

## Relationship Between Environmental Permitting Laws and Economic Development from the Perspective of Maqashid al-Shariah

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### Abstract

*Economic development is fundamentally aimed at fulfilling human needs. The ever-increasing human needs are inversely related to the environment's declining support and carrying capacity. This condition demands efforts to ensure that human needs are met while environmental sustainability is maintained. One legal instrument used to regulate the interaction between humans and the environment to fulfill human needs while preserving the environment is through environmental permitting laws. The essence of using the environmental permitting legal instrument to regulate the interaction between humans and the environment aligns with the basic principles of maqashid al-shariah, namely jalbul mashalih wa dar'u al mafasid (bringing benefits and avoiding harm/damage). This study seeks to answer the question, "How is the relationship between environmental permitting law and economic development from the perspective of maqashid al-shariah?" This is doctrinal legal research using legislative, conceptual, and philosophical approaches. Data collection was conducted using document studies, while data analysis was performed using qualitative data analysis techniques. The research findings indicate a relationship between environmental permitting law, economic development, and maqashid al-shariah. From the perspective of maqashid al-shariah, economic development aimed at fulfilling human needs and using environmental permitting legal instruments to regulate the interaction between humans and their environment is an implementation of jalbu al mashalih wa dar-u al mafasid.*

**Keywords:** *Environmental Permitting Law, Economic Development, Maqashid al-Shariah*

### INTRODUCTION

Various issues arising in the environmental and social dimensions are fundamentally inseparable from human activities undertaken to meet their needs



through the economic system of producing goods and services.<sup>1</sup> Parallel to this, Emil Salim points out that the economy is a system in every development model. At the same time, the environment is a subsystem within it, thus making economic interests the determinants of policy. In other words, if the benefits of development outweigh the economic costs incurred, then such development is deemed justifiable. Moreover, if environmental pollution and or damage occur during the development process, these are considered "costs" that society must bear for development.<sup>2</sup>

The decline in environmental quality is inseparable from the still prevalent anthropocentric paradigm in environmental and natural resource management, supported by sectoral and partial regulations that are oriented more towards economic development aspects but neglect the sustainability of environmental functions.<sup>3</sup> A development paradigm that prioritizes economic development with an industrial development orientation over the long term will impact environmental pollution and/or damage. This condition prompts the urgent need for environmental impact control measures to prevent risks threatening environmental sustainability as early as possible. In such a development context, precise legal regulation, especially in environmental law, is necessary, considering that national development partly relies on exploiting natural resources and the environment.<sup>4</sup>

Within national economic development, Article 33, paragraphs (3) and (4) of the 1945 Indonesian Constitution affirm the state's control over natural resources and the principles of justice, environmental insight, and sustainability. As an implementation of the provisions of Article 33 of the 1945 Constitution, policies in the environmental and natural resource sector in the form of environmental legislation have been enacted through Law Number 4 of 1982 on Basic Provisions of Environmental Management, which was later repealed and replaced by Law Number 23 of 1997 and then again repealed and replaced by Law Number 32 of 2009

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<sup>1</sup> M Fani Cahyandito, "Pembangunan Berkelanjutan, Ekonomi Dan Ekologi, Sustainability Communication Dan Sustainability Reporting," *Jurnal Bisnis Dan Manajemen*, October 2, 2010, 1–12.

<sup>2</sup> Emil Salim, *Ratusan Bangsa Merusak Satu Bumi* (Jakarta: Penerbit Buku Kompas, 2010), 133.

<sup>3</sup> Edra Satmaidi, "Konsep Deep Ecology Dalam Pengaturan Hukum Lingkungan," *Journal of Humanities Issues* 2, no. 2 (December 2024): 108, <https://doi.org/10.33369/jsh.24.2.192-105>.

<sup>4</sup> Moh Fadli, Mukhlis, and Mustafa Lutfi, *Hukum & Kebijakan Lingkungan*, 1st ed. (Malang, Indonesia: UB Press, 2016), 178–79.

on Environmental Protection and Management. Recently, several articles within Law 32 of 2009 have been amended following the enactment of Law Number 6 of 2023 on the Stipulation of Government Regulation Number 2 of 2022 on Job Creation Law, where the nomenclature of environmental permits is no longer used and replaced with environmental approvals.

The shift in nomenclature from *environmental permits* to *environmental approvals* under the Job Creation Law reflects a broader governmental strategy aimed at accelerating economic growth through increased investment. This change is not merely a semantic adjustment but a deliberate regulatory reform intended to streamline business operations by reducing bureaucratic hurdles.<sup>5</sup> By simplifying basic business licensing requirements, the government seeks to create a more investor-friendly climate, ensuring that economic activities can proceed with fewer regulatory constraints.<sup>6</sup> However, this simplification reinforces an anthropocentric approach to environmental governance—one that prioritizes human economic interests over ecological considerations. The dominant legal-environmental paradigm in this context places economic development at the forefront, often at the potential expense of environmental protection. By easing licensing requirements, businesses may face fewer obligations to conduct rigorous environmental impact assessments, potentially leading to unsustainable exploitation of natural resources.

In practice, the anthropocentric paradigm often places humans outside and separate from nature, leading to the assumption that the environment exists solely for human benefit.<sup>7</sup> The anthropocentric paradigm in the context of economic development tends to be exploitative towards natural resources to pursue economic development targets. The anthropocentric economic development paradigm has centralistic, sectoral, capital-oriented, exploitative, and repressive characteristics.<sup>8</sup> When

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<sup>5</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, “Academic Draft of the Job Creation Law” (2020), [https://bphn.go.id/data/documents/na\\_cipta\\_kerja.pdf](https://bphn.go.id/data/documents/na_cipta_kerja.pdf).

<sup>6</sup> “Law No. 11 of 2020 on Job Creation” (n.d.) Art. 6, Letter b.

<sup>7</sup> M.Yasir Said and Yati Nurhayati, “Paradigma Filsafat Etika Lingkungan dalam Menentukan Arah Politik Hukum Lingkungan,” *Al-Adl: Jurnal Hukum* 12, no. 1 (January 26, 2020): 41, <https://doi.org/10.31602/al-adl.v12i1.2598>.

