

Fiqh al-Bī'ah and Mining Concessions: NU and Muhammadiyah's Legal Responses

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Abstract

This study examines the responses of Nahdlatul Ulama (NU) and Muhammadiyah to Government Regulation Number 25 of 2024, which grants mining concession permits to Islamic community organizations, by employing the perspective of fiqh al-bī'ah (Islamic environmental jurisprudence). Using a descriptive qualitative method with a literature-based approach, the research analyzes primary data in the form of official statements and fatwas issued by NU and Muhammadiyah, as well as secondary data from academic literature, policy documents, and studies on mining governance and environmental ethics. The findings reveal that both organizations accept the mining concession policy conditionally, emphasizing the readiness of human resources, institutional capacity, and a strong commitment to environmental protection as fundamental requirements. Their responses consistently underline that mining activities must adhere to the principles of fiqh al-bī'ah, particularly environmental stewardship, social justice, and the pursuit of public welfare (maṣlahah). The originality of this study lies in its integration of Islamic environmental jurisprudence with public policy analysis to assess the role of religious mass organizations in extractive industry governance. The study implies that Islamic organizations can function as moral and ethical agents in promoting environmentally responsible mining practices, while also highlighting the importance of embedding Islamic environmental values within natural resource management policies in Indonesia.

Keywords: Mining Concessions; Fiqh Al-Bī'ah; Nahdlatul Ulama; Muhammadiyah; Environmental Policy.

Abstrak

Penelitian ini mengkaji respons Nahdlatul Ulama (NU) dan Muhammadiyah terhadap Peraturan Pemerintah Nomor 25 Tahun 2024 yang memberikan izin konsesi tambang kepada organisasi kemasyarakatan Islam dengan menggunakan perspektif *fiqh bī'ah* (*fiqh lingkungan*). Penelitian ini menggunakan metode kualitatif deskriptif dengan pendekatan studi pustaka, dengan menganalisis data primer berupa pernyataan resmi dan fatwa yang dikeluarkan oleh NU dan Muhammadiyah, serta data sekunder yang bersumber dari literatur akademik, dokumen kebijakan, dan kajian terkait tata kelola pertambangan serta etika lingkungan. Hasil penelitian menunjukkan bahwa kedua ormas tersebut menerima kebijakan konsesi tambang secara bersyarat, dengan menekankan kesiapan sumber daya manusia, kapasitas kelembagaan, serta komitmen

kuat terhadap perlindungan lingkungan sebagai prasyarat utama. Respons keduanya secara konsisten menegaskan bahwa aktivitas pertambangan harus selaras dengan prinsip-prinsip *fikih biah*, khususnya terkait tanggung jawab ekologis, keadilan sosial, dan upaya mewujudkan kemaslahatan publik. Keaslian penelitian ini terletak pada integrasi antara analisis kebijakan publik dan *fikih lingkungan Islam* dalam menilai peran ormas keagamaan dalam tata kelola industri ekstraktif. Penelitian ini berimplikasi pada penguatan peran ormas Islam sebagai agen moral dan etis dalam mendorong praktik pertambangan yang berkelanjutan, sekaligus menegaskan pentingnya pengarusutamaan nilai-nilai lingkungan Islam dalam kebijakan pengelolaan sumber daya alam di Indonesia.

Kata Kunci: **Konsesi tambang; Fikih biah; Nahdlatul Ulama; Muhammadiyah; Kebijakan lingkungan.**

1. Introduction

As a country endowed with abundant natural resources, Indonesia has frequently drawn attention due to the management of and high demand for its natural resources (Leksono et al., 2024). A new step was taken by the government through the enactment of Government Regulation No. 25 of 2024, which allows religious mass organizations (ormas) to manage Special Mining Business License Areas (Wilayah Izin Usaha Pertambangan Khusus/WIUPK) (Wasiska, 2025). This policy, which came into effect in May 2024, marks a new phase of collaboration between the government, the private sector, and civil society organizations (Kövér, 2021). The policy primarily targets the two largest Islamic organizations in Indonesia, namely Nahdlatul Ulama and Muhammadiyah (Arifianto, 2024). This has sparked intense public discourse: on the one hand, the policy is expected to promote economic growth and improve community welfare, while on the other hand, it raises concerns regarding environmental degradation, weak governance, and the potential for normative conflicts (Ilham & Anggraeni, 2024).

