

Ecological Awareness in Buying and Selling: *Fiqh al-Bi'ah* Analysis on Plastic Bag Use at Tanjung Bajure Market, Indonesia

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Abstract: This article aims to analyse the level of ecological awareness of traders and buyers at Tanjung Bajure Market in Sungai Penuh in the use of plastic bags and review how the government's role in setting regulations through the perspective of Islamic law. This article is a juridical-empirical legal research with a socio-legal approach that uses qualitative methods and purposive sampling techniques. Data were obtained through observation at Tanjung Bajure Market, interviews with market players, and documentation, then the data were analysed through qualitative data analysis techniques namely data condensation, data presentation, and conclusion drawing. The results of the study found that the level of ecological awareness of the Tanjung Bajure Market in Sungai Penuh is still low, indicated by the dominance of the use of disposable plastic bags, although a small proportion of buyers have brought their own shopping bags. Government policies related to restrictions on the use of plastic bags have been regulated through various regulations, but their implementation has not been effective in traditional markets. In the perspective of Islamic law, consumptive behaviour towards plastic is considered contrary to the principles of *maqashid sharia*, especially in preserving the environment (*hifz al-bi'ah*). This research has contributed to the development of contemporary *fiqh* and Islamic economics, by recommending the formulation of fatwa provisions on the use of plastic bags based on Islamic ethics and ecological values. The implementation of the fatwa is certainly not immediately accepted by the actors, if it is not accompanied by ecological awareness of the actors. The findings of this study confirm that the importance of integration between the implementation of government regulations and religious ethics in order to form a sustainable and environmentally sound market ecosystem in accordance with Islamic values and ethics.

Keywords: Ecological Awareness; *Fiqh al-Bi'ah*; Plastic Bag Use; Market Consumer Behavior; Islamic Environmental Ethics.

Abstrak: Artikel ini bertujuan untuk menganalisis seberapa besar tingkat kesadaran ekologis para pedagang dan pembeli di Pasar Tanjung Bajure Sungai Penuh dalam penggunaan kantong plastik serta meninjau bagaimana peran pemerintah menetapkan regulasi melalui perspektif hukum Islam. Artikel ini merupakan penelitian hukum yuridis-empiris dengan pendekatan sosio-legal yang menggunakan metode kualitatif dan teknik purposive sampling. Data diperoleh melalui observasi di Pasar Tanjung Bajure, wawancara dengan pelaku pasar, dan dokumentasi, kemudian data dianalisis melalui teknik analisis data kualitatif yaitu kondensasi data, penyajian data, dan penarikan kesimpulan. Hasil penelitian menemukan bahwa tingkat kesadaran ekologis pelaku Pasar Tanjung Bajure Sungai Penuh masih rendah, ditunjukkan oleh dominasi penggunaan kantong plastik sekali pakai, meskipun sebagian kecil pembeli sudah membawa kantong belanja sendiri. Kebijakan pemerintah terkait pembatasan penggunaan kantong plastik telah diatur melalui berbagai regulasi, namun penerapannya belum efektif di pasar tradisional. Dalam perspektif hukum Islam, perilaku konsumtif terhadap plastik dinilai bertentangan dengan prinsip *maqashid al-syari'ah*, khususnya dalam menjaga kelestarian lingkungan (*hifz al-bi'ah*). Penelitian ini memiliki kontribusi dalam pengembangan *fiqh* kontemporer dan ekonomi syariah, dengan merekomendasikan formulasi ketentuan fatwa penggunaan kantong plastik berbasis etika dan nilai ekologis Islam. Penerapan fatwa tentunya tidak langsung dapat diterima oleh para pelaku, apabila tidak dibarengi dengan kesadaran ekologis dari para pelaku. Adapun temuan penelitian ini menegaskan bahwa pentingnya integrasi antara penerapan regulasi pemerintah dan etika keagamaan dalam rangka membentuk ekosistem pasar yang berkelanjutan dan berwawasan lingkungan serta sesuai dengan nilai dan etika Islam.

Kata kunci: Kesadaran Ekologis; *Fiqh al-Bi'ah*; Penggunaan Kantong Plastik; Perilaku Konsumen Pasar; Etika Lingkungan Islam.

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Introduction

In mid-2018, the United Nations Environment Programme (UNEP) and the World Resources Institute (WRI) reported that at least 127 of the 192 countries reviewed had approved and established laws regulating the use of plastic bags.¹ These regulations are intended to prevent, or at least reduce, the overuse of plastic bags. However, in the last decade, the use of plastic bags has tripled.² This shows that formal policies have not been fully effective in the absence of deep-rooted ecological awareness in society. In traditional markets such as Tanjung Bajure in Sungai Penuh, the provision of plastic bags is part of the mandatory service provided by traders to consumers. Merchants see providing plastic bags to consumers as a form of service to make buyers comfortable and interested in buying their merchandise. Such consumption patterns show a deep-rooted cultural resistance to the plastic bag reduction policy, which makes most consumers unaccustomed to bringing their own shopping bags. Therefore, when there is excessive use of plastic, it will cause environmental damage caused by the plastic waste.

Sometimes the law and spiritual life are separated by the strong influence of materialistic interests in this world.³ In the

perspective of Islamic Law, paying attention to the environment is an integral part of the principle of *maqashid sharia*, especially in preserving the environment (*hifz al-bi'ah*). Some contemporary scholars such as Yusuf Qardawi, Musthofa Abu Sway, and Ali Yafie stated that secular laws and laws are considered unable to overcome environmental problems.⁴ In line with the study of ecological thought Mudhofir simplified by Ahmad states that ecology as a doctrine of teaching that places environmental discourse not on the branch (*furu'*), but includes the main doctrine (*ushul*) of Islamic teachings, namely maintaining the environment (*hifz al-bi'ah*) which is parallel to maintaining the five basic objectives of Islam (*maqashid sharia*).⁵ Therefore, destroying the environment in any form, including the excessive use of plastic bags, is ecological *kufr* (*kufr al-bi'ah*) by not understanding nature in vain or exploiting it for its own benefit without paying attention to its surroundings. Thus, the issue of plastic use is not only a technical and policy issue, but also a moral issue and contemporary Islamic law that involves human ethics towards nature.