<sup>8</sup> Wahyu Nugroho, “Rekonstruksi Teori Hukum Pembangunan kedalam Pembentukan Perundang-undangan Lingkungan Hidup dan Sumber Daya Alam Pasca Reformasi dalam Bangunan Negara Hukum,” *Jurnal Legislasi Indonesia* 14, no. 4 (2017): 371.

environmental law is confronted with economic interests, it is always politically weaker and defeated.<sup>9</sup>

The anthropocentrism of environmental law in Indonesia became more apparent when the articles related to environmental permitting law within Law 32 of 2009 were amended through the Job Creation Law.<sup>10</sup> Some provisions related to environmental permitting law that were changed include the elimination of environmental permits in the environmental permitting law system, limiting public participation in the preparation of environmental impact assessment documents, where public participation is only for communities directly impacted by a business plan and/or activity; and the disappearance of administrative litigation<sup>11</sup> against state administrative decisions as a result of the elimination of environmental permits in the environmental permitting law system. If we examine the reasons for changing the articles related to environmental permitting law in the Academic Manuscript of the Job Creation Law, nearly all of them are based on economic considerations.<sup>12</sup>

The disparity in the relationship between environmental permitting law and economic development is interesting to study, especially when linked to the purpose of law creation. Generally, laws are created to protect human interests. In its effort to recognize the protection of human interests, the law must fulfill three elements proportionally: legal certainty (*rechtssicherheit*), utility (*zweckmassigkeit*), and justice (*gerechtigkei*).<sup>13</sup> In the terminology of Islamic law, the establishment of law (*tasyri'*) has specific goals known as *Maqashid al-Shariah*. The core teaching of the *Maqashid al-*

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<sup>9</sup> Massimiliano Montini, "The Transformation of Environmental Law into Ecological Law," in *From Environmental to Ecological Law*, ed. Kirsten Anker et al., 1st ed. (Routledge, 2020), <https://doi.org/10.4324/9781003001256>; Marta Reynal-Querol and Simeon Djankov, *The Causes of Civil War*, Policy Research Working Papers (The World Bank, 2007), <https://doi.org/10.1596/1813-9450-4254>; Tamyko Ysa et al., *Governance of Addictions: European Public Policies* (Oxford: Oxford University Press, 2014), <https://doi.org/10.1093/acprof:oso/9780198703303.001.0001>.

<sup>10</sup> Of the 127 articles contained in Law 32/2009, 27 articles have undergone changes, adding 4 articles and deleting 10 articles. "Law No. 32 of 2009 on Environmental Permitting Law" (n.d.).

<sup>11</sup> Administrative lawsuits are part of the Settlement of Environmental Disputes Through the Courts in addition to the right to sue the government and regional government, the right to sue the community and the right to sue environmental organizations as regulated in Articles 90 to 92 of Law No.32 of 2009. Law No. 32 of 2009 on Environmental Permitting Law.

<sup>12</sup> Matriks Analisis Rancangan Undang-Undang Cipta Kerja 1b. Penyederhanaan Perizinan Berusaha-Izin Lingkungan National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Academic Draft of the Job Creation Law.

<sup>13</sup> Sudikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar* (Yogyakarta: Universitas Atma Jaya, 2010).

*Shariah* theory is that every enactment of law always aims to realize benefits, avoid harms, attract benefits, and repel detriments. In other words, every enactment of law always leads to *mashlahat* (public interest).<sup>14</sup>

Based on the above discussion, the author is interested in researching the relationship between environmental permitting law and economic development from the perspective of *Maqashid al-Shariah*. The *Maqashid al-Shariah* perspective in this study is based on the argument that the Unitary State of the Republic of Indonesia is a rule-of-law state based on the prophetic values of *Pancasila* and the 1945 Indonesian Constitution. These prophetic values align with the goals of law enactment (*Maqashid al-Shariah*), namely to achieve *mashlahat* (public interest).

## METHODOLOGY

This research addressed the problem statement: "How does the relationship between environmental permitting law and economic development appear from the perspective of *Maqashid al-Shariah*?" This study is doctrinal legal research. The basic concept of doctrinal legal research is that law is conceptualized as legislative rules.<sup>15</sup> This study employs three approaches: the statute approach,<sup>16</sup> the conceptual approach,<sup>17</sup> and the philosophy approach.<sup>18</sup>

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<sup>14</sup> Paryadi, "Maqashid Syariah: Definisi Dan Pendapat Para Ulama," *Cross-Border: Journal of International Border Studies, Diplomacy, and International Relations* 4, no. 2 (July 19, 2021): 201–6.

<sup>15</sup> Soetandyo Wignjosebroto, "Ragam-Ragam Penelitian Hukum," in *Metode Penelitian Hukum: Konstelasi dan Refleksi*, ed. Sulistyowati Irianto and Sidharta (Jakarta: Yayasan Pustaka Obor Indonesia, 2017); Soetandyo Wignjosebroto, *Hukum: Paradigma, Metode, Dan Dinamika Masalahnya*, 1st ed. (Pasar Minggu, Jakarta: Elsam: HuMa, 2002); Bernard Arief Sidharta, "Penelitian Hukum Normatif: Analisis penelitian Filosofikal dan Dogmatikal," in *Metode Penelitian Hukum: Konstelasi dan Refleksi*, ed. Sulistyowati Irianto and Sidharta (Jakarta: Yayasan Pustaka Obor Indonesia, 2017).

<sup>16</sup> The use of the legislative approach in this study shows that the researcher uses legislation as the initial basis in conducting the analysis. In the legislative approach, identification is carried out on norms, principles, ontological basis for the birth of laws, philosophical basis and ratio legis of the provisions of the law. Peter Mahmud Marzuki, *Pengantar Ilmu Hukum*, 1st ed. (Jakarta: Kencana, 2009), 102.

<sup>17</sup> The conceptual approach is carried out by tracing the views and doctrines that have developed in legal science, which are sourced from the opinions of experts and theories, so that ideas are found that give rise to legal understandings, legal concepts and principles that are relevant to the legal issues faced. Mukti Fajar Nur Dewata and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris*, 1st ed. (Yogyakarta: Pustaka Pelajar, 2010), 186.

<sup>18</sup> The philosophical approach in legal research is essentially an attempt or effort to explain the essence, nature, or wisdom of something that lies behind its formal object. Toni Pransiska, "Meneropong Wajah Studi Islam Dalam Kacamata Filsafat: Sebuah Pendekatan Alternatif," *Intizar* 23, no. 1 (December 19, 2017): 163, <https://doi.org/10.19109/intizar.v23i1.1270>.