In academic discourse, this policy has generated polarized debates among scholars of Islamic law, environmental studies, and political economy (Yilmaz, 2024). Proponents argue that the involvement of Islamic mass organizations in mining governance represents a pragmatic strategy to redistribute economic benefits (Fanani & Budiman, 2024), strengthen community-based resource management, and reduce the dominance of oligarchic actors in the extractive sector (Umam, 2020). From this perspective, religious organizations are seen as moral agents capable of integrating ethical values into economic practices (R. et al., 2024). Conversely, critics contend that granting mining concessions to religious organizations risks blurring the boundaries between religious authority and extractive capitalism (Côte & Korf, 2018), potentially undermining the moral credibility of these organizations (Suryanto, 2022). Scholars grounded in environmental ethics and Islamic jurisprudence further argue that extractive activities inherently conflict with the principles of *hifz al-bī'ah* (environmental protection), *isti'mār al-arḍ* (constructive stewardship of the earth), and *lā ḥarār wa lā ḥirār* (the prohibition of harm) (Arifuddin, 2023). This debate underscores a fundamental tension

between economic pragmatism and normative commitments to ecological justice, highlighting the need for a jurisprudential framework—such as *fiqh al-bi’ah*—that can critically assess whether religious participation in mining aligns with the higher objectives of Islamic law (*maqāṣid al-shari‘ah*).

Several previous studies have examined the involvement of mass organizations in the mining sector. Research by Sholahuddin and Maksum analyzes the socio-economic impacts of granting mining concessions to Nahdlatul Ulama using Karl Marx’s theoretical framework, concluding that there is a complex tension between economic interests and the potential contradiction with religious values in preserving the earth (Sholahuddin & Maksum, 2024). Meanwhile, a study by Surya and Amardyaputri highlights the capacity challenges faced by mass organizations and emphasizes the importance of clear licensing procedures to prevent harmful practices (Putri et al., 2024). Unlike previous studies, this research seeks to fill the gap between environmental challenges and the economic potential of the policy by employing the perspective of *fiqh al-bi’ah* (Islamic environmental jurisprudence). This analysis aims to explore how Islamic environmental principles respond to the policy.

Therefore, the main issue explored in this study is how Islamic mass organizations perceive and respond to mining concession policies when viewed through the principles of environmental fiqh. The object of this research focuses on the internal policies and official stances adopted by Nahdlatul Ulama and Muhammadiyah regarding the granting of mining permits by the government. This study aims to examine the extent to which such policies align with efforts to realize human welfare (*maṣlahah*) and environmental protection.

2. Research Methods

This study employs a descriptive qualitative method with a library research approach, involving the collection and organization of sources from books, academic journals, and previous studies related to the policy of granting mining concessions to Islamic mass organizations; the data sources consist of primary data in the form of press conference statements from the Chairman of the Executive Board of Nahdlatul Ulama (PBNU) and official documents issued by the Majelis Tarjih and Tajdid of the Central Board of Muhammadiyah, as well as secondary data obtained from journals, books, and other relevant literature, all of which were subsequently analyzed using the Miles and Huberman analytical framework encompassing data collection, data display, and conclusion drawing (Abdussamad, 2021).

3. Result and Discussion

3.1. Mining Concession Policy in Indonesia

A concession is an agreement or permit granted by the government over certain resources or facilities to another party for their management or utilization within a specified period. Law No. 30 of 2014 on Government Administration defines a concession as a decision issued by an authorized government official as a form of approval arising from an agreement between a governmental body and/or official and a non-governmental body and/or party in the management of public facilities (Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintah, 2014). Therefore, concessions may involve natural resources or public facilities granted by the government to be managed, including mining activities.