Concept of Civilized Indonesian Law: Strengthening Islamic Spiritual Values in Law," *Justicia Islamica* 21, no. 1 (June 25, 2024): 179–98, <https://doi.org/10.21154/justicia.v21i1.9016>.

⁴Maghfur Ahmad, "Ekologi Berbasis Syariah: Analisis Wacana Kritis Pemikiran Mudhofir Abdullah," *Jurnal Hukum Islam (JHI)* 13, no. 1 (2019): 67.

⁵Asa'ari Asa'ari et al., "Urgensi Pemahaman Terhadap Maqashid Al-Syari'ah Dan Perubahan Sosial Dalam Istibath Al-Ahkam," *De Jure: Jurnal Hukum Dan Syari'ah* 13, no. 2 (2021): 222–39, <https://doi.org/10.18860/j-fsh.v13i2.13818>; Asa'ari Asa'ari et al., "Considering Death Penalty for Corruptors in Law on Corruption Eradication from the Perspective of Maqāsid Al-Syari'ah," *Samarah* 7, no. 2 (2023): 920–36, <https://doi.org/10.22373/sjrhk.v7i2.14944>; Doli Witro, "Maqashid Syari'ah as a Filter of Hoax Through Al-Quran Perspective," *Jurnal Ilmiah Al-Syir'ah* 18, no. 2 (2020): 187–200, <https://doi.org/10.30984/jis.v18i2.1133>.

¹Wri.org, "127 Countries Now Regulate Plastic Bags. Why Aren't We Seeing Less Pollution?," 2019, <https://www.wri.org/blog/2019/03/127-countries-now-regulate-plastic-bags-why-arent-we-seeing-less-pollution>; Thejakartapost.com, "Three Reasons Why Banning Plastic Bags Is Problematic," 2020, <https://www.thejakartapost.com/life/2020/07/17/three-reasons-why-banning-plastic-bags-is-problematic.html>.

²Tobias Dan Nielsen, Karl Holmberg, and Johannes Strippel, "Need a Bag? A Review of Public Policies on Plastic Carrier Bags—Where, How and to What Effect?," *Waste Management* 87 (2019): 428–29, <https://doi.org/10.1016/j.wasman.2019.02.025>.

³Yogi Prasetyo and Leoncio Serazinho Amaral, "The

There are several solutions offered by previous researchers in managing plastic waste such as Yuliana, states that only 21% of consumers bring their own shopping bags, while 79% prefer to buy plastic bags. Although the positive public response to the paid plastic bag policy is quite high, the level of awareness needs to be increased through price adjustments and stricter regulations for consumers, retailers, and producers.⁶ Meanwhile, according to Ismail, the response of the community (mothers) to the paid plastic bag policy is very diverse. Some support it as a form of environmental awareness, while others question the price (Rp200) due to lack of socialisation.⁷ Niswa assessed that the low price of plastic makes people reluctant to bring their own bags, so it needs to be evaluated to increase the price.⁸ Tristy and Aminah added that the effectiveness of plastic waste management depends on the alignment of policies between the central and local governments.⁹ Although a number of solutions have been proposed in many studies, the main problem lies in the mindset of the people. When the provision of free plastic is defended on the basis of providing services, ecological needs that are in line with the principles of Islamic law will be

neglected. Therefore, the urgency lies not only in technology and policy, but the integration of *fiqh al-bi'ah* values in the practice of buying and selling in society.

Based on the description of the problems above, this research aims to find out the ecological awareness of traders and buyers at Tanjung Bajure Market in Sungai Penuh, which will be analysed from the perspective of Islamic law. In addition, this study was conducted to determine the role of the government in regulating the use of plastic bags in buying and selling at Tanjung Bajure Market in Sungai Penuh. The novelty of this research lies in the integration of the analysis of economic aspects and Islamic law based on *maqashid sharia* in responding to local ecological problems (micro), as well as offering the formulation of ecological fatwa substance based on Islamic ecological ethics and values. So that this research is expected to contribute to the development of environmental *fiqh* (*fiqh al-bi'ah*) that is applicable and responsive and can be applied in facing the challenges of Islamic economics in the contemporary era.¹⁰

Method

This article is a juridical-empirical legal research with a socio-legal approach that integrates the analysis of legal norms (classical and contemporary Islamic *fiqh*) with the sociological situation in society (the practice of buying and selling using plastic bags). This approach was chosen by the author to illustrate the issue of using plastic bags which

⁶Suroyya Yuliana, "Study of the Plastic Bag Policy Levy Based on the Analysis of Consumer Behavior" (Institut Teknologi Sepuluh November Surabaya, 2016).

⁷Oki Ahmad Ismail, "Persepsi Ibu Rumah Tangga Terhadap Kebijakan Kantong Plastik Berbayar," *Jurnal Common* 1, no. 1 (2017), <https://doi.org/10.34010/common.v1i1.245>.

⁸Nurun Niswa, "Pengetahuan, Sikap Dan Perilaku Masyarakat Terhadap Penerapan Kantong Plastik Berbayar Di Minimarket Kota Makassar Tahun 2020" (Universitas Hasanuddin, 2020), <http://repository.unhas.ac.id/id/eprint/773/>.