The data sources used are secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials.<sup>19</sup> Legal materials were collected using document study techniques, which included the inventory of legal materials, identification of legal materials, classification of legal materials, and systematization of legal materials<sup>20</sup>. Data analysis was conducted through the interpretation and legal construction of the legal materials.<sup>21</sup>

## RESULTS AND DISCUSSION

### An Overview of *Maqashid al-Shariah*

*Maqashid al-Shariah* (مقاصد الشريعة) comprises two words: *Maqashid* (مقاصد) and *al-Shariah* (الشريعة). *Maqashid* is the plural form of the word *qashada-yaqshudu-maqshadan* (– قصد – يقصد- مقصدا), which means to intend, to aim, to desire, and to do deliberately. Meanwhile, the word *al-shariah* derives from the verb *syara'a-yasyra'u-syari'atan* (شرع – يشرع - شريعة), meaning a source of water or a source of life. Together, *Maqashid* and *al-Shariah* signify the path to a water source or the path to a source of life.<sup>22</sup>

In the terminology of the science of *Ushul al-Fiqh*, scholars differ on the meaning of *Maqashid al-Shariah*. Imam al-Shatibi, for example, defines *Maqashid al-Shariah* in two ways: *Maqashid* refers to the objectives of the lawgiver (the Legislator). *Maqashid* relates to the objectives of the law's recipients (the *mukallaf*), meaning that the lawgiver, in establishing sharia laws, intends that the laws benefit the recipients (the *mukallaf*) both in this world and in the hereafter.<sup>23</sup> In other words, Allah establishes the sharia (legal rules) solely to achieve welfare and avoid harm (*jalbul mashalih wa dar'ul mafasid*). But, the legal rules Allah sets are exclusively for the benefit of humankind.<sup>24</sup>

<sup>19</sup> Sulistyowati Irianto, "Metode Penelitian Kualitatif Dalam Metodologi Penelitian Ilmu Hukum," *Jurnal Hukum & Pembangunan* 32, no. 2 (June 19, 2017): 155, <https://doi.org/10.21143/jhp.vol32.no2.1339>.

<sup>20</sup> Suratman and Philips Dillah, *Metode Penelitian Hukum: Dilengkapi Tata Cara Dan Contob Penulisan Karya Ilmiah Bidang Hukum* (Bandung: Alfabeta, 2014), 82–86.

<sup>21</sup> Suratman and Dillah, 86–87.

<sup>22</sup> Totok Jumantoro and Samsul Munir Amin, *Kamus Ilmu Ushul Fikih* (Jakarta: Amzah, 2009).

<sup>23</sup> Abu Ishaq Al-Syatibi, *Al-Muwafaqat Fi Usul al-Shari'ah*, vol. 2 (Beirut: Dar al-Ma'rifah, 1997), 8–9.

<sup>24</sup> Abdurrahman Kasdi, "Maqasyid Syari'ah Perspektif Pemikiran Imam Syatibi Dalam Kitab Al-Muwafaqat," *Yudisia: Jurnal Pemikiran Hukum Dan Hukum Islam* 5, no. 1 (June 2014): 56, <http://dx.doi.org/10.21043/yudisia.v5i1.693>.

Meanwhile, Wahbah al-Zuhaili defines *Maqashid al-Shariah* as the meanings and objectives contained in the legislation of laws or most of its laws, or the ultimate goal of the sharia and the secrets placed by the Legislator (the lawgiver/Allah) in each of his laws. Therefore, according to Zuhaili, knowledge of *Maqashid al-Shariah* is essential for every mujtahid when establishing laws and understanding texts. In contrast, for non-mujtahids, knowledge of *Maqashid al-Shariah* is necessary to comprehend the rationale behind the legislation of laws.<sup>25</sup>

Imam Shatibi then divides these benefits into three essential categories: *al-Dharuriyyat* (primary), *al-Hajjiyyat* (secondary), and *al-tahsiniyyat* (tertiary, luxury). *Maqashid al-Shariah al-Dharuriyyat* is necessary to realize the welfare of religion and life. Absence can lead to destruction and even the loss of life and livelihood, such as eating, drinking, prayer, fasting, and other forms of worship. The five essentials of *Maqashid al-Shariah al-Dharuriyyat* include protection of religion (*al-Din*), life (*al-Nafs*), lineage (*an-Nasl*), property (*al-Maal*), and intellect (*al-'Aql*).

*Maqashid al-Shariah al-Hajjiyyat* is necessary for humans to facilitate life and remove difficulties and hardship. Yet, their absence would lead to hardships and constraints that do not necessarily destroy life. Included in the category of *Maqashid al-Shariah al-Hajjiyyat* are concessions (*rukhsah*) in worship for the ill and travelers and the permissibility of eating game animals (from those lawful to eat) without slaughtering, among others.

*Maqashid al-Shariah al-Tahsiniyyah* represents benefits that are demands of moral decency (*murū'ah*), intended for goodness and nobility. If they are absent, they do not necessarily destroy or complicate human life.<sup>26</sup> *Maqashid al-Shariah al-Tahsiniyyah* benefits are needed as tertiary necessities to enhance the quality of human life. Thus, the function of *Maqashid al-Shariah al-Tahsiniyyah* is to perfect the previous two Maqasid, which include the perfection of customs and noble character.<sup>27</sup>

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<sup>25</sup> Wahbah al-Zuhayli, *Al-Fiqh al-Islami Wa-Adillatub* (Beirut: Dar Al-Fikr Al-Mouaser, 1989), 1017.

<sup>26</sup> Al-Syatibi, *Al-Muwafaqat Fi Usul al-Shari'ah*, 2:17–22; al-Zuhayli, *Al-Fiqh al-Islami Wa-Adillatub*, 1020–23.

<sup>27</sup> Moh Toriquddin, "Teori Maqâshid Syari'ah Perspektif Al-Syatibi," *De Jure: Jurnal Hukum Dan Syar'iah* 6, no. 1 (June 30, 2014): 35, <https://doi.org/10.18860/j-fsh.v6i1.3190>.

