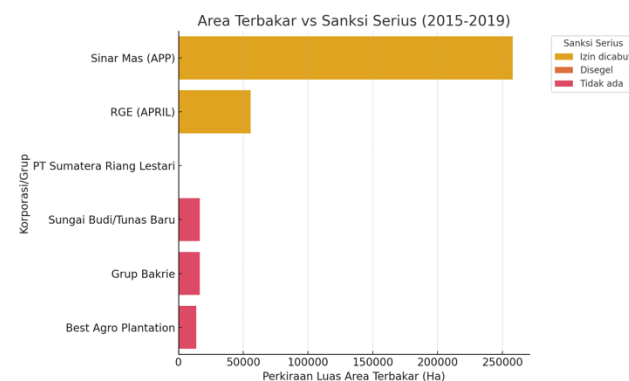
The role of corporations in this disaster cycle is overwhelmingly dominant. Satellite-based hotspot monitoring consistently shows high fire concentrations within corporate concession areas. Investigative reports by Eyes on the Forest and Greenpeace have documented hundreds of fires occurring inside the concessions of supplier companies affiliated with major corporate groups such as Asia Pulp & Paper (APP/Sinar Mas) and APRIL Group/RGE [20], [21]. For instance, companies like PT Sumatra Riag Lestari (SRL), PT Bukit Batu Hutani Alam (BBHA), and PT Setia Perkasa Agung (SPA) have been repeatedly linked to fire occurrences in their respective concessions across Riau.

This phenomenon is further exacerbated by the lack of deterrent legal sanctions and weak enforcement mechanisms. Between 2015 and 2018, no palm oil company operating in Riau had its operational permit revoked, even those with significant burned areas documented through geospatial analysis and NGO monitoring. Administrative sanctions, where imposed, were often symbolic and failed to create systemic accountability [21]. The persistence of such weak enforcement reveals a structural impunity embedded within the regulatory apparatus.

Adding to this complexity is the existence of multi-tiered corporate structures that obscure ownership and operational responsibility. Parent corporations often operate through a web of subsidiaries and third-party suppliers, allowing them to distance themselves from illegal or destructive activities on the ground. This “veil of deniability” enables major conglomerates to maintain their global reputation and market access especially in international supply chains while continuing to benefit economically from suppliers engaging in environmentally harmful practices. Moreover, public-private policy capture and limited transparency in concession data further hinder accountability efforts. Licensing overlaps, poor land-use planning, and inadequate integration between spatial and environmental databases create systemic loopholes that are exploited by vested interests. In

many cases, government agencies face both political pressure and logistical limitations in conducting comprehensive monitoring, particularly in remote peatland areas. As a result, the recurrence of fire seasons in Riau is not merely a policy failure but represents an entrenched ecological crisis fueled by profit-driven land-use transformation, inadequate legal instruments, and the erosion of environmental ethics in corporate practice. This underscores the urgent need to examine not only the legal framework but also the ethical and theological dimensions of environmental stewardship, particularly in regions where Islamic values shape public discourse.

**Table 1** shows a summary of investigative data from several corporate groups.



(Source: [20], [21])

### 3.2 Islamic Environmental Ethics: Violations of *Maqasid al-Shari'ah* in Forest and Land Fires

In response to this environmental crisis, *Fiqh al-Bi'ah* as an emerging discipline within Islamic jurisprudence has become an increasingly important ethical framework. Forest and land fires in Riau can be classified as systemic violations of the five universal objectives of Islamic law (*al-kulliyat al-khamsah*) within the *Maqasid al-Shari'ah* paradigm.

**First**, the violation of the protection of life (*Hifz al-Nafs*). The release of PM2.5 particles from peatland fires causes significant public health impacts, including spikes in acute respiratory infections (ARI), asthma, and elevated mortality risks, especially among vulnerable populations such as children, the elderly, and pregnant women. These outcomes contradict the fundamental objective of Islamic law, which upholds the sanctity of human life.

**Second**, the violation of property protection (*Hifz al-Mal*). Fires have destroyed houses, agricultural land, and people's livelihoods. Moreover, the long-term damage to peat ecosystems translates into a collective loss of ecological capital and public wealth. In Islamic

ethics, wealth is not only an individual right but a trust (*amanah*) that must be managed for the benefit of all. **Third**, the violation of religious protection (*Hifz al-Din*). The Qur'an explicitly condemns *fasad fi al-ardh* (corruption on Earth), and harming the environment is seen as a betrayal of the divine trust given to humankind as *khalifah* (steward) on Earth. Environmental degradation undermines not only the physical world but also the moral-spiritual responsibility tied to creation.