⁹Marsatana Tartila Tristy and Aminah Aminah, "Efektivitas Kebijakan Pengurangan Sampah Plastik Bagi Kelestarian Lingkungan Hidup Di Era Globalisasi," *Lex Librum: Jurnal Ilmu Hukum* 7, no. 1 (November 25, 2020): 43–55, <https://doi.org/10.46839/ljih.voio.224>.

¹⁰Fadli Daud Abdullah et al., "Contemporary Challenges for Sharia Financial Institutions to Increase Competitiveness and Product Innovation Perspective of Sharia Economic Law: Evidence in Indonesia," *MILRev: Metro Islamic Law Review* 3, no. 2 (2024): 141–73, <https://doi.org/10.32332/milrev.v3i2.9202>.

not only has a formal legal dimension but also relates to the socio-cultural behaviour of the market and the ecological awareness system of the community. Therefore, this approach is very relevant for analysing the extent to which *fiqh* norms can be implemented in the social structure of society. This research is qualitative in nature with purposive sampling in determining informants. Informant criteria were determined based on: first, status as traders and buyers at Tanjung Bajure Market in Sungai Penuh; second, trading and shopping experience, and third, the level of ecological awareness (bringing their own shopping bags or plastic dependence).

This selection was made to facilitate researchers in finding accurate data as needed.¹¹ A total of 11 informants consisting of 6 traders, 4 buyers and 1 cleric were interviewed in detail and in depth. The names of informants are written using initials. This is to protect the reputation of the informants. Observation was also carried out directly at the same time period. Primary data was obtained from observations at Tanjung Bajure Market in Sungai Penuh and interviews with sellers and buyers.¹² Meanwhile, secondary data is data from the second, third, and so on. This data is obtained from Islamic legal literature (classic books of scholars (*al-kutub al-mu'tabar*)) and MUI fatwas. In addition, data is obtained from scientific journal articles, books, government regulatory documents and other data related to the object of research.

The data collection techniques used include: first, observation.¹³ The place that was

observed was Tanjung Bajure Market in Sungai Penuh; second, Interview. The parties interviewed were sellers and buyers at Tanjung Bajure Market in Sungai Penuh; and third, Documentation, used to complement field findings through supporting data such as photos of buying and selling activities, documentation of plastic bag Regional Regulations (Perda) and other document collection.

The data analysis technique is carried out in two stages, namely: First, empirical data analysis according to Miles and Huberman:¹⁴ 1) Data condensation, filtering and summarising data from observations and interviews related to the use of plastic bags, perceptions of buyers, and actors on government policies related to paid plastic. 2) Data presentation, presenting and compiling thematic narratives related to ecological behaviour patterns in buying and selling in traditional markets. 3) Drawing conclusions (verification), compiling empirical data-based findings that become novelty that can be accounted for. As for maintaining data validation, the author uses two methods, namely source triangulation (comparison of observation, interview and documentation) to ensure the truth and

¹¹ Sugiyono, *Metode Penelitian Pendidikan, Pendekatan Kualitatif, Kuantitatif, Dan R & D* (Bandung: Alfabeta, 2007), 300.

¹² Mukhtar, *Bimbingan Skripsi, Tesis, Dan Artikel Ilmiah* (Jakarta: Gaung Persada Press, 2007), 86.

¹³ Muhaimin Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 90.

¹⁴ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook* (California: SAGE Publications, Inc., 2014), 31–33; Ramdani Wahyu Sururie et al., “Co-Parenting Model in Resolving Child Custody Disputes in Urban Muslim Families,” *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (March 1, 2024): 250–68, <https://doi.org/10.22373/petita.v9i1.277>; Mhd. Rasidin et al., “Analysing the Pesantren Tradition of Arranged Marriages from the ‘Kupi Fatwa Trilogy’ Perspective,” *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (2024): 285–308, <https://doi.org/10.29240/jhi.v9i1.8436>; Doli Witro, “State Islamic University Students’ Perceptions of Israel-Affiliated Products: A Study After the Fatwa of Indonesia Ulema Council No. 83 of 2023 Concerning the Law on Support for the Palestinian Struggle,” *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024): 145–60, <https://doi.org/10.24090/mnh.v18i1.10554>.

member checking method to reconfirm the data obtained to the main informants, namely traders and buyers of Tanjung Bajure Market in Sungai Penuh.

Second, Islamic law data analysis, which is carried out with the maqashid sharia approach (the basic objectives of sharia, especially *hifz al-bi'ah*) and the *istinbath* method (extracting laws from shar'i arguments). The analysis process is carried out in several stages, among others: 1) Identification of *fiqh* problems, namely the practice of giving plastic which is analysed as a form of consumptive behaviour towards objects that pollute the environment. 2) Review of texts and fatwas, namely examining the text of the Qur'an, hadith, and the views of scholars (such as Yusuf Qardawi, Musthofa Abu Sway, Ali Yafie) relating to the environment and human ecological responsibility. 3) Comparison of classical and contemporary *fiqh*, namely comparing Islamic legal approaches to environmental issues. 4) Legal formulation, namely compiling *ijtihad* arguments.¹⁵ Arguments are compiled based on maqashid sharia to support the need for an ecologically-based plastic reduction fatwa that prioritises fair and environmentally sound market services.