An important part of the discussion on *Maqashid al-Shariah* involves the concepts of 'illat and hikmah. Etymologically, 'illat comes from the words عَلَّ and اَعْتَلَّ, with its active participle being عَلِيلٌ اَي مَرِيضٌ, meaning sick. 'Illat represents a comprehensive ailment.<sup>28</sup> In another sense, 'illat is also understood as something that causes a change in another thing's state by its presence.<sup>29</sup>

In the terminology of *Ushul al-Fiqh*, there is a divergence of opinion among classical and modern scholars of *Ushul al-Fiqh* in defining 'illat. Classical scholars, such as al-Ghazali, describe 'illat *al-hukm* as *manath al-hukm* (the attachment of the law), the legal attachment where the Legislator suspends the law with it. On the other hand, al-Ghazali also refers to 'illat as *al-Mu'atthsir* (the influencer), sometimes with the expression *al-'allaamah* (a sign). Al-Ghazali's formulation does not differ from al-Subki's<sup>30</sup> opinion, which states that 'illat is a sign and guide for establishing law. Contemporary scholars like Muhammad Abu Zahrah, in his book *Ushul al-Fiqh*, mention that 'illat *hukm* is an apparent characteristic or condition that harmonizes as the basis for establishing law. Abd al-Karim Zaidan formulated that 'illat *hukm* is a clear and definite characteristic used as the foundation and linkage of law, the presence and absence of law depending on the presence and absence of 'illat. Meanwhile, Abd al-Wahhab Khallaf states, 'illat *hukm* is something transparent and regulated (accurate/measured) that can be used as a foundation and tether for law due to the presence or absence of 'illat.<sup>31</sup>

Thus, 'Illat is a specific characteristic that is clear and can be objectively known (*zahir*), has a standard (*mundhabit*), and is appropriate according to legal provisions (*munasib*), its presence determining the existence of law. Meanwhile, *hikmah* represents the purpose or intention behind the legislation of law in the form of benefits for humans.<sup>32</sup> The difference between 'illat and hikmah concerning *Maqashid al-Shariah* can be illustrated in response to alcohol prohibition. Suppose the answer

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<sup>28</sup> Toriquddin, 39.

<sup>29</sup> Jumantoro and Amin, *Kamus Ilmu Ushul Fikih*, 120–21.

<sup>30</sup> Tajuddin Abdul Wahab al-Subki, *Jam'u al Jawami'* (Beirut: Dar Al-Fikr, 2003), 231.

<sup>31</sup> Ahmad Luthfi Maghfuri, "Hubungan Illat, Hikmah Dan Sabab," *Direktorat Jenderal Badan Peradilan Agama*, November 30, 2021, <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/hubungan-illat-hikmah-dan-sabab-oleh-ahmad-luthfi-maghfurin-s-h-i-m-ag>.

<sup>32</sup> Ghofar Shidiq, "Teori Maqashid Al-Syari'ah dalam Hukum Islam," *Majalah Ilmiah Sultan Agung*, 2009, 121.



to the question is that alcohol is prohibited because it intoxicates. In that case, the answer "it intoxicates" is the '*illat* of the prohibition of alcohol because the essence of '*illat hukm* (*zahir, mundhabith, and munasib*) is met, that is intoxication. However, if the answer is that it can cause social unrest, this response falls under *hikmah*, the wisdom behind the prohibition.<sup>33</sup>

### **Environmental Permitting Law and Economic Development**

Before the enactment of Law Number 4 of 1982 on the Basic Provisions for Environmental Management, there were various legislative regulations governing the aspect of environmental permitting, some of which were colonial products, sectoral in nature, and did not incorporate environmental considerations in their legal provisions.<sup>34</sup> Because of their sectoral nature, regulations in the field of environmental management that existed before Law Number 4 of 1982 are considered classic environmental legislation, whereas regulations that emerged after Law Number 4 of 1982 are referred to as modern environmental legislation characterized by a cross-sectoral approach.<sup>35</sup>

Although the legislation in the field of environmental management that emerged after the enactment of Law Number 4 of 1982 is referred to as modern environmental legislation, the regulation of permits was still very simplistic. Article 7, paragraph (2) regulated it in only one article. The regulation of permits developed further when Law Number 23 of 1997 came into effect, replacing Law Number 4 of 1982, by placing it in a separate chapter, namely Chapter VI on Environmental Management Requirements. However, neither Law Number 4 of 1982 nor Law Number 23 of 1997 referred explicitly to permits as environmental permits.<sup>36</sup> The environmental permitting law underwent significant development with the enactment of Law Number 32 of 2009. Before Law Number 32 of 2009, there was only one type of

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<sup>33</sup> Abdur Rakib and Zakiyah Muhammad Jamil, "Illat, Hilah, Dan Hikmah Sebagai Pertimbangan Perubahan Hukum Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 3, no. 2 (April 18, 2021): 221–38, <https://doi.org/10.47467/as.v3i2.236>.

<sup>34</sup> Siti Sundari Rangkuti, *Hukum Lingkungan Dan Kebijaksanaan Lingkungan Nasional*, 4th ed. (Surabaya: Airlangga University Press, 2015), 145.

<sup>35</sup> Takdir Rahmadi, *Hukum Lingkungan Di Indonesia*, 3rd ed. (Depok: Rajawali Press, 2021), 37.

<sup>36</sup> "Law No. 4 of 1982 on Basic Provisions for Environmental Management" (n.d.) Art. 7, Par (2); "Law No. 23 of 1997 on Environmental Management" (n.d.) Art. 18-21.

permit known, namely a permit for conducting business and/or activities, while Law Number 32 of 2009 introduced a new concept in permitting, besides the permit for conducting business and/or activities, namely the environmental permit. Thus, under Law Number 32 of 2009, two types of permits are recognized: environmental and business and/or activity permits.<sup>37</sup>

As a preventive instrument, environmental permitting is placed on par with other prevention instruments, thus forming a system to prevent pollution and/or environmental damage. This is evident from the formulation of Law Article 14 Number 32 of 2009, which states that: "Instruments for preventing pollution and/or environmental damage consist of:

- a. Strategic Environmental Assessment;
- b. Spatial Planning;
- c. Environmental Quality Standards;
- d. Basic Criteria for Environmental Damage;
- e. Environmental Impact Assessment;
- f. Environmental Management Efforts and Environmental Monitoring Efforts;
- g. Permitting;
- h. Economic Environmental Instruments;
- i. Legislation Based on Environmental Management;
- j. Budgeting Based on Environmental Management;
- k. Environmental Risk Analysis;
- l. Environmental Audits; and
- m. Other Instruments as Needed and/or as Science Development."