The legal basis for mining concessions in Indonesia refers to Law No. 3 of 2020 on Mineral and Coal Mining (the Mining Law), which is a revision of Law No. 4 of 2009. This law emphasizes the central government's role in licensing, supervision, and control over mining activities. The policy resulted in the transfer of authority from regional governments to the central government in order to strengthen oversight and minimize overlapping regulations. Such centralization aims to enhance supervision and control of mining operations and to establish more consistent policies across all regions of Indonesia.

Prior to the revision, the Mining Law classified mining concessions into several categories of permits, including Mining Business Licenses (*Izin Usaha Pertambangan* or IUP) for exploration and production stages, and Special Mining Business Licenses (*Izin Usaha Pertambangan Khusus* or IUPK) for designated special license areas. IUPKs are granted for areas designated by the state as national reserve areas or those possessing exceptionally large mineral resources. Another type of concession is the People's Mining License (*Izin Pertambangan Rakyat* or IPR), which is issued to small-scale community miners in designated people's mining areas with the aim of improving the welfare of local communities in mining regions.

Indonesia's mining concession policy aims to optimize the utilization of mineral and coal resources to enhance public welfare. The granting of permits to private entities or state-owned enterprises (BUMN) is expected to accelerate natural resource exploration, increase equitable state revenues through taxation and profit-sharing mechanisms, and promote infrastructure development in mining areas (Affandi et al., 2023). In addition, this policy is intended to create employment opportunities, reduce dependence on imports, and strengthen national economic self-reliance (Widtaningrum & Hamidi, 2024).

In an effort to realize these objectives, the Indonesian government, through Government Regulation No. 25 of 2024 concerning Amendments to Government Regulation No. 96 of 2021 on the Implementation of Mineral and Coal Mining Business Activities, grants priority access to Special Mining Business License Areas (*Wilayah Izin Usaha Pertambangan Khusus* or WIUPK) to business entities managed by religious mass organizations. This policy opens opportunities for religious civil society organizations to manage natural resources, with

the expectation that such involvement will foster community empowerment, self-reliance, and social welfare.

3.2. The Perspectives of Nahdlatul Ulama and Muhammadiyah on Mining Concessions

Nahdlatul Ulama (NU) and Muhammadiyah are the two largest Islamic mass organizations in Indonesia. Both have made significant contributions to national development in various sectors, including education, the economy, and healthcare. Despite their different historical and ideological backgrounds, NU and Muhammadiyah, as components of civil society, have played an important role in supporting the government in implementing public programs (Jb, 2020).

One government policy that has encouraged the expanded role of Islamic mass organizations, particularly NU and Muhammadiyah, is Government Regulation No. 25 of 2024. This policy has prompted Islamic organizations to extend their involvement into the mining sector. Nevertheless, the responses of these two organizations have shown differing dynamics and have even sparked internal debates and controversy regarding the policy (Attar, 2024).

The Executive Board of Nahdlatul Ulama (PBNU) considers the government's decision to grant mining concessions to religious mass organizations to be a bold step toward expanding the direct utilization of natural resources for the benefit of society (Patoni, 2024). NU was the first organization to accept the policy. In its considerations, NU emphasizes that mining management must remain grounded in Islamic values that position humans as *khalifah fī al-ard* (stewards on earth), with the obligation to manage nature responsibly. Accordingly, NU strongly criticizes all forms of exploitation that cause significant environmental degradation and calls for regulatory transparency to prevent monopolistic practices or corruption that could harm the public interest.

Criticism of environmental exploitation had, in fact, been articulated by NU long before the issuance of this policy. This stance was formally expressed during the 33rd NU Congress (Muktamar) held in Jombang in 2015, which addressed excessive natural resource exploitation and emphasized several key points: (1) excessive exploitation of natural resources that results in environmental damage is deemed *haram* (prohibited); (2) the granting of exploitation permits by government authorities that leads to irreparable environmental damage is considered *haram*, even if unintentional; and (3) society is obliged to perform *amar ma'rūf nahi munkar* (enjoining good and forbidding evil) according to its capacity (Ulama, 2016).

