



Global Welfare Agenda in Old Oil Well Management: A Maqāṣid Perspective and Jurisprudence of Equitable Energy

Indah Febriani*

Universitas Sriwijaya, Palembang, South Sumatera, Indonesia

Email: indahfebriani280279@gmail.com

Raissa Soamanjary

Bursa Uludağ University, Görükle Campus, 16059 Nilüfer, Bursa, Turki

Email: raisa.zua@gmail.com

Abstract: This study examines the urgency of fulfilling the rights of masyarakat lingkar tambang (mining-ring communities) in the governance of old oil wells in Indonesia, focusing on Babat Toman, Batanghari Leko, and Bayung Lencir Subdistricts in Musi Banyuasin Regency, South Sumatra. It adopts a normative Islamic framework grounded in *maqāṣid al-sharī'ah* (objectives of Islamic law) and Muhammadiyah's Jurisprudence of Equitable Energy. Employing a socio-legal qualitative approach, the study analyzes the intersection between regulatory frameworks, social justice, and Islamic ethical principles in natural resource governance. The findings reveal that, despite the existence of regulatory instruments such as Ministry of Energy and Mineral Resources Regulation No. 1 of 2008, the distribution of benefits from old oil well exploitation remains inequitable, with limited socio-economic impact on surrounding communities. This condition reflects a gap between legal norms and their implementation in practice. From the perspectives of *maqāṣid al-sharī'ah* and the Jurisprudence of Equitable Energy, the state and resource operators hold both moral and legal responsibilities to ensure justice (*'adl*), public welfare (*maṣlaḥah*), and the protection of essential human interests, including life (*ḥifẓ al-naḥs*), property (*ḥifẓ al-māl*), and the environment (*ḥifẓ al-bi'ah*). This study argues that strengthening legal frameworks and implementing community empowerment initiatives are crucial to addressing these disparities. Integrating Islamic ethical principles into energy governance is essential to fostering a more inclusive, sustainable, and equitable energy system that upholds human dignity and promotes meaningful local participation.

Keywords: Maqasid Al-Syari'ah, Jurisprudence, Old oil wells, Community rights, Energy justice.

Introduction

Natural resource governance in Indonesia has long been characterized by tension between economic interests and social justice¹. The management of old oil wells (*sumur minyak tua*) many of which operate in community-based or semi-formal systems illustrates these tensions vividly. Communities in Babat Toman, Batanghari Leko, and Bayung Lencir

¹ Roderikus Agus Trihatmoko and Yuvensius Sri Susilo, "Natural Resource Governance and Strategic Economic Resources: The Perspective of Indonesia Raya Incorporated," *Humanities and Social Sciences Communications* 11, no. 1 (2024), <https://doi.org/10.1057/s41599-024-02772-5>.



Musi Banyuasin Regency, South Sumatera-Indonesia are among those who have historically depended on small-scale oil extraction for livelihoods. Yet they often remain marginalized in benefit-sharing, excluded from decision-making, and exposed to environmental risks².

These communities, referred to as *masyarakat lingkaran tambang*, live in the immediate vicinity of extractive activities and therefore bear the ecological and social consequences of oil production³. The ecological and social consequences faced by communities around mining areas as a result of exploration activities for the resources around them, including petroleum exploration, show a very large gap, especially with the stakeholders. Communities around mining areas as the communities who live closest to the resources, in fact only experience negative impacts such as the decline quality of agricultural land, wider environmental damage, declining health quality due to air pollution, loss of livelihoods due to agricultural land, plantations or even rivers that were previously a source of their livelihoods being polluted by mining activities, and so forth. The next consequence is the trend of poverty in communities around mining areas, which is getting worse day by day. Even if they are given the opportunity to participate in the management of resources around them, the most common position for them is as manual laborers with incomes that are only enough to meet their daily needs, and cannot significantly improve their welfare⁴.

Despite mining-ring communities areas are the closest communities to the resources, their access to economic benefits and welfare is still minimal. The limited access to economic benefits and welfare is caused by various factors, including the lack of community participatory mechanisms in terms of both policy and operational activities of resource exploration including in old oil wells, an unclear legal framework, where regulations regarding the welfare of communities around mining areas tend to be completed at the philosophical stage in the considerations of related laws and regulations but are not concretized in the articles in the material content. In addition, weak law enforcement against various forms of violations in the mining sector also exacerbates existing inequality.

The conditions of mining-ring community, as described above, demonstrate that the fulfillment of their rights is still very minimal. This is despite the fact that they are a community that has a magical and religious relationship with the surrounding nature. This magical-religious relationship shows that the relationship between mining-ring community and their natural surroundings is not limited to just a physical aspect, but also a spiritual aspect⁵. This means that if environmental damage occurs around the mining area, it will not only damage the environment per se, but it can also damage the socio-cultural order of the communities surrounding the mine⁶. Therefore, the rights of these communities should be prioritized.

To further contextualize these challenges, it is important to recognize that Indonesia's constitutional and legal framework already provides a strong normative basis for equitable natural resource governance. Article 33 of the 1945 Constitution mandates that natural resources be controlled by the state and utilized for the greatest prosperity of the people. However, in practice, this mandate often encounters structural and institutional barriers, particularly in regions with complex governance dynamics such as Musi Banyuasin. The decentralization era has, on one hand, opened opportunities for local participation, but on

² Indah Febriani et al., "Empowering Communities Through Old Oil Wells: Analysing Legal Frameworks and Policy Gaps in Indonesia," *Sriwijaya Law Review* 9, no. 1 (2025): 95–113, <https://doi.org/10.28946/slrev.Vol9.Iss1.4261.pp95-113>.

³ Endang Abubakar and La Ibal, "Sosialisasi Lingkungan Pertambangan Berkelanjutan Pada Masyarakat Di Desa Ngapainia Kecamatan Langgikima Kabupaten Konawe Utara," *AJAD: Jurnal Pengabdian Kepada Masyarakat* 3, no. 1 (2023): 39–45, <https://doi.org/10.59431/ajad.v3i1.151>.

⁴ Nugroho Trisnu Brata, "Oil & Community Welfare: A Case Study on People Oil Mining in Indonesia," *Komunitas* 6, no. 2 (2014): 271–79, <https://doi.org/10.15294/komunitas.v6i2.3306>.

⁵ Moneca Sinclair, Lindsay P. Allen, and Andrew R. Hatala, "Promoting Health and Wellness through Indigenous Sacred Sites, Ceremony Grounds, and Land-Based Learning: A Scoping Review," *AlterNative* 20, no. 3 (2024): 560–68, <https://doi.org/10.1177/11771801241251411>.