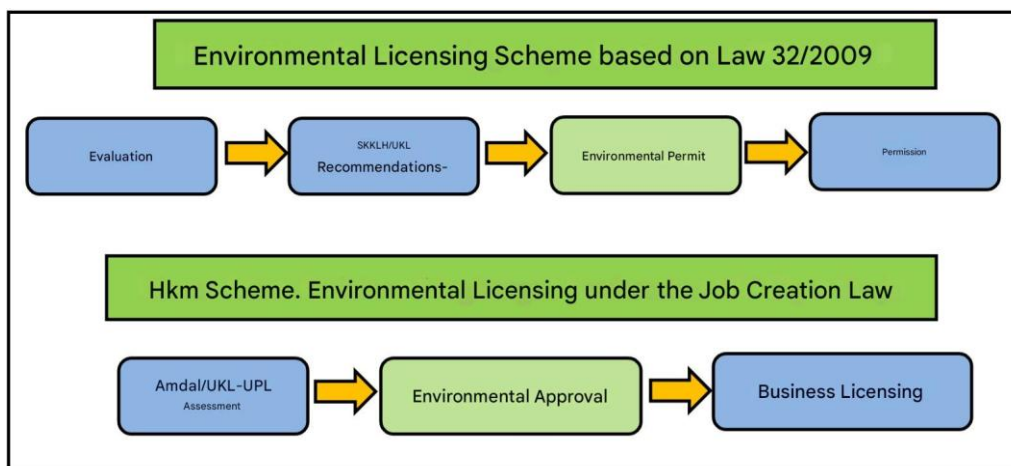
In the structure of Law Number 32 of 2009, permitting is placed in Chapter V on Control from Article 36 to Article 40. An environmental permit, as referred to in Article 1 number 35, is "a permit granted to every person who undertakes business and/or activities that require an environmental impact assessment or Environmental Management Efforts and Environmental Monitoring Efforts as a prerequisite for obtaining business and/or activity permits." Meanwhile, a business and/or activity permit as referred to in Article 1 number 36 is "a permit issued by a technical agency to conduct business and/or activities."

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<sup>37</sup> Law No. 32 of 2009 on Environmental Permitting Law Art. 1, No. 35-36.

Law Number 32 of 2009 places the environmental permit within a very strategic position in the legal framework of environmental permitting, situated between the Environmental Impact Assessment/Environmental Management and Monitoring Efforts and the business and/or activity permits. The relationship between the environmental permit, Environmental Impact Assessment/Environmental Management and Monitoring Efforts, and the business and/or activity permits can be narrated that "an environmental permit cannot be issued without an Environmental Feasibility Decision or a Statement of Environmental Management Commitment. Likewise, business and/or activity permits cannot be issued without an environmental permit, and if the environmental permit is revoked, then the business and/or activity permits are cancelled."<sup>38</sup>

Given the significant position of the environmental permit within the framework of environmental permitting law, replacing the term "environmental permit" with "environmental approval" as a result of the enactment of the Job Creation Law automatically altered the legal construction of environmental permitting. The juxtaposition of the legal construction of environmental permitting based on Law Number 32 of 2009 and the legal construction of environmental permitting based on the Job Creation Law can be constructed as follows:



Environmental Permitting Law Scheme based on Law No. 32 of 2009 and Law on Job Creation

<sup>38</sup> Law No. 32 of 2009 on Environmental Permitting Law Art. 36; Law No. 32 of 2009 on Environmental Permitting Law Art. 40.

The Job Creation Law was enacted as part of an initiative to realize the Vision of Indonesia 2045, which aims for the country to become one of the top five global economic powers. According to this vision, the average economic development should be around 5.7%, and the real GDP per capita growth should be at 5% annually. Achieving these targets is expected to position Indonesia as a developed nation by 2045, with a sustainable economy, poverty levels close to 0%, and a skilled workforce. To reach these goals, an acceleration from the average economic development of 5.4% (over the last ten years) to an average of 6% is necessary to achieve a GDP target of 320 million per year within 39 years. Considering less than 39 years are left until 2045, significant efforts are required to meet these targets.<sup>39</sup>

Generally, the economic development acceleration program faces challenges caused by three main issues: relatively low competitiveness, economic slowdown, and uneven economic development.<sup>40</sup> These issues impact business in Indonesia and make conducting business challenging. The difficulty is further exacerbated by regulatory problems, where existing regulations are excessive (over-regulated), particularly in permitting, which lacks harmony, overlapping, and contradictory.<sup>41</sup>

The number of permits required for entrepreneurs to start businesses and/or activities leads to a lengthy and complicated permitting system, resulting in an ineffective investment climate and a lack of legal certainty in Indonesia.<sup>42</sup> In addition to the plethora of regulations, the efficiency of the bureaucracy in Indonesia also needs significant improvement.<sup>43</sup>

Based on these realities, one of the government's strategies to overcome investment barriers, lengthy and convoluted bureaucracy, and numerous unharmonized regulations, especially between the central and local governments, is to undertake

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<sup>39</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Academic Draft of the Job Creation Law, 1.

<sup>40</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 4–5.

<sup>41</sup> Recky Harold Elby Sendouw, Nismawati Nismawati, and Cahyadi Nugroho, "Indonesian Governance: Reflections and How to Reduce Disparity between Regencies/Cities in Indonesia," *Journal of Infrastructure, Policy and Development* 8, no. 10 (September 23, 2024): 6035, <https://doi.org/10.24294/jipd.v8i10.6035>.

<sup>42</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Academic Draft of the Job Creation Law, 16–17.

<sup>43</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 9.

regulatory reform to enhance the investment ecosystem and business activities. The intended reform minimizes the lengthy bureaucracy, overlapping regulations, and disharmony between central and local regulations. These government efforts are implemented through legislation, namely the Job Creation Law.

### **The Relationship Between Environmental Permits and Economic Development from the Perspective of *Maqashid al-Shariah***

According to Ali Yafie, two fundamental teachings in Islam describe the relationship between Allah SWT, humans, and the universe, namely the teachings about *Rabb al-'Alamin* and *Rahmatan li al-'Alamin*. The doctrine of *Rabb al-'Alamin* conveys that Allah SWT is the Lord of the universe, not solely the Lord of humans. The doctrine of *Rahmatan li al-'Alamin*<sup>44</sup> conveys that humans, through all their behaviors, are demanded always to spread mercy to the universe. On the other hand, human behavior that spreads mercy to the universe is a form of obedience to *Rabb al-'Alamin*.<sup>45</sup>

One of the purposes of human creation on earth is to serve as a *Khalifah* (steward).<sup>46</sup> As *Khalifah* on earth, humans are responsible for environmental sustainability, as mentioned in the Qur'an, Surah Al-A'raf [7]: 56, which states:

وَلَا تُفْسِدُوا فِي الْأَرْضِ بَعْدَ إِصْلَاحِهَا وَادْعُوهُ خَوْفًا وَطَمَعًا إِنَّ رَحْمَتَ اللَّهِ قَرِيبٌ مِنَ الْمُحْسِنِينَ

(translation: "And do not make corruption on the earth, after (Allah) has ordered it, and pray to Him with fear and aspiration. Truly, Allah's mercy is near to the doers of good.")