¹⁵Muhammad Nur et al., "From Text to Context: The Role of Kyai in Shaping Modern Islamic Inheritance Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 19, no. 1 (May 23, 2025): 31–50, <https://doi.org/10.24090/mnh.v19i1.9762>; Rahmad Setyawan et al., "Contemporary Ijtihad Deconstruction in the Supreme Court: Wasiat Wajibah as an Alternative for Non-Muslim Heirs in Indonesia," *Jurnal Ilmiah Al-Syir'ah* 22, no. 1 (2024): 25–40, <https://doi.org/10.30984/jis.v22i1.2968>; Muhamad Izazi Nurjaman and Doli Witro, "The Relevance of the Theory of Legal Change According to Ibnu Qayyim Al-Jauziyyah in Legal Products by Fatwa DSN-MUI Indonesia," *El-Mashlahah* 11, no. 2 (2021): 164–86, <https://doi.org/10.23971/elma.v11i2.3181>.

Result and Discussions

Concept of Buying and Selling Agreement in of *Hifz al-Bi'ah* Perspective and Market Behaviour that Damages the Environment

Buying and selling activities are an inseparable part of people's lives driven by their needs and desires.¹⁶ According to the Malikiyah, Shafi'iyah, and Hanabilah scholars, buying and selling (*al-ba'i*) is the exchange of property for property in the form of transferring property and ownership. And according to article 20 paragraph 2 of the Compilation of Sharia Economic Law, *ba'i* is buying and selling between objects and objects, or exchanging objects for money.¹⁷ As for the conditions of buying and selling, refer to the pillars namely, Parties (Seller and Buyer), *Ijab qabul* (*Shighat*), The object of the contract (*ma'qud 'alaihi*), and The purpose of the contract (*ma'udhu al-'aqd*).¹⁸

The existence of conditions that refer to the pillars in the sale and purchase contract shows that the position of buying and selling is part of the contract in *fiqh muamalah maliyyah*.¹⁹ This means that the position of

¹⁶Dwi Edi Wibowo, "Consumer Protection in the Digital Era: Challenges and Solutions from an Islamic Legal Perspective," *Jurnal Ilmiah Mizani* 11, no. 2 (2024): 473–85, <https://doi.org/10.29300/mzn.v11i2.4752>.

¹⁷Mardani, *Fiqh Ekonomi Syari'ah: Fiqh Muamalah* (Jakarta: Kencana, 2012), 101.

¹⁸Doli Witro, Neni Nuraeni, and Muhammad Fauzan Januri, "Classification of Aqad in Sharia Economic Law," *Nurani* 21, no. 1 (2021): 55–68, <https://doi.org/10.19109/nurani.v21i1.8387>; Muhammad Sarip and Fatroyah Ars Himsyah, "Unofficial Premium Application Trading A Comparative Analysis Between Conventional and Sharia Economics Concepts," *Jurnal Ilmiah Mizani* 10, no. 2 (2023): 325–34, <https://doi.org/10.29300/mzn.v10i2.3014>.

¹⁹Darti Busni et al., "Implementation of the Hybrid Contract Concept in Multiservice Ijarah Financing as a Financing Alternative Health Service in the Covid-19 Pandemic," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (2022): 11–25, <https://doi.org/10.31958/juris.v21i1.5173>; Eva Sumanti et al., "Integrating Hybrid Sharia Contracts in

buying and selling as its object or included in the *fiqh muamalah maliyyah* must also be in line with the ethics summarised in these conditions or what is called *fiqh muamalah adabiyyah*. So that the validity of the sale and purchase transaction is influenced by the terms and conditions.²⁰

Conceptually, the sale and purchase contract is already established with the consequences of the rights and obligations arising and its legal status will change according to whether or not the conditions and pillars are fulfilled. Buying and selling that seems economically neutral in practice often causes ecological hazards, one of which is the use of disposable plastic bags in transactions in traditional and modern markets. As previously explained, protecting the environment is an integral part of maqashid sharia. Therefore, all forms of economics including buying and selling transactions must also consider their impact on environmental sustainability.

When market players continue to use plastic without thinking about its impact, then market players have the potential to violate the principle of *hifz al-bi'ah*. This behaviour shows a lack of ecological awareness in buying and selling practices. Providing services does not always provide instant facilities that give birth to long-term environmental damage. So that this behaviour can be categorised as contrary to the principles of environmental ethics advocated by Sharia. Therefore, it is

necessary to transform the collective awareness of market players to switch to the use of environmentally friendly packaging as a form of responsibility for the preservation of the earth.

In addition, ecological responsibility is also attached to market systems and policies. Limiting plastic bags and switching to environmentally friendly alternatives is part of the concept of *amar ma'ruf nahi munkar* in Islam.²¹ So that the principle of *hifz al-bi'ah* does not only become a normative discourse but as an implementative discourse in the field. Thus, awareness in considering buying and selling practices from the perspective of *hifz al-bi'ah* is an integrative effort between the application of sharia concepts (buying and selling contracts) and environmental concerns. Protecting the environment is not just a moral demand but a form of worship and human responsibility for the preservation of the earth.²² Thus, every decision to use or reject plastic bags in buying and selling activities is a reflection of the extent to which Islamic principles are applied thoroughly in life.

Thematic Findings of Ecological Awareness and the Role of Government at Tanjung Bajure Market Sungai Penuh

Based on the results of interviews and field observations at the Tanjur Bajure Market, the ecological awareness of market actors and the role of the government in regulating the

Letter of Credit (L/C) Transactions for Export and Import in Islamic Banking in Indonesia,” *Al-Adalah* 21, no. 2 (December 26, 2024): 449–78, <https://doi.org/10.24042/adalah.v21i2.23301>; Pitriani et al., “Re-Reading Al-Uqud Al-Murakkabah: Types and Models of Hybrid Contracts Concept in Fatwa DSN-MUI,” *Khazanah Hukum* 6, no. 2 (2024): 172–88, <https://doi.org/10.15575/kh.v6i2.34717>.

²⁰ Syahrul Anwar, *Hukum Perjanjian Syariah* (Jakarta: Rajagrafindo Persada, 2007), 254.