In contrast to NU, Muhammadiyah initially rejected the mining concession policy before eventually expressing its approval after reviewing the policy for approximately two months. Through an official letter issued by the Majelis Tarjih and Tajdid, the Central Board of Muhammadiyah released a fatwa on Mining Management and the Urgency of a Just Energy Transition, which states the following: (1) mining (*at-ta'dīn*), as an activity involving the

extraction of mineral energy from the earth (*istikhrāj al-ma'ādin min batn al-ard*), falls under the category of *mu'āmalah* or *al-umūr al-dunyā* (worldly affairs), for which the original ruling is permissibility (*al-ibāhah*) unless there is evidence indicating prohibition (*al-aṣl fī al-mu'āmalah al-ibāhah hattā yadulla al-dalīl 'alā tahrīmih*); (2) excessive, exploitative mining activities that disregard environmental and community rights are prohibited and contradict Islamic ethical teachings, and mining entrepreneurs who fail to conduct land reclamation and restoration may be classified as *mufsidūna fī al-ard* (corrupters of the earth); (3) the government must take serious measures to reform mining regulations in accordance with principles of justice and public welfare (*maṣlahah*), including taking firm action against parties who exploit mining for political or narrow interests; (4) if harmful practices persist despite oversight, the competent authorities are obligated to revoke permits and halt mining activities, while inclusive monitoring involving various stakeholders, including local communities, is essential to ensure fair and objective supervision; (5) the government should demonstrate strong political will in designing and implementing strategies for a just energy transition; and (6) all segments of society are encouraged to adopt more environmentally friendly and energy-efficient lifestyles as an effort to reduce dependence on fossil fuels and move toward sustainable energy sources (Muhammadiyah, 2024).

Based on Muhammadiyah's fatwa, mining activities are positioned within the category of *mu'āmalah* or *al-umūr al-dunyā*, namely worldly affairs whose legal status is fundamentally permissive (*al-ibāhah*) unless clear evidence establishes prohibition. This classification reflects a methodological stance in Islamic jurisprudence that distinguishes between acts of worship (*'ibādāt*), which are strictly regulated by textual sources, and social-economic activities, which are open to contextual interpretation. By placing mining within the domain of *mu'āmalah*, Muhammadiyah acknowledges that resource extraction may be undertaken to fulfill human needs, support development, and promote economic welfare. However, this permissibility is neither absolute nor unconditional. Rather, it is framed by ethical, social, and environmental considerations derived from Islamic moral teachings. In this sense, Muhammadiyah's approach avoids a rigid textualism and instead adopts a dynamic jurisprudential framework that allows engagement with modern economic practices while maintaining normative constraints. The fatwa thus serves as a foundational ethical lens through which mining activities must be evaluated, ensuring that economic interests do not override broader concerns of justice, responsibility, and sustainability.

Despite recognizing the permissibility of mining in principle, Muhammadiyah places strong emphasis on the prohibition of excessive and exploitative practices that disregard environmental integrity and community rights. The fatwa explicitly condemns forms of mining that result in severe ecological degradation, social displacement, or long-term harm to local populations. From Muhammadiyah's perspective, such practices contradict core Islamic values, particularly the principle of *lā ḥarār wa lā ḥirār* (no harm and no reciprocating harm)

and the ethical obligation to preserve balance (*mīzān*) in nature. Environmental damage caused by irresponsible mining is not viewed merely as a technical or administrative failure, but as a moral violation with serious religious implications. By framing environmental exploitation as an ethical transgression, Muhammadiyah reinforces the idea that economic activities must be subordinated to higher moral objectives. This stance reflects a broader concern within Islamic environmental ethics that humans, as stewards of the earth (*khalifah fī al-ard*), are accountable for the consequences of their actions on both present and future generations.