The term *ishlah*/إصلاح in the verse above is a *mashdar* (noun) from the (يُصْلِحُ - أَصْلَحَ - إِصْلَاحًا) meaning to improve/make good (the opposite of corrupting).<sup>47</sup> The word

<sup>44</sup> Eka Apriani, Irwan Fathurochman, and Hendra Harmi, "The Role of Islam Rahmat Lil 'Alamin as the Solution for Exclusive Life in Indonesia," *AJIS: Academic Journal of Islamic Studies* 3, no. 2 (December 30, 2018): 192–206, <https://doi.org/10.29240/ajis.v3i2.599>.

<sup>45</sup> Muhammad Hafil, "Saat KH Alie Yafie Bicara Soal Fikih Lingkungan Hidup," *Republika Online*, January 29, 2020, <https://republika.co.id/share/q4uzc9430>.

<sup>46</sup> According to Satriadi, there are at least three purposes for the creation of humans according to the Qur'an: first, worship (Q.S. Al-Baqarah: 21, and Q.S. Adh-Dhariyat: 56); second, *Khalifatullah fi Al-ardh* (Q.S. Al-Baqarah: 30, Q.S. Al-An'am: 165); and third, *Al-amanah* (Q.S. Al-Ahzab: 72) Inong Satriadi, "Tujuan Penciptaan Manusia Dan Nilai Edukasinya (Kajian Tafsir Tematis)," *Ta'dib* 11, no. 2 (June 27, 2009), <https://doi.org/10.31958/jt.v12i1.153>.

<sup>47</sup> Luwīs Ma'lūf, "Al- Munğid fi 'l-luğa wa'l-a'lām," *Ṭab'a 28* (Bairūt: Dār al-Mašriq, 1986), 432.

*ishlah* explicitly and firmly prohibits humans from engaging in environmentally destructive behavior.<sup>48</sup> Actions that can lead to environmental damage also contradict the essence of *Maqashid al-Shariah* (the objectives of Islamic law), namely *mashlahat* (public interest).

Economic development and environmental sustainability are often seen as opposing poles. Economic development realized through industrialization consistently requires substantial natural and environmental resources, eventually threatening future environmental sustainability.<sup>49</sup> The development paradigm focused solely on economic development should be abandoned due to its negative impact on natural resources and the environment. Additionally, this development model favors large capitalists, is sectoral, exploitative, and has a repressive nuance.<sup>50</sup> Humans depend on nature and not vice versa, so considering the role of non-humans as stakeholders is as important as considering humans as stakeholders.<sup>51</sup> Therefore, to avoid unlimited human exploitation in meeting their economic needs and creating social order<sup>52</sup>, regulation on "how humans should behave towards the environment" is necessary.

Article 33, paragraph (4) of the 1945 Indonesia Constitution states: "The national economy shall be organized based on economic democracy with the principles of togetherness, equitable efficiency, sustainability, environmental insight, independence, and by maintaining a balance of national economic progress and unity." According to Emil Salim, based on this provision of Article 33 paragraph (4) of the 1945 Constitution, a paradigm shift in development methods is necessary from a conventional development paradigm that demands large-scale natural resource use to a model that

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<sup>48</sup> *Teologi Lingkungan: Etika Pengelolaan Lingkungan Dalam Perspektif Islam* (Yogyakarta: Deputi Komunikasi Lingkungan dan Pemberdayaan Masyarakat, Kementerian Lingkungan Hidup dan Majelis Lingkungan Hidup, Pimpinan Pusat Muhammadiyah, 2011), 30.

<sup>49</sup> Abu Bakar, "Hubungan Sumber Daya Alam Dan Pertumbuhan Ekonomi Serta Pandangan Islam Terhadap Pemanfaatan Sumber Daya Alam," *Hukum Islam* 20, no. 1 (July 27, 2020): 41, <https://doi.org/10.24014/jhi.v20i1.8066>.

<sup>50</sup> Nugroho, "Rekonstruksi Teori Hukum Pembangunan kedalam Pembentukan Perundang-undangan Lingkungan Hidup dan Sumber Daya Alam Pasca Reformasi dalam Bangunan Negara Hukum."

<sup>51</sup> Veronica Strang, "The Rights of the River: Water, Culture and Ecological Justice," in *Conservation*, ed. Helen Kopnina and Haydn Washington (Cham: Springer International Publishing, 2020), 4, [https://doi.org/10.1007/978-3-030-13905-6\\_8](https://doi.org/10.1007/978-3-030-13905-6_8).

<sup>52</sup> Satjipto Rahardjo, *Ilmu Hukum*, 8th ed. (Bandung: PT Citra Aditya Bakti, 2014), 13.

uses fewer natural resources consumes less energy, and produces minimal and recyclable waste, in other words, a shift towards sustainable development.<sup>53</sup>

Conceptually, the term sustainable development was present in various environmental agreements and other instruments before 1987<sup>54</sup> but became popular when the Bruntland Commission in The World Commission on Environment and Development (WCED) published a report titled "Our Common Future." In its report, the Bruntland Commission defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs."<sup>55</sup>

In Indonesia's history of legislation, sustainable development has existed since Law Number 4 of 1982, which uses the term continuous development.<sup>56</sup> Meanwhile, Law Number 23 of 1997 already used the term sustainable development, accompanied by the phrase environmental insight<sup>57</sup>, and it was further reinforced by placing sustainable development as one of the principles of environmental protection and management in Law Number 32 of 2009.<sup>58</sup> However, sustainable development is not a ready-to-use concept<sup>59</sup>; it continues to be developed and refined.

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<sup>53</sup> Salim, *Ratusan Bangsa Merusak Satu Bumi*, 135.

<sup>54</sup> Philippe Sands, *Principles of International Environmental Law*, 1st ed. (Cambridge: Cambridge University Press, 2018).

<sup>55</sup> Ferina Ardhi C, "Prinsip Sustainable Development Sebagai Wujud Keadilan Dalam Lingkungan Hidup," in *Negara Hukum Dalam Bingkai Pancasila*, vol. 1 (Seminar Nasional: Negara Hukum dalam Bingkai Pancasila, Fakultas Hukum Universitas Sultan Ageng Tirtayasa, Serang, Banten: Calina Media, 2020), 35–40.