⁶ Samy Andres Leyton-Flor and Kamaljit Sangha, "The Socio-Ecological Impacts of Mining on the Well-Being of Indigenous Australians: A Systematic Review," *Extractive Industries and Society* 17, no. February (2024): 101429, <https://doi.org/10.1016/j.exis.2024.101429>.

the other hand, has also created overlapping authorities and regulatory ambiguities. In the case of old oil wells, the coexistence of state-owned enterprises, local governments, cooperatives, and informal community actors often leads to fragmented governance. This fragmentation weakens accountability mechanisms and further marginalizes local communities, who lack the institutional capacity and legal recognition to assert their rights effectively. As a result, the gap between constitutional ideals and empirical realities remains wide.⁷

Moreover, the global shift toward sustainable development and energy transition adds another layer of urgency to the issue. While the world is gradually moving away from fossil fuels, communities dependent on small-scale oil extraction face the risk of being left behind without viable economic alternatives. This creates a paradox where communities are both economically dependent on environmentally harmful activities and simultaneously vulnerable to their negative impacts. In this context, frameworks such as *maqāṣid al-syarī'ah* offer not only ethical guidance but also practical direction for designing inclusive policies. *Maqāṣid al-syarī'ah* emphasizes the protection of essential human interests, including life, property, and social welfare, as a foundation for justice-oriented governance.⁸ These principles are highly relevant in addressing inequality in natural resource management, as they promote distributive justice, sustainability, and public benefit (*maṣlaḥah 'āmmah*). Therefore, integrating these principles into policy and governance is crucial, not only to address existing inequalities but also to ensure that future energy transitions do not reproduce or deepen the marginalization of mining-ring communities.⁹

The perspective that rights should be granted to the community in the context of the utilization of natural resources is already well established and it is not limited to a single legal system. One perspective that explicitly requires such rights is the principle of *maqāṣid al-syarī'ah* in Islamic law, which is a moral and legal framework for the state (in this case, the authority) to uphold the rights of all groups, including those with respect to the results and benefits of natural resources, by emphasizing the principles of justice (*'adl*), welfare (*maṣlaḥah*), protection of life (*ḥifẓ al-nafs*), protection of property (*ḥifẓ al-māl*), and protection of the environment (*ḥifẓ al-bi'ah*)¹⁰. This concept is very relevant to analyze the urgency of ensuring the rights of communities surrounding mining areas to all benefits from the resources around them.

The elaboration of the principles of *maqasid al-syariah* is one of them is poured into the *fikih energi berkeadilan* by Muhammadiyah one of Indonesia's largest Islamic movements, especially in the context of energy resource management which is a mandate from God to be utilized fairly and sustainably for all humanity (*(maṣlaḥah 'āmmah)*). This *fiqh* is one of the philosophical views on the management of all resources that must consider the welfare of all people, both now and for future generations". This is very relevant to the view on the rights of communities, including communities around mining, to the results of resources and the sustainability of the environment around them.

This paper explores how *maqāṣid al-syarī'ah* and *Jurisprudence of Equitable Energy* can guide the fulfillment of rights for mining-ring communities in the management of old oil wells. It argues that integrating these frameworks is both a moral necessity and a legal imperative to achieve just and sustainable resource governance.

⁷ Suad Fikriawan et al., "Maqasid Shariah Parameters to Re-Design Policy Performance Fintech Lending Sharia in Indonesia," *Jurnal Minds: Manajemen Ide Dan Inspirasi* 12, no. 1 (June 2025): 375–82, <https://doi.org/10.24252/minds.v12i1.55395>.

⁸ Muh Fauzi Isnain, Supriadi Supriadi, and Kamaruddin Kamaruddin, "Contribution of Maqashid Syari'ah to Sustainable Economic Development: A Conceptual Review," *Al Mashaadir: Jurnal Ilmu Syariah* 6, no. 2 (2025): 65–75, <https://doi.org/10.52029/jis.v6i2.379>.

⁹ Muhamad Nurholis, "Islamic Law and Environmental Sustainability: Maqasid al-Sharia's Perspective," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 8, no. 3 (August 2025): 541–48, <https://doi.org/10.58824/mediasas.v8i3.413>.

¹⁰ Umu Farikhatus Sa'bandiyah, Ahmad Munir Hamid, and Intan Ayu, "Peran Maqashid Syariah Dalam Mendukung Keberlanjutan Lingkungan Melalui Implementasi Green Economy: Studi Kasus Tenun Ikat Di Parengan," *Sibatik Journal* | Volume 4, no. 6 (2025): 709–22.

¹¹ Parlan Hening, *Fikih Transisi Energi Berkeadilan : Ijtihad Lingkungan Muhammadiyah* (Jakarta, 2025). 67

Research Methods

This research adopts a qualitative socio-legal approach¹² combining normative Islamic legal analysis with empirical contextualization. Data are drawn from; Primary sources: Laws and regulations (notably Law No, 22 / 2001 on Oil and Gas jo Law No. 6/2003 on Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law , Law No. 3/2020 on Mineral and Coal Mining, Ministerial Regulation No. 1/2008, Law No. 32/2009 on Environmental Protection), Muhammadiyah doctrinal texts (*Jurisprudence of Equitable Energy*, 2023), and classical Islamic jurisprudence. Secondary sources: Academic journals from 2019–2025 discussing old oil well governance, community rights, and *maqāṣid* frameworks. And field context: Observations and reports from Babat Toman , Batanghari Leko, and Bayung Lencir Subdistricts, Musi Banyuasin Regency, where old oil wells have been managed by community groups under supervision of Pertamina EP and local cooperatives.¹³

The analysis uses the *maqāṣid* and integrating to Jurisprudence of Equitable Energy lens to evaluate legal and ethical conformity, and identifies normative gaps in fulfilling community surrounding mining rights.

Results and Discussion

The Reality of Fulfilling the Rights of Communities Surrounding Mining Areas

The existence of communities surrounding mining areas cannot be underestimated. Most communities surrounding mining areas are indigenous people who have inhabited the area for generations and have established social structures and values¹⁴. Sociologically, communities around mining areas have a very strong connection to the natural environment around them, as much of their lives are supported by it. Therefore, communities around mining areas generally have a stable livelihood system, either as farmers or fishermen, that is suited to the natural conditions around them¹⁵. Communities surrounding mining areas are an integral part of all mining operations, as they are the communities closest to resources, including mining, and directly impacted by mining operations. Therefore, the rights of these communities must be adequately fulfilled.

The concept of rights in the Kamus Besar Bahasa Indonesia (KBBI) has various meanings, including; (1) true, (2) property or possession, (3) authority, (4) power to do something, (5) rightful power for something or to demand something, (6) degree or dignity, and (7) authority according to law. Based on these several definitions of rights from the KBBI, the most relevant definitions when linked to the rights of mining communities are rights as property or possession and rights as rightful power for something or to demand something¹⁶.

The rights of communities living around mining areas are essentially the same as those of society in general. However, there are specific contexts, particularly regarding the right to access resources, the environment, and health. Every mining activity has the potential to cause significant environmental damage and health degradation, which in turn impacts the economic well-being and well-being of the surrounding communities, particularly those living around mining areas¹⁷. The rights that are unique to the communities surrounding the mine include:

¹² Tim Penulis et al., *Pengantar Metode Penelitian Hukum Sosio-Legal* (2025), 1–130.