A key component of Muhammadiyah's fatwa is the emphasis on post-mining responsibility, particularly land reclamation and environmental restoration. Mining operators are not only obligated to extract resources responsibly, but also to ensure that damaged ecosystems are rehabilitated once mining activities cease. Failure to fulfill these obligations may place operators in the category of *mufsidūna fī al-ard* (those who cause corruption on earth), a designation that carries significant moral and religious weight. This position underscores that accountability in mining extends beyond compliance with legal permits to include long-term environmental stewardship. Muhammadiyah's insistence on reclamation and restoration reflects an understanding of sustainability that integrates ecological care into economic decision-making. It also signals a shift from short-term profit-oriented practices toward a model of development that considers intergenerational justice. By linking environmental restoration to religious accountability, Muhammadiyah strengthens the moral imperative for responsible mining and challenges both state and private actors to internalize ethical standards in their operational frameworks.

In addition to environmental concerns, Muhammadiyah calls for comprehensive regulatory reforms in the mining sector that prioritize justice and public welfare (*maṣlahah ‘āmmah*). The fatwa highlights the need for clearer, fairer, and more transparent regulations to prevent the concentration of benefits among elites while marginalizing local communities. Muhammadiyah strongly criticizes the politicization of mining, particularly when mining licenses are used as instruments for political bargaining, patronage, or narrow group interests. Such practices are viewed as undermining the moral legitimacy of state authority and exacerbating social inequality. By advocating regulatory reform, Muhammadiyah positions itself as a moral watchdog within civil society, urging the state to align mining governance with ethical principles and constitutional commitments to social justice. This stance also reflects a broader concern about governance failures in extractive industries, where weak oversight often leads to corruption, environmental damage, and social conflict. Muhammadiyah's intervention thus seeks to reorient mining policy toward inclusive and accountable governance.

Muhammadiyah emphasizes the importance of strong governmental political will in advancing environmentally sustainable and socially just energy strategies. The fatwa

encourages the state to move beyond reliance on extractive industries by actively pursuing a just energy transition that reduces dependence on fossil fuels and promotes renewable alternatives. This transition is framed not only as a technical necessity but also as a moral and religious obligation to protect the environment and ensure long-term societal welfare. Muhammadiyah also stresses that effective oversight cannot rest solely with the government; rather, it requires the active involvement of multiple stakeholders, including civil society organizations and local communities. Such participatory supervision is essential to ensure transparency, accountability, and fairness in mining practices. By combining calls for state leadership with community engagement, Muhammadiyah articulates a holistic vision of governance that integrates ethical values, environmental sustainability, and democratic participation. This perspective reinforces the role of religious organizations as critical actors in shaping ethical public discourse on natural resource management.

3.3. A Critical Analysis of Nahdlatul Ulama and Muhammadiyah Policies from the Perspective of *Fiqh al-Bī'ah*

Fiqh al-bī'ah is derived from the word *fiqh*, meaning understanding or knowledge of something, and *al-bī'ah*, meaning the environment. *Fiqh al-bī'ah* can be understood as Islamic legal principles derived from scriptural sources concerning human behavior toward the environment, aimed at realizing the welfare of the earth's inhabitants and preventing destruction (Adillah, 2005). In this context, *fiqh al-bī'ah* refers to normative Islamic injunctions that focus on ecological problems caused by human actions. This perspective views the relationship between humans and nature as an inseparable unity. While humans benefit from nature, they are also endowed by God with the capacity and responsibility to act as *khalīfah fī al-ard* (stewards on earth) (Danhas, 2024).

Nahdlatul Ulama and Muhammadiyah, as influential religious organizations in Indonesia, bear the responsibility of implementing Islamic values in their policies, including those related to mining concessions. Principles of *fiqh al-bī'ah*, such as *maṣlahah* (public welfare) and justice, must be taken into account in policymaking, with an orientation toward the welfare of the community without neglecting ecological balance (Zuhdi, 2015). An examination of the positions and official statements of both organizations indicates that the mining concession policy is accepted by each, albeit with strict conditions and strong ecological considerations.

Theologically, the primary orientation of natural resource management is to realize public welfare and prevent tangible harm (Siregar, 2014). However, when this principle is applied in the context of mining, an ethical dialectic emerges between the aspiration to build economic self-reliance for the Muslim community and accelerate broader social welfare, and the reality of environmental degradation, as cautioned in Qur'an Surah al-A'rāf (7):56:

Meaning:

"Do not cause corruption on the earth after it has been set in order, and call upon Him in fear and hope. Indeed, the mercy of Allah is near to those who do good." (RI, n.d.).