**Fourth**, the violation of the protection of reason (*Hifz al-Aql*). Continuous exposure to toxic haze leads to disruptions in education, mental fatigue, and community-wide psychological stress. The reduced cognitive and emotional well-being of children particularly due to school closures and trauma hinders the development of intellect, which is one of the critical objectives protected under Islamic law.

**Fifth**, the violation of protection of descendants (*Hifz al-Nasl*). Generational continuity is threatened when the environment is degraded. Scientific research has shown that air pollution, particularly among expectant mothers, affects fetal development and child health. In Islamic terms, such impacts represent a betrayal of *amanah* to future generations and an obstruction to their right to inherit a livable world.

This ethical framework underscores that environmental destruction is not merely a legal or administrative failure, but a profound moral violation with theological dimensions, especially in a society where Islamic values are integral to public life and governance.

### 3.3 Forest and Land Fires as a Violation of Substantive Justice in *Maqasid al-Shari'ah*

While the **Job Creation Law** has been widely criticized for weakening environmental safeguards through a procedural lens, *Maqasid al-Shari'ah* offers a normative foundation for **substantive justice** that focuses on the realization of public benefit (*maslahah*) and the prevention of harm (*mafsadah*). Classical scholars such as Imam al-Ghazali and al-Syatibi [13] emphasized that laws must not merely function procedurally but must uphold the deeper objectives of protecting human welfare, morality, and the natural order.

Forest and land fires violate these objectives in the following five dimensions:

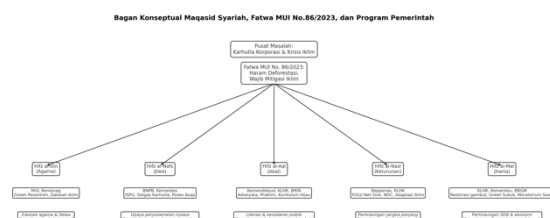
1. **Hifz al-Nafs (Protection of Life):** Public health statistics have consistently reported tens of thousands of ARI cases during fire seasons. PM2.5 levels during peak haze events exceed WHO safety limits by several folds. The resulting illnesses and premature deaths signify a deliberate neglect

of the most sacred objective of sharia: the preservation of human life.

2. **Hifz al-Mal (Protection of Property):** Damaged farmlands, forest resources, and disruptions to critical infrastructure such as airports and schools result in massive economic losses. The prioritization of corporate profit over ecological stability reflects not just economic injustice but also moral irresponsibility under Islamic legal ethics.
3. **Hifz al-'Aql (Protection of Intellect):** The mental development of children is stunted by prolonged school closures due to haze. Entire communities suffer from psychological strain, anxiety, and uncertainty. These realities undermine the preservation of rational faculties, a core *maqasid*, and diminish societal resilience in the long run.
4. **Hifz al-Nasl (Protection of Lineage):** The irreversible degradation of peatlands and biodiversity loss represent intergenerational injustice. In Islamic jurisprudence, safeguarding *nasl* means ensuring a legacy of environmental stability and health for future generations an ideal under threat due to current practices.
5. **Hifz al-Din (Protection of Religion):** Severe haze interferes with congregational worship and spiritual activities, while simultaneously representing a betrayal of the divine mandate to care for the Earth. The Qur'an warns against *fasad* and demands that the faithful act as stewards of the environment. Thus, fires not only harm the world but also obstruct religious duties and disrupt spiritual life [14].

In summary, forest and land fires in Riau constitute a multifaceted violation of *Maqasid al-Shari'ah*. This framework helps to elevate the crisis beyond technical or regulatory discourse and frames it as a profound ethical and spiritual challenge. It calls for the formulation of an environmental governance paradigm that aligns not only with international legal norms but also with the ethical imperatives of Islamic tradition.

**Table 2** Conceptual Model: Violations of *Maqasid al-Shari'ah* Due to Corporation-Based Forest and Land Fires



### 3.3 Legal Dialectics: A Critical Analysis of State and Religious Responses

Indonesia's environmental legal framework, particularly the Environmental Protection and Management Law (Law No. 32/2009), was initially considered progressive. A notable feature was Article 88, which established the principle of strict liability (*tanggung jawab mutlak*) by affirming that corporate actors can be held liable for environmental damage without the need to prove elements of fault. This clause was crucial in enabling swift accountability, especially in ecologically sensitive cases like peatland fires.

However, the enactment of the Job Creation Law (Omnibus Law) significantly diluted this legal doctrine. The removal of the phrase “*without the need to prove elements of error*” and the repositioning of criminal sanctions as the ultimatum remedium or last resort undermines the legal strength of environmental protections. These revisions run counter to Indonesia's international commitments under the Paris Agreement, ratified through Law No. 16 of 2016, which obligates member states to enhance legal and institutional frameworks for climate action and environmental justice.