¹³ Fachrizal Afandi, “Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal,” *Undang: Jurnal Hukum* 5, no. 1 (July 2022): 231–55, <https://doi.org/10.22437/ujh.5.1.231-255>.

¹⁴ Anih Sri Suryani, “Pengaruh Kualitas Lingkungan Terhadap Pemenuhan Kebutuhan Dasar Di Provinsi Banten,” *Aspirasi: Jurnal Masalah-Masalah Sosial* 9, no. 1 (2018): 35–63, <https://doi.org/10.46807/aspirasi.v9i1.991>.

¹⁵ Suryani, “Pengaruh Kualitas Lingkungan Terhadap Pemenuhan Kebutuhan Dasar Di Provinsi Banten.”

¹⁶ Kamus Besar Bahasa Indonesia, *Hak* (n.d.).

¹⁷ Sawedi Muhammad et al., “On the Brink of Social Resistance: Local Community Perceptions of Mining Company Operating Permits in East Luwu, Indonesia,” *Frontiers in Sociology* 9, no. October (2024), <https://doi.org/10.3389/fsoc.2024.1373736>.

1. The right to transparent information regarding mining business activities carried out by a company that has obtained a mining business permit. This information includes information about plans, mining locations, potential risks arising from mining activities, mining operation methods, and the company's social and environmental management plan. Furthermore, communities surrounding mining areas should have the right to be involved in the decision-making process regarding mining business permits in their areas based on the principle of Free, Prior, and Informed Consent (FPIC), which guarantees the right of indigenous peoples¹⁸ and/or communities surrounding mining areas to accept or reject the granting of such business permits¹⁹.
2. The rights to land include the right to access resources, meaning that communities have the right to recognition of their land status and access to their livelihoods. This is considered crucial because many conflicts occur between indigenous communities and/or communities surrounding mining areas and mining companies related to land and resource rights that have been held by the communities for generations. Recognition of these rights can be achieved through customary law, fair compensation mechanisms, or benefit redistribution mechanisms²⁰.
3. The right to a healthy environment and the right to environmental restoration. This right is crucial for communities surrounding mining areas, as environmental damage such as degradation of agricultural or plantation land, water and air pollution, and other potential consequences of mining activities are the most likely outcomes²¹.
4. The right to fair compensation and access to justice. This right is crucial given the potential economic, environmental, and even cultural damage caused by mining activities, the implications of which will be directly felt by communities surrounding the mine. Therefore, communities surrounding the mine have the right to guarantee fair compensation and easy access to dispute resolution mechanisms, whether administrative, civil, or criminal²².
5. Economic and social rights include the right to work, capacity building, and benefit sharing. These rights are particularly relevant to communities surrounding mining areas, as exploitation of their territories should be accompanied by various programs that build capacity and guarantee the provision of adequate local infrastructure, including expanded employment opportunities²³.
6. The right to culture and identity. Guaranteeing these two rights is crucial for communities surrounding mining areas, given that mining activities also have the potential to disrupt cultural sites, cemeteries, and even various customary practices. Therefore, recognition and protection of cultural sites, including cultural values, are essential for indigenous communities and local groups²⁴.

The rights held by mining-ring community as described above, in reality have not been fulfilled even to a minimal extent. One example is what happened to the mining-ring community in three sub-districts in Musi Banyuasin Regency, South Sumatra, namely Babat Toman Sub-district, Batanghari Leko Sub-district, and Bayung Lencir Sub-district. In these

¹⁸ Yusuf Istanto et al., *The Urgency of Recognizing and Protecting the Rights of Customary Law Communities to Natural Resources in Mining Management : A Review of the Perspective of Islamic Law*, o8 (2025): 1–18.

¹⁹ Muhammad et al., "On the Brink of Social Resistance: Local Community Perceptions of Mining Company Operating Permits in East Luwu, Indonesia."

²⁰ Christina M. Kennedy et al., "Indigenous Peoples' Lands Are Threatened by Industrial Development; Conversion Risk Assessment Reveals Need to Support Indigenous Stewardship," *One Earth* 6, no. 8 (2023): 1032–49, <https://doi.org/10.1016/j.oneear.2023.07.006>.

²¹ The Human and Nickel Industry, *Nickel Unearthed*, 2024.

²² Zena Dinda Defega and Trubus Rahardiansyah, *Perlindungan Hukum Terhadap Masyarakat Yang Terkena Dampak Lingkungan Di Wilayah Stockpile Batubara*, 4, no. 3 (2025): 209–16.

²³ Oschar Sumardin, "Dampak Industri Pertambangan Nikel Terhadap Kondisi Sosial Ekonomi Masyarakat Kecamatan Motui Kabupaten Konawe Utara," *Menulis: Jurnal Penelitian Nusantara* 1, no. 5 (2025): 7–15.

²⁴ Mohammad Jamin et al., "The Impact of Indonesia's Mining Industry Regulation on the Protection of Indigenous Peoples," *Hasanuddin Law Review* 9, no. 1 (2023): 88–105, <https://doi.org/10.20956/halrev.v9i1.4033>.

three sub-districts, there are many old oil wells that are no longer operated by contractors (KKKS) but remain within the KKKS work area. Old wells according to the provisions of Article 1 number 2 of the Regulation of the Minister of Energy and Mineral Resources Number 1 of 2008 concerning Guidelines for Petroleum Mining Business in Old Wells are "Petroleum wells drilled before 1970 and have produced and are located in fields that are not operated in a Work Area bound by a Cooperation Contract and are no longer operated by the Contractor"²⁵.

The number of old wells distributed in the three sub-districts that became the research location reached tens or even hundreds of wells. Several locations of old oil wells in these three sub-districts are spread across; (1) Sungai Angit Village, Mangun Jaya Village, Pajering Village, Babat Toman Sub-district, (2) Pangkalan Bulian Village, Suban Burung Village, Lubuk Buah Village, Batanghari Leko Sub-district, and (3) Kali Berau Village and Bayat Ilir Village, Bayung Lencir Sub-district²⁶.

The practice of oil mining in old oil wells has been regulated in the Regulation of the Minister of Energy and Mineral Resources (ESDM) Number 1 of 2008 (Permen ESDM No. 1 of 2008) concerning Guidelines for Petroleum Mining Business in Old Wells. This regulation aims to reactivate old oil wells that still have the potential to produce oil and can be used to improve community welfare²⁷. Therefore, the Regulation of the Minister of ESDM Number 1 of 2008 allows for community participation, especially communities around the mine, in the business of these old oil wells²⁸.

The exploitation of old wells is carried out by contractors and if the contractor does not exploit the old well, then the exploitation can be carried out by Regionally-Owned Enterprises (BUMD) and or by Village Unit Cooperatives (KUD) with the approval of the Minister²⁹. The exploitation of old oil wells by KUD is one of the most obvious forms of community participation in exploiting the old oil wells, meaning that the space for the community to exploit the old oil wells has been legally guaranteed, as long as it meets the requirements for the established permits.