²¹ Badarussyamsi Badarussyamsi, Mohammad Ridwan, and Nur Aiman, “Amar Ma’Ruf Nahī Munkar: Sebuah Kajian Ontologis,” *TAJID: Jurnal Ilmu Ushuluddin* 19, no. 2 (2021): 270–96, <https://doi.org/10.30631/tjd.v19i2.175>.

²² Ali Mutakin and Waheeda binti H. Abdul Rahman, “Fiqh Ekologi: Upaya Merawat Lingkungan Hidup Berbasis Konsep Maqashid Syariah,” *Syariah: Journal of Fiqh Studies* 1, no. 2 (2023): 107–26, <https://doi.org/10.61570/syariah.v1i2.31>.

use of plastic bags can be analysed through three main themes, namely:

First, practices and perceptions of plastic bag use. Most of the Tanjung Bajure Market players in Sungai Penuh still use single-use plastic bags as the main medium for wrapping merchandise. Although some others realise that plastic has a negative impact on the environment. As N, a shopper at Tanjung Bajure Market in Sungai Penuh stated, plastics that are still usable will be stored and reused, while those that are no longer suitable for use will be burned because there is a waste collection service available around her residence.²³ Respondent I also stated that she saves plastic for reuse if it is still usable.²⁴ However, the perception of plastic is still dominated by the practicality aspect. Respondent L stated that plastic bags provide convenience as consumers do not need to bring their own shopping bags. Although they realise that it can increase the volume of waste and have an impact on the environment.²⁵

Second, the absence of government regulation in the market. One-third of the interviewees agreed that there is no regulation to formally restrict the use of plastic bags in the Tanjung Bajure Market area in Sungai Penuh. Some respondents such as Anonymous 2,²⁶ I,²⁷ and F²⁸ stated that there is no formal regulation and the existing supervision is only limited to an appeal

without meaningful follow-up. This shows that the local government has not made concrete interventions to regulate the use of plastic in traditional markets. However, some traders AN²⁹ and AM³⁰ expressed willingness to support the paid plastic bag policy and have even implemented a tariff of Rp 1,000 for large plastic bags and openly support all types of paid plastics.

Based on this, the ecological awareness of the Tanjung Bajure Market in Sungai Penuh is still low and personal. The absence of regulations that provide strict sanctions and the lack of environmental infrastructure are the main factors for the low management of plastic waste wisely. Therefore, ecological awareness can be influenced by several factors, namely: First, sociological factors with the realisation of humans as social creatures who must coexist with nature. Second, the legal awareness factor with the collaboration between the government, law enforcers in the market environment, traders and the community. Third, spatial factors through the provision of a comprehensive waste management system in the form of the availability of waste disposal areas, transportation systems and management.

Analysis of *Fiqh al-Bi'ah* on the Service of Merchants Providing Plastic Bag Services to Buyers

1. *Fiqh Al-Bi'ah* Framework as a Basis for Analysis

In relation to the plastic bag service provided by a merchant to a buyer, *fiqh al-bi'ah* offers an Islamic legal and ethical framework that can be used to assess and

²³N, Pembeli Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

²⁴I, Pembeli Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

²⁵L, Pembeli Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

²⁶Anonim dua, Pedagang Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

²⁷I, Pembeli Pasar Tanjung Bajure Sungai Penuh.

²⁸F, Pedagang Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

²⁹AN, Pedagang Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

³⁰AM, Pedagang Pasar Tanjung Bajure Sungai Penuh (Sungai Penuh: Wawancara, 21 Mei, 2022).

direct market behaviour in line with the principle of environmental protection. We must first understand the position of some of the following terms, including: the position of *fiqh al-bi'ah* in the view of Islamic law, the position of providing services, and plastic bags as the object provided.

First, with regard to the position of *fiqh al-bi'ah* in the view of Islamic law. *Fiqh al-bi'ah* refers to a set of Islamic legal provisions derived from shar'i propositions (Al-Qur'an and Hadith) that regulate human interactions with their environment, with the aim of realising benefits for all inhabitants of the earth and keeping away from damage that threatens human life.³¹ In other words, *fiqh al-bi'ah* is not only normative, but also plays a role in providing guidance as well as criticism of human behaviour that has a tendency to treat the environment destructively and even exploitatively,³² including in economic activities such as buying and selling transactions.

In addition, *fiqh al-bi'ah* views that humans and the natural environment are like coins that have an integrated unity that cannot be separated from one another. This means that the creation of humans does not escape the elements that come from nature as evidence that human position is an inseparable part of the universe.³³ Therefore, all forms of human interaction, including the habit of giving plastic bags in buying and selling transactions, need to be critically

assessed, whether these actions lead to benefit or bring ecological harm. This shows that plastic bags cannot be viewed as a neutral object, but rather an element that contributes to environmental pollution and must be placed in the framework of moral and legal responsibility.

Based on this, there are two dimensions that become the focus of *fiqh al-bi'ah*, among others: 1) the dimension of *fiqh al-bi'ah* in the category of application of formal legal norms known as the five legal categories, namely *wajib* and *haram*, *mubah* (permissible), *mandub* (*sunnah*) and *makruh*; and, 2) the dimension of *fiqh al-bi'ah* in the application of moral-ethical norm categories relating to human behaviour in treating nature. This dimension is the basis for determining and applying the five formal laws in environmental management. This means that every human behaviour towards the environment will determine its formal legal status. In this context, if the use of plastic is proven to damage the ecosystem and endanger society, then the provision of plastic bags in market transactions can be considered *makruh* or even *haram*, depending on the level of damage caused. Therefore, *fiqh al-bi'ah* can be the basis for encouraging changes in policy and behaviour, for example through the stipulation of a fatwa banning the use of single-use plastics and encouraging people to use environmentally friendly packaging.