This verse serves as a warning against disrupting the natural balance established by God. Wahbah az-Zuhaylī, in his exegesis, explains that what God has created in goodness includes the means of life, agriculture, industry, trade, moral order, justice, consultation, cooperation, and mutual compassion. Acts of environmental destruction, therefore, constitute violations of the five objectives of Islamic law: the protection of religion, life, property, intellect, and lineage. This view aligns with Yusuf al-Qaradāwī's assertion that environmental preservation is consistent with the objectives of Islamic law (*maqāṣid al-shari‘ah*), encompassing all five of these fundamental goals (Al-Qaradhwai, 2001). Accordingly, mining practices must carefully consider environmental impacts and prioritize ecological balance, as environmental degradation not only causes material damage but also undermines the moral foundations of Islamic law.

The most fundamental shortcoming of this policy lies in the operational and technical capacity gaps faced by religious mass organizations when compared to professional mining corporations. Limited experience in managing mineral and coal extraction may result in the neglect of stringent sustainability standards. If Islamic mass organizations are unable to demonstrate managerial excellence and stronger ecological compliance than private-sector actors, the narrative of mining “for public welfare” risks collapsing into a heavy moral burden rather than a moral achievement.

Moreover, failure to carry out proper land reclamation and post-mining environmental restoration would not only leave ecological devastation for future generations but would also place Islamic mass organizations involved in mining within the category of *mufsidūna fi al-ard* (corrupters of the earth), as stated in Muhammadiyah's fatwa. More critically, engagement in a capital-intensive industry such as mining increases vulnerability to conflicts of interest, monopolistic practices, and the politicization of natural resources, all of which could erode the integrity and moral authority of Islamic organizations as guardians of ethical and moral values within the nation.

Ultimately, the implementation of this policy tests the consistency of the environmental vision promoted by NU and Muhammadiyah. If mining management is conducted without clear, professional procedures and rigorous oversight, the consequences will extend beyond physical environmental damage to include threats to social order and public health. Conversely, if implementation remains faithful to the principles of *fiqh al-bī‘ah*, it has the potential to serve as a model of ethical and sustainable mining.

Adequate infrastructural readiness and robust oversight mechanisms are essential. This requires the involvement of multiple stakeholders, including environmental experts, academics, professional practitioners, and the government. Sound operational practices must also be supported by firm regulations and a strong commitment to advancing a just energy transition (Center, 2024). With such support, mining management can reinforce the human role as *khalīfah*—acting justly and responsibly in stewarding the earth.

4. Conclusion

This study concludes that the government's mining concession policy for religious mass organizations provides significant opportunities for Nahdlatul Ulama and Muhammadiyah to act as accelerators of community welfare, while simultaneously revealing differing institutional responses that nonetheless converge on a shared commitment to environmental responsibility as an expression of human stewardship (*khalīfah fī al-ard*); this conclusion is grounded in an analysis of official statements and fatwas showing that both organizations emphasize ecological protection and social justice as inseparable from economic objectives, thereby demonstrating that *fiqh al-bī'ah* offers a strong normative framework for guiding mining policies toward public welfare (*maṣlahah*) rather than mere profit maximization. The strength of this research lies in its integrative approach, which combines public policy analysis with Islamic environmental jurisprudence and relies on authoritative primary sources from NU and Muhammadiyah, enabling a critical yet balanced evaluation of religious participation in extractive governance and contributing original insights to discussions on ethical resource management in Indonesia. However, this study is limited by its reliance on normative and documentary data, without empirical field evidence to assess how these ethical commitments are implemented in practice, and by its focus on only two major Islamic organizations, which restricts broader generalization; therefore, future research should incorporate empirical case studies, stakeholder perspectives, and comparative analyses to evaluate the practical effectiveness and challenges of implementing *fiqh al-bī'ah*-based mining governance.

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