According to the provisions of the Minister of Energy and Mineral Resources Regulation No. 1 of 2008, show that the rights of the community, including the community around the mine, to obtain welfare through active participation in the exploitation of old wells have been protected legally, and this also shows that the Regulation of petroleum exploitation in old oil wells as contained in the Minister of Energy and Mineral Resources Regulation No. 01 of 2008 philosophically shows the direction of the legal policy of petroleum mining as regulated in Law Number 22 of 2001³⁰ Article 3 letter f which states that one of the objectives of the implementation of oil and gas is to improve the welfare and prosperity of the people fairly and evenly.

However, the welfare objective is not necessarily reflected formally in the regulations of its articles. The articles in the Regulation of the Minister of Energy and Mineral Resources No. 01 of 2008 are more focused on administrative and technical arrangements rather than regulating the substance related to how to achieve the welfare of communities around the mine. Articles that regulate the substance or directly regulate how the welfare of the surrounding community (community around the mine) can be achieved are actually absent. The absence of an article on efforts to achieve the welfare of communities around the mine

²⁵ Peraturan Menteri Energi Dan Sumber Daya Mineral Republik Indonesia No. 1 Tahun 2008 Tentang Pedoman Pengusahaan Pertambangan Minyak Bumi Pada Sumur Tua.

²⁶ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan (n.d.).

²⁷ M. Irhas Effendi, "Optimalisasi Pengusahaan Sumur Minyak Tua Dalam Rangka Peningkatan Produksi Minyak Nasional Dan Kesejahteraan Masyarakat," *Jurnal Mineral Energi Dan Lingkungan* 1, no. 2 (2017): 16–25, <https://doi.org/10.31315/jmel.vii2.2040.g1846>.

²⁸ Konsideran Menimbang Peraturan Menteri Energi Dan Sumber Daya Mineral Republik Indonesia No. 1 Tahun 2008 Tentang Pedoman Pengusahaan Pertambangan Minyak Bumi Pada Sumur Tua.

²⁹ Peraturan Menteri Energi Dan Sumber Daya Mineral Republik Indonesia No. 1 Tahun 2008 Tentang Pedoman Pengusahaan Pertambangan Minyak Bumi Pada Sumur Tua.

³⁰ UU No.22 Tahun 2001 Tentang Minyak Dan Gas Bumi, Pub. L. No. 22, 1 (2012).

in Regulation of the Minister of Energy and Mineral Resources No. 01 of 2008 is certainly not relevant to the objectives to be achieved, in other words, the provisions of the considerations that are the philosophical basis of the regulation in its implementation are not formulated concretely in its articles, and if the philosophical basis is not concretized, then the objectives to be achieved will only be an aspiration.

The absence of explicit regulations regarding efforts to fulfill the welfare of communities around mining areas in ESDM Regulation No. 1 of 2008 is the factors influencing the low level of welfare and fulfillment of other rights in communities around mining areas, including in the three sub-districts that were the research locations. The minimal fulfillment of the rights of communities around mining areas is primarily related to the right to transparent information, the right to access resources, the right to a healthy and sustainable environment, and economic and social rights.

Regarding the right to information, based on the results of interviews with several informants from three sub-districts categorized as part of the mining area, data was obtained that many people do not know about the existence of petroleum business activities in old oil wells operated by PT. Pertamina EP in collaboration with one of the Regionally-Owned Enterprises (BUMD), namely PT Petromuba in their area. Most of the informants admitted that they often saw vehicles in the form of trucks with oil tanks going back and forth in their area, but they admitted that they could not confirm whether the trucks were trucks carrying oil owned by PT Petro Muba or trucks transporting petroleum operated illegally by the community³¹.

The right to access petroleum resources in old wells in these three districts has also not been optimally fulfilled. Although community participation has been legally recognized through ESDM Ministerial Regulation No. 1 of 2008, this regulation still seems "half-hearted" in directly involving the community in the activities of exploiting old oil wells, thus giving the impression that the government is not very serious in pursuing the goal of achieving the welfare of communities around the mine through direct participation in the exploitation of old oil wells. This is caused, among other things, by the complicated licensing procedures that must be gone through by BUMD or KUD who want to exploit old oil wells, which ultimately makes it difficult for BUMD/KUD as legal entities that are given the opportunity to participate in exploiting old oil wells. The complexities of obtaining permits to exploit old oil wells, coupled with economic pressures³², are driving communities to engage in illegal mining practices, both in old oil wells and by creating new ones. These illegal mining practices are further exacerbating the situation, particularly with regard to environmental issues³³.

Environmental damage caused by mining activities in three sub-districts in this region has been ongoing for a long time. Babat Toman Sub-district, rich in biodiversity, has suffered damage due to declining soil quality. Bataghari Leko Sub-district has experienced ecosystem degradation due to land conversion into an oil mining area. Similarly, Bayung Lencir Sub-district has experienced declining water and river quality due to massive oil mining activities by the community. The environmental conditions around the oil wells, most of which are managed independently and without permits in these three sub-districts, are quite concerning. Based on the results of researchers' monitoring, the environment in the areas around the oil wells operated by the community has generally experienced very severe damage. The remains of thick black oil sprays are a common sight in this area. If the dug well produces large quantities of oil, known by the local community as "mbelong," the oil spray can even reach a height of 15 meters, impacting not only the soil but also contaminating the rubber trees around the oil well area. This not only impacts the quality of

³¹ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan.

³² Said Musnadi, Jamaluddin Idris, and Darusman, *Community 'S Motivation To Carry Out Illegal Oil Mining*, 2023, 1-21.

³³ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan.

the plantation soil but also has a direct impact on the damage to the crops on the plantation³⁴.

Environmental pollution has also spread to rivers surrounding oil mining areas. Monitoring by researchers in Bondon Village, Bayung Lencir District, shows the impact of oil well mining on tributaries. The river water has become pitch black and covered in crude oil. Researchers have observed that the river is difficult to normalize, and even if it can be normalized, it will take a considerable amount of time. The pollution in the rivers surrounding the mining area has undoubtedly impacted the activities of residents who rely on the rivers for their daily needs. Furthermore, the biodiversity in these rivers, particularly several species of fish that serve as a food source for the surrounding communities, has also experienced stunted growth and even death³⁵.

The economic and social rights of communities around mining areas have also not been fully fulfilled. Based on research findings, the economic well-being of communities in three sub-districts in Musi Banyuasin Regency cannot yet be categorized as prosperous. Observations conducted by researchers in the three sub-districts used for the study revealed that the oil and gas business activities in old oil wells are mostly conducted illegally and without permits. Therefore, officially, the community's income from oil mining in these old wells cannot be counted as recorded income, unlike income from farming or other types of work. Although oil mining activities in old wells have the potential to improve the welfare of communities around mining areas, in reality, this welfare is not evenly distributed. Only a small number of communities around mining areas benefit from the benefits of oil mining activities, and even if they are involved in business activities, they are not the main actors, but rather only as manual laborers with relatively minimal wages³⁶.