<sup>56</sup> Article 3 of Law 4/1982 states that environmental management is carried out to "support sustainable development for improving human welfare". The fact that the term sustainable development has not been used in Law 4/1982 can be understood because the term sustainable development began to become popular in 1987 along with the publication of the Bruntland commission report. Law No. 4 of 1982 on Basic Provisions for Environmental Management.

<sup>57</sup> Article 3 of Law 23/1997 which regulates the principles of environmental management states that: "Environmental management carried out with the principles of state responsibility, the principle of sustainability, and the principle of benefit aims to realize sustainable development with an environmental perspective in the context of developing the whole Indonesian people and the development of the entire Indonesian society that believes in and is devoted to God Almighty. Law No. 23 of 1997 on Environmental Management.

<sup>58</sup> Article 2 of Law 32/2009 states that: "Environmental protection and management are implemented based on the principles of: a. state responsibility; b. sustainability and continuity; c. harmony and balance; d. integration; e. benefits; f. prudence; g. justice; h. ecoregion; i. biodiversity; j. polluter pays; k. participatory; l. local wisdom; m. good governance; and n. regional autonomy. Law No. 32 of 2009 on Environmental Permitting Law.

<sup>59</sup> Andri Gunawan Wibisana, "Pembangunan Berkelanjutan: Status Hukum Dan Pemaknaannya," *Jurnal Hukum & Pembangunan* 43, no. 1 (July 6, 2017): 54, <https://doi.org/10.21143/jhp.vol43.no1.1503>.

Sustainable Development Goals (SDGs) aim to maintain an ongoing improvement in the economic welfare of the community<sup>60</sup>, development that preserves the sustainability of social life, development that maintains the quality of the environment, and development that ensures justice and the implementation of governance capable of retaining an improvement in the quality of life from one generation to the next.<sup>61</sup> The SDGs are an enhancement of the Millennium Development Goals (MDGs) agreed upon at the United Nations Summit in New York, USA, on September 6-8, 2000, and were effective for 15 years until December 2015. The MDGs aimed to create a more prosperous, fair, and peaceful world. The MDG program consisted of 8 Goals, 18 Targets, and 67 Indicators, focusing on alleviating poverty, hunger, health issues, education, gender inequality, and environmental sustainability.<sup>62</sup> In comparison, the SDGs consist of 17 goals<sup>63</sup> and 169 targets for the implementation period from 2015 to 2030.

The placement of environmental issues as one of the objectives in the MDGs and SDGs demonstrates that global concern for environmental sustainability is grave. Development that uses natural resources to improve human welfare must be accompanied by a commitment and effort to preserve the environmental carrying capacity. Therefore, to ensure that development is environmentally oriented, preventive regulatory or controlling norms are necessary to ensure that activities always follow applicable norms. These regulatory or controlling norms, serving as

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<sup>60</sup> Mustafa Tevfik Kartal et al., “How Can SDG-13 Be Achieved by Energy, Environment, and Economy-Related Policies? Evidence From Five Leading Emerging Countries,” *Sustainable Development*, February 20, 2025, <https://doi.org/10.1002/sd.3391>.

<sup>61</sup> Vivi Yulaswati et al., eds., *Pedoman Teknis Penyusunan Rencana Aksi: Tujuan Pembangunan Berkelanjutan/Sustainable Development Goals (TPB/SDGs)*, 2nd ed. (Jakarta: Kedeputan Bidang Kemaritiman dan Sumber Daya Alam, Kementerian Perencanaan Pembangunan Nasional/ Badan Perencanaan Pembangunan Nasional (Bappenas), 2020), <https://sdgs.jakarta.go.id/file/Buku-Pedoman-Rencana-Aksi-SDGs-Edisi-2.pdf>.

<sup>62</sup> Lisbet, “Pencapaian Millenium Development Goals (MDGs) Di Indonesia Melalui Kerjasama Internasional,” *Politica* 4, no. 1 (May 2013): 129–56.

<sup>63</sup> TPB/SDGs are global and national commitments in an effort to improve people’s welfare, covering 17 goals, namely: (1) No Poverty; (2) No Hunger; (3) Healthy and Prosperous Life; (4) Quality Education; (5) Gender Equality; (6) Clean Water and Adequate Sanitation; (7) Clean and Affordable Energy; (8) Decent Work and Economic Growth; (9) Industry, Innovation and Infrastructure; (10) Reduced Inequality; (11) Sustainable Cities and Settlements; (12) Responsible Consumption and Production; (13) Addressing Climate Change; (14) Ocean Ecosystems; (15) Land Ecosystems; (16) Peace, Justice and Resilient Institutions; and (17) Partnerships to Achieve the Goals Ali Said and Indah Budiati, eds., *Potret Awal Tujuan Pembangunan Berkelanjutan (Sustainable Development Goals) Di Indonesia* (Jakarta: Badan Pusat Statistik, 2016), <https://filantropi.or.id/pubs/uploads/files/3%20BPS%20Potret%20Awal%20TPB%20di%20Indonesia.pdf>.



preventive instruments, function to prevent deviant behavior by the community by applicable provisions.<sup>64</sup>

Article 1 number 35 of Law Number 32 of 2009 states that: “An environmental permit is given to everyone who undertakes business and/or activities that require an AMDAL or UKL-UPL to protect and manage the environment as a prerequisite to obtaining a business and/or activity permit.” Based on the provisions of Article 1 number 35 of Law Number 32 of 2009, then business and/or activity “permits” can only be implemented if someone has obtained an environmental permit, while the environmental permit is given to everyone who undertakes business and/or activities that require an AMDAL or UKL-UPL.

This condition changed when the nomenclature of environmental permits in Law Number 32 of 2009 was changed and replaced with environmental approval in the Job Creation Law.<sup>65</sup> In total, 41 articles in Law Number 32 of 2009 underwent changes<sup>66</sup>, deletions, and additions of new norms, with details of 27 articles being changed, 10 articles deleted<sup>67</sup>, and four articles added<sup>68</sup>. The numerous changes in articles impact the construction of environmental permitting law and have the potential to disrupt administrative environmental law due to a fundamental difference between the concept of permits and approval. Environmental permits no longer serve as a prerequisite for issuing business and/or activity permits, thus allowing business and/or activities to commence before environmental document approval is issued or is still in process.<sup>69</sup>

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<sup>64</sup> Tatiek Sri Djatmiati, “Perizinan Sebagai Instrumen Yuridis Dalam Pelayanan Publik” (Fakultas Hukum, Universitas Airlangga, Surabaya, November 24, 2007), <http://repository.unair.ac.id/id/eprint/71258>.