Simultaneously, the MUI Fatwa No. 86 of 2023 serves as a normative religious response. It declares that uncontrolled deforestation and environmental damage are haram (forbidden), reflecting a moral condemnation of ecological degradation. However, the use of the term “*uncontrolled*” introduces a level of subjectivity and ambiguity. This semantic gap opens space for corporations to argue that certain activities fall under “controlled” or “permitted” exploitation, thereby weakening the deterrent effect of the fatwa.

Moreover, civil society organizations such as WALHI have criticized the fatwa for failing to incorporate a restorative justice perspective, particularly the need to address loss and damage experienced by communities. While the fatwa provides ethical guidance, it lacks enforceability and institutional mechanisms to translate its principles into binding obligations or material compensation for victims.

This legal-religious dialectic between state law and fatwa reveals both normative potential and implementation gaps. While both systems recognize the moral and legal imperatives of environmental protection, neither fully bridges the gap between declarative norms and enforceable justice. A truly transformative response requires the synthesis of both frameworks into a cohesive, value-driven governance paradigm.

### 3.4 New Synthesis and Paradigm: Integration of Islamic Ethics in Environmental Governance

The persistent failure of positive law especially after the weakening of Law No. 32/2009 by the Job Creation Law calls for the reimagining of environmental governance through a normative integration of Islamic legal ethics. The *Maqasid al-Shari'ah*-based governance model proposed in this study seeks to reposition environmental stewardship not only as a regulatory concern but as a sacred trust (*amanah*), rooted in divine mandate and moral accountability.

This model is built on **three foundational pillars**:

#### 1. **Proactive Prevention (*al-Wiqayah*)**

Preventive measures must be prioritized to reduce the risk of ecological disasters before they occur. This includes integrating *KLHS* (Strategic Environmental Assessment) and *AMDAL* (Environmental Impact Assessment) with *maqasid*-based parameters. For example, environmental permits should explicitly assess potential violations of *Hifz al-Nafs* or *Hifz al-Mal*. Moreover, innovative mechanisms like corporate waqf for conservation where companies dedicate part of their profits to ecological preservation can function as a form of environmental *sadaqah jariyah* (ongoing charity).

#### 2. **Enforcement and Accountability (*al-Tanfidih*)**

Legal enforcement must be reinvigorated by restoring the principle of strict liability, enabling faster and more decisive sanctions against environmental violators. Additionally, religious norms can be elevated from mere advice (*nashihah*) to fatwa-based litigation instruments, where fatwas serve as legal arguments in public interest litigation or class actions especially in Muslim majority regions. Collaborative legal strategies between religious institutions, environmental NGOs, and prosecutors can help bridge formal and moral enforcement.

#### 3. **Just Restoration (*al-Isلاح al-'Adil*)**

Post-disaster justice requires mechanisms that go beyond corporate penalties. This includes the establishment of Ecological Restoration Trust Funds, financed through corporate contributions and public allocations, to fund reforestation, peatland rehabilitation, and health recovery programs. Furthermore, a loss and damage mechanism inspired by the Islamic principle of *mas'uliyah* (responsibility) should ensure

that affected communities receive fair compensation and the means to rebuild their lives.

In this synthesis, *maqasid* is not merely a moral compass but a comprehensive evaluative framework that redefines what it means for corporations and governments to act "responsibly". It demands that laws, fatwas, and policies be assessed based on their effectiveness in achieving the ultimate goals of *shariah*: the protection of life, property, intellect, religion, and posterity.

This integrative paradigm offers an alternative vision of environmental governance one that is both normatively rich and operationally feasible. It transcends the dichotomy between state-centric and religious approaches, offering a holistic model that aligns legal structure with ethical substance in addressing one of Indonesia's most urgent ecological crises.

#### 4. Conclusion

The ecological disaster of forest and land fires in Riau represents not only an environmental crisis but also a profound ethical, legal, and governance failure. This study concludes that the repeated occurrence of these fires particularly in peatland ecosystems is not merely incidental or accidental, but systemic in nature, rooted in extractive corporate business models, permissive regulatory frameworks, and a lack of accountability mechanisms.

When examined through the lens of Islamic environmental ethics, this disaster constitutes a direct violation of the five fundamental objectives (*al-kulliyat al-khamsah*) of *Maqasid al-Shari'ah*: the protection of life (*nafs*), property (*mal*), intellect (*'aql*), lineage (*nasl*), and religion (*din*). The burning of peatlands has demonstrably led to the loss of human life, destruction of public and private property, educational and psychological disruption, intergenerational health impacts, and an erosion of the spiritual values that underpin ecological stewardship in Islam.