The legal policy³⁷ of oil mining in old oil wells, as embodied in Minister of Energy and Mineral Resources Regulation No. 01 of 2008, has not yet had positive implications for the fulfillment of social rights in communities surrounding the mines. This is based, among other things, on the relatively low level of education in the three sub-districts used as research locations, meaning that the community's opportunities for education are essentially suboptimal. Health facilities in the three sub-districts used as research locations are also still very minimal, and these health facilities are funded not by mining activities but rather by the government. Mining companies or mining activities carried out by the community have not played a significant role in meeting the need for these health facilities³⁸.

The Principles of *Maqasid al-Syariah*

The conditions experienced by the communities surrounding the old oil wells, as described above, are evidence that the rights of the communities surrounding the mines, as communities directly impacted by mining activities, have not been properly fulfilled. When viewed from the principle of *maqāṣid al-syarī'ah*, such conditions clearly do not fulfill the elements of 'adl (justice) and *hifz al-mal* (protection of property). The resulting economic inequality, coupled with the costs of environmental damage that must be borne by the community, certainly do not comply with the principle of *lā ḍarar wa lā ḍirār* (no harm, no reciprocal harm). The principles of justice, protection of property rights, non-harm and non-mutual harm are developments of the *maqasid al-syariah* principles, especially in the

³⁴ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan.

³⁵ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan.

³⁶ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan.

³⁷ Uyan Wiryadi and Edy Dwi Martono, "Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Nasional," *Krisna Law: Jurnal Mahasiswa Fakultas Hukum Universitas Krisnadipayana* 6, no. 1 (2024): 1–10, <https://doi.org/10.37893/krisnalaw.v6i1.790>.

³⁸ Berdasarkan Pengamatan Lapangan Dan Hasil Wawancara Dengan Para Informan Di Kecamatan Babat Toman, Batanghari Leko, Dan Bayung Lencir Kabupaten Musi Banyuasin Provinsi Sumatera Selatan.

management of natural resources, including the principles of general welfare (*maslahah*) and prevention of harm (*zarar*).

The terminology of *maqasid al-syariah* consists of two words, namely *maqasid* and *syariah*. *Maqasid* means aim, goal, while the word *syari'ah* means *al-Thaoriq al-mustaqim* (the straight path that is traversed). Therefore, in terms of terminology, *maqasid al-syariah* can be defined as the goal of achieving a straight path³⁹. The straight path is interpreted as the path indicated by Allah SWT and His Messenger, so that *maqasid al-syariah* is also interpreted as the goal set by Allah SWT and His Messenger⁴⁰.

Maqasid al-Shariah is an important instrument for examining the values underlying the establishment of Islamic law. The concept of *maqasid al-Shariah* emphasizes that Islam exists to realize and maintain the welfare of humanity⁴¹. Scholars define *maqashid sharia* as a law concerning bringing benefits and avoiding harm that can be experienced by humans. The various *maqashid sharia* can be viewed from several aspects, such as *hifz al-din* (preserving religion), *hifz al-nafs* (preserving the soul), *hifz al-aql* (preserving reason), *hifz al-nasl* (preserving offspring), and *hifz al-mal* (preserving wealth)⁴².

Maqasid al-syariah can also be considered as a general goal to be achieved by Islamic sharia which must be applied in life. The urgency of *Maqasid al-syariah* has encouraged legal experts to place *Maqasid al-syariah* as a science that must be understood by every mujtahid who is going to make *ijtihad*. One of the important points of the explanation in the principles of *Maqasid al-syariah* is to create benefits for all humans and avoid evil from them. In other words, *Maqasid al-syariah* is benefit and benefit is *Maqasid al-syariah*⁴³.

In the context of natural resource management, the principle of *maqasid al-syariah* demands that natural resource extraction activities must protect life (*hifz al-nafs*), ensure the fair distribution of benefits and balance between economic development and environmental preservation (*al-adl*), prevent damage (*zarar*), and improve community welfare (*maslahah*)⁴⁴. In other words, in the context of natural resource management including in the exploitation of old oil wells, the principle which is a development of *maqasid al-syariah* is interpreted as rights that must be fulfilled, especially for communities around the mine as communities that are close to resources and are directly affected by exploration activities on natural resources including old oil wells.

The urgency of implementing the *maqasid al-Shari'ah* principle in fulfilling the rights of communities living around mining areas, including those surrounding old oil wells, cannot be separated from the view that the entire universe, including natural resources, is a creation of Allah SWT and must be utilized to the maximum extent possible for the benefit of all His creatures. Exploitation of natural resources must ensure public welfare and, to the extent possible, avoid damage. This context is highly relevant to the main principle of sustainable development: meeting the needs of the current generation without damaging or diminishing the ability of future generations to meet their own needs⁴⁵.

In the context of fulfilling the rights of communities around old oil wells which are the focus of the study, based on the results of research on communities around old oil wells in Babat Toman, Batanghari Leko, and Bayung Lencir Districts of Musi Banyuasin Regency, it

³⁹ Mahmud Dongoran, "Konsep Maqasid Al-Syariah Sebagai Dasar Dalam Penetapan Hukum Islam (Suatu Kajian Historis Hukum Islam)," *Yurisprudencia* 1, no. April (2015): 82–98.

⁴⁰ Dongoran, "Konsep Maqasid Al-Syariah Sebagai Dasar Dalam Penetapan Hukum Islam (Suatu Kajian Historis Hukum Islam)."

⁴¹ Ahmad Lutfi Rijalul Fikri, "Kajian Maqashid Syari'ah Dalam Undang-Undang Nomor 3 Tahun 2020 Tentang Pertambangan Mineral Dan Batubara Di Indonesia," *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (2023): 197–206.

⁴² hamdan Arif Hanif, *Prinsip Maqashid Syariah Dalam Pengelolaan Sumber Daya Alam Tambang Pasir*, 3, no. 2 (2023): 320–34.

⁴³ Solahuddin Al-Ayubi and Siti Halawatuddu'a, "Maqasid Al-Sharia in Islamic Finance," *Jurnal Al-Dustur* 4, no. 2 (2021): 197–215, <https://doi.org/10.30863/jad.v4i2.1823>.

⁴⁴ Nasrullah Nasrullah et al., "Reconstructing Mining Governance Through Maqasid Al-Sharia: Towards Natural Resource Management Public Welfare Oriented," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 1 (2025): 97–112, <https://doi.org/10.18592/sjhp.v25i1.18046>.

⁴⁵ Dalila Doman and Nadia Doman, "Penerapan Prinsip Pembangunan Berkelanjutan dan Ekonomi Berwawasan Dalam Peraturan Perundang-Undangan Penggunaan Kawasan Hutan Dalam Rangka PSN Pasca Pengesahan Perpres 66/2020," *Jurnal Hukum Lingkungan Indonesia* 7, no. 1 (2020): 71–97.

is seen that the basic rights of mining-ring community in this area have not been realized, and if reviewed based on the principle of *maqasid al-syariah*, the non-realization of the rights of these mining-ring community shows that the goals that should be achieved based on the principle of *maqasid al-syariah* have not actually been achieved. This means that the legal framework regulated in the Regulation of the Minister of Energy and Mineral Resources No. 1 of 2008 as a regulation specifically governing the exploitation of old oil wells in Indonesia is not in accordance with the principle of *maqasid al-syariah*.