<sup>65</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Academic Draft of the Job Creation Law, 154.

<sup>66</sup> The 27 (twenty seven) articles that have been changed are Article 1, Article 20, Article 24, Article 25, Article 26, Article 27, Article 28, Article 32, Article 34, Article 35, Article 37, Article 39, Article 55, Article 59, Article 61, Article 63, Article 69, Article 71, Article 72, Article 73, Article 76, Article 77, Article 82, Article 88, Article 109, Article 111, and Article 112 Law No. 32 of 2009 on Environmental Permitting Law.

<sup>67</sup> The 10 (ten) articles that were deleted were Article 29, Article 30, Article 31, Article 36, Article 38, Article 40, Article 79, Article 93, Article 102, and Article 110. Law No. 32 of 2009 on Environmental Permitting Law.

<sup>68</sup> The articles added are Article 61A, Article 82A, Article 82B and Article 82C. Law No. 32 of 2009 on Environmental Permitting Law.

<sup>69</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Academic Draft of the Job Creation Law, 158.

The change in nomenclature from environmental permits to environmental approval is based on the thought that the concept of environmental permits, expected to guarantee environmental sustainability and provide legal certainty for business actors, in reality, becomes an obstacle to enhancing the investment ecosystem and business activities.<sup>70</sup> This is caused by the numerous permits that business actors must fulfil to start their businesses.<sup>71</sup> Besides the countless permits required by business actors, the government also faces overlapping regulations and a complex bureaucracy that affects Indonesia's competitiveness at a global level.<sup>72</sup> Therefore, to address the legal issues related to enhancing the investment ecosystem and business activities, one effort is to simplify the basic requirements of Business Licensing<sup>73</sup> through environmental approval.<sup>74</sup> Besides reasons related to strengthening the investment ecosystem and business activities, the change in nomenclature from environmental permits to environmental approval is also based on the legal politics of the drafting of the Job Creation Bill, namely the adjustment of nomenclature in each Law with general formulations to provide flexibility for the Government in anticipation of societal and global dynamics.<sup>75</sup>

The discussion about the change in nomenclature from environmental permits to environmental approval above also strengthens the theory that in every development model, the economy becomes a system, and the environment becomes a subsystem, so economic interests always determine policy. In other words, if the development benefits are more significant than the economic costs incurred, then the

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<sup>70</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, 154.

<sup>71</sup> Based on the report of the Regional Autonomy Implementation Monitoring Committee (KPPOD), to start a business, business actors must fulfill three types of permits, namely: first, business establishment permits consisting of 58 laws and regulations (9 Laws, 5 Government Regulations, 2 Presidential Regulations, 37 Ministerial Regulations and 5 Ministerial Decrees); second, business premises permits consisting of 3 laws and regulations including 2 Laws and 1 Ministerial Regulation; third, building permits for business premises consisting of 9 laws and regulations including 2 Laws, 2 Government Regulations and Ministerial Regulations *Penyederhanaan Perizinan Usaha Di Daerah* (Jakarta: Komite Pemantauan Pelaksanaan Otonomi Daerah (KPPOD), 2016), [https://www.kppod.org/backend/files/laporan\\_penelitian/penyederhanaan-perizinan-usaha.pdf](https://www.kppod.org/backend/files/laporan_penelitian/penyederhanaan-perizinan-usaha.pdf).

<sup>72</sup> "Laporan Perekonomian Indonesia 2020" (Jakarta: Badan Pusat Statistik Republik Indonesia, August 2020), 17.

<sup>73</sup> National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia, Academic Draft of the Job Creation Law Art. 6, Letter b.

<sup>74</sup> Simplification of Basic Business Licensing Requirements includes conformity of space utilization activities; environmental approval; and building approval and certificate of functional suitability. National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia Art. 13.

<sup>75</sup> Job Creation Bill 2 Analysis Matrix Part 1 b. Simplification of Business Licensing - Environmental Permits National Law Development Agency, Ministry of Law and Human Rights of the Republic of Indonesia.

development is justified to continue. If environmental damage/pollution occurs during the development process, then that is a “cost” that society must pay for development.<sup>76</sup>

Based on the discussion above, it becomes clear that there is a very close relationship between economic development and environmental permitting law. Economic development should not damage the environment, while environmental permitting laws should not hinder economic development. The close relationship between economic development and environmental permitting law, when linked with the principles of *Maqashid al-Shariah*, directly correlates with the principles of *Maqashid al-Shariah al-Dharuriyyah* (the primary objectives of law establishment), namely: protection of religion (*Hifdz al-Din*), protection of life (*Hifdz al-Nafs*), protection of progeny (*Hifdz an-Nasl*), protection of property (*Hifdz al-Maal*), and protection of intellect (*Hifdz al-'Aql*).

- a. Protection of religion (*Hifdz al-Din*), as religion teaches that humans are forbidden to cause damage to the earth (Q.S. Al-A'raf [7]: 56), thus preserving the environment is part of obeying religious commands, and one way to protect the environment is through the permitting mechanism;
- b. Protection of life (*Hifdz al-Nafs*), as humans inherently depend on the environment and not vice versa. Thus, human survival is heavily influenced by environmental sustainability. Therefore, preserving the environment means safeguarding human life;
- c. Protection of progeny (*Hifdz an-Nasl*), as natural resources, should be conserved so that future generations may benefit from the environment at least as much as we do today;
- d. Protection of property (*Hifdz al-Maal*), as the environment is a valuable asset to humans because environmental damage caused by development not oriented towards environmental sustainability necessitates recovery costs far exceeding the benefits gained;
- e. Protection of intellect (*Hifdz al-'Aql*): Humans are part of the environment and not separate from it, so a good and healthy environment allows humans to develop well. Therefore, a good and healthy environment is essential for humans to thrive physically and mentally. Thus, maintaining environmental sustainability is necessary.

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<sup>76</sup> Salim, *Ratusan Bangsa Merusak Satu Bumi*, 133.

## CONCLUSION

Based on the discussion above, it can be concluded that there is a strong relationship between environmental permitting law, economic development, and *Maqashid al-Shariah*. From the perspective of sustainable development, economic development, environmental sustainability, and social aspects are three interlinked principles that cannot be separated. Economic development to achieve social welfare must be conducted with attention to environmental sustainability. Meanwhile, environmental sustainability can be achieved by guiding community behavior in meeting their economic needs to avoid actions that could cause environmental damage consistently. To prevent actions that could cause environmental damage, regulatory means are necessary, one of which is through the mechanism of environmental permitting law.

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