Second, providing services to buyers. Service is interpreted as an activity aimed at providing satisfaction to customers, so that their wants and needs can be met properly. Service is an important thing in terms of marketing products.³⁴ Providing services to

³¹Mariatul Istiani and Muhammad Roy Purwanto, "Fiqh Bi'ah Dalam Perspektif Al-Qur'an," *At-Thulab* 1, no. 1 (2019): 27–44, <https://journal.uui.ac.id/thullab/article/download/13246/9636>.

³²Abd al-Wahhab Khallaf, *Ushul Al-Fiqh* (Kuwait: Dar al-Qalam, 1978), 15.

³³Yusuf Al-Qardhawi, *Islam Agama Ramah Lingkungan (Penerjemah) Abdullah Hakam Shah* (Jakarta: Al-Kautsar, 2022), 22.

³⁴Fandy Tjptono, *Service Management: Mewujudkan Layanan Prima* (Yogyakarta: CV. Andi Offset, 2008), 1.

buyers is part of the obligation for a seller to a buyer. Because buying and selling transactions are a type of transaction based on a two-faceted obligation agreement. That is, an agreement that gives birth to rights and obligations for the parties that are reciprocal.³⁵

As revealed by M stated that: *All sellers give the plastic bag. I get a bit angry if they don't give me the plastic bag.*³⁶ However, U stated: *I will definitely give plastic, if not given plastic when buying then the buyer cannot carry the goods (eggs).*³⁷ So that between sellers and buyers both have rights and obligations. As for providing good service to a buyer, it will provide non-material benefits for the seller, namely the buyer will become the main customer in his shop.³⁸ This is in accordance with the slogan that the buyer is like a king who must be served as well as possible.³⁹

Third, plastic bags as an object of service provided by a trader to a buyer. Plastic is an innovative synthetic polymerisation product formed through the basic concept of condensation of organic materials and a mixture of other materials. Based on the composition of the material, plastic can be moulded in various types and shapes as

desired. One of them is a disposable plastic bag for food wrapping, or as a container for carrying goods.⁴⁰

The use of plastic bags has become a lifestyle that cannot be separated in human life. A lifestyle that wants to be easy, simple and hassle-free makes plastics that have all the benefits, are light to use, flexible, durable and relatively cheap prices the concern of all parties, both consumers and plastic producers in various uses.⁴¹ Therefore, people's dependence on plastics is increasing along with the many benefits felt in daily activities, especially in the world of trade. But behind these benefits, plastics also bring serious impacts on the environment and health. Single-use plastics that are thrown away are a major source of soil, water and marine pollution. Because it is difficult to decompose, it causes the soil to lose its fertility and water absorption capacity which can lead to disasters such as floods. Plastic waste in marine waters also affects human health through microscopic contamination when consuming seafood. Observations at Tanjung Bajure Market, Sungai Penuh City, showed that traders generally provide plastic bags automatically without considering the environmental impact. Unmanaged plastic waste accumulates around the market, clogging drains and causing flooding during the rainy season.

When looking at the widespread adverse effects of plastic, the contradiction between practical benefits and ecological damage must be addressed firmly. Thus, the position of

³⁵ Jaih Mubarak and Hasanudin Hasanudin, *Fikih Mu'amalah Maliyyah: Prinsip-Prinsip Perjanjian* (Bandung: Simbiosis Rekatama Media, 2017), 43.

³⁶ M, *Pedagang Pasar Tanjung Bajure Sungai Penuh* (Sungai Penuh: Wawancara, 21 Mei, 2022).

³⁷ U, *Pedagang Pasar Tanjung Bajure Sungai Penuh* (Sungai Penuh: Wawancara, 21 Mei, 2022).

³⁸ Muhamad Izazi Nurjaman, Januri Januri, and Neni Nuraeni, "Eksistensi Khayar Dalam Perkembangan Transaksi Jual Beli," *Iltizam* 6, no. 1 (2021): 63–72, <https://doi.org/10.30631/iltizam.v5i1.696>.

³⁹ Infra Wahdaniah and Afrina Sari, "Pembeli Adalah Raja: Strategi Komunikasi Pemasaran Konvensional Warung Spesial Sambal Menghadapi Persaingan Pasar Modern," *Journal of Servite* 2, no. 1 (2021): 37–46, <https://doi.org/10.37535/102002120204>.

⁴⁰ Rimbakita.com, "Plastik – Pengertian, Sejarah, Jenis, Bahan, Proses & Dampak," accessed September 14, 2022, <https://rimbakita.com/plastik/>.

⁴¹ Lembaga Bahtsul Masail (LBM) PBNU, *Zore Waste: Fiqih Penanggulangan Sampah Plastik* (Jakarta: Lembaga Penanggulangan Bencana dan Perubahan Iklim (LPBI) PBNU, 2019), 5.

plastic on the one hand has many benefits and on the other hand has a lot of harm when humans have an attitude of throwing plastic waste carelessly which will cause environmental pollution. Therefore, the position of *fiqh al-bi'ah* in viewing legal events, namely providing plastic bag services carried out by a trader in order to facilitate the buyer in carrying or packing goods occurs in two conditions, namely: First, its formal legal status becomes *mubah*. Because providing services in the form of providing plastic bags is part of the obligation of a seller to a buyer. As for the permissibility of doing this service, it must pay attention to the attitude and behaviour of consumers not to dispose of plastic bag waste carelessly. Second, the formal legal status becomes *haram*. When the seller knows the attitude and behaviour of buyers who always throw away their plastic bag waste carelessly, which has an impact on environmental pollution. This can be seen from the appeal of the local government based on its research on the emergency impact of plastic waste that pollutes and causes disasters, so it urges its people to reduce the use of plastic bags. This formal *haram* legal status has overridden the concept of *fiqh al-bi'ah* in terms of poor moral ethics, namely the behaviour of littering (plastic bag waste) which has an impact on the environment.