The analysis shows a misalignment between state regulatory practices and the components of the development of the *maqāṣid al-syariah* principles in the mining communities of three sub-districts in Musi Banyuasin. This misalignment can be seen in the following table:

Maqāṣid Component	Relevant Rights	Findings in Babat Toman, Batanghari Leko, and Bayung Lencir
<i>Ḥifẓ al-naḥs</i> (protection of life)	Right to health, safety, and pollution-free environment	Frequent oil spills, lack of medical facilities, weak environmental enforcement.
<i>Ḥifẓ al-māl</i> (protection of property)	Right to equitable economic benefits	Unequal distribution, dominance of intermediaries, absence of community ownership.
<i>ʿAdl</i> (justice)	Fair treatment and participation	Limited representation in management; procedural inclusion only.
<i>Maṣlaḥah ʿammah</i> (public welfare)	Benefit for society at large	Economic gains not reinvested locally; weak welfare outcomes.
<i>Ḥifẓ al-biʿah</i> (protection of environment)	Ecological sustainability	No comprehensive rehabilitation or waste management programs.

Jurisprudence of Equitable Energy

The view that the utilization of natural resources must be implemented for the common good based on the principle of *maqasid al-syariah* was elaborated in more detail by the Tarjih and Tajdid Council of the Central Executive Board of Muhammadiyah in 2024 by issuing the Fiqh of Just Energy⁴⁶. This fiqh is an extension of the principle of *maqasid al-syariah* into a contemporary doctrine of justice in the energy sector rooted in Islamic ethics. Fiqh with justice emphasizes that energy resources are a trust from God and should be allocated for the common good and not merely for personal or individual welfare⁴⁷. By linking Jurisprudence of Equitable Energy to *maqāṣid al-syarīʿah*, Muhammadiyah articulates a model of Islamic energy justice, which means economic gain must correlate with communal welfare and ecological preservation.

The fundamental value of Jurisprudence of Equitable Energy is the concept of ecological monotheism, which emphasizes that the earth is God's creation, just as humans are. Therefore, humans are required to understand the universe, protect the environment, and manage energy as a manifestation of monotheism. Meanwhile, one of the general principles that serves as a reference for the rules of Jurisprudence of Equitable Energy is the principle of energy conservation, which is divided into two parts: efficient energy use and the search and preservation of renewable energy sources that are more environmentally and socially friendly. At the practical level, the application of energy transition jurisprudence is expected to occur at the global, state, community, and private levels. At the global level, developed countries are considered to prioritize justice by starting the renewable energy

⁴⁶ Mosaic, "Fikih Energi Berkeadilan Ala Muhammadiyah," 2024, <https://mosaic-indonesia.com/fikih-energi-berkeadilan-ala-muhammadiyah>.

⁴⁷ Mosaic, "Fikih Energi Berkeadilan Ala Muhammadiyah."

transition first without burdening third-world countries. Meanwhile, at the state level, the involvement of local communities and respect for community values and norms, especially when related to customs, must also be prioritized⁴⁸.

Jurisprudence of Equitable Energy is supported by three key pillars, namely: (1) justice (*al-adl*), which emphasizes the distribution of energy benefits and burdens fairly and evenly, (2) balance (*tawazun*), which emphasizes harmony between human needs, environmental management, and economic sustainability, and (3) welfare (*maslahah*) which ensures that energy utilization improves social welfare, reduces poverty, and supports ecological systems⁴⁹. From this perspective, old oil wells must be managed not solely for revenue but to sustain livelihoods, protect ecosystems, and empower communities. The Muhammadiyah concept of *Jurisprudence of Equitable Energy* reframes energy management as a form of *'ibadah ijtima'iyah* (social worship) a moral obligation to ensure justice and welfare through resource stewardship.

Applied to old oil wells, Jurisprudence of Equitable Energy introduces three reform directions namely; (1) Ethical Governance, management of old oil wells must embody *amanah* and *tawazun*. Regulatory and business actors should treat energy not as mere commodity but as moral trust, (2) participatory justice, communities around oil wells are *mustahiqq al-maslahah* legitimate recipients of benefit. Their involvement in licensing, operation, and revenue allocation is part of implementing *'adl* and *shūrā* (consultation), and (3) welfare and sustainability, the principle of *maslahah ammah* obligates redistribution of energi profits to improve public service, education, and environmental restoration.

Urgency of Fulfilling Community Rights

The urgency to fulfill mining-ring community rights derives from three dimensions:

1. Moral-Ethical Urgency: Violations of *maqāṣid al-syariah* principles erode moral legitimacy of governance⁵⁰. Resource exploitation that causes poverty or environmental harm contradicts *maṣlahah*.
2. Socio-Legal Urgency: Exclusion of communities from access to resources risks giving rise to social conflict⁵¹, illegal drilling, and environmental disasters, thereby weakening the rule of law.
3. Religious-Ecological Urgency: As *khulafā' al-arḍ* (stewards of the earth)⁵², humans are divinely mandated to prevent corruption on earth⁵³ (*fasād fi al-arḍ*). Poor management of old oil wells constitutes such *fasād* if it harms life and ecosystem.

Hence, state and corporate actors must adopt *maqāṣid*-based policies to restore justice and welfare. Legal and policy reform guided by *maqāṣid al-syarī'ah* and *Jurisprudence of Equitable Energy* should aim at:

1. Legal Recognition of Community Rights. This measure can be taken by including explicit provision regarding benefit sharing and community participation in national mining laws, particularly in regulations regarding the management of old oil wells.
2. Transparent Benefit Distribution. Establishin public reporting on revenues and allocations from old oil well operations.
3. Environmental Protection. Mandate rehabilitation plans, monitoring, and sanctions for pollution, as part of fulfilling *ḥifz al-bi'ah*⁵⁴.

⁴⁸ Mosaic, "Fikih Energi Berkeadilan Ala Muhammadiyah."

⁴⁹ et. all Parlan, Hening., *Fikih Transisi Energi Berkeadilan*, 1st ed. (Jakarta: Suara Muhammadiyah, 2025).

⁵⁰ Et. all Purwantoro, Tegar P., "Mendorong Pembentukan Undang-Undang Etika Penyelenggara Negara Sebagai Instrumen Konstitusional Dalam Mengatasi Krisis Kepercayaan Publik," *Jurnal Kewarganegaraan* 9, no. 1 (2025): 64–75.

⁵¹ Eci Febriana, "MITIGASI KONFLIK PADA PROYEK FOOD ESTATE: PERSPEKTIF SOSIAL-EKOLOGIS MASYARAKAT LOKAL DI INDONESIA TIMUR," *Global Research and Inovation Journal (GREAT)* 1, no. 2 (2025): 683–93.

⁵² M. Syaqui, Romlah Abubakar Askar, and Abdul Ghofur, "Ekologi Dan Hadits: Analisis Tentang Peran Manusia Sebagai Khalifah Di Bumi," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 10 (2025): 231–37.