From a legal perspective, this study reveals a dialectical tension between state law and religious fatwa. The Environmental Protection and Management Law (PPLH), once considered progressive due to its embrace of strict liability, has been undermined by the Job Creation Law, which diluted corporate responsibility by shifting toward fault-based principles and treating criminal sanctions as *ultimum remedium*. These legal revisions have weakened the deterrent effect of environmental law, allowing corporate actors to externalize ecological risks with minimal consequence.

Conversely, the issuance of MUI Fatwa No. 86/2023 which declares environmental destruction and deforestation as *haram* marks a significant moral advancement. However, its efficacy is constrained by conceptual ambiguity (e.g., the phrase "uncontrolled deforestation") and lack of legal enforceability, leaving it vulnerable to selective interpretation by corporate entities. Moreover, the fatwa does not yet include a restorative justice framework such as loss and damage compensation or rehabilitation mandates that would reflect a full ethical response to ecological harm.

The findings of this research affirm that technocratic solutions (e.g., early warning systems, firefighting technologies) and legal formalism (e.g., permit reviews) are insufficient if not accompanied by a deep ethical reorientation. What is urgently needed is a new paradigm of environmental governance one that integrates Islamic ethical principles into the core of legal, political, and economic decision-making. This integration must move beyond symbolic gestures to become structural, binding, and measurable.

*Maqasid al-Shari'ah* should function not as peripheral rhetoric, but as a normative compass and regulatory framework that defines the boundaries of legitimate business practices and state authority. Its emphasis on the holistic preservation of life, justice, and the natural order offers a powerful counterbalance to the prevailing extractivist logic and anthropocentric development models.

#### Policy Recommendations

Based on the findings and analytical framework of this study, the following recommendations are proposed:

##### For Governments and Legislatures

1. Conduct a judicial review and legislative revision of the environmental provisions within the Job Creation Law, especially to reinstate the strict liability principle (as formerly provided in Article 88 of Law No. 32/2009).
2. Institutionalize *Maqasid al-Shari'ah* based assessments within existing tools such as Strategic Environmental Assessments (KLHS) and Environmental Impact Analyses (AMDAL). This includes using *Maqasid*-based indicators to evaluate the potential impacts of development projects on human health, social equity, ecological integrity, and intergenerational justice.
3. Promote the adoption of ethics-based governance models at the regional and local government level, especially in Muslim-majority areas.

### For the Indonesian Ulema Council (MUI)

1. Publish a comprehensive guideline for implementing Fatwa No. 86 of 2023, with detailed interpretation of terms such as “*uncontrolled deforestation*”, to prevent exploitation of vague language.
2. Include restorative justice mandates such as ecological rehabilitation, *loss and damage* compensation, and moral liability in the fatwa’s practical implications.
3. Encourage collaboration with state agencies, civil society, and academics to support the integration of fatwa principles into environmental litigation, monitoring, and policy making.

### For Corporations

1. Embed Maqasid al-Shari’ah-based environmental responsibility into Good Corporate Governance (GCG) principles and Sustainability Reporting standards.
2. Move beyond conventional CSR toward value-based environmental accountability, such as:
  - Establishing corporate waqf for peatland restoration and biodiversity conservation;
  - Funding community-based green infrastructure;
  - Creating ethical audit mechanisms to evaluate corporate practices in relation to *Maqasid* principles.
3. Ensure that business operations in sensitive ecosystems such as peatlands are guided by a precautionary and regenerative approach, rather than risk-transfer models.

### For Academics and Researchers

1. Conduct interdisciplinary studies that link Islamic legal thought, environmental science, policy analysis, and community-based research.
2. Develop quantitative metrics or indices to measure a project or policy’s alignment with the five objectives of *Maqasid al-Shari’ah*.
3. Document and analyze pilot models of integrated environmental governance, including:
  - Community fatwa enforcement initiatives,
  - Shariah-based certification for eco-friendly products,
  - Case studies of *ulama*-NGO collaboration in environmental justice movements.
4. Foster international comparative studies between Maqasid-based environmental governance in Indonesia and similar ethical-legal frameworks such as Catholic Social Teaching, Buddhist eco-

dharma, or Indigenous ecological jurisprudence.

### Closing Remark

In conclusion, this study calls for a reconstruction of Indonesia’s environmental governance architecture, grounded not only in legal rationality but also in moral authority and spiritual responsibility. The Islamic legal tradition when interpreted dynamically through *Maqasid al-Shari’ah* offers a comprehensive and holistic vision of ecological justice. In the face of escalating climate and ecological crises, this framework can serve as a moral beacon for reforming policy, law, and corporate practice toward sustainability, equity, and the preservation of God’s creation.

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