2. Opinions of Ulama and Religious Institutions

Regarding the opinions of Muslim scholars and intellectuals related to providing plastic bag services carried out by a merchant to his consumers is based on their opinions related to environmental issues. According to Yusuf Al-Qardhawi, preserving the environment is an effort to create

environmental benefits and prevent environmental damage that has an impact on human life.⁴² This is certainly in line with *maqashid sharia* which is summarised in the five objectives of religious law, namely protecting the soul, mind, offspring, property and religion. So that preserving the environment is a guidance to protect the five objectives of the *sharia*. Therefore, any behaviour that can cause environmental damage has the intention and purpose of actions that threaten the soul, mind, offspring, property and religion.⁴³

According to Sayyed Hosein Nashr, protecting the environment is a form of high spirituality that is equal to the relationship between man and his God. This means that a person's spirituality can be said to be high, when they are able to hold moral principles and values in terms of protecting the environment which is comparable to the importance of maintaining the values of worship and carrying it out. Through attitudes and morals in protecting the environment basically includes a legal action as a form of *hablu min Allah* (human relationship with God) and *hablu min al-naas* (human relations to create environmental benefits and safety). Thus, holding an ethical and moral principle towards the environment will prevent a person from destroying nature (predicate *fasik*).⁴⁴

According to Ali Yafie, preserving the environment is a social obligation in the sense

⁴²Yusuf Al-Qaradhwai, *Ri'ayatu Al-Bi'ah Fi As-Syari'ah Al-Islamiyah* (Kairo: Dar Al-Syuruq, 2001), 39.

⁴³A. Djazuli, *Kaidah-Kaidah Fikih Kaidah-Kaidah Hukum Islam Dalam Menyelesaikan Masalah-Masalah Yang Praktis* (Jakarta: Prenadamedia Group, 2016), 86.

⁴⁴Muniri Muniri, "Fiqh Al-Bi'ah; Sinergi Nalar Fiqh Dan Analisis Mengenai Dampak Lingkungan (Amdal)," *Al-'Adalah* 2, no. 1 (2017): 33–50, <https://doi.org/10.31538/adlh.v2i1.416>.

that as long as environmental problems cannot be resolved, preserving the environment must be carried out by every element of society without abrogating the obligations of other groups or in the formal legal language of *fiqh* referred to as *fardu kifayah*.⁴⁵ Meanwhile, according to Mujiono Abdillah, preserving the environment is an obligation for each individual which will lead to the existence of ecological rewards and sins or in the language of formal *fiqh* law referred to as *fardu a'in*.⁴⁶

According to the Decree of the Tarjih Council of Muhammadiyah on the preservation of water resources states that it is haram for every Muslim who dumps waste into the river, both waste originating from industry and household waste. This is because it will have a bad impact on environmental sustainability.⁴⁷ Meanwhile, according to the Decree of the Bahtsul Masa'il Commission of Nahdhlatul Ulama, there are two fatwas issued regarding the legal status of littering, namely: First, the law is haram when littering will clearly damage the environment. Secondly, it is makruh when littering creates a small possibility of environmental damage.⁴⁸ HP stated:

Basically, the plastic is paid for, because

⁴⁵Ali Yafie, *Merintis Fiqh Lingkungan Hidup* (Jakarta: Ufuk Press, 2006), 200.

⁴⁶Rifqiya Hidayatul Mufidah, "Diskursus Pemikiran Fikih Lingkungan Ali Yafie Dan Mujiono Abdillah," *Supremasi Hukum* 5, no. 1 (2016): 97–114, <https://doi.org/10.14421/sh.v5i1.1998>.

⁴⁷Sda.pu.go.id, "Majelis Tarjih Tetapkan Fikih Air," 2014, <https://sda.pu.go.id/balai/bwssumatera1/article/majelis-tarjih-tetapkan-fikih-air>.

⁴⁸Diaz Ajeng Khairunnisa, "Budaya Pembuangan Sampah Sembarangan Dalam Perspektif Hukum Islam Dan Hukum Positif" (Universitas Islam Negeri Syarif Hidayatullah Jakarta, 2018), <https://repository.uinjkt.ac.id/dspace/handle/123456789/49259>; Lembaga Bahtsul Masail (LBM) PBNU, *Zore Waste: Fiqih Penanggulangan Sampah Plastik*.

*the seller actually counts the plastic given to the buyer, he just doesn't mention it. But so many people buy maybe they just leave the small ones free. If it is determined that plastic is paid through a fatwa, of course it is also difficult. If a fatwa is issued, it is also difficult to implement if the community does not heed the fatwa. Fatwas can be made by scholars but are difficult to implement because there is no awareness from the public about environmental problems. Lack of public awareness and understanding regarding the use of plastic can damage the environment.*⁴⁹

If all the views of the scholars are synergised, then the uncontrolled use of plastic is not just an ecological issue, but also a matter of sharia and spirituality. All of them affirm that polluting the environment means violating Islamic principles of protection and balance of nature.