⁵³ Fitriati Husna and Muhammad Sarjan, "Peran Manusia Sebagai Khalifah Dalam Menjaga Lingkungan Hidup Melalui Etika Lingkungan Serta Korelasinya Dengan Surat Al-A'raf Ayat 56," *Lambda Journal, Lembaga "Bale Literasi* 4, no. 3 (2024): 161–68.

4. Social Welfare Program. This program can be carried out by allocating part of the oil revenues for education, health, and infrastructure in affected communities.
5. Ethical-Religious Oversight. This can be done by encouraging the involvement of Islamic institutions (e.g., Muhammadiyah) in monitoring the ethical compliance of energy-based projects.

The measure outlined above will translate Islamic ethical principles into enforceable norms, enhancing social legitimacy and sustainability.

Conclusion

The fulfillment of the rights of mining-ring communities surrounding old oil wells is both an ethical and legal necessity in Indonesia's pursuit of energy justice. Grounded in *maqāṣid al-syarī'ah* and Muhammadiyah's *Jurisprudence of Equitable Energy*, such fulfillment represents the realization of divine trust (*amānah*), justice (*'adl*), and welfare (*maṣlahah*). The cases of Babat Toman, Batanghari Leko, and Bayung Lencir Musi Banyuasin Regency demonstrate systemic gaps in legal recognition, benefit-sharing, and environmental protection. Aligning governance with *maqāṣid* principles offers a transformative pathway where resource management serves humanity and the environment simultaneously. As *Jurisprudence of Equitable Energy* asserts, energy is not merely a technical asset but a spiritual trust demanding fairness, balance, and accountability. To ignore community rights is to betray this trust; to fulfill them is to embody the essence of Islamic law as mercy (*rahmah*) for all creation.

Acknowledgments

In this research, the author would like to thank all parties, especially the sources who provided information so that researchers could complete this research well. and researchers really position themselves as researchers and do not have any interests or relationships.

Bibliography

- Abubakar, Endang, and La Ibal. "Sosialisasi Lingkungan Pertambangan Berkelanjutan Pada Masyarakat Di Desa Ngapainia Kecamatan Langgikima Kabupaten Konawe Utara." *AJAD: Jurnal Pengabdian Kepada Masyarakat* 3, no. 1 (2023): 39–45. <https://doi.org/10.59431/ajad.v3i1.151>.
- Afandi, Fachrizal. "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal." *Undang: Jurnal Hukum* 5, no. 1 (July 2022): 231–55. <https://doi.org/10.22437/ujh.5.1.231-255>.
- Al-Ayubi, Solahuddin, and Siti Halawatuddu'a. "Maqasid Al-Sharia in Islamic Finance." *Jurnal Al-Dustur* 4, no. 2 (2021): 197–215. <https://doi.org/10.30863/jad.v4i2.1823>.
- Amiruddin, Muhammad Majdy, Islamul Haq, Haerul Anwar, and Asmaddy Haris. "Reforming Fiqh Al-Bi'ah (Ecological Jurisprudence) Based on Islam Hadhari: An Integration Conservation Framework of Muamalah and Culture." *International Journal of Law and Society* 3, no. 3 (2024): 187–205. <https://doi.org/10.59683/ijls.v3i3.99>.
- Brata, Nugroho Trisnu. "Oil & Community Welfare: A Case Study on People Oil Mining in Indonesia." *Komunitas* 6, no. 2 (2014): 271–79. <https://doi.org/10.15294/komunitas.v6i2.3306>.

⁵⁴ Muhammad Majdy Amiruddin et al., "Reforming Fiqh Al-Bi'ah (Ecological Jurisprudence) Based on Islam Hadhari: An Integration Conservation Framework of Muamalah and Culture," *International Journal of Law and Society* 3, no. 3 (2024): 187–205, <https://doi.org/10.59683/ijls.v3i3.99>.

- Dalila Doman, and Nadia Doman. "Penerapan Prinsip Pembangunan Berkelanjutan dan Ekonomi Berwawasan Dalam Peraturan Perundang-Undangan Penggunaan Kawasan Hutan Dalam Rangka PSN Pasca Pengesahan Perpres 66/2020." *Jurnal Hukum Lingkungan Indonesia* 7, no. 1 (2020): 71–97.
- Defega, Zena Dinda, and Trubus Rahardiansyah. *Perlindungan Hukum Terhadap Masyarakat Yang Terkena Dampak Lingkungan Di Wilayah Stockpile Batubara*. 4, no. 3 (2025): 209–16.
- Dongoran, Mahmud. "Konsep Maqasid Al-Syariah Sebagai Dasar Dalam Penetapan Hukum Islam (Suatu Kajian Historis Hukum Islam)." *Yurisprudencia* 1, no. April (2015): 82–98.
- Effendi, M. Irhas. "Optimalisasi Pengusahaan Sumur Minyak Tua Dalam Rangka Peningkatan Produksi Minyak Nasional Dan Kesejahteraan Masyarakat." *Jurnal Mineral Energi Dan Lingkungan* 1, no. 2 (2017): 16–25. <https://doi.org/10.31315/jmel.vii2.2040.g1846>.
- Farikhatus Sa'bandiyah, Umu, Ahmad Munir Hamid, and Intan Ayu. "Peran Maqashid Syariah Dalam Mendukung Keberlanjutan Lingkungan Melalui Implementasi Green Economy: Studi Kasus Tenun Ikat Di Parengan." *Sibatik Journal | Volume 4*, no. 6 (2025): 709–22.
- Febriana, Eci. "MITIGASI KONFLIK PADA PROYEK FOOD ESTATE: PERSPEKTIF SOSIAL-EKOLOGIS MASYARAKAT LOKAL DI INDONESIA TIMUR." *Global Research and Inovation Journal (GREAT)* 1, no. 2 (2025): 683–93.
- Febriani, Indah, Rachmad Safa'at, Istislam, and Indah Dwi Qurbani. "Empowering Communities Through Old Oil Wells: Analysing Legal Frameworks and Policy Gaps in Indonesia." *Sriwijaya Law Review* 9, no. 1 (2025): 95–113. <https://doi.org/10.28946/slrev.Vol9.Iss1.4261.pp95-113>.
- Fikri, Ahmad Lutfi Rijalul. "Kajian Maqashid Syari'ah Dalam Undang-Undang Nomor 3 Tahun 2020 Tentang Pertambangan Mineral Dan Batubara Di Indonesia." *Al-Qanun: Jurnal Pemikiran Dan Pembaharuan Hukum Islam* 26, no. 2 (2023): 197–206.
- Fikriawan, Suad, Faisal Bin Husen Ismail, Siti Nur Mahmudah, and Amila Amila. "Maqasid Shariah Parameters to Re-Design Policy Performance Fintech Lending Sharia in Indonesia." *Jurnal Minds: Manajemen Ide Dan Inspirasi* 12, no. 1 (June 2025): 375–82. <https://doi.org/10.24252/minds.v12i1.55395>.
- Hanif, Hamdan Arif. *PRINSIP MAQASHID SYARIAH DALAM PENGELOLAAN SUMBER DAYA ALAM TAMBANG PASIR*. 3, no. 2 (2023): 320–34.
- Hening, Parlan. *Fikih Transisi Energi Berkeadilan : Ijtihad Lingkungan Muhammadiyah*. Jakarta, 2025.
- Human, The, and Nickel Industry. *Nickel Unearthed*. 2024.
- Husna, Fitriati, and Muhammad Sarjan. "Peran Manusia Sebagai Khalifah Dalam Menjaga Lingkungan Hidup Melalui Etika Lingkungan Serta Korelasinya Dengan Surat Al-A'raf Ayat 56." *Lambda Journal, Lembaga "Bale Literasi* 4, no. 3 (2024): 161–68.
- Isnan, Muh Fauzi, Supriadi Supriadi, and Kamaruddin Kamaruddin. "Contribution of Maqashid Syari'ah to Sustainable Economic Development: A Conceptual Review." *Al Mashaadir: Jurnal Ilmu Syariah* 6, no. 2 (2025): 65–75. <https://doi.org/10.52029/jis.v6i2.379>.
- Istanto, Yusuf, Universitas Muria Kudus, Faizal Adi Surya, Universitas Muria Kudus, Lidya Christina Wardhani, Universitas Muria Kudus, Fariska Jihan Setiyowati, and

- Universitas Muria Kudus. *The Urgency of Recognizing and Protecting the Rights of Customary Law Communities to Natural Resources in Mining Management : A Review of the Perspective of Islamic Law*. o8 (2025): 1–18.
- Jamin, Mohammad, Abdul Kadir Jaelani, Mulyanto, Reza Octavia Kusumaningtyas, and Duc Quang Ly. “The Impact of Indonesia’s Mining Industry Regulation on the Protection of Indigenous Peoples.” *Hasanuddin Law Review* 9, no. 1 (2023): 88–105. <https://doi.org/10.20956/halrev.v9i1.4033>.
- Kamus Besar Bahasa Indonesia. *Hak*. n.d.
- Kennedy, Christina M., Brandie Fariss, James R. Oakleaf, Stephen T. Garnett, Álvaro Fernández-Llamazares, Julia E. Fa, Sharon Baruch-Mordo, and Joseph Kiesecker. “Indigenous Peoples’ Lands Are Threatened by Industrial Development; Conversion Risk Assessment Reveals Need to Support Indigenous Stewardship.” *One Earth* 6, no. 8 (2023): 1032–49. <https://doi.org/10.1016/j.oneear.2023.07.006>.
- Leyton-Flor, Samy Andres, and Kamaljit Sangha. “The Socio-Ecological Impacts of Mining on the Well-Being of Indigenous Australians: A Systematic Review.” *Extractive Industries and Society* 17, no. February (2024): 101429. <https://doi.org/10.1016/j.exis.2024.101429>.
- Mosaic. “Fikih Energi Berkeadilan Ala Muhammadiyah.” 2024. <https://mosaic-indonesia.com/fikih-energi-berkeadilan-ala-muhammadiyah>.
- Muhammad, Sawedi, Suryanto Arifin, Ridwan Syam, and Bama Andika Putra. “On the Brink of Social Resistance: Local Community Perceptions of Mining Company Operating Permits in East Luwu, Indonesia.” *Frontiers in Sociology* 9, no. October (2024). <https://doi.org/10.3389/fsoc.2024.1373736>.
- Musnadi, Said, Jamaluddin Idris, and Darusman. *Community ’ S Motivation To Carry Out Illegal Oil Mining*. 2023, 1–21.
- Nasrullah, Nasrullah, Hadin Muhjad, Erlina Erlina, and Dadang Abdullah. “Reconstructing Mining Governance Through Maqasid Al-Sharia: Towards Natural Resource Management Public Welfare Oriented.” *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 1 (2025): 97–112. <https://doi.org/10.18592/sjhp.v25i1.18046>.
- Nurholis, Muhamad. “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): 541–48. <https://doi.org/10.58824/mediasas.v8i3.413>.
- Parlan, Hening., et. all. *Fikih Transisi Energi Berkeadilan*. 1st ed. Jakarta: Suara Muhammadiyah, 2025.
- Penulis, Tim, Ika Atikah, Nanda Rizkia, Josef Basri, Elan Monteiro, Endah Jaelani, and Silapurna Labati. *PENGANTAR METODE PENELITIAN HUKUM SOSIO-LEGAL*. 2025.
- Peraturan Menteri Energi Dan Sumber Daya Mineral Republik Indonesia No. 1 Tahun 2008 Tentang Pedoman Pengusahaan Pertambangan Minyak Bumi Pada Sumur Tua.
- Purwantoro, Tegar P., Et. all. “Mendorong Pembentukan Undang-Undang Etika Penyelenggara Negara Sebagai Instrumen Konstitusional Dalam Mengatasi Krisis Kepercayaan Publik.” *Jurnal Kewragnegaran* 9, no. 1 (2025): 64–75.
- Sinclair, Moneca, Lindsay P. Allen, and Andrew R. Hatala. “Promoting Health and Wellness through Indigenous Sacred Sites, Ceremony Grounds, and Land-Based Learning: A Scoping Review.” *AlterNative* 20, no. 3 (2024): 560–68. <https://doi.org/10.1177/11771801241251411>.

- Sumardin, Oschar. "Dampak Industri Pertambangan Nikel Terhadap Kondisi Sosial Ekonomi Masyarakat Kecamatan Motui Kabupaten Konawe Utara." *Menulis: Jurnal Penelitian Nusantara* 1, no. 5 (2025): 7–15.
- Suryani, Anih Sri. "Pengaruh Kualitas Lingkungan Terhadap Pemenuhan Kebutuhan Dasar Di Provinsi Banten." *Aspirasi: Jurnal Masalah-Masalah Sosial* 9, no. 1 (2018): 35–63. <https://doi.org/10.46807/aspirasi.v9i1.991>.
- Syauqi, M., Romlah Abubakar Askar, and Abdul Ghofur. "Ekologi Dan Hadits: Analisis Tentang Peran Manusia Sebagai Khalifah Di Bumi." *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 10 (2025): 231–37.
- Trihatmoko, Roderikus Agus, and Yuvensius Sri Susilo. "Natural Resource Governance and Strategic Economic Resources: The Perspective of Indonesia Raya Incorporated." *Humanities and Social Sciences Communications* 11, no. 1 (2024). <https://doi.org/10.1057/s41599-024-02772-5>.
- UU No.22 Tahun 2001 Tentang Minyak Dan Gas Bumi, Pub. L. No. 22, 1 (2012).
- Wiryadi, Uyan, and Edy Dwi Martono. "Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Nasional." *Krisna Law: Jurnal Mahasiswa Fakultas Hukum Universitas Krisnadwipayana* 6, no. 1 (2024): 1–10. <https://doi.org/10.37893/krisnalaw.v6i1.790>.