Table 1. Scholars' Views on Ecology and Plastic Use

Ulama/Institution	Views on the Environment	Relevance to Plastic
Yusuf Al-Qardhawi	Protecting the environment is part of maqashid sharia.	Providing plastic should be viewed in terms of its impact on the five maqashid sharia.
Sayyed Hossein Nasr	Spirituality reflected in environmental awareness.	Exploitative use of plastic is a form of spiritual damage.
Ali Yafie	Preserving the environment is fardhu kifayah.	If the community does not act, collective sin applies.
M. Abdillah	Protecting the environment as fardhu 'ain.	Every individual is obliged to refrain from destructive practices.
Muhammadiyah Tarjih Council	It is haram to throw waste into the river.	Plastic waste that pollutes water becomes a haram act.
Bahtsul Masa'il NU	Haram to dispose of waste that causes damage.	Providing plastic to destructive consumers is a contribution to destruction.

⁴⁹ HP, *Ulama Kota Sungai Penuh* (Sungai Penuh: Wawancara, 25 Mei, 2022).

However, while scholars concur that environmental stewardship cannot rely solely on market norms or convenience, the actual permissibility of giving plastic bags depends on the users' conduct and broader societal context. Empirical research at Tanjung Bajure Market confirms this: as long as consumers manage their waste responsibly, providing plastic bags remains allowed due to its practicality—but once careless disposal contributes to pollution, this provision becomes problematic and ethically questionable.

It is not enough to solve the plastic problem with a practical approach or market habits, but it must be based on comprehensive Islamic ethics. Ecological awareness needs to be built as a form of *shar'i* and spiritual responsibility in maintaining Allah's trust over the earth. Therefore, providing plastic bag services by a trader to a buyer as long as it does not cause environmental damage due to the attitude of the buyer who throws away his plastic bag waste carelessly, it is permissible to do so in order to achieve the benefit of the use of plastic which makes it easier for buyers to carry and wrap goods. On the other hand, when the attitude of buyers who like to dispose of plastic bag waste carelessly is proven by the appeal of the local government about the emergency of environmental pollution due to plastic waste. So providing plastic garbage bags opens the way for buyers to do actions that can damage the environment.

Consumer attitude is an important factor in determining the legal status of the practice of giving plastic. Without the responsibility of the buyer in managing waste, plastic services by traders can lead to *ta'awun 'ala ism* (cooperation in doing damage) which is

prohibited in Islam as Qs Al-Maidah: 2. To avoid this, of course, market players should start switching to other alternatives such as using non-plastic shopping bags. In addition, applying the principle of *bay' ma'a al-tasyri'* can be a first step, by including education in every transaction. For example, merchants can charge for plastic bags or encourage consumers to bring their own shopping bags. This strategy would internalise ecological responsibility in everyday buying and selling practices. In addition, contextual fatwas from local clerics based on environmental data and public awareness can become a more applicable legal basis and encourage collective behaviour change. On the other hand, the role of local governments and Islamic organisations such as MUI, NU, and Muhammadiyah is crucial in limiting the use of plastic through regulation, *da'wah*, and awareness campaigns. Ecological ethics also need to be strengthened through sermons, recitations, and religious education curriculum, so that the values of *fiqh al-bi'ah* are embedded early on. Thus, increasing public awareness and the presence of policy makers are the keys to realising transaction behaviour that pays attention to ecological ethics and values that are sustainable and environmentally sound.

Conclusion

Based on the results of the analysis and field findings, it can be concluded that the provision of plastic bags by traders in buying and selling transactions cannot necessarily be considered absolutely permissible. In the perspective of *fiqh al-bi'ah*, the legal status of this action is contextual and depends on its ecological impact. If plastic is used wisely and does not cause damage, then the law is

permissible. However, if it is known or likely that the plastic will be thrown away carelessly, causing environmental damage, then the practice can be considered haram because it contradicts the principles of maqashid sharia, especially in protecting life, property, and the environment. The rule of *darar yuzal* is the basis that every form of damage must be eliminated, including ecological damage caused by plastic bags. Field findings at Tanjung Bajure Market in Sungai Penuh show that shoppers' ecological awareness is still low and driven more by economic motives than environmental awareness. Many shoppers do not bring their own shopping bags and tend not to pay attention to the impact of plastic on the environment. On the other hand, traders still consider the provision of plastic as a service obligation so as not to lose customers. The absence of strict regulations and lack of education from the government also reinforce the culture of irresponsible plastic consumption in these traditional markets.

Conceptually, this study makes an important contribution to the development of contextualised Islamic law. *Fiqh al-bi'ah* is proven to be able to offer a critical approach to environmental issues, by integrating legal, moral and ecological aspects. This approach encourages law making not only based on nash and qiyas, but also through analysing the social-ecological consequences of an action. Thus, *fiqh al-bi'ah* becomes a bridge between Islamic values and contemporary environmental challenges, and opens space for the renewal of Islamic law that is adaptive and relevant to local realities. Practically speaking, merchants need to start providing environmentally friendly alternatives and realise that customer service should not conflict with ecological responsibility. Local

governments and religious organisations need to issue local reality-based regulations and fatwas that limit the use of plastic bags gradually. Public awareness must be raised through education, incentives, and religious values-based awareness. Without systemic and collective changes, the impact of plastic pollution will continue to worsen and threaten environmental balance and the welfare of future generations.

Credit Authorship Contribution

Elvi Nilda conceptualised the research, conducted field observations at Tanjung Bajure Market, and drafted the introduction and conclusion. Rifqi Nurdiansyah developed the *fiqh al-bi'ah* framework and carried out the Islamic legal analysis. Doli Witro oversaw the methodological design and critically revised the manuscript. Mohammad Hidayaturrahman performed interviews, interpreted data, and supported the discussion section. Rahmad Setyawan conducted the literature review, managed documentation, and linked findings to environmental ethics. Raid Alghani introduced the comparative spiritual ecology perspective and refined the religious dimension. All authors contributed substantially to the writing and approved the final manuscript.

Declaration of Competing Interest

The authors declare that they have no conflicts of interest and that no financial, institutional, or personal relationships influenced this research.

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